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# WASHINGTON STATE BAR NEWS

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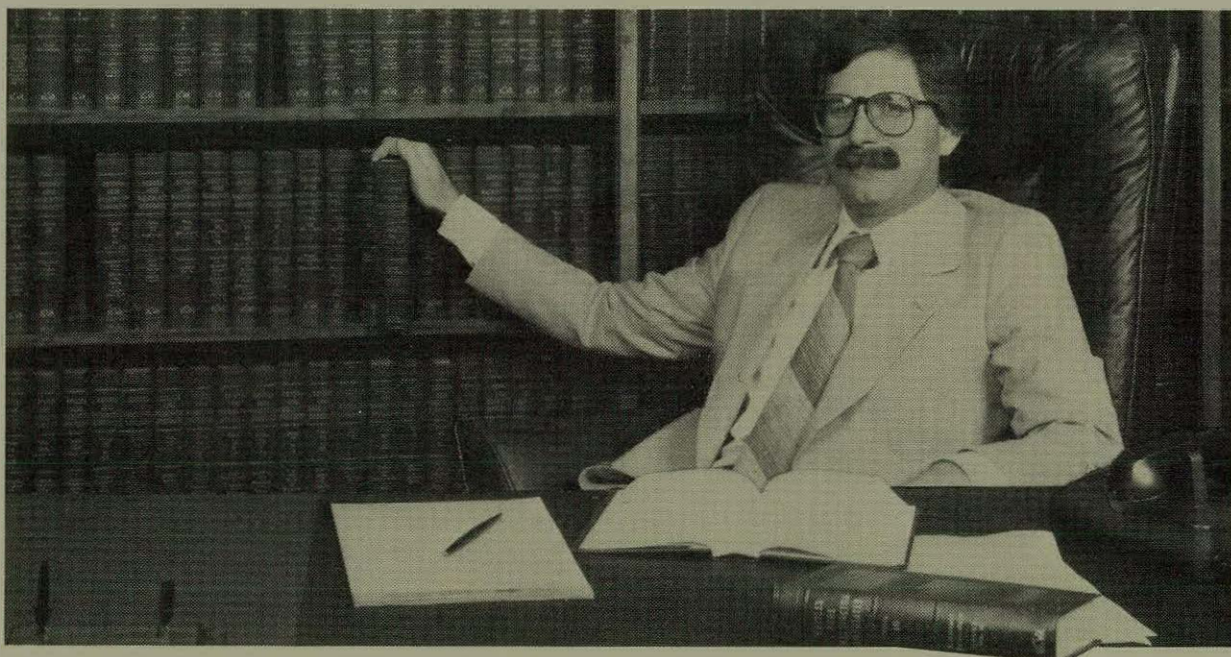


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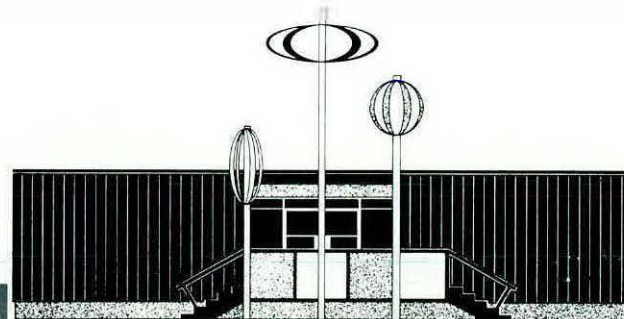
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### Our Cover



They're off! 175 runners break for the lead at the beginning of the Race Ipsa Loquitur, held at the 1979 Annual Meeting in Vancouver, B.C. Read on for further editorial and photo coverage of this year's Annual Meeting.

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**Member Dolliver  
Brings Rupp  
to Justice**

Editor:

Wisdom would urge that no member of the Bar enter the lists against the "Wandering Pen", aka, John N. Rupp. With even greater force should this apply to a member of the judiciary, particularly to one accused as being pretentious, inaccurate, unconstitutional, sloppy and incorrect by the Rupp Report, as contained in a recent edition of the *Bar News*. [33:9:40] The force of this Ruppian extravaganza, for those who may have forgotten, was directed toward the practice of referring to members of the supreme court as "justices" rather than "judges". Nonetheless, in the tradition of a fearless and independent judiciary, it was determined that some comment is required and I drew the short straw.

In reading the article, I was first struck by the profound reliance of the author on the constitution, the statutes, and previous pronouncements of the supreme court. Right away it became apparent the argument had little substance. Next, there was a slurring jape at the notion that a "Book of Justices" might be located between Joshua and Ruth. Given the current proclivity for liturgical experimentation and our compulsion to modernize sacred texts, we might expect this within the next 10 years or so. One would think the author would prepare us to accommodate this great advance rather than feign surprise. Furthermore, in his ill-considered attack, the author neglected to point out that appropriate Biblical references are to be found: "And thou, Esdras, according to the wisdom of God ordain judges and justices, that they may judge in all Syria and Phenice . . ." 1 Esdras, viii, 23. While most members of the judiciary rely on the Governor for at least their initial ordination, and while Syria and Phenice are somewhat outside the

jurisdiction of even the Washington State Supreme Court, still it is a nice thought and helps put things in the right perspective. The fact the citation is from the *Apocrypha* fits right in with a discussion of the supreme court.

On matters of etymology, it is apparent from no less an authority than the Oxford English Dictionary that the term justice has the greater antiquity. What better place to affirm antiquity than the supreme court? The earliest Oxford English Dictionary reference to "judge" as a noun is merely 1303, while for "justice" the reference goes back to the Eleventh Century. That other bastion of authority, Black's Law Dictionary, reinforces the Oxford English Dictionary. Black's discusses such personages as Justice in Eyre, Justices of the Forest, Justices of the Hundred, Justices of Trail-Baston, and Justices of the Pavilion. The members of this last group were, according to Black's, "Judges of a pyepowder court, of a

most transcendent jurisdiction, anciently authorized by the bishop of Winchester, at a fair held on St. Giles' Hills near that city." Those were the days! Judges, on the other hand, have no romance and little ancient lineage: Judge pro tempore, Judge de facto, and Judge ordinary. Then there is Judge made law—but that is another matter.

One would hope that, as he contemplates his next appearance before the Olympia Nine, Mr. Rupp would find a modest tolerance for our strange ways and ancient nomenclature. But, then, he may be of the persuasion who feels that "your Honor" has no constitutional or statutory authority and that "Hey You" will do just as well.

Finally, I refer to Richard Brinsley Sheridan who sized up the situation both wittily and well when he said:

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### Sorry, Wrong Number

Editor:

In the October, 1979 *Washington State Bar News* I note that the phone number given for the Seattle Clerk's office is the old number. It has been changed to (206) 442-2937.

You may wish to inform your readers that copies of the Local Rules of the U.S. Court of Appeals for the Ninth Circuit are available locally as well as through the San Francisco office. They may be obtained at the Clerk's office, 816 U.S. Courthouse, Seattle, WA 98102.

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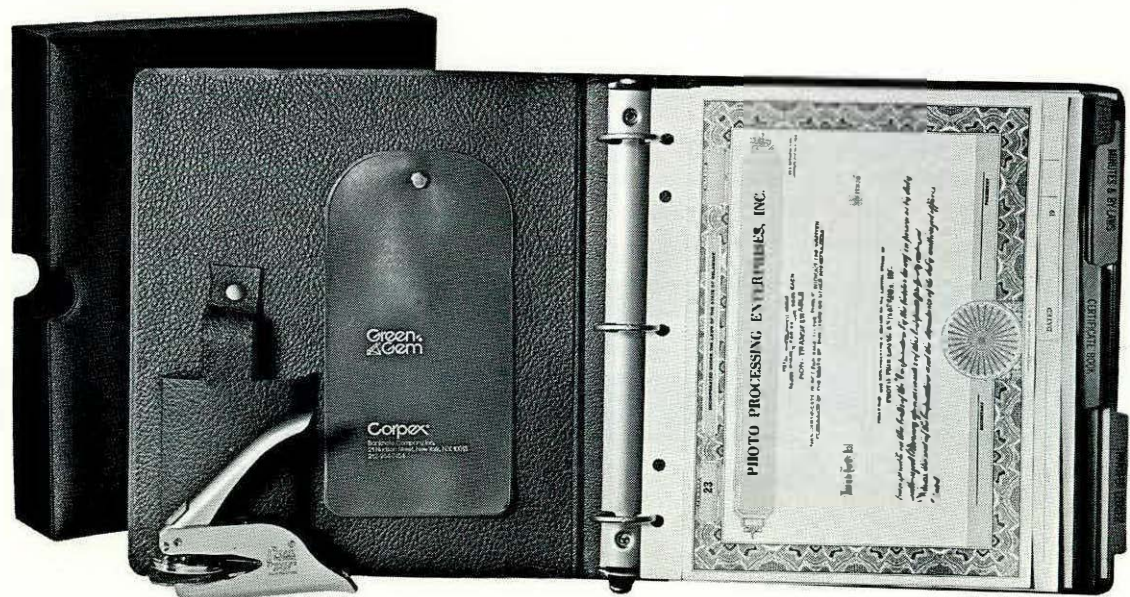
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## Rupp's Roots

"Since editors are supposed to know everything about everything," John Rupp wrote recently, "I send you the memoir that I whomped up for our firm's centennial."

E.F. Hutton speaks, Rupp whomps. In at least one case, people listen. Nobody knows *what* people.

Some of those poeple may recall that one day in March, 1947, Rupp whomped up the *Bar News*, and then whomped along for ten years as its first editor. Today, he just whomps along, but he continues to serve the editor's function of providing filler when there's not enough type to fill the magazine otherwise.

For example, in the September issue, he provoked considerable controversy (at least within the state Supreme Court) when he suggested that there's no justice in Olympia. The Honorable James M. Dolliver (we dodge the issue of whether he is a "judge" or a "justice") offers an eloquent argument in this month's Letters Department as to whether the Supreme Court is comprised of judges or justices, but he judiciously dodges the issue by identifying himself as a "member" of the Washington State Supreme Court.

Anyway, the latest thing Rupp has whomped up is a short piece entitled, "The First One Hundred Years", marking the centennial year of the founding of Struve & Leary. Rupp didn't ask me to publish any of this, but I need a year-end column topic and it is rather remarkable to note that 1979 gave us a 100-year-old law firm. Some lawyers, especially if they be-

come judges, last for 100 years, but such longevity in a law firm is a rarity. The *state* isn't even that old.

If a law firm is going to stay ahead of its creditors for 100 years, then it has to keep moving. Struve & Leary, Rupp explains, has been known by 15 different names and today is known as Schweppe, Doolittle, Krug, Tausend & Beezer. Here's part of what Rupp wrote about it:

"The 'Schweppe Law Firm' is 100 years old this year. It was founded in Seattle in 1879 when two young men, Judge Henry G. Struve and John Leary, formed the partnership for the general practice of law in Washington Territory. Seattle then had a population of about 3,500 people.

"To say that a law firm has been in existence for 100 years is not strictly correct, for a law firm is a partnership, and, when a partner dies or withdraws, the partnership is at an end and a new one is formed. But in practical effect the firm, as an entity and an institution, has endured. Partners have died or have retired or withdrawn and have been succeeded by others, but the firm has never ceased to function. It has never been merged with any other firm, and there has never been any wholesale rearrangement; that is, there has never been a case where two or more partners have left the firm simultaneously. And, indeed, there has been only one instance of a partner's withdrawing to enter private practice with another firm—that was in 1929 when Judge Stephen J. Chadwick withdrew to form a law firm with his son, Stephen F. Chadwick.

"We are not sure of the precise date of the founding of Struve & Leary, but we have selected October 20, 1879 as a convenient day because that is the date of the first letter recorded in Volume I of the letter-press books in which all outgoing letters were copied before they were mailed. That letter is of some historical interest. It was addressed to the Registrar of the U.S. Land Office in Olympia and asked him what steps, if any, were still needed to be taken by the firm's client, George A. Meigs, in order to perfect his title to his Donation Land Claim at Port Madison. The matter was evidently worked out satisfactorily, which was a good thing for Mr. Meigs because the land was the site of his home and his sawmill, then one of the largest mills in the Territory.

"One historian says that, when Chief Seattle lay dying, his last wish was that his friend George Meigs would come to his funeral and shake his hand, a wish with which Mr. Meigs was happy to comply. It is interesting to reflect that our early partners knew George Meigs, that Meigs knew Chief Seattle, that Seattle remembered seeing Captain George Vancouver's ships anchored off Restoration Point on Bainbridge Island in 1792, and that Vancouver and his people were the first white men ever to explore Puget Sound."

This is obviously going to be a long story. Rupp's in 1792 and I'm at the bottom of the page. Suffice it to say, the rest is history and Rupp and his law firm have not whomped their last whomp.

JVW

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## Lawyer Advertising

I feel like I'm walking the plank when I venture into this subject, but we are soon going to have to bite the bullet. A recent walk through Ma Bell's yellow pages was, to say the least, stunning. I'm finding it hard to believe that we really are under way.

I honestly believe that many of the lawyers whose ads are in the telephone book thought it proper only because the Yellow Pages Advertising Salesman would not have approached them if it hadn't already been cleared by the Ethics Committee, the Disciplinary Board and the Board of Governors. When checking further with Ma Bell's Boys, their answer was, "Hell, we sell advertising. We assume lawyers know what's ethical. If these ads aren't proper, that's the lawyers fault, not ours."

Don't you think it's time we call a spade a spade. Every rule of law, affecting the practice of law, handed down by the United States Supreme Court has for its "sound reasoning" the age old cliché, "it's for the good of the public."

Advertising and solicitation are not now or never have been intended in any way to benefit the public. Quite the contrary. The sole purpose that any lawyer, law firm or "legal clinic" advertises is to get business. To come to any other conclusion might be misleading itself. Is to advertise one's skills in all facets of the law from admiralty to zoning really an attempt to help the poor? Do we really assist the disadvantaged by advertising "Divorces \$50.00 and up" or "No charge for 1st consultation."

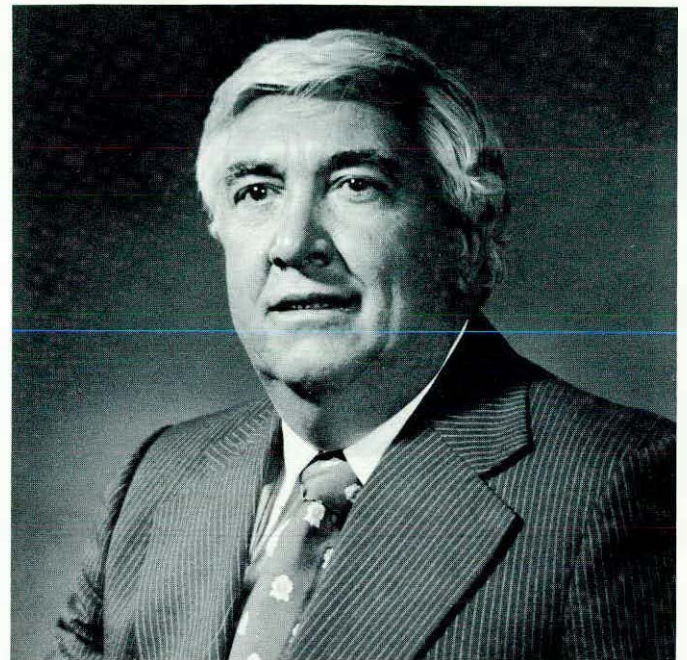
It's shocking that a lawyer would trust a phone book more than his ethics. I guess I can't really blame the lawyer for his failure to inquire further, but it seems pretty fundamental that no one should take a chance on violating the Code of Professional Responsibility.

Which brings me down to this question. Do we, as a profession, really want to advertise? Better yet, do we need to advertise and solicit in order to attract clients? If this is what our profession needs than why play these silly little games about how it should be done. What does "In good taste" and "not to mislead" and "maintaining high standards" mean when you are coupling these quotes with solicitation and advertising.

Wouldn't it be more honest, more fair to old John Public to assault him with every form of advertising skills employed by mankind than to give him a "loss leader?"

It's kind of hard for me to say this, but I think we've first distinguished a lot of things lately, you know, like the real purpose of the Speedy Trial Act, etc.

One of the guidelines suggested by the Washington State Supreme Court is that a lawyer should not list the cases that he has done. (No good advertising lawyer is going to talk about his losses.) Wouldn't it be more appropriate to do just that so the public would know the



experience of the advertiser?

Some in high places argued that an average (or below) client has no means to find the proper lawyer without the aid of an ad, but how, pray tell, does the ad aid in that discovery, especially the ad that says, "no fee first 1/2 hour consultation." Or for that matter, the two man partnership that advertises they take cases from admiralty to zoning. It would be difficult for a 50 man law firm to perform that well.

I was witness to the testimony recently of two means of "offering legal services to the middle class or less." One young man has a "clinic", the other has a union that has encouraged him to help the members of. Both advertise in different ways. One hangs the sign out and advertises in newspapers and in shopping centers while the other writes brochures and circulates them among the union members. I see no difference between these means and direct solicitation, just semantics. The object and purpose is the same, a payday.

It appears unjust to have two sets of morals based solely on the type of client one represents, the hard hat or the hard nose.

I guess its time to tighten up or let it all hang up, whichever must be available to all lawyers and all members of the public. My view, and it may be in the minority, is that to advertise is to destroy the profession and our use to the public. We'll soon become a business only and the public will soon be subject to the best Madison Avenue con.

Chief Justice Burger, in his dissenting opinion in *Bates vs. State Bar of Arizona*, 433 U.S. 350 (1977), was careful to distinguish advertising by lawyers from the advertising of prescription drug prices, an issue con-

sidered by the court one year earlier in *Virginia Pharmacy Board vs. Virginia Citizens Council*, 425 U.S. 748 (1976):

(O)ur holding there rested on the fact that the advertisement of standardized, prepackaged name brand drugs was at issue. In that context, the prohibition on price advertising, which had served a useful purpose in the days of individually compounded medicines, was no longer tied to the conditions which had given it birth. The same cannot be said with respect to legal services which, by necessity, must vary greatly from case to case.

Now some may argue that lawyer advertising is a dead issue, as evidenced by the fact that the above words reflect the view of the dissenters in *Bates*, not the majority. But if lawyers consciously attempt to scale the level of service they provide down to a price, then the day of "mass-production" of legal services cannot be far off. Perhaps a few things lawyers do, such as name changes, are truly routine. But in my opinion, the services lawyers provide require the exercise of individual judgment, discretion, and expertise, qualities which don't lend themselves to easy mass-produced schemes. Knowing when to act and when to refrain from acting can be as important as knowing how to process a given legal problem through our court system.

If we continue to let these matters go unchallenged, we are going to start believing them ourselves. We're actually going to convince ourselves that advertising is what the public needs and therefore what the profession must adhere to.



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# The State of the Judiciary-1979

By **ROBERT F. UTTER**

It is a great honor to be a member of this profession—serving with a fine bar association and dedicated, conscientious judges. I spent the first three days of this week at the Judicial Conference where judges from all court levels examined the problems of court costs and delay, reviewed the rapidly changing laws of products liability, and discussed ways to make effective use of court staff and procedures.

It is only appropriate that the last part of the week be spent with the lawyers of our state learning with you the ways in which our professional skills and procedures can be used to better serve the public.

## **“A Meaningful Trust”**

Why do we spend so much time and effort to improve ourselves and our legal system? As I view it, we have been given a meaningful trust. We have the obligation to be the formal instruments of our society in assuring that all who seek justice under the law, find it. This is the essence of our claim to be a profession, and the reason why whatever efforts we undertake must be measured against the absolute standard of justice for all.

A national survey conducted in 1977 by Yankelovich, Skelly, and White, Inc., provides a wealth of data on the attitudes of the public and of judges, lawyers, and community leaders, as well as toward the administration of justice in this country. The report was prepared for discussion at the 1978 National Conference On The Judiciary, and raised a number of issues that warrant close examination.

Four major conclusions emerge from the study and should be discussed:

1. The general public's knowledge of, and experience with the courts, is limited.

2. Unfortunately, those with the most knowledge and experience with the courts are the most vocal in their dissatisfaction and criticism.
3. The general public and community leaders are dissatisfied with the performance of courts and rank the judiciary lower than many other major American institutions.
4. Even though the general public has limited knowledge and is disappointed with the judicial system, their interest in a better justice system is high, and impressive support exists for reform and improvement.

These conclusions are supported by the president of the American Bar Association, Leonard Janofsky. As you may recall, he commented yesterday that those using the legal system all too often face intolerable delays and crushing costs. [*The text of Mr. Janofsky's remarks are included in this issue at p. 20.—Ed.*]



*Robert F. Utter is Chief Justice for the Washington State Supreme Court. This article is the text of his State of the Judiciary address at the Annual Meeting in Vancouver, B.C., on September 14.*



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### Challenge to Bench and Bar

The challenge to the bar and judiciary is twofold. We must provide the best; and we can. We have the tools available to assure justice for those seeking it through the legal system. We must also restore and preserve public confidence that justice is possible in our state's legal system. To meet these goals requires continuing self-examination, improvement and growth. Attention must be given to the role of the courts and bar in the administration of justice. Attention must also be given to the internal organization and procedures of the courts.

While the judicial system is an integral part of our government, a gulf exists between that system and the communities it serves. Bridging that gulf requires the recognition of many legitimate public concerns.

Several basic needs are apparent. Effective and affordable access to the dispute resolution process is essential for all who need it. Adequate representation is necessary for all who need it. Careful attention must be given to the system to assure that courts are not used unfairly as establishments of oppression.

The existence of language, geographical, technological and procedural barriers to justice must be recognized and corrected. Court processes must be designed to meet the needs of particular cases. Problems that do not involve real disputes requiring the exercise of judicial discretion should not receive the same treatment as those that do.

The judiciary and the bar should ensure that those we involuntarily involve in our judicial processes are treated with courtesy, sensitivity, and fairness. Our procedures must be designed for their convenience, as much as ours. Consider the difficult ordeal that a witness to a DWI offense is subjected to. There is first an appearance in district court, with, perhaps, one or two continuances. Then the witness is subjected to another appearance during the inevitable appeal to the superior court. This is an unjustifiable waste of community time and resources. We should assure that all victims, especially the elderly, the very young, and those subjected to violent treatment, be treated with special care and concern.

### Innovative Solutions

We should examine whether witnesses should be compelled to make more than one court appearance. The use of videotaped testimony, after proper opportunity for cross-examination and confrontation has been provided, to substitute for court appearances for witnesses may relieve this burden. This new trial technique should be explored, expanded, and encouraged.

In addition, jury service should be spread widely among community members, and the burdens of such service should be minimized as much as possible.



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fact, even more increases in responsibility and authority should be given. The salary level established for the district court is clearly not in keeping with the demands of that position.

### **Sentencing Guidelines**

In acknowledgment of the public's concerns about disparity in sentencing, the judiciary initiated a project to develop sentencing guidelines for use by judges of trial courts of general and limited jurisdiction. The anticipated results of the project are the reduction of unjustified variations in sentencing, the achievement of equitable sentences and a more open and visible process.

Guidelines have become the most popular means of improving the sentencing process and are currently in use in New Jersey, Colorado, Illinois, Arizona, and our own state and elsewhere. The Superior Court Judges' Association, at its 1979 Spring Conference, adopted a resolution that strongly recommends each of its members consider the guidelines in all sentencing procedures.

### **Increased Funds Needed For Courts and Support Services**

I am concerned about the considerable variation in the ability and willingness of the counties and municipalities to shoulder the reasonable costs of their courts. This inevitably results in a wide variation in facilities, personnel, and services—differences that can effect the caliber of justice. Unless a substantial degree of judicial independence is possible, in fiscal and personnel matters, the effective administration of justice will be considerably hampered. This failure adequately to finance the courts has already resulted in deficient facilities, inadequate libraries, and understaffed courts. As a matter of fact, some courts have requested federal assistance for libraries, microfilm viewers, and other required equipment and programs that clearly should be a county obligation. One county court, which has had a new courthouse constructed, found it necessary to apply for funds from the U. S. Marshal's Office to provide a secure means of transporting prisoners from the jail to the courtroom.

The possibility of state funding or mandatory minimum standards for facilities, support services, and supplies must become a priority in the near future. Crowded, antiquated facilities and obsolete research tools do not contribute to the public's image of the Court, nor do they provide an adequate base for the efficient resolution of disputes.

### **Improving Judicial Efficiency**

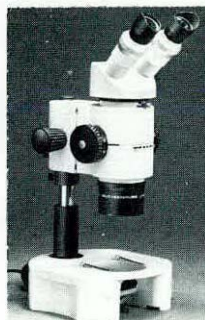
The courts too have a responsibility to provide a more efficient court system and numerous projects have been undertaken. Considerable time and effort have been ex-

pected by the State Court Administrator's Office in this regard. Our State Judicial Information System is one of the finest in the country. The implementation process has been carefully developed and is responsible to local peculiarities as it serves the seventeen major judicial jurisdictions. The initial system was created to improve indexing capability, and from this base, has expanded into docketing, case tracking, calendaring, and eighteen other important automated innovations that assist in the compilation of statistics. By the end of 1980, over half of the superior courts' caseload will be in this system, thus showing the support of the judiciary.

The Court Administrator and his staff are working on many other projects and programs designed to improve the efficiency of justice in our state, while being careful to maintain its quality. We are blessed with one of the most capable administrative offices in the nation.

### **Court Rules**

The enactment of court rules is the most important administrative function of the Supreme Court, for it is the rules that serve as guides to the practice of law. Judicial procedures, both pretrial and in the courtroom, are defined principally by rules adopted by the Court. The timely adoption of rules cannot be overlooked. At the present time, the Judicial Council is attempting to devise



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rules for the recent arbitration statute, as well as the juvenile code revision. Though the Council serves as a clearinghouse for proposals and offers a forum for discussion and debate by representatives of the judiciary and the legal profession, the ultimate responsibility for the adoption of rules rests, as you know, with the court.

I have implemented an internal system to improve the efficiency of the Supreme Court Rules Committee. The Office of the Administrator for the Courts is responsible for tracking and monitoring all inquiries, comments, proposals or requests for court action on rules. This activity includes identifying the rule, its date of receipt, the action taken, contacting by letter the initiator with an explanation of the process and action taken and monitoring progress to final disposition. These measures are instituted to make sure that nothing falls between the boards and to provide prompt, thorough consideration of all rules. The Judicial Council will continue to advise the court about the need for new rules and amendments, and these new procedures will expedite the Supreme Court rules consideration.

### Continuing Judicial Education

In most professional fields it is mandatory to keep abreast of new developments. As the bar has recognized, judges are no exception; yet, we are unable to provide the judiciary with meaningful training programs. The amount allocated by the Washington State Criminal Justice Training Commission has not been sufficient to meet the educational requirements of the judges.

I believe specific objectives can be achieved by an organization devoted to continuing judicial education. Some of these are judicial control of training standards, policies and long-range goals; professional services for developing, publishing and distributing procedure documents and publications; and the provision of essential judicial education to both court support personnel and jurists. To accomplish these objectives, I have proposed the development of a Washington State College for the Judiciary with the governing body appointed by the Supreme Court. The Administrator for the Courts' Office is drafting the feasibility plan for the judicial college. It is incumbent upon the Court to ensure the quality of its judicial personnel and to provide meaningful educational opportunities within the boundaries of the state.

### Planning for the Judiciary

The need for strategic planning has long been recognized by the judiciary of Washington. In 1975, the Supreme Court approved the creation of a courts' planning unit to develop programs for improving court operations, the effort was assisted by a council. Since 1976, the Court Planning Council has provided a central forum for judges from all court levels to identify the common

problems and goals of the state judiciary.

Today, that committee is an essential arm of the Supreme Court and assists the Court in determining where to allocate supplemental resources to the judiciary. Although the funding decisions of the Council are limited to law enforcement assistance administration monies, the problems, goals, and implementation scheme devised by the Council and staff encompass the entire system and are applicable to the issues I have raised in my speech today. For that matter, all the problems I have mentioned have been considered by the Council in its annual judicial plan. The goals, as specified by the Court Planning Council, include promoting efficiency and effectiveness in the court system; evaluating the impact of crime on citizens and the courts; reducing impediments to justice; and establishing an improved research mechanism for the judiciary. The Council's continued involvement in this area and the expansion of its duties will institutionalize planning within the judiciary.

Of course, not all improvements require money. I believe the many branches of our criminal justice system can work more effectively together without compromising the traditional checks and balances found there. I will convene a Criminal Justice Multi-Disciplinary Committee to see if there are adjustments and changes that can be made in procedures to make more efficient and effective use of the manpower and materials available. There is no

effective method that will allow this type of interchange to take place at this time, and it should be exciting and productive to see what can be accomplished here.

### Conclusion

I speak, not as one person working to be an agent for change and improvement, but as the representative of the nine justices of the Supreme Court, sixteen judges on the Court of Appeals, 120 judges of the Superior Court, and the 211 judges of the district and municipal courts.

All these judges share our commitment to this profession and our hope for a better, more effective system of justice for the people of our state. Hugh Rosellini, Charles Stafford, and Charles Wright have preceded me on our court as chief justice. Bob Brachtenbach, Floyd Hicks, James Dolliver, and Bill Williams will follow. We all, working together with you, will be a part of the effort to be worthy of the high trust placed upon us by the citizens of our state. □

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# ABA Action Program to Reduce Court Costs and Delay

By LEONARD S. JANOFSKY

During the year in which I am privileged to serve as president of the American Bar Association I intend to give high priority to a new program designed to make our courts more readily available to the average citizen. I speak of the new ABA action program to reduce high litigation costs and delay.

In America we have one of the best judicial systems in the world. People have greater access to our judicial system than in any other country. Nevertheless, we have some serious problems.

The organized bar, the judiciary, and others interested, have maintained programs for judicial reform for many years. Despite these laudable efforts, problems persist which have defied solution. Intolerable delays are spreading through many of the nation's busiest courts. Crushing litigation costs are afflicting more and more types of lawsuits in more and more places.

The problems are closely related. Lower costs mean more people can litigate; more cases will be filed in already crowded courts. As a consequence, delays increase. Court delays mean more efforts must be expended in multiple preparations and in preserving evidence. The result is higher costs. An attack on one

problem without an attack on the other would be less than effective. A concerted attack on both is an urgent necessity.

## "Infamous Twin Evils"

These infamous twin evils—delays and costs—contribute substantially to a climate of public cynicism and mistrust of the legal profession, the judiciary and our legal system.

With respect to the delay problem—with a few exceptions, delays, particularly in our cities of 500,000 population or over, are increasing in both civil and criminal cases. Even where laws provide for mandatory dismissal of felony cases which remain untried after 90 days, felony trials are routinely delayed for more than six months. Civil cases postponed because of statutory priorities favoring criminal cases are often not reached for three or more years. Such delays are intolerable and strike at the very heart of an effective justice system.

With respect to the cost problem—and by costs I mean costs to the consumers of legal services—it has become increasingly apparent that large numbers of people are practically barred from our courts by the high costs of litigation. The recent ABA survey on legal needs shows that the dollar income of 70% of American families is less than \$15,000 per year, and that 87% of American families have a dollar income of less than \$25,000 a year. Today the average person—unless his claim is covered by insurance or processed on a contingent fee basis—simply cannot afford the cost of litigation. What are ordinary citizens to do when they have a good faith claim or defense that can be established only in a court? These Americans are the backbone of our country—the common citizens of America. It is imperative that our justice system have their support.

Small businesses are in a double bind; the costs of litigation often prohibit their litigating valid claims, and the irresolution of delay ties up assets and personnel until



*Leonard S. Janofsky is the new president of the American Bar Association. This article is the text of his remarks at the Annual Meeting in Vancouver, B.C., on September 13.*

unwarranted compromises are forced upon them out of economic necessity.

It has been suggested that diversion of cases from the judicial process into negotiated and mediated procedures or other processes is the solution. This approach does have appeal and we should definitely pursue it. Indeed the ABA is currently involved in programs to this end.

But in any event, the American people should not be driven from the historically proven method of dispute resolution by high costs or delays where their interests are best served by resorting to the courts.

### **“The Legal Climate”**

A critical element relating to the problem of cost and delay is the legal climate which exists in each jurisdiction. This climate consists of many elements: the attitude of the judges and the lawyers of the community with regard to cost and delay; the traditions of the practice which have been accepted by the lawyers and the judges of the community; the use of delay as a tactical device; and failure to view control of costs as a requirement of professional service. The recent report of the National Center for State Courts entitled “Justice Delayed—The Pace of Litigation in Urban Trial Courts” has confirmed what many of us have long known: the comity which exists between lawyers and judges in a jurisdiction can be the single most powerful cause of cost to the client, and delay in the work of the courts. It is my hope that we can find ways in which the legal climate can cease to be a part of the problem and can become a part of the solution.

Responsible members of the bar, and I am sure the judiciary, are beginning to realize that complex procedures, pursued by lawyers in some instances to excess, are one of the important causes of high costs. A justice system which is so expensive it gives artificial advantage to the wealthy few and denies a fair chance for justice to many cannot be tolerated in a society that prizes the values our courts exist to safeguard.

### **High Costs “Not Inevitable”**

High litigation costs are not inevitable. Our existing legal procedures, designed for complex cases with large amounts in controversy, may well be over-designed for the smaller, less complex cases. Simplified and expeditious procedures which preserve the essentials of fair and effective process are being devised and tested. We must accelerate and perfect that program.

Existing institutions for the improvement of the judicial process have been productive in defining problem areas and techniques of solution. The existing institutions, however, have been only partially effective in implementation of the techniques which they have developed.

### **Reform Proposals Need Implementation**

The failure of the system is not so much for want of proposals for changes, as for want of concentrated and persistent implementation. If we are to avoid a serious breakdown of our judicial system in the next century, we must initiate forthwith important steps for major reform.

I feel that as a logical extension of the Pound conference and its follow-up, the time is most opportune for the ABA to step forward now, focus national attention on the problems, and give leadership and direction to the actual implementation of existing blueprints for judicial reform and other blueprints that will be developed.

We can do no less since Canon 8 of our own Code of Professional Responsibility provides that lawyers have an obligation to improve the legal system. As lawyers we are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures so that the system will function in the manner that commands public respect. It is singularly imperative that we solve the dual problems of high court costs and delay in our judicial system because in our country, as the Supreme Court recently observed, it is our “system of justice that constitutes the adhesive element of our society.”

### **The Five-Year Program**

Now is the time to move from ideas to action—to move from talk, studies and reports to getting the job done. To this end, with the assistance of an advisory committee of experts in the field, I have developed, and the Board of Governors of the ABA has approved, a five-year program—because that is how long we believe it will take to do the job right. The key feature of the program is establishment of an ABA Action Commission to reduce court costs and delay. The LEAA and the Ford Foundation have already come forward with \$325,000 to fund the first 18 months of the commission’s operations and have told us they are interested in being involved in the work of the commission during its 5-year life.

The commission is vigorously at work. Its chairman is Seth Hufstедler, a past president of the State Bar of California, and the staff director is Paul Nejelski, formerly Deputy Assistant Attorney General in the Department of Justice Office for Improvements in the Administration of Justice. It is a broad-based, blue ribbon commission consisting of trial lawyers, general practice lawyers, judges, representatives of the consumers of legal services, and law professors.

The commission will be working closely with other elements in the ABA which are interested in the problem such as the litigation section and the judicial administration division. Further, it will be in close contact with other organizations outside the ABA such as the Conference of State Court Chief Justices, the National Center

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### Experimental Programs To Be Encouraged

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Examples of the types of experimental programs which the commission will be encouraging are:

1. *Experiments in simplified civil procedures* in less complex cases providing, as does one now being carried on in California relating to cases up to \$25,000, for (a) narrative pleading; (b) limited motions; (c) limitations on most traditional discovery other than party depositions and depositions on stipulation; (d) compelled disclosure of specified information; and (e) where jury is waived, trial with relaxed rules of evidence.

2. *Use of telecommunications* in respect of motions and other matters. Unnecessary expense for the client is incurred in motion matters when lawyers must wait at the courthouse until their case is called, although only a brief argument of a motion may be required. Considerable travel expense may be involved and the lawyer may have to charge the client for a half or even a whole day. The commission has identified a handful of judges scattered around the country who have successfully used telephone conference calls to hear and decide most motions. Properly introduced innovations might make significant gains in overcoming lawyer and judicial resistance to this promising experiment.

3. *Innovations in appellate procedures.* A major cause of delay and cost on appeal is the amount of time required to transcribe the trial record, prepare briefs and write the Court's opinion. The commission is studying ways to reduce or eliminate these time demands. Use of minicomputers for direct transcription of court reporter stenotype or similar tapes could dramatically speed production of a quick cheap transcript. Oral argument with limited briefs could cut time spent in the preparation of written briefs. And the Court could render its opinion orally from the bench at the conclusion of the argument. The use of these techniques might resolve an appeal within 30 days of the trial court's disposition. Whether these particular experiments or other experiments will prove successful we cannot yet know. The critical point is that by careful and systematic investigation to find out which changes are effective and which are not, we can move steadily to provide our citizens with affordable justice—with justice that is substantially simpler and yet

fair and faithful to the highest traditions of American justice.

### Conclusion

At the outset, I said we have the best judicial system in the world. May I close by asking your support for this project which is designed to preserve that system by meeting the challenges of high litigation costs and delay. These challenges confront all thoughtful persons concerned with the well-being of our country, which we lawyers know, better than most people, has its roots in our system of justice under law. □

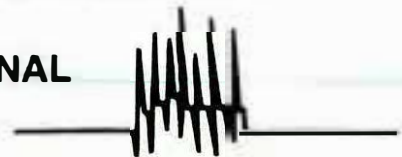
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# Unauthorized Practice: A Better Answer?

*Lawyers, the author argues, instead of seeking to restrain the unauthorized practice of law by lay people in real estate transactions, should offer—and advertise—a competitive service.*

By WILLIAM B. STOEBUCK

Some controversies in society are like an atomic holocaust: there is a huge, sudden explosion, then it is over. Other controversies are like the Hundred Years' War: they drag on in desultory fashion interminably. In the latter category of controversies is the simmering tension existing between the lawyers on one side and real estate brokers and escrow and title companies on the other. Expressed from the lawyer's viewpoint, his protagonists are engaging in the unauthorized practice of law in certain of the routine services they perform.

Unauthorized practice, in a society in which the state licenses law practitioners, is illegal of course. Therefore, one weapon in the lawyer's arsenal is to institute legal action seeking to enjoin the illegal acts. This brings us to the latest of several such suits to be brought before the Supreme Court of Washington, *Washington State Bar Ass'n v. Great Western Federal Sav. & Loan Ass'n*.<sup>1</sup> The result of the appeal was that the defendant savings and loan association was to be enjoined from preparing deeds and loan documents for real estate transactions it financed. This result is quite in line with, and totally predictable from, the supreme court's holdings in several prior decisions.<sup>2</sup>

It is not the purpose of this article to analyze the

doctrine of these cases; this is not a technical article. Let us simply note that lawyers or their organized associations may go to court and get injunctions against the unauthorized practice of law. They have that within their power; that is a weapon in their arsenal and one they have used. This is a usage that is ill advised.

## Win the Battle—Lose the War

In the first place it may turn out to be a case of win the battle and lose the war. Prima facie the fact that the Washington public has long been using non-lawyers for the closing of routine home sales, nearly to the exclusion of lawyers, may say something for the public's preferences. Rightly or wrongly, ill advised or well, the public has in fact been choosing Brand X over the real thing to do its legal work in these closings. If the legal community should make any concerted effort—not just a skirmish here and there, but an all-out offensive—to stop the practice, then we might find ourselves in the situation the bar of Arizona did a few years ago. The people of the state might push through a constitutional amendment or statute specifically authorizing that which had been unauthorized.<sup>3</sup>

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1. 91 Wn.2d 48, 586 P.2d 870 (1978).  
2. See *In re Droker & Mulholland*, 59 Wn.2d 707, 370 P.2d 242 (1962); *Washington State Bar Ass'n v. Washington Ass'n of Realtors*, 41 Wn.2d 697, 251 P.2d 619 (1952); *Yount v. Zarbell*, 17 Wn.2d 278, 135 P.2d 309 (1943); *Paul v. Stanley*, 168 Wash. 371, 12 P.2d 401 (1932). Cf. *In re McCallum*, 186 Wash. 312, 57 P.2d 1259 (1936).

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*William B. Stoebeck, a professor of law at the University of Washington School of Law, is a visiting professor at Washington and Lee University in Virginia for the 1979-80 school year.*

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3. See Ariz. Const., Art. XXVI, which was adopted by initiative at the election of 6 November 1962.

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For another thing, it is just possible that the public is, even by professional standards, well served by the non-lawyer closing of home sales. This probably is not so, for it probably can be demonstrated objectively that, as lawyers contend, the vendor and vendee are best served by a lawyer, who can detect the occasional technical problem that will occur. Nevertheless, a case can be made that the non-lawyer serves well enough. A sub-professional who handles real estate closings all day must, like an ambulance attendant does with certain injuries, become more skilled and efficient in the mechanics of closing than are the vast bulk of lawyers. Moreover, as in the *Great Western* case, subprofessionals who are not simply hired to close, but also who have some other interest in the transaction, may include legal services free. Price is a factor in the total evaluation of the services performed. If one toted up the cost of all lawsuits caused by poor nonprofessional closings and compared this cost with the cost of paying lawyers' fees for all closings, it could be that non-lawyer closings are more efficient in an economic sense. At least a case can be made that, taking the economic and other factors together, the public is well served by a system of non-lawyer closings.

The weightiest argument against enjoining the unauthorized practice of law is that such a strategy thwarts the expectations of society. To the extent the strategy is successful, it compels consumers to forego a service they had chosen in a free market and to substitute under duress a substitute they do not want. The lawyer's moral position is weak and is not enhanced at all by the fact that he stands to gain personally from using his law and his courts. His only retort is the paternalistic one that the state knows better than the consumer what service he needs. In the public's perception the bar, having control over the judicial process, has used its monopoly power to stifle competition that became too successful. Though the public needs this protection, it cannot be denied that competition is restrained.

### Lawyers Can Offer Competitive Service

Would it not be better if lawyers could find some way to meet the perceived problem that did not restrain competition? Better yet, could lawyers make a response that increased free competition? Perhaps even a response that offered the public better and cheaper service than they are getting from the competitors? Such a response exists.

Pretty clearly the public uses real estate brokers, escrow agents, and other non-lawyers for closing services because it believes lawyers will charge more than they for such services. It would be hard to maintain that the non-lawyers perform superior legal services, though they may sometimes be viewed as being handier and more efficient than lawyers. The main competitive ad-

vantage to the public, however, seems to be a real or supposed saving of money. Is it possible that there are some diseconomies in the way the non-lawyers operate, some areas in which the lawyer could offer a better service cheaper? There does indeed appear to be an area in which a lawyer can offer a better service to most home sellers and buyers at a saving of several thousand dollars per sale.

If the lawyer is reputed to be handsomely rewarded for his services, reflect upon what the real estate broker does for his commission. Basically, he brings buyer and seller together. He promotes the sale by newspaper advertisements, by signs, and, if he has an exclusive, by cross-listings if the community has a cross-listing service. He appraises the premises, gives practical tips to the seller on how to make them attractive, shows them to prospective purchasers, and acts as intermediary to bring buyer and seller together on terms. When they have agreed orally, the broker usually drafts an earnest money agreement, will order title insurance, may assist with arranging financing, will provide a closing statement, and will handle or (more likely) arrange for the closing.

To what extent could a reasonably capable seller perform the broker's services himself? To what extent could such a seller perform these services if aided by a lawyer? Considering that standard real estate sales commissions



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are, in the Seattle area, seven per cent of the sales price on dwellings and that the average home in the Seattle area sells for some \$60,000, the potential saving is thousands of dollars. The lawyer's fee for his services, charged at going rates, should not amount to more than \$200 to \$300 for routine home sales unless there were unusual complications.

What is being proposed here is a cooperative effort between the lawyer and his client, the seller. Before the seller put his home on the market, he would pay a visit to his attorney's office. This would be a brief appointment, in which the lawyer would undertake the representation, explain his fees, and briefly outline the procedures to be followed. Mainly, the lawyer or someone in his office would provide the client with a booklet that explained what the client should do to promote the sale of his own home. Essentially, this booklet would tell the client how to do for himself those services brokers perform that a layman could perform: advertising, getting appraisals (F.H.A. or other), fixing up the premises, showing the premises, and so forth. Then when a buyer was obtained, seller and buyer would go to the attorney for an earnest money agreement. The lawyer would order a title policy, might assist with financing, would work out any legal problems, would draft the closing instruments, and would supervise the closing. For all his services, the lawyer would charge his normal fee. If he used para-professionals in his office for part of the work, he would supervise their work adequately and would make appropriate charges for their services.

In fact, with the exception of the booklet, lawyers more or less frequently (less, in the writer's personal experience) have always performed the described services. The new feature that is proposed here is advertising. Now that it is permissible for lawyers to advertise their services, it should be possible for lawyers wishing to engage in closing work to make this known to large numbers of sellers. Presumably advertisements would indicate the fees to be charged and would sufficiently describe the plan so that homeowners would see its economic advantages.

### **Legal Problems**

Three legal problems of substance appear to be connected with the outlined plan. All are problems in professional ethics. First is the issue of lawyer advertising, second is a question about a lawyer representing both buyer and seller, and third is the question of a lawyer performing real estate brokerage services. Each of these subjects deserves a brief discussion.

Public advertising, long a taboo under the organized bar's canons of legal ethics, has become possible on a broad scale since the United States Supreme Court's 1977

decision in *Bates v. State Bar of Arizona*.<sup>4</sup> As a constitutional privilege of free speech, the Court held lawyers might run in newspapers "truthful advertisement concerning the availability and terms of routine legal services."<sup>5</sup> Since then the American Bar Association and state rule making bodies have been busily modifying their canons of ethics, to comply (but generally not to over-comply) with what seem to be the advertising privileges described by the Court. To this end, in August, 1977, the House of Delegates of the American Bar Association amended DR 2-101 of the Model Code of Professional Responsibility, with a further amendment (allowing television advertisement) in August, 1978. The Washington State Supreme Court adopted similar amendments to DR 2-101 of the state Code of Professional Responsibility, effective 1 January 1979.<sup>6</sup> Though the American Bar Association version and the Washington version are not identical, they are similar enough to be discussed together for present purposes.

The current Rule DR 2-101 should be studied in detail of course; however, for our present subject certain guidelines may be drawn from it. Advertisements may be

published or broadcast in the public media in the area where the lawyer practices or where he or a significant number of his clients live. With certain qualifications, fees may be advertised, either for initial consultation or an hourly rate, a range of fees, or a fixed fee for specific legal services. While the lawyer may not advertise he is a "specialist" in real estate closings, he may state that he practices in "one or more fields of law," which presumably includes real estate closings. He may list considerable more or less biographical data to show his qualifications. There seems to be nothing in DR 2-101 that forbids a lawyer's advertisement from pointing out the financial savings from his services, as long as the claims are dignified and not misleading. In fact, closing services appear to be a particularly good subject for advertising, since they are, in the words quoted above from *Bates v. State Bar of Arizona*, "routine legal services."

The second legal problem of substance is the one of representing both parties to the real estate transaction. It is clear that the lawyer should undertake to represent only one of the parties, that he should so advise the other party, and that he should tell the other party to seek independent counsel if he wants legal advice.<sup>7</sup> In our context the client will be the seller, who comes to the

4. 433 U.S. 350 (1977).

5. *Id.* at 384.

6. Reported in 91 Wn.2d 1102-06 (9 November 1978).

7. Committee on Ethics and Professional Responsibility, American Bar Ass'n, Informal Opinion 886, 28 December 1965, is directly on point.



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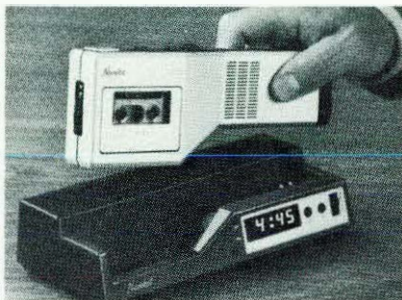
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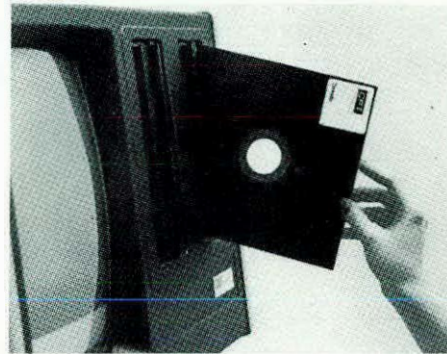
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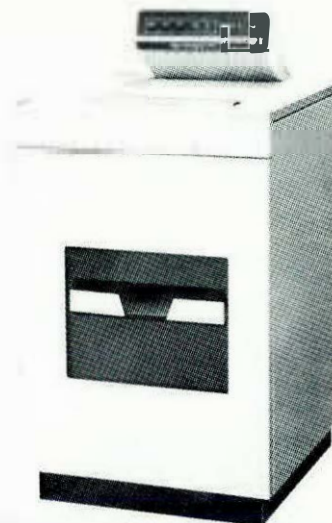
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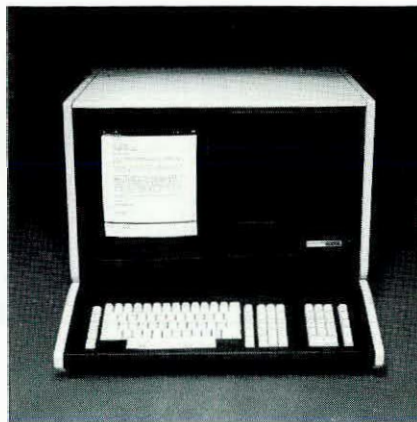


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attorney's office in response to advertising. The need to advise the other party to seek independent counsel becomes acute if a conflict develops or there is a "reasonable possibility" of a conflict between parties.<sup>8</sup> If a conflict results in either party making a legal claim against the other, then the lawyer usually could not represent anyone opposing the seller, because of the rule against his making use of information gained in their former lawyer-client relationship.<sup>9</sup> The conclusion is that, while in many, perhaps most, real estate closings the seller's attorney may perform all the services, his client is the seller alone, a fact he should make clear to both parties.

The third ethical problem, that of the lawyer's performing brokerage services, is a tangled web. There is no problem with the state broker's licensure requirement, for "an attorney at law in the performance of his duties" is exempt from that requirement by statute.<sup>10</sup> Problems arise out of the lawyers' Code of Professional Responsibility and ethics opinions interpreting it. There is nothing unethical about a lawyer's also engaging in another business or profession, including real estate brokerage.<sup>11</sup> But, he should not list both professions on the same letterhead, sign, or card or, presumably, in the same advertisement.<sup>12</sup> In the practice of his brokerage business, the lawyer is held to the standards of the practice of law, which, among other things, means he shall charge a lawyer's fee for his brokerage work and shall conduct himself in accordance with the Code of Professional Responsibility.<sup>13</sup> Through many years the legal ethics rules on dual professions have been in a continuing state of flux, so that it is difficult to define the precise limits of these rules. Nevertheless, since the tendency has been, and surely must be now, toward relaxation of the dual profession rules, it seems that the lawyer who consults the sources cited in footnote 11 and follows them explicitly should err on the side of safety.<sup>14</sup>

### Developing a Real Estate Closing Practice

A lawyer who undertakes to advertise and develop a real estate closing practice has several powerful reasons to conduct that practice in the most ethical, competent

8. Washington State Code of Professional Responsibility, DR 7-104(2).

9. See Washington State Code of Professional Responsibility, DR 4-101; Legal Ethics Committee, Washington State Bar Ass'n, Opinion 45, June 1956.

10. RCW 18.85.110(2).

11. Opinion No. 162, Committee on Professional Responsibility, Washington State Bar Ass'n, *Washington State Bar News*, April 1976, p. 47; Formal Opinion No. 328, Committee on Professional Responsibility, American Bar Ass'n, 58 A.B.A. J. 1213 (1972). Cf. DR 2-102(E), Code of Professional Responsibility, State of Washington, 91 Wn.2d 1106 (1978).

12. *Id.*

13. Opinions Nos. 162, W.S.B.A., and 328 A.B.A., as cited in n. 11, *supra*.

14. See Opinion No. 328, A.B.A., cited n. 11, *supra*.

way he can. Most obviously, he is engaging in a business in a way that may create controversy with other persons and entities in the real estate industry and perhaps also, because of his use of advertising, with some lawyers. He certainly would not want to give any ground for charges of unethical practices or shoddy work. The lawyer should not turn his office into a "closing mill" by having the work done by a staff of paraprofessionals under his merely nominal supervision; that is too much like the unauthorized practice of law. He should personally perform the drafting of documents, the examination of title reports, and other work that constitutes the practice of law.<sup>15</sup> Lawyer and client should have that degree of direct, personal contact that is expected under good ethics. Fees should be fair and full for the lawyer's work, probably on a time basis, with no more than a fair lesser charge for paraprofessionals' time and for incidental expenses. There should be no reason to cut fees, because the lawyer's services are producing a large saving to the client. Also, it should be apparent that the closing business offers a wonderful opportunity for the lawyer who does impressive work to establish contact with persons who may remain or become his clients for their other legal work. There is every reason, then, for the lawyer to take time with his closing work, to do it the best he can, and to charge full, fair fees.

Likely most lawyers, who are busy with well established practices, will not want to seek real estate closing work. For new lawyers practicing on their own, though, this can be a source of needed business. As the Supreme Court remarked in *Bates*, advertising is of particular benefit to new lawyers. Moreover, the closing work they attract will not be taken from other lawyers; it will be legal work now being unlawfully performed by non-lawyers. These non-lawyers presumably will not complain, because they have amply demonstrated their devotion to the principles of free competition between themselves and the legal profession. They clearly make no overly punctilious distinction between the proper functions of their callings and the law. If they choose to meet the competition, perhaps by reducing their charges, the public will be the gainer.

Finally, to return to the starting point of this article, the lawyer who offers real estate closing services will have the opportunity to provide a valuable public service. Assuming he does his work in a thorough, professional manner, he can provide his clients with better closing services than are now generally provided and at a large saving of money. Sellers who prefer to list with real estate brokers may continue to do so. The lawyer, in the best tradition of free enterprise, will simply offer an alternative service to those who prefer it. Is that a shocking proposal? □

15. It would be instructive on the point in text to study *In re Droker & Mulholland*, 59 Wn.2d 707, 370 P.2d 242 (1962).



# Board Rejects Move for Spokane Bar Exam

By JAY V. WHITE

SEATTLE (SEA-TAC), November 2—The Board of Governors has rejected (6-3) a move to hold a bar examination in Spokane next July.

Under the proposal by Board Member Lowell K. Halverson, seconded by Board Member Jack R. Dean, the bar examination would have been offered simultaneously in Seattle and Spokane "on a trial basis". Halverson noted that there have been periodic requests for a Spokane exam, perhaps most recently by Theodore J. Clements, dean of the Gonzaga Law School who discussed the idea with the Board at its November meeting a year ago.

Dean (whose district includes Spokane) urged support for the Spokane site because of the inconvenience to Gonzaga Law School applicants who must live in motels or other temporary quarters while taking the exam in Seattle. Board Member Quinby R. Bingham (whose district includes Tacoma) pointed out that similar arguments could be made on behalf of applicants from the University of Puget Sound Law School.

The Board appeared to base its decision upon administrative difficulties, described by Executive Director G. Edward Friar as "surmountable but complex", including the following:

1. *Problems of security and anonymity*, primarily the increased difficulty which would be presented in transporting bar exam questions across the state in a manner to insure security, coupled with enhanced problems in keeping confidential two sets of examination numbers designed to insure the anonymity of applicants.

2. *Uniform interpretation of questions*, e.g., where a question of ambiguity in an exam question is raised, each applicant with a question is directed to the same examiner; Spokane (or Seattle) applicants would have to confer by telephone with that examiner or some other means would have to be devised to afford uniform interpretations.

3. *Increased costs* of a dual-site exam would have to be absorbed in some manner, most likely by an increase in the examination fee paid by all applicants.

4. *Facilities*, not only the problem of finding comparable facilities in which to administer the exam in both Seattle and Spokane, but also scheduling problems in making sure such facilities are available on the same dates.

5. *Possible new grounds to challenge exam results*, i.e., no matter how great an effort is made, there inevitably will be differences in the exam environments when two sites are involved which could provoke challenges by failing applicants based on the contention that they were at a disadvantage in Spokane as compared to applicants in Seattle, or vice versa.

Dean moved to table the proposal pending further study of whether the various problems cited could be resolved adequately, but the motion was defeated (6-3). Thereupon, Board Member F. Lee Campbell moved to reject the proposal for a Spokane bar exam. The motion carried. *Opposed*: Dean, Halverson, Holm.

### 1980 Annual Meeting

The Board overturned its month-old decision to hold the 1980 business meeting in Yakima (as first choice, alternatively Tri-Cities or Seattle) on September 5 or 6, two months prior to the remainder of state bar convention activities which will take place in Hawaii, November 3-10.

The business meeting now will be scheduled on September 5 or 6 in Seattle.

The Board's action was prompted primarily by a letter from C.C. Bridgewater, Jr., chairperson of the state Young Lawyers Section, urging that the business meeting be held in Seattle because the majority of the state's lawyers live in the Seattle area and because, at the time of the vote approving Hawaii as the 1980 convention site,

"it was represented that the business meeting would take place in Seattle."

President Hemovich confirmed that when the advisory vote of the membership was taken at the 1976 Annual Meeting as to 1980 convention sites, "we told the people" that if Hawaii were selected, then the business meeting would be held in Seattle.

He said that when the Board voted in October to have the meeting in Yakima or Tri-Cities as preferred locations, "the thought was to have the meeting in a part of the state where lawyers otherwise would not have access to it."

The consensus of the Board was that Bridgewater was correct in suggesting they were bound by the representation apparently made when the membership voted, so the business meeting will be in Seattle.

#### OTHER BOARD ACTIONS . . .

■ **LEGAL CLINICS**—The Board listened to presentations by Jorgen Schleer from the "Group Section" of the Seattle firm of Vance, Davies, Roberts, Reid & Anderson, and Rod Cameron of the Cameron Law Clinic which now is comprised of three Seattle-area offices. The two attorneys discussed their experience with alternatives to the traditional form of legal practice. Schleer described his firm's "Group Section" practice under which routine legal services are offered at fixed rates to indi-

vidual labor union members pursuant to a contract between the union and the firm.

Cameron discussed his "law clinic" practice which he said offers high-volume and economical legal services to persons who might otherwise never seek a lawyer's services. He said that his offices also serve as a lawyer referral service because he refers clients with cases requiring special expertise to other lawyers.

■ **DISTRICT COURTS**—The Board discussed the apparent inadequacy of a form used in certain District Courts to secure a criminal defendant's waiver of the rule requiring trial within 60 days of arraignment. Meeting with the Board in connection with this matter were Spokane District Court Judge John A. Schultheis and Court Administrator Howard Primer.

■ **UPS LAW SCHOOL**—Wallace M. Rudolph, Dean of the University of Puget Sound School of Law, met with the Board to report on development of the UPS Law Center. He described the law school's efforts to improve and expand "clinical" education, and suggested that the Board should re-examine the requirements of Rule 9 as to the supervision of legal interns. The present rule limits supervising attorneys to responsibility for two legal interns; Rudolph said that a proposal may be forthcoming to permit a supervising attorney to handle a greater number of interns if employed solely for that purpose in connection with a law school clinical training program. Rudolph said that the present rule discourages law school clinical training programs because of the expense and other practical problems involved in securing enough supervising attorneys to satisfy the 2-to-1 ratio requirement of Rule 9.

■ **NEXT BOARD MEETING**—January 11-12, Olympia (Westwater Inn). □

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If you have or expect a condo project on your hands this seminar will teach you "How To" whether it be new construction or a Conversion including legal documentation and sources of financing.

Instructor: Larry Granat, Granat and Associates

CLE Hours: 12

Dates and Places:

December 13, 14, 1979 Missoula, MT

## **Subdivision Financing**

This seminar is a comprehensive covering of the subject. A financing "package" is presented and explained which has been used in obtaining financing for multi-million dollar subdivisions.

Instructors: Tom Habersetzer, Broker  
Tom Rhinevault, B.S., M.P.A.

CLE Hours: 9

Dates and Places:

December 13, 14, 1979 Everett, WA

## **Commercial Industrial Developments**

This seminar provides a thorough coverage of this process. Everything is described and detailed from obtaining the right ground through lease of or sale of the finished clinic, motel, plant or whatever.

Instructor: Don Hansen, D. L. Hansen Co.

CLE Hours: 15

Dates and Places:

December 13, 14, 1979 Portland, OR

Sound good? They all are good and more new topics are underway. For information about these seminars contact:



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## A Mixed Bag: Subject Indexes; Schedule Updates and Changes; Your Thoughts on Future State Bar CLE Programming

**John J. Michalik**

*Director of Continuing Legal Education*

As the title of this month's column indicates, we cover here a mixed bag of thoughts, ideas and information.

**SUBJECT INDEX OF CLE PUBLICATIONS**—Over the past few years, and with the increasing number of State Bar CLE Publications, an obvious need has arisen for a comprehensive breakdown and index of the various articles and papers appearing in our CLE practice manuals, Convention Reference Notebooks and other publications. At long last that information has been reduced to usable form. In early December, the CLE Department will have available a 50-page Subject Index To CLE Publications. Covering all materials published by the State Bar's CLE program since early 1975 (earlier materials were not included because, as a general proposition, they are at least partially outdated and, in many instances, superseded by later publications), the Subject Index lists, under the major legal topics, the titles and authors of specific chapters and articles appearing in our CLE books over the last five years. The intent of the Index, of course, is to provide ready access to the literally hundreds of articles which have appeared in those five years. This Index will be distributed, free of charge, at the registration desk of all State Bar CLE seminars beginning in December and for so long as supplies last. The Index may also be picked up at the State Bar Office in Seattle. Because of the distribution method and in an effort to keep the costs of this service down, we cannot, with regret, accept mail orders for the Subject Index.

**SCHEDULE UPDATES AND CHANGES**—The months of December, January and February are particularly busy ones on the CLE schedule. December features two related seminars: **ADVISING THE SMALLER BUSINESS ENTERPRISE** [in Spokane on November 30th; Richland on December 7th; Bellingham on December 14; and Seattle on December 21st] and **BUSINESS ACQUISITIONS**, a program cosponsored with the Washington Society of Certified Public Accountants and set for Spokane presentation on December 7 and in Seattle on December 14. In January, the **THIRD ANNUAL PACIFIC NORTHWEST ADMIRALTY LAW INSTITUTE** returns to Seattle on January 10-11. Also in January, we have on tap a three city series in the Family Law area. February's schedule features a **WORKERS' COMPENSATION** seminar with presentations on February 1, 8 and 15 in, respectively, Spokane, Olympia and Seattle. Also in February, we have effected a scheduling change. The original schedule listed a three city presenta-

tion of a program on **FARM & RANCH LAW**. That program has now been deferred and its place will be taken by an important program focusing on the first six months of experience and procedures under the **BANKRUPTCY REFORM ACT OF 1978**—which program will be presented in Yakima on February 15th, in Seattle on February 22nd and in Spokane on February 29th. Announcing brochures for these programs will be crossing your desks in the coming weeks.

**FUTURE CLE PROGRAMMING: YOUR THOUGHTS SOLICITED**—In the next few months the State Bar's CLE Committee will be giving active consideration to its seminar program schedule for the period September 1980 through June 1981. CLE seminar and program topics are selected by the Committee on the basis of a variety of factors—not the least of which involves the suggestions of the members of the Bar Association with regard to specific topics which are of currency and interest, or have never been covered by our programming, or which, though covered in recent years, are in need of updating because of major changes in the law and/or practice. Your input in this area is of extreme importance to the Committee. This then is your chance to express your views on what we should be doing and your thoughts on future CLE programming are actively solicited. Put 'em in writing and send them on to: John J. Michalik, Director of Continuing Legal Education, Washington State Bar Association, 505 Madison Street, Seattle, 98104.

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*Federal Rules of Evidence*

Dec. 13-14, 1979: San Diego .....11.00

*Administering Pension Plans*

Dec. 17-18, 1979: San Diego .....11.00

#### NATIONAL PRACTICE INSTITUTE

*Weight of Medical Evidence*

Nov. 30, 1979: Spokane .....6.00

Dec. 1, 1979: Portland .....6.00

#### PRACTISING LAW INSTITUTE

*Basic Labor Relations*

Dec. 13-14, 1979: San Francisco .....12.50

*ESOP'S & TRASOP'S*

Nov. 29-30, 1979: Seattle .....11.75

#### UNIVERSITY OF MONTANA SCHOOL OF LAW

*Development of Large Tracts of Real Estate*

Jan. 9-12, 1980: Whitefish .....15.00

#### UNIVERSITY OF PUGET SOUND SCHOOL OF LAW

*Antitrust & the Small Business*

Dec. 3-10, 1979: Hauai, Hawaii .....16.00



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#### *Advising the Smaller Business*

Nov. 30, 1979: Spokane .....	6.50
Dec. 7, 1979: Richland .....	6.50
Dec. 14, 1979: Bellingham .....	6.50
Dec. 21, 1979: Seattle .....	6.50

#### *Business Acquisitions*

Dec. 7, 1979: Spokane .....	7.00
Dec. 14, 1979: Seattle .....	7.00

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## REAL PROPERTY PROBATE AND TRUST

By ROBERT P. BESCHEL

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### RPP and T Section Restructured

A change in the structure of the Real Property Probate and Trust Section was approved by the Board of Governors of the State Bar Association and the Section membership at the annual convention in Vancouver, B. C. The change, accomplished through the adoption of new By-Laws, establishes a separate Real Property and a separate Probate and Trust Division within the Section patterned on the organizational format of the Real Property Probate and Trust Section of the American Bar Association.

The intent of the organizational change is to assure that each of these areas of practice would have active and continuing programs and representation in the Section.

Under the new By-Laws the governing body of the Section is a "Council," composed of the Section Chairman, Chairman Elect, Past Chairman, Director of the Real Property and Director of Probate and Trust Divisions, Secretary, and Newsletter Editor, and four individual council members from each division.

At the annual meeting of the section Judd Kirk, James C. Middlebrooks, and Joseph M. Gaffney, were elected to serve as Chairman Elect and Directors of the Real Property and Probate Trust Divisions, respectively. Tom Gores, Seattle, was elected for the Secretary and subsequently volunteered also to serve as Newsletter Editor. John Shaw, Seattle, was elected to the Council of the Probate and Trust Division and John L. Patterson, Warren Olson, both of Seattle, and Richard J. Richard, Spokane, were elected to the Council of the Real Property Division.

Bruce P. Flynn, Seattle, is the Past Chairman; Roger Underwood, Spokane, Ken Schubert, Seattle, and Cleary Cone, Ellensburg, are carry-over members of the Probate and Trust Division Council, and John Gose, Seattle, carry-over council member of Real Property Division.

The Section welcomes suggestions from the members of the Bar with regard to projects and activities to advance the Real Property and Probate and Trust practice.



## YOUNG LAWYERS SECTION

By C.C. BRIDGEWATER, JR.

Last year our section received an award of achievement from the ABA Young Lawyers Division. The award was for our overall program.

This year look for our programs and contact your Trustee for involvement. Our Trustees are elected by Congressional District just as is the Board of Governors. Programs to look forward to this year are as follows: (a) Public service high school educational project involving video tapes of mock trials, complete with classroom trials; (b) Shopping Center Program—coordination for Law Day; (c) Tel-Law; (d) Open courthouse projects in selected counties; (e) Judicial Conference project with emphasis on passage of a judicial discipline amendment; (f) Outreach projects to Young Lawyers outside metropolitan areas; (g) Housing project; (h) Two C.L.E. seminars; (i) Bridging the Gap projects; (j) Newsletter. Each member of the section will receive our quarterly magazine. Please indicate your interest in our projects or begin your own and we will assist you. We have a potential membership of 70% of the Bar. For those of you who are under 35 and have less than 5 years of practice, join our section and benefit yourself, the public, and the Bar!

## TRAVEL COMMITTEE

By JOHN D. MacLAUHLAN

### South America Coming Up!

Your Travel Committee has arranged for our members to participate in a deluxe trip to Peru and Ecuador, departing Seattle February 19 and returning March 1, 1980. Arrangements have been made with the Intrav organization, the travel group who have conducted tours into Europe and Asia for our membership in times past. The projected price for the trip is \$1,358.00, and this includes travel costs, accommodations at deluxe hotels, and first-rate food service.

South America at this time of year is warm, with an abundance of sunny weather. Sad to relate, this is about the only remaining part of the world that still represents a travel bargain.

Optional excursions are available to Machu Picchu—one of the archeological marvels of the world. If you are interested in this trip, use the coupon in the brochure describing the itinerary that will be mailed to you from Intrav, or telephone Serni Reeves at the Washington State Bar Association.

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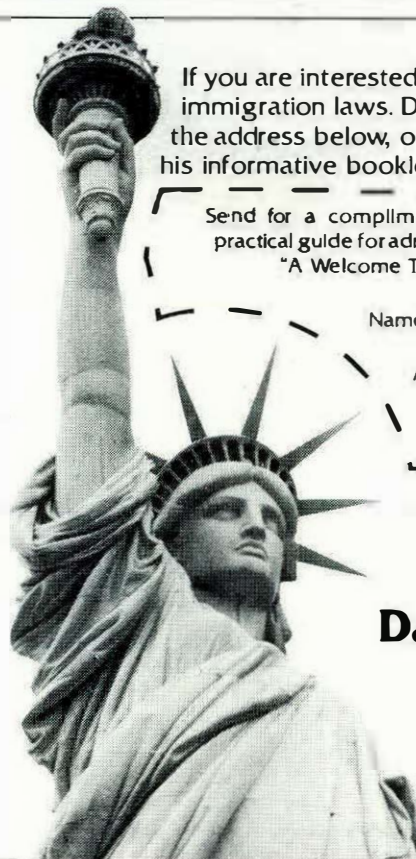
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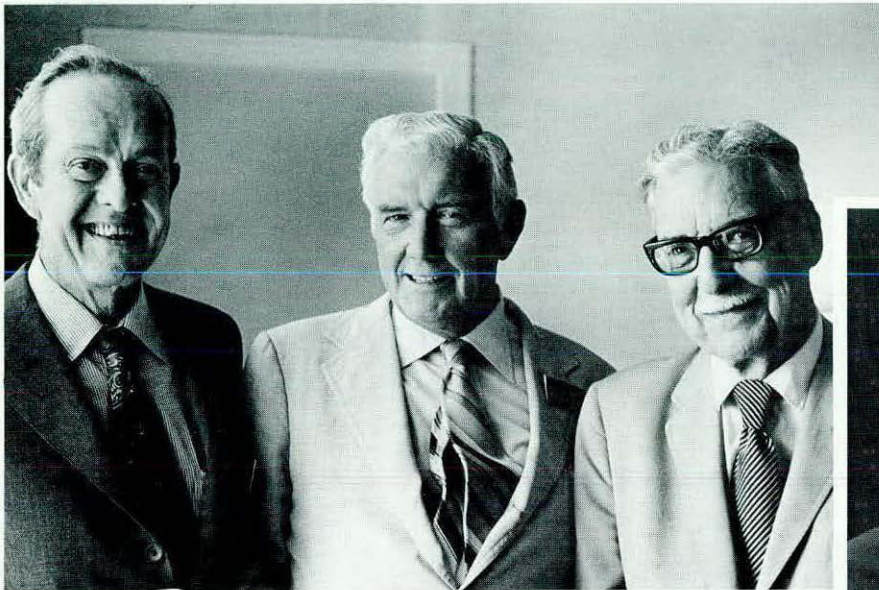
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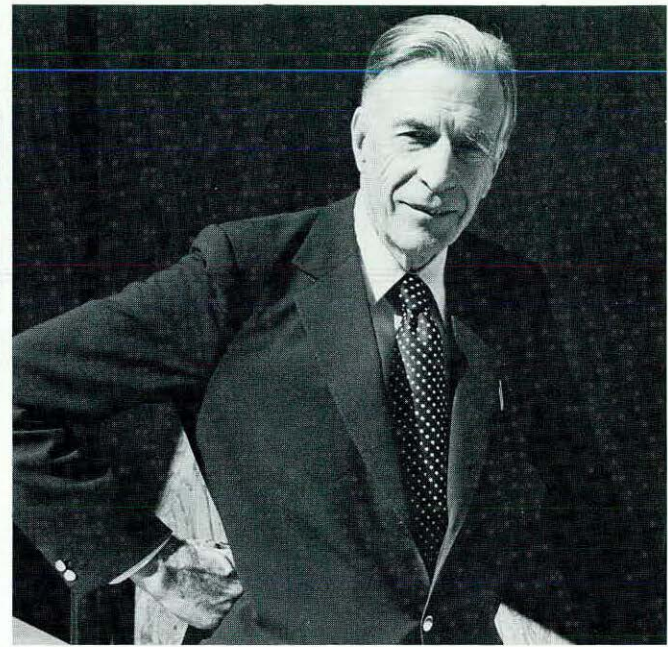
### Dan P. Danilov, Esq.

Attorney at Law  
3108 Rainier Bank Tower  
Seattle, Washington 98101  
Telephone  
(206) 624-1580

# Photo Highlight 1979



**Brad Jones, Bill Wesselhoeft and George Bovingdon,  
Seattle**



**Dr. John Galbraith, Cambridge**



**Phil Poth, Seattle, and self-portrait**



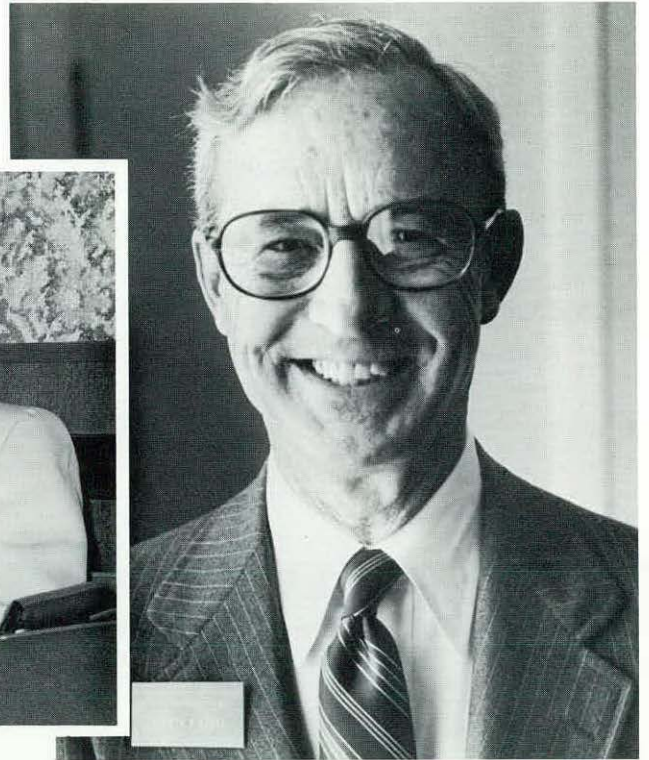
**Outgoing president Hoff, Seattle; incoming president  
Hemovich, Spokane**

*Photo credits: John D. McLaughlan, Seattle  
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# ts of the Annual Meeting



Bill Gissberg, Olympia, and Bob Felthous, Friday Harbor



ABA Delegate Ken Short, Seattle



Opening ceremonies for the Annual Business Meeting



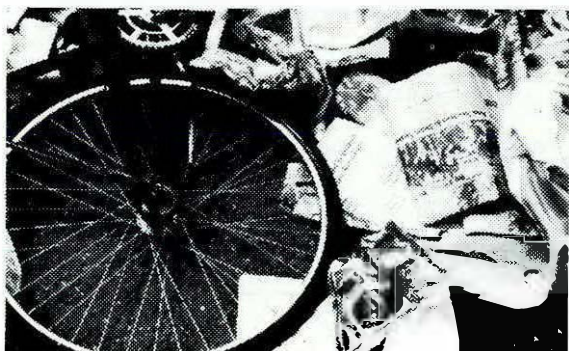
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## Around the State

### SEATTLE-KING REPORT

By JAMES L. VARNELL

#### *New Associations & Locations.*

**Jack J. Ackerman** has joined Francis, Lopez & LePley with offices at 804 Seattle Tower. **Matt L. Alexander** has opened his office at 430 Logan Building. **Geoffrey Groshong** has become associated with Devin, Hamlin, Erickson & Fay. **Seth Armstrong** and **Robert H. Alsdorf** have formed a law partnership commencing September 1 at 650 Colman Building. **Eugene H. Knapp, Jr.** was appointed San Juan County Prosecuting Attorney on a part-time basis April 1, 1979. Knapp continues as a partner in the Seattle firm of McMullen, Brooke, Knapp & Alexander. Former United States Congressman **Brock Adams**, **Alan A. Butchman**, **Sharon Stewart Armstrong** and **James G. Kibble** have joined the newly-named firm of Houger, Garvey, Schubert, Adams & Barer, formerly Houger, Garvey & Schubert. **Edward W. Huneke**, journalistic mentor of this correspondent and former editor of this distinguished tabloid, has formed a law partnership with **R. Drake Bozarth** and **John W. Schedler** 119 South Main, Seattle. **Richard M. Berley** has become associated with Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, becoming the sixth attorney added to the firm in the past year. Known to his fellow associates as "Mr. Smiles," Berley is a graduate of Harvard Law School and is admitted to the New York Bar. **Ralph W. Moldauer**, formerly with the Office of Support Enforcement, has opened his office at 1602 Pacific Building.

*Distinguishments.* **David E. Ellison** has been elected president and a member of the board of directors of the Laird, Norton Trust Company. **Richard D. Bonesteel**, Vice President and Counsel of Seafirst Mortgage Corporation, has been elected

president of the Seattle Mortgage Bankers Association.

*Trivia.* **Thomas O. McElmeel**, formerly associated with a Kent law firm, recently was the low gross winner of the Washington State Bar Association golf tournament held in Vancouver at the annual meeting. Tom finished a distant second to **Bill Levinson** in this summer's South King County Bar Association tournament.

### SNOHOMISH REPORT

By HENRY S. CHAPMAN

Attorney General **Slade Gorton** was the guest speaker for our Bar Association meeting in the month of October. His interesting talk was entitled "Please Don't Call Me General: Notes In Retrospect".

On November 13th a joint educational seminar for the members of the Snohomish County Bar Association and Snohomish County Medical Society will be held at the Holiday Inn. The speakers for the seminar will be local doctors and attorneys. I believe this is a first for our bar association and we are excited about it.

Six new attorneys who recently passed the bar will be sworn in soon. Their names are: **Steven G. Kochen**, **Teresa Diane Landreau**, **Julie Ann Sevenich**, **William Walter Spencer**, **Miriam Temple**, and **James Burrows Weber**.

Judge **Stuart French** the newly appointed Judge of the Superior Court in our county will be opposed in the fall election by attorney **Earl E. Yates** of Lynnwood.

**Eileen Wilkinson** is a new member of the staff at the Presiding Department, Superior Court. She will assist **Ad Agnew**, Court Administrator, in managing the trial calendar.



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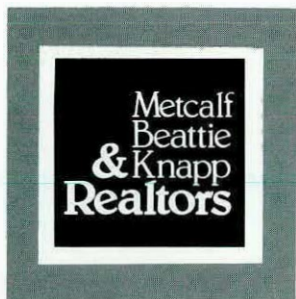
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## Attorney/CPA Golf Day Report

The Seventh Annual Attorney/CPA Golf, Racquetball and Tennis Tournament planning has already started! Mark your calendar for *October 3, 1980* and plan to attend. The 1979 Golf Day chairman, Bill Jeude, reported the Sahalee Golf and Country Club has been selected to repeat as the location for the golf tournament and dinner and the tennis/racquetball tournament will be held at a club yet to be chosen.

The Sixth Annual Golf Tournament was staged October 5, 1979 under sunny skies at the Sahalee Golf and Country Club where 98 attorneys and CPAs spent the afternoon. The Super Sonics Racquet Club saw 36 more attorneys and CPAs compete in racquetball and tennis tournaments. The day concluded with a social hour and prime rib dinner where trophies and door prizes were distributed.

Associations represented included: Washington Society of CPAs—74, Seattle-King County Bar—17, Washington State Bar—15, Thurston-Mason County Bar—6, Pierce County Bar—6, Snohomish County Bar—6, Illinois Society of CPAs—1, Missouri Society of CPAs—1, and Other—9.

Special door prizes were awarded this year based on contributions by the following firms to the Tournament. A hearty thanks to: Benson & McLaughlin; Clark, Nuber & Millison; Ernst & Whinney; Mark G. Honeywell; Knight, Vale & Gregory; Moss Adams & Co.; Short, Cressman & Cable; Coopers & Lybrand.

CPAs		Attorneys	
Bill Estep	76	Mike Jacobsen	76
George Jonson	77	Larry Linville	79
James Cuthill	80	Charles McClure	82
Richard Dolmseth	85	Ray Holtan	82
Tom Hansen	86	Ralph Anderson	83
	<u>404</u>		<u>402</u>

Additional prizes were distributed as follows:

Handicap		Calloway	
Division I	Division II	Division I	Division II
<i>Longest Drive:</i>			
George Jonson	Ralph Anderson	Steve Donovan	
<i>Closest to Pin:</i>			
Bob Jones 3' 4"		Bruce Reed 5' 9"	
<i>Low Gross:</i>			
Bill Estep 76	Ralph Anderson 83	Mike Jacobson 76	Bill Kelly 104
<i>Low Net:</i>			
Greg Papineau 81-10-71	Thomas Boyle 85-15-70	Larry Linville 79-7-72	Mike Green 110-36-74

Tennis and racquetball prizes were awarded by Mark Davis and Dave Grant, CPAs, who administered the tournaments and certified the results.

Tennis		Racquetball	
Division I	Division II	Division I	Division II
1st Charles Coolidge	1st John Ritchie	1st Jack Lowery	1st Roger Berger
2nd Kevin Daniels	2nd Jerry Kindinger	2nd Mark Malbon	2nd Tim Kahler

The Annual Golf, Racquetball and Tennis Day is presented by the Cooperation with Attorneys Committee of the Washington Society of CPAs and co-sponsored by the Washington State Bar Association, the Seattle-King County Bar Association, the Snohomish County Bar Association, Pierce County Bar Association, Thurston-Mason County Bar Association, the Clallam County Bar Association and the Government Lawyer's Association.

Thanks to all of our members who attended and represented us at this important and fun event. Remember *October 3, 1980*, tell your associates and *put it on your calendar!*

### Three Lawyers Elected to Cornish Institute Posts

J. David Andrews was elected chairman of the board of directors of Cornish Institute at the Institute's annual meeting September 27.

Andrews is a partner in the Seattle law firm of Perkins, Coie, Stone, Olsen and Williams. He is a member of the Seattle-King County, Washington State and American Bar Associations. From 1975 to 1979 Andrews served as treasurer of the American Bar Association. He is a member of the boards of the American Bar Foundation, AEF Pension Fund, American Bar Retirement Association. Andrews is also a fellow of the American Bar Foundation and the American College of Trial Lawyers.

Meade Emory, a tax lawyer with the Seattle law firm of LeSourd, Patten, Fleming, Hartung & Emory, also was among those elected to the Institute's Board of Directors. He has served as a tax lawyer for the government, U.S. Congressional Committee staff and a faculty member of several universities.

Newly elected trustees include Washington lawyer and CPA Roland M. Trafton, president of SAFECO Insurance Company. Joining the company in 1952, he held a variety of administrative positions until assuming the presidency in 1977.

### UPS College of Advocacy in 1980

The University of Puget Sound School of Law continuing legal education department and the Washington State Trial Lawyer's Association have jointly announced that the Pacific Northwest College of Trial Advocacy will again be conducted on the UPS campus between May 30 and June 7, 1980.

The program, which is approved for continuing legal education credit, is an intensive, nine-day program in trial advocacy training designed to sharpen the trial skills of experienced practicing attorneys.

A faculty of judges, law professors and trial experts will lead the sessions. Registration is limited to 100 participants.

For further information about the program, contact the continuing legal education office at the UPS Law School, (206) 756-3439.

### Judge Wright, Chris Bayley Named to Head UPS Board of Visitors

U.S. Circuit Judge Eugene A. Wright was recently named chairman of the Board of Visitors for the University of Puget Sound School of Law, according to Norton Clapp, chairman of the UPS Board of Trustees. Seattle attorney Christopher T. Bayley was named vice chairman.

Judge Wright was appointed to the U.S. Court of Appeals in 1969 and is one of the three circuit judges who reside in Washington state.

A University of Washington Law School graduate, he practiced law for years with a family law firm before serving as King County Superior Court and pro tem Municipal Court judge from 1954 to 1969.

An organizer of the National College of the State Judiciary, Wright has taught judges for eight years at the school. His other affiliations include membership in the Order of the Coif, the American Bar Foundation and the American Bar Association.

Bayley, now with the law firm of Perkins, Coie, Stone, Olsen & Williams, served as the King County prosecuting attorney from January 1971 to January 1979. He attended Harvard, A.D. 1960, and Harvard Law School, J.D. 1966.

### UW Law School SBA Wins Top ABA Award

The University of Washington School of Law Student Bar Association has been named the Most Outstanding Student Bar Association by the American Bar Association Law Student Division. This award is given annually to one law school in each of three classes based on the size of the

student body which comprises the Student Bar Association. The University of Washington SBA won the award in Class A, reported by the judges to be the stiffest competition among the three classes. In the only other competition category, the UW SBA was first runner-up for the Most Outstanding Project. The Washington project entry was *Aspirin, The Law Survival Guide*, a book published to help first-year law students cope with the pressures of the law experience.

The Student Bar Association is a combination professional organization, governing body, and service organization. The award was based on documentation of efforts in each of these areas as documented in the UW SBA publication, *Legacy*. Among the factors important to the Law Student Division were the greater involvement of the University of Washington with the Twelfth Circuit of the Law Student Division, with the Washington Bar Association Board of

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Governors, and with the Seattle-King County Young Lawyers Board of Trustees. Also, the UW led a resolution amending the recommendations of the Devitt Committee Report regarding admission to practice in federal courts. The amending resolution would require every law school to offer clinical programs as elective courses in order to retain ABA accreditation.

Marlin Appelwick, the outgoing president of the UW Student Bar, was awarded a Certificate of Recognition and Appreciation for service and achievement in promoting the ABA Law Student Division.

### Military Law Update

Colonel Dick Ishikawa, Commander of the 6th Military Law Center at Harvey Hall, Seattle, Washington,

announces that the 8th annual On-Site Technical Training Program will be held at Harvey Hall, Fort Lawton, Seattle, Washington, on January 19, 1980 from 8 A.M. to 5 P.M. This military law update is open to regular reserve and National Guard officers of any branch who are interested in military law and also any other lawyer who has an interest in military law. Instructors on the faculty of the Judge Advocate General's School in Charlottesville will be coming to Seattle on that date and will be presenting an update on criminal law and international law. Any one interested in attending this seminar should contact John Patrick Cook or his secretary, Carol, at (206) 624-7990.

There will be a no-host lunch scheduled during the seminar.

### Malpractice Seminar

Malpractice suits are increasing rapidly. To understand the problem and protect both the lawyer and the doctor, current information will be presented in a comprehensive three day program December 7-9, 1979, jointly sponsored by the University of Colorado School of Law and School of Medicine and will include medical and legal malpractice liability, financial aspects, legislative trends, ethical responsibilities, and bio-ethical problems. Application has been made for 15 C.L.E. credits and 15 C.M.E. credits. Contact (303) 394-5241 for information and registration.

### Notice of Adoption of Rules

Effective October 1, 1979, the United States Bankruptcy Court for the Western District of Washington has adopted interim local bankruptcy rules of practice and procedure, local interim bankruptcy forms, and the local practice and procedure rules of the United States District Court for the Western District of Washington except as they may be inconsistent with the Bankruptcy Reform Code of 1978 (Title II United States Code) and the above adopted interim bankruptcy rules and forms.

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The interim rules and forms have been published by the West Publishing Company, Mathew Bender (pamphlet edition), Commerce Clearing House and by the Corporate Reorganization Reporter.

Comments and suggestions are invited and should be directed to the Clerk of the United States Bankruptcy Court for the Western District of Washington, Room 220, United States Courthouse, Seattle, Washington 98104.

### **Agricultural Foreign Investment Disclosure Act (AFIDA)**

Under this Act, foreign persons owning more than 5% interest in U.S. agricultural land must report these holdings to the U.S. Dept. of Agriculture within 90 days from the acquisition date. This ongoing provision should be explained to each foreign entity when you become aware of its existence. Penalties may

be assessed for failure to report.

To file these reports or to obtain information on the Act, contact the local Agricultural Stabilization and Conservation Service Office.

### **Technology Conference Scheduled**

The impact of modern technology on the practice of law will be considered in a two-day conference entitled, How to Utilize Technology in Your Law Practice, at the Americana of Bal Harbour, Miami Beach, Florida on January 17 and 18, 1980. Lawyers and administrators of legal organizations involved in selection and use of equipment for law offices will find the conference of particular interest. The seminar sponsor is the Institute for Improved Legal Services of Ardmore, Pennsylvania, a division of Altman & Weil, Inc.

For information on the technology meeting, call or write Betty Coyle, Registrar, Institute for Improved Legal Services, PO Box 472, Ardmore, PA 19003, (215) 649-4646.

## **Discipline**

### **Notice of Disbarment**

Tacoma attorney J. Benedict Zderic was ordered disbarred by the Washington Supreme Court on October 11, 1979, based on 14 instances of misconduct and a finding of unfitness to practice law.

### **In Memoriam**

**Lloyd B. Dysart**, 86, of Centralia, died September 29. He was admitted to the Bar in 1920.

**James W. Goulder**, 78, of Edmonds, died October 8. He was admitted to the Bar in 1928.

**H. Jerard Imus**, 75, of Longview, died October 1. He was admitted to the Bar in 1929.

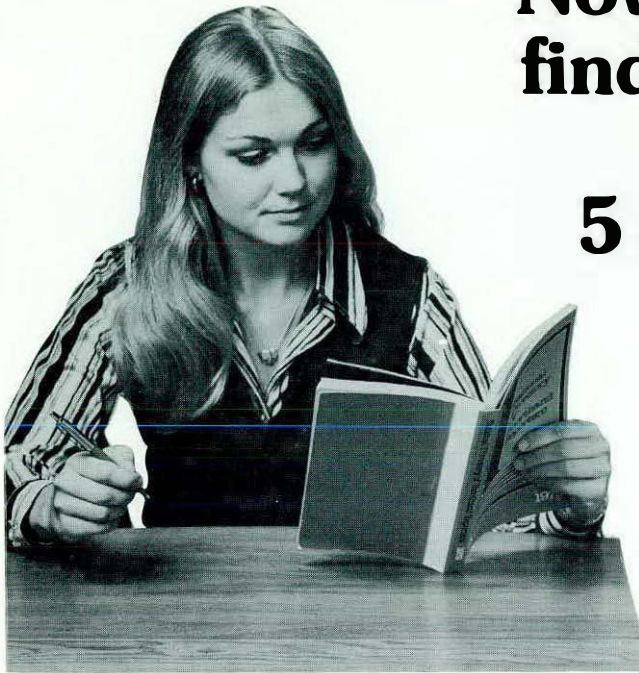
**U.S. District Judge Marshall A. Neill**, 65, of Spokane, died October 6. He was admitted to the Bar in 1938.

**John M. Schermer**, 75, of Bellevue, died October 9. He was admitted to the Bar in 1928.

## **Special Award of Honor**



**FIFTY-YEAR LAWYERS . . .** Honored at the 1979 Annual Meeting for completing fifty years' service as members of the Washington State Bar Association were (l. to r.) Paul Coughlin, Harvey F. Davis, Willis C. Oldfield and Bartley Gray Warner. Also cited, but not available to be photographed, were Anton L. Anderson, J. Harold Anderson, Norton Clapp, Edward J. Crowley, Theodore R. Eklow, Paul M. Elwell, Lynn J. Gemmill, Charles W. Hallstrom, Drayton F. Howe, Joseph L. Hughes, H. Jerard Imus, Leo M. Koenigsberg, Warren G. Magnuson, Richard G. McCann, Albert Olsen, Henry S. Sanford, Gerald Shucklin, Lightner Smith, John Spiller, Joseph Wicks, Solon D. Williams.



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7. Districts for Federal Courts
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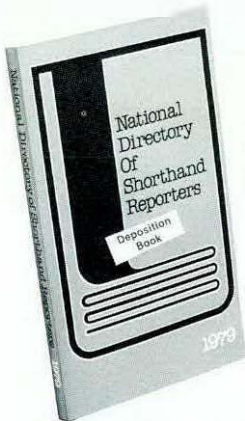
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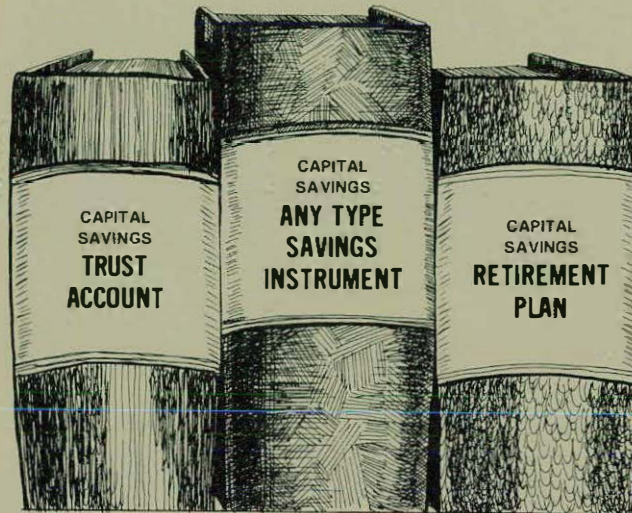
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