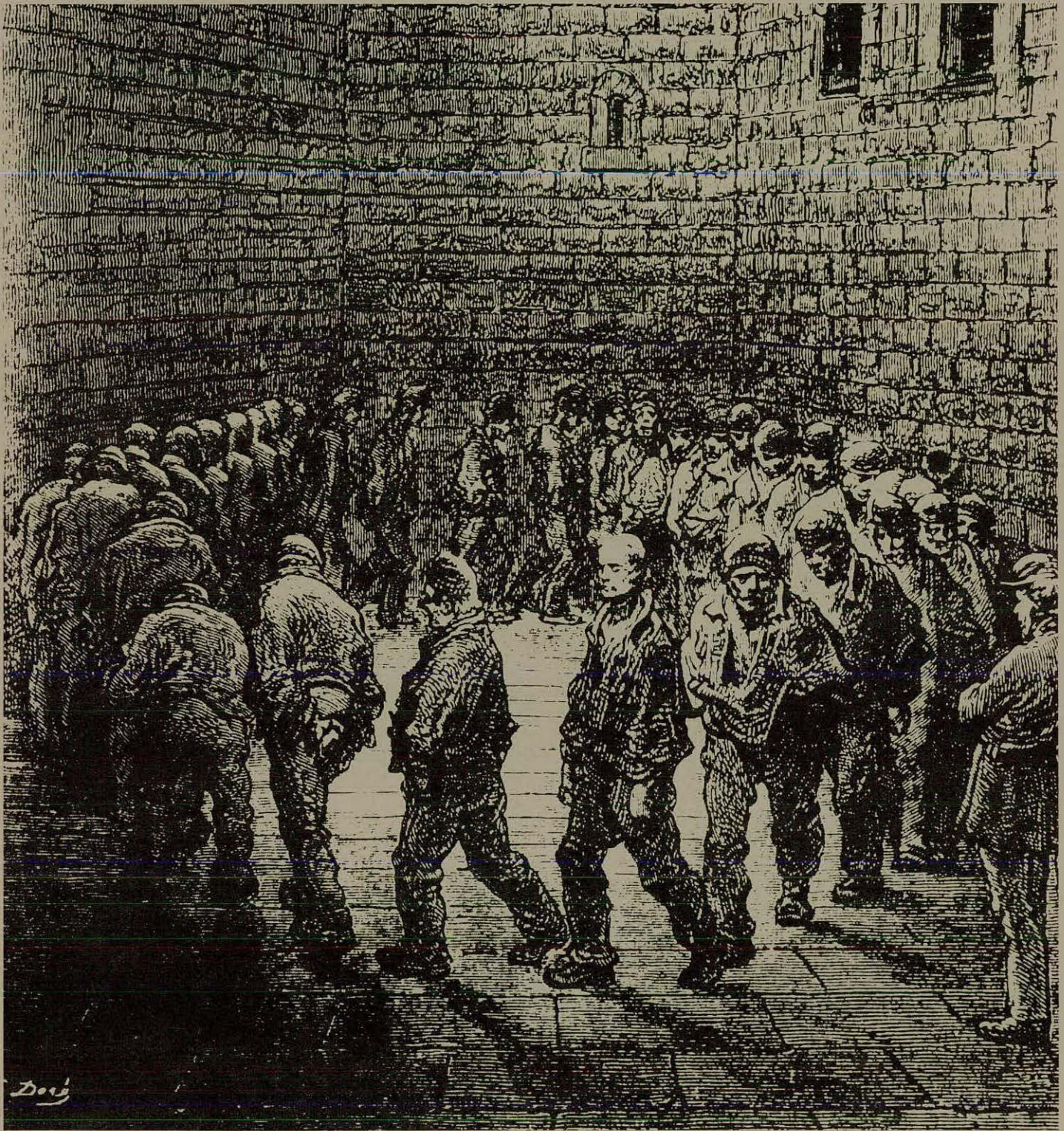

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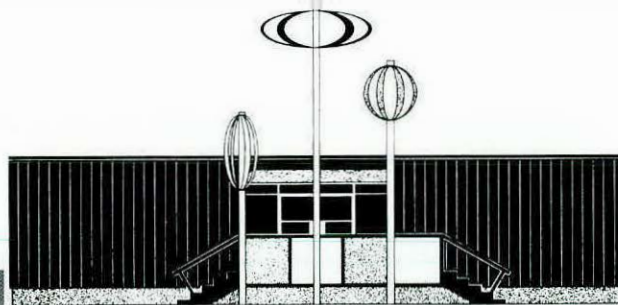
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WASHINGTON STATE BAR NEWS

FEATURES

12 1979 Juvenile Legislation: An Overview

18 Guidelines for Sentencing Felons
Approved by Superior Court Judges Association

22 Washington Pattern Form Manual Now Available

IN THE NEWS

29 Board Renews Discussion of Legal Specialization

32 Appellate Court Practice: Notice of Appeal and Briefs

37 Filing Procedure for Resolutions To Be Presented at Annual Meeting

40 Rice and Shea Chosen for Personal Finance Law Competition

41 Krogh Reinstatement Hearing Date Changed

DEPARTMENTS

5 Letters

7 Editor's Page

9 President's Corner

10 If You Ask Me

29 Board's Work

32 Courts

34 CLE Clearinghouse

35 CLE Approved Courses

37 Committees

38 Around the State

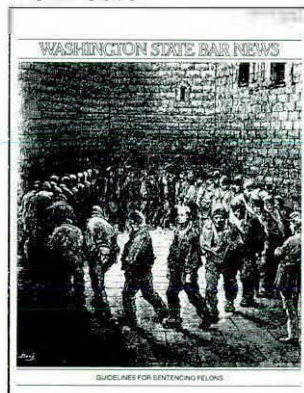
40 Briefly Noted

41 In Memoriam

41 Discipline

43 Notices

Our Cover



Gustave Doré's engraving of the exercise yard in London's Newgate Prison (1872) is reproduced on our cover this month to draw attention to new felony sentencing guidelines which have been approved by the Superior Court Judges' Association, page 18.

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Let's Not Change the Law on Attorneys' Fees

Editor:

In February, President Hoff solicited comments regarding reasonable attorney fees to the prevailing party. [President's Corner, *Bar News*, 33:2:11] As a member admitted to practice in Alaska as well as Washington, I am familiar with the problems incident to reasonable attorney fees.

The following comments relate to reasonable attorney fees as provided in Alaska law.

First, it encourages litigation in a creditor-debtor relationship. Even though there may be a legitimate dispute on the other side, if there is any sum clearly due, an attorney is encouraged to bring immediate suit because he knows he will receive attorney fees. There is no reason to settle. The longer the litigation, the bigger the fees. Secondly, it stifles litigation for the little person. They may have a legitimate dispute, but once you've told them that they have to pay reasonable attorney fees in the event of loss, they cannot frequently afford to bring the litigation, particularly if the opponent is well-heeled and can afford the risk.

Let's suppose you have a personal injury action involving multiple defendants. Frequently, until you get into discovery, the precise fact pattern does not emerge, yet in each one of these cases a party against whom you do not make a recovery is entitled to reasonable attorney fees. Let's presume that you do not add a party because of the risk of additional fee, and they argue the empty-seat theory in the court room and you lose. Has the statute of limitations run? Do you advise your malpractice carrier? The problem becomes particularly acute in a products liability case with multiple participants. It is not inconceivable that you could lose your recov-

ery against one of the parties to the others against whom you did not prevail.

For the defense attorney, as you approach the trial date, an offer of judgment becomes an extremely important tool, since it will stop the running of reasonable attorney fees. But how high must the offer be? If it is too high, you've given the case away. On the other hand, if it is too low, the offer is ineffective unless you are extremely fortunate. The plaintiff, on the other hand, has similar problems. He must immediately communicate the offer to his client at the risk of malpractice, and how do you advise the client on an ultra conservative offer? If you don't prevail for more than that, the client is going to pay reasonable attorney fees. Let's presume the client is a simple wage earner and is looking at a 5-day trial. The client can't effectively evaluate the risk. Do you advise rejecting the offer knowing full well that the trial will impose

substantial economic burdens on the client if the offer of judgment is not accepted?

Again, the client of small means must take less because of the inability to pay attorney fees in event of loss. Does the doctrine of informed consent apply against an attorney who does not adequately advise his client of the risks involved in commencing and/or continuing suit?

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The Products Liability Bill (R.I.P. 1979—But To Be Born Again)

When the so-called "products liability" bill was introduced in the last session of the state Legislature, enjoying varying degrees of support from big business (including Boeing), cities, counties and other governmental subdivisions, it appeared certain to be enacted.

This year, however, it died a last minute procedural death in the hands of Majority Leader Gordon L. Walgren, with an assist from former state Senator William A. Gissberg, the bar association's legislative representative.

Perhaps the most visible opponent of the bill was the Washington State Trial Lawyers Association; however, our Board of Governors, reflecting the broad diversity of the bar as a whole, opposed and supported various concepts as they were manifested in various drafts of the legislation which ultimately became Engrossed Senate Bill 2333. See "The Board's Work", *Bar News*, 32:12:24.

It may be that ESB 2333 actually died on May 25 in the crash of the DC-10 in Chicago, this nation's worst aviation disaster. This enabled editorialists in the popular press to make concepts such as "joint and several liability" and "contribution" meaningful to the general public which, in turn, had its impact upon our virtually lawyerless Legislature.

There is little doubt, however, that ESB 2333 will be "born again". The state Senate has created a special committee to study this legislation in the interim prior to the next legislative session, as announced by Senator Walgren in the following statement:

The products liability bill, in its present form as a house amendment to the earlier Senate version, is a bill in 24 sections and over 20 pages in length which probably constitutes the most complex and far-

reaching bill to be before this session of the legislature.

That this legislature has devoted the considerable time and effort it has to considering this legislation evidences our recognition of the very real need to address the difficulties industry and government now face in meeting their responsibility to injured consumers under the traditional tort system.

This bill contains major changes from established common law concepts of liability developed by the courts over the past 100 years, both as to *principles of liability* for injuries caused by defective products and actions of industry or government, and as to *the means of assessing damages* and apportioning them in cases where there are multiple defendants.

Liability of manufacturers and others for injuries involving their products or services is significantly altered by a new 10 year statute of limitation, by the recognition of "state of the art defenses," by modifying the traditional duty to warn, and by abolishing the doctrine of joint and several liability and replacing it with a new mechanism and new rules of judicial procedure for assessing proportionate fault between multiple defendants and the plaintiff. Other sections of the bill make major changes in the compensation of the victims of work-place injuries, which dramatically alter current rules in workmens compensation cases.

For example, the effect this legislation would have on air disaster victims and their families is of concern to all of us in the wake of the recent DC 10 tragedy and I believe there are unresolved questions about how the rights of victims would be modified by this bill for such cases. In the DC 10 crash, facts have come to light which suggest the "state of the art defense" provided by ESB 2333 might be available to the manufacturer in such a case. It also raises the question whether persons rights to recovery might not be extinguished by the statute of limitations provided by the bill should the airplane happen to be more than 10 years old in such a case.

The 10 year statute of limitation is also of grave concern with respect to the rights of those injured by exposure in the workplace over long periods of time to industrial substances. The affect of this legislation on the rights of those injured by asbestos or who contract black-lung are by no means clear to me and warrant further examination.

The complexity of this legislation and the far-reaching effects it will have on both the rights of persons injured and on the administration of justice have caused numerous legislators, including myself, increasing

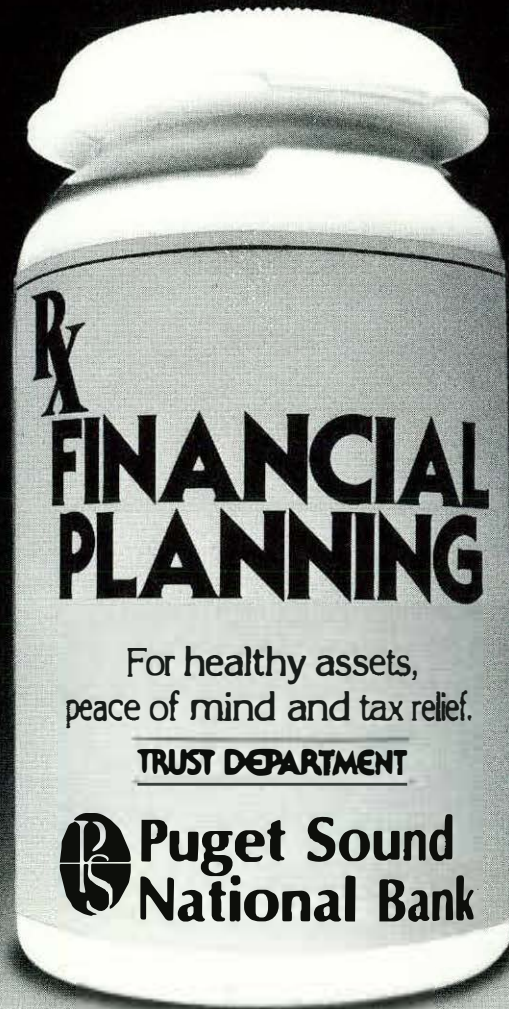
concern should this be enacted without further study of its impacts. The rights of the consumer to fair treatment and adequate compensation for injuries caused by the actions of others can't be compromised. Nor should we enact the new statutory procedures by which courts would proceed to structure trials and instruct juries and by which courts would determine, according to new standards, who are the necessary parties to multi-defendant law suits, without more fully determining the actual costs which might be involved in terms of lengthened trials, more complex proceedings, and the possibility of numerous appeals which might be necessary to resolve uncertainties in this legislation.

For all these reasons, it is my determination that we should listen to the many consumer groups, labor representatives, members of the legal profession, and the numerous editorial positions the major newspapers in this state have taken against this bill and reserve judgment pending further examination of the many ramifications of the major changes contemplated to the present tort system.

In order to fulfill this responsibility and commitment to arrive at legislation which makes necessary reforms without compromising the rights of consumers, the Senate has today introduced a resolution (SFR 1979-140) creating a special committee to review this problem and reach these determinations prior to the next legislative session. It is my intention to ask the Senate Facilities and Operations Committee to immediately approve the creation of this committee and proceed quickly.

Interested lawyers in this state also should proceed quickly before the Legislature reconvenes to make their views on this legislation known—to the Board of Governors, to members of the Legislature, to the public. To aid in this essential discussion, I would welcome one or more articles on this subject for publication in the *Bar News*. If you do not have the time to write an article, then write me a letter (900 Hoge Building, Seattle, 98104) and that also will be published. It would give us all something to read in the gas lines.

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Law—The Changing Profession



Since the inception of the English Common Law system, our profession has had two distinct attributes:

1. We adhered to precedent in order to give certainty to the operation of law; and
2. We changed and enlarged the law as new situations arose which did not fit into established precedents.

In this country, the growth of law since the English Common Law was brought to this country has been astronomical. For a system which was based primarily upon Common Law precedent, we are gradually changing into a profession which is increasingly more concerned with statutory and administrative law. We are dealing constantly with congressional enactments, state legislative enactments, county ordinances and municipal ordinances. In addition, there are daily changes and expansions in regulations from the federal administrative agencies, the state administrative agencies, county and city administrative agencies.

For most of the history of this country, law was practiced basically by sole practitioners. In the past two decades, joint practice and the growth of firms were characteristic of our profession. Now, it appears that because of the great influx of new lawyers, graduating in hordes from law schools from around the country, sole practice is again increasing, simply because many of the newer lawyers cannot find jobs with firms. At the same time, because of the growth of government and administrative law, there has been a tremendous increase in the number of government lawyers who are employed either directly by government in some capacity or in quasi-governmental pursuits such as public defender offices and legal services offices.

Simultaneously, we are seeing changes

in the way law is being practiced. We are seeing the growth of "legal clinics" which feature a mass production sort of law aimed at "routine" legal services and on the other end of the spectrum, specialization which features highly skilled practitioners in extremely complex areas of the law.

The changes in the profession are accelerating and give rise to much concern amongst lawyers as to "the professionalism" of our occupation.

All of these things have a hand in creating the mushrooming litigation which we now experience. Unfortunately, many people tend to blame the mushrooming of litigation on lawyers, when in fact the actual cause is a very healthy situation which should give us great confidence in our legal system.

The cause is simply the confidence that citizens of this country have in the legal system as a method of resolving disputes. Not too many thousands of years ago, if you had a grievance against your neighbor, you would redress that grievance yourself, by killing his wife or his children, burning down his house, or some other violent means. It took a certain amount of progress to get to the point where two parties with a grievance would submit that grievance to an impartial tribunal and accept the judgment of that tribunal to determine the dispute. Originally, this sort of dispute resolution was left to kings, since only they had the power to enforce their determinations.

In this country, we have extended the dispute resolution process to judges, juries, administrative tribunals, arbitrators, and other governmental and citizen bodies. Citizens of this country have accumulated such confidence in the fairness of these processes that they now seem to want to take every nature of

dispute to a tribunal for resolution. When you seek resolution of a dispute, you seek the services of someone educated and trained in the processes of dispute resolution, to wit, lawyers. Lawyers are an instrumentality in that process and those who are unhappy for whatever reason with the process naturally seek to attack those people who make their living from the process, to wit, lawyers.

Irrespective of all of the complaints we hear levelled at lawyers and our legal system, the fact of the matter is that people do in fact have confidence in the system as demonstrated by their constant recourse to the system.

As one lawyer stated in a recent letter to the Board of Governors, "lawyers are the only group in the societal division of labor who are paid to take people's property, personal, and constitutional rights seriously."

The changes we see in our profession are changes which have been demanded by the growing complexity of our society and are simply examples of the profession having to change in order to maintain the viability of our legal system. We lawyers have always been able to adjust to changes and have precipitated many of the changes ourselves. We should not raise our hands in horror at the changes in our profession and start predicting the doom of the legal profession, but should regard those changes as a challenge to keep our professionalism, to keep our ethics, and to serve the demands and needs of a changing society.



If You Ask Me...

We Need Answers To Questions

About Lawyer Advertising

by **Richard F. Krutch**

F. Lee Bailey and Aaron Broder have recently advertised on the front page of *The New York Times* and in the classified sections of newspapers in Los Angeles, San Francisco, Miami, Atlanta, Chicago, Detroit and, most recently, in Portland. The advertisement states, "Practicing in the representation of wrongful death and personal injury cases arising out of aircraft disasters." It identifies Bailey as a member of the Massachusetts Bar and Broder as a member of the New York Bar.

Advertising by lawyers being still novel, these gentlemen would appear to be the first to go nationwide in an area of specialty which is loosely referred to as "aviation law".

I would like to have some reader participation on this matter since others will soon follow. The Bailey/Broder ads raise many questions which we should deal with.

By advertising nationally and because of prior publicized exploits of

F. Lee Bailey, have these two become "public figures"? By holding themselves out as experts, do they invite editorial comment and fair criticism from competitors?

Does full disclosure and truth in advertising require that they furnish proof of competency or publish results of their past aviation injury and death result?

If neither gentleman is admitted to practice in our state, can they solicit business here (no license)? Assume they get a client and then associate with local counsel, does this cure the prior attempt to practice without a license?

Should our state bar urge the enactment of a law which would require the following disclaimer after this type of advertisement?

"These attorneys are not licensed to practice in this state and must obtain special permission from the state and federal judiciary. This newspaper does not investigate or warrant the competency of these advertisers."



If the cases arising out of an aviation disaster are filed in the United States District Court for Western Washington by a New York lawyer, that lawyer will run into GR 2(d) of the Rules for the Western District of Washington:

(d) Permission to Participate in a Particular Case

"Any member in good standing of the bar of any Court of the United States, or of the highest Court of any other state, or of any organized territory of the United States, and who neither resides nor maintains an office for the practice of law in the Western District of Washington, may be permitted upon application and upon a showing of particular need to appear and participate in a particular case if there shall be joined of record in such appearance an associate attorney having an office in this District and admitted to practice in this Court who shall sign all pleadings prior to filing and otherwise comply with CR (10) (e) hereof.

"Such application shall be promptly filed with the Clerk and shall set forth: (1) the basis upon which 'particular need' is claimed; (2) a statement that the applicant understands that he is charged with knowing and complying with all applicable local rules; (3) a statement that the applicant has not been disbarred or formally censured by a Court of record or by a state bar association; and (4) a statement that there are no pending disciplinary proceedings against the applicant. This application shall be accompanied by a representation by local counsel that he is authorized and will be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present upon any date assigned by the Court. Applications filed under this rule must be approved by the Court."

Richard F. Krutch of Krutch, Lindell, Donnelly, & Judkins, P.S., is a Seattle attorney who has been practicing in state and federal courts since 1955. He is a graduate of the University of Washington School of Law.

This means the advertising lawyer from out-of-state must meet all of the above qualifications and cannot simply use a local lawyer as the traditional "mail drop". Any local lawyer would be foolish to take on such a case without being totally involved in the case, sufficient to justify equal remuneration.

The right to practice in state court is covered by APR 7, Washington Court Rules, 1978. Notice to adverse counsel precedes the court hearing on the application, but applicant need only be a member in good standing of the bar of another state, associated "only with an active member of the state bar, who shall be the attorney of record therein and be responsible for the conduct thereof and shall be present at all court proceedings."

This rule should also preclude a local lawyer from serving as a "mail drop" for out-of-state counsel.

Why would someone from Seattle or Portland hire F. Lee Bailey or Aaron Broder to represent them in a case where there are no significant contacts or overriding governmental interests in New York or Massachusetts? A lawyer could answer this question, but can a layman? Is F. Lee Bailey the world's finest aviation lawyer? Has he ever tried an aviation case? Has he ever taken a discovery deposition in an aviation case? Has he argued a liability or damage case to judge or jury arising out of an aviation disaster?

Would Mr. Broder and Mr. Bailey disclose their accomplishments in "wrongful death and personal injury cases arising out of aviation disasters"?

I have made some inquiries to see what I could learn about their accomplishments and I have established some facts. I have written to the firm and asked for specific information about their qualifications and results.

What about those general practitioners who don't advertise a particular specialty? Should they be allowed virtual free rein in their adver-

tising campaigns—so long as they comply with bar association guidelines prohibiting self-laudation and deception? At what point does an advertisement take a lawyer out of the general practice of law and place him into the realm of specialization?

Isn't it possible that those who advertise their availability for the general practice of law are also performing a type of public service by making the public more aware of the need for legal services in various circumstances and that such services are both accessible and affordable for the average working man or woman? Two enterprising Seattle attorneys, Stephen Hayne and Peter Moote, have capitalized on that idea recently by using those very words ("accessible" and "affordable") in a television advertising campaign—the first in the State of Washington. Hayne and Moote theorize that there is a vast majority of people who never seek the services of an attorney, even though they have legal problems, because

they believe attorneys to be too expensive and their incomes are not sufficiently low to qualify for Legal Services. In keeping with that theme, Hayne and Moote have, through the creativity of a top-quality advertising firm, produced television ads which seek simply to inform the viewer that certain situations necessitate the services of a good lawyer. Does the fact that this information is followed by "Hayne, Moote—Accessible, Affordable and Feisty" make the ad self-laudatory? Probably not, if the description is accurate. But whose responsibility should it be to check the copy? The Bar Association? The television station? And what standards would they apply?

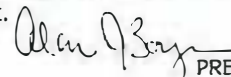
Contrast this type of advertising with Bailey and Broder's blatant solicitation of a particular type of clientele based upon a particular kind of alleged expertise. Is there a difference?

I hope this will stimulate some response.

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1979 Juvenile Legislation: An Overview

by DAN MARSH

and

KATHRYN FEWELL

The purpose of this article is to alert the general practitioner to recent statutory changes in juvenile law. We recognize that juvenile law in Washington has changed dramatically in the past few years, making it difficult for attorneys not practicing full time in juvenile court to keep abreast of developments. It is hoped that this article will serve to give all attorneys advance notice of changes made during the 1979 session.

By way of background, in 1977 the Legislature passed House Bill 371, the first major revision of Washington State's juvenile code since 1913. The main feature of the 1913 code was the creation of a separate court system to

deal with juveniles. That system was directed to deal with juvenile offenders in a rehabilitative manner rather than in a punitive manner. Dependency jurisdiction was broad and encompassed the category now referred to as status offenders (truants, runaways, and incorrigibles). Unfortunately, this approach led to a number of undesirable consequences, such as the incarceration of status offenders in juvenile institutions for longer periods of time than juvenile offenders. These abuses, among others, started a juvenile court reform movement in this state which contributed to the passage of HB 371. That act took two important philosophical positions: (1) children who have not committed crimes should not be handled in criminal justice ways; and (2) juveniles who have committed criminal acts should receive dispositions based upon clearly defined criteria rather than the nature of their social history.

Because of the sweeping changes in the methods and procedures of dealing with juveniles, HB 371 was one of the most controversial pieces of legislation enacted by the Legislature in recent years. That fact was compounded when Governor Ray failed to call a special session in 1978 which would have given lawmakers the opportunity to fine tune the new juvenile code before it went into effect on July 1, 1978. Nationally, however, Washington State was applauded as being a leader in the area of deinstitutionalizing status offenders and making juvenile offenders more accountable for their crimes. Milton Rector, Director of the National Council on Crime and Delinquency, has been quoted in the *Seattle Post-Intelligencer* as saying, "You may have led the way for survival of the juvenile court in the country. Without



Kathryn Fewell serves as Counsel to the Senate Judiciary Committee.



Dan Marsh is a Vancouver attorney who has served the State Legislature since 1964, elected to the Senate in 1972. He is Assistant Majority Leader and Chairman of the Senate Judiciary Committee.

such legislation, the juvenile court has little more than five years to survive.”

In order to address many of the concerns being voiced in connection with the juvenile code, the Senate Judiciary Committee organized a task force to work through the numerous amendments submitted to the Committee. This task force consisted of various members of the juvenile community, such as prosecutors, public defenders, juvenile court workers, legal services, the Superior Court Judges' Association, law enforcement, diversion units, and other interested agencies and individuals. The amendments that developed out of these meetings eventually became the basis of Senate Bill 2768. On the whole, these amendments did not change the philosophical underpinnings of HB 371 but did make other significant changes.

Juvenile Bills Enacted During the 1979 Session

Two major bills were enacted into law during the 1979 session. SB 2768 is a consolidation of five different bills covering such areas as juvenile records, runaways, the interstate compact on juveniles, and involuntary termination of parental rights. The other bill of major impact is HB 352 which deals with voluntary termination of parental rights.

These bills contain many new procedures and concepts that should be of interest to the general practitioner. Because of the amount of material contained in the new bills, the following summary of amendments is by no means exhaustive, but was chosen with an eye towards the type of cases the general practitioner would be most likely to handle.

Dependency Amendments

The definition of a dependent juvenile was expanded to include a juvenile who has “no parent, guardian, or legal custodian willing and capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child’s psychological or physical development.”¹ This language was adopted to allow the court to address the juvenile who has not yet been abused, abandoned, or neglected but who is in circumstances where it appears to be just a matter of time before such activity will occur, such as where the parent of a child is mentally deranged. Because no abuse may have actually occurred, the petitioner’s burden is couched in terms of *substantial* damage, which is a high burden of proof.

RCW 13.34.030 (2) (a) defines “abandonment” to mean “where the child’s parent, guardian, or other cus-

todian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so.” This definition provides a much clearer criteria for dependency purposes than the old standard which did not define “abandonment”.

The options for the placement of a juvenile taken into custody on a dependency petition were expanded to include other options besides a foster family home or receiving home, including a noncustodial parent.² This allows the court the broadest possible options in placing dependent youth.

The requirement that any party has a right to be represented by an attorney “of his or her own choosing” has been eliminated, although an individual still has a right to be represented by counsel in all dependency proceedings.³

There was much concern under the prior statute, HB 371, that the court process was too slow when it came to dealing with juveniles under the dependency sections. The law now requires that a hearing on a petition be set

¹RCW 13.34.160 (1), section 39, chapter 155 Laws of 1979 and section 86 (15) chapter 155 Laws of 1979. See also an expansion of placement options in RCW 13.34.130, section 46, chapter 155 Laws of 1979 which deals with orders of disposition.

²RCW 13.34.090, section 42, chapter 155 Laws of 1979

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¹RCW 13.34.030 (2) (c), section 37, chapter 155 Laws of 1979

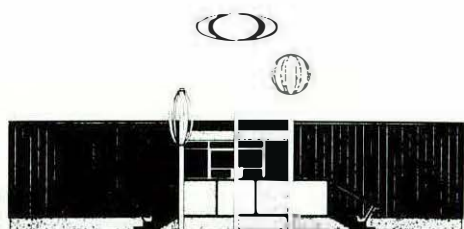
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within forty-five days from the date of filing unless for good cause shown the hearing is continued to a later time at the request of either party.⁴

Another amendment allows for the creation of a guardianship in dependency cases which cannot be resolved, but which are also inappropriate for termination. This will allow the case to be removed from the constant six-month review process that is now required in dependency cases.⁵

Involuntary Termination of Parental Rights

The language contained in RCW 13.34.180 was modified to make the provisions regarding termination of parental rights more realistic and functional. Parental rights may now be terminated before the arbitrary six-month time frame provided in HB 371 if the factors set forth in RCW 13.34.180 are established beyond a reasonable doubt; however, in the case of a juvenile who appears to have no one to care for him or her, the petition may allege that the juvenile was found in such circumstances that the identity and whereabouts of the juvenile's parent are unknown and no parent has claimed the juvenile within two months after the juvenile was found. In such cases, the termination will be allowed to commence immediately.

In addition, the requirement that the court review a juvenile's case every two years after a termination of parental rights has occurred to see if the juvenile has been permanently placed has been modified down to a six-month time frame, with the court being required to continue reviewing the case every six months thereafter until a decree of adoption is entered.⁶

Voluntary Termination of Parental Rights

A frequent source of delay in freeing infants for adoption in voluntary termination cases were the notice requirements. HB 352 allows the notice procedures to fathers and alleged fathers to begin before the child is born so that a hearing on termination of parental rights may be held promptly after the birth of the child.⁷ A pregnant woman may file a petition, without a fee, for voluntary termination of parental rights and intent to place the child for adoption. An alleged father must be notified at least thirty days prior to the birth and advised of his rights and responsibility to respond.⁸ If the alleged father fails to respond to the notice, the court may terminate his rights.⁹

⁴RCW 13.34.070, section 40, chapter 155 Laws of 1979

⁵Section 51, chapter 155 Laws of 1979

⁶RCW 13.34.210, section 49, chapter 155 Laws of 1979

⁷Sections 5 and 8, chapter 165 Laws of 1979 1st ex. sess.

⁸Section 5, chapter 165 Laws of 1979 1st ex. sess.

⁹Section 11, chapter 165 Laws of 1979 1st ex. sess.

If the father responds and contests, the matter is dealt with as a petition for dependency and proceedings are conducted under RCW 13.34.180 in juvenile court.¹⁰

The act governs only two types of contested proceedings: a petition contested by an alleged father, and a contested step-parent adoption.¹¹

Juvenile Offenders

The term "minor offender" in RCW 13.40.020 (13) is redefined. The new definition is helpful because it makes it clear that the court should look at both past and current offenses when deciding whether or not a juvenile is a minor offender. This solves the problem of the juvenile who has been charged with five counts of burglary in the first information ever filed against him or her.

The language covering extension of jurisdiction beyond the juvenile's eighteenth birthday is also clarified. A diversion agreement may now extend beyond the eighteenth birthday of the diveree and if the diveree is revoked after his or her eighteenth birthday, the prosecutor may file in the appropriate adult court of jurisdiction.¹² A juvenile court may commit a juvenile to a period extending beyond a juvenile's eighteenth birthday (but in no event beyond a juvenile's twenty-first birthday) without a special proceeding if that commitment is within the standard range. If the commitment beyond the eighteenth birthday is not within the standard range, then the court must state in a written order the reasons for the extension of jurisdiction but is not required to hold an extra hearing. This extension of jurisdiction, however, would not cover any offense or offenses alleged to have occurred after the individual's eighteenth birthday.¹³

Dispositional hearings must be held within fourteen days of the adjudicatory hearing, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay. In addition, dispositional hearings are no longer restricted to the county of the juvenile's residence.¹⁴

Other amendments allow traffic, fish, boating, or game offenses committed by a juvenile sixteen years of age or older, which would be tried in a court of limited jurisdiction if committed by an adult, to be heard by the appropriate court of limited jurisdiction. This is a return to the pre-1978 position and relieves the burden currently on juvenile courts by allowing the appropriate courts of limited jurisdiction to hear matters with which they are familiar. Furthermore, this exception to the general rule

does not constitute a "transfer" or "decline" so that the "once declined, always declined" rule will not operate to penalize the minor traffic offender who is later charged with a more substantive offense.¹⁵

The fingerprinting and photographing rules have been clarified to state the general rule that neither fingerprints nor photographs shall be taken of any juvenile without the consent of the juvenile court except as provided in RCW 10.64.110 (affixing fingerprints to judgment and sentencing of a felony conviction) or unless taken by a law enforcement agency pursuant to a lawful felony arrest.¹⁶

Records

Many technical difficulties existed in the records provisions of HB 371. As a result, the Judicial Council's Juvenile Court Task Force recommended wholesale repeal and replacement with a separate chapter within Title 13 devoted exclusively to juvenile records. This new chapter distinguishes between juvenile offense records and dependency records.

The practice of allowing the official juvenile offender court file to be open to public inspection was continued

¹⁰RCW 13.04.030 (6) (c), section 3, chapter 155 Laws of 1979

¹⁶RCW 13.04.130, section 7, chapter 155 Laws of 1979

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¹⁰Section 2 (3), chapter 165 Laws of 1979 1st ex. sess.

¹¹Sections 12 and 13, chapter 165 Laws of 1979 1st ex. sess.

¹²RCW 13.40.080 (4), (6) (e) (ii), section 61 (4), (6) (e) (ii), chapter 155 Laws of 1979

¹³RCW 13.40.300, section 73, chapter 155 Laws of 1979

¹⁴RCW 13.40.130 (8), section 65, chapter 155 Laws of 1979

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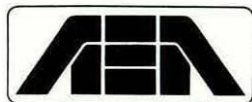
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but all other records will remain confidential.¹⁷ A prosecutor will no longer be permitted to make a motion to the court to examine sealed records as this appeared to violate the purposes of the sealing order and seemed to provide no relevant information relating to new charges that could be obtained from sealed records.¹⁸ Standards for courts to apply in ordering the destruction of records are limited slightly in that a juvenile convicted of a serious offense would not be permitted to have his or her record destroyed. Furthermore, a court is not required to grant the motion even if the requirements are met. This, however, would not affect the sealing provisions which are expanded specifically to govern diversion cases.¹⁹

Provisions for sealing of dependency records have been dropped as the confidentiality of non-offense records was already guaranteed and, therefore, any language covering sealing of dependency records seemed superfluous. Nevertheless, the bill does allow for greater access by juveniles and parents to the dependency records unless very strong reasons for limiting that access are demonstrated.²⁰ A method was provided for courts to determine whether to overrule an agency's refusal to provide that access.

The framework used in the bill for access to records in dependency and termination proceedings was based on civil discovery rules, which appear to provide adequate protection for all parties.

The revised records provisions apply to all records created after the effective date of HB 371 (July 1, 1978).²¹

Runaways

A law enforcement officer may take a juvenile into custody for a period of six hours if a parent or agency to which the juvenile has been entrusted reports the juvenile is in circumstances which constitute a serious danger to the juvenile's physical safety.²² The juvenile may be released from custody either to his or her own home, if the juvenile so consents, or to a responsible adult or to a crisis residential center.²³ Crisis residential centers are new entities created by this act and are "semi-secure" facilities operated by the Department of Social and Health Services.

A new offense of "harboring" is created which is labeled a gross misdemeanor.²⁴ The section provides that any person who knowingly provides shelter to a juvenile without the acquiescence of the juvenile's parent and who refuses to release the juvenile to a law enforcement

¹⁷Section 9 (2), (3), chapter 155 Laws of 1979

¹⁸Section 9, chapter 155 Laws of 1979

¹⁹Section 9 (1), chapter 155 Laws of 1979

²⁰Section 10 (4), chapter 155 Laws of 1979

²¹Section 11, chapter 155 Laws of 1979

²²Section 19, chapter 155 Laws of 1979

²³Section 20, chapter 155 Laws of 1979

²⁴Section 22, chapter 155 Laws of 1979

officer after being informed by the officer that the juvenile is a reported runaway is guilty of the offense of harboring.

Upon admittance to a crisis residential center, the individual on duty must notify the parents of the location of the juvenile and the parent's right to an alternative residential placement hearing.²⁵ The juvenile may then either be transported home (at the parent's expense to the extent there is an ability to pay) or placed in a voluntary alternative residential placement or the staff of the Department or the juvenile or the parent may file an alternative residential placement petition. Placement of the juvenile pending the alternative residential placement hearing may be at a crisis residential center, a foster family home, or group home facility. Placement may be reviewed by the court within three court days upon request of a party.²⁶ If the court disapproves the request for an alternative residential placement, it is required to file a written statement as to its rationale and also has the authority to order the juvenile back into the family home.²⁷

If the court approves the placement, the Department is directed to formulate a placement plan and the disposi-

tional hearing is to be scheduled within fourteen days of the factfinding hearing. The court must then review the placement in three months and, if the placement is ordered to continue, for every six months after the first review until the juvenile is returned to the family home.²⁸

All alternative residential placement hearings are held in the county of residence of the parent and the general public is excluded.²⁹

Conclusion

It has proven to be exceptionally difficult to legislate in the juvenile area because of the many competing interest groups vying for attention. Nevertheless, because of the cooperation of the individuals involved in the Senate Judiciary Committee task force and the various other groups and individuals who contributed to HB 352 and SB 2768, significant changes in juvenile legislation were enacted during the 1979 session. The Legislature will continue to examine this important area of the law and the Senate Judiciary Committee would appreciate any comments and suggestions from practitioners who are interested in juvenile legislation. □

²⁵Section 23, chapter 155 Laws of 1979

²⁶Section 30 (3), chapter 155 Laws of 1979

²⁷Section 31 (4), chapter 155 Laws of 1979

²⁸Section 33, chapter 155 Laws of 1979

²⁹Section 34, chapter 155 Laws of 1979

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Guidelines For Sentencing Felons

On April 19, 1979, President-Judge Robert J. Bryan of the Superior Court Judges' Association announced that the Association had approved a sentencing guidelines system, to be implemented immediately. (Guidelines for the conduct of civil trials were published in March, Bar News, 33:3:16.) A press release issued by the Association describes the new guidelines:

The statewide sentencing guidelines are designed to minimize disparity in sentencing. The system establishes standard ranges for all felony sentences proportionate to the crime and the defendant's prior criminal history.

The guidelines system will provide the judge with access to statewide norms in sentencing. The sentencing ranges are not mandatory. The facts and circumstances of each offense and offender vary and the judge is free to go above or below the standards when necessary to reach a fair sentence.

There are nine factors used in applying the sentencing guidelines. For each offense class the number of separate criminal events, weapon usage, type of crime and physical injury suffered by the victim are considered. For each offender the offender's current legal status, the number of prior juvenile convictions, the number and type of adult convictions, and the number of prior adult incarcerations are considered. These factors are weighted and applied to a sentencing reference grid which indicates a probable sentence range based on actual sentences imposed over the last two years.

The sentencing guidelines will be constantly updated to reflect the actual sentencing patterns in the state.

The following is the full text of the sentencing guidelines. First, there is a section entitled, "Coding Instructions", which a sentencing judge may use to "score" an offender and the offense committed. The second section describes the actual computation of guideline sentences through the use of a "worksheet" and reference to "sentencing grids". —Ed.

Coding Instructions

Offense Class (Most Serious Offenses)

Use the statutory class as the criterion to decide seriousness, e.g., a Felony Two would be the more serious offense when a defendant was convicted of a Felony Two and of a Felony Three offense.

When coding the Offense Class, use an "F" to abbreviate Felony.

Offense Score

A. Number of Separate Events:

0 = One event

1 = Two or more events

The number of separate criminal events covered at the present sentencing are to be counted here. Separate events are considered those criminal offenses committed on different days, or, if on the same day, at different addresses or at different times. For example, if the official description noted that the offender committed a burglary on Madison Avenue at 5:00 p.m., and one on 13th Street at 8:00 p.m., there are two separate events contained in the offense at conviction which would be weighted as "1" for this item. If, however, during the course of one burglary, the offender also assaults the homeowner, the number of separate events would be one and would be coded as "0." Although two separate crimes may result in two offenses at the final conviction (Burglary and Assault), these two crimes were committed in the course of one time frame and are to be considered *one criminal event*.

B. Weapon Usage:

0 = No weapon

1 = Weapon present and/or used

“Weapon” refers to any article or device which can be used to cause physical injury. It does not include automobiles or parts of the body (i.e., hands or feet), unless the offender is a professional in some form of self-defense. Code “1” if there was a weapon present and/or used. When unclear as to the presence of a weapon (e.g., hand in pocket), code “0.”

C. Type of Crime:

0 = Not crime against the person

1 = Crime against the person

In coding this variable, reference must be made to the offender’s actual behavior and not just to the charge of which he/she was convicted. For example, the official description of the offense mentions an attack upon the homeowner in the course of a breaking and entering, but the charge at conviction is only burglary. This case would be weighted as “1” (crime against the person) for this item even though the conviction charge alone does not reflect it. Code “0” when the actual behavior reflects a property offense, an alcohol (e.g., DWI) or drug-related offense, or other offense not against the person.

D. Physical Injury Suffered by Victim:

0 = None or minor injury

1 = Serious injury or death

If there is more than one victim, select that victim who sustained the most serious physical injury. Code “0” if the crime did not involve a person or if none or minor injury was sustained. Minor injury is defined as either an injury requiring no medical attention or, at most, nothing more than emergency treatment. Serious injury is any injury requiring hospitalization or any permanent injury resulting in significant scarring or permanent impairment of bodily function(s).

Offender Score

A. Current Legal Status

0 = Not under State supervision or control

1 = Under some type of State supervision or control (e.g., on bail, probation, parole, etc.)

Code “1” if, *at the time of the commission of the present offense*, the offender had other criminal actions pending, was on juvenile or adult probation or parole, or was an escapee from incarceration.

B. Total Number of Prior Juvenile Convictions:

0 = None or one

1 = Two or more

Count only the total number of juvenile convictions or juvenile court equivalents for offenses which would be considered criminal if the offender had been convicted as an adult (i.e., exclude juvenile “status” offenses). Do not count a probation or parole revocation as a “conviction” unless an actual conviction for a new offense has taken place. If conviction of multiple offenses occurs at one adjudication, count as one conviction.

C. Total Number of Prior Adult Convictions (Felony and Misdemeanor) for Crimes Against the Person:

0 = None

1 = One

2 = Two or more

Exclude present offense from calculations. Count only convictions for adult criminal offenses against the person, excluding juvenile, military, traffic and civil offenses. An offense against the person refers to any offense which, by statutory definition, calls for either injury or the threat of injury. Therefore, included in this category are *first degree* convictions for burglary, arson, extortion and riot. Also included in the category is robbery. Convictions for

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multiple offenses at one adjudication are to be counted only as one conviction. If a multiple offense conviction includes an offense against the person it is to be counted in this category and *not* in item D, Prior Adult Convictions for Crimes Not Against the Person.

D. Total Number of Prior Adult Convictions (Felony and Misdemeanor) for Crimes Not Against the Person:

0 = None

1 = One or more

Exclude present offense. Count only convictions for adult criminal offenses not against the person. This would include property offenses, alcohol or drug related offenses, and offenses against the State such as gambling. Convictions for multiple offenses at one adjudication are to be counted as one conviction. If a multiple offense conviction includes an offense against the person, it is to be counted only in item C, Prior Adult Convictions for Crimes Against Person and *not* in this category.

E. Total Number of Prior Adult Incarcerations (over 30 days):

0 = None

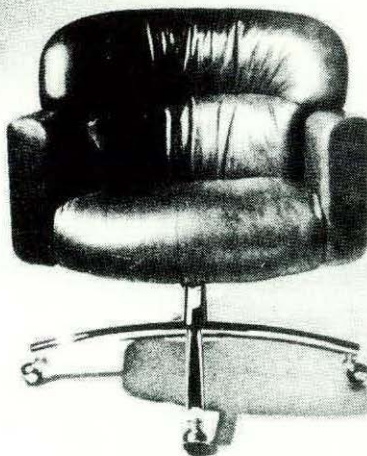
1 = One or more

This item refers to actual incarcerations resulting from *adult* criminal convictions. Do not count pre-trial or presentence detentions. Do not count incarcerations of thirty days (or one month) or less. Confinement after escape or parole violation is *not* a new incarceration, whereas revocation of probation resulting in an incarceration *is* counted as a new incarceration.

Computation of Guideline Sentences

The guideline sentence is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and for the offender (Offender Score). [See *Guideline Sentence Worksheet*] Those scores are then located on a two-dimensional sentencing grid. There is a different grid for Felony A's, Felony B's, and Felony C's. The Offense Score is located on the Y, or vertical, axis and the Offender Score on the X, or horizontal, axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the guideline type and/or length of sentence.

Four items of information comprise the Offense Score: number of separate events, weapon usage, type



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of crime, and physical injury suffered by the victim. Add the four coded values to get an Offense Score which will range from zero to five.

Five items of information comprise the Offender Score: current legal status, total number of prior juvenile convictions, total number of prior adult convictions for crimes against the person, total number of prior adult convictions for crimes not against the person, and total number of prior adult incarcerations (over 30 days). Add the five coded values to get an Offender Score which will range from zero to six.

GUIDELINE SENTENCE WORKSHEET

Offender _____ Cause Num. _____

Judge _____ Date of Sentencing _____

Offense(s) Convicted of:
(Title and Statute Number) _____

Offense Class (Most Serious Conviction Offense) Offense Class

Offense Score

A. Number of Separate Events _____ +
0 = One event
1 = Two or more events

B. Weapon Usage _____ +
0 = No weapon
1 = Weapon present and/or used

C. Type of Crime _____ +
0 = Not crime against the person
1 = Crime against the person

D. Physical Injury Suffered by Victim Offense Score
0 = None or minor injury
1 = Serious injury or death

Offender Score

A. Current Legal Status _____ +
0 = Not under state supervision or control
1 = Under some type of state supervision or control (e.g., bail, probation, parole, escape)

B. Total Number of Prior Juvenile Convictions _____ +
0 = None or one
1 = Two or more

C. Total Number of Prior Adult Convictions (Felony and/or Misdemeanor) For Crimes Against the Person _____ +
0 = None
1 = One
2 = Two or more

D. Total Number of Prior Adult Convictions (Felony and/or Misdemeanor) For Crimes Not Against the Person _____ +
0 = None
1 = One or more

E. Total Number of Prior Adult Incarcerations (Over 30 Days) Offender Score
0 = None
1 = One or more

Guideline Sentence _____

Actual Sentence _____

Reason(s) (If actual sentence does not fall within guideline range):

CLASS A FELONY SENTENCING GRID

Offense Score	3-4	Prison	Prison	Prison	Prison
	1-2	Prison	Prison	Prison	Prison
	0	180 Days To Prison	Prison	Prison	Prison
		0	1	2-3	4-6

Offender Score

CLASS B FELONY SENTENCING GRID

Offense Score	4	Prison	Prison	Prison	Prison	Prison
	3	180 Days To Prison	Prison	Prison	Prison	Prison
	2	90 to 180 Days	180 Days To Prison	Prison	Prison	Prison
	1	30 to 120 Days	90 to 180 Days	180 Days To Prison	Prison	Prison
	0	0 to 60 Days	30 to 90 Days	60 to 180 Days	180 Days To Prison	Prison
		0	1	2	3	4-6

Offender Score

CLASS C FELONY SENTENCING GRID

Offense Score	4	180 Days To Prison	Prison	Prison	Prison	Prison	Prison
	3	120 to 180 Days	180 Days To Prison	Prison	Prison	Prison	Prison
	2	90 to 150 Days	120 to 180 Days	180 Days To Prison	Prison	Prison	Prison
	1	30 to 90 Days	60 to 150 Days	90 to 180 Days	180 Days To Prison	Prison	Prison
	0	0 to 60 Days	30 to 70 Days	60 to 120 Days	90 to 180 Days	180 Days To Prison	Prison
		0	1	2	3	4	5-6

Offender Score

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To Members of the Washington Bench & Bar:

Last year the Administrator for the Courts established an advisory committee to research, draft and devise proposed standardized forms. After a year of study, the committee submitted to the Supreme Court of Washington and members of the Washington Judicial Conference, a proposed set of standard forms consisting of: Criminal Forms, Domestic Relations Forms, Probate Forms, Civil Forms, Juvenile Forms, and Adoption Forms.

The advisory committee caused copies of the proposed forms to be distributed to interested individuals throughout the State, inviting and requesting comments and suggestions; and after due consideration and careful revision by individual members of the advisory committee, the proposed pattern forms, as finally revised and unanimously approved by the committee, were submitted to the Supreme Court.

We are convinced that impartial standard pattern forms will be of great value to litigants and, more directly, to members of the Washington Bench and Bar in performance of their interrelated functions and responsibilities.

The Supreme Court of Washington at the December 19, 1978 *en banc* meeting individually and collectively reviewed the forms. A listing of the approved forms is contained in the attached appendix. Although recommended, the Supreme Court cannot and does not approve in advance forms which may be used in any particular lawsuit. Trial lawyers should keep this in mind in evaluating these forms.

The Washington Pattern Form Manual is currently available for reproduction from the following: the Superior Court Judges, the Superior Court Administrator, the County Clerk of the Court, the County Pro-

secuting Attorney, the Juvenile Court Director, the County Law Libraries, the Law School Libraries, the Washington Association of Pros. Attorneys, and the Washington Defenders Association.

On December 19, 1978, the Supreme Court of the State of Washington, entered an order creating the Washington Supreme Court Committee on Pattern Forms. The following persons were appointed to the committee: The Hon. George T. Shields, Chairman, Superior Court Judges' Association; Laura Brader and Bryan Sontag, Washington State Association County Clerks; Hon. David E. Rhea, Jr., Washington State Magistrates' Assoc.; Hon. Richard P. Thompson, Washington State Magistrates' Assoc.; Hon. John G. Ritchie, Washington State Magistrates' Assoc.; Henry R. Dunn, Washington State Prosecuting Attorneys' Association; Syd Fernald, Washington State Forms Management Center; Hon. William C. Goodloe, Superior Court Judges' Association; Myrth C. Miller, Washington State Superior Court Administrators' Association; Dan Reaugh, Washington State Bar Association; Robin Trenbeath, Administrator for the Courts Information Systems Division; Hon. Herbert E. Wieland, Superior Court Judges' Association; Lish Witson, Public Defenders' Association; and Karl Tegland, Washington Judicial Council.

Other groups may provide a representative to the committee when specific knowledge is required. The major function of the committee is to implement the adoption of the forms, to consider requests for redrafting, and to oversee all necessary changes.

**The Chief Justice
and Members of the
Washington State
Supreme Court**

APPENDIX

CRIMINAL FORMS

PROCEDURES PRIOR TO ARREST

Information
Motion/Affidavit for Warrant or Summons (Probable Cause)
Order for Issuance of a Warrant or Summons
Summons
Affidavit of Service of Summons (Criminal)
Arrest Warrant
Return on Arrest Warrant
Affidavit for Search Warrant
Search Warrant
Return of Search Warrant

RIGHTS OF DEFENDANTS

Defendant's Acknowledgment of Advice of Rights
Bail Study
Motion and Affidavit for Assignment of Lawyer
Order Assigning Lawyer
Order Denying Pretrial Release (Capital Offense)
Appearance Bond
Motion/Affidavit Directing Issuance of Bench Warrant
Order Directing Issuance of Bench Warrant
Bench Warrant
Return of Bench Warrant
Motion/Affidavit/Order Quashing Bench Warrant
Order and Judgment Forfeiting Appearance Bond
Notice to Surety
Motion/Order Vacating Judgment Against Sureties
Order Setting Trial Date Omnibus Hearing and
Waiver of Speedy Trial
Order for Continuance of Trial Date

PROCEDURES PRIOR TO TRIAL

Statement of Defendant on Plea of Guilty
Motion/Affidavit for Appointment of Sanity
Commission
Order Appointing Sanity Commission
Findings of Fact and Conclusions of Law (Insanity)
Judgment of Acquittal by Reason of Insanity
Motion/Affidavit for Stay of Proceedings (Sanity)
Order for Stay of Proceedings (Sanity)
Motion/Affidavit for Additional Stay of Proceedings
Order for Additional Stay of Proceedings
Omnibus Application of Prosecuting Attorney
Omnibus Application of Defendant
Order on Omnibus Hearing as to Defendant
Subpoena
Subpoena Duces Tecum
Return of Subpoena
Notice of Intent to Test or Dispose of Evidence
Petition/Affidavit Authorizing Testing, Returning or Disposition of
Evidence
Order Authorizing Testing, Returning or Disposition of Evidence

CHANGE OF VENUE

Motion/Affidavit for Change of Judge

PROCEDURES AT TRIAL

Motion/Affidavit for Order to Detain Material Witness
Order to Detain Material Witness
Notice of Intent to Rely on Certified Laboratory Report
Order Re Jury Separation
Verdict Form A
Verdict Form B
Verdict Form C
Verdict Form D
Verdict Form E
Special Verdict Form A
Special Verdict Form B
Special Interrogatory Verdict Form

PROCEDURES FOLLOWING CONVICTION

Order for Presentence Investigation Report
Order Dispensing with Presentence Investigation Report
Investigation Report
Judgment and Sentence/Warrant of Commitment
Judgment and Sentence (Suspended Execution)
Judgment/Suspended Imposition of Sentence (Deferred
Sentence)
Schedule of Conditions of Probation
Motion and Affidavit for Order of Restitution
Order of Restitution
Petition for Order Revoking or Modifying Probation
Order Revoking Probation, Execution of Sentence, Warrant of
Commitment. (Suspended Sentence)
Order Revoking Probation, Sentence and Warrant of Commitment
(Deferred Sentence)
Order Modifying Conditions of Probation
Statement and Recommendation of Prosecuting Attorney and
Trial Judge
Record of Advice of Right to Appeal
Notice of Appeal
Motion and Affidavit for Order of Indigency
Costs and Basis of Appeal
Order Appointing Lawyer on Appeal
Order for Documents on Appeal
Praecipe for Clerk's papers and Exhibits
Order for Release after Verdict or Plea of Guilty
Order Denying Release after Verdict or Plea of Guilty

MISCELLANEOUS

Motion, Affidavit and Order of Dismissal
Order of Dismissal (CrR 8.3(b))
Stipulation and Order Releasing Exhibits
Order to Exonerate Bail
Notice of Hearing

SPECIAL PROCEEDINGS

Sexual Psychopathy
Petition for Sexual Psychopathy Determination
Waiver of Ten Day Filing and Service Period and Preliminary
Hearing in Sexual Psychopathy Proceedings
Judgment and Order Suspending Sentencing and Directing
Sexual Psychopathy Proceedings
Judgment and Order Deferring Sentencing and Directing Sexual
Psychopathy Proceedings
Order of Commitment (90 Day Observation)
(Sexual Psychopathy Proceedings)
Order of Commitment (Sexual Psychopathy)
Order on Post-Commitment Proceedings (Sexual Psychopathy)

Habitual Traffic Offender

Order to Show Cause (Habitual Traffic Offender)
Order Finding Defendant an Habitual Traffic Offender/Stay
Motion for Order Revoking Stay (Habitual Traffic Offender)
Order Revoking Stay (Habitual Traffic Offender)

Habeas Corpus

Petition for Writ of Habeas Corpus
Order Directing Issuance of Writ of Habeas Corpus
Order Denying Issuance of Writ of Habeas Corpus
Writ of Habeas Corpus
Return and Response to Writ of Habeas Corpus

Extradition

Advice/Waiver of Extradition

Appeal

Motion and Order Dismissing Appeal and Remanding to District
Court

DOMESTIC RELATIONS FORMS

DISSOLUTION

Petition for Dissolution of Marriage

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A step by step guide through the single family subdivision process from the developers viewpoint. Oldest and best attended of all our seminars this one takes you from optioning the raw land through selling finished lots.

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

CLE Hours: 12

Dates and Places:

July 12, 13, 1979	Everett, WA
July 19, 20, 1979	Boise, ID
July 26, 27, 1979	Medford, OR
September 13, 14, 1979	Pasco, WA

Subdivision Law

This seminar is a thorough description of Washington State law as it applies to land development with a large number of personal insights from a counselor who most frequently represents developers.

Instructor: Stephen Crane, Crane, Boese, Dunham,
Stamper and Daily

CLE Hours: 9-1/2

Dates and Places:

July 6, 7, 1979	Seattle, WA
July 20, 21, 1979	Pasco, WA
September 21, 22, 1979	Seattle, WA

Creative Land Buying

Getting control of good ground is one of the hardest things to do these days. This exciting seminar teaches some new but proven and effective ways of buying land without money.

Instructor: Ron Jarvis, Jarvis Investment Corporation
CLE Hours: 15

Dates and Places:

July 26, 27, 1979	Bremerton, WA
September 6, 7, 1979	Spokane, WA
September 13, 14, 1979	Everett, WA
September 20, 21, 1979	Portland, OR

Condominiums—Feasibility and Financing

If you have or expect a condo project on your hands this seminar will teach you "How To" whether it be new construc-

tion or a Conversion including legal documentation and sources of financing.

Instructor: Larry Granat, Granat and Associates

CLE Hours: 12

Dates and Places:

July 19, 20, 1979	Bellingham, WA
September 27, 28, 1979	Billings, 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:

September 6, 7, 1979	Tacoma, WA
September 20, 21, 1979	Bellevue, 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:

July 12, 13, 1979	Spokane, WA
September 6, 7, 1979	Bellingham, WA
September 27, 28, 1979	Eugene, OR

Subdivision Registration

Everything you need to know about the Interstate Land Registration Act—neg regs—to help you register a subdivision for interstate sales.

Instructor: Barbara Nordeen

Dates and Places:

July 26, 27, 1979	Everett, WA
September 20, 21, 1979	Vancouver, WA

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 Temporary Order
 Motion and Affidavit of Default
 Order of Default
 Note for Dissolution Calendar (Non-Contested Case)
 Financial Statement and Proposed Distribution
 Hearing and Findings for Dissolution
 Conclusions of Law for Dissolution
 Order of () Continuance
 () Dismissal
 () Referral/Transfer
 Decree of Dissolution
 Motion and Affidavit to Proceed in Forma Pauperis
 Order to Proceed in Forma Pauperis

CONCILIATION

Petition for Family Court Conciliation
 Order for Family Court Jurisdiction
 Notice to Appear
 Order of Remand/Dismissal

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (URES)

Petition for Support Under URES
 Certificate and Order (URES)
 Motion and Affidavit to Show Cause (URES)
 Order to Show Cause (URES)
 Order to Pay Support (URES)
 Motion and Affidavit to Show Cause RE Contempt (URES)
 Order to Show Cause RE Contempt (URES)
 Motion, Affidavit and Order of Transfer (URES)

MISCELLANEOUS

Motion and Order of Continuance of Show Cause Hearing
 Admission of Paternity

PROBATE FORMS

GENERAL

Checklist (No Draft—Reserved for Committee)
 Oath of Personal Representative
 Order Appointing Guardian Ad Litem
 Letters of Special Administration
 Letters Testamentary
 Letters of Administration (With Will Annexed)
 Letters of Administration (No Will)
 Creditor's Claim
 Affidavit for Collection by Successor
 Citation
 Certificate of Copy by Clerk

GUARDIANSHIP

Checklist (No Draft—Reserved for Committee)
 Petition for Guardianship
 Order Appointing Guardian Ad Litem
 Notice of Hearing (Guardianship)
 Letters of Guardianship
 Citation
 Order Terminating Guardianship

CIVIL FORMS

COMMENCEMENT OF ACTION

Summons
 Summons by Publication



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Summons by Mail
Return of Service

PLEADINGS AND MOTIONS

Order for Pretrial Conference
Pretrial Order
Motion and Affidavit for Change of Judge
Order For _____

TRIALS

Jury Demand
Stipulation for a Jury of Less than Twelve
Note for Hearing
Note for Trial Setting
Notice of Trial Date
Subpoena
Subpoena Duces Tecum
Notice of Dismissal for Want of Prosecution
Order of Dismissal for Want of Prosecution

VERDICT AND JUDGMENT

Motion and Affidavit for Default Judgment
Order of Default
Verdict (Single Plaintiff and Defendant)
Verdict (Single Plaintiff and Defendant—Counterclaim)
Verdict (Single Plaintiff and Multiple Defendants)
Verdict (Multiple Plaintiff and Single Defendant or Jointly Liable Defendants—Separate Property Damage Finding)
Verdict (Plaintiff (Individually and as Guardian ad Litem) and Single Defendant or Jointly Liable Defendants)
Special Verdict (No Counterclaim—Comparative Negligence Case)
Special Verdict B (Counterclaim—Comparative Negligence Case)
Notice of Registration of Foreign Judgment
Satisfaction of Judgment
Cost Bill

PROVISIONAL & FINAL REMEDIES

Garnishment
Application for Writ of Garnishment
Writ of Garnishment
Return of Service of Writ of Garnishment (Other than Peace Officer)
Order to Pay
Writ of Execution (Garnishment)
Notice of Intent to Dismiss Garnishment
Order Dismissing Writ of Garnishment

Attachment
Affidavit for Writ of Attachment
Writ of Attachment

Execution
Writ of Execution

Foreclosure
Order of Sale (Foreclosure)
Notice of Sale
Sheriff's Return (Foreclosure)
Certificate of Purchase

Restitution
Writ of Restitution

APPEALS
Praecipe for Clerk's Papers and Exhibits

SUPERIOR COURTS AND CLERKS
Order Authorizing Removal of Court File
Order to Destroy Exhibits and Unopened Depositions
Order to Destroy Reporter's Notes
Stipulation and Order for Return/Destruction of Exhibits and/or Unopened Depositions
Certificate of Copy

JUVENILE FORMS

SHELTER CARE PROCEEDINGS

Shelter Care Order

DEPENDENCY PROCEEDINGS

Dependency Petition
Notice and Summons (Dependency)
Motion for Order to Take Child into Custody
Order to Take Child into Custody
Motion for Order to Publish Notice and Summons
Order to Publish Notice and Summons
Affidavit of Service of Notice and Summons (Dependency)
Hearing and Findings on Dependency
Order of Disposition (Dependency)
Order of Financial Support
Order of Dismissal (Dependency)

PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

Petition for Termination of Parent-Child Relationship
Order Terminating Parent-Child Relationship

PROCEEDINGS FOR ALTERNATIVE RESIDENTIAL PLACEMENT

Petition to Approve Alternative Residential Placement
Order Appointing Lawyer (Alternative Residential Placement)
Notice of Hearing (Alternative Residential Placement)
Hearing, Findings and Order on Alternative Residential Placement
Order on Review Hearing (Alternative Residential Placement)

DIVERSION AGREEMENTS

Hearing, Findings and Order on Termination of Diversion Agreement

JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

Information
Notice and Summons (Information)

Affidavit of Service of Summons (Information)
Order for Issuance of a Warrant of Arrest
Arrest Warrant
Juvenile's Acknowledgment of Advice of Rights
Order of Release
Order of Release on Bond
Order of Detention
Statement of Child on Plea of Guilty
Hearing, Findings and Verdict on Information
Order of Disposition (Information)
Order Revoking or Modifying Community Supervision

DECLINING JURISDICTION

Motion and Affidavit for Decline of Jurisdiction
Notice of Hearing
Hearing, Findings and Order on Decline of Jurisdiction

RIGHT TO COUNSEL

Motion and Affidavit for Assignment of Lawyer (Child Only)
Motion and Affidavit for Assignment of Lawyer (Parent, Guardian, Custodian)
Order Assigning Lawyer
Order Appointing Guardian Ad Litem

JUVENILE COURT RECORDS

Order on Challenge to Juvenile Court Record
Order Sealing Record and Files
Order for Destruction of Court Record and Files

SUPPLEMENTAL PROVISIONS

Notice
Affidavit of Service
Subpoena
Subpoena Duces Tecum
Return of Subpoena
Motion and Affidavit for Change of Judge

□

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Board Renews Discussion of Legal Specialization

By Jay V. White

Gleneden Beach, Ore., June 14-16—Without taking any formal action, the Board of Governors has taken a fresh look at its two-year old approved-but-never-implemented plan to recognize and certify lawyers as specialists in certain areas of practice.

A closely divided Board approved the plan in August, 1977, but a tie vote blocked a recommendation to the state Supreme Court to implement it. Some observers believe that if the plan were ever put into effect, it would have a profound impact upon the practice of law in this state—and constitute a significant item in the bar association's budget. See "The President's Corner", *Bar News*, 33:6:9.

Support for the plan may be found among lawyers who appear to be *de facto* specialists in the areas of trial practice, family law and taxation. Under the plan, a section of the bar association or a group of this state's lawyers would be able to obtain recognition of a specialty area by successfully petitioning the Legal Specialization Board.

The Board of Governors in 1977 approved five specialty areas: admiralty; labor law; patent, trademark and copyright; taxation; and workman's compensation.

On June 7 of this year, the Trial Practice Section resubmitted standards it proposed two years ago for certification of civil trial attorneys.

During the Friday morning session of this Board of Governors' meeting, John Binns, Jr., chairperson of the Legal Specialization Board, presented a comprehensive summary of the status of the Washington plan, its context nationally and various ramifications of its implementation.

Will the plan ever be put into effect? "It's a question of when, not whether," Binns stated.

He pointed out that, in many states, legal specializa-

tion plans are under consideration, and in four states, such plans have been adopted: Florida and New Mexico have "designation plans" and California and Texas have "certification plans" similar to the plan approved for this state.

"Designation plans are really 'self-designation'", Binns explained. Under such plans, the state bar designates specialty areas and establishes minimum standards, and individual lawyers are permitted to certify that they meet these standards in a particular area of practice.

"Such plans have the advantage of being inexpensive to administer and they encourage lawyers to participate, but they do not really assure the public of quality in the delivery of legal services," Binns said.

Accordingly, Binns added, designation plans appear to be a "waste of effort" and may tend to "deceive the public".

In contrast, a certification plan such as the Washington proposal imposes stringent standards for designation of a specialty, frequently involving an oral or written examination and peer review.

"The primary disadvantage of a certification plan," Binns said, "is that it is expensive to administer." He stated that in California, a director and 7 staff persons are involved at a cost of \$200,000.

The Washington plan sets initial application and certification fees totaling \$200, and a \$100 fee for recertification (required every five years). In addition, in Texas and California which have a similar fee structure, an annual fee of \$50 also is imposed.

"There is no assurance that the Washington plan would ever be self-supporting," Binns said.

The plan, similar to a model plan developed by the American Bar Association, calls for the Legal Specialization Board to serve a general oversight function; act



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upon petitions for recognition of specialty areas; and establish minimum standards for certification. When a specialty has been established, a Certification Panel is created in that field of law which may recommend modification in the standards applicable to that specialty and establish examinations for certification and recertification, subject to approval by the Legal Specialization Board.

Binns pointed out that the ABA model plan differs from the Washington plan in that the former establishes an advisory commission of five laypersons; seats the chairperson of that commission on the Legal Specialization Board; prohibits a specialist from doing other than specialty work for a client referred to that specialist ("no client stealing"); and provides for peer review. No such features appear in the Washington plan. In addition, the ABA plan requires a specialist to devote 25% of his practice to the specialty, whereas the Washington plan requires only 15%, and the ABA plan makes oral or written certification examinations optional, whereas the Washington plan makes written examinations mandatory.

Like the ABA model, the Washington plan does not permit "grandfathering". Every lawyer who wants to be a certified specialist, regardless of length of prior practice, would have to meet the plan's requirements. Binns commented that "grandfathering" features in the California and Texas plans have proved to be unsatisfactory.

Binns stressed that if the Washington plan is implemented, then the bar association should promote it, both with the bar and the public. Despite the difficult practical problems which would arise in administering the plan, certified legal specialization "offers the promise of insuring the public of quality legal services and improving the public's access to lawyers," Binns concluded.

The consensus reached by the Board of Governors during the discussion which followed Binns' remarks was (1) Binns and the Legal Specialization Board should continue to monitor the experience of other states with specialization plans, and (2) the Washington plan should not be implemented until it has been effectively presented to the membership and there is clear evidence that this state's lawyers want it.

OTHER BOARD ACTIONS...

■ **BUDGET AND PROPOSED DUES INCREASE**—The Board again deferred taking any action on the proposed budget for fiscal 1980 which includes a \$10 increase in annual dues. See "The Board's Work", *Bar News*, 33:6:29. A motion to approve the budget was defeated on a 5-3 vote (Cressman, Hemovich and Welts in favor; Jones absent). The matter was tabled until the July meeting at the request of Board Member Edward G. Holm of Olympia who said he wanted another month to consider whether the proposed budget is adequate to meet anticipated costs.

■ **YOUNG LAWYERS SECTION**—The Board declined (5-3) to approve a resolution presented by Terry E. Lumsden, chairperson of the Young Lawyers Section, which would have made the section a "division" of the bar association and required all lawyers under age 36 or admitted less than 5 years to be members of the division (without payment of additional dues). See Young Lawyers Section reports, *Bar News*, 33:4:27; 33:6:37. Supporting the defeated resolution: Bingham, Halverson, Holm. Absent: Jones.

■ **CLE TUITION INCREASE**—The Board approved tuition increases, to be effective this Fall, for Continuing Legal Education seminars proposed by the CLE Committee as follows:

Seminar Type	Present Tuition	New Tuition
1/2 day, 5-hour seminar without lunch	\$25	\$30-\$40
1 day, 6-7 hour seminar with lunch	\$35-\$50	\$45-\$65
2 day, 10-14 hour seminar with lunch	\$50-\$75	\$60-\$90
Extended programming, over 2 days	\$100-\$150	\$150 and up

The CLE Director will retain discretion to exceed the permitted range when it is warranted by unusual circumstances. In making its recommendation for the increases, the CLE Committee cited as reasons for the change both rising costs and increased competition from other organizations offering CLE programs which has reduced attendance at some bar-sponsored seminars. This is the first significant change in the tuition structure since 1971, and the Committee noted that bar association seminars will remain among the lowest priced in the country.

■ **LAW SCHOOLS**—The Board approved a request by the Legal Education Liaison Committee to change its name to Law School Liaison Committee, but tabled action, pending evaluation of fiscal impact and other factors, regarding the following resolution offered by the Committee which, if approved, would give law school professors limited association with the bar association:

RESOLVED: That full time faculty members at an ABA approved law school within the State of Washington be granted associate membership in the Washington State Bar Association to entitle said full time faculty members to participate in all Bar Association activities, including committee and section membership, but would not permit said faculty members to engage in the practice of law.

■ **NEXT BOARD MEETING:** July 20-21, Rosario, Orcas Island. □



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COURT OF APPEALS
By **LARRY JORDAN**

Appellate Court Practice: Notice of Appeal and Briefs

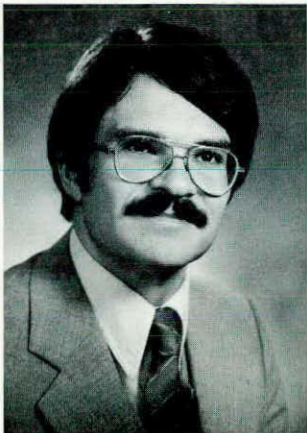
As of January 1, 1979, there were 2,295 active cases in the three divisions of the Court of Appeals. For the year 1978, Division I averaged 44 appellant's briefs filed per month and the court set 574 cases for hearing on the merits. In an attempt to deal with this ever-increasing caseload and to ensure that counsel comply with the Rules of Appellate Procedure, the Court's Division I, under the direction of Chief Judge Keith M. Callow, has implemented the use of checklists to evaluate the notice of appeal, appellant's brief, and respondent's brief.

Notice of Appeal

Every notice of appeal filed is evaluated by the clerk of the court to determine if it complies with the following checklist:

The notice of appeal filed in the above-referenced case on (Date) is being returned to you for failure to comply with RAP 5.3 as noted on the following checklist:

- _____ Incomplete case name (all parties must be listed)
- _____ Notice does not specify party or parties seeking review



Larry Jordan is a Court Commissioner with Division I of the State Court of Appeals.

- _____ Notice does not include names and addresses of attorneys for each of the parties. If a criminal appeal, defendant's address must be listed.
- _____ Notice does not designate the date and type of decision to be reviewed.
- _____ Other

The obvious purpose of RAP 5.3, which concerns the contents of a notice of appeal, is to provide the appellate court with docketing information. The need for a complete and accurate notice of appeal has become more apparent now that all three divisions of the Court of Appeals are converting to computer docketing. Notices of appeal that do not comply with the rules are returned to counsel with the direction to file a corrected notice of appeal within one week. Counsel are also notified that if a corrected notice of appeal is not timely filed, a court's motion to dismiss and/or for the imposition of sanctions is set.

Briefs

The following checklists are being utilized in evaluating appellant's and respondent's briefs:

Appellant's Brief

Content

- RAP 10.3 (a) (1) Title Page _____
- RAP 10.3 (a) (2) Tables _____
 - 1. Of contents, with page references _____
 - 2. Cases arranged alphabetically and where cited _____
 - 3. Other sources, where cited _____
- RAP 10.3 (a) (3) Assignments of error _____
 - 1. Separately stated _____
 - 2. Issues pertaining thereto _____
 - 3. If involving proposed or actual finding of fact or instruction:
 - a. Separate assignment for each _____
 - b. Referenced by number _____
- RAP 10.4 (a) (4) Statement of Case _____
 - 1. Facts and Procedure _____
 - a. References to record _____
- RAP 10.3 (a) (5) Argument _____
 - 1. Record references _____
 - 2. Authorities cited _____
- RAP 10.3 (a) (6) Conclusion stating precise relief sought _____
- RAP 10.4 (c) If issue relating to _____

statute _____
 rule _____
 regulation _____
 instruction _____
 finding of fact _____
 set out verbatim in text _____
 or appendix _____

rule _____
 regulation _____
 instruction _____
 finding of fact _____
 set out verbatim in text _____
 or appendix _____

Form

- RAP 10.4 (b) Seventy (70) pages if double-spaced; fifty-four (54) if 1½ spaced. Reply brief: 35 if double; 27 if 1½. Includes appendices _____
- RAP 10.4 (g) Citations _____
1. State: State and national reporter _____
 2. U.S.: U.S., L. Ed., S. Ct. _____
 3. Fed.: District or circuit _____

The error most often made in appellant's brief is the failure to include a statement of the issue that pertains to the assignment of error, as required by RAP 10.3 (a) (3). Preferably, the issues should be separately stated in the form of a legal question. The usual form is to use the term "whether" and to ask the legal question in light of the key facts and circumstances of the case. Example: Whether the trial court's refusal to give the defendant's self-defense instruction deprived him of his constitutional right to a jury trial.

Respondent's Brief

Content

- RAP 10.3 (a) (1) Title Page _____
- RAP 10.3 (a) (2) Tables _____
1. Of contents, with page references _____
 2. Cases arranged alphabetically and where cited _____
 3. Other sources, where cited _____
- RAP 10.3 (b) If seeking review or disagreement, Assignments of Error _____
1. Separately stated _____
 2. Issues pertaining thereto _____
- RAP 10.3 (b) If dissatisfied with appellant's statement, Statement of case _____
1. Facts and Procedure _____
 - a. References to record _____
- RAP 10.3 (a) (5) Argument _____
1. Record references _____
 2. Authorities cited _____
- RAP 10.3 (a) (6) Conclusion stating precise relief sought _____
- RAP 10.4 (c) If issue relating to statute _____

Form

Same as for appellant's brief.

If either appellant's or respondent's brief does not comply with the Rules of Appellate Procedure, the brief is returned to counsel with directions to refile it in compliance with the court rules.

The use of checklists by Division I of the Court of Appeals is an attempt to insure that counsel comply with the Rules of Appellate Procedure so that the merits of the case can be resolved as fairly and as quickly as possible. Failure to file a correct notice of appeal or appellant's brief will delay the hearing on the merits and may result in the imposition of sanctions or dismissal. Although the failure to file a proper respondent's brief will not generally delay a hearing of the case on the merits, sanctions may be imposed for any prejudice that results to the court or to the appellant. Counsel should, therefore, be aware of these checklists and attempt to follow the applicable appellate rules. *See generally* L. Orland, 3 Wash. Prac. (1978). □

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Annual Meeting Preview: Part I

John J. Michalik
*Director of Continuing
 Legal Education*

It seems appropriate to use this month's column to begin a brief overview of some of the continuing legal education programs which will be presented at the 90th Annual Meeting of the State Bar Association, in Vancouver, this coming September. This month's column will highlight 4 or 5 of the Annual Meeting seminars and we'll look at some others in next month's column.

The Annual Meeting kicks off at 9:00 a.m. on Wednesday, September 12th with two very interesting programs. The first of these, sponsored by the Trial Practice Section, is "THE ANATOMY OF A TRIAL: BASIC TRIAL TECHNIQUES." Designed as a nuts and bolts, trial fundamentals program, this seminar will cover jury selection, opening statements, direct examination, cross examination, closing arguments, and jury instructions. Seminar Chairperson is Chuck Kimbrough and speakers include John Gavin, Alvin Anderson, Hal Vhugen, Paul Luvera, Jr., Bill Mays, Mike Mines, and Bob Stoeve. The seminar will carry 3.00 CLE credits, as will all Convention seminars. The concurrent program on Wednesday morning is "UPDATE '79 PART I: RECENT DEVELOPMENTS IN FAMILY LAW." Sponsored by the Family Law Section, and the first of a series of "UPDATE '79" seminars on the Convention schedule, this program will, among other topics, include coverage of current cases and legislation in the family law area, and an examination of "living together arrangements." The Seminar is Chaired by Carol Fuller and speakers are Dave Cheal, Kathy Fewell, Helen Johansen, Carlos Velategui, and Ken Weber.

Two seminars will also be presented on Wednesday afternoon and we'll take a look at those in next month's column.

Thursday morning, September 13th, also features two concurrent seminar programs beginning at 9:00. Both of these are parts of the "UPDATE '79" series. The first is "RECENT DEVELOPMENTS IN ANTITRUST LAW," sponsored by the Antitrust Section, with Dean Wallace Rudolph as seminar chairman. Subtopics for this seminar include municipal corporations under antitrust law, and exclusions under state law and the First Amendment. Dean Rudolph's fellow panel members will be Dave Knibb, Tom Boeder, Bill Bishin, and Dennis Harlowe. The second "UPDATE '79" program on Thursday morning will be a "COMMUNITY PROPERTY UPDATE." This important program will cover a number of major recent developments in the area—including the pension and retirement plan situation under community property law following the U.S. Supreme Court decision in *Hisquierdo v. Hisquierdo*. Seminar

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Chairman is Hugh McGough and speakers will include Margaret McKeown, Melanie Rowland, John Krueger and Joe Nappi, Sr.

We'll take a look at the CLE programming for Thursday afternoon and Friday in next month's *Bar News*. The Annual Meeting closes on the morning of Saturday, September 15th with two 9:00 programs.

One of these, sponsored by the Corporation, Business and Banking Section, is "REARRANGEMENTS OF OWNERSHIP OF CLOSELY HELD CORPORATIONS." A special repeat performance of a portion of the Section mid-year meeting held in Richland the first weekend in May, 1979, this program is chaired by Jim Hilton, with other speakers being Ron Douglas, Gary Randall, and Tom Tilford.

The second Saturday morning seminar is a real attraction: "LAW OFFICE MANAGEMENT FOR ALL PRACTITIONERS WITH SPECIAL HINTS FOR SMALL FIRMS AND RECENTLY ADMITTED LAWYERS." Seminar Chairperson is Dick Reed of Seattle. Speakers and subtopics include: (1) "Do it Right, Do it Once—The Systems Approach to Work Processing", featuring Dale Sherrow; (2) "Things I Know Now, Having Learned the Hard Way, That I Wish I Had Known Then", featuring Tim Fishel; and (3) "The Thrifty Fifty—Time and Money Saving Ideas That You Can Begin to Implement Monday Morning,"

with Jimmy Brill of Houston Texas. Jimmy is one of the nationally-recognized leaders and innovators in the law office management field, having, for example, recently been a major contributor to an *ABA Journal* issue on law office management. The design and features of his Houston office were the subject of the cover story of a recent issue of *Legal Economics*.

Approved Continuing Legal Education Activities

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<i>Weight of Medical Evidence</i>	
July 14, 1979: Seattle	7.00
<i>Farm & Estate Business Planning</i>	
July 17, 1979: Spokane	6.50

PRACTISING LAW INSTITUTE

<i>Banking Problems Under the UCC</i>	
July 18-20, 1979: Seattle	15.50

WASHINGTON STATE BAR ASSOCIATION

<i>Washington Real Property</i>	
July 12, 1979: Seattle	6.75

UNIVERSITY OF WASHINGTON SCHOOL OF LAW

<i>Major Tax Aspects of Real Estate Transactions</i>	
July 23-27, 1979: Seattle	15.00
<i>Qualifying & Maintaining Pension & Profit-Sharing Plans</i>	
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Final Notice

Time

Registration 8 a.m.-9 a.m.
Program 9 a.m.-5 p.m.

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This program has been approved 6 CLE credit hours.

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This seminar gives particular attention to planning for those contemplating termination of the farm firm at retirement or death and planning for those anticipating continuation of the farm firm beyond the lives of the parents.

The federal estate and gift tax considerations under the Tax Reform Act of 1976 and the Revenue Act of 1978 will be discussed. Topics emphasized include: use valuation of farmland; 15-year installment payment of federal estate tax and other liquidity-creating alternatives; joint tenancy rules; planning for optimal use of the marital deduction to maximize wealth at both deaths; and use of the private annuity and installment contract.

Detailed coverage of farm corporations and partnerships is provided, with emphasis on tax-free formation, income tax treatment, employee status, and estate planning considerations.

Dr. Harl has a well-deserved reputation as an excellent lecturer. At a recent Milwaukee, Wisconsin seminar, **93% of those attending rated his presentation as excellent.** According to one participant, "Professor Harl's organization, delivery, and use of visual aids are the best I've ever seen."



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RESOLUTIONS COMMITTEE

Filing Deadline for Resolutions To Be Presented at Annual Meeting

Anyone desiring to have a resolution presented at the Annual Meeting should file it with Dean C. Smith, Chairperson of the Resolutions Committee, 505 Madison, Seattle, Washington 98104.

Resolutions must be presented to the Resolutions Committee at least 20 days before the Annual Meeting, that is, on or before August 23, 1979.

All resolutions must be accompanied by a written report (the resolution and report not to exceed a combined total of 1,000 words) explaining the resolution.

Preliminary Notice of Special Public Hearing on Resolutions and of Publication Deadline

The Resolutions Committee of the Bar will, as usual, hold a public hearing at the Bar Convention to consider the views of the proponents and opponents of resolutions to be presented to the membership of the Bar at the annual meeting. The hearing will be held on Wednesday evening, September 12, 1979, so as not to conflict with continuing legal education seminars. The time and location of the hearing will be announced in the next *Bar News*. In addition, in an effort to allow more time to those presenting views and in an effort to give the members of the Committee more time to consider the resolutions and to request any additional information which might be helpful to the Committee, an advance session of the public hearing will be held prior to the convention in Seattle on September 4th at the offices of the Bar Association, 505 Madison, Seattle, Washington at 10:00 A.M. Proponents and opponents of resolutions are urged to attend the September 4th session if at all possible, and, if not, to present their views in concise written form for consideration by the Committee at that session. Presence at or absence from the September 4th session will not affect any right under the bylaws to present views at the September 12th hearing. At that hearing, preference in presenting views will be given to those with viewpoints which were not expressed at the earlier session.

If a resolution is to be published in the *Bar News* before the annual meeting, the bylaws provide that it

must be received by the Resolutions Committee at least 60 days prior to the annual meeting, or on or before July 14th (which falls on a Saturday). In addition to resolutions received in time for publication, the next issue of the *Bar News* will contain further details regarding the purpose, function, and personnel of the Committee and the time and location of the September 12th hearing.

Resolutions Committee Members

DEAN C. SMITH, CHAIRPERSON
WILLIAM BERESFORD
PHILIP BRANDT
CHARLES EDWARD GALLUP
DAVID HALLIN
EDWARD L. MUELLER
JOHN W. MURPHY
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Prof. Robert H. Aronson
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To the extent possible, this book contains State evidentiary provisions and commentary in a single volume.

In addition to the complete text of the Washington Rules of Evidence and the accompanying Comments, State statutory provisions incorporated by reference in the Rules have been set out in full as an Editor's Note.

Also included are those portions of the Advisory Committee's Notes to the Federal Rules of Evidence relevant to identical Washington Rules.

Although the vast majority of evidentiary law in Washington is now contained in the Rules and incorporated statutory provisions, some of the law of evidence remains in cases and statutes not readily susceptible of inclusion in the Rules. The Editor has therefore added a series of Appendices containing brief analyses of this additional law: Appendix A summarizes rules and procedures of concerning the admission and exclusion of evidence and preservation of the record for purposes of appeal; Appendix B deals with exceptions to and analysis of Privileges not readily apparent from a reading of the statutory provisions included in the text as an Editor's Note; and Appendix C contains additional material on Competency of Witnesses (including the "Dead Man's Statute").

An early edition of this book is now being used by State, municipal, district and superior court judges, who received it as part of workshops for which the Editor was responsible.

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Further Information: Francia Luessen, Director of Continuing Legal Education, 338 Condon Hall, University of Washington, JB-20, Seattle, WA 98105, (206) 543-8707.

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EAST KING REPORT

By **BARRY J. HASSON**

Under the chairmanship of **Roy Mattern**, the East King County Bar Association's 1979 banquet was a patent success. More than 80 persons were in attendance, and included King County District Court Judges **Frank L. Sullivan** and **Betty Taylor Howard**, King County Superior Court Commissioner **Richard M. Ishikawa**, King County Superior Court Judges **Barbara Durham**, **Gerry Shellan**, and **Frank Eberharter**, and Court of Appeals Justice **Keith M. Callow**. Bellevue District Court Judge **Mel Love** was awarded the East King County Bar Association's first annual Distinguished Service award for his many years of contribution in many ways to public service in the legal community on the East Side. Major speaker at the event was **Eliot Roosevelt**, who made some controversial comments about the state of things from his viewpoint.

The aforementioned (I understand that in some Seattle firms that is a 75 cent word) function was preceded (35 cents) by an equally successful C.L.E. entitled "Potpourri (45 cents) for the General Practitioner" featuring such luminaries as Bellevue City Attorney, **Lee Kraft**, Redmond City Attorney **John Lawson**, Kirkland City Attorney **Ralph Thomas**, **Roy Mattern**, and **Bob Chicoine**. The event was chaired by **Jeff Revelle** and approximately 60 attorneys attended.

Coming events include the annual golf tournament, this year to be organized by **Dick Holt**, and East King County Bar Association's monthly luncheons continue each third Monday at the Thunderbird Motel in Bellevue.

Moves on the East Side include the following: The premier East Side law firm of **Barry J. Hasson** has moved, along with **Harry Wilson** and **Barbara Reardon** to new offices in Bellevue, and are now located in the Caldwell King Building. **John Martin** has hung his shingle and is sharing office space with the firm of Revelle, Ries & McDermott, and **Bob Gunovick** is next door with **Roger Barbee**. Creighton & Scott, named "Boss of the Year" by the East Side Legal Secretaries Association, has moved offices to the City Mortgage Building in Bellevue.

**SNOHOMISH
REPORT**
By **HENRY S. CHAPMAN**

There is a beautiful new building going up at the corner of 33rd and Oakes Street in Everett, and the rumor is that this will be the new home for the law firm of Anderson, Hunter, Dewell, Baker and Collins. The law firm is exchanging a view of the Olympics from the Seattle-First National Bank Bldg., for a view of the Cascades.

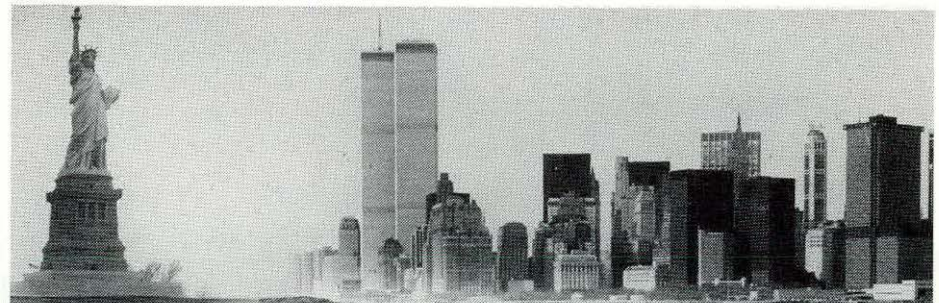
On Wednesday, May 9, 1979, in a ceremony conducted by **Faye Kennedy**, President of the Snohomish County Bar Association, and presided over by Judge **John Wilson**, the following new attorneys were sworn in: **Tom Adams**, **Patrick Conroy**, **Diego Gavilanes**, **Mark Kuehn**, **Toni Sheldon**, and **Russell Tilton**.

Patrick Conroy, a Jesuit priest, is the brother of Attorney **Steve Conroy** and both are the sons of **Stanley Conroy**, who recently died. **Diego**

Gavilanes, we are told, speaks three languages, including Spanish. **Tom Adams** has, since January 1, 1979, been employed as a law clerk baliff for Judge **John Rutter**. **Toni Sheldon** is the only female attorney of the group. We congratulate the new attorneys and invite them to join our Snohomish County Bar Association.

Our Bar Association has recently

formed two new committees. The committees are "Committee on Alcoholism Among Attorneys" and a "Medical-Legal Liaison Committee". I believe it is just a coincidence that the two committees were formed at the same time. Kidding aside, we do look forward to a closer relationship with the medical profession in our community.



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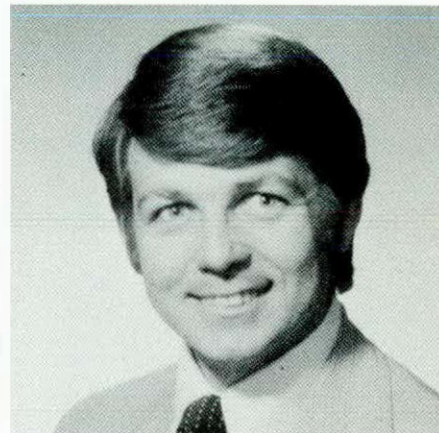
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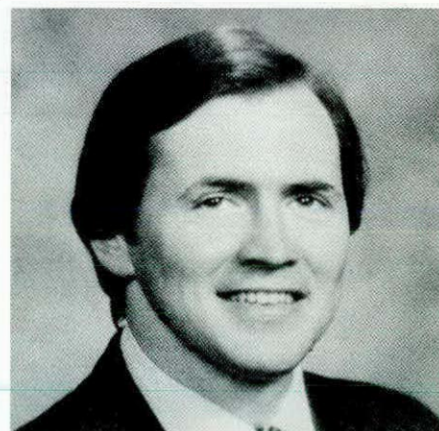
Rice and Shea Chosen For Personal Finance Law Competition

Washington State Bar members Kenneth B. Rice, Everett, and Edward F. Shea, Pasco, have been selected as participants in the 1979 Annual Argument to be sponsored by



Kenneth B. Rice

the Conference on Personal and Finance Law in August. Rice and Shea have been assigned the task of representing the appellee in competition with two other trial lawyers selected nationally to represent the appellant in the Argument. The competition



Edward F. Shea

will be part of the annual Conference on Personal and Financial Law to be held in conjunction with the annual convention of the American Bar Association.

Krogh Reinstatement Hearing Date Changed

The hearing to be conducted before the Board of Governors to consider the petition of Egil Krogh, Jr., for reinstatement as a member of the Washington State Bar Association after disbarment, has been re-scheduled to August 18, 1979, at 8:00 A.M.

Title 23A Amendments Available

Copies of the amendments to RCW 23A contained in Senate Bill 2119 are available from the Office of Secretary of State. SB 2119 is the bill drafted by the Corporation Revision Committee and takes effect June 7, 1979.

Copies of the amendments may be obtained for \$.75 each by writing the Office of Secretary of State, Corporations Division, Legislative Building, Olympia, WA 98504.

RCW 23A will be printed in its entirety in late fall 1979 once all 1979 session laws have been codified.

In Memoriam

William D. Caton, Jr., 55, of Seattle, died April 5. He was admitted to the Bar in 1951.

Gale P. Hilyer, Jr., 56, of Seattle, died May 11. He was admitted to the Bar in 1951.

Ben A. Maslan, 78, of Seattle, died May 1. He was admitted to the Bar in 1926.

Discipline

Notice of Disbarment

Bertil Granberg has been ordered Disbarred by the State Supreme Court. Granberg was disbarred pursuant to a stipulation entered into between himself and State Bar Counsel and adopted by the Disciplinary Board. This notice is published pursuant to DRA 11.7 (c) (1).

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

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

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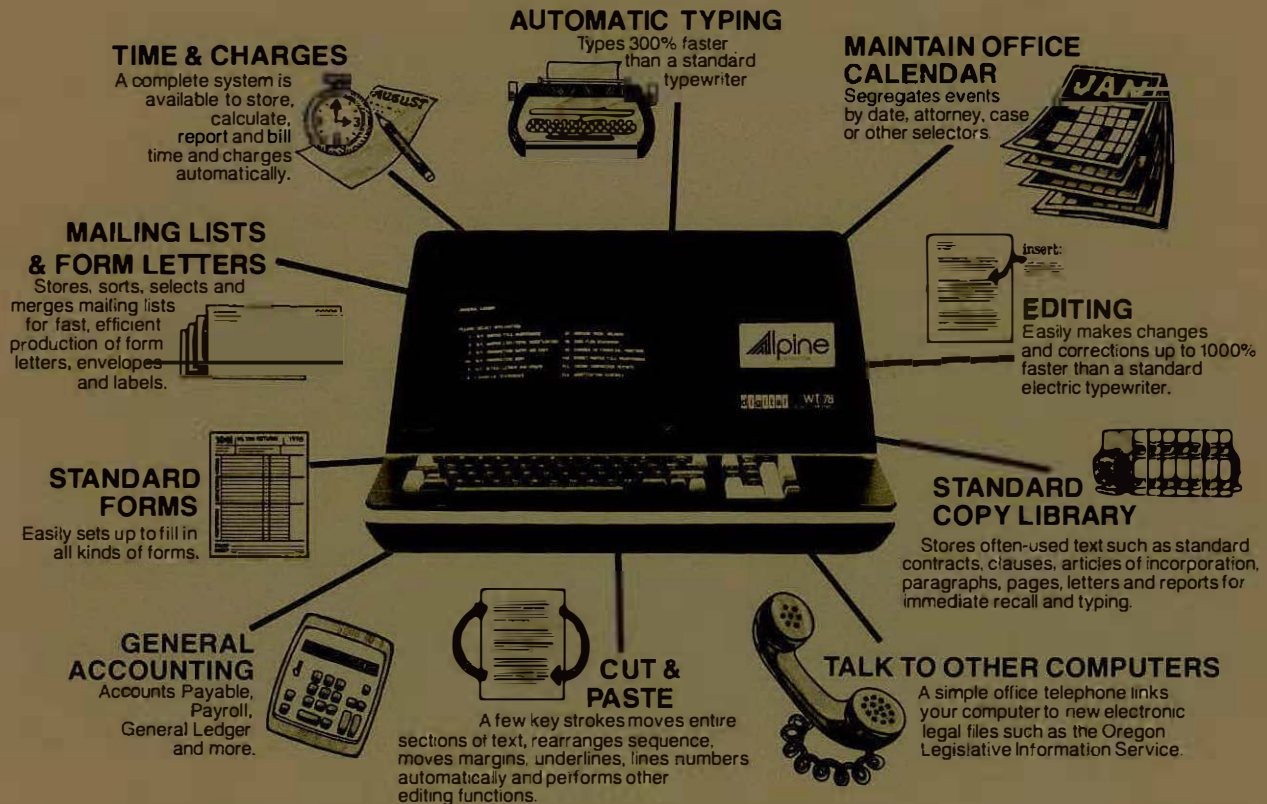
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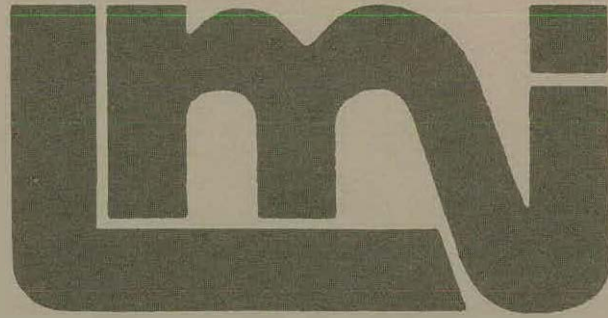
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