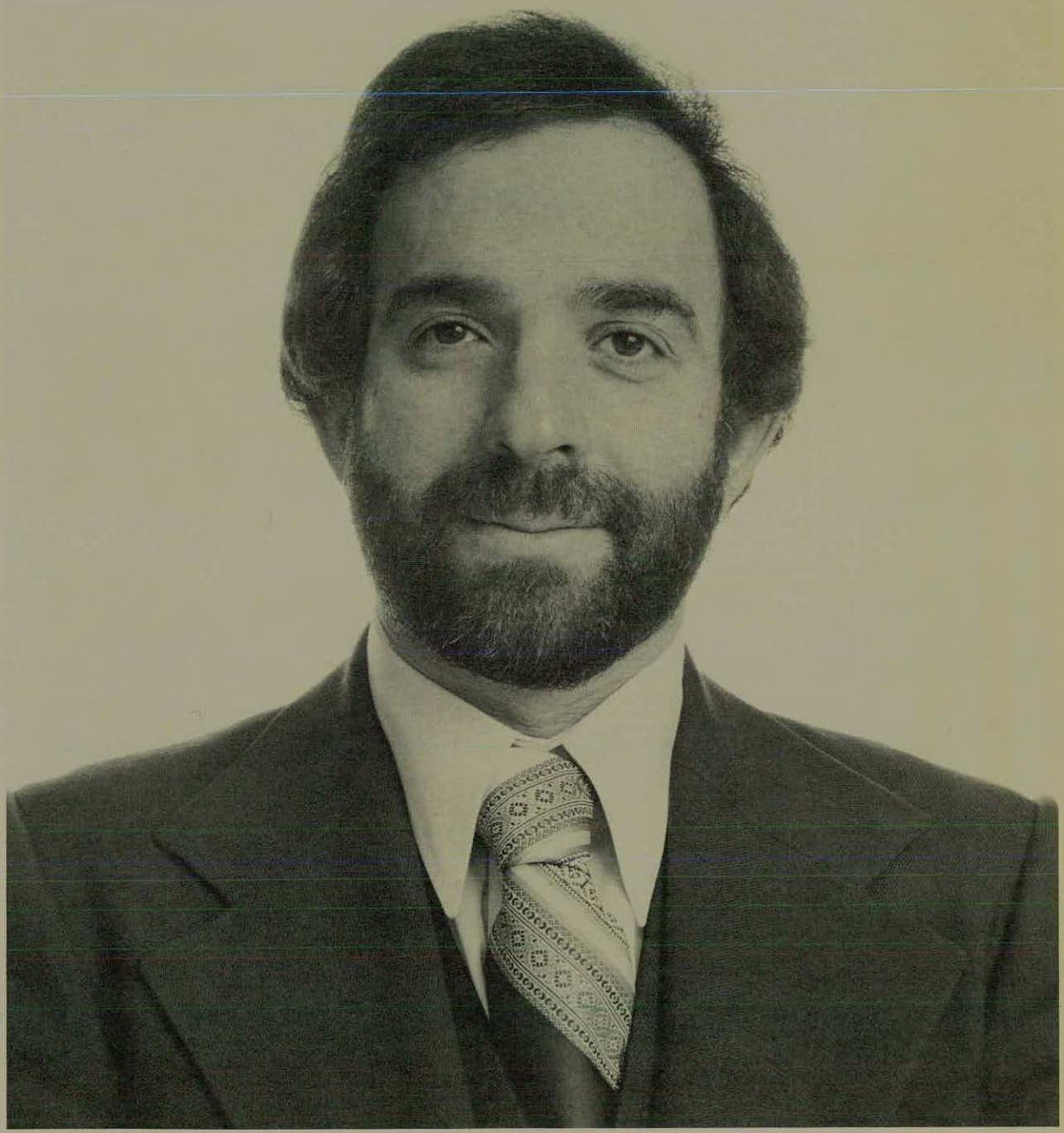
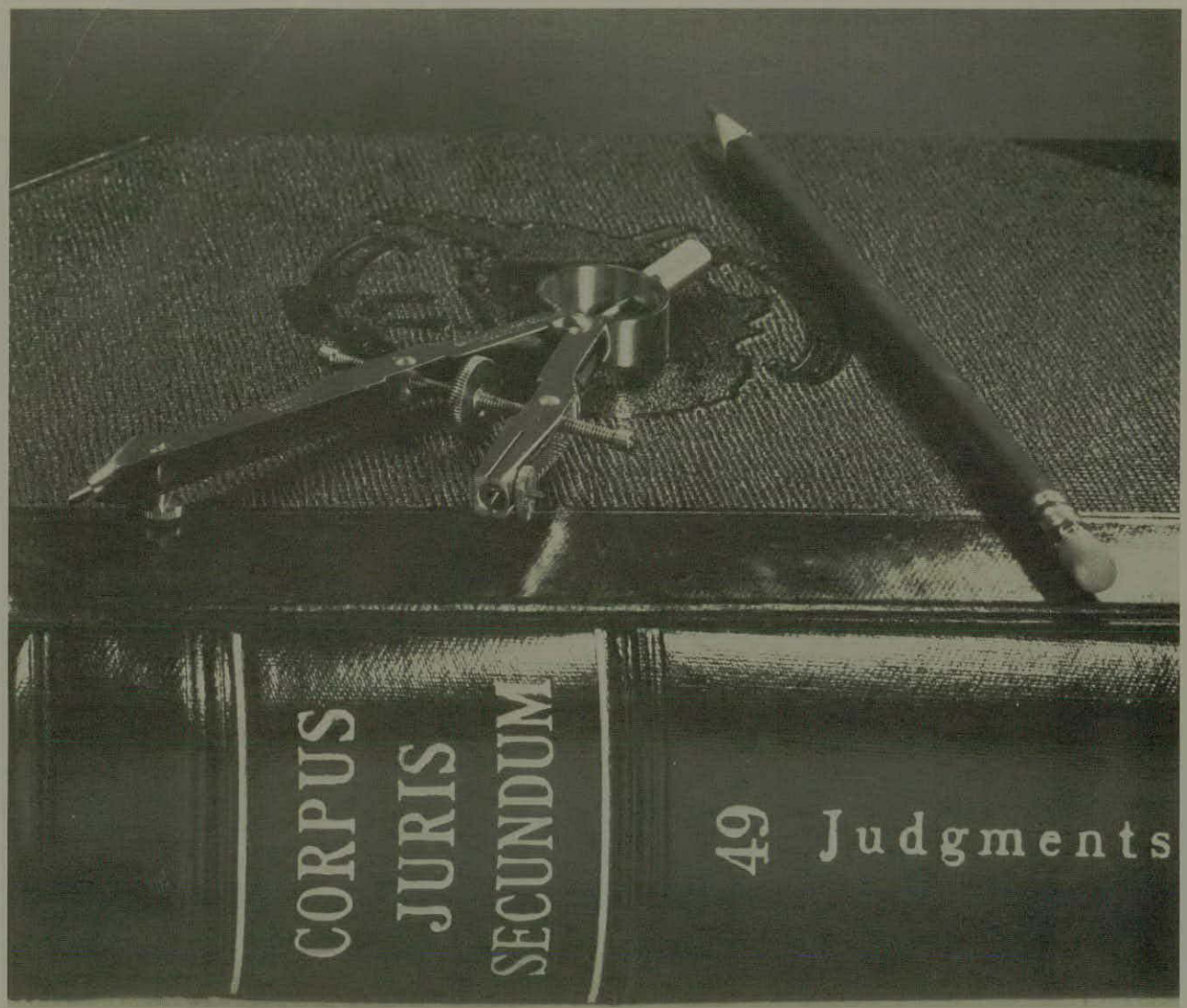
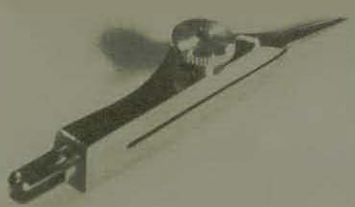
Volume 32, Number 10
October, 1978

WASHINGTON STATE BAR NEWS



DAVID D. HOFF, PRESIDENT 1978-79





The missing point can lose your case

When you use Corpus Juris Secundum in your law research, you have an edge: The confidence that comes from knowing that this complete law encyclopedia is based on all reported case law.

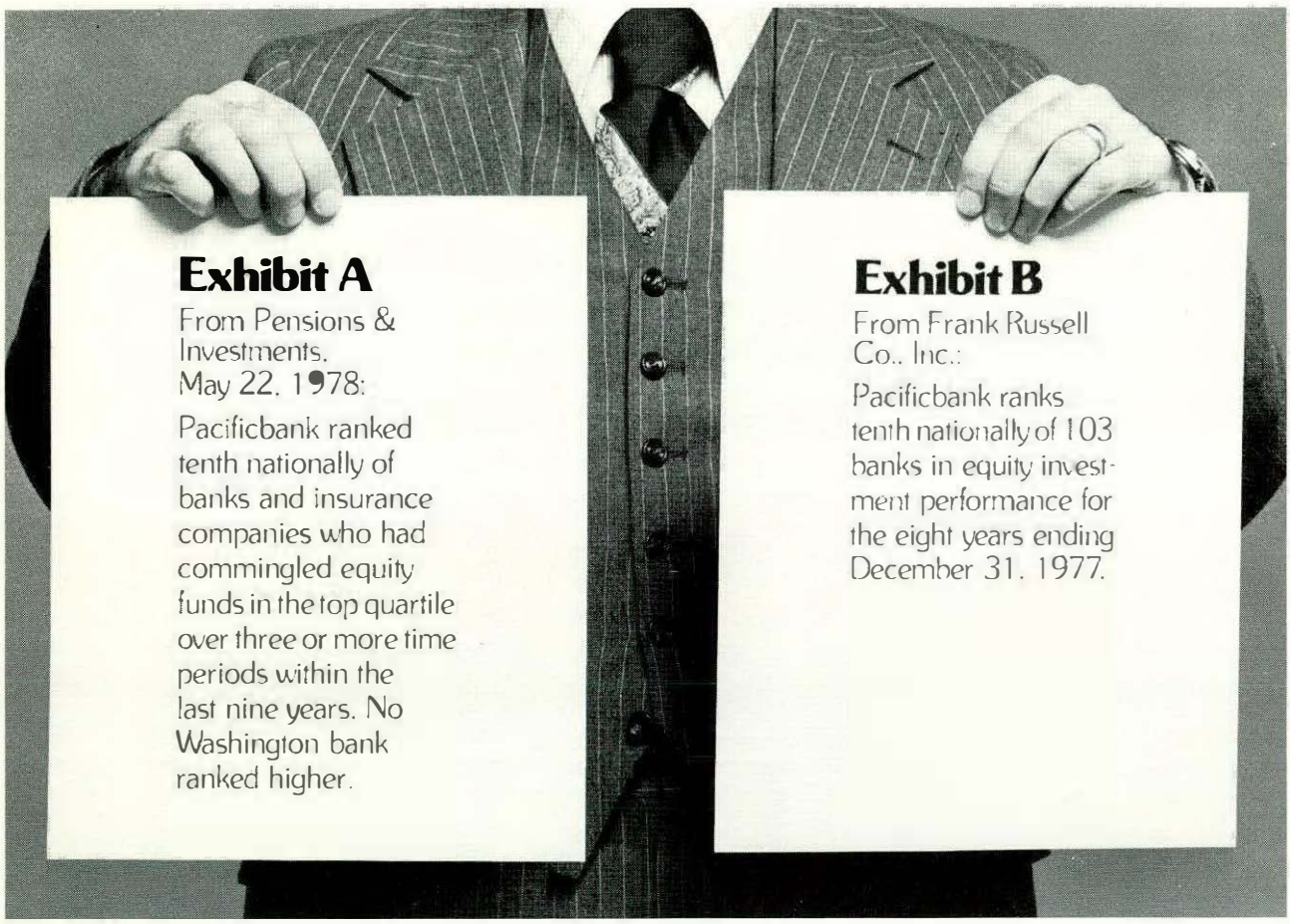
CJS is not only complete, it is easy to use. Concise "black letter" law summaries begin each section. Triple index guides you unerringly to the point that might well win your case.

You get the exceptions, too, as well as the rules.

The point is this: For thorough research, for your professional pride in demanding that no point is overlooked, you will want CJS in your library. Make it a point to learn more about how America's great law encyclopedia can serve you. See a West sales representative or write:

WEST PUBLISHING COMPANY

John R. Pullen
Route 1, Box 48
Colbert, WA 99005
Phone 509/487-0733



A case for our investment performance.

The investment goal of our Trust Division is to perform consistently. And published figures on our employee benefit trusts are evidence that we've been doing just that.

We're proud of our record. We'd like to go to work for you and your corporate clients on their pension and profit sharing plans. And we'd like to work with you on individual capitalized matters as well.

Call (206) 292-3530 and ask for a copy of our Annual Report. It's the best testimony we can think of to our investment expertise.

Pacificbank
Trust Division

Published by

WASHINGTON STATE BAR ASSOCIATION
505 Madison Street Seattle, Washington 98104

Jay V. White, *Editor*

All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or of the Board of Governors.

Published monthly on the first day of the month. Deadline for editorial and classified advertising materials: 25th day of second preceding month.

Direct all correspondence and editorial copy to Washington State Bar News, State Bar Office, 505 Madison, Seattle 98104. Telephone: (206) 622-6054

Subscription price is $12.00 a year, $1.00 a copy. Subscription included with active membership. Back issues $1.00 per issue.

Printed by United Graphics, Seattle

Volume 32, Number 10
October 1978

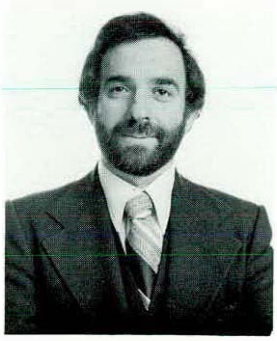
WASHINGTON STATE BAR NEWS

FEATURES

IN THE NEWS

DEPARTMENTS

Our Cover

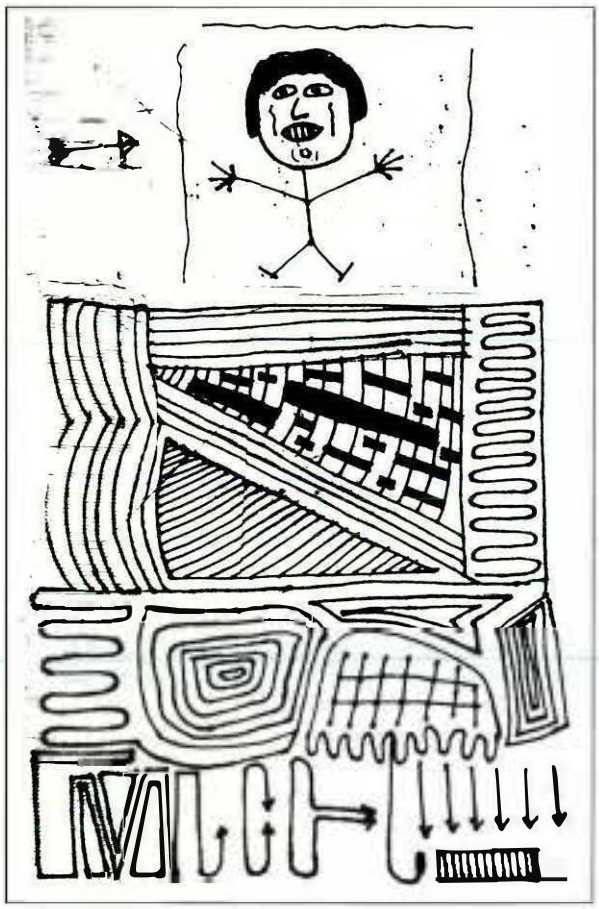


David Hoff is the 47th president of the Washington State Bar Association. He assumed office at the conclusion of the Annual Meeting in Spokane, September 13-16.

Conventional Wisdom

Dr. Joyce Brothers was part of the "spouses' program" at the Annual Meeting in Lilac City, September 13-16. I went to her speech, disguised as a spouse. She gave an entertaining but over-memorized presentation while I thoroughly enjoyed several miniature tuna fish sandwiches and several glasses of champagne. She said studies show that people who enjoy eating have better sex lives than those who do not enjoy eating. This logically follows from studies showing that people who eat have better sex lives than those who do not.

This reminds me that the food at the Convention Center was lousy. Some say it was the fluorescent lighting, but incandescent review confirmed that the coffee was yellow; the potato salad was too yellow; the lemon meringue pie appeared to be spiked with limes; the ham was smothered in sour raisins; the rolls were too small to make sandwiches with the cold cuts; the salmon was green; and so was my face. Fortunately, there are restaurants in Spokane.



CLE was much better this year than it was last year. The substantive content is well-summarized in the 943-page Convention Notebook put together by seminar participants so I will not repeat it here. One item not mentioned there is that of the 6,300 lawyers subject to mandatory CLE in 1977, more than one-third of them swore they attended more than the required 15 hours. One lawyer swore to 504 hours. That is enough to make anyone swear.

Solicitor General Wade H. McCree, Jr., explained why his job is so exciting that he gave up a seat on the Sixth Circuit Court of Appeals 18 months ago. He said this decision has been compared to trading a life estate for a tenancy at will.

The new ABA president, S. Shepherd Tate, gave his first major speech to a bar association at our Convention. He said he is trying to explain lawyers to Jimmy Carter and to the Justice Department. To us, he explained that the Justice Department just dismissed its two-year-old anti-trust suit against the ABA, which had alleged an unlawful conspiracy to restrict advertising by lawyers. He did not explain Carter.

Basketball coach of the Year Abe Lemons of the University of Texas compared his profession to ours: "You got the judges, we got the referees. You gotta lotta similarities there: good calls, bad calls." I also have to steal his line about jogging: "I don't do it. I figure you have only so many heart beats, and I don't see any reason to speed them up."

I cannot remember a thing that was said by either Phyllis Diller or Chief Justice Charles T. Wright. They were both over my head.

The sketch included with this column is a truly rare document. It is the actual notes taken by our new president, David D. Hoff, during a meeting of the Board of Governors at Hotel Outastate last year. It is a rare document because it reveals then-Board Member Hoff's game plan for ascension to the bar presidency. The original is red on white napkin. It was before he grew the beard.

JVW

SMART SERVICE TECHNICIANS

We're the Phil Smart service technicians. Each of us has been through the latest factory training courses. And we offer you a 6-month or 6,000-mile warranty on every job we do. A warranty honored by Mercedes-Benz and BMW dealers nationwide.

We use state-of-the-art equipment. Even a computer terminal that remembers what has been done to your car and when. We supply most factory parts within 2 days. Our price will be consistent with our estimate. And we'll give you that estimate before we begin any work.

Bring your car in for service at our shop, and you'll get an honest, skillful job. We'll see to it. Your Mercedes-Benz or BMW is a smart investment. Our service department is another reason why.

Phil Smart, Inc.

SMART INVESTMENTS.

The President's Corner

On April 21, 1978, Joe Sims, Deputy Assistant Attorney General of the Anti-Trust Division, gave a speech before the Oklahoma City University School of Law's program on Changing Times for the Legal Profession. When Joe Sims gives a speech, members of the legal profession should listen carefully, since his speeches have heralded attacks by the Anti-Trust Division upon such things as lawyer advertising and minimum fee schedules.

In his speech, Joe Sims made the following points:

1. We do not believe there is an objective basis for prohibiting advertising by lawyers to any extent greater than other sellers of services.
2. There should be no differentiation between solicitation and advertising.
3. The Bar should not be allowed to control the unauthorized practice of law.
4. The Bar should not be allowed to control admission policies since economic self interest of those already admitted militates against enthusiastic acceptance of new competitors.
5. The Bar should not be allowed to regulate certification of specialists.
6. The Bar should not be allowed to limit the scope of para-legal responsibilities.
7. There is a growing concern over any type of self regulation. As long as the regulators are indistinguishable from those they regulate, it is impossible to tell when the public interest stops and self interest starts.
8. That fact that State Supreme Courts are involved in the regulation of the legal profession is irrelevant, since State Supreme Courts are made up of lawyers.

These remarks, of course, are aimed at the integrated Bar Association such as the one we have in the state of Washington. The thrust of the attack is that lawyers should not be allowed to control the legal profession. This of course strikes at the very heart of our profession as inherited from the system of law in England where lawyers and judges have always controlled the legal profession.

Mr. Sims is not the only person in this country that is attacking self regulation and the integrated Bar. State legislatures all across the country, President Carter, and others are making loud noises to the affect that lawyers should not be allowed to regulate their profession. There are those in this state that feel that the legal profession should be licensed under the Business and Professions Department of the State Department of Licenses in the same manner as morticians, beauticians, real estate brokers and others.

Undoubtedly in some states, there is justification for attacking self regulation, as some integrated Bars do not regulate the profession to the benefit of the public. This is not the case in the state of Washington. We are proud of our Bar admission procedures, disciplinary process, client indemnity fund, continuing legal education rules, trust account rules and others.

Self regulation in the public interest is the very best defense to the sorts of attacks that are being made by Joe Sims and others. In order to self regulate in the public interest, we must have a strong and viable Bar Association. A strong and viable Bar Association means that we must be willing to pay the cost of maintaining our self regulation. Last year when the dues increase was voted down by the membership by referendum, many of our programs of self regulation had to be curtailed. Now is not the time to be curtailing these programs and it is necessary that the dues be increased so that we can not only regulate our profession better in the public interest but also carry the message to the public. Some states such as Ohio have an excellent institutional advertising program which is very effective in helping the image of the legal profession. Although this is just one small step in carrying the message home to the public it involves the expenditure of hundreds of thousands of dollars to be done effectively.

The dues we pay to our association are much less proportionately than most union members pay to their Labor Unions. If we are not prepared to pay the price for our own self regulation, we must be prepared to be regulated by others.

Letters

Probate Article Gets Critical Reviews

Homestead Award Limited to $20,000

Editor:

The August, 1978, issue of the *Washington State Bar News* at page 11 thereof contains an article, "Alternative Methods of Settling Estates: Which Method to Use: When, How and Why," which I believe contains an error that should be corrected.

At page 14 thereof, the following passage appears:

> "The award of up to $20,000.00 is mandatory except in certain circumstances and *does not include the one-half of the community property which would be confirmed to the surviving spouse as his/hers by operation of the law of community property.*"

The author subsequently states the logical premise that would follow from the above passage, i.e., that an award in lieu of homestead may be made from community property in the maximum sum of $40,000.00

I believe that the above conclusion is in error and that an award in lieu of homestead may not exceed the sum of $20,000.00, regardless of whether the award is made from the separate property of the decedent or the community property of the deceased spouse and the surviving spouse. This result clearly follows from the following statutes:

1. RCW 11.52.010, Award in Lieu of Homestead, etc., which provides in part as follows: "...then the Court...shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of twenty thousand dollars at the time of death...";
2. RCW 11.02.070, Community Property—Disposition-Probate administration of, which provides as follows: "Upon the death of a decedent, a one-half share of the community property shall be confirmed to the surviving spouse, and the other one-half share shall be subject to testamentary disposition by the decedent, or shall descend as provided in Chapter 11.04 RCW. The whole of the community property shall be subject to probate administration for all purposes of this title, including the payment of obligations and debts of the community, the award in lieu of homestead, the allowance for family support, and any other matter for which the community property would be responsible or liable if the decedent were living."

JAMES S. TURNER
Chehalis

Community Property Agreement Cannot Be "Ignored"

Editor:

The August, 1978 issue [*Bar News* 32:8:10] included an article, "Alternative Methods of Settling Estates," which suggested that a surviving spouse may ignore a valid community property agreement in order to "do a probate" for the purpose of cutting off creditors and taking advantage of the estate "for income tax purposes." That result can be obtained if the surviving spouse validly disclaims the right to succeed to the deceased spouse's share of the community property under a community property agreement. The disclaimer law that was enacted in 1973, Chapter 11.86 R. C. W. expressly recognizes the right of a person to disclaim an interest which he is entitled to receive under a community property agreement. If a disclaimer is executed and filed in accordance with that law the community property would be subject to an estate administration proceeding, which would allow the survivor to take advantage of the family

awards under chapter 11.52 and the opportunity to split the income derived from the community property for income tax purposes. See Rev. Rul. 55-726, 1955-2 C. B. 24. In the absence of a valid disclaimer the surviving spouse could not affect the survivorship provisions of the typical form of community property agreement. Those provisions operate upon the death of one spouse to vest the entire interest in the community property in the surviving spouse. In short, the effect of a property agreement *cannot* be ignored for property or tax law purposes. In fact, a lawyer who ignores the effect of an otherwise valid community property agreement unnecessarily exposes himself and his client to a charge of tax fraud.

Clients who execute a community property agreement generally do need to have back-up wills to dispose of any property that may not pass under the agreement and to dispose of the property upon the death of the survivor. The existence of the wills does not give the surviving spouse an option to ignore the community property agreement or the will upon the death of the first spouse to die. The survivor must either take under the community property agreement or disclaim his interest under RCW 11.86. One of the purposes of enacting the disclaimer law in 1973 was to provide a surviving spouse with a means of escaping the effect of a community property agreement.

JOHN R. PRICE
Professor of Law
University of Washington
Seattle

Probate Statutes Need Revision

Editor:

In discussing adjudications of testacy, the author of "Alternative Methods of Settling Estates" in the August, 1978 *Bar News* states that "...the will (if any) is not admitted to probate under this procedure..." The author further indicates that while an adjudication of testacy may determine who is entitled to possession of a decedent's assets, it does not provide a mechanism for transferring title from the decedent to an "heir." I assume that "heir" in this context includes a legatee or devisee.

It has been my practice, right or wrong, to enter an order in adjudication of testacy cases admitting the will to probate, and to treat the probated will as an instrument passing title in accordance with its terms.

RCW 11.20.020 deals with "(1) Applications for the probate of a will and for letters testamentary, or either..." The statute mandates that, after a hearing, the court shall enter an order "...either *establishing and probating such will,* or refusing to establish and probate the same..." (emphasis added). Paragraph 1 of this section of the Code concludes with 'If the application for probate of will does not request the appointment of a personal representative and the court enters an adjudication of testacy *establishing such will* no further administration shall be required except..." (emphasis added).

RCW 11.28.340 provides that when four months elapse after entry of an order adjudicating testacy and the mailing of the statutory notice thereof without the offer of a later will or a contest of the order, the order adjudicating testacy shall "...be deemed the equivalent of the entry of a final decree of distribution..." for the purpose of establishing the will and persons entitled to receive decedent's estate.

Granted that the latter statute could be improved. However, based upon the premise that an established and probated will passes title, estates were closed for many years in this county simply by the entry of an order of solvency after notice to creditors, filing of receipts for claims and administration expense, filing of an inventory and obtaining clearance of state and federal death taxes.

The references to an award in lieu of homestead require comment. The statement is made that such an award "...does not include the one-half of the community property which would be confirmed to the surviving spouse as his/hers by operation of the law of community property." This is followed by an example in which, through an award *in lieu of homestead*, plus life insurance proceeds, a surviving spouse could receive $70,000 despite a contrary testamentary disposition and without submitting the matter to the discretion of the court.

As to charging a $20,000 true homestead award or award in lieu of homestead solely to the decedent's half of community property, some difficulty might be expected in King County. Section 10.8.1 of the Probate Court Policy Manual, issued in November, 1977 reads as follows:

> "10.8.1 AWARD REGARDING HOMESTEAD. If an award in lieu of homestead or an award of homestead is set aside out of community property, the award is charged against both the decedent's and the surviving spouse's interest therein."

An admittedly limited research reveals no cases which have precisely addressed this point. Most of the cases dealing with homestead awards, or awards in lieu of homestead, out of community property, appear to assume that the award includes the community half of the survivor as

well as that of the decedent. Neither RCW 11.52.010, dealing with awards in lieu of homestead, nor RCW 11.52.022, dealing with awards in addition to the award of a true homestead, offers any comfort. They simply say the awards may be made from either separate or community assets, but shall not exceed a designated sum. RCW 11.52.020, the true homestead award statute, says nothing about community or separate property, apparently leaving this up to RCW 6.12.

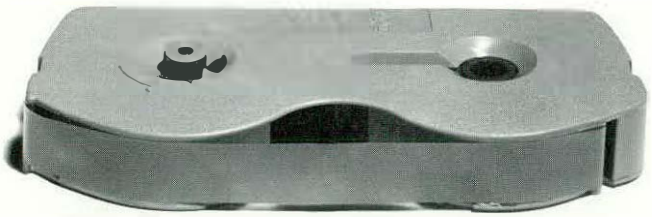
The example might have been correct in excluding the decedent's half of the $30,000 life insurance proceeds had the surviving spouse sought an award in addition to a true homestead award under RCW 11.52.022 prior to its amendment by Section 10, Ch. 234, Laws of 1977, 1st Ex. Session. Prior to such amendment, RCW 11.52.022 made an award in addition to a true homestead discretionary if the surviving spouse (or any minor child entitled to an award under another section) was entitled to receive property, including insurance, by reason of the death, in the sum of $20,000 or more, "...exclusive of property confirmed to the surviving spouse as his or her one-half interest in community property,..." The quoted language was deleted by the 1977 amendment, and never did appear in RCW 11.52.010, dealing with awards in lieu of homestead. The deletion must be accorded considerable weight as being indicative of legislative intent.

The award of a true homestead under RCW 11.52.020 up to $20,000 in value is not now and never has been discretionary. It is mandatory, if properly claimed either before or after death of a spouse, and may be denied only if the surviving spouse has feloniously killed the deceased spouse. Conversely, under the facts of the example, an application for an award in lieu of homestead under RCW 11.52.010, or an application for an award in addition to a homestead under RCW 11.52.022 would both be subject to judicial discretion. Also, in all likelihood, the award would not be confined to the decedent's one-half interest in community property. If made from community property, the award would probably be charged to the community halves of the decedent, and the surviving spouse equally.

It has been my experience, both from practice and a reading of the cases, that there is widespread confusion in the minds of a majority of the members of the bench and bar of this state on the differences between an award in lieu of homestead, and an award of a true homestead coupled, if necessary, with an award in addition to the homestead. Much of this confusion is attributable to Ch. 11.52 of RCW, which has grown like Topsy, and has received judicial interpretation contrary to what it says.

Arguably, there is inequity in a statute which gives a surviving spouse half a loaf if an award is taken from community property as opposed to a whole loaf if the award is taken from decedent's separate property. Results such as that reached in *In re Dorey's Estate,* 62 Wn. 2d 152, whereby the statutorily mandated deductions from gross value

Their president makes $238,000 a year.



Ours doesn't.

Their typewriter ribbons cost more, too. Small wonder.

But they don't do more. Or do it any better.

Ribbons West ribbons are guaranteed to give you the same crisp impressions, erasability and durability as the big name brands. For a lot less.

Or we give you your money back.

The same thing goes for Ribbons West's BASF magnetic cards, dictation and data cassettes, Xerox licensed copy toner, Hammermill paper, and other word processing supplies.

We'll absolutely duplicate the quality and performance of the expensive brands or tear up the bill.

A call to our toll-free number will get you our 1978 catalog and savings of 30% or more.

That's like giving yourself a raise.

And who needs it more — you or the President of IBM?

Ribbons West Corp.

PO Box 21649
Seattle, WA. 98111

PHONE TOLL-FREE FOR YOUR GUARANTEED SAVINGS CATALOG. 1-800-562-8184

"Xerox" is a registered trademark of Xerox Corporation. "IBM" is a registered trademark of the IBM Corporation

would be ignored in arriving at the specific property to be set off, should be reviewed and, if necessary, legislatively corrected.

In my opinion, the time has arrived to re-write much of Ch. 11.52 and present it to the legislature.

DAVID O. HAMLIN
Seattle

Author's Rebuttal to Criticisms

Editor:

I stand corrected? I took the position in my article on Alternate Methods of Settling Estates that the property to be set aside as an award in lieu of homestead, under RCW 11.52.010, could be made from the deceased spouse's half of the community property. This for the reason, in my view, that the one-half which the spouse receives by virtue of community property occurs by operation of the law of community property. If there is community property over and above the value of $20,000, the surviving spouse ought to be able to claim from the deceased spouse's interest even though devised to another under a will (assuming that the award does not fall within the discretionary provisions of RCW 11.52.022). I have been challenged on this point with a surprising vehemence. (I didn't know the members of the Bar could get so excited about probate.) Perhaps the most articulate and scholarly critic comes from Mr. Hamlin (see letter above). I may have to knuckle under given that there is no case law on this point, and I rely on common sense for my analysis—perhaps a shakey basis for construing the law—especially in a statute as intricate as the award in lieu of homestead. But can I knuckle under, absent a clear legislative directive when the results of accepting that position would work so many illogical results? Consider for example: A man, Mr. A. dies (childless) leaving a widow after only three months of marriage. He had thirty thousand dollars in separate property at the time of their marriage and his death. The spouse may claim $20,000 of the $30,000 and (assuming the award does not become discretionary by falling into one of the provisions of RCW 11.52.020) notwithstanding that he may have provided to the contrary in a will under R. C. W. 11.52.010 (and see Dillon Estate, (1975) 12 Wn. App 804, 532, P. 2d 1189). Consider the situation then, when a man, Mr. B. dies (childless) leaving a widow of 22 years. They have accumulated $30,000 in community property. Fifteen thousand is hers by operation of the law of community, but if we are to accept the rule that the award in lieu of homestead is to be taken from both spouses community half, then she could only receive an additional $5,000 under the award than she would get by operation of the law. Is this fair? Those representing creditors think so because they claim *only* $20,000 can be exempt from claims of creditors, and if the award were taken from the deceased spouse's half, then up to $40,000 could be exempt. I did not take this position in my article nor do I think that would be the case. If the spouse had con-

firmed to her by operation of the law $15,000 as her share of the community property that would be subject to claims of creditors. If she then had set aside to her the balance of the estate of $15,000 by an award of homestead (notwithstanding a contrary testamentary intent) that portion only would be exempt. Thus the creditors would have access to $15,000 under my theory rather than only $10,000 under the theory of having it come from both halves.

Also, assume a man, Mr. C. dies (childless) and leaves a widow after ten years of marriage. He has $30,000 in separate property and $20,000 in community property. Mrs. C. must choose her award in lieu of homestead from the separate property of Mr. C. in order to get the maximum she can get $30,000.00 If she chooses from the community property she could get a reduced amount. I would welcome further opinions.

FAITH ENYEART

Seattle

UPS Dean Comments On Bar Support for Pre-law Program

Editor:

The University of Puget Sound School of Law since its founding in 1972 has recognized the need for a pre-law school program for special admissions applicants and has attempted to meet it in varying ways.

In the last two summers, a ten-week program has been offered with the first two-week period devoted to an intensive course entitled "Introduction to Legal Learning," focusing on the cultivation of analytical, class communication, writing and research skills. During the remaining eight weeks, the students in the program attend classes in torts and legal writing. Entry into the regular law school program depends upon successful completion of the entire summer program.

In the summer of 1977, all 24 of the students in the program successfully completed it. 20 were matriculated into the law school program. Of the 29 in the group from the summer of 1978, 23 met the requirements of the program.

The law schools at Gonzaga University and the University of Washington, hearing good reports of the UPS Pre-Law Program of 1977, have adopted the two-week "Introduction to Legal Learning" portion as a prelude to the fall semester for their specially admitted students. We are happy, of course, to see additional special admissions applicants serviced in this way.

It was with some feelings of frustration, however, that your editorial in the August issue [*Bar News* 32:8:9] was received at the UPS Law School.

Giving credit where credit is due would be nice. Dollars would be even nicer. If the Washington State Bar Association is subsidizing law schools for their pre-law programs, it would seem fair to share the subsidy with the three law schools in the State who are making an effort to meet the needs of special students, not just with one. The Loren Miller Law Club hopefully would want to do the same, although their obligations

to do so may not be as clear as the WSBA's.

WALLACE M. RUDOLPH, DEAN
University of Puget Sound School of Law
Tacoma

WWL Bar Exam Report Raises "Fundamental Questions"

Editor:

The Washington Women Lawyers are asking more fundamental questions about the Washington State Bar Examination than anyone has yet tried to answer:

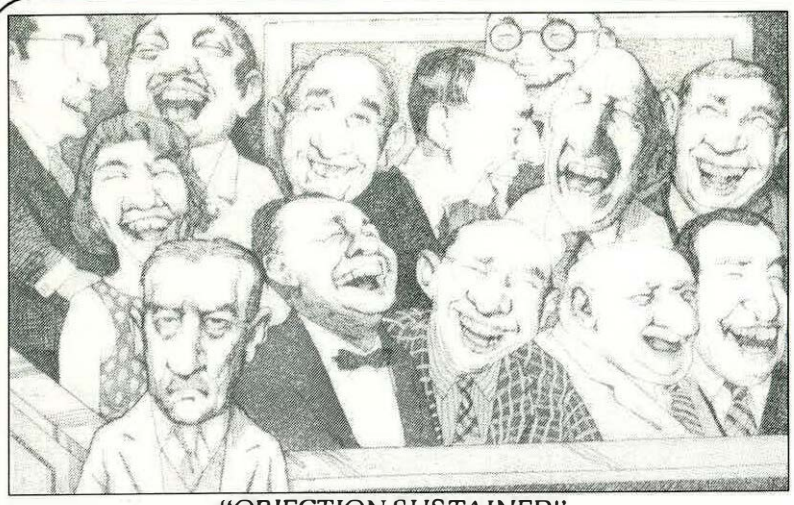
1. What skills should lawyers possess?
2. What alternatives exist to measure these skills?
3. Does the present bar examination procedure in fact measure these skills in a useful way?

The Zilly Committee dealt with the question of what skills the present bar examination attempts to measure without asking whether these (primarily analytical) skills covered in the present examination are all that a lawyer needs to practice. I believe that the approach suggested by the Washington Women Lawyers is more likely to reach the heart of the matter, namely, how to test both the skills and adequacy of anyone's preparation to practice law.

The present bar examination does not test an applicant's ability to use discovery procedures, examine witnesses, draft legal instruments, research and write a brief, or negotiate a settlement. These skills may be difficult to test in the present structure of the bar examination, but it may be time to change that structure. An appropriate study of the problem should identify the basic skills needed to practice law, suggest ways in which these skills can be tested, and then a decision can be made as to what skills will be tested and how this can best be accomplished. The present examination is content-oriented and therefore preparation for it becomes a cramming process. This has very little to do with the practice of law, or the skills needed to practice effectively.

The current debate has centered upon the validity of the present examination procedure and this approach has been unproductive. It is time to examine the more basic issues raised by the Washington Women Lawyers.

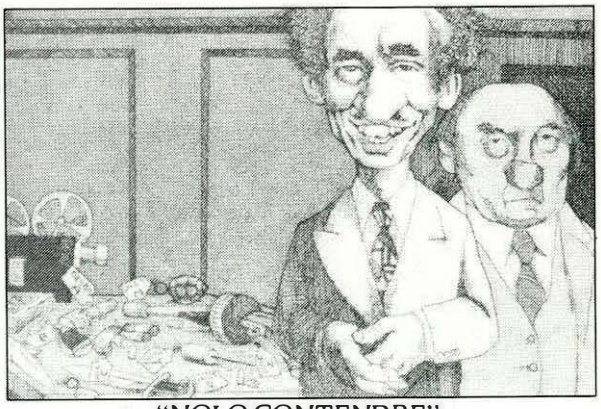
WINSLOW WHITMAN
Seattle □



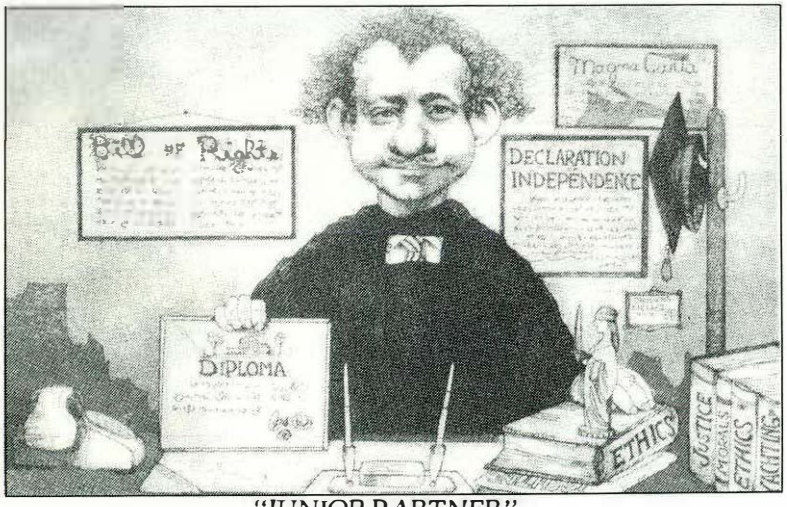
"OBJECTION SUSTAINED"

"Jurisprudence II"
etchings by
CHARLES BRAGG

"OUT OF COURT SETTLEMENT"



"NOLO CONTENDRE"



"JUNIOR PARTNER"

Also showing original contemporary graphics and sculpture by International artists:

Alvar, Appel, Boulanger, Bragg, Calder, Chagall, Clave, Coignard, Dali, Delacroix, Eidenberger, Erte, Gorman, Green, Kasimir, Mason, Miro, Moti, Neiman, Rockwell, Rodman, Simbari, Tamayo, Tobey and Vasarely . . . to name a few!

"Exclusive Northwest representative of LeRoy Neiman"

gallery MACK n.w.

10116 N.E. Eighth, Bellevue, Wa. 98004
(Corner N.E. 10th & 102nd N.E.) • (206) 453-1213

Hours: 10 to 6, Monday thru Saturday 1-5, Sunday

Board Declines To Order More Bar Exam Study

By **Jay V. White**

SPOKANE, September 12—Dividing 6-3 on four different statements of the question, the Board of Governors has decided not to direct any study of the feasibility of investigating why disproportionate numbers of minority applicants have failed the bar exam in recent years.

The Board acted in the face of the recommendation of its special committee of one, Charles W. Cone, "that a committee continue to study the problem of the bar examination, especially if the rate of passing minority applicants does not improve."

Cone served on the Board of Governors until his appointment as a Chelan County Superior Court Judge, effective July 1. He was named in March by President Novack to determine whether further study of the bar exam should be undertaken following a report by the Washington Women Lawyers criticizing two Board-Commissioned reports on the bar exam submitted in August, 1977, known as the Zilly Report and the Grim Report. *Bar News*, 32:5:17. Cone's 10-page report, submitted to the Board at its meeting in Warm Springs, Oregon, August 17-18, appears to approve some of the procedural changes in the administration of the bar exam recommended by WWL and urges "continuous study" of the bar exam, but does not detail the kind of study which might be undertaken. See Box, p. 19.

The Board, which had not previously acted on the Zilly Report, voted 7-2 to "approve" that 13-month-old report except for its recommendation that law school faculty and bar examiners "should receive special sensitivity training to attempt to eliminate any unconscious discrimination in teaching and in the preparing, writing and/or grading of essay questions." The two dissenters, Fletcher and Halverson, wanted to approve the report without exception.

The Board unanimously voted to "accept" the Cone Report, an action which was understood to mean that the Board did not take any position as to that report's recommendations.

Earlier, the Board rejected (6-3) Fletcher's motion for appointment of a special committee to determine the feasibility of further study of the bar exam and, if feasible, to find the reasons for the high minority failure rate. Only Fletcher, Halverson and Jones supported this motion.

Cressman then moved for the same study to be conducted by the Board of Examiners, rather than by a special committee. This also failed 6-3, with Cressman, Fletcher and Halverson in favor.

Jones repeated the motion calling for a special committee with the proviso that the study not be limited to failing minority applicants. Again, the vote was 6-3, with Jones, Fletcher and Halverson in favor.

In the fourth 6-3 vote, Cressman repeated Jones' motion, with the study to be done by the Board of Bar Examiners. This was supported by Cressman, Fletcher and Halverson. It was understood that the Board's action would not preclude the bar examiners from initiating such a study.

During the course of the Board's discussion, David Hoff, who became bar association president at the conclusion of the Annual Business Meeting here, articulated the view which appeared to be shared by the Board's minority: a study documenting the reasons people fail the bar exam might reveal that fault may be found in the law schools, rather than in the content of the bar exam and, if that were established, the responsibility would be placed upon the law schools rather than upon the bar association.

"I see no reason why we shouldn't allow that study," he said.

The consensus of the majority appeared to be that there is no need for further study of the bar exam apart from the continuing function of the Board of Bar Examiners.

OTHER BOARD ACTIONS...

■ **"PUBLIC INTEREST" FUND**—The Board discussed letters received by President Novack from Michael J. Fox of Evergreen Legal Services and Wallace M. Rudolph, dean of the University of Puget Sound law school, concerning the Board's decision (5-4) in July to appropriate $1,200 in support of the University of Washington law school's pre-law program for specially admitted students. The money was drawn from the fund created through the membership's voluntary contributions solicited by "check off" on this year's annual dues statements to support "public interest" law firms. (See Editor's Page; The Board's Work, *Bar News* 32:8:9, 19.)

Fox stated that he is in favor of bar association support for the University program, but that the "public interest" fund was not intended to be used for that purpose: "I feel that the Bar made a fiduciary commitment for the designated use of those funds and I feel that commitment has been violated."

He concluded: "For me, I would like my ten bucks back."

Rudolph pointed out that the UW program was modeled after a similar program which has been operating for several years at UPS without the assistance of the bar association: "I would like to receive similar support for our existing program."

Because no member of the Board who had voted with the majority to make the appropriation moved to reconsider, no action was taken. The consensus of the majority appeared to be that the Board's discretion to define "public interest" is broad enough to sustain the appropriation to the pre-law program.

■ **SPOKANE TEL-LAW**—F. Douglas Tuffley of the Spokane County Young Lawyers Section appeared to inquire whether the Board would support a project to begin a "tel-law" program in Spokane County. Tel-law is a public information service under which tape recordings providing information about legal rights are made available to the public by telephone. In March, 1977, the Board approved a pilot tel-law project sponsored by the Pierce County Young Lawyers and the state Young Lawyers Section, and added funds to the latter's budget to support the program. *Bar News*, 31:4:21.

The Board agreed to consider Tuffley's request, but to defer action until receiving comment from the state Young Lawyers Section as to whether a statewide program should be undertaken and, if so, how it might be coordinated with the Spokane project.

[The following actions were taken by the Board at its meeting August 17-18 in Warm Springs, Oregon and are included here because The Board's Work did not appear in last month's Bar News.–Ed.]

■ **TRUST ACCOUNT INTEREST PROPOSAL**—The Board voted 5-3 not to pursue a proposal by Board Member Halverson that our bar association should study

the possibility of authorizing this state's attorneys to invest trust funds held by clients in order to generate funds for public interest programs, such as the Clients Security Fund now funded by bar dues. Halverson, Fletcher and Cressman supported the proposal; Jones abstained.

The proposal was inspired by a program approved by the Florida Supreme Court on March 16, 1978. Under the Florida plan, with the permission of the clients involved, trust account funds are placed in interest-bearing accounts and the income generated is used for public purposes approved by the Florida court. See Editor's Page, *Bar News*, 32:9:8.

■ SENIOR LAWYERS: CLE EXEMPTION?—The Board voted (6-2) to approve a motion by Board Member Cressman to request the Board of Continuing Legal Education to consider whether a lawyer over age 67 should be exempt from the mandatory CLE rule if that lawyer by affidavit states that he or she is (1) in partial retirement, or (2) is not in full time practice and (3) will associate with a lawyer who has met the full CLE requirement in the event of litigation or a serious legal problem.

A related motion to consider a reduction in dues for senior lawyers failed (7-2). □

Excerpts from Cone Report On Bar Examination

* * *

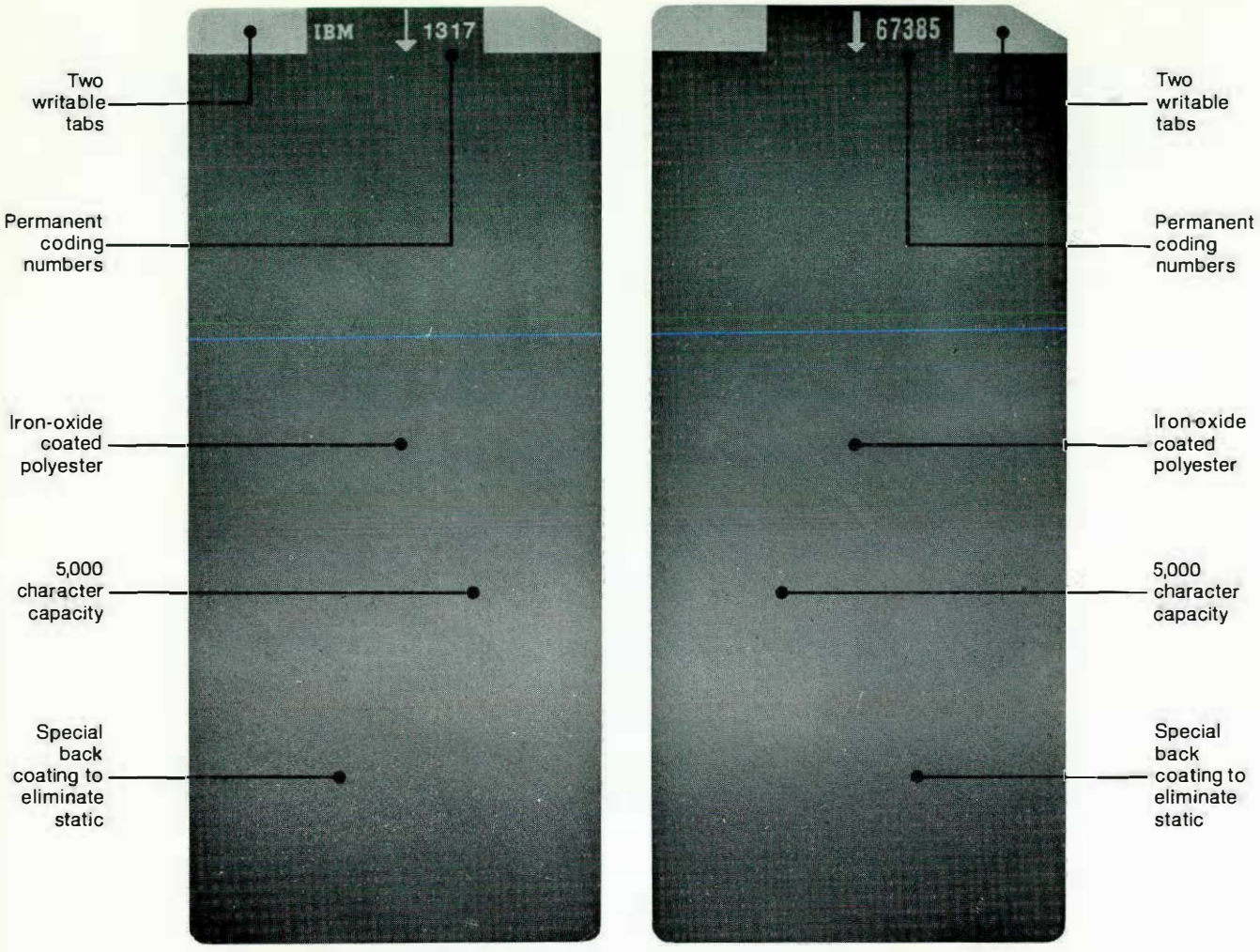
It is . . . the recommendation of this committee that the bar examination continue as a prerequisite for admission to practice; that the bar examination be under continuous study by the Board of Governors so that admittees to the practice of law will have increasing competence, not only in the general knowledge of the law, which is presently tested, but in other subjects such as oral advocacy, drafting of legal documents, legal research, and legal writing.

In the meantime, certain changes should be made in the present bar examination which, we hope, can eliminate the so-called "cultural bias" alleged to be ingrained in present bar examinations.

* * *

. . . It is concluded by the committee that the greater failure rate among minority applicants is, as the Zilly Report reveals, a result of lack of pre-law school preparation and qualification rather than any unintentional or intentional racial bias in the content of the examination.

The only difference is price.



IBM $22.50 SUPREME $8.95

Incredible cost savings for medium and large volume card users.

At last you have an alternative to the high cost of IBM Mag Cards — *without quality compromise.*

What's the catch? Thirty boxes.

Supreme Magnetics is able to offer these unsurpassed savings to users whose requirements allow for purchases in 30 box increments. That's a 60% cost savings! Just think of how that will affect your budget.

You'll still get 25 mag cards with their individual holders, but you sacrifice the fancy reusable box. Our cards are economically packaged with holders in packets of 25.

But you don't sacrifice service. Our orders are shipped on the same day received.

Skeptical about quality? Allow us to make this statement:

"Supreme Mag cards are unconditionally guaranteed to meet or exceed every standard specified by your equipment manufacturer. If you are not completely satisfied, return your order — *collect* — within thirty days. No questions asked."

So if you're more concerned with the economy of mag card purchasing than with the colorful and costly frills, give us a try. Give our diskettes, digital cassettes, ribbons, and color-coded cards a try too!

You'll soon see . . .

the only difference is price.

Supreme Magnetics

Corporate Offices: 1545 Pontius Avenue, Los Angeles, California 90025 / ***Call Toll Free 1 (800) 421-6527***

In California call (213) 477-1537

It is suggested by those questioning the bar examination that increased emphasis in the examination should be placed on areas of law in which minority students likely have a more intense interest, that is, criminal law, family law, and personal injury law, and it is suggested that minority students taking the past examinations have done better in these areas of law. The Zilly Report strengthens this suggestion. This may be a valid assertion if a review of past examinations would reveal that the majority students have not also done as well or better in these particular categories.

In any event, the committee has come to the following conclusions:

1. The bar examination, as it is conducted, maintains the anonymity and security of the applicants and should be carefully monitored so that such security remains inviolate.
2. The bar examination should continue to be a requirement for admission to the practice of law in the State of Washington. Since the Supreme Court of the State of Washington and the Bar Association of the State of Washington have no control over the admissions practices, the curriculum, the testing procedures, and the graduation qualifications of law schools, the bar examination remains the only means that the association has to determine the admission qualifications of its members.
3. The Board of Governors should review the examination process to determine whether or not additional time should be allowed applicants during the testing period. It is acknowledged that some persons and, therefore, many applicants might be more deliberate in their thinking process and in their composing of adroit answers to examination questions and, therefore, time should be allowed for the most meticulous and precise applicants to complete their examination.
4. Model answers should be prepared by the Examiners in keeping with the space and time requirements made upon the applicants.
5. Applicants who fail should be allowed to review passing questions so that they may better understand the reasons for their failure and better prepare for a later examination.
6. It is suggested that the examination grading process be speeded up and it is suggested that the Examiners commit the time so that the results of the examination may be made to the applicants not later than two weeks after the examination is completed.

   The long delay now experienced between the examination and the results curtails employment opportunities, education plans of the applicants, and results in stress and unnecessary emotional disturbance and resentment.
7. Special pre-law school orientation programs such as those suggested by Dean Ernest Gellhorn, should be initiated. Special help and tutoring should be made available to students requiring additional assistance, but law schools should fairly and realistically eliminate students who are obviously not equipped for law studies. The schools are at fault for continuing to keep students on academic probation, to pass them from law school and to fault the bar examination for preventing them from entering the practice of law.

I regret that time and a change in my work schedule have limited my ability to complete this awesome and difficult task. It would be my personal recommendation that a committee continue to study the problem of the bar examination, especially if the rate of passing of minority applicants does not improve. I would eagerly look forward to continuing this task through the additional two years of my term on the Board of Governors but, unfortunately, that term ended with my appointment as Judge.

CHARLES W. CONE

Issues Pending In Supreme Court, September Term

Court Commissioner Joan Smith Lawrence has advised the Bar News *that the following issues are presented in cases set for hearing during the September Term of the state Supreme Court. She states that this summary of issues has been prepared for informational purposes only and does not purport to state the precise legal issues in the cases indicated. We have added subject headings and abbreviated case names. We invite comment as to whether a summary such as this should be a regular feature of the* Bar News.*–Ed.*

ANNUITY CONTRACT BENEFITS

■ Do United States Navy retirement payments constitute annuity contract benefits within the meaning of RCW 48.18.430? *Baker v. Baker*, No. 45647.

APPEAL AND ERROR

■ In a dissolution action involving a custody dispute, should the trial court in awarding custody make specific findings of fact on each factor set forth in RCW 26.09.190 for determining custody?

■ When the Court of Appeals partially reverses a decision of the trial court by less than a unanimous decision, may an aggrieved party appeal to the Supreme Court as a matter of right under RAP 13.2 (a)? *Croley v. Croley*, No. 45375.

■ Where an appellate court reverses the granting of a motion to dismiss brought by a defendant under CR 41 (b) (3) after a plaintiff has completed presentation of his evidence, does the appellate court have authority to determine the case on the merits or should the case be remanded for further trial proceedings? *Lonsdale v. Chesterfield*, No. 45464.

ARBITRATION

■ Does the holding in *Pinkis v. Network Cinema Corp.* Wn. App. 337, 512 P. 2d 751 (1973) have continuing validity and require the holding that the Federal Arbitration Act (9 U. S. C.) take primacy in state court over the state Franchise Act (RCW 19.100), thereby compelling arbitration and requiring a stay of proceedings in superior court where the dispute arises from a franchise agreement containing an arbitration clause and where the plaintiff seeks rescission and damages, as allowed by the Franchise Act, for violations of the act? *Allison v. Medicab International, Inc.*, No. 45643.

ATTORNEY FEES

■ Is RCW 49.48.030 (which permits an award of attorney fees where a person is successful in recovering wages or salary owed) applicable to an action where a plaintiff's award was based on a theory of unjust enrichment? *Schoonover v. Carpet World, Inc.*, No. 45254.

ATTRACTIVE NUISANCE

■ Does a body of water having natural but dangerous characteristics constitute an attractive nuisance? *Ochampaugh v. City of Seattle*, No. 45492.

BANKING

■ Do the words "city or town" in RCW 30.40.020, which restricts the establishment of branches by a bank or trust company, include unincorporated communities? *Hart v. Peoples National Bank*, No. 45594.

CONSTITUTIONAL LAW

■ When a judgment is rendered against the State based on a contract claim, and the contract does not provide for pre- or post-judgment interest, does the refusal of the court to award the plaintiff such interest deny it equal protection of the laws? *Architectural Woods, Inc. v. State*, No. 45186.

■ Are those provisions of the sexual psychopath law, RCW 71.06, which fail to limit the maximum term of confinement in the sexual psychopath program to the maximum term of the criminal sentence violative of due process and equal protection? *State v. McCarter*, No. 45215

■ In filing an amicus curiae brief in the United States Supreme Court case of *Bakke v. University of Cal. Bd. of*

Regents on behalf of the State of Washington and the University of Washington, did the Attorney General exceed his constitutional and statutory authority? *Young Americans for Freedom v. Gorton*, No. 45295.

- Is RCW 9A.88.060(2), which defines "profits from prostitution" in connection with the crime of promoting prostitution in RCW 9A.88.070 unconstitutionally vague and overbroad? *State v. Yancy*, No. 45489.
- Is the Department of Social and Health Services entitled under RCW 74.20A.030 to bill the natural parents of a mentally and physically handicapped child placed in foster care for the costs of his care and support; and, if so, does such practice violate equal protection where parents of similarly handicapped persons placed in state residential or group homes are not billed for these costs? *Griffin v. Department of Social and Health Services*, No. 45493.
- (1) is the definition of criminal negligence in RCW 9A.08-.010 (1) (d) unconstitutionally vague?

  (2) Does a charge of second-degree assault based on criminal negligence violate due process in that the element of criminal intent is eliminated? *State v. Foster*, No. 45509.
- Is the Legend Drug Act (Ch. 69.41 RCW) unconstitutional in that the designation of drugs which are required to be dispersed by prescription only is made by a state agency, i.e., the State Board of Pharmacy? *State v. Jordan*, No. 45573.
- Is RCW 9A.88.060(1), which defines "advances prostitution" in connection with the crime of promoting prostitution in RCW 9A.88.080, unconstitutionally vague and overbroad? *State v. Cann*, No. 45578.
- Is RCW 9A.88.020 unconstitutionally vague and overbroad in that persons of reasonable intelligence are unable to determine from the language exactly what standards for the determination of conduct are prescribed by the statute? *State v. Schimmelpfennig*, No. 45614.
- Do RCW 47.42.030 and RCW 47.42.040 unconstitutionally infringe free speech insofar as they prohibit posting of a sign conveying a social or political message when the sign is visible from a highway? *State v. Lotze*, No. 45649.

COUNTIES

- Is an "interim sewerage system" a "system of sewerage" within the purview of RCW 36.94.010(1), such that a county may impose monthly sewer charges and other fees upon the owner of an interim sewerage system? *Pierce County v. Gronske*, No. 45613.

CRIMINAL LAW

- May evidence of a defendant's post-arrest silence, after being given *Miranda* warnings, be admitted at trial for a purpose other than impeachment under *Doyle v. Ohio*, 426 U.S. 610, 49 L. Ed. 2d 91, 96 S. Ct. 2240 (1976)? *Skte. v. Fricks*, No. 44911.
- Is an indigent defendant who enters a plea of not guilty to a criminal charge by reason of insanity entitled under RCW 10.77-.020(2) and/or CrR 3.1(f) to appointment of a psychiatric expert at State expense to assist him in preparation of his defense; and, if so entitled, at which stage of the case does this right accrue? *State v. Griffith*, No. 45208.
- In an habitual criminal proceeding does the defendant waive strict compliance with RCW 5.44.010, which provides for admission into evidence of out-of-state records and proceedings when duly authenticated by the appropriate out-of-state official, by failing to contest the fact of the prior conviction? *State v. Murdock*, No. 45377.
- Is presence at the scene of a crime which encourages the commission of such crime sufficient to sustain a conviction as an accomplice or is an additional overt act required by law? *In re Wilson*, No. 45455.
- In a prosecution for delivery of a controlled substance under RCW 69.50.401(a), is intent to deliver a controlled substance an element of the crime? *State v. Boyer*, No. 45510.

CRIMINAL PROCEDURE

- Does CrR 6.1(a) require a written waiver of a jury trial in a superior court trial de novo on an appeal from a district court conviction? *State v. Wicke*, No. 45470.
- Did the trial court err in imposing, over defendants' objections, strict security measures including the shackling of defendants and separating them from their attorneys during trial? *State v. Gilcrist*, No. 45595.

DEATH PENALTY

- Pursuant to RCW 2.06.030, which requires that "criminal cases where the death penalty has been decreed" are to be reviewed by the Supreme Court, direct review is warranted. *State v. Snook*, No. 45590.

DEED OF TRUST

- May a beneficiary of a deed of trust be considered a statutory redemptioner within the meaning of RCW

6.24.130(2)? *Rustad Heating and Plumbing Co. v. Waldt*, No. 45532.

HOST-GUEST LITIGATION

■ Should Washington retain the common-law rule requiring proof of gross negligence before an injured guest passenger can recover from a host driver? *Roberts v. Johnson*, No. 45396.

INDIANS

■ Where a food processor purchases fish from an Indian tribe, is the processor liable for payment of privileges and catch fees as provided in RCW, Chapter 75.32? *Vita Food Products, Inc. v. State*, No. 45486.

■ Is the Lummi Indian Business Council subject to the personal and subject matter jurisdiction of the Superior Court of the State of Washington for Whatcom County in a garnishment action where the principal defendant is an employee of a tribal enterprise; and if the Lummi Indian Business Council is not subject to the garnishment action, is the Business Council entitled to attorneys' fees in the trial court and on appeal? *North Sea Products, Ltd. v. Clipper Seafoods* Co., No. 45646.

INSURANCE

■ Under the terms of an automobile insurance policy providing personal injury protection (PIP) to an insured, may an insured apply the amount of recovery from a tort-feasor first to general damages and then collect from the PIP coverage for claims for medical expenses and income loss if the amount of the general damages is equal to or exceeds the amount of recovery from the tort-feasor? *Thiringer v. American Motorists Insurance* Co., No. 45454.

■ Should the decision in *Cammel v. State Farm Mutual Auto. Ins.* Co., 86 Wn.2d 264, 543 P.2d 634 (1975) (allowing "stacking" of automobile insurance policies) be retroactively applied? *Bradbury v. Aetna Casualty & Surety* Co., No. 45457.

■ Where a loaded gun which was being carried in an automobile discharged, are the ensuing personal injuries covered by an insurance policy which insured for liability for injuries "arising out of the use" of an automobile? *Transamerica Insurance Group v. United Pacific Insurance* Co., No. 45640.

JUVENILES

■ Is the Spokane County Board of Commissioners statutorily or constitutionally required to provide educational treatment for juvenile detainees prior to an adjudication of delinquency or dependency? *Tommy P. by Gordon Bovey v. Spokane School District*, No. 45488.

■ Should the holding in *Breed v. Jones*, 421 U. S. 519, 44 L. Ed. 2d 346, 95 S. Ct. 1779 (1975) that a defendant is put in jeopardy when a juvenile court enters an adjudicating finding of guilt, thus making a subsequent adult prosecution for the same offense double jeopardy, be applied retroactively? *In re Farney*, No. 45494.

PUBLIC UTILITY DISTRICTS

■ Does RCW 75.20.060 provide the Director of Fisheries with authority to order a PUD to modify fish ladders at its dams at a cost borne by the PUD, or does RCW 75.20.061 permit the director to order a PUD to undertake the modification, but at the same time require the Department of Fisheries to assume the cost?

RES JUDICATA

■ On the facts involved, was the doctrine of res judicata correctly applied? *Seattle-First National Bank v. Kawachi*, No. 45522.

SCHOOL DISTRICTS

■ Does a school district policy incorporated in a prior working agreement between the district and its teachers' association but omitted from the current year's negotiated agreement without any conflicting provision or specific repealing language contained therein, constitute an implied repeal of the school district policy? *Tondevold v. Blaine School District No. 503*, No. 45491.

SHORELINES HEARINGS BOARD

■ Does RCW 34.04.130(4) require the Shorelines Hearings Board to bear the costs of transcribing testimony and transmitting the same to the reviewing court? *Portage Bay-Roanoke Park Community Council v. Shorelines Hearings Board*, No. 45571.

SOVEREIGN IMMUNITY

■ Is the State of Washington immune from liability on account of allegedly negligent design or maintenance of a highway bridge and its lighting system? *Overton v. Stewart*, No. 45461.

STATUTE OF LIMITATIONS

■ Is the 4-year statute of limitations in a buyer's breach of warranty claim tolled during the period the seller attempted to remedy the defect in the product? *Daughtry v. Jet Aeration Co.*, No. 45316.

STERILIZATION OF INCOMPETENT MINOR

■ Does a superior court have power to authorize sterilization of a mentally incompetent minor in the absence of specific statutory or constitutional authority? *In re Hayes*, No. 45612.

STRICT LIABILITY

■ In a strict liability case, is the quantum of proof that must be presented before the case may be submitted to a jury satisfied when plaintiff's expert witness testifies that, in his opinion, a product is defective, dangerous, or unsafe? *Lamon v. McDonnell Douglas Corp.*, No. 45619.

TAXATION

■ Does the 1-year limitation period in RCW 82.34.010(5), during which time an application for a pollution control tax exemption and credit certificate must be filed, commence to run on the date on which, after addition of the water or air pollution control facility, the industrial source of pollution is required to be in compliance with the compliance schedule issued by the appropriate agency? *International Paper Co. v. Department of Revenue*, No. 44963.

■ (1) Where a timber harvester, awarded a state timber sales contract, subcontracts the building of a logging road, is such subcontract a retail sale as defined in RCW 82.04.050?

(2) Does a subcontract constitute a sale at wholesale between the timber harvester and the subcontractor, thus imposing the obligation for payment of a retail sales tax for logging roads on the Department of Natural Resources? *Lyle Wood Products, Inc. v. Department of Revenue*, No. 45487.

■ (1) Where the federal government excludes the value of a transfer of property made during decedent's lifetime from the estate taxable for federal death tax purposes, is the Inheritance Tax Division precluded from including the value of the transferred property in the taxable estate on the basis of a departmental determination that the transfer was made in contemplation of death?

(2) Does RCW 83.04.013 allow a deduction for the inheritance tax purposes of whatever fee the court approves at a final accounting, without opportunity for the Inheritance Tax Division to question the reasonableness thereof for tax purposes? *In re Estate of Canning*, No. 45598.

UNEMPLOYMENT COMPENSATION

■ Does the fact that a worker may hire a substitute to perform work which he or she has contracted to perform preclude his or her work from being "personal services" under the unemployment compensation law? *The Daily Herald Co. v. Employment Security Department*, No. 45341.

WARRANTY OF MERCHANTABILITY

■ If a patron of a public restaurant is served a beverage and the glass container shatters in the course of normal use as a result of a latent defect causing injury to the patron, does a cause of action arise against the restaurant under RCW 62A.2-314 for breach of implied warranty of merchantability? *Shaffer v. Victoria Station, Inc.*, No. 45449.

WATER RIGHTS

■ Have riparian rights to appropriate water from non-navigable streams for non-consumptive beneficial use (i.e., fish culture) been abolished by the creation of a statutory permit system? May rights to beneficial use of stream waters arise by prescriptive use? *McLeary v. State*, No. 45010. □

The Courts

SUPERIOR COURT NEWS
By **JUDGE JAMES A. NOE**

NEW OFFICERS

Judges of the Superior Court Judges' Association elected new officers for the coming year at the annual Judicial Conference in Spokane, September 11 and 12. Elected were: President-Judge, Judge **Robert J. Bryan** (Kitsap); President Judge Elect, Judge **Richard G. Patrick** (Benton-Franklin); Secretary-Treasurer, Judge **Norman W. Quinn** (King); Board of Trustees, District 1, Judge **Frank D. Howard** (King) and Judge **Robert W. Winsor** (King) and District 3, Judge **Byron L. Swedberg** (Whatcom). The three officers will serve for one year and the trustees for a three-year term.

STATE JUDGES ATTEND NATIONAL CONFERENCE

Several Superior Court Judges participated in meetings of the ABA and National Conference of State Trial Judges held in New York, August 3-9. Judge **George H. Revelle** (King) concluded his term as an NCSTJ Delegate to the Judicial Administration Division Council. Judge **Revelle** is past chairman of the National Conference and will continue his active role on the national scene. Judge **Warren Chan** (King) served as chairman of the Nominating Committee for the National Conference and also serves on the Executive Committee for the NCSTJ. Judge **James A. Noe** (King) completed his term as the National Conference's delegate to the ABA House of Delegates. Judge **Robert J. Bryan** (Kitsap) newly elected President-Judge for the Superior Court Judges' Association attended as a delegate from Washington. Also attending as delegates were Judge **John N. Skimas** (Clark) and judge **Walter A. Stauffacher** (Yakima). Judge **W. R. Cole** (Kittitas) attended the meetings as state representative for the Conference.

Discipline

Stanley B. Allper Receives Reprimand

Stanley B. Allper has been reprimanded for his violation of DR 6-101(A)(3) and DR 7-101(A)(2) of the Code of Professional Responsibility. The Board of Governors issued the reprimand to Mr. Allper at its meeting on August 11, 1978.

Mr. Allper was reprimanded for his failure to complete an adoption proceeding on behalf of his clients. This notice is published pursuant to DRA 11.7(c)(3).

Jerome L. Jager Receives Reprimand

Jerome L. Jager has been reprimanded for his violation of DR 6-101(A)(3). The Board of Governors issued the reprimand to Mr. Jager at its meeting of August 11, 1978.

Mr. Jager was reprimanded for neglect of a probate matter. This notice is published pursuant to DRA 11.7(c)(3).

Benjamin Brunner Receives Reprimand

Benjamin Brunner has been reprimanded for his violation of DR 9-102(B)(4). The Board of Governors issued the reprimand to Mr. Brunner at its meeting of August 11, 1978.

Mr. Brunner was reprimanded for his failure to promptly pay funds to his client. This notice is published pursuant to DRA 11.7(c)(3).

CLE Board Adopts Policy Statement With Regard To Credit For Attendance At Law School Courses

John J. Michalik

Director of Continuing Legal Education

We are, of course, now well into the second full year of the mandatory CLE program in this state. Experience with the mandatory rule, and ongoing study by the State Board of Continuing Legal Education, has led that Board to adopt a major policy statement relative to attendance at courses offered by law schools—as part of the J.D. curriculum—and credit therefor under the mandatory CLE requirements established by Admission to Practice Rule 11. This policy statement represents a major change by the CLE Board and the text of that statement is set out below for the information of all members of the Bar:

1. "Active" members of the Washington State Bar Association may receive credit toward the continuing legal education requirements established by APR 11 through attendance at courses forming a part of the J. D./ LL.B. curriculum offered by a law school approved by the Board of Governors of the Washington State Bar Association on the following basis:
   A. Such credit may be obtained through actual attendance at such a course, whether such course be a required or elective offering by the law school;
   B. Enrollment in such a course may be as an "auditor" or on a "for credit" basis, but in every instance the active member so enrolled must comply with all applicable regulations of the law school or university involved, including the payment of tuition, fees and other charges as required by the institution;
   C. Credit under the provisions of APR 11 shall be computed on the basis of one (1)

credit for each clock hour of instructed class time *up to a maximum of 15.00 hours per course*—under this formula, an active member who actually attends, say, 30 hours of instruction in a course may claim a maximum of 15.00 hours of credit under APR 11, with the remaining 15.00 hours being inapplicable toward the requirement and *not* capable of being carried over to succeeding years. However, an active member attending two separate courses may earn a maximum of 15.00 hours of credit per course and in such instance may carry the excess of 15.00 hours of credit over to the following year;

D. An active member taking such a course shall arrange with the instructor thereof for verification of such active member's actual attendance at the various sessions of the course and for the reporting of such attendance to the Washington State Board of Continuing Legal Education;

E. Success on any examination given in connection with such a course is not prerequisite to the obtaining of credit for attendance at such course under the provisions of APR 11 and this policy statement.

2. As provided for by Board Regulation 102(d), an "active member shall not receive credit for any course attended in preparation for admission to practice law in Washington." The provisions of this Regulation—in essence precluding regularly enrolled law school students from obtaining credit under the provisions of APR 11 prior to admission to practice in the State of Washington—are unaffected by this policy statement.
3. This policy statement has no effect on the Board's previously stated position relative to credit under APR 11 for graduate study in the law, as in pursuit of an LL.M. or S. J. D. degree.
4. The provisions of part 1, A-E, supra, specifically repeal and replace prior Board policy on the matter dealt with therein.

The intent and purpose of this policy statement by the Board of Continuing Legal Education is, of course, to recognize that the type of courses dealt with therein are often of considerable value to members of the Bar, both by way of re-

fresher in established areas of the law and also as original learning experiences in new areas recently added to law school curriculums. The general feeling of the Board underlying this shift in policy, is that members of the Bar who have the time and inclination to attend such courses should receive credit for that interest in broadening their expertise and continuing their legal education in this fashion.

Approved Continuing Legal Education Activities

ACCREDITED SPONSORS

DEFENSE RESEARCH INSTITUTE INC.
WESTERN TRIAL LAWYERS ASSOCIATION

COURSES APPROVED

AMERICAN JEWISH COMMITTEE

Realizing Human Rights Through International Law
Oct. 27, 1978: Seattle 5.00

FEDERAL PUBLICATIONS INC.

Construction Contract Litigation
Oct. 16-18, 1978 Las Vegas 13.75

Concentrated Course in Pension Reform
Oct. 23-26, 1978: San Fran 26.25

NATIONAL PRACTICE INSTITUTE

Buying & Selling a Small Business
Nov. 18, 1978: Seattle 6.50

NEW YORK LAW JOURNAL

Legal Problems of Bank Regulation
Oct. 30-31, 1978: San Fran 12.00

PRACTISING LAW INSTITUTE

16th Annual Defending Criminal Cases
Oct. 6-7, 1978: Los Angeles 14.50

Aviation Industry
Oct. 26-27, 1978: Los Angeles 10.50

SEATTLE-KING COUNTY BAR ASSOCIATION

Aviation Law Seminar
Oct. 6-8, 1978: Manson, WA 10.00

WASHINGTON STATE BAR ASSOCIATION

Trial Advocacy V
Oct. 6, 1978: Yakima 6.00
Oct. 13, 1978: Everett 6.00
Oct. 20, 1978: Spokane 6.00
Oct. 25, 1978: Seattle 6.00

Military Justice
Oct. 28, 1978: Seattle 7.50

WASHINGTON WOMEN LAWYERS

Women Clients: Rights & Remedies
Oct. 13, 1978: Seattle 6.25

ABA Focuses on Internal Organization at Annual Meeting

By **William H. Gates**
Washington State Delegate to the ABA

The principal attention at the American Bar Association House of Delegates meeting in New York City in August was upon internal organization. As previously reported to you, two broad concerns have developed about the governance of the ABA. One is that under the present constitutional provisions the membership of the House continues to grow as the number of lawyers in the country increases and this growth in House membership is creating severe mechanical problems. The other basic concern was reform in the process for the election of the president of the ABA to bring the contested election into the full House of Delegates and thereby take the final decision out of the hands of the 51 state delegates who would have been required to propose at least two nominees.

The House did vote to limit its membership, however the proposals for reform in the procedure for the election of the president were withdrawn. The withdrawal occurred largely as a result of basic disagreement with the concept but in part because the parliamentary complexities which grew out of the consideration of the lengthy and rather intricate amendments which the committee proposed threatened to consume the entire two days scheduled for the meeting. The movement for election reform was dealt a very serious blow but it is too early to conclude that it is completely dead.

In other business the House of Delegates endorsed ratification by the Senate of the International Convention on Racial Discrimination and the inclusion of abortion services in funding of medical aid for indigent women. The House also voted about 2 to 1 to add television to the list of media in which lawyer advertising can be done. The House thereby indicated its acceptance of the position of the ABA Commission on Lawyer Advertising that there was no real basis for distinguishing television from print and radio media which are currently included as acceptable in the Code of Professional Responsibility.

The delegates rejected approval of an experiment with non-binding arbitration in federal courts and also rejected extension of the deadline for the ratification of the Equal Rights Amendment. A proposal to have the ABA or any of its subsidiary organizations refuse to meet in any state which had not approved the ERA was ruled out of order by the chairman on the basis of possible liability to the ABA arising from restraint of trade principles.

Outside of the business of the House of Delegates there were some other presentations that evoked considerable interest. The ABA's Commission on Advertising had developed a videotape presentation of lawyer television advertising being broadcast in various places in the country. For those of us in the as yet uninitiated parts of the country these created something of a shock. The report of the Commission described the dramatic growth of some legal clinics, particularly one in California known as Jacoby & Meyers which advertises heavily and has just recently expanded into 16 new offices.

Another presentation which caused considerable discussion was that of the Florida Bar which has adopted procedures whereby client trust funds are deposited in interest earning accounts with the interest being paid over periodically to the state bar for use in public interest legal projects.

This was my last meeting for the three year term for which you elected me as your state delegate. It has been a completely enjoyable experience and I am grateful to you. □

David D. Hoff Elected 1978-79 State Bar President

Perceptive thinker...Lucid speaker...An appetite for hard work...Gregarious personality ...Add these qualities together and you'll have a clear picture of David D. Hoff, newly-elected president of the Washington State Bar Association. Unanimously elected by vote of the Board of Governors in March, Dave assumed office at the conclusion of the State Bar Annual Meeting held in Spokane in September. At age 40, he is the youngest member of the State Bar to have held that office.

Dave is a partner in the Seattle firm of Thom, Navoni, Hoff, Pierson & Ryder.

A 1962 graduate of the University of Washington Law School, Dave was a law clerk for Justice Frank P. Weaver of the Washington State Supreme Court, 1962-63, and has been in private practice in Seattle since 1963.

Active in the organized bar for many years, Dave was chairman of the Young Lawyers Section of the Seattle-King County Bar Association, 1969-70. Service with the American Bar Association includes terms as co-chairman of the Administration of Criminal Law and Prison Reform Committee,

1970-73 and as national director, Young Lawyers Section, 1973-74.

He is a former member of the State Bar Board of Governors, 1974-77, and was Secretary-Treasurer of the Bar Association in 1977.

Christian Legal Society Law Student Conference

Christian Legal Society members in Washington and Oregon are sponsoring a weekend conference for law students at Jennings Lodge, Milwaukie, Oregon, October 13-15, 1978. Lawyers and their families are also invited.

With concentration on the integration of faith, family life, and legal practice, the program will include several practitioners with various practices. In addition, featured participants will be Dean Carleton Snow, Willamette Law School, Richard Roddis, former Dean of the University of Washington Law School, and Professor Herb Titus, University of Oregon Law School. Charles V. Moren, Seattle trial lawyer, is chairman of the conference.

Members of the Bar and law students desiring to attend should contact any of the following: Charles V. Moren, (206) 365-5500, (Seattle); Joel H. Paget, (206) 464-4224, (Seattle); C. Raymond Eberle, (509) 924-9930, (Spokane).

ABA Approves Highline Legal Assistant Program

The American Bar Association, at its August 1978 convention, gave final approval to the Legal Assistant program at Highline Community College. The college, located four miles south of the Seattle-Tacoma Airport, thus becomes the only institution in King County with an ABA approved program for this new and growing profession. The only other institution in the state with ABA approval is Edmonds Community College in Snohomish County. The ABA has approved approximately forty such programs throughout the country.

Highline offers an Associate in Applied Science degree to students who have completed a two year day program, and usually more than two years at night. A total of 90 credits is required, with 47 credits being required in general and special legal courses. Applicants are admitted each Fall on a selected, limited enrollment, basis to assure to the extent possible the graduation of persons prepared to fill the need for such professionals in the private and public sector.

Persons with legal experience who are not in the program may, with written recommendation of

their employer, register for specialty courses on a space available basis. For further information, contact Henry E. Perry, J.D., Program Director, or the Admissions Office, Highline Community College, Midway, Washington 98031.

ISASI 1978 Convention

The International Society of Air Safety Investigators will hold its 1978 convention and seminar, October 2-5, at the Edgewater Hotel in Seattle, Washington. The theme of the convention will be: "Human Factors in Aircraft Accident Investigation." Distinguished members of the aviation community will give presentations on subjects ranging from pathology to anti-terrorist programs. Registration for non-members is $120; members $100; and students $50. CLE credit of 22.5 hours has been approved. For registration contact: James F. Leggett, 2025 One Washington Plaza, Tacoma, WA. 98402, (206) 272-7929.

In Memoriam

Karen J. Britt, 28, of Seattle, died February 20. She was admitted to the Bar in 1976.

James C. Dahl, 33, of Spokane, died July 28. He was admitted to the Bar in 1976.

Clifford E. Hoof, 71, of Seattle, died July 26. He was admitted to the Bar in 1930.

Judge **Erle Horswill,** 60, of Seattle, died July 28. He was admitted to the Bar in 1940.

Hugh B. Horton, 62, of Kennewick, died July 23. He was admitted to the Bar in 1949.

SOUTH KING REPORT
By JAMES L. VARNELL

C.L.E.—Golf. The annual South King County Bar Association golf tournament (better known as the "Phil Biege Open") was won by *former* member **Tom McElmeel.** It was obvious to all participants that Tom's two-stroke victory over **Paul Houser** and **Bill Levinson** resulted from the excellent advice received from his foursome which included this correspondent, Judge **James Dore,** and **Carol Coe.** Honored members of the judiciary attending included: Supreme Court Justices **Dolliver, Hicks** and **Rosellini;** court of Appeals Judge **Callow;** and King County Superior Court Judges **Bever, Chan, Cushing, Dixon, Eberharter, Roberts** and **Shellan,** along with Court Commissioner **Ishikawa.**

Based upon the previous years scores. **Paul Cressman, David Koopmans** and **Bob Jaffee** failed to make the cut.

Softball. Despite injuries, some retirements, and out-of-state trials, the Pro Se softball team had a successful year, which featured the revived hitting of **Clem Barnes** and **George Bennett,** along with outstanding play from **Gary** ("Gun") **Strauss, Tom Clark, Bruce Pym, Sam Baker, Brian Scott, Jim Grutz** and **John Weinberg.**

Word of Thanks. After three years of reporting to the *Bar News,* this correspondent would like to offer a word of thanks for the comments, information supplied by, and/or compliments, if any, of **Frank** (A.C.C.) **Smith, Roland Hjorth, Tom Bucknell, Rich Burns** and the journalistic advice of **Larry Brown, Vince O'Keefe,** and **Stan Baldwin.**

Notices

PROFESSIONAL

Dan P. Danilov of the Washington State Bar announces his availability to lawyers for consultations and referrals in U.S. Immigration and Nationality matters re: applications for nonimmigrant and immigrant visas, admission to United States, adjustment of status to permanent residence, and other proceedings before American Consulates abroad and U.S. Immigration Service in United States.

Latest booklet and information about U.S. Immigration Laws sent upon request without charge.

Dan P. Danilov, Esq.
3828 Seattle First National Bank Bldg.
Seattle, Washington 98154
Telephone (206) 624-1580

John O. Durkan announces his availability to assist lawyers to guide clients through civil or fraud tax audits, to negotiate settlements or to prepare and try federal tax cases before the U.S. District Court or the U.S. Tax Court.

Mr. Durkan served seventeen years with the IRS as corporate auditor, review and trial attorney and as Assistant Appellate Counsel of the Seattle District. Member of Washington and Montana Bars.

John O. Durkan, Esq.
155 N.E. 100th, Suite 403
Seattle, Washington 98125
Telephone (206) 523-5783

William B. Johnson announces his availability to consult on air and water pollution control matters. Now in private practice, he was formerly with the U.S. Environmental Protection Agency for 6½ years. Mr. Johnson received a J.D. from the University of Wisconsin in 1970. He also has an M.S. in Water Resource Management and a B.S. in Chemical Engineering from the University of Wisconsin. Mr. Johnson attended the National Institute of Trial Advocacy in 1977.

William B. Johnson, Esq.
444 Central Building
810 Third Ave., Seattle, WA 98104
Telephone (206) 622-7339

Research-Depositions-Appearances-Investigations. Washington and Alaska Bar members.

Canorro & Associates
7708 California Avenue, S. W.
Seattle, Washington 98136
Telephone (206) 932-8651

Ronald D. Flansburg of the Washington State Bar announces his availability for appellate consultation or association in matters of notices, motions, evaluation and development of appellate arguments and briefs or client referrals.

CONTACT:

Ronald D. Flansburg, Esq.
P.O. Box 7625
Olympia, Washington 98507
Telephone (206) 943-8888

D. Bruce Gardiner is available for advise and assistance to attorneys whose clients have legislative problems.

Mr. Gardiner has been a practicing lobbyist for 10 years, representing a wide variety of interests before local and state governments and is a member of the Washington Bar.

D. Bruce Gardiner, Esq.
1644 116th NE
Bellevue, Washington 98005
Telephone (206) 455-0440

CLASSIFIED

Classified Advertising Rates

Per issue: 25 words — $5 (minimum charge). Each additional word — 50¢. Confidential reply service — $2. Advance payment required.

For Sale: 4 IBM "Executary" dictating machines, plus one portable model and 7 IBM "Executary" transcribing machines, all of which have been under IBM maintenance agreements. $75 each. (509) 725-3101

For Sale: RCWA—$700. Call (206) 885-2180.

For Sale: RCWA and Lawyers Ed. Second. Both current and in excellent condition. 1 yr. old. Dick (206) 746-8250 or (206) 641-9779.

For Sale: Complete set Washington Reports, first series, including Territory Reports. Excellent condition. Best offer. Lionel E. Wolff: (509) 624-2161.

For Sale: 4 Volumes Forms of Agreements by Warren current to December 31, 1977, $100.00; 18 Volumes Federal Practice & Procedure by Wright, Miller, Cooper & Cressman, 7 Volumes Federal Practice & Procedure by Barron, $275.00; 31 Volumes Proof of Fact American Jurisprudence, $465.00; 4 Volumes Joneson Evidence, $75.00; 7 Volumes Averbach Handling Accident Cases, $85.00; 3 Volumes Switzer Trial Guide, $45.00; 1 Volume Goldstein Trial Technique, $15.00; Courtroom Medicine by Gelfand-Magana, $50.00; 23 Volumes Colliers on Bankruptcy, $675.00; Numerous other Trial Books available. Contact: Jack M. Whitmore, WHITMORE & DOUGLAS, 1401 Hoge Building, 98104. (206) 624-2132.

For Sale: Handsome attache case with umbrella inside frame. Holds legal-sized papers. Outer pouch, three locks. When you can't depend on sunshine to protect your appearance. Great on trips. $59.50. Info on request. G&S Sales, Box 2633, Van Nuys, CA 91404.

For Sale: Dictation Machines — 15 Stenocord Model 260/270 dictator/transcribers. On maintenance contract until replaced recently. All accessories included. $50.00 each, or best offer (206) 624-7371.

Office Space: Includes complete library; fully furnished conference room and reception area; receptionist; kitchen; lounge/study. Spacious individual offices for up to three attorneys. $600/mo. (206) 682-9192.

Prime Office Space Available: In deluxe Pioneer Building Suite for 1 attorney. All services and amenities available. Terms negotiable. Call (206) 632-7007.

Office Space Available: Lynnwood attorney has two offices, law library, photocopying and secretarial services available for sharing in comfortable converted home. Call (206) 775-1523.

Office Space Available: Bank of California Bldg., includes all facilities, excellent library, secretary, etc. Negotiable. (206) 623-2468.

Office Space: Natural setting on the Eastside. Third office in two-man firm. Secretary, phone, library, conference room, Xerox for $800/month; negotiable. Mattson & Stefnik, (206) 454-6009.

Office Space Available: 14th Floor, Seattle Tower, Third & University, Airconditioned, View. Choice of 311, 933, or 1244 square feet. (206) 624-1040.

Space Available: Spacious office suites for 1, 2 or 3 lawyers. Library available, copying facilities and receptionist's services negotiable. Choice financial district location. Air conditioned and recently remodeled suites. Reply to P.O. Box 21402, Seattle, WA 98111.

Left Out: of Seattle's 1978/79 Yellow Pages. Due to inexplicable circumstances Pacific Northwest Bell omitted to list FORD E. SMITH under the headings Attorneys, Patent Attorneys and Foreign Consulates as Consul of Guatemala. Despite rumors to the contrary, his practice and the consulate continues at Suite 1100 — Olympic National Building, 914 2nd Avenue, Seattle, (206) 624-5920.

Will: Anyone who may have drawn a Will for Jacqueline B. (Blanche) Boesche, please contact Roger H. Underwood, 855 Lincoln Building, Spokane, WA 99201. Phone (509) 455-8500.

POSITIONS

Wanted: Tax specialist with business background. Also an attorney with expertise in Admiralty and/or domestic matters. Excellent facilities and location near Fishermen's Terminal. Full time vessel documentation specialist, office manager and secretarial staff. Contact for resumes. Box 11 c/o WSBA.

Attention Lawyers: "The nice thing about being a VISTA lawyer is that in every case you handle you feel you're on the

right side," states Richard Franco, former VISTA lawyer.

That's one reason some lawyers, from fresh-out-of-law-school to the ready-to-retire, invest a year of their lives as VISTA Volunteers. They represent the poor and powerless, helping them to exercise rights that in many cases they never knew they had, revealing the law to them as a protective device instead of a menace.

VISTA lawyers take advocacy roles in such activities as juvenile justice, civil legal problems of prisoners, legal services to the elderly poor, community legal education programs, assistance to cooperatives and credit unions, research into utility rate structures, studies and proposal for changes in welfare services, legal counsel on housing and consumer issues, legal services to Indian tribal groups, and helping poor, minority or handicapped children get a good education.

In October about 45 new VISTA lawyers will start to work with legal aid or other non-profit organizations in cities and rural areas throughout the United States. If you have a J.D. degree (you don't necessarily have to have passed the bar), are single or married without dependents, are willing to relocate anywhere in the country, and would like to be one of the 45, call the VISTA recruiting office nearest you: Call (206) 442-5490, collect calls accepted.

Position Available: Ground floor opportunity for specialist in employee benefit plan law to join expanding Seattle firm. Experience required in all phases of this limited area of practice; the Internal Revenue Code and ERISA in particular. Financial arrangements negotiable. Respond to Box 13, WSBA.

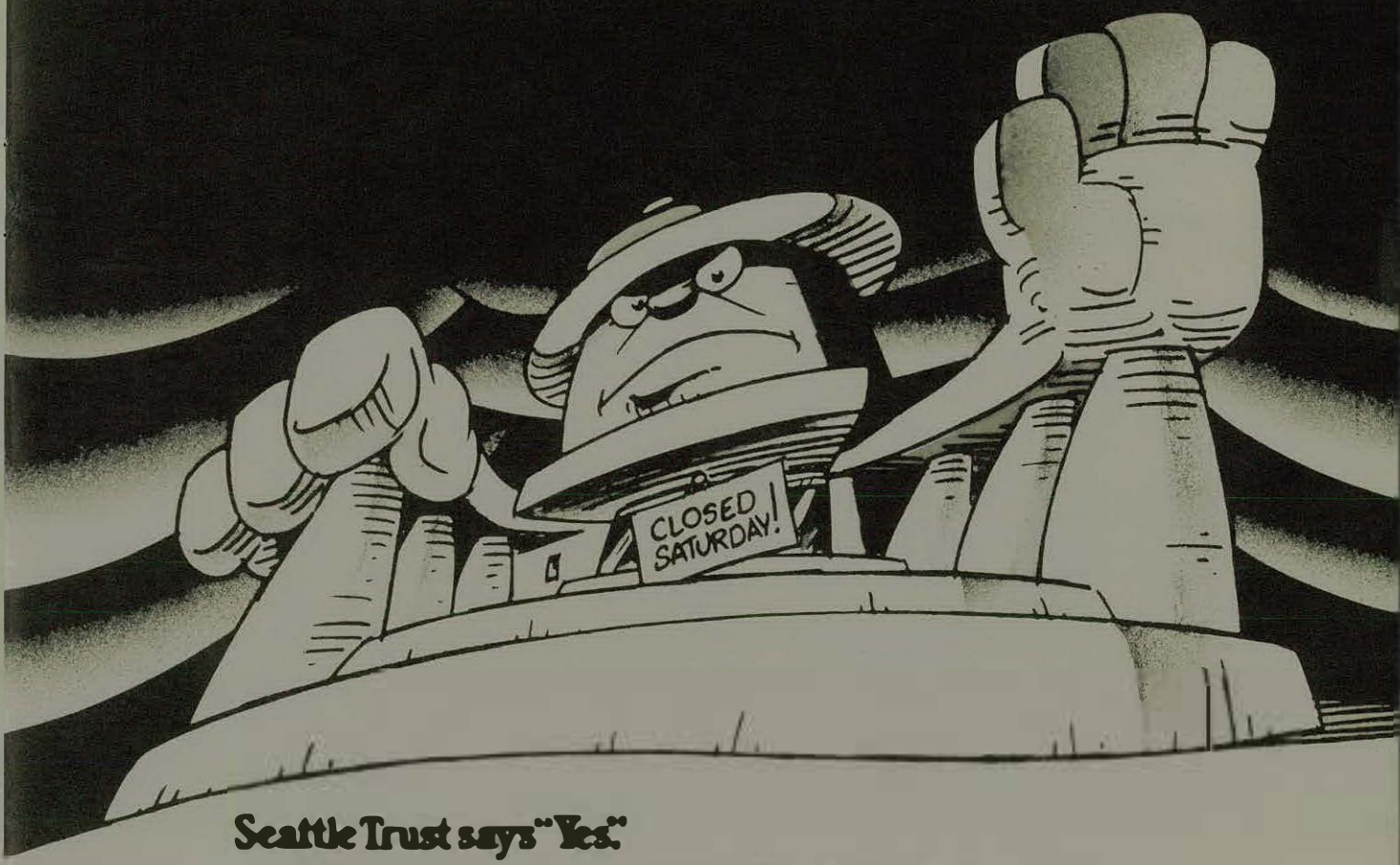
Corporation Counsel Wanted: The City of Spokane, Washington is currently recruiting to fill the position of Corporation Counsel. The position reports directly to the City Manager and is responsible for administering all legal matters for a municipal corporation.

Applicants must be a current member of the bar of the State of Washington and shall have practiced law within the State of Washington not less than five (5) years next preceeding appointment to the City of Spokane. Minimum salary $29,600. Apply to: Personnel Director, City of Spokane, Room 251 City Hall, N. 221 Wall, Spokane, Washington 99201.

Position Wanted: Young Washington attorney with excellent academic qualifications and references seeks associate position with reputable law firm and/or experienced practitioner in Puget Sound area. Three years experience in administrative, municipal and criminal law including extensive misdemeanor trial practice and legal research experience. Resume available upon inquiry. Contact Box 17, c/o WSBA, 505 Madison Street, Seattle, Washington 98104.

Position Wanted: Corporate Counsel for savings institution with real estate and tax experience desires position anywhere in Washington. T. R. Albert, 7742 - 21st N.E., Seattle, 98115.

Does your bank say "NO" to Saturday banking?



Seattle Trust says "Yes."

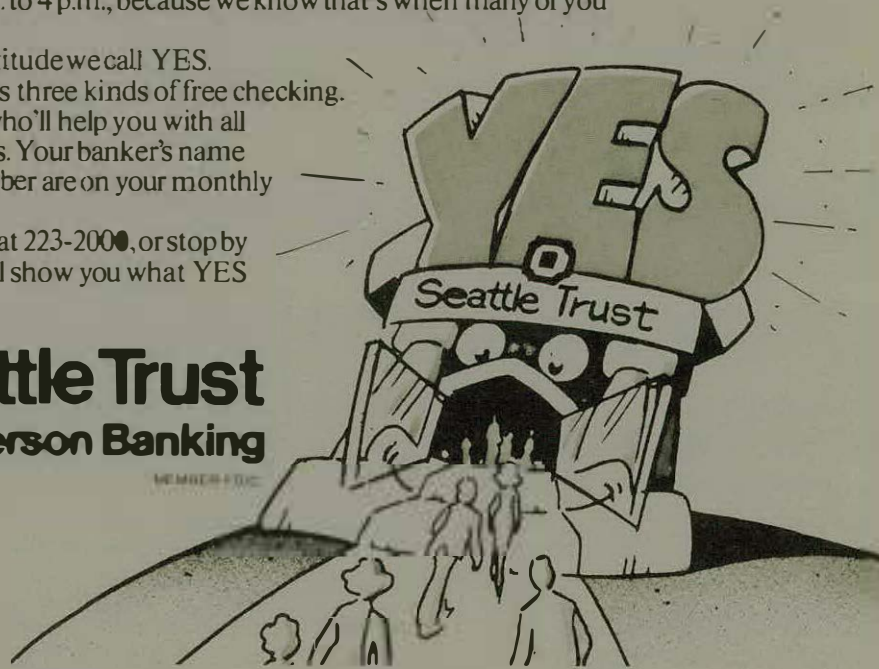
Welcome to the bank that *is* open. Seattle Trust. 8 of our 27 offices are open Saturdays from 10 a.m. to 4 p.m., because we know that's when many of you like to bank.

It's part of an attitude we call YES.

YES also means three kinds of free checking.

And a banker who'll help you with all your financial activities. Your banker's name and direct phone number are on your monthly statements.

So give us a call at 223-2000, or stop by any of our offices. We'll show you what YES is all about.



Seattle Trust

Person-to-Person Banking

MEMBER FDIC

YOU DIDN'T GO THROUGH LAW SCHOOL TO BECOME A BOOKKEEPER.

Day-to-day money management involves a lot of detail and paperwork. We know. At Rainier National Bank we've been helping busy people manage their investment holdings for years.

We call it Personal Asset Management.

Today more and more lawyers are recommending Personal Asset Management to their clients. The reason's simple. It frees up your time so you can get on with business. And it gives your clients the kind of professional money management they need in today's uncertain market.

How involved you want us to become in the management of your client's assets is up to you. We can set up a custodial account, where we act as your bookkeeper. We can give you investment advice. Or we can assume the burden of full trustee. We're flexible.

Talk the idea over with your client and then call us at 621-4462.

Personal Asset Management. It could be a real asset to your client relationship.

RAINIER BANK

Member

WASHINGTON STATE
BAR ASSOCIATION
505 Madison Street
Seattle, WA 98104

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