Washington State Bar News
Vol. 41, No. 5, May 1987

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QUÍ VI CÓ CẦN THÔNG DICH VIÊN KHÔNG ?

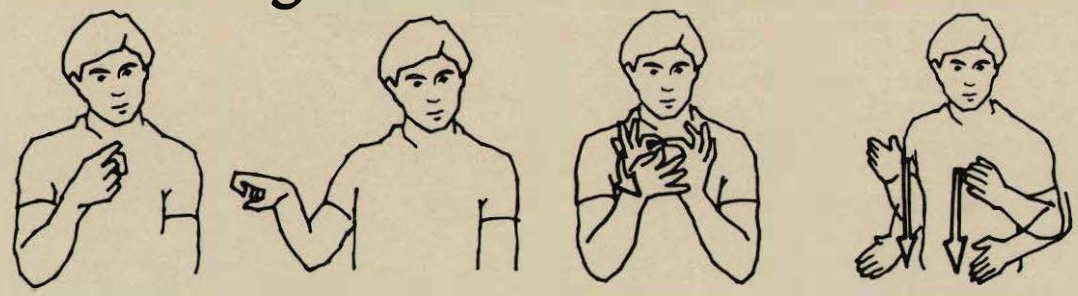
통역이 필요하세요?

Do you need an interpreter?

你須要一位翻譯嗎？

¿Necesita usted un intérprete?

ท่านต้องการมีล่ามภาษาลาวบ่ ?



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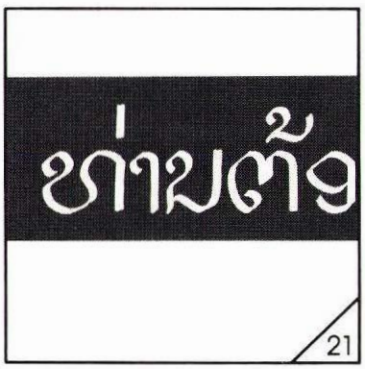

IN THE NEWS

DEPARTMENTS

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Our Oath

I was looking up a point in the Rules of Admission the other day when my eye caught the Oath of Attorney. I read it. I was pleased that I did. It may not be the most artful piece of prose in American literature, but it is strong, and, for one who last heard it many years ago, there are some unexpected fine points that commanded my interest. It does very effectively emphasize the professional aspects of practicing law.

As I read I was reminded of a couple I know who have found it rewarding to renew their marital vows at regular intervals. I thought to myself that there could be a value for us all in repeating our oath as attorneys from time to time.

So, let's do it—now. Let me make another suggestion—before you do this, close the door to your office, then sit down and read the oath out loud. I bet you will be glad that you did.

William N. Gates

OATH OF ATTORNEY

I, _____, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and the Laws of the United States and will abide by the same.

2. I will support the constitution of the State of Washington and the constitution of the United States.

3. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Washington.

4. I will maintain the respect due to the courts of justice and judicial officers.

5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by an artifice or false statement.

6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

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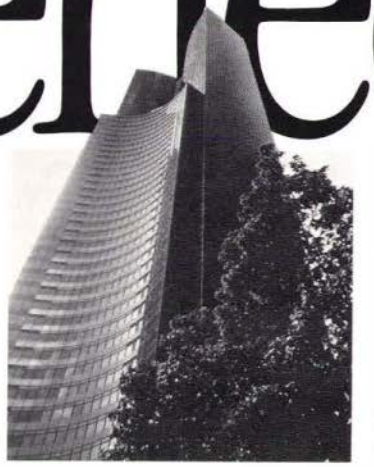

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A Declaration of Dependence

These truths I hold to be self-evident:

• Even though our first language is English, most Americans do not understand the American legal process.

• Virtually no non-English speakers understand our legal process.

Adequate interpretation is as important for civil lawyers as it is for criminal lawyers. To assume that only Emma Lazarus' huddled masses yearning to be free need interpreters is wrong.

Pacific Rim technocrats and multimillionaires require expert translation as much as do impoverished refugees fleeing underdeveloped Third World nations. In civil cases, however, the parties pay for their own translators.

I am delighted that this issue of the *Bar News* will bring Washington lawyers up to date on the efforts of court administrators, lawyers, and judges to protect the rights of all persons, English and non-English speaking, in and out of our courts.

It should come as no surprise that Yakima County, with its thousands of migrants who work in the apple, pear, peach, etc. orchards, has been at the forefront of devising procedures to protect the litigants (and the integrity of the court process).

I practiced law for three years in a Florida county demographically and economically similar to eastern Washington. The export-oriented economy was based on citrus, cattle, and phosphate. Twice a year, perhaps 30,000 migrants settled in to work in the fields. Among the Mexican majority, Spanish was often a second language, coming after their native Indian dialects. The rest of the workers were white or black or brown or red, from the U.S., Canada, or the Caribbean. They spent long, hot days atop 20-foot ladders in the orange, lemon and grapefruit orchards.

("Why do you drink?" I once asked a favorite client. "Do you think I'd stay up in those ladders sober?" he answered. One day the judge mercifully turned his nose the other way when my client showed up for court blotto. Afterward, my client brought me flowers—fresh-picked from the courthouse lawn.)

The county was the same size as Snohomish County and had as many lawyers. As the only lawyer fluent in Spanish, I helped devise, with the help of an investigator in my office who'd been a lawyer in Cuba, a tape explaining in Spanish the constitutional rights and arraignment procedures.

Nonetheless, not all court personnel were interested in seeing that litigants understood the legal process. One day, a judge advised a Mexican that he was being held for the misdemeanor of disorderly intoxication *viz.*, (urinating in public).

"Do you undertand English?" asked the judge.

"No," said the Mexican.

"Well, I am obligated to inform you that the maximum punishment for this crime under the laws of the state of Florida is death by electrocution," deadpanned the judge.

The defendant didn't understand a word. The clerk beamed, the prosecutor grinned. I felt sick. There was no interpreter present.

Never in Washington?

But this could never happen in Washington! you say.

I heard one district court judge tell four Cubans charged with rape and kidnap that they were "animals." Oh, yes, the charges were dismissed when it became apparent that there had been no rape (no intercourse, even) and no kidnap (no asportation, even).

Despite the improvements being made in Washington—which are discussed in this issue—questions remain:

• Who oversees the interpreters? Who corrects the interpreters? In a murder trial, I once objected to a translation. The judge, of course, had no idea what I was getting at, but the interpreter agreed with me and accordingly modified her translation.

• Whose burden is it to provide interpreters? On paper, it is the burden of the state (via the court? the prosecutor?). In reality, it's up to the party desiring the interpreter to get the ball rolling.

I once represented a Cambodian charged with assaulting a Vietnamese with a knife. I spent hours on the phone talking to private interpreter services, the YMCA, the International Rescue Committee, local community colleges, local heads of the Asian community, etc. I met with prospective interpreters.

In the end, someone came up with a Laotian to interpret. Lao, Thai, Cambodian, Vietnamese, French and English were his six languages. He was well-intentioned, the best available, but inadequate.

Clearly this was not the best of all possible worlds. Fortunately, his competence never had to be tested, for a colleague of mine who took over the case succeeded in having it dismissed (not "on a technicality", a phrase I abhor, but because there had been no assault.)

A Matter of Pride

A man headed his homeland's community here in the Northwest. For seven years, without benefit of an interpreter, he held a technical job at a Northwest mega-employer. To be able to function in English was a matter of pride to him. Why should he need one in court?

It was clear to me that his English wasn't good enough to allow him to communicate his story adequately to the court. It was equally clear (and more painful) that using an interpreter would only add to the other party's xenophobia.

Does using interpreters to comply with state law have the unintended effect of fueling such xenophobia?

Carole Grayson

Q:

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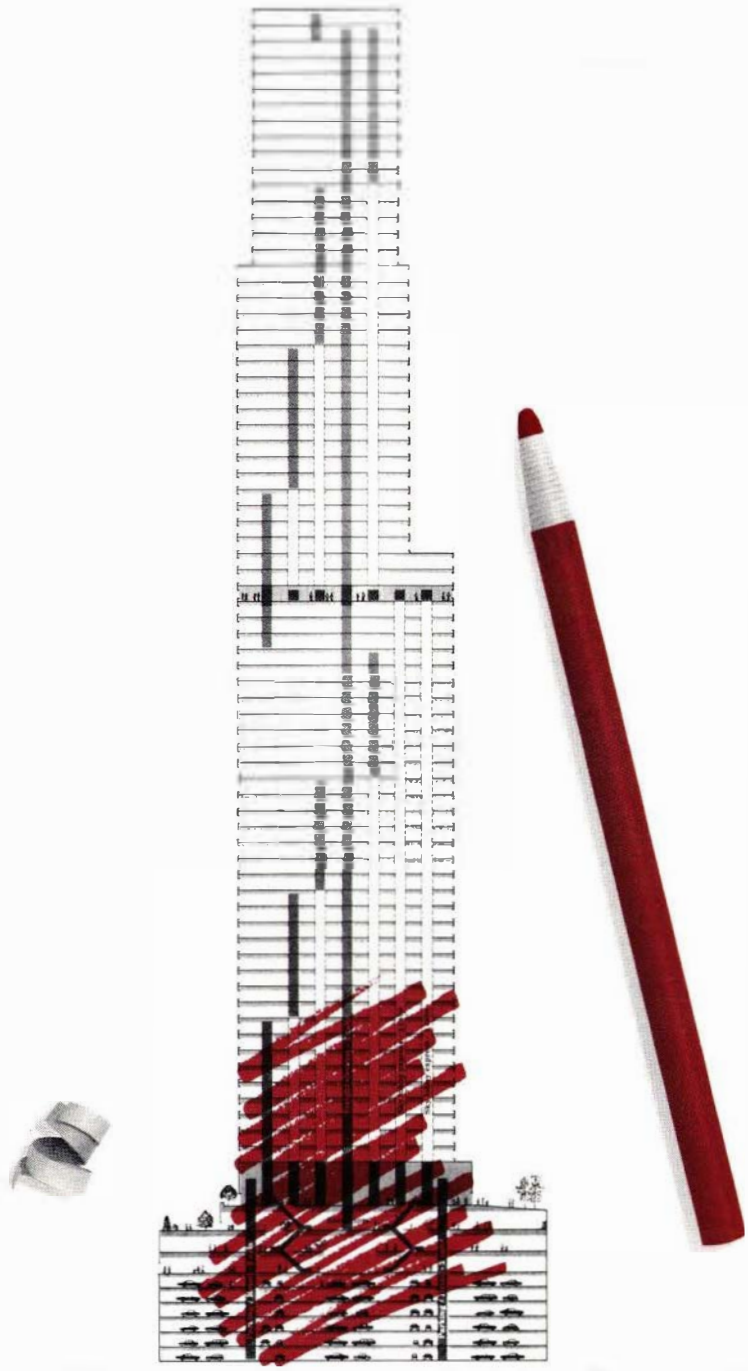

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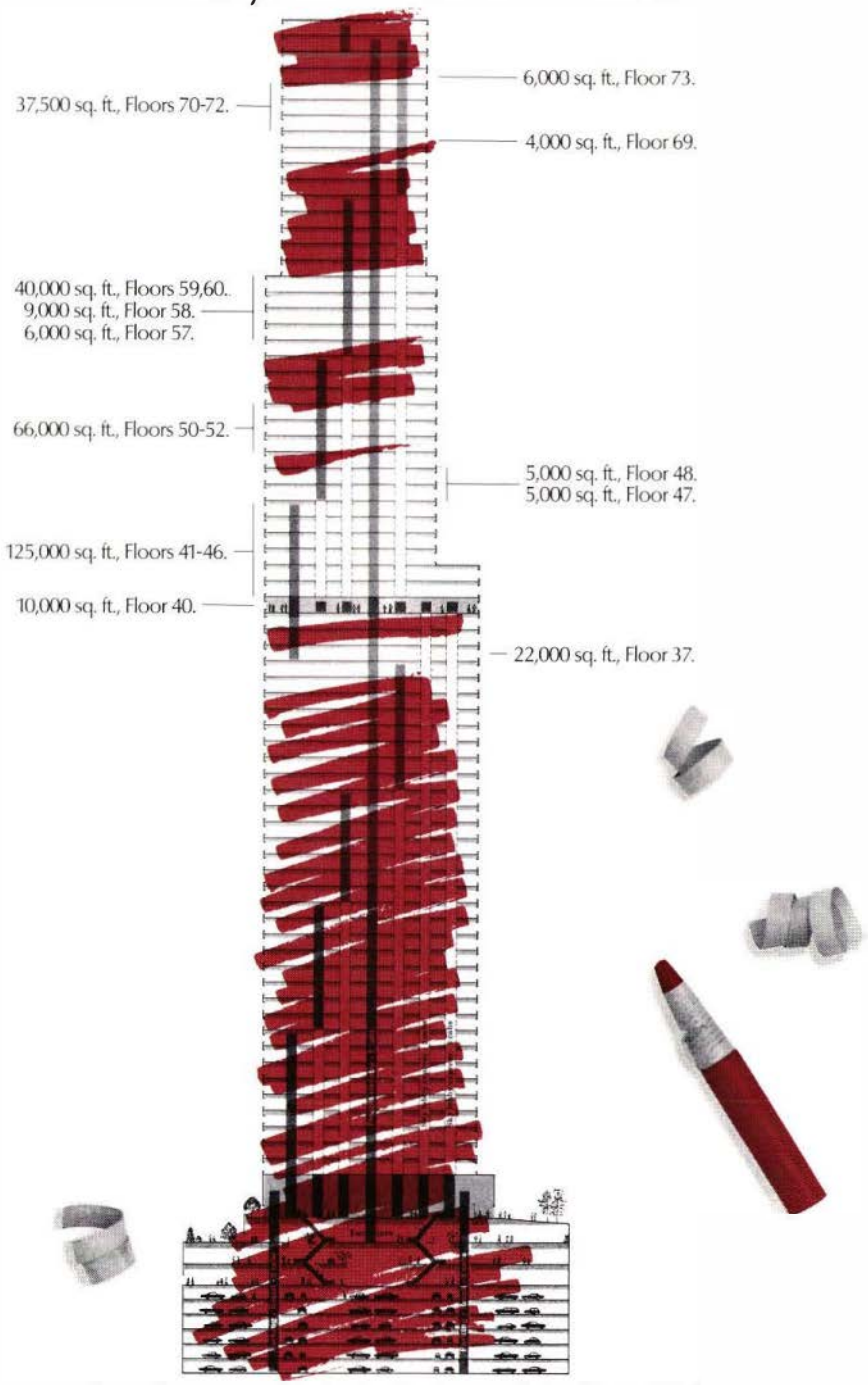

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State Bar Committees: A Few Tips On Getting The Elusive Appointment

by **John J. Michalik**
WSBA Executive Director

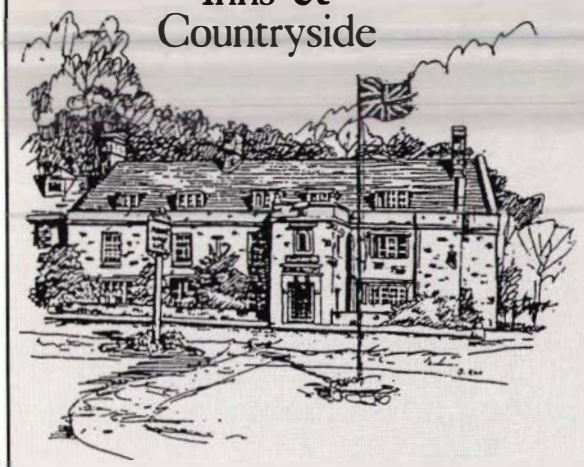
April Showers bring May Flowers . . . and the month of May brings State Bar Association *Committee Preference Forms*. This is the mailing, to every active member of the Association, which provides a brief description of the work of each of the Association's many committees and gives you the opportunity to indicate a preference (actually a couple of choices) for those committees you would like to be appointed to for the coming fiscal year. In this column I would like to do two things. The first is to provide a synopsis of the committee selection process. The second is to provide a few tips on getting a committee appointment.

The Association presently has about 30 standing committees. The membership of those committees is, by and large, determined through the process which is started with mailing of the *Committee Preference Forms*. When you have completed your *Form* and returned it to the State Bar Office, your committee preferences are entered into our computer and, once the deadline for return of the *Forms* has passed, the computer prints the entire mass of information out in a format which is used by the members of the Board of Governors in making the actual appointments. Each Governor receives a book of printouts, including a separate section for each of the 30 committees. Within each section the Governor has an alphabetical listing of those State Bar members from his or her District who have requested appointment to that particular committee. The listing includes first and second choices and also provides information as to past committee service. This information on past service is very important, since it provides a picture of current committee activity. In a process that takes five to six hours of Board of Governors meeting time, each committee is reviewed and appropriate vacancies are filled by new appointments from the computer-compiled preferences. An attempt is always made to maintain the "balance" on each committee by filling vacancies from the same District.

The 30 standing committees involve, in the aggregate, some 450 or so positions. Somewhere between a third and a half of those positions become vacant every year. This occurs in a number of ways. Initially, there is a presumption that a person will serve no more than three years on a committee (though there are exceptions); thus, every year a number of vacancies occur on each committee because of the "three-year rule." That "rule" is not inflexible: a person will not be reappointed to a second or third year if the person's attendance at committee meetings has been poor; if he or she has not contributed to the committee's activities; if he or she does not request reappointment; or if he or she is appointed to another committee. However, while the turnover accounts for some 150 - 200 "openings" every year, there will usually be in the neighborhood of 3,000 to 3,500 members applying for committee positions. Obviously, a comparative few are appointed and many cannot be accommodated.

Given a sound committee selection process but many more applicants than openings, how can you increase your chances for service on a State Bar committee? I would offer three or four suggestions. First, return the *Committee Preference Form*—that seems obvious, but every year a few people complain about not getting a committee appointment and then admit that they didn't send the *Form* in to the Bar Office. Second, be realistic in expressing committee preferences. Some committees, such as the Disciplinary Board and the Client's Security Fund Committee, are fairly small in size and have limited openings each year—maybe two or three spots on each. These are very popular committees and the person who year after year indicates only these as preferences will wind up being consistently disappointed. Look at the other committees as providing opportunities both for service and participation *and* as a means of building your own record of leadership in the Association. Third, if you are truly interested in the work of a particular committee, have particular background and experience to bring to bear on that work, and are willing to make an extra effort, do two things: send in the *Committee Preference Form* and write a short note to your Governor (they're listed by District in the front of this issue of the *Bar News*) expressing that interest and setting forth your experience and what you can bring to bear on the work of the committee you are interested in being appointed to as a member. This is not a guarantee of success, but does give your Governor more information to work with in making appointments and I have not, in my years in the corner office, experienced any situation where a Governor has not considered such a communication seriously. Finally, even if you write the letter and don't get the appointment, don't give up. Remember that in an active organization such as this there are literally thousands of committee appointment requests and only so many spots to fill. A little persistence will, sooner or later, pay off.

British Inns & Countryside



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September 30 - October 18

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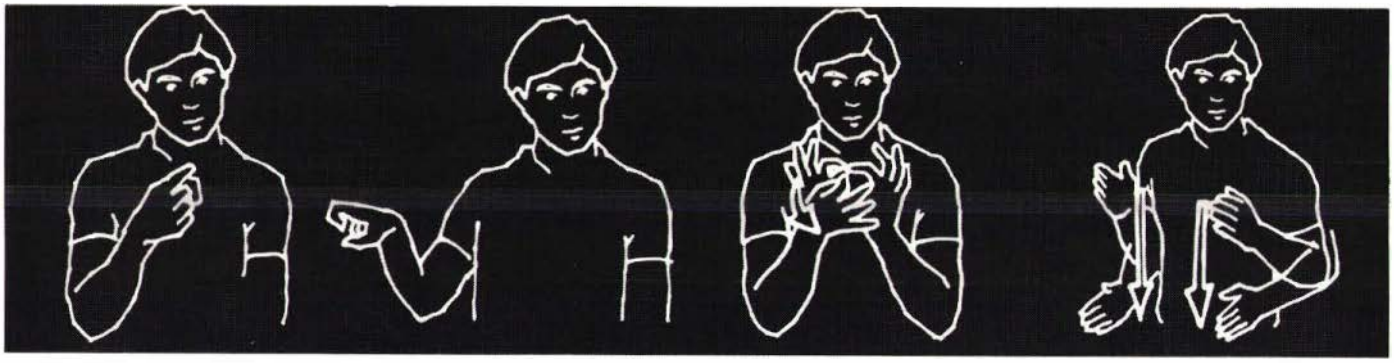

Using an Interpreter in Court

by Hon. **Heather K. Van Nuys**
& Joanne I. Moore

Interpreters have become increasingly commonplace in Washington courts as the number of non-English speaking persons appearing both as parties and witnesses has increased. Last year, in the city of Yakima alone, more than 4,000 persons appearing in the district court required an interpreter. There are estimated to be 38,000 refugees and 42,000 deaf individuals now living in Washington. Languages heard in Washington courts in recent years have included Amharic, Baly, Cambodian, Cantonese, Chinese, Chow-Chew, French, German, Greek, Hindi, Hungarian, Indian, Italian, Japanese, Korean, Laotian, Mandarin, Pakistani, Portuguese, Punjabi, Russian, Samoan, Serbo-Croatian, Slovene, Spanish, Tagalog, Thai, Tigrina, Tioshanese, Tongan, Urdu, Vietnamese, Visayan, and American Sign Language and its English variations.[1]

The commonly held assumption that anyone who speaks two languages can interpret in court is erroneous. Court interpretation requires not only full command of two languages, but also knowledge of courtroom procedure, legal vocabulary, and, more than anything else, the understanding that the job consists not of abridging, editorializing, or reassuring, but of exactly interpreting every word that is spoken without emendation or amendment.

Qualifying the Interpreter

In a case requiring interpretation, the only practical means you, whether judge or counsel, will have of insuring accurate interpretation is to insist on a qualified interpreter. The Court Interpreter's Act, RCW 2.42, Evidence Rule 604, and WAC 10-08-150 (applying to administrative hearings) require that an interpreter's qualifications be established on the record prior to the commencement of a trial or hearing and that the court find the interpreter "qualified" as a prerequisite to appointment. At minimum, court or counsel should ask the following questions of a proposed interpreter:

Do you have any particular training or credentials as an interpreter? (Washington has no certification program for foreign language interpreters.[2])
What is your native language?
How did you learn English?
How did you learn the foreign language?
What was the highest grade you completed in school?
Have you spent any time in the foreign country?
Did you formally study either language in school? Extent?
How many times have you interpreted in court?
Have you interpreted for this type of hearing or trial before? Extent?
Do you know the applicable legal terms in both languages? (This might be derived by asking the interpreter for a translation of a pertinent vocabulary list.)
Are you a potential witness in this case?
Do you know or work for any of the parties?
Do you have any other potential conflicts of interest?
Have you had an opportunity to speak with the non-English speaking person informally? Were there any particular communication problems?
Are you familiar with the dialectal or idiomatic peculiarities of the witnesses?
Can you interpret simultaneously?
Can you interpret consecutively?

As counsel, if you are not satisfied that an interpreter is qualified, object to his or her appointment. State with specificity the reasons why the interpreter is not qualified. The court may feel pressured to proceed with the interpreter on hand, but you should remind the court that your client has a right to a qualified interpreter unless a valid waiver has been executed. RCW 2.42.030 and 2.42.150. You should also argue that your client is denied his or her constitutional right to due

process, to confront accusers, and to effective assistance of counsel unless the client is able to understand the proceedings and to be understood.[3] If a qualified interpreter is not immediately available, ask for a continuance.

Once the court appoints a particular interpreter, it must administer the oath prescribed by RCW 2.42.050. It should be apparent that the interpreter is not following the requirements of the oath if the interpreter fails to interpret *all* of the proceedings, including legal arguments and other non-testimonial communications. Your non-English speaking client has the right to hear everything just as an English-speaking person hears everything that is said in court. It is *not* the interpreter's job to edit material or decide for you or your client what is important.

During the hearing, the interpreter's role will alternate between interpreting non-English testimony for the judge or jury and interpreting English testimony and proceedings to a foreign language or hearing-impaired litigant. When a foreign-language speaking person is testifying, the interpreter should be near the witness and interpret loudly enough for the judge and jury to hear. When the witness has finished, the interpreter should sit close to the foreign-language speaking litigant at counsel table and interpret unobtrusively.

Sign language interpreters for the hearing impaired have special concerns regarding courtroom placement. Obviously, the hearing impaired person needs to have a full, unobstructed view of the interpreter to be able to see both the interpreter's face and body. While it is not necessary for the judge or jury to have an unobstructed view of the interpreter, the fact finder does need to hear the interpreter clearly. Some courtroom designs may not lend themselves readily to a convenient placement of the interpreter. Judges should be willing to defer to the interpreter's judgment as to where the interpreter should be located so that the communication is effective without being unnecessarily distracting.

During the course of a trial, it is common for attorneys to confer with their clients at counsel table during the testimony of a witness. Obviously, an interpreter can only interpret one conversation at a time. If an attorney-client conference is necessary, ask the court's leave so it can be done.

Using the Interpreter Effectively

To make the most effective use of a court interpreter, remember a few common sense tips:

1. *Before the hearing,* allow the interpreter an opportunity to speak with the client or witness informally out of court. Through casual conversation unrelated to the case, the

interpreter and client or witness can determine whether there are any apparent communication problems.

2. *Pre-define technical terms and terms of art.* Such words as "arraignment," "discovery" and "omnibus hearing" may not be interpreted readily into one-word equivalents in your client's language. If you know that engineering or medical terms, for example, will be used during trial, provide a glossary to the interpreter before trial so he or she can prepare. It is also helpful for the interpreter to read any pretrial documents, such as police reports, to become familiar with the vocabulary in the case.

3. *Speak slowly* with occasional pauses to allow the interpreter to maintain a pace. Instruct witnesses to do the same and remind them during testimony if the pace in the courtroom quickens. Check with the interpreter periodically to see if the pace is comfortable.

4. *Keep your questions short* and your vocabulary simple to reduce the possibility of interpreter error and your client's confusion. Remember that it is not the interpreter's prerogative to simplify erudite language for your client.

5. *Use the first person.* A common mistake made by attorneys and neophyte interpreters is to speak in the third person rather than the first person. Speak *through* the interpreter rather than *to* the interpreter.

It is inappropriate for the attorney to look at the interpreter and say, "Ask him where he was on the night of July 14." Rather, ask the witness directly "Where were you on July 14?"

Similarly, the interpreter should not answer, "He says he was at home." The appropriate interpreter response is, "I was at home."

6. *Allow for recesses* for interpreters to keep their minds fresh. Accurate interpretation is exhausting work. If a lengthy trial is anticipated, the court should consider having more than one interpreter available so they can work in shifts.

7. *Make sure the interpreter is talking.* The interpreter's job is to interpret every word said in the courtroom. If it becomes obvious during the trial or hearing that the interpreter is silent, call this to the attention of the court and ask the judge to direct the interpreter to interpret.

Modes of Interpretation

A skilled foreign language interpreter can interpret simultaneously, consecutively, or summarily.

Simultaneous interpretation, which is used in United Nations meetings, is common in trial work. As a witness responds to a question, the interpreter simultaneously interprets the response. Initially, the juxtaposition of two languages may be a distracting cacaphony to jurors; however, jurors usually adjust and "tune out" the foreign voice. You may wish to forewarn the jury in *voir dire* or your opening statement. The advantage of simultaneous interpretation is that it is a precise contemporaneous reiteration of the proceedings which adds only a minimum of extra time.

Consecutive interpretation calls for the interpreter to remember one or more sentences after they have been spoken and to interpret them as a package. If you are working with an interpreter using the consecutive method, be aware that it is difficult to remember more than 40 or 50 words exactly. You may need to remind witnesses to pause every couple of sentences so the interpreter can keep up. Consecutive interpretation creates an audible tape recording, avoids a garbled record, and is easier for a jury to listen to than simultaneous interpretation. On the other hand, consecutive interpretation doubles trial time and errors are more likely because of the great demand on the interpreter's memory.

In the *summary* mode of interpretation, the interpreter listens to lengthy passages, and then summarizes the information. This mode, while still in common use in legal proceedings, is virtually never appropriate.

Especially in jury trials, you should consider discussing the use

of simultaneous and consecutive methods with the judge and the interpreter. The mode of interpretation used may be decided by such factors as the anticipated length of testimony, the skill of the interpreter, and the necessity of preserving a record.

Cost of Interpreters

Under RCW 2.42, in criminal cases and other proceedings initiated by the government, the government pays for the interpreter. Interpreter fees in most administrative hearings are paid by the agency involved in the hearing. WAC 10-08-150 (17). In civil matters, the court pays if the person needing the interpreter is indigent; otherwise, interpreter's costs are taxable. RCW 2.42. There is no established fee schedule for foreign language interpreters in this state, and payment varies from nothing to over $50 per hour.[4] D.S.H.S. does have a standard payment schedule for hearing-impaired-interpreter fees.

Non-English speaking persons are appearing with increasing frequency in our courts both as parties and as witnesses. Justice cannot be served unless those people can understand the proceedings in which they appear and can make themselves understood. Knowing how to identify and insisting on qualified interpreters is the surest way to serve this end. □

Footnotes

1. Statistics and language list derive from *INITIAL REPORT AND RECOMMENDATIONS OF THE COURT INTERPRETER TASK FORCE*, October 1986, prepared by the Office of the Administrator for the Courts.

2. In contrast, hearing impaired interpreters are *never* qualified *unless* they are certified by the registry of interpreters for the deaf at the level appropriate to the type of proceeding. RCW 2.42.110 *et seq.* The judge must also question the hearing impaired person and make a preliminary determination that the interpreter is able to interpret all communication accurately for that particular person. RCW 2.42.130.

3. RCW 2.42 states that interpreters must be provided "to secure the constitutional rights" of non-English speaking persons. *See also, U.S. v. Lim*, 794 F. 2d 469 (9th Cir. 1986), noting that a non-English speaking criminal defendant has a constitutional right to an interpreter if his inability to speak English interferes with his right to confrontation and to understand and respond to questions.

4. *Initial report and recommendations of the Court Interpreter Task Force, supra*, at p. 10.

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*Judge **Heather Van Nuys** has been on the Yakima County District Court since 1983. She is a co-founder of the Yakima County Court Interpreters Task Force and a member of the statewide Court Interpreters Task Force.*

Joanne I. Moore has been representing monolingual Spanish-speaking clients as a lawyer at Evergreen Legal Services in Yakima since 1980. She is a member of the statewide Court Interpreters Task Force and is co-founder of the Yakima County Court Interpreters Task Force.

Statewide Task Force

No independent means or standards exist in Washington for determining whether individuals used as foreign language interpreters are in fact qualified. Courts have used the interpreter services of court clerks, police officers, friends or relatives of parties, or even jail inmates.

In 1985, under the direction of the Washington State Supreme Court, the Office of the Administrator for the Courts appointed a statewide Court Interpreter Task Force to address the present situation and develop solutions. Chaired by Judge Edward P. Reed of the Court of Appeals, Division II, the task force includes several judges, attorneys, court clerks and administrators, a federally certified Spanish court interpreter, and a representative of the hearing-impaired community.

The Court Interpreters Task Force concluded in an October 1986 report to the Supreme Court that, with respect to foreign-language interpreters, there is a critical need for more technically qualified and proficient interpreters, improved interpreter professionalism, assistance in locating interpreters, and for a system of testing and certification.

Training

In the past two years, several two-day training sessions for interpreters have been sponsored by the Office for the Administrator for the Courts, financed by the Board for Trial Court Education. These sessions have been eagerly attended by more than two hundred interpreters, many of whom have expressed the pressing need for continuing education. Videos of sessions are available to court personnel from the Washington State Film Library and have been used in several counties for in-house training.

Ethics

The Court Interpreter Task Force developed a suggested code of ethics for interpreters which it recommended be adopted in its October 1986 report to the Supreme Court. It would cover such topics as legal advice, conflicts of interest (*e.g.* prohibiting the use of friends, relatives, and employees of parties) and editing language (*e.g.* prohibiting interpreters from "simplifying" a judge's statements to a party so the party can "understand" them.)

Interpreter List

The Office of the Administrator for the Courts has compiled a state directory of foreign language interpreters who currently work or would like to work in Washington's courts. The directory will be updated yearly. Copies are available from the Office of the Administrator for the Courts, 1206 S. Quince Street, Olympia, WA 98504. *Caveat:* The directory is *not* an endorsement of competence or ability.

Certification

In cases involving language interpreters, unless a judge is bilingual, there is no sure way for him or her to ascertain the interpreters' adequacy. To address this problem, the federal courts, as well as several state courts including California and New York, have established testing and certification systems to measure language skills, legal vocabulary, and understanding of the legal system and of interpreter methodology and ethics. In its October 1986 report to the Supreme Court, the Court Interpreter Task Force recommended the adoption of a state certification system in Washington.

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Public Law 95-539: Eight Years Later

by **David L. Bruun**

The Court Interpreters Act (Public Law 95-539), enacted in October 1978, stipulated access to a certified interpreter for any person appearing in a federal court who lacked sufficient English to understand the proceedings. The passage of the act, as might have been foreseen, had major consequences.

- First, the demand for court interpreters filtered down to the state, county and municipal levels. It has also been picked up by governmental agencies, such as the Office of Hearings and Appeals of the Social Security Administration (SSA).
- Second, since the law requires certified interpreters, there was instantly created a demand for interpreters with sufficient expertise to handle courtroom work.

The first consequence has been met adequately; the second, unfortunately, has not been.

Perhaps the most widely publicized trial using an interpreter was that of Tony Ng, implicated in the Wah Mee robbery and murders in Seattle. The bulk of court interpreting, of course, is of a less spectacular nature. Requests for interpreters commonly arise in DWI, assault, and shoplifting cases and come from the state Attorney General, district and municipal courts. Other requests come from SSA's Office of Hearings and Appeals, Public Defenders, the U.S. Customs Office and a host of private law firms.

It goes without saying that each case, whether of high or no public interest, whether precedent-setting or routine, must be met on the part of the interpreter with the same expertise and sense of professionalism.

Two years after the Interpreters Act came into force, the federal courts initiated a testing procedure for interpreters. The examination is conducted every six months at various locations around the country. So difficult is it that only a handful in Washington have successfully completed it.

Not only are the pay scales dramatically different for certified vs. non-certified interpreters (which the federal courts will use if necessary), but the examinations cover only one foreign language, Spanish. How then can the courts, or by extension private firms, be expected to obtain quality interpreting services in such languages as Chinese, Cambodian or Arabic?

One solution is for each court, agency and firm on an individual basis to keep lists of interpreters. This approach may be favored by larger organizations, since the time involved could more easily be absorbed in a larger administrative body. The approach is not without pitfalls, however, owing to the vagaries of court scheduling and the interpreter's own time constraints. For example, the counsel for Ng found the interpreter a scant two days before the defendant's initial hearing. In another case, request came, with four hours' advance notice, to supply a Vietnamese interpreter for a hearing in Seattle Municipal Court because none of the interpreters on the court's list was available. The one advantage of this system, that of lower hourly rates paid to the interpreter, is clearly outweighed by the disadvan-

tages: greater administrative burdens and costs, inevitable conflicts in scheduling, and the general incompleteness of such lists.

A better approach is to utilize the services of the various agencies and organizations that supply translation and interpreting work to the general public. First, the effective costs are lower, especially in instances where a legal assistant or secretary spends a half-hour or more searching for an interpreter for a short hearing. Second, since these agencies and organizations maintain large lists of interpreters, scheduling difficulties are much less likely to occur, even in 'non-traditional' languages (those languages not taught in the public schools) with few qualified interpreters. Third, in the absence of certification, it is the agency's business to know the abilities of its interpreters, while a legal secretary would have no way of determining those abilities. Any interpreter hired from an agency will have his or her records on file with that agency, and these should be available to the client upon request.

What You Can Do

In the Seattle telephone directory, there are a dozen local organizations supplying interpreting services. Selecting one to handle your needs can be done in a way similar to selecting an individual interpreter—ask for a representative listing of firms that have contracted work through the agency. A few calls to that agency's clients will tell more than any promotional material.

Whether you use your own lists or rely on the services of an agency, the goal is still the same—to facilitate in-court proceedings and to ensure your client's understanding of those proceedings, which is the intent of Public Law 95-539.

David L. Bruun has been manager of a Seattle-area translating, interpreting and consulting agency. He is presently a freelance translator with expertise in German and Norwegian.

Tune In On Cultural Undertones

by **Edith M. Rice**

The interpreter may interpret the *words* correctly. Is it the interpreter's responsibility to translate the litigant's culture for the court? To explain cultural nuances and customs? To add further meaning to the testimony? Clearly, no. Such additional translating would be unethical.

So, whose responsibility is it?

A young Mexican man is in your court on DWI charges. Because he can't speak English, you arranged for an interpreter to act in his behalf. Things go smoothly until the judge asks his name.

Through his interpreter, he gives a name different from that on the official record. Pressed for a reason, he refuses to look at the judge when spoken to. The interpreter begins to get flustered. Both you and the judge begin to feel something isn't getting communicated . . .

Mexican natives use the last names of both parents, the mother's listed last with the father's appearing as a middle name. This may confuse court personnel, who may drop the middle name of the individual when filling out court records or even reverse the name the person actually goes by.

It is also helpful to know that, for some Mexican nationals, looking someone of authority in the eye is an act of disrespect, even of defiance. As much as a judge may want the defendant to look directly at him, he may not do so out of respect for the judge's position.

The man is a native of China. He speaks no English. Under questioning, he is asked for the names of several close friends, people he has known for more than 20 years. Counsel asks the name of his best friend's wife. "Mrs. Wong," he responds though his interpreter.

Counsel presses the question. "You have known this man for 20 years and you do not know his wife's first name?" The man looks at the interpreter and shrugs . . .

Native Chinese treat each other with a formality unknown in this country. It is common for someone to know an individual for many years and never know his first name. To address or refer to him by his first name is an act of disrespect.

The deaf woman nods her head at the judge. He's relieved the complicated instructions about the conditions of her probation have gotten through. Routinely, he asks if she has any questions. Her interpreter "signs" the judge's message to her. She looks perplexed, and returns a message: "What are the conditions of my probation?"

It's easy to assume that someone who is nodding is indicating agreement or understanding. But a hearing-impaired person will often nod simply to say, "Please continue," or, "C'mon, let's get this over with—I'm embarrassed to be here." Only when the people sign their agreement to the interpreter can you be sure an understanding has been reached.

***Edith M. Rice** is a court services specialist with the Office of the Administrator of the Courts. Among her duties, she works with the state interpreter task force and has arranged and staffed the interpreter workshops. This article is adapted from one originally appearing in* Judiciary: *The Quarterly for Washington's Court System, Summer 1985.*

WASHINGTON STATE BAR **NEWSLINE**

The Board's Work

by **Carole Grayson**

Spokane, Inn at the Park, April 17-18, 1987.

Present: President Gates and Governors Reisler, Weston, Vhugen, and White, all Seattle; Johnson, Spokane; Shea, Pasco; Lane, Tacoma; Vander Stoep, Chehalis; Carlson, Everett.
Absent: Governor Moceri, Seattle.
Also present: Jack Dean (WSBA pres.-to-be), Herbert Swanson (Ct. of Appeals Judges Assn.), Robert Farrell (WSBA counsel), John Michalik (WSBA exec. dir.), Scott Smith (SKCBA Young Lawyers), Donald Brockett (Wa. Assn. of Prosecuting Attys.), Katherine Witter (Wa. Women Lawyers), Tom Fitzpatrick (WSBA Young Lawyers), Allen Miller (Govt. Lawyers), Fred Butterworth (SKCBA Trustees), Donald Means (WSTLA), Bruce Hanson (Superior Ct. Judges Assn.), Julie Folsom, John Snoddy, John Huneke, Cindy Whaley, William Garvin.

LOCAL LINE "What's going on here besides Spokane wanting to close down the Big Bar in Seattle?" joked Tom Cochran, president of the Spokane Bar. The pro bono program is "working real well. If there is a problem, it is that people don't realize their ethical duty to have 100% of the lawyers sign up for pro bono."

Cochran urged "quicker turn-around time" on discipline complaints and "better communication between Seattle and Spokane."

ADVERTISING David Boerner of Tacoma, chair of the WSBA Committee on Rules of Professional Conduct, presented his committee's recommendations on lawyer advertising. The Governors deferred the matter for a month to hear from the Lawyer Advertising Task Force.

Boerner's committee recommended retaining standards for discipline and creating a second committee--"purely advisory without the force of law", in Boerner's words--to advise lawyers on guidelines. "If the Bar is going to tell us what not to do," said SKCBA trustee Fred Butterworth, "then it had better be prepared to tell me what to do. To set up a committee with a disclaimer is to do a disservice to lawyers...The Bar seems more interested in disclaiming than in providing information."

Governor Shea termed the ban on lawyer solicitation one-sided. "No one regulates the insurance company or airline company. How come no one talks about how the innocent victim is taken advantage of by them?"

False and misleading ads are subject to the Consumer Protection Act, opined WSBA Young Lawyer chair Fitzpatrick. President Gates wondered, "Why isn't the Bar bringing actions against lawyers with misleading advertisements?" Responded Governor Weston, "Because the Bar would lose."

YOUNG LAWYER ROUNDUP 31 counties were represented at the first Young Lawyer Division Network Conference, reported Tom Fitzpatrick. Rural young lawyers would like better videotape libraries and CLE credit for listening to videotapes.

IMPAIRED LAWYERS Andy Benjamin, Ph.D., WSBA Lawyers Assistance Program director, and Patrick Comfort, chair of the program's steering committee, got the Governors' nod on program policy and procedures.

"The confidentiality question is the largest challenge," said Benjamin. "It is important that lawyers think the program is in their best interest," yet the public must also be protected.

The Governors (Vander Stoep absent) agreed:

- The program director has discretion whether to treat lawyers who refer themselves to the program. Communications by lawyers to program staff receive all privileges provided by law.
- The Supreme Court should extend the privilege of RLD 12.11(a) to include volunteer peer counselors acting under the direction of the program director.
- The Disciplinary Board can order lawyers to be assessed by the program...

"Lawyers don't want to report on other lawyers. How are we going to break this down?" asked John Snoddy of Spokane.

PRO BONO: "BASIC OBLIGATION" "Every group that has studied the enormous unmet legal needs has come to the same conclusion. Pro bono must be mandatory," Seattle attorney Paul Silver, chair of the WSBA Pro Bono Task Force, told the Governors. Such a program would be "a courageous step and would make us a national leader."

The Governors opted not to act on this recommendation, although, as President Gates said, "It's very awkward to sit here and say we have an obligation but we're not going to do anything."

Silver reminded the Governors that when mandatory CLE was first proposed, "There was great opposition, but look now." The current system, he said, makes it "quite easy" to have high participation where the lawyer does no more than "brief advice and consultation."

The Governors did vote to fund two meetings a year of local pro bono coordinators.

Said Governor Vhugen, who sat on the Task Force, "There's no question but that the report did what it was supposed to."

Governor Shea was unmoved. "No one says the proposal will meet the need...It's tough not to recognize the economics of law practice... Pro bono is a voluntry program at its very heart and it should remain so."

"Pro bono is a basic sense of obligation on the part of most lawyers...A lot of not visible pro bono activity is going on," e.g., through reduced hourly rates," said Governor White.

No state requires pro bono work, although some local bars, e.g., San Antonio, TX, and Orlando, FL do.

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Washington State Bar Association

1987 Annual Report

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Washington State Bar Association

1987 Annual Report

President's Report

It is my pleasure to report to you on the activities of your State Bar Association.

One possible and appropriate preface to a report of this nature would be to say that this past year was one of "business as usual." That is not a bad statement if you define the "business" of the Association as, in itself, involving growth, new programs, new resources, new incentives and the continued vigor which has characterized our now 54 + years as a State Bar. In the context of the Washington State Bar Association "business as usual" does not, in any way, carry connotations of just plodding along. It is our "business" to move forward; to face problems and issues; to try new approaches; to be active and vigorous as a profession and an organization.

In the context, then, of our definition of "business as usual" I am pleased to present this Report for your consideration.

William H. Gates

Professionalism

Concern about the growing emphasis on the business elements of the practice has led Bar Associations everywhere to look for ways to curtail this trend. There really is no question that there are significant changes in lawyers' approach to the practice. A major contributor to this change is the arrival and growth of lawyer advertising. At the same time many perceive a deterioration of the cordiality that has traditionally characterized the relations between lawyers. These developments are among the most fundamental problems our profession is dealing with. A task force under the chairmanship of Fred Tausend has been formed and we look forward to a report from this group later this year.

Malpractice Insurance

Our efforts to deal with this persistent nagging problem reached a crescendo this year. The Board approved the recommendation of a task force on the subject that this Bar ask the Supreme Court to establish a Professional Liability Fund similar to the scheme that has existed in Oregon for eight years. The referendum to the membership rejected this action of the Board by the overwhelming vote of 6,971 to 1,693.

Looking at the matter simply as an insurance problem, it has two features. The first is that the coverage is getting very expensive. Significant rate increases have been announced since the defeat of the Fund proposal. The other problem is arbitrary underwriting standards imposed by the commercial carriers which in the judgment of many of us, deprive qualified lawyers of the ability to obtain coverage.

Looking at the problem more academically, and not through the lens of insurance coverage, focuses attention on what may be the more fundamental ingredient. Malpractice claims and losses are consistently increasing both in frequency and severity.

These problems cannot be ignored. Rejection of the Professional Liability Fund concept does not mean that the responsibility of the Bar to look for ways to ameliorate both the insurance and the basic malpractice problems has gone away. On the other hand, it is clear that there is no simple or quick solution. Back to the drawing board!

Headquarters

Of all the major "moves" the State Bar Association made this past year, none was more dramatic or apparent than the very real and physical move to a new headquarters office location.

After nearly twenty years in the College Club Building at 5th and Madison in downtown Seattle, the Association moved its headquarters to the Westin Building at 6th and Virginia, right next door to the Westin Hotel. The College Club Building could not, quite simply, provide another inch of space for growth by the State Bar Association. Such is not the case with the Westin Building, where our lease covers the entire 4th and 5th floors and, eventually, will provide nearly 7,000 more square feet of space than available in the College Club Building. I say "eventually" because at the outset of the lease some of that space is being held in a "space pocket", and without rental obligation, for future Association use. In addition, the lease gives the Association guarantees with regard to other expansion space in the building as the years progress.

The lease in question is for 10 years, with two 5-year options. The initial rental rate, for space built out to our specifications, is virtually identical to the lowest end of the scale quoted by our former landlord for a 5-year renewal of that lease. Most importantly, and this is a real tribute to our "negotiating team", the lease provides that if the two 5-year options are exercised the Association's base rent 20 years from now will be no more than $16.50 per foot.

The facilities and opportunities at the Westin Building are truly outstanding. We have more space and more usable space. Our conference room capacities have been doubled. We have been able to install and implement more efficient office systems and procedures. Not incidentally — and in fact I think it is quite important — we now project an image more in keeping with the profession and the quality of our efforts. We have simple but elegant quarters which make a statement for us and have not failed, in any instance, to draw comments or approval from all, members and the public alike, who have come through our doors.

Discipline

The subject of attorney discipline is one which I have touched upon in a recent *Bar News* column or two. I would like to add two or three more thoughts to those I have previously expressed.

Some of those thoughts relate to our real commitment in this area. That commitment is something we must have because of our unique position in conducting the attorney discipline system on behalf of and for the State Supreme Court. This is also a burden we bear, and agreeably so, in discharging our duties to the public as a self-regulating profession. This is a unique status and one which, in my view, we discharge in the highest fashion. As many of us know, the attorney discipline system in a number of other states — most visibly, California — has been under heavy attack because of delays, backlogs, inaction and a parade of horribles.

I am proud to say that that has not occurred in Washington. We may not be perfect — in fact we know we are not and are constantly working on improvements — but our track record is outstanding and our commitment unquestioned. We have a system which, as the financial statements at the end of this report indicate, involved a total direct financial commitment of over $768,000 in the past year alone. That represents over 30% of our current dues income devoted to attorney discipline. That does *not* include the countless hours of volunteer attorney time contributed by hearing officers, Special District Counsel, Disciplinary Board Members and others. When you factor that all in you have a million-dollar plus commitment by the legal profession in this state.

I think this is all worth mentioning in our Annual Report. What we are talking about is an annual commitment and effort and one which we undertake, without any form of outside support, willingly and seriously.

Local Bar Associations

One of the special experiences which has come to me as your president is the opportunity to visit meetings of your local bar associations all over the state. I have been uniformly impressed with what I have seen visiting just about every county from Whitman to Grays Harbor.

Lawyers are very involved in their local bar associations. Virtually everyone in practice belongs to his local bar, and half or more of the membership turns up regularly for what in most counties is a weekly meeting.

The state has no formal relationship with these several dozen county bars. However, there is a working relationship in which there is a regular system of communication among your local bar officers and between them and the State Bar. Many of the most successful bar programs are those which are carried out by this powerful array of county bars all over the state.

Association Finances

The Association continues to have and maintain a strong financial position. This Report includes the financial statements for Fiscal 1985 and 1986 as prepared by our independent auditors. While those financial statements are clear and basically self-explanatory, a few comments are in order.

The financial statements reveal that, for the first time in a number of years, we had what is denominated as a "deficiency of revenues over expenses"; in other words, the Association spent more than was taken in during the Fiscal Year. To some extent this result is attributable to unique and non-repetitive events and circumstances; for example, we did not have a State Bar Convention during the

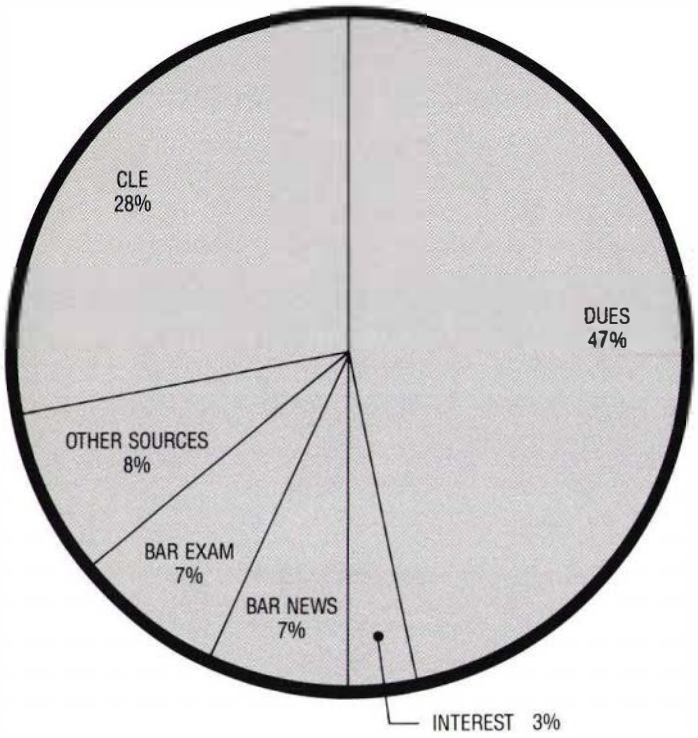
(there will be *two* Conventions in the present Fiscal Year). In addition, the revenue deficiency, while not insubstantial, was easily "covered" by short-term reserves.

On the other hand, that deficiency may be a signal to the future. This is an active and vigorous organization with constantly expanding and changing activities and programs. As existing programs expand and new programs are added, new revenues are needed to support those activities. Your Board of Governors recognized this need in budgeting for the present Fiscal Year, and certain revenue increases were effected through added user fees and, significantly, through increased emphasis on non-dues income sources. The Board, the Bar Staff and I are constantly monitoring that situation, and one of the options for the future may well be consideration of a potential and modest dues increase. We have not had a dues increase since 1981, and we are unique (and almost alone) among major bar associations in having gone that long with a static dues structure. That does not, I hasten to add, indicate that an increase is a foregone conclusion: it is merely a possibility in the overall picture of an active and growing Association and in pursuit of maintaining our strong, independent financial position.

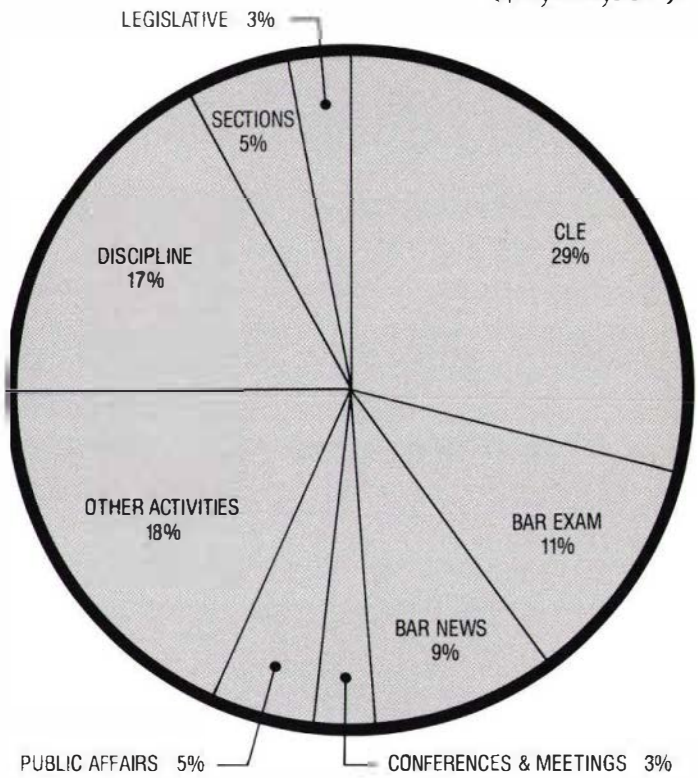
Geographic Distribution of Active Members as of March 15, 1987

County	Active	County	Active
Adams	15	Lincoln	9
Asotin	14	Mason	29
Benton	140	Okanogan	44
Chelan	97	Pacific	10
Clallam	71	Pend Oreille	9
Clark	282	Pierce	1,071
Columbia	5	San Juan	20
Cowlitz	87	Skagit	93
Douglas	19	Skamania	7
Ferry	7	Snohomish	462
Franklin	35	Spokane	1,036
Garfield	2	Stevens	23
Grant	62	Thurston	572
Grays Harbor	71	Wahkiakum	3
Island	46	Walla Walla	63
Jefferson	19	Whatcom	182
King	7,004	Whitman	54
Kitsap	223	Yakima	284
Kittitas	20	Out of state	1,235
Klickitat	14	Foreign	38
Lewis	55	**Totals**	13,532

Revenue Sources
Fiscal 1986
($4,468,964)



Expenses By Activity
Fiscal 1986
($4,614,334)



Committees

Reports of this nature tend to focus on new projects, current achievements and recent and future concerns. In that position there is a resulting tendency to ignore ongoing and established programs and activities. I would like to take a little space here to talk about one of those ongoing areas of effort: the continuing work of the State Bar Association's 33 standing committees.

What we are really talking about here is one of the best evidences of professionalism: individual lawyers giving of their time, talent and effort to the work of the Association. The numbers are almost staggering. Over 400 members of the State Bar serve on one or more of our standing committees and boards. In addition, each year another 50 to 100 accept the call to serve on Special Bar Task Forces or take appointments as the representatives of the Association on committees or boards formed by the Supreme Court, the Governor or the Legislature. These numbers are further augmented by the dozens and dozens of Bar Members who serve on specialized committees within our various State Bar Sections.

Committee work is vitally important to the ongoing growth and progress of the Association. There is hardly ever a meeting of the Board of Governors that does not involve a report or recommendation for action by one or more committees on subjects ranging from legislative matters to continuing legal education to ethical considerations to, well, you name it. Fully 50% or more of the action taken by the Board of Governors in establishing policies or implementing programs on behalf of the Association is the result of underlying committee work.

I want to tip my hat to the people who serve, unselfishly and willingly, on our many committees. I also want to encourage you to seek committee appointments and service. Committee Preference Forms for 1987–1988 appointments will soon be in the mail to all active members of the Bar, and I urge you to seek appointment to those committees which interest you. The competition for those committee spots is keen and not everyone can receive an appointment, but all requests are carefully considered and weighed.

Final Thoughts

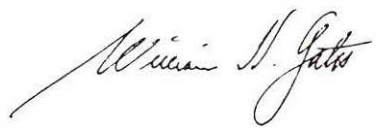
All of these details about projects and finances certainly demonstrate the vigor and accomplishment of your "business as usual" Bar Association. They fail, however, to disclose the continuing features which really distinguish us. Let me close by counting our blessings.

We have a wonderful staff. John Michalik and the staff he has assembled are hard-working, competent, and always ready to take on a new project.

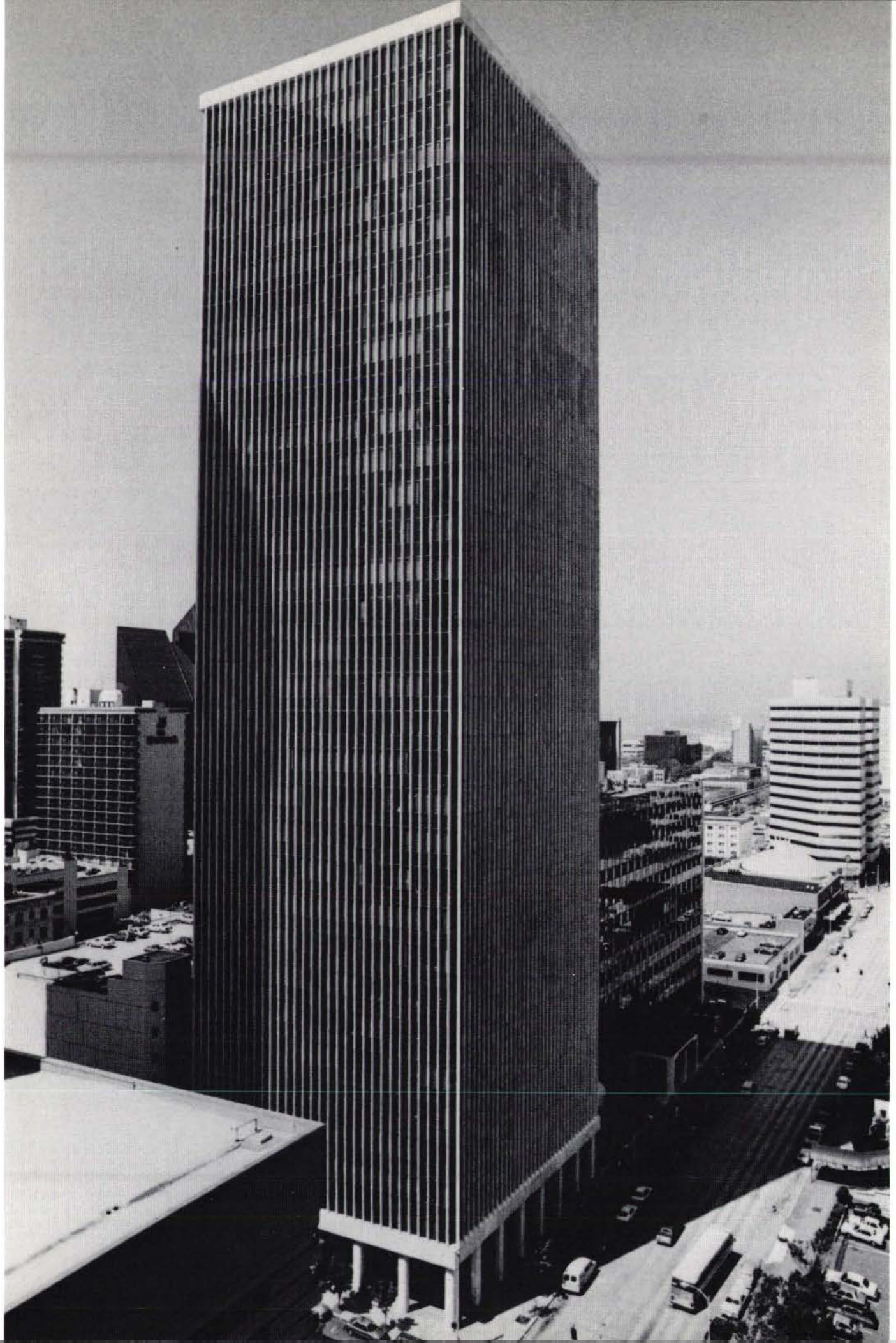
We have a dedicated, conscientious Board of Governors. It is representing you very well.

We have an open, constructive relationship with our Supreme Court. Chief Justice Vernon Pearson and his colleagues are as concerned that the Bar function effectively and independently as we are.

Here in Washington for the Bar Association, "business as usual" is very, very good.



William H. Gates
President



1985–1986 Audit of the Washington State Bar Association

VON HARTEN & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
1411 FOURTH AVENUE BUILDING
SEATTLE, WASHINGTON 98101
(206) 682-2266

To the Board of Governors of the
Washington State Bar Association

We have examined the balance sheet of the Washington State Bar Association as of September 30, 1986 and 1985 and the related statements of revenue and expenses, statement of expenses by activity, changes in fund balances and changes in financial position for the years then ended. Our examinations were made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of the Washington State Bar Association at September 30, 1986 and 1985, and the results of its operations and activity expenses, changes in its fund balances, and changes in its financial position for the years then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

December 16, 1986

Von Harten & Company

Washington State Bar Association

Statement of Assets, Liabilities and Fund Balances

September 30, 1986 and 1985

	1986	1985
Assets		
Cash		
Checking accounts	$ 67,947	$ 230,777
Savings accounts	1,472,813	1,490,591
Accounts receivable	62,019	65,752
Office supplies	40,900	22,069
Deferred costs and prepaid expenses	227,216	110,409
Furniture equipment and leasehold improvements (Notes 1b, 2 and 3)	263,345	192,893
Total assets	$2,134,240	$2,112,491
Liabilities and Fund Balances		
Liabilities and deferred revenues		
Accounts payable	$ 487,045	$ 413,856
Deferred revenue (Note 1c)	737,246	687,505
Equipment contracts payable (Note 3)	63,362	—
Deferred compensation (Note 6)	307,991	327,164
Total liabilities	1,595,644	1,428,525
Fund balances (Note 1a)	538,596	683,966
Total liabilities and fund balances	$2,134,240	$2,112,491

The accompanying notes are an integral part of these financial statements.

Washington State Bar Association

Statement of Revenues and Expenses

Years Ended September 30, 1986 and 1985

	1986	1985
Revenues:		
Membership dues	$2,101,712	$1,987,584
Continuing legal education	1,247,889	939,387
Bar examination fees	312,750	301,825
Bar news	303,788	272,090
Convention (Note 7)	—	184,073
Interest earned	133,270	162,900
Sections	196,387	169,707
Lawyer referral services	68,000	72,991
Other	105,168	88,193
Total revenues	4,468,964	4,178,750
Expenses: (also see expenses by activity)		
Salaries	1,298,094	1,162,074
Payroll taxes and benefits	342,538	271,956
Rent and utilities	189,461	174,987
Postage, printing and office expense	325,706	327,185
Public relations and support activities	339,594	343,691
Miscellaneous	55,570	50,616
Depreciation and amortization	58,380	32,543
Direct activity expenses:		
Continuing legal education	979,356	679,082
Bar examination and admissions	254,321	227,344
Convention (Note 7)	—	234,433
Discipline	101,439	67,551
Bar news	313,469	249,477
Committees	110,132	79,046
Legislative	28,283	39,749
Sections	183,593	159,556
Client's security claims	7,807	33,927
Lawyer referral service	26,591	24,992
Total expenses from operations	4,614,334	4,158,209
Excess (deficiency) of revenues over expenses:	(145,370)	20,541
Detailed as follows:		
General fund	(202,583)	(28,249)
Legislative fund	—	(156)
Section fund	29,436	26,369
Client's security fund	27,777	22,577
	$ (145,370)	$ 20,541

The accompanying notes are an integral part of these financial statements.

Washington State Bar Association

Statement of Changes in Financial Position

Years Ended September 30, 1986 and 1985

	1986	1985
Factors increasing cash		
Operations:		
Excess of revenues over expenses	$ —	$ 20,541
Add non-cash items		
Depreciation and amortization	—	32,543
	—	53,084
Increase in:		
Deferred revenue	49,741	111,371
Accounts payable	73,189	—
Equipment contracts	63,362	—
Decrease in:		
Office supplies	—	1,391
Accounts receivable	3,733	—
Total cash provided	190,025	165,846
Factors decreasing cash		
Operations:		
Excess of expenses over revenues	145,370	—
Less non-cash items		
Depreciation and amortization	58,380	—
	86,990	
Increase in:		
Deferred costs and prepaid expenses	116,807	24,225
Accounts receivable	—	5,646
Furniture, equipment and leasehold improvements	128,832	70,247
Office supplies	18,831	—
Decrease in:		
Accounts payable	—	12,099
Equipment contracts payable	—	2,218
Deferred compensation	19,173	17,522
Total cash used	370,633	131,957
Increase (decrease) in cash	(180,608)	33,889
Cash balance, beginning of year	1,721,368	1,687,479
Cash balance, end of year	$1,540,760	$1,721,368

The accompanying notes are an integral part of these financial statements.

Washington State Bar Association **Statement of Expenses by Activity** Years Ended September 30, 1986 and 1985

	1986	1985
Revenue-Producing Activities:		
Continuing legal education	$1,377,180	$1,032,164
Bar examinations and admissions	515,200	439,709
Bar news	434,832	352,128
Convention (Note 7)	—	234,433
Sections	242,565	210,047
Lawyer referral services	102,650	94,084
Other Activities:		
Discipline	768,006	651,307
Public affairs	237,401	223,886
Miscellaneous activities	237,142	208,979
Committees	170,262	135,340
Conferences and meetings	146,042	149,293
Legislative	139,665	149,763
Lawyer trust account audits	114,868	119,016
Membership mailings and special projects	83,958	90,940
Legal intern and lawyer placement	36,756	33,193
Client's security claims	7,807	33,927
Total expense from operations	4,614,334	4,158,209

Note: Each of the above accounts includes a pro-rata allocation of administrative and overhead expenses as shown on the statement of revenue and expenses.

The accompanying notes are an integral part of these financial statements.

Washington State
Bar Association
Notes to
Financial Statements
September 30, 1986

1. Summary of Significant Accounting Policies

a. Assets and liabilities, and revenues and expenses are recognized on the accrual basis of accounting.

b. Furniture, equipment and leasehold improvements are stated at cost, less accumulated depreciation, computed on the straight-line method. Furniture and equipment are depreciated over their estimated useful lives of five to ten years and leasehold improvements are amortized over a period ending June 30, 1987.

c. Dues are recorded by the Bar Association as revenue in the applicable membership period. Seminar registration fees are recorded as revenue in the period in which the seminar is held. Accordingly, unearned dues and seminar fees are included as deferred revenue in the financial statements.

2. Furniture, Equipment and Leasehold Improvements

The following presents the amounts of furniture, equipment and leasehold improvements at September 30, 1986 and 1985:

	1986	1985
Furniture and equipment	$401,751	$297,692
Leasehold improvements	111,255	108,040
	513,006	405,732
Less accumulated depreciation	249,661	212,839
	$263,345	$192,893

Depreciation expense was $57,885 and $32,048 for the years ended September 30, 1986 and 1985, respectively.

3. Equipment Contracts Payable

The equipment contracts payable are summarized as follows:

	1986	1985
Contract payable to IBM Corporation in monthly installments of $1,568.59 including interest at 12%. The contract is secured by the underlying equipment.	$ 63,362	$ —
	$ 63,362	$ —

Maturities of Long-term debt in each of the next five years are as follows:

Year Ended September 30	
1987	11,857
1988	13,362
1989	15,056
1990	16,966
1991	6,121

4. Lease Commitments

Effective December 1, 1986 the Bar Association entered into a ten-year non-cancellable lease, with two five-year options, for the use of new office space. In addition, an equipment lease was executed during the year with a minimum five-year obligation. The minimum annual rental commitments under the office space and equipment leases are summarized below:

Year Ended September 30	
1987	260,288
1988	277,614
1989	281,874
1990	286,986
1991	282,852

The monthly payments under the former office lease obligation have been assumed by the new landlord until the termination of the lease at June 30, 1987.

During the years ended September 30, 1986 and 1985, the Bar Association subleased a portion of its office space which resulted in a reduction of net rental expenses of $13,116 and $17,193, respectively.

5. Client's Security Fund

It is the estimate of management that with current restrictions, conditions and limitations pertaining to various claims presently filed, the Bar Association's total exposure to the Client's Security Fund does not exceed $200,000.

6. Deferred Compensation

Effective January 16, 1978, the Bar Association entered into an Employment and Deferred Compensation Agreement with its then Executive Director, G. Edward Friar. This agreement was by mutual consent, amended on September 10, 1979 and again on September 5, 1980. The agreement requires monthly payments as a general obligation of the Bar Association upon termination of the employment of the said Executive Director. The vesting requirements of this agreement and its amendments were met on December 31, 1980 and December 31, 1981, respectively. Mr. Friar retired as Executive Director on December 31, 1981. The estimated balance due under the agreement and its amendments has been computed on a present value basis using actuarially determined life expectancy tables and interest rates and is reflected as a liability of the Bar Association in the financial statements. The total amount to be paid to the former Executive Director will depend upon his actual life span.

7. Convention

The Bar Association generally holds its annual convention in September, the last month of its fiscal year. However, the 1986 convention was not held until November 1986. Therefore, these financial statements do not reflect any convention revenue or expense for the year ended September 30, 1986.

Notes

Notes

Contents

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Admissions
(206) 448-0563

Continuing Legal Education
(206) 448-0433

Legal Department
(206) 448-0307

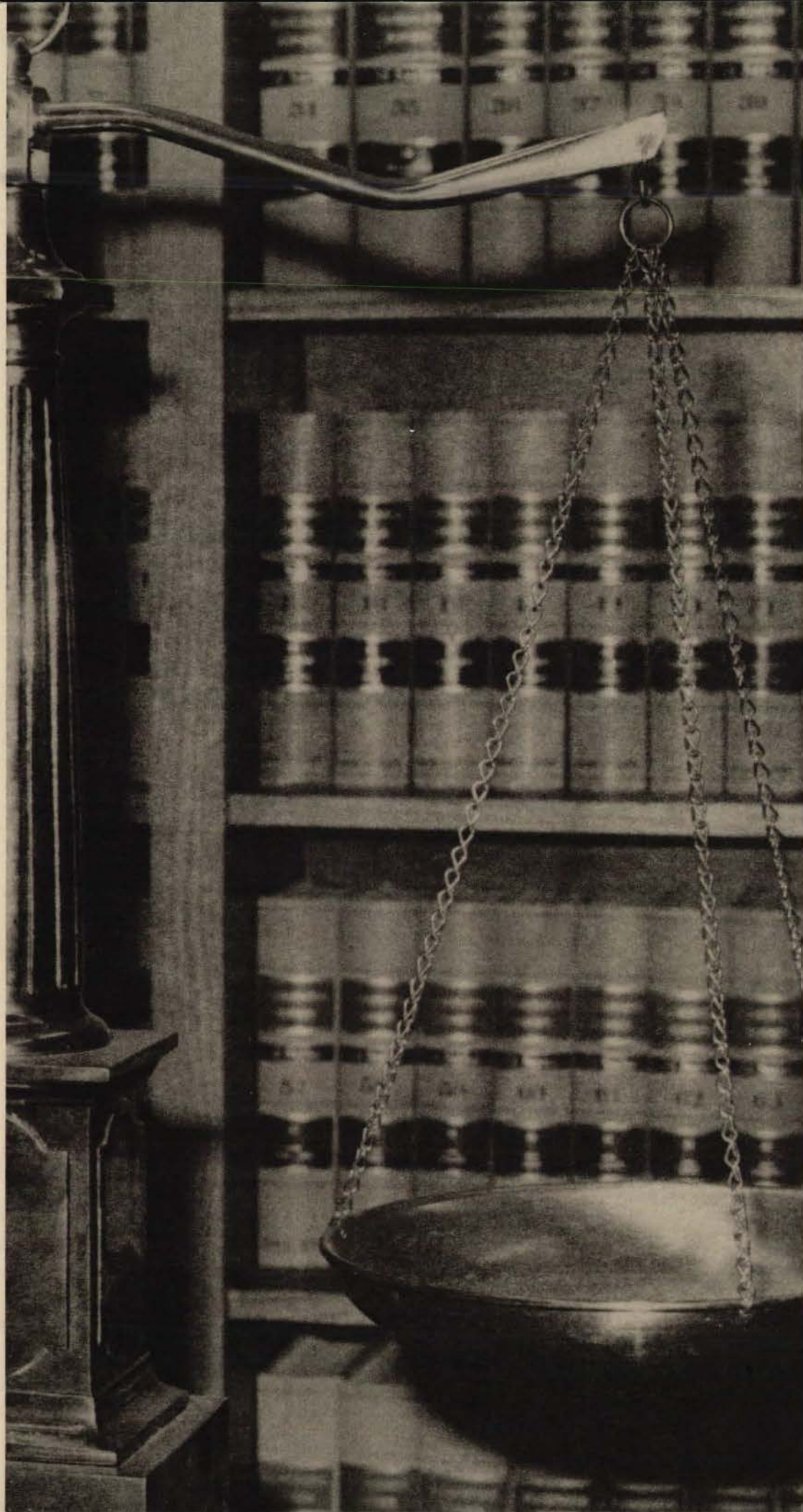
General Information
(206) 448-0441

Washington State Bar Association

500 Westin Building
2001 Sixth Avenue
Seattle, Washington
98121-2599

May 1987

FOR ADDITIONAL COPIES CONTACT
THE WSBA PUBLIC AFFAIRS DEPARTMENT



Habla Espanol?: Palabras de Walla Walla

Habla Espanol? Craig Davenport and Daniel Clark are two Walla Walla lawyers who do. Their knowledge of Spanish gives them an added awareness of the need for interpreters.

Davenport and Clark studied Spanish in high school. Davenport was a missionary in Argentina for two years and received economics and Spanish degrees in college. Clark was an exchange student in Argentina and has worked in Central America. He practices immigration law and works with labor camp tenants.

Here are some of their thoughts:
Davenport:

- Constitutional rights are "very foreign to alien clients . . . Fortunately, the Constitution protects people . . . not just citizens. If they're here, they have all the rights you and I have, and should."
- Interpreting is "an important subject, one we're much too casual about . . . It is especially difficult in felony cases where the nuances are so important."
- "The big problem is money."
- Cross examining through an interpreter is frustrating. During a self-defense murder case in the Tri-Cities, he realized, "You can't communicate the fear (the defendant) felt through a translator." (He also was unable to seat any bilingual jurors.)
- He has gotten so caught up in cross examination that he has slipped into questioning the witness in Spanish.

Clark:

- "One problem is getting the court to employ an interpreter; the second problem is the quality of the interpreter."
- "The statute is widely ignored, especially in the lower courts. Often the judge looks around for someone who seems to know a semblance of both languages without scrutinizing the person's qualifications."
- "The court assumes [defendants] understand what is being said [if they know a few English words], but they miss a critical percentage of what is going on and are therefore handicapped in the process of understanding their rights, what witnesses are saying, what the judge is saying . . ."
- The use of interpreters needs to be "institutionalized . . . District courts need to be shaken up." Is dismissal a proper sanction for the court's failure to comply with the statute requiring interpreters?

Your Bar Association Wants *You*

If you or someone in your firm is a recently admitted Washington lawyer, the Continuing Legal Education Department of the Washington State Bar Association invites participation in its Skills Training Pilot Course to be offered September 14-23, 1987 at the University of Washington Law School in Seattle.

The course will be presented over nine days of approximately eight hours each, for a total of about seventy hours of instruction. It is designed to prepare new lawyers and recent law school graduates for the practice of law through a series of practical lectures, training workshops, and exercises focusing on a number of key practice skills. These include client interviewing and counseling, drafting, negotiating, and office management, as well as pre-trial preparation, motion practice, and trial practice.

The course will be taught by volunteer practicing lawyers serving as instructors. Small group instruction will be emphasized, with a faculty-to-student ratio of at least one to sixteen. Because this pilot program has been substantially funded by the WSBA Board of Governors, the cost of instruction to each student will be only $350, compared to the $1,000 or more that one might usually expect to pay for a course of this kind. Several blocks of hotel rooms, at reasonable cost, have been reserved for those from outside the Seattle area who wish to take the course.

The course will be carefully evaluated, so that the Board of Governors can make a fully informed decision concerning whether a similar skills course, or some other method of skills training, should be made a requirement for admission to the Bar in the future.

Because it is a pilot project, total enrollment will be limited to 96 students chosen, in part, to provide a cross-section of recent (within the last two years) and soon-to-be-admitted members of the Bar. It is thus possible that not everyone who desires to participate will be accepted. Since the Bar is seeking a diverse student body, a limited number of full or partial scholarships will be available. Anyone interested in the course should write for an application form to Washington State Bar Association, CLE Department—Skills Training Course, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599. If you have any questions about the program, please call Terry Foster or Steve Rosen in the CLE Department at (206) 448-0433.

The Appellate Record in Appeals from Summary Judgments

by Larry A. Jordan
Commissioner, Division I

A new Rule of Appellate Procedure concerning appeals from orders granting or denying motions for summary judgment was adopted by the Supreme Court effective September 1, 1985. RAP 9.12 states:

> On review of an order granting or denying a motion for summary judgment the appellate court will consider only evidence and issues called to the attention of the trial court. A party should designate in the order granting or denying the motion for summary judgment the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered. Documents or other evidence called to the attention of the trial court but not designated in the order shall be made a part of the record by supplemental order of the trial court or by stipulation of counsel.

This rule encompasses the case law rule that, in reviewing the order on a motion for summary judgment, an appellate court will consider only the record that was before the trial court, "no more and no less." *American Universal Ins. Co. v. Ranson,* 59 Wn.2d 811, 816, 370 P.2d 867 (1962). "The reason [for this rule] is obvious: it would be unfair to consider, on appellate review, matters not presented to the trial court for its consideration." *American Universal Ins. Co. v. Ranson, supra.*

RAP 9.12 expands upon the methods for providing the appellate court with the record that was considered by the trial court. Before adoption of the rule, the record could be certified by one of two methods: (1) The order could identify with particularity the precise matters the trial court relied upon (as is provided in Local King County Rule 56(h)), or (2) the trial court could enter a written certificate listing the matters relied upon. RAP 9.12 continues the preferred procedure, *viz.*, designating the documents or evidence in the order. The rule also provides that the trial court may enter a supplemental order, which is analagous to the certification procedure.

The rule also permits a new procedure: stipulation of counsel. Counsel cannot, however, stipulate to matters which were not in fact considered by the trial court in ruling on the motion for summary judgment. Any dispute as to what matters were relied upon is appropriately resolved in the trial court. RAP 7.2(b).

It is unclear what sanction an appellate court will impose if a party or counsel does not comply with RAP 9.12. The Rules of Appellate Procedure use the command "should" when referring to an act which is to be performed by a party or counsel. RAP 1.2(b). In the absence of a properly certified and complete appellate record, appellate courts have dismissed appeals from summary judgments. *See, e.g., Kataisto v. Low,* 73 Wn.2d 341, 438 P.2d 623 (1968); *Sinclair v. Betlach,* 1 Wn. App. 1033, 467 P.2d 344 (1970).

In *Millikan v. Board of Directors,* 92 Wn.2d 213, 595 P.2d 533 (1979), the Supreme Court reversed a Court of Appeals decision which had dismissed the appeal because the appellants had failed to have the trial court specifically designate the documents it considered in ruling on the motion for summary judgment. *Millikan* reaffirmed the rule that in reviewing an appeal from the order on a motion for summary judgment, the appellate court must have the precise trial court record before it. The court held, however, that dismissal was a violation of RAP 1.2(a), which provides that cases will not be determined based upon compliance with the rules "except in compelling circumstances where justice demands." The court in *Millikan* found no compelling circumstances justifying dismissal and concluded that a short delay to permit certification by the trial court would not prejudice the respondents, cause unfairness to the trial court, or significantly inconvenience the appellate court. The court also noted that all of the documents before the trial court were in the record on appeal.

There are circumstances, however, where the appellate court will not excuse the failure of a party to comply with RAP 9.12. In *House v. Hess Furniture, Inc.,* 33 Wn. App. 857, 657 P.2d 813 (1983), the court dismissed an appeal and cross-appeal from an order granting summary judgment because it did not have the precise record that was considered by the trial court. Even though the court in *House* was urged to interpret the rules on appeal liberally in order to promote justice and facilitate a decision on the merits, it held that since *both* parties had appealed and *neither* had presented the appropriate documents to enable the court to review the order, it declined to waive any of the rules and accordingly dismissed both the appeal and cross-appeal.

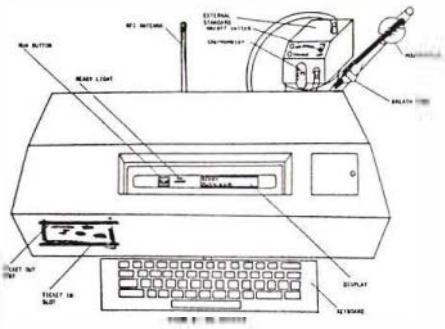
There are other instances where the appellate court may dismiss the appeal for failure to comply with RAP 9.12. These may include where the respondent is prejudiced because of further delay of the appeal or where the trial court, after a significant passage of time, is unable to certify which matters it considered. In the latter situation, the appellate court may elect to confine its review to those documents which the trial court stated that it actually considered. *Grange Ins. Ass'n v. Ochoa,* 39 Wn.2d App. 90, 93, 691 P.2d 248 (1984).

Finally, although the Rules of Appellate Procedure are to be liberally construed, "They do not impose upon [an appellate court] a man-

datory obligation to order preparation of the record substantiating a party's assignment of error." *Heilman v. Wentworth*, 18 Wn. App. 751, 754, 571 P.2d 963 (1977), *review denied*, 90 Wn.2d 1004 (1978). If confronted with a situation where counsel or a party presents no reasonable excuse and the case is not, as in *Millikan*, of "public importance," the court may impose the sanction of dismissal.

RAP 9.12 was intended to make clear to litigants and counsel the requirements for appeals from summary judgments. Counsel can no longer assert that they were unaware of the special rules relating to appeals from orders on motions for summary judgment. RAP 9.12 clearly sets out the procedures to be followed.

Datamaster: The Rest of the Story



by **Chip Holcomb**

Stephen Hayne's article in the January 1987 *Bar News* claimed that the State Patrol's acquisition of the new breath-testing machine known as the Datamaster II was a "very big mistake." Having participated in that discovery process, I feel compelled to offer the following to provide the whole story about the Datamaster.

In 1983, an ad hoc Traffic Safety Commission committee concluded that machines using a new infrared technology had several advantages over the Breathalyzer. The machine measured the alcohol content of a breath sample more accurately and included self-diagnostic systems which insured that a completed test was unaffected by such factors as radio frequency interference, mouth alcohol, ambient air in the testing room, or the presence of chemicals other than alcohol in the sample. They measured two breath samples for increased accuracy. Operator involvement was minimized; the machine provided a printout of the test result, including the results of internal tests against known standards.

Each Datamaster is connected with a "host computer" which collects demographic information regarding the test subject, circumstances of the arrest, etc. Hayne criticizes this as being of only "passing interest" in a DWI case. Perhaps. But it does permit the state to iden-

tify establishments which consistently "overserve" their patrons; which police agencies are emphasizing DWI enforcement; whether accidents are involved; and the age, sex and other information about drinking drivers to focus educational and enforcement efforts. This information may assist the state in developing strategies to deter drinking drivers. Since Washington became the first state to use this collection function, other states such as California have instituted similar programs.

The manufacturer was concerned that competitors would learn proprietary information, such as the mathematical formulae programmed into the software or the programs used which allow each machine to communicate with the host computer. Hayne asserts that this "mathematical/electronic process" is "as yet undisclosed" and that the manufacturer has "gone to great lengths" to keep this information "secret." Yet all this information is available at the Seattle Crime Lab to attorneys and their experts on the condition that they agree to maintain confidentiality. The terms of the protective order covering the information were established by the court after hearing Hayne's argument. As of February, when I write this, no such requests have been made.

Hayne states that 11-20 percent of the Datamaster tests are outside the acceptable range. In fact, a review of 3,600 Datamaster tests—available on request—shows that only two percent are outside the range. The Breathalyzer took only one sample, so there was no way to know if the test contained any unusual factors. By requiring that two test results agree within 10 percent, the state has increased the reliability of the result.

Hayne criticizes the selection process which led to the state toxicologist adopting WAC 448-12-210 *et seq.* He neglects to mention that he was the plaintiff in litigation that sought a declaratory judgment that the administrative rules were invalid due to an inappropriate selection process. *Hayne v. Raisys*, Thurston County Cause No. 86-2-01854-6. In December 1986, the state filed a motion for summary judgment supported by extensive affidavit from the state toxicologist and the Patrol's expert, copies of which are available on request. The plaintiffs responded with a voluntary dismissal with prejudice.

How Well does it Work?

Hayne doesn't provide information showing how well the Datamaster works. The basic purpose of a breath-testing device is to determine how much alcohol is in a person's system to provide evidence of impairment. Blood samples provide similar information, but the required physical intrusion is unnecessary if the Datamaster can measure alcohol in the breath with similar accuracy.

Before the Datamasters were purchased and since they were put in the field, the Patrol has conducted experiments to establish the correlation between the alcohol content of blood and the breath test results of the Datamaster. As volunteers drink an alcoholic beverage, their breath is tested and their blood drawn. In 80 percent of the tests, the machine reading has been below the blood reading. A perfect correlation between blood and breath would be 1.0. The Datamaster attained .95, a significant improvement over the Breathalyzer.

Hayne suggests that readers review the cross-examination of Sgt. Gullberg in *City of Bellevue v. Van Noort* (Bellevue District Court Cause No. BE 92686). The direct examination of Gullberg and the other testimony presented would make more relevant reading since Judge Rindal ruled that the Datamaster results could be admitted into evidence.

Perhaps Hayne's assertion that the purchase of the Datamaster was a "very big mistake" reflects his concern about the difficulties this newer, better machine creates for those defending DWI cases.

***Chip Holcomb** has served with the Attorney General's Office for 12 years and has represented the Washington State Patrol for four years.* *He acknowledges the assistance of Susan Irwin, Bellevue City Attorney; Sgt. Rod Gullberg, supervisor of the breath-testing program for the Patrol since 1979; and Mac Rominger, a third-year law student at the University of Puget Sound in the preparation of this article.*

DID YOU KNOW?

Which of the following are part of the Oath of Attorney for Washington lawyers?

1. I will maintain the respect due to the courts of justice and judicial officers.

2. I will familiarize myself with the Rules of Professional Conduct and try my best to observe them in my daily practice.

3. I recognize that advocacy does not include harassment or needless delay.

4. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

5. I recognize that procedural rules are necessary as a last resort to order and decorum; therefore, if my adversary is entitled to something, it should be provided without motions, briefs, hearings, orders and other formalities. If something is a fact, it should be stipulated in writing without requests for admission, interrogatories, witnesses and documents. Vigorous advocacy is not inconsistent with professional courtesy. I will stay above the belt. Even though antagonism may be expected by clients, it is not part of my duty to my client. A lawyer is not called (or licensed) to be obnoxious.

6. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and/or honor. I will never seek to mislead the judge or jury by any artifice or false statement.

7. I will be honest with myself.

8. When each adversary proceeding ends, I will shake hands with my fellow lawyer who is my adversary; and if I lose, I will refrain from unnecessary condemnation of the court, my adversary or his client.

9. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

10. Ordinarily, I will not note a deposition until an effort has been made to set it by agreement.

11. I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

12. I will be ever mindful that any motion, trial, court appearance, deposition, pleading or legal technicality costs someone time and money.

13. I appreciate the respect, trust and friendship which other lawyers have given me; and I will act at all times to preserve the mutual feeling of camaraderie among lawyers which exists in this Bar, because without it my clients and I suffer.

(Answers on page 61)

Law-Related Education: Beyond the Classroom

by **Cheri L. Brennan**
Asst. Public Affairs Director

Law-related education is taking on new dimensions in the state of Washington. Two projects—both aimed at promoting public awareness of laws and legal services—are being implemented this spring. The efforts depart from the classroom focus on many LRE programs, thereby extending its benefits.

The new undertakings are the work of the Special Task Force on Institutional Advertising. The group, created by the Board of Governors at the suggestion of **Lowell Halverson,** includes represenatatives from several Bar sections and committees.

Readers of more than two dozen newspapers around the state will have a new source of legal information when a new column, "Questions of Law," debuts this month. Using a Q&A format, the column, to be published on a biweekly (or other periodic) basis, will discuss substantive areas of the law.

Family law, estate planning, consumer concerns, employment issues and real estate matters are among topics that will be featured. On occasion, the column will explain recent court decisions or legislation and their impact on consumers. And, when appropriate, the Bar's "Citizen Rights" pamphlets or other free resources will be offered.

Based on a preliminary survey of newspapers that plan to publish "Questions of Law," more than 450,000 readers will be exposed to this regular source of legal information.

The newspaper columns are being prepared as a joint Task Force/ Young Lawyers Division project, with assistance from the Bar's Public Affairs Department. The YLD subcommittee that is authoring the initial series of columns includes chairman **Chuck Snyder** and members **Helene Blume, Kyron Huigens, Sal Mungia, Kathryn Nelson, Patrick Paulich, Anne-Marie Weller** and **Brad Weller.** (YLD members who are interested in writing columns may contact Chuck Snyder, (206) 676-6794.)

Another medium—the airwaves—will be used to promote the Lawyer Referral Service (LRS). A series of 10- and 30-second public service announcements (PSAs) are being offered to radio stations in seven counties. The campaign is aimed at increasing citizen awareness and use of the statewide referral system.

The radio announcements explain the benefits of LRS, emphasizing the non-profit service. Listeners are invited to call a toll-free number for help in handling their legal problems.

In addition to the radio spots, the referral service campaign will include publication of an updated informational brochure and distribution of news releases to explain the program.

The LRS project is intended as a pilot program. Initial targets include residents of Benton, Clark, Franklin, Kitsap, Snohomish, Thurston and Yakima counties. The plan, as adopted by the Board of Governors, includes maintenance of statistical records and periodic surveys to monitor the campaign's effectiveness.

The LRS program was developed by a subcommittee of lawyers, nonlawyers and WSBA staff. Bar members, in addition to Halverson, are LRS Committee members **H. Christopher Wickham** (chairperson) and **Barbara Clark.** Volunteer members from the marketing/communications profession who are assisting in the implementation of the plan are **Barry Bartlett, Richard Bechtel** and **Dave Newton.**

"The Bar has an absolute treasure trove of understated public services," Halverson noted in proposing the task force. By fostering legal awareness, he hopes it will help citizens better understand and accept their rights and responsibilities. In doing so, LRE is extended beyond classrooms to reach broader segments of our population.

* * * * *

LRE Update is a regular column featuring news and notes of law-related education (LRE) activities. The author welcomes your comments.

Notes From the Academy

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

Civil Procedure. In medical malpractice action against two chiropractors, plaintiff alleged they were partners and sought to prove both were negligent. She did not seek finding of partnership liability. After jury returned verdict against one defendant but not against other, plaintiff moved for judgment n.o.v. against both on theory both were liable as partners as a matter of law. Trial court denied motion and was affirmed on appeal. Judgment n.o.v. should not be entered against defendant on theory that was not presented to jury. Plaintiff could have raised partnership liability issue in at least two ways, by moving for directed verdict on issue at close of defendant's evidence or by proposing instruction that one partner's negligence made both liable as partners. ***Browne v. Cassidy***, 46 Wn. App. 267, 728 P.2d 1388 (12/19/86).

—*K. B. Tegland*
(former member, UW faculty)

Evidence. In prosecution of two defendants for possession of controlled substances, state offered testimony on common practices of drug dealers. Defendant 1 objected on basis of ER 403 and 404(b), while Defendant 2 made no objection. Evidence was admitted, and both defendants were convicted. On appeal by Defendant 2, court of appeals refused to consider argument that evidence was inadmissible. Defendant 2's failure to join in objection precluded appellate review of issue on Defendant 2's behalf. ***State v. Fredrick***, 45 Wn. App. 916, 729 P.2d 56 (10/20/86).

—*K. B. Tegland*
(former member, UW faculty)

Family Law. In companion cases, State Supreme Court invalidated two prenuptial agreements entered into by wives without benefit of independent counsel. In each case, court reaffirmed that if prenuptial agreement "provides a fair and reasonable provision for the party not seeking enforcement," it will be upheld. But if agreement is not fair and reasonable, court must determine *whether* (1) there has been full disclosure of amount, character, and value of property involved and (2) agreement was made freely and voluntarily *on independent advice* and

with full knowledge by both spouses. In each case, court determined agreement was not fair and reasonable.

In first case, dissolution proceeding, court concluded that agreement failed, *inter alia,* because wife had no practical opportunity to seek advice of independent counsel, and she failed to appreciate practical effect of agreement. ***In re Marriage of Matson,*** 107 Wn.2d 479, 730 P.2d 668 (12/31/86).

In second case, a petition for award in lieu of homestead, court concluded agreement failed, *inter alia,* because it did not disclose value of husband's property, wife said she did not understand it, and she had not discussed it with independent counsel before signing. ***In re Crawford's Estate,*** 107 Wn.2d 493, 730 P.2d 675 (12/31/86).

—*T. R. Andrews*

Real Property. *(Case 1.)* Plaintiff landowners' predecessor in title granted right-of-way to railroad company "for railroad purposes" (or in similar language). In 1985, railway company quit operating trains over line and removed tracks. RCW 64.04.180 and RCW 64.04.190 provide that railroad rights-of-way continue to be available for "public use" after railroad operations cease and that they may continue to be so used as long as they are owned by a public agency. Under authority of statute, State of Washington and King County propose to devote right-of-way across plaintiffs' land to use as public recreational trail, without paying plaintiffs compensation. *Held:* (a) Railroad had easement for railroad purposes. (b) Use by public was beyond scope of railroad easement. (c) When railroad operations ceased, easement ended, either by doctrine of abandonment or because its purposes could no longer be served. (d) RCW 64.04.190 is void, as it attempts to authorize eminent domain taking without compensation. ***Lawson v. State,*** 107 Wn.2d 444, 730 P.2d 1308 (12/24/86).

(Case 2.) (a) Statements by adverse possessor that he did not know exactly where his boundary line was did not prevent his possession's being hostile. Under ***Chaplin v. Sanders,*** 100 Wn.2d. 853, 676 P.2d 431 (1984), disseisor's state of mind is irrelevant. (b) There was tacking between successive adverse possessors when one turned over possession of disputed strip to his successor, even though strip was not included within land description in deed between them. ***Roy v. Cunningham,*** 46 Wn. App. 409, 731 P.2d 526 (12/30/86).

(Case 3.) Landlord may not maintain unlawful detainer action under RCW 69.12 against tenant who has assigned leasehold without retaining any right to retake possession. Court of Appeals, Division 1, purports to distinguish its former decision in ***Daniels v. Ward,*** 35 Wn. App. 697, 669 P.2d 495 (1983). *(Comment.* Despite court's attempt to distinguish *Daniels,* there appears to be some conflict with statements made in that decision. - W.B.S.) ***Brickum Investment Co. v. Vernham Corp.,*** 46 Wn. App. 517, 731 P.2d 533 (1/12/87).

—*W. B. Stoebuck*

Trusts. On direct review from decision of superior court, Supreme Court affirmed order removing co-trustee of charitable trust and requiring him personally to reimburse trust for $392,505 in excess trustee fees, for $103,834 in prejudgment interest, and for $139,247 in attorneys' fees. Co-trustee had charged .85 percent of corpus amount per year during period he performed administration services, which services were performed by corporate co-trustee. Court affirmed trial court's finding that defendant co-trustee's fee should have been, at most, 50 percent of a corporate trustee's normal fee instead of 150 percent. Court also affirmed removal of defendant co-trustee because of (1) conflict in his roles as debtor and creditor of trusts and (2) variety of other conduct found by trial court to constitute egregious breach of his duties, including his collection of excessive fees, his attempt to use his own legal opinion as a shield as to his fee, his wrongful attempt to increase corporate co-trustee's fee to justify his own, and his offer to agree with co-trustee's investment decisions in return for co-trustee's agreement to his fees. ***Fred Hutchinson Cancer Research Center v. Holman,*** 107 Wn.2d 693 (2/19/87).

—*T. R. Andrews*

CLE CLEARINGHOUSE

Make Plans For Environmental and Land Use Law Section Mid Year and Technology Litigation & Computer Law Update (The Pacific Rim Computer Law Institute)

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

The Environmental and Land Use Law Section Mid Year will once again be held at the popular Rosario Resort on Orcas Island. An excellent program has been designed for this year's presentations! The seminar sessions will open with a keynote address by Professor **Robert H. Freilich,** Editor of *The Urban Lawyer,* on Thursday, May 28, and conclude on Saturday, May 30.

On the first day, the seminar sessions will focus on issues regarding wetlands and recent developments in the law. On Friday, the program will begin with an examination of environmental impact statements under the SEPA amendments; address substantive matters regarding SEPA and the use of SEPA policies to condition and deny; deal with how to advise land use and real estate clients about hazardous waste, how to minimize the hazardous waste liabilities of municipalities, and the role of the city attorney in municipal land use planning; and then conclude with a presentation on what planners wish land use lawyers knew about planning. The Saturday sessions will cover land use regulations, real estate development and the urban environment, followed by a presentation on land use litigation emphasizing damages and attorney fees.

Program Chairperson **G. Richard Hill** (Foster, Pepper & Riviera, Seattle), will be joined by faculty members Sarah **E. Mack** (Hillis, Cairncross, Clark & Martin, Seattle); **Donald E. Marcy** (Foster, Pepper & Riviera, Bellevue); **Linda M. Youngs** (Davis Wright & Jones, Bellevue); **Richard L. Settle** (Roberts & Shefelman, Seattle); **Robert D. Johns** (Reed, McClure, Moceri, Thonn & Moriarty, Seattle); Stephen **O. Kenyon** (Erickson & Barkshire, Bellevue); **James D. Braman** (CH2M Hill, Bellevue); **Dennis J. McLerran** (Assistant City Attorney, Seattle); **John W. Hempelmann** (Diamond & Sylvester, Seattle); **Charles R. Blumenfeld** (Bogle & Gates, Seattle); **P. Stephen DiJulio** (Roberts & Shefelman, Seattle); **Samuel M. Jacobs** (Attorney at Law, Seattle); **John D. Wallace** (Ogden, Ogden, Murphy & Wallace, Seattle); **Mark L. Hinshaw** (Planning Department, City of Bellevue); **Barbara J. Dingfield** (Wright Runstad & Company, Seattle); **Richard Yukubousky** (Office of Long Range Planning, City of Seattle); Amy **L. Kosterlitz** (Buck & Gordon, Seattle); and **Jeffrey M. Eustis** (Law Offices of J. Richard Aramburu, Seattle).

For further information about this program, please contact program coordinator Debbie Kirchhauser, Washington State Bar Association, 500 Westin Bldg., 2001 Sixth Ave., Seattle, WA 98121-2599 or telephone (206) 448-0433.

The Pacific Rim Computer Law Institute presents *Technology Litigation and Computer Law Update* as the theme for 1987! This year's Computer Law Institute will be held in Seattle at the Westin Hotel on Friday, June 5. If your practice includes representation of tech-

nology/computer industry clients, you should attend this year's Institute.

Program Chairperson **G. Scott Greenburg** (Shidler McBroom Gates & Lucas, Seattle) has recruited an outstanding faculty that includes **Michael D. Scott** (publisher of the *International Computer Law Adviser*), who will comment upon "The Evolution of Standards and Effect of Litigation on the Growth of the Computer Industry," and speakers from Washington, Oregon, and British Columbia. Presentations will also be made by **Mary E. Snapp** (Preston, Thorgrimson, Ellis & Holman, Seattle); **Robert A. Kreiss** (Cary & Baron, Seattle); **William O. Ferron, Jr.** (Seed & Berry, Seattle); **Roger M. Tolbert** (Bogle & Gates, Bellevue); **G. Scott Greenburg** (Shidler McBroom Gates & Lucas, Seattle); **Peter C. Spratt** (Touche Ross & Co., Seattle); **M. Margaret McKeown** (Perkins Coie, Seattle); **Thomas L. Boeder** (Perkins Coie, Seattle); **William H. Neukom** (Microsoft Corporation, Redmond); **Hugh F. Bangasser** (Preston, Thorgrimson, Ellis & Holman, Seattle); **David T. McDonald** (Shidler McBroom Gates & Lucas, Seattle); **Jerry E. Nagae** (Christenson, O'Connor, Johnson & Kindness, Seattle); **James P. Donohue** (Merkel Caine Jory Donohue & Duvall, Seattle); and **Alec R. Szibbo** (Russell & DuMoulin, Vancouver, British Columbia).

For further information about this program, please contact program coordinator Colette Robertson, Washington State Bar Association, 500 Westin Bldg., 2001 Sixth Ave., Seattle, WA 98121-2599 or telephone (206) 448-0433.

APPROVED COURSES
Washington State Bar Association

Advising Washington Businesses
6.75 credits

MAY 6	Yakima (Yakima Convention Center)
MAY 13	Everett (Everett Holiday Inn)
MAY 20	Seattle (Doubletree Plaza Hotel)

Creditor-Debtor Section Mid Year
11.00 credits

MAY 15-16	Yakima (Yakima Convention Center)

Environmental and Land Use Law Section Mid Year
10.75 credits

MAY 28-30	Orcas Island (Rosario Resort)

Corporation, Business and Banking Section Mid Year
12.50 credits

MAY 29-31	Wenatchee (Wenatchee Convention Center)

The International Court of Justice and The Resolution of Armed Conflict: *Nicaragua v. United States of America*
3.75 credits

MAY 29	Seattle (Plymouth Congregational Church)

Pacific Rim Computer Law Institute Presents: Technology Litigation and Computer Law Update
8.50 credits

JUN 5	Seattle (Westin Hotel)

Family Law Section Mid Year
12.00 credits

JUN 12-13	Yakima (Yakima Convention Center)

AROUND THE STATE

EAST KING COUNTY REPORT
by **DOUGLAS W. HARRIS**

WSBA President William Gates and SKCBA President **Tom Zilly** spoke at the March general membership meeting. Topics included the legislative and lobbying efforts concerning the proposed sales tax bill. Also discussed was the ongoing *pro bono* program on the state and local level. Zilly took some heat regarding SKCBA's failure to take a formal position on the sales tax legislation, but both speakers fielded questions gracefully. A contingent turned out from Shidler, McBroom, Gates & Lucas. It was also good to see some representatives from Williams, Kastner & Gibbs along with some of the more familiar faces.

In office moves, it was announced that **James A. Lanza, Ralph L. Schuller** and Charles B. Allen are sharing office space at Cascadia Office Park, 14670 N.E. Eighth, Suite 210 in Bellevue. Also, **Larry A. Jackson** and **H. Albert Richardson, Jr.,** have formed the partnership of Jackson & Richardson located at 1750 One Bellevue Center, practicing in patent, trademark, copyright and computer law.

The results of the Eastside clerk/court commissioner poll show overwhelming support among the Eastside bar for a superior court clerk's office and part-time commissioner on this side of the lake. Thank you all for responding. The results of the poll will be forwarded to Judge **Gerard Shellan** for consideration.

The Board of Trustees recently voted to support the King County Superior Court's efforts to add seven new bench positions. It was also decided to form an EKCBA liaison committee with the SKCBA legislative committee to consider matters of legislative and judicial importance to the Eastside bar. Anyone wishing to get involved with this committee should contact **Mary Gaudio** at (206) 454-7359. Finally, the EKCBA Directory should be going out soon after some unforeseeable delay.

It looks like the annual EKCBA "Spring Function" will take place in May. This announcement may be late, but I encourage all of you to join us. At this time, we're still in the planning stages for some type of boat trip/dancing/dinner function. Whatever it turns out to be, it should be fun and, we hope, warm and dry. Watch your mail for details. Just one more reason to join the EKCBA this year.

PIERCE COUNTY REPORT
by **ROBERT W. MARSDEN**

Congratulations to **Michael B. Smith,** new President of the Young Lawyers Division of the Tacoma-Pierce County Bar Association. Smith replaces **John Graffe** as the Young Lawyers President. **Dennis Greenlee** was elected Vice-President, **Jeanne Betzendorfer** is the new secretary, and **Jane Faulkner** was elected treasurer for the Young Lawyers.

L. Paul Alvestad, a former associate with McGavick, Graves, Beale and McNerthney, has been named a partner with that firm. **Bruce K. Medeiros,** formerly of Hilo, Hawaii, has joined the firm as an associate.

Kevin J. Yanasak has opened his office in downtown Tacoma, sharing space with **Lloyd Baker.**

The firm of Eisenhower, Carlson, Newlands, Reha, Henriot and Quinn has announced that **Barbara K. Headley** and **Gregory J. Murphy** have joined the firm as associates.

SEATTLE-KING COUNTY REPORT
by **JAMES L. VARNELL**

Office Moves. Davis Wright & Jones announces that **Richard A. Derham** has rejoined the firm, and **Kathleen A. Anamosa, Susan Green Duffy, Warren E. Koons, Norman B. Page, Douglas C. Ross** and **Richard J. Schroeder** have become members of the firm; **Robert Allen Evers, Michael Reiss** and **David Simon** have joined the firm as counsel; and **Sarah A. Barian, Terrence E. Burns, Philip W. Clements, R. Bruce Easter, Jr., Eve M. Fitzsimmons, Camille E. Gearhart, Bonnie E. Harris, Christine E. Johnson, Donald S. Kunze, Karen A. Overstreet, Kerry G. Robinson, Roslyn Solomon, Lonny E. Townsend** and **John H. Zobel** are now associates.

Bradley T. Jones has retired from active practice and will continue as counsel to Davis Wright & Jones in the Seattle office.

Richard M. Berley and **Marc D. Slonim** have become partners in Ziontz, Chestnut, Varnell, Berley & Slonim, which has moved its offices to 1230 Fourth & Blanchard Building. **Barbara L. Holland** and **Frank C. Woodruff** have become members of Garvey, Schubert & Barer, and **Edward A. Finklea, Stephen J. Kennedy** and **Clay F. West** have become associates. **D. Douglas Hopkins** has withdrawn as a member of the firm to join the staff of Senator **Brock Adams. George W. McLean, Jr.,** is now associated with Julin, Fosso, Sage, McBride & Mason. **David B. Adler, Stanton P. Beck** and **William H. Broughton** are now associated with Merkel, Caine, Jory, Donohue & Duvall. **Rebecca M. Wallick** has become associated with Curran, Kleweno & Johnson. **Jeffrey Michael Grieff** and **Lawrence R. Besk** announce the formation of their partnership. **Joni H. Ostergaard** has become a partner in Roberts & Shefelman, and **Jodi Fatland Hoffman** and **Mark H. Lough** are now associates. **Linda B. Eide** and **Linda J. Strout** have become principals of Skellenger & Bender. **Zachary Mosner** has joined Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim. The law firms of **Timothy Bradbury** and Armstrong & Alsdorf, P.C., have merged under the name of Armstrong, Alsdorf, Bradbury & Maier, P.C.

William D. Ruckelshaus and Perkins Coie announce the formation of William D. Ruckelshaus Associates, a limited partnership, and the appointment of **Philip S. Angell** and **Paul B. Goodrich** as executive vice presidents. (Ruckelshaus will remain of counsel to Perkins Coie.) **David S. Roth** has relocated his office to 1604 Westin Building. **Christopher J. Soelling** has become a partner in Short & Cressman; **Ivan K. Landreth** has rejoined as a senior associate; and **Stephan J. Francks** and **Carl F. Luer** have joined the firm as associates. **Timothy J. Blake** is now an assistant professor and the reference librarian at Loyola University Law School, **New Orleans. Bennett Feigenbaum** has retired as AT&T assistant general counsel, and entered private practice as counsel to the Morristown, New Jersey, law firm of Rike, Danzig, Scherer, Hyland & Perretti.

Special Recognition. **W.L. Rivers Black** was recently named chairman of the Maritime and Aviation Law Committee of the Asia-Pacific Lawyers Association. **Malcolm Moore** has been elected as president-elect of the American College of Probate Counsel. **Robert C. Mussehl** has been appointed to a special ABA comittee to study a new acceptance by the United States of the general, compulsory jurisdiction of the International Court of Justice (The World Court).

Par for the Coarse. **Judith Eiler,** president of the South King County Bar Association, reports that work is under way to make this year's golf tournament bigger and better than ever. A preliminary injunction is being sought against tourney chairman **Paul Houser** to prevent his arbitrary and capricious exclusionary policy, which has worked most often to eliminate stiff competition from **Bill "Air Mail" Levinson, Bob "The White Shark" Kuvara,** and **Don Mirk.** Veterans of the South King County golf circuit will recall that both Levinson and Mirk have "won" the tournament in recent years, but were excluded from competition as a result of technicalities dreamed up by Houser. **Tom McElmeel** and **Paul Cressman, Sr.** are hoping that their biggest handicaps this year will be the creek on the 16th hole, rather than their playing partners from last year, **Lee Kraft** and **Jim Varnell.**

Quotes of Note. This correspondent is compiling an anthology of various quotations from courtroom proceedings which would elicit a smile from even the sternest of judges (for example, former **King** County Superior Court Judge **George Revelle**). Examples include the following:

1. The remark by an unnamed judge after oral argument by **Bruce Carter** opposing **Ken** Sharaga: "Now we've heard the long and short of it."

2. The comment by former King County Superior Court Judge Stanley Soderland, in response to argument for and against summary judgment and upon viewing numerous files and papers in front of him: "With that many files and that many papers there has to be a genuine issue of material fact in there somewhere."

3. The response of a witness in

a deposition to a question from **Jim Gorham** as to whether another witness was a notary public: "No, he's not even a college graduate."

Additional witticisms (?) are solicited.

SNOHOMISH COUNTY REPORT

by **LEE B. TINNEY**

Newton, Kight, Novak, Hammer, Adams & Castleberry are building an addition to their offices to accommodate new partners **Ed Novak** and **Ron Castleberry** (formerly of the Williams-Novak law firm). **Parker Williams** is also now of counsel to the Newton, Kight firm. **Bob Luke** has been appointed to the Board of Directors of Evergreen Legal Services. **Rebecca Clark** is the new head of Snohomish County Legal Services. **Diego P. Gavilanes** announces that **Timothy L. McMahan** has joined him as an associate. **Bardell "Buzz" Miller** has become house counsel for the Snohomish County P.U.D. **Grace S. Wagner,** who has previously practiced in several European countries, has come to Everett, sharing office space with Chapman, Forbes & Pack.

STEVENS COUNTY REPORT

by **CHRIS A. MONTGOMERY**

Suprise! . . . Suprise! The announcement of a Bar Association in Stevens County in the Around the State section of the last issue of the Washington State *Bar News* was not a passing vision.

Charles P. Schuerman, Dannette F. Watson and **John A. Troberg** have been elected as the Stevens County Bar Association representatives to the Board of Library Trustees. They have a very onerous task ahead of them in determining what materials to maintain in the County Law Library in light of current budgetary constraints. The decisions are not easy ones. There are competing interests among judges, state and county officials, and the members of the Bar, in prioritizing what volumes will be acquired, maintained and eliminated.

The lead time necessary for these articles makes it difficult to provide current and up-to-date information. My apologies to those who participated in Law Week activities for 1986 and were not mentioned. **David E. McGrane,** District Court Judge, presided over the mock DWI trial. **John G. "Jerry" Wetle** played the role of Prosecuting Attorney while **Helen Dee Hokum** provided a strong defense for **"Dagger" Dan B. Johnson,** defendant. This was an excellent opportunity for Dan to be on the defense as he is usually comfortable in the Prosecutor's chair. **Rick Frizzell,** a local trooper from the Washington State Patrol, also participated in the mock trial.

The mock civil trial was a constitutional argument concerning freedom of speech. This trial was presided over by Superior Court Judge **Larry M. Kristianson. Dannette F. Watson** presented the plaintiff's case and **Robert E. Simeone**

provided a sterling defense. Local high school students were also participants.

Newly elected County Sheriff, **Richard C. Andres,** has been working with members of the Stevens County Bar Association to provide greater access for attorneys to their clients held in the Stevens County Jail. Exclusive time slots have been set aside for attorney-client meetings, and other times are being arranged by appointment with the duty jailer. This program appears to be working satisfactorily to all involved. Our thanks to sheriff Andres for his assistance in this matter.

We also had a representative attending the Young Lawyers Network organizational meeting on March 27 and 28, 1987 to obtain materials for use in preparing our Law Day programs for May of this year. Regarding public service, the Bar Association has agreed to sponsor an exhibit at the Colville Chamber of Commerce 3rd Annual Starlight Dinner Dance. In addition to providing a centerpiece and decorations for one table, the Bar Association will have a display providing complimentary pamphlets from the Citizen Rights Series published by the Washington State Bar Association. We hope to enhance our public image by greater participation in community events.

WASHINGTON WOMEN LAWYERS

by **KATHLIN PERSINGER**

The State Board of Directors of Washington Women Lawyers was honored to attend a luncheon hosted by the Washington State Bar Association Board of Governors during their March meeting in Tukwila. Introductions were made, and the presidents of both organizations spoke briefly about goals and priority issues affecting their respective organizations. Washington Women Lawyers wishes to thank the WSBA Board of Governors for this informative and enjoyable opportunity to meet with them.

June 11 has been selected as the date of the "WWL Spring Reception." This year we are honoring Justice **Barbara Durham** at an informal reception, from 6-8 p.m., at the Skyline Level of the Space Needle in Seattle. For tickets and information, contact WWL Executive Director, **Kathlin Persinger,** at 1331 Third Avenue, Suite 520, Seattle, WA 98101 / Tel: (206) 622-5585.

WHATCOM COUNTY REPORT

by **MICK MOYNIHAN**

In filling an open position in the Bellingham City Attorney's Office, a unique situation presented itself when two of the finalists proposed that they each be hired and the time split in half, and so **Joan Giller** and **Mary Swenson** are the new Assistant City Attorneys, each working half-time.

The Whatcom County Legal Secretaries did an outstanding job, as usual, in presenting their annual Bosses' Night, which was held recently. Boss of the year turned out to be the partnership of **Gary Rusing** and **Dick Platte,** while the Legal

Secretaries voted **Colleen McGinnis** as Member of the Year. Doing excellently as emcee was our Steve Martin lookalike, Judge **Dave Nichols**, whose performance was almost as good as that of last year's emcee. **Dave Cottingham** was voted to have the best looking legs, while **Bob Sherwood** was a close second, clearly standing on his own. **Bob Hughes** was absent.

DISCIPLINE
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 he 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 him.

IN MEMORIAM

Judge **Brice Horton** of the Benton County District Court died February 22, 1987 at the age of 64. After open heart surgery in 1972, the South Dakota native applied to be Kennewick's police court judge to get away from the stress of practicing law. A year later he was appointed to the district court in Kennewick. Horton graduated from the American University in Washington, D.C., worked as general counsel for a national restaurant chain, and moved to Tacoma in 1957 to work as an insurance adjuster until passing the bar exam. He began practicing law in Grandview in 1960 and came to the Tri-Cities in 1966. He rode the district court circuit, which included Benton City and Prosser.

Cumulative Subject Index Available

The State Law Reports Office has combined the subject indexes from several official volumes and uses it internally to find recent opinions and to assist in classifying headnotes.

Now, because such a cumulative subject index may be useful to the Bar, the Law Reports Office will send to each subscriber of the Washington Reports advance sheets, without charge, an integrated accumulation of the 14 most recent

volume indexes from the Washington Reports and Washington Appellate Reports. Since the information is largely a by-product of bound volume preparation and is accumulated as an editorial tool for the Law Reports Office, any additional expense to the reports system is limited to small charges for production and second-class mailing.

Although the initial cumulative index will cover only the last two to three years, subject indexes are being added as each new volume of advance sheets is completed, and annual replacement indexes incorporating the newly completed volumes will be distributed if the cumulative index proves of value to the Bar.

You are urged to send your comments regarding the cumulative subject index to the State Law Reports Office, AV-11, Olympia, WA 98504, or call (206) 753-5100. Indicate any suggestions to make it more useful and also your opinion as to whether future indexes should be distributed.

New Location of Bankruptcy Court

The U.S. Bankruptcy Court for the Western District of Washington has moved to 315 Park Place Building, 1200 Sixth Avenue, Seattle, WA 98101. Judge Volinn sits in Room 407, Judge Steiner in Room 427, Judge Glover in Room 416. All telephone numbers remain the same.

General Order No. 4 is effective in the Seattle court April 6, 1987. The order permits the court to dismiss a case under Title 11 without prejudice where there is unreasonable delay that is prejudicial to creditors. For further information about the order, its guidelines or forms, contact Margaret Kroshus at (206) 442-2752 or the estate administrators at (206) 442-7265.

American College of Computer Lawyers

The American College of Computer Lawyers (ACCL) has been set up to establish criteria for the certification of vendors and consultants; to communicate the legal profession's needs to computer and consulting industries; to develop a network of proven computer solutions to practicing lawyers; and to educate and support lawyers in computer legal issues.

ACCL is a nonprofit organization. For membership and newsletter information, contact Jacqui Siney at Potash & Podor Co., LPA, 2381 Chagrin Blvd., Cleveland, OH 44122, or call (216) 464-6409.

ANSWER KEY TO PAGE 50

Paragraphs 1,4,6,9, and 11, are from the Oath of Attorney. Paragraphs 2,3,5,7,8,10,12, and 13 are from the Professional Code of the Little Rock (Pulaski County, Arkansas) Bar.

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12 right: You know your Oath. Take a job in the WSBA legal department.

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6-8 right: For whom the bell curves. Bet you got C's in law school. Like most of us. So become a practicing lawyer. Like most of us.

3-5 right: You've been practicing so long that you do everything off the cuff. Take a CLE course on ethics.

0-2 right: What, me worry? But your clients should.

UW CLE Schedule Change

The UW School of Law CLE department announces that the date of the *Major Issues in Pretrial Civil Procedure* seminar has been changed from May 23, 1987 to May 30, 1987. For information, call (206) 543-0059.

New Dean

The seventh dean of The Dickinson School of Law, effective July 1, 1987, is **Michael J. Navin.** A member of the Washington Bar, Navin practiced with Perkins Coie in Seattle before beginning his career in legal education at Willamette University College of Law in Oregon. In 1973, Navin moved to the University of San Diego, where he is a professor and associate director of the graduate tax program. Founded in 1834, Dickinson, located in Carlisle, Pennsylvania, is the oldest independent law school in the U.S.

Notice of Hearing on Petition for Reinstatement

A petition for reinstatement after disbarment has been filed on behalf of Robert L. Butler, who was disbarred by order of the Supreme Court on October 14, 1981, following conviction for theft in the first degree, RCW 9A.56.030(1)(a) and 9A.56.020(1)(a), a Class B felony. Butler practiced law in Seattle, Washington.

Public hearing on Butler's petition for reinstatement will be conducted before the Board of Governors on Saturday, June 20, 1987, commencing at 9 a.m., at the Red Lion Motor Inn, Pasco, Washington. On or before the date of the hearing, anyone wishing to do so may file with the Board of Governors a written statement for or against such reinstatement addressed to the Washington State Bar Association, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599. Such statements should set forth factual matters showing that the petitioner does or does not meet the requirements of RLD 9.6(a). Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard by the Board of Governors.

This notice is published pursuant to RLD 9.5(a).

Resources Available Through the OAC

The Office of the Administrator for the Courts has more information available on use of and access to interpreters around the state.

The office has published a directory of interpreters used in Washington courts, which it updates yearly. The OAC also has available copies of the report submitted by the Court Interpreter Task Force to the Supreme Court. This report includes Task Force recommendations, a summary of Washington interpreter law, a proposed code of ethics, and a copy of the court interpreter directory.

Requests for the materials listed above, questions regarding the Court Interpreter Task Force or use of interpreters may be directed to: Edith Rice, Court Services Specialist, Office of the Administrator for the Courts, 1206 S. Quince, Olympia, WA 98501. Phone (206) 753-3365. Please indicate if you wish to be included on a mailing list of those interested in issues affecting interpreter services.

Computer News:

7th Circuit Opinions on ABA/net

The Seventh Circuit Court of Appeals has arranged to release its slip opinions over ABA/net, the electronic mail and information system developed by the ABA. The full text of the slip opinions is available to ABA/net subscribers within one day of their release and remain on the system for approximately 20 days. There are likely to be 80-100 opinions on the system at any time.

ABA/net offers instant document delivery, electronic mail and immediate access to a library of information and services tailored to the everyday practice of law. ABA/net is designed to work with most computers and word-processing systems.

For more information, call ABA/net toll-free at 1-800-435-7342.

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Large Portland, Oregon law firm has an immediate opening in its Vancouver, Washington office for full-time or part-time attorney with one to two years of litigation experience. Candidates must have strong academic credentials and must be admitted in the state of Washington. Admission to practice in Oregon would be beneficial. Resumés, law school transcripts, and legal writing samples should be sent to Jacquelin Lee, Stoel, Rives, Boley, Fraser & Wyse, 900 SW Fifth Avenue, Portland, OR 97204.

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