

Washington State **Bar**
News

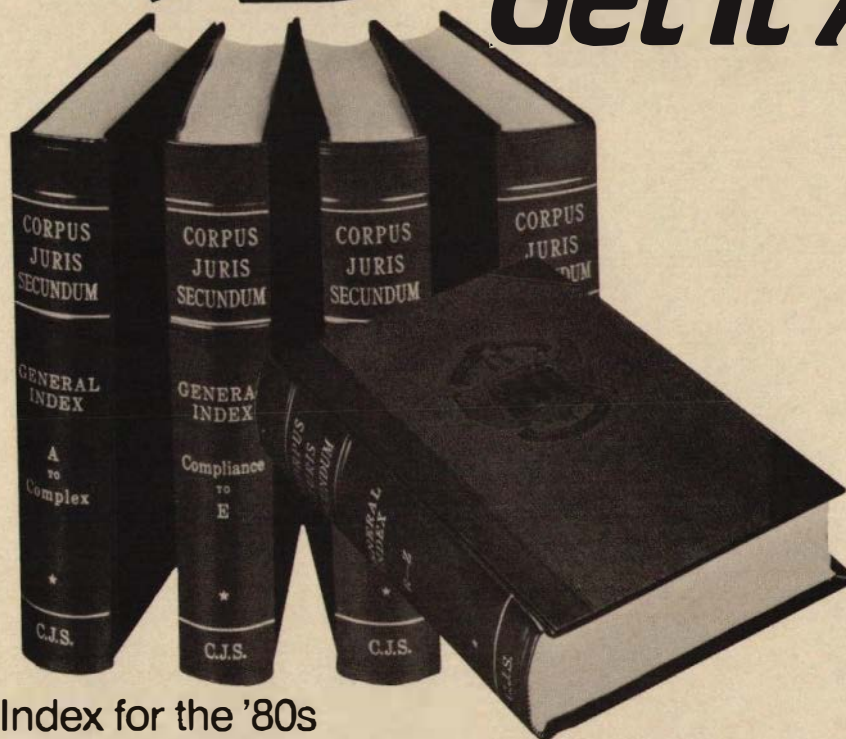
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Inside: A Child is Missing

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Published on the last day of the month preceding cover date. Deadline for editorial and classified advertising materials: 25th of month for second issue following. Direct all correspondence and editorial copy to *Washington State Bar News*, State Bar Office, 505 Madison Street, Seattle, WA 98104. Telephone (206)622-6054.

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

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Congratulations

Editor:

Congratulations upon completing a distinguished four years as *Bar News* editor.

In my opinion, you have been the best editor since Jay V. White.

JAY V. WHITE
 Seattle

Jay who?

—Ed.

More, Please!

Editor:

In re: Editor's Page, January, 1985, issue ["The Memorandum"]—Just Great! Very funny. Let's have more, please!

HON. DAVID A. NICHOLS
 Whatcom Co. Superior Court

Dictation Tip: The Form Memorandum

Editor:

I was quite impressed with the deep thought and massive amount of effort that you put into motions, especially motions for summary judgment ["The Memorandum," January, 1985, *Bar News*]. However, it looks like you unnecessarily put yourself under considerable stress. I have found that the following approach in dictation alleviates the necessity for dictating out memorandums at all, and I quote from a recent piece of work that I had my secretary do for me.

The first sentence is as follows:

"Plaintiff/Defendant (cross out the one that does not apply) hereby moves the Court for a continuance for the following reason: (Counsel is sick, counsel

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has been fired, counsel is preparing for a long trial, counsel will be in deposition the date of the motion, counsel is out of the country) (Underline the one that applies).

I hope this will relieve stress for you, as I have found that it gives me a lot of free time.

W. RUSSELL VAN CAMP
Spokane

Specialized Gimmickry

Editor:

I strenuously oppose specialization.

We took a bar exam to become specialists. The specialization we do by advertising, risking our liability or insurance coverage to "guarantee" that competence is sufficient public protection. I believe specialization to be largely gimmickry of the few who play the politics of this association, rather than an aid to those who need legal help.

MICHAEL HOFF
Seattle

Working Stiff Needs a Break

Editor:

I recently got my annual Christmas greeting from the Bar Association—my annual bill for dues. As you can imagine, I am always thrilled to send you \$165 for the privilege of getting this nifty monthly magazine and plastic membership card, but I wish the WSBA would give me a small break in one regard. Why can't we pay our dues on a monthly or quarterly basis?

I realize that most of the powers that be in the WSBA are wealthy partners who earn as much in a month as I do in a year (and whose firms pay their dues anyway) but some of us younger working stiff's could use a break.

Is there any hope of relief, or am I just dreaming?

SAM F. COZZA
Spokane

Lawyer a/k/a Plumber

Editor:

After reading the letter "Lawyers are not Plumbers" by Hugh Knapp in the January, 1985, *Bar News*, I feel constrained to add my voice to Mr. Knapp's with a hearty "Amen."

Making sure we get paid for all the time we charge against a client can boomerang. As a result of suing clients for fees, we now have a new Pox upon us, to wit, "The Consumer Protection Act."

In our rush to mimic the medical profession (high fees, interest charges, impersonal service and specialization) we are certain to bring down on our heads the same ills the doctors suffer. And the worst of that is that lawyers wind up feeding on lawyers.

Lest it appear that I am in too close agreement with another lawyer to be healthy for the profession, let me finish on a lighter note. After more than twenty years in the practice, I still carry my Journeyman Plumbers License and Plumbing Contractor's License. Those who have known me over the years know that I was not much better at collecting my plumber's bills than I am at collecting legal fees. Therefore, to the extent that Mr. Knapp's letter impugns the business practices of the plumbing trade, he owes at least one of us an apology.

Also, perhaps the editor should change his universal conclusion that "Lawyers are not Plumbers" to a more particular statement, "Some Lawyers are not Plumbers."

HOWARD HERMAN
Spokane

P.S. Hugh: have tools, will travel!

Outrage

Editor:

As a Washington attorney, I am outraged at the Washington State Bar's decision to reinstate Gordon Walgren's license to practice law.

He was convicted of racketeering. He still refuses to show any remorse or to accept the jury's verdict. An individual who shows total disrespect for the judicial process should not be admitted into the Bar; it perverts the concept of each lawyer being "an officer of the court."

JOHN ROTHSCILD
Seattle

Unrepentant Reinstatement

Editor:

The recent decision of the Washington State Bar Board of Governors to recommend reinstatement of Gordon Walgren to the practice of law in the State of Washington, is to me, an attorney, disturbing to say the least.

I do not know Mr. Walgren, and therefore, cannot comment on his technical abilities as an attorney. However, he does stand convicted of crimes involving moral turpitude and violation of the public's trust placed in him as a highly placed elected official.

Most disturbing is Mr. Walgren's apparent unrepentant attitude towards his prior conviction. He professes he did no wrong and offers no apology for his past conduct. I would suppose that he probably feels that he should not have been disbarred in the first place.

It appears the Board of Governors neglected the principal considerations of attorney disciplinary actions: to protect the public from incompetent or dishonest attorneys and to enhance the public's trust in the legal profession. The Board's decision to recommend Mr. Walgren's reinstatement would not seem to be in line with these goals.

MARK R. BUCKLIN
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Hello/Goodbye

I am pleased to introduce Carole A. Grayson as the new editor of the *Washington State Bar News*. She assumes her responsibilities with the publication of the April issue.

Grayson is an experienced attorney whose practice includes products liability, personal injury, medical malpractice, and criminal trial work. She is a member of several bar associations including the WSBA, the Florida Bar Association, the Fifth Circuit Court of Appeals and the U.S. District Court for the Western District of Washington. Grayson graduated as a history major from Princeton University and earned her J.D. from the University of Florida. She sits on the Board of Directors of Evergreen Legal Services and recently served as a newsletter editor for the U.S. Olympic Women's Marathon Trials.

All of the aforementioned qualifica-



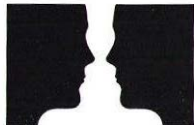
New Editor Carole A. Grayson

tions are just frosting on the cake, however. The main reason why Grayson was selected to be the eighth editor of the *Bar News* is because she speaks Nepali and Pidgin. Most articles submitted to the *Bar News* are written in Nepali or Pidgin, thus Grayson was the natural choice for the job.

Grayson officially begins her term as editor on April 1st—a date perhaps more

significant than coincidental. She will soon learn that the editor's position, fun though it may be, is a sometimes hazardous occupation which can cause significant psychological and physiological harm. Only a few months of editing this magazine can turn a tough, disciplined young lawyer into an hysterical, gray-haired man of mush. Fortunately for me, I started out mushy, hysterical and gray; thus, my four years editing the *Bar News* caused no perceptible changes.

Since 1981 we have tried to publish articles and theme issues which caused some soul-searching—"Minority Lawyers in Washington," "Lawyer Glut—Myth or Reality," "Washington Women Lawyers," "Correcting the Correctional System," "Jurors: Some Noteworthy Observations"—and some silliness—"Voir Dire of a Small Town Jury" and the "First Annual April Fool's Day Lampoon." After grinding out 51 issues of the *Bar News*, I have had one request for an autographed copy of an editorial, two bags of hate mail,



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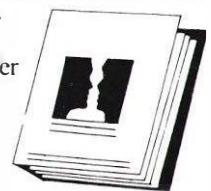
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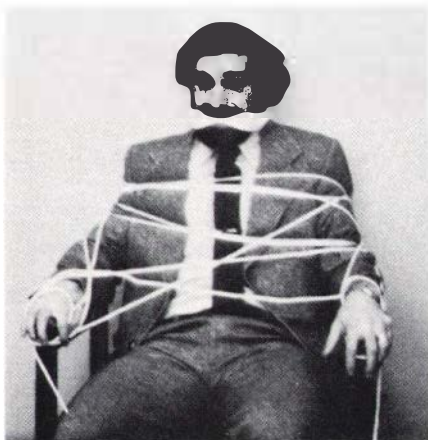
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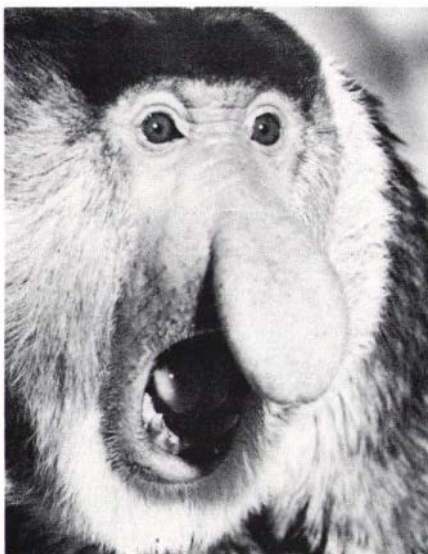
Keeping Busy Washington Lawyers Informed



Editor Reisler in 1981. . .



at mid-term. . .



1985.

After four years,
no perceptible changes.

incessant praise from my most objective critic (my mother), and the invaluable counsel of my wife Elaine Tsiang (who advised me which editor's columns I could publish without risking disbarment.)

I wish to thank the people who have made the past four years a pleasure. I am particularly grateful to Bar Staff, including Wayne Wilson, Karin Foster, Dennis Eagan, Lorraine Wall and Cheri Brennan—persons without whom the magazine would not run. I also wish to extend my thanks and appreciation to present and past WSBA Presidents Lee Campbell, Robert Redman, Paul Steere, David Welts and Brad Jones, and the members of the Board of Governors from 1981 till now, for having graciously tolerated my misreporting of their activities. They are unselfish lawyers who work hard for little reward, and they have earned my respect. I wish also to thank my law firm Ogden, Ogden & Murphy for its patience, largess and good humor in tolerating this extra-curricular nonsense for so many years.

My father, Benno J. Reisler, worked all his life for the intelligence services of the United States. I never knew exactly what he did, but I am told it was important. He was a silent warrior in the public service. He wanted to write his memoirs after he retired, but didn't. He died in 1981, the year I started editing the *Bar News*.

I became a lawyer because I, too, want to do something important. I believe that in times of peace there is no profession which has the power of the practice of law to keep this nation safe and strong. I became editor of the *Bar News*, in part, to preach that message; and, in so doing, I hoped to continue, in a lawyer's way, my father's public service.

If I have furthered these goals in some small way, then the past four years have been worthwhile.

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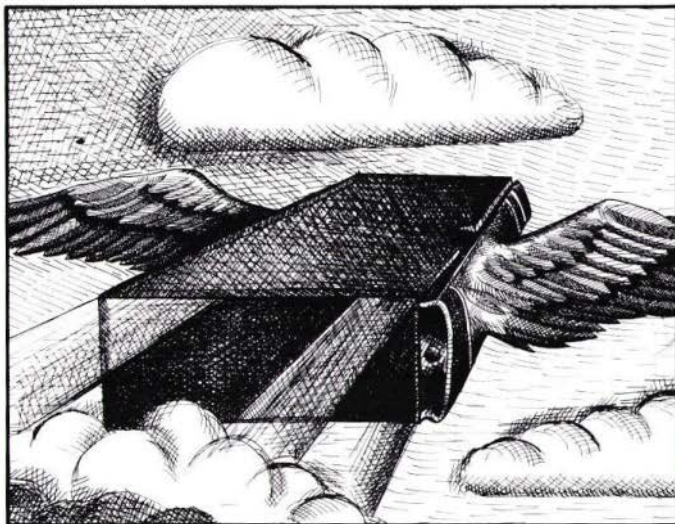
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The Mentor Project—A Great Opportunity in Law-Related Education

In mid-1984 the Association's Public Affairs Department and the Committee on Law-Related Education conceived the idea of adopting the MENTOR Project, which would bring together a class of high school seniors and a law firm in each of five Washington cities. Members of the law firm would participate in a portion of the classroom work and would direct the students through visits to the firm offices and to both state and federal courts. This proposal was presented to the Board of Governors last August, and enthusiastic approval was given to the project. MENTOR is now well underway in five pilot areas, and there is every indication that it will be successful.

Jo Rosner, a member of the State Bar and a faculty member of Evergreen High School, was engaged as the project administrator. Her background and interest made her the ideal person for this position. I met Jo in the late fall and was extremely impressed by her enthusiasm. She then had enlisted the five required firms and had arranged for the high schools to be involved. In Seattle, the firm of Lane, Powell, Moss & Miller was paired with Evergreen High School in Highline District 401, Seattle. In Tacoma, the firm of Gordon, Thomas, Honeywell, Malanca, Peterson & O'Hern was paired with Stadium High School. The Spokane firm of Paine, Hamblen, Coffin & Brooke will work with John Rogers High School. In Wenatchee, the firm of Jeffers, Danielson, Sonn & Aylward was paired with Wenatchee High School, and in Yakima the firm of Gavin, Robinson, Kendrick, Redman & Pratt will soon be paired with a high school there.

During the past few months, Ms. Rosner has conducted meetings between faculty members, school district representatives and members of the law firm in each city. The classes are now beginning, and each law firm is fully geared for its participation. Judge James Noe, president of the Superior Court Judges Association, has advised me that this project has received a hearty endorsement from his organization and that judges will be prepared to assist during courtroom visits, particularly through discussions with the students whenever feasible.

Jo Rosner and I met early in February with Dr. Frank Brouillet, State Superintendent of Public Instruction, and he also has given his enthusiastic endorsement to the project.

The purpose of the MENTOR Project is simply to promote a better understanding of our legal system. It goes far beyond the parameters of a typical high school civics class in that it involves direct communication between students, lawyers and, to a limited degree, judges. By hearing from a lawyer first-hand regarding how our system functions, and by actu-



ally observing matters being litigated, with incidental instruction and explanation, the students involved should later graduate with a much better understanding of what lawyers, law firms, judges and courts are all about. This project has not been designed to entice students into careers within the legal profession (although that, of course, could be a significant by-product). It is aimed at the long-existing problem of public misunderstanding and misconception regarding our system of dispute resolution and the role of lawyers in our society.

MENTOR is a "pilot project" at this stage. It is anticipated that it will later be expanded into additional cities and areas around the state. The law firms which have volunteered their participation so far are very enthusiastic, and I am confident that many other firms, both large and small—and perhaps even sole practitioners—would be willing to join in the program. This has the earmarks of one of the best law-related education programs that our association has ever sponsored, and I am confident that it will be successful. I am also confident that it will be extremely rewarding to those lawyers and firms serving as participants.

You should know that this is just one of a number of programs and projects sponsored by your Association in the field of law-related education. Our Committee on Law-Related Education and the Public Affairs Department are constantly on the alert for opportunities to assist teachers and school administrators in the education of young people as to our legal system. Their efforts are very important to all of us and, I might add, very much appreciated.

A Child is Missing

More than 100,000 children
are abducted by a parent each year,
and as few as 10% of these children
are ever found.

by Helen Donigan

A strong public policy against parental kidnaping has been established during the past five years. RCW 26.27, The Uniform Child Custody Jurisdiction Act, discourages the "seize and run" reaction to an unfavorable custody decision, and The Parental Kidnaping Prevention Act of 1980 (PKPA), mandates full faith and credit to custody decrees in certain instances.¹

The criminal sanctions for snatching have also increased. As of the last legislative session, Custodial Interference is now either a gross misdemeanor or class C felony in Washington. (See Chapter 95, 1984 Laws, Regular Session.) At the federal level, investigative assistance from the F.B.I. is now available under the Fugitive Felon Act.²

Helen Donigan is an Associate Professor at Gonzaga University School of Law. She is a member of the WSBA Family Law Section Committee, the National Association of Counsel for Children, and the ABA Family Law Section.

¹Pub. L. No. 96-611, 94 Stat. 3568-73. The PKPA is a three-prong reaction to child snatching. Its provisions are found at 28 U.S.C.A. §1738A (West Supp. 1984) (requiring full faith and credit to custody decrees); 42 U.S.C.A. §663 (West 1983) (providing for federal parent locator services); and as a note to 18 U.S.C.A. §1073 (West Supp. 1984) (making the Fugitive Felon Act applicable to parental kidnaping).

²*Id.* Although the Justice Department was initially reluctant to treat parental abduction the same as other fugitive felony cases, it indicated in its Sixth Report to Congress on Implementation of the Parental Kidnaping Prevention Act of 1980 that these cases are now to be handled on the same basis as other cases and that the F.B.I. has designated parental abduction fugitive cases as priority investigations, requiring immediate attention.

Yet, the most difficult and frustrating aspect of a child snatching case may be the task of finding the child. Testimony at Senate hearings on the PKPA in 1979 estimated that more than 100,000 children are abducted by a parent each year, and that as few as 10% of these children are ever found. Names are changed, birthdates and school records are manufactured, and new histories are created. Clearly, in these instances, the first and most difficult step is locating the abducted child. This article is intended to serve as a guide to some of the resources and statutes that may be used in the attempt to locate a missing child.

1. RCW 26.27—Orders to Appear with the Child

Under RCW 26.27.110, a Washington court may order a party within the state to appear personally with the child, and if that party fails to obey the order, cannot be served, or it appears the order would be ineffective, an arrest warrant can be issued. If the party with the child is outside the state, the Washington court can request the other jurisdiction to order the appearance of the party and the child. RCW 26.27.190. The provisions for arrest, however, are not necessarily available in other states.

2. The Federal Parent Locator Service

The Federal Parent Locator Service of the United States Department of Health and Human Services was originally designed to assist state support enforcement programs. The PKPA amended the Social Security Act,³ and the Locator Service is now available in actions to enforce unlawful taking or restraint laws, or to make or enforce child custody determinations.

³42 U.S.C.A. §663 (West 1983).

The Locator Service is basically a computer search of federal records to locate the last known home address and employer address of the person being sought. Sources include the Internal Revenue Service; the Department of Defense; the Department of Transportation (Coast Guard); the Social Security Administration; the National Personnel Records Center; the Military Personnel Records Center and the Veteran's Administration. A current and accurate social security number for the abductor is crucial to the search, although the Service will also do a search for a social security number for an additional fee. The time required for the search and the accuracy of the address will vary with each source, as the federal source will be reporting its last known address, which may not be timely if the abductor moves frequently. For example, the Internal Revenue Service's information would be based on the last income tax return filed.

Parents and/or their representatives may not directly request the services. Instead, only "authorized persons" may request assistance of the Service. "Authorized persons" include: (1) state agents or attorneys, (2) courts or agents of a court with jurisdiction over a custody proceeding, and (3) United States Attorneys or agents. 45 C.F.R. §303.15. Washington has entered into the required agreement with the Service and requests, by authorized persons, are made through Carol Cole, Supervisor, Central Locate Unit, Department of Social and Health Services, Office of Support Enforcement, P.O. Box 9162 MS FU-11, Olympia, WA 98504, telephone (206) 459-6454. Nominal fees are charged.

3. The Family Educational Rights & Privacy Act

School records may provide important leads if a school age child's identity has not been changed. Unless access to school records is restricted by court order, a parent may inspect, copy, or obtain information as to any transfer or other requests for copies of the child's records. School districts are required to advise persons of the procedure to follow in gaining access to the records. 20 U.S.C. 1232(g) (1976 and Supp. III 1979); 45 C.F.R. 99.3. Additional information may be obtained from Pat Ballinger, Director, FERPA Office, U.S. Department of Health & Human Services, 4512 Switzer Bldg., Washington, D.C. 20202, telephone (206) 245-0233.

4. Locator Services for the Military

The Worldwide Locator Service provides information about a military member's current assignment and location. It is advised that the particular office be contacted first by telephone for specific procedures and fees. Requested information usually includes the individual's name, rank, social security number, date of birth, and last duty assignment. Although the Service may be effective in locating an abductor, sanctions by the military are limited to administrative or disciplinary procedures pursuant to the Uniform Code of

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Military Justice. The appropriate contacts are listed below.

ARMY	Worldwide Locator Service U.S. Army Personnel Service Support Center Fort Benjamin Harrison, Indiana 46249 (317) 542-4211
AIR FORCE	Air Force Military Personnel Center Attention: Worldwide Locator Randolph AFB San Antonio, Texas 78150 (512) 652-5774 or 652-5775
NAVY	Navy Locator Service NO 21 (inquiry from private party) NO 36 (inquiry from military or government agency) No 36C (inquiry re Navy retiree) Washington, D.C. 20370 (202) 694-3155
MARINE CORPS	Commandant of the Marine Corps Headquarters, Marine Corps Attention: Locator Service Washington, D.C. 20380 (Telephone: inquiries re last names) (A - E) (202) 694-1624 (F - L) (202) 694-1861 (M - R) (202) 694-1610 (S - Z) (202) 694-1913
COAST GUARD	Coast Guard Locator Service Room 4502 (inquiry re enlisted personnel) Room 4208 (inquiry re officers) 2100 2nd Street, S.W. Washington, D.C. 20593 (202) 426-8898

5. International Disputes

State Department. Although assistance may be limited, the Department of State and American Embassies and Consulates can be contacted to ascertain the location of a child in a foreign country. The offices may also provide general information about the country's child custody laws and lists of attorneys, but they cannot recommend any particular attorney or provide the requesting party with legal assistance in any legal actions.

Requests for assistance should include the child's full name, date and place of birth, passport data, if known, and any available information about the child's departure or the person with whom the child is traveling. Copies of the custody decree would also be helpful. Inquiries should be sent to the U.S. Embassy or Consulate nearest the child's foreign residence or the Office of Citizens Consular Services, Department of State, Washington, D.C. 20520, telephone (202) 632-3440. The Office of Citizens Consular Services will also provide, upon request, "Assistance in Child Custody Disputes," a brochure describing its services.

Passports. Passport applications must be made in the

country where the child is located at the time of application. If the child is under 13, a parent or legal guardian (or someone with written authorization from the parents), must apply for the minor. Unless there is prior notification to the contrary, an application executed by one parent is presumed to be with the consent of the other parent. However, a notice can be entered so that any objecting parent can be notified if a passport application is made in the child's name. 22 C.F.R. §51.27.

A passport-issuing office in the United States or abroad may deny the issuance of a passport if a court order from that country gives custody to the person requesting the denial and specifically forbids the child's departure from the country without the court's permission. Passports, once issued, are generally not revoked just because a child is the subject of a custody action. Revocation of a passport as a means of enforcing warrants of arrest, injunctions, or contempt of court citations is available only to the extent that they could be enforced against the violator by federal felony actions. Requests for information about passport denials can be sent to the Office of Citizenship Appeals and Legal Assistance, Department of State, Washington D.C. 20520.

6. The Missing Children Act

The Missing Children Act, 28 U.S.C.A. §534 (Supp. 1983) attempts to make the proper identification of missing

children (or adults) easier *once they are found*. The National Crime Information Center (N.C.I.C.) computer system maintains a special missing persons file for interstate location of missing persons or for identification of bodies. Prior to the Missing Children Act, access to the file could be accomplished only through the use of such information as the person's name, sex, race, and date of birth. Children may be unable to supply that information and are unlikely to carry identification such as a driver's license. The Act creates a national registry or clearinghouse of unidentified dead and broadens the type of data that can be entered. For example, physical descriptions, while not accurate for a long period of time, may still provide assistance in identification. Local officials such as police or prosecutors should be contacted for the procedures necessary for filing a missing persons report and request for a N.C.I.C. entry.

The above resources should not be viewed as an exhaustive list of methods for locating a child. They can only buttress the attempts made by the parents, parent organizations, and local authorities. It is significant, however, that the need for local, state, and national cooperation has been recognized. It should also be noted that the financial drain of searching for a child has also been recognized. Recent revisions to R.C.W. 26.09 provide for a civil cause of action for damages, attorney fees, and reasonable expenses incurred in the search. (Chapter 95, 1984 Laws, Regular Session.)

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Psychological Processes of Divorce

The adversarial nature of current dissolution law makes more painful the emotional losses that occur during separation and divorce.

by **John E. Dunne, M.D.**

There is general agreement that divorce has become one of the major sociological issues of contemporary U.S. life. It is estimated that one-third of all children reaching maturity will have experienced divorce of their parents, and that nearly one out of every two marriages will end in divorce.

It should be clear to anyone who works in domestic relations law or family mental health that the process of marital separation and divorce stirs intense rancor, adversity, and conflict. Much of the concern and recent interest about the effects of divorce centers on children, correlating divorce with juvenile delinquency, increases in drug abuse, and precocious sexual activity. However, insufficient attention is given to the psychological issues involved in the conflict between the divorcing parents.

Although many may rationalize that the parents are fighting over the "best interests of the child," current research findings suggest that this is not actually so. The adversarial nature of the current dissolution law tends to accentuate the painful emotional losses that occur during separation and

divorce. It tends to increase the degree of conflict, and decrease the likelihood that the parents will both be able to sustain an effective relationship with the children in the post divorce period.

DISEQUILIBRIUM & DISORGANIZATION

There are important intrapsychic changes that occur in all family members during separation and divorce. This process has been compared with bereavement but is different in at least two important aspects. First, at the time of loss, there is usually significantly more rancor and conflict between the spouses than there normally is at the time of a spouse's death. Also, rather than being entirely absent, as in death, the absent spouse continues to exist along with all of the uncertainties of an unknown future relationship.

The process obviously involves all of the members of the family, but these psychological considerations may be different for each and need to be considered separately. In general, families who experience the process of divorce pass through four separate stages:

- 1) the stable family situation prior to divorce.
- 2) a period of intense disequilibrium and disorganization immediately following the separation.
- 3) a rather prolonged period of experimentation with new adaptations and roles, and
- 4) a gradual development of a more or less stable reorganization of the family.

John E. Dunne, M.D., practices child, adolescent and adult psychiatry in Seattle.

During the phase of acute disequilibrium, there may be a variety of psychological crises, which do not represent any particular psychiatric pathology, other than an acute adjustment reaction when the individual's coping mechanisms are overwhelmed. These crises tend to pass in the span of a few weeks, as family members begin to experiment with new roles or coping mechanisms.

Many of these attempts to cope may be unsuccessful or maladaptive. However, there is some evidence to suggest that after some experimentation, the new adjustments can be more adaptive than had existed within the pre-divorced family. One very powerful adaptive mechanism that occurs in that period is an attempt to escape from or exclude the absent spouse. If that occurs, there is a very powerful wish to establish sole custody and to minimize or exclude visitation. Both spouses may simultaneously experience such reaction, leading to an intense adversarial divorce proceeding.

REMARRIAGE

A fifth stage should also be considered in this process: that of remarriage of one or both of the parents. This is usually a period of further reorganization. It sparks new conflicts, but may also be a new opportunity for adjustment, particularly in the case of boys with an absent father. Unfortunately, the role of a step-parent within a family is very poorly defined and often leads to misunderstanding, conflict, suspicion, and resentment. There is a fairly high casualty rate, in the form of subsequent divorce, among families with step-children and step-parents. The process, when it is successful, allows for gradual incorporation of the new step-parent as part of the child's identification and to some extent at least a partial idealization of the new step-parent. Without that process of being integrated into the child's mental life, the step-parent may attempt to exert parental authority when the child has not yet accepted the new step-parent in that role.

MEN & WOMEN IN DIVORCE

There are many similarities in the emotional process that occur in men and women separating from their spouses. It is a process fraught with doubt and indecision, anxiety, lowered self-esteem and self-doubt, a deep sense of loss accompanied by fantasies of reconciliation, and eventually a sense of resignation and acceptance which gradually transforms into a sense of indifference about the former spouse over a period of many years.

Women tend to shift alliance away from their spouses to their extended families and informal support systems of friends. Men are more likely to find themselves socially isolated and struggling to bolster their self-esteem and to avoid feelings of guilt. Women also struggle with a sense of guilt about the failure of the marriage, and lowered self-esteem, which may interfere with their capacity to deal with the new practical realities in their lives, especially if it includes care of the children.

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Women tend to feel overwhelmed and have erratic or chaotic patterns of household activities. There may also be a powerful sense of resentment about being left with the responsibility of children while their former spouse is "free." Men, on the other hand, tend to desperately seek a relationship with their children, even when they have been uninvolved prior to the divorce. This may only serve to increase the women's resentment and increase their hostility toward the former spouse.

Unfortunately, there is no reliable way to predict a father's involvement with his children post-divorce, based on his pre-divorce relationship with the children. Fathers who were previously highly involved sometimes become distant, unable to tolerate the pain of repeated reunion and separation that visitation entails. Other fathers are unable to tolerate the intense hostility of their former wives, and this may be further compounded if the children form a hostile alliance with their mother.

Any of these powerful emotional forces may alienate the nonresident parent and contribute to the experience of feeling disenfranchised as parent. This may in part account for the finding that 50% of fathers are uninvolved and no longer paying child support within two years after divorce.

EFFECTS ON CHILDREN

Children have been the most intensely studied in their

psychological and behavioral reactions to divorce. Preschool children tend to have intense reactions involving distortion of the events surrounding their parents' separation, and are more likely to be flooded by fears of abandonment. They blame themselves and openly wish for reconciliation. Adolescents, at the other end of the spectrum, tend to rely heavily on peer and school relationships for support, and are more able to tolerate their own feelings, but are more likely to carry their conflicts about the divorce into their adult adjustments. Children of all ages who had been described by their mothers as "difficult infants" tend to have more adjustment problems than "easy children." Girls tend to be more "whiney" and dependent in the first year post-divorce, and boys tend to be noncompliant and have an increase in aggressive behaviors during the same period. The boys' aggressive behavior tends to isolate them from support within the family, their peers, and teachers.

Adjustment also tends to be more difficult if children experience multiple stressors such as a dramatic worsening of the family's economic situation, emotional unavailability of the resident parent who may be overwhelmed, or a sudden change in the child care provisions or place of residence which deprives the child of extrafamilial supports such as friendships, neighborhood, and familiar school.

Children often find themselves emmeshed in conflict between the parents, and under intense pressure to form hostile

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alliances against one or the other parent. Both boys and girls tend to have the best long-term adjustment when (1) they have been able to sustain a predictable, close, nonconflictual relationship with both parents; and (2) the intensity of the conflict between the parents subsides after the initial disruption. This last factor seems to be a crucial variable, both in post-divorced families as well as nondivorced nuclear families. Indeed, children in divorced families in which there was low or medium conflict tended to have better long-term adjustment than in either nondivorced or divorced families in which there was high conflict.

Separate clinical research (Jacobs, *Am. J. Psych.* 140:10, 1983) suggests that fathers tend to have the best post-divorce adjustment when they are able to maintain their parental roles. Unfortunately, there are no reliable predictors of the degree of post-divorce conflict. Several studies suggest that parents who have arrived at a mutually satisfactory agreement around custody, regardless of prior conflicts, have the highest likelihood of "successful" post-divorce adjustment, *i.e.*, fewer post-divorce litigations.

NEW RELATIONSHIPS

Our current working knowledge suggests that every effort should be made to maintain effective relationships for both parents with their children, to reduce parental hostilities and conflict, and to understand the intense psychological pressures that occur during the period of separation and divorce.

There is also a clear need to develop, or at least encourage the development of, post-divorce parenting arrangements which allow flexibility for the inevitable changes that occur, both in the child's needs and in the parents' lives, over the child's extended period of dependency. Child care and custody arrangements need to adapt to the child's increasing autonomy, to changes in either parent's marital status, frequently to geographic changes. All of these changes stir great threats and challenges to most post-divorce relationships.

It appears that sole custody does not adequately meet the psychological needs of any of the family members. Joint custody, although still controversial, has gained increasing favor as a solution to these problems. However, there is still little to support the contention that joint custody, *per se*, will any better provide for the complexities of post-divorce family functioning.

Certainly, there is so much variety among families and individuals going through the process of divorce, that it would seem remote that any one solution would be adequate. What may be needed is a rethinking of the process in which post-divorce arrangements are made, and a restructuring of dissolution status to promote mutually agreeable or at least mediated solutions, and to sustain both parents' commitment to care of their children. Perhaps this would moderate the powerful emotional forces that occur during separation and divorce so that children would be able to maintain a psychologically effective relationship with both parents. □

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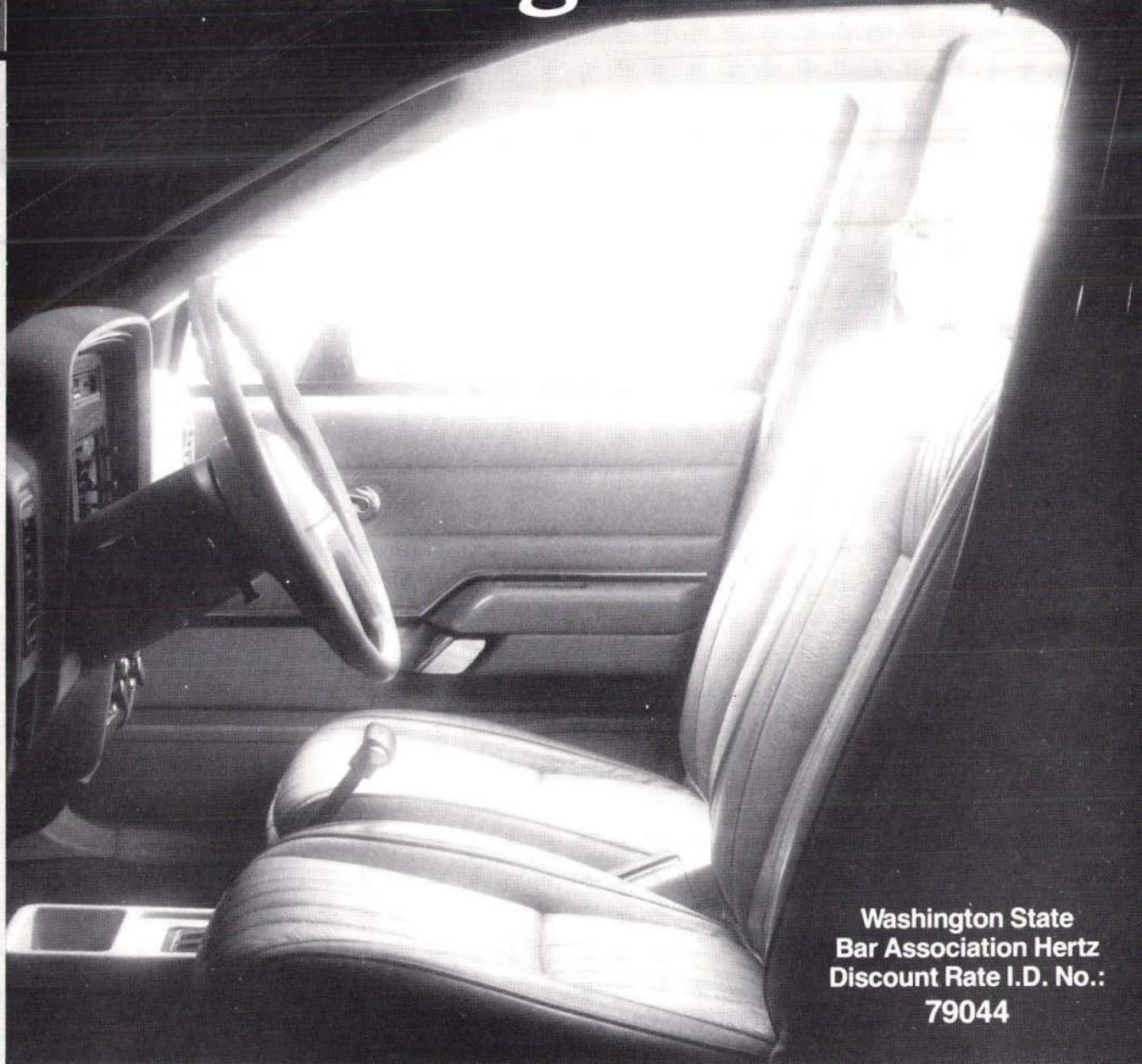
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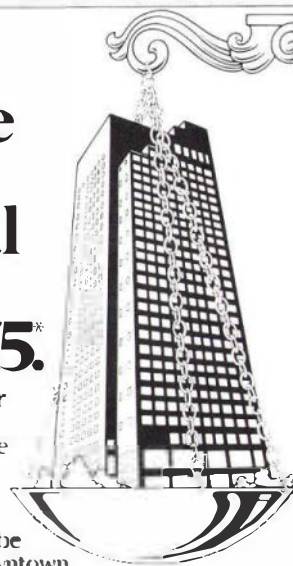
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WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Steven A. Reisler

YOUNG LAWYERS SECTION REQUESTS BOARD SEAT

TACOMA, February 8-9 -- The Young Lawyers (YSL) has proposed that the Board of Governors create a voting seat on the Board for a representative of the YSL. According to section spokesperson Thomas Fitzpatrick, 61% of the state bar associations across the country have at least one voting member of their young lawyer sections on their governing boards. Five other states -- South Dakota, New Hampshire, Delaware, North Dakota and Nebraska -- have "de facto" representation on their governing boards. According to a 1984 YSL study, only the governing boards of Washington, Idaho, Oregon, Montana, Utah, Alaska, Alabama, Kentucky, Ohio, Oklahoma, and Rhode Island have no young lawyer voting representatives.

The YSL is a voluntary section of the WSBA open to all lawyers under the age of 36 or who have practiced law five years or less. Under the YSL proposal, the immediate past president of the Young Lawyers Section would serve a one-year term on the Board of Governors. Fitzpatrick cited three reasons for the YSL proposal: 1) the current composition of the WSBA is approximately 51% "young lawyers" by definition, and the Board should recognize that demographic reality, 2) the majority of state bar associations have some form of young lawyer representation, and 3) creating a young lawyers position on the Board will foster continued growth, cooperation and harmony within the WSBA. In the final analysis, Fitzpatrick said, the creation of a young lawyers seat would recognize the very special needs young lawyers have in a rapidly evolving, sophisticated profession within certain career opportunities.

First District Governor Paul Gibbs commented that the Board as presently constituted already represents a broad mix of constituencies. He suggested that if young lawyers want representation on the Board of Governors they should simply run for the positions like anyone else. Seventh District Governor Betty Bracelin wondered aloud whether the Board should start distinguishing between different types of lawyers and different types of practice. "How big is this Board going to get?" she asked. Fourth District Governor Don Bond asked why the young lawyers do not request 50% of the seats on the Board of Governors, since 50% of the Bar are young lawyers. King County Governor Hal Vhugen, however, observed that he has been impressed by the impact of the YSL's programs and accomplishments. Vhugen said it would not be a great concession for the Bar to recognize 50% of its membership by creating a special position on the Board. On the other hand, several Board members questioned whether the creation of a young lawyers seat would invite other special interests within the Bar to also demand special representation.

Fitzpatrick observed, however, that the young lawyers do not want to weaken the bar by inter-necine confrontation with its senior members. Rather, he noted, young lawyers want to continue working with and within the bar association, but in a way which causes the association to recognize the special needs of the younger bar. Fitzpatrick also asserted that the Young Lawyers Section is not a true special interest group, and that the YSL's development has itself resulted from the growth of women and minorities in the bar.

A subcommittee of the WSBA's Long Range Planning Task Force has already considered and rejected the concept of creating a young lawyers seat on the Board of Governors. By a vote of 8-2 (Delay and Zylstra voting nay), the Board passed Governor Bill Dwyer's motion to defer the issue of a YSL Board seat until after the Long Range Planning Committee has presented its final report to the Governors.

NEW RULES FOR CLIENT SECURITY FUND

The Client Security Fund is administered by the WSBA to distribute, in its discretion, funds to relieve pecuniary loss caused by a lawyer's dishonesty or misappropriation of client trust funds. Voting 6-4 the Board approved a CSF rule change which would make grants

available to the victims of suspended as well as active WSBA members' defalcations. The Board refused, however, to include the dishonest activities of disbarred attorneys within the scope of the CSF because it considered a disbarred attorney to be no more the responsibility of the bar than is a non-lawyer.

By identical 7-3 votes the Board also approved the recommendations of the Client Security Fund Committee to pay \$25,000 to Doris Johnson on her claim against attorney J. Rex Behrhorst, and the sum total of \$920 to Marilyn Kidwell, Douglas Brown and Marys Paciaffi on their claims against suspended attorney Robert Gunovick.

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MANAGEMENT SECTION

Larry Mc Nerthney and Stephen Horenstein formally proposed the creation of a new Law Office Economics and Management Section. The proposed section would develop, disseminate and collect information about law office systems, calendar control, accounting methods, law office equipment, etc.

Governor Ted Zylstra commended the proposed section's intention to conduct local law practice management seminars. Fourth District Governor Don Bond also praised the proposal as being in line with the WSBA policy of fostering professionalism.

Although the By-laws call for a six-month comment and consideration period before any new section may be created, WSBA President Lee Campbell said that there could be no more opportune time to create this section because of recent developments in technology in the practice of law.

LEGISLATIVE REPORT

The Board of Governors adopted the following positions on pending or proposed bills:

- * HJR 11 (proposed amendment to Article 1, Section 7, of the Washington Constitution to make it conform in all respects to the U.S. Fourth Amendment) - OPPOSE. (The intent of HJR 11 is to overrule State v. Ringer, 100 Wn. 2d 686. Speaking the sentiment of the Board, Governor

In order to prove allegations of sex discrimination in a large corporation, Plaintiff's Counsel needed (1) a meticulous tracking of the employment record of 8,000 employees over a 6 year period, (2) data research for a labor economist's model of how all job vacancies had been filled in that time period, and (3) a data bank with the education background and qualifications of a control group of 2,000 employees. Whom did Counsel call?

- Scipher

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- Dwyer said that tinkering with the Constitution is a poor way to strengthen law enforcement.)
- * SB 3051 (increasing filing fees) -- OPPOSE.
 - * SB 3159 (creating a voluntary, non-integrated bar association) -- OPPOSE.
 - * SB 3374 (increasing statutory attorney fees in Appellate, Superior and District courts) SUPPORT.
 - * HB 475 (increasing mandatory arbitration limits up to \$25,000) -- SUPPORT.

OTHER WORK:

- REINSTATEMENT HEARING - On April 16, 1985, the Washington Supreme Court will hear oral argument on the reinstatement petition of Gordon Walgren. The court session will be open to the public.
- NEW BAR NEWS EDITOR - Editorial Advisory Board Chairperson Dick Wiehl introduced the new editor of the Bar News, Carole Grayson. By unanimous vote the Board of Governors approved the recommendation of the EAB for the appointment of Grayson.
- PEACE THROUGH LAW - The Board voted 10-0 to confirm the WPIL Section's recommendation for Marilyn Ward to receive the section's Ralph Bunche Award. By a 7-3 vote the Board authorized the WPIL Section to adopt as the section's position two resolutions regarding U.S. participation in the International Court of Justice and "no first-use" of nuclear weapons.
- COURT OF APPEALS - Hon. Dale M. Green, Div. III of the Court of Appeals and the Appellate Court's new Presiding Chief Judge reported that the appellate caseload dropped about 50 cases in the preceding year. According to Judge Green, it takes about seven months in Div. III from the date a case is at issue until the date for hearing; in Div. I and II the wait is approximately two years.

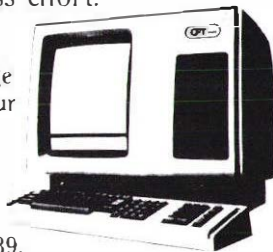
THE NEXT MEETINGS OF THE BOARD OF GOVERNORS WILL BE: March 22-23, Kelso (Thunderbird); April 19-20, Victoria, B.C. (Oak Bay Beach Hotel).

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All About Patents, Children & Taxes

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

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You need to prepare for registering a trademark in Washington for a company that may soon be doing business in three other states.

What the Washington Practitioner Should Know About TRADEMARKS, PATENTS, TRADE SECRETS AND COPYRIGHTS is a full day seminar designed to assist you in dealing with these and other matters. It will be presented in Seattle at the Sheraton Hotel on Friday, March 22, 1985.

The program schedule topics and faculty members for this CLE seminar, chaired by **Robert W. Beach** (Beach & Brown, Seattle), are as follows: "Protection of Intellectual Property in Computer Software" by **Jeffrey T. Haley** (Simburg, Ketter, Haley, Sheppard & Purdy, Seattle); "Recent Developments in Patent Law" by **Professor Donald S. Chisum** (University of Washington School of Law and Of Counsel to Seed & Berry, Seattle); "Recent Developments in State Trademark Laws" by **Michael Toner** (Christensen, O'Connor, Johnson & Kindness, Seattle); "What the General Practitioner Should Know About Copyright Law" by **William O. Ferron** (Seed & Berry, Seattle); Software Protection Under the Uniform Trade Secrets Act" by **Richard W. Seed** (Seed & Berry, Seattle); and "Doing Business in Foreign Ports (Japan, Korea, Taiwan, Hong Kong)" by **Stephen R. Odom**.

This course has been approved for 6.50 hours of continuing legal education credit. For more information contact Sherrie Hewitt, WSBA-CLE, 505 Madison Street, Seattle, WA 98104, telephone (206) 622-6021.

FAMILY LAW ISSUES RELATING TO CHILDREN will be presented in Seattle on Friday, March 15, 1985, at the Sheraton Hotel in downtown Seattle. It is approved for 7.00 hours of credit.

The morning session will deal with problems encountered by family law practitioners called upon to represent children or handle civil matters involving children. "Custodial Interference" will be presented by **Professor Helen Donigan** (Gonzaga University School of Law, Spokane). **Commissioner Stephen M. Gaddis** (King County Superior Court, Seattle) and Commissioner **Joan E. Du Buque** (King County

Superior Court, Seattle) will address "The Domestic Violence Act." The final morning session topics are "Juvenile Court" by **Commissioner Robert D. Austin** (Spokane County Superior Court, Spokane) and "Procedural Observations of the New Adoption Act" by **John L. Jarrett** (Ditlevson, Rodgers, Hanson & Jarrett, Olympia).

The afternoon session will address criminal and civil concerns relating to the abuse of children, beginning with "Central Registry of Reported Cases of Child Abuse or Abuse of Adult Developmentally Disabled Persons" by **Thomas S. Robinson** (Senior Administrative Law Judge, Everett). Presentations following include: "The Attorney General and Child Abuse Cases" by **Noella A. Hashimoto** (Assistant Attorney General, DSHS, Seattle); "Criminal Prosecution of Child Abusers" by **Rebecca J. Roe** (Senior Deputy Prosecuting Attorney, King County, Seattle); and "Civil Liability of Child Abusers" by **Barbara Jo Levy** (Sindell & Levy, Seattle).

For more information contact Sherrie Hewitt, WSBA-CLE, 505 Madison Street, Seattle, WA 98104, telephone (206) 622-6021.

* * * * *

The PACIFIC RIM FEDERAL TAX CONFERENCE V will be presented in Maui at the Maui Surf Hotel on March

26, 27 & 28, 1985, with registration tables open the evening of March 25. This program has been approved for 15.00 CLE credits by the Washington State Board of Continuing Legal Education. For more information contact Jill Longhom, WSBA-CLE, 505 Madison Street, Seattle, WA 98104, telephone (206) 622-6021.

APPROVED CLE COURSES

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March 8, 1985: Seattle 7.00

What the General Practitioner Should Know About Chapter Seven Bankruptcy Cases (Consumer and Business Bankruptcies)

March 15, 1985: Tacoma 6.50

March 22, 1985: Yakima 6.50

March 29, 1985: Seattle 6.50

Family Law Issues Relating to Children

March 15, 1985: Seattle 7.00

What the Washington Practitioner Should Know About Trademarks, Patents, Trade Secrets & Copyrights

March 22, 1985: Seattle 6.50

Pacific Rim Federal Tax Conference V

March 25, 26, 27 & 28, 1985 15.00



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March 15, 1985: Seattle	4.00
<i>Marketing For Lawyers and Law Firms</i>	
March 29, 1985: Seattle	7.00
TACOMA-PIERCE COUNTY BAR ASSOCIATION	
<i>European Jurisprudence: Danube Cruise</i>	
July 2-21, 1985: Eastern Europe	15.00

Notes from the Academy

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

CREDITOR AND DEBTOR. Where city had addresses of plaintiff property owners, failure to mail notices of actual proceedings to foreclose local improvement assessment liens violated due process. Published notice as permitted by statute (now repealed) was insufficient even though preceded by mailed notice that foreclosure would occur unless assessment

was paid immediately, accompanied by copy of foreclosure ordinance. Plaintiffs entitled to recover damages and attorneys' fees in claims under federal civil rights statute, 42 U.S.C. § 1983. *Brower v. Wells*, 103 Wn.2d 96 (Nov. 1984). For its due process decision, court relied in part on *Menonite Bd. of Missions v. Adams*, — U.S. — (1983), which holds that mortgagee of real property sold at tax sale is entitled to notice by mail or other appropriate means where name and address are reasonably obtainable. Court also cited and relied on its earlier decision in *Wenatchee Reclamation Dist. v. Mustell*, 102 Wn.2d 721, 684 P.2d 1275 (June 1984), where, in quiet title action by plaintiff district, court set aside tax deed given to district in foreclosure proceeding on delinquent irrigation assessments, pursuant to now-repealed statute, court there holding that mailed notice that district would call for deeds if delinquent assessment not paid did not provide reasonable notice because time and place of sale, right to contest, and end of redemption period not stated; opportunity for meaningful hearing to contest foreclosure not provided by right to contest fairness of assessment; statute of limitation did not preclude owner from defending title against 1984 foreclosure proceeding where holder of tax deed (the district) had not taken actual possession of land. Paradoxically, in *Wenatchee* case, court held district entitled to recover costs and attorney fees from landowner's successor under RCW 87.03.375, governing quiet title actions by irrigation district wherein district is required to reconvey the property.

—M. D. Rombauer

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CRIMINAL LAW AND PROCEDURE. (1) Third-party consent to search is valid under Washington constitution only if consentor has joint access or control of premises and co-occupant has assumed risk that consentor might permit search. *State v. Mathe*, 102 Wn.2d 537, 688 P.2d 859 (9/27/84). (2) Police who used fictitious arrest warrant as ruse to obtain peaceful entry to execute valid search warrant did not act unconstitutionally. *State v. Myers*, 102 Wn.2d 548, 689 P.2d 38 (9/27/84).

—G. R. Nock

EVIDENCE. In prosecution for robbery: (a) trial court erred in admitting evidence of defendant's heroin addiction, when offered to prove defendant's financial motive for robbery, because prejudicial effect of evidence outweighed its probative value; (b) where trial court ruled defendant's prior robbery conviction admissible for impeachment and defendant then chose not to testify, appellate court refused to consider defense argument that ruling was in error, because defendant failed to make offer of proof of what his testimony would have been if prior conviction had not been admissible. *State v. LeFever*, 102 Wn.2d 777 (11/1/84).

—K. B. Tegland



Section Reports

YOUNG LAWYERS SECTION

Recently the Young Lawyers Section (YLS) Board of Trustees has been engaged in the study of two issues:

- (1) the proposed Umbrella Plan on Specialization; and
- (2) young lawyer representation on the Washington State Bar Association.

Specialization

Many members of our Section have expressed concern regarding the proposed Umbrella Plan on Specialization. Because of this concern, the YLS Board formed a sub-committee to conduct an evaluation of the proposed plan as well as the specialization plans of the states of California, Texas, Florida and the American Bar Association.

Based on the sub-committee's report, the YLS Board of Trustees voted unanimously to oppose the Umbrella Plan. Our opposition stems in large part from the obvious adverse effects that particular provisions of this plan would have on young lawyers and new practitioners. Our study also revealed that the specialization plans in effect in other jurisdictions have had little or no effect on the quality of lawyers' advertising. Further, we believe that there are more direct and effective

means of enhancing lawyer competence and improving the delivery of legal services to the public. A copy of the YLS report on Specialization is being forwarded to the WSBA Board of Governors.

Representation on the BOG

The YLS Board of Trustees recently conducted a survey of state bar associations across the country to determine the extent of young lawyer representation on their governing boards. Forty-one states responded to our inquiry and the results were as follows: Sixty-one percent of the states have at least one seat reserved for a young lawyer representative on their governing boards. Six other states have significant *de facto* young lawyer representation, *i.e.*, a long-standing practice to elect one or more young lawyers to their boards.

The Young Lawyer Section now enjoys a very good relationship with the Washington State Bar Association. We have had a non-voting representative in attendance at the Board of Governors' monthly meetings for several years.

Two factors, however, have persuaded the YLS Board of Trustees that there should be a voting member of the Young Lawyers Section on the WSBA Board of Governors. First, young lawyers now comprise over fifty percent of the total Bar membership. Second, our survey reveals that a substantial majority of the state bar associations across the country have at least one young lawyer voting representative and that

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A sobering statistic arose at the American Bar Association's Standing Committee on Lawyer's Professional Liability this Spring:

"A young lawyer beginning private practice today, can expect two to four claims for legal malpractice during the course of his or her career, assuming a career span of thirty to forty years."

Lawyers being sued by clients is no longer conjecture . . . it is a fact of life. And, practicing law without sound professional liability insurance would seem like driving a car without insurance.

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We have been a leader in writing professional liability insurance for the Washington State Bar Association since the first policy was written many years ago. We maintain that it is not only important to have insurance . . . but to have GOOD insurance: protection that is as broad as you can get . . . with a minimum of exclusions, loopholes and caveats.

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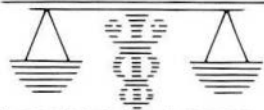
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Washington, with none, is in the minority. This proposal will be the subject of discussion with the WSBA Board of Governors at our next joint meeting.

Other activities of the Young Lawyers Section include presentation of a "Law School for Non-Lawyers" in Yakima; presentation of "Today's Constitution and You" programs across the state; publication of a newsletter and preparation of a judicial handbook.

As always, our committee welcomes volunteers, and suggestions for ways in which our section can be of service to the Bar Association.

Preserving Notes of Oral Communications

by Dale E. Sherrow

Lawyers should make and preserve some memoranda of oral communications with clients and counsel. As examples, we should have some method of refreshing our memory of the time and precise terms of an offer of settlement, counteroffer, client's initial authority, or rejection.

Notations in a day book or memos spindled in the file are permanent but difficult to relocate.

As a permanent, convenient, easily accessible record, we suggest a Communications Log. This consists of a three-ring notebook (bright red for easy identification) containing alphabetical tab dividers and a separate "Communication Memo" page for each pending matter. Each Communication Memo page should identify the project, the parties and attorneys involved with the address and phone number for each. During or immediately after each oral communication, the date (and possibly the time) should be entered on the left hand margin, and a synopsis of the statements, offers, requests, *etc.*, recorded next to the date. The other party's statements, offers, responses, *etc.*, should be recorded under the same date, but indented.

When a telephone call comes in, or when one is about to initiate a telephone call, it is a simple matter to flip open the binder to the appropriate Communication Memo page, where all oral communications are assembled for quick and easy reference.

That page also doubles as a record of the proper name, address and telephone number, making it easy to originate communications.

When the case is closed, or when the Communication Memo page is filled, it can be spindled in the file. It makes a permanent, concise and chronological record of all oral communications.



PIERCE COUNTY

by **ROBERT W. MARSDEN**

The Tacoma-Pierce County Bar Association's annual Lincoln Day Banquet on February 8th was, as it has been in past years, a smashing success. This year's event, held at the Tacoma County Club, featured State Supreme Court Justice **Vernon Pierson** as guest speaker.

Congratulations to **David Johnson**, who was recently appointed to the post of Pierce County Court Commissioner. Dave, of course, has practiced many years in Tacoma. He replaces newly elected Superior Court **Judge Rosanne Buckner**.

Also moving into a judicial position recently was **Karen Seinfeld**. Karen was named to the newly-created Court Commissioner's position with Division II of the Court of Appeals. She had been serving as legal counsel for the Pierce County Council.

SOUTH KING COUNTY

by **A. ROBERT E. THOMSON**

Jeff Loudon has left the Curran firm to return to Yakima to work in the family business. **Bob Stead** is recovering well from open heart surgery. It's rumored that the operation came as somewhat of a surprise to some of Bob's fellow attorneys who have always viewed him as a heartless advocate. However, those of us who know him well were not surprised.

The November meeting was a combined meeting with the Pierce County Bar Association. The representatives from the State Bar who came to sell the specialization proposal were probably grateful that there wasn't a handy supply of tar and feathers. Judging from the response, it appears to be the first time South King County and Pierce County lawyers have agreed on anything.

In the personal area, **Mark Davis** and wife **Kathy** are expecting again. Former

member **Elaine Bulley** just delivered a healthy baby girl and **Bob Thomson** got married. Also, the word is that **Jim Gorham** likes to see his name in print—here it is again—it seems he hasn't made a bar meeting in 19 years—here's a public invitation.

MEMORANDA . . .

The Seattle law firm of Clinton, Fleck, Glein & Linville has announced that **Jon S. Morse** is now associated with the firm. . .

Attorney **Lewis L. Ellsworth**, formerly with Salter, McKeehan & Rabine in Seattle, has joined the management consulting firm of Donworth, Taylor & Company.

Seattle attorney **Peter T. Jenkins** has established an office at 226 Summit Avenue East. . . **John L. Neff** and **Stephen D. Phillabaum** announce the partnership of Neff & Phillabaum at 1201 Washington Mutual Building in Spokane, 99201. . .

Stonemark, Inc., announces that **Jon A. Iverson** is now Vice President and Account Manager of the Seattle broker-

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(HINT: JUROR #3 IS RELATED TO A NEUROLOGIST) ANSWER NEXT NO.



Briefly Noted

age firm. . . Seattle attorney **Gregory N. Smith**, formerly house counsel for an investment banking firm, has joined the Seattle office of Davis, Wright, Todd, Riese & Jones. . .

David C. Ponzoha has been appointed to serve as Clerk of the State Court of Appeals, Division II.

Trade Law Mission II

The International Law Sections of the Seattle-King County Bar Association and Washington State Bar Association are pleased to announce their co-sponsorship of Trade Law Mission II. The objective of this second trade mission

now scheduled for October 5-26, 1985, will be to analyze and become familiar with the trade systems and individuals who are key to trade between Washington State and Korea, Taiwan, Japan and Hong Kong.

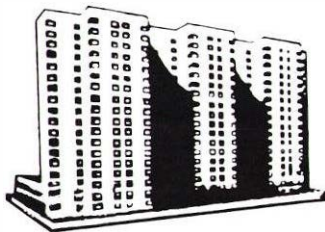
Application will be made for CLE credit (39.75 hours granted for Trade Law Mission I) and a favorable tax opinion is expected. Space is available for 25-30 attorneys on a first-come sign-up basis. A meeting will be held on March 21 at 4:00 p.m. at 320 Central Building, to discuss the details of the trip. Registration and initial deposit for the trip must be in by the date of that

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Board of Governors elections due

Lawyers residing in the First and Fifth Congressional Districts, and in King County, please note:

Members of the Board of Governors of the State Bar to represent those districts, for three-year terms ending in 1988, are due to be elected this year. Expiring in September, 1985, are the current Board terms of Paul C. Gibbs (First District), Joseph P. Delay (Fifth District) and William L. Dwyer (King County at Large).

Article III of the Association By-Laws provides that any active member in good standing, except a member previously elected to the Board of Governors, may be nominated for the office of Governor from the district in which he or she resides upon petition signed by at least twenty but not more than thirty active members also residing in the district.

Nominating petitions may be obtained from the State Bar Office, 505 Madison Street, Seattle, WA 98104. The petitions must be filed with the Executive Director at the State Bar Office by 5:00 p.m. on Tuesday, April 30, 1985.

meeting. For further information, please contact Bob Sailer at (206) 624-7141.

Judicial Recommendation Committee to Interview for Approved Lists

The Judicial Recommendation Committee will meet at the State Bar Office on Saturday, March 16, 1985, to conduct oral interviews for those persons who wish to be on the approved lists for the State Court of Appeals and the State Supreme Court.

Questionnaires are available at the State Bar Office. These should be completed and returned to the Bar Office no later than Friday, March 8, 1985.

Support Neighborhood Legal Clinics

Plan to attend the Neighborhood Legal Clinics Tenth Anniversary Celebration and Fundraiser on May 9, 1985, at the

Seattle Aquarium from 6:00 to 9:00 p.m.

The Neighborhood Clinics program comprises seven clinics in King County, and has served over 10,000 local citizens since 1975. Sponsored by the Young Lawyers Section of the Seattle King County Bar Association and the City of Seattle on a limited budget, it attracts over 200 volunteer lawyers each year.

Special guests at the benefit will be Mayor Charles Royer and City Council President Norm Rice. Call Cassie or Barb at (206) 624-9365 to reserve your place.

ABA Solicits Nominations for 1985 Pro Bono Awards

Nominations are being accepted for the 1985 American Bar Association Pro Bono Awards for volunteer lawyers who have made outstanding contributions to providing free legal services to poor persons.

The deadline for nominations is April 12, and the awards will be presented to no more than four persons during the 1985 ABA Annual Meeting in Washington, D.C., July 4-11.

IN MEMORIAM

Vancouver attorney **Lloyd F. LaLonde** died January 9 at age 85. Mr. LaLonde graduated from the University of Oregon Law School and was admitted to practice in 1927. He maintained an active general practice with Boettcher, LaLonde, Kleweno, Witteman & Schreiber.

Robert M. Elias, for 18 years an attorney with the Seattle corporation counsel's office, died January 21 at age 73. A graduate of Gonzaga University Law School, Mr. Elias served in the Army during World War II and was admitted to practice in 1939. He retired in 1977.

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Suspended

Seattle attorney **Larry W. Hopt** has been ordered suspended from the practice of law for two years by order of the Supreme Court, effective November 19, 1984. The discipline was imposed pursuant to a stipulation that Mr. Hopt had executed two fraudulent real estate contracts, had negligently disbursed client trust funds, had failed to complete work for which he was employed and misrepresented to his client the work that he had done, had written a fraudulent letter to a mortgage company on behalf of a friend, and had submitted a fraudulent financial statement for the purpose of obtaining a personal bank loan. Mitigating factors included rescission of the real estate transactions, repayment to his trust account, repayment of the bank loan, and evidence that his conduct was affected by psychological problems for which he has received and continues to receive therapy.

Yakima attorney **Charles C. Countryman** was suspended from the practice of law by order of the Supreme Court, effective January 1, 1985, pending the outcome of disciplinary proceedings.

Anchorage attorney **Peter B. Walton**, also admitted in Washington, has been ordered suspended for eighteen months by order of the Supreme Court entered on November 19, 1984. This discipline was imposed as a result of reciprocal discipline, based upon an opinion of the Supreme Court of the State of Alaska suspending attorney Walton for eighteen months for the creation of false evidence.

Reprimanded

Seattle attorney **D. Michael Tomkins** has been ordered to receive a reprimand. The reprimand is pursuant to a stipulation that he prepared purported court documents in a nonexistent federal court case in order to assist a client in obtaining return of property. It was stipulated

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Vancouver attorney **Jeffrey M. Witeman** has been ordered reprimanded pursuant to a stipulation for discipline, based upon his neglect of a Labor and Industries matter and his failure, until charged with misconduct, to file an answer in a disciplinary proceeding.

Reprimanded & Censured

Seattle attorney **A. Graham Greenlee** has been ordered to receive one Reprimand and one Letter of Censure for two counts of failure to cooperate with the Bar Association investigations of complaints against him.

Censured


Seattle attorney **Robert W. Callies** has been ordered censured pursuant to a stipulation for discipline, based upon his entering into a business transaction with a former client while the influence of his prior attorney-client relationship continued.

Lynnwood attorney **Janelle S. Freed** has been ordered censured for failure to timely file her 1983 Declaration of Compliance with (CPR) DR 9-102.

Seattle attorney **David H. Olwell** has been ordered censured pursuant to a stipulation for discipline, based upon his neglect of both a probate and a lien foreclosure action.


Wenatchee attorney **Michael J. Platts** has been ordered to receive a Letter of Censure, pursuant to a stipulation for discipline, based upon his neglect of a zoning matter. When Mr. Platts appealed the Board of Adjustment's ruling that a public hearing was not required prior to the issuance of a conditional use permit, he failed to serve two allegedly essential parties. In addition, Mr. Platts agreed to file a civil suit for his clients in a related matter, then failed to do so.

Tacoma attorney **Tracy L. Rosellini** has been ordered censured for failure to timely file his 1983 Declaration of Compliance with (CPR) DR 9-102.



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ACCOUNTANTS AND ACCOUNTING
Arndt, Robert J., and James F. Rabenhorst. *Cost accounting for law firms*. Chicago: American Bar Association, 1984. Pp. 59.

ADMINISTRATIVE LAW
Schwartz, Bernard. *Administrative law*. 2d ed. Boston: Little, Brown, 1984. Pp. 738.

ARBITRATION
Kennedy, Gavin. *Everything is negotiable: how to get a better deal*. Englewood Cliffs: Prentice-Hall, 1983. Pp. 228.

ATTORNEYS
Eulau, Heinz, and John D. Sprague. *Lawyers in politics: a study in professional convergence*. Westport, Conn.: Greenwood Press, 1984. Pp. 164.

Flying solo: a survival guide for solo lawyers. Chicago: American Bar Association Economics of Law Practice Section, 1984. Pp. 362.

Foonberg, Jay G. *How to start and build a law practice*. 2d ed. Chicago: American Bar Association Law Student Division, 1984. Pp. 272.

Marketing your law firm's services. Harrisburg: Pennsylvania Bar Institute, 1984. Pp. 108.

CIVIL PROCEDURE
Civil practice and litigation in federal and state courts. 2d ed. Philadelphia: American Law Institute American Bar Association, 1984. 2 vols.

COMMERCIAL LAW
Washington collection law. Eau Claire, Wisc.: Professional Education Systems, 1983. Audio cassettes plus manual.

COMPUTERS
Locate: a directory of law office computer software. Chicago: American Bar Association

Section of Economics of Law Practice, 1984. Pp. 181.

Piovia, Sara. *A commonsense guide to law-office automation*. Englewood Cliffs: Prentice-Hall, 1984. Pp. 181.

CRIMINAL LAW AND PROCEDURE
Maynard, Douglas W. *Inside plea bargaining: the language of negotiation*. New York: Plenum Press, 1984. Pp. 267.

ESTATE PLANNING
Washington estate planning for the general practitioner. Eau Claire, Wisc.: Professional Education Systems, 1983. Audio cassette tapes plus manual.

EVIDENCE
Using expert witnesses. Washington: Association of Trial Lawyers of America Education Fund, 1983. Audio cassettes plus manual.

FAMILY LAW
Washington dissolution practices. Eau Claire, Wisc.: Professional Education Systems, 1983. Audio cassettes plus manual.

LABOR LAW
Washington employment practices. Eau Claire, Wisc.: Professional Education Systems, 1983. Audio cassettes plus manual.

LEGAL PROFESSION
Haynsworth, Harry J. *The professional skills of the small business lawyer*. Philadelphia: American Law Institute American Bar Association, 1984. Pp. 255.

PARTNERSHIPS
Washington partnership law and practice handbook. Seattle: Washington State Bar Association, 1984. 1 vol. (loose-leaf)

PRACTICE AND PROCEDURE
Jury instructions. Seattle: Washington State Trial Lawyers Association, 1984. Pp. 326.

Winning the experts. Seattle: Washington State Trial Lawyers Association, 1984. 1 vol. (loose-leaf)

REAL PROPERTY
Hawkins, Hugh W., Jr., and others. *Washington basic real estate transactions*. Eau Claire, Wisc.: Professional Education Systems, 1983. Audio cassettes plus manual.

SOCIAL WELFARE
Social security disability practice. Seattle: Washington State Bar Association, 1984. 1 vol. (loose-leaf)

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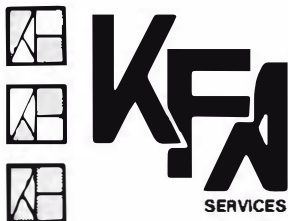
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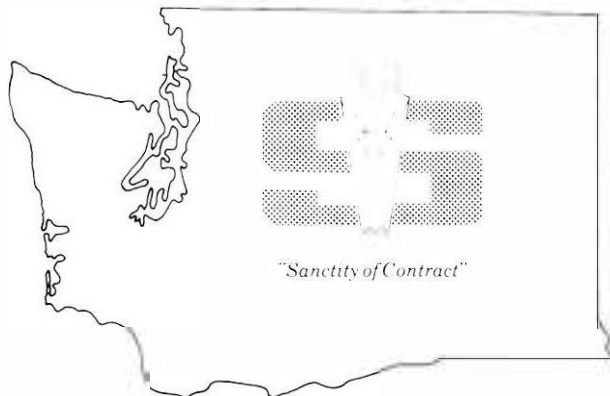
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Will sought for David G. Faulkner, who resided in Eltopia, Franklin County, Washington, until his death on September 18, 1984. Please contact Mark P. Kuffel of Shea, Kuffel, Lindsay & Flynn, 1716 N. 20th, Pasco, WA 99301. (509) 545-8531.

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ABOUT THE AUTHOR

David Boerner is Associate Dean and Associate Professor at University of Puget Sound School of Law, Advisor to the Sentencing Guidelines Commission, and formerly served as Chief Criminal Deputy in the King County Prosecutor's Office.

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