

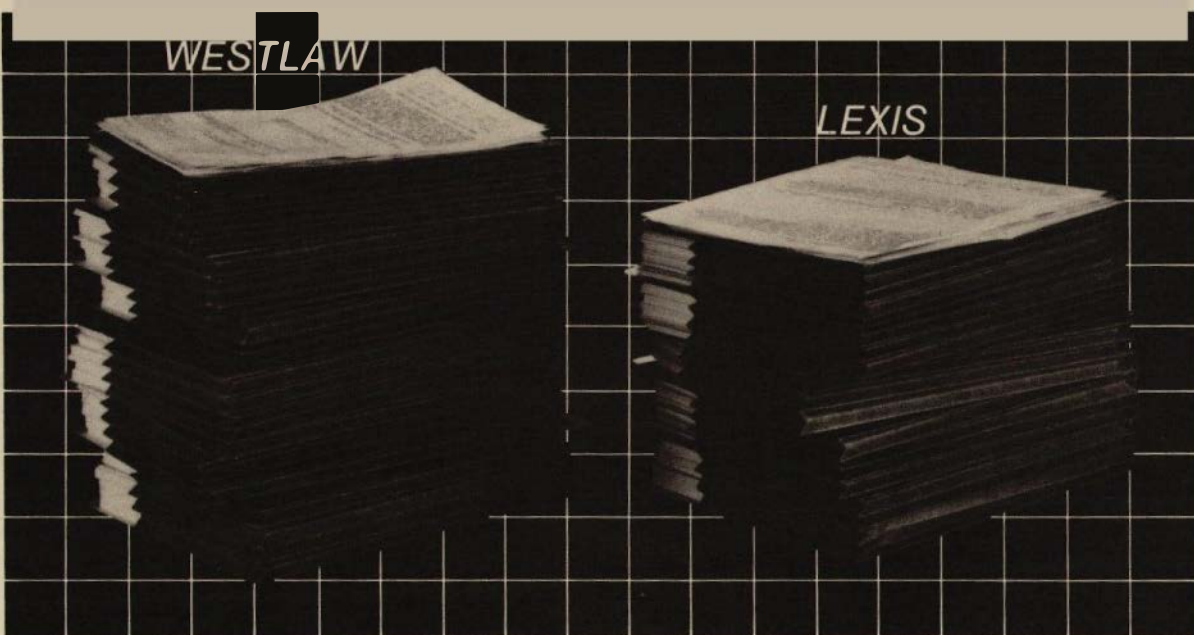
Washington State Bar News

Volume 38, No. 8, August 1984



1984 Annual Meeting Preview

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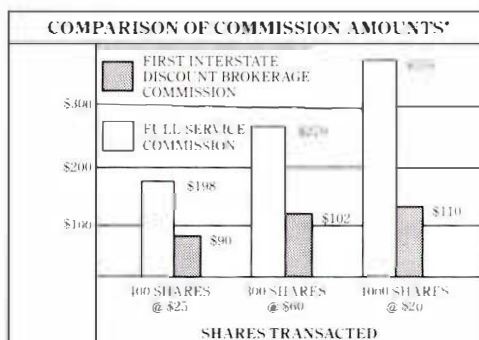


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Washington State Bar News

Volume 38, No. 8, August 1984

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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 Hon. Wade H. McCree, Jr. (upper center), and clockwise from the upper right, Arthur Frommer, Washington State Supreme Court Chief Justice William H. Williams, Irving Younger, Robert Moawad, Jack Anderson, and James Boren.

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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.

Funny Vote

Editor:

If a "Second Annual April Fools' Day Lampoon" issue depends on a vote between those who think the issue was "funny" or "unfunny," then please record my vote under the funny column.

JAMES E. BAKER
Yakima

Letters Good for a Laugh

Editor:

I don't remember getting many laughs from your April issue. I have, however, gotten some good ones from the letters it provoked.

LAYTON A. POWER
Seattle

Lawyers Are People, Too

Editor:

I work for Mail/Advertising Bureau. I supervise the department that addresses and mails the *Bar News*.

We mail periodicals for many clients. I seldom read any of them. However, several years ago I glanced at a copy of the *Bar News*, and have been an avid reader ever since!

I have never had much contact with lawyers. My impressions of you and your colleagues came from Perry Mason, Lawrence Preston, and Professor Kingsfield. From my naive view, you were a serious group of fellows dedicated to serving mankind. You were far too busy serving justice to engage in casual levity.

The *Bar News*, though, offers a refreshing look at lawyers as human beings. I enjoy your humorous outlook. You produce a funny, yet informative publication. I also enjoy the "Letters" department. You often publish letters which disagree with your articles or editorial policy (additional evidence of lawyers as people).

I have noticed several editorials and various articles suggesting that lawyers need to improve their "public image." The authors' opinions of what that public image should be vary. But most of them want us to have a realistic, but objective, opinion of you...to see you as professionals.

I have formed a different opinion about lawyers in general, both from my own personal legal experiences and from the *Bar News*. You are not just stern, uncompromising, dedicated servants of the public welfare. You are a diverse group, with a broad range of perspectives on yourselves and your profession. You are a group of people, like me and my colleagues, who bring your differences to a technical profession and do a job. Some of you apparently do it better than others.

Keep up the good work with the *Bar News*. Your detractors are either shortsighted or jealous. If you become a staid law review with no attempt at humor,

you will do your readers (including me, a non-lawyer) a disservice.

I have decided that in selecting a lawyer, just like in selecting a car mechanic, I have to look for the best one I can find. And just like the mechanic, I will generally get no more than I pay for. Unfortunately, unless I can find some young attorney just starting out, I may not be able to get what I need with what I can afford.

Perhaps that young student of Professor Kingsfield's has passed the Bar. Now what was his name again?

NOEL NYMAN
Seattle

The student's name was James Hart. He may not be a member of this state's bar, but fortunately we do have our own corps of good young lawyers in Washington. We believe the best way to improve the lawyer's image is to keep people informed about who we are and what we do. Yes, we are human beings, too. Thanks for your insight. Editor



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Defender Doldrums

by Lynn Thompson

The Washington Defender Association, in cooperation with the Criminal Section of the State Bar, will ask the Board of Governors in August to adopt state-wide standards for public defense services in an effort to improve the quality of legal services offered to poor people unable to afford counsel. The standards, which include caseload maximums and salary parity with prosecutors, represent the growing efforts of public defenders around the state to challenge a system of funding which is eroding the constitutional guarantees to adequate representation and undermining the very notion of an adversary system.

A study by the WDA last December found that the caseloads of public defenders in almost every county of the state were well beyond accepted national standards. Few offices had supervisory personnel, investigators were available in many counties only through court approval (and even then requests were often denied), and the salary levels of most public defenders were well below those of their counterparts in the prosecutor's office.

In one southwest Washington county, an attorney under contract to provide representation in District Court received \$19,200 to handle almost 600 cases last year, or about \$35 a case. In another county, two attorneys under contract with Superior Court were each handling about 250 felonies a year, or 100 more than was recommended by the National Advisory Commission on Criminal Justice Standards in 1973.

The counties in this state are responsible for funding public defense and some have sought to hold down their costs by awarding contracts for public defense services on the basis of competitive bidding. In many counties, these awards are made solely on the basis of cost, without regard to the quality of representation that will be provided

under the contract. Attorneys with little experience in criminal law or attorneys willing to deal the greatest number of cases may well submit bids lower than a more qualified, aggressive attorney. Even in counties where a panel of attorneys receives indigent appointments, there are often no requirements to be eligible for the panel. A private attorney with 15 years of experience in criminal law observed that in his county some of the panel members "have a total inability to practice criminal law."

The problems faced by the public defenders are not only borne by individual attorneys: they have a costly effect on the criminal justice system as well. High caseloads result in correspondingly high turnover among public defense attorneys; inexperienced attorneys are less efficient, less able to move cases quickly through the system; and the number of cases which must be retried because of inadequate assistance of counsel or improper defense may increase.

Few defender offices have full-time investigators on staff, and judges often view the requests for appointments of investigators as an unnecessary expense to the state. When the defense has the resources to conduct a vigorous investigation the results are often dramatic—missing witnesses are uncovered, positive identifications by state witnesses are challenged, and overlooked evidence is brought to the attention of the police and prosecutors.

Robert C. Boruchowitz, Director of the Seattle-King County Public Defender's office, has called on the Bar to help inform the public and the judiciary about the need for the criminal justice system to work well. Boruchowitz believes that the adoption of standards for public defense services "would go a long way toward guaranteeing effective assistance of counsel."

Boruchowitz is currently the Chairperson of the WDA, which has only been in existence for nine months. Frustrated by the lack of support at the county level, a group of defenders, meeting last year at the State Bar convention, agreed to revive a state defender's organization which had emerged briefly in 1970. With contributions from ten full-time defender offices in the state, the members hired a part-time director and began their study of public defense in Washington.

One of the problems facing the new organization has been the lack of information about public defense across the state. A state-wide study of public defense had not been completed since 1975 when the Bar analyzed defender systems in 15 Washington counties. The state administrator for the courts had no statistics about the costs of public defense in different counties, and short of calling county clerks across the state, there was no way even to determine who was currently providing indigent representation.

A national study on public defense funding conducted by Robert Spangenberg, director of a Boston research firm, concluded that state funding should replace county funding. "In my view, the counties are hopelessly underfunded and are not going to be able to deal with the problem. The states have got to be involved."

Even if the state agrees that it should accept responsibility for funding public defense, that sort of change is not likely to happen without lengthy debate. And in the absence of state funding, the adoption of statewide standards may be the most effective means to guarantee that poor people accused of crimes receive fair trials.

Lynn Thompson is the Executive Director of the Washington Defender Association.

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How You Play The Game

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The most remarkable aspect of this story is that it *was* remarkable. In too many cases the disputes between litigants get resolved, but their lawyers remain antagonists. In too many cases, the hostility and animosity between litigants (which is understandable) pales compared to the hostility and animosity between their lawyers (which is understandable, but senseless).

Senior members of the bar often talk about days past when the practice of law was a respectable, genteel profession. Although nostalgia sometimes distorts the truth, it is believable that in by-gone years when the stakes were less, the rules simpler and the pre-trial discovery less grinding, that the profession's sense of community was more easily maintained.

We now number 12,000 plus, and we are growing all the time. Though never a profession beloved by the public, the polls tell us that lawyers are currently viewed with less respect than ever before. That may be a natural result of the increasing complexity of our society, the increasing cost of litigation and the swelling number of lawyers. What does not follow naturally is why so many lawyers treat *each other* with little respect.

Every lawyer has an ethical duty to represent his client zealously. Every lawyer has the right to aggressively prosecute or defend his client's case. Sometimes, however, we mistake rudeness for zeal and insensitivity for aggres-

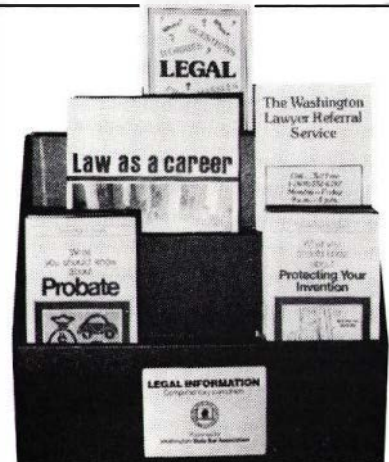
sion. Sometimes we commit the sin of identifying with a client (a cardinal sin for lawyers) such that we can no longer serve the client or our profession well.

Among a lawyer's duties is the duty to make his or her (litigious) client understand—and submit to—an orderly, civilized resolution of disputes. The lawyer fails in that duty if, instead of maintaining the civility of the legal process, he mimics the client's antagonistic behavior. The lawyer who does not treat opposing counsel with respect and dignity demeans not only opposing counsel, but himself and the entire legal profession as well.

A lawyer's dearest asset is his reputation.

The legal profession's only asset is its reputation.

In the practice of law it is important whether you win or lose. It is *equally* important how you play the game. In that respect we all win or we all lose together.



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PROGRAM

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| <p>8:00 Registration</p> <p>8:25 Welcome
Gary C. Randall</p> <p>8:30 What the Medical and Dental Professions Wish Tax Advisors Would Tell Them About Taxes
George Schneider and Gordon Decker</p> <p>9:00 To Be or Not to Be a Professional Corporation
Tom Connolly and Clay Randall</p> <p>10:00 Break</p> <p>10:15 Let Someone Else Pay Your Taxes: Income Shifting Techniques
Dudley Lang and John Scheifly</p> <p>11:15 Death and Taxes
James Black, Jr. and William D. Eden</p> <p>12:00 Lunch</p> | <p>1:00 Give Me Shelter: Income Reduction Techniques
Tim Quirk and Linda Petrie</p> <p>2:00 The Tax Man Always Knocks Thrice: Tax Shelters from the IRS and Tax Court Point of View
Fred T. Goldberg, Ben Sanchez, Joseph Greaves and Darrell Hallett</p> <p>3:30 Break</p> <p>3:45 Breaking Up Is Hard to Do: Divorces and Professional Group Breakups
Vern Dotson, Tim Esser and Gary Randall</p> <p>5:00 End of Program</p> |
|--|---|

FACULTY

James Black, Jr., J.D. University of Washington and LL.M. New York University; Tax Attorney, Spokane, Washington

Thomas Connolly, J.D. Gonzaga University and LL.M. New York University; Tax Attorney, Spokane, Washington

Gordon Decker, M.D. University of California at Los Angeles and M.S. in Taxation Gonzaga University; President, Inland Empire Association of Family Physicians; Physician, Spokane, Washington

Vern Dotson, J.D. University of California at Berkeley; Faculty Member, University of Puget Sound School of Law; Tax Attorney and Certified Public Accountant, Seattle, Washington

William D. Eden, J.D. Gonzaga University; Tax Attorney, Spokane, Washington

Tim Esser, J.D. Gonzaga University; Attorney, Pullman, Washington

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Joseph Greaves, J.D. University of Utah; District Counsel, Internal Revenue Service, Los Angeles, California

Darrell Hallett, J.D. University of Washington; Former Special Trial Judge, United States Tax Court; Tax Attorney, Seattle, Washington

Dudley Lang, J.D. University of California at Los Angeles; Council Member, American Bar Association Section on Taxation; Tax Attorney, Los Angeles, California

Linda Petrie, J.D. Gonzaga University and LL.M. University of Florida; Tax Attorney, and Certified Public Accountant, Spokane, Washington

Timothy Quirk, J.D. Gonzaga University and LL.M. New York University; Tax Attorney, Spokane, Washington

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Gary C. Randall, J.D. University of Idaho; Professor of Law, Gonzaga University

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SCOPE OF PROGRAM

The program is designed to provide a fairly basic overview for lawyers, accountants and advisers dealing with professionals in the medical, dental and other related fields. In addition, the presentation is intended to be of assistance to medical and dental professionals **themselves** in their own tax planning, regardless of their level of expertise in tax matters.

PROFESSIONAL CREDIT

The program has been approved for 7 hours of Continuing Legal Education for Idaho, Montana, and Washington attorneys. Since the program constitutes a one day course under the rules established by the Washington State Board of Accountancy, the program has been approved for 8 hours of Continuing Education credit for Washington accountants. A federal income tax deduction is allowed for expenses of education, including registration fees, travel, meals, and lodging — undertaken to improve or maintain professional skills. Treas. Reg. § 1.162-5.

REGISTRATION

The registration fee is \$90 payable in advance. The registration fee includes a set of materials prepared specifically for the program and lunch. All persons who register after Friday, September 14, 1984, will be required to pay an additional late registration fee of \$20. A full refund will be made for all cancellations received on or before September 14. No refund will be made for cancellations received after September 14. Advance registration is recommended since space is limited. Registrants will be admitted in order of the receipt of registration forms and payment.

ADDITIONAL INFORMATION

The program will be held at the Gonzaga University School of Law which is located at East 600 Sharp Avenue in Spokane. For a registration form and further information about the program contact either Professor Gary C. Randall or Associate Dean John Morey Maurice, Director of Continuing Legal Education, at the Gonzaga University School of Law, P.O. Box 3528, Spokane, Washington 99220-3528. Telephone number (509) 484-6091. Toll free telephone number within the State of Washington 1-800-572-9658, Ext. 3725.



An Old Issue Resolved —and Now a New One

By its order of June 19, 1984, the Supreme Court adopted mandatory IOLTA (Interest on Lawyers' Trust Accounts), and amended CPR DR 9-102 to accord with its decision. However, the Court in adopting IOLTA clearly and carefully restricted its application to interest amounts that would not, because of bank charges, inure to a client. The Court said:

We hereby adopt the proposed amendment to CPR DR 9-102***. In so doing we make it clear that those funds available for the IOLTA program *are only those funds that cannot, under any circumstances, earn net interest* (after deducting transaction and administration costs and bank fees) for the client. (Emphasis mine.)

By so restricting the scope of IOLTA, the Court has clearly removed much of the objection voiced by many lawyers and numerous bar associations to the IOLTA concept. By making the program mandatory, the Court has effectively dealt with any problem that might have been present in a voluntary program, particularly those that might face lawyers in smaller communities with only local banking facilities available to them.

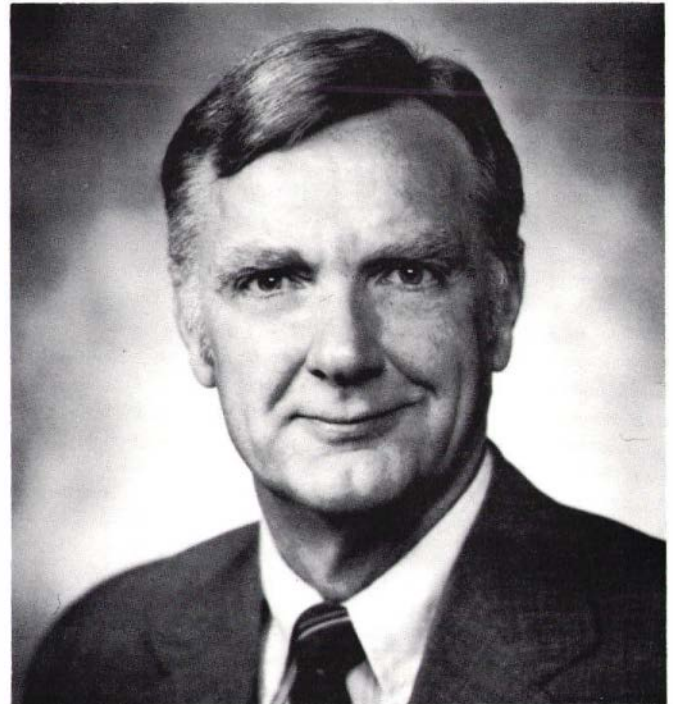
The rule provides that a lawyer *may* notify the client of the intended use of any interest paid to the Foundation. New CPR DR 9-102 (C) (1).

There will obviously have to be a "shake-down" while the WSBA and the financial institutions develop the forms and procedures that will be necessary to implement IOLTA effectively. As is nearly always the case, there will be some problems and "hitches" that will develop, but as over twenty other states now have similar programs, there is no reason to believe that they will not be resolved in time to meet the Court's effective date of January 1, 1985.

The WSBA has been directed by the Court to "incorporate and establish" the Legal Foundation of Washington pursuant to Articles and Bylaws published in 100 Wn. 2d Advance Sheet 13, ff. 1038 (1984). The WSBA is already moving to comply with the Court's directive.

Whatever anyone's views are on IOLTA, we all are obligated to the Seattle-King County and Walla Walla County bar associations for the vigorous, exhaustive and highly professional presentation of the opposing views on IOLTA. No finer example of service to the profession can be discovered in the annals of the WSBA than their efforts.

As is all too typical, the resolution of one matter facing the Bar finds another crowding in close behind it. The Board of Governors at its June meeting authorized the filing of an amicus curiae brief with the Supreme Court in the *Cultum vs. Heritage House* case, a case in which the Supreme Court accepted direct review of a ruling by the Superior Court for King County that the completion of lawyer-prepared Earnest Money Agreements by a realtor constituted the practice of law.



The Board of Governors considered numerous factors bearing on the case, and after an extensive discussion, directed the filing of an amicus brief expressing to the Court the view of the WSBA, summarized in four points:

- (1) That whether or not the activities at issue in the *Cultum* case constitute the "practice of law," those activities should be allowed to continue as being in the best interests of the public; and
- (2) That in performing such activities, realtors are performing a function under existing, specific license from the state and, being so licensed, are subject to civil and criminal penalties for improper performance; and
- (3) These licensing requirements provide adequate protection for the public without the necessity of additional regulation by the Supreme Court; but
- (4) In performing these activities under license from the state, realtors should be held to the applicable standard of care of an attorney-at-law.

In the Board's view, the position taken is consistent with understood and accepted custom and practice by both the Bar and the public, and the activities do not appear to present a risk of general harm to the public at large, given the licensure requirements presently imposed upon realtors.

Vancouver 1984

A PREVIEW OF ANNUAL MEETING HIGHLIGHTS
SEPTEMBER 12-15

Photo courtesy Greater Vancouver Convention & Visitors Bureau

The countdown is on... The 95th Annual Meeting of the Washington State Bar Association is only six weeks away... Be sure to set aside the dates of *September 12-15*, Wednesday through Saturday, for the premiere bar annual meeting in the Northwest.

Our host city will be a vibrant friend just 140 miles to the north—Vancouver, B.C., known the world over for its international ambience, spectacular scenery, outstanding restaurants, beautiful parks, diverse cultural attractions, and all the other features that make up the fabric of a world class city.

The locale serves as both the hors d'oeuvres and the dessert of our Annual Meeting. Vancouver offers an irresistible attractiveness in providing memorable after-hours relaxing and special activities—the ideal excuse to bring family or a special friend for a late summer getaway.

The heart of the Annual Meeting—as always—will be a superb selection of CLE seminars and nationally recognized speakers, complemented by a wide variety of social events and special entertainment attractions. To wit:

CLE SEMINARS

“Stay Tuned” is this year’s Annual Meeting theme—a challenge to keep abreast of the constant developments in the law and the practice skills needed to cope with them. Opportunities will abound as we present no fewer than 12 all new CLE seminars. In fact, if you are diligent, you will be able to earn up to 18 CLE credits during the Annual Meeting—more than enough to satisfy your 15-hour annual minimum requirement.

Many of our WSBA sections will co-sponsor educational seminars. An added feature will be appearance of nationally known speakers to cover selected topics. Example: Estate planning authority **Stefan F. Tucker** of Washington, D.C., will present a major program on “Tax Planning for Real Estate Ownership and Disposition.” Since 1969, Mr. Tucker has been a lecturer at the George Washington University Law School and he is a frequent speaker at CLE seminars nationwide in addition to being a partner in Tucker, Flyer, Sanger & Lewis. This seminar is sponsored by the Real Property, Probate & Trust Section and is just one of four big Wednesday seminars.

Want to tune up your trial practice techniques? The Trial Practice Section will bring to us a much-asked-for presenter in the person of **Irving Younger**, the renowned CLE lecturer in the United States. Mr. Younger will present, in his inimitable fashion, an analysis of the Trial of Alger Hiss, with a focus on legal issues relating, in the trial, to evidentiary questions, procedural matters and substantive criminal law. You will not want to miss the unique program presented on Friday by this legal scholar, educator and practitioner.

For a complete schedule of these programs and all outstanding CLE seminars to be held during the 1984 Annual Meeting, see the CLE Convention Seminar Schedule in this issue. It's the year's best educational bargain and the best WSBA CLE seminar series ever organized. You will leave Vancouver intellectually rearmed, ready to take on the world! And, as usual, you will return home with your copy of the *Annual Meeting Handbook*, a 475-page volume of detailed topical seminar coverage to help guide your practice.

OUTSTANDING LUNCHEON SPEAKERS

Once again the Washington State Bar Association is proud to present a stimulating series of luncheon speakers. They have been selected on the basis of accomplishment, expertise and national reputation in their chosen fields. You'll enjoy them.

The luncheon speaker on Wednesday, September 12, will be **Jack Anderson**, rated by many as the nation's top syndicated newspaper columnist. He has been called "the most trusted journalist in America" in his role of investigative reporter. The *Wall Street Journal* has acknowledged that, "Mr. Anderson has broken more big stories than just about anyone else in Washington." You will not want to miss the comments of this extraordinary reporter, a man who is acknowledged to be one of the nation's finest orators as well as a master at uncovering key news stories.

Our traditional *Hon. Morell E. Sharp Memorial Luncheon*, to be held Thursday, September 13, and sponsored by the Washington State Bar Foundation, will feature **Hon. Wade H. McCree, Jr.**, former Solicitor General of the United States and currently Lewis D. Simes Professor of Law at the University of Michigan. We are honored to have Mr. McCree with us for the second time. You will recall his first appearance before our Bar at the 1978 Annual Meeting in Spokane during his tenure as Solicitor General. A Harvard Law School graduate of outstanding accomplishment, Mr. McCree holds honorary degrees from twenty-five colleges and universities.

McCree practiced law in Detroit and served as Workmen's Compensation Commissioner prior to becoming a Circuit Judge in Michigan in 1954. In 1961, he was appointed to the United States District Court of the Eastern District of Michigan and in 1966 to the United States Court of Appeals for the Sixth District. He resigned from that court in 1977 to accept appointment as Solicitor General of the United States. In 1981, he accepted the Lewis T. Simes Chair at the

University of Michigan. Mr. McCree has been a law teacher, advisor and administrator at several colleges and universities and active in many professional associations. Don't miss hearing this gentleman of accomplishment speak at the Thursday Luncheon of the Annual Meeting.

The luncheon on Friday, September 14, will feature a speaker who may or may not present a clear view on a number of topics including "Retroanalysis as a Management Tool"; "Dynamic Inaction and Interface Avoidance: Keys to Success"; and "Creative Nonresponsiveness: The Heartbeat of Bureaucracy." We refer, of course, to **James H. Boren**, President of the International Association of Professional Bureaucrats (INATAPROBU). Dr. Boren, whose background includes service as head of staff for U.S. Senator Ralph Yarborough and as a senior foreign service officer in Latin America, now spends most of his time lecturing (with a tap on the funnybone) against unnecessary red tape and bureaucracy. Boren holds five degrees, among them a doctorate in the history and philosophy of education from the University of Texas. With his academic and administrative background, in both business and government, he is uniquely qualified to teach us how to orbitate skillfully through the marginal thought patterns which tend to parallelize the dynamic parameters of interpersonal interfaces. In short, if you want to learn how to beat back bureaucratic mumbo-jumbo with a stick, be certain to listen to this entertaining and *funny* gentleman at the Friday luncheon. He might even reveal how he used Pony Express (with a real pony) to beat the delivery of the U.S. Mail.

SUPER SPOUSES PROGRAMS

Continuing with our well-justified reputation for offering the best spouses' programs in the nation, the tradition continues with presentations by two fascinating personalities.

On Thursday, September 13, lawyers and spouses will enjoy **Robert A. Moawad**, president of Edge Learning Institute, Inc. Bob Moawad has conducted workshops, seminars, and made presentations to nearly two million people throughout the United States. He is well-known as a dynamic and informative speaker in the areas of helping people to define and develop their concepts of potential, self-esteem, self-image, and goal-setting techniques. Mr. Moawad has been retained by many of our nation's leading corporations and associations to motivate people in their quest to take firm control of their lives and to gain maximum satisfaction from those steps. He is an inspirational speaker, and we look forward to his time with us.

Ever been bitten by the desire to go to faraway places with strange sounding names? If you have, we have just the gentleman who can help turn those dreams into action. **Arthur Frommer** will be our guest for a presentation on Friday, September 14. Author of more than 40 of the famous *Frommer Travel Guides*, Mr. Frommer is a graduate of Yale



Runners gather for the 1982 Race Ipsa Loquitor.

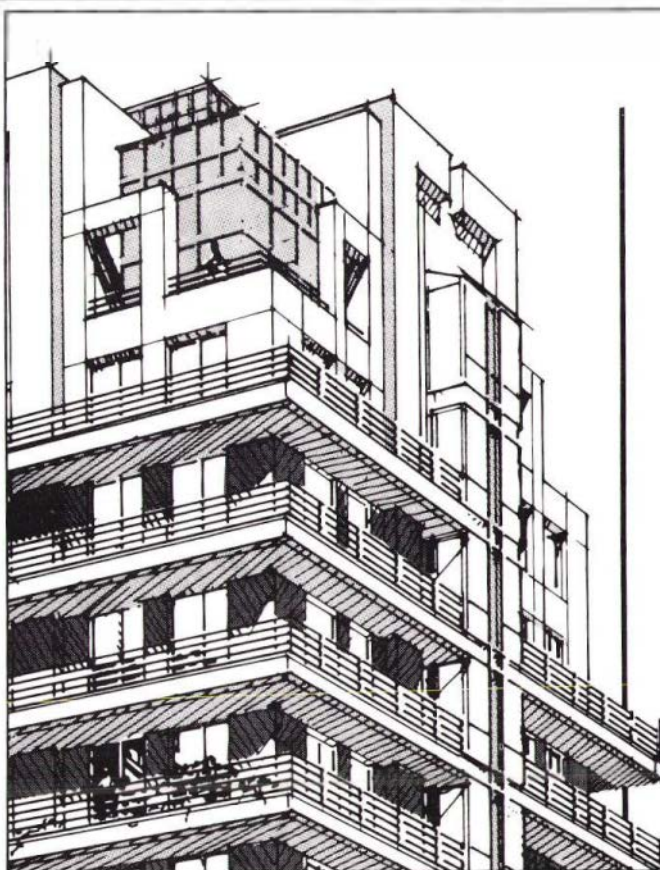
Photo courtesy John D. McLaughlan

Law School and a member of the New York Bar. His career in publishing travel guides began in post college days when he was stationed in Europe with U.S. Army Intelligence. While in the Army, he wrote a small book called *The GI's Guide to Traveling in Europe*. Later, as a civilian, Frommer wrote *Europe on \$10 a Day*, the forerunner of his expanding library of travel guides. Mr. Frommer also operates Arthur Frommer Holidays, Inc., one of America's largest travel organizations. For interesting tips on exciting travel destinations and how best to experience them, don't miss a visit with this world traveler and writer.

THE SPORTS EXTRAVAGANZA GOES ON

We are pleased to present our eighth annual bash of super sports and athletic events. Don't miss this chance to have some 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. All spouses are invited too, 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,



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etc. See your Convention Registration form for Greens Fee details (advance registration is required).

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 eighth annual *Race Ipsa Loquitur* (an internationally famous classic) will be run on a course around the perimeter of beautiful Stanley Park. 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 or golf, contact Mark Muenster: 505 Madison Street, Seattle WA 98104; (206)622-6026. Or... check at the Annual Meeting Sports desk.

EXTRAORDINARY SPECIAL EVENTS & SHOWS

The 1984 Annual Meeting schedule will be packed with reunions, breakfasts, hospitality suites—including a *special hospitality suite* for spouses—and many other activities. The 1984 Annual Meeting Program lists them all.

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

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

The entertainment for Friday night will be headlined by the fabulous voice of international star **Robert Goulet**. Mr. Goulet is admired the world over for his legendary singing style and friendly personality. He will be "coming home" to his native Canada for this exclusive engagement. His performance will be a stellar climax to an outstanding week of Annual Meeting entertainment.

Ah, but that's not all. Also featured in the Friday night show will be a funny gentleman you have seen before and have asked to see again and again. That would be comedian **Pete Barbutti**, of course. No one can crack up an audience like Pete—especially an audience he reads as well as those who attend our Annual Meeting. As those who have seen him before will testify, no issue and no *one in the audience* is safe from his comments. You'd better be there... You wouldn't want him to zing you behind your back, would you??

We look forward to seeing you all in Vancouver. 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, Annual Meeting Handbook, etc. See you in Vancouver! □

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1984 WSBA Convention

CLE Seminar Schedule

Wednesday, September 12

9:00 a.m. – Corporation, Business
12:00 noon and Banking Section

1

Corporate, Securities and Banking Update

Section Chairperson: Allan H. Toole, Spokane
Seminar Chairperson: William E. Van Valkenberg,
Seattle

Topics/Speakers:

"Corporate Law: Statutory and Case Law Update"
Professor Douglas M. Branson, Tacoma

"Securities Law: Statutory and Case Law Update—
Emphasis on RICO"

Kevin C. McMahon, Seattle

"Recently Enacted, Pending, and Proposed Legislation
Affecting Banking Institutions"

M. Danny Wall, Staff Director, Senate Committee on
Banking, Housing and Urban Affairs, Washington, D.C.

Panel Discussion: Legislative Action Affecting Banking
Institutions

Moderator: William E. Van Valkenberg, Seattle

3.00 CLE CREDITS

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

2

Update 1984 (Patents, Copyrights & Trademarks)

Section Chairperson: George M. Cole, Seattle
Seminar Chairperson: George M. Cole, Seattle

Topics/Speakers:

"Patent Update"

Robert A. Jensen, Seattle

"Copyright Update"

William O. Ferron, Jr., Seattle

"Trademark Update"

James W. Anable, Seattle

3.00 CLE CREDITS

12:00 noon **State Bar Luncheon**

Featuring: **Jack Anderson**
Syndicated Newspaper Columnist

2:00 p.m. – Real Property,
5:00 p.m. Probate & Trust Section

3

Tax Planning for Real Estate Ownership & Disposition

Section Chairperson: Roger H. Underwood, Spokane

Seminar Chairperson: Thomas C. Gores, Seattle

Topic/Speaker:

"Tax Planning for Real Estate Ownership & Disposition"
Stefan F. Tucker, Washington, D.C.

3.00 CLE CREDITS

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

4

Common Business Problems with Antitrust Implications

Section Chairperson: John E. Ederer, Seattle

Seminar Chairpersons: John R. Ellis, Seattle &
John C. Guadnola, Tacoma

Topics/Speakers:

"Labor Relations"

Ed Garvey, Deputy Attorney General, State of
Wisconsin

"Corporate Structure"

James L. Robart, Seattle

"Manufacturer/Distributor Relations"

Nick S. Verwolf, Seattle

"Pricing Problems"

Arthur C. Claflin, Seattle

3.00 CLE CREDITS

Thursday, September 13

9:00 a.m. – Environmental & Land Use
12:00 noon Law Section

5

Environmental & Land Use Law Update

Section Chairperson: Professor Richard L. Settle,
Tacoma

Seminar Chairperson: Linda M. Youngs, Bellevue

Topics/Speakers:

"The New SEPA Regulations"

William N. Snell, Seattle

Charles W. Lean, Olympia

"Recent Developments"

Linda M. Youngs, Bellevue

Judith M. Runstad, Seattle

Thomas M. Walsh, Seattle

3.00 CLE CREDITS

9:00 a.m. – World Peace
12:00 noon Through Law Section

6

Proposals for Revision of the United Nations Charter & Jurisdiction of the International Court of Justice (World Court)

Section Chairperson: John W. Riley, Seattle

Seminar Chairperson: John W. Riley, Seattle

Topics/Speakers:

"Historical Perspective of the United Nations Charter
and Jurisdiction of the International Court of Justice"

Professor Brewster Denny, Seattle

"Recent Decisions and Developments in the Interna-
tional Court of Justice"

Professor Joan Hartman, Seattle

"The Need for Reform of the United Nations Charter
with Special Comments on Jurisdiction of the Inter-
national Court of Justice"

Franklin C. Stark, Oakland, California

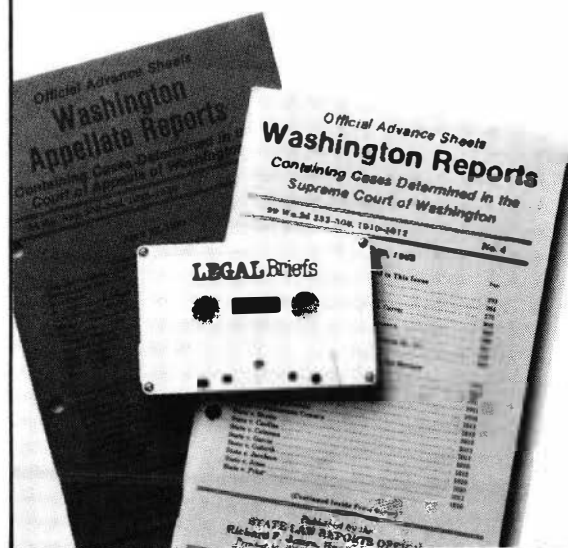
Panel Discussion

Moderator: John W. Riley, Seattle

3.00 CLE CREDITS

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12:00 noon **Hon. Morell E. Sharp Memorial Luncheon**

Featuring: **Hon. Wade H. McCree, Jr.**
former Solicitor General
of the United States

Sponsored by the Washington State Bar Foundation

2:00 p.m. – Continuing Legal
5:00 p.m. Education Committee

7

Constitutional Issues Today

Committee Chairperson: John O. Burgess, Seattle

Seminar Chairperson: Dale B. Ramerman, Seattle

Topics/Speakers:

"Introduction of Program and Participants"

Dale B. Ramerman, Seattle

"Roadblocks and Intoxicated Drivers"

A. Debate:

Douglas N. Jewett, Seattle

Professor John M. Junker, Seattle

B. Panel Discussion and Audience Questions

Moderator: Charles Z. Smith, Seattle

Hon. Wade H. McCree, Jr., Ann Arbor, Michigan

Douglas N. Jewett, Seattle

Professor John M. Junker, Seattle

M. Margaret McKeown, Seattle

Hon. Barbara J. Rothstein, Seattle

Jeffrey C. Sullivan, Yakima

"Non-Party Access to Discovery Materials and Evidence Used in Court Proceedings"

A. Debate:

P. Cameron DeVore, Seattle

Fredric Tausend, Tacoma

B. Panel Discussion and Audience Questions

Moderator: Charles Z. Smith, Seattle

Hon. Wade H. McCree, Jr., Ann Arbor, Michigan

Fredric Tausend, Tacoma

P. Cameron DeVore, Seattle

Evan L. Schwab, Seattle

Malcolm L. Edwards, Seattle

Duane M. Swinton, Spokane

Hon. Barbara J. Rothstein, Seattle

3.00 CLE CREDITS

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

8

Children

Section Chairperson: Patrick R. Cockrill, Yakima
Seminar Chairperson: Daniel W. Giboney, Spokane
Topics/Speakers:

"Custodial Interference"

Professor Helen Donigan, Spokane

"Guardian Ad Litem"

Stephen M. Gaddis, Superior Court Commissioner,
Seattle

"Juvenile Court"

Robert D. Austin, Juvenile Court Commissioner,
Spokane

"Adoption"

John L. Jarrett, Olympia

3.00 CLE CREDITS

2:00 p.m. – Administrative Law Section
5:00 p.m.

9

Update on the Law & the Proposed Administrative Procedure Act Explained

Section Chairperson: Judit E. Gebhardt, Olympia
Seminar Chairperson: Lawrence A. Weiser, Olympia
Topics/Speakers:

"Update on Administrative Law"

Professor James M. Vache, Spokane

**"How the Proposed Administrative Procedure Act
Would Affect the Practicing Attorney"**

Patrick H. McIntyre, Seattle

**"Major Changes in the Proposed Administrative Proce-
dure Act"**

C. Dean Little, Seattle

**Panel Discussion Regarding the Proposed Adminis-
trative Procedure Act**

Moderator: Lawrence A. Weiser, Spokane

Judit E. Gebhardt, Olympia

C. Dean Little, Seattle

Joseph M. Littlemore, Olympia

Patrick H. McIntyre, Seattle

Robert C. Wallis, Olympia

Professor James M. Vache, Spokane

3.00 CLE CREDITS

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FALL SCHEDULE

DATE	COURSE #	TIME	PROGRAM TITLE
9/8	8414	9-4:30	Fourth Annual Federal Tax Conference The Tax Reform Act of 1984 (\$150)
9/21-22	8416	9-5	Third Annual National Fishery Law Symposium (\$275)
9/29	8417-1	9-12	Basic Income Tax—Part 1 of 5 A Refresher Course and '84 Update (\$75 or \$350 for all sessions)
9/29	8418	9-12	Corporate Practice Under the New (1984) Financial Provisions in the Washington Business Corporation Act (\$75)
10/6	8419	9-3:30	Criminal Evidence Evidentiary Issues in the Prosecution or Defense of a Criminal Case. Including Washington's Exclusionary Rules (\$125)
10/13	8420	9-2:30	International Trade & Technology Transfer: A Changing Environment (\$100)
10/13	8417-2	9-12	Basic Income Tax—Part 2
10/19-20	8421	9-5	Federal EPA Hazardous Waste Conference (\$250)
10/27	8422	9-12	Criminal Sentencing Reform Act of 1984 (\$75)
10/27	8423	9-12	Settlement of Boundary Disputes (\$75)
10/27	8417-3	9-12	Basic Income Tax—Part 3
11/10	8424	9-5	Incorporating Small Businesses (\$135)
11/17	8417-4	9-12	Basic Income Tax—Part 4
12/1	8425	9-12	The New Federalism (\$75)
12/8	8417-5	9-12	Basic Income Tax—Part 5

For full information, write or call Ann Magee
University of Washington School of Law
430 Condon Hall, JB-20, Seattle, WA 98195
(206) 543-0059

Friday, September 14

12:00 noon State Bar Luncheon
Featuring: **James H. Boren**
Humorist

2:00 p.m. – Trial Practice Section
5:00 p.m.

10

The Trial of Alger Hiss

Section Chairperson: Frederick M. Meyers, Seattle
Seminar Chairperson: L. William Houger, Seattle
Topic/Speaker:

"The Trial of Alger Hiss"

Featuring: Professor Irving Younger,
University of Minnesota Law School

3.00 CLE CREDITS

Saturday, September 15

9:00 a.m. – Young Lawyers Section
12:00 noon

11

Update on the Law— A Videotaped Presentation

Section Chairperson: John M. Ennis, Tacoma
Seminar Chairperson: William A. Buchanan, Bellevue
Topic:

"Update on the Law" or
"Blackstoke: Lord of the Lawyers"

Speakers/Authors/Actors:
William A. Buchanan, Bellevue
Joy Barnhart, Seattle
Brian F. Cahill, Seattle
Judith R. Eiler, Federal Way
Laura M. Murphy, Seattle
Bruce E. Ridley, Seattle
Marc S. Stern, Bellevue
Joel S. Summer, Seattle
Clifford A. Webster, Seattle
...and a cast of tens...

3.00 CLE CREDITS

9:00 a.m. – Criminal Law Section
12:00 noon

12

R.I.C.O. for Fun and Profit

Section Chairperson: John R. Muenster, Seattle

Seminar Chairperson: Associate Professor John A. Strait, Seattle

Topics/Speakers:

(The panel presentation will cover developments in the law of the Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO). Special emphasis will be placed on the availability of civil RICO proceedings to private practitioners in civil litigation and to the advantages and disadvantages of including a civil RICO count in various forms of civil claims. The panel will review recent developments in both the civil and criminal aspects of RICO cases and will discuss the use and implications of the new state RICO statute which is currently scheduled to come into effect next year in Washington.)

"Introduction; Short History; Definition of Terms"

Associate Professor John A. Strait, Seattle

"Overview of Federal Criminal Law as a Prediction of Civil RICO Scope; Definition of Activities Covered by Civil RICO; Civil RICO's Relationship to Mail Fraud, Intangible Property Cases; Fiduciary Responsibility Cases"

David E. ("Gene") Wilson, Chief, Criminal Trial Section, U.S. Attorney's Office, Seattle

"Use of RICO Prosecutions and Civil Implications of RICO Prosecutions Under State Law"

Gregory P. Canova, Senior Assistant Attorney General of the Criminal Division, Seattle

"Pros and Cons of RICO in Antitrust, Security, and Land Fraud Cases and Policy Considerations in State RICO Proceedings"

Richard M. Clinton, Seattle

"Defense Theories in Parallel Civil and Criminal RICO Proceedings; General Defense Strategy"

Irwin H. Schwartz, Seattle

"Pre-Trial and Related Seizures of Property; Racketeering Liens; Injunctive and *ex parte* Relief; Protecting Your Fees Under RICO"

Robert J. Wayne, Seattle

3.00 CLE CREDITS

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INTRODUCING...

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RESOLUTIONS

...To Be Considered at the 1984 Annual Business Meeting of the Washington State Bar Association

This resolution is submitted by: Robert C. Mussehl, Douglas Jewett, Steven Hake, Melton Boyd, Michael Mines, Lynn Greiner, Steven Ringold, Claire Thomas, Donald D. McFeely, Candy S. Marshall, Robert B. Gould, Angela Benzo Norman, Louise Seeley, Evelyn McChesney, Susan Samuelson, Frank Van Dusen, Judge Edward Henry, Frederick Noland, Alec Bayless, William L. Hanson, Francis Hoague, Will Roarty, Daniel Vradenburg, A. J. Kuntze II, Joan E. Hansen, Catherine Hillenbrand, Larry J. Smith, Fred Diamondstone, Leah Iraheta, Stephen K. Strong, Mary Gleysteen, John G. Burchard, Jr., Douglas D. Peters, Allen T. Miller, Jr., Joseph E. Shickich, Jr., David F. Stobaugh, Gay Diamond, Bruce D. MacLean, Jane MacLean, Michael E. de Grasse, David J. Lenci, Thomas C. Evans, John D. Schumacher and Julian Dewell.

NO FIRST USE RESOLUTION

SUBJECT:

Since World War II, official United States policy has claimed a right to initiate use of nuclear weapons in response to conventional assault. This policy, operative in the Far East, the Middle East and Europe, is variously known as the "nuclear option" or the "first use option." The nuclear option is currently implemented by U.S. deployment of more than 6,000 on-site tactical and theater nuclear weapons.

WHEREAS:

- (a) the nuclear first use option denies the fundamental legal principle that violence is most effectively contained when escalation of violence in self defense is prohibited;
- (b) any use in a conventional war of nuclear weapons, however limited, is likely to escalate to full scale strategic nuclear exchange;
- (c) strategic nuclear exchange would be catastrophic to present and future generations and would possibly annihilate the United States as a functioning republic;
- (d) first use of nuclear weapons is incompatible with the Constitutional purpose "to...provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity...";
- (e) first use of nuclear weapons is incompatible with United States obligations under international law not to inflict disaster on innocent civilians in other countries, including our nuclear and non-nuclear allies;
- (f) the United States threat to commit suicide in defense of Europe is not credible to our European allies;

(g) veteran military leaders refute alleged gross deficiency of North Atlantic Treaty Organization conventional forces;

(h) military and political authorities¹ in the United States, England and Europe insist a policy of no first use is a necessary step to strengthen NATO;

(i) United States leadership is indispensable for NATO adoption of a no first use policy;

(j) China and the Soviet Union have pledged no first use of nuclear weapons;

THEREFORE BE IT RESOLVED THAT THE WASHINGTON STATE BAR ASSOCIATION

(1) call upon the United States executive branch to adopt a policy that

The UNITED STATES SHALL NOT INITIATE USE OF NUCLEAR WEAPONS, and shall pursue negotiations with other nuclear powers to draft a treaty to implement such no first use policy; and

(2) call upon the Senate and House of Representatives to adopt joint resolutions that

THE UNITED STATES SHALL NOT INITIATE USE OF NUCLEAR WEAPONS, and shall pursue negotiations with other nuclear powers to draft a treaty to implement such no first use policy.

CONSTITUTIONAL BASIS

Congressional Action: Art. I Sec. 8: The Congress shall have Power...To define...Offenses against the Law of Nations;...to make Rules for the Government and Regulation of the land and naval Forces....

PEACE UNDER LAW

History's foremost rule of law in checking violence ordains that the right of self defense does not allow escalation of violence. The nuclear option is a deliberate policy to escalate violence. Nuclear war is not simply a continuance of conventional war by other means. Nuclear war is a war in which there can be no winners.

FIRST USE/FIRST STRIKE

Much confusion exists between the terms "first use" and "first strike." "First strike" can refer to a "bolt out of the blue" in absence of conventional war that seeks to destroy

all of the enemy's strategic weapons. United States policy denies any intention to execute such a preemptive first strike.

The option to use nuclear weapons in response to conventional assault, however, implies a need to develop a concurrent preemptive strike capacity. Such capacity would be needed at precisely the moment the first use nuclear option is exercised in a conventional war to preclude retaliatory annihilation of the United States homeland by the otherwise intact strategic nuclear arsenal of the enemy. Counter-force targeting is integral to implementation of the first use option. The first use option thus fuels development and deployment of first strike capable weapons such as the MX or Pershing II. Survivability in a first use context is irrelevant.

The first use/first strike link is exposed by former Department of Defense official Earl C. Ravenal.² Ravenal's argument is given focus by Assistant Secretary of State Richard Burt:

The United States took this step [to deploy Pershing II and cruise missiles in Europe] in the full knowledge that the Soviet Union would most likely respond to [a nuclear] attack on its homeland by U.S. systems in Europe with [a nuclear] attack on the United States. Thus the emplacement of long-range U.S. cruise and ballistic missiles in Europe makes escalation of any nuclear war in Europe to involve an intercontinental exchange more likely, not less. This is why our allies asked for such a deployment. This is why the United States accepted.³

¹ Individuals supporting no first use include:

McGeorge Bundy, George F. Kennan, Robert S. McNamara and Gerard Smith, "Nuclear Weapons and the Atlantic Alliance," *Foreign Affairs*, Spring, 1982, p. 753.

Field Marshal Lord Michael Carver, UK, "No first use: a view from Europe," *The Bulletin of the Atomic Scientists* 39:3:22 (March 1983)

John H.E. Fried, "Law and nuclear war," *The Bulletin of the Atomic Scientists*, 36:6:67 (1982)

Senator Sam Nunn, "NATO: Can the Alliance be Saved?" Report to the Committee on Armed Services United States Senate, May 13, 1982

Signatories to NO FIRST USE: A report by the Union of Concerned Scientists (1983)

Maj. Gen. Richard C. Bowman Brig. Gen. Karl-Christian Krause

Maj. Gen. Wm. T. Fairbourn Dr. Lutz Unterseher

Maj. Gen. Jochen Loser Vice Adm. John Marshall Lee

Herman Scoville, Jr. Raymond L. Garthoff

Dr. Walter Schutze Lord Gladwyn

Lord Brian Flowers Lord Zuckerman

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Robert Drinan Jerome Weisner Herbert York

Jerome Carlin Sean MacBride Howard Moreland

Richard Falk Hans A. Bethe Victor Weisskopf

National organizations supporting no first use include:

Lawyers Alliance for Nuclear Arms Control, Inc.

Common Cause

National Conference of Catholic Bishops

Center for Defense Information

Coalition for a New Foreign & Military Policy

League of Women Voters of the United States

Council for a Liveable World

² Earl C. Ravenal, "No first use: a view from the United States," *The Bulletin of the Atomic Scientists*, 39:3:22 (April 1983)

³ Richard Burt, "NATO and Nuclear Deterrence," *NUCLEAR WEAPONS IN EUROPE*, Arms Control Assn., 109 at 111 (Heath: 1983)

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WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Steven A. Reisler

BOARD SEEKS IOLTA CLARIFICATION

Coeur D'Alene, Idaho, June 12-14 -- In June, the Washington Supreme Court adopted the so-called IOLTA rule (CPR DR 9-102) which provides for interest on lawyer trust accounts. Although

the rule itself (see this issue of the Bar News) provides that the interest on short-term or nominal trust account deposits shall accrue for the benefit of public interest activities, the Court opinion interpreting that rule provides that "those funds available for the IOLTA program are only those funds that cannot, under any circumstances, earn net interest (after deducting transaction and administrative costs and bank fees) for the client." Many members of the Board of Governors felt that this language in the Court's opinion created ambiguities in the new IOLTA rule. Some Governors wanted to know what exactly constitutes "transaction costs" and when would the client ever not be entitled to the benefit of the interest?

Don Bond of the Fourth District complained that the opinion gives no guidance to lawyers when trust money should earn interest for the trust fund or for the clients. It is important to lawyers to know how to avoid inadvertent violations of the new rule, he said. "We owe it to our members to give them a rule they can work with," he said. Second District Governor Zylstra agreed, saying, "This rule is not fair to our lawyers, because they cannot understand it."

As part of the Court's action creating the IOLTA rule, the Court ordered the establishment of the Legal Foundation of Washington to disperse funds. The Governor, the Supreme Court, and the WSBA Board of Governors will each appoint three members to the Foundation's Board of Trustees. Interim Trustees are WSBA President Robert Redman, WSBA Executive Director John Michalik, and Seattle attorney Charles Goldmark. As the Board of Governors considers whom to appoint to the Legal Foundation's Board of Trustees, President Redman urged that the appointing authorities seek a balance of geography and interests. Both Governors Zylstra and Pat Comfort (of the Sixth District) expressed their desires to know exactly how a potential Trustee would spend IOLTA money if s/he were appointed.

OTHER ACTION:

COMMITTEES -- Yakima attorney Thomas Grahm was appointed to replace Robert Beezer, now a judge of the 9th Circuit, on the Judicial Information System Committee. Governors Joe Delay and Bill Dwyer were appointed to the Judges Employment Benefits Committee. The Board of Governors, on motion of Fifth District Governor Delay, approved the concept of creating a new International Law Section to replace the present International Law Committee. The approval is contingent upon the section sponsors providing acceptable bylaws and budget plans.

AMICUS BRIEF -- The WSBA has filed its amicus curiae brief in the Supreme Court case Cultum v. Heritage House Realtors, Inc., No. 50403-2. The Court will decide, among other things, whether the activity of a licensed real estate broker or salesperson in completing a standard form earnest money agreement constitutes the "practice of law."

BAR EXAMINATION NOTES -- a record 886 applicants will sit for the 1984 WSBA Bar Examination. The WSBA currently has 11,615 active members, 7,669 of whom were admitted within the last nine years. Less than 3,000 Washington lawyers have practiced 15 years or more.

ABA -- By unanimous vote, the Board sent its Washington ABA delegation uninstructed on a proposed ABA redistricting proposal.

PRESIDENT ADDRESSES SPOKANE BAR -- WSBA President Redman, speaking at a joint luncheon meeting of the WSBA Board of Governors and the Spokane County Bar Association, told lawyers that "the spirit of professionalism is alive and well in this state, but it needs nurturing." However, if we do not take care of our own professional needs, Redman warned, we could end up losing control of our professional destiny.

LONG RANGE PLANNING

In an effort to focus on broader issues, the Board of Governors went into special session to plan for the future. Among the general topics of discussion were: What is good about the practice of law in Washington, and what ails us? What direction should the WSBA follow in the coming years? What should we do about regulation/deregulation of the legal profession? Is professionalism on the decline? Are there too many lawyers?

BRAD JONES (1980 WSBA President) would like to see the Board of Governors take a higher profile. Public appearances and wider use of newsletters would establish Board members as true conduits for the opinions of the membership. Jones also urged the bar to support the development of alternatives to dispute resolution to show that not every problem must end up with lawyers litigating in the courts.

DAVID WELTS (1981 WSBA President) noted that some things have improved in recent years: the "young lawyer" revolution has mellowed and the lawyers east of the mountains no longer want to withdraw from the WSBA. Welts believes that the regulation of the practice of law and the bar's relationship with the legislature will be top priorities in the future.

JIM VANDER STOEP (Governor, 3rd District) commented that there has been a drift away from the WSBA being a strictly professional organization to an organization of business people. "Our profession must re-direct itself again toward professionalism," he said.

PAT COMFORT (Governor, 6th District) agreed that the Board of Governors must be more visible in representing its constituency. He also observed that the Board and WSBA tend to move in the "right direction" by reaction, rather than by deliberation. Comfort believes that the bar must focus on how to deliver legal services to the great middle class, as well as to the poor. Additionally, Comfort believes the legal practitioner must perform his/her job professionally, but with sufficient economic reward to make the profession worthwhile.

TOM LOFTUS (Governor, King County) said that the quality of the judiciary, now and in the future, is a major concern of the bar. "The seasoned trial lawyers often no longer want to sit on the trial bench." Also, because the profession is overpopulated, Loftus believes there are too many unemployed and underemployed attorneys.

BETTY BRACELIN (Governor, 7th District) criticized the bar's failure to promote itself better. She noted that the public should be informed about how zealously the WSBA disciplines itself. Commenting on concerns about too many lawyers, Bracelin urged that something be done to inform students interested in a law career about the economic realities of the legal job market.

TED ZYISTRA (Governor, 2nd District) is mostly concerned about "professionalism" and the lack thereof. Our public image is tarnished when our own professionalism flags, he noted. Lawyers must know when to litigate and when to mediate; when to control their clients and when the issues do not merit the costs.

DON BOND (Governor, 4th District) observed that there is a conflict between law office efficiency and professionalism which the bar must resolve. It is easy to build a better mousetrap, he commented, but more difficult to

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figure out how to keep mice out of the house. Bond also wants more dialogue between the bar and law schools to better prepare new lawyers for the realities of practice.

PAUL GIBBS (Governor, 1st District) noted that the practice of law has changed dramatically in the last 30 years. We are now in an age of megafirms, branch offices, massive litigation and legal sub-contracting. He sees a need for change in law school admissions practices and a need to better understand the impetus behind increased lawyer discipline problems. Gibbs sees an increasing frustration among lawyers, too, who, because of their numbers, cannot always participate in bar activities.

JOE DELAY (Governor, 5th District) highlighted two areas of future concern: lawyer advertising and the excessive number of law school graduates. Delay recommended that new lawyers serve a one-year internship to sharpen their practice skills, just like doctors do.

BILL DWYER (Governor, King County) perceived two well-springs of dissatisfaction with the legal profession. The first, public dissatisfaction with the legal system, springs either from simple misinformation or from serious problems of excessive cost and delay in the judicial process. Dwyer said lawyers can remedy that problem only by doing their jobs well. Secondly, Dwyer found dissatisfaction within the profession caused by our own commercialization. Legal services must be rendered faster and cheaper, independence and honor must be restored, and the bar must assert its leadership in society.

ROBERT REDMAN (State Bar President) unequivocally said that the number one priority for this bar association is "professionalism." "Law is not compartmentalized into legal and business aspects," he said. Law schools in particular, he commented, must teach their charges to be three-dimensional lawyers, not just legal mechanics. "We are dissatisfied with ourselves," said Redman, "because we do not know if we still deserve to be lawyers."

JIM WATT (Governmental Lawyers) commended the Board for being the open, responsive body that it is. For governmental lawyers, Watt said, the goal is to make them feel as though they are equal participants in the bar process.

MARY ALICE THEILER (SKCBA Young Lawyers) urged the bar to be creative as it seeks to resolve problems in the future. Theiler said that in many ways, our justice system is stuck in the Dark Ages, and we should learn lessons in problem solving from the social sciences.

JULIA BAUTE (Washington Women Lawyers) said there was a clear nexus between the number of lawyers now practicing law and the increasing incidence of lawyer discipline. She cautioned the bar, however, not to delegate the resolution of that problem solely to the law schools. Of major concern, said Baute, was the need to open up bar activities by putting limits on how long particular members can remain in key committees and leadership positions.

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HON. WILLARD ZELMER (Superior Court, Lincoln County) told the Board that continued good relations between the bench and bar are essential in the future. He noted a negative trend in the judiciary, however, in that some judges now view service on the bench as a stepping stone to something else, rather than a career in itself.

STEW COGAN (SKBA) suggested that the WSBA is always on the defensive precisely because there is no long range planning. Cogan cautioned that the bar should not be too protective of its turf because that may not be in our or the public's long range interests. For young lawyers, Cogan observed, the practice of law is very different from what senior lawyers think it is. The problem of professionalism, too, he said, is not only how we view ourselves, but how others view us.

JOHN ENNIS (WSBA Young Lawyers) scored specialization as one of the topics of greatest interest to young lawyers. He, too, was concerned that there has been a real decline of the notion of professionalism. "Our critics are the only beneficiaries of that decline," he said.

JOHN FATTORINI (WSBA Legislative Liaison) advised that for the first time in the legislature we are seeing people attack not just lawyers, but the legal system in general. Maintaining good relations with the legislature and maintaining the quality of the bench will be top priorities.

WAYNE WILSON (WSBA Public Affairs Director) urged the WSBA to make its activities more visible to the public. Although our credibility with the public and local press has improved somewhat in recent times, Wilson sees a need for greater lay participation in bar activities.

JOHN MICHALIK (WSBA Executive Director), having patiently listened to comments all around, observed that the problems of the WSBA are essentially the same problems with which other states' bar associations are grappling. Michalik said that bar associations tend too often to act out of fear; fear about what others will say about our motives, fear to "toot our own horns" about our accomplishments.

At the conclusion of six hours of discussion, the Board voted to create a special task force committee to report regularly and frequently to the Board about long range WSBA planning. Governors Dwyer, Bracelin and Vander Stoep were immediately appointed to the task force. Further members on the task force will be selected to represent a range of geographic, professional, and social interests.

GENERAL MEETINGS OF THE BOARD OF GOVERNORS ARE OPEN TO MEMBERS OF THE WSBA. THE NEXT MEETINGS OF THE BOARD OF GOVERNORS ARE: August 17-18 in Sunriver, Oregon; September 12-15 (Annual Meeting) in Vancouver, British Columbia.

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MS. LOITZ FORMERLY PRACTICED IN MINNESOTA
AND SERVED AS CLERK TO HONORABLE DIANA E. MURPHY,
UNITED STATES DISTRICT COURT
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Supreme Court Adopts IOLTA Rule

On June 19, the Washington State Supreme Court adopted the following "IOLTA (Interest on Lawyers' Trust Accounts)" rule, effective January 1, 1985:

DR 9-102 PRESERVING IDENTITY OF FUNDS AND PROPERTY OF A CLIENT

(A) All funds of clients paid to a lawyer or law firm, ~~other than including~~ advances for costs and expenses, shall be deposited in one or more identifiable interest-bearing ~~bank~~ trust accounts maintained as set forth in CPR DR 9-102(C), ~~in the state in which the law office is situated~~ and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(1) Funds reasonably sufficient to pay bank charges may be deposited therein.

(2) Funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(B) A lawyer shall:

(1) Promptly notify a client of the receipt of his funds, securities or other properties.

(2) Identify and label securities and properties of a client promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable.

(3) Maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his client regarding them.

(4) Promptly pay or deliver to the client as requested by a client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

(C) Each trust account referred to in CPR DR 9-102(A) shall be an interest-bearing trust account in any bank, credit union or savings and loan association, selected by a lawyer in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Washington Credit Union Share Guaranty Association, or the Federal Savings and Loan In-

surance Corporation, or which is a "qualified public depository" as defined in RCW 39.58.010(1). Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to reserve by law or regulation.

(1) A lawyer who receives client funds shall maintain a pooled interest-bearing trust account for deposit of client funds that are nominal in amount or expected to be held for a short period of time. The interest accruing on this account, net of any transaction costs, shall be paid to The Legal Foundation of Washington, as established by the Supreme Court of Washington. A lawyer may, but shall not be required to, notify the client of the intended use of such funds.

(2) All client funds shall be deposited in the account specified in subsection (1) unless they are deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) A pooled interest-bearing trust account with sub-accounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

(3) In determining whether to use the account specified in subsection (1) or an account specified in subsection (2), a lawyer shall consider only whether the funds to be invested could be utilized to provide a positive net return to the client, as determined by taking into consideration the following factors:

(a) The amount of interest that the funds would earn during the period they are expected to be deposited;

(b) The cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client's benefit; and

(c) The capability of financial institutions to calculate and pay interest to individual clients.

(4) As to accounts created under subsection (C)(1), lawyers or law firms shall direct the depository institution:

(a) To remit interest or dividends, net of any service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to The Legal Foundation of Washington (the Foundation);

(b) To transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing lawyer or law firm.

(5) The Foundation shall prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by section (C) of this rule.

(6) The provisions of section (C) shall not relieve a lawyer or law firm from any obligation imposed by these rules with respect to safekeeping of clients' funds, including the requirements of section (B) that a lawyer shall promptly notify a client of the receipt of his funds and shall promptly pay or deliver to the client as requested all funds in the possession of the lawyer which the client is entitled to receive.

Dated at Olympia, Washington, this 19th day of June, 1984.

WILLIAM H. WILLIAMS
Chief Justice

We concur except for the mandatory requirement. In our opinion it would be more appropriate for the various bar associations to have a local option.

CAROLYN R. DIMMICK
HUGH J. ROSELLINI
Justices

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Caselaw Capsules

Notes From the Academy

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

ADMINISTRATIVE LAW. (1) Industrial insurance appeal must be filed in county of residence of worker or beneficiary, county where injury occurred, or (rarely) in Thurston County; RCW 51.52.110. Failure to file in proper place is jurisdictional defect. *Patterson v. Department of Labor & Inds.*, 37 Wn. App. 196 (1984). (2) Appearance of fairness doctrine does not apply to mayor's filling of vacancies in police department. *Side v. City of Cheney*, 37 Wn. App. 199, 679 P.2d 403 (1984). (3) Non-SEPA appeal by writ of certiorari to city council's granting of use permit must be filed with superior court within 14 days. Time limit established by analogy to appeal of justice court decision to superior court. *Akada v. Board of Appeals*, 37 Wn. App. 221 (1984).

—J. M. Vache

CREDITOR AND DEBTOR. Unliquidated tort claim is not a "debt" within meaning of RCW 26.16.200 (permitting creditor to reach earnings of spouse to collect premarital "separate

debt" reduced to judgment within three years of marriage). Lower court improperly denied motion to quash creditor's writ of garnishment issued under tort judgment obtained within three years of defendant spouse's marriage. Court relied on language in *State ex rel. American Piano Co. v. Superior Court*, 105 Wash. 676, 178 P. 827 (1919), that was later limited in *State ex rel. Boyer v. Superior Court*, 115 Wash. 359, 197 P. 321 (1921) ("Neither do we see any distinction between unliquidated damages for breach of contract, or for torts. . . as constituting 'indebtedness' or 'debt.' 115 Wash. at 363.) Attorney's fees awarded to defendant spouse for appeal; remanded for award of attorney's fees for controversion in lower court. *Caplan v. Sullivan*, 37 Wn. App. 289, 679 P.2d 949 (1984).

—M. D. Rombauer

LAND-USE PLANNING. Application for planned unit development is for a rezoning. Therefore, governmental body's failure to enter written findings of fact and conclusions of law is "arbitrary and capricious" action that will cause court to overturn decision. *Johnson v. City of Mt. Vernon*, 37 Wn. App. 214, 679 P.2d 405 (1984).

—W. B. Stoebuck

REAL PROPERTY. (1) "Preemptive right" to purchase at fixed price (option to purchase at stated price if owner wants to sell) will be limited in duration to reasonable time if no time limit is stated. Within facts of case, trial court was correct in setting eight years as such reasonable time. *Lawson v. Redmoor Corp.*, 37 Wn. App. 351, 679 P.2d 972 (1984). (2) Counterclaim may not be asserted in unlawful detainer action when it does not excuse tenant's breach. Court tries to reconcile *Granat v. Keasler*, 99 Wn.2d 564, 663 P.2d 830 (1983), and *Foisy v. Wyman*, 83 Wn.2d 22, 515 P.2d 160 (1973), by dictum that counterclaims are allowed if "based on facts which excuse a tenant's breach." *First Union Management v. Slack*, 36 Wn. App. 849, 679 P.2d 936 (1984). (3) (a) When sale of land failed to close by "termination date" listed in earnest money agreement because seller had not, but could have, cleared title, purchaser was entitled to specific performance when title was cleared and all other conditions precedent met some two and one-half months later. (b) Seller's broker became entitled to commission when buyer and seller executed earnest money agreement. *Langston v. Huffacker*, 36 Wn. App. 779, 678 P.2d 1265 (1984).

—W. B. Stoebuck

TORTS. Minority of statutory beneficiaries does not toll limitation period for wrongful death action, since statutory beneficiaries are not persons "entitled to bring an action." RCW 4.16.190; RCW 4.20.010. *Huntington v. Good Samaritan Hospital*, 101 Wn.2d 466 (1984).

—R. L. Settle

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JULY, 1984



The 29th Annual Estate Planning Seminar

by **T. Noble Foster**
Director of Continuing Legal Education

The 29th ANNUAL ESTATE PLANNING SEMINAR, sponsored by the Estate Planning Council of Seattle and the Washington State Bar Association, will be presented on October 25 and 26 at the Westin Hotel in Seattle. This special two-day program is designed for estate planning professionals and those lawyers who want to remain current in this fast-changing area.

The seminar chairman is **Eric P. Van**, CPA, of Peat, Marwick, Mitchell and Co., and the program co-chairman is **Henry C. Nielsen**, of Guarantee Mutual Life Insurance Company.

The course has been in development for over a year, and a distinguished faculty of estate planners has been assembled for this year's program.

On Thursday, October 25, **Ron Floridis**, of Estates Inc., Dayton, Ohio, will cover "Qualified Plans After Tax Reform." "Non-Qualified Benefits and Deferred Compensation" will be the subject of a talk by **Peter Elinsky**, CPA, of Peat, Marwick, Mitchell & Co. "Estate Freezing Techniques" will be covered by **Dennis Reardon**, of The American College in Bryn Mawr, Pennsylvania.

Dean John R. Price, of the University of Washington School of Law, will present a discussion entitled "An Ounce of Prevention: A Primer on Avoiding Common Future Interest Problems." Nationally-known estate planning expert **Malcolm A. Moore**, of Davis, Wright, Todd, Riese & Jones, will discuss "Recent Estate, Gifts and Trust Tax Developments."

On Friday, October 26, a panel will review the Washington Trust Revision Act of 1984. **Kenneth L. Schubert, Jr.**, of Garvey, Schubert, Adams & Barer, will discuss the "History and Development of the Act." **Bruce P. Flynn**, of Karr, Tuttle, Koch, Campbell, Mawer & Morrow, will cover "Dispute Resolution Procedures." **Douglas C. Lawrence**, of Monroe & Perry, will cover "Marital Deduction Changes and the Washington Principal and Income Act." **Roger F. Donahoe**, of Rainier Bank, and **Alan H. Kane**, of Sax and MacIver, will discuss "Trustees Powers and Duties, and Investment Standards."

Richard A. Klobucher, of Davis, Wright, Todd, Riese & Jones, will cover "Effective Dates and Other Important Trust Act Revision Problems."

New York lawyer **Jonathan G. Blattmachr**, of Milbank, Tweed, Hadley & McCloy, will cover "Valuation of Partial Interests and Discounts in Valuation." Insurance expert and attorney **Norse Blazzard**, of Blazzard, Grodd & Hasenauer, Westport, Connecticut, will cover the "Current Life Insurance Products." **John F. Sherwood**, of Lane, Powell, Moss & Miller, will discuss the rapidly changing law in "Divorce, Remarriage, and Property Agreements."

The seminar provides 15.00 CLE credits and includes extensive course materials and luncheons on both days. Brochures for the program will be in the mail this month. Be sure to mark your calendar now to take advantage of this premier program.

For more information about the program, contact Sherrie Hewitt at the State Bar CLE office, (206)622-6021.

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<i>Anatomy of a Tax Shelter</i>	
October 5, 1984: Seattle	6.50

<i>The 29th Estate Planning Seminar</i>	
October 25 & 26, 1984: Seattle	15.00

<i>Products Liability</i>	
November 2, 1984: Spokane	6.00
November 9, 1984: Seattle	6.00
November 16, 1984: Olympia	6.00

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SPOKANE COUNTY

by JONATHAN C. RASCOFF

On June 8, 1984 elections were held at the Davenport Hotel for Spokane County Bar Association officers for the coming year. Valley attorney **Paul A. Bastine** was elected president; **Patricia Williams** of Winston and Cashatt will serve as vice-president; **Thomas D. Cochran** is secretary; and **Joseph P. Gagliardi**, treasurer. New trustees are **David L. Broom**, **Bryan P. Harnetiaux** and **Michael J. Pontarolo**. Holdover trustees are **Robert Leeds, Jr.**, **Richard Schroeder**, and **Thomas Milby Smith**.

*Department of contracts, combina-
tions, etc.*—On June 1, the long-time Spokane firm of Brown, Thayer and Drummond merged with the Richter Wimberly organization to form Richter, Wimberly, Ericson, Woods and Brown, P.S. The Richter Wimberly firm was in the news in connection with its representation of approximately 200 agent orange victims in a recently settled class action suit.

In a recent merger, the firm of Roberts, Diluzio and Scanlon was absorbed by Dellwo, Rudolf and Schroeder, P.S. The new firm maintains offices at the Washington Mutual Building.

Psst! Talk a little louder—Spokane attorney **Greg Tripp** recently made headlines in Davenport when he objected to conducting a DWI trial on the basis the "architectural inadequacy" of the courtroom. According to Greg, counsel's bench was located so close to the jury box that jurors could hear private conversations between attorneys and their clients. Word is, the problem has been remedied by rearranging the courtroom.

The Court of Appeals has filled two positions at Division III in Spokane. **Frank V. Slak**, previously staff attorney and Clerk of the Court, was appointed as the court's second commissioner, joining **Michael Keyes**. **Paul J. Wasson**, a former assistant public defender, was named to replace Slak in his former position. Both appointments, announced by **Chief Judge Ray E. Munson**, were effective on June 1.

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Hope she likes snow—**Leslie R. Weatherhead**, former assistant territorial prosecutor for Guam, has joined Wither-
spoon, Kelly, Davenport and Toole as an
associate. **Guy Zionitz** has announced
the formation of a new firm, Zionitz,
Tripp, Jolicoeur and McNallen. As
before, the group will maintain offices
at the Old National Bank Building.
Former assistant attorney general **Carol
Hemmingway** has joined the firm of
Dean, Keane and Smith. Carol will likely
be seeing more of spouse **Gary Hemm-
ingway**, whose offices are located across
the street at the Public Defender's
Office.

Judge on the run—Popular Spokane
Judge Harold D. Clarke was a recent
finisher in the Coeur d' Alene Mara-
thon. Recognized by local runners as a
not-so-easy course, the marathon route
covers some 20+ miles.

Happy talk—Wedding plans have
been announced by Spokane attorney
Mark D. Patterson III, and by former
Spokane attorney **Art K. Hayashi**, who

now works in Seattle. (No, they will not
be marrying each other.) ISC house
counsel "**J.R.**" **Clemons** added to his
sizeable family with the recent birth of
a baby girl. **Mike Crofts** added to his
with a boy, and **Dale Raugust** enlarged
his clan with the birth of a baby girl.
Rick Bechtolt is still looking for a date.

PIERCE COUNTY

by **ROBERT W. MARSDEN**

Regretfully, we inform you that **Beth
Jensen** has left her post as Executive
Director of the Tacoma-Pierce County
Bar Association, effective July 20. Ms.
Jensen, a student at UPS School of Law,
has elected to take a clerking position
with her father's law firm. We want to
commend **Dick Jensen** for his hiring of
an outstanding new employee, and wish
Beth the best of luck in her future career.

"Advertising is here," at least accord-
ing to **David Bufalini** and **Ronald Cole-
man**, who addressed the monthly lunch-

eon meeting of the Tacoma-Pierce
County Bar Association at the Sheraton
Hotel on June 14. Mr. Bufalini, of Man-
za, Mocerri, Gustafson and Messina, and
Mr. Coleman, of Davies Pearson, of-
fered a very informative and, at times,
entertaining presentation regarding
lawyer advertising from television to
public relations.

The law firm of McCarthy, Holum,
Golob and Causseaux has joined with
James J. Mason in the purchase of the
old Legal Aid Building at 10th and "I"
Streets, Tacoma. Also occupying that
new office facility are **Ron Heslop**, **Jim
Thrasher**, **Gary Branfeld** and **Theresa
Pybon**. **Steve Causseaux** reports that the
new location provides a whole new world,
only two blocks from the courthouse,
with parking right outside the door.

Burgess, Kennedy, Fitzer and Strom-
born announce that **Jack J. Maichel** and
Mark W. Bishop have joined that firm
as associates. **Don Kelley**, long-time ten-
ant of the Washington Building, has
opened new offices in Old Town Tacoma.

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And finally, **Gregg Pratt** reports that McGavick, Graves, Beale and McNerthney, in a desperate move to strengthen their office basketball team, have acquired a new partner in **Henry Haas**. Word has it that the diminutive Haas will vie for the starting power forward position on that ball club.

MEMORANDA . . .

On August 15, **David S. Case** will join the Seattle firm of Ziontz, Pirtle, Morriset, Ernstoff & Chestnut to open the firm's Anchorage, Alaska, office. . .

Schweppe, Krug & Tausend, P.S., and Garvey, Schubert, Adams & Barer, both of Seattle, have announced plans to move to the Waterfront Place Building at 1101 Western Avenue. . . Seattle attorney **Gary R. Duvall** continues his practice as a solo practitioner at 801 First Interstate Center. . .

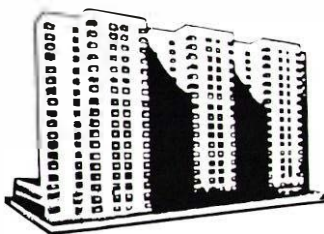
Attorney **H. Graham Gaiser**, of Seattle, has been awarded an "Exceptional Performance Citation" by the Defense Research Institute. . . the Seattle firm of Betts, Patterson & Mines, P.S., has moved to the seventh and eighth floors of the Financial Center. . . **Richard M. Foreman** has been elected managing partner of the Seattle firm of Diamond & Sylvester. . . Nelson & McCarthy, P.S., of Bellevue, now occupies the 18th Floor of the Skyline Tower at 10900 N.E. 4th Street.

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Int'l Rescue Committee Seeks Lawyer Volunteers

Perhaps no other segment of the community needs legal assistance more than refugees. Problems with housing and employment discrimination, social security and medicare benefits, spouse abuse and divorce head the list of legal headaches. Yet due to the combination of language barriers, poverty, and a lack of awareness of legal rights and remedies, refugees are almost entirely without legal representation.

To help alleviate this problem, the International Rescue Committee, Inc., plans to set up a volunteer attorney refugee legal assistance project. Attorneys are needed to form an administrative Legal Committee and/or serve as cooperating attorneys. All services would be rendered *pro bono*.

For more information, or to volunteer, contact Molly Ryan at (206)623-2105.

The Future of Corrections

The Washington Correctional Association will present its fall training conference, "A Look to the Future of Correc-

tions," on October 24-26 at the Westwater Inn in Olympia. For more information, call Bill Stutz or Bonnie van Loo at (206)459-6370.

Christian Legal Society Breakfast

The Christian Legal Society will sponsor a breakfast during the State Bar Convention. This will be the thirteenth year for the event. The breakfast will be held on Saturday, September 15, at 7:30 a.m. The convention program will list the speaker and room location.

Attorneys and their spouses interested in attending are requested to make reservations with Lyle K. Wilson, 11320 Roosevelt Way N.E., Seattle, WA 98125, telephone (206)365-5500, on or before September 11.

Special Avis Discounts for WSBA Members

Effective immediately, Avis Rent-a-Car offers a special Bar Association Flat Rate for WSBA members. Daily rates with unlimited free mileage are: subcompact \$33, compact \$35, intermediate \$37, full-size 2-door \$39, and full-size 4-door \$41.

Members receive a 25% discount on Avis "We Mean Business" rates for other car groups, and where flat rates are not available. Where "We Mean Business" rates are also not available, members receive a 40% discount on normal time and mileage rates.

Flat rates are not available on rentals starting between 1:00 p.m. Friday and 3:00 p.m. Sunday, and during holidays. One-way service fees apply if a car is not returned to the renting location.

For more information and reservations, call Avis at (800)331-1212. Your Avis worldwide discount number is A/A 640400.

WSAMA Election Results

The following officers and board members were recently elected at the 28th Annual Meeting of the Washington State Association of Municipal Attorneys (WSAMA):

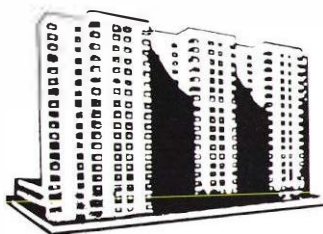
President James C. Sloane, Corp. Counsel, Spokane; First Vice-president Patrick L. Brock, Asst. City Atty., Kelso; Second Vice-president William L. Cameron, City Atty., Kennewick; Board member (cities 2,500 +) Susan R. Sampson, Asst. City Atty., Seattle; Board member (cities 2,500 to 50,000) John D.

Wallace, City Atty., Poulsbo, Bothell, Redmond; Board member (at large) Scott C. Broyles, City Atty., Clarkston, Asotin; Secretary Robert F. Hauth, Gen'l Counsel, Munic. Research and Svcs. of Wash.; Immediate Past President Ronald C. Dickinson, City Atty., Mercer Island, Beaux Arts Village, Yarrow Point.

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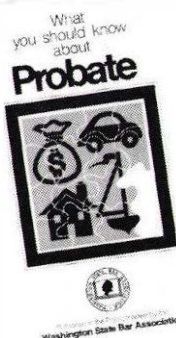
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Pamphlets available



As a service to its members and the public, WSBA is producing a series of consumer pamphlets on various legal topics. The first pamphlet, which explains probate, is now available. For a sample copy and order form, write to: "Pamphlets," Wash. State Bar Assn., 505 Madison St., Seattle, WA 98104.

Volunteer Lawyers for the Arts Opens New Offices

Washington Volunteer Lawyers for the Arts (WVLA) has moved from UPS Law School in Tacoma to 428 Joseph Vance Building in Seattle. WVLA has assisted artists and non-profit arts organizations with legal consultations, educational workshops and publications since 1976. For more information, call (206)223-0502.

SKCBA Offers Westlaw

The Seattle-King County Bar Association Young Lawyers' Section now provides a Westlaw Legal Research Service. To use this service, attorneys should make appointments at the SKCBA office, telephone (206)624-9365.

IN MEMORIAM

Bellingham attorney **Carl F. Roehl** died May 15 at age 71. Mr. Roehl was admitted to the Bar in 1938. He was a graduate of the University of St. Marys and the University of Washington School of Law, and a veteran of World War II. He gave many years of service to his community as a member of the American Legion, the Elks, the Knights of Columbus, and other civic groups. Mr. Roehl was also a member of the Whatcom County Bar Association and the American Bar Association.

Seattle attorney **Harold S. Shefelman**, 86, died May 30. A graduate of Brown University and Yale University (Law School), Mr. Shefelman was admitted to the Bar in 1925 and practiced for many years with the firm of Roberts and Shefelman in Seattle. He was president of the Seattle Bar Association in 1937-1938, chaired various State Bar committees during his career, and served two terms as a member of the ABA House of Delegates. Mr. Shefelman also lectured at the University of Washington Law School from 1930 to 1957 and was a UW regent from 1957 through 1975.

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In Memory of Justice Charles F. Stafford

Justice Charles F. Stafford, 66, of the Washington State Supreme Court, died July 3 at an Olympia hospital, after a long illness.

The former chief justice was sworn in as a superior court judge for Island and Skagit counties on January 5, 1953, in Mount Vernon. His 31-½ years on the bench put him second in seniority among all judges of the state.

At his death, Governor Spellman ordered state flags flown at half-staff in memory of "a distinguished public servant and eminent jurist."

Born in Burlington, Washington, and educated in Anacortes public schools, Justice Stafford graduated Phi Beta Kappa with honors from Whitman College in 1940, and served in the army during World War II, reaching the rank of first lieutenant. Following the war, he earned his law degree from Yale in 1946, and practiced law in Mount Vernon until elected to the superior court in 1952.



Justice Charles F. Stafford

Governor Daniel J. Evans appointed the judge to the Washington State Court of Appeals when it was created in 1969, and then promoted him to the Supreme Court on January 1, 1970. He served as chief justice in 1975 and 1976.

Justice Stafford earned many honors and served in a variety of professional, community and church activities.

In 1969, he was selected as one of 25 judges from throughout the U.S. to teach

at the National College of State Trial Judges, and continued on the staff for three summers. He also served as seminar leader for conferences of state trial judges in Utah, Nevada and Kentucky, and chaired the Washington State Judicial Seminar in 1966.

In 1977, the judge received Journalism's Distinguished Service Award from both the eastern and western chapters of Sigma Delta Chi for his work in organizing the Washington Bench-Bar-Press Committee. He also headed the committee that promoted the constitutional amendment authorizing *pro tem* judges to assist the Supreme Court.

Justice Stafford served on the Board of Overseers of Whitman College, and on the Board of Visitors of Willamette University Law School. He was past president of the Mount Vernon Rotary Club, and chaired the Board of Trustees of Mount Vernon United Methodist Church, and the Mount Baker Area Council for the Boy Scouts.

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DISCIPLINE

Censured

Vancouver attorney **James R. Gregg** has been ordered to receive two censures, pursuant to a stipulation for discipline approved by the Disciplinary Board on May 1, 1984. One censure was based on Mr. Gregg's neglect and delay in returning funds held in trust. The other censure was based on Mr. Gregg's failure to comply with the trust account rules, including commingling of attorney funds in his trust account, use of the account for payroll withholding and tax clearing purposes, and lack of complete records of client funds.

Seattle attorney **Jeremiah M. Long** has been censured twice by order of the Disciplinary Board. A hearing officer found that Mr. Long had failed in two different circumstances to cooperate with a Bar Association investigation.

Vancouver attorney **George L. W. Brintnall** was ordered to receive a Letter of Censure on April 9, 1984, following

a hearing on charges of conflict of interest. This sanction was imposed because Mr. Brintnall continued to represent both a husband and wife in a bankruptcy proceeding after they had become involved in a marriage dissolution and after the spouses disagreed about the proper strategy for protecting their rights in the bankruptcy action.

Vancouver attorney **Dayann M. Liebman** was ordered to receive a Letter of Censure on April 9, 1984, following a hearing on charges of conflict of interest. This sanction was imposed because Ms. Liebman represented the husband in a dissolution action after her firm had represented and continued to represent both the husband and wife in a bankruptcy and while the wife objected to her representation of the husband.

Bellevue attorney **John S. Woodburne** was ordered censured pursuant to a stipulation for discipline which was accepted by a Review Committee of the Disciplinary Board on April 9, 1984. As set forth in the stipulation, Mr. Woodburne neglected to file an answer on behalf of

a client after being notified that she had been served with a summons and complaint. As a result, a default judgment was taken against the client.

Reprimanded

Richland attorney **R. Henry Bennett** has been ordered to receive three reprimands after a hearing. The discipline was based on findings that while acting as appointed counsel for indigents in the Franklin County Superior Court, pursuant to a contract with the county to provide such services, Mr. Bennett entered into fee agreements with two clients, and accepted promissory notes as security for payment. He did not disclose to the court the fact that he had been retained until one client brought that fact to the court's attention. There had been no change of circumstances in the clients' status.

Suspended

Seattle attorney **Dwight L. Holloway** was ordered suspended from the practice of law for a period of 60 days, beginning May 21, 1984, by order of the Supreme Court. The suspension is pursuant to a stipulation under RLD 4.14 and 3.2, and is subject to review by the court at the end of the 60-day period.

Spokane attorney **Roger C. Clement, Jr.**, was suspended from the practice of law for six months by order of the Disciplinary Board on June 29, 1984, pursuant to a stipulation. The discipline was based upon conversion of client trust funds and failure to refund unearned fees upon withdrawal from employment. Mr. Clement will be on probation for two years following the termination of his suspension, under a variety of conditions.

Tacoma attorney **William V. Vetter** was ordered suspended from the practice of law by the Supreme Court on May 24, 1984, pending the outcome of disciplinary proceedings. The suspension was ordered pursuant to RLD 3.2(b), following the Disciplinary Board's recommendation that Mr. Vetter be disbarred. The Board's decision is now on appeal.

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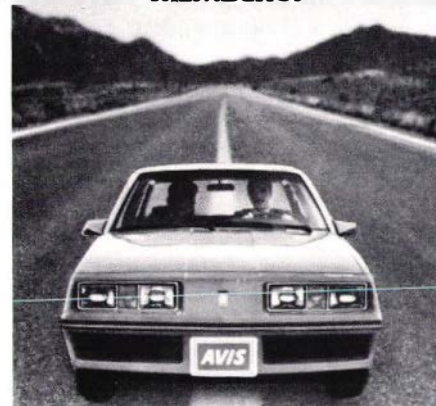
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Anyone having information concerning a will executed by Henry F. Bell please contact Norman L. Winn, Smith, Brucker, Winn & Ehlert, Fourteen Eleven Fourth Avenue Building, Seattle, WA 98101, telephone (206)624-8901.

Anyone having knowledge of any of the heirs at law of Margaret McConnell Ross, date of death October 16, 1952, who resided at 8015 Beacon Avenue, Seattle, WA, or who have knowledge about a will that she may have made, please contact the firm of DeFunis & Balint, P.S., 265 United Airlines Building, Seattle, WA 98121.

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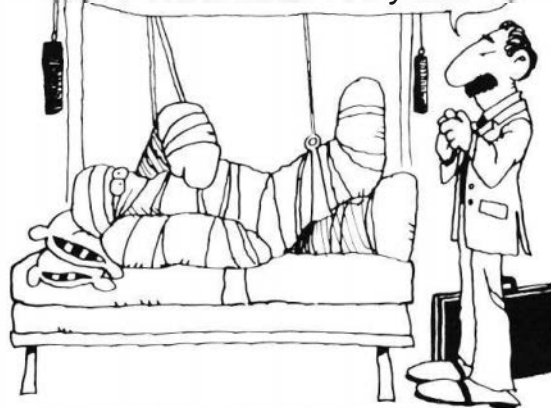
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