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WASHINGTON STATE BAR NEWS

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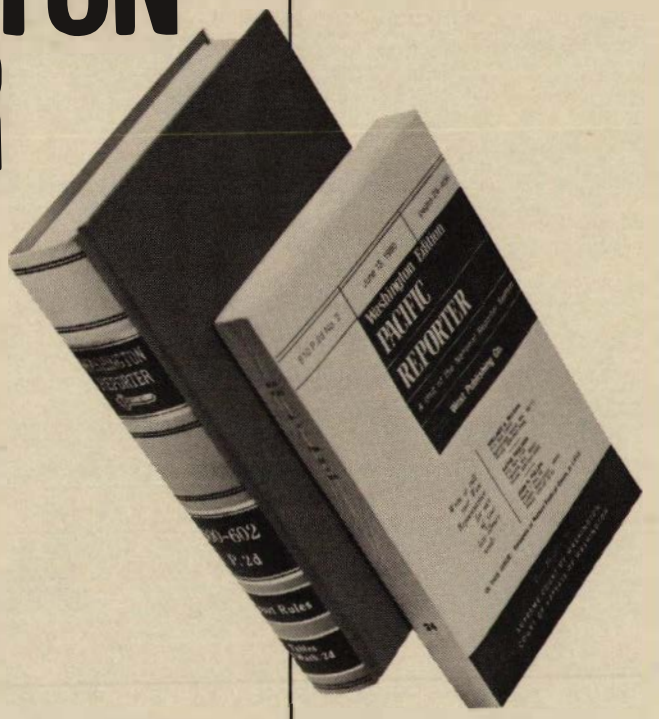

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WASHINGTON STATE BAR NEWS

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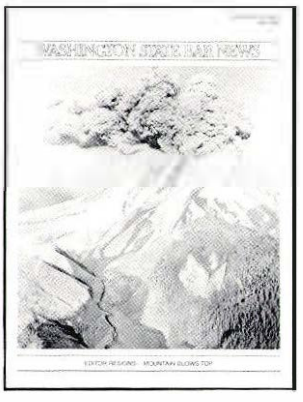
Our Cover

Mount St. Helens erupted shortly after Jay V. White submitted his resignation as editor of the Bar News. *Since then, the volcano has erupted every time he has gone near it. The new editor promises, at least, to keep White away from Mt. Rainier.*

Photo by Kurt L. Reisler



Ruppian Unraveling of the Riddle of Selah

by **John N. Rupp**

In Hugh Spitzer's November *Bar News* article about the University of Washington Law Library, he remarks that the most frequent use of library services is by researchers from Seattle, Olympia, Yakima, Spokane, Pullman, Bellingham, "and (for some reason) from Selah, Washington".

His insertion, in parentheses, of the phrase, "for some reason" suggests that Br'er Spitzer does not know the reason for Selah's presence in that list. That's all right—everyone is ignorant of something—and there is no occasion for him to know the reason. For it is not so recent that one of Spitzer's vintage (even though 1949 was a very good year) would normally encounter it, nor is it so ancient that it has been recorded in the history books for all to read. Let me then, as a public service, undertake to answer the question.

When one checks in Martindale and observes that there are only six lawyers in Selah (population 3,070) one might properly wonder why it is that the members of the Selah Bar are among the most frequent users of the services of the University of Washington's law library. And one's amazement is not assuaged when one sees that all six are in one law firm and hence can hardly be in polite, or ferocious, competition with one another for the custom of the public. I think that this remarkable scholarly proclivity of The Six Lawyers of Selah is the result of a concatenation —a linking together—of three circumstances:

First: Like literature and the fine arts, the cultivation of high scholarship depends on there being a wealthy community that can afford it. Learning cannot flourish among a people, such as those of us who live on the West side, who must devote all their energies to mere survival in a hostile environment. But Selah is in Yakima County, where gracious living is a way of life, and it is common knowledge that the people of that county are incredibly rich and that a seemly modicum of this vast wealth regularly rubs off on the lawyers who practice there.

Second: Selah's happy location, hard by the confluence of the Yakima and Naches Rivers, places it nigh to the veritable City of Yakima. The Six Lawyers of Selah have thus become accustomed to meeting the professional standards of the lawyers of the county seat; and it has been known for generations that the Yakima Bar is the abode of scholars—or, anyway, of some scholars.

The third circumstance is likely the most important of the three. In his essay "On Self Reliance", Emerson laid it down that, "An institution is the lengthened shadow of one man." And when Robert A. Felthous started practice in Selah, the preeminence of The Six Lawyers of Selah (although we did not realize it at the time) was ordained. In time, Felthous, with great prescience, induced one Robert F. Brachtenbach to join him; and soon those two scholars attracted yet a third, and in Selah we had the firm of Felthous, Brachtenbach & Peters. And from that auspicious and remarkable collection of scholarly types there developed the present Six Lawyers of Selah and their penchant for borrowing arcane and esoteric materials from law libraries.

No matter that Brachtenbach is now in Olympia where, in the profession's felicitous phrase, he "dispenses with justice"; and no matter that Felthous now spends much of his time scuba-diving in the icy waters off Fish Creek and sauna-sitting in his stone castle on San Juan Island; their scholarly spirits still haunt the banks of the Yakima, and their great legacy lends erudition and dignity to the whole valley and, indeed, to the whole State. It is an example to us all.

So pray you, Mr. Editor, be good enough to convey my respects to Mr. Spitzer and to tell him that, if he has other fascinating historical questions, I shall be pleased to attempt to answer them. □

Seattle lawyer John N. Rupp is a partner with the firm of Schweppe, Doolittle, Krug, Tausend & Beezer. He is the original Bar News *Editor.*

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Editor's Page

A White Christmas

It was sometime between the first night of Chanukah and the twelfth night of Christmas that I heard a strange rustling on the roof of my house. I listened anxiously as the rustling became footsteps, footsteps which were heading directly for my fireplace chimney. There came a silent second, then a bowling-alley-like rumbling, and then onto my fireplace andiron dropped a sooty, chortling Jay V. White, Editor of the Washington State Bar News.

Before I could assemble my wits, Jay White sprang into the room and ho-ho-hoingly shook my hand. He took a sackful of old Bar News *and stuffed them into my sock (which was quite a feat because my foot was still in the sock). In a twinkling he had come, and in a twinkling he was gone—straight up the chimney, ho-ho-hoing all the while. And as I hobbled about the living room with my sockful of* Bar News, *I heard Jay White shout between chuckles: "Congratulations 'Lucky Seven'! You're the new* Bar News *editor!" His laughter lingered in my ear as he sped away toward the North.*

'Lucky Seven' I am; the seventh in a string of *Bar News* editors which reaches back to 1947. The magazine has gone through many changes since its inception. In fact, it used not to be a magazine at all, just a modest newsletter produced by an energetic staff of one for a few hundred lawyers. Now it is a sophisticated magazine prepared by many hands and distributed to nearly ten thousand lawyers.

The objectives of the *Bar News*, as I see it, are three: to inform, to explain, to amuse. The *Bar News* should keep you abreast of developments in Washington law. It should keep you informed about Bar activities. It should not put you to sleep. Reading the *Bar News* should be an educational and pleasurable experience.

The *Bar News* is not a 'Law Review'. It deals less with the metaphysics of jurisprudence than it does with the actual practice of law. The *Bar News* should address itself to issues which are of immediate concern to Washington's lawyers, and it should anticipate issues which eventually will concern them. This magazine should be at the cutting edge of developments in Washington's Bar without falling in front of the blade.

With a magazine like the *Bar News*, the difference between lofty ideals and crunching reality is the degree to which the bar chooses to participate. You are the ones who know what problems are pressing or which matters require attention. It is your job to let me know about them. As a Seattlite, I am dependent on attorneys in other parts of the state to keep me apprised of their interests.

In the future, more issues of the *Bar News* will have a 'theme' orientation. This will enable us to court knowledgeable writers and give certain topics a sharper focus. Some topics which have been suggested are delay in the courts, the handling of client funds, and the future of Washington's penal system. Of course, whether the theme issue format succeeds rests with the Bar itself. It is ultimately you who must suggest the topics and you who must develop them.

Preserving the quality of the *Bar News* requires that certain responsibilities of the Editor be delegated to others. At this time, the production end of the magazine is expertly managed by the W.S.B.A.'s Director of Public Affairs, R. Wayne Wilson, and his able staff. I envision the creation of regional associate editorships which would help me keep the magazine representational of the whole state. The lawyers who volunteer for these positions (I stress the word 'volunteer') would give up a few hours of their time for the good of the Bar and for the nobility of a berth on the *Bar News* masthead.

I am particularly interested in recruiting lawyers who are skillful in the graphic arts or cartooning. I expect Seattle lawyer John McLaughlin to continue making his valuable photographic contribution, and I hope he will be joined by other talented photographers. The *Bar News*, like any other magazine, has a need for quality graphic work to break up the tyranny of printed words. I believe that the *Bar News* is worth reading. To entice you into reading it, I would like to use visual effects to greater advantage.

Under the editorships of John Rupp, Robert Elston, Ed Raftis, Hugh McGough, Ed Huneke and Jay White the *Bar News* became a first-class publication. With continued participation and feedback from the bar it will remain first-class.

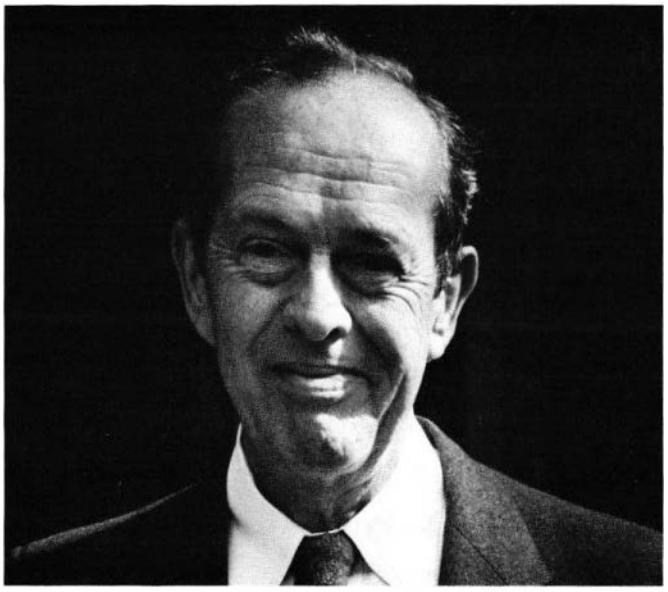
Editor, WSBN

Postscript: The present editor denies any foreknowledge of the character assassination perpetrated upon him by former editor White in the November editorial and in the December classified section. Anybody know a good lawyer?

Ex-Bar News Editor White. **Still chuckling...**

The President's Corner

Public Perception of the Profession



Most lawyers resent the frequent expression of antagonism towards lawyers and towards our profession; many lawyers are concerned over what can be done about the problem. Three initial considerations should be identified.

First, the practice of law customarily involves an adversary relationship and this is true whether the matter at hand is a contested lawsuit or if it simply involves lease negotiations. In most situations there is an opposite party and the lawyer's loyalty to his client does not promote his being a hero to the other side. This is not the case in, for example, the medical or accounting professions where in most situations the patient or the client and the professionals are all on the same side and working towards a common goal.

Second, lawyers cannot confine their practices to popular clients or popular causes. The public knows that unpopular clients or unpopular causes are represented by lawyers. It tends to identify the profession with such persons or causes. The anti-lawyer cloud connected with Watergate is an illustration of this aspect.

Third is the attitude of a substantial segment of the population who for a number of largely economic reasons do not employ lawyers and accordingly identify the practice of law with monied interests and thus, in their minds, of a suspect nature.

Stuck as we are on these three points, we probably must recognize that we can't completely win the admiration for the profession that we privately believe it deserves. But there are two major efforts that can be pursued.

There is an institutional approach through the State and Local Bar Associations. One method is in the conduct of a public relations program. Wayne Wilson is the Public Affairs Director of the State Bar, conducting both internal (*i.e.* within the Bar) and external programs of information. The latter involves a number of efforts, all of them straightforward and without hyperbole. Included are news releases, personal and dependable relationships with the media, seminars, explanatory pamphlets and the like.

Parenthetically, the Board of Governors to this point has reserved its decision on institutional TV advertising such as that which has been undertaken by the Ohio Bar, feeling that the cost effectiveness of such a program is at best dubious. Other organized Bar efforts such as the shopping center free legal clinics conducted by young lawyer groups, or well articulated Law Day programs, can win friends for the profession. An effort to promote law-related education in the public schools can have lasting beneficial effects.

But finally, probably the biggest opportunity towards improving public perception of our profession depends on the individual lawyer. He knows or feels that within reasonable limits he's admired and respected by his own clients and therefore he feels it must be "those other guys" who are causing the problem. Accordingly he feels little responsibility as a participant in a public affairs program for the organized Bar.

If each of our more than 10,000 lawyers in this State averages perhaps (wild stab) 20-30 reasonably steady or repetitive clients, this constitutes a potential public of many thousands of adult citizens whose views of the profession will be colored by their own lawyer's manner, conduct and attitude. Each lawyer's observable constructive efforts for his client, his professionalism, courtesy, responsiveness, participation in community and civic affairs and his support of the legal system can blunt the edge of any widespread antagonism towards lawyers generally.

All of us should bend our efforts to conduct our daily practice and our daily lives in the realization that each of us represents the profession and contributes to respect or disrespect of it and of the legal system.

Bradley F. Jones

Planning and Conducting a Coordinated Discovery Program

by **Michael J. Fox**

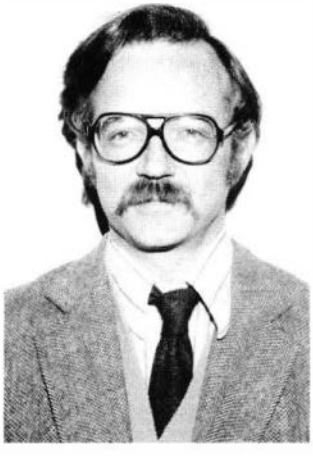
I. The Importance of Discovery

Most lawsuits with much at stake are won—or lost—through the careful development of the facts that bear on the legal issues in the case. There are certainly some cases where the facts are tied up very neatly with a ribbon, and the only real issues are legal ones. But these cases are few and far between, and with the increasing sophistication of governmental, corporate, and individual defendants, they are becoming more so every day. School systems are no longer strictly segregated by race; corporations only infrequently enter into open agreements to restrict reciprocal entry into each others' markets; and federal law enforcement agents only go beyond permissible standards in surveillance activities when they can do so surreptitiously.

Experienced lawyers know that the facts in difficult cases are very hard to establish, even with the broad range of discovery devices available under federal and state rules. The skillful utilization of these devices will not result in victory in every case, and will not even win every case that should be won. Some facts are simply impossible to establish without the full cooperation of the persons and institutions having exclusive knowledge of those facts. In the great majority of civil cases, however, all of the facts can be established by aggressive fact gathering and thoughtful conduct of formal and informal discovery proceedings.

During the discovery stage of any complex case, more than half of the lawyer's time will generally be spent in seeking and subsequently analyzing facts which are really only peripheral to the issues in the case. It is very difficult to be able to tell in advance what is wheat and what is chaff, and the lawyer must be resigned to the review of many insignificant incidents, irrelevant documents, and worthless answers to questions in order to get to the essential and ultimate facts that bear on the case. In deciding whether to embark upon a case that will require extensive fact gathering and discovery, the lawyer must seriously consider Daniel Webster's requisite for attaining excellence at the bar: "If he would be a great lawyer, he must first consent to become a great drudge."

"Big cases" certainly require "big discovery." Almost every case, however, no matter how seemingly insignificant, will benefit from the thoughtful consideration of available discovery devices. Good factually oriented litigation is best conducted when the lawyer considers all of the devices available in the discovery process, anticipates problems in fact gathering, and begins to plan and coordinate a discovery program before the case is filed. This planning and coordination is extremely important because the available discovery devices must not be used in isolation from each other. Many lawyers have a tendency to structure and schedule their discovery as a procession from one device to the next: first, there is the "interrogatories stage" or maybe the "deposition stage", followed by the "production stage", then another "deposition stage" and, finally, the "request for admission stage". Used thoughtfully together, however, the com-



Michael J. Fox is Litigation Coordinator for Evergreen Legal Services. He has worked as counsel for the United Farm Workers of America, AFL-CIO, and was co-founder of the Northwest Labor and Employment Law Office.

Roblin J. Williamson and Richard C. Yarmuth, both made thoughtful criticisms of drafts of this article, many of which have been incorporated; neither is responsible for any errors the reader may find or the unconventional advice that this article offers.

mon discovery devices are much more effective than when they are used independently and in isolation from each other. Several very good texts and training manuals provide the practicing lawyer with insights into the proper and effective use of each discovery device,[1] but once familiar with each discovery device, the lawyer should begin to develop an approach and a plan for the coordinated use of these devices. This paper will not review the proper utilization of each device, but will instead, first, emphasize the natural interrelationships of the devices, and, second, stress the need to structure a discovery program which anticipates potential problems.

II. Analyzing Discovery Problems Before Filing

A. What are the essential and ultimate facts which will need to be proved in order to prevail?

Before beginning to draft the Complaint, the plaintiff's lawyer should try to formulate and set down in writing the key facts which will have to be proved in order to prevail. Likewise, before drafting an Answer the defendants will want to analyze the Complaint and set down the facts which will support the denials, affirmative defenses, set-offs, or counterclaims that may be included. What possible public and private sources will have information concerning these facts? What witnesses exist who have first or second hand knowledge of these facts? And what documents could there possibly be that would help establish these facts? After thinking about this and arriving at some answers to these questions, the lawyer must then determine which witnesses can be interviewed and which documents can be obtained prior to the filing of any lawsuit, as these potential sources of information may dry up once the Complaint is filed.

B. Obtaining as much information as possible before filing.

Witnesses, and even defendants, are often willing—and sometimes eager—to talk about the facts that might lead to a lawsuit before any case is filed. Some defendants may be convinced of the righteousness of their ways, and will seek to convince a potentially opposing lawyer that their conduct has been straightforward, honorable, and legal. Do not let such defendants go unrequited in their thirst to convince you of their version of the facts of the case. A telephone call prior to any demand letter may catch a defendant off guard and may

[1]a. Barthold, Walter, *Attorney's Guide to Effective Discovery Techniques*, Prentice-Hall, 1975.
b. Vetter, George, *Successful Civil Litigation*, Prentice-Hall, 1977.
c. Kone, Carolyn and Dale, Jo Ann, *Discovery in Legal Services Work*, Technical Assistance Project, 1976.
d. Washington State Trial Lawyers Association, *Discovery*, 1978.

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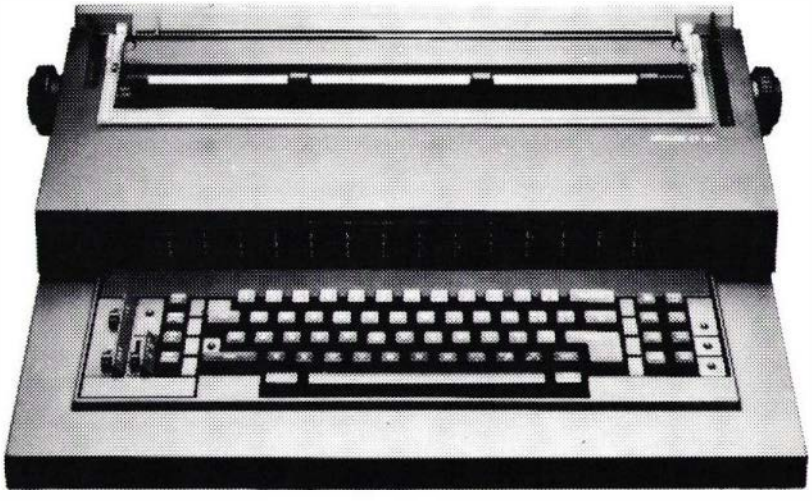

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cause the defendant to blurt out his own version of the facts. Letters from lawyers usually scare people, and they will run to their own lawyer before making any response to such a letter. In smaller cases, it is often possible (and certainly proper and ethical) for a lawyer to call a potential defendant and inform him that the client has told the lawyer one set of facts and inquire whether the potential defendant would agree with those facts. This may lead to immediate negotiations to resolve the claim, or it may lead to pinning down a set of facts even before the case is filed. Once an appearance is filed, however, the lawyer cannot contact the defendant for any questioning outside of formal discovery proceedings. Disciplinary Rule 7-104.

Very frequently, documents that bear on the facts of the case may be in the possession of a public agency or in the public domain and readily obtainable. Every effort should be made to obtain these documents prior to filing the case. It is generally easier to obtain documents from a federal agency through a Freedom of Information Act request than by a subsequent discovery request, whether the agency is a party to the lawsuit or not. Potential defendants may even give the plaintiff's lawyers some documents which they think exculpate them, and these documents may turn out to be very useful later on. If the document can be obtained from a third party, it can create a tactical advantage. The defendant may respond to other discovery requests on the assumption that the plaintiff does not know about the document, and style his line of defense on that incorrect assumption.

Many cases, especially those which involve injunctive relief, must be filed quickly, before extensive informal fact gathering can occur. Other cases, however, will not suffer by being delayed several months when careful fact gathering can precede the filing of the complaint. It is very tempting to file quickly and begin a discovery program that will force the defendants to assume the defensive, as opposed to trying to gather some of the same information before filing. Very often, however, it will be much more productive to try to obtain some of the same information before filing. Where the needed information is simply not available because the only witnesses are uncooperative, it is possible to take a deposition before filing the complaint. Rule 27(a)(1).

C. Drafting the complaint with discovery problems in mind.

1. Tailoring the factual allegations to support discovery requests. After doing a complete and thorough research job on the legal issues in the case, it should be relatively easy to itemize most of the essential and ultimate facts which will have to be established. Ancillary and closely related facts will also come to mind and should be set down in writing prior to drafting the complaint. It is absolutely essential to go through this process in order to minimize the subsequent problems that may arise when the other side refuses to answer certain interrogatories or questions at depositions. After doing so, the lawyer can then tailor the Complaint with these discovery problems in mind. In most cases, it is relatively easy to figure out what information the other side will not willingly give up, and which information they will readily disclose. Usually, of course, the most important information is also the hardest to disgorge.

Although the scope of discovery is not limited to the

factual allegations in the complaint, judges reviewing objections to discovery requests will almost always look to the Complaint itself. If there is a specific factual allegation in the Complaint which is closely related in either phraseology or content to the subsequent interrogatory that has been objected to, it will be extremely difficult for the objecting attorney to argue that the material requested is outside of the scope of discovery. If you can anticipate important information which you are going to request through discovery, and you know that the other side will almost certainly object to it, consider including in your complaint an allegation closely related to this information. This practice should be used sparingly, however, as a complex case could otherwise easily produce an overly lengthy complaint full of peripheral allegations. For example, in a housing discrimination case, brought on behalf of one individual plaintiff who was evicted, the plaintiff's lawyer may want information on the names and addresses of other tenants. The following paragraph in the Complaint might support such a discovery request:

> 4.6 Defendant has acted with a discriminatory intent to deny equal opportunities in housing to plaintiff and other persons seeking to occupy, or occupying, apartments at the Bridge Street property.

This paragraph from the Complaint will buttress the propriety of the following interrogatory:

> 17. State the name, address, race, and periods of tenancy of all persons who have occupied apartments at the Bridge Street property at any time from January 1, 1977, to the date of your signature to your answers to these Interrogatories.

2. Selecting parties with discovery in mind. Discovery problems should certainly be considered at the time the lawyer is selecting proper parties to include as defendants. Although depositions may be taken of non-parties at any time through the use of the subpoena process, interrogatories, requests for production, and requests for admissions are not available to secure information from non-parties. The savings in witness and mileage fees that will result from including a potential deponent as a party are generally outweighed by the fact that he definitely will have a lawyer at the deposition in the event that he is a party to the lawsuit at the time of his deposition. Further, the needless inclusion of multiple parties — and multiple lawyers — will slow down the prosecution of a case and make agreement on convenient court dates and depositions much more difficult. As a last discouraging note on including unnecessary parties, the lawyer should keep in mind that such a practice can lead to claims of abuse of process and ethical violations. DR 7-102. F.R.C.P. 11. It is generally easier and less complicated to limit the number of defendants, and then take depositions

of non-party potential defendants. If bona fide claims emerge from such non-party discovery, these deponents can then be added as parties by amending the complaint.

The primary discovery consideration in determining whether to include particular defendants in the Complaint is the availability of the written discovery devices (Interrogatories, Requests for Production, Requests for Admissions) against parties. Depositions do not always work very well against potential defendants. For example, in an antitrust context the plaintiffs' lawyer will generally want voluminous correspondence and memoranda from various companies in a particular industry. Failing to sue a particular company will restrict the amount of material that the company will be forced to produce. Judges generally interpret deposition subpoenas directed to non-parties much more restrictively than requests for production of documents directed to parties, and will limit the scope of discovery permitted against non-parties. This same problem emerges when interrogatories are the preferred discovery device. For example, in an employment discrimination case the lawyer may consider suing a labor union as well as a particular employer with which that union has a collective bargaining agreement. By using interrogatories, the lawyer may be able to discover the name, age, race, union status, and experience of every union member who has worked for the employer in question. This is not the sort of information that is easy to obtain by a deposition or through a document search because it may require that union officials make inquiries of many different persons who actually know the union members involved. Failing to include the union as a defendant in such a case may delay the gathering of this information for six months or more and greatly increase discovery costs by making additional depositions necessary.

Failing to name a potential party may also substantially increase costs in connection with obtaining documents. If documents are needed from non-parties, they may be obtained by use of a deposition subpoena *duces tecum* under Rules 30 and 45. Non-parties, however, may object to the production of documents on the grounds of burdensomeness and expense in searching out, arranging, and copying the documents, and most courts tend to view these objections with more tolerance than when they are made by parties resisting discovery.

3. Structuring the complaint to support discovery requests. The structure and organization of the complaint[2] will have a very definite impact upon subsequent discovery proceedings. Frequently, a well drafted and organized complaint can serve as a road map to future

[2]Likewise, the structure of the answer or counter claim will have a similar effect on the defendants own discovery and defense of plaintiffs discovery. The same points discussed in this section also apply to the defendant.

discovery. It is simply good pleading practice to organize the factual allegations in a complaint in a logical and chronological sequence, if at all possible. Each paragraph of such a well organized complaint will suggest several obvious areas of discovery inquiry to the plaintiff's lawyer. It may, for example, be appropriate to organize the First Set of Interrogatories in the same sequence as the complaint is organized; this will lead to an orderly factual examination and will be a definite advantage in justifying those interrogatories as within the scope of discovery if the other side subsequently makes objections to those interrogatories.

Not every complaint can be used as an outline of discovery because the complaint may be very sparse in its allegations, and it may be so drafted for sound tactical reasons. The lawyer drafting the Complaint may know that the judge likely to consider the complaint prefers sparse and simple complaints without excessive specific factual allegations. Further, it is generally not good pleading practice to specifically allege facts which are not necessary to sustain the complaint in the face of a Motion to Dismiss. An overly detailed complaint, as well as being confusing, can be a golden opportunity for a defendant to serve extensive interrogatories geared to the factual allegation in the complaint. For each paragraph in the complaint which alleges facts, the defendants lawyer can serve interrogatories like the following:

> 36. State each and every fact upon which you base your contention that it is the usual practice in sheet metal duct installation to bend the flanges before shipping finished duct to the job site for installation, as alleged in paragraph 4.32 of the complaint.

However, lurking behind each paragraph of a well drafted complaint will be a whole series of related factual allegations. If the lawyer considers those series of factual allegations and sets them down in writing in some form prior to drafting the complaint, a clearer and generally better structured complaint will result. Further, as mentioned above, going through this process will help the lawyer structure a complaint which will generally better support subsequent discovery requests into important areas of inquiry.

4. Establishing facts through the pleadings. The Complaint is often the plaintiffs' first discovery device. Careful drafting of a Complaint may result in the streamlining of the discovery process by eliminating unnecessary time and expense. In order to do this, numbered individual paragraphs should generally contain only one central thought or factual allegation. It is always tempting to make a complaint an argumentative document, but it is almost always inappropriate and strategically wrong. A non-argumentative and simple paragraph within a

Complaint may very well elicit an admission in the Answer, thereby conclusively establishing the facts alleged in that particular paragraph. It is obviously much easier to accomplish this end with relatively non-controversial allegations than with others. For example, a paragraph simply stating "the defendant XYZ, Inc., is a California Corporation engaged in the production of widgets" will generally elicit an admission from that defendant if the facts are true. In contrast, "The defendant XYZ, Inc., is a California Corporation and is a leading manufacturer of widgets in the Western United States" will generally result in a denial. It is good practice to eliminate all unnecessary adjectives and adverbs from complaints if it is your desire to elicit admissions to the facts alleged in that particular numbered paragraph in the complaint. Needless to say, this is not always your aim, and there are certainly many exceptions to this general suggestion. An admission to a particular factual allegation within a complaint will not preclude further discovery on that factual issue, and it may establish some central facts early on, which could be of great assistance in subsequent discovery motions or in defending against a Motion to Dismiss or a Motion for Summary Judgment.

5. Planning subsequent formal discovery and using an outline of proof. No matter whether you have developed a Complaint which will serve as a roadmap to your discovery or have drafted a separate outline of facts which you will need to prove in order to prevail, you should always develop an overall plan and tentative schedule for discovery by the time of the filing of the Complaint. Such a plan is never cast in stone, and can always be changed at a later date. It is very important to establish some kind of tentative plan, however, both so you can draft the Complaint with this plan in mind and so that you can have a clear sense of where you are going. Having developed a plan, you can thoughtfully respond to the reactions of the defendants, whether those reactions are by way of Motions to Dismiss, Motions to Stay Discovery, or their own discovery requests. If you have drafted an overall outline of proof you have taken a long step in the direction of setting up an orderly discovery program. In most federal civil cases, you will eventually be required to draft something very similar to your outline of proof in the form of a pretrial order (see Federal Rule of Civil Procedure 16, and e.g., LR 16, W.D. Wash. and LR 12, E.D. Wash.) It may be a helpful exercise to actually draft your outline of proof by following the rule mandated outline for a pretrial order before filing the Complaint, because it will help to isolate and organize the key elements of proof. It is certainly not necessary to do so, and a more informal outline of proof will accomplish the same purpose. The main reason for going through this process is not to draft your pretrial order in advance, but to help you structure and organize the facts so that you will be able to decide upon the appropriate way in which to establish each particular fact which you will have to prove in order to make out your case.

III. Utilizing Specific Discovery Devices within a Discovery Plan.

A. Written Interrogatories (Rule 33)

1. Using Interrogatories at the proper time. Many lawyers use interrogatories as their first discovery device in every case. It is a common practice in some states to serve the First Set of Interrogatories with the Complaint itself so that the discovery proceedings will not be delayed at all. This may be a very sound practice in some cases, but it certainly is not always the most appropriate first discovery device. For example, if you expect that your adversary is not very well versed in the central claims or legal issues of the case, you might want to depose the defendant immediately so as to catch him and his counsel off guard. They may not understand what you are really getting at, and may make some damaging admissions early on. Second, doing an early discovery deposition may clear up some unknowns about the case and the defendant so that you will be able to prepare a more precise and meaningful set of interrogatories for subsequent use. Other cases may be best handled by first

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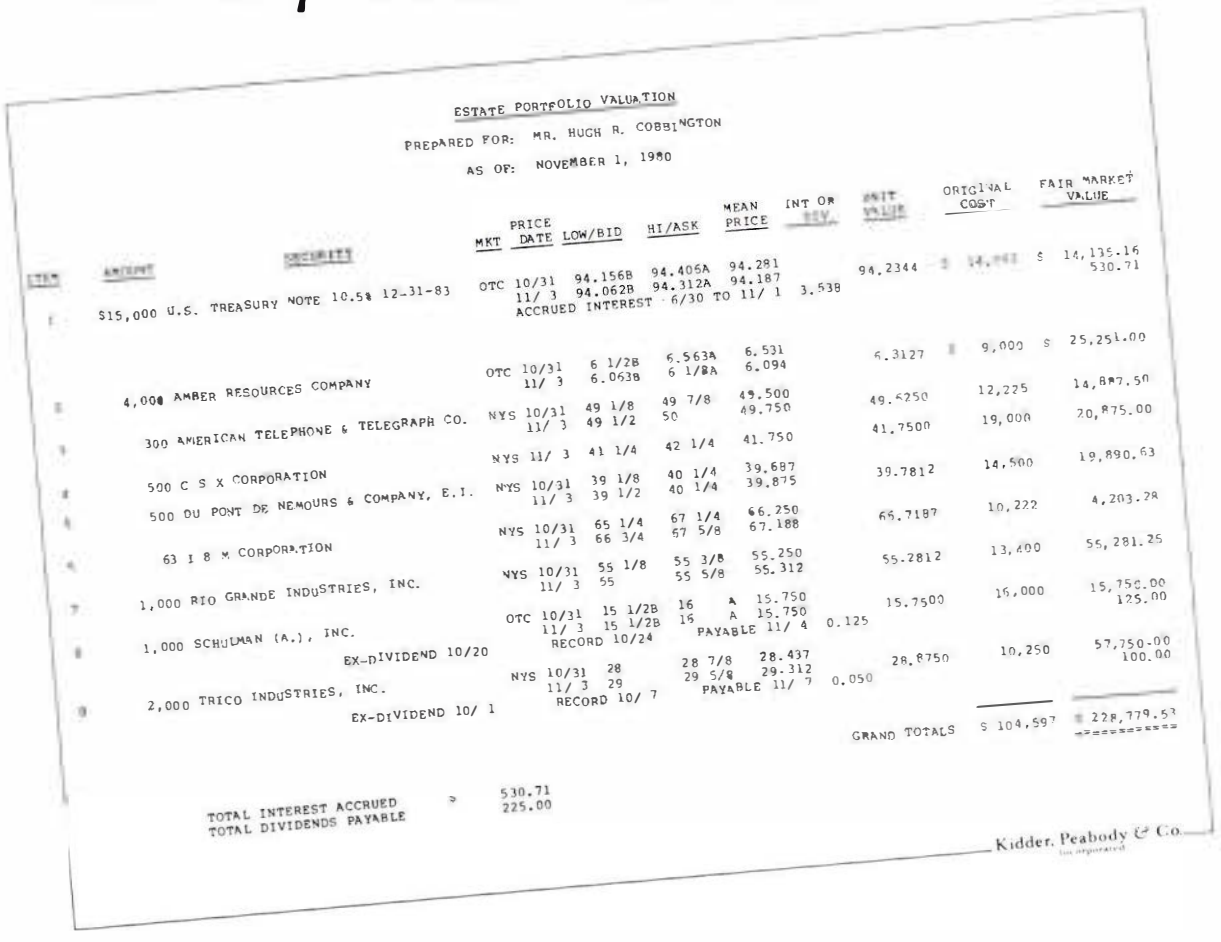

ESTATE PORTFOLIO VALUATION

PREPARED FOR: MR. HUGH R. COBBINGTON

AS OF: NOVEMBER 1, 1980

ITEM	AMOUNT	SECURITY	MKT	PRICE DATE	LOW/BID	HI/ASK	MEAN PRICE	INT OR DIV	UNIT VALUE	ORIGINAL COST	FAIR MARKET VALUE
1	$15,000	U.S. TREASURY NOTE 10.5% 12-31-83	OTC	10/31	94.156B	94.406A	94.281		94.2344	$ 14,[illegible]	$ 14,135.16
				11/ 3	94.062B	94.312A	94.187				530.71
					ACCRUED INTEREST 6/30 TO 11/ 1			3.538			
2	4,000	AMBER RESOURCES COMPANY	OTC	10/31	6 1/2B	6.563A	6.531		6.3127	$ 9,000	$ 25,251.00
				11/ 3	6.063B	6 1/8A	6.094				
3	300	AMERICAN TELEPHONE & TELEGRAPH CO.	NYS	10/31	49 1/8	49 7/8	49.500		49.6250	12,225	14,887.50
				11/ 3	49 1/2	50	49.750				
4	500	C S X CORPORATION	NYS	11/ 3	41 1/4	42 1/4	41.750		41.7500	19,000	20,875.00
5	500	DU PONT DE NEMOURS & COMPANY, E.I.	NYS	10/31	39 1/8	40 1/4	39.687		39.7812	14,500	19,890.63
				11/ 3	39 1/2	40 1/4	39.875				
6	63	I B M CORPORATION	NYS	10/31	65 1/4	67 1/4	66.250		66.7187	10,222	4,203.28
				11/ 3	66 3/4	67 5/8	67.188				
7	1,000	RIO GRANDE INDUSTRIES, INC.	NYS	10/31	55 1/8	55 3/8	55.250		55.2812	13,400	55,281.25
				11/ 3	55	55 5/8	55.312				
8	1,000	SCHULMAN (A.), INC.	OTC	10/31	15 1/2B	16 A	15.750		15.7500	16,000	15,750.00
				11/ 3	15 1/2B	16 A	15.750				125.00
		EX-DIVIDEND 10/20			RECORD 10/24		PAYABLE 11/ 4	0.125			
9	2,000	TRICO INDUSTRIES, INC.	NYS	10/31	28	28 7/8	28.437		28.8750	10,250	57,750.00
				11/ 3	29	29 5/8	29.312				100.00
		EX-DIVIDEND 10/ 1			RECORD 10/ 7		PAYABLE 11/ 7	0.050			
									GRAND TOTALS	$ 104,597	$ 228,779.53

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serving a set of interrogatories. For example, in order to identify the best persons for the initial round of depositions, you may want to determine who all of the corporate officers are and identify corporate employees in particular job titles. In that type of a case, it would probably be a good idea to serve a short set of interrogatories with the complaint, take the first round of depositions after identifying these key potential witnesses,[3] and serve a second set of interrogatories after obtaining the information from the first round of depositions. Many different sequences can be used, but the best use will only emerge from thoughtful consideration of the case itself and an analysis of the likely sources of information concerning the key facts in the case.

2. Extensions of time in which to answer. No matter whether interrogatories are used as a first device or not, they will probably be used at some point in almost every case. Any extensive set of interrogatories will almost always elicit a request for an extension of time in which to answer from the other side. If they are extensive and will require a substantial amount of work to answer (say, for example, more than 10 hours of fact-gathering and preparation), it is generally sensible and courteous to agree to a reasonable extension of time for the defendants to prepare answers. However, the lawyer who wishes to move the discovery program along should never agree to an extension of time in which the opposing party may interpose objections. Insist that all objections to any questions in the interrogatories be provided within the time contemplated by the rule, unless the interrogatories are so extensive that it is unreasonable to expect that those objections could be prepared within that time limit. Even if the case is of such a nature that an extension for objections is appropriate, make a distinction between the time allowed for objections and the time allowed for answers. For example, you may wish to give your opponent 45 days to make objections, and 90 days for the submission of the answers. Very few lawyers insist on receiving objections early when a request for an extension for responses is made. If your offer for an extension of answers is refused because you are insisting that objections be timely made, you should memorialize your offer by letter, since extensions of time may be granted on an *ex parte* basis under CR 6(b):

> This will confirm our telephone discussion of June 29, 1980. You requested a thirty day extension within which to answer the Defendants First Set of Interrogatories served on you by mail on June 15, 1980.
>
> I agreed that you may have the additional thirty days within which to provide answers, but insisted that you make any objections you may have to any of the individual interrogatories by the regular response date, July 15, 1980.
>
> Although you refused my offer, it is still open. In the event that you seek a court order extending time in which to answer, I believe it is your professional duty to present this letter to the court at the time you seek your extension.

Whenever any extension or other discretionary concession is sought by the other side, try to get something in return. For example, you might agree to a 15 day extension on interrogatory responses on the condition that the first two depositions may be done by tape recorder.

3. Interrogatories are often most effective when used in tandem with other written discovery devices. In the subsequent sections on Requests for Production and Requests for Admissions, we shall examine the ways in which these two additional discovery devices may be made more effective if used with interrogatories.

B. Requests for Production of Documents (Rule 34)

1. Preparing for Document Production Within the Discovery Plan. The Rule 34 Request for the production, inspection, and copying of documents should also be utilized as part of a sequence of discovery, the order of which may vary greatly in different cases. Since it is only

[3]However, see discussion at p. 23-24 *infra*, concerning the problem of conducting multiple depositions of the same witness.

available against parties, its utility is somewhat limited, but its scope is very broad. In many cases, especially those with uncooperative parties who have only a fleeting relationship with the truth, it is the most productive device.

Generally, there are two primary types of requests for production of documents. First, many cases will require the production and inspection of a massive set of documents which must be gone over by the lawyer seeking production who must then select out the documents which are needed for copying and retention. In some cases, all of the documents produced are routinely copied at the production session and only inspected and analyzed later on in the inspecting lawyer's office. An example of such a request might be "all purchase orders received by you from the XYZ Corporation from June 1, 1971, until the present." The second type of request for production arises when lawyers seeking production can identify the document being sought with some particularity, rather than seeking all documents of a similar type. An example would be, "your letter to the Secretary of Health, Education, and Welfare dated November 14, 1976." The logistics of handling these two different types of requests for production of documents are obviously very different, with the first requiring a visit to the opposing lawyer's or party's office and several days or weeks of manual inspection of the documents, whether those documents are analyzed at the opposing party's headquarters or in the discovering lawyer's office. With the second type of request, there is usually no need for such a production session and copies of the documents can simply be mailed to the discovering lawyer.

In the first type of document production, where thousands of documents may be involved, the lawyer seeking production must structure an organized classification system for the documents *before* going to the production session. The paralegals and lawyers who will be going through the documents must be thoroughly familiar with the classification system before they touch the first document. These classification systems may vary widely in their complexity, but should enable the discovering party to quickly identify all documents relevant to the issues to be raised at each future deposition and, ultimately, at the time of preparing the pretrial order and the trial itself. A simple system in a case involving several defendants might consist of six numbers, with one particular document, for example, assigned the number 136124.

The first number, 1, indicates that the document was produced at the first production session; the second number, 3, indicates that it was obtained from the XYZ Corporation, one of four defendants in the case; the third number, 6, indicates the original document is located in the defendant's purchasing department; the fourth num-

WASHINGTON STATE BAR NEWSLINE

The Board's Work

by **Steven A. Reisler**

BOARD CONSIDERS MODIFICATION OF POST-BAR EXAM PROCEDURES

SEATTLE, December 12-13 -- The Board of Governors has referred to the Bar Examiners Committee a proposal that bar examination answers written by unsuccessful applicants be released to the applicants. The rules currently allow unsuccessful applicants to review their examination answers at the Bar Association office, however answers may be neither copied nor shown to third parties.

Peter Greenfield, a former bar examiner, spoke in favor of the proposed change. According to Greenfield, releasing examination questions to unsuccessful applicants would serve a two-fold purpose: it would promote the appearance of fairness and it would help frustrated bar applicants develop a better awareness of their weaknesses. Greenfield argued that the security procedures inherent in the way applicants currently must review their answers are unnecessary. Although conceding that a change in the rules would create a nuisance, Greenfield maintained that inefficiency and minor inconveniences were necessary components of fairness. He noted that the new policy could always be reconsidered if it became a "colossal problem".

Speaking against the reform measure, Seattle attorney Lem Howell commented that the net result would be the same whether or not applicants' bar answers were released to them. He suggested that repeated "practice examination" exercises would achieve the same result as studying one's own incorrect answers.

Before sending the matter to the Bar Examiners Committee for study, the Board took note of the fact that Washington's Bar Association is one of few such organizations in the country which is not currently involved in bar examination litigation. This absence of litigation was attributed, at least in part, to the fairness of current bar examination procedures.

In a related matter, the Board discussed the problem of premature "leaking" of bar examination results. After much soul-searching, the Board agreed that under no circumstances should bar examination results be released prematurely to anybody. Executive Director G. Edward Friar summed up the sense of the Board when he stated that "'right' is better than fast."

Board member William Wesselhoeft proposed that because of the frailty of human nature, the integrity of the bar exam grading procedure would be enhanced if it were monitored by CPAs instead of lawyers. A motion to that effect did not carry. Immediately thereafter it was moved and seconded that Wesselhoeft be censored for suggesting that lawyers are susceptible to human frailties. The motion was unanimously laughed down.

WORLD PEACE THROUGH LAW

Seattle attorney Floyd Fulle presented the Board of Governors with a petition signed by 100 attorneys who support the formation of a new bar section entitled World Peace Through Law. The purpose of the new section would be to "expand the network of transnational law and legal institutions, thus fostering the development of a world of peace with justice in all areas of international contact of peoples and nations." The section intends to raise a scholarship fund to send representatives to the Biennial World Peace Through Law Conference in Sao Paolo, Brazil.

Although most of the petition's signatories were from King County, promoters of the new section are encouraging state-wide lawyer participation. Judge Edward Henry stated that the prestige of the state bar would be an invaluable asset to World Peace Through Law. "Lawyers worldwide have the obligation to seek peaceful, legal solutions to international conflicts," he said.

By unanimous vote, the Board agreed to waive the six months requirement of Section 4(a) of the Bylaws of the Bar Association, thus allowing the section to begin immediate operations.

BOARD SUPPORTS COURT CONGESTION RELIEF MEASURES

Acting upon information and analysis provided by the Bar Association's Committee on Court Congestion and Delay, the Board of Governors threw its support behind several measures which will be introduced in the Washington legislature by Sen. Phil Talmadge. These measures include codification of existing case law on the subject of statutory costs, creation of a state task force to study court congestion, and expanded jurisdiction of the justice courts. The Board also passed a measure urging the Washington Supreme Court to investigate the possibility of expediting existing criminal appellate procedures.

The Board unanimously repudiated a proposal that the Bar Association support legislation which would permit prejudgment interest on liquidated debts from the date on which an action was commenced. Board members disagreed on the wisdom of allowing prejudgment interest on both liquidated and unliquidated debts. The Board agreed, however, that allowing interest on debts from the date an action is commenced would be an incentive for more lawyers to file more cases more often, thus aggravating the problem of court congestion.

RULE REGULATING THE UNAUTHORIZED PRACTICE OF LAW REFERRED BACK TO COMMITTEE

John Hoglund, Chairman of the Unauthorized Practice of Law Committee, reported to the Board that the Bar Association receives thirty to forty complaints annually about the unauthorized practice of law. Many of these complaints are directed against persons or organizations providing services which are traditionally provided by lawyers.

Rather than investigating the situation, the Board has sent the matter back to committee to study the position which the Bar Association should take. President Brad Jones noted that any action which the Bar might take regarding the unauthorized practice of law would have to be taken on the basis of protecting the public and the consumer of legal services.

Continued on page 27.

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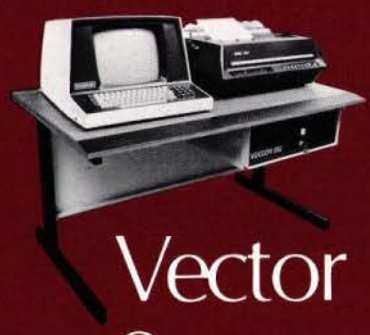

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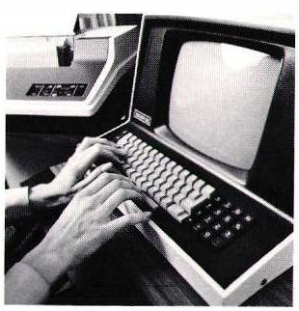

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Continued from page 22.

One Board member argued that the Governors had to "bite the bullet" and take a firm stand on the issue of the unauthorized practice of law. The concensus of the Board, however, was that no firmer stand could be taken until the committee prepared a more detailed study of the situation. In the meanwhile, the Board indicated that it will continue to listen to complaints from both lawyers and consumers.

Addressing itself to a two-inch thick agenda book, the Board also took these actions...

• TRADE SECRETS - The Board voted to support the Uniform Trade Secrets Act. The Act would define trade secrets and establish guidelines to determine damages and attorney fees.

• TORT REFORM - Cleary Cone of the Tort Reform Task Force addressed the Board on the issue of impending legislative changes in the tort laws. The Board went on record as endorsing in principle the second draft of the Product Liability and Comparative Fault Act, however it opposed the abolition or modification of joint & several liability and a cut-down on contributory negligence.

• FAMILY TRUST TAX SCAM - Julie Weston, Tax Section Chairperson, reported that her committee has prepared a pamphlet entitled "The Family Trust Tax Scam", an educational document which the committee intends for general distribution. The Board sent the matter to the Bar News Editorial Advisory Board to consider how the pamphlet could be best distributed.

• UCC AMENDMENTS - Following a presentation by Dan Ritter, the Board passed a motion to encourage presentation of Uniform Commercial Code amendments to the 1981 legislature subject to approval by the Bar Association's Legislative Committee. This was one of several matters referred to the Legislative Committee during the course of the Board's meeting. There was some disagreement among Board members whether every legislative item should be channeled through that committee before it is acted upon by the Board.

• BOARD MEETINGS - Noting that "it is incumbent upon the Board to take its act around the state," the members voted to modify its 1981 schedule. The Board will now meet in the Tri-Cities area in April, instead of Walla Walla, and will meet in July in Ocean Shores rather than Seattle.

The Board also voted to attend the Western States Bar Conference in Tucson, Arizona, and to poll Washington lawyers concerning their preferences for the locations of future Washington State Bar Conventions.

• FEE ARBITRATION - In a split vote, the Board decided to increase the dollar limits over which a one person arbitration panel would have jurisdiction. The limit was raised from $500 to $1000, however a motion to increase the limit to $1500 was defeated. Fees in excess of $1000 will continue to be arbitrated by a committee composed of one lawyer and two laypersons.

• MEETINGS WITH LAWYERS AND JUDGES - In separate joint sessions, the Board of Governors of the State Bar Association met with the Trustees of the Seattle-King County Bar Association and the Board of Trustees of the Superior Court Judges Association. Judge Deierlein, President of the Judges Association, warned the Bar that Washington's penal institutions represent a too long neglected problem which demands attention. □

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ber, 1, indicates that the document was originated by the XYZ Corporation; the fifth number, indicates that the document was directed to the MNO Corporation, another defendant in the case; and the sixth number, 4, indicates that the subject matter of the document concerns purchases of air conditioners. Any well thought out system will work and may be refined after beginning the production session (as, for example, by the addition of more numbers or letters), but there must be some structure established in advance.

2. Using the Document Production for Subsequent Depositions. These different logistics obviously create different time frames for the effective use of the documents that are produced. Typically, the discovering lawyer is going to want to use at least some of the documents so produced as exhibits at subsequent depositions. With the first type of document request, the inspection and analysis of the documents produced may take weeks or even months, which, when added to the 30 days notice requirement in Rule 34, may put the actual effective use of these documents off for three or four months. Massive discovery requests also generally elicit resistance and objection from responding parties, and these objections may take another month or two to resolve by compromise or a motion to compel.

The second, and more limited, type of document request is also not without its own time problems. Unless an agreement or order shortening the time in which a response is required can be obtained, a deposition in which the documents to be produced are to be utilized as exhibits will have to be delayed for at least a month. Further, it is sound practice not to schedule the document production and any deposition in which the produced documents will be utilized on the same day, as the interrogating lawyer should have an opportunity to analyze the documents and compose questions which will most effectively utilize the documents. Although there is no set limit on the number of depositions that can be taken of any one witness or party in a civil case, there is a point at which parties—and judges—will grow impatient with multiple depositions of the same witness, even if interrogation is required with documents which were not available at the time of the prior deposition. Some lawyers routinely resist more than one deposition of their clients. An early deposition of a particular witness will often be necessary to either explore the structure of the case, gain preliminary information which will be utilized in drafting a later set of interrogatories, pin down certain facts before a motion to dismiss or a summary judgment motion, or identify documents for a subsequent Request for Production. If this same witness will have to be deposed a second and perhaps third time with documents which are to be obtained

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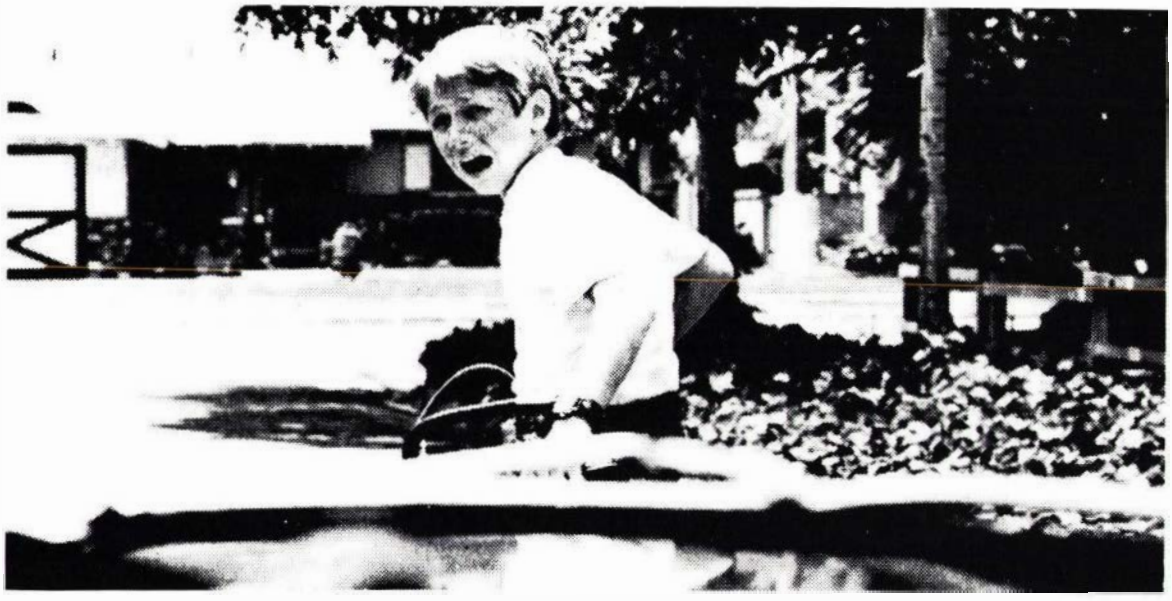

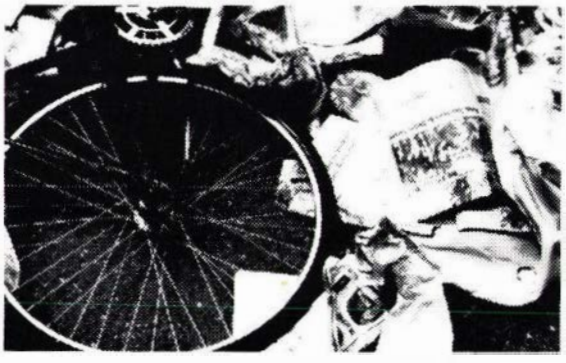

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through a request for production, the interrogating lawyer should generally not conclude the initial deposition until pinning down that documents exist, that they are in control of the witness or some other person, that they are not at the deposition, that the witness has a recollection of the documents, or that he is basing his testimony on his recollection of the documents. Further, the interrogating lawyer should get the witness to acknowledge that the documents can be readily obtained before concluding the day's testimony.

When documents are not immediately available, it is generally a good practice to adjourn, rather than conclude, the deposition pending the subsequent production of documents from the witness or other source of information. If the opposing lawyer attempts to cut off discovery later on by asserting that "this witness has already been deposed three times" the interrogating lawyer will have the convenient argument that the three separate deposition sessions were actually one deposition which was so scheduled for very sound reasons. This argument is somewhat transparent, however, if it is not clear and on the record that documents must be produced and analyzed before the deposition may resume.

3. Utilizing deposition testimony in framing Requests for Production. If a witness at a deposition refers to a document which is not available at the deposition, the interrogating lawyer may simply make an oral request on the record that the document be produced. The opposing lawyer, of course, will be reluctant to make a definite commitment to produce the document without knowing exactly what is in it. A commitment to produce a document which is orally requested at a deposition of a party will rarely result in the immediate production of the document at the same deposition, and some time limit will have to be set. If this can be accomplished by a stipulation on the record at the deposition or an exchange of letters after the deposition, all well and good. If it cannot be accomplished, however, a Request for Production for the document should be prepared as soon as possible after the deposition where the document was first mentioned. If the deposition has been transcribed, make a specific reference to the page and line where the witness identified the particular document if the request for production is directed toward that same witness. This tactic has the advantage of identifying the particular document in the witness's own words and is also very useful if the production of that particular document is later resisted and a motion to compel is necessary to secure its production. If a judge sees that a witness has actually mentioned the particular document in his testimony, he will very likely not be tolerant of arguments that the document need not be produced unless there is some valid privilege. An example of such a request

might be phrased as follows: "the letter which you received from Richard Jones some time during the first six months of 1977, as mentioned in your deposition of June 14, 1978, at page 23, line 12."

4. Relating the Request for Production to the first Interrogatories. As already noted, written discovery devices take time, and more time is required for reasonable extensions of time within which to respond, objections to Interrogatories and Requests, and motions to compel discovery. These delays add months to the time within which the information sought will actually be produced. Since the plaintiff generally wants to move the case along as rapidly as possible, any tactics which will shorten this process are desirable. Immediately requesting documents which are mentioned in deposition testimony is one device. Using a Request for Production simultaneously with a set of Interrogatories is another. The lawyer using a set of Interrogatories will want to know if the information that is set out in response to the interrogatories was derived from an inspection of any documents. The general practice to obtain such information is to attach one catch-all question to the end of a set of Interrogatories which reads along the following lines:

> If your answers to any of the preceeding interrogatories have been based in whole or in part on reference to any documents, writings, tape recordings, or other records of any kind, please a) identify the record by its author, recipient, and date, b) state the present location of the record, c) identify the present custodian of the record, and 3) state the substance of the contents of the record.

Such a question should theoretically work well, but this is not always the case. Lawyers responding to interrogatories routinely ignore such questions as well as ignoring particularly detailed instructions at the start of a set of interrogatories. More effective results will generally be obtained by following each merits interrogatory with an interrogatory seeking the identification and description of any documents used to answer the immediately preceding interrogatory. In order to minimize delays and actually obtain the documents which will be so identified, a Request for Production of such documents should be made at the same time that the interrogatories are prepared. Many lawyers prepare a separate request for production of documents keyed to a set of interrogatories but there is no longer any reason to do this. The Request for Production can be woven into the Interrogatories, saving time and making for a more logical and cohesive discovery document. Such a set of interrogatories and a pertinent request in an employment discrimination case might include the following:

Interrogatory #1.

State the name, home address, sex, race, and job title of all employees who were involuntarily terminated from employment at your Auburn, Washington, plant between January 1, 1975, and December 14, 1978.

Answer:

Interrogatory #2.

Is any of the information set out in your response to interrogatory #1, contained in any document, tape recording, computer tape, or record of any kind? If so, please provide for each such record the following information: a) a description of the record, b) the name by which the record is commonly referred to in your company, c) the present location of the record, d) the identity of the person who prepares and maintains the record, and e) the name of the present custodian of the record.

Answer:

Request for
Production of
Documents #3.

If your answer to Interrogatory #2 lists any records, please produce all such records at a production session at the office of plaintiff's counsel on December 14, 1979, at 10 a.m. (hereinafter "the production session").

Answer:

Going through this type of a procedure will add great length to your Interrogatories and Request for Production but it is a much handier way to obtain the information you need. First of all, it will concentrate information about a particular set of facts in one particular section of the discovery document and is therefore easier to organize, both from the perspective of structuring the questions and requests and in handling the information that your adversaries produce in response to these questions and requests. Second, this type of a format will better serve you in any motions to compel discovery that must be filed. As a convenience to parties responding to Interrogatories, most state and federal courts now require that an appropriate space be provided in the Interrogatories themselves so that the answers may be typed directly onto the set of interrogatories served by the inquiring party. This is certainly more convenient for parties responding to written discovery because it eliminates unnecessary typing, but it is also very convenient for the inquiring lawyer who wishes to structure the questions so that a failure to answer a particular question will be very obvious.[4] Further, by putting the requests for

[4]Although not done in the examples given in this paper for space reasons, you may put a space for an answer after each subpart of every question. This, again, makes it clearer when a particular subpart is not answered. Unfortunately, responding parties sometimes avoid this structure by answering in narrative form on a separate sheet of paper and then inserting, e.g., "see response to Interrogatory 12 on p. 6a".

documents on a particular subject matter right next to the interrogatories on the same subject matter the judge or magistrate examining the interrogatories for a motion to compel will have one logically structured document to review and will tend to look at the interrogatories and requests in groups rather than as isolated questions. This will make the structure of the motion to compel and argument on that motion much more organized and will make it much easier to get the judge to understand the case and the relevance of the discovery requests.

5. Using the Request for Production to protect documents. Every lawyer has faced the problem of destroyed evidence. During the discovery process, it may come out that a particular type of document did exist at one point, but is lost or has been destroyed. Oddly enough, these documents often seem to be highly relevant to one side's case. One technique which may minimize document destruction is the service of a Request for Production of documents along with the Complaint. This Request should be as particular as possible, and the Introduction section should clearly advise the defendant not to destroy the requested documents.

C. Depositions on Oral Examination (Rule 30)

Because the oral deposition is so convenient and frequently informal, lawyers sometimes get in the habit of not doing adequate preparation for the conduct of depositions. Not only must the interrogating lawyer be thoroughly prepared regarding the areas of inquiry, but he must think through the way in which the deposition can fit into the overall discovery strategy for the case. The deposition is a very flexible device which can be used in many different ways for many different purposes. The lawyer must have an appreciation of these different purposes before this device can be used most effectively.

Obviously, the most common use of the deposition is to find out what the other side's version of the facts are. To this end the parties will generally depose each other to pin down the respective factual allegations. The second most common usage of the deposition is to interrogate witnesses and commit those witnesses to a particular line of testimony. Other purposes include gaining knowledge about the personality and demeanor of witnesses and the preservation of otherwise unavailable testimony for use at trial.

1. Using the deposition to require production of documents. The deposition can be used for other purposes as well. It can be used to facilitate the production of documents from both parties and non-parties. A party seeking the production of documents from a person or corpora-

tion who is not a party to the case may use a subpoena duces tecum (Rule 45) to force the production of documents at a deposition. This device is not used very often against parties because of the availability of the request for production of documents to get documents from parties.

However, the deposition with a subpoena duces tecum is one way to get around the thirty day requirement in a Rule 34 Request for Production. If documents are required or would help in either conducting an early deposition, framing interrogatory questions, or developing related requests for production of other documents, consider using the subpoena duces tecum device to force the other side to produce some documents early in the case. The disadvantages to this tactic are that a witness and mileage fee must be paid to the witness responding to the subpoena—even if that witness is a party—and that the lawyer will have very little time to review the documents produced so as to effectively use them at the deposition. Further, the opposing lawyer may object to the subpoena on the grounds that Rule 45 is not available against parties. Although no case so holds, the objection can certainly be made in good faith and this will slow up document production considerably. If the device is used and the lawyer wants to use those particular documents at the deposition scheduled at that time, it may be best to take a half hour adjournment to review the documents produced and to develop questions about the documents.

2. Using Depositions to Accelerate Discovery. Depositions get a case moving better than any other discovery device. First of all, depositions can be scheduled 30 days after the filing of the complaint and—if leave of court can be obtained—can even be scheduled before the complaint is filed (Rule 27) or before the 30 day period has expired (Rule 30(a)). Second, there is no time lag between the time questions are asked and answers are obtained. Third, refusals to answer deposition questions are rare both because the question can be immediately rephrased to eliminate any objectionable aspects, and defending lawyers will be reluctant to object when they know they will be confronted with an immediate motion to compel the witness to answer. When objecting to interrogatories, lawyers know that they can object and refuse to answer, and later compromise, thereby gaining delay and escaping sanctions.

Depositions can also be used to push along the other discovery devices. As mentioned above on pp. 16-17, early depositions can assist the lawyer in framing more precise and less objectionable Interrogatories, Requests for Production and Requests for Admission, so that the realistic response time to these subsequent written discovery devices will be shortened.

Reponse time on written discovery can also be minimized by securing stipulations at a deposition about using written discovery devices in lieu of extended oral examination on certain topics. For example, the plaintiffs' lawyer in a class action may want to get the name and address of every potential class member from a defendant who has exclusive possession of that information.

The same technique may be used to force the early production of documents although it will not be as effective because the deposing lawyer only has a right to ask questions at a deposition, and not to demand production of documents unless they have been subpoenaed or are the subject of a simultaneous request for production. If documents are likely subjects of testimony, however, it may be worthwhile to consider holding the deposition at the deponent's place of business so any such documents might be readily obtained. Opposing counsel is certainly within his rights in refusing such a request but it may be possible to convince him to turn them over.

The witness's lawyer will probably not go along with such a request unless he knows what is in the documents, feels his client is prepared to testify about them, and is convinced there is nothing really damaging in them. The witness, on the other hand, will usually not want to produce any document any earlier than he has to, and will only do so if he feels it will cost him more time and attorneys' fees not to voluntarily produce the documents.

3. Following up on Other Discovery Devices with Depositions.

i. Interrogatories.

When depositions follow interrogatories, opposing counsel has a pretty good idea of at least some of the specific ground that the inquiring lawyer will be going over in the deposition, and will have been able to prepare the witness for some areas of testimony. Before any such deposition, the inquiring lawyer should attempt to get all persons supplying particular interrogatory answers to swear to facts set forth in the particular interrogatories. With this in mind, an instruction or interrogatory should be included in the interrogatory which requires the identification of all persons supplying information on documents upon which answers are based.

The inquiring lawyer should prepare photocopies of relevant interrogatory answers and use them like any other exhibit at the deposition. This will eliminate unnecessary cross-referencing at the deposition and will make it easier to utilize the depositions in any subsequent motions or court proceedings.

ii. Request for Production of Documents.

Sections III. B. 1, and III. B. 2 above review the use of the Request for Production of Documents as preparatory

to a deposition and the use of deposition testimony in framing subsequent Requests for Production. After securing documents through a Request or by some other means, it is well to plan how the documents are to be used and how they are to be organized before embarking on any depositions.

If you are doing a series of depositions, the nature of the documents may affect the sequence of the depositions. For example, you may want to save a particularly damaging document until the end of a series of depositions. If the other side does not know you have it, the earlier witnesses' testimony may not be geared to minimize the impact of the document, as that testimony surely will be if the other side has an opportunity to anticipate the use of the document in each deposition. On the other hand, if you want to use it in each deposition, you will probably want to use it first with the witness who is most vulnerable on that issue so he will not learn of its impending use and prepare for it. If your opponent does not really understand your case, he may not understand the importance of a particular document that he has produced, and you may be able to use a document produced in the case just as effectively as a document you have obtained from another source without your opponent's knowledge. If you have only asked for a few documents in your Request, however, you are giving the other side a clear indication of some specific documents that you think are important and that you will probably use as deposition exhibits.

iii. Request for Admissions.

As we shall review in the next section, Requests for Admission are normally used most effectively in tandem with interrogatories to bring out all the facts upon which denials are based. Requests for Admissions are normally used late in the discovery process as a device to reduce the factual issues in dispute, and are phrased in reliance on prior discovery, including deposition testimony.

If any ambiguities remain after a Request for Admission has been answered, however, more depositions can be scheduled to eliminate these ambiguities. If a particular Request for Admission is to be used in the deposition, it should be photocopied and made into a separate exhibit, just as an interrogatory and its answer should be used as an exhibit.

D. Requests for Admission (Rule 36)

Requests for Admission are almost always utilized at the conclusion of discovery, although they can certainly be used earlier. Used alone, Requests for Admission are not really a "discovery" device since they rarely produce information not already held by the party utilizing them. For example, in a dissolution case, counsel might serve the following Request:

Request for

Admission No. 1:

The respondent Kathleen Mullen acquired title to the real property at 3819 High School Road, Winslow, Washington on September 19, 1978.

If the responding party denies the truth of that statement, more time consuming discovery is called for. Time and money can be saved by following that Request with two interrogatories and one request for production:

Interrogatory # 2.

If you deny Request for Admission No. 1, state a) each and every fact upon which you base your denial, and b) the name and address of all persons having knowledge of each such fact.

Answer:

Interrogatory # 3.

For each fact set forth in response to Interrogatory # 2, a) state whether any documents exist which in any way support each such fact, b) describe each such document, c) identify the present location and custodian of the document, and d) state whether you have a copy of any such document.

Answer:

Request for
Production # 4.

If you have originals or copies of any of the documents listed in response to Interrogatory # 3, produce them at the October 14, 1980, production session.

Answer:

This technique expands the utility of the Request for Admission and speeds the accumulation of evidence. By combining the devices, Requests for Admission can also be used fruitfully as early as the time when the answer is filed. If a particular paragraph of the Complaint is denied, a Request for Production which paraphrases or closely follows the paragraph will force the defendant to go beyond his denial and give the bases for the denial. Again, this approach will speed discovery, save time, and commit the party to a firm admission. Since an Answer is not a sworn pleading committing the defendant to a set of admissions and denials, the defendant may change his position at a later time. An admission, however, will require the party seeking to withdraw that admission to file a motion and get a court order allowing such withdrawal. Civil Rule 36(b).

CONCLUSION.

All of the tactics suggested in this article can be countered; none will result in the establishment of important facts without persistent follow through. However, the development of a coordinated discovery plan will eliminate many of the wasteful delays that are almost inevitable in the discovery process if the devices are not used together. □

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Rainy Days and Mondays... and the Silver Lining

John J. Michalik
Director of Continuing Legal Education

MONDAY, DECEMBER 1, 1980, 8:10 P.M.—The dateline and time indication as a lead-in to this column are not intended to impress upon you the reader how hard and late the CLE Director, and his staff, must work at times to keep ourselves on track. As they (whoever "they" are) say, "that comes with the turf". It is, however, a Monday night and as is often the case I find myself up against a deadline for this column. Some months that situation is created by procrastination; other months, as religious readers may have noticed, the cause is a lack of brilliant inspiration as to what to write about. This month is sort of a hybrid: the topic is clear but the means of adequate expression are not. Trust me—I'll get to it in a minute.

Sitting at this typewriter gazing through the rain across Fifth Avenue in beautiful downtown Seattle, I reflect back on the days activities: meeting printing deadlines, ironing out arrangements with hotels and other meeting facilities across the state, putting another seminar brochure to bed, meeting with seminar faculty members regarding upcoming programs, working on the development of new programs and new means of delivering those programs to you, and the other tasks involved in administering an active CLE program for an active Bar. A heavy workload and long hours, all made easier by a staff willing to do the work and put in the hours and, at last we get to the point, all, in the final analysis, made possible by the real "heroes" of continuing legal education: the scores of attorneys and judges who give so willingly of their time, effort and knowledge on behalf of the State Bar Association's CLE program.

Involvement in a State Bar CLE effort, be it a seminar, publication, or what have you, is far from an easy task. For example, participation in a CLE seminar is in essence a two-step effort. Initially, a seminar participant devotes a considerable amount of time to preparation, not only of his/her own oral presentation but also to the research and writing of a portion of the seminar manual. The latter is a monumental task in and of itself, and the difficulties are often compounded by stringent printing deadlines. Each participant also devotes a substantial amount of time to planning meetings, numerous telephone conferences, and the copious correspondence necessary to the development of an integrated and cohesive program. Preparation, of course, leads to presentation. In most instances, State Bar seminars are presented in from two to four locations in the state and, while an individual attorney or judge may be directly responsible for only one hour at each of those presentations, the time commitment is far greater when travel time, inconvenience, and lost office time are taken into account. The scope of the effort that such individuals make is, at least in one way, illustrated by a survey I took of the members of a couple of our seminar panels a year or so ago. I asked each person to keep records of the amount of time they put into all aspects of their involvement in the seminar. Responses ranged from a low of 80 hours to a high of 140.

The involvement and commitment of our seminar speakers, and others, is all the more remarkable when consideration is given to the fact that such participation is all on a voluntary and unpaid basis. In the final analysis, the true motivation for these efforts seems to involve a combination of factors including a strong sense of professional responsibility, honest commitment, and a real desire for self-improvement and sharing of knowledge.

As all who have participated in our efforts over the years know, the hardest tasks that yours truly and other members of the State Bar CLE staff face is that of adequately expressing thanks to those who contribute so much to the Bar Association's ongoing CLE efforts. That task is no easier now than it ever has been. Nonetheless, I offer a large and collective thanks to the real heroes: they are the silver lining on the rainy Mondays.

Approved Continuing Legal Education Activities

COURSES APPROVED

GONZAGA UNIVERSITY SCHOOL OF LAW

Art Law Conference
Jan. 7,1981:Seattle 8.25

Symposium on Law & Ethics
Feb. 21,1981:Spokane 7.00

Conference on Law & the Aging
March 5,1981:Spokane 6.00

MONTANA CLEM

10th Annual CLE & SKI
Jan. 13-16,1981:Whitefish 15.00

PRACTISING LAW INSTITUTE

Income Taxation of Estates & Trusts
Feb. 12-13,1981:San Francisco 12.00

Medical Malpractice Litigation
Feb. 19-21,1981:Los Angeles 18.00

WASHINGTON STATE BAR ASSOCIATION

Civil Procedure Before Trial
Jan. 16,1981:Seattle 7.00
Jan. 23,1981:Yakima 7.00
Jan. 27,1981:Spokane 7.00
Jan. 31,1981:Bellevue 7.00
Feb. 9,1981:Olympia 7.00

Skills Training:Family Law Practice
Jan. 23-25,1981:Seattle 16.50

Partnerships
Feb. 6,1981:Seattle 5.00
Feb. 13,1981:Spokane 5.00
Feb. 20,1981:Richland 5.00
Feb. 27,1981:Olympia 5.00

Northwest Regional Securities Institute
Feb. 13-14,1981:Seattle 11.50

1980 Annual Meeting in Hawaii

McLauchlan-at-Large...

Washington State Bar Foundation Established

The Washington State Bar Foundation, a non-profit corporation, has recently been established and has been approved for tax exempt status by the IRS under sections 501(c)(3), 509(a)(1) and 170(b).

The Washington State Bar Foundation was created for the general purposes of advancing educational, charitable and scientific endeavors. More specifically, the Foundation will direct its attention to advancing the study of law and the administration of justice, improving relations between the Bar, the judiciary, and the public, and acquiring or acting as trustee of any funds or property that the corporation may receive.

The affairs of the Foundation will be managed by a three-member Board of Trustees composed of the three most recent past presidents of the Washington State Bar Association. Michael J. Hemovich, David D. Hoff, and Edward J. Novack will serve as initial Board members. According to the Articles of Incorporation, Mr. Novack, as the earliest past president of the WSBA, will act as president of the Board.

Tax deductible donations to the Washington State Bar Foundation may be sent to the Washington State Bar Foundation, 505 Madison St., Seattle, WA 98104. Please direct any questions regarding the Foundation to the WSBA Legal Department, telephone (206) 622-6026.

U.S. Court of Appeals to Expand Court Sessions in Seattle and Portland

The Clerk of the U.S. Court of Appeals for the Ninth Circuit has announced that, effective January 1981, the Court will conduct several monthly sessions in Seattle. Heretofore, the Court has conducted hearings in Seattle every other month. It will also hear an increased number of cases in Portland in alternate months.

The schedule contemplates that appeals from the District Courts in Alaska and the Eastern and Western Districts of Washington will be heard in Seattle. Those from the District Court of Oregon will be heard in Portland. Appeals from Montana and Idaho usually will be calendared in Seattle or Portland, but may also be heard in San Francisco.

For further information, call the Clerk's divisional office in Seattle at (206) 442-2937 or Cathy Catterson at the Clerk's office in San Francisco at (415) 556-7340.

Convention Sports Results

Race Ipsa Loquitur

6-mile Run: MEN'S First Place—**Tim Thomsen;** MEN'S Second Place—**G. William Shaw.** WOMEN'S First Place—**Carolyn Gossard;** WOMEN'S Second Place—**Peggy McKasey.**

3-mile Run: MEN'S First Place—**Michael Duggan;** MEN'S Second Place—**Kent Nakamura.** WOMEN'S First Place—**Palmer Robinson;** WOMEN'S Second Place—**Lynn Brewer.**

Golf Tournament

Champion—Low Gross—**Dave Welts,** Low Net—**Shane Rawley,** Longest Drive—**Paul Cressman,** Closest to the Pin—**Bruce Larson,** Highest Admitted Score—**Bill Wesselhoeft.**

Women's Division: Champion—Low Gross—**Beth Campbell,** Highest Admitted Score—**Jean Giboney.**

No-Fault Tennis Tournament

Men's Doubles-Division 1: 1st—**Charles Cusack & Irwin Landerholm,** 2nd—**Richard Bennett & Paul Larson.**

Men's Doubles-Division 2: 1st—**Brian Comstock & John Ellis,** 2nd—**Keith Grim & Charles Sayre.**

Women's Doubles: 1st—**Carol Danielson & Pam Sanderson.** 2nd—**Kristina Larson & Marsha Sandersen.**

Mixed Doubles-Division 1: 1st—**Mary Lee & Michael Pickett,** 2nd—**J.M. & Jane Emerson.**

Mixed Doubles-Division 2: 1st— **C. Keith & Naomi Grim,** 2nd— **Dale & Evelyn Foster Read.**

Bar Reacts to Gamscam Convictions

United States District Court Judge Walter T. McGovern sentenced attorney Gordon L. Walgren to five years' imprisonment on the respective charges of which he was found guilty, with the sentences to run concurrently. The State Bar will respond to this action in accordance with court rules and procedures.

The normal rules and practice in such cases are that the Bar Association procures a properly certified copy of the conviction and sentence and conveys it formally to the State Supreme Court. Upon the filing of that record, the attorney is usually automatically suspended from practice by the Supreme Court, pending the completion of the full disciplinary process.

"We understand that Mr. Walgren's counsel has filed a motion with the Clerk of the Supreme Court seeking to avoid the imposition of an automatic suspension because of the pendency of an appeal and on the basis that the conviction is not of a crime of moral turpitude justifying suspension," said Bradley T. Jones, State Bar president.

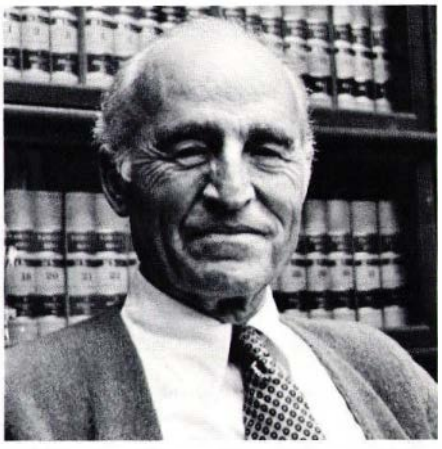
Judicial Newsletter Inaugurated

The Office of the Administrator for the Courts has begun publishing a newsletter for the benefit of the Washington judiciary. The, as yet, nameless newsletter will appear quarterly. It will discuss trends, developments and innovations in the judicial community.

What's Your Opinion on Advertising?

Spokane attorney Lionel E. Wolff, a recent appointee to the WSBA Tax Specialization Committee, encourages lawyers all over the state to write him about their feelings on issues of advertising, certification, etc. Reponses should be mailed to Mr. Wolff at Wolff, Purcell & Zajonc, 1407 Old National Bank Building, Spokane, WA 99201.

Judge Charles Horowitz Retires



Charles Horowitz, Judge of the Washington State Supreme Court retired at the end of 1980 after completing six years on the high court bench. Judge Horowitz also served five years on the Washington Court of Appeals.

Labor Law Conference Planned for Spring

The Labor Law Section of the Seattle-King County Bar Association and the University of Washington are holding their 14th annual Pacific Coast Labor Law Conference on April 9-10, 1981 in Seattle. Speakers will include NLRB member Don Zimmerman, past Board chairman Ed Miller, and the Board's General Counsel, John Higgens. Besides a critique and review of current Board trends, the conference will focus upon the duty of fair representation in the public sector, comparing and contrasting it with its evolvement in the private sector. Also to be discussed will be developments in Equal Employment Opportunity law, emphasizing the comparable worth issues facing management, industry and the courts.

Leading government lawyers, private practitioners, and academicians will be presenting their respective positions and given the opportunity to comment upon the often opposing views. For more information contact Gretchen Lumbley, Committee Chairperson, at (206) 442-7434, or Olga Stewart at (206) 543-5280.

Handwriting Analysis Classes Upcoming at BCC

Bellevue Community College will be offering 2 courses of instruction on handwriting analysis early in 1981. A 4-day seminar, entitled "Handwriting Analysis for Attorneys," will be held February 11-14 from 9:00 a.m.-4:00 p.m. for a cost of $87.

A second course entitled, "Handwriting Analysis for Legal Professionals," is scheduled for Thursday evenings from 7:00 p.m.-9:30 p.m. January 8-March 12. The course fee is $67. Registration will be accepted through January 15.

The instructor of both classes, Sally Atkinson, is a Master Graphoanalyst and pioneered its use in jury selection in 1977.

Each class has been approved for 22 hours of CLE credit by the WSBA.

Additional information on course content may be obtained by calling the instructor at (206) 362-3188, Seattle. For registration information call Bellevue Community College Continuing Education Office at (206) 641-2263.

National News Shorts

■ Irving Younger, the popular lecturer on the subject of trial practice, will retire from the C.L.E. circuit to join the Washington, D.C. firm of Williams & Connally. Younger is looking for the excitement and challenge of an active law practice.

■ The National Center for Professional Responsibility is interested in receiving manuscripts for its "Monograph Series: Problems in Lawyer Professional Responsibility". The series will consist of approximately twenty separate essays describing and analyzing specific problems of lawyer ethics and discipline. Authors interested in having their manuscripts included in the series may request further information from: National Center for Professional Responsibility, American Bar Association, 77 South Wacker Drive, Chicago, Illinois 60606, (312) 621-9250.

Discipline

Norman S. Johnson Suspended

Norman S. Johnson was suspended from the practice of law for 60 days pursuant to an opinion filed by the Supreme Court of the State of Washington on November 6, 1980. Johnson was suspended for neglect of a legal matter and failure to carry out a contract of employment as a result of his handling of an estate.

This notice is published pursuant to Rule 11.7(c) of the Discipline Rules for Attorneys.

In Memoriam

Charles T. Wright. 1911-1980. Judge, Washington State Supreme Court, 1971-1980.

Photograph provided by M. Carter Mitchell.

Waldyn L. (Scotty) Gibbon, 78, of Seattle, died November 15. He was admitted to the Bar in 1930.

Russell Caldwell Jefferson, 61, of Everett, died November 16. He was admitted to the Bar in 1954.

Floyd J. Underwood, 74, of Spokane, died October 26. He was admitted to the Bar in 1930.

Notices

Rodney G. Pierce announces his availability to handle collection activities for attorneys and their clients. Mr. Pierce's office handles claims for collection agencies, accountants, attorneys, insurance companies and major corporations on a contingency basis.

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Scott W. Wyatt announces his availability for association in the preparation and presentation of trials, both jury and non-jury.

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CLASSIFIED

Labor Law: Lab. Arb. Rpts. V. 1-51 w/ Cum. Dig/Index V. 1-20; Lab. Rel. Ref. Manual, V. 1-103, Tab. of Cases V. 1-90, Yearbook, 1966-79, Cum. Dig/Ind. V. 1-102; Fair Emplmt. Prac. Cases, V. 4-22 w/ Cum. Dig/Ind.; Rabkin & Johnson, FIGET, 13 Vols. BEST OFFER 1-206-383-3761.

For Sale: Complete up-to-date set of U.S.C.A. $600.00 (206) 457-8525.

For Sale: CJS including pocket parts current through 1980. $1800.00 or best offer. Terms available. Phone (206) 486-0707.

Washington Court Rules Annotated-Bancroft Whitney Edition; Three volumes—best offer. Appleman Insurance Law & Practice; Complete set with supplements—$300.00. Shepherd's Washington Citations; One statute edition-one case edition—$50.00. Washington Probate, Practice, Procedure & Tax Manual; Volumes I, II, III—best offer. Phone (206) 533-1600 or 532-1960.

Bellevue office space available for one to four attorneys, including receptionist, complete library, conference room, copy machine, secretarial and word processing services as needed. Arrangements negotiable. (206) 455-4144.

Office Space: Pioneer Square offices for one or two attorneys available March 1 in Maynard Building. Includes receptionist-typist, library & telephone. Contact (206) 622-1471.

Office space available for two attorneys. Portions of choice full floor suite, 13th Floor Seattle Tower. Share library, receptionist, conference room. Contact Jim Hanken or Sigurd Borgersen (206) 624-4212.

For Sale: Human Nervous system Model $100.00. For use as demonstrative evidence in jury trials. (206) 583-4543.

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Office Space Available: Space for one attorney in Howard Building in Pioneer Square. Receptionist, library-conference room, copier and other services possible. Open and direct personality preferred. Call (206) 622-9050.

Downtown Bellevue Office Space: 1550 square feet with four large offices, library, kitchen, reception, and staff area available for sublease. Call Geoff Revelle at (206) 455-2565.

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Office space for experienced lawyer in 6 lawyer office. Pioneer Building. Secretary, word and data processing, library, copy and other services available. (206) 682-9580.

Will Information Sought: Anyone having information about the will of Roy A. Ravine please contact Lawrence B. Linville, 500 Third & Lenora Building, Seattle, Washington. (206) 624-6831.

Seeking Will: Any Seattle attorney who prepared a will for Wayne L. Barry please contact John C. Lombard, Attorney at Law. (206) 624-2822.

Searching for attorneys concerning Edward Phill Phillips. Deceased 10-20-80. Please contact his son at (206) 255-9940, evenings.

Seeking Will: Anyone having knowledge of the existence of a "Last Will" of the late Eva Rice (died October 30, 1980), please contact Jeffery Hess, 625 - 1411 4th Ave. Bldg., Seattle, 98101; (206) 682-1125.

POSITIONS

Position Available: Medium-sized Southwest Washington law firm seeks attorney with 2-4 years experience in Business Law. Confidential. Send resume to Box 22, W.S.B.A.

Positions Discussed: A few experienced attorneys willing to specialize in land development, government, corporations and litigation. ((Call Edward Hudson, P.S. (206) 627-1091, Suite 811, 1019 Pacific Avenue, Tacoma, Washington)).

Forming New Firm: Downtown Seattle. Seeking one to three attorneys with 3 plus years experience and growing practices. Reply with background. Box 33, WSBA.

Position Available: Opportunity for employee benefits tax specialist to join expanding Seattle firm. If advanced tax degree possessed, experience not required. Salary negotiable. Excellent fringe benefits. Respond with resume to Ms. Fredrickson, 2819 First Avenue, Seattle, Washington 98121.

Youthful G.P. with 13 years solid experience seeks position with busy Seattle area firm. Enjoys civil litigation. Box 28, WSBA.

Entry Level Tax Positions (seasonal, full & part-time) available for J.D. interested in data processing of federal and state income tax returns. Furnish technical assistance to CPA's and attorneys utilizing Computax programs; assist in quality control. Call CCH Computax at (206) 251-5350.

Position Wanted: Attorney with four years of teaching experience in corporate and commercial law subjects, LL.M. in corporate law, M.B.A. and four years at general practice experience including antitrust, seeks a position on the general counsel staff of a large to medium size corporation in the Puget Sound area. Member, WSBA. Box 32, WSBA.

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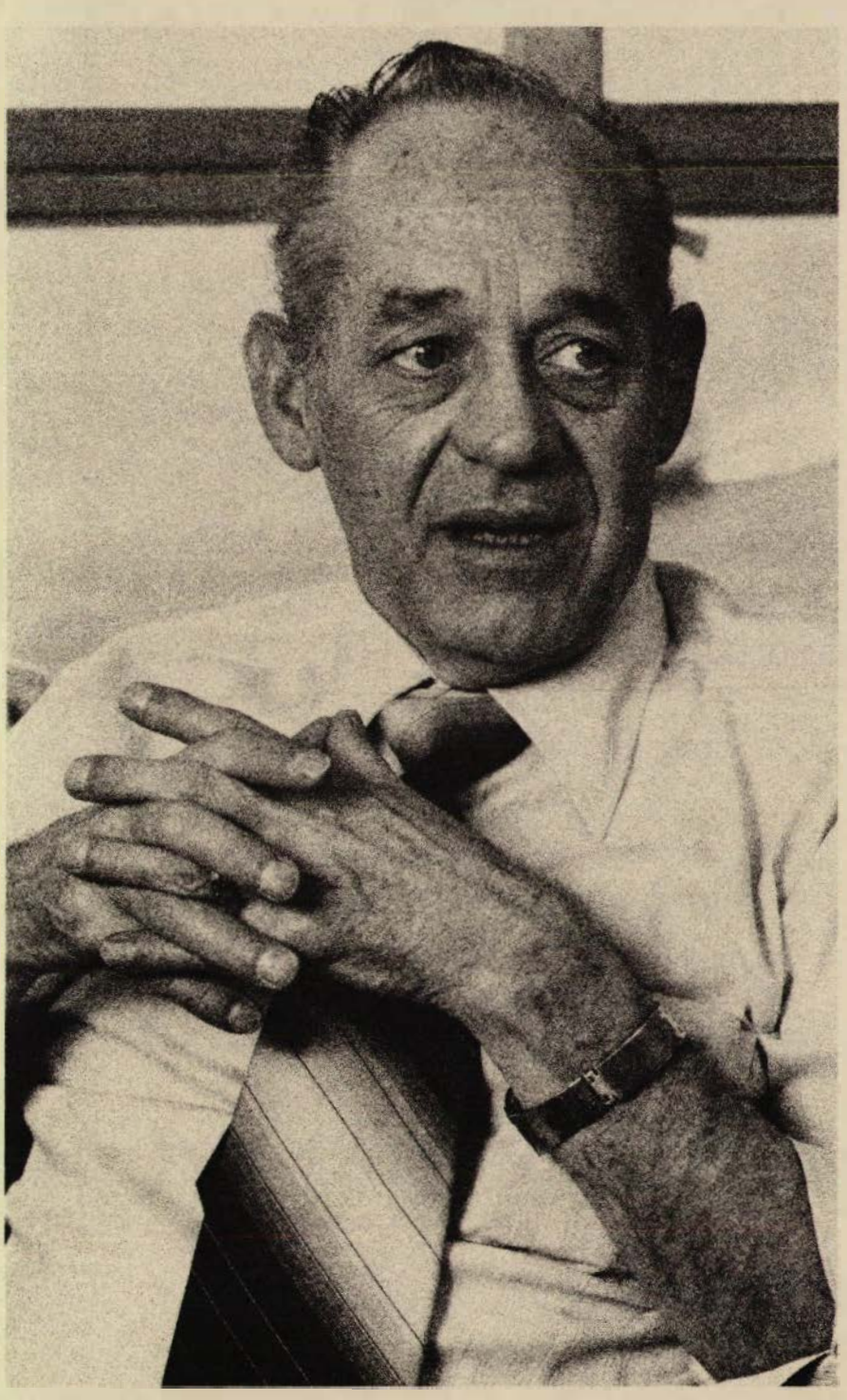

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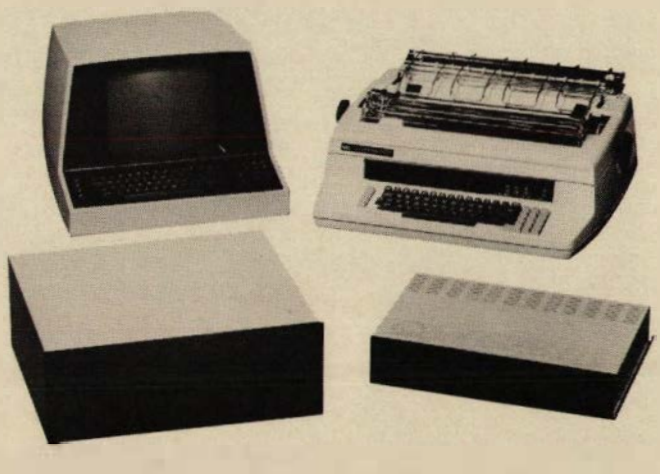

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