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WASHINGTON STATE BAR NEWS

Specialization and Certification

A Report on What's Happening

Washington State Bar News

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MOVED? MOVING?

Please: Let the State Bar Office (505 Madison, Seattle 98104) know your new office address — in *advance* of your move, if at all possible. Then you will be sure to receive your *Bar News* and other Bar mail.

LEAD ARTICLES

IN THE NEWS

DEPARTMENTS

Letters

A Couple of Changes

Editor:

Will you please advise the Bar there have been several changes since I wrote to the *Bar News* (Letters, October *Bar News*) about the Seattle-King County Young Lawyers Section Practice Manual. To wit: There are three, instead of two, volumes; they have 1500, instead of 1200, pages; and they cost $48.50, including tax, handling and postage, instead of $40. Other than that, my information was accurate.

DAVID C. STEWART
Seattle

Issue: Advertising

Editor:

The other evening while viewing a Seattle television program, I witnessed a commercial advertising the Legal Services Center. The thrust of the advertisement was that if one could not "afford" an attorney, he could obtain one free of charge at two convenient locations. I am also aware that King County Telephone Books contain a large advertisement of same import under the listing for lawyers.

Issue: If the Legal Services Center is allowed to advertise, why are the rest of us prohibited from doing so?

As a practical matter, we should realize that Legal Services attorneys are in competition with the rest of us, even though they pretend to have restrictions upon the cases they accept. In point of fact, I have had a number of cases recently where the people have told me that they knew they were entitled to a free attorney at Legal Services, but that they did not wish to go there as it would entail a wait. The point is that these people had the money to pay a lawyer but were entitled to a free one.

Perhaps I am only an eccentric voice crying in the wilderness, but with No-Fault, No-Probate and No-Divorce in the wings, I think I detect another knife at our collective economic throats. Moreover, I am satisfied that there is no other professional group in the United States that would permit the government to finance a group of competitors, who advertise free services at the expense of those who have to make a living at it.

STEPHEN M. SWARD
Auburn

(Note: Gregory R. Dallaire, director of the Seattle Legal Services Center, funded through the federal Office of Economic Opportunity, observes that there is precise income-level definition of those entitled to free legal services and that the permissible maximum income levels are strictly adhered to by the Center. The television announcements, broadcast without charge as a public service, are part of a program to make known the availability of legal services to those who otherwise often have little means of learning of them, he says.)

Possible Will Sought

Anyone with information concerning a will prepared at any time for Victoria W. Greenwood, a former Seattle resident, is asked to communicate with John L. Flowers, 1512 U.S. National Bank Building, Broadway and Second, San Diego, Calif. 92101.

Editor's Note

Should He Make a Clean Breast of It?

A lawyer with time obviously very much on his hands has ferreted out of the pages of Newsweek an evidentiary and constitutional tangle that is sending him up his book-lined wall.

This is the problem, and we hope that one of you out there will kindly send in a solution so the lawyer can get back to work:

In Cobb County, Ga., a defendant and six others were charged with murdering two doctors. One of the doctors is alleged to have shot Defendant in self-defense during the attack. Indeed, Defendant does happen to have a bullet in his chest just now; it is doing him no harm and he is described as quite content to let it stay there.

But the prosecutor wants the bullet cut out to see if it came from the murdered doctor's gun; he asked for a search warrant ordering the operation. Not on your life, say Defendant's attorneys: The medical rule prohibits surgery performed without a patient's permission, and in addition a court-ordered operation would violate the constitutional rule against self-incrimination.

Those of you who pride yourselves on inventiveness and creativeness are urged to send your solution to the Bar News — not necessarily in 25 words or less, but, as the judges are wont to observe, the briefer the brief, the better the brief. Naturally, the winner's solution will be published in the Bar News, and his prize doubtless will be the receipt of countless criminal matters forwarded from his less creative brothers.

The President's Corner

Deep concern about political contributions is currently in evidence. New legislative strictures are on the books or are being considered at national, state and local levels. A main thrust of such legislation is compulsory disclosure, the requirement that a public record be made of the name of the contributor and the amount of his contribution.

In 1970 the Board of Governors revised its former position in respect of contributions by lawyers in the election of judges and adopted a resolution providing that the judicial candidate, personally, should solicit no contributions from lawyers and that the candidate's campaign manager should handle lawyer contributions in such a way that the candidate could not know the amount of any lawyer contribution, much less the name of the lawyer contributor. The Board's non-disclosure philosophy was, of course, in direct conflict with the disclosure concept of the contemporaneous legislative proposals and enactments.

What to do?

Resolution Was Altered

Early this year the Board of Governors, recognizing the conflict, backed off and lifted its non-disclosure requirement in elections where the candidate is required by law or custom to make a public disclosure. Applied to Superior Court elections in King County, which has a county ordinance requiring disclosure, this would mean that the public, and presumably the candidate, would have full knowledge of who had contributed to his campaign and the amount of each contribution.

I view the disclosure — non-disclosure dichotomy with mixed emotions. Surely there is much to be said in favor of the concept that the public is entitled to know the source and amount of the financial support received by each candidate, to know to whom and to what extent the candidate may be beholden during his term of office. This is clearly an important improvement over the circumstances of the recent past where the candidate was privy to all such information but it was withheld from the candidate's constituency, the public, whose interests the candidate would be expected to serve. And for ordinary partisan political office, I suspect that such disclosure is all we may reasonably expect in the way of reform.

Justice Requires Fairness

I cannot however accept such a half-loaf solution in the non-partisan judicial race. Conceding that it is important for the public to know it is also highly desirable, as is so clearly reflected in the Board of Governors 1970 resolution, that the judge not know. Fair and equal treatment of the individual by the non-judicial official is obviously desirable. Such treatment in the court room is the essence of justice. If the judge simply doesn't know who provided him with financial support or to what extent, he just can't be influenced by that factor in discharging his judicial functions.

It does not seem possible to reconcile the two conflicting objectives under our present method of filling judicial positions. But this does not require that we give up, and I am not content to do so. There are other alternatives, one of which especially appeals to me.

I have in mind the Missouri plan for the selection of judges which has found favor not only in Missouri but in a number of other jurisdictions. Under this plan each judicial vacancy is filled by a selection from among a relatively small group of quality candidates which has been hand-picked by a blue ribbon commission of judges, lawyers and laymen. At the end of the judge's term in office his name goes on the ballot unopposed and the public votes on the limited issue of whether or not to retain him in office. If the vote is negative, the resultant vacancy is filled in the same manner.

Variations of this plan include one under which the newly appointed judge stands for a contested election at the end of a two-year term but, if successful, submits only to successive "retention" elections at six-year intervals thereafter.

Pressure Lessened

Under the general philosophy of the Missouri plan it will rarely, if ever, be necessary for a judge or judicial candidate to raise substantial amounts of money for a campaign fund, and the problems giving rise to the conflicting philosophies of both disclosure and non-disclosure will have been virtually eliminated.

There are other compelling reasons for a revision of the judicial article of our State Constitution. I believe we should again mount an all-out campaign, in concert with the judiciary and other concerned groups, to present to the 1973 legislature a broadly supported bill to accomplish this and other needed improvements.

What do you think of this?

CAL PILOT PLAN SET TO CERTIFY SPECIALISTS; WOULD YOU QUALIFY?

By Leonard S. Janofsky

In 1969 the ABA House of Delegates resolved that the ABA should not promulgate a national plan to regulate voluntary specialization until experimental programs had been conducted at the state level.

California was the first state which elected to initiate such a pilot program. Last year the California State Bar Board of Governors promulgated a pilot program in legal specialization which was approved by the California Supreme Court.

The plan established the California Board of Legal Specialization; authorized it to publish standards concerning education, experience and proficiency for granting certificates of special competence for lawyers in three fields of law, namely, criminal law, taxation and workmen's compensation; and directed the Board to establish procedures for the investigation and testing of the qualifications of applicants for certification.

Urgency Compelled

Within the past year, the pilot program has been given added impetus and indeed urgency in California by three events:

(1) First and foremost — the introduction in the current session of the California legislature of Senate Bill 342 which would become effective July 1, 1974, and completely prohibits an attorney from representing persons charged with an offense punishable by life imprisonment or death unless he has been certified by the State Bar of California. This bill is prominently supported by the California Attorney General;

(2) The introduction in the 1971 legislature of Senate Resolution 218 which called for a study of the proposition that the professions should recertify their members every five years with respect to their qualifications; and

(3) The development in California of so-called "specialty panels" in connection with the lawyer reference services operated by local bar associations throughout the state.

Under the California plan certain limitations are placed on the power of the Board including a provision that no standard could be approved which limited the right of a certificate holder to practice law in other fields, and no lawyer could be required to obtain a specialty certificate before he could practice law in any specialty field.

Advisory Groups Named

The pilot program provided for the creation of Advisory Commissions in each of the three fields of law to "assist the Board . . . in the conduct and regulation of the pilot program." Each Advisory Commission is composed of nine persons practicing in the field designated.

The program established certain minimum

Mr. Janofsky, of Los Angeles, has become president of the State Bar of California since making this report to the recent meeting of the National Conference of Bar Presidents. He here summarizes the California pilot program for certification and reports what other states are doing.

standards. However, each Advisory Commission may recommend to the Board additional or higher standards.

The plan provides for **grandfather certification** on the following basis:

(1) A minimum of 10 years of law practice.

(2) A satisfactory showing, as determined by the Board, of a substantial involvement (i.e., actual performance) in the particular field of law for which certification is sought during a five year period, or other reasonable period, but not less than three years, immediately preceding certification, which demonstrates, according to objective standards, that the applicant has sufficient knowledge, proficiency and experience in the field of law and in the various fields of law relating to the specialty as is necessary to justify the representation of special competence to the legal profession and to the public in the certified specialty.

The requirements for qualifying for certification other than by grandfather certification are as follows:

(1) A minimum of five years of law practice.

(2) A satisfactory showing of substantial involvement.

(3) A satisfactory showing of special education or experience in the particular field of law.

(4) Passage of a written examination.

(5) Passage of an oral examination, if determined to be appropriate by the Board.

A lawyer who is an active member of the State Bar of California and who meets the prescribed requirements is to be granted certification by the Board in the form of a certificate which shall identify the specialty practice and state the certifying agency. For example, "Certified Specialist-Criminal Law-California Board of Legal Specialization."

Recertification Required

To provide appropriate safeguards to assure continued proficiency as a specialist, the program calls for recertification at least every five years and establishes certain minimum standards for recertification.

The plan provides that a lawyer who is refused certification or recertification or whose certificate is revoked shall have the right to appeal the ruling to the Board of Governors of the State Bar.

To provide protection for general practitioners and other referring attorneys, the plan provides that when a client is referred to a certified specialist by another attorney, the specialist shall not take advantage of the referral to enlarge the scope of his representation and shall not represent the client in other matters without first notifying the lawyer who made the referral.

Directory Ads OK

Any lawyer certified as a specialist is entitled not only to state in recognized law lists that he is certified by the Board in prescribed language and to circulate among lawyers a dignified notice that he is rendering a specialized service, but, in addition, may state in the classified section of telephone directories that he is certified by the Board in a particular field. However, no statement of certification is permitted on professional cards, shingles, letterheads or otherwise than as above set forth.

Finally, because the program is experimental, provision is made that it shall be re-evaluated by the Board of Governors of the State Bar in no event later than five years after its commencement to determine whether it shall be continued, modified or terminated.

The California Board of Legal Specialization, acting upon advice from the Advisory Commissions in criminal law, tax law and workmen's compensation law, gave public notice to all members of the State Bar of the tentative standards. I shall mention the tentative standards proposed by the Board in the criminal law field. These standards relating to **grandfather certification** provide that the applicant have a minimum of ten years' law practice in California, and with respect to substantial involvement the applicant must show he has tried a minimum of ten criminal jury trials, at least five of which were felonies submitted to a jury for deliberation, *or* actively participated in the preparation and submission of ten criminal appeals, at least five of which were felony appeals, *or* a prescribed combination of trials and appeals. Further, the applicant must show that within three of the five years immediately preceding application he has spent a minimum of one-third of his time in the practice of criminal law.

Activity in Field Needed

With respect to certification in criminal law, other than grandfather certification, the tentative standards require a minimum of five years' actual law practice in California, and, with respect to substantial involvement in the criminal law field, the applicant must show that:

1. He has devoted a minimum of one-third of his law practice to the practice of criminal law in

California in each of four of the five years immediately preceding an application for certification.

2. Within the five years immediately preceding an application, he has tried a minimum of twenty criminal jury matters in California state courts which have been submitted to a jury for deliberation, at least ten of which must have been felony jury trials.

3. He has actively participated in the preparation and submission of three appellate proceedings.

After the public hearings on the tentative standards the Board will make its final judgment with respect to standards and issue final standards in all three fields. It is expected that in the early months of next year the initial certifications will be granted and the program will be in full swing.

Certification in Other States

Aside from California the principal activity in the regulation of specialization has occurred in the **State of Texas**. In April of this year, the Board of Directors of the State Bar of Texas approved designation of the fields of criminal law, family law and labor law as the areas for a pilot program. The Texas program is structured along the lines of the California plan. The appointments of the Board of Legal Specialization are now in progress.

The **Oregon State Bar Association** has approved a plan designed to produce a list of certified attorneys in ten specialty fields which would be available only to lawyers. Specialty boards for each of these fields have been appointed, but standards or guidelines for certification have not yet been recommended.

The Specialization Committee of the **Colorado State Bar Association** has drafted a plan which was approved in principle by its governing board in 1970. It envisions not only three initial specialty fields for the pilot program but authorizes other specialty groups to be recognized upon petition. The fields of taxation, securities law and water law appear to be the front runners for initial designation.

In June the Board of Governors of the **Minnesota Bar** directed its Committee on Specialization to develop a specific program by March 1, 1973.

The Special Committee on Specialization of the **Maryland State Bar** recommended a rather different approach to the recognition of specialization by recommending what it terms a "limited recognition of de facto specialization." The plan suggested that a standing bar committee would be the only necessary "formal machinery" and that "its basic premise would be that it is not a certifying board or committee, does not certify to anyone's special competence but only permits a de facto specialist to announce that most of his work is in an authorized specialty field." This plan, however, was disapproved by the Maryland Bar Association.

In **Michigan** and **Wisconsin** plans have been disapproved by the governing boards of those Bars.

The ABA Special Committee on Specialization has approved only the programs in California and Texas but has stated that it feels it would be helpful to approve one or possibly two other programs in states which desire to undertake such activities and which would effect a good geographic representation as well as providing varied experimental data.

The trend of increasing interest in the area of specialization in the practice of law will undoubtedly be amplified with the first actual certification of a legal specialist, which is on the verge of becoming a reality in California. ☐

* * * * * * * * *

Our Bar Takes a New Look at Certification

The State Bar's Special Committee on Certification of Specialists has spent a busy year researching, studying and evaluating developments in specialization.

In addition the committee, under the chairmanship of Charles I. Stone of Seattle, conducted a survey to obtain our Bar's thoughts and assistance. Mr. Stone in September became president of the Bar and the Board of Governors has appointed Cleary S. Cone of Ellensburg chairman.

Results of the committee's Bar-wide questionnaire are published in this issue of the Bar News; they were to be discussed and analyzed at a committee meeting October 28.

Following is the committee's report to the Board of Governors for the period September 1971-September 1972.

History and Background

In 1971 the Board of Governors appointed this Special Committee on Certification of Specialists and directed the Committee to take another look

at its subject matter to ascertain whether there has been a change in circumstances which would justify a departure from the 1968 decision of the Board of Governors, based on the report of the prior Special Committee, to the effect that the time was not ripe for certification in our State.

Prior to the first meeting of the new Committee, its members reviewed the report of its predecessor committee, reports of similar committees from other states, the ABA report, and information in respect of the California and Texas pilot programs on the recognition and regulation of specialists. Copies of the California and Texas programs are available in the Bar office.

Shortly after the Board of Governors 1968 determination, the ABA came to a similar decision based on the conclusion of its special committee that there then were too many problems for an attempt by the ABA to create a national system of certification and that experiments in certification should be undertaken at the state level. Twenty-eight states have committees working on this subject, and two states have established pilot programs; namely, California (approved February 1971; fields of law — Criminal Law, Taxation and Workmen's Compensation) and Texas (approved June 1971; fields of law — Criminal Law, Domestic Relations and Labor Law). Your Committee has been in touch with these two states and has been kept advised of their progress. Neither pilot program is as yet far enough advanced to provide the experience needed for a meaningful evaluation.

The State of Maryland has what it terms a "limited recognition of de facto specialization" and permits a de facto specialist to announce that most of his work is in an authorized specialty field.

Scope of Committee Activities

The Committee recognizes that specialization exists and that there seems to be a gradual increase in the number of lawyers who concentrate on one or more areas of practice. This is brought about in part by the division of work in the large law firms or by the sole practitioner who inadvertently becomes involved in certain areas of practice due to the demands of his clients or by the needs of the community.

The increasing complexity of modern law — due in part to new legislation, governmental regulations, etc., has likewise produced a situation whereby lawyers are increasingly aware that they cannot be proficient in all fields of law. Thus the question: **Should a lawyer who has developed special proficiency in a specific field of law, and who desires to be considered a specialist, be required to comply with certain Bar standards in order to be certified as a specialist and permitted to advertise such fact to the general public?**

In considering this concept of "certifying" the lawyer as a specialist, the Committee discussed various factors, including the following:

(1) The benefits to the public and the profession to be derived from recognition or certification of specialists.
(2) Arguments in favor of and opposition to specialization and the certification thereof.
(3) Certification of specialists as opposed to recognition of de facto specialization.
(4) Fields of law in which it might be feasible to certify specialists.
(5) The number of fields of law in which a lawyer might be certified as a specialist.
(6) The role of the law school in connection with specialization.
(7) Minimum standards for evaluation of specialists and the development of effective criteria.
(8) The Examining Board and its accompanying challenges.
(9) The effects of certification on various segments of the profession, i.e., the sole practitioner as opposed to the lawyer in a large firm; those practicing in smaller areas as compared with those in the large urban areas, etc.
(10) Ways and means of funding a specialization program.

The Committee prepared a questionnaire which was mailed to all active members of the Association. A preliminary screening of the returned questionnaires discloses some interesting results.

Conclusions, Recommendations

The Committee has determined that no recommendation as to certification of specialists be made to the Board of Governors until after

(1) the responses to the questionnaire have been tabulated and evaluated;
(2) the Committee has made an evaluation of the California and Texas pilot projects; and
(3) the Committee has had an opportunity to confer with the Board of Bar Examiners and representatives of the law schools in the State. □

Responses to Specialization Poll

Of almost 4600 active members of the Washington State Bar, 2488 responded to the questionnaire prepared by the Special Committee on Certification of Specialists.

1. Those responding said they practice primarily as: Sole practitioner, 562; Partner, 1140; Associate, 344; Government Attorney, 254; House Counsel, 93; Other, 95.

2. They said they practiced in a population areaof: Under 10,000, 126; 10,000to 100,000, 620; 100,000 or over, 1742.

3. They had been in practice for: Under 3 years, 371; 3 to 5 years, 279; 5 to 10 years, 380; over 10 years, 1458.

They answered the remaining questions like this:

4. Do you believe that an increase in the number of lawyers who specialize will improve the general quality of the legal services the profession renders to clients? Yes 1891; No 539.

5. Do you believe that the quality of legal services will be improved if the public is accorded an effective means of identifying legal specialist? Yes 1864; No 569.

6. Do you believe that certification of specialists will necessarily hurt the general practitioner? Yes 950; No 1465.

7. Do you believe that a member of the Bar who wishes to be recognized as a specialist should meet certain Bar administered standards as a qualified or certified specialist? Yes 2,132; No 292.

8. If an attorney is permitted to hold himself out as a specialist, should he be permitted specialist status in more than one field? Yes 1,941; No 473.

9. If an attorney is permitted to hold himself out as a specialist, should he be required to limit his practice to his specialty or specialties? Yes 675; No 1,756.

10. Should an attorney who is otherwise qualified to hold himself out as a specialist also be required, before certification, to have devoted a substantial amount of his time to his specialty? Yes 1,976; No 449.

If you answer "yes," check one of the following:

a.	Under 3 years	376
b.	3-5 years	988
c.	5-10 years	441
d.	Over 10 years	133
e.	Other Answer	1

11. Should a qualified specialist be permitted to state that he is such:

A.	On his letterhead	1,719
b.	On his shingle	1,253
c.	In the classified section of the telephone directory (as in the case of a physician)	1,685
d.	Only in approved legal directories and in notices to other lawyers	623
e.	Only in notices to other lawyers	271

12. Do you favor a new rule of ethics that would restrain a specialist from representing a client referred by another lawyer in connection with matters other than the matter referred to him? Yes 1,553; No 863.

If you answer "yes," which of the following rules do you prefer:

a.	A specialist, his partners and associates, shall not represent a referred client on any matter other than the referred matter without the consent of the referring lawyer.	698
b.	A specialist, his partners and associates shall not, without the consent of the referring lawyer, accept employment by such client for a period of three years from the conclusion of the referred matter.	186
c.	When a client is referred to a specialist by another attorney, the specialist, his partners and associates shall not take advantage of his position to enlarge the scope of his representation. He shall	

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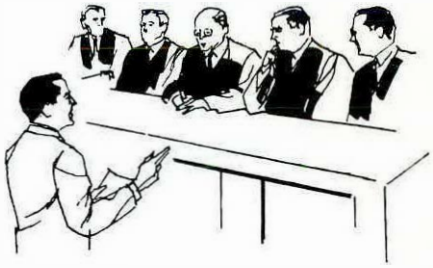
SUMMATION: THE FUN PART OF A TRIAL



By Robert A. Felthous

Argument is the fun portion of a trial. The lawyer can communicate directly with the jury, not through a witness or judge. It should be in the nature of a conversation with the jury. It should flow, since it is (or at least should be) uninterrupted. It is a personalized portion of the trial — the personality and individual style can operate with a minimum of restraint and guiding rules.

Final argument is the application of logic and reason to the evidence. Here the lawyer, for the first time in the trial, can and should comment on the evidence. He is not arguing with anyone, but presenting an orderly, logical and persuasive statement that summarizes a position. Accordingly, the word summation is more descriptive and therefore more appropriate.

* * *

Jurors are admonished by the Court and often promise in the voir dire to keep an open mind and not decide the case until all of the evidence has been presented. However, in most cases at the close of the evidence most jurors have pretty much made up their minds concerning the liability aspects of the case — who's going to win and who's going to lose. In the area of damages, however, few jurors at the commencement of the summations have decided how much they are going to award, assuming they have resolved the issue of liability in favor of the plaintiff, or the judge has directed a verdict.

Liability testimony normally is more specific than damage testimony, especially when the damages are for personal injuries and even more especially in the pain and disability areas of damages. For example, a liability witness may testify regarding the speed of an automobile and the jury should have little difficulty applying that testimony to the Court's instructions regarding speed limits and then converting that to a decision on liability. On the other hand, a doctor's testimony as to disability, discomfort, pain and suffering — these do not convert easily to dollars. It is here that the summation, with all proper inferences from the evidence and a logical and persuasive appeal to the jury, can greatly affect the dollar award.

PREPARATION OF ARGUMENT

The cliche "you cannot overprepare but you can overtry a lawsuit" is equally applicable to preparation and delivery of closing arguments and summations. Actually, the preparation for argument should commence when the case first comes into the lawyer's office. In one respect, isn't that exactly what a lawyer is doing when he decides to take or reject a given case? Unconsciously, if not consciously, he is making that final argument or summation to the jury and trying to forecast a result.

Prospectively useful thoughts should be noted

Mr. Felthous practices with the firm of Felthous, Brachtenbach, Peters & Schmalz, Selah, Wash. This refresher on final argument is an adaptation of a presentation prepared for the Washington trial lawyers' recent meeting.

and preserved in the case file even before the case is noted for trial setting. Many lawyers today try their cases from notebooks. Our office uses that method, and we have a special section for argument. Ideas and thoughts are recorded as they occur to the lawyer, even before the jury is selected. This continues during the trial. When the lawyer is making his preparation for summation, he has the benefit of these thoughts accumulated over the months.

A hazard of thorough preparation is that the lawyer may incline to adhere rigidly to his original thoughts and outline for his summation. In all parts of the trial, but especially with final argument, the trial lawyer has to be flexible. He should be able to modify his argument as appropriate. He has to see where a change is wise and have the courage to remain flexible.

DELIVERY

It is in the delivery of the summation that the individuality of the lawyer is demonstrated. Summation is not subject to well-defined limits, and doesn't have the same rigid rules as do the other portions of the trial. Here the true salesmanship of the lawyer can be expressed. Again an old admonition probably describes the lawyer's conduct: He should be himself. His delivery should be conversational. That, of course, implies it is not rehearsed and it should not appear to be; precise language may detract more than help. It should be down to earth and the lawyer's true sincerity and personality should be expressed.

SPECIFIC EXAMPLES

FOUNDATION: Often the foundation for a good argument can be laid in the voir dire and in the opening statement. As a general rule, the instructions help. The instructions are particularly of importance when dealing with prejudice or in an area where any one or more of the instructions will be of particular help to the plaintiff.

The foundation for the effective use of instructions in summation should be laid in the voir dire. This may be done by getting each juror to agree affirmatively that he will carefully and conscientiously follow the instructions of the Court. Then in final argument the jurors can be reminded of their specific commitment to follow these instructions. Examples: (1) obvious prejudice — drinking plaintiff, divorced plaintiff, minority race; (2) previous and in firm condition — WPI 30.18; (3) whiplash — prejudice.

RESPONSIBILITIES: Often it is useful to discuss with the jury the responsibilities of the various participants in a trial. The Judge, of course, has his duties, which I outline; the lawyers have their duties, as do the clerk, the bailiff, the reporter and the jury. The system is set up for each to do what he is supposed to do. That, of course, means the Judge gives the jury the instructions, the law, and then the jury follows the law. If any one participant fails to do his job properly, then the whole system tends to break down. After such a discussion the jury instructions that you feel are important can be read and considered and they will be more meaningful.

100 PER CENT RIGHTS: Sometimes the defendant is over-zealous in his denials, particularly in the pleadings. This is especially true in personal injury actions. Often the defendant admits an accident occurred but denies everything else. The defendant may even maintain that position during the trial, even though the defendant's own doctor has examined the plaintiff and found some injury.

A part of the system is the pleadings, which set forth what the issues are and determine what someone has to prove. Thus the plaintiff in such cases has to prove every single thing, sometimes even the place where the collision occurred. This fact should be discussed with the jury, and the defense attorney's thoroughness should not necessarily be condemned. He is exercising for his client 100 per cent of the rights that the defendant has. He has a right to make the plaintiff prove everything and of course this is what he has done in such an example. The plaintiff has proved these things. Now it is up to the jury to see that the plaintiff gets 100 per cent of his rights. The award should not be 90 cents on the dollar, it should be 100 per cent, as the parties should be treated equally. The system fails otherwise. This approach is a good introduction to the subject of damages.

DAMAGES: As we discussed earlier, closing argument is more important in the field of damages than any other area. At this point we have concentrated the jury's attention on the fact that there are a number of elements to the plaintiff's damages, as outlined by the judge's instruction. Now what? We tell the jurors we don't expect them and we counsel them not to simply grab a figure out of the air and say that is what the plaintiff is entitled to.

APPRAISAL THEORY: A good analogy is the process that an appraiser goes through when appraising a house. He simply doesn't walk around,

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Interested in Post as *Bar News* Editor? Applications Invited

Lawyers interested in the position of editor of the Washington State *Bar News* are urged to make their interest known to the State Bar's new Editorial Advisory Board.

The editor will be appointed by the Advisory Board, subject to confirmation by the Board of Governors. He will have authority over and responsibility for the publication of the *Bar News* and its contents.

The *Bar News* has had three editors in its 25-year history: John N. Rupp originated the publication in 1947 and served as editor until 1957; Robert M. Elston then served until becoming a King County Superior Court judge in 1968, and Edmund B. Raftis was editor the following four years.

The Editorial Advisory Board, which has served as a special committee for the last several months, was established as a permanent standing board at the Board of Governors' October meeting.

Its responsibilities are the selection of the *Bar News* editor, subject to confirmation by the Board of Governors; to study, devise and implement guidelines for the objectives, structure, format and policies of the publication; at the editor's request, to consult with him on editorial policy; to be the channel to the editor of communications concerning any comments, inquiries or complaints from the Board of Governors or its members, and to assist the editor by seeking from throughout the state contributions of materials for possible publication.

Under no circumstances, according to the report approved by the Board of Governors, shall the Editorial Advisory Board or any other group act as a pre-publication censor of the *Bar News*. The report notes that the *Bar News* and its editor must have sufficient independence to permit examination and constructive criticism of the association and its officers.

Lawyers interested in discussing the editorship position may call or write the chairman of the Editorial Advisory Board, Bradley T. Jones, Seattle, or any of its members, appointed by the Board of Governors: William W. Baker, Everett; E. Glenn Harmon, Spokane; Vernon L. Lindskog, Olympia; Edward H. McKinlay, Pasco; Richard F. Monahan, Tacoma; A.J. Nicholson, Yakima; Edmund B. Raftis, Seattle; John L. Weinberg, Seattle.

Spokane Court Again Leads In Getting Cases to Trial

Spokane County Superior Court again leads the nation in speedily getting certain cases to trial, the Institute of Judicial Administration has reported.

The Spokane court averaged 3 months from service of answer to trial, and only 1.3 months from ready date to trial, the institute reported. The figures last year were 2.2 and 1.6 months, best in the nation among the 92 jurisdictions of state trial courts of general jurisdiction surveyed annually by the institute.

For comparison purposes, the figures are based upon personal injury cases tried to juries.

King County Ranks Well

The King County Superior Court figures, ranking favorably among the jurisdictions of large population, were 11.2 months (compared with 12.5 last year) from ready date to trial, and 12.2 (14 last year) months from service of answer to trial.

The institute reported there is a strong correlation between court delay and population. Among courts with the greatest delay are these: From service of answer to trial, Cook County (Chicago), Ill., 58 months; New York County, N.Y., 50.2; Westchester County, N.Y., 47.9; and Middlesex County (Cambridge), Mass., 41.

Just a Darn Minute, Now . . .

A recent study by two psychologists doesn't do much for the egos of used car salesmen or for lawyers either, for that matter.

The study, conducted by two University of Connecticut psychologists, was based on in-depth interviews of 400 persons. Twenty occupations were listed.

The interviewees were asked which profession they considered "truthful." They are listed here in order of honesty:

1. Physicians, 2. Clergymen, 3. Dentists, **4. Judges,** 5. Psychologists, 6. College Professors, 7. Psychiatrists, 8. High school teachers, **9. Lawyers,** 10. Law enforcement officials.

11. TV news reporters, 12. Plumbers, 13. Business executives, 14. U.S. Army generals, 15. TV repairmen, 16. Newspaper columnists, 17. Auto repairmen, 18. Labor union officials, 19. Politicians, 20. Used car salesmen.

Briefly Noted

Workmen's Comp. Board Decides Again To Permit Lay Representation in Appeals

Workmen may allow laymen to represent them in cases before the State Board of Industrial Insurance appeals under a new rule adopted by the board.

After a lengthy public hearing, the board voted 2 to 1 to allow laymen to appear before the board — despite a recent opinion handed down by Atty. Gen. Slade Gorton striking down the practice as an unauthorized practice of law.

The new rule will apply to all injured workmen with insurance appeals and not just those who belong to labor unions following passage of an amendment offered by board member Richard Powell.

Since the measure is in direct conflict with the attorney general's opinion, a quick court challenge by the state is expected, a parade of witnesses told the board. Ed Bernoski of the machinists' union offered to provide a test case.

Union officials often wish to represent their members as lay counsel.

The new rule — changed only in its inclusion of nonunion workers in its provisions — is a continuation of a rule adopted earlier this year. That rule was suspended when the attorney general handed down his opinion.

Support for lay representation came from representatives of labor unions, industries and injured workmen themselves.

"The legislative intent was to avoid a legalistic approach to insurance appeals," said Larry Kinney of the State Labor Council. "The attorney general's opinion is self-serving and narrow and is not that of the injured working man."

The Washington State Bar Association brought the challenge. The only two persons at the hearing to oppose lay counsel were Seattle attorneys.

"The complicated appeals proceedings show the need for highly skilled help," said Charles Warner, who serves on the Bar Association committee working on the problem. "A lawyer is the one trained to do that now."

Harry Margolis agreed.

"I bitterly resent the bald statement that we (attorneys) are interested only in the fees," he said. "A workman comes to an attorney to seek aid in a problem that is insoluble with his limited knowledge."

However, William Moshofsky, vice president of the Georgia Pacific Corp., said a physician probably could represent an injured workman better than a lawyer.

He said the "adversariness" of attorneys detracts from the purpose of the workmen's compensation law — "to give workers their compensation and get them back on the job without litigation."

Kinney told the board attorneys have little professional training to prepare them to handle insurance appeal cases and that belonging to the bar is no indicator of ability to help an injured workman.

The Associated Press
Sept. 27, 1972

Mussehl on ABA Group

Robert C. Mussehl, Seattle, has been appointed to the American Bar Association's Special Committee on Lawyers' Retirement Plan. The five-person committee manages the lawyers' 42 million dollar fund for self-employed attorneys. The committee will also undertake the development of a prototype plan for attorneys who practice in professional corporations.

Oregon Bar Dues $85

Active members of the Oregon State Bar next year will pay a total Bar membership fee of $85; young lawyers admitted after December 31, 1970, will pay $50. The increase recently was ordered by the Board of Governors. The dues for members in Oregon is divided, with $83 to go for membership fee and $2 allocated to the Client Security Fund. Inactive members pay a total of $15, according to the Oregon State Bar Bulletin.

Sabbatical Ends

Mary Fung Koehler is getting back to the routine of her law practice in the Lake Forest Park (Seattle) Professional Building after an exotic year in Malaysia. She and their five youngsters, aged 4 to 12, accompanied her husband, James, during his year as a visiting professor at University of Malaysia. They also did the grand tour going and coming, spending a month in the Orient and a month en route home touring India, Nepal, Greece, Rome, etc.

Around the State

YAKIMA REPORT
By RANDY MARQUIS

NEW LAWYERS:

Walter Curnutt has accepted the position of staff attorney with the Yakima County Legal Aid Society.

The prettiest member of the Yakima Bar was welcomed into the fold following publication of the latest Bar exam results. **Catherine Campbell** is Yakima's one and only female practicing attorney. Other less attractive new members are: **Thomas M. Rassmussen,** law offices of **Perry J. Robinson; W. James Kennedy** and **J. Lawrence Wright,** Halverson, Applegate and McDonald firm; **David A. Thorner,** Tonkoff, Dauber & Shaw firm; **William M. Crawford; James D. Sherman,** United Farm Workers Service Center. Returned from service in the Armed Forces to his old job as deputy prosecuting attorney is **Thomas A. Dietzen.**

LAWYERS IN THE NEWS:

George Velikanje is now performing a dual treasurer type role as treasurer of the Yakima Chamber of Commerce and secretary-treasurer of the Yakima Estate Planning Council.

Gary G. McGlothlen and **Stanley S. Pratt** have been selected as chief executives of the Yakima Kamiakin Kiwanis Club and the Yakima Kiwanis Club, respectively.

Newly appointed leaders in the Yakima County U.G.N. campaign are: **J. Hugh Aaron,** Vice President; **Terry Brooks,** Corporate Employees; **Walter "Wally" Meyer,** Industrial); **Kent McLachlan,** Special Gifts; and **Robert Redman,** Attorneys.

Perry Woodall has returned from his recent political sabbatical and can be reached from time to time in his Toppenish office.

YAKIMA'S LOSS:

The Yakima Bar will miss **Robert F. Brachtenbach** as he assumes the role of justice of the Washington State Supreme Court. We wish him well.

LEWIS REPORT
By DONALD F. PIETIG

Daniel J. Murray and **David R. Draper** have been notified of their successful completion of the recent state bar exam. Well-deserved congratulations to both.

Murray, a recent graduate of the University of Wisconsin Law School and a member of the Wisconsin Bar, is associated with Dysart, Moore & Tiller in Centralia. We welcome Dan and his wife, Dianne, along with their two children.

Draper, a recent graduate of Cornell University School of Law, is associated with Murray, Armstrong & Vander Stoep in Chehalis. Dave is a native of the Centralia-Chehalis area and returns here after a brief absence, including undergraduate studies at the University of Washington. Welcome back, Dave.

After the summer recess, the regularly scheduled bar meetings have resumed.

Jack Cunningham and **Dan Agnew** recently moved into their new offices at 108 S. Tower Avenue, Centralia.

PIERCE REPORT
By DAVID E. SCHWEINLER

J. Arvid Anderson, 1971 graduate of Gonzaga University, has joined the law firm of Girolami, Skidmore & Self.

James A. Krueger, Georgetown 1968 (JD) and New York University 1972 (LLM), has become associated with the law firm of Kane, Vandeberg & Hartinger.

BENTON-FRANKLIN REPORT
By PHILIP M. RAEKES

In a hotly contested election for Superior Court, **Al Yencopal,** currently the municipal judge, City of Richland, emerged the winner. As might be expected, the lawyers split in their support of the three candidates before the election, but, needless to say, all of us look forward to Al's donning the robe. Let bygones be by-gones. O.K. Al?

Ed McKinlay, who has been the contributor to this column for a number of years, has begged off, pleading "press of business." Ed figures there must be another lawyer in the area less busy than he. We'll miss your witticisms Ed, but if you've got a lien to prepare this month, you should get it done.

The annual Golf Tournament was held and perennial chairman **Duane Taber** hosted the post-game dinner. Our local bar voted 48-0 to remove Taber as chairman, but he steadfastly refuses to step down. **Carl Sonderman,** formerly with the Prosser firm of Sensney, Sonderman and McCormick, moved to Kennewick in May and is now a partner in the firm of Loney, Westland, Raekes, Rettig & Sonderman. The switch must have been beneficial as Carl won the Golf Tournament shooting a sizzling 91. His huge handicap landed him best net score.

Philip M. Rodriguez is a new deputy prosecutor officing in Kennewick with **Curt Ludwig,** who is now a full-time deputy

prosecutor. Rodriguez takes over Curt's private practice — Curt gave him the file last week. Rodriguez was elected secretary-treasurer of our bar association, **Roger Olson** vice president and yours truly as president. My first act in office will be to arbitrarily and summarily appoint someone to write this column, although I have a hunch Sonderman will volunteer.

SKAGIT REPORT
By PAUL N. LUVERA JR.

Stephen Mansfield of Anacortes has opened a new office in Anacortes after being appointed city attorney there. With his former partner, **Eugene C. Anderson,** police judge they felt there might be a slight conflict of interest in city police court. Steve was appointed after **William Wells** of Anacortes retired. Bill had devoted 26 years as city attorney before his retirement this year.

Pat McMullen has associated with **William Stiles** at the office in Sedro Woolley. Pat is a graduate of the University of Washington Law School.

Ben Driftmier Jr. of Anacortes has announced the association of **James Anderson** in his office. Jim is a graduate of Ohio State Law School. Pat and Jim join other recent arrivals, **Mike Lewis** and **Bill Nielsen** of Mount Vernon.

In the election of Bar officers **Eugene C. Anderson** of Anacortes was elected president, **Paul Luvera** vice president and **James Anderson** secretary. The position of vice president is filled on a seniority basis. Luvera and **David Welts** had an extended argument regarding this office since they were both sworn in as Skagit County lawyers on the same day and at the same time. Luvera lost the argument and was given the position of vice president.

The recent Island-Skagit County Bar Association dinner dance was a success — no fights or arrests. Judges Harry Follman and Walter Deierlein of Skagit County and Judge Howard Patrick of Island County were in attendance.

SEATTLE-KING REPORT
By GERALD G. TUTTLE

Chuck Covello has left the office of the King County prosecutor to enter private practice in association with **Jerome Jager** at 1010 Logan Building, Seattle.

John A. McGary announces the opening of his office at 1305 Plaza 600 Building, Seattle.

Ogden, Ogden & Murphy announce the association of **Lawrence B. Lundberg.**

Macbride, Sax & MacIver announce the association of **Roger W. Jones Jr. James Dickens** has become an associate of Karr, Tuttle, Koch, Campbell, Mawer & Morrow.

William C. Erxleben, regional director of the Federal Trade Commission in Seattle, announces the appointment of four attorneys to his staff. They are Thomas C. Armitage, a UCLA graduate and former clerk to U.S. Supreme Court Justice, William O. Douglas, who has left private practice in Los Angeles to join the FTC Staff; Randall H. Brook, a Columbia Law School graduate; James E. Sorrels from the University of Chicago Law School and Washington State University, and David R. Pender, who served with the FBI after graduating from Stanford Law School and who has also left a private practice of law in Los Angeles.

Mike Rosen, former head of the Seattle ACLU, announces the opening of an office for private practice at 201 Metropole Building, Seattle.

SOUTH KING REPORT
By CHARLES R. BRANSON

State Senator **Fred H. Dore** spoke at the October meeting on the subject of no-fault insurance, proposed changes in the divorce law and on the method of selection and election of judges.

The City of Tukwila has appointed **Wayne Parker** as its new city attorney and **Frank Payne** as judge of its newly established municipal court.

Daniel Farr, a recent graduate of the University of Oregon, has become associated with **Philip Beige.**

EAST KING REPORT
By CHARLES F. DIESEN

After a summer respite the East King County Bar Association has resumed its meetings on the third Monday each month at Roy's Chuckwagon Restaurant on the Bellevue-Redmond Highway. The recipient of the East King County Bar Association scholarship, GeorgeC. Armstrong, Jr., a second-year student at the University of Washington, was present at the September meeting.

A continuing "legal forum" is in the planning stage. It is hoped that as a public service the association can sponsor some preventive law and general legal education programs on a regular basis. The first effort in this direction was a "judicial forum" in Bellevue just before the primary election of September 19.

George Creighton is the chairman of the lawyer's section, United Way Drive, for the East Side. **Jerry Herman** of Bellevue has completed his year as program chairman of the Bellevue Kiwanis. I understand that Jerry's last official act was the hosting of a pancake breakfast during a rainstorm.

Donald Ireland, Redmond, who has been teaching at Seattle University, has taken leave for the fall quarter and is practicing law from his home on East Lake Sammamish Boulevard. **Jay Nuxoll** has moved into a new house with eight bedrooms, enough to accommodate Mr. and Mrs. and the six little Nuxolls with a room to spare.

WHATCOM REPORT
By **ERNIE BENTLEY**

Mark Packer recently associated with the firm of Millhouse & Nelle. Mark is a member of the Massachussets and Washington State Bars. He received his B.A. and J.D. degrees from Harvard.

Michael Fitch, Judy Bush and Mary Kay Becker are the staff members for the Northwest Legal Services office which opened recently in Bellingham. The office is open Mondays and Thursdays to serve residents with limited incomes.

ISLAND REPORT
By **TED D. ZYLSTRA**

The members and wives of the Skagit County Bar Association joined us in an evening of dining and dancing at Whidbey Country Club on September 30.

The new District Justice Court and Oak Harbor Municipal Court facilities at the Seaplane Base Gate have added new dignity and convenience to the Justice Court.

John Wold is doing well after being shelved by surgery. **Marvin C. (Buck) Buchanan** assisted John during his absence and planned to open his own office soon.

Duane Bucholz has changed hats and is now the ComFair Whidbey Staff legal officer.

Judge **Howard A. (Pat) Patrick** ran unopposed and at last report was leading.

CHELAN-DOUGLAS REPORT
By **JOE R. WOOLETT**

The Chelan-Douglas County Bar Association congratulates **Terrance M. McCaulley,** who has recently passed his bar exams and has joined the law firm of **J. Harold Anderson** in Cashmere; **James R. Blinn, Jr.,** now associated with **W. Gordon Kelley** in Wenatchee, and **Robert L. Parlette,** associated with the law firm of Davis, Arneil, Dorsey and Kight in Wenatchee.

State Representative Bob Curtis and State Senator George Sellar have been recent speakers at the weekly Bar Association meetings, enlightening the members of the bar on issues presented in the upcoming election.

Chavelle Appointed

Cornelius C. Chavelle,elected in the September primary election to Deparment 20 of the King County Superior Court, has been appointed to serve on the Child Development Advisory Committee by Elliot Richardson, secretary of the Department of Health, Education and Welfare. Chavelle has been active in Boys Club work for many years.

Tacoma-Pierce Bar Gets Its Own Office And Executive

The Tacoma-Pierce County Bar Association has moved up in the world with a home of its own.

The association has opened its own full-time offices in the Civic Center Building at 750 Tacoma Avenue, kitty-corner from the County-City Building. For the time being, the two-suite office will be staffed during full regular business hours by the executive secretary. The association, until now, has conducted its affairs out of the incumbent president's hat and offices.

The office also will house the Tacoma Bar's Lawyer Referral Service, which is being improved and expanded under the direction of Joseph H. Gordon Jr., chairman, and his LRS Committee.

Among the leading contributors to the move to expand the association's service to the Bar and public through opening of a full-time office were Robert H. Peterson and Warren R.Peterson, both former county bar presidents; Claude M. Pearson, and David E. Schweinler, current president.

A number of Tacoma lawyers contributed supplies and equipment for the new offices, and Schweinler said they probably can be completely outfitted through donations from generous and association-spirited members of the bar.

McLAUCHLAN AT LARGE

Muriel Mawer, E.F. Velikanje in gag hard hat.

Standing, Neil J. Hoff; l to r, Frank H. Johnson, Llewelyn G. Pritchard, John J. Champagne, William H. Gates, James P. Curran, Edward J. Novack

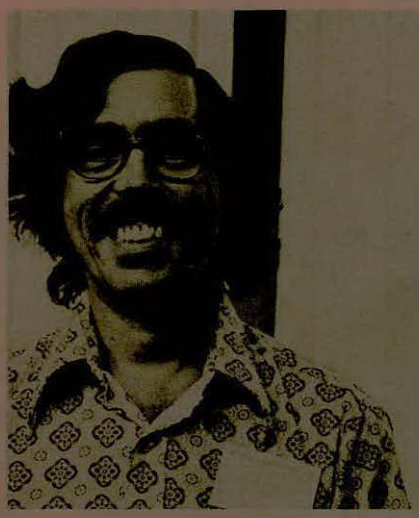
Harwood (Bill) Bannister, Philip J. Weiss

Bernice C. Jonson, John D. McLauchlan himself

Bernard Lonctot

Walter J. Robinson, Charles I. Stone, John N. Leavitt

CONVENTION LEFT-OVERS



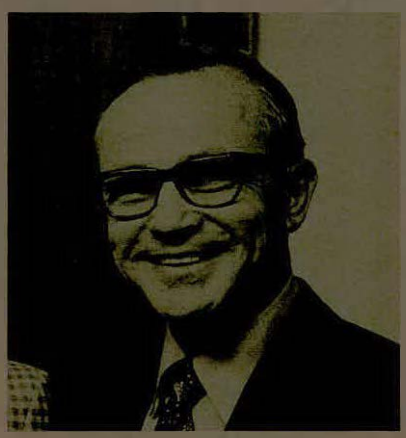
Layton A. Power, David O. Hamlin

Judge Harold J. Petrie

Philip M. Best and wife Karen.

Gary D. Gayton, Thomas P. Keefe

Judge Walter McGovern



John J. Ripple

Grant Armstrong, Kenneth P. Short

Twenty Years Ago

Summary of Bar Recommendations In Auto Reparations Legislation Approved by Board of Governors

1. Adoption of comparative negligence standard in all tort litigation.

2. Repeal of the host-guest law (R.C.W. 46.08.080).

3. Mandatory first party coverage in all automobile policies issued in Washington State providing (to driver, passengers, and pedestrians injured by the vehicle) medical expense insurance (suggested at $2,000 per person), and wage-service loss benefits (with suggested coverage available to $6,000 per person, said coverage to contain appropriate sanctions for unjustified or inexcusable delay in the payment of benefits.)

4. Alternatively, a mandatory single limit medical-wage-service loss policy in an amount not less than $2,000.

5. Increased minimum limits on all public liability automobile insurance policies issued in Washington State to a single limit of $50,000 for each accident resulting in personal injury or death in place of the present $15,000/$30,000 financial responsibility requirement.

6. Mandatory uninsured motorist coverage, with limits offered equal to those limits specified in the bodily injury coverage.

7. Extension of the uninsured motorist requirements and financial responsibility requirements to all common carriers, including taxi cabs operating within the State.

8. Legislative prevention of any double recovery of first party benefits (retaining for the insurance company paying such benefits (1) its right to subrogation enforceable, against the negligent third party or his insurance company if necessary, through inter-company arbitration, and (2) its lien upon such benefits if such are recovered by its insured in an action against the third party).

9. Statutory abolition of the judicial doctrine imputing the negligence of one spouse to another as a bar to an action by one marital partner against a third party.

10. Stricter licensing requirements and stricter enforcement of suspensions and revocations of licenses.

11. Effective and compulsory automobile liability insurance (or its equivalent in financial responsibility) embodying the foregoing provisions relating to insurance.

Stuntz was stumped. George could not understand why the *Bar News* was giving aid and comfort to Communists by publishing the names of lawyers offering legal aid to conscientious objectors. He addressed particularly Board of Governors member Paul Ashley. Said Ashley sadly, "The editor may be incompetent, but he certainly is inexpensive."

Births

Tacoma welcomed Allan R. Billet, formerly of Goldendale; Frank Dorsey, who joined Jim Healy; Arlie Masters, who joined Frank Ruff and Waldo Stone following a stint as family court commissioner; Police Judge Frank Hale elected to Superior Court; Patrick Steele elected state House of Representatives; Donald Eastvold became attorney general; Neil Hoff, new senator. It was also proudly reported that Ed Eisenhower's younger brother, Dwight, was elected President of the United States.

Olympia: Harry Ellsworth Foster unearthed an issue of the Portland Oregonian of October 19, 1907, telling how our Supreme Court then handled its work. The headline read, "Judges Divide the Work; Take Turns Remaining *Off* the Supreme Court Bench."

Grant County: Elected Randolph S. Palmer, President. Walter Curnutt opened in Moses Lake and Robert Milne in Ephrata.

Skagit County: Charles F. Stafford Jr. elected Superior Court judge.

Seattle: Former mayor William F. Devin reformed and reentered practice with W. Harold Hutchinson and James D. Rolfe.

Free Speech

Popular Warren Hardy was affronted by failure of large firms to print their phone numbers on their letterheads. He had thought "long, earnestly and profanely on the subject" and queried, "Do they fancy that the performance of this menial search (for the number) breaks down the morale, creates an inferiority complex and renders the common or garden variety of lawyer incapable of contending with them?" No reply noted!

The editor, quick to needle friends on any pretence, announced Phi Delta Phi would have a banquet with Professor J. Gordon Gose as toastmaster "but a good turnout and a good banquet are expected anyway."

David J. Williams

The Board's Work

Extracts from the minutes of the meeting of the Board of Governors September 6, 1972, in the Ridpath Hotel, Spokane, with all members of the board in attendance:

Paraprofessionals and Legal Assistants

It was moved, seconded and carried that this area of activity so vitally affecting the legal profession be referred for action to the Legal Education Liaison Committee and that the Board's sense of urgency concerning these matters be conveyed to the chairman of that committee and that, in addition, member Llewelyn G. Pritchard be designated as the Board's liaison man with the committee and with this area of activity generally. It was further agreed that Mr. Pritchard after conferring with the committee would give a progress report with perhaps recommendations to the Board at its October meeting.

Group Legal Services

Thomas Malott, chairman of the Group Legal Services Committee, and Lionel E. Wolff, a member, appeared before the Board to discuss the programs and the progress of the Committee and possible alternatives for the initial fiancing of the Bar Association's prepaid legal services program. It was agreed that both the committee and the bar staff would investigate avenues of financing which might be available.

Legal Education Liaison Committee

It was moved, seconded and carried that the chairman of the Legal Education Liaison Committee be advised that it is the wish of the Board of Governors that he appoint a subcommittee of that committee with jurisdiction over all aspects of discrimination in the legal profession, with the subcommittee to have broad powers over such matters and over complaints involving discrimination and that the subcommittee should keep the Board of Governors advised concerning conditions, complaints and recommendations for improvement.

Lawyer Placement

It was moved, seconded and carried that the matter of an improved and intensified lawyer placement service be assigned to the Young Lawyers Committee for study, recommendations and implementation so as to appropriately utilize the talents of the increasing number of young men and women being graduated from the law schools.

Board of Industrial Insurance Appeals

It was moved, seconded and carried that the chairman of the Industrial Insurance Committee, Charles F. Warner, and the chairman of the Unauthorized Practice of Law Committee, Orville H. Mills, be asked to confer with the chairman of the Board of Industrial Insurance Appeals looking toward a solution of the various problems involving the profession and the public related to the work of the Board of Industrial Insurance Appeals. It was further agreed that the two committee chairmen after investigating the matter fully would make a recommendation to the Board of Governors as soon as conveniently possible.

Editorial Advisory Report

Bradley T. Jones, co-chairman of the Editorial Advisory Board, appeared with four members of the board, A. J. Nicholson, John L. Weinberg, Richard A. Monahan and William W. Baker. Mr. Jones presented the board's preliminary report and recommendations. After discussion, it was moved, seconded and carried that the Editorial Advisory Board be requested to make further study in more depth and looking toward a long-range program and that a supplemental report be prepared and presented at the October meeting of the Board and that further action with reference to the Editorial Advisory Board and the Bar News be deferred until the October meeting.

Trials to Be Speeded

Presiding Superior Court Judge Frank H. Roberts, Jr., Seattle, has outlined plans for reducing the delay in getting civil lawsuits to trial.

The delay still is much less than most other major court jurisdictions, but King County judges are considering rules and procedures that will promote more speed.

Greater use will be made of pretrial hearings in civil cases to simplify issues and try to shorten trials.

Judge Roberts believes all cases in Superior Court expected to continue five or more days should have hearings.

Settlement conferences have been increasing, with about 75 per cent of those cases being settled as a result of a conference with a judge that takes only about an hour.

— *The Seattle Times*

Record 327 Applicants Pass July Bar Exam

In Memoriam

Delbert R. Scoles, long-time Colville attorney and judge died September 9. He studied law in the office of Judge W. Lon Johnson and was admitted to the Bar in 1939. He was Stevens County prosecuting attorney 12 years. He served as a Superior Court judge until his retirement last August 1 because of health.

Raymond C. Shepherd, 60, died September 24 in Seattle. He was reared in Prosser and was graduated from Washington State University. He became a certified public accountant before receiving his law degree from University of Washington in 1958. He was a retired Air Force major.

Milton L. Burnett, 85, who practiced more than a half century in Vancouver, Wash., died there September 19. During his career he served as county prosecutor, Vancouver School Board member and U.S. Commissioner for Southwest Washington. He and a high school friend, William C. Bates, became roommates at University of Washington, then in 1910 formed a law partnership in Vancouver that continued until their retirement 55 years later.

Edwin J. Cummings, 79, for 31 years until his retirement in 1968 a hearing examiner for the Board of Industrial Insurance Appeals, died September 11 in Seattle. A 1916 law graduate of the University of Montana, he served in the Marine Corps, then practiced in Deer Lodge, Mont.; from 1930 to 1937 he was employed in the legal department of General Insurance of America.

An all-time record percentage (80.4) of a record number of applicants (406) passed the July 1972 Washington State Bar exam.

Of the 406, 327 passed and 79 failed. In addition, three out-of-state attorney applicants passed the exam.

The students taking the exam represented 67 law schools throughout the country. Of the total, only 164 were from the two Washington State schools, Gonzaga and University of Washington. Largest out-of-state delegations were from Willamette (28), University of Oregon (15) and Idaho (16). A remarkable 27 out of 28 from Willamette passed the test.

Winberry Becomes State Court Aide

Phillip B. Winberry has been appointed state administrator for the courts to succeed Albert C. Bise, who died June 23.

Winberry was staff attorney for the Washington Judicial Council since September 1969, following his graduation from University of Washington Law School. He received his bachelor's degree from Sacramento State University in 1966.

The acting adminstrator since Mrs. Bise's death has been Galen Willis, deputy in the office.

The administrator, under the chief justice and the Supreme Court, is responsible for coordinating judicial manpower of the state courts and superintends for the courts such things as judicial budgets, accounting payrolls and pensions and collects and evaluates statistics on court operations.

The successful applicants:

SEATTLE

James William Abbott
Abraham Albert Arditi
Bruce Paul Babbitt
John McArthur Baker, II
Sandra D. Bates
Peter Berzins
Eric David Blumenson
Timothy D. Bradbury
David McLane Bradley
Bruce Edward Brisley
Randall H. Brook
Curtis Lee Brooke
Robert Addison Bushnell, Jr.
Arthur Allan Butler
Gregory Prosser Canova
Morris A. Case
George Arnold Cashman
John Bernard Cathey
James Colvin Causey, Jr.
Alphus R. Christensen
D. H. Clark
Bruce Peter Clausen
Matthew Joseph Coco
Lynn Leland Coe
Nicholas Francis Corning
Denis Morgan Coughlin
Richard C. Coyle
James E. Cufley, Jr.
Gay Gustanoff Diamond
James Ralph Dickens
Barbara Glidden Dray
Thomas Randolph Dreiling
Michael William Dundy
William L. E. Dussault
Michael Dennis Dwyer
Frank Behrens Ecker, Jr.
Karl John Ege
Paul H. Eggert
William Dirker Ehlert
John Michael Emerson
Charles Edward Fairfax, III
Timothy Richards Fishel
Bruce Patrick Flynn
John Fox
Stephen John Fredrickson
Joseph Michael Gaffney
Brain D. Gain
Dale Jay Galvin
Michael Garcia
Glen P. Garrison
Anthony Oliver Garvin
William John Glueck
David Bennett Goldstein
Ann G. Greenberg
David Clark Groff, Jr.
Rodger C. Gustafson
Michael L. Hall
Keith Hartmond Hamack

Kenneth D. Hansen
Patrick Kennard Hargus
Alexandra Harmon
Malcolm Stephen Harris
Kinne F. Hawes
Bernard J. Heavey, Jr.
Kevin James Henderson
Ramer Bundlie Holtan, Jr.
Gary C. Hugill
Robert S. Jaffe
Richard Barry Jones
Roger Wesley Jones, Jr.
James N. Jory, Jr.
John F. Kalben
Donald Gene Kari
Douglas James Kaukl
Donald Earl Kelley
James M. Kennedy, III
Robert Peter Klavano
Rochelle Kleinberg
Larry Martin Kristianson
John Stephen Legg
Gilbert Henry Levy
John Ortman Linde
Jon Michael Loreen
Arlan Owen Lund
Lawrence Bert Lundberg
Robert Leroy McAdams
Terrence M. McCauley
Arthur Daniel McGarry
William K. McInerney, Jr.
Allen Bruce McKenzie
Jane Ann Evans McKenzie
Wilbert E. A. Maez
John B. Magee, Jr.
Michael Dennis Magee
Thomas William Malone
David P. Mason
William N. Mathias, III
John D. Matthews
Roger J. Miener
Michael David Muir
Roger Allen Myklebust
Timothy D. Nelson
Robert Charles Nickels
Mary Alice Norman
G. Lee Pendergrass
John Thomas Petrie
Richard Lee Phillips
Howard Ratner
Fredric Darell Reed
Geoffrey George Revelle
Bruce Michael Ries
Kirk William Robbins
Sidney Smith Rodabough
Randall Rubenstein
Allen H. Sanders
James Schermer
Irwin H. Schwartz
Brian David Scott
Eugene Decker Seligmann
Larry L. Setchell
Warren Kenneth Sharpe
Melvyn Jay Simburg
Ronald Scott Smith
Jeffrey Dale Spence
William Douglass Stites
Charles Spencer Stixrud
Donald Gene Stone
John Avrom Strait
Paul Edward Sullivan, Jr.
Gary A. Swenson
Gerald Ralph Tarutis
Karl B. Tegland
Arthur Ellis Thomas
Johnson Toribiong
Thomas Alan Waite
Allan Raymond Wales
Stephen L. Wanderer
David Armstrong Webber
Daniel C. Wershow
Douglas Belt Whalley
John Donahue Wilson, Jr.
Michael E. Withey
Donald C. Woodworth

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Robert Lee Lande

AUBURN
Mary Katherine Jenny
Darrell E. Phillipson

BAINBRIDGE ISLAND
R. Bruce Johnston
Patrick Charles Smith
Randall L. Stewart

BELLEVUE
Robert James Adolph
Daniel J. Berschauer
John Arthur Genchur
John Kenneth Jones
David Kader
David R. Koopmans
Douglas Wight McQuaid
Richard Lawrence Martens
Ralph Howard Palumbo
Thornton Powers Percival
Thomas Martin Rasmussen
Donald Lynn Schwendiman
J. Steven Thomas
Diana F. Thompson
Lawrence H. Thompson, Jr.
R. Franklin Wohlford

BELLINGHAM
Philip Hovan Brandt
Lawrence Bredin Daugert
Jonathan Craig Hatch
Dennis M. Hindman
Jack Oscar Swanson

BOTHELL
Marsha L. Beck
Robert Llewellyn Parlette

BREMERTON
Herbert Daniel Austad
Leonard William Costello
John Winfield Dayhoff
Joel Cartwright Merkel

CENTRALIA
Daniel J. Murray

CHENEY
Daniel Thomas Maggs
George Albert Marlton

CLE ELUM
Darrel Ellis

COLFAX
Edward John McBride

DAVENPORT
Rodney Reinbold

EDMONDS
Dennis Eugene Kenny
Marshall J. Nelson
Clark Andrew Puntigam
James Lawrence Sellers

ELLENSBURG
Brian James Dano

ENUMCLAW
Daniel Alderman Farr

EPHRATA
James Stephen Sorrels

EVERETT
Paul Alan Cunningham
Darwin Clair Fisher
Roger Michael Fisher
Michael F. Fitch
John Alfred Leque
David Thomas Patterson

FEDERAL WAY
David L. Gehrt
David George Shenton

GIG HARBOR
John Dean Barline
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Carroll C. Bridgewater, Jr.

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Judith K. Bush

LYNDEN
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Colonel Francis Betz
Richard W. Swanson

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Gary Paul Burleson
William A. Coats
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Robert M. McIntosh
Paul Roger Roesch, Jr.
Benjamin Hale Settle
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Marion Hay Weaver
David R. Wilson

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Craig Andrew Ritchie

PUYALLUP
Patricia Joan Barnett

RENTON
Enoch V. Maffeo
E. Robert Nelsen

ROCHESTER
David Russell Draper

SNOHOMISH
George Richard Pettibone

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Robert Laurier Brousseau
Dennis Anthony Calfee
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Thomas C. Duffy
James P. Emacio
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Robert D. Waldo
Bruce Nicholas Willoughby

STEILACOOM
Karl D. Haugh

SUNNYSIDE
Robert Clayton Rowley

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Ronald L. Coleman
Leslie Stephenson Edmondson
Gordon A. Golob
G. Patrick Healy
L. Frank Johnson
Paul J. Kleinwachter
William James Leedom
Norman L. Martin
Michael D. Smith
Rudolph Joseph Tollefson, Jr.

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James Delmar Sherman

TUMWATER
Dennis Dean Reynolds

VANCOUVER
Larry Oliver Klossner
Robert David Mitchelson
Edwin Livingston Poyfair

WALLA WALLA
Gregory Lewis Lutcher

WENATCHEE
James Ray Blinn, Jr.
Dean Ralph Brett

WOODINVILLE
Paul Warren Agid

YAKIMA
Catherine Lee Campbell
Walter James Kennedy, III
David A. Thorner
James Lawrence Wright

Out of State Attorneys

Thomas George Allison, Washington, D.C.
Jerry Jack Bassett, Virginia
Rosser Holliday Brockman, II, Japan
John O. Cossel, Idaho
Harvey Franklin Crawford, III, Ohio
John Carr Crawford, Montana
John Clinton Denman, Jr., New York
Joseph Kevin Downes, California
Robert Harold Falkenstein, Georgia
John P. Folsom, California
Francis J. Gebhardt, Montana
Michael William Grainey, Washington, D.C.
Kearney Lee Hammer, New York
Quentin F. Harden, Idaho
Clinton James Hednerson, Idaho
Robert Milton Johnstone, California
Dennis Jordan, Texas
Jerry L. Kagele, Maryland
Kenneth Stephen Kessler, California
James P. McGowan, Ohio
Richard Johnson Moen, Wyoming
Robert Gordon Mullendore, Montana
William Don Parkinson, Idaho
Richard Platte, Oregon
John A. Power, Idaho
Jack E. Prestrud, Ohio
John Winship Read, Colorado
William M. Resler, New York
Gordon Eric Reynolds, California
Milan Gail Ryder, Idaho
Gerald Lee Schafer, Kansas
Dennis Joseph Sweeney, Virginia
Don J. Vogt, Idaho
Gary George Weber, Arizona
Livingston Wernecke, New York
Barry Edward Wolf, California
Fred Monroe Zeder, Washington, D.C.

Attorney Applicants

Ronald D. Gregory, Seattle
Jerry Nathe Parks, Bellevue
Bert H. Weinrich, Jr., Seattle

July Bar Exam By Law Schools

School	Pass	Fail	Total
American University	1		1
Arizona State		1	1
Arizona University	3	1	4
Boston University		1	1
U. of California (Boalt Hall)	3		3
U. of California at Davis	1		1
Chicago University	6	1	7
Cincinnati University		2	2
Colorado University	2	1	3
Columbia University	7	1	8
Cornell	4		4
Creighton	1		1
Denver University		1	1
De Paul	1		1
Duke	1	1	2
Fordham	1		1
Georgetown	2		2
George Washington	2	2	4
Golden Gate College	1		1
Gonzaga	27	11	38
Harvard	3	2	5
Hastings	8	2	10
Idaho	13	3	16
Illinois	4		4
Indiana		2	2
Iowa	2	1	3
Kansas	4		4
Loyola (Chicago)	2		2
Loyola (L.A.)	1		1
Maryland	1		1
Michigan	8	1	9
Minnesota	2		2
Missouri	1		1
Montana	1	2	3
Nebraska	1	1	2
New York State	1		1
New York University	3	2	5
North Carolina	1		1
North Dakota		1	1
Notre Dame	2		2
Northeastern Univ.		1	1
Northwestern (Illinois)	2	2	4
Northwestern (Lewis & Clark)	3	3	6
Ohio State	1		1
Oregon	12	3	15
Pennsylvania	2		2
Rutgers		1	1
St. Johns	1	1	2
St. Louis	1		1
San Diego	2		2
San Francisco Univ.	4		4
Santa Clara	3		3
Southwestern Univ.	1		1
Stanford	8	1	9
Suffolk Univ.	1	1	2
Tennessee		1	1
Texas	2		2
Tulsa	1		1
Tulsa	1		1
U.S.C.	1	1	2
U.C.L.A.	4		4
Utah	2	1	3
Valpariso	1		1
Vanderbilt	1	1	2
Washington	112	14	126
Wisconsin	7	1	8
Willamette	27	1	28
Wyoming	1	2	3
Yale	4	1	5
Law Clerk	2	3	5
Totals:	327	79	406

THE STATE AGENCIES: BEWARE!

By David Minikel

". . . We hold that the delegation of legislative power is justified and constitutional, and the requirements of the standards doctrine are satisfied, when it can be shown (1) that the legislature has provided standards or guidelines which define in general terms what is to be done and the instrumentality or administrative body which is to accomplish it; and (2) that *procedural safeguards exist to control arbitrary administrative action and any administrative abuse of discretionary power* . . . ." (Emphasis theirs.) *Barry and Barry, Inc. v. The Department of Motor Vehicles*, Supreme Court No. 42033 (Filed August 24, 1972).

With that holding, the state Supreme Court adopted the federal delegation of legislative power doctrine.

Previously, the Legislature was required to prescribe reasonable administrative standards within which administrative agencies were to act. In other words, the Legislature was required to answer three questions, i.e., what was to be done, who was to do it, and how were they to do it? Now the legislature does not have to answer the how question.

Authorities Were in Conflict

Previously there was no predictable pattern discernible to aid attorneys in arguing delegation cases if they reviewed case law for guidance. There were two conflicting lines of authority, cases upholding delegation and cases prohibiting delegation. The two lines of authority could be reconciled only by the conclusion that in those cases upholding delegation the courts approved what had been done by the administrative agency, and did not like it in those cases which prohibited the delegation. In other words, the court had become the final legislative power. Now the right of the legislature to delegate discretionary power has been confirmed.

In the past, the Legislature has been restrained by the "delegation with administrative standards" doctrine — the legislature had to answer the "how" question, from delegating functions to administrative agencies, because they could not formulate any politically acceptable standards that would withstand the legislative process.

The court recognized that the now-discarded doctrine could frustrate the efficient operation of appropriate governmental processes by preventing the flexibility needed in our complex modern society. The court recognized that "the needs and demands of modern government require the delegation of legislative power without *specific* guiding standards." The federal courts had recognized very early that the elective legislative body does not have the time to acquaint itself

David Minikel, Olympia, is an Assistant Attorney General assigned to the Department of Motor Vehicles. A 1970 graduate of the University of Michigan Law School, he represented the Department of Motor Vehicles in the *Barry and Barry* case. This article, which he prepared at the invitation of The *Bar News*, represents his personal views and not necessarily those of the office of the Attorney General.

with specific solutions to problems which would be acceptable. Our State Supreme Court has finally concurred.

The Effect on Lawyers

How does this decision affect the practicing attorney? Theory is nice, but lawyers are best at applying legal theories to narrow and concrete problems. In a nutshell, nothing much has changed at present. Administrative agencies have, of necessity, been making decisions every day which would undoubtedly have been found to violate the old doctrine if challenged. The decision probably legitimizes those actions.

Let us be realistic; the only actions challenged were the ones that interested parties disliked enough to start a lawsuit. It was easy to challenge an administrative rule as being unconstitutional, especially if the enabling act was not specific with respect to the action taken. There was a 50-50 chance the courts would agree. **Challenges to purported delegations were usually decided at the "gut level" anyway. That practice will be changed.**

Although the decision is certainly sweeping in scope and allows the legislature to delegate broad authority to administrative agencies, the courts probably will scrutinize administrative actions very carefully. When the APA was passed, many agencies were concerned with what had to be delineated by rule. In order to function effectively, agencies were required to make decisions every day which could be called rules as defined in the APA. Yet if the agency made a rule, it could have been subject to challenge under the old delegation doctrine. **Rather than risk that, agencies have been operating without promulgating rules in areas where it was questionable that the rule would survive in the event of a legal challenge. That practice will have to change.**

In the *Barry* case, the director of the Department of Motor Vehicles was given the power to approve fee schedules prior to their use by employment agencies. From that delegation has come the power to regulate maximum fees charged by an employment agency. Thus the decision also upholds an agency's right to enact rules and regulations that are necessarily implied by the specific grant of power from the legislature. An agency will be able to take all necessary and appropriate action to regulate all aspects of a problem.

Some may argue that state agencies should not be given such vast power. That may be true, but in analyzing the process, what must happen?

The Legislature Can Delegate

First, legislative power is delegated initially to the Legislature by the Constitution. In other words, the Legislature must initially be granted the power to enact statutes with respect to a given area. If the Legislature has the power to enact specific legislation, then the Legislature may delegate that power. The Legislature must determine how much discretion an administrative agency may exercise. That grant of power may be as broad or as narrow as the Legislature wishes. However, the Legislature must make that determination.

Many times the Legislature has recognized problems, but it could not formulate specific standards which could take care of the myriad problems that would come up on a day-to-day, case-by-case basis. Abstract specifics could not be appropriate for all cases. The failure to arrive at some specific standards resulted in no action being taken. Now the Legislature may be able to delegate the determination of specifics to an administrative agency. Sometimes that question will be decided on the basis of whether it trusts the administrative agency to take appropriate actions. Parenthetically, it might be pointed out that the Legislature also can take away previously delegated power if it doesn't like the actions taken.

How Much Discretion?

Second, the administrative agency must determine how much discretion its enabling act has given it. In some cases, the power may be very limited. The more specific a statute the less likelihood there will be great discretion. This is true now because many statutes have specific standards which act as legislative prohibitions on the exercise of administrative discretionary power. Once it is determined that an agency has been granted the power, and this includes the necessary implied power, then the agency must formulate rules, regulations, guidelines, etc., on how it will exercise that power.

The second part of the court's holding must be heeded by administrative agencies. **Basically, it comes down to the proposition that government must be responsive to the people. If administrative agencies are going to be enacting the specifics, all interested parties must be given an opportunity to be heard.** The court impliedly recognized the fact that the process of enacting statutes by the Legislature is not as responsive as one would

wish to all interested parties. Normally, the Legislature meets biennially. The amount of proposed Legislation is staggering. Some lobbyists have greater access to the process than others. There is no requirement that the legislature inform all interested parties of intended action. This is not so with administrative agencies. RCW 34.04.025(a) requires agencies to mail notices of intended action to all persons who have made a timely request for advance notice.

Administrative agencies will be required to set out standards, principles and rules on how their discretionary power is going to be exercised. While I don't envision that every action agencies must and will take in the future will be delineated by an agency rule, I do see their being required to set up their own specific guidelines that were once required of the Legislature. The Administrative Procedures Act (APA) will be an integral part of the future process. **Unless the agencies set up guidelines and rules for the exercise of their delegated power, these actions will be subject to attack in the courts as being arbitrary and capricious.** In other words, the administrative agency will have to answer the "how" question by stating "how" it will exercise its power.

The "delegation with standards" doctrine was only an attempt by the courts to prevent the arbitrary use of governmental power. Unfortunately, it didn't work. When the issue was whether to void a statute, practical necessity required that courts sustain some statutes, although procedural fairness was never secured. By focusing on procedural fairness in all its aspects the courts can now more effectively limit and check excessive administrative discretion. As pointed out in Davis on *Administrative Law*, the important consideration for the courts will be whether the procedure established for the exercise of power furnishes safeguards to those who are affected by the administrative action. Further, the courts will necessarily have to look at the guidelines adopted within the traditional framework of constitutional law.

Clear Standards Required

The future is difficult to predict. Certainly the Legislature will have to make the initial policy determination of what should be delegated to administrative agencies. It will also have to make the determination of how much power it is going to delegate. Administrative agencies will have to analyze their enabling acts to determine how much authority they have been delegated. Perhaps there will be attempts to broaden their power via the legislative process.

Once an agency has determined that it is empowered to act, it must set out standards and guidelines by rule and regulation so that affected parties will know what will be required. In doing so, the agencies will be utilizing the rule-making process as set out in the APA. Sometimes they will be considering full-blown proposals. At other times, they will only be conducting fact-finding hearings which could result in a detailed rule based upon their findings.

Just as federal agencies have spawned lobbying interests, the state agencies will probably do the same. Information is vital to any legislative process. Interested parties will have the same motivation to court the agencies as they do the Legislature. It is inevitable that those with the power will be beseeched by those who want it exercised. **Specialized legal practice dealing with administrative agencies may be the result.**

The increased role of administrative agencies in adopting rules and regulations will result in more court challenges. However, the arguments should be based upon traditional constitutional theories. Courts will look at due process in all its aspects rather than whether the Legislature supplied sufficient standards for administrative action. Just as the federal courts have rarely declared delegations of authority to administrative agencies unconstitutional, the state courts should follow suit. However, they will probably scrutinize agency actions with great care to control arbitrary administrative action and prevent the abuse of discretionary power. ☐

Safety Act Proposed

A proposed Washington State Industrial Safety and Health Act will be submitted to the 1973 Legislature, John E. Hillier, state safety supervisor, has reported from Olympia.

The act, if it becomes law and is rated "as effective as" the federal Occupational Safety and Health Act (to which law offices now are subject), would virtually assure federal approval of Washington's plan and OSHA would relinquish administration of the job safety program to the state.

Notice of the state's plan was published in the Federal Register September 8. Public comment will be taken into consideration by federal officials in deciding whether Washington's plan is "as effective as" the federal OSHA plan.

Let's Go ALL the Way With Comparative Negligence

By Edward E. Henry*

Now that the Board of Governors has recommended legislation approving comparative negligence, let's not go half way as they did in Wisconsin; let's go all the way.

Rhode Island in 1971 adopted a pure comparative negligence statute. (R.I. Sec. 9.20.4). It has been in effect for many years in Mississippi, Federal Employer Liability Act, U.S. Seaman under Jones Act, British Columbia, all the Canadian provinces, Australia, England, the continent of Europe; all the maritime nations of the world, except the United States.**

Until 1971 the Wisconsin rule allowed plaintiff to recover if his negligence did not exceed 49%. Last year the law was amended as in New Hampshire to permit the plaintiff to recover if his damages did not exceed 50%. If over 50%, he cannot recover.

As Justice E. Harold Hallows of the Wisconsin Supreme Court observed in criticism of the limitation in the Wisconsin rule:

> "In justice, there is no reason why a plaintiff who is 52% negligent should not recover 48% of the amount of his damages. There is nothing magic about being equally at fault so that one should lose all and the other win all. Each tort feasor should be responsible for his torts, to the extent of his percentage of culpability, whether that be less than or more than 50% of the total; and conversely, each tort feasor should be able to recover the amount of his damages caused by himself and another diminished in proportion to the amount of negligence attributable to him." (*Lawver v. City of Park Falls*, 151 N.W. 2d 68, 72; 35 Wn. 2d 391).

In many cases one party's injuries may greatly exceed that of another. For example, a pedestrian may step in front of a speeding truck and lose both of his legs so that his damages may be $100,000 while the damages to the truck may be only a bent fender. So if the pedestrian were 90% at fault, what is unfair about requiring the truck owner to contribute $10,000 towards his hospital and doctor bills?

In the final analysis, all the pure comparative negligence rule does is to provide that where both parties are negligent, each should share the loss, whatever the loss may be, proportionate to the negligence of each party. Contrast that with the harshness of the contributory negligence rule which provides that plaintiff must bear all the loss even though the defendant may be 80% or more negligent.

Experience with jurors in Federal Employer Liability Act and Jones Act, seamen's cases, indicate that jurors have less difficulty in arriving at a fair and just verdict than they do in states of Arkansas and Wisconsin where special verdicts are required. See Schwartz — *Pure Comparative Negligence in Action*, 34 ATLJ, p. 134 (1972).□

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* Judge, Superior Court, King County — author *"Why Not Comparative Negligence in Washington."* ATL Monograph Series — Comparative Negligence, pp. 1-3; Vol. 5 Gonzaga Law Review No. 1, pp. 1-19 (1969).

** In Admiralty — the "equal division of damages rule" still seems to prevail. *Socony Vacuum Transportation Co. v. Gypsum Packet Co.*, 153 F.2d 773.

The Washington State Medical Association had its annual meeting recently in Seattle. And among the goodies available to the doctors were leaflets prepared by an insurance company which has been a leader in the field of professional liability insurance.

The leaflet contained a few simple "Suggestions to Help You Avoid Claims." Much of the material was as pertinent to lawyers as it was to the doctors:

The professional should:

Maintain a sound attitude, professional manner and tactful approach toward the patient and the patient's family.

Carefully delegate and supervise the duties of his employees.

Refrain from over-optimistic prognosis and avoid promising too much to the patient.

Keep inviolate all confidential matters.

Arrive at an understanding in the matter of fees. Misunderstanding in this matter could be a contributing factor in a professional liability claim.

Avoid destructive and unethical criticism of other professional practitioners.

. . . Make himself professionally available to his patients.

Observing these "words to the wise physician," the company adds, will do two vitally important things: Protect your professional reputation and protect your financial security.

—*Public Relations Committee*

Responses to Bar Poll
(Continued from Page 8)

not represent the client in other matters without first notifying the client's lawyer who made the referral. 450

d. Regardless of the consent of the referring lawyer, a specialist, his partners and associates shall not accept other employment by such client for a period of three years from the conclusion of the referred matter. 191

13. Fields of Law:

A. Check those fields of law that you consider to be appropriate for recognition as a "field of specialization":

Admiralty, other than personal injury litigation, 1947; Admiralty, personal injury litigation, 1175; Anti-Trust, 1777; Bankruptcy, 1091; Business and Corporate, 752; Civil Trials, 654; Collections, 352; Copyright, 1843; Criminal Trials, 1153; Divorce and Domestic Relations, 538.

Estate Planning and Probate, 1110; Federal Taxation, 1962; Labor Relations, 1781; Patents, 2135; Personal Injury Litigation, other than admiralty, 760; Real Estate, 678; SEC, 1808; Trademark, 1749; Workmen's Compensation, 1332; Other, 288.

B. Check any field or fields in which you consider yourself to be a "specialist":

Admiralty, other than personal injury litigation, 40; Admiralty, personal injury litigation, 77; Anti-Trust, 76; Bankruptcy, 159; Business and Corporate, 472; Civil Trials, 522; Collections, 106; Copyright, 43; Criminal Trials, 284; Divorce and Domestic Relations, 374.

Estate Planning and Probate, 479; Federal Taxation, 175; Labor Relations, 103; Patents, 36; Personal Injury Litigation, other than admiralty, 456; Real Estate, 487; SEC, 105; Trademark, 47; Workmen's Compensation, 131; Other, 254. □

Harris Heads AAA Group

Richard D. Harris of Seattle is the new chairman of the American Arbitration Association's local advisory council. He succeeds David J. Williams Sr., who has become chairman emeritus. New vice chairman is Gilbert H. Mandeville, an engineer.

Certification in Public Interest, Bar's Interest, ABA Chief Says

The American public should be able to choose legal specialists just as easily as it does medical specialists, the new president of the American Bar Association declared recently.

Robert W. Meserve, Boston attorney, said that while many lawyers specialize voluntarily, there is no formal system of specialist certification to the public. He said many, especially in urban centers, have consciously determined to specialize in their individual practice.

"The question is to what extent, and how, should this factual phenomenon be formally recognized," he said.

Meserve predicted that more, rather than less, specialization will be forced on lawyers because of the complexity and rapid development of the law, the economics of law practice, and the trend toward large law firms.

He said the California and Texas certification experiments represent efforts to make sure that people needing legal help can readily find attorneys experienced and competent in specific areas of legal practice.

"The opportunity for prospective clients to make such selection is in the public interest, and being in the public interest it is in the interest of the Bar," Meserve said.

"This certainly does not mean, however, that all lawyers can, will, or should specialize. The question of whether any given lawyer will specialize and if so, in what field of law, must of course be left to him, subject to the laws of supply and demand."

The ABA Special Committee on Specialization, which is monitoring results of the Texas and California experiments, reported recently that 28 state bar associations are in various stages of study and development of legal specialization.

Meserve told the annual meeting of The State Bar of California in September that in any system of specialization lawyers as individuals should be certified as specialists and not their firms. He also called for measures to periodically recertify those "to assure continued proficiency."

Meserve said the success or failure of the experiment can only be measured by one ultimate criterion: "Will the public interest be served?" He added that "lawyers everywhere will be watching with interest and will be indebted to you as you attempt to answer this challenge."

The Courts

THE COURT OF APPEALS

By JOSEPH A. THIBODEAU, *Clerk*

On January 1, 1972, our Supreme Court amended CAROA 33 (1) to provide:

> "In civil actions appealable to the court of appeals, in order for the court of appeals to obtain jurisdiction of the cause, a written notice of appeal, together with a copy of the same, must be filed with, and filing fees paid to, the clerk of the superior court within thirty days after entry of the order, judgment, or decree from which the appeal is taken . . ."

From this amendment, a potential pitfall has occurred. From a reading of the rule, it would seem that before the clerk of the superior court can accept the notice of appeal for filing, counsel must accompany the notice of appeal with the statutory filing fee. (R.C.W. 2.32.070 fixes the appellant's filing fee in the Court of Appeals at $25.00. The statute further provides that respondent shall no longer be required to pay a fee in this court.) The pitfall has resulted when the clerk of the superior court has accepted the notice of appeal without the timely payment of the filing fee.

The rule states that both of these acts must be completed in order for the Court of Appeals to obtain jurisdiction. In the cases of Barci v. Intalco Aluminum Corporation (Court of Appeals No. 1790-I), Harvey v. King's Lair Corporation, et al. (No. 1796-I), and In the Petition of the City of Bellingham (No. 1800-I), Division 1 had the question of whether the timely paying of the filing fee is jurisdictional. Since ROA 33 and CAROA 33 are identical, the Court of Appeals was of the opinion that the Supreme Court should determine whether or not these rules are, in fact, jurisdictional. In view of this, the cases were certified to the State Supreme Court and will be set in the January 1973 Session on a date to be determined.

While the issue of whether this rule is jurisdictional has not been resolved, counsel should avoid the potential hazard of having their case dismissed for lack of jurisdiction. I call attention to this potential, jurisdictional pitfall to the Bar so that in the event they desire to file a notice of appeal to the appellate court, they file with the clerk of the superior court the notice of appeal and the filing fee within 30 days of the entry of the final judgment.

The theory of the rules should be that cases should be determined on the merits and not on a technical procedural bar.

SUPERIOR COURT NEWS

By ROBERT M. ELSTON, *Judge*
King County Superior Court

Newly elected officers of the Superior Court Judges' Association are Judges **Edward M. Nollmeyer** (Snohomish), president; **William H. Williams** (Spokane), vice president; **Frank D. Howard** (King), secretary-treasurer; and trustees **Edward E. Henry** and **Robert M. Elston** (King) and **Walter J. Deierlein, Jr.** (Skagit). Hold-over trustees are **Ross R. Rakow** (Skamania), **John C. Tuttle** (Walla Walla), and **William F. LeVeque** (Pierce).

President-Judge Nollmeyer has named the following judges as association committee chairmen:

Auditing, **Daniel T. Kershner** (Snohomish); Bench-Bar-Press, **Walter J. Deierlein, Jr.** (Skagit); Budget, **William H. Williams** (Spokane); Courtroom Security, **Felix Rea** (Douglas-Grant); Criminal Law, **John J. Lally** (Spokane); District Court Liaison, **James J. Dore** (King); Family Court, **Nancy Ann Holman** (King); Institutions and Corrections, **Edward E. Henry** (King); Grievance, **Albert N. Bradford** (Walla Walla); Juvenile Court, **Richard G. Patrick** (Benton-Franklin); Legislative, **William L. Brown, Jr.** (Pierce); Mental Health and Retardation, **Edward P. Reed** (Clark); Nominating, **Albert N. Bradford** (Walla Walla); Parole Board, **Jay Hamilton** (Kitsap); Pensions, **Frank L. Price** (Cowlitz); Practice & Procedure, **Carl L. Loy** (Yakima); Probate, **George T. Shields** (Spokane); Public Relations-Information, **W. R. Cole** (Kittitas); Revision of Canons of Judicial Ethics, **James J. Lawless** (Benton-Franklin); Revision of Judicial Article, **Oluf Johnsen** (Kitsap); Spring Conference, **Willard J. Roe** (Spokane); Trial Judges' Center, **George H. Revelle** (King); Bench-

Bar Liaison, **Thomas G. McCrea** (Snohomish); Human Relations, **Warren Chan** (King); and Judicial Conference, **Byron Swedberg** (Whatcom).

SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**
Supreme Court Clerk

During darkness, A is struck in an intersection crosswalk by a car driven by B. A brings suit against B and B joins C, the city, alleging C's failure to properly light the intersection was the proximate cause of the accident.

C moves for summary judgment. The trial court enters an order, "Motion for summary judgment granted, the cause of action against C is dismissed with prejudice," nothing more, nothing less. After a lapse of thirty days without the filing of a notice of appeal, C's counsel informs C, "All claims arising from this accident against you are dead." Actually, in several unreported recent cases the Court of Appeals has determined C's counsel is dead wrong.

A year later after trial a judgment is entered in favor of B. A files a notice of appeal within thirty days against B and C. C moves for dismissal on the grounds the notice of appeal is untimely. The motion is denied on the basis of CR 59(b):

> (When multiple claims or parties are involved) . . . the court may direct the entry of a final judgment to one or more but fewer than all of the claims or parties only upon an express determination in the judgment that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction any order or other form of decision however designated . . . shall not terminate the action as to any of the claims or parties . . .

Taking a look at the situation from another angle, is the order granting summary judgment above interlocutory so that counsel for C can safely advise his client that the order is not appealable? Under some conditions at least such advice would be improvident. See *Marion v. Pardee*, 79 Wn2d 1 (1971).

CR 54(b) is identical to FRCP 54(b). Some insights may be gained, therefore, from federal case citations.

Summation
(Continued from Page 10)

inside and out of the house, then say that house is worth so many dollars. Instead he does just exactly the same type of thing that the Judge has done in the damage instruction: He breaks it down to various elements. These elements he then places a value on. He evaluates the lot, its size, its location, the surrounding structures, etc. He determines the size of the house, its square footage. Does the house have a basement? Is it a full basement? He looks at the quality and type of construction, its age — all of these elements are considered separately and then added up. This then, becomes the basis for a fair appraisal.

Another good example is shopping at a supermarket. It should not be fair for the checker simply to look at our cart of groceries, and without itemization say, well, I think X dollars would be a fair price. Each item has its own price and the total becomes our bill.

Thus in determining damages we are asking the jury to use the same type of thought and care that we use in our daily business dealings. If we have made a showing as to the reasonable value of each element of damages, the total damages therefore must be reasonable.

The jury should be advised that you recognize that determining damages is difficult. All participants in the lawsuit have areas of difficulty. A few examples might be appropriate, such as the court reporter writing down the complicated medical terms. But the court reporter does it. Your client — mention his name — and you are confident that this jury will take the time to do a good job and will end up with damages that will fairly and reasonably compensate the plaintiff in accordance with the court instructions.

In some areas and in some jury panels, there is a reluctance to award compensation for pain and suffering. When appropriate, this issue should be met head-on. The lawyer should speak of it frankly, perhaps saying: "I realize there are some people who do not believe in awarding compensation for pain and suffering. These people are entitled to their belief, but that belief should not and cannot circumvent the court's instructions. Again, the system fails if any one link in the judicial process is missing. So in this case, if you believe there was pain and suffering you must,

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of course, follow the court's instructions and award fair and reasonable damages."

PER DIEM: In presenting the damage part of the argument, I do not believe in the per diem series of argument in its entirety. I do think the jury should be assisted, however; it can be useful to set forth the number of days that the plaintiff has, up to trial, suffered pain and suffering. The same procedure can be followed with all the aspects of damages — they should be measured in time. I then ask the jury to consider what would be a fair amount. I do not, however, set down any figures and multiply them out.

CONCLUSION

Summation is an important part of the conclusion of the trial wherein careful preparation pays rich dividends, but the attorney must remain flexible in his argument. His demeanor should at all times be sincere, courteous and serious. I feel that the plaintiff in his opening summation should present his entire argument. And lawyers in their final remarks should express appreciation for the time and effort the jurors have contributed and acknowledge the sacrifices that each juror has made in order to participate in this part of the system that makes our country great. □

LAWYER PLACEMENT SERVICE

By DAVID L. BROOM

The Young Lawyer's Committee of the Washington State Bar Association operates a Lawyer Placement Service at the State Bar Office, 505 Madison Avenue, Seattle, Washington 98104, and at the Spokane County Law Library, Paulsen Building, Spokane. The service is available to members of the Association and recent law graduates seeking legal opportunities and employers seeking legal personnel. The service is offered without cost to either the applicant or prospective employers. The following are summaries of a few of the many applicants on file:

1. There remains in our files a number of openings in small communities. One such town has even offered free office space for an attorney.
2. Assistant attorney general for State of Washington, former Army legal officer, has resume on file.
3. Large county prosecutor's office seeking deputy for juvenile court work.
4. Law Review graduate of American University, five years' experience in both private practice and corporate staff work, has resume on file.
5. Southwest Washington county seeking full-rime deputy prosecutor. Salary $10,000 to $15,000 depending upon experience.

Wanted and Unwanted

Wanted: Wash. Digest, current or with cost of making current. Steve Chadwick Jr., MA 4-4949 or VI 2-2004, Seattle.

For Sale: C.J.S., excellent condition, recent model IBM transcriber and dictating units. Make offer. Terry Bernard, Olympia 753-4627, or 491-6583.

For Sale: Complete A.L.R. 2nd, A.L.R. 3rd Vol. 1-6, with A.L.R. case supp. and digests and A.L.R. quick index through A.L.R. 3rd Vol. 6. $1000 or best offer, Jan or Karen, (206) VI 2-5681.

Wanted: Any extra or unwanted law books for Reformatory use. Rev. W. Diffenbacher, P.O. Box 777, Monroe, 98272.

Wanted: Used, relatively complete set Wash. Reports. Thomas S. Felker, 306 Norton Building, Seattle, MA 3-3318.

Wanted: Associate or partner, at least 3 years' experience in state, preferring office rather than trial work. Have excellent location, space and library. Person should have own clients but desire the benefits of office sharing and specialization. Seattle MA 4-8261.

Space Available: New building, near Lynnwood City Hall. Edmonds, 774-7794.

For Sale: Complete C.J.S., with 1972 pocket parts, reasonable. Seattle MU 2-0171.

For Sale: RCWA; Am. Jur. Pleading & Practice Forms; Am. Jur. Proofs of Facts; Washington Pattern Jury Instructions; Stonecipher, Washington Probate Practice; Nichols, Cyc. of Legal Forms; Erwin, Defense of Drunk Driving Cases. Mrs. Gerald L. Enright, 506 Miller Building, Yakima.

For Sale: Wash. Reports, Vol. 1 Terr. through Vol. 66 2nd; 3 sections tan steel shelving 86" high; walnut executive desk 60x40"; metal supply cabinet; 2 reception chairs; make offer, part or all. Lynn J. Gemmill, Seattle MU 2-3380.

Law School News

Gonzaga University Law School was awarded the Most Outstanding Student Bar Project Award for schools in its numerical class by the Law Student Division of the ABA for the 1971-72 academic year. The award, made at the ABA-LSD Annual Meeting in San Francisco, was presented to Tom Hillier, LSD representative from Gonzaga, who presented it to Dean Orland for Gonzaga Law School during the student orientation program in September.

The award acknowledges the Gonzaga Clinical Law Program as the most outstanding and innovative student bar project in its class last year. Many law schools competed in the national contest. The awards were based on benefits to the students and benefits to the community.

Gonzaga's project also received a $1,000 Law Student Services Fund Grant from the ABA last year. That grant was the largest awarded to a law school in the 1971-72 year. Fifty-five grants totaling $22,242 were awarded to schools across the country.

* * *

Now in its 61st year, Gonzaga Law School, after late registrations, has a record enrollment of 602 students. The first-year students number 272 and are divided about evenly between the Day Division and the Evening Division.

The University of Washington's record-breaking class of 165 Law School beginning students this year will be the last to start in venerable old John T. Condon Hall. Next year's students will be housed in the new $5.1 million Condon Hall being constructed on the university's west campus.

The old hall recently was renamed Herbert H. Gowen Hall by the Board of Regents.

This year's first-year class includes 52 women, compared with 37 a year ago, and 24 minority students, school officials have reported.

University of Puget Sound Law School expects American Bar Association accreditation some time next year, Dean Joseph Sinclitico has reported. He said an ABA accreditation team will be at UPS beginning November 27.

The new school during October showed off its temporary "campus" at Tacoma's Benaroya Business Park at open houses for the bar, the bench and the public. The ABA president, Robert Meserve of Boston, was scheduled to speak at the public open house October 29, during formal opening ceremonies. Student enrollment at the opening was 407, 45 of them women.

Quotes Quoted

Bellevue First to End Traffic Jail Terms

The Bellevue city council has voted to remove criminal penalties from the city's traffic laws except for serious offenses.

The council's decision makes Bellevue the first city in Washington to remove the possibility of a jail sentence for minor traffic violations.

Instead, the offender will be fined, and if he refuses to pay, the city will file a civil suit against him.

"We think it's embarrassing to the government to have to jail people for minor offenses." Bellevue City Manager L. Joe Miller said.

He added that the city will no longer have to provide an attorney for defendants in the minor cases.

The action had been recommended by local traffic court judges.

Miller said the council is looking at other city ordinances from which it can delete the criminal penalty.

— *The Seattle Post-Intelligencer*

Counties May Pay Fees

State law authorizes payment from county funds of attorney fees for indigent persons who are charged with misdemeanors as well as felonies, Attorney General Slade Gorton has decided.

Gorton's formal legal opinion said the costs of the defense attorneys must come from county current expense funds and not from Justice Court revenues.

The attorney general said a recent U.S. Supreme Court decision that the appointment of counsel for an indigent defendant is required by the Constitution no matter what the criminal charge may be led to his opinion.

"The present state law must be construed as authorizing the appointment and compensation of defense counsel for all indigents in such cases," Gorton said.

The opinion was requested by John C. Merkel, Kitsap County prosecuting attorney.

— *United Press International*

Office Practice Tips

Goodby Legal Secretary Hello Departmental Specialist

The most striking aspect of the 5th Annual Economics and Management Conference of the American and Canadian Bars held last June at Toronto was the shift in emphasis from the Legal Secretary to the Departmental Specialist. This constitutes a basic restructuring of the office from a horizontal to a vertical plane.

A vertically structured office does not endow a partner with the luxury of a private secretary, who is a jack of all trades. This broad knowledge of legal principles is the function of the lawyer, who himself will not be a master unless he is permitted to specialize as far as possible.

The expression "departmental specialist" appears to be more descriptive than that of legal assistant or paraprofessional. The most common classifications of special departments are: Probate, Real Estate, Litigation, Business and Corporations, and Internal Management and Bookkeeping. Actually there are as many categories and subcategories as are required by the volume and nature of the practice.

The operation of the vertical structure requires that each piece of business taken in by a lawyer be promptly assigned to a department where it goes on the conveyor belt supervised by trained legal expediters, who by the utilization of systems, manuals and check lists perform all the routine tasks.

They retain responsibility for the progress of the matter, referring it to the responsible attorney only when his expertise or judgement is required. They must insist on its prompt return to the conveyor with the available option of notifying a predesignated reviewing partner if progress is blocked or schedules endangered by lawyer neglect.

This is not necessarily a large firm concept. One or two lawyers can have four or more specialized departments with as many staff members in each specialty as its volume requires. Once this system is installed the lawyer is sheltered from most routine telephone calls and letters. The program is designed to keep the client fully informed and to field inquires directly to the departmental team handling the matter.

As this departmental concept grows in a firm the future of the Legal Secretary appears to face great change. The traditional function of typing is largely assigned to a legal typist or pool utilizing IBM mag card or other power typing machines with revision capabilities. Bookkeeping and docketing functions go to the Bookkeeping and Internal Management Departments.

Very sophisticated manuals and check lists are being planned and projected from several sources including the University of Utah school of Law. Kline Strong, nationally known lecturer, lawyer and C.P.A., designer of the "Sans Copy" peg board system for law office bookkeeping and time records, has offered to address the Washington State Bar on the subject and to make the University of Utah's work product available as a model or skeleton for our State Committee to build up Washington System manuals and sets of forms in the various fields. This is a fascinating challenge and an expression of interest and cooperation on the part of the Bar would be appreciated.

HARRY E. HENNESSEY

Prepared by the Committee on Law Office Economics and Management, Richard C. Reed, Seattle, Chairman, Harry E. Hennessey, Spokane, Editor.

This column is a clearing house for better ways to run the law office. Contributions are solicited from all members of the Bar and should be sent to the editor at Post Office Box 324, Spokane, Washington 99210.

Notices

Willamette Offers Placement Service

The Willamette University College of Law invites all prospective employers to use the services of its Placement Office.

There will be 115 students graduating May, 1973, and in addition many first and second year students are interested in summer clerkships and part-time employment during the school year.

On-campus recruiting may be conducted at the law school where personal interviews may be held with the students and preliminary decisions made in a day. If an employer is unable to conduct on-campus interviews he may submit descriptions of employment opportunities which will be circulated to the students and graduates who will in turn contact the employer.

To arrange for interviews or to circulate employment descriptions at Willamette University College of Law, please write to Larry K. Harvey, Acting Dean, or Mrs. Polly Williamson, Placement Secretary, Willamette University College of Law, Winter & Ferry Streets, Salem, Oregon, 97301, or telephone (503) 370-6383.

Early Files Sought

Alfred Bolton (2618 Checkerberry Court, Reston, Va. 22070) wonders if by some rare chance someone knows the whereabouts of the records and files of an early Seattle lawyer, Mathew L. Longfellow, who practiced in the first decades of the century

Calendar

Nov. 13	Practice Management Seminar, Repeat of Spring performance by Bar and Society of CPA's. Ridpath Hotel, Spokane, 8:30 a.m.-5 p.m.; register through Wash. Society of CPA's, 507 Logan Building, Seattle 98101.
Dec. 1	Representing the Small Business, with emphasis on going corporate; State Bar CLE seminar; 1 to 6 p.m. Ridpath Hotel, Spokane; panelists, P. Cameron DeVore, chairman, Barry H. Biggs, C. Kent Carlson, Paul E. Schell, Allan Toole.
Dec. 9	Representing the Small Business, State Bar CLE seminar; 9 a.m. to 4 p.m., Olympic Hotel, Seattle.
Dec. 16	Representing the Small Business, State Bar CLE seminar; 9 a.m. to 4 p.m., Evergreen Inn, Olympia.
Jan. 8-12	Seventh annual Institute of Estate Planning, Americana Hotel, Bal Harbour, Fla.; information, University of Miami Law Center, Box 8087, Coral Gables, Fla. 33124. (Faculty includes Malcolm A. Moore, Seattle.)
Jan. 10-13	"CLE and Ski," Conference on Securities and Corporate Problems, Big Mountain, Whitefish, Mont. Continuing Legal Education, Law School, University of Montana, Missoula 59801.
Feb. 14-16	Western States Bar Conference, Hotel Vancouver, Vancouver, B.C.
Feb. 28-March 3	Fifth Medical Institute for Attorneys, on Orthopedics and Rehabilitation; University of Miami Law Center, P.O. Box 8087, Coral Gables, Fla., 33142.

Deadline for submitting copy for the next issue of the *Bar News* is Friday, Nov. 3. Mail to *Bar News*, Washington State Bar Association, 505 Madison, Seattle 98104.

Shoreline Court Moves

The new Shoreline District Court scheduled an open house and dedication for its new quarters on Friday, October 27. The new address is 18110 Midvale Avenue North.

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