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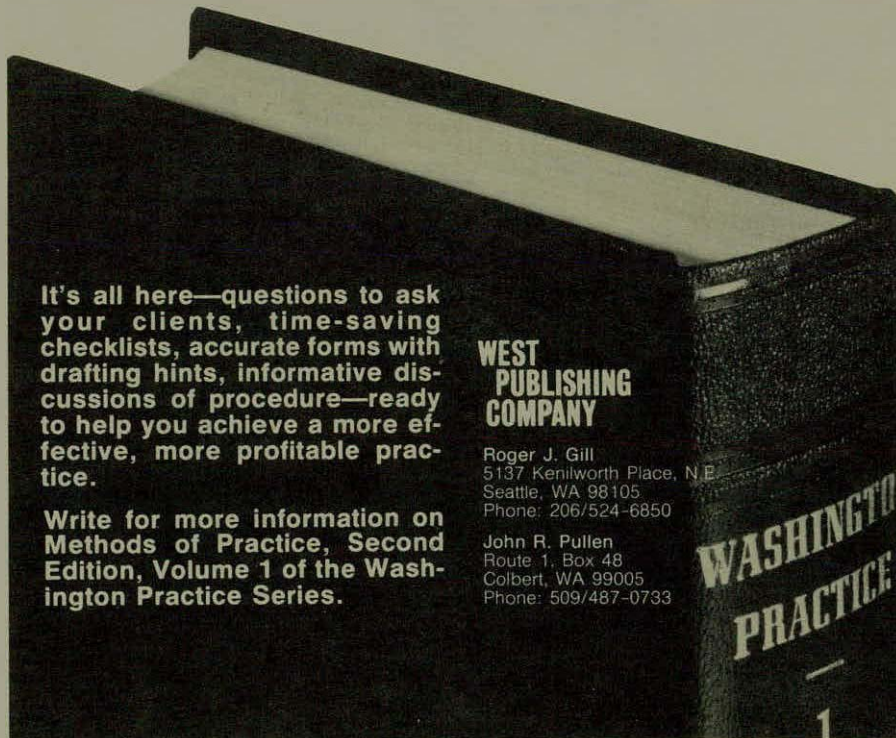
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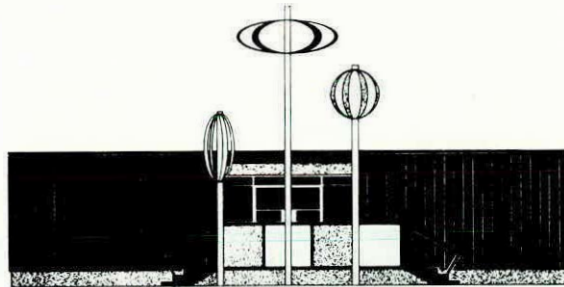
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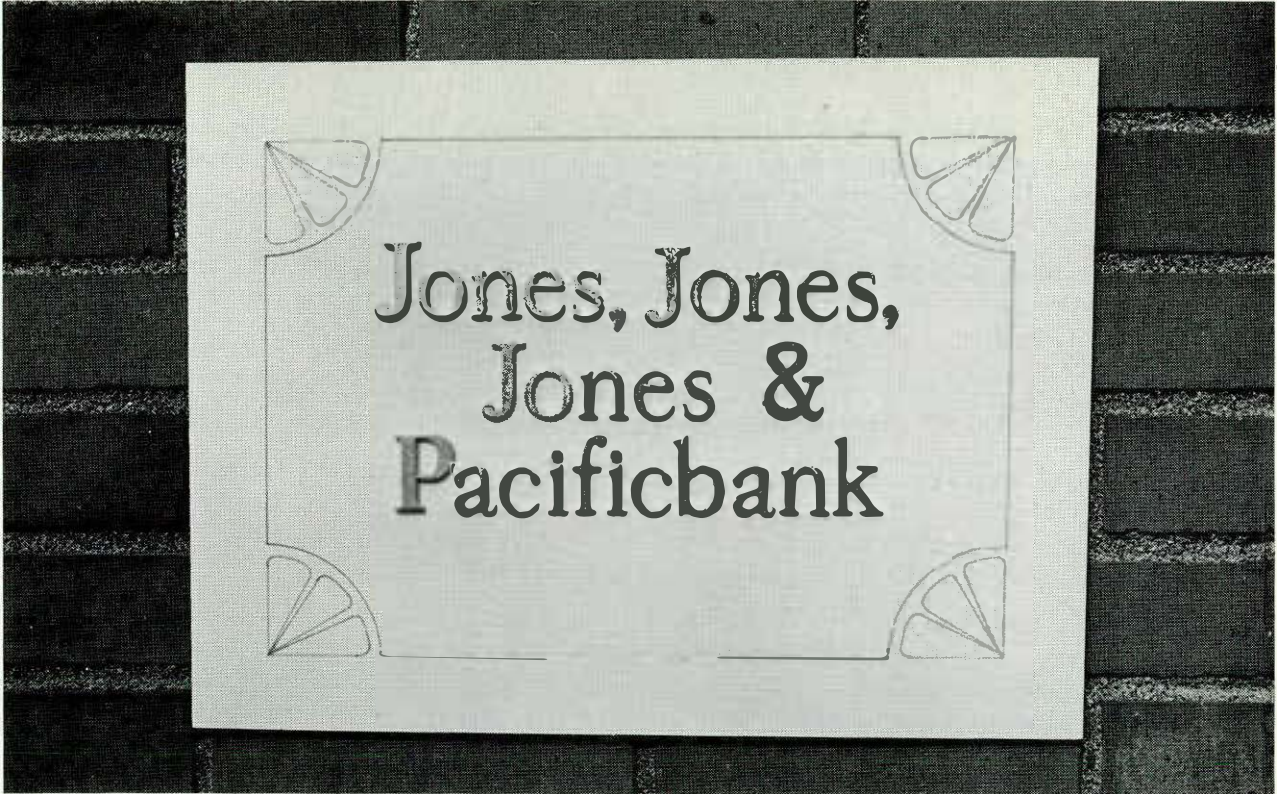
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Our Cover



Illustration by George Cruikshank. A tightrope is a crossroad, isn't it? See "Professionalism at the Crossroad," by Arval Morris, p. 8.

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Lawyers Lack Sense of Humor

Editor:

I think all of my colleagues, in the Washington State Bar, will agree that I have probably made and lost more money than any practitioner in the history of the Bar.

I am still appalled at the fact that my colleagues, who voted against an increase in the Bar dues, have such limited vision. It is only a matter of time before society will outlaw the need for lawyers completely, due to the ineptness of Lawyers as a group to explain the reason for their existence to the general public. Those who voted against the increase in dues, in my opinion, have long ears and bray.

Justice Warren Burger recently caused a furor by stating that fifty percent of all trial lawyers are incompetent. After twenty-five years of being a trial lawyer, I would say that ninety percent would be a closer estimate. Isn't it interesting, however, to note that ninety-nine percent of all judges come from this segment of the Bar. I realize this statement might offend a lot of my colleagues, but then the truth often does.

Really, isn't the problem with lawyers the fact that they cannot laugh at themselves and usually take themselves too seriously?

JOHN R. LEWIS

Yakima

LEXIS Is Alive and Well

Editor:

The Office Practice Tips column in the November issue [*Bar News*, 31:10:45], included a brief comment on the

LEXIS computerized legal research system offered by Mead Data Central. Our firm has had its own LEXIS terminal for well over a year now, and we find it to be a very valuable research tool. Of course, LEXIS will be even more valuable when Washington State case law and statutes become part of its library.

The article, however, stated that costs prohibit including cases from a small state like Washington in the LEXIS data bank. You therefore concluded that, "LEXIS is not a viable option for Washington lawyers." This is inaccurate. When our firm subscribed to LEXIS, Mead agreed to make Washington cases available when twelve (12) Washington law firms subscribed to the LEXIS service. These subscriptions can be conditional agreements under which

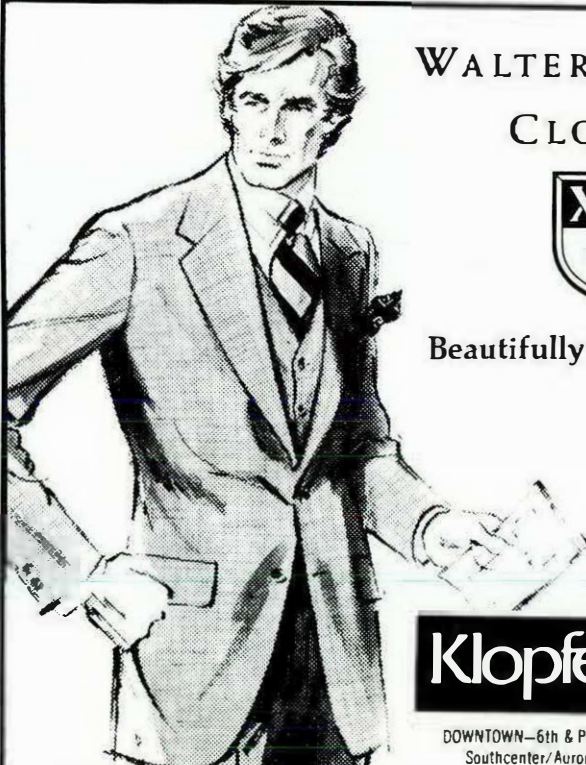
the subscription only begins once the Washington cases become available. The case law from other small states, such as Kansas, Kentucky and Arizona, is already available.

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THOMAS J. McLAUGHLIN
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-Ed.



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Mentionables

I don't think I can go the distance on a one-subject column this month, so I'll mention a few things which may be of interest and string them together with asterisks. That's how this column usually is written anyhow, but normally we leave out the asterisks to save money.

* * *

Our state Supreme Court has agreed to raise the bar examination fees, effective with this July's exam. New price for persons not admitted to any bar: \$200, up from \$125; for "attorney applicants" who, incidentally, now take the same bar exam as everyone else: \$325, up from \$225. The court's action amounts to dues referendum fallout, and it came at the request of the Board of Governors who decided in December that the bar exam should be self-supporting (the exam was subsidized by the membership in the amount of about \$68,000 during the last fiscal year). Some subsidy still may be necessary. Actual cost per applicant (there were over 400 of them) for the February exam: \$222.86. This figure should drop in July with increased demand. Regarding the bar exam, most of us would just as soon pass, so we'll move along.

* * *

Maybe the Supreme Court could do something about the *Bar News'* deficit. Speaking of that, if any of you know of someone who would like to advertise in the *Bar News*, now would be an opportune time to say so. Our informal studies suggest that if this column were a paid advertisement, more lawyers would read it.

* * *

Some of our recent history has attracted comment by Garvin F. Shallenberger, president of the California bar, writing in the January/February issue of the *California State Bar Journal*: "You think we have troubles? In the state of Washington the State Bar just tried to double the dues for its members (the membership, by referendum, rejected the increase). Also an integrated bar, they have mandatory continuing legal education. It is a very new program and so the results are certainly not in on it but at their convention

earlier this Fall I did hear a great many complaints about the fact that the quality of the classes being given in their continuing legal education program seemed to have fallen off rather dramatically. Their Board is aware of it though and I have no doubt that they will cure that problem. The Washington State Bar struck me as being a very well run organization." I don't know whether I should mention it, but Shallenberger's column also announced to the California lawyers that their annual dues were being *reduced* by \$10 for fiscal 1978. Of course, their revenue base is a bit larger than ours: the number of *new* California lawyers in 1978 is expected to be about 9,000—a number greater than our total membership. Plus most of them have to practice in California. As to CLE, see "The Board's Work," p. 21.

* * *

At the Tacoma-Pierce County Bar Association's Lincoln Day Banquet on February 24, I discovered a lawyer who believes in honest advertising. He gave me his business card:

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* * *

In this issue, Andrea S. Cohen discusses the 1977 amendments to the guardianship statutes, and suggests that the legislative intent behind the laws is not always best served if a lawyer is appointed guardian ad litem in competency proceedings. Also, Arval Morris surfaces to respond to Warren Burger's Declaration of Incompetency. In this regard, I have received copies of a number of letters from lawyers (and one judge) complaining about the Chief Justice's remarks wherein His Honor's name has been misspelled. It probably doesn't mean anything, but I thought I would mention it. JYW



Success Story

I have a distinct recollection of the first time that a representative of the new movement known as "Young Lawyers" formally appeared at a meeting of the Board of Governors and announced that henceforth a representative would be in attendance at all meetings to present their views. This was in the early 1970's and the reactions of various Board members were gleefully reported in the *Bar News*. They varied from restrained welcome to open antagonism, with a mid-point best described as serious concern about the ultimate motives and effect upon the Bar.

In retrospect, these concerns were predictable. The suggestion that "young" lawyers needed a separate voice led to the expectable inference that the Board was acting only for the "old" lawyers — an inference which the Board members (including myself) were neither delighted nor willing to accept. However, in succeeding months it became apparent that such an inference was neither intended nor pursued. The fear that the movement would divide the Bar at age 35 has not materialized. The throng of wild-eyed young radicals has not emerged. To the contrary, the Young Lawyers Associations have become responsible, innovative, and productive forces in bar associations throughout the nation acting in cooperation with — not in opposition to — the regular associations.

A fine example of this — and the stimulus for this letter — is the recent activity of the Tacoma/Pierce County Young Lawyers Association. At the recent traditional Lincoln's Day Banquet in Tacoma, it was my privilege to present to that association a special achievement award from the American Bar Association for their immensely successful endeavors in organizing and operating the "Tel Law" program in the Tacoma area. For those unfamiliar with the program, it makes available to the public a number of taped presentations on various law-related subjects by simply dialing into the program and identifying the subject matter. Obviously, the success of such a program requires not only skillfully prepared presentations, but also a great deal of work in making the public aware of the availability of the program.

This unique award from the ABA was given to



only three other comparable areas in the nation, and recognized the fact that the Tel Law program provided a service to the public in the highest tradition of the Bar. As is the case in most public-service bar activities, it also benefits the lawyer directly in providing an awareness to the public of the need for, and availability of, legal services. This was demonstrated in Tacoma by the remarkable increase in Lawyer Referral services after institution of the Tel Law program.

Of particular significance to the theme of this letter, however, is the fact that the Washington State Bar Association provided the seed money of approximately \$7,500.00 to this group of young lawyers to set up the pilot program. This expression of mutual confidence and cooperation is a far cry from the initial relationship, and demonstrates that there is no schism between the young lawyers and the rest of the Bar, but rather that the enthusiasm and innovativeness of the young lawyers is welcomed by the Board of Governors and will lead to major Bar programs benefiting the public and the Bar.

Should Lawyers Be Certified for Legal Specialization?

Professionalism at the Crossroad

By ARVAL A. MORRIS

A lawyer is a professional and that implies professionalism. Professionalism can serve the lawyer by providing a vivid sense of identity, by increasing the harvest of internal satisfaction with his work product, by increasing a lawyer's status in society, and by lending stability to a lawyer's financial rewards. Professionalism can serve the public by assuring that an acceptable level of quality is present in legal services. Thus, professionalism can serve lawyers and the public. But, improperly extended, professionalism also can harm the lawyer and the public by restricting entry into the profession, by unwarrantedly raising the prices for legal services without equally raising their quality or quantity, by producing inordinate concerns in lawyers about their status thereby inducing anxiety which reduces internal satisfactions, by creating a professional hierarchy of elites who wield power for their own welfare, and by widening the social gap between lawyers and the public. My theses are that the legal profes-

sion currently is at a professional crossroad requiring a decision on whether or not to certify practitioners for various legal specializations, and that professionalism, as we currently know it, will be affected materially by whichever highway we choose to travel.

Pressures leading to legal specialization are well known to all. Additional pressures are mounting rapidly for the independent certification of practitioners for specialized branches of legal practice. Last term, the United States Supreme Court decided *Bates v. State Bar of Arizona*, 97 Sup. Ct. 2691 (1977), holding that a state constitutionally cannot prohibit newspaper advertisements of prices for certain routine legal services. Although a legal clinic's "routine" services, such as uncontested divorces, were at issue, there is very little in the Court's reasoning that would

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limit the decision's future reach. It is clear enough that dignified and truthful advertising about a lawyer's specialty would come within the principle established by the *Bates* precedent. Thus, public self-certification by a lawyer of his specialization appears to be constitutionally possible.

Burger's Remedy for "Incompetence"

Moreover, Chief Justice Warren E. Burger has been labelling trial lawyer "incompetence" as one of the "most serious problems facing our profession." He has stated that much of trial lawyer performance "borders on malpractice" and that "discipline of lawyers for misconduct is in an abysmal state in our country." Without identifying the reliability of the sources of his information, he publicly declared that over half of America's trial lawyers are incompetent and that a formal, state specialist-certification system is the proper remedy: "Until we establish special standards for the right to appear in the courts, independent of admissions to the bar generally, we will not solve our problem." Furthermore, Burger wants America's law schools to shoulder the task of creating "quality" trial lawyers by instituting new curricula in clinical and similar kinds of education, followed by an apprenticeship, which would help achieve the ends of specialist certification.

Formal specialization certification would tend to limit the openness and access of the profession to new members. Some misguided lawyers welcome that prospect. But, I suggest the argument that is in favor of specialized certification in general and Burger's recommendations in particular must be viewed with skepticism and rejected. I am certainly not against high-quality standards prevailing in our existing practices. But Burger and others want to change our practices rather significantly, and that type of proposal has additional implications.

Costs of the Remedy

The cost of entering the legal profession is the cost of a law school education (which can be divided into taxes paid by the public and tuition paid privately) plus the cost of any apprenticeship, when one is required. The costs of a legal education that fully includes "clinical education" which teaches trial advocacy are at least from six

to ten times greater per student than at present. Thus, someone has to pay. Moreover, because specialty-certification schemes involve some sort of an apprenticeship, its cost would have to be added to the costs of a clinically oriented law school education in order to arrive at the total sum of the cost that must be paid for entry into the legal profession. This line of analysis leads to a certainty: as a general matter, the higher the entry costs in terms of the amount of money and number of years of preparation needed for entry into the legal profession, the less adequate will be the delivery of legal services to the public — in the absence of a massive commitment of public funds.

Medical Profession as Precedent

We are not without a precedent illustrating the general relationship between professional entry costs and the availability of professional services. Early in this century the medical profession was essentially open; medical costs were low; doctors got to know their patients and made house calls. But, it was alleged that quackery abounded and that half of the doctors were incompetent. The cry was for improved standards through the use of



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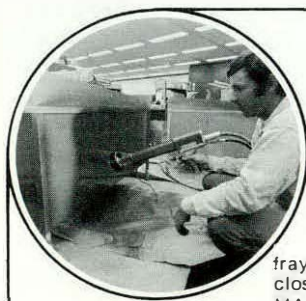
various certification and other schemes. The American Medical Association launched a campaign against medical quacks which was symbolized by the famous Flexner Report on Medical Education and which resulted in higher admission standards, an increase in the length of medical school education, the development of clinical education courses, and the institutionalization of formal apprenticeships called internships that are followed by residencies. In short, the costs of entering the medical profession were raised substantially.

What were the results? Apparently the number of quacks was reduced, for which we are all grateful, although some people apparently still have doubts about that. But, quackery was not the only casualty. Medical entry costs went up dramatically as America's population grew, but the actual number of medical students went down. It cost so very much to educate them that their total number diminished. This made doctors scarce. As the incomes of physicians soared, more and more students, many of them self-seeking, applied for entry into medical schools, until today the celebrated *Bakke* case has revealed

that the Davis Medical School of the University of California received over 3,700 applications for 100 places.

Moreover, medical income escalation has shaped the nature of professional expectations. House calls have ceased, few doctors take the time or have the desire to know their patients, and we have witnessed the rise of the imperial physician. Medical practice has molded itself into a system akin to yesterday's patriarchal family structure with each medical practitioner commanding a number of assistants, each limited to an increasingly narrow role. It is hard to believe that the harvest of internal satisfactions for physicians has not diminished. Further, shortage of American doctors coupled with their high incomes have caused thousands of foreign medical professionals to come to our shores. These foreign physicians were trained at foreign expense by countries that are now subsidizing health care in the United States in two ways: (1) they pay the cost of an immigrant physician's education and (2) they suffer the lack of his medical services after he emigrates. Moreover, many foreign doctors have little in common with those Americans who live in poverty, many of whom they are expected to serve. Finally, we have seen an exodus of many American students to medical schools located in foreign countries such as Mexico, Poland, Spain, Italy and elsewhere.

This development has done very little for the quality of American health in general. Everyone admits that Americans are healthier today than they were in 1910, but everyone also admits that the improvement is due almost exclusively to public health practices and due only marginally, if at all, to the private practice of medicine. Longevity and morbidity have not improved significantly for decades. Moreover, it cannot be argued that our elaborately trained physicians with all their various specialty certifications have achieved dramatically more significant results than their counterparts in the private practice of medicine in other countries (England, Germany, Sweden, Switzerland) where medical training is at considerable less expense and where entry costs are much lower with access to the profession much more open. And finally, who among us would argue that America's doctors today, as a whole, are more humane, sensitive, civil, sym-



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Impact of the Remedy

No, the impact of increasing the entry costs into the profession of medicine has not been that of improving the aggregate health of Americans, but its impact has been on the pocketbooks of patients and taxpayers who often are one and the same. They eventually must pay the higher entry costs. The principal beneficiaries have been the professional physicians themselves. The aspirations of American doctors for high incomes have been met. When one views this history dispassionately, it is not hard to conclude that the most important consequences have been a significant impairment of human relationships between doctors and patients and a significant impairment in the delivery of medical services to Americans in general. It is also hard not to conclude that specialty-certification and this country's medical schools were badly used, or at least over-used.

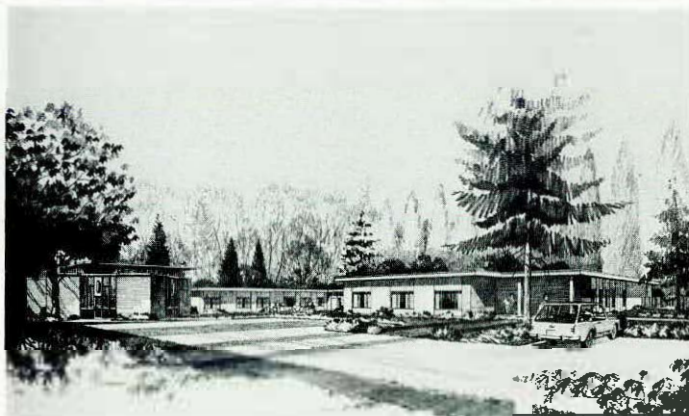
The general relationship is clear between policies that escalate the entry costs into a profession and that profession's subsequent impairment

of its ability to deliver its professional services to all the American people. Someone has to pay these costs which restrict the availability of the service. The availability of legal services is of special concern to the legal profession. The only position consistent with our calling as lawyers is maximum availability, and this position is right not because of the anti-trust laws. Legal services are a fundamental necessity of community life for the public clientele. More basically, the maximum availability of legal services is founded in the roots of our democracy which requires the effective and adequate representation of all groups in this American society. These fundamental concerns point to a policy of the maximum availability of legal services. That policy requires openness and access. It militates against proposals entailing restrictiveness and higher entry costs which would tend to ration legal services by making them more scarce. Thus, until American society consciously decides to abandon its commitment to democracy, we are obliged to give the edge to professional openness when considering policies that directly affect access to the legal profession. □

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Guardianship Proceedings in Washington State

By Andrea S. Cohen

Significant changes in the requirements of a guardianship proceeding were made by the Washington State Legislature during the last legislative session. The new amendments became effective on September 22, 1977. Perhaps the most important of these changes concerns the expanded role of the guardian ad litem.

As little as three years ago, requirements of a guardianship proceeding were considerably different than they are today. The hearing itself may have lasted about five minutes, with only the petitioner's attorney available to represent the issues and to recommend action. In most cases, the presence of the alleged incompetent person was waived. What often resulted was a judicial finding of total incompetency based on a short note from a physician and the petitioner's allegations.

The guardianship proceeding became more sensitive to the rights of allegedly incompetent persons as a result of amendments which passed in 1975. The concept of limited guardianship was introduced, which recognized that an individual might be only partially disabled rather than being

either totally incompetent or totally competent. The intent of limited guardianship was to assure that the ward lose the *least* amount of autonomy possible consistent with his/her functional abilities. Under limited guardianship, the ward retains all rights except those specifically designated to the limited guardian in the guardianship order.

A safeguard against unwarranted determinations of total incompetency was also added in



Andrea S. Cohen holds a M.S.W. degree from the University of Washington, and currently is employed with the Senior Citizens Legal Services Project at the Seattle-King office of Evergreen Legal Services.

1975, but only in certain categories of petitions. In cases alleging mental illness or mental retardation as the basis for the petition, an impartial investigation assessing the degree of incompetency or disability was to be performed and a report submitted to the court. The investigation was to be performed by an agency designated by the local mental health board, the local mental retardation board, or county social service administrative board.

As a result of an impartial investigation being required for certain categories of petitions only, most older people were left without the partial protection against an unwarranted declaration of total incompetency afforded by the assessment of a qualified mental health professional. Because older people are the subject of the majority of adult guardianship petitions filed in Probate Court, this portion of the 1975 amendments was of limited value.

Also added in 1975 was the requirement that a guardian ad litem be appointed in all cases, except where minority was the sole basis for the petition; however, the 1975 amendments did not specify who the GAL should be or what the GAL should be required to do.

1977 Guardianship Amendments

The 1975 legislation was thus only partially effective in protecting the rights of older persons subject to a guardianship proceeding. An impartial investigation was not required, and the GAL who was appointed for the proceeding was almost always an attorney whose duties were not specified.

As a result of the 1977 amendments, the law now states that the GAL must meet certain criteria and perform specific tasks. The law requires that the GAL shall be free of influence from anyone interested in the result of the proceeding and that the GAL have knowledge, training, or expertise in the type of incompetency or disability alleged in the petition. The duties of the GAL are as follows:

- (a) To meet and consult with the alleged incompetent or disabled person and explain in language which such person can reasonably be expected to understand the substance of the petition, the

person's right to contest the petition, the identification of the proposed guardian, the right to a jury trial, the right to independent counsel, and the right to be present in court at the hearing;

- (b) To provide the court with a written report which shall include:
 - (1) A description of the degree of the incompetency or disability;
 - (2) An evaluation of the appropriateness of the guardian or limited guardian;
 - (3) If a limited guardianship, the appropriate duration and limits of such limited guardianship;
 - (4) Any expression of approval or disapproval made by the alleged disabled or incompetent person;
 - (5) A recommendation as to whether or not counsel should be appointed to represent the alleged disabled or incompetent person and why. [RCW 11.88.090(3)]

In addition, the GAL is required to attempt to locate a qualified person or organization to



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become guardian if none is named in the petition. [RCW 11.88.090(4)] The GAL also is *required* to be present at the final hearing if the presence of the alleged disabled or incompetent person is waived. [RCW 11.88.040(3)] If the GAL has any reason to believe that the medical report provided is inadequate, he or she can select an independent physician to do an examination and write the report. [RCW 11.88.045(3)]

Merger of requirements for GAL and impartial investigation

In essence, the function of the impartial assessment has been merged with the more traditional role of the guardian ad litem; and the added protection of an investigation provided by a qualified professional has been expanded to all guardianship petitions. The new role of GAL is much closer to that of a mental health professional than that of the typical private attorney.*

The major problem with placing the expanded requirements on the guardians ad litem who have traditionally been appointed is that attorneys rarely have the kind of professional training and expertise which qualify mental health professionals to assess the degree of disability and functional competency of a proposed ward. On the other hand, some concern has been expressed that a non-attorney guardian ad litem will be unable to adequately represent the best interests of the proposed ward and to protect his/her rights. The legislature has provided in the statute, however, that in situations in which the rights and interests of an alleged incompetent or disabled person may not be adequately protected and represented, the court must appoint counsel. [RCW 11.88.035]

There are at least two options for effecting the merger of roles which the new guardian ad litem amendments require. First, attorneys might be

*In fact, one could argue that the Legislature specifically intended that mental health professionals be appointed as GALs. The language of the 1975 statute required the impartial investigation to be performed by an agency designated by the local mental health or mental retardation board or the county social service administrative board. The only differences between that investigation and the investigation now required are: (1) that it must be done in all cases (except where minority is the sole basis of the petition) and (2) that it must be performed by the GAL. If GALs are *not* qualified to perform these evaluations, little benefit will be derived from this requirement.

trained to perform assessments of mental competency; this, however, would require extensive training. Alternatively, mental health professionals can be trained to serve as guardians ad litem, which requires more limited training.

One model for training social service professionals to serve as guardians ad litem has been used in King County. The training was developed by Senior Citizens Legal Services Project and the Human Services Division of King County Rehabilitative Services Department, and it consisted of two sessions, one-half day each. Mental health professionals were provided with information on the implications and requirements of a guardianship proceeding as well as the court's expectation of the guardian ad litem. The mental health professionals who participated were given written material on guardianship which included packets outlining how to obtain the necessary information and how to submit a report to the court.

Implementation of the new GAL requirements

Proper implementation of the new requirements is dependent upon many factors. Training of potential guardians ad litem alone will not result in a transition to appointment of mental health professionals. Private attorneys who represent petitioners must become familiar with the new requirements, so that they can make recommendations to the court for appointment of guardians ad litem possessing the required skills. Additionally, the courts must be furnished with a list of social service professionals knowledgeable in the area of guardianship. This list should contain information on the special area of expertise which might qualify the individual to assume the role of guardian ad litem and should be used by the court to assure that appropriate guardian ad litem appointments are made.

Although the intention of the 1977 amendments was to protect the allegedly disabled or incompetent individual from unwarranted loss of civil and legal rights through the requirement of appointment of a guardian ad litem qualified to do an impartial investigation, failure to implement the new requirements as intended may actually result in a loss of protection for the proposed ward. cursory perusal of guardianship files in King County since the effective date of the new requirements has uncovered an unintended consequence

of the well-meaning legislation. People who were alleged to be disabled or incompetent due to mental illness or mental retardation are in some cases no longer getting the benefit of impartial investigations done by specially qualified mental health professionals. Because this function is now being required of guardians ad litem, and attorneys are still being appointed as guardians ad litem in these cases, people whose special expertise is in the area of law and not in the area of assessing mental competency are performing this function. Unless serious efforts are made to implement the statutory requirements as intended, the progressive elements of our guardianship statute will not be realized.

We in the State of Washington are fortunate to have a statutory structure that provides appropriate protections against unwarranted declarations of incompetency; however, these statutory provisions will be meaningful only if they are implemented as intended by the Legislature. To succeed in refining the reforms begun in 1975 and expanded upon in 1977 will require the knowledge and good intentions of all professionals involved. □

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A Look at the Insurance Program Available to WSBA Members

By Arthur S. Langlie
*Washington State Bar
Association Insurance Trust*

In 1976 the Board of Governors of the Washington State Bar Association appointed a special committee to review and evaluate the insurance programs being offered under WSBA sponsorship. As a result of that study, the WSBA significantly revised the insurance program made available to Washington lawyers.

The special committee which had been appointed to revise the insurance program was significantly reorganized and the members of the committee ultimately became trustees of what is now known as the Washington State Bar Association Insurance Trust. The current trustees are John O. Burgess, Chairman, and Ralph M. Bremer, Richard A. Ekman, Michael R. Green, Willard Hatch and Arthur S. Langlie. The trustees meet bimonthly to review the various insurance coverages, the experience under the various programs, and to assure proper administration of the insurance programs on a sound economic basis. All master group insurance policies have been issued to the Washington State Bar Association Insurance Trust and the trust annually provides participants with a disclosure of trust operations.

Washington State Bar Association members have received an information package on the several insurance plans being sponsored by the trust, including a life insurance plan as well as disability and medical insurance plans. Those plans contain significant revisions in benefits and an improvement in coverage and cost. Considerable time and effort has been devoted to making those plans both realistic and competitive.

As part of the initial research to develop the best plans available, about 40 insurance carriers were contacted and were requested to make proposals. After analyzing the results, the three primary coverages were arranged with broad benefits and high limits which the trustees believe are

superior to most plans. It should be pointed out that each of the plans is subject to an experience refund provision which simply means that savings achieved through favorable experience will be passed on to participating lawyers.

Each of the plans is under periodic review to assure WSBA members that they are receiving realistic benefits at the lowest possible premium.

The medical plan offers a choice of two deductibles and then pays 80% of the next \$1,500 of eligible expenses, plus 100% of any expenses above the \$1,500. The amount payable for each covered person is \$250,000 with an annual reinstatement of \$2,500.

The long-term disability plan pays up to \$2,000 monthly when a member is totally disabled from an accident or illness. One of three waiting periods may be selected and benefits commence on the day following the stated waiting period. Benefits are payable as long as the disability continues up to the member's 65th birthday. After a total disability of six months, subsequent premiums are waived during the continuance of the member's total disability.

Members of the Washington State Bar Association, under the plan, are also eligible for term life insurance up to \$200,000 in units of \$10,000. Accidental death and dismemberment benefits may be added as an optional benefit. Benefits under the term life program are payable for death by any cause. The term life plan utilizes level term insurance renewable to age 70, and there is no reduction in benefits due to the member's advancing age. The term insurance is fully convertible at any time.

The trustees have found the initial response to the revised insurance program of the Washington State Bar Association to be favorable, but what is needed now is a larger participation from our membership in order to achieve the real savings which can only be obtained through favorable experience. Realistically, this exceptional program can only remain viable if it has the advantage of strong participation by all members of the Washington State Bar Association. In effect, broad participation will make individual participation more economical through better experience. The Washington State Bar Association insurance program merits your thorough consideration; an individual review or a comparison with other pro-

grams is available through representatives of the WSBA Insurance Trust. For further information contact Peter A. Shoudy or Mary Durner of Johnson & Higgins of Washington, Inc., telephone: area code 206/292-1900. □

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A similar Professional Liability Plan has received the endorsement of the state bar associations in New York, Virginia, Ohio, Texas, Wisconsin, Mississippi, Utah, District of Columbia, Montana, Nebraska, Pennsylvania, West Virginia, and others.



Credit Union "Open for Business"

By Jay V. White

TACOMA, February 24-25 — Ken Rice of Everett, president of the law association's Credit Union, met with the Board here to announce that the credit union is "ready to go and open for business."

Raymond Glynn of the Washington Credit Union Center who manages five credit unions from his Seattle office has been designated to manage the credit union. Glynn is a graduate of the University of Puget Sound law school.

Law firms, their employees, lawyers, their families, employees, and bar associations are eligible to become members of the credit union. The first dividends on deposits may be declared as early as June. Glynn, who also met with the Board, stated that new credit unions typically pay dividends in the amount of three to four per cent per annum in the first year, and five to six per cent in the second year. He added that more than fifty per cent of this state's credit unions pay more than six per cent in subsequent years. (The maximum allowed by law is seven per cent.)

Glynn said that initial loans would be offered at the rate of 12 per cent interest, but that this rate probably will be lowered as participation in the credit union increases. (Information about the credit union and application forms may be obtained from the Washington State Bar Association Credit Union, 120 Sixth Avenue North, Seattle, 98109).

At Rice's request, the Board unanimously agreed to deposit up to \$10,000 of the bar association's funds in the credit union to get it under way. Rice provided members of the Board with application forms, urged them to join, and "challenged" them to match his own first deposit as a member in the amount of \$500.

The Board's unusually light agenda was marked by a meeting with Legislative Representative Bill Gissberg, and a report from Terry Lumsden and Marc Christianson of the Young

Lawyers Section of the Tacoma-Pierce County Bar Association concerning that organization's Tel-Law program which commenced operations last July. The Board met in Executive Session for approximately two and one-half hours to review pending disciplinary matters.

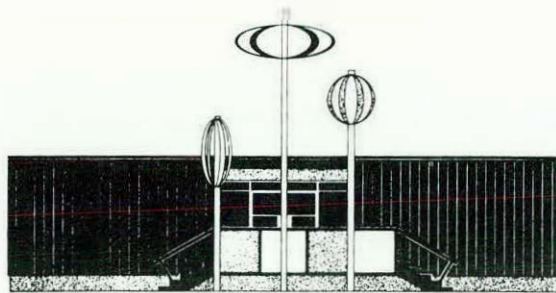
Board Member Betty B. Fletcher was absent from the two-day session because of a schedule conflict. Meeting with the Board was Ex Officio Member Timothy R. Fishel of the state Young Lawyers Section, and Terrence A. Carroll, representing the Seattle-King County Bar Association, Young Lawyers Section.

Legislative Program

Legislative Representative Gissberg reported that he has been attending meetings and hearings of approximately a dozen legislative subcommittees. He suggested that the Board consider authorizing committees and/or sections of the bar association to appear at such sessions for the purpose of giving the views of individual committees or sections as legislation is being developed before it is "cast in concrete."

This stimulated a discussion as to the scope of bar association's role through its legislative representative or otherwise in the legislative process. The sense of the Board appeared to be that the legislative representative should present the bar association's official position on matters "directly affecting lawyers and the bar association." Several Board members questioned whether the bar association through the Board of Governors and the legislative representative should take positions regarding legislation proposed to deal with controversial social issues.

"As elected representatives of the bar," Board Member Willard Walker stated, "we have to decide whether a particular piece of legislation affects the bar association in such a way that we



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should take a position."

President Novack commented: "We are facing the same basic question which is facing bar associations nationally: Do we get involved in 'public interest' items or do we just serve the lawyers?"

Board Member Lowell Halverson expressed the view that if the Board were going to act as a "shadow legislature," then "we need guidelines where both majority and minority views are presented." Several other Board members indicated it might be helpful to the legislature if there were some mechanism for communicating conflicting positions among members of the bar regarding specific issues which may arise.

No formal action was taken, but it was agreed that the bar association's legislative program should be reviewed with members of the Legislative Committee.

Tel-Law Project

Terry Lumsden and Marc Christianson of the Tacoma-Pierce County Bar Association, Young Lawyers Section, met with the Board to present a report about the Tel-Law Project, a program under which tape recordings providing information about legal rights are made available to members of the public in Pierce County by telephone. (See *Bar News*, 31:4:21)

A similar program for King County is in the planning stages with the expectation that eventually the program will be available statewide.

Tel-Law began as a joint venture of the Riverside and San Bernardino Bar Associations in California. With financial assistance from the bar association, the state Young Lawyers Section, the Tacoma-Pierce County Bar Association, and the Puget Sound National Bank, the Tacoma-Pierce County Young Lawyers Section purchased the necessary tapes and equipment to install the system.

Of the some 75 tapes available in California, 40 were selected and edited in conformity with Washington law.

Since the program was begun on July 13, 1977, through January 31 of this year, there have been 5377 telephone calls made to the Tel-Law program. The three most requested tapes in order were, "How Can My Marriage Be Dissolved?"; "Rights and Duties of Landlords"; and "How To Find a Lawyer in Pierce County." On a monthly

basis, the increase in utilization of the Pierce County Lawyer Referral Service apparently attributable to the Tel-Law program has ranged from 40 to 100 per cent.

Because of Tel-Law and other projects, the Young Lawyers Section of the American Bar Association has presented its Award of Achievement to the Young Lawyers Section of the Tacoma-Pierce County Bar Association.

1978 Convention CLE

The Board approved a proposed format and schedule for the 89th Annual Meeting to be held September 13-16 in Spokane. Among the features identified in an accompanying written report by Continuing Legal Education Director John J. Michalik which are designed to improve the Continuing Legal Education program offered at the Convention are:

- "In-depth seminars" and "Update '78" sessions scheduled both early and late in the four-day meeting to allow lawyers flexibility in attendance;
- A "drastic reduction in the number of programs and speakers" in comparison to the 1977

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Annual Meeting to afford improved "quality control";

- A maximum of 18 credits under the mandatory CLE rule may be earned at the Annual Meeting;

- Elimination of the practice of distributing seminar materials at individual sessions. All materials will be in the Convention Notebook;

- Scheduling of more "free time" than in the past to accommodate participation in sporting events, sightseeing, shopping, etc.

OTHER BOARD ACTIONS...

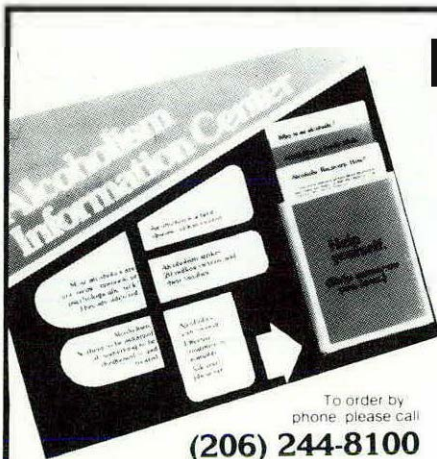
- **BAR EXAM QUESTIONNAIRE** — Approved a request by the Special Committee on Lawyer Placement that a questionnaire prepared by the committee relating to employment expectations and prospects be distributed to bar examination applicants.

- **COMPETITIVE BIDDING** — Agreed to oppose a provision of a proposed Model Code on procurement by state and local governments which would require selection of Architect-Engineers primarily on the basis of fee competition, rather than negotiation and qualifications. The Board noted that it has been suggested by representatives of the American Institute of Architects that if architects were subject to competitive bidding, then lawyers also should be required to bid for public work.

- **BAR ADMISSION CITIZENSHIP REQUIREMENT** — Declined (Halverson and Welts opposed) to recommend any change in APR 2(b) (2) which requires an applicant to the bar to either be a citizen of the United States, or one who has declared his intent to become a citizen and who is proceeding with due diligence to become one, notwithstanding the holding in *In Re Griffiths*, 413 U.S. 717 (1973), that on the facts there presented that a comparable Connecticut rule constituted a denial of equal protection.

- **CLE FEES FOR JUDICIARY** — Rejected a request by the CLE Committee that members of the judiciary be admitted to certain CLE seminars without charge (Jones, Welts opposed). Rejected motions by Board Member Paul Cressman for waiver of all or part of CLE fees for members of the judiciary at all seminars.

- **BOARD MEETING SITES** — Agreed to schedule the Board's annual long-range planning meeting in Sun River, Oregon, August 17-19. The action came in voting on a motion by Hemovlch, seconded by Walker, to "move" the long-range meeting from Warm Springs, Oregon, to Sun River (Halverson opposed, Jones not voting, Cressman absent). Previously, in December, the Board voted to "reschedule" all out-of-state meetings, including the August meeting then scheduled for Warm Springs, to locations within the state. In related action, the Board rejected a motion by Hemovlch, joined by Welts and Walker, to change the location of the May meeting from Vancouver, Washington, to Victoria, B.C., but approved a motion (Halverson opposed) to locate the meeting somewhere other than Vancouver in a location to be selected by President Novack. □



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No Carnival in New Orleans for ABA Delegates

By **WILLIAM H. GATES**

Washington State Delegate to the ABA

Mardi Gras had just ended when the ABA meeting in New Orleans convened in February. The timing was consistent with the meeting — not much fun and games — just two and a half solid days of heavy legislative action.

The major subject matter was review of preliminary reports from committees on possible reorganization of the house of delegates and officer elections. One very interesting conflict that was brought into focus was the old "one man/one vote" issue. The states with large lawyer populations, like California, are very restive about features of the ABA organization that give lawyers in small states disproportionate representation in the House of Delegates and on the Board of Governors. Reform seems unlikely.

Another reform that seems unlikely is an increase in the number of members of the House of Delegates directly elected by constituents from their states. I had written the committee encouraging this change and Neil Hoff gave a speech on the same theme. On the other hand a number of good changes appear likely, including a requirement that the nominating committee put up at least two nominees for ABA offices to be voted on by the House of Delegates rather than just one.

Among other actions of the House, some of the more noteworthy were:

- defeat of a resolution calling on the Chief Justice to repudiate his statements about incompetency of lawyers;
- defeat of a resolution designed to make parents involved in child stealing subject to the Federal Fugitive Felon Act;
- approval of a resolution opposing the Franchising Termination Practices Reform Act (H.R. 5016);
- defeat of a proposal to eliminate diversity jurisdiction for federal courts;

- approval of model rules for discipline of attorneys in the federal court system;
- rejection of a preliminary suggestion that officers of the ABA be paid during their year in office to enable lawyers of any means to hold office;
- approval by *close votes* of the Uniform Land Transactions Act (111 to 105) and the Uniform Simplification of Land Transfers Act (120 to 119);
- rejection of a series of recommendations by the Commission on Medical Professional Liability involving such items as deduction of payments from collateral sources and a requirement of advance notice before commencing suit.

Personal notes include the fact that Jim Curran joined the delegation, replacing Cleary Cone who had resigned, and that Dave Andrews was re-elected for another term as treasurer of the ABA.

□

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SUPREME COURT

By PHIL WINBERRY

Probate Notice By U.S. Treaties

In the March, 1977 issue of *Washington State Bar News* Harry E. Hennessey, Spokane attorney, wrote an article entitled "Probate Notice By U.S. Treaties." Pursuant to Mr. Hennessey's request the office of Administrator for the Courts attempted to obtain a list of names and addresses of foreign consuls for countries requiring notice in probate matters. After some correspondence and several phone calls with the Department of State, we finally received a letter informing us they do not maintain a current list. Their suggestion is that attorneys consult the Seattle phone book for names and addresses of foreign consuls in Washington. We regret our inability to obtain this information.

SUPERIOR COURT NEWS

By JUDGE JAMES A. NOE

Proposed Rules of Evidence

Judge Frank D. Howard (King), Chairman of the Improvement of Justice Committee, reported to the Superior Court Judges' Association Board of Trustees that his committee is preparing an "analysis of the proposed rules of evidence" for distribution to Superior Court Judges prior to the Spring Conference in April. The committee hopes to present recommendations to the judges for discussion and action during the business session at the conference.

Sentencing Guidelines

Judge Warren Chan (King) and Judge Paul Hansen (Snohomish) have been appointed by the Board of Trustees as members of the Advisory Committee to assist in a study concerning sentencing guidelines. The Court Administrator's office has secured funds to conduct such a study and the Advisory Committee will be used in the process of the study to assist consultants.

Juvenile Court Code Amendments

The Superior Court Judges' Association Juvenile Court Committee presented to the Board of Trustees recommended amendments concerning the Juvenile Court Bill 371. The Board of Trustees approved the amendment and will urge a "do pass" action to the judges during the Spring Conference.

Institutions Committee Reports

Judge Robert Bibb (Snohomish), Chairman of the Institutions Committee, reported to the Board of Trustees that the committee has been very active in monitoring the conditions of state institutions. The committee is concerned about HB 614, dealing with institutions, which will most likely be proposed at the next legislature.

Personal Items

Judge B. J. McLean (Douglas-Grant) has completed a one-week course on Juvenile Justice conducted by the National Council of Juvenile and Family Court Judges. The fifth annual conference was held at San Francisco from January 30-February 4.

Judge Patrick McCabe (Asotin/Columbia/Garfield) completed a one-week graduate session at the National College for the State Judiciary in Reno recently and was the recipient of a special certificate indicating he was the 7,000th state judge to receive a "certificate of completion." He received a set of textbooks and a three-year tuition waiver to any future session at the college.

□



The State of CLE Part I: A Little History

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

It has occurred to this writer that, from time to time, I should take pen in hand and present an overview of your Bar Association's efforts in the continuing legal education field. Alas, such cannot be done in one column of this length and this report will probably stretch over a number of issues of the *Bar News*. Nevertheless, I start, appropriately enough, with a little history.

The legal profession has always had continuing, post-graduate education — through Advance Sheets, in-house firm meetings, the reading of legal periodicals, and so on. Formal CLE programming as such started with sporadic, one-shot legal lecture programs here and there around the country well before World War II. It was not, however, until after the war, with a general recognition of the need for further, post-law school education, and with a particular need to bring returning lawyer-veterans up to date, that sustained CLE took hold. In 1947, California became the first state bar to employ a staff professional to conduct a CLE program.

Since then, and with the practice of law becoming ever more complex, with the emergence of entire new fields of practice, and with laws changing rapidly under revolutionary social pressures, professional knowledge of the law has, literally, been subjected to an "accelerated obsolescence," and with it an explosion of crucially needed CLE. State Bar Associations, law schools and others have entered the field actively and there are over 80 organizations throughout the country currently engaged in sustained and professionally administered CLE programs — including California Continuing Education of the Bar, which, from its modest beginnings, has grown to over 100 staff members, including over 30 fulltime attorneys, serving the needs of California's 55,000 lawyers.

Washington State's CLE program began in the 1950s. It continued on a modest scale through

most of the 1960s under the joint sponsorship of the State Bar Association and the University of Washington, with a law school faculty member as part-time CLE director. In 1968, the Bar's Board of Governors determined that the program should be conducted by the practicing bar and CLE was moved into the Bar Office. Since that time, it has been supervised by a Continuing Legal Education Committee under a series of interested and involved practitioners — Paul C. Gibbs, P. Cameron DeVore, Will L. Lorenz, William L. Dwyer, Albert R. Malanca and Michael R. Green, the current Chairman of the Committee.

In the last ten years the program has been greatly expanded from six days of seminars in 1972, to eleven in 1973, seventeen in 1974 and, through steady growth and under the impetus of mandatory CLE and the general growth in the law, to nearly fifty in the period from September 1977 through June 1978. These figures do not include the variety of CLE programs typically presented to State Bar Conventions.

With an increased number of programs on an ever-widening array of topics, has come increased attendance. In 1973-1974, State Bar CLE registrations totaled 3,900. In 1976-1977 those registrations exceeded 6,800 — with a then current Bar population of some 6,500. In that 1976-1977 period, this State was, to the best of my knowledge, one of only two states to have a higher reported CLE registration total than total Bar population. Naturally, attendance has continued to rise with the advent of mandatory CLE but the pre-mandatory record was impressive and, I believe, reflected a very real interest and commitment by the members of the Washington Bar to continuing their education and improving their services to the public.

So much for a brief history. Next month: a look at what we're doing — and why. □

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PRACTISING LAW INSTITUTE (PLI)

<i>10th Annual Criminal Advocacy Institute</i>	
April 7-8, 1978: San Fran.	11.25
<i>Product Liability Litigation</i>	
April 14-15, 1978: Los Ang.	13.00
<i>Occupational Safety/Health Law</i>	
May 1-2, 1978: San Fran.	13.00

WASHINGTON STATE BAR ASSOCIATION

<i>Compensation & Taxation</i>	
March 28, 1978: Seattle	5.00
April 4, 1978: Spokane	5.00
<i>Zoning: Land Use By Permit</i>	
March 31, 1978: Seattle	6.00
April 7, 1978: Pasco	6.00
April 14, 1978: Spokane	6.00
<i>Discrimination Law</i>	
April 21, 1978: Seattle	4.00
April 28, 1978: Spokane	4.00

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

<i>Polygraph Technology</i>	
May 22-25, 1978: Wenatchee	24.00

WILLAMETTE UNIVERSITY COLLEGE OF LAW

<i>Federal Tax Conference</i>	
May 19, 1978: Salem	6.00

□

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The IBM Cartridge Dictation System

By HARREY E. HENNESSEY

I was struck by the flexibility of IBM's cartridge dictation system which was introduced about 2 years ago. It operates with a cartridge containing twenty-five discs. Each disc records six minutes of dictation which is the equivalent of two pages. Both the dictation machine and the transcriber will hold two cartridges or fifty discs with the equivalent of five hours of dictation. The discs are relatively inexpensive costing 40 cents each, have an indefinite life and be bulk erased, that is, a whole cartridge can be erased at once. This makes it feasible to use a separate disc for short matters, a handy feature for priority work. In dictating a short letter such as a one minute letter, the dictator simply presses the end button which feeds a new disc into dictating position. This system lends itself to dictating billable time and information as each item dictated can be put on a separate disc, the discs scanned at the transcriber's station, sorted by client, and put into a file under that client's name from whence they can be posted to a ledger sheet, time statement, or bill. The individual discs also allow work distribution on long documents.

These machines appear to lend themselves to a word processing center or typing pool arrangement because one recording machine and transcriber can be placed at the typing station and a microphone can be placed upon the dictator's desk without any additional equipment there. One local office with six lawyers decided to use six microphones and six recording instruments in the typing pool. Apparently, they are in the habit of all talking at the same time. This reminds me of the old story of the man who was cutting five holes in his doors for the cats to get out. When his neighbor pointed out to him that all five cats could go out one hole, his reply was "No sir, when I say scat, I mean scat." They have since started sharing recorders due to expansion.

For the conservative practitioner who does not want to jump into a new system all at once and has a workable old desk dictation machine as well as a

transcriber, this appears to open up a new area for cautious involvement. My thought is that a three lawyer firm could keep their old standard equipment and install one transcriber and dictation unit with three microphones so that they could use a typing center on appropriate material but, if it was tied up and they were in a hurry, they could use their old equipment. I suspect that as time went by, they would tend more and more to use the pool and less and less to use their established equipment, but the transition could be less traumatic for some of us old dogs in the legal profession.

One Spokane office does all its dictating on the telephone hand set on the lawyer's desk. They have four lines for dictation and do not have separate microphones on their desks. Part of this concept is that nobody bothers you or interferes with your dictation when you are on the telephone. This office also has a private phone system which they purchased and there is a microphone on the head set so that their hands are free while they are dictating.

As I mentioned, the discs are 40 cents a piece, and the last quotation I had on the equipment was \$645.00 each for recorder and transcriber, and \$130.00 per station for the microphones on the individual desks. IBM's portable recorder uses the same six-minute disc but holds 25 discs, giving a potential of 2½ hours of recorded time. □



CORPORATION, BUSINESS & BANKING

By DENNIS G. SEINFELD

The Executive Committee met on December 3, 1977. As you probably know, our 1978 annual meeting is again scheduled for Richland, this year on May 5, 6 and 7. Because of the great demand last year, we are reserving some 400 rooms in the area, although if all are taken, the programs themselves might be rather crowded.

Karl Ege is this year's program chairman. He is working on a format that will revolve around a basic comprehensive hypothetical corporate acquisition, delving into all phases and possible alternatives likely to confront a lawyer. The Securities, Tax and Banking Subsections' specialty meetings will expand on the same basic hypothetical with greater in-depth treatment. The program is therefore directed toward the lawyer whose practice involves mostly business matters and not necessarily toward the general practitioner who occasionally handles business matters.

Cam De Vore and Allan Toole reported on their efforts to obtain the introduction and adoption of the proposed housekeeping amendments to the Washington Business Corporation Act. The initial contact with the legislators indicates that adoption is probably a long way down the road. The legislators cannot believe that they are truly "housekeeping" amendments and that there is not something hidden in it for the benefit of lawyers. Ah, the fallout from Watergate continues!

The proposed amendments will have a chance of passage only if we are able to educate a majority of the legislators, probably on a one-to-one basis, that the proposals are truly non-controversial, that they are generally helpful to both small and large corporations, and that there is not a hidden payoff for lawyers. Anyone interested and willing to help the committee should contact Cam or Allan or Bert Weinrich, who is the committee's legislative coordinator. The Section will need all the help it can obtain if the proposals are ever to become a part of the act.

The Corporate Law Department Subsection, under the leadership of Robert Dowdy, is exploring a possible specialized CLE program in con-

junction with other states, such as a western regional program. It is also studying a possible admission to practice rule, governing corporate law department or other one client lawyers. This could range anywhere from continuing to have no special rule to adopting a strict California-type approach.

The Banking Law Subsection, under Wayne Booth's leadership, is considering whether or not to subgroup into a banking division or thrift division. There appears to be some sentiment from lawyers employed by and/or representing thrift institutions to have a separate suborganization. Wayne would appreciate hearing comments from other section members.

The State Bar has asked our section to comment on a proposal from the National Services Legal Fund, Inc. of Washington, D.C. for introduction in this state of a prepaid corporation legal services plan. Plan A would provide some limited advice for a flat monthly fee, based upon the corporations "revenue base" (undefined). A corporation with a revenue base under \$100,000 would be \$50 per month, and a corporation with a revenue base of between \$4 million and \$5 million would pay \$2,100 per month. Plan B would offer nearly all probable corporate services, including certain litigation, patent and copyright work, and preparation of tax returns, for double the monthly fee. The Fund would take 50% of the fees for its "services!" (Not a bad referral fee, but does it comply with DR2-107 (A) (2)?)

Elvin Vandenberg, our chairperson-elect, will head the nominating committee for next year's officers. The election will be held at the annual meeting in Richland.



Around the State

COWLITZ REPORT

By O.H. HUSEMOEN

The annual Cowlitz County Bar Association Christmas Party was the usual success. This year the entertainment was a Cinema feature produced by local Bar members under the direction of Stephen L. Wanderer. The movie replaced the usual skit but not the usual jokes. Coming in with the new year was Don P. Desonier joining Walstead, Mertsching, Husemoen, Donaldson & Barlow as an associate. Don enters private practice after three years as an attorney in the U.S. Army.

Shortly thereafter, Chris A. Sternagel joined the firm of Springer, Norman & Workman. Chris is a 1977 graduate from the University of Puget Sound.

C. LeRoy Borders of Kelso would like to announce the joining of an associate to his firm, but has not yet been able to make up his mind or that of his partner.

Joyce Brekke has moved to Cowlitz County with Evergreen Legal Services to provide legal aid to residents of Cowlitz County. She has previously been practicing in Spokane, Washington, in a similar capacity.

James E. Warne, effective March 1, 1978, will be moving from the Prosecuting Attorney's office to the firm of Calbom, Cox, Andrews, Hamm & Pond as an associate. Jim has been in the Cowlitz County Prosecutor's Office since 1973 after spending three years in the King County Prosecutor's Office.

Patrick M. Billberg has associated with his father, James P. Billberg, practicing law in Longview.

January 1, 1978, saw Paul R. Roesch, Jr., become a partner in the firm of Studley, Purcell, Spencer, Guinn & Roesch. The firm now joins the growing number answering the telephone. "Hello, law offices."

The usual winter travels are being noted. Dave C. Spencer is skiing in Europe while William L. Dowell and John A. Barlow are off on a "seminar" to Mexico.

PIERCE REPORT

by MICHAEL J. TURNER

Announcements were few this month, but they did include the tidings that F. Ross Burgess and John F. Kennedy have formed a partnership. Kane, Vandenberg and Hartinger announced the association of Mark R. Patterson. Tuell, Anderson and Hudson announce the association of Stephen W. Fisher.

All judges of the Supreme, Appellate, Superior, District and Municipal Courts were guests of ours for the annual Lincoln Day Banquet. The Honorable James M. Dolliver (who writes the yellow books) was the guest speaker. New guests were Hardyn B. Soule (who now writes the green books), Thomas Sauriol and Arthur Verharen (who now follow the yellow and green books), and Leroy Boyce (who reads all the above). Seriously, the new appointments were welcomed by all of us (who ignore all the above) with the possible exception of Jack Tanner, who said he was sick of hearing about judicial appointments.

Congratulations are in order to Bob Deutscher for his \$175,000 verdict in a wrongful death case

(he asked for \$126,000), and to Tuell, Anderson and Hudson, who challenge all attorneys to the longest telephone number in the state, 759-0070. Try dialing it sometime!

Best wishes for a speedy recovery went out to Judge Robert Jacques, who had a slow recovery over the winter. His bailiff had the fear of God one day when he picked up the newspaper during the judge's absence to see the headline, "Jacques is Dead." Further reading relieved him, however, as the Governor explained the loss of her pet poodle. The Judge bought every copy he could get.

As is my custom, I try to let you readers know a little bit about the "real" sides of some of our brethren. I have now compiled a list of lawyers who have strong desires to be in the entertainment field. The following were eager participants in the stage production sponsored by the Tacoma Junior League: Kelley Arnold, Herb Gelman, Fritz Hayes, Henry Haas, Dave Murdach, Tom Oldfield, and Dick Turner. Special recognition goes to John Sloan whose performance enticed all of them to sign up. I would describe it, but believe me, you had to be there. The Outstanding Performance Award for the whole production went to Jack Van Buskirk whose job(?) consisted of fitting ladies costumes all night.

Finally, new officers were elected to preside over this whole mess for the next year. They are: George Christnacht—President; Ron Thompson—Vice President; and Dave Manger—Secretary. Trustees are Werner Boettcher, Bill Bergsten and Peter Sterbick.

EAST KING REPORT

by BARRY J. HASSON

Kurt M. Bulmer, General Counsel for the Washington State Bar Association, was the January luncheon speaker to the East King County Bar Association. He spoke about the new rule regarding spot audits, discussed procedures for disciplinary complaints, and gave the State Bar Association's position regarding advertising. After the meeting, one of the members was heard to say that he needed to get hold of a shrink for a paranoia checkup, whatever that means.

Samuel L. Furgason, Jr., is pleased to announce the opening of his office for the practice of law at The First Building, Suite 3, 17401 - 135th Avenue N.E., Woodinville, Washington 98072. Telephone (206) 487-2444.

SOUTH KING REPORT

by JAMES L. VARNELL

Featured at the February meeting was Joseph A. Thibodeau, Court Commissioner of the Court of Appeals, Division One, who discussed the successful usage of settlement conferences by that court. The membership will be waiting with bated breath for a report from respondent Jack Bereiter (Auburn city attorney) as to the resolution of an appeal from a failure to yield right-of-way conviction, probably a first for the Court of Appeals. Members of the judiciary attending the meeting included Judges Fred Dore and Keith Callow (Court of Appeals, Seattle) Court Commissioner Ishikawa, and District Court Judges McLeod (Aukken) and Thompson (Roxbury).

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OFFICES THROUGHOUT WASHINGTON STATE

Preceding the program was "le grand tour" of the resplendent offices of Stead & Vogel. Free-loaders will be pleased to learn that complimentary beverages will also be served at the April meeting at the Auburn offices of Hawkins, Ingalls & West. Secretaries and legal assistants are being urged to attend the Auburn meeting.

The annual dinner for installation of new officers is being planned tentatively for Longacres.

This correspondent recently returned from a trial in Lincoln County Superior Court before Visiting Judge Gordon Swyter. Counsel opposing Kirk Bromiley and Chancey Crowell in school district-union disputes might be advised to forego settlement negotiations over dinner. It just makes the meal last longer and cost more.

SEATTLE-KING REPORT
by JAMES R. DICKENS

Apparently bears and groundhogs aren't the only ones who hibernate in the winter — it appears attorneys in King County have little to announce following the winter solstice. They're probably either all just too busy, or (which is difficult to believe) have no newsworthy information. But it does appear inconsistent, particularly with the relaxation on the prohibitions against advertising, to discover such a large group of attorneys so reluctant to advise their peers of their activities.

A new partnership in landlord Ivar Haglund's haven is Arron & Zeder, in which the principals are **Deborah L. Arron** and **Fred M. Zeder**. Their offices are on the 28th floor of the Smith Tower, and they handle everything from "A" to "Z."

After several years of practice with a firm, **Larry C. Leonardson** has opened his own office at 2810 Seattle-First National Bank Building.

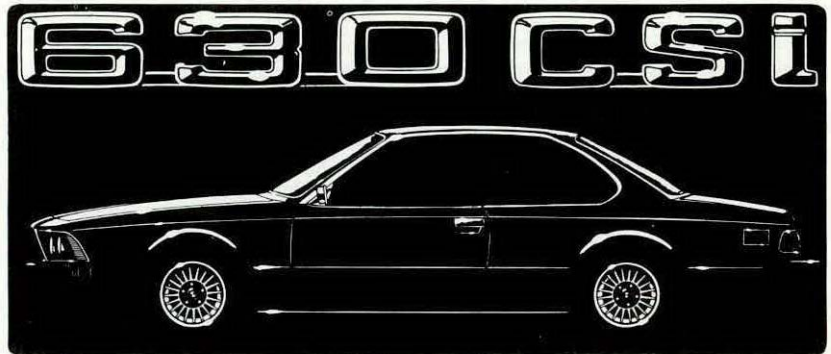
Recent additions and a new partner have been announced at Preston, Thorgrimson, Ellis, Holman & Fletcher. **Jonathan Blank** is the new partner, and **Robert F. Bauer**, **William N. Myhre, III** and **Nicholas P. Miller** are the new associates. Nick Miller joined Senator Magnuson's staff after graduating from the U of W in 1973 and will remain in Washington, D.C. at the firm's branch office.

SPOKANE REPORT
By ROBERT H. HUNEKE

Transitions: Worthington & Worthington has recently associated **George Tutt**, **Gary Penar**, and **Paul K. Cooney**. They are to be found in the new Farmers & Merchants Building in the Valley. **Bellwo, Rudolf & Schroeder, P.S.** have taken on two new associates, **Hedley W. Greene** and **Robert J. Roberts**.

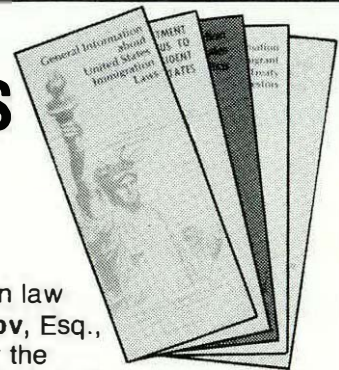
Seattle has recently received a couple former Spokane assets: **Robert William Burns** has left Paine, Lowe, Coffin, Herman & O'Kelly to join Foulds, Felker, Gelfand & Burns in Seattle. Rumor has it Bill may return if it continues to snow in Seattle. **Victoria Vreeland** has departed the clerkship of Judge Dale M. Green to become an Assistant Attorney General in The Consumer Protection Office in Seattle. **Monica Wasson** has become the new clerk for Judge Green.

Dan W. Keefe & Gregory G. Frazier have recently become principals in the firm of MacGillivray Jones (new name for MacGillivray, Jones, Clarke, Schiffner & Johnson.)



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New Faces Appearing Above Those Judicial Robes

Through quite a selection process **Dick Wrenn** and **Jim Murphy** have been sworn in as new District Court Judges. Dick was formerly the City Corporation Counsel and is taking over the seat vacated by the retiring Judge **Ellsworth Gump**. Jim, formerly Assistant Deputy Attorney General for the State here in Spokane, is taking the place of Judge **Philip Thompson**, who was appointed by Governor **Ray** to take a seat on the Superior Court Bench.

Notice to out of county Attorneys: (in county might as well read also) there has been a change in rules governing motion procedure and domestic relations practice. Whether you win or lose may be determined by whether you know the rules when you play the game.

Judith Corbin recently became the first woman Assistant U.S. Attorney for the Eastern District of Washington serving under **James Gillespie**. Jim reports they now have her cleaning out coffee pots. (her response next month)

In the recent United Way drive, the Lawyers, under gun from **Dick Cease**, Chairman and his committee, contributed 102% plus of their projected goal. The County Bar thanks Dick and his committee, the committee thanks the County Bar, the United Way thanks both, and Spokane County thanks all.

At the annual Christmas party it was reported that **Tom Foley**, U.S. Representative, made a cameo appearance.



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WHITMAN REPORT

By GARY J. LIBEY

It has been nearly two years since Whitman County, Washington, has reported to the Around the State section of the *Washington State Bar News*. Since that date several new attorneys have begun practice in Whitman County. In the City of Colfax, **Gary Libey** has associated with the law firm of **Savage, Nuxoll & McBride** and **Bruce Ensley** has associated with the law firm of **Hickman and Webster**. In Garfield **Steve Bishop** hung out his shingle as a sole practitioner. **David Frazier** is sharing of office space with **Richard Lehn** and former Whitman County Superior Court Judge **John Denoo** in Tekoa. **Kelly Brown** recently associated with the law firm of **Irwin, Friel & Myklebust** in Pullman.

Wesley A. Nuxoll showed the local Bar Association that he, in fact, is not coordinated when he broke his ankle skiing during Christmas vacation. **Irwin, Friel & Myklebust** in Pullman opened a new office adjacent to the Palouse River. During the winter and spring run-offs, **Dave Savage** reports that they intend on turning their office into an ice skating rink. **Bob Patrick** of Aitken, Schauble, Patrick & Neill reports that he is so overworked he requires the help of an assistant City Attorney.

Lloyd Peterson, Assistant Attorney General, with able assistance by **Sally Tenney**, negotiated the Warren Power's Promissory Note when Warren left WSU to coach at another school. Anyone thinking of defaulting on a student loan at WSU should take notice of Mr. Power's \$55,000.00 Promissory Note. □



Board Elections Due

Lawyers residing in the Third and Sixth Congressional Districts and in King County, please note:

Members of the Board of Governors of the State Bar to represent those districts are due to be elected this year. Expiring in September are the three-year Board terms of Willard Walker, Third District, and Robert H. Peterson, Sixth District. Also expiring are the terms of Betty Fletcher and Paul Cressman, both King County-at-Large representatives. Cressman is completing the term to which he was appointed upon the resignation of the elected Board member, Edmund B. Raftis, in March 1977.

There has been a change in the King County-at-Large terms. There will be an election for one position for a one-year term and for

another position for a full three-year term. The person elected to the one-year term will be eligible for re-election for a full term next year. The purpose of the change is so that Board members can be elected on a three, three, and three basis, rather than on a two, three, and four basis as at the present time.

The State Bar Association By-laws (Article II) provide that any active member in good standing may be nominated for the office of Governor from the district in which the member resides upon petition signed by at least twenty but not more than thirty active members also residing in the district.

Nominating petitions may be obtained from the Bar Office, 505 Madison Street, Seattle, WA 98104.

The petition must be filed in the Bar Office by 5 p.m., Wednesday, May 31, 1978.

Bankruptcy Judgeship Available

The Trial Judges of the District Court for the Western District of Washington are inviting qualified applicants to submit an application for a vacancy which will occur fairly soon in the position of a bankruptcy judge to be located in Seattle. The applications should be submitted to Chief Judge Walter T. McGovern, 705 U.S. Courthouse, Seattle, Washington, 98104.

In Memoriam

Former U.S. Sen. **Clarence Cleveland Dill**, 93, of Spokane, died January 14. He was admitted to the Bar in 1910.

M. M. Pixley, 91, of Seattle, died November 8. He was admitted to the Bar in 1913.

Ralph M. Rogers, 76, of Tacoma, died January 23. He was admitted to the Bar in 1934.

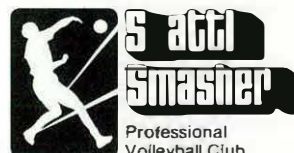
Herbert Timblin, 61, of Seattle, died December 4. He was admitted to the Bar in 1948.



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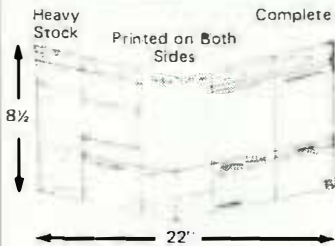
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Interested Persons Encouraged to Sign Up for Next Year's Committee Memberships

Membership applications are now being taken for State Bar committees to be formed for the 1978-79 fiscal year. If you would like to take part in these important Bar activities, please send your name and your first, second, and third committee preferences to the Committee secretary, State Bar Office, by June 1. Committee terms begin on October 1, 1978. The following committees are active in the work of the Bar, and your participation is encouraged.

Bench-Bar-Press, Board of Bar Examiners, Civil Rights, Code of Professional Responsibility, Continuing Legal Education, Corrections, Courts and Judicial Selection, Court Rules and Procedures, Disciplinary Board, Editorial Advisory Board, Group and Prepaid Legal Services, International Law, Internship, Interprofessional, Lawyer Referral, Legal Aid, Legal Education Liaison, Legal Services to the Armed Forces, Legislative, Office Practice, Public Relations, Resolutions, Statute Law, Travel, Unauthorized Practice of Law, Attorneys Professional Insurance, Para-Legal, Clients Security Fund, Lawyer Placement, Committee on Alcoholism, Specialization Board and Insurance Trust Fund.

Attention Probate Lawyers

Under the inheritance tax statutes, the Department of Revenue,

through its Inheritance Tax Division, is responsible for acquiring any information necessary for the proper enforcement of the statutes and for the collection of the full amount of the tax which may be due the state. RCW 83.36.020.

Elimination from the Probate Code of provision for appraisers under court supervision, and the increase of the Federal estate tax exemption, have removed two useful tools for confirmation of values reported in estates. This has weakened the ability of the Inheritance Tax Division to carry out its statutory responsibility.

In order partly to repair this deficiency, the Division has been authorized to employ two auditors to carry out field examinations for inheritance tax purposes. These auditors are expected to begin such activity very early in 1978. They will be requesting conferences with the attorneys and personal representatives in the files assigned for field audit. They will be primarily interested in estate assets reported for inheritance tax purposes, valuation, deductions, etc. In the course of their examinations they will be requesting access to books and records, as well as personal discussions.

The attorney for the estate will be asked for assistance in arranging for meetings and access to relevant documents. Also, in order that the necessary investigations may be carried out with a minimum of delay, it is hoped that the Inventory and Appraisal in all estates will be provided to the Inheritance Tax Division at the earliest possible date.



New Law School Dean at University of Washington

Ernest Gellhorn, law dean at Arizona State University in Tempe, is the new dean of the School of Law at the University of Washington.

Gellhorn, a professor, counsel and author, was appointed, effective April 15, 1978, by UW President John R. Hogness after a search for candidates from throughout the U.S.

Dean of Arizona State's College of Law since 1975, Gellhorn succeeds Prof. Richard S. L. Roddis who resigned to return to full-time teaching and research in the UW law school.



Dean Ernest Gellhorn

Gellhorn's appointment will be presented March 10 to the University's Board of Regents for approval.

Gellhorn, 42, is widely experienced in administrative and antitrust law.

Before going to ASU, he was professor of law at the University of Virginia from 1970 to 1975. He also served as senior counsel for the Commission on CIA Activities within the U.S. in 1975.

The UW's new law dean is a 1956 Phi Beta Kappa graduate of the University of Minnesota. He served in the U.S. Navy before returning to Minnesota where he received a law degree "magna cum laude" in 1962. He was an editor of Minnesota's law Review and was selected to the Order of the Coif.

Gellhorn was in private practice in Cleveland before becoming a professor of law at Duke University's School of Law until 1970. He also taught law during summer at the University of Michigan, Wayne State University and Brown University.

He is an author of three law books and a contributor of numerous professional articles. □



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Office Space Available: Law firm has office space available immediately for one attorney. Library, secretary, receptionist, sauna, shower and exercise room included. Contact Ronald Neubauer at (206) 622-7050.



Calendar

- April 4 CLE Seminar: **Compensation and Taxation**, Ridpath Hotel, Spokane, Washington, half day, \$25
- April 7 CLE Seminar: **Zoning: Land Use By Permit**, Red Lion Inn, Pasco, Washington, full day, \$40
- April 7-8 CLE Seminar: **Defense of a Criminal Case**, Seattle Center, Seattle, Washington, \$50
- April 14 CLE Seminar: **Zoning: Land Use By Permit**, Davenport Hotel, Spokane, Washington, full day, \$40
- April 21 CLE Seminar: **Discrimination Law**, Olympic Hotel, Seattle, Washington, half day, \$25
- April 28 CLE Seminar: **Discrimination Law**, Davenport Hotel, Spokane, Washington, half day, \$25

Wanted: Several used IBM Executory Type Dictating and Transcribing Machines. Call Pat at Longview, WA. (206) 425-2231.

Office Space: Pioneer Square office space, established office. Cost-sharing arrangements negotiable depending on use of facilities. (206) 622-6703.

Space Available: Two offices: together with library, conference room, facilities. 2125 Washington Bldg., Seattle. \$400 or \$600 monthly. View. Air-conditioned. Secretarial services available. Negotiated fee. (206) 624-5858.

Wanted: Lawyer with law firm practice experience interested in loose association/partnership association with Seattle lawyer with business/estate practice. Diversification of practice agreeable. Send response to Box 7, WSBA, 505 Madison, Seattle, WA 98104.

Wanted: Law firm cannot renew lease. Looking for 4,000 to 5,000 square feet of first-class office space in downtown building. Will consider taking over existing lease. Write Box 241, Seattle, WA 98154

Wanted. Used set of *United States Reports*, volumes 310 through 420. Call (206) 543-4674 or 525-2752.

Position Available: The Thurston County Prosecuting Attorney's Office is seeking an experienced Deputy Prosecutor for the Civil Division. Two to three years minimum of practice as an attorney in governmental law or its equivalent is required. Experience in planning, zoning and environmental law is preferred. Beginning salary: \$18,420 - \$19,356, depending upon experience. Send resumes to: Patrick D. Sutherland, Prosecuting Attorney, Thurston County Courthouse, Olympia, Washington 98501.

Position Available: Large Spokane law firm seeks to employ experienced tax attorney. Submit resumes and salary requirements to Box 1, c/o WSBA, 505 Madison, Seattle, WA 98104.

Position Sought: Attorney with three years experience in landuse and government law seeks position in Seattle-Tacoma area. Please write to: Rt. 2, Box 225, Vashon, WA 98070.

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