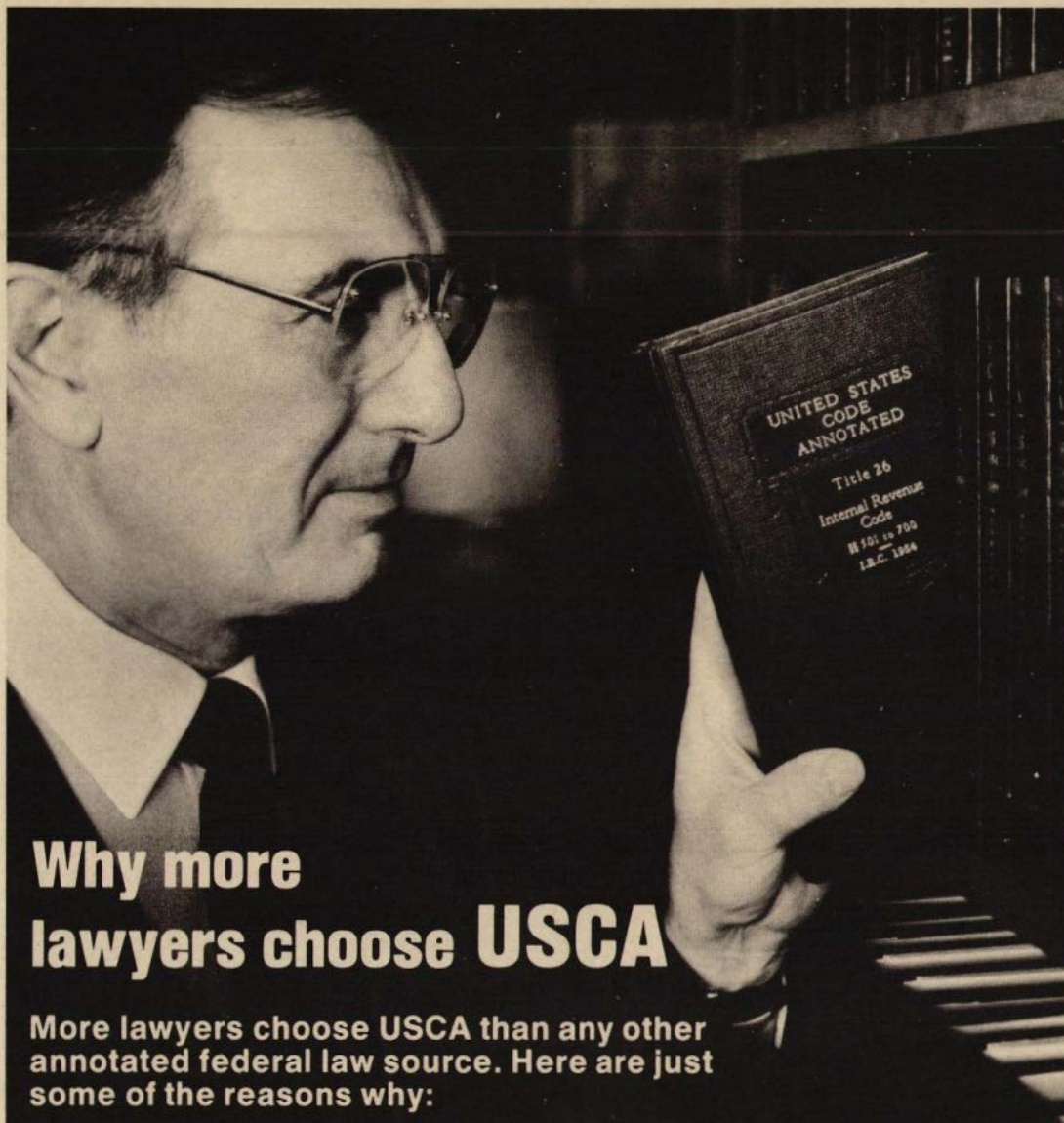


Washington State **Bar**
News

Vol. 39, No. 12, December 1985



Snohomish County Courthouse 1909



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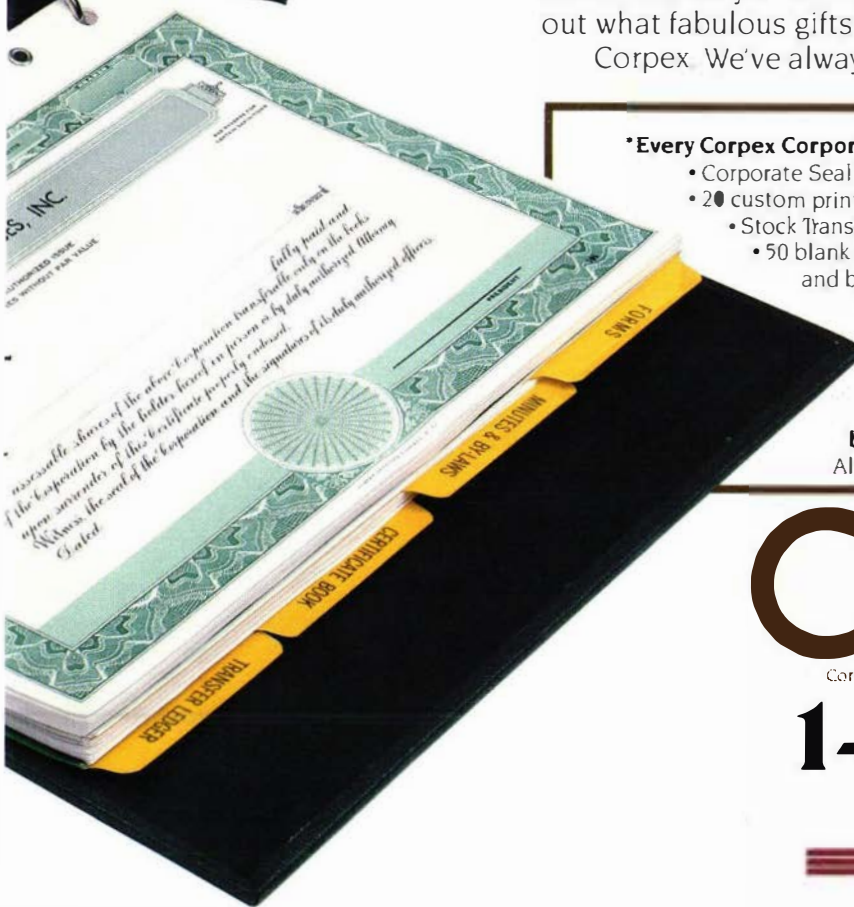
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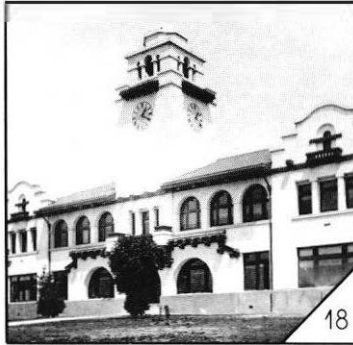


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FEATURES

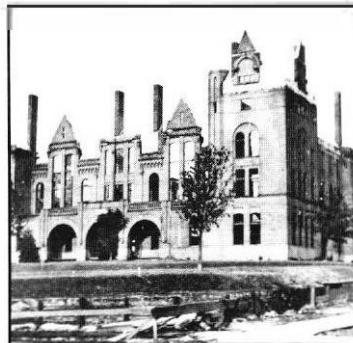
PSYCHOLOGICAL DISTRESS IN LAW STUDENTS AND NEW LAWYERS 13
by Andrew Benjamin



SNOHOMISH SHENANIGANS, OR, HOW THE SEAT WAS WON 18
by Sally Carpenter



INDIGENT LEGAL SERVICES IN THE STATE OF WASHINGTON 22
by the WSBA Legal Aid Committee



DEFERRED PROSECUTION 29
by Wesley G. Halbein

IN THE NEWS

12 Proclamation
37 State Approved Alcohol and Drug Abuse Treatment Services

DEPARTMENTS

6 Letters
9 The President's Corner
10 Editor's Page
26 The Board's Work
28 LRE Update
32 CLE Clearinghouse
33 Around the State
35 Briefly Noted
35 Discipline
48 Notices

Cover: The ruins of Snohomish County's Courthouse in one of its many incarnations. The arches were retained in the present mission style of courthouse. (see page 18).

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Applause

Editor:

The Law-Related Education Committee of the Washington State Bar Association was pleased to learn that the *Bar News* has inaugurated a column on LRE. We applaud this decision.

The work of our committee will un-

doubtedly be enhanced by the opportunity you are providing. The space you are devoting to this important endeavor will foster the exchange of LRE ideas and information with lawyers throughout the state, benefiting both the "providers" and "consumers" of law-related education.

On behalf of the Law-Related Education Committee, thank you for your

commitment to include LRE reports in this quality publication.

STEPHEN D. PHILLABAUM
Chairman, WSBA Law-Related Education Committee

Bravo!

Editor:

Bravo! What a wonderful [September] editor's page. I never knew your poetic talents were so vast.

I had the pleasure of meeting Jeff Tolman at the Bar Convention and I am hoping to garner an invitation next year. In any event, I enjoyed your piece immensely, as I have all of your commentaries.

THERESA E. DOWELL
Seattle

IOLTA Goes to Washington

Editor:

We note the action of the Board [September *Bar News*, p. 28] authorizing a no-cost amicus curiae brief "in opposition to a request that the U.S. Supreme Court grant certiorari in a case involving the constitutionality of IOLTA." I am curious as to just what motive would prompt a group of lawyers to urge that the United States Supreme Court not consider the constitutionality of a program in which those lawyers are engaged.

Incidentally, on the opposite page you note that "... a Bender ..." was appointed a trustee of the Legal Foundation. Did you intend an upper case "A" or a lower case "b"?

D. VAN FREDENBERG
Seattle

Editor's note: "... a Bender" was corrected in the October Bar News to "Rita Bender."

A Soiled Brush

Editor:

Today I am not proud to be a lawyer. The Washington Supreme Court has allowed Gordon Walgren to practice law again.

I am not proud because I must face the justified indignation of my friends, family and clients when they ask me

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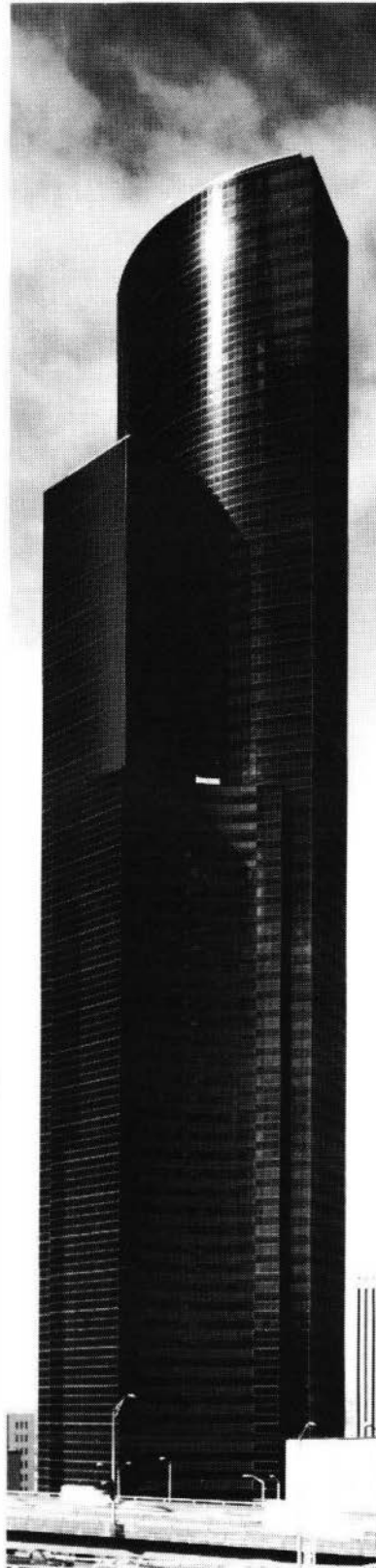
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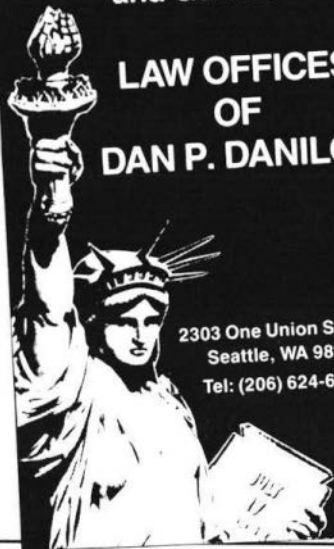


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how the Court and the state bar can allow Walgren to practice law again. I cannot answer their questions. I, too, am deeply disturbed by the Court's decision.

Walgren has had his chance. He was admitted to the Bar in 1957, served four years as Kitsap County prosecuting attorney and fourteen years in the state legislature. He was then caught, tried and convicted for racketeering. He was disbarred and served two years in prison. He is still on parole.

I do not think Walgren should still be in prison, or that he should not eventually be released from parole. He has served his time, and should be allowed to return to his place in society. I do not believe, however, that his place should be as a lawyer.

A lawyer is an officer of the court and a keeper of the public's trust. Few people are allowed to represent their fellow citizens in court. Walgren has already shown once that he is not worthy of the public's trust. Why should he be trusted again? Is it not

more likely that he will again violate the public's trust than would someone who has never broken the law?

The Court's decision to allow Walgren to practice law again casts doubt and suspicion on the rest of the state's lawyers. We are painted with his soiled brush. For this I am not proud.

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Reaching Out: Programs for Members and the Public

One of the privileges of the President of the Washington State Bar Association is the opportunity to address local bar associations as the Board of Governors travels throughout the State for its monthly meetings.

In addition, now and then a local bar association, through ill-planning or otherwise, will have a void on their program schedule and the President will be invited to "come and tell us what's going on at the State level." The thought struck us after our address to the Snohomish County Bar last month (a fine meeting with an excellent bar, by the way), perhaps a "what's going on" report in this column might be timely for us all. This is particularly so because there is, indeed, a great deal "going on."

One of the more important policy decisions made by your Board of Governors in recent years was the amendment to our bylaws last August to add as an additional purpose the vow to facilitate and promote the understanding of the public of the role of the courts and law in our society. This is important not only because of its self-evident necessity, but because it places emphasis on programs which daily assume greater magnitude in the overall work of this association—our law-related education programs. Through the work of the Young Lawyers, various local bar associations and committees and staff of the State Association, law-related education in the State of Washington has been outstanding. We are all familiar to some degree with our Law Day activities, the *You and the Law* handbook, Exercise your Constitution and Today's Constitution and You—all programs of outstanding merit. Of lesser familiarity is the "Law School for Non-Lawyers" presented through the Kitsap County and Yakima County Bars (inspired by Poulsbo lawyer, Jeff Tolman). Yakima County's Tel-Call on the Law, and Law in Action staged by the Seattle-King County Bar.

All of these programs educate the public in the role of law and are invaluable. We have said it before, but we believe it bears repeating: "If the public understands the system, it will respect the keepers of the system. When the public realizes how and why the sys-

tem protects individual rights, and when the public understands the role of law in society, the image of those who make the system work will no longer be tarnished, but will be enhanced in direct proportion to that public understanding."

Our Mentor Pilot Program—under which high school students are placed in direct contact with "real live lawyers"—has been eminently successful. We commend highly the lawyers in Spokane, Wenatchee, Yakima, Tacoma and Seattle who participated in the Pilot Program. It will be expanded from five projects to fourteen during the current year with the aid of volunteer lawyers throughout the State. The comments of some of the young participants after the completion of the Pilot Program are most interesting: "I learned that to be a lawyer you need to work hard, and I think that lawyers are doing a good for the people." "The thing that surprised me most about the lawyers was they were more like 'normal' people than I expected." . . . "That they were real people with hearts." "The thing that surprised me most about the lawyers I met was they weren't stuffy and bald." What better public relations program could be devised?

Some of you may have noted the Association is co-sponsoring the McNeil-Lehrer Report and Frontline on PBS. We hope that this initial effort will be followed by programs specially produced for statewide television presenting topical subjects which relate to the "role of the courts and the law in our society." General WSBA name recognition must first be established through institutional advertising before specific educational and public relations projects will have appreciable impact.

The institutional advertising presently scheduled should not only lay the groundwork for the more definitive law-related programs which will be planned for the future, but such advertising should assist the effectiveness of our ongoing law-related education programs as well.

We had an opportunity to meet with the Tacoma-Pierce County, Kitsap County and Snohomish County Bar Associations within the past several months. Such Associations were not only enthusiastically involved in their own projects but each asked how it



might assist the State Association in its work. In the coming month, as in past months, we will be calling upon all of our members for support and assistance, but no greater service could be given at the local level than to promote and support law-related education programs.

On another and perhaps more sombre note, we have encouraged our Committee on Alcoholism and Drug Abuse, in cooperation with a specially appointed committee of the Board of Governors, to propose a program for this Association to assist lawyers who are impaired to some degree by alcohol and/or drug abuse. Over ten percent of the work force in America is estimated to be adversely affected by substance abuse. There is no reason to believe that our profession or our members are immune. We have promised to support such a program before the Board of Governors which, of course, in the long-run determines if the cost will justify the effort and intended result—and the cost may be weighty indeed.

But if the need is there, that cost must be fairly considered. We are not so naive as to believe that any program to combat alcohol and drug abuse is going to eradicate the problem completely. By the same token, neither should we be so hardened and cynical that we should turn our back on the problem and pretend it isn't there or that we shouldn't assist those who need and, at least inwardly, cry for assistance.

We hope you agree. In any event, drop us a line and let us know—one way or the other.

Always listening.



Part of the Solution?

Three days that typify my world. Three experiences that typify our judicial system. Two positive; one needs improvement. We're all part of the problem. We're all part of the solution.

Monday Night

A jury convicts my client of first-degree murder. This is not unexpected, yet my reaction—my equanimity, my lack of recrimination and after-the-fact agonies—takes me aback. In discussing the trial with friends in and out of the legal profession, I find myself prefacing my remarks with, "I know this sounds like a cliché, but..." But? But I am satisfied with the job I did. It was a very clean trial, a fair trial. There is no reversible error. No "What if's?". No "Why didn't I's?"

The prosecutor was the model of restraint, one of those soft-spoken, reasonable adversaries whose appropriateness *always* hurts the defense. Yes, the very model of restraint: At trial he chose not to offer evidence of other crimes in which my client was arguably implicated and which was of some relevancy to the murder charged. That evidence, to be sure, would have been prejudicial... as well as admissible.

The police did their job, beating the bushes with a diligence that I, as a citizen, applaud and I, as an attorney, criticize. In a case lacking eyewitness identification, fingerprints, confessions, and a murder weapon, the detectives' sheer doggedness filled in the gaps. As we all know, direct evidence and circumstantial evidence have the same weight. The latter was fatal to the defense.

"I'd rather be right than fast," said the judge several times during the trial as he declared recesses to allow us to scurry to the library for some quickie research to clarify unexpected issues. As an officer of the court, I appreciated his patience and pleasantness toward both defendants, the observers, court personnel and the jury. In fifty jury trials, I have never heard a judge address the jury with such

caring, with such a total lack of condescension, imperiousness, or impatience. His message was clear: The integrity of the judicial system depends totally on the degree of confidence which the *citizenry* accords the institution.

Tuesday Night

Too bad that Monday's lesson was lost on a much lower court on Tuesday. The average citizen is more likely to appear at one time or another in the district or municipal courts than in superior court. From this experience, as a litigant or a witness, our nonlawyer neighbors judge how well the system is functioning. Unfortunately, our lower trial courts are overloaded. Dockets are lengthy. Judges, clerks, Public Defenders and prosecutors are frazzled.

Tuesday night, I was not proud to be part of a system that appeared so overwhelmed by its burden of holding court on misdemeanors and traffic matters that it had forgotten to look at the system from the public's perspective. All courts, I expect, could benefit from taking a bird's eye view of the judicial process. This doesn't mean that courts should commission surveys on the state of the courts. In rural areas, it is probably not unusual for the clerks to have something of a caring relationship with the litigants and witnesses. Some district courts utilize a sign-up sheet or board for litigants. Such a common-sense tool would go far in the beleaguered urban courts towards allowing parties to feel that their attendance matters.

In the urban areas, unfortunately, the system sometimes appears as chaotic and anonymous as on TV's "Night Court". What happened Tuesday night, was, I fear, typical. The courtroom was so crowded that there were easily three times as many people standing as there were seats. The hallway was jammed. The 6 pm docket had not started by 7 pm, which meant that the 7 pm cases would not be handled for a long time. As it was, the trials did not start until 9 pm. What of the witnesses? Who cared for them?

I stayed after my client's case was

called, and it turned out to be the best show in town. It ended at 11:30 pm. I conveyed my impressions and suggestions to the judge and asked for his. We are all part of the problem, I know, despite my attempts to separate myself from it.

Wednesday Afternoon

After Tuesday's hurry-up-waste-time frenzy, I anticipated that a visit to a magistrate on a traffic ticket would be more of the same. I was pleasantly surprised, however, by his generosity, individual attention, and promptness. At a friend's request, I was accompanying her 17-year-old sister. It was my first visit to a magistrate, either professionally or personally. The teenager had been stopped while on her motor scooter and had received a citation for no valid license. A court appearance was mandatory. This being her first brush with the law, she was terrified. I told her the law was on our side. So were the equities.

Right on time, the magistrate, an avuncular man, called her name. We entered his office; I introduced myself as a friend of the family. He asked a question of my client (I recall that a person can be a client even if I appear *pro bono*). Under her black hat and black-dyed hair, she said nothing, so I started my spiel. He grandly interrupted me. Noting that the fine on a noncriminal infraction from the same incident had already been paid, he smiled broadly and reduced the criminal charge to a warning. "Thank you for coming, counselor," he said as we stood to leave.

Anyday

Three different experiences, each unique and each typical. In the hectic moments which mark our time as lawyers, it is easy to fret and fume and blame the amorphous "system" for moments wasted and persons kept waiting. In the end, though, we are all a part of it. No one is to blame, but we all must take responsibility.

As officers of the court, we all stand to gain from judges who rule as equals, not emperors; who make the extra effort to recognize the worth of

the individual on trial at that moment. If we have ideas that can streamline—save time or effort or dollars—let's share them. No system is perfect or error-free. Do we who make our living off that system want to be part of the problem—or part of the solution?

Stressed Out

During dark December, society remembers those less fortunate or in need of special attention. The December *Bar News* has traditionally contained articles on alcohol (hic!) abuse. This year, I have expanded it to reflect a broader notion of health.

Stress is invidious. "Isn't being a Public Defender stressful?" my mother asked during my three years in Florida. "No," I would reply, "just challenging." My denial of the reality was just as dangerous to my well-being as someone else's daily "coupla beers" or pack of cigarettes. That's what I realize. Now.

So when, in my first murder trial (I was second chair), my left forearm developed an electric buzz as if I'd stuck my finger in a socket, I never told anyone. How could I? I barely acknowledged it to myself. What would I say? "Hey, Martha, my left arm has been vibrating for the last week!"? No, I covered the reality with my denial and pressed on. The jury returned an acquittal. I translated the verdict for my Spanish-speaking client and expressed the jurors' good wishes. Then I realized that the buzz had disappeared.

I'm older now, hopefully more mature and in touch with my body. I recognize—and acknowledge—symptoms of stress and distress and deal with them much better than I did in Florida. However, they still crop up—swollen glands, sore throat, suspicious sores, lack of energy, lack of pleasure in the usual things, feeling overburdened and without perspective, forgetting that I'm not the guarantor of my client's future but merely his or her advocate.

With this new wisdom, I was determined not to let my most recent murder trial do its usual thing on my body and psyche. So I treated myself well, maintained a normal social schedule, didn't work evenings or weekends (except for the two days before trial), and over and over told myself, "I didn't cause it, I can't control it, and I can't cure it"—lines from *Alcoholics Anonymous*.

Despite all of this, the stress was there. This time, though, I allowed it to express itself. The case was, shall we say, without hope, and the codefendant's attorney and I appreciated each other's company, commiseration and jokes. On the first day of trial, before beginning voir dire and after the judge had sent us to the library for some last-minute research, I stood up to make an argument so etymologically correct that no one had ever thought of it. The word "several", I was prepared to argue, means "more than two"—not the most exciting of arguments, but one based on logic. The argument would have given the defendants more peremptory challenges than the Supreme Court, in interpreting its own Criminal Rule 6.4(b), had ever authorized.

So I stood up to hold forth, grasping

a Xeroxed page from Black's *Law Dictionary*, and collapsed in a hysterical gale: I laughed, I cried; tears streamed down my cheeks. I couldn't see. I tossed the page at the other defense attorney, begged him to make the argument, and staggered off to lean against the wall. Some day I shall ask the court reporter what she made of it all. The judge denied the motion, as we expected. The months of preparation and anticipation, the elegance of the argument in the face of the hopelessness of our case and the gravity of the charge had reached critical mass. Others may express stress by becoming angry at the fates; at that moment, my body needed to laugh.

Post-catharsis, I settled into my usual calm, professional persona.

I hope you enjoy this issue of the *Bar News* and its expanded focus. Take care of yourself. You're your own best friend.

Carole Grayson

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PROCLAMATION

I proclaim this a year of health, wealth and wisdom for all members.

HEALTH Reduce stress. Look at yourself and make sure all parts are lubed and tuned. Don't let the pudgy parts slow you down. Reduce office pressures and long hours. Relax without artificial stimuli. Keep your personal relationships keen and upbeat. Above all, work your problems to the point of worry. Stop there.

WEALTH We can no longer get together and set "minimum fees." But, as Faye Kennedy said at one of our afternoon office management seminars, that does not mean we should finance our clients' litigation. Don't be reluctant to charge for your services. We lawyers are great at taking care of other persons' business affairs but terrible at handling our own. Start a Keogh, buy an IRA or look for some other tax shelter. Do it. My hope is that our lawyers practicing over thirty or forty years do so because they love the law and cannot see themselves doing anything else except practicing law. (A tax shelter seminar for lawyers would help us personally and provide background in advising our clients.)

WISDOM We lawyers are smart in our courtroom world, but outside, our thinking is conventional and pedestrian. Art, history, literature and the humanities did not stop when we got our B.A. and went off to law school. Let us resolve to analyze the outside world and its events as astutely as we analyze our cases. And let us take time for the shape, sound and sense appeal of the world. (To provide a little leadership in this area, I am inviting Giovanni Costigan to debate William F. Buckley on the subject "Quo Vadis Pax Americanus" at the 1985 Bar Banquet, after which the Joffrey Ballet, accompanied by the Philadelphia String Quartet, will entertain us.)

—Editor's note: This proclamation, issued by Bruce E. Jones during his term as Snohomish County Bar President in 1984, has a timeless message. Is your local bar association doing anything along these lines?

Psychological Distress in Law Students and New Lawyers

"In order to be a good adversary, you might need to be suspicious of everybody or obsessively hard-working or very anxious and hyped . . . we don't know, but it's a possibility."

"I don't want it to sound like the sky is falling or they (lawyers) are all psychopaths."

"[W]e know our culture is suing more. We need to turn away from the adversarial process in many types of (legal) actions and instead turn to negotiation and mediation. . . What chance is there to do that if a large minority of our practicing bar is so (psychologically) troubled?"

by Andrew Benjamin

During this decade, there will be 32 per cent more attorneys across the nation with no foreseeable decrease in law-related jobs. Because of the ubiquitous role lawyers play in our society, law schools should be teaching their students to cope effectively with the demands of their profession as well as with the day-to-day stresses outside it. There is evidence, however, that the psychological well-being of law students and lawyers may be ignored (at best) or stunted (at worst) by the process of legal education.

Many articles relying on subjective impressions suggest that the process of legal education actually impairs emotional well-being in law students.¹ Studies based on empirical evidence have come to the same conclusion.² The issue of law student and lawyer distress deserves further attention because previous studies were methodologically deficient. This concern is beyond the scope of this article, but has been reviewed elsewhere.³

Our Study

We examined the emotional well-being expressed by 706 subjects before, during, and after the formal course of legal education. The subjects, students and alumni of the University of Arizona Law School, represent a 77 per cent response rate.

Subjects completed four widely accepted tests: Brief Symptom Inventory, Beck Depression Inventory, Multiple Affect Adjective Checklist, and the HASSLES Scale. The tests measured nine symptoms of distress: somatization, obsession-compulsion, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism.⁴

Discussion

We sought to address the concern that the results of our research might not apply to other law student and lawyer populations. Gee and Jackson raised this issue when they reviewed the only other longitudinal study of law students, Hedegard's 1979 study of Brigham Young University law stu-

dents.⁵ They noted that B.Y.U. students were more likely to be Mormon, to be married, and to defer to authority than other law students across the nation.

We believe that our results generalize to other populations. The demographic characteristics, undergraduate grade point averages, and LSAT scores of the Arizona students appear similar to those of students at other law schools.⁶ Entering classes of 130-150 students are selected from over 900 candidates. Arizona's admission process and curriculum are not unusual. Most of its faculty have graduated from the elite law schools across the country.

1. Demographic and descriptive variables

We looked at eight demographic and descriptive variables:

1. age
2. undergraduate grade point average
3. law school grade point average
4. hours devoted to study as an undergraduate or law student
5. hours devoted to employment as a law student or alumnus

6. success on a state bar examination
7. size and structure of one's law practice
8. sex

With the exception of the sex of the respondent, we found no statistically significant relationship between the general distress level and these variables. There were a few significant differences between men and women.

1. 1982 third-year women somatized more than 1982 third-year men.
2. 1984 first-year men expressed more phobic anxiety than 1984 first-year women.
3. 1984 third-year women expressed more paranoid ideation than 1984 third-year men.
4. 1982 male graduates, tested as alumni in 1984, registered more obsessive-compulsive than their female classmates.

Because these differences did not persist over time, however, we do not believe that the sex of the subject affected our results.

2. Symptom Variables

Only three to nine per cent of peo-

ple in industrial nations suffer from depression.⁷ In contrast, between 17 and 40 per cent of our subjects reported suffering from significant levels of depression. Some 20 to 40 per cent of them reported significant levels of the specific distress symptoms mentioned earlier.

We compared the symptom scores of first- and third-year law students with those of first- through fourth-year medical students at the same university.⁸ Compared to the general population, medical students expressed much higher levels of distress. Compared to the medical students, the law students were statistically more distressed for all symptoms except for somatization and phobic anxiety.

Chronology

What did our tests of students at various stages of study reveal?

1. Before entering law school, subjects had symptoms similar to those of the general population. During their first year, their symptom levels in-

creased significantly in all areas.

2. Those levels increased yet again in a significant manner as the students continued through law school into their final year.

3. The elevated levels did not fall significantly between the spring of their third year and the first two years of practice.

Compared to first-year students, subjects before entering law school felt as if they had too much time on their hands, expressed a dislike for their current work and felt unchallenged. In sharp contrast were their perceptions only six months later as first-year students: Most were concerned about meeting what they perceived as the high standards of law school. They felt cramped for time. Their stress was so great that all eight symptoms were significantly elevated compared to the symptom levels of prelaw students. To "alleviate" the distress, first-year students cut back on sleep, relaxation periods and their relationships with friends and family, rather than take time away from their

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studies.

First-year students expressed significantly more concern than did third-year students about meeting high standards, their physical appearances and being distant from friends and family. Third-year students, in comparison, were looking ahead. They expressed more concern, not only about job security and changing jobs, but about problems on the job. That they were also significantly more depressed than first-year students may be explained in part by the lack of time third-year students believed they could "free up" to develop and maintain primary relationships.

Third-year students were more concerned about planning meals, wasting time, not getting enough rest or sleep, and facing too many responsibilities. In contrast, alumni concerns focused on clients' "giving them a bad time", job dissatisfaction, decisions to change jobs, and discontent with current work duties.

Culprits?

What we believe to be the causes of these high stress levels are wide-ranging:

1. Excessive workloads and time management problems top the list of suspects. Initially, law students overwork themselves because they perceive that first-year grades determine future career opportunities.⁹ Our study demonstrated that this behavior continued long after the first year of law school.¹⁰ Too high a workload and difficulties managing time lead to coping deficiencies . . . which lead to distress . . . which cause the subject to create or experience more losses and hassles. The cycle continues; even poorer coping mechanisms and greater distress follow.

2. Chronically high student/faculty ratios appear to limit personal interactions with professional models. We are not the first to recommend increasing student/faculty contacts to reduce the chances of students "emotionally and intellectually dropping out" without formally withdrawing from school.¹¹

3. The unbalanced development of intellectual skills at the expense of the students' interpersonal skills appears to impair psychological well-being. The typical legal education singularly emphasizes the development of analytical skills.

Legal educators should recognize the stress and take remedial action. If this is not done, the future will mirror the past and the present:

The triad of forces which shape legal education—the bar, the law students and the law faculty—have established a *modus vivendi* which suits their respective needs. The arrangement that has been struck is well entrenched. Pathological and politically unprogressive though it may be, it will not soon or easily be altered. Not merely lawyers are the lesser for it.¹²

It can be argued that the process of legal education may be entrenched for reasons other than the fiscal or political. It is generally recognized that the primary purpose of most law school curricula is to prepare law students for adversarial conflict rather than for the "gentler" arts of reconciliation and negotiation. To accomplish this primary purpose, law schools may feel it necessary to create people who are more paranoid, hostile, obsessive-

compulsive, and the like.

How is it possible for law school to exert such a pervasive socializing influence on its students? Professional schools are highly invasive institutions. They exert intense control by purposely influencing beliefs, values, and the personalities of their students.¹³ Law schools, in fact, may be the most invasive of all graduate institutions.¹⁴ Thus, it should not be surprising that law students "learn the requirements of the system and turn themselves into the kind of people the situation demands."¹⁵

A major assumption is that, for many law students, increased psychopathology is essential to master the skills of adversarial practice. Our research does not directly address this issue or the issue of whether elevated levels of distress are adaptive for practicing lawyers. We have not acquired any direct data to suggest what impact psychopathology has on the abilities of lawyers to practice in any other type of setting. Even if developing elevated symptoms of distress is shown to be necessary to successful adversarial practice, how does this affect the personal lives of lawyers and the quality of their work? These significant questions still need to be addressed. □



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Footnotes

¹S. McCauley, "Law schools and world outside their doors II: Some notes on two recent studies of the Chicago Bar", *Journal of Legal Education*, 32: 506-542 (1982). M. J. Schwartz, "The reach and limits of legal education", *Journal of Legal Education*, 32: 543-568 (1982). F. K. Zemans and V. G. Rosenblum, *The Making of a Public Professional*. Chicago: American Bar Foundation (1981).

²*Ibid.*

T. E. Willging and T. G. Dunn, "The moral development of the law student: Theory and data on legal education", *Journal of Legal Education*, 31: 306-358 (1981).

³*Somatization* refers to physical symptoms not explained by existing physical disorders or side effects of medication, drugs, or alcohol. *Obsessive-compulsive* involves thoughts and actions which reoccur in an

unavoidable or ritualistic manner. *Interpersonal sensitivity* reflects intrapersonal feelings of inadequacy and inferiority as the result of maladaptive responses to interpersonal relationships. *Depression* refers to a prolonged sad state triggered by an over-reaction to stressful events. *Anxiety* comprises a set of symptoms involving psychomotor tension, autonomic hyperactivity, apprehensive expectation, and hyperattentiveness. *Hostility* is to oppose adverse stimuli in feeling, thought or action; frustration and unexpressed aggression form the underlying dynamic. *Phobic anxiety*, unlike anxiety, focuses on symptoms relating to an intense but unrealistic threat from a specific object or situation. *Paranoid ideation* is typified by projection, hostility, suspicion, centrality, and fear of loss of autonomy. *Psychoticism* focuses on the extent of social alienation and isolation and can include hallucinations, delusions and loss of contact with reality. These definitions are based on L.R. Derogatis and N. Melisaratos, "The Brief Symptom Inventory: An Introductory Report", *Psychological Medicine*, 13: 595-605 (1983).

⁵E. G. Gee and D. W. Jackson, "Current studies of legal education: Findings and recommendations", *Journal of Legal Education*, 32: 471-505 (1982). J. M. Hedegard, "The impact of legal education: An in-depth examination of career-relevant interests, attitudes, and personality traits among first year law students", *American Bar Foundation Research Journal*, 791-808 (1979).

⁶T. L. Shaffer and R. S. Redmont, *Lawyers, Law Students and People*. Colorado Springs: Shepherd's (1977).

⁷J. H. Boyd and M. M. Weisman, "Epidemiology of affective disorders", *Archives of General Psychiatry*, 38: 1039-1046 (1981).

⁸S. B. Shanfield and G. A. H. Benjamin, *Journal of Legal Education*, 35: 65-75 (1985).

⁹R. C. Crampton, "The current state of law curriculum", *Journal of Legal Education*, 32: 321-325 (1982).

¹⁰See also J. C. Halpern, "On the politics and pathology of legal education", *Journal of Legal Education*, 32: 383-394 (1982), and Gee and Jackson (supra. note 5).

¹¹P. D. Carrington and J. C. James, "The alienation of law students", *Michigan Law Review*, 75: 887-899 (1977); A Hacker, "The shame of professional schools", *Journal of Legal Education*, 32: 278-281 (1982); J. White, "Improved student/faculty ratio affects teaching", *Syllabus*, 15:12 (1984).

¹²Halpern, *op. cit.*, note 8, p. 394.

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¹³A. Etzioni, "Organizational control structure", in J. G. March, ed.: *Handbook of Organizations*, Chicago: Rand McNally 650-678 (1965).

¹⁴C. A. Auerbach, "Legal education and some of its discontents", *Journal of Legal Education*, 34: 43-72 (1984).

¹⁵A. J. Schwartz, "Law, lawyers and law schools: Perspectives from the first-year class", *Journal of Legal Education*: 30, 437-469 (1980).

The October 1985 issue of *Student Lawyer*, the monthly magazine of the ABA's Law Student Division, featured "Surviving in Law School". "Do young people enter law school uniformly imbued with youthful ideals about doing good. . . ? Do they emerge from law school transformed and perverted. . . ?"

The law school establishment, suggests Buckingham, "needs to encourage law students to pay attention to their inner selves. This is not mollycoddling, it's a responsible attitude toward the people who are being trained to uphold the standards of a complex, demanding profession."

Mental health counseling, ethics courses and clinical programs are possible resources to help students examine and

deal with the dilemmas they encounter.

To order the October issue, send \$2.00 in advance to: ABA Order Fulfillment, 750 N. Lake Shore Drive, Chicago, Illinois 60611.

Further Reading:

Recommended sources are Hedegard, J. M. (1979). The impact of legal education: An in-depth examination of career relevant interests, attitudes, and personality traits among first-year law students. *American Bar Foundation Research Journal*, 791-808; Heins, M., Fahey, S. N., & Henderson, R. C. (1983). Law students and medical students: A comparison of perceived stress. *Journal of Legal Education*, 33, 511-525; Shanfield, S. B., & Benjamin, G. A. H. (1985). *Journal of Legal Education*, 35, 65-75; Zemens, F. K., & Rosenblum, V. G. (1981). *The Making of a Public Professional*. Chicago: American Bar Foundation. A complete bibliography and copy of the study from which this article was written are available from the author.

G. Andrew H. Benjamin, J.D., Ph.D., is Acting Assistant Professor in Social and Cultural Psychiatry at the University of Washington School of Medicine and a member of the Arizona Bar. Widely traveled and published, he has most recently been a consultant for groups as diverse as the Seattle Children's Theater and the Physician's Clinic.



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SNOHOMISH SHENANIGANS

OR

HOW THE SEAT WAS WON

by Sally Carpenter

The story of a county seat and its courthouse is a story of politics. Thirty years after the establishment of Snohomish County, E. C. Ferguson opined that the county had been created "because there were more politicians than there were counties, and the matter was adjusted by making another county instead of killing some of the politicians."

The 1861 Territorial Legislature established the County of Snohomish, specified Mukilteo as the acting county seat, and provided for an elec-

tion to be held to determine the permanent one. Mukilteo and Snohomish City were the only two settlements; between the two villages 24 votes could be mustered. Snohomish City won in spite of having fewer settlers than Mukilteo. This was a remarkable election feat because the county was so new that there weren't any graveyards to use as sources of additional voters. Creative electioneering continued to be a county trademark for many years, with E. C. Ferguson an outstanding leader in the field.

Snohomish City was the county seat for 35 years until Everett's campaign for the seat raised the politics of

ballot-box stuffing to an art. For most of this time, the "courthouse" was a series of log cabins and rented rooms, "judges" were usually part-time and non-lawyers, and lawyers were not a popular group.

A farmer named Peter Voisard was frequently appointed to act as Justice of the Peace. In 1867, he had a particularly difficult case before him: One John Murphy, a sailor, had agreed to transport John Harvey's entire crop of potatoes from Snohomish to Port Gamble on his sloop. Murphy did so, stopping on the return voyage at Preston's Saloon. Harvey found Murphy at the saloon two days later, all the

profits of the sale squandered. Harvey determined to have Murphy arrested and charged. The problem was, what would the charge be? Voisard perused the county copy of Blackstone's Commentaries and determined that the proper charge was piracy on the high seas. Having found Murphy guilty, Voisard had no choice but to pronounce the death sentence. Since a Justice of the Peace had no jurisdiction to pass sentence of death, he said, "Well, if I can't hang him, I'll turn him loose." And he did.

Lawyers of the 19th century were in a period of transition: the American Revolution had resulted in most trained solicitors and barristers returning to England. The Jacksonian movement had continued the hostility to the legal profession, resulting in many states having constitutional provisions which allowed any man to represent any other in court. In the last half of the 19th century, law studies as a part of university curricula were slowly established, usually as two-year programs. Most lawyers learned their trade by apprenticeship.

In Washington Territory, "admission to the bar" was a matter of having the local probate judge allow one to practice before him. On lawyer's admission to one county's courts, a statute provided that other Territorial courts must also permit that person to practice before them. Frontier lawyers usually had more than one occupation; one Snohomish County shingle proclaimed "Attorney and Butcher".

Samuel Piles, later a U.S. Senator, told the story of the first client to visit his office in Snohomish City. The year was 1883:

My desk consisted of an improvised smooth board, one end of which was nailed to the wall, the outer side being supported by two pine slips; this, together with a stove of three legs, one chair and a drug box, constituted the whole of my furniture. Snugly ensconced in my office, I anxiously awaited a client, when, late one afternoon, I was surprised by a knock at my door. The man had been arrested for assault and battery and would be tried on the following afternoon before a Norwegian justice of the peace,

and desired to know what I would charge him to conduct his defense. I weighed the subject with great care, as I was badly in need of funds, and told him I thought ten dollars ought to be cheap in view of the seriousness of the charge and the long distance from my office, and explained the necessity of closing my office, which of course was a great detriment. The defendant looked at me, and then at my furniture and remarked that three dollars

"Everett was built by men of power, used to having their own way."

and fifty cents was all the money he could afford to pay, and inasmuch as I was a new-comer in the county, I ought to be willing to take the case at a reasonable figure, as it would give me great notoriety, provided that I cleared him. I saw the force of his argument. . . .

The very first tax assessed by the new county provided that one-fourth of the monies be set aside as the "court fund". No county tax was collected for three years. Finally, in 1864, the new county officials got around to appraising property in the county. Assessor John Seibert charged \$50.00 for the job. He also served as sheriff, election judge and in other county government posts. The county consistently ran in the red for many years, and the "court fund" was never created. The county had no jail; Justices of the Peace were paid piece-rate, and the probate judge position was vacant more often than it was filled.

Seibert's murder in 1874 created a crisis in county funding. His son bludgeoned him to death, then led pursuers on a three-county chase and

capture. The cost of the man hunt depleted the treasury, but the bills had just begun to come in: The Kitsap County sheriff submitted one for the 92 days that young Seibert had been held for trial, and then the county was billed \$508.25 for court expenses. All this, after the jury acquitted young Seibert! This was the first recording of a successful "battered child" defense. (Actually, Seibert *filis* was found not guilty by reason of insanity. Needless to say, the funds needed to pay for his commitment saddled the treasury with even more.) The tax levy was increased, and the new sheriff was ordered to collect 25% interest on all delinquent taxes.

A grand jury report on the county affairs of 1885 noted: "We have no jail, no roads, no good schoolhouses, no courthouse—but \$27,000.00 debt." The commissioners raised the fee for a liquor license to \$300.00, increased the funds allowed the probate judge to give public notice of chronic drunks, and rented a room in the Odd Fellows Hall as a jail.

Just after Washington was declared a State in 1889, the county built its first courthouse in Snohomish City: a two-story, 64 by 104-foot structure of stone from the Snoqualmie quarry and brick from the local brickyard, with foundation stone from the Chuckanut quarry at Whatcom. The second floor housed a large courtroom; the basement contained the jail. Owing to the many transient laborers in the county and to one of Seattle's clean-up attempts, criminality was up, and the new Snohomish county jail was immediately filled to capacity.

Everett remained an unsettled region until 1890, but when it settled, it did so with explosive force. The townsite was discovered to have a deep harbor, an enticement for a railway terminus. It was transformed from raw woods to a full-fledged city in two years. Eastern capitalists invested heavily in creating a new "City of Smokestacks". By December of 1892, the Christmas season was ushered in at an elegant new hotel by ladies in green silk and diamonds, with musical entertainment and champagne.

The Panic of 1893 closed most of the factories. Those who could find occasional work did so at wages less than one-half the former rate. The City of Everett released most of its policemen, retaining only enough to arrest vagrants to employ on the chain gang used for city construction projects. Whoring and gambling were criminalized to supply a tax base for the city.

Everett was built by men of power, used to having their way. Assuming that the new metropolis ought to be the county seat, they provided the funds and energy to make it happen. They passed a city levy for \$30,000.00 for "park or other public purposes" to fund a new county courthouse, and then presented a petition in September, 1894 to submit the county seat question to the county voters. Everett sent speakers throughout the county with thousands of pamphlets extolling "Everett for County Seat".

The law required a three-fifths total to relocate the county seat. In the November, 1894 election Everett won a clear majority, but the 60% requirement was razor-thin. Just before the election, Everett forces had brought 69 men into the probate court to secure citizen's papers so that they might vote. On the day of the election, Everett hired a steamer from Seattle full of floaters, at \$2.00 a head plus expenses, to vote at Mukilteo, Port Gardner, Whaleback, Lowell, and all four Everett precincts. Port Gardner had 17 voters, yet 78 ballots were cast there.

The County Auditor in Snohomish City refused to count the returns. Everett sued. A Clallam County judge held that the Auditor could not go behind the returns and must prepare the count. In a room full of armed men, the returns were opened. Port Gardner was now found to have given Everett 118 votes, with 3 votes

for Snohomish.

The Auditor again refused to proceed. Ten days later, the returns from south Snohomish County finally appeared. They showed 242 votes for Snohomish and 5 for Everett. Snohomish now took the position that the Clallam County court's ruling was correct: the Auditor could not go behind the ballots received. The Auditor counted all ballots, proclaimed Snohomish City the winner, then forwarded the result to the Commissioners. The County Commissioners met several times, acting to include and exclude the votes of different precincts. On December 27, the Commissioners found the final vote to be in favor of Everett by a margin of 12 votes, and ordered the county offices removed to Everett.

Snohomish City obtained a temporary injunction. Everett appealed to the new state Supreme Court and lost. The Court held that the returns had never been properly canvassed: thus, the election results were guesswork, and no election had been held. Everett asked the County Commissioners to re-canvass the 1894 election results. They did so. This tally showed Port Gardner's vote as Everett 56, Snohomish 7, and south Snohomish County's vote as Everett 5, Snohomish, 42. Eventually the dust cleared to show Everett winning by a margin of 7.4 votes.

Snohomish City again obtained a temporary injunction. This time, the Everett attorney photographed the poll books of south Snohomish County and subpoenaed the 200 voters whose names appeared. The subpoenas could not be served: the names were those of the residents of the cemetery. The Supreme Court upheld the second canvass of the vote made by the commissioners. Finally, after three years, Everett's victory was complete.

The new courthouse, built on the present site, was opened in February, 1898. After the transfer of documents and offices, the county sold the nearly-new Snohomish City courthouse to the Congregational Church for an academy. Today's Snohomish High School stands on the stone foundations of that original courthouse.

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Bench and bar relationships at the turn of the century were not unlike those of today: In a theft prosecution, the prosecutor objected to a question from defense counsel Gowan. Judge Denney sustained the objection. Gowan repeated the question. The judge arose indignantly from his chair. "I sustained that objection. You cannot fool me, sir."

"I am not trying to," replied Gowan, "but I don't suppose this court is immaculate, and the Supreme Court can decide it."

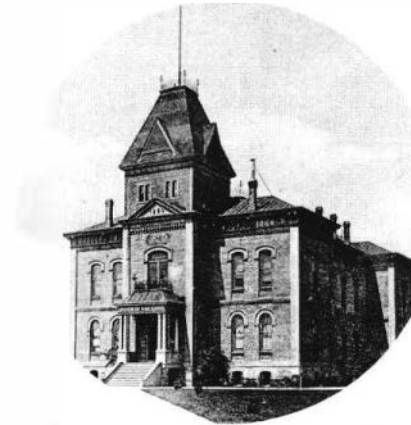
"Mr. Clerk, enter a fine of \$50.00 against this attorney, to be paid before he resumes his case."

"I did not mean any offense, your honor," said Gowan in a different tone, "and apologize if the court took my remarks in that light. I am not prepared at this time to pay the fine."

"You may proceed," was the curt reply.

Everett's new courthouse was three stories tall, of brick and stone in the Romanesque style. This magnificent edifice was to stand for only slightly

longer than the Snohomish courthouse itself had been used. In 1909, an arsonist touched off a blaze in a large frame building across the street. The fire spread to several buildings, including the courthouse roof. The



The Old Snohomish High School

fire left the courthouse a burned-out hulk of tottering brick walls.

Early in 1910 bids were let for construction of a new two-story courthouse, the Mission Building, on the existing foundation, the materials be-

ing of brick, steel, and the roof of tile. The building is in use today, with the Prosecutor on the first floor, the Clerk's office and two Superior Courts on the second. The three arches facing Wetmore Street are from the original Romanesque structure. Although the attic is not open to the public, it is reported that the bricks there continue to bear witness to the flames of 1909. □

Sally Carpenter is in private practice in Edmonds in south Snohomish County. She likes practicing law because it provides an equal measure of drama and chuckles.

Sources for her article are History of Snohomish County, Vol. 1, by William Whitfield, published in 1926; the Everett Herald; and the Journal of Everett and Snohomish County History. The turn of the century Herald printed court news in rich detail, reciting witnesses' testimony, objections of counsel and the court's rulings on them, as well as verdicts. The Journal is published by the Everett Public Library. Carpenter thanks librarian David Dilgard for his special help, enthusiasm and knowledge.



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Indigent Legal Services in the State of Washington

by The WSBA Legal Aid Committee

Introduction

As part of its ongoing effort to improve the quality and availability of civil legal services to poor people in the state of Washington, the Legal Aid Committee of the Washington State Bar Association conducted a general survey of these services in the state. Our focus was on programs offering non-constitutionally mandated legal counseling and representation on a free or reduced-fee basis to poor people.

Our main methodology in conducting this study was to send survey questionnaires to all programs of which we were aware providing direct legal services to poor people. In addition to eliciting information regarding the level and nature of services provided by these organizations, we also inquired about other programs of which they were aware which offered similar services. The committee followed up on these questionnaires where the answers were incomplete and for explanation where warranted.

Our discussion and analysis focuses on programs that provide direct counseling and representation by lawyers to poor persons and on programs that make direct and specific referrals of poor persons to private attorneys who provide counseling and/or representation on a no-fee or reduced-fee basis. We do not consider programs—such as the American Civil Liberties Union and the Easter Seal Society—which provide representation free of charge to individuals with certain types of legal problems (e.g. constitution issues or discrimination based on physical disability), even though many or most of the clients may also be poor. The report also does not discuss programs that provide quasi-legal counseling (e.g. consumer credit counseling or tenant counseling) by non-lawyers or agencies that informally make referrals to legal service organizations or individual attorneys who will provide counseling or representation to poor clients on a no-fee or reduced-fee basis. Our report also

does not contain a thorough discussion and analysis of civil legal services available to Native Americans on or off reservations.

Summary of Findings

Programs providing legal services to poor people in Washington State fall into three general categories: 1) direct service providers primarily funded by Legal Services Corporation (LSC); 2) *Pro bono* referral programs where representation is provided by the private bar; and 3) direct service providers primarily funded by sources other than the LSC.

The three LSC-funded direct providers in Washington are the Spokane Legal Services Center, the Puget Sound Legal Assistance Foundation and Evergreen Legal Services. *Pro bono* referral programs operate in several counties with the Seattle-King County Bar Association Volunteer Legal Services being the most active. Direct service providers that do not receive LSC funding operate for the

most part in Spokane County associated with Gonzaga Law School and in the Seattle area funded by Catholic Community Services.

While we came across approximately 20 organizations and offices that provide legal representation to poor people, the information before the committee clearly indicates that the sources of legal services available to poor people are grossly inadequate and have decreased over the past several years at a time when demand for these services has increased. There have been substantial funding reductions over the past five years primarily by LSC. This has forced the direct service providers to drastically cut back their services. Evergreen Legal Services has closed five offices during this period.

During this same five-year period the number of poor people in Washington state has dramatically increased. The 1980 census indicates that there are 549,849 persons in the state with an income of less than 125% of the federal poverty guidelines. While census information regarding the number of persons presently in this state at or below 125% of the federal poverty guidelines is not available, responsible estimates run from an increase of between 12% and 20% over the 1980 census figures.¹

Information collected by the committee indicates that there is a substantial unmet need for civil legal services for poor people in the state. This need can be categorized as follows:

1) There are an inadequate number of available lawyer hours to provide representation to poor people on meritorious cases. There simply are not enough lawyers to handle the non-fee generating civil cases of people who cannot afford to retain counsel.

2) There are several substantive areas of law where the need for increased legal services seems particularly pronounced. These include representation in complicated dissolution and other family law matters.

3) There is an inadequate supply of lawyers specializing in "poverty law" issues. While some counties have an active *pro bono* program using the services of highly qualified volunteer

private attorneys, many of these attorneys know relatively little about entitlement programs and other areas of law that are encountered primarily or exclusively by poor people. While these *pro bono* programs are invaluable

"There simply are not enough lawyers to handle the non-fee generating civil cases of people who cannot afford counsel."

able and should be continued and expanded, the lack of experience by private attorneys in discrete poverty law areas can, at times, compromise the effectiveness of the services provided.

4) The sheer geographic area covered by individual direct service

offices affects the availability of legal services for poor people. Many counties are not now served by any civil legal service provider. In some counties only a token representation is present by a program that has historically served the area but has now suffered cutbacks due to funding reductions. No direct service provider presently has an office in Snohomish County. Evergreen Legal Services serves the county with one part-time attorney who travels to the area from downtown Seattle. This problem is even more pronounced in many geographically remote areas of eastern Washington like Asotin County.

Statistics

The following information illustrates the magnitude of the current need for civil legal services to poor people in Washington.

1) The United States Congress has established that to provide minimum access to legal services for poor people, legal services programs should be funded at a level of \$13.57 for each



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Through the joint efforts of members of a task force from the Washington State Bar Association, the Superior Court Judges' Association and the District and Municipal Court Judges' Association, a program has been established for trial judges to critique the performance of lawyers trying cases in their courtrooms. The purpose of this program is to increase lawyer competency.

This is strictly a voluntary program. No lawyer will be critiqued unless he or she requests the judge to do so. The program is also optional on the part of the judges. Some judges will be unable to participate because of time pressures or other reasons.

Any lawyer who wishes to have his or her trial performance critiqued by the trial judge should make the request to the judge in advance of the trial. (A request form and list of suggested evaluation guidelines are available from the Washington State Bar Association and many courthouses.)

A lawyer should inform opposing counsel of his or her request and obtain the permission of opposing counsel to meet privately with the judge after trial to hear the judge's critique. The Code of Professional Responsibility Committee has rendered an informal opinion that such a private meeting with the trial judge without the consent of opposing counsel would invite violation of DR-7-110. The judge in no case will discuss the merits of the case. He or she will simply evaluate performance in a given trial.

The form of the critique itself will be entirely up to the discretion of the trial judge. For most judges it will probably take the form of an informal oral discussion, wherein the judge points out the portions of the trial during which, in the opinion of the judge, the attorney performed well, and those areas

where the judge believes the performance could be improved. Suggested guidelines include such areas as:

- Judicial Critique of Opening Statement;
- Judicial Critique of Closing Argument;
- Judicial Critique of Voir Dire; and
- Judicial Critique of Actual Trial.

The performance evaluation, whether oral or written, is strictly confidential between the judge and the lawyer assessed. Any written comments should be destroyed once the judge advises the lawyer of the assessment.

Adopted by

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person within their area living at or below the federal poverty guidelines.² The 1980 census indicates that there were 394,891 people at that time living at or below this level in Washington.

Information provided in the *Washington State Data Book* produced by the Office of Financial Management and other information obtained from the State Department of Labor and Industries and Office of Financial Management indicate that there are approximately 500,000 poor people in Washington state at this time. Using these figures, legal service programs in this state should receive approximately \$6.75 million in order to provide *minimum* accessibility to the client population. The three LSC-funded programs in this state received a total of \$3,285,494 in this fiscal year or approximately one-half of the amount necessary to provide the minimum access levels.^{3,4}

2) In 1980, before the substantial funding cutback by the Legal Services Corporation, the Spokane Legal Ser-

vices Center employed 15 attorneys who handled about 2,500 cases a year. Presently, this program employs five attorneys and four paralegals and handles about 622 cases per year. In 1980, the Puget Sound Legal Assistance Foundation employed 14 attorneys and 5 paralegals who handled

...[T]he sources of legal services available to poor people are grossly inadequate and have decreased over the past several years at a time when demand for those services has increased."

approximately 3,400 cases per year. Presently, this organization's 11 attorneys handle approximately 1700 cases per year. In 1980, Evergreen Legal Services employed 76 lawyers and 13 paralegals in 18 general legal services offices. Presently, it employs 43 attorneys and 4 paralegals in 9 offices.

3) The Seattle King County Bar Association Lawyer Referral Service indicates that it is only able to provide referrals to approximately 30% of the eligible clients who call them. On many days, they are forced to close their intake within one-half hour of opening because of the volume of persons calling for assistance.

4) A 1984 survey conducted by University Legal Assistance in Spokane indicated that it turned away approximately 200 eligible clients per month because it lacked the resources to serve these people. In other words, it is only able to serve approximately 20% of the eligible clients who come to it for service.

Conclusions

There are a number of excellent legal services programs and providers in Washington providing legal representation to poor people. Based upon input from clients and local attorneys, these programs have established priority areas and are focusing their limited resources upon them. Within the

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WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Carole Grayson

EVERETT, November 8, 1985

Present: All Governors and President Comfort. Also present: John Michalik (WSBA exec. dir.), Robert Farrell (WSBA counsel), Peter Greenfield (SKCBA Bd. of Trustees), Kerri Wolfstone Lauman (SKCBA Young Lawyers), Harold Petrie and Herbert Swanson (Ct. of Appeals Judges Assn.), Bruce Hanson (Superior Ct. Judges Assn.), Chuck Snyder (WSBA Young Lawyers), John Gray (Governmental Lawyers), Patricia Schlosser (Wa. Women Lawyers), Thomas E. Kelly (District Ct. Judges Assn.), Atty Myron Carlson ("just thought it was a grand opportunity to attend one of your meetings.")

COME ON DOWN! The Board of Governors approved their meeting schedule for the next year:

| | | |
|------------|------------------|------------------|
| Dec. 13-14 | Seattle | Stouffer Madison |
| Jan. 17-18 | Olympia | Westwater Inn |
| Feb. 14-15 | Tacoma | Sheraton |
| Mar. 21-22 | Yakima | Thunderbird |
| Apr. 18-19 | Vancouver, WA | Inn at the Quay |
| May 16-17 | Spokane | Inn at the Park |
| June 27-28 | Vancouver, BC | Four Seasons |
| July 18-19 | Orcas Island | Rosario Resort |
| Aug. 22-23 | Gleneden Bch, OR | Salishan |
| Sep. 19-20 | Seattle | Westin |

THOSE D.A.M. RULES? Harold Petrie, chair of the Justice Court Criminal Rules Task Force, provided the Governors with an interim progress report on his Task Force's objective of a "complete revision and overhaul" of the JCCR. The current timetable is for the Task Force's first "final draft" to be presented to various interested groups and the Governors by March, 1986.

The Task Force is attempting to make the JCCR as parallel to the Superior Court Criminal Rules as possible.

The term "Justice Court" is a fiction. There are district and municipal courts, but there is no legal entity known as a justice court. The Task Force has not yet made a recommendation as to the proper name for the new rules. With a grin, Governor Zylstra of Oak Harbor recommended that the district and municipal courts be recognized in the D.A.M. Rules.

JUDICIAL QUALIFICATIONS Wesley A. Nuxoll of Colfax was unanimously appointed to the Judicial Qualifications Commission.

CLIENT'S SECURITY FUND Robert Henry of Tacoma was unanimously named to the Client's Security Fund Committee. The lay member is a retired banker.

In February, 1985, the Governors approved CSF Committee's recommendation that \$25,000 be paid to Doris Johnson on her claim of some \$120,000 against now-disbarred attorney J. Rex Behrhorst, formerly of Pt. Angeles.

This month, the Governors voted 8-2 to deny Johnson the remaining \$25,000 available from the fund on her claim. The vote, from which Frank Johnson and Betty Bracelin dissented, went against the CSF Committee's recommendation. The vote reflected the Governors' sentiment that this aspect of Johnson's claim was a loan of money from one neighbor to another and not a misuse of a client's funds.

By a vote of 7-3, the Governors elected to pay Northwestern National Bank \$1,600.49. This is the amount that Behrhorst, as attorney for the bank, converted to his own use. Ed Lane, Angelo Petrus and Frank Johnson dissented.

3.2 SKIDOO Criminal Rule 3.2, dealing with pre-trial release, was the subject of animated discussion for the fourth time this year. This time, the Governors voted 7-3 to adopt a resolution proposed by Ed Lane. It approves, in principle, the recommendation by the Washington Association of Prosecuting Attorneys to allow judges to consider the dangerous propensity of a suspect in setting bail on all non-capital criminal cases." It was adopted "in the belief that this proposal deserves serious consideration by the Supreme Court under its rule-making power for adoption of new criteria in bail matters in the interest of justice and the public welfare."

Although he voted with the majority, Ted Zylstra indicated that he didn't like the fact that the Governors would pass a resolution where there was a question about unconstitutionality.

"How can we vote for something we believe is unconstitutional?" asked dissenter Steve Reisler of Seattle.

LEGISLATIVE ACTION The Governors voted

- 7-3 to support proposed quasi-community and family allowance statutes.
- 10-0 to sponsor family support statute revisions.
- 9-1 to sponsor revision of RCW 6.16.030 re: pensions.
- 10-0 to sponsor estate tax apportionment statute.
- 10-0 to sponsor Horizontal Property Regime Act amendments.
- 10-0 to support proposed crop lien bill.

confines of their limited resources, these programs provide an excellent resource and service not only to their clients but also to the community as a whole. In addition, there are a number of attorneys throughout the state who, through *pro bono* panels or individually, provide high caliber representation on a no-fee or reduced-fee basis to poor clients.

However, these services are inadequate. There is a pressing need in virtually every area of Washington to increase the resources available to provide representation to poor people in civil matters. There are certain substantive areas of the law where there exists a particularly large unmet need.

Recommendations

1) Provide increased resources to direct service providers who are experienced and competent in providing legal service to poor people. These providers, aside from their legal expertise, have a history of fi-

nancial and programmatic responsibility. These programs establish, on an office-by-office basis, the priorities upon which the resources of each office should be focused. This priority setting results from an elaborate process which involves a substantial amount of local community involvement and therefore reflects the unique needs of each community served. These direct service providers should be given more money to support the priority areas for legal services established within each local community.

2) These increased resources should also be used to re-open the offices of direct service providers that have been closed in recent years because of LSC funding reductions. It is important to expand the practical geographic availability of legal services.

3) Aside from the priorities identified by the local client communities, the committee discovered other areas of the law in which needed services are unmet. A glaring example is domestic relations. Virtually every pro-

gram surveyed reported that the only family practice undertaken addresses highly traumatic situations such as domestic violence. □

¹This report uses persons at or below 125% of the federal poverty guidelines as generally defining the population eligible for free legal services, as Congress has established that persons living at or below this level are eligible for representation by programs funded by the Legal Services Corporation.

²P.L. 98-411

³For example, Spokane Legal Services Center is funded at \$7.60 per person living within its service area, at or below the Federal Poverty Guidelines.

⁴While minimum access levels are based on the number of persons at or below the poverty level, Legal Services Corporation funded organizations are empowered to represent persons with incomes up to 125% of the federal poverty guidelines. This adds approximately another 100,000 persons to those who are eligible for legal services funded through the Legal Services Corporation. With this in mind, the shortfall becomes even more dramatic. □

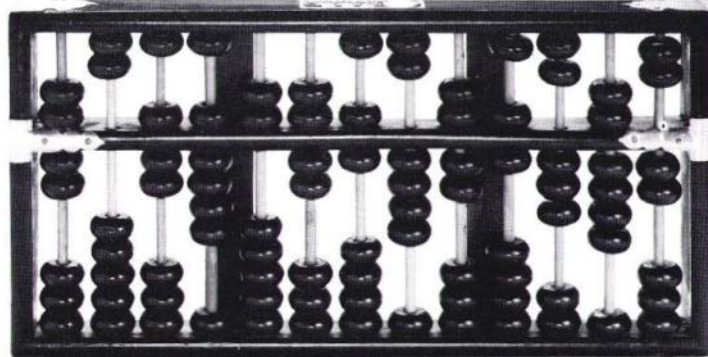
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Some LRE Praise for the Holidays!

by Jo Rosner, Attorney/Educator & Cheri Brennan, Assistant Director of Public Affairs

Tis the holiday season, but ere the year ends
We'd like to thank some LRE friends.
There are many state-wide who deserve our applause
Who've helped teach the public about our state laws.
Among those who've given much time and support
Are Bar presidents, Campbell and Comfort.
We thank another "speaker extraordinaire"
For promoting education: Chief Justice Dolliver.
Another wise man on whose help we build
Is Spokane's well-known judge, the Honorable George T. Shields.
MENTOR program enjoys its success and expansion
And comes to Seattle, thanks to Dr. Alice Houston.

Another who gives leadership with great care
Is L. E. A. R. N.'s first president, Larry M. Fehr.
Steve Phillabaum's a man both quiet and calm:
As LRE chairman, his job's always well done.
And here at the State Bar are three folks you know
Without whose support LRE could not grow:
Tho' now in law school, she once worked at the Bar
Getting LRE started—here's to Karin Foster.
Two others who help promote legal education
Are the Bar's John Michalik and R. Wayne Wilson.
Finally, all LRE friends not named in this rhyme!
"Season's Greetings to you!" Many thanks for your time.

and now to the tune of "Winter Wonderland" . . .

In the class, kids are listenin'
Cheeks are bright, eyes are glistenin'
A beautiful sight,
They're learning all right—
Friends of education are at hand.

Giving time, giving knowledge
For those kids bound for college.
We'll thank them today,
Hope they'll never go away
Friends of education are at hand.

Soon the kids will vote and serve on juries,
Soon they may get jobs and settle down.
Tho they may not end up Einsteins or Madame Curies
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And their duties, they're not shirking
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Deferred Prosecution

by Wesley G. Hohlbein

It is encouraging that the deferred prosecution statute survived in 1985 despite a host of ominous public announcements that it was specifically targeted for repeal. It is encouraging because repeal of the deferred prosecution statute would be regressive, harking back to the ancient notion that alcoholic behavior can be best modified through the application of punishment. An *Alice in Wonderland** logic can still be heard fervently insisting that draconian penal servitude works best.

Lawyers representing clients in DWI cases, as a matter of course, will find it necessary to familiarize themselves with RCW 10.05 so that they can properly advise their clients of the treatment option as contrasted with a trial on the merits.

The deferred prosecution statute is the brain child of the late Lyle Truax, a Clark County District Court Judge. Truax knew that a high percentage of

DWI offenses were being committed by alcoholics. He reasoned that if the alcoholic driver could be diverted from the criminal justice system into treatment for his disease, we would be getting to the root of the problem. He was aware that the revolving door in the drunk tank was making no impression on the diseased mind of the alcoholic.

The legislature agreed with Judge Truax and, in 1975, enacted legislation codified as RCW 10.05, the Deferred Prosecution Statute. In brief form, the new law provided that a petitioner with an alcohol, drug or mental problem could file a petition in court under oath alleging that the crime was caused by such problem and that, without treatment for the problem, the criminal conduct was likely to re-occur. A two-year treatment plan was to be filed with the petition. If the court approved the petition, the defendant was placed on monitored probation for two years.

The original legislation required that the concurrence of the prosecuting authority in the order be entered on the petition.

However, four years after the passage of the act, the court in *State ex rel Schillberg v. Cascade District Court*, (1979) 24 Wa. App. 531, 604 P.2d.491 [main volume], revd., 94 Wa. 2d. 772, 621 P.2d 115, eliminated the necessity of prosecutorial concurrence. In 1982, the legislature limited eligibility for deferred prosecution to one program within a five-year period. In 1983, the word "five" was substituted for the word "two" in RCW 10.05.120. This statutory provision is entitled *Dismissal of charges after two years—Records removed*. The apparent intent of the legislature was to provide a base for the Department of Licensing to assemble statistics, but the ill-drafted change served only to create a great deal of confusion. A number of courts throughout the state interpreted the modification

to mean that the petitioner was to be on probation for five years. In some jurisdictions, courts went so far as to opine that the petitioner's treatment was required to be continued for a period of five years.

Since 1975, with few exceptions, prosecutors have viewed the Deferred Prosecution Statute as being in derogation of prosecutorial prerogative. They have argued that treat-

ment, if necessary, can always follow *punishment* and that alcoholics as a class were getting preferential status. The defense bar, on the other hand, have argued that there are many other examples of diversion in our justice system and that alcoholics are indeed an identifiable special class for which separate consideration can be justifiably made.

Attorneys who have worked exten-

sively with alcoholics as clients are, for the most part, in agreement that punishment does little to dissuade the alcoholic from his addictive drinking. They view deferred prosecution as a carrot on a stick which has a tailored psychological appeal to the confused alcoholic mind. Motivating an alcoholic to treatment requires an essential ingredient of crisis *and* the presence of an alternative which permits the individual to make a choice.



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*"Speak roughly to your little boy,
And beat him when he sneezes:
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Because he knows it teases."*

Practicing alcoholics typically strive to exert a high degree of control in dealing with others, and they respond better initially if *they* can make the choice, as contrasted with court-imposed treatment following punishment. Even a befuddled, alcohol-saturated brain can perceive that sick people don't need punishment to get well. Using incarceration as punishment tells the addict that he or she may not be a disease victim after all, but just a bad person. This message is not effectively received by someone whose shattered self image is the result of the destructive use of an addictive depressant.

In early 1985, I formed an ad hoc committee of defense attorneys and state approved alcohol treatment center experts to study complaints of abuse, vagueness and lack of standards which were the subject of a white paper issued by the Washington Association of Prosecuting Attorneys. The committee, with an eye to compromise, drafted a legislative proposal which considered the prosecutorial objections. The draft bill was presented to the Senate Judiciary Committee, where further meetings ultimately settled all objections from the prosecution. The ad hoc committee also drafted and obtained passage of a number of changes which had not been the subject of any previous complaint. For example, the word "defendant" was substituted by the word

"petitioner" throughout the chapter; this terminology appeared to be more appropriate for a diversion-treatment statute.

The three most significant changes from the 1975 statute are as follows:

1. Section 17 (a new section added to RCW 10.050) provides the court with minimum guidelines to include in a deferred prosecution treatment program. These guidelines help to standardize treatment and court orders. They also insure the order contain conditions necessary for the petitioner's successful completion of the treatment program. The subjects covered are: abstinence from alcohol and all mind-altering, non-prescribed drugs; participation in twice-weekly alcohol self-help groups; after-care following an intensive treatment phase; and restrictive language on court-ordered use of Antabuse (disulfiram).

2. Section 6 and Section 2, chapter 244, Laws of 1975 and the RCW are amended, *inter alia*, to require that the petitioner stipulate to the admissibility of the facts contained in the police report and that the court enter written findings to support that stipulation. These sections lay to rest the Prosecution's previous complaints that at times it was forced to trial on a cold trail in the event that the Order of Deferred Prosecution was revoked. This complaint was not without merit, and the petitioner also will benefit from the new language. It would seem that if a petitioner is told by an attorney that chances of success are zero on a trial following revocation of deferred prosecution, and that he or she will probably go to jail, the petitioner may develop an accelerated fervor in strictly attending to business while in treatment. The hope of acquittal, flickering in the back corners of the client's mind, has been snuffed out.

3. Section 16, amending chapter 244, Laws of 1975 1st ex. sess., is a new section in RCW 10.05. It provides that, as a condition of granting a deferred prosecution, the court shall order that a petitioner not operate a motor vehicle upon the public highways without a valid operator's license and *proof of liability insurance*. The Court may also order the petitioner to pay restitution as a condition of grant-

ing the deferred petition. These excellent provisions are designed to foster protection of the public.

The 1975 statute, RCW 10.05.010, required for eligibility purposes that the petition be filed upon arraignment. The practical impossibility of this requirement led to its non-observance. The 1985 amendments, however, require that the petition be filed with the court at least seven days before the date set for trial. The requirement is not absolute, however, as a petition can be filed later upon a motion and affidavit showing good cause for delay and failure to comply. In such case, terms can be imposed against the petitioner. I believe that good cause may be found in the petitioner's initial denial and resistance to treatment, two characteristics of the disease of alcoholism.

RCW 46.20.599, involving a confiscation of driver's licenses and the issuance of a temporary license, had caused problems for deferred prosecution petitioners. However, ESB 3230, Laws of 1985, §§ 2, 4(c), requires that the department replace the license in case of deferred prosecution. Under Section 4 of the 1985 deferred prosecution amendments, offenses seven days apart may be consolidated in a petition for deferred

prosecution. Through an oversight, the original statute drafters did not provide for consolidation of offenses, which was unfortunate. This led to a varied application of consolidation throughout the state in the years since the passage of RCW 10.05. The ad hoc committee had hoped to obtain approval of permissible consolidation of offenses committed within a thirty-day period; however, this goal was lost in trade-off negotiation. This area deserves further study and may become the subject of future modification.

All things considered, the 1985 amendments are on the positive side and, we hope, will herald a lessening of prosecutorial resistance to Judge Truax's brain child. □

* "Speak roughly to your little boy, and
beat him when he sneezes:
He only does it to annoy,
Because he knows it teases."

Alice's Adventures in Wonderland
Lewis Carroll, Jupiter Books, London,
(1978)

Wesley G. Holbein, Holbein & Fetty, Seattle, practices privately in criminal and personal injury law. He is a member of Seattle University's faculty for "Alcohol and the Law" and has been on the Board of Directors of the Central Area Community Alcohol Center.

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DIRECTIONS IN ANTI-TRUST ENFORCEMENT PROGRAM FEATURING U.S. SENATOR HOWARD M. METZENBAUM



by John M. Redenbaugh

On Friday, December 13, 1985 the Washington State Bar Association's Antitrust Section and Continuing Legal Education Committee will present the Second Northwest Antitrust Conference: Directions in Antitrust Enforcement. It will be a full-day program held in downtown Seattle at the Westin Hotel. The seminar features a distinguished faculty who represent differing views of the present status and future direction of public and private enforcement of the antitrust laws. Reports of current enforcement policy and actions by the U.S. Department of Justice and the Federal Trade Commission, as well as by the Washington Attorney General, will be accompanied by remarks on Oregon antitrust developments and by panel debates on the future direction of both public and private antitrust litigation. In addition, there will be updates on recent decisions of the United States Supreme Court and the United States Court of Appeals for the Ninth Circuit.

U.S. Senator Howard M. Metzenbaum, who will address "Antitrust Policy From a Congressional Perspective," is serving his second term as U.S. Senator from Ohio and was Chairman of the Senate Antitrust Subcommittee in the 96th Congress. He presently serves on four Senate committees, including Judiciary, Energy and Natural Resources, Labor

and Human Resources, and Budget. He sponsored legislation to limit large conglomerate mergers and large oil company mergers and to improve competition in the insurance industry. The Senator has vigorously supported strong federal laws against resale price maintenance, and he is a leading opponent of efforts to obtain antitrust exemptions (including those proposed by shippers, beer wholesalers and health care professionals).

In addition to the Senator, Program Co-Chairpersons **Hugh F. Bangasser** (Preston, Thorgrimson, Ellis & Holman, Seattle) and **Christopher Kane** (Ferguson & Burdell, Seattle) have assembled a faculty which includes the **Honorable Terry Calvani** (Commissioner of the United States Federal Trade Commission, Washington, D.C.), **Barnes H. Ellis** (Stoel, Rives, Boley, Fraser & Wyse, Portland), **Ken Eikenberry** (Washington State Attorney General, Olympia), **John R. Ellis** (Attorney General's Office, Seattle), **Douglas H. Ginsburg** (Assistant Attorney General, Antitrust Division, U.S. Department of Justice, Washington, D.C.), **Thomas Jerome Greenan** (Ferguson & Burdell, Seattle), **Jerry R. McNaul** (Culp, Dwyer, Guterson & Grader, Seattle), **Eleanor M. Fox** (Professor of Law, New York University School of Law, New York), **Dean Fredric C. Tausend** (University of Puget Sound School of Law, Tacoma), and **Payton Smith** (Davis, Wright, Todd, Riese & Jones, Seattle).

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SEATTLE-KING REPORT

by **JAMES L. VARNELL**

Honors. **Julie W. Weston**, secretary and general counsel of Skinner Corporation, has been elected to chair the State Bar Association's Business and Banking Section, and **Edward W. Kuhrau**, partner with Perkins Coic, has been named chairman-elect of the Real Property, Probate and Trust Section. **Mary Ellen Hanley** has been elected to a three-year term of the American Bar Association Council of the General Practice Section.

Office Moves. Montgomery, Purdue, Blankinship & Austin has relocated its offices to the Columbia Center. Davis, Wright, Todd, Riese & Jones announces that **Judith A. Shulman** has joined the firm as counsel, and that **Larry E. Halvorson**, **Wendy B. Jacobs**, **Leslie A. Morrill** and **Douglas C. Ross** are now associated with the firm. **Leland Bull** has joined **Larry** and **Pamela Feinstein** under the new firm name of Feinstein &

Bull. **William N. Snell** is now associated with Oseran, Hahn, Kelley, Spring & Maimon, P.S. **Timothy A. Manning** has opened the United States branch office in the First Interstate Center for an Indonesian law firm.

Eve M. Fitzsimmons, **James P. Davis** and **Jacqualee Jo Story** are now associated with Short & Cressman. **John E. Phillips** and **Barbara A. Wilson** have re-located their offices to Market Place One and **Kathryn F. Schaeffer** is now associated with the firm.

Stephen C. Kelly and **Robert Olson** have formed a partnership with offices in the United Airlines Building. **Mary Ann Ekman** has been admitted as a partner in the Touche Ross & Company. **Thomas C. Armitage** is now of counsel to Cartano, Botzer, Larson & Birkholz. **James M. Rupp** has joined the legal staff of John Fluke Manufacturing Company, Inc.

Social Scene. If the recent office receptions are any indication of things to come, the holiday season in Seattle

law firms should be festive. The open house at the First Interstate Center offices of Shidler, McBroom, Gates & Lucas signaled the beginning of the legal social season. Unfortunately, both **Ross Boundy** and **Jim Fletcher** were unable to attend. The fund raiser of **Henry Aronson**, candidate for commissioner of the Port of Seattle was attended by the elite of the Seattle legal fraternity. The presence of **Gary Gayton** and **Steve Chestnut** (by personal invitation) helped make up for the noticed absence of **Larry Longfelder**, **Andrew Hamilton** and others. Finally, former Bankruptcy Judge **Kenneth S. Treadwell** was honored at a reception by Shulkin, Hutton and Bucknell, which firm he has now joined as of counsel. The reception was enlivened by the presence of "Disco" **Mike Sweet**, **Sheena Aebig** and the crowning of Judge **John Coughenour**. Host for this reception was part-time attorney and musical road manager **Tom Bucknell**. Fortunately for Tom, this year's annual Bar Association meeting was held in Seat-



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tle, as opposed to Vancouver, B.C., so he was able to attend.

PIERCE COUNTY REPORT

by **ROBERT W. MARSDEN**

James Heller has been named by the Pierce County Council to the position of judge for Pierce County District Court No. 1. Heller, who was selected from a list of 19 applicants, replaces **Arthur Knodel**, who recently passed away.

Noel Shillito, who has been a sole practitioner for the past 10 years, has joined the firm of Mann, King, Scraggin and Manger as a full partner.

A former law clerk to the Washington State Supreme Court, **Bertha Fitzer**, has opened new law offices in downtown Tacoma.

WHATCOM COUNTY REPORT

By **TIMOTHY C. FARRIS**

Guided by an interest in historic preservation, and enticed by investment tax credit, depreciation and interest write-offs, several Whatcom County firms have rehabilitated historic homes near the Civic Center for use as their law offices. Anderson,

Connell, Allen & Crawford, reflecting their interest in maritime law, occupy a home overlooking Squalicum Harbor. Raas, Johnsen, Garrett & Stuen, with the Lummi Tribe as a major client, practice from a home midway between the courthouse and tribal offices. The Bellingham contingent of Aaby, Knies, Robinson, Albo & Putnam operate from a house redecorated by interior designer **Bonnie Aaby**. Real estate magnate **Tom Resick** occupies one home across from City Hall and rents out another to lessee lawyers and a legal messenger service. Brett & Daugert, Bellingham's largest firm, needs the space of two refurbished and connected historic homes across Civic Center from the courthouse. The latest to join the rush to obtain investment tax credit prior to December 31 is **Beaty & Kimberly**.

BENTON-FRANKLIN COUNTY REPORT

by **STEVE OSBORNE**

New officers for the Benton-Franklin Bar Association are: **Richard Quigley**, President; **John Carroll**, Vice President; **Carolyn Brown**, Secretary/Treasurer.

The annual Bar Golf Tournament and Golf Cart Demolition Derby was won by the chairman, **Steve Palmer**. Apparently nobody told him that the chairman shouldn't win, so he has been appointed clean-up chairman for next year. Closest to the pin was won by **Judge Staples** and **Judge Patrick**. Longest drive went to **Craig Walker**. There is no truth to the rumor that erstwhile long hitters, **Mike Johnston** and **Andy Bohrnson**, wiffed on their attempts at the long ball. Actually, Johnston hit a duck hook and Bohrnson skied one 250 yards high and 100 yards long.

The Legal Beagles softball team took a nose dive this year when this writer opted for free agency. The Pine Brothers, **Fran Forgette** and **Jay "Flynn" for the Defense**, were heard mumbling on the bench, "I could have caught that one" and other such sour grape remarks until they were inserted into the line-up at the bottom of the sixth inning.

Court Commissioner **Daniel J. Hurson** retired October 1. An avid golfer and fisherman, he was presented, not with a new set of golf clubs, but with a miniature fishing pole at a retirement party sponsored by the local bar. Part-time Court Commissioner **John Carroll** assumed the full-time position. **Mike Johnston** will be part-time Court Commissioner. **John Schultz** and wife **Penney** returned from a Mid-East vacation to learn that their son, **Bob**, had passed the Bar exam. **Bob**, a 1985 Gonzaga graduate, will join **Leavy, Schultz & Sweeney**.

WALLA WALLA COUNTY

M. Scott Wolfram has been made a partner in Lohrmann, Parker and Wolfram. He began his law career in 1979 as Deputy Prosecuting Attorney for Walla Walla County.

CLARK COUNTY

Stoel, Rives, Boley, Fraser & Wyse has opened a law office managed by **Mark B. Feichtinger**. The firm is headquartered in Portland, Oregon.

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YAKIMA COUNTY

Alan A. McDonald has been nominated for a new seat on the federal bench in Spokane. He joins Robert McNichols and Justin Quackenbush on the U.S. District Court, Eastern District of Washington.

DOUGLAS COUNTY

Rick Olson of East Wenatchee is the new chairman of the Eastmont School District's Citizen Advisory Committee. The group is studying a multi-million dollar bond issue.

WASHINGTON WOMEN LAWYERS by SUSAN HELF

Recent activities: Judicial endorsements (Spokane & Snohomish); softball games & all-day brunch (Kitsap); potluck meeting, election of new officers & law school liaison (Pierce); abortion rights (Snohomish); preg-

nancy & maternity leave, alternative dispute resolution & family law mediation (Seattle); investments (Whatcom).

For regular meeting information, contact:

Capital: Susan Patrick, Olympia, 943-6439. (1st Wednesday, Ben Moore's Restaurant.)

Kitsap: Susan Daniel, Silverdale, 479-3000. (3rd Wednesday.)

Pierce: Vicki Hogan, Gig Harbor, 383-3381.

St. Helens: Danica Dodd, Vancouver, 696-6471.

Seattle: Laura Inveen, 622-2991. (1st Tuesday, noon, 12th Floor, Dexter Horton Bldg.)

Snohomish: Carol Weibel, Everett, 259-0668.

Spokane: Joan Antonietti, 467-0386. (Last Thursday, alternate morning, lunch & dinner meetings announced in *Calendar Call*.)

Yakima: Susan Hahn, 248-4282.

Whatcom: Katherine Ross, Bellingham, 733-0443.

Malcolm D. Katz transferred to inactive status on August 19, 1985.

DISCIPLINE

Suspended

Seattle attorney Kenneth M. Brown, Jr. (admitted 10/8/68) has been suspended from the practice of law for one year by the Supreme Court, which approved his stipulation for discipline on September 19, 1985. According to the stipulation, in 1983 Brown labeled his personal account "trust account" in order to shield his funds from IRS levy. He then deposited client funds into that account. Brown stipulated to a one-year suspension to be followed by two years' probation which are based on commingling of his funds with client funds in his personal bank account, attempting to shield his funds from IRS levy, knowingly making a false statement on his 1983 trust account declaration, and failing to provide the bar with all of the records and information requested of him.

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Censured

Tacoma attorney **Gary H. Branfeld** (admitted 5/14/76) has been ordered censured pursuant to a stipulation for discipline, based upon his failure to cooperate in a Bar Association investigation. Branfeld failed to respond to the Association's written requests for information regarding a complaint filed against him.

Edmonds attorney **Allen L. Carr** (admitted 2/21/58) was ordered to receive a Censure by the Disciplinary Board on July 26, 1985, based upon a hearing officer's findings that Carr had failed to comply with the conditions of a stipulation dismissing a previous disciplinary proceeding. In addition, Carr was placed on probation for a period of two years on various conditions, and was ordered to make restitution to the Client's Security Fund in the amount of \$1,500.

NOTICE OF HEARING ON PETITION FOR REINSTATEMENT

A petition for reinstatement after disbarment has been filed on behalf of **John M. Rosellini**, who was disbarred on May 20, 1982. See *In re Rosellini*, 97 Wn.2d 373, 646 P.2d 122 (1982). At the time of his disbarment, Rosellini practiced in Seattle, Washington.

RLD 9.6(a) provides that reinstatement may be recommended by the Board of Governors only upon an affirmative showing that the petitioner possesses the qualifications and meets the requirements as set forth in the Admission to Practice Rules for lawyer applicants, and that his or her reinstatement will not be detrimental to the integrity and standing of the judicial system or to the

administration of justice, or be contrary to the public interest.

A public hearing on Rosellini's petition for reinstatement will be conducted before the Board of Governors on Saturday, February 15, 1986, beginning at 9 a.m., in Tacoma, Washington, at the Tacoma Sheraton Hotel. On or before the date of the hearing, anyone wishing to do so may file with the Board of Governors a written statement for or against reinstatement, such statements to set forth factual matters showing that the petitioner does or does not meet the requirements of RLD 9.6(a).

Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board of Governors.

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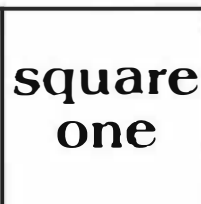
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(206) 453-1275 (Bellevue line)

Redmond Bus. & Trade Ctr.
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Redmond
(206) 881-7084

Vancouver Office:
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Vancouver, WA 98660
(206) 696-3307



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Seattle, WA 98107
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Bellevue Probation Division
655 - 10th Ave Northeast
Bellevue, WA 98009
(206) 455-6956

C & M Counseling and
Consultant Services
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Suite 428
Seattle, WA 98102
(206) 323-3699

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Renton, WA 98055
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CareUnit Hospital of
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Kirkland, WA 98083
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Aurora Village Medical
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Seattle, WA 98133
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Case Services, Inc.
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Seattle, WA 98104
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Maple Valley, WA 98038
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120 - 23rd Street
Seattle, WA 98112
(206) 323-0930

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North
Seattle, WA 98133
(206) 546-2411

Central Arca Community
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340 - 15th Avenue East, Suite
301
Seattle, WA 98112
(206) 322-2970

Central Arca Mental Health
Center
2200 Rainier Avenue South
Seattle, WA 98144
(206) 329-1751

Chemical Dependency
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Seattle, WA 98101
(206) 682-4695

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North, Suite 201
Seattle, WA 98109
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Choice
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Southeast, Suite 203
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Seattle, WA 98103
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Auburn, WA 98002
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Bellevue, WA 98005
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Federal Way Youth Services
31101 - 18th Avenue South
Federal Way, WA 98003
(206) 839-6555

First Step
Careunit Clinic of
Washington
14400 Bel-Red Road, #204
Bellevue, WA 98007
(206) 746-3888

Genesis House
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Seattle, WA 98105
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Highland Youth Service
Bureau
156th and Des Moines Way
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525 North 4th, Kent
Commons
Kent, WA 98051
(206) 872-3550

King County Detoxification
Center
1421 Minor Avenue
Seattle, WA 98101
(206) 587-0161

King County District Court
Probation Service Division
516 - 3rd Ave. E-310 King
County Courthouse
Seattle, WA 98104
(206) 344-3897

King County Division of
Alcoholism & Substance
Abuse Services
1008 Smith Tower Building
Seattle, WA 98104
(206) 344-7615

King County Emergency
Service Patrol
1008 Smith Tower
Seattle, WA 98104
(206) 344-7616

Mental Health North
10510 Meridian Avenue
North
Seattle, WA 98133
(206) 365-5550

Milam Counseling Centers,
Inc./Northlake
1107 N.E. 45th Street, Suite
430
Seattle, WA 98105
(206) 542-6106

Milam Counseling Centers,
Inc.
19530 Pacific Highway South
Suite 201
Seattle, WA 98188
(206) 824-9780

Milam Recovery Center
14500 Juanita Drive
Northeast
Bothell, WA 98011
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Bellevue, WA 98005
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Moss Bay Comprehensive
Treatment Center, Inc.
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Kirkland, WA 98033
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Bureau Community
Association
1730 Bradner Place South
Seattle, WA 98144
(206) 322-7676

Municipal Court of Seattle
Municipal Probation Services
1490 Dexter Horton Bldg,
710-2nd Ave
Seattle, WA 98104
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(206) 271-5600

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Northeast
Bothell, WA 98011-4992
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12844 Military Road South
Seattle, WA 98168
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Substance Abuse Program
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Seattle, WA 98115-2499
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Saint Cabrini Hospital
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Seattle, WA 98104
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Center
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Seattle, WA 98104
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Schick Shadel Hospital
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Seattle, WA 98148
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Seattle Drug and Narcotic
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Post Office Box 24344
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Seattle, WA 98166-2301
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Seattle, WA 98168
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Seattle, WA 98101
(206) 467-0338

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Vashon, WA 98070
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1660 South Columbian Way
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Suite 3
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KITSAP COUNTY

Alcohol Rehabilitation
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Awareness Express
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Bremerton Municipal Court
Probation Department
239 - 4th Street
Bremerton, WA 98310
(206) 478-5268

Kitsap County Alcohol and
Drug Assessment Services
619 Division
Port Orchard, WA 98336
(206) 478-5297

Kitsap County Alcoholism
Recovery Program
(KICARP)
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(206) 377-0051

Kitsap County District Court
Probation Services
Department
614 Division Street
Port Orchard, WA 98366
(206) 876-7010

Kitsap Resources
Consolidated
500 Union
Bremerton, WA 98310
(206) 373-5031

Madrona House
Branch, Kitsap Resources
Consolidated
3710 Madrona
Bremerton, WA 98310
(206) 479-0744

Navy Alcohol and Drug Safety
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Puget Sound Naval Shipyard
Bremerton, WA 98314-5280
(206) 476-2594

Olalla Guest Lodge
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Southeast
Olalla, WA 98359
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(206) 479-1962

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Goldendale, WA 98620
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Counseling and Resource
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Programs (Clark Co.)
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(206) 748-0890

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Chehalis, WA 98532
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Lincoln County Community
Services
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Okanogan County Alcohol
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Okanogan County Family
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Health Center
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Omak, WA 98841
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Pacific County Community
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Alcohol and Drug Programs
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South Bend, WA 98596
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Newport, WA 99156
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Gig Harbor, WA 98335
(206) 851-7880

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AFZH-AD (ADAPCP)
Fort Lewis, WA 98433-5000
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Alcohol/Drug Abuse Program
VA Medical Center/American
Lake
Veterans Administration
Medical Center
Tacoma, WA 98493
(206) 582-8440, ext 6103

Alcoholism Assessment
Center
Tacoma-Pierce County
Health Department
3629 South "D" Street
Tacoma, WA 98408
(206) 591-6402

Allied Counseling Service
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Fife, WA 98424
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Alpha House
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1502 Tacoma Avenue South
Tacoma, WA 98402
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Tacoma, WA 98387
(206) 847-4584

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Suite E-11
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Tacoma, WA 98497
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Dotter's Counseling
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(206) 841-4284

Gig Harbor Alcohol
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Unit E
Gig Harbor, WA 98335
(206) 851-2552

Group Health Adapt
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Tacoma, WA 98409
(206) 472-3200

Lakewood CAC
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Tacoma, WA 98499
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McCord AFB
Tacoma, WA 98438
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Southwest
Tacoma, WA 98499
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Olympic Counseling Services
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N Yakima

Tacoma, WA 98403
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Pierce County District Court
Probation Department
930 Tacoma Avenue, Room
1031

Tacoma, WA 98402
(206) 591-7595

Puget Sound Alcoholism
Center

Puget Sound Hospital
South 36th and Pacific
Avenue

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Purdy Treatment Center for
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Puyallup Indian Nation

Alcoholism and Drug
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Puyallup CAC
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Services (Pierce Co.)

12812 - 101st Ave Court E
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Suite 101

Puyallup, WA 98373
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Education and Prevention
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Social Detoxification Center
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Tacoma, WA 98405
(206) 572-5333

St. Joseph Hospital's Alcohol
Program

1718 South "I" Street
Tacoma, WA 98405
(206) 627-4101, 221

Tacoma TASC
1201 South 11th
Tacoma, WA 98405
(206) 572-4750

Tacoma-Pierce County
Methadone Maintenance
Program

Tacoma-Pierce County
Health Department
3629 South "D" Street
Tacoma, WA 98408
(206) 591-6405

The Center
1702-1/2 Tacoma Avenue
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Tacoma, WA 98402
(206) 572-8200

The House

Branch, The Center (Pierce
County)

Post Office Box 9474
Tacoma, WA 98409
(206) 474-8732

University Place CAC,
Intensive Outpatient
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Services (Pierce Co.)
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Tacoma, WA 98466
(206) 564-2526

Western Washington
Alcoholism Center
3049 South 36th Street, Suite
214

Tacoma, WA 98409
(206) 473-7122

SAN JUAN COUNTY

San Juan Community
Alcoholism Center
Post Office Box 755
Friday Harbor, WA 98250
(206) 378-4994

SKAGIT COUNTY

Catholic Community
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2601 "M" Avenue
Anacortes, WA 98221
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Pioneer Center North
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Services (King Co.)
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Sedro Woolley, WA 98284
(206) 856-3186

Skagit Community Mental
Health
208 Kincaid
Mt. Vernon, WA 98273
(206) 336-3193

Skagit County Council on
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121 Broadway
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(206) 336-5757

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(206) 435-4463

SNOHOMISH COUNTY

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107

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Probation Department
415 East Burke Street
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Everett, WA 98201
(206) 258-2662

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Alcoholism Services
19920 Highway 99, Suite E
Lynnwood, WA 98036
(206) 775-4686

Community Alcoholism
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Branch, Community
Alcoholism Services
2nd Floor, City Hall, Third &
Olympic
Arlington, WA 98223
(206) 435-4463

Conquest Center
8021 - 230th Southwest
Edmonds, WA 98020
(206) 774-9551

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19707 - 44th West, #101
Lynnwood, WA 98036
(206) 774-2955

Alcohol & Drug Abuse
Council of Snohomish
County
3409 Colby
Everett, WA 98201
(206) 259-7142

Alcohol & Drug Abuse
Council of Snohomish
County
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Lynnwood, WA 98036
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Everett, WA 98204
(206) 355-1250

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Edmonds, WA 98020
(206) 771-1194

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3418 - 111th SW, Building
703
Everett, WA 98204
(206) 355-9890

South Snohomish County
District
Court Probation Department
20520 - 68th Avenue West
Lynnwood, WA 98036
(206) 771-4417

Valley General Hospital
Alcoholism Treatment
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14701 - 179th Southeast
Monroe, WA 98272
(206) 794-7497

SPOKANE COUNTY

Alcohol Information Network
Spokane County Health
District
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Spokane, WA 99201
(509) 458-2528

Alcoholism Consultation
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1504 Northwest Boulevard
Spokane, WA 99205
(509) 326-2301

Alcoholism Outpatient
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East 905 - 3rd Avenue
Spokane, WA 99202
(509) 534-3132

Center for Drug Treatment
Spokane Community Mental
Health
West 1625 - 4th Avenue
Spokane, WA 99204
(509) 458-7437

Community Alcohol Center
Turning Point
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Spokane, WA 99202
(509) 534-5070

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(SPARC)
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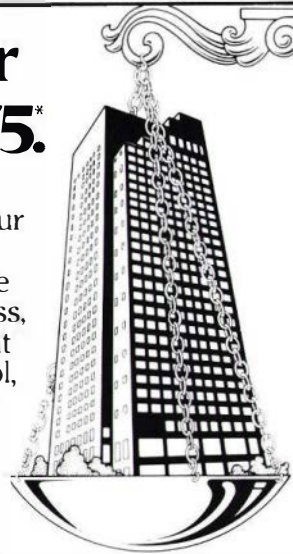
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