
WASHINGTON STATE BAR NEWS

In commemoration of Law Day, May 1, 1972, the SKCBA Young Lawyers' Board of Trustees resolved that genuine respect for the law and the fundamental rights of all citizens are jeopardized by legislation which tends to perpetuate racism in our country.

By unanimous vote the Board resolved:

The Young Lawyers' Board of Trustees believes that President Nixon's proposals to Congress to end bussing between heretofore segregated schools and to provide additional funding for segregated public and private schools, in fact, sanctions and legitimatizes racially segregated education and impairs respect for the U. S. Constitution and the rule of law.

The Young Lawyers' Board of Trustees commends the Washington State Supreme Court for its unanimous decision upholding the constitutionality of the Seattle School Board's plan to achieve racially integrated education through bussing and other means.



MEMORANDUM

TO: All State of Washington Attorneys

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s/BARRY J. REISCHLING
Manager, Legal-Financial Divisions

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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 ARTICLE

5 Sentencing Goals and Standards

A summary of the results of a recent survey of sentencing practices of Superior Court Judges in this state

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The Bar News takes no position on the resolution on the cover. It is printed in the spirit of generating healthy debate on the issue of the proper relationship of the executive, legislative and judicial branches.



World Peace Through Law

The Washington State Bar Assoc. has a flock of Special Committees, including the final one: "World Peace Through Law." Followed by the notation: "When the work of the committee has been completed, the committee will be abolished." And if it's successful, please let us know; might make a fair item on a dull day.

Emmett Watson

Editor:

Emmett Watson's column in the PI on March 15 gave forth with sort of a ha-ha when he learned some phases of State Bar activity were under the title "World Peace Through Law."

Mark K. Wexler, a U of W law student who participated in the Belgrade World Peace Through Law Conference last summer with aid of Bar funds, reported on his return:

"We are neither dealing with hoary precedents from musty law books nor indulging in the theoretical, the speculative, the chimerical, the arcane, the fanciful, the will-o'-the-wisp. We are not ruled here by the dead hand of the past.

"We are dealing with clear and present dangers and the demands they make upon the law.

"We are dealing with emerging problems of international law. We are preparing for the problems that we can see will be emerging in the future.

"We are seeking new solutions to old problems.

"We are seeking new solutions for new problems."

Mark wrote an excellent report that ought to be read by every lawyer. Among other things he comments on need to activate

students to international issues.

World-wide outbursts of activity are moving, albeit slowly, toward world peace through law — today.

The World Peace Through Law Center is supported by lawyers from many nations, including our American Bar Association. The last meeting in Belgrade was attended by 5 members of our Committee, Don Van Fredenberg, Judge E. E. Henry, Earl Phillips, Cameron Sherwood and Jim Henriot — all at their own expense. . .

World Peace Through Law — The Lawyer's Job — is not only the title of an excellent article in the October, 1970 issue of the American Bar Journal, but also an active function of our WSBA.

LIONEL E. WOLFF
Chairman
World Peace Through Law
Committee

Spokane

Dues Increase

Dear Mr. Parker:

I read your letter with interest. [March '71 Bar News]. You complained about the increase in Bar dues and particularly object to the establishment of the so-called "reform measures" being followed by the Board of Governors and a number of the Bar Committees.

I, for one, feel that the Bar has been slow almost to a fault in catching up with today's world, and that if attorneys generally are to be successful they must have a better relationship with the public generally. Apparently you feel that we have not been sufficiently business-like in our approach to the problems of the attorneys. Perhaps not, but I believe that what was said by Judge

Tolman approximately forty years ago in the case of *State Ex Rel. Stiner v. Yelle*, 174 Wash. 402, 411, is just as true today as it was then. This was the case that tested the constitutionality of the tax imposed upon the privilege of engaging in business in the State. Attorneys were not made subject to this tax, nor were farmers, wage earners, et cetera. To an objection that this was unfair, Judge Tolman stated:

"To one who has long followed a profession, the reason for the exclusion of professions seems equally clear. While there may be those who commercialize the professions, the rule to the contrary is very strict, and it is, we trust and believe, generally obeyed by those in the professions. A profession is not a money getting business. It has no element of commercialism in it. True, the professional man seeks to live by what he earns, but his main purpose and desire is to be of service to those who seek his aid and to the community of which he is a necessary part.

In some instances, where the recipient is able to respond, seemingly large fees may be paid, but to others unable to pay adequately, or at all, the professional service is usually cheerfully rendered. But whether so or not, the commercial spirit which runs through this act is wholly condemned by the ethics of every profession of which we have judicial knowledge; and if there be violations and abuses, those should be cured, rather than that the whole of those engaged in professional service be stamped with the brand of commercialism and taxed accordingly." (emphasis mine)

JOHN S. LYNCH

Olympia



Dear Mr. Parker:

I voted against the increase in the dues for the State Bar, but the majority of the Board felt a dues increase was important at this time. I do not believe the increase in the Bar dues had any relationship to the activities of the younger members of the Bar in securing the passage of the Portland resolutions.

You suggest that the Bar should retrench because of the economic climate of our state and county. At the same time, you suggest that the Bar establish a pre-paid legal services for the benefit of its members. Other people are suggesting that the Bar involve itself in other areas. They desire to see the Bar take the leadership in prison and parole reform, in a more adequate and responsive disciplinary procedure and practice, and in the increase in the membership on the Board. All of these things require an enlarged staff at the Bar office. The staff has been enlarged and additional space is being provided for the increased staff. Service of the staff to the committees and membership has been improved.

Although I voted against the dues increase, I support the proposition that more money was necessary to accomplish the broadened activities of the association.

Finally, I would say that the one way that lawyers can participate, who do not actively engage in the affairs of the association, is to support it money wise. The additional \$30.00 you were asked to pay this year is a rather minimal contribution compared to that made by those lawyers who spend untold hours month after month on behalf of the association.

JAMES P. CURRAN

Kent

The State Legislature, in the 1972 session, passed an amendment to the Bar Act, giving the Bar Association more power and control over its own affairs. By such amendment it gave the Board of Governors the authority to increase the Board, to not to exceed 14 members, plus the president, who now has voting power.

The Committee on Government and Organization of the Bar recommended increasing the Board by three members, two from the First District and one from a combination of the First and Seventh. It was their thought that this would more properly represent one man-one vote, and if such recommendation was followed the Board would then consist of ten members, plus the president.

After a lengthy discussion, the Board determined to increase the Board by two, both from King County, one for two years and one for three years.

Therefore, in the forthcoming election there will be four seats to be filled, one from the Third District, to take the place of Jack Lynch from Olympia, one from the Sixth District to take the place of Neil Hoff of Tacoma, and then the two new members from King County.

Article II of the Bylaws sets forth the procedure to be followed in order to become a Governor. The Bar Office has petition forms for nomination and they must be completed and filed at the Bar Office by 5:00 p.m., May 31. If you are interested, file, for serving on the Board is an experience every attorney should have. It takes a considerable amount of time but the investment is returned many times over.

Some will wonder why the Board did not increase by more members. With the president now



having a vote (and being from Seattle this year) it was the feeling of the Board that this vote well represented the one man-one vote doctrine; The Board should not become so big as to become unwieldy; the cost of adding more members would be considerable, and "let's walk before we run."

Let's give it a try and watch the results. The Bylaws can always be changed.

I don't believe that the proposed redistricting will affect any of our present Board, but we almost lost Bob Day. He offices in Pasco but lives across the river in Kennewick so he survived, as residence is the magic word.

With the hope that repetition will bring results, I iterate and reiterate — plan to attend the Bar Convention in Spokane on September 7, 8 and 9. Thursday morning, the 7th, is devoted exclusively to "Group Legal Services" and *no one* can afford not to know about this. Come listen and be heard.



Editor's Note

The new law school at the University of Puget Sound will open its doors on September 5, 1972 in a newly constructed two-story building in South Tacoma's Benaroya Business Park, just three minutes off the freeway. The first-year class will have 200 students in the day school and 100 in the evening school. The eventual size of the school is projected at 400 to 700 students. It is expected that in five years, the law school will be moved on campus.



One cannot but be impressed with the manner in which the school is being organized. Spearheaded by Judge George Boldt and Norton Clapp, creation of the school has moved with surprising speed. They are proceeding on the basis that the law school must be first-class and well-funded. The person selected as Dean, Joseph Sinclitico, Jr., brings with him an impressive list of credentials. In turn, he has recruited a full-time faculty of six, all of whom have three to six years legal experience with the accent on youth. The law library will have 45,000 to 50,000 volumes, two and one-half times the minimum required by the ABA. ABA accreditation is hoped for in February and at the latest, August 1973.

All of us are aware of the law school boom. Law school enrollment increased 128% in the 1960's. While there are currently 342,935 lawyers in the nation, admissions are expected to be 23,000 in 1972, 27,000 in 1973, and 29,000 in 1974. Yet, Department of Labor figures estimate only 14,500 annual openings for new lawyers during the '70's.

In face of these figures, why a new law school? Judge Boldt says a third law school is needed in this state and the ABA agreed. The other two law schools are turning away hundreds of applicants. The third, he says, will "immeasurably improve the quality of life in the Puget Sound Area." Observes Dean Sinclitico: "Law schools may take a different direction. Legal education may be used as an area of learning, not necessarily with an eye toward practice."

The new school will be a welcome addition to the legal community in view of the dedication and enthusiasm of its organizers.



The Board's Work

Group legal services, revision of appellate procedure, revision of Rules for Discipline of Attorneys, increasing the membership of the Board of Governors — these were among the major items of business at the Board's March 24-25 meeting in Spokane.

Rules for Discipline

After several months' consideration, the Board adopted without change the revisions recommended by the Special Disciplinary Committee, whose chairman was **Charles I. Stone** of Seattle. The recommendations will be considered now for adoption by the Supreme Court.

Among the recommended changes are these:

The Board of Governors, in lieu of referring a matter to an LAC for investigation, in its discretion could appoint a special committee of LAC members from more than one county or district to investigate, or refer a complaint to Bar counsel for investigation, or direct the filing of a formal complaint without investigation if in its opinion investigation would be of no value.

The Board could create special trial-committee districts consisting of two or more counties.

A hearing-panel chairman could be a lawyer not a member of the Disciplinary Board.

To make possible enlargement of the Disciplinary Board if such appears desirable or necessary, the Board of Governors would appoint a Disciplinary Board of "at least" seven members, with one or more residing in each congressional district.

The Disciplinary Board membership would include three non-attorney public members appointed by the governor; a non-attorney member would not serve as a hearing-panel chairman.

A "letter of admonition" to a complained-against lawyer now would be expressly provided for, where it appears the lawyer has been guilty of misconduct but not of sufficient magnitude to warrant a trial; the letter would not be a "finding" of misconduct.

The Board of Governors no longer would have the right or responsibility to review decisions or recommendations of the Disciplinary Board, though it would continue responsible for the functioning of the LAC and Bar counsel, and any publicity concerning pending disciplinary proceedings would be released only through the Board of Governors.

Censures and reprimands would be given privately by the Board of Governors but notice thereof now would be sent to the Supreme Court and

(Continued on page 7)

SENTENCING GOALS AND STANDARDS

By King County Superior Court Judge David W. Soukup, Project Director, and
Nicholas P. Miller, Project Staff Coordinator

What factors affect a judge in making a felony sentencing decision? Is the decision-making process a uniform one, or are there 92 approaches among the state's 92 judges? Does each judge ask the same questions and seek the same answers? Is the personality of the specific sentencing judge, or his disposition on a particular day, the most significant factor in sentencing?

The Washington State Superior Court Judges' Association applied for an L.E.A.A. grant to finance a felony sentencing study of their courts in an attempt to find answers to these questions. Many answers were found and some new questions were raised.

It was not surprising to discover that the judiciary is not completely consistent in its sentencing behavior — that the sentence given a particular person appeared to vary greatly between judges. It was more of a surprise to find that there were not 92 individual variations, but possibly as few as four groups of judges, with the judges within each group displaying remarkable consistency. Perhaps most interesting was the fact that judges did not fall into a particular group by reason of living in a particular geographic area of the state or by virtue of their county's population. Rather, judges from across the state, and in large and small counties, fell into particular groups apparently on the basis of significant differences in judicial

philosophies regarding the sentencing function.

Before describing these findings in more detail, it would be helpful to outline the manner in which the study was conducted. The main body of the study consisted of personal interviews with sixty-nine superior court judges, evenly distributed geographically around the state. The interviews lasted



Hon. David W. Soukup

three hours. They were conducted by a research staff of five law students and a graduate student of social sciences.

Study Method

Each interview began with the judge indicating what sentence he would impose in five hypothetical cases. The judge next rated each of 115 different sentencing factors on a checklist to indicate how each factor would influence him in sentencing. Finally, the judge was asked a set of thirteen "open-reponse" questions dealing with his philosophy of sentencing and with the criminal justice system as a whole.

The hypothetical cases comprised the analytical heart of the study. The staff constructed 350 different cases by choosing variations of the factors under study, recording those variations, constructing a narrative case history and then recording the disposition eventually assigned the particular case during an interview. The 350 dispositions were analyzed through a statistical technique designed to construct a mathematical model of decision making to predict the sentences that the judges would assign each case. The higher the correlation between the sentences predicted by the "model" and the sentences observed through the judge interviews, the better the model actually duplicated the decision-making process of the judges in assigning relative importance to the various factors present in each case and in arriving at a final sentence.

Decision-Making Models

The study established that there is no single model of decision-making to which all judges in the state more or less adhere. At least two separate models of decision-making do exist, — a model for those tending to favor probation and a model for those tending to be more inclined toward jail sentences. Two other models may also possibly exist. There are a model for those judges who conform to the norm of the hypothetical sentencing sample, and one of those who do not conform to the norm and do not show any pattern in their divergence.

Definite patterns of assessment of factors show up between the probation-oriented group and the other groups. The former rely more heavily upon factors dealing with the defendant's background. The latter rely more upon the circumstances of the offense. Judges in the probation-oriented subgroup

tended to place more importance on the socioeconomic background of the offender. They tended to be more lenient with unmarried offenders, women and persons employed at the time of the crime.

Judges in the jail-oriented group placed greater importance upon the circumstances of the offense. They were more lenient toward neat appearing defendants and, perhaps, surprisingly, towards persons suffering current emotional or psychiatric problems.

Overall, sobriety tended the judges toward leniency. The judges overall also favored offenders without a history of drug abuse, and they made no major distinction between heroin addicts, marijuana users, or users of other "hard drugs," indicating all would be treated with the same severity.

The judges tended to be more lenient to persons drunk at the time of the crime but more severe to persons under the influence of drugs at the time of the crime.

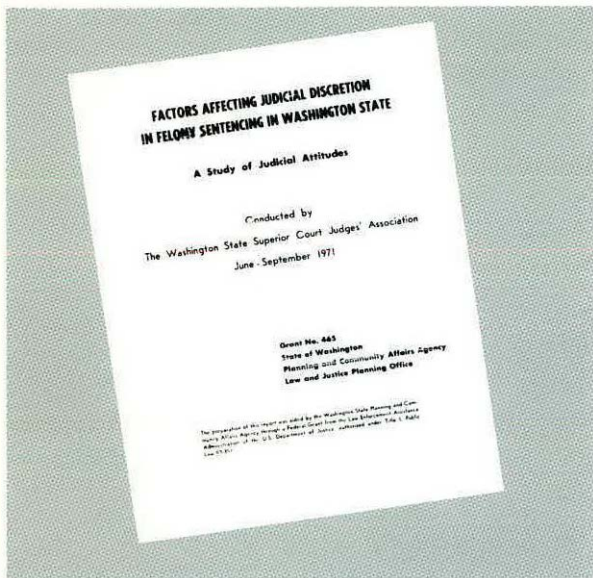
Several factors directly amenable to attorney control had effects toward leniency. The judges attached great importance to the quality of the rehabilitation program presented to the court. They particularly favored programs presented by probation officers but were only slightly less impressed by *good* programs presented by the defense. On the other hand, the judges saw little difference between a mediocre rehabilitation program and no rehabilitation program at all.

A good presentence report, guilty pleas, and believable testimony by the defendant were all strong influences toward leniency. The judges responded very favorably to offenders who had strong community ties or sponsors.

In the open-ended responses, the judges tended to verify the results of the composite hypothetical analysis. As in the hypothetical cases, the judges tended to break into a relatively small number of groupings, often holding diametrically opposed positions.

Are Prisons Rehabilitating Offenders?

One half of the judges stated that the prisons are not rehabilitating offenders. The other half felt that they are. A third of the judges said deterrence should play a role in sentencing, a third said it shouldn't, and a third said it should be a factor in only certain offenses. Two-thirds of the judges were reasonably satisfied with the present sentencing system, while one-third was not. Half



said greater uniformity in sentencing is desirable, while half said it was either not possible, not desirable, or not needed.

The study did not draw any policy conclusions as a result of its findings. It did raise some issues that need to be examined. The study demonstrates that extreme consistency among large segments of the judiciary is already a reality, but that there is also much inconsistency between groups of judges and that this is not associated with individualization of sentencing for a particular offense or offender. It is attributable to philosophical differences in judicial attitudes about the very goals and standards in sentencing criminal offenders. Each judge now establishes goals and standards for himself. His behavior then seems to be consistent with other judges who have established the same goals and standards.

Should There Be More Uniformity?

Is it wise for each judge to make this type of policy decision in sentencing? Should the judiciary decide by itself — or should each judge decide by himself — the goals and standards for sentencing offenders? There are no statutory or other binding guidelines. While such standards would not be easy to draft, is it fair to the offender, to the judge, or to society, to require or to allow each judge to form his own personal policy on sentencing? There are few other areas of the law in which society has so quietly acquiesced to judicial autonomy.

The Board's Work

(Continued from page 4)

remain confidential.

Disciplinary proceedings in the Supreme Court would have priority and be set when they are ready.

Under certain circumstances and where it appeared that a continuation of the practice of law by a complained-against attorney would bring substantial risk of serious injury to the public, the court could suspend the attorney during pendency of disciplinary proceedings. In similar circumstances, the court, on petition, could transfer the attorney to inactive status during pendency of the proceedings.

When it appeared to the Board of Governors to be in the public interest to do so, the Board could advise news media of the pendency of disciplinary proceedings against an attorney.

Notice of a censure or reprimand of an attorney previously disbarred, suspended or reprimanded would be published in the *Bar News*.

Two Governors Added

The Board voted to add two members from King County to the Board of Governors, raising the total board membership to ten.

The Board also decided to retain the present method of Board of Governors election of the Bar president, without an additional provision, recommended by the Committee on Organization and Government of the Bar, for an initiative-petition nomination of a second candidate for the presidency. (See story, page 9.)

Group Legal Services

The Board decided to move ahead as rapidly as is feasible toward possible establishment of a statewide, open-panel group legal services program. (See story, page 12.)

Revision of Appellate Procedure

Responding to a Judicial Council request, presented in person by **Alfred J. Schweppe** of Seattle, the Board appropriated \$7,500 in matching money to complete a funding of \$56,250 by the Law and Justice Committee and \$11,250 of Judicial Council funds for a project designed to revise, modernize and harmonize state rules of appellate procedure at all levels. The Board asked as a condition of the funding that the Bar's contribution be the "last money" spent on the project.

Statewide Legal Aid

In response to a request by the Legal Aid Committee, presented personally by **Bert L. Metz-**

ger of Seattle, chairman, the committee was authorized to prepare, but not submit, an application and all other documents pertinent to a request for federal Legal Services funds to initiate and conduct a statewide Legal Services program. If the federal program is approved by Congress and the President, the Bar's application for funds thus could be submitted immediately by the Board of Governors.

Board of Bar Examiners

Because of the expanding bar-examination work load, the Board appointed these additional members to the Board of Bar Examiners:

Cleary Cone, Ellensburg; **Irwin L. Treiger**, **Theodore J. Collins**, **G. Keith Grim**, **D. McKay Snow** and **Bradley T. Jones**, all of Seattle, and **E. Glenn Harmon**, **Eugene Annis**, **Harvey Clarke** and **Smithmoore P. Myers**, all of Spokane.

Minority Law Students

The Board approved the following resolution: Whereas, under the Washington State Bar Act, RCW 2.48, this Association is responsible for making recommendations with respect to qualifications for admissions to the practice of law, and its actions thereunder become State actions; and

Whereas, the gross disproportion of minority lawyers to minority population is socially undesirable, and the organized Bar has an interest in correcting this imbalance;

Now, therefore, be it resolved that the Board of Governors of Washington State Bar Association does hereby declare its support for the principle of encouraging and fostering by appropriate affirmative action the admission of qualified minority group persons to enter upon the study and practice of law in the facilities and institutions of this State.

Other Board Business

In other actions during the busy two-day session, the Board of Governors:

✓ At the request of **John Huneke** of Spokane, president of the **Western States Bar Conference**, voted to authorize up to \$2,000 for expenses of speakers at the 1973 meeting of the conference in Vancouver, B.C., for which the State Bar in effect is host.

✓ After a lengthy investigation and hearing, voted to approve, for submission to the Supreme Court, the petition for reinstatement of a disbarred lawyer, **William H. Simmons**.

✓ Voted **honorary Bar membership** to two retired lawyers, **A. B. Comfort** (admitted in 1908) and **Herbert A. Greenbank** (admitted in 1926).

✓ Decided President **E. Frederick Velikanje**, who was invited ex officio, and Board member **Robert S. Day** of Pasco should attend the **annual conference of the Ninth Judicial Circuit** in Pasadena July 26-28.

✓ Approved, at the request of the **Public Relations Committee and the Disciplinary Board**, a procedure whereby a complained-against lawyer whose conduct did not merit discipline but which was calculated to bring additional complaint and to adversely affect his own practice and the reputation of the Bar should be assisted by an LAC letter pointing out his specific shortcoming.

✓ Elected **Charles I. Stone** of Seattle as State Bar president to serve the 1972-73 term; decided to meet April 14-15 on Orcas Island in joint session with the Oregon State Bar Board of Governors; May 19, Chelan County; June 23 at Alderbrook; July 14 at Sun River, Ore., and Aug. 14 in San Francisco, during the ABA meeting; and dealt with a variety of "housekeeping" items.

✓ Approved for the first time under a new program, a law clerk-student as a legal intern, permitted to **limited practice**; previously only law-school students were so licensed. □

WASHINGTON STATE BAR NEWS

Board Rejects COG Proposal to Add Three Board Members and Adds Two Instead

The Board of Governors at its March 24-25th meeting in Spokane considered the report of the Committee on the Government of the Bar (COG) which was presented by immediate past president **Robert O. Beresford**, co-chairman of the Committee. The Committee had recommended that the one-lawyer, one-vote concept be implemented by adding two Board members from the 1st Congressional District and another from the combined 1st and 7th Congressional Districts. The other proposal was to allow additional candidates for the presidency to be nominated by petitions bearing from 150-200 signatures of active members for each candidate.

The two COG Committee pro-

posals were rejected by votes of five (Messrs. Novack, Lynch, Day, Ripple and Hoff) to two (Messrs. Short and Curran).

Instead the Board increased the Board from eight to ten by adding two positions from King County. That means the seven congressional districts each have a member, plus the two from King County and plus the president who is a voting member. The Board left the bylaws unchanged as to the selection and election of the president by the Board.

Beresford made his presentation on behalf of the COG Committee at the morning session of the Board meeting on March 25th. At the afternoon session, Neil Hoff moved that one board

(Continued on page 11)

Stone Named President-Elect of State Bar



Charles I. Stone

Charles I. (Chuck) Stone of Seattle has been selected as the president-elect of the State Bar.

A senior partner of the firm of Perkins, Coie, Stone, Olsen & Williams, he long has been a generous contributor to State Bar activities. Most recently he has been a member of the Board of Governors (1968-1971) and chairman of the Special Committee on Discipline, whose recommendations for extensive updating and improvement of the Rules of Discipline were adopted in late March by the Board of Governors. Stone presently is chairman of the Special Committee on Certification of Specialists.

Elected by the Board of Governors at its March meeting in Spokane, he will take over the presidency during the Bar's annual meeting in Spokane September 7-9.

Stone also has been active in the work of the Seattle-King County and American Bar Associations; in February he was a

(Continued next page)

King County Lawyers Please Note:

The Board of Governors of the State Bar Association voted at its March meeting to enlarge the membership of the Board to ten, with the two additional members to be elected at large from King County.

Thus there will be an immediate election in King County of two new members of the Board — one for a two-year term and one for a three-year term. The terms will begin in September.

Attorneys interested in filing for the new positions may obtain nominating petitions from the State Bar Office, 505 Madison, Seattle 98104. The petitions must be returned to the Bar Office before May 31, 1972.

Ballots will be mailed to all lawyers in King County shortly after June 1, 1972. Results of the election will be announced June 16, 1972.

Continuing as holdover members of the Board representing congressional districts in King County are Kenneth P. Short, First District, and James P. Curran, Seventh District.

Notice of elections for Board representatives from two other districts was published in the April 1972 *Bar News*, Page 14. The terms of John S. Lynch of Olympia, Third District, and Neil J. Hoff, Sixth District, expire in September.

Stone Named President-Elect
(Continued from page 9)

featured speaker at the ABA's Midyear Meeting in New Orleans.

He is a fellow of the American College of Probate Counsel and is a former president of the Estate Planning Council of Seattle. He also serves as a director of the Pacific National Bank of Washington.

In his public service he has been president and a director of the United Way of King County, a director of United Community Funds and Councils of America and member of the Board of Governors and Executive Committee of the United Way of America. He also is a member of the Seattle YMCA Advisory Committee.

Born in Virginia, he moved as a child with his parents to Pullman, Wash., where his father, Cliff W. Stone, was a professor in the Washington State University College of Education. He attended Pullman High School and was graduated with honors in the class of 1933 at WSU.

After graduation from law school he served as a law clerk to Judge George Simpson of the State Supreme Court; he joined his present law firm July 1, 1940.

In his relaxing moments he is a beachcomber and fisherman, and he admits to a "compulsion" for gardening, "and it just must be in the blood — all my grandparents were dirt farmers in Wisconsin and my father loved to work with dirt, manure and seeds," he says.

He is married to the former Naom J. Bishopp; they have a daughter, Susan, and two sons, Richard L. and Edmund N. Stone.

State Bar Retains A Director of Professional Standards

A director of professional standards to investigate complaints against attorneys has been added to the staff of the Washington State Bar Association.

He is William R. Anderson, who was employed for eight years as a deputy in the Los Angeles County, California, Sheriff's Department and now is a lawyer.

All lawyers are subject to the strict provisions of the Code of Professional Responsibility adopted by the Supreme Court. Any alleged violations of the code are investigated and, if necessary, tried before a three-member hearing panel much as a court trial. Investigation of complaints against lawyers is by the association's Local Administrative Committees composed of more than 200 lawyers throughout the state.

"The number of lawyers in our state has increased substantially in recent years, and in addition there seem to be more cases that require complicated, time-taking investigations that might be better handled by a full-time staff investigator," E. Frederick Velikanje of Yakima, State Bar president, said.

Anderson, who had a wide variety of assignments within the Los Angeles Sheriff's Department, also has been employed in courts there and was present at the arraignment of Sirhan Sirhan in the Robert F. Kennedy assassination case. A graduate of Southwestern Law School in Los Angeles, he now is a member of both the California and Washington bars.

A veteran of four years' service in the Navy, where his duties included photography, he also is a private pilot, with commercial

and instrument rating. A horse fancier, he has trained and shown Peruvian Pasos, an even-gaited breed that is relatively new in the United States, and he hopes to raise the Pasos here as a hobby.

Interestingly, William Robert Anderson has a twin brother, Robert William Anderson, and they were graduated together from Southwestern. The twin now practices in California.

In Memoriam

William L. Bailey, 72, Stanwood, died February 11.

Cassius J. Cox, 43, Gig Harbor, died March 7. A 1959 graduate of the University of Washington Law School, he was a member of Cox & Majeres in Tacoma.

Timothy W. Keogan, 37, Spokane, died March 6. A graduate of Gonzaga University Law School, he was admitted in 1962 and had practiced with his father in the Northtown area until his father's death last year.

Donald N. Morrison, 48, Spokane, died March 13. A graduate of Gonzaga University Law School, he was admitted in 1950 and was a partner in the firm of Morrison, Huppin, Ewing & Anderson. He was chairman of the WSBA Committee on Unauthorized Practice of Law from 1958 to 1960.

Robert D. Yeomans, 59, Spokane, died March 21 of cancer. A 1939 graduate of the UW Law School, he practiced law in Seattle, was a lieutenant commander in the Navy, was a member of the then State Public Service Commission in the 1950's, was named secretary of Washington Water Power Co. in 1956 and was a vice president thereof at the time of his death.

Board Rejects COG Proposal
(Continued from page 9)

member be added from the 1st Congressional District and one from the 1st and 7th combined. This was seconded by Jack Lynch.

The following are edited highlights of the discussion on the subject:

Curran: I don't understand why we take the trouble to appoint a committee of such stature [Robert O. Beresford and John W. Riley, Co-chairmen. Harwood A. Bannister, Lloyd W. Bever, Donald N. Morrison, Robert C. Mussehl, Harold A. Pebbles, Llewelyn G. Pritchard and John N. Rupp] who met, debated and considered the subject at length and came in with a recommendation; then all of a sudden we are going to ignore the recommendations of the committee. I don't understand the justification for cutting from three new board members to two. Why would we do it?

Hoff: Because many of these reports you don't follow, Mr. Curran. You take it upon yourself as a member of the Board of Governors to deliberate on reports. They are only advisory.

Curran: That's one of my criticisms of the members of the Board. They set themselves up as some omnipower that has more insight into everything than the rest of the Bar or a substantial committee which is larger than the Board.

Day: That's the way it is set up.

Lynch: I was in favor of adding three Board members from King County. However, when I discussed it with members from my district, I got the feeling that they were somewhat opposed to such an approach. I would favor seven additional board members based on lawyer population spread throughout the state.

Novack: Until we know what the terms of redistricting are, it would be premature to act on the COG proposal. Once it is resolved, I think the suggestion that we add up to three would certainly be reasonable. It is totally unreasonable to increase it beyond that number, simply because of logistics and expenses. After we know what the redistricting is, I think the suggestion is a good one. I would be in favor of it.

Ripple: We now have a statute [RCW 2.48.030] which provides that the President becomes a member of the Board and has a vote. If we enlarge the Board and then have an extra vote floating around, it just doesn't seem right. It is an unknown which we can't handle. I would be willing to expand the Board by three if the President were limited to a non-voting position by the bylaws. If we have to accept the fact that the President is a voting member, then I suggest we enlarge the Board by two members from the 1st and 7th Districts.

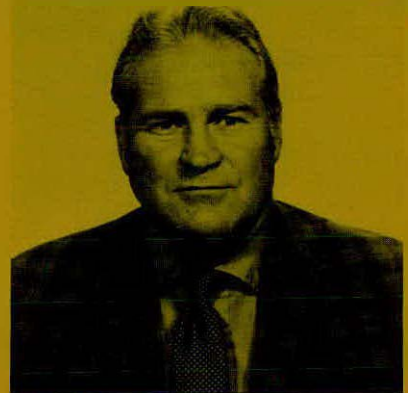
Short: I oppose the motion to add only two Board members. The reform of the State Bar started from a philosophical attempt to implement the one-lawyer, one-vote concept. Mathematically there is no support for any other number than three. Compromise just pollutes the proposal. King County has 2,440 members. The State Bar Association has 4,533 members. I don't think compromise is the idea. I think you either turn it down or you do it. You don't put one or two on if there are 52% - 53% of the lawyers in the state in King County.

I would have preferred that the President's position be non-voting to preserve the purity of the concept. You do it exactly mathematically and then throw

in a rover.

Curran: The essence of the problem is that the majority of our lawyers come from a metropolitan area, the problems of which are somewhat different from the problems around the state. Those lawyers are not being adequately heard at this time on the Board.

Board Terrorized



Robert S. Day

Day: I have not accepted philosophically that we have to be committed to a one-lawyer, one-vote proposition. I don't think lawyers on the Board vote geographically.

While sitting on this Board since September, I think I have seen this Board steamrolled and terrorized, so to speak, by a very small group of lawyers — very small. I think the COG committee and this Board has been really scared to death that we are going to get sued or somebody is going to take over.

Having said that, I think if we are going to do it at all, I would have to agree with Ken Short. I'm not in favor of it but I am willing to compromise. I wish some people who are sitting here would carry that message back. I would like that to get in the *Bar News*. I'm willing to compromise my position. If the other members

of the Board say that this is what they are willing to accept, then I will go along with it. I'll go for three.

Curran: Why don't you make the motion?

Short: There is already a motion on the floor.

Velikanje: Frankly I was kind of shocked at the attempt by the young lawyers of Seattle of what I felt was a take-over of the Bar. I think the Bar should resent what a few were trying to do.

After more discussion, Mr. Novack moved to table the matter until the next month's meeting. This was seconded by Mr. Lynch. The motion passed six to one, with Mr. Curran dissenting.

* * * * *

The Saturday morning meeting commenced with President Velikanje announcing that the State Bar president to take office in September had been elected by the Board that morning. When asked if this was done behind closed doors, he replied "Yes." When asked what exception under the open meetings law the Board relied upon, he replied "personnel matters." [RCW 42.30.110 provides that the meeting may be closed when considering matters affecting "the appointment of a public officer or employee."]

Mr. Hoff then moved to reopen the matter of expansion of the Board and proposed that two new Board members be elected at large from King County. Their terms of two and three years respectively would be determined by lot after their election. Mr. Day seconded the motion. After brief debate, the question was called for and by a vote of five to two the motion passed.

Mr. Lynch then moved that the Board continue to select and elect the President. This was seconded by Mr. Novack.

Curran: You are going to force the King County lawyers to do the very thing you don't want them to do.

Short: I think you are asking for needless trouble.

Ripple: I don't know that we are necessarily bound by this one-man, one-vote rule. Everything that you say is based upon the assumption that we are. Personally, I think that this is a concession and a concession in the right direction. It may be not going as far as you would like us to go at this time but I think it is a step in the right direction. When the next Board comes on, maybe some further step can be taken. I don't know. I don't want any feeling that we are leaving an open wound here to start some kind of retribution on the thing because that is not the purpose of it. I don't know why this step should leave any ranklement. It is a step in the right direction.

Curran: You're not setting me at rest in what you are doing. I'll tell you that.

Mr. Lynch called for the question. The vote again was five to two.

Judge Powell Enters "Senior Status"

U. S. District Court Judge Charles L. Powell, a federal judge for Eastern Washington since 1959, decided to go on "senior status" April 21.

The change in status created a vacancy for a new judge in the eastern district.

Powell said he expects to continue fulltime on the bench until a successor is named and is qualified to take over his duties.

Powell, a former Kennewick attorney, was appointed at age 56 by President Dwight D. Eisenhower.

More Developments in the Open-Panel Group Legal Services Plan



Lionel E. Wolff

The Board of Governors on March 25th authorized the Special Committee on Group Legal Services to retain legal counsel to render an opinion on several preliminary matters in connection with establishing a statewide open panel group legal services plan sponsored by the State Bar.

Chairman **Thomas Malott** of Spokane and **Lionel E. Wolff** of Spokane, representing the Special Committee on Group Legal Services, made an extensive report to the Board; Wolff, who was added as a member at the Committee's request, has had substantial experience in the initiation of group prepaid vision services for the optometric profession.

Under the program being considered by the Committee and the Board, a member of a subscribing group would be able to select an attorney of his choice from among lawyer-panel members throughout the state. A wide range of commonly needed legal advice and services would be provided, and members of subscribing groups would pay modest monthly charges, probably through payroll deductions or as

employer-paid fringe benefits as they now do for medical and other prepaid services.

Wolff suggested that preliminary legal research be done on the following questions:

1. Where does the open panel concept fit under the Code of Professional Responsibility?
2. Is a state enabling act necessary? If the answer is "Yes," where does it fit into the insurance laws?
3. What must be done to make sure Taft-Hartley funds are available? Can this be accomplished only through congressional action?

Wolff pointed out that the Bar might be stymied until the legislature meets. "But that's all right. Prepaid medical care was delayed two years until enabling legislation was passed," he said. Wolff also suggested that preparation should start now of documents for a non-profit corporation. Proposed contracts between the panel lawyers and the corporation and subscriber group contracts should be drafted at this time.

Another aspect of getting organized would be to retain an administrative and consulting firm experienced in administering Taft-Hartley funds. Wolff described briefly the nature of such funds. Taft-Hartley funds are put aside from employers' or employees' monies into a trust fund to be used only for certain purposes. The original concept was for health care. The funds are managed by trustees, one representative of labor, one of management and usually a third person. There are a huge number of such funds across the country. They are used to provide fringe benefits for the employee which are tax free.

The administrative and consulting firm serves as a custodian for such funds. The firm has all the facilities necessary to check

the eligibility of the people who get the care. The firm makes out checks and pays out the claims. Because the firm is so close to these funds, it advises the funds on what to buy. When prepaid vision care was sold in this state, the firm talked to some of the unions it services to see if they wanted to buy such care. The firm came up with a group and told the optometrists how much money the group had to spend.

Wolff observed that the Bar is going to have to arrange a tailor-made plan to fit in with the money available for the purchase. Just like an insurance policy, it will have to be tailor-made to the risk.

The Bar may find that for two cents an hour, it can provide the drafting of wills or a contract, incorporating a business or provide a specified number of hours of consultation but not provide divorce litigation services. Perhaps the group would say "What good is the plan; we can't get divorces." The reply might be, "For three cents an hour, you can have divorces."

Wolff mentioned that one additional factor would have to be added to the plan. Just as they still do in medical plans, the participating panelists would agree to permit the fund to reserve certain money to cover risks. If there isn't enough money to pay in full, the panelist accepts the lower amount. For example, the panel schedule might provide \$250 for a divorce. The managers of the plan, who would be the lawyers, might determine that because of the lack of experience in the earlier stages of the plan, they are going to hold out 40% of the fee to cover reserve and to give the lawyer 80% of the balance. The understanding would be that if the plan can pay the rest at a later time, it would.

The contracts with the union are renegotiated as the plan gains experience. In the Basic Care Programs, the contracts are renegotiated every one or two years.

It was enthusiastically pointed out by Wolff that one of the greatest things which the doctors have today is the deferred compensation aspects of their Blue Shield program (e.g., Washington Physicians Service, and King County Medical Service). Every doctor in this state could make a pretty good living if he had none of this business. Yet, Wolff observes that almost every doctor with whom he has contact receives \$2,000 or \$3,000 a month as a result of his Blue Shield patients. This is in addition to their regular paying patients. Most of these doctors are in a tax bracket where it is to their advantage to set aside this income for later years, tax free. Lawyers could avail themselves of the same tax benefits. The Blue Shield Program has put together an approach where doctors can elect to take say 50% of what they are entitled to every month and leave the other 50% as deferred compensation to be paid to them after reaching age 60 to 65.

Entry into the field at this time makes sense, said Wolff. There is a great deal of money in these trusts for fringe benefits. Lots of unions have as much health care as they can swallow. Where have they gone? They have gone to prepaid dental care and prepaid drugs. There are vision funds and "the Bar better get on the wagon with prepaid legal care."

There may be about 300 union trust funds in the state with 200 having used all the funds and with about 100 having funds in them. However, if they are under the Taft-Hartley law (and not all of them are), there is a restriction and they can't use

their money for prepaid legal care.

Finally Wolff commented: "I know that you're going to tell me that in your practice you don't need this and frankly you don't think you would want to go on the panel because you have enough to do and you don't want these people walking in for a half-hour conference. Basically we are all in that very same boat. But if we understand the concept properly and where it is

going, for the good of the legal profession and the sake of the public, just as we have all participated in these other Bar programs, we will participate in this."

At the conclusion of the presentation, the Board authorized the Committee to employ whatever staff it required, and Malott, Wolff and Board member **James P. Curran** of Kent were asked to attend a group legal services conference in Washington, D.C., April 27-29.

Medical Retirement Trust Fund Case Before U. S. Supreme Court

The U. S. Supreme Court has agreed to decide whether payments into a retirement trust fund set up for a medical partnership are taxable at the time they are made or not until the doctor starts to collect his share.

The Justice Department appealed after two lower courts in California set the later time as the right one.

The Justice Department said 568 tax cases in California and Oregon were being held open pending final disposition of the test case. They involved about \$2.5 million, including interest, the department told the high court.

The partnership in the test case was the Permanente Medical Group, organized in California in 1949. In 1960, it had more than 200 physician-partners and 41 physician-employees.

The retirement plan was worked out in detail with the Kaiser Foundation Health Plan, Inc., whose thousands of members in Northern California the partnership served.

The commissioner of Internal Revenue found that the partnership's income returns for 1960 through 1963 were understated because of money that went into the retirement fund was not included. He assessed deficiencies to the individual partners.

They paid and sued for a refund. They argued that many things could happen so that a particular individual would never collect anything and that the tax should therefore be postponed until the money is actually received.

The government argued that it should tax the doctors now and they could take a loss deduction later, if appropriate.

Federal District Judge Albert C. Wollenberg of San Francisco ruled for the doctors on Nov. 29, 1968, and was upheld by the Ninth U. S. Circuit Court of Appeals on Sept. 16, 1971.

The department told the Supreme Court the Circuit Court's decision is certain to cause "mischief" in its own territory — California, Washington, Oregon, Nevada, Montana, Idaho, Arizona, Alaska, Hawaii and Guam — and possibly elsewhere.

The Proposal for New State Criminal Rules of Procedure

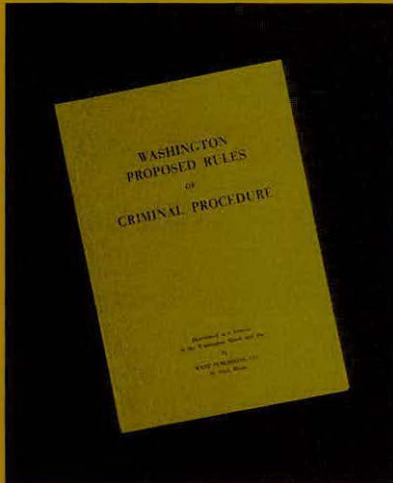
The proposed State Rules of Criminal Procedure received their first public hearing in Seattle on March 22nd at a SKCBA luncheon.

Judge **Theodore S. Turner**, in introducing the program, pointed out that the proposed rules had been five years in the works. A task force of judges and attorneys was appointed by the Judicial Council to prepare the rules, the text of which was distributed last fall as a service to the Washington Bench and Bar by West Publishing Co. (*Bar News*, October '71, p.21).

The WSBA Criminal Law Committee and numerous other groups have been critiquing the proposed rules. Comments are being submitted in writing to the Washington Judicial Council, Temple of Justice, Olympia 98501. The Council hopes to be able to present the rules to the Supreme Court in June for consideration for adoption.

Mary Ellen Krug, a member of the task force, discussed the following key provisions:

- JCrR 2.03 requires a preliminary appearance in court of someone arrested, which shall be no later than the close of business of the judicial day next following the day of arrest, unless the court for good cause enlarges the time. If the person has been arrested without a warrant, a complaint must be filed within 24 hours after appearance before the court, or within such further time as the court shall specify. (The rule is designed to end the practice of booking and detention for several days without charge but merely on suspicion.)



● Rule 3.2 on Pretrial Release generated the longest debate among task force members. Two fundamental premises are established by the rule: (1) that a person's financial status should not be a reason for denying pretrial release; and (2) that danger of nonappearance at trial should be the only criterion considered when bail is assessed. Danger to the community was rejected as a ground. Money bail is the trial court's last resort under the rule in setting conditions for ensuring the accused's appearance at trial.

● Under Rule 3.1 the right to counsel would be extended to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise. Investigative services and expert testimony is also available if so ordered by the court.

John Darrah, another task force member, outlined other provisions of the proposal:

● A good deal of argument revolved around Rule 3.3 on Speedy Trial. A criminal charge must be brought to trial within 90 days following the preliminary appearance. As to a defendant

unable to obtain pretrial release, his trial must occur within 60 days following the preliminary appearance. Otherwise the charge will be dismissed with prejudice. The rule was proposed "over the dead bodies of several prosecutors," said Darrah. However, the prosecutors were successful in obtaining a safety valve to the rule, i.e., (1) the defendant consents to delay and good cause is shown, or (2) the State's evidence is presently unavailable — State has used due diligence — and the evidence will be available within a reasonable time, or (3) justice so requires and no substantial prejudice to the defendant.

● An omnibus hearing is provided under Rule 4.5. Such a hearing would be cumbersome in the run-of-the-mill-case, e.g., forgery, but would be very helpful in those cases where the prosecutor has been unwilling to make disclosure of his evidence to defense counsel. The task force settled on a very wide range of discovery. Lists of all witnesses, their statements and the substance of all oral statements would be available unless the court rules otherwise upon making certain findings. There would be no disclosure of work product or names of informers.

● Under Rule 4.2 plea bargaining is given official recognition. However, any agreements reached must be made a part of the record at the time the plea is entered. The rule is designed to help clear up misunderstandings. No agreement binds the judge except if the prosecutor promises to move the dismissal of certain pending charges, the court's acceptance of the plea obligates the court to grant such a motion.

Statewide Lawyer Referral Service Proving Successful

The Bar's new statewide Lawyer Referral Service, though still in limited operation, already has proved to be a needed and valuable public service and in addition has provided a big variety of new clients for a number of lawyers.

Most WATS-line public requests for appointments with attorneys in the service's first three months of operation came from Snohomish, Yakima, Clark and Benton counties. In Snohomish County, at the end of March, lawyer-panel members had been referred a half dozen new clients each, and each panelist in Yakima County had almost that many.

The service has been particularly helpful in providing a place to refer potential clients found unable, because they could afford to pay a legal fee, to be served by local-bar Legal Aid offices and by Legal Services offices.

Of 43 referral reports received back in the Bar Office from lawyers to whom potential clients had been referred in February, almost half showed further legal services were needed; 15 lawyers estimated the eventual fees would total between \$100 and \$500.

The service's one-inch Yellow Pages ad now is being carried in newly published telephone directories in Pullman and Wenatchee. The Ellensburg-directory ad will be published in late spring and early summer, and then will follow the phone directories for Aberdeen-Hoquiam, Bremerton, Walla Walla, Bellingham, Moses Lake, the Tri-Cities, Longview, Port Angeles and Centralia-Chehalis. All should be available to the public by the end of 1972.

"There is a need for additional

panel members in all those communities," **Claude M. Pearson** of Tacoma, chairman of the Lawyer Referral Service Committee, said. "We feel that certainly the majority of members of each local bar should join the panel in this statewide effort to help fulfill the Bar's professional obligation to make legal services easily available to everyone."

The service is designed to serve the public in 36 counties — all but King, Pierce and Spokane, where the local bars operate their own LRS. The service, upon telephoned request, makes specific appointments with specific lawyers for those who do not have or know a lawyer and who for some reason — fear of possible high fees, or reluctance to call a lawyer's office — do not wish to seek out a lawyer themselves.

Lawyers pay a panel membership fee of \$15 per year. They retain the \$10 which each client pays for an initial half-hour consultation. If further services are needed, they are subject to agreement between lawyer and client. Lawyers are urged to arrange time or monthly payments for clients who indicate they might find it difficult to pay a lump-sum fee.

Lawyers wishing to join the panel may write Lawyer Referral Service at the State Bar Office.

Governmental Lawyers

Approximately seventy-five lawyers and judges attended the March meeting, to hear Dean Sinclitico explain the philosophy of admission and instruction of the University of Puget Sound Law School.

The joint Law Day committee of the governmental lawyers and Thurston-Mason bar association has made initial arrangements for some wide-ranging activities

during the first week in May. Speaking programs have been set at Evergreen College, St. Martin's College, Olympia Vocational and Technical Institute, and the nine school districts in Thurston County. The hope is to make Law Day the start of a continuing youth and law program. The focal point of the program will be the presentation of the Liberty Bell award to a non-lawyer in the Olympia area in recognition of outstanding service to the law or its institutions. Superior Court Judge **Robert J. Doran** will present the award as chairman of the selective committee.

Sam P. Lockard

Practice Manuals Available

If you missed any of the recent Continuing Legal Education seminars, it's not too late. . . .

The Practice Manuals written by the expert speakers still are available, though some are in limited supply, from the State Bar Office (505 Madison, Seattle 98104). Included are:

Civil Practice Before Trial (\$5); authors Alvin A. Anderson, Charles S. Burdell, Paul Luvera Jr., Alan A. McDonald, Ronald E. McKinstry, James P. Mocerri, Roy J. Mocerri, Howard P. Pruzan, Judges Robert J. Bryan, Bertil E. Johnson, Charles Z. Smith.

Washington Civil Trial Practice (\$5); Albert R. Malanca, Ronald E. McKinstry, Judge Stanley C. Soderland, James D. McCutcheon Jr., William J. Rush.

Civil Practice After Trial (\$5); Pinckney M. Rohrback, Lee J. Campbell, J.S. Applegate, Hugh B. Horton, William Wesselhoeft, Judge Dale M. Green.

Convention 1971 (\$7.50); Real Estate Contracts, Mortgages and Deeds of Trust — Forfeiture and

Foreclosure; How to Defend a Criminal Case; The Twentieth Century Law Firm — How to Be One; Law Office Records — Bookkeeping, Accounting, Billing; Land Use and Zoning.

Convention 1970 (\$5); New Developments in Products Liability; Patent, Copyright and Trademark Law for the General Practitioner; Federal, State and Municipal Tort Liability; Law Office Management — The Development of Lay Assistants; The Right to Privacy — Damages Actions and New Developments.

Also available:

Professional Service Corporations in Washington (\$7.50); Civil Rights Law in Washington (\$7.50); Professional and Fiduciary Liability (\$5); Personal Property Security, UCC Article 9 (\$5); Corporate Miscellany: Special Problems of Corporate Law Practice (\$5); Sales Transactions Under the UCC (\$5); Taxation for the General Practitioner (\$5); Private Antitrust Actions (\$5); Medical Miscellany for Lawyers (\$5); Real Estate Transactions and Closings (\$5).

Amendments to Civil Rules for Superior Court

The Supreme Court mailed to each lawyer in March a booklet containing the proposed amendments to the Civil Rules for Superior Court. The proposal is a product of the Judicial Council.

Comments on the proposal were to be addressed to the Supreme Court clerk by April 17, 1972. It is anticipated that the Rules will be adopted by the Court on July 1, 1972.

The amendments are primarily in the area of discovery and are patterned closely after the new federal rules. (Feb. '72 *Bar News*).



BENTON-FRANKLIN REPORT

By ED MCKINLAY

Depletions in the Benton County Prosecutor's staff caused by the recent resignations of **Dick Bennett** and **John Carroll** have been partially filled by **Phil Rodriguez**, who also joins **Curt Ludwig** in private practice in Kennewick.

New blood has also shown up at Olson and Olson in Pasco in the person of **Jim Remsen**, late of Gonzaga, late of the A.G.'s office in Spokane, and late of Fort Benning, Georgia. Jim is generally late.

Don Stancik, who only recently survived unanimously a vote of confidence from the council as Richland's City Attorney, has now voluntarily departed that lucrative position for the rigors and deprivations of private practice. He will join **Sanford Skidmore** in Richland.

Watch this column for further earth-shaking personnel developments in rural Benton and Franklin Counties!

GRAYS HARBOR REPORT

By JOHN L. FARRA

The Grays Harbor Prosecutor's office has employed a recent graduate of the University of Washington Law School. **Dennis Caldwell** is joining the staff presently composed of **L. Edward Brown**, Prosecutor, **Kurtis Janhunnen** and **David Foscue**, Deputies. **Kurt Janhunnen** and **Dave Foscue** are presently maintaining an office in Aberdeen. After the first of the month Mr. Caldwell will spend a short period of time in the Aberdeen office, and then he will move to the Prosecutor's office in Montesano.

ISLAND REPORT

By TED D. ZYLSTRA

Ed Beeksma has been re-elected President of the Island County Bar Association and **Dave Strong** has been elected Secretary.

Your reporter has returned from Hawaii with a reduced golf handicap and suntan.

The new social committee has been directed to submit plans for a joint social meeting of the Skagit County Bar and their wives.

With the arrival of sun and spring, The Honorable **Howard A. Patrick**, the Island Judge, is seeking more reasons to sit in Friday Harbor.

KITSAP REPORT

By HELEN GRAHAM GREEAR

The Kitsap County Law Library is finally being established in the subterranean regions of the courthouse formerly briefly occupied by the Prosecuting Attorney. Several Sunday afternoon work parties have been organized for the attorneys to help jail trustees shelve and transport books. It seemed to be a case of the Bar trustees helping the jail trustees, or was it the other way around?

The American courthouses with which I am familiar do not make the provision for the comfort and convenience of parties and counsel which I have seen in courthouses in small countries like Switzerland and Holland, where rooms are set aside for the parties to litigation, for the witnesses, and of course lounges and conference rooms for the lawyers. Why is this? Even in that draughty old building in Paris, the Palais de Justice, wooden booths are erected in the spacious halls

so that lawyers and clients can sit at tables and discuss and sign papers.

The Law and Justice Committee has been studying the Public Defender system and the need or non-need for a permanent position in Kitsap County. No conclusions are available yet.

The old Law & Justice Planning Committee has been abolished and a new committee is being formed, the "Regional Criminal Justice Advisory Board," with three task forces: (1) Courts and Corrections; (2) Law Enforcement; (3) Community Agencies and Special Projects. Your reporter will have more information in the next report.

Personals:

Jim Arthur and his wife traveled through the U.S.A. and Mexico for two months; their Mexican adventures sound spectacular.

William S. McGonagle became an associate of the firm of Arthur & Hanley; the Prosecuting Attorney's office misses him, but has taken on several personable and impressive young men, **Ronald Alan Franz**, **C. Danny Clem**, **W. Daniel Phillips**, **J. Michael Koch** and **Stephen E. Alexander**.

Don Thompson has resigned as Port Orchard City Attorney and the position has been filled by the firm of Walgren, Sexton & Kamps, Inc. P.S. (Bill Kamps of counsel functioning).

LEWIS REPORT

By DONALD F. PIETIG

Centralia High School students recently received the "grand tour" of the Lewis County Courthouse, accompanied by explanations of court procedure and administration furnished by Superior Court Judge **Dorwin J. Cunningham** and Lewis County Prosecuting

Attorney **Brian M. Baker.**

Apparently April was "vacation time" for Centralia barristers with the **Ralph Olsons** vacationing in Hawaii, the **Jack Cunninghams** touring California and Mexico and **Jerry Moore** succumbing to the irresistible hunting opportunities offered by Alaska.

Law Day preparations got under way with the added highlight of an anticipated visit by members of the Washington Supreme Court on April 24, 1972.

SEATTLE-KING REPORT

By GERALD G. TUTTLE

Ogden, Ogden & Murphy reports that **Dick Thorpe** has left the firm and that **John Wallace** has become a partner. Mr. Thorpe will continue to practice in Seattle with Elvidge, Veblen, Tewell, Bergmann & Taylor.

MacBride, Sax & MacIver announced that **John C. Coart**, **Alan H. Kane**, **James Magee** and **Gordon Willhite** have become partners of the firm effective April 1, 1972.

Halverson and Strong announced that **Eugene M. Moen** has joined the firm to continue practice under the name Halverson, Strong & Moen at 1035 Dexter Horton Building, Seattle.

Richard M. Stanislaw has become a partner in and **Samuel E. Baker, Jr.**, an associate of De Garmo, Leedy, Oles & Morrison.

John A. Gose has been appointed secretary and corporate attorney for Sherwood & Roberts, Inc. . . . **Howard Breskin** has been named to head the new 29-member regional advisory committee for the State Department of Social and Health Services.

Robert C. Mussehl has been selected to be one of the four par-

ticipants in the ABA Twenty-Sixth Annual Personal Finance Law Debate.

SKAGIT REPORT

By DAVE WELTS

Not much to report this time, largely because almost *everyone* has been in Hawaii over the past couple months. Such as **Afred McBee**, Judge **Walter Deierlein**, **Gil Mullen**, **Chuck Twede** (for one month!) **Bill Stiles** and **John Kamb**. **Bill Bannister** went to Europe and **Paul Luvera** went to Puerto Rico.

Those of us who stayed rather enjoyed it, weather and all. But I wonder what's going on in Hawaii.

We had a stag affair, Judges included, at the Garden of Eatin'. This is a remote little spot that was closed until spring. It's a good thing.

Our Law Day program was much curtailed this year because it fell on Monday. No parties, only Court ceremonies and talks at the schools.

The monthly Association meeting established:

- A. Bad News
 1. A scholarship with no funds.
 2. That we can't have a full-time District Judge for three years.
 3. That we will donate free time to Northwest Washington Legal Services.
- B. Good News
 1. Our treasury is swollen at hitherto unattained proportions.
 2. We have a large store of spirited beverages on hand.
- C. Suggestions — Let's the rest of us go to Hawaii.

About that Hawaiian bunch, **George McIntosh** received an un-

signed post-card from Honolulu and the only message was "When's my divorce final." Hmmmmmmm.

SPOKANE REPORT

By MICHAEL E. DONOHUE

Paine, Lowe, Coffin, Herman & O'Kelly announced recently that **Jerry Boyd** and **Gary Dahlke** have become associates. As was noted in a recent issue of *Calendar Call*, the County Bar publication, with 13 members now in that firm and 14 in the Cashatt, Winston conglomerate, 10 percent of the practicing lawyers new in Spokane are on two floors of the same office building. As the Spokane and Eastern Building slowly sinks into the west. . .

Would-be felons please take note: **Bob Henderson** has left the Prosecutor's Office for Quackenbush, Dean & Bailey. Bob, a Gonzaga graduate in 1970, has been with the Prosecutor's Office since 1968 in various capacities. Other comings and goings from the public trough include **Terry Whitten**, who has joined the Appellate Court staff to clerk for Judge Evans; **Jim Sloan**, who became an assistant corporation counsel a few months back after leaving the Federal District Court where he clerked for Judge Powell; **Ernie Greco**, who left the Appellate Court, where he clerked for Judge Green, to join the legal staff of COMINCO; **Tom Smith**, a former Assistant Attorney General, who joined Eberle & Wolff as an associate; and **Claude Potts**, Smith's able replacement in the Attorney General's Office, Labor and Industries section. As your Federal, State, County and City governments slowly sink into the west. . .

Hal Triesch and **Joe Nappi** abandoned the Radio Central Building to the wrecking crews

from the Washington Trust Bank and moved their offices to the American Commercial Bank Building. It makes you a little nervous when the wrecking ball is aimed at *your* window. **Jim Remsen** left Spokane for the Tri-City area where he is practicing with Olson & Olson.

THURSTON-MASON REPORT

By **STEPHEN J. BEAN**

Barrett White, formerly of White & Gates, and **Thomas C. Adams, Jr.**, formerly house counsel for Panorama City, Lacey, Washington, announced their association for the private practice under the firm name of White & Adams with offices at 1415 College Street Southeast, Lacey, Washington. **Robert Gates** is keeping his office at 210 East Union, Olympia.

Ron Sholund retired from the private practice of law and now spends his time (when not bragging about or watching the Huskies) as a hearing examiner for the Employment Security Department.

If rumors are to be believed, 150% of Olympia's lawyers are moving into the new Evergreen Plaza Building. Maybe that's why hearsay evidence is inadmissible.

WALLA WALLA REPORT

By **DANIEL N. CLARK**

Weighty business concerned the Walla Walla County Bar Association in its March 20 meeting. Since August 9, 1971, the Walla Walla County Bar Association has been the only bar association in the nation to have a VISTA volunteer assigned to it. VISTA Gary Greenfield will be leaving his duties as administrator of the Legal Aid Office of

the Walla Walla County Bar Association on August 9, 1971 to attend law school in California.

After reviewing the operation of the Legal Aid Office in its six months of existence, the bar unanimously authorized its legal aid committee to apply for the assignment of a new VISTA to continue to man the Legal Aid Office after Gary leaves.

The office is open 9 to 5 Monday through Friday; cases requiring attorneys' services are referred to attorneys in their own offices on a rotating basis. A \$1.00 an hour fee is charged the client, which goes into the legal aid office fund.

The bar also discussed the current proposal for a statewide legal services program. Gary Greenfield reported on a series of meetings which have been held by representatives from Eastern Washington counties concerning the possibility of receiving federal funds for the staffing of a legal services program to serve only Eastern Washington.

It was the feeling of the representatives at the meetings that the populace of Eastern Washington would be best served by a separate Eastern Washington program rather than by a program operated from Seattle. The bar agreed that an Eastern Washington program would be more responsive to local needs, and it adopted a unanimous resolution endorsing the concept of a federally funded legal services program for Eastern Washington.

In other business, **John Reese**, Chairman of the Public Defender Committee, reported that the joint application of the Walla Walla Bar Association and the Walla Walla County Commissioners for Law and Justice funds for a Public Defender Program in Walla Walla County has been denied because the application

failed to provide for a full time public defender. It was agreed that the possibility of obtaining funding for a full time investigator for the public defender program should be explored, while the concept of operating the program through a half-time public defender together with appointments of the bar at large should be maintained.

President **Steve Ringhoffer** appointed a special committee consisting of **John Reese**, chairman, **Albert Golden**, **Ronald McAdams**, **Madison Jones** and **Robert Zagelew** for the purpose of reviewing attorneys' fees paid appointed attorneys by the county, and directed the committee to draw up recommendations for improvement of public defender compensation.

Lastly, a resolution was passed jointly endorsing Court of Appeals Judge **Dale Green** and Supreme Court Justice **Marshall Neill** for the judgeship of the United States District Court for Eastern Washington.

YAKIMA REPORT

By **RANDY MARQUIS**

Changes:

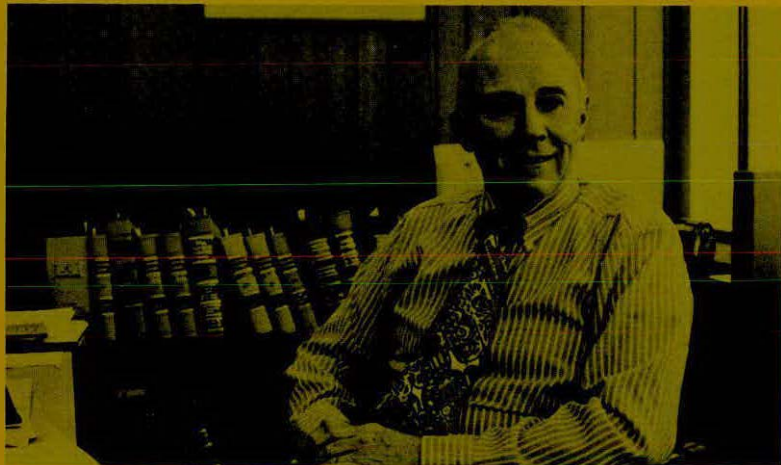
William F. (Bill) Almon was recently elevated to the status of partner in the Halverson firm.

Gordon Blechschmidt has been reappointed to his previous position as Mabton city attorney. The appointment was announced in conjunction with a mass reorganization in the city government of Mabton.

Lawyers in the News:

Charles Flower is the newly announced president of the Planned Parenthood Association of Yakima County. Charley has been a board member of the same since early 1971.

McLAUCHLAN AT LARGE



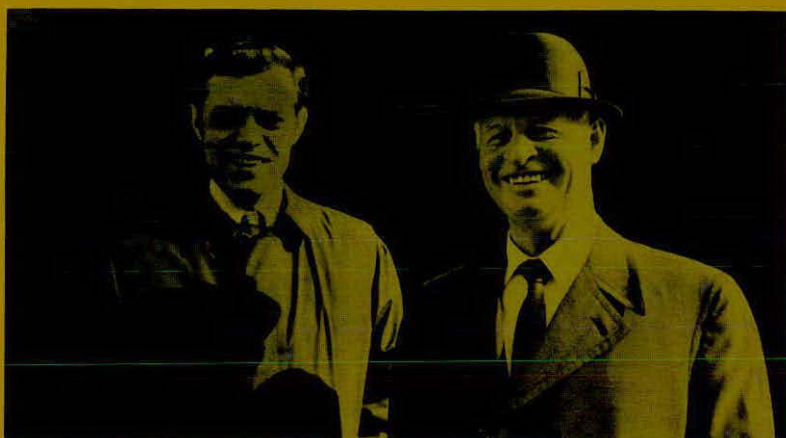
Hon. Frank D. James, Court of Appeals, Seattle



Merrill Wallace, Bremerton, Senior Kitsap County Practitioner



R. Bruce Harrod, Bremerton, Pres. of Kitsap County Bar



Thomas J. Greenan (L) and William H. Ferguson (R), Seattle



Willis C. Oldfield (L) and Thomas H. Oldfield (R), Tacoma



Dean Pontius (L) and James B. Sanchez (R), Bremerton

SUPREME COURT PRACTICE
 By WILLIAM M. LOWRY
Supreme Court Clerk

The Petition for Review

Since the establishment of the Court of Appeals, attorneys have frequently asked what is the Supreme Court doing. The question may not be wholly in jest for the work product the Bar is tuned to is opinions, and the number of those filed by the Supreme Court appearing in the advance sheets has been greatly reduced. The answer to the question is that the work of the Supreme Court has changed significantly, perhaps most importantly by reason of the petition for review.

The petition for review appeared as the result of the creation of the Court of Appeals in September, 1969. In two and one half years it has become an active part of the appellate procedure. By March 31, 1972, 356 petitions for review had been filed in the Supreme Court, an average of almost 12 per month.

PROCEDURE: When a petition for review is filed in the Supreme Court the rule requires that a copy be filed with the Court of Appeals. The copy is for two purposes:

- a. It prevents the Court of Appeals from re-mitting the cause; and
- b. It notifies the Court of Appeals of the necessity of forwarding the briefs and record on appeal to the Supreme Court.

When the briefs and record are received by the Supreme Court, a copy of the petition and the briefs filed in the Court of Appeals are distributed to each justice of a department and to the Chief Justice. Together with the distribution, the justice responsible for reporting on the petition in conference is assigned and a date for consideration of the petition is set. Assignments for reporting are rotated. The petition is set for consideration on a petition for review day not less than eleven days in advance.

Petition for review days are regular motion days or, during the months of April, July, August and December, months when the Court does not hear motions, two days each month are scheduled as petition for review days.

In the event that an answer to a petition for review is timely filed less than three days prior to the date set for consideration, the petition is continued to the next petition for review day on which the department involved will sit. Each of the

justices in the department concerned prepares for the conference in the same manner as for oral argument in a cause on appeal. The petition for review and briefs filed in the Court of Appeals are reviewed.

The assignment justice ordinarily reads that part of the record pertinent to the questions raised by the petition. Prior to the conference he prepares a memorandum for the Court outlining the facts, the claimed errors, and an analysis of whether the appellate decision conflicts with Supreme Court decisions or other appellate court decisions and whether cases cited by the appellate court are correctly interpreted. Other justices call for the record when in their opinion reference to it may be significant for a determination of the petition.

During the conference, the assignment justice reports, replies to questions of other justices and recommends a disposition. The department may then call for an answer, agree on a disposition, or, if one or more members dissent from the disposition, recommended by the majority, the petition is continued to the next "En banc Administrative Conference." Distribution of the petition and briefs is then made to all nine justices. An En banc Administrative Conference is scheduled once each month.

In summary the effort and time involved in the denial of a petition for review is equal to that formerly involved in an appeal heard by a department not including oral argument and the writing of a formal opinion.

STATISTICS: Of the 356 petitions for review filed since September, 1969; 298 were denied, 41 were granted and 17 are pending. Of the 41 granted the effect on the Court of Appeals opinion was as indicated below:

Reversed	21
Reversed in part, affirmed in part	2
Affirmed	4
Dismissed on Stipulation	3
Remanded to Court of Appeals in	
light of recent Supreme Court opinion . . .	1
Opinion pending	10

Any consideration of the petition for review should include attention being invited to the recent amendment to CAROA requiring the petition to be served on opposing counsel and the right of opposing counsel to file an answer within ten days without authority being granted by order of the Court. The petitioner should file a proof of service so that the Supreme Court will know that the respondent has been given an opportunity to file an answer.

THE COURT OF APPEALS
By JOSEPH A. THIBODEAU, Clerk

The Court of Appeals has determined that 107 cases will be set for argument during the May 1972 Session. Cases raising issues which may be of interest to members of the Bar are summarized below:

Division I

- 1101-1 Is the sewing of a small dime store flag on the inside of a pair of denims a sufficient demonstration of the requisite intent to knowingly cast contempt on the American flag in violation of RCW 9.86.030?
- 1169-1 What standard of proof (beyond a reasonable doubt or preponderance of the evidence) must a person confined as a criminally insane person present before he may be released from custody?
- 1283-1 Was there sufficient evidence to charge a medical doctor with unlawful sale of drugs under RCW 69.40?
- 1441-1 What form of notice is required to inform property owners of a public hearing before a city council before it may enact an ordinance condemning their property?

Division II — Summaries prepared by Laurence P. Gill, Clerk of the Court of Appeals, Division II

- 440-42186-11 The Amusement Association of Washington, an association of pinball operators, appeals a declaratory judgment which determined that their machines were gambling devices, that operation of these machines constituted a lottery and, then, enjoined their ownership, possession and operation.
- 571-II The Department of Revenue asks, for inheritance tax purposes, whether the amount of Federal Estate Tax paid by the estate should be deducted from the value of the trust assets in computing the value of the life estate given the surviving spouse in income from the trust.

523-11

This conviction of assault, while armed with a .38 pistol, arose out of the forceful eviction of two pollution control inspectors from defendant-appellant's property. Appellant seeks interpretation of RCW 70.94.200 as to whether consent prior to entry on the premises is required.

Division II Summaries prepared by David MacCulloch, Clerk of the Court of Appeals, Division III

424-111

Does the failure in an agreement to include a legal description, an acknowledgment, and the wife's signature invalidate a lease for more than one year when the parties partially performed?

472-111

Plaintiff purchased 3,200 sacks of certified potato seed from defendant. The order for the seed contained no disclaimer clause. When the seed was delivered, the defendant's "whiz" tickets had a disclaimer clause. May this disclaimer clause be used as a defense?

421-111

Did a seller breach his warranty of merchantability under Section 314 of the UCC by failing to determine whether the hogs in question were inflicted with a disease known as T.G.E. which could not be detected?

SUPERIOR COURT NEWS

By ROBERT M. ELSTON, Judge
King County Superior Court

During April, King County motion department procedures were changed in Judge Warren Chan's court to experiment with proposed amendments to LR 40(2c) and (2j). Among the innovations was utilization of a sign-in method of determining the order of hearing matters on the calendar. Another change was a policy that if the motion department was not notified by 3 p.m. of the day prior to hearing of motions for summary judgment, those motions were stricken. Judge Chan solicits comments from attorneys who have presented matters under the new procedure.



NEWS FROM THE COURTS OF LIMITED JURISDICTION

By **MURRAY A. McLEOD**, Judge
Aukeen District Court

The National College of the State Judiciary, home-based in Reno, Nevada, has now opened a section for Courts of Special Jurisdiction, headed by Judge **Thomas Russell**, formerly of the North-East District Court, King County. Judge Russell reports that several seminars, regionally, have been scheduled this year throughout the United States and that several judges from the northwest have been named to the faculty, among them Judge **Murray A. McLeod**.

Judge Russell indicated that the Washington State Magistrates Association will be a co-sponsor at the seminar held in Boise, Idaho, on July 13-15, 1972. Among the topics of this seminar will be evidence, sentencing for alcohol and drugs-related offenses, traffic court administration problems and general sentencing philosophies. Additionally, a tour of a half-way house facility for addicts will be on the agenda.

All members of WSMA interested in this seminar are to contact Judge Russell at University of Reno, Reno, Nevada c/o Special Court section, National College of State Judiciary, as soon as possible. The only expense indicated will be the cost of travel to and from Boise.

Chief Justice **Orris Hamilton** has announced the appointment of Judges **Lyle Truax**, **Gerard Fisher** and **Pat Corbett** as delegates to the National Conference of Special Court Judges to be held in San Francisco August 11-14. Judges **Anthony Wartnik** and **Murray A. McLeod** have been named

A reminder is made to all persons interested that each year there is to be a review of the Manual of Procedure for Courts of Limited Jurisdiction. Should any person, be he judge, attorney or interested citizen, have any suggestions, corrections or comments on the manual please send them to Mr. Galen Willis, Deputy Court Administrator, Olympia, Washington 98501.

WSMA wishes to take this opportunity to pay recognition to the members and staff of the Court Administrator's Office in Olympia. Due to the untiring efforts of **Al Bise** and his able assistants, Galen Willis and Harvey Harrison, considerable uniformity and simplification of many procedures has taken place. Their help has been of extreme value to all judges of the courts of limited jurisdiction.

"Doin' What Comes Naturally" often is not the best discipline for operating a law office. In fact, breaking some of the old habits is usually a prerequisite to more efficient procedures.

Your Committee on Law Office Economics & Management has cooperated with the Practice Management Committee of the Washington Society of Certified Public Accountants which has scheduled a one day management seminar to be held in Seattle on May 25, 1972 and in Spokane on November 13, 1972.

Dates and Locations: May 25, 1972
Sea-Tac Motor Inn
18740 Pacific Highway South
Seattle, Washington

November 13, 1972
Ridpath Hotel
Spokane, Washington

Registration Fee: \$20

Schedule: 8:30 to 5:00 p.m.

Register With: Washington Society of CPAs
347 Logan Building
Seattle, Wash. 98101
Phone: MA 4-7246

Reservations are limited to 100.

Discussion Leaders and Topics: Dennis L. Gaasland, Office Manager
Karr, Tuttle, Koch, Campbell,
Mawer & Morrow
Attorneys at Law

R. Spencer Purvis
Arthur Andersen & Co.
Certified Public Accountants

"Who Does What & How"
... in the administration and organization of a practice.

Claude M. Pearson, Managing Partner, Davies, Pearson, Anderson & Gadbaw
Attorneys at Law

"Your Practice — Partnership, Association, or Corporation?"

Will cover partnership agreements, pension and profit sharing plans, deferred compensation, and the advantages and pitfalls of each.

Dr. W. Thomas Porter, Jr.
University of Washington
School of Business Administration

"Management of Time"
or How the Hell do I do what they
want me to do and still have time
to do what I want to do?

Claud W. Palmer
Benson & McLaughlin
Certified Public Accountants

"Accounting for Professional Or-
ganizations"

Methods, time recording, billing,
collections, budgets.

Numerous practitioners have in the past attended management conferences sponsored by the ABA Standing Committee on Economics of Law Practice. The Fifth National Conference will be held in Toronto, Canada, June 1-4, 1972, in conjunction with the Canadian Bar Association. It is anticipated that between 800 and 1000 lawyers will attend. Cochairmen of the conference, Richard Williams of Little Rock, Arkansas, and Gordon Armstrong of Toronto, Canada, have announced that the theme of the conference will be "The Problems of Growth," with Leon Jaworski, president of the American Bar Association, giving the keynote speech on this timely, important subject.

Outstanding speakers from both countries have been selected to provide a program which promises to be informative and stimulating. Individual sessions of the conference will be devoted to the topics of recruitment and training of young lawyers; recruitment, training and use of legal assistants; the roles and responsibilities of law office managers, managing partners, and management; time and financial managements; and the cause and effect of stress and exercise. The program has been planned to provide a significant amount of time for group discussion sessions which will be large enough to allow for an exchange of varied ideas and small enough to permit full participation. Registrants will be assigned to discussion groups on the basis of firm size so that the concepts and problems studied will be of common interest to the participants.

A registration fee of \$125 for ABA members and \$150 for nonmembers will be charged for the conferences. A ladies' program, including sight-seeing, shopping tours, and luncheons, will also be offered for an additional fee of \$25.

Bob Mucklestone, who serves both on our Committee and on the ABA Committee, recently sent word:

At the ABA Economics Committee meeting which was held in New Orleans recently, it was decided that the ABA films such as the Harris Morgan film would be available to local and state bar associations at the cost for making a print (approximately \$300), plus an agreement to pay a royalty of \$20 per showing back to the ABA Economics Committee. This is \$15 less than presently is charged for the rental of the film. The film would be permanently kept by the local or state bar association, but could be sent back to the ABA for repair if it became damaged.

Practitioners are urged to take advantage of these seminars and films as a step toward planning *how* to practice, rather than to just keep "doin' what comes naturally!"

Here is a quick Practice Tip, effective and easy to do. How many firms have one or more lawyers who fail to promptly read and circulate advance sheets and other material being sent around the office? Instead of having each attorney initial or check the routing slips when he finishes, have him *initial* and *date* when he hands it to the next on the list. This diabolic device smokes out the procrastinator and brings group pressure to bear.

Richard C. Reed

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.



University of Washington:

On March 3rd, in a memo to members of the faculty, Dean Roddis announced that the Dean's office, rather than a student-faculty committee, would exercise the responsibility of selecting those applicants to be admitted. The Dean opined that the Committee method entailed substantial amounts of faculty time from teaching and research, which is unwise. Similarly, the distraction of the students' time from their studies is undesirable. Moreover, the Committee system invites harassing discovery and trial examination of all of the faculty and student members of the Committee as to their decisional bases and exposes the members to liability.

Student members of the Committee responded by resigning in protest on March 16th, stating in part: "Dean Roddis' proposal, which radically alters the admission procedures, leaves no room for genuine student participation. We do not believe that the process of setting admissions can be meaningfully separated from the process of applying them."

Dean Roddis issued a memo dated March 24th to both the faculty and students reaffirming his original memo "with one substantial amplification," that being "the Dean's office will refer a substantial block of applications to the Admissions Committee for advisory evaluation."

Said the Seattle P-I in its March 26th edition:

James R. Ellis, who finished his term as president of the University of Washington Board of Regents in March, thinks it's a "mistake" to have students sit on the Law School's admissions committee.

Ellis said that giving students the responsibility of deciding the standards for admissions and selecting students by those standards is wrong because it substitutes the judgment of inexperienced persons for that of those who have had years to learn the admissions job.

"In no way can I believe that's the right method" of deciding who should get into the Law School, Ellis said.

Gonzaga:

The date of the William O. Douglas Annual Lecture Series for next year has not been set but the lecturer will be Alexander M. Bickel, who has been the Chancellor Kent professor of law and legal history at Yale Law School since 1966.

Charter Flight — Europe 1972

A few seats remain available on our charter flight from Vancouver, B.C., to London September 12th with return from Amsterdam on October 8, 1972. The round-trip at \$250 per seat is deluxe in all respects. Members of the Washington State Bar, their spouses, dependent children, and parents living in the same household are eligible. The time of year is the best — the hippies have departed, and accommodations are open and at lower cost. Fall colors are out in all their splendor; the English cider is nicely hardened, the bird-watching opportunities, particularly on the beaches of the Greek islands, are at hand, for the enthusiast.

THE TRAVEL COMMITTEE
John D. McLaughlan, Chairman

Application Form

Travel Committee, WSBA
c/o Seattle-First National Bank
P.O. Box 24186
Seattle, Wa. 98124

Attention: William A. Mobley, Trust Officer

Enclosed is my check to the order of Travel Committee, Washington State Bar Association, in the amount of \$_____ (at \$250 per seat reserved) for _____ seats on the proposed CPA charter flight from Vancouver, B.C., to London on September 12, returning from Amsterdam October 8, 1972. A bank charge of \$2.50 will be deducted from each remittance.

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Signed - Member, WSBA)



There has been a critical gap in our Bar's discipline procedures; steps now are being taken to fill it in, to the benefit of the public, the Bar and individual lawyers.

Many lawyers are the subject of complaints by clients. All are investigated by members of the Bar's Local Administrative Committees. The great majority of these investigations show that the complained-against lawyers were not guilty of actual violations of the ethical code, and the complaints are dismissed.

But a large number of these dismissed cases have obviously involved conduct or practices by attorneys which, while not meriting discipline, fall short of true professional standards, particularly in the eyes of clients. Such practices, if continued, are calculated to hurt the attorneys' business, to damage the Bar's image and, most especially, draw further complaints that must be investigated, embarrass the lawyer and clog the discipline machinery.

Until now, no positive and organized procedure has been available to inform attorneys in this kind of case just what they have been doing wrong, what should be improved for their own good and the good of the profession.

The Board of Governors and the Disciplinary Board have approved a plan devised by the Public Relations Committee to overcome the informational shortcoming.

LAC members will receive a checklist and be informed:

"In matters in which you report that 'no further action is recommended,' please complete and return this form. It may be especially useful in cases in which you feel that suggestions concerning recommended client-relations practices may help the complained-against lawyer avoid further complaints and improve his professional service to the public and tend to improve the public reputation of the Bar generally."

LAC members may report, and the lawyer be officially informed, that one or more recommended client-relations practices have been violated in certain specific ways.

It is to be hoped that every lawyer receiving these well-meant suggestions will be moved to examine and improve his client-relations practices, for the sake of his own long-range reputation and income, if for nothing else.

Public Relations Committee

Brave they were: President **Del Cary Smith**, Spokane, announced those who accepted membership on the Resolutions Committee for the coming convention in Tacoma. Those fearless ones, later likely to be near friendless, were **Joseph E. Hall**, Vancouver; **John T. Raftis**, Colville; **L. L. Stedman**, Seattle; **L. L. Thompson**, Tacoma; and **F. A. Kern**, Ellensburg, Chairman.

Births

Tacoma: **Roger C. Henselman** escaped Pillsbury, Madison & Sutro in San Francisco to join Weyerhaeuser's legal staff. . . **George Boldt** chaired Lawyers and Doctors Stag. **Frank Hale** spoke critically of the doctors. **Homer Humiston** defended them but the Laugh-O-Meter nailed Hale. *Ritzville:* Cross and Whitmore opened. *Olympia:* **Harold A. Pebbles** elected President, Thurston-Mason County Bar. . . Captain **Daniel O'Leary**, U.S. Air Force, transferred to Arlington, Va. *Longview:* **Ralph Armstrong** and **George Sibbald** announced their new partnership. *Everett:* **Wesley K. Duce** opened in the Central Building . . . Judge Stiger swore in **Andrew Nielsen** and **William Ingram**, newly passed the bar. *Seattle:* **George E. Mathieu** appointed Regional Attorney for the National Production Authority. . . **Roger J. Crosby** appointed Assistant Western Counsel for the Northern Pacific Railway Company. . . **Dr. George N. Stevens** appointed Dean of the University of Washington School of Law.

Crossed the Bar

Scott Calhoun, 78, born and died in Seattle. Upon the opening of Panama Canal, he authored a bill providing for the establishment of port districts in Washington. He was the first attorney for the Port of Seattle and prior to that Corporation Counsel for the City of Seattle.

Verse seemed to be exuding at the Bar. **Joseph Booth McAbee**, Kennewick, submitted an Easter message of some length ending with these Lenten lines:

"No Soul Save By Some Sacrifice Can Live,
There rushed a world's deliverance from His
side,

When on the rood the Son of Adam died."

We submit the following:

"We trust all kiss the Queen of the May
and we hope she has a lovely, libby day."

David J. Williams



Books Needed

McNeil Island Federal Penitentiary:

Federal Rules of Criminal Procedure; Supreme Court Reporter, Vol. 70-74, and Vol. 83; and Shepard's Citations. Any donations of other books or items, such as pocket parts to U.S.C.A., would also be welcome. Donations should be sent to:

United States Penitentiary
P.O. Box 500
Steilacoom, Washington 98388

State Correctional Institutions:

Federal and
Washington Code, Reports, Digests,
Shepard's Citations; Text-books;

Form Books.

Donations for the state institutions should be forwarded through Donald J. Horowitz, Senior Assistant Attorney General, Chief, Social and Health Services Division, Temple of Justice, Olympia, Washington.

Will Information Sought

Anyone having information regarding the last Will of Worth C. Goss, please contact his daughter, Deb Goss at VA 2-2753, Kirkland, or Leon L. Wolfstone at MU 2-3840, Seattle.

Remember to make contributions to the WASHINGTON STATE BAR FOUNDATION.

Deadline for the next issue of the *Bar News* is

Wanted and Unwanted

For Sale: Eight IBM MTST tapes at \$10 each. Whitmore & Warren, P.O. Box 596, 103 South Mission, Wenatchee, 98801 (663-7186).

For Sale: Vols. 1-49 Am. Jur. 2d. No reasonable offer refused. Irving M. Clark, Jr., 209 College Club Building, Seattle 98104, (682-5460 or 682-1330).

For Sale: Vols. 1-2 Wash. Court Rules Ann. with forms & current pocket parts. J. R. Sherrard, P.O. Box 717, Bainbridge Island 98110 (VI 2-3344).

For Sale: 1-11 Wash. Admin. Code; 1-19 Am. Jur. Proof of Facts; 1-35 Am. Jur. 2d; 1-32 ALR 2d; Vol. 1-2 O'Bryans Forms; 1-17 ALR 3d. **Wanted:** Vol. 47 to date Am. Jur 2d; Vol. 29 to date Am. Jur. 3d; 82 to 100 ALR. Irving Koths, P.O. Box 306, Morton 98356 (496-5205).

For Sale: Up to date RCW. Best cash offer prior to June 30. Don Lanoue, 2819 1st Ave., Seattle (MA 4-4515).

For Sale: Set of RCW and of Moore's Federal Practice. \$150 per set. Robert Friedman, 616 Central Bldg., Seattle 98104 (MA 3-1422).

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:

Note: We have since the beginning of this service kept two separate files entitled "Applicant's Listings" and "Employer's Listings." Due to a recent influx of applications for summer clerkships and resumes of students having considerable school time remaining (one resume is from a student just entering law school), we have for convenience divided the Applicant's file into "No. 1-Attorneys and Current Bar Applicants" and, "No. 2-Law Student Resumes, and Clerkship Applications."

(1) Major insurance company seeking staff attorney having 7-10 years' experience in insurance claim defense work.

(2) Cum laude Gonzaga law graduate, currently Court of Appeals clerk, seeking position in private practice with Western Washington firm.

(3) Attorney in large Eastern Washington population area seeking up to two experienced lawyers to take over his varied practice.

(4) Private law office seeking attorney for position limited to preparation of memoranda and pleadings. Superior writing ability required.

(5) Office in suburban area seeking aggressive, young attorney to associate on overhead-sharing basis.

(6) 33 year old resident at Walla Walla Penitentiary would like to work for a lawyer as a researcher or in any capacity while he continues working on his law studies. Has two years experience working in a Law Library at the institution.

- May 12-13 Fifth Annual Pacific Coast Labor Law Conference. . . . Sponsored by SKCBA. . . . Olympic Hotel, 1st day 8:30 A.M. to 5:15 P.M. (with 5:30 P.M. Social Hour) and 2nd day 9:00 A.M. to noon. \$40., luncheon on 1st day included.
- May 12-13 First of three Idaho State Bar seminars on Uniform Probate Code, adopted so far only in Idaho; seminar in Idaho Falls; information and registration, Idaho State Bar, Box 835, Boise 83701.
- May 19-20 Boise, seminar on Idaho Uniform Probate Code.
- May 19-21 1972 Canadian Conference Sponsored by SKCBA Young Lawyers The Admiralty Resort at Port Ludlow. \$80-90 per couple.
- May 19-21 Christian Legal Society Seminar . . . Lazy F Ranch, near Ellensburg.
- May 25 Practice Management Seminar Co-sponsored by WSBA and Washington Society of CPA's . . . Sea-Tac Motor Inn (See article on page 23).
- July 17-28 7th Program of Instruction for Lawyers at the Harvard Law School . . . Estate Planning by Casner, Securities Regulation by Loss and others . . . Enrollment fee for two-week period is \$475 and for one-week period is \$250.
- August 20-26 National College of Advocacy, co-sponsored by Hastings College of Law and ATLA . . . Program on Civil Trial Advocacy . . . Contact: William B. Smith, 198 McAllister St., San Francisco 94102.
- Sept. 7-9 WSBA Convention at the Ridpath Hotel in Spokane.
- Sept. 11-16 14th Biennial Conference of the International Bar Ass'n. in Monte Carlo. Contact: IBA, 501 Fifth Ave., N.Y., N.Y. 10017.
- Oct. 3-6 9th Annual Hawaii Tax Institute at Princess Kaiulani Hotel in Waikiki. Contact: Director, Hawaii Tax Institute, 3140 Waialae Ave., Honolulu, Hawaii 96816.

Hawaii Tax Institute

The 9th Annual Hawaii Tax Institute Sponsored by Chaminade College of Honolulu will be held at the Princess Kaiulani Hotel in Waikiki, starting October 3rd and running through October 6th. Registrants can also avail themselves of an optional weekend extension on the Island of Maui. A distinguished faculty of nationally known tax authorities has been selected for this year's Institute. For additional information and brochure contact:

Director, Hawaii Tax Institute
Chaminade College of
Honolulu
3140 Waialae Avenue
Honolulu, Hawaii 96816

**State Bar Convention
September 7-9, 1972
Ridpath Hotel
Spokane, Washington**

Christian Legal Society Seminar



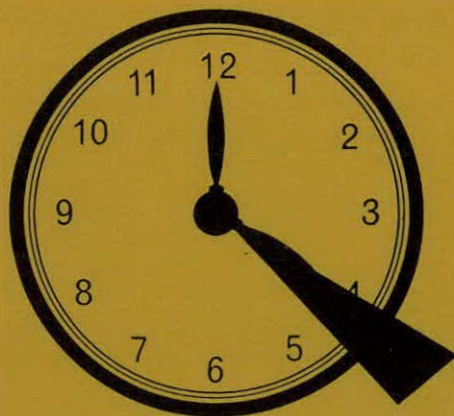
Glenn Winters

A weekend seminar and fellowship for lawyers and their families has been scheduled by the Christian Legal Society for the weekend of May 19-21 at the Lazy F Ranch near Ellensburg. The theme of the event is "Priorities in Professional and Family Life."

The principal speaker will be Glenn Winters, Executive Director of the American Judicature Society and past president of the Christian Legal Society. Winters, who was involved with the establishment of the Washington State Court of Appeals, will discuss on Saturday the current status of judicial reform in the United States, and on Sunday, the lawyer as a Christian.

Members of a panel which will develop the theme are Justice Robert Utter, Washington State Supreme Court, Dean Richard Roddis, University of Washington School of Law, Ivan Merrick, Chairman of the State Bar Committee on Family Law, and William Robinson, University of Washington law student.

Reservations may be made by writing or calling Kay Jones, 17191 Bothell Way N.E., Seattle, phone number EM 4-3250.



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