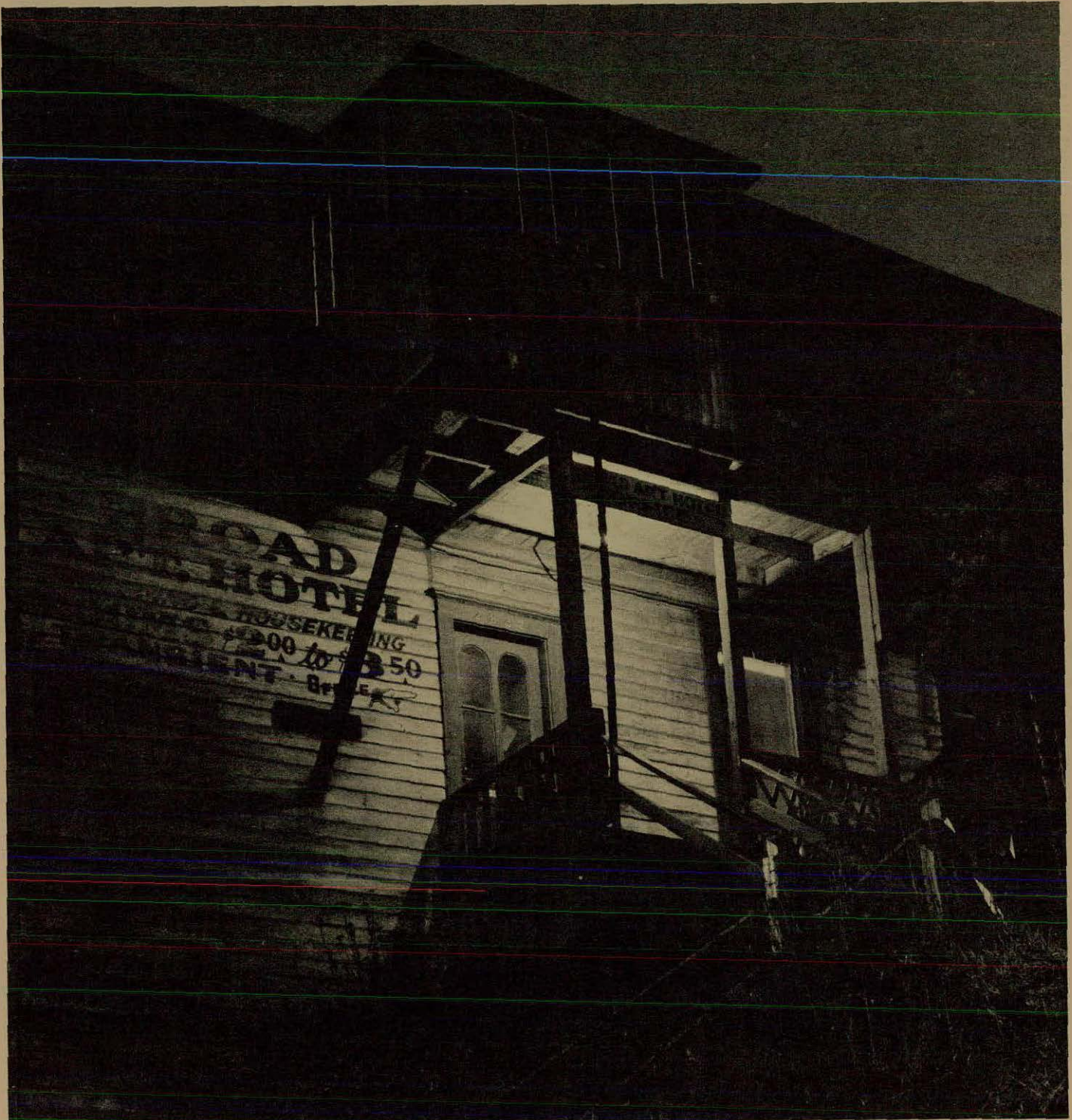


---

# WASHINGTON STATE BAR NEWS

---



---

MCLAUCHLAN AT LARGE

---

*Join the ranks of  
successful lawyers*

## **STEP UP TO USCA**

You see them going about their busy practices all over America, dedicated and successful. They say that to serve their clients effectively today they must have United States Code Annotated at ready reference.

One USCA subscriber wrote us, "when we ordered the set, we did not realize how often we would use it. We are pleasantly surprised!" Another said, "it is the basic source on which everything else depends."

These opinions are shared by many thousands of lawyers who have found that federal problems occur with growing frequency in their practices today. They require the unique research aids and the completeness that only USCA provides.

Your West sales representative has the details for you. Or write West Publishing Company, P.O. Box 3526, 50 W. Kellogg Blvd., St. Paul, MN 55165.

Wallace A. "Buck" McLean  
P.O. Box 10670  
Bainbridge Island, WA 98110  
Phone: 206/842-3066

Ms. Kathe Paulson  
P.O. Box 1733  
Tacoma, WA 98401  
Phone: 206/383-2202

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

**Step up  
to USCA**



*The Bottom Line  
- Jack Quinan*

LAWYERS PROFESSIONAL LIABILITY RATES  
Effective February 1, 1980

RATES PER ATTORNEY AT VARIOUS LIMITS  
FULLY DEVELOPED RATES  
FOUR OR MORE YEARS IN PRACTICE  
(At \$1,000 Total Annual Deductible)  
INCLUDING FULL PRIOR ACTS

|                        |                            |          |
|------------------------|----------------------------|----------|
| I. \$100,000 Per Claim | \$300,000 Annual Aggregate | \$360.00 |
| II. \$500,000          | \$1,500,000                | \$504.00 |
| III. \$1,000,000       | \$2,000,000                | \$576.00 |
| IV. \$5,000,000        | \$5,000,000                | \$936.00 |

DEDUCT: 10% if you had occurrence coverage until February 1, 1977  
i.e. Affiliated Fire & Marine  
50% if just starting practice

DEDUCT: For Staff Size 4 to 6 attorneys 6%  
7 to 15 attorneys 12%

NO CHARGE: Law clerks, Paralegals, Investigators, etc.

PUNITIVE DAMAGE COVERAGE: (Optional) ADD 20%

CLAIM HISTORY: Please inquire

RATES ABOVE INCLUDE:

FULL PRIOR ACTS TO POLICY LIMITS

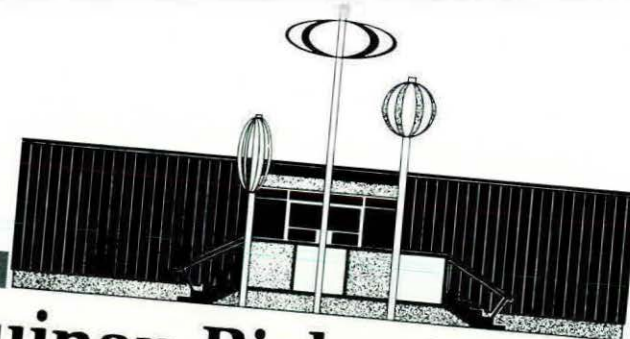
S. E. C. COVERAGE For Up To 10% Of Practice  
Including Blue Sky

DEFENSE COSTS PAID IN ADDITION TO POLICY LIMITS  
(except SEC)

FALSE ARREST, LIBEL, SLANDER, ETC.

OPTIONS: LIMITS TO - \$20,000,000  
DEDUCTIBLES - \$1,000, \$2,500, \$5,000, \$10,000 & \$50,000

1. Surplus Lines Taxes of 2-1/4% will apply where Northbrook Insurance is the carrier.
2. The premiums shown above will be applicable in most cases. Final premium and issue are subject to application and underwriters decisions.



**Quinan-Pickering, Inc.**  
Since 1938

P.O. BOX 3875 • Seattle, WN. 98124 (206) 622-4260



# “Pacificbank’s pension and profit-sharing team just made running this company a little easier.”

**To get tough with your money, you need a tough, professional bank.**

You can’t manufacture products without the right tools, and you can’t administer pension and profit-sharing plans without investment managers and trustees who know the legal requirements.

Pacificbank’s Trust

Division knows the do’s and don’ts, and one of our best services is making sure that you know them, too.

Each account has its own team of in-house experts. We’re readily accessible, we keep you informed, and we can help with everything from designing a new trust to administering an existing one.

We’re alert to a company’s needs so we can tailor your plan to meet them. We pride ourselves on the quality of our

administrative staff and services. What’s more, our investment performance is one of the best around, and we have the figures to prove it.

So if you’re about to establish a pension and profit-sharing plan, or aren’t satisfied with the handling of the one you have, call Pacificbank. We’ll show you how good it can be.



## A TOUGH, PROFESSIONAL BANK.™

A Western Bancorporation Bank. Member FD.I.C.

Published by

WASHINGTON STATE BAR ASSOCIATION  
505 Madison Street Seattle, Washington 98104

Jay V. White, Editor

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

Published monthly on the 10th day of the month. Deadline for editorial and classified advertising materials: 25th day of second preceding month.

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

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

©1980 by Washington State Bar Association

Printed by United Graphics, Seattle

#### WASHINGTON STATE BAR ASSOCIATION OFFICERS

MICHAEL J. HEMOVICH  
*President*

JAMES M. DANIELSON  
*Treasurer*

G. EDWARD FRIAR  
*Executive Director*

R. WAYNE WILSON  
*Director of Public Affairs*

#### BOARD OF GOVERNORS

MICHAEL J. HEMOVICH  
*President*

PAUL W. STEERE  
*First Congressional District*

DAVID A. WELTS  
*Second Congressional District*

EDWARD G. HOLM  
*Third Congressional District*

JAMES M. DANIELSON  
*Fourth Congressional District*

JACK R. DEAN  
*Fifth Congressional District*

QUINBY R. BINGHAM  
*Sixth Congressional District*

LOWELL K. HALVERSON  
*Seventh Congressional District*

WILLIAM WESSELHOEFF  
*King County*

F. LEE CAMPBELL  
*King County*

#### EDITORIAL ADVISORY BOARD

DAVID L. BROOM  
*Spokane, Chairman*

WILBERT ANDERSON  
*Seattle*

BRIAN L. COMSTOCK  
*Seattle*

MARYALICE NORMAN  
*Seattle*

DUANE LUND  
*Seattle*

RICHARD L. WIEHL  
*Yakima*

STEVEN H. POND  
*Longview*

H. EUGENE QUINN  
*Tacoma*

WILLIAM D. RIVES, III  
*Seattle*

## WASHINGTON STATE BAR NEWS

### FEATURES

**19 Law Clerks with the Court of Appeals: A Profile of a Developing Institution**

**27 McLauchlan-at-Large**

**31 One Judge's Juror Questionnaire**

"With the many criticisms directed toward our judicial system these days it is encouraging that jurors who serve enthusiastically support it . . ."

**35 Raising a New Issue on Appeal**

### IN THE NEWS

**43 Avis Car Rental Discount Increased**

**43 Neukom Named to ABA Post**

**44 Board of Governors Elections Upcoming**

### DEPARTMENTS

**5 Letters**

**11 Editor's Page**

**13 President's Corner**

**15 If You Ask Me**

**38 CLE Clearinghouse**

**39 CLE Approved Courses**

**40 Sections**

**41 Courts**

**42 Around the State**

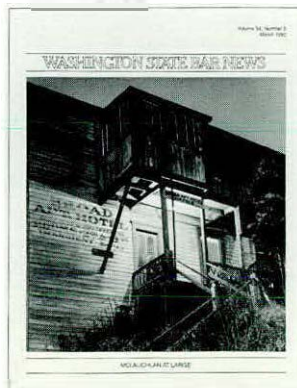
**42 In Memoriam**

**43 Briefly Noted**

**45 Discipline**

**46 Notices**

### Our Cover



The Broad Street Hotel stood in Seattle for fifty years until it was torn down in October, 1956. The cover photograph, which has won prizes and frequently been exhibited is by John McLauchlan who is well known to readers of the Bar News as "McLauchlan at Large". Our cover, together with the photographs reproduced at pages 27-30, demonstrate that McLauchlan's photographic eye is not limited to portraits of Washington lawyers and judges.

# **Attorney's Professional Liability Program**

**THROUGH MARSH & McLENNAN, INC.**

(Since 1871)

Insures more Attorneys in Washington and  
the Pacific Northwest than any other Broker

Local Claims Service

Additional Coverages Available

Financing Arrangements

Specialized Unit Handling

All necessary elements of coverage up to — \$5,000,000

Approved by the Washington State Bar Association

**JOIN THE LEADER**

**Marsh & McLennan, Inc.**

800 Norton Building, Seattle, WA 98104

Toll Free 1-800-552-7200

Local 223-1240



## Yellow Journalism Records Lawyer Ads

*Mr. Simpson's letter. — Ed.*

## Listen to Adam Smith — Not Hemovich

Editor:

My wife is a "saver" and found the enclosed yellowed scrap while reorganizing her nostalgia files. With all the fuss over lawyer advertising, I thought the enclosed from the *Seattle Times*, December, 1916, was somewhat comforting. At least it's a reminder to us older attorneys of something akin to the often overlooked doctrine of stare decisis.

**ROBERT L. SIMPSON**

Seattle

*A 1916 newsclipping of classified lawyer advertising was enclosed with*

## FutureLaw Looks Good

Editor:

I congratulate the *Washington State Bar News* [34:1:16] for including the excellent article by John A. Jenkins, "FutureLaw, Lawyers Confront the Twenty-First Century."

As a lawyer who has long been interested in law office management, I am convinced that only those practitioners who operate efficiently and who are willing to adapt to changed conditions will survive in the profession.

**RICHARD C. REED**

Seattle

Editor:

Way back in 1776, a Scotchman named Adam Smith wrote a book entitled *The Wealth of Nations*. In it he observed that people are motivated primarily by self-interest. More importantly, he observed that competition among self-interested profit seekers serves the public interest in a very specific way: it enables a society to squeeze the maximum possible value out of its limited resources. In sum, self-interest breeds competition, and competition in turn yields significant economic benefits. In economic matters, then, self-interest, quite unwittingly, benefits the public. Adam Smith's insights are the intellectual foundation of our American economic system.

## Yearning To Breathe Free

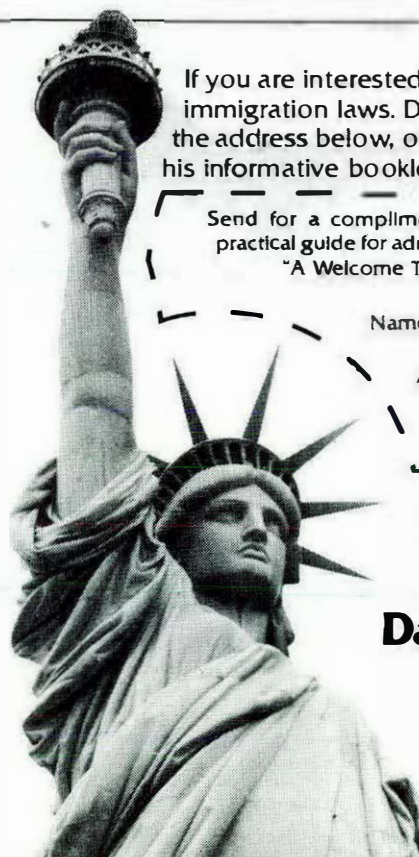
To live in America. To experience the liberty and opportunity which is found only in the United States. It's a life which every American citizen enjoys. And a life that thousands of immigrants dream of.

### Danilov Can Help

But coming to America is not an easy task. U.S. immigration laws are complex ... and constantly changing.

Dan P. Danilov can help. He's a Seattle attorney practicing in immigration law and offering a variety of services. If you are a lawyer seeking consultation for a client with immigration problems.

If you are an immigrant, or the relative of an immigrant, who is hoping to acquire a visa.



If you are interested in learning more about current immigration laws. Danilov can help. Just call or write the address below, or use the coupon to send for his informative booklets on immigration procedures.

Send for a complimentary copy of Dan P. Danilov's practical guide for admission into the United States: "A Welcome To The U.S.A."

Name

Address

Dan P. Danilov. For immigrants yearning to breathe free.

**Dan P. Danilov, Esq.**

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

I found it surprising that Mr. Hemovich, writing in the December issues's "President's Corner," [*Bar News* 33:12:11] overlooked this fundamental principle of economics. In addressing the issue of lawyer advertising, he stated: "Advertising and solicitation are not now or never have been intended in any way to benefit the public. Quite the contrary." The critical point that Mr. Hemovich

missed is that intention is totally irrelevant to the public benefits of advertising or any other aspect of doing business. The fact that lawyers work for money, not love, does not make their services any less valuable to their clients.

Information is vital to competition, and advertising is one means by which a business can get information to the public. If an enterprising busi-

ness figures out a way to reduce its prices, the public obviously benefits from learning of this fact. In the same issue, William Stoebeck applies this important principle. [*Bar News* 33:12:25] He shows how real estate closings can be a source of new business for Washington attorneys. The motive is clearly profit. The essential method for obtaining the business is advertising: educating the public about little known services that lawyers can supply. If lawyers can provide better and cheaper service than is elsewhere available, the public should be able to learn of this fact. Everyone benefits.

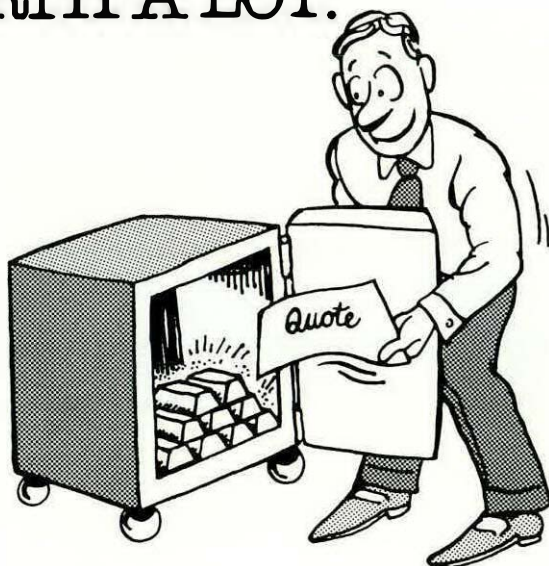
Rather than examining the benefits of advertising, Mr. Hemovich looks for hidden and unspecified detriments. He asks, "Do we really assist the disadvantaged by advertising 'Divorces \$50.00 and up' or 'No charge for first consultation.'" The answer is so clearly and unequivocally "yes" that one wonders what Mr. Hemovich had in mind when he asked the question. Did he really think that the disadvantaged would be assisted by withholding this information from them?

Finally, Mr. Hemovich concludes, "I guess its time to tighten up or let it all hang up." Really? Are these the only choices? Truthful information is a vital part of our economic system. But false or misleading information is harmful; it causes a misallocation of resources and thus an economic loss to society. Systems can and have been devised that control false and misleading information without choking off accurate and useful information.

The advertising of legal services presents some intriguing and important questions. Unfortunately, our attention is diverted from these questions by the kind of arguments made by Mr. Hemovich — arguments that fly in the face of long-established economic principles.

**THOMAS C. ARMITAGE**  
Mercer Island

## A QUOTE FROM US IS FREE . . . AND COULD BE WORTH A LOT.



It's no secret that Washington lawyers have not had a lot of choice in professional liability insurance coverage over the last few years. Hurley, Atkins & Stewart, Inc. is one of Washington's leading brokers for professional liability insurance. Now, we are proud to extend our efforts to

Washington lawyers through a new plan created by INA Underwriters Insurance Company, one of America's oldest and most respected insurance groups. We will be happy to review your present coverage and give you a premium quote from INA. The quote will cost you nothing and could save you a lot.

**Hurley, Atkins & Stewart, Inc.**

Professional Liability Insurance Brokers  
Suite 603 / AGC Building / 1200 Westlake Ave. N.  
Seattle, WA 98109 / (206) 284-7272

*Mr. Armitage advises that he is the Regional Director of the Federal Trade Commission's Seattle Regional Office, but the views expressed are his personal views only; they are not necessarily those of the Commission or any individual Commissioner. — Ed.*

### **Keyes Critiques Critics (Re Juvenile Offender Releases Pending Appeal)**

Editor:

I must respond to recently published letters from Kathryn Fewell [*Bar News* 33:9:10] and Stan Taylor [*Bar News* 33:11:5] regarding my blurb on release pending appeal of a juvenile offender's sentence outside the standard range.

At the time the article was written

[*Bar News* 33:6:32], I was well aware that JuCR 7.13 spoke primarily in terms of appeals involving error additional to or other than the appropriateness of a juvenile court disposition. I was also cognizant of the fact that that rule was drafted with the belief that challenges to the appropriateness of a disposition outside the standard range established by the Department of Social & Health Services would be governed by RCW 13.40.230(1) and that all other challenges would proceed in accordance with the Rules of Appellate Procedure. That belief, however, was not well founded because (a) the internal operation of the courts of this State is the province of the Supreme Court (see the Introduction to the Mental Proceedings Rules), and (b) a statute subsequent to and in conflict with the Rules of Appellate Procedure, which does not supersede a conflicting rule by direct reference to the rule by number, does not supersede the rule unless the rule specifically indicates

that the statute controls. RAP 1.1(h).

For some unknown reason, the Legislature did not avail itself of RAP 1.1(h) when drafting RCW 13.40.230(1). As a result, RCW 13.40.230(1) became an anomaly. The Supreme Court, being responsive to the idea of expeditious review of dispositions outside the standard range, promulgated RAP 18.13; however, the rule is expressly permissive (RAP 18.13(a)), i.e., it allows counsel for the offender to decide initially whether the appeal will be accelerated. (As previously noted, Division III of the Court of Appeals by a General Order dated February 28, 1979 has directed that all manifest injustice appeals involving challenges to the disposition will be accelerated pursuant to RAP 18.13 unless counsel object.)

Consequently, appeals involving manifest injustice determinations may follow one of two courses: that which the Legislature contemplated in RCW 13.40.230(1) and the Sup-



*Hair Styling for  
Today's Successful  
Professional*

*Serving Men and  
Women for Six Years  
at  
Bank of California Center  
Floor 24, Suite 2426  
900 Fourth Avenue  
Seattle, Washington 98164  
(206) 624-7229*

*The University of Washington School of Law  
Presents*



### **DISCRIMINATION: CURRENT CONSTITUTIONAL AND STATUTORY ISSUES**

**Saturday, April 26, 1980, Condon Hall**

The program focuses on three areas of litigation: employment, education, and land use discrimination. Techniques of constitutional litigation and recent equal protection law are also covered. Special guest speakers include Professor Derrick Bell of the Harvard Law School and Leonard Boudin, Esq. of New York, both of whom are presently on our faculty as visiting professors. Dean Schatzki and professors Robert Fletcher, Linda Hume and Dale Whitman will also speak.

During the lunch hour there will be an informal reception for alumni in the Faculty Lounge of the Law School.

Registration Fee: \$40

**For further information: Francia Luessen, Director of Continuing Legal Education, or Judi Christianson, 338 Condon Hall, University of Washington, JB-20, Seattle, WA 98105, (206) 543-8707.**

**APPROVED FOR 5 CLE CREDITS**

# Frank is One of the 12 Million Alcoholics in the U.S.

## Is he your client?

Five years ago, Frank was driving his car and hit a 12-year old paperboy on his bicycle.

The boy died. It took Frank two full years to remember the accident. Plus a jail sentence.



Alcenas Hospital has been serving court and attorney referrals since 1970. We can help you to help your client to stay sober and thus reduce the recidivism rate. We can help your client and the family through diagnostic evaluations, treatment recommendations, intensive monitoring techniques and special educational programs.

- Our multi-modality program combines medical, nutritional and counseling therapies in a full recovery sequence, including follow-up
- State accredited
- Covered by most health insurance policies.

If you have a client who drinks too much, too often, call us.

**Alcenas Hospital**

10322 Northeast 132nd  
Kirkland, Washington 98033

**(206) 821-1122**

reme Court permitted by RAP 18.13, both of which appropriately interface with JuCR 7.13 and RCW 13.40.230(5); or that which was not contemplated by the Legislature in RCW 13.40.230(1) and not addressed by the Legislature in RCW 13.40.230(5) or the Supreme Court in JuCR 7.13, *i.e.*, the offender who challenges only the appropriateness of a disposition but prosecutes the appeal in the normal time frame established by the Rules of Appellate Procedure. The latter course creates the problem toward which my comments were directed. Neither Ms. Fewell's restatement of JuCR 7.13's deficiencies nor Mr. Taylor's concurrence in her restatement add anything constructive toward the resolution of the problem.

As an interim solution to the problem, it is my opinion that because JuCR 7.13 inferentially recognizes two types of appeals, *i.e.*, accelerated and nonaccelerated, it provides the standard for release in the nonac-

celerated appeal of a disposition outside the standard range.

**MICHAEL F. KEYES**

Court Commissioner  
Washington State Court of Appeals  
Division III  
Spokane

*Does anyone remember what this is all about? – Ed.*

### Board Meeting An Eye Opener

Dear Mr. Hemovich:

I can't tell you how much I appreciate the warm hospitality that you and the members of the Board of Governors afforded to me at your January meeting. I was particularly

grateful for your help and assistance in connection with my request concerning the J.I.S. computer.

I was extremely impressed by the way you conducted the meetings and the amount of work that was accomplished. I am sure that neither the members of the Bar nor the public in general know how much time and effort you put in or what dedication the board has in service to the Bar and the public. Now that my eyes have been opened, you may rest assured that I will take every opportunity available to me to impress that point upon the Bar and the public.

Again, many, many thanks.

With best personal regards, I am  
Sincerely,

**WALTER A. STAUFFACHER**

Judge  
Superior Court  
Yakima County

Yakima



## Public Records Retrieval Nationwide

U.C.C. Searches & Filings FAST  
CORPORATE Filings DEPENDABLE  
ACKNOWLEDGEMENTS SAME DAY Efficient

### NORTHWEST RECORDS SEARCH

OREGON  
P.O. Box 7501  
Salem, OR 97303  
1-503-364-6425

WASHINGTON  
PO Box 7326  
Olympia, WA 98507  
1-800-547-2153



## Increase Your Billable Hours.

We'll help reduce the time and money required for law office management with expert counsel in • The latest available office equipment • The types of equipment that best fit your applications • Dealing effectively with vendors • How to automate client accounting effectively and economically.

We also offer expertise in the efficient management of office procedures, including all types of paperwork systems, files, retention schedules, forms and microfilm.

More efficient office procedures and equipment reduce operating costs and free your time for law practice. We can help.

## Arcadia Associates

Office Systems Consultants  
Word Processing  
Information & Records Management

424 Third Ave. W. / Seattle, WA 98119 / (206) 285-4100

# FOR YOUR NEXT Corporate Outfit

ORDER THE

## Green Gem®

The Finest Complete Corporate Outfit Available Including Seal At No Additional Cost

DIAL THIS TOLL FREE NUMBER

### 800-221-8181

CHARGE TO YOUR:

AMERICAN EXPRESS • MASTER CHARGE • VISA CREDIT CARDS

YOUR ORDER WILL BE SHIPPED WITHIN 24 HOURS • VIA UPS BLUE LABEL (AIR)

#### Complete outfits

|               |         |
|---------------|---------|
| No.           |         |
| 1. Standard   | \$31.00 |
| 2. Heavy Duty | \$40.50 |
| 3. Deluxe     | \$45.50 |
| 4. Special    | \$34.50 |

For PRINTED MINUTES  
AND BY-LAWS

Additional \$2.00

Includes IRS 1244 plan  
and forms IRS subchap-  
ter S tax option election  
forms medical and den-  
tal reimbursement plan  
Plus

Corpexpditer for quick  
completion of minutes

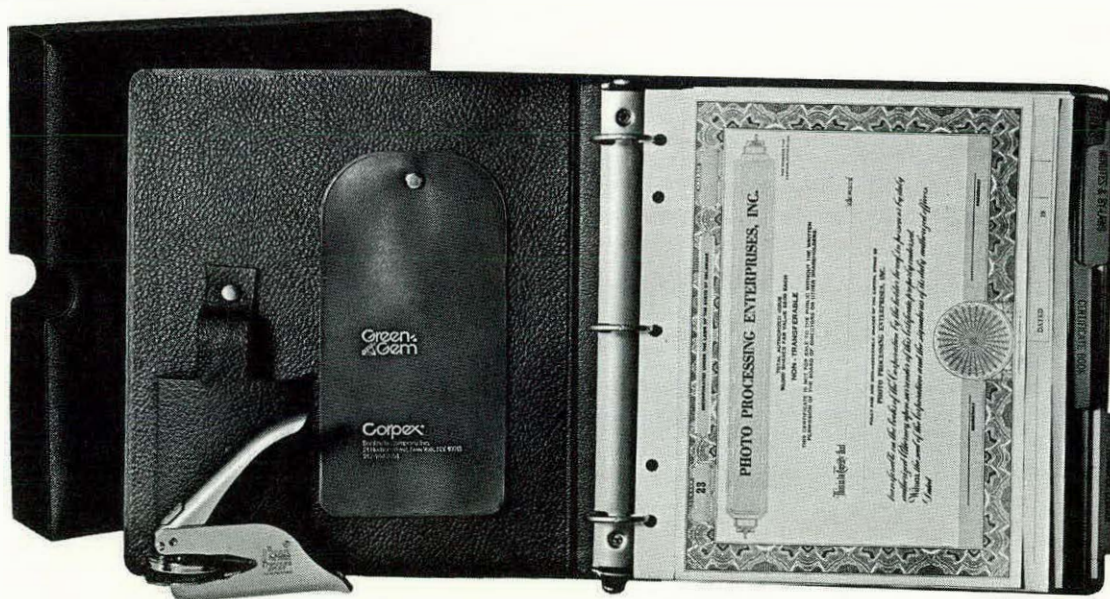
(plain sheets and title  
page instead of above)

#### MINUTES AND BY-LAWS

Available for

- ☐ Professional
- ☐ Model
- ☐ Not For Profit
- ☐ "Close" Corporation

SPECIAL FORMS SECTION  
INCLUDED WITH  
ALL OUTFITS



Unique Pocket for  
Fold-Away Seal Permanently  
Attached to Inside front cover

Removable Separate  
Carrying Case for Seal

Handsome Stock Certificates lithographed on high quality  
heavy rag bond paper with that "BIG BOARD" look

Over-all size of all outfits 11-3/4" high x 10-1/4" deep x 2-1/4" wide.

INDIVIDUAL ITEMS  
AVAILABLE—  
WRITE FOR CATALOG

## Corpex®

Banknote Company, Inc.  
Dept. W  
21 Hudson Street  
New York, N.Y. 10013  
(212) 964-7454

Orders shipped  
within 24 hours

★

MONEY BACK  
GUARANTEE

★

Serving the Legal  
Profession since 1927

Use this order form for your convenience

CORPEX, Dept. W, 21 Hudson St., New York, N.Y. 10013

CORPORATE NAME Print name exactly as on certificate of incorporation

State of

Date of Incorporation

Total Authorized Issue

No. of Shares Par Value \$ each

Or Shares without par value

Certificates signed by Pres. and

\*When ordering Minutes & By-Laws specify ☐ Single

☐ Multiple Incorporators.

\*\*Remarks

Ship to

Street Address.

City, State, and Zip Code

Attention of Tel. #

Ship Outfit No. \$ ☐ Check Enclosed

Check Payable to Corpex Must Accompany Order

Add \$1.00 shipping charge for continental US, all others \$4.00

(Check One)

☐ AMERICAN EXPRESS

☐ MASTER CHARGE

☐ VISA

Signature

VALID  
THROUGH:



## Kutick Kutak Kutoe

You would never guess that I sometimes spend as much as three hours to write a headline in the hope that you will spend three minutes to read this column.

The Kutak report came up at the last meeting of the Board of Governors, and I will get to that eventually.

This is the third column in a row that I have devoted to some aspect of the activities of the Board of Governors. That fact reminded me of tick-tack-toe — the only game in which you can hope to win by getting three zeroes in a row.

One reason I am writing about the Board in this column is that I decided not to write a "Board's Work" report about the February meeting. The only headline I could think of for the report was, "BOARD DOESN'T DO MUCH OF ANYTHING", and that wasn't very inspiring.

Given that the Board usually wades through a rather thick agenda book, it is news justifying a headline when the Board doesn't do much. The problem is writing the article under the headline: there's nothing much to write about.

By the way, I should point out that I am speaking about the Board's *open* session which occurred on Friday, February 15, at the Red Lion Inn near Sea-Tac Airport. The Board had a long executive session on Saturday, commencing at 7:30 a.m. at the bar office in Seattle, which was devoted, I gather, to two hearings, one involving a bar examination applicant's eligibility and the other involving a petition by a person seeking reinstatement as an attorney.

But the Friday meeting was a slow news day, fortunately highlighted by a luncheon meeting with members of the Pierce County Bar Association and a very informative report, which I won't inform you about, by that association's outgoing president, Ronald E. Thompson, who now has been succeeded by Pat Comfort.

The Board devoted most of its morning session to a debate about the extent to which the association should reimburse the expenses of 28 seminar speakers scheduled to appear at the Annual Meeting in Hawaii this November. Ultimately, the Board voted (6-3) to affirm the past policy that each speaker's transportation and one night's lodging will be paid, with the added restriction that no individual Section may budget funds to reimburse additional expenses which may be incurred by its members. (It is expected that the transportation of seminar speakers to Hawaii will not be a direct cost to the association because complimentary tickets will be available from the airlines as part of the package for the sale of tickets to the membership.)

During the afternoon session, C.C. Bridgewater, who chairs the state Young Lawyers Section, reported that group's activities and discussed, among other things, the so-called Kutak Report which is the American Bar Association's project to write Model Rules of Professional Conduct. Two Seattle lawyers, Christopher L. Otorowski and Arden J. Olson, have been appointed to co-chair a committee appointed by the ABA Young Lawyers Division to conduct a national survey of lawyers' views on the proposed rules which would significantly amend the existing Code of Professional Responsibility.

Bridgewater inquired whether the Board would appropriate funds to permit a survey of the views of Washington lawyers alone, which could be coordinated with the national survey. The Board invited Otorowski and Olson to present a formal proposal and budget request at its next meeting set for March 14-15.

Subsequently, Arden Olson sent me a note describing briefly what that national project is all about:

"The proposed Model Rules of Professional Conduct were issued in the form of a discussion draft on

January 30, 1980, by the ABA Commission on Evaluation of Professional Standards, chaired by Robert J. Kutak of Kutak, Rock & Huie, which has offices in Omaha, Atlanta, Denver and Washington, D.C. The Model Rules rewrite and, in some instances, substantially alter the existing ABA Code of Professional Responsibility upon which Washington's Code of Professional Responsibility is based. Significant issues raised by the Model Rules involve their provisions for mandatory reporting of pro bono activities, disclosure in adversary proceedings of adverse facts and law not disclosed by opposing counsel, and disclosure of organizational clients' agents' harmful or illegal conduct, among others. The Commission plans to collect information through hearings on its proposed Rules during the coming months and hopes to prepare a tentative draft for adoption by late 1980, for presentation to the ABA in the summer of 1981."

Olson went on to describe the survey which his Young Lawyers Division committee will conduct "to obtain the reactions of lawyers nationwide to the more significant and controversial of the proposed rules."

Interested persons can obtain a copy of the proposed Model Rules by writing to the National Center for Professional Responsibility, 77 South Wacker Drive, Sixth Floor, Chicago, Illinois 60606. Persons who wish to take part in the Young Lawyers Division evaluation should contact Olson or Otorowski.

JVW

# Office Furniture Sale

Officemporium is offering everything you will need for your office at special prices! hours 10-5:30p.m.

Note: Prices for above items are effective only while in stock

4-drawer  
letter  
file Full-Suspension  
LIST \$138.84

**82.98**

2-drawer  
lateral file  
LIST: \$211.20

**134.**

5-drawer lateral  
file With Lock  
LIST: \$354.96

**285.**

walnut executive  
desks 30x60  
LIST: \$239.00

**129.98**

**BONUS  
BUY!**

4-drawer lateral file  
Letter & Legal  
Size With Lock

**214.98**

2-drawer  
letter  
file  
LIST: \$63.96

**39.98**

walnut posture swivel chair  
LIST: \$129.00

**69.98**

chairmat  
LIST \$42.00

**29.98**

# OFFICEEMPORIUM

At the corner of 8th and Jackson ■ 409 8th So. ■ 682-4390



## Changing Gears

Used to be, in the "Good Old Days," that the legal profession was invariably conservative. Most firms were located in stately office buildings. *Old*, stately office buildings. The growth rate of the bar was slow, and most law firms had been around for quite a few years. Office decor varied from cluttered and klutzy to elaborate and distinguished. But whatever the style, it had usually seen a lot of wear.

Even the traditional style of dressing was conservative. Clothes lasted for years. Everyone looked about the same. Dark suits . . . white shirts . . . quite a few hold-overs from the era of bow ties. You knew a senior partner was coming when you heard his wingtips squeaking down the hallway.

Junior partners and associates didn't argue much with accepted ways of doing things. The rules of the game were engraved in stone and questions about them went unvoiced. To the young lawyer, the practice of law was steeped in tradition, and the objective was to be successful through conforming to tradition. To the public, law practice was shrouded in mystery, conducted by persons who punctuated their deliberations with incantations in Latin.

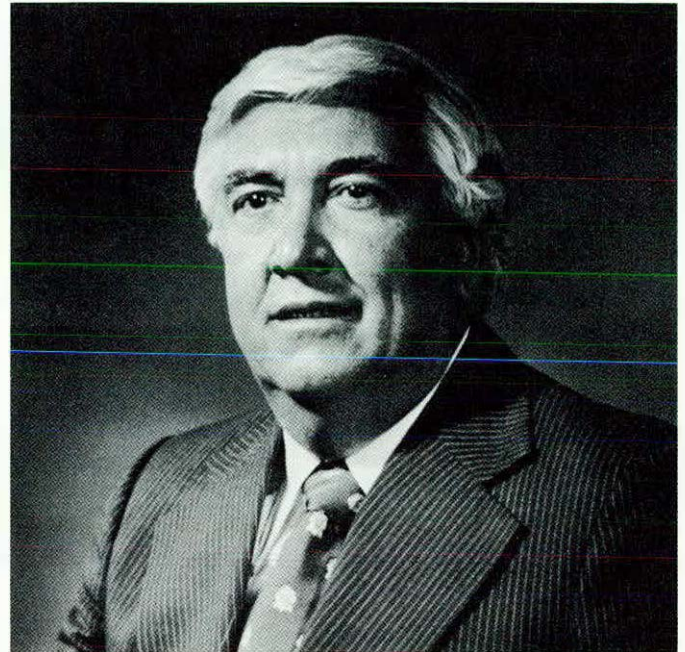
Oh, there were occasional spectacular highlights among these doings — landmark decisions and famous trials . . . lawyers who were uncommonly wise or flamboyant. But for the most part, The Law and the practice thereof sailed a predictable, unswerving course like a great battleship with the wheel tied down.

Then, one day, things began to change. The doors on our law schools creaked open a bit wider, and the number of fresh, young faces taking the Bar Exam began to climb. And it climbed, and climbed, and climbed, to the point that the median age of lawyers in Washington State has now dropped to under 35.

In fact, the numbers of younger lawyers everywhere grew so much that they began to *question* (can you imagine?) some of the traditional ways of doing things. The wisdom of older heads no longer rated automatic acceptance based on office, but was evaluated according to a judgement of competence.

Age-old traditions began to be eroded. Bedrock stuff. Compliance was not forthcoming just because they were "there."

Along with new attitudes came new ways of doing things — not only in the courtroom, but in the policies, management and form of law firms. Partners concluded that a firm's bearing would not be damaged beyond repair by moving into a brand new office building and buying new furniture. Suspicious lawyers began to conclude that



word processing equipment could actually help office efficiency, and that computers could, indeed, save money as well as eat it. The management and policy-making functions of law firms became more democratic, with younger lawyers having more say in deliberations.

In recent times, perish the thought, we have seen the beginnings of lawyer advertising, store front clinics, and even a wave of new, young lawyers who have gone straight from law school into solo practice.

All these changes are occurring within the profession now. Whether you agree with them or not, they are here. They have happened. The lesson to be learned is we must at least have an awareness of these changes and the further changes that we can expect the future to bring. A refusal to accept the reality of these trends, especially among our more conservative members, could have disastrous effects.

A glass of water may be regarded as either half empty or half full, depending upon your point of view. The future will be an exciting, stimulating, and altogether fascinating time for those who are mentally prepared for it. Let's not be caught by surprise. For starters, I suggest that you reread the "FutureLaw" feature in the January issue of the *Bar News*. The article concentrates on the 21st Century, and we have only another twenty years to get warmed up.

**Why have  
over 100 Seattle legal  
secretaries recently  
switched to WANG  
word processing?**



- Wang systems are so easy to use they almost make paperwork fun
- single function keys eliminate the need for remembering codes
- Wang word processing systems have all the advantages of CRT screen display
- each operator's console is connected to all the printers in your system
- Wang offers extraordinarily large memories

### **Why should you switch to WANG?**

- decreased turn-around time
  - higher employee morale
  - more production per operator
  - greatly decreased word processing costs
- Call Robert Minor at 322-9233 today for more information.

# **WANG**

**MAKING YOUR WORLD MORE PRODUCTIVE**

Wang Laboratories, Inc., 2300 Eastlake Avenue East, Seattle, Washington 98102



## A Case For Lawyer Advertising

By William Hoke

It comes upon you like a disease. Or an opportunity.

*Advertising.* It conjurs up the image of wing-tipped Dartmouth graduates, plying their business over double-martinis the length and breadth of Madison or Fourth Avenues.

Advertising. Is it the monster that forces people to buy things they don't need; the hidden persuader, insidiously and subliminally sneaking into the human consciousness and making us all pawns of the media, slaves to Consumer Goods?

Or does advertising have some socially redeeming values; does it, as many claim, reinforce the value of the free enterprise system by heightening competition?

Is there an answer to any one of these questions?

First, what is advertising? In a textbook sense, advertising is a means of persuading or informing a large group of consumers to buy a product or service. Advertising does not make sales; it creates a demand, it provides information.

By its very nature, advertising is competitive. Our country was founded on a free enterprise system. Competition is the basis for that free enterprise system. "Lemonade," the sidewalk sign reads, "five cents." The next lemonade stand sign says, "Lemonade, with sugar, five cents." That's advertising in its simplest, and perhaps best, form.

Before there were lemonade stands with signs, there were hallmarks on the front of buildings — they were really pictograms, reader-signs telling a public, principally of non-readers, what was inside the store.

Physicians, pharmacists, blacksmiths, farriers, apothecary shops,

inns (and brothels) all had hallmarks. As did lawyers, barristers, justices. It was a form of advertising and it continues today.

Interestingly, media advertising — in newspapers, magazines and later radio and television began in this country. It was a vital part of the free enterprise system. Advertising was refined and maligned as never before.

At some point, and perhaps in revulsion to the patent medicine advertising of the 1890's, some professionals decided not to use media advertising. Advertising became anathema, a dirty, unprofessional word.

Professionals went in-house, hung up their shingles, put dignified announcements in their local newspapers and, when the Yellow Pages came along, they began listing themselves there.

The latest Seattle Yellow Pages has over 4,000 attorneys listed. The use of the Yellow Pages — paid media advertising — would seem to establish precedent for advertising.

Legitimately, attorneys, and probably the younger ones just getting started, question the strictures limiting their use of media advertising — newspapers, magazines, direct mail, radio and television. That debate apparently continues.

As the profession debates the ethics, propriety and long term value (or degradation) inherent in advertising, there are some truths that bear examination:

—price advertising, for an attorney or a shoe store, will inevitably attract people interested in price.

—so-called "image advertising" will attract people interested in an "image" firm or individual practitioner.

You get what you advertise for.

—advertising can *inform*, just as it can sell. Advertising can graciously persuade, just as it can badger and intrude.

—advertising can promote and encourage competition.

—advertising can support public service efforts such as the United Way, the Heart Fund, etc.

—advertising, as law, should be judged by its best, not its worst.

Should an attorney in private practice advertise? Already, some attorneys are using television and radio advertising to attract new customers. Periodic newspaper advertising is perhaps the most common form of lawyer advertising.

The ethics involved are something that attorneys must work out and agree upon among themselves; an advertising counselor would be hard

- surgical/anatomical illustrations
- art for courtroom
- charts·graphs
- publications
- graphics
- slides

**art for medicine**  
iris j. nichols, a.m.i.  
(206) 932-3398

*William Hoke is Vice President and Creative Director of Graf Hanson Hoke, Inc., a full service advertising agency in Seattle serving a variety of retail and corporate accounts. He has worked in agencies in New York, Chicago, Los Angeles and Detroit. Recent comment in the Bar News about lawyer advertising prompted Mr. Hoke to submit this article.*

pressed to argue that case before the Ethics Committee. That's an internal matter among attorneys, and apparently the courts.

But what about the attorney who chooses to advertise, Ethics Committee and courts be damned? Should he or she be ostracized? It seems patently unfair that a professional body should act to impose sanctions on a member who chooses to use advertising when virtually every other business and industry uses it to their apparent advantage. Even the Federal Government advertises; indeed, it is among the top twenty media advertisers in the country. Our tax dollars encourage us to become stamp collectors, join the Armed Forces, use the new express postage service.

What can attorneys expect from advertising, should they choose to use it?

I am mindful of what an attorney told me: "If you are going to build a professional practice, the people who respond to your advertising inevitably

won't become big clients."

Bunk. There are more than fifty new businesses started every day in the Puget Sound area. Not all those fledgling new business owners are going to have an attorney; most of them won't know they should call the Lawyer's Referral Service to get the exact kind of attorney they will need. Many will rely on word of mouth; that may be fine for the established practitioner, but it's a pretty imprecise method of qualifying an attorney. And it's tough on the new guy, just starting a practice. Or is it that the "buddy system," the old boy's network, is trying to be preserved?

An established firm, with dozens of partners, may not need to advertise; they have the clients they want. The *status quo* is just fine.

But a new attorney, just starting out, may feel exceptionally qualified to handle one specific area. They have everything except clients. Is it the rule of the profession that they should sit thumbing through their

RCW's or waiting for an established attorney to throw them a bone? Or should they be permitted to put their name in front of the public and solicit business?

It's not a question of selling as much as it is *informing*. Physicians, at least, publish their specialties.

On the other side sits the consumer, possibly contemplating a divorce, someone distraught after being served their first subpoena, someone caught in personal injury litigation. What if they don't know enough to call Legal Aid or the Referral Service? What if they fall into the hands of an unscrupulous attorney? What if they simply find the wrong person for the job?

Isn't someone in a personal or business crisis entitled to the same sort of consumer information regarding an attorney? If media advertising is the most efficient way to communicate, shouldn't they be allowed to use it?

"Ah," you add, "Won't the un-



The University of Washington School of Law  
Presents The

## 4th ANNUAL INTERDISCIPLINARY SEMINAR IN CRIMINAL LAW

**Saturday, June 7, 1980, Condon Hall**

This year's seminar will encompass recent cases in constitutional criminal procedure; trial advocacy techniques and scientific jury selection; and interdisciplinary research and reform in the criminal justice process. The program faculty, which is now being constituted, will include academic and practicing lawyers as well as social scientists who are nationally prominent in their respective areas. One guest speaker will be John Kaplan, Jackson Reynolds Professor at Stanford Law School.

During the lunch hour there will be an informal reception for alumni in the Faculty Lounge of the Law School.

Registration Fee: \$40

**For further information: Francia Luessen, Director of Continuing Legal Education, or Judi Christianson, 338 Condon Hall, University of Washington, JB-20, Seattle, WA 98105, (206) 543-8707.**

**APPROVED FOR 6.5 CLE CREDITS**

## The Video Professionals

- **Video Depositions**
- **Documentation**
- **"day in a life" productions**

For professional, affordable, and dependable service, call us for all your film and video needs.



(206) 682-2209  
1211 First Avenue South  
Seattle, WA 98134

scrupulous attorneys be the ones to advertise?" There are controls on advertising and the Better Business Bureau and various consumer protections bureaus have been a valuable source of industry-monitoring. You, yourselves, should be the first to police your own industry advertising.

Why not advertise? Will advertising *hurt* the legal profession? Will it tarnish its image? Recent studies have suggested the public already does not hold attorneys, or the judicial system, in high regard.

The image problem is most likely the result of a national frustration about an admittedly frustrating problem: a slow "due process" and a rising crime rate. Just as advertising agencies get blamed for poor products, the legal profession is often charged with the breakdown in law and order. Your "people problem" goes on, nationally publicized by the Chief Justice's attacks on his own ranks.

How can advertising help? If I

were a young attorney in private practice, I would embark on a one-man advertising campaign to explain just what small, specialist attorneys can and cannot do. I would wage this campaign with dignity, with energy and with a positive belief that advertising can attract a high quality new business lead — and not to the detriment of the profession.

"Selling" is not a dirty word. Advertising *is* beneficial to the public when it promotes or informs people of price, value, selection.

If I were in a large firm, I would embark on a similar campaign. I would not do "testimonial" advertising, nor would I mention client names. I *would* explain (probably for the first time in history to the general public) what a large law firm does and can offer. As heretical as it sounds, I would even mention that hourly fees can exceed \$100 per hour, and that you don't win 'em all.

Large or small, I would come out of the closet. I would consider media

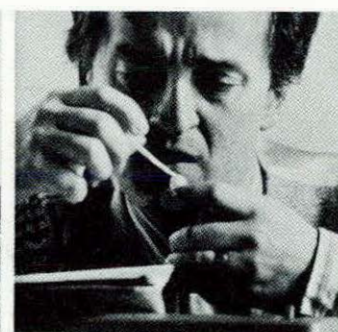
advertising as a way to do that.

The resistance to advertising seems to be that it will destroy the professional nature of your business. There are numerous examples of advertising campaigns that have made significant social contributions — for the Peace Corps, for the New York Coalition ("Give a Damn") and for thousands of other businesses, institutions, professions and charities.

For some unhappy reason, too many advertising people must defend their profession. Unhappily, advertising people are too often judged by their worst, not their best. Unhappily, that's been true for the legal profession.

You don't *have* to advertise; no one does. But as each legal professional examines the issue for him or herself, let's hope they consider the positive value in "going public."

Ultimately, it will be the public that is most interested in your response. □



## To simplify this many applications, use this many word processors.

Just one. The 3M Word Processor.

It takes the most complicated applications and makes them easy. Even applications an entry-level word processor can't do. Or takes ages to do. Long proposal



editing. Heavy text revisions. Boiler plate and letter writing. Parts manuals and statistical reports.

How easy? Very. It tells the operator what to do at every step. The 3M Word Processor. It multiplies your output without adding to your problems. Because it makes advanced-level

word processing simple.

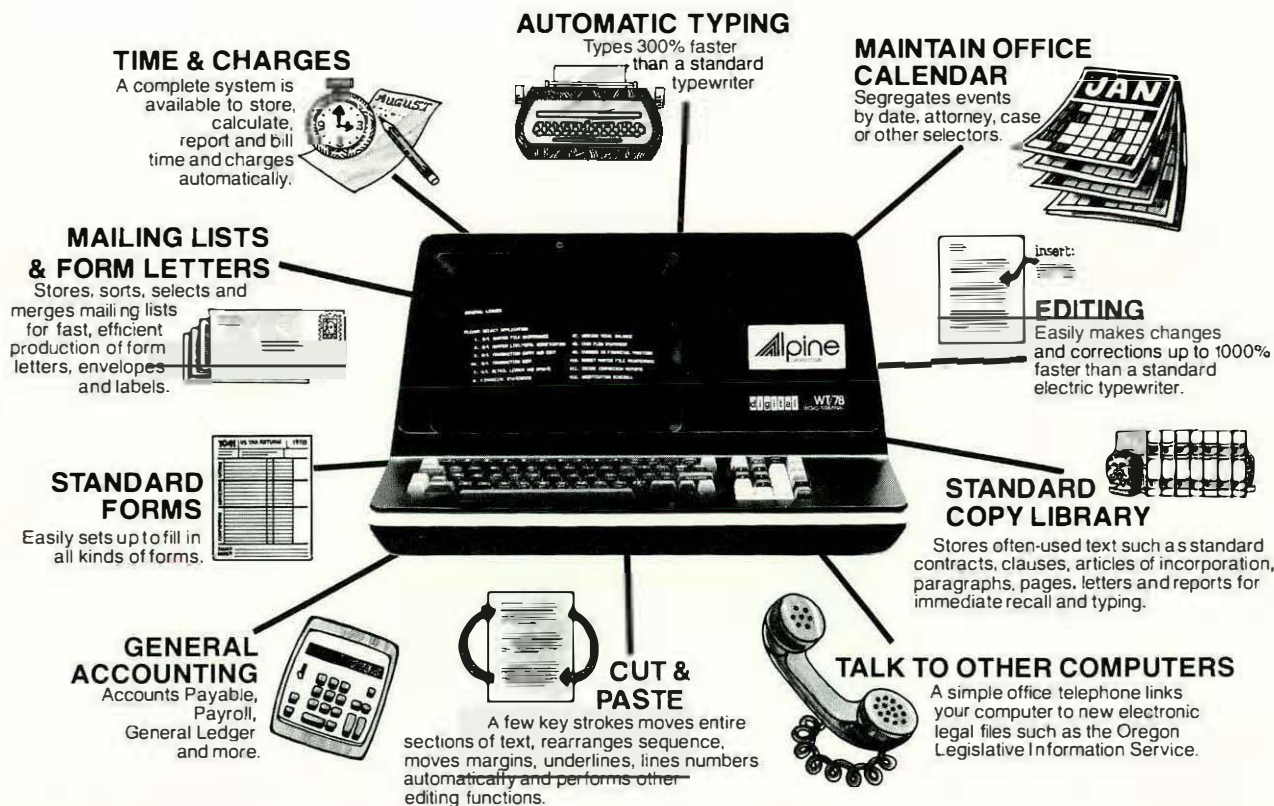
Ask about it . . . Call or write  
**Benchmark Systems, Inc.,**  
200 First Ave. W.,  
Seattle, WA 98119,  
(206) 285-0380.

Talk with the Word Processing people.

**BENCHMARK** COMPUTER  
SYSTEMS INC.

# This word processing system does the one thing you'd never expect it to:

## Your bookkeeping.



Within the next five years, most law offices will have mini-computers for either typing (word processing) or bookkeeping (data processing). See how easy it is to automate both your typing and your bookkeeping while you add a valuable time saver to your practice for as little as **\$370 per month.**

Send in the coupon or ask for a demonstration.  
You will be impressed.

**Alpine**  
DATASYSTEMS  
2821 Northrup Way  
Bellevue, Washington 98004  
(206) 828-6749  
An Orbanco Company

☐ I'd like to investigate your Legal Management Word/Data Information System. Please send me your brochure.

☐ I have some questions I'd like answered now. Please have your representative phone me.

name \_\_\_\_\_

firm \_\_\_\_\_

address \_\_\_\_\_

city/state/zip \_\_\_\_\_

telephone \_\_\_\_\_

# Law Clerks With The Court Of Appeals: A Profile Of A Developing Institution

By CHARLES H. SHELDON

Law clerks who serve Justices of the U.S. Supreme Court have recently been the focus of some attention.<sup>1</sup> Clerks appear to be reliable sources of information about their Justices and seem to play important roles in the decisional process and in the political strategies of their judges. Is this a common characteristic of all law clerks? What is the nature of law clerking at the state level and what roles do these clerks assume in the decisional process? The following report is a preliminary step toward some understanding of this institution.

The report summarizes the responses of 38 of the 75 law clerks who served with the Washington Court of Appeals from its inception in 1969 to 1977. Four general inquiries were made of the law clerks: What sorts of training and backgrounds did they bring with them to the three divisions of the Court? What did they do in their role as "elbow clerks" to the judges? What benefits did they gain and contributions did they make? Where did they go after their short tenure with the court?

## Backgrounds and Recruitment

Those who have served with the Court of Appeals are, as we could easily surmise, a relatively unique group (Table I). The demanding and intellectually challenging tasks assigned the clerks, the unique and prestigious post-graduate educational experience and the added opportunity for future employment combine to attract the elite among law graduates.

Only 11% of the clerks knew the judge for whom they clerked prior to their appointments. Candidates learn of the openings from their law schools' placement office, through announcements, law school faculty and from friends, some of whom serve as law clerks. A successful interview, an impressive resume and an appropriate word from a former law clerk, an attorney of a firm for whom

the candidate interned, or from a law professor assures the appointment. Clearly, neither patronage, friendship, nepotism nor favoritism play significant roles in the selection. The recruitment process varies with each judge with no formalized nor centralized screening procedure involved.

## The Duties of Clerks with the Court of Appeals

The tasks assigned law clerks are defined by both the needs of the particular judge and the demands of the jurisdiction, court procedures and custom. Within these constraints, however, each judge has considerable freedom in his use of law clerks. Judge Eugene A. Wright, formerly a King County Superior Court Judge and now on the U.S. Court of Appeals, ninth circuit, summarized the role of the Clerk:

The law clerk is intended to work with and complement this complex decision-making organism that is the appellate judge. Indeed, Learned Hand characterized law clerks as "puisne judges," and correctly so, for they are not just secretaries or mere assistants. They are the extra hands and legs, which, when coupled with an inquiring mind, are indispensable to a judge in the performance of his most difficult obligation.<sup>2</sup>

As Table II indicates, the clerks are indeed "puisne judges."

The list of clerk duties can be separated into three categories: (1) preliminaries, (2) decision-making, and (3) housekeeping. Preliminary duties pertain primarily to those duties which prepare the judge for his decisional responsibilities. The decision-making process is man-

<sup>1</sup>Bob Woodward And Scott Armstrong, *The Brethren: Inside The Supreme Court* (1980). Contrary to the impression given by these authors, I was pleased to discover that although the clerks of the Washington Court of Appeals were open about their duties and responsibilities, they were most careful about comments on the habits and confidentialities of their judges.

Charles H. Sheldon is Professor of Political Science, Washington State University. He is co-author with retired Justice Frank P. Weaver of *The Washington Supreme Court of Politicians, Judges, And The People: The Politics of Participation*, Greenwood Press (1980). The book is a legal and political analysis of Yellev. Kramer, 83 Wn. 2d 464 (1974), the "initiative 282 Case."

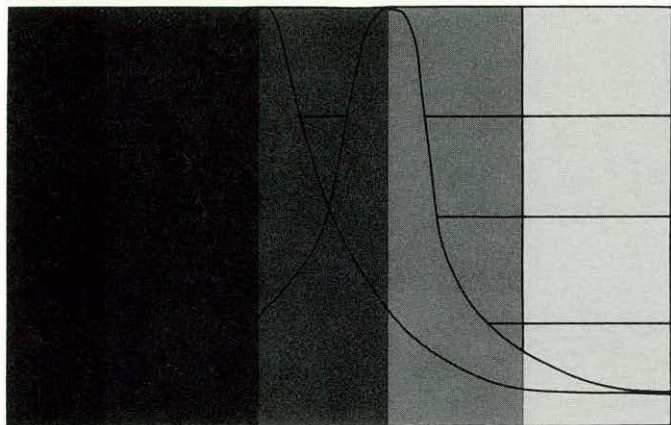
<sup>2</sup>Eugene A. Wright, "Observations of an Appellate Judge: The Use of Law Clerks," 26 Vand. L. Rev. 1179 (1973) at 1181.

## **Enhance Your Jury Communications**

**Consultation in your office**

**Review of hospital records and medical reports**

**Photography services**



**Charts and Graphs, Maps, Models, diagrams, illustrations, slides and exhibits.**

**Courtroom Visuals**

**biomedical illustrations, inc 682-8197**

## **THE CPT 8000 SERIES**

# **DISKTYPE SYSTEM**

**COMBINES COMPUTER POWER WITH FULL PAGE VISUAL DISPLAY & DUAL DISKETTE DRIVES**



The CPT 8000 Series DISKTYPE SYSTEM has many unique features that make your word processing tasks faster, more accurate, more economical. Features include ■ Two fully operable diskette stations available while unit is programmed for other

tasks ■ Bottom line entry ■ Automatic hyphenation ■ Wide-page capability ■ Simultaneous output on three printers ■ Optional use of CPT Rotary IV printers each with 540 words per minute playback ■ And... Full compatibility with the CPT 4200 dual cassette word processor.



**CAPITAL  
BUSINESS MACHINES**

**Tacoma / 572-4110 • Olympia / 943-4610**

ifested in the judges' queries at oral arguments, discussions and votes in conference, and the drafting of opinions. Housekeeping tasks do not bear directly on the ultimate outcome of a particular appeal but are found necessary by a few jurists.

Consistent with Judge Wright's characterization, the law clerks are intimately if not primarily involved with decisional tasks that bear directly on the outcome of the appeal. This is not to suggest that they are, then, surrogate judges. The late Judge Frederick G. Hamley, formerly of the Washington State Supreme Court and of the United States Court of Appeals, Ninth Circuit, reminded law clerks that although they play important roles in the decisional process, they assume no responsibility for final decision.

Your prime loyalty is to your judge. To the extent that he wants you to do so, and with most judges this is considerable, urge upon him your views even though contrary to his. But remember that the responsibility for decision is his. Once your judge has made up his mind about the rationale or the outcome of an opinion, help him express his views in the most effective way, even though your views differ. Do nothing to undermine your judge, his work, or his decisions, with the other judges on the court.<sup>3</sup>

Nonetheless, many clerks experienced the secret pleasure of having their draft opinions accepted by their judge and ultimately by the court. Of course, the judge cast the initial vote in conference, assumed full supervision of and responsibility for the opinion and submitted it to his brethren under his signature. One clerk aptly described the close working relationship between clerk and judge:

In general my judge and I worked very closely on all opinions, although the final decision was always his.

He would draft an opinion on one case for me to review, edit, etc., and I would do the same on the next case. Thus I can look back and read many opinions that were entirely my product. On other occasions, my draft opinion would be rejected completely. On one occasion I totally re-wrote one of my judges' opinions to a different result and was pleased that he accepted my reasoning and persuaded his fellow Judges to adopt it as the opinion of the court.

What were the advantages and disadvantages experienced by the clerks in their year or so with the Court of Appeals? "Insights into the judicial and appellate process" and development of "writing and research skills" dominated the advantages. Isolation from the "real world of practice" and little exposure to a "role in the adversary

<sup>3</sup>Frederick G. Hamley, "Sample Instructions to Law Clerks," *Id.*, at 1242.

process" constituted the few disadvantages. The positive aspects of the clerkship far exceeded any drawbacks suggested by the respondents. Most viewed their tenure with the court as a "post-graduate experience" which prepared them for better lawyering, a chance at better employment, and a familiarity with substantive law and procedure. The year's tenure with the court also provided a transitional period to prepare for the bar exam without pressure and to consider future employment opportunities. Only one respondent felt there were no advantages to the experience and another opined that he was bored after only a few months. Virtually all clerks would recommend the experience to other law school graduates. One former clerk summarized his experience as clerk in the following words:

Advantages: (1) intimate knowledge of the appellate process, not just how things are done by the court, but why they are done. In other words, what an attorney can do to affect the outcome of a case, what will persuade a judge to look at an issue from your point of view and then provide the court with the legal basis to reach a desired result. (2) Friendship of . . . very good men and distinguished members of the bar. (3) Polishing of my legal writing skills.

Disadvantages: Possibly delaying a role in pri-

vate practice, . . . I do not regret my chosen course of action because the experience of law clerk was invaluable.

The contributions to the court made by the clerks are more difficult to isolate without consulting the judges. Most, if not all, the duties outlined in Table II can be performed by others such as permanent research attorneys. But the clerks bring to their assignments a characteristic perspective and a unique spirit.

As a case progresses from the trial to the appellate levels its precedential value grows. Nevertheless, the vast bulk of the appeals follow rather than create precedent. Now and then, however, some cases must be carefully placed into a logical progression of precedent and, perhaps, strike out into a new direction. It is here where the clerk's broad theoretical perspective recently acquired in law school can make its contribution. In the words of one of the clerk respondents:

Clerks are a bridge between law schools — and hence the scholarly side of the law — and day to day law on an operational level. This, on the one hand, was my introduction to "real" law. On the other hand, the judge was exposed to new ideas fresh from the law school "scholarly" law. This exchange was invaluable to me, and, I hope, helpful to [the judge].

---

## PROFESSIONAL BUSINESS VALUATION

Our group of highly skilled professionals has provided expert court testimony and valuations for all types and sizes of businesses. We can provide you with professional valuation opinions on:

Estate/Gift Tax Reporting

Estate Planning

Intangible Assets

Community Property Settlement

Employee Stock Ownership Plans

Reorganization

Preferred Stock Recapitalization

Mergers and Acquisitions

Buy/Sell Agreements

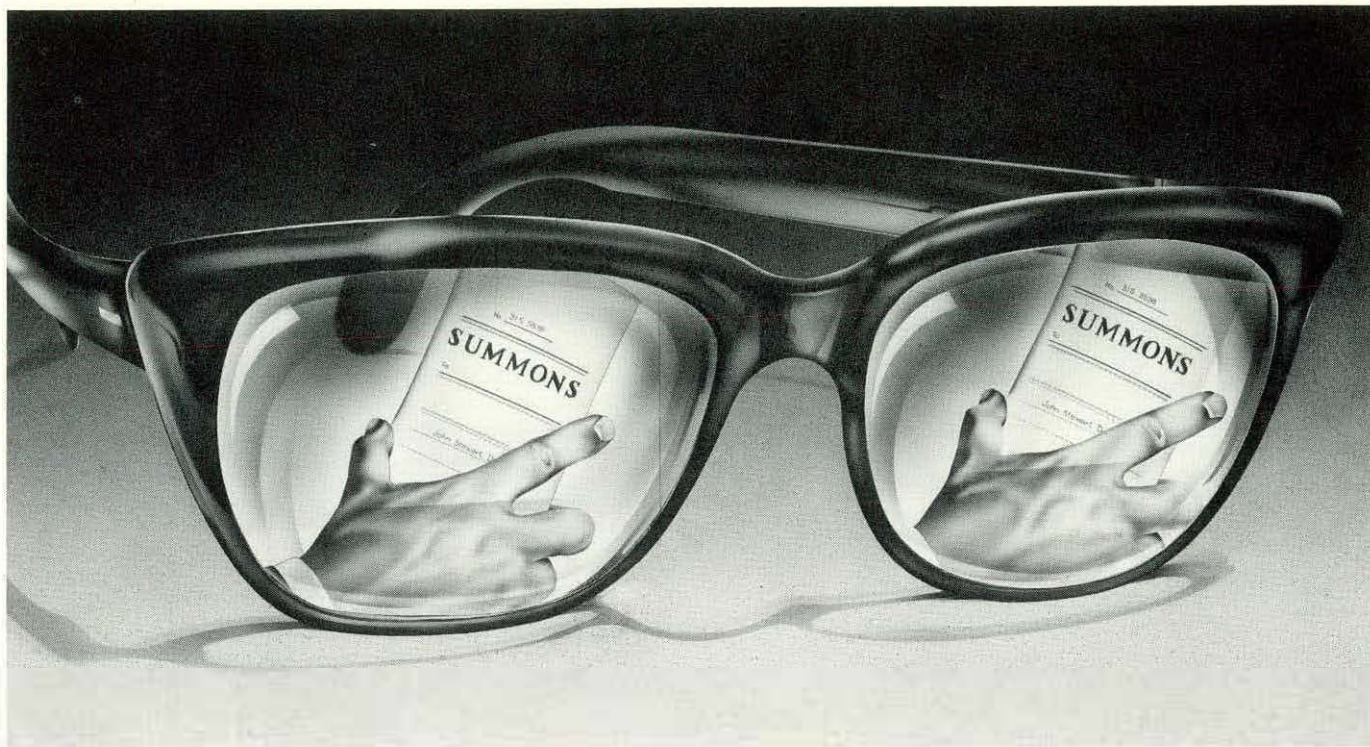
Shareholder Disputes

Business Valuation Services



**SEATTLE-FIRST  
NATIONAL BANK**  
MEMBER F.D.I.C.

P.O. Box 24186, Seattle, WA 98124 (206) 583-7699



# REFLECT ON YOUR MALPRACTICE POLICY. BEFORE IT'S TOO LATE.

More attorneys are losing sight of their hopes, dreams and careers every month as malpractice suits against them continue to rise.

And, so, the odds of your getting sued are also increasing.

That's why, before your practice and estate grow even more, and you become a bigger target for malpractice suits, it might be wise to read your malpractice insurance policy.

The differences between your policy and Insurance Corporation of America's policy should open your eyes.

## **ONLY ICA FIGHTS UNTIL YOU SAY QUIT.**

Other insurance companies require you to settle when they and the claimant reach an agreement.

And if you don't take the settlement offer, most other insurance companies penalize you.

Not so with ICA. We never settle without your consent. So there are

never any penalties for not taking a settlement.

## **ONLY ICA PAYS TOTAL DEFENSE COSTS.**

Other insurance companies apply defense costs to your deductible.

And with lawyer fees now running as high as \$2,000 a day, you could win your case but come out a financial loser.

But because ICA pays total defense costs, the total face value of the policy is what you get. Without defense cost deductions.

## **PROTECTION BEYOND THE POLICY.**

ICA also offers an extended reporting option with your policy.

This allows you to report claims even after your policy expires in the event you leave the ICA plan.

Most companies don't provide this option.

But in light of the high frequency of law suits that take place years after the fact, we think extended protection is valuable.

Of course, we think differently compared to other insurance companies. Because we're founded by lawyers. Operated by lawyers. And as a result, we're always reflecting on what we would want out of an insurance company.

If this sounds like what you want, call or write Insurance Corporation of America.

Do it now while you still have the time to reflect.



**INSURANCE  
CORPORATION  
OF AMERICA**

ICA Building, 2205 Montrose Blvd.,  
Houston, Texas 77006, 713/526-4863

A:XV Reinsurance Protection Provided.

Judicial thinking, like all serious reasoning, thrives on continued testing. A critical role can be best assumed when the constraining loyalties to court and familiarity with judge are absent. Second guessing, prediction and anticipation born of a prolonged relationship fail to dull the thrust and force of critical questioning. Also, the enthusiasm if not naivete of recently graduated law students adds to the clerk's role as critic.

Not to be overlooked is the lure of clerkship to the best products of our law schools. The clerkship provides a way station for a more leisurely planning of a career and is an enviable addition to one's resumé. Should long term arrangements such as permanent research attorneys replace the present clerkships, fewer of the top students could be recruited.

### Subsequent Careers

Although their year's service with the Court of Appeals was only recently concluded in some cases, patterns of career development are evident for the former law clerks. (Table III.)

The income of the former clerks is near the average for practicing attorneys in the state but these young attorneys (average age in 1977 was 30) are establishing themselves in the more secure and traditional segments of legal practice. Interestingly, after their direct exposure to appellate practice and procedure, few are involved in appellate litigation. Only a few (29%) relied some on the judge for whom they clerked to help secure employment immediately following their tenure with the Court of Appeals indicating their marketability.

Certainly, it is a long way from clerking with the U.S. Supreme Court and the intoxicating experiences reported by Woodward and Armstrong to the Court of Appeals in Seattle, Tacoma and Spokane. Nonetheless, the essential role of the clerk as "puisne judges" remains. □

TABLE I  
BACKGROUND OF LAW CLERKS  
(N = 38)

| Characteristic              |     |
|-----------------------------|-----|
| Average Age at Appointment  | 26  |
| Undergraduate College       |     |
| Private Instate             | 29% |
| Private Outstate            | 0   |
| Public Instate              | 47  |
| Public Outstate             | 21  |
| Other                       | 3   |
| Law School                  |     |
| University of Washington    | 40% |
| Gonzaga                     | 24  |
| University of Puget Sound   | 3   |
| Other Northwest Law Schools | 13  |
| Top Flight Law School       | 6   |

|                                           |     |
|-------------------------------------------|-----|
| Other                                     | 16  |
| Class Standing                            |     |
| Top One-Third                             | 74% |
| Middle Third                              | 24  |
| Bottom Third                              | 3   |
| Honors                                    |     |
| None                                      | 32% |
| One to Three                              | 53  |
| Over Three                                | 16  |
| Father Occupation                         |     |
| Professional and Technical                | 37% |
| Attorney or Judge                         | 8   |
| Self Employed, Managers, Officials        | 16  |
| Skilled Workers, Clerical, Sales, Service | 26  |
| Unskilled Workers                         | 6   |
| Other                                     | 8   |
| Political Party Affiliation               |     |
| Republican                                | 66% |
| Independent                               | 18  |
| Democrat                                  | 11  |
| Other or NA*                              | 5   |
| Legal Philosophy                          |     |
| Activist                                  | 15% |
| Between                                   | 47  |
| Restraintist                              | 24  |
| Other or NA*                              | 11  |
| Legal Philosophy                          |     |
| Liberal                                   | 45% |
| Moderate                                  | 40  |
| Conservative                              | 8   |
| Other or NA*                              | 8   |

\*No Answer

TABLE II  
LAW CLERKING TASKS

(Question: Please indicate how frequently you were involved in each of these tasks.)

| TASK                                                   | MEAN* |
|--------------------------------------------------------|-------|
| <i>Preliminary Tasks</i>                               |       |
| Researching extra-ordinary writs                       | 2.3   |
| Writing memos on motions presenting substantive issues | 2.3   |
| Preparing memos on petitions for review                | 2.0   |
| Writing memos on petitions for re-hearing              | 2.0   |
| Preparing memos on transfer-retain appeals             | 1.7   |
| <i>Decision-Making Tasks</i>                           |       |
| Drafting opinions                                      | 4.6   |
| Preparing pre-hearing memos                            | 4.5   |
| Editing opinions                                       | 4.5   |
| "Shepardizing" and legal footnoting                    | 4.4   |

# **Creative Ideas**

**FOR THE**

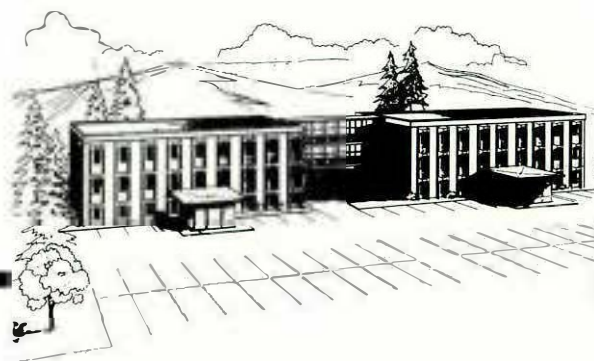
# **SMART BUSINESSMAN**

- Document Control and Analysis Reporting Service
- Time and Billing Accounting System
- Word Processing for Legal Systems

**“GET MORE FOR YOUR LEGAL DOLLAR”**

**FROM**

**COMPUTER SYSTEMS INTERNATIONAL**



**VALLEY PROFESSIONAL CENTER**  
N. 112 University, Suite #304, Spokane, WA 99206  
(509) 922-7610

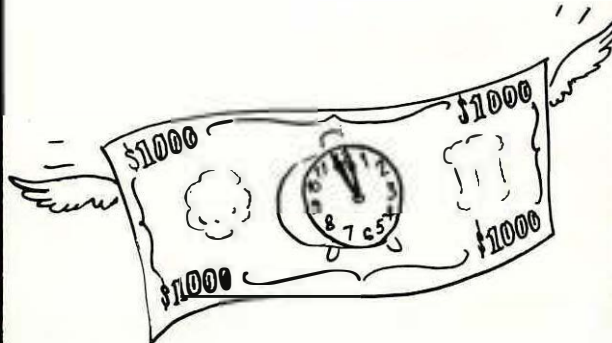
|                                                                          |     |
|--------------------------------------------------------------------------|-----|
| Preparing memos on draft opinions of other judges                        | 2.3 |
| <i>Housekeeping Tasks</i>                                                |     |
| Research on legal matters other than specific cases (articles, speeches) | 2.8 |
| Non-legal tasks                                                          | 2.0 |
| Administrative duties (docket matters, records keeping, etc.)            | 1.9 |
| Secretarial (transcribing, typing, filing, phone, etc.)                  | 1.5 |

\*The mean is based upon the following weighing of responses: "Very Frequent" = 5; "Frequently" = 4; "Sometimes" = 3; "Seldom" = 2; and "Never" = 1.

TABLE III  
SUBSEQUENT CAREERS AND ACTIVITIES

|                                                                  |                                 |
|------------------------------------------------------------------|---------------------------------|
| 1. Political activity                                            |                                 |
| Active (very, fairly) 11%                                        |                                 |
| Somewhat Active 18%                                              |                                 |
| Not Active (hardly, not at all) 66%                              |                                 |
| NA 5%                                                            |                                 |
| 2. Bar association(s) activity                                   |                                 |
| Active (very, fairly) 13%                                        |                                 |
| Somewhat Active 26%                                              |                                 |
| Not Active (hardly, not at all) 53%                              |                                 |
| NA 8%                                                            |                                 |
| 3. Yearly income (past two years)                                |                                 |
| Less than \$15,000 24%                                           |                                 |
| \$15,000-\$29,999 55%                                            |                                 |
| Over \$30,000 13%                                                |                                 |
| NA 8%                                                            |                                 |
| 4. Position immediately following clerkship:                     |                                 |
| Sole Practice 5%                                                 | Prosecutor's Office 8%          |
| Law Firm 55%                                                     | Business 0%                     |
| Attorney General's Office 0%                                     | Government 3%                   |
| Law Clerking or NA 24%                                           | Other 5%                        |
| 5. Present practice arrangement                                  |                                 |
| Sole Practice 3%                                                 | Partnership, 2-10 members 13%   |
| Salaried employee (Corporation) 5%                               | Partnership, 11-20 members 8%   |
| Salaried employee (Law firm) 16%                                 | Partnership, over 20 members 0% |
| Salaried employee (Government) 13%                               | Prosecutor's Office 8%          |
| Clerking or NA 24%                                               | Other 11%                       |
| 6. Times practiced before courts last few years (yearly average) |                                 |
| Over 50 times 24%                                                | 30-50 times 24%                 |
| 10-29 times 16%                                                  | 1-9 times 13%                   |
| Rarely or never 3%                                               |                                 |
| 7. Primarily at what level and in what jurisdiction              |                                 |
| Trial 61%                                                        | State 61%                       |
| Appellate 3%                                                     | Federal 5%                      |
| None or NA 29%                                                   |                                 |
| 8. Legal "specialty":                                            |                                 |
| Admiralty 0%                                                     | Real Estate 8%                  |
| Anti-Trust 8%                                                    | SEC 0%                          |
| Bankruptcy 3%                                                    | Trademark 0%                    |
| Business & Corporate 16%                                         | Workmen's Compensation 0%       |
| Civil Trials 13%                                                 | Other 11%                       |
| Collections 0%                                                   | NA or None 21%                  |
| Copyright 0%                                                     |                                 |
| Criminal Trials 11%                                              |                                 |
| Divorce & Domestic Relations 5%                                  |                                 |
| Estate Planning and Probate 0%                                   |                                 |
| Federal Taxation 0%                                              |                                 |
| Labor Relations 0%                                               |                                 |
| Patents 0%                                                       |                                 |
| Personal Injury Litigation 5%                                    |                                 |

## To a lawyer... TIME is MONEY!



As a practicing attorney you are probably losing between \$500-\$1000 in billable hours every month, DEAD LOSS!!

This is due in part to the fact that you have no truly accurate way to track and account for every minute of your daily activities. Whether you're a one man practice using manual record methods, or a 100 man computer oriented organization...

make every  
minute count...  
with  
**CHRONOMETRICS!**



The **CHRONOMETRICS ELECTRONIC TIME RECORDER and DATA PROCESSING SYSTEM** is the only complete flexible profit-generating and management control system available exclusively for attorneys today! Invented by an attorney, it records all the time you spend by case, client activity and keeps track of telephone time, office interruptions and general professional time... accurately.

**PHONE NOW FOR DEMONSTRATION**  
**CHRONOMETRICS NORTHWEST**  
P.O. Box 66393, Seattle, Washington 98166

**SEATTLE**  
(206) 941-5551

**TACOMA**  
(206) 952-2741

# It's all included.

When you buy an Excelsior-Legal "all-in-one" corporate outfit.

Placing one order for all your corporate requirements saves you time and money.



- The corporate record book of your choice with the corporate name printed or gold lettered on the spine.
- Matching slip case (except Ex Libris® which is self contained).
- Customized seal in zipper pouch.
- 20 bound lithographed certificates. Imprinted and numbered with full page stubs.
- 50 blank rag content sheets. Or, printed Minutes and By-laws (revised to comply with the Revenue Act of 1978), which include IRS §1244, Subchapter S, Medical/Dental reimbursement plan, appendix of forms, instructions, worksheets, and 20 blank sheets. The Blank State set is based upon Model Business Corporation Act. Separate editions available for CA, CT, DL, FL, IL, NJ, NY, PA and TX.
- Our exclusive corporate record tickler.
- Mylar reinforced tab indexes, with five positions and stock transfer ledger.

Call us on our  
Nationwide Toll-free Line  
**1-800-433-1700**

Charge your  
American Express,  
Master Charge or Visa cards  
Request shipment by AIR  
only \$2.00 additional

It's all included. When you order from:

**Excelsior-Legal**  
Southwest, Inc.  
P.O. Box 5683, Arlington, TX 76011 (817) 460-8621

To: Excelsior-Legal  
Southwest, Inc.  
P.O. Box 5683,  
Arlington, TX 76011

Shipment  
within  
24 hours

Shipment  
free when  
you enclose  
check

Please ship:

| Outfit                   | Black Beauty™                       | Green Beauty                        | Ex Libris®                          | Jet Set                             | Syndicate                           |
|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Plain Filler             | <input type="checkbox"/> 70 \$31.00 | <input type="checkbox"/> 71 \$31.00 | <input type="checkbox"/> 10 \$35.00 | <input type="checkbox"/> 35 \$41.00 | Rectangular Post                    |
| Ptd. Minutes and By-laws | <input type="checkbox"/> 80 33.00   | <input type="checkbox"/> 81 33.00   | <input type="checkbox"/> 20 37.00   | <input type="checkbox"/> 45 43.00   | <input type="checkbox"/> 90 \$47.00 |
|                          |                                     |                                     |                                     |                                     | <input type="checkbox"/> 95 49.00   |
|                          |                                     |                                     |                                     |                                     | Round Post                          |
|                          |                                     |                                     |                                     |                                     | <input type="checkbox"/> 91 47.00   |
|                          |                                     |                                     |                                     |                                     | <input type="checkbox"/> 96 49.00   |

(Print corporate name exactly as on certificate of incorporation. If longer than 45 characters and spaces, add \$5.75 for 2" die seal.)

\_\_\_\_\_ authorized shares ☐ NPV or ☐ PV \$ \_\_\_\_\_ each Capitalization \$ \_\_\_\_\_

Certificates signed by President and \_\_\_\_\_ (Secretary-treasurer, unless otherwise specified) ☐ Ship via Air—\$2.00 extra.

☐ IRC §1244 complete set—resol., dir. min., treatise, law, etc., \$3.95 extra.

Charge ☐ AMEX  
☐ MC  
☐ VISA

Ship to \_\_\_\_\_ Number \_\_\_\_\_ Expires \_\_\_\_\_ Signature \_\_\_\_\_

Zip Code \_\_\_\_\_ Wa \_\_\_\_\_

# McLauchlan at Large

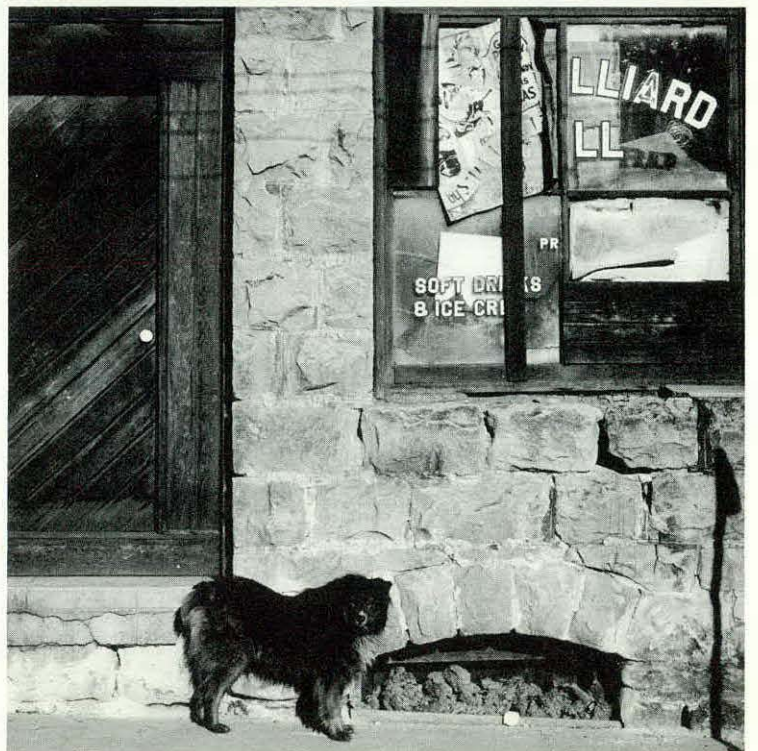
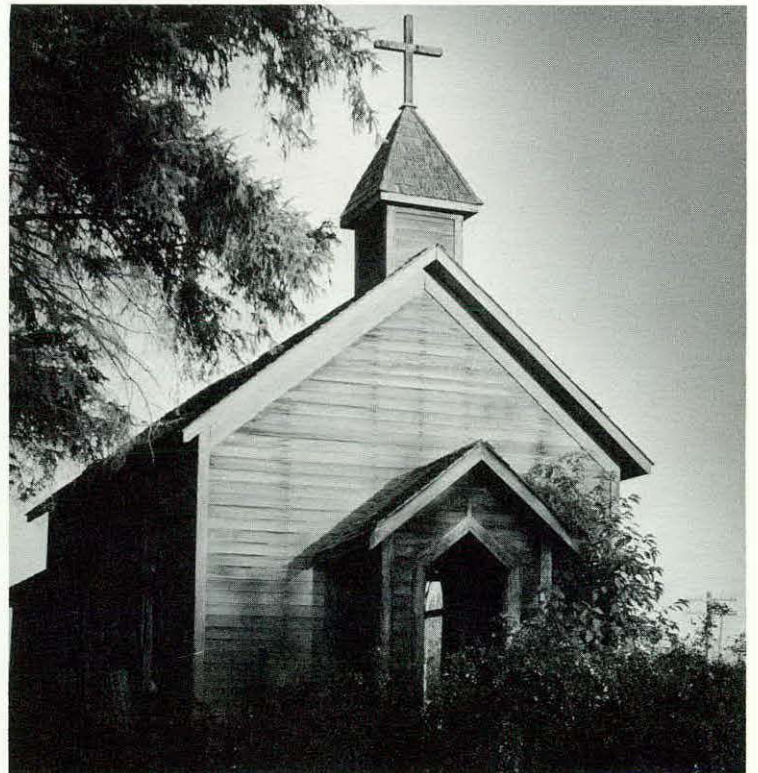


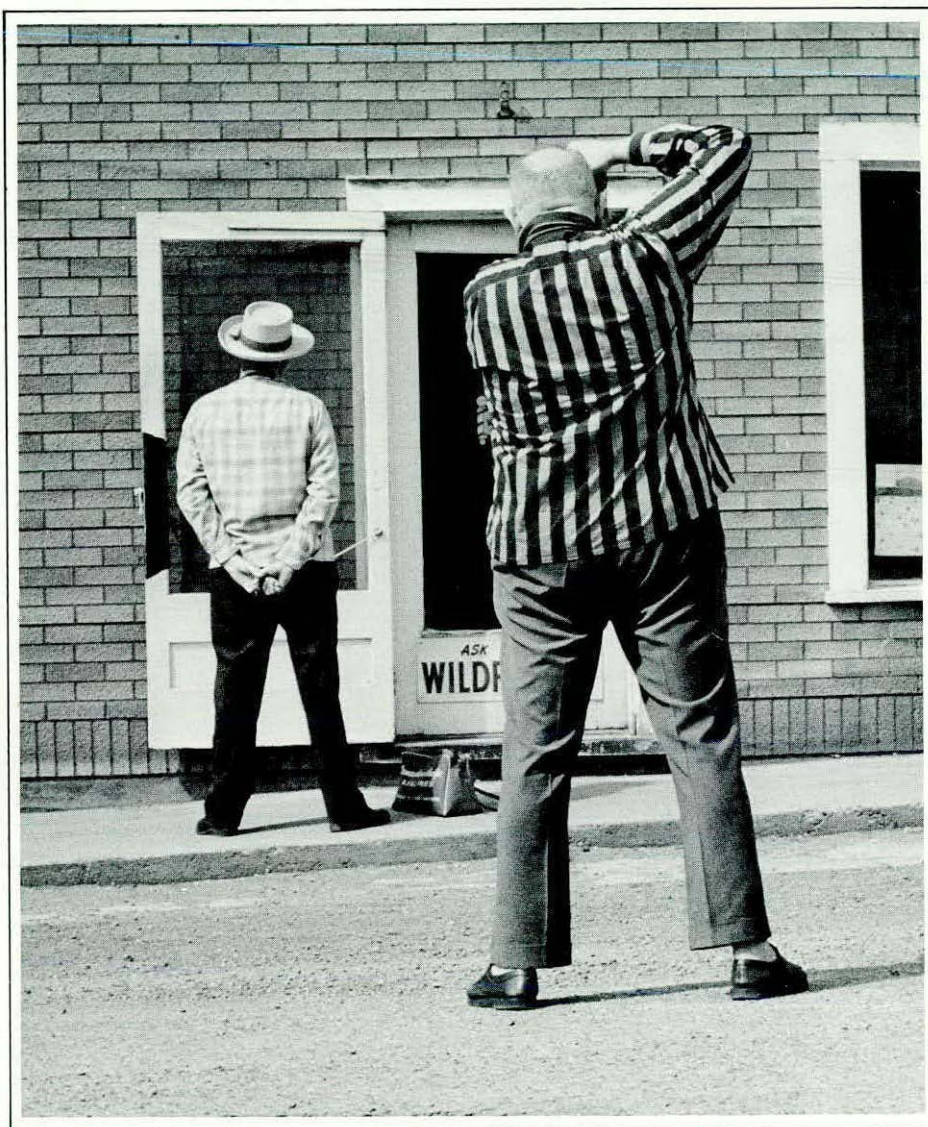
Seattle attorney John D. McLauchlan's photographs of Washington lawyers and judges have frequently appeared in the **Bar News**. The photographs on these pages and on our cover offer a respite from that perhaps all too familiar subject matter.

With the exception of the cover, each of the photographs was taken in or near Roslyn, Washington, which McLauchlan describes as "the center of the legal universe." McLauchlan also says that the Broad Street Hotel, which appears on this month's cover, relates to Roslyn because it is "where people from Roslyn stayed when they came to Seattle." Most of these photographs previously have been published by the Seattle Photographic Society. The photograph of McLauchlan taking a photograph was taken by Charlotte B. Smith, an accomplished Seattle photographer who has truly captured "McLauchlan at Large".

JVW







**"With the many criticisms directed toward our judicial system these days it is encouraging that jurors who serve enthusiastically support it . . ."**

# One Judge's Juror Questionnaire

By W. L. BROWN, JR.

I became a Superior Court Judge in August of 1967. Prior to that time I had been in practice since 1949. During those years I had participated in a substantial number of jury trials. As a judge I had a closer opportunity to observe the jury system in operation. I wondered how they viewed attorneys, judges and our judicial system in general.

When I read the instructions to the jury I also wondered if they understood them and if they had any suggestions that might make it easier for them to understand the issues involved. To answer these questions and others, I developed a questionnaire which included a brief explanation of its purpose. I sent this to jurors after they had completed their two months' service. During that time each juror sat on an average of two or three cases.

The questions were designed to determine whether the jury understood the issues they were to decide, whether they actually understood the instructions, if they thought there were too many instructions and whether or not they could recall the evidence. I also developed some questions and determined to see whether or not there were any suggestions that these jurors had which in their opinion would result in the improvement of the judicial system.

Here in Pierce County we furnish the jurors with the Jurors' Handbook approved by the Superior Court Judges' Association. I was curious whether they felt the Handbook gave them an understanding of what their duties were, as well as an understanding of the background for their services.

My original questionnaire did not ask about cameras in the courtroom, or about pretrial publicity in a criminal

case. I have added these and other questions within the last year.

I have received several hundred answers to my questionnaire. The questions, along with a summary of the answers, are as follows:

1. Did you enjoy your jury service?

The uniform answer was "yes."

2. Did you understand the issue that you were to decide in each case? If you did not understand the issue, why was it not clarified by the attorneys or the judge's instructions?

The uniform answer to this question was "yes."

3. Did you feel that the trial progressed in a business-like manner?

Here again, the uniform answer was "yes." Many



*W. L. Brown, Jr., has been a Pierce County Superior Court Judge since August, 1967. He graduated from the University of Washington School of Law in 1948 and practiced law in Tacoma until his appointment to the bench. He is a former president of the Tacoma-Pierce County Bar Association.*

## Gillespie Polygraph

P. O. Box 56, Lynnwood, WA 98036  
(206) 775-5111

### DEWEY D. GILLESPIE

Past Vice-President,  
American Polygraph  
Association

### TERRY R. TANNER

Member, American  
Polygraph Association

—CRIMINAL  
—CIVIL



Private, Professional Facilities  
Portable Testing Equipment  
Confidential Civil and  
Criminal Pretrial Investigation

## Legal Forms

Now available at your stationers,  
over 200 recently revised, preprinted  
forms. Free catalog. For up-to-date  
quality, specify...



**WASHINGTON  
LEGAL BLANK INCORPORATED**

The oldest and largest printer of legal forms in  
the State of Washington

jurors commented that they were very surprised at the efficient way in which the matter proceeded.

4. Did you feel that the personality of the attorneys had any effect upon your deliberations and the manner in which you personally decided each case?

Here, the answer was "no." The jurors uniformly pointed out that the personality and manner of presentation by the attorney has no practical effect on their deliberations. This may come as a surprise to some attorneys who feel that they have some personal magnetism that compels the jury to follow their lead. However, this is simply not true. From my own observation I can agree with this conclusion. I have observed lawyers try cases with a variety of approaches. Some do it with a flair, some are quiet, some fumble, some bumble. I have heard arguments which would have brought tears to anyone's eyes. Through it all the jury listens impassively and none of these presentations in any manner deter the jury from following their responsibility with objectivity and devotion to the evidence as presented during the trial, and the resolution of the issues given by the court.

5. Did you feel that the instructions adequately advised you of the problems involved and of the law regarding each point in the case?

Here, again, the answer uniformly was "yes." This may come as a surprise to some people but I have had cases in which the jury has underlined a three-word phrase in an instruction that was critical to the case. Time and time again I have had it demonstrated to me by the jury that they do read the instructions and are careful to follow them. This demonstrates again the thoroughness of the approach by jurors to their responsibility.

6. Did you think there were too many instructions?

The answer was "no," which surprised me. When a judge reads instructions for twenty to thirty minutes, he may get the impression that he may have lost the attention of his audience. In reality, jurors listen very closely. I am also convinced that a proper reading of the instructions is extremely important to the jurors.

7. Did you think that the arrangements for the jurors were adequate for their comfort and deliberations?

"Yes." The one complaint we have had in Pierce County was that the chairs were uncomfortable.

8. What was your overall impression of the manner in which the cases were tried?

The jurors had no complaints and no suggestions. Their overall impression was that the cases were well tried without wasted time.

9. Did you feel that the court sessions were too long, too short, or just right?

"Just right." (The hours of service here in Pierce County are 9:30 to 12:00 and 1:30 to 4:00. There is a short recess during that period of time.)

10. Do you have any suggestions? If so, please list any

suggestions you might have for the improvement of the judicial system.

"None."

11. Did the actions of the judge influence your deliberations at all?

"No."

12. Did you have any difficulty recalling the evidence?

"No." The point made by some of the jurors was that, even though they had some initial doubt about their ability to recall all of the evidence, after they had gone into deliberation and discussed the case with all of the jurors and talked about the testimony, they found that they could recall it without any real difficulty or dispute.

13. If you did have questions on the evidence, would it have assisted you in determining the evidence to have had the court reporter read back that portion of the evidence in dispute?

The answer here was generally "no." Some suggestions were made that reading the evidence back would be very helpful in some instances.

14. Do you think it would assist you in your duty to have been able to take notes during the trial?

"No." The reasons given are, first, the jurors would be too busy taking notes to listen to the testimony, and, second, the juror taking the notes would take down the

wrong words causing the jurors to argue about the accuracy of his notes. It is interesting to note that the jurors felt the same as most judges and lawyers do about this particular matter.

15. Do you think it would have assisted you in your duty to have been able to forward questions during the trial to the judge?

"No." Some of the jurors did comment that they had questions during the trial but they found that the questions were answered during the interrogation by the attorneys.

16. Did you feel that the Jurors' Handbook provided to you gave you enough insight and understanding of the role of the juror and the problems you encountered during service?

"Yes."

17. Would it have helped to have had any instructions read before the case started? If so, which ones.

"No."

18. Do you feel it would have distracted from your attention to have had cameras present in the courtroom while the testimony was being taken?

Answers to this question were almost equally divided between "yes" and "no." There were more jurors who felt that cameras would have distracted them.

19. Do you feel it is fair for newspaper and television

## Complete Word & Data Processing Supplies

INTERNATIONAL  
**RIBBON  
HOUSE**  
INC.

P.O. BOX 98223  
TACOMA, WA. 98499  
206 • 565 • 1415



|                           |                             |                             |                            |                               |
|---------------------------|-----------------------------|-----------------------------|----------------------------|-------------------------------|
| Seattle<br>(206) 622-2112 | Bremerton<br>(206) 692-4056 | Wenatchee<br>(509) 662-3625 | Billings<br>(406) 252-4792 | Minneapolis<br>(612) 781-7989 |
|---------------------------|-----------------------------|-----------------------------|----------------------------|-------------------------------|



## PACIFIC TESTING LABORATORIES

For 54 years we've been providing expert Forensic Evaluation. Investigative and testing capabilities include:

- **PRODUCT LIABILITY**
- **ACCIDENT RECONSTRUCTION**
- **CONSTRUCTION PLANS COMPLIANCE**
- **NON DESTRUCTIVE EVALUATION**
- **STRUCTURAL ANALYSIS**
- **GEOTECHNICAL SERVICES**
- **FLAMMABILITY CONSULTATION**
- **FAILURE ANALYSIS**

Licensed Professional Engineers

**(206) 282-0666**

3220 - 17th Avenue West  
Seattle, Washington 98119

media to report in detail the facts of a crime prior to the trial of the defendant?

The overwhelming response is that the jurors feel it was unfair for newspapers and television to detail the facts of a crime prior to the trial. Some jurors commented that a brief recitation of the fact that a person was arrested, arraigned and was going to stand trial for a particular crime was adequate. Otherwise, the jurors felt that further publication of information relative to the facts of the crime should not be made prior to the trial.

20. Is your opinion of lawyers now better than it was before you served as a juror?

"Yes."

21. Are the jury chairs so uncomfortable that you feel that we should replace them with more comfortable chairs?

The answer here is "no." The jurors felt that they were comfortable enough and did not want to spend their tax moneys for more comfortable chairs.

I realize that this study is homemade, but it has answered my questions. I now feel confident that the jurors do understand the issues and the instructions and that they do take their responsibilities seriously and objectively. Moreover, this shows me that they are not swept away by oratory, nor do they let sympathy play a part in their deliberations.

I am certain that this study establishes that jurors find that our system works well. More than one answer had a note enclosed which told me how much the juror enjoyed their service, and that it renewed their confidence in the judicial system.

This is a heartening message. With the many criticisms directed toward our judicial system these days, it is encouraging that these jurors who serve enthusiastically support it, find that it does in fact operate well, and that it should be retained.

In addition, the Bar should be encouraged by this study. The jurors are impressed by the hard work performed by the attorneys to present this matter for trial. Their opinion of the attorneys markedly improved after their service. □

# Raising a New Issue on Appeal

BY DOUGLASS A. NORTH

Generally, an appellate court will not consider issues which were not raised in the trial court below. *State v. Wicks*, 91 Wn.2d 638, 591 P.2d 452 (1979). *Fuqua v. Fuqua*, 88 Wn.2d 100, 558 P.2d 801 (1979). This rule is designed to allow the trial court a chance to make a proper decision upon every issue and prevent parties from nursing along grounds for reversal to the end of a trial in order to be able to challenge an adverse result. Thus, an appellate court will review issues not pleaded but still raised before the trial court. *Shaffer v. Victoria Station*, 18 Wn. App. 816, 572 P.2d 737 (1977).

If, within five days after trial, you think of a new argument which you failed to present to the trial court, a motion for reconsideration immediately should be made in order to raise the issue. In the majority of cases, if the issue is neither raised in the trial itself nor in a motion for reconsideration, you will be out of luck. There are several acceptable grounds, however, for bringing up a new issue on appeal, and they are reviewed briefly in this article.

**Jurisdiction:** Rule of Appellate Procedure 2.5(a)(1) allows the trial court's lack of jurisdiction to be raised on appeal even though it was never raised in the trial court. The matter of jurisdiction is perhaps broader than it would appear at first blush, particularly in a statutory action. In such an action, the Supreme Court repeatedly has held that a trial court has only that jurisdiction or power which may be inferred from broad reading of the statute. Thus, in *Arneson v. Arneson*, 38 Wn.2d 99, 227 P.2d 1016 (1951) the court held that there was no power or jurisdiction under the Divorce Act to compel a liquidation for the benefit of creditors as an incident to a divorce decree. Similarly, in *Passmore v. Passmore*, 57 Wn.2d 762, 359 P.2d 811 (1961), it was held that the trial court did not have power under the Uniform Reciprocal Enforcement of Support Act to order temporary support pending a hearing, and in *In Re Parsons*, 76 Wn.2d 437,

457 P.2d 544 (1969) the court concluded that the court did not have jurisdiction to amend a judgment in a filiation proceeding to require the father's consent to an adoption.

**Constitutional Issues:** An appellate court sometimes will consider an issue not raised in the trial court if it constitutes manifest error involving a constitutional right. RAP 2.5(a)(3). This rule is most often invoked in criminal cases, *State v. McHenry*, 88 Wn.2d 211, 558 P.2d 188 (1977); *State v. Fesser*, 23 Wn. App. 422, 595 P.2d 955 (1979), but it also sometimes arises in civil cases, *Esmieu v. Shrag*, 88 Wn.2d 490, 563 P.2d 203 (1977) (failure to give due process notice of hearing).

## fit ATTORNEYS trim

Right across the street from Green Lake, where you can jog, swim, skate, bicycle, exercise, sun or people watch, we have 2 homes for sale. Both are old-fashioned style with bedrooms and a bath upstairs; living room with fireplace, dining room, kitchen with eating space and extra room for additional bedroom, recroom, den or ? on the main floor. Also there is a large high ceiling basement and detached 2 car garage off a paved alley. One even has a bomb shelter. \$129,950 and \$149,950. Some terms or trades possible. Exclusively ours—call for details.

## fat ATTORNEYS flabby

# VISTA

**Real Properties, Incorporated**

15842 Pacific Highway South  
Seattle, Washington 98188  
246-5990

Please note new address and phone number  
—effective March 1, 1980!!!

*Douglass A. North is with the Seattle firm of Hennings, Maltman, Weber & Reed. Formerly law clerk to Judge Keith M. Callow of the Washington State Court of Appeals, he now devotes a substantial portion of his time to appellate practice.*

# Announcement:

## **NATIONAL UNION FIRE INSURANCE CO. of Pittsburgh, Pennsylvania**

...A major national professional liability insurer, endorsed by 38 bar associations, with many years of experience in errors and omissions coverage, rated A+, with assets of \$428,000,000...

is now writing

### **PROFESSIONAL LIABILITY INSURANCE for members of the WASHINGTON STATE BAR ASSOCIATION**

Quotations Made &  
Policies Issued Locally

*FOR PROMPT INFORMATION AND QUOTATIONS PLEASE WRITE OR CALL*

**LaBow, Haynes**

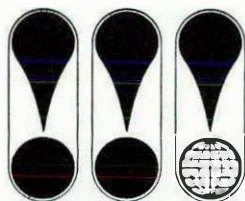
Bill Chatalas or Chris Johnson

...or...

**Quinan-Pickering**

Jack Quinan or Ron Pickering

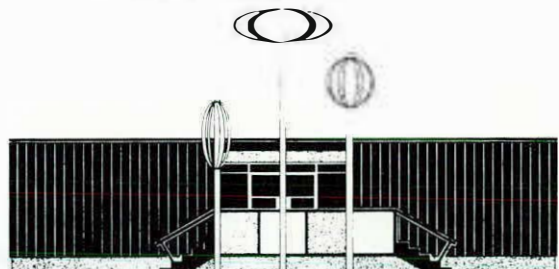
**"Insurance with Emphasis!"**



**LaBow, Haynes**

2500 SEATTLE-FIRST NATIONAL BANK BUILDING  
SEATTLE, WASHINGTON 98154  
(206) 223-1400

***THE CONSISTENT SOURCE***



**Quinan-Pickering, Inc.**

Since 1938

P.O. BOX 3875 • SEATTLE, WASHINGTON 98124  
(206) 622-4260



National Union Fire Insurance Company is a member of the American International Group, whose assets are in excess of \$5.4 billion

**Application of Statute:** The parties and the trial court are considered to have full knowledge and notice of all state statutes; therefore, in some instances, the appellate court may consider any statute applicable to the substantive issues before the trial court even though the statute was not cited below. *Osborn v. Public Hospital District*, 80 Wn.2d 201, 492 P.2d 1025 (1972) (considered statute regarding safety standards of hospitals not brought to the attention of the trial court); *Maynard Investment Company, Inc. v. McCann*, 77 Wn.2d 606, 465 P.2d 657 (1970) (considered statute regarding role of contractor who received payment which was not considered by the trial court below).

**Failure of Trial Court to Exercise Discretion:** Normally it is nearly impossible to reverse a decision of the trial court on a matter left to the court's discretion. If the trial court totally fails to exercise its discretion under a court rule not cited to it, however, this constitutes a mistake of law and the court may be reversed without any showing of abuse of discretion. *Goldendale v. Graves*, 88 Wn.2d 417, 562 P.2d 1272 (1977) (neither party cited JCrR 10.01 to the court and it therefore failed to exercise the discretion it had under the rule to set aside a dismissal of the case for failure to note it for trial).

**Failure to State a Claim Upon Which Relief May Be**

**Granted:** A party may raise the failure to establish facts upon which relief may be granted for the first time in the appellate court. RAP 2.5(a)(2). Under this rule, the appellate court may affirm the dismissal or reverse the granting of relief below upon the showing that the other party does not come within the ambit of a statute or rule allowing for relief. *Gross v. Lynnwood*, 90 Wn.2d 305, 538 P.2d 1197 (1978) (Respondents pointed out for the first time on appeal that appellant did not meet the requirements of the class of persons of the statute upon which his action was based). Also, in an appeal from a dismissal of an action pursuant to Civil Rule 12(b)(6) for failure to state a claim upon which relief can be granted, hypothetical facts may be raised for the first time on appeal. *Halvorson v. Dahl*, 89 Wn.2d 673, 574 P.2d 1190 (1978).

**Illegality:** The court has held that the illegality of a contract which was the subject of court action may be raised for the first time on appeal. *Wright v. Corbin*, 190 Wn. 260, 67 P.2d 868 (1937) (an old case, but recently cited in *Esmieu v. Shrag*, *supra*).

Although generally an appellate court will not consider a new issue raised for the first time on appeal, knowledge of the narrow exceptions to this rule discussed here could save your case on appeal. □

## We Sell Office Quiet!

If the clackety-clack of office typewriters, computers and other word and data processing equipment is distracting your people and lowering office efficiency, you should talk with Jensen.

Our accoustical enclosures reduce sound more than 95% on many machines — and they provide work stations engineered for increased efficiency through better paper handling and service access.

If you want it silenced we can do it, with over 450 stock designs and the engineering capability to handle the unusual.

Give us a call at:

(800) 732-9302

(A product of JENSEN Engineering, Inc.)



**ACP**  
Advanced  
Computer Products

1216 Pine Street, Seattle, WA 98101  
(206) 624-6064



## CONSULTANT IN FORENSIC SCIENCE

### MEMBER:

California Association of Criminalists

International Association  
of Arson Investigators

7 Years as a Criminalist with the  
California State Department of  
Justice Crime Laboratory System

Published Author on Physical Evidence

### Providing Technical Assistance In:

- Examination of Physical Evidence
- Narcotics/Illicit Drugs
- Crime Scene Investigations/Reconstruction
- Arson Investigations
- Expert Testimony
- Blood Alcohol Determinations
- Seminars in Forensic Science

**ALL WORK STRICTLY CONFIDENTIAL  
SERVING THE PACIFIC NORTHWEST  
SEND OR CALL FOR PROSPECTUS**

**Raymond J. Davis**

4275 Sorrel Way N.E. Bainbridge Island, WA 98110  
(206) 842-8282



## Major Conference on Law Office Management Set for September 24-26, 1980

**John J. Michalik**  
*Director of Continuing Legal Education*

Interested lawyers and legal administrators will want to mark their calendars now for a major law office management program set for presentation in Seattle on September 24-26, 1980.

Cosponsored by the Washington State Bar Association and the Association of Legal Administrators, this program will bear the general title "Managing The Growing Law Firm Today And Tomorrow." The program is specifically designed for legal administrators, managing attorneys and attorneys who desire a more complete understanding of how a well-managed law firm should operate. Special emphasis will be placed on the problems faced by firms that are or will be composed of ten or more lawyers.

Topics to be covered in the over two and a half days of programming include: (1) "Understanding Law Firm Management And Planning"; (2) "Identifying And Creating Systems In A Law Office"; (3) "Financial Planning And Controls In The Law Firm"; (4) "Recruiting, Hiring And Training Of Non-Lawyers"; (5) Recruiting, Hiring And Training Of Lawyers"; (6) "The Effective Use Of Data Processing"; (7) "Law Firm Growth And How To Cope"; (8) "Income Determination And Distribution"; (9) "Trends In Law Firms Today And Tomorrow"; (10) "Effective Use Of Word Processing"; and (11) "Financing Capital Expenditures In Capital Intensive Law Firms."

In addition to lecture sessions, the Conference will also feature small group discussion sessions, composed of lawyers and legal administrators from similarly sized firms and with similar problems. Finally, the program will feature luncheons with top-notch, nationally known speakers in the law office management area.

The faculty for the Conference will include lawyers and legal administrators from Washington, Oregon, Colorado, Pennsylvania, New York, Florida, and the Canadian Provinces of British Columbia and Alberta. The program is, in fact, regional in nature and registrants/attendees will be drawn from all of the Pacific Northwest states and the Western Canadian Provinces.

All in all, this Conference promises to be one of the major law office management programs in the country this year, and a real must for those facing the problems, now and in the future, of a growing firm. The Conference

## POLYGRAPH

*THERE CAN BE A DIFFERENCE  
IN EXPERTS*

**JAMES WYGANT**  
**POLYGRAPH EXAMINER**

After more than 1,000 examinations, clients in Washington have included prosecutors, police, private attorneys and public defenders. Maybe you should find out why.

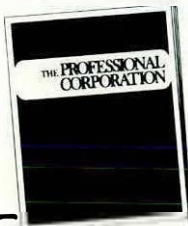
REASONABLE FEES

**JAMES WYGANT (503) 654-6244**

11238 SE 21st Avenue  
Milwaukie, Ore. 97222

*Office located in Portland suburbs  
Examinations at any suitable location*

## Where do doctors and lawyers get their best advice?



If you're a doctor, lawyer or other professional considering incorporation, we are offering a free 26-page booklet, "The Professional Corporation," which details the advantages, problems and facts you should be aware of. Simply return this coupon to us.

Please provide me with a complimentary copy of  
"The Professional Corporation."

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ BUS. PHONE \_\_\_\_\_  
STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**The Meisenbach Company,  
of course.**

New England Life Insurance Company  
1010 Washington Building, Seattle 98101 343-2323

also involves the Regional Convention of the Association of Legal Administrators and the Washington State Bar Association is pleased to join forces with ALA in the presentation of this outstanding program.

The Conference announcing brochure, with registration information and registration forms, will be mailed to all lawyers and legal administrators in the Pacific Northwest and Western Canada on or about June 1st. Keep your eye out for that brochure and, in the interim, mark your calendars for this important program. ☐

## Approved Continuing Legal Education Activities

### COURSES APPROVED

#### ALI-ABA

*Condominium Conversions*  
March 13-15, 1980: San Francisco ..... 19.50

#### PLI

*Counseling Clients in the Entertainment Industry*  
March 12-14, 1980: Los Angeles ..... 22.00

*Advanced Will Drafting*  
March 20-21, 1980: San Diego ..... 12.00

#### 10th Annual Advanced Antitrust

*Workshop*  
March 19-21, 1980: Seattle ..... 13.50

*Preparation of the Federal Estate Tax Return*  
April 17-19, 1980: San Francisco ..... 15.00

*Usury Laws & Modern Business Transactions*  
April 14-15, 1980: San Francisco ..... 12.00

#### WASHINGTON STATE BAR ASSOCIATION

*Skills Training II: Wills & Probate Practice*  
March 7-9, 1980: Seattle ..... 16.00

*Washington Appellate Practice*  
March 14, 1980: Yakima ..... 6.50  
March 28, 1980: Seattle ..... 6.50  
April 9, 1980: Olympia ..... 6.50  
April 18, 1980: Spokane ..... 6.50

*Defense of a Criminal Case*  
March 21, 1980: Seattle ..... 6.00

*Farm & Ranch Law*  
April 11, 1980: Pasco ..... 5.00  
April 18, 1980: Seattle ..... 5.00  
April 25, 1980: Spokane ..... 5.00

## Bar Review Associates of Washington

Bar Review Associates of Washington (BRAW) offers a Washington based, concentrated review and refresher course for the Washington State Bar Examination, July 28, 29 and 30.

The course starts June 17th and runs thru July 26, Mon. thru Fri., 6:30 p.m. to 9:30 p.m., and Sat. 9:00 a.m. to noon.

There is no deadline for registration, but registrations will be taken only at our office in the United Pacific Bldg. or by mail. This office will be open as soon as outlines are ready for delivery, about May 15. The office will be open from May 15 thru June 20th.

Cost: \$225. Course may be repeated without cost if necessary.

To receive a descriptive brochure, write or call the phone number below and leave your name and address.

### Mailing Address

Bar Review Associates of Washington  
30th Floor—Bank of California Center  
Seattle, WA 98164

### Office Address

Room 723 United Pacific Bldg.  
1000 Second Avenue  
Seattle, WA 98104

**Telephone (206) 624-1246**

# GOLD

for investments

- KEOGH
- IRA
- CORPORATE PENSION PLANS
- PROFIT SHARING

## KRUGERRANDS SILVER COINS BULLION

**C. Rhyne & Associates**  
**110 Cherry, Seattle 623-6900**

For daily updated quotes, call  
our recorded Hotline—625-9844



## Section Reports

### YOUNG LAWYERS SECTION

By C. C. BRIDGEWATER, JR., CHAIRMAN

It is the hope of the Board of Trustees that we of the Young Lawyers Section can inform our members of our programs, our aims, and the issues which face the Bar and our Section. We are anxious to provide the Section's membership with a forum to express their ideas and to stimulate the Board of Governors with the views of Young Lawyers. I encourage any of you who wish to become involved to attend our Board meetings or to contact your Trustee for service on a standing committee.

A representative of our Board attends each meeting of the Board of Bar Governors. It is there that the views of our Section are expressed. For instance, at the meeting in November the Board of Bar Governors reversed their decision to hold the '80 business meeting in Yakima. That reversal was due in part to the stance of our Section that it would not serve the interests of Young Lawyers to hold a meeting so distant from the majority, and thus, the meeting will be in Seattle for September, 1980. In order to take responsible stands on issues, we need to know what your expressed views are on ideas which impact you and the public — so write, phone, just communicate with your Trustee and express your views.

### Specializing in:

- Pension Design and Administration
- Actuarial Consulting
- Business Appraising

**James E. Hunnux  
& Associates, Inc.**

Grand Central Building, Suite 320  
216 1st Avenue South  
Seattle, Washington 98104  
(206) 625-9644

The stated aims of our Section are to serve the interests of the Bar, the public, and our Section members. In those regards we have two CLE programs, the Skills Training course, the sponsored shopping center programs, Law Day activities, Tel Law, and a variety of other programs that demonstrate responsible behavior by lawyers. Further, we are open to any program which seeks to educate or serve the public. You will get your notice of our Criminal Law seminar — attend! Other activities which are of note are the following:

a. *In Seattle.* In April there will be a Town Hall Forum on Wills, Community Property, and probate. Our section is promoting this and the ABA Young Lawyers Division will be sending a representative to observe. The program is spearheaded by John Ennis (Tacoma) and Keith McClelland (Seattle) — both Trustees of our Section. Participation is invited — it is meant for the public, but if you wish to participate contact either Trustee.

b. *In Spokane.* By November our Section, in conjunction with the Young Lawyers of Spokane, will be implementing a mock trial program in the public schools in Spokane. That pilot program is headed by Pat Williams. We should have an educational packet that could be used in any school district.

c. *Statewide.* Trustee Arden Olson (Seattle) and Chris Otorowski hopefully will be conducting a poll of the Bar membership relative to the Kutak report on changing our Code of Professional Responsibility. They are undertaking the same effort with regard to the ABA Young Lawyer Division. (See the Editor's column, page 11.)

Currently, we comprise the majority of the Bar's membership and to be a member of this Section you *must* pay \$5! Our membership is now about 1/5 of the possible 6,400 members. There are issues which face the new lawyer which can be dealt with better by coalescing than by individual struggles — e.g. economics of practice, education, service to the public, etc.

Last year our Section was the only Young Lawyers Section, indeed the only Bar Association, to respond to the Devitt Committee report to Chief Justice Burger (which urged a Federal Bar Exam and internship prior to Federal practice) by means of a random poll of our total Bar Association membership. Without interest, organization, and the support of our Board of Bar Governors, this would have been impossible.

We look to being an arm of the whole Bar, not a separate organization. I urge you to be critical, to be involved, and to join now! □



## JUDICIAL COUNCIL REPORT

By **KARL TEGLAND**  
Staff Attorney

Family Law practitioners should be aware of significant changes in this state's adoption statutes. Effective September 1, 1979, every adoption, whether arranged privately or through an authorized agency, must be preceded by a court order terminating the relationship between the child and the natural parents. RCW 26.32.032 et. seq. The termination order, which is now required in addition to the traditional relinquishment order, takes the place of a consent by the natural parents. A petition for an order of voluntary termination may be filed by a natural parent or an approved agency on behalf of the parent. A petition for an order of involuntary termination may be filed by DSHS, a parent (with respect to the other parent), a legal custodian, or a guardian. RCW 26.32.034. The statute does not authorize a petition for termination to be filed by the adopting parents.

The new statutes are far more detailed than can be described here, and it is not my purpose to analyze them in detail. I am writing to alert *Bar News* readers to these changes, for it has been brought to the attention of the Judicial Council that a number of adoptions, particularly those arranged privately, have proceeded on the assumption that parental consent, unmemorialized by court or-

der, is sufficient. Consent alone was sufficient under the old law, but it is clearly insufficient under the new law. The reader should also be alerted to the fact that the Washington Pattern Forms and most adoption forms available commercially have not been changed to conform to the statutory amendments. Unless an adoption is conducted in strict compliance with the new procedures, it is in danger of being held void. See *In re Hope's Adoption*, 30 Wn.2d 185, 191 P.2d 289 (1948).

The procedures established by the 1979 legislature may be further modified by proposed legislation pending at the time of this writing. There has been some discussion of amendments to retroactively validate adoptions in which the 1979 statutory amendments were inadvertently overlooked, and the family law practitioner should be aware of this possibility.

The adoption statutes have been amended frequently in recent years, and new details are likely to be overlooked by even the most careful practitioner. The Judicial Council is presently considering the possibility of recommending a complete statutory overhaul in hopes of developing a code which can meet with enough initial acceptance to avoid the need for frequent amendments. The Council invites comment on whether this approach is desirable. Correspondence may be sent to the Washington Judicial Council, University of Washington School of Law, Seattle, Washington 98105. □

# Bonds!

. . . and Service

**United Graphics**

**1401 Broadway**

**Seattle, Washington 98122**

**Phone: 206 325-4400**

## Office Supplies

## New & Used Office Furniture

*for every budget*

**FREE DELIVERY FOR  
SEATTLE & EAST SIDE**



*Since 1929 - Seattle's Oldest*

**PIONEER OFFICE EQUIPMENT**

FIRST & CHERRY  
PIONEER SQUARE  
623-1950



PHYSICIANS  
SURGEONS • DENTISTS  
PODIATRISTS  
CHIROPRACTORS

## MEDICAL MALPRACTICE EXPERTS AVAILABLE

EVALUATION - EXPERT TESTIMONY  
75% of the cases deemed meritorious by Medi-Legal have settled prior to trial.

SERVING THE ENTIRE U.S.

### MEDI-LEGAL SERVICES

2550 5th Avenue, Suite 712  
San Diego, California 92103  
(714) 239-1472

EXPERTS  
GUARANTEED IN  
CASES DEEMED  
MERITORIOUS

## TRADEMARK & COPYRIGHT SEARCHES

**TRADEMARK**—Supply word and/or design plus goods or services.

**FEES:** TRADEMARK, OFFICE Files—Word-mark—\$40. 2 or more—\$35 each. COMMON LAW—\$15 additional. DESIGNS—\$40 per class. COPIES extra.

**COPYRIGHT**—Supply title/author/regs.—FEE—\$45. 2 or more—\$40 each.

**GOV'T. LIAISON**—All agencies—SEC (10 K's), ICC, FTC, Court Records, Congress. Records, etc. Fees on request.

**APPROVED**—Our services meet standards set for us by a D.C. Court of Appeals Committee.

*Over 30 years successful experience—Not connected with the Federal Government.*

**GOVERNMENT LIAISON  
SERVICES, INC.**

108 Wash. Bldg., 1011 Arl. Blvd., P.O. Box 9656  
Arlington, VA 22209: Phone (703) 524-8200

## ISLAND REPORT

By DAVID F. THIELE

**Jacob Cohen** finally threw the open house he had promised some members of the bar. Honored guests were the attorneys most recently admitted to practice, **Chris Skinner** (Willamette Law School, 1979) and **Ken Manni** (University of Idaho Law School, 1979). Ken is Jake's Associate. Chris is an associate with the firm of Zylstra and Beeksma. "Z & B," as it is known locally, has plunged into the exercise craze, equipping a room with barbells, treadmill and rowing machine. Now it remains to be seen whether the equipment will be used.

**Richard A. Haworth**, County Democratic Chairman, visited the White House at the invitation of President Carter, meeting him and other senior administration officials. The Honorable **Richard L. Pitt** was seen around the courthouse recently on crutches, as a result of a skiing mishap.

## SNOHOMISH REPORT

By HENRY S. CHAPMAN

Many members of the bar association and friends of **C. W. Jordan** joined together on January 16th at the law firm of Jordan, Brinster, Templeman, Jordan and Ryan to celebrate his retirement after sixty-five years as a practicing attorney in the City of Everett. Best wishes and congratulations to Charlie! At the retirement party it was announced that **Timothy P. Ryan** is a new partner of the firm. Congratulations, Tim!

The medical-legal seminar was held on January 8th. Despite the snow blizzards our area was having on that date, attendance was excellent and the seminar was quite a success. Presentations were given by attorneys **Henry Templeman**, **Doug Fer-**

**guson**, **Jim Deno**, **Ed Novack** and **Don Lyderson**. Drs. Thomas J. Sublich, Douglas T. Davidson, David P. Derleth and Charles H. Anderson of the Snohomish County Medical Association were featured speakers.

**Daniel William Wyckoff** and **David J. Martinson** have formed an association under the firm name of Wyckoff & Martinson and their new offices are located at 2531 Broadway, Everett, Washington 98201.

After an extended hospitalization, **Dan Griffin** has now returned to his practice. Mathew "Dan" Griffin was seriously injured in a motor vehicle crash. Best wishes for your continued recovery, Dan!

A new baliff has joined the Snohomish County Superior Court, **Mr. John Macklin**.

Our Bar Association was recently saddened by the death of retired attorney, **Al Dailey**, who passed away on January 10th.

A ten-story building to be named "The Wall Street Building" is being constructed at the corner of Wetmore and Wall Streets in Everett. When finished it will be Everett's largest downtown building. It is rumored that several law firms will be relocating in this building.

This will be my last report for our bar association. **Bob Perlman** will be our new reporter for the next year. Muchas gracias y adios mis amigos.

## In Memoriam

**T. David Gnagey**, 62, of Spokane, died December 13. He was admitted to the Bar in 1942.

**Nicholas A. Maffeo**, 72, of Renton, died December 31. He was admitted to the Bar in 1938.

**B. Gray Warner**, 78, of Seattle, died December 19. He was admitted to the Bar in 1929.



## A Reminder About Rights of the Deaf

As submitted by the Washington State Registry of Interpreters for the Deaf, the following is a summary of Chapter 22, RCW 2.42:

It is the intent of the legislature in the passage of this chapter to provide for the appointment of qualified interpreters to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech are unable to readily understand or communicate spoken language, and who consequently cannot fully be protected in legal proceedings unless such interpreters are available to assist them.

When a deaf person is a party to any legal proceeding or a witness therein the judge, magistrate, or other presiding official shall, in the absence of a written waiver by the deaf person, appoint a qualified interpreter to assist the deaf person throughout the proceedings.

Interpreters who are appointed shall be adequately compensated for their services and shall be reimbursed for actual expenses as provided in Section 4.

The WSRID urges you to keep these provisions in mind when your practice involves deaf persons.

## Avis Car Rental Discount Increased

AVIS Rent A Car is now offering additional savings to Washington State Bar Association members.

Effective February 1, 1980, AVIS extends to all members:

- 1) A 35% discount on all normal rates. (No discount available on unlimited mileage Super Saver rate.)
- 2) A 20% discount on International rentals.
- 3) Rates in Alaska and Hawaii will be discounted by 10%.

Presentation of your AVIS/ Washington State Bar Association Identification Sticker will automatically trigger the special discounts at the rental center.

If you have not yet obtained your ID sticker, contact Bruce Tallini, AVIS Rent A Car, 400 - 108th N.E., Suite 602, Bellevue, Washington 98004 (206) 453-8952.

Finally, AVIS continues to offer a discount of \$200.00 on the price of their used cars.

## Neukom Named To ABA Post

The board of governors of the American Bar Association has elected William H. Neukom, Seattle, assistant secretary of the association.

Neukom also represents the ABA's Young Lawyers Division in the association's policy-making House of Delegates.

Neukom will serve as an assistant to ABA Secretary F. William McCalpin of St. Louis, who was elected last August to a one-year term by the House of Delegates.

## Revised and Expanded Corporations Handbook Available

The updated provisions of the Washington State Corporations Act are now available from the Secretary of State. The 1979 edition is specifically designed to assist in dealing with the Corporations & Trademarks Division.

The expanded *Handbook* includes:

- Title 18.100 RCW, Professional Service Corporations
- Title 23A, Washington Business Corporation Act
- Filing form samples relating to Title 23A
- Title 24.03 and 24.06 RCW, Washington Non-profit

## Sandy Sail Charter Company

Chartering the 1977 Ranger 33 *Harlequin*

Moored at Sandy Point within view of Machia and Sucia Islands in the San Juans

(free brochure)

3704 Taylor Avenue  
Bellingham,  
Washington 98225  
(206) 676-1215  
or (206) 676-1678

## Earn \$100,000 per year

We Are Offering  
A Correspondence Course  
in Visa and Immigration  
Processing Procedures

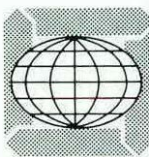
This Course, upon completion, will enable you to own a new, exciting, high-income business on a part or full-time basis in your present location.

Excellent opportunity for Lawyers, Accountants, Real Estate Agents, Insurance Brokers and Business People.

For Further Information  
Contact:

**V.I.A.S.**

P.O. Box 31185 • Phoenix, AZ 85032



# DOUG FOX TRAVEL

Doug Fox Travel, Inc. was founded in 1945 on the principles of integrity, professionalism, and service to our clients. Our adherence to these values has enabled us to become the largest travel agency in the Northwest, with 15 offices and over 150 dedicated employees. We're large enough to handle international conventions, yet personal enough to arrange a single flight or overnight accom-

modations. It makes no difference where you're traveling, be it for business or pleasure, we know the way. Our experience is your guarantee.

Doug Fox  
Chairman of the Board

**"WELCOME TO OUR WORLD"**

**628-6161**

## ATTORNEYS

**Your Legal Publications can be published any business day including Saturday in the**

**Daily Journal of Commerce**

**Call for a messenger to pick up your notices or they can be left with our representative in the Superior Court Clerk's Department.**

**622-8272**

**Journal Bldg., 83 Columbia St.,  
Seattle 98104**

*Washington's Court Newspaper*

Corporations Act

Filing form samples relating to  
Title 24.03 and 24.06

Filing fee and deadline schedules

Business activity in the state has increased Corporations Division work volume by 60 percent during the past five years. One objective in revising the Handbook is to reduce the 30 percent error rate on charter documents submitted to the office. Better understanding of the filing requirements can save lawyers, and the state, substantial time and money.

To order the 1979 Corporations Handbook, write to: Corporations & Trademarks Division, Office of Secretary of State, Legislative Building MS AS-22, Olympia, WA 98501.

Copies of the Handbook are \$3.00 each. All orders must be prepaid.

### Board Elections Due

Lawyers residing in the Second, Fourth and Seventh Congressional Districts please note:

Members of the Board of Governors of the State Bar to represent those districts are due to be elected this year. Expiring in September are the three-year Board terms of David A. Welts, Second District; James M. Danielson, Fourth District and, Lowell K. Halverson, Seventh District.

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

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

The petition must be filed in the Bar Office by 5 p.m., May 31, 1980.

## Edmonds CC Schedules Bankruptcy Law Course

A Bankruptcy Law course for 30.00 CLE credits will be offered through the Legal Assistant Program at Edmonds Community College. The course will meet Monday evenings from 6:10-9:30 pm for ten sessions beginning March 31 through June 9. Cost: \$40.80. For more information, contact Michael Fitch at (206) 771-1606.

## Family Conciliation Courts Meeting Set for May 21-24

The annual meeting of the Association of Family Conciliation Courts will be held May 21-24, 1980 at the Anchorage, Alaska Hilton Hotel. The meeting will be jointly sponsored by the Local Bench and Bar and is expected to qualify for Alaska, Oregon and Washington CLE credit.

The Association of Family Con-

ciliation Courts is an international association of judges, counselors, behavioral scientists, and lawyers engaged in Family Conciliation Services throughout the United States, Canada and several other countries. The Association sponsors two educational meetings each year, publishes an inter-disciplinary journal, the Conciliation Courts Review, and is generally involved in the promotion of strengthening conciliation family court services. Technical assistance in establishing judicially oriented programs is also a function of the organization.

The 1975 annual meeting of the Association was held in Seattle and at that time Judge Solie Ringold, currently a Judge on the Court of Appeals was president of the organization. Judge Nancy Holman is currently President-elect, Alice Y. Thomas, Casework Supervisor at the King County Family Court, Judge Robert W. Winsor, King County

Superior Court, and David Nelson, Kelso, are Washington State members of the Board of Directors.

Anyone interested in further information regarding the Association membership or attendance at the upcoming meeting is invited to contact Professor J. Folberg, Executive Director, Association of Family Conciliation Courts, 10015 S.W. Terwilliger Blvd., Portland, Oregon 97219 or Judge Nancy Holman, 864 King County Courthouse, Seattle, WA 98104.

## Discipline

### Notice of Disbarment

Seattle attorney John A. Hallock was disbarred from the practice of law by the Supreme Court on January 3, 1980, pursuant to stipulation. □

## Professional Investigation Service for the Attorney

- Assets and Financial reports
- Whereabouts and Skip-traces
- Surveillance
- Process Service
- State Wide Services



**Lee Meyers Investigation**

P.O. Box 87  
Bothell, Washington 98011  
(206) 363-5425

*The University of Washington School of Law  
Presents*



## FISHERIES SCIENCE FOR LAWYERS

**Saturday, May 17, 1980, Condon Hall**

Expert scientists and lawyers will discuss technical and scientific concepts relating to fishery yield determinations and to specific requirements of major federal laws, including the Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act. Lecturers and panelists include Deans Douglas Chapman and Donald Bevan, U. W. College of Fisheries; Michael Tillman, Director, National Marine Mammal Laboratory, National Oceanographic and Atmospheric Administration; Herbert Larkins, Deputy Director, Northwest and Alaska Fisheries Center; August Felando, President, American Tunaboat Association; Professor Dayton Alverson, Marine Studies; Henry Haugen, Esq., W. Bruce McAlister, Esq., and Edward Evans, Esq.

During the lunch hour there will be an informal reception for alumni in the Faculty Lounge of the Law School.

Registration Fee: \$100

For further information: Francina Luessen, Director of Continuing Legal Education, or Judi Christianson, 338 Condon Hall, University of Washington, JB-20, Seattle, WA 98105, (206) 543-8707.

**APPROVED FOR 7.5 CREDITS**



## Symbol of Service To Attorneys

Safer . . . buyers know our record for financial responsibility and prompt settling of claims.

More Experienced . . . with more than a century of experience with real estate and title problems.

FIRST for service . . . more than six months of development gives you the most advanced computerized title plant in the business.

### Chicago Title Insurance Company

People's Bank Building,  
1415 5th Avenue  
Seattle, Washington 98171  
Telephone: 628-5666

#### ADVERTISING RATES

**Professional**—Per issue: \$20 per typeset column inch. Billed upon publication.

**Classified**—Per issue: 25 words or less - \$10. Each additional word - 50¢. Confidential reply service - \$2. Advance payment required.

Published on the 10th day of each month. **Deadline** for professional and classified advertising: 25th day of second preceding month, 5:00 p.m. No exceptions.

#### PROFESSIONAL

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

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

**Dan P. Danilov, Esq.**  
3108 Rainier Bank Tower  
Seattle, Washington 98101  
Telephone (206) 624-1580

Lawyers Research Service 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 our staff of full time research attorneys. Each attorney is highly skilled and experienced in the research and preparation of memoranda, trial and appellate briefs. L.R.S. has access to one of the most comprehensive libraries in the U.S.

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

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

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

If you have a client who requires assistance in Latin America regarding trade, technology transfer, Andean Pact Foreign Investment Regulations, locating markets, aviation matters, taxation.

**Miller, Sackmann & Kagele**  
Are experienced in Latin America  
(509) 659-1000  
210 West Main Avenue  
Ritzville, Washington 99169  
Cable: CONSULBIA  
Apartado Aereo 6636  
Bogota, Colombia

#### CLASSIFIED

**For Sale:** Disposing of law library of my late husband. Sets not current. Also collectors' editions. For list of books contact: Helen S. Dent, P.O. Box D, Gardiner, WA. 98334 Phone: (206) 797-7321.

**For Sale:** Rabkin & Johnson Federal Income Gift & Estate Taxation, \$200; Rabkin & Johnson Legal Forms with Tax Analysis, \$100; Am. Jur., \$75. Call (206) 624-2132.

**For Sale:** Washington Reports, Washington 2nd, Washington Digest, Washington Appellate Reports, ALR 2nd, ALR 3rd, ALR Federal, Proof of Facts, Am. Jr. Legal Forms 2nd, USCA, Law Ed. and Law Ed. 2nd. (206) 324-3500.

**For Sale:** Several IBM dictators and transcribers Models 271-272. Good condition. Please call (206) 624-7990.

**For Sale:** Washington 2nd Reports and Washington Appellate Reports. Both sets new, unmarked and complete, \$1650.00. Tacoma (206) 627-2372.

**For Sale** in complete sets and in good condition, CJS - \$600.00; and RCWA - \$850.00. Call (206) 682-0171.

**Space Available:** Room for two attorneys in new Eastside office on Juanita Creek, two miles north of Kirkland. Desire attorneys with experience to share overhead in delightful surroundings. Secretarial, full library, new copy equipment, confer-

ence room and more. Present practice stresses personal injury, business, maritime and family matters. Call Maryhelen at (206) 821-9200.

**Excellent Office Space** for 1 or 2 lawyers. Telephone, library, copier, conference room and library. Sea 1st building. (206) 623-8388.

**Attractive Office Space** for 1 attorney, includes receptionist, complete library, conference room, copy machine. Contact Alan Alhadeff. Third & Blanchard Bldg., Seattle, (206) 682-9192.

**Space Available:** Three large and pleasant offices available; located in Pioneer Square; telephone, receptionist, library, copier, secretarial space included. Contact John Beckwith (206) 447-9683 or David Collins (206) 447-3972.

**Office Space:** Deluxe space on the top floor of the new Fourth and Blanchard Building. Unbeatable view. Library, receptionist and conference room available on a cost-sharing

basis if desired. Call Jamie Carmody at (206) 464-1490.

**Family Trying to Locate** the will of Verdi "Ray" Osborne, of Dayton, Washington, who died July 16, 1978. Attorneys thought to be in the Seattle area. Please contact Gerald Ray Osborne, (206) 636-4516.

**Want To Purchase:** RCWA, Wash. Reports, Am. Jur. Forms 2nd, Orland's Practice Manual I, dictating equip., IBM Selectric typewriter, IBM Mag Card I or IIA, Wash. Digest 2nd, bookcases, WAC's, file cabinets, Wash. Rules of Court Annotated, misc. office equipment. Respond to Box 65, WSBA.

**Anchorage Trial Attorney** interested in association with Seattle firm doing business in Alaska. (907) 276-8002 Ronald T. West.

## POSITIONS

**Position Available:** Two man law

## Medical Malpractice Experts

Allow a company exclusively engaged in Medical Malpractice Evaluation to provide you with a concise, accurate medical explanation, opinion, and expert testimony. Specialist analysis and testimony from Board Certified Experts throughout the country, most at university level. Write or call for free information: Medical Advisory Association, Inc., 11 South LaSalle Street, Suite 1027P, Chicago, Illinois 60603. (312) 782-0117.

**MAA**  
**Medical**  
**Advisory**  
**Association, Inc.®**

11 South LaSalle Street  
Chicago, Illinois 60603  
Phone (312) 782-0117

*Our Distinctive  
Home Shop  
exclusively  
presents:*

## The Harvard Manor



Professionally restored to its original opulence, this Historic View Mansion offers the elegance and grace of yesterday with the conveniences of today. From the magnificent entrance to the grand ballroom, meticulous care and attention has been given to every detail. Price is \$425,000. To be shown by private appointment. Call 322-2840.

Our expertise is in handling Seattle's finest residences, mansions and estates. For further information or consultation, call

322-2840  
4108 East Madison Avenue  
Madison Park, Seattle

524-4400  
8040 35th Avenue N.E.  
Seattle, Washington

**EWING-AND-CLARK**  
INCORPORATED

"Real Estate Service Since 1900"



## WASHINGTON RULES OF COURT ANNOTATED

WASHINGTON'S MOST  
RELIABLE  
COURT RULES

SUPPLEMENTED  
TWICE A YEAR

### Two Volumes Featuring:

Completely new and  
expanded Annotations

Revised page  
numbering system

Rules for continuing  
legal education

Bench-Bar-Press  
principles and  
guidelines

Published By



Book Publishing Co.  
2518 Western Ave.  
Seattle, WA 98121  
(206) 623-4221

firm seeking associate with one plus years experience, preferably in commercial litigation or collection. Reply to Box 66, WSBA.

**Position Available:** Medium sized Southwestern Washington firm seeks attorney with 2-4 years experience in Business Law. Confidential. Send resumes to Box 58, Washington State Bar Association.

**Position Available:** Two man law firm seeking new associate. Rapidly expanding practice. Will accept applications from recent graduates or individuals with prior experience. P.O. Box 1489, Longview, Washington 98632.

**City Attorney:** Full-time municipal practice for cities of Toppenish and Sunnyside, Washington. New position. Starting salary \$25,000-\$30,000 annually. Higher salary may be negotiated depending upon qualifications. Compensation will include memberships in appropriate legal organizations and provisions for continuing education expenses.

Applicants must be members of Washington State Bar Association; have two (2) to four (4) years experience practicing Washington Municipal Law and have previous employment in a Washington City Attorney's Office or County Prosecuting Attorney's Office or equivalent.

Apply to City Manager, 719 E. Edison, Sunnyside, Wa. 98944 or City Manager, South Toppenish & West First Ave., Toppenish, Wa. 98948.

Equal Opportunity Employers, women and minorities are encouraged to apply.

**Position Available:** University of Puget Sound School of Law invites applications and nominations from distinguished candidates for the position of Dean of the Law School. This Pacific Northwest law school was founded in 1972 and is located in Tacoma, Washington which is adjacent to Seattle and Olympia.

In September, 1980, the Law

School will move to its permanent facility, a nine million dollar Law Center complex in downtown Tacoma which will consist of the Law School building and in adjacent buildings, law related organizations such as the Washington State Appeals Court, legal aid clinics, attorney and government offices.

The Law School has an enrollment of 750 students, 25 full-time faculty, and 18 part-time faculty.

Candidates should demonstrate a record of superior achievement within the legal profession as evidenced by a record of scholarship and leadership.

Send letters of nomination or application with curriculum vitae and four references by April 15, 1980 to: Professor William C. Oltman, Chairman, Dean Search Committee, University of Puget Sound School of Law, 8811 South Tacoma Way, Tacoma, WA 98499.

**Position Available:** Hearings Officer \$1745-\$2226 per month. Oregon Department of Energy. Conduct contested case and legislative rule-making hearings for the Energy Facility Siting Council and Department of Energy. For more information write: Oregon Department of Energy, 102 Labor and Industries Building, Salem, Oregon 97310.

**Position Wanted:** Bellevue attorney with 10 year busy practice seeking association with other attorney(s) similarly situated. Prefer locating or establishing branch office in Bellevue. Reply to Box 67, WSBA.

**Position Wanted:** Experienced mature attorney, admitted in 1967 in Washington and other jurisdictions, seeking association with growing firm, anywhere in State. Will invest money and time. Reply to Box 68, WSBA.

**Position Wanted:** Seeking position with Seattle firm. Five years litigation experience. Law Review, Editor. Graduated top 2%. References. Please respond c/o Box 69, WSBA.

# **NOW...especially for members of the Washington State Bar. The NEW, approved LAWYER'S PROTECTOR PLAN Protection for You and Your Practice Featuring**

- Lawyer's Professional (malpractice) Liability
- Office Premises Liability
- Personal Injury Liability
- S.E.C. Coverage
- All Risk Personal Professional Property Protection
- Title Agents Coverage Option

Call your administrator TODAY...

## **Washington State Administrator:**

### **ARM Northwest, Inc.**

Tally Building, #180  
200 - 112th NE  
Bellevue, Washington 98004  
Phone: (206) 454-1063



## **Representatives Across The State:**

### **BELLINGHAM**

Griffin, Garrett, Johnson &  
Schacht

104 Unity Street 98225

Phone: 734-0050

### **CLARKSTON**

McQuary Insurance Agency  
725 6th, Clarkway Bldg.

99403

Phone: 758-5520

### **KENT**

Bell-Anderson Agency, Inc.

P.O. Box 5669 98031

Phone: 852-1680

### **LONGVIEW**

Torrence Insurance, Inc.

P.O. Box 9 98632

Phone: 425-4800

### **PASCO**

Dunning-Ray Ins. Agency,  
Inc.

P.O. Box 2528 99302

Phone: 545-3800

### **SPOKANE**

Jones & Mitchell Company

Box 2786 99204

Phone: 838-3501

### **TACOMA**

Bratrud-Middleton Ins.

Brokers

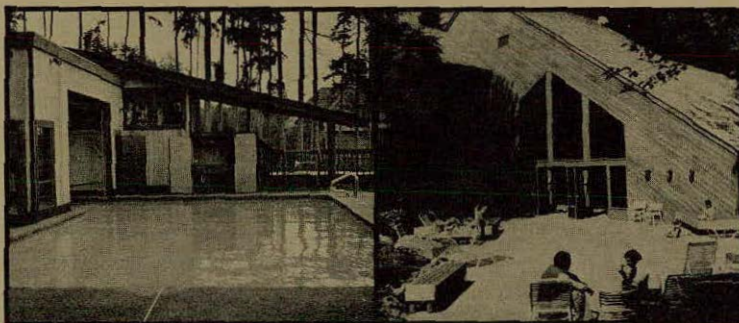
P.O. Box 11205 98411

Phone: 565-2222

## OWN YOUR OWN TIMESHARE

That's right. Just like you own your own home. Unlike many other time share vacation resorts, this is *not* a club membership. Your time segment is a free hold estate. And like your own home, you can sell it to anyone... at any time. It's like owning your own vacation home but only paying for the time actually spent there... up to four weeks a year. No wasted time. You pay only for what you use. Nor do you have to waste time, or money, getting there.

Kalapoint Village is just 6 miles south of Port Townsend, situated in a private, saltwater-front recreational community on its own mile and a half of flat, sandy beach. Snowater, by contrast, is mountain oriented, just 19 miles from the Mt. Baker ski lodge and the only time share resort in the Cascades. Both are close enough to downtown Seattle to get to, and back, and still enjoy a full day's relaxation... all in one day.



The Clubhouse at Kalapoint overlooking Port Townsend Bay.

The Lodge at Snowater, just 19 miles from Mt. Baker.

### MacPherson's Inc., Realtors Recreational Property Division

425 North 85th, Seattle 98103 (206) 789-2620

*Another Quality Development Represented Exclusively by MacPherson's*

These are luxurious, 1 and 2 bedroom split-level townhouse units, completely furnished and maintained ready for instant use. Literally turn-key vacationing! And your choice of recreational activities is virtually unlimited. Both natural and added amenities such as swimming, tennis, golf, game rooms, jacuzzis, saunas, or your corner of a quiet lounge in front of the fireplace.

As an added bonus, both Kalapoint Village and Snowater are affiliated with Interval International,<sup>®</sup> whereby you may "trade time" at over 160 first class resorts around the world.

You've heard of time share vacationing, but until you've talked to MacPherson's, you haven't heard the best of it. Isn't it about time you did?

Call (206) 789-2620 day or night and we'll get right back to you with all the details.

SNOWATER



WASHINGTON STATE  
BAR ASSOCIATION  
505 Madison Street  
Seattle, WA 98104

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

00927  
HARRY MAYBURY CROSS  
U. W. LAW SCHOOL  
SEATTLE

WA 98105