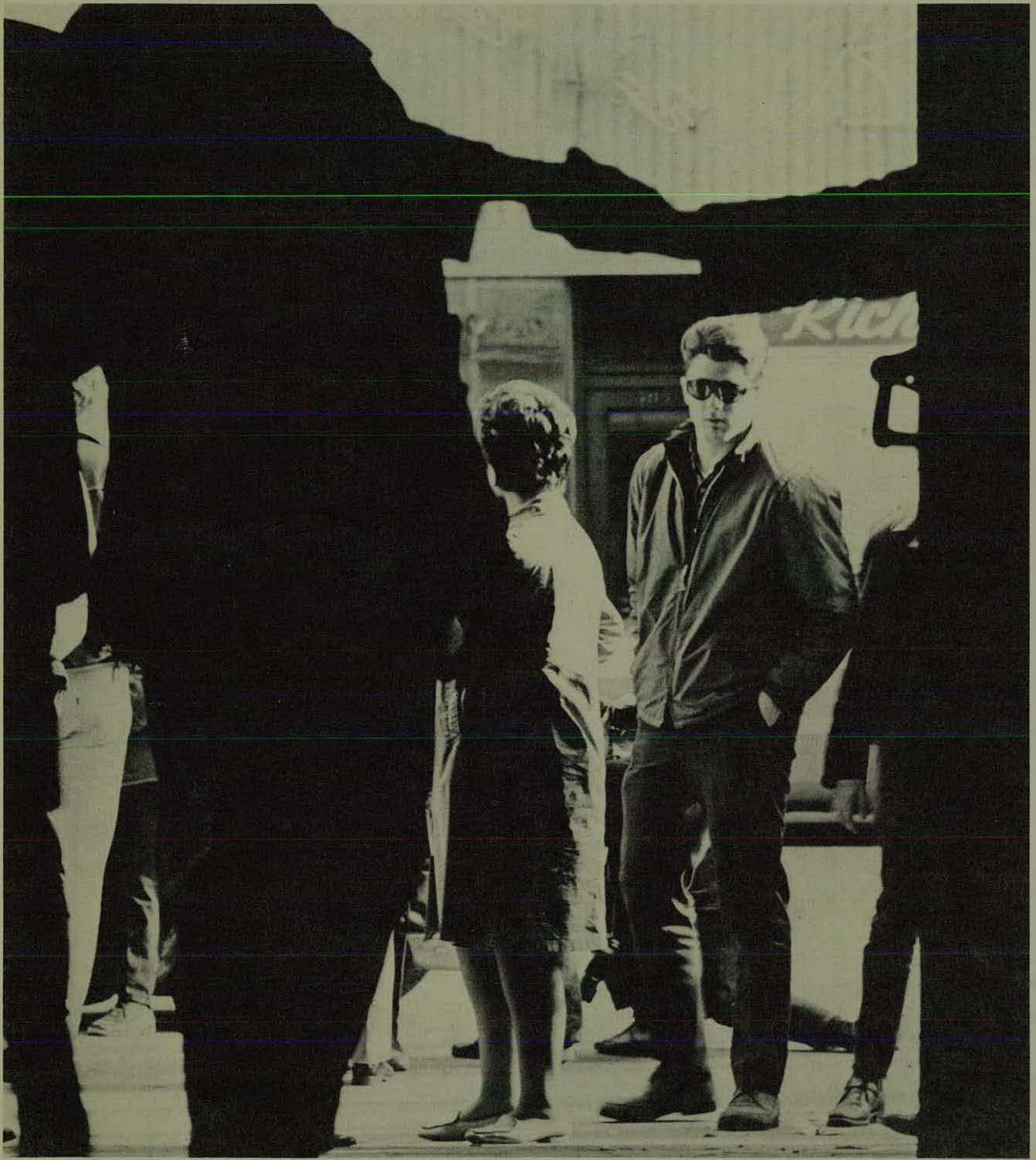

WASHINGTON STATE BAR NEWS



LAWYERS LEND A HELPING HAND

Financial aid.

Seafirst Investment Advisors can be a valuable financial aid when your client's legal situation requires sound investment judgement.

Our specialty is personal investment management. Our day-to-day counseling includes working closely with other personal counselors such as yourself. In many cases, that experience can save you and your client much time and money.

By carrying a minimal account load, we get to know what our clients want, and more importantly, what they need. We begin each relationship by analyzing tax situations, present and future income needs, investment preferences, etc. Once the client establishes our level of participation, together we determine his investment objectives. They are then put into writing, along with how our performance is to be measured.

From that point, we direct all our skills plus the resources of the northwest's largest financial center towards accomplishing those investment objectives. And each day, each account is reviewed to track the progress towards achieving those objectives.

This is only part of our story. If you'd like the details about how we can help you help a particular client, specifically, one who has a substantial amount of capital worth, just call Bob King at 583-5202 for a presentation.



SEAFIRST INVESTMENT ADVISORS
507 PARK PLACE BLDG . 1200-6TH AVE . SEATTLE, WA . 98101

**FOR SALE. OLD, FAMILIAR
NAME NO LONGER OF VALUE
TO OLD, ESTABLISHED COMPANY**

A sure test to determine how valuable its corporate name is to your client: Would your client advertise its name for sale, giving up the good-will inherent in that name and go to the expense and bother of changing to another name?

If the answer is no: Look into protection of your client's present name—particularly in states into which the corporation is likely to expand in the next few years. It can be a very worthwhile investment.

Each year countless corporations wishing to expand into an additional state are denied use of their own name because another corporation with "the same or a deceptively similar" name is already of record. Buying the name is often expensive, sometimes impossible.

C T has assisted thousands of attorneys plan and initiate a state name protection program to fit the specific needs of a client.

For additional helpful information, complete and mail the coupon below. Or give us a call and just say you would like more information on corporate name protection.

C T CORPORATION SYSTEM, 1218 THIRD AVENUE, SEATTLE, WASHINGTON 98101

I'm a lawyer. I would like to know more about the concept of state name protection and how it would work for a client of mine. Send me more information—without obligation.

NAME _____

FIRM _____

ADDRESS _____

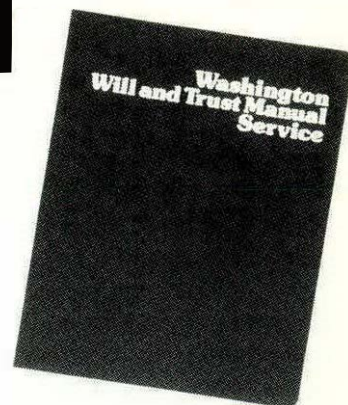
CITY, STATE, ZIP _____

SB 763

NEW FOR WASHINGTON ATTORNEYS...

Washington Will & Trust Manual

the only form book annotated to Washington law



This unique Manual is the indispensable, time-saving aid for the Washington attorney in drafting wills and trust agreements. Pacific National Bank is offering this service exclusively, with annual supplements available on a continuing basis.

SAVES TIME, EFFORT AND EXPENSE

The Manual is designed to spare you from spending hours of valuable time on drafting wills—a task that has long been recognized as requiring a great deal of time and responsibility in terms of the small fee involved.

COMPREHENSIVE

Over 200 pages in length. Includes suitable provisions for drafting most wills, both simple and complex.

ANNOTATED TO WASHINGTON LAW

Edited by attorneys Robert Mucklestone and Robert Giles, men who have established reputations in the field of estate law and practical estate administration in the State of Washington. It is the only form book presenting language and decisions pertaining exclusively to jurisdiction in the State of Washington. It is written for Washington lawyers only, with Washington annotations, plus appropriate comments concerning Federal and other authorities.

EASY TO USE

The comprehensive Table of Contents and Index quickly help you, the lawyer, find the language, from Exordium to Attestation, for incorporation in any will. All sections have clearly marked tabs for ready reference. Large type assures easy reading, easy filing.

GUARDS AGAINST PITFALLS

Marginal notes and footnotes serve to alert you to sensitive areas, errors in draftsmanship.

DURABLE

The sturdy, loose-leaf binder—7½ x 10 inches in size—is designed for heavy-duty use all through the year.

ANNUAL UPDATES

You receive an annual supplement on new laws, case decisions, and other essential information. Loose-leaf binder facilitates the elimination of outmoded material and the insertion of new.

RESERVATION

To reserve your copy and the continuing supplements, simply complete and return the coupon below.

Pacific National Bank of Washington

To: Mr. John P. Patterson
Vice President and Trust Officer
Pacific National Bank
of Washington
P. O. Box 160
Seattle, Washington 98111

Please reserve the new "Washington Will & Trust Manual" in my name and ship to following address:

- Bill me \$ _____ for _____ copies at the regular publication price of \$42 per copy.
- Reserve _____ copies of each annual supplement and bill me when issued at cost of \$8.45 per copy.

Name _____

Firm _____

Street address _____

City _____ State _____ Zip _____

Published by

WASHINGTON STATE BAR ASSOCIATION
505 Madison Street Seattle, Washington 98104

Edward W. Huneke, *Editor*

Material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or of the Board of Governors. Direct all copy to Bar News, State Bar Office, 505 Madison, Seattle 98104.

© 1976 by Washington State Bar Association

Published monthly. Subscription price is \$5.00 a year, 50c a copy. Subscription included with active membership. Back issues \$1 per issue.

United Graphics

WASHINGTON STATE BAR ASSOCIATION OFFICERS

ROBERT S. DAY
President

RICHARD H. RIDDELL
Secretary-Treasurer

G. EDWARD FRIAR
Executive Director

R. WAYNE WILSON
Director of Public Affairs

BOARD OF GOVERNORS

ROBERT S. DAY
President

RICHARD H. RIDDELL
First Congressional District

CHARLES R. OLSON
Second Congressional District

WILLARD H. WALKER, III
Third Congressional District

ROBERT R. REDMAN
Fourth Congressional District

JOHN E. HEATH, JR.
Fifth Congressional District

ROBERT H. PETERSON
Sixth Congressional District

DAVID D. HOFF
Seventh Congressional District

BETTY B. FLETCHER
King County

EDMUND B. RAFTIS
King County

EDITORIAL ADVISORY BOARD

R. MICHAEL KIGHT
Everett, Chairman

F. ROSS BOUNDY
Seattle

DAVID L. BROOM
Spokane

ODINE H. HUSEMOEN
Longview

C. JAMES JUDSON
Seattle

RANDALL L. MARQUIS
Yakima

MERRIFIELD (BUD) REES
Tacoma

MARJORIE W. RUMLEY
Seattle

PAUL M. SILVER
Seattle

WASHINGTON STATE BAR NEWS

FEATURES

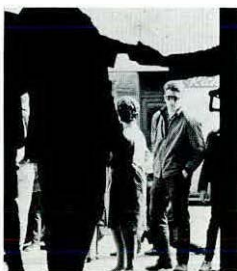
- 10 **Lawyers Lend a Helping Hand**
Lawyer Volunteers in Corrections
- 13 **Guidelines For Handling An Appeal**
Suggestions For A Successful Case
- 31 **Arbitration of International Disputes**
World Peace Through Law

IN THE NEWS

- 6 **McLauchlan-At-Large**
- 47 **Aviation Seminar Planned for October**

DEPARTMENTS

- | | |
|-----------------------------|---------------------------|
| 5 Letters | 35 Law School News |
| 7 President's Corner | 36 The Courts |
| 9 CLE Clearinghouse | 42 Sections |
| 18 Twenty Years Ago | 47 Briefly Noted |
| 19 The Board's Work | 48 Notices |
| 22 Around the State | |



July Cover Photo by:
Nicholas W. Jahn, Seattle

Attorney's Professional Liability Program endorsed by the Washington State Bar Association.

Members of the Washington State Bar Association qualify for Affiliated FM's "Occurrence Form" Professional Liability Policy.

Effective February 1, 1976, this plan provides a million dollars worth of coverage for only \$170 a year per attorney.

Protect your personal and partnership practice from increasing professional liability claims. Call us toll free at (800) 552-7200 or locally, 223-1240.

Our Attorney's Professional Liability Program is now endorsed by the Alaska, Idaho and Oregon State Bar Associations.

Marsh & McLennan, Inc.

800 Norton Building, Seattle, WA 98104

Underwritten by: Affiliated FM Insurance Company



Giving Others a Vote

Editor:

You can see what happens when you give the members of a staff a vote at firm meetings. The following is an excerpt from the minutes of one of our office meetings.

8. *Vacation schedule.*

The attached list of proposed 1976 holidays was discussed for approval. Mr. Coney objected to the inclusion of Veterans' Day, as there are no veterans in the office. He also pointed out that since the nation's birthday is being celebrated the entire year in 1976, there is really no need to celebrate Independence Day. He added that Labor Day is inapplicable, since very little work is performed by the staff throughout the year. All of the above objections of Mr. Coney were overruled, and the 1976 holiday list was adopted as proposed.

BYRON D. CONEY

Seattle

Allowance or Rejection of Claims

Editor:

With malpractice suits knocking at the door of lawyers, may I point out a trap in RCW 11.40.030:

"... claims ... shall be deemed allowed and may not thereafter be rejected, unless the personal representative shall, within six months after the date of first publication of notice to creditors ... notify the claimant of its rejection, ..."

A case has come to my attention (not mine) of a *doubtful* claim being filed for a *substantial* amount. The attorney went to sleep on it (this does happen). He is now a potential defendant in a sizable malpractice suit.

To keep our malpractice premiums low, and sometimes to prevent *outright fraud*, some change would seem in order.

For example: (change underlined)

"... claims ... shall be deemed allowed and may not thereafter be rejected *as to any claim not exceeding \$500.00 (amount?)* unless the personal representative shall, within six months after the date *the notice to creditors has first been published and filed*, or any extended time, notify the claimant of its rejection, in whole or in part. *As to all other claims, the claimant, after his claim has been on file for at least thirty days, may notify the personal representative that he will petition to have a claim allowed. If the personal representative fails to file an allowance or rejection of such claim within ten (10) days after receipt of such notice, the court, at the hearing of such a petition, at which the claim is substantially allowed, shall allow petitioner reasonable attorney's fees of not less than \$100.00 chargeable against the estate.* If the personal representative shall reject the claim, ..." etc.

Of course, there is a myriad of variations.

JAMES J. KEESLING

Seattle



ONLY IN SEATTLE



As Seattle's finest men's specialty store we're pleased to be able to offer many brands that are ours exclusively. One of these is Hickey-Freeman, certainly one of the most respected manufacturers of suits and sportcoats for men in America today. We hope you'll stop by soon and see why.

Little's

FIFTH AVENUE AT UNION
SEATTLE 623-0417

Charge accounts invited
Bank and American Express cards honored

McLauchlan-at-Large



Frank L. Mechem, Kent



Bar Staff: Cassie Morris, Marsha Barzee, Serni Reeves and Dina Butler.



John D. McLauchlan



Mary Ann and Larry Bailey, Seattle



CLE Seminar, Seattle



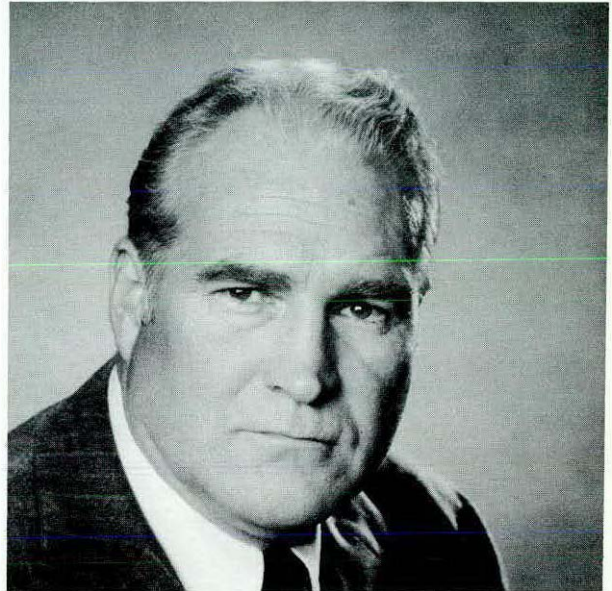
Annual Meeting Sites

Not too frequently, but from time to time, the Bar Association receives a critical letter from a member of the Bar regarding the location of the Annual Convention. Last month, for example, the *Bar News* contained a letter complaining that bar conventions are not held in Seattle. I want to share some thoughts and information with you on this subject.

First of all, it should be understood that we try (insofar as possible) to make the Annual Convention self-sustaining financially. I think you can recognize that the renting of meeting rooms and halls, dining rooms, and the payment of honorariums to nationally known personalities, runs into a great deal of expense. The only way in which this expense can be defrayed is through registration fees and ticket sales to the luncheons and dinners. In other words, the key to the financial success of the Convention is attendance! Incidentally, our members still get the best bargain in town on the registration fee since it is by far the lowest we know about. For example, among our neighbors, the registration fee for the Annual Meeting in Oregon is \$40, in Idaho it is \$35, in Utah, \$30, in Arizona, \$25, and in Montana, \$38. Ours is still just \$15.00.

Our Bar can justifiably be proud of the attendance of our members at the Annual Conventions, not only in terms of sheer numbers of registrants, but also in the percentage of registrants as compared to our total membership. In Vancouver in 1975, we had over 1,300 registered. This represented over 20% of our total membership.

It takes only a little consideration to realize several things about our Annual Convention: 1) it must be held in a metropolitan area which has the basic facilities to handle large crowds; 2) it must be planned quite a long time in the future in order to reserve the hotels and meetings rooms; and 3) it must be in a city or an area which will attract a



large number of registrants. We are all anxious to have the fullest possible participation of the membership.

The Convention in Spokane this year is an experiment. There are many of us who have grave doubts about whether Spokane meets criterion #3 above. We are also concerned about the reaction of the members to being scattered around in several hotels rather than in one centralized area. We are hopeful though that a large number of our members will come to Spokane and if you do, and if the reaction from you is favorable, we will no doubt hold the Convention there again. If attendance is substantially down, however, and if the reaction of you the members (for whom the meeting is held) is not favorable, then Spokane probably will not be repeated.

As noted above, we also get complaints from time to time because the Convention has not for several years been held in Seattle. The unfortunate fact is that the last couple of Seattle Conventions have been poorly attended. The reason for this is fairly clear. About half of our Association membership is in King County. An Annual Convention, although it is an educational and informational function, should also serve a recreational function. For the King County lawyer and spouse, a Seattle Convention is simply not that

much fun! They are in Seattle full-time and simply are not interested in going Downtown to rent a hotel room to attend the Convention or even to commute back and forth from home. Also, it is too great a temptation for the lawyer to go by his or her office "just to look at the mail" and end up getting busy or tied up and then just not going to the meetings at all. Consequently, Seattle lawyers and spouses have not attended Seattle Conventions in anything like the number that they have in other places where the Annual Meetings have been held. We are not alone in this specific problem. In just about every state where there is one predominant large City, the Bar's Annual Meetings are held elsewhere for the same reasons which I have just outlined. In Louisiana for example, Annual Meetings in New Orleans were dismal flops and therefore they have permanently designated the resort area of Biloxi, Mississippi for their Conventions. The Oregon Bar (which has 2,000 members less than us) meets at Gearhart, a resort on the Oregon Coast, recently in Vancouver, B.C., this year in Portland as a "one more time" experiment and in the search is con-

sidering Seattle as a site. (Which we have highly recommended to them, by the way.) Other bar associations have meetings in such really exotic places as Costa Rica and the Bahamas and the Illinois Bar Association has a regular mid-year meeting at the Diplomat Hotel in Ft. Lauderdale, Florida.

This problem — not only how best to serve the interests of the membership but also how best to conform to the desires of the membership — is a continuing one for the Board of Governors. It has been agreed by the Board that an expression of sentiment will be sought from the membership at the Annual Meeting this year as to your preference for meeting sites between Spokane, Seattle, Vancouver, B.C., San Francisco and Hawaii.

Your Board of Governors is as interested as each of you in wanting to have a successful, well attended, productive Convention. In the last few years I think you will agree we have accomplished that goal. If you want to help assure future Conventions in the State of Washington, lend your support by attending the first Annual Convention within the State of Washington in several years. If you do not, a Convention inside the State of Washington may, like the dinosaur, be a thing of the past.

Robert S. Fay

Remember Pacific First Federal

Certificate Investment Accounts
at generous interest rates.

Retirement Savings Plans (IRA & Keogh)

Guardianship, Trustee and Fiduciary Accounts

Telephone Transfer Accounts

Savings Insured to \$40,000 by FSLIC.

Pacific First Federal



Savings and Loan Association

A Mutual Savings Institution

Seattle ■ Bellevue ■ Auburn ■ Seatac ■ Tacoma ■ Lakewood
Spokane ■ Spokane Valley ■ Bellevue ■ Longview
Vancouver ■ Portland ■ Eugene ■ Springfield ■ Bend

Largest in the Pacific Northwest/over 1 billion dollars strong.

Potpourri

By **JOHN J. MICHALIK**

Director of Continuing Legal Education

The temptation to entitle this sparkling new addition to the *Bar News* the "Column From Cle Elum" was very strong, particularly since that title was suggested by someone who I will identify only as the Executive Director of a certain State Bar Association headquartered in Seattle. On the other hand, "Clearinghouse" seems appropriate in view of the fact that the idea is to use this space to pass on information about particular Bar Association activities in the area of continuing legal education, and also because this column provides yours truly with a vehicle for answering some questions of general interest. A potpourri of the latter may be the most useful and appropriate way of opening the doors to the "clearinghouse."

Compulsory CLE in Washington — As reported by President Day in the May, 1976, *Bar News*, the proposed Rule is still under consideration by the State Supreme Court. As of this writing, late June, the situation is unchanged. When the Court does act on the Rule, we will, of course, communicate the substance of that action to you through the *Bar News* or otherwise.

Compulsory CLE in Other States — As you may be aware, compulsory CLE is currently in force in Iowa and Minnesota, and has been approved in concept by the Wisconsin Court. For the information of members of the Washington bar who are also licensed to practice in Iowa, I note that the CLE Committee of this Bar Association is an accredited sponsor under the regulations of the Iowa Supreme Court Commission on Continuing Legal Education — which, in essence, means that all seminars sponsored by the CLE Committee are automatically accredited for purposes of the Iowa CLE Rule. This does not, however, relieve Iowa attorneys of the necessity of complying with the reporting requirements of the Iowa Supreme Court Commission. For the benefit of those admitted in Minnesota, we are currently working on obtaining accreditation for our seminars under that state's program and, natu-

rally, will take similar action with regard to the Wisconsin program as well as that of any other state which adopts such a requirement.

CLE Programs Sponsored by National Organizations — Excellent programs are, of course, sponsored by a number of national organizations, such as PLI, the ALI-ABA Committee on Continuing Professional Education, and the various sections of the ABA. We are currently working to secure such programs for the Pacific Northwest — a couple which have been firmly set are ALI-ABA seminars on "Practice Under The New Federal Rules of Evidence" and "Federal Criminal Practice and Procedure," both of which will be held in Seattle on October 15-16. In that connection, I might point out that information on these and other ALI-ABA programs is contained in the *ALI-ABA CLE Review*, a weekly publication which any attorney, whether or not a member of the ABA or the American Law Institute, can subscribe to, free of charge, by simply writing the ALI-ABA Committee on Continuing Professional Education, 4025 Chestnut Street, Philadelphia, Pa. 19104.

CLE Seminar Topic Selection — The matter of selecting topics for future CLE seminars is a tricky business. As a practical matter, most seminars are designed to cover the basics of practice and procedure in a given area, although, in recognition of the trend in the practice of law, we are beginning to plan for more in-depth or specialized types of seminars. An effort is also made to be current insofar as new developments in the law are concerned — for example, our first program this fall will deal with the new Rules of Appellate Procedure, which became effective July 1st. Efforts at being current are, however, often hindered by the fact that to allow seminar panelists adequate time to prepare the type of high-quality programs you have a right to expect, we must begin the actual planning of a seminar from six to twelve months in advance of its presentation. Topic selection is also influenced by a number of other factors, including, and very importantly, the suggestions we receive from the members of the bar. Those suggestions are always welcome and will, without exception, be given serious consideration. If you've got an idea, drop me a line. □

Lawyer Volunteers in Corrections

Lawyers Lend a Helping Hand

By **DONNA STRATHY**, *Program Director*

John*, who is now 20 years old, has been in and out of juvenile homes and state institutions since he was 15. During the year since he was released on parole, John has married, enrolled in a junior college, and successfully completed a summer job with the United States Forest Service. He did well on the job and was asked to return this summer.

The praise from John's supervisor and friends has been particularly encouraging to him. The past year has been the longest period that John has remained outside of an institution since he was 15. Much of his success can be attributed to the backing and support which Bill Helsell, a Seattle attorney, has provided John during the past two years.

Bill Helsell is one of over 100 attorneys in Washington State who is actively participating in the Lawyer Volunteers in Corrections program.

The program involves recruitment of lawyers who will work on a one-to-one basis with a resident of a state correctional institution, a parolee or probationer, to assist him or her with re-entry into society.

The highest rate of return to prison for parolees occurs during the first three months after release. During this time, the support of an established member of the community can mean the difference between "making it" or going back to prison. Bill Helsell tells of his experience as a sponsor.

"When I first started visiting John two years ago, at the Washington Corrections Center at Shelton, we were both a little uncomfortable. I suppose my crew-cut and his long hair didn't help. John was very interested in witchcraft, which initially gave us something to talk about. He was also interested in working in the woods."

"I wrote to a friend of mine who was a forester in Olympia; he directed me to a Christmas tree farmer. I also wrote to the Forest

*Except for Robert, fictitious names have been used for the parolees.

Service for employment information and discovered that they give preference to ex-convicts. At the time of John's furlough, he had five employment possibilities. My wife and I each spent a day driving John to job interviews; the owner of the tree farm, who was the first person he contacted, offered John a job, but John accepted a summer position with the Forest Service because it provided more money and training. I was very pleased that he did so well in this job. I really believe that, with John's temperament, he would have given up at his first confrontation with government bureaucracy or setback in the private sector. It is perhaps still too early to attempt to predict what will happen to John."

The role of the volunteer ranges from being a contact in the community and counselor to simply being a friend with whom the resident or parolee can talk. As a sponsor, the lawyer may assist a resident in preparing parole plans, help locate job resources, or assist in registering for school or training programs. The problems of the residents



Donna Strathy has been the Program Director for *Lawyer Volunteers in Corrections* for over two years. This activity started as a State Bar Committee and is now funded by the Department of Social and Health Services, still being sponsored by the Bar Association.

are diverse, but all have a common base: the need to be reintegrated into the community. As a sponsor, the lawyer assists in the difficult re-entry process by providing practical help when possible and, more important, by being there to listen, counsel and take an interest in the resident.

The lawyer has an opportunity to see how the parole system works and learns to appreciate the difficulties encountered by both the parolee and the parole officer.

Stan Barer, another Seattle attorney, discussed his experiences as a sponsor:

"A person who is incarcerated is very frightened and angry during the first three or four months in prison; then he or she begins to adapt and learns to play a role in order to survive and to accept himself or herself as a social outcast. The volunteer can remind the offender that though he or she must survive inside the institution, he or she must also continue to remember and prepare for survival on the outside."

"The sponsor helps to bring the person back to reality and assists the resident in dealing with it; the sponsor is a source of input who is outside the institutional peer group."

Stan Barer helped Gary, while at Washington Corrections Center, to prepare his parole plans and secure an early release date to a work-release facility in Seattle. Gary has held a full-time job and has earned one promotion since his release in September. Stan says, "Gary seems to be adjusting well. His problem of handling money, seems to have improved with the opening of a savings account and the completion of his payments on a television. I really haven't seen too much of Gary in the past two months, but I know that our relationship is sound enough that Gary would not hesitate to call or stop by to discuss a problem and we talk often by phone."

The lawyer volunteer (sponsor) is assigned to the offender about six months prior to parole or work-release and continues the relationship for an additional six months after release. The sponsor spends four to eight hours per month on behalf of an offender. The sponsor follows the offender through successive stages of the criminal justice system. The practice of assigning a lawyer volunteer to an offender prior to release significantly

reduces disorientation during the transition period and hopefully aids the offender in making a successful readjustment to society. Effective rehabilitation requires more emphasis on the vocational, social, familial and economic concerns of the offender.

Pat McIntyre, a Seattle attorney, began sponsoring Robert one year ago at the Washington State Reformatory at Monroe. Robert is now 24 and had been incarcerated since he was 15. He had very few visitors, and his principal contact with the outside was through television programs.

In an interview, Robert said,

“Before meeting Pat, I really didn’t care about anything, and I kept most things inside me. It’s really hard when you don’t have anybody. After spending some time visiting with Pat, I was more motivated to get out of prison and develop a greater feeling for life. I could really see the difference between someone inside prison and someone on the outside.”

Pat McIntyre, because of an interest in the criminal justice system and a desire to do some-

thing helpful on a one-to-one basis, became involved in the Lawyer Volunteers program.

Pat discussed his experience as a sponsor, saying:

“I visited Robert regularly and encouraged him to take advantage of opportunities within the institution and insisted upon his active involvement in a realistic plan for continuing progress after release. I communicated with the institutional counselor, sentencing judge, parole board and Robert’s friends and relatives on the outside. I was doing the footwork that he could not do.”

Robert has been out of the institution since October and seems to be making good adjustment; he has begun his own landscaping business, and he has recently married.

The Washington State Bar, with the assistance and original funding from the American Bar Association and present funding from the Department of Social and Health Services, has strongly endorsed the Lawyer Volunteers in Corrections program since its inception three years ago.

Stan Barer says, “This program should be of particular interest to lawyers because they are supposed to be concerned about the legal system and they should be aware of how the system actually works. It is also a good opportunity to be a human being and relate to a person with legal difficulties outside the lawyer-client context.”

Pat McIntyre thinks that “being a sponsor provides invaluable information and experience to lawyers from the standpoint of recognizing the underlying reasons for recidivism and in making realistic sentencing recommendations.”

Bill Helsell thinks that this program provides a useful opportunity to really help someone on a one-to-one basis, rather than just sitting on the board of a charity. “It has been satisfying to be able to help another person get back on the track as a useful member of society.” Bill commented, as we left his office, “Thanks for assigning John to me; I am ready for my next offender.”

For further information, please contact Donna Strathy, the program director, by phone at 464-6524 or by mail at 610 United Pacific Building, Seattle 98104. □

To Assure Full Value in Estate Liquidations...

...We invite you to
contact us. In the
West, no firm
has more ex-
perience in realizing
maximum returns
for its clients



BUTTERFIELD & BUTTERFIELD
Auctioneers & Appraisers

Since 1865

2121 Third Avenue, Seattle, Washington 98121
(206) 624-7377

Guidelines for Handling an Appeal

By STIMSON BULLITT

Perfecting the Appeal

Read the rules carefully and follow them. Compared to the trial court rules, they are few and simple and they lack the subtlety and complexity of some of the trial court rules, such as for summary judgment or aspects of discovery. However, some of the appellate rules are narrowly technical and arbitrary. They call for walking square corners, and the courts require that they be observed.

Brief and Oral Argument

In both brief and oral argument, two aims must be pursued: to hold the court's attention and to persuade.

An important way to hold attention is to win the judges' trust by always leveling with the court. For the trust to become more than tentative takes several appearances. State facts with meticulous accuracy and never from outside the record

except where there is no question that the fact is one of which judicial note can be taken. In pointing out the important facts and points of law that oppose your case, do so not as admission, apology or confession, but to give the total picture to the court.

Simply make a logical argument, relating the facts to the law, developing your position, distinguishing the adverse authorities and explaining the adverse facts. This does not differ from what is required for a legal argument in any other setting.

The only mention of the trial judge's identity should be on the cover of the brief. Do not call the court's attention to who was the trial judge in the hope that a reminder of his level of competence may encourage the court to reverse or affirm. Added to the usual reaction to an *ad hominem* argument is recognition that on any given ruling, even a judge no better than a cipher has no worse than a 50% chance of being wrong.

Briefs

General

Devote care to writing the Statement of the Case. Nothing is more important to your argument than these premises on which rest all of the arguments offered by you and received by the court. It enables the court to understand your argument and helps you to formulate it.

In both brief and oral argument, the Statement of the Case should present a cool, clear picture of the situation. No argument, no loaded words, no polemical figures of speech. In this, the section contrasts with the proper approach for the rest.

For the whole brief, prepare and use a detailed outline, making sure that it expresses consecutive thought and that it expresses the text. Again, this is needed both for the court's understanding of your argument and for your measurement of your own argument as you develop it.

Salt the brief (especially the statement of the case) with references to the record. The court may

not use them but is likely to be reassured by them. And the practice helps you to protect yourself from the unforgivable mistake of going outside the record.

Compared with what is proper for a trial brief, quote less and cite more. An appellate court judge looks up cited cases more than a trial court judge does. When it comes to the brief-reading portion of his work, the latter may be more in a hurry, concentrating more on what is said and shown in his court room.

The new rules call for a statement of each issue framed by each assignment of error in an appellant's brief, but if your case permits (few enough issues and susceptible of succinct statement) and whether you are opening or answering, you should inform your reader, at the start, what single question he is to be called on to answer so as better to enable him to focus his thoughts as he absorbs information and reasoning.

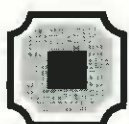
Put into the brief every argument and every means of expressing every argument that you can

Let's talk trusts, person-to-person ...at your place.

Now, when a client of yours wants to set up a trust, all you have to do is call 223-2221 and one of our trust officers will come to see you.

We owe our name to our Trust Department. Trusts have been one of our essential services for 70 years. So it's no surprise that we'll take extra steps to secure a trust account.

Next time the occasion warrants, call 223-2221; and one of our trust officers will assist you... at your place.



Seattle Trust

SEATTLE TRUST & SAVINGS BANK EST. 1905

Every service you'll ever want from a bank, person-to-person.

Member FDIC

think of. Save nothing for oral argument. When the time comes to prepare the oral argument, new thoughts will come to you. (a) You need not fear that you will have nothing to say but a deadening repetition of the brief. In fact, you are more likely to think of things you wish you had put in the brief. (b) Unlike a trial, there is no tactical value in postponing disclosure of some of your cards. (c) An appellate court will not even consider most arguments if they are not raised until you start to speak.

Appellant's Brief

Make assignments of error few rather than many. Your arguments carry more weight when they are concentrated on the strongest points of your case. An appellate judge doubts a brief that claims a trial judge committed twenty mistakes, even if the appellate judge, as is likely, interprets the brief to claim that the trial judge really made only one error — which the court is supposed to pick from twenty suggested possibilities, as though you sought a buyer for any of the rugs in your shop.

Respondent's Brief

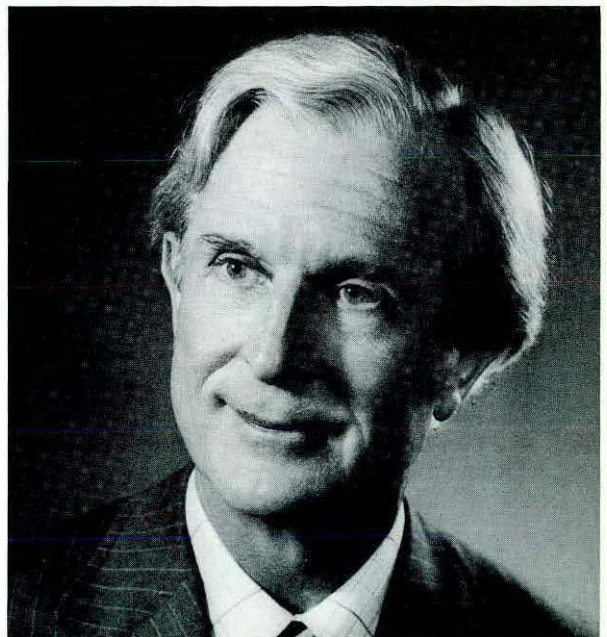
Try to spot any procedural errors by the appellant and strike at them. However, don't rely on this attack as disposing of the question. Follow up the charge of procedural error with a substantive argument (e.g., "even if finding VI were not regarded as established by reason of appellant's noncompliance with Rule X, the finding is nonetheless established because supported by substantial evidence . . .").

Since your argument here supports the actions of the trial court judge and disagrees with the arguments by opposing counsel, so that in a sense the target is the thinking of opposing counsel, it may be permissible, and sometimes useful, to disparage the thinking expressed in appellant's brief, using a touch approaching levity. You may point out the absurdity of language used in opposing counsel's brief, while you never would suggest that a trial court's oral opinion contained anything silly. By contrast, where you are the appellant, trying to show one set of judges that a fellow

judge made a mistake, your tone must be diplomatic. The language may hit hard, it should be the language of advocacy, not languid detachment, but the attack should be exclusively intellectual. If anything, the tone in a petition for review of a decision by an intermediate appellate court should be even more cautiously polite because what is being criticized is not only a fellow judge, but a fellow appellate judge. The most circumspect and deferential tone of all, of course, is that used in a petition for rehearing.

Reply Brief

On receipt of the respondents brief, while the case is fresh in your mind, make a rough draft of a reply brief and set it aside. Do not make the final draft and send it to the printer until just in time to make the deadline preceding the oral argument. This deferral saves the additional work and reproduction expense in the event that during the intervening period the case has become moot. You have a chance to take advantage of afterthoughts and of reference to later authority and to



Mr. Bullitt is a partner in the firm of Riddell, Williams, Ivie, Bullitt & Walkinshaw in Seattle where he has engaged in a general civil practice since 1949. At the present he is on the Board of Bar Examiners and is a member of the Constitutional Law drafting committee for the multi-state bar exam.

Serving Washington Lawyers for 50 Years

Deposition Reporting

Prompt, expert service...Rapid delivery of finished transcripts (same day if requested)...Glad to travel throughout Washington or out of state... Complete reporting services for conferences, stockholder meetings, arbitrations, etc.... Conference rooms in pleasant surroundings available without charge

Video Tape Service

Broad experience for situations requiring a visual record as a substitute for or support of written records...For statements, witnessing of wills, etc.

20 Experienced Reporters

A reporting staff in depth...A standard of the highest integrity...Experience in many fields, including the areas of financial, medical, aviation, maritime and Alaskan affairs

Our 24-hour number is 622-3110



**DEAN MOBURG
& ASSOCIATES
INC.**
court reporters

1833 pacific bldg./seattle, wash. 98104
conference facilities also available on
30th floor, seattle first national bank bldg.

later events (either something of which the court may take judicial notice or something that has entered the record such as an affidavit related to a motion).

Oral Argument

Procedural Errors

Do not mention the other side's procedural errors. Since they need to be pointed out but not explained, you should confine your discussion of them to the brief. Talking about them may give the court the impression that your substantive case is weak.

Factual Narrative

How much factual narrative you give depends in part on whether you think the judges have read the briefs and in part on the complexity of the facts and the importance of detail.

Organization and Preparation

In advance, organize your contemplated argument by writing it out in full. Use terms of expression that differ from the brief. Little value is contributed by merely repeating the brief. Write a series of items for response to anticipated arguments by the other side. Write what you plan to say, in part as a discipline to organize your thoughts and in part to develop some good phrases to be used. Then write notes for the whole and discard the text. By all means, do not lay a dead hand on the judges' minds by reading from your text.

Sources

Speak from four sources: (1) the notes you bring with you; (2) the rebuttal notes you write while opposing counsel is speaking; (3) questions from the judges; and (4) (only if required by (2) or (3)), reference to the record.

Response to Opposing Counsel

When you speak following argument by opposing counsel, by all means *respond*. To plod through a set-piece speech that does not meet what the other counsel has said has the effect of any irresponsible pleading. Sometimes — where

the other side has given a weak argument, easy to dispose of — you may, after disposing of this, go to other matters you think important for the court to be told.

Response to Questions

No matter how attached you may be to maintaining the flow of the beautiful argument you are unfolding to the court, be ready to drop it at any time to answer the court's questions. Your answers are the most important part of your argument. They are the only items you *know* the court wants to hear. And you may lose receptiveness from all the judges if you let on that a question from one of them has rudely interrupted you. Your attitude toward questions should follow Marshall Field's motto for his department store: "Give the lady what she wants."

Where you are asked a question relating to the record or brief, fire back the answer in succinct terms and a matter-of-fact tone. But where the question seeks your help in interpreting the law, do not respond as though you were a hornbook. If it troubles the judge, it had damn well trouble you. A groping, speculative response will not be held against you, and the judges may appreciate sharing your process of thinking something through for them and furnishing a freshly-minted thought.

Visual Aids

Whenever the case permits, illustrate your argument with a visual aid pinned to the board that is located in the courtroom. What is needed is not a vivid fragment of evidence (e.g. an x-ray show-forecepts discarded in the plaintiff's gizzard) and not an effort to make a picture of the law, but an interpretation of the facts of the case. E.g. for a will interpretation, a chart showing the heirs and their relationships and shares under the will or statute; for a well-travelled negotiable instrument, a chart showing the journey from Tinker to Evers to Chance; for a boundary dispute, an aerial photograph; for a corporate reorganization, a flow chart showing where everything went. Such a demonstration contributes to both holding the court's attention and helping it to understand.

Manner of Speaking

The oratorical style is forbidden by the spirit of the times and is made unnecessary by the good sound reception. The correct manner of speech is conversational, and the tone should be not chatty but aggressive and forceful.

As with every other kind of listener, to be cheerful and charming helps to hold the judge's attention. Gloomy sobriety is not decreed by the requirements of decorum and it may give the adverse impression of pompousness or stuffiness.

A humorous amusing turn of phrase or figure of speech may both illuminate your argument and hold attention, but you never should aim for laughs and never should make an extensive digression to amuse. No humor other than grace notes to you melody; no jokes, no anecdotes.

Sometimes young lawyers mention that they lack experience; middle-aged lawyers boast that they have had experience; old lawyers recite details of their experience. Good lawyers discuss nothing but their case. □

Only The Bank of California can provide complete Trust Services from San Diego to Seattle.



With major Trust Departments in
San Francisco, Los Angeles, San Diego, Portland,
Tacoma and Seattle, and local offices
throughout California.

The Bank of California is uniquely
positioned to devote personal
attention to your clients'
coastwide estate and
corporate needs.



TRUST DIVISION THE BANK OF CALIFORNIA

SEATTLE MAIN OFFICE: 900 Fourth Avenue, Seattle
Ronald G. Alberts, Vice President & Trust Officer - Manager

TACOMA OFFICE: 101 Pacific Avenue, Tacoma
Harvey H. Pasic, Vice President & Trust Officer - Manager

PORTLAND OFFICE: 1075 W. Broadway, Portland
Richard D. Powers, Vice President & Trust Officer - Manager



Twenty Years Ago

Twenty Years Ago . . .

The editor in repose still, but some items secured.

Harold W. Coffin of Spokane was the president of the Washington State Bar Association. **Alfred McBee**, of Mount Vernon, and **E. F. Velikanje**, of Yakima, were elected to the Board of Governors.

All was astir preparing for the annual meeting to take place in Tacoma at the Winthrop Hotel.

William M. Goodwin, Tacoma, was appointed chairman of the "Effective Use of Discovery Techniques" committee.

George Bovingdon, Seattle, named chairman of the "Theories Upon Which Recoveries May be had for Personal Injury Including Other Than Negligence" committee.

Willard J. Roe, Spokane, was appointed chairman of the "Theories Upon Which Recoveries May be had for Personal Injury Including Other Than Negligence" committee.

Harry M. Cross, professor, Seattle, was to chair the "Current Community Property Problems" committee.

But, more important to a lot of young people was the report that they had passed the Bar. A very large and impressive group succeeded.

Tacoma: Joseph J. Roller, David E. Schweinler and William G. Viert.

Spokane: Thomas V. Cassis, Rank R. Chastek, Neil P. Cronin, Clarence H. Fidler, Daniel W. Gibboney, Robert E. Graham, Edward T. Hilpert Jr., Charles E. Huppini, John G. Layman, Edmund E. Lozier, William J. Powell, Richard J. Richard, Leonard W. Smith, and Phillip H. Stanton.

Arlin W. Johnson, Aberdeen; Stanley K. Johnson and Joseph Trethewey, Bellevue; Walter W. Duncan, Everett; Ronald Huntington, Kelso; Ralph I. Thomas, Kirkland; John G. Kamp, Mount Vernon; Howard A. Anderson and Robert F. Hauth, Olympia; Emile P. Gamble, Puyallup; Alan R. Hallowell, Ridgefield; John L. LaLonde and Louis E. Prediette, Vancouver; Shannon E. Stafford, Winslow.

John M. Reese, Cheney; Edward A. Dawson, Ellensburg; Wallis W. Friel, Pullman; Joseph H. Redmon, Selah; Roy L. Ross, Sunnyside; Robert J. Hall, Walla Walla; Joseph J. Buchyn, Wenatchee; and James A. Murphy Jr., and Walter A. Stauffacher, Yakima.

Seattle: Edwin C. Anderson Jr., George F. Allen, Richard W. Bartke, Robert R. Beezer, Merritt D. Benson, Charles D. Bohlke, Richard D. Bonesteel, William F. Brosche Jr., Donald R. Burgess, Fred R. Butterworth, William D. Cameron, Craig P. Campbell, Constance Canfield, Francis H. Chapin Jr., John M. Clarke, David E. Clinkenbeard, John J. Costello.

Eugene J. Craig, Lois M. Crevling, Max D. Crittenden, Reston DeTurk, Robert E. Dixon, Cominick V. riano, Betty Bins Fletcher, Caroldean D. Fransen, Floyd F. Fulle, James A. Furber, Robert E. Furlong, Charles W. Golding, Robert G. Griffin, Peter V. Gulick, John P. Harris, Roy E. Harris, Douglas R. Hartwich, Douglas R. Hendel.

David F. Hiscock, Charles E. Hunter, Evan E. Inslee, Richard J. Jensen, Roberta J. Jensen, Walter R. Johnson, John F. Kovarick, John F. Kruger, Leslie A. Lee, Jeremiah M. Long, Richard R. Loucks, Walter G. Lynch, Charles I. McClure, Constance S. Milliman, on A. Minor, Harold E. Patterson, Layton A. Power, Ross R. Rakow, Ramon P. Reid.

Stanton P. Sender, Jerome Shulkin, Eugene H. Smith, Richard S. Sprague, Liem E. Tuai, Maxwell J. Vincent, Richard E. Walker, Peter B. Walton, Robert M. Westberg, Winslow Whitman, Ralph G. Wilmot Jr., and James R. Young.

Sir William Osler wrote "The philosophies of one generation can well become the absurdities of the next and the foolishness of yesteryear has, at times, become the wisdom of tomorrow."

David J. Williams

LEGAL INTERN PROGRAM APPROVED

By EDWARD W. HUNEKE, *Editor*

REPORT ON BOARD OF GOVERNORS' MEETING SALISHAN LODGE, OREGON COAST JUNE 10 - 12, 1976

President's Report

President Bob Day reported on his attendance at the Western Trial Lawyer's Conference at Maui, Hawaii. He also reported on a request from Dean Smithmoore P. Myers of the Gonzaga Law School for names of unsuccessful Bar Exam applicants as well as other statistics. The Bar Office does not release names of unsuccessful applicants and will probably not change that procedure.

Executive Director's Report

The sum of \$1,400 has been collected as reimbursement to the Client Security Fund, according to Eddie Friar.

Richard Sanders has refiled his lawsuit against the Bar Association regarding prohibitions against advertising. This time the suit was filed in Federal Court.

Idaho has a new medical malpractice law which, among other items, requires the plaintiff to rely upon testimony from a doctor from the same community in which the defendant doctor practices. Contingency fees are also prohibited according to Friar.

A report on *specialization/certification* will be prepared and presented to this Board at the July meeting. It is expected that the report will recommend first a self-designation provision, followed by specialization with examination requirements.

Credit Unions

Dave Hoff reported that the task force studying a Bar Credit Union is planning a presentation for the Convention, and in the interim a questionnaire will be sent to the membership to determine

the extent of interest in such a plan. Willard Walker suggested that the task force inquire into the federal insurance available for credit union funds, cautioning that the insurance is not so protective as the public generally believes it to be.

Court Rules and Procedures

The Board approved a proposed change to JCrR 6.01 extending the time for filing a notice of appeal from 10 days to 20 days.

The Board also approved a proposed change to CrR 3.4 to permit a defendant to be absent from certain preliminary proceedings provided he voluntarily and intelligently waives his right to be present.

Proposed changes in CR 66 will be studied further by the Committee and the Creditor-Debtor Section.

CR 55 and CR 82 are being studied, and the Judicial Council has proposed changes. Those changes were not recommended by the Committee. The Board voted to advise the Supreme Court that the Judicial Council's proposals are opposed by the Board.

Young Lawyers

The Board authorized the Young Lawyers Section to publicize and take a public position in its own name in support of the State-Wide Citizens Coalition for a State Constitutional Convention, and in favor of a campaign to allow voters in the state to vote on the question whether a State Constitutional Convention should be held.

Professional Utilization-Needs for Lawyers

The Board discussed a report from the Professional Utilization Committee. Law Schools claim that 90% of their law graduates are placed in law jobs. Young Lawyers Section denies it, and their statistics show that about 25% are placed. There are still a number of lawyers from the 1974 Exam which have not found jobs. It was suggested that the Bar campaign with the business community to raise awareness of the benefits of hiring lawyers, even for non-legal positions.

Objection was noted that with the increase of young lawyers, the Courts are clogging up; one

Over the past five years our profit sharing and pension funds have outperformed many of the largest banks in the U.S.*

The easiest advice is to have your clients place their pension funds where they have their accounts.

But that may not be the best advice.

You see, we've done better with commingled equity funds than some of the very biggest banks in the whole U.S. To find out why, call the local ONB Trust officer. It's worth it.

Because your clients deserve the very best. And we commingle with the best of them.

*Over the five years ended June 30, 1975, our commingled equity funds for pension and profit sharing plans have outperformed 34 out of 35 of the banks having the largest holdings of employee benefit assets in the U.S. (Source: *Pension & Investments*—Sept. 15, 1975.)

**Old
National
Bank
ONB**

Member FDIC
Old National Bank of Washington
A Washington Bancshares Bank

Board member witnessed a young lawyer who defended a speeding charge, taking 1½ days of jury trial time. It was also reported that the indigent defense programs were being charged outrageous sums of \$500 by over-zealous young lawyers who have nothing else to do with their time but prepare their clients' cases in ultimate detail. Unfair criticism?

The Bar Office is going to obtain the Seattle-King County questionnaire form for new, young lawyers, and will conduct a survey of the present status of the new lawyers in the State.

Law Day Speech Contest

The Board approved of a proposal for Bar contribution of \$500 for a scholarship as a prize for a state-wide Law Day Speech Contest. The request came from the Court Administrator's Office. The Board requests more specifics before finally committing the funds, though it approves of the principle.

Continuing Legal Education

The Antitrust Section requested permission for conducting a seminar for lay persons. Part of the Board felt that it was improper to have Bar-sponsored seminars intentionally for the public, because it appeared to be a means of advertising. Other Board members felt such programs satisfied the Code responsibility of keeping the public informed. The Board requested the section to submit details of the seminar before it will give approval. The matter will come before the Board at a subsequent meeting.

Award of Merit

The Board approved giving an Award Of Merit to Paul Cressman, Seattle, for his work in the medical malpractice insurance efforts of the past year. The Award will be presented at the Convention.

Legal Intern Program

Dale Ramerman and Marilyn Showalter appeared before the Board to present and discuss once again the details in the new Legal Intern rule. The present rule expires December, 1976. Objections to the program are based upon the large number of lawyers without jobs, who are

being kept from working because legal interns are doing the work instead. It was argued that legal interns only replace law clerks, not lawyers, except for the governmental or agency positions. It was also noted that the Intern program provides one small step toward a clinical education or "bridging the gap" which new lawyers don't usually obtain. The program was approved by the Board, with the revisions in the rule as proposed by the Committee.

Bar Examination

Keith Grim appeared before the Board to discuss potential changes in the Bar Examination procedures and personnel. The Board discussed manhours and pay for examiners who now receive \$1,000 each for the July exam and \$500 for the February exam, which is estimated to average about \$5 per hour for their services. Keith Grim stated that in his opinion the multi-state Bar exam should be continued, because it provides a standard by which the examiners can measure their own testing abilities.

Shortening the exam to two days was generally opposed because the examiners do not get the range of answers from each applicant to insure fairness in passing and failing.

Consideration was given to reducing the number of examiners, presently about 50 on the Board from which 24 are selected for each exam, to about 15 permanent persons who would be compensated at a higher rate, depending upon the time estimated for their work. The quality and consistency of the examination should be improved thereby.

Indications from the Board are that the multi-state exam may be dropped sometime in the future, but not immediately; that a ½ day ethics exam, which will have to be independently passed may be instituted; and that the Board of Examiners will be more adequately compensated than they presently are.

From the February, 1976 exam, 35 persons appealed, and five were passed. The Board approved the examiners' recommendations.

Summary review of examinations having a score lower than 2 points below passing, which has been permitted, will no longer be conducted.

□



Around the State

BENTON-FRANKLIN REPORT

By **STEPHEN T. OSBORNE**

The newly created partnership of Hurson & Felsted announced the addition of a new associate, **Chris Nickola** of Richland. Chris is a Gonzaga graduate and a former member of the Gonzaga basketball team.

Michael Pickett, Attorney at Law, has opened a new office in Richland, located at 710 George Washington Way, Richland, Washington. **Stephen T. Osborne** has become a partner in the firm of Loney, Westland, Raekes, Rettig & Sonderman.

Gregory Lawless, son of the late Honorable **James J. Lawless**, has finished his first year at the University of Washington

Law School and is interning for the summer with **Curt Ludwig**, the Benton County Prosecuting Attorney.

The annual bar fishing trip to Ocean Shores is fast approaching. This will be this writer's first trip over. Upon the group's return last year one veteran was asked if he had enjoyed the trip, "I don't know," he said, "They told me I did."

COWLITZ REPORT

By **O. H. HUSEMOEN**

Clifford R. Kuhn, formerly Deputy Prosecuting Attorney for Clark County has joined the law firm of Roethler & McCulloch.

The Cowlitz County Hall of

Justice, which opened in the end of December, is winning the approval of most of the lawyers using the facilities. The building has brought into use most of the innovative ideas available in courthouse construction. A few problems have developed, but obviously, after a passage of time most will be corrected. The new jail facilities are not yet opened and continue to experience some difficulty in getting ready to open.

Memorial services were recently held for two long-time members of the Washington State Bar Association. **J. R. Callahan**, former Superior Court Judge of Cowlitz County, passed away recently at his home in Portland, Oregon. Judge Callahan is remembered for his dry wit and very practical justice. **David E. McLean**, the founding partner of the law firm of Klingberg, Houston, Reitsch, Frey & Kenney and long-time resident of Longview, passed away recently.

Vern Guinn and **Willard Walker** are both in the middle of substantial home-building projects. Each is trying their hand at design and construction.

EAST KING REPORT

By **ROGER BARBEE**

On April 29 the East King County Bar Association held the annual Law Day luncheon at the Bellevue Thunderbird Inn. The Association was pleased with a turnout of approximately 70, including Superior Court judges Hon. **Carolyn R. Dimmick** and Hon. **Donald J. Horowitz**, to-

SAFECO

TITLE INSURANCE COMPANY



*The Title Company
of the Professionals*

4th and Vine Bldg. • Seattle, WA 98121 • (206) 292-1550

OFFICES THROUGHOUT WASHINGTON STATE

gether with King County Justice Court judges Hon. **A. P. (Tony) Wartnik** and Hon. **Barbara Durham**.

Guest speaker for the annual luncheon was Dr. Benjamin Spock. This year's chairman of Law Day, **Gene Grantham**, is to be congratulated for his fine effort.

The June meeting of the East King County Bar was duly and regularly held at noon on June 14, at the Bellevue Thunderbird Inn. Guest speakers for the luncheon were Judge **Donald J. Horowitz**, incumbent for Position No. 22 of the King County Superior Court, and **H. Joseph Coleman**, a candidate for that judicial position.

Mike Keller, Gary Jacobson, James Stefnik and **Ron Mattson** have opened offices for the practice of law at 2200 - 112th Avenue N.E., Bellevue, under the firm name of Keller, Jacobson, Stefnik and Mattson.

Michael V. Leahy announces the opening of his office for the general practice of law at 106 W First, North Bend.

Reminder: The East King County Bar Association's annual golf and tennis tournament will be held some time in mid-September. Further details to come. Those interested in assisting in the organization of this event please contact **Doug Cowan**.

KITSAP REPORT

By **WM. J. KAMPS**

Bishop, Cunningham & Costello, Inc., P.S., have employed **Russ Hartman** (University of

Oregon) and **Brian Hammer** (University of Puget Sound) as summer interns.

Ronald Templeton is a summer researcher in the law office of **Stan Williams**.

Perrine & Davis have employed **Richard A. Gross** for the summer.

Prosecutor **John C. Merkel** and several of his staff attended the annual prosecutors' convention in June.

The Kitsap Bar Association's Liberty Bell Award was given to **Myrth Miller**, our court administrator and commissioner. The award is made annually to a non-lawyer who has provided outstanding contributions to the local courts.

Having passed the February bar exam, **Nikki Anderson, John Mitchell** and **Paul Majkut**

were recently sworn into the county bar.

The annual bar picnic is set July 24 at the Hood Canal home of **Gordon Reynolds**. See you there!

PIERCE-REPORT

by **MICHAEL J. TURNER**

You will recall that in the May issue of the *Bar News*, under the "good news-bad news department," Prosecutor **Don Herron** was cracking down on pimps and prostitutes. Last June Don showed the Pierce County Bar he could not be trusted. He took the lead role in the trial and conviction of a gentleman who had murdered one prostitute, wounded another, and killed two



Alfetta by Alfa Romeo.
Style. Performance. Economy.
Drive one soon.
GRAND PRIX MOTORS
12th & UNION AT MADISON 3297070

women in a sauna. After the conviction, all past and present prosecutors were invited to the annual prosecutors' party. The party, incidentally, was held at a quiet retreat in Mason County.

Mike Hansen, formerly doing tax work for the Prosecutor's Office, has taken a position as staff counsel at Pacific First Federal. **Hollis Small** and **Hal Winther** announced that **James D. Snell** has joined their firm as an associate. **John Ladenburg**, formerly with Binns, Petrich, Hester & Robson, has commenced practice as a sole practitioner.

The firm of **Edwin R. Johnson**, **Hugo Metzler**, **Bradford M. Gierke** and **Gregory B. Curwen**, have relocated their prac-

tice and have added **Dennis J. LaPorte**, who formerly practiced with **F. Ross Burgess**.

Ken Kessler has announced an association with **Roy Mattern** in the practice of Patent Law.

Out of town attorneys are warned that the trial practice comes to a screeching halt during the months of July and August in Pierce County in order that the esteemed members of the bench may collect their scrambled wits.

Local Bar members were pleased to find early reports that Judge **James V. Ramsdell** had a heart attack were erroneous and that he is as healthy and ornery as always. My own diagnosis was "too long in Presiding Court."

SEATTLE - KING COUNTY REPORT

By JOHN SOLTYS

King County lawyers are busier than ever now that spring has arrived and the Professionals' Softball season has gotten underway. Culp, Dwyer's baseball team is starting slow due to the continued absence of its on-the-field leader, **Bill Dwyer**, who is still on his around-the-world sabbatical. The last word from Bill came from Switzerland. We expect to welcome the Dwyers home sometime in August. A well dressed King County All Star team is ready, willing and interested in meeting all challenges from other counties. Stakes, conditions and terms can be nego-

Our Trust Division proudly introduces the hourly wage.

We've made some fairly revolutionary changes in the way we charge for our probate services as Executor. For example, we've eliminated the flat percentage of assets fee most banks charge for probate work. Instead, we simply bill you on an hourly rate for the actual work we did plus a per-item charge for accounting activity like writing checks. It seems fair. You don't get overcharged. We don't get underpaid. If you'd like a copy of our fee schedule explaining how the hourly wage applies to all our Trust services, call 344-4660.

PeoplesBank Trust Division

tiated through sports czar **Bill Leedom**. Likewise, Karr, Tuttle, Koch's under 41 (score, not age) golfers stand ready to accept challenges. **Steve Lundgren** will coordinate applications and weed out serious contenders.

Meanwhile, some of us are tending to business. **Roger Ley**, formerly of the Solicitor's Office, U.S. Department of the Interior, Washington, D.C., has opened his offices for the practice of law at 414 Alaska Building, Seattle, phone number 624-8113.

Lee V. Corkum, a native of Yakima, Washington, and a 1974 graduate of George Washington University, and **G. Geoffrey Gibbs**, who obtained his L.L.M. from the University of Washington and his J.D. from the University of Montana, have joined the firm of Ogden, Ogden & Murphy as associates.

On June 10, **Bob Beezer**, Chairman of the Seattle-King County Bar Association, presented the Liberty Bell Award to University of Washington Professor **Giovanni Costigan** (Professor Emeritus of History). Dr. Costigan then entertained approximately 125 guests in his usual brilliant manner and discussed the importance of the Magna Carta, touching on the place of civil disobedience in a democratic society.

Robert Beezer, President of Seattle-King County Bar Association, announced the results of the run-off election for three members of the Board of Trustees for 3-year term ending June 1979. The winning candi-

dates are: **Lawrence B. Bailey**, **Roy J. Mocerri** and **Barbara Ohnick**. The new trustees, together with the new officers, **Murray B. Guterson**, President, **F. Lee Campbell**, First Vice-President, **William A. Helsell**, Second Vice-President, **John D. Blankinship**, Treasurer, and **David C. Lycette**, Secretary, will take office July 1.

Wendells, Froelich, Power & Lakefish announce the relocation of their offices to 910 Bank of California Center, Seattle, Washington 98164. Phone: 682-1780.

King County Superior Court Commissioner **Norman W. Quinn** and Judge **Lloyd Bever** were recently selected for and are currently attending the National College of the State Judiciary at the University of Nevada, Reno campus. The four-week course has, as its principal objective, the increased efficiency of trial courts through a review of highly effective judicial techniques which have met with success in several jurisdictions. The NCSJ program has been attended in recent years by a number of our most distinguished judges and promises to further enhance the quality of our judiciary with the return of Judge Bever and Commissioner Quinn.

Christopher Duffy, Attorney At Law, has relocated his office at The Bank of California Center, Seattle.

George Constable, Attorney At Law, has relocated his office at 4127 The Bank of California Center, Seattle 98164.

SOUTH KING REPORT

By **JAMES L. VARNELL**

Installation Dinner. The South King County Bar Association held its annual installation of officers at the Sheraton Renton Inn. Outgoing President **Dick Conrad** really outdid himself by reserving the penthouse for the dinner gathering. King County Superior Court Judge **David C. Hunter** swore in the new officers before a gathering of friends, guests, and judges from various levels of the judiciary. The new officers will do well to remember their solemn oath of office, as it was taken before the following justices of the Washington Supreme Court: Justices **Stafford**, **Rosellini**, **Dolliver**, **Horowitz**, and **Brachtenbach**. Attending from the Court of Appeals, Division One, were Judges **Andersen**, **Callow**, and Chief Judge **Swanson**. King County Superior Court Judges who enjoyed the festivities included: Judges **Goodloe**, **Hunter**, **Eberharter**, and **Stephens**. Court Commissioner **Quinn** and Aukeen District Court Judge **Eide** also were present.

Other guests who attended the installation dinner included **Gerald M. Lorentson**, a King County deputy prosecuting attorney; **Christine Wyatt**, of the Public Defender's office in Seattle; and **Marianne McGettigan** of the Attorney General's office in Olympia. With guests like these, who needs members like **Phil Biege**!

It was the opinion of this correspondent that the members of the Court of Appeals had "out-dressed" their brothers on the Supreme Court, although Justice **Dolliver's** Faulknerian, three piece seer-sucker suit was most impressive.

The newly elected officers are: President — **Charles P. Curran**; Vice-President — **Melvin L. Kleweno**; Secretary — **James L. Varnell**; Treasurer — **Robert C. Van Siclen**. Board of Trustees: **E. T. Leverette**, **Charles A. Burgeson**, **Jack Hawkins**, **Roger Lewis**, and **Dan Farr**.

It is anticipated that this correspondent will receive various letters questioning the validity of the above electoral process. We can only say that the election was conducted fair and square, and there were no "dirty tricks" employed by anyone.

Golf Tournament. The annual golf fest, more popularly known as the Phil Biege Open will be held at the Enumclaw Country Club on Friday afternoon, July 30. On behalf of the South King County bar we would like to extend an invitation to all interested golfers to demonstrate their skill on the tricky Enumclaw course. An added feature of this year's tournament will be the Don Mirk Memorial Club Hurling Contest. Categories in which awards are to be presented include "Longest Throw From A Tee On A Waterhole" and "Best Throw Out Of A Sandtrap."

Travel Department. We understand that **Bill Murphy** is piloting his own plane back to Boston for a class reunion. We

hope that Bill makes better connections in his travels to Boston than he did when trying to catch the bus for the annual Olympia meeting.

THURSTON-MASON REPORT

By **FRED D. GENTRY**

The Annual Thurston-Mason County Bar Association Banquet was held recently at the Tye Motor Inn in Olympia. Following a spirited campaign, the following officers were elected: President — **F. Parks (Spiro) Weaver**; Vice-President — **Kenneth Ahlf**; Secretary/Treasurer — **Edward Holm**; Trustees — **B. Franklin Heuston**, **Ralph Swanson**.

The speaker was Professor **Richard Cosway**, who offered some interesting and entertaining comments. Prosecutor **Pat Sutherland** was awarded the Annual Office Efficiency of the Year Award, primarily because of the failure of his office staff to put enough postage on their correspondence.

WHATCOM REPORT

By **MICK MOYNIHAN**

After the recent swearing-in ceremonies here and elsewhere, Whatcom County has a few new attorneys: **Elizabeth Balas**, UPS '75, is now associated with Sisson, Erickson and Brown; **Tony DiPietro** has moved in with **John Pappas**, who recently relocated in Bellingham; **Gene Moses**, previously an

intern with Nelle and Packer should be demanding an increase in pay now that he is associated with that firm; **Christopher Fletcher** is keeping busy with the firm of McCush, Kingsbury; and, **Chuck Tull** is the newest member of the Prosecutor's office, since older brother **Bob Tull** has departed to go into private practice with **Dick Langebeer** in Ferndale.

Martin Schaefer is the new assistant city attorney for Bellingham. This brings to three the number of attorneys in the office and Schaefer boasts of prior experience in the City of Lynnwood.

Business of the local bar has grown to the extent that **Prexy Mike Lipscomb** has increased the number of meetings to twice monthly. And **Bob Beaty**, now on his own, has been delegated the unwelcome chore of finding a solution to providing representation for indigent defendants. His committee is now preparing a resolution to be voted upon by members of the bar.

Another new face in town is **Daniel Warner** who is dividing his time between an association with **Peter Whitton** and pursuing an advanced degree in English from WWSC.

And **Dan Olson**, who has, since 1955, been practicing with his brother **Chuck Olson**, our representative to the Board of Governors, was recently named to the Board of Directors of the Seattle Sailing Foundation. That is quite an honor for yachtsman Dan, who lists among his many achievements a previous victory in the Swiftsure Yacht Classic.

Ron Kinsey, UW '67 (was it

really nine years ago?) recently passed through town, consulting with **Pat Brock**, City Attorney, on municipal affairs.

And finally, **Lee Voris**, who would rather work than retire, just returned from a legal seminar in Hawaii, and from the looks of his tan, the sessions must have been held outside.

YAKIMA REPORT

By **GARY M. McGLOTHLEN**

The annual railroad of election for new officers to guide our Bar Association was serenely conducted at the last official bar function before the summer recess, where **Dick Smith** barely made a majority vote to be elected as President. With the

rapid turnover in national vice-presidents, it was desirous that **Walt Weeks** was finally persuaded to take the office of Vice-President in case Dick should be impeached. To avoid the destruction of the tapes and other evidence of the executive meetings, **Joe Falk** was elected as Secretary after he promised that he would preserve any materials that had been previously subpoenaed. **Eric Gustafson** was elected keeper of the funds, an office which he accepted with due humility only after demanding an audit of the books and filing a disclaimer of any responsibility for any use of the funds either of the previous ten years or for the following two years. The Trustees of the Bar Association (and we still can't figure out what they do) now consist of

Don Bond, Len Cockrill and Mike Finney. The library board which has somewhat of a say in the Yakima County Law Library now consists of **Wes Wilson, Hugh Aaron, Max Vincent and Ron Whitaker.** It's rumored that if you don't put your books away in the law library when you complete your research, these fellows will be on your back.

Following the selection of officers, the next order of business was the annual picnic of the Yakima County Bar Association where, showing a massive support for our new officers, the old guard of the Bar Association was not too well represented, the checkerboards being empty for most of the day. The volleyball, baseball, some unmentionable card games (of skill) showed the majority of

Introduce yourself to videotape.

If you've never used videotape in your practice, you owe it to yourself to take a good, hard look.

Videotape is an effective tool for taking depositions, educating clients, training staff, refining person-to-person and courtroom presentations, highlighting arguments, reviewing accident sites . . . The uses are as varied as the creativity of the user.

Find out for yourself just how effective videotape can be in improving the cost and time efficiency of your practice.

Central Video rents portable, easy-to-use videotape equipment by the day, week or month. Using videotape is easy to learn, and we'll make certain you're comfortable with it.

We invite you to call us for straight talk about the ways videotape can help.



Central Video
INCORPORATED

3806 Woodland Park N. Seattle, Washington 98103
(206) 632-8900

the attorneys to be of their best behavior.

The following week, the ex-prosecuting attorneys and current prosecuting attorneys, who work for Yakima County, attended the informal picnic at **David Crossland's** home, where it was rumored that Yakima County Prosecuting Attorney, **Jeff Sullivan**, had a great time.

Terry Austin, last year's legal intern at the Lower Valley Legal Aid, has returned as staff attorney replacing **Ted Goodwin**, who has left for Ecuador, where Ted will learn and become proficient in the Spanish language.

From bit part to lead role. **Charlotte Phillips** is the only woman in Yakima County, the State of Washington, and per-

haps the United States, who holds the position of Superior Court Administrator, after having been chief flunkee, to acting administrator, on June 1, 1976, Charlotte made big time when Yakima County's Equal Rights Bench appointed her from acting to real Court Administrator. Congratulations!

SNOHOMISH REPORT

By **GERALD L. KNIGHT**

At a special session, in June, of the Superior Court of Snohomish County, the bar and bench paid their respects to **Rod Boddington**. Rod died in early June after more than twenty-three years of continuous private practice in Snohomish

County, headquartered at Sultan the entire time.

It appeared that all of the Snohomish County lawyers were present whose schedules permitted and Judge **Tom Stiger**, recently retired from the Snohomish County Superior Court, and all of the present judges of the Superior Court were present. Judge **Bibb, Bryce Black**, and **Mike Carlson** told of some of their experiences with Rod. Bryce and Mike described Rod's sense of humor and his athletic ability and Judge Bibb emphasized Rod's courage and dignity, his courage as demonstrated especially by his beginning practice alone right out of law school in a small town; Rod was blind, and of course it must have been more difficult for him in the beginning with his handi-



GUILTY!
of comfort,
looks and
low prices.

OFFICEemporium

In the International District. 409 8th So./Seattle, Washington/98104/ (206) 682-4390

cap. It was accented that he never complained.

We shall all miss him very much.

SKAGIT COUNTY REPORT

By K. R. ST. CLAIR

Mrs. Beverly Whitsell, Skagit County Clerk, was chosen Legal Secretary of the Year by the Skagit County Legal Secretaries Association at its May meeting.

Mrs. Whitsell has been with the Skagit County Clerk's Office since 1948, serving 17 years as Deputy Clerk, 10 years as Chief Deputy and has been the Skagit County Clerk since 1975. From 1941 to 1948 she was Deputy Clerk in the Whatcom County Clerk's office.

Bev's phone calls, as will become known to the new members of our association, indicating matters missing or that need changing in the file are quite important to the maintenance of the polish of one's image. A good relationship and respect for the function of the clerk's office is a real bedrock for any active practitioner.

The attorney's wives will be meeting at the invitation of my wife, Linda, on August 19. I hope the sun shines so they can enjoy some outdoor lake-front activities and avoid spilling drinks on the rugs. **Sue Lewis** has hosted the last couple of years and will probably enjoy someone else doing the work and if Mike will leave matters alone long enough, this will be the first one in several years at which she was not pregnant.

Finally, as long as we are talking about matters other than law practices, it has been said that the non - city - small - town-practitioners take the practice of law a bit more casually than our city brethren and I would like to quote from a letter from **Bud Gilbert** in discussing continuing matters for cogent reasons as follows:

"Dear Ken:

"I am in receipt of the telephone book, which you have otherwise chosen to dominate, Plaintiff's First Interrogatories and Request for Admissions. I am not sure I can get through it in 20 days, let alone compose devious answers thereto.

"In the sense of fair play, it being summertime and I am tired and my golf game is in sore need of practice, I will presume unless notified to the contrary, that the Civil Rules for Superior Court will be suspended on the Request for Admissions, to a reasonable period of time."

Also, my admonition to a fellow Skagit County attorney:

"Dear Mr. Lewis:

"As you know, Wednesday afternoon is a well-recognized golfing holiday of long standing. While we recognize the right of some offices to violate this hallowed tradition which has risen to the dignity of a canon of practice, we cannot and will not tolerate such attorneys calling our office during that time period.

"Furthermore, in your absence, a meeting was held and it was determined that you will have to give me two more strokes per side in our next match. You

should also be advised that this action by the fairness committee was duly and regularly held in the lounge located at the 19th Hole, and is not subject to revision or correction unless you have a doctor's certificate showing that you were unable to attend.

"Fraternally yours,

"KEN ST. CLAIR

Chairman of the

We need to Play More Golf
on Wednesdays Committee"

New Officers Elected at 20th Annual Meeting of WSAMA

New officers were elected at the Twentieth Annual Meeting of the Washington State Association of Municipal Attorneys (WSAMA) June 18, 1976, at Spokane for the following positions:

Donald E. Mirk, City Attorney of Kent — President; Charles O. Shoemaker, Jr., City Attorney of Sunnyside — First Vice President; Lee Kraft, City Attorney of Bellevue — Second Vice President; Richard J. Thompson, City Attorney of Everett — Representing cities of 2500 or more population; Patrick L. Brock, City Attorney of Bellingham — Representing cities between 2500 and 50,000 population; Robert W. McKisson, City Attorney of the cities of Winslow and Poulsbo — "At Large"; Ernest H. Campbell, Co-Director, Municipal Research and Services Center of Washington — Secretary; and Ralph I. Thomas, City Attorney of Kirkland — Immediate Past President of WSAMA.

HOW TO MAKE MONEY PRACTICING LAW

By Volney F. Morin

A book first published in 1966, but the new Fifth Edition is as up-to-date as a new hairstyle. The price of \$13.95 seems high, but every other page contains a nugget as to how to increase earnings from a law practice. The book is highly readable, practical, and is a great refresher course, from Ivar Publications, P.O. Box 1855, Los Angeles, California 90028.

The author's main thrust — to have a zero accounts receivable balance by the use of deposit fees — is intriguing.

This "method" may not work in all situations, but any progress would result in a higher collection ratio for fees charged. The author points out that equipment for a modern secretary station will probably cost from \$10,000 to \$20,000, and payments must be met. He clearly explains practical methods of attracting legal business in an ethical manner, and, more important, how to keep clients after original engagement.

The sections on public relations cover involvement with client, staff and other attorneys. These sections should be read and reread by every lawyer in public or private practice. Morin's statements are a unique blend of psychological principles and personal experience.

The author clearly has some tried and proven methods. The book will make you stop and reexamine your own methods of operation and unless you are a successful genius, you will find some ideas to adapt into your own system. The cost of the book can be earned from better relations with your next client.

Arbitration of International Disputes

By ROBERT MUSSEHL

In December, 1968, Judge Edward E. Henry of King County Superior Court wrote an article in the American Bar Association Journal advocating a Resolution which would amend the United Nations Charter to provide for compulsory arbitration of international disputes. His article then, and a subsequent one published in the American Bar Association Journal in April, 1971, called for lawyers to wake up and contribute their talents to help solve quarrels which disrupt international peace.

While they are presumably as troubled by the constant disruptions of world peace as anyone else, lawyers as a group have rarely demonstrated any effort to contribute to the solution of those disruptions. What makes this so unfortunate, even tragic, is that lawyers could contribute so much. Yet they have refused to take even a small step toward establishing a system for the peaceful settlement of international disputes.

At the Washington State Bar Convention in August, 1975, the following resolution reflecting the concerns of those like Judge Henry, was placed before the membership.

RESOLUTION FOR INTERNATIONAL ARBITRATION

WHEREAS, the desirability of the resolution of disputes among nations by peaceful means is without question; and

WHEREAS, the Board of Governors of the Washington State Bar Association has unanimously endorsed the concept of the resolution of international disputes through compulsory arbitration:

NOW, THEREFORE, BE IT RESOLVED, that the International Law Committee of the Washington State Bar Association hereby urges the membership of Washington State Bar Association to endorse the development of an international arbitration process relating to specific matters of international concern such as fishing rights, riparian rights, environmental and energy problems, diplomatic status and expropriation of properties, which arbitration would provide for the resolution of disputes thereunder by compulsory arbitration.

FURTHER RESOLVED, that the American public should be aware of the sentiment of the Board of Governors of the Washington State Bar Association and its membership, and it will take all of the necessary steps to disseminate its feelings on this subject to the appropriate media and to the House of Delegates of the ABA.

Despite unanimous approval by the Board of Governors and the Washington State Bar Association Resolutions Committee, the membership narrowly rejected the measure. The debate



Call us... and you've called 900 agents.

Our National Title Service connects you with over 900 service outlets — each staffed with local experts in local laws and customs — covering 49 states, Puerto Rico, Guam and the Virgin Islands. Not bad for a dime.

**719 2nd Avenue
Seattle, Washington 98104
(206) 682-6600**



**PIONEER NATIONAL
TITLE INSURANCE**

A TICOR COMPANY

centered on problems of patriotism in the international arena, and the fear of losing national sovereignty to an international institution contributed to the defeat of the Resolution.

This year the resolution will again be presented to the membership at the Washington State Bar Convention in Spokane during 1976 Annual Meeting. Hopefully, the outcome will be different this year. Also, this resolution will be presented to the House of Delegates of the American Bar Association at its annual meeting in August, 1976, at Atlanta, Georgia.

Nobody should need to be convinced of the importance of trying to promote international peace. The criticisms of the American policy of detente and the renewed concern that the United States must spend more money to preserve or retain its position of military superiority demonstrate that the dangers today are no less than they were in the Cold War period after World War II. Vietnam may no longer be an immediate concern, but the situations in Southeast Asia, Africa, and the Middle East seem to insure that we will continue to have at least one troubled area erupting at any given time, along with several other areas prepared to blow at any minute.

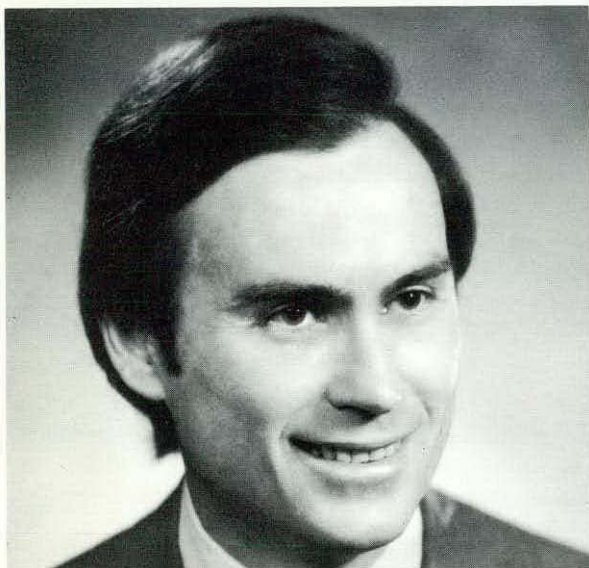
Moreover, despite the apparent gains of our earlier efforts of detente with Russia and China, as members of the international community we seem as incapable as ever of peacefully settling any international disputes which arise.

An arbitration system established to iron out international disputes could hardly be expected to immediately solve all the problems mentioned above where armed conflicts have already broken out. It is not so unrealistic, however, to imagine that many less serious international disputes could be handled effectively. Problems of fishing rights, riparian rights, expropriation of property, international crimes and environmental protection, to name a few, are, by themselves, relatively narrow questions which need not be insurmountable. Left unresolved, these minor disputes can evolve into major confrontations. Even if the disputes do not lead to armed warfare, their mere existence as unsettled conflicts, raises problems for any affected nation because of the loss of effi-

ciency, loss of productivity, and general loss of confidence inherent in uncertainty.

Aside from the very tangible benefits of effectively settling nagging disputes among countries, perhaps the greatest consequence of a simple arbitration system would be its more general effect on the conduct of international relations. If countries could learn to settle these minor disputes effectively and peaceably and in so doing, develop some mutual trust and understanding, perhaps in time larger disputes could be settled through the same arbitration approach. Once a foundation of trust and belief in the arbitration process can be established, any problem might be settled.

Only through some sort of international community system can we hope to gain any progress in the peaceful resolution of international disputes. If the question becomes whether or not we as Americans will lose some sovereignty if the United States supports and submits to compulsory arbitration of international disputes, the answer is clearly yes. The question which must be raised, however, is how much will we gain



Mr. Mussehl chairs the International Law and World Peace Through Law Committee of the Washington State Bar Association, and he is a member of the American Bar Association Advisory Board to the World Peace Through Law Center. He is a member of the World Peace Through Law Committee of Seattle King County Bar Association. He is a member of the Law firm of Thom, Mussehl, Navoni, Hoff, Pierson & Ryder of Seattle, Washington.

in relation to any loss of sovereignty. Two categories of gains are clearly foreseeable:

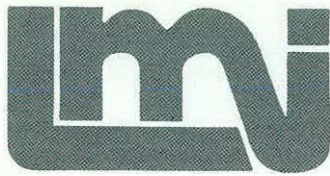
(1) The short-term advantage of the effective and peaceful settlement of the particular problems presented and

(2) the long-term effects on other, deeper, international problems once countries develop trust in an arbitration system of resolving global disputes.

Against these important advantages, concerns of sovereignty and nationalism pale. The world is too small and too dangerous for anyone to argue that we can hide and ignore international problems. And only through international cooperation, which inherently transcends the solitary interests of any single country, can any successful attempt at solution of these international problems be made. We can be too easily adversely affected by these foreign problems to allow concerns for nationalism to defeat cooperation in international efforts to defuse the problems.

Moreover, the loss of sovereignty involved in submission to compulsory arbitration of international disputes is minimal. The loss is no greater than for anyone submitting to binding arbitration of a problem within the United States. No one can deny that arbitration has proven successful in many areas of American life, notably labor relations and commercial dealings. If we are not afraid of arbitration at home, why should we be afraid of it abroad? Successful arbitration on the international level, far from being an alien concept, has been an important part of American history. The results are not far from home: the San Juan Islands, claimed by both the United States and Great Britain, became part of the United States in 1871 as part of an award by the German Emperor, Kaiser Wilhelm, acting as arbiter. Several other American boundary disputes, such as the division of the St. Lawrence River and the Great Lakes, were also settled, effectively and peacefully, by arbitration.

One objection to international arbitration which might be raised is that such disputes were intended to be handled at the World Court, and arbitration would be no more successful at solving the problems. Arbitration, however, is a



This symbol stands for the most complete attorneys service organization in Western Washington. For reliable, fast service with highest integrity, call any of the LMI offices in Seattle, Tacoma or Everett for complete

PROCESS SERVICE

Throughout King, Snohomish and Pierce Counties Worldwide forwarding service

MESSENGER SERVICE

Scheduled service to Seattle, Tacoma, Everett, Olympia and Bellevue Special trips, anywhere, anytime

BONDING SERVICE

LMI Seattle writes Fiduciary Bonds including Probate, Garnishment, Execution, Guardianship and all other Court Bonds. Bonds may be ordered by phone and can normally be delivered immediately to your office or picked up on your way to the Courthouse.

OFFICE SUPPLIES

LMI also carries a full line of office supplies and equipment, including stationery, corporation seals and legal blanks. Notary Public Commissions are a specialty.

Call today for fast, reliable service from the LMI office nearest you.

LEGAL MESSENGERS, INC.

Seattle 216 James Street / 98104
622-2643

Process Division — 623-8771

Tacoma 944 Court "E" / 98402
272-3249

Everett 2927 Rockefeller / 98201
258-4591

much simpler process than the procedures involved at the World Court. It is more familiar to all legal systems of the world than the World Court. Arbitration has been used successfully since the Greek city-states of Sparta and Argos in the fourth century B.C. agreed that disputes between them would be decided by a neutral town which would act as mediator.

As a system, arbitration is not only more readily understandable by all countries than the proceedings at the World Court, but it removes the collateral problems raised by the Court. Legal technicalities have become burdensome at the World Court and whether or not these technicalities are valid in the courtroom context, it is clear that often more controversy, rather than less, is raised by this method of solving disputes. Arbitration assures that the problems are solved on their merits. Further, arbitration is a more adaptable system, and thus can handle a wider range of disputes than can the World Court. Arbitration certainly need not replace the World Court, but could be a very effective supplement.

Why should we try compulsory arbitration on an international scale, when this past year has seen so many people become dissatisfied with our major international organization, the United Nations? The answer is clear: there is too little to lose and too much to gain. We cannot possibly avoid the consequences of international conflicts. Moreover, if the United States is to retain the position in world affairs we have traditionally held, we are bound to use any system which can contribute to world peace. The benefits would accrue to Americans and everyone else in the world. If we are to try to solve these conflicts peaceably, we must do so through some system of international cooperation.

Compulsory arbitration of smaller scale international disputes could be the first step toward a global judicial process. I encourage the members of the legal profession, and all others who are in a position to help foster world peace, to work toward the development of an arbitration system that transcends the shortsightedness of nationalism and permits a fair and impartial resolution of global disputes. □



Gonzaga Report

Eight Students to Continue Taxation Study at Graduate Level

Eight members of the 1976 graduating class at Gonzaga Law School have been accepted for graduate study in taxation, according to Smithmoore P. Myers, Dean of the school.

Among the eight is Mitchel Cohen of Portland, Oregon, who received a full tuition scholarship and a Research Associate grant at New York University for work at that school's program leading to a Master's degree in taxation. Mr. Cohen was also accepted at the University of Florida at Gainesville, Florida in the Master's degree program offered at that institution, according to Dean Myers.

The other seven students who have been accepted at either New York University or the University of Florida graduate tax program include Thomas Bassett, Richard Janis, Gary King, Frank Kurtz, Thomas Lucas, Mark Petersen, and Marc Phillips, Myers stated.

Employment Discrimination Seminar

An Employment Discrimination Law Seminar was held at Gonzaga Law School on May 14, 15, 1976. Co-sponsoring the program with the law school was the Spokane Coalition for Human Rights.

The seminar focused primarily on Title VII aspects of the 1964 Civil Rights Act, as amended, and provided an opportunity for participating federal and state agencies to demonstrate their role as advisors so that affected persons can voluntarily comply with the current law.

The seminar was co-ordinated with the Seattle District Office of the Equal Employment Opportunity Commission and was similar to other programs presented throughout the Northwest. Approximately one-hundred people attended,

including representatives from state and federal agencies, the private bar, business and industry, and law students. Specific sessions were designed for the various groups in attendance, including recent case law updates for attorneys and a similar update for non-attorneys.

Some of the topics covered included an overview of state and federal laws and executive orders in this area, specific examples of religious, sex, race, age, and equal pay discrimination, questions on contract compliance, a discussion of administrative procedure of enforcement agencies, and a review of the various administrative and judicial remedies available under the law.

Patricia J. Chvatal Essay Winner

Patricia J. Chvatal, a recent graduate from Gonzaga Law School, has won first prize in the 1976 Student Essay Contest sponsored by the Federation of Insurance Counsel Foundation.

Ms. Chvatal received a check for \$1,000 for her winning essay on uninsured motorists. She will also attend the Federation's annual meeting in August, where formal announcement of her award will be made.

Publication of her essay is planned for the summer, 1976, issue of the Federation of Insurance Counsel Quarterly.

In addition to her responsibilities as a law clerk and legal intern while attending law school, Ms. Chvatal has also been long active in various community and state organizations. She has worked with the Spokane County Planning Commission, Washington State Farm Bureau, Washington State Cattlemen's Association, Pacific Northwest Indian Center, and the League of Women Voters.

She received her J.D. degree from Gonzaga University School of Law in May, 1976, and will take the Washington State Bar Examination in July.

Law students from all over the nation, representing many of the 160 A.B.A. approved law schools, submitted essays for the contest. □



COURT ADMINISTRATOR

By PHILIP WINBERRY

Washington Judicial Information System Project

Yakima County has been selected as the pilot project location for the development of a state-wide judicial information system. Funded by the Law Enforcement Assistance Administration, the first year of the three-year developmental project will entail examination of information processing methods through the County Clerk's Office. Project staff from the Office of Administrator for the Courts in Olympia will examine indexing, docketing, calendaring, trust accounting, support payments and jury management in their effort to assist the court in processing information more efficiently and expeditiously.

The pilot project is the culmination of two

years' planning by the Superior Courts Management Information (SCOMIS) Committee. Chaired by Justice Robert F. Brachtenbach the Committee periodically reviewed information systems concepts for the courts in such areas as caseloads, jury and fiscal management. The Committee's efforts graphically demonstrated the growing necessity for change in judicial record keeping procedures.

The Supreme Court Rules call for the creation of a Judicial Information System (JIS) Committee to be representative of the State's judiciary. The members will be appointed by the Chief Justice with the approval of the Supreme Court. A list of names will be submitted to the Chief Justice by representative groups and associations from within the judicial system including: the Supreme Court, the Court of Appeals, the Superior Court Judges Association, the Washington State Magistrates Association, the Clerk of the Supreme Court, the Washington State Association of County Clerks, the Washington State Prosecuting Attorney's Association, the Washington State Bar Association, the Juvenile Court Directors Association, the Washington State Data Processing Authority, the State Court Administrator, the Association of Washington Superior Court Administrators, the Washington State Court Administrators Association and a lay citizen. Members shall serve for a three year term with the initial terms to be determined by lot and staggered so as to insure that an equal number of terms expire each year.

For further information, contact Mr. Robin H. Trenbeath, JIS Project Director, Office of Administrator for the Courts, Third Floor, Capitol Plaza Building, Olympia, Washington 98504. (206) 753-3365.



*Steel Die Engraved
Stationery
for the legal profession
since 1882*

68 S. WASHINGTON ST., SEATTLE 98104
TELEPHONE 624-4565

COURT OF APPEALS

By JUDGE VERNON R. PEARSON

In the Matter of the Powers of the Court Commissioner Order

WHEREAS, the increase in the number of cases filed in this Court has substantially increased the extent of motion practice, and

WHEREAS, the purpose of the Court of Appeals is to provide citizens of the State of Washington an expeditious form for appellate review of cases on their merits, and

WHEREAS, RAP 17.2(a) allows the various divisions of the Court of Appeals to prescribe the extent of its commissioner's powers, it is therefore

ORDERED that commencing July 1, 1976, all motions except:

- (1) a motion in a brief;
- (2) a motion to modify rulings by the commissioner;
- (3) a motion for reconsideration of a decision;
- (4) a motion to recall the mandate;
- (5) a motion to extend time pursuant to RAP 18.8(b) and;
- (6) a motion referred to the Court by the Commissioner, will be initially determined by the Commissioner.

In the event review of the Commissioner's ruling is sought pursuant to RAP 17.7, the motion will be considered without oral argument unless otherwise ordered. RAP 17.5(b). For convenience of counsel, motions may still be set at the end of the regular appeal docket heard in Richland, Yakima and Walla Walla; however, they will be considered by the Court without oral argument unless otherwise ordered.

June 23, 1976.

JUDICIAL COUNCIL REPORT

By DEAN R. SARGENT

Justice Court Criminal Rules

The judicial system is primarily crisis oriented. Lawyers and judges work to solve problems which have come to them after other efforts at solution have failed. One of the benefits of having an agency such as the Judicial Council is that it has the opportunity to do some planning for the future of the judicial system, and to review and evaluate changes in it.

In July of 1973 the Supreme Court promulgated a comprehensive new set of rules of criminal procedure for the superior courts, drafted by a task force of the Council. After the rules had been in

effect for one year, the Council began a project of thorough review in order to discover and remedy any serious difficulties. The purpose was not to re-examine policy, except where new federal case law might require, but to iron out problems in implementing the rules. Council staff conducted personal and telephone interviews with judges, prosecutors, and defense attorneys in ten counties, and letters soliciting comment were sent to the Superior Court Judges Association, the Magistrates Association, each county prosecutor, and all public defender offices. A task force was appointed to evaluate the substantial number of comments received and to make recommendations to the Council. The Council's recommendations were forwarded to the Supreme Court. In September 1975 the Court published proposed amendments to the rules for comment by the bench and bar. In February and March of 1976 the task force met again to review those comments. Final recommendations have been approved by Council and recently forwarded to the Court. Although this process is complex and time consuming, the result is a vital contribution to the system.

Certificates!

. . . and Service

United Graphics

1401 Broadway

Seattle, Washington 98122

Phone: 206 325-4400

ATTORNEYS

**Your Legal Publications
can be published any
business day including
Saturday in the**

JOURNAL of COMMERCE

Call 622-8272 for a messenger to pick up your notices or they can be left with our representative in the Superior Court Clerk's Department.


Daily Journal of Commerce

**Journal Bldg., 83 Columbia St.,
Seattle 98104**

Since 1893

Washington's Court Newspaper

While review of the superior court criminal rules was in progress, the Council began another related project. No major study of criminal procedure in district courts has been done since most of the present rules were adopted in 1964. There have been several amendments since then, but the rules do not now provide a comprehensive set of procedures. One of the goals of the project is to provide such a set of procedures in order to eliminate the uncertainty and potential traps in having to search statutes, rules, and cases for the appropriate procedure. Another goal is to conform district and superior court procedure where practicable, keeping in mind the high volume of the caseload and other unique features of the district court.

The Council has appointed a task force whose members represent superior and district court judges and clerks, prosecutors, city attorneys, public defenders, and the bar. An initial staff report and draft of proposed rules was prepared based on a survey similar to the one conducted for the superior court rules review. The task force has met three times and will continue to meet until final recommendations to the Council are ready. Comments and suggestions from the bench and bar are, of course, welcome.

DISTRICT COURTS

By **JUDGE JAMES R. COOK**

The Washington State Magistrates Association held their spring conference in Yakima on April 21, 22 and 23. The entire conference was devoted to an extensive three-day program on the law of evidence. An outstanding faculty employed lectures, video tapes, discussion groups and workbook materials in covering such topics as hearsay, relevancy, judicial notice, cross-examination, authentication, competency, privileges, and best evidence. A special note of thanks to the American Academy of Judicial Education for presenting such an outstanding program and providing us with a truly professional faculty. The faculty consisted of Professor John Strong of the University of Oregon School of Law; Judge Leo Whinery, Chief Judge, Municipal Criminal Court of

Norman, Oklahoma and Professor of Law at the University of Oklahoma; Judge Robert E. Jones, Circuit Court of Portland, Oregon and member of the faculty of Northwestern School of Law, Lewis and Clark College; and our own Judge Murray A. McLeod, Aukeen District Court, King County. Professor John A. Strait, University of Puget Sound School of Law and formerly with the Seattle-King County Public Defender Association, presented a fine lecture on "Recent Supreme Court Decisions" that were of special importance to courts of limited jurisdiction. We were also entertained and enlightened by an address by John Gavin, a past-president of the Washington State Bar Association and prominent member of our profession. A special note of thanks to Dan Nolan, Coordinator for Judicial Training, Criminal Justice Training Commission, and Phillip B. Winberry, Administrator, Office of Administrator for the Courts, for their respective efforts in making this conference possible. A final note of thanks to Judge Donald A. Eide, Aukeen District Court, King County, Chairman of the Education Committee, Washington State Magistrates Association, and to his committee members, Judge Barbara T. Yanick, Seattle Municipal Court, and Judge A. John Nicholson, Yakima County District Court, for putting this conference together.

Judge T. Patrick Corbett, Seattle Municipal Court and President of the Washington State Magistrates Association, announced that plans are progressing satisfactorily for our annual meeting in Spokane on September 27, 28 and 29. Judge John A. Schultheis, Spokane County District Court, is Chairman of this event.

Oregon Supreme Court Cases Decided June 17, 1976

Russell Sadler, appellant v. Oregon State Bar: Appeal from Marion County; question whether communications received by the Oregon State Bar or county bar associations relating to an attorney's professional conduct must be disclosed under the Public Records Law; opinion by Justice William McAllister, reversing Circuit Judge Jena V. Schlegal. [The trial court ruled in this case that

the records sought by the plaintiff were exempt under a section of the Public Records Law exempting from disclosure "information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure. . . ." The statute requires that the public body bear the burden of proving confidentiality.

[The bar argued on appeal that the trial court was correct in finding that the public interest would suffer by disclosure. First the bar argued that individuals might not feel so free to complain if they knew that their complaints might be made public. The Supreme Court said: "There is no evidence in the record that any person who complained to the bar of the conduct of Jason Lee did so on condition or with the understanding that his complaint would be held in confidence." The court further said that there is no suggestion that any complainant had ever declined to complain against a member of the bar unless his complaint was held in confidence. The Supreme Court concluded that it need not decide whether the public interest would be better served by disclosure or nondisclosure, since it concluded that the other requirements of the statutory exemption were not met.

[The bar next argued that the Public Records Law violates the constitutional doctrine of separation of powers if it is interpreted to apply to the bar's disciplinary records to compel their disclosure. The bar argued "that under the separation of powers doctrine the exclusive power to regulate and control the practice of law inheres in the judiciary." The Supreme Court observed, however, "that legislation can affect the practice of law so long as it does not unduly burden or substantially interfere with the judiciary." The Supreme Court said further:

***Any statute which affects the court's rules on admission to the bar, suspension, or disbarment might well constitute a substantial impairment of the court's power.

The statute whose validity is before the court in this case does not affect the rules for admission, suspension or disbarment. It affects the

disciplinary procedure only by opening up the files of the Bar to the public on request. The question before the court today is whether that is an unreasonable encroachment on the judicial function of disciplining attorneys.

[The Supreme Court responded to the bar's concern about the possible damage to an attorney's reputation by the publishing of frivolous or groundless complaints by quoting from one of its prior decisions as follows:

***We regard it as important, therefore, that there should be no impediment to free criticism of the bench and bar lest it be interpreted by the public as a veil to hide judicial vices.

The Supreme Court said that: "Opening up the files of the Bar to the public may restore confidence in the integrity of the individual attorney and assure those concerned that the profession is truly committed to maintaining the highest legal ethics."

[The Supreme Court concluded that the Public Records Law does not unreasonably encroach upon the judicial function of disciplining lawyers

and that the Public Records Law is constitutional. Thus, the Supreme Court held that the Public Records Law requires public disclosure of records in the possession of the Oregon State Bar that relate to an attorney's professional conduct, if the bar is requested to disclose them.] Justice Thomas Tongue concurred in part and dissented in part. Justice Edward Howell specially concurred.

Kenneth Whelchel v. Malcolm Strangways and Shirley A. Strangways, appellants: Appeal from Benton County; action for personal injuries; opinion by Justice William McAllister, affirming Circuit Judge Frank D. Knight. [The defendants owned and operated the Wren Tavern in the community of Wren near Corvallis. The plaintiff alleged in his complaint that defendants were negligent in permitting disorderly conduct on the part of certain persons to take place on the premises and in failing to direct those persons to leave and to remove them after they threatened violence to other customers, including the plaintiff. They jury found that the defendants were negligent and that the plaintiff was not contributorily negligent. The defendants appealed from the judgment against them. The plaintiff received a blow to his head that caused serious permanent injury. The Supreme Court concluded that there was no error at the trial.]

Hendrika Bakker, appellant v. Baza'r, Inc.: Appeal from Multnomah County; action for assault and battery; opinion by Justice Edward Howell, affirming Circuit Judge Robert E. Jones. [Plaintiff Bakker was employed by the defendant Baza'r. While at work, she was approached by a security officer also employed by Baza'r. The officer opened a shopping bag held by the plaintiff and removed several items. In doing so, she came in contact with the plaintiff, who became extremely upset. This distress caused the plaintiff to seek medical and psychiatric treatment. She sued Baza'r for assault and battery and for the intentional infliction of emotional distress. The jury returned a verdict in the plaintiff's favor for \$32,500 in general and punitive damages. But the trial court conducted a supplemental hearing and found that the plaintiff's cause of action for damages was barred by the Workmen's Compensation Law. Within three weeks after the incident,

Washington Probate Forms

Packet for
WILL - Closing by
Declaration

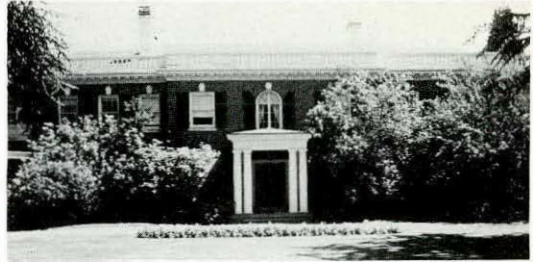
Packet for
NO WILL - Closing by
Declaration

Easy packet contains
the necessary forms.
Easy to use.

**\$18.00 per packet,
plus tax.**

Available from:
Book Publishing Co.
2518 Western Avenue
Seattle, WA. 98121

the plaintiff filed a claim with the State Accident Insurance Fund. Within another month, she filed the present action. After the civil complaint was filed, Baza'r filed an employer's report in response to the compensation claim, claiming "there was no accident." The claim was denied by a claims examiner which found that her "problem" did not arise out of or in the course of her employment with Baza'r. About five weeks after the claims examiner's letter was written, the defendant filed an answer to the plaintiff's civil complaint alleging assault and battery. At trial some ten months later, defense counsel advised the court that he had just learned of the plaintiff's filing for workmen's compensation. The trial court then advised both attorneys that, if the jury returned a verdict in favor of the plaintiff, defendant could then file a supplemental answer alleging workmen's compensation as a defense. This was done, and the trial court concluded that the plaintiff was limited to relief under workmen's compensation. The plaintiff argued on appeal that the facts alleged in the supplemental answer did not arise after the previous pleadings had been filed and were not newly discovered by the defendant Baza'r. The Supreme Court noted that the plaintiff's counsel did not object to the procedure in the trial court. And the Supreme Court also noted that at least two previous cases had allowed the defendant employers to raise the exclusive remedy provision of the Workmen's Compensation Law in the form of a supplemental answer. The Supreme Court concluded that the procedures followed by the trial court were proper and that the trial court was correct in concluding that the plaintiff's injuries were compensable and that she was therefore restricted to the remedies provided by the Workmen's Compensation Law.] Justices Ralph Holman and Thomas Tongue dissented. Justice Tongue wrote that the procedure approved by the majority and the result reached "must not only be shocking to a layman's sense of justice, but it is a procedure and result that is contrary to well established rules of law, to good and efficient judicial administration and, in particular, to the very purpose of the Workmen's Compensation Act to protect employees, employers and the public from the expense and delay incident to litigation." □



DENNY BLAINE

ONE OF THE MOST IMPRESSIVE GEORGIAN MANSES ON THE WEST COAST. Built and maintained in the grand style of excellence. Masterfully designed for good living, it is a showcase of fine design detail. Handsome day rooms. Large family library. Exceptional kitchen. Luxurious master suite (paneled study, sauna). Five other family bedrooms. Baulstraded terrace above a beautiful swimming pool in a sculptured garden setting. By the shores of Lake Washington Cascades. \$345,000. Shown by appointment.



M. Randell & Associates

2030 The Financial Center
1215 Fourth Avenue
Seattle, Washington 98161
(206) 624-7896 (24 hours)



We'll burn the midnight oil.

To give you complete, accurate, fast **BRIEF** preparation, filing and service. Includes complete preparation of indices and tables of authorities. 24-hr. service. 7 days a week.

Please call (206) 623-4221

FRAYN PRINTING COMPANY



Section Reports

ADMINISTRATIVE LAW

By C. ROBERT WALLIS

Administrative Law Judges are now presiding at contested case hearings in two state agencies, as a result of agency rulings adopting that designation for attorneys in the personnel classification "hearings examiner." Moving into line with agencies of the federal government and other state jurisdictions were the Washington Utilities and Transportation Commission, on May 26, and the state Department of Employment Security, on June 7.

Rationale for the change included a desire to emphasize professionalism and encourage judicial and judicious behavior and demeanor, and a desire to distinguish these individuals from persons in State government who review accounting records, study tariffs, receive public complaints, administer driver's license tests, review medical claims or electric plans, or perform various other functions under the title "examiner." So far as

is known, none of these examine hearing.

The change has been well received, according to Chief ALJ's Jame B. Strong, ESD, and Thomas C. Stacer, WUTC. Judge Stacer reports observation of positive results among hearings participants, leading to improved records.

Forest Practices Appeals Board

Washington's Forest Practices Act, 76.09 RCW, has created a new administrative forum known as the Forest Practices Appeals Board. The Appeals Board has statewide jurisdiction to hear appeals arising from determinations of the Department of Natural Resources, which is accorded the duty of enforcing the Act. The three members of the Appeals Board were appointed by the Governor, and one member is required by the Act to be an attorney admitted to the practice of law in this state.

The Rules of Procedure for practice before the Appeals Board will appear as chapter 223-08 WAC. As an aid to members of the bar and others, these Rules include an enumerated listing of the types of proceedings before the Appeals Board, WAC 223-08-085, together with cross referenced forms for commencing each type of proceeding, WAC 223-08-080. A right of appeal lies from the Appeals Board to superior court, WAC 223-08-260.

The Forest Practices Act applies with equal force to public and private lands, and creates duties for the land owner, timber owner, and logging operator. Most forest practices may not begin without prior notification to the Department of Natural Resources. In many cases, a descriptive application of the proposed forest practice must be approved by the Department of Natural Resources before work may begin. Aggrieved persons may appeal the Department's approval or disapproval of a forest practices application, and persons conducting forest practices may also appeal orders and civil penalties issued against them for non-compliance with the Act. "Forest practice" means not only the harvesting of timber, but also forest road building, pre-commercial thinning, fertilization, application of chemicals, reforestation, and other activities.

EXECUSERVICES, INC.

**NOW LEASING
OFFICE SPACE
RECEPTIONIST**

**TELEPHONE
ANSWERING**

LEGAL SECRETARY

**3927 AURORA AVE. N.
PHONE 632-0970**

No member of the Appeals Board is affiliated with the Department of Natural Resources, nor with the unrelated Forest Practices Board whose duty is to adopt forest practice regulations implementing the Act.

A booklet which informally explains procedure before the Appeals Board is available free of charge by writing to: William A. Harrison, Executive Secretary, Forest Practices Appeals Board, 521 Security Building, 4th and Washington, Olympia, Washington 98504. This is the principal office of the Appeals Board, and should be used for all correspondence.

CORPORATION, BUSINESS & BANKING

By **DENNIS G. SEINFELD**

Those 6,000 members of the Bar Association who failed to attend the April 30 - May 2 mid-year seminar and conference of our section missed a delightful and rewarding experience, although I am personally thankful that all of them did not converge upon Richland that weekend! All of the panelists were well-prepared and gave excellent presentations. The weekend consisted of two sessions of general business law followed by two sessions of more specialized areas, with three sub-sections running simultaneously: Securities, Banking and Agricultural/Business. Kudos to Claude Pearson, Seminar Chairperson, for an outstanding organizational effort.

The following attorneys participated on various panels: James Hilton, Irwin Treiger, Robert Kaplan, James Newton, Robert Ivie, Jerome Whalen, Tom Alberg, Mike Liles, Jr., and Michael Hansen, Louis Pepper, and D. Gordon Willhite of Seattle; James Morton, James Gallagher, and Alan Vandevent, Secretary of Weyerhaeuser of Tacoma; Ralph R. Smith of Olympia; Thomas McLachlen of Portland; and Norm Brock and Roger Underwood of Spokane. All performed outstandingly, and cumulatively they presented us with a syllabus 42 millimeters thick (figure that out!).

The slight inconveniences caused by the in-process remodeling of the Hanford House were more than compensated for by the good weather, large swimming pool, nearby tennis courts and

golf courses, the cocktail and wine-tasting parties, and several excellent restaurants in the area. There were 175 registrants, many of whom brought spouses and children. The evaluation sheets indicate that nearly all found it to be a most worthwhile and enjoyable experience, and the majority desired the next year's midyear meeting again be held at Richland.

Following the seminar, the section's executive committee met, reaching the following tentative conclusions: The midyear conferences for 1977 and 1978 will again be held at the Hanford House in Richland on May 19-22 and May 4-7, respectively. We will continue to run two sessions of specialty programs, but possibly expand the general business coverage. There was some feeling that the agricultural/business "specialty" program was so applicable to almost any closely held business that it was valuable for the general business practitioner. The committee hopes next year's program will include partnership law, taxation, and economics of practice, including approaches and bases for attorney's fees and office procedures.



IRWIN & ASSOCIATES, CSR's COURT REPORTERS

1525 Peoples National Bank
Building
5th & Union, Seattle, Wash. 98171
(206) 623-7881

- Full reporting staff
- Complete reporting services
- Ten day maximum delivery
- Complimentary conference room
- 24-hour answering service

No appearance fee charged on depositions if ordered within 24 hrs. from time of taking.

(NOTICES AND SUBPOENAS FURNISHED
UPON REQUEST)

It seemed to the executive committee that the Hanford House, as good as it was, would probably not be able to handle adequately more than 200 registrants, and probably there will have to be such a limitation on a first come, first served basis. The next executive committee meeting will be held June 4, 1976 from 1 to 4 PM at Tom Alberg's office in Seattle. All section members are welcome to attend and give the committee their views.

Those of you who have been involved with or know of a case or problem which you feel would be of interest and value to other members of the section should write a short synopsis or article and send it to Karl Ege in Seattle or to me for inclusion in the sections newsletter. We need articles in order to maintain a viable newsletter, and we need a good newsletter to maintain the strong section that we have. Thanks for all your help!

The Section's Executive Committee, chaired by Tom Alberg, Seattle, met on June 4, 1976. Preliminary plans are being formulated for the 1977 Mid-Year Meeting, which is scheduled for

May 20-22, 1977 at the Hanford House in Richland. The general format will be similar with general business law seminars and with specialty programs for securities, banking and agricultural law.

The nominating committee nominated Claude Pearson, Tacoma, as chairperson-elect and Dick Chastek, Spokane, as recorder. The nominations will be presented to the Section's annual meeting at the bar convention in September. Additional nominations may be made from the floor.

The corporate law department subsection is compiling a directory of all law department lawyers in the state, to be distributed to members of the section. If you are a lawyer employed full time by a corporation, then you should be a member of this sub-section and should contact Richard E. Bangert II, the corporate law department subsection chairperson at P.O. Box 3764, Seattle, Washington 98124.

The entire corporation, business and banking law section intends to publish its own membership directory next fall, following the bar convention. We encourage all lawyers practicing in this area to join the section prior to that time. Anyone sending in his \$5.00 section fee now will have his year start September 1st, 1976.

Professional Liability Insurance

A CONSISTENT SOURCE
SINCE 1960

Quinan-Pickering, Inc.
Since 1938

P.O. BOX 3875 • SEATTLE, WN. 98124
(206) 622-4260

TAXATION SECTION

By MALCOLM KATZ

In *Salsbury vs. Commissioner*, 34 TCM 1441 (1975), the Tax Court was confronted with the question of whether certain death benefits received by a trustee of an inter vivos trust and used to purchase closely held stock from the decedent's estate, so as to meet federal estate tax liabilities and pay off a charitable bequest, were excludable from the gross estate under Sections 2039 (c) and 2042 of the Code. The decedent, who was the controlling shareholder in a closely held corporation which had a qualified retirement plan for its employees, had designated the trust as the beneficiary of any death proceeds, and in his will, the decedent provided that in the event his residuary estate was insufficient to pay Federal and State Inheritance Taxes, the executor was em-

powered to sell or mortgage any asset of this estate to raise the necessary cash, except that this closely held stock could only be sold to the inter vivos trust. The trust, on the other hand, was permitted, but not required, to buy assets from, or lend money to, his estate.

For federal estate tax purposes, the executor excluded the retirement plan death benefits under Section 2039(c), which section generally provides for the exclusion of such proceeds from the gross estate, provided the beneficiary is other than the decedent's estate. The Commissioner, however, denied the exclusion, on the grounds that the estate was the indirect beneficiary of the proceeds, and on the basis that it was obvious when the estate plan was formed that the trust would be required to buy the stock from the estate.

In holding that the proceeds were properly excluded under Section 2039, the Tax Court held that the trustees of the retirement trust were permitted, but not required, to lend funds to or purchase property from the decedent's estate, and that "in no instrument were the trustees under a legally binding obligation to pay taxes, debts, or other charges of the estate." Since the trustee had no legal obligation to purchase the stock with the planned proceeds, the Court felt that the proceeds were properly excluded from the estate. Since this decision has not been appealed by the Internal Revenue Service, and since the Tax Court's decision is a very strong decision which is not tied to the peculiarities of local law, the decisions remain a good working model for situations in which the same tax consequences as reached in *Salisbury* are desired.

YOUNG LAWYERS

By **LARRY BAILEY**

**Minutes of Board Meeting
Held in Spokane, Washington
Saturday, May 8, 1976**

Members Present: Larry Bailey, Bill Neukom, Bill Burns, Tim Fishel, John Hall, Ken Rice, Judy Zuberbuhler, Bob Whaley, Phil

Brandt, Steve Brown and Dick Beresford. Also present were Jim Murphy, Greg Fraser and Linda Young.

1. Approval of Minutes:

The minutes of the Board of Trustees of the WSBA/YLS meeting held April 10, 1976, prepared by Richard R. Beresford, were approved.

2. Chairperson's Report:

A. Chairperson Larry Bailey reported the following:

1. Report on Board of Governors' meeting of April 22-24, 1976. Richard Riddell of Seattle will be the new president of the Washington State Bar Association.

2. Malpractice Insurance. The Bar Association may self-insure after February 1, 1977, when the present coverage may be terminated.

3. Multi-State Bar Examination. The Board of Bar Examiners is expected to terminate the use of the multi-state bar examination and substitute the use of the third day for the purpose of examining in the area of legal ethics.

4. Bar News. The staff of the Washington

**JURY SELECTION
MANUAL**

FOR

BENCH AND BAR

by

WILLIAM CASSIUS GOODLOE

Superior Court Judge

King County, Washington

BOOK
Dept. 1222
507 3rd Ave.
Seattle, WA 98104

Please enter my order for ____ copy(ies) of JURY SELECTION
MANUAL (\$7.00 plus 38c tax) postpaid ea.

Name _____

Address _____

City _____ State _____ Zip _____

State Bar Association will now be responsible for production and the editorial board will be responsible for content of the *Bar News*.

B. Citizen's Coalition for a Constitutional Convention. The following resolution was passed:

RESOLVED: That the WSBA-YLS request authority from the Board of Governors to take a public position in support of the State-wide Citizen's Coalition for a State Constitutional Convention and in support of a proposed campaign to allow voters in the State to vote on the question of whether or not a State Constitutional Convention should be held.

C. Selection of a date for Third-Annual Defense of Criminal Case.

The Third-Annual Defense of Criminal Case CLE will be held on April 1-2, 1977. The following resolution was passed unanimously:

RESOLVED: The Board of Trustees commends Larry Finegold and Irwin Schwartz for their outstanding efforts in creating, organizing and chairing the 1976 State Young Lawyers Sections CLE Program, "DEFENSE OF A CRIMINAL CASE".

D. Chairperson Voting Membership. The following resolution was unanimously passed:

RESOLVED: That the WSBA-YLS recommend to the Board of Governors that Article III of the By-Laws of the Washington State Bar Association be amended to designate the Chairperson of the Young Lawyers Section a full voting member of the Board of Governors during his or her one year term in office as Section Chairperson.

3. Annual Meeting CLE Program:

Board member Ken Rice reported that the Annual Meeting CLE will be held on Wednesday afternoon, September 15, 1976, between 2:00 p.m. and 4:00 p.m. in the afternoon. Doug Baldwin will speak on an overview of where legal malpractice is at the present time, Dave Lycette will deal with legal malpractice from a defense point of view and Dan Sullivan will deal with legal malpractice from the plaintiff's side.

4. WSBA/YLS Distinguished Service Award:
Guidelines for the Distinguished Service

Award in form attached were approved. The following resolution was then unanimously passed:

RESOLVED: That Justice William O. Douglas be designated as the recipient of the 1976 WSBA/YLS Distinguished Service Award.

5. Boys State:

Chairperson Ken Rice reported that the WSBA/YLS will participate at the Annual Boys State Meeting in Ellensburg on June 22, 1976. Board members Bailey, Beresford, Brown and Hall will be participating, together with four attorneys from the Everett area.

6. Clinical Education Program — Spokane — November, 1976:

Jim Murphy, Chairman of the Spokane YLS, agreed that the Spokane YLS would co-sponsor with the WSBA/YLS a Clinical Educational Program in November, 1976.

7. Bridging the Gap Program for Spokane — Fall, 1976, or Winter, 1977:

Greg Fraser, representing the Spokane YLS, reported to the Board regarding the present status of the Bridging the Gap Program to be held in Spokane and a resolution was passed providing to the Spokane YLS financial backing of the WSBA/YLS for this venture.

8. ABA Annual Meeting — Atlanta — August 5-9, 1976:

A resolution was passed authorizing two representatives of the Board to attend this meeting, namely, Larry Bailey and Ken Rice. At this time, it is not known whether Bill Neukom will be attending as a State or National Representative. In any event, the WSBA/YLS will provide his per diem and/or air travel if it is not paid by the ABA/YLS.

9. Spokane Law Day:

A motion was passed authorizing the expenditure of approximately \$750.00 to cover the expenses incurred by the Spokane County/YLS in their Law Day Courthouse Open House.

There being no further business before the Board, the meeting was adjourned. □



Aviation Seminar

“General Practitioner in Aviation Litigation” is the subject of the Fourth Annual Aviation Law Seminar.

The seminar is at Ocean Shores, Washington, The Polynesian, on the Pacific Ocean, Friday afternoon through Sunday noon, October 1, 2 and 3, 1976.

Further information and registration materials may be obtained from Aviation Section Chairman, Robert A. Berst, 1518 IBM Building, Seattle, Washington 98101, telephone — 624-4220.

New Aid For Law Firms Available

Enclosed is a review copy of *A Manual for Small and Medium-sized Law Libraries*, published this month by the American Bar Foundation.

This manual is designed for use primarily by the person without formal qualifications for or experience in library work who is charged with the day-to-day management of a modest collection of law books in a law firm. It is especially valuable for firms that do not employ or have access to the consulting services of a professional librarian.

The manual covers acquisitions, subscription records, update supplements, arrangement of materials, cataloging, handling of pamphlet material, storing periodicals, storage and indexing of in-house documents, check-out systems, principles for discarding or maintaining

materials, and accounting and bookkeeping. The preface offers suggestions to lawyers on the selection of personnel to manage small libraries.

An appendix lists library supply companies and catalog card production and reproduction services. A glossary is also included.

Author Devra L. Altman is law librarian for the U.S. Attorney for the Northern District of Illinois. A former librarian for a large Chicago law firm, Ms. Altman received the degree of Master of Arts in Library Science from Rosary College. She did her undergraduate work at the University of Wisconsin.

The manual is available for \$2.50 from Foundation Publications, American Bar Foundation, 1155 East 60th Street,

Chicago, Illinois 60637, (312) 667-4700.

In Memoriam

Rodney A. Boddington, 46, of Sultan, died June 1. He was admitted to the Bar in 1952.

Edmond S. Dillon, 76, of Seattle, died May 30. He was admitted to the Bar in 1931.

Judge **Charles T. Donworth**, 84, of Olympia, died June 10. He was admitted to the Bar in 1916.

Robert W. Garver, 79, of Washougal, died May 30. He was admitted to the Bar in 1923.

Ron D. Havelka, 33, of Seattle, died June 17. He was admitted to the Bar in 1971.

Judge **William N. Goodwin**, 66, of Tacoma, died December 31. He was admitted to the Bar in 1938.

If you want to live on one of North America's finest golf courses...*

The 6350 yard independent golf course at Port Ludlow is rated as one of the 36 best in the USA (Golf Digest, March 1976). We are now offering 60 beautiful lots (from \$10,000 with complete utilities). Live on one of the finest courses in the whole wide world.

mail this coupon to Port Ludlow.

We will send you all the details. For information, call toll free from Seattle: **682-0600**.



NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Pope & Talbot Development, Inc., Box 75, Port Ludlow, WA 98365

***SPECIAL INTRODUCTORY OFFER:** If you buy a golf lot before August 31, 1976, you'll get unlimited free golf (for two) thru 1977.

Obtain HUD property report from developer and read it before signing anything. HUD neither approves the merits of the offering nor the value of the property as an investment, if any.



**LAW BOOKS
NEW and USED**

**USED BOOKS
NEW ARRIVALS:**

Washington Reports 1st 1-200
Supreme Court Reporter
(West) 1 st
Law. Ed. Supreme Court
Rep. 1st 1-100
A.L.R. 2 and 3 - a good buy
Blackstone (1889)
Vols. 3 and 4 only
Federal 1st 1-300



WANTED:



WASHINGTON
Reports - First, Second and
Appellates
Digest
Practice
Administrative Code
R.C.W.A.
ANY Washington Lawbook
C.J.S. & A.L.R. 1.



NEW BOOKS



We order all Law Books that
are not sold direct by sales-
man. For price lists, write or
call:

206-324-0525
Tinsley's New &
Used Law Books

**A DIFFERENT
DRUMMER BOOK
STORE**

420 Broadway East
Seattle, WA. 98102

Will Sought: For Calvin Arm-
strong. If anyone has any infor-
mation please contact Calvin
Bell. 4929-52nd South, Seattle,
Washington 98118. (206) 722-
0782 or Sharon Bell at 623-3932.

Will Sought: Anyone knowing
the whereabouts of a recent last
will of the late Hazel E. Bishop
please contact Wm. R. Carper at
723-3387.

Wanted: Biographical and
historical materials (private
papers, diaries, letters, etc.) on
any former judge of the Wash-
ington State Supreme Court. If
you have knowledge of sources
or possess such materials write
Prof. C. H. Sheldon, Dept. of
Political Science, Washington
State University, Pullman, Wa.
99163.

Office Space for Rent: space
for secretary, limited library,
receptionist, close to Court-
house. Call 624-8113.

Space Available: One fully
equipped office in four-lawyer
suite with library and secretaries.
1411 Fourth Ave. Bldg., Seattle.
624-6181.

For Sale: Executive Chair,
black vinyl, high back, adjust-
able; \$125 or best offer. Seattle
(206) 624-8822.

Space Available: South
Everett/Lynnwood area for one
attorney in three man suite. Li-
brary/conference room, dicta-
tion, copying, secretaries. 743-
5454.

Office Space Available: Two
person firm desires third person
to share space and expenses
in the Maynard Building. Recep-
tion, secretarial and library
services are included. Call 622-
1471. Seattle.

**Office Sharing Arrange-
ment Available:** Grand Central
on the Park. Full secretarial/li-
brary/mag card/bookkeeping.
Prefer experienced attorney.
Contact Faith Enyeart or Duane
Erickson: 623-4382.

Space Available: for attor-
ney(s) and secretary. Library, re-
ceptionist, copy machine, furni-
ture, intercom can be furnished.
Optional space available, will
design to suit your needs. 3010
First Avenue, Seattle, 624-1290.

Space Available: Office
space for two attorneys and their
secretary available in new eight
lawyer office. Facilities include
use of conference room, library
and receptionist services. 910
Bank of California Center (682-
1780), Seattle.

For Sale: ALR 2nd Later Case Service, supplementing ALR 2nd 1-100; ALR First Series, Quick Index; ALR Second and Third Series, Quick Index; ALR 3rd, Volumes 1-38; AmJur Proof of Facts, Volumes 1-28 and General Index; Trauma (Medico-Legal), Volumes 1-14 and Consolidated Indexes. Call (509) 787-4545 or write P.O. Box 577, Quincey, WA 98848.

For Sale: CCH Fed. Tax Guide, '62 thru April '76; Matthew Bender's Business Organizations by Eaton; Real Estate Transactions by Rohan & Reskin; Bender's Fed. Prac. Forms; Moore's Manual; West's Modern Legal Forms; Collier Forms Manual; and Wash. Law Review, Vols. 23-50. Call 383-5461 in Tacoma, 838-1112 in Seattle, or 943-3530 in Olympia.

Space Available: 29th Floor, Smith Tower, newly remodeled offices with fantastic view. Space for one or two attorneys and one secretary, including use of library-conference room, reception area and some office equipment. 622-5100.

For Sale: Approx. 125 Mag Cards, most recorded once only. Cost \$1.00 each, make offer for batch. Warren W. Russell Estate, Phone 378-2181, Friday Harbor.

Office Space: for one attorney, Maynard Bldg., Pioneer Square, Seattle. Three suite office with conference room and library, currently shared by patent agent and attorney in the general practice of law. Secretarial service negotiable as part of rent; MT-St, photo-copy, and mimeo. \$250.00 per month. Telephone: 624-6766.

For Sale: CJS — has 1974 supplements. 225-2231, Woodland.

For Sale: ALR 2d, Volumes 1 to 100, complete with later case service 16 volumes through 75, 3 volume word index, quick index, \$1,400.00. ALR 3d, Volumes 1 to 67, \$1,150.00. ALR Fed., Volume 1 to 25, \$425.00. Mint condition. Call 782-1130, Seattle.

Space Available: 3-Man Suite, office sharing arrangement, Central Building, Seattle. 622-2448.

Lawyer Placement

1. Position available as Associate in downtown law office for attorney who has passed the Washington Bar Exam, to be paid on an hourly basis. Resumes can be sent to Box 332, Medina, Washington 98039.
2. Associate for sole practitioner in general practice in small town. Send resume to Wash. State Bar Office, 505 Madison, Seattle 98104, Attn: Box 28.
3. Legal para-professional with experience in civil litigation seeks fulltime or hourly work in the Seattle area. Recommendations available. Jane Smith, 634-0961, Seattle.
4. Attorney seeks to relocate to eastern Washington firm. Two years experience with large defense firm as a legal intern and one year practice with trial experience. Inquiries: Washington State Bar Office, 505 Madison St., Attn: Box 100.
5. Position available contingent upon funding for Instructor/Legal Assistant Program. Primary function to teach legal classes and to assist in developing and maintaining the Legal Assistant curriculum. An L.L.B. of J.D. in law with a minimum of two years of law practice. Teaching experience preferred. Salary range: \$12,131 to \$18,431 for a 9 mo. school year.
6. Washington, D.C. attorney, six years private practice, solid tax expertise and author of several tax publications, seeks full time position or other arrangement with law firm interested in establishing Washington office. Inquiries: Washington State Bar Association, 505 Madison, Seattle, WA 98104, Attn: P.O. Box 105.
7. Seattle tax attorney with growing practice needs partner with tax experience of LL.M. Call 624-9417.

WHEN YOU ADD UP WHAT YOUR CLIENT'S WORTH, WE COULD BE HIS BIGGEST ASSET.

Handling a portfolio can be a real headache. Unless your client has a Living Trust at Rainier National Bank.

A Living Trust is a planning tool that can save you a lot of time and frustration. And give your client the kind of professional money management he needs.

It means we handle the day-to-day management of your client's personal holdings. We make sound investment decisions. Keep accurate records. And provide security for important papers.

How involved you and your client become in the trust's management is up to you. You can be in on every decision or leave everything up to us. And if there's ever any kind of problem, a trust administrator will be on hand to talk things over.

The money isn't tied up forever, either. Your client can cancel the trust at any time. Or set up a program to provide the children with the same money management later on.

Call John James at (206) 587-7010. A Living Trust could be worth more than you think.

RAINIER BANK

Trust Division

ROGER MELVIN LEED
540 CENTRAL BLDG.
SEATTLE, WASH. 98104

WASHINGTON STATE
BAR ASSOCIATION
505 Madison Street
Seattle, WA 98104

Nonprofit Org.
U. S. POSTAGE
PAID
SEATTLE, WASH.
Permit No. 2204