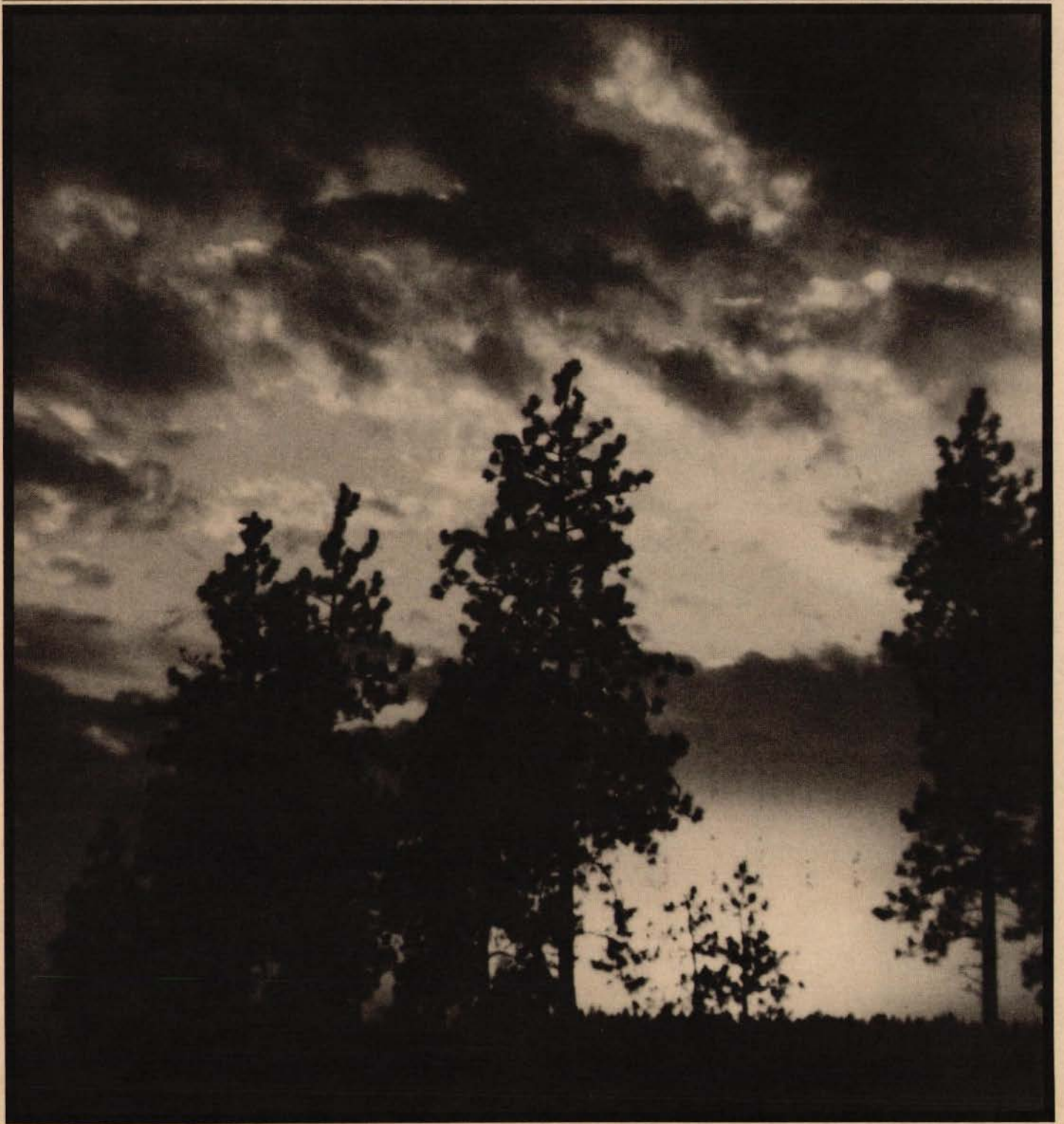
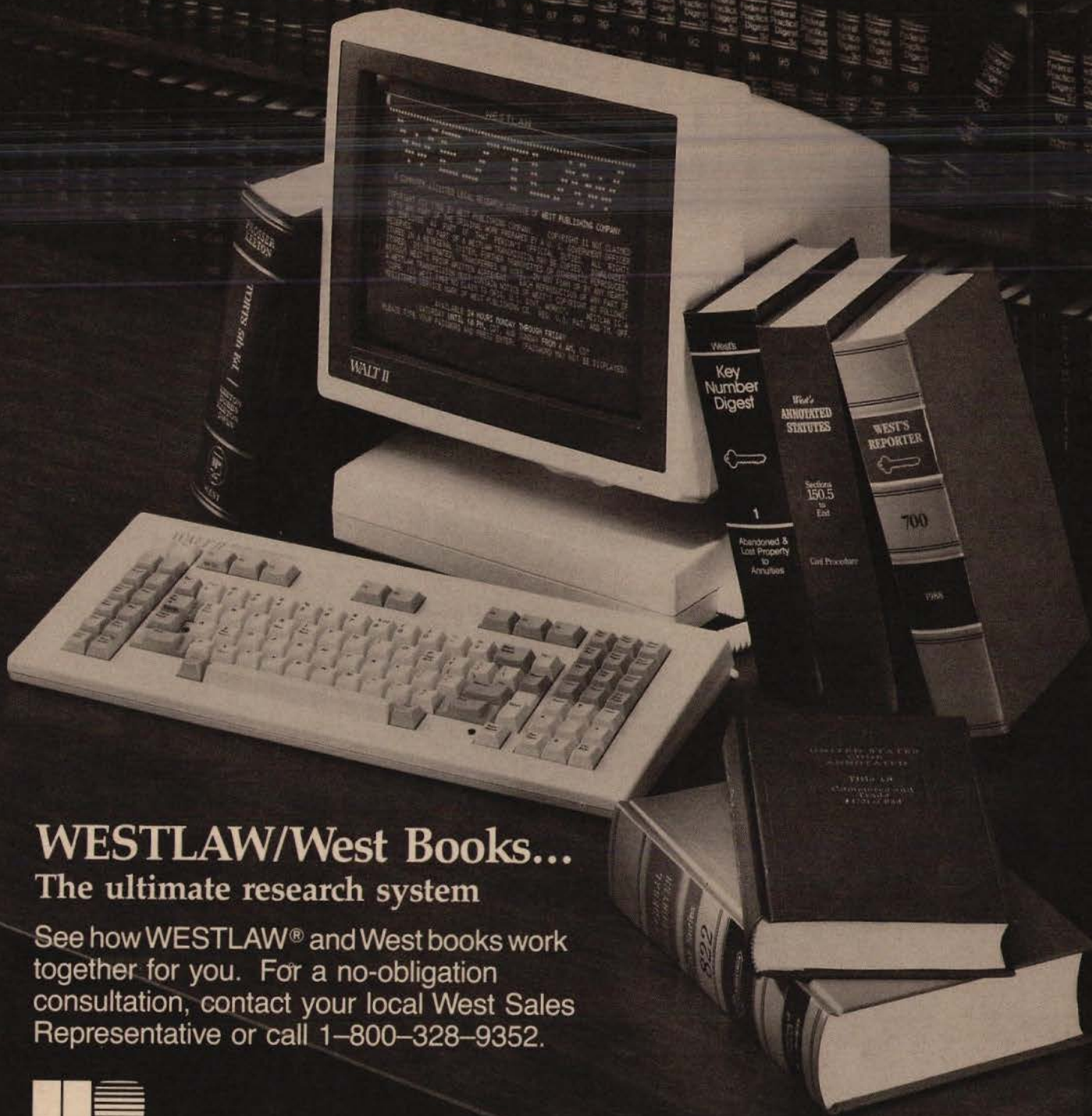


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**News**

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Typical pine silhouettes punctuate the sunset sky in Spokane. Photo by WSBA staff member Jeff Barreca.

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*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.*

## The Future Is Here: Statutes Now Available On Floppy Disks

Editor:

My article, "Computerized Lawbooks?", published in the December 1986 *Bar News*, described how state computer tapes containing the Revised Code of Washington could be downloaded to law office microcomputers. After reaching an agreement with the Statute Law Committee, downloading the data from the state's mainframe, and writing the required microcomputer software, I am pleased to report that the RCW, Digital Edition, is now available.

The software for the Digital RCW provides keyword search capability, Boolean logic, and display of full text. It runs on an XT or AT compatible computer with at least 60 megabytes of hard disk storage available. The required hard disk unit can be purchased from various mail order outlets for about \$450 and can be installed next to the existing hard disk. For those who cannot obtain the full 60 megabytes of storage, there will be made available sub-sets of the database and a searching tool which identifies relevant sections but does not display full text.

In accordance with my belief that access to government databases should be free, the search software and text for the Digital RCW will be distributed for free, except for the actual costs of postage and copying. It is my hope that local bar associations will provide copying and distribution services for their members.

A demonstration disk containing the search software, and a sample of searchable RCW text, is available. The disk includes text files further describing the hardware requirements for the system together with a copy of a licensing agreement required by the Statute Law Committee. A copy of the demonstration disk is currently being sent to the presidents of local bar associations. It can

also be obtained from attorney Jeffrey J. Bode, who has joined with me in forming a not-for-profit corporation to coordinate the task of law database distribution. Send a self-addressed, stamped envelope with a formatted floppy disk to: Jeffrey J. Bode, Director, Washington Digital Law Library Foundation, 720 Third Avenue #2121, Seattle, WA 98104.

The downloading and search software which has been developed are usable with databases other than the RCW, and they will operate in conjunction with large-capacity digital disks as well as hard disks. Our goal is to expand the Digital RCW project to include the WAC, Washington Reports, Washington Appellate Reports, and Court Rules in addition to various Secretary of State, Department of Vital Statistics, and court docket databases. All of these can be provided on a set of one or two optical disks at a cost of less than \$20 for the removable disks and about \$600 for the optical disk drive. The Statute Law Committee, with great foresight, has agreed to release the RCW

and WAC for a one-year pilot project. However, a substantial expression of interest by attorneys in this project will be required in order for access to other databases to be obtained without further delay. We invite all interested lawyers and local bar associations to participate in the development of the Digital Law Library and to join us in an effort to make additional databases available for use on office microcomputers.

EDWARD V. HISKES  
Richland

## Asia-Pacific Lawyers

Editor:

The Asia-Pacific Lawyers Association is holding its Third Annual General Assembly this coming January 6 through January 9, in Honolulu.

The Association, headquartered in Seoul, is the only Asian-based Pacific Region legal organization which actively includes and encourages American lawyers to participate and become members. The four-day program is scheduled to include a series of panels and workshops dealing with

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Co-author, *Defending DWIs In Washington* (Butterworth, 1987). Executive Board, WSBA Criminal Law Section. Past Chair, Washington State Trial Lawyers Association, Criminal Law Section. Founding member, Washington Association of Criminal Defense Lawyers. Member of National Association of Criminal Defense Lawyers since 1974.

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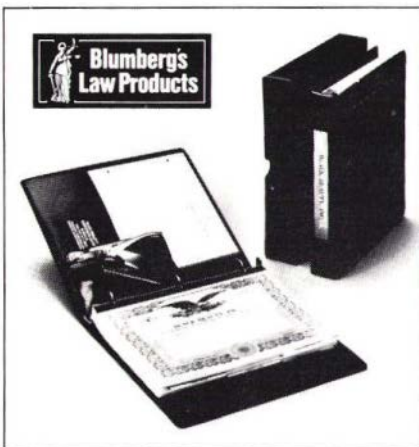
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current legal issues affecting practitioners throughout the Asia-Pacific Region. There will also be programs to take advantage of the recreational and sightseeing opportunities of Hawaii.

I am the United States representative on the Council of the Association, and would be most grateful if

you would announce the forthcoming General Assembly in one of your publications. Attorneys interested in attending should feel free to contact me, or write directly to the Association at its headquarters in Seoul (K.P.O. Box 354, Seoul, Korea, FAX 2-733-5207).

ROBERT R. NIELSEN  
San Francisco

<<<\*edit >>>

Editor:

Gary Kinder's article concerning the need for text editors in law offices is correct. Attorneys and judges write in a very sloppy <<\*\_\_6. COLLOQUIAL: sloppy \*>> manner, misusing language, adding unnecessary phrases, and attempting to complete every thought in one sentence. <<\*\_\_17. LONG SENTENCE: 23 WORDS \*>><<\*\_\_31. COMPLEX SENTENCE \*>>

The solution, however, is much cheaper and easier than Kinder suggests. For the price of one billable hour, any attorney who has a computer can purchase a "grammar <<\*\_\_15. SINGLE WORD ENCLOSED BY QUOTES \*>>" or "syntax <<\*\_\_15. SINGLE WORD ENCLOSED BY QUOTES \*>>" program, which will edit each and every <<\*\_\_2. WORDY. REPLACE each and every BY every \*>> document. <<\*\_\_17. LONG SENTENCE: 27 WORDS \*>><<\*\_\_31. COMPLEX SENTENCE \*>>

Using this program has made my writing style much clearer, and far more concise.

This letter has been edited <<\*\_\_21. PASSIVE VOICE: been edited \*>>, and the comments left in. I made purposeful errors to show you what the program can do. As you will see, the program takes no prisoners.

LEWIS M. SCHRAWYER  
Spokane

<< \*\* SUMMARY \*\* >>

OVERALL CRITIQUE FOR: WSBA  
 READABILITY INDEX: 10.17

Readers need a 10th grade level of education to understand.

Total Number of Words in Document: 133

Total Number of Words within Sentences: 112

Total Number of Sentences: 7

Total number of Syllables: 220

STRENGTH INDEX: 0.40

The writing can be made more direct by using:

—the active voice

—shorter sentences

DESCRIPTIVE INDEX: 0.72

The use of adjectives and adverbs is in the normal range.

JARGON INDEX: 0.00

SENTENCE STRUCTURE RECOMMENDATIONS:

1. Most sentences contain multiple clauses. Try to use more simple sentences.

<< WORDS TO REVIEW >>

Review the following list for negative words (N), colloquial words (C), jargon (J), misspellings (?), misused words (?), or words which your reader may not understand (?).

BILLABLE(?) 1 SEATTLE(?) 1

SLOPPY(C) 1 SYNTAX(?) 1

WESTIN(?) 1

<< END OF WORDS TO REVIEW LIST >>



**Target 1988-1989:  
Enhancement of  
Member Services**

Hello. By the time this column is published I will have served as president of the Bar Association for a couple of months. Because articles for the *Bar News* must be submitted 60 days in advance of publication, this "President's Corner" is being written just a couple of days after I have assumed office. I am pleased to be president of the Bar Association as it enters its centennial year and wish to publicly thank the Board of Governors for bestowing upon me this great honor.

I have no crystal ball, nor have I conferred with the present Board of Governors regarding what will be the program for the Bar for 1988-1989. However, I believe that this will be a year which emphasizes services to the men and women of the Association. To that end, it is my hope that a broad-based questionnaire will go out to all members of the Bar, seeking

information about what services the membership desires and what areas the membership wants emphasized. Obviously, neither the Board nor I can mandate a response to that questionnaire by each member. Every year we hear comments that the president and the Board are not responsive to the needs of our members. Only by obtaining broad-based responses to our request for input can the Board assess what those perceived needs are and attempt to put into place programs to meet those needs where possible.

I believe we will embark upon a program which results in the earlier election of a president-elect, so that person can actively participate in the setting of policy and provide for some degree of continuity between administrations.

I think I can safely speak for the Board of Governors when I say that each of the members of the Board is eager to have input from his or her constituents. I've personally observed Board members enthusiastically describe how they'd actually heard from a member of their legislative district.

I would like the year I serve as president to have as its hallmark open communications between the mem-



bers of the Bar and the governing Board with the object of providing members the service they wish while continuing the Bar's mandated responsibilities to provide for admissions, discipline, education...

I look forward to the remainder of this year and hope that the members of the Bar will support the Board's efforts to determine the needs of our membership and, where possible, to act on them.

**Agricultural Credit Act:  
Puyallup Public Meeting**

Farmers Home Administration (FmHA) will hold a public information meeting on the implementation of the 1987 Agricultural Credit Act (HR3030), at the Puyallup Municipal Court, 202 West Pioneer, Puyallup, November 10, at 7 p.m. It will be an open forum with discussion of interest rate reduction, debt write down, and the preservation program (lease or buy-back, and dwelling retention).

For more information on the Agriculture Credit Act or any other programs contact Tony Bizjak at FmHA, County Office, 120-15th Street S. E., Suite 102, Puyallup, WA 98372; (206) 845-0553.

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# A Look at the New Child Support Schedule

by Peter H. Nickerson, Ph.D.  
and Helen Donigan

On July 1, 1988 a new, statewide child support schedule went into effect in the state of Washington. For a number of reasons, it will have significant effects on litigants, litigators, the courts and the children of the state. This article is designed to give an overview of the new law. Individuals who need more details should read material listed elsewhere in this article.

(The schedule is being published by the Administrator for the Courts as *Washington State Child Support Schedule*. The bill enacting the schedule is Substitute House Bill No. 1465, Chapter 275, Laws of 1988. The report produced by the Washington State Child Support Commission has been published as *Washington State Child Support Schedule Commission, Final Report, November 1987, Revised May 1, 1988.*)

In May 1987 the Legislature created the Washington State Child Support Commission. This commission was assigned the task of proposing a new child support schedule to the Legislature. The following factors were to be considered and studied: updated economic data, family spending patterns, the ages of the children, family size, the parents' combined income and childcare and healthcare expenses. After 14 public hearings, more than a dozen commission meetings, testimony from various experts in the field and a review of volumes of information on child sup-

port, the commission wrote and filed its report with the Legislature in November 1987. This report included a proposed schedule that the commission felt would establish an adequate level of support for children in a manner that would be equitable for the parents.

In March 1988 the State Legislature passed SHB 1465, which adopted the commission's proposed schedule with only one significant alteration.

## Overview

The new child support schedule is made up of four parts: 1) a set of standards; 2) an economic table; 3) a set of three worksheets; and 4) a set of instructions. The standards are the general rules and procedures which must be followed in using the schedule. They include definitions of income, how support is to be apportioned between the parents, rules on how to consider health insurance payments and childcare expenses and discussion of minimum and maximum child support amounts.

These standards lay out the particular rules governing the use of the schedule. Some are significantly different from any that have been used in the state before and are particularly notable. First, the schedule applies statewide. It is to be used in all proceedings in the state in which child support is determined or modified. This includes proceedings in which either temporary or permanent support is to be ordered. This provision is designed to lessen the disparity of support orders found across the state.

The schedule is a presumptive one



and should no longer be considered a guideline. Though the courts are still empowered with broad discretion, any support orders that differ from the set of calculations laid out in the schedule must be accompanied by written findings that explain the reason for the deviation. Some of the reasons for deviation are listed in the standards and include the ownership of significant wealth by one or both parents, the needs of disabled children, extraordinarily high income of the child and tax planning. When there are children of other relationships in the parents' households, the schedule will have to be applied to the mother, father and children of the relationship being considered. The amount of support being derived from the schedule may be deviated from based upon all of the circumstances of both households. All income and resources of both parents will have to be disclosed.

Agreement by the parties will no longer be considered a sole reason for deviation from the schedule. This is to avoid circumstances where parents agree to provisions in a support order which may later prove detrimental to a child.

The presumptive nature of the schedule provides more uniformity and predictability in regard to support orders. The requirement of written findings for deviation will provide a record that can be referred to later and will predictably lessen the number of deviations.

The standards also provide ways of dealing with voluntary underemployment or unemployment, economic support-sharing when

children spend large amounts of time with both parents and financial disclosure requirements. The worksheets and instructions which are part of the schedule have space for all the information we have described. The new law requires that these worksheets be filed as part of the support order record and that they be signed under penalty of perjury. This is, as in the case of findings for deviation, to provide a history and record

for future reference.

### Some Economic Considerations

The economic table included in the schedule shows the amount of basic support both parents combined are expected to contribute to child support. The distribution of the support responsibility is based on the proportion each parent contributes to the combined income of the households. For example, if one parent makes 75

percent of the income (s)he will be responsible for 75 percent of the economic support. The table is broken down by income, family size and the ages of children.

The data used to create the table were a 1986 version of the 1972-1973 Consumer Expenditures Survey. This data set was originally collected by the U.S. Department of Commerce. It was updated for the U.S. Department of Health and Human Services in 1986 to reflect changes in family expenditure patterns and demographics that had occurred since 1972.

The table shows, on average, the amount of money families in various income groups use for child-related purchases such as food, housing, clothing and school supplies. The table allows for consideration of the different levels of expenditures incurred for children of different age groups. Note that the number of age groups has been reduced from the three in the ASCJ schedule to two. The economic table also takes into consideration the different expenditure patterns exhibited by families of different sizes. Calculations for families with up to four children are possible. Calculations for five and more children were omitted because less than one half of one percent of divorce proceedings in the state involve more than four children.

One aspect of this table is particularly notable. Childcare and extraordinary uninsured medical expenses (orthodontia, etc.) are explicitly NOT included in the standard support amount shown on the table. Regular medical expenses (visits to the doctor, etc.) and regular health insurance premiums ARE included. A method for including and sharing childcare expenses and extraordinary medical expenses and also crediting payments for health insurance premiums is built into the worksheets that are part of the schedule.

The one exception to the statewide application of the support schedule is in regard to the economic table. Section 3b of SHB 1465 allows each county to adopt its own economic table under the following three conditions:

1. For net monthly incomes less

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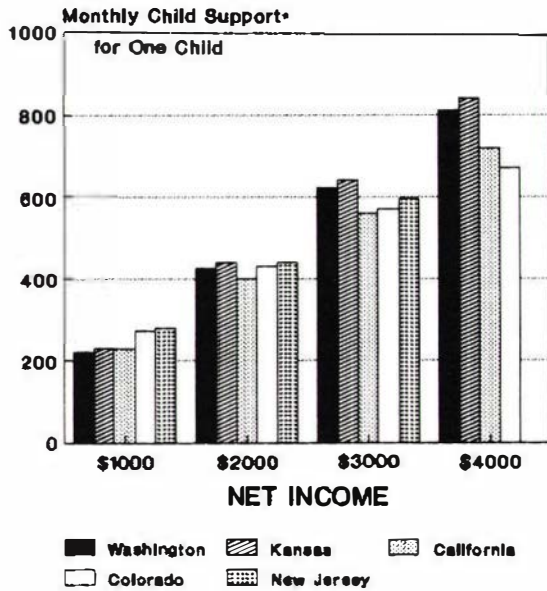
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## SUPPORT ORDERS STATE COMPARISONS



\*Includes \$75 in Health Insurance

than or equal to \$2,500 the county table may not deviate from the table produced by the Child Support Commission.

2. For net incomes more than \$2,500 the county table may not deviate more than 25 percent from the table produced by the commission.

3. Before any table meeting requirements 1 and 2 can be used in a county, it must be approved by a majority of the superior court judges in that county.

This particular section of the bill was designed to allow some county-by-county discretion while retaining uniformity across the state at lower and middle incomes. As of this writing Spokane, Yakima, Ferry, Lincoln, Clark and Thurston counties have adopted their own economic tables. All parties should be aware of two issues that will come up because of the use of more than one economic table in the state:

First, child support ordered in the administrative courts in all counties will have to be based on the commission-produced economic ta-



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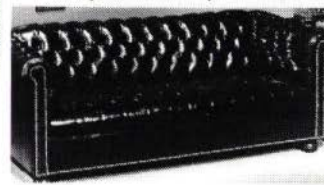
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ble. Administrative law judges will not be allowed to use any alternative county schedule. In counties where an alternative is adopted, two tables will be in effect.

Second, multiple tables across the state allow a form of arbitrage. Unless all counties use the same table, individuals in support proceedings will have an incentive to "shop around" for the county table that gives them

the best deal and then file in that county. Of course, the better deal for one party in a proceeding will be the worse deal for the other party.

Some discussion has come up regarding the constitutionality of this section, and that, too, may become an issue in the future.

### Comparisons with Other States

One of the most common questions

asked regarding the new support schedule is how it compares with what has been done in other states. Forty-two states have adopted, or are considering adopting, statewide child support schedules. With the exception of Wisconsin, which uses a schedule based on a percentage of the non-custodial parent's gross income, all the schedules that have been adopted use an income shares approach to apportion economic responsibility for child support. A number of states have presumptive schedules and at least one, again Wisconsin, has a mandatory schedule.

Applying examples to various other state schedules shows support orders using Washington's new schedule to be generally within 10 percent of the mean (above and below) of those calculated in the other states that use the income shares approach. Orders calculated by the old ASCJ schedule used in King County are 20 to 35 percent below the mean. These figures vary depending upon the example, but the favorable comparisons based on the new schedule should quell any fears that Washington is too far behind or ahead of the times.

### The Future

At least until 1990, the Washington State Child Support Commission will remain in existence. This is to allow evaluation and, if necessary, changes in the support laws. Practitioners and members of the bench are especially urged to contact the commission if they find problems in the schedule or believe they know of better solutions.

It is hoped that the new schedule will help parents settle disputes and, to some extent, reduce the economic impact divorce can have on children. The effect it has in decreasing the growing incidence of single-parent households living in poverty remains to be seen. We are optimistic. □

*Peter Nickerson is Assistant Professor of Economics in the Albers School of Business at Seattle University.*

*Helen Donigan is Professor of Law at Gonzaga University School of Law.*

*Both are members of the Washington State Child Support Commission.*

**A** PPEAL: *Division III adopted a show cause to dispose of appeals with little merit. The procedure was challenged in the Supreme Court. The Court approved the procedure, which became the model for the current motion on the merits.*

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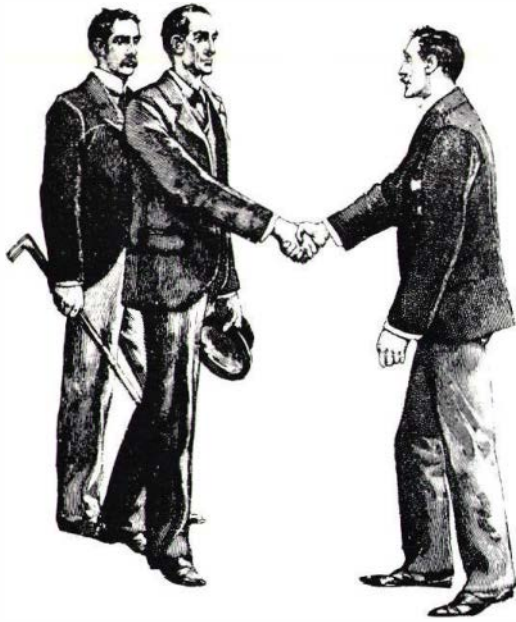
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# Law Firm Agreements

*(The first of a two-part article)*

by Richard E. Monroe

The considerations relating to agreements among principals in law firms are generally similar to those for other closely held businesses. This article makes no attempt to cover the full range of such considerations; instead, the article stresses areas of particular interest to attorneys.

When it comes to small-firm agreements, variety is the norm. Some firms will not have a separate written agreement, particularly at the start-up stage. Many firms do not draft an agreement until the first additional principal is brought into the firm.

A hypothetical new law firm formed by Amy, Bart and Cass is used to illustrate some of the points in this article. The three principals have decided that a written agreement should govern their professional relationship from the start.

In theory, an agreement appropriate to a very large firm could also work well for Amy, Bart and Cass. However, small-firm agreements tend to have different objectives and emphases. Generally, the smaller the firm:

1. the less likely the firm is to have a written agreement at all;
2. the more potentially varied are the methods for dividing profits;
3. the less likely the need is for centralized management;

4. the less likely the agreement is to specify the votes needed to decide key issues, and
5. the more likely the firm will attempt to govern itself by consensus, or even by unanimity, regardless what the agreement says.

## Agreement Objectives

There are five primary objectives of partnership agreements and shareholder agreements.

### 1. Divide Profits

The owners of a closely held business will certainly wish to agree on division of the profits. If the manner of splitting profits is to change each year, it may be best addressed in a separate agreement.

### 2. Provide for Management and Control

The owners of the business can use the agreement to prescribe how decisions affecting the business will be made.

### 3. Limit Transferability of Interests

Owners of closely held businesses sometimes wish to limit ownership to persons active in the business. A partnership agreement or shareholder agreement may bar transfers of interests without consent or may contain rights of first refusal on proposed transfers.

### 4. Provide a Market for Equity Interests

It is well known that there is little or no market for an interest in a closely held business, particularly for a minority interest. Often, the principal objective of a partnership agreement or shareholder agreement is to provide a means to ultimately convert equity in the business to cash.

### 5. Define Rights upon Termination

A partnership agreement or shareholder agreement can define the

rights and duties of the parties when one of the owners ceases to be involved with the business. Without a prior agreement, it may be difficult to agree on such rights and duties at the time of the termination.

*[Most new ventures are undertaken in an atmosphere of optimism and harmony. Conversely, departure of a principal from a law firm is seldom smooth, and ad hoc agreements on purchase of the principal's interest are difficult to reach. Amy, Bart and Cass wisely recognize that they should decide now how much a departing principal will be paid for his or her interest. In this way, they can avoid potentially bitter disagreements—or litigation—when one of them leaves the firm.]*

## Form of the Business

Much has been written on the choice of the form of a business, whether it be sole proprietorship, general partnership, limited partnership, corporation, S corporation, or otherwise. Many of the considerations are tax-related and, generally, beyond the scope of this article.

As a practical matter, law firms are either general partnerships or professional service corporations. Despite the current popularity of S corporations, an election of S-corporation status should not be made without a careful weighing of the consequences.

Any law firm has the choice of operating without a formal partnership or shareholder agreement. In the case of a partnership, the relationship of the partners is governed by Chapter 25.04 RCW. In the case of a corporation without a written agreement, the rights and duties of the shareholders are governed by Title 23A RCW, by Chapter 18.100 RCW, and by the corporation's arti-

cles, bylaws, and resolutions.

Generally, partnership law protects minority partners, so one purpose of a partnership agreement may be to reduce the rights of minority owners. Conversely, corporate law tends to favor the majority; thus a shareholder agreement may seek to expand minority rights.

Recent tax legislation has curtailed two significant advantages formerly available to "personal service corpo-

rations," a term which includes most incorporated law firms which are not S corporations. The possibilities of deferring taxes on compensation to employees by selecting a non-calendar tax year for the corporation have been reduced. Also, personal service corporations are now taxed at 34% on the first dollar of taxable income; other corporations are taxed at lower rates on the first \$75,000 of taxable income. Nonetheless, there may

still be tax advantages to personal service corporations over partnerships and S corporations, particularly in the deductibility of certain fringe benefits.

### Employment Agreements

The partnership or shareholder agreement is normally signed only by the owners of the firm—and usually by the partnership or corporation itself. In addition to terms relevant to the roles of the partners and shareholders *as owners*, the agreement may contain terms typical of employment agreements, such as compensation, fringe benefits, and rights upon termination.

A law firm may also wish to have written employment agreements with its associates. Though a covenant not to compete in such an agreement would be unenforceable under RPC 5.6, an employment agreement may have other, legitimate objectives. For one thing, the agreement could clarify that the employment relationship may be terminated with or without cause by either party at any time. The agreement could also state whether there are promises of partnership and, if so, on what terms.

*[Amy, Bart and Cass should provide in their partnership agreement or shareholder agreement whether any two of them can require the third to leave the firm, with or without cause. If so, and if the firm is a corporation, the corporation must be able to both terminate a shareholder's employment without risking a wrongful termination suit and require the shareholder to sell his or her stock.]*

### Dividing the Profits

The methods of dividing the profits of a law firm, small or large, are limited only by the imagination. There certainly is no "correct" way to divide profits, nor is there any typical way, especially for small firms. The range of possibilities is perhaps best illustrated by considering the extremes.

### The Extremes

#### 1. Overhead-Sharing Arrangement

Under this approach, each principal receives solely the collections from his or her own work. Firm over-

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**Greg Mettler** has a diverse background in business, finance, accounting, economics, and securities. As a Certified Public Accountant with Arthur Young & Co., he conducted audits of manufacturing, service, and healthcare concerns. As a Securities Examiner with the Oregon Corporations Division, he reviewed public offerings for fairness and terms. He also has testified as an expert witness. Mr. Mettler received a B.S. in Accounting, and a J.D. from the University of Oregon, where he earned numerous academic honors and scholarships.

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head is divided among the principals equally, in proportion to collections, or on some other basis. Though the principals may legally be partners or shareholders, economically they are like independent contractors.

Bookkeeping for attorneys practicing together under an overhead-sharing arrangement can be simple if each attorney has a discrete practice. However, accounting problems are created if the attorneys work together for the same client, if the firm has associates who work for more than one attorney, or if the use of staff by attorneys is not commensurate with the agreed sharing of overhead.

The overhead-sharing arrangement may be considered the ultimate in fairness, but it does not foster team spirit or a group identity. It therefore places limits on growth of the firm.

#### 2. Equal Split

The opposite extreme is the equal split. Under this arrangement, the principals divide the profits equally, regardless of personal production, seniority, origin of business, collections, or other factors. This approach is most likely to be successful among relative equals who start a firm. If an equal split is to work, the individuals who perceive themselves as most useful to the firm must be willing to subordinate their desire for appropriate economic reward to the harmony of the firm. The system tends to discourage both very high and very low billable hours. If the attorneys are truly comfortable with an equal-split arrangement, potentially bitter squabbling over division of the profits can be avoided almost entirely.

#### Other Approaches

There are a number of intermediate approaches between the overhead-sharing arrangement and the equal split. Some are characterized as formula arrangements and others as non-formula approaches. The overhead-sharing arrangement is a formula approach: a 100% weight is given to the attorney who works on the matter for which the fees are collected. Other formula approaches distribute profits by assigning predetermined weights, or credits, to personal production, seniority, origin of business, billing responsibility,

and other factors.

Conversely, the equal split is one kind of non-formula approach. Other non-formula methods divide profits according to pre-agreed percentages, which may change from time to time.

Mixed formula and non-formula approaches are common. For example, a firm might divide 80% of the profit according to pre-agreed percentages and the remaining 20% based on credits earned under a for-

mula system.

#### Things to Consider

A law firm should not be concerned with how other firms divide profits. The key is to design a system that works for that firm. Certainly, encouraging and rewarding production are major considerations. However, the method of dividing the profits should also take into account the atmosphere of the office and the work-

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ing relationship of the attorneys. The very system which maximizes revenue may also create an hours race, lead to the padding of timesheets, cause attorneys to hoard clients, promote political intrigue, and undermine trust.

[Amy, Bart and Cass should choose their method of dividing profits with great care. The shares of profit need not be the same as the shares of ownership. In fact, with a formula

system, profit shares will necessarily change each year.]

### Management and Control

Shareholder agreements sometimes contain no provisions altering the detailed rights and powers of shareholders, directors and officers contained in Title 23A RCW and in the articles and bylaws of the corporation. However, law partnerships may need to allocate power by writ-

ten agreement because Chapter 25.04 RCW does not offer much guidance. The firm may especially wish to restrict the rights available to minority partners absent an agreement, such as the right to dissolve the partnership at any time without liability. See RCW 25.04.310.

Following are some ways the agreement could allocate power among the principals:

1. By creating a managing partner/shareholder and defining the powers of that position.
2. By creating an executive committee and defining the powers of the committee.
3. By prescribing the votes needed to make certain decisions. Votes could be counted on a per-capita basis, in accordance with ownership interests, or even in proportion to current compensation.

In addition to major organic changes in the firm, such as mergers, dissolutions, and the like, the principals may wish to provide for supermajority votes on hiring associates, admitting new principals, or on expulsion of existing principals. The firm may even decide to give "black-ball" power to single attorneys on these issues, but caution is advised. A black-ball right may give a disproportionate voice to the wielder as the firm grows larger.

[If Amy, Bart and Cass are to be partners, under Chapter 25.04 RCW they will each have an equal voice in partnership matters. If the firm incorporates, they will hold ultimate power as stockholders—the power to elect the board of directors—in proportion to their stockholdings. Either of these statutory schemes can be altered by agreement as well as by other means.]

### The Buy-In

Some firms require newly admitted principals to purchase an equity interest in the firm; others do not. A requirement that a new principal buy into the firm normally means that there is a buy-out right upon departure. There is frequently a buy-out right even without a requirement to purchase equity at the outset.

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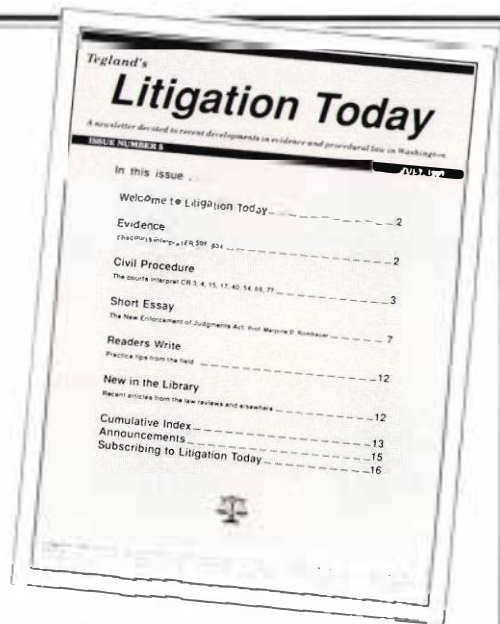
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# WASHINGTON STATE BAR NEWSLINE

## The Board's Work

by Lindsay Thompson



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THEY ARE COMING: THE 1988-1989 ROAD SHOW.

The Governors adopted a schedule of meetings around the state for the coming year: in Everett, November 18-19; Seattle, December 16-17; Olympia, January 12-14; Tacoma, February 10-11; Wenatchee, March 17-18; Bellevue, April 21-22; Spokane, May 19-20; Vancouver, B.C., June 16-17; Bellingham, July 14-15; Union, August 18-19; Whistler, B.C., September 10-16 (Bar Convention).

UNAUTHORIZED PRACTICE OF LAW:

AN INTRACTABLE ISSUE.

UPL Committee members Victoria Vreeland, Stephen Crossland and Frederick Ockerman presented a proposed rule to deal with this question. It envisioned a state board run under the Supreme Court with power to investigate and seek injunctive relief from the high court in cases of unauthorized practice. What constitutes unauthorized practice would be defined by the court case by case.

Perception and reality are hard to sort out in tackling this issue. How big a problem is this question? Statistics are sparse. Will it cause more problems than it solves? People may see it as lawyers protecting their own turf. And who will pay for the proposed board? Board opinion jelled around letting members poll attorneys in their districts, as well as county prosecutors in the attorney general's office on whether the proposed plan will fly. The matter will be taken up again in December or January.

ACCESS TO BOOKS AND RECORDS: THE FIRST APPEAL.

Seattle lawyer Howard Todd, for himself and Richland lawyer Edward Hiskes, appealed a denial of a request for copies of the WSBA check registers for 1986-1987 by executive director John Michalik. Hiskes and Todd want to know

## HOW WOULD YOU DECIDE THIS CASE?

The Plaintiff is a client of the firm of attorneys, but also became a partner with one of the attorneys in several real estate projects. The arrangement was for the attorney to provide the financing and the plaintiff to develop the property for a percentage interest after the property was sold. All agreements and contracts were completed through the attorney's firm.

Sound familiar? Read on.

The plaintiff demands damages for amounts that are due as a result of breach of contracts and agreements in the real estate dealings. The plaintiff ALSO demands damages in failing to properly represent him as an attorney. The allegation is that the attorney who was a partner in the venture was also a member of the firm that drafted the contracts and that, therefore, the plaintiff was not adequately represented.

How do you think the court found?

Decision: in favor of plaintiff and a substantial malpractice claim was paid by the attorney's

insurance company.

### What lesson is to be learned from this case?

Attorneys often do not separate their private business ventures from their law practice. EVEN IF ANOTHER MEMBER OF THE FIRM HANDLES THE LEGAL PROCEEDINGS, the plaintiff can later allege a conflict of interests... usually successfully!

If you are in business with a client, the best safeguard is to refer them to another law firm to represent their interests.

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how the Association ran a large deficit up in that year.

The policy on access to books and records allows rejection of requests found to be burdensome or disruptive to Bar operations. That's how Michalik called it, noting some 6,000 check entries would have to be combed to ensure no release of confidential information would accidentally occur. Eighty or more hours of staff time would be needed to do so. If done now, the matter would interrupt the annual audit, the computerization of accounting systems, and the fiscal year closing.

Todd maintained his request was reasonable and that Michalik was exaggerating the burden. Only about 10 percent of the checks should deal with confidential matters, Todd felt, and the importance of the issue — tracking down overspending by the Association — demanded production irrespective of the trouble it might be thought to cause Bar staff.

The Board, to a member, affirmed their desire to provide the information, but were concerned that this would be just the first round, with more detailed requests to follow which would take up considerably more staff time and expense. Todd said if Michalik had given him the reasons for rejection he gave the Board at this meeting, Todd would have been better able to decide to appeal. Offered a motion to defer the matter a month to give him time to consider the matters discussed and meet with Bar staff to find a less burdensome way to satisfy his request or a more reasonable timeline within which to provide the information, Todd rejected it. In light of that, a motion to give the staff 180 days to meet Todd's request failed 7 to 3. A third motion, to confirm the executive director's decision, produced a 5 to 5 tie. President Bracelin broke it in favor of the motion, and the appeal was denied.

#### MEMBER SERVICES — A DISCUSSION.

Time overruns on prior agenda items reduced a scheduled three-hour brainstorm on how the Association serves its members to a squal line of ideas. However, the Board established a committee to coordinate various polls being planned within Bar sections to determine member service preferences, and a second committee to review the effectiveness of Bar communication efforts, including the *Bar News*. This item will continue as an agenda item for several meetings to come.

#### WRAP-UP IN SNOQUALMIE:

In other action, the Board:

- Appointed Governor Julie Weston Treasurer of the Association and chair of the Budget Committee; Governors Ed Shea, Steve DeForest and Paul Stritmatter to the 1989 Presidential Search Committee; and Richard Schroeder vice chair of the Disciplinary Board;
- Considered, but deferred action on, a proposed ethics opinion on lawyers' duties after learning of an estate personal representative's misconduct;
- Approved an amendment to the bylaws of the Criminal Law Section; and
- With respect to referenda within the Association, declined to tighten hearing requirements in light of the failure of proponents of the dues rollback proposal at the Annual Meeting to appear at Resolutions Committee meetings or the Annual Meeting; and declined to refer new incarnations of the rollback proposal to the membership because they fail to meet the Bylaws' subject matter and timeliness requirements.

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Bankruptcy Ct. • King Co. Superior Ct. • Bellevue District Ct. • State Supreme Ct.: RAP, RALJ • WITS

Bankruptcy Court

The following General Orders have been issued by the U.S. Bankruptcy Court for the Western District of Washington. They took effect September 14, 1988.

In re )  
COPIES OF PETITIONS, LISTS, )  
SCHEDULES & STATEMENTS )  
(BANKRUPTCY RULE X-1002) )  
GENERAL ORDER NO. 8  
IT IS HEREBY ORDERED as follows:

Effective immediately, in addition to the original petition, lists, schedules and statements required by Bankruptcy Rules 1002, 1003, and 1007, as well as amendments thereto, there shall be filed with the Clerk a total of:

cases filed under Chapters 7, 12, and 13, and

b) 6 copies in cases filed under Chapters 9 and 11.

In accordance with Bankruptcy Rule X-1002, the Clerk shall transmit to the United States Trustee one copy of any paper filed pursuant to this provision.

a) 3 copies of all such papers in

In re )  
SERVICE OF DOCUMENTS ON )  
UNITED STATES TRUSTEE )  
(RULES X-1008 AND X-1009) )  
GENERAL ORDER NO. 9  
IT IS HEREBY ORDERED as follows:

Trustee:

a) Any document filed in cases under Chapters 7, 9 and 11 of the Bankruptcy Code, *except* proofs of claim, and *except* petitions and accompanying materials that are filed with the Clerk pursuant to General Order No. 8;

b) Any document filed in any Chapter 9 or 11 adversary proceeding;

c) Any document filed in an adversary proceeding objecting to

discharge under Section 727 of the Bankruptcy Code; and

d) Any document filed in any adversary proceeding where a bankruptcy trustee is named as a party defendant in its capacity as trustee.

All such documents that are filed with the Court shall be accompanied by proof of service on the United States Trustee at the following address: Office of the United States Trustee, 810 Park Place Building, 1200 Sixth Avenue, Seattle, WA

1. Effective September 15, 1988, in accordance with Bankruptcy Rules X-1008 and X-1009, copies of the following documents shall be served upon the office of the United States

## SUCCESSFUL APPELLATE PRACTICE Begins in the Trial Court

Every trial lawyer knows that appellate success depends upon the record made in the trial court. Not all trial lawyers, however, know how to make a *winning* record.

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Similarly, at the appellate level, procedural traps for the unwary practitioner abound. For example: "there must be specific assignments of error before we will go behind the trial

court's findings." *Dave v. Nastos*, 39 Wn. App. 590, 595, 694 P.2d 686 (1985).

With our years of appellate experience, we can help you through every stage of the appeal process. James E. Lobsenz and John W. Wolfe are available for referral, consultation or association in state and federal appeals, as well as in trial court matters leading to appeal.

JAMES E. LOBSENZ, former Clerk to Associate Justice Mathew O. Tobriner, California Supreme Court, and Chief Justice Vincent L. McKusick, Supreme Judicial Court of Maine; author of numerous law review articles; successful appeals include *In re Adleman*, *State v. Ryan* (amicus), *State v. Pam*, *State v. Sargent*, *Lang v. Lang*. Federal appeals include *Watkins v. United States*.

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#### GENERAL ORDER NO. 9 - 1

This provision applies to all cases filed on or after November 26, 1986, and to all associated adversary proceedings. In addition, one year after the United States Trustee is certified in this district, this provision shall then also apply to all pending Bankruptcy Code cases that were filed before November 26, 1986, and associated adversary proceedings, unless a final report has been filed or a plan confirmed in the case.

2. The United States Trustee has exclusive standing to object to non-compliance with any provision of this order, with the exception of service of those items specifically enumerated in Bankruptcy Rule X-1008(a).

#### Change in Motion Practice Timing

##### King County Superior Court

Washington Court Rule 56 was changed effective September 1, 1988 to require a 21-10-5-day time frame for filing and serving motions, filing opposing materials and filing rebuttals respectively.

To clarify any misunderstanding, King County Superior Court will defer to CR 56 and *will not* follow the time frames in King County Local Rule 56.

Questions may be directed to Claudia Olney at (206) 296-9380.

#### New Phone Numbers: Bellevue District Court

Effective Tuesday, October 4, 1988 the Bellevue District Court telephone numbers will be changed to be uniform with the new county system.

Main Court number: (206) 296-3650  
Civil/Small Claims: (206) 296-3659  
Scan line: (206) 667-3647

Other offices at the Bellevue District Court location will also be changed to the following.

State Prosecutor: (206) 296-3649  
K.C. Probation: (206) 296-3303  
Superior Ct. Satellite: (206) 296-7876

#### State Supreme Court: A New RAP & Three Amendments Effective September 23, 1988

A new Rule of Appellate Procedure and three amendments to the Rules of Appellate Procedure became effective on September 23, 1988, on publication in the Washington Report Advance Sheets. 111 Wn.29 1101-1106 (1988).

RAP 10.4 provides for a substantial reduction in the length of appellate briefs, and applies to all review proceedings initiated on or after September 23, 1988. RAP 18.14 has been

amended to provide for the reversal of a trial court decision in the motion on the merits procedure. Newly enacted, RAP 18.16 provides for an expedited appeal procedure in the Court of Appeals.

#### RAP & RALJ: Your Comments Wanted

The Court Rules and Procedures Committee reconvenes this month and is scheduled to review the Rules of Appellate Procedure (RAP) and the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). Members of the Bar are encouraged to send their comments and suggestions concerning these rules by December 5 to: Steven Rosen, Staff Attorney; Washington State Bar Association; 500 Westin Building; 2001 Sixth Avenue; Seattle, WA 98121-2599.

#### WITS Organizes

Washington State Court Interpreters and Translators Society—WITS—has recently been incorporated in Washington state.

The purpose of WITS is to unite qualified professional language interpreters and translators into a society which represents their ideals and interests. It seeks to establish standards of the profession and to provide a network through which members receive and exchange news and other information of professional interest.

WITS is working to establish communication with the Legislature and Judiciary of the state of Washington to protect and promote the interests of its members.

WITS' first official meeting was held Saturday, September 24, at North Seattle Community College. The keynote speaker was attorney Joanne I. Moore, member of the Court Interpreter Task Force. She pointed out the benefits that the new society of language professionals can bring to the courts of the state.

WITS is offering a full-day workshop on legal terminology, a code of ethics for interpreters, and general information on courtroom interpreting November 12.

For more information write: WITS, P.O. Box 993, Seattle, WA 98111, or call (206) 547-1888.

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## Creative Stress Management

LAP's research about the presence of distress among lawyers has shown that approximately 33% of WSBA lawyers are experiencing significant levels of stress. This reprint and the supplemental information may provide an opportunity to reduce the effects of stress. (*Part one of two parts.*)

by Linda R. Bryson, M.S.  
(amended by LAP staff)

Stress management is a process for learning about the ways that our attitudes and beliefs affect our stress reactions... It is a process for making choices that are self-valuing and self-nurturing... It is the process of realizing that by becoming responsible for the choices in our lives, we no longer need to remain victims... It is about taking less than 30 minutes daily to release resentment and unrealistic expectations of self and others... It is the process of accepting that we are *worth* the time it takes to become more relaxed and well... It is about gratitude.

Stress management may begin with recovery from *substance addictions*: drugs, alcohol, cigarettes or food. It also may begin with our recovery from *process addictions*: co-dependency, relationships, sex, gambling, work, worry, money, etc. Effective stress management is not learned quickly or easily... it is a lifetime process.

Research has shown that the body adapts to *psychological* denial by creating *physical* symptoms to take up the slack that one cannot handle emotionally. The only problem with that solution is that, over a period of time, the body gets overloaded. If we continually repeat our stress patterns, the body will permanently "lock into" the "fight-or-flight" response — It will adapt to the distress until it reaches a state of exhaustion or death. We no longer even need a stimulus or stressor to activate the stress response. We begin to feel continually alerted and threatened. We are always weary and depressed. We feel jumpy, irritable, and angry. We feel despair and hopelessness.

Stress in itself does not deserve a bad name. The damage comes from our reactions to stressors. Stress is here to stay... we have a choice in whether our

reactions are here to stay. Stress can be very positive when we face life as a "challenge" rather than "something that happens to us — a problem". Stress can be positive when we feel challenged; when we feel joyful and creative; when we have experienced the joy and pain of personal growth; when we are loving and are being loved.

### The Next Step

Once we have decided to give up our addictions, the next step is to learn to appreciate the "fight-or-flight" response that originates from the primitive brain. The response is a warning to "pay attention" and "to listen" to our feelings and fears. It warns us of the unknown and of the known that has hurt us in the past. Our entire body goes "on alert" to fight threats and uncertainties. We initially experience a tightening of the muscles, which signals the hypothalamus to alert the pituitary gland to release cholesterol, corticoid and other hormones; we feel a rapid heartbeat due to an adrenalin "rush"; there is an increase in stomach acidity; there is increased blood flow to the brain and muscles and decreased blood flow to the extremities (cold/clammy hands and feet); our breathing becomes more rapid and shallow. This simplified example quickly illustrates how the entire body responds to threat and uncertainty. In today's world we do not fight or flee; hence, we stay locked in this "fight-or-flight" response... long after the threat is gone, we still feel tense, angry and frightened. If we stay in this state for too long, we begin to experience severe stress symptoms, chronic disease, an increase in substance and process abuse; we begin our premature deaths.

### Choices

Creative stress management is

learning there are choices and alternate solutions. The fight-or-flight response can be released daily through exercise, assertion, relaxation, prayer or meditation. We have the choice to attend counseling or support groups. These allow us to explore and experiment with changing our negative or irrational beliefs. We can increase comforting ourselves when we are afraid, lonely, and angry — it works to reach out for support! We begin to nurture ourselves by releasing "perfectionist" expectations, such as "I should be fixed by tomorrow" or "I should be perfect by next week" or "I am perfect, so why isn't my family?" We begin to give ourselves the rest of our life to get well, and we accept that we can fix only ourselves, not those around us. We cause ourselves much anger, resentment and guilt if we want to change people who choose to remain victims. They do so because there is a negative "payoff": it is safe and all they have ever known; change is too frightening. They have the right to remain victims, just as we have the right to change our attitudes and behaviors. Releasing old anger, guilt, worry and resentment patterns can be frightening because it leaves "empty places and lonely holes." Yet, in this age of counseling, support groups and enlightening reading, there is no valid excuse for not being willing to explore those empty and lonely places. We can make friends with those empty places, or we can continue to deny them and act them out in destructive, inappropriate patterns. The choice is ours!

Do be sure to obtain an examination from your physician to rule out organic causes for your stress symptoms. If your physician believes your symptoms may be stress-related, then take the opportunity to explore what your body may be telling you — or asking you. Call LAP at (206) 448-0605 if we can be of assistance.



## Lawyers, Judges, High Schools Celebrate the Centennial... Statewide Mock Trial Competition

by Jo Rosner

Assistant Director,  
Student Education

Thanks to a grant from the Washington Centennial Commission, students from the state's 400 public and private high schools will have the opportunity to participate in a statewide mock trial competition to be

held in April 1989 in Olympia. The Washington State Bar Association and the Office of the Administrator for the Courts in Olympia submitted the joint grant proposal so that students will:

\*understand the historical basis of the Washington State Constitu-

tion and the difference between it and the federal document,

\*increase critical thinking and communication skills,

\*take an active interest in law and citizenship,

\*bridge the gap between the community (teachers, students, parents, and schools) and the legal profession, and

\*celebrate the Centennial of the Washington State Constitution.

The mock trial project was one of thirteen chosen in June by the Centennial Commission to celebrate our state's 100th birthday. Eleven other projects were approved last December.

With the help of Larry Strickland, the Office of the Superintendent of Public Instruction's social studies supervisor, letters and kits are on their way to social studies department chairs, high school principals and debate coaches. The mock trial will focus on a state-federal constitutional issue, so that the students will have an opportunity to learn how the two sources of law for Washington citizens can both interface and conflict.

Spokane attorney Robert Neate, with the firm of Paine, Hamblen, Coffin, Brooke & Miller, has been a leading light in mock trial activities for the past several years. Rob volunteered to prepare the case for the 1989 competition, bringing to the task his own experience coaching Rogers High School students who entered the All States Mock Trial Competition held in Dallas, Texas in spring of 1988.

Seattle Metrocenter YMCA's "Today's Constitution and You" project funded two years' worth of competitions before their funding ran out. Now that the Centennial Commission has selected this project, expectations are high for a fantastic turnout!

Judges, lawyers, teachers and school administrators will help make this a truly memorable experience for our state's high school students.

For further information, contact Jo Rosner at the Washington State Bar Association's Public Affairs Department, (206) 448-0441, ext. 261, or Robert Henderson, Public Information Officer, Office of the Administrator for the Courts, (206) 753-3365.

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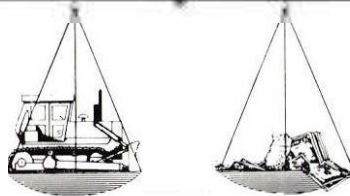
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*Edited by Professor William B. Stoebuck, University of Washington School of Law*

**Civil procedure.** Plaintiff-client himself served defendant. Defendant waited until statute of limitations ran out, then moved to dismiss for insufficient service. Held, service by party insufficient. There was not substantial compliance with rule, nor did defendant's appearance to move to dismiss cure defect. *Crouch v. Boundy*, 51 Wn.App. 731, 754 P.2d 1299 (6/13/88).

—K. B. Tegland  
(former U. of W. faculty)

**Creditor-debtor law.** Georgia statute that singled out ERISA-covered plans for exemption from garnishment was preempted by express preemption provision of ERISA, 29 U.S.C. § 1144(a). ERISA plan involved was an employee welfare benefit plan, but the preemption decision nevertheless casts doubt on Washington statute that creates exemption for pension and other rights under plans subject to ERISA, RCW 6.15.020(2), because of Court's dictum that "[W]e conclude that any state law which singles out ERISA plans, by express reference, for special treatment is pre-empted," 108 S.Ct. at 2189, n. 12. Preemption of Washington exemption statute would have serious consequences in bankruptcy for some ERISA-plan benefit recipients by removing possibility of exemption claim under state law. *Mackey v. Lanier Collections Agcy. & Serv., Inc.*, \_\_\_ U.S. \_\_\_, 108 S.Ct. 2182 (6/17/88).

—M. D. Rombauer

**Negotiable Instruments.** Debtors on promissory note defaulted. Lender accelerated maturity date under option acceleration clause in note. Debtors tendered unpaid principal plus accrued interest and costs, to avoid foreclosure of deed of trust securing note. Lender refused tender and demanded that debtors pay unaccrued interest and prepayment penalties in addition to amounts tendered. Held: Acceleration clause permitted lender to collect only entire principal sum and accrued interest. Prepay-

ment penalties may not be collected after acceleration in the absence of express language in the note permitting such collection. Acceleration changes date of maturity to present. Payment thereafter is not prepayment but payment after maturity.

*Rodgers v. Rainier Nat'l Bank*, 111 Wn.2d 232, 757 P.2d 976 (7/15/88).

—L. S. Hume

**Personal property security.** Security agreement that covered all livestock and all proceeds and products from livestock encompassed federal Dairy



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Termination Program (DTP) payments. The agreement evidenced a lending-borrowing relationship related to a complete dairy operation, in which herd represented continuing source of production in repetitive income flow. DTP payments, made to milk producer who agrees to sell all dairy cattle for slaughter or export and not to engage in milk production for five years, are substitute for income-producing herd. They therefore fall within broad definition of "proceeds" in RCW 62A.9-306(1), which includes "whatever" is received upon "disposition" of collateral. Dissenting judges in 5-4 decision would have construed definition of proceeds to be limited to what is received from dispositions in nature of sales, exchanges, or collections; they characterized DTP payments as consideration for milk producer's promise to get out of dairy business for five years. *Rainier Nat'l Bank v. Bachmann*, 111 Wn.2d 298, 757 P.2d 979 (7/15/88).

—M. D. Rombauer

**Real property security.** *Held:* (a) Federal Garn-St. Germain Depository Institutions Act of 1982, 12 U.S.C. § 1701j-3, preempted former Washington law on validity of due-on-sale clauses in mortgages and deeds of trust. Therefore, due-on clause in deed of trust executed after 15 October 1982, which was end of window period allowed of Act, was enforceable. (b) Clause in commercial loan agreement prohibiting prepayment for seven years and imposing prepayment penalty of five percent between years eight and ten was enforceable. Common-law and Washington rules are that lender does not have to accept prepayment of note at all; therefore, lender may extract payment for privilege of prepayment. At least as to commercial loans, it should be up to Legislature, not courts, to establish limits on prepayment penalties. *McCausland v. Bankers Life Ins. Co.*, 110 Wn.2d 716, 757 P.2d 941 (6/16/88).

—W. B. Stoeluck

Torts. (Case 1.) When plaintiff is in-

jured while using a product, statute of limitations accrues at "the time the claimant discovered or in the exercise of due diligence should have discovered the harm and its cause." RCW 7.72.060(3). What comprises due diligence is question of fact in each case. Court rejects argument that involvement of product in accident gives notice as matter of law. *North Coast Air Services, Ltd., v. Grumman Corp.*, 111 Wn.2d 315, 759 P.2d 405 (7/15/88).

(Case 2.) Written release of liability, given to school district by parents and students as prerequisite to participation in interscholastic activities, is void. Court listed six factors to determine whether agreements waiving tort liability violate public policy. *Wagenblast v. Odessa School Dist. No. 105*, 110 Wn.2d 845, 758 P.2d 968 (7/15/88).

(Case 3.) Special-relationship exception to public-duty doctrine did not apply to builder who got special-use permit but made no specific inquiry and received no specific assurances about noise regulations. *Meaney v. Dodd*, 111 Wn.2d 174, 759 P.2d 455 (7/15/88).

(Case 4.) Special-relationship exception to public-duty doctrine did not give dairy farmers whose cattle suffered from brucellosis cause of action against state, simply because state was involved in brucellosis-control program. Farmers neither made specific inquiries nor received express assurances about brucellosis. *Honcoop v. State*, 111 Wn.2d 182 (7/15/88).

(Case 5.) In defamation action brought by public official against media defendant, plaintiff must establish by clear and convincing evidence prima facie case of actual malice in order to withstand motion for summary judgment. Actual malice requires that defendant make statement with actual knowledge of its falsity or with reckless disregard of its truth or falsity. Neither use of highly critical language about public official's conduct nor reporter's personal hostility toward him establish actual malice. *Margoles v. Hubbart*, 111 Wn.2d 195 (7/15/88).

—J. T. Richardson

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## Fall CLE Lineup Covers Real Estate, Family Law, and "Academy Awards of Antitrust"

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

Does your practice involve you in real estate matters? *What the Washington Practitioner Needs to Know About Basic Real Estate* will be presented in three cities: Olympia on Friday, November 4 at the Westwater Inn; in Spokane, on Friday, November 11 at Cavanaugh's Inn at the Park; and in Seattle on Friday, November 18 at the Stouffer Madison Hotel. The program faculty includes: **Judith A. Bigelow** (Preston, Thorgrimson, Ellis & Holman, Seattle), **William H. Reetz, Jr.** (Commonwealth Land Title, Seattle), **James W. Stubner, Jr.** (Bogle & Gates, Seattle), program chair **Scott B. Osborne** (Ferguson & Burdell, Seattle), **David H. Rockwell** (Stoel Rives Boley Jones & Grey, Bellevue), **James S. Irby** (Karr Tuttle Campbell, Seattle), **James K. Hayner** (Minnick-Hayner, Walla Walla), and **Donna M. Peck-Gaines** (Davis Wright & Jones, Seattle).

*Family Law—Bench and Bar on Effective Practice* will be presented in Spokane (Cavanaugh's Inn at the Park) on Saturday, November 5, and in Seattle (Four Seasons Olympic Hotel) on Saturday, November 19. This half-day program will focus on issues dealing with child support, maintenance, the parenting act and motion practice. The four program co-chairs are the Honorable **Yancey Reser** (Spokane County Superior Court), **Stephen K. Eugster** (Lukins & Annis, Spokane), the Honorable **Donald D. Haley** (King County Superior Court), and **Lynn Pollock** (Attorney at Law, Bellevue). The Spokane faculty features the Honorable **Fred R. Staples** (Benton County Superior Court), **Stephen K. Eugster** (Lukins & Annis, Spokane), **Richard B. White** (Craven & Lackie, Spokane), **Martin L. Salina** (Salina, Sanger & Gauper, Spokane), the Honorable **James R. Thomas** (Okanogan County Superior Court), **Peter J. Karademos** (Attorney at Law, Spokane), **Royce Moe** (Goss, Moe & Sampson, Spokane), and Commissioner **Joseph F. Valente**

(Spokane County Superior Court). The Seattle faculty includes the Honorable **Anthony P. Wartnik** (King County Superior Court), **Eric B. Watness** (Attorney at Law, Seattle), **Ralph W. Moldauer** (Attorney at Law, Bellevue), **Wendy R. Gelbart** (Attorney at Law, Seattle), the Honorable **James I. Maddock** (Kitsap County Superior Court), **Jane B. Hall** (Cotter, Wechsler, Hall, Besk & Erickson, Seattle), **Mabry C. De Buys** (Shidler McBroom Gates & Lucas, Seattle), and Commissioner **Carlos Y. Velatagui** (King County Superior Court).

The "Academy Awards of Antitrust" will be presented in Seattle on Friday, December 2 at the Sheraton Hotel. Due to popular demand, Professor **Eleanor M. Fox** will return as the morning keynote speaker. She will speak on recent Supreme Court and Congressional developments and will forecast antitrust trends in the next Administration. Following the luncheon, she will announce her "Academy Awards of Antitrust." Program co-chairs are **Marvin L. Gray, Jr.** (Davis Wright & Jones, Seattle) and **David J. Burman** (Perkins Coie, Seattle). Other faculty members include: **Thomas L. Boeder** (Perkins Coie, Seattle), **Richard J. Wallis** (Bogle & Gates, Seattle), **Bruce D. Carter** (U.S. Attorney's Office, Seattle), **John C. Guadnola** (Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, Tacoma), **David A. Duryee** (Management Advisory Services, Inc., Seattle), **Douglas C. Ross** (Davis Wright & Jones, Seattle), Professor **Edward Brunet** (Northwestern School of Law of Lewis and Clark College, Portland,) and the Honorable **Sharon S. Armstrong** (King County Superior Court).

For further information about any of these courses, please contact the WSBA CLE Department at (206) 448-0433.

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#### Family Law—Bench and Bar on Effective Practice

4.00 credits

NOV 5 Spokane (Cavanaugh's Inn at the Park)

NOV 19 Seattle (Four Seasons Olympic Hotel)

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DEC 2 Seattle (Sheraton Hotel)



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## New Stage Play to Help Teens Master the Legal System

Courtroom drama has been a staple of the stage for centuries. Seattle attorney and playwright Lauren Marshall is giving the genre a new twist, working on a musical play for high school students called "Whadda 'Bout My Legal Rights?"

Funded in development by the Legal Foundation of Washington and the Goldmark Foundation, the play demonstrates basic legal rights and responsibilities and helps teenagers understand when and where to turn for assistance.

Collaborating with Marshall on the project are writer Andrew Duxbury and composer Suzanne Grant. The script incorporates material provided by Seattle's Franklin High School students.

The show will go on the road in 1989 and be produced as a video after the tour. Performances will be followed by classroom workshops led by the actors and volunteer attorneys.

The SKCBA Young Lawyers Division is sponsoring the project and fund-raising efforts on its behalf. To learn more about the production, contact Marshall at Foster Pepper & Shefelman, (206) 447-4400.

## BENTON-FRANKLIN REPORT by STEPHEN T. OSBORNE

After an outstanding year of leadership, outgoing president John Schultz handed over the mantle of the presidency to president-elect Harvey Faurholt. Filling out the slate of new officers are H. W. "Pete" Felsted, vice president and Steve Vlecko, secretary/treasurer. A retirement dinner honoring retiring superior court judge Robert S. Day is currently scheduled for December 14. Vying for the vacancy created by Day's retirement will be H. W. "Pete" Felsted and Carolyn Brown.

Andy Bohrnson, formerly of Leavy, Schultz & Sweeney, left recently, opting for the bright lights of the big city of Spokane. Yes, King County, when you are born in Hoquiam and have practiced 14 years in Pasco, Spokane is the "big city." At the last bar meeting prior to Bohrnson's departure, a motion to have a going-away party died for lack of a second. Seriously though, the only people who were glad to see Andy leave were members of the plaintiff's bar.

Carl Sonderman, formerly of Sonderman, Hames, et al., has opted for solo practice. Word has it that when he can't be reached at his office, the odds are he can be found aboard his 36' Carver. Lowell C. Barber, recently with Westinghouse, has opted for the joys of private practice with Reinig, Kirk & Barber.

The ballots are in on the newest yellow page ads and Jay Flynn was voted most photogenic. Some thought he should be disqualified for using his high school senior class picture. There was a tie for "Nonresident Lawyer of the Year" between two Seattle firms. The tie was broken by awarding the prize to the firm listing a toll-free number. By the way, where is East King County?

## LOREN MILLER BAR ASSOCIATION by RICHARD JONES

On September 23, the Loren Miller Bar Association (LMBA) hosted the 1988 Northwest Minority Job Fair at the Four Seasons Olympic Hotel. LMBA is a Washington state organiza-

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tion of approximately 150 Black attorneys. Co-sponsors of this event included the Asian Bar Association, the law firm of Lane Powell Moss & Miller and the University of Puget Sound Black American Law Student Association (BALSA).

The 85 applicants in the fair were primarily second- and third-year students from law schools in Washington, Oregon, Idaho, California and as far away as Washington, D.C. Each applicant received at least five interviews from among the 33 participating employers. The interviewers were predominately private law firms and included several government agencies and private corporations.

This is the second year this fair has been held in the Northwest. Last year, several students received employment through the program. The success of the job fair appears to be

spreading nationwide; law firms from Denver, Dallas and Washington, D.C. made inquiries in advance of



Minority Job Fair participants listen to an address by the Hon. Charles Z. Smith.

the event asking for the opportunity to participate.

The interviews were capped at the

end of the day with a special appearance by the Honorable Charles Z. Smith, Washington State Supreme Court. Justice Smith paid tribute to the job fair and stressed the importance of increased opportunities for minorities in the legal profession.

The job fair was closed with a reception hosted by the Asian Bar Association, Bogle & Gates, Davis Wright & Jones, Foster Pepper & Shefelman, Hillis Clark Martin & Peterson, Lane Powell Moss & Miller, the Loren Miller Bar Association, Perkins Coie, Preston Thorgrimson Ellis & Holman, the Washington State Bar Association Young Lawyers Division, and Williams Kastner & Gibbs.

LMBA has committed to promote the Northwest Minority Job Fair so long as the opportunities for minority lawyers continue to increase.

## NOTICE TO LAWYERS — 1989 DIRECTORY

Changes in names, including firm names, addresses and telephone numbers of Lawyers in King County for the new 1989 Lawyers' Directory of King County are now being compiled. If you have changed your address and/or telephone number during 1988 and have not yet given the new information to the Customer Service Section in the office of the Superior Court Clerk please stop by the Customer Service Section counter and fill in a new information card. Cards are available there for your convenience. If your information will be the same as your listing in the 1988 Directory it is not necessary to fill in another card.

If you are a new lawyer who has started practicing in King County in 1988 please be sure to fill out an information card as mentioned in the Clerk's office.

Below is a print of this information card which you may clip and mail to the Clerk's office as an alternative to coming into the Clerk's office.

Lawyers: For listing changes of your address or telephone number please fill in below. If you have a new practice in King County this year please write in below where indicated. If your firm name is changed or if the firm is entirely new fill in below. Your changes will be published in the Daily Journal of Commerce and the next annual Lawyers' Directory of King County. (Print or Type)

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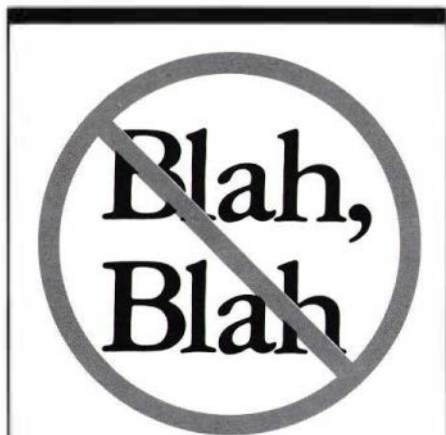
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**PIERCE COUNTY REPORT**  
by **GEORGE S. KELLEY**

Imagine running through a major metropolitan area at 3 a.m. in your shorts and not being arrested or disbarred. If this is your idea of fun, and it was to several local lawyers and judges, you had better do it out-of-state—like in Oregon where all sorts of weirdness are tolerated. Specifically you will want to enter the 168-mile Hood-to-Coast relay race where you and ten of your closest friends can each run three five-mile legs. The race starts Friday evening at Timberline Lodge on Mount Hood and runs more or less downhill to the Oregon coast, finishing sometime Saturday afternoon or evening.

**Norman Margullis, Jeffrey Gross, Craig Adams, Steve Hansen, Anna Hibbard-Woods, Tim Anderson, Sandra Kindig, Peggy and Jeff Fraychineaud, Jim Lopez and Margaret Bond** formed a team called the "Land Sharks." The origin or meaning of the team name is not known. Also entering in the Men's Masters Division were the "Rosedale Runners," which included **Al Weaver, Mark Adams, Gary Alexander, David Johnson, Mike Thorp, Tom Fox** and your roving reporter. They were joined by some non-lawyers who were selected for their speed, endurance and gullibility rather than their legal ability. No one is quite sure where "Rosedale" is, but several team members claim to have run through it during the early morning hours of the race.

Also reporting a fun summer vacation were **Bob Nelson, Paul Snyder and Lloyd Fetterly**. They attempted to sail one of the boats entered in the Victoria-Maui race back to Tacoma. On the first day out of Maui, the rigging broke and required a return to port. After repairs they were three days out to sea when the rudder broke. They returned once more to Maui and flew home. These fellows might consider the Hood-to-Coast race next year as an alternative to open-ocean yachting.

**Marilyn Mauer Wahlberg** is leaving the practice to become an administrative law judge with the Department of Labor and Industries in Olympia.

**Sinnitt & Sinnitt, Inc., P.S.** have relocated their offices to Suite IA, 4041 Ruston Way, in Tacoma.

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

*Office Moves.* **Keith W. Dearborn** and **Alison Moss** have merged their practice with **Ferguson & Burdell**, and have become partners of the firm. **Lee, Smart, Cook, Martin & Patterson** announces that the following are now associated with the firm: **Roger K. Anderson, Richard C. Robinson, John C. Versnel III, Timothy R. Winship, Steven G. Wraith, and Cheryl A. Zakrzewski.** **James E. Dickmeyer** is now a partner in **Sinsheimer & Meltzer**; **Stuart J. Sinsheimer** has become an associate of the firm. **Robert J. Thomas** has become a principal of **Monroe, Stokes, Eitelbach & Lawrence.** **John M. Johnson** has become associated with **Jackson & Richardson.** **George E. Benson** has opened his office at Queen Anne Square. The Yakima (!) firm of **Meyer & Fluegge** has opened a Seattle office in the Columbia Center.

**John R. Christianson** has joined the Seattle office of **Weiss, DesCamp & Botteri.** **Roger Hillman** has joined **Cozen and O'Connor** as of counsel. **John F. Rodda** joins **Inslee, Best, Doezie & Ryder.** **Jeffrey P. Smith** has become a member of **Reed McClure Mocerri Thonn & Moriarty,** and **Mark W. Weakley** has become an associate of the firm. **Fred M. Granum** has joined **Garvey, Schubert & Barer** as a principal.

*Electioneering.* **J. Kathleen Learned** was elected to the King County Superior Court bench, while Judges **John Darrach** and **Herbert M. Stephens** were re-elected. The November general election will determine whether **Bill Murphy** or **Carol Schapira** will fill the one remaining position. At a judicial-candidates' forum **Schapira** brought this correspondent up to date on the recent doings of **Don** "When you're hot, you're hot" **Woodworth.** In 1971 "Woody" combined with **Ed Skone, Gordon Wilder** and **Pat McBride** to form one of the most formidable basketball teams ever at the U. of W. law school. *Post Script:* It was generally agreed that the most enlivened discussion at the candidates' forum was regarding the new "Don Johnson-Miami Vice" hairstyle of **Gary Faull.**

*Appellate Practice.* This correspondent was recently on the wrong

end of his second Washington Supreme Court case, by a 7-1 decision. See *Queen City S&L v. Mannhalt*, 111 Wn. 2d 503 (1988), regarding Washington deed of trust foreclosure procedures. Previously, this correspondent was also on the short end of a 6-3 decision regarding the liability of a corporate promoter: *Goodman v. DDS*, 100 Wn. 2d 476 (1983). Combining the two cases, we have now amassed a total of four votes by Supreme Court Justices, which calls for researching the Rules of Appellate Procedure to determine whether cumulative voting obtains in the Washington Supreme Court. If that is the case, it would appear that only the vote of one other Justice would be necessary for this correspondent to be successful in the next case argued there.

*Of Note.* King County superior court judge **Mary Wicks Brucker** and **Tom Brucker** recently completed a 9-day, 60-mile backpack through the Olympics. The accompanying photograph, taken August 5 at Blizzard Pass on Mt. Olympus, demonstrates that it is possible to smile at least once during such a trek. It was pointed out to this correspondent at the candidates' forum, *supra*, that Leslie Wagner, current president of the



Judge Mary Brucker and Tom Brucker at Blizzard Pass on Mt. Olympus during a nine-day, sixty-mile backpack through the Olympics.

South King County Bar Association, along with **Jane Rhodes**, **Judith Eiler** and **Barbara Heavey**, won the award at the So. King golf tournament for (and it was not quite clear which one) either the most-gross or highest-gross foursome.

**Trenholme J. Griffin** has recently published *Korea: The Tiger Economy*, which contains economic data, analysis and forecasts, as well as practical advice on doing business in Korea.

**Robert C. Mussehl** has been re-elected to the American Bar Associa-

tion House of Delegates. **Harry H. Schneider, Jr.** has been appointed to the ABA standing committee on lawyers' professional liability. U.S. District Court judge **John C. Coughenour** has been elected to the council of the ABA section on litigation.

The August electrical outage in a 50-block area of downtown Seattle required resourcefulness on the part of the many attorneys and law firms in the affected area. Some firms set up shop in rented hotel rooms/suites, while others simply worked by sunlight close to windows. Since the outage occurred during four particularly warm days, dress codes were severely modified, and absences from the office for golf, waterskiing and other similar activities appeared to be the norm. One anecdote appeared to stand out, at least in this correspondent's mind, from all others: the experience of having your office administrator ask the Supreme Court clerk's office to remain on hold while getting a flashlight in order to write down the message of an adverse decision. See *Appellate Practice*, above.

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## SKAMANIA COUNTY

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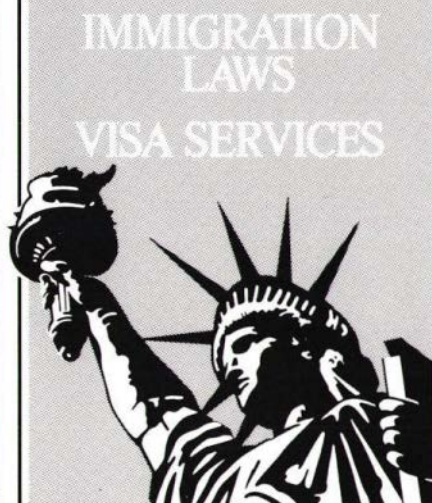
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Thomas Day has moved his office to North Bonneville at Wauna Lake Road and state Highway 14. The phone number and mailing address, P.O. Box 401, Stevenson, remain the same.

The new offices will include a facsimile machine and computer equipment, which Day plans to make available for public use for a fee.



## SNOHOMISH COUNTY REPORT

by REBECCA CLARK

Snohomish County Legal Services volunteers were recognized at the September luncheon meeting of the Snohomish County Bar Association. Bruce Keithly of Allendoerfer and Keithly received the award for Most Pro Bono Hours Contributed by a Volunteer Attorney, and Brian Ham-

mer received the award for Most Pro Bono Cases Accepted by a Volunteer Attorney. The law firm of Anderson, Hunter, Dewell, Baker & Collins received an award for Most Pro Bono Cases Accepted by a Law Firm. The following legal secretaries and assistants were recognized for their long-term commitment to the Neighborhood Legal Clinics: Sandy Anderson, Judy Atkins, Marlene Augustine, Julie Barcelou, Jeannie Barrans, Lois Williams, Virginia Corley, Cheryl Duffy, Denise Ellis, Mona Flatray, Jean Grieve, Carol Guy, Turie Holte, Judith Lehman, Julie Nelson, Jeanne Opgenorth, Julie Reid, Joan Skolrud and Patty Young. Yvette War Bonnet of Evergreen Legal Services was recognized for her cooperative efforts benefiting legal services in Snohomish County. Barbara Clark, executive director of the Legal Foundation of Washington, and Lowell Halverson, a member of the Foundation's Board of Trustees, attended the luncheon and discussed the role of the Legal Foundation in funding pro bono programs.

Lorna S. Corrigan has joined the firm of Newton, Kight, Novack, Adams, and Castleberry. Corrigan has worked as a municipal attorney for the city of Bremerton and hopes to continue her emphasis on trial practice, land use and administrative law. Aaron Okrent has recently joined the firm of Anderson, Hunter, and Robert Johnson has joined the Family Support Unit of the Snohomish County Prosecutor.



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## THURSTON COUNTY

Attorney General Ken Eikenberry announced the retirement of Senior Assistant Attorney General James B. Wilson, chief counsel for the University of Washington for 25 years, on November 1.

"This is an important, sensitive position in the Attorney General's Office and one that Jim has carried out skillfully throughout the years," Eikenberry said. "He will be sorely missed."

During Wilson's tenure, he has successfully handled a wide variety of legal issues for the university, including the affirmative action program for admission to law school that reached the U.S. Supreme Court in the *De-*

*funis Case*. He was president of the National Association of College and University Attorneys in 1979 and 1980, and served on its Executive Board for nine years.

"Jim Wilson has been an admirable public servant and a valued counselor to the University for many years," University of Washington president **William Gerberding** said. "He is respected by the regents and administration for the breadth and depth of his legal advice and will be missed by all of us."

He will be replaced by Deputy Attorney General **Lloyd W. Peterson**, who served as chief legal counsel for Washington State University for 13 of his 25 years with the office. He also served for over seven years as division chief of the Social and Health Services Division, the largest division in the Attorney General's Office.

For the last six years, Peterson has served as a deputy attorney general managing numerous divisions, with administrative responsibilities for attorneys representing University of Washington, Washington State University, State Superintendent of Public Instruction, regional universities, community colleges, Department of Social and Health Services, Department of Licensing, Employment Security and the regional offices.

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### WASHINGTON STATE TRIAL LAWYERS ASSOCIATION

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Bellevue attorney **Patrick LePley** was elected president of the Washington State Trial Lawyers Association and Seattle attorney **David Middaugh** became president-elect during WSTLA's annual convention held in Semiahmoo, July 21-24.

Governor and Mrs. **Booth Gardner** and several legislators also attended the event.

49th District Representative **Joe King** was named Legislator of the Year and state Supreme Court Justice **Robert F. Brachtenbach** received the Judge of the Year award. Both awards are based on merit and are not necessarily given annually.

Tacoma attorney **Frank Stubbs** was named Trial Lawyer of the Year and Seattle attorney **Judy Proller** received the prestigious President's Award. Stubbs was honored as a "friend, champion of the rights of in-

jured people, a steadfast guardian of the right to trial by jury and a lawyer's lawyer." Proller received her award for her dedication and contribution of excellence to the public affairs program, which she chaired during the last year, and for her outstanding work setting up the People's Law School program. Eighteen sessions of the People's Law School have been held in eleven cities with over 1,500 people attending. Both awards are the highest honors bestowed on WSTLA members.

A recap of the newly elected board

members includes Bellevue attorney **Patrick LePley**, president; Seattle attorney **David M. Middaugh**, president-elect; Tacoma attorney **Sam Pemberton**, vice president west; Spokane attorney **Daniel Harbaugh**, vice president east; Seattle attorney **Brian Putra**, vice president finance; Bellevue attorney **Mary Ann Ottinger**, 2nd vice president finance; Seattle attorney **Halleck Hodgins**, vice president CLE; Seattle attorney **Judy Proller**, 2nd vice president CLE; Bellevue attorney **Richard Beaudry**, vice president public af-

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fairs; Seattle attorney **Fred Zeder**, 2nd vice president public affairs; Hoquiam attorney **Keith Kessler**, vice president legislative; Tacoma attorney **Michael Welch**, 2nd vice president legislative; Seattle attorney **William S. Bailey**, treasurer; Tacoma attorney **John Glassman**, secretary; Seattle attorney **Eugene Moen**, editor-in-chief; Seattle attorneys **F. Douglas Tuffley** and **Nicholas Corning**, 1st congressional district; Mount Vernon attorney **John Meyer**, 2nd congressional district; Vancouver at-

torney **James Holland**, 3rd congressional district; Yakima attorney **Terrence Abeyta**, 4th congressional district; Spokane attorney **Roger Felice**, 5th congressional district; Tacoma attorney **Robert Deutscher**, 6th congressional district; Seattle attorney **Julia Langley**, 7th congressional district; Bellevue attorney **William J. Carlson**, 8th congressional district; Longview attorney **John Barlow** and Seattle attorney **Philip Arnold**, at large; Seattle attorney **James Rogers**, ATLA state delegate.

## DISCIPLINE

### Censured

Tacoma attorney **Craig S. Adams** (admitted 1977) has been ordered censured by the Disciplinary Board. On August 17, 1988, the Disciplinary Board approved Adams's stipulation to discipline based on his conduct in creating a letter purporting to be from a third party and presenting it to his client. Adams did not submit the letter to the court or the opposing party.

## IN MEMORIAM

**Thomas F. Carr**, 45, died August 7, 1988 after a brief illness. A fourth-generation lawyer, Carr was graduated from the University of San Francisco and the University of Washington School of Law. He served with the Army Corps of Engineers in Vietnam.

Carr joined the Washington State Attorney General's Office in 1971. From 1973 to 1975 he was in private practice, then returned to the Attorney General's Office. There he was involved in many of the great cases of the 1970s and early '80s, and served variously as chief of the Special Trails Division, the legal section for the Fish and Game Division, and the risk management operations of the Department of Natural Resources.

Active in a variety of civil and other organizations, Carr was widely known for his professional abilities and his affable personality. Survivors include his wife and five children. A Carr Family Education Fund has been established at 1023 S. Adams, Suite 217, Olympia, WA 98501.

**Herbert Springer**, a member of the Longview firm of Springer, Norman & Workman, died June 21, 1988. Born in 1917, he held undergraduate and law degrees from Gonzaga University.

**Harvey F. Davis**, 81, a longtime Wenatchee attorney, died Saturday, Aug. 13, 1988, in Central Washington Hospital.

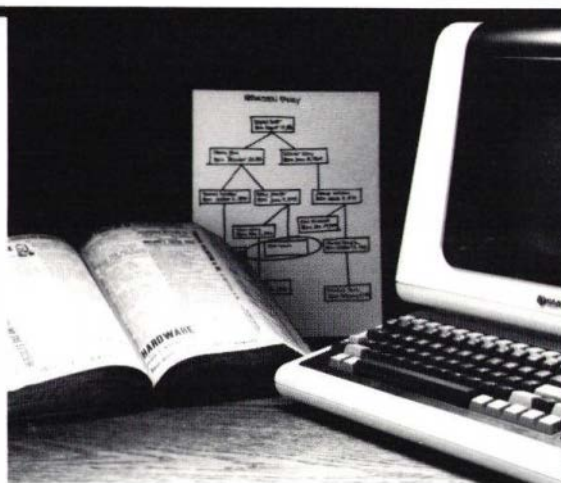
He was born Aug. 15, 1906, near Nevada, Mo. In 1923 he entered the University of Washington. In 1929, he was graduated Phi Beta Kappa from the University of Washington with a

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degree of Juris Doctor. Later that year he started the general practice of law in Wenatchee.

Davis and the late **Sam Sumner Sr.** began a 30-year law partnership in the 1930s, and during that time Davis served as deputy prosecuting attorney for Chelan County from 1939 to 1943. He then became prosecuting attorney for Chelan County until resigning that office in 1946. During his tenure as deputy prosecuting attorney and prosecuting attorney, Davis was also the Chelan County coroner.

In 1945, he became employed by the Chelan County PUD No. 1 which at the time was not an operating public utility district but was engaged in an effort to acquire the distribution properties of Chelan County and a portion of Douglas County from Puget Sound Power & Light. He continued as legal counsel for the PUD for a number of years.

In 1963, Davis and **Jim Arneil** organized a law firm, and with some 10 partners and associates it became known as Davis, Arneil, Dorsey, Kight and Parlette. Davis remained active as a consultant following his semi-retirement. He was president in two different years of the Chelan County Bar Association and was a past president of the Wenatchee School District. Survivors include one son, two daughters, two sisters, 11 grandchildren and three great-grandchildren.

#### ET ALIA

In Re: RCW 19.52.020(1)

#### Interest Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in October is 7.86 percent. The maximum allowable interest permissible for **November 1988** is thus **12 percent**. For further details and past rates, see the October 1987 *Bar News*, page 39.

#### Formation of New Bankruptcy Section, Federal Bar Association For the Eastern District of Washington, Announced

The federal judges of the Eastern District of Washington including the two bankruptcy judges, have approved the formation of the Bankruptcy Section of the Federal Bar Association for the Eastern District

of Washington.

Over 900 attorneys appear in the United States Bankruptcy Court for the Eastern District of Washington. Many of them are located in Western Washington.

The Bankruptcy Section is a non-profit professional association created to provide a forum for the exchange of information on bankruptcy-related issues.

The dues for Bankruptcy Section membership are \$25 per member per year. Requests for membership application should be sent to Shaun

Cross, P.O. Box 1219, Spokane, WA 99210-1219.

#### Interim Suspension

Kent attorney John S. Astle (admitted 1976) was ordered suspended from the practice of law pending the outcome of disciplinary proceedings by Supreme Court order entered September 7, 1988.

Interim suspension is pursuant to RLD Title 3 and is not a disciplinary sanction.

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Estate: Wa. Reports 2D, 1-103; Wa. Reports 1st, 203V; Wa. Digest, W, 1984 PP; Revised Code of Wa. Anno. W/1984 PP. Contact Ira Kadish, (206) 282-8753.

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