

Washington State **Bar**
News Vol. 39, No. 8, August 1985



1985 Annual Meeting Preview



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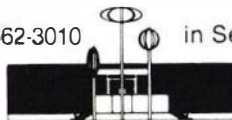
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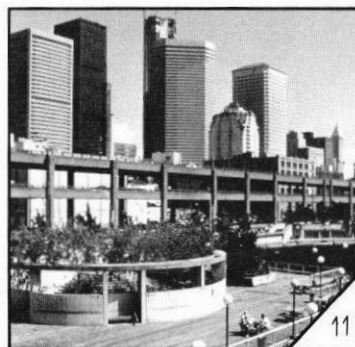
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ART CREDITS

COVER: This month's cover, by **Don Coppock**, features the speakers who will headline the State Bar Annual Meeting in September. They include the Hon. Charles B. Renfrew (center), and clockwise from the upper right, Merlin Olsen, Walt Wagner, Washington State Supreme Court Chief Justice James M. Dolliver, Steve Landesberg, and Frank A. Cappiello.

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Letters

Letters to the Editor should be double-spaced typed and signed. The Editor reserves the right to edit any letter as may be appropriate.

Act Saves Lives

Editor:

In your May letters column, William R. McCann of Sedro Woolley described the 1984 Domestic Violence Protection Act as "bonehead legislation." Attorneys who work with victims of domestic violence view it as the finest piece of criminal justice legislation in many years.

It may be hard for people to understand why victims of domestic violence require special legislative protection, but if they spend a few minutes with a woman whose life, children, home, and personal posses-

sions are all under the total control of the man who just beat her up, it becomes clear why she needs our help.

There is no question that the 1984 Act has saved lives. Minor problems with the law were corrected in the recent legislative session, and during 1985 we will see the full impact of the Act: a leveling off or decrease in the number of domestic violence police reports and arrests, and, most important, a decrease in domestic homicides and felony assaults.

DOUGLAS B. WHALLEY
Criminal Division
Seattle City Attorney

Senate Did the Deed

Editor:

"Deed of Trust Foreclosures: After *Cox v. Helenius*," by Zachery Mosner [May, 1985, *Bar News*] states that

Helenius is an "unmitigated disaster" because it allows a grantor of a deed of trust to prevent a sale by merely filing a lawsuit contesting the default before the notice of sale and foreclosure are received. By contesting the default, the debtor avoids posting a bond, obtaining an injunction, and paying sums due and owing into court.

Mosner concludes that *Helenius* unnecessarily delays a process designed to avoid judicial involvement and creates a morass for lenders, attorneys, and trustees. He suggests that the Legislature "should respond to the decision in a fashion that preserves the nonjudicial process and allows for a predictable course of conduct by debtor and creditor alike."

The Legislature did respond to the *Helenius* ruling during the 1985 Legislative Session. Senate Bill 3094, which was sponsored by the Bar Association, generally modernized and clarified the deed of trust act. The bill was amended during the legislative process to avoid the pitfalls of the *Helenius* case by providing that a

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grantor of a deed of trust cannot preclude a nonjudicial foreclosure by filing a lawsuit involving the secured obligation. Only lawsuits commenced by the beneficiary of the deed of trust can prevent a nonjudicial foreclosure of the deed of trust.

PHIL TALMADGE
State Senator
Olympia

Too Many Ads

Editor:

I am pleased with the illustration of self-study that accompanied my article in the June *Bar News* ["Why the CLE Board Should Allow Credit for Self-Study"]. Not a bad likeness.

However, I am appalled that my article is accompanied by a garland of commercial advertisements. I am embarrassed to have to apologize to lawyers in other jurisdictions because ads for a title company and a car mechanic take up half the room in my article. Why can't the ads be put in the front and the back of the *Bar News*, keeping the rest for the purposes for which the *News* is published?

The cover of the June issue is confusing, I think, because the reader tries without success to relate the drawing of a ticked-off secretary to the caption below ("Specialization Nixed 8-1").

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An Appeal for Advice

Editor:

I have a client with a practical problem that I do not believe is unique, but we have been unable to solve it. My client has authorized me to appeal to the membership for advice.

My client is guardian for a family member who is unable to manage her own affairs. There is approximately \$10,000 in estate value. There is a need to write about six checks per month for the family member's room and board, personal needs, health insurance, and uninsured needs. We have a trust but no trustee. There is no one in the family who is capable of acting as trustee and the guardian is unable to continue due to pressures at hand. We are informed that banks do not generally wish to handle estates this small.

Does anyone know a suitable trustee in such cases? Continued involvement by an attorney is probably more expensive than necessary for the simple tasks at hand.

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Not Just Fun and Games

At first blush, a Bar convention and a convent seem to have little in common. However, they stem from the same Latin root—*com + venire*, to come together or assemble for a common purpose. Once a year, the 5-10 percent of us who can arrange our schedules and afford the travel and lodging expenses assemble for the State Bar convention.

A Bar convention is much more than an opportunity to clean up on CLE credits for a bargain price. It is, or should be, a time to renew our commitment to the legal profession, to reassess our roles and actions as individuals and as a profession.

Ask a conventioneer to describe a convention. The word "spiritual" would probably not come to mind. Yet a convention is much more than fun and games. To be sure, its social side may be more stimulating than its business meeting or CLE offerings. And the chance to rekindle friendships, to put a face to a name, is one of our more fundamental needs. But so, too, is the need to reflect upon our condition.

One Lawyer, One Vote

An enlightened Bar is more responsive and responsible. A Bar which can vote on resolutions by mail instead of at the annual meeting is better still. The Board of Governors and the membership should take a long, hard look at the mail ballot process now being implemented by Group Health Cooperative.

With over 300,000 members, the Co-op is the largest health maintenance organization in the country. It is instituting mail ballot following membership approval of a by-law amendment at this year's annual meeting. In the June issue of *View*, the Co-op's monthly magazine, Co-op president Aubrey Davis says: "It's important for people to understand that the mail ballot approval does not reduce the

Let us have a moment of silence at the beginning of each Convention activity so that each of us, in the solitude of our souls, may reflect upon our actions as lawyers during the past year. To think of the opponents we treated in a dignified and charitable manner. The times we let rancor cloud the ultimate issue (remember the search for justice?) The red flags we missed. The red herrings we caught.

This moment of silence would not cost a cent. No more dues or overhead or correspondence or last minute frantic filing. Just an unadorned moment without telephones or clients or other constraints on our sensibilities. A free moment in time, out of time, to allow our center to reassert itself.

Let us also recognize our colleagues who have lost their final appeal, so to speak. At an appropriate time, perhaps the start of the annual meeting, our Bar president could recite their names from a memorial roll contained in the convention program. To recognize these members, each of whom carried within him or her a unique history of contributions to the Bar and the community, would be a meaningful salute to our link to the past.

significance of the annual meeting. The meeting still will decide what will be on the mail ballot. Co-op members who attend will be able to amend and then determine the final form of the issues the Co-op will act on via mail ballot."

If the Co-op, with 300,000 members, can make mail ballots a reality, so can our Bar, with only 13,000 members. Only mail ballots will allow the vast majority of lawyers to participate meaningfully in matters presented at the annual meeting. Conventions are in Honolulu next year, Vancouver, B.C., in '87 and '88, Whistler B.C. in '89, Spokane in '90, and San Diego in '91. Mail ballots. Better sooner than later.

Carole Grayson

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Reviving an Honorable Tradition

This month I would like to give you a little food for thought. A month or two ago I read in one of the Seattle newspapers that a presiding judge in the east had decided to do something about a problem related to his court. He was quoted as referring to extremely casual conduct on the part of lawyers while in the courtrooms of his district. He described a number of incidents involving lawyers reading newspapers while waiting to be heard, and a particularly bothersome incident involving a lawyer loudly crunching on an apple while court was in session. What did he decide to do? Well, he instructed the clerk to promptly purchase 50 judicial-type black robes, of knee-length. Then, when lawyers began to arrive in the courthouse halls the following Monday morning, each was directed to "select one that fits" and to wear it while in the courtroom.

During a later-called news conference, the judge told reporters that he was "fed up" with the poor impression lawyers were giving the public through their disrespectful and overly casual conduct. He referred to his observations of how barristers and solicitors behave in the Courts of England, where both robes and wigs are worn—and where dignity is the traditional byword. According to what I read, the lawyers willingly (they had a choice²) donned their robes and proceeded into the courtrooms—apparently sans apples and newspapers. One was quoted as saying something to the effect that the robes weren't too bad an idea but he wasn't about to wear a wig.

I've been hitting the subject of professionalism fairly hard this year and, as my term will end next month, my voice will soon be in the wilderness with those of other past presidents. Let this be my final shot. I think we

should consider giving the robe idea a try, perhaps on an experimental basis in one of the smaller counties. Now, before you begin calling me everything from a stuffed shirt to a wild-eyed dreamer, give a little considerate thought to the idea. Remember that lawyers in Canada have always worn robes. Yes, I realize the purchase of a robe would cost money and putting it on and taking it off would be a nuisance at times—but, do we really want to do something about the public image of our profession? Even more important, are we interested in improving the attitude of the average citizen regarding our judicial system? I doubt if any of you could honestly answer no to either of those questions.

Respect for our courts and judges is extremely important to the success of the system within which we function as lawyers. We are officers of the court—why not dignify that responsibility as much as possible? How often do members of the public enter a courtroom without the slightest understanding as to who the lawyers are (except for their own) until the trial or hearing begins and those involved are identified? The person sitting next to them could be a witness, a reporter, an observer—perhaps even a lawyer. Our only usual means of identification is the briefcase we carry. A robe would clearly identify a lawyer and, in my opinion, would command respect for his or her training, ability and experience. We would be recognized as officers of the court, and the general atmosphere of the courtroom would, it is hoped, rise to a higher level of dignity and respect.

I hope by now you have stopped smiling and have proceeded to the question of where your robe could be donned and doffed. Yes, I agree that public restrooms might be inappropriate; however, I cannot consider that a reason for rejecting the idea. Taking this one step at a time, I am confident that lawyer ingenuity would prevail and that a realistic solution would soon be found.



Does all this relate to professionalism? Of course it does. I say if we are truly members of a profession, why not emphasize that status and, at the same time, take a giant step toward increasing public respect for our courts and our judicial system? It seems to me that we would have nothing to lose but a little inconvenience. On the other hand, we and our judges—and most importantly the public—would have a great amount to gain.

As I conclude, I am trying to think of a relatively near, uninhabited island where I might go for the next few weeks. My responsibilities will force me to remain here, however, and I will now begin preparing for your thoughtful responses. I can only ask that they be thoughtful.

Lee Laughlin

THE CHANGING LAW OF LIMITED PARTNERSHIPS

State statutes governing limited partnerships have been undergoing many changes recently. Both new and existing limited partnerships have been affected. In 1984, five states—California, Alabama, Kansas, Wisconsin and Oklahoma—enacted major changes in their limited partnership laws. So far this year, Ohio and New Jersey have continued this trend. Additional changes are virtually assured in 1985.

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Photo courtesy Seattle King County Convention and Visitors Bureau

A PREVIEW OF ANNUAL MEETING HIGHLIGHTS

AUGUST 11-14

THE TRADITION CONTINUES this September as we present the spectacular 96th Annual Meeting of the Washington State Bar Association. For the first time in more than a decade, the Emerald City will be the setting for this auspicious occasion, long regarded as one of the premier bar association annual meetings in the nation.

Be sure to set aside the dates of September 11-14 for this extraordinary time of professional CLE seminars, nationally recognized speakers,

social events, sporting events and special entertainment attractions. The entire schedule has been arranged to combine the best opportunities for professional enhancement with a liberal mixture of pleasure-oriented activities.

The theme of the 1985 Annual Meeting is "In Pursuit of Professionalism". . . And within that theme, the focal point of activities will be—as always—a varied group of superb Continuing Legal Education seminars.

CLE SEMINARS

Beginning on Wednesday, September 11, and continuing through Saturday, September 14, you will be able (if you're a good student!) to satisfy most of your mandatory CLE requirements for calendar 1985. Your choice of seminar topics includes sessions on "Charitable Giving Today," "Selected State Administrative Law Issues," "Family Law in the 1980's," "ABSCAM-Type Operations: Is the Government 'Creating' or Catching Criminals?," "Practical Tips on Bankruptcy for the General Practitioner,"

"Retirement Planning for Lawyers," and "Selected Patent, Trademark, Trade Secret and Copyrights Issues of Interest to the Intellectual and Industrial Property Practitioner."

Other seminars will include "Update on the Law: KWSBA Daytime Programming for Legal Homemakers and Out-Of-Work Lawyers" (Watch out—Young Lawyers Section at work

here!), "International Aspects of General Practice," "Antitrust and Commercial Litigation in the Health Care and Medical Fields," "Search and Seizure Issues: State and Federal Constitutional Grounds," "Land Use for Lawyers Who Don't Realize They're Practicing Land Use Law: An Introduction and Overview," "Liability of Officers and Directors and Cur-

rent Banking Issues," and "How to be an Arbitrator and Mediator or So You Want to be an Arbitrator and Mediator—What's Next."

On Saturday morning, the CLE finale features the popular Professor **Arthur Miller** of Harvard Law School in an entertaining and informative session entitled "Arthur Miller and the Anatomy of a Libel Case." Professor Miller joins a panel of local experts in an enjoyable, provocative program.

In all, you have a choice of 16 CLE programs in four days—an educational bonanza that will instruct, entertain and go a long way toward fulfilling your annual credit requirements.

EXTRAORDINARY LUNCHEON SPEAKERS

Our luncheon program again offers its usual stellar array of speakers on a variety of topics.

On Wednesday, September 11th, will be renowned sports analyst **Merlin Olsen**, not only known for his acting talent, but also honored in 1981 as the Multiple Sclerosis Society's Volunteer of the year. Outstanding as both an undergraduate scholar and athlete, he became an NFL Pro Bowler for a record 14 years and was the recipient of numerous valuable player awards. In 1977 he joined NBC-TV and quickly became the number one football analyst in the medium. Concurrently with his broadcasts he played in the popular "Little House on the Prairie" as Garvey, a role which led to his becoming the star on NBC's new prime-time series, in "Father Murphy." Don't miss hearing the insights of this many-faceted speaker on Wednesday afternoon.

Thursday's *Morell E. Sharp Memorial Luncheon* on September 12th will feature the **Honorable Charles Byron Renfrew**, former U.S. District Judge for the Northern District of California and Deputy Attorney General of the United States. He is currently vice president for legal affairs, Chevron Corporation. A native of Detroit, Mr. Renfrew graduated from

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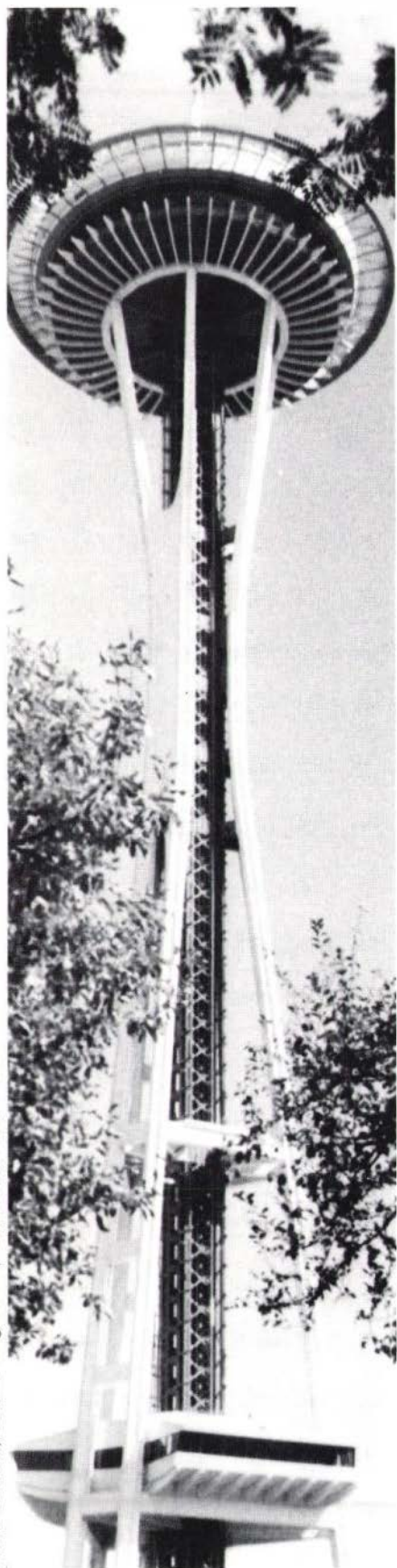
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Princeton University, returned to Michigan and received his JD there in 1956. His expertise ranges from minority legal defense through crime prevention to foreign relations. He is active in the American Bar Association and local legal organizations, as well as on the San Francisco Symphony's Board of Governors. Be sure and reserve Thursday lunch for his informative and enjoyable presentation.

Friday will wind up the luncheon series with **Frank A. Cappiello**, one of the country's leading financial analysts and popular panelist of national TV's "Wall Street Week." With degrees from both University of Notre Dame and Harvard's Graduate School of Business Administration, Mr. Cappiello serves as president of an investment counselling firm responsible for managing millions of dollars in pension and endowment funds and private accounts. He directs two venture capital organizations and is the chairman of a mutual fund specializing in growth stocks. His latest book, *Finding the Next Super Stock* is now in its fifth printing. Currently on the faculty of John Hopkins University, he has received rave notices for his appearances nationwide. Be sure to hear this entertaining and erudite entrepreneur at Friday's luncheon.

GREAT SPORTS FOR GOOD SPORTS

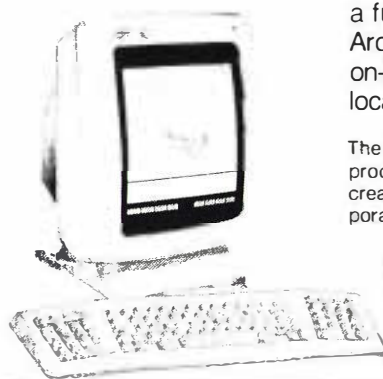
For the sportsminded, you'll enjoy our ninth annual bash of sports and athletic events. Once again, you'll have the chance to have a little fun, get some exercise, and even win a prize! We'll offer contests of all shapes and sizes for people of all shapes and sizes. Whether you're an Olympic-caliber athlete, or you're shaped like last week's laundry bag, we have an event for *you!*

The classic *Annual Golf Tournament* will be held at Bear Creek Country Club near Redmond on Thursday, September 12. Join the crowd—160 players registered last year. As always, we'll have several categories of prizes, such as low gross, low net, longest drive, closest to the pin on the selected par 3, and highest admitted score.

The exciting *Annual No-Fault Tennis Tournament* will be held at the Seattle Tennis Center on Wednesday and Thursday, September 11 - 12. The event this year will be for men's and women's doubles, and entrants will be matched according to ability.

Runners, get ready! The ninth annual *Race Ipsa Loquitur* will be on a course around the perimeter of Seward Park and Seattle. You'll have the choice of a two-and-one-half-mile

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write or phone the appropriate Bar Staff Sports Czar. For tennis, contact Bob Welden; for running contact Bob Farrell; their Bar Office number is (206) 622-6026. For golf information, contact Roger Wilson at (206) 622-6054. Or . . . check out the Annual Meeting Sports Desk.

GRAND SPECIAL EVENTS & SHOWS

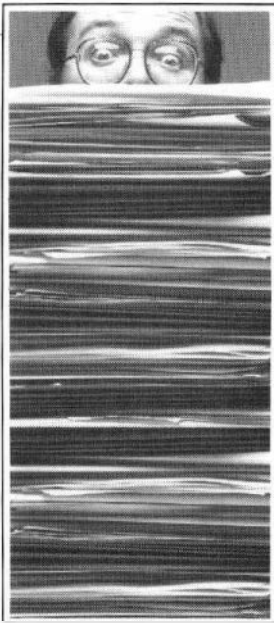
The 1985 Annual Meeting schedule will be packed with reunions, breakfasts, hospitality suites and many other activities. The 1985 Annual Meeting Program lists them all.

In what is hoped will become an annual event for the State Bar Association and the legal profession in Washington, the Board of Governors will present an elegant and formal evening benefiting The Children's Orthopedic Hospital and Medical Center of Seattle: A fine dinner, classic entertainment and a truly special evening designed to benefit the Pacific Northwest's premier institution in the treatment of the special physical, emotional and social needs of sick and disabled children. Detailed information on this unequalled event will be sent by special invitation to all those registering for the State Bar Annual Meeting.

The grand finale of the Annual Meeting will be our unforgettable *Friday Night Gala Dinner and Show*. In keeping with these memorable evenings, the gourmet dinner menu and the entertainment will be extraordinary. The Friday night show center stage will feature the wit of **Steve Landesberg**, one of the most versatile and respected comedic entertainers in the country. You've enjoyed Steve in his Emmy-winning role as Sargeant Arthur Dietrich on the comedy hit series, "Barney Miller." His "off the wall humor" has been seen in stand-up comedy routines on dozens of TV shows, ranging from "The Tonight Show" to prime time specials. Steve's sense of humor is so dry that you can't be sure whether he's really crazy or just pretending. You'll have to judge for yourself on Friday night—and you'll laugh all the way to a decision. We look forward to seeing you all in Seattle. You'll experience four days of professional growth, with a liberal serving of social times and entertainment along the way. Don't miss it!

If you haven't made reservations for the Annual Meeting, do so today. Advance registration assures that you need stop only briefly to pick up badge, tickets, Annual Meeting Handbook, etc. See you in Seattle! □

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1985 WSBA Convention CLE Seminar Schedule

Wednesday, September 11

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

1

Charitable Giving Today

Section Chairperson:

Warren S. Olson, Seattle

Seminar Chairperson:

Robert S. Mucklestone, Seattle

Topic/Speaker:

"New and Evolving Tax Rules"
"Effective Tax Reform Proposals"
"Creative Charitable Giving"
and more . . .

Featuring: Jerry J. McCoy, Silverstein & Mullens,
Washington, D.C.

3.00 CLE CREDITS

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

2

Selected State Administrative Law Issues

Section Chairperson: Lawrence Weiser, Spokane
Seminar Chairpersons: Jeffrey O.C. Lane, Olympia
Lawrence A. Weiser,
Spokane

Topics/Speakers:

"Update on Administrative Law"

Professor James M. Vaché, Gonzaga University
School of Law, Spokane

"Administrative Investigations"

C. Dean Little, Seattle

"Use of Precedent in Administrative Agencies"

Patrick H. McIntyre, Seattle

Dennis R. Barge, Olympia

"Update and Panel Discussion on the Proposed
Administrative Procedure Act"

Judit E. Gebhardt, Olympia

Ann Sandstrom, Seattle

3.00 CLE CREDITS

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

3

Family Law in the 80's

Section Chairperson: Scott J. Horenstein,
Vancouver

Section Chairpersons: Miles F. McAtee, Seattle
Karen Gail Chinn Wong,
Seattle

Margaret Sandelin, Mercer
Island

Topics/Speakers:

Welcome

Karen Gail Chinn Wong, Seattle

"Tax Law for Family Law Practitioners: Matrimonial
Payments"

Professor Marci L. Kelly, University of Puget
Sound School of Law, Tacoma

"Conflict Between Dissolution and Domestic
Violence Laws"

Hon. Rosanne Buckner, Pierce County Superior
Court, Tacoma

"Evaluation of Licenses and Professional Degrees,
Closely Held Corporations, Goodwill"

Joseph L. Lawrence, Seattle

"Evaluation of Real Property in Declining and
Appreciating Markets"

Donald W. Ferrell, Seattle

"Mandatory Arbitration"

Christopher C. Pence, Seattle

"Changing the Concept of Custody"

State Representative Marlin J. Appelwick, Seattle

"Child Support Guidelines, Escalation Clauses,
Mandatory Wage Assignments"

Hon. Thomas L. Lodge, Clark County Superior
Court, Vancouver

3.00 CLE CREDITS

2:00 p.m.— The Continuing Legal
5:00 p.m. Education Committee

4

**ABSCAM-Type Operations:
Is the Government "Creating"
or Catching Criminals?**

Committee Chairperson: Michael S. Courtnage,
Seattle

Seminar Chairperson: James P. Donohue, Seattle
Topics/Speakers:

Welcome and Introduction

James P. Donohue, Seattle

"Overview of Issues Involved With Undercover
Operations"

Professor John M. Junker, University of Washing-
ton School of Law, Seattle

"Prosecutor's Perspective"

Roger M. Adelman, Assistant U.S. Attorney,
Washington, D.C.

"Defense Attorney's Perspective"

Laurence B. Finegold, Seattle

"The Judicial Perspective"

The Honorable Robert M. Takasugi, United
States District Court Judge, Los Angeles

"A Former FBI Agent's Perspective"

Michael K. Tasker, Bellingham

Question and Answer Period and Commentary:

Moderator: James P. Donohue, Seattle

Questioners: Michael Frost, Seattle

Professor John M. Junker, University
of Washington School of Law,
Seattle

John C. Merkel, Seattle

Respondents: Roger M. Adelman, Assistant U.S.

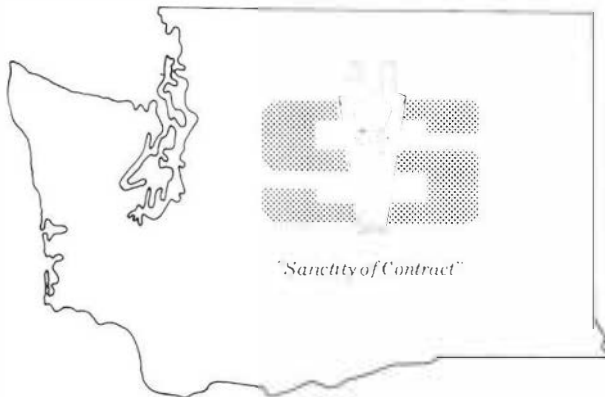
Attorney, Washington, D.C.

Laurence B. Finegold, Seattle

The Honorable Robert M. Takasugi,
United States District Court
Judge, Los Angeles

Michael K. Tasker, Bellingham

3.00 CLE CREDITS



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2:00 p.m.— Creditor-Debtor
5:00 p.m. Rights Section

5

Practical Tips on Bankruptcy for the General Practitioner

Section Chairperson: Malcolm C. Lindquist,
Tacoma

Seminar Co-chairpersons: Peter H. Arkison,
Bellingham
Jack J. Cullen, Seattle

Topics/Speakers:

"Representing a Creditor in a Chapter 13"
Ian Ledlin, Spokane

Procedural Practice Pointers in Bankruptcy Court"
Michele R. Hankins, Seattle

"How and When Do I Go About Lifting the Automatic
Stay?"
Philip H. Brandt, Bellingham

"How Do I Deal Effectively with a Chapter 7
Trustee?"
Karen V. Wood, Tacoma

"What to Do When a Bankruptcy Shows Up on a
Title Report"
Stephen K. Husby, Seattle

3.00 CLE CREDITS

Thursday, September 12

2:00 p.m.— Taxation Section
5:00 p.m.

6

Retirement Planning for Lawyers

Section Chairperson: Professor John C. Huston,
University of Washington
School of Law, Seattle

Seminar Chairperson: James H. Bush, Tacoma

Topics/Speakers:

"Basic Plan Design and 401(k) Plans"
Richard J. Birmingham, Seattle

"Comparability of Plans and Control Groups"
Thomas A. Dempsey, Seattle

"TEFRA, DEFRA, REA: A Legislative Update"
James H. Bush, Tacoma

"Plan Distribution"
Devitt D. Barnett, Seattle

3.00 CLE CREDITS

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

7

Update on the Law: KWSBA— Daytime Programming for Legal Homemakers and Out-of-Work Lawyers

Section Chairperson: Claire Cordon, Seattle

Seminar Chairperson: William A. Buchanan,
Bellevue

Topics/Authors:

"Real Estate and Creditor-Debtor Update"
Marc S. Stern, Bellevue

"Constitutional Law"
G. Kent Thorsted, Bellevue

"Insurance Law"
Laura M. Murphy, Seattle

"Civil Procedure"
Joy Lee Barnhart, Seattle

"Family Law"
William A. Buchanan, Bellevue

"Torts"
Joseph L. Koplín, Bellevue

"Attorney Discipline and Attorney's Fees"
Marijean E. Moschetto, Bellevue

"Contracts"
Vicki S. Michels, Bellevue

"Environmental and Land Use Law"
Allan B. Bakalian, Seattle

"Corporations"
Michael M. Feinberg, Seattle

"Legislative Summary"
Clifford A. Webster, Seattle

"Trusts, Estates and Wills"
Eric D. Bosley, Federal Way

"Public Entitlement: Worker's Compensation"
Alexis Boris, Seattle

This year's production once again combines video-taped segments with live presentations and includes "Good Morning, Brethren," "In Hot Pursuit of Trivia," and other daytime soap operas, game shows and important messages from our sponsors.

3.00 CLE CREDITS

2:00 p.m.— Intellectual and Industrial
5:00 p.m. Property Section



Issues of Interest to the Intellectual and Industrial Property Practitioner

Section & Seminar Chairperson: Robert W. Beach,
Seattle

Topics/Speakers:

"Co-Worker's Prior Invention As Prior Art Under
Section 102(g) and Section 103: Before and After
the 1984 Patent Law Amendments Act"

Larry Jackson, Seattle

"Secrecy Orders; Failure to Disclose Prior Art"

Bernard A. Donahue, Seattle

"Secrecy Orders from the Office Perspective; Inter-
views, Desirable But Often Unimpressive; Appli-
cation Allowance After Action and Before
Response; and Terminal Disclaimers Involving
Pending Applications"

John O. Graybeal, Seattle

"Importance of Expert Affidavits"

Robert W. Beach, Seattle

"Quality Control and Antedating Declarations"

Roy E. Mattern, Jr.,

"Prior Art at the Time the Invention Was Made;
Unreasonable Requirements by an Examiner;
Trying to Shift Examiners in the Middle of the
Stream; and Apparatus Claims for an Old Appa-
ratus Used in a New Environment"

Robert B. Hughes, Sumas

"Overview of Reexamination Proceedings in the
Patent Office; Use of Depositions in Patent Office
Proceedings to Overcome an Obviousness
Rejection"

Richard W. Seed, Seattle

3.00 CLE CREDITS

2:00 p.m.— International Law
5:00 p.m. and Practice Section



International Aspects of General Practice

Section Chairperson: Robert Huneke, Spokane

Seminar Chairperson: Melvyn Jay Simburg, Seattle
General Practice Issues:

"Immigration and Naturalization"

Pamela S. Cowan, Seattle

"Family Law"

Gordon Wilcox, Seattle

"Probate and Estate Planning"

Robert S. Mucklestone, Seattle

"Real Estate Sales and Investment"

Robert D. Kaplan, Seattle

Contract Issues:

"Government Controls Over Cross-Border
Transactions"

David Friend, Seattle

"Contracts for Cross-Border Sales"

Melvyn Jay Simburg, Seattle

Negotiations:

"Negotiation Between a U.S. and a Japanese
Company"

(A Film Presentation)

Panel Discussion: "Negotiating with a Foreign Busi-
ness In or Outside the U.S."

Chairman: Professor John Haley, University of
Washington School of Law, Seattle

Panel: Michael Riccelli, Spokane

Nancy Gibbs, Seattle

James Jory, Seattle

Questions and Answers

3.00 CLE CREDITS

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



Antitrust and Commercial Litigation in the Health Care and Medical Field

Section Chairperson: Payton Smith, Seattle

Seminar Chairpersons: Nick S. Verwolf, Seattle

Donald H. Mullins, Seattle

Topics/Speakers:

"Antitrust Application to the Health Care Field"

John J. Miles, Washington, D.C.

"Staff Privileges: The Application of Antitrust, Con-
tract and Due Process Principles"

R. Bruce Johnston, Bellevue

"Joint Activities Among Health Services Providers
and Purchasers"

Dennis E. Kenny, Seattle

"Current Activities of The Attorney General's Office:
Antitrust Investigations and Proceedings in the
Health Services Field"

Wesley J. Howard, Assistant Attorney General,
Seattle

3.00 CLE CREDITS

Friday, September 13

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

11

Search and Seizure Issues: State and Federal Constitutional Grounds

Section Chairperson: Robert C. Boruchowitz,
Seattle

Seminar Chairpersons: Katrina C. Pflaumer,
Seattle,
William H. Redkey, Jr.,
Seattle,
Dean David Boerner,
University of Puget
Sound School of Law,
Tacoma

Topics/Speakers:

Pre-Trial Motions to Suppress Based on Search
Warrants:

"State Law Considerations"

Timothy K. Ford, Seattle

"Federal Law Considerations"

Irwin H. Schwartz, Seattle

"Prosecutor's Perspective"

William H. Redkey, Jr., Seattle

Motions Based on Warrantless Searches and
Seizures:

"State Law Considerations"

James L. Sheehan, Assistant Public Defender,
Spokane

"Federal Law Considerations"

Katrina C. Pflaumer, Seattle

"Prosecutor's Perspective—State Law"

David S. McEachran, Whatcom County Prose-
cuting Attorney, Bellingham

Commentary on Development of State Constitu- tional Law Regarding Privacy and Searches:

The Honorable James M. Dolliver, Chief Justice,
State Supreme Court, Olympia

The Honorable Carolyn R. Dimmick, U.S. District
Court, Western District of Washington, Seattle

Moderator: Dean David Boerner, Tacoma

3.00 CLE CREDITS

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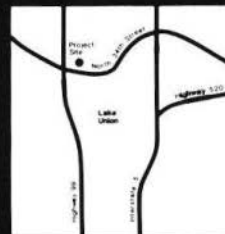
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9:00 a.m.— Environmental and
12:00 noon Land Use Law Section

12

**Land Use Law for General
Practitioners Who Don't
Realize They Are Practicing
Land Use Law**

Section Chairperson: Margaret Klockars, Seattle
Seminar Chairperson: Robert D. Johns, Seattle

Topics/Speakers:

"Recent Developments in Zoning and the Appearance of Fairness Doctrine"

G. Richard Hill, Seattle

"Impact of Revisions to the State Environmental Policy Act and the State Subdivision Statute"

Robert D. Johns, Seattle

"Complications When Water Is Involved"

T. Ryan Durkan, Seattle

"Hazardous and Toxic Wastes"

Jackson L. Fox, United States Attorney's Office,
Seattle

"Procedural Complications in Land Use and
Environmental Litigation"
Stephen O. Kenyon, Seattle

3.00 CLE CREDITS

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

13

**Directors' and Officers'
Liability and Recent Developments
on Insider Trading**

Section Chairperson: Robert J. Diercks, Seattle
Seminar Chairperson: William E. Van Valkenberg,
Seattle

Topics/Speakers:

"Personal Liability of Directors and Officers"

Richard P. Matthews, Seattle

"The Business Judgment Rule"

Jerome D. Whalen, Seattle

"Officers' and Directors' Insurance Coverage—
Overview and Current Problems"

James B. Stoetzer, Seattle

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"Recent Developments on Insider Trading"
Professor Michael Rosenzweig, University of
Michigan School of Law, Ann Arbor, Michigan

3.00 CLE CREDITS

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

14

Moot Argument Before the World Court: Nicaragua v. the United States of America

Section Chairperson: Frederick L. Noland, Seattle
Seminar Chairperson: William L. Hanson, Seattle

Topics/Speakers:

"United States Viewpoint"

Patrick M. Norton, U.S. Department of State,
Washington, D.C.

"Nicaragua Viewpoint"

Leonard B. Boudin, New York, NY
Panel Discussion

3.00 CLE CREDITS

9:00 a.m.— CLE Committee and
12:00 noon Arbitration Law Committee

15

So You Want to Be an Arbitrator/Mediator— What's Next?

CLE Committee Chairperson:

Michael S. Courtnage, Seattle

Arbitration Law Committee Chairperson:

J. Richard Manning, Seattle

CLE Committee Program Liaison:

Philip H. Brandt, Bellingham

Seminar Chairperson and Moderator:

J. Richard Manning, Seattle

Topics/Speakers:

Introduction

Philip H. Brandt, Bellingham

"Mediation and Rule 39.1"

Neal Blacker, Regional Director, American Arbitration Association, Seattle

Charles S. Burdell, Chairperson, Rule 39.1 Committee, Federal Bar Association, Western District of Washington, Seattle

"Overview of Arbitration"

Michael S. Gillie, Executive Director, Washington Arbitration Services, Seattle

"Pre-Hearing Considerations"

Donald L. Logerwell, Member of Commercial Arbitration Panel, American Arbitration Association, Seattle

"Conducting a Hearing"

John N. Rupp, Seattle

"Arbitration Awards"

Michael J. Hemovich, Spokane

"Hearing Procedures in a Commercial Arbitration"

(A Videotape Presentation with Audience Participation)

Conducted by:

Carol J. Teather, Acting Regional Director, Federal Merit Systems Protection Board, Seattle

J. Richard Manning, Seattle

Question and Answer Period

The Panel

3.00 CLE CREDITS

Saturday, September 14

9:30 a.m.— Trial Practice Section
12:30 p.m.

16

Anatomy of a Libel Case

Section Chairperson: L. William Houser, Seattle

Seminar Chairperson: D. Roger Reed, Spokane

Topic/Speaker:

"Anatomy of a Libel Case"

(Videotape and Live Discussion)

Featuring: Professor Arthur R. Miller, Harvard Law School, Cambridge, Massachusetts

Panel Discussion

Professor Arthur R. Miller, Harvard Law School, Cambridge

P. Cameron DeVore, Seattle

Malcolm L. Edwards, Seattle

The Honorable Keith M. Callow,
State Supreme Court, Olympia

3.00 CLE CREDITS



Photo courtesy Seattle King County Convention and Visitors Bureau

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RESOLUTION

... To Be Considered at the
1985 Annual Business Meeting of the
Washington State Bar Association

RESOLUTION

(Submitted by Howard K. Todd)

Be it resolved that the By-Laws of the Washington Association shall be amended to provide:

The Board of Governors shall refer proposed changes of court rules regulating the legal profession to a vote of the entire active membership of the Washington State Bar Association before such proposed changes are to be submitted for consideration by the Supreme Court.

REPORT

During the past two years, the Board of Governors has presumed to act on behalf of the Washington State Bar Association with respect to issues which concern the manner in which Washington State attorneys practice law. To the extent that the Board has recommended that the Supreme Court adopt rules governing the legal profession, it has presumed to exercise a legislative authority which is inappropriate to its executive role.

Specialization, the use of client trust funds for public benefit, the substitution of rules of practice for an ethical code, and the enforcement of lawyer competency through disciplinary proceedings are issues recently addressed by the Board. Not one has been submitted to the membership for a final decision.

The importance of referring such matters to the membership is great, because the procedural restraints upon the Board's action are ineffective. Rules proposed by the Board of Governors are not subject to the requirements of the Administrative Procedures Act. The lobbyist reporting requirements of the Public Disclosure Act do not apply to Board efforts to effect change in court rules. The Supreme Court has not required the Board to comply with its rule-making procedures.

The absence of effective procedural safeguards requires the implementation of the most basic political safeguard, the right of the governed to vote upon their governance.

There is no good reason why the informed, active membership of the Washington State Bar Association should not have that right. It does not reflect adversely upon the wisdom or commitment of the members of the Board, that they should be expected to lead by persuasion rather than to rule by fiat.

GSLSA "Fall Brush Up"

The Greater Seattle Legal Secretaries Association (GSLSA) will hold its annual fall seminar "Fall Brush Up" on Saturday, October 5, at Condon Hall at the University of Washington. Call Judy Olson at (206) 623-5296, or Georgia Hinton at (206) 746-1599.

Christian Legal Society Breakfast

The Christian Legal Society will sponsor its 14th annual State Bar Convention breakfast on Friday, September 13, at 7:30 a.m. As in past years, there will be a special speaker. Attorneys and spouses interested in attending should make reservations with Lyle

K. Wilson, 11320 Roosevelt Way N.E., Seattle, WA 98125, telephone (206) 365-5500, before September 6.

France—As You Like It

The WSBA Travel Committee and Personal Choice Travel of Tacoma have put together an unusual and exciting fall tour to France, October 20 to November 1, for WSBA members, their families, and friends.

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Seattle ABA Litigation and Section Chairman-elect

Seattle attorney John R. Tomlinson was elected chairman-elect of the 45,000 member litigation section of the American Bar Association (ABA) at the section's annual meeting in Washington, D.C., on July 7.

Tomlinson is a partner in the Seattle law firm of Lane Powell Moss & Miller where he is one of the principal trial attorneys.

He has been active in the ABA's litigation section for several years as chairman of various committees and most recently as section vice chairman. He will become chairman of the litigation section one year from now and will preside over the section's annual meeting to be held in Seattle in October of 1986. Tomlinson is a fellow of the American College of Trial Lawyers.

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WASHINGTON'S OTHER ANTI-LAPSE STATUTE

by Mark Reutlinger

In the course of researching the Washington law of wills, one encounters not a few statutes which seem to have been written totally out of context, as if the prior century of case law or statutes did not exist.

One such probably-inadvertent conflict concerns Washington's anti-lapse statute, or rather statutes. Attorneys who do any probate work (and those who recall their law school course in Trusts & Estates) are familiar with the concept of an anti-lapse statute, and in particular Washington's version found in RCW 11.12.110. Briefly, this statute prevents a "lapse" (failure) of a gift to a beneficiary who has predeceased the testator, where the predeceasing beneficiary was a "relative" (not including the spouse) of the testator, and the predeceasing beneficiary left surviving the testator "lineal descendants" of his own. If both of these conditions are met, the lineal descendants take the gift; if not, it lapses and falls into the residue or passes by intestacy.¹

The theory is that when a gift to a favored beneficiary fails because the beneficiary is already deceased, most testators would prefer the property to pass to their residual beneficiaries (usually close relatives or other primary objects of their bounty) or to their heirs, rather than to the testate or intestate successors or the descendants of the original beneficiary, who are possibly mere strangers; *unless* that beneficiary is himself a blood relative of the testator, in which case



his lineal descendants would be similarly related and would likely be favored as well.²

The foregoing is clear enough. What might surprise even the most experienced attorney is that Washington has another "anti-lapse" statute which, in its limited area of application, seems to be inconsistent with that just described. RCW 11.76.200 provides for appointment of an agent to represent any person "who has not been located" when it is time to distribute an estate. RCW 11.76.240 provides: "If it clearly appears that such person died prior to the decedent in whose estate distribution was made to him, but leaving lineal descendants surviving, such lineal descendants may claim." In other words, if a person cannot be located at the time of distribution, but within the statutory limitation period is

shown in fact to have predeceased the testator, the property goes to his lineal descendants, and therefore does not lapse. RCW 11.76.240, unlike RCW 11.12.110 (the general anti-lapse statute), makes no reference to a requirement that the predeceasing beneficiary be a "relative" of the testator.

Set the two anti-lapse statutes side by side. A very strange distinction exists. Gifts to predeceasing "absentees" are treated differently from those to other predeceasing beneficiaries. The descendants of a predeceased nonrelative of the testator take only if there is a sufficient delay in discovering the fact of the beneficiary's death to bring into effect the absentee statute. One particularly bizarre scenario would have the lineal descendants of a non-relative beneficiary purport to be unable to locate their ancestor at the time of the testator's death, only to "discover" following distribution to the absentee beneficiary's statutory agent that he in fact predeceased the testator. While such a deliberate scheme might be unlikely, its inadvertent counterpart is supported by no greater logic.

Because the absentee predeceasing beneficiary will be rare, there will be no pressure to reform or reconcile the statutes until such a case does in fact arise. However, it seems far better to anticipate the possible conflict, and to attempt to reconcile the existing statutes until the legislature can amend one or the other. The anti-

lapse statute which applies generally (RCW 11.12.110) would seem to be the one which should control. This statute has been held to modify the common-law doctrine of lapse.³ Moreover, RCW 11.76.200 did not even apply to absentees until 1955. It was originally a series of steps to be taken when a distributee of an estate was a *nonresident*, including appointment of an agent to receive the property and its escheat if ultimately unclaimed. The legislature in 1955 changed "nonresident" to "unlocated" distributees and added several new provisions, including the one in question. Although it is true that the general usually gives way to the specific, nothing in the legislative scheme suggests that an alternate and inconsistent anti-lapse statute was intended. Until the legislature can amend one statute or the other to make them consistent, a court faced with an absentee predeceased beneficiary as defined in Chapter 11.76 should recognize RCW 11.12.110 as the only statute intended to avoid the effect of the doctrine of lapse, and to read into RCW

11.76.240 the general requirement that the predeceased beneficiary be a "relative" of the testator before a

**GIFTS TO
PREDECEASING
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BENEFICIARIES**

lineal descendant of such a beneficiary can claim the gift.

This avoids an undue expansion of the concept of the anti-lapse statute, which, as indicated, is intended to follow the testator's probable intention of preferring the residuary takers under his will (or his own heirs) to the descendants of one of his beneficiaries, unless that beneficiary is himself (and therefore his lineal descendants are) a relative of the testator. In

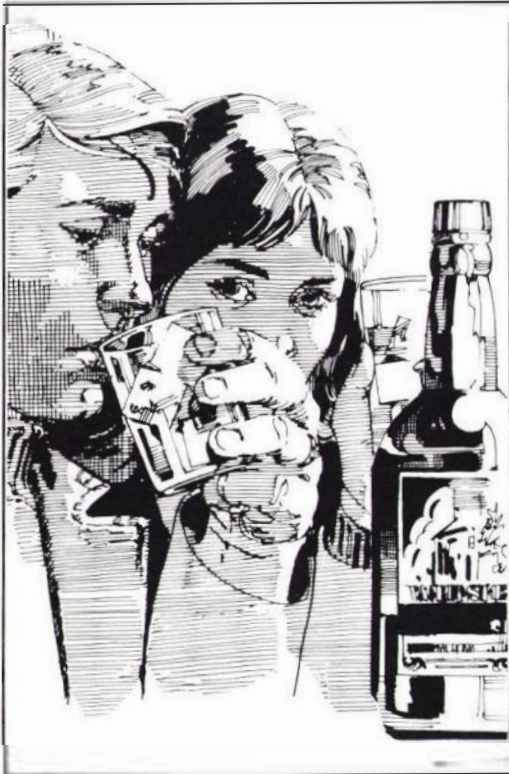
the general scheme, even a testator's spouse is not considered a "relative" for purposes of avoiding lapse, because the descendants of a spouse might not be blood relations of the testator. Washington has narrowly circumscribed the class of persons who are presumptively preferred over residuary beneficiaries or heirs, and the inadvertent failure to add the "relative" qualification to an obscure addition to chapter 11.76 should not be seen as a deliberate reversal of this policy. □

Mark Reutlinger is a professor at the University of Puget Sound School of Law. This article is based on material from Washington Law of Wills and Intestate Succession, by Mark Reutlinger and William C. Oltman to be published by Butterworth. © 1984 by the author.

¹See generally Atkinson, Wills, 2d ed., § 140.

²Some anti-lapse statutes are more or less limited than Washington's, depending upon the legislature's view of probable testator intent. See generally Atkinson, Section 140.

³See, e.g., *Ruchert v. Boyd*, 56 Wn.2d 256, 271, 352 P.2d 216 (1960); *In re Reuton's Estate*, 10 Wash. 533, 29 P.145 (1895).



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WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Carole Grayson

PORT LUDLOW— July 19-20, 1985. Present: President Campbell and all Governors but Lane. Also present: Patrick Comfort (WSBA president-designate), John Michalik (WSBA Executive Director), Robert Farrell (WSBA Counsel), Dan Phillips (Magistrates Assn.), John Gray (Governmental Lawyers), Claire Cordon (WSBA Young Lawyers), Patricia Schlosser (Wa. Women Lawyers), Mary Alice Theiler (SKCBA Young Lawyers), Matt Sayre (SKCBA Bd. of Trustees), James Noe (Superior Ct. Judges Assn.), Dale Green (Ct. of Appeals Judges Assn.), Patrick Sutherland (Wa. Assn. of Prosecuting Attorneys).

COMFORT, 3 GOVERNORS BEGIN FRIDAY THE 13th

In September, Patrick Comfort of Fircrest becomes the 54th president of the integrated Bar Association during his 1985-1986 term. Also taking office are three new members of the Board of Governors, two of whom are previous editors of the Bar News. In the hotly contested race for the Fifth Congressional District, Frank Hayes Johnson defeated fellow Spokane attorney R. Max Etter, Jr., by 14 votes out of some 800 cast. Johnson replaces Joseph Delay of Spokane on the Board. Steven A. Reisler of Seattle, immediate past editor of the Bar News, succeeds William Dwyer as one of the two King County At Large governors. Jay V. White of Seattle, Reisler's predecessor on the Bar News, replaces Paul Gibbs in the First Congressional District.

BUDGET 85-86

The Board of Governors unanimously approved a \$4,172,738 budget for FY 1986. Biggest changes in the budget: The Contingency Fund climbs to \$140,000 (up from \$75,454). The Public Affairs budget more than triples— from \$50,605 to \$167,000— to cover all local bar programs, membership services, Law-Related Education matters (c. \$67,000 for the approximate doubling of MENTOR), community relations program, institutional advertising, etc.

For FY 1985, the WSBA budget is \$3,725,640, although projected amounts for the year are now \$3,895,693 in revenue and \$3,788,100 in disbursements.

MADISON ST. GOES MADISON AVE. By a vote of 7-2, the Board of Governors approved \$29,000 for partial underwriting of two PBS television programs during FY 1985-86. The shows, The MacNeil/Lehrer Newshour and Frontline, are broadcast on KCTS, (channel 9 in western Washington) from British Columbia to Portland.

The funding, which will come out of the Discretionary Fund for New Projects, is divided as follows: \$6,804 to fully underwrite The MacNeil/Lehrer Newshour, a nightly news program, one night each week from October-December 1985, and another \$6,804 for one night each week from July-September 1986. Frontline, a weekly program repeated weekly on a separate night, will be co-underwritten on both nights to the tune of \$14,000. The pilot program also includes \$1000 for production costs and a small reserve.

Governor Vhugen wondered if some members might criticize the programs, which editorialize on national and international issues. His concern was shared by Governor Petruss, who also asked: "Why not use the funds to promote interest in the law or to inform on the law (as do the Citizen Rights pamphlets)? Or why not a program directly related to the law, for example, how to obtain a lawyer?"

The proposal passed 7-2, with Governors Petruss and Delay dissenting. Delay, from the Fifth Congressional District in eastern Washington, dissented because no funds were allocated for a similar pilot program in his area.

LAWYER EVALUATIONS

The Board of Governors unanimously approved a program for trial judges to critique the performance of lawyers trying cases before them. Participation will be voluntary for lawyers and judges. The evaluation form will be available in all clerks' offices and will also be provided to judges, who are free to use their own questions.

Lawyers seeking the critique will notify the judge and opposing counsel in advance of trial. The lawyer must obtain counsel's approval to meet privately with the judge after trial to receive the critique. The judge will orally assess the lawyer's performance and then destroy the evaluation. Results of the critique will be confidential. The judge in no case will discuss the merits of the case.

The program results from joint efforts of the Bar Task Force on Judicial Evaluation of Lawyers (chaired by Governor Bracelin), the Superior Court Judges Assn., and the District and Municipal Court Judges Assn.

ADMONITIONS

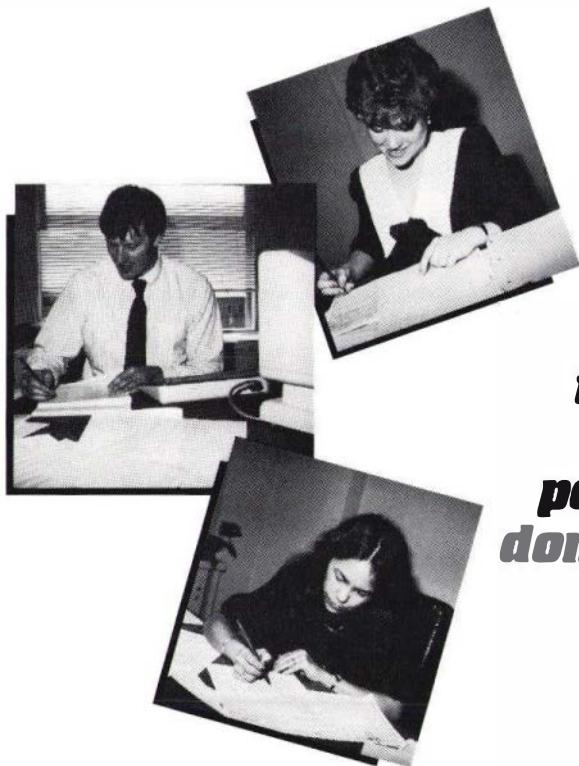
The Board of Governors unanimously moved that various amendments to RLD 5.5(A), which last month created the admonition as the newest disciplinary tool, be passed on to the Supreme Court for its approval. The amendments were inconsequential, except for new RLD 6.7(b): "A member of the (Disciplinary) Board who sat as hearing officer or as a member of a hearing panel, or who sat as a member of a Review Committee which issued a lawyer an admonition on a matter, shall not be present during the review of that matter by the Board."

GOOD HOUSEKEEPING

The Board unanimously approved eight of nine housekeeping amendments to the By-Laws. The only amendment to draw opposition requires members suspended for non-payment of dues to pay their reinstatement fee with a cashier's check or certified check. "We have, unbelievably enough," reported Executive Director Michalik, "received personal checks for these reinstatement fees which have been returned to us by the bank as NSF." The present applicable By-Law, Article II, Section 7.(a) does not specify the method of payment. Governors Bond and Petruss dissented from the motion.

PHYSICIAN-WITNESS

Last month, the Board of Governors approved revised formal ethics opinion 115 (attorney contact with physicians). This month, the opinion, now incorporating the changes made by the Board in June, was back for their final approval. The motion to adopt the revised opinion as amended (the amendments involving two semantic changes) passed 6-1. Governor Petruss, who dissented, felt that the opinion's



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proscription of a lawyer discussing "any matter" was so broad as to prohibit an attorney from calling to schedule the physician's deposition. Governors Gibbs and Bond abstained.

COURT CONGESTION

George Kargianis of Seattle, chair of the Court Congestion and Delay Committee, reported on the committee's operations and progress. The Board, committee, and interested judges and administrator groups are keeping a vigilant eye on the Judicial Administration Commission, established by SSB 4430 and to terminate July 1, 1986. The Talmadge Commission, as it's known, is examining funding on all levels and exploring whether court operation should be integrated and administered from Olympia, rather than on its current county by county basis.

ET CETERA

o ADMINISTRATIVE LAW SECTION ** The Governors approved raising the section's annual dues from \$5 to \$10 for FY 85-86.

o INTERNSHIP ** The Board voted 8-0, with Governor Delay abstaining, to deny Spokane attorney John O. McLendon permission to supervise a Rule 9 intern. McLendon earlier this year received a censure and stipulated to \$29,000 in restitution for excessive fees in representing a client. The Board of Governors has discretion to decide Rule 9 supervision requests where a lawyer has been disciplined within the past five years.

o WA. LAWYERS SERVICE ** Michael J. Fox of Seattle and C. Mark Casey of Spokane were appointed to the Board of Directors of the service, the oldest group prepaid legal plan in the state.

o COMMITTEE APPOINTMENTS ** The Board of Governors waded through the thousands of requests for committee placements and made appointments to 40 committees. Bar members lucky enough to have been selected will be notified by the Bar in early September.

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Contract Forfeiture, Construction Law & the Red Flag

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

The Real Estate Contract Forfeiture Act was signed into law on May 10, 1985. It will govern forfeitures commenced from and after January 1, 1986, and will have a significant impact on the real estate practice of Washington attorneys. INTRODUCING THE NEW REAL ESTATE CONTRACT FORFEITURE ACT will be an opportunity to learn about the new Act from members of the Task Force Committee involved in drafting it.

The half-day program will review the statutory procedures required to forfeit a real estate contract, how required notices are given, the grace period for curing a default, and the legal effect of the Declaration of Forfeiture after completion of the forfeiture process.

The seminar will feature **Ned M. Barnes** (Witherspoon, Kelley, Davenport & Toole, P.S., Spokane), **Robert M. Leadon** (Velikanje, Moore & Shore, Inc., P.S., Yakima), and **David H. Rockwell** (Jones, Grey & Bayley, P.S., Bellevue). The faculty will discuss actions which may be commenced pursuant to the Act to restrain, enjoin or extend the time for curing a default or to set aside the forfeiture, the public sale provision of the statute, and related issues which may confront the practitioner involved in a real estate contract forfeiture action.

The program will be presented in four sites: Seattle—October 4 (Seattle Sheraton); Yakima—October 9 (Thun-

derbird Motor Inn); Spokane—October 16 (Cavanaugh's Inn at the Park); and Sea-Tac—October 24 (Sea-Tac Hyatt).

For more information contact Sharon Clemence, WSBA, 505 Madison Street, Seattle, WA 98104, telephone (206) 622-6021. Registrations will be accepted on a space-available basis.

WHAT YOU NEED TO KNOW ABOUT CONSTRUCTION LAW AND CLAIMS MANAGEMENT is a full-day seminar on August 9 in downtown Seattle at the Westin Hotel. The program will offer practical strategies for solving the difficulties which inevitably arise among parties involved in developing a construction project.

Chairperson **Dale R. Martin** (Barokas & Martin, Seattle) has assembled an excellent faculty: **G.E. Craig Doupe** (Chief Counsel, Washington Public Power Supply System, Richland), **William Boland** (Assistant Attorney General, Olympia), **Norman C. Anderson, P.E.** (Construction

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

This year the RED FLAG SEMINARS will be two concurrent half-day programs, repeated in the afternoon, so that registrants may attend either or both sessions for the price of a half-day seminar. "A Primer on Civil Procedure Before Trial" and "Winning on Appeal: Trial Court Strategies" will be presented around the state: Yakima—August 2 (Convention Center); Spokane—August 9 (Cavanaugh's Inn At The Park); Tacoma—August 16 (Executive Inn); and Seattle—August 23 (Westin Hotel).

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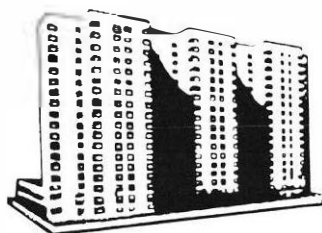
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Around the State

SEATTLE-KING COUNTY

by JAMES L. VARNELL

Hallmark, Griffith & Keating, P.C., of Portland, Oregon, announces that **Pamela A. Lang** has become an associate with the firm and will practice in its Seattle office. **Malcolm A. Moore**, a partner in the Seattle firm of Davis, Wright, Todd, Riese & Jones, has been elected secretary of the American College of Probate Counsel. **Alan H. Kane**, a partner in the Seattle firm of Preston, Thorgrimson, Ellis & Holman, was elected State Chairman of the American College of Probate Counsel for a three-year term.

Jones, Grey & Bayley, P.S., has opened an office in Bellevue. New associate **S. Leigh Fulwood** will join **Gordon M. Tanner** and members **David H. Rockwell**, **George W. Steers** and **Andrew H. Zuccotti** at the firm's office at One Bellevue Center. **John C. Merkel**, **Daniel M. Caine**, **James N. Jory**, **James P. Donohue** and **Gary R. Duvall** have formed Merkel, Caine, Jory, Donohue & Duvall at 3404 First Interstate Center in Seattle.

The Seattle firm of Taylor, Bryan & Hintze has opened an office in Anchorage, Alaska, with **D. K. "Kirby" Wright, Jr.**, and **Jody W. Sutherland** as associates. **Claire Cordon**, **Alexander Friedrich**, **Rube G. Jones** and **Dan S. Lossing** are now associates in the firm's Seattle office, and **Terry E. Miller** and **JoAnne G. Comins** are associates in its Richland office.

IN MEMORIAM

Judge Lawrence Leahy, retired from Chelan County Superior Court, died June 2 at age 75. Leahy graduated from the University of Washington Law School and was admitted to the Bar in 1937. He sat on the Superior Court bench from 1957 to 1978, and also served as judge pro tempore of the State Supreme Court and the Appellate Court.

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DISCIPLINE

Disbarred

Seattle attorney **R. Bruce McFarlane**, admitted in 1971, was disbarred by the Supreme Court on May 29, 1985. Disbarment was based on extensive findings of misconduct in two disciplinary matters. They included neglect of cases, failure to promptly disburse trust funds, misrepresentations to clients, practicing law while suspended, and failing to pay more than \$2,300 plus interest assessed in earlier disciplinary matters. McFarlane was ordered to pay restitution to the two clients and to the Bar Association.

While suspended, McFarlane accepted \$75 from a new client for a filing fee without advising her that he was suspended and not authorized to take any actions on her behalf, violating RLD 8.1(a). After advising her that the dissolution would be final in 90 days, he converted the \$75 to his own use violating DR 1-102(A)(4), and never filed the petition.

In a complaint involving real estate contracts, McFarlane's delay in disbursing \$5,200 violated DR 9-102(B)(4) and DR 6-101(A)(3). Despite requests from the client and a separately retained lawyer, McFarlane provided no closing statement for the property until more than one year after receiving the closing proceeds, violating DR 9-102(B)(1) and (B)(3). He also failed to maintain client trust funds in a minimally adequate manner, violating DR 9-102(B)(3), and disbursed \$7,000 of the client's trust funds to himself as fees without her notice or acceptance, violating DR 9-102(A).

In 1980, McFarlane stipulated to a censure for lying to a client about the status of his case on several occasions. Stipulation was entered into with the understanding that this was an isolated incident occurring while McFarlane was heavily medicated for treatment of a serious back problem.

In 1983, McFarlane was suspended for 30 days by the Supreme

Court based on findings, after a hearing, that he had neglected a legal matter; intentionally failed to seek the lawful objectives of a client; failed to carry out a contract for professional services; prejudiced or damaged his client during the course of a professional relationship; engaged in conduct involving fraud, dishonesty, deceit or misrepresentation; and failed to cooperate with the Bar's disciplinary investigation.

In November 1984, modified December 11, 1984, McFarlane was suspended for 10 months effective June 22, 1984, to be followed by two years probation. Grounds included virtually all those found in the previous discipline as well as failing to appear for a Bar deposition after being properly served with a subpoena.

Suspended

Yakima attorney **Charles C. Countryman**, admitted in 1958, was ordered suspended from the practice of law for 90 days by Supreme Court Order entered June 13, 1985, with credit given for time he had been suspended under an interim order of suspension effective January 1, 1985. Countryman was therefore ordered immediately reinstated, under certain conditions including continuing psychiatric care and supervision by another attorney. He was further ordered to pay restitution of \$1,331.66 to the heirs of an estate, and to the Washington State Bar Association in an unspecified amount for costs expended in taking custody of his files while he was suspended.

The underlying disciplinary charges included neglect of several clients' matters, removal of funds from trust before they were earned and without notice to the client, failure to cooperate with Bar investigations, failure to file the annual trust account declaration of compliance, and failure to answer the Formal Complaint.

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---	--

Mountlake Terrace attorney **Stephen Robert Hansen**, admitted in 1983, was ordered suspended from the practice of law pending the outcome of disciplinary proceedings, by order of the Supreme Court entered May 15, 1985, and effective immediately.

It is alleged that while Hansen worked for a Seattle firm he converted to his own use \$5,199.75 in client funds involving 16 clients, some of it trust funds and some fees owing to the firm, misrepresented the status of client accounts, and removed billing statements from the outgoing mail to prevent discovery of his defalcation.

Hansen is also alleged to have engaged in the following course of conduct: He falsely advised his employer that two of his clients, brothers charged with burglary, had an aunt in another county willing to secure their attorneys fees with her real estate. Hansen then prepared a \$10,000 promissory note and deed of trust to secure the note; falsely represented to his employer that he was going to the county to get her signature; falsely and without her authorization affixed her signature to the documents; acting as a notary, completed the acknowledgement of the false signature; and then returned the note and deed of trust to the employer. In fact, the

"aunt" was not related to his clients but had contacted him about representing her in an unrelated matter in a third county.

Yakima lawyer **Daniel Masters**, admitted in 1980, is suspended from the practice of law pending the outcome of disciplinary proceedings, by order of the Supreme Court effective May 21, 1985.

Masters is alleged to have committed the following breaches of discipline: 1) Failing to promptly file a bankruptcy petition as directed by a client two months earlier. 2) Routinely depositing earned legal fees from his contract as a Public Defender into his trust account. 3) Failing to advise clients of the status of their bankruptcy case and to proceed in a timely fashion. 4) Approving an agreed decree of dissolution without the client's knowledge of consent and failing to advise her of the entry of the decree. 5) Failing to account for or deliver \$2,382.98 which was to be deposited into a restricted trust account on behalf of the guardian for minor children.

Everett attorney **Kenneth B. Rice**, admitted in 1973, has been ordered suspended from the practice of law for 60 days commencing May 4, 1985, to be followed by two years' probation. Rice intentionally neglected a legal matter, intentionally failed to seek

lawful objectives of a client, intentionally failed to carry out a contract of employment with a client, misrepresented his actions to the client, and failed to cooperate with the disciplinary investigation. Rice was ordered to pay \$2,037.45 in costs and expenses to the Bar Association.

Censured

Tacoma attorney **Annon W. May**, admitted in 1949, has been ordered censured for misconduct involving two clients. The hearing officer had recommended a reprimand.

In one case, after depositing \$38,344.06 from a foreclosure proceeding into his trust account, May improperly withdrew \$4,052.37 of it as a purported legal fee without the client's knowledge or consent. Despite knowing that the client contested his right to the funds, May did not return the sum to trust until five months later, which was several months after the client complained to the Bar.

In another case, May admitted that he had failed to advise a dissolution client of a subpoena for her financial records, and had failed to appear at a Show Cause hearing on her behalf because he was escorting a political candidate in Tacoma. May also failed to provide a requested accounting for his claimed legal fees despite the fact that he was holding the client's valuable diamond and sapphire ring as security. May was ordered to return the ring to the client.

Costs of \$1,108.24 were assessed. May has a prior reprimand.

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CORRECTION

The July *Bar News* contained notices of the suspensions, pending the outcomes of disciplinary proceedings, of Spokane attorney Riner E. Deglow and Federal Way attorney Hamilton B. Underwood. The notices should have said that their suspensions resulted from *allegations* of misconduct. At the time the notices were published, neither Deglow nor Underwood had been found culpable of any misconduct. No such implication was intended by the Editor, who regrets the error.



Notices

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10/5	8509	9-5	The Secured Creditor In and out of Bankruptcy (\$135)
10/5	8510	9-12	Partnership Tax: Allocating Income and Loss (\$75)
10/11-12	8511	9-5	The Fourth Annual National Fishery Law Symposium (\$275)
10/24-25	8512	9-5	The Second Annual Hazardous Waste and Management Conference (\$275)
11/9	8513	9-5	The Fifth Annual Tax Conference (\$135)
11/23	8514	9-12	Decedents' Estates (\$75)
11/23	8515	9-3	Indian Legal Problems (\$100)
12/7	8516	9-3	The Comprehensive Crime Control Act of 1984 (The New Federal Criminal Code) (\$100)
12/7	8517	9-5	Incorporating Small Businesses (\$135)
12/14	8518	9-12	State and Municipal Tort Liability and Section 1983 (\$75)

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