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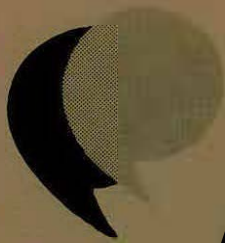
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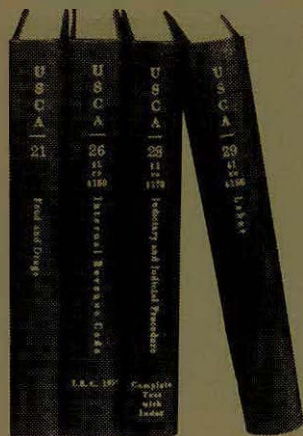
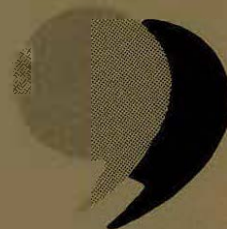
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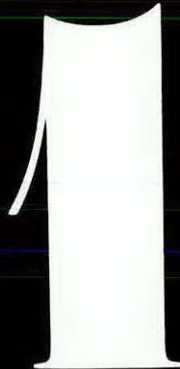
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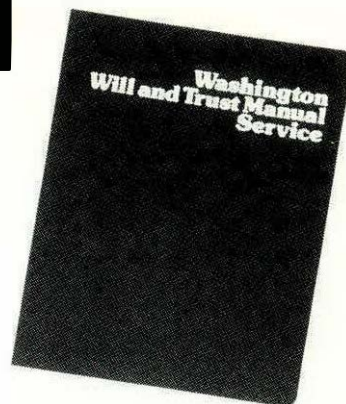
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Acting Editor

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# WASHINGTON STATE BAR NEWS

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This month's cover, by John McCarty, features the speakers who will headline the State Bar convention in September. They include, clockwise from top, Neil Armstrong, Ruth Walsh, George Plimpton and Justin Stanley. See Page 19 for the story.

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

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## Annual Meeting Seminars

By **JOHN J. MICHALIK**  
*Director of Continuing  
Legal Education*

As in the past, a significant portion of the programming at this year's Annual Meeting will be devoted to continuing legal education seminars sponsored by the CLE Committee and the various sections of the State Bar Association. Seventeen individual seminars, on a like number of topics and involving over eighty speakers, will be presented at various times - beginning on the afternoon of Wednesday, September 15th and concluding on the morning of Saturday, September 18th. Space limitations prevent a complete discussion of all of those seminars. However, with due apologies to those who have worked so hard on those programs not discussed at length, a brief look at some of the seminars may give you a feel for the truly outstanding total program that was presented.

Wednesday, September 15th will feature seminars presented by the Antitrust, Creditor - Debtor, Taxation, Young Lawyers and Real Property, Probate and Trust sections. The Young Lawyers' program will focus on legal malpractice: including the current picture regarding malpractice insurance and practical hints on staying out of trouble. Tax aspects of the division of community property, and an overview of current developments in tax law, will form the subject matter of the Taxation section's program. All of the Wednesday seminars will begin at 2:00 p.m. and will be followed by short section business meetings. You do not have to be a section member to attend any of these programs.

On Thursday, September 16th, the CLE Committee will present seminars on Labor Law, the Legal Aspects of Healthcare and an important Probate and Wills program which will concentrate on the problems of handling business interests in the settlement of decedents' estates. The Healthcare program will, among other things, explore the impact of the new medical malpractice legislation and will also include a review of the legal aspects of death and dying, with specific attention to the ramifications of the decision in the *Quinlan* case. These seminars begin at 9:30 a.m.

Section seminars return to the fore on the afternoon of Friday, September 17th. The Intellectual and Industrial Property section will present a comprehensive seminar on Washington law relating to trademarks, trade names and unfair competition - the written materials prepared in conjunction with this seminar will include a listing and digest of Washington cases relating to Washington unfair competition law. The program presented by the Environmental Law section will focus on "Permits for Activities Near, In and Under Water," with speakers including representatives from the Corps of Engineers and the EPA. A sentencing debate between King County Prosecuting Attorney Chris Bayley, Tacoma Attorney Neil Hoff and Bruce Johnson, Chairman of the State Prison Terms and Parole Board, will form a part of the program to be presented by the Criminal Law section. The Family Law, Trial Practice and Corporation, Business and Banking Law sections will also present important and timely seminars on Friday afternoon. All of these seminars begin at 2:00 p.m. and, again, you do not have to be a section member to attend.

The formal Annual Meeting program will conclude on the morning of Saturday, September 18th with two 9:30 a.m. seminars. One of these will focus on Libel and Slander, with emphasis on public and private figure defamation, invasion of privacy and "gag orders" in light of the First Amendment. An analysis of the practical and theoretical problems experienced during the first two years under comparative negligence will form the topic of the second Saturday morning seminar.

All of the continuing legal education programs focus on topics of current and important interest - and admission to any and all is covered by your one, low convention registration fee. As a final note, don't forget that the important Wednesday seminars begin at 2:00 p.m. - don't miss 'em! □



### Huneke Resigns—New Editor Sought

Edward W. Huneke, Editor of the *Washington State Bar News* since 1974, has submitted his resignation as such. Huneke cites as the reason the need to devote all of his time to the continuing development of his sole law practice. The Editorial Advisory Board, at a recent meeting, accepted Huneke's resignation with reluctance and with appreciation for his contributions to the entire Bar Association as well as the *Bar News*.

R. Michael Kight of Everett, the Chairman of the Editorial Advisory Board, has been designated by that Board as Acting Editor pending its selection of Huneke's replacement. Board members C. James Judson, Marjorie W. Rumley and Paul M. Silver, all of Seattle, have been appointed to review all applications and recommend a new editor to the Editorial Advisory Board.

*The Bar News* editor has responsibility for the editorial content of each issue, including articles, news features, Editor's Notes, reporting of the Board of Governors' meetings, photographs and cover. In addition, the editor has control over the placement of material within each issue. He or she will be encouraged to do, or have done, some investigative reporting. The Bar office has responsibility for collecting all material to be published in the various departmental sections, soliciting all advertising, and handling all production activities, such as marking copy for typesetting, proofing, supervision of printing, addressing and mailing.

The Board of Governors, at its July meeting, has authorized the payment to the new editor of up to \$200.00 per month, at the discretion of the Editorial Advisory Board.

Interested persons may submit their applications to the Editorial Advisory Board in care of the Bar office. It is anticipated that a selection will be made before the end of September, 1976.

**R. Michael Kight**  
Acting Editor



## More On Advertising

Has the controversy over lawyer advertising grown all out of proportion to its real importance? It would seem so in these days of emotional arguments. As a result, some rather simplistic statements for both proponents and opponents have tended to obscure the fact that advertising is merely one facet of an extremely complex problem.

Lawyer advertising must be considered in its role, or potential role, as only one action open to the legal community in providing the best legal services possible. The overriding problem is how the bar can, by *whatever* means, provide optimum legal services and, conversely, how the public may have ready access to the legal services they need and have a right to expect.

This concept has been largely ignored in the heat of battle, even when considering only the problem of communications. In attempting to push the advertising issue so blatantly, proponents have portrayed lawyer advertising as *the* key method of providing supposedly unfettered and necessary communication to the public, based chiefly on the public's "right to know."

The rationale is that unlimited advertising is necessary to let sunshine into the traditionally closed shops and mysterious ways of the profession. The inference is that those against advertising must have something to hide. Little mention is usually made of the relative value of other means of communication.

On the other hand, many opponents portray the very idea of advertising as an insidious threat to the basic purposes and integrity of the profession. There is often a reluctance to discuss the heresy of it all, much less to consider changing the specifics of the Code of Professional Responsibility. As with the proponent group, little evidence exists to back up the predictions of adverse effects by these absolutists.

A neutral observer would undoubtedly say that both groups are off track. The issue is, again, one of the effective delivery of legal services by *whatever* means.

Concerning lawyer advertising specifically, your State Bar has taken a number of steps in recent months to find answers. As you know, one of our own Board of Governors members, Betty Fletcher, is on the ABA committee which presented the proposed changes in the Code of Professional Responsibility to the ABA mid-year meeting in February. Prior to that time, and subsequently, your Board has been actively considering what action, if any, our Bar should take in revising



the Code for Washington State. Many of you are also aware of the action by the Young Lawyers Section of the Seattle-King County Bar Association in proposing a number of changes in the Code.

In a related move, your Board is also working on the format of a greatly expanded lawyer directory intended specifically for public use around the state.

We do not have all the answers yet, but we are earnestly striving to find ways to communicate — to make more information about lawyers available to the public, and more readily accessible, without compromising professional standards. We encourage your input on this matter.

*Robert S. Fay*

1976 Tacoma-Pierce County Bar  
Lincoln Day Banquet Address

# *Learning from Lincoln: The Lessons of Pigs and Philosophy*

By Rennard Strickland

"Show me the man you honor," Thomas Carlyle is often quoted as saying, "and I will know what kind of man you long to be." What Carlyle was saying was that, in a very real sense, a banquet like this is an act of self-definition—a statement of the Tacoma/Pierce County Bar Association that Lincoln was a man worthy of emulation. Quite frankly, I was a little surprised when I received an invitation to deliver an address on Lincoln. I thought: Someone has forgotten to tell the folks over in Tacoma that this sort of thing is old-fashioned, went out along about the time we re-scheduled Lincoln's birthday so government employees could have a "three-day weekend." I'm sure that had she any inkling how important her son was to become Nancy Hanks Lincoln would have tried to schedule his birth on a convenient date which would always fall on Monday—but the Tom Lincolns were not government employees, only poor folk, frontier farmers, who struggled everyday. I doubt that even Lincoln himself would have understood why his "birthday" now changes

every year and has become the same as George Washington's.

If Lincoln's life means more than an excuse for us to "sleep-in" on one Monday every February or an extra opportunity to get to the snow or out on the water—what does his life mean?

I believe Lincoln is important as a source of contemporary inspiration and counsel. I believe we honor Lincoln because we need the example of a Lincoln. In describing the men who wrote the constitution of my home state of Oklahoma, that "great commoner" William Jennings Bryan spoke of men of good will who are "sensibly conservative and safely radical"—I believe that Lincoln was such a man, a man who was sensibly conservative and safely radical, and that our only hope for the survival of the Republic is through emulation of men like Lincoln.

I'm not sure why I was invited to make this address. My reaction is a little like the one allegedly made by Lincoln in response to the ques-

tion about the topic of a minister's sermon. "He spoke about sin," Lincoln replied. "And I think he was agin' it." Your Bar President, when he invited me to speak, didn't bother to ask me about my attitude toward Lincoln. Was I *fir* or *agin* him? You see, I have a penchant for lost causes—my heroes from "the war between states" wore grey and not blue; on Saturday afternoon I rooted for the Indians and not the Cowboys. For you see, I am a Southerner: Descended of Virginians, Carolinians, Georgians, Arkansawyers; Born in Cooperhead, Missouri; Raised as an "Okie from Muskogee", in the words of Merle Haggard's song; Education at Mr. Jefferson's University; and a member of the Indian tribe whose great leader Stand Watie was the last Confederate General to Surrender. So you may be in for a new viewpoint on the standard Lincoln Banquet Speech. Does this come as a shock to you? You know not everyone loved Lincoln. In his own day he was the butt of many Yankee jokes; despised by members of his own party; an unlikely Presidential candidate; and an improbable President. Don't panic; this is not to be an expose of the unknown Lincoln. Relax!

I'm a little uncertain what to say in this bicentennial year as an unreconstructed Southeasterner speaking to a group of dedicated Northwesterners on the topic of Lincoln, himself a Southerner by birth who became the leader of Northern unionist forces. I feel a little like the famous medical malpractice lawyer who was invited to be the banquet speaker at an AMA Convention and had agreed to deliver a speech of conciliation and compromise. Well, he arrived, had a drink, and another drink, and another drink, and yet a final drink. He listened to doctors talk about their problems, their insurance premiums, their tax-sheltered real-estate syndicates, the mechanical problems with their jets, and the terrible medicare forms they had to fill out to get their federal checks. It was too much!

Much too much! When he finally rose to speak he tore up his speech of conciliation and in a slightly intoxicated but totally resolute voice said: "You doctors think you're smart but doctors are nothing but overgrown barbers. When we lawyers were writing the constitution of the United States, you doctors were putting leaches on George Washington's ass."

Lincoln would have loved that story. Lincoln loved stories—the bawdier the better. Lincoln humiliated an arrogant Swedish Ambassador who had been caught spying on pretty young things through transoms and outside windows—Lincoln called Count Piper when he had the chance, Count Peeper/or, upon occasion Count Pecker. I'm sure Lincoln would have agreed with General Patton's letter to his nephew in which Patton advised the young man that he, like Patton, should never idly curse but should be magnificently obscene, gloriously profane.

And so it was with Lincoln. Lincoln was a man of the world. Lincoln was crude. Lincoln was off color. Lincoln was rude. Lincoln was unschooled. Lincoln was uncouth. Some would say he was a typical trial lawyer. Lincoln was a hack-politician, a client-chasing, jury-pleasing, small-town lawyer who had so little control over his own children that his partner, Herndon, recalled the boys tore up important legal pleadings, spilt ink on the desk, and urinated on the office floor. In short, lawyer Lincoln was no choirboy. As John Frank said in *LINCOLN AS LAWYER*—"It is fair to conclude that if Lincoln had died in 1860 no one would ever have heard of him again. . . ." If he had died in 1860 his epitaph would have been no more than the words of David Davis—"He was a good Circuit Court lawyer."

But Lincoln did not die in 1860 and thus Lincoln became one of our most improbable and one of our most beloved presidents. As Russell Kirk noted in *The Roots of American Order*:

"We see him only three years before he won the presidential election of 1860, still an obscure and gainly backlands attorney, attending court in Cincinnati in his rumpled clothes, snubbed by Stanton (later Secretary of War in Lincoln's cabinet) and other distinguished lawyers. The man seemed pathetic at best, if not downright ludicrous: all the

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RENNARD STRICKLAND, John W. Shleppey Research Professor of Law at the College of Law of the University of Tulsa, has written or edited more than twenty books. Professor Strickland was a member of the faculty of the University of Washington Law School when he delivered this speech. Currently he is serving as editor-in-chief for the revision of the *FEDERAL HANDBOOK OF INDIAN LAW* and as a consultant to the American Indian Law Center of the University of New Mexico School of Law.

majesty and all the loneliness of his tragic triumph were yet to come.

"So Lincoln seemed to the casual observer. For all that, ever since his boyhood some friends had perceived in his curious being a dim of greatness. Lincoln possessed the incongruous dignity of those who have stood up under hard knocks. It has always been true that melancholy men are the wittiest; and Lincoln's off-color yarns, told behind a log barn or in some dingy Springfield office, were part and parcel of his consciousness that this is a world of vanities. When Lincoln gave orders from the White House, this wry humor of his would become an element of high old Roman virtue.

"Lincoln had seemed mediocre enough in 1860; certainly he had no magnetism, until his last months. Virtue, however, he did possess; and from that soil of virtue there sprang up dignity. Out of the American democratic experience he came; and his life proved that a democracy of elevation can uphold resolutely the public order and the moral order."

A banquet, like this one, recognizes the wisdom of Emerson's statement that "there is no history,

only biography." And, accentuates the dictum of Santayana that "He who does not know the past is condemned to relive it."

For Lincoln's time was not unlike our own. Both are, in a sense, a recreation of Dicken's picture of revolutionary France as set forth in his *Tale of Two Cities*. "It is the best of times"—no individual or national institution seems capable of addressing the major issues necessary to preserve and promote the national well-being. "It is the spring of hope"—national institutions have survived a divisive war and a tragic repudiation of leadership; "And the winter of despair"—the moral fibre and basic values of our founding father have eroded until the national purpose is uncertain.

As we enter our two hundredth year, the issue, as in the time of Lincoln, is one of survival. What is there we can learn from Lincoln that may help us in this crisis of survival? I believe that Lincoln demonstrates that survival is possible only through the presence of men and women of good will who are, as Bryan suggested, "sensibly conservative and safely radical." And I believe that these men and women, like Lincoln, if they are to emerge,



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must come from the legal profession. For, as Samuel Johnson observed, "Lawyers know life practically." And today we need men and women who understand life on both a practical as well as philosophical level. I feel about leadership, like Emerson did, as he watched the milkmaid so easily drive the cow into the shed after he, the great New England transcendentalist, failed at the task. As Emerson said - "I like people who can do things." In a meaningful way Lincoln illustrates the oft-quoted dictum of Alexis de Tocqueville that "the profession of law is the only aristocratic element which can be amalgamated without violence with the natural element of democracy." Lincoln is our greatest exemplar of a democracy of elevation and an aristocracy of achievement.

Lincoln was a wild man. You may remember that Bob Newhart used to do a routine about the Gettysburg Address as written by a Madison Avenue Ad Man. Can you imagine Lincoln on T.V.? A charismatic, media-prone leader? Oh, I think not. He'd make Gerald Ford look graceful. And you can imagine what Lincoln would do on full-disclosure political financial report when he kept his accounts in his high-top hat and he and his partners kept fees separate by sticking dollar bills into different pockets. I fear we would have to squeeze out the color, the wisdom, and the humanity of this man to get him elected. And then we'd have no Lincoln. Perhaps, in the words of our President—A Ford, but not a Lincoln.

Let me suggest a game you might play. Have you ever thought of what Lincoln might say about items on the evening news? Listen for a story that strikes you as particularly absurd and ask yourself what Lincoln might quip—For example, when I heard that a federal program had paid out of the federal treasury a thousand dollars to a poet for a four letter poem "F-U-G-H," \$250 a letter, I thought Lincoln might say: "I could have saved the country half the money because I could have said the same thing in two letters—B.S. 'Cause that's what the poem was—BULL SHIT. Or what would Lincoln say about Nixon's trip to China or the news that President Johnson had said "goodbye" to returning paratroopers at Fort Bragg? Or that a Washington state legislator was immune from drunken driving offenses? Or that the FTC spent more money on Listerine's claims of germ-killing than the Public Health Service spent on colds re-

search? Or that Ralph Nader wanted a commission to investigate problems of people who fell off their platform shoes? Or that cyclamates had been taken off the market based upon research funded by the competitive sugar industry? Or that certain drugs could not be used on terminal cancer patients because they might have severe side-effects? Or that there was one United States county where there were four people on public assistance for every working person? I mentioned that statistic to a friend who came up with the "great cowbird revolt" where there were so many cowbirds on the back of the poor cow that the cow collapsed. Or what would Lincoln say about subsidy to Lockheed while Lockheed was paying off Japanese leaders? Try It—You'll Like It. And I think the Surgeon General would find the Lincoln Game is not harmful but is Helpful to Your Health! For example, what would Lincoln say of the current drop in the number of lawyers willing to seek public office? We are now suffering from what we might call the "tyranny of petty virtue." We suffer from regulations which often keep the best men from seeking state and local office because they are private persons unwilling or unable to expose their family or their firms' life to public scrutiny while other men who may be willing to lie, steal, or cheat the public treasury are all too ready to expose their doctored balance sheets and fraudulent tax returns.

Lincoln knew who he was, understood his own limitations and understood that his limitations were in many respects the limitations of all mankind. I love Lincoln's statement that he wondered why God always told Horace Greeley what God wanted done and never told Lincoln when Lincoln was the one who was making the decisions. It was no vain-glorious man likely to install uniformed doormen at the White House who said to Douglas in 1858 that "Nobody has ever expected me to be President. In my poor, lean, lank face nobody has ever seen that any cabbages were sprouting out." Lincoln was always distrustful of the dreamers' schemes. T. Harry Williams called Lincoln a "Pragmatic Democrat." I could hear Lincoln saying today as he did in 1848 to one or another of our Presidential candidates and their improbable and unworkable schemes that it reminded him of "a fellow once advertised that he had made a discovery by which he could make a new man out of an

ole' one, and have enough of the stuff left to make a little yellow dog."

We all know the story told by Lincoln's secretary Hay that "the President last night had a dream. He was in a party of plain people and as it became known who he was they began to comment on his appearance. One of them said, 'He is a common-looking man.' The President replied, 'Common-looking people are the best in the world; that is the reason the Lord makes so many of them.'"

Despite his love, and it was genuine love of the common man, he was no leveller. As early as 1847 Lincoln wrote that "if any time all labor should cease, and all existing provisions be equally divided among the people, at the end of a single year there could scarcely be one human being left alive; all would have perished by want of subsistence." Lincoln was aware of the incessant demands on office-holders and office-seekers. He surprised his doctor when the doctor told Lincoln he had a highly contagious form of pneumonia and Lincoln said—GOOD. Now I've got something I can give to everyone who comes to the President asking for something! Lincoln well knew from bitter personal

experience with his step-brother John Johnston that there was a tragic darker side to these demands. In 1851 Lincoln wrote Johnston refusing to make a loan of eighty dollars saying:

Dear Brother:

Your request for eighty dollars I do not think it best to comply with you now. At the various times when I have helped you a little you have said to me, "We can get along very well now"; but in a very short time I find you in the same difficulty again. Now, this can only happen by some defect in your conduct. What that defect is, I think I know. You are . . . . an idler.

You are now in need of some money; and what I propose is, that you shall go to work, "tooth and nail," for somebody who will give you money for it. I promise you that for every dollar you will, get for you own labor, I will then give you one other dollar. Now, if you will do this, you will be soon out of debt, and, what is better, you will have a habit that will keep you from getting in debt again. But, if I

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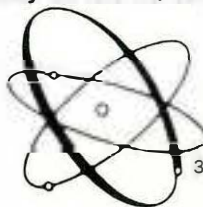
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should now clear you out of debt, next year you would be just as deep in as ever. You say you would almost give your place in heaven for seventy or eighty dollars. Then you value your place in heaven very cheap, for I am sure you can, with the offer I make, get the seventy or eighty dollars for four or five months' work.

I learned that you are anxious to sell the land where you live and move to Missouri. What can you do in Missouri better than here? You have raised no crop this year; and what you really want is to sell the land, get the money, and spend it. Now, do not misunderstand this letter; I do not write it in any unkindness. I write it in order, if possible, to get you to face the truth, which truth is, you are destitute because you have idled away all your time. Your thousand pretenses for not getting along better are all nonsense; they deceive nobody but yourself. Going to work is the only cure for your case.

It's a shame Lincoln didn't have food stamps to give him. Lincoln knew, as he wrote in 1854 with reference to a proposal that slave holders would voluntarily send their slaves to Africa that "the plainest truth cannot be read through a gold eagle; and it will be hard to find many men who will send a slave to Liberia, and pay his passage, while they can send him to a new country—Kansas, for instance—and sell him for fifteen hundred dollars . . ." Today, I wait for a national leader to stand up and say, as Lincoln said in 1836, "I go for all sharing the privileges of the government who assist in bearing its burdens."

Lincoln knew life practically. He was not doctrinaire. He was not a Jacobin dreamer who knew not man and his nature. I find one of the most revealing excerpts in Sandburg's Lincoln to be the picture of Lincoln on his way to court, riding circuit Sandburg says:

"As the years passed there were stories of different kinds that got started about lawyer Abe Lincoln, helping pigs that were in trouble. He would be riding along on horseback or in a buggy and see a pig caught under a fence or a gate or mired in mud, and he couldn't ride past without stopping and helping the pig."

We need people who've been in the mud, who know about life. As a trial lawyer who had seen

people in all their passions, he knew about the balancing of life, the mix of good and evil in each of us. He understood that life was lived in balancing. It is really a matter of pigs and Plato; plumbing and philosophy. It may be heresy for me, an academic, to say, but I tend to agree with the contemporary pundent who said, "I'd rather be governed by 2,000 people picked at random from the New York Phone Book than by the faculty of Harvard College." Today, we need Lincoln's—men who are "sensibly conservative and safely radical"—men who'll call a pig a pig and not a swine—We need men who know both what *ought* to be done and what *can* be done—For government is both an art and a science; pigs and philosophy. There is a *nay* saying as well as a *yeah* saying aspect to life and law. We need men who know that wishing doesn't always make it so. It was Lincoln who saw the danger of bureaucratic solutions when he said "men moving only in official circles are apt to become merely official—not to say arbitrary—in their ideas, and are apter and apter with each passing day to forget"—*Yes!* To forget that bills must be paid; To forget what Lincoln told his stepbrother that "if I should clear you out of debt, next year you would be just as deep as ever." But, I am afraid we have too many officials who selfishly understand that man will sell his place in heaven his birthright of individual freedom for a "gold-eagle" and therefore seek solutions only in dollars promised. For as Lincoln knew, one can see few truths through either a gold-eagle or a candidate's promise.

I believe the time has come to ask those who have been given the stewardship of our Republic to answer us in Lincolnesque truths—To tell us about the pigs—We need men and women to stand up and speak! Tell us what is wrong and give us solutions beyond the gold-eagle answer to all problems. I fear we will not have another Lincoln. Such a man is not likely to come this way again. Can a homogenized society, one that has plained down the rough edges and the unsightly ridges ever tolerate such an individual? As Reinhold Niebuhr wrote in *The Irony of American History*, "A Culture which is so strongly influenced by both scientific concepts and technocratic illusions is constantly tempted to annul or obscure the unique individual." Where are our modern "wild men"—those leaders whom Cal Woodard calls "the madmen."

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In conclusion, I feel compelled to encourage you not only to honor Lincoln but to emulate him, to pattern our society after Lincoln, to try to create a balanced society, one that is both practical and philosophical, one that is "sensibly conservative and safely radical." I think we could take no better governmental creed than Lincoln's 1861 message to Congress:

"This is essentially a people's contest . . . It is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders: to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life."

And that is the essence of what I mean by "sensibly conservative and safely radical." One who is concerned primarily with "elevation of the condition of men"; One devoted to what T.S. Eliot called "preservation of the permanent things"; One who is equally devoted to giving all "a fair chance in the race of life" not by trying to create an artificial equality but, as Lincoln said, by "lifting artificial weights from all shoulders" by giving all "an unfettered start."

Speaking to you has been a deeply moving, highly personal experience for me. Previously, I had deliberately avoided writing about Lincoln because I was so haunted by him. When I was a little boy my great-grandmother was still living and she often told me the story of "Uncle Alex". You know, after the war, Southern women lived on their stories, they didn't have much else. In 1839, two young men were elected to the Congress, both were lawyers, neither were aristocrats, one was lean and lanky, robust and humorous - the other was thin and short, pale and withdrawn. They became great friends and as the fates would have it, ultimately were cast as enemies. The one, you can guess was Abraham Lincoln—the other, "Uncle Alex," was Alexander Stephens destined to become Vice-President of the Confederacy. Those of you who know your civil war history may remember that it was in a letter to Stephens in 1860 that Lincoln said the South should entertain no fears that a Republican administration would directly or indirectly interfere with the slaves. You may also remember that these two freshmen congressmen, grown old in service of their countries, met at Hampton Roads, the famous Peace Confer-

ence in February, 1865. But it was to come to naught. Lincoln's "star was setting" as Stephen Vincent Benet put it. As Benet said of Lincoln in *John Brown's Body*: "It is wrong to talk of Lincoln and a star together- that old rubbed image is a scrap of tinsel, a scrap of dead poetry . . . . And yet Lincoln had a star, if you will have it so—and was haunted by a prairie-star." Lincoln went to Ford's Theatre and Uncle Alex returned to Liberty Hall his place in Georgia, and wrote the South's apologia. My greatgrandmother would always close the story with this statement: To Stephens, the irony of war, the tragedy for the South was that we got Jefferson Davis and not Abraham Lincoln. Otherwise, it might have been different. She felt, as many Southerners did after reconstruction, that there was some truth in Thomas Dixon's title for his biography of Lincoln, *The Greatest Southerner*.

What does a Southerner say in conclusion about Lincoln? It was never said better than by Henry Grady, editor of the ATLANTA CONSTITUTION, speaking to the New England Society in 1886. Grady, himself the exemplar of the "New

South", rising after General Sherman had been introduced and the Band played *Marching through Georgia*, delivered, about Sherman, a tart, reserved, awkward comment that, while the people of Georgia suspected Sherman might be a fine man, he was regarded as "a bit careless with fire". But of Lincoln he was unreservedly and totally eloquent. Grady's conclusion is a fitting conclusion for this address:

From this union of these colonists, Puritans and Cavaliers, from the straightening of their purposes and the crossing of their blood, slow perfecting through a century, came he who stands as the first typical American, the first who comprehended within himself all the strength and gentleness, all the majesty and grace of this republic—ABRAHAM LINCOLN. He was the sum of Puritan and Cavalier, for in his ardent nature were fused the virtues of both, and in the depth of his great soul the faults of both were lost. He was greater than Puritan, greater than Cavalier, in that he was American.

THANK YOU!

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# Committee Reports

## Special Committee Relating to Initiative 276

By **ROBERT D. DUGGAN**,  
*Chairman*

### Final Report

The Special Committee was appointed in November of 1973 for the purpose of keeping abreast of developments relating to Initiative 276 in the fields of legislation, litigation and otherwise and, in particular, to inform the Board of Governors on how such developments may affect lawyers and the legal profession.

In the months following the appointment of the Special Committee, regular meetings were held for the purpose of familiarizing the committee members on the background, language and application of Initiative 276. We obtained literally volumes of information from the Public Disclosure Commission, from the Office of Program Research of the House of Representatives and from the Attorney General. We then met with Mr. Stewart G. Oles, then chairman of the Public Disclosure Commission, to get a better understanding of the practical application of the statute as it may pertain to the Bar and in particular the criteria utilized with respect to hardship exemptions.

The committee determined that many of the perceived hardships attributed to compliance with Initiative 276 were being overcome when presented to the Commission on a case-by-case basis. The committee felt that publication of the criteria utilized and the basis for some of the hardship exemptions would assist the public and the Bar and perhaps lessen the potential deterrent to lawyers otherwise interested in public office. Accordingly, at the September 1974 meeting of the Board of Governors, the Committee recommended that the Board request the Public Disclosure Commission to prepare and distribute written opinions on hardship exemptions. The Board approved the Committee's request.

In order to get additional information from members of the Bar for purposes of considering additional legislation for the dissemination of in-

formation, the Board prepared a survey questionnaire concerning the membership's attitudes regarding a portion of Initiative 276 dealing with financial disclosure. The Board of Governors approved the Committee's request for the survey, offered liaison and assistance, and after some consideration approved the distribution of the proposed questionnaire by direct mailing. A copy of the questionnaire follows this report. In the end, some 1497 responses were received, i.e., approximately 25% of the Bar responded. Inasmuch as one of the responses to the questionnaire directly related to pending legislation, the Committee forwarded the data, with the Board's approval, to Mr. William L. Stephens, legislative representation of the Washington State Bar Association in Olympia. The Committee has prepared a separate report to the Board on the questionnaire which is suitable for publishing in the *Bar News*. The Committee recommends that the report on the questionnaire be published in the *Bar News*.

In addition to work in the area of reporting and public disclosure, the Committee became involved in the issue of release of public documents by State agencies. It was brought to the Committee's attention that certain agencies refused to make public records available to attorneys by mail, and required instead that the party requesting copies of public documents appear in person at the agency in Olympia. Such policy clearly imposed a hardship on the public and an unreasonable impediment to attorneys seeking copies of public documents. Fortunately, sometime after the Committee inquired about the practice, the State agencies adopted the practice of mailing copies of public records upon request and at the expense of members of the Bar. Perhaps the Committee's involvement helped speed the adoption of such practice.

During the last year, the Committee has become less active, perhaps partly in tune with a general decrease of concern and interest in Initiative 276. The effect of the statute and the procedures followed are becoming somewhat more familiar to the Bar generally, and perhaps it is now considered part of the norm as opposed to the new act requiring detailed, confusing and cumbersome reporting of what some attorneys originally, though inaccurately, considered confidential client relationships. Accordingly, this final report of the Special Com-

mittee on Initiative 276 recommends its continuing responsibility be terminated and that the Committee be abolished.

## Initiative 276 State Bar Questionnaire Response

In April, 1975, two years after Initiative 276 became law, the Washington State Bar Association mailed to all members a questionnaire designed to solicit their opinion concerning certain ramifications of the portion of Initiative 276 (RCW 42.17.240) establishing financial disclosure requirements with respect to elected public officials. Over 1,500 responses were received—an excellent ratio for this sort of endeavor.

The results of the most important portions of the questionnaire are as follows:

1. Taking into consideration what I have observed locally and statewide, the financial disclosure requirements of Initiative 276 have had, on balance, the following effect upon the quality of people seeking, or serving in, elective public office in this state:  
(1,458 responses)  
31% - has done more good than harm  
15% - virtually none  
54% - has done more harm than good
2. The financial disclosure provisions of Initiative 276 have had the following effect upon the willingness of lawyers to seek, or to serve in, elective public office in this state:  
(1,462 responses)  
6% - positive  
16% - virtually none  
78% - negative
3. Raising the threshold for reporting annual business done with customers/clients from the present level of \$500 (RCW 42.17.240 (1) (f) and (g) to \$2,500,\* would be what kind of step?  
(1,435 responses)  
78% - desirable  
22% - undesirable

4. Major appointed state public officials (e.g., state board and commission members and appointed department heads) should also be made subject to the financial disclosure provisions of Initiative 276.  
(1,493 responses)  
65% - agree  
35% - disagree
5. (If a member of a law firm) Has Initiative 276 resulted in your firm's adoption of a policy preventing lawyers in the firm from seeking, or serving in, elective public office in this state?  
(1,066 responses)  
29% - yes  
71% - no

Many responding lawyers added comments. A number of them stated that they felt that more time would have to go by before a definitive objective assessment of the law could be made. Among those whose reaction to the financial disclosure provisions was generally negative, the most frequent observations were:

- (1) the act decreased the pool of able people willing to serve in elective public office;
- (2) the act constituted an unwarranted invasion of privacy; and
- (3) the act should be amended to exempt elected public officials who serve in non-paying jobs, especially those of relatively limited scope.

From those whose response was generally supportive, the most frequent comments were:

- (1) new legislation such as this is bound to create initially a certain amount of anxiety, but no modification should be considered until sufficient time has passed to see what its effect truly is; and
- (2) in the Watergate era, lawyers should be the last group to oppose open government legislation such as this.

Some of the added comments were colorful. One opponent said ". . . all the act accomplishes is to give the Seattle papers something to sensationalize

\*This change was enacted in 1975.

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upon on slow days." Another voiced concern this way:

"... 276 has fed the already deplorable trend toward mediocrity in government at all levels. It is a serious threat to our popular form of government that our best citizens more and more shun public office. If we leave the business of government to those who can succeed at no other business, not only will popular government languish and fail, but we will attract officials who use the offices corruptly for private gain."

One supporter of the law said: "This statute is perhaps the finest contribution to our political process." Another one concluded that "276 has prevented some attorneys from running for office, but on the other hand attorneys were some of the worst abusers of the practice of representing special interests disguised as 'clients'."

We have observed that the Public Disclosure Commission decided early to take a rather liberal interpretation of the financial disclosure requirements. Without setting forth detailed criteria for the granting of reporting exemptions, the Commission has nevertheless been stricter in its reporting requirements regarding statewide-elected public officials than in the case of local ones. Where business relationships are covered by the act, such as business clients of a law firm, a member of which is a holder of a local elective public office, disclosure has not been demanded where the client has done no business with the governmental body on which the attorney serves.

The actual number of resignations on the part of elected public officials because of the financial disclosure provisions of 276 has been substantially less than first feared by many. Some elected public officials approve of the law, and probably a larger number of them dislike it but have made the decision to comply with it, deeming it merely another unpleasant aspect of public life. One of the effects of the law may in fact be to increase the likelihood that incumbents who desire to remain in office will be able to stay there, since they have already made the value judgment to disclose their finances as required by the statute, and potential incumbents have yet to cross that hurdle. □

## Armstrong, Plimpton and Stanley Featured at 1976 State Bar Annual Meeting

**Neil Armstrong** became known to most of us when he became the first man to set foot on the moon. You'll have the pleasure of listening to that gentleman when he addresses the Bicentennial Seminar at our State Bar Annual Meeting in September. And that's just one event in a four-day program packed with informative, profitable and entertaining sessions.

Armstrong's Apollo 11 feat was not an isolated instance of adventure. It was more a reflection of the life he has lead. He is a scientist, engineer and teacher — who also happens to be a whale of a pilot. After flying 78 combat missions as a naval aviator during the Korean War, he became involved in several flight research programs for NASA, including tests of the F-100, F-101, F-102, F-104, F5D, and B-47 aircraft. Armstrong was also an X-15 project pilot, flying that rocket-powered aircraft to over 200,000 feet and approximately 4,000 miles per hour.

Prior to the Apollo 11 lunar landing mission, his

astronaut duties included flight or backup assignments for the Gemini 5, 8 and 11, and Apollo 8 flights. Subsequent to the Apollo 11 flight, he was an administrator for NASA.

Armstrong holds an M.S. degree in aerospace engineering and has been awarded numerous honorary doctorates. He is presently the University Professor of Engineering at the University of Cincinnati, where he is involved in teaching and research in aerospace engineering and applied mechanics.

Neil Armstrong has reached a rare level of achievement during his 46-year life. You'll not want to miss his comments at the Annual Meeting next month.

Ever wonder what it would be like to face down a pro football defensive line on Sunday afternoon? You know . . . that group of anti-social gentlemen that takes pleasure in breaking offensive backs into pieces? **George Plimpton** took the chance and lived to tell about it. He'll be a featured luncheon speaker at the

## Annual Meeting.

An engaging writer of wit and authenticity, Plimpton is fully qualified to dispel illusions about the easy road to professionalism. He has let himself be outmatched in a series of competitions in which he, a weekend athlete of dubious brawn, fulfills Everyman's ambition of challenging the champions. To bring his readers the personal experiences of a participant, instead of just the observations of a sportswriter, he has invaded the strongholds of professional baseball, football, golf, boxing and tennis, with a perceptiveness and regard for detail that has made him something of a sociologist of the world of sports. He is most widely known for the best-selling "Paper Lion", (1966), which records with typical good humor and enthusiasm for the game his foundering as a rookie on a professional football team. He has been the subject of *New Yorker* cartoons that suggest his assumption of the roles of a surgeon and a United States President-for-a-day as not beyond possibility.

With the same curiosity and respect for accomplishment that he felt in the world of sports, Plimpton moved into the arts by performing in 1968 as a percussionist with the New York Philharmonic.

As editor in chief of "Paris Review", an international literary quarterly, he has guided its development since 1953 as a magazine of creative work, dedicated to publishing talented but often unknown writers. Among the authors that it has discovered are Terry Southern, Philip Roth and Irvin Faust.

You'll hear this thoroughly entertaining speaker at the Annual Meeting.

Again, this year, we're honored to have with us the president of the American Bar Association. **Justin A. Stanley** assumed the presidency in Atlanta in August. He'll address the Thursday luncheon of our Annual Meeting.

Stanley has a lengthy and distinguished record of service, both in the profession and to the profession. Among his many ABA activities, he has served as chairman of the Special Committee on Youth Education for Citizenship, the Special Committee on Professional Utilization, and the Section of Public Utility Law.

His involvement in education has included service as vice president of Dartmouth College and on the faculty of Chicago Kent College of Law.

Stanley was graduated from Columbia University School of law in 1937 and was admitted to the Illinois Bar that year. Interspersed with a succession of ad-

ministrative, teaching and civic activities, his law career has included nearly four decades of private practice.

We look forward to hearing him speak in one of the limited appearances he will make before state bar associations during the coming year.

These are the "headliners" — but they're only the beginning! The 1976 Annual Meeting will feature a number of hard-hitting seminars designed to help your practice and your firm. CLE sessions will cover Labor Law; Legal Aspects of Health Care; Probate and Wills; Handling Business Interests in the Settlement of Decedents' Estates; Libel and Slander; and Practice Under Comparative Negligence.

Now add eleven section seminars, including programs by the Anti-Trust; Creditor-Debtor; Real Property, Probate and Trust; Taxation; Young Lawyers; Corporation, Business and Banking; Criminal Law; Intellectual and Industrial Property; Environmental Law; Family Law; and Trial Practice Sessions.

The Annual Meeting site? It's the brand new Sheraton-Spokane Hotel and the nearby Convention Center, located at the former Expo '74 site near the city center.

Action for spouses? We have it! For openers, they'll enjoy the wine and cheese tasting party conducted by Ste. Michelle Vintners, the Washington winery that has developed such an enviable national reputation in recent years.

As an extra treat, spouses will hear a talk by a charmer, Seattle KOMO - TV's **Ruth Walsh**. Well known as a reporter and anchorperson on KOMO - TV news, Ruth is also something of a rarity—one of her favorite assignments has been full-time duty as a sports reporter.

Ste. Michelle and Ms. Walsh are just two of the many things in store for spouses in Spokane.

The social schedule is packed with reunions, breakfasts, hospitality suites, and many other events designed to let the "funshine" in. The grand finale, as always, will be the fabulous Friday Nite Gala Dinner, Dance and Show, this year featuring the world famous **New Christy Minstrels**.

Sound good? See you there!

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

# 1976 Convention Program

## WEDNESDAY — SEPTEMBER 15, 1976

### 9:00 A.M. BOARD OF GOVERNORS

*Riverside Room - Sheraton Hotel*

### 12:00 Noon REGISTRATION

*Registration Desk - Foyer, Sheraton Hotel*

### 2:00 P.M. SECTION SEMINARS

All of the following Seminars are open to the entire convention. *You do not* have to be a Section member to attend. Please choose the Seminar which interests you most.

#### ANTI-TRUST SECTION SEMINAR

*South A - Sheraton Hotel*

Section Chairperson: Robert W. Graham, Seattle

Seminar Chairperson: J. Paul Coie, Seattle

Speakers: Maxwell M. Blecher, Los Angeles

Recent Developments in  
Anti-trust Law

Owen Johnson, Washington, D.C.

Director of Bureau of Competition

Federal Trade Commission

Slade Gorton, Attorney General

State of Washington

Peter D. Byrnes, Seattle

#### CREDITOR-DEBTOR SECTION SEMINAR

*South B - Sheraton Hotel*

Section Chairperson: John H. Strasburger, Seattle

Seminar Chairperson: Jerry T. Dyreson, Spokane

Speakers: John E. Lamp, Spokane

The Consumer Protection Act and the  
*Lightfoot* Case

Thomas D. Crandall, Gonzaga

University School of Law,

Spokane Consumer Remedies

Samuel J. Steiner, Seattle

Enforcement of Judgments

Jerry T. Dyreson, Spokane

Frustration of Judgments:

Counterclaims; Claiming

Exemptions

#### REAL PROPERTY, PROBATE AND TRUST SECTION SEMINAR

*Center Room - Sheraton Hotel*

Section Chairperson: W. Walters Miller, Ritzville

Seminar Chairperson: Henry T. Newton, Everett

Speakers: Kimbrough Street, Seattle

The 1975 Amendments to the  
Guardianship Statute

Roberta Kaiser, Olympia

Overview of Current Inheritance

Tax Problems

John R. Price, Seattle

The How, When and Why

of Disclaimers

#### TAXATION SECTION SEMINAR

*Division - Sheraton Hotel*

Section Chairperson: Joseph D. Holmes, Jr., Seattle

Seminar Chairperson: Julie W. Weston, Seattle

Speakers: William H. Burkhart, Seattle

Gary C. Randall, Spokane

Tax Consequences of

Dissolution in the

Community Property State

Thomas B. Tilford, Spokane

Julie W. Weston, Seattle

New Developments in Tax Law

#### YOUNG LAWYERS SECTION SEMINAR

*South C - Sheraton Hotel*

Section Chairperson: Lawrence B. Bailey, Seattle

Seminar Chairperson: Kenneth B. Rice, Everett

Speakers: Lawrence B. Bailey, Seattle

Introduction to the General

Topic of Legal

Malpractice

Douglas C. Baldwin, Seattle

Preventive Measures: The View

From the Bar Association

Daniel F. Sullivan, Seattle

Representing the Plaintiff

David C. Lycette, Seattle  
 Representing the Defendant  
 William H. Gates, Seattle  
 Whats Happening in Legal  
 Malpractice Insurance  
 Harry E. Hennessey, Spokane  
 Practical Hints on Staying  
 Out of Trouble

Russell V. Hokanson, Seattle  
 Partnerships  
 William H. Gates, Seattle  
 Closely Held Corporations  
 David A. Duryee, Seattle  
 Vice President and Manager of  
 the Business Advisory Section.  
 Trust Division, Seattle-First  
 National Bank  
 Valuation of Interests

**THURSDAY — SEPTEMBER 16, 1976**

**8:30 A.M. REGISTRATION**

*Foyer - Sheraton Hotel*

**9:30 A.M. CLE SEMINARS**

**I. LABOR LAW**

*South Room - Sheraton Hotel*

Chairperson: D. Roger Reed, Spokane  
 Speakers: Cornelius J. Peck, Seattle  
 What General Practitioners  
 Should Know About the  
 Labor Arbitration Process  
 Dustin C. McCreary, Seattle  
 Access of Union Organizers  
 to Shopping Centers, Plants  
 and Industrial Parks  
 Lawrence R. Schwerin, Seattle  
 An Update of the Collier  
 Doctrine: Potential  
 Impact on the New  
 Public Employee Relations  
 Commission (PERC)  
 D. Roger Reed, Spokane  
 Employment Discrimination:  
 An Update

**II. LEGAL ASPECTS OF HEALTH CARE**

*Center Room - Sheraton Hotel*

Chairperson: Michael R. Green, Seattle  
 Speakers: Bryce H. Dille, Puyallup  
 General Review of  
 Hospital Law  
 Frank H. Johnson, Spokane  
 Representing the Physician:  
 Impact of New Medical  
 Malpractice Legislation  
 in Washington  
 Robert J. Walerius, Seattle  
 Representing Hospitals and  
 Nursing Homes  
 Michael R. Green, Seattle  
 Legal Aspects of Death  
 and Dying: The *Quintan*  
 Case: The Hospice program

**III. PROBATE AND WILLS:  
 HANDLING BUSINESS INTERESTS  
 IN THE SETTLEMENT OF  
 DECEDENTS' ESTATES**

*North Room - Sheraton Hotel*

Chairperson: J. Henry Brockhaus, Seattle  
 Speakers: J. Henry Brockhaus, Seattle  
 Individual Proprietorships

**Noon**

**LUNCHEON**

*Convention Center - X Hall*

Presiding: Richard H. Riddell  
 Board of Governors - First District  
 Speaker: Justin A. Stanley, President  
 American Bar Association

**1:45 P.M.**

**BICENTENNIAL SEMINAR**

*Convention Center - X Hall*

Special Guests of Honor: Members of the  
 Washington State  
 Supreme Court  
 Presiding: Robert S. Day, President  
 Washington State Bar Association

**THE RESPONSIBILITIES OF THE  
 LAWYER IN 1976**

Speakers: Hon. James M. Dolliver, Justice  
 Washington State Supreme Court  
 "The Lawyer's Responsibility  
 to the Government and to  
 the Community"  
 Hon. Robert F. Brachtenbach, Justice  
 Washington State Supreme Court  
 "The Lawyer's Responsibility to  
 the Clients and to the Courts"  
 Hon. Robert F. Utter, Justice  
 Washington State Supreme Court  
 "The Lawyer's Responsibility to  
 the Profession"

**"...ONE GIANT LEAP FOR MANKIND"**

Speaker: Neil Armstrong  
 Whose Walk on the Moon  
 has been described as "Man's  
 Greatest Achievement In the  
 the Last Two Hundred Years"

**6:30 P.M.**

**WASHINGTON STATE BAR ASSOCIATION**

**8:30 P.M.**

**NO-HOST COCKTAIL PARTY**

*Convention Center*

**FRIDAY — SEPTEMBER 17, 1976**

**8:30 A.M. REGISTRATION**

*Foyer - Sheraton Hotel*

**9:00 A.M.**

**ANNUAL BUSINESS MEETING**

*Convention Center*

Presiding: Robert S. Day, President  
 Washington State Bar Association

Invocation:  
 Annual Report: The Washington State Bar Association - President Day  
 Resolutions Committee: John M. Cunningham, Chairman  
 New Business  
 Presentations: New Members of the Board of Governors  
 New President of the Washington State Bar Association  
 Hawaii Drawing: (First Class Roundtrip Air Fare to Hawaii 3 nights and 4 days.)  
 You must be present to win and do not fail to put your ticket in the box for this special drawing.

Donald S. Chisum, Seattle  
 Application and Development, by Federal Courts, of Washington Common Law Relating to Trademarks and Unfair Competition  
 Lee E. Johnson, Seattle  
 Kenneth W. Vernon, Seattle  
 Review of All Reported Washington Cases Relating to State Trademark, Trade Name and Unfair Competition Law

**Noon LUNCHEON**

*Convention Center*

Presiding: John Heath, Jr.  
 Board of Governors - Fifth District  
 Speaker: George Plimpton  
 Author - TV Personality

**2:00 P.M. CORPORATION, BUSINESS AND BANKING SECTION SEMINAR**

*North Room - Sheraton Hotel*

Section Chairperson: Bert H. Weinrich, Seattle  
 Seminar Chairpersons: Elvin J. Vandenberg, Tacoma  
 David L. Williams, Seattle  
 Speakers: John N. Rupp, Seattle  
 Dealing With House Counsel  
 Karl J. Ege, Seattle  
 Subchapter S Corporations: An In-Depth Review  
 G. Pertin Walker, Tacoma  
 Attorney-Client Privilege in Business Enterprises

**CRIMINAL LAW SECTION SEMINAR**

*South Room - Sheraton Hotel*

Section Chairperson: Mark E. Vovos, Spokane  
 Seminar Chairperson: Patrick D. Sutherland, Olympia  
 Speakers: Francis J. Conklin, Spokane  
 Michael F. Keyes, Spokane  
 Dean C. Smith, Spokane  
 A Review of Recent State Court Criminal Decisions  
 Christopher T. Bayley, Seattle  
 Neil J. Hoff, Tacoma  
 Bruce Johnson, Chairman, State Prison Terms and Parole Board Sentencing Debate

**INTELLECTUAL AND INDUSTRIAL PROPERTY SECTION SEMINAR**

Section Chairperson: Patrick D. Coogan, Tacoma  
 Seminar Chairperson: Bruce E. O'Connor, Seattle  
 Speakers: Rose Marie Van Winkle, Seattle  
 Review of Washington Statutory Provisions Relating to Trademarks, Trade Names and Unfair Competition

**ENVIRONMENTAL LAW SECTION: PERMITS FOR ACTIVITIES NEAR, IN AND UNDER WATER**

*Convention Center*

Section Chairperson: George M. Mack, Seattle  
 Seminar Chairperson: J. Richard Aramburu, Seattle  
 Speakers: Peter L. Buck, Seattle  
 Shoreline Management Act and Coastal Zone Management  
 Donald E. Lawyer, Chief, Recreation-Resource Management Bureau, Corps of Engineers, Portland  
 Dredge and Fill Permits - Corps of Engineers  
 John A. Hamill, Seattle  
 National Pollution Discharge Elimination System Permits  
 Diane E. Dray, Seattle  
 Flood Plain Permits and Regulations

**FAMILY LAW SECTION SEMINAR**

*Convention Center*

Section Chairperson: Miles F. McAtee, Seattle  
 Seminar Chairperson: Ross Worthington, Spokane  
 Speakers: Roland V. Dietmeier, Seattle  
 Garnishment - Child Support Maintenance  
 Walter E. White, Olympia  
 Case Review Update, 1975-1976  
 Dennis A. Dellwo, Spokane  
 Adoption (Indian Tribal Rights)  
 Margaret Gaskill, Seattle  
 Pensions, Social Security  
 Robert M. Reynolds, Tacoma  
 Juvenile Court: Social Workers, Court Rules and Incurrigibles  
 Bruce H. Erickson, Spokane  
 Edward J. Leary, Spokane  
 Parentage Act, 1976 Legislation  
 Kenneth W. Weber, Vancouver  
 Longarm Jurisdiction - Domestic

**TRIAL PRACTICE SECTION SEMINAR**

*Center Room - Sheraton Hotel*

Section Chairperson: Paul R. Cressman, Seattle  
 Speakers: Frederick V. Betts, Seattle  
 Douglas S. Dunham, Seattle  
 R. George Ferrer, Seattle  
 W. Ronald Groshong, Seattle  
 Municipal Liability - Failure to Inspect, etc.

Paul L. Stritmatter, Hoquiam  
 Roadside Obstructions  
 John Gavin, Yakima  
 H. Frank Stubbs, Tacoma  
 Products Liability - The  
 Old Product and  
 Non-Vendor's Liability

- 6:30 P.M. NO-HOST COCKTAILS  
 WASHINGTON STATE BAR ASSOCIATION  
 8:00 P.M. DINNER  
*Convention Center*
- 10:00 P.M. SHOW  
 Featuring - The Christy Minstrels
- 11:00 P.M. DANCING  
 1:00 A.M.

**SATURDAY — SEPTEMBER 18, 1976**

- 9:30 A.M. CLE SEMINARS  
 I. LIBEL AND SLANDER  
*Center Room - Sheraton Hotel*
- Chairperson: Valen H. Honeywell, Tacoma  
 Speakers: Thomas D. Frey, Seattle  
 Public Official & Public  
 Figure Defamation  
 Patrick C. Comfort, Tacoma  
 Private Figure Defamation  
 P. Cameron DeVore, Seattle  
 Invasion of Privacy  
 E. Glenn Harmon, Spokane  
 The First Amendment &  
 "Gag Orders"

**II. PRACTICE UNDER COMPARATIVE  
 NEGLIGENCE**

*North Room - Sheraton Hotel*

An analysis of the practical and theoretical problems experienced during the first two years under comparative negligence. Topics to be discussed will include pleadings, jury instructions, burden of proof and comments on unresolved issues such as effect on multiple party litigations, seat belt defense, and contribution among joint tortfeasors.

- Chairperson: Dwayne A. Richards, Seattle  
 Panelists: Hon. Erle W. Horswill, Seattle  
 Judge of the Superior Court,  
 King County  
 Hon. Vernon R. Pearson, Tacoma  
 Judge of the Court of Appeals,  
 Division 2  
 James P. Connelly, Spokane  
 Paul Luvera, Jr., Mount Vernon

**SPECIAL EVENTS**

**WEDNESDAY — SEPTEMBER 15, 1976**

- 6:00 P.M. TRIAL PRACTICE SECTION  
 No-Host Cocktail Party  
 Contact: Paul Cressman  
*North Room - Sheraton Hotel*

**THURSDAY — SEPTEMBER 16, 1976**  
 2:00 P.M. RESOLUTIONS COMMITTEE

*Sheraton Hotel*

- 5:00 P.M. PIERCE COUNTY BAR ASSOCIATION  
 6:30 P.M. NO-HOST COCKTAIL PARTY  
 Contact: John VanBuskirk  
*Room A - Convention Center*
- 7:00 P.M. UNIVERSITY OF WASHINGTON - CLASS  
 OF 1939  
 Contact: John S. Twitchell  
*Robert Brown Residence*

**FRIDAY — SEPTEMBER 17, 1976**

- 7:30 A.M. GONZAGA LAW SCHOOL ALUMNI  
 Breakfast  
 Contact: Tony Hazapis  
*North Room - Sheraton Hotel*
- 7:30 A.M. GEORGE WASHINGTON UNIVERSITY  
 ALUMNI  
 Breakfast  
 Contact: Oscar Zable  
*Sprague Room - Sheraton Hotel*
- 7:30 A.M. UNIVERSITY OF WASHINGTON ALUMNI  
 Breakfast  
 Contact: Charles Smith  
*South A - Sheraton Hotel*
- 7:30 A.M. GEORGETOWN UNIVERSITY ALUMNI  
 Breakfast  
 Contact: Annie W. Durbin
- 7:30 A.M. UNIVERSITY OF PUGET SOUND ALUMNI  
 Breakfast  
 Contact: Bruce Meyers  
*Monroe Room - Sheraton Hotel*
- 8:30 A.M. UNIVERSITY OF MICHIGAN ALUMNI  
 Breakfast  
 Contact: Donald Skinner  
*Division Room - Sheraton Hotel*
- 5:00 P.M. WILLAMETTE UNIVERSITY ALUMNI  
 7:00 P.M. COCKTAIL PARTY  
 Contact: Larry Harvey  
*Room A - Convention Center*

**SATURDAY — SEPTEMBER 18, 1976**

- 8:00 A.M. CHRISTIAN LEGAL SOCIETY  
 Breakfast  
 Contact: Joel Paget  
 William Ellis  
*Sprague/Division - Sheraton Hotel*

# RESOLUTIONS

## ...To be Considered at the 1976 Annual Meeting of the Washington State Bar Association

According to the By-Laws of the Washington State Bar Association, resolutions and reports received by the Resolutions Committee at least sixty (60) days prior to the annual meeting shall be published in the *Washington State Bar News* prior to such annual meeting.

Your written responses and comments are solicited. They should be submitted to the Resolution Committee, c/o the Washington State Bar Association, 505 Madison Street, Seattle, WA 98104.

The Resolutions Committee will then prepare the resolutions for presentation to the membership at the annual meeting.

Not more than eleven (11) nor less than seven (7) days prior to the first day of each annual meeting, the Resolutions Committee will hold a public hearing on resolutions which have been submitted. At such hearing the proponents and opponents of any such resolution shall be given an opportunity to be heard. At the conclusion of such public hearing on each resolution, the Resolution Committee shall recommend approval or rejection of any such resolution, with amendments if deemed appropriate.

Members of the Resolutions Committee are:

John E. Calbom, Gary D. Gayton, Bradford M. Gierke, Ronald K. McAdams, Gregory H. Pratt, Walter J. Robinson, Lawrence C. Smith, Kimbrough Street, and Jack M. Cunningham, Chairman.

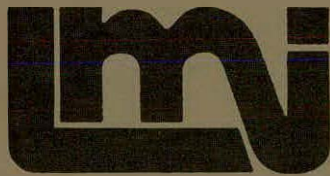
### **Resolution on Law School Affirmative Action**

Resolved that the Washington State Bar Association affirm a policy of assistance and cooperation with Washington law schools in affirmative action programs including admissions, financial and academic assistance, and job placement in order to increase both the number and proportion of members of the bar who are women, and the number and proportion of members of the bar who are black, chicano, asian, native american and members of other minority groups; and further recommends that the Board of Governors establish a new standing committee of the state Bar to implement this policy and that such committee include women and minority lawyers with experience in educational affirmative action programs.

Submitted by  
Ellen Yaroshefsky  
Antonio Salazar  
Ron Kessler  
Peter Baccho  
Gary Gayton

### **Resolution on Lawyer Advertising**

WHEREAS the Washington State Bar has worked to assure that adequate legal services and



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counseling are available to the public and has recognized its responsibility to maintain the quality and professional character of those legal services, and WHEREAS the question of lawyer advertising is one which directly affects the availability and quality of those services, and WHEREAS the Justice Department has filed suit under 15 U.S.C §1 of the Sherman Anti-Trust Act against the American Bar Association for violations of the Act in its restrictions against Lawyer Advertising in the Code of Professional Responsibility to which the Washington bar subscribes, and WHEREAS the bar of the state of Washington desires to maintain its professional norms in a manner consistent with legal standards and the best interests of the public, THEREFORE BE IT RESOLVED that the Washington State Bar amend its Code of Professional Responsibility, Canon 2 "A Lawyer Should Assist the Legal Profession in Fulfilling its Duty to Make Legal Counsel Available" as follows:

DR 2-102 (5) to allow listing in the classified section of the telephone directory to include fees for services, including initial consultation fees and credit arrangements if any.

DR 2-102 (6) to allow the publishing by the state or local bar associations of a directory of lawyers listing the information currently permitted in DR 2-102 (5) and (6), as well as fees for services, including initial consultation fees and credit arrangements if any. These directories are to be made available in places easily accessible to the public such as libraries, courthouses and other public buildings.

BE IT FURTHER RESOLVED that the Washington State Bar Association authorize the drafting of a rule establishing Public Interest Law Firms, similar to the rule adopted by the Bar of the State of Oregon, for those firms which spend more than 50% of their time on Public Interest Cases. The requirements and standards for such firms would be prescribed by the Washington State Bar Association and would include the following characteristics:

Certified PILFs shall be permitted to solicit in Public Interest Cases, to the extent permitted by the Rule,

Advertisement in the news media should be permitted, according to standards prescribed by the Bar Association.

Certified PILFs shall be permitted to seek monetary or other contributions to the Public Interest legal work being pursued, to the extent permitted by the Rule.

Certified PILFs shall be permitted to practice under a relevant trade name and to indicate Washington State Bar certification as a PILF.

Certified PILFs may help in educating the public with respect to legal matters of public interest and goals of public interest legal work.

Submitted by:

Mary Alice Theiler  
National Lawyers Guild

### Report to Accompany Resolution on Lawyer Advertising

A recent study published by the American Bar Association Special Committee to Survey Legal Needs, printed in the June 1976 issue of *Trial* magazine (publication of the American Trial Lawyers Association) shows that while a significant proportion of the population experiences legal problems, very few—far from a majority—consult a lawyer. For example, the study shows that 8.6% of the population reports experiencing job discrimination. Of those people, 68.8% have taken no action whatsoever to fight this discrimination. 13.4% have attempted to fight their case themselves. 13.7% have gone to a non-lawyer resource, and only 6% consult an attorney. Other areas (disputes with creditors, denial of constitutional rights, personal injury, criminal charges, divorce, landlord-tenant problems and so on) show similar lack of consultation.

What these statistics show is that a great number of people in this country are not seeking to vindicate their legal rights. Many of the reasons for the low percentage of people who consult with a lawyer when they have a legal problem are lack of knowledge about how to find a lawyer who will be receptive to their case (78.9% agree that the public

suffers from this lack of information) and the feeling that lawyers fees are higher than they are worth (61.8%). Additionally, it is beginning to be shown that people very often estimate the cost of legal assistance at an amount substantially higher than it would actually cost them from some lawyers.

By allowing lawyers to advertise fees, and making information about lawyers more widely available, some of these inequities will be resolved.

This is a particularly important time for the Bar to address the question of lawyer advertising. Suite has been filed against the ABA by the Justice Department, charging violation of the Sherman Anti-Trust Act for its restrictions on lawyer advertising. Named as unindicted co-conspirators include, but are not limited to, members of the ABA. It seems very possible that state and local Bar Associations could be named as co-conspirators as well, by reason of the enforcement of advertising provisions similar to the ABA Code of Professional Responsibility.

This anti-trust suit was preceded by *Goldfarb v. Virginia State Bar*, with the U.S. Supreme Court finding minimum fee schedules in violation of anti-



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trust laws, and *Bigelow v. Virginia*, ruling that prohibition of abortion services advertising in newspapers was in violation of the First Amendment. Both decisions bring the question of lawyer advertising into the anti-trust, and perhaps the Constitutional, arena.

Canon 2 of the Code prescribes that lawyers should "Assist the Legal Profession in Fulfilling its Duty to Make Legal Counsel Available." In accordance with this responsibility, and in order to maintain the professional norms of the legal profession in a manner consistent with legal standards and the best interests of the public, a more realistic policy on lawyer advertising is necessary.

### Resolution Opposing Senate Bill 1

The Washington State Bar Association is strongly opposed to Senate Bill 1, which purports to codify the Federal Criminal Code. The bill is so pervasively flawed that it lies beyond the scope of a rational amending process.

The Bar deplores the attack on First Amendment freedoms that this bill represents, as well as the broadening of the Hobbs Act definition of extortion to all but render labor strikes illegal, and numerous other highly objectionable provisions.

The Washington State Bar Association favors a codification of the federal criminal code which is consistent with the Bill of Rights and basic human dignity, but strongly urges that Senate Bill 1 is not such a bill.

Paul L. Raymond

Robert H. Gibbs

### Resolution on the Independence of the Bar

WHEREAS, the past few years have seen a considerable increase in the numbers of criminal defense lawyers who have been subpoenaed by prosecuting attorneys to testify about matters concerning their clients, and

WHEREAS, Such a practice poses substantial risks to the independence of the Bar, the inviolability of the

attorney-client relationship and the Sixth Amendment's right to effective assistance of counsel,

NOW THEREFORE, IT IS HEREBY RESOLVED: The Washington State Bar Association goes on record in opposition to the practice of subpoenaing defense counsel to provide information about their clients or to testify about matters which may impinge upon the attorney-client relationship, or violate the Sixth Amendment's right to counsel, absent extraordinary circumstances wherein the attorney is suspected of criminal or fraudulent activity.

### Report on Resolution

This Resolution simply draws attention to the inappropriate prosecutorial practice of subpoenaing criminal defense lawyers to provide information about their clients. It does not put the Bar on record in opposition to any specific instance in which lawyers have been subpoenaed. And it specifically exempts from its language those cases in which attorneys themselves are suspected of criminal or fraudulent activity.

### PUBLIC CONSIDERATIONS.

This resolution comes at a time when, partially as a result of Watergate, the public's opinion of all lawyers, including defense lawyers, is at a very low ebb. It also comes at a time when there has been a dramatic increase in subpoenas issued against lawyers.

James Diorio, Chairman of the American Trial Lawyer's Criminal Law Section, has publicly stated for *Juris Doctor* that there has been an astronomical increase in subpoenas of lawyers, which he states are being used as "shortcuts to get to clients." Melvin Lewis, legislative chairman of the National Association of Criminal Defense Lawyers stated in the same article that defense lawyers "are under a determined and well-coordinated attack designed to neutralize our usefulness and rob us of our dignity."

In Washington, a number of lawyers have been subpoenaed to provide information about their clients to prosecutors, Grand Juries and courts.

### ETHICAL CONSIDERATIONS.

Canon 4 provides: "A lawyer should preserve the confidences and secrets of a client."

In many ways, subpoenaing lawyers to provide information about a client gives lawyers the Hobson's choice of facing contempt or violating the attorney's ethical responsibility.

The preamble to the Code of Professional Responsibility says: "[I]n the last analysis it is the desire for the respect and confidence of the members of his profession and the society which he serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct."

### LEGAL CONSIDERATIONS.

Because the attorney client relationship is the lifeblood of legal practice, it encompasses societal values of tremendous concern to all who seek or dispense justice. "In order to promote freedom of consultation of legal advisors by clients, the apprehension of compelled disclosure by the legal advisors must be removed . . ." 8 *Wigmore*, Evidence §2291 (1961).

"The purpose of the [attorney-client] privilege would be undermined if people were required to confide in lawyers at the peril of compulsory disclosure every time the government decided to subpoena attorneys it believed represented suspected individuals." *In Re Grand Jury Proceedings (Jones)* 517 F.2d 666 at 673 (5th Circ. 1975).

In addition, the Sixth Amendment's right to counsel includes at a minimum the right to full and unfettered confidential disclosure to the attorney of all facts which the lawyer needs to effectively advise the client. Nothing is more disruptive of the right to counsel than to have one's lawyer subpoenaed to testify concerning the client.

### CONCLUSION.

In light of the above considerations, less drastic alternatives exist in the prosecutorial function which should obviate the need for subpoenaing attorneys. The Resolution deals with a subject which is a matter of concern to the Bar and directly affects the practice of law.

Its adoption would call attention to the public dangers attendant to the subpoenaing of lawyers and its adoption is urged.

Submitted:

Michael E. Withey  
National Lawyers Guild  
John Henry Browne



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### Golden Gate University

#### Seven Graduate Tax Courses to be Offered

Golden Gate University's Graduate School of Taxation will offer seven courses in Seattle in the Fall Semester which begins September 27, 1976 and ends January 20, 1977.

The courses are open to students wanting to earn the M.S. degree in Taxation and to nondegree students interested in specific courses. Classes are limited to 24 students. Most of the students are accountants or attorneys. CPAs and LPAs can earn up to 45 hours of continuing education credit for each course.

Each of the following classes will meet once a week from 6:15 to 9:00 p.m.: Federal Income Taxation of Individuals, Mondays, Vincent A. Gervais, CPA; Federal Income Taxation of Corporations and Shareholders, Wednesdays, David E. Hartman, LL.M. (Tax), Attorney at Law; Advanced Federal Income Taxation of Corporations and Shareholders, Mondays, John W. Flynn, LL.M. (Tax), Attorney at Law; Estate and Gift

Taxation, Tuesdays, A. Kyle Johnson, LL.M. (Tax), Attorney at Law; Federal Income Taxation of Partners and Partnerships, Thursdays, Darrell D. Hallett, JD, Senior Trial Attorney, Regional Counsel's Office, Internal Revenue Service; Tax Research and Decision Making, Tuesdays, Lloyd W. Born, CPA; Taxation of Capital Assets, Wednesdays, Marion V. Larson, CPA. LL.M. (Tax), Attorney at Law.

Registration will begin August 30. For further information, write or phone Golden Gate University, 935 White Henry Stuart Building, 1318 Fourth Avenue, Seattle, Washington 98101; telephone (206) 622-9996.

### Willamette

Willamette University College of Law will sponsor its second annual Federal Tax Conference on October 22, 1976, on its campus in Salem, Oregon. The speakers and topics will include:

The Honorable Al Ullman, Chairman, House, Ways and Means Committee, United States House of Representatives, will speak at the Conference Luncheon on "Current Tax Problems."

John J. Mylan, Professor of Law, Willamette University College of Law, will speak on "Recent Federal Income Tax Developments—Cases and Rulings."

M. Carr Ferguson, Professor of Law, New York University School of Law, will speak on "Tax Aspects of Corporate Liquidations."

John Peschel, Professor of Law, Tulane University School of Law, will speak on "Deferred Reporting of Gains of Sales of Real Estate."

Henry Jordan, partner, Coopers and Lybrand, will speak on a taxation topic in the area of partnerships.

The registration fee is \$40. For further information, contact:

Professor John J. Mylan  
Conference Director  
Willamette University  
College of Law  
Salem, OR 97301  
or telephone: (503) 370-6380

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# Board of Governors' Meeting

## Warm Springs, Oregon

### July 15, 16 and 17, 1976

*Reported by R. Michael Kight*

The Board of Governors met at the beautiful Kahneeta Lodge on the Warm Springs Indian Reservation for two and one-half days of meetings, rather than the usual one and one-half days. The first day was billed as a long range planning session, and with an agenda a little over one inch thick, one day was inadequate to cover all of the planned topics.

#### **Integration By Court Rule**

The Washington State Bar Association is an integrated bar, pursuant to statute requiring all lawyers to be members of the Bar Association in order to practice law in the State. The Board discussed at length whether the Bar should be integrated by statute or pursuant to court rule, which the State Supreme Court has authority to adopt. It was concluded that it would be advantageous to be controlled solely by the Court, note being made of bills introduced at recent sessions of the legislature which would impose restrictions and/or duties on lawyers and the Association. A motion to draft and present to the Supreme Court for adoption a court rule integrating the Bar Association was passed. President Robert Day appointed Board members Olson, Raftis and Riddell, along with two other members of the Bar to be determined later, to draft a proposed court rule for review by the Board of Governors.

#### **The Judicial System in the State of Washington**

The Board spent considerable time discussing various phases of and problems concerning the state judicial system, including small claims courts, the jury system, one trial bench (combining district with superior courts), discipline of judges, and criminal sentencing options, procedures and problems. Among the positive steps to be taken in these areas are: (1) request the Court Rules and Procedures Committee to study small claims courts on questions of jurisdiction, enforcement of judgments, etc.; (2) place on the agenda for the Board's meeting with the Trustees of the Superior Court Judges Association in September the issues of sentencing of criminals and educating the public as to options available to judges in sentencing; (3) create a joint task force with members of the Superior Court Judges Association to study areas of mutual concern including discipline of judges; (4) discuss with Supreme Court judges at their annual meeting with the Board of Governors the questions of the judicial article and discipline of judges; and (5) conduct a second judge evaluation poll, this fall.

The Bar Office, upon request, will continue to assist county bar officials in responding to newspaper articles and editorials which, apparently

without knowledge of all of the facts, criticize judges for sentencing practices.

### Discipline Records

It was noted that in Oregon, prior to June 17, 1976, discipline proceedings became a matter of public record upon the filing by the Oregon Bar Association of a formal complaint against a lawyer, based upon "probable cause". The Oregon State Supreme Court, on June 17, ruled that all disciplinary records on lawyers are open to the public at any stage of the proceedings. By virtue of this ruling, anyone can apparently find out from the Oregon State Bar Association what complaints have been made against a lawyer at any time, even though such complaints may later turn out to be unsubstantiated.

The Board discussed this issue at length, with a wide divergence of opinion being expressed as to whether disciplinary records should be made public, and if so, at what stage in the proceedings. Upon a motion passed by voice vote, with some dissent, the Disciplinary Board was requested to give to the Board of Governors its opinions on (1)

publishing in the *Bar News*, monthly, a report on the numbers and nature of complaints filed; (2) advising local lawyer referral committees, on request, if there are pending complaints against lawyers on the referral list; and (3) releasing its decision to the public, after a recommendation of suspension or disbarment, before the matter is heard and finally determined by the Supreme Court.

The Board requested the Bar Office to advise it of the number and nature of complaints against lawyers, the status of the proceedings of all complaints, the time taken to complete each investigation and hearing, and the results of all proceedings.

### Selection of President

The Board discussed the rotation from different areas within the state of the Bar Association's president, the selection of a president elect to sit on the Board for a year before assuming the presidency and the popular election of the president. It was noted that, with one exception, each of the recent presidents had been on the Board of Governors one or two years prior to appointment. The concensus of the Board was that the new president should be selected in December or January of each year, and should attend all Board meetings between selection and assuming the presidency in September.

### Lay People on the Board of Governors

Although there was a divergence of opinion, the apparent majority of the Board felt that lay people should not sit as members of the Board of Governors. Noting that Florida and Georgia recently completed conferences of lawyers and lay persons to discuss bar association problems, President Day appointed Board members Fletcher, Walker and Redman, with the latter as chairman, to develop a proposed agenda for such a conference within the State of Washington.

### Rotation of Board Members Within Districts

After discussing whether Yakima, Vancouver and the Tri Cities, for example, should provide the Fourth District's Board member on a rotation basis, it was concluded that this is a local question and the Board should not impose a selection scheme on each congressional district.



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UPON REQUEST)

### Miscellaneous Topics

The Board discussed the idea of a House of Delegates, communications between Board members and their constituents, review of committees and their activities, and the coordination of section seminars with C. L. E. seminars. Concerning the latter topic, a motion for the C. L. E. committee to co-sponsor and coordinate section seminars passed unanimously.

### President's Report

President Day, noting that the President of the Washington Bar is invited to the California and Arizona State Bar Conventions, has invited the presidents of those Bars to our convention in Spokane. The Bar Association will pay the hotel and meal expenses, but not the transportation, of those Bar presidents. Following a discussion as to whether the presidents of other states, such as Oregon and Idaho, should be invited and a general consensus that they should not, Mr. Day was advised to use his own prerogative on extending invitations.

### Executive Director's Report

A formal application for entry into the Law Clerk Program has been received from an inmate at the State Penitentiary in Walla Walla. No indication was given on the application as to the intended lawyer to sponsor and tutor the applicant.

### Life, Health and Disability Insurance Program

Board Member Walker, chairman of a special committee formed to study the Association's insurance programs, moved to terminate the Association's relationship with Pacific Underwriters; to split the functions of administrator and broker; to name Johnson & Higgins, Seattle, as broker; to name United Administrators, Inc., Seattle, as Administrator; to continue the employment of John Scates of Fred S. James & Co., Seattle, as special consultant to the insurance committee for the present time; and to establish a permanent insurance committee to oversee the administrator and the broker, and to coordinate and review the insurance programs on a regular basis.

Mr. Walker, by written report and orally, explained the results of his committee's activities and findings, pointing out that the program as envisioned by his motion would be of higher quality by providing better coverage and service at anticipated lower costs. The motion passed. Mr. Walker was requested to proceed with the program.

### Client's Security Fund

Based upon a written report from a special committee consisting of Don Spickard, Cleary Cone and Greg Dallaire, a motion was made and passed to increase the client's security fund to a maximum of \$500,000; to increase the limit of the amount available to clients, per lawyer, in \$5,000 per year increments from the present \$25,000 to \$50,000; to make payments on an occurrence basis; to pay without regard to limits, claims of up to \$3,500 as soon as they are approved; and to have a statute of limitations of two years from defalcation or one year from discovery, whichever is later, with the maximum being three years.

# JURY SELECTION MANUAL FOR BENCH AND BAR

by  
**WILLIAM CASSIUS GOODLOE**  
Superior Court Judge  
King County, Washington

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ing a federally chartered credit union, but word has recently been received that federally chartered credit unions may eliminate the right of members to include their employees as members of the credit union, which would necessitate a separate credit union for law office employees. Pending a ruling on this point, the committee was instructed to poll the members of the Bar Association on their interest in joining a credit union.

### **Committee Appointments**

The Board spent two and one-half hours reviewing the membership of and appointing new members to Bar Association Committees, and was unable, in that period of time, to cover more than about 1/2 of the total committees. The balance of the committees will be reviewed, and new members appointed, at the August Board of Governors' meeting.

### **Bar News**

Mike Kight, Chairman of the Editorial Advisory Board, reporting that Ed Huneke has resigned as Editor of the *Bar News*, presented the Board of Governors with a resolution adopted by the Editorial Advisory Board requesting authority to appoint an unpaid, lawyer editor, and to hire a paid assistant editor to do investigative reporting and to relieve the Bar office of the responsibility for gathering departmental news and doing the mechanical work of publishing each issue. A motion was passed requesting the Editorial Advisory Board to appoint a lawyer-editor, with the Board having discretionary authority to pay the editor up to \$200.00 per month; further, that the Bar Office continue to handle the mechanical production of the magazine.

### **Code of Professional Responsibility**

Ron Groshong, Chairman of the Code of Professional Responsibility Committee, presented a lengthy report dealing with the possibility that the Bar sponsor a legal directory which might include, among other things, each lawyer's office hours, charge for first hour of consultation, indication of areas of practice, use of credit cards, etc. It was agreed that a decision on the subject should be delayed until the August meeting, when the

Chairman of the Specialization Committee is to report on the findings and conclusions of that committee as to the future of specialization within the State Bar Association.

Mr. Groshong discussed ethics opinions and suggested that anyone with ethics problems or questions should send them to the chairman of the Code of Professional Responsibility Committee, in care of the Bar Office. A motion was passed to publish opinions issued by the C.P.R. Committee in the *Bar News*.

### **Miscellaneous Topics**

Other items discussed and/or acted upon included the reappointment of E. Robert Fristoe to the State of Washington Escrow Commission; the approval of the final report of the Defense Services project from Gordon W. Wilcox, of the Legal Aid Committee; and the appointment of a special task force on alcoholism consisting of Vince Gadbow as chairman, Steve Palmberg, John Raftis, John W. Sweet, Kevin Kirkevold, David Olwell and John Carroll. □

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### SUPREME COURT NEWS

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#### **Justice Robert T. Hunter Announces Retirement**

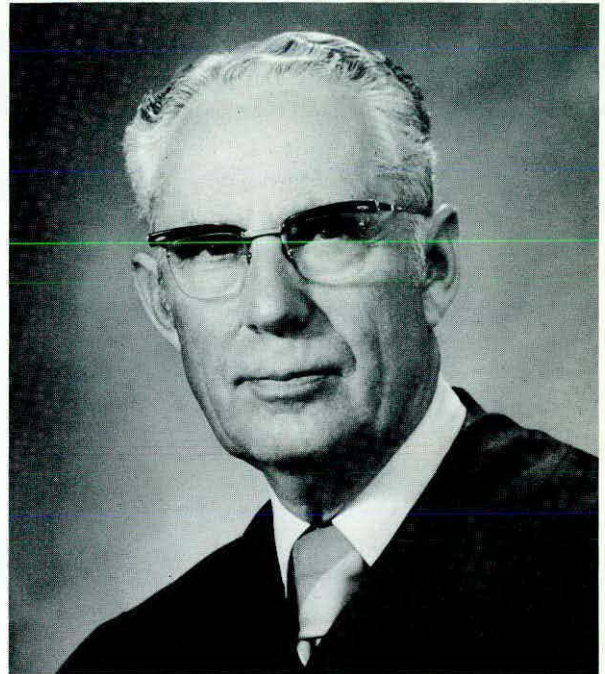
##### COMMENTS FROM JUSTICE HUNTER . . .

On next October 11th I will have been on the Supreme Court for 19 years. Prior to coming to this court, I served on the Superior Court Bench of Grant and Douglas Counties for 11 years. I am now the senior judge in judicial tenure in the state, am 68 years of age, and I believe the time is ripe to consider hanging up my judicial robe. I therefore will not be filing for reelection.

Although I look forward to my retirement, and being free from judicial responsibility, it is with a heavy heart that I will be leaving my colleagues on the bench after these many years. But it is gratifying to know that the Supreme Court is in good hands under the leadership of our excellent Chief Justice Charles F. Stafford, and our equally able Justice Charles T. Wright, who will be his successor at the end of this term.

Great advancements have been made in our judicial system since I first came upon the bench, and I am most pleased to be able to say that without question our judicial system is one of the finest in the nation. We do not have the long delays for the trial of cases that exist in some of our other states. This is due primarily for two reasons: (1) The lack of hesitancy of our legislature to provide new superior court judgeships where needed, and (2) The very flexible and efficient system that we have whereby each of our superior court judges have statewide jurisdiction and are available to be assigned temporarily by our Chief Justice from parts of the state where calendars are light to areas where court calendars are more congested.

Our greatest problem in the past was in the disposition of cases on our Supreme Court, for the reason that up until 1970 we had the same number of appellate court judges as we had in 1909 when our population was less than one-third the size it is today. Prior to 1970, cases on appeal had accumulated in a backlog to such an extent that we were over two years behind. But in May of 1970, the big breakthrough came. The governor signed a bill



**Justice Robert T. Hunter**

enacted by the legislature providing for a Court of Appeals consisting of four appellate court panels of three judges each, one located in Eastern Washington, one in Southwestern Washington, and with two panels for King County and the Northwestern part of the state. It was a highlight of my judicial career that, as Chief Justice, I had the privilege of inducting into office the 12 new members of this first Court of Appeals of our state.

This new Appellate Court system had the unique feature of providing that the more important cases, and cases affecting all of our citizens or of statewide significance, be filed directly on appeal to the Supreme Court, rather than working their way up through the Court of Appeals. As a result of this new streamlined court system our Supreme Court, which was more than two years behind in the setting of cases on its court calendar prior to 1970, is today current.

Our new appellate court, however, as a result of the great increase in the cases that have been appealed, is now having difficulty in keeping abreast of its load—however, our present appellate court system has provision for resolving this situation which we did not have as a single Supreme Court, in that the legislature can now establish additional

3-judge appellate court panels as the present and future may require.

I am proud to say that we have a fearless, courageous and progressive-thinking Supreme Court which is not shackled by stare decisis and decisions of the past. We have no hesitancy in overruling outmoded decisions where justice requires.

It is with the utmost pride in leaving the court, I will be able to say that I have served 11 years as a superior court judge, and 19 years as a supreme court justice, in the finest judicial system in the land for the people of our great state of Washington.

I would be remiss, however, if I did not give recognition to the members of the Bar of this state for whom I have had a continuing high regard and respect. I was a lawyer for 11 years in Grand Coulee prior to embarking on my judicial career. From my association with the members of the Bar as a practicing lawyer, and from my observations of those many lawyers who have practiced before me on the trial and appellate court benches, I can say we have the quality and calibre of lawyers in this state that fully measure up to the high standard and requirements demanded by the legal profession.

I look forward in my retirement to traveling with my wife, Maureen, and in spending time hunting and fishing in my old bailiwick of Grant County in Eastern Washington.

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### **SUPERIOR COURT NEWS**

*By* **JUDGE JAMES A. NOE**

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Superior Court Judges in the state of Washington played a major role in the business and activities of the National Conference of State Trial Judges during the annual meeting held in Atlanta, Georgia, August 5-9. The National Conference meeting was held in conjunction with the American Bar Association annual meeting.

Judge George H. Revelle presided over the meeting as the conference chairman. He has served on the Executive Committee of the Nation-

al Conference and previously as vice-chairman and chairman-elect. His presiding officer duties concluded with the Atlanta meeting. Judge Revelle will continue on the Executive Committee as past chairman.

Under Judge Revelle's leadership the National Conference has intensified its efforts to serve the general jurisdiction trial judges by improving communications, budgetary process, development and activities of committees and by making greater use of the ABA resources available to the conference.

Other Washington judges playing a prominent role in the meeting were state delegates Stanley C. Soderland, President-Judge for the Washington State Superior Court Judges' Association, Judge Richard Patrick, Benton-Franklin County, and Judge Carl Loy, Yakima County. Judge W. R. Cole, Kittitas County, has served as state representative for the National Conference and Judge James A. Noe, King County, completed his second year as regional representative on the Executive Committee of the National Conference.

Judge Nancy Ann Holman, King County, chairs the National Conference's Committee on

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Sociopathic Offenders, and has played a major role in preparing a committee report on the sociopathic offender.

The National Conference meeting dealt with such issues as compulsory judicial education, court unification, the effect of television violence on children, and the future relationship of the conference to the American Bar Association. The relationship of the conference to the ABA is a viable issue and drew strong comments from some judges who advocated "secession."

In the meantime, other Superior Court judges have taken the opportunity this past summer to attend the National College of State Trial Judges on the campus of the University of Nevada at Reno. Judge Thomas McCrea, Snohomish, Judge Lloyd Bever, King, and Commissioner Norman Quinn, King, attended the regular four-week session. Judge W. R. Cole, Kittitas, returned for a two-week graduate course. Judge Thomas Lodge, Clark, attended the basic three-week session while Judge Carolyn Dimmick, King, obtained further trial judge knowledge during the one-week course on Evidence.

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### JUDICIAL COUNCIL REPORT

By **KARL TEGLAND**  
*Judicial Council Attorney*

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## Judicial Review of Administrative Agencies, Part II

In the May, 1976 issue of the *Bar News*, I reported that a paper commissioned by the Judicial Council concluded that some appeals from administrative agencies should proceed directly to the Court of Appeals, without intermediate review by the superior court. Direct review in the Court of Appeals would be sought by petition. If the petition were denied, the case would be heard in superior court. I want to thank the many members of the bar who have taken the time to comment on this proposal. Comments, are, of course, still welcome and will be given careful consideration.

The report contains a second recommendation, not previously reported in this column, with respect to cases which would continue to be heard in superior court. Because an administrative appeal is a civil proceeding, it is governed under present law

by the Civil Rules for Superior Court. There are, however, areas where the civil rules are inconsistent with the Administrative Procedures Act. Review proceedings under the statute are required to be commenced by the filing of a petition rather than a complaint. Because review is ordinarily confined to the record, the rules of discovery are inapplicable. Other rules which do not appear to be inconsistent with the minimal procedural guidance provided by RCW 34.04.130 illustrate that the civil rules were not designed for, and are not readily adapted to, appeals from administrative agencies.

For example, Civil Rule 40, Assignment of Cases, defines the manner in which all civil proceedings are to be scheduled for trial. In the usual administrative appeal, where no irregularities in procedure are alleged and only issues of law are involved, CR 40 (a) (1), providing for service of notice of trial, would not apply. Rather, CR 40 (a) (2) would appear to apply, calling for the issues of law to be determined on the superior court's motion calendar. Alternatively, the appeal could be determined pursuant to a motion for summary motion filed pursuant to CR 56.

The rules do not conform to the customary practice in the superior courts: following the filing of the petition for review and the transcript, one party or the other does file a notice of trial. The case is set for trial, and on the trial date the attorneys for the parties appear for oral argument and review of the record before the judge, briefs having been filed prior to the hearing. Thus, the practice in superior court is comparable to, although less formal than, appellate court practice.

The report concludes that the statutory procedure defined by RCW 34.04.130 ought to be supplemented by special superior court rules applicable only to administrative appeals. It is suggested that these rules be patterned after the new Rules of Appellate Procedure. Much of the detail found in the Rules of Appellate Procedure would be unnecessary in superior court. The rules do, however, offer a framework for the development of superior court rules.

The Judicial Council invites comment on the necessity for rules governing administrative appeals and on what the content of the rules should be. Correspondence should be sent to 508 Condon Hall, 1100 N.E. Campus Parkway, Seattle, Washington, 98105. □




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## CRIMINAL LAW SECTION

By EDWARD G. HOLM

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The May 19, 1976 of the ABA Journal has another article opposing plea-bargaining. The article, by the prosecutor in Phoenix, Arizona, is entitled "The Case Against Plea-Bargaining". This debate has been becoming more active over the past three or four years, especially since the attack made on the practice by Attorney General William B. Saxby in 1974. Criminal lawyers should be involved in this dialogue.

The article sets forth disturbing statistics showing that there was no increase in the number of cases tried where the prosecution refused to plea-bargain.

This may surprise some of our members. But my experience supports the conclusions of the article. In working in different jurisdictions I found a disparity from county to county in the posture taken by the prosecutor's offices. Usually, the attitude of the prosecutor's office depends on the number of lawyers and their caseload. However, I too have observed that no matter how "tough" the prosecution was to deal with, the cases tried per cases filed remained about the same, or, the cases tried per cases filed did not seem to rise proportionately to the prosecution's refusal to deal.

I do not believe that this is a good argument against plea-bargaining but is an indictment of defense attorneys and defense systems. I have seen attorneys handling in excess of 100 felony cases with no jury trials or with only one or two. The tougher the prosecutor becomes, the more work is put on defense services. If it is not practical because of overload or because of economic reasons the number of trials will not change. In my observation, many attorneys will plead their clients guilty rather than spend the time in trial, if the chances of winning are very slim. Some defense attorneys and public defenders will not plead a defendant guilty if they do not have a reason. Should the case be tried and the defendants allowed to exercise all their rights if they do not get something from the prosecution?

I do not know what the ultimate solution is, however I think the problem is significant enough that criminal practitioners should begin giving it serious thought and action. I believe that imbalance in the system does not promote justice. I am convinced that if defense attorneys are given adequate time, with reasonable caseloads or adequate economic incentives the failure to plea-bargain would substantially raise the number of cases tried, which would promote a more just result.

These comments are written to stimulate thought and discussion and the Executive Committee of the Criminal Law Section of the Bar in no way endorses the opinion of the author.

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## TRIAL PRACTICE SECTION

By PAUL R. CRESSMAN

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The Trial Practice Section is sponsoring a cocktail party for all members of the State Bar Association during the State Convention on Wednesday evening, September 15th, at 6:00 P.M. in the North Room at the Sheraton Hotel. Complimentary hors d'oeuvres will be provided, but Bar Association rules require that the cocktails be on a "no-host" basis.

The seminar sponsored by the Trial Practice Section will be held on Friday, September 17th from 2:00 to 4:00 P.M. Co-chairpersons are William J. Rush of Tacoma and Leon L. Wolfstone of Seattle. Topics and speakers are as follows:

Municipal Liability-  
Failure to Inspect,  
etc.

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tions

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Hoquiam

Products Liability-  
The Old Product  
and Non-Vendor's  
Liability

H. Frank Stubbs,  
Tacoma  
John Gavin,  
Yakima

Spokane

December 3rd

Seattle

December 9th

Olympia

December 16th

The Annual Business Meeting of the Trial Practice Section will be held immediately after the seminar on Friday, September 17th at approximately 4:00 P.M.

Plans are already commencing for the Trial Advocacy III Seminar to be held in three cities throughout the state on the following dates:

The co-chairpersons for Trial Advocacy III are Herbert H. Freise of Walla Walla and Robert P. Piper of Seattle.

Michael W. Dundy of the Seattle firm of Bogle & Gates has agreed to serve as Correspondent-Reporter for purposes of publishing news of the Trial Practice Section's activities.

## New Christy Minstrels Headline Annual Meeting Entertainment



The world famous New Christy Minstrels will be the featured entertainment at the Friday Nite Gala Dinner Dance and Show at the Annual Meeting in Spokane next month. A major phenomenon in entertainment, this fabulous group has been performing around the world for the past fifteen years. A constant addition of fresh, young talent keeps the group as original and entertaining as it was when first formed in 1961. Million-seller records . . . sell-out nightclub appearances . . . command performances before the royalty and leaders of the world . . . You'll find out why as you enjoy their date at the Spokane Annual Meeting next month.



## Around the State

### KITSAP REPORT

By WM. J. KAMPS

Enclosed you will find a poem by The Honorable Jay W. Hamilton, one of our Superior Court Judges in Kitsap County. I enjoyed the poem and thought you would, too.

#### Eternal Optimism

*By Honorable Jay W. Hamilton  
Kitsap County Superior Court*

Woe to the lawyer whose case  
is weak,  
Who hasn't the facts about  
which to speak.  
Pity the counsellor whose client  
is wrong,  
For him days in court are  
exceedingly long.

No matter how earnest or  
eloquent he,  
No matter how fervently he  
makes his plea  
The truth will come out when  
the jury is done.  
His client will have lost, the  
other side won.

As he packs up his file and  
picks up his case,  
His outlook is dark, his  
thoughts are most base.  
Though the Judge says, "Take  
heart, you handled it well,  
He knows that he lost, he still  
feels like hell!

For the lawyer's an advocate,  
to win is his aim;  
to get his client a victory is the  
name of his game.  
So he agonizes, struggles,  
studies and toils,  
Never content to lose; to the  
winner's the spoils.

Woe to the lawyer whose case  
is poor,  
He must deal with evidence,  
nothing more.  
But tomorrow, tomorrow a new  
trial he'll begin,  
New client, new facts, a new  
chance for a win!

### BENTON-FRANKLIN REPORT

By STEPHEN T. OSBORNE

Election of officers for the coming year were held July 20, 1976. **Stanley D. Taylor** was elected President, **Rembert Ryals** was elected Vice-President, and **Chris Nikola** was elected Secretary.

The annual fishing derby at Westport, July 15-18, was a roaring success. Our crew of fourteen limited both days. This writer was voted "Puker of the Year", receiving a particularly high mark in the category of endurance. However, that distinction was not won easily. Coming in a close second was **Pat "I Fished in Alaska" Roach**. Pat's complexion was somewhat akin to army green. Although it couldn't be confirmed, rumor had it that during the trip some members of the crew engaged in games of chance and partook of beverages brewed from corn and hops.

Some discussion was had of **Bob Day's** reference in the President's Corner in June's issue of the *Bar News*, that there were six lawyers in this Bar Association who had drinking problems. By the last day of the trip it became evident that none of the lawyers there had a problem drinking. Some of the veterans of the trip bowed their heads for a few moments' silence on Sunday in rec-



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Coming up next month will be the annual golf tournament which will be held at the Tri-City Country Club. **Andy Bohrnson** will be back to defend his title. The tournament will be followed by a buffet dinner and installation of new officers.

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### SEATTLE-KING REPORT

By **JOHN J. SOLTYS**

---

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.

**Vince Abbey** announces the formation of a new partnership entitled **Abbey, Strand & Fox** which will have its offices at 300 Park Place Building, Seattle, Washington, 624-5082.

**Lawrence B. Lundberg** has become a partner of the firm of **Haugland & Sherrow** with the firm name being changed to **Sherrow & Lundberg**.

**Roger L. Stouder**, formerly tax supervisor with **Ernst & Ernst**,

has become a member of the firm of **Reed, McClure, Mocerri & Thonn, P.S.**

The President-Elect of the ABA has appointed **Llewelyn Pritchard** as Chairman of the Standing Committee on Legal Aid and Indigent Defendants.

**McDonald, Hoague & Bayless** welcomes their newest associate, **Robert C. Randolph**, who is a graduate of the Virginia Military Institute, Harvard Law School and is a Rhodes Scholar.

Baseball czar **Bill Leedom** proudly announces that the King County professionals baseball league is a huge success for the second year in a row. Ten teams have registered and their players are fighting for the perpetual trophy, for nomination to the King County all-star team—and olympic team, and for the right to speak at the awards banquet to be held later on.

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### ISLAND COUNTY REPORT

By **TED D. ZYLSTRA**

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**Dick Pitt** is now back in the office following surgery for the occupational hazard - ulcers.

The annual Island County Bar Steak Fry held at **Ed Beekma's** beach cabin was a resounding success with nearly all members and their wives present.

Your reporter's new boat lies silent at its slip as the only option not included was time for enjoyment.

**Rick Nunn**, a local Oak Harbor product, was sworn in in a ceremony held in Judge Patrick's Court on July 16.

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## GRAYS HARBOR REPORT

By THOMAS A. BROWN

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JAWS, HOOKER, THE JUDGE, LEPRECHAUN—names of a few of the seaworthy craft that some 98 lawyers and judges took to sea in the 1976 Grays Harbor County Bar Association Fishing Derby. Such intrepid fishermen as **Hugh Rosellini**, **Robert Hunter**, **James Dooliver**, **Keith Callow**, **Solie Ringold**, **Fran Holman**, **Ed Henry**, **Bob Cole**, **Peter Steere**, **Eddie Friar**, **Clary Cone**, **Ted Bottiger**, and **Bob** “one fish” **Charette** braved the treacherous Grays Harbor Bar (and some other pretty treacherous bars) to compete with their brothers for the not-very-elusive salmon. All fishermen had their 3-salmon limit within a couple of hours and were back at the Westport docks by mid-morning. The rest of the day was spent in liquid anticipation of the gala awards banquet. After the emcee **Paul Stritmatter** summarily (but correctly) denied all 47 of **Bottiger's** dilatory motions, the usual round of insults, awards, and marginal jokes ensued. The big winner was **Yancey Reser** of Walla Walla, with a 23 lb. King salmon. As dusk descended, the weary anglers trudged homeward, clutching their finned trophies.

The new officers of our Bar Association are: **Dick Goodwin**—president; **Dan Raas**—v.p., and **Ray Dudenbostel**—sec'y-treas.

**Mike Taylor** and **Bruce Thompson** are now practicing with **Dan Raas** on the Quinault Indian Reservation.

**Mike Valdez**, an associate of **Dave Weyer** of Seattle, has set up practice in Ocean Shores.

The husband and wife legal team of **Jerry and Kathy Makus** has descended upon Grays Harbor. **Jerry** is an associate of **John Farra**, and **Kathy** is working on a part-time basis at the offices of **Charette & Brown**.

Earlier this year, **Doug Lewis**, joined the prosecutor's staff as the Juvenile Deputy. We assume that he will retain that title at least until he reaches 18.

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## SOUTH KING REPORT

By JAMES L. VARNELL

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SARTORIAL EXCELLENCE. After much diligent research, this reporter has compiled a list of the best dressed attorneys

in the South King County Bar Association. At the head of the list is our immediate past president, **Dick Conrad**, and his law partner, **Mort Hardwick**. Others deserving recognition include the following: **Bob Smythe** (he must do his shopping in Philadelphia); **Mel Kleweno** (he picked up something more than just a tax degree while in New York City); **Gary Faull** (well dressed even with those platform shoes); “**Flashy Jack**” **Burgeson** (**Byron Ward** could learn something from him); and closing out the list are **Gerald Shellan**, **Rick Barney**, and **Bob McAdams**.

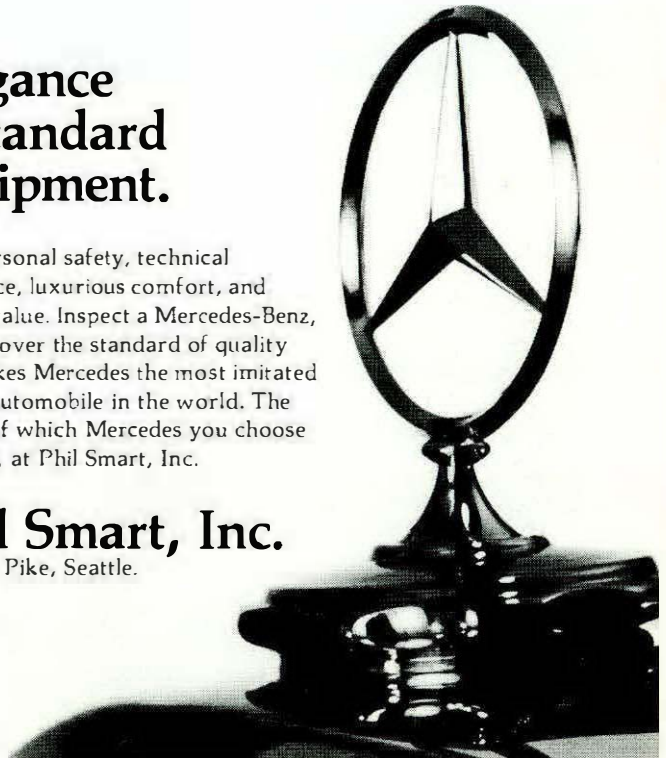
Two attorneys were not considered for the above recognition: **Jim Gorham**, in view of the fact that his father-in-law owns **Elvins Department Store**, and **Alva Long** for obvious reasons.

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A fellow reporter to the *Bar News*, **Ken St. Clair**, was recently seen violating a local rule of the King County Superior Court by wearing a leisure suit in the courthouse. Sanctions for violation of this rule include having to serve as judge protem for two weeks of the following calendars: small claims, first appearance (criminal), and the family law (show cause) hearings. Ken should take a lesson from a former Skagit Countian, **Tom Buckneil**.

**SPOKANE PRACTICE.** Those Spokane attorneys can really be rough on an out-of-towner taking a deposition in Spokane for a King County action. With **Stan Moore** you should either accept his tender of defense or he may file a cross-claim against you. If you have a deposition against **Jim Egan**, you might consider bring-

ing the King County Presiding Judge with you for immediate rulings.

**AUBURN HAPPENINGS.** In an effort to compile "material" for this column, we contacted several Auburn attorneys in the King County courthouse regarding any newsworthy items. According to **John Hoover**, **Bill Donais**, **Pete Giere**, and **Ernie Crane**, there is nothing happening in Auburn.

**SABBATICALS AND TRAVELS.** We are informed that the following attorneys have briefly retired from the practice of law: **Jim Curran** (one year), **Pat McBride** (six months), and **Bob Knies**. Bob is apparently the poor man of that group, as he could only afford six weeks from his job.

**BIEGE OPEN.** The South King County attorneys are look-

ing forward to being joined in their annual golf tournament by some downtown Seattle golfers. Word has it that **Dave Koopmans** has settled (after one and one-half days of trial) the case which he was handling for **Paul Cressman**. Previously, Cressman had already indicated that he would tee off with **Phil Biege**, tournament coordinator, and Judge **Frank Eberharter**. Now, Koopmans will also be able to join in the fun. (Koop: Why do you think those downtown firms have associates?)

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#### THURSTON-MASON REPORT

By **FRED D. GENTRY**

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**Paula Casey** has joined the growing number of lawyers in our area by opening her office in the Security Building. She is a graduate of Willamette University.

A report on the vacation front is as follows: **F. Parks Weaver** is on his way to Hawaii as a participant in the Victoria Maui Sailboat Race. The theory may be that if the weather doesn't cooperate and provide wind, Parks will provide an example of his closing argument, which has often been described as "hot air blowing". The Court Administrator, **Jack Kessler**, is riding the waves locally on his new 18' sailing catamaran. The other extreme is **Frank Heuston** of Shelton, continuing to make climbing sojourns to Mount Rainier. **Steve Bean**, recently floated the Rogue River in Oregon from start to finish. **Argal Oberquell** just returned from the Big Apple where his wife was a delegate at the Jimmy Carter Coronation.

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**Twenty Years Ago . . .**

Wayne Gladstone of Richland wrote the editor of the *Washington State Bar News* asking if it had been discontinued since he had received no copy for five months. Part of the reply was this:

“Your inquiry as to whether the *Washington State Bar News* is still being published is a sound and sensible one in view of the fact that there has not been an issue for five months. The fact is that what the 19th century writers liked to refer to as a ‘concatenation of circumstances’ (most of them having to do with my having to practice law) has prevented my putting an issue together. . . .”

**Births**

The following were elected president of their respective County Bar organizations:

- Edward G. Cross**, Ritzville — Adams.
- Dean W. Loney**, Kennewick — Benton-Franklin.
- Harvey F. Davis**, Wenatchee — Chelan.
- Franklin B. Platt**, Port Angeles — Clallam.
- William N. Church**, Vancouver — Clark-Skamania.
- Wayne Roethler**, Kelso — Cowlitz.
- Richard A. Perry**, Republic — Ferry.
- R. W. Gibson**, Quincy — Grant.
- Donn F. Lawwill**, Aberdeen — Grays Harbor.
- A. Clemens Grady**, Port Townsend — Jefferson.
- James B. Sanchez**, Bremerton — Kitsap.
- Spencer D. Short**, Ellensburg — Kittitas.

- Donald D. Schnatterly**, Centralia — Lewis.
- Charles A. Johnson**, Okanogan — Okanogan.
- Fred M. Bond**, South Bend — Pacific.
- Ed. T. Brigham**, Newport — Pend-Oreille.
- Elmon A. Geneste**, Friday Harbor — San Juan.
- Charles F. Abbott**, Sedro-Woolley — Skagit.
- John N. Rupp**, Seattle — King.
- Samuel P. Hale**, Snohomish — Snohomish.
- Charles F. Scanlan**, Spokane — Spokane.
- Albert I. Kulzer**, Chewelah — Stevens.
- R. E. Stouffer**, Tacoma — Pierce.
- Neil J. Lynch**, Olympia — Thurston-Mason.

- Charles Snyder**, Walla Walla — Walla Walla.
- Tom A. Durham**, Bellingham — Whatcom.
- James D. McMannis**, Colfax — Whitman.
- Lloyd L. Wiehl**, Yakima — Yakima.

**Crossed the Bar**


**Robert Fry**, Olympia, age 90. Mr. Fry was a native of Missouri.

Ever effervescent **Stanbery Foster** reported: “It was interesting to learn that Olympia attorney **Tom O’Leary** has strawberry shortcake every night, April to October, and walks an extra mile daily to compensate, partially, for such sin.”

It was not reported whether such was Brother O’Leary’s only sin.

**David J. Williams**

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## Briefly Noted

### Christian Legal Society Breakfast to be Held At State Convention

The Christian Legal Society will sponsor a prayer breakfast during the State Bar Convention. This will be the sixth year for the event. The breakfast will be held at the Sheraton-Spokane, convention headquarters, on Saturday, September 18, at 8:00 A.M. The convention program will list the room location.

Richard S. L. Roddis, Dean of the University of Washington Law School, will be the guest speaker.

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

William H. Ellis, 4400 Seattle-First National Bank

Building, Seattle, Washington 98154, Telephone: (206) 447-4465; Joel Paget, 3201 Bank of California Center, Seattle, Washington 98164, Telephone: (206) 464-4224; Raymond C. Eberle, 1407 Old National Bank Building, Spokane, Washington 99201, Telephone: (509) 624-2161.

### S-KCBA/CPA Golf Tournament

Planning is completed for the 1976 Attorney/CPA Fall Invitational Golf Tournament to be held Friday, September 24, 1976, at the Inglewood Golf and Country Club.

The Golf Tournament and dinner will be co-sponsored by the Seattle-King County Bar Associ-

ation and the Washington Society of Certified Public Accountants. Complete details and forms for pre-registration will be mailed to the combined membership early in September. Registration forms can also be obtained by calling the Washington Society of Certified Public Accountants, 624-7246. Events Scheduled for the September 24 outing include 18 holes of golf at the challenging Inglewood course featuring prizes for both handicap and Callaway division golfers. Starting tee-off times will be from approximately 9:00 a.m. to 1:30 p.m. followed by a social hour and informal prime rib dinner in the Country Club dining room.

The purpose of the Tournament is to provide an opportunity for attorneys and CPAs to get acquainted and socialize in a non-business atmosphere. Accordingly, foursomes will be preregistered composed of two attorneys and two CPAs each. This arrangement proved quite successful and popular in the Attorney/CPA Tournament in October 1975, which was well attended by local area professionals. The committee for the 1976 Invitational is anticipating a large turnout for the Golf Tournament and dinner and advises early registration to assure choice of starting times. Registration is not limited exclusively to foursomes as the Inglewood course golf pro has agreed to assist in placing individual registrants into foursomes of equal golf capabilities.



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## Jones and Hemovich Elected to Board of Governors

The Annual Convention in September begins the term of office for newly elected Board members Mike Hemovich and Brad Jones. Both men bring to their new positions ample experience gained from previous service in State Bar service.

**Bradley T. Jones** has been elected to represent lawyers in the First Congressional District. He is a partner in the firm of Davis, Wright, Todd, Riese & Jones. Graduated from the University of Washington Law School in 1941, he has been practicing law for the past 35 years.

After service in the military during World War II, he was engaged for a time in the food processing industry and was a director of the National Cannery Association and President of Northwest Frozen Foods Association.

He has been an active member on a variety of State Bar positions which include the chairmanships of the Committee for the Adoption of the Uniform Commercial Code, the Legislative Review Committee and Editorial Review

Committee. He is a past-president of the Seattle-King County Bar Association and has been a panelist on Continuing Legal Education programs and a Bar Examiner for several years.

Jones will succeed Richard H. Riddell as the First Congressional District's representative on the Board.

**Michael J. Hemovich** will be representing the lawyers of the Fifth Congressional District. He is a partner in the firm of Bantz, Hemovich & Nappi. A 1952 graduate of Gonzaga Law School, Mr. Hemovich has been in private practice since then.

He has been an active participant in State Bar activities, having been a member of the Disciplinary Board for over 5 years, three of which were spent as chairman, and on local Bar committees concerning the revision of child support schedules.

As a member of the City of Spokane Park Board, Mr. Hemovich played a key part in planning for the remodeling of the Expo '74 fairgrounds site into what is now Spokane's Riverfront Park.

Hemovich will succeed John E. Heath, Jr. as the Fifth Congressional District's representative on the Board.

**SPACE AVAILABLE:** Next to Old City Hall for one attorney in a 5 attorney suite. Use of library-conference room, telephone, receptionist-secretary, copier, reception area - \$600/mn. Tacoma, (206) 572-2600.

**FOR SALE:** Mertens, Law of Federal Income Taxation, 12 vols. plus Commentary, Regulations and Rulings with current supplements. \$600 but negotiable. Contact John Peick, Seattle, (206) 624-7272.

**FOR SALE:** AmJur Legal Forms II with 1976 Supplements; AmJur Pleading and Practice Forms, Revised with 1976 supplements; ALR Federal, Volumes I through 27; Jones On Evidence, 6th Edition. Ritzville, (509) 659-0600.

**FOR SALE:** Model S-14 Olivetti typewriter with Mag Form Legal and Record Systems. Assume balance of contract of \$10,342.70 with monthly payments of \$244.75. This is an unused machine and above contract price amounts to a 30% discount. Call Azalea Streubel; Bellingham, (206) 734-2000.

**FOR SALE:** A limited supply of the three volume Washington Lawyer Practice Manuals and current supplements is now available. A complete set of Manuals and supplements - \$60.00; supplements only - \$10.00. Call or write the Seattle King County Bar Association, 320 Central Building, Seattle, WA 98104, (206) 623-2552.



Bradley T. Jones



Michael J. Hemovich



**LAW OFFICE AVAILABLE:** 38th floor, Seattle-First National Bank Building, well-equipped library-conference room-\$450.00 per month. Seattle, (206) 682-8850.

**FOR SALE:** Washington Reports; Washington Digest; RCWA; Am Jur 2d; ALR 2d, 3d, Federal, Digest; Washington Practice; Washington Court Rules; Danner, Interrogatories; Miscellaneous texts and forms; Seattle, (206) 623-7031; 623-6710.

**FOR SALE:** Stenorette tape transcribing machine, 1½ yrs. old, excellent condition, (new \$445), asking \$300. Mercer Island, (206) 232-3983.

**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 3rd, Volumes 1 to 67, \$1,150.00. ALR Fed., Volume 1 to 25, \$425.00. Mint condition. Call 782-1130, Seattle.

**FOR SALE:** Law Books, 1 complete set, R.C.W.A., New condition, make offer; Tacoma, (206) 564-7137.

**FOR SALE:** ALR 3rd, ALR Federal. Later Case Service, Am. Jur., Am. Jur. Forms, Wa. Digest, Wa. Practice. The prices are negotiable. Please contact: Barry Ryan, Business Manager; Richter, Wimberly & Ericson, 708 Old National Bank Building, Spokane, Washington 99201, (509) 455-9200

- Sept. 15-18 1976 Annual Meeting of the Washington State Bar Association. Spokane.
- Sept. 22-24 *Real Estate Syndication Conference*. Olympic Hotel, Seattle. Sponsored by the Real Estate Syndication Digest, Inc.
- Oct. 1 CLE Seminar: *The New Rules of Appellate Procedure*. 1-6 p.m., Ridpath Motor Inn, Spokane. Karl Tegland, Seattle, Chairman.
- Oct. 8 CLE Seminar: *The New Rules of Appellate Procedure*. 1-6 p.m., Olympic Hotel, Seattle.
- Oct. 15-16 ALI-ABA Seminars: *Federal Criminal Practice & Procedure and Practice Under the Federal Rules of Evidence*; Washington Plaza Hotel, Seattle. Information: Write Donald M. Maclay, Director, Courses of Study, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104, or telephone (215) 387-3000.
- Oct. 21-22 CLE Seminar: *Twenty-First Estate Planning Seminar*, Olympic Hotel, Seattle. Co-sponsored by the Estate Planning Council of Seattle. Seminar Chairman: Dell R. Call, Seattle.
- Oct. 29 CLE Seminar: *The New Rules of Appellate Procedure*. 1-6 p.m., Sherwood Inn, Tacoma.

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## Lawyer Placement

1. U. of W. School of Law seeks two part-time lecturers to teach sections of Trial Practice course, winter and spring quarters 1976-1977. Qualifications include high academic rank in law school, substantial practice experience, and familiarity with Washington trial procedure. Substantial salary. Contact Professor William B. Stoebuck, Chairman, Initial Appointments Committee, School of Law, University of Washington, Seattle, 98105, (206) 543-4917.

2. Attorney, 30, married, J.D., Master's tax courses, presently in downtown Seattle with general practice, seeks position in medium to large Seattle firm needing attorney with certified public accounting and tax background. Three years experience in litigation, business, tax and estate planning. Replies confidential. Contact P. O. Box 60, Washington State Bar Assoc., 505 Madison, Seattle, 98104.

3. Highly experienced trial attorney, 33, personal injury, corporate. Verdicts in excess of \$1 million including \$500,000 punitive damages. Will relocate immediately. Write to: WSBA, 505 Madison/Seattle, WA 98104/Attn: P. O. Box 40.

4. Young sole-practitioner in Seattle desires to associate or form partnership with one or two man firm in general practice of law in Greater Seattle. Background available upon request. Contact Box "G", Washington State Bar Association Office.

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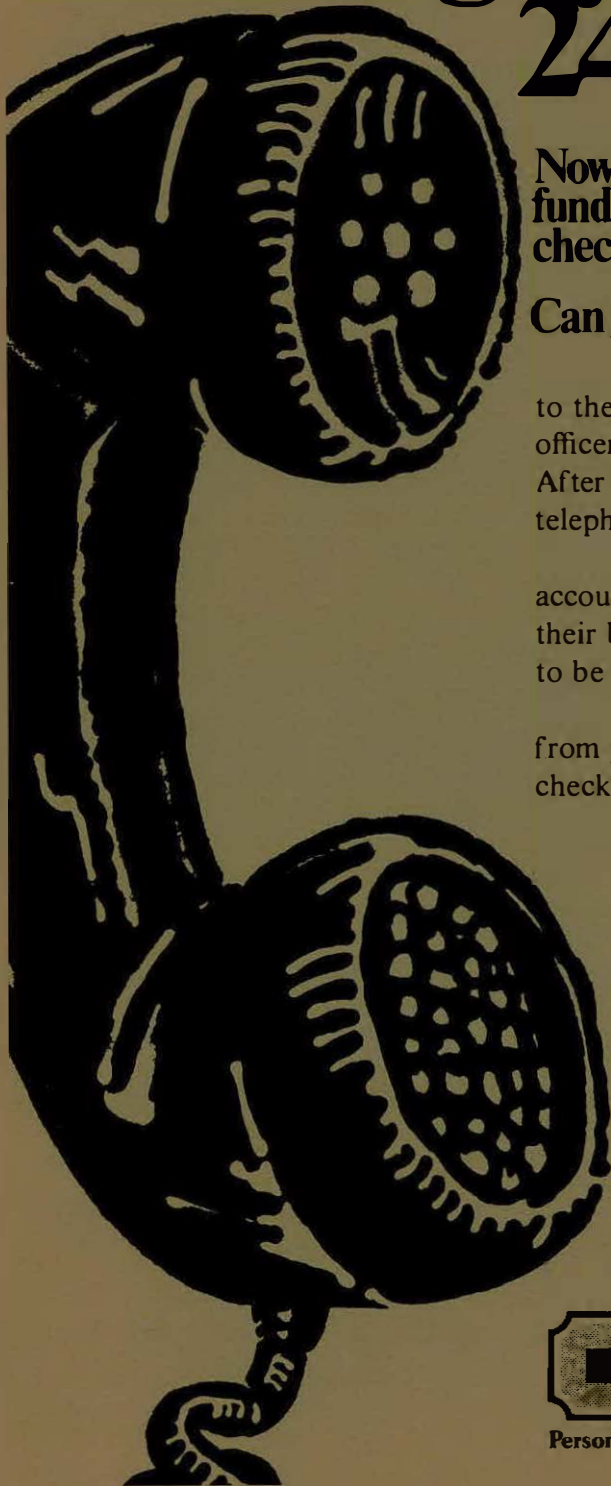
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