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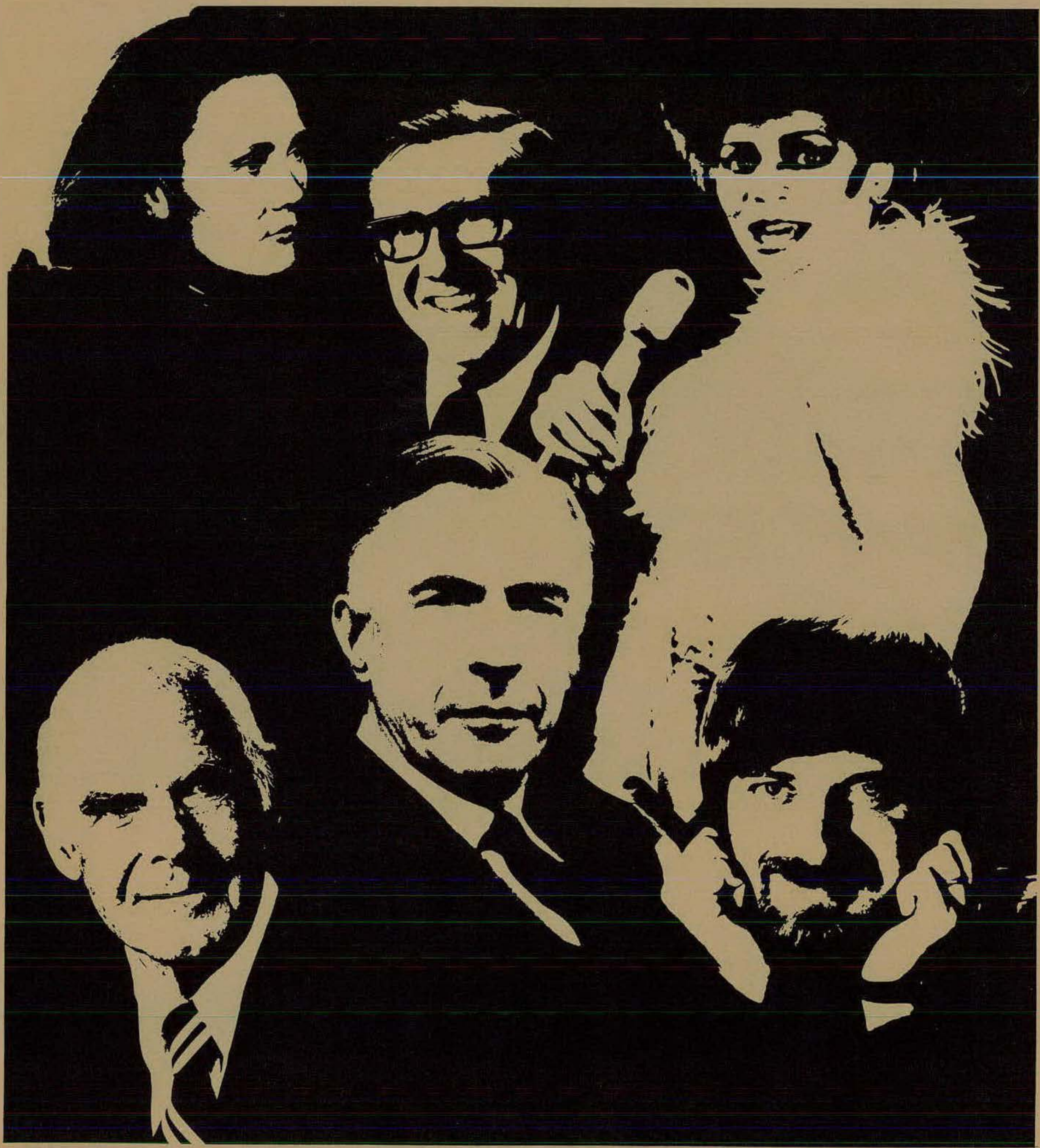
WASHINGTON STATE BAR NEWS



1979 ANNUAL MEETING PREVIEW

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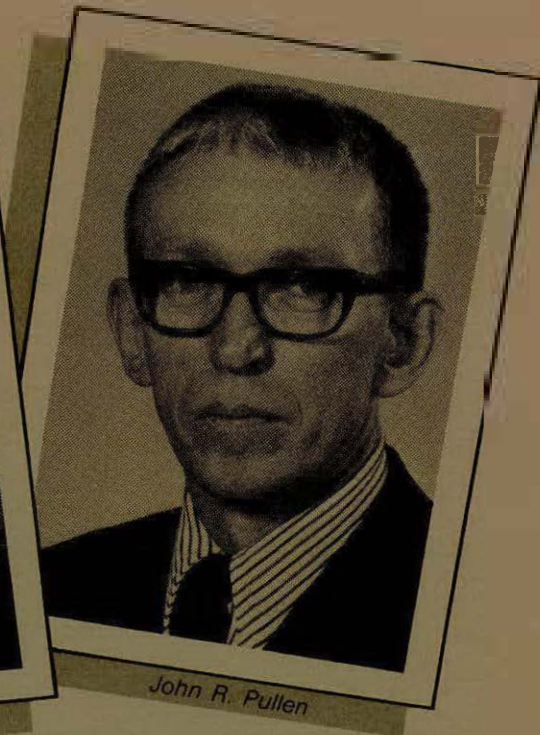

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Phone: 206/842-3066

WEST PUBLISHING COMPANY,
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WASHINGTON STATE BAR NEWS

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Jay V. White, *Editor*

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FEATURES

IN THE NEWS

DEPARTMENTS

Our Cover

This month's cover, by John McCarty, features the speakers and entertainers who will headline the State Bar Annual Meeting in September. They include John Kenneth Galbraith, center, and clockwise from lower left, Leonard S. Janofsky, Nancy Friday, Art Holst, Odia Coates, and Pete Barbutti.

Praise for Federal Practitioners

Editor:

After the extended discussion in the May issue about qualification to practice in the federal courts, you might like to see one of our latest opinions and footnote No. 1. The lawyers referred to are all Seattle people.

EUGENE A. WRIGHT
Judge
United States Court of Appeals
Seattle

[*Attached to Judge Wright's letter was a copy of* United States v. Sibley, *decided April 27, 1979, by the Ninth Circuit. Footnote 1 states: "Mr. James L. Vonasch was appointed by the district court as cocounsel/advisor to Sibley. He represented Sibley throughout the trial and on this appeal. On January 20, 1979, Sibley discharged Mr. Vonasch for reasons we find too incredulous to repeat. We would like to compliment the attorneys involved in this case. The attorneys for the government, Ms. Christine McKenna, and Mr. J. Ronald Sim, and Mr. Vonasch for Sibley, all did an admirable job, in this court's view, of presenting their respective cases under trying and difficult circumstances. Mr. Vonasch, especially, in his efforts at trial, in briefing, and at oral argument, represented Sibley in the best and highest tradition of the legal profession. As demanded by Mr. Sibley, Mr. Vonasch is relieved of all further responsibility in this case."* —Ed.]

Judges' Trial Guidelines Are "Arrogant", "Ridiculous"

Editor:

I am constantly exercised by the things I read in the *Bar News* but never seem to have time to reply to them. I am moved from my lethargy by Paul Luvera's letter in the June *Bar News* [33:6:5]. I wholeheartedly second each and every one of his objections to the guidelines for the conduct of trial [*Bar News*, 33:3:16]. It sounds very much as if many of the guidelines were actually a codification of some particular judge's style rather than what is necessarily best, whether for justice or a short trial.

The arrogance in guideline three is almost unbelievable. I have had more than one occasion when I raised an argument on an objection which a judge had not thought of. The presumption that the court is "perfectly aware of what counsel intends to argue", and that he should just proceed forward is something which guarantees possible error and a new trial on remand, which is hardly a time saver. On guideline number four involving cross examination, I feel that the person writing it may never have been confronted with the trial lawyers bane, that is the lying witness or the witness who tells the half truth. Apparently the author feels that by merely confronting the witness that he will 'fess up', á lá Perry Mason. The circuitous route is often the most direct to bring forth the important points in such testimony.

As to the limitation of opening and final argument, I seldom have long opening statements but there are many cases where one is necessary. Certainly to state that it should not take over five minutes is ridiculous. In any case the plaintiff's is always a longer opening statement, because the burden is on the plaintiff, and the evidence will often be presented in a disjointed fashion rather than the neat order which can be outlined in the opening statement. Almost any personal injury case will involve very complicated pieces of evidence which can rarely be covered in five minutes. As to final argument, an arbitrary guideline of thirty minutes is ridiculous. Every decent trial lawyer knows that there are many points that you may make which are not evident at the time they are made. Rather than jumping up and down and waving a flag at the time you make the point, thus also alerting the opposition so that they may take some corrective measure, you make these points in final argument. Because most juries are not as experienced and intelligent as the judges who wrote these guidelines we need to be sure that they understand the point. The idea that one would go through several days or a month of trial and then not have adequate time to present his case is penny wise and pound foolish.

The important thing is not "the press of time" as cited in the article but that justice be done. A rapid trial does not always bring about that aim. Each case is important to the parties, especially because they often have been waiting at least a year for it to come to trial, and care should be taken to insure that all matters of importance have been brought before the trier of the facts. If occasionally trials are slow then this is one of the penalties we bear for our system rather than the British system with barristers and solicitors. Perhaps lawyers who do not try cases as frequently as some of the rest of us do not move along as quickly as they might but this is inherent within the system. What is needed is patience rather than a cattle prod. While there may be many who doubt my qualifications to make these criticisms, there can certainly be no doubt as to Mr. Luvera's, of whom I hope I have been more than just a faint echo.

PHIL MAHONEY

Seattle

Court "Unwittingly" Has Created Tax Trap

Editor:

I use your publication to alert the Bar to a tax trap perpetuated by the Supreme Court (unwittingly, I think) in the unanimous *en banc* opinion handed down in *Estate of Rendsland*, 92 Wn.2d 185. Section 25 of the inheritance tax reform act (Laws of 1979, 1st Ex. Sess., ch. 209) rectifies the problem, but only as to decedents dying after May 29, 1979, the effective date of the new act.

Rendsland perpetuates the rule adopted earlier in *Granger's Estate*, 83 Wn.2d 133, but in neither opinion was much thought apparently devoted to the ramifications of the rule adopted.

Three statutory situations immediately come to mind, which potentially could be subject to burdensome and inequitable taxation as a result of the broad language used in the *Rendsland* opinion. One wonders whether the briefs, or counsel in oral argument, pointed out the obvious need to qualify the language, at least in the *Rendsland* case.

The disclaimer statute (RCW 11.86) became effective June 7, 1973, after appeal of the trial court decision in the *Granger* case, so it is understandable why that obvious exception to the rule was not argued in the *Granger* case. Broadly speaking, the disclaimer statute says that distribution shall be in the same manner as if the disclaimant had died prior to the event which created the interest in him. Because the disclaimer statute became effective after the *Granger* decision, I am sure I am not alone in assuming that a disclaimed interest would not be taxable to the disclaimant, but the *Rendsland* decision casts a long shadow on that assumption.

Furthermore, no apparent consideration was given by the court in either case to two other obvious statutory distribution schemes. Both the pretermitted heir statute (RCW 11.12.090) and the statute providing for revocation of a will made prior to marriage of a spouse (RCW 11.12.050) provide that the child or spouse not named in the will or for whom no provision was made is entitled to an intestate share. In view of the broad sweep of the *Rendsland* language, can we now assume that the estate of a man who forgot to change his will after marriage will be taxed at Class B rates, where his will made before marriage provided that his entire estate would pass to his brothers and sisters? Or how will the estate be taxed where a man's will leaves everything to his brothers and sisters, saying he has no children, and a legitimate child turns up? Inasmuch as the child would be a pretermitted child, will distribution to the child be taxed at Class B rates?

Because distribution in both of these situations is mandated by statute, one would think that the taxability would follow as a result of the mandate, rather than the provisions of the will, as the court holds in *Rendsland*.

Had it not been for the unfortunate timing of the *Rendsland* decision, coming as it did less than a month after the effective date of the new act which solves the problem, we would not have to worry about it, as the actual practice of the Department of Revenue, as far as my experience is concerned, was not to attempt to tax the share passing to an overlooked spouse or child, as other than a Class A beneficiary. I fear the unfortunate language of *Rendsland* will force the Department of Revenue to attempt to tax estates as though the estate were distributed according to the provisions of the will, notwithstanding distributions pursuant to the three statutes mentioned in this letter.

GORDON A. LIVENGOOD
Kirkland

We Need More Mediation, Less Litigation

Editor:

In the July issue ("The President's Corner", *Bar News*, 33:7:9) Bar President David Hoff suggests that the mushrooming of litigation "is a very healthy situation which should give us great confidence in our legal system." Mr. Hoff further suggests that the cause of the constant growth in litigation "is simply the confidence that citizens of this country have in the legal system as a method of resolving disputes."

I would suggest that the growing recourse to litigation is a very unhealthy situation. And I think the cause of it has been not a growing public confidence in lawyers and courts, but an increasing level of conflict in society, together with an absence of alternatives for resolving disputes in a more sensible way.

What people need, and what the over-burdened legal system needs, in my opinion, is the availability of a non-adversary forum for dispute resolution, where conflicts can be actually resolved, rather than merely exacerbated.

The problem with the adversary court system at present is that conflicts are rarely if ever truly resolved because of the winner-take-all nature of our adjudications. This leaves at least one loser who usually feels he has been done an injustice at the hands of his opponent and "the system", and who too often is dedicated to "beating those bastards next time around." And next time around often means more litigation, if not violence or some other symptom of continuing conflict.

In the face of this, the growing interest in applying the principles of mediation to general litigation offers to restore an important alternative for dispute resolution which was universally available in times past but which has been sorely lacking recently outside of labor disputes. Even now, in the rest of the world, including Europe, most disputes are settled with the help of neutral mediators, rather than in advocates offices or the courts.

In mediation, the parties are given an opportunity to participate directly in the disposition of their case, usually come in direct contact with each other in informal circumstances, and in approximately 85% of the cases examined in LEAA studies (See *Neighborhood Justice Centers–An Analysis of Potential Models*, U.S. Printing Office, October 1977), the parties were able to arrive at a voluntary settlement agreeable to both within several weeks (not months or years).

The private, non-adversary surroundings and mutually agreeable settlements usually enable the parties to continue their relationship after the dispute is settled, something which rarely happens in the adversary process.

Lawyers, I think, could be uniquely qualified to serve as mediators because of their knowledge and understanding of the legal climate relevant to particular disputes. With specific training in mediation skills, lawyers can provide an additional and important public service in the future through their availability as mediators in addition to their traditional function as adversary counsel. If we become able, thereby, to resolve more issues out of court, those which remain and which must be litigated can be handled much more efficiently than under present conditions.

DANIEL N. CLARK
Walla Walla

Article On Juvenile Appeals Needs Clarification

Editor:

It was with much interest that I read the article penned by Mr. Keyes [*Bar News*, 33:6:32] concerning release of a juvenile offender pending appeal of a manifest injustice finding.

It appears to me that there may be some misunderstanding by Mr. Keys about the function of the various court rules vis á vis the juvenile code.

Mr. Keys states in his article that the provisions of RCW 13.40.230 (5) should not be applicable if the offender does not seek RAP 18.13 review (motion for accelerated review) but rather, the matters of release should be governed by JuCr 7.13. Nevertheless, when the practitioner looks to JuCr 7.13 the rule reads:

> *If the only error asserted on appellate review is the appropriateness of the disposition, release of the juvenile pending review is governed by RCW 13.40.230 (5).* If additional or different errors are asserted, the juvenile court shall release the juvenile pending review if the court determines, at a hearing, that detention is not necessary to prevent the juvenile from fleeing the jurisdiction or harming the juvenile or the person or property of others. The court may impose conditions on the release as in RCW 13.40.040(4) and RCW 13.40.050(6). [Emphasis Added]

In researching the background to the Juvenile Court Rules, one should look to the comments attached to the various drafts of the Rules. The following comment was prepared by the Judicial Council staff to assist the task force and the Judicial Council in their consideration of the proposed rules and was modified by the staff to reflect the Judicial Council's amendments to the task force draft of the Rules; however, the comments were not adopted by the Supreme Court when the Rules were adopted. The comment reads in its entirety:

> The statute provides that if the only issue raised by the juvenile on appellate review is the appropriateness of a disposition ordering confinement, the juvenile is to be confined for specified periods pending review. The statute does not address the question of release pending review when the errors asserted involve issues other than the juvenile court's disposition. In such a case, the Council and the task force believed it appropriate to require the release of the juvenile pending review unless it could be demonstrated that there was a danger that the juvenile would flee, or would harm himself or the person or property of others. In providing for this release, the rule is similar to CrR 3.2(h) which provides that "a defendant . . . [who] has filed an appeal, shall be released pursuant to this Rule, unless the court finds that the defendant may flee the state or pose a substantial danger to another or to the community. If such a risk of flight or danger exists, the defendant may be ordered detained."

This comment merely clarifies that JuCR 7.13 is addressing the situation where the review involves other questions besides the appropriateness of disposition. If the review requested is only in regards to a disposition outside the standard range then the clearly stated provisions of 13.40.230(5) would govern.

RAP 18.13 is a procedural rule governing accelerated review of dispositions and is meant to supercede RCW 13.40.230(1) which states in part ". . . the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument." It is not meant to cover RCW 13.40.230(5) which deals solely with the detention of a juvenile pending review of a manifest injustice finding.

There also appeared to be a misprint in the article when Mr. Keyes states, "Because release of a juvenile offender pending appeal is controlled by the juvenile court pursuant to RAP 7.1(a) subject to review and modification pursuant to RAP 8.2(b), it is suggested that the juvenile court not release a juvenile offender pursuant to RCW 13.40.230(5) merely because a notice of appeal has been filed."

I am assuming that Mr. Keyes meant RAP 7.2(j) which reads "The trial court has authority to act on matters of supercedeas, stays, bonds and the release of a person pending review of a juvenile court proceeding.", rather than 7.1(a) which speaks to the authority of the court before review is accepted.

RAP 8.2 addresses release of a juvenile during review and defers to juvenile court rules and the statutes.

It appears that both of the rules cited above would not change the force and effect of RCW 13.40.230(5) and JuCR 7.13.

KATHRYN FEWELL
Counsel
Senate Judiciary Committee
Olympia

[*For previously published corrections to Commissioner Keyes' article, see last month's* Bar News, *33:8:36.*—Ed.]

A Response to Krutch

Editor:

The following are a few comments offered in response to Mr. Krutch's request for input in his article at page ten of Volume 33, #7, of the *Washington State Bar News.*

I wish to preface these remarks by noting that Mr. Krutch and his partner, Mr. Judkins, are longtime friends whom I hold in high esteem. My activities with my former firm in Los Angeles and my current practice in Washington have afforded me the opportunity to be involved in aviation accident litigations with F. Lee Bailey, Aaron Broder, and the other aviation accident ligitation specialists. All of these men are well qualified in their field, although each will vary in tactics and personality.

There are two areas of concern in Mr. Krutch's article, as follows: "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 purpose of aviation litigation is to optimize recovery for the victims. Aviation litigation has the world as the forum, with the actual situs of the liability trial not determined until well into the litigation. Quite often the liability and damage segments of the case are tried in different forums.

The primary role of the aviation litigation attorney is to investigate the cause of the accident (which, if the wreckage and other evidence is still intact, may take up to six months) and then select the appropriate forum (which is usually in a state other than the residence of the victim or heirs).

Many states have rules similar to GR2(d), but the prescription of "equal" remuneration to all attorneys involved would preclude the availability of the best representation of the victims. Most of us prefer to be called into these cases by attorneys who are the family or corporate attorneys for the heirs and/or victims. For their efforts in assisting in the litigation, they receive a portion of the recovery of attorney's fees to the aviation attorney. Their efforts usually involve the probating of the estate and handling the extensive proof of damages for the victims.

The protectionist approach advocated will not increase the recoveries to victims. The out-of-pocket costs on a light plane crash averages $30,000.00, and is usually advanced by the aviation attorney. There are few aviation accident litigation plaintiffs' attorneys in the United States (they may be counted on one's fingers), and to restrict their services by such cost restraints is counterproductive to the client.

This is not a validation of the blatant advertising of Mssrs. Bailey, Broder, Stern, etc. Indeed, the buyer must beware. However, the members of the Washington Bar Association should be encouraged to associate specialists wherever they are located, for litigation in any number of forums, so long as the cost to the client is not increased. Ultimately, the family attorney must take the appropriate steps to ascertain who is most qualified in any area of specialization, and his association with that individual or those individuals is a part of his responsibility to his clients.

Long ago the "team" concept of management has been discarded as unworkable. So, in the aviation litigation field, the laboring oar is borne by the specialist, and he/she should rightly receive the lion's share of any fees generated. To adopt the concept encouraged by Mr. Krutch would make the mobile representation of aviation accident victims untennable from a business standpoint.

I am personally an antagonist to the concept of lawyer advertising as applied to the broad populous. However, the highest court of our land has deemed that such restrictions cannot stand. Therefore, the only recourse is to enhance the education of the general bar as to the availability of specialists in various areas of litigation and to urge their association with these individuals in order to promote the optimization of the recovery for their clients.

Thank you for the opportunity to respond to this article. If you have any questions concerning this or any other matter, please do not hesitate to call upon me.

JAMES F. LEGGETT

Tacoma

As We Was Saying

You might remember that in the May issue I wrote a column about the proper use of the English language, a very radical subject to discuss in a magazine for lawyers. I was trying to provoke interest in clear writing.

In July, I wrote about the products liability bill (ESB 2333) which was introduced in the last session of the state Legislature. It appears that the July column is not an example of clear writing because Seattle attorney Thomas Patrick Keefe wrote on July 6:

> **Dear Mr. White:**
> **Your statement that the positions adopted by the Board of Governors "ultimately became Engrossed Senate Bill 2333" is incorrect. To the contrary, most of the positions in the bill were opposite to the bar's guidelines. Your statement should be corrected before more confusion and misrepresentations occur.**

Like most readers of the *Bar News*, I rarely read the Editor's Page, but Tom Keefe's letter provoked my curiosity so I retrieved the July issue from the janitor and read the offending paragraph in full:

> **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.**

Please note the invitation to "see" something called "The Board's Work" in the December issue of the *Bar News*, Volume 32, page 24. (That's what "32:12:24" means; it is not intended to be a Biblical reference.) Whatever is stated there apparently is crucial to an understanding of the Board of Governors' position on the products liability legislation.

Bill Gissberg, the bar association's legislative representative, understands this. He explained the Board's position this way in February (*Bar News*, 33:2:17):

> **Support or oppose products liability and related tort legislation proposals as reported in the December, 1978 issue of the *Bar News*.**

Maybe Tom Keefe does not understand my statement of the Board's position because he does not understand my use of the word "see". I cannot blame him. He is a lawyer, and lawyers suffer from overexposure to the little blue book (sometimes white book) called, *A Uniform System of Citation*, published by the Harvard Law Review Association. The authors of that book confuse lawyers by calling the word "see" a "signal", and they compound the confusion by defining "see" as follows:

> **SEE: Cited authority constitutes basic source material that supports the proposition. "See" is used instead of "[no signal]" when the proposition is not stated by the cited authority but follows from it.**

When I wrote "see 'The Board's Work'", I meant look at it. At least the people from Harvard are correct in advising that I did not mean "'[no signal]' 'The Board's Work'".

Gissberg's "as reported in" probably is better than my "see". Nevertheless, Gissberg and I agree that if you want to know what the Board thinks about products liability legislation, then you will find that the December *Bar News* is where it's at.

Anyway, I wrote to Keefe and told him that he should reread my July editorial; that I don't think it says what he says it says; but that I admit that the sentence he complained about is not the greatest I have ever written.

He wrote back:

> **I polled our office on your article. Four read your article as indicating the Bar supported SB 2333. Two couldn't determine what the Bar's position was. Five felt that the Bar supported some sections of the bill and opposed others. In view of this confusion I would suggest that clarification might be in order.**

Keefe's letter is welcome because it proves that my editorials have something in them for everyone.

More importantly, unlike my July editorial, Keefe's letter concisely states the Board of Governors' position on products liability legislation. I am pleased to take this opportunity to clear things up.

JVW

The President's Corner

Fee Splitting Revisited

Since 1928 the American Bar Association through its Canons of Ethics and Code of Professional Responsibility has adopted provisions prohibiting fee splitting. The current Rule DR2-107, which has been adopted by the Washington State Supreme Court prohibits fee splitting with persons who are not partners or associates in the same law firm, unless:

(1) The client consents to employment of the other lawyer after a full disclosure that a division of fees will be made.

(2) The division is made in proportion to the services performed and responsibility assumed by each.

(3) The total fee of the lawyers does not clearly exceed reasonable compensation for all legal services they rendered the client.

The States of Illinois and California are currently considering changing the fee splitting prohibitions and several other states, including Florida, Massachusetts and Texas now allow fee splitting with client consent.

The arguments in favor of eliminating the current prohibition are: (1) the present Rule is rarely enforced and creates confusion amongst lawyers as to what they may and may not do; (2) to determine "the proportion of the services performed and the responsibility assumed by each" is extremely difficult and there appears to be no guidelines which are helpful in determining the relative role of the lawyer involved; (3) sole practitioners and small firm lawyers argue that the Rule prohibits them from doing what large firm lawyers with their in-house specialists have been doing all along; (4) abolition of the Rule would encourage more referral activity to specialists where appropriate, thereby better serving the client; and (5) the client would still retain control over the representation of his or her case and would have at least two responsible attorneys to protect his or her rights.

Opponents of any changes in the Rule generally argue as follows:

(1) It would encourage ambulance chasing, since attorneys could benefit by collecting clients to refer them to other lawyers more capable of representing them;

(2) It is not proper for a professional to collect a fee for doing virtually no work;

(3) Ultimately the client would be compelled to pay more for legal services, because two lawyers could not charge as little as one;

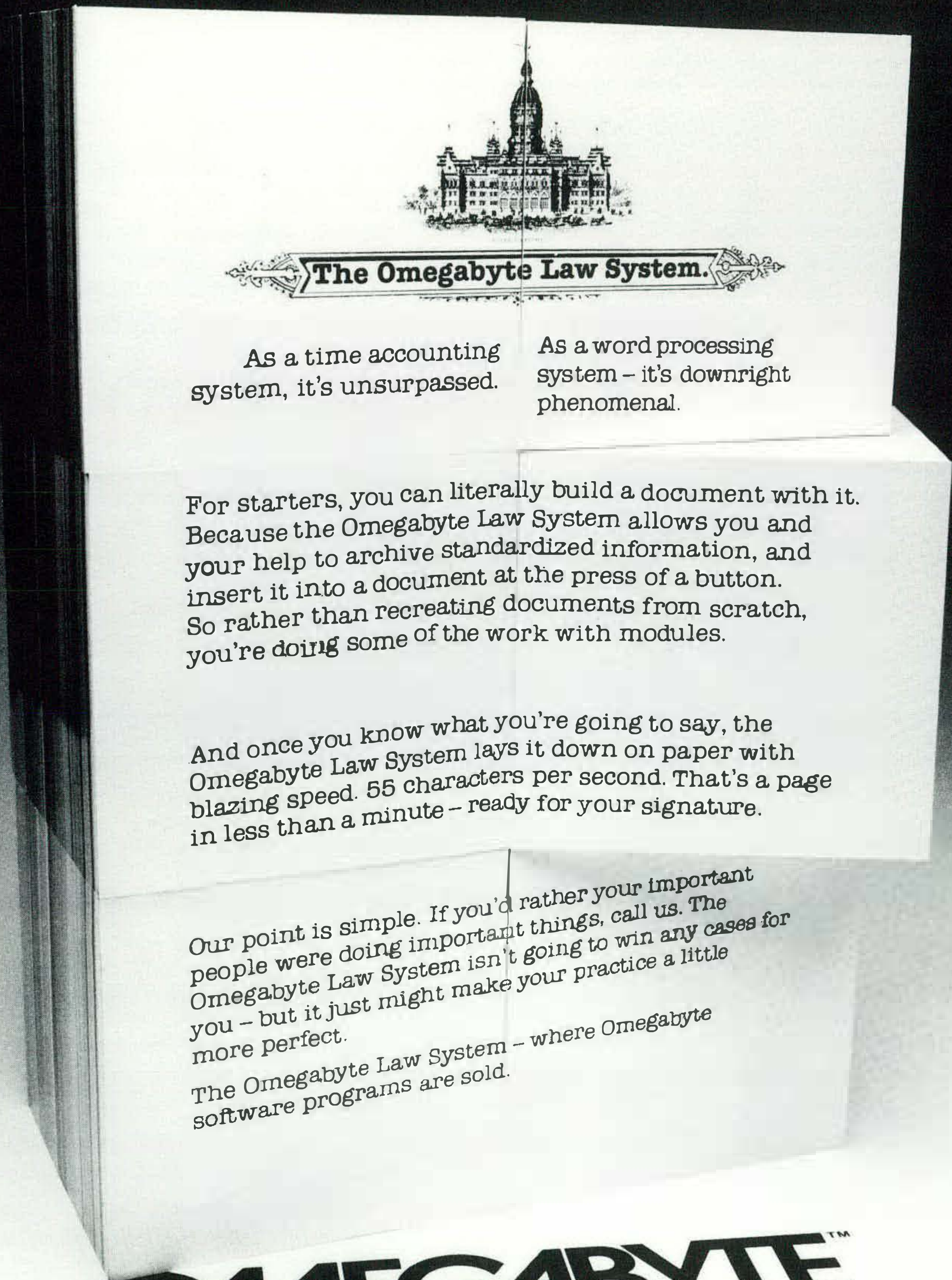
(4) Allowing such a practice would provide further ammunition to those who attack the legal profession.

The arguments of those in favor of abolishing the fee splitting rules seem to be pragmatic ones based upon a realization of existing practice and the providing of incentives for lawyers who are not properly qualified to perform certain services, to refer them to more qualified people. The opponents arguments seem to be much more emotionally laden concerning themselves with the professionalism of lawyers and the ethical responsibilities placed upon them by the Code of Professional Responsibility. Three factors that must be reckoned with are: (1) the proliferation of young lawyers, leading to many solo or joint practitioners directly out of law school; (2) the growing complexity of the law; and (3) the resulting trend towards specialization.

All of these factors would tend to suggest that any means which would tend to encourage the younger inexperienced lawyer who is trying to make ends meet to refer a case to an experienced specialist would be in the client's best interest. There would of course have to be safeguards to assure that the fee splitting was done with the consent of the client and would not result in a greater cost for the legal services than if the fee splitting did not take place.

Although many lawyers shrink from the idea of fee splitting as a further example of unprofessionalism, I think we must seriously consider every suggestion which would tend to increase the delivery of competent legal services to the public.

Build your next case around us.



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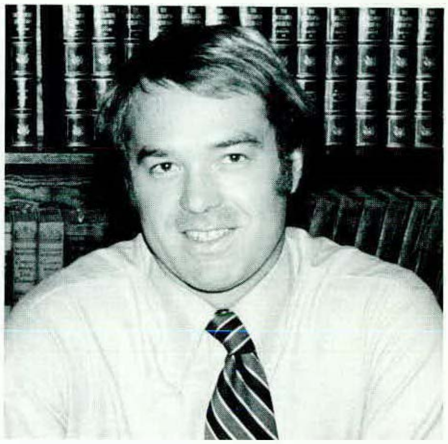

Legal Profession Must Progress Toward Specialization

By **Kenneth D. Hansen**

[*In August, 1977, the Board of Governors approved but declined to recommend the implementation of a plan to recognize and certify lawyers as specialists in certain areas of practice. Subsequently, writing in the April, 1978, issue of the* Bar News, *University of Washington Law School Professor Arval A. Morris described the legal profession as being "at a professional crossroad requiring a decision on whether or not to certify practitioners for various legal specializations" and he argued that "professionalism, as we currently know it, will be affected materially by whichever highway we choose to travel." Citing the medical profession as a precedent, Morris suggested that specialization is likely to increase the cost of entry into the legal profession (and so limit access to it) without improving the quality of legal services. In June, the Board of Governors' renewed its debate about specialization. See "The Board's Work",* Bar News, *33:7:29; "The President' Corner",* Bar News, *33:6:9. In the following article, attorney and physician Kenneth D. Hansen sharply criticizes Morris' article and concludes that the "increased sophistication of the American public demands further legal specialization."* —Ed.]

Recently, while reading several back issues of the *Bar News,* I happened to read Professor Arval Morris' pronouncement on legal specialization entitled "Professionalism at the Crossroad" (April, 1978).

The article illustrates the pitfalls that lie before the lawyer who pretends to be knowledgeable in a field of which he knows little. Indeed, Professor Morris' knowledge of medical affairs leaves so much to be desired that his article, far from speaking against specialization, eloquently points out the need *for* specialization.

Citing the medical profession as a precedent, Professor Morris laments of days gone by when entry into "the medical profession was essentially open." He fails to note that during the good old days medical knowledge was so limited that the patient's chances of surviving the treatment were little better than surviving the disease. Further, any quack with enough money to lace his snake oil with morphine could call himself a "doctor."

The Flexner Report was a culmination of efforts which heralded a significant expansion in the establishment of formal medical education. Uniformity of curriculum then led to "certification" that a graduate had met certain minimum requirements. Thus the public gained a welcome protection.

Medical "specialization" was a much later event. (With the exception of the American Academy of Ophthalmology and Otolaryngology, most specialty societies were established after the 1920's.) The rapid expansion of medical knowledge made the burden of "keeping up" almost impossible. No physician would argue today that only one year of postgraduate training (internship) qualifies a physician to do more than the most basic medical assessment and care. Advancement in science (indeed, in any profession) necessitates specialization in order to provide the patient (or consumer) access to the most competent providers.

In alluding to what he apparently perceives as organized medicine's conspiracy to keep down the number of physicians, Professor Morris cites the fact that Davis Medical School of the University of California had 3,700 applications for only 100

Kenneth D. Hansen is a graduate of the University of Washington School of Law and is admitted to the bar in both Washington and Michigan. He served as the Legal Counsel to the Association of Washington Business in 1973 and as a Special Assistant Attorney General (Washington) in 1974. He holds a medical degree from the University of Washington and is a Fellow in the American College of Legal Medicine. His medical specialty is ophthalmology, and he is now a member of the Department of Ophthalmology, University of Michigan at Ann Arbor.

places. He omits the fact that nationwide there was one place for every 2.67 applicants (this compares favorably with the law school position/application ratio of 1:2.05). He also conveniently fails to mention that the United States enjoys the highest physician/population ratio in the world, and that the Department of Health, Education and Welfare predicts that by 1990 we will have between 25,000 and 50,000 *excess* physicians.

The author goes on to assail the use of medical assistants as "akin to yesterday's patriarchal family structure." One must question whether Professor Morris condones or is even aware of the use of paraprofessionals in *today's* modern law firm?

Perhaps most incredible is the statement that the improvement in general health is "due only marginally, if at all, to the private practice of medicine." In his attempt to distinguish "public health" from the rest of medicine, Professor Morris shows a lack of appreciation for the public health specialty whose role is the *prevention* of disease primarily through education and immunization. In addition to their public health function, the role of most other medical specialists is to decrease morbidity and early mortality when "public health" measures are ineffectual. This job they do well, Professor Morris' statements notwithstanding.

Finally, Professor Morris lauds Britain and Sweden "where medical training is at considerable less expense . . . with access to the profession much more open." Again, the facts conflict with his statements. Admission to medical training in both Britain and Sweden is based on rigorous examination and standards every bit as competitive as in the United States. It is not easy to separate medical training costs from other medical costs when dealing with a completely socialized system such as that of Sweden where income taxes average 65% of income. Nevertheless, using medical care costs as an indicator, it can be seen that Sweden has experienced a 300% increase in costs since 1970. The British experience has been even worse such that medical care is now rationed with the aged being literally "left out in the cold." Furthermore, the British specialist must stay in training far longer than his/her American counterpart (British surgical training is typically 8-9 years as opposed to 4-5 years in the United States).

Enough. Professor Morris is right. The legal profession is indeed at a crossroad. We must realize that with modern statutory and regulatory proliferation a lawyer can no longer be all things to all people. This has long been realized in the fields of admiralty and patent law. The increased sophistication of the American public demands further legal specialization. We owe it to them to advance toward that goal rather than retreat so that their next choice of an attorney will be an informed one. □

A Preview of the 1979 Annual Meeting in Vancouver B.C. September 12-15

HIGHLIGHTS

The comments of a world-renowned scholar and author will highlight the 1979 Annual Meeting of the Washington State Bar Association in September. It is a rare occasion you will not want to miss.

The meeting site? The Hyatt Regency Hotel and Hotel Vancouver in super-scenic Vancouver, B.C.

The person? Economist and social observer **John Kenneth Galbraith**. His name and work have long been associated with the leading edge of economic and social thought. He will address the general Wednesday Luncheon at our meeting . . . And that's just one event in a four-day program packed with informative, profitable and entertaining sessions.

Galbraith is Paul M. Warburg Professor of Economics at Harvard University. He has taught at the University of Cambridge, the University of California, and Princeton. His most recent term on the Harvard faculty has extended since 1948. He also holds various honorary degrees from 25 leading colleges and universities around the world.

During World War II, Galbraith was Deputy Administrator of the Office of Price Administration and principally organized the wartime system of price control. He has held public offices under Presidents Roosevelt, Truman and Kennedy and was awarded the Medal of Freedom by President Truman.

Galbraith has been a prolific author. He is a former editor of *Fortune* magazine. His books include *American Capitalism* (1952, 1955); *Economics and the Art of Controversy* (1954); *The Great Crash, 1929* (1955); *The Affluent Society* (1958, 1969); *The Liberal Hour* (1960); *The McLandress Dimension* (a collection of satirical short stories written under the pseudonym Mark Epernay) (1962); *Economic Development* (1964); *The Scotch* (1964); *The New Industrial State* (1967, 1971); *The Triumph* (a novel) (1968); *Indian Painting: The Scene, Themes and Legends* (1968); *Ambassador's Journal: A Personal Account of the Kennedy Years* (1969); and *Economics, Peace and Laughter* (1971). In addition, Professor Galbraith has written short books on *How To Control the Military, How To Get Out of Vietnam* and *Who Needs the Democrats?* His technical articles cover agricultural economics, price policy, etc.

Give your mind a treat by hearing this thoroughly enjoyable and articulate gentlemen at the Annual Meeting Wednesday Luncheon.

Leonard S. Janofsky will be the featured speaker at the Thursday Luncheon. Janofsky, as you know, was elected President of the American Bar Association at its annual meeting last month. We are privileged to have this distinguished Los Angeles attorney with us. Due to our traditional, early September Annual Meeting date, the WSBA is always among the very first state bar associations to host newly-elected ABA presidents.

Janofsky is an activist of long standing in his contributions to the organized bar. He is a past president of the Los Angeles County Bar Association, the State Bar of California, and the National Conference of Bar Presidents.

Among his interests at the national level, he is a Fellow of the American College of Trial Lawyers and of the American Bar Foundation, and a director of the American Law Institute.

A graduate of Harvard Law School and of Occidental College, he has served as Chairman of the Board of Trustees of Occidental College and is a past member of the Overseers Committee to visit the Harvard Law School and of the Board of Visitors of the Stanford Law School.

Recognition of Janofsky's continuing service in the legal profession has included his being the recipient, in 1977, of the Medallion Award of the St. Thomas More Law Honor Society of the Loyola University School of

Law, for "outstanding contribution to the evolution of legal principles consistent with justice, equity and the rule of law."

We look forward to his comments on the directions that the ABA will be taking during the next year.

The speaker for the traditional Friday Sports Luncheon? Meet **Art Holst**, the Pro-On-The-Go! When No. 33 blows the whistle, 22 giant men on the field and thousands of fans pay attention to what the man behind that number has to say. NFL's official No. 33 is Art Holst, a man with a rich background in business, sports and civic affairs.

His career as a line judge for the National Football League provides anecdotes, lore and lessons that few others have experienced. Holst has been a member of the officiating staff of the NFL for ten years and has officiated at three Super Bowls.

After serving as an infantry officer in World War II, Holst attended graduate school at the University of Illinois and commenced a successful, ten-year career in sales. In 1957 he was appointed administrator of a foundation dedicated to making communities a better place to live. The post brought him into contact with leaders in many fields of endeavor in this country as well as in Europe.

Having moved into the "pro" ranks after officiating in high school and college games, Holst combines that career with service as president of PROmotivation, Inc. of Peoria, Illinois.

He's a sports speaker with style, wit, and a rich repertoire of interesting and entertaining experiences. Don't miss Art Holst at the big Friday Sports Luncheon.

Those are a few of our Annual Meeting headliners, but they're only the beginning! The focus of the 1979 meeting, as always, will be on a number of hard-hitting CLE seminars designed to help your practice and your firm. You will find an extensive preview of these seminars in the July and August issues of the *Bar News*. Check the CLE Clearinghouse columns authored by John Michalik. For the seminar schedule, see the Annual Meeting Program in this issue.

No Annual Meeting is complete without an outstanding program for spouses, right? Well, we've done it again this year!

The featured speaker for the spouses' program will be **Nancy Friday**, author of the runaway bestseller, *My Mother, Myself*.

Born and raised in Charleston, South Carolina, educated at the Ashley Hall girls' school and Wellesley College, Friday began her career as a newspaper reporter, writing for *Island Times* in Puerto Rico. After a year, she moved to New York, where she wrote for and edited *Island in the Sun* travel magazine. In subsequent years, she published articles in a number of European and U.S. publications, including *Redbook, Playboy* and

Cosmopolitan. That experience marked the beginning of the odyssey which led her to write *My Secret Garden, Forbidden Flowers,* and *My Mother, Myself*.

In 1966, publishers were scrambling to print books by women about women. Friday was contacted to write a fictional novel about a sexually liberated woman. As part of that novel, she planned a chapter dealing with the sexual fantasies of the heroine. She became so fascinated by the research that the original novel was shelved and she began compiling the interviews with other women as well as with psychologists and sociologists. From this research, *My Secret Garden* was born.

About the same time, Friday read a book that blamed women's sexual problems on the influence of their fathers. This made her ask the question, "What about their mothers?" The result was *My Mother, Myself*, and it has made publishing history.

The reaction to the book has shown that Friday's concerns and questions are shared by a large number of readers across the country... that what they think, feel and fantasize about are not unique. According to Friday, she hopes that the book will help to cut down on the reader's sense of isolation.

The WSBA is pleased and honored to bring this sensitive, outstanding woman to the Annual Meeting for the Spouses' Seminar.

The Spouses' Program will also feature Naomi and Keith Grim, who will share their recent memorable trip to China.

For sports fans and sports fiends, the State Bar is pleased to present its third annual bash of sports and athletic events. Whether you're a rock-hard, Olympic caliber jock or you jiggle a little too much all over, we have something for you!

If golf is your thing, be sure to register for the *Annual Golf Tournament,* to be played Thursday, September 13. A variety of prizes will be given in several classes, including low gross, low net, highest admitted score, longest drive, closest to the pin on the selected Par 3, et cetera.

Returning to where it was born among much anticipation, excitement, and rain, the *No-Fault Tennis Tournament* will be conducted on September 12 and 13, with finals on September 14. The matches have been weatherproofed this year, with play scheduled on the covered courts of the Western Indoor Tennis Club in Richmond, B.C. Entrants will be matched according to ability and/or inability.

The third annual *Race Ipsa Loquitur* will be run again around the seawall promenade of Stanley Park on Thursday, September 13. Whether you breeze, struggle or walk through the full six miles or some lesser (but not less important) distance, there just may be a little prize for *you*!

Full details for these events will be given out at the Annual Meeting registration desk.

The Annual Meeting social schedule is packed with reunions, breakfasts, hospitality suites, and many other events. And the grand finale, as always, will be the fabulous Friday Nite Gala Dinner, Dance and Show, this year featuring the return of an all-time favorite, the incomparable **Pete Barbutti**. You remember him... He's the one who had everyone in hysterics when he entertained us in 1975. He has been selected *again* as "Lounge Star of the Year" in Las Vegas. You'll see why in Vancouver.

The Friday Nite Gala will also feature singer **Odia Coates**, a willowy young woman with a rich, exhilarating voice. A protege of Paul Anka, she has had a meteoric rise to fame in recent years. You'll be captivated by her performance.

We look forward to seeing you all in Vancouver. You'll experience four days of professional growth, with a liberal serving of social times and entertainment along the way. Don't miss it!

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

Vancouver B.C. September 12-15

1979 Convention Program

TUESDAY, SEPTEMBER 11TH

9:00 A.M. BOARD OF GOVERNORS

12:00 Noon REGISTRATION

WEDNESDAY, SEPTEMBER 12TH

7:30 A.M. REGISTRATION

9:00 A.M.-12:00 Noon I. "UPDATE '79 PART I: RECENT DEVELOPMENTS IN FAMILY LAW"

Sponsored by the Family Law Section
Section Chairperson: Blythe Caw, Othello
Seminar Chairperson: Carol A. Fuller, Olympia
Subtopics/Speakers: "Current Legislation"
Kathryn D. Fewell, Bremerton
"Current Cases"
Helen M. Johansen, Seattle
"Joint Custody"
Carol A. Fuller, Olympia
"Interjurisdictional Child Custody Cases"
Carlos Y. Velategui, Woodinville
"Living Together Relationships and Antenuptial Agreements"
Kenneth W. Weber, Vancouver
3.00 CLE CREDITS

II. "THE ANATOMY OF A TRIAL: BASIC TRIAL TECHNIQUES"

Sponsored by the Trial Practice Section
Section Chairperson: Joseph S. Montecucco, Olympia
Seminar Chairperson: Charles A. Kimbrough, Seattle
Subtopics/Speakers: Moderator—John Gavin, Yakima
"Jury Selection"
William H. Mays, Yakima
"Opening Statements"
Paul N. Luvera, Jr., Mount Vernon
"Presenting Evidence—Meeting Your Burden"
Alvin Anderson, Tacoma
"Direct and Cross Examination"
Michael Mines, Seattle
"Jury Instructions"
Harold F. Vhugen, Seattle
"Closing Arguments"
Robert Stoeve, Spokane
3:00 C.E CREDITS

12:00 Noon LUNCHEON

Presiding: Bradley T. Jones
Member, Board of Governors
First Congressional District
Speaker: Dr. John Kenneth Galbraith
Economist, Educator, Author

2:00 P.M.-5:00 P.M. I. "UPDATE '79 PART II: ADMINISTRATIVE LAW MATTERS OF INTEREST TO THE BAR"

Sponsored by the Administrative Law Section
Section Chairperson: C. Dean Little, Seattle
Seminar Chairperson: James M. Vache, Spokane
Subtopics/Speakers: "Case Law Update—Federal & State"
Douglas P. Beighle, Seattle
"Statute Update-Procedure—Federal & State"
Robert F. Hauth, Olympia
"Employment of Private Counsel by State and Local Agencies"
Lawrence E. Hard, Seattle
"Attorney's Fees in Litigation with State and Municipal Agencies"
Darrel L. Peeples, Olympia
"Rule Making Procedures/Challenges"
William R. Andersen, Seattle
James M. Vache, Spokane
"Scope of Investigations by Agencies"
Jeffrey O. C. Lane, Olympia
C. Dean Little, Seattle
3.00 CLE CREDITS

2:00 P.M.-5:00 P.M. II. "ENFORCEMENT OF JUDGMENTS AND OTHER REMEDIES"

Sponsored by the Creditor-Debtor Section
Section Chairperson: Jerry T. Dyreson, Spokane
Seminar Chairperson: Jerry T. Dyreson, Spokane


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Subtopics/Speakers: "Enforcement of Judgments"
Michael Lovejoy, Seattle
"Exemptions"
Ian E. Ledlin, Spokane
"Non-Judicial Creditors Remedies"
Delbert D. Miller, Seattle
Kimberly W. Osenbaugh, Seattle
"Preview of the New Bankruptcy Act"
Dillon E. Jackson, Kirkland
3.00 CLE CREDITS

WEDNESDAY, SEPTEMBER 13TH

7:30 A.M. **REGISTRATION**

9:00 A.M.- 12:00 Noon **SEMINAR PROGRAMS:**
3.00 CLE CREDITS EACH

I. "UPDATE '79 PART III: RECENT DEVELOPMENTS IN ANTITRUST LAW"
Sponsored by the Antitrust Law Section
Section Chairperson: Albert R. Malanca, Tacoma
Seminar Chairperson; Dean Wallace M. Rudolph, Tacoma
Subtopics/Speakers: "Municipal Corporations Under the Antitrust Law"
David G. Knibb, Seattle
"Exclusions Under State Law"
Thomas L. Boeder, Seattle
"Exclusions Under the First Amendment"
William Bishin, Tacoma
"Labor, International Law, and Agricultural Exclusions"
Dennis S. Harlowe, Tacoma

II. "UPDATE '79 PART IV: COMMUNITY PROPERTY UPDATE"
Sponsored by the Continuing Legal Education Committee
Committee Chairperson: James C. Middlebrooks, Seattle
Seminar Chairperson: Hugh McGough, Seattle
Subtopics/Speakers: "Federal Preemption: The *Hisquierdo* Case"
John F. Krueger, Seattle
"Credit Purchases, Life Insurance and Joint Tenancies"
Melanie Rowland, Seattle
"Community Property Agreements and the Transitory Community"
Margaret M. McKeown, Seattle
"Property Not Brought Before the Court in a Dissolution"
Joseph Nappi, Sr., Spokane

12:00 Noon **LUNCHEON**
Presiding: Paul R. Cressman
Member, Board of Governors
King County At-Large
Speaker: Leonard S. Janofsky
President of the American Bar Association

2:00 P.M.- 5:00 P.M. **SEMINAR PROGRAMS**
3.00 CLE CREDITS EACH

I. "LAND USE FOR THE EVERYDAY LAWYER"
Sponsored by the Environmental & Land Use Law Section
Section Chairperson: John E. Keegan, Seattle
Seminar Chairperson: Diane D. Kenny, Seattle
Subtopics/Speakers: "Preparing & Interpreting Environmental Compliance Letters/Opinions for Lenders/Borrowers"
Robert H. Campbell, Seattle
"Challenging Land Use Decisions: The Writ of Review"
Susan R. Agid, Seattle
"Cutting Off Challenges Under SEPA:

Publishing Notices of Action"
Dale M. Foreman, Wenatchee
"The Non-Land Use Attorney Advising the Non-Developer Client Who is Developing Land: 'The Blind Leading the Blind'— A Dramatic Presentation by the Panel"

II. "PROBLEMS AND DEVELOPMENTS IN STATE AND FEDERAL TAXATION"

Sponsored by the Taxation Section
Section Chairperson: James M. Hilton, Seattle
Seminar Co-Chairpersons: Douglas Anderson, Seattle
Michael S. Courtnage, Seattle
Subtopics/Speakers: "Washington Estate & Gift Tax Revision"
Dudley Panchot, Seattle
Merritt Foubert, Sr. Vice-President, Rainier National Bank, Seattle
"1% Excise Tax"
Merwin E. Casey, Seattle
William C. Severson, Seattle
D. Michael Young, Seattle
"The Revenue Act of 1978"
Michael E. Sterling, Bellevue

6:30P.M.-
8:30P.M. **WASHINGTON STATE BAR ASSOCIATION NO HOST COCKTAIL PARTY**
Hawaiian Luau
Music—Entertainment—Complimentary Hors d'Oeuvres

FRIDAY, SEPTEMBER 14TH

8:00 A.M. **REGISTRATION**

8:30 A.M. **ANNUAL BUSINESS MEETING**
Presiding: David D. Hoff, President
Annual Report: The Washington State Bar Association
David D. Hoff
Address: The State of the Judiciary—
Chief Justice Robert F. Utter
Presentations: New Members of the Board of Governors
New President of the Washington State Bar Association
Fifty Years of Service Honors List
Resolutions Committee
Hawaii Drawing: (First Class Roundtrip Air Fare to Hawaii 3 nights and 4 days.)
You must be present to win and do not fail to put your ticket in the box for this special drawing.

12:00 Noon **LUNCHEON**
Presiding: Michael J. Hemovich
Member, Board of Governors
Fifth Congressional District
Speaker: Art Holst (Old Number 33)
NFL Official

2:00 P.M.-
5:00 P.M. **SEMINAR PROGRAMS**
3.00 CLE CREDITS EACH
I. "PROBATE AND ESTATE PLANNING; RECENT DEVELOPMENTS IN REAL PROPERTY LAW"

Sponsored by the Real Property, Probate & Trust Section
Section Chairperson: Bruce P. Flynn, Seattle
Seminar Chairperson: John E. Shaw, Seattle
Subtopics/Speakers: "Recent Developments in Real Property Law"
Diane R. Stokke, Seattle

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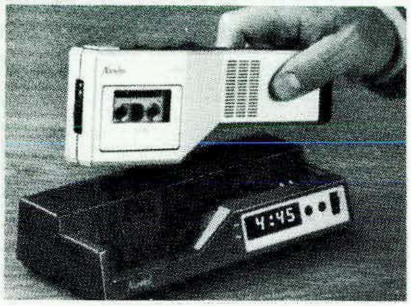

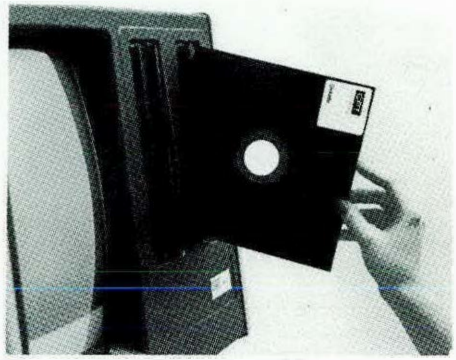

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John F. Sherwood, Seattle

(NOTE: Certain segments of this program involve a special repeat presentation of portions of the program presented at the Real Property, Probate & Trust Section Mid-Year Meeting in Wenatchee in May, 1979).

II. "UPDATE '79 PART V: POTPOURRI OF RECENT DEVELOPMENTS IN WASHINGTON LAW"

Sponsored by the Young Lawyers Section
Section Chairperson: Terry E. Lumsden, Tacoma
Seminar Chairperson: Kelly P. Corr, Seattle
Subtopics/Speakers: "Criminal Law"
Richard F. McDermott, Jr., Bellevue
"New Rules of Evidence"
Kelly P. Corr, Seattle
"Civil Litigation"
Robert C. Randolph, Seattle
"Business & Commercial Law"
Gregory J. Tripp, Spokane
"Real Property, Probate & Estate Planning"
Lawrence R. Mills, Seattle
"Family Law"
Wendy R. Gelbart, Seattle
"Recent Legislation"
Rick Smith, Silverdale

III. "FRANCHISING: PANEL DISCUSSION OF SAMPLE FRANCHISE AGREEMENT"

Sponsored by the Intellectual & Industrial Property Section
Section Chairperson: David L. Garrison, Seattle
Seminar Chairperson: David P. Roberts, Spokane
Panelists: Paul A. Bastine, Spokane
Lawrence D. Kuhn, Olympia
Terence M. McTigue, Seattle
David P. Roberts, Spokane
Joel R. Starin, Seattle

(NOTE: This is a special repeat presentation of a portion of the Franchising seminar presented in Seattle in March, 1979).

6:30 P.M. NO HOST COCKTAIL PARTY
8:00 P.M. DINNER-DANCE
10:00 P.M. SHOW
Starring: Pete Barbutti
Featuring: Odia Coates

SATURDAY SEPTEMBER 15, 1979

9:00 A.M.- 12:00 Noon SEMINAR PROGRAMS: 3.00 CLE CREDITS EACH

I. "REARRANGEMENTS OF OWNERSHIP OF CLOSELY HELD CORPORATIONS"

Sponsored by the Corporation, Business & Banking Law Section
Section Chairperson: Karl J. Ege, Seattle
Seminar Chairperson: James M. Hilton, Seattle
Speakers: Ronald P. Douglas, Spokane
Gary C. Randall, Spokane
Thomas B. Tilford, Spokane

(NOTE: This is a repeat of a portion of the program presented at the Corporation, Business & Banking Law Section Mid-Year Meeting in Richland in May, 1979)

II. "LAW OFFICE MANAGEMENT FOR ALL PRACTITIONERS WITH SPECIAL HINTS FOR SMALL FIRMS AND RECENTLY ADMITTED LAWYERS"

Sponsored by the Continuing Legal Education Committee

Committee Chairperson: James C. Middlebrooks, Seattle

Seminar Chairperson: Richard C. Reed, Seattle

Subtopics/Speakers: "The 'Thrifty Fifty'—Fifty Time and Money Saving Ideas That You Can Begin To Implement Monday Morning"
James E. Brill, Houston, Texas

"Do It Right, Do It Once—The Systems Approach to Work Processing"
Dale E. Sherrow, Seattle

"Things I Know Now, Having Learned The Hard Way, That I Wish I Had Known Then"
Timothy R. Fishel, Seattle

"Panel Discussion"
Moderated by Richard C. Reed, Seattle

ALUMNI AND SPECIAL EVENTS

WEDNESDAY—SEPTEMBER 12, 1979

5:00 P.M. SOUTH KING COUNTY BAR ASSOCIATION
No-Host Cocktail Party
Contact: Ernest Matthews

THURSDAY—SEPTEMBER 13, 1979

7:30 A.M. PAST PRESIDENTS BREAKFAST

3:00 P.M. RESOLUTIONS COMMITTEE

5:00 P.M. FEDERAL BAR ASSOCIATION OF THE W. D. OF WASHINGTON ANNUAL MEETING
Contact: Robert D. Duggan

5:00 P.M. UPS LAW ALUMNI
Cocktail Party
Contact: Dean Rudolph or Colleen Beckman

5:30 P.M. ENVIRONMENTAL LAW SECTION
No-Host Cocktail Party

5:30 P.M. WASHINGTON WOMEN LAWYERS ANNUAL MEETING
Contacts: Margaret McKeown/Melanie Rowland

6:00 P.M. WASHINGTON WOMEN LAWYERS NO-HOST RECEPTION
Contacts: Margaret McKeown/Melanie Rowland

6:30 P.M. AMERICAN COLLEGE OF TRIAL LAWYERS
Cocktail Party
Contact: William Wesselhoeft

FRIDAY—SEPTEMBER 14, 1979

7:00 A.M. LOCAL BAR PRESIDENTS MEETING
Breakfast

7:00 A.M. BREAKFAST FOR LDS ATTORNEYS AND SPOUSES
Contact: Michael W. Leavitt

7:00 A.M. UNIVERSITY OF WASHINGTON SCHOOL OF LAW
Breakfast
Contact: Francia N. Luessen, U of W

7:00 A.M. **GEORGE WASHINGTON UNIVERSITY LAW ALUMNI**
Breakfast
Contact: Richard F. Broz

7:30 A.M. **YALE LAW SCHOOL**
Breakfast
Contact: James N. O'Connor

7:30 A.M. **THE UNIVERSITY OF MICHIGAN ALUMNI CLUB**
Breakfast
Contact: Donald D. Skinner

7:30 A.M. **GONZAGA ALUMNI ASSOCIATION**
Breakfast
Contact: Tony Hazapis

5:00 P.M. **YOUNG LAWYERS SECTION**
No-Host Cocktail Party
Contact: C. C. Bridgewater

5:00 P.M. **WASHINGTON STATE BLACK WOMEN LAWYERS**
No-Host Cocktail Reception
Contact: Barbara Laners

5:00 P.M. **STANFORD LAW SOCIETY OF WASHINGTON**
No-Host Cocktail Party
Contact: William F. Baron

5:30 P.M. **WILLAMETTE UNIVERSITY COLLEGE OF LAW ALUMNI RECEPTION**
Contact: Joan E. Long, Willamette

5:30 P.M. **CORPORATION, BUSINESS & BANKING AND TAXATION SECTIONS**
No-Host Cocktail Party

SATURDAY, SEPTEMBER 15, 1979

7:30 A.M. **CHRISTIAN LEGAL SOCIETY**
Breakfast
Contact: William H. Ellis

SPOUSES ACTIVITIES

THURSDAY—SEPTEMBER 13, 1979

2:00 P.M. **NAOMI AND KEITH GRIM**
Presenting a fascinating and in-depth account of their recent trip to mainland China, where they viewed first-hand both the rural and urban life-styles of the Chinese people.

6:30 P.M. **WASHINGTON STATE BAR ASSOCIATION COCKTAIL PARTY**
"HAWAIIAN LUAU"

FRIDAY—SEPTEMBER 14, 1979

10:00 A.M. **NANCY FRIDAY**
Author of the runaway best seller, "My Mother, My Self" An impressive writer, a stimulating and entertaining speaker, Ms. Friday will join us in Vancouver at about the time her new book is slated for publication. She began as a newspaper writer and has published many articles in *Redbook*. *Playboy* and *Cosmopolitan*.
—A special spouses presentation—

12:00 Noon **LUNCHEON**
Guest speaker: NFL Official Art Holst

8:00 P.M. **DINNER, DANCE AND SHOW**
Featuring Pete Barbutti

One of the World's Great Convention Cities

VANCOUVER

[*This feature was first published in the August/September 1977 issue of the* Washington State Bar News. *It has been reprinted in the September 1979 issue for the benefit of those lawyers and their families planning to attend the 1979 WSBA Annual Meeting. The attractions of Vancouver, B.C., haven't changed, except that a recent visit shows them to be more varied and colorful than ever.* —Ed.]

Like every big city in the world, Vancouver is a hundred different things to a hundred different people... Outdoors headquarters for skiing and sailing enthusiasts, business mecca for stockbrokers and bankers, port town for cruise passengers, big and beautiful city for travelers.

One description always fits Vancouver: the Host City. Every year—spring, summer, fall and winter—visitors flock to Vancouver to see what the city has to offer. Some come by themselves...Others are part of conventions like our own Annual Meeting.

While you're there, be sure to set aside some time to do your own exploring in this inviting metropolis. For detailed information on the city's attractions and how to get there, start at the Greater Vancouver Convention and Visitors Bureau, at 650 Burrard Street, across from the main entrance of the Hyatt Regency, our Annual Meeting headquarters hotel.

There are scores of things to see and do within easy reach of the Hyatt Regency. Here are just a few you'll enjoy, especially if significant other or spouse and family are with you...

THE HARBOR It's magnificent. Even jaded Puget Sounders will be impressed. The best time to view it is just before sunset. It's within walking distance of the Hyatt Regency; just stroll north a few blocks. Promenades of some of the more modern office buildings on the waterfront place you almost directly over the water. That view, at that time of day in September, is worth a trip to Vancouver. For a different perspective, take the circle drive around Stanley Park. There are a dozen harbor viewpoints, and plenty of places to park. Or, you may want to take one of the harbor cruises to get a closer look at shipping and waterfront activity.

THE PARK Vancouver, you will discover, abounds in parks. The most spectacular, of course, is the world-famous Stanley Park, a 1,000 acre splash of green, both tamed and wild, five minutes from the heart of downtown. If you don't have the chance to see anything else, take the drive around Stanley Park. Encircled by a seven mile seawall for driving, hiking, biking or just plain ocean watching, it has within its boundaries wilderness trails, formal gardens, vast expanses of green clipped lawns, beaches and a zoo. The internationally famed Vancouver Aquarium, with its killer whale and dolphins, is located there, too.

MUSEUMS History fanciers have the memorabilia of a myriad of subjects to choose from in various locations throughout the city. You can view the wooden vessel *St. Roch,* which sailed the Northwest Passage in the forties, and other marine artifacts at the Maritime Museum; or see the origins of this area visually explained at the Centennial Museum (housed in the same building as the highly ranked H.R. MacMillan Planetarium); or visit Heritage Village, a five acre recreation of nearby Burnaby at the turn of the century, with a General Store and Ice Cream Parlor and costumed clerks; or the new Museum of Anthropology, which houses an extensive collection of B.C. Coastal Art and Artifacts.

THE UNIVERSITIES If you need reasons to venture into other parts of the city, here are two: the University of British Columbia and Simon Fraser University. The former has 24,000 students, the latter 15,000. The UBC campus is located in southwest Vancouver on the tip of Point Grey peninsula, overlooking the Strait of Georgia. Simon Fraser sits east of the city center on top of Burnaby Mountain, overlooking the city. Massive, striking facilities; choice views.

VANCOUVER ART GALLERY It's just three blocks from the Hyatt Regency, it's big, and it's free. Aside from the expected periodically changed displays, you'll see the world's largest collection of Emily Carr paintings.

THE ROYAL HUDSON Any closet rail fans among our members? The Royal Hudson offers a train ride you won't forget. This showcase steam train takes a six-hour trip each day from North Vancouver to Squamish and returns along the rugged, rocky banks of Howe Sound. You'll have plenty of time to look over the steam locomotive, passenger cars and logging museum during your lunch stop in Squamish.

GASTOWN (Shades of Pioneer Square!) Gastown, where Vancouver began, is a creative example of urban renewal that has attracted national attention. It is also a visual delight, with cobblestoned streets and numbers of unique shops and specialty restaurants. Take a self-guided tour of this area, and don't miss nearby Chinatown, second largest Chinese community on the continent.

OTHERS We've only scratched the surface with the above suggestions, of course, but here are some additional things to see and do if your list runs out...

Lion's Gate Bridge (...across the harbor entrance, probably the only major suspension bridge in North America built by private funds, to attract prospective property buyers to the north shore).

B.C. Properties (...on the north shore slopes, large attractive homes, new and old, with a *fantastic* view of the entire city).

Capilano Suspension Bridge (...also on the north shore, 250 ft. above a rocky mountain stream, guaranteed to make you seasick).

Grouse Mountain Lodge (...again on the north shore, reached only by alpine cablecar, good for evening dining with a mountaintop view of the city).

Queen Elizabeth Park (...south of city center, massive, formal English-style gardens, the kind you don't see much of south of the border).

Be sure you check the currency exchange rate when you buy something with U.S. funds—you'll save money. Remember that gasoline prices are comparable to those in Washington State, but the imperial gallon measure is used—20% larger than our own, and there is *plenty* of gasoline.

You'll find that Canadians work at being good hosts. Ready? Have a good time! ☐

MEMORANDUM

TO: Registrants of the
Washington State Bar Association
1979 Annual Meeting, Vancouver, B.C.

FROM: Washington State Bar Association

SUBJECT: The Tax Reform Act of 1976

Three major limitations on deductions for attending foreign conventions are imposed by the new §274(h) of the Internal Revenue Code:

1. No individual taxpayer may deduct the expenses incurred in attending more than two foreign conventions in the tax year.
2. Deductible transportation expenses are limited to the cost of coach or economy fare. The deduction is allowed only if more than one-half of the days of the trip are devoted to business activities.
3. Subsistence expenses are not deductible unless the taxpayer attends two-thirds of the scheduled business activities in a given day. A further restriction is imposed by §274(h) (5) which limits the amount of deductible subsistence expense to the per diem rate established by 5 U.S.C. 5702(a). The per diem rate for Vancouver, B.C. as of August 1, 1979, appears to be $59.00.

The taxpayer is required by §274(h) (7) to attach to his tax return a written statement, signed by the taxpayer, which includes: the total days of the trip, the number of hours per day devoted to scheduled business activity and a program of the scheduled business activity. Along with the taxpayer's statement, a similar written statement signed by an officer of the sponsoring organization must be attached to the tax return.

In order to facilitate compliance with the requirements of the Act, Convention attendees will be provided with a form which contains the necessary information. It is believed that this form meets the requirements of the Act.

The Wandering Pen Strikes Again

The Rupp Report

By **JOHN N. RUPP**

The Alumni Association of the University of Puget Sound School of Law has started publication of a news letter, and I was pleased, and amused, to see that in a recent issue the editor mildly criticized those who refer to the judges of our State Supreme Court as "justices." In this, of course, he is eminently correct. The State Constitution says that they are "judges" and that one of them shall be "chief justice." So the only time that a member of the Court is in any way a "justice" is when he is the Chief Justice—at all other times he is a "judge." Even some of the judges have fallen for the error. Some even put the word "Justice" on their letterheads. I wish that the whole silly practice would stop—it is pretentious and inaccurate and not in accord with the Constitution.

I suppose that this sloppy and incorrect nomenclature arose from the fact that the members of the Supreme Court of the United States are commonly called "justices" (although not so in the United States Constitution) and that someone thought that it would be somehow more dignified to call our State Supreme Court judges "justices" also. I dissent. I think that "judge" is the better word. It is shorter, neater, more accurate and of a more ancient lineage. Everyone knows what a judge is and does—calling him a "justice" is confusing. And who, on perusing the Old Testament, would not be surprised to find, between Joshua and Ruth, the "Book of Justices"?

John Rupp is an itinerant observer and reporter of human foibles. He also practices law in Seattle and was the first editor of the Washington State Bar News *31 years ago.*

Lest anyone suppose that I am being excessively picky about this nonmenclature business, I cite *State ex rel. Hamilton v. Troy,* 190 Wash. 483, 68 P. 2d 413 (1937). There the legislature had enacted a statute changing the name of the county lawyer from "Prosecuting Attorney" to "District Attorney." It was argued that the name "Prosecuting Attorney" was misleading because it ignored the civil side of the duties of that office; and that, of course, is correct. I suspect, however, that the real reason was that in stories and plays the prosecutor is always "the district attorney" and that hence the latter title seemed a bit classier. (Otherwise, "county attorney," which is really descriptive, would have been used). Anyway, the Supreme Court held that the statute was unconstitutional because the State Constitution names the officer the "prosecuting attorney." The Court said (p. 486):

> "... if the legislature has the power to change the name of one constitutional office, it has the power to change the name of any and all. The matter would appear of greater consequence if, for example, instead of the act under consideration, we had before us an act changing the title of governor to dictator or czar."

Judge Robinson wrote that opinion. I am, however, also reminded of Judge Geraghty who, with great flourishes of his cigar, used to admonish me, "Mr. Rupp, we must regularly revert to fundamental principles—the Bible and the Constitution!" See also State Constitution Article I, Section 32, which tells us the same thing, only it doesn't mention the Bible. Let us then, I pray you, revert to the Constitution and knock off this nonsense about "justices."

Oh, I know that in five sections of RCW 2.04 the Legislature refers to Supreme Court judges as "justices" (See Laws 1971, C.81) and that in the Supreme Court's

Administrative Rules, starting in 1969, we find them called "justices" and even "associate justices". That's why I cited *State ex rel. Hamilton v. Troy.* It is interesting, too, to observe that the reason why Attorney General Hamilton proceeded against Prosecuting Attorney Troy was that Troy insisted on following the statute and not the Constitution and that he was filing criminal informations designating his office as that of "District Attorney" and, (p. 484)

"that, by so doing, he would impede the enforcement of the criminal laws and render attempts to prosecute criminals for offenses committed in Thurston county abortive..."

Another delicate note on nomenclature arose the other day in a meeting graced by the presence of Judge Robert J. Bryan of Kitsap County. We got to talking about salmon fishing, and someone referred to "salmon trawlers." Quick as a flash Judge Bryan set him straight: "A trawler drags a net, a trawl, along the bottom. You don't use a trawl for salmon. The boats you're talking about are trollers." Quite right. Sound man, Bryan!

That is teaching at its best—seize the opportunity when it arises. I wonder if he does that when some sloppy practitioner says, "Your Honor, I move the admission of Exhibit 16." I have frequently thought that, if I were a judge and that happened in my court, I should smile benignly the first time and ask, "Do you offer Exhibit 16?" And then, if counsel later should "move the admission" of another exhibit, I should snap, "That motion fails for want of a second. There is nothing before me. Call your next witness!" Oh, boy! Like crusty, man, crusty.

Crusty judges have a place in legal education. Nowadays there is a lot of talk and writing about the "need for more clinical education in the law schools." Perhaps so, but I think that a trial or two before a crusty judge gives one a highly concentrated clinical education right then and there. Thus I remember trying one of my first cases more than 35 years ago before Judge Chester A. Batchelor. I was bumbling around, asking leading questions on direct, and starting "questions" with "I wonder if you could tell me..." Suddenly Judge Batchelor left off chewing his pencils and said, "Counsel, questions begin with what, where, when, who, how and why. Please ask questions!" There you are; the art of direct examination in one sharp sentence. I didn't like being thus admonished in court, but he was right. And, as you can see, I never forgot the lesson.

Speaking of teaching, we should pause to mourn the death on June 27 of Theodore M. Bernstein of the *New York Times.* Through his numerous office memoranda and his six books on the English language Mr. Bernstein did a great deal for those interested in clean and precise writing—and that should include all lawyers. I thought of him the other day when one of the Seattle newspapers committed, again, the common sin of reporting that a defendant had pleaded "innocent" to a charge of crime. Mr. Bernstein would not allow that incorrect usage in the *Times*. The plea is "Not Guilty," he insisted, and he went on to say that, if a person were allowed to plead "Innocent," he might be required to prove it.

Even "Not Guilty" has in it an element of imprecision. It's all right as a plea, I suppose, but as a verdict it goes further than need be. A verdict of "Not Guilty" is simply a finding that the State has not proved guilt. I rather prefer the form used in the old law of Scotland, "Not proven." Same result, but a more accurate statement.

A bit of delicate embroidery in the law of verdicts is found in the old Navy Court-Martial procedure. There were three possible findings of acquittal: "Acquitted," "Fully Acquitted," and "Most Fully and Honorably Acquitted." I bet that any of the three was welcome, but the third one would have really brightened a fellow's day.

Here are two more entries in the vulgar lexicon of "the law as she is spoke" by lawyers.

Garnishment is no longer the fearsome collection tool that it was before the law was changed in 1969, but the improper corruption of the word "garnishee" still persists. The word is a noun and it means the person to whom the writ is issued. The verb is "garnish." The plaintiff seeks to garnish the debtor-defendant's bank account or his wages or salary. Yet, many of the brethren say, "Well, we'll garnishee his paycheck." The corruption has even crept into the statute; see RCW 7.33.010(2). Oddly enough, I have never heard anyone carry the corruption to its ultimate absurdity by referring to a writ of "garnisheement," but I bet that it has been done—out of my hearing. I should temper these animadversions, however, by telling you that the late Leopold Stern, an eminent member of the "insolvency bar" of an earlier day, did not agree with me. He said that he was going to go right on talking about "garnisheeing a bank account" because, to him, "garnish" meant "to decorate"—as in a dish of chopped liver garnished with parsley and ripe olives. I told him that he was wrong, and he said that he didn't care if he was.

The other odd usage involves the word "depose" in connection with the depositions of witnesses or parties in a lawsuit. The witness is the deponent, and when he testifies in the deposition he "deposes." The person doing the questioning is not "deposing." Yet, how frequently do we hear a lawyer say, "We're going to depose Mr. Jones this morning." I keep thinking, when I hear that, that Mr. Jones must be a Head of State. King John, Charles I, Louis XVI and Haile Selassie come to mind. "Perhaps," I think, "they mean Emperor Jones." I have mentioned it a few times, in a cheerful manner, but they keep right on deposing these guys. The countries which are havens for exiles must be crowded with these deposed people.

I should add that it is also all right, though a bit archaic, to say that a deponent "depones." Somewhere in "The Ingoldsby Legends" is an account of how the authorities found the corpse of a murdered drummer boy. They were baffled until:

"But now one Mr. Jones
Comes forth and depones"

and he went on to depone that some seasons back he had gone to study some stones about which he had read in the writings of Sir John Soanes and that he heard moans and groans and finally found:

"A raven a-picking a drummer boy's bones."

Oh, one more graceful note comes to mind. Some years ago when I was editing the *Bar News* (and writing most of it) I wrote a short piece about a curious Will and I referred to the testator as having been "a bachelor all his life." That excited the risibilities of W.G. McLaren of Evans, McLaren, Land, Powell & Beeks, and he wrote me an ironic letter about how all men are born bachelors but those who marry abandon their bachelorhood forever. They may later become widowers or divorced men or "single men" but not bachelors. Hence, he said, it is redundant to say of a dead man that he was a bachelor "all his life." As with Judge Batchelor on questions, Mr. McLaren on bachelors was, as you can see, unforgettable. By me, at any rate.

Further, deponent sayeth not. □

About Measure for Measure, Act II, Sc. iv...

"Lets Write Good Angel on the Devil's Horn"

By **DALE M. FOREMAN**

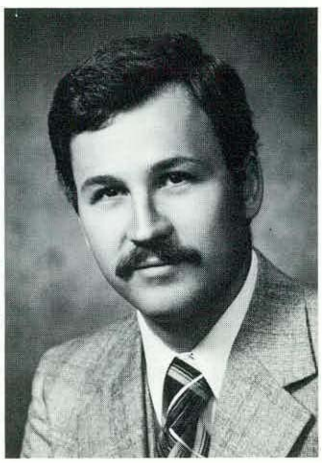
The troublesome sentence—the one about killing all the lawyers—has been miscited to me at least a dozen times. The mistake is usually by engineers, occasionally by doctors, and all too often by lawyers. Jay V. White shed some clarifying light on the lines in his June, 1978, editorial in the *Washington State Bar News*. ("Dick the Butcher"). But F. Lee Bailey joined the majority of misinterpreters with his December, 17, 1978, article in *Parade* magazine. ("The Trouble With Lawyers . . .").[1] Still, the most persuasive misrepresentations occur at conferences or seminars.

I recall sitting in a beige, smoke-filled airport conference room at an unpleasant joint strategy meeting. This particular gathering was composed of engineers, financial advisors, managers and lawyers. It was, admittedly, a prelitigation attempt at settlement and there was some cause for anti-lawyer sentiment. Used as a wrongly redoubtable phrase, it came easily, inevitably, off the tongue of the speaker:

"The first thing we do, let's kill all the lawyers . . ." (shouted by Dick the Butcher in *King Henry VI, Part II*, Act IV, Sc. ii).

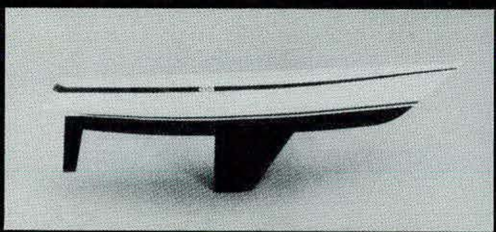
The laughter was polite, restrained, brief, as usual. The ritual sacrifice having been offered, the speaker turned to the substance of the conference—resolving an engineering design defect.

In a few weeks it happened again. This time in a



DALE M. FOREMAN of Wenatchee is a partner in the law firm of Jeffers, Danielson & Foreman, P.S. He is a 1975 graduate of Harvard Law School. He says that he first saw *King Henry VI, Part II* in Ashland, Oregon, in July, 1976, and was very pleased to learn that it was Dick the Butcher who wanted to kill all the lawyers.

[1]Bailey wrote: "But lawyer-baiting is really an old and often-honored profession. Jesus took on the lawyers in the temple. So did Shakespeare, one of whose characters I am sure brought the first night audience to its feet with the now famous line that the way to help create a more Utopian society was to 'kill all the lawyers'."
Clearly Bailey hasn't read the play for it was not Shakespeare's intention to bait the lawyers but to point out the foolishness of a government of men rather than one of laws.



different airport; doctors and not engineers; but the same assortment of lawyers, managers, witnesses and one court reporter: a medical malpractice discovery deposition. The hospital administrator was about to take the oath, but he could not resist this opportunity. He winked at the listening doctor, gave me a nod, and said slyly:

"Off the record, I happen to agree with Shakespeare . . ."

No one took the bait. It was too obvious and the plaintiff's lawyer looked deeper into his notes, pretending not to have heard of the Bard. The administrator was crushed; he swore to tell the truth and never had the opportunity to misquote the Master.

So let's set the record straight. Next time you hear the ignorant sharing their stock, wait a moment; the chuckles will die quite quickly, and then tell the tale correctly.

In 1590 Shakespeare presented an historical tragedy entitled *Henry VI, Part 2.* One of England's most troubled monarchs, Henry VI (1421-1471) lived through a time of chaos, civil war, treachery and murder. The play produced from this raw material is a study of power and position in a changing world. The kingship is sought by the royal houses of Lancaster and York and also by a peasant rebel from Kent named Jack Cade.

A struggle between hero and tyrant would be easy to follow. But in *Henry VI* there is neither crystalline good nor hot-eyed evil. Shakespeare confounds his audience with a shadowy world of mixed motives where no pretender rises to heroic stature. One exception to the shallow and self-seeking nobility, although hardly a hero, is the leader of the Kentish rabble, Jack Cade. This "rude mechanical" is patterned after a real rebel of the same name who led an uprising (1450-54) and also on Wat Tyler, a rabble rouser who fought and lost in 1381. Cade is an early Shakespearean attempt at a crude, coldblooded character. His claim to be a long lost twin of noble lineage cascades in bittersweet irony on the audience. Cade exhorts his followers to overthrow the government of laws, to behead all literate men, and his excesses clearly surpass the wrongs of the ruling class. The character type was used often, and to great advantage, in Shakespeare's later plays.

The playgoing crowd enjoyed the low-life characters in Cade's band. Nearly a play within a play, Act IV, Scene ii is a pause from royal intrigue allowing the playwright to set forth in unmistakeable terms one of the lessons of the play. Even illiterate groundlings must have perceived that Shakespeare decried lawlessness and sought to illustrate the hopelessness of anarchy.

The directing notes indicate a wild and unruly throng of "infinite numbers" filled the state. Cade called the mob to attention, though not to order, and alleged himself to be the true Lord Mortimer. Marching to London to take the town and the throne, he calls on a host of peasants and tradesmen to help him. They pause to hang a young boy for the crime of being able to write his name. Cade decrees:

"Hang him with his pen and inkhorn about his neck."

Cade orders the freeing of all state prisoners, the burning of London Bridge and the Tower, and the beheading of Lord Say (as he was able to speak French!). Cade changes his own name to Lord Mortimer and shouts that any man who calls him Cade henceforth shall die. An honest messenger approaches calling for his leader by name and is killed on the spot. One of the henchmen issues the post-mortem:

"If this fellow be wise, he'll never call ye Jack Cade more: I think he hath a very fair warning."

Flushed with apparent victory, Cade—now Lord Mortimer— proclaims:

"The proudest peer in the realm shall not wear a head on his shoulders, unless he pay me tribute; there shall not a maid be married but she shall pay to me her maidenhead ere they have it."

The rebel's chief henchman, Dick the Butcher, asks that "the laws of England may come out of your mouth." Cade replies: "Burn all the records of the realm: My mouth shall be the Parliament of England."

This grand farce ended as quickly as it began. Cade was soon rejected by the fickle masses and escaped to the forest a hunted man. The self-proclaimed Lord and lawmaker was captured in a garden where, weak from hunger yet strong in oratorical claptrap, he is beheaded, sent Hellward from a dungheap. This maniac Cade is the man who inspired Dick the Butcher to lift his gaze from chops and roasts and raise his cleaver above the nation's lawyers.

Cade sought power by destroying the established power base. His method was disorder. A madman exhorting a chorus of fools. Shakespeare neatly ends Act IV, Scene ii, by putting words of wisdom in the mouth of the fool Cade:

"But then are we in order when we are most out of order."

Neither author nor audience can ignore the chaos of Cade's band and the dichotomy between order and disorder, the rule of law and the rule of man. He who would slaughter the lawyer is neither a student of Shakespeare nor a friend of mankind. When one quotes the Master, 'tis best to know the character as well as the quotation. For this troublesome sentence rightfully sounds a tinny ring.

As Angelo confessed in another Shakespearean drama, *Measure for Measure*, Act II, Sc. iv:

"O place, O form,
How often dost thou with thy case, thy habit,
Wrench awe from fools, and tie the wiser souls
To thy false seeming! Blood, thou art blood:
Let's write good angel on the devil's horn;
'Tis not the devil's crest."

The next time a speaker misquotes the Master, wrenching laughter and approval from the crowd, wait a moment and—if you are as bold as Jack Cade—quote the Master in context. A brief compendium of ripostes follows for your pleasure, all from *King Henry VI, Part II*.

"O gross and miserable ignorance!",
by Sir Humphrey Stafford,
Act IV, Sc. ii.

"When such strings jar, what hope of harmony?",
by King Henry VI
Act II, Sc. i.

"And seeing ignorance is the curse of God,
Knowledge the wing wherewith we fly to Heaven."
by Lord Say
Act IV, Sc. vii

"It will be proved to thy face that thou hast men about thee that usually talk of a noun and a verb, and such abominable words as no Christian ear can endure to hear."
by Jack Cade
Act IV, Sc. vii

"Was ever feather so lightly blown to and fro as this multitude?"
by Jack Cade,
Act IV, sc. viii. □

Effective October 1, 1979

The Bankruptcy Code of 1978

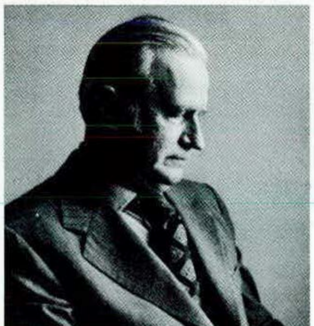
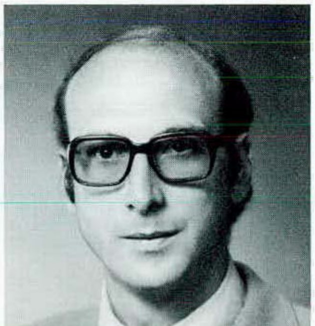
By
KENNETH S. TREADWELL
and
DILLON E. JACKSON

Introduction

On November 6, 1978, President Carter signed into law the Bankruptcy Reform Act of 1978. This law, Public Law 95-598, adopted a new Bankruptcy Code which is the first major revision of the federal bankruptcy laws since 1938.

The Code has a number of effective dates, the most significant being October 1, 1979. All cases filed on or after that date will be administered under and governed by the new law.

The Code is the result of over ten years of study; first, a four year study by the Brookings Institute, followed by four more years of study by a Presidential Commission appointed in 1972 and then two years of hearings by separate House and Senate Committees. These hearings resulted in separate bills being passed by the House and Senate. Unfortunately the bills did not go to a conference committee. In the final days of the 95th Congress the members and staffs of both houses reached a compromise. With so little time to confer, the compromise bill which was enacted contains a number of errors and omissions which will require technical and perhaps substantial amendments in the near future.

Kenneth S. Treadwell is a United States Bankruptcy Judge. Dillon E. Jackson of Keller, Jacobson, Hole, Jackson & Wentz, practices law in Bellevue.

A serious problem has been created by the failure of the Code to establish responsibility for the administration of a bankruptcy case. One thing is clear, and that is that the Bankruptcy Judge may not involve himself in any administrative matter other than to close a case that has been fully administered. The theory of the Code is that a Trustee will liquidate and distribute the assets of a case under the surveillance and guidance of a Committee of Creditors. The primary function of the Bankruptcy Judge is to try and adjudicate disputed matters. He may not appoint a trustee and he is specifically prohibited from presiding over or attending the First Meeting of Creditors. The Code requires such a first meeting at which time the debtor is examined under oath by the Trustee and creditors but is silent as to who presides except in the districts operating under a pilot program of U.S. trustees.

An obvious oversight, of interest to all practicing attorneys, is the repeal of the law excepting student loans from discharge. P.L. 95-598 repeals 20 USC 1087-3 (Federally insured student loans) and 42 USC 294f (medical student loans) upon its enactment (November 6, 1978). The new Bankruptcy Code provides for non-discharge of not only Federally insured loans, but also a debt due any governmental unit or non-profit institution for an educational loan but this provision of the Code is not effective until October 1, 1979. It follows that in all cases filed between November 6, 1978 and October 1, 1979, student educational loans will be dischargeable. At this writing, however, remedial legislation to plug this apparent loophole is pending (S. 658).

Overview

The Bankruptcy Code of 1978 is composed of four titles. Title I is the Code and becomes Title 11 of the U.S. Code. Title II provides for the new judicial system. Title III is devoted to amendments of various federal statutes to make them compatible to the Code. Title IV contains provisions dealing with the transition period.

The major change effected by the new law is the grant to the bankruptcy courts of original jurisdiction of all matters arising under Title II of the U.S. Code, including jury as well as non-jury cases. The concept of summmary or limited jurisdiction is abolished. Actions by the Trustee to recover preferences, to void fraudulent conveyances, to collect accounts receivable, etc., may be commenced in the bankruptcy court. (Sec. 1472) The court's jurisdiction is not exclusive and if the Trustee wishes such actions may be maintained in the District or State Courts.

Appellate review has been substantially expanded. Under present law an appeal is to the District Court and then to the Court of Appeals. This will be the normal procedure under the code; however, the parties may, by mutual consent, file and appeal directly in the Court of Appeals. The code also provides that the circuit court of appeals, if it elects may appoint a panel of three Bankruptcy Judges to hear all appeals.

New also, are the laws relative to business reorganizations and arrangements. The Code consolidates the former Chapter X (Corporate Reorganizations), Chapter XI (Arrangements), Chapter XII (Real Estate Arrangements) and Section 77 (Railroad Reorganizations) into a single new Chapter 11 and provides for drastic changes in procedure.

It is not possible to set out all the changes that the Code makes in the present law; however, a few of them are noted under appropriate headings, below:

Court Structure

Under the Code, Bankruptcy Judges will be appointed by the President to serve for fourteen year terms. The new court system does not take effect until April 1, 1984. As stated, the new act becomes effective October 1, 1979. On the effective date, the Code will be administered by the present Bankruptcy Judges until the presidential appointed judges take over; however, a case commenced under the existing Bankruptcy Act will be conducted and determined under that Act as if the Code had not been enacted.

United States Trustee

The House Bill provided for a United States Trustee to be appointed in various areas to oversee the administration of bankruptcy cases. He was to be appointed and supervised by the Attorney General. (The U.S. Trustee, in turn, selects and supervises a panel of lay trustees. A lay trustee is appointed in each bankruptcy case at the time the case is filed. He examines the debtor at the first meeting of creditors and in asset cases inventories the assets, procures appraisals, liquidates and distributes dividends to creditors all without resort to the Bankruptcy Judge.) The Attorney General objected to such a large undertaking. A compromise was reached in the final legislation under which the Attorney General undertakes a pilot program in eighteen districts, one being the Central District of California. In the other districts, however, the Code still requires lay trustees to be appointed in all cases but is silent as to who appoints or supervises them.

Involuntary Bankruptcy

The new act abolishes "acts of bankruptcy". The sole test for granting a petition for relief in an involuntary case is the failure of the debtor to pay debts as they become due. Although this test may be easier for the petitioning creditors to meet, the penalties for an unsuccessful petition are substantial; they include consequential damages, attorneys' fees and punitive damages. Three creditors with claims aggregating $5,000 may file an involuntary petition; or, if there are less than 12 creditors, one or more creditors with claims aggregating $5,000 may file. (Sec. 303)

Property of the Estate

Under present law the title to a bankrupt's property that is transferable, assignable, or leviable passes to the trustee. The Code dispenses with the concept of title and creates an estate that is composed of all the debtor's interest in property as of the date of filing a petition for relief (Sec. 541). Property claimed exempt, however, does not become part of the estate unless a party in interest objects to the debtor's list of exempt property (Sec. 5221).

Automatic Stay

As under current law, an automatic stay protecting the debtor will be in effect from the date of filing (Sec. 362). Underlying the stay is the broad concept of "adequate protection" of the rights of secured creditors (Sec. 361). Upon application, the creditor can obtain relief from the stay in appropriate cases. In the event the stay is continued the court must grant adequate protection to the creditor. These protections can include periodic payments, the award of additional collateral as well as other relief. The court cannot provide protection by granting the secured creditor an administrative priority. If, however, the protection granted to the creditor proves to be insufficient, the damage thereby incurred will become a super-priority (Sec. 507b).

Powers of the Trustee

The trustee or the debtor in possession have broad powers over the sale, use and leasing of property (Sec. 363); and as to the obtaining of credit for post-petition needs (Sec. 364). Only borrowings not in the ordinary course of business require notice and hearing. Such debt will become a priority cost of administration (Sec. 364a). On notice and hearing, the court where necessary may grant the lender a super-priority over all other administrative expenses (Sec. 364c). The court may also grant the lender a lien superior to an existing lien on encumbered property as long as the senior lienholder has adequate protection (Sec. 364d).

The trustee's voiding powers remain substantially similiar to those provided for in the Bankruptcy Act. The trustee has the status of a lien creditor as of the date of filing (Sec. 544a), may avoid fraudulent conveyance (Sec. 544b), and may avoid certain statutory liens (Sec. 545, 724).

Federal Exemptions

Of utmost importance are the Code provisions establishing a set of federal exemptions. These exemptions may be claimed by the debtor and there is no requirement that the debtor be a householder or a head of a family (Sec. 522). The debtor may claim either the state or federal exemptions, but not both. In many cases where the debtor has no dependents, or has no need for the $20,000 State homestead, it will be to his advantage to claim under the Code.

The federal exemptions include:

1. $7,500 in real or personal property used as a residence.
2. $1,200 equity in one automobile.
3. $200 per person in household goods.
4. $500 in jewelry.
5. $400 in lieu exemption *plus any unused amount of the homestead exemption* in 1 above, in any property.
6. $750 tools of trade.
7. $4,000 cash value of life insurance.
8. $7,500 of a personal injury claim.

The foregoing is not a complete list for there are provisions for exempting money other property rights including rights in pension and profit sharing plans.

Of special interest is subsection (f) of Sec. 522 which permits the debtor to void a non-possessory, non-purchase money security interest in household furnishings, household goods, wearing apparel, appliances, etc., used by the debtor that have been claimed and allowed as exempt.

A new concept is the right of a debtor to redeem tangible personal property intended primarily for personal, family, or household use, exempted under Sec. 522 from a possesory or purchase money security, interest by paying the lienholder the fair market value of the property (Sec. 722).

Claims and Priorities

The Code requires the timely filing of a claim and once filed it is allowed unless there is an objection by a party in interest. The Code does not specify the time for filing, and for this and many other requirements resort must be made to the Bankruptcy Rules which remain in effect except where they conflict with the specific provisions of the Code.

In the priorities field an innovation is the recognition of the rights of a customer who has made a lay-away deposit with a retailer. Such depositors are granted a fifth priority up to $900. New, also, are super-priorities (Sec. 507b, 364c) which head the list. Second, are administrative expenses. Third, are wages or commissions, including severance and sick pay, earned within 90 days of the filing of the petition and the amount has been increased to $2,000. Fourth, also new, are unsecured claims for contributions to employee benefit plans due for services rendered within 180 days of petitions up to $2,000 per employee. Finally, there are unsecured governmental claims including taxes.

Discharge and Reaffirmation

Objections to discharge generally follow the present provisions of Sec. 17 with one major change which is intended to discourage suits by small loan companies. The Code provides that if a creditor requests a determination of dischargeability of a consumer debt for obtaining money or property or an extention or renewal of a debt by false pretenses or representations or by use of a false financial statement, and the debt is found dischargeable, then the court shall grant judgment against such creditor in favor of the debtor for costs and a reasonable attorneys' fee (Sec. 523d).

New, also, are the provisions of Sec. 524 relative to the reaffirmation of a dischargeable debt. If the debtor is an individual, then the court must advise the debtor of the effects of a reaffirmation at a hearing (Sec. 524d). Any agreement between the holder of such a claim and the debtor is unenforceable unless upon hearing the court finds that the agreement entered into was in a good faith settlement of the dischargeability of the debt and will not impose undue hardship on the debtor.

Preferences

Recovery of preferences is made easier because the trustee need not prove knowledge of insolvency, and it is further aided by a statutory presumption that the debtor was insolvent at the time of transfer. This is somewhat offset by the preference period being reduced to 90 days from four months, and by excluding payments made within 45 days of the extension of credit which are also made in the regular courses of business of the debtor and creditor (Sec. 547). If, however, the creditor receiving payment was an "insider", that is, a relative of the debtor or an officer, director or managing agent of a corporation, then the preference period is extended to one year but the trustee must prove both that the debtor is insolvent and that the creditor had knowledge of that fact at the time of payment.

Business Reorganizations

A case under Chapter 11 may be commenced by either a voluntary or involuntary petition. The Code recognizes that the debtor must continue in business, and Sec. 1108 provides that the business is continued automatically and will cease to operate only on court order.

Immediately after the filing of a petition the court will appoint a committee of unsecured creditors composed of the seven largest creditors willing to serve. Other creditors committees may be appointed to insure representation of the various types of claims in the case. The unsecured creditors committee consults with the debtor on possession, investigates the debtor's affairs, participates in the formulation of the plan and generally represents the creditors in the case. It may, with court approval, employ its own attorneys, accountants and other agents necessary to carry out its duties (Sec. 1103).

Only the debtor may file a plan in the first 120 days of the case. This period may be lengthened or shortened by the court. After the debtor files its plan it has an additional 60 days to get it accepted. If not accepted, then any party in interest may file a plan. A plan must be accepted by a majority of the creditors holding two-thirds of the total debt of the debtor.

Although confirmation standards are somewhat complicated, the general concept of business reorganizations is that parties representing the debtor and creditors are sophisticated and that the court should confirm a plan negotiated by them and accepted by creditors. The use of the fair and equitable tests and the absolute priority rule have been abandoned. The court need only find that the creditors are receiving no less than they would receive if the debtor were liquidated.

Chapter 13

The Code expands and liberalizes what was formerly "wage earner" plans. Any individual with regular income may file a "Chapter 13" case as long as his unsecured debts are less than $100,000 and his secured debts do not exceed $350,000.

Only the debtor may propose a plan. The plan may provide for payments over a three-year period but the court may, for good cause, extend the payment period up to five years. There is no requirement that the plan be accepted by unsecured creditors. A plan may modify the rights of secured creditors but not those secured creditors holding liens on real property that is the debtor's residence (Sec. 1322). Ample protection of a secured creditor whose rights are modified is assured in that the plan may not be confirmed unless such creditor accepts or the plan provides that he retain the lien securing his debt. If the plan provides for property to be distributed to the secured creditor, then that property must be of a value equal to his claim.

The debtor has the absolute right to convert his Chapter 13 case to a liquidation case or to have it dismissed.

Conclusion

There is no doubt that the administration of the Bankruptcy Code is going to be an expensive undertaking. The Judicial Conference of the United States has calculated the increased costs to the U.S. Courts to be $50,000,000 annually during the first ten years of operation. One can only hope that the good features of the Code will justify this cost. Only time will tell. □

CLE Clearinghouse

"Negotiating the Maze: Career Opportunities and Alternatives for Lawyers"—A New State Bar CLE Publication

George B. Stevenson
Assistant Director of Continuing Legal Education

In January 1978, the *Washington State Bar News* announced in the CLE CLEARINGHOUSE, a new publication entitled *The Practice of Law in Washington.* This handbook was produced in order to present a partial picture of the "state of the art" in Washington through a primarily statistical study of "where the lawyers are", "what they're doing" and "what the prospects are for those entering the profession."

We are again pleased to announce a new publication, a 207 page handbook entitled *Negotiating the Maze: Career Opportunities and Alternatives for Lawyers.* This handbook, ten months in the making, offers narrative and descriptive information on career employment and job possibilities for lawyers and persons with law degrees. The information, tips and insights provided were obtained from contributors, most of whom are lawyers experienced or practicing in the fields covered. Contributors were interviewed at length or submitted written materials—personal writings or ready-made pamphlets, brochures and memos.

The scope of the handbook tends (unintentionally) to correlate favorably with the results of many placement surveys which indicate that 90-95% of law school graduates seek out or secure law or law related jobs or careers. The career areas covered are: Government Occupations and Opportunities; Education Related Opportunities; Opportunities in the Court System; Representation of the Poor and Minorities; Corporate Opportunities: Law and Law Related; Law Book Publishers; Legal Research Services; International Law and Overseas Opportunities; Labor Union Counsel; Arbitration and Mediation; Private Practice; Law Enforcement and Investigation Alternatives; Accountant/Lawyers; Legislative Representation and Lobbying; Bar Associations; and Opening Your Own Non-Law Business.

Attempt was made to portray as complete, accurate and balanced a picture as possible on as many opportunities as discoverable. Topics covered include: job description, promotion, career patterns, income or salary, kinds of work performed, job satisfaction, entrance requirements, job prospects and recruitment efforts. Special attempt was made to obtain information on published source materials on the field or careers in general, and on contacts for job or further inquiry. This later information is covered in the sections on Placement, Employment and Lawyer Referral Services; Supplement Section; and Bibliography.

It is the intent of all interested parties—Washington State Bar Association Board of Governors, CLE Committee and CLE Department—that efforts such as *Negotiating the Maze: Career Opportunities and Alternatives for Lawyers* will "serve a need and prove useful and of assistance to persons seeking to make an enjoyable, rewarding and meaningful career out of their legal education and training."

Negotiating the Maze is in the process of being distributed to currently enrolled students in the state's three law schools. A VERY LIMITED number of additional copies of this handbook are available, for the asking, from the CLE Department at the Bar Office. The only charge is a modest $3.00 to cover postage and handling. As noted, the quantities are limited and in order to effect as wide a distribution as possible to the practicing bar, we ask that interested firms order one or two copies rather than having each firm member order individually. Requests for this handbook will be honored on a first-come, first-served basis.

Approved Continuing Legal Education Activities

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ALASKA BAR ASSOCIATION

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September 8, 1979: Anchorage 6.00

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18th Corporate Counsel Institute
October 4-6, 1979: Chicago 12.00

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Sports Injury Litigation
Sept. 13-15, 1979: San Francisco 17.00

Security Interests
Sept. 27-28, 1979: Los Angeles 12.00

WASHINGTON STATE BAR ASSOCIATION

Bankruptcy Reform Act of 1978
September 7, 1978: Seattle 6.00

Annual Meeting/Convention
September 12-15, 1979: Vancouver, B.C. 18.00

SEATTLE-KING REPORT

By JAMES L. VARNELL

Practice Tips. Included for your continuing legal education is a list of situations which should be avoided by each attorney wishing to establish and/or improve his/her law practice:

You advise one of the secretaries that she can ignore the office dress code. She wears a slit skirt to work, is fired, and prior to leaving, advises the management committee that you are responsible.

At the office picnic you become somewhat inebriated and rudely inform one of the senior partners that if you had handled his most recent case, you would have more than doubled his client's jury award.

You are returning on a flight from Atlanta riding coach and you notice that **Charlie Johnson** and **Scott East** are riding first class.

While on vacation your partner, who handles only business matters, advises one of your best clients not to submit to an alcoholic breath test. On your first day back in the office your client telephones regarding a letter from the Department of Motor Vehicles notifying him of his license revocation. If any of the foregoing has happened to you, you may need a brief respite from the practice of law.

On the brighter side, you are set to cancel a long-awaited vacation because you are unable to settle a case which will take two weeks for trial in King County Superior Court. The case is assigned to **Judge Mifflin** sitting Pro-Tem. Two *days* later the case is resolved and you leave on your vacation.

New Associations. Lasher, Johnson & Sweet, Inc. P.S. have moved to the Westland Building effective July 16. New attorneys with the firm are **David F. Berger** and **Anthony G. Gewald. Albert Morrow, Lawrence L. Longfelder, Gregg L. Tinker** and **Kerry D. Kidman** have formed a partnership and relocated their offices in the Westland building. **James N. Jory, Jr.** has become a shareholder in Carney, Stephenson, Siqueland, Badley, Smith & Mueller; **John M. Monahan** has become a member of the firm and **Judith Burghardt** has become associated with the firm. Former U.S. Congressman **Lloyd Meeds** has become counsel to the firm of Preston, Thorgrimson, Ellis, Holman & Fletcher, and **Alan L. Wicks, Ronald E. Cox, Tovah Thorslund,** and **Eric Redman** have become partners of the firm. **Dennis A. Ostgard, Brett E. Wilcox, Cynthia M. Weed** and **Stephan H. Coonrod** have become associates of the firm. **Howard Ratner** announces that he has moved his office for the general practice of law to 2900 Smith Tower, Seattle, Washington 98104, telephone (206) 622-5100.

The Boys of Summer. Pro Se, the Seattle-attorney softball team managed by **Jim Grutz,** recently won a play-off game for its first league crown since the championship seasons of 1973 and 1974. **Tom Clark** was the winning pitcher, in place of the vacationing **John Weinberg.** Uncharacteristically, Clark missed the post-game gathering. As of this writing Pro Se has advanced to the semifinals of the Class A league play-offs in the Seattle Park Department tournament of league champions.

SNOHOMISH REPORT

By HENRY S. CHAPMAN

What a beautiful summer!

Bob Alexander recently dumped a bucket of hot tar on his chest while roofing his house in Lake Stevens. He was treated at a local hospital and released with minor burns. Bob is again back at his law office in Everett.

A motorcycle club consisting primarily of attorneys and judges is leaving on a 1700-mile, 4-day "round robin trip" through Canada and Eastern Washington. **John Shields, Dennis Jordan, Michael Clarke** and **Donald Lyderson** are the attorneys. Judge **Roger Fisher** of Everett District Court and **Steve Clough** of Evergreen District Court will ride along, hopefully with a copy of the Canadian traffic rules in their pocket.

A recent poll of the members of our bar selected the names of three persons to submit to Governor Ray for appointment to fill the new Superior Court Judge position for Snohomish County. Those selected in order of preference were Judge **Thomas Kelly,** Attorney **Stuart C. French** and Attorney **Robert E. Schillberg.**

WHATCOM REPORT

By MICK MOYNIHAN

It has been quite a while since any news flowed from this corner of the State, but all is well. Perhaps the most newsworthy item is that the Legal Secretaries are probably better organized than the attorneys. At the recent Bosses' Night dinner, Delores Hanson turned over the reins of the organization to Jan O'Brien, and, honored as Boss of the Year was **George McCush**, with **Les Voris** and **Dave McEachran** being the runners-up. **Byron Swedberg** commented that he had never seen so many Whatcom County attorneys gathered together in one spot before.

Our annual salmon barbeque on Lummi Island was a success, with **Jon Ostlund** being the moving force along with being the cook, and my wife **Lynda** assisting in the organizing. And if people from outside the county think that all we do is socialize, **Pete Visser**, Bar President, announced that the Whatcom-Skagit bar picnic is scheduled for July 27th.

Mike Lipscomb has returned from his voyage to the South Seas. Unfortunately, however, his boat did not. His boat sprung a leak 240 miles off the Oregon coast and his voyage was completed in a Coast Guard helicopter.

Ed Ross, our relatively new District Court Judge, just returned from a vacation that took him to the East Coast and down to the Virgin Islands. When we asked him if he went to the Virgin Islands for recycling, he merely stated that it was the first vacation that he had had in four years. I guess you have to become a Judge to get a decent vacation.

Marty Gross has temporarily retired from the practice of law after giving birth to a healthy baby girl, while her hubby **Chuck Tull** sought unsuccessfully to retire for the same reason. Also adding to the population of the County and parents of baby girls are **Dean and Mary Brett** and **Larry and Barbara Daugert.**

Notice of Petition for Reinstatement of Robert S. Eggers

A hearing before the Board of Governors will be conducted October 6, 1979 at 8:00 A.M., to consider the petition of Robert S. Eggers, for reinstatement as a member of this Association after disbarment. Pursuant to Discipline Rules for Attorneys DRA 8.5, on or prior to the date of the hearing, anyone wishing to do so may file with the Board of Governors a written statement for or against reinstatement. Such statements are to set forth factual matters showing why the petitioner does or does not meet the requirements of Rule 8.6(a). DRA 8.6(a) indicates that the Board of Governors may recommend reinstatement only upon an affirmative showing by petitioner that he possesses the qualifications and requirements for attorney applicants under the Admission to Practice Rules and that the petitioner's reinstatement will not be detrimental to the integrity and standing of the Bar and the administration of justice or be contrary to public interest. Except by leave of the Board of Governors, no person other than the petitioner or his counsel shall be heard orally by the Board of Governors. Letters or written statements should be directed to the Board of Governors, Washington State Bar Association, 505 Madison, Seattle, Washington 98104.

Avis Car Rental Discount Increased for WSBA Members

Avis Rent A Car, in response to heavy utilization of their services by our members, has increased the Washington State Bar Association car rental discount.

Under this new plan, which took effect on July 1, 1979, Avis now extends to all members:

1) A 30% discount on all normal rates.
2) A 20% discount on Avis special and unlimited mileage rates (these are similar to Hertz tour/touring rates which are not discounted).
3) International rentals will be discounted by 20%. If you plan to travel overseas, be sure you have an Avis sticker listing the International discounts.
4) Rates in Alaska and Hawaii will be discounted by 10%.

All of these discounts are subject to increase as utilization of Avis services by our members continues to grow.

You must continue to present your Avis/Washington State Bar Association identification sticker when you rent.

Be reminded that additional advantages may be obtained by using an Avis charge card:

1) The bearer of an Avis charge card is automatically enrolled in the Wizard Number club. Before his arrival at the Avis counter a rental agreement is pre-printed with his

name, address, proper discount, and driver's license number. Further, the car size of his choice will be designated and waiting.

2) The individual and/or firm have their choice of billing methods.
3) The Avis charge card will always trigger the proper discount at any automated locations. No ID sticker will be necssary.

If you are interested in obtaining Avis charge cards for yourself or your firm, contact Bruce Tallini, Avis Rent A Car, 400 - 108th N.E., Suite 602, Bellevue, WA 98004.

Finally, Avis continues to offer a discount of $200.00 on the price of their used cars; for information, call Rick Ericcson in Seattle at (206) 622-1000, Vicki Rivet in Bellevue at (206) 455-1535 and Frank Jones in Spokane at (509) 924-7676.

1979 Attorney/CPA Golf, Tennis and Racquetball Tournament To Be Held October 5th

The 1979 Attorney/CPA Golf, Tennis and Racquetball Tournament and dinner will be held at the Sahalee Country Club on Friday, October 5, 1979.

This year's Tournament will be the fifth annual tournament held by Washington attorneys and CPAs and will again be co-sponsored by the Washington Society of CPAs and the Washington State Bar Association.

William Jeude, chairman of the Cooperation with Attorneys Committee of the WSCPA who is organizing the event, cautioned that registration is likely to fill up quickly and advised people planning to attend to make arrangements for golf foursomes well in advance of the mailing of registration forms early in September, when the Washington Society of CPAs office will begin taking registrations. As in prior years, persons attending the social hour and dinner will be given preference for later starting times.

The purpose of the Tournament and dinner is to establish stronger relationships and communication between attorneys and CPAs through providing an opportunity to get acquainted and socialize in a non-business atmosphere. Accordingly, it is encouraged that golf foursomes be composed of attorneys and CPAs, however, this is not mandatory. Golf foursomes may be pre-arranged by the registrant or individual golfers will be placed in foursomes of comparable ability. Tennis and racquetball ladders will be established based on skill level with prizes awarded at all levels. The perpetual trophy currently held by the CPAs will, of course, be up for grabs!

Christian Legal Society Breakfast To Be Held at State Bar Convention

The Christian Legal Society will sponsor a prayer breakfast during the State Bar Convention. This will be the ninth year for the event. The breakfast will be held on Saturday, September 15, at 7:30 a.m. The convention program will list the room location.

The guest speaker will be Dr. Carl Armerding, Principal and Professor of Old Testament at Regent College, Vancouver, B.C. Dr. Armerding has a distinguished reputation as a student of Biblical research, author, speaker and teacher. He has been on the faculty of Regent College for nine years, prior to which he taught at Wheaton Graduate School in Illinois.

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

William H. Ellis, 4400 Seattle-First National Bank Bldg., Seattle 98154, telephone (206) 447-4465; Joel Paget, 3201 Bank of California Center, Seattle 98164, telephone (206) 464-4224; Raymond C. Eberle, 1407 Old National Bank Bldg., Spokane 99201, telephone (509) 624-2161.

Washington Women Lawyers to Hold Annual Meeting

The first annual meeting of Washington Women Lawyers will be held on Thursday, September 13, 1979, in conjunction with the WSBA convention. The meeting will begin at 5:30 p.m. Following a short meeting, a no-host reception will be held from 6:00-7:30 p.m. All lawyers and their guests are invited.

In 1971 Washington Women Lawyers began as an informal, local organization of women attorneys in Seattle. The group was incorporated as a non-profit organization in November 1978 and now operates state-wide with chapters in Seattle, Snohomish County, Pierce County, Thurston County and Spokane. Margaret McKeown and Melanie Rowland serve as Co-Presidents. Other officers are Vice President, Anne Ellington, Secretary, Heather Howard and Treasurer, Nancy Miller. Members of the Board of Directors include Barbara Frost, Seattle; Ruth Ellen Wagner, Everett; Pat Williams, Spokane; and Cheryl Lux Duryea, Tacoma.

The goals of the organization are advancement of women in the legal profession and the promotion of equal rights for women. Membership is open to any lawyer or law student and judges are honorary members.

Recent activities of the organization include publication of a directory of women lawyers; sponsorship of a CLE on women clients; publication of a monthly newsletter; participation as amicus curiae in federal and state court actions; and legislative drafting and commentary.

Greater Seattle Legal Secretaries to Hold Annual Meeting

The Greater Seattle Legal Secretaries Association will hold its Annual Fall Seminar at the University of Washington School of Law on Saturday, October 27, 1979 from 8:30 a.m. to 3:30 p.m. Brown bag lunch will be provided. Watch for further details or call Janet Schmoker, co-chairman, 682-8770.

Learn How To Finance Independent Feature Films

The motion picture seminar of the Northwest is collaborating with the Northwest Media Project to present an intensive 3-day working seminar on financing the independent low-budget feature film. On October 19-21, in Portland, Oregon, ten speakers will give in-depth presentations, of one to two hours each, on the legal and financial aspects of feature film production. Further information, including speakers' agenda and assistance with lodging may be obtained from the Northwest Media Project, P.O. Box 4093, Portland, OR 97208 (503) 223-5335.

Land Use Planning Conference Upcoming

The Olympic View Chapter of the Soil Conservation Society of America invites you to participate in the conference, "The Diminishing Forest Land and Land Use Planning in Washington." It will be held Friday, September 28, 1979, at the Seattle Airport Hilton Inn. Preregistration is required. Contact Conference Coordinator Lyn Townsend at (206) 753-9454 for further information.

In Memoriam

Salvi A. Gagliardi, 90, of Tacoma, died June 13. He was admitted to the Bar in 1916.

Herbert W. Haugland, 70, of Seattle, died June 1. He was admitted to the Bar in 1928.

Gerald F. Lordon, 73, of Elma, died June 12. He was admitted to the Bar in 1929.

Bernard Newby, Sr., 71, of Vancouver, died May 29. He was admitted to the Bar in 1933.

Morrell P. Totten, 80, of Bainbridge Island, died July 9. He was admitted to the Bar in 1923.

Notices

PROFESSIONAL

In research methodology, L.R.S. has applied its experience from almost a decade of service to the legal profession in Washington to create a legal research system tailored to meet your needs. You have at your disposal the L.R.S. staff of full time research attorneys. Each attorney is highly skilled and experienced in the research and preparation of memoranda, trial and appellate briefs. Our staff of attorneys are fast and efficient, yet reliable and thorough.

Lawyers Research Service, Inc.,
1063 South Capitol Way,
Post Office Box 2937
Olympia, Washington 98507
Tel. (206) 943-8592

Douglass A. North, former law clerk on the Washington State Court of Appeals, announces his availability for referral, consultation, or association on appellate arguments and briefs.

Douglass A. North, Esq.
Hennings, Maltman, Weber & Reed
414 Central Building
Seattle, Washington 98104
Telephone: (206) 624-6271

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

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

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

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

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

Michael Lantz of the Washington State Bar announces his availability to lawyers for consultations and referrals in Federal Tax cases pertaining to civil or fraud tax audits and to prepare and try tax cases before the U.S. Tax Court or U.S. District Court. He also is available to assist in Business, Corporate, and Estate tax planning.

Michael Lantz, Esq.
3727 Seattle First National Bank Bldg.
Seattle, Washington 98154
Telephone (206) 682-7626

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

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

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

David Middaugh, formerly with the Enforcement Division of the Commodity Futures Trading Commission, announces his availability for referrals, consultations, etc., in commodity matters.

David Middaugh
Suite 312 Pioneer Building
600 First Avenue
Seattle, Washington 98104
Telephone: (206) 623-0394

Jeremiah M. Long of the Washington State Bar announces his availability to provide real estate closing services.

Mr. Long has over twenty years varied experience in real estate law representing brokers, purchasers, condemnors, lessors, sellers, condemnees, lessees and lenders involving acreage, farms, residential, subdivisions, condominiums, commercial, industrial, trades, exchanges and special purpose properties.

A fee schedule is available upon request.

Jeremiah M. Long
1313 Washington Building
1325 Fourth Avenue
Seattle, Washington 98101
Telephone (206) 682-1533

CLASSIFIED

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Per issue: 25 words — $10 (minimum charge beginning with the May 1979 issue). Each additional word — 50¢. Confidential reply service — $2. Advance payment required.

For Sale: IBM Memory 100 typewriter. $4,000.00. Wenatchee (509) 662-6131.

For Sale: USCA, current; Washington Digest, current. Best offer. Call (206) 623-6536.

For Sale: Savin Wordmaster typing system, complete with IBM typewriter and many tapes. $2500.00. Call Jack, (206) 828-3636.

For Sale: U.S.C.A., fully supplemented, excellent condition. $600. (206) 624-3600.

Books For Sale: Like new. Am Jur: Trials; Proof of Facts. ALR: 2d, digest, Word Index, LCS, 3d, Federal 1-21, Permanent Digest. Wa Practice, D'anner Interrogatories, Misc. Office furniture and equipment. (206) 363-2647.

For Sale: Washington Reports, complete, and Washington Appellate Reports, complete. All good to excellent. Lew E. Flanders. (206) 624-4114.

CPA wants to share office space with other professional on eastside of Lake Washington. (206) 821-4387.

New attorney opening solo practice in Seattle wants to barter his legal services for office space. If you have modest space available, please call (206) 324-5226.

For Rent: Palm Springs condominium in private Deep Canyon Tennis Club. Completely equipped. Sleeps six. Ten lighted courts, pools. Golf, nightlife, shopping nearby. Phillip Thom, (206) 623-8433 or 546-1598.

Searching: Will the attorney who assisted the now deceased Thelma T. Larson of Issaquah in spring of 1969 please phone T.N. at (206) 937-7855 or 932-1102.

Office Space: 10th floor, Larson Building, two blocks from courthouse. Library, photocopier. Write Randy Marquis, 1016 Larson Building, Yakima, WA 98901 or call (509) 248-2475.

Space Wanted: In Pioneer Square, Pike Place, or adjacent areas. Lawyer with seven years experience, somewhat specialized, including some trial work, seeks one or two others to share space. Will contribute to library and equipment costs,etc. Reply to Box 17, WSBA.

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POSITIONS

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Position Available: Seattle-King County Spanish Surnamed Community Action Board Inc. d/b/a Active Mexicanos is soliciting bids for providing general legal representation to the agency. Active Mexicanos is a non-profit Social Service agency providing general services to the Hispanic community of Western Washington. Legal representation would be supplied to the agency on an "as needed" basis. Bids should be submitted to: Sixto Gallardo, Executive Director, Active Mexicanos, 501 Dexter Ave. N., Seattle, WA 98109. Any attorneys willing to provide pro bono assistance and advice to the agency are also encouraged to contact Mr. Gallardo at the address noted.

Position Wanted: Young aggressive attorney with two years experience with Seattle law firm desires associate position with partnership potential. Reply to Box 34, WSBA.

Position Wanted: Enthusiastic young attorney seeks challenging position. 99.5% LSAT, top law school, appellate clerkship, one year general practice. Reply 3044 - 31st West, Seattle.

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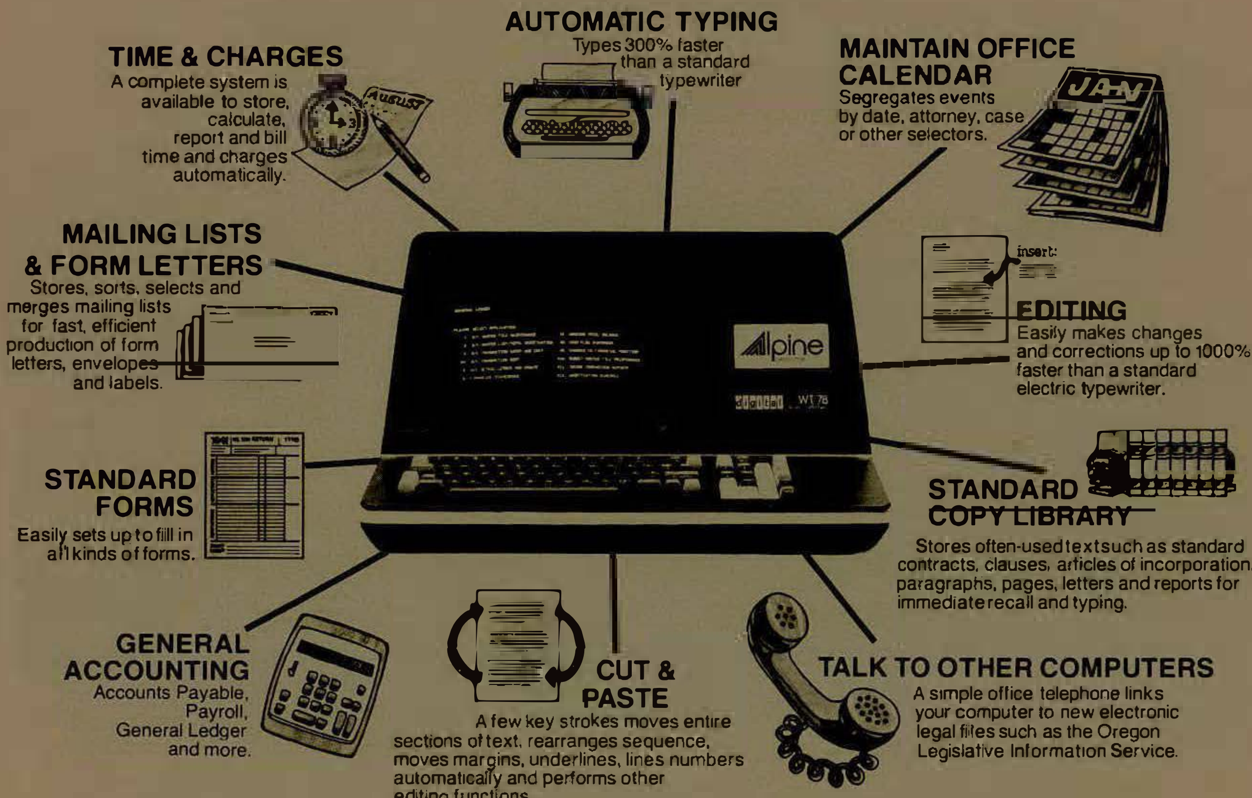

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