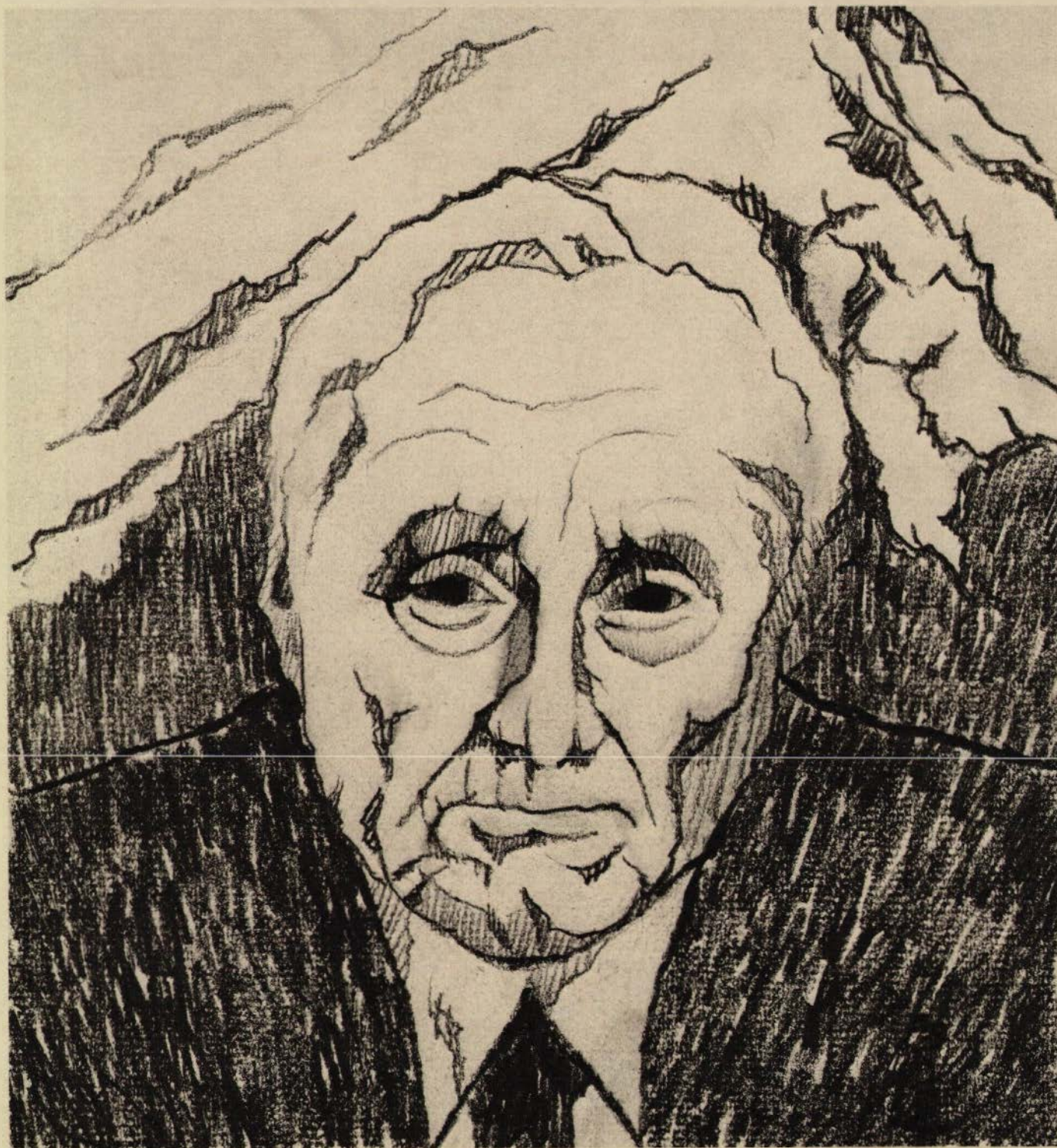
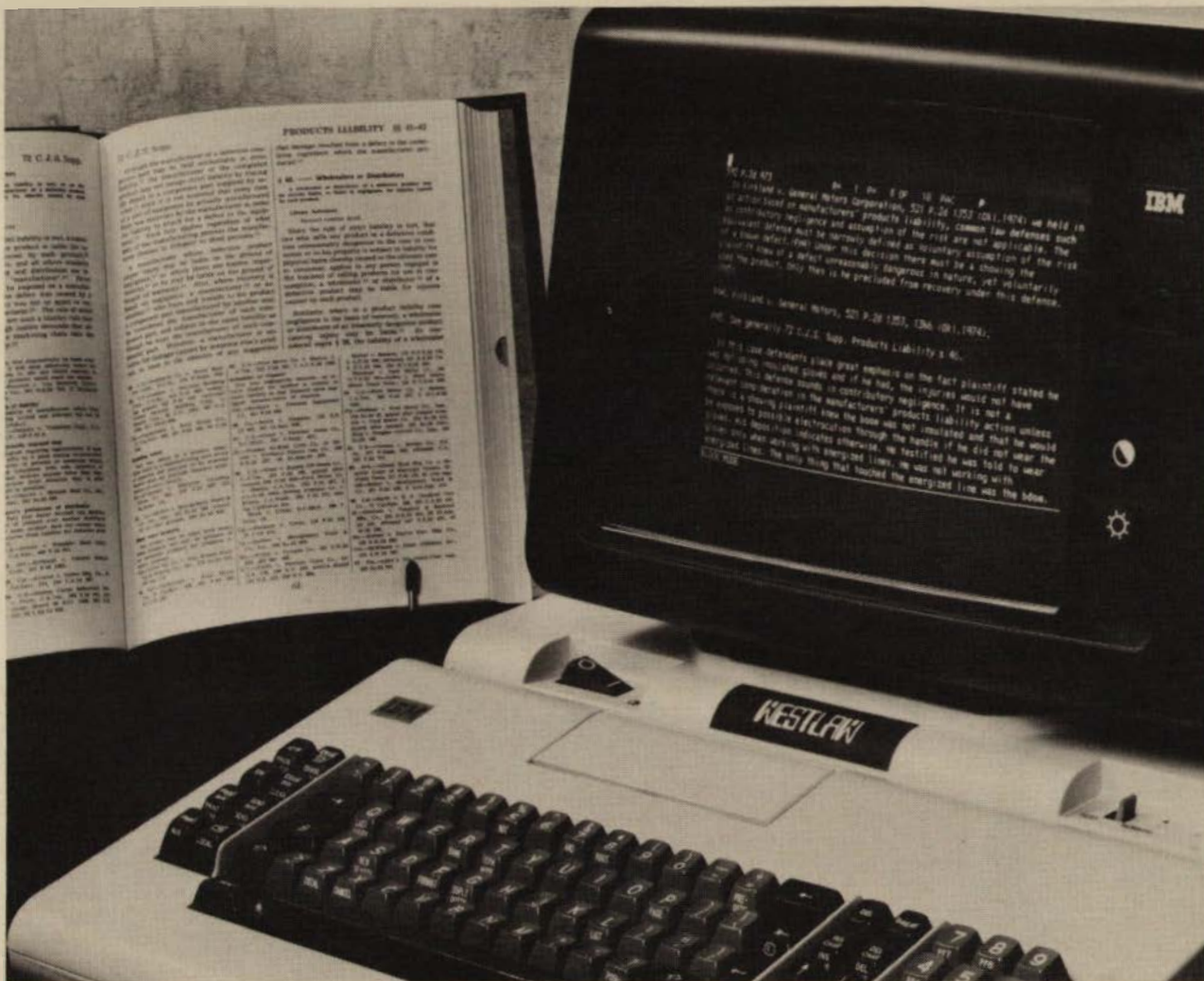

WASHINGTON STATE BAR NEWS



WILLIAM O. DOUGLAS — THE YAKIMA MEMORIAL TAKES SHAPE



WESTLAW A NEW DIMENSION TO YOUR WEST LIBRARY SYSTEM

When you add WESTLAW to your library, you are giving yourself much more than the speed, flexibility and efficiency of electronic research.

You are adding a new and important law finding tool that is totally interrelated with your basic West library. You are adding a new dimension, a new resource to your library system. WESTLAW works with your books to make your entire library more efficient and more productive.

WESTLAW is designed by West Publishing Co., a company which has served the legal profession for more than 100 years. That is part of the WESTLAW advantage.

West is the company which can offer you electronic research—at the right price—along with a complete and coordinated system of trusted law publications to meet your every research need.

WESTLAW is also easy to add to your library because WESTLAW is compatible with many Word Processing Systems and a variety of video display terminals. You can choose the equipment that's best for you.

Find out how your firm can make WESTLAW an integral part of your total library system. Call us collect today, at 612/228-2536. Or write to WESTLAW, West Publishing Company, P.O. Box 3526, St. Paul, MN 55165

AND ANY FIRM CAN AFFORD IT

No. 1

**and the best value in
PROFESSIONAL LIABILITY**

Broadest Coverage

SEC and Blue Sky Are Covered
Prior Acts Are Covered
Punitive Damages Are Not Excluded
New Lawyers - Automatic Coverage

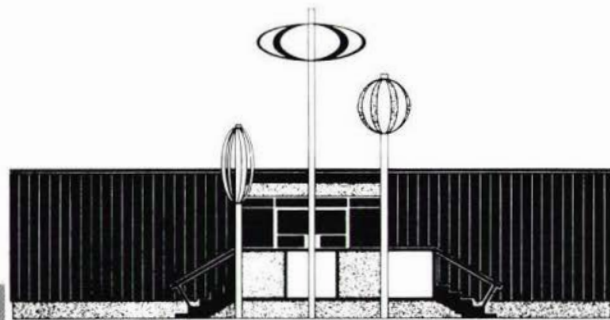
Stability - Staying Power

More Than 65,000 Lawyers Insured Nationally

Financial Power

Policy Limits \$100,000 to \$25,000,000

**For A Quotation and Specimen Policy
Please Send Your Letterhead**



Quinan-Pickering, Inc.

Since 1938

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



Pacificbank knows trust investing is a marathon, not a fifty-yard dash.

Our long-term investment approach put us 16th out of 129 banks across the nation.*

Pacificbank's outstanding trust investment performance is no stroke of luck. It's a result of our disciplined methods and long-range forecasting.

We don't go by hunches or emotions. We're organized better to perform better. Instead of assigning one or two persons to develop our strategy, we put together a team

of specialists. Each member is an expert in a particular investment area. And not only do they make the recommendations in their areas, but they also buy and sell for their customer portfolios. This gives our investment managers day to day involvement with the market.

Our disciplined investment method starts with a thorough understanding of your objectives and needs. Next, we consider the economy to select industries for results. We choose investments using guidelines for diversity and balance, minimizing risk. Then,

each investment is continually monitored.

Trust investing is long-term investing. So Pacificbank doesn't trust it to chance. We call together our professionals and follow proven guidelines to insure safe, steady growth for your pension or profit-sharing account.

It pays off. Because when the finish line is a long way off, it takes good pacing and knowing the course to come out ahead in the end.



A TOUGH, PROFESSIONAL BANK.™

A Western Bancorporation Bank.

*Source: Frank Russell Co., Inc. ranks Pacificbank 16th out of 129 banks monitored nationally for pooled equity accounts over the past 8 years.

Published by

WASHINGTON STATE BAR ASSOCIATION
505 Madison Street Seattle, Washington 98104

Steven A. Reisler, *Editor*Katie Corrigan, *Production Manager*Dennis M. Eagan, *Advertising Manager*Karin Foster-Garrison, *Business Manager*

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

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

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

Subscription price is \$12.00 a year, or \$2.00 per single copy. Subscription included with active membership. Back issues \$2.00 per issue.

©1981 by Washington State Bar Association

Printed by United Graphics, Seattle

WASHINGTON STATE BAR ASSOCIATION OFFICERS

BRADLEY T. JONES
President

PAUL W. STEERE
Treasurer

G. EDWARD FRIAR
Executive Director

R. WAYNE WILSON
Director of Public Affairs

BOARD OF GOVERNORS

BRADLEY T. JONES
President

PAUL W. STEERE
First Congressional District

JULIAN C. DEWELL
Second Congressional District

EDWARD G. HOLM
Third Congressional District

DALE W. READ
Fourth Congressional District

JACK R. DEAN
Fifth Congressional District

QUINBY R. BINGHAM
Sixth Congressional District

ROBERT R. BEEZER
Seventh Congressional District

WILLIAM WESSELHOEFT
King County

F. LEE CAMPBELL
King County

EDITORIAL ADVISORY BOARD

WILBERT CARL ANDERSON
Seattle, Chairperson

MICHAEL E. DONOHUE
Spokane

RICHARD FRANCIS JONES
Olympia

A. DUANE LUND
Seattle

JOHN P. LYCETTE, JR.
Seattle

MARYALICE NORMAN
Seattle

HUGH EUGENE QUINN
Bellingham

WILLIAM D. RIVES, III
Seattle

RICHARD LLOYD WIEHL
Yakima

WASHINGTON STATE BAR NEWS

FEATURES

13 The Justice Douglas Memorial at the Yakima Valley Museum

14 Justice William O. Douglas—Citizen of the Yakima Valley

15 A Day with Douglas

18 A Tribute to the Memory of William O. Douglas

21 Justice William O. Douglas, A Westerner

29 A Lesson in Hard Work and Humility

32 William O. Douglas—Justice As Well As Law

34 Justice William O. Douglas

35 Projections and Predictions
Washington State Court of Appeals

IN THE NEWS

23 Specialization Showdown Slated for May Board Meeting

43 King County Superior Court Filings Procedure

DEPARTMENTS

5 Letters

9 Editor's Page

11 President's Corner

23 Board's Work

41 CLE Clearinghouse

41 Approved CLE Courses

42 Around the State

43 Briefly Noted

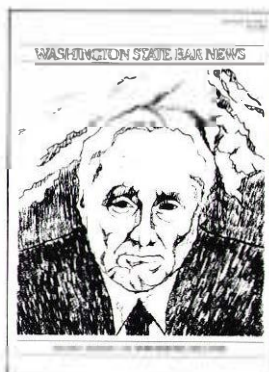
44 Discipline

45 Notices

NEW WSBA DIRECT LINE PHONE NUMBERS:

Membership Records 624-9084
Bar Exam-Admissions 622-6853
Continuing Legal Education 622-6021
Discipline and Complaints 622-6026
Legal Department 622-6026
All Other Departments 622-6054

Our Cover



William O. Douglas of the State of Washington:
Associate U.S. Supreme Court Justice, 1939-1975.

Cover art by Elaine Y. L. Tsiang.

1. MY LAW OFFICE IS:

a. ☐ out of

b. ☐ under

CONTROL.

If you answered (a), you might want to listen to John Weil.

He's with Altman & Weil, the nation's largest consulting firm specializing in work for the legal profession. We at Alpine Datasystems kept hearing John Weil's name as we talked with our attorney customers and prospects. We heard he was highly knowledgeable of law office economics and management controls.

We produce management-control tools for law offices, so we talked with John Weil. And we were impressed.

So impressed, in fact, that we're sponsoring a seminar by John Weil on "Law Office Economics and Management Controls."

And that's what you'll hear. This is an information seminar, not sales. We're holding it in conjunction with our 1981 Alpine Legal Management Users Conference. And while our users will hear Mr. Weil for two days, we're inviting the entire region's legal community to the three-hour April 23 seminar. We're convinced it'll help you bring your office back under control.

Oh yes - if you answered (b), we're certain you'll pick up some refinements at the seminar, as well as refreshments at the Wine and Cheese Reception following it.

LAW OFFICE ECONOMICS AND MANAGEMENT CONTROLS

2 P.M. THURSDAY, APRIL 23

AT THE HOLIDAY INN, PORTLAND INTERNATIONAL AIRPORT

A Seminar by John P. Weil of Altman & Weil, Inc.

Sponsored by



8043 S.W. Cirrus Drive
Beaverton, Oregon 97005
503/641-8100

- ☐ I want to attend the seminar. Enclosed is a pre-registration check for \$35 per person.
- ☐ I can't attend the seminar, but would like information on the Alpine Legal Management System.

NAME

FIRM

ADDRESS CITY

STATE ZIP TELEPHONE



The Man in the Slouch Hat

Editor:

This writer, and other members of the Whitman College Chapter of Beta Theta Pi felt honored to have their alumnus, William O. Douglas, appointed as Associate Justice of the United States Supreme Court. However, none of us had ever met him, so we were not prepared for a meeting with him while living in the fraternity house that summer while working in one of the local pea canneries.

Late one afternoon, shortly before leaving for the night shift, the doorbell rang and upon my opening the door I encountered a medium-sized man, nondescript in appearance, roughly dressed with a dirty, crushed slouch hat, who looked as though he should be buying old bottles, rags and glass. He held out his hand and said, "I'm Brother Douglas", which momentarily didn't register, but in time I managed to extend my hand and identify myself as Brother Kendrick. It seems that he had driven over from his cabin at Lostine in the Blue Mountains, and wanted to pay a visit to his old fraternity. I sounded the alarm and the members there gathered around to meet our famed brother and to see what an Associate Justice of the Supreme Court looked like and to hear what he had to say.

He was extremely soft spoken but animated in his speech. After a few sentences everyone felt completely at ease, and he sat on the library table while he visited for about half an hour, during which time all of us were fascinated as we watched him spin his hat on his finger sticking through a cigarette burn in its crown. He was certainly anything but a stuffy Supreme Court Justice.

LEO C. KENDRICK

Yakima

Mind-Stretching CLE

Editor:

Should surgeons study anatomy?

Should lawyers study the basic assumptions and philosophy behind our legal system? Some Seattle lawyers think they should, and are developing a Continuing Legal Education course on current issues in legal philosophy.

Topics being considered for a mind-stretching CLE include the nature of rights in our political and legal system, the validity of applying economic and cost-benefit theory to

law, and the role of the courts in policy making.

The attorneys developing this novel CLE are interested in hearing from others who might have suggested jurisprudential topics of interest to the bar, or from people interested in participating in planning the legal philosophy CLE. The course would probably be presented in the late spring or fall.

NOW YOU CAN PUT STOCKS AND BONDS IN A WASHINGTON MUTUAL TRUST.



We can now hold a variety of assets in our trust accounts.

That's because Washington Mutual has expanded trust powers. RCW 32.08.210 allows us, as a mutual savings bank, to manage stocks, bonds, real estate, and other assets, as well as our usual savings accounts and certificates.

As another special service, we're offering your clients comprehensive information on trusts and estates. We have five distinctive brochures and a workbook that will take a lot of the mystery out of trusts and estates for your clients.

Call (206) 464-4516 and get a free supply.



**FAMILY BUSINESS IS OUR BUSINESS.
WASHINGTON MUTUAL**

the friend of the family

Member FDIC.

NEW
VIDEO CASSETTE



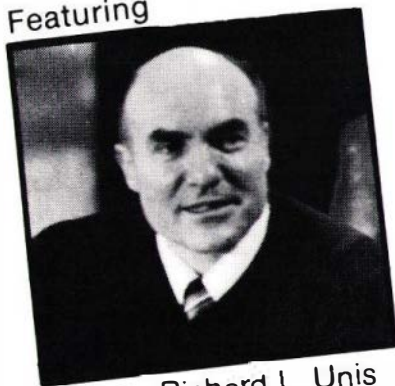
*Would you spend two hours (at home or office)
to become a better trial lawyer?*



TRIAL TECHNIQUE

emphasizing selected exceptions to
the rule against hearsay

Featuring



Judge Richard L. Unis

Judge Unis: Four Years General Trial Judge * Nine Years District and Municipal Judge
* Professor of Evidence, Northwestern School of Law, Lewis & Clark College * Faculty
Member and Coordinator for National Judicial College * Twice Voted Highest Rating
Among Judges by Oregon Attorneys * Sought after Lecturer * Editor of Oregon State
Bar Trial Evidence Handbook

Increase your trial skills. This quality production gives you the unique opportunity to
see the entire picture from the auto accident through the trial to the post-trial analysis.
Watch Judge Unis and experienced attorneys demonstrate the practical side of
preparing, presenting and winning the case.

This network broadcast quality video production also includes * Study and review booklet * Optional
examination with grading by Video-Law staff attorneys * Handsomely bound case for prominent library
display.

SPECIAL INTRODUCTORY OFFER \$129⁵⁰
(on orders placed before April 30, 1981) Regularly \$149.50

CALL TOLL FREE TODAY 1-800-547-9492

or send check to Video-Law, P.O. Box 230029, King City, OR 97223
available only by phone or mail order

© 1981 Home International Theater Inc., 201 King City Plaza Bldg., King City, OR 97223

**NO RISK - 20 DAY
EXAMINATION**

Your check
will be held for
a full 30 days
after shipping.

If you're interested, contact me at the Municipal Building, Seattle, WA at (206) 625-4000 or (206) 525-4045.

HUGH SPITZER

Seattle

Statutory Obfuscation: Chapter 2

Editor:

I am greatly indebted to Warren L. Dewar, Jr. ("How Much Does It Cost To Get a Witness From Othello to Yakima?"). Sometime ago I followed the same tortuous trail in trying to unlock the mystery of witness fees and mileage.

Lacking his persistence, I gave up about a third of the way and concluded that I was simply:

- a. Incompetent, or
- b. Senile, or
- c. Both.

Such things can produce apoplectic seizures. My solution is known as "McIntosh's Second Law of Motion"—"When you don't have the answer, do it and let some other smart S.O.B. figure out why it's wrong".

For another exercise in futility try to find the statute permitting process against a nonresident driver by service on the Secretary of State in the Statute Law Committee's Revised Code. Don't bother with anything obvious or apparent such as "Secretary of State", "Process", "Non-resident", "Motor Vehicles" or any combination or permutation of the foregoing. That, according to the thinking of the indexer, would simply spoil the game.

GEORGE E. McINTOSH

Mount Vernon

The REGIONAL EPILEPSY CENTER is pleased to announce the following services are available for the comprehensive evaluation and treatment of individuals with epilepsy and associated disabilities.

Full MEDICAL EVALUATIONS in the areas of Neurology, Pediatric Neurology, Neurological Surgery and Electroencephalography; five clinics per week.

Full VOCATIONAL SERVICES, including VOCATIONAL COUNSELING and testing, job development and placement.

Complete NEUROPSYCHOLOGICAL and PSYCHOSOCIAL EVALUATIONS.

Intensive 24 hour Inpatient monitoring with telemetered EEG and CCTV facilities.

The Regional Epilepsy Center is located at Harborview Medical Center, 325 9th Avenue, ZA-50, Seattle, Washington 98104;

(206) 223-3573—Medical

223-3264—Vocational or Psychosocial

223-3557—Neuropsychology

SPONSORED by the NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS and STROKE/NIH; and the DEPARTMENT of NEUROLOGICAL SURGERY, UNIVERSITY of WASHINGTON SCHOOL MEDICINE.

TRADEMARK & COPYRIGHT SEARCHES

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

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

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

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

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

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

GOVERNMENT LIAISON SERVICES, INC.

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

COMPREHENSIVE MEDICALITIGATION SERVICES



- ☐ Personal Injury
- ☐ Medical Negligence
- ☐ Workman's Compensation
- ☐ Industrial Rehabilitation
- ☐ Products Liability

MEDICUS

P.O. BOX 987 ISSAQUAH WA 98027 (206) 392-1141

ANOTHER REASON TO ORDER A BLACK BEAUTY® CORPORATE OUTFIT

Our expanded Texas branch provides fast, convenient service.

Excelsior-Legal Southwest, Inc.

P.O. Box 5683, Arlington, TX 76011, (817) 461-5993

Toll free line—1-800-433-1700

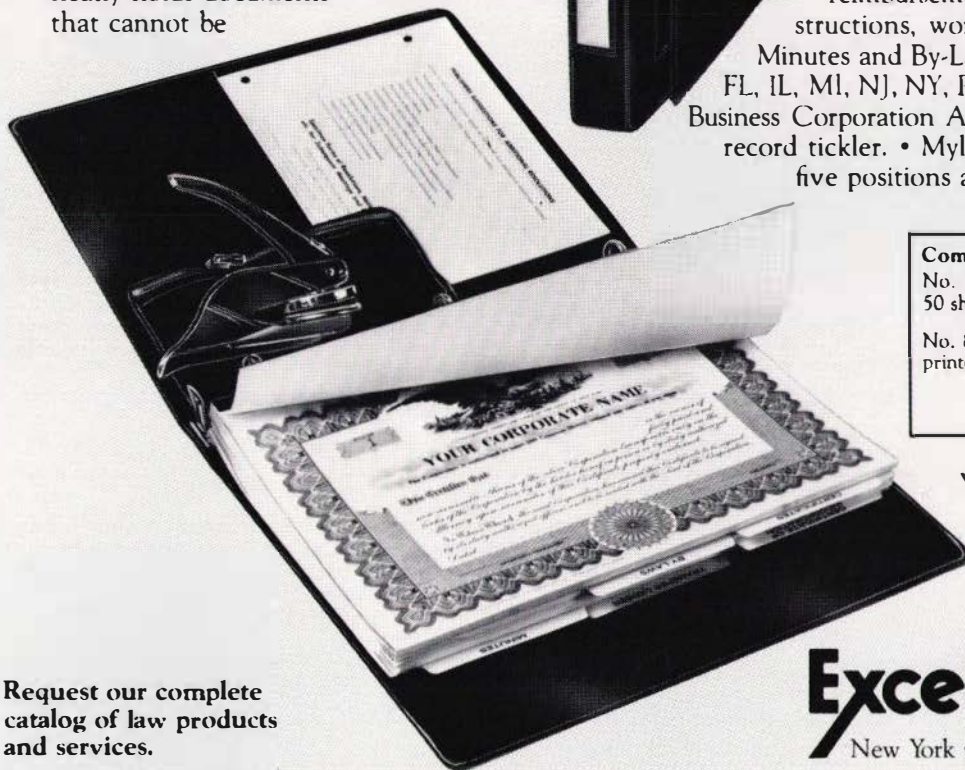
Black Beauty is America's most popular corporate outfit. Here are some of the reasons—

- Everything (including seal) is inside the "all-in-one" corporate outfit.
- Improved corporate record book and slip case in lustrous black vinyl with high quality gold stamped border. The sturdy, dust proof slip case reserves place on shelf when corporate record book is removed.
- Hidden rivets and gold label window on spine for attractive appearance and quick identification.
- Interior pocket neatly holds documents that cannot be

punched.- Improved 1¼" extra capacity double booster standard three ring metals.

Black Beauty "all-in-one" outfits include:

- Customized seal in zipper pouch.
- 20 lithographed share certificates in a separately bound section with full page stubs. Each is numbered and imprinted with corporate name, capitalization, state and officers' titles.
- 50 sheets, rag content paper. Or printed Minutes and By-Laws which include up to date IRS §1244, Subchapter S Materials, Medical/Dental reimbursement plan, appendix of forms, instructions, worksheets, and 20 blank sheets.
- Minutes and By-Laws available for CA, CT, DE, FL, IL, MI, NJ, NY, PA, TX and Blank State (Model Business Corporation Act).
- Our exclusive corporate record tickler.
- Mylar reinforced tab indexes with five positions and transfer ledger.



Complete Black Beauty® Outfit

No. 70 (Green No. 71)
50 sheets blank minute paper... **\$36.00**

No. 80 (Green No. 81) with
printed minutes and by-laws... **\$38.50**

Charge to American Express,
MasterCard or Visa

You may also select Green Beauty
with the same fine features.

Excelsior-Legal

New York • Atlanta • Chicago • Texas

Request our complete
catalog of law products
and services.

TO: EXCELSIOR-LEGAL
SOUTHWEST, INC.
P.O. Box 5683
Arlington, TX 76011

Shipment free when you
enclose check.

Shipment within 24 hours.

REQUEST SHIPMENT
BY AIR
\$3.00 EXTRA
WITHIN THE
CONTIGUOUS
48 STATES
(\$4.50 ELSEWHERE)

Please Ship: ☐ No. 70 ☐ No. 71...\$36.00
☐ No. 80 ☐ No. 81...\$38.50

State _____ Year _____

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

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

Certificates signed by President and _____
(Secretary-treasurer, unless otherwise specified)

☐ IRC §1244 complete set—resol., dir. min., treatise, law, etc., \$4.50 extra.

☐ Ship via Air—\$3.00 extra

☐ For delivery in TX add sales tax.

Charge ☐ AMEX
☐ MC
☐ VISA

Number _____ Expires _____ Signature _____

Ship to _____ Zip Code _____ WA



Douglas: Paradigm for the Profession

I did not know William O. Douglas. I never met the man. I did not clerk for him, argue before him or even see him on the bench.

Douglas took his seat on the U.S. Supreme Court before I was born; he retired from the Court before I had enrolled in law school. There is little I can say about Douglas that I do not know secondhand from some other source or from somebody's book.

It is the rare lawyer, however, who holds no opinion about Douglas—irrespective of first-hand knowledge—and I am no exception. For Douglas, a frontiersman of Constitutional law, was a man against whom others measure themselves. When you say that you admire Douglas, you define yourself; when you say that Douglas was a curse on the law, you define yourself. It is the mark of greatness for a person to stimulate such self-definition in others.

If there are too many lawyers in this country, I suspect that Douglas is partly to blame for it. There are probably thousands who enrolled in law school during the nineteen-fifties, sixties and seventies inspired by the belief that law was the one profession which could effect change in the world. That inspiration is attributable, in large part, to the dynamic ideas which emanated from the Supreme Court during that period. The stamp of William O. Douglas lies heavily on those decisions.

For better or for worse, Douglas was a role-model for a whole generation of lawyers. He personified the lawyer as a "do-er"; he embodied the image of the lawyer as one who owes a higher duty to the people and the Constitution. For better or for worse, Douglas . . . by sheer force of character . . . helped to shape lawyers who expect great things from the law.

The law, perhaps more than any other profession, needs role-models. The lawyer, in contrast to other pro-

fessionals, owes a duty both to his client and to the system. The lawyer is responsible for maintaining the viability of our system of government. Neither text books nor statutes will teach us how to discharge that responsibility. It must be learned by example, by emulation.



The quintessential role-model must, by his or her very nature, answer the lawyer's fundamental question: why practice law at all? Is it the money? Perhaps; but I suspect there are easier ways to make a comfortable living. Is it respect? If respect is what you crave, you should have become a doctor. Is it the exhilaration of law practice? Perhaps; but every seasoned lawyer knows that for every "high" in the practice of law there are hours and hours of drudgery. So why be a lawyer?

William O. Douglas answers the question. You practice law because you like to make things happen. Critics and admirers will agree that Douglas, in everything he did, made things happen.

William O. Douglas adopted Washington as his native state. He cherished the mountain country and knew his way through the woodlands. The people of the state, how-

ever, did not universally appreciate him. The ambivalence which some people feel toward Douglas also exists in Yakima, the town where Douglas grew up. It is fitting, however, that in his home town a memorial exhibit and library be established. It is fitting that the controversial,

status-quo-changing lawyer from Washington have a memorial in the shadow of the mountains he loved. It is fitting that he be remembered in the land which shaped the man who shaped the law. It is fitting that his controversy live on.

This special issue of the *Bar News* appears synchronously with the addition of the William O. Douglas Memorial to the Yakima Valley Museum. Special thanks are in order for George M. Martin of Yakima, the Hon. Betty Fletcher of the Ninth Circuit Court of Appeals, and the Clerk's Office of the United States Supreme Court for permitting us to use materials prepared by Prof. Vern Countryman and the Hon. Simon Rifkind.

Editor, WSBN

Butterworths

A Publisher
for Washington
Attorneys

Now Available

Statutory Time Limitations: Washington State

280 pp, loose-leaf, 1981 \$45.00*

For attorneys who want to save time, work, and trouble, the *Statutory Time Limitations: Washington State*, provides a quick reference desk book of answers to questions of timeliness for handling any Washington case. This handy loose-leaf book covers the entire Revised Code of Washington, is written in easy-to-understand language, is simple to use, and completely indexed. The book will be updated annually.

Local Rules of the Superior Court: Washington State

424 pp, loose-leaf, 1981 \$40.00*

Have you ever felt "home towned?" Butterworths presents the first comprehensive, up-to-date compilation of local superior court rules ever available in Washington. The book is arranged by county, and each county has a complete Contents and Index. The desk book is in an easy-to-use loose-leaf format that will be updated regularly.

Nontrespasory Takings in Washington,

by Professor William B. Stoebuck, Professor of Law,
University of Washington

84 pp, hardbound, 1980 \$21.95*

Professor William B. Stoebuck provides busy attorneys with a technical, yet easy-to-use guide. The author covers an often overlooked cause of action with the most common set of facts in nontrespasory takings. All the relevant Washington cases to date are included.

Butterworths Advance Reports Service

12-month subscription—\$55.00*

Used in court by many trial attorneys, Butterworths Advance Reports Service provides an authoritative guide as well as a useful tool for researching the most recent Washington cases, enabling the attorney to keep up to date on current legal issues with a minimum of time and effort. The Service is published twice a month and provides the following features:

- Summaries of all published cases before the Washington Supreme Court and Court of Appeals.
- Summaries of all published and unpublished Opinions of the Attorney General and of Issues Pending before the State Supreme Court.

Coming Soon

Employment in Washington State: A Guide to Laws Regulating Rights and Duties of Employers and Employees

Are you advising small businesses or labor unions? Butterworths *Employment in Washington State* covers hiring, hours of work and wages, garnishment and wage collection actions, health and safety standards, collective bargaining and labor disputes, liability for acts of employees, health care plans, disability or death of employees, retirement, and unemployment benefits.

The Efficient Law Office.

by Paul N. Luvera, Jr., Attorney at Law

Paul N. Luvera, Jr., the well-known Washington trial attorney, provides new ideas for greater efficiency in operating a well-run, profitable law office. He covers in detail the importance of the effective use of non-lawyer staff delegation, emphasizes efficiency in fee billing procedures, and suggests methods for preventing malpractice suits.

Butterworths representatives will be visiting your office.

Butterworths Legal Publishers

For your convenience just clip
this form and mail your order to:

Butterworth (Legal
Publishers), Inc.
160 Roy Street
Seattle, Washington 98109

Name _____

Address _____

Signature _____

Date _____

☐ Statutory Time Limitations:

Washington State
\$45.00* ISBN: 409230030

☐ Local Rules of the Superior Court:

Washington State
\$40.00* ISBN: 409230049

☐ Nontrespasory Takings in Washington

\$21.95* ISBN: 409230073

☐ Butterworths Advance Reports Service

\$55.00*—12-month subscription
ISBN: 409200018

Check one:

☐ Please bill me

☐ My check or money order is enclosed

*Prices subject to change without notice
Please add 5.4% Washington state sales tax

Butterworths Policy: All Butterworths books
are sold on the basis of a 30-day approval

1401



Should Discipline "Go Public"?

Probably nothing that our organized Bar can do will meet unanimous acclaim. Certainly that seems to be the case with our disciplinary process. Those of us working with the Bar Office are convinced our system is an excellent one, including the general principle of confidentiality of the disciplinary proceedings.

The media vigorously differ with us on the desirability of confidentiality. The *Seattle Times* has run two feature articles on the subject and an even more critical series has been published by the *Post-Intelligencer*, focusing in part on confidentiality.

Now it may be that cases such as the Walgren and Rosellini matters involve public figures whose cases have been publicized and as to whom some disclosure is appropriate because of public concern. In each case there has been an initial press release of the pendency of investigation, but the investigatory steps themselves have been kept confidential.

If a more "open" disciplinary process is to be considered, some background items should be noted: First, the disciplinary process of the Bar Association is merely as an aid to the Supreme Court.

The Court rules ("Disciplinary Rules for Attorneys") control the disciplinary process, including DRA 11.7 which provides against public disclosure of disciplinary proceedings except that: "... The Board of Governors may inform the public of disciplinary investigation or proceedings against any attorney when, in the judgment of the Board, it is determined that the matters involved are of such grave importance that the integrity of the Bar and the public interest are affected thereby." Under DRA 3.2(g), disciplinary hearings are closed to the public unless public hearing is requested by the charged attorney. In my recollection, only two such requests have been made in recent years.

The second feature is a look at the sheer volume involved. Taking a representative month's disciplinary report, there were three cases set for Supreme Court hearing, 75 cases were in various stages before the Disciplinary Board for hearing, and 128 cases were in the process of investigation. Of these latter, 29 were referred to Local Administrative Committees and the balance were being investigated by Bar staff.

A third feature is that the disciplinary basket not only catches a lot of fee arbitration matters which are separately handled, but also a lot of trash in the form of mere disgruntlement, "nut mail" and the like. More than half of the items received either do not justify or do not survive even a preliminary investigation.

I am confident of the integrity of our disciplinary process; I'm sure that a public recognition of that integrity could be enhanced by some degree of opening of our closed door. As a step in that direction, several years ago we determined to add two lay members to the Disciplinary

Board. This has been helpful because uniformly the lay members have reported favorably and publicly about the good health of the disciplinary program.

Let's assume we should open the door even further: where do we start, where do we stop?

Should the filing of a complaint be publicized? I think not if the result could be the airing of unfounded charges.

Should the Bar's filing of a charge with the Disciplinary Board be publicized? Although the current ABA proposal would treat this as a "probable cause" finding, justifying publicity, I doubt that it is fair when a lawyer's professional reputation is on the line in a case not yet proven.

Should the Disciplinary Board's findings and recommended disposition be public information? I incline to think this would be useful in cases where discipline is recommended or where the charged attorney stipulates to a disposition ranging from censure to resignation. This would tell the public that the Bar is genuinely policing itself; it would also be a useful series of reminders to all practitioners to plow a straight furrow in their fields of practice.

Should the transcript of proceedings be released? This seems of doubtful value and of limited public interest, particularly if the Board's findings and recommended disposition adequately identify the offense and the form of recommended discipline.

Should the complaining party (a) be permitted to attend the hearing, (b) be permitted to offer testimony and to question the respondent attorney or other witnesses, (c) be advised of the progress of investigation and (d) be advised of the disposition? Certainly, yes on (d), but I am doubtful on the others except in unusual cases. The concept is (and I think properly so) that the complaint is merely information to trigger an investigation. If the investigation supports a charge, the Bar Association is the charging party on behalf of the profession and the Supreme Court.

Now if we were agreed that findings and recommendations of the Disciplinary Board are to be open, how should that be done? My feeling is that except in unusual cases (those of great public concern) the items aren't essentially newsworthy on an individual case basis. Perhaps a monthly press release listing name and location of each attorney for whom discipline is recommended, identifying the nature of the findings and the form of discipline recommended, would serve all proper purposes.

Bar Counsel and the Disciplinary Board are reworking the Disciplinary Rules and it is likely that a revised rule will be recommended to the Supreme Court. If it is published for comment, you may wish to formulate and express your own views for the Court's consideration.

Bradley T. Jones 11

LEARN FROM THE BEST

Hastings Center for Trial
and Appellate Advocacy's
Eleventh Annual COLLEGE OF ADVOCACY

CIVIL COLLEGE: July 26-31

CRIMINAL JUSTICE COLLEGE: August 2-5

The COLLEGE OF ADVOCACY offers a six-day Civil program and a four-day Criminal Justice program which have graduated over 3,000 attorneys since its inauguration in 1971.



SKILLS WORKSHOPS

Small-group Workshops meet daily. Participants conduct examinations of witnesses and present opening statements and closing arguments. Exercises are critiqued by expert faculty.

VIDEOTAPE CRITIQUE

In addition, participants are videotaped performing selected exercises for playback critique.

EXPERT DEMONSTRATIONS

Demonstrations and lectures presented by outstanding trial practitioners are designed to enhance advocacy skills.

TOPIC DIVERSITY

Workshops and faculty presentations cover topics ranging from voir dire through closing argument.

CLE CREDIT

The COLLEGE OF ADVOCACY is accredited for many state continuing legal education requirements.

SPECIALIZED EDUCATION

Specialization is available in Civil or Criminal Justice practice. Civil College participants choose Business Litigation or Personal Injury sections. Learn specific and general skills.

NATIONAL FACULTY

Prominent legal educators and members of the trial bar from throughout the United States serve as faculty members.

YOUNGER EVIDENCE LECTURES

Videotaped lectures on Evidence & Cross-Examination by Professor Irving Younger of Cornell University are shown daily as part of the College instruction.

All programs are held at Hastings College of the Law - San Francisco, California.

Registration fees: Civil College - \$400
Criminal Justice College - \$230

College of Advocacy
Hastings Center for Trial and Appellate Advocacy
198 McAllister Street
San Francisco, California 94102

(415) 557-2205

☐ Please send additional information.

Please register me in:

- ☐ Civil College - Business Litigation Workshop
- ☐ Civil College - Personal Injury Workshop
- ☐ Criminal Justice College
- ☐ both programs

Name _____

Firm _____

Address _____

Telephone () _____

A deposit of \$100 is required with each registration, payable to Hastings College of the Law.

The College has been unable to accept a substantial number of registrations in prior years due to full enrollment. Please register and make hotel reservations early.



Douglas—Goat Rocks overlooking Mt. Adams

The Justice Douglas Memorial at the Yakima Valley Museum

by George M. Martin

It began as a chair!

Justice Douglas and Leo C. Kendrick, a Yakima lawyer, were alumni of the same Whitman College fraternity. In 1976 Douglas told Leo that he would like to give his "Supreme Court chair" to the Yakima County Bar. Our Bar, not having a place to display the chair, asked me, as president of the museum, if the museum would be willing to give the chair a permanent home.

The museum was pleased with the idea and we wrote to the Justice expressing our acceptance and also suggesting that we would be pleased to receive any other items he might wish to send. Within days we had a reply in which Douglas listed a large number of his artifacts he would provide and offering to send us all of the furnishings of his Supreme Court office suite. Further correspondence enlarged the items that we would receive.

It had been planned to ship the items to us in 1978, but Justice Douglas wished to continue using his office until

he had finished writing his last book.

We were provided with detail drawings of his office suite and photographs of all three rooms. Plans were made to duplicate his private office in detail and to have space in our archives for historical material.

The Douglas family is enthusiastic and we found support in many quarters.

As the magnitude of the project grew, it became apparent that the museum did not have ample space for the memorial and it has been necessary for us to plan for expansion to provide proper quarters for a memorial that is no longer a local affair, but is one that now has state and national significance. It will assume the magnitude of the memorial libraries of other national figures.

In order to develop this national shrine we must have help!—We need additional materials from many sources (we have been assured full cooperation from the Library of Congress and the Smithsonian Institution). We also need financial help to build and maintain the memorial. We earnestly solicit the full cooperation of everyone, of organizations and other agencies. We suggest that the Bar lend its fullest support.

Already we are receiving requests from all over the country for research and informational material, and we will make the Douglas material available as soon as we can fund the project to a reasonable extent.

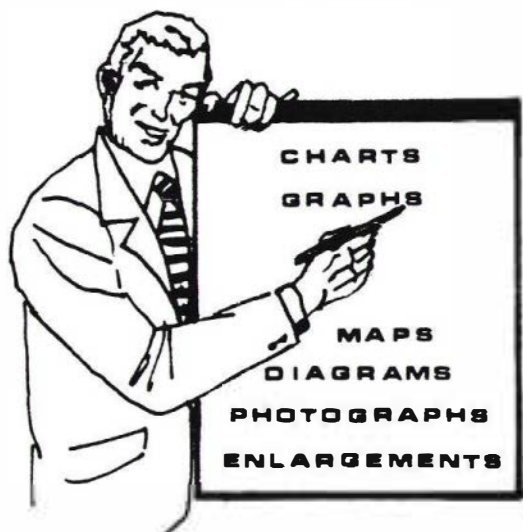
I should point out that the Douglas collection includes,

George M. Martin is the Chairman of Douglas Memorial Committee of the Yakima County Bar and the Yakima Valley Museum.

COURT EXHIBITS

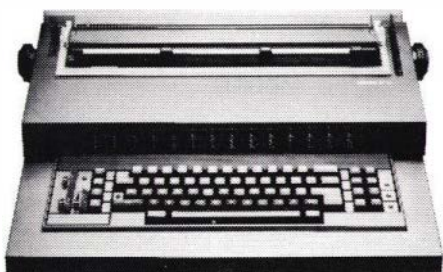
RICH HANSEN

329-9229



SPEEDY SERVICE

SAVE MONEY.



olivetti

Move up from your old electromechanical Selectric® to Olivetti's ET 121. It's the electronic typewriter that makes the Selectric obsolete. The ET 121 handles more functions automatically than even the newest Selectric. To save you time and money.

For more information about Olivetti's ET 121, call. Or stop in. We'll show you how you'll save with the ET 121.

B.O.S.

BELLEVUE OFFICE SYSTEMS, Inc.

301 116TH SE, SUITE 180, BELLEVUE, WA 98004
(206) 622-6565 or (206) 455-9989

not only his office furnishings, but also a library of the books he wrote and of the many books referring to him. We have many photographs and a great amount of research material.

We do need your help! Donations should be made to the Yakima Valley Museum (Douglas Memorial), 2105 Tieton Drive, Yakima, WA 98902.

Justice William O. Douglas — Citizen of the Yakima Valley

by Frances Hare

Though it was not his birthplace, Yakima was "home town" to Justice William O. Douglas all his life. And the Yakima Valley, including the mountain vistas he once called "my Shangri-La", played a significant role in developing his character and personality.

So it was appropriate that he chose to give the contents of his Supreme Court office, a large part of his library and many of the mementos of his world travels to the Yakima Valley Museum in Yakima.

Douglas wrote glowingly of the Yakima Valley, both its desert-like lowlands before irrigation's transformation and the mountain wilderness he loved. Of Yakima itself he had mixed views, colored by disappointments, hardships and real or imagined rebuffs.

He came to Yakima at the age of seven with his mother, the widow of a Presbyterian minister, an older sister and younger brother. The double struggle against poverty and poor health, the aftermath of polio, marked his early years. Thanks to a strict and sometimes excruciating regimen of exercise, hiking and climbing, he built up his strength and endurance. Though work to help support his family took up most of his out-of-school time, he not only kept up with but excelled his classmates, graduating in 1916 from North Yakima High School as valedictorian, with a scholarship to Whitman College.

Only mediocre in sports, young Orville, as he was known, excelled in debate. His favorite pastime was hiking and riding in the mountains, combining a love of the outdoors with growing interest in botany and geology. His lifelong concern with preserving the wilderness was an outgrowth of this experience.

Growing up in a very conservative community of marked contrast between poverty and affluence, Douglas took the side of the underdog. He learned first hand the views of the laboring man and the problems of the hoboes whom he joined on cross-country rail rides.

Frances Hare is the archivist for the Yakima Valley Museum and Historical Association.

In 1920 he returned to his high school as a teacher after graduating with honors from Whitman. He went on to study law at Columbia University and spurned a prestigious offer from a New York law firm to return to Yakima to practice law. He was associated with an attorney whose financial advice had once cost Mrs. Douglas most of her savings.

Douglas was soon called back to Columbia as a teacher. He was on the Yale Law School faculty when President Franklin D. Roosevelt tapped him as chairman of the Securities and Exchange Commission, a post he held when he was named to the high court, the youngest associate justice in its history.

Though spurned by many of the leaders of his home community for his liberal views, Douglas continued close ties with friends there; and at Goose Prairie, by the Bumping River, in the Cascades, he maintained a summer home whence he rode out to explore far-reaching mountain trails.

Douglas' generous gift came as a surprise to his home town, which is making plans to house the collection appropriately in an eventual addition to the museum, for which funds are now being sought. In the meantime, work is now underway on a replica of the Douglas office in the present museum, to be completed by this summer. The new addition will also house a Douglas Memorial Library, available for research, as well as a collection of slides and photographs of his travels and mountain experiences and a display of artifacts from around the world.

A Day with Douglas

by Jay V. White

"The right to dissent," William O. Douglas wrote, "is the only thing that makes life tolerable for a judge of an appellate court." Douglas filed a record 532 dissenting opinions, 181 during his last four years on the high court when it appears his need to make life tolerable was never greater. Yet, reportedly, more Douglas dissents later became what the Supreme Court says the law is than did those of any other justice in history. Of course, Douglas had an advantage: he served longer than any justice in history, under five Chief Justices, seven Presidents and with nearly one-third of the justices who ever lived. His 1282 opinions appear in 118 volumes of the Supreme Court's decisions.

In his spare time, Douglas traveled all over the world,

Jay V. White, former editor of the Bar News, is a member of the Seattle law firm of Houghton Cluck Coughlin & Riley.

caught fish with dry flies, hiked thousands of miles, made frequent public appearances, authored 31 books, and frequently was controversial. Of the Court he said, "The job takes about four days a week." I suspect that Douglas spent considerably more time on court business than four days a week, but it is said that he irritated fellow justices and lawyers by working on his extracurricular writings during oral arguments, departing for Goose Prairie two or three weeks before a court term ended, arguing that the Court was doing less work than it used to when others said it was overworked, and calling for *no*

Continued on page 18.

WILLIAM R. BISHIN
Consultation and General Assistance
in
ANTITRUST
and other
LITIGATION OF COMPLEX
LEGAL AND FACTUAL ISSUES
FEDERAL AND STATE APPEALS

Evaluation and assistance in the preparation for, and trial or appeal of, cases involving: Federal jurisdictional and procedural issues • Questions of first impression • Uncertain or novel issues of statutory interpretation • Administrative, Constitutional and Regulatory Matters. Referrals also accepted.

*Member Washington, California
and New York bars.*

LAW OFFICES OF
WILLIAM R. BISHIN
A Professional Service Corporation
2200 Pacific Building
Seattle, Washington 98104
(203)682-1584

Introducing the Horizon® communications system.
For law firms with as few as five lines and eleven telephones.

Bell announces the ultimate small business communications system.

An incredible system so flexible you custom-design and program it to meet the specific needs of your firm—and each person in your firm.

A system so technologically advanced it has the sophisticated features normally found on big

business systems.

A micro-computer controlled system that puts you in command so you can change or rearrange extensions, add or delete features as your needs change.

And it's so simple that anyone in your office can learn to do it.

A system that gives you a competitive edge by making you more responsive to clients—and your employees more responsive to each other.

We took everything we know about big business



A system that can bring a new efficiency and productivity to any small law office.

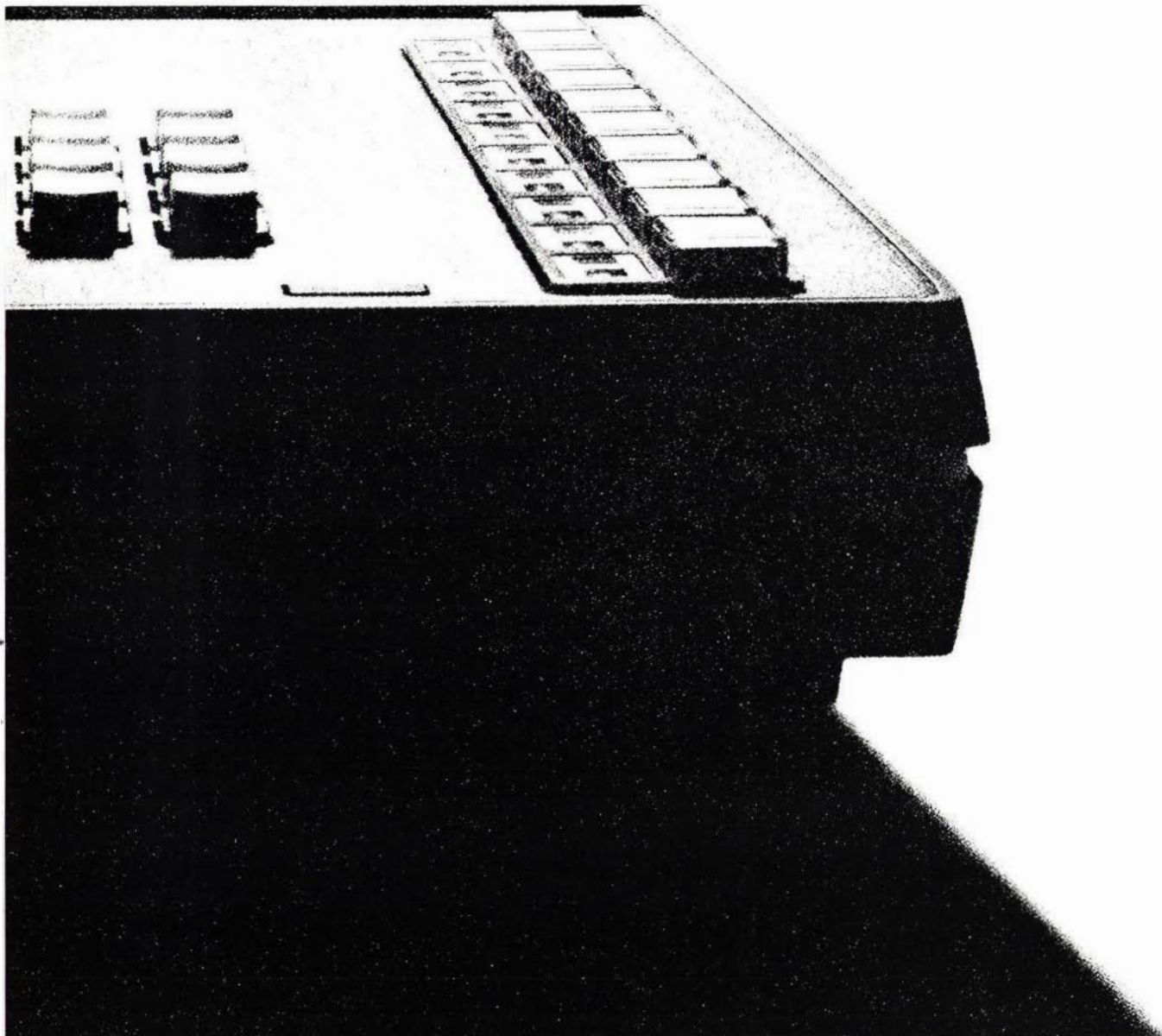
The Horizon system. A state-of-the-art system that proves the Bell System's commitment to bring its business knowledge to small business.

Give your small business a big business advantage. The Horizon system by Western Electric. Contact your Bell Account Executive or call toll-free 1-800-552-0622 in Washington and 1-800-426-7828 in Oregon.



Pacific Northwest Bell

systems and put it in a small law office system.



Continued from page 15.

law clerks when other justices said they wanted to hire more clerks.

In 1972, Douglas told Eric Sevareid, "I'd rather create a precedent than find one . . . because the creation of a precedent in terms of the modern setting means the adjustment of the Constitution to the needs of the time." Yet Douglas was a "strict constructionist" when it came to the First Amendment, and suggested to Sevareid that some justices only made more work for themselves in reading the First Amendment's mandate that there shall be "no law" abridging freedom of speech and press to mean "some laws". If you "go off on that tangent," Douglas said, "then it takes you a long time to make your decision, you have to do an awful lot of research, you work 18 hours a day and write a 58-page opinion."

The headline on this column, like those adorning previous columns of mine, is misleading. I never *really* spent a day with William O. Douglas. But I have spent considerably more than a day reviewing books and scraps of memorabilia I have collected about Douglas, all in an effort to write this column. The only reason that Editor Reisler selected me to do this is that some of the preliminary work on this issue got underway while I was editor.

Fortunately, others appearing in this issue have spent many days with Justice Douglas: Former King County Superior Court Judge Stanley C. Soderland, was law



Justice William O. Douglas administers the oath of admission to the Washington State Bar to (l. to r.) Nicholas P. Miller (edge of photo), Cathleen Douglas, Steven M. Rosen, Bradley D. Stam, Larry Helland and James J. Stefnik in November, 1973. Also present but not pictured: Michael D. Johnson. Photo by Janice H. Stefnik.

clerk to Douglas during the justice's first year; former state Supreme Court Justice Charles Horowitz and Ninth Circuit Court of Appeals Judge Betty B. Fletcher each served Justice Douglas as a lawyer when they were in private practice; Vern Countryman is a distinguished Harvard Law School professor who clerked for Douglas in 1942; and Simon Rifkind is a former New York federal district court judge who was a classmate of Douglas at

Columbia Law School and defended Douglas during the 1970 impeachment proceedings.

Yakima attorney George Martin, trustee of the Yakima Valley Museum, provided photographs in this issue which mark the forthcoming opening of the museum's memorial to Douglas. One photograph which Martin might like to have appears on this page. It was supplied by Larry Helland, one of a small group of lawyers sworn into the Washington State Bar in 1973 by Justice Douglas. The photograph shows the moment the oath was taken, and among the new lawyers pictured is the justice's wife, Cathleen Douglas. Cathleen Douglas, who practices law in Washington, D.C., contributed the haiku poetry which appears in this issue.

Helland says that Justice Douglas concluded the swearing-in ceremony with words to this effect: "Congratulations. You have each now achieved something which I never accomplished: becoming a member of the Washington State Bar."

In 1926, Douglas returned to this state with the expectation of taking the Washington bar exam and practicing law in Yakima. But he was offered a job teaching law at Columbia, which led to Yale, which led to chairing the Securities and Exchange Commission. In February, 1939, Justice Louis Brandeis retired.

A Tribute to the Memory of William O. Douglas

by Charles Horowitz

Justice William Orville Douglas was laid to rest at the Arlington National Cemetery following funeral services in the Nation's capitol. He was 81 years of age and had served on the Supreme Court of the United States since April 17, 1939, longer than any previous judge had served during the life of the court from the time of its formation.

Justice Douglas spoke at the swearing-in ceremony of the first 12 judges of the Court of Appeals in 1969. His interest in the State of Washington, and its people, is well known. His early home was in Yakima. Later Goose Prairie east of the mountains near Yakima became his residence when he spent his summers here. He graduated from Whitman College. He was a Washington voter. He acquired his first love of the mountains in this state.

The body of Justice Douglas has been laid to rest but the memory of his independent, courageous and compassionate spirit will continue to live—to beckon us, to

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

encourage us, to inspire us and to cause us to rededicate ourselves to the task of achieving those ideals this nation cherishes so that all may be able to live more fulfilling lives.

We cannot be too often reminded of his extraordinary career, the product of his rich talent, his great industry in and out of the law, his love of liberty, his devotion to the good of our country characterized by a caring nature and concern for the people of this great land. He has demonstrated beyond question that one man can make a difference in enriching the lives of the American people.

I first met Justice Douglas through a mutual friend over 30 years ago. I had long been an admirer of his and welcomed this opportunity to get to know him. Not too long afterwards I received from him a copy of his book *Of Men and Mountains* published in 1950. He had dedicated that book to the memory of his father, William Douglas, Home Missionary of the Presbyterian Church. On the fly leaf of the copy he had sent me he was kind enough to write, on his own, a personal note which I shall ever treasure. In the foreword of the book he wrote:

"I learned early that the richness of life is found in adventure."

He wrote this notwithstanding that on October 2, 1949, while on a horseback trip up Crystal Mountain, while riding his horse on a steep 60 degree grade his horse reared and whirled. Justice Douglas landed on a shell rock, lost his footing and rolled some 30 yards. An avalanche was coming, his horse slipped and came rolling down right on top of him. He lay paralyzed with pain with all but one of his ribs broken. His recovery was remarkable.

His sense of the need for adventure characterized Douglas throughout his life. The adventure which he sought was not merely physical. His lectures, his writings, his books, his travels, his ideas often reflected his recognition of the importance of adventure. His adventuresome nature accompanied by his outstanding courage brought him many friends. The fact that some were not always pleased with what he did or said did not deter him in his efforts to help achieve those ideals which the American people believed essential to the life of our society.

In all likelihood the second volume of his autobiography will be published in due course. The first *Go East Young Man*, published in 1974, points out that after he became a member of the United States Supreme Court his first opinion (*O'Mally v. Woodraugh*, 307 U.S. 277) upheld an act of Congress making judges' salaries taxable for Federal income tax purposes. The decision affected his entire life. He explains that now that he paid income tax on his salary he felt he no longer was a second class citizen. He determined that he would exercise his first-class citizenship rights to the fullest extent possible.

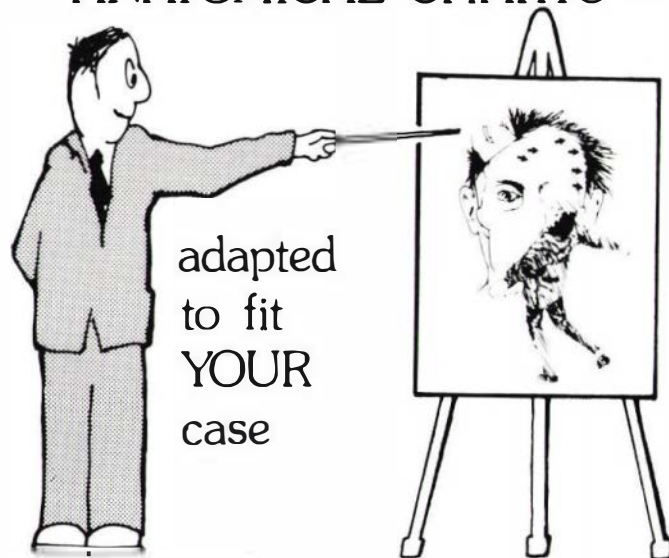
He increased his civic activities. He spoke out without fear on public issues, national and international. As he points out:

"A man or woman who becomes a justice should try to stay alive; a life time diet of the law alone turns most judges into dull, dry husks."

In the course of his activities he made many friends both at home and abroad; one of these I met in Yugoslavia when some 30 of us were visiting in Europe. The man I met identified himself as clerk of the highest court in Yugoslavia. When he learned that I was an attorney, he promptly asked me if I knew Justice Douglas. When I told him I did he urged with great earnestness that he be remembered to him. Apparently during one of his travels Justice Douglas had made a great impression on the judges in Yugoslavia. Speaking out as he did was controversial—at times very controversial—but no one could justifiably doubt his dedication, sincerity, honesty, and unending devotion to the good of this great country. The affection and respect in which he was held by his colleagues on the Supreme Court was never better expressed than by their highly laudatory statements to him upon his retirement from the court.

That he made a large impact upon our law is known to all of us. His opinions are sprinkled throughout over one-fourth of the official law reports of the United States

ANATOMICAL CHARTS

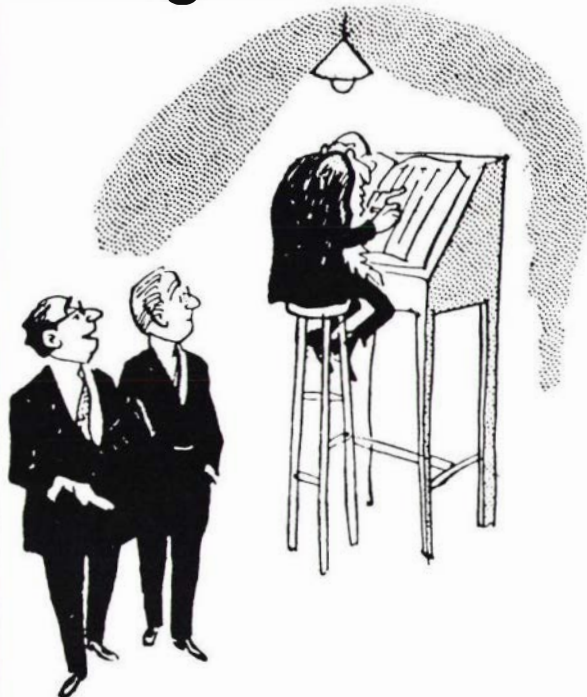


**BIOMEDICAL
ILLUSTRATIONS, INC.**
phone: 682-8197

**Consultation in your office
Review of medical reports
Produce artwork
Photography services**

Charts, graphs, maps
models, diagrams,
illustrations, slides,
and exhibits

A Legal Tale . . .



"CHRONOMETRICS put us on their new time-keeping system just in time. Our old way made an old man out of Bill — would you believe he's only 35?"

make every
minute count....
with

CHRONOMETRICS!



- It monitors ALL of your time.
- It is uncomplicated.
- It makes money for you.
- There's no capital investment.
- It eliminates manual timekeeping.
- It frees you for more production.

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

PHONE NOW FOR DEMONSTRATION

CHRONOMETRICS NORTHWEST

P.O. Box 66393
Seattle, WA 98166
(206) 941-5551

1208 S.W. 13th #200
Portland, OR 97205
(503) 228-4107

Supreme Court. When the history of the Supreme Court covering the period of his 36 years of service on that court comes to be written, and we are all better able to assess his contribution to that history from the vantage point of a long perspective, I am confident that history will confirm the greatness of his contribution.

What message was Justice Douglas seeking to express through his varied activities? I think at least part of the answer can be found in what he wrote in his published autobiography. He there stated:

"The overall aim of this volume and the volume to follow is the hope that our people will come truly to love this nation. I hope it may help them see in the perspective of the whole world the great and glorious tradition of liberty and freedom enshrined in our Constitution and Bill of Rights. I hope that they will come to love the continent, the most beautiful one in the whole world. I hope that before it is too late they will develop a reverence for our rich soils, pure waters, rolling grass country, high mountains and mysterious estuaries. I hope that they will put their arms around this part of the wondrous planet, love it, care for it, and treat it as they would a precious and delicate child."

Then in the concluding words of his work, he also wrote:

"In the oscillating movement of the planets man is a tiny spec—a microcosm. We seek truth, and in that search, a medley of voices is essential. That is why the First Amendment is our most precious inheritance. It gives equal time to my opponents as it gives to me. I hope it is always that way in this great land, which in spite of its shortcomings is still the hope of mankind across the globe."

On September 17, 1976, the Young Lawyers Section of the Washington State Bar Association arranged to present Justice Douglas with a "Distinguished Service Award" for his work on the court from 1939 to 1975. The award reads:

"For outstanding contributions to the continued growth of the common law, unceasing effort to insure justice for all and distinguished service to the people of the United States."

Justice Douglas could not attend in person. He wrote a letter dated September 10, 1976, to the Young Lawyers Section, which was read at a meeting of the Washington State Bar Association when the award was made. Two paragraphs of that letter are especially worth quoting:

"The Constitution and the Bill of Rights were designed to get Government off the backs of people—all the people. Those great documents did not give us the welfare state. Instead, they guaran-

tee to us all the right to personal and spiritual self-fulfillment.

"But that guarantee is not self-executing. As night-fall does not come all at once, neither does oppression. In both instances, there is a twilight when everything remains seemingly unchanged. And it is in such twilight that we all must be most aware of change in the air—however slight—lest we become unwitting victims of the darkness."

Justice Douglas received many awards and recognitions. I will only quote from a portion of a letter dated May 29, 1975, written by his Columbia Law School classmates of 1925 on the occasion of the 50th Reunion of his class. It reads:

"By his fighting qualities of mind and heart, his rugged independence of thought and his steadfast integrity of purpose, he exemplifies the truest of American traditions and has endowed the profession of the Law with dignity and honor. We the members of the Class of '25 salute him on this occasion of our 50th Reunion and extend to him our continued high regard and our undiminished affection."

We must carry on his work. Judge J. Skelly Wright, Judge of the United States Court of Appeals for the District of Columbia Circuit, upon the resignation of

Justice Douglas for reasons of health from the Supreme Court of the United States reminded us: "He has urged us to become 'missionaries of the faith that holds more promise for mankind than the dreary dogma of totalitarianism.' By doing so, by living the Democratic faith and working to convince our fellow citizens that they need not fear freedom, we will pay the only possible fitting tribute to Justice William O. Douglas."

Justice William O. Douglas, A Westerner

by Betty B. Fletcher

Each of us who writes in this issue acts as a surrogate for the many friends and respecters of Bill Douglas. Each person we represent could write poignantly and meaningfully of Bill Douglas, for each has been touched by his life, words, and deeds. Because I am a Westerner and a friend of Bill and Cathy Douglas I have been asked to talk about the western influence in Bill Douglas's life. I am deeply moved by the honor.

WE

**TYPE 'N
PRINT IT** TM.

IN A MINUTE

Appellate Briefs
For U.S. Supreme Court
Federal 9th Circuit
Printed, Served & Filed **Faster!**
Call (206) 447-9511
OVER 20 YEARS EXPERIENCE

Suite 500, Craftsman Press Building
1155 Valley St., Seattle WA 98109

More word
processing services
from

CB

© ABCD 1980

Bar Review Associates of Washington —Our 18th Year—

Bar Review Associates of Washington (BRAW) offers a Washington based, concentrated review and refresher course for the Washington State Bar Examination. The classes to prepare for the Summer 1981 Examination start June 15 and run thru July 18, Mon. thru Fri., 6:30 p.m. to 9:30 p.m., and 9:30 a.m. to noon and 1:00 p.m. to 4:00 p.m. on Saturday.

There is no deadline for registration. Registrations will be taken at our office in the Joseph Vance Bldg. or by mail. This office will be open after May 18, Monday thru Friday from 11:30 a.m. to 3:30 p.m. Phone (206) 624-1246. If you wish to register and pick up your material prior to May 18, please leave a message.

Cost: \$250. Course may be repeated for a cost of \$80, including a new BRAW outline.

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

Bar Review Associates of Washington
710 Joseph Vance Bldg.
1402 Third Avenue
Seattle, WA 98101
Telephone (206) 624-1246

In preparing for this article, I was interested to discover that when Douglas was nominated to the Court, there were some doubts among the Senators about his credentials as a Westerner. Some were expressed on the floor of the Senate when his confirmation was debated. Most were quieted, however, when Senator William E. Borah of Idaho, prototype of the great men of the West who graced the Senate, after interviewing Douglas, announced solemnly to a press conference that Douglas was indeed a Westerner. However, I note that Volume 306 of the United States Supreme Court Reports, in reciting the



Judge Betty B. Fletcher is a member of the United States Court of Appeals, Ninth Circuit.

U.S. Supreme Court summaries for just \$18 a year.

The Supreme Court Bulletin gives you brief, expert summaries of every U.S. Supreme Court opinion... the same week the opinion is handed down... for only \$18 a year.

You need to keep up with the U.S. Supreme Court as much as you do with your own state supreme court. You can do it quickly and more economically with the Bulletin than with any other publication.

Subscriptions or sample copies from Supreme Court Bulletin, D-86, 3 Essex St., Concord, NH 03301.

dates in March and April of 1939 when Douglas was nominated by President Roosevelt, confirmed by the Senate, commissioned and seated as an Associate Justice of the United States Supreme Court, refers to him as "Mr. William O. Douglas of Connecticut." And there were other misperceptions at that time about Mr. William O. Douglas. The Senate debated his nomination for two days. The points made in the long speeches amuse us today. It was said Douglas was a narrow specialist in securities law at Yale. He didn't understand labor law. He was guilty of "fraternization with the New York stock exchange." And the *Nation* condemned Douglas as much too conservative and a member of the eastern establishment.

Was Senator Borah right? Was Bill Douglas a Westerner? He was born in the town of Maine, Minnesota. He arrived in the State of Washington in 1904, when he was five years old. Washington by then had been a state for fifteen years and was no longer strictly frontier; yet the population was sparse, and there was a lingering rawness. Here he stayed through his early formative years and in fact until he had completed Whitman College. He thereupon took the advice of Horace Greeley in reverse, (later to use it as the title of the first volume of his autobiography) *Go East Young Man*.

Tending a flock of sheep shipped by rail, he enjoyed the luxury of the caboose eastward to the Minneapolis stockyards, then, lower class, rode the freights on to Columbia Law School, where he arrived so dirty and disheveled that the clerk at the Beta national headquarters would not even let him have a room for the night. For Douglas to turn eastward was to start a pioneering adventure of sorts—an exploration burdened by the hardship of poverty but infused with the excitement of learning.

Bill Douglas came from a background much like that of my own father, both from stout Scottish and English stock, inquiring and courageous and restless enough to push westward. They were not unlettered folk, but teachers and ministers who prized education as they prized independence. They were poor and proud, proud in the sense of having a feeling of proper self-respect or self-esteem. Ambitious for their offspring, full of moral rectitude, they were hard workers with the pride that comes from straight-plowed furrows, weedless vegetable gardens, scrubbed faces, starched collars, clean and orderly parlors, patched knees, and darned socks. Success in terms of wealth or higher position and power were not even dreamed, but excellence and competence and thrift and honesty and decency were expected, and a more comfortable life was hoped for.

Education for their children was important. In Douglas's case, the subtlety and sophistication of his thought bespeaks not only a fine mind, but also an easy familiar-

Continued on page 27.

WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Steven A. Reisler

SPECIALIZATION SHOWDOWN SLATED FOR MAY BOARD MEETING

VANCOUVER, WA, March 20 - 21 -- At its May meeting in Spokane, the Board of Governors will decide once and for all whether Washington's Bar will permit certification of

legal specialists. As First District Representative Paul Steere succinctly put it, each Board member must in the next two months check with his constituents and search his soul, and be prepared to vote one way or another.

The issue of specialization came to a head on March 20th when representatives of the Bar's Tax Section appeared before the Board to advocate in favor of immediate adoption of tax specialization certification. According to Jim Hilton, a past chairperson of the Tax Section, and Mike Sterling, chairperson-elect of the Tax Section, Washington tax lawyers feel frustrated by the reluctance of the Bar Association to meet the specialization issue head-on. Nevertheless, the Board refused to accept the proffered advice that it must "fish or cut bait."

Mike Sterling and Jim Hilton, together with the present Tax Section Chairperson Julie Weston, told the Board that the public would be the greatest beneficiary of Bar sanctioned specialization. Although the certification of tax specialists would almost certainly result in higher fees passed on to clients, the proponents of specialization certification maintained that greater efficiency would off-set those costs. As far as administrative costs are concerned, Weston reassured the Board that the Tax Section's examination and certification program would be entirely self-supporting.

The two most sensitive questions about certification of tax specialists are how the certification examination will be administered and whether the allowance of tax specialization will open the floodgates for numerous other fields of practice.

Under the Tax Section plan, an examination covering a broad spectrum of tax law would be administered to prospective specialists. Only those lawyers who will have had five years of experience with twenty percent of their practice devoted to taxation would be permitted to take the examination, however. It is the "five year requirement" which concerns some young lawyers. Administrators for the State Bar have other concerns, too; namely, what financial burden will the Bar Association have to carry if other fields of practice demand specialization certification? Although the Tax Section is well able to finance the administrative costs of its own certification program, certification of other specializations could result in administrative costs being distributed among the whole Bar membership.

NEW LAW automates law office accounting.

You've asked for a single system that would provide all the data and word processing capability you need in a single, easy-to-use system without compromising in one area or the other. Now you can have it from Wang.

Introducing LAW

LAW (Legal Accounting from Wang) is the high quality legal timekeeping, billing and accounting package you would expect from Wang. It operates on Wang's new Office Information System (OIS) that integrates word and data processing on one flexible, user-oriented system.

Single source responsibility

Since Wang provides both the hardware and the software, you have a single source of responsibility for all your service needs.

Good news for Wang users

If you have any Wang word processing system, you can upgrade your system so that it can use LAW.

Why compromise?

Make your law office more productive with LAW. For more information on this exciting new development, call Knute Fenstad at 322-9233.



MAKING YOUR WORLD MORE PRODUCTIVE

Wang Laboratories, Inc., 2300 Eastlake Avenue East, Seattle, Washington 98102
(206) 322-9233

CONTINUED FUNDING FOR LEGAL
SERVICES SUPPORTED

The Legal Services Corporation and Evergreen Legal Services are in trouble. Gordon Wilcox and Peter Greenfield addressed the Board of Governors Friday and explained how proposed

reductions in federal support for legal services programs would practically eliminate access to the courts for indigents.

Elimination of federal funding for Evergreen Legal Services, according to Greenfield, would create an 80% cut in Evergreen's operating budget. The impact of this budget cut would aggravate a serious problem already experienced by most legal services programs -- retention of good lawyers in spite of the allure of high salaries in private practice.

Five to six thousand indigents in King County alone benefited from legal services assistance in 1980. This is despite current eligibility standards which require that recipients be "poor beyond poor beyond poor." Although Legal Services Corporation has been accused by some lawyers of fomenting wasteful and frivolous class-action suits, Greenfield told the Board that it is primarily the victims of domestic violence who benefit from legal services programs. Contrary to the misconception of some, Greenfield asserted, providing legal assistance for indigent dissolution petitioners does not contribute to the decay of the family as an institution.

The Board did not question the value of services provided by organizations like Evergreen. It did, however, question whether, in light of across-the-board federal spending cuts, Legal Services Corporation and its progeny should be designated a "sacred cow." The Board was ultimately swayed by the argument that funding for legal services was already insufficient in the past, thus voting for a resolution to continue current levels of support would, in effect, show budgetary restraint.

The resolution as finally adopted by the Board (7 to 1, with 1 abstention), endorses continued funding for the Legal Services Corporation because of the value of the services it provides and because of the inability of the private bar to satisfy the needs currently met by Legal Services.

SELF-INSURANCE FUND SUGGESTED
FOR WASHINGTON'S BAR

Lester Rawls, Administrator for Oregon's Professional Liability Fund made a special appearance before the Board of Governors to promote the concept of a self-insured state bar. In Oregon,

every practicing lawyer must contribute to a self-insurance fund. Interest earned on investments from this fund are used to reduce administrative costs and to pay some minor claims.

The average claim payment in Oregon is approximately \$5,000; the largest claim payment to date has been \$100,000. All attorneys are encouraged to carry excess claim coverage with private insurance companies.

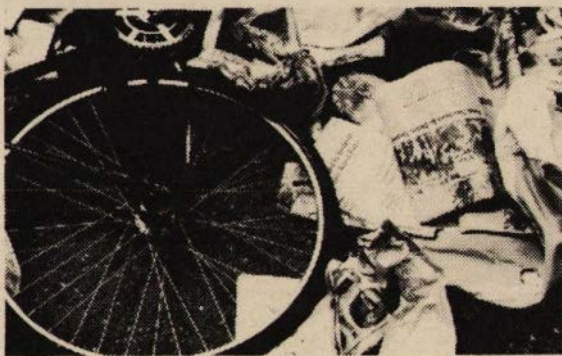
Rawls told Board members that self-insurance inevitably leads to reduced costs for lawyers. He stated that it sometimes happens that malpractice insurers set their premiums solely on the basis of what the traffic will bear, and not on the actual risk factor. □

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

Is he your client?

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

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



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

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

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

Alcenas Hospital

10322 Northeast 132nd
Kirkland, Washington 98033

(206) 821-1122

Continued from page 22.

ity with books and ideas from an early age. First the influence of his minister father, then a good public school education (Douglas notes in his autobiography the inspiration he received from his Yakima grammar and high school teachers) started Douglas on the process of learning that continued throughout his life.

My own father escaped to the Olympic Mountains rising near his family's Puget Sound stump farm where he did stoop work in the berry fields and hoed endless rows of potatoes. Bill Douglas escaped to the Cascade Mountains rising above his home in Yakima. Each became by avocation a botanist—an identifier and collector of wild plantlife, and each a perceptive observer of wildlife and natural phenomena. Each continued the trek to the mountains for rebirth and renewal of spirit throughout his adult life. With this part of Bill Douglas I am fully at home.

Yet as a young boy Bill Douglas suffered from fear, loneliness, a sense of not belonging. These did not come from roots in the West but from the extreme sensitivity of the more than unusually bright child, beset by tragedy upon tragedy, a bout with crippling polio that left him weak and puny, loss of father, the humiliation and despair of poverty. How he dealt with his fear and self-doubt, however, was strongly influenced by his surroundings. I spoke a moment ago of his escape to the mountains. They became both his solace and his proving ground. He drew solace from their awe-inspiring beauty, their quiet, their peacefulness, and their capacity for spiritual awakening, and he drew it from experiences shared with others. Of these, I think of the warmth of the campfire, the sting of smoke in the eyes, the breathtaking glimpse of high peaks through drifting fog, the squish of water in rain-soaked boots, the chill of early morning air, raw in contrast to the warmth of the bed roll.

The mountains were also his proving ground. They developed his body, his physical strength, his coordination, and his endurance on long hikes over difficult terrain. They were his testing ground against cold, wet, and exhaustion, against loneliness and fear. Not only did Douglas emerge from this testing and proving physically strong, but from it in part also emerged the high sense of independence that was to mark all his later years. On no one did he depend for approval of his ideas, for concert of action, for comfort of common views, for collaboration in work product.

Other qualities, too, were surely nurtured by his mountain experiences and his western associations. As with many mountain men, Bill Douglas had a taciturnity about him, an unpretentiousness, a quiet dignity devoid of pomp and circumstance. He worked hard at menial jobs to support and educate himself and to help his family. In the process he met, befriended, and learned from hoboes, Wobblies, Indians, and vagrants.

From this western milieu emerged the young Douglas. What can the West claim of Douglas? Surely the West produced Douglas the botanist, Douglas the environmentalist, Douglas the conservationist, Douglas the passionate lover of the outdoors.

This part of Douglas came out of the West, belongs to the West. In this sense we claim Douglas as our own—a Westerner.

But to say this is to claim only part of the man. Had Douglas been born on the lower east side of Manhattan, I suggest he might well have been much the same Douglas we celebrate here today. The environment we identify as the molder scarcely explains the man, and surely not his greatness. Perhaps it is enough that we describe and celebrate his greatness without searching for its origins. But even though we may not be able to relate all of his remarkable traits to his western upbringing, his western experience does have some bearing.

I ask myself why did a man of such enormous talent and energy eschew wealth and the power that comes with wealth? Why did he not, as many self-made men have done, adopt the attitude that he had made it on his own, let others do likewise? In a word, why did he not draw up the bridge behind him but, instead, build a wider bridge that others might cross?

The poverty, the low station in life, the fatherless

CONSTRUCTIVE CONSTRUCTION ANALYSIS

**A record of excellence providing
Construction Consulting Services**

- Construction Claim Preparation
- Construction Claim Analysis
- Construction Contract Analysis
- Construction Cost Management
- Construction Scheduling
- Construction Productivity Evaluations
- Surety Services
- Fire Loss Analysis

***Services are provided nationally on
Commercial, Engineering, Power Plant
and Utility Projects.***

Since 1968

earl nelson corporation

WEST 327 - 8TH AVENUE
SPOKANE, WASHINGTON 99204
(509) 624-5325

home, the hard work of Douglas's youth are typical of the background of most self-made men. Yet most choose personal power and wealth as their gods, while Douglas chose to dedicate his unique ability and energy to the cause of dignity and freedom for the misfit, the outcast, the lonely, and the poor.

Somewhere, somehow, his sense of self-esteem emerged to free him from the need for power and its trappings that lesser men might crave.

This facet of his greatness shows also in his tolerance of others' views. Douglas respected ideas, and, confident of his own, he respected those of others. His open-mindedness and sense of sureness allowed him not only to change his view when he decided he was wrong but also to say so. If persuaded, he did not parse fine distinctions among cases, but just flat out said he'd been wrong.

And he respected those with whom he differed. Those of you who have read the second volume of his autobiography will remember he lists Felix Frankfurter as one of the seven greatest justices with whom he served, even though his relations with Frankfurter were less than cordial, his view divergent, and despite Frankfurter's many unkind observations about Douglas.

Douglas's breadth of vision, fed by his life-long eagerness for learning, and his capacity for change in view and perspective as he learned and reflected and grew in

understanding are best seen in his work in Constitutional law. Unlike his very close brother Hugo Black, who in this respect was a literalist, Douglas's view of the Constitution was dynamic: capable of growth, amenable to purposeful change.

His endeavors, his principal discoveries, and their fruits are best seen in volumes 306 through 423 of the United States Supreme Court Reports. And his contribution is far greater than the number of volumes, or the number of opinions, or anything else that numbers can express. More than James Madison, more than Hamilton, and in some ways as much as John Marshall, he wrote the Constitution under which we live. William O. Douglas deserves a place in the pantheon of constitution makers second to none, but in the spirit of western equality there need be no competition about who is first.

In all of this, Douglas was a frontiersman of the mind. This western quality of his genius persisted in his habits and thought, in turn influencing others, through three-fourths of this century. None of us here may see his like again, but, perhaps because of Bill Douglas, such a life can still be led, and his is the most cheering example for the future I know.

But to return to the present is to feel a great sorrow. As I looked down on Goose Prairie from the air on my way east a great sadness came over me as I remembered the

"The Professional Office"

Enjoy the elegance of Beautiful TEAKWOOD Office Furniture

Imagine the prestigious "President" executive desk in your office! Beautifully styled and crafted TEAKWOOD with 3/4" thick marble writing surface & exotic Camphor Burlwood accent inlays.

The President Desk	Reg. \$1,400.00	NOW \$985.00
Matching Credenza	Reg. \$ 800.00	NOW \$575.00
Leather Desk Chair	Reg. \$ 675.00	NOW \$385.00

(Hurry now! Available at these Special Sale prices for a limited time only.)



for a complete line of low priced, Import-Direct TEAKWOOD Office Furniture:

- Executive Desks
- Conference Tables
- Credenzas
- Bookcases
- Typing Tables
- Desk Chairs
- Office Chairs
- Secretarial & Reception Desks
- Lateral & Vertical File Cabinets
- and much, much more to choose from.



Lots of FREE Parking
"Only 10 minutes from Downtown"

TEAK Imports Co. Office Interiors



13721 Lake City Way
Seattle WA 98125
call (206) 3622161

Open Weekdays - 9-6, Thurs. 9-8, Sat. 10-4, Sun. 12-5

many conversations Bill Douglas and I had during the tragic years of illness, I sitting in my office in Seattle, Bill in his beloved chambers in Washington, D.C. The topic was always his soon return to Goose Prairie. For his sake I tried to keep abreast of season (snow still on the ground at Goose Prairie or no, trees budding, avalanche lilies in the meadow, or vine leaf maple turning on the pass—whatever the fact). We talked about moving up to the Prairie his horses, pasturing in the lowlands, and the logistics of a phone line from Whistler Jack's to Prairie House. Bill saw his return as his last chance for renewed strength, return to independence, and, even more perhaps, a secure retreat. But this was not to be. As I mused over those past sad talks, I remembered a passage in *Of Men and Mountains* where he describes his sensations spending the night in a snow hole. He said:

When man holes up in the snow, he returns to earth in a subtle way. He does not return in the manner of a man or a tree or a bird who dies, for then the body is reclaimed by mold and transformed into the dust from which it came. In a deep hollow of the snow, man returns to the womb of the earth to live. Lying in the warm darkness he captures a fleeting sense of the security of that part of his life that existed before his own consciousness. He escapes the reality of the world and lowers the tempo of his own life. He lies relaxed and peaceful, safe in a warm embrace. Death and danger may stalk abroad, but in his retreat there is no risk.

In his yearning for return to Goose Prairie, Bill Douglas was seeking that same retreat and warm embrace.

A Lesson in Hard Work and Humility

by Vern Countryman

Mr. Justice William O. Douglas served for more than 36 years on the Supreme Court of the United States—longer than any other Justice—from 1939 to 1975. It was my privilege to serve as his clerk during his fourth full term, the 1942 term.

That was, for me, the most remarkable year of my professional life. Here I was, less than three months out of a modest western law school when I reported for duty, with an opportunity to work in a one-to-one relationship (it was one-to-one in those days) with a man who had

already made his mark as an outstanding law teacher, at Columbia and especially at Yale, and as the hard-driving chairman of the Securities and Exchange Commission who had brought the titans of Wall Street to heel. He knew so much, and I had so much to learn.

I did the best I could to prepare myself. I took counsel with one of my predecessors on the job, Don Simpson. He told me that the reorganization of the Chicago, Milwaukee Railroad was on the 1942 docket and advised me to read the eight-volume study of reorganization practice that Justice Douglas had directed for the SEC. I read that work diligently and my preparation must have made some impression on the Justice. In the first volume of his autobiography, *Go East, Young Man*, 282 (1974), he reports, with pardonable hyperbole, that those eight volumes were never read by anyone, so far as he knew, except by me.

From another predecessor, Jed King, I also got some assistance in preparing myself. He told me a parable. "One day" Jed said, "I went to the Justice and said, 'Mr. Justice, if I did all the work you have assigned to me for the next month, I would not get any sleep at all.' " "What did the Justice say to that?" I inquired. "He said 'O.K.', " Jed replied.

Clerking for Justice Douglas was an arduous assignment. The reason is not difficult to identify. He brought to

Lanier No ProblemTM Programming

- Dissolution
- Traffic (DWI)
- Personal Injury
- Incorporation
- Wills, and more

Each system includes questionnaires, pleadings, office forms, interrogatories, etc. All pleadings are updated to comply with the new style manual and are customized for local practice. Over 2,000 pleadings ready for immediate use in your office.

Jones & Young

13410 Highway 99 South
Everett, WA 98204
206-743-5354

Prof. Vern Countryman teaches at the Harvard University School of Law. He clerked for Justice Douglas in 1942.

WHY VIDEO-TAPE?

- preservation of testimony and evidence
- presentation of demonstrative evidence
- expert witness testimony
- preparation of witness for "live" courtroom appearance
- last will and testament
- legal depositions
- personal injury cases

For more information on these and other legal applications of Video-tape...
call: Tim Smith

LAWYER'S VIDEO SERVICE, INC.

1414 Alaskan Way • Suite #504
Seattle, Washington 98101
(206) 292-9355



*Steel-Die Engraved
Stationery
for the legal profession
since 1882*

68 S. WASHINGTON ST., SEATTLE 98104
TELEPHONE 624-4565

judging what he brought to every other task he ever undertook: complete dedication and complete willingness to work to the extent of his remarkable intellectual and physical capacity. He assumed that he could expect the same dedication and willingness, if not the same capacity, from his clerks. That always seemed, and still seems, fair to me, although I will confess to occasionally comforting myself with the thought that I had only to last for one year. We are all fortunate that Justice Douglas lasted much longer.

An experience early in the 1942 Term will illustrate what I mean. The Justice summoned me into his chambers and advised me that he would entertain a memorandum summarizing all of the Court's decisions under the full faith and credit clause. One frantic month later I submitted a memo about two inches thick. (I still have a copy of that memo and intend one day to expand it into the definitive work on full faith and credit.) My labors are commemorated in a single sentence in the first decision in *Williams v. North Carolina*, 317 U.S. 287, 296 (1942): "Nor is there any authority which lends support to the view that the full faith and credit clause compels the courts of one state to subordinate the local policy of that state, as respects its domiciliaries, to the statutes of any other state."

Thus emboldened, I undertook, entirely on my own, a complete rewriting of Justice Douglas' first draft of an opinion in a case involving the federal bank robbery statute. If a book called *The Brethren* is to be believed—and I doubt that it is—my efforts were much better received than the similarly presumptuous efforts of one of my successors many years later. Justice Douglas did not remind me that I had not been appointed to the Supreme Court. He received my rewrite of the opinion with obvious surprise but with complete courtesy. And he did not consign it entirely to the waste basket. The published opinion in *Jerome v. United States*, 318 U.S. 101, 102 (1943), after stating that such crimes as robbery, burglary, or larceny against national banks were originally punishable only by state law, drops a footnote reading: "To the extent that acts constituting larceny would not also constitute a federal crime under R.S. §5209. See *United States v. Northway*, 120 U.S. 237, 235." That footnote is mine, all mine.

But before I could get carried away with this heady accomplishment, there was the reorganization of the Chicago, Milwaukee Railroad. The opinion was assigned to Justice Douglas and the record in the case was wheeled into his chambers in a cardboard box about six feet long, three feet wide and three feet high. For the next few days our view of the Justice was the view you would expect of a man with his feet on the floor and his head in a box three feet high. At the end of that time a fifty-page opinion in *Group of Institutional Investors v. Chicago*,

Milwaukee Railroad, 318 U.S. 523 (1943), emerged. After spending a month checking the opinion against the record without finding a single error, I decided I was not yet ready to write the Justice's opinions.

I learned much from Justice Douglas, and not merely about hard work and humility. From working closely with him for one term and from closely following his performance in succeeding terms, I saw exemplified three cardinal principles that, to my mind, establishes greatness as a judge.

The first was that judging is to be an even-handed business. Thus he found the same due process requirements of notice and hearing for the government employee labeled disloyal in his concurring opinion in *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951), as he found for the private citizen labeled a drunk in his opinion for the Court in *Wisconsin v. Constantineau*, 400 U.S. 433 (1971). Thus also, he found the same ample protection in the First Amendment for the speech of the anti-semitic, *Terminiello v. Chicago*, 337 U.S. 1 (1949), the white bigot, *Beauharnais v. Illinois*, 343 U.S. 250 (1957), the communist, *Dennis v. United States*, 341 U.S. 494 (1951), the Ku Klux Klan leader, *Brandenburg v. Ohio*, 395 U.S. 444 (1969), and the publisher of pornography, *Ginsberg v. New York*, 390 U.S. 629 (1968), as for black demonstrators, *Adderly v. Florida*, 385 U.S. 39 (1966), and the publishers of the Pentagon Papers, *New York Times Co. v. United States*, 403 U.S. 713 (1971).

The second principle was that, if reflection and further experience persuade you that you have been wrong, do not hesitate to confess error and begin again. He very promptly decided that he had been wrong in voting with the majority in *Minersville School District v. Gobitis*, 310 U.S. 586 (1940), to uphold a compulsory flag salute as applied to the public school children of Jehovah's Witnesses, promptly confessed error in *Jones v. Opelika*, 316 U.S. 584 (1942), and voted with the majority in *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943), to overturn the *Gobitis* decision. It took him a little longer, after voting with the majority in *Goldman v. United States*, 316 U.S. 129 (1942), to follow the earlier holding of *Olmstead v. United States*, 277 U.S. 438 (1928), that warrantless wiretapping accomplished without "trespass" on the suspects premises did not violate the Fourth Amendment. But ten years later in *On Lee v. United States*, 343 U.S. 747 (1952), he again confessed error and persisted thereafter in urging that *Olmstead* and *Goldman* both be overruled until that was finally done in *Katz v. United States*, 389 U.S. 347 (1967). Again in *Cammarano v. United States*, 358 U.S. 498 (1959), he announced that he had been wrong in joining in a cryptic opinion in *Valentine v. Chrestensen*, 316 U.S. 52 (1942), ruling that the First Amendment imposes no restraint on

government abridgement of commercial advertising—a view adopted by the majority of the Court in *Bigelow v. Commonwealth of Virginia*, 421 U.S. 809 (1975), shortly before Justice Douglas retired.

The third principle, partially illustrated by what I have just said, is that if it is not your nature to resort to individual appeals in an effort to persuade your brethren to your view, but you are content to rest on what you say in conference and what you write in your dissenting opinions, you may yet emerge as a leader on the Court. We hear much of how many of the minority views of Justices Holmes and Brandeis have later become the law of the land, but I imply no disrespect for their well deserved reputations when I say that Justice Douglas' record exceeds their combined record in this respect. To cite only two more examples, in addition to those already given, I would point out that Justice Douglas' dissent in *Betts v. Brady*, 316 U.S. 455 (1942), when a majority held that the states were not required to provide counsel to indigent defendants in noncapital cases, became the law of the land twenty-one years later in *Gideon v. Wainwright*, 372 U.S. 335 (1963). And you will find the essence of the holding in *Miranda v. Arizona*, 384 U.S. 436 (1966), in two earlier minority opinions of Justice Douglas in *Crooker v. California*, 357 U.S. 433 (1958), and *Colombe v. Connecticut*, 367 U.S. 568 (1961).

COMPUTER SERVICES FOR ATTORNEYS

- Professional Time Management
- Computer Accounting
- Computerized Client Statements
- Document Analysis and Control
- Evidentiary Analysis
- Docket Control
- Legal Brief Bank
- Claims Analysis

Online or Batch Modes

**PROFESSIONAL DATA
SERVICES CORPORATION**

WEST 327 8TH AVENUE SPOKANE, WASHINGTON 99204
509-624-3341

Certain it is that the state of individual liberty in this country is much better than it would have been if we had not had Justice Douglas' long and vigorous service on the Court. It is often said that eternal vigilance is the price of liberty. It helps to have some of that vigilance exercised by members of the Supreme Court. At least five is the preferable number. But, as Justice Douglas' record demonstrates, even one can help a lot if he is open to persuasion that he has been wrong and has the courage of his convictions when he feels that he is right.

William O. Douglas — Justice As Well As Law

by Simon H. Rifkind

Justice Douglas was a great man. By every scale that I can employ, he was a person of large dimensions intellectually and morally. I am not competent to measure his greatness and I suffer from two disqualifications: first, because I loved him; and second, because I stood in awe of his genius.

My first encounter with William O. Douglas occurred at Columbia Law School in the Fall of 1922. The chasm of difference which divided us was so wide that the possibility of bridging it never entered my mind. My preparatory schooling had all been achieved on the island of Manhattan. I was totally ignorant of what existed on the other side of the Hudson. Bill Douglas was, in appearance, a story book version of the Western American. He was tall, rugged looking, soft-voiced, with an inflection quite foreign to the one to which I was accustomed. I heard from his friends that he came from a place called Walla Walla. I did not believe such a place existed. I thought I was being teased in order to expose my provincialism. The only condition Douglas and I had in common was that, unlike Earl Mountbatten, neither of us suffered from the necessity of overcoming our privileges.

Fortunately, the law generates a vocabulary of its own and a universe of communications which is indifferent to regional inflections. It was not long before we exchanged ideas.

In those days, Bill must have regarded words as very precious. He used them so frugally. When it came to putting words on paper in his student days, he was

Simon H. Rifkind is an attorney with the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison.



scan | design

OFFICE INTERIORS

504 Bellevue Way N.E. • Bellevue, Washington • 454-7749

Spring Savings from Norway

Siesta Chair, without arms
Reg. \$485. **SALE \$362.** K.D.
Coffee Table,
Reg. \$306. **SALE \$245.**
Delivery not included

- 30% savings on executive desks and credenzas in oak and walnut in stock.
- Special spring savings on leather seating arrangements for commercial and residential use, through the end of April.

positively parsimonious.

In later years, I could easily understand the outpouring of hundreds of his opinions because he was always keenly alive to his duties and responsibilities. But that he should produce some 30 books, under no compulsion whatever, represented a new kind of maturation of his talents.

Bill Douglas was unquestionably a genius, if by that is meant that his intellectual talents reached far beyond the limits of the ordinary. In a class of students often described as of vintage quality, he towered like a redwood. His memory was prodigious; his imagination was of enormous dimensions; his capacity to isolate a unifying principle, tying many disparate elements together, was quite exceptional. Once convinced of the merit of a proposition, he would espouse it without fear of opposition and with complete indifference to criticism.

To the public, he always exhibited a granite-like exterior. In private, he could be affectionate and sentimental.

In the course of the 58 years we have known each other, our paths were sometimes far apart and sometimes they crossed. It was always a warm meeting, as if we had never parted.

I remember once finding myself in an inn in Tucson, Arizona, intending merely to spend the night. He discovered my presence and within minutes his car was at my door, moving my wife and me and my belongings to his place of abode.

The time came when I acted as his counsel, in the last attempt to impeach him. Never have I encountered so cooperative a client. He undoubtedly had strong views on the many propositions of law that I asserted, especially with respect to the Constitutional issues. Whatever his reservations, he never uttered a dissent or suggested a revision. Never once did he discourage my search for a fact on the ground that it might be irrelevant or might invade his privacy. For a man of such strong convictions, this was an extraordinary form of submission, an acceptance of the role of client.

The attempt to impeach Douglas was a reckless challenge to the independence of the judiciary. If the doctrine upon which the impeachment was launched—the doctrine that an impeachable offense was whatever Congress said it was—had prevailed, judges would thereafter serve at the pleasure of transient Congressional majorities. Douglas perceived it as subversive of the separation of powers and of judicial independence. Against the acceptance of that principle as part of our Constitutional structure, he set his face with a fierce and fearless determination.

The last time I saw him in public was on December 6, 1979, when, at the Supreme Court, he received the honorary degree of Columbia University. By this time, his strength had ebbed but his spirit shone brightly in his

eyes. It was plain that he was glad to receive this honor from his alma mater. To me it seemed that he greatly honored Columbia University by accepting the degree.

William O. Douglas was a free spirit. He was as unshackled as any human being could possibly be. The only restraints he acknowledged upon the roving of his mind were those that he, himself, had forged, through the formulation and acceptance of principles which he embraced. But these, too, were subject to his re-examination.

His discipline was all self-discipline. He did not submit to any dogmatic religious commandment, to any philosophical imperative, to any fixed political credo.

His self-discipline, however, was firmly in place. He did not, in the world of ideas, freewheel in response to whim or fancy. Nor was he likely to forge rules for one occasion only, to be cast on a scrap heap after a single usage. His compass had a few fixed points. But he had placed them there himself, in response to his own reason and to his own vision of the good, the true and the beautiful.

The essence of his personality was his persevering courage, and the key to his character was his unyielding independence. His life as a Justice of this Court can be fitted only within this framework, and can no more be measured by the shifting values of liberalism or conservatism than by the dubious analyses of activism or restraint.

For more than three decades, in concurrence and dissent, he carried on a dialogue with generations of lawyers. Deeply influenced by his predecessor, Brandeis, he was interested in ideas as well as facts, in justice as well as law. A skeptical man who troubled our dogmas, a religious man who appealed to our conscience, he raised vexing questions that did not always yield a tranquil answer.

His constant concern was with the diffusion and inter-play of constitutional powers, and with the need to set the limits on government interference with political liberty.

But his opinions ranged the entire gamut of American constitutional law, and to these he brought his strong intellect and his warm compassion. No one can dispute that Mr. Justice Douglas was a major influence in the history of this Court. He has left us a tradition that will endow future generations of lawyers with a larger grasp of the ultimate issues of law and the Constitution.

Mr. Justice Holmes once admonished us that a civilized man "should be passionate as well as reasonable". It was the fusion of these twin qualities in the mind and heart of Bill Douglas that made Mr. Justice Douglas the judge that he was.

But what made Bill Douglas the man that he was, was yet an added dimension that he possessed to an extraordinary degree—his heightened sensitivity, and his

wide-ranging imagination.

I have, on occasion, enjoyed reading out loud excerpts of his non-judicial writing. My ear detected in them the rhythm and movement of the Psalms of David. With your permission I should like to read one passage.

"One cannot reach the desolate crags that look down on eternal glaciers without deep and strange spiritual experiences. If he ever was a doubter, he will, I think, come down a believer. He will have faith. He will know there is a Creator, a Supreme Being, a God, a Jehovah. He will know it because otherwise the mind cannot comprehend how life could have been created out of the inert matter. When he sees the stuff that was the beginning of life, he will know that it took an omniscient One to sculpture man: to fashion one who can laugh and cry, and love; to mold out of rock a soul that can aspire to the stars and a heart that can sacrifice all for an idea or a loved one." (p. 308) [From *Of Men and Mountains*.]

"Your old men shall dream dreams", Scripture says, "and your young men shall see visions, and where there is no vision the people perish." Bill Douglas dreamt of a just society. And, in his unique way, he bequeathed to us a vision, a vision of the triumph of individuality over conformity, of persuasion over force, and, finally, of a

system of law as the enduring basis of a civilized and free society.

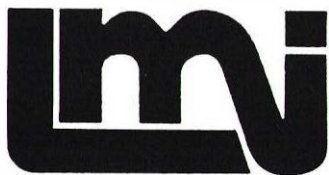
Justice William O. Douglas

by Stanley C. Soderland

I hope that Justice Douglas' new book, which is being published posthumously, gives some insight into the tremendous capacity for work which he exhibited during his years on the Court. From time to time over the years, while other members of the Court were complaining about the work load and urging an additional intermediate court, Justice Douglas strongly resisted such moves and made public statements that the work load was moderate. This was obviously a reflection of his own habits of long working hours and his ability to make those hours very productive.

During the 1939 term of the Supreme Court, I spent one year as law clerk to Justice Douglas. This was his first year on the Court and my first year out of law school.

Stanley C. Soderland is a former King County Superior Court Judge.



Process Service
Messenger Service
Bonding Service

Civil Court, License and Performance Bonds
Notary Public Commissions a Specialty

Office Supplies
Office Supplies, Legal Forms
Corporate Seals

LEGAL MESSENGERS, INC.

Seattle 216 James Street / 98104
623-8771

Tacoma 819 South "K" / 98405
383-1791

Everett 2927 Rockefeller / 98201
258-4591

Hermann's Import Service

VW Porsche Audi BMW Specialists

Complete service for German cars,
fuel injection and diesel repairs.
One-day service at reasonable prices.

Expert European-trained

**New convenient University location
at 68th and Roosevelt**

Daily 8am to 6pm
6800 Roosevelt Way Northeast 522-7766
VISA and Mastercharge welcome.



At that time each justice had only one law clerk except for the Chief Justice who had two. Long hours and hard work were the order of the day. The Justice was usually at the court from 8 a.m. to 6 or 7 p.m. six days a week. This was partly a reflection of the customs of the law profession at that time. For example, the Supreme Court met for its conference at one o'clock p.m. every Saturday, usually finishing by 6 or 7 p.m. Our own local court was open and functioning on Saturday morning and law offices routinely stayed open all day on Saturday. In addition to those long hours, however, Justice Douglas routinely took home a briefcase full of work for evenings and Sundays. He expected the same devotion to the job from those who worked for him.

Recent published comments from one or two later law clerks have said that Justice Douglas was difficult to work for. I found him to be a very pleasant boss but it was never his habit to lavish praise upon someone for doing what was expected of the job. It was true that he expected hard work and good productivity as a matter of course. He may have changed somewhat over the years as we all do. But I suspect that he remained constant in his former work habits and in what he expected from others, while the times were changing around him. I would expect him to be intolerant of anyone who thought the Court should be an easy job. I would expect him to appear cranky and demanding to a law clerk who wanted to live by today's standard of office hours and who would not or could not keep up with his pace or turn out the work he expected.

There was no way of knowing back in 1939 that Justice Douglas would go down in history as one of the great justices of our Supreme Court. But his capacity for long hours of work and his ability to make those hours productive, might have provided a good clue.

The Estuary

*Deep in the salt marsh,
shrimp feed on the dead eel grass
small ducks cry in the wind.*

*Cathy Douglas, 3/14/81
Special to the Bar News*



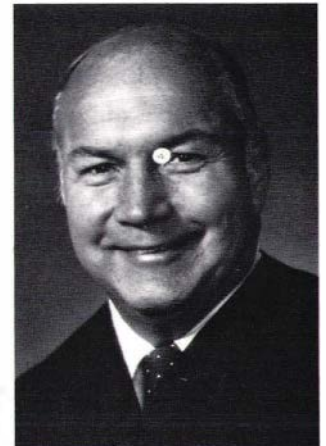
Projections and Predictions Washington State Court of Appeals

by Keith M. Callow

I. History of the Court: The Appellate Burden Increases.

The Washington State Court of Appeals came into existence in August 1969 at a time when the Supreme Court had a backlog of over 600 cases. The Supreme Court does not have a backlog now, but a backlog is growing in the Court of Appeals. Over the years since 1969, there has been an average rate of increase of 12 percent per year in the number of appeals filed. The court has kept pace with the increasing caseload by innovative programs for handling the workload efficiently, an increase of staff assistance, and the addition of four new judges to the court in 1978.

The system is on the edge of trouble, however. The opinion writing load of each judge has increased from 45 apiece in 1972 to 71 apiece in 1979. This is about the maximum load that a judge can handle responsibly. Since the final resolution of approximately 95 percent of all appeals in the state appellate court system takes place in the Court of Appeals, its success is important. In 1979 the Court of Appeals completed 1,136. From what we know of those 1,136 cases, it was the last word for approximately 1,025 of them. For most litigants and lawyers, we are the end of the line.



Keith M. Callow is the Chief Judge of the Washington State Court of Appeals, Division I.

There were 2,243 new appeals filed in 1979 and over 2,800 in 1980. This reflects an increase far exceeding the average annual percentage increase of the first decade of the court's existence. Clearly, strong measures are needed to preserve the integrity of the court and the state appellate system.

II. Legislative and Constitutional Proposals to Control the Court's Caseload.

The Court of Appeals Congestion Crisis Committee has worked with the Washington State Bar Association's Congestion Committee and with the Judicial Council on proposals which would discourage non-meritorious appeals and give to the Court of Appeals some control over its caseload. It is proposed that appellate filing fees, which have been \$25 since 1903, be increased to \$100. Further, the statutory attorney's fee to the prevailing party on appeal should be raised from \$35, where it has been statutorily fixed since 1903, to \$150. This increase is modest indeed, but it is as large an increase as gains the support of both the Bar Association and the Judicial Council. These increases may be a slight deterrent to frivolous civil appeals.

The court also believes it is appropriate to increase the jurisdictional floor for filing an appeal from \$200, where it has been set constitutionally for the Supreme Court

since 1889, and from the \$200, where it was set statutorily for the Court of Appeals, to \$2,000. By the figures of the Bureau of Labor Statistics, it would take \$1,830 to purchase today what \$200 would purchase in 1889. In fact, we believe that raising the constitutional and statutory floors to \$5,000 would not be out of line, but we recognize that support for such a figure would not be as readily obtainable as support for the \$2,000 figure. The cost of an appeal to the state is between \$1,000 and \$2,000. Is it not fitting that at least that much should be involved before the state should support the litigation?

A plan also has been formulated that the jurisdictional ceiling of District Justice Court be raised to \$5,000, \$7,500 or even \$10,000 and that the jurisdictional floor in Superior Court be pegged at the same amount. As a part of this proposal, concurrent jurisdiction would be eliminated, so that any case involving less than the shared ceiling-floor would be tried in District Justice Court, and any case involving more than the District Court ceiling would be tried in Superior Court. The last step of this plan would, under amendments to RAP 2.2 and 2.3, make an appeal from a Superior Court review on the record of a case commenced in a court of limited jurisdiction, discretionary with the Court of Appeals. This approach does not violate the principle of one trial, one appeal. It eliminates duplications of effort which our system of justice can no longer afford. It gives to the

IMMIGRATION LAWS AND VISA SERVICES

FREE CONSULTATIONS IN U.S. IMMIGRATION LAWS



- ★ Immigrant Visas
- ★ Temporary Workers
- ★ Investors and IntraCompany Transfers
- ★ Students and Trainees
- ★ Change of Status
- ★ Extensions of Stay

- ★ Relative Visa Petitions
- ★ Labor Certifications
- ★ Exclusions and Deportations
- ★ Political Asylum and Refugee Cases
- ★ U.S. Citizenship - Naturalization

**FREE BOOKS AND
GUIDES AVAILABLE**

LAW OFFICES OF DAN P. DANILOV
3108 Rainier Bank Tower
Seattle, Washington 98101
Telephone: 1 (206) 624-1580

Court of Appeals some control over its intake while preserving to litigants the right to petition for review and the Court of Appeals to grant review if it is indicated.

Another suggestion deserves comment. A proposal to excuse the court from its statutory obligation of writing a full opinion stating grounds for the decision in every case has not been received enthusiastically. However, the time is upon us when many criminal and civil appeals do not deserve the time a full written opinion takes away from the time available for appeals of merit. If the court is to perform its two-pronged function of deciding cases *and* writing valid rules for the guidance of future conduct, it must have a manageable workload and time to perform its work.

III. Proposed Amendments to the Rules of Appellate Procedure.

The time for perfection of an appeal should be shortened. Statistics show that the lengthy period between the entry of judgment in the trial court and the final filing of a written opinion on appeal is not taken up primarily by the time necessitated by the writing of the opinion, but rather by the time the rules allow counsel to get the case ready for oral argument. The statistics show that the time from the notice of appeal to the filing of the written opinion is approximately 14 months, while the time from oral argument takes up only 3 months of the 14. A large part of the delay in the appellate process is built into the rules and is not with the court.

The time for filing of the notice of appeal which, under RAP 5.2, is now 30 days following the trial court decision should be shortened to 10 days. Post-trial motions should be required to be heard within 5 days of the entry of judgment. The time for filing the statement of arrangements under RAP 9.2(a), which now allows "45 days after acceptance of review," should require that the time for filing the statement of arrangements now be at the time of the filing of the notice of appeal. The time for filing a verbatim report of proceedings under RAP 9.5, which now grants 90 days after acceptance of review, should be shortened to 30 days from the time of the filing of the notice of appeal. The clerk's papers should also be due at that time. Under RAP 10.2(a), the appellant is granted 45 days from the time of the filing of the verbatim report of proceedings to file his brief. That time period should be shortened to 30 days, and the respondent should continue to be allowed, under RAP 10.2(b), 30 days to file the respondent's brief. This would shorten the time for perfection of the appeal from 6½ months to 100 days. The benefit of this would flow to all involved: the lawyers, the court, and the litigants. Lawyers would be preparing briefs while the issues were fresh in their minds, and quick completion of the case would eliminate

many abuses which result from the many months needed to process an appeal. In civil cases, there should be no advantage in delay. In criminal cases, it is inconsistent to push for a speedy trial within 60-90 days under CrR 3.3 on the one hand and then permit the defendant to be either incarcerated or on bond for over a year after the trial of the case. A speedier disposition of both civil and criminal appeals is indicated. The expeditious completion of the verbatim report of proceedings is essential to this change in the rules.

IV. The Abbreviated Appeal, the Accelerated Appeal, and the Enlarged Motion for New Trial—Proposals to Shorten and/or Speed Up Appeal

A number of proposals from various jurisdictions are either now being used or are in the development stages in several jurisdictions. In Colorado, appeals are screened for acceleration by review of a preliminary statement. The times for perfection of the appeal are shortened. Briefs are limited to 20 pages and oral argument is shortened and controlled. Only those cases are set on the Colorado accelerated appeals calendar where there is (a) no evidence presented in superior court or (b) the transcript will be 25 pages or less or (c) the facts are stipulated or (d) where the appellant accepts the findings as correct

Prospectuses!

. . . and Service

United Graphics

1401 Broadway

Seattle, Washington 98122

Phone: 206 325-4400

and disputes only the conclusions of law. Under the Arizona approach, the transcript is short, briefs are limited to 20 pages. The appellant must have his brief in within 50 days, and the respondent must file his within 20 days thereafter. Oral argument is set within 60 days of the respondent's brief, and there is a quick written or oral decision at the choice of the parties.

It appears that both the Colorado and the Arizona approach are capable of expediting only the easy cases and by merely giving them priority, a primary result is to accelerate disposition of the short and simple case, thereby necessarily shunting aside the more complex cases that have larger transcripts, multiple issues and require longer briefs. The advantage to these programs is questionable since no reduction of the workload results.

A third suggestion has been made that would use the motion for new trial as a springboard to the appeal. Under this proposal, counsel are required to submit to the trial judge on the motion for new trial all the issues and claims of error that can be presented on appeal. The trial court receives either the trial briefs already filed or new briefs at the time of the hearing on the motion for new trial and must rule on each issue presented, stating the reasons for the ruling. Following this trial court procedure, a statement is presented to the appellate court, setting forth the issues and no new briefs are required or allowed. Thus,

much of the appellate work is done at the trial stage, and the appellate court has the benefit of having had the issues limited and their resolution commented upon by the trial court. This would shrink the paper volume and channel counsel early in the process to the issues to be raised on appeal. It would preclude the raising of new issues on appeal save where there was a constitutional oversight and it would give the appellate panel the benefit of a clearer and closer look at the trial court proceedings. This approach has more to commend it than the "abbreviated," "accelerated" or "expedited" appeal.

V. Problem Areas of the Appellate Process

A. The record. The appellate courts have always been faced with a problem of delay in receipt of the verbatim report of proceedings and the difficulty in having the verbatim report restricted to that which is pertinent to the appeal. Most court reporters are conscientious but many are overworked. From time to time a court reporter will have personal problems that ties up the completion of the record on many an appeal. Requiring the typing of voluminous reports when only a few pages thereof are needed to assist the appellate panel to resolve the issues on appeal is costly to the litigants and wasteful of the time of all concerned.

B. The free criminal appeal. Criminal convictions

INTRODUCING THE PARTNERS YOU NEED TO RUN YOUR PRACTICE MORE PROFITABLY.

The verdict is in.
The SAFECOM team can make
your practice next to perfect.

How? By combining DEC's
high-powered D-208 mini-
computer/word processor with our
own billing and time management
system.

So SAFECOM does double
duty. It can improve your cash
flow with an in-house billing
system that will allow you to print
statements at any time, with
or without late charges, collection
messages and
narrative
descriptions. As
well as produce
management

reports like Aged Accounts
Receivable, Unbilled Time,
Attorney Fee Realization, and
Trust Account Ledgers.

Secondly, it's an affordable

easy-to-use word processor with
complete text editing features,
24-line CRT display and a high-
speed printer. It can even print
while you continue to type other
documents.

And behind the whole kit
and caboodle stand some of the
most trustworthy cats in the
business. And that means smooth
hook-up, service, and training.

So once you put your
SAFECOM partners to work,
you can concentrate on your
profession.



I'd like to see some solid evidence
that you can help improve our
profits and management systems.

Name: _____
Firm: _____
Phone: _____
Address: _____ City: _____
State: _____ Zip: _____

SAFECOM, Inc.
155 N.E. 100th Street
Seattle, WA 98125
Phone (206) 545-6375

© COPYRIGHT 1980 UAC — GEOFFREY — ALL RIGHTS RESERVED



SAFECOM. INC
A SAFECO COMPANY

were appealed seldom 20 years ago, but today with the advent of the state furnished verbatim report of proceedings and appellate public or court appointed defenders, the economic restraints on criminal appeals are no longer present. Today, over 40 percent of the case load of the Court of Appeals are criminal cases. The past few years has seen a continued rise in the number of criminal appeals and with the requirement that criminal appeals be given priority in setting over civil appeals, the day is fast upon us when criminal appeals will crowd civil appeals from the calendars of the Court of Appeals. At that point, the appellate system will cease to perform as it should for all litigants.

VI. Alternatives and Forecasts

A. The completion of the verbatim report of proceedings. The day is coming when computerization will solve the problem of the preparation of the verbatim report. The legal profession must embrace new developments in electronic recording and computer assisted transcription. The state of the art is upon us where the teletyped notes of the court reporter can be run through a computer transcriber and produce a typed verbatim report of proceedings. This advance must be implemented forthwith if it will result in almost instantaneous completion of a verbatim report of proceedings. It will eliminate delays, and the eternal problems and squabbles between appellate and respondent's counsel as to what should comprise the verbatim report. While the preparation of full verbatim reports will often give an appellate panel much more than it needs, the time wasted by both counsel and court in resolving the problem of what is relevant and material to the appeal will be gone. In any event, counsel in most cases today are seeing to the completion of a full verbatim report of proceedings. This is wasteful, yet in comparison, the time of counsel and the court spent engaged in the squabble is much more costly than will be a full verbatim report quickly transcribed by a computer and available well within the time limits set by the rules.

B. Expediting the criminal appeal. It is essential that the Court of Appeals be able to control the volume of criminal appeals. At the present time, a practical approach is being taken by the award of a contract by the Court Administrator to a single organization which will be responsible for the handling of all indigent criminal appeals within the counties comprising Division I. Under the arrangement, the appellate public defender will receive a fixed sum for handling all such appeals in Division I within a specific period of time. This restores the economic constraint on criminal appeals and gives once again to appellate defense counsel the responsibility and duty of controlling his client. Unless that authority and responsibility is given to appellate defense counsel, there is no way of stopping the increase of non-meritorious

criminal appeals so long as they are free to all convicted defendants.

VII. Conclusions

The continuing increase in the appellate load threatens to swamp the system. It will not be solved by half-way measures. It must be addressed forthwith before the priority to criminal appeals precludes the hearing of any civil appeals whatsoever. Lawyers and judges must agree to plans of action that will (1) increase the jurisdictional floor for appellate courts, (2) give the Court of Appeals some discretionary control over its intake, (3) reduce the time limits now permitted by the rules for the perfection of appeals, (4) reduce the flow of criminal appeals which contain no appealable issues, (5) utilize the advance in data processing, computerization and record keeping in the preparation of verbatim reports and in the decision-making process, (6) allow the Court of Appeals to handle nonprecedential appeals without a full written opinion, and (7) curtail appellate jurisdiction of those civil cases where the amount involved justifies utilization of the appellate process and the cost which is imposed upon the state. Time is fleeting. □



PACIFIC TESTING LABORATORIES

Licensed Professional Engineers

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

- Product Liability
- Accident reconstruction
- Construction Plan Compliance
- Non Destructive Evaluation
 - Structural Analysis
 - Geotechnical Services
 - Flammability Consultation
 - Failure Analysis

(206) 282-0666

3220-17th Ave. W. Seattle, WA 98119

Active, Personalized Trust Management



Sidney W. Roland, Trust Officer
Seattle 587-3625



Anthony D. Sisti, Trust Officer
Seattle 587-4751

At The Bank of California we take special pride in the fact that every trust service we offer comes with the active, personal involvement of our Trust Department.

Each account has special considerations, unique characteristics. This means that knowledgeable securities management is only part of our job. It means we go out on location...to supervise a range of business activities...handle real estate sales...run farm and ranch properties and perform a spectrum of other trust services. Whatever your client's circumstances, our active participation will assure sound, progressive financial planning.



THE BANK OF CALIFORNIA

Seattle Main Office: 910 Fourth Avenue, Seattle 98164 (206) 587-3625

Tacoma Office: 1011 Pacific Avenue, Tacoma 98402 (206) 383-2571



Read This Column...You May Find Something of Interest!!

John J. Michalik

Director of Continuing Legal Education

This is one of those months when my carefully kept collection of notes on potential column topics reveals a half-dozen or so possibilities—none of which can fill the entire allotted space. That being the case, what follows is a collection of notes. Before plowing into that, I want to stress that this is not a “potpourri”—my most vocal critic (who operates under the burden of being my spouse) insists that this is the title columns of this nature invariably carry. As noted, this is a collection of notes.

Washington Society of Certified Public Accountants Seminars. The WSCPA has a couple of upcoming seminars that may be of interest and which are open to attorneys. The first of these, an “Estate Planning Forum” will be held in Seattle on May 7th and in Spokane on May 8th. The program runs all day in each location and carries a \$55.00 registration fee. On May 14th, WSCPA has a “Tax Aspects of Doing Business in Neighboring States & Provinces” seminar set for Seattle, with coverage of the tax implications of doing business in Oregon, Idaho, Alaska, California, Alberta, and British Columbia. Registration fee for this program is also set at \$55.00. For further information on these programs, contact the WSCPA at 347 Logan Bldg., Seattle 98101. Tel:(206) 624-7246.

State Bar Convention Set For Vancouver, B.C. in September. The 92nd Annual Meeting of the Washington State Bar Association is set for Vancouver on September 15-19, 1981. On tap for the Convention is the usual full schedule of business meetings, CLE seminars, luncheons, sporting events, etc. Registration information and reservation materials will be sent your way later this spring but you might want to mark your calendars right now. Our State Bar Conventions are the best attended, and most emulated, in the country and you won't want to miss this one. By the way, recent legislation has removed the foreign convention restrictions, regarding tax deductibility of expenses, which previously applied to Conventions held in Canada.

Staff note #1. Associate CLE Director Terry Foster has recently accepted the position of Director of National Institute Programs with the American Bar Association and will be assuming those duties in June. Terry has, of course, been a driving force in our CLE efforts for the past four or five years and will be sorely missed—at least that's what he told me to say. Mr. Foster is in the market for snowshoes and related items necessary for survival in Chicago.

Staff note #2. Assistant CLE Director Joel Green has also had some recent, albeit far different, contact with the ABA. While attending the recent ABA Convention in Houston, Mr. Green journeyed to the world-famous Gilley's Place nightclub to check out the scene and try his luck on the mechanical bucking bull. I will not comment on the extent of that luck except to make note of the fact that he is now sporting a cast on his thumb.

More on the ABA. A highlight of the Houston ABA Convention was a major three-day conference on “enhancing” lawyer competency. Mandatory CLE, proposed “peer review” systems, the general quality of CLE around the country, and a variety of other topics were considered. We'll provide a brief report on that conference in an upcoming CLEARINGHOUSE column.

What to look for in a CLE course. The January 26th (or somewhere around that date) issue of the *National Law Journal* contained a very well-written and cogent article on some practical considerations and tips for selecting and evaluating CLE courses. If you didn't see that article, you might want to look it up. The fact that this article was written by the aforementioned Terry Foster has nothing to do with this recommendation.

Approved Continuing Legal Education Activities

COURSES APPROVED

PRACTISING LAW INSTITUTE

Fundamental Concepts of

Corporate Taxation

April 23-25, 1981:San Francisco 15.50

SEATTLE-KING COUNTY BAR ASSOCIATION

Energy and the Law

April 15, 1981:Seattle 7.50

UNIVERSITY OF WASHINGTON SCHOOL OF LAW

Pacific Coast Labor Law Conference

April 9-10, 1981:Seattle 12.50

WASHINGTON SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

Estate Planning Forum

May 7, 1981:Seattle 6.50

May 8, 1981:Spokane 6.50

State Taxation

May 14, 1981:Seattle 7.00

WASHINGTON STATE BAR ASSOCIATION

Legal & Business Problems of

Hotels & Restaurants

April 24, 1981:Seattle 6.50

April 25, 1981: Spokane 6.50

WESTERN PENSION CONFERENCE

Spring Seminar

April 22, 1981:Seattle 6.00



MONTBLANC

*The Magnificent
Diplomat 149...\$210
and the new
Classic 146...\$165*

No other fountain pen is "built" like the magnificent MONTBLANC Diplomat! Man-size to fill a man's grip, take a man's handling. Extra-large 14-karat gold point assures super-smooth writing action and gives a man a new "personality on paper." Giant ink capacity is a man-pleasing feature too!

Many pen experts here and abroad consider the Diplomat to be the finest pen ever designed. It's Europe's most prized pen, unmatched in writing ease. Nib sizes extra fine to triple broad — to suit every hand.

The NEW Classic 146 is an identical but slightly small version of the Diplomat 149. A great variety of other luxury fountain pens within the MONTBLANC assortment.

**WE FILL MAIL ORDERS
STATE WIDE**

We Buy and Sell Antique Pens

(206) 682-2640

Buy Your Pen From The Pen Experts

Seattle Pen

Sales and SERVICE

**DOWNTOWN Seattle — 1426 FIFTH Ave.
ROOM 301**

EAST KING REPORT

By BARRY J. HASSON

The East King County Bar Association has a new board with some new faces and some old. The new faces include **Bill Carlson** as a trustee, and **Ross Jacobson** as vice president. **Geof Revelle** is doing his usual proficient job at delegating authority, this time as president of the association. **Ray Dunlap** continues on as secretary and treasurer as no one has yet either seen fit or had the time to audit the books and records of the association. Continuing as trustees are **Barbara Johnston**, **Tom Whittington**, and **Jay Carpenter**. Put out to pasture, so to speak, are **Ruth Darden**, ex-president and ex-trustee **Les Wahlstrom**.

Speaking of pastures, the yearly Association bash took place at Longacres. Secondly billed as "The Law of Paramutual Betting" for CLE credit, the event was well attended and may take place there again next year if anyone has any money left. **Gordon Creighton** is given credit for organizing the event even though, this reporter is told, he had absolutely no interest in the horse racing or betting per se. That shows you just how accurate my sources of information are.

Recently the Association has awarded certificates of appreciation to the following: **Gail Ryder** and **Dave Deits** for chairing the golf tournament, **Scott East** and **Dick Mah** for suffering as trustees during **Doug Cowan's** regime as president of the association, to **Doug Cowan** for out-Nixoning Nixon in that role, and to **April Stebbins** and **Laura DeMontoya**, past and current presidents of the East King County Legal Secretaries Association for getting out the meeting notices efficiently and on time.

Comings and Goings: **Mike Sterling** has moved his offices to the Business Center Building in Bellevue,

and **Greg Iverson** has moved to north Seattle. **Donna Turner** is now an associate of Percival and Johnston and the Inslee firm has new associates **Joe Wishcamper** and **Tom DeBuis**. **Stephen Fisher** is associated with Revelle, Ries & McDermott, all of whom will be moving to the Honeywell Building in Bellevue in April with **Bill Carlson** sharing space there. Welcome also to the new East Siders **Ed Allen** and **Mary L. Gaudio**.

Further this reporter sayeth naught (out of fear of suit for libel).

SNOHOMISH REPORT

By Curtis P. Thomson

This will be my last monthly Newsletter as President of the Snohomish County Bar Association. Beginning next month you can anticipate a new editorial flair, perhaps with a Tennessee drawl, as **Henry Chapman** begins his term in office. While there is some sense of relief as I relinquish the chair, I look back over this past year with a feeling of pride in this rapidly-growing organization and pride at having been afforded the opportunity to act as its President.

Election Results. Congratulations to president-elect, **Henry Chapman**, and his board, including **Bob Perlman**, Vice-President, **Dick Bailey**, Secretary, and **Bruce Jones**, Treasurer, elected at the January Annual Meeting of this Bar Association.

Superior Court News. **Ad Agnew**, Superior Court Administrator, submits the following report: "Completion of the remodeling project providing two new courtrooms for the Superior Court of Snohomish County has necessitated a re-numbering of some departments. The new courtrooms are now in use.

Each judge now has assigned to him a "home base" courtroom as follows: Dept. #1—**Judge Daniel T. Kershner** (Phone: 206-259-9356), Dept. #2—**Judge John E. Rutter**



(Phone: 206-259-9408), Dept. #3—**Judge Stuart C. French** (Phone: 206-259-9418), Dept. #4—**Judge John F. Wilson** (Phone: 206-259-9449), Dept. #5—**Judge Thomas G. McCrea** (Phone: 206-259-9571) (New Courtroom), Dept. #6—**Judge Dennis J. Britt** (Phone: 206-259-9532) (New Courtroom), Dept. #7—**Judge Paul D. Hansen** (Phone: 206-259-0607), and Dept. #8—**Judge Robert C. Bibb** (Phone: 206-259-0608). Departments 1 through 6 are located on the second floor. Departments 7 and 8 are located on the third floor.

Commissioner Knight will utilize Department #4.

Judge Bibb is presently serving as Presiding Judge, and **Judge Wilson** is serving at Juvenile Court."

Reminder Re: King County Superior Court Filings

For filings in King County Superior Court: "ORDERS FOR TRANSFER TO FAMILY COURT" and "PETITIONS FOR CONCILIATION" must be identified as such in the Form Name (document title). This is typed directly below the case number. Also, the person presenting either of these documents for signing or filing must furnish a copy of same to the Family Court Department, Room E364, King County Courthouse.

Distinguished Tax Authority to Speak at G.G.U. Luncheon

M. Carr Ferguson, noted author and tax practitioner, will speak at the third annual Golden Gate University Graduate School of Taxation luncheon on Tuesday, May 12. Mr. Ferguson will speak on "Tax Shelters and Professional Responsibility".

The luncheon is open to the public. Information may be obtained from Golden Gate University, 310 Skinner Building, Seattle 98101 (206) 622-9996.

UPS Law Dean Returns to Private Practice

Associate Dean and Professor Bruce F. Meyers of the University of Puget Sound School of Law has announced his return to private practice after seven years with the law school. He joined UPS in 1974 as Assistant Dean and Assistant Professor and was made Associate Dean in 1975, serving in that capacity since that

time. Meyers recently returned from a sabbatical at Yale where he received his LL.M. in medical jurisprudence. Formerly having practiced in insurance litigation with Reed, McClure, Mocer and Thonn, P.S. of Seattle, Meyers is joining Randolph Petgrave, Administrative Law Judge with the Board of Industrial Appeals. They will open their new offices at 405 Columbia Street in Seattle.

LAWYERS



At \$7795* complete, Digital's Word Processing/Accounting Computer has to be the Best Value for law firms.

Take Immediate Delivery!!

And while Digital's Computer Store can provide your hardware and word processing software/training needs, the system can also run client accounting software designed specifically for the legal time and billing needs of small to medium sized firms. Also Westlaw approved.

WHY BUY YOUR COMPUTER FROM DIGITAL'S COMPUTER STORE?

It's because of something we call "THE DIGITAL FACTOR." It includes 14,000 field service personnel, and support/training through our stores, OEM's, field offices and training centers world wide. It's because we have over 60,000 installations of word processors and over one quarter of a million general and special purpose computers currently in operation. Digital is the largest manufacturer of small computers.

STILL HAVE ANY CONCERNS? Ask for a 30 day MONEY BACK GUARANTEE

*Complete word processing/accounting system with letter quality printer and W/P software. Three system packages at special prices are also available.

Digital's Computer Store

1100 4th Ave. at Spring
Seattle, WA 98101 (206) 625-0002

digital

We change the way
the world thinks.

Planning and Controlling Law Firm Profitability

Price Waterhouse & Co. personnel presented key elements of effective law firm management, budgeting and control at a program attended by attorneys and law firm administrators on March 4th.

Speakers included: Robert J. Arndt, who discussed tools for improving law firm profitability; John R. Walsh, who addressed tax considerations of law firms and lawyers; Lorie Harris, who spoke about minicomputers and word processing equipment in the law firm environment.

Discipline

Daniel Corthell Reprimanded

Daniel Corthell has been reprimanded for violation of DR 6-101(A)

(3), which provides that "A lawyer shall not neglect a legal matter entrusted to him." The reprimand was issued to Mr. Corthell at the January 9, 1981, Board of Governor's meeting.

This notice is published pursuant to DRA 11.7(c) (3).

Preston L. Johnson Receives Reprimand

Federal Way attorney Preston L. Johnson received a reprimand before the Board of Governors at their February 12, 1981, meeting.

The reprimand was issued for a violation of DR 5-101(A) and DR 7-101(A) (3). The conduct in question concerned Mr. Johnson's business dealings with a client without the benefit of full disclosure and his failure to report the transaction to the bankruptcy trustee.

This notice is published pursuant to DRA 11.7(c) (3).

F. Curtis Hilton Receives Reprimand

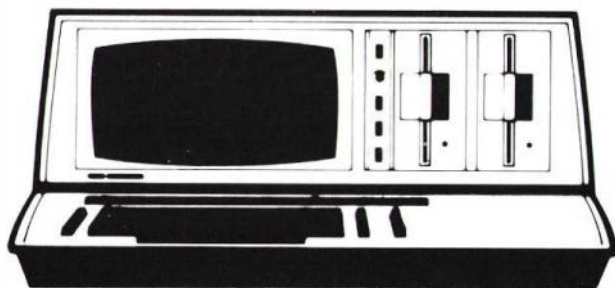
Tacoma attorney F. Curtis Hilton received a reprimand before the Board of Governors at its February 14, 1981, meeting.

The reprimand was given for a violation of DR 6-101(A) (3), prohibiting neglect of a legal matter. The neglect in this case involved the probate of an estate.

This notice is published pursuant to DRA 11.7(c) (3).

Moksha Wendell Smith Disbarred

Seattle attorney Moksha Wendell Smith was disbarred from the practice of law on January 29, 1981, by order of the Washington Supreme Court. Smith had stipulated to disbarment following his November, 1980, federal convictions for mail fraud and conspiracy to commit mail fraud.



Your Legal Workhorse

Many word processors can increase the productivity of your legal practice. Lexitron systems do more. File maintenance. Report generation. Invoicing and mathematics. With only a few hours of training your secretary, legal assistant, or typist can become part of the team that takes your practice into the high-technology office of tomorrow. Call us for more information or a hands-on demonstration.

Lexitron
CORPORATION

2121 Fourth Avenue
Suite 200
Seattle, Washington 98121
(206) 382-9110

A Raytheon Company

**WHERE MODERN WP BEGAN.
WHERE MODERN WP IS GOING.**

MILLS & UCHIDA

Court Reporters

Here's what our computerized transcription system can do for you.

- Produce transcripts in a fraction of the normal time.
- Key word indexing will save hours of research time.
- Provide litigation support in computer readable form.

Make Mills & Uchida and our unique capabilities part of your team. For more information call Pat or Mike, 292-9063.



Mills & Uchida
Court Reporters

822 Seattle Tower
Seattle, WA 98101
(206) 292-9063
After hours call 525-6385



ADVERTISING RATES

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

Classified—Per issue: 25 words or less - \$10. Each additional word - 50¢. Confidential reply service - \$3. Advance payment required.

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

PROFESSIONAL

Joseph B. Heitman announces his availability for consultation on legal matters involving Science and Engineering.

Mr. Heitman is a Registered Professional Engineer (Chemical) with extensive experience in research, development, engineering and construction.

**Joseph B. Heitman,
J.D., P.E.**

Suite 203, 915½ Pacific Ave.
Tacoma, Washington 98402
Telephone (206) 572-5120

W. Ben Blackett announces his availability for consultation on personal injury or other medical-legal litigation, exclusive of medical malpractice actions within Washington State.

W. Ben Blackett, M.D., J.D.
4366 North Lexington
Tacoma, Washington 98407
Telephone (206) 752-3970
or (206) 383-5056

Gwynn Townes announces his availability to serve as Arbitrator under the new court arbitration rules. Experience as a professional adjudicator includes seven months as a full time Judge Pro Tempore in the Superior Court and four years as a hearing examiner for Industrial Insurance cases.

Gwynn Townes, Esq.
1800 Federal Ave. East
Seattle, WA 98102
Telephone (206) 325-0407
or 325-TOWN

Jack M. Whitmore of the Washington Bar and the Hawaii Bar announces his availability for referral or consultation in matters of Real Estate, Probate, Tax, Corporation and General Practice Law.

Jack M. Whitmore

208 Azeka Place

P.O. Box E

Kihei, Maui, Hawaii 96753

Telephone (808) 879-7428

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

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

Dan P. Danilov, Esq.

3108 Rainier Bank Tower

Seattle, Washington 98101

Telephone (206) 624-1580

Douglass A. North announces his availability for referral, consultation, or association on appellate arguments and briefs.

Douglass A. North

Hennings, Maitman, Weber &
Reed

215 Norton Building

Seattle, Washington 98104

Telephone: (206) 624-6271

James H. Hopkins of the Washington Bar announces his availability for consultations and/or referrals in discrimination, labor, OSHA, WISHA, wage and hour matters at the State and Federal levels.

James H. Hopkins, Esq.

Attorney at Law

11820 NE 142 PI

Kirkland, WA 98033

Telephone (206) 821-2809

Jack E. Wetherall announces his availability for consultations and referrals in matters before the Court of Appeals of Washington, the Supreme Court of Washington and before the United States Court of Appeals for the Ninth Circuit.

Goddard &

Wetherall, Inc. P.S.

17130 Avondale Way N.E.

Suite 113

Redmond, Washington 98052

(206) 883-1007

Do you have difficulty in communicating with actuaries? Try dealing with an actuary (Fellow of the Society of Actuaries) who is also a Member of the Washington State Bar...

**David M. Gladstone
F.S.A., J.D.**

400 - 108th Avenue NE, #414

Bellevue, Washington 98004

Telephone (206) 455-9272

Pension & Profit-Sharing Plan Design/Computerized Employee Benefit Statements/Profit-Sharing-Thrift Plan Recordkeeping/Expert Testimony in Dissolutions and Wrongful Death Actions.

Referrals Invited
Environmental, Land Use, &
Consumer Law
All Trial & Appellate Courts;
Federal, State, & Local Agency
Practice

**Law Offices of Roger M.
Leed**

Suite 620, 1411 4th Ave.

Telephone (206) 382-0217

New WSBA Direct Line Phone Numbers

To receive service faster you may now dial *directly* to the following WSBA departments.

Membership records
624-9084

Bar Exam-Admissions
622-6853

Continuing Legal Education
622-6021

Discipline and Complaints
622-6026

Legal Department
622-6026

All Other Departments
622-6054



Symbol of Service To Attorneys

The professional attorney
needs a professional to follow
through.

We pride ourselves on quality,
title expertise, and timely
service.

Rely on us.

Chicago Title Insurance Company

- Seattle Office
Metropolitan Park
1100 Olive Way, Suite 1400
Phone 628-5666
- Tacoma Office
Suite 1250, One Washington Plaza
Phone 597-6744,
Seattle Toll Free 623-7710
- Everett-Chicago Title Agency
2828 Rockefeller
Phone 253-3683,
Seattle Toll Free 745-2206
- Bremerton-Chicago Title Agency
930 Park Ave.
Phone 624-3938

Operating in 46 states, the District of Columbia,
Puerto Rico, the Bahamas,
the Virgin Islands and Canada.

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

Scott W. Wyatt, Esq.
406 Market Street
Kirkland, Washington 98033
Telephone (206) 827-0686

Fred Dean Kull announces his avail-
ability for consultations and referrals
in Immigration and Naturalization
Law.

Fred Dean Kull
Suite 100, Leavitt Building
301 116th Avenue S.E.
Bellevue, WA 98004
Telephone (206) 454-7954

Lawyers Research Service, Inc.
utilizes full-time research attorneys
for the compilation of research
memoranda and briefs, both trial and
appellate. LRS utilizes the com-
prehensive Washington State Law
Library in the Temple of Justice. Due
to our professional staff and re-
search facilities, we are able to ac-
complish legal research in a mini-
mum amount of time. Early dead-
lines can usually be met. Our legal
research fee is \$19/hr.

**Lawyers Research
Service, Inc.**
P. O. Box 2937
Olympia, Washington 98507
Telephone (206) 943-8592

CLASSIFIED

For Sale/Trade: 2 IBM Executary
Dictation Units & 1 Transcriber with
controls and belts; SCM 111 photo
copy machine, electrostatic, for
legal, letter and books; and heavy
wooden desk, 34 by 60, 6 drawers.
NEED: horizontal legal file cabinet
(206) 774-5102.

**Rabkin & Johnson Federal In-
come Gift and Estate Taxation.** Cur-
rent best offer; phone (206) 533-1600
or 532-1960.

IBM Mag Card/A, magnetic
cards and operating books. Perfect
condition and under Service Con-
tract. Available immediately. (509)
925-6916.

For Sale: U.S.T.C. 1965-1 to pres-
ent, and T.C. Memo's, 1968 to pres-

ent, \$200 (206) 479-5500.

For Sale: Mag Card II with
numerous prerecorded cards; cash
—assume contract at 11%; call Jay
Nuxoll for further details, (206)
641-2600.

For Sale: Washington Reports 2d;
Washington Appellate Reports;
RCWA; AmJur Legal Forms; AmJur
Pleading and Practice Forms. All
current. Offer. (206) 232-3317.

For Sale: IBM MAG A, attractive
secretarial-receptionist desk, AmJur.
2nd, ALR 2d, all current, IBM
Executary dictation equipment and
miscellaneous office equipment.
(206) 643-5600.

For Sale: Complete RCWA, excel-
lent condition. All current except Ti-
tles 18-22. Call Doug, (206) 323-
8395.

For Sale: ALR2d, ALR3d, new
condition, (206) 363-2647.

Downtown Bellevue new prestige
office space for one or more attor-
neys, includes library, conference
room, receptionist, copier, janitorial.
(206) 883-4500

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

Little Whale Cove: Depoe Bay,
new condo, 3 story, 3 bedroom, 2
bath. Indoor tennis, pool. Coast
community. (503) 926-8432, Albany.
Black Butte Ranch: Fully furnished
two bedroom, 2 loft, 2 bath cabin.
\$65/night \$400/week (503) 926-
8432, Albany.

Unique space available in
Tacoma. 700 square feet, 1½ blocks
from the County-City Building. Ar-
rangements negotiable for library,
copy machine with existing law firm
in the building. Contact James M.
Healy, Jr., (206) 572-9300.

Prestige Office Space: Spectacu-
lar view space, with amenities and
reception, on top of the new SeaFirst
Fifth Avenue Plaza. Ready for occu-
pancy on July 1, 1981. Only seven
offices (including corner) available.

Contact Mr. Smyth at (206) 623-6536.

1,880 sq. ft. office space for lease. West Lake Union location. Lake and city view. Fully serviced. (206) 285-7700.

For Sale: RCWA (current); Wash. Digest; IBM Electronic 60 typewriter; IBM model 273 dictation system (one transcriber, 3 microphones, foot control, headset, misc. additional accessories). P.O. Box 2464, Yakima, Wa. 98907, (509) 965-0420.

Seattle-First National Bank Building: One view office for rent with secretarial space, conference room, IBM Copier, and other amenities. (206) 624-2460.

First Class Office Space downtown Seattle available for two attorneys—all services and equipment available and negotiable. (206) 623-2468.

Olympia. Share pleasant downtown law office with two experienced lawyers. Cases referred. Full time secretarial help. Initial share of expenses negotiable; as low as \$300.00 per month. (206) 352-2483.

Office space available for one attorney, includes, receptionist, telephone, library and conference room. 28th Floor, Smith Tower. Call (206) 624-4650.

Seattle Office Space: Prestige view space in new 1111 Third Avenue Building available May for one to four attorneys space-sharing. Includes receptionist, library, furnished secretarial area, xerox, etc.. (206) 935-3143; (206) 524-3182.

Office for one attorney, Bank of California Center, Seattle. Complete office. Box 57, WSBA.

Pleasant Office Space: For one or two attorneys in Seattle Tower. Includes use of reception area, complete law library, copier, conference room, secretarial area and kitchen facilities. Pleasant professional atmosphere. Contact Sigurd Borgersen or James Hanken. (206) 624-4212.

Beach house on Hood Canal—non-electric, 200 private acres and ¼ mile of bountiful private beach, mag-



*The University of Washington School of Law
and
The Washington Law School Foundation
present*

LEGAL AND PRACTICAL ASPECTS OF EXPERT TESTIMONY UNDER THE WASHINGTON RULES OF EVIDENCE

**Robert H.
Aronson**

**John J.
Sullivan**

**Hugh R.
McGough**

A courtroom simulation of the direct and cross examination of an expert witness will be followed by a discussion of the legal aspects of the new rules and an explanation of the "judicial rulings" made in the courtroom simulation.

SATURDAY, APRIL 25, 1981

9:00 a.m.-12:15 p.m. 109-29 Condon Hall

Registration fee: \$50. For further information, contact
Continuing Legal Education Dept., 336 Condon Hall, JB-20,
Seattle, WA 98195. Tel: (206) 543-0059.

APPROVED FOR 3 CLE CREDITS

Howard T. Harstad, P.E. Consulting Engineer

Available as expert witness,
for studies, opinions, reports.
Conflicts regarding construction,
engineering, claims. 30 years own-
er of practicing engineering firm
for utility, municipal, land develop-
ment projects. Registered Profes-
sional Engineer in Wash., Ore.,
Cal., Alaska, Hawaii, Idaho,
Nevada, Montana, Texas,
New York.

**18185 Normandy Terrace S.W.
Seattle, Washington 98166
(206) 243-8606**

Medical Malpractice Experts

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

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

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

**NOW
AVAILABLE**

**1980
SUPPLEMENTS
TO
WASHINGTON
ASSOCIATION
OF
LEGAL
SECRETARIES
HANDBOOKS**

To Order Contact



BOOK PUBLISHING CO.
2518 WESTERN AVE.
SEATTLE, WA. 98121
(206) 623-4221

MEMBERS CONTACT
YOUR CHAPTER PRESIDENT

nificent Olympic view, sleeps 6-8. Fireplace, wood and gas stoves, refrigeration, plumbing, kerosene and gas lighting. Skiff and canoe included. Phone available. \$400/wk. May thru September. (206) 479-5813.

Five man downtown Seattle law firm with general civil practice seeks sixth attorney with own practice to share expenses. (206) 624-6181.

Seeking Will: Anyone knowing of will of late Marjorie E. Johnson (aka M. E. Albert) of Kirkland, please call Will Knedlik, Esq. at (206) 822-1342, or write: Box 99, Kirkland.

POSITIONS

Position Available: Progressive law firm in central Washington with a heavy business, tax, and securities practice seeks general attorney with 3 to 5 years litigation experience in all courts. Salary negotiable. Need is immediate. Confidential. Send resume to Box 46, WSBA.

Position Available: Established general practice attorney in small eastern Snohomish County town leaving area. Desires to sell office furniture and equipment. Excellent lease. Nice appropriate office. Call (206) 794-4200.

Opening: General Practice Firm in Yakima will hire an associate. Primarily interested in someone with 1-2 years experience, including business law and litigation preparation. Please forward resumes to Roland L. Skala at Weeks, Dietzen, Skala & Inouye, 417 East Chestnut Avenue, Yakima, Washington 98901.

Wanted Associate: At least two years experience to work in very active practice in small community on I-5 thirty miles North of Portland, Oregon. Must be personable, confident, and aggressive with sense of humor. Send resumes or call Jerold W. Heller, P.O. Box 388, Woodland, Wa. 98674, (206) 225-8223.

Position Available: 3rd Class Code City in Puget Sound area needs

a City Attorney or attorney firm. Must have substantial experience in all aspects of muni law including prep of ordinances and resolutions, land use and zone, labor relations, muni utilities, LIDs, civil and criminal litigation. Required JD degree, Wash. State Bar membership, Assoc. of Muni Attorney's membership and malpractice insurance. Must have own support services, library and office. Closing date April 27. Send resumes to Box 56, WSBA.

Law firm seeking pension specialist. Firm specializes in all tax areas, so individual could, if desired, get experience in other areas. Work experience or LLM desired. Contact Michael Murphy at (206) 625-1790.

The Seattle-King County Public Defender Association seeks attorneys for employment in misdemeanor and felony divisions. Salary dependent on experience. The Defender is an equal employment opportunity employer. Send resumes to Carol Furry, 623 Second Avenue, Seattle 98104.

Position Available: Small Seattle firm with burgeoning corporate, tax, general business and commercial litigation practice seeks first-rate associate. Outstanding academic background and minimum of 1½ years' experience required. Must be willing to assume substantial responsibility. All replies confidential. Send resume to Box 42, WSBA.

Opening for young attorney to succeed a sole practitioner with an established low-pressure practice in a small pleasant community in the Columbia Basin Project area of Eastern Washington. Modern equipment and library. Some experience preferred. Inquiries invited. Member WSBA, Box 41, WSBA.

Position Wanted: 1980 WSBA admittee, 10 years prior corporate experience in personal injury/property damage litigation, transportation and administrative law (out of state) seeks private practice position in Seattle-Tacoma area. Office sharing arrangements considered. Reply Box 60, WSBA.

Need fair market values of Estate Securities?

Let us provide them...Free!

ESTATE PORTFOLIO VALUATION

PREPARED FOR: MR. HUGH R. COBBINGTON
AS OF: NOVEMBER 1, 1980

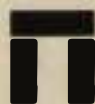
AMOUNT	SECURITY	MKT	PRICE DATE	LOW/BID	HI/ASK	MEAN PRICE	INT OR REV	UNIT VALUE	ORIGINAL COST	FAIR MARKET VALUE
\$15,000 U.S. TREASURY NOTE 10.5% 12-31-83		OTC	10/31 11/ 3	94.1568 94.0628	94.406A 94.312A	94.281 94.187	TO 11/ 1 3.538	94.2344	\$ 14,993	\$ 14,135.16 530.71
			ACCURED INTEREST 6/30							
4,000 AMBER RESOURCES COMPANY		OTC	10/31 11/ 3	6 1/2B 6.0638	6.563A 6 1/8A	6.531 6.094		6.3127	\$ 9,000	\$ 25,251.00
300 AMERICAN TELEPHONE & TELEGRAPH CO.		NYS	10/31 11/ 3	49 1/8 49 1/2	49 7/8 50	49.500 49.750		49.6250	12,225	14,847.50
500 C S X CORPORATION		NYS	11/ 3	41 1/4	42 1/4	41.750		41.7500	19,000	20,875.00
500 DU PONT DE NEMOURS & COMPANY, E.I.		NYS	10/31 11/ 3	39 1/8 39 1/2	40 1/4 40 1/4	39.687 39.875		39.7812	14,500	19,890.63
63 I B M CORPORATION		NYS	10/31 11/ 3	65 1/4 66 3/4	67 1/4 67 5/8	66.250 67.188		66.7187	10,222	4,203.28
1,000 RIO GRANDE INDUSTRIES, INC.		NYS	10/31 11/ 3	55 1/8 55	55 3/8 55 5/8	55.250 55.312		55.2812	13,400	55,281.25
1,000 SCHULMAN (A.), INC.		OTC	10/31 11/ 3	15 1/2B 15 1/2B	16 A 16 A	15.750 15.750	0.125	15.7500	16,000	15,750.00 125.00
EX-DIVIDEND 10/20			RECORD 10/24			PAYABLE 11/ 4				
2,000 TRICO INDUSTRIES, INC.		NYS	10/31 11/ 3	28 29	28 7/8 29 5/8	28.437 29.312	0.050	28.8750	10,250	57,750.00 100.00
EX-DIVIDEND 10/ 1			RECORD 10/ 7			PAYABLE 11/ 7				
GRAND TOTALS									\$ 104,597	\$ 228,779.53 =====
TOTAL INTEREST ACCRUED			530.71							
TOTAL DIVIDENDS PAYABLE			225.00							

Kidder, Peabody & Co.
Incorporated

With only 1,300 billable hours per year, an attorney's time is critical. Precisely why Kidder, Peabody furnishes a special service to attorneys.

Our *Estate Evaluation Service* provides a computer summary of security markets within five business days. There normally is no extra charge for this service since regular commission charges from the sale of estate securities will adequately cover our costs. With 115 years of securities experience, the firm is recognized as expert in the *Evaluation* and/or orderly disposition of estate securities.

To learn more about our Estate Evaluation Service, telephone or write Mark A. McClure (206-628-8588) for details.



Kidder, Peabody & Co. INCORPORATED

Seattle First National Bank Bldg., Seattle, WA 98154

60 Additional Offices Worldwide

PROFESSIONAL BUSINESS VALUATION

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

Estate/Gift Tax Reporting

Reorganization

Estate Planning

Preferred Stock Recapitalization

Intangible Assets

Mergers and Acquisitions

Community Property Settlement

Buy/Sell Agreements

Employee Stock Ownership Plans

Shareholder Disputes

Business Valuation Services



P.O. Box 24186, Seattle, WA 98124

(206) 583-7695 / (206) 583-4768 / (206) 583-7693

WASHINGTON STATE
BAR ASSOCIATION
505 Madison Street
Seattle, WA 98104

Nonprofit Org.
U. S. POSTAGE
PAID
SEATTLE, WASH.
Permit No. 2204
ID# 9-437