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News

Vol. 41, No. 2, February 1987



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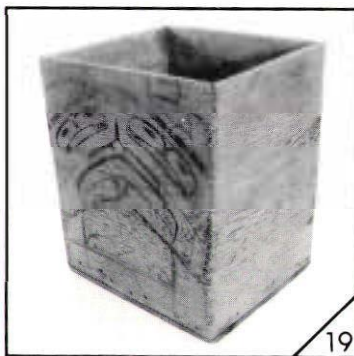
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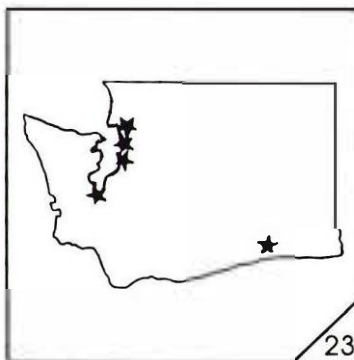
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Cover: Northwest Indian family treasures (see page 19) are held in trust at the Seattle firm of Halverson & Strong. Cover plate and illustration courtesy of Seattle photographer **Karen MacLin**.

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How To Succeed As A Lawyer— From Father To Son

by John J. Michalik
WSBA Executive Director

I recently had my attention called to a letter written 20 years ago (originally printed in the November 1963 issue of the *Texas Bar Journal*) by lawyer Roland Boyd of McKinney, Texas and sent to his son, then a third-year law school student. Written in the form of a series of points for his son to "Remember," Boyd's letter provides a series of reminders for us all, and I would like to share some excerpts from that letter with you.

.....

Remember the rule of nine. It works this way—nine people out of ten are good, honest, intelligent, decent and fair-minded people. Therefore, if you want to have the odds, nine to one, in your favor, get on the right side of the issue. In the legal profession the right side of the issue is the side that helps society. In other words, don't injure your fellow man. In the courtroom the rule of nine works the same way. Nine times out of ten the right side wins at the courthouse.

Remember, a lawyer's integrity is of vital concern to the community. If the butcher, the baker and the candlestick maker are not honest, this is not a major catastrophe, but on the other hand the lawyer plays such a vital role in the lives of his fellow man that if he is not honest, it is a major catastrophe . . . under these conditions the only reward life provides is a clear conscience. No profession can be more vital than one which makes such requirements on its members.

Remember, in the practice of law under a democratic form of government there are no secrets. Therefore, don't ever be a party to anything, don't put anything in a letter, don't say anything in conference or on the telephone that you would mind

(except for your client's interest) seeing on the front page of a newspaper or TV, or hearing from the witness stand, or on the radio.

Remember, the best way to disarm your enemies is to do what is just under the circumstances. It absolutely drives them crazy. Often it will throw them into such confusion that they become helpless. Ordinarily their "double dealing" will "backfire" if you don't resort to the same tactics.

Remember, there is no ceiling on success in the legal profession. The only limit on the amount of success you can achieve is your time and energy. And the thought that will give strength to finish when the hour gets late and the going gets rough is that, irrespective of how it might look to others, you know you are fighting according to the accepted rules of the game.

Remember, the end does not justify the means. Two wrongs do not make a right. It is better to lose than not to fight according to the rules. It is extremely easy for a young lawyer to violate these rules. If you have a growing family to support on a meager income, there is a strong temptation to become lax in your professional morals. Many times it might appear necessary to "fudge" a little. You will profit financially if you don't do it.

Remember, don't ever put your interest in the fee ahead of your interest in the case. Your future depends more on the manner in which you handle the case than on the amount of the fee you collect.

Remember, the primary purpose of the legal profession is to find, recognize, interpret and preserve the truth. The quicker you can learn the truth about any situation, the better off you will be. After you learn it, don't join issue against it.

Remember, your clients subconsciously make you the guardian of their morals. As inconspicuously as possible you should assume this responsibility. If you do, and discharge it properly, it will help you build a good law practice. Many years ago a client who lived in a nearby city came to the office and

said, "That case you are representing me in, I got to thinking, that property represents 90 percent of my life's work. If you lose that case I am ruined. A man told me if I would go to so and so and pay him \$10,000, then my property would be reappraised at a high figure and I could settle without a trial. I have about decided to do it that way. What do you think?" I told him in my opinion he would be making the greatest mistake he had ever made; that he had always been honest and I couldn't see any reason for him to change this late in life. He reluctantly agreed. A few months later he was well pleased with the outcome of his case, and told me many times that I kept him from ruining a happy and successful life, and he consulted me on every important matter for the balance of his life.

Remember, there is no sure way to bind men together and keep them bound by any written instrument. The only thing that binds men together is the fact that under all circumstances most men, without knowing what the other will do, will reach for the golden rope of justice, truth, decency and fairness and thereby bind themselves to every other person who grasps the same rope. This is the only combination that will endure.

Remember, to be a good lawyer you must first be a good man. Your sole ambition should be to be a good husband, a good father, a good neighbor, a good citizen and a good lawyer. If you achieve this, you will have achieved all the success there is.



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Pro Bono

This issue of the *Bar News* focuses on lawyers' pro bono work. Well that it does. There is no effort of the bar which more effectively identifies us as a profession. Does anyone expect the bakers of this country to assume responsibility for everyone to have enough bread? Or the tailors to be concerned that everyone has clothing?

On the other hand, the public does place some burden on the legal profession to make legal services available to people who cannot afford to pay for them. No doubt that expectation arises from the fact that historically lawyers have assumed this obligation for themselves. Generations of lawyers have been called upon to support "legal aid" as it was formerly denominated, and support it they did. When the federal government was moved to organize the Legal Services Corporation, it was lawyers who led the effort with the broad support of the organized bar. When it appeared that the Legal Services Corporation would be dismantled, lawyers fought to preserve it. With the substantial reduction in activities brought about by major budget cuts, lawyers once again are organizing and supporting massive voluntary efforts. These efforts were generated by a desire to fill the gap left by the reduced staffing of the Legal Services Corporation offices. As it turns out, the programs now underway have the potential to raise the delivery of free legal service to a level never before attained—not by the old "legal aids" nor by the Legal Services Corporation. There should be little wonder that society expects us to meet the legal needs of the poor—we have been demonstrating to society for decades that we expect ourselves to do that.

Are you involved? Is your group helping?

You know, for some time there was a serious discussion about making participation in pro bono service mandatory—a condition to practice. It is a credit to our profession

that such an idea became a matter of serious debate. There is a substantial segment of our membership that to this day feels so strongly about the service obligation of the profession that they would have every member required to devote some minimum of time to free services for those who cannot afford it.

For myself, I could never quite reconcile my sense of what seemed the proper motivation to offer free legal service with making it mandatory. My feeling is that helping others less fortunate works best when it is done out of a personal conviction that it is important. It is true that this leaves those whose sense of social justice is strongest doing more than a fair share. Nevertheless, on the long term I am convinced that this whole effort would be but marginally enhanced by making participation mandatory. Certainly leaving it to voluntary action does not rule out the age-old American custom of exhorting our friends to a greater consciousness of the right thing to do.

So, I ask again: Are you involved? Is your group helping? (I use the word "group" rather than "firm" because some of the most effective pro bono work in this state is being done by lawyers in government and corporate law departments as well as by private law firms.)

In fact, as the materials in this issue show so clearly, there is a very strong movement in every county and statewide to develop a system for meeting unfortunate individuals' needs which will really meet those needs—a result of which I think we all would be very proud.

There is a young lawyer in this state whose recent experience furnishes a wonderful example. He had just started in private practice on his own. During his first years as an employed lawyer he had accumulated savings toward meeting the expense of opening his own office and covering his living expenses while building a practice. In his first week he happened to be in federal court on a motion calendar. The judge called upon him to accept



appointment as counsel for an indigent accused. He did.

Only after the appointment did the enormity of what he had undertaken become apparent. The case was a major one and immensely complicated. There was no way to carry out the obligation to the indigent client without devoting literally full time to investigation and preparation. As the trial approached the young lawyer saw his nest egg dwindle and disappear. He had had no time to develop or work on any business of his own. The trial promised to take several weeks. Circumstances were so grave that he seriously considered resigning from the bar to avoid a personal catastrophe. He concluded, however, that he could not give up. He tightened his belt, borrowed additional funds and resolutely went ahead to fulfill his obligation. The trial did in fact take several weeks, and at its conclusion that lawyer emerged finally in a position to get his practice started but in a very deep hole. Happily, circumstances are slowly improving and he views with considerable personal pride how he responded when called upon to carry out his professional obligation. Well he should.

So, I ask again: Are you involved? Is your group helping?

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Seattle Hosts ABA Pro Bono Conference

This issue of the *Bar News* focuses on pro bono efforts in Washington as a prelude to the 4th Annual ABA Pro Bono Conference. Aimed at bar leaders and pro bono coordinators, the conference will be held at the Seattle Sheraton March 26-28, 1987. The conference is downright practical and detail-oriented; don't look for motivational pap there. The conference has drawn 400-500 persons in past years. Persons may wish to contact the Legal Foundation of Washington, (206) 624-2536, about the possibility of obtaining scholarships to the conference.

• • • • •

Every Little Bit Helps

It took me fifteen months before I generated the first dollar for the Legal Foundation of Washington. (Oops! Not I, but rather my client trust account.) Then came an inauspicious autumn billing cycle when, for the first time, there was a net remittance to the Legal Foundation of Washington—for two dollars and seventeen cents.

So what if my client trust account never is more than a microscopic piece of the IOLTA pie. That doesn't mean I don't look after the IOLTA business with, pardon the word, interest.

It also doesn't mean that I don't think that plenty of middle class and poor people have unmet legal needs.

Any bets whether there is an inverse or direct correlation between an attorney's income level and involvement in pro bono efforts?

I suppose my pro bono activities are typical of small-time private practitioners. I volunteer with the Joint Legal Task Force on Central American Refugees (pro bono) and the Seattle-King County Neighborhood Clinics Program (free consultations). Serve on the Board of Directors of Evergreen Legal Services (volunteer). And accept low-fee referrals from the Seattle-King County Bar (\$35/hour) and criminal appointments in King County (\$22/hour), though these two activities are not strictly pro bono.

Occasionally, I represent clients at far below my usual hourly rate

because someone has to . . . or should.

A dissolution client earns \$5 per hour and supports three fine children. How can I charge her in an hour more than she receives in two days of working? So I represent her at a fraction of my usual hourly rate. It is simple. It feels right. I like her old-fashioned values of family, work, and loyalty. People like that deserve the best from the legal system.

My client is probably not as heroic as I paint her, and it probably belittles her to cast her as special.

Raising The Right Hand

Some people wonder why there is no institutional support from the State Bar. How come there is no Washington State Bar Association pro bono program? How come no mandatory pro bono? Wouldn't a mandatory program be one way of putting some oomph into the fluff of professionalism?

Other people counter and say that the current decentralized system strengthens the local sense of community and better serves the special needs of each area than a program headquartered in Seattle.

I think it's safe to say that all would agree that persons and organizations providing pro bono services do fine work, considering the available resources and the unending need.

I know I'll keep plugging along with my volunteer efforts. Every bit

helps. No lawyer (or client) is more or less worthy than any other.

Remember that day in the past when we raised our right hands to "solemnly declare," among other things: "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed"?

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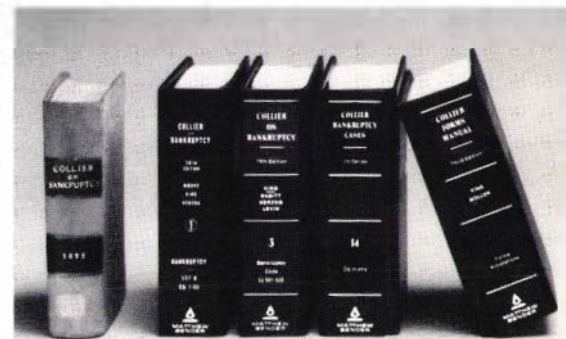
Charles C. Heninger commenced the practice of law in 1900. Ralph U. Heninger, after graduating from Harvard Law School, joined his father, Charles, in 1932, to form the original Heninger and Heninger law firm in Sigourney, Iowa.

In 1966, following a 20-year period that included teaching at the University of Iowa Law School, serving as an officer in the U. S. Marines in World War II and the practice of law in Davenport, Iowa, Ralph U.

Heninger re-established the Heninger and Heninger law firm with his son, Ralph H. Heninger. They were joined by Ralph W. Heninger, Ralph H.'s oldest son, in 1984. Ralph W.'s brother, John, is currently in his second year at the University of Iowa Law School.

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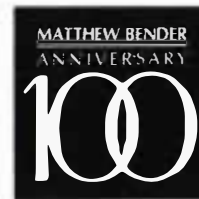
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(L to R) Ralph H. Heninger, Ralph U. Heninger, Ralph W. Heninger, Charles C. Heninger.

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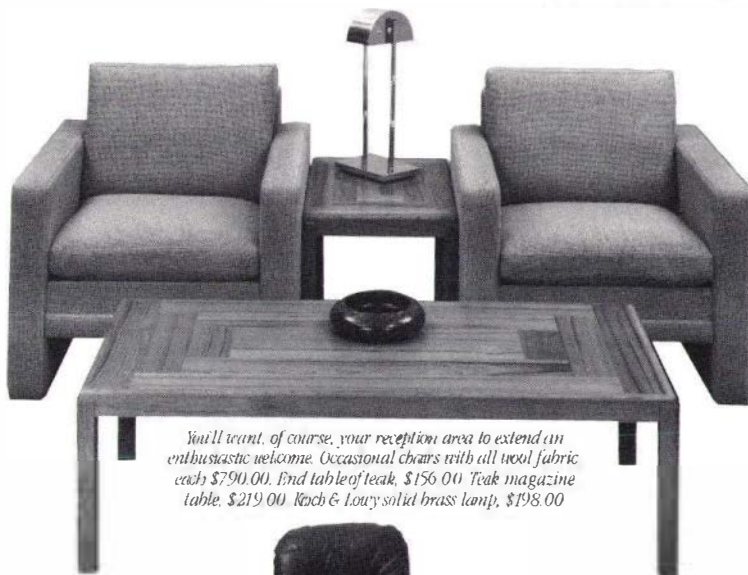
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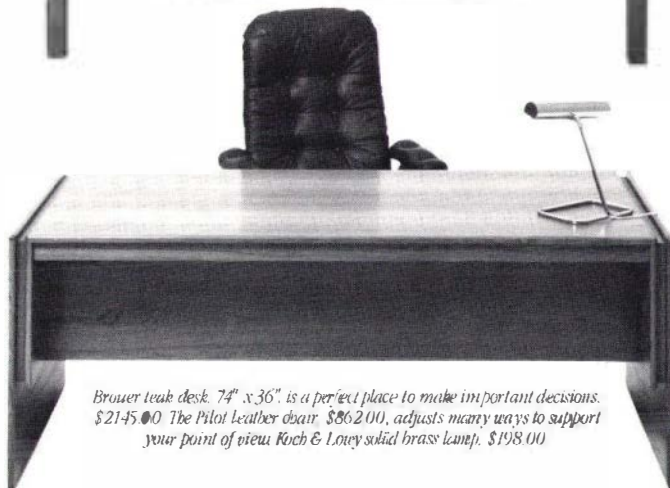
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Evergreen Legal Services

A Status Report To Our Partners In The Bar

by Ada Shen-Jaffie, Director and Patrick McIntyre, Deputy Director, Evergreen Legal Services

Evergreen Legal Services celebrated its tenth anniversary in 1986. It is the largest of three publicly-funded legal services programs in Washington. Puget Sound Legal Assistance Foundation serves a poverty population of approximately 64,001 in Pierce, Thurston and Mason counties. Spokane Legal Services serves a poverty population of approximately 44,577 in Spokane, Ferry, Stevens, Pend Oreille and Lincoln counties. Evergreen serves a year-round poverty population of approximately 287,012 in the remaining 31 counties, which extend over a 53,609 square-mile area; in addition, it serves an estimated 90,000 migrant workers, a substantial Native American community, and many of the institutionalized poor people in our state.

Evergreen employs approximately 110 people, including attorneys, paralegals and support staff, and annually serves an estimated 30,000 of the 287,012 poor persons residing within its service area.

Besides its eight general field offices,* Evergreen supports three special projects: The Institutional Legal Services Project represents low-income persons in various juvenile, correctional, and mental health facilities. The Native American

Project serves low-income Native Americans and eligible tribes. The Farmworker Division protects the rights of migrant workers. Evergreen spends 12.5% of its Legal Services Corporation basic field grant on well developed private bar involvement programs, such as a compensated private bar panel, in Southeastern Washington, Clallam and Jefferson counties; a private law firm contract to represent low-income persons in Kitsap County; and pro bono referral projects in Seattle-King County and Chelan-Douglas counties.

Emergence

From its creation in 1976 until 1981, Evergreen defined its mission, centralized and refined its functions, and established itself as an accepted statewide entity. Its original Board of Directors adopted a mission statement which continues to guide the program's efforts:

Not less than one-half of the resources of each office shall be devoted to address the underlying problems of low-income communities in order to reduce the incidence and hardship of poverty, and not less than one-third of the resources of each office shall be devoted to provide services to low-income persons with individual legal problems.

During this phase, the concept of "priority-setting" was mandated by the U.S. Congress. In response, the Legal Services Corporation promulgated a regulation which recognized that inadequate funding made it impossible to provide legal represen-

tation to every eligible client in need, and which imposed on every LSC-funded program the requirement to identify and respond to the highest priorities of our client communities.

Evergreen has historically determined its priorities at the local level, in recognition of the need for knowledgeable bar and community input. (For example, in 1983, in Eastern Washington, improved access to the court system by non-English-speaking clients was an important issue, whereas for clients residing on the Olympic Peninsula, unemployment law issues related to mill closures were identified as critically important.

During this period, the program grew to its peak size of 14 general field offices, six tribal offices, and the three special statewide projects. The total staff of 180 included some 104 attorneys, 15 paralegals and 61 support staff. Evergreen enjoyed the political support of the bar at large, and while many private attorneys contributed to pro bono activities, the expectation was that the primary responsibility for representing the poor should fall upon the legal services programs.

Retrenchment

The period from 1981-1986 was one of "retrenchment." Federal budget cuts severely reduced publicly funded legal services. Evergreen was forced to close seven of its 14 general field offices and to lay off 65 staff members. At the same time, many essential social services for clients were cut back or totally eliminated by other budget cuts at the national level.

In community after community, concerned bar members responded to the emergency by devoting time, energy, expertise and money, on an individual basis, to the immediate problems. In several communities, local bar associations established pro bono panels to serve low-income clients. We all developed a clearer understanding of our complementary roles and learned that there are many

*General Field Offices Areas Served

Location

Aberdeen
Bellingham
Everett
Longview
Seattle
Vancouver
Wenatchee
Yakima
Bremerton (contract law firm)
Private Bar Panel (Seattle)

Grays Harbor-Pacific
Island, San Juan, Skagit & Whatcom
Snohomish
Cowlitz, Lewis & Wahkiakum
King
Clark, Klickitat & Skamania
Grant, Adams, Douglas, Chelan & Okanogan
Yakima, Kittitas
Kitsap
Clallam, Jefferson & Southeastern Washington

functions which private attorneys are unlikely to undertake and other areas where the private bar is particularly well-equipped—either on a pro bono basis, through participation on the reduced-fee private bar panel, or under a contractual agreement.

The earlier understanding of "You take care of it, we'll back you up," dramatically changed for the better during this phase of Evergreen's history. Private attorneys and legal ser-

vices programs in many places responded to a time of crisis by entering into active partnership: "Let's tackle this problem together."

Rebuilding

By 1986, Evergreen was able to begin a process of restoration. Funding from the Legal Foundation of Washington has enabled Evergreen to maintain existing service levels despite continued reductions in government funding, together with ris-

ing costs. For example, in 1985 and 1986, Evergreen was cut back in its Native American Project, Institutions Project, and Basic Field Grant from the Legal Services Corporation. Contracts with Area Agencies on Aging (which fund much of the program's advocacy for low-income seniors) were reduced, and have been cut again for 1987. The effect of these cuts would have been even more severe but for the Legal Foundation's support. Foundation funds enabled Evergreen to reopen offices in Everett and Vancouver, resulting in improved access for clients in Clark, Klickitat, Skamania and Snohomish counties for the first time in five years. This lessened demands upon our field offices in Seattle and Longview, which had been attempting to serve these large communities on an outreach/circuit-riding basis. Even with these additional resources, it is not possible for us to return to the levels of service provided in 1981.

No one can predict how this latest evolutionary development will affect Evergreen's partnership with the private bar. The emergence of new funding, together with the traditionally demanding nature of private practice, will lead some to conclude that we may now return to an earlier era when many in the private bar could play a less active, "backseat" role in the delivery of legal services to the poor. The reality, however, is that we simply cannot afford to do so. In the past five years, the legal community as a whole has become far more cognizant of the extent of the poor's unmet need for legal assistance *and* of the inability of legal services programs, without continuing assistance from the private bar, to adequately address them. This awareness, coupled with the Washington Legal Foundation support for the three legal services programs and various bar pro bono efforts, will, we hope, allow us to maintain and expand the partnership between the bar and the legal services community.

Advocacy Efforts

With the active support and assistance of the private bar, Evergreen has repeatedly received high marks for the excellence of its legal work, the professionalism of its staff,

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the wide range of its advocacy activities, and its fiscal accounting, administrative and management systems. A few examples of our successful efforts include:

- The first battered women's legal services project in the nation.
- An Institutional Legal Services Project which is a national model.
- The development of "Self-Help Plus," a comprehensive pro se dissolution package which includes instruction manual, professionally produced videotapes, and a system of back-up interviews with pro bono attorneys who review all documents for filing and formal hearing.
- A court interpreter project in Yakima, where a task force of Evergreen staff, judges and court personnel established interpreter services for non-English-speaking people and interpreter training program and certification standards. Evergreen is helping the State Court Administrator's Office to establish similar improvements statewide.

SIGNIFICANT CASES:

- *Morrison v. Heckler*: U.S.D.C. (W.D. Wa.) C82-888V, was a state-wide class action which successfully challenged the standards used by the Social Security Administration and disability adjudicators to terminate and deny Social Security and SSI benefits to disabled persons.
- *Rivas v. Toppenish*, Yakima Superior Court, 892-2-00077-8, required ordinance amendments providing due process protections to tenant users of domestic water.
- *U.S. v. Washington*: This is among the most complex cases ever handled by a grantee of the Legal Services Corporation because of the numerous parties involved and the issues involving the fishery biology of Puget Sound. Evergreen represents several intervenor tribes. The case has been in litigation since 1970 with hundreds of days in hearings and trials in the District Court for the Western District of Washington and numerous appeals to the Court of Appeals for the Ninth Circuit. In 1979, the U.S. Supreme Court addressed the issues in *Washington v. Fishing Vessel Association*, 443 U.S. 658 (1979).

- *Nicasio v. INS*, 768 F.2d 1133 (1985), 595 F. Supp. 19 (E.D. Wash. 1984), was a successful civil rights action against the U.S. Immigration and Naturalization Service (INS) in which the trial and appellate courts held that motor vehicle stops based solely on Hispanic appearance, subjective considerations, and socio-economic traits common to farmworkers violate the Fourth Amendment.
 - *Purser v. DSHS*: 104 Wn.2d 159 (1985), successfully challenged DSHS's failure to apply community property principles to the Medicaid eligibility of nursing home patients. As a result of *Purser*, the spouse who remains in the home no longer becomes impoverished by the taking of Social Security benefits of the institutionalized spouse. Subsequent litigation in the Ninth Circuit challenges the Federal Department of Health and Human Services' refusal to allow Washington to implement the Court's decision.
- ECONOMIC DEVELOPMENT PROJECTS:**

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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.

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- *Columbian Hotel*: When the Columbian Hotel, the largest single low-income housing facility in Wenatchee, was abandoned by its owner, the city prepared to condemn the hotel and declare a housing emergency. Approximately 200

low-income Wenatchee residents lived there. While exploring strategies to save the Columbian on a long-term basis, Evergreen's efforts kept the hotel open through the winter and raised enough money to relocate all tenants.

- *Shoalwater Jobs*: Evergreen assisted Shoalwater Jobs, a community development organization located in Raymond, in its incorporation process and in various ventures. The organization operates a job skills exchange, a firewood cutting business to assist displaced lumber industry workers, and other services such as summer camps for children of low-income families.

LEGISLATIVE ADVOCACY:

- *Winter Moratorium on Utility Shut-Offs*: Evergreen staff testified on the effects of cold weather utility shut-offs on the elderly and homebound. A bill was enacted prohibiting winter shut-offs and establishing alternate procedures for payment of higher winter bills.
- *Protection Order Statute*: In 1985, Evergreen played a key role in drafting a new Domestic Violence Prevention Act and subsequent amendments. The act enables victims of domestic violence to file for civil protection orders in any municipal, district or superior court. It provides for the arrest and prosecution of batterers who violate protection and no-contact orders.
- *Farmworker Right-to-Know Legislation*: Evergreen provided testimony concerning the need to include farmworkers in proposed legislation requiring that workers be informed of and trained on the hazards of chemicals in their workplace.
- *Support Enforcement*: At the request of the Governor, Evergreen staff participated in the Governor's Executive Task Force on Support Enforcement, which examined the social, economic and legal problems that families encounter in the governmental and legal system regarding child custody and support issues and made findings and recommendations for changes.

These examples highlight the diversity and range of client needs which are being served by Evergreen in active association with the private bar. If there is a lesson which the past decade has taught us, it is that only in partnership can we hope to make equal access to justice a less distant dream. □

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Tips on Dealing With Your Pro Bono Client

by Marla Elliott

It goes without saying that a pro bono client should be treated with the same courtesy and respect that every client expects from you. However, low-income clients have circumstances and needs that you may not encounter elsewhere. Here, in no particular order, are some points to keep in mind:

1) **Remember that poverty is usually a temporary state.** A judgment or divorce decree will probably long outlive your client's eligibility for legal aid or welfare, so don't assume that financial issues are not important. Your pro bono client may well come back to you as a *paying* client in the future.

2) **Make sure your actions don't adversely affect your client's welfare eligibility.** For instance, monetary awards, if not properly handled, may cause your client to lose medical or financial benefits. In domestic cases, decisions about joint custody, visitation, support, maintenance, and property division *could* all affect your client's welfare status. Consider consulting the public entitlements specialist at your local Legal Services office.

3) **Have a clear understanding with your pro bono clients about the nature and extent of your representation.** Don't let them assume that you will take their case all the way to the Supreme Court. Spell out for them their obligation to pay court and other costs and to cooperate and stay in touch with you. (A model pro bono retainer agreement is available from PSLAF, 529 West 4th Avenue, Olym-

pia, WA 98501. Please send SASE.)

4) **Remember that pro bono clients may have special communication and transportation problems.** Many pro bono clients cannot afford telephones. Some may be illiterate. Some may be disabled, mentally or physically. Some may not speak English. Many have trouble finding money for gas or busfare. Find creative solutions to these problems. For instance, get more than one message phone number for your clients; arrange to meet with them at times and places that are reasonably convenient to all of you. Try to understand the extent to which your clients are limited by those obstacles, and work around them as best you can.

On the other hand, don't feel you have to bend over backwards for your clients because of these problems if you've already made a reasonable effort to accommodate them. Make it as easy as possible for your clients to stay in touch with you, and then demand that they do so.

5) **Take the time to fully utilize the court's resources for the indigent.** Filing, service, and copying fees can often be waived; public funds may be available for home studies or medical evaluations. Again, your local Legal Services office is a good source for consultations on resources and procedures.

6) **Learn to assess the level of abuse in domestic relationships.** This problem is *not* unique to low-income clients, but it cannot be too often reiterated. Victims and abusers *both* are likely to minimize the level of abuse in a domestic violence relationship. Ask specific questions, and listen

carefully to the answers. If you don't have accurate knowledge of the extent of past abuse, you may not be able to appropriately protect your client or yourself.

In addition, abuse victims may often have trouble making decisions and taking responsibility for them, and they may have extremely low self-esteem. Be aware of this, and consider suggesting appropriate counseling. You must be sensitive to your client's situation, but you cannot be your client's parent, psychiatrist, or savior.

For information and consultations about domestic violence, try the statewide hotline, 1-800-562-6025.

7) **Finally, remember: if you don't know, ask.** The average pro bono attorney cannot be expected to be an expert on all aspects of poverty law. The person who referred that pro bono case to you can probably also help you troubleshoot problems as they arise. Also, Legal Services offices are full of attorneys with extensive knowledge of issues relating to poverty.

Your local Crisis Clinic hotline or the statewide domestic violence hotline can put you in touch with a multitude of community resources including emergency food, shelter, and clothing; support groups of all kinds; mental and physical health care, often on a sliding scale; translators; etc. Get in touch with your local network of social service providers and use them. □

Marla B. Elliott has been the pro bono coordinator for Thurston and Mason Counties since 1983. She is also a public speaking coach and a professional musician.

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This Haida box from the 1880s belongs to the members of the Ken Leash family, who have lived on Annette Island in southeastern Alaska. The panels are crafted from a single piece of cedar, steamed, bent and secured on one side by a special dovetail joint. In traditional use, it stored blankets, ceremonial robes and may have held dried foods such as berries and salmon. It is now held in trust for the family at their request by Seattle attorney Lowell Halverson, whose article appears below.



by Lowell K. Halverson

The Board of Directors of the Legal Foundation of Washington recently awarded \$2.2 million in grants to provide legal assistance, educational programs and alternative legal service delivery programs for Washington citizens in 1987. This is an increase of \$1 million over funds awarded for 1986. Most of the money, about 91%, funded free legal services for poor people.

Washington lawyers can take pride in the fact that the Legal Foundation of Washington is considered a national leader in terms of per capita revenue and sheer number of dollars redistributed to programs for poor people. Through support of the lawyers around the state who have set up IOLTA accounts with their financial institutions, the public has benefited enormously. We all have come a long way toward meeting our obligation to make basic legal services available to all persons.

I accepted an invitation to serve on the Board of the Legal Foundation of Washington because of my conviction that as lawyers we have both the responsibility and the unique opportunity to serve our fellow human beings by assuring equal access to justice for all. As the Board's first president, and continuing as a trustee this past year, I can say unequivocally that the Legal Foundation of Washington comes closest among any organiza-

Confessions of a Trustee

tions I've worked with to meeting that goal.

However, there is never enough money to go around. Grant requests this past year reached almost \$4 million. Most of them came from highly deserving organizations with proven track records for serving the legal needs of the under-represented people our Foundation was constituted to reach, yet we could only fund about 55% of the requests.

As government assistance to organized legal services programs continues to decline, we face tensions caused by too few dollars to be spread among too many programs. This is frustrating for even the most tenacious trustee. We trustees make heady judgment calls. Are we staying long enough with a project to make a difference? Do we give enough to have a lasting impact? Are we reacting too much to a legal "crisis" and ignoring unexpected opportunities to set up innovative programs? Will this particular applicant give us the most "bang for the bucks"? It's surprising how even \$2.2 million isn't enough to get by on these days. . . .

One of our concerns, lost grant opportunities due to an annualized grant cycle, has been partially met by development of the Small Innovative Grants program (SIG), which I chair. The trustees set aside \$20,000 for distribution throughout the fiscal year in amounts not to exceed \$2,000 per grantee. These small grants will be given to innovative proposals that have positive legal impact upon poor people. The reporting requirements are less stringent, and the grants can be given to individuals as well as established organizations. Moreover, the trustees can use these funds to solicit requests for proposals where we feel our constituents' needs are

not being adequately addressed by existing organizations.

Our second annual grant cycle just closed, culminating in an awards luncheon to honor Charles A. Goldmark, the first recipient of the Legal Foundation of Washington Distinguished Service Award. The award shall henceforth be called the Charles A. Goldmark Distinguished Service Award. It will be given annually to an individual or organization who best realizes equal access to justice for all. The media were invited to join our guests to hear from Professor Annamay Sheppard of Rutgers University Law School. Media attention focused on the worthwhile projects we helped fund this past year.

The luncheon also served to call attention to the Charles Goldmark Endowment Fund, which was started in late 1985 when the trustees realized that technology might make it economically feasible to segregate those "short term or nominal" trust accounts by client, in which case the rationale for the IOLTA rule would be gone. Spearheaded by Judge Ben McInturff, the trustees voted to set aside 10% of annual revenues to establish a fund to help meet the legal needs of indigents, in perpetuity, if possible. The tragic murders of trustee Charles Goldmark and his family on Christmas Eve 1985, caused us to memorialize the fund in his name. There is \$400,000 now accumulated in the fund. We expect another quarter million to be added in 1987.

These past years of service to the Legal Foundation have been the most professionally rewarding years of my life. I'm honored by knowing and working with people so devoted to our highest calling—to provide equal justice for all.

WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Carole Grayson

Olympia: Vance Tye, January 16-17, 1987

Present: President Gates; Governors Reisler, Weston, and White of Seattle; Johnson of Spokane; Shea of Pasco; Lane of Tacoma.

Absent: Vhugen and Mocerri of Seattle.

Deceased: Petrus of Olympia.

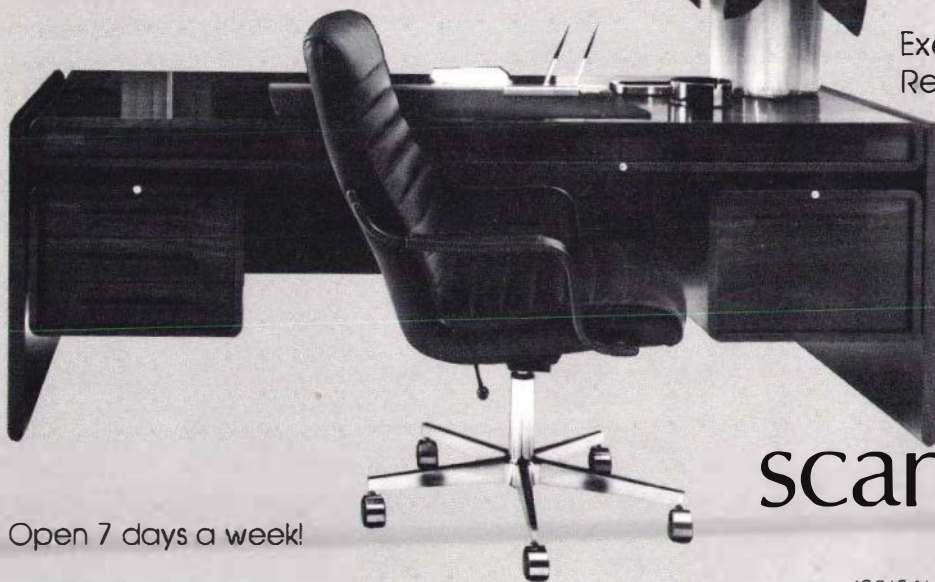
Also present: John Michalik (WSBA Exec. Dir.), Herbert Weiland (Superior Ct. Judges Assn.), Gerry Alexander (Ct. of Appeals Judges Assn.), Gary Utigard (District Ct. Judges Assn.), Lucy Isaki (SKCBA Trustees), Janet Gaunt (Wa. Women Lawyers), Donald Means (WSTLA), Tom Fitzpatrick (WSBA Young Lawyers), Scott Smith (SKCBA Young Lawyers).

GOVERNOR ANGELO PETRUS DEAD AT 49
The Governors began their January meeting on a solemn note, as President William Gates reported the death of

Governor Angelo Petrus of Olympia on January 11. Petrus was born in Spokane in 1937. After finishing first in his class at Gonzaga Law School, he was admitted to the Bar in 1961. He clerked for Judge Weaver of the Supreme Court before joining the Attorney General's Office in 1962. He was an Assistant Attorney General in the Highway Division until 1969, where he joined the newly created Torts Division. In 1982, he became chief of that division.

President Gates, Government Lawyers Association President Mary Prevost, and State Attorney General Ken Eikenberry spoke of Petrus' contributions to the profession. Eikenberry described Petrus as "very intelligent and very generous." Prevost termed him a "mentor and colleague whose enthusiasm for work on behalf of the Bar was evident." President Gates led the Governors and Bar observers in a moment of silence.

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On January 17, the Governors named James Vander Stoep of Chehalis to replace Petruss. Vander Stoep served on the Board of Governors as Petruss' immediate predecessor. Vander Stoep was appointed under Article III, Section 4 of the by-laws. The Governors specifically agreed that if the section raised any impediment concerning Vander Stoep's qualifications to serve then it would be deemed to have been waived by the Governors.

UBI Ralph Munro, the Secretary of State; Laura Eckert, his chief deputy; and Gary Alexander of the Governor's Office highlighted the UBI (Unified Business Identifiers). The system is intended to provide an approximate one-day turn-around on all corporate papers. According to Alexander, the system features a common business identifier number and one-stop registration service and will allow debts to be collected quicker and vendors paid quicker.

ABA HOUSE OF DELEGATES The Governors voted 3-0-4 not to instruct the four State Bar delegates to the ABA House of Delegates on their preliminary agenda for their meeting in New Orleans in early February 1987.

Voting in favor of the motion not to instruct the delegates were Governors Jay White, Julie Weston and Steven Reisler, all of Seattle.

Governor Ed Shea of Pasco, who along with Mike Carlson of Everett, Frank Hayes Johnson of Spokane and Ed Lane of Tacoma abstained, nonetheless spoke critically of the Governors' traditional stance of not instructing the delegates how to vote. "So what the hell are we asked for?" said Shea.

The State Bar delegates are Tom Loftus and William Gates of Seattle, Mike Hemovich of Spokane, and Jeff Tolman of Poulsbo.

INSTITUTIONAL ADVERTISING Lowell Halverson of Seattle, chair of the WSBA Task Force on Institutional Advertising, and H. Christopher Wickham of Olympia, member of the Task Force and chair of the WSBA Lawyers Referral Service Committee, were successful in their request for a grant of \$4,255.00 from the Governors to fund a pilot public information project. The Governors voted 5-2 (Shea and Weston nay) to fund various Public Service Announcements (PSA), to be targeted for radio stations in 4 to 7 counties. Suggested counties for the pilot program include Benton, Clark, Franklin, Kitsap, Snohomish, Thurston, and Yakima. Weston, who dissented, felt the program might be viewed as "drumming up more business for lawyers." Fellow dissenter Shea felt that the Lawyers Referral Service is "not a public service" but "is our baby...and if we think it is good for the public and for the Bar, it is right to fund it appropriately." However, he had concerns about the content and tone of the proposed PSAs.

Executive Director John Michalik said that the proposed PSAs would be screened by Bar staff to insure that they were not false or misleading.

IN OTHER WORK The Governors voted to: Support by a vote of 6 to 1 (Reisler nay) legislation which would amend RCW 4.28.080, which deals with service of process. Legislation would expand those persons who could be served to start a lawsuit.

Support by a vote of 7 to 0, legislation recommended by WSBA Legislative Committee and Debtor-Creditor Committee relating to the



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execution of garnishment and attachment and enforcement of judgments. The vote specifically does not include a change to RCW 7.33.040, which the Governors believe should be retained without revision.

Oppose, as drafted, so-called "parenting" legislation in accordance with the views taken by WSTLA, Washington Women Lawyers, and the Seattle-King County Bar Association, among other groups.

Oppose legislation relating to Child Protective Services which would eliminate the attorney-client privilege in "judicial

proceedings regarding a child's injury, neglect, or sexual abuse, or the cause thereof."

Support legislation which would add seven judges to the King County Superior Court and one judge to the Chehalis County Superior Court.

Support legislation which would allow sitting judges on a pro tem basis to hear protracted matters extending beyond the judge's retirement.

Oppose legislation to raise the mandatory arbitration limit.

Oppose increasing the jurisdictional limit of small claims court.

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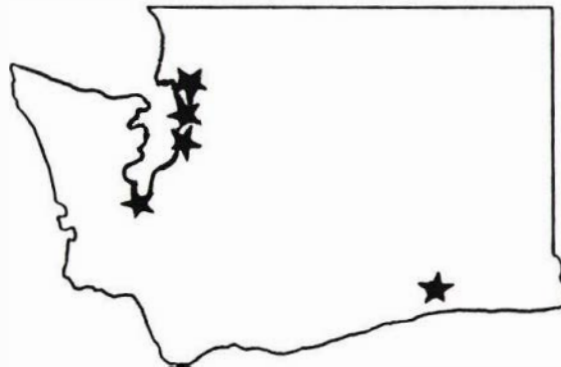
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A Sampling of Washington Pro Bono Efforts



Snohomish County Legal Services

Snohomish County Legal Services (SCLS) is a non-profit organization, sponsored by the Snohomish County Bar Association, organized to provide legal services in civil matters to low-income people residing in Snohomish County. Attorneys who both live in and practice in Snohomish County volunteer to provide free legal representation to eligible clients in need of legal services.

SCLS operates two neighborhood legal clinics. One is located at Edmonds Community College. The other is located at Everett Multi-Service Center. At Edmonds Community College, paralegal students from the college volunteer to set up appointments for the clients for income and residency eligibility, and to be receptionists during clinic operating hours. The Edmonds Community College Clinic is open from 7 p.m. - 10 p.m. each Tuesday. Members of the Snohomish County Legal Secretaries Association volunteer to screen the clients and to act as receptionists for the clinic at the Everett Multi-Service Center. Three or four attorneys volunteer each Tuesday at the Everett Clinic. This clinic is also open from 7 p.m. - 10 p.m.

At the clinic, attorneys provide clients with a free half-hour con-

sultation regarding their legal problems. Attorneys will advise on many types of legal problems, including but not limited to family law and landlord-tenant issues. Other issues involve debtor-creditor problems and wills problems. At the end of the consultation, the attorneys determine whether the clients require further direct pro bono representation.

Attorneys who volunteer to work at the clinic also volunteer to directly represent two clients each year whose cases merit further representation. The Director of SCLS contacts attorneys and assigns meritorious cases to those attorneys who do not yet have two cases.

There are currently 145 attorneys who volunteer. The organization depends on the support of the attorneys, secretaries and students who volunteer. In 1986, over 1,200 low-income people received free legal consultation through Snohomish County Legal Services. Approximately 220 cases are referred to private attorneys for further direct pro bono representation per year.

Evergreen Legal Services

by Joan Kleinberg

It is probably safe to say that Evergreen Legal Service's Private Bar Panel is in a class by itself. The panel, comprised of private attorneys in southeast Washington and on the Olympic Peninsula, functions as a field office

and serves low-income people in nine counties where Evergreen has closed four offices since 1982 (Asotin, Whitman, Garfield, Walla Walla, Columbia, Benton, Franklin, Clallam & Jefferson). What sets the Private Bar Panel apart from most other private bar involvement projects is the type of services provided by the panel. Panel members represent clients in cases typically handled by legal services staff, including cases relating to public benefits such as AFDC, SSI, Medicaid and Food Stamps; subsidized housing; nursing home problems and public utility terminations.

Clients are screened by two Evergreen attorney staff members on toll-free telephone lines. After Evergreen determines that the Evergreen client is financially eligible and has a high priority problem, the client is linked with a local attorney. The attorney is contacted prior to the referral and is given information about the case, including factual background and a legal analysis. Technical support, including written resource materials, is available. Attorneys are paid \$40 per hour and are reimbursed for expenses.

The program has been in operation for five years. Ten of the 30 attorneys have been on the panel since its inception. The private attorneys have found the work to be a satisfying change of pace from their regular caseloads. The technical support offered facilitates the handling of cases in a different area

from the attorney's usual practice. The Private Bar Panel has gained a national reputation because of the type of work performed and the quality of the services provided. Interested new panel members may get more information by contacting Joan Kleinberg at 101 Yesler Way, Suite 300, Seattle, WA 98104 or by calling 1-800-542-0794.

SKCBA Volunteer Legal Services

Seattle-King County Bar's Volunteer Legal Services refers over 350 low-income clients a year to private attorneys who volunteer to provide pro bono representation to eligible clients. One

hundred eighty individuals and fourteen firms participate in the program.

Cases referred after screening run the gamut of legal problems affecting low-income people. Landlord-tenant issues, collections, auto accident defenses and bankruptcies are commonly referred. Family law cases are currently referred to VLS attorneys only if the cases are post- or non-dissolution. The program has restricted family law referrals only because the volunteer resources are not adequate to meet the need.

Low-income dissolution clients are served by SKCBA's Self-Help Plus program, which provides instruction for *pro se* dissolutions. Approximately 340 clients annually take the Self-Help Plus class.

Day-to-day administration of the program is carried out by a staff attorney. The program is overseen by the VLS committee, which reports to the Board of Trustees. Further information can be obtained from Joan Andersen at (206) 624-4772.

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Volunteer Center Legal Aid Office Benton-Franklin County Bar Association

by Marjorie Johnson

The Benton-Franklin County Bar Association, in cooperation with the Volunteer Center, established a Pro Bono Program whereby low-income residents of the bi-county area would receive legal assistance with their problems. The Volunteer Center, on behalf of the bar, administers the program and provides office space and some in-kind services. The present program has been in operation since Feb. 2, 1986. A legal aid committee, which consists of members of the bar, provides steering and policy.

A part-time coordinator screens potential clients for eligibility and makes appointments directly with the volunteer attorneys. Eligibility is determined using guidelines established by the Office of Management and Budget. 114 attorneys par-

ticipate in the program, a figure that represents 87% of the bar membership. During 1986, 350 clients were provided with access to the legal system. Referrals are made to appropriate social agencies and community services in lieu of attorney representation.

The legal aid office is located at 205 N. Dennis St., Kennewick, WA 99336. Hours of operation are 9 a.m. - noon and 1 - 2 p.m., Monday-Friday. Marjorie Johnson, legal aid coordinator, can be reached by calling (509) 783-1624.

The Attorney Referral Project Thurston-Mason Bar Association

by Marla B. Elliott

The Attorney Referral Project of Thurston and Mason Counties was founded in 1981 to help cope with the large cuts in funding for Legal Services. It is jointly sponsored by the Thurston-Mason Bar Association, the Olympia chapter of the Governmental Lawyers Association, and by Puget Sound Legal Assistance Foundation (PSLAF). It is staffed by a part-time paralegal coordinator at the Olympia PSLAF office.

The program annually refers about one hundred cases to a panel of about one hundred lawyers. Two-thirds of the cases referred are in domestic law, most involving contested custody, domestic violence, or denial of visitation. Other types of cases handled include debt collection defense, tort defense, and unemployment compensation denials.

The Thurston-Mason pro bono program was the first in the nation to use state government attorneys as volunteers. The program provides advice and consultations, clerical help, CLE seminars, and a family law forms manual to help enable government attorneys (as well as others who may have little or no experience in private practice) to handle pro bono cases. The program won the Safeplace Community Award in 1986 for its efforts in working against domestic and sexual violence.

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CLE Reminders and Notices: Northwest Securities Institute An Update on Immigration Law Reform Trial Practice Mid Year Real Property, Probate & Trust Mid Year

by John M. Redenbaugh
Assistant Director of CLE

Don't forget that this year's Northwest Securities Institute will be held on February 20 & 21 in Vancouver, B.C. at the Hyatt Regency Vancouver. The featured guest speaker on Friday is A.A. Sommer, Jr. of the Washington, D.C. firm of Morgan, Lewis & Bockius. Sommer served as a Commissioner of the Securities and Exchange Commission from 1973-1976, is presently the General Editor of *Securities Law Techniques and Business Organizations* (published by Matthew Bender), and has written extensively and lectured frequently with respect to accounting, corporate and securities matters. The Saturday luncheon speaker is Commissioner Charles C. Cox, who was sworn in as the 62d Commissioner of the SEC on December 2, 1983. For further information, please

contact Debbie Kirchhauser at the Washington State Bar Association at (206) 448-0433.

If you practice immigration law, then you will want to mark your calendars for April 9, when an Update on Immigration Law seminar will be presented in Seattle at the Sheraton Hotel. This program will focus on the reform in immigration laws that you need to be aware of! The program will include a lunch featuring a special guest speaker. The morning sessions are intended to focus on the employer sanctions under the new Immigration Act, while the afternoon schedule is designed to cover topics of a more technical nature. Generally speaking, the speakers will address such concerns as employer sanctions (regulations and specific statutes, discrimination issues, and an overview on legalization); waivers; exclusionary grounds; specific areas of reform such as fraudulent marriages; and farm worker issues. Speakers for this seminar of major importance include Ester F. Greenfield (MacDonald, Hoague & Bayless, Seattle), Daniel Hoyt Smith (Smith & Midgley, Seattle), Robert O. Wells, Jr. (Mikkelborg, Broz, Wells, Fryer & Yates, Seattle), and Robert O. Sailer (Sessions & Co., P.S., Seattle).

For further information about this seminar, please contact Karla Ellison

at the Washington State Bar Association at (206) 448-0433.

The Trial Practice Section returns to Vancouver, B.C. on April 24 and 25 for its Mid Year Meeting and Seminars at the Hotel Meridien. This year's program chairperson, Jonathan B. Noll (Foster, Pepper & Riviera, Seattle) has designed a seminar that will include sessions for a full day on Friday and a half day on Saturday. The program will include a Friday luncheon. For further information about the seminar, please contact Karla Ellison at the Washington State Bar Association at (206) 448-0433.

The new Coeur d' Alene Resort is the site of the 1987 Real Property, Probate and Trust Section Mid Year Meeting and Seminars. This year's Mid Year will be presented on May 1-3. Program chairperson John F. Sherwood and assistant chairpersons Warren S. Olson (Transamerica Title, Seattle) and James K. Treadwell (Lasher & Johnson, Seattle) have designed a program that will feature concurrent sessions on Friday, a joint session on Saturday, and concurrent workshops on Sunday morning.

Also mark your calendars for a special 1987 Tax Curriculum! A series of seminars focusing on tax issues after the Tax Reform Act of 1986 will be presented in March. Real Estate Tax will be offered on March 6 in downtown Seattle at the Westin Hotel and features Dwight J. Drake (Foster, Pepper & Riviera, Bellevue), Richard L. Mull (Perkins Coie, Seattle), and Alfred M. Falk (Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, Tacoma) as speakers. On March 13, a program dealing with Individual Tax, Retirement and Estate Planning After Tax Reform will be offered in Seattle at the Stouffer Madison Hotel. And on March 20, the series will conclude with a seminar on Taxation of S Corporations. This comprehensive, full-day seminar will ensure that you are fully informed about S Corporation taxation after the Tax Reform Act of 1986. Speakers will address such matters as a "Historical Overview;" "Election and Termination;" "Distributions;" "Financial Effects: Practical Operating Considerations;" "Compensation;" and "Estate Planning Considerations."



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Seminar chairperson **Devitt D. Barnett** (Karr, Tuttle, Koch, Campbell, Mawer, Morrow & Sax, Seattle) has recruited a faculty that includes Professor **Gary C. Randall** (Gonzaga University School of Law); **Joseph H. Wessman, III** (Witherspoon, Kelley, Davenport & Toole, P.S., Spokane); **Joel D. Kuntz** (Stoel, Rives, Boley, Fraser & Wyse, Portland); **LaVerne L. Dotson** (Touche Ross & Company, Seattle); and **Bruce P. Flynn** (Karr, Tuttle, Koch, Campbell, Mawer, Morrow & Sax, Seattle).

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MAR 6 Seattle (Westin Hotel)

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MAR 13 Seattle (Stouffer Madison)

Taxation of S Corporations
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MAR 20 Seattle (Westin Hotel)

Washington Real Property
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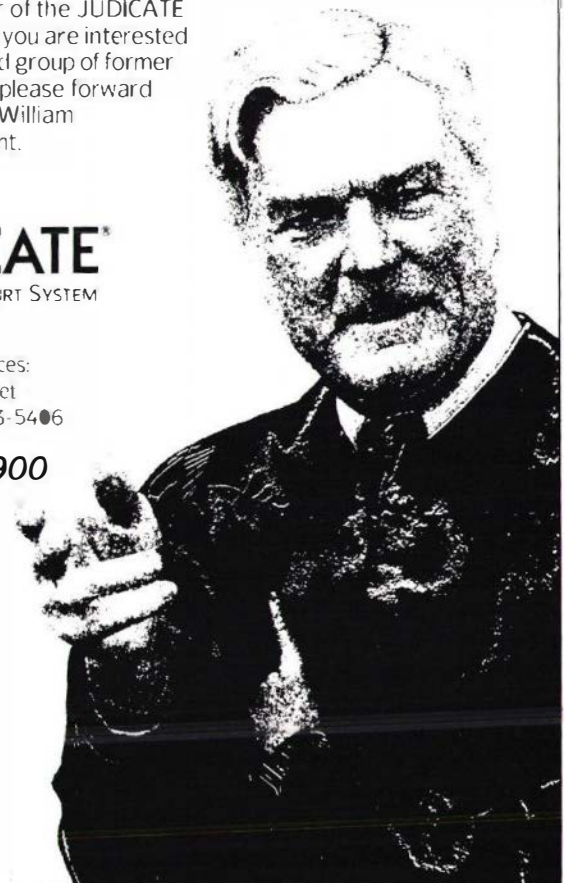


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BENTON-FRANKLIN COUNTY REPORT

by **STEPHEN T. OSBORNE**

The glow on the horizon is not the result of a Hanford meltdown, but rather heat generated from a flurry of activity among the local bar. Before I get to the good stuff, it should be noted that the new bar officers are as

follows: President—**John Carroll**; Vice-President—**John Schultz**; and Secretary/Treasurer—**Bob Schultz**. How many other local bars can boast of a father and son being officers at the same time?

Now for the good stuff: Following the retirements of Franklin County Prosecuting Attorney **Jim Rabideau** and Benton County Prosecuting Attorney **Curt Ludwig**, **Dennis De Felice** and **Andy Miller** were elected to fill the respective positions. Is it possible that either of these long-time prosecuting attorneys could reappear on the legal scene representing some scalawag defendant? Tell me it couldn't be.

Under the "Grass is Greener" caption, the local sign painters are rubbing their hands in delight at the prospects of the following moves: **Tim Anderson** from Felsted, *et al.* to Timmons & Hames; **Dave Corkrum** from Timmons & Hames and **Mike Kozlowski** from Critchlow & Williams to sole practice; Brecke & Hevel; and Sonderman & Egan in opposite directions.

Jim Hurson has become a partner and **Brian Iller**, an associate with Raekes, Rettig, Osborne, Forgette & O'Donnell. All in that firm are looking forward to moving to their new law office. Cowen, Walker, Jonson & Moore recently occupied new digs as well.

Lonna K. Malone, a recent graduate of the Lewis and Clark School of Law, has become an associate with Critchlow and Williams.

With the publication of the newest telephone directory, the battle of the Yellow Pages provided much grist for the humor mill. **Greg Dow** was voted most photogenic, and fear for my life prevents further comment. Several firms tiptoed timidly into the field of television advertising. My favorite was the one that used a former professional football player. If you have a favorite Yellow Page ad or television commercial, let us hear about it.

The Leavy, Schultz & Sweeney firm provided a much-needed shot in the arm to the local Honolulu economy, when all but the associate attended the Bar Convention. All that money, and the tans were gone in ten days.

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CLARK COUNTY REPORT
by JOHN F. NICHOLS

In keeping with the season, Clark County at this time of the year gets all gussied up for their annual awards ceremony. Yes, it's time for the Third Annual Beagle Awards. The prestigious tinfoil statue depicting a dog contemplating a fire hydrant is bestowed upon those members of the CCBA who have evidenced achievements beyond the bounds of good taste in the Yellow Page ads. The envelopes please . . .

The Duracell Award for long-running pictures goes to Dan Marsh. Dan for the third year is pictured talking to the same client on the same pay phone. Dan also captured the *Doublemint Award* for having the same photo appearing twice in the Yellow Pages.

The Doug Lewellen Award for promoting obnoxiousness as a virtue, is bestowed upon advertising newcomer John Meader, J.D. John proclaims to be hardworking and bearing an "assertive courtroom manner." This distinguishes him from us lazy slobbs born without a backbone.

The Hiroshima Award for a vivid panorama of Vancouver's skyline, to Mark Baum and Loren Etengoff. In addition to handling nuclear bomb cases, Baum & Etengoff also are involved in entertainment and sports law for Vancouver's many major league franchises.

The Edsel Award for the first ad to become obsolete was awarded in absentia to Randy Fritzler. Randy's quarter-page ad will come in handy while he is on the District Court bench commencing in January. Randy is willing to do name changes for a small monthly fee.

The Audubon Award for the best use of an endangered species was pocketed by Phil Friberg. Phil's copyrighted picture of a bald eagle snatching a retainer out of a client's hand had impact and was biodegradable.

The Barney Rubble Award for best use of animated graphics was gar-

Westin Hotel extends special room rate to WSBA members

The WSBA is pleased to announce that the Westin Hotel in Seattle has extended a special, low room rate to members of the Washington State Bar Association during 1987.



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We appreciate the offer of this special program from the Westin, and we hope that WSBA members will take advantage of this new member benefit, which is not available to the general public.

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nered by Stan Horak. Stan's promotion for divorces with an actual "broken heart" clearly outdistanced the competition. Unfortunately, Stan's credibility suffered due to his misplacement of the left aorta.

The Frank Lloyd Wright Award for best use of office pictures. This was a very close race. Ultimately, the Beagle went to Jerry Hall and Mike Hicks. While their office picture was not the best, it did prominently display two parking meters with expired time flags. No, Hall & Hicks do not advertise free parking.

The 7-11 Award for those attorneys who have 24-hour phones. Due to the numerous qualifiers, each was given a percentage of Randy Fritzler's number. Whether the 24-hour number is more beneficial to clients or spouses is unknown.

The Dorian Gray Award goes to the firm of Mason, Greenen, Scotti *et al.*, which advertises that it has been in business since 1893. I swear that Kolleen Scotti doesn't look a day over . . . well, she was definitely born in this century.

For those who didn't win this year, try to be a little more gaudy next time. For the winners, my apologies and those of the BBB. For the rest of you, Happy New Year!!!!

EAST KING COUNTY REPORT

by DOUGLAS W. HARRIS

Elections were held at the annual membership meeting/Christmas Party. New trustees elected were Bruce Gardiner and James Trujillo. Doug Harris was elected to a new term after being appointed last year. The new Vice-President is Eric Jepsen and the new President is Mary Gaudio. The elections were not exactly cliff hangers, as all candidates ran unopposed. Chris Frost was honored accordingly as outgoing President and was overheard to say something to the effect that he was glad to be an ex-President. Ray Dunlap was honored for his efforts as treasurer, and a lot of other people got recognition for other things. The burning issue of "no lo gross" was again raised by advocate Jack Allen to be taken under advisement by the new administration.

In other news, the firm of Gary S. Wiese, Inc., P.S., announced that Nancy L. Cahill has joined the firm as an associate. Steven G. Toole, P.S., has relocated its offices to Pacific Office Park, 1380 112th Avenue N.E., Suite 300, Bellevue. John D. Mat-

thews has joined the firm as an associate. Hansen & Furgason has become Hansen, Furgason & Leonardson with the addition of Larry C. Leonardson as a member of the firm. Finally, it was recently announced that Deborah S. Berg, Thomas H. DeBuys and Joe E. Wishcamper have become shareholders of Inslee, Best, Chapin, Doezie & Ryder, P.S.

You should have received a questionnaire regarding the potential use of an Eastside Clerk's Office. Please take the time to fill it out and return it. Efforts are continuing to get a clerk's office on this side of the lake. Not surprisingly, there is some resistance to the idea by the administration, which has prompted the current membership poll. Results will be reported.

PIERCE COUNTY REPORT

by ROBERT W. MARSDEN

Congratulations to Tom Larkin, who was recently elected to the position of Judge for Pierce County District Court Number One. Larkin was formerly a partner in the firm of Rovai, Miller, Foley, Orlando and Larkin.

Congratulations also to Gary Sullivan, formerly the City of Tacoma Hearings Examiner, who was appointed City of Tacoma Municipal Court Judge. Sullivan replaces the recently departed Erling Tollefson. Our sincere condolences to Judge Tollefson's family. He will be missed.

The law firm of Billett, Comfort and Rosenow recently disbanded. The surviving firm, Rosenow, Hale and Johnson, occupies the same office space at the Tacoma Mall Office Building. Others in the firm, including Terry Lumsden, have relocated.

Carson Eller, Pierce County's only escapee from "L.A. Law," actually got someone to accept his room key during the recent Washington State Bar Association Convention. No, it's not what you think. Mary Ellen Goodwin only borrowed Carson's room to change clothes on her way to the beach. Too bad Carson, better luck next time.

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SEATTLE-KING REPORT

by JAMES L. VARNELL

Office Moves. Russell A. Brine, Maureen Andrea Schafbuch and David D. Spencer have joined Jones, Grey & Bayley, P.S., as associates. Kenneth G. Yalowitz and Linda M. Moran have joined Hight & Green as associates. Reed McClure Mocerri Thonn & Moriarty announces that Mary R. DeYoung, David Reid Nelson, Michael S. Rogers, Jill Higgins Hendrix and Mary Jo Newhouse have become associates of the firm. Bart Anderson has been promoted to managing attorney at Hyatt Legal Services' downtown Seattle office.

Robert S. Bryan has joined Shafer, Moen & Bryan as a principal. W.R. Streator Johnson has become an associate with Laners & Scales. Scott M. Williamson and Stephen M. Moriarty have become shareholders in Hackett, Beecher & Hart, Inc., P.S., and Barbara J. Boyd has become an associate. Michael C. Malnati has become an associate of Hennings, Maltman, Weber & Reed. Robert R. Meinig is now associated with Peter J. Eglick.

David J. Dove, Craig E. Schuman and Robert G. Condie have joined Ryan, Swanson & Cleveland as associates. Lise Kenworthy and Mark R. Schoener have become principals in Treece, Richdale, Malone & Corning. Steven D. Brown and William W. Hague are now associated with Monroe, Stokes, Eitelbach & Lawrence. Gregory S. Sergienko and James D. Oesterle are now associated with Cable, Barrett, Langenbach & McInerney. William R. Bishin, Patrick H. Vane and Edward R. Skone have formed Bishin, Vane & Skone, with offices at 520 Pike Tower.

Mary Ann Ottinger and Joseph T. Schlosser have associated with offices at 510 Merrill Place. Bruce D. Campbell, David W. Content, Robert L. Deitz (D.C. office), Stewart M. Landefeld and Richard L. Mull have become partners in Perkins Coie.

Thomas W. Burt, Michael D. Carrico, Daniel S. Gottlieb and Patrick

D. McVey have become partners in Riddell, Williams, Bullitt & Walkinshaw. Larry Stevens is now associated with Lane Powell Moss & Miller. Judith A. Bigelow, Desmond L. Brown, Colleen K. McMonagle and Arlene S. Ragozin are now associates with Preston, Thorgrimson, Ellis & Holman, and Charles L. Bush has joined as of counsel.

Bradley J. Britzmann, Eric S. Westberg and Bruce P. Zavon have been promoted to supervisors in the tax department of Touche Ross & Co. Don A. Medlin has become a partner in Satterberg, Mitchell and Medlin. William J. Morris has joined Casey, Pruzan & Kovarik as of counsel. Robert L. Lechner announces that his son, Timothy A. Lechner, has joined him in his Ballard office. Robert Allen Evers (D.C. office), Michael Reiss and Richard A. Durham have joined Davis Wright & Jones. Jane B. Hall is a new partner in Newman, Bradshaw, Richards & Hall. S. Michael Rodgers and Daryl A. Deutsch have formed a partnership with offices in Bellevue. Kathleen L. Bollman is now associated with Dootson, McNeerney & Feinerman. E. Douglas Pibel, Jr. is associated with Thomas J. "Limits" Chambers. John W. Knudson is of counsel to Cooper & Tobin.

Honors. Carl J. Koch has been presented with the 1986 Distinguished Leadership Award by the American Jewish Committee. Evan O. Thomas III has been elected a Fellow of the American College of Probate Counsel. John Gose is president-elect of the American College of Real Estate Lawyers for 1986-1987. Judith A. Bendor has been chosen by Governor Gardner to serve on the Shoreline and Pollution Control Hearings Boards.

Hawaii 1986: Revisited. Special recognition is due the following in regard to the 1986 Bar Convention: Jay White for enduring round-trip travel in the smoking (cough!) section; Robert G. Dodge for his unchanged, cheerful demeanor in the midst of squirmy children on the return flight; Al Lirhus and William A. Branigin for their excellent service as local travel guides; Shannon Stafford, judges Jack Scholfield and Don Howard, and Doug Bohlke for fewest seminars attended-most golf played; Mark Hough for his excellent choice of the most pleasant luncheon guests; and special citation for anyone who had to be on the same airplane with Pete Preston, either to Honolulu or returning to Seattle, but hopefully not both.

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SPOKANE COUNTY REPORT

by **JUDY J. FOSTER**

Rita Bender, President of the Legal Foundation of Washington, recently announced the election of two Spokane residents as officers of the Foundation's Board of Trustees. Court of Appeals Judge **J. Ben McInturff** was elected Vice-President and **Fr. J. Alfred Carroll**, Dean of

Gonzaga University School of Business, was elected Treasurer. Both will serve one-year terms.

The Spokane Bar Association has recently implemented a blood bank group plan. Members are urged to donate blood to have available for members who might need it in the future or for family members of the Spokane Bar Association. The kickoff date is February 9, 1987, and the Spokane Blood Bank is open from 9

a.m. to 8:30 p.m. that date. So, let's get out there and support our plan. The address of the Blood Bank in Spokane is 507 S. Washington. Anyone with specific questions may contact **Seaton Daly, Jr.** at (509) 624-1135.

A special "Appreciation of Pro Bono Attorneys" hosted cocktail and hors d'oeuvres party is being held on February 25, 1987 at Cavanaugh's River Inn. Legal Foundation Committee chairperson, **Michael C. Ormsby**, will be the "mc" of this function; and as well as saying "thanks" to our pro bono attorneys, special awards and presentations will be given to individuals and firms in Spokane that have contributed over the past year.

The Spokane Bar Auxiliary will sponsor its annual Auxiliary Dinner on Saturday, March 7, 1987 at The Spokane Club. This is always a well-attended and enjoyable evening for members and spouses. Do plan to attend.

On the Move! McLendon & Associates has recently relocated. Their new address is N. 2222 Monroe, Spokane, 99205; (509) 328-0214. **Fred O. Montoya** and **Michael Kingley** are now sharing office space at N. 4407 Division, 723 Northtown Office Bldg., Spokane, 99207; (509) 484-5611. **B. Peter Barndt** recently announced the opening of his law office at S. 3021 Regal, Suite 102, Spokane, 99223; (509) 535-0115. **Phelps R. Gose** and **Robert C. Clement** recently announced the opening of their offices, Gose & Clement, P.S., Suite 560, Fernwell Building, W. 505 Riverside, Spokane, 99201; (509) 624-2340. **Lewis Wilson** is now sharing space with **James Gillespie** and **Tari Eitzen** at N. 901 Adams, Spokane, 99201; (509) 326-3502.

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**WASHINGTON WOMEN
LAWYERS**

by **KATHLIN J. PERSINGER**

Washington Women Lawyers sponsored its annual fall fundraising event at the Four Seasons Olympic Hotel in Seattle. The event was a theatrical performance entitled: "Freud Never Said It Was Easy." It was written, produced and performed by **Muriel**



Bach, who has toured the country with her one-woman shows. Bach, a newcomer to Seattle, played to a full house, delighting the audience with her moving performance.

The WWL Board of Directors recently elected new officers from around the state to serve in 1987. They are: Co-Presidents, Patti Smith (Tacoma) and Kathy Witter (Spokane); Vice-President for Funding, Patrice Vlaming (Bremerton); Vice-President for Membership, Elsa Cole (Seattle); Vice-President for Programs, Laura Inveen (Seattle); Secretary, Karen Elledge (Seattle); and Treasurer, Kim Churchill (Silverdale).

WHATCOM COUNTY

Former real estate salesman and broker Steven Hager of Bellingham became a lawyer the old fashioned way. He worked for it. After clerking in the (Tut) Asmundson-(Frank) Atwood "School of Law" for four years, he took and passed the July 1986 Bar Exam.

Due to space limitations, cross tabulations for the "Economic Survey of Washington State Lawyers" will be printed in the March 1987 issue of the *Bar News*.

DISCIPLINE

Disbarred

Seattle attorney Chas. H. W. Talbot (admitted 1956) has been ordered disbarred by the Washington Supreme Court, effective December 4, 1986. Talbot had been disciplined in the past.

In most recent proceedings, he was

found to have violated numerous disciplinary rules for filing a third-party complaint against an opposing party's lawyers merely to harass or annoy the opposing party and its lawyers; for obtaining an order ex parte to remove funds from the registry of the Superior Court, without notice to opposing counsel and with disregard of the automatic stay of his clients' bankruptcy proceedings; for failing to appear on behalf of or obtain substitute counsel for another client on the opposing party's motion for summary judgment; for failing to notify the client that summary judgment had been granted against her; for agreeing to act as executor of an estate, receiving the original will and other documents relating to the estate, and then failing to take any action whatsoever on behalf of the estate for approximately two years; for failing twice to appear for a show cause hearing in an action brought against him by the decedent's heirs; and for failing to cooperate with the Association in its investigation of several of these matters.

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Talbot was ordered to pay the Association's costs and expenses in bringing these proceedings. He was also ordered to pay the fees incurred by the lawyers in defense of the harassing third-party complaint and to pay the losses incurred by the estate.

Tacoma attorney **Gary W. Rentel** (admitted 1972) was ordered disbarred by opinion of the Supreme Court filed November 26, 1986. Rentel was disbarred for misappropriation of more than \$26,000.00 in client funds over a 10-month period, while addicted to alcohol and cocaine. He was also ordered to pay the costs and expenses of the proceeding.

Tacoma attorney **James P. Selden** (admitted 1980) was ordered disbarred by the Washington Supreme Court on November 26, 1986. Selden's disbarment was based on his conduct while employed as an associate of a law firm, when he misappropriated \$6,810.40 of his employer's funds over a period of approximately 8 months, concealing client ledger cards to conceal what he had done, and misrepresenting the amount of funds taken after his theft was discovered.

Suspended

Poulsbo attorney **Philip P. Malone** (admitted 1954) was ordered suspended from the practice of law for a period of 60 days, with that suspension suspended for two years, by opinion of the Supreme Court dated November 26, 1986. Malone was placed on probation for a period of two years. The decision of the Court was based on findings that Malone mishandled and misappropriated client funds. In determining that the Disciplinary Board's recommendation of a 60-day suspension and Bar Counsel's recommendation for disbarment were unnecessarily severe, the Court based its decision *inter alia* on findings of lack of criminal intent; Malone's advanced age and the likelihood that he would not practice many more years; cooperation with the Bar investigation; lack of harm to any client; lack of any prior discipline; and unlikelihood of a repeat violation. The Court also ordered that costs and expenses be assessed against Malone.

Reprimanded

Seattle attorney **Michael R. Alfieri** (admitted 1953) has been ordered reprimanded and censured following hearing. The reprimand was based on

Alfieri's neglect of an estate in which he drafted the will which also named him as executor. The hearing officer determined that a reasonable investigation of the decedent's affairs would have disclosed assets in need of administration, and that for over one year Alfieri failed to make investigation or to respond in a timely fashion to the concerns of the estate beneficiary. Alfieri was ordered censured for his failure to file a response to the amended complaint.

Complex Litigation Course Set

The Edmonds Community College Legal Assistant Program is presenting a special course entitled: Complex Litigation, Document Control and Information Management. The course, set for February 21, 28 and March 7, will be held on the Edmonds Community College campus.

Joan Feldman, a paralegal employed by Cipher, will teach the course. Feldman has worked in the area of complex litigation/document control for many years, has supervised legal assistants and set up and implemented training sessions in this area. She will discuss systems development with and without computer support. The cost of the course is \$50. Enrollment is limited. For further information and registration, call (206) 771-1517.

SKCBA Dinner

SKCBA is sponsoring its first annual dinner in honor of the state and federal judiciary. The dinner begins at 6 p.m. on Tuesday, February 24, at the renovated Union Station in Seattle. William Dwyer will be the keynote speaker. Call (206) 624-9365 for more information; tickets are \$30 per person.

Interim Suspension

Auburn attorney **William C. Trumbull** (admitted 1977) was ordered suspended from the practice of law by the Washington Supreme Court on December 4, 1986, pending the outcome of disciplinary proceedings.

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

Submit double-spaced typed copy (no phone orders) to Cheryl Davis, *Bar News*, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599.

**Board Of Governors
Elections Due**

Lawyers residing in the Third, Sixth and Eighth Congressional Districts, as well as in King County, please note:

Members of the Board of Governors of the State Bar to represent those Districts, for three-year terms ending in September 1990, are due to be elected this year. Expiring in September 1987 are the current Board terms of Angelo R. Petrus (Third District), Edward M. Lane (Sixth District), Roy J. Mocerri (Eighth District) and Harold F. Vhugen (King County at Large).

Article III of the Association Bylaws provides that any Active member in good standing, except a member previously elected to the Board of Governors, may be nominated for the Office of Governor from the District in which he or she resides upon Petition signed by at least twenty but not more than thirty Active members also residing in the District.

Nominating Petitions may be obtained from the Bar Office, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599. The Petitions must be filed with the Executive Director at the Bar Office by 5 p.m. on Thursday, April 30, 1987.

PROFESSIONAL

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**Appeals
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Litigation associate, former judicial clerk, law review at top school, admitted 1984, seeks position in trial practice, plaintiff or defense. Seattle-Tacoma area. Respond to Box 107, WSBA.

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My computer is overflowing with new rules, new statutes, and new case law that will eventually be included in the *Washington Practice* pocket parts. These pocket parts are fine for their intended purpose, and I will continue to write them. The pocket parts, however, are only published about once a year.

I am pleased to announce that, with my publisher's blessing, I am now able to rush new developments to you with my own newsletter. The newsletter, ***Tegland's Litigation Today***, collects for you all significant changes in the Washington law of evidence, civil procedure, and appellate procedure.

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Seattle office of 16-lawyer firm with offices in Portland and Anchorage seeks attorney with two to three years' experience in mid- to large-sized firm. Position requires outstand-

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McMonagle, 2701 First Avenue, Suite 350, Seattle, WA 98121.

Ryan, Swanson & Cleveland seeks attorney with zero to three years' experience for growing bankruptcy practice. Must have top academic credentials. Availability first half of 1987 required. Reply to Roger Kindley, 32nd Floor, Bank of California Center, Seattle, Washington, 98164.

Bellingham law firm seeks to employ an associate with two to four years' experience in the fields of business law and real estate. Tax experience preferred. Respond to Box 106, WSBA.

Litigation attorney and tax attorney. Growing commercial law firm seeks two attorneys: 1. Attorney with four-plus years' experience in commercial litigation. 2. Attorney with four-plus years' experience in taxation matters. Send resúmes to Harris, Mericle & Orr, Suite 3210, 999 Third Avenue, Seattle, WA 98104, Attention: Ms. Robertson.

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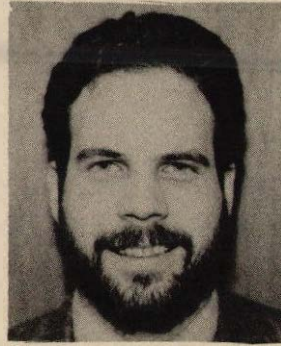
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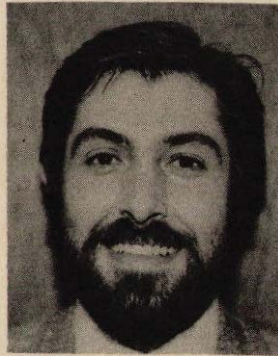
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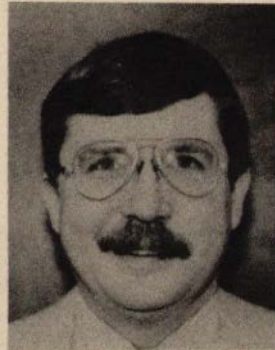


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