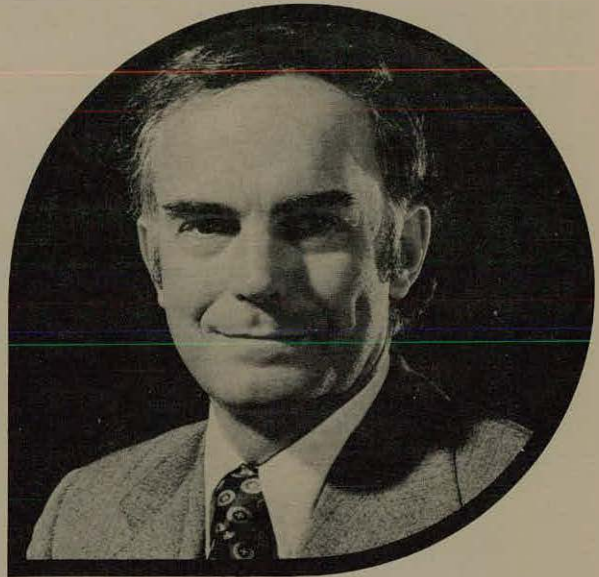

WASHINGTON STATE BAR NEWS



1974 CONVENTION HIGHLIGHTS



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Cover: Speakers at 1974 Convention: Bill Russell, Gov. Daniel Evans, Hon. Wm. Ruckelshaus, and Hon. Len Sawyer



SOBER REFLECTIONS

Editor:

Every disbarred attorney with whom I have had a personal acquaintance was alcoholic and his disbarment was alcohol related.

Our bar association has no program to counter what may be a leading factor in the catastrophe of disbarment. It does not even perceive it, at least officially, to be a problem.

Alcoholic beverages are available at nearly every bar association function. Frequently the county associations and sometimes the state association supply the drinks at a function free.

Judges drink at our bar meetings (not the weekly county business affairs). When we have joint meetings with doctors, the doctors drink, too. Even the psychiatrists drink, before and after which they treat those of us who know we can't drink and are trying to do something about it. It's fun. And it's relaxing, particularly because of the peculiar nature of our business. We mentally record and retain factual situations and their pertinent legal theories and requirements and the demands for action arising from them for two or three years, or longer in the cases of some clients. We're highly competitive, too. We are among the best anecdotists, too. We usually like each other, or at least, can tolerate each other. So that one or one-and-a-half hour drinking session before a dinner at a bar function is truly a highlight.

All of this reinforces our belief that most people can drink alcohol without harm to themselves.

Well, it just isn't so. We've

made law practice a tough, competitive, crisis ridden business instead of a profession. We drink more than others—right along with persons in similar occupational environments. We should be drinking less.

There are those of us who would drink little or nothing no matter what work they did. They can afford not to be concerned—at least, for themselves, if that is their sole concern. The tendency for most of the rest of us is to drink a little more each year, the accumulated increase coming in the period of our lives when the body and mind can least afford it.

But must all this be with the apparent sanction and encouragement of the bar association? Does the fireman bring gasoline to a fire? Some will argue that decent, honest, competent lawyers do not become alcoholic. I can think of some who did.

Statistically, it may or may not be shown that alcoholism is an occupational hazard of lawyers. As an association we haven't shown enough interest to inquire. But when fever occurs in the presence of an infection, the physician tries to lower the fever even though it isn't causative. He certainly doesn't do anything to add to it.

Prohibition hasn't proved acceptable nor is it warranted. But there should be an official policy sponsored by our association of awareness and respect for the problem of abuse of alcohol. We should do more than omit officially sponsored drinking sessions. The problem of the lawyer who appears in court under the influence of alcohol should not be left to the individual judge in question. He isn't equipped to deal with it, especially if he is

trying to deal with his own problem in that regard.

People treat dynamite with respect. Our bar association can treat alcohol with respect. An arrest and conviction for DAUIL or an alcoholic contempt of court should result in a referral to a state bar committee disassociated from the administrative committee. That committee should be empowered to prescribe referral for treatment as a condition for purging a contempt of court or as part of a sentence for a DAUIL conviction. At least, hopefully, the members of that committee won't be getting drunk with the unfortunates referred to them, at the next bar meeting on booze supplied by the association.

SAMUEL W. FANCHER

Tacoma

* * *

Editor:

I am an ex-drunken lawyer. In polite society we call ourselves alcoholics. The fact of my alcoholism is a matter of public record in that I fulfill a position on the King County Alcoholism Administrative Board, in an appointment slot where an alcoholic must be appointed. I therefore have no difficulty admitting that I am an alcoholic, publicly. This helps overcome my obvious shyness. There are many other lawyers out in legal land who are alcoholics, both practicing and non-practicing (drinking, that is). Many of us alcoholic lawyers have died because of it, if our liver gives out before we get disbarred, which is the normal result.

By this letter I am raising my hand and asking you to pay atten-



tion to the problems of alcoholism in the Bar. Some thought and effort should be made. A committee should be appointed and a proposal made to the Board of Governors as to how to handle alcoholism in the industry of legal services and the average population of drinkers statistics seemingly indicate approximately seventeen percent become addicted to alcohol and become alcoholics. I suggest that among lawyers it might be higher. Who of us is going to bell the cat? I suggest that we, as attorneys, had better start facing our problem. I am not trying to be a blue nose but I think it is about time for the legal profession to get its house in order. The professional, college educated, high energy drinker whose job involves a great deal of tension is more susceptible to alcoholism than virtually anybody else. Let's quit talking about it in back rooms and get it out in the open.

ALVA C. LONG

Auburn

Christian Legal Society Breakfast to be Held At State Convention

The Christian Legal Society will sponsor a prayer breakfast during the State Bar Convention. This will be the fourth year for the event. The breakfast will be held at the Hyatt Regency, convention headquarters, on Saturday, September 14, at 8:00 A.M. The convention program will list the room location.

Dr. James Houston, principal of Regent College, Vancouver, B.C., formerly bursar at Oxford University, London, has been invited to be the guest speaker.

Attorneys and their wives interested in attending are requested to make reservation with any of the following:

William H. Ellis
4400 Seattle-First National
Bank Building
Seattle, Washington 98154
Telephone: (206) 447-4465

Joel Paget
545 Henry Building
Seattle, Washington 98101
Telephone: (206) 622-1363

Raymond C. Eberle
1407 Old National Bank
Building
Spokane, Washington 99201
Telephone: (509) 624-2161

Class Action Report

The Senate Commerce Committee released a major study on class actions.

This study is the first reliable compilation of the experience with class actions in the federal courts. Significantly, the study demonstrates that for the most part, class actions proceed smoothly in the court system without any undue difficulty. The questions that are frequently raised concerning attorney's fees, distribution of damages to the class, manageability, excessive use of court time, and use of the class action device to unfairly harass and intimidate defendants have proven not to be a problem. In fact, the only problems that did emerge—notice and damage distribution in a relatively small number of large class actions—can be adequately dealt with by legislation. The results of the study will do much to clarify the confusion surrounding the class action issue.

A limited number of copies of the Class Action Study can be obtained from the Senate Commerce Committee by writing Ms. Arlene Sidell, Chief Clerk of the Committee, at 5202 Dirksen Senate Office Building, Washington, D.C. 20510.

Falknor Fund Established by UW Law School

The University of Washington Law School is establishing a library fund as a memorial to Judson F. Falknor, who died March 29, 1974. A member of the Class of 1919, Judson Falknor also served the Law School as dean and professor from 1936 until 1951.

The new fund is to be called the Judson F. Falknor Memorial Law Library Fund and will be used to purchase special additions to the Law Library's book collection.

Alumni and friends of Dean Falknor are invited to send contributions to:

The Washington Law School
Foundation
322 Condon Hall
University of Washington
Seattle, Washington 98195





At the July Board of Governors' Meeting, Bill Gates used a phrase which could be used to describe its theme: the demise of the casual practitioner of law.

Mandatory Malpractice Insurance

A program to require errors and omissions insurance as a condition to practicing law was approved. The target date is February 1, 1975. Under the plan, the Association will purchase malpractice insurance for all members except those who represent only a single client. The premium charge for those covered will be part of the annual dues.

After two years of negotiation, the insurance committee has come up with good basic insurance coverage. Limits of \$1,000,000 will be provided at a first year premium of \$155.00. Rate increases in the second and third year will be limited to 10% per year.

A little more than half of Washington's lawyers now carry malpractice insurance. Clients deserve protection from damages caused by the bumbling lawyer. Malpractice insurance should be mandatory.

Purchase of the insurance by the Bar Association under a single group plan, however, may ultimately result in rates that are excessive for the competent lawyer. Presently uninsured "poor risks" will be brought under the plan at the same premium rate. Purchase of insurance from a single market under the terms and rates negotiated by the Insurance Committee will be advantageous to most lawyers for the next three years. But as losses mount and premiums increase, the Bar will doubtless consider the option of returning to the competitive purchase of insurance by the individual lawyer. A return to this option could ultimately drive the un-



John Heath, William Gates

insurable lawyer from the practice of law. An alternative would be "merit rating" under a single group policy.

Competitive rates or merit rating present a danger: policing of the profession should not be left to the insurance industry, a danger avoided by a flat rate group plan.

Compulsory Legal Education

Contrary to the recommendation of the Continuing Legal Education Committee, the Board approved the concept of a requirement that each practicing lawyer be required to complete 45 "units" of specialized legal training every three years as a condition of "recertification." The view of the CLE Committee was: you can lead a horse to water, but you can't make him drink.



Robert Day, John Champagne

Demise of the Casual Bar News Editor

Not only did the Board move toward elimination of the casual practitioner, it also moved toward elimination of the casual *Bar News* editor. A recommendation by the budget committee that paid advertising be solicited for the *Bar News*, with a view to make it self supporting in three years, was approved. At present, the mechanical job of producing your *Bar News* is largely performed by two unpaid editors. Achievement of the goal of producing \$50,000 annual revenue three years from now will change the publication's status from amateur to professional. Control of format and production will necessarily move away from "hobby" editors to paid professionals. Perhaps economics dictate this result, but we greet the change with some trepidation.

HMCG



I approached this, my last contribution to this column, with mixed feelings—relief at no longer having to meet the monthly deadline, and pleasure in relinquishing this forum to my good friend and successor, Ken Short, who will be an outstanding president of our Bar.

There was an element of chagrin also, because after facing several earlier deadlines with a dearth of ideas, I faced the last one with ample material for several columns.

Our Bar has been exceptionally realistic in its attempts to discharge its obligations to our profession and to the public. Without minimizing the contributions of the Board of Governors and the Bar staff, candor requires that the primary credit be attributed to the quality and attitudes of the members of our Bar, from the youngest to the oldest, and from the 2,500 lawyers of King County to the 5 lawyers of Jefferson County.

There are so many of you to whom thanks and infinite respect should be expressed, so many achievements and so many remaining challenges, that to try to cover them all would be futile. I do, however, sense and hope that a vitally important corner has been turned and believe that it warrants comment.

Out of the agony of Watergate, and intermingled with a wave of superficial cynicism about lawyers and the law, there is now becoming apparent a growing public awareness of, and appreciation for, the justice system and those who make it work. Justice is not a self-executing abstraction, and its spirit, its structure, and the judges and lawyers who make it function are now, far more than ever before, objects of intelligent public interest. The deliberativeness of the process, its objective functioning regardless of the immediate direction of public clamor, and the rendering of individual judgments based on the facts and law in individual cases are making a deep impression on many thoughtful people. There now exists the real likelihood that the system and our profession will emerge from this critically testing time as a stronger and more stabilizing institution of our society than ever before.

One immediate and concrete indication of this growing awareness is the interest in the development of a program of law-related education recently expressed by a number of lay groups and agencies including the Office of the Superintendent of Public Instruction.

As a starting point for law-related education programs in Washington State, and as a catalyst to draw interested parties together, the Northwest Regional Conference on Law-Related Education will be held October 25-26 in Seattle. The purpose of the meeting will be to have experts from across the nation conduct workshops with leaders from the educational and legal communities of cities and other educational districts in Washington and other northwest states.

The Conference will be financed by the Washington State Bar Association, the Seattle-King County Bar Association, and the American Bar Association. However, the Steering Committee which is planning the program and the selection of delegate teams includes, in addition to practicing lawyers, representatives of the Superintendent of Public Instruction, public school administrators, teachers, the judiciary, leading professors in the field of education, law enforcement, and the Washington Congress of Parents, Teachers & Students.

Our goal in sponsoring the Conference is to create a springboard for follow-up planning and action. In fact, such planning has already begun. The Superintendent of Public Instruction is developing a program that will result in 36 in-service workshops being held for teachers during the 1974-1975 school term. In addition, a curriculum guide is being developed for use beginning with the 1975-1976 school term. The guide will ultimately cover all grades from kindergarten through twelfth grade.

Our enthusiastic commitment to this endeavor is essential to its success. The ultimate benefits are incalculable. Consider, as only one example, the value of a broad public understanding of the importance to the justice system of the role of lawyers as adversaries.

It is to be hoped that the focusing of the attention of educators on law-related education will be but one manifestation among many of a renewed public interest in, and appreciation of, the justice system as the keystone of our society.

More About the 1974 Probate Amendments

by Dan Reaugh*

Part I

The April issue of the *Washington State Bar News* contained an optimistic summary of the improvements made by the 1974 amendments to RCW Title 11 (Probate). Improvement of the probate code is a laudable objective. However, the fact that some improvements will result from the 1974 amendments should not prevent inquiry into whether any problems were unnecessarily created, and into whether all improvements were made that logically could have been made in the areas covered. The following comments follow the outline of the 1974 amendments and do not purport to mention all the problems created.

Collection of Personal Property by Affidavit (§§ 4 & 5)

Sections 4 and 5 of the 1974 amendments added a desirable procedure borrowed from the Uniform Probate Code enabling a successor to a decedent to collect without probate personal property including debts owed to, or belonging to, a decedent by the presentation of an affidavit, so long as the value of the total estate subject to probate, less liens and encumbrances, does not exceed \$10,000.

In addition to the showing required by UPC 3-1201 and 3-1202, Washington has added requirements that restrict the usefulness of the collection affidavit. For example, the collection affidavit may be used only if the decedent was a resident of this state; requires that all debts of

the decedent, including funeral and burial, have been paid or provided for; the claiming successor either has given all other successors of the decedent a 10 day notice or has received written authority from the other successors; and the claiming successor has given a 10 day notice to the inheritance tax division. The addition of these requirements is almost as complicated as a simple nonintervention probate proceeding.

Nonintervention Powers [NPs] (§§13-21)

The most significant and far-reaching feature added by the 1974 amendments is found in §§ 13-21 which extend nonintervention powers (NPs) to intestate cases and to other cases where the PR is not named in a will. It is difficult to understand why the drafters chose to ignore other related improvements available under the UPC. For example, the UPC does not require any showing of solvency in order to avoid court supervision. The requirement of solvency in Washington must be based upon the pragmatic proposition that insolvent estates are more likely to be administered in violation of law than estates that are solvent. It would seem obvious without argument that the quality of the administration will depend more upon the qualifications of the PR and the ability of his counsel rather than upon whether the estate is solvent or insolvent. Therefore, it is suggested that Washington's historical requirement of solvency has no

Dan Reaugh has been on the UPC task force of the Washington Judicial Council for several years. He appeared at several legislative hearings in opposition to the adoption of the 1974 Probate Amendments. He obtained his AB in Political Science from WSU in 1932, his JD from the University of Washington Law School in 1936, and a JSD from the Yale Law School in 1940. He has been in private practice in Seattle since 1946 and is a fellow in the American College of Probate Counsel.

*Valuable assistance was received from Karen Hardisty, a second year law student at the University of Washington Law School, and from Suzanne Smith, a first year law student at the UCLA Law School and an experienced paralegal in probate.

reasonable empirical basis for its retention as a condition precedent to NPs.

Several advantages might have resulted from dropping solvency as a condition precedent to NPs as is done under the UPC. For example:

- (a) Court involvement could be eliminated for the initial utilization of NPs.
- (b) Courts should become involved in administration only when an interested party seeks to prevent, eliminate, or restrict nonintervention powers, and the court finds that judicial supervision is needed to protect beneficiaries or creditors.
- (c) The mere name "Order of Solvency" is misleading to laymen. "Order Confirming Nonintervention Powers" would be more informative to a layman.

If solvency is so important, why is not solvency also made a condition precedent to obtaining an adjudication of testacy under § 27 and of intestacy and heirship under § 29 as is done in connection within the affidavit collection procedure in §§ 4 and 5. In § 46 relating to the waiver of bonds it appears that all expenses and claims of creditors must be provided for.

"Solvency" is also confusing, because an estate might be "solvent," yet not have sufficient liquid assets to pay debts and taxes; i.e., when assets consist primarily of real estate. In non-liquid situations "liquidity" may be far more critical than "solvency" in the orderly and prompt administration of estates. Thus if

solvency is to be construed as a condition precedent it should have been defined.

The Washington statutes have never contained a definition of solvency. Section 13 refers only to a finding that the estate of the decedent is solvent. No Washington case could be found which defines solvency. For example, does solvency merely mean that assets of the "deceased" exceed the debts, or does solvency also require that assets be sufficient to pay timely the items listed in RCW 11.76.110 for which no formal claim need be filed? The nonclaim items of RCW 11.76.110 include: costs of administration, funeral expenses, debts having preference by the laws of the United States, taxes or any debts owing the state of Washington, and judgments and other liens against real and personal property.

None of the nonclaim items of RCW 11.76.110 are deemed to be "debts of the deceased" under the 1965 amendment which changed the phrase "creditors of the estate" to "creditors of the deceased" in RCW 11.40.010, and "creditors of the decedent" in RCW 11.40.080 to avoid the necessity of presenting claim for funeral and burial expenses under the holding of *Hennessey Funeral Home v. Dean*, 1964-9-24, 64 Wn2d 985, 395 P2d 493. But see the reservation to this conclusion by Judge Horowitz in *Offields' Estate*, 1972-11-27, 7 WnApp 897, at page 902 in note 2, 503 P2d 767. See also *Wilson's Estate*, 1973-3-12, 8 WnApp 519; 1973-8-28 Petition for Review Denied 82 Wn2d 1010.

Another closely related problem and unnecessary restriction on NPs is that § 13 prohibits NPs from being confirmed to any PR who is a "creditor of the estate." This would mean that a spouse or other logical relative, such as a wife or child, who is a creditor may not obtain NPs in intestacy probates—a result obviously not intended.

Section 14 creates a presumption that all decedents intend that PRs named in their wills shall have nonintervention powers to administer the estates without court supervision, unless the will specifically requires court supervision. Section 14 also provides that NPs shall be acquired without any prior notice under § 16 when solvency of the estate is established under § 13 (RCW 11.68.010 as amended). Does this mean that when the PR named in the will obtains an



"order of solvency" the order need not confirm NPs? Apparently it does, but it would seem good practice for the order to confirm NPs for the benefit and protection of transfer agents and others dealing with the PR.

In all other cases where the PR is not named in a will, a formal order of solvency confirming NPs appears to be required under § 15. Under § 16, a notice of seeking NPs is required in all cases where the PR is not named in a will except where the unnamed PR is a spouse or a bank or trust company. Are mutual savings banks included?

Serious objections can also be made to § 16 in that NPs may be granted to a bank or trust company without any prior notice to a spouse. The same omission may be absent from § 44 which should have been the successor to RCW 11.28.130 which is repealed.

Section 16 relating to the giving of notices should be amended to grant the court discretionary authority to require notice to creditors and to other interested parties as needed by publication or other appropriate means as authorized in UPC 1-401(b) and 3-403(b). In addition, the form of notice prescribed in § 16 is not designed to be as informative to laymen, because the form and notice overemphasizes "order of solvency" and does not make a full disclosure that an "order of solvency" means that the PR will have NPs to administer the estate without court supervision.

Section 17 relating to imposing restrictions upon NPs eliminates any discretion by the court if no objections to NPs are made or if the will directs that the NPs be unrestricted. It is suggested that the court should be given discretion even in these two situations. The extent of the court's discretion to restrict NPs will be found to be even more scrambled by reading the following sections:

§ 18 NPs of Successor PR

§ 19 Removal of a PR

§ 20 Vacating NPs for Insolvency

The purpose of Section 21 relating to the scope of NPs is not clear. If its purpose is to provide a complete list of NPs then the section is woefully inadequate. UPC 3-711 and 3-715 contain a more complete list of powers. The powers stated in the Washington Trust Act RCW 30.99.070 is also more complete, but neither the UPC nor the Washington Trust Act contains sufficient coverage for making all the appropriate tax elections frequently required during the probate of an estate. Therefore, § 21 should at

least be amended to recognize that additional powers may be granted in a will, which the present section does not expressly recognize.

If a purpose of § 21 is to protect persons dealing with the PR, then UPC 3-714 provides a far more complete protection.

Closing NP Estates by Court Order (§22)

Section 22 provides for the closing of estates by court order. Section 23 provides for closings without court order. While the format of § 22 follows RCW 11.68.010 as last amended in 1969, the 1974 amendment restricts the parties to the two alternatives. One alternative is a full adjudication *without* an accounting. The other alternative is a full adjudication *with* an accounting.

In NP cases there is no apparent reason why the PR should not be able to obtain a court order for an accounting alone without a full adjudication of the other matters required to be included. The trap is that if by inadvertance the order is for something less than the prescribed alternatives, does the decree have any validity?

Another question is whether a PR, whose NPs have been restricted, may use § 22 at all. If use is to be confined to unrestricted NPs then the word "unrestricted" should be inserted.

Section 22 also requires a statement in the notice of the amounts of all fees and for an optional adjudication of fees. Fee determination and review is such an important subject that it should be covered in a separate section. Also, the scope of the provisions are so broad that they should apply to all probates. As now drafted § 22 appears to apply only to fees in NP cases. Also does the § 22 apply where the NPs are restricted? Here again the UPC provides a much more complete and elastic answer, where the scope and amount of detail in the closing is at the option of the PR or of any interested party. See 3-1001 and 3-1002 for the adjudication type of closing under the UPC.

Instead of expanding the complexity of the closing procedure relating to review of fees, it is suggested that the public would be benefited more by providing guidelines for the type of accounting to be provided by PR. This is badly needed because the EDP printouts provided by some banks are not informative and contain no meaningful summaries and coordination. See *In re Walker Estate*, 1974-4-10, 10 WnApp 925, __P2d__. As a minimum, it is suggested that

the guidelines for the account summary contained at pages 459-460 of Steincipher, *Washington Probate Practice and Procedure*, 1966, should be included in a statute or a court rule. Arizona added some interesting requirements to 3-505 in this connection.

A final matter is that § 22 provides no protection for omitted heirs whereas UPC 3-412 and 3-1001(b) does. Omitted heirs includes all persons who were entitled to notice, but who did not receive notice, which happens all too frequently.

Declarations of Closing NP Estates (§23)

Section 23 replaces the rather simple declaration of closing now authorized. If as a matter of policy it is decided that the existing declaration of closing is not adequate then it is suggested that UPC 3-1003 is far more appropriate and far less complicated than the requirements of the new § 23.

The 30 day deferral of the effective date of a closing statement under § 23 represents some improvement over the present statute that terminates NPs on the date of filing the declaration, but 30 days is not enough. The UPC declaration of closing becomes effective one year after filing which is a far more realistic period to allow for the settlement of tax matters and for later discovered assets.

A final objection to the new § 23 relates to a matter of due process. Can an after the fact opportunity to object be made equivalent to a prehearing notice? There may be serious doubts as to its constitutionality. No such effect is given to the present declaration of closing, and it is submitted that none should be nor is needed.

Adjudication of Testacy or of Intestacy and Heirship (§§ 27-32)

The next most far reaching feature of the 1974 Probate Amendments are §§ 27-32 providing for adjudications without administration. The attempt to inject this new concept illustrates the difficulty of attempting to update the Washington Probate Code by the piecemeal method. The problem is that the UPC adjudication procedure does not fit well into any of the following three RCW probate chapters:

- ch. 11.20 Custody, Proof and Probate of Wills
- ch. 11.24 Will Contests

ch. 11.28 Letters Testamentary and of Administration

Furthermore, the adoption of the UPC concept of a separate adjudication of testacy and of intestacy and heirship raises some due process problems when not accompanied by the other provisions contained in UPC Art III, Part 4. In fact, no formal probate of a will nor adjudication of heirship may be obtained under UPC without notices being given prior to the hearing as provided in UPC 3-403 in a formal proceeding.

To solve completely these problems, RCW chapters 11.20, 11.24 and 11.28 should be redrafted or UPC Art III, Part 4 version should be adopted.

Lack of due process is a most serious objection to §§ 27 and 29 in that an adjudication of testacy or of intestacy and heirship may be had without any notice being given prior to the hearing. Since the finality of the adjudication of either testacy or of intestacy and heirship does not involve any immediate administration problems there is no practical reason why notice should not be given before, rather than after, the hearing. Even more offensive is that § 31, which requires the *ex post facto* notice, does not require that notice be given to the creditors.

If solvency is to be an absolute prerequisite to the acquisition of NPs (§ 13), why should not solvency also be a prerequisite after adjudication under §§ 27 and 29?

Under the UPC formal adjudication (Art III, Part 4), there is no directive against further administration which in effect deprives the parties of adequate due process and of court review for later improper disposition of an estate. It is true that § 32 provides for subsequent remedy but its existence is obscured by burial at the end of a long paragraph. The remedy is that § 32 authorizes any person (presumably including creditors) for good cause shown to later obtain the appointment of a PR to administer the estate after the entry of the order adjudicating testacy or intestacy and heirship.

More specific objections to each of the adjudication sections follow as separate topics.

Part II, following in the next issue, will discuss §§ 27-32, Adjudication of Testacy Without Administration, §§ 33-38 on Creditor's Claims, §§ 39-43 on Accounts and Solicitation, and §§ 44, 47, 48 and 51-54. □

The Medical-Legal Consultant

by Linda Ann DePaulo

Members of the legal profession have at their disposal any number of services for gathering both general and specific data which may be needed for the purposes of evaluating and trying court cases. However, in the field which deals with drug related and other medical aspects of personal injury litigation, malpractice and product liability cases, the availability of basic information gathering services is limited. Furthermore, there is no service for medically-related problems which provide expert and discriminating analysis of pertinent information which is correlated to a specific case.

In the State of Washington information from the medical literature may be entered during cross-examination. Most important, however, is that documentation of the entered medical literature can substantiate or even create a theory of liability. This material is also beneficial to the expert witness. An expert witness is more confident when he knows the literature is supportive of his views and more effective when aware of articles with an opposing view and the article's weaknesses.

For each individual case the attorney must attempt to become a temporary expert in a specialized area of medicine. Although some reference works are available which provide medico-legal information for the attorney, they are probably too general and are occasionally out of date. A complete medical library can provide an abundance of information. However, the volume of accessible literature makes retrieval of pertinent facts difficult and time consuming,

especially for those inexperienced in the health field. A thorough review of the medical literature through the trained eye of a health professional can document such things as the standard of practice for a particular medical procedure, the incidence and significance of a certain side effect, the possibility of a drug-induced disease or condition, and growth rates of specific tissues, bones, tumor and organisms. Such a specialist can potentially save an attorney time and money by condensing, analyzing and correlating the data from the medical literature for immediate use for medical-legal purposes.

To serve such a function requires a person who is schooled in anatomy, physiology, pathology, microbiology, pharmacology and therapeutics with clinical experience and who is trained in the techniques of information retrieval and analysis. Since the modern academic program in pharmacy provides this type of background, it appears that a recent pharmacy graduate is well suited to serve attorneys as a Medical-Legal Consultant.

Once the problem has been presented and the Medical-Legal Consultant thoroughly understands the legal nature of the case, the Medical-Legal Consultant reviews the medical records and other relevant information available. After the particular medical problem involved in the case has been ascertained, a thorough search of the medical literature relating or pertaining to the problem is conducted. The specific details are analyzed and photocopied and then carefully correlated with general medical information relevant to the case to form a condensed, organized and easily readable source of information and facts. A written summary of the medical literature and a

conclusion stating the weaknesses and strong points of the case as documented by the medical literature is provided. After the attorney has received and reviewed this report, a follow-up consultation is highly desirable.

The medical-legal field is an expanding area and the Medical-Legal Consultant is meeting a definite need in the legal profession. Constantly encouraged by responses from attorneys and an increasing case load, the Medical-Legal Consultant is assuming a prominent and permanent role as the liaison between the medical and legal professions. □



Linda Ann DePaulo has been a Medical-Legal Consultant for the past two years. A 1972 graduate from the University of Washington School of Pharmacy and a registered pharmacist, Linda is currently a candidate for a Master of Science degree in pharmacy from the University of Washington. During her graduate studies she has been a Teaching Assistant and a Clinical Pharmacy Instructor. All correspondence for Linda Ann DePaulo should be sent to her at P.O. Box 311, Friday Harbor, Washington 98250.

Bottle Deposits and Attorney Fees

Environmental Law Report

Recent revisions to the State Environmental Policy Act require all cities, counties and municipal corporations to prepare regulations implementing SEPA. The regulations must be done with a specified time period after, and be consistent with, those to be promulgated by the State's Council on Environmental Policy. No state regulations are expected in the near future; but if you have any suggestions they should be sent to the Council. Regulations adopted will be binding on the governmental entity and must be followed. See *Wilson v. Lynn*, 6 ERC 1648 (HUD bound by its own regulations and must act in accordance with them).

The Environmental Law Institute (Suite 620, 1346 Connecticut Avenue N.W., Washington, D.C. 20036) would like to know of any economic incentive mechanisms in state or local environmental laws or mechanisms. Examples are Oregon's levies on non-returnable bottles and Vermont's pollution changes. Incidentally, the Environmental Protection Agency on May 7, 1974 expressed support for the concept of mandatory bottle deposits, but opposed the specific legislation (S 2062) since it did not provide for phasing into the new system. The State Legislature has been considering returnable bottle legislation in Washington.

The Supreme Court recently decided that while attorney fees are generally not recoverable by a prevailing party in the absence of statutory or contractual grounds, equitable considerations may permit the recovery of such fees when a private party, initiating the action after the refusal of appropriate officials to do so, has successfully prevented the unlawful or unconstitutional expenditure of public funds. *Weiss v Bruno*, 83 Wn.2d 911 (June 20, 1974). The case may indicate an alternative to the "private attorney general" concept (See *La Razu Unidu v Volpe*, 57 FRD 94, 98 (N.D. Cal.; 1972) when attorney fees are asked for in environmental litigation.

Any member of the bar desiring a copy of the Environmental Law Section's Annual Report may write Cassie Morris at the State Bar office. When you do, send along \$5 and join the Section.

Joel Haggard, *Chairman*
Environmental Law Section

Three New Members Elected to Board of Governors

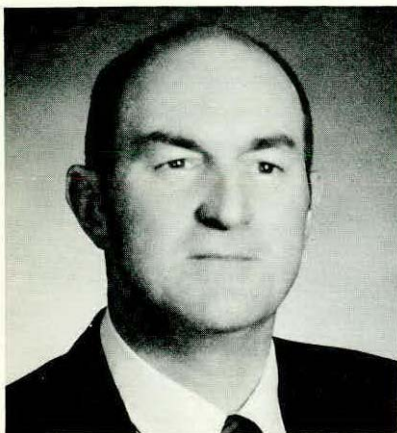
The State Bar will benefit from the wealth of experience and service which each of the new members of the Board of Governors brings to his position.

Charles R. Olson has been elected to represent the Second Congressional District. He is a partner in the firm of Olson & Olson in Bellingham, where he has practiced for the past 20 years.

A past president of the Whatcom County Bar Association, he has been active in State Bar activities, including a term as a WSBA representative on the Statute Law Committee.

Olson is a 1953 graduate of the University of Washington Law School. His roots go deep in the legal community. He is in practice with his brother and is the son of the late State Supreme Court Judge Ralph O. Olson. His wife, Marian, is the daughter of the late State Supreme Court Judge Harry E. Foster.

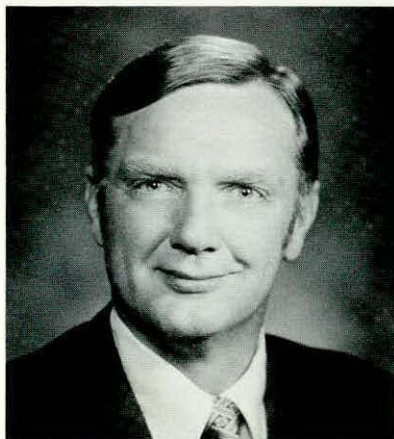
Olson will succeed Edward J. Novak of Everett as the Second Congressional District's representative on the Board.



Charles R. Olson

Robert R. Redman has been elected by the attorneys residing in the Fourth Congressional District. A partner in the firm of Gavin, Robinson, Kendrick, Redman & Mays, he has practiced law in Yakima since being admitted to the Bar in 1957. He was graduated from the University of Washington Law School.

In addition to membership in the Yakima County Bar Association, he has served the State Bar as a member of the Judicial Selection Tenure & Compensation Committee, Legal Education Liaison Committee, Committee for Re-drafting Title 60 of



Robert R. Redman

Revised Code of Washington, and the Ad Hoc Committee on Recognition of Legal Specialty for Trial Attorneys.

Redman's civic activities have included a term as President of the University of Washington Alumni Association—the first person outside the Puget Sound area to be elected to that position—and ex-officio membership on the Board of Regents of the University of Washington.

Redman will succeed Robert S. Day of Pasco as the Fourth Congressional District's representative on the Board.



David D. Hoff

David D. Hoff is the newly-elected representative of the Seventh Congressional District. A 1962 graduate of the University of Washington Law School, he is a partner in the law firm of Thom, Mussehl, Navoni, Hoff & Pierson.

Hoff has been active in the Seattle-King County, Washington State and American Bar Associations during the past decade. Seattle-King County positions have included being Chairman of the Young Lawyers Section and President of the Public Defenders Association. On the State level, he has been a member of the Clients' Security Fund Committee. ABA positions have included a term as the National Director of the Young Lawyers Section.

Hoff will succeed James P. Curran of Kent as the representative from the Seventh Congressional District.

Olson, Redman and Hoff will take office at the conclusion of the State Bar Annual Meeting in Vancouver, B.C., September 11-14, and will serve three-year terms. □

WASHINGTON STATE BAR NEWS

1974 CONVENTION HIGHLIGHTS

Russell, Ruckelshaus, Evans and Sawyer to Headline Convention Program

All-Star Sports Great . . . Philosopher . . . Entertainer . . . How do you describe the magic talents of Seattle Super Sonics General Manager Bill Russell? Bill will be among the headliners to be featured at the 1974 Annual Meeting of the Washington State Bar Association, to be held in Vancouver, B.C., September 11-14.

Bill will be the featured speaker at the luncheon on Friday, September 13. Well known for his wit as well as his varied basketball talents, Bill's appearance promises to be a highlight of the convention.

Thursday's luncheon, the first of the convention's major social functions, will feature a man well known for his exemplary record in the legal profession and in national affairs—the Hon. William D. Ruckelshaus, former Deputy Attorney General of the United States. You will enjoy his incisive comments.

The Annual Business Meeting of the Bar, to be held on Friday morning, features Governor Dan Evans in a discussion with House Speaker Leonard Sawyer . . . on a subject about which they disagree.

Governor Evans, currently in his third consecutive term as Governor, is immediate past-chairman of the National Governors Conference. In addition to State leadership, he has become a respected and listened-to leader on matters of national importance. We are pleased to have him at the convention as a featured speaker.

Len Sawyer has a distinguished record of service in the State Legislature that spans twenty years. During that time, he has been a member of many committees and has served as Majority Whip, Minority Whip, Assistant Majority Floor Leader, and Minority Floor Leader, as well as

in his present position as Speaker of the House. We look forward to his presentation.

As for meetings, there are *plenty* — good, solid sessions packed with information that will help your practice and your firm.

For openers, on Thursday, September 11, four CLE seminars will be conducted by the Environmental Law Section, the Real Property, Probate and Trust Section, the Administrative Law Section, and the Corporation, Business and Banking Law Section.

The environmental session will take you step by step through a typical and practical environmental legal problem. The real property and probate session will go over the provisions of the new probate code in detail. The third session will tackle a perennially knotty problem—as described by its title—"Streaking Through the Thickets of the Washington Administrative Procedures Act." The fourth CLE session will concern selected problems in representing small businesses.

Now add some very practical information on Friday about issues and ideas that may affect your practice—a seminar conducted by the Young Lawyers Section on "What's New to Worry About: Recent Legislation Affecting the Law and Lawyers," and a session by the Office Practice Committee, "New Ideas in Office Practice."

Next, spice the Convention with a heavy mixture of reunions, cocktail hours, special breakfasts, section meetings and soap-box sessions, and the great Friday night Gala, and top it off with the scenery and attractions of Vancouver, B.C., truly one of the most beautiful cities in the world.

Sound good? See you there!

If you haven't made reservations for the convention, please do so today . . . Advance registration assures that you need stop only briefly to pick up badge, tickets, gift books, etc. Room reservations should be made directly with Vancouver hotels. □



The Board's Work

Meeting of the State Bar Board of Governors at Coeur d'Alene, Idaho June 21 and 22, 1974

Add one more person to the group which extols the work performed at the meetings of the Board of Governors. Your associate editor hoped to enliven the monthly report of their activities with some fresh, free-press, muckraking reporting and attended the Coeur d'Alene conference. No such luck! The explosive start of a 100 yard dash is nothing compared to President Cleary Cone's beginning of the meeting, and his aim at the 9:00 starting time was no further off schedule than the old factory whistle.

For a day and a half, the small band of men covered topic after topic, never being allowed to dwell into absurdity, yet showing full patience for the expression of views by each other. Each topic was discussed and argued to conclusion.

Simultaneously as each new subject was taken up, any personal alignment or antagonism from the previous debate was instantly gone. Each member had, obviously, thoroughly reviewed ahead of time his agenda and had formulated a basic opinion, reason and philosophy toward each item, and each member, without exception, was prepared to contribute substantial, considered and reasoned opinion in the discussions.

One basic reason for the efficiency and the pre-considered ideas is that the Bar Staff, as always, had prepared and mailed, one week in advance, to each Governor a full agenda with supporting documents and background material. Each of the Board members had then reviewed *in absolute detail* the entire package of material.

The effort of the members for their time and energy put into these duties is substantial. One can appreciate it only by watching the Board in action. President Cone did a masterful job conducting the meeting, and the Board, as a group, effectively complements his leadership. Thus, with total admiration and no "juicy" extras, herewith follows a summary of their work in the same old style.

Fee Arbitration Program

The Board adopted and approved effective immediately a Fee Arbitration Program and Procedure. It was also voted that suggestions

for membership on the Washington State Bar Association Fee Arbitration Board be solicited from local Bar Associations and that formal selection of the original membership of the Board be made at the July meeting of the Board of Governors.

Legal Education Liaison Committee

The report of the Paraprofessional Subcommittee of the Legal Education Liaison Committee was approved recommending no action be taken at this time to certify Paraprofessionals (with minor amendments). The vote was 6 to 3 with Messrs. Pritchard, Curran and Hoff voting no, though Hoff suggested that we don't need "mid-wives."

Compulsory Malpractice Insurance

A presentation was made by representatives of Marsh-McLennan Incorporated with proposals relating to a program for compulsory malpractice insurance for the Bar Association. The Board deferred action on the proposed program of compulsory malpractice insurance until the July meeting of the Board, at which time the Board's Insurance Subcommittee would have a specific plan and proposal and a suggested form of rule to be submitted to the Supreme Court. Jack Champagne is adamantly protecting the "better interests" of government lawyers, seeking their exception from the program or coverage at sub-nominal rates.

Paraprofessional Information Booth at Annual Meeting

It was voted, in accordance with the recommendation of the Chairman of the Legal Education Liaison Committee, that an information booth be arranged at the Bar Association's Annual Meeting to provide written material and personal consultation relating to the para-legal field. It was further agreed that no funds would be expended by the Bar Association in connection with this project other than making the facilities available without charge.

Certification of Specialists

The recommended changes to the Specialization Plan as previously adopted by the Board of Governors, (the changes being submitted by and recommended by the Committee on the Certification of Specialists) were adopted with reference to (1) the plan's reference to the Code of Professional Responsibility, (2) the change of name for the Specialization Sub-Group, and (3) the definition of "actual practice of law."

The plan for the Certification of Specialists was amended by eliminating the categories of membership on the Specialization Board and simply having the plan provide for a nine-member Board to be named by the Board of Governors.

Action on all other matters relating to the Certification of Specialists was deferred for further action by the Board.

Rules for Discipline of Attorneys

Rule 2.4 of the Disciplinary Rules was amended to provide for permanent lay membership on the Board with full voting privileges. The vote on this motion was eight vs. John Heath.

The Rules for Discipline were amended regarding the subject of the Suspension of Proceedings. The entire proposed rules as refined by Board Member Richard Riddell were adopted and are to be forwarded to the Supreme Court for consideration, with a recommendation for adoption and implementation. Content and changes may be published at a later time.

Guidelines for Committees and Sections

Guidelines for Committees and Sections, as refined by the President, Cleary Cone, were adopted and approved. The Bar office can furnish the details.

Local Bar Presidents' Survey

The Local Bar Presidents' Survey, submitted by the Director of Public Affairs, was reviewed. Comments and conclusions will be reported on later.

Unauthorized Practice of Law

The Board voted that Jeremiah Long of Seattle be employed by the Bar Association to investigate the possibilities of litigation arising out of the alleged unauthorized practice of law by certain title companies, escrow companies, savings and loan associations and others. It was agreed that Mr. Long was to be initially employed for not more than 50 hours at a rate of not more than \$50 per hour. It was also agreed that Mr. Long would meet with the Board at its July meeting, at which time he would make a report and recommendation concerning possible alternatives available to the Board arising out of the problem, the likelihood of success in the event litigation is undertaken, and other matters relating to this question.

Indigent Defenders Programs

Board members Llewelyn Pritchard and John Heath, Jr. were appointed to serve as a two-person committee to investigate the Indigent Defenders Program problems on a statewide basis and to make a report and recommendation to the Board.

COG Committee

The Board voted that the status of the Committee on Organization and Government of the Bar be changed from that of a Standing Committee to a "Stand-By" Committee, available only for special assignments by the Board of Governors. The motion carried with five votes for the motion and Pritchard, Hoff, Gates and Heath opposed.

System of Judicial Selection

Action was deferred for one month, and Board Member William Gates will continue to explore the possibilities for methods of improving the Judicial selection process. Action on certain suggestions were tabled and the Board therefore gave Gates no direction (or limitation) for his ensuing probe.

Site for 1975 Annual Meeting

On Saturday the Board reconfirmed its previous selection of Vancouver, B.C. as the site of the 1975 Annual Meeting of the Bar Association. Friday's heated debate on the topic ended in deadlock. Saturday's motion for San Francisco failed and the Vancouver motion passed, with Hoff's dissent and, from the look on his face, utter crushing defeat.

Committee Selection for 1974-1975

The Board completed the selection of committee personnel for the 1974-75 fiscal year. The committee members are listed elsewhere in this issue.

Job Notice

Applications now being accepted for position of Executive Director of the Washington Criminal Justice Training Commission. Requirements: Advanced degree in Administration, Education, or Criminal Justice fields; experience in, or knowledge of, Criminal Justice system. Anticipated salary range: \$23,000-\$27,500/yr. Send resumes by October 1 to Criminal Justice Training Commission, Room 630, Dexter-Horton Building, Seattle, Washington 98104.

Heavy CLE Schedule Starts with Six Seminars at Vancouver, B.C.

As the *Bar News* Calendar indicates, a busy Continuing Legal Education schedule begins in September.

First off, there is the six-seminar State Bar Convention in Vancouver September 12 and 13. For the first time the Bar's new sections, which were organized last September, will be presenting the seminars, in cooperation with the CLE Committee.

And again for the first time, a Convention seminar will be repeated as a regular CLE seminar after the convention. Practice Under the New Probate Code will be presented by the Real Property, Probate and Trust Section at 10 a.m. Thursday, September 12. The same seminar will be repeated, at somewhat greater length, September 20 in the Ridpath Motor Inn, Spokane, and September 27 in the Olympic Hotel, Seattle.

Early registrations for all three seminars are advised.

Willard J. Wright of Seattle is Probate Code seminar chairman; panel members are **Robert P. Beschel**, Spokane, **Robert S. Mucklestone**, Seattle, **Henry T. Newton**, Everett, **Dan Reaugh**, Seattle, and **Wright**.

Also at 10 a.m. September 12 will be a novel and practical presentation by the Section of Environmental Law: *Win (or Block) That Permit—Step by Step Through a Typical and Practical Environmental Problem*. The panelists will discuss, one at a time, the complex and growing legal factors affecting a routine business-industrial matter that might land in any lawyer's office.

Other Convention seminars will include:

Thursday afternoon: *Selected Problems in Representing the Small Business, and Streaking Through the Thickets of the Washington Administrative Procedures Act*. Friday afternoon—*Recent Legislation Affecting the Law and Lawyers, and New Ideas in Office Practice*. The

popular Teach-In seminar featuring ten speakers on a wide variety of subjects of interest to lawyers will be presented Saturday morning, September 14.

The Annual Estate Planning Seminar, featuring 14 top speakers, will be held October 3 and 4 in Seattle's Washington Plaza Hotel. Chairman **Kenneth L. Schubert Jr.** has lined up expert and well-known panelists from the Northwest and throughout the country for this program which annually attracts a large audience of lawyers, public accountants, life underwriters and bank trust officers. The speakers are:

T. Neal McNamara of Pillsbury, Madison & Sutro, San Francisco; **Peter W. Mullin, C.L.U.**, Los Angeles; **William P. Cantwell** of Denver; **Lloyd Langmire** of the IRS's Austin (Texas) Estate and Gift Tax Section; **Byrle Abbin** of Chicago's Arthur Anderson & Co.; **Fred L. Rush**, vice president of Miami's First National Bank; **Professor Stanley M. Johanson** of University of Texas Law School.

Malcolm Moore of Seattle; **E. Gene Trener** of Peoples National Bank, Seattle; **Arlin I. Prentice, C.L.U.**, Seattle; **Judge George T. Shields** of Spokane; **David Duryee**, assistant vice president of the Sea-First Bank, Seattle; **Stephen R. Schaefer**, Seattle, and **Willard J. Wright**, Seattle.

Later in October the Antitrust Section will present a Seattle-Spokane seminar on antitrust considerations which are increasingly involving all general practitioners, many of whom remain relatively unaware of the problems and possibilities.

The big dedication ceremonies for the University of Washington's new Law School Building November 15-16 will highlight the November CLE schedule, and two-day seminars in December in Spokane and Seattle on Trial Advocacy will round out the Fall CLE schedule.

Announcement of First Annual Meeting of the Anti-Trust Section of the Washington State Bar Association

The First Annual Meeting of the Anti-Trust Section of the Washington State Bar Association will convene at 2:00 P.M. at the Hyatt Regency Hotel, Vancouver, B.C., on September 11, 1974, concurrent with the Annual State Bar Convention to be held in Vancouver at the same time. The room in which the Section will meet will be announced by noon on said September 11th at the Bar Registration Desk on the Convention Level.

The program for the Section meeting is tentatively scheduled as follows:

1. CALL TO ORDER: William H. Ferguson, Chairperson of the Executive Committee of the Section
2. REPORT OF COMMITTEE ON ANTI-TRUST LAW EDUCATION FOR THE SECTION: William L. Dwyer
3. PROS AND CONS OF CERTIFICATION OF SPECIALISTS IN THE FIELDS OF THE LAW; PARTICULARLY, THE ANTI-TRUST FIELD: DeWitt Williams and Donald A. Cable
4. REPORT OF MEMBERSHIP COMMITTEE: Robert J. McNichols and Martin T. Crowder
5. REPORT OF LEGISLATIVE COMMITTEE—INCLUDING RECOMMENDATIONS OF THE ATTORNEY GENERAL: Richard E. Williams

6. DISCUSSION OF RECENT DEVELOPMENTS IN ANTI-TRUST LAW: Robert W. Graham (questions from the floor are encouraged)
7. REPORT OF ANTIBIOTIC DRUG CASES AND THEIR COMPLEXITIES: Thomas Jerome Greenan (questions from the floor are encouraged)
8. REPORT OF THE NOMINATING COMMITTEE: (Chairperson not announced at this time)
9. ELECTION OF OFFICERS
10. INSTALLATION OF DeWITT WILLIAMS, NEWLY ELECTED CHAIRPERSON OF THE EXECUTIVE COMMITTEE OF THE SECTION
11. REPORT OF THE TREASURER: Hugo E. Oswald, Jr.
12. ADJOURNMENT

* * * * *

In addition to the Anti-Trust Section members, all other members of the Bar are encouraged to attend this meeting. We hope it will be educational and helpful to any and all lawyers practicing in these times.

William H. Ferguson, Chairperson
Executive Committee of the Section

Harold A. Pebbles, Program Chairperson

Taxation Section Meeting

The annual meeting of the Tax Section of the Washington State Bar Association will be held at 3:00 p.m., Wednesday, September 11, 1974 in the Hyatt Regency Hotel, Vancouver, Canada. Guest speakers at the meeting will be Mary Ellen McCaffree, Director of the Washington State Department of Revenue and Michael J. Sassi, District Director of Internal Revenue. During the meeting a report will be given by the Section's Committee on Certification of Specialization which will include a panel discussion of procedures for certifying legal specialists. This meeting is open to all members of the Washington State Bar Association.

**1974
Convention Program
on
following pages
Tear Out, Take Along**

CONVENTION

WEDNESDAY - September 11, 1974

- 9:00 A.M. Meeting of Board of Governors
12:00 Noon Registration
1:30 P.M. Corporation Law Section
2:00 P.M. Anti-Trust Section*
2:00 P.M. Creditor-Debtor Section
3:00 P.M. Taxation Section*
3:30 P.M. Real Property, Probate and Trust Section
4:00 P.M. Administrative Law Section
4:00 P.M. Family Law Section
4:00 P.M. Trial Practice Section
5:30 P.M. No Host Cocktail Party -
Real Property, Probate and Trust Section
Contact: Alan Kane
5:30 P.M. No Host Cocktail Party -
Taxation Section
Contact: Irwin Treiger

*Special outline of meeting and speakers follows program.

THURSDAY - September 12, 1974

- 8:30 A.M. Registration
10:00 A.M. Legal Institutes
To Noon
- I. **Win (or Block) That Permit: Step by Step Through a Typical and Practical Environmental Legal Problem**
Section of Environmental Law, Joel E. Haggard, Seattle, chairperson
Moderator: Rand F. Jack, Bellingham
Speakers: George M. Mack, Seattle, Chairman
Noise Pollution
Joel E. Haggard
Water Pollution
Robert V. Jensen, Olympia
Environmental Laws
Keith D. McGoffin, Tacoma
Air Pollution
 - II. **The New Probate Code**
Real Property, Probate and Trust Section,
Robert P. Beschel, Spokane, Chairperson
Chairman: Willard J. Wright, Seattle

- Speakers: Willard J. Wright
Introduction: Part II, Provisions relating to distribution of property
Robert P. Beschel
Part III, Provisions relating to nonintervention powers
Henry T. Newton, Everett
Part IV, Provisions relating to adjudications of testacy or intestacy and hardships
Dan Reaugh, Seattle
Part V, Provisions relating to creditors' claims: Part VII, miscellaneous provisions
Robert S. Mucklestone, Seattle
Part VI, Provisions relating to banks, trust companies, accounts

- 12:00 Noon **Luncheon**
Presiding: James P. Curran, Kent,
Retiring member Board of Governors,
Seventh District
Speaker: Hon. Wm. D. Ruckelshaus
Former Deputy Attorney
General of the United States

- 2:00 **Legal Institutes**
4:00 P.M.
- I. **Selected Problems in Representing the Small Business**
Corporation, Business and Banking Law Section, Herman S. Siqueland, Seattle, chairperson
Chairman: Bert H. Weinrich, Seattle
Speakers: P. Cameron DeVore, Seattle
Selecting the Business Form,
Corporate Formation and
Operating Considerations
Bert H. Weinrich
Fundamentals of Federal and
State Securities Laws With
Emphasis on Exemptions from
Registration and Qualification
Peter S. Lewicki, Seattle
Fundamental Considerations in
the Selection of Employee
Benefit Plans, With Emphasis
on Pension Legislation
Richard C. Reed, Seattle
Fundamental Considerations in

PROGRAM-1974

Buying and Selling the Small Business Enterprise
 E. Frederick Velikanje, Yakima
 Usefulness of the Corporate Form for Estate Planning Purposes for Family Farms and Other Family Businesses

II. **Steaking Through the Thickets of the Washington Administrative Procedures Act**

Administrative Law Section, Dennis Barge, Olympia, Chairperson

Chairman: C. Robert Wallis, Olympia

Speakers: Clyde H. MacIver, Seattle
 Rulemaking Procedures and Their Importance to Attorneys' Clients

Edward B. Mackie, Olympia
 Trends in Administrative Law: What the Courts Have Done and Are Doing With the APA and Administrative Law

Kenneth A. MacDonald, Seattle
 The Administrative Procedures Act and Administrative Code: History and Features Most Important to Attorneys

Morton M. Tytler, Olympia
 Administrative Practice Hints: How to Approach and Deal With a Governmental Agency, With Emphasis on Contested Cases

- 4:00 P.M. Law Focused Education Film
- 4:00 P.M. Local Bar Presidents' Meeting
- 4:00 P.M. Environmental Law Section
- 4:00 P.M. Intellectual & Industrial Property Section
- 4:00 P.M. Criminal Law Section
- 4:30 P.M. Young Lawyers Section - Business Meeting
- 5:30 P.M. Young Lawyers Section - No Host Cocktail Party
- 6:30 P.M. Willamette Law School Alumni - No Host Cocktail Party
 Contact: Dean Larry K. Harvey
- 6:30 P.M. Washington State Bar Association - No Host Cocktail Party
 Something Special - Complimentary Entertainment - Dixieland Band

- 6:30 P.M. University of Washington Class of 1939 - Cocktails and Dinner
- 6:30 P.M. University of Washington Class of 1970 - Cocktails and Dinner
 Contact: Michael C. Redman
- 6:30 P.M. Gonzaga Law School Alumni - No Host Cocktail Party
 Contact: Patrick Crowley
- 6:30 P.M. American College of Trial Lawyers - Cocktails and dinner
 Contact: Paul R. Cressman
- 6:30 P.M. Georgetown University Law School Alumni
 No Host Cocktail Party
 Contact: J. Richard Duggan

FRIDAY - September 13, 1974

- 7:30 A.M. **Breakfast Meetings:**
- 7:30 A.M. Michigan Law School Alumni Breakfast
 Contact: Donald D. Skinner
- 7:30 A.M. George Washington University Law School Alumni Breakfast
 Contact: Oscar A. Zabel
- 7:30 A.M. American Judicature Society Breakfast
 Contact: Judge Charles Horowitz
 Speaker: Dean Frederick D. Lewis
 Executive Director
 American Judicature Society
- 7:30 A.M. University of Washington Law School Alumni Breakfast
 Contact: Associate Dean Charles Z. Smith
- 7:30 A.M. Phi Delta Phi Breakfast
 Contact: William McGonagle
- 8:30 A.M. Registration
- 9:00 A.M. **Annual Business Meeting**
 Presiding: Cleary S. Cone, President,
 Washington State Bar Association
Report
 Washington State Bar Association,
 Cleary S. Cone, President
Discussion:
 Presiding: Edward J. Novack, Everett,
 Retiring member Board of Governors,
 Second District
 Governor Daniel J. Evans
 House Speaker Leonard Sawyer

Friday — Annual Business Meeting (cont.)

Resolutions Committee -
Robert O. Beresford, Chairman
Awards

New Business

Presentations:
New Members of the Board of Governors
New President of the Washington State
Bar Association

Hawaii Drawing

12:00 Noon

Luncheon

Presiding: Robert S. Day, Pasco, retiring
member, Board of Governors, Fourth District

Speaker: Bill Russell, (William Felton) -
Time Magazine "Leader of the Future" -
Television commentator and Personality -
All time great basketball star and currently
General Manager of Seattle Supersonics.

2:00 to
4:00 P.M.

Legal Institutes

I. **What's New to Worry About: Recent Legisla-
tion Affecting the Law and Lawyers**

Young Lawyers Section, Frederick L.
Noland, Seattle, Chairperson

Chairman: Paul Chemnick, Seattle

Speakers: Jackie L. Ashurst, Seattle
Summary of Effects of the Sex-
Discrimination Amendment
Robert T. Czeisler, Seattle
Commitment and Treatment of
the Mentally Ill
Ruth Nordenbrook, Seattle
Changes in the Juvenile Code
Douglass A. Raff, Seattle
Developments in the Law of
Initiative 276

II. **New Ideas in Office Practice**

Office Practice Committee, Raymond D.
Torbenson, Seattle, Chairperson

Chairmen: M. Gerald Herman, Bellevue
Roger H. Underwood, Spokane

Speakers: J. Lorne Ginther, Whiterock, B.C.
A Sole Practitioner CAN
Survive—and Handsomely

M. Gerald Herman
Videotaping Trials—A New
Method of Trying Lawsuits
Paul N. Luvera Jr., Mount Vernon
How to Practice Law More
Efficiently

Claude M. Pearson, Tacoma
What the Vendors Say About
New Equipment and Systems

Roger H. Underwood
New Ideas in Office Economics
From the Viewpoints of (1) a
Probate-Oriented Practice and
(2) a General Practitioner

5:30 P.M. Harvard Law School - No Host Cocktail Party
Contact: Mike Liles, Jr.

5:30 P.M. University of Washington Class of 1949
Reunion - Bayshore
Contact: Robert Brooke

6:30 P.M. No Host Cocktails

7:30 P.M. - Dinner, Show, Dancing

10:00 P.M. Featuring the Expo No-Fault Follies

SATURDAY - September 14, 1974

8:00 A.M. Christian Legal Society Breakfast
Contact: William Ellis or Joel Paget

8:00 A.M. Phi Alpha Delta Breakfast
Contact: Thomas R. Dreiling or
George Cashman

9:30 A.M. **Teach In—Speak Out**
to Noon

Moderator: Robert O. Beresford, Seattle

Panelists:

Hon. Charles F. Stafford,
Olympia
The Washington Appellate
System: Big Changes in the
Wind

David T. McDonald, Seattle
The Divorce of Responsi-
bility From Authority in a
Computer-Based Society
Gladys W. Phillips, Aberdeen
Familiarity Breeds
Contentment

Burroughs B. Anderson, Seattle
The Relationship Between
Metropolitan Bar Associa-
tions and a State Bar
James M. Danielson, Wenatchee
Local Bar Associations:
The View From Outside
Seattle

Calmar A. McCune, Port
Townsend
Reflections on a One-Man
Practice

O. M. Nelson, Montesano
The Constitution and the
Money Mess

Lembhard G. Howell, Seattle
Is the Constitution Color
Blind?

Joseph E. Brennan, Olympia
O.K., Now Let's Make
Initiative 276 Work

Hon. Stanley Soderland, Seattle
Are We Moving the
Courthouse Steps?

* * * *



SEATTLE-KING REPORT

By GERALD G. TUTTLE

Roger M. Leed has been named to the American Bar Association's Special Committee on Environmental Law by President Elect James Fellers, effective in August, 1974. The Special Committee on Environmental Law coordinates the environmental programs and activities of all ABA sections and committees. Mr. Leed was formerly Co-Chairman of the Environmental Quality Committee of the Young Lawyers Section of the ABA and is a trustee of the Environmental Law Section of the Washington State Bar Association and Chairman of the Environmental Law Committee of the Young Lawyers Section of the Seattle-King County Bar Association.

James J. Caplinger has been presented with a Distinguished Service Award by the Youth Service Center of the King County Juvenile Court. The citation reads in part:

"Out of your deep interest in children and in your community, you availed yourself whenever and wherever Bellevue needed progressive citizen leadership. You were instrumental in developing a strong community council which was formed in January 1968 as Basic, the Bellevue Area Self Improvement Council, the original sponsor to the Bellevue Juvenile Court Conference Committee. Once the Conference Committee was formed, you redoubled your efforts as Chairman to give it community credibility. . . .

By the time Basic folded, you were already one of the prime movers in establishing Youth Eastside Services, wrote their

by-laws, served as Executive Director and secured that agency's cooperation in sponsoring the Bellevue Juvenile Court Conference Committee.

Bogle, Gates, Dobrin, Wakefield & Long announced that Peter M. Anderson has become a partner, and Philip F. Postlewaite, James A. Smith, Jr., Thomas C. Gores and Kimberly W. Osenbaugh have become associates, and Cartano, Botzer and Chapman announces that Thomas C. McKinnon has become a partner.

Carl P. Gilmore has become a partner of the firm of Whitmore, Powers & Ishikawa. The firm name will be changed to Whitmore, Powers, Ishikawa & Gilmore as of July 1, 1974.

Christopher Duffy, formerly with Christensen, O'Conner, Garrison and Havelka, is opening an office at 4527 Seattle-First National Bank Building, Seattle, with practice restricted to patents, trademarks and related causes.

THURSTON-MASON REPORT

By STEPHEN J. BEAN

Bill Cullen's brother David has become employed by the firm of Mooney, Cullen and Holm. Evelyn Foster's nephew Steve Foster (and cousin of Stanbery Foster Jr.) has become employed by the firm of Foster and Foster. Rumor has it that Stanbery's wife Kay is thinking of going to Law School and by the time Steve Foster becomes a partner. Stanbery's brother Craig finishes Law School and becomes a partner, and Stanbery's wife Kay completes Law School and becomes a partner,

this firm will be known as Foster and Foster and Foster and Foster and Foster. Of course they specialize in family law.

KITSAP REPORT

By WM. J. KAMPS

Bill Denend has moved his office from Bremerton to the Hannah & Powell Building in Port Orchard. Phil Best is now housed in the 245-Fourth Street Building in Bremerton after having been in the Medical-Dental Building for several years.

Helen Graham Greear and husband (Herbert) recently vacationed in Quebec, Montreal and Boston. She later went to Alaska on a business trip. The first evening in Juneau her hotel caught fire. Helen and her husband made an emergency exit and escaped the death and damage which ravaged the hotel. Helen says it was a memorable trip.

The Kitsap superior judges and Kitsap bar association are studying proposed local rule changes. They should be effective by the publication of this issue so you non-Kitsapers might check them before your next visit to our beautiful county.

Larry Soriano and wife, Betty, have welcomed a son, Jay, into their family. They have to be the happiest parents in the county. Congratulations!

WALLA WALLA REPORT

By DANIEL N. CLARK

Cameron Sherwood, who has practiced law in Walla Walla since 1936, has announced his intention to retire from active practice January 1, 1975. During

1975, he will remain on as counsel with the Walla Walla firm of Sherwood, Tugman, Gose & Reser. Sherwood is having a new home constructed at the Panorama City Retirement Complex in Lacey, Washington, where he will spend part of his time while doing some traveling and making a gradual transition from law practice to complete retirement. Last week, Sherwood and his wife, Marion, were guests of honor at a dinner party hosted by Walla Walla Attorney **Herb Friese** and his wife Vera, and attended by lawyers who since 1936 have been associated with Sherwood in the law practice, including Walla Walla Superior Court Judge **Albert N. Bradford**, Washington Court of Appeals, Judge **Dale M. Green**, **Robert A. Comfort** and Walla Walla lawyers **Herman H. Hayner**, **William M. Tugman**, **Phelps R. Gose** and **Yancy Reser**, as well as **Herb Freise**.

Sherwood's retirement follows the recent retirement of **Harley W. Allen** who was eulogized by fellow members of the bar at the annual Baker-Boyer Bank Bench and Bar Bash for his years of service to his clients and the profession. Harley has practiced in Walla Walla since 1935 and was city attorney for the City of College Place from 1945 until his retirement. Allen and his wife have taken up residence in Waldport, Oregon where he will limit his practice to serving as city attorney for the City of Waldport. **Murray E. Taggart** has been named College Place City Attorney to replace Allen.

Replacing Sherwood and Allen among the ranks of Walla Walla attorneys are two new lawyers, **Donald Schacht** and **James Barrett**. Schacht grad-

uated from Willamette University School of Law in 1972, and recently opened his own office in Walla Walla. Barrett, formerly a Vista attorney with the Walla Walla Legal Aid Office, has also recently entered private practice, and shares office space with Walla Walla attorney **Arthur Hawman**.

The Prison Legal Services Project's Walla Walla Office saw the departure last month of attorney **Richard Phillips**, who will be practicing in Shelton, Washington for Prison Legal Services Projects. Phillips' departure leaves **Bob Farrell** as the sole lawyer in the Walla Walla office.

SNOHOMISH REPORT

By **JAMES A. SIMONTON**

The big news in Snohomish County is the appointment of **Bob Bibb** and **John Rutter** to the Superior Court Bench, replacing Judges **Nollmeyer** and **Holte**.

Also, **Richard A. Bailey** has been appointed as Cascade District Court Judge.

Vacation time is here with **Ben Westmoreland** off for a month on his yacht and **Ed Jones** on his way to Wales and Paris.

YAKIMA REPORT

By **RANDY MARQUIS**

New officers were elected and installed at the Yakima County Bar Association meeting of May 29, 1974. President **Howard Eloffson**, Vice President **Norman Nashem, Jr.**, Treasurer **Kevin S. Kirkevold**, Secretary **David Thorner**; Library Board members: **Hugh Aaron**, **Max Vincent**, **Ron Whittaker** and **Wesley Wilson**; Board of Trustees: **Wally Meyer**, **Robert Redman** and **Leonard Cockrill**.

Ed Seeberger, Yakima attorney, recently announced his Democratic candidacy for the 14th District legislative seat. Seeberger, a county public defender in juvenile cases, formerly taught high school history, worked for the CIA, worked on the Minute Man Missile at Thiokol Chemical Corporation, not to mention GI service in Germany as an interpreter for three years.

G. Thomas Dohn was recently appointed to the Legal Advisory Board of the Foundation for the Handicapped. Tom has been active in programs for the handicapped and has served as an officer and director of Spring Acres Group Homes. The foundation's basic aim is to handle trusts and legal problems for the handicapped and their families.

The Yakima Herald-Republic recently corrected a major error concerning a hole-in-one registered during the Appleknockers Golf Tournament by **Terry Brooks**. The paper had mistakenly attributed the fete to Dr. **Richard Twiss**. The ace was scored on the 150 yard 11th hole. As reported, the shot was unique in that it went directly into the cup on the fly without bouncing first.

SPOKANE REPORT

By **JOHN N. LINDSAY**

While Expo '74 continues to hold the limelite, Spokane County bar activities have been anything but relaxed. With the judiciary . . . **Harold D. Clarke** formerly of Hamblen, Gilbert, & Brooke was selected by Governor **Dan Evans** to fill the Superior Court position vacated by Judge **Ralph E. Foley** upon his retirement from the bench after an exemplary tenure of

over three decades. The new appointee must stand for election this fall. One of **Judge Clarke's** first official duties was to swear in **Daniel E. McKelvey, Jr.** as a new member of the Washington State bar. McKelvey is a recent addition to Hamblen, Gilbert, & Brooke firm. **Marcus M. Kelly**, formerly of Hennessey, Curran, Kelly, & Worklund was appointed to the position of Spokane County Superior Court Commissioner. The appointment came after creation of the second commissioner position by county officials. **Commissioner Kelly** joins **Commissioner Thomas E. Merryman**. With the Bar Association . . . Congrats to **Robert D. Dellwo** of Dellwo, Rudolph, & Schroeder as the newly-elected president of the Spokane County Bar Association. Dellwo succeeds **Robert M. Brown** who deserves kudos from the bar for his tireless enthusiasm and his accomplishments on behalf of the bar over the past year.

Also elected were **Vice-Pres.—Fred Gilbert, Secretary—Don Ericson, and Treasurer—Dick McWilliams**. Young members of the Spokane County Bar should note that elections will soon be underway for new officers for the Young Lawyers' Section of the county bar. With the bar . . .

The two newest additions to the Spokane Metro skyline account for this month's information on member activity. The two new buildings are the new Washington Trust Bank Tower and the Washington Mutual Savings Bank Building. The modern structures now serve as new homes for a number of Spokane firms and sole practitioners. Paine, Lowe, Coffin, Herman & O'Kelly moved to the new

Wash. Trust Tower shortly after its completion in mid-Spring. **Curt Shoemaker** of the Paine, Lowe firm was among those making the move. Also moving to the WTB Tower was **Wellman Clark**. Further announcements with regard to new tenants for the Tower are expected soon. At the Wash. Mutual Savings Bank Bldg., new tenants include Turner, Stoeve, Gagliardi & Kennedy; **Jan Otterstrom; Cullen & Campbell; Benj. Kizer; Dorn, Reynolds, and Gustafson;** and **Hamblen, Gilbert, & Brooke** (all right fellas, that's enough PR for you people this month!!)

Note: For all persons attempting to contact Spokane attorneys during weekdays: "Lunch hour" has now been extended to "Lunch hour and a half" or "Lunch two-hour" — After all how do you expect them to get from the office to the Expo site, eat a meal, see an exhibit or two, and then walk back to the office in a mere hour?

Finally, in sports, the Annual Golf Tournament and Dinner was held as scheduled at the Manito Golf and Country Club. There's not much more to say. Scores are being withheld to protect the embarrassed.

BENTON-FRANKLIN REPORT

By **NEAL J. SHULMAN**

Fred Staples, Pasco Attorney and Franklin County District Court Judge, has been appointed to the Benton-Franklin Superior Court, filling the vacancy created by the death of **Judge James Lawless**. Judge Staples served as Pasco Police and Justice Court Judge in 1962 and later became District Court Judge in 1968. Judge Staples is a graduate of Gonzaga University in Spokane.

Pasco City Attorney, **Wayne Campbell**, will resign his position effective August 1 to devote more time to his private law practice. He has been Pasco City Attorney since 1962. **Patrick Roach**, a member of the law firm of Campbell and Johnston in Pasco is a serious contender for the vacated position.

Neal Shulman, Richland City Attorney since 1972, has resigned his municipal post effective August 12. He has accepted the position of house counsel for United Nuclear Industries in Richland.

SKAGIT REPORT

By **DAVID A. WELTS**

As always, the Whatcom-Skagit-Island Bar golf picnic was a real smash. The format was changed to eliminate team competition, a good will gesture to Whatcom since they haven't won for years. Another change was **Bud Gilbert** ordering the best steaks ever at four bucks each—wholesale. And were they good.

Another change was a beer cart staffed by two lovely girls instead of **Bob Sherwood** like last year, and that was an improvement. Also, an incentive for yours truly to forget the golf this year.

Then there was one thing that never changes. Judge **Charles Stafford** showed up with one old brand x golf ball.

By the time you read this, we will have honored **Alfred McBee** for 50 years of active practice. We noted a picture of **R. V. Welts** in the last issue recognizing his 60 years of active practice. We're giving him a party in the Fall, but would you believe that picture was taken at the Court of Appeals in May where

he argued two cases for Respondents. Up here active practice means active practice.

We were saddened by the passing of **James Hammack** in May, at age 71. Together with his late partner, **Clyde Fowler**, they were real good guys in our closely knit association. On the brighter side, it should not go unnoticed that being 71 and healthy and pursuing your lifelong work is an ok way to go.

Gosta Dagg will be moving from Seattle and setting up shop in Mount Vernon. Gosta hails from Anacortes.

GOVERNMENTAL LAWYERS

By JOHN A. HOGLUND

The bloom of spring and the flower of Olympia summer heralds the start of a new year of activity for the GLA. The May meeting brought incisive thoughts and comments from former legislator **Dick Kelly** (D-28th Dist., Tacoma). His topic, "Are State Legislators Whores?" raised controversial issues regarding our present system of campaign financing, the pressures facing lawyers who choose to be legislators, and the politics of "power prostitution" of young legislators who are forced to compromise their ideals.

At the June 17th meeting, election of GLA 1974-75 officers was held. Voted in on an unanimous ballot were: President — **Jack Hayden**, Col., Wash State Patrol (Org. Crime & Intell. Unit); 1st Vice-President — **Dennis Barge**, HE & Super. of DSHS; 2d Vice-President — **Jim Vache**, AG, Cent. Office Fiscal Div.; Treasurer — **Earl McGimpsey**, AG Torts; and Secretary — **Jack Borland**, AG High-

ways. The proposed WSBA requirement of malpractice insurance raised serious concern and discussion. **Ed Shaw** (Util. & Trans. Comm'n) presented the current state of this proposal and indicated the concerns raised by governmental attorneys regarding their inclusion in such a bar insurance package. Capping discussion was a motion by **Bill Lowry** (Clerk, Sup. Crt.) "that those attorneys who signed an affidavit that they will receive no fee other than their state salary be exempt from coverage." The motion carried without dissent and will be communicated to the appropriate WSBA committee considering the insurance question.

Congratulations are in order to new admissions to the state bar: **G. Tim Martin** (Law Clerk, J. Brachtenbach); **Earl (Mike) Andrews** (Law Clerk, J. Utter); **Charles C. Stidham** (Law & Justice Planning Off., OCD); and **Patricia K. Stidham** (Employ. Secur., HE). Mr. and Mrs. Stidham are recently of Phoenix, Arizona; Ms. Stidham was the former City Prosecutor and Mr. Stidham was a Superior Court Judge and in private practice.

Cool summer breezes of change have brought numerous personnel shifts and moves: **G. Tim Martin** (Law Clerk, J. Brachtenbach) has accepted a position as Assistant to the Supreme Court of Oregon and has relocated; **Donovan Flora**, recent graduate of the Univ. of Indiana will replace Tim as law clerk to Justice Brachtenbach. Law Clerk **Mike Andrews** (J. Utter) has been appointed by WSBA Pres. **Cleary Cone** to serve on the State wide Comm'n on Superior Court Manage. Infor. Systems (SCOMIS).

The ebb of time has also brought alterations to the AG

staff: **Glenn Reed** has left the Highway Div. to run for Prosec. Atty., Skagit Cy.; **John H. Browne** departed Soc./Health Servs. Div. to join the Public Defen. office in Seattle, as their chief trial atty.; **John J. Blake** left Seattle L & I Div. to practice law in the San Diego vicinity; **Brian Scott** moved from Seattle L & I Div. to join the law firm of Jackson, Ulvestad Goodwin, Seattle; **David Minikel** departed DMV to join the Fed. Trade Comm'n in Washington, D.C.; **Shannon Wetherall** moved from Seattle Cons. Protec. Div. to join the Employ. Rela. Sect. at the Bellevue School Dist.; and **Rudy Tollefson** left Employ. Secur. Div. to become City Atty. for Tacoma.

Elected to the offices indicated at the 18th Annual Meeting of the Washington State Association of Municipal Attorneys (WSAMA) on Friday, June 14, 1974, in Seattle, were: **John J. Madden**, Chief Assistant Corporation Counsel of Spokane—President; **Ralph I. Thomas**, City Attorney of Kirkland — First Vice President; **Donald E. Mirk**, City Attorney of Kent—Second Vice President; **Charles O. Showmaker, Jr.**, City Attorney of Pullman—Representing cities over 2500 population; **C. LeRoy Borders**, City Attorney of Kelso—Representing cities between 2500 and 50,000 population; **Robert W. McKisson**, City Attorney of Winslow and Poulsbo—"At Large"; **Dr. Ernest H. Campbell**, Co-Director, Municipal Research and Services Center of Washington—Secretary; **Robert R. Hamilton**, City Attorney of Tacoma, Immediate Past President of WSAMA. □

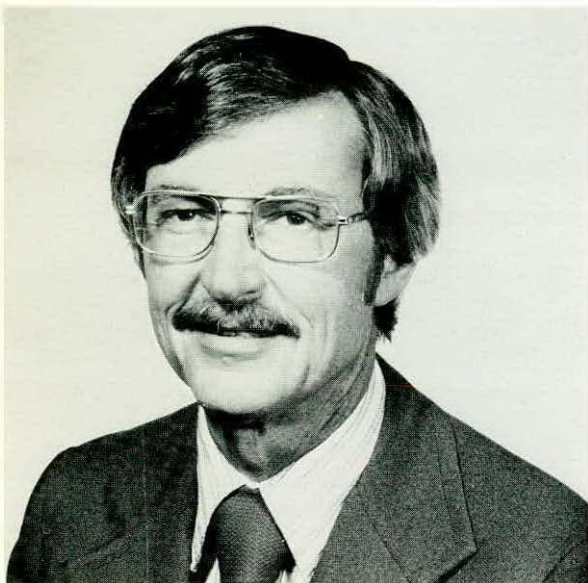
Notes on Backgrounds of Supreme Court Contenders

Robert A. Comfort

Tacoma attorney Bob Comfort has announced for the vacancy occasioned by Justice Frank Hale's retirement. Mr. Comfort feels the election of judges is democratic and good, and that there should be more supreme court judges coming from the ranks of the active lawyers.

Mr. Comfort also stands for shorter opinions (2 or 3 pages), retirement of appellate judges at age 65 or upon service of two terms, and limiting the cost of court of appeals and supreme court campaigns to \$2,500, thereby ending the dunning of attorneys by those hearing their cases.

A 50 year old Gonzaga honor graduate, Mr. Comfort was an assistant attorney under Smith Troy in 1951-1952, and then practiced in partnership with Cameron Sherwood of Walla Walla. In 1956 Mr. Comfort returned to Tacoma to help found his present firm, Comfort, Dolack, Hansler, Hulscher, Rosenow and Burrows.



Robert A. Comfort



Francis E. Holman

Francis E. Holman

Francis E. Holman, born Salt Lake City, Utah, Sept. 13, 1915; admitted to bar, 1941, Washington; 1952, U.S. Supreme Court. Preparatory education: Stanford University (A.B., 1936); legal education: Oxford University, England (B.A. in Jurisprudence, 1938; M.A., 1942) and Harvard University (LL.B., 1940).

Member, 1956-65 and President 1958-59; 1963-64, Shoreline School District. President, King County School Directors Association, 1959-60. Mayor, Lake Forest Park, Washington, 1961-67. Member; Council of Municipality of Metropolitan Seattle, 1965-67; Visiting Committee, College of Education, University of Washington, 1965-72; State Judicial Council, 1967-72; State Representative, 1967-69; Uniform Law Commissioner, 1967- ; State Senator, 1969-72; Trustee, Northwest Hospital, 1969-73; Chairman, Public Disclosure Commission, Jan.-July, 1973; Judge, King County Superior Court, July, 1973- .

Member, Seattle-King County, Washington State and American Bar Associations; American Judicature Society; American Society of International Law.

Charles Horowitz

Charles Horowitz, born 1905, currently Judge, Court of Appeals, Div. No. 1 (Chief Judge Jan. 12, 1971-3); President, Seattle Bar Assn. (now Seattle-King County Bar Assn.) 1957-8; Washington State Bar Assn. Award of Merit 1962.

Lecturer in law, University of Washington Law School 1932-3, 1935-9; contributor of articles on legal subjects to Washington Law Review and one to Gonzaga Law Review in 1971; member, Washington Uniform Legislation Commission, since 1960 (Chairman 1964-); member, Washington Judicial Council, 1969-1972.

Prior to becoming Judge of the Court of Appeals in 1969, Judge Horowitz actively engaged in the practice of law, consisting of general office, trial and appellate practice, state and federal courts. Partner, 1933-69, in Preston, Thorgrimson, Horowitz, Starin & Ellis (now Preston, Thorgrimson, Ellis, Holman & Fletcher).

Prior to becoming Judge of the Court of Appeals, he was active in various public and community activities, including Chairman of the Board (1957-9) and President (1959-61) of Northwest Memorial Hospital Association operating

Northwest Hospital, Seattle; Trustee, King County Law Library (elected by Superior Court Judges) 1964-69; current officer and Trustee of two charitable foundations; Past President of Caroline Kline Galland Home for the Aged; Travelers' Aid Society, a Community Fund Agency; and other organizations.

Educational background: University of Washington, A.B. (magna cum laude) 1925; LL.B. 1927 (summa cum laude) (now juris doctor): Oxford University, England, M.A. 1952, B.A. in Jurisprudence (First Class) 1929. Elected to Phi Beta Kappa; Order of the Coif; president of the student board of editors of Washington Law Review; Honor Graduate of Law School, Class 1927. Awarded a 3-year Rhodes Scholarship, 1927.

Harold J. Petrie

Harold J. Petrie, age 56, currently Judge, Court of Appeals, Division II, Tacoma, since the court was created in 1969; elected in 1970 and re-elected in 1972, without opposition; served 2 years as Chief Judge; has participated in disposition of over 1,000 appeals, has written over 200 opinions.

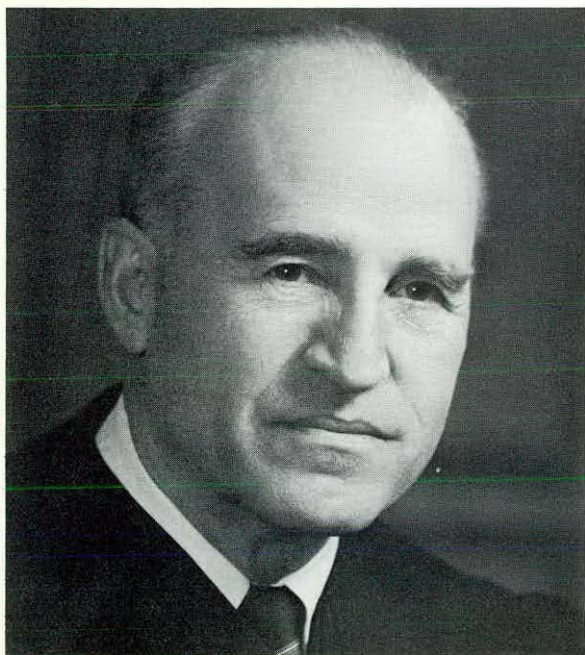
Director of Labor and Industries, Olympia, 1965-69, appointed by Governor Daniel J. Evans; member, Board of Industrial Insurance Appeals, Seattle, 1959-65, appointed by Governor Albert D. Rosellini; practiced law, Yakima, 1948-59. Served 6 years as Representative, 14th District, Washington State House of Representatives (1953-55-57).

Judge Petrie's experience somewhat uniquely encompasses all three branches of government—executive, legislative and judicial, as well as the private law sector.

Judge Petrie first came to the State of Washington during World War II as an officer in a tank destroyer battalion stationed at Fort Lewis. He was critically wounded at Bastogne, Belgium in December, 1944 and subsequently retired from the Service with the rank of Major.

He received his legal education at Georgetown Law Center, Washington, D.C.; undergraduate studies at Rutgers University, where he was elected to Phi Beta Kappa.

In 1945 he married the former Joan Sullivan of Yakima. Judge and Mrs. Petrie have 6 children.



Charles Horowitz



Harold J. Petrie

Liem Eng Tuai

Liem Tuai, former president of the Seattle City Council, a graduate of the University of Washington Law School has practiced law in Seattle since 1956. He served for a year and one-half as an attorney-advisor for the General Services Administration and four and one-half years as a deputy prosecuting attorney prior to entering private practice. During the course of his practice Mr. Tuai has tried many jury and non-jury cases, was a judge pro tempore for the King County Superior Court and the Seattle Municipal Court and has handled appeals to the supreme court.

Mr. Tuai stated that as a member of the state supreme court he would work towards speedy decisions, simplified appeal procedures and an in depth study of compulsory malpractice insurance for attorneys.

He is presently on governing body of the Chinatown Chamber of Commerce, Optometric Center of Seattle, Northwest Kidney Center, and the American Red Cross. He is a member of the State Factory Built Housing Committee, and the Visiting Committee for School of Public Health & Community Medicine, University of Washington. He has served on the governing body of the Japanese-American Citizens League,



Liem Eng Tuai

Friends of Youth, Citizens Advisory Council of the Washington State Law Enforcement Association, and Council of Aging. He was formerly President, First Hill Lions Club; Co-Chairman, Physical Planning Task Force and Member, Advisor Council of Model Cities Program; State Uniform Building Code Committee Member and Lucky Stores Scholarship Awards Committee Member. □

Legal Secretaries to Have Seminar

The Greater Seattle Legal Secretaries Association is having their GSLSA Fall Seminar "This is What's New" on Saturday, September 21, at the Bellevue Holiday Inn, from 8:30 a.m. to 4 p.m. Persons wishing to attend the all-day seminar should contact Janet Schmoker, 284-4580. Cost of the seminar, which includes luncheon, is \$10 for non-members and \$8 for members. A variety of topics will be covered, including probate, wills, divorce, proper form to use in preparing Supreme Court briefs and law office management.

Important Federal Tax Changes

Taxation Section Report

Malcolm D. Katz

In light of the U.S. Supreme Court's 5-4 decision in *Central Tablet Manufacturing Company v. United States*, June 19, 1974, liquidating distributions which are motivated by and adopted as a result of a fire or condemnation of the corporation's principal properties will no longer be tax free at the corporate level, even though after the fire, but before the insurance proceeds are received, the corporation adopts a plan to completely liquidate, distributes these proceeds, and otherwise follows to the letter all of the guidelines under the only Internal Revenue Code section providing for a tax-free distribution of a corporation's assets in complete liquidation.

This result was based on the finding that the conversion of the property into cash, which is analogized to a sale to the insurance company for cash, occurred on the date of the fire, rather than on the date the proceeds are received, and therefore spoiled the corporation's election to make tax-free sales after deciding to liquidate. And this finding, in turn, was based on:

- (1) The absence of an intention to liquidate prior to the fire,
- (2) The insurance company's contractual obligation to pay off, and the concomitant creation of a claim at the time of the fire,
- (3) The desire to achieve parity with the deci-

sions in affixing the date of the fire as the end of the holding period for calculating the gain or loss in non-liquidation cases,

- (4) Congress's refusal to amend the statute to extend tax-free treatment to pre-planned involuntary conversions, and
- (5) The narrow and limited purpose of Section 337 of the Internal Revenue Code.

The minority relied on the fact that under both well accepted rules of accounting and prior Supreme Court cases, no right to the difference between the proceeds and the tax basis of the property existed on the date of the fire, and that indeed, the claim was disputed by the insurance company.

It was incongruous for the majority to hold that insufficient events occurred in the year of the fire to warrant the inclusion of that difference in amounts in income, and to hold that an involuntary conversion had taken place at the same time. In sum, it was illogical to conclude that a sale had occurred when subsequent to the fire, the claim was disputed and then compromised.

Since fire insurance coverage cannot possibly cover the additional tax which will henceforward have to be paid if a business completely liquidates, *Central Tablet* may very well invite the backdating of resolutions to liquidate, or the setting up of reserve accounts to cover such contingency but without running afoul of the accumulated earnings tax, and will definitely encourage future litigation to resolve the inconsistencies suggested if the corporation decides not to liquidate but rather to rebuild and continue operations. □

Policy Regarding Preparation by Professionals of Documents Under the State Environmental Policy Act

Adopted by the Environmental Law Section of the Washington State Bar Association
June 29, 1974

- A. *What if anything may constitute the unauthorized practice of law in the preparation of documents for compliance with the state environmental policy act of 1971, RCW 43.21C?*

Among those functions which amount to practicing law, those which may relate to the prepara-

tion of documents required for compliance with the State Environmental Act are:

1. Drafting an instrument, the language of which affects legal rights; and
2. Analyzing the facts and applying the law to them—whether in giving advice or drafting an instrument.

A detailed statement on environmental factors, commonly called an EIS, may be required for an action within the requirement of RCW 43.21C.030(2) (c). This EIS is to be prepared by the responsible official of the governmental entity subject to the requirements of the State Environmental Policy Act ("SEPA"). Should a proposed action not be major or have a significant impact upon the quality of the human environment,

often the documentation required to establish a record of compliance with SEPA is termed a Negative Declaration. This Negative Declaration is prepared by the responsible official of the governmental agency. Often the action recommended by such responsible official involves the granting of a governmental authorization to a non-governmental entity for a private project. For this the project sponsor is usually required to prepare what has been termed an environmental assessment for use by the "responsible official" in preparing the required EIS or Negative Declaration. What follows then applies equally to all documents regardless of terminology used to identify that document, which documents are required to demonstrate a record of compliance with the requirements of SEPA.

Most of the work of preparing an EIS or SEPA type document does not invade the lawyer's professional role. The work somewhat resembles that of preparing income tax returns or title abstracts. In fact, both of these processes—not regarded as exclusive role of lawyers—come closer to the role of lawyers than does the preparation of an EIS or SEPA compliance document. Title abstracts come closer to the use of language which may affect people's legal rights, and both tax returns and title abstracts cover a subject matter which falls within the knowledge of more lawyers than does most of the work for preparing an EIS or SEPA compliance documents.

The closest analogy to an EIS or a SEPA compliance document is a securities offering circular. The data for such an instrument is commonly prepared by non-lawyers, namely accountants, corporate executives and underwriters, but a lawyer reviews, passes on, supervises, rewrites and edits that instrument.

The EIS or SEPA compliance document is a legal document which affects peoples' rights. The only person who may pass on the adequacy of an EIS or a SEPA compliance document is a member of our judicial system. Certain sections (RCW 43.21C.030(1), .050. and .060) of SEPA call for legal analysis of existing statutes and ordinances and their effects on a project.

In the preparation of an EIS or a SEPA compliance document then, a lawyer should take part in at least three distinct stages:

1. At the start to determine whether the scope of the study to be made covers the subjects needed for compliance with the act;
2. Midway in the process to review the work

to see that it is complying with the procedural and substantive requirements of the act; and

3. Before the draft shall have been circulated to review it in detail, not for the accuracy of the underlying data (which the attorney may not have the knowledge or capacity to verify), but for the precision of language, for conformity with the controlling cases, and again with the procedural requirements of the act.

B. *Policy questions as a professional's role in EIS preparation.*

There are public policy considerations which suggest an essential role for lawyers in the preparation and the approval of an EIS or a SEPA compliance document. Lawyers are needed to enable protection of both the public and members of other professions who may take part in the document preparation.

Although a lawyer has neither qualifications or a right to an exclusive role of preparing an EIS or SEPA compliance document, it is risky for a client to do otherwise than use a lawyer for overall supervision of the work and final editing to insure compliance with the act. Clients sustain a risk when engineers and architects prepare an EIS without legal help.

A lawyer should be employed to make judgments upon the legality of an EIS, its compliance with the statute and other relevant statutes and ordinances, so that the work done by others does not become final and make its impact until it has passed before the lawyer's eyes.

Engineers, architects, planners, attorneys and others holding themselves out as possessing expertise expose themselves to a risk of liability when they assist the responsible official or a client in preparing an EIS or SEPA compliance document and particularly when the document prepared contains an attribution of responsibility to the professional people who assisted in preparing the EIS.

As to ethics, the duty of impartiality falling on a public official (or the lawyer working for him) who is responsible for an EIS or a SEPA compliance document is greater than the duty of a developer who gives the assessment. For the developer and his lawyer the need for impartiality is based more on prudence than on ethics.

□



SUPREME COURT PRACTICE

By WILLIAM M. LOWRY

Supreme Court Clerk

The following is a supplemental list of cases to be heard by the Supreme Court during the September 1974 Session which may be of interest to the Bar.

42843 — *In the Matter of the Estate of Arthur Ochsner*

In seeking an award in lieu of homestead, should the value of such property be determined at death or on the date of claim and what effect if any, should the property's subsequent valuation beyond the statutory limit have on such a determination?

42964 — *Ball v. State of Washington*

Does ch. 41.06 RCW create a duty to pay state employees a rate comparable to similar positions in private industry and does the state budget director have the authority to amend the salary plan adopted by the state personnel board? Do the governor and state budget director have a duty to use the salary plan adopted by the state personnel board and what authority do the governor and state budget director possess with regard to the salary plan?

42975 — *State v. Jones* 43191 — *State v. Foster*

Does the test for legal insanity, as embodied in the new Act relating to the criminally insane, represent a departure from the traditional McNaughton Rule? Is it a denial of equal protection and due process to acquit a defendant of a crime and commit him as criminally insane, without findings that he committed the crime charged?

43011 — *Barrie et al. v. Kitsap County et al.*

When a municipal corporation simultaneously approves a rezone from Single Family residence to Business General for purposes of allowing a shopping center and a PUD does the subsequent voidness of the PUD, due to the failure to comply with the PUD laws also void the accompanying rezone?

43151 — *Hill v. Dayton School Dist. #2*

43152 — *Martin v. Dayton School Dist. #2*

What constitutes sufficient notice of no renewal of a teacher's contract of employment under RCW 28A.67.070 and RCW 28A. 58.450?

43164 — *Ivan's Tire Service Store Inc. v. Goodyear Tire & Rubber Co.*

What is "cost" as contemplated by ch. 19.90 RCW? Does the use of information obtained by a manufacturer from its own wholesaler and retailer to solicit customers constitute an unfair method of competition and subject the manufacturer to treble damages under the Unfair Business Practices Act and the Consumer Protection Act?

43173 — *Howell v. Kraft*

To what extent do the state licensing statutes exempt real estate brokers from the application of the Consumer Protection Act?

43175 — *State v. Harville*

Whether a defendant compelled to testify in a grand jury or special inquiry proceedings is entitled to transactional immunity as a matter of right under RCW 10.27.130.

43185 — *Pappas v. Hershberger*

Whether a purchaser-first occupant of a defective new house is entitled to damages or rescission as against a non-builder-vendor, who expressly disclaimed any warranty.

43194 — *State v. Manly & McIntire*

Is the use of binoculars to observe marijuana plants growing in or near a window an intrusion or search of a type prohibited by the Fourth Amendment?

43206 — *State v. Mosely*

May a defendant be charged with both second degree assault and murder where the assault resulted in the death of the victim?

43212 — *Misterek v. Washington Mineral Products Inc.*

Does RCW 16.73.010 (the Herd Law) impose liability on persons in control of livestock as well as the owner if the animal is permitted to stray and cause damage?

43239 — *Wasser and Winters Co. v. Jefferson County*

To what extent is timber sold from public land exempt from taxation?

43244 — *Alter et al. v. Morris*

Does Washington criminal insanity statute impose greater burdens on committed persons than does its civil commitment statute if so does the criminal insanity statute deprive persons acquitted by reason of insanity to the equal protection of the law?

43249 — *Sonitrol Northwest Inc. v. City of Seattle*

Is a Corporation engaged in the business of installing and monitoring burglar alarms and which makes use of telephone wires for that business properly classified as a "public utility" and thus subject to a 7% occupation license fee on total gross income?

43266 — *Geise v. Lee*

In a case where an unreasonably dangerous condition exists and a landlord has full knowledge of it, should the rule that a landlord's duty of care with respect to common areas does not extend to removal of accumulations of ice and snow from those areas unless the landlord has affirmatively assumed a duty to do so be reversed?

43278 — *State v. Fields*

Was the adoption of Rule 2.3 of the Criminal Rules for Superior Court allowing issuance of search warrants in misdemeanor or gross misdemeanor cases substantive in nature rather than procedural and therefore beyond the authority of the judiciary to adopt?

43319 — *Mahoney v. Tingley*

Is a seller of real estate limited to an election between an action for specific performance of an earnest money agreement, or forfeiture of the earnest money deposited, as liquidated damages?

43321, 43322 — *Mead School Dist. #354 v. Mead Education Assoc.*

Do teachers have a right to strike available to them as part of the collective bargaining process authorized by the teachers Negotiation Act, ch. 28.A.72 RCW? Is a strike or threat to strike an "emergency" which would exempt a school district from compliance with the Open Public Meeting Act RCW 42.30.080?

43327 — *Maltman v. Sauer*

Should an Army helicopter rescue crew who was killed while responding to an emergency call be included in that class of persons entitled to recover under the rescue doctrine?

SUPERIOR COURT NEWS

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

The state's superior court judges will participate in the annual Judicial Conference to be held in Richland, September 3-6. The program in-

cludes discussions of: "The New Criminal Rules in Actual Operation;" "Bench- Bar-Press Relations; The Judge's Responsibility to Insure Fair Trial;" "The Media's Treatment of the Courts;" and "The Judge's Management of the Adult Probation Subsidy Plan."

* * *

Judge **Horton Smith** (King) has assumed command of Group Command 13-3 consisting of 23 units comprising virtually all of Western Washington's naval reserve. Judge Smith was selected from 17 candidates by a command selection board.

COURT OF APPEALS

By **JUDGE KEITH M. CALLOW**

EFFECTIVE ORAL ARGUMENT

A list of do's and don'ts by Judge Keith M. Callow, Court of Appeals, Division I.

DO:

1. Introduce yourself — **SMILE**
2. Remember the basics of public speaking:
 - a. Eye contact
 - b. Enunciation
 - c. Emphasis and inflection
 - d. Project enthusiasm
3. Summarize the *salient* facts
4. State the *major legal issues* raised
5. Use *graphic* visual aids
 - a. Chronology of material facts
 - b. Photos, maps, charts
6. Discuss *only* the major legal issues
 - a. *Specific* evidence in the record *pertinent* to the issue
 - b. *Legal rationale* supporting your position
7. Summarize the primary reasons supporting your position

DON'T:

1. Be sarcastic, snide or deprecating
 2. Stand between the court and your visual aids
 3. Spend time fumbling through papers
 4. Read at length from anything
 5. Cite innumerable cases
 6. Avoid questions from the court
 7. Fail to sell your product
-



Twenty Years Ago

Politics the passion. It seemed that the principal concern was political position and everyone was running.

Births

Everett: **Herbert Swanson, Arnold Zempel** and **Archie Baker** offered themselves for prosecuting attorney. **Warren Quast, Paul Stocker** and **August Mardesich** wanted to be law makers in the state legislature. **Donald Jennings** was content to continue as Justice of the Peace. **C. P. Brownlee, Verne Henry** and **Victor Haglund** all were candidates to succeed **Arnold Zempel** who resigned as Justice of the Peace.

Menlo Park, California, was to be improved by the entry of **Elmer Sjoström**, late of Everett.

Olympia: **Del Johnson**, Democrat, filed for the state legislature. Stanbery Foster remarked, "Everyone wants to come to Olympia—nice climate here. Cool, too, in the shadow of the expanded capitol."

Doane Brodie was recovering from a Hawaiian vacation.

Inheritance Tax Supervisor **Dan Bigelow** was puzzled by the question whether life or death was the bigger bargain, tax wise.

Mark Wight, State Law Library, announced a service. He would furnish from his card index system all references to any case in periodicals and text materials that referred to it.

Spokane: **Hart Snyder**, formerly of Seattle, announced the new firm of Snyder and Thomas. Hart had been special attorney of the Lands Division of the United States Department of Justice. Federal Judge Driver commended him for the high standard he had maintained in that work.

Michael J. Kerley appointed full-time referee in bankruptcy.

Thomas P. Delaney appointed United States commissioner.

Frank H. Johnson opened in the Rookery Building.

Roy C. Fox, formerly assistant United States District Attorney appointed state assistant attorney general.

Micahel J. O'Brien, Jr., was placed in charge of the attorney general's office in Spokane.

Hugh A. Evans, Democrat, and **John J. Champagne**, Republican, announced their candidacy for prosecuting attorney.

For the three positions of Justice of the Peace, there were eight candidates: **Gordon S. Lower**,

Seattle Attorney Elected Chairman of New ABA Economics Section

Robert S. Mucklestone, a Seattle attorney, has been elected chairman of the newly-formed American Bar Association Section of Economics of Law Practice.

The new section is a successor to the ABA Standing Committee on Economics of Law Practice, established in 1961 to help lawyers increase their operational efficiency.

Mucklestone said the new section was created to meet demands for expanded and improved service to members. The section's function will be similar to that of the committee in providing publications, educational programs and assistance in developing an efficient law office.

The organizational meeting was held in conjunction with the Sixth National Conference on Law Office Economics and Management, sponsored jointly by the now-replaced ABA Standing Committee on Economics of Law Practice and the ABA Standing Committee on Law and Technology.

About 500 lawyers, law office administrators and legal assistants attended the three-day conference, which featured discussions and demonstrations on word processing, communication systems, dictation equipment, copying equipment, management and accounting systems for small firms, information storage and retrieval, use of videotape, new methods of delivering legal services, specialization and office building sharing, branch and suburban offices, group and prepaid legal services, internal management, equipment utilization, motivation and the psychology of change. □

Benn McInturff, Arthur N. Hansen, Matt L. Alexander, William L. Bennett, Kathleen Mautz, Carl Maxey and **Francis B. Carr**.

Seattle: **Jennings P. Felix** and **Don G. Abel**, formerly of Grays Harbor County, opened in the Northern Life Tower. In the same building **Emmett E. McInnis, Jr.**, and **Glenn E. Thomson**, as Thomson & McInnis established their offices.

Crossed the Bar

The bar remained uncrossed this month. Lawyers were apparently getting healthier.

The bar convention would commence September 1. The program announced was designed to improve every attendant in every way.

David J. Williams

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ABA to Host Regional Conference in Seattle

The American Bar Association Special Committee on Youth Education for Citizenship will host a Regional Conference on Law Related Education in Seattle, October 25 and 26, 1974. The Conference will attract lawyers, educators, administrators, judges, police officials and other professionals interested in law related education from the states of Washington, Oregon, Idaho, Montana and Alaska. Present plans call for approximately 175 participants. Funds for the Conference have been made possible through budget appropriations by the Board of Governors of the Washington State Bar Association in the amount of \$3,000.00 and the Seattle-King County Bar Association's Board of Trustees in the amount of \$2,000.00. This represents approximately one-third of the necessary expenses of the Conference and the balance will be funded by the American Bar Association.

Cleary Cone, President of the State Bar Association, has appointed a Steering Committee chaired by Lawrence L. Longfelder, Seattle. Burroughs B. Anderson, Past-president of the Seattle-King County Bar Association and Wayne Wilson, Director of Public Affairs, Washington State Bar Association, are the respective bar association representatives. Arthur Hawman, Walla Walla attorney, is a member of the Steering Committee representing the Freedom Under Law Committee of the State Bar Association. In addition, there are members of the University of Washington, Western Washington State College, various school districts, the State Congress of

Parent, Teachers and Students, Seattle Police Department and the King County Prosecutor's Office. In addition, the Honorable Robert Finley, Justice, State Supreme Court and Mr. George Whitney, Supervisor of Social Studies Program, Office of the Superintendent of Public Instruction, are members of the Steering Committee.

The Steering Committee has had several meetings to try and identify those areas of the state which will be designated to send "teams" of lawyers/teachers/administrators to Seattle to learn about the latest techniques in Law Related Education. It is anticipated that teams from Spokane, Tri-Cities, Vancouver, Yakima, Tacoma, seven Metro School Districts and Seattle will send teachers and administrators to the Conference. Any attorneys who live in the areas above denominated and who are interested in becoming a member of a "team" are urged to contact Mr. Longfelder at 682-8813 in Seattle or Wayne Wilson, State Bar Office and indicate their interest.

For those not familiar with Law Related Education (which unfortunately, includes most attorneys and many educators), the American Bar Association will bring in resource leaders from all over the United States to inform participants of the programs in their respective communities. Many communities in California, Nebraska, Texas, Kansas and others have embarked on ambitious programs to teach Law Related Education at the kindergarten level through the 12th grade. These projects have developed extensive written materials on substantive law and teaching techniques which will be available for

distribution at the Conference. In addition, the Conference will present films, seminars, teaching clinics and demonstrations so that all participants will have a basic concept of the nature and direction of Law Related Education. It is hoped that, as a direct outgrowth of the Regional Conference, pilot projects will begin in various cities and communities around the state. The State Superintendent of Public Instruction's Office is currently in the process of writing curriculum guidelines for distribution in fall of 1975. If all goes as planned, every teacher in the state will have a curriculum guideline for use in kindergarten through 12th grade, Law Related Education, by the fall of 1975. The guidelines are being designed to fit into existing courses and programs so as to cause the least amount of disruption to the already crowded school curriculum.

In addition to the efforts directed at preparing for the Northwest Regional Conference, the Law Focused Education Committee of the Young Lawyers Section of the Washington State Bar Association is in the process of creating a state-wide speakers bureau. A pamphlet describing the topics on which lawyers will speak is in the process of being written and will be ready for distribution on a state-wide basis this fall. It is hoped that lawyers in all parts of the state will make their time available to go to junior high and high schools and address students on legal topics. Attorneys who are interested in speaking in such a capacity are urged to contact the Young Lawyers Section, Washington State Bar Association, Law Focused Education Committee. □



For Sale: Fed. Supp. vols: 1-386 plus current advance sheets. Fed. 2d 1-488, plus current advance sheets; Fed. Rules Dec. 1-60, plus current advance sheets; Moore's Federal Practice Digest. Extremely reasonable. 324-3500.

Will Information: Anyone having knowledge of the Last Will and Testament of Anthony J. Virant please contact Roger W. Jones, Jr., 3712 Seattle-First National Bank Building, Seattle, 682-5440.

For Sale: Brand new, six-volume set of Book Publishing Company loose-leaf annotations to the Revised Code of Washington. Write Terry Abeyta at 3902 Dayton Ave. N., Seattle, Wash., 98103, or call 1 (206)-633-3672.

For sale: 1-51 ALR 3rd, 1-101 C.J.S. 2nd. Irving Koths, Box 306, Morton, Wash.

Wanted: Young practicing Seattle attorney with small private practice desires to purchase a going private practice or partnership in same in greater Seattle. All replies confidential. Reply Box A, State Bar Association.

For Sale: ALR 2d and 3d; ALR Digest; ALR 2d Digest; ALR Blue Book; ALR 2d Later Case Service; ALR Word Index; ALR Quick 1st, 2d and 3d; \$1,500 cash, call (206) 622-5306, Seattle.

For Sale: CCH *U.S. Tax Cases*. 21 bound volumes like new. 61-1, 61-2, 62-1, 64-2, 65-2, 66-1, 66-2, 67-1, 67-2, 68-1, 68-2, 69-1, 69-2, 70-1, 70-2, 71-1, 71-2, 72-1, 72-2, 73-1, 73-2. \$50.00. Call Seattle 783-9212.

- Sept. 11-14 Annual Meeting, WSBA. Hyatt Regency and Hotel Vancouver, Vancouver, B.C.
- Sept. 20 CLE Seminar, Practice under Revised Probate Code, Ridpath Motor Inn, Spokane; Willard J. Wright, Chairman.
- Sept. 27 CLE Seminar, Practice under Revised Probate Code, Olympic Hotel, Seattle; Willard J. Wright, Chairman.
- Oct. 3-4 CLE Estate Planning Seminar, Washington Plaza Hotel, Seattle; Kenneth L. Schubert, Chairman.
- Oct. 4-6 Seminar, Investigation. Preparation and Trial of an Aviation Accident Case; sponsored by Aviation and Space Law Section. Seattle/King County Bar; Sun Mountain Resort, Winthrop, WA.; John Sweet, Seattle, Section chairman.
- Oct. 18 CLE Seminar, Antitrust law, Olympic Hotel, Seattle; William L. Dwyer, Chairman.
- Nov. 1 CLE Seminar, Antitrust law, Ridpath Motor Inn, Spokane; William L. Dwyer, Chairman.
- Dec. 5-6 CLE Seminar, Basics of Trial Advocacy, Seattle Center, Rainier Room, Seattle; Alan A. McDonald, Chairman.
- Dec. 12-13 CLE Seminar, Basics of Trial Advocacy, Davenport Hotel, Spokane; Alan A. McDonald, Chairman.

Lawyer Placement Service

1. The Army Corps of Engineers is seeking an attorney, preferably with experience in government contracts, administration of claims, real estate and/or navigable waters. Salary: \$12,167-\$14,671. Available late this summer.
 2. Labor attorney with 10 years experience, admitted to practice in New York and Ohio, is looking for a position with a corporation or firm in Western Washington.
 3. Eastern Washington county has an opening for a deputy prosecutor to handle both civil and criminal caseload.
 4. The Government of American Samoa is seeking a deputy attorney general to be responsible for the handling of civil cases. At least 7 years experience required. Salary: \$20,000, 2-year contract. Available late 1974.
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Robert G. Kerr Suspended

Robert G. Kerr has been suspended from practice of law for six months by order of the Supreme Court dated July 18, 1974.

Edward F. Kirchen Disbarred

The Supreme Court of Washington disbarred **Edward F. Kirchen**, Tacoma, from the practice of law, effective May 16, 1974.

WASHINGTON STATE BAR ASSOCIATION

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