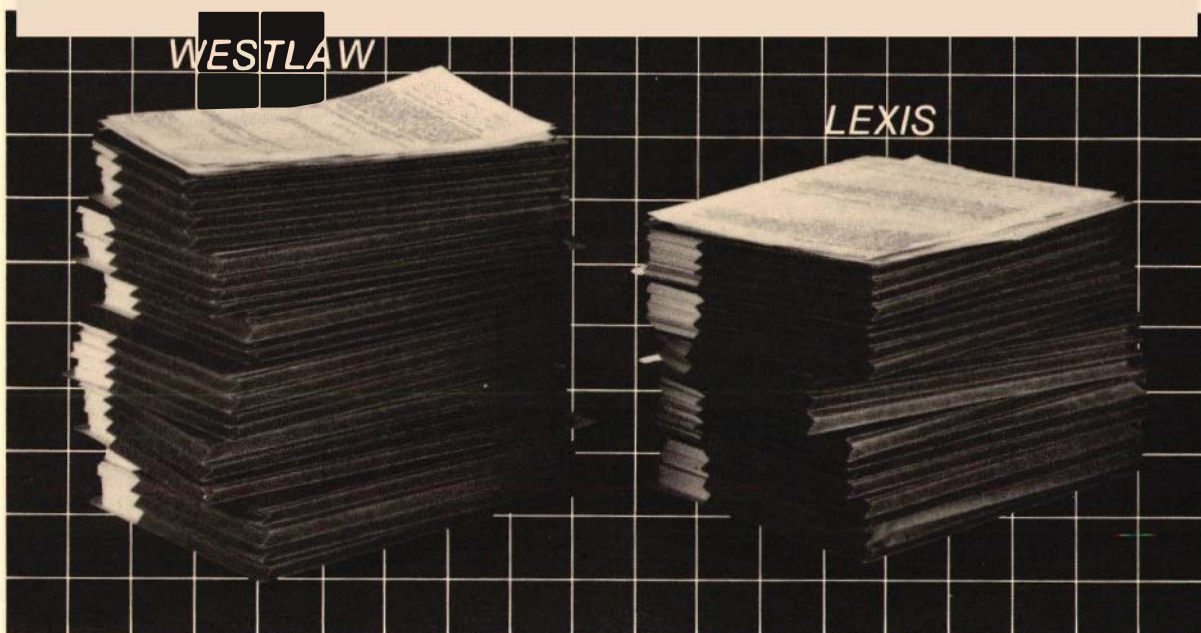


Washington State **Bar
News** Volume 38, No.1, January 1984



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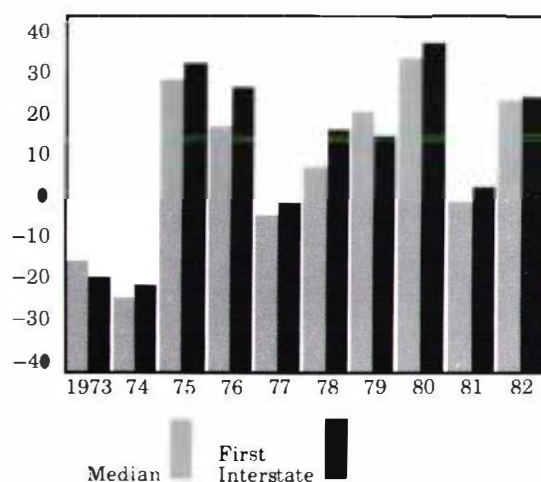
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Volume 38, No.1, January 1984

Published by

WASHINGTON STATE BAR ASSOCIATION
505 Madison Street Seattle, Washington 98104

Steven A. Reisler, *Editor*

Karin Foster-Garrison, *Managing Editor*

Dennis M. Eagan, *Advertising Manager*

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

Published on the last day of the month preceding cover date. Deadline for editorial and classified advertising materials: 25th of second preceding month.

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

Subscription price is \$12.00 a year for inactive members (included in active membership), \$24.00 a year for non-members. Single copies \$5.00 per issue; article reprints \$4.00 each.

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Our Cover



Artwork by British illustrator Arthur Rackham (1867-1939), in 1907. So why don't jurors take notes? Inside, read some noteworthy observations.



Letters

Please Don't Pack the Peas So Tightly

Editor:

While I share your concern regarding the integrity of our profession on a national scale ["Peas in a Pod," *Bar News* 37:10:7], I hesitate to be packed quite so tightly in the same pod as practitioners from Ohio. Please allow me to add approximately 900 miles to your "Ohio is 1,500 miles from Washington." I like to think that the increased distance brings some illusion of comfort in the event that the scourge afflicting Ohio and Louisiana is identified as contagious.

KEITH A. BODE

Lynden

Software Patents

Editor:

Jeff Haley's article on trade secrets and computer software [*Bar News* 37:9:51] notes that the most commonly used method of software protection has been trade secret. One of the reasons for this has been the uncertainty about

whether computer software could be protected under the U.S. Patent Law, which gives a patent owner the right to prevent others from making, using, and selling an invention for 17 years. This situation has changed.

Not long ago, the Supreme Court concluded that computer software directed to performing a function which the Patent Law was designed to protect (as opposed to being merely directed to a mathematical algorithm) was patentable. An example of the type of "software" invention subject to patent protection is the software that Merrill Lynch uses to control its Cash Management Account. A patent covering the CMA was issued approximately one year ago. A lower court challenge to the patent's validity on the basis that the patent covers nonstatutory subject matter was decided in favor of Merrill Lynch. The novelty of the system is now being tested in the same litigation.

Although patent protection has its own problems, it does avoid many of the

pitfalls described in Mr. Haley's article. As a result, it should be considered as part of a coordinated program of software protection in situations where software meets the general requirement outlined above, plus has a sufficient degree of novelty and economic value to justify the expense of obtaining patent protection.

GARY S. KINDNESS

Seattle

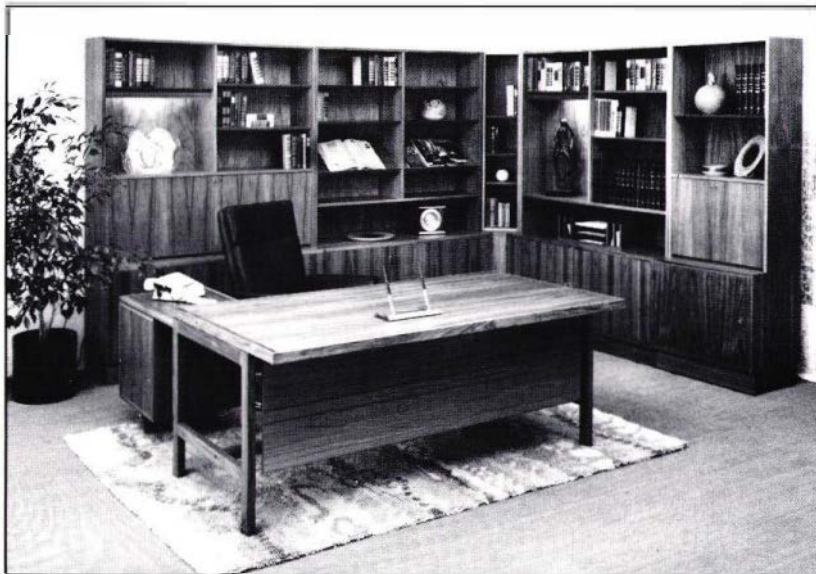
IOLTA Referendum

Editor:

Although I strongly support the program of requiring attorneys to maintain trust accounts and have always been in agreement with that basic concept, I oppose the implementation of amendments to Rule DR 9-102 which require attorneys to maintain interest-bearing trust accounts.

Not only will such an approach engender ill will in clients who discover that part of their monies—the earnings thereon—are being used for some purpose they may not approve of, but very few

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banks will be willing to maintain such accounts without imposing substantial costs upon the law offices maintaining them. For small trust accounts, the transaction costs will probably cause a net loss to the office—interest generated by the account being insufficient to pay the transaction costs.

I feel the proposed interest-bearing trust accounts should be entirely optional for those members who are desirous to participate.

I would think it is appropriate for the Supreme Court to have the Bar Association submit this question in referendum form to all of its members and let the majority rule. Surely, an occasional exercise in democracy could not be all that harmful to the Bar Association!

GARY L. CARPENTER

Clarkston

IOLTA Both Ethical and Sensible

Editor:

A very recent Washington news story explains that the nation's banks have

been warned that unless they speed up the way they clear checks, Congress will force reforms upon them. Analysts say long-standing bank practices cause the delay. Senator D'Amato says, "It really comes down to the banks playing the float game—delaying customer use of money from checks to increase the time banks use it without paying interest."

Those who have written to the *Bar News* complaining of the potential use of interest generated on these funds for public purposes have referred to our "taking," or in one case our "stealing," the client's money. Those same people are silent when informed that the banks have been using our clients' money, for their own selfish gain and purpose, from the time the first lawyer established the first trust account in the U.S.A.

It is obvious from letters written and comments made that an educational job will have to be done with the Bar Association when the Supreme Court approves the rule establishing interest on trust accounts, the proceeds of which are to go to a *non-profit corporation to fund*

public service projects. Do not lose sight of the fact that we are talking about funds that will be in an attorney's trust account for a *short* period of time or are nominal in amount. Our duty to invest client's funds that are not nominal, or that will be held for more than a short period, will remain the same as it has always been.

Over one year ago, the Ethics Committee of the American Bar Association submitted a formal opinion approving of this program. Until and unless the United States Supreme Court rules such action improper, attorneys in the State of Washington are completely protected both ethically and financially.

JACK R. DEAN

Spokane

Criminal Appeals Inequities

Editor:

The purpose of my prior letter [*Bar News* 37:8:5], was an attempt to have members of the Bar Association become



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concerned about indigent representation on the appellate level. My concern, while partly based on financial aspects of the practice of law, was primarily to notify Bar Association members about a system that was not in the best interest of our profession.

Individuals who practice criminal law

in the State of Washington, in most counties, are appointed to handle the appeals which stem from the convictions of their clients. Most of these clients are obviously indigent and do not have the funds to pay their attorneys for the appellate work.

Even though the Washington State

Supreme Court now has a flat fee system, the purpose of my prior letter was to point out that from January 1, 1982, until the adoption of that flat fee system, individuals having invoices approved by the Washington State Supreme Court were paid arbitrary figures based upon the amount of money actually available to the Supreme Court Clerk. During that period of time I had twenty-five appeals that were invoiced to the Washington State Supreme Court. For anyone to indicate that I have not contributed my fair share of free legal services is incorrect.

The purpose of this follow-up letter is to again make members of the Bar Association aware of the present fee system adopted by the Supreme Court and the prior system which was totally inequitable to all the attorneys in the criminal field in the State of Washington.

The suggestion that an attorney can now refer a criminal appeal to a state-wide appellate system obviously fails to recognize the basic responsibility of an attorney handling a criminal case. An attorney handling the criminal case, acting in the best interest of his client, does not want to turn over an appealable issue to an appellate state-wide system. Obviously, the lawyer has personal knowledge of the issue and the case, and he is dedicated to the principle of having his client fairly tried.

Attorneys not familiar with the system existing after January 1, 1982, through the adoption of the recent flat fee system, should contact an attorney handling criminal cases and learn the range of fees paid to them for their appellate work during this period of time.

I recognize that criminal law practice is not as financially rewarding as other aspects of our legal profession, but the purpose of my prior letter was an attempt to make members of the Bar Association apply pressure to our officers to at least make the practice of criminal appellate work equitable in regard to indigent defense.

JOHN L. FARRA

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If You Ask Me...

Billing Time, A Simpler Time

by Blair F. Paul

I was saddened to note recently the passing of Dudley Perrine. Dud was a classmate of my father's (U of W '39) whom I had gotten to know when he became an adverse expert in my one venture into a plaintiff's legal malpractice case. Ironically, I suppose, we became friends after that case was over, in which he helped to thoroughly trounce me (with a little help from the Judge's clearly — as opposed to muddily — deficient instructions). But Dud was a fine man, one the Bar shall miss. He once told me a story worth repeating.

Dud was a small town lawyer (Port Orchard) of 42 years' experience when he told me that he had never kept a time record or sent a client a bill until 1974, a period of almost 35 years. I suspected he was not independently wealthy and I was frankly flabbergasted. Although I knew my own father had never been much of a timekeeper (and still isn't), how could you survive without sending bills? He told me that when the case was over, whatever it was, he'd sit down with the client, discuss in general terms the time, result, and difficulties and then cut a fee.

To be sure he'd been stiffed a few times, but I daresay his receivables were in a lot better shape than most of ours.

I was amazed, though really quite whimsically fascinated with that anecdote of a day now becoming long past. It suggested that that very special trust that was supposed to exist between lawyer and client had been a very prominent part of Dudley's professional life. I envied him.

I then asked him how and why he now kept time records and sent bills. He told me the *simple* answer was that he'd gotten a young associate about that time, acquired some of the new law office equipment with lots of bells and whistles, and it seemed to be the way things were done now.

The *hard* answer, however, was more obscure, more perplexing — actually quite sad, he felt. The practice of law, for good or bad reason, was losing its personal touch between lawyer and client, its very meaningful confidential relationship, its high degree of trust.

In the old days, time records were enormously difficult to administer because the technology was just not there to handle them and thus few but the largest firms maintained them. But now with the computer, while it's not cheap, such records are manageable. Consequently, so much of what was once valued for its intrinsic worth was being translated into some arbitrary rate per hour, much as you might get your car fixed. That very sacred relationship seemed to be becoming much like the rest of the world, cynical, at arms length, and combative.

Dud's story has been something I've thought about frequently ever since, particularly when I see lawyers make the front page in fee disputes, particularly when I see a Court Commissioner apply the Consumer Protection statute to lawyers. Is it our fault that the sanctity of our privileged relationship is being equated to used car dealers? I suspect it is, sadly, because we so often forget what it is we do ourselves. But in our defense, it is a status and role that has been eroded by a multileveled attack primarily led by our first amendment brethren of the press. We fight so many skirmishes we've forgotten what the war was/is all about.

A review of the modern cases with respect to attorneys' fees demonstrates just how far that's gone. For the most part, these cases deal not with a dispute between attorney and client but rather with an opposing party who is obligated to pay the other's fees because of contract, statute, or some such. There is a perverse preoccupation with time in these cases, and while they give lip service to the old ABA criteria of "the value

Blair F. Paul is a Seattle lawyer in the firm of Paul, Johnson, Paul & Riley.

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of service rendered," everything is clearly coming down to some factor of time. Although these cases are not attorney/client fights, their logic is pervading such cases and setting the rule there also. The bar associations are also either requiring or strongly suggesting written fee agreements with precise terms, which is simply another way of anticipating future disputes between attorney and client.

Every law office management seminar and book put together in the last fifteen years underlines that those lawyers who religiously keep and bill time make more money than those who do not, and not insignificantly. Why? Because with time being the main criterion, results have less and less to do with it. Consequently, no matter the result, the fee is roughly the same — \$80 or \$100 per hour, period, end of report. Consequently, the client is, in fact, paying more than he was before, if only because the uncompleted phone calls, the blind alley research and previously unconsidered effort went by the by.

I am a strong believer that the *results* of legal services, primarily litigation, ought to be a strong and significant factor in the fees we charge. But because our detractors (as well as the computer) have forced the world of time keeping upon us, I will be much like my brethren and charge by the hour — at least until such time as a client who enjoys a good result offers to pay me a 20% bonus as his not so fortunate counterparts are quick to request a 20% or greater discount when we lose.

I suppose there's good reason for all of this, not the least of which is a public perception we're not to be trusted, but I nonetheless feel there's been an ever so subtle change in defining the attorney-client relationship, a change that isn't necessarily good; a change for which we're at least not totally responsible.

And this change ought to be one we understand, articulate and, frankly, abhor. We are not mechanics, laborers, or even doctors. We are lawyers. I suspect Dudley Perrine never had to be reminded.



Time

Neither rain nor sleet nor dark of night... seems to deter opposing counsel from serving her pleadings on me in timely fashion. The weather does interfere with my service of process, though.

"Honest, Your Honor," I explain to the Motions Judge. "It was that danged rain and sleet and dark of night which caused me to serve my responsive pleadings late! Yessir, the rain and sleet got my paperwork all *wet* and *goeey*, and the typing smeared, and, Judge, you really wouldn't want me to serve disgraceful looking, messy, gooey pleadings on another lawyer, now would you?"

Of course, the judge invariably *would* rather I served those wet, gooey pleadings, which leads me to conclude that either something must be done about Washington's weather, or about the time constraints built into the practice of law.

Our profession is a puzzle of clocks within clocks within clocks. From the statute of limitations to notices of depositions to motions for summary judgment, we just keep ticking off time.

Actually, we do not tick anymore. We hum. Ticking clocks and watches went out with manual typewriters and carbon copies; it is the rare lawyer today who does not sport a quartz digital timepiece with built-in air raid alarm, which silently flashes the passing microseconds. These wonderful watches are accurate to ± 5 seconds a month. If you have recently participated in a well-attended late afternoon deposition, you have heard a cacophony of lawyers' wrist-alarm watches chiming five o'clock... all within seconds of each other. It sounds like Sunday in Rome.

You can tell a lot about a lawyer by the wrist-watch he wears. The attorney whose digital quartz wrist-watch spits out the simultaneous time/date/weather on seven continents and the moon, and whose watch bleeps on the quarter minute is an attorney to be carefully watched (no pun intended). He's the one who will give you *exactly* five days notice

(count 'em—precisely 120 hours; no more, no less) on his motions. And he's the one who always commences suit one nanosecond before the statute of limitations expires.

Less time-conscious, but infinitely more dangerous, are the lawyers who wear mere chronographs or electric round-faced watches with true numbers on the dial. These are lawyers who are still sufficiently intelligent to tell time just by looking at the numbers at which the big and little hands are pointing.

The true gentlemen and gentlewomen of the profession are those lawyers whose watches bear no numbers at all. They appear at court on the "hour-ish," they give you *at least* six months' notice of depositions, and they usually bill their clients by the value of their services rather than by the hour.

As you probably noticed during this past gift-giving season, modern wrist-watches perform a miraculous variety of tasks. Lawyers can, with the appropriate timepiece, know the correct time in Pretoria, accurately meter their bills to the second, check a witness's pulse rate during trial, measure the ambient courtroom temperature, take a deposition 100 fathoms deep beneath Puget Sound, or play Pac-Man during recesses.

There is now available a wrist-sized television watch with a screen no larger than a postage stamp. Now that there are video displays that you can strap on your wrist, it will not be very long before the evolving technologies of microcomputers and cellular telephones meld to give your watch direct access to your office word processing equipment. Gone will be the day of "whispering counsel"; instead, you will see trial attorneys reading briefs off their wrist-watches and Shepardizing cases *in court* with a push of the button of their Seikos.

But none of the technological advances in timekeeping will help lawyers get their pleadings served *on time*. Even though you *know* the microseconds are buzzing by, even though you *know* critical deadlines are fast approaching, you will still procrastinate until the very last possible moment. What we lawyers

really need (are you listening, Timex?) are wrist-watches with speech synthesizing chips—like those newfangled talking elevators—which will (at first soothingly, and then, as time grows short, *shrilly*) remind you that your reply brief must be filed no later than by such-and-such, or your professional negligence will immediately be reported via two-way wrist-radio to the Bar Association, which will *summarily* *disbar* you.

Yet even all that would do nothing to prevent the rain and sleet from making my pleadings all wet and gooey... and late. So maybe there is nothing we can do about the clocks within clocks within clocks in the practice of law. Maybe we really ought to do something about Washington's weather instead.

It would be about time.

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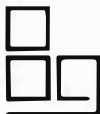
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A Continuity Plan



for the Sole Practitioner

by Carl P. Jensen

Sole practitioners face a special problem for which they need to be prepared. In the event of a sole practitioner's death or extended absence from his practice, continuity can be lost in the discharge of his ongoing representative and fiduciary duties to clients.

Two recent incidents illustrate this problem.

In the first, a lawyer who had left a firm in which he had been a partner for many years and entered into an office-sharing arrangement with another firm died. The second firm kept his active files, stored some of his inactive files, and turned over the balance of his files to his widow.

Subsequently, a former client of the now-deceased lawyer also died and the search began for his will. Copies of the will were available in abundance, but no original was found, nor were witnesses who could attest to the contents of the will in order to prove a copy thereof under probate rules.

Two telephone calls to senior partners of the deceased attorney's host firm brought negative responses. The decedent's heirs made an extended search of the decedent's home, going through some fifty years of accumulated paper, and the lawyer's widow searched through all of the records in her possession.

Finally, by sheer luck, a third telephone call to the host firm made contact with a secretary who had done some work for the deceased attorney and just happened to know where he had kept the original wills entrusted to him. The secretary located the missing will and all was well—but by then, sixty days of much wasted effort had been expended by heirs, friends, and the attorney selected to act.

The second incident involved this author. Two heart attacks kept me hospitalized for a month. The doctors told me to stay away from work completely for at least another thirty days. (A cerebral accident or a serious automobile accident could produce even more serious consequences to clients who have entrusted their affairs to the unfortunate attorney.)

SOLVING THE PROBLEM—PREPARATION

The first problem can easily be avoided by internal organization of the following:

- an adequate calendar of critical dates such as upcoming trials and motions;
- the safe storage of wills;

—an adequate index showing the location of original wills and a complete listing of trust account funds and important documents now required by DR9-102.

The second problem, dealing with extended absence, incompetence, or death, takes a bit more planning. Short-term absence not involving incompetence is usually fairly easy to handle; as it is largely a problem of communication between office staff and other preselected counsel to handle pressing matters. To prepare for such circumstances where the least serious prognosis is an extended absence from the practice of law, I recommend that each sole practitioner take the following steps to ensure adequate, continuous representation of his or her clients:

1) The first step is to select adequate legal counsel to continue representation and furnish service. Four considerations are relevant in this area and may be arranged in any priority: legal ability, ethical considerations, manpower availability, and treatment of the family of the absent attorney.

2) Having selected a proposed successor based on the above considerations, form letters should be prepared to advise each client of one's recommended successor and the client's opportunity for planned continuity, and also of his freedom to seek other counsel to handle legal matters, should he so wish. Office staff can prepare and mail such letters.

3) The next step is to execute a durable power of attorney to one of the lawyers chosen, specifically covering trust and fiduciary matters (although preferably broad enough to cover the entire practice), so that at all times the bases are covered, at least until the client has had the opportunity to make an informed choice.

4) The last consideration governing death could be covered in the same fashion as above, by appointing one of the chosen lawyers as executor of one's estate insofar as the law practice is concerned.

Most of us would just as soon gracefully reduce our practices and retire when the time is right. Unfortunately, it does not always happen that way. □

Carl P. Jensen is a sole practitioner in Seattle. He is a graduate of the University of Washington School of Law, and was admitted to practice in 1950.

WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Steven A. Reisler

DISCIPLINARY BOARD UPDATE

SEATTLE, December 16-17 -- On January 1, 1983, the WSBA instituted new procedures for investigating complaints against law-

yers and for meting out disciplinary measures when necessary. The Disciplinary Board itself now includes, in addition to its chairperson, Jerry Greenan, eight lawyers and one layperson.

When a complaint is filed, it first goes to WSBA Bar Counsel staff for review either in-house or by special regional counsel. Bar Counsel can then enter an order of conditional dismissal (appealable by the complainant) or he can report the matter to a Review Committee of the Disciplinary Board.

The Review Committee can 1) order a hearing; 2) dismiss the complaint; 3) send an advisory letter to the subject lawyer; 4) order further investigation; or 5) defer action until all civil or criminal issues are resolved. Once a complaint is filed, a lawyer can request a hearing within 180 days.

Greenan told the Governors that Review Committees hear on average one meeting every other month. Currently, there are 76 lawyer-hearing officers who act as trial judges. They hear testimony, make findings, and enter judgement. Judgements of suspension or disbarment are automatically reviewed by the Disciplinary Board as a whole. All other decisions by the Hearing Offices are final unless appealed by the disciplined lawyer or by Bar Counsel. The Disciplinary Board reviews all hearings on the record. The Board's decisions are final unless appealed to the Supreme Court.

Bar Counsel Robert Farrell told the Governors that the disciplinary caseload has increased about 20% in the last two years. The percentage of complaints tends to be higher for sole practitioners and, as the median age of the Bar becomes younger, the Bar tends to receive more complaints about younger lawyers.

Greenan reported that alcohol continues to be a source of disciplinary problems, as is drug abuse. Professional neglect of legal matters is another recurrent problem.

Fifth District Governor Joe Delay informed his colleagues that lay people on the east side of the state sometimes do not know how to initiate complaints against lawyers. Executive Director John Michalik advised that a complainant who identifies himself as such can place a collect telephone call to the Bar's direct line in Seattle. Michalik stressed that complaints themselves are not taken over the telephone, only the names and addresses of the complainants in order that an inquiry may begin.

BARPAC SETS \$50K GOAL

Jack Dean, incoming Chairman of BARPAC, an autonomous lawyers' political action committee, told the Board that BARPAC wants to head into

the 1984 elections with \$50,000 in the till. BARPAC, which asks each Washington lawyer to contribute \$15 annually, at present has \$24,200 in its political warchest.

LEGISLATIVE ENDORSEMENTS

Ken Schubert of the Probate Trust Division of the Real Property Committee reported to the Board about a major new trust bill which will be submitted to the legislature in 1984. The original objectives of the proposed legislation were to bring all trust laws into RCW Chapter 11 and to improve the administration of trusts. The Section intends to conduct CLE seminars around the state once the legislation is enacted.

Among other things, the new trust bill will create alternative non-judicial methods of resolving trust and estate disputes by adopting the doctrine of virtual representation and by permitting the court to appoint special counsel to represent contingent interests.

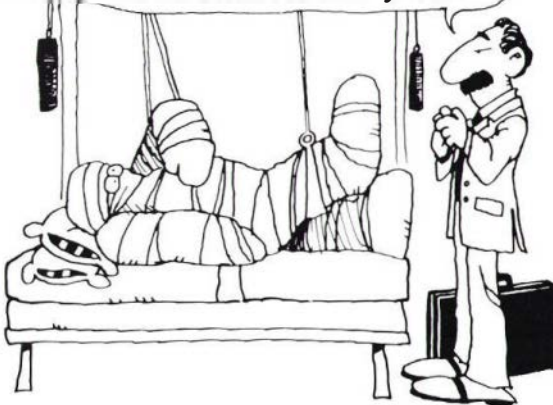
The Board of Governors unanimously voted to sponsor the legislation in 1984. It is already endorsed by the Corporate Trustees Association.

Kent Carlson, Chairman of the Executive Committee, Business & Banking Section, also sought the Board's approval for proposed amendments to the Washington Business Corporate Act RCW 23A. The goal of the proposed legislation is to make Washington's corporations competitive with other states'. The Board voted unanimously to sponsor the legislation.

Jorgen Bader of the Seattle City Attorney's Office addressed the Board on legislation which would provide prompt judicial review of Governmental permits affecting First Amendment rights. The proposed legislation would permit court dates on such First Amendment issues to be set within three days and to provide trial dates within thirty days. Some Governors expressed concern that thirty-day trial settings would inevitably bump civil trials from the court dockets. Ultimately, the Board voted 7-2 to support the concept of the proposed legislation.

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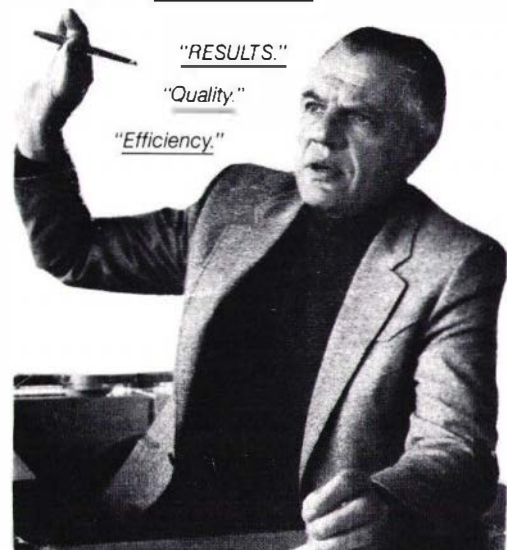
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ADMISSION TO PRACTICE RULES

Momentum is growing for the WSBA to revise its admission to practice rules, particularly those rules concerning who may sit for the Washington Bar Examination. The issues revolve around Bar applicants who have not attended ABA-approved law schools, who have practiced in other jurisdictions (both domestic and foreign), or who wish to read for the Bar via the law clerk program.

Executive Director Michalik sounded out the Governors' opinions before presenting a final, revised package of rules. Second District Governor Zylstra argued that the Bar retain a simple, straight-forward rule: except for participants in the law clerk program, only graduates of ABA-approved law schools should be allowed to sit for the Bar. Fourth District Governor Bond agreed, saying that the rules are designed to protect the public, and the public has no great need in seeing that lawyers are admitted to practice who have not satisfied the basic requirements of ABA-approved law schools.

Seventh District Governor Bracelin disagreed, however, and commented that it was wrong to retain a "simple" rule just because it is simple. She warned the Bar against a parochial attitude which might prevent a good lawyer of good moral standing from sitting for the Bar Exam just because he/she did not attend the right law school.

All agreed with Bar Counsel Farrell, however, who pointed out that new admission to practice rules must issue, because the Bar Examination by itself is inadequate protection against someone being admitted to practice by the "fluke" of passing the written test.

THE NEXT MEETINGS OF THE BOARD WILL BE: January 13-14 -- Westwater Inn, Olympia
February 10-11 -- Executive Inn, Fife



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Notes From the Academy

Edited by Professor William B. Stoebuck
University of Washington School of Law

CREDITOR-DEBTOR. Homestead exemption is not good against equitable lien that arises because landowner invests funds fraudulently obtained in homesteaded premises. *Christensen v. Christgard, Inc.*, 35 Wn. App. 626, 668 P.2d 1301 (1983).

—W. B. Stoebuck

CRIMINAL LAW AND PROCEDURE. (1) Where facts show that same event could constitute either custodial interference or unlawful imprisonment, defendant can properly be charged with only custodial interference, the more specific offense. *State v. Thomas*, 35 Wn. App. 598 (1983). (2) Habitual criminal proceedings are subject to double-jeopardy clause. Conviction based upon guilty plea may not be used as basis for declaration as habitual criminal when validity of guilty plea is not proven. *State v. Hennings*, 100 Wn.2d 379 (1983). (3) Defendant is entitled to instruction on diminished capacity when evidence of mental disorder not amounting to insanity, or of voluntary intoxication, raises issue of his ability to harbor a mental state (intent, knowledge, recklessness, or criminal negligence) that is required for offense charged. *State v. Griffin*, 100 Wn.2d 417 (1983). (4) Prosecutor may properly charge either incest or indecent liberties on basis of conduct that could constitute either offense. *State v. Farrington*, 35 Wn. App. 799 (1983). (4) Adoption of personal restraint petition (RAP 16.3-16.15) did not alter constitutional jurisdiction of superior courts to entertain habeas corpus petitions seeking post-conviction relief. *In re Brown*, 35 Wn. App. 852 (1983). (6) Robbery, where thing taken is an automobile, is robbery of its driver but not of passenger who has no interest in the vehicle. Defendant's conviction of attempted robbery is for crime involving "dishonesty" and thus automatically usable to impeach defendant when he has taken stand, under ER 609(a)(2). *State v. Latham*, 35 Wn. App. 862 (1983).

—G. R. Nock

EVIDENCE. Prior inconsistent statements, though not hearsay under ER 801(d)(1)-(ii) when offered to rebut charge of recent fabrication, are nonetheless irrelevant for that purpose, and therefore inadmissible, when they were made after the motive for recent fabrication arose. *State v. Harper*, 35 Wn. App. 855 (1983).

—G. R. Nock

INSURANCE. (1) Insurer of vehicle involved in single-car accident had primary coverage for medical expenses of injured passenger. Passenger's insurance was excess, so that when excess insurer paid loss, excess insurer was subrogated to claim against primary insurer. Result was so obvious that primary insurer's appeal was frivolous, and court imposed terms on it. *Millers Cas. Ins. Co. v. Briggs*, 100 Wn. 2d 9,



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665 P. 2d 887 (1983). (2) Parent of minor killed while riding in stolen, underinsured vehicle due to negligence of its driver may recover damages for loss of companionship and destruction of parent-child relationship from underinsured motorist coverage of parents' auto policy. *Grange Ins. Ass'n v. Hubbard*, 35 Wn. App. 407, 667 P. 2d 121 (1983).

—R. S. L. Roddis

LOCAL GOVERNMENT. (1) Badly split court, for want of majority opinion to reverse, upheld constitutionality of (expired) ordinance providing for partial public funding of municipal election campaigns. Challenges based upon gifts of public funds (Wash. Const. Art. 8, § 7), conflict of interest laws, and use of public offices for campaign purposes (RCW 42.17.130) were rejected. *City of Seattle v. State*, 100 Wn.2d 232 (1983). (2) Statute that requires municipality to deny building permit for illegally platted land does not apply to innocent purchaser for value, who may have mandamus to compel issuance of permit. *Crown Cascade, Inc., v. O'Neal*, 100 Wn.2d 256 (1983). (3) Limited governmental immunity for tortious conduct in the making of basic policy decisions does not extend to police department's failure to respond timely to citizen's call for assistance. *Clipse v. Gillis*, 20 Wn. App. 691, 582 P.2d 555 (1978), and *Moloney v. Tribune Pub. Co.*, 26 Wn. App. 357, 613 P.2d 1179 (1980), which extended governmental immunity to all discretionary acts, are expressly disapproved. Special duty may arise if there is privity between

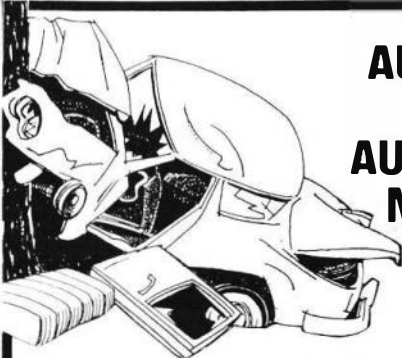
police agency and citizen, arising out of specific assurances of protection. When police failed to respond for hour and 20 minutes to calls for help for citizen who was being assaulted, despite repeated calls and assurances, this may give rise to citizen's action for emotional distress under tort of outrage. But it does not give cause of action on ground that delay in responding caused citizen to lose cause of action against assailants. *Chambers-Castanes v. King County*, 100 Wn.2d 275 (1983). (4) Ordinance prohibiting carrying of firearms in premises where liquor is sold is neither a violation of right to bear arms clause of state constitution nor pre-empted by state laws regulating possession of pistols. *Second Amdt. Found. v. City of Renton*, 35 Wn. App. 583 (1983).

—J. M. Vache

MORTGAGES. Equitable lien arises when landowner obtains funds by fraud then commingles them in a common fund, out of which land and its improvements are purchased. *Christensen v. Christgard, Inc.*, 35 Wn. App. 626, 668 P.2d 1301 (1983).

—W. B. Stoebeck

REAL PROPERTY. (1) (a) For a boundary line to be adjusted by "acquiescence," both neighbors must in some way recognize the acts on the ground as fixing the line. Thus, when one neighbor conducted acts on the second neighbor's side of the line but the second neighbor did not accept or recognize



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these as establishing a new line, the acquiescence doctrine did not apply. (b) In adverse possession, the disseisor must have "actual" possession, the test of which is, were his acts on the ground such as a true owner might make of land situated such as this was? Where the disputed area was overgrown with vines and bushes and was not actively used, it was enough that the adverse possessor maintained a fence and periodically thinned out brush. *Heriot v. Lewis*, 35 Wn. App. 496, 668 P.2d 589 (1983). (2) (a) A tenant who has assigned his leasehold remains a proper defendant in an unlawful detainer action, under authority of RCW 59.12.030. (b) In an unlawful detainer action in which the landlord is entitled to have double rent, attorneys' fees, awarded pursuant to an attorneys' fees clause in the lease, should not be doubled. This is true even though the lease contains another clause defining "additional rent" to include "all sums to be paid by Tenant to Landlord under any of the provisions of this lease." *Daniels v. Ward*, 35 Wn. App. 697, 669 P.2d 495 (1983).

—W. B. Stoebuck

TORTS. (1) Customer in self-service store injured by fall of paint can from shelf may recover without proof of constructive notice to store of unsafe condition where nature of business and method of operation make existence of unsafe conditions reasonably foreseeable. *Pimentel v. Roundup Co.*, 100 Wn.2d 39, 666 P.2d 888 (1983). (2) Rule that power companies have duty in construction and maintenance of their equipment to exercise "highest care that human prudence is equal to" applies only to high-voltage transmission functions. *Brashear v. Puget Power & Light Co.*, 100 Wn. 2d 204, 667 P.2d 78 (1983). (3) Where county building department issues building permit, a "special relationship" arises with builder to whom it was issued, to create tort duty, for negligent breach of which county may be liable under RCW 4.96.010. Except in such situations, public duty doctrine survives abolition of sovereign immunity. *J & B Develop. Co. v. King County*, 100 Wn.2d 299 (1983). (4) Woman raped and struck at construction site party at which she had been paid by construction employees to dance may not recover from contractor either on respondeat superior or negligence per se theory. As to latter theory, plaintiff was not member of class (employers) intended to be protected by OSHA and WISHA rules against alcoholic beverages at job sites. *Blenheim v. Dawson & Hall*, 35 Wn. App. 435, 667 P.2d 125 (1983). (5) (a) Publication of articles by labor union, urging readers to boycott plaintiff's store, is constitutionally protected and cannot create liability for tortious interference with plaintiff's business, even if false and even though not related to a labor dispute. (b) However, plaintiff may be able to recover for defamation if articles were negligently false, but damages must be actual, not presumed. Whether the words are injurious to plaintiff's business, so as to be defamatory per se, and thus actionable without proof of special damage, is for jury. *Caruso v. Local 690*, 100 Wn.2d 343 (1983).

—R. S. L. Roddis

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1/28	8401	9-12	De-Mystifying Arms Control (\$75 3 CLE credits)
1/28	8402	9-12	The Effect of Unisex Rates on Insurance & Pension Benefits (\$75 3 CLE credits)
2/4	8403	9-3:30	Recent Developments in Evidence (\$125 5 CLE credits)
2/18	8404	9-12	Domestic Relations: Property Division & Maintenance—State Law & Federal Tax Consequences (\$75 3 CLE credits)
3/3	8405	9-5	Current Issues in Immigration Law (\$150 7 CLE credits)
3/10	8406	9-12	Contemporary Issues in Community Property Law (\$75 3 CLE credits) (A repeat of the 10/1/83 program)
3/10	8407	1-4	Community Property: A Substantive Coverage & a Close Look at Tax Consequences (\$75 3 CLE credits) (Both programs on 3/10=\$125)
3/19 thru 3/23	8408	6:30-9:30 p.m.	Basic Income Taxation: A Refresher Course—A Review of Fundamental Principles of Federal Income Tax Law (\$350 15 CLE credits)
4/7	8409	9-12	State Environmental Policy Act: A Review (\$75 3 CLE credits)
4/14	8410	9 4:30	Public Land Law: Wilderness Areas, Timber Management, Mining, Recreation & National Parks (\$150 6.5 CLE credits)

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A superb faculty has been assembled by Program Co-chairpersons Paul R. Cressman, Sr., of Short & Cressman in Seattle, and Dwayne A. Richards, of Richards & Kinerk, Inc., P.S., Seattle. Mr. Cressman was a member of the WSBA Board of Governors from 1977 to 1979 and a member of the SKCBA Board of Trustees from 1978 to 1980. He is a Fellow in the American College of Trial Lawyers and the American College of Probate Counsel. Mr. Richards has extensive trial experience in the areas of products liability, medical negligence, and personal injury law. He is the author of "Products Litigation," WSTLA Journal, Vol. II, 1978. Mr. Cressman and Mr. Richards have designed a program which will consider various aspects of jury trials, including differentiating between state and federal courts and civil and criminal trials.

Willard Walker will address the program topic "What Are the Differences Between Jury Trial and Trial Court that Lawyers Must Know and Plan For," and is from the law firm of Walker, Dowell, Hunter & Twining in Longview. Mr. Walker served as a member of the WSBA Board of Governors from 1975 to 1978. He is a member of the Association of Insurance Attorneys and a Fellow of the American College of Trial Lawyers. The second major topic on the program schedule is "Jury Trial Selection," presented by David C. Lycette, from the Seattle law firm of Lane Powell Moss & Miller. Mr. Lycette's practice includes the following areas: professional liability; defense of attorneys, insurance agents and brokers; and trial practice. He is a member of the International Association of Insurance Counsel and the Washington Association of Defense Counsel.

The third major topic of the seminar is entitled "How to Present Your Case to a Jury," and will be presented by Spokane attorney Michael J. Hemovich, from the firm of Hemovich & Nappi. Mr. Hemovich served as a member of the WSBA Board of Governors from 1976 to 1979 and as President of the WSBA from 1979 to 1980. He has an extensive criminal law practice, with an emphasis on white collar (conspiracy and fraud) crime cases.

The topic "Opening Statement in the Jury Trial" will be handled by Paul R. Cressman, Sr., in Spokane and by Dwayne A. Richards in Seattle and Yakima.

Following that presentation, the Hon. Justin L. Quackenbush, U.S. District Court Judge for the Eastern District of Washington, Spokane, will address "Jury Instructions (Federal Court)," and the Hon. Frank D. Howard, King County Superior Court, Seattle, will address "Jury Instructions (State Court)." Judge Quackenbush was confirmed by the U.S. Senate as United States District Judge for the Eastern District

of Washington on June 18, 1980. Prior to his confirmation, Judge Quackenbush served as Deputy Clerk for Spokane County Superior Court, as Law Clerk for the Spokane County Prosecuting Attorney's Office, and as Deputy Prosecuting Attorney in Spokane County. He was also a senior partner in the law firm of Quackenbush, Dean, Bailey & Henderson (from 1959 to June 18, 1980). Judge Howard was appointed by the Governor to his present judicial position in August of 1969. Prior to his appointment to the bench, Judge Howard practiced from 1958 to 1969 with the firm of Gut-tornsen, Scholfield, Willits & Ager (now Stafford, Frey & Mertel), and his practice consisted predominantly of civil cases.

"Closing Arguments to a Jury" will be the next topic, to be addressed by Terry A. Brooks from the Yakima firm of Brooks & Larson, P.S. Mr. Brooks' practice includes general civil litigation, with an emphasis on insurance defense. He is a member of the Federation of Insurance Counsel and the Washington State Society of Hospital Attorneys.

The final two major topics will be: "Are Some Cases Too Complex for a Jury? What Can a Lawyer Do to Lessen the Complexity?" (to be handled by the Hon. Justin L. Quackenbush, the Hon. Frank D. Howard, and the Panel) and "Psychological Approaches—When and If to Use Social Scientists, etc., Concerning Juror Prejudices and Types of Jurors" (to be presented by Program Co-chairperson Paul R. Cressman, Sr., and the Panel).

To receive a registration form and complete brochure for this program, please contact Debbie Kirchhauser at the Washington State Bar Association, 505 Madison St., Seattle, WA 98104, or telephone (206) 622-6021.

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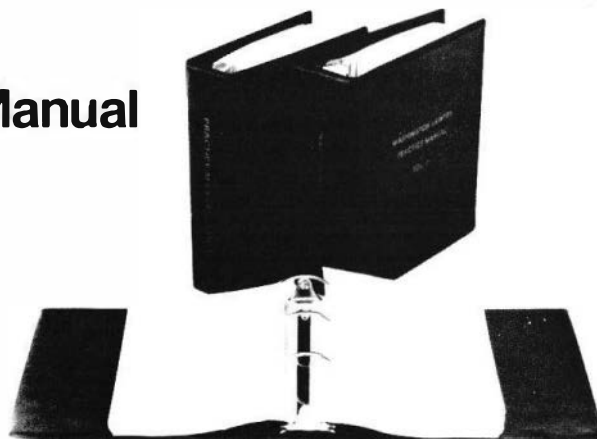
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An Evening with Justice Hugh J. Rosellini

On Wednesday, October 12, 1983, attorneys, legislators, dignitaries, judges and "just plain people" gathered at the Tacoma Dome Convention Center for cocktails, dinner and an evening of testimonials and entertainment honoring State Supreme Court Justice Hugh J. Rosellini. Contrary to a few rumors that circled about, the event was not to mark any "retirement" announcement or plans by the Justice, but in fact the evening was simply to pay tribute to a man who has spent 35 years within our state judiciary, including more than 25 years on the State Supreme Court.

Pierce County Bar Association President Fritz Hayes opened the festivities and made the initial congratulatory remarks on behalf of the bar from which Justice Rosellini emerged, to take his place among the most respected and genuinely well-liked attorneys and judges in our state's history.

Thereafter, Justice Robert Brachtenbach capably assumed the reins as Master of Ceremonies and added his own particular brand of warmth and wit to the occasion. Other speakers presenting brief and some not-so-brief remarks were Rose Gittings, the Justice's long-time secretary; Joanne Wilson (Bailey), the Justice's long-time law clerk; Retired Justice Robert Hunter, long-time associate, friend, and hunting companion; Michael Hemovich, past President of the State Bar Association and long-time friend; and Paul Steere, Past President of the State Bar Association and also a long-time friend and outdoors companion, who introduced Justice Rosellini for his opportunity to respond to the expressions of "roast," admiration, and honor.

Sandwiched within this august body of speakers was the appearance of Governor John Spellman, who made a warm speech and read a Proclamation, to wit:

WHEREAS, Chief Justice Hugh J. Rosellini has been a member of the Supreme Court since January, 1955; and

WHEREAS, Chief Justice Rosellini is the senior judge in Washington State; and

WHEREAS, for 35 years, Chief Justice Rosellini has brought distinction and honor to our state's judicial system; and

WHEREAS, as Chief Justice, Hugh J. Rosellini convened the first Citizens' Conference on Washington Courts, which recommended establishment of the Court of Appeals; and

WHEREAS, Justice Rosellini practiced law in Tacoma for 14 years, which included six years of service to the Washington State House of Representatives; and

WHEREAS, he was appointed to the Pierce County Superior Court bench by Governor Mon C. Walgren, and was sworn in on January 6, 1948;

NOW, THEREFORE, I, John Spellman, Governor of the State of Washington, do hereby proclaim October 12, 1983, as

JUSTICE HUGH J.
ROSELLINI DAY

in Washington State, in honor of his 35 years of service within the Washington State Judiciary System.

Signed this 12th day
of October, 1983.
Governor John Spellman



Justice Hugh J. Rosellini

Not to be forgotten on the program was the appearance of the John Heath Players, also known as the Spokane Bar Association Players, a cast of approximately 15 people who entertained the gathering of approximately 300 people with songs and skits of a rousing and good-natured jab at attorneys, judges, and Justice Rosellini. Justice Rosellini was seen to be taking down the names of the cast members during their rendition of the tune about "retirement."

After Justice Rosellini's words of thanks for the occasion and the introduction of his family, Judge William Brown of Pierce County presented Justice Rosellini with a gift from the group, as well as from several who could not attend but sent in contributions toward the gift. It was emphasized that the airplane ticket was, in fact, a *round-trip* ticket to his homeland in Italy, a trip that the Justice has not yet been able to make, but one he has been wanting to take for a long time.

The evening was adjudged to have been a great success. The chairman of the planning committee was Terry E. Lumsden of Tacoma, very ably assisted by Beth Jensen, Executive Director of the Tacoma-Pierce County Bar Association, with significant assistance from Judge James Bates of King County; Jack Dean of Spokane; William Gissberg of Olympia, various other speakers aforementioned, and with the able assistance of the State Bar Association staff.



Around the State

COWLITZ COUNTY

by ODINE H. HUSEMOEN

In a recent issue of the *Bar News*, it was pointed out by one of our local associations that with the rapid influx of new lawyers, it is much easier to report the retirement of the practitioners rather than the addition of new attorneys to the county. In looking at the number of new attorneys added to the roster in the last ten years, I am sure that, on the whole, most of them have not appeared in one of these columns.

In a county where all the statistics indicate that the per capita income and business climate should not improve for at least ten years, we still seem to be finding work for the new attorneys. Klingberg & Reitsch have hired **Mike Mayberry** as their new associate. **R. Wayne Torneby** has joined **Cliff Kuhn** and seems to be handling the part of the public defender contract. **Norm Dick** is on a two-month sojourn in Europe, but when he returns, he will be the new associate with Walstead, Mertsching, Husemoen, Donaldson & Barlow.

A little earlier this year, **Jeff Corigliano** left the prosecutor's office to join the firm of Cross & Hadley. **Jim Morgan** became a new deputy prosecuting attorney.

Long-time practitioner and workman's comp. expert **Herb Springer** will be retiring soon. He has been a well-established fixture in that area of the practice of law and will be missed by all those who are used to dealing with Herb. **Wes Bergman** has made whispers of returning to the shores of Puget Sound, but at the present time he is still pretty busy. **Dave Hallin**, on the other hand, has abandoned a part-time practice at Long Beach for a full-time residence on Silver Lake.

A little tempest has been brewing in Cowlitz County. Apparently there is a disagreement about the true age of **C. Michael McLean**. This column solicits any witness who would be willing to sign an affidavit concerning Mick's true birth date. Apparently, the reliable Martindale-

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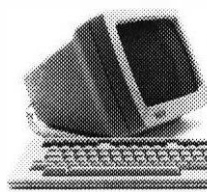
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Hubbell has him born in 1947. Rather than to immediately question the veracity of that publication, we are soliciting independent witnesses. I am not sure of what significance is the fact that Mick formerly taught junior high school and some of his former students are now approaching 30.

EAST KING COUNTY

by **BARRY J. HASSON**

Having settled all of the outstanding lawsuits against me for previous defamations, I now present the following regarding the doings, misdoings, and undoings of the Eastside Bar. One caveat: your reading this column may be hazardous to my health.

The organized bar group, the EKCBA, still meets weakly [sic] every now and again in Bellevue to compare lies. Past president **Ross Jacobson** finally legitimized the activities of the group by slipping past the Secretary of State's Office

"Amended Articles of Incorporation."

Now that the group is legit, no less than six people are running for one opening on the trustees board. The pay must be better than we all thought! The opening has become available because **Bill Carlson**, present trustee, is going to become vice president. Present president **Tom Whittington** is to become the Wise Old Owl of the Bar. Perhaps one of the reasons for the interest in the position is the size of the association, which has increased in the last five years by 70 percent.

Recent activities of the Association include the annual bash at Longacres, attended by the many, and speeches by such notables as our own **Bill Kinzel**, who pointed out that family law practitioners should have their malpractice insurance up to date if they have ignored such things as Chapter 41X of the 1983 Legislative Session. (Is everyone rushing to his Legislative Service?)

I have also checked my liability insurance for limits before writing the

following paragraph, which deals with moves to and within the Eastside area.

Diane E. Lander is now an associate of **Bill Carlson** in Bellevue. **Michael E. Sterling** has opened an office in Bellevue; as have **Jared Curtis**, **Tom Windus** and **David Thomas**. **Gail Groud** is now with the Ostrander, Van Eaton, Thomas & Ferrell firm in Kirkland, and **Gary Tudor** is now officing with **Jerry Bopp** in Bellevue. Dubbing themselves "Eastridge Law Offices," the foursome of **Jerry Herman**, **Bob Schmitt**, **Steve Recor** and **Marc Stern** are all practicing (at) law near the Butcher restaurant in Bellevue, with **Gerald Day** sharing office space with the firm. **Steve Boyle** and **Doug Scott** are now in the 400 Building in Bellevue, **Paul Fisher** is sharing office space with Farrell & Cool in Bellevue, while **Dave Meyer** has now opened a new office, also in Bellevue. Meanwhile, the Beaudry firm has **Ted Barr** as an associate and **Herb Farber** and **Ivan Landreth**, both "of counsel." **Lauren Goldenberg** is a new associate at Keller,

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Jacobson, Jackson & Snodgrass, while **H. Albert Richardson, Jr.**, has joined the firm of Deits, Mollick & Moravan. **Janis Nevler** is now with Lund, Forgette & Williams in Kirkland; **Bob Klein** is also located out in Kirkland with **Jack Ginsberg**. Matsen, Cory, Sprague & Layman have moved to the 10th floor of the ONB Plaza in Bellevue and are sharing office space with the partnership of **Alex Wirt** and **Bob Hawkinson**.

The most intriguing announcement in the above vein comes out of little ol' Woodinville, where, in a two-page news release, "the law firms of Percival & Johnston and Goddu & Langlie have announced the formation of a new partnership to be known as Percival, Langlie, Johnston & Goddu." The press release goes on to acknowledge each of their previous good deeds and some of their background. My question is: If you have a case in Woodinville against the P, L, J & G firm, who is left to use as local counsel? (I'll probably find out real quickly.)

On a unanimous, white toilet-paper ballot, I have been reelected the local scribe. That allows me to write this column, now and again subjecting myself to consequent harassment, etc., and allows me to go to the monthly trustees' meeting, where one can see such things as: **Chris Frost** with a tie on; **Ray Dunlap** saying, in response to a request that he be the secretary-treasurer again, "If asked, I'll serve"; and noticing, for a change, the appearance of **Jerome "Jay" Carpenter**, who, after all, is to become (hold your nose) the new president.

Further, this affiant dare sayeth not.

PIERCE COUNTY

by **GEORGE KELLEY**

It is the policy of prosecutor **Bill Grif-fies** that his deputies serve short terms under the theory that fresh faces at a lower salary will benefit the county. Consider the example of **John Chin**, who left the Department of Assigned Counsel to become a deputy prosecutor. He left after 3½ hours. Evidently, he didn't

know you had to work at least 8 hours to vest any pension rights.

Doug Kaukl received word on a recent Sunday that someone was in his Puyallup office, although no cars were in the parking lot. Thinking his partner **Lee Pendergrass** might be working, he called the office's private line and received no answer. Next he and a Sherriff's deputy went to the building, and the deputy entered with gun drawn. The quiet voice saying "don't shoot" belonged to partner Pendergrass, who in the future will answer the office phone when it rings on Sunday.

Mel Rubin and **Jim Manza** don't even have an office after an early morning fire. The fire department acted quickly to save most of the active files and all of the accounts receivable ledgers.

Dale Carlisle, an expert in real estate law, gave a mini CLE seminar at Shenanigans, a local watering hole. These programs, sponsored by our local bar association, are made more enjoyable, if less informative, by reason of the fact the bar stays open during the lecture.

Karl Haugh, formerly of the Pierce County Prosecutor's Office, has opened an office at 901 Tacoma Avenue South and emphasizes civil litigation. **Daniel S. Bodie** and **Timothy R. Gosselin** have become associates of Burgess, Kennedy & Fitzer, P.S. **Suzanne Carmichael** has given up the practice altogether and now consults with law firms, small and large, regarding the use of automated office equipment, forms, and all manner of devices to make us all rich, or at least more efficient.

SPOKANE COUNTY

by **JONATHAN C. RASCOFF**

Heath + Bar = A Very Good Time—**Jack Dean** reports that Spokane's own John Heath Players stole the show at the recent "Evening for **Justice Rosellini**," sponsored by the Pierce County Bar Association. Known for its good-natured pokes at some of our more sacred institutions, the Bar Players gave tribute to

Justice Rosellini's 35 years of service on the bench.

In one of the largest verdicts ever awarded by a Spokane County Superior Court jury, attorneys **Gene Annis**, **Tim Mackin**, and the firms of Lukins & Annis and Taft, Rielly & Mackin recently obtained an award of \$3.5 million against the manufacturer of a helmet worn by a young man who was severely injured while playing ice hockey. Other defendants, including the City of Spokane, settled out earlier in the suit.

The Ripple Effect—Superior Court Judge **John Ripple** received in excess of 5,000 votes in recent primary elections held to fill the vacancy left at the Court of Appeals, Division III, by the untimely death of **Justice Willard Roe**. Ripple had officially withdrawn from the race some months earlier.

Better late than Guiseppi—Here are the long promised winners of the Father Guiseppi Golf Tournament held last August at Hangman Valley: Low Gross—**Dave Saraceno**, with 68 strokes; Low Net—**Tom Tolar** at 71; Honors for High Gross were shared by **Brian Balch** and **John Rascoff**, both with 126.

Congratulations to **Dan Keane** on the recent birth of his son, James, and to **John Gleesing**, who recently gave up his much-cherished bachelorhood... **Irving Bennion** has rejoined former partner **W. Russell Van Camp** in the practice of law at Van Camp's offices on West Broadway... **Jerome J. Leveque** has joined Anderson, Evans, Craven, Lackie and Henderson as an associate.

Happy New Year to all!

CORRECTIONS

Ben Box, not Ben Vaux as reported in *Bar News* 37:11:67, was the winner of the 1983 WSBA Convention's Two-Mile Sprint in the Men's 36-50 age group.

Western Washington Alcohol Center is a state-approved agency in Pierce County, not Thurston County, as reprinted from the state's listings in *Bar News* 37:11:53.



Briefly Noted

Legal Secretaries Meet in Bellevue January 20-21

The East King County Legal Secretaries Association will host the Winter Board Meeting of the Washington Association of Legal Secretaries (WALS) on January 20 and 21, 1984, at the Red Lion Inn in Bellevue. A get-acquainted reception will be held on Friday evening, followed by a seminar on Saturday morning, a luncheon at noon, and the regular meeting of the board and members in the afternoon. The price for members is \$20; for non-members \$25; and for students \$17.

For more information contact Laura Montoya at (w) (206) 622-3150 or (h) (206) 885-3806 (leave message).

Oregon Land Use Symposium Planned

A symposium on Oregon's land use planning process will be held February 17-18 at Lewis and Clark Law School in

Portland, Oregon. The program, entitled "Oregon Land Use: Promoting Growth and Preservation in the Next Decade," is sponsored by *Environmental Law*, the school's law journal.

The symposium will take a retrospective and prospective look at Oregon's statewide land use planning process, which has been criticized as an obstacle to economic growth and applauded as a model of environmental prudence. Speakers will include local, state, and national experts in land use law, planning and practice.

For more information, contact Renee Fitzgerald or Laurie Bennett at (503) 244-1181.

Military Law Update in Seattle January 21-22

The 11th Annual Army Reserve On-Site Technical Training Program, a military law update, will be held at the University of Washington School of Law Jan-

uary 21-22, announces Col. Thomas Kraft, Commander of the 6th Military Law Center. The program is open to Reserve and National Guard officers of any branch, and to any lawyer with an interest in military law. Course topics will include military contract law/procurement, an overview of the Law of the Sea, international law, and military discipline.

There is no registration fee, and the sponsor has applied for CLE credit. For more information contact Col. John Patrick Cook at (206) 624-7990.

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Seven graduate tax courses will be offered by Golden Gate University's Graduate School of Taxation in Seattle from January 9 to April 21. Classes will meet once a week from 6:15 to 9:00 p.m. and will be limited to 24 students. The courses are eligible for up to 4 1/4 CLE credits.

For more information call (206) 622-9996.

Seattle VVLP Looks at Legal Rights of Vets

Can a Vietnam veteran's military experience place him at a disadvantage in his participation in the legal system? The Seattle Vietnam Veterans Leadership Program (VVLP), a nonprofit, volunteer organization administered as part of the federal Action agency, needs the help of Washington lawyers to identify situations where the Vietnam experience has had a real or alleged effect on the veteran

which would in any way be a consideration in determining the veteran's rights. Examples might include sentences in criminal cases, custody or visitation issues in domestic relations cases, or damages for physical or psychological injuries in personal injury claims.

Please call or write the Seattle VVLP at 527 Pioneer Building, 600 1st Avenue, Seattle, WA 98104, telephone (206) 343-5590.

DISCIPLINE

Reprimanded

On November 19, 1983, **Michael M. Moore** received a Reprimand for his failure to cooperate with the Bar Association investigation of a complaint against him. Mr. Moore did not respond to written inquiries, and failed to appear for a deposition after being personally served with a subpoena. A hearing offi-

cer found that Moore had violated DRA 1.1(c), 84 Wn.2d 1104 (rescinded January 21, 1983), prohibiting a violation of the oath or duties of a lawyer, in that he had violated DRA 2.6, requiring an attorney who was the subject of a disciplinary investigation to cooperate with bar counsel. This notice is public, pursuant to RLD 8.4(a).

IN MEMORIAM

Retired State Supreme Court **Justice Frank P. Weaver** of Lacey died November 19 at the age of 79. Justice Weaver was a graduate of the University of Michigan and the University of Washington School of Law. He was admitted to the Washington Bar in 1928. Before his appointment to the Supreme Court in 1951, Justice Weaver practiced law in Spokane and served for a time as dean of Gonzaga University Law School. He retired from the Court in 1970.

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Health Care Consultants: Medical records: compilation; indexing; summary. Malpractice deposition summaries. J.L. Johnson, BSN, RN, Pacific Northwest Office, 3892 Rama Drive E., Port Orchard, WA 98366.

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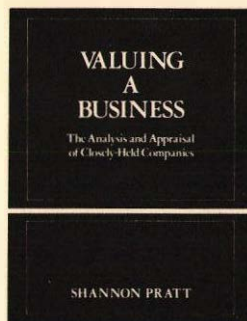
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