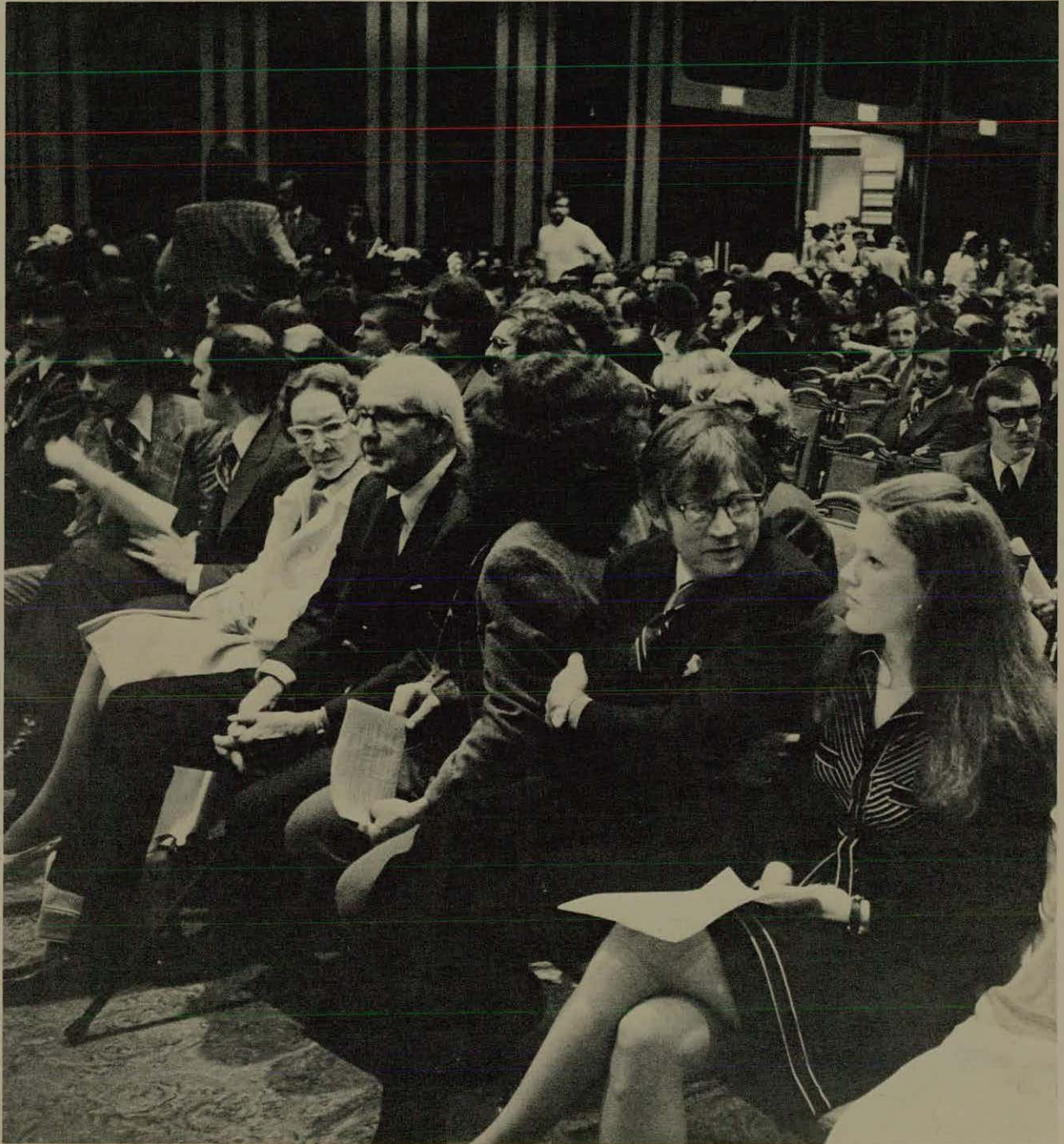


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# WASHINGTON STATE BAR NEWS

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MERRY CHRISTMAS — 545 NEW ATTORNEYS IN 1974

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# MEMORANDUM

TO: All State of Washington Attorneys

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Manager, Legal-Financial Divisions  
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**Last Word**

Editor:

I suggest this item might be of interest to you under the "Now I've Seen Everything" department.

Scene: Northeast District Justice Court, Judge Carolyn R. Dimmick, Presiding. In the Courtroom are court personnel, defense attorney John P. Cogan, and defendant being sentenced for DWI.

Action: Judge Dimmick severely berates defendant, who had a .27 breathalyzer.

Conclusion: Chastened defendant stands up, turning back on Judge to leave Courtroom exit door. Defendant is wearing printed T-shirt, which states on the back:

**I AM AN ALCOHOLIC  
IN CASE OF ACCIDENT  
GET ME A BEER**

JOHN P. COGAN

Redmond

**New RCW  
Incompatible with  
Library Shelves**

Gentlemen:

The thought just struck me that attention must be paid to the height of the volumes of the Revised Code of Washington. I think this will be a problem for all libraries expected to handle the new printing.

My library shelves are constructed so as to accommodate, with ease, Corpus Juris Secundum, the Pacific Reporter and

the Washington Digest. Because of the same, the shelf height accommodated the soon to be outmoded loose-leaf Revised Code of Washington.

With the distribution of the two volume pamphlet edition of the General Index to the Revised Code of Washington (with its accompanying pamphlet addition of the 1973 Supplement to the Revised Code of Washington), my shelf height became inadequate. The latter three described volumes are too tall.

Before printing the new Revised Code of Washington, may I suggest that the height of each volume be no greater than the aforementioned Pacific Reporter or Corpus Juris Secundum. Failure to heed this suggestion could well require many libraries great inconvenience.

EDMUND J. JONES

Seattle

**Re: RCW Book Size:  
Wait Until  
Next Biennium**

Mr. Jones,

Thank you for your letter of October 29th relative to the height of the new RCW volumes. It is true that they will be about 10 $\frac{7}{8}$ " high while the height of the books which you have described (CJS and Pacific Reporter) is 10 $\frac{1}{4}$ ".

The new code is designed to provide optimum readability in the most economical package available, and these considerations pursuant to a thorough and comprehensive analysis of this project have dictated the use of the 8 $\frac{1}{2}$  x 11" page size. Unfortunately as regards your request, our production of the new code

has some time ago progressed beyond the point where modifications may be entertained. We are on a rigid timetable which calls for publication of the entire code in about eight weeks and approximately one half of all the pages have already been set in type. Secondly, it was also necessary in the current market to order the paper stock as early as last August for November delivery and it would be impossible to obtain the stock required for the extra volume which your suggested format would precipitate.

Approximately 2100 copies of the 1973 supplement are out in the field and yours is the first objection we have received relative to the 8 $\frac{1}{2}$  x 11" size. While we are not now in a position to consider your request as it relates to the 1974 printing, we plan to republish RCW in its entirety every two years and I shall certainly see to it that your suggestions is thoroughly considered relative to the next biennial publication.

RICHARD O. WHITE  
Olympia

**Malpractice Risk  
Slight for Majority  
of Lawyers**

Editor:

If every householder in the United States were compelled to carry tornado insurance, the rates for such insurance in Kansas would fall. Errors and omissions insurance with a million dollar coverage is a must for the large law firm, employing scores of persons, whose clients are the large corporations and who may have a couple of hundred active files. However, I would venture to say that 75% of the lawyers in this state can

count on the fingers of one hand those files in which there are deadlines to meet. Unlike the corporate client, the individual client is very much interested in the progress of his case and you hear from him often so it is not easy to forget about his matter.

Comparison with the medical profession is not valid. A surgeon may perform several operations in the same day, a lawyer does not try several Superior Court cases in the same day. The surgeon is responsible for errors made by members of the operating room staff; a lawyer is not responsible for errors which may have been committed by the judge, the jury, the Clerk and the Court Reporter. At his office, a doctor may treat a score of patients in one afternoon; no lawyer ever advises that many clients of an afternoon.

MARIE DONOHOE

Seattle

### **P-I Judicial Poll Ill-Conceived**

Dear Sir:

On Sunday, November 17, you ran a front page article under the headline "How Lawyers Judge the Judges". It undertook to set forth a rating of the King County Superior Court judges.

Your article is damaging to the public image of that court. A fundamental requirement of our system of justice is respect for the courts. Any published study on a body of persons which ranks its members against each other tends to bring disrespect to those who rank lowest. A court is no exception.

Moreover, your published results are misleading. They pur-

port to be the consensus of 90 representative trial lawyers. You refused to furnish to me the names of those to whom your questionnaire was circulated or those who filled it out. Hence, I made a telephone survey. Approximately seventy-five per cent of the Superior Court's time is devoted to civil litigation. Those most thoroughly experienced in the trying of civil jury cases are the attorneys who specialize in accident cases. A survey of a substantial number of law firms working in this field discloses only two attorneys who received your questionnaire. Furthermore, the aggregate number of lawyers in the nine largest law firms in the city was 330 at the time the questionnaire was circulated. Of this total only seven lawyers received questionnaires. Most of these seven refused to answer them.

Conversely, approximately fifty per cent of the attorneys in the criminal and fraud divisions of the King County Prosecutor's office were solicited. Most of those responded. From this it is a fair inference that your poll was heavily weighted in a favor of attorneys in criminal practice. Stated simply, your poll was not circulated in a representative manner and was answered in an even less representative manner.

Moreover, your poll produced a numerically insufficient response. Taking into account those who filled out your questionnaires but expressed no opinion as to certain judges, the results represent the views of approximately one lawyer out of every forty-three in the county.

Finally, your arithmetic was manifestly at fault. With ninety lawyers answering your poll it is mathematically impossible to arrive at many of the percentage figures quoted in your "no

opinion" column.

Both the State and County Bar Associations conduct polls. Both are submitted to all lawyers in the county. The State Bar Poll serves a purpose in letting each judge know privately how the King County lawyers feel about himself or herself. The County Bar Poll serves a purpose in letting the public know how the King County lawyers feel about incumbent judges in the face of a forthcoming election.

The P-I poll served no useful purpose. It was ill-conceived, clumsily executed and a disservice to the court and the community.

Very truly yours,

W. WESSELHOEFT

President, Seattle King  
County Bar Association

### **Desert Seminar Is Off**

The January 13-15 State Bar Midyear Continuing Legal Education Seminar scheduled for Palm Springs, California, by the Board of Governors has been canceled by the Board because of an insufficient show of interest by members of the Bar through early registrations. The program, similar to those held successfully by some other state bar associations in resort-type settings, had been scheduled by the Board of Governors on an experimental basis to see if it might meet the needs and wishes of Washington State lawyers.



## Editor's Notes

This issue of the Bar News marks the end of Volume 28, and the end of my terms as Editor. My recommendation for a replacement is Ed Huneke, who has served as Associate Editor during the past year. The Editorial Advisory Board has approved the recommendation. At this writing, the Board of Governors has not confirmed the recommendation of the EAB, but we presume that Ed Huneke will assume the job of Editor beginning with the January, 1975, issue. During the past several months, Ed has assumed a continually increasing share of the responsibility for publication of the magazine.

The end of the year seems to be a good time for a fresh viewpoint to take over, and a good time to review the recent history of the Bar News.

Ed Raftis deserves credit for the stylish format of the Bar News. We have made only minor changes in the method of layout he devised.

When, in November of 1972, Ed Raftis and John Weinberg, representing the Editorial Advisory Board, asked me to serve as Editor, I originally had the good sense to respond with a firm "no." I had some appreciation of the time and effort which would be required to maintain the high standards of format and interesting content set by Ed Raftis, and realized that adequate time would be difficult to set aside. Experience of the subsequent two years has confirmed this original impression.

After Ed Raftis and the Board of Governors came to a parting of the ways in July, 1972, Roy Mitchell, Director of Professional Activities of the Bar Association, took over the editorship on an interim basis. I began working with Roy in December,

1972. During 1973 Roy continued to devote much effort and attention to the Bar News. He spent much of his time on the mechanical jobs of layout, proof-reading, and the like, and was a prolific contributor of articles—always on time! Roy deserves much credit for keeping the Bar News on an even keel while it was sailing through some troubled waters.

Special thanks go to Jack McLauchlan whose excellent photographs have added much to the appeal of the magazine. Without the help of our many regular contributors, publication of the magazine would obviously have been impossible.

With the exception of full time members of the Bar Association staff, all time devoted to the Bar News has been contributed. All articles have also been submitted on a voluntary, no pay basis. The "non-commercial" nature of the publication has given it a more professional appearance, in my view, and has made it easier to obtain voluntary unpaid contributions of time and materials from lawyers.

As indicated in the Editor's Notes in the August-September, 1974, issue, we view with some trepidation the recommendation by the Budget Committee that paid advertising be solicited for the Bar News, with a view to make it self supporting by the year 1977. The change to a "commercial" publication will necessarily result in a passage of control of the format and production of the magazine from "hobby" editors to paid professionals.

In the latter part of 1972, an Editorial Advisory Board was created as a "buffer" between the editor and the Board of Governors. The original chair-

man was Brad Jones of Seattle. During the past year, Dick Monaghan of Tacoma has served in the same capacity. The EAB has developed guidelines for publication of the Bar News, and consistently made valuable suggestions for improving the publication and obtaining articles for publication. Working with the members of the EAB has been a pleasure.

In my first Editor's Notes, the comment was made:

"To keep the Bar News from becoming an insipid house organ, an editor independent of direct control of the Board of Governors is desirable." Experience of the past twenty-two months has not changed this opinion. Ed Huneke will meet this specification.

Serving as Editor of the Bar News has been an enjoyable and educational experience. With a great sense of relief, however, I am happy to pass the baton to someone else.

HMCG



The canons have always admonished us that the practice of law is not "a money getting trade". But let's talk about money. This and the previous issue of the *Bar News* have the results of the Bar's economics survey with some fascinating items.

It seems to support Judge Eugene Wright's admonition to the newly admitted lawyers to head for the boondocks. The median income for Eastern Washington lawyers is noticeably higher than Western Washington. The highest median by far is in cities having a population range of 50,000 to 150,000, and the next highest is in the population range of 5,000 to 10,000! What the survey doesn't cover but what must be necessarily a fact, is that the cost of living is less in such communities. This economic combination means that our country cousin is laughing at the city fellers all the way to the bank. (And

probably owns the bank). The wives of the big city lawyers may well revise the lyrics of the old ditty of the 30's, "Get out of here and make me some money too."

A phenomenon in the relationship between size of firm and income per lawyer is revealed. The income per lawyer rises in direct relation to increase in size of the firm until it reaches about 20, and thereafter declines. This of course doesn't mean that any one lawyer in a growing firm will have a decline in income as the magic number is reached. It probably means that such firms require more younger associates whose incomes are plugged into the equation, (So don't tell poor old Wembly to clean out his desk because he is number 21.)

To the surprise of no one, the test results show no standard fee for any particular type of legal service. Even the more or less standard procedure of incorporation of a small business has

no discernible "standard" fee. (Anti-trust Division, please take notice.)

Apparently doctors make about twice as much as lawyers. That's news? Nationally the lawyer median income is \$23,448 and in Washington it is \$21,380. But we do better on our 21 than they do on their 23. They can have it.

I guess what it all means is if you want to be a millionaire you picked the wrong racket. On the other hand, it's pretty hard to go broke practicing law. We really don't have many poor lawyers any more and that's good. We don't have many millionaires either (at least from practicing law) and maybe that's good too.

So, its a living. Joyeux Noel, you all.

*Ken Short*

## October Swearing In Ceremony



# *Where the Action Is*

An address to the new lawyers at the group swearing-in ceremony at Seattle, October 18, 1974  
by Judge Eugene A. Wright,  
9th Circuit Court of Appeals

Assembled today in an improvised courtroom is the largest number of judges ever gathered here to hear motions for the admission of new lawyers to the highest court of the state. We anticipate that, with the growth of the state and an increase in the number of applicants, we shall continue to need in Seattle an adequate ceremonial courtroom. Perhaps the county and city should begin to plan for one.

The Chief Justice and officers of the Bar Association invited me to give you the official welcome to the profession today. But I suspect that they wanted to be said something more than just how happy we are for you and your families, and how we greet each of you with enthusiasm and our hope for success. This is, indeed, a great day and a happy one for all of you successful applicants and for those spouses, parents, and lending institutions which helped you through four years of college and three years of law school. They had confidence, hope, and a few prayers when they were needed. You have worked hard and learned much from your teachers and colleagues. You have sacrificed and, undoubtedly, experienced many disappointments on this long road.

We judges are happy for you. We hope that you will now find the success that you have worked for and a respected place in the most honored of professions. There may be a slightly different reaction among active members of the bar. They wish you every success, while noting that your fine legal talents will provide them with some new competition, perhaps more than they would like.

A few days ago I overheard a few of you talking about job opportunities. One of you said to the others that you had canvassed at least 30 lawyers and law firms from Yesler Way to Pike Street in downtown Seattle, looking for a place to settle, perhaps one where you might specialize in your chosen field of the law. I heard you say, "My wife and I want to stay here. This is where the action is."

I have asked many judges and lawyers to tell me where the action is. This is what they have told me.

Kenneth Short, President of the State Bar Association, says that when the Board of Governors met recently in Spokane, it heard a request by the president of the bar of an eastern Washington county. That leading lawyer

asked for some help in finding a young lawyer who would move to his county. He assured the Board that the new lawyer would, in two years, be earning two or three times as much as he could in downtown Seattle.

The immediate past President of the State Bar, Cleary Cone of Ellensburg, confirms that. He said, "Definitely, I would say the better opportunities are in the smaller communities and suburbs. However, they must be willing to make some sacrifice at the start. They may have to work on Saturdays or keep their offices open at night for the convenience to their clients." Mr. Cone added, "Wage earners who live and work in the smaller communities prefer to walk into law offices near their homes and places of employment."

One young Seattle lawyer, married to a Seattle girl, went to Omak in Okanogan County a few months ago. They had some doubts. They wondered whether that rural area, far from the big city, might have the kind of advantages and cultural opportunities that they were used to. The doubts are gone. The young man and his wife have been welcomed by the community and have become a part of it. He has had instant success in his practice and says that they have

never been happier.

Chief Justice Stafford tells me of his former law clerk, also from Seattle, who decided to try it in Port Angeles. He and his wife are delighted there. They have moved into many local activities, civic, religious, and charitable.

Recently one young lawyer opened an office at La Conner in Skagit County, where there has never been a resident lawyer. He is doing well, as is a young woman who began practice at Blanchard in that same county. Another has gone to Concrete in the Skagit Valley, where the only legal service had been provided part-time by a lawyer from Sedro Woolley.

You may find action on some of the islands in Puget Sound. Whidbey Island could use more lawyers at Oak Harbor. It needs one at Freeland and one at Langley. Vashon Island, a beautiful place to live, is growing and will continue to grow. It could use some new lawyer blood.

One of the busiest places for real estate transactions is in San Juan County. Beautiful Orcas Island has no lawyer. Friday Harbor needs another.

There is not a single practicing attorney in the westerly part of either Clallam or Jefferson Counties. The town of Forks is prosperous and has never had a resident lawyer. Dozens of people each year move to Sequim, some to retire. The climate is ideal but there is just one lawyer in that town. They need more. Port Angeles, the county seat of Clallam County, has a prosecuting attorney who would like to give up the job and return to private practice. He is looking for a replacement.

One young man from Olympia, looking for a place to settle, noticed that no lawyer in Jefferson County had filed for the office of prosecuting attorney this year. He filed, has had no opposition, will be elected next month and will then move to Port Townsend.

A state bar association special task force on professional utilization has just reported on opportunities for new lawyers. Robert D. Morrow, the chairman, sent questionnaires to lawyers and judges in four of the smaller counties. He concluded that the Board of Governors of the state bar should encourage employment opportunities in rural communities both in private practice and governmental positions. The returns from those counties, Clallam, Okanogan, Whitman and Lewis, showed estimated needs of two to five lawyers in each county, most in private practice, but also some in public



defender positions, state and county employment.

One lawyer commented on the questionnaire:

"In the last ten years I have tried to interest new members of the bar in our area. One came to take a look, was interested, but dissuaded by his wife's objection. Interest in smaller communities is in my experience very low."

All of the action and great opportunities are not between Yesler Way and Pike Street, or in Tacoma or Spokane, or the other large cities. You have been trained as professional persons, to serve the public, to serve the needs of your clients. As you look for opportunities in these other less populous areas, be prepared to give up some advantages so that you might gain others of greater importance. An economic survey by the state bar tells us that the median income of lawyers in Eastern Washington is higher by \$1,200 annually than in Western Washington and that lawyers in towns of 5,000 to 10,000 population earn more, on the average, than do those in cities of more than 150,000. In the smaller community, the cost of living is less, a lawyer can walk to work, come home for lunch and become a leading citizen within a few weeks.

But, as Mr. Cone says, he will work longer hours than in some city offices. He or she will expect to participate in community activities, but so will the rest of the family. There may have to be some change in life style if that will give clients greater confidence in the new lawyer.

Justice Robert H. Jackson said of the country lawyer, "He loved his profession. He had a real sense of dedication to the administration of justice. He held his head high as a lawyer. He rendered and exacted courtesy, honor, and straightforwardness at the bar. The law to him was like a religion and its practice was more than a means of support. It was a mission. Unpopular minorities and individuals often found in him their only mediator and advocate. It was from this brotherhood that America has drawn its statesmen and its judges."

What I have said about the attractions of smaller communities need not deter those of you who have good reason to practice in large cities. You may have already established connections with existing firms or may have talents that can be used only in large centers of business and industry.

Some of you have told me that you would like

to be advocates, courtroom lawyers. I see four of you here whom I met in a moot court trial at the University of Washington Law School last spring. You did well there. You had good courtroom manners, and I told each of you that you could be good trial advocates.

The trial lawyer knows the dull routine of investigation, the dreary research of cases almost but not quite in point, and the exhaustion which attends preparation for trial. He knows frustration with inarticulate clients and flippant witnesses, nerve-wracking and backbreaking tension of litigation. But he also knows the exhilaration of victory, the warm satisfaction of a job well done, and the inspiring knowledge that in the great scheme of things, it is his or her place to fight for the rights of the less fortunate.

For each of you, the building of a reputation begins today. From the very first a lawyer develops a reputation, good or bad.

The late Mr. Justice Cardozo said, "The fair name of a lawyer, however innocent of wrong, is at the mercy of the tongue of ignorance or malice. Reputation in such a calling is a plant of tender growth, and its bloom, once lost, is not easily restored."

The author of a book, "Building a Practice," wrote 20 years ago:

"Your attitude toward the people you meet, whether they be witnesses, court personnel, businessmen or taxi drivers, will affect your reputation in the community. Beware of causing them to judge you vain of your educational attainments. Never lose your affinity for the common man. If you seek through your practice to satisfy a need for power, you may unconsciously assume a dictatorial and manipulative attitude. Such an attitude will alienate most clients."

The book also has some suggestions about a lawyer's personal appearance and clothing, which I commend to you.

All lawyers have great responsibilities in the representation of clients. They have the formidable task of discharging their obligations with all the persistence, vigor and courage they can muster. To do it, they need motivation, determination, dedication, and enthusiasm, mixed with plenty of industry, intelligence and integrity. These ingredients will make you not only great lawyers, but lawyers who are happy serving others. □

# Lawyer Volunteers in Correction

## A Successful Criminal Rehabilitation Technique

The Washington State Bar, with the assistance and original funding from the American Bar Association and present funding from the Department of Social and Health Services, has actively endorsed the Lawyer Volunteers in Corrections Program. Its efforts have also been welcomed by the state parole personnel as an effective means to give concentrated and responsible attention to particular parole cases. Case loads of parole counselors presently average over seventy nationally, more than double the maximum recommended by the President's Commission on Law Enforcement and the Administration of Justice. This makes it difficult to give full attention to each parolee. Lawyer volunteers, therefore, assist the process of reintegration by offering increased resources to the parole department as well as greater personal contact with the parolee.

The main objective of the program is to match a lawyer, on a one-to-one basis, with a resident who is incarcerated at one of the state institutions. The lawyer volunteer is assigned to the offender about six months prior to work release and/or parole and six months after release for a total of one year. The lawyer spends approximately eight hours a month visiting his sponsor. Thus, the volunteer is allowed to follow the offender through successive stages of the criminal justice system. This practice of assigning a lawyer volunteer to an offender prior to release can significantly reduce disorientation during the transition period and hopefully aid in making a positive readjustment.

Correctional authorities recognize that effective rehabilitation requires much greater focus on the vocational, social, familial and economic concerns of the offender which, when not confronted, tend to lead to repeated criminal behavior.

Most ex-offenders can be redirected in society—if someone cares enough to take the time. What about you?

Several lawyer volunteers are actively sponsoring residents at Washington State Reformatory in

Monroe, Washington Corrections Center in Shelton and Purdy Treatment Center in Gig Harbor. This program has just recently expanded its efforts to include residents at Washington State Penitentiary in Walla Walla.

It is hoped that through active participation, attorneys will become familiar with the operations and needs of the correctional system, and can and will have a significant impact on community attitudes and political and judicial action with regard to corrections.

The call is for ACTION of concerned lawyers willing to actively participate in a program designed to improve the lives of those incarcerated and ultimately the correctional system.

For further information please contact Donna Strathy, the program's administrator, by phone at 464-6524 or by mail at 907 United Pacific Building, Seattle, WA 98104. □



Donna Strathy

# A Short History of The Washington Bar

Alfred J. Schweppe  
Seattle

by Alfred J. Schweppe

The first organized state-wide association of lawyers in Washington was called the Washington Bar Association in 1888 and 1889. Its name was changed to Washington State Bar Association in 1890. The first proceedings were published in 1894. They contained the proceedings of the first six annual meetings, 1888 to 1894.

Thereafter, proceedings were published each year through the 28th meeting in 1916. The proceedings of the 29th meeting in 1917 were published only in the *Washington Law Review*, Volume 1, No. 1, of April, 1919. The proceedings of the 30th, 31st and 32nd meetings (1918 to 1920) were published separately and independently.

Beginning in 1921, the Association published an annual report through the years 1921 to 1927, covering the 33rd through 39th meeting.

No meeting was held in 1928, except to elect officers, because the American Bar Association had its meetings in Seattle that year.

\*The Washington State Bar was host to the American Bar Association at Seattle, in 1948, just as it had been in 1908 and 1928. But this twenty-year tradition was broken in 1968, when, in spite of strenuous efforts to continue the twenty-year cycle, the annual meeting went to Philadelphia.

Beginning with the 40th meeting in 1929, the proceedings were published in the *Washington Law Review*, and that arrangement continued for the statutory bar association, created in 1933, down to 1961 when the agreement between the *Washington Law Review* and the state association was terminated.

However, no record will be found in the *Washington Law Review* for 1939 and 1940.

The proceedings of the Association for the years subsequent to 1927, except for the years 1929, 1939, and 1940, have been preserved in typewritten form in the files of the Association and in the University of Washington Law Library. The University of Washington Law Library

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Alfred J. Schweppe received his law degree in 1922 from the University of Minnesota and was admitted to practice the same year. He lectured at Old Condon Hall for three years and then became Dean of the law school at the U. of Wash. in 1926. He has been in practice since, and has held numerous positions on committees and commissions including the Seattle Crime Prevention Commission, Judicial Council and a section on Individual Rights.

has and maintains an index of the proceedings of the Washington State Bar Association.

The portions of the proceedings printed in the *Washington Law Review* are not as complete as the typed transcripts of the annual meetings. For some years in the 1950s, the University of Washington Law Library put together bound copies of the proceedings made up from the *Law Review* summaries, plus copies of the reporters' transcripts. Beginning in 1961, the University of Washington Law Library has each year obtained a copy of the proceedings.

(Sources for the foregoing are Dr. Arthur S. Beardsley, University of Washington Law School Librarian, 18 *Washington Law Review*, 84; Letter of April 17, 1973, from Mrs. Marion G. Gallagher, University of Washington Law School Librarian, to Edward G. Friar, Executive Director, Washington State Bar Association.)

During the period in which *Washington Law Review* was the official journal of the state bar, there developed a demand for contemporary legal news as distinguished from the articles in a journal devoted to legal scholarship. In consequence, the state bar, commencing October, 1934, published a quarterly newspaper called *State Bar Review*, devoted to current news of interest to the bar. In November, 1936, this news service was incorpo-

rated into *Washington Law Review* and *State Bar Journal*. In 1962, upon termination of the arrangement with the *Washington Law Review*, the news service was again separately instituted, becoming the current monthly magazine captioned *State Bar News*.

The voluntary state bar association merged into the integrated bar association created by the 1933 legislature. This statute made membership compulsory, and thereby provided reasonable sums of money for more effective state bar work. The voluntary Washington State Bar Association in 1933 had a membership of about 500. The changeover to the integrated bar has been considered a continuous succession.

The movement for more effective bar organization got its initial push from Mr. Ben Kizer of Spokane. In his 1929 presidential address, published in 4 *Washington Law Review* 172, 176, 179-180, he advocated having a paid executive secretary and a permanent office. Prior to that time, each president and secretary operated from his own law office, with the incident problems.

As a result of Mr. Kizer's strong recommendation, Alfred J. Schweppe, while still Dean of the University of Washington Law School, agreed, on a voluntary basis, to take on the office of Secretary of the Washington State Bar Association, of the Seattle Bar Association, and of the state Judicial Council (created by the 1925 legislature), on condition that enough money was made available to have a small office, a full-time secretary, and a telephone. This arrangement was completed, without "a paid executive secretary," by the Judicial Council's providing \$100 per month, the State Bar \$100.00 per month, and the Seattle Bar \$50.00 per month.

Alfred J. Schweppe resigned his deanship at the Law School as of January 1, 1930, and became a member of the firm of McMicken, Ramsey, Rupp & Schweppe, Colman Building, Seattle. In June of that year, a small single-room office was opened for the three contributing entities in the Colman Building.

Mr. Lawrence Colman, a great public-spirited citizen, donated the office. The first full-time secretary was Miss Clydene Morris, a University of Washington graduate and previously a Kent High School teacher. The start was made in June, 1930, with a one-room office, a secretary drawing \$150.00 per month, telephone, stationery, and incidentals, all within a \$250.00 monthly budget.

It was from this small nucleus that the State Bar moved forward.



One of the first activities was to advance toward integration, a movement then just beginning, with its major prototype in California.

The first draft of an integrated bar statute was published in 6 *Washington Law Review* 182 (1931). It followed the long California act in considerable detail. A committee was then appointed to work further on the draft. The committee consisted of the late Roger Meakim of Seattle, later a Superior Court Judge, George W. McCush of Bellingham, and Alfred J. Schweppe of Seattle. The committee came up with the present act, creating the Washington State Bar Association as a state agency. The statute is still largely intact, subject to some recent amendments. The committee decided on a corporate form of integrated bar with powers in the controlling board of governors, with all decisions of the board subject to mail referendum of the entire membership, and with supervisory powers in the State Supreme Court. The annual meetings of the state bar, usually attended by no more than ten per cent of the members, may adopt resolutions which have the effect of recommendations to the board of governors.

The state bar act is relatively short, leaving much to the rule-making power of the Supreme Court. The statute passed in the regular session in 1933. It was approved by Governor Clarence D. Martin on March 13, 1933, and became law ninety days after the end of the session. (Chapter 94, Laws of 1933; RCW 2.48.010)

Pursuant to the act, the Supreme Court promptly appointed a State Bar Commission to effect the organization under the statute. The Commission consisted of:

L. H. Brown, Spokane  
George W. McCush, Bellingham  
D. V. Morthland, Yakima  
Charles H. Paul, Seattle  
Alfred J. Schweppe, Seattle

After this initial organization, the board of governors, a continuing body (its members having staggered terms), has conducted the business of the association, and the subsequent history, except for the proceedings of the annual meeting, is recorded in the Minutes of the Board of Governors.

It is a significant tribute to the board of governors over the years that no board action has ever been subjected to referendum.

In the 1933 act the annual dues were fixed at \$5.00, with power in the board of governors to raise to \$10.00 (a limitation released some years

ago). The dues remained at \$5.00 for quite a number of years until the lawyers got used to the idea of compulsory dues. For the approximately 3,000 practicing lawyers in the state at that time, the annual revenue was around \$15,000, a big step forward toward enabling the bar to make a far better effort to improve the administration of justice. Of course, dollars in those depression years were far more valuable than today and accomplished far more than today's dollar. (Parenthetically, at this writing, the annual dues are \$100.00 and the annual budget \$817,705.)

With money available from integrated bar dues, the State Bar office was moved from its one-room facility in the Colman Building to three rooms in the Dexter Horton Building. Some years later when, because of enlarged activities of all three entities still housed together, greater space was needed, more adequate quarters were rented at 501 Third Avenue in the Morrison Hotel Building, a very convenient location at the time, just opposite the King County Court House. There the State Bar office remained until the move to present quarters in the College Club Building at Fifth and Madison.

The three entities, whose consolidated funds made the start on effective organization possible in 1930 and were long housed in one office, have more recently, because of enlarged activities, gone their separate ways, the Seattle-King County Bar Association to the Central Building, and the Judicial Council to the University of Washington Law School.

The State Supreme Court has effectively implemented the Washington State Bar Act under its rule-making power from the very beginning right down to date. See *In re Schatz*, 80 Wn. 3d 604 (1972), and cases cited.

Upon the passage of the State Bar Act in 1933, Miss Morris became the Executive Secretary of the State Bar and held that position until she resigned in 1955. Her total service exceeded 25 years. She was succeeded by the late Alice O'Leary Ralls, a University of Washington Law School graduate, who held the position, with name changed to Executive Director, for 17 years until 1972. She was followed by incumbent G. Edward Friar, a graduate of Princeton and the University of Tennessee Law School.

This solid and experienced direction of association affairs under the board of governors, only recently enlarged, accounts for the honored position of the State Bar in the public affairs of this state. □

# WASHINGTON STATE BAR NEWS

## ECONOMICS OF WASHINGTON LAW PRACTICE

### BAR OFFICE SURVEY RESULTS Second of a Two-Part Report

In the November issue of the *Bar News* we examined some of the general characteristics of the Washington State Bar—the spread of years in practice, age, general location, types of business organizations, types of salaried practice, etc., among Bar members. We also determined the median salaries that applied to several of these characteristics.

With this issue, we'll get down to specifics—the various specialities of private practice, types of office procedures, billing practices, ranges of overhead, etc. We'll also apply ranges of compensation to several of these factors to see if correlations exist.

In applying this information to your own situation, remember that our computer was able to bring out only possible correlations. The original questionnaire was not structured to bring out cause and effect relationships.

For example, we find that the median incomes of lawyers who are members of the American Bar Association and local bar associations substantially exceed the median incomes of non-members. (See Figure No. 11.) This situation could mean either that 1) voluntary association membership has benefits which contribute directly or indirectly to higher incomes, or 2) lawyers interested in voluntary association membership tend to be those with higher incomes. Either way, the fact that a correlation exists makes the potential benefits of such memberships worth exploring. With this warning, let's proceed.

Figure No. 11

#### Median Income in Relation to Association Membership

a. ABA Membership	% of Respondents	Median Income
Yes	65%	\$24,300
No	35%	18,055

b. Local Bar Membership	% of Respondents	Median Income
Yes	91%	\$22,300
No	9%	16,650

#### Specialties of Practice in Relation to Compensation

The survey questionnaire singled out twenty-three separate specialties of practice. Respondents were asked which of the twenty-three (if any) was the primary income producer. Returns show that no single field dominates the practice of Washington State lawyers. The specialties most frequently named were 1) Wills, Trust & Estate Planning—15% of the respondents; 2) Corporation Law—13%; and 3) Negligence (Plaintiff)—13%. All of the remaining twenty specialties ranged from 8% to less than 1%.

The income potential of the various specialties, on the other hand, varied a great deal. Median incomes ranged from \$46,700 for admiralty law practice to \$13,500 for criminal law. (See Figure No. 12.)

**Figure No. 12**

**Median Income For Specialties of Practice**

Administrative Law	\$19,285
Admiralty	46,700
Antitrust	20,000
Appellate	I.D.*
Banking—Savings & Loan	32,000
Bankruptcy & Commercial	18,000
Condemnation	25,000
Corporation	25,000
Criminal	13,500
Domestic Relations	15,000
Labor	19,450
Mineral & Natural Resources	I.D.*
Municipal—School Districts	23,300
Negligence—Plaintiff	24,800
Negligence—Defendant	28,100
Negligence—about even	25,000
Patent, Trademark & Copyright	27,100
Real Estate	21,500
Securities	22,000
Taxation	22,500
Trial (except negligence)	22,100
Utilities & communications	30,000
Wills, Trusts & Estate Planning	27,200

\*Insufficient Data

**The Business Side of Practice**

As might be expected, lawyers are as individualistic in the administration of their offices as they are in their practices. Some are extremely well organized; others are not. Some have high fees; others don't. Some appear to be very efficient; others appear not to be. The one constant in the administration of practice appears to be variation. Consider these examples.

The great majority of lawyers keep time records. The frequency of record keeping, however, varies considerably. (See Figure No. 13.)

**Figure No. 13**

**Frequency of Time Record Keeping**

(1) Always	56%	(4) Never	2%
(2) Usually	17%	(5) For fee producing	
(3) Sometimes	14%	time only	11%

Substantial variation exists in the hourly rates charged by Washington State lawyers. (See Figure No. 14.) The median hourly rate charged, according to these figures, is slightly over \$36.00 per hour.

**Figure No. 14**

**Hourly Rates Charged**

(1) \$20 or less	2%	(5) \$36-40	29%
(2) \$21-\$25	5%	(6) \$41-\$50	20%
(3) \$26-\$30	10%	(7) More than \$51	5%
(4) \$31-\$35	26%	(8) Never charge on	
		hourly basis	3%

The number of chargeable hours per day also varies considerably. (See Figure No. 15.) Where does your practice fit? If your chargeable hours fall at the high end, is it because you usually put in a long day? Or do your secretaries and paraprofessional effectively handle most of the non-professional work for you? If your chargeable hours fall at the low end, is it because of efficiency problems? Lack of delegation? Too few hours worked?

**Figure No. 15**

**Chargeable Hours Per Day**

(1) Less than three	6%	(5) Seven	17%
(2) Four	14%	(6) Eight	4%
(3) Five	28%	(7) Over eight	3%
(4) Six	28%		

What procedures do you follow in determining fees? Are they consistent? Adequate? Appropriate for the type of service you have rendered. Figures No. 16, 17 and 18 illustrate the fee-setting practices of your fellow members.

**Figure No. 16**

**Set Procedures Followed In Determining Fees**

(1) Always	18%	(3) Sometimes	11%
(2) Usually	69%	(4) Never	2%

**Figure No. 17**

**Adequate Fees Charged**

(1) Yes	74%	(2) No	26%
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**Figure No. 18**

**Guidelines Used in Setting Fees**

	<i>First Choice</i>	<i>Second Choice</i>	<i>Third Choice</i>
(1) Time expended	59%	22%	11%
(2) Custom of the community	3%	5%	12%
(3) Responsibility, results, skills required	19%	44%	20%
(4) Client's ability to pay	4%	13%	33%
(5) Contingent fee	5%	6%	9%
(6) Agreed fee schedule with client	10%	10%	15%
(7) No responsibility for billing	—	—	—
(8) Other	—	—	—

As you know, the Washington State Bar has for several years deliberately avoided advocating minimum fee schedules. A question raised by this position is whether or not *de facto* stan-

dards have evolved in the absence of specific guidelines. According to this survey, the answer is "No." Fees for even the most basic functions vary across a broad spectrum. Figure No. 19 gives three of the many examples covered by the survey.

**Figure No. 19**  
**Charges For Services**

a. Incorporation of a corporation for profit, including preparation of corporate minutes, filing of reports and registration for a corporation with \$50,000 authorized capital (exclude costs)

(1) \$300 or less	25%	(5) \$400	13%
(2) \$325	5%	(6) \$425	1%
(3) \$350	42%	(7) \$450	3%
(4) \$375	4%	(8) Over \$450	7%

b. Attendance in trial court

(1) Less than \$200	13%	(3) \$251-\$300	31%
(2) \$200-\$250	30%	(4) Over \$300	26%

c. Traffic Defense—DWI

(1) Less than \$200	25%	(3) \$251-\$300	18%
(2) \$200-\$250	41%	(4) Over \$300	16%

Billing procedures are among the mixed bag of functions which not only affect income, but influence good client relations as well. While the timing of billing varies among Bar members, communication with clients about billing methods appears to be consistently good. (See Figure Nos. 20, 21, 22 and 23.)

**Figure No. 20**  
**Timetable For Billing Clients**

(1) At conclusion	37%	(3) Quarterly	4%
(2) Once a month	38%	(4) Irregularly	21%

**Figure No. 21**  
**Discussion of Fee Basis at Initial Interview**

(1) Yes	93%
(2) No	6%
(3) Not responsible for billing	1%

**Figure No. 22**  
**Discussion of Billing Cycle at Initial Interview**

(1) Yes — 56%	(2) No — 44%
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**Figure No. 23**  
**Retainer Requested When Appropriate**

(1) Yes — 92%	(2) No — 8%
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Percentage allocations of income to cost centers and profits provides a check on law firm performance. As a measure of your own operation, consider these four benchmarks: The median *gross* income per lawyer (GPL) in the State is \$41,550. The median total employee costs as a percentage of GPL = 20%. The median of all other expenses as a percentage of GPL = 22%. That leaves a net operating income median of 58%.

No single method of dividing net income appears to dominate. (See Figure No. 24.)

**Figure No. 24**  
**Division of Law Practice Net Income**

(1) No formal system	30%
(2) Formula or percentage reviewed annually	44%
(3) Percentage reviewed infrequently	17%
(4) Salaries negotiated annually	9%

The preceding data gives us a picture of selected office practices and procedures within the State Bar. A great deal of additional data is available in the full tabulations of the survey questionnaire.

Now let's deal with income as a function of office practices and procedures.

Median income is generally higher as record keeping becomes more complete. (See figure 25.) It should be noted that the "Never" category represented only 2% of the respondents.

**Figure No. 25**  
**Median Income in Relations to Time Record Keeping**

Frequency	% of Respondents	Median Income
Always	56%	\$24,600
Usually	17%	\$27,900
Sometimes	14%	\$21,300
Never	2%	\$25,000
All Fee Prod. Time	11%	\$23,100

Lawyers who keep telephone call charge records have a higher median income.

**Figure No. 26**  
**Median Income in Relation to Keeping Telephone Call Charge Records**

Records Kept	% of Respondents	Median Income
Yes	77%	\$23,800
No	23%	\$23,300

Following set procedures in determining fees correlates with higher income. (See figure No. 27.) Again, the "Never" category represented only 1%.

**Figure No. 27**

**Median Income in Relation to Following Set Procedures in Determining Fees**

<i>Frequency</i>	<i>% of Respondents</i>	<i>Median Income</i>
Always	18%	\$24,200
Usually	69%	\$24,000
Sometimes	12%	\$21,700
Never	1%	\$26,700

Surprisingly, the median income was found to be higher for those who did not have initial fee discussions. (See Figure No. 28.)

**Figure No. 28**

**Median Income in Relation to Initial Discussion of Fees**

<i>Fees Discussed</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	93%	\$23,600
No	6%	\$30,600
Not responsible for billing	1%	Insufficient data

Similarly, income is higher for those who do not request a retainer when appropriate. (See Figure No. 29.)

**Figure No. 29**

**Median Income in Relation to Request for Retainer**

<i>Retainer Requested</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	92%	\$23,400
No	8%	\$30,000

Correlation was found between higher income and promptness of the billing cycle. (See Figure No. 30.) The exception in this measurement was the income level of those who billed quarterly. Could this represent billings of higher fees to larger, long term clients on retainers?

**Figure No. 30**

**Median Income in Relation to Billing Cycle Used**

<i>Frequency</i>	<i>% of Respondents</i>	<i>Median Income</i>
Conclusion	37%	\$24,800
Monthly	38%	\$22,900
Quarterly	4%	\$31,000
Irregularly	21%	\$22,600

Which method of fee-setting correlates with the highest median income? As might be expected, contingent fees create the highest median income. That method, however, was listed as the primary fee-setting guideline by only 5% of the survey respondents. This compares to 59% of the respondents who specified the second-highest category, time expended. (See Figure No. 31.)

**Figure No. 31**

**Median Income in Relation to Fee-Setting Guideline**

<i>Method of Fee-Setting</i>	<i>% of Respondents</i>	<i>Median Income</i>
Time Expended	59%	\$25,400
Custom of the Community Respons., Results, Skills Reqd.	3%	\$17,750
Client's Ability to Pay	19%	\$24,100
Contingent Fees	4%	\$17,100
Fee Sched. Agreed with Client	5%	\$30,000
	10%	\$19,300

Lawyers who use effective billing follow-up programs earn more. (See Figure No. 32.)

**Figure No. 32**

**Median Income in Relation to Billing Follow-up Program**

<i>Program Used</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	75%	\$24,600
No	25%	\$20,900

The survey revealed that, while professional handling of client financial relations tends to correlate with higher income, little correlation exists with the level of uncollectible accounts. No matter what quality the billing cycle or follow-up program, the median level of uncollectibles tends to hover around the 5-6% level. Consider, for example, uncollectibles in relation to billing follow-up. (See Figure No. 33.)

**Figure No. 33**

**Billings Follow-Up vs. % of Uncollectible Receivables**

<i>Follow-Up Timing</i>	<i>% of Respondents</i>	<i>% of Uncollectibles</i>
30 days	73%	less than 5%
60 days	14%	less than 5%
Over 2 Months	6%	less than 6%
Irregularly	7%	less than 6%

Do larger firms have a higher ratio of fee producing lawyers in comparison to non lawyers? Apparently they do, until the firm grows beyond twenty lawyers. (See Figure No. 34.) This does

not mean that very large firms lose efficiency as growth continues. As the ratio of non-lawyers per lawyer increases, the median gross income per lawyer also increases. (See Figure No. 35.)

**Figure No. 34**

**Size of Firm in Relation to Non-Lawyers per Lawyer**

<i>No. of Lawyers in Firm</i>	<i>No. of Non-Lawyers Per Lawyer</i>
1	1.4
2	1.3
3	1.2
4	1.0
5-7	1.1
7-10	.8
10-20	.8
Over 20	1.5

**Figure No. 35**

**GPL Median Income in Relation to Non-Lawyers Per Lawyer**

<i>No. of Non-Lawyers Per Lawyer</i>	<i>% of Respondents</i>	<i>Median Income</i>
Less than One	40%	\$36,900
One	46%	\$43,550
Two	14%	\$50,000

**Figure No. 36**

**GPL Median Income in Relation to Indexed and Filed Memoranda**

<i>Memoranda Indexed and Filed</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	46%	\$41,450
No	54%	\$41,600

**Figure No. 37**

**GPL Median Income in Relation to Indexed and Filed Briefs**

<i>Briefs Indexed and Filed</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	52%	\$42,600
No	48%	\$41,050

**Figure No. 38**

**GPL Median Income in Relation to Indexed and Filed Opinions**

<i>Opinions Indexed and Filed</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	35%	\$40,300
No	65%	\$41,750

Within law firms the correlation of gross median income per lawyer to detailed record keeping appears to be somewhat marginal. For example, consider the handling of memoranda, briefs and opinions illustrated in Figure Nos. 36, 37 and 38.

On the other hand, thoroughness in sending copies of papers to clients appears to pay off. (See Figure No. 39.)

**Figure No. 39**

**GPL Median Income in Relation to Copies of Papers Sent to Client**

<i>Papers Sent to Client</i>	<i>% of Respondents</i>	<i>Median Income</i>
Always	23%	\$44,000
Usually	47%	\$40,950
Sometimes	30%	\$40,850
Never	Insuff. Data	—

Is the carriage of malpractice insurance a factor in reaching for higher earnings, or does such carriage merely reflect the professional standards of a practitioner? Whether a cause or effect, a correlation exists. The respondents in figure No. 40 represent 48% of the total respondents to the survey questionnaire.

**Figure No. 40**

**GPL Median Income in Relation to Malpractice Insurance held**

<i>Malpractice Insur.</i>	<i>% of Respondents</i>	<i>Median Income</i>
Yes	92%	\$41,900
No	8%	\$33,350

**Conclusion**

As can be seen from the above survey data and cross-tabulations, many facets of administrative and professional efficiency relate to increased income. In a number of cases, the increases in median income are small, and the exact relationship to the factor being compared is sometimes hazy. □

**To obtain a copy of the complete survey, send \$2.00 to:**

**ECONOMIC SURVEY  
Washington State Bar Association  
505 Madison Street  
Seattle, Washington 98104**



## The Board's Work

### Minutes of the meeting of the Board of Governors Held at Harrison Hot Springs, B.C., Friday, October 4 and Saturday, October 5, 1974

#### Discipline

In accordance with the provisions of Rule 11.6 of the Rules of Discipline for Attorneys, the Board of Governors determined to make a public release of the discipline record of Attorney James P. Healy of Tacoma, including information relating to current pending complaints, if any, which have been referred by the Disciplinary Board for Hearing. It was agreed that the information be made available to the news media and the public by such means as is determined by President Ken Short, the Executive Director, G. Edward Friar, and the Director of Public Affairs, Wayne Wilson.

The current draft of the Discipline Rules for Attorneys was approved and submitted to the Supreme Court.

Henceforth, prospective appointees for membership on the Disciplinary Board will be requested to meet with the Board of Governors prior to final confirmation of appointment.

#### Meeting Schedule of the Board

It was moved by Mr. Gates that the Board reduce its meeting schedule to ten (10) meetings each fiscal year. This motion failed for lack of a second.

#### Western States Bar Conference

It was moved and seconded that those members of the Board available and interested in attending the Western States Bar Conference be authorized to do so at Bar Association expense. This motion failed.

The President was directed to designate those members of the Board whose expenses would be paid for attendance at the Western States Bar Conference, on the basis of the agenda topics to be discussed at the Conference.

#### Task Force on Professional Utilization

The report of the Task Force on Professional Utilization was approved and adopted. It was directed that the recommendations of the Task Force be implemented. A strong "well done" was accorded the Chairperson and the members of this Task Force for an outstanding job in relation to a problem of vital significance to the Legal Profession in the State of Washington.

#### Annual Meeting Resolutions

A. The "Pardon" Resolution. The Board of Governors approved the Resolution and will proceed in accordance with the terms of the Resolution. Persons to be contacted will be advised that the Resolution was "The Action of the Annual Meeting" of the Washington State Bar Association.

B. The Resolution approved by the majority of those in attendance at the Annual Business Meeting of the Washington State Bar Association on September 13, 1974, relating to the Decriminalization of Private Sexual Conduct by Consenting Adults will be forwarded by the President to the Chairpersons of the Washington State Senate and House Judiciary Committees, and to the Bar Association's Legislative Committee, for informational purposes and for such use as those committees and persons may deem appropriate, but with the clear message to all parties that it is the position of the Board of Governors that, in the event of any conflict between the contents of this Resolution and the proposed Revision of the Criminal Code previously approved by the Board, the Board will support the provisions of the Revised Criminal Code.

C. The "Study Group on Legal Education" Resolution, as adopted by those in attendance at the Annual Business Meeting of the Bar Association on September 13, 1974, will be referred to the Legal Education Liaison Committee for study and recommendation. The sponsors of the Resolution, the Seattle-King County Bar Association's Young Lawyers Section, will be given an opportunity to be heard during the course of the Legal Education Liaison Committee's deliberations.

#### Legislative Committee

A. The Board approved and adopted the recommendation of the Legislative Committee with reference to certain amendments to the Corporation Code, as outlined in the letter of September 19th, 1974 from that Committee. The Board agreed that the Legislative Committee should, in accordance with its recommendation, sponsor the approved amendments in the upcoming session of the Legislature.

B. The proposed amendments to the Bar Act were deferred to the November meeting of the Board, at which time the Chairperson of the Legislative Committee will be in attendance.

C. The recommended Annual Voluntary Contribution to the Legislative Fund was set at \$15.00 per member of the Association.

#### **Calvin B. Johnson — Memorial Resolution**

On motion duly seconded the following Resolution was adopted by the Board:

#### **RESOLUTION**

WHEREAS, in the brief period during which he served on the Disciplinary Board, Cal Johnson had great impact. Though not a lawyer, he was listened to carefully, and he was heard. He was heard because his thinking and reasoning was incisive; because he had the ability to define what the issues are, and from there, to analyze them lucidly and extract the salient points and,

WHEREAS not only did Calvin Johnson have intelligence, analytical ability, and a great gift for communicating, but he also had convictions and high standards for the legal profession. At those times when he did not agree with the decisions of the Disciplinary Board, he gave his reasons in a constructive, thoughtful manner — without abrasiveness — and he was heard and

WHEREAS, Calvin Johnson's standards were high, not only for the ethics of the legal profession, but for himself. He took his assignment seriously and worked at it conscientiously. He saw so much that needed doing, and felt responsible that it be done.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Governors of the Washington State Bar Association convey to the family of Calvin Johnson our deep appreciation for his contribution to the legal profession and the citizens of our State as one of the first laymembers of the Washington State Bar Association's Disciplinary Board.

#### **Young Lawyers Section**

The amendments to the By-Laws of the Young Lawyers Section in relation to the filling of vacancies on the Board of Trustees of that Section, were approved as recommended.

#### **Proposed Amendment to Rule 41, Civil Rules for Superior Court**

The Board decided to take no position on the proposed amendment to Rule 41 of the Civil Rules for Superior Court.

#### **Group Legal Services Committee**

Stephen P. Ryder of Seattle was named a member of the Group Legal Services Committee for the 1974-75 fiscal year.

The Group Legal Services Program and possible legislation affecting it will be placed on the December Agenda of the Board. The Chairperson of that Committee and the Legislative Committee Representative will be invited to meet with the Board for the discussion.

#### **Compulsory Malpractice Insurance Program**

Messrs. John Lycette, Thomas M. Malott and Irwin Dow appeared before the Board to discuss their opposition to the program as proposed.

The Insurance Sub-Committee will: (1) discuss with the Broker and/or the Carrier the ramifications of adding a deductible clause to the policy either now or at some future stage; (2) continue to explore with the Broker and the Carrier the possibility of increasing the aggregate coverage under the terms of the policy; and (3) solve the unintentional fraud and mis-statement questions by securing a letter from the Broker and/or the Carrier or both.

The Board reaffirmed its support of and commitment to the Compulsory Malpractice Insurance Program as submitted to the Supreme Court and as specified in the By-Laws previously adopted concerning this program. The vote on this motion was unanimous.

#### **Superior Court Management Committee**

The resignation of Roy J. Mocerì as the Bar Association's representative on the Superior Court Management Information System Committee was accepted. Bruce Morgan of Seattle was named as the Bar Association's representative on the Committee. □



## Around the State

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### EAST KING REPORT

By RALPH I. THOMAS

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**Kenneth Marble** is the newest associate at Powell, Livenood, Silvernale, Carter and Tjossem. Ken, a graduate of Willamette Law School, was one of the record number of new attorneys admitted to the Washington Bar in September. At 6'5" he has ousted **Clinton Ferrell** as the tallest practicing attorney in Kirkland.

**Barry J. Hasson**, who formerly practiced in downtown Seattle, has opened a Bellevue office for the general practice of law in Suite 101, Tally Building, 200-112th N.E.

**Richard Evans**, formerly of Boyd, Decker and Hanson, Bellevue, has moved to 11012 N.E. 3rd Place, Bellevue, to share office space with **Ken Cole**.

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### KITSAP REPORT

By WM. J. KAMPS

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The Kitsap County Bar Association held its annual dinner for the purpose of installing new officers on November 2, 1974 at the Kitsap Golf and Country Club. Installing the new officers whose names appeared in our last report, was Presiding Judge **Terence Hanley** of our Superior Court. **Merrill Wallace** was Master of Ceremonies and Judge **Robert J. Bryan** delivered the program address. Four attorneys new to Kitsap County were formally introduced to the Bar Association. These were: **John Davis** who is joining **Dudley Perrine**; **Larry Paulson**, who is joining **Sanchez, Martin &**

**Armstrong**; **Greg Frazier**, who is joining **Niemeier, Green & Roof**; and **Jack Cyr, Jr.**, who is joining **Arthur & Hackett**. It is becoming increasingly difficult for this reporter to understand where there is room for any new attorneys in our county. More than one-third of the present county Bar Association has come to Kitsap County since your reporter made his appearance a short four and a half years ago.

Two members of the Bar are convalescing after periods of hospitalization. **Jim Munro** is at his Bainbridge Island home resting from the effects of a heart attack. **John Bishop** has lost forty plus pounds as a result of two recent surgeries. What a way to diet! John is expected back on the job by December 1st.

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### YAKIMA REPORT

By RANDY MARQUIS

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Congratulations to the following recently admitted members of the bar: **George Colby**, Willamette University, Public Defender, Yakima Indian Nation, Toppenish; **Anthony (Tony) Menke**, California Western School of Law (San Diego), Deputy Prosecuting Attorney; **Bryan Evenson**, Willamette University, associated with the Halverson firm; **Stephen Wilgers**, University of Oregon, associated with the Salvini & Corless firm in Sunnyside; **Michael L. Everett**, Gonzaga University, associated with **Roger Garrison** in Sunnyside; **Alan D. Campbell**, University of Washington, associated with the McArdle firm.

We further offer congratulations to **Kip Kendrick**, son of **Leo Kendrick**, who was sworn in

with the aforementioned in Yakima County Superior Court. Kip will be in private practice in Deer Park, Washington.

**David M. Ward**, graduate of the University of Washington Law School, a legal intern in the firm of **Hovis, Cockrill & Roy**.

**George M. Martin**, nationally recognized as a leading postal historian, has been awarded the Luff Award at the recent convention of the American Philatelic Society in Chicago. This is the Society's highest merit award for contributions to philately. George is attorney for the organization, also president of the American Philatelic Research Library.

On October 25, 1974, the Yakima Bar hosted a successful probate seminar led by President **Howard Elofson** and featuring the following panelists: **Paul Goode**, **George Velikanje** and **Walter Robinson** of the Yakima Bar, and **Warren Olson**, Northwest Counsel for Security Title Insurance Co.

Special guests included legal secretaries as well as officers of local title companies and trust departments, and attorneys from neighboring counties.

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### SAN JUAN REPORT

By MICHAEL C. REDMAN

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Your scribe took over as president from **George Mosely** who left us with a burning problem. **Ed Beeksmas**, **Rodney Boddington**, **Jacob Cohen**, **Boynton Kamb**, **Steve Mansfield**, **Dan Olson** and **Dave Yamashita** have filed applications for non-resident membership by listing themselves in the yellow pages. Non-resident members now outnumber the resident members.

A poll is being conducted of the resident membership to determine whether this problem should be dealt with by: (a) raising the non-resident membership fees from \$250.00 to \$450.00 per annum; (b) Asking again that Judge Patrick institute local rule 107 (B) (3) (requires an advocate to present an affidavit showing 96 hours continuous residency in the county prior to making a court appearance); (c) Ignoring this encroachment; or (d) Inviting the news media in and shooting a few clients.

The debate, though intense, tends to get sidetracked into collateral issues. Does Rodney Boddington have to pay a membership fee of \$750.00 because he listed himself, boldface, in the white pages? Do Al Rode's infrequent appearances justify a listing not only in his own name but also as Twede and Rode, Inc. PS? And when are we going to have a meeting? In the interim, Judge Wright urges neophytes to come to our virgin shores (yes, Judge Wright, there is an attorney on Orcas Island). And so it goes.

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### SKAGIT REPORT

By DAVID A. WELTS

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Larry Moller was sworn into the practice in October, got a job with the Prosecutor, and now has more tenure than our "new" Prosecutor. This is a lead to tell you that Patrick McMullen won the job at November's general election. Jim Anderson, appointed to fill the unexpired term of former Prosecutor, Earl Angevine, will serve until swearing in come January.

Angevine & Mullen (Gil) are now located and going strong in

private practice and share space in those luxurious new quarters with sole practitioners Glenn Reed and Elliott Johnson. Elliott was also sworn in last October. The location? 709 South 1st Street, Mount Vernon, scene of a fantastic open house in November.

John R. Moffat has joined our Association and Skagit County community, practicing with Northwest Legal Services.

During his vast travels within and without the practice of law, Ken St. Clair once had some 42 or 43 prize fights. (Fortunately, they were all outside the courtroom) Ken now has a brand new baby boy. I haven't learned the new name, but I know the initials. Obviously, it's K. O. St. Clair!

John Kamb was elected to fill the judicial vacancy in Skagit District Court No. 2. That happened when the Old Hangin' Judge Warren Gilbert retired back to the full time practice.

The expansion of the County Courthouse complex will consume the office building of Bannister, Bruhn & Cunningham. No sympathy, please, because you should see the *new* building now under construction. It's yet another mansion for Skagit County lawyers. The extent to which local attorneys have upgraded their office facilities over the past ten years is so fantastic that only the mortgage firms would truly understand.

A hearty round of applause to Mike Lewis and his Skagit Bar ad hoc social committee for their magnificent parties. They contribute significantly to keeping our Association warm and friendly, albeit we now have 46 lawyers.

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### SEATTLE-KING REPORT

By GERALD G. TUTTLE

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Karl Tegland, of Kessler, Tegland & Urmston, has accepted a position as staff attorney for the Washington Judicial Council, with offices at the University of Washington School of Law. Hereafter, the firm will practice under the name of Kessler & Urmston.

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### THURSTON-MASON REPORT

By STEPHEN J. BEAN

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The results of the recent bar exam added to the growing number of family law firms in Thurston County. Rick Cordes, son of Cliff Cordes, passed the bar and will be practicing with his father in the Capitol Center Building. John Parr, son of Bill Parr, passed the bar and will be practicing with his father in the Evergreen Plaza Building. Tom Meyer, son of Ernest L. "Bud" Meyer, passed the bar and will be practicing with his father in the National Bank of Commerce Building.

The firm of Mooney, Cullen & Holm continues to grow. Smith Troy, who recently retired as Thurston County Prosecuting Attorney, will join the firm in the capacity of "of counsel" as will W. L. Stephens, who recently retired as Deputy Director of the State of Washington Department of General Administration.

David Cullen has been made a partner in the firm. John Hogg-lund, former law clerk to Justice Hamilton of the State Supreme Court, recently joined the firm as an associate.

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## WHITMAN REPORT

By **DELORES JANE COOPER**

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Whitman County suffered the loss of one of its esteemed pioneer attorneys when **Clyde Lacey** crossed the Bar.

**Bob Patrick**, **Charles Shoemaker** and **Wes Nuxoll** appeared before the State Supreme Court and legally joust. Members of the Whitman County Bar have been assured that each side won by overwhelming odds.

**Lawrence Hickman**, and **Lloyd Peterson**, also recently joust before the State Supreme Court. In addition to briefs submitted by the Attorney General's Office, by **Lawrence Hickman**, **Lloyd Peterson**, **Bob Patrick** and **Dolores Jane Cooper** submitted Amicus Curiae briefs.

Vancouver, B.C. was visited by delegates from Whitman County during the recent Bar Conference. Besides working at attending all the meetings, some attorneys worked extraordinarily hard at seeing all the sights. Those attorneys are now blissfully recuperating by practicing law.

By not attending the Bar Conference, and especially by not enjoying all the sights in Vancouver, **Wally Friel**, was able to afford to build a luxurious home which has added truth to the old maxim, "A person's home is his/her castle." By calling **Wally's** office, guided tours throughout his estate are available at nominal charge — now that the tourist season is over.

Setting an example of professional dedication, Judge **Philip Faris** attended a recent Judicial Conference.

**Ron Carpenter** joined forces with Whitman County's No. 1

Champion for Law and Order, **Bob Patrick**, Prosecuting Attorney. Ron is the new Deputy Prosecuting Attorney. His predecessor, **Don Parkinson** is proving that one can be both legal and literate. Don's attending classes at the University of Mexico. Those of us who worked with Don, wish him well. Although Don is a mucho hard act to follow, we heartily welcome Ron into our ranks.

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## GOVERNMENTAL LAWYERS

By **JACK A. BORLAND**

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The Olympia office of the Attorney General has welcomed new assistant attorneys to the general staff. **Elsa Kircher**, a graduate of Boston University, has been assigned to the Department of Motor Vehicles; **Leland Johnson**, formerly in private practice, joins the office having been assigned to the opinions section; **Santiago Juarez**, a graduate of the University of Washington, has been assigned to the Education Division, as has **John H. Liedwick** coming to Olympia via Willamette Law School. **Joseph J. McGoran**, a graduate of Gonzaga Law School, has been assigned to the Department of Ecology, and **G. Saxon Rogers** (University of Oregon) has been assigned to the Human Rights Commission. Other new members of the staff assigned to the Department of Social and Health Services include Willamette graduates **Thomas W. Hayton** and **Nathan D. Mannakee**. **Michael E. Tardif** (University of Washington) and **Thomas J. Wolfstone** (Boston University) joined the Department of Employment

Security, and **Maureen B. Fitts** (University of Oregon) has been assigned to the Department of Natural Resources.

Outside Olympia, **Susan Martin** has been assigned to the Seattle office and represents the Department of Motor Vehicles; **Daniel Harbaugh** joins the Spokane office of the attorney general; and **Maxine Thomas** has transferred from the Human Rights Commission to the University of Washington's legal department.

Time records also those leaving state employment and we wish the best to **James Humphrey**, **John Brown**, **Dave Minikel**, **Tom Prediletto**, **Shannon Weatherall** and **Ken Brownstein**. **David Boyd** is leaving to join the legal staff of the Milwaukee Railroad.

**Lucille Marie Werner** has been named as a Hearing Examiner and Registration Officer with the Securities Division, Department of Motor Vehicles.

**Bill Lowry** and **Bob Wallis**, both past presidents of the Governmental Lawyers Association, have been elected to the executive board of the State Bar Administrative Law Section; Bill succeeds himself while Bob was elected to fill the spot vacated by his boss, WUTC chairman **Don Brazier**.

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## PIERCE REPORT

By KENYON E. LUCE

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The Young and Aggressive Lawyers v. the Mature Over-the-Hill Golfers: The participants in the golf tournament were mostly the mature lawyers. It seems that the possibility of losing was too great, and accordingly the senior partners kept the younger associates from participating in the tournament.

A young lawyer, **Fred Weedon**, shot low gross for a 75. **Mike Jennings**, another young lawyer, shot low net with a 67. **Valen Honeywell** had second low net with a 69. **Stan King** had the low gross for the mature attorneys of 78. The shortest drive was made by **Art Paulsen**. Long drive on one hole was made by **Ken Burroughs**, and the second long drive was made by **Mike Turner**. Rumor has it Mike used a spaghetti ball which was blessed and baptized by *Famiglia Cveari*. Too bad his second shot was duffed. Apparently he used a wedge and got as far as he normally does on his drives.

Closest To prizes were won by **Byron Scott**, 5'3"; **E. Tollefson**, 4'0"; and **Stan Berkey**, 5'3".

All in all, the Young Lawyers showed more promise, better ability and strength than the older lawyers, but in fairness to them, it is to their credit they even showed up.

## Safeco Appointments in Legal Staff

SAFECO announced the appointments of **S. Fred Bruhn** and **William R. Lanthorn** to General Counsel and **Douglas Bohlke** to Associate General Counsel. Bruhn will serve as General Counsel for the SAFECO Corporation and SAFECO Life Insurance Company, Lanthorn as General Counsel for SAFECO's property and casualty companies and Bohlke as Associate General Counsel for legislative affairs.



William R. Lanthorn

his graduation from the University of Washington School of Law. He became a member of SAFECO's home office legal staff in 1957, Chief Attorney in 1967 and Associate General Counsel in 1972.

Bohlke, who also graduated from the University of Washington Law School, was hired by SAFECO in 1962 following six years in the U.S. Air Force. His primary responsibilities with SAFECO have been in the areas of trial work and legislative affairs.



S. Fred Bruhn

The changes follow the earlier promotion of **Bruce Maines** from General Counsel to Executive Vice President and Chief Operating Officer of the property and casualty insurance companies.

Bruhn, made Associate General Counsel in 1972, has been with SAFECO since 1967 following six years as Chief Deputy for the Washington State Insurance Department and two years in the State Attorney General's office.

Lanthorn was hired by SAFECO 19 years ago as an Idaho claims adjuster following



Douglas Bohlke

## Government Jobs

The American Bar Association booklet cataloging law job possibilities with the federal government, "Federal Government Legal Career Opportunities," will be available in January.

ABA Law Student Division members will receive a free copy upon request. Others may purchase a copy by sending a check for \$3 to: Circulation Department, American Bar Association, 1155 E. 60th St., Chicago, Ill. 60637. The check should be made out to: The American Bar Association Law Student Division.

## Velikanje Appointed

E. Frederick Velikanje of Yakima, former State Bar president and a member of the American College of Probate Counsel, has been appointed to the College's Board of Regents Executive Committee. The ACPC Newsletter making the announcement also reported that William P. Cantwell of Denver is the College president-elect; Cantwell was a popular speaker for the 1973 and 1974 Estate Planning Seminars sponsored in Seattle by the State Bar and Estate Planning Council of Seattle.

## Women in Jail

Data on women in U.S. jails are summarized in a pamphlet being published by the American Bar Association.

The 40-page publication, "Women in Detention and State-wide Jail Standards," also reviews individual jail studies on the special situation of women defendants and describes how state jail standards apply to female residents.

The pamphlet is part of the ABA Statewide Jail Standards and Inspection Systems Project.

For information, contact: Daniel L. Skoler, 1705 DeSales St., N.W., Washington, D.C. 20036.

## JULY 1974 EXAMINATION LAW SCHOOL STATISTICS — GENERAL APPLICANTS

Law School	Pass	Fail	Total	Gonzaga Univ.	(1st)	105	18		Pennsylvania Univ.	(1st)	2	2	
Arizona Univ.	(1st)	3	3	Harvard Univ.	(1st)	10	10		Salmon P. Chase	(1st)			
Arizona State	(1st)	1	1	Hastings (U.C.)	(1st)	4	4		San Diego Univ.	(1st)	1	1	
Baltimore Univ.	(1st)	1	2	Idaho Univ.	(1st)	15			San Francisco	(1st)	3	4	
Boston Univ.	(1st)	2	2	Illinois Univ.	(1st)	2	2		Santa Clara Univ.	(1st)	3	3	
California				Indiana Univ.	(1st)	2	2		South Dakota Univ.	(1st)			
(Berkeley)	(1st)	5	5	Iowa Univ.	(1st)	4			South Texas Univ.	(1st)		1	
California (Davis)	(1st)	2	2	John Marshall	(1st)	1			Stanford Univ.	(1st)	7	7	
California				Kansas Univ.	(R)				Tennessee Univ.	(1st)	1	1	
Western	(1st)			Kentucky Univ.	(R)				Texas Univ.	(1st)	5		
Case-Western	(R)			Loyola (Chicago)	(1st)				Texas Tech. College	(1st)		6	
Reserve	(1st)			Loyola (L.A.)	(1st)	2	2		U.C.L.A.	(1st)	4	2	
Catholic Univ.	(1st)		1	Maine Univ.	(1st)	1	1		Utah Univ.	(1st)	3	4	
Chicago Univ.	(1st)		3	Maryland Univ.	(1st)	1	1		Valparaiso Univ.	(1st)		2	
Chicago—Kent	(1st)		2	Michigan Univ.	(1st)	4	4		Villanova Univ.	(1st)			
Cincinnati	(R)			Minnesota Univ.	(1st)	3	3		Virginia Univ.	(1st)			
Colorado Univ.	(1st)	2	2	Missouri Univ.	(1st)	2	3		Washington, Univ.	(1st)	106	7	
Columbia Univ.	(1st)	2	2	Montana Univ.	(1st)	1	1			(R)	2	5	
Cornell Univ.	(1st)	2	2	Nebraska Univ.	(1st)	2	2	4	Washington Univ.	(Mo.)	(1st)	1	1
Creighton Univ.	(1st)		2	New Mexico Univ.	(1st)	2	2		Wayne State Univ.	(1st)	3	3	
Denver Univ.	(1st)		2	New York State	(1st)	1	1		Willamette Univ.	(1st)	36	37	
Detroit Univ.	(R)			North Dakota	(1st)	3	3		Wisconsin Univ.	(1st)	2		
Drake Univ.	(1st)			Northeastern Univ.	(1st)		1			(R)		3	
Duke Univ.	(1st)			Northwestern					Wyoming Univ.	(R)		1	
Emory Univ.	(1st)			(Chicago)	(1st)		2		Yale Univ.	(1st)	2	2	
Florida Univ.	(1st)			Northwestern									
Fordham Univ.	(1st)			(Lewis & Clark)	(1st)	14	4		TOTAL				
Georgetown					(R)		3	21	General Applicants		440	74	514
Law Center	(1st)	4	2	6	Notre Dame Univ.	(1st)		1	Attorney Applicants		4	2	6
Geo. Washington	(1st)	1			Oklahoma City	(1st)							
	(R)				Oregon Univ.	(1st)	14						
Golden Gate Univ.	(1st)					(R)		15					

# 1974-75 Bar Budget

## Washington State Bar Association Schedule of Estimated Revenue Fiscal Year 1974-75

<b>Revenue:</b>	
Dues	\$580,150
Interest in Investment Accounts	12,000
Reimbursements — Disciplinary Costs	3,000
Bar News Advertising & Subscriptions	2,500
Lawyer Referral Service	2,200
Sections	10,835
CLE	120,120
Examination & Admissions	84,000
Legal Intern Program	<u>3,000</u>
Total Estimated Revenue	<u>\$817,705</u>

## Schedules of Estimated Direct-Expenditures Fiscal 1974-1975

<b>Expense Centers:</b>	
ABA & Western	\$ 8,000
Appropriations	8,800
Audit	3,000
Bar Exam & Admissions	48,350
Bar News	36,000
Board of Elections	500
Client Security Transfer	30,000
Conferences & Meetings Committees	26,000
Continuing Legal Education	35,270
Disciplinary Board	65,000
Discipline Costs	4,000
Gifts & Memorials	11,000
Headquarters Building Fund	100
Headquarters Improvements	25,000
Hearing Panels	5,000
House Counsel	1,200
Lawyer Referral Service	6,000
Legal Internship	8,300
Library	2,200
Local Administrative Committee	1,000
Local Bar Presidents Meeting	2,000
Membership Mailings	3,500
Membership-Organizations	6,000
Miscellaneous	700
News Service	1,500
Office Equipment	200
Office Equipment Maintenance	10,000
Office Insurance	2,000
Office Supplies	3,300
Outside Counsel	15,000
Payroll Taxes & Benefits	8,000
Phone	35,500
Postage	20,000
Printing	15,500
Public Affairs	6,500
Publications	8,600
Public Relations	19,000
Rent	5,000
Salaries	30,480
Sections	279,000
Xerox	6,800
Total Expenses	<u>\$815,300</u>

## Schedules of Estimated Costs by Activity Fiscal 1974-1975

ABA & Western	\$ 8,000
Accounting	15,290
Administrative & Management Services	40,640
Bar Exam & Admissions	86,570
Bar News	41,310
Client Security Transfer	30,000
Committees	70,070
Conferences & Meetings	31,500
Continuing Legal Education	120,120
Disciplinary Board	15,970
Disciplinary Costs	22,240
General Counsel	67,530
Headquarters Building Fund	25,000
Investigative Services	68,130
Judicial Plebiscite & Polls	4,290
Lawyer Referral Service	15,340
Legal Intern & Lawyer Placement Programs	9,460
Legal Services	10,880
Local Administrative Committee	13,030
Local Bar Presidents Meeting	3,500
Miscellaneous	8,540
Public Affairs	59,360
Sections	24,800
Special Projects & Membership Mailings	<u>23,730</u>
Total Expenses	<u>\$815,300</u>

# Practicing Legal Interns

## Introduction

This article is a collaborative effort by Douglas B. M. Ehlke of Weyerhaeuser Company Law Department and Claude M. Pearson of Davies, Pearson, Anderson, Gadbow, Hayes and Johnson, P.S. It is written in response to the request for such an article made by Ninth Circuit Court of Appeals Judge Eugene Wright made in a recent issue of the Bar News.

Both firms have made extensive use of law clerks and legal interns.

### I. Practice in a Private Law Firm

#### A. History.

Davies, Pearson, Anderson, Gadbow, Hayes & Johnson, P.S. is a ten man Tacoma based professional services corporation with branch offices in Seattle and Olympia. It is a general practice firm, with emphasis on insurance defense litigation.

For several years the utilization of 3 to 5 legal interns has been a year-round program of our Tacoma office. During the school year the activities of the students has a lower profile and consists of night work and weekend employment mostly on a "project oriented" basis. The activities blossom into very active practice during the summer months.

### B. Organization.

1. *Work Projects During School Year.* A single lawyer collects "work projects" from each member of the office and each employed law student keeps at least two but preferably three projects at all times. As these projects are completed the law student turns in the work, has it reviewed and approved or revised by the responsible attorney, turns in time slips and draws another project. This goes on continuously during the school year. The law student turns in time slips and we pay them an hourly wage. We in turn bill the client for the "useful time."

2. *Saturday Schedules.* A law student "has the duty" every Saturday, opens the office, answers the phone and is available for several

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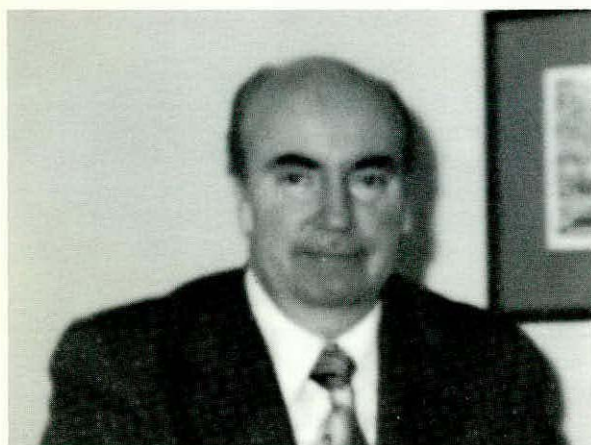
Claude Pearson, University of Michigan L.L.B., 1948, started in sole practice in Tacoma in 1949 and has expanded the firm to ten persons. He is chairman of the Office Practice Committee and was formerly chairman of the committee which started the Lawyer Referral Service.

Doug Ehlke, University of Chicago, J.D. 1971, has been counsel for Weyerhaeuser Co., engaged in the trial and appellate practice of administrative law. He is also adjunct professor at U.P.S.

hours to work on special assignments or one of the previously assigned work projects. Frequently an appointment is made in advance with a client to answer the numerous written interrogatories that a trial practice generates. Answering interrogatories on Saturday saves the client taking time off from work. Saturdays are ideal for a law student to work on investigations — to meet and take a recorded statement from a witness in preparation for a trial or deposition, or to simply work on a brief. Being a trial oriented firm, there are frequently lawyers working on Saturday, providing discussion time between lawyers and interns.

*C. Organization During the Summer.*

1. *Work Projects* continue on a more intensive basis and take the form of general preparation and briefing on specific cases with each legal intern working on 5 to 7 cases simultaneously.



2. *Ex Parte Practice.* During the summer a very high percentage of ex parte practice can be turned over to the four legal interns. They can readily handle many simple default dissolutions, show cause matters as well as guardianship annual report hearings, probates, adoptions and the entry of default judgments.

3. *Two Week Exchange With Weyerhaeuser Law Department.*

A most attractive feature of the interns summer practice is a two week tour at Weyerhaeuser Law Department and the insight and experience given them in a corporate practice. The interns we have sent to Weyerhaeuser during the last three summers have been especially appreciative of the different pace involved in digging in and working intensively on a single drafting or research project. An additional bonus in my view is the comments the interns have made about the high emphasis on respect for the law and legal processes. I suppose it isn't surprising with Nader's Raiders operating with a high profile on the college scene that many law students come to regard all large corporations as some kind of ogres. It has been a benefit to the practicing legal intern to have some modicum of balance restored to his thinking and attitudes through working for two weeks with a corporate law department. Finally, it shows them an entirely different legal career opportunity. The mechanics of the exchange are simple. The arrangement is informally worked out as to dates and legal interns who will be involved. The same number of interns are involved on both sides of the exchange usually two interns (although I suppose this isn't necessarily an essential element). During the exchange period our legal interns remain on our payroll, and the Weyerhaeuser legal interns remain on its payroll.

The interns from Weyerhaeuser pick right up on the projects in process for those interns they replace. A fair sampling of work performed by a single Weyerhaeuser intern during the exchange period includes the following:

**Work Performed During Exchange Period**

- a. Prepare a Sheriff's Bill of Sale for a lien foreclosure of personal property.
- b. Drafting of simple lease of unimproved land.
- c. Perfecting a secured creditor's claim in Bankruptcy.
- d. Drafting a motion for summary judgment in a tort case.

- e. Briefing an indemnity question for a medical malpractice case.
- f. Handling settlement of a small property damage claim.
- g. Arranging personal recognizance in a DWI case.
- h. Obtaining the unconditional release of a man arrested by mistake during a police raid. (The intern involved found this to be a rather satisfying experience.)
- i. Started a private sale of real property in a guardianship.

#### **Additional Experiences Arranged During Exchange Period**

- a. Sat through a probate, show cause and a marriage dissolution calendar.
- b. Sat through a Monday motion calendar.
- c. Sat through a deposition and took notes then started a briefing job generated by the deposition. (Deposition itself handled by the responsible attorney.)
- d. Special briefing by the Managing Officer on the dynamics of the operation of a professional legal corporation.

4. *Actual Trial Experiences:* During the late summer we will endeavor to find a District Justice Court trial experience for each practicing legal intern. These will be either minor traffic cases or small property damage civil cases.

5. *Substituting on the Desk of a Vacationing Lawyer.* The legal intern responds to client contacts, mail and telephones. It's great for a lawyer to return from a four week vacation and find his files up-to-date — or at least a note on each file from the intern telling about developments.

#### **D. Objectives of the Private Law Firm:**

1. These are properly very practical. Two of the last three associate members of our firm have come from the ranks of our practicing legal interns. All of the interview screening possible is no substitute for actually seeing a young lawyer practice as a legal intern. Selection of a legal intern is done by a committee of three of the younger lawyers. If a permanent association results these are the lawyers most affected by the selection.

2. Work performed by practicing legal interns can be properly billed to clients at a much lower rate than that of a lawyer. Thus, we require the legal interns to keep time. The "productive time" is billed to the client at \$15.00 per hour.

3. The legal intern can have the license to practice extended through the final year in law school and during the time of waiting for the result of bar examination. The second summer is even more valuable than his first for obvious reasons. In fact, if you are willing to suffer through a summer with a *first year* law student, the *second* and *third* summer of the legal internship are progressively more valuable to the firm and the intern. Each summer more responsible tasks may be assigned.

4. In summary, the extensive use of practicing legal interns is of considerable value to all concerned: The clients, the firm, and the intern.

#### **E. Other Practical Factors**

1. We have a specially designed new law library with a desk-like carrel in each corner and a work island in the center underlining our commitment to a permanent program of keeping practicing legal interns on our staff the year around.

2. The courts have been exceptionally helpful in watching closely the work we have assigned to interns. Comments from interns doing court work indicate the presiding judges and district court judges have examined very carefully papers submitted by the interns for signing and filing — even though such papers are counter-signed by the responsible attorney as required in APR-9.

3. Because the State Bar Office and the Supreme Court are now processing a very large number of legal intern licenses, it is wise to get applications in several weeks in advance of the time you want the intern to receive licensing.

4. For those private firms who have not hired interns, I would suggest the hiring of at least two. They reinforce each other and seem to work more effectively.

5. A rider can, and should be placed on your Errors and Omissions Coverage to include all interns as additional insureds.

6. Finally, not to be overlooked is the fact that a practicing intern who participates in our cooperative exchange with Weyerhaeuser Company will get two letters of recommendation for the summer work which provides some enhancement to that intern's employment resume.

## **II. Practice in a Corporate Law Department**

### **A. History and Organization**

Weyerhaeuser Company employs twenty-six

attorneys in a Corporate Law Department: seventeen general attorneys, four specialists (antitrust, environmental, labor and tax law), and three patent attorneys, all located in the Company's new Federal Way Headquarters, and three additional general attorneys at a regional office in Hot Springs, Arkansas. The general attorneys have assigned primary and backup responsibilities in substantive legal areas which include corporation and securities law, products liability, commercial transactions, real estate (landowner and development), contracts and administrative law. Functionally, the Headquarters attorneys report to an Assistant General Counsel and the Hot Springs attorneys report to a Regional Counsel. In turn, the Assistant and Regional Counsel report to the Company's Vice President and General Counsel, Daniel C. Smith.

In terms of client contact, work activity and office procedures, the Law Department is run much like that of a private firm. Each attorney represents a distinct group of clients in his areas of substantive responsibility. This close client contact often permits the attorney to exercise a wide discretion in rendering advice, in addition to facilitating a satisfying experience of utilizing preventive law strategies and handling the "four corners" of a business transaction. Time records are maintained for internal information billing purposes to the various client groups.

#### **B. Need for Legal Interns**

There are several reasons why a major corporation law department should acquire the services of talented legal interns. First, interns provide a cost effective means for getting the work done. With the enormous workload faced by the legal staff of a diversified, multinational business, interns simply make good sense. Given adequate orientation and training, interns can completely handle a wide variety of basic transactions, as well as lend assistance to important segments of more complicated matters. Secondly, internship programs offer every law office the most visible recruiting tool and accurate performance yardstick available. There is no substitute for seeing the aspiring applicant perform under the unavoidable pressures of time, clients and meticulous supervising attorneys. This "bird's eye" view cannot help but increase a law department batting average in candidate selection for any permanent openings that might arise. Thirdly, the employment of legal interns meaningfully demonstrates the corporate law depart-

ment's commitment to give needed, valuable training for new entrants into the profession.

Weyerhaeuser's Law Department has increasingly made use of legal interns. Since 1970, during the school year, one or two students work on projects of a continuing nature such as a multiphase commercial transaction, environmental permit or litigation matter. In the summer months, two interns are employed full time for a more intensive, wide range of corporate law issues of interest to Weyerhaeuser than is feasible during the school term.

#### *C. Importance and Criteria of Selection*

The key to any law office or department's effective use of interns is maintaining quality control. To protect the professional integrity of the staff attorneys and to effectively meet the corporate clients' challenging needs, the intern's ability, adaptability and work product must be of consistent high caliber. Elemental to meeting this need is the selection of the best qualified law students. Moreover, the sheer number of applicants for internships generated by the surge in law school enrollment necessitates a set of criteria for comparing applicants.

At Weyerhaeuser, qualified applicants are given informal interviews by the attorneys to attempt to assess the student's ability, occupational interests, law school performance, and personality traits. A simplified interview checklist is used to obtain certain basic information and facilitate eventual comparisons.

#### *D. Types of Assignments*

Following a brief orientation period, which encompasses building tours, familiarization with equipment, and instruction in the use of the library and file system, the successful applicant-interns are ready to begin work. While interns during the school year are likely to be assigned one or two long-term projects, summer interns are each assigned five or six initial projects with varying time deadlines. The purposes of this latter type of assignment batching are to give the intern immediate responsibility in setting a work schedule in response to competing external demands and to provide maximum exposure to the staff attorneys. Indeed, it is a requirement that, to the extent practicable, an intern will perform at least one project for every attorney in the Department. We have found such an approach increases the satisfaction and effectiveness of our interns.

The work of each intern is carefully discussed and reviewed at critical stages by the supervising

attorney responsible for the particular matter or project. In addition, there is a general review session conducted by me at the beginning and end of each intern's stint.

Perhaps uniquely, the Weyerhaeuser Law Department offers interns almost continuous exposure to a myriad of complex issues involving statutory interpretation and administrative regulations. Federal, state and local regulatory agencies impacting national and international enterprises are staggering. The daily *Federal Register* is only a tip-of-the-iceberg barometer of today's voluminous government agency promulgation of standards, rules, regulations and orders.

One of the most important tasks facing a corporate attorney is to help his clients navigate through this sea of administrative agency regulation. Many attorneys and interns have found this area of the law to be consistently challenging and interesting.

At Weyerhaeuser, interns have worked with the regulations of such newly emerged federal agencies as OSHA (Occupational Safety and Health Administration) and the EPA (Environmental Protection Agency). They have also researched and briefed questions relating to more traditional agencies such as the National Labor Relations Board and the Internal Revenue Service.

Nor do the interns escape office administrative regulations or procedures. Each clerking student is required to maintain time sheets reporting the details of projects on which he or she has worked. The interns are expected to observe the normal hours of work at the office and to work overtime to complete projects on time. Once each summer, much like professional football team rookies, the interns enjoy the ritual of giving a topical luncheon speech to the attorneys, generally discussing new Washington State legislation. The interns are encouraged, in addition, to attend all other staff functions.

*E. Two-Week Exchange With Davies, Pearson, Anderson, Gadbow, Hayes & Johnson, P.S.*

In 1971, at Claude Pearson's suggestion, a summer intern exchange program was started. Since its inception, six Weyerhaeuser summer interns have enriched their practical training with a two-week excursion into the exciting field of general trial practice. The rewards of exchange program participation for corporate law interns are many: (1) meeting the challenge of a whole new set of clients with noncorporate

legal problems; (2) learning valuable pretrial negotiating skills; (3) developing motion practice techniques; (4) participating in discovery procedures; and (5) observing courtroom strategy and diplomacy in action. Similarly, the two interns from Davies, Pearson et al. become thoroughly enmeshed in challenging corporate law problems. The menu for this summer revealed the following entrees:

#### **Work Performed During Exchange Period**

- a. Drafting of a three-party contract and subcontract arrangement.
- b. Briefed issues relating to disposition of government-owned property in light of federal and state constitutional requirements.
- c. Prepared memoranda on the adjudicatory powers of federal agencies.
- d. Reviewed several proposed machinery sales agreements, making recommendations as to amendments where appropriate.
- e. Researched and drafted documents for the stipulated dismissal of a case pending before an environmental agency.
- f. Interpreted numerous federal and state administrative regulations.
- g. Researched real estate questions and related permit issues.

Without question, it is a most fulfilling two-week experience on both sides of the "Berlin Wall."

#### **III. Conclusions**

Legal interns perform effectively in a wide variety of law office and practice settings. The relationship benefits both employing unit and law student. Where feasible, offices having different types of practice might exchange interns with each other, leading to the infusion of new ideas and enriching experiences.

Federal Courts should follow the State of Washington in licensing third year law students for the limited practice of law. Perhaps Judge Wright, who was the inspiration of this article, could provide some direction in bringing this about. Perhaps a provisional court rule in the 9th Circuit on an experimental or pilot basis, could be a method of testing such federal licensing.

Licensing legal interns to practice law on a limited basis should probably become a permanent recognized and sanctioned part of legal education — eventually becoming a prerequisite to admission to full practice. □



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## SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**

*Supreme Court Clerk*

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The following is a list of some cases to be heard by the Supreme Court during the January, 1975 Session which may be of interest to the Bar.

43058 — Del Pettit v. Board of Tax Appeals

Does RCW 82.03.180 provide for **judicial review of "informal" Board of Tax Appeals' decisions**? May an "informal" decision of the Board of Tax Appeals be reviewed by certiorari?

43073 — Good v. Associated Students

Is the requirement that a student become a member of the "Associated Students of the U of W" as a requisite to enrollment an **unconstitutional invasion** of the individual student's constitutional rights to **freedom of speech**, association and privacy? Is the transfer of funds collected pursuant to RCW 28.B.15.100 by the University to the Associated Students of the U of W violative of the **constitutional prohibition against gifts**? Does the University violate the State Constitution by being interested in, or controlling, the ASUW, a corporation?

43128 — Moen v. Hansen

Does the **father of a viable unborn fetus**, killed in an automobile accident, have a cause of action under RCW 4.24.010 for wrongful death?

43135 — State v. Heath

May a judge **stay a driver's license revocation** (pursuant to the habitual traffic offender's act) after the effective date of the order when the order was entered prior to the effective date of ch. 83, Laws of 1973, 1st Ex. Sess.?

43156 — Hartman v. State Game Commission

Is the statutory authority of the Game Commission limited to regulations that relate to protection, perpetuation or conservation of the game supply?

43174 — State v. Campbell

Does the State have a right to appeal from a **pre-trial order suppressing evidence** in a prosecution for unlawful possession of a controlled substance where the suppressed evidence is the "corpus delicti" of the crime?

43188 — Washington Statewide Organization of Stepparents v. Smith

Do RCW 26.16.205, RCW 26.20.030 and com-

panion regulations promulgated by the Dept. of Social and Health Services which preclude **AFDC benefits to stepparents**, remarried persons and children, deny equal protection of the law?

43236 — Mason v. Bitton

Is the **State subject to liability** for damages and injury to a third party who has been injured by a suspect being pursued at high speeds by law enforcement officers?

43253 — State v. Smith

Is a **tape recording of events** immediately preceding a killing, **including the fatal gunshots**, admissible into evidence in view of RCW 9.73.030 which makes it lawful for any individual to record any private conversation by any electronic device without first obtaining the consent of all persons engaged in the conversation?

43276 — Darrin v. Gould

Do the Washington Interscholastic Athlete Association regulations which **prohibit females** from participating in interscholastic football events, unconstitutionally discriminate on the basis of sex?

43357 — Hama Hama Co. v. Shorelines Hearings Board

What is the **time period for an appeal** to the Shorelines Hearings Board from a final decision of local government on a substantial development **permit application**? Do both the Department of Ecology and the Attorney General have an independent right of appeal to the Shorelines Hearings Board? When is a substantial development permit "filed" for purposes of measuring the period during which an appeal may be taken?

43450 — Brown, et ux v. City of Seattle, et al.

Does the Industrial Insurance Act, RCW 51.04.010 and .060 preclude a claim for indemnity by a third party against a workman's employer where the claim for **indemnity arises by operation of law** as opposed to written contract?

43464 — Ayers v. Employment Security Dept.

Whether a man who terminates employment to move to a **new place of residence** with his wife is entitled to unemployment compensation?

43465 — Trask v. City of Winslow

Is an **environmental impact statement** required prior to a zoning ordinance change? Does an approval of a zoning change by a planning commission and City Council lack the required appearance of fairness where the council refuses

to allow the meeting to be taped recorded?

43466 — Dept. of Revenue v. The Boeing Co.

What is the meaning of "**fixture**" as used in RCW 82.04.435? (manufacturing tax credit)

43467 — State v. Morris

May a Superior Court order the **90 day temporary commitment** of a person charged with a sex offense pursuant to the sexual psychopathy law before formal disposition of the underlying criminal charge?

43468 — Judges of The Everett District Justice Court v. Hurd

Is a public official **personally liable for costs and damages** when he invokes a court's aid to determine if a public record is to be disclosed?

43173 — Howell v. Kraft

Is a judgment of reversal rendered by the Court of Appeals remanding a cause for further proceedings by the Superior Court in conformity with its opinion a **final judgment** and thus reviewable by the Supreme Court? Are alleged fraudulent acts of a real estate broker exempt from the provisions of the Consumer Protection Act under RCW 19.86.170? Must an assumption of liability by an assignee on a vendor's interest in real estate contract be in writing or may it be shown to exist by the acts and understandings of the parties involved?

43388 — Miller v. Kennedy

Should the **informed consent law** be expanded so that once risk is established by expert medical testimony, it becomes a duty to disclose all such risks as a matter of law irrespective of what other physicians might do under the circumstances?

43380 — Bowing v. Green River Community College

Whether the review committee established pursuant to RCW 28B.50.850 et. seq. and Green River Community College **Tenure and Dismissal Procedures**, is vested with exclusive fact-finding authority in dismissal proceedings. Whether RCW 34.03.110 requires a State agency to issue a proposal for decision when a majority of the deciding officials have read, but did not hear the evidence.

43400 — In re Cynthia Nell Snyder

May the parents of a child be **deprived of custody** under ch. 13.04 RCW without specific findings that they are unfit? Is RCW 13.04.010(7) unconstitutional for vagueness?

43443 — Ways v. Ways

Is RCW 26.08.030, which allows courts to proceed under the **dissolution** statute upon a petition of one who is a member of the **Armed Forces** and stationed in this State, unconstitutional under the **due process** and equal protection clauses of the State and Federal Constitution?

43460 — Saucido v. Saucido

Whether and to what degree the courts of this State are bound by a **guardianship order** entered in **another state**.

43461 — State v. Hansen, 43471 — Hansen v. Morris

Whether a criminal defendant may be **detained for over 90 days** for an examination of his mental status pursuant to ch. 10.77 RCW without a determination that the defendant presents a danger to himself or others.

43472 — Brewer v. Trevino, et al.

Are the Washington **host-guest statutes** in effect prior to their repeal by ch. 3, Laws of 1974, 3rd ex. sess. unconstitutional?

43480 — State v. One 1972 Mercury Capri

Are the **seizure and forfeiture** provisions of RCW 69.50.505 violative of the due process provisions of the State and Federal Constitution?

43482 — Gaylord v. Tacoma School Dist. #10

Whether known **homosexuality** is sufficient cause to dismiss.

43483 — Stephens v. Stephens

Whether in an action brought by a wife against her husband for personal injuries sustained during their marriage as a result of an automobile accident, the **statute of limitations** commences running at the time of the accident or at the time the Supreme Court decided *Freehe v. Freehe*, 81 Wn.2d 183, 500 P.2d 771 (1972) which abolished the doctrine of interspousal tort immunity.

43484 — Lange v. State

Whether inverse condemnation will lie against the State where there has been no physical invasion by the State, but where the **cumulative actions** of the State have allegedly destroyed the economic value of the property.

43485 — Zylstra v. Piva

Whether **juvenile court employees** may organize a collective bargaining unit pursuant to the public employees' collective bargaining law ch. 41.56 RCW, without the approval of the Superior Court.



43492 — Seattle First National Bank v. Volkswagen

Is a **seller**, not the manufacturer, of a defective product, liable under a theory of **strict liability** in tort? Does a right of action exist for injuries received from a product-design defect, not the proximate cause of the accident, but which enhanced the injuries received?

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**COURT OF APPEALS**  
By JOSEPH A. THIBODEAU

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1974 has shown a marked increase in gross filings in the Court of Appeals over 1973. As of the end of October, there were 1307 cases filed in the three divisions of the Court of Appeals. For the corresponding period in 1973, there were 1050 filings, for an increase of 25 percent. Because of these increases the backlog of ready cases but not set for oral argument (i.e., appellant's opening brief filed) is beginning to rise. Following the setting of the January 1975 Session, this delay amounts to a low of five months in Division III and to a high of eight months in both Divisions I and II.

In view of the growing backlog, a dimension to appellate practice which has not surfaced until recently has been a motion for a priority setting. CAROA 51 does not make specific reference to such a motion. The following comments are made to give the bar some insight into court policy in determining whether a case should be granted a priority setting.

A motion for priority setting is one for extraordinary relief and will be granted only to avoid extreme hardships. Mere delays and expense incident to an appeal do not generally affect the adequacy thereof. This court has granted a priority setting where the fruits of litigation would be lost by awaiting results of appeal. There must be a *clear showing* that the remedy by the ordinary appeal procedure is wholly inadequate. Such inadequacy is shown only where it is apparant to the court that it will not be able to protect the rights of litigants or afford them adequate redress.

The motion must be accompanied by affidavits. Such affidavits should set forth the specific reasons for the priority setting. It is not necessary, however, to support the motion with a brief. The motion must be noted for a regular motion day with proper notice to opposing counsel.

## New Degree in Criminal Justice

A new academic program leading to a bachelor of science degree in Criminal Justice will be offered by September 1975.

The program, designed both for students entering college who have an interest in law enforcement as a career and for men and women presently engaged in police work, was worked out with the assistance of Lt. Robert J. Allen, director of the Spokane Police Academy, who is a recent graduate of the Gonzaga University School of Law.

Some of the specialty courses are Constitutional Law, Penology, Parole, Probation, Crisis Management, and Police Organization and Administration. Gonzaga plans to select faculty members from police and social agencies in the Spokane community.

## Moot Court Competition

On October 31 thru November 2, 1974, the Gonzaga University School of Law, Spokane, Washington, hosted the Pacific Northwest regional rounds of the Twenty Fifth Annual National Moot Court Competition co-sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers. Eight law schools from Washington, Oregon, Montana and Idaho participated.

Teams from the University of Oregon and Gonzaga University Schools of Law will represent this region in the national arguments to be held in New York City in December.

The University of Oregon team, consisting of Stuart Brown, Glenda G. Gordon and Linda Graf, won the final round, but both finalist teams are allowed to enter the national competition. Gonzaga's team members are Jerry Dolan, Linda Youngs and Virgil Roth. Both teams had 4-0 records in the double-elimination competition before entering final arguments, which were judged by Justices Charles F. Stafford and Robert F. Utter from the Supreme Court of Washington, and Slade Gorton, Washington Attorney General.

Mr. Brown was named by the judges as the best oral advocate. The Gonzaga team took honors for the best written brief. Briefs were judged by Division III of the Court of appeals for the State of Washington.



## Section Reports

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### TAXATION

By MALCOLM KATZ

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Ever since the Tax Court's holding in *Brodersen* that premiums used to maintain decreasing term insurance owned by a husband's former wife and used as security for the alimony obligation are not deductible as alimony, husbands in the process of divorce have been advised to increase the amount of alimony with the understanding that the wife, if she wishes security, could use the additional amount to purchase insurance on her former husband's life herself. The additional alimony would of course be taxable income, but as long as the wife wasn't legally obligated to buy the insurance, the husband's additional payment would at least obviate a question that her obligation had been satisfied by a third party.

The deductibility of the premiums will also result from the absolute and unconditional assignment of an existing policy where the former wife is made the irrevocable beneficiary. In any event, the thrust of the planning has been to change over from using life insurance to secure the primary obligation of alimony to augmenting the alimony obligation itself.

There was, however, a strong dissent in *Brodersen*, clear dicta by the 2nd Circuit in a fairly recent case that *Brodersen* would not be

followed, recent decisions like *Gray v. United States*, 74-2 U.S.T.C. Paragraph 1319 providing for a deduction by the husband's estate equal to the amount of the death benefit on the grounds that the wife would have had a claim against the estate had the insurance company paid the proceeds to the estate, and on the grounds that the death proceeds were includable in the gross estate as an asset, and the fact that *Brodersen* itself is arguably in conflict with a public Revenue Ruling antedating its holding.

This milieu not only makes for general uncertainty as to the underlying rationale of *Brodersen*, i.e., that the wife receives nothing more, in the way of an economic benefit, than what she is entitled to by virtue of the husband's obligation to provide alimony, but in addition, raises some rather complicated questions of an economic nature, since the value of the death benefit decreases with each payment by the husband, as well as with the occurrence of higher prices and the passage of time itself, and since the difficulty or cost in getting insurance must be balanced against the relative ease of a higher, primary obligation. Ironically, the ever present desire to have the policy revert to the husband if the wife dies first makes the wife a contingent beneficiary, and at least arguably, puts the husband in the security area where the courts have overlooked the fact that a secured obligation has more value and more economic benefit to the wife than an unsecured obligation.

### New Section Officers 1974-1975

**Administrative Law Section:** Chairperson—G. Keith Grim, Seattle; Chairperson-Elect — Clyde H. MacIver, Seattle; Secretary-Treasurer — Harold E. Baily, Coupeville; Executive Committee: George G. Bovingdon, Seattle; Steven A. Memovich, Vancouver; James B. Strong, Olympia; Richard A. Mattsen, Olympia; William M. Lowry, Olympia; C. Robert Wallis, Olympia.

**Anti-Trust Section:** Chairperson — DeWitt Williams, Seattle; Chairperson-Elect —

Robert W. Graham, Seattle; Secretary-Treasurer — Hugo Oswald, Jr., Seattle; Executive Committee: William L. Dwyer, Seattle; James R. Irwin, Seattle; Martin T. Crowder, Seattle; Harold A. Pebbles, Olympia; W. L. Minnick, Walla Walla; Richard S. White, Seattle.

**Corporation, Business & Banking Section:** Chairperson — David Lee Williams, Seattle; Chairperson-Elect — Bert H. Weinrich, Jr., Seattle; Recorder — David J. Whitmore, Wen-

atchee; Past Chairperson — Herman S. Siqueland, Seattle; Executive Committee: Frank Richard Chastek, Spokane; Earl W. Jackson, Battle Ground; Alan P. Vandevent, Tacoma.

**Creditor-Debtor Rights Section:** Chairperson — James C. Middlebrooks, Seattle; Chairperson-Elect — John H. Strasburger, Seattle; Secretary — Thomas R. Dreiling, Seattle, Immediate Past Chairperson — Joseph A. Barreca, Seattle; Executive Committee: Charles R. Ekberg, Seattle; Roger K.

Garrison, Sunnyside; Robert W. Skidmore, Tacoma; David L. Williams, Seattle; James B. McCoy, Longview; Steven H. Pond, Longview.

**Criminal Law Section:** Chairperson — Patricia Harber Aitken, Seattle; Chairperson-Elect — J. Dean Morgan, Vancouver; Secretary-Treasurer — Edward Gene Holm, Olympia; Past Chairperson — Frank L. Sullivan, Seattle; Executive Committee: Edmund E. Lozier, Tacoma; Mark E. Vovos, Spokane; Frank A. Peters, Tacoma; Barbara Durham, Seattle; R. Max Etter, Sr., Spokane; Patrick D. Sutherland, Olympia.

**Environmental Law Section:** Chairperson — Charles B. Roe, Jr., Olympia; Chairperson-Elect — George M. Mack, Seattle; Secretary-Treasurer — Irving M. Clark, Jr., Seattle; Past Chairperson — Joel E. Haggard, Seattle; Executive Committee: John E. Snoddy, Spokane; John Keegan, Seattle; Roger M. Leed, Seattle; Charles W. Mertel, Seattle; V. Lee Kraft, Bellevue; Charles W. Lean, Olympia.

**Family Law Section:** Chairperson — Robert F. Phillips, Spokane; Chairperson-Elect — Miles F. McAtee, Seattle; Secretary-Treasurer — Robert Reynolds, Tacoma; Immediate Past Chairperson — Kenneth W. Weber, Vancouver; Executive Committee: Philip Rosellini, Lynden; Ross Worthington, Spokane; Blythe Caw, Othello; Richard Pitt, Oak Harbor; Robert C. Mussehl, Seattle; Walt White, Olympia; Robert Perlman, Everett; Margaret Gaskill, Seattle; William D. Aiken, Sunnyside; Dan Giboney, Spokane; Homer Crollard, Yakima; Carol A. Fuller, Olympia.

**Intellectual & Industrial Property Section:** Chairperson — Richard W. Seed, Seattle; Chairperson-Elect — Patrick D. Coogan, Tacoma; Secretary-Treasurer — Carl G. Dowrey, Seattle; Past Chairperson — Orland M. Christensen, Seattle; Executive Committee: Steven D. Phillips, Seattle, Richard J. St. John, Spokane.

**Real Property, Probate & Trust Section:** President — Alan H. Kane, Seattle; President-Elect — W. Walter Miller, Ritzville; Past President — Robert P. Beschel, Spokane; Secretary-Treasurer — James C. Falconer, Seattle; Executive Committee: Henry T. Newton, Everett; John A. Wilkins, Kennewick; William J. Kenny, Longview; James R. Gregg, Vancouver; Kermit Rudolf, Spokane.

**Taxation Section:** Chairperson — Scott B. Lukins, Spokane; Chairperson-Elect — Joseph D. Holmes, Jr., Seattle; Vice-Chairperson — E. M. Murray, Tacoma; Secretary — S. Alan Weaver, Tacoma; Treasurer — Eugene C. Anderson, Anacortes; Immediate Past Chairperson — Irwin L. Treiger, Seattle.

**Trial Practice Section:** Chairperson — F. Lee Campbell, Seattle; Chairperson-Elect — Paul R. Cressman, Seattle; Secretary-Treasurer — Arthur D. Swanson, Renton; Executive Committee: Joseph Montecucco, Olympia; Herbert H. Friese, Walla Walla; Murray B. Guterson, Seattle; Alan A. McDonald, Yakima; Willard Walker, Longview; J. Murray Kleist, Seattle.

**Young Lawyers Section:** Chairperson — Edward F. Shea, Pasco; Chairperson-Elect — Lawrence B. Bailey, Seattle; Secretary — David A. Thorner,

Yakima; Treasurer — Robert L. Burnham, Seattle; Board of Trustees: Elizabeth J. Bracelin, Seattle; Susan F. French, Seattle; William H. Neukom, Seattle; Rafael Stone, Seattle; J. Kevin Downes, Bellingham; H. John Hall, Chehalis; John N. Lindsay, Spokane; John D. Barline, Tacoma.

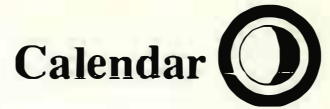
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## Robert J. Deschane Disbarred for Misuse of Trust Funds

Robert J. Deschane of Spokane has been disbarred for the misuse of funds in his trust account. In an opinion written by Supreme Court Justice Brachtenbach on October 31, 1974, and with unanimous concurrence by all the Justices of the Supreme Court, Deschane was found to have misapplied a substantial amount of his trust account. This was done contrary to clients' instructions and partially for personal use. In addition, Deschane was unable to provide a satisfactory accounting of trust fund transactions.

It was the opinion of the Court that Deschane's acts "comprise flagrant violation of the Code of Professional Responsibility and demonstrates and unfitness to practice law."

Justice Brachtenbach concluded his opinion by stating that, "Those few lawyers who mishandle trust funds, who fail to maintain complete records of trust funds, and who fail to account and deliver funds as requested are reminded that disbarment is the usual result."



Wanted and Unwanted

For Sale: Wash. Reports complete: Wash. Practice, 11 vols.; Wash. Law Review, 1-30 bound and 1961 to date; Wash. Shepards Citations; Session Laws complete; RCW loose-leaf annotated, 22 books and 73 Laws Supp., Am. Jur Proof of Facts, 1st, 30 vols., Benders Forms of Discovery, 19 vols. Call Doris Murray, 524-5748, or Steve Gaines, 624-2960, Seattle.

For Sale or Trade: Vols. 1-300 Federal Reporter and/or Vols. 1-345 Federal Supplement; will trade for Washington Reports and/or R.C.W.A. (206) 622-1480, Seattle.

For Sale: Special price as a Unit: \$1297.00. RCW Annotated (BPC) — 22 Vols.; Am Jur 2nd — 80 Vols.; Washington Practice — 9 Vols. (West Publishing Co.); Am Jur Legal Forms (Anno.) — 14 Vols.; Am Jur Pleading and Practice Forms — 23 Vols.; Schwart Trial of Accident Cases — 7 Vols.; O'Bryans Washington Forms — 2 Vols. Call SH 6-1639, Bellevue.

Sought: The files or records of Hiram C. Gill, deceased, formerly in the firm of Gill, Hoyt and Frye, of Seattle; also one time Mayor of Seattle. Contact Mrs. H. B. Wade, 526 N. Third, Montesano, Wash. 98563.

Will Sought: For Ona Vonnie London, who died on May 30, 1974, while a resident of Seattle, King County, Washington. Contact Thomas A. St. Pierre, 623-2369, Seattle.

Missing Heir: R. E. Byrd, a legatee in the Estate of Delores M. DeGraw. Contact Stephen M. Gaddis, 789-4700, Seattle.

- Dec. 19-21 WSTLA, Basic Medical Seminar, Kane Hall, U. of W., Seattle; Duane A. Richards, Chairman.
Jan. 9-12 CLE and SKI, Big Mountain, Whitefish, Montana, U. of Montana Law School, Missoula.
Jan. 30-Feb. 1 Seventh Medical Institute for Attorneys: The Spine: Injuries, Rehabilitation and Disability Evaluation. University of Miami Law Center, P. O. Box 8087, Coral Gables, Florida, 33124.
March 7 CLE seminar, UCC Update: Law, Practice and Litigation in 1975; William M. Weisfield, chairman; Richard Cosway, Lawrence R. Small, Justice Robert F. Brachtenbach, Delbert D. Miller, Betty B. Fletcher, Paul J. Allison. 1 to 6 p.m., Olympic Hotel, Seattle.
March 14 CLE seminar, UCC Update: Law, Practice and Litigation in 1975; 1 to 6 p.m. Holiday Inn, Yakima.
March 21 CLE seminar, UCC Update: Law Practice and Litigation in 1975; 1 to 6 p.m., Ridpath Hotel, Spokane.
April 18 CLE seminar, Basics of Securities Regulation: More Opportunities and Pitfalls for the General Practitioner; Mike Liles Jr., chairman; James E. Newton, Ralph Smith, Paul E. S. Schell, N. Michael Hansen, Ronald E. McKinstry, Bert H. Weinrich Jr., Tom A. Alberg; 1 to 6 p.m., Olympic Hotel, Seattle.
May 2 CLE seminar, Basic of Securities Regulation: More Opportunities and Pitfalls for the General Practitioner; 1 to 6 p.m., Ridpath Hotel, Spokane.

Lawyer Placement

- 1. An electric utility and municipal corporation in Eastern Washington is looking for an attorney with five + years experience in contract claims, Washington municipal law, administrative practice before state or federal agencies or in the field of municipal revenue bond financing. Salary: \$17,500-\$22,000. Respond to Bar Office, c/o Box 24.
2. Attorney admitted to the Washington Bar with a Masters in Marine Law is seeking position.
3. Position available in Olympia for an attorney admitted to the Washington Bar preferably with some accounting or educational experience. Respond with resume to the Bar Office, c/o Box 28.
4. Labor attorney, 10 years experience, seeking position with firm or corporation in Seattle-Tacoma area. Emphasis on negotiations; contract implementation, grievance administration and arbitration cases; fringe benefit funds; EEOC, etc. Member New York and Ohio Bars.
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