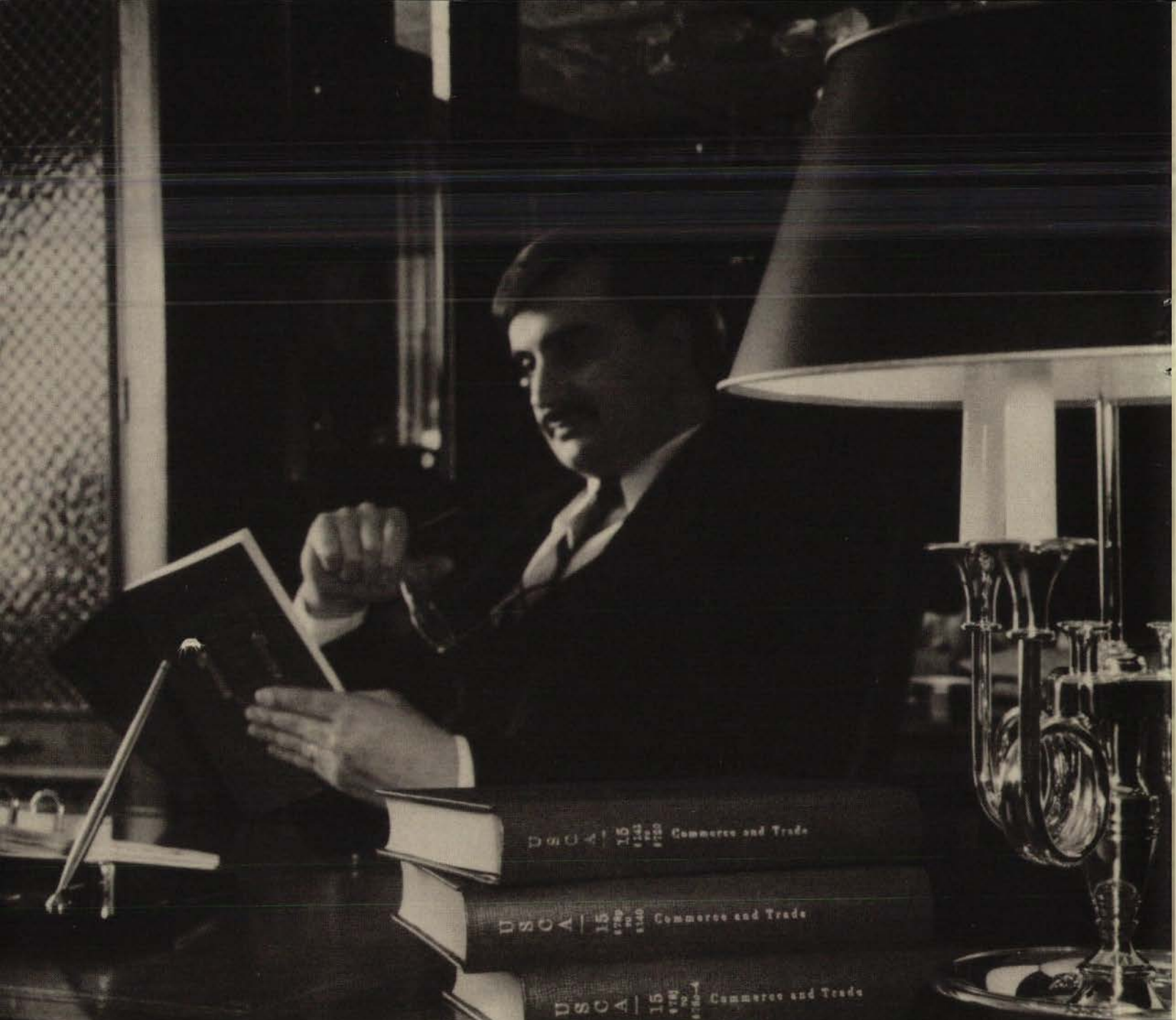


Washington State **Bar News**

Vol. 41, No. 6, June 1987



Inside: Finance



**“Only one federal law source  
has the complete, new index you need. Only one.”**

United States Code Annotated\* has a completely new 8-volume General Index to take you to federal law in USCA faster and easier.

Superbly detailed, this is the most up-to-date index to U.S. law. Thousands of entry lines which appear here are not found in any other annotated federal law source.

Finding federal law fast with superior indexing; a dividend you receive only when you use USCA.

For a detailed “Buyer’s Guide to USCA”, contact your West Sales Representative or write to: West Publishing Company, 50 W. Kellogg Blvd., P.O. Box 64526, St. Paul, MN 55164-0526.

**USCA**<sup>®</sup>  
*The  
Choice for success*

Call 800-328-9352  
(MN or AK 612-228-2973)

**JERROLD I. MEYERS, ESQ.**  
2827 Queens Way # 1D  
Milton, WA 98354  
Phone: 206/927-8278

**KATHE PAULSON**  
15125 Bandix Road  
Olalla, WA 98359  
Phone: 206/851-4062

**ELAINE C. SCHNEIDER, ESQ.**  
E. 3154 29th  
P.O. Box 14616  
Spokane, WA 99214-0616  
Phone: 509/536-WEST

# Practice Made Perfect.

On your way to the top, stop by *The 49th Floor*. That's where a growing number of successful attorneys are perfecting their practices without having to worry about and deal with the time-consuming problems of office management.

Law Office Management, Inc. offers lawyers who qualify the most prestigious address in the Northwest. The Columbia Center.

Turn key office space, with every conceivable amenity:

- *A smart receptionist*
- *State of the art personalized telephone services*
- *A complete law library • Westlaw*
- *Word processing • Quality copying • Time-keeping • Billing • Accounting*



- *Five Conference rooms*
- *Kitchen and lunchroom*
- *Additional work space available for special projects*

The location couldn't be better. Just one block to the King County Courthouse and two blocks to the Federal Courthouse. Every care has been given

to work flow, design, color coordination and top quality materials. The building and its incomparable panoramic views speak for themselves.

If you're on your way up, whether there's one, five or ten of you, we may be just what you're looking for. Offices are open for viewing 8:30 to 5 Monday through Friday.

Call Dick Hagen  
The Hagen Co.  
(206) 455-1005

*The*  
**49**  
*th Floor*

*The most prestigious office space in town,  
at a less than prestigious price.*

Columbia Center  
Seattle, Washington 98104

# THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT

## A Legal and Policy Analysis

By Richard L. Settle

*"provides a clear and rational  
discussion of this otherwise  
arcane and emotion-laden field."*

- Alexander W. Mackie in  
Washington State Bar News, 5/86.

Published 1987, looseleaf, 456 pages.  
ISBN 0-409-20360-2 \$65 plus \$5.27 sales tax

Supplementation planned.

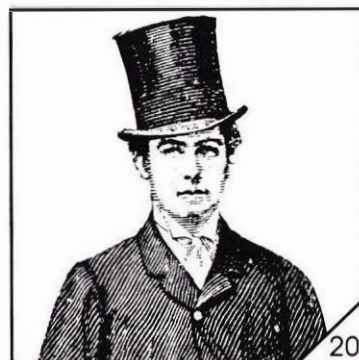
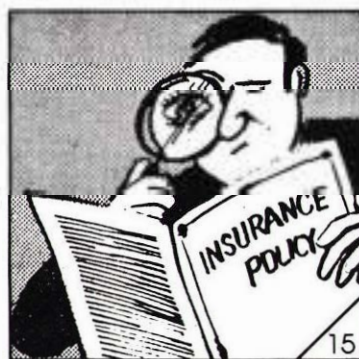


# Butterworths

15014 N.E. 40th St.  
Redmond, WA 98052-5325  
(206) 881-3900

FEATURES

- ATTORNEY TRUST FUND DEPOSITS SIMPLIFIED** 13  
by Howard H. Bell
- THE WSBA INSURANCE TRUST** 15  
by Arthur S. Langlie
- DISCIPLINE STATISTICS: CONSISTENCY AND A FEW SURPRISES** 20  
by Robert T. Farrell
- ACCOUNTANT MALPRACTICE** 27  
by Timothy C. Farris



DEPARTMENTS

- 4 Letters
- 7 The Corner Office
- 9 The President's Corner
- 11 Editor's Page
- 12 Ethics From The Inside
- 17 The Board's Work
- 31 LRE Update
- 32 CLE Clearinghouse
- 34 The Courts
- 37 Around The State
- 40 Briefly Noted
- 40 Discipline
- 40 In Memoriam
- 43 Notices

ART CREDITS

Where was editor Carole Grayson when she took this month's cover photo? MASH 4077? Bickleton, WA? Pelham, GA? See page 40.

Published by  
**WASHINGTON STATE BAR ASSOCIATION**  
 500 Westin Building 2001 Sixth Avenue  
 Seattle, WA 98121-2599  
 CAROLE A. GRAYSON, *Editor*  
 JENNIFER KLAMM, *Managing Editor*  
 DENNIS M. EAGAN, *Advertising Manager*

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

©1987 by Washington State Bar Association  
 Printed by United Graphics, Seattle

**BOARD OF GOVERNORS**  
 WILLIAM H. GATES, *President*  
 HAROLD F. VHUGEN, *Treasurer*  
 JAY V. WHITE, *1st District*  
 MYRON J. CARLSON, *2nd District*  
 JAMES A. VANDER STOEP, *3rd District*  
 EDWARD F. SHEA, *4th District*  
 FRANK HAYES JOHNSON, *5th District*  
 EDWARD M. LANE, *6th District*  
 JULIE W. WESTON, *7th District*  
 ROY J. MOCERI, *8th District*  
 STEVEN A. REISLER, *King County*  
 HAROLD F. VHUGEN, *King County*

**EDITORIAL ADVISORY BOARD**  
 DU'ANE MICHAEL SWINTON, *Chairperson, Spokane*  
 GEORGE EDWARD BENSON, *Seattle*  
 TIMOTHY DAVID BLUE, *Seattle*  
 JANICE L. CAMPTON, *Seattle*  
 ROYCE A. FERGUSON, JR., *Everett*  
 ROBERT EUGENE MACK, *Tacoma*  
 RUTH NIELSEN, *Seattle*  
 THEODORE ARCHIE ROY, *Yakima*  
 MATT MELVIN MATHIAS SAYRE, *Seattle*  
 JAMES J. SULLIVAN, *Bellevue*

PUBLISHED the last day of the month before cover date. Editorial deadline 25th day of month for second issue following. Direct correspondence to *Washington State Bar News*, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, telephone (206) 438-0441. All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Governors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement. SUBSCRIPTION, included in active membership, is \$12.00 a year for inactive members (WA State residents add \$0.95 WA State Sales Tax), and \$21.00 a year for nonmembers (WA State residents add \$1.90 WA State Sales Tax).



**RARE COINS  
MAKE MONEY  
FOR OUR CLIENTS. . .  
HOW ARE YOUR  
INVESTMENTS DOING?**

During the past 10 years rare coins have outpaced oil, gold, silver, diamonds, even real estate, as a superior investment . . . averaging over 20% annual appreciation.

If you'd like more information regarding building your own, personal rare coin portfolio please give me a call.

Here at HRCI we guarantee what we sell, and, whether you're a new investor or a seasoned professional we offer:

- INSTANT LIQUIDITY . . . Published bids that give PCGS cash values at any time.
- LIFETIME GUARANTY of coin authenticity
- GUARANTEED REPURCHASE agreements
- COMMISSION FREE counseling and sales service
- UPDATED statements of value
- PEACE OF MIND . . . With guaranteed PCGS coin grading
- A 15-day return privilege

*If you're a collector or an investor . . . HRCI wants to work with you to build a profitable portfolio.*



Please send me more rare coin information!

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

535 DOCK STREET, SUITE 204  
TACOMA WA 98402  
(206) 627-2883 or 1-800-826-0039

A BONDED, LICENSED PROFESSIONAL

**Bar Staff Out of Touch**

Editor:

I just received your glossy, 12-page brochure for this September's 98th Annual Meeting and Bar Convention. The brochure, which I'm sure was costly, was a tawdry, commercial merchandising trick similar to the numerous other glossy circulars put out by soap companies and discount office supply merchandisers. Out of the 12 pages it had 11 pages devoted to "eye-catching" seducers with explicit details about the luncheons and the luncheon speakers, the movie program, shopping excursions, sports events and cocktail parties.

The brochure insults the intelligence of the 13,000 members of the Washington State Bar Association who are busy but interested in attending the substantive part of a convention and annual meeting. Who, in your office, under your direction, mistakenly believes you will lure us to Vancouver with cocktail parties rather than instructional, substantive seminars? They and you are out of touch with the membership.

The brochure discussed very briefly, in a net space of one-half a page, the CLE programs covering five entire days without titles or topics to most of the programs or times of day most of those programs would be presented. To schedule the time to be away from the office to make the most out of the convention's five-day program, four and one-half months' advance notice is not much, when most trial schedules for the various courts are set anywhere from three to twelve months in advance.

Please send me immediately a detailed list and schedule of the CLE programs, which I am certain you have established well before this date, so that I can make plans now for those days I can be away from my office, clients and practice. I also suggest that in future years, out of 12 pages, you devote one-half page to a brief listing of the sports events, cocktail parties and luncheon topics.

With the need to keep our Association's expenses reasonable, which is an ongoing duty of yours and our Bar staff, the expenditure you incurred for this publication

was a grossly negligent waste of our money for which you should personally reimburse the Association.

**EDWARD W. HUNEKE**  
Seattle

*Editor's note: The above letter, addressed to WSBA Executive Director John Michalik, was also sent to President William Gates and your editor.*

**Disciplining Judges**

Editor:

A response to the invitation for comments on proposed Commission rules came from attorney Paul Luvera of Mt. Vernon. A copy of his letter follows:

RE: Proposed Commission on  
Judicial Conduct Rules

Dear Sirs:

I am responding to the Proposed Commission on Judicial Conduct Rules and the invitation to comment.

I think that judges should be treated the same as attorneys insofar as discipline is concerned. If a judge is disciplined or a reprimand is issued, I think that fact should be published both in the local newspapers and the *Bar News* the same as is done for attorneys. This is important to maintain public confidence that judges are treated on an equal basis with attorneys.

The Commission considered this an excellent idea and will send any public discipline matters to you in the future to publish as you determine appropriate.

**ESTHER GARNER**  
Executive Director

Commission on Judicial Conduct

**Take the Money and Run**

Editor:

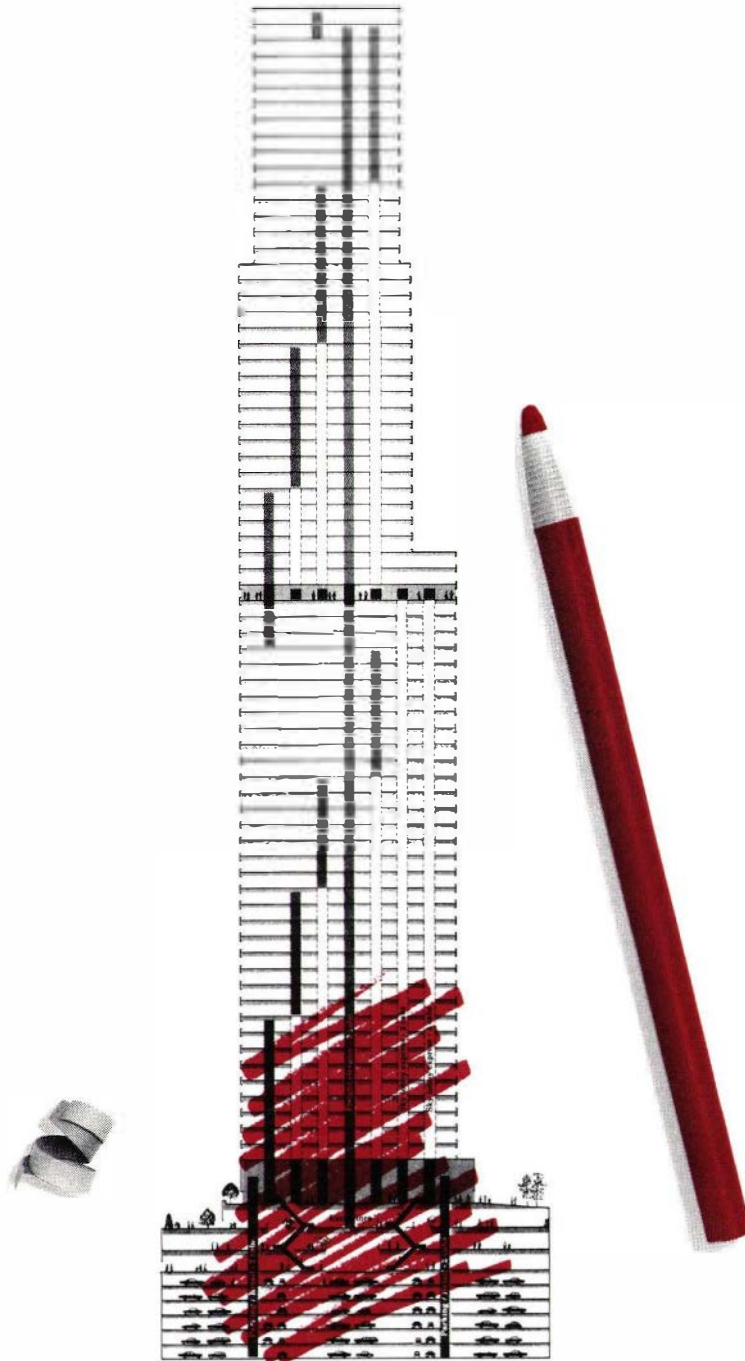
Thanks to the efforts of our Bar Association, attorneys are now eligible for a special room rate of \$90 per night at the beautiful Westin Hotel. However, bar members who are government employees may not wish to take advantage of this member benefit. The standard rate for those who present a government identification card is \$63 per night.

**EDWARD V. HISKES**  
Richland

*Letters to the Editor of reasonable length are invited. Such letters should be typed and signed. The Editor reserves the right to select communications or excerpts therefrom for publication, and to edit any letter as may be appropriate.*

# Q:

Can you guess how much office space is left  
in the Columbia Center?

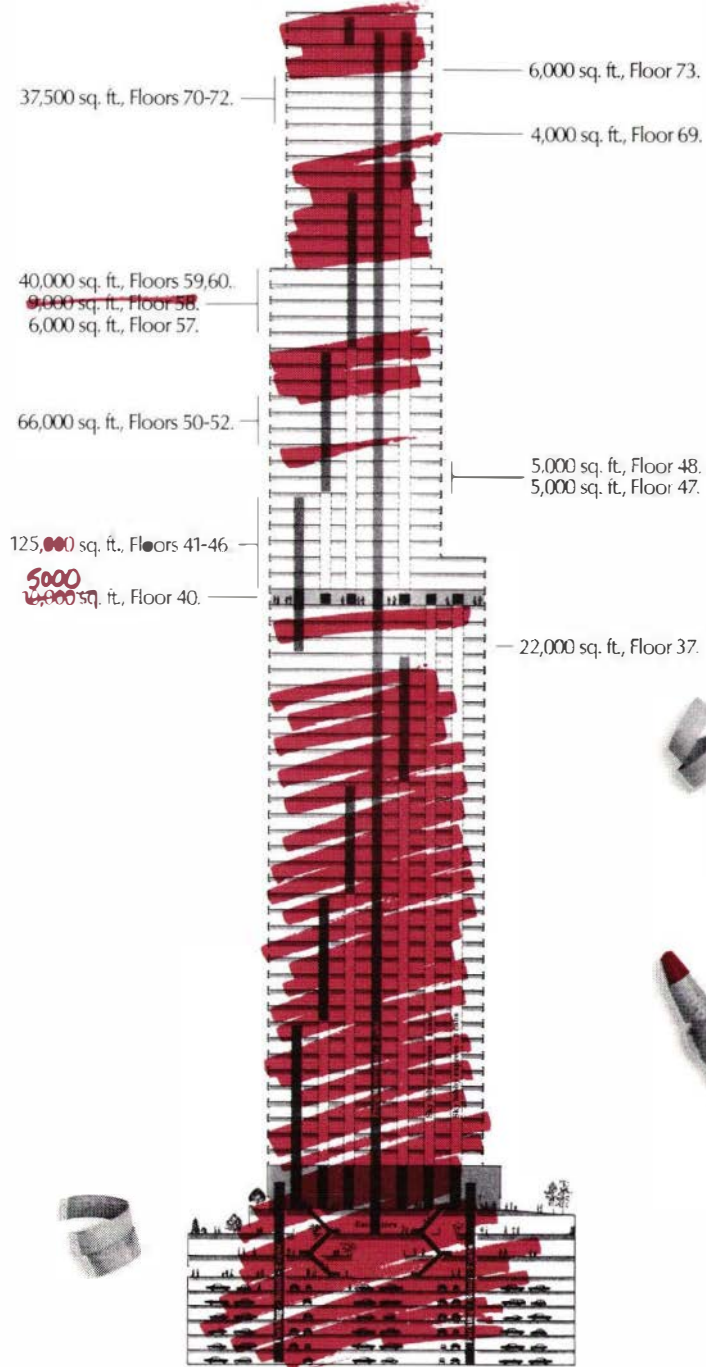


**HINT:** There were 1,500,000 sq. ft. of prime office space less than  
22 months ago. Now turn the page.

 **COLUMBIA  
SEAFIRST  
CENTER**  
76 Stories of Pure Prestige

**A:**  
321,500

If you guessed ~~335,500~~ sq. ft. today, you're right.  
But you won't be tomorrow.



**HINT:** If you want to be in the heart of the financial district,  
call Martin Selig (206) 467-7600.

**COLUMBIA  
SEAFIRST  
CENTER**  
76 Stories of Pure Prestige



## IOLTA: Here and There

by John J. Michalik  
WSBA Executive Director

If you look back to the April 1987 issue of the *Bar News* you will find a three-page listing of the grants made by the Legal Foundation of Washington at the end of 1986 and for use in 1987. The money involved results from the now two-year-old Interest on Lawyer Trust Accounts (IOLTA) Rule embodied in RPC 1.14. We are dealing here with a *major* success story and a tremendous contribution by the profession (through the very process which led to the availability of these funds)—32 grantees received a combined total of over \$2,191,000 in IOLTA grants. Those are funds generated by attorney trust accounts in Washington and for use by Washington grantees.

The picture on a nationwide scale is equally impressive. Forty-two states now have IOLTA programs in place and three other states are in the final stages of consideration and potential program adoption. It appears, though the statistics are constantly changing and moving upward, that on a nationwide basis over \$100,000,000 has now been generated in total interest income. In many ways this is a staggering figure for a concept and program which first appeared on the scene in this decade. On the other hand it is really only the tip of the iceberg since the program is mandatory in only a small number of jurisdictions. The mandatory states include Washington and California, and the combined total IOLTA income in those two states accounts for about \$40,000,000 of the total \$100,000,000 generated. Many states which started IOLTA programs on a voluntary basis or an opt-out basis are now moving toward a mandatory concept—for example, a mandatory IOLTA program will go into effect on July 1, 1987 for the 25,000-member State Bar of Michigan. The move toward mandatory programs, as well as ever-increasing

participation in the remaining voluntary programs, provides a growing source of money and funding.

The dollar figures are, of course, impressive but it is the use of those dollars which provides the proof in the pudding. The bulk of IOLTA funds nationwide have gone toward funding legal services for the poor, filling important gaps created by cuts in federal funding. However, significant amounts in this and other states have also gone to support local bar association pro bono programs; for law-related education; for programs designed to enhance the administration of justice; for scholarships to support research in the legal process, trial court congestion and liability insurance problems; for development of alternative dispute resolution systems; for support of mediation services; for the enhancement of attorney grievance procedures; and for a host of other projects.

Another important aspect of this process has involved the very mechanics of its implementation. A key role here has been the level of cooperation between the legal and

banking communities in setting up the systems to take advantage of the interest income which, until IOLTA came about, was only "potential" income—basically involving money being used by banks without charge, since no interest was being paid on small amounts and accounts. The bookkeeping and transfer problems for the banking community in playing its part in implementing IOLTA have not been insignificant, and the system does not function without its share of problems. The bottom line, however, is that the system does work and the beneficiaries and benefits are clear.

IOLTA really is a continuing success story and one of which we should all be proud.

Quality Legal Services Since 1930

## WORKERS COMPENSATION

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

We welcome and appreciate your referrals in this specialized area.

### THE WALTHEW FIRM

Charles F. Warner	Edward F. Boyer
Thomas Patrick Keefe	John F. Warner
John J. Costello	Eugene Arron
Robert H. Thompson	of Counsel
Christopher M. Eagan	John F. Walthew
Robert M. Keefe	1986

(206) 623-5311

Toll Free 1-800-824-6215

The Walthew Bldg.

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

# HOW SERIOUS, HARDWORKING ATTORNEYS AND ADMINISTRATORS PERKED UP THEIR LIVES BY ORDERING CORPORATE KITS FROM CORPEX.



**NEW "S" ELECTION SECTION**  
 Explanation, Examples, and forms  
 With kit: \$6.75;  
 Separate bound \$11.50

Attorney George Wolf has a racquet. Attorney Bob Taylor is calling the shots. And Legal Administrator Jane Meyers is having a ball. It's all because of Corpex.

Lawyers and Legal Administrators all over the country are enjoying their Cor-Perks—the terrific FREE gifts they get by ordering corporate outfits from Corpex. Each time they order corporate outfits, they get coupons that can be redeemed for gifts. We've extended the program into 1987 with a whole new catalog to choose from, including televisions, cordless telephones, golf bags, luggage, watches, cameras, dozens more. They're all absolutely free for the appropriate number of coupons. It's our way of thanking our clients for doing business with us and offering you the means to make your

personal life as rewarding as your professional one.

Corpex has been providing America's legal and financial communities with high quality, comprehensive kits for over a half century. Our overnight delivery via DHL World Wide Express transports our kits to anywhere in the continental U.S., Hawaii and Alaska.\*

So we're as famous for our speed and efficiency as we are for our quality.

Call our toll-free number to find out how to get your free gifts by ordering our corporate kits. A hardworking attorney like you could use a little perk-ing up.

• Every Corpex Corporate Kit comes in a matching slipcase complete with: • Corporate Seal in a foldaway pocket • 20 custom printed stock certificates • Stock Transfer Ledger • 50 blank sheets for minutes or time-saving printed minutes and by-laws • Special forms section with complete review of latest IRS requirements for Sub-Chapter S election, medical and dental reimbursement plans, Section 1244 forms, IRS 554 form, annual meeting forms • Standard outfit—\$49.75; with printed minutes and by-laws, \$52.25. (Includes delivery in Continental U.S., Alaska, and Hawaii.)

**Corpex<sup>®</sup> 1-800-221-8181**



Corpex Banknote Co., Inc. 480 Canal St., NY, NY 10013

(In NY, 1-800-522-7299, 212-925-2400)

\*Some remote locations might require an additional day



## Diversity

Let me share with you some thoughts I had after attending two very different motion calendars on successive days.

On the first day I was in Clark County arguing a motion on a will interpretation case. The calendar that day was the usual array of motions. I was particularly interested in the longest and most intense argument which was a third-round hearing concerning the implications of a supplementary proceeding which the court had conducted some weeks before in connection with a judgment for some \$2,500. The argument was intense and skillful—I wondered how the lawyers were going to be paid.

The next day I sat in on a motion in Federal Court in Seattle in the WPPSS case in which plaintiff's class seeks to recover losses in the purchase of some \$2 billion of municipal bonds. There must have been 100 lawyers there. We all looked almost in uniform in our blue suits. The total hourly rate must have amounted to at least \$20,000.

I was really struck by the contrast between these events. It made me reflect on the enormous diversity that exists in the activities of our more than 13,000 members.

Some lawyers have big cases—some lawyers have small cases. Some lawyers spend all their time in court—some never go to court. Some lawyers spend all their time practicing criminal law—some never practice any criminal law.

Some of our lawyers have a great variety of work—a general practitioner in Port Orchard in the course of the morning can deal with clients about a probate, a personal injury, a family problem, and the formation of a new business. Some of our lawyers have a very narrow scope of work—an assistant attorney general assigned to a given agency of the state will spend virtually all of his time dealing with the application of just one basic statute. Some lawyers in big firms and some sole practitioners spend whole careers in a selected, narrow legal area.

Some of our lawyers, like those at Evergreen Legal Services, assist people in legal issues which involve fundamental survival questions such as shelter and health. Some of our lawyers work for a single wealthy family and are principally concerned with conserving that wealth.

Some lawyers have so many clients they cannot adequately take care of them—some lawyers sit all day waiting for a client to come in. Some lawyers live on fees—many live on a salary. Some lawyers—an increasing number I fear—do not even use their legal skills because they are not able to find legal work.

These thoughts reminded me of a speech I had heard some years ago by a Bar official suggesting that the activities of lawyers were so diverse that they should not all be admitted to practice under a single all-encompassing license. I wondered whether the things that make us different are so great as to call for different licensing, different organizations. This line of thought did not go far. The differences among us are superficial as compared with the really fundamental considerations that apply to every kind of law practice.

Our society has a vital concern with the standards by which law is practiced. Ours is a government of laws, but laws do not enforce themselves. There must be men and women of the law invested with the responsibility of studying, understanding, communicating and applying the law. A workable system of law is impossible without lawyers—all kinds of lawyers: private practice lawyers, salaried lawyers, lawyers who go to court and those who do not, lawyers who work for the state and those who work for individuals. There is at the base for all lawyers, however occupied, this common thread of responsibility for the legal system and its fair application in the real world. Regulation of this professional responsibility plainly requires a single professional identity.

This fairly obvious conclusion does not mean that the diversity of the constituency is irrelevant in the



conduct of professional affairs. There was a time, for example, when many government lawyers felt alienated from the Bar, which appeared to them preoccupied with the private practitioner. I hope and believe this attitude has at least ameliorated in recent years as this group has developed a strong voice in Bar affairs.

Board of Governor membership, as a result of the election system, tends to be somewhat homogenous. Many of the segments of our membership will never have a member on the Board. Fortunately, Governors have generally had the sensitivity to act with a broad view of the membership interests. Also with so many active sections now, there is a place for lawyers of most every interest to participate and have a voice in Bar policies.

We are indeed a heterogeneous profession, but there is both a richness and a balance that this condition produces. It is obvious that, notwithstanding this great diversity, we stand upon one common foundation—society's requirement for the rendering of legal services in a professional manner. I would suggest that while our differences pose challenges for the conduct of our professional affairs in a single organization, it is also true that the great variety of our individual circumstances make a positive contribution to a sensible and balanced carrying out of our professional mission.

*Marvin D. Jaffe*

# WASHINGTON WILLS AND TRUST FORMS

Prepared by ROBERT MUCKLESTONE  
a recognized leader in probate law  
in conjunction with RAINIERBANK®

- Complete
- Annual Updates
- Over 350 pages
- Current
- Looseleaf
- 8½" x 11"

---

**\$75**

Exclusively published and distributed by



**BOOK PUBLISHING COMPANY**  
201 Westlake Avenue North  
Seattle, WA 98109  
(206) 343-5700



**A Tradition Worth Keeping**

Before I became editor of this venerable magazine 27 issues ago, I knew nothing about the WSBA . . . except that it extracted dues of \$165 a year from me, required 15 hours of CLE attendance a year, issued me a membership card, and published this magazine.

I didn't read it . . . except for rare pieces like Jeff Tolman articles and those of the notorious April Fool issue.

I knew nothing about the Bar Governors . . . not their names, backgrounds, or points of view.

I knew nothing about Bar committees . . . except that I was never appointed to any.

I knew nothing about Bar discipline . . . except that I was relieved *not* to find my name among the fallen.

I knew nothing about my predecessor . . . except his initials (SR)

and the fact that some of his editorials had me rolling in the aisle, while others kept silent pace with my heart.

I could tell from SR's editorials that he practiced law.

I, too, often direct my editorials to the practice of law—from opening my own office to "pro temming" to being sued by a client. I have been delighted and touched that many of you have taken time from your busy legal schedules to respond. You have shared confidences, hopes, fears, and *good* suggestions. Thanks to you in Grays Harbor, Omak, Seattle, Bellingham, Colfax . . .

Being editor has augmented my understanding of the practice of law,

and I hope that my columns have clarified the practice for my readers.

I have observed and continue to believe that the *Bar News* editor should be a practicing lawyer and active citizen. This tradition, unchanged from the first issue four decades ago, stands the *Bar News* in good stead.

*Carole Grayson*

*Semi Annual Summer* **SALE**

**Save 20 - 40% on Office Furnishings\***

**Also Save 20 - 60% on Regular Priced Home Furnishings\* —**

Living Room, Dining Room, & Bedroom Furnishings at Scan Design

**Now thru the end of June!**

\*Regular priced items RTA items not included.

*Shop Early for The Best Selection!*

scan | design office interiors

10515 Northeast Sixth Street • Bellevue, WA • 454-7200

or in Tacoma at Rainier Place, just North of Tacoma Mall • 473-7226

Open 7 Days

A Week

Financing

Available o.a.c.





## Saying "No"

by Robert T. Farrell  
WSBA General Counsel

One of the best ways to avoid both disciplinary complaints and malpractice actions is learning to say "no" to a would-be client at the right time and in the right way.

The right time is when you already have a caseload of clients which is beginning to stretch your resources; when the case involves difficult areas in which you have no experience; when the case is marginal at best; or when you are going through personal problems that make cutting back for a while a better idea than taking on another client. There are few surer ways to become involved in Bar disciplinary proceedings and/or malpractice actions than to take on a marginal case in an unfamiliar area. That formula often leads to "I don't know what to do" paralysis, a charge of

neglect, and a malpractice suit.

The right way to say no is in writing, with some proof that the would-be client received that writing. It is not uncommon in disciplinary proceedings for the respondent lawyer and the complaining "client" to disagree on the very basic question of whether the lawyer agreed to take the case or not. A letter with a signed, certified mail receipt can easily settle that question.

In one recent proceeding a lawyer claimed that he had never agreed to represent a woman who had dropped into his office to discuss a will contest matter, since in his opinion she did not have a case. The woman claimed the lawyer had led her to believe he was "looking into" her case, and she had phone records to show that she had been in contact with his office over a period of several months. During this period, the time to challenge the will had expired.

If the lawyer in fact had intended

to decline the case, he should have *immediately* sent her a "nonengagement letter" to tell her this, preferably by certified mail, return receipt requested. The basic message of this kind of letter should be that the lawyer does not intend to take the person's case.

What else should the letter say? Disciplinary counsel and counsel for malpractice carriers might differ in their answers to that question. The "safest" letter might be one in which the lawyer (1) declines the case without expressing an opinion as to its merits, (2) recommends that the person consult other counsel for a second opinion, and (3) warns that the person should do that promptly, since the time one can bring an action is limited by law.

It would seem to be more in keeping with a lawyer's ethical duties to be more forthright with one's opinion however. RPC 1.4 requires that a lawyer keep a client reasonably informed and explain things to the extent necessary for the client to make informed decisions. This rule probably applies to a "client" who never became a client, just as the lawyer's duty to protect client confidences applies to information told to a lawyer by someone whose case is not accepted.

If the lawyer believes that the client does not have a case, the client is entitled to know the reasons for that opinion, though it is not essential that they be put in writing. An excess of caution ("you should definitely consult another attorney to get a tenth opinion") leads only to lots of people with false hopes traipsing from one law office to another. You have all heard claims from walk-ins that the last firm said they had a really good case but it just wasn't in their area of practice.

So get in the habit of promptly sending a nonengagement letter to persons you decline to represent. Clients are sometimes hard enough to please, without your having to worry about being taken to task by people you do not even remember talking to.

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

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

**We Care** *To better serve you, we work round-the-clock.*

**superior reprographics**

MAIN  
SEATTLE  
OFFICE

1925 Fifth Avenue (206) 443-6900 Toll Free 1-800-542-7835

CONVENIENT  
BRANCH  
OFFICES

**SEATTLE**  
314 Marion Street  
(206) 621-8380

**BELLEVUE**  
14360 N.E. 21st St.  
(206) 641-3890

**COLUMBIA CENTER**  
1st Floor  
(206) 386-5290



# Attorney Trust Fund Deposits Simplified

by Howard H. Bell

A special money market account for attorney trust funds has been developed. The account has been well received during its test marketing and may soon be available at other financial institutions.

The IOLTA program accommodates the smaller pooled balances held by law firms. Interest on the pool is paid to the Legal Foundation of Washington, a nonprofit charitable organization. The IOLTA rule, however, does not terminate the duty of the lawyer to earn interest on the client's funds when the funds are large enough to provide a net gain to the client.

An option utilized by some law firms to provide a return to the cli-

ent is to create an interest bearing pooled account that requires sub-accountings to allocate interest among all clients in the pool every time there is a rate change and when interest is paid to the pool. Many firms have found that this pooling concept is cumbersome and is not cost effective for the firm or the client.

The new trust fund money market accounts are separate accounts which are opened for each client. They are set up as fiduciary accounts in the name of the law firm or lawyer, for the benefit of the client. As these accounts are generally short term in nature, the bank recommends that the minimum opening balance be no less than \$3,000 and

that the account remain open for at least thirty days.

The simplified new account opening procedure takes only five minutes in the lawyer's office. For law firms located in the downtown Seattle Financial District, the bank's messenger will pick up the new account application form and will deliver signature cards for completion along with the starter check kit for each account. The client will begin earning interest the date the account is opened, and it will be paid to the client's account monthly. Interest on these accounts is computed and compounded daily and is paid at competitive market rates. As an example, interest rates available during the week of April 13, 1987 were:

<u>Balance</u>	<u>Nominal Rate</u>	<u>Annual Yield</u>
\$ 5,000	5.45%	5.60%
\$10,000	5.60%	5.76%
\$20,000	5.80%	5.91%
\$50,000	6.00%	6.18%

Statements reflecting all account activity are produced monthly and mailed to the law firm. Balances are readily available by phone. Disbursements to a client can be made by simply writing a check against the account or the accounts can be customized to provide disbursements by wire transfer and telephone transfer. An authorized member of the firm can call the bank

and have funds transferred to the firm's general account for subsequent distribution to the client. At the end of the year, a 1099 form is directed to the clients informing them of the amount of interest to be reported for federal income tax purposes. The client's social security number is used as the taxpayer identification number on each individual account.

The most attractive feature of these accounts is that the bank does all the record keeping and there are no service charges or fees. Where multiple disbursements will be made on a regular basis, there is a nominal check printing charge. If the minimum balance on the account falls below \$1,000, no interest will be paid to the account. As an added convenience to law firms located in the Seattle Financial District, deposits will be picked up by the bank's messenger so that no time is lost by law firm personnel having to make "runs to the bank."

There are a number of situations where these accounts can be of benefit to both the law firm and the client:

- 1) as a depository for the liquid funds of an estate which are held during the notice to creditors period;
- 2) where funds are held by a law firm pending distribution to the bankruptcy court;
- 3) where a law firm is administering a guardianship (funds may have to be held in a liquid form for an extended period of time with regular monthly disbursements);
- 4) as a temporary depository for settlement proceeds. There are other situations where these accounts can be conveniently used; the only limit is the imagination of the law firm.

Other banks may offer straight money market funds or short-term certificates of deposit. Be sure to check out the options offered by your current financial institution. This is the best way to fulfill your fiduciary duty and to benefit your client. □

---

*Howard H. Bell is senior vice president of Continental Savings Bank in Seattle. He has over 30 years of banking experience and has been head of the Bank of California's trust division. Free instruction manuals covering the special attorney trust fund account described in this article are available by calling Continental Savings Bank at (206) 621-0100.*



## Are You Making The Most of Your WSBA Membership?

Most people do not like to think about it or talk about it, but everyone needs insurance. Your Washington State Bar Association has established an Insurance Trust to provide top-quality benefits for its members.

We are Spengler & Associates, Inc. and we serve that Trust. Whatever you are paying now, chances are that you can save money—probably lots of it. However you now protect against risk, you will like these sensible alternatives.

Our carriers are outstanding, familiar names. You may even be covered by some of them already. If so, the WSBA Trust plans can help to lower your premiums. And we can personally help you to get the most out of your benefit investment.

We offer these discounted plans as well as other problem solvers:

### **LIFE • ACCIDENTAL DEATH & DISMEMBERMENT DISABILITY • LONG-TERM NURSING CARE MEDICAL • DENTAL**

Individual and family plans are available for you and your staff. We even have coverage that fills in the Medicare gaps.

As the consulting broker to your WSBA Trust, we have done all the work to make sure that the best of benefits are available to you. To receive them, all you need to do is inquire.

Call us now. Learn about *your* WSBA benefits.

In Seattle, 682-8333. Elsewhere in Washington, 1-800-637-4445.

**SPENGLER & ASSOCIATES, INC.**  
WSBA Insurance Trust Brokers



## The WSBA Insurance Trust

by Arthur S. Langlie

Over 20 years ago, the Washington State Bar Association created an insurance trust. Its purpose: to utilize the collective purchasing power represented in the membership's constituency to obtain attractive group insurance contracts at reasonable cost. The trust has offered members insurance plans which incorporated terms and conditions not available to individuals.

Today, the trustees of the Washington State Bar Association Insurance Trust continue to oversee the development of comprehensive plans that strive to maximize the return on each dollar invested by the membership. In keeping with this traditional objective, highlights of several new insurance coverages are summarized in this article.

The new array of plans constitutes the most far-reaching program of benefits to be developed for any bar association in the nation. It is the trustees' responsibility to make sound benefit plans available, but not to promote any particular coverage.

Six insurance companies participate in underwriting the coverages. Each offers special quality and cost advantages for the coverage it underwrites. Some of the contracts are issued on a group basis while others are individual. For some of the individual policies, we have been successful in securing major rate discounts. In the final analysis,

whatever the policy form, every plan offers WSBA members excellent quality, genuine value and continuity of protection.

Subject to underwriting requirements, you, as a WSBA member, have the choice of investing in any of the following coverages:

### Disability

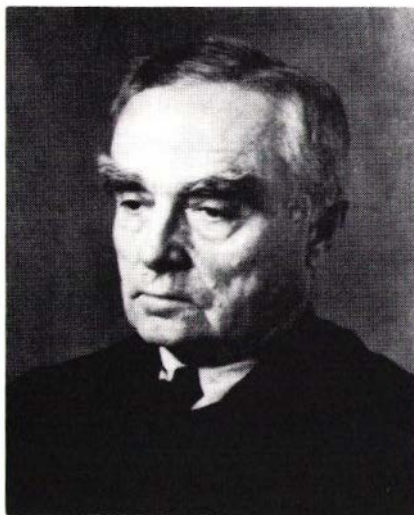
- *Income Replacement* - A full range of plans is available. The coverage is tailored to suit your own special needs. Upon completion of your program design, deduct 20% from The New England Mutual Life Company's customary rates. And, if you qualify as a non-smoker, deduct 24%. (The initial participant in this WSBA plan reduced his annual premium commitment by \$1,400.)
- *Long-Term Care* - Most of you have seen client estates severely depleted as the result of long-term nursing expenses incurred by disabled senior citizens. WSBA members who have attained age 50 can now protect their resources against the ravaging cost of long-term nursing care. Several indemnification plans are available covering care received in skilled, custodial, home and hospice facilities. Hospital confinement *need not* be necessary to trigger benefits, a requirement of several plans. Even if you don't qualify for coverage because you've not reached age 50, you will want to become familiar with this benefit in connection with client or parental needs to fill in this void in Medicare.

### Health Care

Coverage is offered in several plans, some without limit, and others to a maximum of \$1,000,000.

- *A Service Plan* - covers semi-private hospital billed expenses in full with or without a deductible. Non-hospital billed expenses are subject to a deductible and limited 20% copayment before 100% of expenses are absorbed by Blue Cross of Washington and Alaska. Non-smoker rates are discounted 10%.
- *A Preferred Provider Plan* - offers 100% coverage, following a choice of deductibles, when you use the services of any of the several thousand Washington doctors or many Washington hospitals participating in this Blue Cross plan. Regardless of how healthy you are, you can use this plan's benefits because expenses for physical examinations, well baby care and office visits for preventive care are picked up in full, without deductible or other copayment, to a maximum of \$200 per person per year. Covered expenses incurred with non-participating doctors or hospitals are recognized by the plan but are on a copayment basis. Even though benefits are broader than those of the Service Plan, premiums are less because you enjoy the advantage of the discounts agreed to by the doctors and hospitals who participate in this plan. Additionally, non-smoker rates are discounted 10%.
- *An Indemnity Plan* - covering 80% of almost every kind of medical expense up to \$5,000, and

## A FEDERAL CASE MAY TURN OUT TO BE A MINEFIELD



Federal jurisdictional and procedural law do create traps.

And the factual and legal issues raised by federal substantive law can have their own very special complexity.

Since 1964, I've taught, written or practiced in the areas of federal procedure and jurisdiction and federal regulatory legislation. I've been president and legal education chairman of the Federal Bar Association of Western Washington.

If you have a federal case and would like some pre-trial, trial or appellate help, please give me a call.

**Bill Bisbin**  
621-1823

See Biography in  
Notices Section

William R. Bisbin, Inc. P.S.  
Bisbin, Vane & Skone  
Suite 1501,  
520 Pike Street,  
Seattle, 98101

then 100% of additional expense without limit. Monthly rates are especially competitive and vary with age and deductible amount selected.

- *A Health Maintenance Organization Plan (HMO)* - has been arranged on a group basis with Group Health Cooperative to service the membership in a number of Washington locations. The plan offers a full range of preventive care services in addition to acute care services typically covered by any plan. WSBA members have a choice of deductibles which will determine premium.
- *A Dental Plan* - is available on a managed or capitation basis. Plan members select a participating dentist from among those who contract with the plan. The dentist assumes full responsibility for patient care. However, the plan directs participants to specialists when their skills are required in the course of patient treatment. For example, periodontia and orthodontia require special skills.

The annualized premium is modest for this Safeguard group plan. It approximates the cost of two dental visits entailing oral examination, teeth cleaning and polishing. Most diagnostic, preventive and restorative services are provided without copayment. More complex procedures generally involve reasonable copayment.

### Life Insurance

It is offered by two group plans.

- *Term Life* - in amounts up to \$100,000 can be requested. Group rates are very competitive. For example, the annual premium for a member in the 30 to 34 age bracket is \$120 for \$100,000 plus a \$12 certificate charge. Spouses can be insured. There is also a pre-arranged plan which covers all family members, insuring the spouse for 50% and eligible children for 20% of the member's insurance amount.

- *Hi Limit Term Life* - is available for insurance amounts above \$100,000 on an individual policy basis. The annual rate for \$1,000 of 5 year R & C term can be under \$1 for non-smoking males under age 35 or females under age 38. \$500,000 of life insurance for less than \$500 a year is an outstanding value.
- *Accidental Death and Dismemberment* - in amounts up to \$250,000 is available in \$50,000 increments. A schedule applies to benefits payable in connection with loss of life, limb and sight. There is also a pre-arranged family benefit employing a formula. The Life Insurance Company of North America's WSBA group premium is about 50% of its individual policy rates.

### How to Get Started

Because of the complexity inherent in some of these plans, professional insurance personnel will be available to assist you in understanding your options and how they integrate with present plans. Through the WSBA Insurance Trust broker, Spengler & Associates, Inc., 50 professional New England Mutual Life agents in Seattle, Spokane, Vancouver, Wenatchee and Yakima have become conversant with WSBA-sponsored insurance programs and will be available to consult with you.

To arrange an appointment or to obtain further information about these attractive plans, please call Spengler & Associates, Inc. at the following numbers:

Seattle area (206) 682-8333  
Elsewhere in Washington  
1-800-637-4445

The WSBA Insurance Trust trustees will continue to research insurance coverages and other benefit opportunities for members of the Washington State Bar Association, their dependents, and staff members.

*Arthur S. Langlie of Seattle is the chairman of the WSBA Insurance Trust.*

# WASHINGTON STATE BAR NEWSLINE

## The Board's Work



by Carole Grayson

May 15-16, 1987. Wenatchee Thunderbird

Present: President William Gates and Governors Jay White, Roy Mocerl, Harold Vhugen, Steven Reisler, and Julie Weston, all Seattle; James Vander Stoep, Chehalis (absent 5/16); Myron Carlson, Everett; Edward Shea, Pasco; Frank Hayes Johnson, Spokane; Edward Lane, Tacoma.

Also present: Solie Ringold, Ct. of Appeals Judges Assn.; Mary Prevost, Govt. Lawyers; Michael Trickey, SKCBA Young Lawyers; Tom Fitzpatrick, WSBA Young Lawyers; Robert Farrell, WSBA counsel; Fred Butterworth, SKCBA Trustees; John Michalik, WSBA exec. dir.; Katharine Witter, Wa. Women Lawyers; James McCutcheon, Superior Ct. Judges Assn.; Patrick Sutherland, Wa. Assn. of Prosecuting Attys.; Robert Graham, District Ct. Judges Assn.

**BAR PURPOSES** Should the purposes of the Bar be set out in a full integration rule? In a limited court rule? Or as a by-law?

The Governors voted to approve a limited court rule by an 8-0 vote. The rule authorizes 15 specific purposes and specifically "does not authorize" these three purposes:

- a) taking positions on issues concerning the politics or social policies of foreign nations;
- b) taking positions on political or social issues which do not relate to or affect the practice of law or the administration of justice;
- c) supporting or opposing, in an election, candidates for public office.

**BAR NEWS:** It is the "unanimous recommendation" of the Editorial Advisory Board that the Bar News continue to be edited by a practicing lawyer, Ruth Nielsen of Seattle, chair of the Advisory Board's Handbook Subcommittee, told the Governors.

The "magazine's most important goals are to be responsive and reflect membership throughout the state and to focus on the needs and opinions of attorneys...The best Bar News has an attorney-editor to give the membership the flavor of what it is to be a practicing attorney."

Nielsen described three Advisory Board subcommittees which are intended "not to control but to assist and to provide the editor with a support system."

A motion by Steven Reisler of Seattle, himself a former Bar News editor, to accept the unanimous recommendation of the Advisory Board to retain the so-called independent editor (viz., a practicing lawyer selected from the Bar membership rather than an in-house Bar staff member) ended in a 5-5 tie. President Gates cast the tie-creating vote.

Joining Reisler were Jay White of Seattle, another former Bar News editor, Frank Hayes Johnson of Spokane; Myron Carlson of Everett, and Julie Weston of Seattle. (Vander Stoep was absent.)

Responding to comments that the three subcommittees constitute a "fundamental change," Nielson and Bar News editor Carole Grayson of Seattle said that the subcommittees formalize existing procedures.

Mocerl termed the creation of the subcommittees "an acknowledgement" that the attorney-editor "does not have the time and that it is too big a job...A staff editor would lose independence, but that's a small loss."

It would be "ironic", said White, "if after the perceived inactivity of the EAB, which I consider a bum rap, if now that the EAB has come forward with a workable proposal for oversight and support and has answered our call to do something, our reaction is, well, they can't do the job."

Vhugen agreed "in principle" with an independent editor, but voted against the motion. "An in-house editor can be independent if the job is defined that way," he said.

The Bar News "in recent years has been so incalculably better," said Johnson. "Ten members of the EAB have studied the situation. Their collective recommendation is endorsed by the two of us who know the most about the Bar News. If the EAB says it's willing to devote the time, we shouldn't dismiss it."

Carlson was not swayed by a Bar staff survey showing that virtually all state bars the size of Washington or bigger have an in-house editor. "So what if everyone else is different? If we abandon it now, we abandon it for all time."

"We can't decide the question without looking at the liability insurance aspect," said Edward Lane of Tacoma, who voted against the motion. Responded Weston, "There is a fairly low risk of liability. We have a good product."

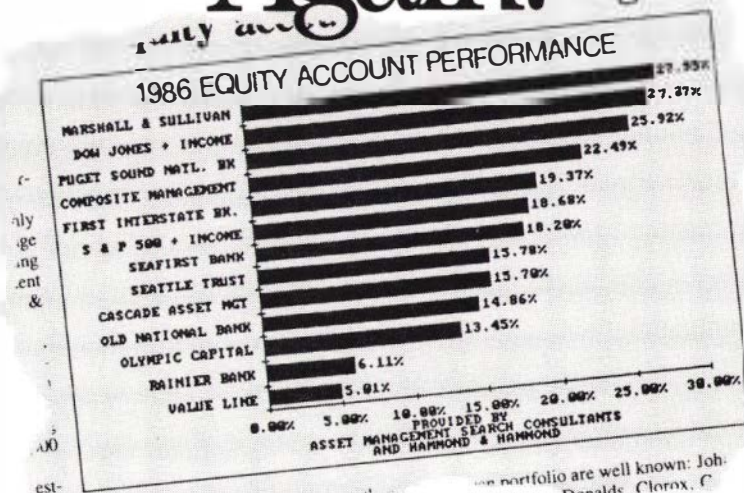
Ed Shea of Pasco, who voted against the motion, said an in-house editor is the next step in the evolution of an organization. An in-house editor will require a hell of a lot of sensitivity on the part of the Bar staff."

The editor "should not be in a vacuum," said White. "It's a cooperative effort. Staff, Governors, and others should keep the editor informed. [Those voting against the motion] are voting very blindly. If the decision is to go in-house, the Governors are entitled to know what this creature will look like."

"An in-house editor loses independence," said Tom Fitzpatrick, Young Lawyer Division

# Last year, Puget Sound Bank outperformed the major commercial banks in the state.

## Again.



Source: Puget Sound Business Journal, Feb. 23, 1987

When it comes to equity accounts, Puget Sound Bank knows how to get results. Last year, for example, we had a better performance record than any other major commercial bank in Washington.

We could also say the same for the year before.

And this year, we hope to have our best year ever.

Puget Sound Bank. We're the largest independent commercial bank in the state. Our ability to offer consistently well-managed equity accounts is another reason why.

If you live in Northwest Washington and would like more information, call Nancy Melton at 447-2987. In Southwest Washington, call Cal Springer at 593-3881.

 **Puget Sound Bank**  
Sound is our middle name.

Performance will vary from time to time and past results are not necessarily representative of future results.

Member FDIC.

chair and ex-ABA staffer familiar with the in-house ABA Journal. If the magazine goes in-house, he warned, the Governors "better go in with eyes wide open."

Could an in-house editor retain any independence? The Governors asked this of Bar News editor Grayson and WSBA Executive Director Michalik. "No," said Grayson. Said Michalik, "It has worked in other jurisdictions."

After the vote EAB speaker Nielsen said she was "concerned tremendously" with the "possibility of a fundamental and dramatic change" without notice to anyone that it's being considered. What do members of the Bar think? she asked.

The matter was put over until July, at which time the Governors will also consider the Editor's Handbook compiled by the Advisory Board and whether to retain editor Grayson.

**ASSISTANCE PROGRAM** The Lawyers Assistance Program (LAP) was approved by the Supreme Court on May 5. Tom Fitzpatrick, WSBA Young Lawyers Division chair, suggested adding a young lawyer to the LAP steering committee; President Gates considered this reasonable. The division wonders about possible damage to a lawyer's reputation from the investigation of a third-party referral and compulsory assessment where there is no allegation of a breach of discipline.

The LAP questionnaire, which went to 10% of Washington lawyers, "greatly diminished confidence in the administration of the program," said Governor Frank Hayes Johnson of Spokane.

Governor Hal Vhugen, who sat on the LAP steering committee, said the "value of the program far outweighs any cheap shots." Its return rate of "over 70% is a tremendous response."

**75.5% PASS** 87.3% of those taking the February 1987 Bar Exam passed the ethics section. 76.4% passed the substantive section. Overall pass rate was 75.5%, said executive director John Michalik.

**YOUR MONEY OR YOUR LICENSE** The Supreme Court suspended a record 74 active lawyers and 34 inactive lawyers for not paying their annual dues, reported Michalik. The lawyers had received five notices to pay, including two certified letters.

**RPC 7: LAWYER ADVERTISING** After hearing from David Boerner of Tacoma, Rules of Professional Conduct Committee chair, and Julian Dewell of Everett, Lawyer Advertising Task Force chair, and seeing the ABA videotape on lawyer advertising narrated by lawyer Howard Cossell, the Governors:

- kept as is RPC 7.1 ("communication concerning a lawyer's services"), 7.2 (e) ("advertising"), 7.4 ("communication of fields of practice"), 7.5(a) ("firm names").

- as to RPC 7.2 ("advertising"), voted 8-2 (Weston and Shea nay), to amend RPC 7.2(b) to add the following:

"Upon request by the State Bar, either instigated by the State Bar or as a result of any inquiry from the public, the lawyer shall make any such copy or recording available to the State Bar, and shall provide to the State Bar evidence of any relevant professional qualifications and of the acts upon which a factual or objective claim which is contained in the advertisement are based. The State Bar Association may provide the lawyer's response to any person making inquiry."

- unanimously approved amending RPC 7.3 ("direct contact with prospective clients") to read:

(a) A lawyer shall not directly or through a third person solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship, by in-person or telephone contact, where a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.

(b) A lawyer shall not send a written communication to a prospective client for the purpose of obtaining professional employment if the person has made known to the lawyer a desire not to receive communications from the lawyer.

- The Governors approved 10-0 amending RPC 7.5(d) by adding:

"Lawyers practicing out of the same office who are not partners or shareholders of a professional corporation may not join their names together. Lawyers who are not (1) partners or shareholders of a professional corporation, or (2) employees of a partnership or professional corporation, or (3) in relationship of being "Of Counsel" to a partnership or professional corporation, shall have separate letterheads, cards, and pleading paper, and shall sign their names individually at the end of all pleadings and correspondence and not in conjunction with the names of other lawyers."

Final action on the recommendations was put over until June.

**LOCAL LINE** Robin Gaukroger, president of the 110-member Chelan-Douglas County Bar, spoke on local Bar news.

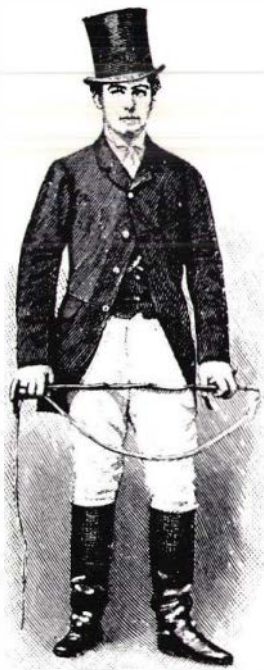
Tuesday afternoon at the Community Action Center is Legal Aid Day, with one lawyer staffing the center. "I don't know any lawyers who don't do a lot of pro bono," said Gaukroger.

The Bar and its counterpart medical society drew 140 persons, including spouses, to a jointly sponsored non-adversarial function at which medical recovery was discussed. There are plans for a followup.

**STATUTE LAW COMMITTEE** Under RCW 1.08, the Governors appoint five of the 12 members of the Statute Law Committee. By declining to reappoint Judge Robert L. Charette of Montesano and Daniel Ritter of Seattle to new six-year terms, the Governors echoed the words of Johnson, "There are other capable human beings."

Ritter has served on the committee for 12 years and Charette for some two decades. The Governors will consider appointments to the committee in June.

**STATUS OF WOMEN** The Governors voted 9-0 (Vander Stoep absent) to adopt a resolution encouraging the ABA to create a Task Force on Women in the Legal Profession.



# Discipline Statistics: Consistency and a Few Surprises

by Robert T. Farrell  
*WSBA General Counsel*

Figures for four complete years are now available. They show both basic consistency in the nature of matters handled, and some surprising results.

of 35% over the previous year. The absolute numbers rose gradually over the next three years. But in 1986, for the first time in the period, the number of complaints actually decreased by 2.5%. In terms of complaints per attorney, the decrease was a full 7%.

However, 490 complaints were received in the first 90 days of 1987, indicating that once again the number of complaints is on the rise. At that rate, 1987 will bring some 250 more complaints than 1986, about a 15% increase.

The last statistics concerning the operation of the discipline system in the state of Washington appeared in the October 1984 *Bar News*. This was only about one and one-half years into operation under the Rules for Lawyer Discipline, and final statistics were available for only one year under that new set of procedures.

## The Workload

Table A shows the number of written complaints received by the Legal Department for a six-year period and compares the numbers with the lawyer population in the state. Two figures stand out. In 1982, there was a gross increase in the number of complaints received

COMPLAINTS RECEIVED, 1981-1986

	1981	1982	1983	1984	1985	1986
Complaints received	982	1,325	1,476	1,545	1,779	1,734
Percent change from previous year		+ 34.9%	+ 11.4%	+ 4.7%	+ 15.1%	- 2.5%
Number of active in-state attorneys as of midyear	9,063	9,649	10,120	10,681	11,297	11,901
Complaints per 100 active in-state lawyers	10.8	13.7	14.6	14.5	15.7	14.6
Percent change from previous year		+ 26.9%	+ 6.6%	- 0.7%	+ 6.9%	- 7.0%

TABLE A

Table B gives some details about the complaints received. Only relatively minor changes have occurred since 1983, the period for which figures were last published. The first three categories under "characterization of complaint," Table B1, are now the reverse of what they were in 1983, when client relations was first, interference with justice

second, and neglect third. Neglect is now the leading complaint (and also the leading cause of discipline). The other characterizations are in virtually identical relative positions compared with 1983.

The "area of practice" list, Table B2, has changed even less, although in 1983 family law matters resulted in a higher 26.2% of all complaints.

The percentage is now only 21.8%. In the "identity of complainant" listing, Table B3, the relative positions of sources of complaints are exactly the same as they were three years previously. In 1986, it is still only 7.0% of all complaints that come from lawyers and judges, just a hair greater than the 6.6% registered in 1983.

ANALYSIS OF COMPLAINTS RECEIVED, 1986

Characterization of Complaint	Number	Percent
Neglect	409	23.6
Interference with justice <sup>1</sup>	395	22.8
Client relations	259	14.9
Excessive fees	206	11.9
Personal behavior	112	6.5
Trust violations	108	6.2
Conflict of interest	86	5.0
Misrepresentation/fraud	50	2.9
Failure to file trust affidavit	23	1.3
Advertising/solicitation	21	1.2
RLD 1.1(j) violation <sup>2</sup>	19	1.1
Failure to cooperate with complaint investigation	11	.6
Criminal conviction	6	.3
Failure to pay costs	2	.1
Other/unknown	27	1.6

TABLE B1

<sup>1</sup> A catchall characterization which would include most allegations that an attorney has misrepresented facts, suborned perjury, communicated ex parte with the court, or in any way engaged in misconduct toward the judicial system.

<sup>2</sup> Includes violations of various duties imposed by the Rules for Lawyer Discipline, such as failure to answer a complaint or appear at a hearing, failure to notify clients of one's suspension, etc.

Area of Practice	Number	Percent
Family law	378	21.8
Real property	207	11.9
Torts	203	11.7
Criminal law	177	10.2
Estates/probate/wills	107	6.2
Collections	52	3.0
Commercial law	42	2.4
Bankruptcy	37	2.1
Administrative law	36	2.1
Landlord/tenant	30	1.7
Guardianships	27	1.6
Workers comp/unemployment	21	1.2
Contracts/consumer law	18	1.0
Corporate & banking	15	.9
Immigration/naturalization	10	.6
Juvenile matters	10	.6
Labor law	10	.6
Taxation	7	.4
Unknown	118	6.8
Other or none	229	13.2

TABLE B2

Identity of complainant	Number	Percent
Client	893	51.5
Opposing client	258	14.9
WSBA	122	7.0
Court reporter/expert witness	72	4.2
Opposing counsel	50	2.9
Other attorney	63	3.6
Judicial	9	.5
Other	258	14.9
Unknown	9	.5

TABLE B3

## PROBLEM:

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

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

and you...

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

Or perhaps you're tired of...

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

from your present graphics people.

## SOLUTION:

- Check us out.

DON COPPOCK

GRAPHIC SERVICES

GRAPHIC DESIGN & PRODUCTION  
TECHNICAL ILLUSTRATION  
VISUAL AIDS  
DESIGN CONSULTATION

789-5599

**BOYD**  
 J.A. BOYD & ASSOCIATES  
 BOYD MANAGEMENT  
 SINCE 1963  
 CONSTRUCTION  
 CLAIMS SUPPORT  
 CONSTRUCTION  
 MANAGEMENT

SEND FOR BROCHURE 2423 CHESTNUT ST. SAN FRANCISCO CA 94123  
 (415) 567-4787 OTHER OFFICES IN SEATTLE, NAPA AND LOS ANGELES

### Disposition of Complaints

More complaints were closed in 1986 than in any previous year. The disposition of these 1,857 complaints is set forth in Table C. About a third of all complaints received were dismissed without any investigation, including some that were originally dismissed by staff but finally dismissed by a Review Committee on appeal. These would include complaints referred to other resources, such as the Bar's fee arbitration program, and complaints that on their face showed no violation of any rule applicable to lawyers' conduct.

The remaining two-thirds of all complaints received were investigated by staff and special district counsel. The work of volunteer attorneys as SDCs has been a tremendous help to bar counsel. They are routinely handling about a quarter of the investigation caseload . . . and doing an excellent job.

Of all matters closed in 1986, 181 (or close to 10%) resulted in some

type of special action (although only 63 complaints actually resulted in discipline). Eliminating complaints that on their face did not warrant Bar investigation, the percentage is closer to 15% of complaints warranting investigation. About half of these matters involved advisory letters sent by a Review Committee, which are in no sense discipline or findings of misconduct, but are intended to assist the attorney in avoiding similar complaints in the future.

Table D sets forth the disciplinary sanctions administered over the last six years. It also shows admonitions and probation (which generally was imposed for a two-year period). Perhaps the most puzzling aspect of these figures is the drop in discipline imposed in 1986, when only 30 lawyers received disciplinary sanctions, compared to a previous low for the six-year period of 40 in 1981. Certainly no one in the Legal Department noticed a decrease in the workload in 1986.

## PROFESSIONAL LIABILITY INSURANCE

### Who needs it?

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

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

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

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

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

#### LOOK TO THE LEADER

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

#### CAN YOU AFFORD IT?

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

#### HAVING A RATE INCREASE?

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

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

#### FREE QUOTATION SERVICE

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

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

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

**Marsh & McLennan**

**DISPOSITION OF CLOSED MATTERS, 1981-1986**

<u>Disposition</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Discipline imposed/ other discipline related <sup>3</sup>	57 (5.8%)	51 (4.7%)	112 (7.7%)	91 (7.0%)	90 (5.5%)	82 (4.4%)
Disability transfer	0	1 (0.1%)	5 (0.3%)	2 (0.2%)	2 (0.1%)	1 (.1%)
Dismissal after hearing	4 (0.4%)	10 (0.9%)	10 (0.7%)	11 (0.9%)	18 (1.1%)	11 (.6%)
Dismissal with advisory letter <sup>4</sup>	56 (5.7%)	71 (6.5%)	119 (8.2%)	107 (8.3%)	75 (4.6%)	87 (4.7%)
Review Committee dismissals <sup>5</sup>	352 (35.7%)	422 (38.6%)	308 (21.1%)	169 (13.1%)	228 (14.0%)	245 (13.2%)
Staff dismissals after investigation	142 (14.4%)	80 (7.3%)	414 (28.4%)	459 (35.5%)	712 (43.9%)	840 (45.2%)
Deferred, e.g., pending civil litigation	2 (0.2%)	7 (0.6%)	12 (0.8%)	3 (0.2%)	15 (0.9%)	10 (.5%)
Staff dismissals or referrals without investigation	366 (37.1%)	444 (40.6%)	458 (31.4%)	431 (33.3%)	461 (28.4%)	515 (27.7%)
Miscellaneous closures <sup>6</sup>	8 (.8%)	8 (.7%)	20 (1.4%)	21 (1.6%)	22 (1.4%)	66 (3.6%)
<b>TOTALS</b>	<b>987 (100.1%)</b>	<b>1,094 (100.0%)</b>	<b>1,458 (100.0%)</b>	<b>1,294 (100.1%)</b>	<b>1,623 (99.9%)</b>	<b>1,857 (100.0%)</b>

**TABLE C**

<sup>3</sup> Includes matters closed with a stipulation to misconduct without discipline. Beginning in 1986, it also includes matters resulting in an admonition pursuant to RLD 5.5A, although not a disciplinary sanction.

<sup>4</sup> Prior to 1983, dismissal with a "letter of admonition" under the Discipline Rules for Attorneys, DRA 2.4(f)(3), 84 Wn.2d 1104 (1974).

<sup>5</sup> Includes matters investigated and dismissed and matters dismissed without investigation.

<sup>6</sup> E.g., files closed when a lawyer is disbarred.

**DISCIPLINE AND DISCIPLINE-RELATED MATTERS, 1981-1986**

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
<b>Discipline</b>						
Censure	22	24	21	31	19	19
Reprimand	12	8	9	20	15	5
Suspended suspension <sup>7</sup>	5	2	—	—	—	1 <sup>8</sup>
Suspensions (average length in days)	4(201)	7(139)	10(197)	10(248)	9(104)	8(140)
Disbarment	4	11	6	4	11	5
Total sanctions	47	52	46	65	54	38
Total complaints resulting in discipline	53	50	68	79	85	63
Total attorneys disciplined	40	44	40	47	42	30
Percentage of attorneys receiving discipline <sup>9</sup>	.44%	.46%	.40%	.44%	.37%	.25%
<b>Discipline-related matters</b>						
Admonition <sup>10</sup>	—	—	—	—	—	10
Probation <sup>11</sup>	5	2	3	8	15	5

**TABLE D**

<sup>7</sup> This sanction is not found in the Rules of Lawyer Discipline, effective January 21, 1983.

<sup>8</sup> Suspended suspension imposed by Court, although not provided for in the RLD.

<sup>9</sup> Based upon figures for active in-state attorneys at midyear.

<sup>10</sup> An admonition, adopted in 1986, is not discipline, but is a finding of misconduct which is admissible in any subsequent proceeding. It is not public.

<sup>11</sup> Probation, provided for in RLD 5.2, is not a sanction, but may be imposed for a period not to exceed two years when any other sanction for misconduct is imposed. Prior to January 1983, probation could be imposed only in the form of a suspended suspension.

# **QUALITY. STABILITY. COMMITMENT.**

## **What You Need In Professional Liability Insurance**

### **Look To The Strength of the Lawyer's Protector Plan**

In times like these, when the *unavailability* of professional liability insurance has become a national issue, you need the strength and stability of the Lawyer's Protector Plan.

The Lawyer's Protector Plan offers all eligible attorneys professional liability insurance underwritten by Continental Casualty Company, one of the CNA Insurance Companies. CNA is one of the largest insurance organizations in America with over 25 years of professional liability experience, and a proven record of commitment and stability in satisfying professional liability needs.

### **Take Action Now**

Contact your local Lawyer's Protector Plan Administrator. Discover all the facts about the Lawyer's Protector Plan and determine if you are eligible. It could be one of the most important decisions of your professional life.

Your State Administrator:

**PROFESSIONAL INSURANCE CORPORATION, INC.**

Fourth & Vine Bldg.  
2615 Fourth Ave., 2nd Floor  
Seattle, Washington 98121  
**(206) 441-7960**

Figures for costs and restitution ordered over a three-year period are provided in Table E. The totals may seem surprisingly large. However, the smaller figures that exclude disbarment cases are the more significant ones, since most costs and restitution assessed against disbarred attorneys will never be collected. The resulting figure for costs over the three-year period, about \$25,000 per year, is only a drop in the bucket compared with a projected 1987 budget for the discipline system of nearly \$800,000. (It should also be noted that the figure for restitution for matters involving censures is highly skewed by two cases involving very large restitution orders.)

### Who Gets Disciplined

The succeeding two tables are attempts to make the discipline system more meaningful by showing the basis for discipline and some personal information about who gets disciplined.

Table F first breaks down the 157 total sanctions administered from 1984 through 1986 to show the nature of the misconduct in terms of the rule violated. Neglect tops the list, followed by trust account violations and dishonesty (including misrepresentations to one's client).

It may surprise some to see failure to cooperate with a Bar investigation as the fourth major violation resulting in discipline, since it is so obviously avoidable. In fact, if all the simple duties toward the Bar were combined (including the duty to file an annual trust account affidavit, and the duty to file an answer to a Formal Complaint), violation of duties toward the Bar would probably be the number one ground for discipline.

The second part of Table F breaks down disbarments by rule violation. Contrary to popular notion, only a few disbarments involve major misappropriations of client funds, though a number of others showed small misappropriations (such as failures to return unearned fees) combined with a general pattern of placing personal interests above those of clients.

### COSTS AND RESTITUTION ASSESSED, 1984-1986

	<u>Costs</u>	<u>Restitution</u>
1984 total	\$ 26,003.87	\$ 64,487.26
1985 total	45,644.06	66,947.40
1986 total	34,006.60	22,285.12
1984-1986 total	105,654.53	153,719.78
Total assessed, excluding disbarments	77,627.61	75,657.56
Average assessed per attorney disciplined, excluding disbarments	778.90	971.39
Average, single censure	644.73	1,768.02
Average, disbarment	1,401.35	3,903.11

TABLE E

### RULE VIOLATIONS RESULTING IN DISCIPLINARY SANCTIONS, 1984-1986

<u>Rule involved, all matters</u>	<u>Number of sanctions imposed</u>
RPC 1.3, neglect <sup>12</sup>	31
RPC 1.14, trust account violations	29
RPC 8.4(c), dishonesty	24
RLD 2.8, failure to cooperate with investigation	23
RPC 8.4(b), illegal conduct involving moral turpitude	6
RLD 13.3, failure to file trust account compliance affidavit	6
RPC 8.4(d), conduct prejudicial to the administration of justice	6
RPC 3.4(c), disregarding rule of tribunal	4
RPC 1.8(a), business transaction with client	3
RLD 1.1(m), failure to comply with conditions of probation or of stipulation	3
RPC 1.5(a), excessive fees	2
RPC 1.15(d), improper withdrawal	2
RPC 1.7, conflict of interest	2
RLD 1.1(p), unfitness to practice law	2
Miscellaneous (one violation per sanction)	14
Total matters	157

<u>Rule involved, disbarments only</u>	<u>Number of sanctions</u>
RPC 8.4(c), dishonesty	8
RPC 1.14, trust account violations	4
RPC 8.4(b), illegal conduct involving moral turpitude	4
RLD 1.1(p), unfitness to practice law	2
RLD 1.1(m), failure to comply with probation	1
RLD 13.3, failure to file trust account affidavit	1
Total matters	20

TABLE F

<sup>12</sup> Code of Professional Responsibility violations are listed under the comparable section of the Rules of Professional Conduct, where possible.

**PERSONAL PROFILES OF PERSONS DISCIPLINED, 1984-1986**

	<u>Total #</u>	<u>Ave. Age</u>	<u>Average Years admitted</u>	<u>Alcohol or drugs?</u>	<u>Mental problems?</u>
All discipline proceedings	122	44	15	13 yes; 109 no	15 yes; 107 no
All disbarments	20	43	15	4 yes; 16 no	20 no
Single suspensions	23	45	17	6 yes; 17 no	8 yes; 15 no
Single reprimands	16	44	16	16 no	16 no
Single censure	38	42	13	2 yes; 36 no	4 yes; 34 no
Single censure, no prior disc.	30	41	12	1 yes; 29 no	3 yes; 27 no

**TABLE G**

Finally, Table G attempts to give a picture of those disciplined over the three-year period in terms of age, years admitted to practice, and whether they appeared to have alcohol and drug problems or mental problems. The attorneys involved in the 122 proceedings conducted during this period averaged 44 years of age and 15 years of practice. In the opinion of bar counsel who dealt with them, only 10.6% appeared to have a problem with

alcohol or drugs, while 12.3% appeared to have some type of mental problems, such as severe depression. To the extent that an attorney could successfully conceal problems from bar counsel during very stressful proceedings, these figures may understate the problem.

The remaining figures in Table G give the same information for persons receiving a suspension, a single reprimand, a single censure, and finally a single censure with no prior

discipline. We can flesh out this last category of newcomers to the system, a little more. Twenty-five were men, five women. The largest group (nine) violated only duties toward the profession, *e.g.*, by failing to file their annual trust account affidavit or failing to cooperate with an investigation. (This group averaged 36 years of age and only six years admitted to practice.) Six neglected a legal matter. Five violated the trust account rule, showing that there are less serious ways that an attorney can mishandle client funds or property without getting disbarred.

Of the 30 first-timers receiving a censure, only one was perceived as having a problem with alcohol or drugs, while three were seen as having some type of mental problem. Three were also placed on probation, one for one year and two for two years.

We hope none will reoffend. But the statistics also show that of all persons receiving discipline between 1984 and 1986, 21% had received prior discipline. In fact, four attorneys were involved in two disciplinary proceedings leading to discipline during the three-year period, and one attorney was involved in three separate disciplinary proceedings in three years.

## **ENGRAVED STATIONERY SPEAKS FOR ITSELF.**

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

It doesn't try to be anything else.

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

### **GENUINE ENGRAVED STATIONERY.**

THE LOOK OF DISTINCTION,  
THE IMAGE OF DIFFERENCE

#### **L & H ENGRAVING CO.**

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

Serving Washington State Since 1882



# Accountant Malpractice

by Timothy C. Farris

Clients who have lost their business, investment, or loan are usually advised to file a bankruptcy petition or to take two aspirin. A tax deduction for the loss is little solace. Before advising clients<sup>1</sup> to abandon the financial interest, counsel should ask about the role of their certified public accountant (CPA) and the accounting advice they received. Accountant negligence can and does cause businesses, investors, and creditors to lose money. If the loss was caused by negligent accounting advice, a malpractice action can recover the entire loss. For some, it is life after death.

Nationally, accountant malpractice actions are gaining steam. Big Eight CPA firms have revenues in excess of a billion dollars.<sup>2</sup> They are diversified businesses which provide services including accounting and tax advice, management consultation, computer consultation, business brokerage, and other services. Accountants are paid handsomely for the important responsibilities they bear. When they become the jack-of-all-trades, professionalism suffers. Since 1980, the Big Eight certified public accounting firms have paid out over \$180 million in settlement. Another \$2 billion in claims against large and small firms remains outstanding. Nevertheless, there has been relatively little activity in this state as compared to the national level. For example, there are no appellate decisions on accountant malpractice in this state.

The absence of accounting negligence cases in Washington is probably attributable to the Bar struggling with three factors: Complex standards, difficulty in establishing causation, and failure to properly review the breadth of damages.

## Complex Standards

The standard of care for accountants includes at least nine different sets of professional pronouncements,<sup>3</sup> Sections 11, 12, and 17 of the Securities Act of 1933; Section 10(b) and Rule 10(b-5) of the Securities Exchange Act of 1934; the Internal Revenue Code and Revenue Regulations; the state securities act; and common law negligence. The professional pronouncements as well as the tax code are continually updated. Four principles unite these three codes: accuracy, full disclosure, independence and judgment.

*Accuracy*, particularly in financial statements, is essential. A CPA's engagement ranges from bookkeeping, compilation, and review to an audit. The standard of care increases in accordance with the nature of the engagement. Errors in a compilation may be forgiven—unless the accountant had actual knowledge of the error, but woe to the CPA whose audit statement contains an error. In an audit, the CPA has a duty (with some limitation) to discover and report the company's true financial position.

*Independence* is required by the AICPA Code of Ethics. Independence from whom or what? The CPA is a surrogate for the public. The United States Supreme Court has

described accountants as "public watchdogs."<sup>4</sup> Trust and confidence in the CPA's financial statement is the bedrock of a workable economy. While managers, in practice, retain the CPA, the duty of independence is owed to the Board of Directors, shareholders and the public.

*Full disclosure* is required of all material aspects of the company's financial condition. If the CPA has doubts whether management is making proper disclosure, the accountant has a duty to disclose to the board and if necessary the shareholders. A silent "watchdog" is worthless. Thus, disclosure requires a CPA to report embezzlement, refuse an improper engagement, and place a warning on statements where the CPA is concerned about the company's liquidity and ability to continue as a going concern.

Lastly, accountants have the duty to exercise proper *judgment*. What is material? Will the company be able to cover debt? Should it be deducted or capitalized? Is the client misappropriating or abusing assets? Is a tax deduction legitimate? Should certain items be disclosed? Many CPAs are under enormous pressure to abide by the will of the client who pays them. Judgment is subordinated to threat of losing the engagement . . . and lucrative fees.

A key to successfully prosecuting accountant malpractice cases is to identify and retain top-notch experts. As in other professional malpractice actions, the jury relies heavily on expert credentials. Accounting experts can and will illuminate negligent conduct. It is often valuable to present two experts—from academia and from

Structured Settlements

Estate Evaluations

Estate Liquidation

Transfer and Registration  
of Specific Bequests

Retirement Investments for Partnerships  
and Personal Corporations

Transfer Restricted Securities

SHEARSON LEHMAN BROTHERS AND THE SERIOUS INVESTOR.  
MINDS OVER MONEY.<sup>SM</sup>

Shearson Lehman Brothers, First Interstate Center, 999-3rd Ave.,  
Suite 3800, Seattle, WA 98104 344-3500; 1-800-272-2210 in WA;  
1-800-426-7127—National.

SHEARSON  
LEHMAN  
BROTHERS

An American Express company



Member SIPC

private practice. . . . The two provide a balanced and persuasive opinion.

In truth, the accounting community has established high, if not unreasonably high, standards for itself. Breach of the standards for accuracy, independence, disclosure and judgment are far more common than the Bar detects. Doubts should be resolved by a thorough review of the accountant's role and records.

### Causation

If determining the standard of care is the most complex issue, then the issue of proximate cause is certainly the most intriguing. Business organizations can fail for many reasons. Bad management, competition, or changing economy are not the least of the contributing factors. Understanding the role of the accountant is a precondition to thinking through the issue of proximate cause. Management decisions relating to the uncertainty of markets, cash flow, asset deployment, taxes and other tactical decisions depend in part on accurate information as to the company's position. Inadequate disclosure or wrong information can cause management to make bad decisions which imperil the company, its investors and creditors.

It is easier to detect negligence claims by individuals who rely on poor tax and investment advice. The causation issue is less confused by the concurrent existence of other causal factors which could be the basis for loss. Juries are instructed, of course, that there can be more than one proximate cause. Accountant negligence need only be a proximate cause of the damage.

Clients often fail to realize they have been misled by their accountants. Typically, clients attribute the loss or bankruptcy to competition or even their own bad management. What they fail to realize is that competitors may have been making better business decisions because they had accurate financial data. Meanwhile, your clients' management decisions may have been based on faulty accounting information.

The issue of proximate cause is played on plaintiff's turf. It is difficult for accountants to rebut managers who testify that they would have made different and better decisions had they had the proper information. Persuading juries that the accountant's negligence is a proximate cause of damages is advocacy at its best.

### Damages

Damages are not limited to the accountant's fees. An accountant's liability is limited to actual monetary loss. If managers relied upon negligent accounting advice, the CPA is liable for all damages proximately caused by the negligence. For example, accountants have been held liable for the entire value of a business, investment, or loan which was lost due to negligent accounting services. Damages need not be proved with absolute certainty. However, sufficient evidence to reasonably evaluate the loss must be established by the evidence.<sup>5</sup>

Clients who have lost businesses, investments, or loans may find their losses are recoverable. They ought to review the accountant's role and records. They may find that the loss is not their own. □

*Timothy C. Farris is a partner in the law firm of Brett & Daugert, Bellingham. He also holds an M.B.A. and is a plaintiff's attorney in accountant malpractice claims.*

<sup>1</sup> Clients may include the party who engaged the CPA as well as those who relied upon the financial statements. *Haddon View Investments Co. v. Coopers & Lybrand*, 70 Ohio St. 2d 154, 24 Ohio Op. 3rd 268, 436 N.E. 2d 212 (1982).

<sup>2</sup> The annual revenue of the accounting profession is approximately \$10 billion, 60 percent of which is derived from audit work. *Time*, April 21, 1986, page 61.

<sup>3</sup> Accounting Research Bulletins (ARB); Accounting Terminology Bulletins (ATB); Accounting Principle Board Opinions (APB); Financial Accounting Standards Board Interpretations (FASB); Statement of Auditing Procedure (SAP); Generally Accepted Accounting Principles (GAAP); Generally Accepted Accounting Standards (GAAS); Statement on Auditing Standards (SSARS #1) and American Institute of Certified Public Accountants Code of Ethics.

<sup>4</sup> *United States v. Arthur Young & Co.*, 465 US 805, 79 L.Ed 2d 826, 104 S.Ct. 1495 at 1503 (1984).

<sup>5</sup> *Bonhiverv. Craff*, 311 Minn. 111, 248 N.W. 2d 29 (1976).

## NOW, YOUR COMPANY ACHIEVEMENTS CAN ACT AS AN IMPORTANT BUSINESS COMMUNICATION.

Announcements or "tombstones" are a distinctive method for building public awareness of your firms specialized services, enhancing your image with current clients and creating the potential for additional ones. Call us today.

583-0701



**Franco, Asia  
Bensussen & Coe**

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

**Immigration**

Investors

Intra-company transferees

Permanent status

Student Visas

Naturalization

Deportation

Labor Certificates

Loss of Citizenship

We have language availability in Spanish, French, German, Italian, Japanese, and Chinese (Cantonese and Mandarin).

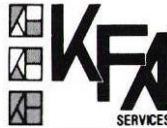
For further information call  
(206) 624-5622

# KFA SERVICES

## Financial, Accounting, & Economic Analysis

- Business valuations
- Financial projections and feasibility analysis
- Analysis of economic losses, including business interruption impacts
- Cost accounting, including construction claims analysis
- Business policy and planning, including analysis of acquisitions/mergers/divestitures/new ventures

**High Quality • Effective Presentation**



Call Michael Katz  
at (206) 745-6860

## TRADEMARK & COPYRIGHT SEARCHES

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

**SEARCH FEES:**

TRADEMARK OFFICE — \$ 60\*

STATE TRADEMARKS — \$ 70

COMMON LAW — \$ 35

EXPANDED COMMON LAW — \$ 80\*

DESIGNS - \$ 85\* per class minimum

COPYRIGHT — \$ 95\*

\* plus photo copy cost.

**INTERNATIONAL SEARCHING**

**DOCUMENT PREPARATION**

(for attorneys only - Applications, Section 8 & 15. Assignments, renewals.)

**RESEARCH** — (SEC — 10K's, ICC, FCC, COURT RECORDS, CONGRESS)

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

Over 100 years total staff experience — not connected with the Federal Government.

**GOVERNMENT LIAISON SERVICES, INC.**

3030 Clarendon Blvd., Suite 209

Arlington, VA 22201

Phone: (703) 524-8200

All major credit cards accepted

**TOLL FREE: 800-642-6564**

THE WARWICK HOTEL • SEATTLE

# UNCOMPLICATED. PERSONAL.



Preferred Status. The Warwick's "members only" program is available to members of the **Washington State Bar Association**. Preferred Status guests

receive upgraded accommodations, complete with plush bathrobes for use during their stay. Rooms feature king-size beds, wet bars with refrigerators, full desks and Italian marble baths with phones. Downstairs, you can relax in The Warwick's indoor pool, sauna, whirlpool spa and fitness center.

Each morning, enjoy our complimentary "Preferred Status Breakfast" delivered to your room with a copy of the *Wall Street Journal*. In addition, "P.S." members park free in the hotel garage and there is no charge for local telephone calls. The Warwick also provides you with courtesy transportation throughout the downtown area.

**PREFERRED STATUS RATE**

PLUS TAX, SINGLE OCCUPANCY (Regular Rates from \$115-\$160).

**\$80\***

\*PLEASE IDENTIFY YOURSELF AS A MEMBER OF A STATE BAR ASSOCIATION WHEN YOU CALL FOR RESERVATIONS.

FOR RESERVATIONS, CALL THE PREFERRED STATUS RESERVATION LINE: (206) 443-0110. Collect Calls Welcome.



Fourth and Lenora, Downtown Seattle.  
A Warwick International Hotel.



Mentor's 3rd Annual Banquet:

## The Congressman and the Constitution

by Jo Rosner  
Attorney & educator

With the bicentennial year of the United States Constitution upon us, approximately a hundred people—lawyers, judges, educators and others interested in law-related education gathered on Bloomsday Weekend in Spokane to attend a three-credit CLE on “Constitutional Review: Theory, Practice and Problems” and “What is a ‘Religion’ in the Context of the First Amendment?” (Dean James Vaché, Gonzaga Law School); “Separation of Powers in Constitutional Law—Iteration of Importance—and a New Approach” (Dr. Michael Leiserson, professor of political science at Gonzaga; and “Some Strains on Federalism: Due Process and Commerce Clause Restraints on State Taxation; Taxing Moving Targets” (Milton Rowland, Paine, Hamble, Coffin, Brooke & Miller), Spokane.

The seminar, put together by Dean Vaché, stimulated probing discussions of Constitutional issues.

The various attorneys and teachers who have been MENTOR participants in school year 1986-1987 gathered in a working session to share the experiences of that year and the creative ideas that had been generated in the partnership of law firms and high school classes. They now extend to 28 within the state, nearly all of which were represented at the session.

Ballard (Seattle) High School teacher Robin McNabb and her MENTOR partner attorney Jim White, for example, presented issues involved with juvenile law, a mock trial encompassing a civil case written by Jim, and contrasted the rights and responsibilities of U.S. citizens versus those of Russians.

Emcee William Gates, president of the WSBA, introduced Congressman Tom Foley, who enhanced the Russian-American theme by recounting his recent experiences in the Soviet Union. One of his most affecting stories regarded Soviet Jews. One of the American ambassadors had gathered some of the dissidents for a celebration of the Jewish Passover. General Secretary Gorbachev heatedly denounced the assemblage as being non-representative of that “satisfied” majority of Jews in the Soviet Union. Diplomat and debater par excellence, Gorbachev followed this quickly with the statement that, of course, the U.S. ambassador had the right to meet with whomever he wished and that Gorbachev was happy to give the ambassador that opportunity in their open and free society of the Soviet Union. Foley was impressed, more than ever, on his return to the States, with the rights and freedoms in our *written* constitution and our system of checks and balances which guarantees them.

Previous to Foley's comments, Gates had warmed up the audience by quizzing them with material used in the recent Hearst Report. This national survey evaluated the public's knowledge of what our con-

stitution contains. Even banquet attendees were surprised at their own hesitation to answer some of



U.S. Congressman Tom Foley

the survey questions. At the end of the banquet pocket copies of the Constitution were provided by the WSBA to all comers.

Left to right: Dr. Michael Leiserson, Dean James M. Vache, Milton Rowland





## Family Law Mid Year and Liability of Architects And Engineers in June— Bankruptcy Pitfalls in Business Transactions And Corporate Counsel Institute in July

by John M. Redenbaugh  
Associate Director of CLE

Make plans now for summertime CLE attendance! The *Family Law Section Mid Year* will be held at the Yakima Convention Center on June 12 and 13. **W. James Kennedy** (Thorner, Kennedy & Gano, P.S., Yakima), the program chairperson, has designed an excellent program that will appeal to family law practitioners and also to attorneys whose practice touches upon family law concerns. This year's Mid Year will cover such topics as "Estate Planning for People About to Be Divorced, Who Have Been Divorced or Who Are Remarried," "Valuation of Pension Plans in Mar-

ital Dissolutions," "Tax Traps of the 1986 Tax Reform Act," "Pre-Nuptial Agreements," and a look at the "State of Washington Retirement Systems Decrees as They Pertain to Separation and Dissolution Decrees."

Speakers for this year's Family Law Mid Year include **Faye C. Kennedy** (Attorney at Law, Everett), **Dr. Robert L. Hollister, Jr.** (Director of Retirement Systems, Olympia), **Mary H. Wechsler** (Attorney at Law, Seattle), **John A. Rossmeissl** and **George F. Velikanje** (Velikanje, Moore & Shore, Inc., P.S., Yakima), **Patrick R. Cockrill** (Hovis, Cockrill, Weaver & Bjur, Yakima), **Robert M. Chandler** (Milliman & Robertson, Inc., Consulting Actuaries, Seattle), **Devitt D. Barnett** (Karr, Tuttle, Koch, Campbell, Mawer, Morrow & Sax, Seattle), **Charles H. Thulin** and **Rob Williamson** (Davies, Roberts, Reid & Wacker, Seattle), **Linda Rix** (Washington Consulting Services, Tacoma), **W. James Kennedy** (Thorner, Kennedy & Gano, P.S., Yakima), **Daniel J. Radin** (Assistant

Attorney General, Department of Social and Health Services, Seattle), Professor **Gary C. Randall** (Gonzaga University School of Law, Spokane), and **Kent C. Seelig, CPA** (Boyd, Olofson & Co., P.S., Yakima). For further information about this program please contact **Karla Ellison**, WSBA, 500 Westin Bldg., 2001 Sixth Ave., Seattle, WA 98121-2599 or telephone (206) 448-0433.

Another June seminar is *Liability of Architects and Engineers*. This program will be presented on June 18 in Seattle at the Westin Hotel. Such matters as "Sources of Duties," "Liability of Clients and Non-Clients," "Areas of Potential Liability," "Defenses," "Damages," and "Prevention" will be dealt with during the program. For further information about this seminar, please contact **Debbie Kirchauser** at the WSBA (206) 448-0443.

*Bankruptcy Pitfalls In Business Transactions* (Prevention and First Aid) will be presented on July 10, 1987 in Seattle at the Westin Hotel.

1021286B

© 1986, New England Mutual Life Insurance Company, Boston, MA



**ARE YOU MAKING THE MOST OF YOUR ASSOCIATION MEMBERSHIP?**

**COME TO NEW ENGLAND.**

Your association membership is a valuable asset, but if you haven't looked into disability income insurance from The New England, you're not making the most of that asset.

DI insurance from The New England can help you meet your financial obligations if you become unable to work due to sickness or injury. And now with savings of up to 20% (24% to non-smokers) to members of preferred associations, you can get more out of your membership.

For more information on association discounts on DI insurance, come to New England. The New England.



**The New England**

Your Financial Partner

The New England  
1800 IBM Building  
1200 Fifth Avenue  
Seattle, WA 98101  
(206) 682-8333 in Seattle  
(800) 637-4445 in Washington

This program has been designed to address matters of concern for the attorney who is *not a bankruptcy specialist*, but needs an overview of issues erupting in today's business environment. The seminar will deal with such topics as "Bankruptcy Policy and Technology," "Landlord/Tenant: What a Bankruptcy Policy Filing Can Do to Your 'Airtight' Lease," "Supplier/Purchaser: Protecting The Ongoing Relationship," and several other matters of interest. Please contact Lita Spratt at the WSBA CLE Department, (206) 448-0443, for further information about this program.

Make plans now to attend the 1987 Pacific Northwest Corporate Counsel Institute—*Counseling the Corporation in a High-Tech World*. This program will be held on July 23 and 24 in Seattle at the Westin Hotel. If you serve as or work with corporate counsel, or if you represent corporations on a regular or occasional basis, this outstanding institute is for you! The Corporate Counsel Institute features a dis-

tinguished faculty that includes speakers from Washington, D.C., New Jersey, Oregon, and the state of Washington. The two days of seminar sessions will involve appearances by representatives of such companies as Bell Communications Research, Inc.; Microsoft Corporation; Blue Cross of Washington and Alaska; Boeing Computer Services Company; Lockheed Shipbuilding; and Tektronix, Inc. The institute has been designed to provide a timely analysis of the law on selected topics of current importance and to offer practical solutions to problems facing the attorney who must solve the challenges arising from corporate, legal, personnel, and litigation management concerns—while coping with the constantly evolving demands of a high-tech world. For further information about this program, please contact Debbie Kirchhauser at the WSBA CLE Department (206) 448-0443.

## APPROVED COURSES

### Washington State Bar Association

<b>Computer Law Institute</b>		8.50 credits
JUN 5	Seattle (Westin Hotel)	
<b>Family Law Mid Year</b>		12.00 credits
JUN 12	Yakima (Convention Center)	
<b>Liability of Architects and Engineers</b>		4.00 credits
JUN 18	Seattle (Westin Hotel)	
<b>Bankruptcy Pitfalls In Business Transactions: Prevention and First Aid</b>		6.75 credits
JUL 10	Seattle (Westin Hotel)	
<b>Corporate Counsel Institute</b>		12.00 credits
JUL 23	Seattle (Westin Hotel)	
	-24	



## Leather stays on the job.

When buying furniture is a business decision, 100% top grain leather becomes an excellent investment. Not only is it beautiful, comfortable, washable and made in the U.S.A., it also lasts four times longer than fabric or vinyl.

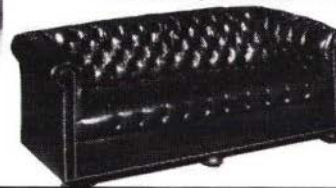
And at The Leather Furniture Company, you'll find the best leather office furniture prices in the Northwest.

Leather for beauty. Leather for business. In either case, it's the natural choice.

Executive swivel, #76ST, wood arms, padded back ..... **\$549**

Banker's side chair, #61 ..... **\$219**

Coordinating sofa ..... **\$1099**



**RALEIGH HILLS**  
6800 SW Beav-Hills Hwy  
Near Scholls Ferry Rd.  
503 / 297-1034

**BEAVERTON**  
9315 SW Beav-Hills Hwy.  
1 mile E. of Hwy. 217  
503 / 292-1903

**The Leather Furniture Company**

"Where leather is made affordable."

**CLACKAMAS CORNER**  
at Clackamas Town Center  
across parking lot  
from Penny's & Ward's  
503 / 652-1027

**DOWNTOWN PORTLAND**  
311 SW Alder  
W. end of Morrison Br.  
503 / 224-0272



**Costs On Appeal**

by JoAnne L. Tompkins  
Commissioner, Division One

The Rules of Appellate Procedure provide that the party who prevails on appeal may recover from the los-

ing party certain expenses termed "costs." RAP 14.1 *et seq.* This article will discuss when costs are awarded, who is entitled to costs, which expenses are recoverable, and how costs are claimed.

Costs are awarded by the appellate court only after the filing of a decision terminating review. In most cases, costs will be awarded

even if the case is remanded to the trial court. However, the appellate court can provide in its opinion that costs will abide the final determination in the trial court. RAP 14.2, 14.4(b)(c). In the discretion of the appellate court, costs may be granted upon the voluntary withdrawal of review by the party who initiated review, although costs are not routinely granted in this circumstance. RAP 14.1(a), 18.2. Rulings denying motions for discretionary review are not "decisions terminating review" as defined by RAP 12.3(a). Thus, costs are not recoverable by the party responding to the motion unless the motion was brought for purposes of delay and compensatory damages are imposed under RAP 18.9(a).

**"Substantially prevails"**

Generally, costs are awarded to the party that "substantially prevails on review." RAP 14.2. However, the appellate court has, on occasion, denied costs to the prevailing party when, for example, the prevailing party created the necessity for an appeal by failing to cite the controlling authority to the trial court. *South Capitol Neighborhood Ass'n v. Olympia*, 23 Wn. App. 260, 265, 595 P.2d 58 (1979); *see also National Elec. Contractors Ass'n v. Seattle Sch. Dist. No. 1*, 66 Wn.2d 14, 23, 400 P.2d 778 (1965).

In determining who is the "substantially prevailing party" for purposes of RAP 14.2, the appellate court will determine which party's arguments were accepted on the issues raised. The court will "look beyond the bottom line of reversal or affirmation." *Family Medical Bldg., Inc. v. DSHS*, 38 Wn. App. 738, 739, 689 P.2d 413 (1984). For example, if a party against whom a judgment was entered in the trial court appeals only issues pertaining to the calculation of damages and succeeds in reducing the judgment amount, that party "substantially prevailed on review" even if the liability aspects of the judgment are affirmed. If both parties succeed in part, the court will determine who prevailed on the primary issue or

**THE  
NIELSEN-WURSTER  
GROUP**

Nationally recognized **EXPERTS**  
specializing in  
**CONSTRUCTION DISPUTES**

- Schedule Delay/Acceleration Analyses
- Damage Calculations and Analyses (including Anti-trust)
- Labor Productivity Analyses
- Economic/Escalation Analyses
- Lost-Profit Analyses
- Deposition/Interrogatory Preparation Assistance
- Litigation Support
- Forensic Testing and Analyses of Failures
- Geotechnical Evaluations
- Expert Testimony

**4900 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104  
ph: 206-386-5250**

Other Divisions of Service

- Construction Management
- Technical Services
- Utility Management
- Lender Services

Other Office Locations

- New York City
- Washington, D.C.
- Princeton, N.J.
- Bethlehem, Pa.

issues raised. *Family Medical Bldg., Inc. v. DSHS, supra*. The court may conclude, however, that neither party prevailed on appeal and deny costs. RAP 14.2; *see, e.g., Northwest Television Club, Inc. v. Gross Seattle Inc.*, 96 Wn.2d 973, 985-86; 640 P.2d 710 (1981). A nominal party, or party that is named but has no real interest in the controversy, will not be awarded costs or required to pay costs. RAP 14.2; *see Hogue v. Port of Seattle*, 55 Wn.2d 153, 346 P.2d 691 (1959).

### Claiming Expenses

Once a decision terminating review has been filed and a party concludes that it substantially prevailed, that party may claim the following expenses:

(1) statutory attorney fees, currently set at \$125 by RCW 4.84.080(2);

(2) the stenographic cost of preparing the original and one copy of the verbatim report of proceedings as required by RAP 9.2(a);

(3) the cost of preparing copies of the trial court clerk's papers;

(4) a per page rate, currently set at \$2, for preparation of an original document that is to be reproduced by the clerk, such as a brief or a petition for review;

(5) fees charged by a trial court clerk for preparing and transmitting the record on review pursuant to RAP 9.8;

(6) the cost of bonds, usually supersedeas bonds, given in connection with review;

(7) charges by the clerk of the appellate court for reproduction of briefs, petitions and motions; and

(8) the appellate court filing fee, currently set at \$100. RAP 14.3(a).

Although most of the items enumerated in RAP 14.3(a) are self-explanatory, it is unclear in Washington precisely what items of expense associated with securing a bond may be recovered. Certainly, the bond premium is recoverable. *See* RCW 4.88.260. However, many

other expenses may be associated with securing a bond, such as fees for letters of credit, fees for title reports and appraisals of real property, or interest on funds borrowed to secure the bond. It is unclear whether these expenses are recoverable. *See* RCW 4.88.260; RAP 18.22; 3 L. Orland, Wash. Prac. § 3992 (1978). There are cases outside this jurisdiction, however, suggesting that such costs, which can be substantial, are recoverable. *See, e.g., Trans World Airlines, Inc. v. Hughes*, 515 F.2d 173 (2nd Cir. 1975).

Only those costs specified in RAP 14.3 are recoverable. Other expenses, even if reasonably incurred, will not be awarded. Reasonable attorney fees are not considered costs and will not be awarded if requested in the cost bill. RAP 18.1(b). However, the \$125 statutory attorney fee can be requested in the cost bill even if reasonable attorney fees were awarded in the court's opinion.

## WASHINGTON ADMINISTRATIVE CODE

1986 EDITION NOW AVAILABLE

THE OFFICIAL CODE OF STATE AGENCY RULES

The 1986 Washington Administrative Code, incorporating all changes in state agency rules filed through the end of that year, is now available from the state Code Reviser. The WAC consists of more than 10,000 pages in nine perfect bound volumes. It contains over 35,000 sections filed by 171 rule-making state agencies.

This edition replaces the 1983 WAC and its 1984 and 1985 supplements and also contains the 5,000 sections filed in 1986 that have not previously been available in codified form.

The price for the 1986 WAC is \$340, and sales tax of 7.8% now applies to all sales other than to state agencies. State law also requires payment in advance. To order the WAC, send your name and mailing address, along with your check or money order in the amount of \$366.52 (tax included, no shipping charge in U.S.) to:

W A C Subscriptions  
Office of the Code Reviser  
Legislative Bldg. MS/AS-15b  
Olympia, WA 98504

Each item requested must be "reasonably necessary for review" and the amount requested must be "reasonable" and "actually incurred." RAP 14.3(a). Each requirement must be met or the cost will not be awarded. For example, although a brief on the merits is "reasonably necessary for review," its full cost will not be awarded if it is "unrea-

sonably long" or not in substantial compliance with the Rules of Appellate Procedure. RAP 14.3(b). The party seeking costs does have the benefit of two rebuttable presumptions, however. If the item claimed is specified in RAP 14.3(a), it is presumed reasonably necessary for review; and, the amount actually paid by the party for the item is pre-

sumed reasonable. RAP 14.3(a).

Once the prevailing party determines which expenses are recoverable, a cost bill must be served on all parties and filed in the appellate court within ten days of the filing of the appellate court decision terminating review. RAP 14.4(a). Form 10 of the Rules of Appellate Procedure provides a good format for the cost bill. A supplemental cost bill may be filed for a recoverable expense incurred after the time to file the cost bill has expired if the supplemental cost bill is served and filed within ten days of the expense incurred. If the appellate court decision is subsequently modified such that a different party "substantially prevails" on appeal, that party must serve and file its cost bill within ten days of the decision modifying the original decision. RAP 14.4(a). Any party may object to the items claimed in another party's cost bill within ten days after service of the cost bill by serving on all parties and filing with the appellate court objections to the cost bill. RAP 14.5. Form 11 of the Rules of Appellate Procedure provides an appropriate format for such objections. Failure to comply with the time requirements of RAP 14.4(a) may result in the imposition of sanctions, possibly even the denial of costs. *See* RAP 18.9.

After the time period for objections has run, the commissioner or clerk will issue a ruling awarding or denying costs. RAP 14.6(a). If it appears on the face of the cost bill that an item claimed is not properly allowable, costs may not be awarded even if no objections have been filed. A party may object to the commissioner or clerk's ruling on costs by serving on all parties and filing in the appellate court a motion to modify as provided in RAP 17.7. RAP 14.6(b). The motion to modify will then be reviewed by the judges or justices. When the issue is finally resolved, costs will be awarded in the mandate or in a supplemental judgment, either of which may be enforced as part of the judgment in the trial court. RAP 14.6(c).

# SYNTREX knows LAW

Why Syntrex? Because we have the best legal word processing in the business! Legal personal computers, legal secretarial workstations, networks, file servers and "no-fail" fault tolerant systems. Add to that the kind of electronic mail, phone messaging and document retrieval today's law firms need.

Now add our new family of Concorde computers, Legal Insight financial management, automated litigation support, conflict of interest and docket control as well as special-

ized legal database applications. Now you've got the ultimate legal solution.

We provide fully integrated systems to meet your needs, whether you're a small firm looking to network PCs or a large firm looking for a fully integrated legal automation solution.

Best of all . . . everything is backed by our extensive nationwide service and support teams, who understand law firms.

*1700 major law firms made Syntrex the leader . . . because . . .*

*The Leader In  
Legal Information  
Management*



1111 3rd Avenue  
Suite 900  
Seattle, WA 98101  
(206) 343-5767



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION**

by J. BERWICK

The Washington chapter of the American Immigration Lawyers Association elected its officers for 1987-1988. They are: **Jimmy Wu**, President, **Kathy Weber**, Program Chairperson, **Robert Tulloch**, Secretary, and **Daniel Hoyt Smith**, Treasurer/Membership Chairperson. **Ester Greenfield** will serve on the executive committee of the chapter as Past President.

Founded in 1946, the American Immigration Lawyers Association (AILA) is the national bar association for attorneys practicing in the field of immigration law. AILA provides its over 2,000 members with a quarterly journal and monthly reports that update practitioners about recent developments in immigration law, procedure and policy. AILA sponsors regular conferences on a variety of topics from business

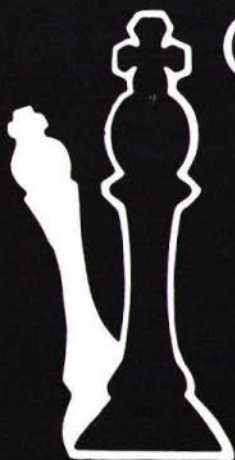
visas and deportation defense to political asylum. AILA's professional staff also monitors changes in the law and regulations passed by Congress or developed by federal agencies to ensure that the immigration bar's voice is heard.

The Washington chapter of AILA provides its members with monthly meetings and mailings geared to issues and changes affecting local immigration practice. In addition, the chapter's executive committee meets regularly with key officials associated with the Immigration and Naturalization Service (INS) and the Department of Labor (DOL), bringing to these officials the questions and concerns of the membership. This liaison relationship between AILA and INS and DOL officials enables AILA members to represent their clients more effectively. The chapter's efforts to maintain active liaison with these agencies is enhanced by AILA, whose committees meet regularly with senior representatives of the INS Central Office and Regions, the State

Department's Visa Office, the Labor Department and other important federal agencies.

Recently, with the passage of the Immigration Reform and Control Act (IRCA), many more lawyers have had to familiarize themselves with immigration law to answer their clients' questions relating to IRCA's employer sanctions, discrimination, and legalization provisions. Informing practitioners about IRCA is a top priority of the Washington chapter of AILA.

In April, AILA, along with the WSBA Continuing Legal Education Committee and International Law Section and the Pacific Northwest Personnel Management Association, sponsored a seminar entitled *Immigration Law: Employer Responsibilities and Employee Rights*. In addition to the seminar, the Washington chapter of AILA has invited several INS officials to speak at the chapter's monthly meetings about IRCA and INS plans for its implementation and administration here in Washington.



QUEST

ATTORNEY INVESTIGATIONS

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

FINANCIAL  
REPORTS

BACKGROUND  
REPORTS

SKIPS  
LOCATED

ASSETS  
LOCATED

CHILD  
RECOVERY

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

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

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

To order copies of the seminar handbook, contact the Washington State Bar Association Continuing Legal Education Department at (206) 448-0433.

Attorneys with practices that include immigration-related matters and attorneys with clients affected by the new immigration law are encouraged to join AILA. For information about joining the Wash-

ington chapter of AILA, call Daniel Hoyt Smith in Seattle at (206) 682-1948.

### CLALLAM COUNTY

Esther Ann Snowden has opened her law office in Sequim. Before being graduated from the Univer-

sity of Utah Law School in 1985, she had been a chemist.

### GRAYS HARBOR COUNTY

Gary Morean and Arthur Blauvelt are new partners in the Aberdeen firm of Ingram, Zelasko & Goodwin. Morean came to the firm after being graduated from law school at Willamette University in 1981. Blauvelt received his law degree from the University of Puget Sound in 1977 and had seven years of practice before coming to the firm in 1984. He is municipal court judge in Elma.

### PIERCE COUNTY REPORT

by ROBERT W. MARSDEN

The Tacoma-Pierce County Bar Association recently co-sponsored a mock trial competition among several local high schools. The competition, which was co-sponsored by the *Morning Tacoma News Tribune*, was held in connection with the "Constitution and You" program celebrating the 200th anniversary of the signing of the U. S. Constitution.

Foss High School won the competition, with Mount Tahoma High School finishing second and Curtis High School finishing third. The trials, which involved a defamation cause of action, were presided over by Judge Gerry Alexander of the Court of Appeals, Division II; Pierce County Superior Court Judge Bruce Cohoe, and Pierce County District Court Judge Tom Larkin. Volunteers from the local bar association and several third-year students at U.P.S. School of Law acted as scorekeepers for the event.

Robert Griffin, James Imperiale, Steven Bohman and Elizabeth Verhey have formed a new law partnership in Tacoma.

Patricia Rourke has been made a partner in the firm of McCarthy, Holum, Golob, Casseaux and Rourke.

Steven Helgeson of Tacoma started work as acting deputy clerk of the Washington Supreme Court

# Unique. Professional.

Continental Savings Bank now offers a unique money market account designed exclusively for Attorney/Client Trust Funds. With this special account, your client earns a competitive rate of interest which is compounded daily and paid to the account monthly.

And, it's simple. With our new account opening procedure, you can set up an account in your office in a matter of minutes. If your firm is located within the downtown Seattle financial district, we even offer free pick up and delivery. Best of all, Continental handles all of the record keeping duties for you—with no service charges or fees to you or your client.

For further information, call us today at 621-0100. We'll send you a free instruction manual containing everything you need to open and maintain special Attorney Trust Fund Accounts with Continental Savings Bank.

**CONTINENTAL SAVINGS BANK**  
MEMBER FDIC

With 65 years as a mortgage banker, we're the oldest new bank in town.

Seattle 9th Floor, Pacific Building Third and Columbia, 621-0100	Bellevue 11555 S.E. 8th Street 451-0123
--	---

in April. The position will be permanently filled in September. Helgeson has clerked for Supreme Court Justices Fred Dore and Hugh Rosellini. As acting deputy, Helgeson will back up Chief Clerk Reginald Shriver as chief docket and record-keeper.

## SEATTLE-KING REPORT

by JAMES L. VARNELL

**Offices Moves.** Jones, Grey and Bayley announces that Geoffrey P. Knudsen, Deborah A. Elvins, Douglas L. Batey and Mark D. Bradner have become members of the firm, and Kathryn D. Hoffman has joined the firm as an associate. Wendy F. Liebow has become a member of Wickwire, Goldmark & Schorr. Marc P. Chevrette has joined Jean Schiedler-Brown, P.S., as an associate. Michael F. Pozzi has moved to 312 Pioneer Building. Pirtle, Morriset, Schlosser & Ayer has moved to 1500 Seattle Trust Tower.

Pauline V. Smetka, David Gross and Bruce Benson have become

partners in Helsell, Fetterman, Martin, Todd & Hokanson. Kevin Michael Paulich and Edwin G. Woodward have become partners in Wolfstone, Panchot & Bloch; Lynn Penix Barker, Kay Brossard, Lawrence D. Custer, Jr., and Larry A. Johnstone have become associated with the firm. William N. Snell is now associated with Jonson & Jonson, P.S.

Donald A. Cable, Edward R. Langenbach, Robert J. Henry, Wesley N. Edmunds, Jr., M. Colleen Kinerk and John G. Bauer (formerly partners in Cable, Barrett, Langenbach & McInerney) are continuing their practice as Cable, Langenbach, Henry, Edmunds & Kinerk with David E. Leshner, Susan J. Schulenberger, Eric E. Johnson and Peter S. Holmes as associates. Larry A. Jackson and H. Albert Richardson, Jr., have formed a partnership with offices at One Bellevue Center. Appelwick, Trickey, Sluiter & Spicer have opened new offices in the Lake City Professional Center.

Ziontz, Chestnut, Varnell, Berley & Slonim has moved to 1230 Fourth

& Blanchard Building; Dale F. Frank, Jr., present attorney and former high school and college basketball star, who has been known to "shake and bake" and "play above the rim," handled the lease negotiations for Martin Selig's office.

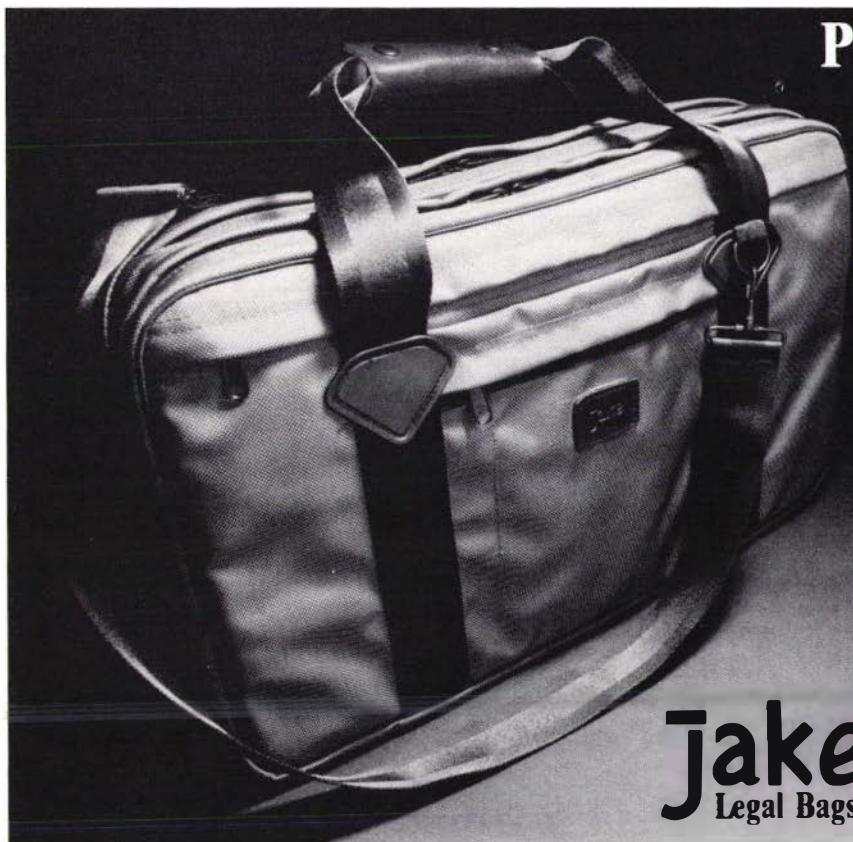
**Special Recognition.** Joel Paget has been elected chairman of the Taxation Section of the Washington State Bar Association.

**Hoop Holiday.** Seen at the state high school basketball tournament in Seattle (afternoon sessions!!) were, among others, Jackie Brown; Mike Lewis of Mount Vernon; and Pat and Mike McBride, who watched their former Blanchet High School team "steal" a win over this correspondent's favorite.

## WASHINGTON WOMEN LAWYERS

by KATHLIN PERSINGER

Washington Women Lawyers is proud to honor Washington Supreme Court Justice Barbara



## Put Your Airtight Case In Our Bulletproof Bag.

Made in the U.S.A with genuine nylon Ballistics™ cloth, the Jake Legal Bag™ is replete with multipurpose dividers, pockets, and even an inside hook for your keys. Unzip the expander and the capacity doubles, allowing you to load a laptop computer or a compliment of overnight gear on one side, without disturbing the documents on the other. This is the definitive carry-on for overnight legal or business travel. The Jake Legal Bag™ is the most intelligent briefcase you will ever buy.

Please send me \_\_\_\_\_ Jake Legal Bags™ at \$149.00 ea (ppd).

Specify color:  grey  black

Payment method:  check or money order enclosed

Visa  MasterCard

(Please fill in your complete account number and expiration date below)

\_\_\_\_\_

Date of order \_\_\_\_\_ Card expires \_\_\_\_\_ / \_\_\_\_\_

NAME: \_\_\_\_\_

FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_ PHONE ( \_\_\_\_\_ ) \_\_\_\_\_

Allow 4-6 weeks for delivery. Mail payment to: Jake Legal Bag Company, 3300 Columbia Center, Seattle, WA 98104-7007, (206) 523-8146

**Jake**  
Legal Bags™



Durham, sharing her thoughts on "Influencing Judicial Elections," followed by an informal reception.

WWL is pleased to announce the formation of our tenth statewide chapter, the King County "Eastside" Chapter. Current WWL members who work in the Bellevue/Kirkland area are being contacted and invited to join. WWL welcomes new members as well. For further information about the Eastside Chapter, please contact Janet Gray at 10777 Main Street, Bellevue, phone: (206) 454-3374.

The WWL Board of Directors has adopted a new dues structure. In the past, membership dues have been requested on the anniversary date of each members' application for membership. This fall, WWL will be implementing a changeover to an annual September renewal date for all members. Further information regarding this change will be published in the next issue of the *WWL Newsletter*.



ANSWER: This month's cover photo was taken in Pelham, GA, en route to Plains, hometown of former U.S. president Jimmy Carter.

## DISCIPLINE Disbarred

Spokane attorney **Brian B. Kennedy** (admitted 1966) was disbarred by order of the Washington Supreme Court on March 24, 1987. He was disbarred for neglecting a personal injury matter, misleading his client as to its status, and allowing a large judgment to be entered against his client without the client's knowledge. He had been suspended for similar misconduct in 1982.

Enumclaw attorney **Duane S. Radliff** (admitted 1954) was disbarred by the Supreme Court of the state of Washington on March 24, 1987. The order of the Court was based on a stipulation to disbarment, which indicated Radliff had misappropriated funds in excess of \$100,000 from several clients over a three-year period.

## Moving

On or about May 1, the Pierce County Sheriff's Civil Division will have moved to temporary quarters during the remodel of the County-City Building. We will have moved to the second floor of the Washington Building, 1019 Pacific Ave. in Tacoma. Telephone numbers will remain the same.

## IN MEMORIAM

**Robert D. Ashley** died at his Seattle home March 15 at the age of 63. Born in Hudson, Massachusetts, he received undergraduate and law degrees from Boston University and a master's degree from George Washington University. He also studied at the London School of Economics and The Hague Academy of International Law. Admitted to the Washington Bar in 1953, he worked for the State Public Utilities and Transportation Commission, Attorney General, and Snohomish County prosecutor. He also was legal adviser to the 1962 Seattle World's Fair and the first director of the Seattle-King County Legal Services Center. His private practice emphasized historic preservation, probate, senior citizens, and disabled persons. Remembrances to the Northwest Seaport, Nature Conservancy, or WSBA World Peace Through Law Section.

**Arthur L. Hawman** died at his Walla Walla home March 23 at the age of 72. The Walla Walla native was graduated from Whitman College in 1935 and Yale Law School in 1938. After practicing briefly in Yakima, Hawman returned to Walla Walla in 1939. During his career, he served as "police judge", city attorney, and county prosecutor. After holding the latter post for two terms, Hawman returned to private practice in 1962. He retired in 1978. Remembrances to the Walla Walla Community Hospice.

**Richard L. Norman** of Longview died March 26 at the age of 56. The Yakima native was graduated from Gonzaga University Law School and served as an attorney general and deputy county prosecutor before entering private practice, where he worked in the area of workmen's compensation. Norman was a past president of the Cowlitz County Bar.



**Support Group For Lawyers  
(A Contradiction in Terms?!)**

Are you an adult child of an alco-

**Problem:** Dispute among investment property owners. Alleged misuse of funds by managing partner.

**Solution:** Reconstruct records of rental income and expenses allocable to the property, and personal draws by the managing partner. Provide data for subsequent settlement of dispute and transfer of property.

We specialize in income reconstruction and loss determination... business valuation, bankruptcy and numerous other forensic accounting services. Excellent legal references available on request. Call Keith North, MS, CPA.

**NIEMI, HOLLAND & SCOTT**  
CERTIFIED PUBLIC ACCOUNTANTS

520 Pike Street • Suite 2220 • Seattle, WA 98101-4005  
(206) 621-1837

holic family . . . or of a dysfunctional family?

A what?! What does that mean?  
Want to find out?

A lawyers' support group for adult children of alcoholic and dysfunctional families meets every Wednesday in Seattle at 6 p.m. Our group is made up of men and women from a wide range of backgrounds: new admittees, lawyers with 30+ years' experience, professors, government lawyers, and lawyers who work outside the field. Pierce, Snohomish, and east and west King County are represented.

Each of us has found that participation in the group has had a direct, beneficial effect on our professional and personal lives.

Curious? Want to find out more? Take a look at the article in the December 1986 *Bar News* entitled "Adult Children of Alcoholics" and at the books it mentions.

Also, write to "Adult Child", 818 W. Howe, Seattle, WA 98119. Or call (206) 283-4623 in Seattle and leave a message. An attorney will contact you if you leave us your phone number. Give us your address, and we will send you some literature by return mail. All inquiries are, of course, held in strictest confidence.

We invite you to join us and look forward to hearing from you.



#### STATE LAW LIBRARY Recent Acquisitions

Listed are some titles recently acquired by the State Law Library, and available for loan by calling (206) 753-6525, or by mailing your request to: Washington State Law Library, Temple of Justice, AV-02, Olympia, Washington 98504-0502. A bi-monthly *Selected Recent Acquisitions* list, generally containing 150-250 new titles, is also available. Copies may be obtained by sending your request to the Washington State Law Library.

#### ASSOCIATIONS

Jacobs, Jerald A. *Association law hand-*

*book*. 2d ed. Washington, DC: The Bureau of National Affairs, Inc., 1986. Pp. 528.

#### ATTORNEYS

*Compensation of attorneys (non-law firms)*. 8th ed. Crete, IL: Abbott, Langer & Associates, 1986. Pp. 602.

#### CONSTITUTIONAL HISTORY

*The origins of the American Constitution: a documentary history*. New York, NY: Penguin Books, 1986. Pp. 400.

Reid, John Phillip. *Constitutional history of the American revolution: the authority of rights*. Madison, WI: The University of Wisconsin Press, 1986. Pp. 383.

#### DAMAGES

*Evaluating and preparing to prove damages: cost effective methods*. Boston, MA: Massachusetts Continuing Legal Education, Inc., 1985. Pp. 356.

# WALL STREET BROKERS, INC.

## *The Receivable Experts*

- CASH for Seller-Financed Real Estate Contracts, Secured Notes, and other Receivables
- Telephone quotes
- Formal valuations
- Contract collection-servicing
- Expert testimony
- Re-structuring
- Problem-solving

**Wall Street Brokers, Inc.**

500 Wall Street, #405  
Seattle, Wash. 98121-1577

**(206) 448-1160**

## JUDGMENTS

*Collection of judgments in Washington.* Seattle, WA: Washington State Bar Association, 1985. 1 vol. V.p.

## LABOR LAW

*Washington employment law.* Eau Claire, WI: Professional Education Systems, Inc., 1985. Pp. 265.

## LAW OFFICE MANAGEMENT

*Marketing for lawyers and law firms.* March 29, 1985 at Stouffer Madison Hotel. Seattle, WA: Seattle-King County Bar Association, Continuing Legal Education Committee, 1985. 1 vol. V.p.

## TORTS

*The law of tort: policies and trends in*

*liability for damage to property and economic loss.* Dobbs Ferry, NY: Sheridan House, Inc., 1986. Pp. 235.

## TRIAL PRACTICE

*Defending personal injury cases.* Presented by WSTLA Legal Education Seminars. August 21, 1986 at Sea-Tac Red Lion. Seattle, WA: Washington State Trial Lawyers Association, 1987. Pp. 210.

## A Note of Thanks

The Lawyers' Assistance Program is compiling the data from the Lawyers' Ways of Living and Health Questionnaire. The return has

exceeded our expectations. To those of you who responded, thank you for your courage and time. Stay tuned to future issues of the *Bar News* for explanations of the results.

Andy Benjamin, J.D., Ph.D.  
Program Director

## Interim Suspension

Seattle attorney **James J. Jerge** (admitted 1976) has been ordered suspended from the practice of law by the Supreme Court of the state of Washington, effective March 24, 1987, pending the outcome of disciplinary/disability proceedings against him.

## Resolutions Committee

### Filing Deadline For Resolutions To Be Presented At Annual Business Meeting

Anyone desiring to have a resolution presented at the Annual Business Meeting should file it with the Resolutions Committee, Washington State Bar Association, 500 Westin Building, 2001 Sixth Avenue, Seattle,

Washington 98121.

Resolutions must be presented to the Resolutions Committee at least 20 days before the Annual Business Meeting, that is, on or before 5:00 p.m. on August 21, 1987.

All resolutions must be accompanied by a written report (the resolution and report not to exceed a combined total of 1,000 words) explaining the resolution.

### Preliminary Notice Of Special Public Hearing On Resolutions And Of Publication Deadline

The Resolutions Committee of the Bar will, as usual, hold a public hearing to consider the views of the proponents and opponents of resolutions to be presented to the membership of the Bar at the Annual Meeting. The hearing will be held on Wednesday afternoon, September 9, 1987. The time and location of the hearing will be announced in the next *Bar News*. In addition, in an effort to allow more time to those presenting views and in an effort to give the members of the Committee more time to consider the resolutions and to request any additional information which might be helpful to the

Committee, an advance session of the public hearing will be held prior to the Annual Business Meeting in Seattle on September 1, 1987 at the offices of the Bar Association, 500 Westin Building, 2001 Sixth Avenue, Seattle, Washington at 10:00 a.m. Proponents and opponents of resolutions are urged to attend the September 1, 1987 session if at all possible, and, if not, to present their views in concise written form for consideration by the Committee at that session. Presence at or absence from the September 1 session will not affect any right under the by-laws to present views at the September 9, 1987

hearing. At that hearing, preference in presenting views will be given to those with viewpoints which were not expressed at the earlier session.

If a resolution is to be published in the *Bar News* before the Annual Meeting, the by-laws provide that it must be received by the Resolutions Committee at least 60 days prior to the Annual Meeting, or on or before July 13, 1987. The July issue of the *Bar News* will contain further details regarding the purpose, function, and personnel of the Committee and the time and location of the September 9 hearing.

### Resolution Committee Members

Thomas D. Loftus, Chairperson, Donald H. Bond, William L. Dowell, Kenneth O. Eikenberry, Gary D. Gayton,

Jack A. Hawkins, Lembhard G. Howell, John F. Kruger, Jonathan G.K. Lee, Frederick L. Noland, Gregory H. Pratt, Scott

L. Simpson, Phillip L. Thom, James A. Vander Stoep, and Ted D. Zylstra.



**NOTICES ADVERTISING**

**Professional:** WSBA Members only. \$40 per inch. Billed at publication.

**Classified:** Members—\$25 for 25 words,

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

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

deadline.

Submit double-spaced typed copy on plain paper (no phone orders) to Classified, Bar News, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599.

**PROFESSIONAL**

Referrals or Consultations Invited:

**Military Courts-Martial**

Emphasis on team defense by highly qualified ex-active duty Judge Advocate General lawyers from each military service. Services include review, analysis, assistance and trial.

Lawyers on-call 24 hours—worldwide availability. Please contact:

**J. Byron Holcomb, Esq.**

P.O. Box 10069  
Bainbridge Island, WA 98110  
(206) 842-8429

**Mark Alan Johnson**  
4900 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, Washington 98104  
(206) 386-5566

Announces his availability for consultation, association or referral of substantial claims of legal malpractice.

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

**Antonio Salazar**

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

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

**Douglass A. North**

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

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

**Matt L. Alexander**

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

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

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

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

**Appeals**

Nick Wagner is available for referral or association in state and federal appeals.

**Nicholas Wagner**

Longfelder, Tinker,  
Kidman & Flora, Inc., P.S.  
400 Westland Building  
100 S. King Street  
Seattle, Washington 98104  
(206) 447-9640

**Leslie Stomsvik**

formerly clerk and staff attorney for the Washington Court of Appeals

announces his availability for consultation or referral of all phases of appellate litigation in both State and Federal courts.

**7509 - 43rd Street West**  
Suite E  
Tacoma, WA 98466  
(206) 565-9561

**Mills & Uchida**  
Court Reporting, Inc.

- Daily Copy Delivery
- Key Word Indexing
- Computerized Transcription
- Conference Rooms
- Nine-Track Tape
- Color Videotape
- IBM Compatible Floppy Disks
- Travel Worldwide

EMFM  
XSCRIBE

In Seattle (206) 292-9063  
In Bellevue (206) 454-0555

**M&U MILLS & UCHIDA**  
Court Reporting, Inc.  
Seattle Office 555 1111-Third Ave. Bldg.  
Seattle, WA 98101  
Eastside Office 714 The 400 Building  
400 108th Ave. NE  
Bellevue, WA 98004  
After Hours Call:  
542-6949

**APPEALS PRACTICE**

*In State And Federal Courts*



BISHIN, WILLIAM R., b. 1939; J.D. Harvard University, Magna Cum Laude 1963; Harvard Law Review 1961-1963; Member, Washington, California and New York bars, United States Supreme Court, Federal district courts of Central California and Western Washington; Ninth Circuit Court of Appeals; Professor of Law, 1963-1980 (including Appellate Practice, Federal jurisdiction and procedure); author, contributor to law reviews, nationally syndicated newspaper columnist on legal issues; instructor and organizer of seminars on state and federal appellate issues for Supreme Court justices, Court of Appeals judges and attorneys. *Successful appeals include Marvin v. Marvin, Short v. Demopolis and Seven Gables v. MGM/UA Enterprises.*

William R. Bishin, P.S. 520 Pike Tower, Suite 1501, 520 Pike Street, Seattle, WA 98101

THE LAW FIRM OF  
**NIEHAUS, HANNA, MURPHY,  
GREEN, OSAKA & DUNN**

IS PLEASED TO ANNOUNCE  
THE OPENING OF ITS NEW OFFICE IN

SEATTLE, WASHINGTON

AND

THE ASSOCIATION OF

**J. PARKER CANN**

FORMER SUPERVISORY COUNSEL OF THE  
FEDERAL HOME LOAN BANK OF SEATTLE  
AND FORMER SUPERVISORY AGENT OF  
THE FEDERAL HOME LOAN BANK BOARD  
AND THE FEDERAL SAVINGS AND LOAN  
INSURANCE CORPORATION

MR. CANN WILL CONTINUE TO PRACTICE IN THE AREA  
OF FINANCIAL INSTITUTIONS LAW IN THE  
FIRM'S SEATTLE OFFICE

11TH FLOOR BENJ. FRANKLIN PLAZA  
ONE S.W. COLUMBIA  
PORTLAND, OREGON 97258  
(503) 224-5930

1750 K STREET N.W.  
SUITE 1200  
WASHINGTON, D.C. 20006  
(202) 775-1422

SUITE 3500  
SEAFIRST FIFTH AVE. PLAZA BLDG.  
800 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104  
(206) 447-9633

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

**Tracy B. Madole**

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

**Martin W. Horne**, member WSBA, financial consultant, is available for investment and securities services for businesses, individuals and fiduciaries.

**Martin W. Horne, J.D.**  
Shearson Lehman Brothers, Inc.  
999 Third Ave., Suite 3800  
Seattle, Washington 98104  
(206) 344-2428  
In Washington (800) 552-0768

**FOR SALE**

**For Sale - Washington Reports** 1854 thru March 1971. Washington Reporter Vol. 476 (1971) thru Vol. 716 (1986). Law office furnishings. Make offer. (206) 623-8303, 9:30 - 11:00 a.m.

**Law books for sale:** Up-to-date Am Jur 2nd - \$2,000. U.S.C.A. \$1,200. Call Lynn at (206) 473-0725.

**ALR 3d with Supplements, Quick Indexes.** ALR 2d, Later Case Service, all in excellent condition. \$1,300. Phone (503) 752-5109.

**For sale: Tucker Legal Directory** of Idaho attorneys and courts. Send \$6.50 to Tucker & Associates, Court Reporters, 605 West Fort Street, Boise, ID 83702, (208) 345-3704.

**SPACE AVAILABLE/WANTED**

**One Union Square.** Seattle view office in attractive, four-attorney suite. Superior amenities and lobby exposure. Receptionist, word processing, library/conference room, copier, phones. (206) 623-9051.

**New Bellevue office spaces** available to share in 10-attorney space. Located in north Bellevue. Instant freeway access. Beautiful space includes: receptionist, library, conference rooms, telephone hardware, copier access, coffee service, kitchen facilities. Free Parking. Athletic facility and showers to be added. (206) 822-5580.

**16th Floor, Westin Building, Seat-**

tle. Brand-new, first class view space. Partner-sized 13.5 x 15 office, \$600 per month. Receptionist, library, word processing, secretarial space, conference room available, kitchen. Free phone and free sign. Furnished or unfurnished. Call David Roth. (206) 447-8665.

**Wanted:** Two to four offices to rent in Seattle downtown core area law firm. Must have library, conference room, receptionist, copy machine, telephones, high-rise view. Call Gretchen, (206) 587-6020.

**Columbia Center: 57th-floor** view office available in Seattle. Prefer attorney with practice complementary to ours. All services available. Reply: Stephanie Hitzroth at Crane, Stamper, Boese, Dunham & Drury, (206) 292-9090.

### POSITION WANTED

**Experienced business manager** and consultant (MBA/MSE) turned attorney (JD/WSBA) seeks opportunity with law firm or as in-house counsel for a business organization. Initial legal experience in retirement housing industry. Detailed resumé upon request. Write to 15123 Little Spokane Dr., Spokane, WA 99208.

### POSITIONS AVAILABLE

**Banking lawyers:** Northwest law firm of approximately 100 lawyers seeks attorney(s) with 5-10 years' general banking, regulatory and loan workout experience to work in our Seattle branch office. Enjoy a small-firm atmosphere but with large-firm resources. First-class opportunity for successful applicants to assume major responsibility in a rapidly expanding practice. Applicants must possess excellent academic and professional credentials and must be members of the Washington State Bar. Apply in complete confidence by sending your resumé to: Box 138, WSBA.

Davies, Roberts, Reid & Wacker, expanding its labor and employee benefit plan law practice, seeks two attorneys. Prior experience in labor or ERISA/Taft-Hartley plan law is not a prerequisite. High academic

achievement is desired. Respond to William H. Song, Davies, Roberts, Reid & Wacker, 201 Elliott Avenue West, Suite 500, Seattle, Washington 98119.

**NYSE Company seeks recent bar** admittee to serve as real estate coordinator/lawyer. Annual salary \$22-24,000. Position may only be for two years. Real estate experience preferred. Send resumé immediately to Susan Schmid, 1600 Norton Building, Seattle, WA 98104.

**Large Seattle firm seeks mid-career attorney** to do legal research and writing. No client contact or court appearances required. Strong academic credentials necessary. Reply to Box 98, WSBA.

**Large Seattle firm seeks attorney** with two to four years' employment law litigation experience, including trial experience. Collective bargaining law experience desirable but not necessary. Reply to Box 98, WSBA.

**Yakima firm emphasizing litigation** seeks associate with zero to five

## QUICK START REFERENCE SOURCE

BRAW is pleased to announce the availability to practicing lawyers of its outline of the law of the State of Washington.

Over the past 25 years more people have prepared for the Washington Bar Exam with Bar Review Associates of Washington than have done so with all other review aids combined. Until now the outlines used in the course have been available only to those students who were enrolled in the class.

Now the same outlines of the law that most of you used to prepare for the Bar are available as a comprehensive quick reference source for the practicing lawyer.

- *Perfect for quickly reviewing an area of law outside your specialty.*
- *Great starting point for research in an unfamiliar area*
- *Comprehensive—covers all Bar Exam topics*
- *Up to Date—just off the press from revision*
- *Authored by leading practitioners*

To order your outline send \$165.00 plus \$5.00 postage and handling to:

**Bar Review Associates of Washington**  
4143 University Way N.E. Suite 305  
Seattle, WA 98105

For more information call (206) 633-1068

## Medical Experts Medical and Hospital Malpractice Personal Injury • Product Liability

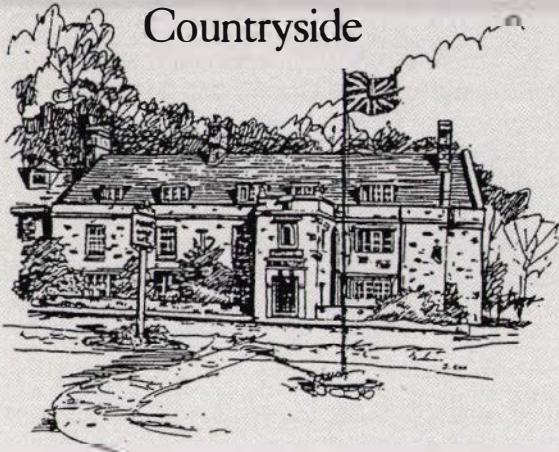
**2,500 Board Certified Medical Experts** in all specialties, nationwide and Washington, to review medical records, prepare written reports and testify.

- Experience: 11 years and 14,000 cases for 5,000 attorney clients
- Reasonable fee options
- Financial assistance: designed in conformity with ABA Informal Opinion #1375
- Local attorney references
- Free books, one with foreword by Melvin Belli
- Free Medical Malpractice Teaching Seminars
- Free telephone preliminary case evaluations



**The Medical Quality Foundation**  
The American Board of Medical-Legal Consultants  
**TOLL FREE: 1-800-336-0332**

## British Inns & Countryside



September 18 - October 3

A comprehensive, yet leisurely journey through England and Scotland. The emphasis will be on:

- 3-5 nights at each location;
- An enjoyable study of English and Scottish law, plus;
- The history, people and countryside of Britain;
- Meeting your British counterparts in their offices, courtrooms, clubs and homes;
- Leisure time for independent exploration, shopping and relaxing;
- Fully guided throughout;
- Delightful first class hotels and historic inns;
- Deluxe private 50 seat touring coach;
- Air transportation via British Airways;
- Strictly limited to 30 participants.

**THE WASHINGTON STATE BAR ASSOCIATION**, in conjunction with **THE WSBA TRAVEL PROGRAM**, is pleased to announce these special autumn 1987 tours designed expressly for all members and friends. For a brochure, contact our preferred agent:

**TRAVEL BUG, INC. (TBI)**  
2001 6th Ave, Suite 300  
Seattle 98121  
(206) 441-5957

### **New Zealand – World in Miniature!**

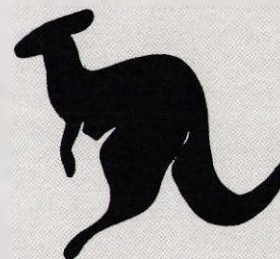
Where else can you find thermal wonderlands, alps of startling grandeur, luxurious forests, mighty fjords, thunderous canyons, live volcanoes, peaceful willow-banked lakes, sophisticated cities, charming country villages?

### **Australia – Big, Bold, Clean, Safe, Energetic!**

It's the world's largest island, or smallest continent – a nation brimming with excitement and opportunity. It's a land of warm, spontaneous Aussies, warm and tropical South Pacific beaches, rugged coasts, cosmopolitan cities, wilderness and bush, and the home to some of the world's most dramatic sights and oddest animals.

Itinerary includes visits to Auckland, Rotorua, Mt. Cook, Queenstown, Sydney, Canberra, Melbourne, and an optional week to the Great Barrier Reef.

### **New Zealand & Australia**



September 30 - October 18

years' experience. High academic credentials and Washington Bar membership required. Reply to Box 135, WSBA.

Four-member law firm in Longview seeks associate with interest in litigation. Please send resumé to P.O. Box 250, Longview, Washington 98632.

**Wanted:** Attorneys interested in substitution referrals. Please reply to Box 136, WSBA, or call 1-800-237-2405.

Olympia law firm is in need of an associate attorney who is currently a member of the Washington State Bar, with one to three years' experience in general civil litigation. The position will strongly emphasize family law. Please send resumé to: P.O. Box 7160, Olympia, WA 98507-7160.

Group Health Cooperative seeks a Vice President Legal Services/General Counsel with 10 to 12 years' experience in general business, corporate and health care law. Exposure to legislation formulation would be a plus, as would experience in litigation and professional liability review. Submit resumé to E.L. Emerson, Group Health Cooperative, 300 Elliott Avenue W., Seattle, WA 98119.

Chicoine & Hallett, P.S., which emphasizes tax and tax litigation, seeks a full-time associate with three years' experience in tax-related practice. Position requires outstanding academic credentials. LLM in tax, clerkship or comparable experience preferred. Please send resumé to Chicoine & Hallett, P.S., 1011 Western Avenue, Suite 803, Seattle, WA 98104, Attention: Jean Ryan. No telephone calls, please.

Small Snohomish County law firm, with general practice, seeks full-time associate with at least one year's experience. Reply to Box 137, WSBA.

Spokane one-lawyer office needs associate to take over practice. Salary plus percentage of profits. Call for details. (509) 325-4552.

Bend law firm seeking litigation associate with one to three years' experience. Academic excellence required; civil litigation experience preferred. Apply to Marceau, Karnopp, Petersen, Noteboom &

Hubel, 835 N.W. Bond, Bend, Oregon 97701. Attention: Dennis C. Karnopp.

**Bend law firm seeking associate** with two to four years' experience. Academic excellence required; general business experience preferred. All replies will be kept confidential. Apply to Marceau, Karnopp, Petersen, Noteboom & Hubel, 835 N.W. Bond Street, Bend, Oregon 97701. Attention: Dennis C. Karnopp.

Attorney jobs - National and

**Federal Legal Employment Report:** highly regarded monthly detailed listing of hundreds of attorney and law-related jobs with U.S. Government, other public/private employers in Washington, D.C., throughout U.S., and abroad. \$30 - 3 months; \$50 - 6 months. *Federal Reports*, 1010 Vermont Ave, N.W., #408-WB, Washington, D.C. 20005. (202/393-3311). Visa/MC.

Monroe, Stokes, Eitelbach & Lawrence, P.S. seeks an experienced attorney with an LL.M. in tax-

# Specialists in business valuations

Tax  
Transaction  
And Others



**PIPER, JAFFRAY & HOPWOOD**  
INCORPORATED

For expert assistance, contact:

Eugene A. Krueger  
Corporate Finance Department  
1700 IBM Building  
Seattle, WA 98101  
206/223-3800

SINCE 1895. MEMBER SIPC, MEMBER NEW YORK STOCK EXCHANGE, INC.

4/87 0536

ation. Superior credentials are required. Established client base is desirable, but not essential. Send resumé in confidence to Dick Monroe, 800 Fifth Avenue, Suite 4010, Seattle, WA 98104.

Seven-man, av rated, Yakima law firm seeks attorney with two to three years' general practice experience, some trial work involved. Salary commensurate with experience. All replies confidential. Submit resumé to W. L. Weigand, Jr., P.O. Box 1689, Yakima, WA 98907.

Established Tri-Cities, Washington, law firm seeks associate for expanding practice in all areas. Strong writing skills essential. Experience preferred. Compensation negotiable. Respond to Cowan, Walker, Jonson & Moore, P.S., 507 Knight Street, Suite B, Richland, WA 99352.

Washington Supreme Court seeks applicants for deputy clerk position. Minimum qualifications: membership in the WA State Bar Association, with three years as a

practicing attorney with experience at the appellate level and two years' supervisory experience; or a law degree and four years' experience in judicial administration including two years' supervisory experience. Salary: \$38,664-\$49,488. Resumé and inquiries should be directed to Personnel Department, 1206 South Quince Street, MS EZ-11, Olympia, WA 98504. Closing date: 7/15/87. No applications will be accepted by the clerk of the court.

**STEPHEN W. HAYNE, DOUGLAS L. COWAN  
& JON SCOTT FOX**

ANNOUNCE  
THEIR AVAILABILITY FOR REFERRALS  
& CONSULTATION IN CASES INVOLVING

**THE BAC VERIFIER DATAMASTER**

EMPHASIZING DWI DEFENSE & ALCOHOL RELATED  
PERSONAL INJURY CASES.

**STEPHEN W. HAYNE**  
200 MARKET PLACE TWO  
2001 WESTERN AVE.  
SEATTLE, WA 98121  
(206) 443-1880

**DOUGLAS L. COWAN**  
KINZEL, COWAN & ALLEN  
206 REDWOOD BLDG.  
845 106TH AVE. N.E.  
BELLEVUE, WA 98004  
(206) 455-3333

**JON SCOTT FOX**  
WALKER & FOX  
200 MARKET PLACE TWO  
2001 WESTERN AVE.  
SEATTLE, WA 98121  
(206) 443-1100

**WILL SEARCH**

Seeking mutual wills of Inez and Francis C. Mills of Lewis County. Please contact William M. Wood, Jr., Attorney, 949 Market, Suite 560, Tacoma, WA 98402. (206) 272-4205.

Anyone having knowledge of a will of Ertle Sanford Chapman please contact Ann E. Kruse, Woodville, WA 98072, (206) 485-7157.

**SERVICES**

**Forensic urologist.** Experienced M.D., J.D., professor of urology. Expert witness. (314) 362-7340.

**Trademark searches:** Federal, state, and expanded common law. Also computerized/manual legal and medical research and information retrieval. Lawyer's Research Group, 812 SW Washington, #400, Portland, OR 97205. (503) 224-4802.

Get informed and stay informed on litigation: *New Wash. Digest of Malpractice Litigation* available now Thurston/Pierce/King County. Each county - \$150. (Inc. Update). Order from CHED, Inc., PO Box 10010, Olympia, WA 98502 or call (206) 866-8247. Prepaid or Visa/MC.

Temporary work overload? We offer a highly qualified panel of experienced attorneys to law firms needing assistance with matters having special time and/or expertise requirements. The Alexander & Thomas Group, Inc., Contract Attorney Placement Service, 5325 N.E. 190th Street, Seattle, WA 98155. (206) 361-2707.



**PACIFIC TESTING LABORATORIES**

Licensed Professional Engineers

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

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

**(206) 282-0666**

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

# Give Avis a trial... you'll like our style!

Special low flat rates just for members of  
**WASHINGTON STATE BAR**

Car Group	Daily Rates
A Subcompact	\$33
B Compact	36
C Intermediate	39
D Full Size 2-Door	41
E Full Size 4-Door	43

Take your choice of any available subcompact through full size 4-door-group car at Avis and enjoy these special low flat rates just for Bar Association members.

For all other car groups, or where special Bar Association flat rates are not available, members receive a 10% discount on Avis SuperValue Daily Rates. On rentals not returned to the same city, Avis SuperValue Intercity Rates apply, less a 10% discount plus any applicable one-way service fee. At U.S. locations where flat rates or SuperValue Daily Rates are not available, you can receive a 40% discount on standard time and mileage rates.

Avis also offers members a 10% discount on Avis SuperValue Weekly Rates. And a **new** 5% discount on Avis SuperValue Weekend Rates.

So next time you need to rent a car, give Avis a trial.  
You're sure to like our style! For information or  
reservations, call toll free: **1-800-331-1212**

And be sure to mention your  
Avis Worldwide Discount number:

**A/A640400**

For Further Information Contact:

**Jo Nelson**

1750-112th N.E., D-257

Bellevue, WA 98004

(206) 455-3866



Avis features GM cars.  
Chevrolet Celebrity.



## Avis. So easy.<sup>SM</sup>

Flat rates, SuperValue Rates, SuperValue Intercity Rates and discounts are available at all Avis corporate and participating licensee locations in the contiguous U.S. Flat rates are nondiscountable and are not available in Manhattan between 1 PM Friday and 3 PM on Sunday and during holiday periods. Additional per day surcharge applies in certain major metropolitan areas and their airports. Check with Avis for the cost and locations. Discounts not applicable on our package and presold rates. Cars and particular car groups subject to availability. Mileage limitations may be applicable to certain rates with an additional per mile charge for miles in excess of the free mileage allowance. Check with Avis for details. Refueling service charges, taxes, optional CDW, PAI and PEP are not included. Renter must meet standard Avis age, driver and credit requirements.

**Ask our competitors!**

*Have you learned  
your...*

**A**

*Lawyers Daily News*

**NIGHTTIME COURIER  
SERVICE ANNOUNCED**  
In by 5—Delivered by 10!  
“Unbelievable” Same night  
**\$5.00 FEE!**  
Covers all of  
Metropolitan Seattle & Tacoma!  
Pickup from downtown Seattle and  
Bellevue law firms available

**B**

LEGAL EVENING REPORT

**ABC INTRODUCES AMAZING  
NEW “PER ITEM” LEGAL  
MESSENGER CHARGE SYSTEM**  
“Option II” revolutionizes  
route messenger service

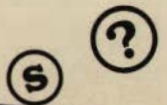
4 part carbonized slip—  
easy chargeback to clients  
Can be selected to replace  
monthly messenger fee system

\$1.50 per delivery  
in six key cities!  
\$2.50 per delivery  
covers other major areas  
in 10 counties!

**C**

Attorney Bulletin

**5 CITY  
FACSIMILE**  
Now in Place!  
*Seattle Tacoma  
Bellevue Everett  
Olympia*



Head Office  
216 James Street  
Seattle, WA 98104  
(206) 623-8771

**TOLL FREE  
800-828-0199**

**ABC-Legal  
Messengers, Inc.**

- 5 office network
- 12 county range, 6 daily
- corporate & UCC expertise
- process—local & forwarded
- fully insured, professionally managed

WASHINGTON STATE  
BAR ASSOCIATION  
500 Westin Building  
2001 Sixth Avenue  
Seattle, WA 98121-2599

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