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Washington State Bar News

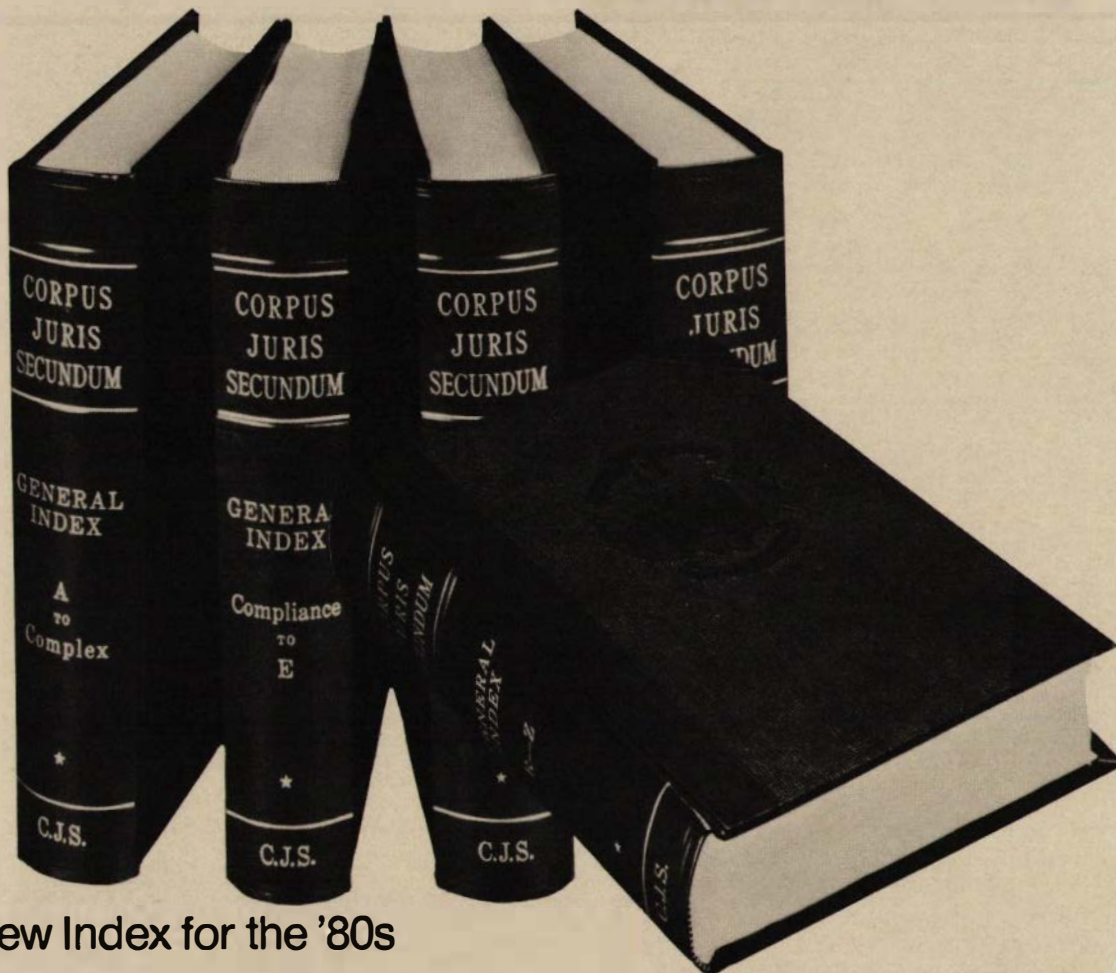
Volume 37, No. 8, August 1983



Annual Meeting Preview

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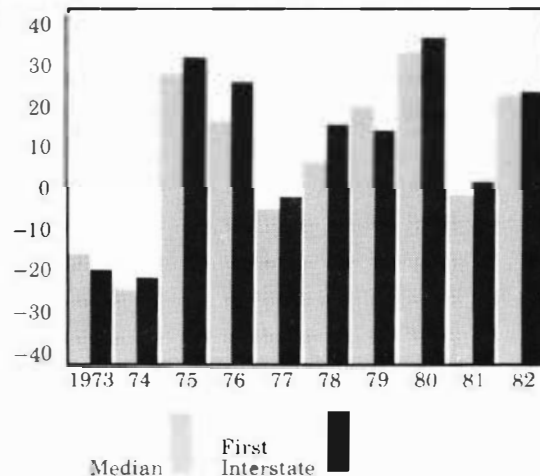
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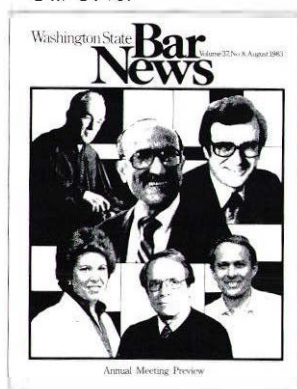
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Our Cover



This month's cover, by Don Coppock, features the speakers who will headline the State Bar Annual Meeting in September. They include Dr. Alfred E. Kahn (upper center), and clockwise from the upper left, U.S. Court of Appeals Judge Frank M. Coffin, Mark Russell, Ed Hume, Washington State Supreme Court Chief Justice William H. Williams, and Dr. Margaret Wheatley.

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Letters to the Editor of reasonable length are invited. Such letters should be typed and signed. The Editor reserves the right to select communications or excerpts therefrom for publication, and to edit any letter as may be appropriate.

Foreign Policy & the Law

Editor:

I read with great interest Paul Steere's comment in the "President's Corner" section of the June *Bar News*. I am currently Chair of the World Peace Through Law Section, and its proposed resolution regarding United States foreign policy in Central America apparently evoked Mr. Steere's observations. I respond to his remarks at the urging of several members of the Section, but not on behalf of the Section as a whole.

I entirely agree with Mr. Steere's comment that the Bar Association's role in endorsing resolutions like the one which the World Peace Through Law Section recently presented to the Board of Governors deserves serious discussion. This issue will be raised again in the near future because the World Peace Through Law Section plans to present a similar resolution to the Bar membership as a whole at the Convention in September. The resolution appears in this issue of the *Bar News*.

Mr. Steere expresses a legitimate concern about the Bar Association, or even a Bar Section, adopting resolutions which are merely an expression of political preference. The important question, however, is which issues are "political and legislative," and which issues legal? Each Bar Section, except perhaps the Young Lawyers Section, focuses on a particular area of law. The World Peace Through Law Section's focus is public international law, an area in which it may be particularly difficult to draw a bright line between political and legal considerations.

It would be foolish to suggest that United States foreign policy in Central America is not, or should not be, shaped by political considerations. A guiding theme of the World Peace Through Law Section, however, in my opinion, is that our government also acts within an in-

ternational legal framework which we have participated in formulating. The purpose of the Central America resolution is not to express a political preference for one side or another in a particular conflict. Rather, its purpose is to focus the attention of Washington lawyers on the legality of the United States' various foreign policy options. For example, what limitations are imposed on actions by the United States in Central America by such legislation and treaties as The Neutrality Act, the Boland Amendment or The Inter-American Treaty of Reciprocal Assistance? A serious discussion of this question seems appropriate.

The World Peace Through Law Section has, since its formation, attempted to educate itself, the members of the Bar as a whole, and in some cases, the general public, about the critical importance of recognizing the legal dimension of international relations. I sincerely hope that the Section's proposed resolution is vigorously debated and seriously examined at the Convention. If the membership rejects it, that decision should be based on the resolution's merit, not on the Bar Association's reluctance to take a position regarding the legality of various aspects of our government's foreign policy.

NORMAN B. PAGE

Seattle

No Fees for Counsel

Editor:

The recent case of *Lee Law Offices v. State of Washington* 99 Wn. 2d 270 (1983), points out a problem which seems to be unrecognized by the Washington State Bar Association. This letter is to warn any attorney who is appointed at the Superior Court level to represent an indigent on appeal that the State of Washington and, specifically, the Washington State Supreme Court, does not have funds available to pay a reasonable fee. The Washington State Bar Association has set up a task force chaired by Justice Brachtenbach to look into this problem.

I brought a lawsuit in Grays Harbor

Superior Court in which the Superior Court Judge ruled similarly to the *Lee Law Offices* decision. I then sought a Writ of Mandamus against the Supreme Court which was also thrown out of Court. The position of the State of Washington is that any lawyer appointed to such a case has a *legal obligation* as a member of the Washington State Bar Association to perform the legal services at whatever arbitrary rate the Washington State Supreme Court determines to set for his or her services. I also made a complaint to the criminal law section. Nearly a year and a half later, nothing has changed.

Although this letter is born of sour grapes, it is meant to put you on notice that any attorney would have to be independently wealthy to take one of these appointments.

If you do serve, make vocal your complaint about this arbitrary treatment, which no other class or profession enjoys in the State of Washington.

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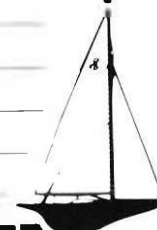
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Law Marketing

In the wake of the excitement surrounding NASA's recent space shuttle flight, I wrote a letter to the Space Administration in which I volunteered to be the first lawyer in space. A lawyer astronaut, I suggested, would help NASA learn how attorneys think in zero gravity and help chart new fields of regulatory law.

NASA, however, was totally overwhelmed by the idea and politely advised me that it was more important to send scientists into space than lawyers.

Seattle attorney Blair Paul wrote in the June issue of the *Bar News* that lawyering is the greatest calling on earth. That is probably true, but the gospel needs to be spread among the lay population because nobody else believes in our essentiality quite like we do. To reach that laity, we need to cast off our shopworn sheepskin look of the Middle Ages and enter the Twenty-first Century. What we lawyers need is a good public relations facelift. We need marketing.

The "buzz word" of the '80s is "engineering." Today, everything from automobiles to can openers is marketed on the basis of "engineering." As our society vaults from one technological revolution to another, it is the engineer upon whom we have come to rely for quality, integrity and wizardry.

Lawyers can capitalize on this phenomenon simply by changing their name. Let us no longer be just "lawyers," but litigation engineers, bankruptcy technicians and law processors. Our image would be further enhanced if we eschewed our traditional pin-striped suits and donned engineers' white smocks. The public would no more understand the practice of law than it does now, but the appearance of technology would make the bills easier to swallow, just like the price tag of an expensive European sports car.

Another way to better market the practice of law would be to hold contests and lotteries like the fast food chains do. "Law Lottery" or "Bar Bingo" would offer prizes ranging from a free uncontested divorce to an all-

expenses-paid trip to the U.S. Supreme Court for you and the tortfeasor of your choice. Laypersons would pick up game pieces at participating law firms and receive bonus game pieces for every one hundred dollars of legal services purchased. Contests, coupon specials and promotional give-aways of legal products will have your practice humming just like the local Safeway store.

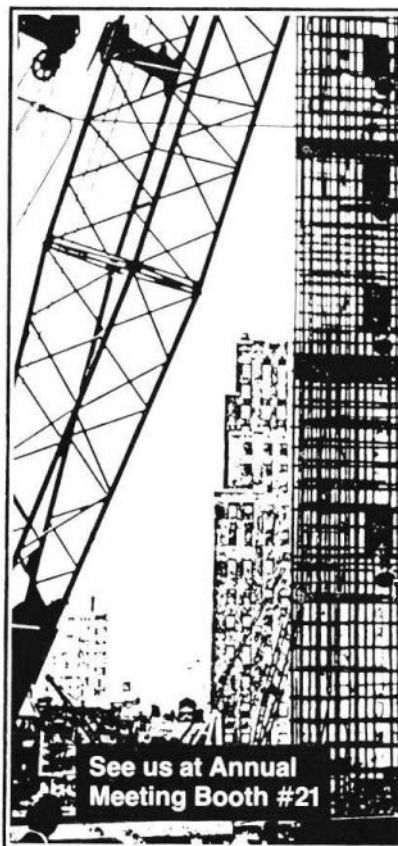
Our public image can also be improved if we abandon the trappings of the traditional law office. Junk that stodgy, blah shingle and plug in a flashing red neon sign! Why not drive-up windows for clients in a hurry? Or coin-operated legal aid dispensing machines?

Effective law marketing will mean that we lawyers will need to speak the language of the people. Corpus Juris, for example, that venerable research aide, shall be retitled and sold as Law Body—The Journal for Legal Hunks. Latin will be banned from legal briefs to be replaced by Valley Talk. (E.g., "De minimis non curat lex" = "So totally, like, gag me with a spoon!".) The "J.D." attached

to the backside of our names shall be moved forward to the beginning and we shall all become proper "doctors" of law, like our brethren in the medical profession.

And when we have accomplished all this and we attorneys have been completely rewired, repackaged and remarketed, then NASA will certainly change its mind, and the Space Administration will happily shoot me and every other lawyer into a deep and permanent orbit around the earth.

And then we will look down from outer space and realize that the right way to market ourselves is not to cheapen the product, but to educate the consumers so that they understand what the practice of law is about. It is not enough that we think we are engaged in the greatest calling on earth—we have to teach the public to appreciate that fact, too.



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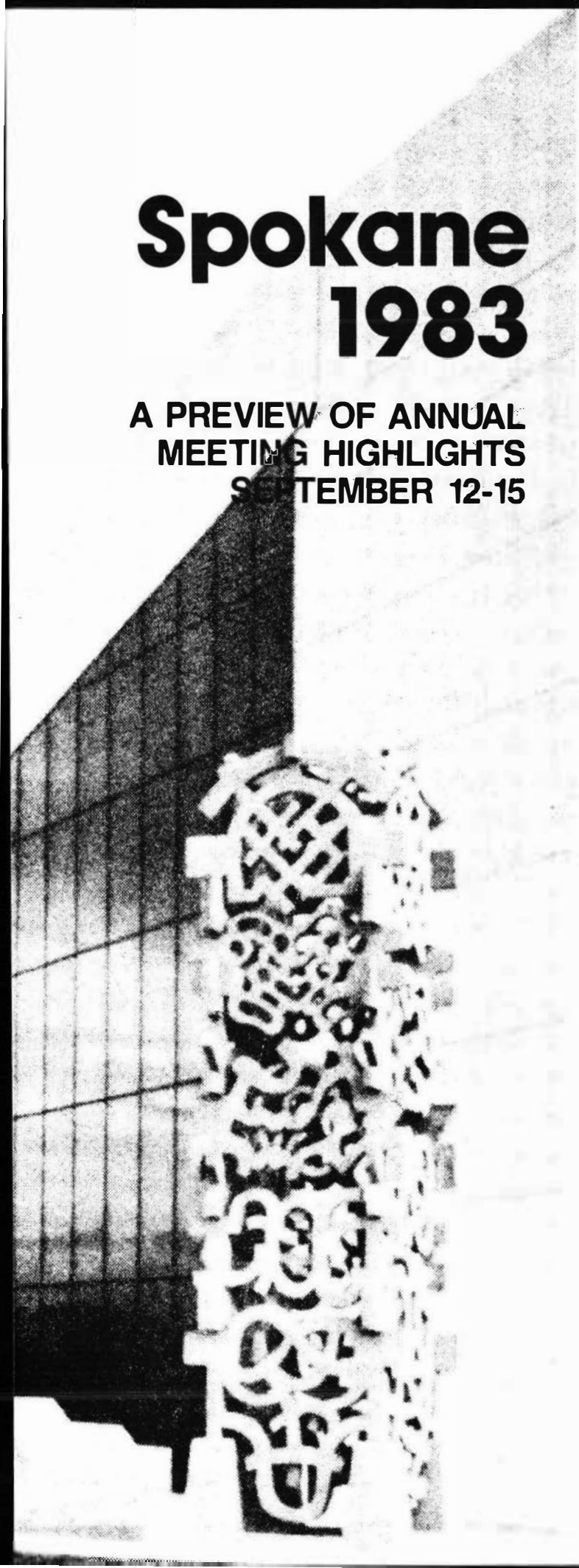
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Spokane 1983

A PREVIEW OF ANNUAL
MEETING HIGHLIGHTS
SEPTEMBER 12-15

It's only one month away—the 50th Annual Meeting of our Washington State Bar Association. We look forward to having you with us as we celebrate five decades of service to the lawyers and the citizens of Washington State. Superb speakers, seminars, sports, social events, special events, and a major exhibit area will fill out our 1983 Annual Meeting program in sunny, scenic Spokane, September 12-15. Bring the family and combine professional enrichment with a little time off in this special, once-a-year occasion.

We have a *great* program in store for you, including a full slate of CLE seminars and a major exhibit area which will complement the 1983 Annual Meeting theme—"Law Practice Management in the '80s." Headlining our show will be several nationally known speakers from a variety of professions, each singularly successful in his or her individual achievements.

Here are some of the outstanding events and personalities you will enjoy:

Super CLE Sessions

In Spokane you will experience, once again, some of the finest CLE seminars ever offered by the Washington State Bar Association. Fourteen seminars will be offered, providing you the opportunity to carry away a total of 21 CLE credit hours during your Annual Meeting stay.

The primary emphasis of these programs will follow our major Annual Meeting theme, "Law Practice Management in the '80s." Nationally known speakers will cover such important and current topics as "Getting and Keeping Clients," "Use of Computers in the Law Office," and other topics related directly to today's practice of law. In all, four solid days of programs should help to equip you to be a better lawyer, a better administrator, and a more successful professional.

Our Annual Meeting is known nationally for the quality of its CLE seminars and our enthusiastic attendance. Once again you will not be disappointed, as our attention focuses on the importance of running a law practice as a successful business as well as a professional practice.

As usual, you will receive as part of your registration package a handbook covering all of the seminars presented at this convention. The handbook will be approximately 650 pages long and will present a condensed outline of all of the salient points of each seminar. It will be a valuable reference tool to take back to the office for continued use.

Outstanding Luncheon Speakers

Among the most popular events at our Annual Meeting have been the luncheons featuring speakers of national repute. This year will be no exception.

The luncheon on Monday, September 12, our 50th Anniversary Luncheon; will be co-sponsored by the Spokane County Bar Association and will feature nationally-acclaimed economist **Dr. Alfred E. Kahn**. One of Washington's most colorful policy advisors, Dr. Kahn was chairman of the inter-agency Council on Wage and Price Stability during the Carter

Administration. A renowned professor of economics at Cornell, Kahn was formerly chairman of New York's Public Service Commission and of the Federal Civil Aeronautics Board. In the latter post, he masterminded the deregulation of the airlines. Dr. Kahn has been a consistent advocate of deregulation and free-market controlled economy. Dr. Kahn's topic on Monday, September 12, will be "Economic Policy for the 1980s." In these volatile times, his comments should not be missed.

On Wednesday, September 14, the **Honorable Frank M. Coffin**, Chief Judge of the United States Court of Appeals for the First Circuit, will be our featured speaker at the Honorable Morell E. Sharp Memorial Luncheon. This luncheon will be sponsored by the Washington State Bar Foundation. Judge Coffin has had a long and distinguished career, both on the bench and in other areas of public service, including terms as a member of the 85th and 86th Congresses, representing the Second District of Maine. Judge Coffin is a frequently published author on legal and ethical issues, and his professional career and personal commitment to justice have been recognized by the awarding of four honorary LL.D. degrees. A life-long resident of the State of Maine, he brings to the podium a recognized concern for people in the many activities, both public and private, in which he has been involved.

Here is fair warning: The luncheon on Thursday, September 15, features one of the most famous cowpunchers east of the Mississippi (sacred cows, that is). Political humorist **Mark Russell** will be our speaker. Mark Russell is a person for whom no issue, organization, or public person is off limits. He has demonstrated this time after time in the national media, including appearances on NBC-TV's *Real People*, the Tonight Show, the Today Show, the Merv Griffin Show, and the Mike Douglas Show. His daily newspaper column is syndicated in over 100 newspapers across the nation, and for very good reason. Find out for yourself at the Thursday luncheon as humorist Russell tickles your funny bone with comments about the famous, the near-famous, and those who wish they weren't so famous.

The Great Northwest Law Management Expo

Don't miss the opportunity to view the *outstanding* display of *50 exhibitors* showing the latest in law practice management products and services. For the first time, our Association has organized a full-scale exhibit area designed to dovetail directly with our Annual Meeting seminar theme—"Law Practice Management in the '80s." You'll find everything you need for better firm management. The 20,000 square foot exhibit area will be located in the beautiful new Spokane Riverpark Convention Center adjacent to our headquarters Sheraton Hotel.

Exhibits will be open during the afternoons, beginning Tuesday, September 13, through Thursday, September 15.

Two of our major Annual Meeting social events will be hosted by our Exhibitors—a buffet luncheon on Tuesday from noon to 1:30 p.m., and a cocktail hour Tuesday evening from 5:30 to 7:30 p.m. The entire cost of these two events will be absorbed by our exhibitors.

Be certain to see this unique and wide-ranging display of the latest equipment and support services for the legal profession, and to express your appreciation to these men and women for assisting in our Annual Meeting.

The Nation's Best Spouses' Programs

As always, the featured Annual Meeting programs for spouses are *first rate*. This year we are especially privileged to have with us **Dr. Margaret Wheatley**, a consultant, author, and teacher in the field of organizational behavior and human resource development. She is known nationally for her work on career development strategies for women and personnel policies for expanding opportunities for both women and men.

Dr. Wheatley's presentation at our Annual Meeting will center on the "Psychological Aspects of Being an Executive's Spouse." The presentation will explore the different roles that a spouse plays as a mate's career progresses. Three different but overlapping phases and roles will be discussed, each of which presents the spouse and mate with a set of decisions and dilemmas. Also discussed will be the impact of these phases upon a wife and husband if both are working.

Dr. Wheatley, who received her doctorate from Harvard University in the program of Administration, Planning, and Social Policy at the Graduate School of Education, is a frequently published writer on the subject of women in business. Her most recent publication is *Managing Your Maternity Leave*, published in 1983 by Houghton Mifflin Co. You will enjoy the insights of this fascinating lecturer.

If you have a green thumb or would like to have one, a spouses' program you will not want to miss is a presentation by **Ed Hume**, the guru of Northwest gardening. Ed Hume is a familiar face and voice in the electronic and print media, and many thousands of Northwesterners look to his advice in the planting and maintenance of their landscapes and gardens. Ed Hume has become an immensely popular figure in his area of expertise, and you will enjoy his presentation, for both his fact-based advice and the charm with which he dispenses it. The topic of his comments will be "Houseplants," for both the zealot and the dabbler, and plenty of time will be left at the end of the presentation for questions and answers. Don't miss it!

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fun, get a little exercise, and even win a prize! We'll offer contests of all shapes and sizes for people of all shapes and sizes. If you are an Olympic-caliber athlete or you just jiggle too much when you walk, we have something for *you*. Spouses are invited, of course.

If golf is your sport, be sure to register for our classic **Annual Golf Tournament**. Many prizes will be given in several categories, including low gross, low net, highest admitted score, longest drive, closest to the pin on the selected par 3, et cetera.

Tennis buffs will find a home at the exciting **Annual No-Fault Tennis Tournament**. Once again, the event will feature mixed doubles only, to fit better into the Annual Meeting schedule. Entrants will be matched according to ability and/or inability. Join us and give it your best shot!

And...the seventh annual **Race Ipsa Loquitur** (*an internationally famous classic*) will be run on a course centered along the riverfront. Whether you take on the full six-mile course or the two-mile distance, there may be a prize for you!

For full information on golf, tennis, or running events, and how to enter, write or phone the appropriate Bar Staff Sports Czar. For tennis, contact Bob Welden; for running/jogging and tennis, contact Mark Muenster—505 Madison Street, Seattle, WA 98104; (206) 622-6054. Or...check at the Annual Meeting Sports desk.

Extraordinary Special Events & Shows

The Annual Meeting social schedule is packed with reunions, breakfasts, hospitality suites, and many other events. The 1983 Convention Program lists them all.

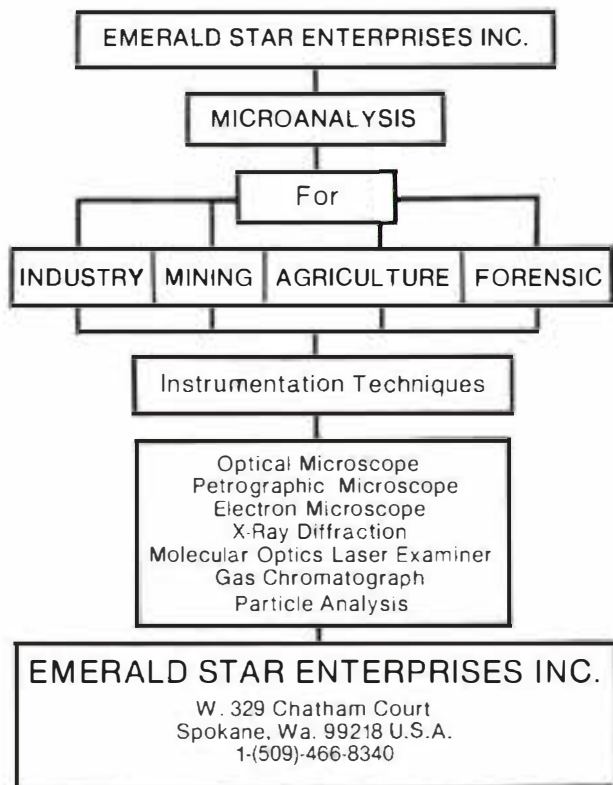
The grand finale, as always, will be the fabulous **Friday Night Gala Dinner, Dance, and Show**.

You have come to expect Friday night to be a memorable occasion at the Annual Meeting. As always, this year the dinner menu, the entertainment, and the dancing afterward will provide an evening you will not soon forget.

The entertainment for the Friday night show will be a very pleasant surprise—but you'll have to be there to discover who this very entertaining person is! We will tell you that the performance will be complemented by the velvet voice of Ethel Ennis, a vocalist who has developed a national reputation for projecting the personal warmth, exuberance, and celebration of life that characterizes her delivery. She has the ability to infect an audience with that same joyful spirit, as you will see.

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

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



1983 WSBA Convention

CLE Seminar Schedule

☐ Law practice management programs

Monday, September 12

9:00 a.m. — Continuing Legal Education
12:00 noon Committee

1

Surviving the Practice of Law in the 1980s

Committee Chairperson: John O. Burgess, Seattle

Seminar Chairperson: Richard C. Reed, Seattle

Topics/Speakers:

"Future of the Practice: Survival of the Fittest"
Richard C. Reed, Seattle

"Getting and Keeping Clients"
J. Harris Morgan, Greenville, Texas

Panel Discussion/Question and Answer Session
Richard C. Reed, Moderator, Seattle
F. Lee Campbell, Seattle
George F. Velikanje, Yakima
Roger H. Underwood, Spokane

3.00 CLE CREDITS

9:00 a.m. — Industrial and Intellectual
12:00 noon Property Section

2

Computers and the Intellectual Property Lawyer

Section Chairperson: Kenneth W. Vernon, Seattle

Seminar Chairperson: Kenneth W. Vernon, Seattle

Topics/Speakers:

"Computer Aids to Legal and Technical Research
for the Intellectual Property Lawyer"

Bryan C. Ogden, Tacoma
William O. Ferron, Jr., Seattle

"Computer Aids for Docketing, Time & Accounting,
Annuities and Word Processing for the Intellectual
Property Lawyer"

Kenneth W. Vernon, Seattle

"Review of Recent Statutory and Rule Changes of
the Patent & Trademark Office"

Richard J. St. John, Spokane
Delbert J. Barnard, Seattle

3.00 CLE CREDITS

12:00 noon **50th Anniversary
Luncheon**

Featuring: **Dr. Alfred E. Kahn**
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2:00 p.m. — Trial Practice Section
5:00 p.m.

3

The History of the Law of Evidence and The Rise and Fall of the Exclusionary Rule

Section Chairperson: W. George Bassett, Seattle

Seminar Chairperson: W. George Bassett, Seattle

Topic/Speaker:

"The History of the Law of Evidence"

"The Rise and Fall of the Exclusionary Rule"
Hon. Charles E. Moylan, Jr., Baltimore, MD

3.00 CLE CREDITS

2:00 p.m. — World Peace Through Law
5:00 p.m. Section

4

International Law and U.S. Foreign Policy

Section Chairperson: Norman B. Page, Seattle

Seminar Chairperson: Louise Seeley, Seattle

Topics/Speakers:

"Nuclear Non-Proliferation and the Regulatory
Illusion: What Congress Can and Cannot Do"
Thomas A. Robertson, San Francisco

"Legal Challenges to United States Foreign
Policy in Central America"

Charles Z. Smith, Professor Emeritus, Seattle

"International Human Rights and Treaty Law in
Federal and State Courts"

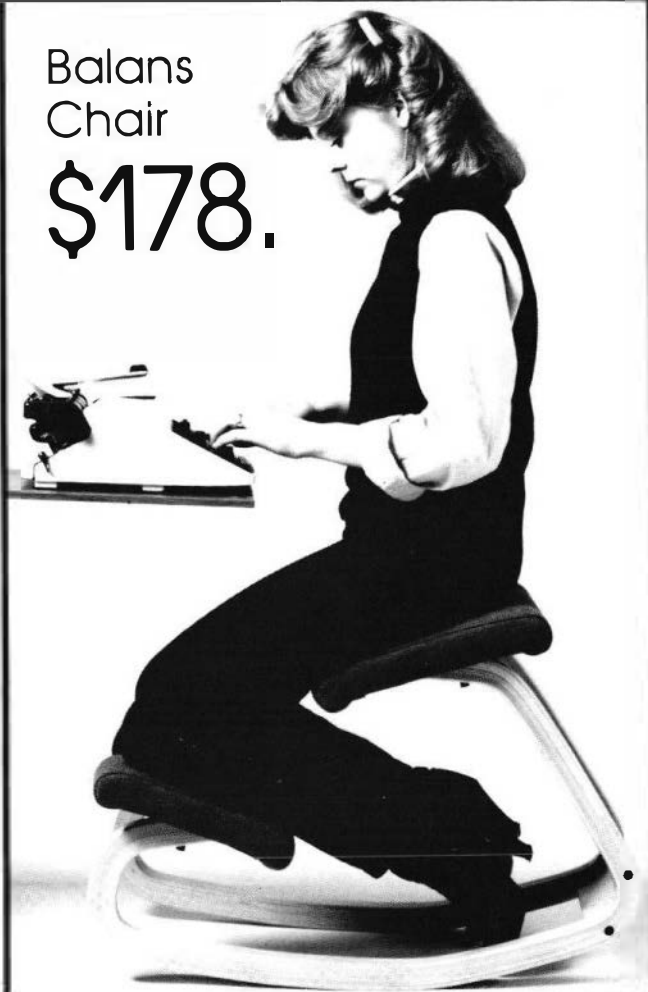
John B. Midgley, Seattle

3.00 CLE CREDITS

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Tuesday, September 13

9:00 a.m. —
12:00 noon

Continuing Legal Education
Committee

5

Use of Computers in the Law Office

Committee Chairperson: John O. Burgess, Seattle

Seminar Chairperson: David W. Thorne, Seattle

Topics/Speakers:

"Why Use Computers in the Law Office?
What Can Computers Do For Me?"

Gary R. Garrett, Seattle

"How to Choose a Computer System"

Loretta A. Harris, Seattle

"Focus on the Use of Microcomputers"

Loretta A. Harris, Seattle

"Now That You Made Your Choice, Here's How
to Make It Work"

Gary R. Garrett, Seattle

"The Acquisition Contract: Issues Unique to
Computer Contracts"

David W. Thorne, Seattle

Panel Discussion/Question and Answer Session

3.00 CLE CREDITS

9:00 a.m. —
12:00 noon

Environmental and Land Use
Law Section

6

Preventive Medicine, Municipal Liability and an Update

Section Chairperson: Stanley R. Schultz, Spokane

Seminar Chairperson: Richard R. Wilson, Seattle

Topics/Speakers:

"SEPA Amendments and Other New Legislation"

Glenn J. Amster, Seattle

"Preventive Medicine for Land Use Clients"

Joel M. Gordon, Seattle

"Recent Case Law Developments"

Susan R. Agid, Seattle

"Municipal Liability: Claims and Defenses"

Linda M. Youngs, Bellevue

3.00 CLE CREDITS

2:00 p.m. — Antitrust Section
5:00 p.m.

7

Managing Antitrust and Commercial Litigation

Section Chairperson: Thomas L. Boeder, Seattle

Seminar Chairpersons: Robert H. Whaley, Spokane
Lucinda S. Eymann, Spokane

Topics/Speakers:

"Litigation Case Planning: Can the Small Firm Afford Antitrust Litigation?"

William L. Dwyer, Seattle

"Proving Antitrust Injury and Damages"

Jay H. Zulauf, Seattle

"Management of Pretrial and Trial Proceedings in the Complex Case: The Systems Approach"

Hon. Justin L. Quackenbush, Spokane

"Implied Contract Remedies in the Employer/Employee Relationship in Washington"

Bryan P. Harnetiaux, Spokane

"Application of RICCO Civil Causes of Action for Commercial Bribery: Treble Damages"

William D. Symmes, Spokane

"Consumer Protection Practice"

Hon. John J. Ripple, Spokane

"Drafting Antitrust Jury Instructions"

Eugene I. Annis, Spokane

"Consumer Protection Update"

Ken Eikenberry, Olympia

3.00 CLE CREDITS

2:00 p.m. — Family Law Section
5:00 p.m.

8

Making a Living in Family Law

Section Chairperson: Edward A. "Hank" Hibbard, Port Angeles

Seminar Chairperson: Virginia Worthington, Spokane

Topics/Speakers:

"Making a Family Law Practice Pay"

Royce H. Moe, Spokane

"Attorney General's Approach to Dependency and Termination Cases"

Lee Ann Miller, Seattle

"Federal Indian Child Welfare Act"

Barbara N. Delarme Wright, Seattle

"Equitable Lien Problems in Dissolutions"

Karen Gail Chinn Wong, Mercer Island

"Grievance-proofing in a Family Law Practice"

Virginia Worthington, Spokane

"Family Law Update with an Emphasis on Military Pensions"

Steven C. Lacy, East Wenatchee

3.00 CLE CREDITS

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TASK	HEURISTIMA TIME	WANG TIME	IBM TIME	OTHERS TIME
1. ENTER CLIENT (1)	35 sec	_____	_____	_____
2. ENTER MATTER (1)	22 sec	_____	_____	_____
3. ENTER TEN TIMESLIPS (1)	2 min 40 sec	_____	_____	_____
4. ENTER TWO COSTS ADVANCED (1)	36 sec	_____	_____	_____
5. ENTER ONE PAYMENT (1)	23 sec	_____	_____	_____
6. GENERATE BILL REFLECTING ITEMS 1-5 (2)	35 sec	_____	_____	_____
7. GENERATE CLIENT LEDGER REFLECTING ITEMS 5 AND 6 (2)	23 sec	_____	_____	_____
8. TRANSACTION UPDATE TIME REQUIRED TO COMPLETE ITEMS 1-7 (2)	0 min 0 sec	_____	_____	_____
9. REVERSE ABOVE BILL SO THAT IT MAY BE CHANGED AND REGENERATED (1)	19 sec	_____	_____	_____
10. PRODUCE A/R AND TRUST BALANCE SHEET FOR FOLLOWING PERIODS: (3)				
—MONTH	1 min 45 sec	_____	_____	_____
—QUARTER	2 min 31 sec	_____	_____	_____
—YEAR	2 min 39 sec	_____	_____	_____
11. PRODUCE AGED A/R BY: (2)				
—FILE	18 sec	_____	_____	_____
—ATTORNEY/FILE	47 sec	_____	_____	_____
12. PRODUCE A/R BY: (2)				
—FILE	22 sec	_____	_____	_____
—ATTORNEY/CLIENT	55 sec	_____	_____	_____
13. PRODUCE ALLOCATION OF FEES RECEIVED BY WORKING ATTORNEY REPORT—ONE MONTH PERIOD (2)	2 min 58 sec	_____	_____	_____
14. ASSUME POWER FAILURE PRIOR TO STORING DATA AND RECOVER ENTIRE BENCHMARK—INCLUDES TERMINAL PRINTING OF REPORTS	26 min 43 sec	_____	_____	_____
15. BACKUP DATABASE				
—FOREGROUND	7 min 8 sec	_____	_____	_____
—BACKGROUND	7 min 8 sec	_____	_____	_____

(1) Time computed from main menu to completion of task and return to main menu

(2) Time computed from main menu to commencement of printing

(3) Time computed from main menu including 9600 baud terminal printing

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68Mb Winchester Disk

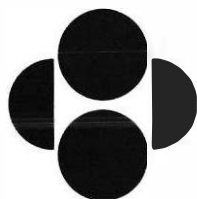
DATABASE VOLUMES

29 Timekeepers
1,849 Clients
3,018 Matters
12,878 Timeslips
13,204 Costs Advanced
43,772 A/R Ledger Entries

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—TIMESHARE SERVICES
—IN-HOUSE SYSTEMS
—CUSTOM PROGRAMMING

• BOOTH 16 AT THE WSBA CONVENTION



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Wednesday, September 14

9:00 a.m. — Administrative Law Section
12:00 noon

9

Administrative Law: Keeping Pace in a World of Change

Section Chairperson: Patrick H. McIntyre, Seattle

Seminar Chairpersons: Patrick H. McIntyre, Seattle
Judith E. Gebhardt, Olympia

Topics/Speakers:

"Development and Effective Use of Forms"

Jack R. Davis, Seattle

"On Line Resources for the Administrative Law Lawyer"

Roland J. Cole, Seattle

"Getting the Most Out of the Telephone and the Television"

Gerald R. Tarutis, Seattle

"Practice Tips From an Administrative Law Judge"

Hon. Steven E. Lundstrom, Seattle

"It All Comes Back to Advocacy"

Susan R. Agid, Seattle

"Update on the Law"

Professor James M. Vache, Spokane

3.00 CLE CREDITS

9:00 a.m. — Creditor-Debtor Rights Section
12:00 noon

10

Handling Consumer Bankruptcies

Section Chairperson: John A. Rossmeissl, Yakima

Seminar Chairperson: Dillon E. Jackson, Bellevue

Topic/Speakers:

"Handling Consumer Bankruptcies"

Dillon E. Jackson, Bellevue

Jack J. Cuilen, Seattle

Hon. John M. Klobucher, Spokane

3.00 CLE CREDITS

12:00 noon

Hon. Morell E. Sharp Memorial Luncheon

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2:00 p.m. — Corporation, Business &
5:00 p.m. Banking Section

11

Attorneys' and Accountants' Opinions and Recent Developments

Section Chairperson: C.K. Carlson, Seattle

Seminar Chairperson: Robert J. Diercks, Seattle

Topics/Speakers:

"Model Rules of Professional Conduct (Kutak Rules) and the Business Lawyer"

Kurt M. Bulmer, Seattle

Paul M. Larson, Yakima

"Attorneys' Responses to Auditors' Requests"

William G. Pusch, Seattle

"Liabilities of Accountants"

Evan L. Schwab, Seattle

"Ethical Considerations in Connection With Tax Shelter Opinions"

Andrew H. Zuccotti, Seattle

3.00 CLE CREDITS

2:00 p.m. — Young Lawyers Section
5:00 p.m.

12

Update on the Law: A Videotape Presentation with Live Commentary

Section Chairperson: Stew Cogan, Seattle

Seminar Chairperson: Charles K. Wiggins, Seattle

Speakers:

Charles K. Wiggins, Seattle

Rebecca L. Bogard, Seattle

John W. Hathaway, Seattle

Catherine Wright Smith, Seattle

Glen K. Thorsted, Bellevue

Marc S. Stern, Bellevue

Bruce E. Ridley, Seattle

Joseph L. Koplin, Seattle

Judith R. Eiler, Federal Way

William A. Buchanan, Bellevue

Alexis B. Boris, Seattle

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3.00 CLE CREDITS

Thursday, September 15

12:00 noon **State Bar Luncheon**
Featuring: **Mark Russell**
Political Humorist

2:00 p.m. — Criminal Law Section
5:00 p.m.

13

Implementation of the Sentencing Reform Act of 1981

Section Chairperson: Robert J. Wayne, Seattle

Seminar Chairpersons: Professor John A. Strait, Tacoma
John R. Muenster, Everett

Topics/Speakers:

Introduction

Professor John A. Strait, Tacoma

"Overview of the Sentencing Reform Act of 1981"

Associate Dean David Boerner, Tacoma

"Demonstration of Model Plea Bargaining"

Prosecutor's Viewpoint:

Robert S. Lasnik, Seattle

Defense Viewpoint:

Steven G. Scott, Seattle

John R. Muenster, Everett

Judicial Perspective:

Hon. H. Joseph Coleman, Seattle

Panel Discussion

Professor John A. Strait, Moderator, Tacoma

3.00 CLE CREDITS

2:00 p.m. — Real Property, Probate & Trust
3:30 p.m. Section: PART I —
Probate and Trust Division

14

The Future of Estate Planning and Probate Practice

Section Chairperson: Ned M. Barnes, Spokane

Seminar Chairperson: Roger H. Underwood, Spokane

Speakers:

Kenneth L. Schubert, Jr., Seattle

George F. Velikanje, Yakima

Albert J. Schauble, Pullman

3:30 p.m. — PART II — Real Property Division
5:00 p.m.

Selected Problems in Realizing on Real Estate Collateral

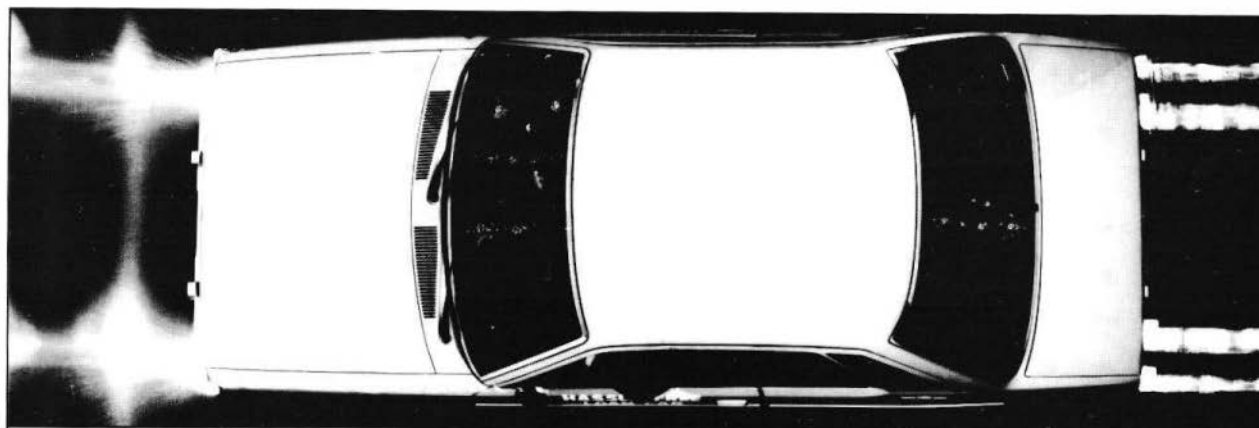
Section Chairperson: Ned M. Barnes, Spokane

Seminar Chairperson: David W. Thorne, Seattle

Speaker:

Rand L. Koler, Seattle

3.00 CLE CREDITS



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and feeling aggrieved
the Board of Governors. As a general rule
of a committee or the Chairperson of a committee serve
at the pleasure of the Board and neither malfeasance nor
misfeasance is required for removal.

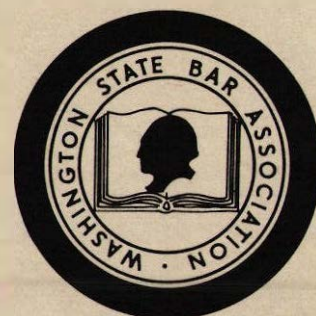
ARTICLE IX.

SECTION

SECTION 1. DESIGNATION. There shall be sections for
rying on the work of the Association, each within the jurisdic-
tion defined in its By-Laws, as follows:

- (a) Section of Administrative Law
- (b) Section of Antitrust Law
- (c) Section of Corporation, Business and Bankin

By-Laws of the Washington State Bar Association



Current as of August 1, 1983

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hereinafter called the "Board," shall establish and administer a fund to be called Client's Security Fund, and hereinafter called the "Fund," to be held and administered by the Board and invested, disbursed and expended within the sole discretion of the Board, in the manner and for the purposes hereinafter set forth.

The Board is authorized, in its discretion, from time to time to appropriate and pay to the Fund from the general account of the Association money to accomplish the purposes of the Fund.

SECTION 2. PURPOSE OF THE FUND.

(a) The Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of dishonesty, or failure to account for money or property entrusted to, any active member of the Association in connection with the member's practice of law, or while acting as a fiduciary in a matter related to the member's practice of law.

(b) The Fund shall not be used for the purpose of relieving any pecuniary loss resulting from an attorney's negligent performance of services.

SECTION 3. DISBURSEMENTS FROM FUND. The Board may, in its discretion, use or employ the Fund for the purposes herein expressed, pursuant to such rules as it may adopt from time to time for the presentation, hearing and approval of claims.

Such payments shall be made in such form and in such amounts as the Board, in its sole discretion, may determine. The Association shall be deemed to be subrogated to the extent of its payment to all of the rights of the recipient of said payment for recovery from the member.

SECTION 4. CLIENT'S SECURITY FUND COMMITTEE — FORMATION. For the purpose of considering claims upon evidence presented by the staff counsel for the Bar Association (including testimony and affidavits of claimants and members against whom claims are made) and making findings of fact and recommendations with respect to payment of claims to the Board, a committee shall be appointed by the Board to be known as the "Client's Security Fund Committee," hereinafter referred to as the "Committee." The Committee shall consist of at least three but not more than five members of the Washington State Bar Association, appointed by the Board for terms not exceeding three years each. Vacancies shall be filled by the Board for any unexpired terms.

SECTION 5. FUNCTION OF THE COMMITTEE. The Committee shall consider claims for reimbursement of pecuniary loss arising hereunder. After consideration of evidence presented by staff counsel for the Bar Association, including such hearing of testimony and affidavits of witnesses as the Committee may deem necessary or as the Board may direct, the Committee shall submit a report to the Board setting forth the findings of the Committee as to the facts upon which such claim is based and its recommendations as to action thereon.

SECTION 6. EXPENSES. All expenses incurred in connection with receipt, investigation, and processing of claims, shall be paid by the Bar Association from monies other than those in the Fund.

SECTION 7. RULES. The Board shall prescribe and amend, as necessary, such rules and procedures as are consistent herewith for the management of the Fund and the presentation, processing and payment of claims.

SECTION 8. ABOLITION OF FUND. The Board at any time may abolish the Committee and the Fund. In the event of such abolition, all assets of the Fund shall be and remain the property of the Washington State Bar Association to be used for its general purposes, as determined by the Board.

ARTICLE XII.

HEADQUARTERS

SECTION 1. OFFICE. Until otherwise ordered by the Board of Governors, the office of the Washington State Bar Association shall be maintained in the City of Seattle.

ARTICLE XIII.

FILING PAPERS WITH AND SERVING THE WASHINGTON STATE BAR ASSOCIATION

SECTION 1. Whenever in these By-Laws there is a requirement that petitions, notices or other documents be filed with the Washington State Bar Association, or served upon the Board of Governors, the same must be filed at the office of the Washington State Bar Association.

ARTICLE XIV.

SEAL

SECTION 1. The Association shall have a Seal having the words and figures of "The Washington State Bar Association — June 7, 1933." The Seal shall remain in the custody of the Executive Director at the office of the Washington State Bar Association, unless otherwise ordered by the Board of Governors.

ARTICLE XV.

AMENDMENTS

SECTION 1. These By-Laws or any part thereof may be amended by majority vote of the Board of Governors at any regular meeting of the Board or at any special meeting called for that purpose.

not in substantial conflict with the jurisdiction of any existing section, standing committee or special committee, the continuance of which is contemplated after the section is established;

(2) the proposed By-Laws of the section, which shall contain a definition of its jurisdiction;

(3) the names of the proposed committees of the section;

(4) the proposed budget for the section for the first two (2) years of its operation;

(5) a list of present and prospective members of the Association who have signed statements that they will apply for membership in the section;

(6) a statement of the need for the proposed section.

(b) In the case of a combination of sections, in addition to the foregoing, a statement of any jurisdiction that will not be carried into the combination.

ARTICLE X. MALPRACTICE INSURANCE

SECTION 1. As soon as is feasible, every active member except those who satisfy the conditions for exemption in Section 4 of this Article shall be insured for professional errors and omissions on an insurance contract or plan arranged for by the Association.

SECTION 2. The premium for such insurance shall be fixed by the Board of Governors prior to the billing of annual dues and the amount thereof shall be paid by each active member as part of the membership fee and treated for all purposes as a part of the membership fees.

SECTION 3. Upon admission to the Bar, reinstatement to active membership, expiration of suspension, or prior to engaging in any practice of law which terminates his or her exemption granted under the terms of Section 4 hereof, a member shall pay the Association the amount of the membership fee then required to become insured as required by Section 1 hereof.

SECTION 4.

(a) An active member who meets the following conditions will be exempt from the requirements of this Article:

(i) He or she does not engage in any practice of law in the State of Washington or such practice does not go beyond either (1) practice on behalf of one or more employers or clients all of whom are governmental agencies, or (2) practice on behalf of no more than a single employer or client; and

(ii) He or she executes and completes the form of certificate and undertaking provided by the Association to establish the exemption.

(b) An active member may be granted an exemption by the Board of Governors or its designee on a showing, in conformance to any procedures established by the Board, that his or her practice of law is so limited as to be the equivalent, in terms of potential professional liability to clients, of the grounds set forth in (i) above.

(c) For purposes of this Article:

(i) "Practice of Law" shall include such practice without compensation or expectation of compensation except, only, where the practice is wholly without compensation or expectation of compensation on behalf of a non-profit organization or the clients of a bona fide legal aid or public defender organization.

(ii) "Practice of Law" shall not include teaching law, acting as a judge, referee, master or arbitrator.

(iii) "Practice of Law in the State of Washington" shall include such practice by the member while in the State or in respect to any matter or person in the State of Washington.

(iv) "On behalf of one or more governmental agencies" shall include the representation of officials or employees of governmental agencies in respect to any alleged action or omission in performance of official duties where such representation is required of the member in connection with his or her practice of law on behalf of a government agency.

(v) "Employer or client" shall include any organization or person except (1) a member of the immediate family of the member, or (2) a person who is an active member of the Washington State Bar Association.

(vi) "Single employer or client" shall include affiliates controlling, controlled by or under common control with a single client or employer.

(vii) Where a member's compensated practice on behalf of a single client or employer includes practice of law on behalf of customers, employees, patrons or member of such client or employer then such member shall not be eligible for exemption under Section 4 (a) (i) (2) above.

(d) In the case of a person being admitted to practice, the exemption will be available if that person is able to state that following admission his or her practice will be limited as prescribed for exemption.

(e) Any member exempted under this Section shall be obliged to notify the Association and comply with Section 3 hereof prior to engaging in any practice of law beyond the limitations of this Section and such exemption shall terminate upon engaging in any practice of law beyond the limitations of this Section.

SECTION 5. If an active member, having paid the amount of membership fee imposed by Section 2 or 3 hereof ceases to be an active member or becomes exempt under the terms of Section 4 hereof during the period of the coverage obtained by such payment, then upon request, he or she shall receive a pro rata refund on a schedule to be adopted by the Board of Governors at the same time as the premium for such insurance is fixed under Section 2 hereof.

ARTICLE XI.

CLIENT'S SECURITY FUND

SECTION 1. ESTABLISHMENT OF FUND. The Board of Governors of the Washington State Bar Association,

Washington, members shall be appointed by the Board of Governors to this committee, which is created by the legislature for the improvement of Statute Law in this State.

Travel. This committee shall be concerned with dissemination of information and development of group travel plans and tours for the benefit of the membership.

Unauthorized Practice of Law. This committee shall be concerned with the unauthorized practice of law and recommend to the Board of Governors means for the prevention thereof for the protection of the general public.

SECTION 2. GENERAL DUTIES. It shall be the duty of each committee to carry into effect its own recommendations in the manner and to the extent authorized or directed by the Board of Governors, and it shall not incur any expense thereunder beyond its own budget, without specific authorization.

SECTION 3. COOPERATION WITH OTHER COMMITTEES.

The committees so appointed shall secure, whenever desirable to do so, the cooperation of other committees and sections within the Washington State Bar Association and like committees and sections of the Local Bar Associations and the American Bar Association.

SECTION 4. COMMITTEE REPORTS.

(a) The reports of the Standing and Special Committees, with their recommendations, shall be delivered to the Executive Director of the Association whenever requested by the Board of Governors and, in any event, at least thirty (30) days before the annual meeting.

(b) A report, whether or not published in advance, shall not be read orally in presentation at any annual or special meeting at which it is directed by the Board of Governors to be presented, but shall be orally stated to such meeting in substance only. The presiding officer may limit the presentation of such oral statement to not more than five (5) minutes. When the reading of a report is called for by any lawyer attending the meeting, the question of whether the report shall be read shall be determined by a majority vote of the meeting without debate.

SECTION 5. BUDGET. Each committee and section shall submit a budget request to the Board of Governors. Each committee and section shall confine its expenditures to such budget and appropriation as is approved by the Board of Governors pursuant to such annual report request or to such special interim request as is approved by the Board of Governors.

SECTION 6. MINUTES. Committee minutes shall be prepared and distributed as soon as is reasonably possible after each committee meeting. Committee minutes shall contain a report of those present and those absent.

SECTION 7. REMOVAL FOR CAUSE. Any member who fails to attend two consecutive regularly called meetings of the committee shall be removed immediately from the committee, in the absence of an excuse approved by the Chairperson of the committee. A member of a committee or a Chair-

person may be removed by the Board of Governors for cause, provided that a member or Chairperson so removed and feeling aggrieved shall be entitled to a hearing before the Board of Governors. As a general principle, a member of a committee or the Chairperson of a committee serves at the pleasure of the Board and neither malfeasance nor misfeasance is required for removal.

ARTICLE IX.

SECTIONS

SECTION 1. DESIGNATION. There shall be sections for carrying on the work of the Association, each within the jurisdiction defined in its By-Laws, as follows:

- (a) Section of Administrative Law
- (b) Section of Antitrust Law
- (c) Section of Corporation, Business and Banking Law
- (d) Section of Criminal Law
- (e) Section of Creditor-Debtor Rights
- (f) Section of Environmental and Land Use Law
- (g) Section of Family Law
- (h) Section of Intellectual and Industrial Property
- (i) Section of Real Property, Probate and Trust Law
- (j) Section of Taxation
- (k) Section of Trial Practice
- (l) World Peace Through Law Section
- (m) Young Lawyers Section

SECTION 2. ESTABLISHMENT, COMBINATION AND DISCONTINUANCE. New sections may be established and existing sections may be continued or discontinued or their names changed by the Board of Governors, or in the manner provided by the By-Laws, and the foregoing list shall be changed in accordance with the action taken.

SECTION 3. BY-LAWS. Each section shall have By-Laws not inconsistent with the Washington State Bar Act and the By-Laws of the Association. Section By-Laws or amendments thereof shall become effective when approved by the Board of Governors.

SECTION 4. ESTABLISHING OR COMBINING SECTIONS.

The Board of Governors shall consider the establishment of new sections and the combination or discontinuance or change of names of existing sections on its own motion or on a petition and report subscribed and endorsed by at least fifty (50) members of the Association or as a result of a report of a committee. The report shall state the views of the Board and shall show substantial compliance with the following requirements:

(a) At least six (6) months prior to the meeting at which action upon the proposal is contemplated the proponents thereof shall have filed with the Executive Director a statement setting forth:

- (1) the contemplated jurisdiction of the section, which shall be within the legal objectives of the Association and

cerned with problems of court congestion and delay in the State of Washington and shall submit recommendations concerning such matters to the Board of Governors.

Court Rules and Procedures. This committee shall be concerned with the continued improvement of the various rules of the Courts of the State of Washington. It shall be concerned with standardization and interrelationship of federal rules of the Washington Court Rules, need for revision of rules of evidence, and pattern jury instructions at all levels of the Courts within the State of Washington.

Disciplinary Board. The Disciplinary Board shall be established and shall carry out the functions and duties assigned to it according to the Discipline Rules for Attorneys established by the Board of Governors and approved by the Supreme Court.

Editorial Advisory Board. The Editorial Advisory Board shall supervise the publication of the *Washington State Bar News*, including the selection of the editor (subject to confirmation by the Board of Governors), the establishment of guidelines for format, content and editorial policy and the implementation of such guidelines by review and consultation with the editor.

Group and Prepaid Legal Services. This committee shall oversee and work with all group and prepaid legal service programs and specifically shall monitor the statewide open panel prepaid legal services plan.

International Law. This committee shall be concerned with encouraging interest of the Bar and citizens of the State of Washington in world peace through law. It shall also be concerned with developments in international law as it pertains to citizens, resources and industry of the State of Washington.

Internship. This committee shall have jurisdiction in all matters relating to the legal internship program and report and make recommendations thereon to the Board of Governors.

Interprofessional. This committee shall be concerned with relationships with other professional groups.

Judicial Recommendation Committee. This committee shall be concerned with the methods, statistics and economics of judicial administration, the selection, retention and discipline of judges, and the efficiency, availability and responsibility of all levels of courts in the State of Washington. The committee shall continually review the interrelationships of the several levels of the courts, the need for revision of jurisdictional limits of the lower courts, the standards, methods and procedures for election, appointment, tenure and discipline of judges at each level of judicial administration. The committee shall from time to time consider the accessibility of courts to lay persons and methods for improving the ability of members of the public to obtain judicial relief with or without counsel.

This committee shall recommend standards for use within justice court districts and municipalities when selecting judges. It shall likewise make recommendations to County Bar Associations relating to basic qualifications and standards for appointment or election of judges at the Superior Court level. The committee shall establish standards for basic qualifications of candidates for the offices of the Court of

Appeals and justices of the State Supreme Court. Whenever a vacancy occurs in such courts, the committee shall screen candidates for the vacancy and make recommendations to the Board of Governors.

Law-Related Education. This committee shall deal with problems and concerns in the area of law-related education for the general public.

Law School Liaison. This committee shall have jurisdiction of all questions relating to legal education in this state and of methods for inculcating in law students a sincere regard for the standards, competence, ethics, and rules of the profession necessary to its high calling.

Lawyer Referral. This committee shall oversee and make any necessary recommendations to the Board of Governors concerning the operation and effectiveness of the Lawyer Referral Service.

Legal Aid. This committee shall be concerned with questions in the field of legal aid, with respect to (1) administration of justice as it affects indigent persons throughout the state, (2) remedial measures intended to assist indigent persons in the protection of their legal rights, (3) the establishment and efficient maintenance of legal aid organizations and (4) cooperation with other agencies, both public and private, interested in these objectives.

Legal Assistants. This committee shall study and assist in the development of an effective role and use of legal assistants in law offices.

Legal Services to the Armed Forces. This committee shall be concerned with matters relating to the rendition of appropriate and efficient legal service to members of the armed forces of the United States.

Legislative. This committee shall be concerned with proposals for State and Federal legislation which relate to the improvement of justice. It will also review proposed legislation of interest to the Bar and the general public and submit recommendations to the Board of Governors. The committee may draft proposed legislation for submission to the Board of Governors. This committee shall maintain liaison with sections and with standing and special committees in order to correlate its activities with studies being conducted by those entities.

Office Practice. This committee shall be concerned with all aspects of cost and efficiency of the delivery of legal services.

Public Relations. This committee shall be concerned with promoting good public relations and understanding in matters relating to the Bar Association with the general public, the press and other media.

Resolutions. This committee shall be concerned with the consideration and presentation of recommendations regarding proposed resolutions which are submitted according to the By-Laws for consideration at the annual meeting or any special meeting of this Association.

Specialization Board. This Board shall be responsible for the development, implementation and administration of the program for the regulation of specialization in the State of Washington as approved by the Board of Governors and the Supreme Court.

Statute Law. In accordance with the laws of the State of

event of the resignation, death or disqualification of the Chairperson, his or her successor shall be appointed by the Board of Governors to serve out the remaining portion of the unexpired term.

(d) Terms of Membership.

(i) Appointments to committees shall be on a one-year term basis, with the exception of the Disciplinary Board, the Clients Security Fund Committee, the Editorial Advisory Board, the Statute Law Committee and the Continuing Legal Education Board. Any member who fails to attend two consecutive regularly called meetings of the committee shall be removed from the committee, unless he or she has an excuse approved by the Chairperson of the committee. Upon such removal, a new member shall be appointed by the Board of Governors to serve during the unexpired term of the member removed. As a general principle, a member's continuing service shall be limited to three consecutive one-year terms on any one committee.

(ii) *Special Committees.* Each Special Committee shall consist of a Chairperson and six (6) members, unless a different number be designated by the Board of Governors, and each member shall serve until the adjournment of the annual meeting following his or her appointment, or until his or her successor is appointed.

(iii) *Termination of Committees.* The Board of Governors may terminate any Standing or Special Committee whenever it is of the opinion that such committee is no longer necessary.

(e) **Meetings.** Meetings of each committee shall be held upon call of its Chairperson.

(f) **Designation of Standing Committees.** There shall be Standing Committees whose functions shall be as defined in Section 1(g) of Article VI as follows:

- Committee on Alcoholism
- Arbitration Law
- Committee of Bar Examiners
- Bench-Bar-Press
- Civil Rights
- Client's Security Fund
- Code of Professional Responsibility
- Continuing Legal Education
- Board of Continuing Legal Education
- Corrections
- Court Congestion and Delay
- Court Rules and Procedures
- Disciplinary Board
- Editorial Advisory Board
- Group and Prepaid Legal Services
- International Law
- Internship
- Interprofessional
- Judicial Recommendation Committee
- Law-Related Education
- Law School Liaison
- Lawyer Referral
- Legal Aid
- Legal Assistants
- Legal Services to the Armed Forces
- Legislative

- Office Practice
- Public Relations
- Resolutions
- Specialization Board
- Statute Law
- Travel
- Unauthorized Practice of Law

(g) Jurisdiction of Standing Committees.

Committee on Alcoholism. This committee shall deal with the problem and rehabilitation of the alcohol-addicted attorney.

Arbitration Law. This committee shall be concerned with developments in arbitration law, with the standards and procedures for orderly arbitration and the expanded use of arbitration for the settlement of disputes and claims.

Committee of Bar Examiners. This committee shall be concerned with preparing the questions and grading the papers for the bar examinations under the direction of the Board of Governors, in accordance with the Rules for Admission to Practice Law as approved by the Supreme Court. The committee shall have such other duties as may be assigned it by the Board of Governors, including acting as a continuing consultant on the admission process.

Bench-Bar-Press. This committee shall be concerned with issues which are of common interest to the Bench, the Bar and the Press.

Civil Rights. This committee shall be concerned with the study and investigation of dangers to American civil liberties and shall submit recommendations concerning such matters to the Board of Governors.

Client's Security Fund. This committee shall be constituted in the manner and perform the functions as designed and designated by the Board of Governors and as delineated in these by-laws.

Code of Professional Responsibility. This committee shall have jurisdiction of all questions arising under the Code of Professional Responsibility in force in this state and may, upon request, express its opinion to the Board of Governors concerning proper professional conduct.

Continuing Legal Education. This committee shall concern itself with the general policy matters, scheduling, topic and speaker selection of Continuing Legal Education programs and shall make recommendations concerning the same to the Board of Governors.

Board of Continuing Legal Education. This Board shall approve courses and educational programs which will satisfy the educational requirements of the mandatory CLE rule. It may also waive individual compliance with the rule upon proper showing in accordance with the rule.

Corrections. This committee shall be concerned with the standards and, if necessary, the need for reform of our state and federal penal institutions. It shall be concerned with the basic civil rights of prison inmates, programs for rehabilitation of persons convicted of crimes, adequacy of penal institutions, need for reform of parole programs and procedures and related law enforcement administrative problems incident to correctional and prison programs in the State of Washington.

Court Congestion and Delay. This committee shall be con-

discussion shall have the right to close the debate upon it for a period not to exceed five (5) minutes.

(iii) When a minority report has been filed in connection with a committee report, one representative of the minority, selected by the minority for that purpose, shall have the privileges of the floor, to speak once, not to exceed five (5) minutes, on the question.

(iv) No non-member of the Association shall be heard by the meeting, unless on motion of a member and the unanimous vote of the meeting.

(v) At the request of the presiding officer or of any member, any resolution or motion shall be reduced to writing. Such a resolution or motion shall be read before it may be debated.

(vi) The rendition of reports at any annual or special meeting shall be governed by Article VIII, Section 4 of the By-Laws.

SECTION 8. REFERENDUMS. Any proposal upon which action has been taken at an annual meeting of the Association may be referred to a vote of the entire active membership of the Washington State Bar Association by order of the Board of Governors. The Board of Governors shall order a proposal referred to a vote of such membership in each of the following circumstances:

(a) If the proposal were acted upon at the annual meeting of the Association and if the action taken were requested to be referred by a two-thirds vote of the active members who voted at the meeting; or

(b) If there has been filed with the Association a petition signed by two hundred fifty (250) active members of the Association requesting such referral in respect to a proposal,

(i) acted upon at an annual meeting of the Association, or

(ii) to amend a By-Law of the Association, or

(iii) to adopt any new rule on any of the subjects contained in Section 7 above, or

(iv) to modify or reverse a decision of the Board of Governors.

Such a petition to be valid must be filed within sixty (60) days after the taking of the action under (i) above or the publication of the decision in the *Bar News* or otherwise under (iv) above. Participation in the referendum by not less than fifty (50) percent of the active membership of the Association shall be required in order for any referendum under this Section 8 to prevail.

SECTION 9. BALLOT. Whenever the Board of Governors is required to take a referendum, or whenever the Board orders any question referred to a vote of the entire membership of the Washington State Bar Association, the Board shall prepare a ballot designating the subject matter on which such vote is to be taken, and such ballot shall be submitted by the Board to each active member, in such form that each member can vote thereon and then return the same to the Board. Explanatory or supporting statements not to exceed 1,000 words each as submitted by the proponents and the opponents of the subject matter may be included in the ballot mailing at the discretion of the Board of Governors.

SECTION 10. EFFECT OF REFERENDUM. Whenever any such referendum shall be taken, the result of said referendum shall be effective and binding as to the specific resolution, proposal, rule, amendment or Board decision for a period of two (2) years from the date of the counting of the referendum ballots.

SECTION 11. FINAL ACTION OF THE ASSOCIATION. Except on referendum as provided in the above Sections 8, 9 and 10, no report, recommendation or other action taken at any annual or special meeting shall be considered as the final action of the Association, unless and until it shall have been approved or authorized by the Board of Governors. Any printed material containing any report, recommendation or proposal shall have clearly indicated thereon that the same does not represent the view or action of the Association, unless the Board of Governors shall have taken approving action with respect thereto.

ARTICLE VIII.

COMMITTEES

SECTION 1.

(a) **Division of Work.** To facilitate the work for the accomplishment of the purposes of Article I of these By-Laws, the Board of Governors may classify such work under appropriate Standing and Special Committees of the Washington State Bar Association. All of the work of the Association shall be accomplished by the Board of Governors, the staff, the Officers, sections, appropriate committees and task forces created by the Board of Governors.

(b) **Classification of Committees.** The classification of committees of the Association shall be:

(i) Standing Committees, created by the Board of Governors, for the investigation and study and handling of matters relating to the accomplishment of the general purposes, business and objects of the Association of a continuous and recurring character, within the limitations of the powers conferred.

(ii) Special Committees and Task Forces created by the Board of Governors, to investigate and study matter relating to specific purposes, business and objects of the Association of an immediate or non-recurring character.

(c) **Appointment.** Unless otherwise stated in the provision creating committees, appointment of members to serve on each committee of the Association shall be made by the Board of Governors for the term provided in the By-Laws for such committee. The Chairperson of each committee shall be designated annually by the Board of Governors, who shall give due regard to the recommendations of the committee. The initial meeting of each committee shall be set by the Executive Director within sixty (60) days after the annual meeting, unless in the discretion of the Executive Director and the Chairperson, such meeting is unnecessary. In the event of the resignation, death or disqualification of any member of a committee, the Board of Governors may appoint a successor to serve for the unexpired term. In the

(c) **Report of the President.** At the annual meeting, the President shall present his or her report, covering, in substance, the principal activities of the Association since the last preceding annual meeting.

SECTION 3. SPECIAL MEETINGS. Special meetings of the Washington State Bar Association may be called as follows:

(a) By the President, on a majority vote of the Board of Governors present at any meeting of said Board.

(b) By the Executive Director on written request of one thousand (1000) active members of the Washington State Bar Association.

If no action is taken on such valid request within five (5) days after receipt of the same, the special meeting may be called by any active member of the Washington State Bar Association. Special meetings may consider only such matters as are set forth in the notice of the meeting.

SECTION 4. NOTICE OF SPECIAL MEETING. Notice of a special meeting shall state the time and place of the holding of such meeting, and shall be given to the members of the Washington State Bar Association either by mail or by wide distribution in the public press at least five (5) days prior to such meeting. Said notice shall state generally the matters to be considered at the special meeting, shall include the full text of any proposed resolution and an explanatory written report (the sum of which shall not exceed one thousand words), and shall be signed by the Executive Director or in case of his or her failure to act, by any other person designated as hereinabove specified.

SECTION 5. RESOLUTIONS.

(a) **Annual Meetings.** Any member may present to the Resolutions Committee at least twenty (20) days before the annual meeting any written resolution pertaining to (a) the legal profession or the Association, (b) any report of any officer or section or committee of the Association, or (c) other matter on which the organized bar's views would be enlightening and persuasive to the public for consideration at such meeting. All such resolutions shall be accompanied by a written report explaining the resolution. The resolution and report together shall not exceed a combined total of one thousand (1,000) words.

Any member may present to the Resolutions Committee any resolution and/or supporting report(s) considered by the House of Delegates of the American Bar Association at its annual meeting that same year. Provided, however, any such ABA-considered resolution must be presented to the Committee in writing and no later than at the time of its public hearing held prior to the annual meeting as hereinafter stated.

Resolutions and reports received by the Resolutions Committee at least sixty (60) days prior to the annual meeting shall be published in the *Washington State Bar News* prior to such annual meeting. Notice of the purpose, function, and personnel of the Resolutions Committee, and a solicitation of written responses and comments on proposed resolutions by members of the Association shall be published in the same edition of the *Washington State Bar News*.

Not more than eleven (11) nor less than seven (7) days prior to the first day of each annual meeting, the Resolutions Committee may hold a public hearing on resolutions which have been submitted. At such hearing the proponents and opponents of any such resolution shall be given a reasonable opportunity to be heard. The Resolutions Committee may also hold a public hearing at the site of the annual meeting if such is deemed desirable or necessary by the committee.

At the conclusion of such public hearing or hearings on each such resolution, the Resolutions Committee shall recommend approval or rejection of any such resolution (with amendments if deemed appropriate).

The Resolutions Committee shall make available at the annual meeting copies of all resolutions on which it has so acted and shall there report orally and/or in writing upon each such resolution, giving its recommendations, proposed amendment(s) thereto, or comments thereon. Non-ABA-considered resolutions presented fewer than twenty (20) days prior to the opening day of any such annual meeting may only be considered with the consent of two-thirds (2/3) of those present and voting at the annual meeting.

Each resolution shall be open to debate and a vote taken thereon. The President shall report to the Board of Governors the action taken on each such resolution for final disposition by the Board, should such action be required.

(b) **Special Meetings.** Subject to notice provision in Article VII, Section 4, any resolution proposed for consideration at a special meeting will not be considered by the Resolutions Committee, but shall be presented and debated at the special meeting itself.

Action taken at the special meeting on any such resolution shall be reported by the President to the Board of Governors for final disposition in the same manner and with the same effect as though it were the action of an annual meeting.

SECTION 6. ORDER OF BUSINESS. The order of business shall be set out in the published program; provided, however, that the President or other Chairperson of the meeting may make such changes in order as he or she may deem necessary or expedient, from time to time.

SECTION 7. PARLIAMENTARY RULES AND DEBATE RULES.

(a) **Parliamentary Rules.** Proceedings at any meeting of the Washington State Bar shall be governed by Robert's Rules of Order. The President at or prior to any annual or special meeting of the Association may appoint a Parliamentarian to advise him or her on parliamentary matters during any such meeting.

(b) Debate Rules.

(i) When a member of the Association desires to speak, he or she shall rise and address the presiding officer. On being recognized, such member shall state his or her name and residence.

(ii) No member shall speak more than once on the same subject, and then for not to exceed five (5) minutes, except by special permission of the presiding officer or by the approving vote of a majority of the members then present; provided that the member who made the motion under

licly on any issue being submitted to the voters, pending before the legislature, or otherwise in the public domain, except that he or she may do so when specifically authorized or instructed to do so by the Board of Governors on a matter relating to the working or to the function or to the purposes of the Bar Association.

Members of the Board of Governors and members of the Bar Staff are prohibited from endorsing any candidate for a judicial or other law-oriented office and the full restriction shall apply to these offices, which means (a) no use of name, (b) no contribution of funds, and (c) no active public support.

Use of Bar Association letterheads shall be limited to official business of the Bar Association and specifically shall not be used in connection with any political campaign or public issue, nor in support of or in opposition to any political candidate, nor shall it be used for personal or charitable purposes.

ARTICLE VI. BOARD OF GOVERNORS AND APPROPRIATIONS

SECTION 1. REGULAR MEETINGS. Unless otherwise ordered by the Board of Governors, regular meetings of the Board shall be held monthly at such site as the Board may designate. A regular meeting shall also be held on the day preceding the opening session of the annual meeting at the place in which the annual meeting is to be held.

SECTION 2. SPECIAL MEETINGS. Special meetings of the Board of Governors may be called by the President, and shall be called by the Executive Director upon the written request of the President or of any five members of the Board of Governors, which request shall state the time, place, and purpose of said meeting. The five days notice requirement may be waived by unanimous consent.

SECTION 3. NOTICE OF ALL SPECIAL MEETINGS. Notice of all special meetings, setting forth the time, place and purpose thereof, shall be given to all members of the Board of Governors and to the President at least five (5) days prior to said meeting. The five days notice requirement may be waived by unanimous consent.

SECTION 4. QUORUM AT MEETING OF BOARD OF GOVERNORS. At meetings of the Board of Governors the presence of 7 Governors, or 6 Governors and the President, shall constitute a quorum for the transaction of any business of the Board, except that fewer than 7 may adjourn from day to day.

SECTION 5. REPRESENTATION OF THE ASSOCIATION. No committee or section, or member thereof, or member of the Board of Governors, or officer or employee of the Association shall assume to represent the Association or any committee or section thereof before any legislative body, in any court, before any other tribunal or in any communica-

tion to the Governor or the Attorney General of the State, unless authorized to do so by the Board of Governors.

SECTION 6. APPROPRIATIONS AND EXPENSES.

(a) Appropriations of Association funds shall be made by the Board of Governors through the adoption of an annual budget or by special appropriation as required.

(b) Duly authorized expenses incurred in the conduct of the affairs of the Association shall be paid out of such appropriations as shall have been made for such purposes in the manner directed by the Board of Governors.

(c) Vouchers shall be in such form, and supported by such authority as the Board of Governors shall from time to time prescribe.

(d) The financial liability of the Association to any committee or section shall be limited to the amount budgeted for it and shall cease upon payment of that amount.

(e) Any liability incurred by any committee or section, or member thereof, in excess of the funds budgeted, shall be the personal liability of the person or persons responsible for incurring or authorizing the same.

(f) Any liability incurred by any committee or section, or member thereof, not in accordance with the policies of the Board of Governors or in conflict with any part of these By-Laws, shall be the personal liability of the person or persons responsible for incurring or authorizing the same.

SECTION 7. EXECUTIVE SESSIONS. The Board of Governors may meet in Executive Session at the discretion of the President with no persons present except the President, members of the Board and the Executive Director when the matters under consideration or discussion involve discipline, litigation, personnel, reinstatement, individual character or fitness or other topic where the preservation of confidentiality is desirable or where public discussion might result in the violation of individual rights or in unwarranted or unjustified private or personal harm.

ARTICLE VII. MEETINGS OF THE BAR ASSOCIATION

SECTION 1. ANNUAL MEETING. The time and place for the holding of the annual meeting of the Washington State Bar Association shall be at any place or places within or without the State of Washington determined by the Board of Governors, made at least sixty (60) days prior to the date of such annual meeting.

SECTION 2. NOTICE AND PROGRAM.

(a) Notice of the annual meeting shall state the time and place for the holding of such meeting, and shall be given the members of the Washington State Bar Association at least forty-five (45) days prior to such meeting.

(b) **Annual program.** The Board of Governors shall provide a suitable program for each annual meeting of the Washington State Bar Association, which shall be made available to each member in advance of the meeting.

envelopes be satisfactorily identified and signed, deposit the same in receptacles segregated as to Districts. Said receptacles shall remain in the custody of the Executive Director until the ballots shall be canvassed.

Should any ballot envelope not be satisfactorily identified and signed, the same shall, if possible, be returned to the sender for further identification or signature. Ballots not enclosed in envelopes, satisfactorily identified and signed at the time of canvass shall not be counted.

SECTION 10. CANVASSING OF BALLOTS. Ballots shall be canvassed in the office of the Association by an Election Board consisting of not less than five (5) members appointed by the President. No less than 3 members of said Election Board shall be present at any canvass. Any member of the Association may be present at such canvass.

Promptly on conclusion of the canvass, the Election Board shall certify the results thereof to the Executive Director, who shall forthwith publicly announce the election of the successful candidates and notify each candidate by mail of the result of the election.

ARTICLE IV. OFFICERS OF THE ASSOCIATION

SECTION 1. OFFICERS. The officers of the Washington State Bar Association, exclusive of the Board of Governors, shall consist of a President, Treasurer, and an Executive Director, who shall also serve as Secretary.

(a) **The President.** On or before July 31st of each year, the Board of Governors shall elect as President an active member of the Washington State Bar Association. Except as otherwise determined by the Board of Governors, the President shall take office at the close of the next annual meeting of the Association and serve for a period of one year or until the close of the next annual meeting.

The newly-elected President shall attend the last meeting of the Board of Governors held prior to the time he or she takes office, and shall be invited to attend such other meetings prior thereto, if any, as shall be designated by the Board of Governors.

The President may be removed from office by an affirmative vote of the Board of Governors with not more than one dissenting vote of those members voting, excluding the President, who shall not vote. The President shall only be removed for good cause, which may include incapacity to serve, or such other conduct or activities which bring discredit to the Association. Upon such removal, the Governors shall elect a new President to fill the unexpired term of the removed President.

(b) **The Treasurer.** The Treasurer shall be appointed by the Board of Governors from among its members at the first regular meeting held immediately after the annual meeting each year.

(c) **The Executive Director.** The Executive Director shall be appointed by the Board of Governors and shall hold office at the will of the Board of Governors.

ARTICLE V. DUTIES OF OFFICERS

SECTION 1. PRESIDENT. The President shall preside at all meetings of the Board of Governors, and at the annual and any special meetings of the members of the State Bar Association, and shall further perform those duties which usually devolve upon such officer.

SECTION 2. ABSENCE OR INABILITY OF PRESIDENT TO ACT. In the event of the absence or inability of the President to act at any meeting of the Washington State Bar Association or of the Board of Governors, or in any other matters, he or she may designate any one of the members of the Board of Governors to act in his or her place. In the event the President makes no such designation, the Governors may by vote select one of the Board members to so act.

SECTION 3. TREASURER. The Treasurer shall, when required, be a party to all contracts entered into by the order of the Board of Governors, shall cause books of accounts to be kept, shall cause the books to be audited annually, said auditor's report to be printed and made available to all dues-paying members of the Washington State Bar Association, and shall perform such other duties as are imposed upon him or her in carrying out these rules and regulations. The duties of the Treasurer may be performed by the Executive Director.

SECTION 4. EXECUTIVE DIRECTOR. The Executive Director shall have charge of the office and the activities of the Bar Association under the direction of the Board of Governors, with power to employ and compensate, within the limits of the budget, such professional, clerical, and secretarial help as may be necessary to carry out the functions and purposes of the organization, and shall perform such other duties as may be imposed upon said Executive Director by the Board of Governors.

SECTION 5. BOARD OF GOVERNORS. The Board of Governors shall be the governing body which shall perform or supervise all the executive functions of the Washington State Bar Association.

SECTION 6. INDEMNIFICATION. The President and members of the Board of Governors shall be indemnified for any claims or causes of action arising out of their official duties as officers of the Association. The standard for indemnification of the President and members of the Board of Governors shall be the same as that applicable to corporate officers pursuant to the RCW 23.A.08.025.

SECTION 7. POLITICAL ACTIVITY. The President of the Bar Association, during his or her term of office, shall not endorse or publicly support any candidate for any political office, and this restriction applies fully to include (a) the use of his or her name, (b) the contribution of funds, or (c) active participation or support to any degree. Further, the President, during his or her term of office, shall not take a side pub-

If the Board of Governors shall determine, after due investigation, that the member possesses the moral, ethical and professional qualifications, and such character and reputation as are consistent with the standards of the profession in the State of Washington, the Board shall recommend to the Supreme Court that the applicant be admitted or readmitted to membership in the Washington State Bar Association.

(c) **Petition after disbarment.** The Board of Governors shall not accept a Petition for Reinstatement after disbarment, in accordance with the procedures outlined in the Discipline Rules for Attorneys, until after the expiration of a period of two years after an adverse decision by the Board.

(d) The Board of Governors shall not accept a Petition for Reinstatement after resignation with discipline pending for a period of two years after an adverse decision by the Board relating to the same Petitioner.

ARTICLE III. NOMINATION AND ELECTION OF GOVERNORS

SECTION 1. NOMINATING PETITIONS FOR GOVERNORS. The Board of Governors shall consist of ten members plus the President of the Association. Any active member of the Association in good standing, except a member previously elected to the Board of Governors of the Association, may be nominated for the office of Governor from the Congressional District or other prescribed election district in which such member resides upon petition signed by not less than twenty (20) and not more than thirty (30) active members of the Association then residing in said district.

A uniform form of nominating petition shall be prepared and furnished on request by the Executive Director.

Only those nominating petitions prepared and signed as above set forth will be received and filed.

SECTION 2. FILING OF NOMINATING PETITIONS. Nominating petitions shall be filed in the office of the Association not later than 5:00 p.m. on the 31st day of May of the year in which the election is to be held.

SECTION 3. ELECTION AND TERMS OF OFFICE. Election of one Governor from each of the various Congressional Districts shall be held in the following order and every three (3) years in each District thereafter:

First and Fifth Congressional Districts and one
King County at Large District Member 1982
Second, Fourth and Seventh Congressional
Districts 1983
Third, Sixth and Eighth Congressional Districts and
one King County at Large District Member . . 1984

Each Governor so elected shall take office at the close of the next annual meeting of the Association following such election and shall hold office for a term of three (3) years thereafter; provided that each Governor so elected shall attend the last meeting of the Board of Governors held prior to or at said Annual Meeting.

SECTION 4. VACANCY. Should any vacancy on the Board of Governors occur, the Board of Governors shall appoint a resident of the District where the vacancy occurred, otherwise eligible to hold office as Governor, to hold office until the next scheduled election for that District.

SECTION 5. PREPARATION OF VOTING RECORD. All active members of the Washington State Bar Association who are, on June 1st of the year in which an election shall be held, (a) in good standing and (b) residents of the District in which said election shall be held, shall be eligible to vote in said election.

SECTION 6. BALLOTS. The Executive Director shall, within a reasonable period after May 31st of each election year, prepare ballots containing the names of all candidates for the office of Governor for each District in which an election is to be held, and shall mail a ballot to each member of the Association eligible to vote in said District, together with an envelope marked "Ballot" and an envelope addressed to the Association.

Should any member eligible to vote fail to receive a ballot, or receive an improper ballot, he or she may obtain the proper ballot by furnishing to the Executive Director proof of his or her eligibility to receive the same, and upon returning the improper ballot, if any.

SECTION 7. VOTING. Each member shall, after marking his or her ballot, place the same in the envelope marked "Ballot," place said envelope in the envelope directed to the Washington State Bar Association, print or type his or her name, and affix his or her signature to the outside thereof, and cause the same to be delivered to the office of the Association not later than 5:00 p.m. on the deadline date for voting as determined each election year by the Board of Governors.

SECTION 8. VOTING SYSTEM. In an election for membership on the Board of Governors, if there is only one candidate qualified at the expiration of the period set aside for qualifying, then that candidate shall be declared to be elected. If there are only two candidates for any one position on the Board, then that candidate receiving the highest number of votes of those cast, shall be declared to be elected. If there are more than two candidates and, if no candidate receives more than 50% of the total vote, then the two candidates receiving the highest number of votes will participate in and be included in a run-off election for membership on the Board from that District. In all District races, in the event of a tie, those candidates with the same number of votes will engage in a run-off or be included in a run-off, as the case may be. Alteration of or addition to the ballot, other than the marking of the member's choice, shall invalidate the ballot.

SECTION 9. CHECKING AND CUSTODY OF BALLOTS. On receipt of the ballots the Executive Director shall, should the

In the discretion of the Board of Governors such member shall, on restoration to active status, or as a condition precedent thereto, be subject to such disciplinary action by reason of any complaint then pending as may be proper under the Rules of Discipline.

SECTION 4. RESIGNATION OF A MEMBER OF THE WASHINGTON STATE BAR ASSOCIATION. A member of the Washington State Bar Association may resign from the Association by submitting to the Executive Director a written request that his or her name be stricken from the roll of attorneys in the State of Washington, provided that if there is a disciplinary proceeding then pending against him or her, or if the evidence is conclusive that he or she had personal knowledge that the filing of a complaint of substance against him or her was imminent, such resignation may be accepted or rejected in the discretion of the Board of Governors and on such conditions as the Board of Governors may determine.

SECTION 5. ANNUAL MEMBERSHIP FEES.

(a) The annual membership fees for active members shall be the sum of \$165.00 payable on or before February 1st of each year; provided that for all those who have been members for less than any part of three calendar years in this state or elsewhere, the annual membership fee shall be \$95.00; and further provided that a successful applicant in a winter bar examination who has not been admitted elsewhere shall pay \$60.00 for the year in which he or she is a successful applicant, if he or she wishes to be admitted to active practice during that year, and a successful applicant in a summer bar examination who has not been admitted elsewhere shall pay the sum of \$30.00 for the year in which he or she is a successful applicant, if he or she wishes to be admitted to active practice during that year. All successful applicants previously admitted to any other Bar shall pay the full membership fee for the year of admission. The year of admission as an active member of the Bar shall be counted as one of the three years for which the new admittee is allowed to pay the lesser amount of dues. If the applicant is not admitted to the Bar during the year of his or her successful completion of the bar examination then he or she shall pay \$95.00 for the first two years of membership in the Bar Association and the full membership fee thereafter as outlined above in this section.

(b) Until otherwise provided by law or by the Supreme Court, the annual membership and administration fee for an inactive member shall be \$37.00 payable on or before February 1st of each year.

(c) The membership fees shall be payable on or before February 1st of each year by those already members of the Washington State Bar Association and shall be due and payable by those admitted to practice at the time of admission and registration. Those members of the Bar Association paying their dues after March 1st of each year shall be assessed a penalty of 20% of the amount of dues owing and those members paying their membership dues after April 1st of each year shall be assessed a penalty of 50% of the amount of dues owing.

(d) No part of the membership fees shall be apportioned to fractional parts of the year, with the exception of the proviso in Section 5(a), and no part of the membership fees shall be rebated by reason of death, resignation, suspension, disbarment or change of membership status.

SECTION 6. SUSPENSION FOR NONPAYMENT OF MEMBERSHIP FEES. As provided in Section 12 of the State Bar Act and as directed by the Supreme Court:

Any member failing to pay any fees after the same become due, and after two (2) months' written notice of his delinquency, must be suspended from membership in the State Bar, . . .

The written notice, above provided for, shall be sent to a member at his or her last known address by registered or certified mail by the Executive Director. The name of any member failing to pay the fees within the two (2) months after said written notice has been mailed shall be certified to the Clerk of the Supreme Court by the Executive Director, and when approved by Order of the Supreme Court, the member shall be suspended from membership in the State Bar. The list of suspended members may be published in the *Bar News* at the discretion of the Board of Governors.

SECTION 7. REINSTATEMENT TO THE BAR OF THE STATE OF WASHINGTON.

(a) **Reinstatement of members suspended for nonpayment of membership fees.** If the Board of Governors shall determine, after investigation, that a member who has been suspended for nonpayment of membership fees continues to possess the moral, ethical and professional qualifications and such character and reputation as are consistent with the standards of the profession, a certification by the Executive Director shall be forwarded to the Supreme Court recommending that said member be reinstated as a member of the Washington State Bar Association, provided that he or she shall (1) comply with the laws of the State of Washington and the rules of the Association at the time of reinstatement, (2) submit his or her application for reinstatement in such form as may be prescribed by the Board of Governors, and (3) pay a sum equal to double the amount for all delinquent membership fees plus any investigation costs as may be determined by the Board of Governors, plus the then current year's dues.

(b) **Reinstatement or enrollment—miscellaneous.** Any person who at any time shall have been a member in good standing of the Bar of the State of Washington and shall have ceased to be a member of the Washington State Bar Association, other than one whose membership shall have been terminated by (1) suspension, or (2) disbarment, or (3) election to a judicial office, may apply for membership or restoration to membership in the Washington State Bar Association by filing his or her application in writing, in such form as may be prescribed by the Board of Governors, with the Executive Director, paying such amount as the Board may establish to defray the cost of processing such application and cost of investigation, and paying the current year's membership fee.

Every member shall register by signing a registration card, which in substance shall require, until the further order of the Board, the member to furnish the following information:

- (a) name;
- (b) principal business address and residence address;
- (c) date of admission;
- (d) places and dates of practice prior to admission in Washington;
- (e) date and place of birth;
- (f) law school and date of graduation;
- (g) membership, if any, in other state bar associations, giving name of each.

SECTION 3. CHANGE OF MEMBERSHIP STATUS

(a) Transfer from inactive to active membership.

(i) An inactive member otherwise in good standing who has maintained inactive status for less than one year, on filing an application in the form prescribed by the Board of Governors, on payment of the annual membership fee for active members, plus any investigation fee as determined by the Board of Governors, less any membership fee paid by him or her as an inactive member for the same year, may with the approval of the Board of Governors be transferred from the inactive roll to the active roll.

(ii) An inactive member otherwise in good standing who has maintained inactive status for more than one year, on complying with the law of this state and the rules of this Association then in force, may apply to the Board of Governors for reinstatement as an active member of this Association. At the time of filing his or her application, he or she shall pay the annual membership fee for active members, less any membership fee paid by him or her as an inactive member for the same year. The Board of Governors shall, to whatever extent deemed necessary, conduct an investigation of the application and the applicant. The investigation so made must show that the applicant possesses the moral, ethical and professional qualifications, and such character and reputation as are consistent with the standards established for the profession in the State of Washington. The applicant shall pay the cost, as determined by the Board of Governors, for the said investigation.

(iii) In the case of any inactive member seeking a transfer to active status where such member does not live or maintain an office in the State of Washington, no such transfer shall be granted, under subsections (i) or (ii) above, unless and until such member has filed with the Association, and on such form as the Association shall prescribe, the name and address of an agent within the state for the purpose of receiving service of process or any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer.

(b) **Transfer from honorary membership to active membership.** Any judge of a court of record in the State of Washington may transfer from honorary membership to active membership upon his or her resignation, retirement or completion of his or her term of office, by paying the then current year's membership dues.

Any other honorary member of the Washington State Bar Association, who is otherwise qualified to practice law in the State of Washington and whose application is approved by the Board of Governors, may be reinstated as an active member on filing his or her application in such form as may be prescribed by the Board of Governors and paying the then current year's membership fee.

(c) **Transfer from inactive to active membership by members in the military service of the United States Government.** An inactive member otherwise in good standing who by reason of military service with the United States Government for a period not exceeding five (5) years, on filing a written application, in such form as prescribed by the Board of Governors prior to or within ninety days after termination of such service, and paying the annual membership fee for active members, less any membership fee paid by him or her as an inactive member for the same year, may be transferred from the inactive roll to the active roll, if qualified in all other respects, as determined by the Board of Governors.

(d) **Change from active to inactive membership while disciplinary proceedings are pending.**

(i) An active member of the Washington State Bar Association, who desires to be placed on the inactive roll while disciplinary proceedings are pending against him or her, shall file in the office of the Washington State Bar Association a written request setting forth the reasons for such request for change of membership status. In considering said request, the Board of Governors shall take into consideration the reasons set forth and any complaints, either formal or informal, pending against him or her and, in so doing, may require reports thereon from the appropriate Local Administrative Committee, Disciplinary Board, or State Bar Counsel. The Board may grant said request, provided that in its opinion it shall be in the best interests of the member, the public, and the Association. Unless the Board shall otherwise determine, such change of status shall not terminate, stay or suspend any pending disciplinary proceeding.

(ii) *Change from inactive to active membership following former change with disciplinary proceedings pending.* Any member who shall have been placed on the inactive roll during the pendency of disciplinary proceedings may be reinstated as an active member if the Board of Governors shall determine, after due investigation, that he or she continues to possess the moral, ethical and professional qualifications and such character and reputation as are consistent with the standards of the profession, and provided that he or she shall (1) file his or her written application for change of status in such form as the Board of Governors may prescribe, and (2) pay such amount as the Board may establish to defray the cost of processing such application and cost of investigation, together with any increased costs incurred by reason of such investigation, as the same may be assessed by the Board of Governors, and (3) pay the annual membership fee prescribed for active members, less any membership fee paid by him or her as an inactive member for the year in which such application shall have been granted.

By-Laws of the Washington State Bar Association



ARTICLE I. FUNCTIONS

SECTION 1. PURPOSES. The Washington State Bar Association shall foster the following purposes, namely:

- To cultivate and advance the science of jurisprudence;
- To promote reform in the law and in judicial procedure;
- To facilitate the administration of justice;
- To uphold and elevate the standard of honor, of integrity and of courtesy in the legal profession;
- To encourage higher and better education for membership in the profession;
- To promote a spirit of cordiality and brotherhood among the members of the bar; and
- To promote, protect and further the public interest.

SECTION 2. ORGANIZATION OF LOCAL BAR ASSOCIATIONS. The Board of Governors shall encourage and foster the organization of Local Bar Associations, without the cooperation of which the work of the Washington State Bar Association cannot be effectively carried out in many fields.

ARTICLE II. MEMBERSHIP

SECTION 1. There shall be the following classes of membership with the following qualifications, privileges and restrictions:

(a) **Active Member.** Any person who (1) is duly admitted and entitled to practice law in the State of Washington, even though an employee or official of government or other institution, and (2) complies with all of the applicable provisions of the State Bar Act, the Rules of the Supreme Court, and these By-Laws, shall be an active member. Active members, in good standing, shall be fully qualified to vote, hold office and otherwise participate in the affairs of the Association.

An active member shall become an inactive member (1) upon written request directed to the office of the Association accompanied by a certification that the member will not engage in the practice of law nor be employed in any capacity requiring active membership while on inactive status, (2) when he or she is suffering from a physical disability which precludes the practice of law or employment as a

lawyer, or (3) when he or she wishes to retire by reason of age or otherwise.

Should any active member change his or her legal residence from the State of Washington, it shall be his or her duty to file a notice of such change of residence with the office of the Washington State Bar Association. An active member who does not live or maintain an office in the State of Washington must file with the Bar Association, and on such form as the Association shall prescribe, the name and address of an agent within the state for the purpose of receiving service of process or any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer. Service or delivery to such agent shall be deemed service upon or delivery to the lawyer.

(b) **Inactive Members.** Any active member whose status shall have been changed to inactive, as above provided, shall be an inactive member. No person may be originally admitted as an inactive member. No person is eligible to be an inactive member who is employed in the State of Washington with a job description or duties requiring active membership in a Bar Association as a prerequisite to employment.

Any inactive member may attend the annual and special meetings of the Association but may not be appointed or serve on any Committee, Board or Task Force of the Bar Association. No inactive member shall have a vote in the Association or in any meeting of the Association or hold office therein. Inactive members shall not be eligible for membership in Sections.

(c) **Honorary Members.** All judges of the Courts of Record in the State of Washington, and such other persons as may be so declared by the Board, shall, at their discretion, be honorary members of the Washington State Bar Association. Honorary members shall have the same privileges as inactive members, but shall not be required to pay any dues.

SECTION 2. REGISTER OF MEMBERS. The Executive Director shall keep a register for the enrollment of members of the Washington State Bar Association. In appropriate places therein, entries shall be made showing the residence address and principal office address of each member, date of admittance, class of membership, date of transfer from one class to another, if any, date and period of suspension or disbarment, if any, the member's signature and such other useful data which the Board of Governors may from time to time require each member to furnish. It shall be the duty of each member to promptly advise the Executive Director of each change in his or her place of residence and office address.

By-Laws of the Washington State Bar Association

Current as of August 1, 1983

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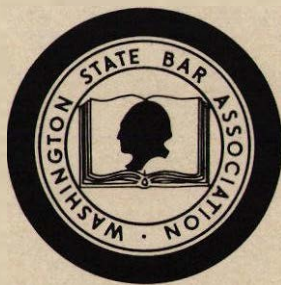
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Continuing Legal Education
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Legal Department
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General Information
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Washington State Bar Association

505 Madison Street
Seattle, Washington 98104

AUGUST 1983

members shall be appointed to a committee, which is created by the legislature for the improvement of Statute Law in this State. The committee shall be concerned with dissemination and development of group travel plans for the benefit of the membership.

Unauthorized Practice of Law. This committee shall advise the Board of Governors on the unauthorized practice of law and recommend means for the prevention of the unauthorized practice of law and the protection of the general public.

GENERAL DUTIES. It shall be the duty of the committee to carry into effect its own recommendations and to the extent authorized or directed by the Board of Governors, and it shall not incur any expense for its own budget, without specific authorization of the Board of Governors.

COOPERATION WITH OTHER COMMITTEES. Committees so appointed shall secure, whenever possible, the cooperation of other committees and organizations in the Washington State Bar Association and its divisions and sections of the Local Bar Association and the American Bar Association.

4. COMMITTEE REPORTS. The reports of the Standing and Special Committees and their recommendations, shall be delivered to the Director of the Association whenever requested by the Board of Governors and, in any event, at least thirty days before the annual meeting.

The report, whether or not published in advance, shall be read orally in presentation at any annual meeting at which it is directed by the Board of Governors to be read.

RESOLUTIONS

...To Be Considered at the 1983 Annual Business Meeting of the Washington State Bar Association

Resolution on National Sovereignty

WHEREAS: Adherence to universally recognized principles of international law is necessary to the preservation of international peace and security;

NOW THEREFORE BE IT RESOLVED THAT: The Washington State Bar Association requests that the government of the United States withhold all military assistance, whether direct or through intermediaries, aimed at destabilizing or harassing any government in Central America.

THE ASSOCIATION FURTHER RESOLVES that this Resolution be made public and be forwarded to members of Congress and to the President of the United States.

REPORT

This Resolution is sponsored by the World Peace Through Law Section of the Bar Association. This report is offered for the information of the Bar Association membership.

This Resolution and the Resolution on Human Rights in Central America have been substantially modified since their submission to the Board of Governors this Spring. The Section believes that these modified resolutions meet the three criteria suggested by Board President Paul Steere for determining whether the Bar Association should take a position on issues of political importance.

First, the Section has undertaken thorough research, including consultation with members of Congress. Bar members interested in a more detailed bibliography are referred to the Section's resolutions committee and to the CLE seminar on United States foreign policy in Central America at the Bar Convention in September.

Second, "a direct and substantial relationship of this resolution to our profession, the law and the administration of justice" is found in our responsibility for the promotion of justice worldwide through the adherence of all countries to accepted principles of international law.

Finally, although a "broad consensus" among attorneys cannot be proven in advance, a recent *Washington Post-ABC* News poll found that six out of seven people in our country

oppose covert aid to assist in the overthrow of the Nicaraguan government.¹ This report does not attempt to disprove any particular rationale for foreign policy, but rather urges the application to Central America of the principles of non-intervention and national sovereignty.

The United States Charter, which has the force of a treaty and therefore is applicable law under our Constitution, pledges the United States and all nations to seek peaceful solutions to disputes likely to endanger international peace and security.² The prohibition against the unprovoked use of force is reiterated in numerous treaties and conventions and has been cited by our State Department in condemning actions of other countries.³

A United Nations Security Council resolution, expressing concern about the danger of a military confrontation on the border of Nicaragua, called on the countries involved "not to resort to the threat or use of force and to respect the self-determination of peoples and the sovereign independence of all states."⁴ The United Nations has defined illegal aggression in part as "any military occupation, *however temporary*, resulting from... invasion or attack" or "the sending by and *on behalf of a state* armed bands which carry out acts of... force against another state..."⁵ (Emphasis added.)

The Neutrality Act of the United States prohibits planning and preparation for a military enterprise against a government with which the United States is at peace,⁶ and conspiring to injure or destroy property in such a foreign government.⁷ The Act, directed against individuals, was also intended to provide a check on the branches of government.⁸

Following publicity in November, 1982, about the United States' \$20 million support of military operations against Nicaragua, Congress passed the Boland Amendment, which forbids military assistance from being used "for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."⁹

The administration has claimed that the military operations against Nicaragua are intended to interdict the flow of arms from Nicaragua to El Salvador.¹⁰ However, almost no factual evidence has been publicly offered to substantiate this claim.¹¹ Indeed, the forces invading Nicaragua have declared their intent to overthrow its government,¹² and the CIA recently speculated that the Nicaraguan government might fall this

year.¹³ In any event, in 1982, U.S. embassy officials declared that the alleged flow of arms had slowed to "very modest quantities."¹⁴

The House Intelligence Committee, in May, 1982, after private briefings by the CIA, questioned the administration's attempts to "democratize" the government of Nicaragua and voted to discontinue funding for the operations,¹⁵ as did the House Foreign Affairs Subcommittee on Western Hemisphere Affairs.¹⁶

Both domestic and international law, in letter and in spirit, preclude the provision of military assistance, whether direct or through intermediaries, aimed at destabilizing or harassing any government in Central America. It is our responsibility as lawyers to call upon our government to conduct its foreign policy in accordance with this principle.

¹ *Washington Post*, May 25, 1983.

² United Nations Charter, Art. 33.

³ United Nations Charter, Art. 2 (4); Inter-American Treaty of Reciprocal Assistance, Art. I; Charter of the Organization of American States, Art. 18; Department of State, Office of the Legal Adviser, Memorandum Dec. 29, 1979, in *Am. J. Int'l L.* 418 Ap. 1980, p. 418.

⁴ United Nations Security Council Resolution 530, May 19, 1983.

⁵ United Nations G.A.O.R. (XXIX) Dec. 14, 1974, Definition of Aggression.

⁶ 18 U.S.C. § 960.

⁷ 18 U.S.C. § 965.

⁸ See 95 *Harv. L. Rev.* 1555, 1963 (1982).

⁹ P.L. 97-377, § 793, Dec. 21, 1982.

¹⁰ Department of State Currency Policy #464, March 10, 1983.

¹¹ White Papers: *New York Times*, Feb. 24, 1981, at A-8; *New York Times*, Feb. 28, 1981, at A-4. For analysis: *New York Times*, June 8, 1981; *New York Times*, June 10, 1981.

¹² See *Seattle Times*, April 20, 1983, p. A-3.

¹³ See *Seattle Times*, May 23, 1983.

¹⁴ Clark, citing Embassy officials in testimony before House Subcommittee on Inter-American Affairs, August 10, 1982, p. 13.

¹⁵ House Select Committee on Intelligence, Report May 3, 1983, reported in *Seattle Times*, May 8, 1983.

¹⁶ *Cong. Q'ty.*, April 16, 1983, p. 736.

Resolution on Human Rights in Central America

WHEREAS: Protection and cultivation of internationally recognized human rights should be a fundamental guiding principle underlying the foreign policy of the United States government;

NOW THEREFORE, BE IT RESOLVED THAT: The Washington State Bar Association requests that the government of the United States:

1. Withhold military and economic aid from any Central American government engaged in or permitting gross violations of internationally recognized human rights; and

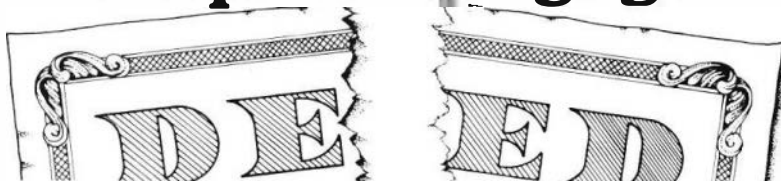
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2. Seek political rather than military solutions to the current conflicts in Central America, recognizing that the long-term success of such solutions depends upon the inclusion of legitimate, popular-based organizations in negotiations.

THE ASSOCIATION FURTHER RESOLVES that this Resolution be made public and be forwarded to members of Congress and to the President of the United States.

REPORT

The foregoing resolution is sponsored by the World Peace Through Law Section of the Bar Association. The following report is submitted for the information of the Bar Association membership.

Role of the Legal Profession

Our government is providing increasing assistance, both military and economic, to the governments of El Salvador and Guatemala. Those governments have been charged with engaging in and permitting gross violations of internationally recognized human rights. These charges have been documented by our own government as well as by such politically nonpartisan groups as Amnesty International.

The primary purpose of this report is not to make a case against the government of either El Salvador or Guatemala. Rather, it is to raise the question whether our government should be supporting *any* Central American government that *is*, in fact, guilty of such charges.

Respect for human rights is not only a cornerstone of our own Constitution, but a fundamental principle of international law. For this reason it is uniquely appropriate that we as lawyers discuss this issue and inform the public of our conclusions.

Scope of the Problem

According to Amnesty International, in Guatemala, in the last five years alone, over 10,000 civilians have been killed.¹ Under the current "Beans and Bullets" program of General Rios Montt, the Army moves into villages where it believes the people sympathize with the guerrillas.² Houses, stored food and crops are destroyed. Soldiers kill some residents and drive the others into the mountains. Weeks or months later, as hunger forces these refugees to surrender themselves to the Army, they are reassembled into new Army-controlled villages similar to the "strategic hamlets" used in Vietnam. There they receive housing, medical care and food. "If you are with us, we'll feed you," said one Guatemalan military officer. "If not, we'll kill you."³

The laws of Guatemala permit warrantless search and arrest and secret trials.⁴ For persons suspected of subversive activities, there is no right to bail or to a speedy trial. Corpses often bear signs of torture.

In El Salvador in 1982, the U.S. State Department reported 2,600 political assassinations, 450 disappearances, 2,800 detentions without trial, and widespread torture.⁵ The State Department found the judicial system to be inoperative due to

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bribery, threats and recrimination. The laws permit warrantless search, detention without trial and trial without counsel.

The effect of increasing United States aid to these governments, notwithstanding their human rights policies, has been to encourage their refusal to negotiate with their political opponents. This has made a political solution to the current conflicts in the region impossible.

Legal Principles

The Bill of Rights of the United States Constitution is our own guarantee of human rights.⁶ Although it is not enforceable on foreign soil, the Bill of Rights should guide our foreign policy. It would be unconscionable to promote the violation, beyond our borders, of the rights that we ourselves hold most dear.

Respect for human rights is also a fundamental principle of international law. It is required, for example, by the Charter of the United Nations (Article 55) (entered into force for the United States on October 24, 1945); the Charter of the Organization of American States (Articles 3 and 16) (entered into force for the United States on December 13, 1951); the Universal Declaration of Human Rights (U.N. General Assembly Res. 217A (III), December 10, 1948); the American Declaration of the Rights and Duties of Man (O.A.S. Res. XXX, 1948; Rev. 1965); and the American Convention on Human Rights (entered into force on July 18, 1978).

Existing domestic statutes require the United States government to withhold military and economic aid from governments engaged in a consistent pattern of gross violations of internationally recognized human rights.⁷ Those statutes contain exceptions, however, that have been used to justify increasing aid to countries where gross violations continue unabated.⁸ For example, in order to justify increased military aid to the government of El Salvador, the Reagan administration has taken the position that there has been a "significant improvement," 22 U.S.C. § 2304(e), in the human rights record of that government, despite persuasive evidence to the contrary.⁹

Neither our own Constitution nor the international legal authorities cited above contain such exceptions to the protection of human rights. Nor does the proposed resolution.

⁶Amnesty International, *Guatemala: A Government Program of Political Murder*, 5 (1981) *The Economist*, Dec. 18, 1982, at 65.

⁷Americas Watch, *Human Rights in Guatemala: No Neutrals Allowed*, Nov. 23, 1982, *passim*. (Source for entire paragraph, except as noted.)

⁸*New York Times*, July 18, 1982.

⁹Senate Foreign Relations Committee, *Country Reports on Human Rights Practices for 1982*, at 515. (Source for entire paragraph.)

¹⁰*Id.* at 490. (Source for entire paragraph.) See also Center for National Security Studies, *First Principles*, August, 1982, *passim*.

¹¹United States Constitution, Amendments 1-X.

¹²See 22 U.S.C. §§ 2151n(a) (economic aid), 2304(a) (military aid).

¹³See 22 U.S.C. §§ 2151n(a), 2304(a), (e). See also sources cited in footnotes 1 through 5 above.

¹⁴See, e.g., "A Report of a Mission of Inquiry of the Association of the Bar of the City of New York," *The Record*, Vol. 38, No. 2, March, 1983.

The Plea Bargain II

by Marilyn S. Smith

A telephone conversation to the tune of "America":

RRRRRRRIIINNGGGG!!!

Answers Phone: City Attorney's Offices.

Caller: This is Barbara D. Whire. May I speak with Newland Associate, please?

Answerer: One moment, please. *(Long pause)*

Answerer 2: Hello?

B. Whire: Is this Newland Associate?

N. Associate: Speaking.

B: This is Barbara D. Whire. I'm representing Ngu Thieu Towne.

N: Who's that?

B: His case is set for pretrial hearing next week. My discovery says you're the prosecutor. I sent you a letter about the case, and I—

N: Well, if it's set for next week, Russell Justice must be handling it. I'm sure I would have passed your letter on to him. Hold on, please. *(Another long pause)*

Answerer 3: Hello?

B: Is this Russell Justice?

R. Justice: Speaking.

B: This is Barb Whire. I'm representing Ngu Thieu Towne, a case that's set for pretrial next week in Farout District Court. I sent you a letter about the case, which Mr. Associate said he passed on to you, and I—

R: Ngu, huh? I don't remember that case. . . Wait a minute, please. *(Long wait on hold)* Ah, I found the file. I haven't had a chance to review it yet. We get so many.

B: Did you read my letter?

R: No, I don't see anything about a letter. You know the postal service.

B: Well, I sent you the names and phone numbers of our witnesses, and I asked you to talk to them before the pretrial hearing, because I'm sure that if you do, you'll agree with me that the matter should be dismissed at that time.

R: *(Stunned silence)* Really? Well. . . *(paper shuffles)* the case

looks solid to me. I don't see any reason why we should dismiss this, Barb.

B: Rusty, if you read through your police reports and then talk to the witnesses, it will be *clear* to you that my client didn't break that window.

R: Well, I see this police report was written by Officer High. I've known Officer High a long time, and he's a good cop.

B: He's the cop who was voted Best Actor in a Supporting Role by the King County Prosecutor's Office two years ago.

R: Well, he's been out there in Farout for the past year and a half, and he's one of their best cops. Maybe their only cop. If he says your client broke that window, that's enough for me.

B: Well, actually, if you read the report you'll see that High didn't see the window break. He just took the report.

R: If Officer High concluded after looking at the evidence that your client broke the window, I'm satisfied. You're wasting your time.

B: But if you read the report you'll see he talked only to the complaining witness, Mr. Slye.

R: He obviously believed him.

B: He didn't bother to check his rap sheet. Slye has five prior convictions for passing bad checks and is still on probation for *perjury*.

R: Well, I don't think we can judge a person by his rap sheet. As a defense lawyer, you should know that, Barb.

B: Mr. Slye is also the current president of America for Americans, a group lobbying to indefinitely suspend all immigration to the United States.

R: His political beliefs aren't evidence.

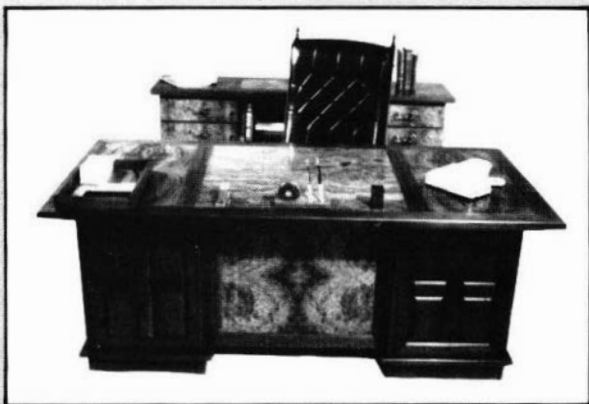
B: Mr. Slye has done everything in his power to prevent Mr. Ngu's family from moving into the neighborhood, including picketing the house. My witnesses—

R: Now, now. The window was broken. The officer saw it.

Marilyn S. Smith is an attorney with the Seattle firm of Pederson & Smith. This article was written in response to "The Plea Bargain," by R. Mark Allen, Bar News 37:3:17.

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B: My witnesses will testify that the window was broken *before* the Ngus moved in, and I have photographs taken last winter showing the broken window.

R: Photographs can be very misleading. How do I know when they were taken?

B: There's snow on the window ledge.

R: Easily faked. Anyway, there's no proof that the window was not repaired and then broken again.

B: My client and his family will testify that the window was broken when they moved in.

R: Of course, they *would* say that. *Obviously*, Officer High didn't believe them, and neither will the jury.

B: *Officer High never talked to them!*

R: Right. Now that he stands to be convicted they're suddenly willing to talk.

B: The Ngus are Vietnamese. They've been in this country for only three months and don't speak much English. They tried to tell Officer High what happened, but he got impatient and walked away.

R: He obviously didn't believe them. You and I know defendants and their families *always* have a reason to lie. If they've only been here for three months, how can they possibly live in a house in Farout and afford a lawyer?

B: The rent is paid by the First Church of Farout, and I was *appointed* to the case.

R: Get paid hourly, do you? No wonder you're putting in all this time.

B: Reverend Faithful of the Church has been trying to contact you, but no one has returned his calls. Have you gotten his messages?

R: No. He probably didn't leave any if he did call. What's his connection with the case, anyhow?

B: The Church has had a lot of experience battling with Mr. Slye, and they want to talk to you about that and about the Ngus, who are really fine people.

R: That's not relevant to the case.

B: It goes to Slye's motive to lie.

R: Well, that's an evidentiary question we'll have to leave to Judge Newcomer. You'll like him. He's a defendant's judge. Rarely sends anyone to jail, which is amazing considering all the people he finds guilty. Doesn't let the Rules of Evidence interfere with justice, either.

B: Look, I was hoping to get the matter dismissed at pretrial. My client has already missed a day of work for arraignment, and if he has to take more time off he's liable to lose his job altogether.

R: I thought he didn't speak much English.

B: He shelves groceries at the local supermarket.

R: Does the Office of Public Defense know he's working?

B: Listen, he makes \$3.50 an hour for thirty hours a week, and he's got a wife and four kids.

R: How come his wife isn't working?

B: Look, the point is, his job is in jeopardy. Why put him through all this? If you would only—

R: We wouldn't need a pretrial if you waived the jury. You defense attorneys want all the benefits of the system without the costs. Submit it on the record at the pretrial, and I guarantee you he won't get more than a deferred sentence, a fine, costs, and assessments. Unless... what's his record like?

B: Clean.

R: But he's only been here three months. Still, I could probably get you that deferred. In a year it'll be off his record.

B: But he's not guilty.

R: Right. Sure. And it never rains in Seattle. I've got the report right here. I notice there's even another witness on here.

B: Yes, Will Onest, Slye's neighbor. He told me the window had been broken before the Ngus moved in. Officer High took his name but didn't talk to him. In my letter I asked you to talk with him before pretrial. I don't suppose you have.

R: No, but of course we were planning to subpoena him. Officer High must have talked with him, so I imagine his testimony will be okay. He was probably just trying to get you off his back.

B: Look, if you would just take some time to check this out ahead of time, then—

R: Even if I did, so what? What do you expect me to do? Dismiss?

B: *Yes!* You don't have a case, Rusty, and my client stands to lose his job, not to mention all the inconveniences and emotional strain placed on him, his family, and everyone else. Dismiss it!

R: I can't dismiss a case. My job is to prosecute. It's too bad about your client's job.

B: Look, is there anything I can tell you or show you that would convince you to dismiss this?

R: I told you, I don't dismiss cases. If the police say there's a case, I have to prosecute. That's my job. Tell your client I can get him a deferred and a fine. I'll leave that open until after pretrial.

B: I can promise you, he won't want to take it. You have no case.

R: If that's the way you want to be, I guess I'll see you in court.

CLICK!

Both parties hang up as "from sea to shining sea" crescendos in the background. ☐

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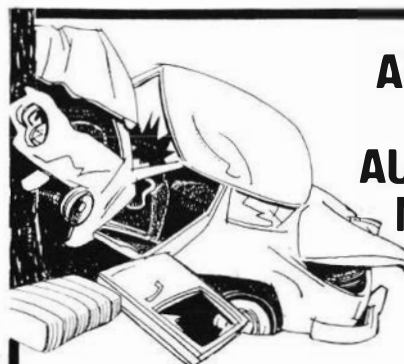
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WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Steven A. Reisler

YOU ASKED FOR IT, YOU GOT IT, IOLTA

Victoria, B.C., July 15-16 — Interest on lawyer trust accounts—the so-called IOLTA concept—has been the subject of heated debate for the past year.

At its July meeting, the Board went on record, 6-3, in favor of Sixth District Governor Pat Comfort's and Second District Governor Pete Dewell's motion to support an IOLTA program similar to one adopted by the Minnesota State Bar Association. Governors Bob Beezer, Dale Read and Bill Dwyer voted against the motion. Governor Paul Gibbs was away on business and did not participate in the final vote.

The Board had previously gone on record in support of the following:

1. IOLTA in principle;
2. a uniform program mandatory for all lawyers;
3. depositing all nominal or short-term trust monies in IOLTA;
4. creating a new, non-profit corporation or foundation to disburse IOLTA funds.

As envisioned by the Board, this new disbursing agency would not be limited in its use of funds or in its composition, except insofar as the money would be used for law-related public service and/or charitable purposes. The disbursing agency would include members appointed equally by the WSBA, the Governor of the State and the State Supreme Court.

With its July vote, the Board recommended that all lawyers be required to establish interest-bearing trust accounts. Short-term or nominal trust sums (as determined in the lawyer's discretion) shall earn interest for the benefit of the IOLTA fund. If economically feasible, the lawyer may deposit a client's trust money in a separate interest-bearing account (or pooled account) for the client's own benefit. According to the Board's proposed plan, the lawyer must advise the client about the receipt of funds; the lawyer may, but is not required to advise the client about the use of IOLTA funds.

The major objections to implementation of an IOLTA program concern the client consent issue. Seattle Governor Beezer voiced a philosophical objection to the "AYOTOLA" plan when he said: "Without the client's consent, we have no right to use anybody's money for any purpose."

Although Governors Comfort and Kargianis wanted an "out" for clients who do not want to participate in IOLTA, it was generally agreed that the IRS could impute income to any client who exercised a choice whether to opt in or out of the program. Governor Dwyer, although a supporter of IOLTA, nevertheless dissented from the majority vote because he believed it would be better to design an ideal IOLTA program—with client options, if necessary—and battle the IRS on the imputed income issue if it were challenged.

MONEY, MONEY, MONEY, MONEY

The Board unanimously approved a \$3.4M WSBA budget for fiscal 1984. The budget includes average 9.7% merit pay raises for WSBA's 38 staffers and funds to get the WSBA "out of the Dark Ages by going to word processing." Last year, the Bar built a \$140K reserve and

it projects a \$70K surplus in fiscal 1984. Executive Director Michalik reported that the surplus has largely been the result of good luck and stringent cost-cutting measures. WSBA expects to lose money on the 1984 Convention, however, unless a fair percentage of Spokane County lawyers attend.

The Board also considered retaining additional auditors to beef up the Bar's spot audit program. Governor Beezer lamented that the spot audit program has become inactive because the present auditor practically works full-time for the legal department performing audits "for cause." Governors Beezer and Comfort both praised the educational and deterrent values of the spot audit program.

SOLACE FOR SOLE PRACTITIONERS

There is concern nationwide that there are few resources available to the struggling sole practitioner. By consensus, the Board agreed to scope the issues concerning sole practitioners and refer to committee any measures which can be implemented to help the solo lawyer.

CONSTITUTIONAL EDUCATION

Seattle attorney Ron Gould, Chairperson of the Executive Committee of the "Today's Constitution and You" project, asked for the WSBA's support in educating the bar and lay public about the federal constitution. The Committee asked for no money now, only

sponsorship for the concept of constitutional education. WSBA lawyers are encouraged to voluntarily assist the program.

Governor Dwyer called the project "just what the doctor ordered for the public and the Bar" and moved for Bar sponsorship. The Board voted 8-0 (Beezer abstaining) for the motion and unanimously referred the matter to the Law-Related Education Committee for study.

OTHER BOARD ACTIONS:

- **ABA Delegates** — The Board unanimously voted to instruct Washington's ABA delegates to support a Texas ABA resolution opposed to FTC preemption of traditional state bar association regulation. By a 7-2 vote (Dewell and Read voting nay), the Board decided to leave its delegation uninstructed on all other ABA issues. Governor Dewell unsuccessfully urged the Board to take a position on the so-called Kutak Report on attorney ethics.
- **Family Law** — Without dissent, the Board approved the Family Law Section's request to increase section dues from \$10 to \$15 per member.
- **Public Interest Law Fund** — The Public Interest Law Fund, created by the Board in 1978 to support public interest litigation, has fallen on hard times. Funded by a voluntary dues statement checkoff, the Fund received only \$116 in donations last year. Governor Kargianis, referencing Cervantes' *Don Quixote*, called the Fund "our windmill fund, but we haven't found any 'windmills' to take on!" By 7-2 vote, the Board removed the checkoff for the fund from the annual dues statement. As Governor Loftus pointed out, however, this does not prevent the Bar from inviting lawyers to voluntarily contribute to specific public interest funds which may be created in the future.

THE NEXT MEETINGS OF THE BOARD OF GOVERNORS WILL BE:

August 19 & 20 — Port Ludlow
September 12 — Spokane

IOLTA Bulletin

special to the *Bar News*
by **John R. Ruhl**

At its July 15 meeting, the Board of Governors of the Washington State Bar Association approved by a vote of 6 to 3 a resolution endorsing the concept of a mandatory IOLTA ("Interest on Lawyers' Trust Accounts") program for Washington State lawyers.

The resolution urges the State Supreme Court to amend the Code of Professional Responsibility to require all lawyers in the state to convert their non-interest-bearing trust accounts into interest-bearing trust accounts for the deposit of their clients' nominal and short-term trust deposits.

The interest earned by the trust accounts will be paid to an independent foundation established to disburse funds for various tax-exempt charitable purposes, including the delivery of legal services to low-income persons.

The Board's resolution is a compromise action aimed at bringing the WSBA and the Seattle-King County Bar Association (SKCBA) into basic agreement on the key issues relating to the IOLTA concept, according to Paul W. Steere, WSBA President, and Hugh R. McGough, Chairman of the SKCBA IOLTA Task Force. Both the WSBA and SKCBA earlier had adopted IOLTA resolutions which differed on certain issues.

Steere said the WSBA will forward its resolution to the Washington State Supreme Court Task Force, which will report directly to the Supreme Court. Supporters of the IOLTA proposal in Seattle expect the Supreme Court Task Force to draft a specific proposal for an IOLTA program

VERBATIM COPY OF RESOLUTION

Passed as amended by the Board of Governors of
Washington State Bar Association,
6 (yes) - 3 (no) - 1 (absent)

July 15, 1983

The Board recommends adoption of a trust account rule with the following characteristics, it being understood that detailed draftsmanship will be done at a later time:

(1) The rule shall be mandatory and require deposit at interest of all clients' funds, including funds which are short-term or nominal in amount.

(2) The lawyer shall have responsibility and discretion to determine which funds are short-term or nominal in amount.

(3) The net interest income earned on funds which are short-term or nominal in amount shall be periodically remitted to a non-profit corporation formed to fund law-related public service purposes.

(4) The lawyer may, but shall not be required to notify the client of the intended use of such funds.

(5) The general procedures set forth in paragraph DR-9-103 of the Minnesota Rule shall be incorporated into the Washington Rule.

which embraces the principles endorsed in the WSBA resolution.

According to the American Bar Association, IOLTA programs had been approved in eleven states as of April 20, 1983. Only two of the states, California and Minnesota, require participation by lawyers, while the nine other programs allow voluntary participation by lawyers.

John R. Ruhl is a Seattle attorney.

Steere said the WSBA resolution closely follows Minnesota's mandatory IOLTA program.

After the Board meeting, Steere said that the Board has approached the IOLTA issue slowly and deliberately in order to give attorneys around the state an opportunity to make their views known to their respective governors. Steere pointed out that the IOLTA proposal has been on the agenda at ten of the last 14 Board of Governors meetings.

Steere said that on May 18 he sent an IOLTA fact sheet to all local bar association presidents and asked them to solicit written comments from their members.

The Board received more than 260 written comments from lawyers around the state, of which more than 240 favored the IOLTA proposal. WSBA Executive Director John J. Michalik pointed out that 226 of the favorable comments came from a SKCBA-Young Lawyers Section poll of its own members.

Prior to the July 15 Board meeting, the WSBA received letters of support for the IOLTA proposal from SKCBA and the SKCBA Young Lawyers Section, Michalik said, while letters of opposition were sent by the Benton-Franklin County Bar Association and the Walla Walla County Bar Association. The Kitsap County Bar Association endorsed the IOLTA concept by a straw vote but rejected the idea of mandatory participation by lawyers, he said.

Michalik said that the San Juan County Bar Association's

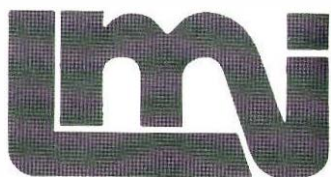
letter had expressed several concerns regarding the IOLTA proposal, but had neither endorsed nor rejected the proposal.

Steere emphasized that it is unlikely that the Supreme Court will adopt an IOLTA program unless the proposal receives support from a substantial majority of the local bar associations and lawyers across the state. Procedures for amending the Code of Professional Responsibility require the Supreme Court to promulgate proposed rule changes for comments by WSBA members before amendments can be adopted.

Steere said the Board has deliberately avoided specifying how IOLTA funds should be spent because Board members felt such issues should be decided by the directors of the independent foundation that would be established to collect and disburse the IOLTA funds.

All three dissenting Board members objected to the resolution principally because under current IRS policy, clients can have no say as to whether their short-term or nominal trust deposits will be placed into an IOLTA interest-bearing account, nor how the interest earned will be spent. Board member Read said that his dissenting vote was due in part to negative reactions he has received from his constituents.

Board member Dwyer explained that he favors the IOLTA concept generally, but he questions the validity of the IRS prohibition of client choice with respect to IOLTA. Dwyer argued that the current IRS policy on client control should be challenged in court. □



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The Courts

Supreme Court Institutes Flat Fee Schedule

by **Reginald N. Shriver**
Acting Clerk of the Supreme Court

By an Order dated June 20, 1983, the Supreme Court instituted a flat fee schedule to compensate court appointed counsel in indigent appeals. The fee schedule will apply to all indigent appeals filed after July 1, 1983, and to all cases pending on that date.

The schedule establishes two categories of appellate cases, and assigns a fee to each category. Category A, for which the fee is \$941.00, applies to: (1) direct appeals, (2) motions for discretionary review granted in the Court of Appeals, (3) civil *in forma pauperis* motions granted by the Supreme Court, and (4) personal restraint petitions only where an attorney is appointed. Category B, for which the fee is \$376.00, applies to: (1) petitions for review granted by the Supreme Court after Court of Appeals argument, (2) appeals from probation revocation hearings, (3) appeals from guilty pleas, (4) sentencing appeals, (5) summary dispositions, (6) juvenile manifest injustice appeals, and (7) cases in which a motion for discretionary review is denied. The flat fee includes reimbursement for an appointed lawyer's out-of-pocket expenses during the appeal process.

In addition to the schedule, appointed counsel will receive two other documents from either the Clerk of the Supreme Court or the Clerk of the Court of Appeals. The first, "Compensation Guidelines for Indigent Appellate Appointments," details services expected to be performed, as appropriate, for the basic fee. The Guidelines also enumerate factors which, in addition to those listed in RAP 15.5(b), may result in a reduction of the basic fee. Finally, the Guidelines establish a procedure for seeking compensation above the basic fee for unusually difficult or complex cases. The attorney will be required to submit an affidavit and other material supporting a request for extraordinary compensation.

The second document is an "Invoice of Counsel," which substitutes for the affidavit required by RAP 15.4, and must be submitted before payment will be made. The Invoice is designed to collect information about the allocation of time required to handle an appeal. It is hoped this information will permit the development of a more refined and sophisticated fee schedule in the future.

The fee schedule and other documents are the product of the Indigent Fees Task Force, appointed by the Supreme Court in 1982. Both the Supreme Court in its Order and the Task Force found the flat fee system to be the most equitable means of compensating appointed counsel within current budget constraints.

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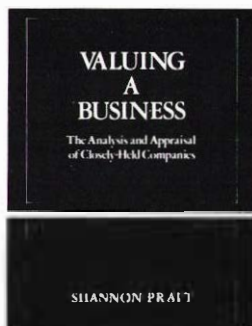
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1983 Bar Convention CLE

by **John M. Redenbaugh**
Assistant Director of CLE

As referenced in last month's "Clearinghouse" column, the 1983 Bar Convention theme is **LAW PRACTICE MANAGEMENT IN THE '80S**. This month's column will discuss programs not covered last month. Elsewhere in this issue, you will find a listing of the full Convention schedule for your convenience. This year's Convention CLE schedule features forty-two CLE credits worth of programs to choose from. Here is a closer look at some of the fourteen CLE programs to be presented.

Monday, September 12, 1983. The Intellectual and Industrial Property Section will present a program from 9:00 a.m. to noon featuring a focus on "Computer Aids to Legal and Technical Research for the Intellectual Property Lawyer" and a "Review of Recent Statutory and Rule Changes of the Patent & Trademark Office." In addition, the seminar will include a look at "Computer Aids for Docketing, Time and Accounting, Annuities and Word Processing for the Intellectual Property Lawyer."

From 2:00 p.m. to 5:00 p.m., the World Peace Through Law Section will present a thought-provoking program entitled **INTERNATIONAL LAW AND U.S. FOREIGN POLICY**. The topics to be covered include "Nuclear Non-Proliferation and the Regulatory Illusion: What Congress Can and Cannot Do," "Legal Challenges to United States Foreign Policy in Central America," and "International Human Rights and Treaty Law in Federal and State Courts."

Tuesday, September 13, 1983. The Antitrust Section presents **MANAGING ANTITRUST AND COMMERCIAL LITIGATION** in the afternoon from 2:00 p.m. to 5:00 p.m. This year's Antitrust Section seminar features eight topics. In addition to providing insight on "Proving Antitrust Injury and Damages," the program will feature a view on "Litigation Case Planning: Can the Small Firm Afford Antitrust Litigation?" and will include a look at "Management of Pre-trial and Trial Proceedings in the Complex Case: The Systems Approach," to be presented by a U.S. District Court Judge.

Rounding out the offerings in this afternoon program are: "Implied Contract Remedies in the Employer/Employee Relationship in Washington," "Application of **RICCO** Civil Causes of Action for Commercial Bribery: Treble Damages," "Consumer Protection Practice," "Drafting Antitrust Jury Instructions," and a "Consumer Protection Update."

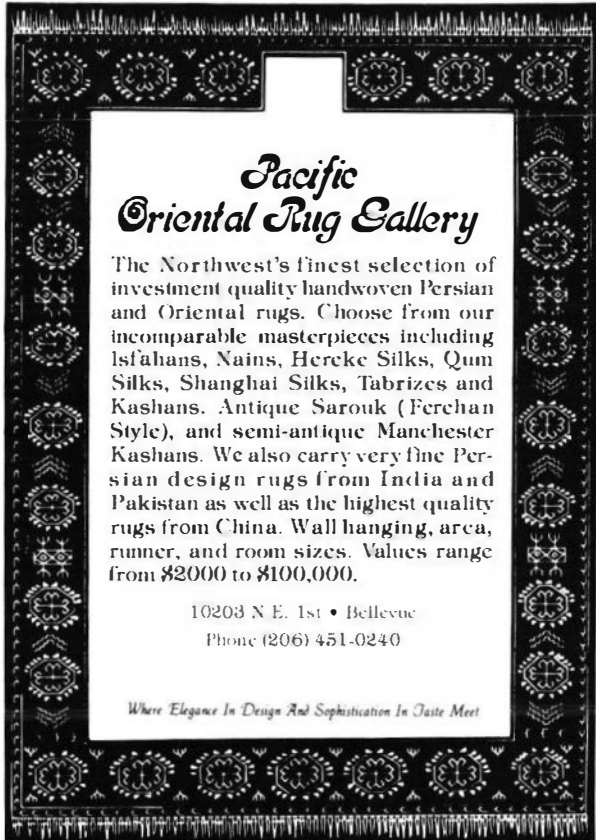
Wednesday, September 14, 1983. In the morning, the Administrative Law Section presents a program from 9:00 a.m. to noon entitled **ADMINISTRATIVE LAW: KEEPING PACE IN A WORLD OF CHANGE**. Not only does the program include an "Update on the Law" and "Practice Tips from an Administrative Law Judge," it will also feature a practical presentation dealing with the "Development and

Effective Use of Forms" and a helpful review of "On Line Resources for the Administrative Law Lawyer." In addition, the program will include segments on "Getting the Most Out of the Telephone and the Television" and "It All Comes Back to Advocacy."

Also on Wednesday, from 2:00 p.m. to 5:00 p.m., the Corporation, Business and Banking Section will offer you the opportunity to learn more about **ATTORNEYS' AND ACCOUNTANTS' OPINIONS AND RECENT DEVELOPMENTS**. The first half of the program will be a spinoff from the well-received "Model Rules of Professional Conduct (Kutak Rules) and the Business Lawyer" presentation at the 1983 C, B and B Mid-year Meeting.

In addition, the program will feature a look at "Attorneys' Responses to Auditors' Requests," deal with "Liabilities of Accountants," and include a presentation on "Ethical Considerations in Connection with Tax Shelter Opinions."

Thursday, September 15, 1983. The final day of the Convention will include an informative look at **IMPLEMENTATION OF THE SENTENCING REFORM ACT OF 1981**, from 2:00 p.m. to 5:00 p.m. Through the use of a "Demonstration of Model Plea Bargaining," the presentation of an "Overview of the Sentencing Reform Act of 1981," and a panel discussion with an opportunity for questions and answers, this program's objective is to improve your skills as a practitioner in the field of criminal law.



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PIERCE COUNTY

by **GEORGE KELLEY**

It seems that Pierce County wishes to raise the rent for the Bar-Referral Office and lawyer's lounge in the County-City Building. The County's position is that the Tacoma-Pierce County Bar is a profit-making entity and should pay commercial rates for the office space. Secretary Treasurer **Tom Faubion**, in a letter to county officials, stated that we lawyers contribute free and reduced fee service to county residents, the annual value of which exceeds \$320,000. If the county's definition of "profit-making" applies to bar services, there is little wonder the county is broke.

The local bar association has announced committee assignments for 1983-84. One committee of interest is the Fitness Committee. Its members include **Vincent Gadbaw**, chairman, and **Jay Immelt**, **Ross Burgess**, **Alvin Anderson** and **Don McGavick**. It might be said that physical fitness is not one of the prime concerns of this committee.

In the area of physical fitness, **Richard Vlosich** was listed in the Sound-to-Narrows race results as having finished under 46 minutes and was fourth in the 40-49 age class. Who Richard had run the hilly 7.8 mile course for him is unknown.

In another believe-it-or-not item, **Marshall Adams** has quit smoking.

John Coffee has passed away. He was the oldest practicing attorney in town. During the '30s he served several terms in Congress and was instrumental in the passage of much "New Deal" legislation. John was a walking history book of inside information about this era. He will be missed.

AA for Attorneys

Alcoholics Anonymous meetings for attorneys are held Wednesdays at noon at the Nutcracker Restaurant, 715 Third Avenue (near the County Courthouse) in Seattle.



IN MEMORIAM

Felix Rea of Ephrata, Superior Court Judge for 20 years in Grant and Douglas Counties, died May 21 at the age of 79. A former high school teacher, Rea graduated from the University of Washington Law School and was admitted to the Bar in 1931. He first practiced in Seattle, then moved to Ephrata in 1943. From 1955 to 1975, he served as a judge in the Superior Court. Mr. Rea was past president of the state Elks association, having founded the Ephrata Elks Lodge, and was active in many other community groups, including the Masonic Lodge, the Rotary Club and the Oddfellows.

DISCIPLINE

Reprimanded

Spokane attorney **Dale L. Raugust** was ordered reprimanded by the Board of Governors on June 11, 1983. Mr.

Raugust's reprimand was based upon his misconduct in causing an ad to be disseminated, the contents of which violated DR 2-101(B) (26), DR 2-101(B) (24), DR 2-101(A) and DR 1-102(A) (4). This notice is published pursuant to RLD 11.2.

Seattle attorney **Hugh W. Rehberg** was reprimanded by the Board of Governors on June 11, 1983. The reprimand was issued for Mr. Rehberg's conduct in securing a substantial loan from a client without full disclosure, and for misrepresentations made to the client and to the Bar Association, in violation of DR 5-104(A), DR 1-102(A) (4) and DRA 2.6. This notice is published pursuant to DRA 11.7.

Suspended

Tacoma attorney **Thomas M. Baker, Jr.**, has been suspended from the practice of law for a period of one year commencing July 2, 1983. The suspension was ordered by the Disciplinary Board pursuant to Stipulation that Mr. Baker had

neglected a legal matter and intentionally failed to carry out a contract of employment regarding the probate of an estate.

Lacey attorney **Del H. Clark** was ordered suspended from the practice of law for a period of sixty days, by order of the Supreme Court of Washington filed June 2, 1983. Mr. Clark was suspended for failure to cooperate with bar counsel's investigation of a complaint filed against him.

Seattle attorney **Joseph C. McMurray** was ordered suspended from the practice of law for 18 months by the Supreme Court on June 23, 1983. Mr. McMurray's suspension was based upon findings that he had taken \$200.00 of client funds as a claimed fee when the client had not consented to his taking the money; that he had failed to carry out a contract of employment with his client; that he had used information acquired in a professional relationship to impeach his former client; and that he had failed to cooperate with a Bar disciplinary investigation.

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Small Seattle firm seeks highly-qualified associate with one to three years civil litigation experience, preferably representing sureties in performance/payment bond matters or representing other parties in construction litigation. Outstanding academic and professional credentials desired. Applicant must be able to begin work on September 1, 1983. All responses kept strictly confidential. Send resume and writing sample to Box 130, WSBA.

Everett law firm seeking lawyer with personal injury/medical malpractice experience. Ability to assume an existing case load preferred. Reply to Box 131, WSBA.

Position available: Sole practitioner with established Skagit County practice seeks associate. Excellent opportunity. Person should have at least three years general practice experience. Complete, modern, up-to-date (1/1/83) facilities. Send inquiry to: Attorney, P.O. Box 456, Mount Vernon, WA 98273. Need is immediate.

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Riddell, Williams, Bullitt & Walkinshaw, a well-established, 33-attorney Seattle law firm, seeks associate with three to five years experience in civil litigation. Applicants must have outstanding academic background, solid employment references, independent trial experience and demonstrated ability. Send resume to Daniel S. Gottlieb, 4400 Seattle-First National Bank Building, Seattle, Washington 98154.

Medium-sized Spokane law firm has opening for associate position in taxation. Requires L.L.M. in taxation, excellent academic record and preferably two-three years experience working in tax area. Please reply Box 126, WSBA.

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Opportunity—Position available for highly-qualified attorney interested in associate position with partnership potential in general practice including litigation. Minimum five years local experience required. Send resume to Theodore M. Rosenblume, Charles Z. Smith & Associates, 636 Logan Building, Seattle, WA 98101.

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WILL SEARCH

Any person having knowledge of the existence of a Last Will and Testament for Art Leslie, a Ferry County resident, please contact Fred Floch, Attorney at Law, c/o Milton Leslie, Rt. 1, Box 368, Oroville, Washington 98844, Phone (509)476-2667.



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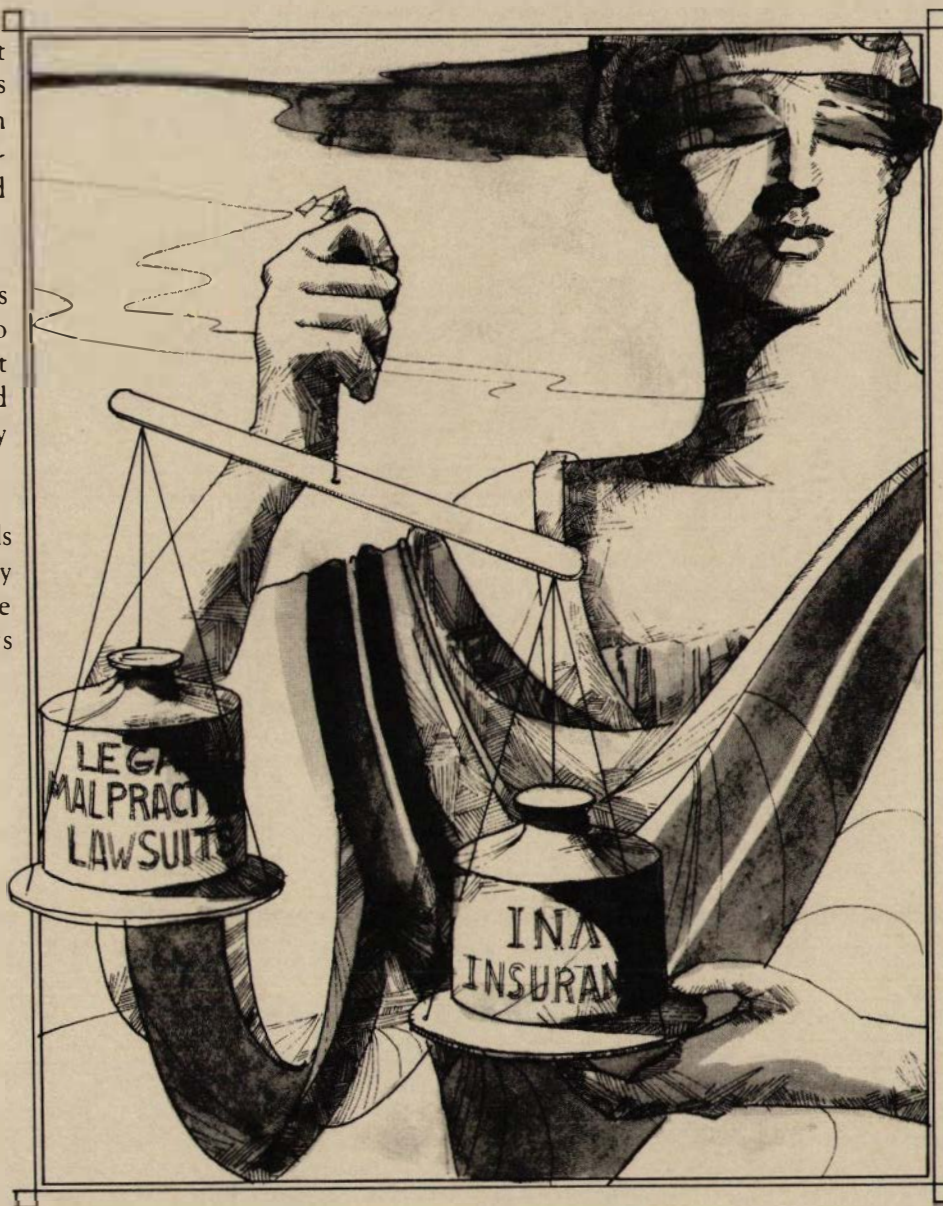
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