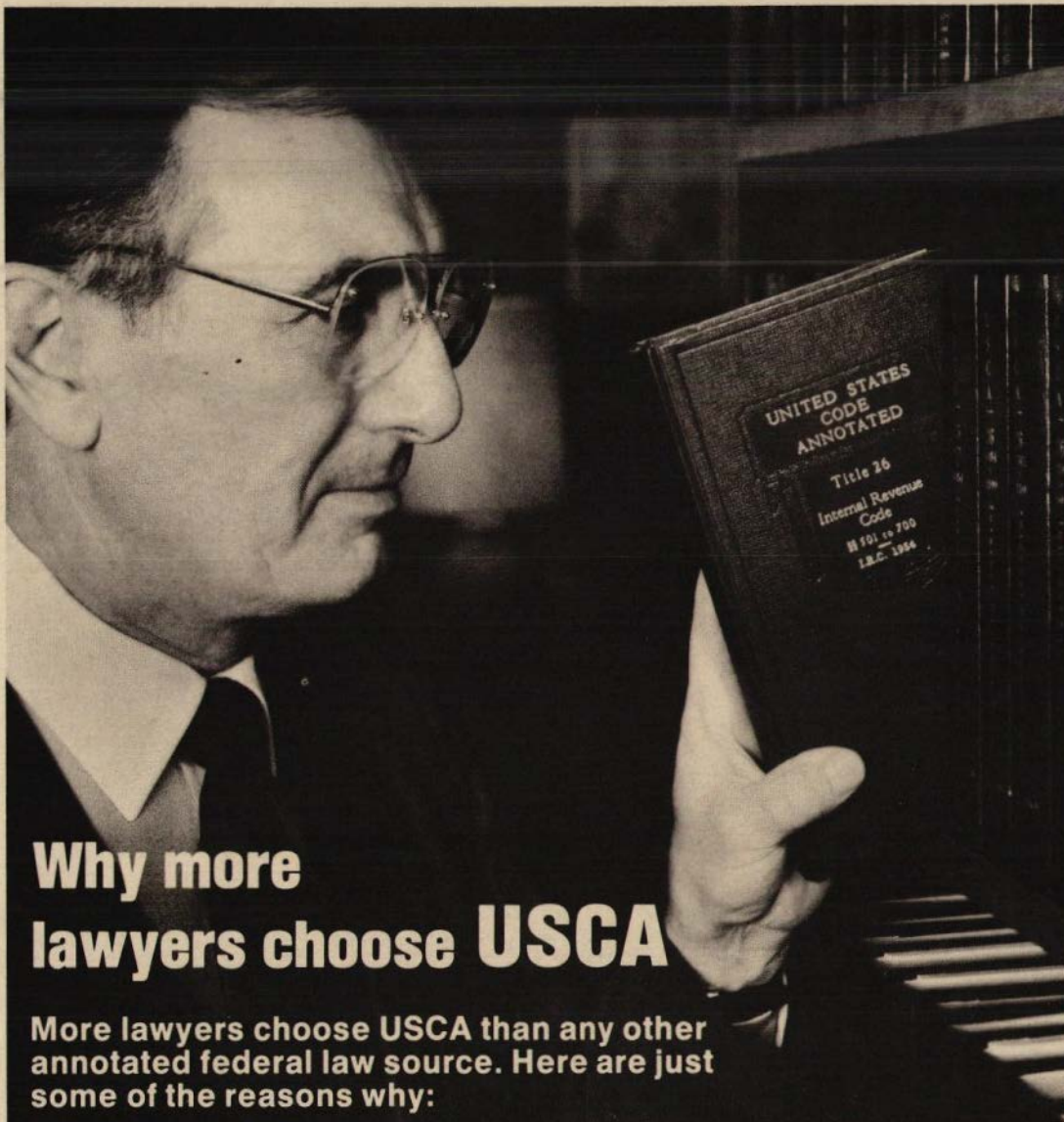


Washington State **Bar**  
**News** Vol. 40, No. 1, January 1986



Lawyer Competence



## Why more lawyers choose USCA

More lawyers choose USCA than any other annotated federal law source. Here are just some of the reasons why:

■ USCA is complete. It offers more comprehensive coverage of federal cases than any other federal statute source.

■ It's official. USCA is the only annotated federal statute set which follows the official text of the U.S. Code, which is prepared by the Office of the Law Revision Counsel of the House of Representatives.

■ USCA works with your library through West's Key Number System and other library references.

■ Only USCA has convenient alphabetical indexes to annotations.

■ USCA has superbly detailed master and individual title indexes.

■ USCA contains the full text of important CFR regulations.

■ Only USCA provides valuable Legislative History Notes directing you to specific pages of the U.S. Code Congressional and Administrative News.

■ USCA is renowned for its editorial integrity.

*Isn't it time you owned United States Code Annotated? Call your West Sales Representative today . . . or call toll-free: 1-800-328-9352, Operator 46.*

**Ronald G. Fenili**  
P.O. Box 1733  
Tacoma, WA 98401  
Phone: 206/591-0636

**Kathe Paulson**  
15125 Bandix Road  
Olalla, WA 98359  
Phone: 206/851-4062

**Dale Waterman**  
No. 3207 Wilbur Court  
Spokane, WA 99206  
Phone: 509/926-5355



**WEST PUBLISHING COMPANY**

TWENTY FIVE YEARS  
of  
CONSISTENT SERVICE  
TO WASHINGTON STATE ATTORNEYS

PROFESSIONAL LIABILITY  
INSURANCE

PLEASE TELEPHONE FOR  
INFORMATION & APPLICATIONS

TOLL FREE 1-800-562-3010  
IN SEATTLE 622-4260

ASSOC. MEMBER: NATIONAL LEGAL MALPRACTICE DATA CENTER

Please Call 1-800-562-3010  in Seattle: 622-4260



**Quinan-Pickering, Inc.**

Since 1938  
P.O. Box 3875 • Seattle, WA 98124

# ***We believe in progress.***

Progress relies on foresight.  
By anticipating new developments,  
business can continue to grow  
at a steady pace.

That's why at First Interstate Bank  
we're constantly developing  
new products, new services and  
new opportunities for financial growth.  
We want you to be glad you bank  
at First Interstate Bank of Washington.

 **First Interstate** Bank  
Member F.D.I.C.

FEATURES

**MANDATORY CLE: AN ARTICLE OF FAITH** 4

by William S. Bailey,  
Guest Editor

**WHAT YOU SHOULD KNOW BEFORE SEEKING REVIEW IN THE WASHINGTON SUPREME COURT** 11

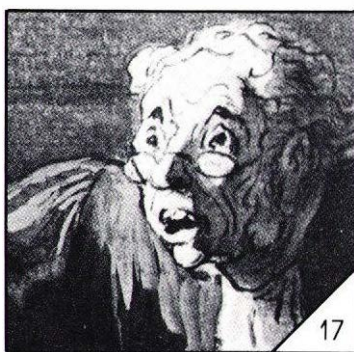
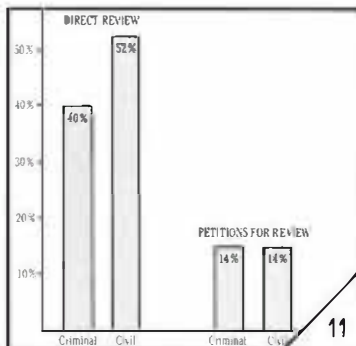
by Charles K. Wiggins

**LAWYER COMPETENCE: A JUDICIAL VIEW** 17

by Hon. Robert C. Bibb

**1986 MEMBERSHIP DIRECTORY**

The 1986 Directory of Attorneys is presently in its compilation stage. Listings for the Directory are being compiled from information contained on 1986 Dues Statements (mailed to all WSBA members in early December). When sending in your dues to the Bar Office, please note the instructions on the Dues Statement relative to the address and phone number to be used for your listing in the Directory. Corrections for Directory listings must be received by February 1, 1986—the deadline for dues payment.



DEPARTMENTS

- 4 Editor's Page
- 7 CLE Clearinghouse
- 9 The President's Corner
- 10 The Board's Work
- 16 Caselaw Capsules
- 21 LRE Update
- 22 Around the State
- 25 Briefly Noted
- 25 Discipline
- 25 In Memoriam
- 27 Notices
- 31 Index to Volume 39 (1985)

Cover: Two lawyers discuss a divorce case in 19th century France. Caricature by Honoré Daumier.

Published by  
WASHINGTON STATE BAR ASSOCIATION  
505 Madison Street Seattle, Washington 98104  
CAROLE A. GRAYSON, Editor  
JENNIFER KLAMM, Production Manager  
DENNIS M. EAGAN, Advertising Manager

JOHN J. MICHALIK, Executive Director  
R. WAYNE WILSON, Director of Public Affairs

© 1986 by Washington State Bar Association  
Printed by United Graphics, Seattle

**BOARD OF GOVERNORS**  
PATRICK C. COMFORT, President  
HAROLD F. VHUGEN, Treasurer  
JAY V. WHITE, 1st District  
TED D. ZYLSTRA, 2nd District  
ANGEL R. PETRUSS, 3rd District  
DONALD H. BOND, 4th District  
FRANK HAYES JOHNSON, 5th District  
EDWARD M. LANE, 6th District  
ELIZABETH J. BRACELIN, 7th District  
ROY J. MOCERI, 8th District  
STEVEN A. REISLER, King County  
HAROLD F. VHUGEN, King County

**EDITORIAL ADVISORY BOARD**  
RICHARD FRANCIS JONES, Chairperson, Olympia  
GEORGE EDWARD BENSON, Seattle  
TIMOTHY DAVID BLUE, Seattle  
JANICE L. CAMPTON, Seattle  
ROYCE A. FERGUSON, JR., Everett  
MARY CORNABY JARVIS, Lynnwood  
ROBERT EUGENE MACK, Tacoma  
RUTH NIELSEN, Seattle  
TERRANCE COLIN SCHMALZ, Selah  
JAMES J. SULLIVAN, Bellevue  
DUANE MICHAEL SWINTON, Spokane



“Competence” and “com-  
pete”: two words from the  
same etymological pod.  
What lesson can we lawyers learn from  
this?

Some time ago, Seattle attorney  
William S. Bailey contacted editor  
Steve Reisler, my predecessor, about  
putting together an issue of this maga-  
zine to focus on lawyer competence.  
This theme has now gestated for as  
long as does a human being. The pro-  
duct is before you.

Bailey's diverse background makes

him particularly well-suited to coor-  
dinate this issue. He has been a Public  
Defender and an Assistant Attorney  
General, and presently works with the  
firm of Levinson, Friedman, Vhugen,  
Duggan, Bland and Horowitz.

“Take any crowded motion calen-  
dar,” says Bailey, “and at least one of  
the lawyer multitude present will pro-  
duce utterances out of Ripley's *Believe  
It or Not*. But,” he continues, “as you  
grab this passing amusement in your  
boredom and enjoy the fun at someone  
else's expense, suddenly a terrible

realization dawns on you: 'There but  
for the grace of God go I.'”

Gulp.

“On another front,” he continues,  
before my heart has time to stop rac-  
ing, “how many of us have files in the  
drawer that are time-bombs ready to  
explode, files lost in the shuffle of daily  
priorities? How many of us wake up in  
the middle of the night thinking, ‘Oh,  
my God, the trial is set to start next  
month and I really haven't done any-  
thing on the file yet.’”

Agggghhhhh. . .

\* \* \* \* \*

### GUEST EDITORIAL

#### Mandatory CLE: An Article of Faith

by William S. Bailey

I t is October. Your thoughts turn  
to pleasant subjects such as taking  
a drive over Stevens Pass and  
watching the leaves turn color. While  
cleaning the morning mail off your  
desk, you take a sideways glance at a  
CLE flyer on its way to the circular  
file. Suddenly, reality jars you—there  
are two months left in the year and  
you have twelve more CLE credits to  
accumulate. The circular is retrieved,  
and hasty preparations are made. The  
drive to Stevens Pass gives way to  
stale donuts, acidic coffee and the  
polyester fumes of the Sea-Tac Red  
Lion, the sacred meeting place for  
CLE rituals.

You go with the best of intentions,  
saying to yourself, “Well, it might not  
be so bad. I might actually learn some-  
thing. At least it gets me out of the  
office.” You file in with 600 other like-  
minded individuals. In 40 minutes,  
despite the best of intentions, your  
note taking has dwindled off to noth-  
ing, and doodles worthy of Picasso take  
over in the margin. However, at least  
you come out with a healthy respect for  
how much you didn't know.

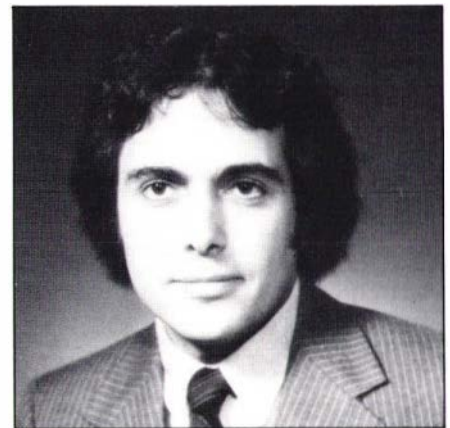
Where did this mandatory CLE  
business come from, anyway? It has  
been a fact of life for the Washington  
lawyer since 1977. We are now one of  
twelve states to have the mandatory  
program. Apparently, most of us have  
gotten used to this requirement; sus-

pensions for non-compliance with the  
rule averaged about 27 members  
yearly, 1980-1982.

CLE is based on the proposition that  
you *can* teach all dogs new tricks. Most  
of us cling to tried and true methods of  
practice. After all, law is a profession  
where tradition and *stare decisis* run  
deep. When we lawyers finally get the  
hang of doing something a certain way,  
we are loathe to give it up. I repeatedly  
run into lawyers who still do not recog-  
nize the “new” rules of evidence ten  
years later. Even though hypothetical  
questions are no longer required,  
some lawyers persist in reading 15  
minutes of fine details into the record  
before asking their expert an opinion  
on an ultimate issue.

We cannot assume that a law school  
graduate is capable of practicing in all  
areas. Neither can we assume that, five  
or ten years of random legal experi-  
ence later, the education process is  
complete. The most diligent of us find  
it increasingly difficult to keep abreast  
of developments in our particular  
fields, not to mention peripheral areas.

Mandatory CLE is not a cure-all,  
but it endeavors to improve compe-  
tence by providing basic information  
in an accessible format at a reasonable  
cost. Learning takes place in two ways:  
through informal contact with other  
lawyers and through the formal educa-



tional program itself. A mandatory  
CLE program increases awareness of  
potential legal problems, increases  
public confidence in the legal profes-  
sion, helps to bridge the gap for the  
new lawyer, helps the older lawyer to  
assimilate changes in the law, and fur-  
thers the exchange of information  
among us all.

The effectiveness of mandatory  
CLE in addressing the incompetence  
problem is largely an article of faith.  
There is no guarantee that a person  
will come out any more competent  
than before. You can force the body to  
be there, but the spirit may not be  
willing. We must assume that attor-  
neys are competent and professional  
enough as a group to care about keep-  
ing their skills up and to be able to  
profit from CLE courses they attend.

# COLUMBIA CENTER QUIZ

*Are you ready to make the move to Columbia Seafirst Center?  
Take this quiz and find out.*

1. *Where do your best ideas come from?*

- a. Imitation
- b. Contemplation
- c. Perspiration

2. *What was the last TV program you watched?*

- a. The Muppets
- b. U.S. Open Tennis
- c. Dynasty

3. *How competitive are you?*

- a. Not at all
- b. Somewhat
- c. More than you

4. *How do you unwind after work?*

- a. With a stiff drink
- b. With an hour of squash
- c. With some extra work

5. *If you chose a military career, what would you be?*

- a. Infantryman
- b. Marine
- c. Commander-in-Chief

6. *What's your favorite place to shop?*

- a. Northgate
- b. Rainier Square
- c. The New York Stock Exchange

7. *What section of the Sunday paper do you read first?*

- a. Sports
- b. Travel
- c. Economy

8. *What's your idea of an excellent place for lunch?*

- a. The Frankfurter
- b. Waterfront Park
- c. Your desk, with the latest issue of Forbes

9. *Who's your hero?*

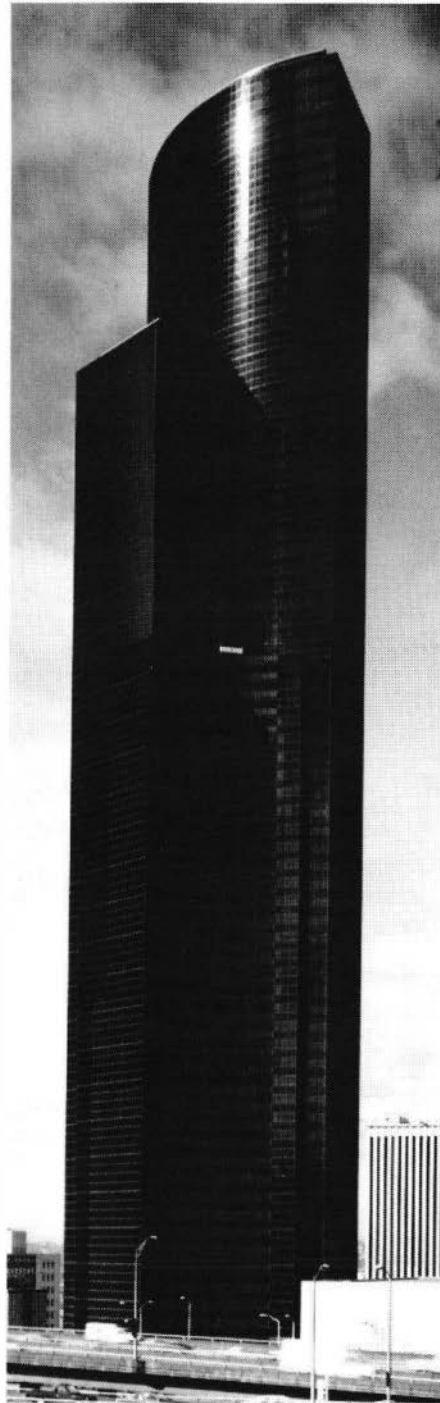
- a. Rambo
- b. Chuck Knox
- c. Lee Iacocca

10. *Whose advice do you always take?*

- a. My mother's
- b. My doctor's
- c. My accountant's

If you checked "c" for 5 or more questions, you're ready!

Call Martin Selig today:  
284-7374



**COLUMBIA  
SEAFIRST  
CENTER**

76 Stories of Pure Prestige

Since lawyers have resisted the growing pressures toward certification of specialization, no badge says who is competent to do a particular job and who isn't. You can advertise yourself in the yellow pages as a legal expert in just about anything.

A CLE should provide the knowledge to prevent garden variety mistakes in specialized areas. It should

assure that routine wills, divorces or DWIs are handled properly. The lawyer who learns about problems will know when to send cases to somebody else.

To some extent, mandatory CLE has to depend upon the competence of the profession it serves. No CLE can turn the Hydes into Jekylls. There are rarely any examinations given at a

CLE, and it is not intended to identify or weed out the incompetent lawyer.

Beyond integrity and a basic fluency in verbal and writing skills and knowledge of substantive law, CLE does not provide other skills that a competent lawyer needs. A lawyer's job is very broad. Diligence, concern for the client, advocacy skills and an ability to understand the client's position are all important. CLE cannot help a lazy, insensitive, senile or alcoholic lawyer improve. Skill training in a subject such as advocacy is labor intensive and not economical in a CLE format. This inherent limitation makes supplementary approaches to lawyer competency necessary.

### Conclusion

No one factor insures the competence of practicing lawyers. Active investigation of improvements continues at various levels—law schools, the bar examination, the disciplinary system and continuing education. The formula for producing the "complete lawyer" is always changing. The important thing is that as a profession, we must be willing to examine the problem of incompetence, improve our awareness of it and work toward a solution. If we don't clean our own house, somebody else will do it for us.

*William S. Bailey*



## RESIDENCE XII FOR WOMEN

A Chance With a Choice

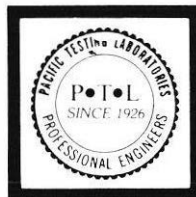
An Alternative Providing A High Quality, Low Cost Program - Designed to Meet the Specific Concerns & Needs of Women With Alcohol & Drug Problems & Their Families

NOT FOR PROFIT

Situated In A Park-Like Setting On the Edge of Lake Washington

**(206) 823-8844**

14506 Juanita Drive N.E.  
BOTHELL, WASHINGTON



## PACIFIC TESTING LABORATORIES

Licensed Professional Engineers

For over 55 years we've been providing expert Forensic Evaluation. Investigative and testing capabilities include:

- **Product Liability**
- **Accident reconstruction**
- **Construction Plan Compliance**
- **Non Destructive Evaluation**
- **Chemical Analysis**
- **Structural Analysis**
- **Geotechnical Services**
- **Flammability Consultation**
- **Failure Analysis**
- **Environmental Studies**

**(206) 282-0666**

3220-17th Ave. W. Seattle, WA 98119



**Begin the New Year With  
TAX PRACTICE AND  
PROCEDURE**

**Featuring A Distinguished  
Faculty**

*by John M. Redenbaugh*  
Assistant Director of CLE

On Thursday, January 30, 1986 the Taxation Section and Continuing Legal Education Committee of the WSBA will offer a TAX PRACTICE AND PROCEDURE seminar. Approved for 6.25 hours of credit, this program will feature a distinguished panel of practitioners, government lawyers and the judiciary from Washington, D. C. and the Evergreen State. It will focus on the scope of document production before and after litigation; increased IRS scrutiny of actions by attorneys and accountants; IRS settlement and collection trends; the effect of larger tax court case loads; current governmental policies and criminal tax investigations. Besides program chair **Robert J. Chicoine** (Chicoine & Hallett, P.S., Seattle), the faculty includes **James J. Keightley** (Special Counsel to the Joint Committee on Taxation, Washington, D.C.); **Hon. Samuel Sterrett** (Chief Judge of the Tax Court, Washington, D.C.); **Gary C. Randall** (Professor of Law, Gonzaga University School of Law, Spokane); **Michael C. Durney** (Hamel & Park, Washington, D.C.); **Jerome Fink** (formerly Chief of the Tax Division, Civil Trial Section for the Department of Justice now Special Counsel to Lee, Toomey & Kent, Washington, D.C.); **Darrell D. Hallett** (previously a Special Trial Judge with the United States Tax Court and now a principal in Chicoine & Hallett, P.S., Seattle); and **Roger M. Olsen** (Deputy Assistant Attorney General, Tax Division, Department of Justice, Washington, D.C.).

Tuition of \$115.00 includes admission, coffee service and the course manual. For further information, contact **Debbie Kirchhauser**, Program Coordinator, WSBA, 505 Madison Street, Seattle, WA 98104 or telephone (206) 622-6021.

**APPROVED CLE COURSES  
WASHINGTON STATE BAR  
ASSOCIATION**

**Landlord-Tenant Law in Washington**  
7.00 credits \$85

JAN 16 Bellingham  
(Holiday Inn)  
JAN 17 Seattle  
(Westin Hotel)

**Videotaped Presentations**  
JAN 30 Spokane  
(Sheraton Hotel)

FEB 6 Richland  
(Hanford House)

FEB 13 Vancouver  
(Inn at the Quay)

**Winning On Appeal: Trial Court  
Strategies**  
4.00 credits \$75

JAN 23 Spokane  
(Cavanaugh's Inn at the  
Park)

JAN 24 Seattle  
(Westin Hotel)

**Tax Practice and Procedure**  
6.25 credits \$115

JAN 30 Seattle  
(Westin Hotel)

**Land Use Damages and Remedies**  
7.00 credits \$120

FEB 20 Spokane  
(Cavanaugh's Inn at the  
Park)

FEB 21 Seattle  
(Madison Hotel)

**GONZAGA UNIVERSITY  
SCHOOL OF LAW**

**"Avoiding the Storm": Securities Law for  
the Nonsecurities Lawyer and Other Pro-  
fessionals**

6.50 credits \$100

FEB 21 Seattle  
(Sea-Tac Red Lion Inn)

Contact: Prof. John M. Maurice (1-800-  
572-9658, Ext. 3725)



**ATTORNEYS**

Your Legal Publications can be published any  
business day including Saturday in the

Established 1893



Seattle Daily  
**Journal of Commerce**

Member United Press International

**622-8272**

**Journal Bldg., 83 Columbia St.,  
Seattle 98104**

*Washington's Court Newspaper*

# NOW CORPEX GIVES YOU EVEN MORE REASONS TO PURCHASE THE FINEST CORPORATE KITS AVAILABLE.

**THE FIRST REASON IS SPEED OF DELIVERY.** By joining forces with DHL World Wide Express, the largest courier in the world, we're able to offer you overnight delivery of our corporate kits to any place in the continental U.S., Alaska and Hawaii (our prices include *delivery*) † That's the kind of speed and efficiency that makes your business run better—and makes us the country's leading source for corporate kits

**THE SECOND REASON IS QUALITY.** For over fifty years, Corpex has been providing America's legal and financial communities with the finest, most comprehensive kits available.\*

**OUR NEWEST REASON IS A BONUS**—our exciting new Corpex Premium Incentive Program. Every time you order corporate outfits from us, you receive coupons that can be redeemed for terrific gifts (We call them Cor-Perks.) There's a whole catalog of fine gifts to choose from—televisions, cordless telephones, golf bags, luggage, watches, cameras, dozens more—all absolutely free for the coupons you accumulate. It's our way of thanking you for your business—and of proving our commitment to offer you more in every way. You'll receive our Cor-Perks Gift Catalog with your next order. Or you can call our toll-free number right now to find out what fabulous gifts we've got waiting for you. Corpex. We've always had presence. Now we have presents, too.



**\*Every Corpex Corporate Kit comes in a matching slipcase complete with:**

- Corporate Seal in a foldaway pocket
- 20 custom printed stock certificates
- Stock Transfer Ledger
- 50 blank sheets for minutes or time-saving printed minutes and by-laws
- Special forms section with complete review of latest IRS requirements for Sub-Chapter S election, medical and dental reimbursement plans, Section 1244 forms, IRS SS4 form, annual meeting forms

**• Standard outfit—\$47.50; with printed minutes and by-laws, \$49.75.** (Includes delivery in Continental U.S., Alaska, Hawaii.)

†Some remote locations might require an additional day



# Corpex®

Corpex Banknote Company, Inc., 480 Canal Street, New York, NY 10013

**1-800-221-8181**  
(In NY: 1-800-522-7299; 212-925-2400)





## The Bar Exam: Striving for Excellence

The recent controversy over the results of the July Bar Examination served a beneficial purpose. First, it focused public attention on the high priority given to the ethics portion of the exam. Second, it provided an opportunity for us to review our own procedures to make sure that they were fair and thorough.

Public attention was brought to the Bar Exam results by reason of the fact that only 47% of the applicants passed, with 67% passing the substantive law portion and 54% passing the ethics portion. It was further noted that 67% of the graduates of one in-state law school passed, while only 43% and 32% of the graduates of our other two in-state law schools were successful.

The press, the public generally, and our own membership immediately raised questions as to the reason for the disparity of results from former exams.

The formulation, administration and grading of a Bar Examination is not a matter left to chance or happenstance. The whole procedure is carefully structured to assure that each examinee will be tested fairly, but thoroughly. A brief review of its essential components might be in order, as the procedures themselves seem to be the only thing the press did not pick up on during the recent flap.

First, each examination question is prepared by an individual examiner and presented to a screening committee of other examiners for critique. The question is then revised by the original presenter and resubmitted to the committee for further review. When the question has satisfactorily passed this critique procedure, it is submitted to the entire Committee of Law Examiners for review and final draft. Finally, the question is submitted to a staff lawyer who reviews it independently from the basic process to assure that the question is understandable and fair.

Each examiner grades his or her own questions. With respect to the recent examination, each examiner graded two questions on the ethics portion. When the initial grading has been completed, a borderline review session is undertaken during which

answers of examinees "close to passing" are entirely regraded. This session is a joint effort of the Chairman of the Committee of Law Examiners, the Chairman of the Ethics Screening Committee, various Executive Committee members of the Committee of Law Examiners and all Examiners who actually graded and drafted questions.

As a final check and balance, applicants failing a portion of the exam, but whose total score falls within a certain specified range, may have their examination answers reviewed on appeal. Such review is undertaken by new examiners who have not been involved in the initial process. In past years, the range set by the Committee of Bar Examiners to trigger this appeal has varied from three points to four points below passing.

Our review of examination procedures indicated that our examiners performed well. The system itself withstood critical surveillance, and there did not appear to be an apparent need for revision. However, as a further safeguard within the system, I approved the recommendation of the Chairman of the Committee of Bar Examiners that the appeals range be broadened to five points to enable more applicants to benefit by utilization of the appeals process on the ethics portion of the exam. This was done, however, within the understanding that the minimum passing score would not be lowered and that there would be normal grading standards applied during the appeals process.

As we know, the Supreme Court, in its wisdom, expanded the appeals range to include all applicants who failed to pass the ethics portion of the examination. This enabled an additional 150 applicants to be included within the appeals procedure.

In the course of our appeals process, there are normally a number of appeals which are successful and a number which are unsuccessful. Time alone will tell what the results of this year's appeals process will be.

The question remains: Why did the applicants do so poorly? Obviously, we don't have knowledge of any facts from which we might deduce an answer to that question.

However, having admitted that, in true lawyer-like fashion we will suggest an answer. The exam itself is a



stressful experience, requiring intense preparation. In recent years, applicants have scored extremely high on the ethics portion of the exam. It may be that applicants in their preparation for the July 1985 exam placed undue emphasis on the substantive law portion of the exam and slighted the ethics portion. If this was the case with respect to this immediate examination, we are confident it will not be so with the February examination; that's for sure.

With this experience behind us, what lesson do we draw? Each of us will have a varied reaction. My perception, purely personal mind you, focuses upon (1) the need to constantly review examination procedures to make sure they are meaningful, fair and effective and (2) the disparity of Bar Exam results among the graduates of our in-state law schools.

We expect a first-rate effort out of our students in our law schools. They have the right to expect first-rate education from our law schools. The law schools, their students and the public have the right to expect a first-rate Bar Exam which is fair and thorough from our association.

When an obvious disparity of test result occurs among the graduates of one or more law schools and other in-state schools, we hope that it is an aberration. Nevertheless, a respectful inquiry should be made of each school to determine if we are educating our students well, and if not, . . . "How can we help you to do so?" Our law students, the lawyers of this State, and the public we serve, deserve the very best education and learning resources we can provide.

*Paul Comfort*

# WASHINGTON STATE BAR NEWSLINE

## The Board's Work



by Carole Grayson

Seattle, December 13-14, 1985

Present: President Comfort and Governors (Moceri absent 12/13). Also present: John Michalik (WSBA exec. dir.), Richard Barbieri (SKCBA Bd. of Trustees), Mary Drobka (SKCBA Young Lawyers), John Lawson (Dist. Ct. Judges Assn.), Chuck Snyder (WSBA Young Lawyers), Peter Steere (Superior Ct. Judges Assn.), Patrick Sutherland (Wa. Assn. of Prosecuting Attys.), Dale Green (Ct. of Appeals Judges Assn.), John Gray (Gov. Lawyers), John Fattorini (WSBA lobbyist).

**WHAT'S THE WORD?** The Bar's malpractice insurance survey is being sent to all active members, reported Executive Director Michalik. Return date is January 20.

**ABLE WAS I...ERE I SAW** While discussing ABLE, a draft proposal to eliminate 70% of the appellate backlog which clogs Divisions I and II, the Governors unanimously elected to send a letter to Justice Brachtenbach acknowledging the backlog problem and asking the Supreme Court to consider their concerns about the proposal. The Governors and the court will discuss the matter further in Olympia next month.

By the end of fall term, 1985, 1114 cases in which the respondent's brief had been filed by October 30 awaited oral argument --- 548 in Division I, 455 in Division II and 111 in Division III. For civil appeals disposed of by opinion in 1984, the average time awaiting oral argument after filing a respondent's brief was 456 days.

George Kargianis, chair of the Bar's Court Congestion and Delay Committee, explained that the 12-month-long project would create nine additional panels, each consisting of one Supreme Court justice and two attorneys pro tem. Attorneys pro tem would receive travel allowances but no compensation, although six law clerks and two secretaries would be added to each of Divisions I and II. To utilize attorneys pro tem, the Supreme Court will request legislative revision of RCW 2.06.150, which limits Court of Appeals' pro tem to regularly elected superior court judges or retired judges of court record.

Governors Lane, Vhugen and others expressed concern with the ABLE provision under which 2-1 decisions would be prohibited if the judicial member was the minority. These appeals would be rescheduled for the traditional three-judge review. Governor Bracelin wondered if a party could elect to stay in the main pool.

**NEW WOMEN'S LAW CENTER** The Governors voted 7-1-1 to give a \$1,000 grant to the non-profit public interest organization. Leslie Owen, executive director, and Marilyn Endriss, president, explained that the funds would be "seed money" for a newly created legal coordinator position. Besides litigation support, the seven-year-old center handles 3,000 referrals per year.

Governor Betty Bracelin, who is on the center's advisory council, abstained. Dissenter Ed Lane felt that the center's amicus briefs put it outside the range of activities to which the Bar can contribute.

**"A NEW OLYMPIC EVENT"** The process of legislative revision, noted President Pat Comfort, is "a new Olympic Event." The Governors voted in accord with the Bar committee recommendations.

● 9-0 to sponsor legislation proposed by the Corporate Act Revision Committee of the Corporation, Business and Banking Law Section to amend RCWs 18 and 23A and allow licensed health care professionals to organize nonprofit, nonstock corporations. Kevin McMahon and Cameron DeVore of Seattle presented the proposal.

● 8-1 to sponsor legislation presented by Anne Redman of Seattle on behalf of the Non-Profit Corporation Act Revision Subcommittee of the Corporation, Business and Banking Section. "Why don't we do something for the lawyers and not change this?" asked dissenter Zylstra, who wasn't convinced that there were any problems which needed fixing.

● 9-0 to sponsor revisions to RCW 61, the Deed of Trust Act. Seattle lawyer Warren Olson of the Real Property, Probate and Trust Section presented the proposal.

● 9-0 to support amendments to Article 8 of the Uniform Commercial Code, as presented by Ed Lange of the Corporation, Business and Banking Section.

**LIMITED PRACTICE** J. Patrick Aylward of Wenatchee was unanimously recommended for a four-year term on the Limited Practice Board, a nine-person body appointed by the Supreme Court.

**LEGAL AID** The Governors unanimously appointed Dori Jones of Seattle to the Bar's Legal Aid Committee.

\*\*\*\*\*

**OYEZ, OYEZ** Court of Appeals, Division I, has an opening for commissioner. Send your resumé by January 24 to Richard Taylor, Clerk, Division 1, 1 Union Square, 600 University St., Seattle 98101-4170.

# What You Should Know before seeking review in the Washington Supreme Court

## Part I of II

by Charles K. Wiggins

The trial court has just entered summary judgment under the Consumer Protection Act against your client, the owner of a small automotive repair business. Your client asks about an appeal, and you explain the right to appeal to the Court of Appeals. You also explain that the case may find its way to the Washington Supreme Court. Then your client asks, "What are my chances in the Supreme Court?" How do you respond?

Or, suppose the Court of Appeals has already affirmed the summary judgment. You advise your client of the right to petition for review by the Supreme Court, and your client asks the same question.

Potential appeals must be analyzed on a case-by-case basis. Will an appellate court be left with the firm conviction that the trial court decision is wrong, that justice has not prevailed? Are the issues properly preserved for review? Were the alleged errors prejudicial? What is the appropriate standard of review? What of your own ability to increase the prospects of success on appeal by careful selection of the issues, thorough research, a persuasive and well-written brief, and a well-prepared and delivered oral argument?

Experience reveals that you will lose some appeals which you initially evaluated as "good." You may also win some appeals which you initially evaluated as less than "good." Statistics on past Supreme Court decisions may help you refine your analysis.

This article reports general conclusions from my study of Washington Supreme Court decisions from 1981 through 1984. Space does not permit a detailed analysis, and this article is

limited to some broad observations. A future article will consider Court of Appeals decisions.

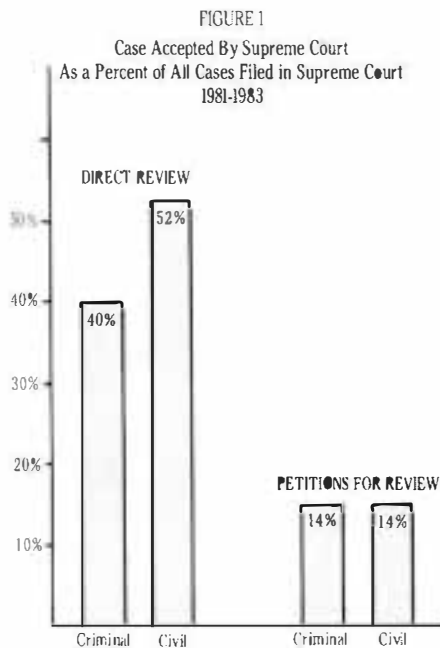
The statistics in the article are no substitute for a careful analysis of each potential appellate issue. Statistics cannot "predict" the outcome of a particular appeal; they only tell how the court has handled different types of cases in the past. The outcome of any individual appeal depends on the equities of the case, the strength of

### Two Routes to the Supreme Court

A case may reach the Supreme Court either on petition for review or on direct review.<sup>1</sup> A petition for review may be filed for a case already decided by the Court of Appeals, which denies most petitions for review. It will review such a petition only if the case satisfies one of the conditions of RAP 13.4(b).

In the second route to the Supreme Court, direct review, the Court of Appeals does not decide the case at all. A case may be decided on direct review several ways. A party may file an appeal directly in the Supreme Court, or the Court of Appeals, without deciding the case, may transfer it there directly. In either case, the Supreme Court may accept the case or return it to the Court of Appeals. The Supreme Court will accept direct review only in one of the conditions specified in RAP 4.2(a). Cases may also reach the Supreme Court on direct review by administrative transfer, in which the Supreme Court accepts review to relieve the case backlog in the courts of appeals. Cases reviewed by administrative transfer do not necessarily satisfy the criteria of RAP 4.2(a).

The Supreme Court accepts more cases on direct review than petitions for review. Figure 1 shows that 1981 to 1983, the court accepted about 40%



the issues, the skill of appellate counsel and the combination of judges on the bench. Statistics provide a starting point for analysis—you must do the rest.

One final caveat: the makeup of the bench has changed considerably over the past few years. Four new judges have joined the court since almost all of these cases were decided. The court may strike out in new directions unanticipated by statistics here.

Charles K. Wiggins is a partner in the Seattle firm of Edwards & Barberi, where 65-75% of his practice is in appellate courts. Wiggins will discuss his statistical analysis of Court of Appeals decisions in the WSBA seminar "Winning on Appeal," which will be presented at 1 pm at Cavanaugh's Inn at the Park on Thursday, January 23 and at the Westin Hotel on Friday, January 24.

of all criminal cases and 52% of all civil cases which were either filed directly in the Supreme Court or transferred to the Supreme Court from the Court of Appeals. Figure 1 also shows that during the same three years, the Court accepted only about 14% of all petitions for review filed with the Court.<sup>2</sup>

Figure 2 depicts the relative volume of petitions for review and cases

on direct review. The court accepts more cases on direct review even though far more petitions for review are filed than direct appeals. The court is more likely to accept direct review if the case involves an administrative agency, a civil constitutional issue, an incompetent person, or the state. The court is more likely to take a criminal case on direct review where the state appeals. Where the criminal

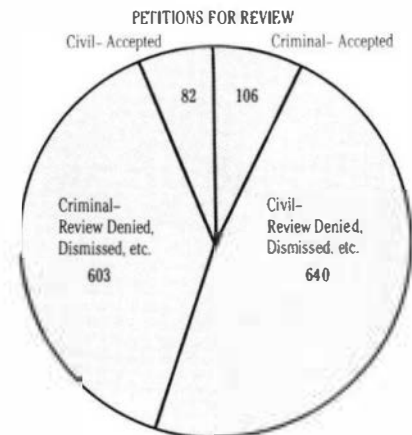
**SELLER-FINANCED  
REAL ESTATE  
CONTRACT  
AND  
TRUST DEED  
ASSIGNMENTS  
CASHED**

**AND  
RECEIVABLE INCOME  
MANAGEMENT  
(CONTRACT COLLECTIONS/SERVICING)**

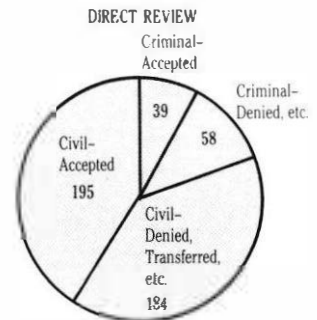
**WALL STREET  
BROKERS**

500 WALL STREET, SUITE 405,  
SEATTLE, WASHINGTON 98121-1577  
**(206) 448-1160**

FIGURE 2  
Supreme Court  
Cases Filed Versus Cases Accepted  
1981-1983



TOTAL CASES: 1349



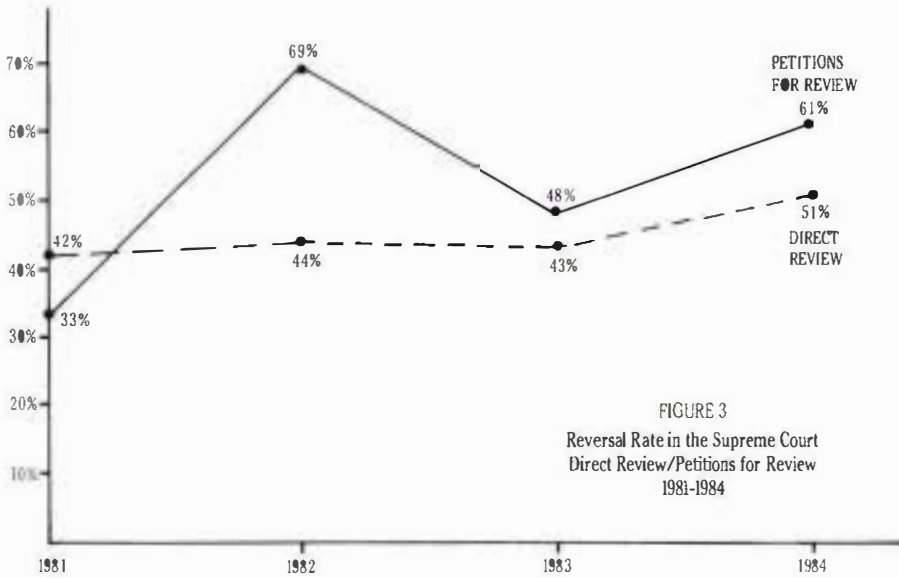
TOTAL CASES: 476

defendant appeals, the court accepts far more cases on petitions than on direct review.

This does not mean that you increase your chances of obtaining Supreme Court review by seeking direct review instead of proceeding through the Court of Appeals and petitioning for review. Direct review depends on whether the trial court decision satisfies the criteria for direct review set forth by rule or by statute. The decision to grant or deny a petition for review turns on different factors, most often a conflict between a Court of Appeals decision and the Supreme Court or between two decisions of the Court of Appeals. Decide whether to seek direct review in the Supreme Court based on the RAP criteria, not on some perceived statistical advantage inherent in direct review.

**Petitions for Review vs. Direct Review**

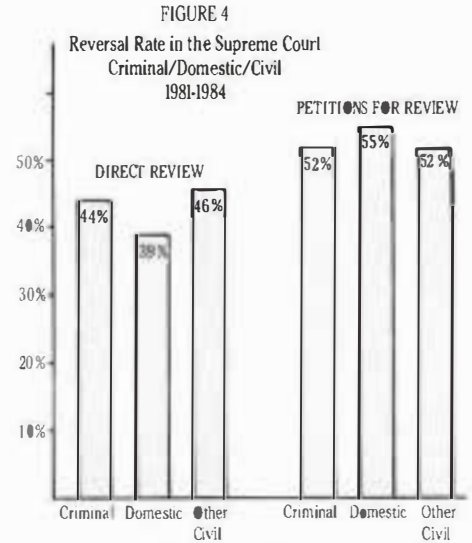
The Supreme Court reverses cases



on petitions for review more frequently than on direct review. From 1981 through 1984, the Supreme Court reversed 52% of all trial court decisions on petitions for review, but reversed only 45% of all trial court decisions on direct review.<sup>3</sup>

Figure 3 shows the reversal rate on direct review and on petition for review for each year 1981 through 1984. The reversal rate for cases on direct review was remarkably constant from 1981 through 1983, fluctuating between 42% and 44%; it jumped to

51% in 1984. In contrast, the reversal rate for petitions for review fluctuates widely, from 33% in 1981 to 69% in 1982. The reversal rate for petitions for review jumped to 61% in 1984, just as it jumped to 51% for direct review. It remains to be seen whether the court will maintain this higher reversal rate in 1985.



## EXPEDITE YOUR RESEARCH

A most comprehensive collection of Appellate Briefs filed in the Appellate & Supreme Courts of the State of Washington is now available from one source.

You can now order by phone a copy of any brief on microfiche or in paper form.

For details call:



**COMMERCIAL  
MICROFILM  
SERVICE**

14200 N.E. 21st St. □ Bellevue, WA 98007  
(206) 747-6733

AODM ASA-2 NC  
RBBB WDNW PE  
Epis. UCG LOA

**What good is a hospital record if you can't read it?**

JD•MD has prepared a list of over 500 commonly-used medical abbreviations, in a handsome folder for your reference library.

For a free copy, write:\*

**Advertising Manager  
JD•MD, Inc.  
153 Main Street  
Madison, N.J. 07940**

\* No telephone orders

**JD•MD**™  
INC.

*The finest in medical experts*

## TRADEMARK & COPYRIGHT SEARCHES

**TRADEMARK**—Supply word and/or design plus goods or services.

**FEES:** TRADEMARK, OFFICE Files—Wordmark—\$55. 2 or more—\$50 each. COMMON LAW—\$30 additional. EXPANDED COMMON LAW—\$75 additional. DESIGNS—\$70 per class. COPIES extra.

**COPYRIGHT**—Supply title/author/regs.—FEE—\$80. 2 or more—\$75 each.

**GOVT LIAISON**—All agencies—SEC (10 K's), ICC, FTC, Court Records, Congress. Records, etc. Fees on request.

**APPROVED**—Our services meet standards set for us by a D.C. Court of Appeals Committee.

*Over 60 years successful experience—Not connected with the Federal Government*

**GOVERNMENT LIAISON SERVICES, INC.**

Suite 209, 3030 N. Fairfax Dr. • P.O. Box 10648  
Arlington, VA 22201 • Arlington, VA 22210  
Phone: (703) 524-8200

## Reversal Rates for Criminal, Domestic and Civil Cases

Supreme Court decisions can be further analyzed by the type of issue involved in the case. Figure 4 illustrates the reversal rates when litigants are classified into three broad categories—criminal cases, domestic or family law cases, and other civil cases. There is very little difference in the

reversal rate among these three broad categories. On petitions for review, criminal cases have the same reversal rate as all non-domestic civil cases, 52%. A similar pattern is evident on direct review—44% of all criminal cases were reversed, while 46% of all non-domestic civil cases were reversed. In other words, the reversal rate in the Supreme Court does not vary between criminal and nondomes-

tic civil cases.

## Bench Trials, Jury Trials, and Summary Judgment

Appellate cases can also be classified according to the nature of the trial court decision—summary judgment, bench trial, or jury trial. Attorneys and judges often comment on the frequent reversal of summary judgments, yet figure 5 reveals that on direct review the reversal rate does not vary significantly with the type of trial court decision. By contrast, the reversal rate on petitions for review varies greatly with the nature of the trial court decision. Judgments on jury verdicts are reversed least frequently (45%), judgments entered after a bench trial more frequently (55%), and summary judgments most frequently (61%).

## OVERSEAS TRADE CORPORATION

Consulting services to serve you  
and your client

- letter of credit sales and purchases
- trade finance using insured receivables
- overseas agencies/distributorships
- joint ventures and offshore manufacturing

(206) 628-6197

216 First Avenue South, Suite 360  
Seattle, Washington 98104

## MEDICAL EXPERTS FOR: MEDICAL and HOSPITAL MALPRACTICE PERSONAL INJURY

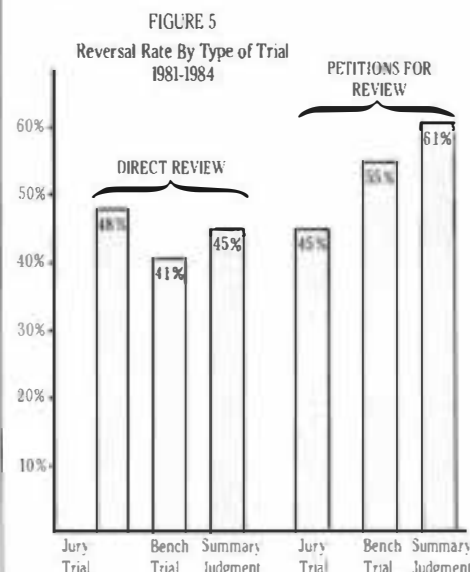
1650 Board Certified Medical Experts in all specialties, nationwide and Washington, on our Consulting Staff who will testify in support of their own independent opinions. All eminently qualified. Experts guaranteed for meritorious cases.

- Reasonable Fee-for-Service programs or
- Free or from \$150, with our optional Contingency Fee Programs. Under these non-discoverable contracts, the Experts are prepaid in full, are not

- contingent and are unaware of this program. These contracts are ethical and approved by the American Bar Association.
- Local Attorney References.

**TOLL FREE 1-800-336-0332**

The Medical Quality Foundation  
The American Board of Medical-Legal Consultants  
National Headquarters  
11345 Sunset Hills Road, Reston, VA 22090



The small variation in reversal rates on direct review is probably due to the nature of the issues involved in such cases. As discussed earlier, cases most likely to be taken on direct review involve administrative agencies, civil constitutional rights, incompetent persons, or the state. Legal issues predominate in such appeals, and the outcome is far less likely to depend on the mode of trial.

However, petitions for review arise from a broader range of cases, both civil and criminal. Factual issues are the more likely to be significant. To some extent, a jury trial masks such factual distinctions because the court

never knows all the facts found by the jury or the jury's analytical process. In a bench trial, the trial judge must state findings and conclusions separately, which may create additional arguments for the appellant and lead to a higher reversal rate than in jury trials. Finally, in summary judgments, the appellant can prevail based on any material factual dispute, leading to an even higher reversal rate.

Figure 5 does show, however, that the reversal rate on summary judgment is not much higher than the reversal rate for bench trials (45% versus 41% on direct review, and 61% versus 55% on petition for review). These figures belie the popular impression that summary judgments seldom stand on appeal, at least with respect to the Supreme Court.<sup>4</sup> Neither counsel nor the trial judge should fear that a summary judgment is a likely candidate for reversal. □

<sup>4</sup>The court's caseload also includes a variety of other types of cases, such as legal disciplinary actions, personal re-

straint petitions, actions originally filed in the Supreme Court, and questions certified by a federal court seeking a ruling on Washington law. This article considers only decisions which review a trial court ruling, either by direct review or by petition for review.

<sup>2</sup>Source: Office of the Administrator of the Courts, *The Annual Report of Case-loads and Operations of the Courts of Washington* for 1981, 1982 and 1983. Figures 1 and 2 contain the only statistics in this article derived from the *Annual Report*. All other statistics were compiled by the author.

<sup>3</sup>For purposes of statistical analysis, all appeals were divided into cases which the court either affirmed or reversed. This oversimplifies matters somewhat, since appellate court has a wide range of possible dispositions. The court can vacate, remand for further proceedings, modify, affirm as modified, or affirm in part. For purposes of this analysis, all such dispositions were treated as reversals. This treatment may overstate the number of reversals, but a more detailed analysis would have proven extremely cumbersome.

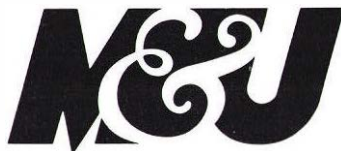
<sup>4</sup>The results in the courts of appeals are somewhat different. I plan to discuss this difference in a later article.

## MILLS & UCHIDA

Court Reporters

**(206) 292-9063**

Computerized Transcription  
Key Word Indexing  
Nine-Track Tape  
Travel Anywhere  
Conference Rooms  
Color Videotape  
Fastest Available Delivery  
Free Floppy Disks



**Mills & Uchida**

Court Reporters

918 Seattle Tower  
Third Avenue and University  
Seattle, WA 98101  
After Hours Call 542-6949



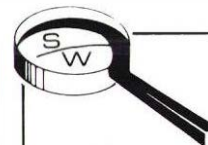
## Franco, Asia Bensussen, Coe & Finegold

*has been serving the public since 1940 and is available for consultation and referral of matters generally relating to:*

**Immigration**  
**Investors**  
**Intra-company transferees**  
**Permanent status**  
**Student Visas**  
**Naturalization**  
**Deportation**  
**Labor Certificates**  
**Loss of Citizenship**

*We have language availability in Spanish, French, German and Chinese (Cantonese and Mandarin)*

**For further information call  
(206) 624-5622**



## Announcing a New CLE:

### Vehicular Accident Reconstruction for Attorneys

**12.25 CLE credits**

**January 31-February 1, 1986  
Ellensburg, Washington  
\$205.00**

#### Special Program Features:

- Free consultation, evaluation and recommendation of cases
- State of the art computer aids to reconstruction

Stuart-Wells Forensic Consultants are rapidly becoming the standard for quality seminars. Already recognized leaders on examination of physical evidence, Stuart-Wells currently offers the following:

- State of the art computer information systems
- Human Resource systems
- Quality visual aids
- Physical evidence
  - Accident Reconstruction
  - Questioned Documents
  - Toolmarks and Firearms Examiner
  - Fingerprint Examinations
  - Glass Analysis
  - Fire Accelerants
  - Hair and Fibers
  - Polygraph Examinations

Don't delay:

For more information on our CLE and free brochure of services write:

**Stuart-Wells  
Forensic  
Consultants**

Box 354  
Cataldo, Idaho 83810  
(208) 667-6831 or  
682-2831-H

**SAVE MONEY:** registrations postmarked before January 15, 1986 pay only \$180.00.



## Notes From the Academy

Edited by Professor William B. Stoeck

University of Washington School of Law

**Administrative Law. (Case 1.)** In determining that a child's state constitutional right to an ample education was

not violated by claimed deficiencies in educational program of resident school district, court applied "clearly erroneous" standard of review, although only after reviewing record *de novo*. **Ramsdell v. River School Dist. No. 200**, 104 Wn.2d 264 (8/8/85).

**Case 2.** Affirming termination of prison guards for refusal to work during period of unrest at state prison, court continued its adherence to varia-

tion of "substantial evidence" test in reviewing decisions of State Personnel Board (now Personnel Appeals Board), despite fact that statute sets forth a "preponderance of the evidence" test. Court also concluded that plaintiffs' failure to exhaust an available remedy (WISHA claim of unsafe workplace) mooted appeal. Service of notice of termination by certified mail, rather than by personal service, was adequate compliance. **Ballinger v. Department of Social and Health Services**, 104 Wn.2d 323 (8/22/85).

**Case 3.** In first Washington case construing **Cleveland Bd. of Educ. v. Loudermill**, \_\_\_ U.S. \_\_\_, 105 construing S. Ct. 1487 (1985), court held that the Loudermill holding mandating predetermination hearing for civil service employees was *either* satisfied by informal process given to appellant *or* was inapplicable because appellant had failed to exhaust administrative remedies. (Appellant had not raised constitutional issue in his late petition for administrative hearing, filed one and one-half years before *Loudermill* was decided.) 10-day period for appeal of termination provided for by personnel statutes and ordinances was satisfactory due process. Due process did not require that notice of discharge contain explicit reasons for discharge when employee had actual knowledge of them. **Payne v. Mount**, 41 Wn. App. 627 (8/26/85). — J. M. Vaché

**Creditor-Debtor Law.** Agreement between vendor and vendee for forfeiture of vendee's rights under real estate contract extinguished rights of judgment creditors of vendee. Vendor had no actual notice of the judgments, which were entered after vendee entered into real estate contract, and judgment creditors were not entitled to notice of agreed forfeiture. Query: Is the holder of a judgment lien a "holder of record . . . of [a lien] against the purchaser's interest in the contract or the purchaser's interest in the property" within the meaning of § 4(2)(a) of the new Real Estate Contract Forfeiture act, requiring notice of intent to forfeit?

**Davis v. Rede Realty**, 41 Wn. App. 527 (8/19/85). — M. D. Rombauer

## WORD PROCESSING NETWORK by CPT



The CPT Phoenix System provides a fully integrated word processing/data processing network. Open Architecture allows your PC's to be on-line for document review, editing, billing or local PC applications.

See our new Executive Workstations.

For more information on the CPT Phoenix and the complete line of CPT office automation systems stop in or call:

# Efficiency

Efficiency, Inc.  
901 Rainier Avenue S  
Seattle, Wa 98144-2839  
(206) 322-1616

## ATTORNEYS

Our Experienced, Professional

## FORESTERS

Can Serve You Well

### Services Include:

- Qualified Expert Witness: State Superior & Federal Tax Court
- FMV Determinations for Estate Settlements, Sec. 631, Condemnations & Exchanges
- Timber Cruising & Appraisals for Sale & Acquisitions
- Logging Trespass/Damage/Conversion Appraisals
- Timber Sales & Contract Compliance
- Alaska Native Claims Settlement Act (ANCSA)

Excellent Legal References

**Foresters & Managers, Inc.**  
CONSULTING FORESTERS

Members:

—Society of American Foresters—  
—Association of Consulting Foresters—

6541 Sexton Road N.W., Suite F, Olympia, Wash. 98502

(206) 866-4060

# Lawyer Competence: A Judicial View



by Hon. Robert C. Bibb

A professional who presumes to comment on the competence of others in his profession most assuredly invites remarks on his own competence. Judges commenting on the competence of lawyers fall within that rule. At the outset, therefore, I will plead my defense. I was asked to write this article; I did not volunteer although I do welcome the opportunity. The article is not intended to be scholarly. There'll be no statistics, citations or footnotes, only my observations from the Superior Court bench for eleven years and from my almost daily conversations with other judges and with court reporters, bailiffs, clerks and jurors in which lawyer competence is a frequent topic.

Competent lawyers make a judge's job easier by giving him the feeling that, even though a decision may be difficult, the judge and jury have the proper facts and law for making it to the end that, in our human and therefore imperfect system, justice is more likely done according to the law. That is the judge's goal. While our adversary system does impose on lawyers the duty to obtain due process for their clients, it also relieves lawyers of the duty to strive for justice in the abstract, on the premise that contest by trial is the best means of achieving it. To legitimize that proposition does impose on trial lawyers, however, the duty to be competent. It is frustrating to a judge, trained to play an impartial role in the adversary system of justice, to feel compelled to help out the unfortunate client of an obviously incompetent attorney, and by so doing compromise

that judicial impartiality so fundamental to the system.

My definition of trial lawyer competence is this: Given the nature of the case, the obligation to support the position of one's client and the opposition of adversary parties, competence is the ability to present and the practice of presenting to the court, in an organized and intelligible manner, all the facts and law reasonably available. To satisfy this definition, a lawyer must have a working knowledge of the rules of evidence and procedure (regardless of what kind of a case is involved), possess or acquire an understanding of the facts and law involved in the particular case at hand and be sufficiently organized and articulate to utilize that knowledge in court in a persuasive way.

The focus of this article is, however, the competence of lawyers trying cases in the courts of our state in general, not that of individual lawyers. Competence is a relative thing, and in the case of individual lawyers, not too difficult to measure. But, how does one measure it for the profession as a whole? Three comparative categories are: (1) Lawyers practicing at different points in time; (2) those practicing in different geographical areas; and (3) those pursuing different fields of trial-related practice.

## Over time

Are trial lawyers more or less competent today than in the past? I started practice in 1949 with a fair amount of trial work and had the opportunity of seeing some of the old-school lawyers in action. Many of them had entered practice long before the present discovery rules were adopted and had

developed their skills in trial by ambush. Because of that, their ability to speak fluently and think on their feet seemed greater than that possessed by today's trial lawyers. On the other hand, their writing skills suffered by comparison. Proposed jury instructions were usually prolix and argumentative. Trial briefs were rare and, when submitted, tended to be crude. Since copiers, word processors and sophisticated dictating equipment were not available to them, what they did write was usually brief and to the point. The trial judge of twenty-five years ago, when favored with a brief, did not have to leaf through many pages of boiler plate from the word processor citing authorities on non-issues to find the page or two dealing with the real issues in the case at bar. There was less specialization. Nevertheless, all things considered, from my perspective as a practicing lawyer in the 1950's and as a trial judge in the 1980's the average level of competence in motion and trial practice is somewhat better today than in the past.

## Standard Setters

Another basis of comparison is geographical. My experience has been confined for the most part to the bars of King, Snohomish, Skagit, Whatcom and Island counties. The King County Bar is too large and varied to make a suitable unit for comparison. The bars of the other counties are close enough in size and nature to attempt a comparison of their respective levels of competence. There is no data on which to base a comparison objectively, but it is a fact that the Mount Vernon Bar has for many years had the reputation of having superior trial lawyers, most of

whom have been general practitioners. There may be bars in other Washington communities with similar reputations. In my view, the most persuasive explanation for this is the

quality of the lawyers in the early days who served as role models and of the judges who served as standard setters.

Another basis of comparison is that of the relative levels of competence of

lawyers engaged in different fields of trial practice. At the top I put criminal defense lawyers, including public defenders and private attorneys accepting indigent defense work, even though many are only a year or two into practice. The reason may be that the field of criminal law is much narrower than that of civil law. Practitioners are often in trial almost daily. They normally start practice in offices having experienced seniors and support staff. In most criminal trials the defense has little, if any, evidence to organize and submit. A high percentage of attorneys defending felony cases either "specialize" or at least have considerable experience in the field.

Next I put prosecutors. Their job is more difficult because they must organize and present evidence, meet a high burden of proof and cope with pressures from the press, law enforcement agencies and political and special interest groups. Despite their relative youth, lawyers trying felony cases by and large exhibit more competence in handling the particular cases they are assigned to than do lawyers in civil cases.

Next come lawyers trying personal injury cases. Defense attorneys in this field are almost always "specialists," and more and more plaintiffs' cases are being tried by lawyers emphasizing trial work.

Another area of the law in which a generally high level of competence by attorneys is exhibited is in appeals from decisions of state and local agencies, such as in land use cases. Again, the practitioners tend to be especially knowledgeable in the field.

Dissolutions and modifications can be a real pain in the neck for both the judge and the lawyers. More and more of these cases are also now being tried by attorneys emphasizing domestic law, but the level of lawyer competence, in my view, is not nearly as high here as it is in criminal, personal injury and administrative review cases. One reason for this observation may be my irritation at being required to spend hours, sometimes even days, hearing cases involving pots and pans and trivial visitation disputes, particularly when I'm aware of other cases waiting for a trial department to be-

## OFFICE SPACE AVAILABLE THE PREFONTAINE BUILDING

110 Prefontaine Place South

- One Block to King County Courthouse
- Reasonable Rental Rates
- Immediate Occupancy

**CALL KELLY JEWELL**  
**282-8998**

 **sri seavest realty inc.**



When your legal firm requires  
a copying service consider  
**Superior Reprographics**

We are not just a copy center! We are Copy  
Specialists offering Quality Service in:

- Legal Copying
- Color Copying by Canon & Xerox
- Large Copy Reducing & Enlarging
- Printing from Microfilm
- Offset Printing
- Dry Mounting for Presentations and Exhibits
- Pick Up & Delivery

**superior reprographics**

1925 - 5th Ave. • Seattle, WA 98101 • 443-6900  
314 Marion St. • Seattle, WA 98104 • 621-8380  
First Floor, Columbia Center • Seattle, WA 98104 • 386-5290  
14360 N.E. 21st, Suite D • Bellevue, WA 98007 • 641-3890  
501 E. Holly • Bellingham, WA 98225 • 671-3707  
Toll Free 1-800-542-7835 (Seattle) Toll Free 1-800-628-6680 (Bellingham)  
Hours 8 AM to 5 PM

come available.

General practitioners appear to try most of the miscellaneous kinds of cases, such as those involving disputes over real estate matters, business deals, building contracts and decedents' estates, to mention just a few. The level of competence demonstrated in the trial of these cases varies widely, but in general it is lower than in the previously discussed areas of practice, except domestic.

One could conclude that my analysis is a strong argument for specialization, perhaps even certification, and that's probably so. However, there are many general practitioners who do a very competent job in trying many kinds of cases, as well as maintaining a fine office practice; they are sort of a legal "Renaissance Men."

### Common Sense

There is a point on lawyer competence which I, and I know many of my fellow trial judges, feel rather strongly about. It has to do with common sense—perspective and proportional-

ity. While the lack of it on the part of practitioners seems to be more common in domestic cases, it manifests itself in other cases as well and is not an uncommon complaint of juries. Examples are over-lengthy voir dire, direct and cross-examination and final

**Some equate aggressiveness with competence. Aggressiveness of manner is more often than not counterproductive to the party employing it before the court.**

argument; excessive demands and, for lack of a better term, nit-picking. The larger the backlog of cases, the more impatient judges become over these things. Judges are interested in, among other things, handling the cases before them in as efficient, civilized and non-tedious a manner as possible, given the resources available to them.

Despite an attorney's technical ability, he or she does not competently serve the client by running up fees and

costs well in excess of reason, considering the amounts in controversy and the resources of the parties. That has been happening with disturbing frequency in recent years, particularly in domestic cases being tried by younger lawyers.

I have been discussing trial and motion practice. A large number of filings never get on either calendar and are handled, ex parte, by a Court Commissioner. It was my experience in years past that the quality of the product in ex parte practice, such as probate, also varies considerably. There is far too much sloppy work but, I must confess, we tend to tolerate all but the most egregious.

### Obvious Incompetence

Many examples of incompetence seen in trial courts—ones on which almost all judges and lawyers would agree—are obvious. They are such things as not having working knowledge of the rules of evidence and procedure; being unprepared on the issues of substantive law in the case; not

# AUDI & PORSCHE OWNERS NOW CAN ENJOY A SERIOUS ALTERNATIVE TO DEALER SERVICE.

Small wonder so many people feel so exasperated with dealer service.

Service is only part of a dealer's business.

That's why you should call Hermann.

Service is his only business.

Hermann has a spotless facility and expert mechanics and technicians.

And Hermann is

straight from the old country, so he's fast, professional and very

personal. Not to mention a fanatic for details. What's more, at Her-

mann's you can have your BMW, Mercedes, Audi or Porsche tuned to performance specs, not just by-the-book standards.

So keep Hermann's card. And next time some service manager tells you to take a number, tell 'em thanks, you already have one.

And call Hermann.

**HERMANN'S  
GERMAN AUTO  
SERVICE**

6800 Roosevelt Way N.E.  
Seattle, WA 98115  
206/522-7766  
206/522-7771

Hermann Lax  
Owner

Your Independent BMW, Mercedes, Audi and Porsche Service Specialists.

**HERMANN'S GERMAN AUTO SERVICE**

having available or offering admissible proof of the facts necessary to establish the case or defense; and being unable to properly examine or cross-examine witnesses, to make or respond to objections. Other examples are organizational, such as lateness for court sessions; unavailability of witnesses; lack of timely submission of pleadings and instructions; discovery glitches and frequent last minute motions for continuances.

There are other things lawyers do or don't do in court which most judges (and jurors) consider signs of incompetence, but which many in the practicing bar, and very probably their clients, do not. Examples are being unnecessarily abrasive or disputatious with witnesses, opposing counsel and/or court personnel; not listening to others (particularly the judge) during the progress of the case; trying to make a "Federal case" out of a small claim,

particularly if the attorney expects the court to grant attorneys fees; and giving the judge, opposing counsel and others the impression of being evasive or less than candid. Some lawyers and probably many clients, equate aggressiveness with competence. The two are not the same, and aggressiveness of manner, while sometimes appropriate, is more often than not counterproductive to the party employing it before a court.

Quality Legal Services Since 1930

## WORKERS COMPENSATION

Industrial Injury and Occupational Disease  
have been emphasized in our practice for over 50 years.

We welcome and appreciate your referrals in this specialized area.

### THE WALTREW FIRM

Charles F. Warner	Edward F. Boyer
Thomas Patrick Keefe	John F. Warner
John J. Costello	Eugene Arron
Robert H. Thompson	of Counsel
Christopher M. Eagan	John F. Walthew
Robert M. Keefe	of Counsel

**(206) 623-5311**

**Toll Free 1-800-824-6215**

The Walthew Bldg.

123 Third Avenue South Third South & Washington  
Seattle, WA 98104

Is your  
printer working  
as hard as you?

**United Graphics now operates  
24 hours per day to meet  
your critical deadlines.**

If you're like most clients, you have tight delivery schedules on your printing. So isn't it nice to know that even at 3:00 a.m. you can have a team of professionals working so that your printing will be ready when you need it.

United Graphics has earned reputation of meeting your commitments. Around-the-clock operation is just another way we work hard for you.

**Give me a call on your next printing project — Michael Raved, 325-4400**



**United Graphics**

1401 Broadway • Seattle, Washington 98122 • (206) 325-1400  
1050 Sansome St. Suite 502 • San Francisco, California 94111 • (415) 597-1150  
P.O. Box 5045 • Portland, Oregon 97204 • (503) 244-0698

### Conclusion

Lawyer competence is a broad subject, and, given the space allowed me, I have had to be very general in my comments. There are no doubt many exceptions to all the generalities I have stated. The sum and substance of it is that most lawyers who have worked primarily in particular fields of trial work for a time are good at what they do; some lawyers who have not worked primarily in any particular field nevertheless do well in trying almost any kind of case; and, unfortunately, there are too many lawyers, usually "non-specialists," who seem to be incapable of trying any kind of case well. To my everlasting amazement, many of the latter continue to attract litigation clients over the years.

I'm not going to follow Chief Justice Burger in stating that some certain percentage of lawyers appearing in court are "incompetent". But I will say that the percentage is higher than I, as a judge and member of the profession, feel comfortable with. If the relative level of competence of surgeons or airline pilots were that of some of the lawyers practicing before me, I probably wouldn't be alive to write this article. Today not every licensed physician has unlimited hospital/surgery privileges. We lawyers and judges, among others, have seen to that. Perhaps not every licensed attorney should have unlimited trial court privileges. □

**Robert C. Bibb** entered private practice in 1949 and has practiced in both Seattle and Arlington. He has been on the Snohomish County Superior Court bench since 1974. He is past president of the Snohomish County Bar and a faculty advisor for the National Judicial College.



## "INFUSION" AND "EXCHANGE" THEMES HIGHLIGHT ABA'S LRE CONFERENCE

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

"The Seven Deadly Sins of Government."

"Champagne Marketing on a Beer Budget."

"Is Equal Protection Equality?"

To explore these and other issues, more than 125 people from 35 states gathered in a Chicago suburb. Although they came from diverse backgrounds—law, education, media, bar associations and judicial/governmental agencies—they shared a common focus: to examine strategies about law-related education and share ideas to commemorate the bicentennial of the U.S. Constitution.

For four days in November, the American Bar Association's Special Committee on Youth Education for Citizenship, with the support of the Office of Juvenile Justice and Delinquency Prevention, presented an action-packed conference. This year's event, held at Pheasant Run in St. Charles, Illinois, marked the eighth annual National Leadership Seminar on LRE.

In an opening speech about the bicentennial, law professor **A.E. Dick Howard** of the University of Virginia addressed the issue of the Constitution's permanence. While the bicentennial is an occasion to celebrate, Howard believes it is also a time to ponder 200 years of constitutionalism. "Is it," he asked, "the same document our founding fathers wrote 200 years ago, or is it whatever judges say it is?" Howard argued strongly for constitutional interpretation in light of its historical intent, allowing social context in a limited sense (i.e., to accommodate changes in technology). Professor **Gene Hickock** of Pennsylvania's Dickinson College expressed his ideas

on the symbolism of the Constitution as the "Rule of Law."

Law professor **Joyce Hughes** of Northwestern University traced the history of constitutional Equal Protection and suggested that the concept of "rational relationship," which emanates from assumptions, should be replaced by criteria based on reality. She quoted Justice Oliver Wendell Holmes: "The life of the law has been *experience*, not logic."

Workshop sessions enabled participants to discuss LRE techniques, mandatory competency testing and other emerging issues. Twenty-eight exhibitors shared information and resources on their projects during "LRE fairs."

Washington State was well-represented:

- Your LRE columnists presented the State Bar's MENTOR project. Red Delicious apples, distributed along with a card that read "apples & MENTOR are growing in Washington State," drew attention.

- **Dr. Peter J. Hovenier**, who

chairs social studies education at Western Washington University, presented a session on LRE pre-service teacher education and offered copies of his course syllabus.

- **Robin Anderson** presented Metrocenter YMCA's project, "Today's Constitution & You," designed to increase public appreciation and understanding of the U.S. Constitution.



## ENGRAVED STATIONERY SPEAKS FOR ITSELF.

It says that you are uncompromising — willing to accept only the authentic article. It speaks of precision, straight forwardness, cleanliness, and purity of intent.

It doesn't try to be anything else.

Genuine engraved stationery establishes the standard to which all others strive to reach. It presents an image of timeless and classic simplicity. No pretense.

### GENUINE ENGRAVED STATIONERY.

THE LOOK OF DISTINCTION.  
THE IMAGE OF DIFFERENCE.

#### L & H ENGRAVING CO.

100 Elliott Ave. W., Seattle, WA 98119  
Phone (206) 285-0146

Serving Washington State Since 1882





## EAST KING COUNTY REPORT

by DOUGLAS W. HARRIS

After a brief hiatus in the reporting of East Side news/gossip, this correspondent was "volunteered" to bring continuity to this column in the *Bar News*. The following is a brief run-down of recent developments. Effective January 1, the firms of Nelson & McCarthy and Revelle, Reis & McDermott merged to form Nelson, Revelle, McCarthy, Reis, McDermott & Hawkins, P.S. This apparently creates the largest firm on the East Side—24 attorneys. Another major merger: Lucas, Glase, Sherman & Hendrickson merged with Shidler, McBroom & Gates to form Shidler, McBroom, Gates & Lucas. The East Side portion of the firm is located at 505 Honeywell Building in Bellevue. Gail Ryder has been added to the letterhead of the Inslee firm, changing that firm name to Inslee, Best, Chapin, Doezie & Ryder. John Sullivan joined the firm as an associate.

Sandy Erickson and Mary Anne Barkshire have set up their own practice. Scott McKay, formerly with the King County Prosecutor's office, joined Steven Toole as an associate in Steve's personal injury practice.

New East King County Bar President Christopher Frost recently prevailed in a hard fought campaign in which it was decided that the candidate with the lowest golf handicap would have the most effective leadership capabilities.

With all the changes and growth on the East Side, your correspondent would appreciate receiving news of anything fit to print (also of anything unfit to print!). Anything from "hard news" to gossip and innuendo will be accepted. I would like to thank all of my "reliable" sources for this column. Keep those cards and letters coming.

## CLARK COUNTY REPORT

by JOHN F. NICHOLS

The lack of communications from Clark County stems from the lack of anything happening in this Bagdad By-the-Columbia. Consequently, report is made to report on such breath-taking events as "election 85-86". This thrilling event saw Steve Busick installed as President of the Clark County Bar Association winning in a "bore-off" over a worthy but overly matched opponent (he was unopposed). Elected as vice-president was the always entertaining City Attorney, Jerry King. Filling out the cabinet are Treasurer Jim "Ebenezer" Holland and John Nichols as secretary for an unprecedented second term. Tapes of the campaign speeches have replaced advance sheets as treatment at the Schick Sleep Center. Rumors that the C.C.B.A. would be renamed "Clark County's Boring Ass'n" have been confirmed pending approval by the WSBA.

The only other highlight in Clark County, next to Steve Tubbs' getting his tongue stuck to the flag pole, was the annual "Golf Day". Jim Rulli, displaying a swing that clashed brilliantly with his pastel ensemble, won low net with a score of 59. Net scores were arrived at using a complicated system having to do with the number of

Nehru jackets in your closet. Low gross: John Nichols closest to pin: Roger Knapp and Wayne Nelson (Willie's brother); long drive: Hugh Potter; highest score: Bill Thayer (his 136 qualifies him for an IOLTA grant for croquet lessons).

The influx of Oregon attorneys to the friendly confines of Clark County continues to plague Vancouver. The Portland mega-firm "Stolle, Rieves, etc. & etc." has established a beach head at the Community First Building and infiltrated the C.C.B.A. While ostensibly identical to their Washington brethren, certain traits give them away: Both wear three-piece suits, but only the Portland attorneys match; Portland attorneys regale in telling their "war stories"; but locals discuss their sticker collections. It appears that the only hope to maintain the ethnic purity of Clark County attorneys will depend on their ability to breed in captivity. Reports on the latter will be forthcoming.

## SPOKANE COUNTY REPORT

by JUDY J. FOSTER

Twenty-seven new admittees were sworn in by Superior Court Judge James Murphy in November. Before the ceremonies ended, Spokane Bar president Patricia Williams announced that there would be one more individual sworn in. It seems that attorney-extraordinaire, Richard Guy (Superior Court Judge in Spokane County from 1977 to 1981) had taken the Hawaii State Bar earlier in the year and passed it. The membership of the Spokane Bar thought it only fitting that Guy also be sworn in at that time. Judge George Shields read the oath of attorney for the state of Hawaii to Guy and swore him in. Will Guy now practice in Hawaii from November to April and return to Spokane in the spring??? Lucky man!! Spokane County Young Lawyers held a reception for all new admittees after the orientation and swearing in ceremonies, and from the reports, a fine time was had by all.

The Young Lawyers should be commended for the outstanding job they did in a 1½-day orientation of all new admittees. It included presentations

## REBELLING TEENAGER?

- Low self-esteem • Bright but unmotivated • Insecure, lacking confidence
- Rebellious • Depressed
- Runaways • Alcohol - Drug use • Manipulator • Expelled, suspended or dropped out
- Juvenile violations

Effective, 21 day primitive impact program in Idaho - Arizona wilderness. **Departs weekly year around.** Boys & Girls, 13 - 18 years. 7 maximum in group. References available. School credit most cases. Experience Mother Nature's consequences and learn life sustaining skills. Impacts low self esteem, immaturity and brings most teenagers out of their fantasy world back to reality. Year round boarding school available. Ask for free brochure and related information. Since 1981

SUWS, INC WILDERNESS PROGRAM  
P.O. BOX 171 • Redmond, WA 98052  
Phone: (206) 881-7173

**AN ALTERNATIVE RESOURCE FOR SELECTED JUVENILE CLIENTS**

by federal, superior and district court judges and personnel as well as tours of the various courts. The expanded Young Lawyers orientation program has proven successful and helpful to the participants.

*On The Move!* Phyllis Schoedel has joined Underwood, Campbell, Brock & Cerutti in Spokane. The firm of Jim and John Cooney, P.S., added associates **Thomas E. Cooney, Jr.**, former deputy prosecuting attorney for Walla Walla County and **David D. Smith**, recent graduate from Gonzaga Law School and former legal intern with the firm. **Michael Crofts**, formerly of Underwood, Campbell, Brock and Cerutti, has become an in-house attorney with ISC Systems Corporation in Spokane. **Richard C. Dullanty, Jr.** has joined forces with Cox & Paul as a partner. **Ted Armbruster** has joined the Office of Administrative Hearings in Spokane.

*Heard Around* – **Frederick G. Emry II** has been elected a fellow of the American College of Probate Counsel. He has practiced in Spokane for

20 years and is a partner in Paine, Hamblen, Coffin and Brooke.

Trial attorney **Clark H. Richards**, it seems, is closely related to the late "Patsy" Clark. An article in a local Spokane tabloid featured individuals who are direct descendants of some of Spokane's historic past. Richards, being the modest individual that he is, has apparently kept this to himself for some time. Readers wanting to know more about Patsy Clark, should make reservations at Patsy Clark's restaurant for a fine meal and some fascinating history on Clark Richard's relative.

*In Closing* – It is 1986. We are looking for interesting and informative subjects for the "Around the State" portion of the *Washington State Bar News* for Spokane. If you have something of interest, please drop me a note or give me a call at the Spokane Bar Association office, P.O. Box 470, Spokane, 99260; or phone (509) 456-6032. We wish all of you, throughout the state, as well as Spokane County, a happy and prosperous year.

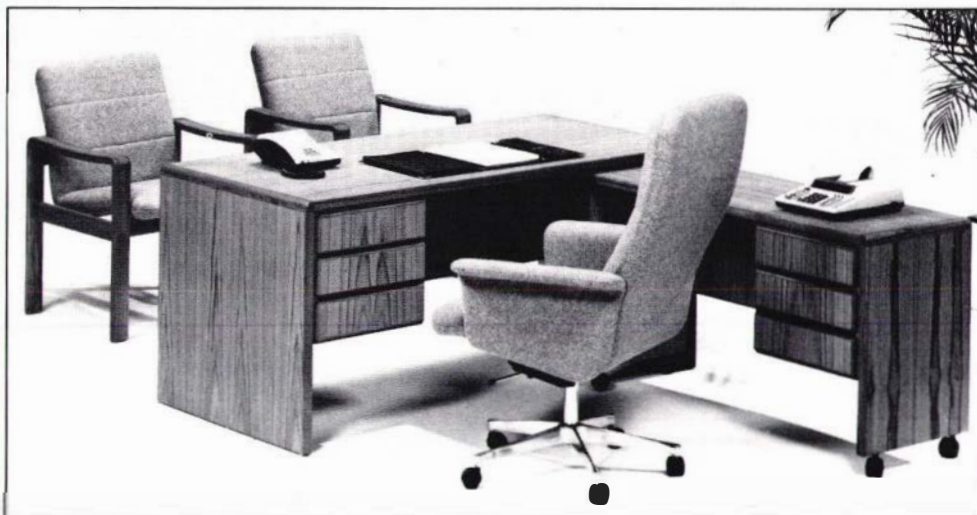
## WASHINGTON WOMEN LAWYERS

by **CHRISTY GERHART**

When the 1986 Washington State Legislature convenes this month, one of its top priorities will be to address the unavailability of adequate, affordable insurance in the childcare industry. Insurance companies throughout Washington began canceling both business liability and homeowner's mortgage insurance coverage for home day care providers effective July 1, 1985. In June, Insurance Commissioner Dick Marquardt issued an emergency regulation making it an unfair business practice to deny or cancel a homeowner's insurance policy simply because the individual is a day care provider. The Commissioner has since permanently enjoined insurance companies in Washington from canceling homeowner's policies for day care providers.

The Board of Directors passed a unanimous resolution on June 13, 1985 expressing concern about this

# Semi-Annual Storewide Sale



Save up to 30%  
on office furniture

Teak Executive  
Desk w/Return

Desk: 72" x 36" x 28" h  
Return: 60" x 19" x 26" h  
Reg. \$1,720.

Sale **\$1,289.**

- Our sale is in progress now through the end of January.

## scan | design office interiors

10515 Northeast 6th Street • Bellevue, WA 98004 • (206) 454-7749  
3825 S. Steele St. • Tacoma, WA 98409 • Phone 473-7226

issue and urging Governor Gardner to take all necessary action to assure that affordable insurance coverage be available to home day care providers. He subsequently established the Governor's Task Force for Children's Day Care to investigate the matter and make recommendations. A number of proposals are under consideration, including self-insurance, pro-rata or excess-of-loss reinsurance, and establishment of a market assistance program, *i.e.*, assigned-risk plans, joint underwriting associations, or state funds.

These ideas will be reviewed and refined during the 1986 legislative session. Anyone interested in participating should contact Christy Gerhart, WWL legislative chair, (206) 464-7095.

## YAKIMA COUNTY REPORT

by MARK D. WATSON

In November, Bob Tenney, Mark Watson and Susan Arb of Halverson

& Applegate, P.S., conducted "MENTOR" programs with Tom Moore's class at Davis High School in Yakima. An unannounced "arrest" of Moore during his morning class was arranged with the help of Sergeant Mike Welton, a former Davis High School student. Following the "arrest," erroneous advisements of rights and searches of Moore's person and desk for incriminating evidence, he was transported to the Yakima County Jail where he was "booked". A tour of the jail facilities then followed, and the session culminated with a mock arraignment and suppression hearing participated in by the Hon. Howard Hettinger of the Yakima County Superior Court and John Staffan, Yakima County Deputy Prosecuting Attorney. They are former Davis High School students.

The next week, students toured the Halverson & Applegate office, attended a lunch with judges Heather VanNuys and George Mullins of the Yakima County District Court and

then visited the court to observe bench trials.

The program concluded with a third class period in which the recent United States Supreme Court case of *T.L.O. v. New Jersey*, involving the latest pronouncement on searches and seizures in public schools, was discussed. These activities received extensive local press coverage and were generally felt by all involved to be a substantial success.

A group of attorneys in Yakima County have organized a local branch of the Washington Women Lawyers Association. It is anticipated that virtually all of the 26 women attorneys in Yakima County will eventually become members. The officers are: Susan L. Hahn, President; Debra Bergquist, Vice-President; Teresa Kulik, Secretary; and Lani Kai Swanhart, Treasurer. The group will meet once a month. All members of the Yakima County Bar Association, male or female, are invited to join.

# The alphabet soup is getting thicker.

In 1974 Congress cooked up the Employee Retirement Security Act (ERISA). In '82 it was the Tax Equity and Fiscal Responsibility Act (TEFRA). In 1984 we got two servings: The Deficit Reduction Act (DEFRA) and the Retirement Equity Act (REA).

Lawyers, accountants, professionals and business people are asking:

**"How do you spell relief?" You spell relief NAI, N.W.  
(National Associates Inc., Northwest).**

We're a group of experienced consultants and actuaries who got into the retirement business long before Congress got into these *Acts*.

Our professional staff includes nine attorneys, four actuaries and four CPAs who assist clients and their advisors.

We create, implement and administer *tax-efficient* compensation and retirement plans. We put the programs into action and make sure they work smoothly and productively. Each plan is individually designed to meet specific client needs.

If you need to get out of the soup,



take two aspirin, and call:

**NATIONAL ASSOCIATES INC., N.W.**  
*Actuaries and Consultants*

SEATTLE, 1600 Plaza 600 Bldg., (206) 448-0285  
BELLEVUE, 1640 One Bellevue Center, (206) 455-0300

PORTLAND, 940 Columbia Square Bldg., (503) 227-5858  
SPokane, 1770 SeaFirst Financial Center, (509) 747-2197



## DISCIPLINE

### Censured

Kenmore attorney **Norman B. Maas** (admitted 1977) has been ordered censured following a hearing. Trust account violations, discovered in a random audit, included commingling of attorney and client funds and failure to keep adequate records. Maas used his attorney trust account for closing personal real estate transactions, for payment of personal child support obligations and as a depository for funds of a corporation wholly owned by Maas and his law partner. Additionally, Maas removed unidentified client funds from his trust account absent records substantiating that the funds represented earned fees or costs incurred. Maas will be on probation for one year under a variety of conditions.

### Reprimanded

Tacoma attorney **Samuel J. Allotta**, admitted to practice in 1966, has been given two Reprimands. In the first instance, Allotta was found to have failed to properly maintain records of fee payments received from a client, resulting in the collection of a fee in excess of the amount agreed to. When the client requested a refund because of his lack of records, Allotta billed him for an additional fee payment. Allotta did eventually refund the excess fee payment. In the second instance, an examination of Allotta's trust account disclosed that he failed to maintain complete trust account records, resulting in an inability to identify the ownership of funds in his account.

### IN MEMORIAM

**W. Michael Clark**, born in Stroud, Oklahoma on October 31, 1950, died September 15, 1985. Having moved to Colville, Washington at an early age, Clark graduated from Washington State University in 1972. After graduating from Gonzaga University in 1975, he was admitted to the Washington Bar in 1976. Clark belonged to the Stevens County, Washington State and American Bar Associations, Washington State Trial Lawyers Association and the Spokane Estate Planning Council. Since 1977, Clark was a

partner in Collins, Clark & McGrane.

### Ken Eikenberry: Attorney Briefing

Attorney General Ken Eikenberry invites attorneys to attend a briefing, 5-6:30 pm, January 30 in the Rainier Suite of the Seattle Crowne Plaza Hotel. In the interest of assisting attorneys in their interaction with his office, he will be discussing relevant litigation and issues, answering questions and exchanging ideas. A no-host bar will be available.

### STATE LAW LIBRARY Recent Acquisitions

Here are some new titles at the State Law Library, available for loan by calling (206) 753-6525, or by mailing your request to: Washington State Law Library, Temple of Justice, AV-02, Olympia, Washington 98502-0502. A bi-monthly *Selected Recent Acquisitions* list containing 200-300 new titles is also available.

#### ATTORNEYS

Goodstein, Jeffrey R. *Attorney's fees: win-*

*ning a recovery in federal court.* Charlottesville, VA: The Michie Company, 1985. Pp. 100.

#### BANKRUPTCY

*Your clients money and the law: bankruptcy hot spots.* Seattle, WA: Washington State Trial Lawyers Association, 1985. 1 vol. (loose-leaf)

#### CONFLICT OF INTERESTS

*Conflicts of interest: recognizing and resolving conflicts of confronting trial attorneys.* Seattle, WA: Washington State Bar Association, 1985. 1 vol. V.p.

#### CONFLICT OF LAWS

Nafziger, James A. R. *Conflict of laws: a Northwest perspective.* Seattle, WA: Butterworth Legal Publishers, 1985. Pp. 306.

#### CRIMINAL LAW AND PROCEDURE

Boerner, David. *Sentencing in Washington: a legal analysis of the Sentencing Reform Act of 1981.* Redmond, WA: Butterworth Legal Publishers, 1985. Pp. 830.

#### DAMAGES

*Top dollar damages.* Seattle, WA: Washington State Trial Lawyers Association, 1985. Pp. 223.

A professional time billing program for your personal computer.

## LEGAL BILLING

LEGAL BILLING is a comprehensive time billing package ideal for attorneys, accountants or any professional that bills time and expenses.

This is the only program to offer all these features (and more) at such a low price.

- Multiple Billing Formats
- "Video Time-Slip" for fast entries
- Description of Services
- Aging Report of Accounts Receivables
- Productivity Report
- No prior computer sophistication needed
- Plus much, much more

#### LEGAL BILLING:

Apple II series, IBM PC (MS DOS) or CPM version ..... \$450.  
IBM PC Hard Disk version ..... \$499.  
Apple Macintosh Version NEW! ..... \$595.

Available at your dealer or directly from:

Satori Software  
2815 Second Avenue, Suite 590  
Seattle, WA 98121

206/443-0765

Visa/Mastercard/Amex accepted

SATORI



SOFTWARE

#### JUDICIAL ADMINISTRATION

Tegland, Karl. *Mediation in the western district of Washington*. Washington, DC: Federal Judicial Center, 1984. Pp. 48.

#### JURY AND JURORS

Starr, V. Hale and Mark McCormick. *Jury selection: an attorney's guide to jury law and methods*. Boston, MA: Little, Brown and Company, 1985. Pp. 752.

#### LAW OFFICE MANAGEMENT

Cobb, William C. *A planning workbook for law firm management*. 2d ed. Monograph Series. Chicago, IL: American Bar Association, Section of Economics of Law Practice, 1985. (loose-leaf and cassette)

*Financial management of your law practice*. Seattle, WA: Washington State Bar Association, 1985. V.p.

#### LEGAL PROFESSION

Chester, Ronald. *Unequal access: women lawyers in a changing America*. South Hadley, MA: Bergin & Garvey Publishers, 1985. Pp. 143.

*Law practice quality guidelines: including self-survey questionnaires*. Discussion

Draft. Philadelphia, PA: The American Law Institute-American Bar Association, Committee on Continuing Professional Education, 1985. Pp. 160.

#### LEGAL RESEARCH AND WRITING

Kinsock, John E. *Legal databases online: Lexis and Westlaw*. Littleton, CO: Libraries Unlimited, Inc., 1985. Pp. 117.

#### MALPRACTICE

Robertson, William O. *Medical malpractice: a preventive approach*. Seattle, WA: University of Washington Press, 1984. Pp. 222.

#### MEDIATION

*Alternatives to litigation*. Seattle, WA: Washington State Bar Association, 1985. 1 vol. (loose-leaf)

#### MOTOR VEHICLES

Cowan, Douglas L., Donald H. Nichols, and Dale C. Wingeleth. *Defending the drunk driving charge in Washington*. Eau Claire, WI: Professional Education Systems, Inc., 1984. Pp. 505.

**PRACTICE AND PROCEDURE**  
*Creditor-debtor representation: your cli-*

*ents money and the law*. WSTLA Legal Educational Seminars. Seattle, WA: Washington State Trial Lawyers Association, 1985. Pp. 317. 1 vol. (loose-leaf)  
*Family law issues relating to children*. Seattle, WA: Washington State Bar Association, The Continuing Education Committee, 1985. V.p. 1 vol. (loose-leaf)

Hjorth, Roland L. *Tax consequences of divorce under the tax reform act of 1984*. Seattle, WA: University of Washington School of Law, 1985. V.p. (loose-leaf)

Mauet, Thomas A. *Fundamentals of trial techniques*. Boston, MA: Little, Brown and Company, 1984. Pp. 379.

*What the Washington practitioner should know about trademarks, patents, trade secrets & copyrights*. Seattle, WA: Washington State Bar Association. The Continuing Legal Education Committee, 1985. V.p. 1 vol. (loose-leaf)

#### TAXATION

*What the Washington practitioner should know about state and local taxes in Washington*. Seattle, WA: Washington State Bar Association Continuing Legal Education Committee, 1985. 1 vol. (loose-leaf) □



# QUEST

## ATTORNEY INVESTIGATIONS

**FREE PHONE CONSULTATION**  
**TOLL FREE 1-800-321-2935**

1111 THIRD AVENUE  
7th FLOOR  
SEATTLE WA 98101  
**(206) 467-1044**

ORBANCO BUILDING  
1001 S W FIFTH AVENUE  
SUITE 1000  
PORTLAND OR 97204  
**(503) 248-0204**

FINANCIAL  
REPORTS

BACKGROUND  
REPORTS

SKIPS  
LOCATED

**ASSETS  
LOCATED**

**CHILD  
RECOVERY**

OFFICES ALSO LOCATED IN  
San Francisco • Los Angeles • San Diego  
Beverly Hills • Santa Ana



# NOTICES

## NOTICES ADVERTISING

**Professional:** WSBA Members only. \$40.00 per inch. Billed at publication.

**Classified:** Members—\$25 for 25 words, each add'l 25¢. Non-members—\$35 for 25 words, each add'l 75¢. Box number service—\$6. *Advance payment required.*

Deadline 25th of each month for second issue following. No cancellations after deadline.

Submit double-spaced typed copy (no phone orders) to Lorraine Wall, *Bar News*, 505 Madison Street, Seattle, WA 98104.

## PROFESSIONAL

### OSERAN, HAHN, KELLEY, SPRING & MAIMON, P.S.

announces that

#### WILLIAM N. SNELL

is available for referrals, consultations or association in the representation of clients in

LAND USE AND ENVIRONMENTAL MATTERS.  
300 Business Center Building  
777 - 106th Avenue Northeast  
Bellevue, WA 98004  
(206) 455-3900

Consultation, association or referral in Tri-Cities, Benton, Franklin Counties, and Hanford area.

#### Law Offices of Gregory C. Dow

1100 Jadwin Avenue, Suite 225  
Richland, WA. 99352  
Telephone (509)946-7661

Donald R. Burke announces his availability for referral, consultation or association on the first party property and business loss claims of insureds. Seven years experience as a Public Insurance Adjuster: Attorney.

#### Donald R. Burke

Kelsey Creek Office Park  
12951 Bellevue-Redmond Rd.  
Bellevue, WA 98005  
Telephone (206) 462-9254

Antonio Salazar, an attorney with ten years active experience in immigration matters, is accepting consultations and referrals in United States Immigration and Nationality matters.

#### Antonio Salazar

Attorney at Law  
Salazar Law Offices  
157 Yesler Way  
Seattle, WA 98104  
Telephone (206) 624-6414

Attorney (8 years FCC compliance experience in D.C.), Registered Investment Adviser (SEC) invites referrals, consultations, briefs:

- WUTC Tariffs, Hearings, Representation.
- FCC—Telecommunications, Broadcasting.
- Federal/State Administrative Practice.
- Internal Corporate Investigations.

#### John P. McDonald

10905 NE 30th Ave.  
P.O. Box 790  
Vancouver WA 98666-0790  
(206) 574-5333

Matt L. Alexander welcomes your Workers' Comp. referrals. Many years experience as practicing attorney and former hearing officer in this field.

#### Matt L. Alexander

1411 4th Ave. Bldg., Suite 1001  
Seattle, Washington 98101  
Telephone (206)624-3766

Bertha B. Fitzer, LL.M., announces her availability for referral, consultation or association on appellate arguments and briefs.

#### Bertha B. Fitzer

1101 Fawcett, Suite 350  
Tacoma, WA 98402  
Telephone (206) 627-4740

Don C. Pearson announces his availability for consultation in medical-legal litigation involving the eye and visual system.

Amer. Board of Ophthalmology, FACS, FCLM, WSBA, WSTLA.

#### Don C. Pearson, M.D., J.D.

B-6001 Allenmore Medical Center  
Tacoma, Washington 98405  
Telephone (206)272-9309

I AM VERY PLEASED TO ANNOUNCE THAT I AM NOW  
A FINANCIAL CONSULTANT WITH THE INVESTMENT FIRM OF  
MERRILL LYNCH.

I WOULD APPRECIATE THE OPPORTUNITY TO BE OF SERVICE TO  
YOU IN REGARD TO YOUR FUTURE INVESTMENT DECISIONS.

#### AUDREY B. EIDE

Merrill Lynch, Pierce, Fenner and Smith, Inc.

Suite 700, 820 'A' Street  
P.O. Box 1338  
Tacoma, Washington 98401  
206 593 8871  
1 800 562 8410 In State  
1 800 426 8992 Out of State

#### Chemnick & Moen, Inc., P.S.

is available for referral or association in medical-legal matters, including obstetrical malpractice cases. The firm will review medical-legal cases without charge or obligation.

2001 Western Ave., Suite 650  
Seattle, Washington 98121  
Telephone (206) 443-8600

Experienced business executive/lawyer and hands-on advisor, available to assist you and your clients to structure, finance and manage private investments and businesses. Mortgage loans and personal asset financing available.

**Edward C. Irwin, JD**  
**PACIFIC ADVISORY SERVICES, INC.**

**Yarrow Bay Office Park**  
10604-N.E. 38th Place  
Suite 222  
Kirkland, WA 98033  
(206) 822-1040

Douglass A. North announces his availability for referral, consultation, or association on appellate arguments and briefs.

**Douglass A. North**

**Hennings, Maltman,  
Weber & Reed**  
215 Norton Building  
Seattle, Washington 98104  
Telephone (206)624-6271

Landon C. G. Miller announces his availability as an Expert in Computer litigation related matters. Many years of Computer experience, qualified many times. References, WSBA.

**Landon C. G. Miller, J.D.,  
M.S.A.**

**President**  
**Vertical Systems, Inc.**  
909 N.E. 43rd St., Suite 206  
Seattle, Wa. 98105  
(206) 545-7111

Worker's Compensation referrals invited. Thirteen years experience before agency and courts throughout Washington.

**Tracy B. Madole**

1928 One Union Square  
Seattle, Washington 98101  
Telephone (206)622-2200

## FOR SALE/WANTED

**Books for sale—AM. Jur.** 2nd – \$1,450; *A.L.R.* 1st & 2nd with side books – \$950. (206) 623-8389

**Law books for sale:** Washington Reports, Wn. 2d, Wn. App., Washington Practice, Washington Digest, RCWA, Sheppard's Washington Citations, Am Jur 2d [All of the above are up-to-date sets]. Am Jur Trials, Am Jur Pleading & Practice Forms, Am Jur Legal Forms, Am Jur Proof of Facts, Trauma, Vol. 1 - 13, ALR 3d & 4th (to Vol. 29), West's Federal Forms, West's Federal Practice & Procedure, West's Modern Legal Forms, RIA Federal Tax Coordinator, RIA Tax Action Coordinator, RIA Estate Planning & Taxation Coordinator, Matthew Bender Modern Estate Planning, Corpus Juris Secundum. For information on the above, including prices, please call (509) 943-4606.

**For sale:** *Washington Appellate Reporter*; Volumes 1-38 (Vol. 39 just published). \$395 (206) 671-1796.

# PROFESSIONAL LIABILITY INSURANCE

## Who needs it?

Legal malpractice suits—like automobile accidents—always happen to “the other guy.” Or do they? Perhaps it just seems that way because none of us wants that kind of publicity . . . **so no one talks about it.**

### WHAT ARE YOUR ODDS OF BEING A DEFENDANT?

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.

### LOOK TO THE LEADER

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.

### CAN YOU AFFORD IT?

But, can you afford such protection? The answer is . . . unequivocally . . . **YES.** We are providing it now for more than 700 law firms in Washington . . . and thousands of others in other states.

### HAVING A RATE INCREASE?

As a result of increased litigation, insurance companies are having rate increases. If your firm is already a Marsh & McLennan client, you can be assured that your rates are among the lowest.

**IF YOU ARE NOT ALREADY A MARSH & McLENNAN CLIENT, be sure to contact us** when your present policy renews. It is most likely that we can save you quite a bit on your professional liability insurance.

### FREE QUOTATION SERVICE

Please contact us, and we will be happy to provide a free quotation . . . no obligation. You will be surprised at the difference in premiums.

CALL: **PAM BLAKE**  
Marsh & McLennan Group  
Associates  
720 Olive Way  
Seattle, WA 98101  
Telephone: (206) 622-0165

We can usually give you a quotation on the phone . . . while you wait.

**Marsh &  
McLennan**

**Law books for sale:** Damages in tort actions, attorney's textbook of medicine, Boardman immigration series. Like new and up to date. Best offer. (206) 878-1266.

**ALR - 1st, 2nd, 3rd, 4th, w/Digest, Word Index, Later Case Service, Blue Book, 467 Vols. - \$2,600; USCA, 228 Vols. - \$650.** Will consider reasonable offer. (206) 694-1571, Vancouver.

**CPT dedicated Word Processor.** 10mg hard disk; letter quality printer. Forms and diskettes included. Lease payments \$307.00. Call (206) 627-2889. Demarest & Denomy.

#### OFFICE SPACE

**Seattle Tower** - Law office available in pleasant work environment. Corner Office - View downtown Seattle. Receptionist/secretary space, spacious, basic library, conference room, copier. \$385 per month. (206) 623-5600, (206) 622-5555.

**Space sharing - beautifully appointed view office space** for 1 - 3 attorneys, plus secretarial space, 16th Floor, Marsh & McLennan Bldg. Includes furnishings, receptionist, library, conference room, copier, file room, kitchen facilities. Computer with customized legal billing package available, parking available.

**Hoge Building** - Law office available in pleasant work environment. Spacious basic library/conference room, copier, phones. Adjacent suite also available, suitable for one or more beginning practitioners or practitioners with shared receptionist/secretarial. Contact Harvey Grad - (206) 624-0130.

**Very attractive office** in three-attorney suite in excellent downtown Seattle location (Westland Building). 5 minutes from courthouse. Includes base telephone, copier and receptionist. Parking, secretarial, word-processing and other amenities available. (206) 682-1771.

**Bellevue:** Two-person firm seeks one experienced attorney to share beautiful suite. View of lake/Olympics. Across from One Bellevue Center. Parking, secretarial space, receptionist, library, copier, and confer-

ence room. Wang equipment, time and billing, and phone system available. (206) 462-8222.

**Skagit County office space** and equipment, available. One attorney. (206) 336-3608.

**Share office space:** Dexter Horton Building. One private office in two-lawyer office. Secretarial space, library, \$325.00 per month, plus telephone expense. (206) 622-1340.

**Two attorneys in Southcenter area** with established practices in business, real estate, litigation and tax, are currently sharing office space, and seek another attorney to share larger office in Southcenter area. (206) 433-7763.

**New market, new area.** Locate your practice in the fastest growing area of the Pacific Avenue just south of the Tacoma Business District. Limited space in new facility offers excellent exposure and environment for single individual, partnership, or small firm. Owner will include on-line access to nationally recognized legal library and business information system as well as tenant improvements.

Competitive rates, quality location. Phone (206) 531-4773 or (206) 847-4950.

**Spectacular office space** immediately available on the 44th floor of the First Interstate Center in downtown Seattle. Reply to Box 36, WSBA.

#### POSITION AVAILABLE

**Part-Time contract attorneys needed:** Medium-sized litigation/business firm with excellent reputation seeks part-time lawyers (20-25 hours/week) to do litigation support work. Applicant must have excellent academic qualifications and research and writing skills, although the job would entail other litigation tasks. The position is not limited to a specific project or time and would be open ended. Preference will be given to people with prior litigation experience. The position is very well compensated. Write Box 24, WSBA.

# CUT RED TAPE



Nationwide **1 800 547-2153**  
Washington **1 800 562-8302**

Document retrieval and filing service

 **NORTHWEST  
RECORDS  
SEARCH Inc**

508 E Union Suite 1  
Olympia, Washington 98507  
Olympia **206 754-9333**

• King County Searches  
1111 Third Avenue Suite 700  
Seattle, Washington 98101  
Seattle **206 441-9436**

## PROBLEM:

You or your firm are in need of a fresh, new...

- Corporate identity (logo/business card/letterhead)...
- Promotional brochure or pamphlet...
- Magazine or newsletter...
- Advertisement...
- Technical illustration...
- Visual aid...
- Annual report/manual/whatever...

and you...

- Don't have any clever ideas...
- Don't know where or how to start...
- Don't know who to see for help...
- Don't know or have a graphic designer or consultant in your firm...
- Don't have a large budget...
- Don't have a lot of time.

Or perhaps you're tired of...

- Indifferent treatment...
- Astronomical pricing...
- Missed deadlines...
- Poor results...

from your present graphics people.

## SOLUTION:

Check us out.

**DON COPPOCK**

**GRAPHIC SERVICES**

GRAPHIC DESIGN & PRODUCTION  
TECHNICAL ILLUSTRATION  
VISUAL AIDS  
DESIGN CONSULTATION

(206) 283-1622

Tax position available through April 15 (full time) for accountant or attorney interested in data processing of federal and state income tax returns. Furnish technical assistance to CPAs and attorneys utilizing computer programs; assist in quality control. Call CCH Computax at (206) 251-5350.

Seattle commercial and construction litigation firm seeks associate with 1 to 3 years' litigation experience and excellent academic credentials. Send resumé to Nourse & Associates, P.S., 605 First Avenue, Seattle, WA 98104, Attention: Catherine Rhodes.

Olympia law firm seeks associate attorney with 1-4 years' insurance defense experience. All responses confidential. Reply to Law, Dominick & Hemstad, P.S., 921 Lakridge Drive SW, Olympia, WA 98502.

Eastside firm of four attorneys emphasizing business, securities, real estate and corporate law seeks an associate with 1 to 3 years' experience in litigation, preferably with large firm. Must have strong interest in litigation and be able to handle cases with little supervision. Please reply to Box 27, WSBA. All replies confidential.

Seattle. Medium-sized law firm with substantial real estate practice seeks attorney with minimum of two years' experience in real estate finance and/or real estate law. Reply Box 33, WSBA.

AV-Rated Yakima, Washington firm with regional practice representing employers in labor and employment matters has an immediate opening for an associate. Some experience in labor and employment matters or litigation is helpful, but will consider an aggressive applicant with broad work experience. Contact: Jeanne, (509) 452-2828.

Major environmental organization seeks lawyer for its Portland, Oregon office for approximately 5 months, May/June 1986 to October 1986. Office emphasizes forestry and energy issues. Prefer at least 3 years' experience, but may consider less, depending on other qualifications. Contact: Terence Thatcher, National Wildlife Federation, Suite 708, Dekum Building, 519 S.W. Third Avenue, Portland, OR 97204, (503) 222-1429.

## POSITION WANTED

Tax and business attorney with C.P.A. and five-plus years' broad experience seeks position with growth-oriented Western Washington firm committed to quality legal work. Superior credentials and references. Reply to Box 34, WSBA.

LL.M. in taxation, N.Y.U., seeks employment with Seattle firm. Three years' experience in general practice. Member, Washington State Bar. Contact Box 35, WSBA.

## SERVICES

The doctor's in the office and more available now that he has decided to hang up the scalpel after nearly forty years as a practicing orthopaedic surgeon. Dumont S. Staatz, M.D., F.A.C.S. invites your referrals for independent medical evaluations and case reviews. Please telephone (206) 627-7143 or (206) 952-4576 for appointments in Tacoma or Federal Way.

## WILL SEARCH

Seeking Will of Maybelle Morgan of Snohomish, Washington. Contact C.F. Knappe, 90 Avenue A, Snohomish, WA 98290-2999, (206) 568-7511.

Anyone with information regarding the will of Robert Gislason, please contact John O. Linde, Linde, Boyer & Mashita, P.S., P.O. Box 668, Friday Harbor, WA 98250, (206) 378-2191.

If anyone knows of a will from Harold Spencer George, please contact Donald W. George at 39015 172nd Avenue S.E., Auburn, WA 98002. Telephone (206) 939-3311 (work) or (206) 833-6350 after 5:00 pm.

## MISCELLANEOUS

Attention Attorneys Seeking Publisher; National Publisher seeking one- or two-volume reference books of interest to Washington and/or National attorneys. Reply to Box 26, WSBA.

# INDEX TO VOLUME 39 (1985)

<b>By Subject</b>			
<b>BANKRUPTCY</b>			
Coming Attraction: Marathon II	JUN/p 12	1985 WSBA Convention CLE Seminar Schedule	AUG/p 15
		Resolution to be Considered at the 1985 WSBA Annual Business Meeting	AUG/p 23
<b>THE BOARD'S WORK</b>		<b>COPYRIGHT</b>	
Administrative Procedure Act	NOV/p 17	After Sale Rights for Visual Artists	NOV/p 29
Annual Meeting Resolutions	NOV/p 17	The Artist/Gallery Consignment Law	NOV/p 9
Bar Exam	APR/p 12 JUN/p 30 NOV/p 17	Copyright Concerns for the General Practitioner	NOV/p 23
<i>Bar News</i>	OCT/p 23	Enforcing Intellectual Property Rights in Computer Software	JUL/p 10
BC Law Society Exchange	MAY/p 42		
Budget, 1986	AUG/p 27	<b>THE COURTS</b>	
CLE Appeal	JUN/p 31	How is Justice to be Served?	OCT/p 18
CLE Topic Approval	APR/p 11		
CLE Video	MAY/p 42	<b>CROSSWORD PUZZLE</b>	
Client Security Fund	MAR/p 21 JUL/p 20 DEC/p 26	Legal Ups and Downs	MAY/p 53
Criminal Rule 3.2 (hail)	NOV/p 16 DEC/p 26	<b>DIRECTORY</b>	
Criminal Rules	JUL/p 21	1985 Directory of Attorneys	APR/p 25
Criminal Rules: Justice Court	DEC/p 26	<b>ETHICS</b>	
Court Stripping	OCT/p 23	Formal Ethics Opinion 180: Contacting Physician Witnesses	OCT/p 10
Discipline: Admonition	JUL/p 21 AUG/p 27	New Rules of Professional Conduct (Pull-out Section)	SEP/p 28
Environmental & Land Use	MAY/p 42	The New Rules of Professional Conduct	OCT/p 14
Law School	MAY/p 41		
Lawyer Evaluations	AUG/p 27	<b>EVIDENCE</b>	
Legislative Positions	FEB/p 22 MAR/p 22 APR/p 13 DEC/p 26	Admissibility of Computer Records as Evidence	JUL/p 14
Malpractice Insurance	JUL/p 20 NOV/p 16	<b>FAMILY LAW</b>	
Meetings of the Board, 1986	NOV/p 17 DEC/p 26	A Child is Missing	MAR/p 10
PBS Programming Support	AUG/p 27	Child Support Guidelines Short on Long Term Solutions	MAY/p 8
Physician Witness	JUL/p 20 AUG/p 28	Psychological Processes of Divorcee	MAR/p 14
Planning, Long-range	SEP/p 27	<b>HEALTH AND ALCOHOL</b>	
RICO: State Racketeering Act	JAN/p 27	Deferred Prosecution	DEC/p 29
RPC	JAN/p 27	Proclamation	DEC/p 12
Skills Training	SEP/p 27	Psychological Distress in Law Students and New Lawyers	DEC/p 13
Speakers' Bureau	OCT/p 23	State Approved Alcohol and Drug Abuse Treatment Services	NOV/p 44 DEC/p 37
Specialization	JUN/p 29	Washington State Patrol Crime Laboratory Infrared Breath Testing Program Seminars	SEP/p 75
Young Lawyers: Board Representation	MAR/p 21		
<b>CLE</b>		<b>HISTORY</b>	
Why the CLE Board Should Allow Credit for Self-study	JUN/p 12	Snohomish Shenanigans, or, How the Seat Was Won	DEC/p 18
<b>CONVENTION</b>		<b>INTERNATIONAL LAW</b>	
In Pursuit of Professionalism, Seattle 1985	AUG/p 11	Advancing the Rule of Law in the World	JUN/p 23
		<b>LAW OFFICE MANAGEMENT</b>	
		Amendatory Rule WAC 458-20-207 (Business and Occupation Tax)	OCT/p 24
		Common Mistakes in Automating Your Client Accounting System ( . . . and how to avoid them)	SEP/p 12
		Dear Successor. . .	SEP/p 15
		Dictation Protocol for the Upwardly Mobile Attorney	JUN/p 20
		LTAC For Computer Software	SEP/p 15
		Must Reading. . . Management for In-House Counsel	SEP/p 25
		Riding a Brahma Bull	JAN/p 15
		Training Your Secretary	OCT/p 19
		Where are We Heading?	SEP/p 23
		<b>LEGAL AID</b>	
		Indigent Legal Services in the State of Washington	DEC/p 22
		<b>LEGISLATION</b>	
		Public Art: The Tacoma Lesson	NOV/p 33
		Personal Injury (Defamation)	NOV/p 19
		Liability for Defamation in Works of Fiction	
		<b>MALPRACTICE INSURANCE</b>	
		Oregon Lawyers Sleep Better	JAN/p 8
		<b>PROPERTY AND PROBATE</b>	
		Advising Your Clients on Planned Giving	NOV/p 11
		Cox v. Helenius—Another View	OCT/p 25
		Deed of Trust Foreclosures: After Cox vs. Helenius	MAY/p 14
		The QDRO: New Tool for Divorce Settlements	OCT/p 21
		Washington's Other Anti-Lapse Statute	AUG/p 25
		Wonderful Wraparounds	JUN/p 25
		<b>PUBLIC RELATIONS</b>	
		Deciphering Good Clients	FEB/p 19
		The Media Point of View	FEB/p 17
		Point Man for Genghis Khan: The Life of a Media Lawyer	FEB/p 12
		The Public Image of the Public Lawyer	JAN/p 13
		<b>SPECIALIZATION</b>	
		Accept the Challenge	FEB/p 7
		Proposed Plan of Legal Specialization	JAN/p 19
		Specialization Survey Results	MAY/p 43
		<b>TRUST ACCOUNTS</b>	
		1985 Interim Grant Criteria	SEP/p 20
		Myths and Realities about IOLTA	MAY/p 18
		Update on IOLTA: The Legal Foundation of Washington	FEB/p 20

WSBA

1985 Annual Report of the WSBA (pull-out section) MAY/p 21

Patrick C. Comfort Elected President For 1985-1986 Term OCT/p 9

**By Author**

**Belfiglio, Jeff**  
The QDRO: New Tool for Divorce Settlements OCT/p 21

**Bender, Rita**  
Update on IOLTA: The Legal Foundation of Washington FEB/p 20

**Benjamin, Andrew**  
Psychological Distress in Law Students and New Lawyers DEC/p 13

**Bulmer, Kurt**  
The New Rules of Professional Conduct OCT/p 14

**Caine, Daniel M. and D. Gordon Willhite**  
Coming Attraction: Marathon II JUN/p 12

**Campbell, Lee**  
The CPA Decision: A reminder to Stress Competence JAN/p 11

**The Door Is Open** JUL/p 9

**How Do You Treat Your Clients?** MAY/p 13

**In Search Of an Attitude** SEP/p 9

**An Invitation to The Best of Annual Meetings** JUN/p 9

**The MENTOR Project—A great Opportunity in Law-Related Education** MAR/p 9

**A Positive Public Image Depends On Good Communications** FEB/p 11

**The Responsibilities of a Privilege** APR/p 9

**Reviving an Honorable Tradition** AUG/p 9

**Carpenter, Sally**  
Snohomish Shenanigans, Or, How the Seat Was Won DEC/p 18

**Clark, Barbara**  
Myths and Realities About IOLTA MAY/p 18

**Comfort, Pat**  
Professionalism at its Best OCT/p 13

**Public Service: Second Nature to an Honorable Profession** NOV/p 5

**Reaching Out: Programs for Members and the Public** DEC/p 9

**Donigan, Helen**  
A Child is Missing MAR/p 10

**Dunne, John E., MD.**  
Psychological Processes of Divorce MAR/p 14

**Dunwoody, Stuart R. and Marshall J. Nelson**

Copyright Concerns for the General Practitioner NOV/p 23

**Gloekler, John**  
Legal Ups and Downs MAY/p 53

**Goldenkranz, Michael B.**  
Must Reading: *Management for In-House Counsel* SEP/p 25

**Grausz, Clare**  
Advising Your Clients on Planned Giving NOV/p 11

**Grayson, Carole**  
Come on Down! JUL/p 7

**A Cowgirl Goes to Cambridge** JUL/p 7

**Intercircuit Panel in the Works?** JUN/p 7

**Not Just Fun and Games** AUG/p 7

**One Lawyer, One Vote** AUG/p 7

**Ordinary People** OCT/p 11

**Outside Counsel for the Public Interest** JUN/p 7

**Part of the Solution?** DEC/p 10

**Poulsbo CLEbration** SEP/p 7

**Share the Wealth** APR/p 7

**Stressed Out** DEC/p 11

**The True Meaning of Professionalism** MAY/p 11

**Haley, Jeffrey T.**  
Enforcing Intellectual Property Rights in Computer Software JUL/p 10

**Harris, Loretta, CPA**  
Common Mistakes in Automating Your Client Accounting System (and how to avoid them) SEP/p 12

**Hennessey, Harry E.**  
Where Are We Heading? SEP/p 23

**Holbein, Wesley G.**  
Deferred Prosecution DEC/p 29

**Hoyden, Robert J.**  
How is Justice to be Served? OCT/p 18

**Jones, Bruce**  
Proclamation DEC/p 12

**Kline, Adam**  
The Artist/Gallery Consignment Law NOV/p 29

**Kriegman, Bruce and Susan Reifel**  
Liability for Defamation in Works of Fiction NOV/p 19

**Leen, David**  
Cox v. Helenius—Another View OCT/p 25

**Mack, Robert**  
Public Art: The Tacoma Lesson NOV/p 33

**Medina, Anthony M.**  
The Admissibility of Computer Records as Evidence JUL/p 14

**Mosner, Zachary**  
Deed of Trust Foreclosures: After Cox vs. Helenius MAR/p 14

**Musschl, Robert and Claire Thomas**  
Advancing the Rule of Law in the World JUN/p 23

**Nelson, Marshall J. and Stuart R. Dunwoody**  
Copyright Concerns for the General Practitioner NOV/p 23

**Palmer, Claudia**  
Dear Successor SEP/p 19  
Dictation Protocol for the Upwardly Mobile Attorney JUN/p 20

**Palmer, Douglas Shaw**  
Why the CLE Board Should Allow Credit for Self-study JUN/p 17

**Pearson, Claude M.**  
Accept the Challenge FEB/p 7

**Pierson, Curt**  
The Media Point of View FEB/p 17

**Rawls, Lester L.**  
Oregon Lawyers Sleep Better JAN/p 8

**Reifel, Susan and Bruce P. Kriegman**  
Liability for Defamation in Works of Fiction NOV/p 19

**Reisler, Steven**  
Editor's Notebook FEB/p 9  
Hello/Goodbye MAR/p 6  
The Memorandum JAN/p 9

**Reutlinger, Mark**  
Washington's Other Anti-Lapse Statute AUG/p 25

**Robbins, Richard L.**  
LTAC For Computer Software SEP/p 15

**Rodgers, Gregg**  
After Sale Rights for Visual Artists NOV/p 29  
Guest Editorial NOV/p 7

**Schaaf, Charles A.**  
Child Support Guidelines Short on Long Term Solutions MAY/p 8

**Stevens, Lorelei**  
Wonderful Wraparounds JUN/p 25

**Swinton, Duane M.**  
Point Man For Genghis Khan: The Life of a Media Lawyer FEB/p 12

**Thomas, Claire and Robert Musschl**  
Advancing the Rule of Law in the World JUN/p 23

**Tolman, Jeff**  
Deciphering Good Clients FEB/p 19  
Training Your Secretary OCT/p 19

**Weed, Grant K.**  
The Public Image of the Public Lawyer JAN/p 13

**Williams, Constance**  
Riding a Brahma Bull JAN/p 15

**Willhite, D. Gordon and Daniel M. Caine**

Coming Attraction: Marathon II JUN/p 12

# BUSINESS VALUATIONS

*One of the Nation's Largest  
and Most Experienced  
Professional Business Valuation Firms*

**W**illamette offers:

- Expert Testimony
- Arbitration
- Negotiation
- Litigation Support Research
- Thoroughly Documented Valuation Reports

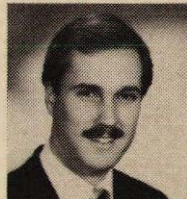
**F**or all Business Valuation Needs:

- Estate, Gift and Inheritance Taxes
- Incentive Stock Options
- ESOPs
- Corporate and Partnership Recapitalizations
- Divorces
- Corporate and Partnership Dissolutions
- Going Public, Going Private or Selling Out
- Mergers, Acquisitions, and Divestitures
- Dissenter Stockholder Suits
- Anti-Trust, Breach of Contract, Lost Profits, and Other Damage Cases
- Buying/Selling Minority Shares
- Bankruptcy Reorganizations
- Purchase Price Allocation
- Ad Valorem Taxation

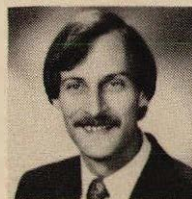
**F**ounded in 1969, Willamette Management Associates has completed over 1,500 business valuation assignments. Our professional staff of research analysts, including qualified expert witnesses and experienced arbitrators, offer both depth and variety of educational backgrounds, professional credentials and experience.

When professional valuation is needed, there is no substitute for comprehensive research and analysis. Willamette's professional staff is supported by one of the most extensive business appraisal research libraries in existence, containing hundreds of books, articles, and court cases on every phase of business valuation.

## Members of Professional Staff



Peter Wyckoff, C.F.A.



Ralph Arnold, A.S.A.



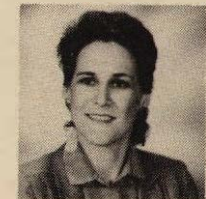
Marilyn Burr



Mary McCarter, C.F.A.



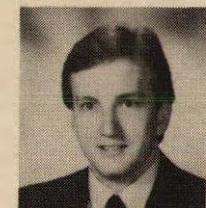
**S**HANNON P. PRATT, C.F.A., A.S.A., president and research director of Willamette Management Associates, is one of the most experienced and nationally recognized leaders in the profession of business appraisal. Dr. Pratt has appeared many times as an expert witness in various federal and state courts throughout the country and frequently serves as an arbitrator of valuation issues.



Donna Walker



Kathryn Fisher



Jeff Patterson



Louis Paone, C.F.A.  
Washington D.C. resident analyst



C. Robert Holman,  
Intermountain area analyst



Richard Dole, C.F.A.,  
A.S.A., Hawaii resident analyst

## The Business Valuation Experts

400 SW Sixth Avenue, Suite 1115  
Portland, Oregon 97204 503/222-0577

**Willamette Management**  
ASSOCIATES, INC.

# COMPLETE ANNOTATIONS TO THE RCW FOR \$200? YES!

- We produce a sturdy, soft-bound edition of Annotations to the Revised Code of Washington. We have been annotating the code since 1951.
- Supplemented by a cumulative volume twice a year, the Annotations are current, accurate and easy to use. They are in a format compatible with the official RCWs published by the State.
- Our Annotations occupy less than a foot of shelf space, are supplemented simply by replacing the supplement volume, and are easily photocopied.
- Recently reedited, the Annotations contain only relevant material. The Annotations are prepared by Washington attorneys who use them every day in their research.

**GIVE OUR ANNOTATIONS A TRY! YOU'LL BECOME A BELIEVER.**

Order From  
Book Publishing Company  
201 Westlake Ave. N.  
Seattle, WA 98109  
(206) 343-5700

Nonprofit Org.  
U. S. POSTAGE  
**PAID**  
SEATTLE, WASH.  
Permit No. 2204  
ID No. 9-437