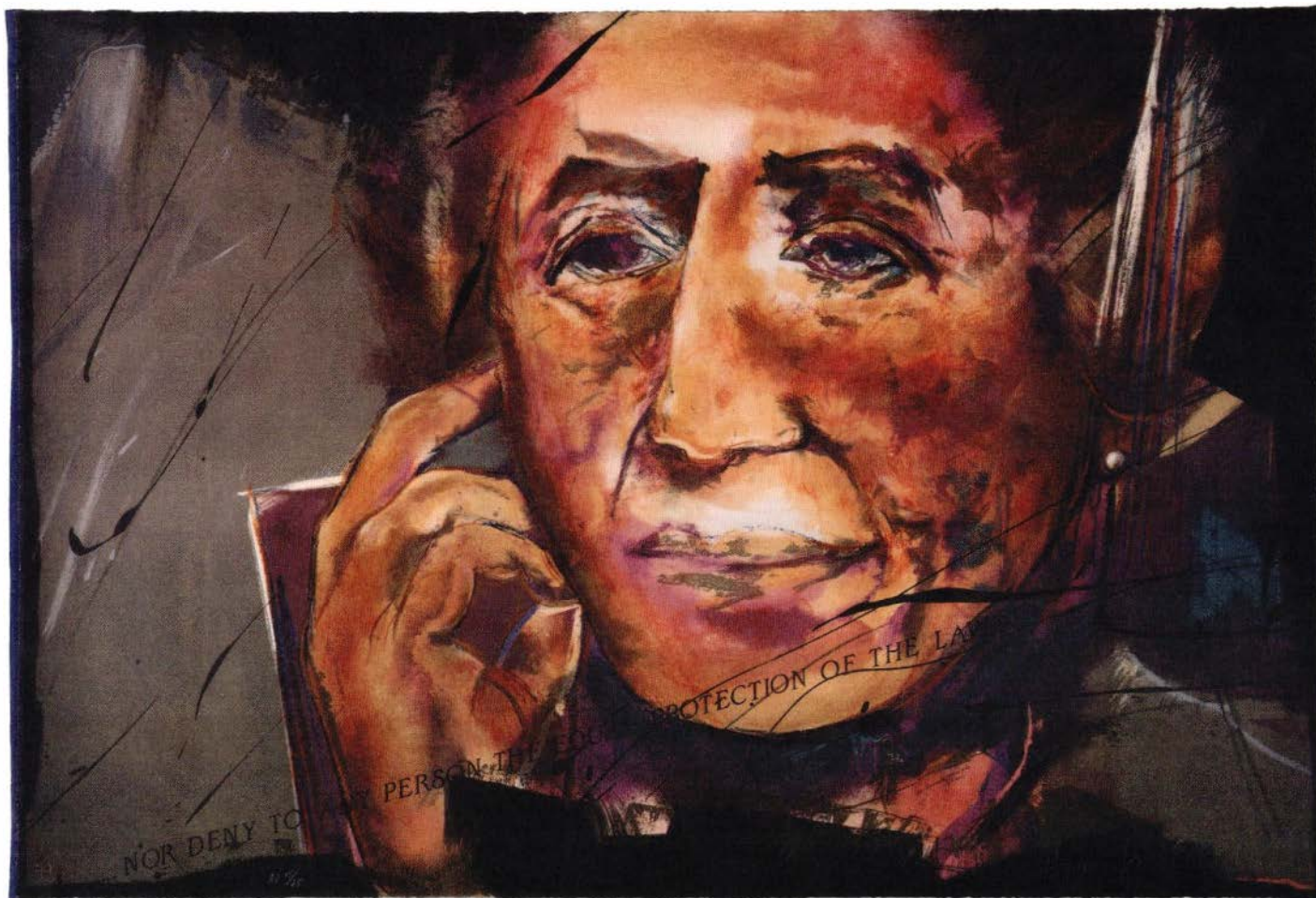


Washington State **Bar**
News Vol. 42, No. 6, June 1988

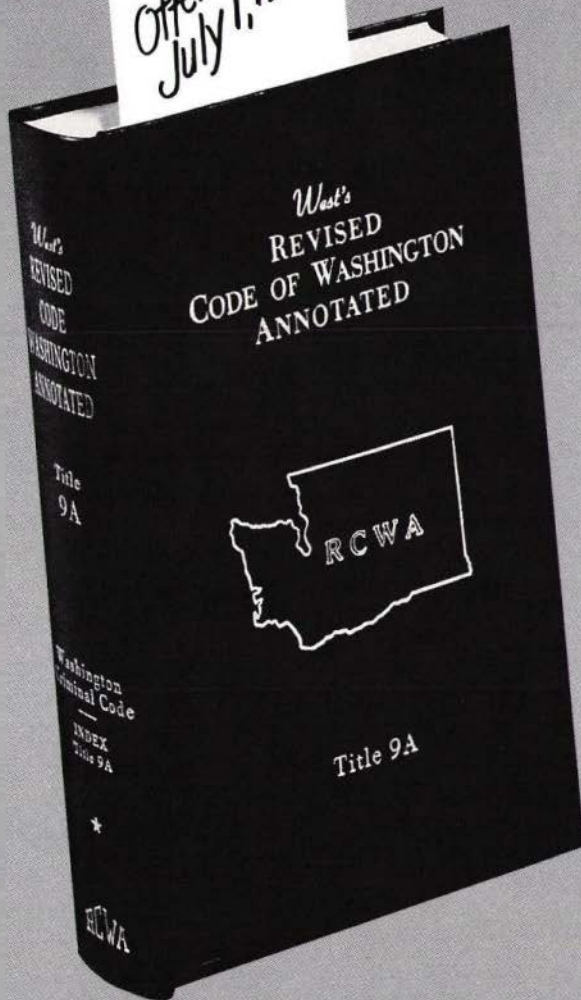


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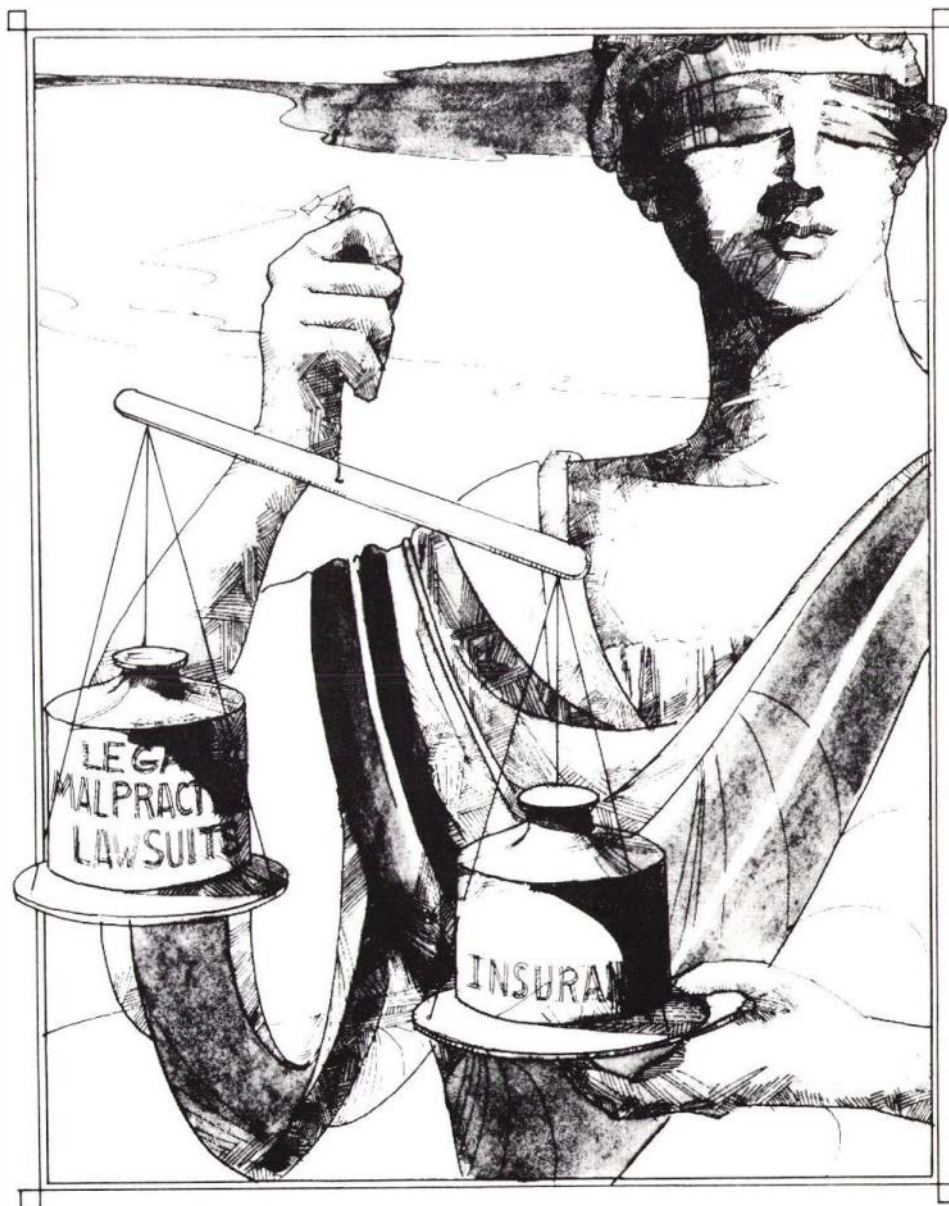
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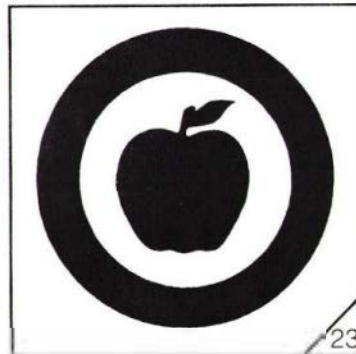
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St. John Tenniel

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.

A Little Partisan Grapeshot From The Past

Editor:

I ran across the enclosed letter to the editor that appeared in *The*

Advocate, the legal journal distributed to lawyers in British Columbia.

In this year of presidential politics, the words of Judge Gerry spoken in 1873 may bring a contemporary chuckle:

From Douglas A. Hogarth, Q.C.
Dear Sir:

Let us be reminded that there was a time when men were men, women irrelevant and the judiciary devoid of the frivolous, nefarious and fitful concepts of equality, justice and political independence.

My good friend Paul St. Pierre reports to me of the sentencing of Alfred E. Packer by Judge Gerry in Colorado in 1873 in a somewhat famous case involving cannibalism.

The report reads: "Packer, you depraved son of a bitch, in the past year of our Lord 1873 you, in company with five companions, passed through this beautiful mountain valley, where stands the town of Lake City, a town we sometimes call God's Garden Spot.

"You and your victims had a weary march and when the shadows of the mountain fell around you, your unsuspecting friends laid down on the ground and were so lost in untroubled sleep, and then, while thus sweetly unconscious of danger from any quarter, and particularly from you, you cruelly and brutally slew them.

"Packer, before you came along there were ten good upstanding and honorable Democrats in Hinsdale county and you, you vile son of a bitch, ate half of them. With happiness in my heart I sentence you to be hanged by the neck until you are dead, dead, dead and may God have mercy on your dirty Republican soul."

Anyone for N.D.P.?

MICHAEL JACOBSEN
Executive Director
The Law Foundation of
British Columbia
Vancouver, B.C.

Uninsurable Lawyers: A Reply

(In May, the *Bar News* carried a letter by Judith Raub Eiler in which she reported Farwest Insurance Company of Portland, Oregon denied her application for major medical coverage. The following letter, from Robert W. Peters, Vice President for Individual Operations at Farwest, responds to a query by the editor based on letter.)

Editor:

This letter is written in response to your recent questions concerning our underwriting practices in regard to attorneys.

To my knowledge, every insurance company includes occupation as a category in its underwriting selection process. The list of occupations considered uninsurable varies by company and by line of business. In our case, we have determined that attorneys are not insurable for individual major medical coverage. Factors weighed in the decision to accept or reject any particular occupation include our expectation of claims loss, persistency and renewal expenses.

I am not privy to how other companies treat attorneys for individual major medical insurance. Our policy was established independently, based on our own assessment of the situation. From the way you phrased the question I infer you have information which would indicate we are unusual in our position on attorneys. If this is the case, then individual major medical coverage is generally available to attorneys and the position taken by a small company in Portland, Oregon is not going to cripple the marketplace. If the opposite is true, then Washington is in the process of establishing a risk pool for uninsurables and our declination action will make any attorney who applies eligible for insurance under the state risk pool. In either event, no attorney in Washington will be left in the position of being unable to obtain coverage somewhere.

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Resolutions

Filing Deadline for Resolutions to be Presented at the Annual Meeting

Any ten (10) active members of the Washington State Bar Association may present a written resolution to the Board of Governors for possible consideration at the Annual Business Meeting. Such resolutions must be presented and filed with the Board of Governors at least twenty (20) days before the Annual Meeting. Any resolution must be accompanied by a written report explaining the resolution. The resolution and explanatory report together shall not exceed a total of one thousand (1,000) words. Resolutions are to be filed with the Board of Governors, Washington State Bar Association, 500 Westin Building, 2001 Sixth Avenue, Seattle, Washington 98121-2599. The deadline for filing such resolutions and explanatory reports will be 5:00 p. m. on Monday, August 29, 1988 (the first business day following the twentieth day prior to the Annual Meeting).

Referral to Resolutions Committee

The Board of Governors shall refer to the Resolutions Committee any resolution within the purposes of the Association as set forth in Article I of the Bylaws. If the Board of Governors finds the resolution is not within such purposes, then such resolution shall not be considered at any meeting.

Preliminary Notice of Special Public Hearing on Resolutions and of Publication Deadline

The Resolutions Committee of the Bar will, as usual, hold a public hearing to consider the views of the proponents and opponents of resolutions to be presented to

the membership of the Bar at the Annual Meeting. The hearing will be held on Wednesday afternoon, September 14, 1988. The time and location of the hearing will be announced in the next *Bar News*. In addition, in an effort to allow more time to those presenting views and in an effort to give the members of the Committee more time to consider the resolutions and to request any additional information which might be helpful to the Committee, an advance session of the public hearing will be held prior to the Annual Business Meeting in Seattle on September 7, 1988 at the offices of the Bar Association, 500 Westin Building, 2001 Sixth Avenue, Seattle, Washington at 10:00 a. m. Proponents and opponents of resolutions are urged to attend the September 7, 1988 session if at all possible, and, if not, to present their views in concise written form for consideration by the Committee at that session. Presence at or absence from the September 7 session will not affect any right under the Bylaws to present views at the September 14, 1988 hearing. At that hearing, preference in presenting views will be given to those with viewpoints which were not expressed at the earlier session.

If a proper resolution is to be published in the *Bar News* before the Annual Meeting, the Bylaws provide that it must be received by the Board of Governors at least sixty (60) days prior to the Annual Meeting, or on or before July 18, 1988. The July issue of the *Bar News* will contain further details regarding the purpose, function, and personnel of the Committee and the time and location of the September 14, 1988 hearing.

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Hello, I Must Be Going

**"Pay no attention to the man
behind the curtain."**

The Wizard of Oz

I took up my appointment as ninth editor of this magazine March 1, full of purpose and conscious of a high calling. "An editor is one who knows exactly what he wants, but doesn't know what it is," Walter Davenport once wrote. Adlai Stevenson knew: "An editor is one who separates the wheat from the chaff and prints the chaff." And qualifications? "Any person with good eyesight and who is conscientious can learn the routine," declared Jacques Barzun in a 1985 essay.

Tradition dictates an introductory column for the new incumbent to praise his predecessor and reveal his plans. The first task I can do unreservedly. Carole Grayson's tenure produced a significant improvement in design and content of the magazine. In this space she proved a thoughtful and provocative essayist. Upon my selection as her successor, she organized a seamless transition. Readers are much in her debt, as am I.

Interviewed by the Editorial Advisory Board, I told them I anticipated eliminating the editor's column. Appointed, I found my resolution wavering. A page a month—guaranteed! The stately cadences of essays in the style of Johnson and Macaulay queued gravely in my mind, jostled by robust, rabble-rousing ripostes. Walter Mitty, meet William Randolph Hearst.

However, after inheriting a stack of manuscripts submitted by Bar members after great labor, and after meeting with magazine staff members, my conviction returned, though for different reasons. My original motivation in eliminating the column was that I probably would not have anything interesting to say month after month. I was anxious that my columns might be just ragged patrols of words roving across the landscape in search of ideas. In the end, I decided to cancel the column because I couldn't justify taking up the space.

The *Bar News* lives on a short leash. For every page of editorial material, a page of advertising must be produced to pay for it. So for calculating space for editorial material, subtract half the pages of a given issue right off the bat.

Then subtract a gaggle of regular items which, over the years, by sovereign prerogative, resentment of the blue pencil's tyranny ("Where were you guys when these pages were blank?" Fred Allen once asked his writers on the return of a mutilated script), or other reasons, have obtained official dispensation from editing. These contributions take the space their authors, if not the editors, feel they need. As these elements of the magazine expand and proliferate, the Bar's subsidy, intended to create more feature space, will increasingly become the life blood of these untouchables. Subtract their space from the total as well.

Into the remaining wedge of space goes everything else. Against these constraints of space, taking up twelve pages a year to give readers the benefit of my views strikes me as wasteful and self-indulgent. So I place this column in storage for my tenure.

Several of my recent predecessors have used the editor's space with skill, insight and wit. But, as Yogi Berra might have said, there is a lot to be said for not saying anything. Edward Gibbon sat in the British Parliament for eight years and never spoke a word. When John Cage premiered a musical piece composed entirely of silence, Igor Stravinsky told the press he was looking forward to a work of major length. (Cage later wrote a book called *Silence*). And don't forget Harpo Marx.

In lieu of commentary, I plan to concentrate my energies on better basic news coverage. In a magazine almost wholly composed of formulaic columns, too much news doesn't get reported until it percolates up into one of them. Even then, coverage



may be fleeting and cursory. News should be reported as it develops, not just after it has happened. I hope creating a larger "news hole" in the magazine will also help still the regularly voiced feeling of Bar members that they don't know what is going on in the Bar until it has happened. My goal, building on the foundations laid by my predecessors, is to produce a literate, informative, *useful* magazine. In aid of that purpose, I invite readers to contact me with their news, opinions and criticisms, either via the Bar office or directly in Vancouver.

Having spoken my prologue, I retire from the stage and let the performance begin. I will be back in three or four years for an epilogue. Good luck.



NUMBER 1

by John J. Michalik
WSBA Executive Director

Al Schweppe passed away on April 20, 1988 at the age of 93. He was the proud possessor of State Bar Association membership number 1. There is quite a bit of significance to that membership designation, all of which flows from Al Schweppe's longtime contributions to, and influence in, the Washington State Bar Association.

Al Schweppe was born and raised on a farm in Minnesota. He would subsequently attend Northwestern University and the University of Wisconsin before returning to his home state and receiving his law degree from the University of Minnesota. Upon graduation from law school, he turned down an invitation to join the Minnesota faculty and moved to Seattle. He was admitted to practice in Washington in 1922. Almost immediately he became a lecturer on the University of Washington School



Alfred J. Schweppe 1895-1988

of Law faculty and, upon the unexpected death of dean John Condon, he became the dean of the law school in 1926. At that time he was 31 years old and the youngest dean of a major law school in the country. Three years later he resigned that position to join the McMicken law firm in Seattle. That firm dates back to 1879 and, with intervening partnership changes, continues today as Schweppe, Krug and Tausend.

In his lifetime and career in Seattle, Al Schweppe played a major role in many civic activities and on the statewide scene. Those have been well chronicled in the obituaries and tributes which appeared in various publications, including the Seattle papers, at the time of his death. In 1954-1955 Mr. Schweppe served as President of the Washington State Bar Association. This was a fitting position for a person who was one of the true "Founders" of the present-day State Bar. In the early 1930s, Mr. Schweppe, George McCush and Roger Meakim served as the original committee charged with drafting that legislation which became the State Bar Act of 1933 and established the unified Bar Association in Washington. Mr. Schweppe was very proud of that effort and was on hand at the State Bar Convention in 1983 when we commemorated the 50th Anniversary of the founding of the State Bar. He told me then that he couldn't have been happier at the way in which "his child had grown" over the years.

Much of that growth had to do with

Al Schweppe's own active involvement in the State Bar Association over the years. For example, he not only served on that original committee but, when the State Bar really "started up" in 1933, he donated the office space for its first operations, put in many of his own hours on getting the fledgling organization rolling and "recruited" the Association's first Executive Director, Clydene Morris. As the years went by, he served in a series of State Bar positions and capacities and retained tremendous interest in every phase of the organization.

I first became acquainted with Al Schweppe in 1975 when I started to work for the State Bar. I had been "on board" about a month when he called me up and asked me to have lunch. The primary impetus for that first meeting, I would later find out, was our shared experience as graduates of the University of Minnesota School of Law—although those experiences were separated by some nearly 50 years. From that luncheon meeting our contacts over the years were numerous, and Al's interest in the State Bar never flagged. He was both constructive critic and unyielding supporter. He was someone who always had time for the State Bar and the legal profession: a dedication and interest which he once summarized in a note he sent to me and in which he quoted Theodore Roosevelt to the effect that "Every man owes part of his time and money to the profession in which he is engaged."

Mr. Schweppe was awarded membership number 1 by the Board of Governors in recognition of his many accomplishments and contributions. That number is now retired and while, unlike sports teams, we don't hang retired numbers in the rafters, the memory of number 1 and his contributions will continue to burn bright in State Bar Association history.

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Celebrating the 25th Anniversary of Our Client's Security Fund

The Board of Governors in 1961 felt a responsibility for monetary losses suffered by clients of dishonest attorneys. It was then that it established the "Client's Security Fund" and agreed to finance it directly from Bar dues and existing revenues. The fund became active with the first financial gift awarded by the fund on June 21, 1963. In many states an additional sum is added to the annual dues to fund the client security fund. For example, our sister state of Oregon currently has an assessment of \$8 per year that is in addition to the dues paid by each member. In California the current assessment is \$25 annually, added to the dues statement of each active lawyer.

The WSBA Board of Governors determined that with careful management this fund could be set up and maintained from within the dues structure established and to be established. We have been able to accomplish this, and currently the fund has in it \$531,000. These funds are placed at interest and all interest earned is added back to the fund itself to help insure its solvency.

Losses are paid to clients of attorneys who were active members of the Washington State Bar Association at the time of the defalcation.

The enabling language setting up the client security fund states its purpose as relief from "The pecuniary loss occasioned by the dishonesty of a lawyer or failure to account for money or property entrusted to a lawyer in connection with the lawyer's practice of the law, or while acting as a fiduciary in a matter related to the lawyer's practice of the law."

This eliminates any losses that may be occasioned by someone entering into a business relationship with the lawyer in which relationship the lawyer performs a dishonest act causing a financial loss.

This fund is administered by a

committee of six, consisting of five lawyers and one non-lawyer member. A claim must be submitted to the Board of Governors through the committee, and through the Bar office, on claim forms which are available. The information that is solicited is the name of the offending lawyer, the amount of the loss, the period of loss, the facts of the loss including documentation if any. It also must contain a statement as to whether or not all or a portion of the loss was covered by insurance, indemnity bond or whether or not any payment has been made from any source including criminal restitution. These complaints are required to be made within one year of date of discovery of the wrong, and the one claiming must prevail by a preponderance of the evidence submitted to the committee. If the matter has been before the Disciplinary Board, findings of that Board may be used in determining the proper result. The lawyer, of course, is given a copy of the complaint and all data supporting the complaint and is asked to respond. The committee has the right to receive testimony from any or all of the parties involved if it so chooses. The committee must make first a finding of dishonesty and then a recommendation to the Board of Governors if any amount of money is to be paid to the claimant. All payments are gratuitous and not a matter of right.



All work of the committee and of the Board of Governors remains confidential. There is no right of appeal by any of the parties to action taken by the Board of Governors.

Finally, the limits on these claims consist of a maximum of \$50,000 for any one attorney, regardless of the number of dishonest acts in which he might be found to have participated. This sum is then pro-rated among all of the claimants.

This program is just one of the many ways our profession serves and protects the public. It is a unique program and one that we, as professionals, should all be proud of. When we are speaking with others about lawyers, the profession, and the State Bar, let's tell them about it.

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Washington Art May Become Stamp Honoring Women Lawyers and Judges

by Lindsay Thompson

A chance conversation between Seattle artist Linda Hawkin-Israel and Superior Court Judge Lee Kraft about the absence of art in the King County Courthouse has led to a national movement to honor women in the legal profession with a U.S. commemorative postage stamp.

"I told her a person could die of sensory deprivation in that building," Hawkin-Israel told the Bar's Board of Governors in Yakima on April 23. "We talked some, and the idea of a painting for the entrance area came up."

The idea grew. The painting took shape. And on July 8, 1985, Justice Sandra Day O'Connor unveiled Hawkin-Israel's product, "Women In Law," at a meeting of the National Association of Women Judges in the U.S. Supreme Court. There the painting hangs today.

"When this project was first conceived in the state of Washington, I was presented with a statistic," Hawkin-Israel says. "Between 1960 and 1970 there were 6,000 to 7,000 practicing women attorneys in the United States. Today there are more than 100,000. Forty percent of students entering law school currently are women, up from 20 percent in 1973 and four percent in 1963.

"Most of you are aware of these statistics. This explosion of women in the legal field caught my imagination. I spoke to many women lawyers and judges and was greatly assisted by Cynthia Fuchs Epstein's comprehensive book, *Women in Law*.

"I saw women becoming part of a mainstream. I was struck by their courage and tenacity and by the scarcity of female role models within the

profession. Many of them have been in the position of maintaining a personal and professional balance—with their only role models limited to literature and the news media.

"As an artist, I tried to capture, in one woman's face, some of the physical features of many ethnic groups—a symbolic role model to express the dignity of a woman who knows herself and who knows human nature: powerful, compassionate.

"I took artist's license to create chaos and structure—certainly ingredients in a day's work. One eye was left slightly dimmed as a reminder that none of us achieve without personal sacrifice. It is my desire that this painting and lithograph be of encouragement; a symbol also of hope."

Since then, the "Women in Law" painting has seized many imaginations across the country, and in recent months a proposal has been presented to the Citizens' Stamp Advisory Committee of the U.S. Postal Service to adopt the painting as a postage stamp. Dozens of letters have been received in support of the project from women lawyers and government figures, including Representatives Pat Schroeder and Olympia Snowe, cochairs of the Congressional Women's Caucus, former House Speaker Thomas P. O'Neill, Jr., former Democratic vice presidential nominee Geraldine A. Ferraro, NOW President Molly Yard, U.S. Senator Barbara Mikulski, former Transportation Secretary Elizabeth Dole, and 125 members of the National Association of Women Judges. This roster was joined by the Board of Governors of the Washington State Bar at their April meeting.

"This project is gaining momentum," Hawkin-Israel says. "I think it will become an historic event, and I want it to be one seen by all as coming from Washington, and honoring the pioneer women lawyers and judges of Washington—and the nation."

Lindsay Thompson is editor of the Bar News and practices in Vancouver. His article, "The Trailblazers: Early Women At the Bar And In the Law School," was published in the Lewis & Clark Law School magazine, The Advocate, in 1985.

WASHINGTON STATE BAR NEWSLINE

The Board's Work

by Lindsay Thompson



CAVANAUGH'S INN AT THE PARK, SPOKANE:
MAY 20-21, 1988

PRESENT: President Dean and all of the Governors save Steve Reisler of Seattle. ALSO PRESENT: Paul Bastine (WA Legal Foundation); C.C. Bridgewater (Prosecuting Attorneys Assn.); Terry Foster (WSBA CLE Director); Judge Bruce Hanson (Superior Court Judges Assn.); Ed Lane (WA Judicial Council); John McKay (WSBA Young Lawyers Div.); John Michalik (WSBA Executive Director); Mike Pontarolo (WSTLA Board); Geoffrey Revelle (SKCBA Trustees); John Riley (WSBA Young Lawyers Div.); Karen Sayer (Washington Women Lawyers); and Lindsay Thompson (*Bar News* Editor).

NEW SWARM OF LAWYERS IN PROSPECT

Executive Director John Michalik told the Board results from the winter, 1988 bar examination produced an overall pass rate of 67.2 percent for the 518 applicants. Of those 518, 68.1 percent passed the essay part of the exam, and 81 percent passed the ethics exam.

Michalik also reported 76 members of the Bar Association have been suspended from practice by the Supreme Court for nonpayment of dues.

BUT DO THEY KNOW ANYTHING?

The Board returned to a consideration of the Association's experimental 1987 Skills Training Program. The program, held in Seattle September 14-23, 1987, was an attempt to give new lawyers an intensive, hands-on course in "how to" skills not learned in law school.

In February 1988 the Governors got an extensive report on the program from its committee, including a 200 page report and videotapes of sessions in the program. The Governors created a special committee to report back on ways to implement the concept as a WSBA program. That discussion is detailed in the *Bar News* for March 1988, at page 28.

The Skills Training Committee recommended to the Board in their report that the Program be carried on in its present format and structure — aimed at young lawyers and those without the support and learning mechanisms of a law firm — for three years, each year in a different part of the state. No new staff would be required in the Bar Office, and funding would be from a combination of WSBA subsidy and registry fees. Annual costs would run about \$50,000.

Debate on the proposal ran much along the lines of the February Board discussion. There were clearly benefits to be had from such a program, but the cost, some \$650 per student, gave pause. Governor Frank Johnson of Spokane queried whether such a program ought to be made to be self-supporting. Governors Ed Shea of Pasco and Paul Stritmatter of Hoquiam opposed any part of the program being supported by Bar Association funds. In the end, the Board approved the Skills Training Committee's recommendation, but raised the tuition fee from a suggested \$225

to \$350 and opted for a processing fee of \$15 to \$25 to recover overhead, Governors Johnson, Shea and Stritmatter opposed.

SECTION CHANGES

The Trial Practice Section of the Bar Association memorialized the Board to allow a change of name to "Litigation Section." An April 15, 1988 section resolution was presented to the Board, noting many confuse the Section with the Washington State Trial Lawyers' Association and that the new name better described the Section's broad-based membership. The Board approved the change unanimously.

The Criminal Law Section proposed a significant rearrangement of its affairs to encourage membership and involvement by prosecutors and academics. The plan would create an Executive Committee of twelve, half defense and half prosecution, and set out the electoral machinery for achieving this result.

After some discussion, the Board voted a tentative approval of the plan, subject to approval by the Section membership.

SO FEW BACKS, SO MUCH SCRATCHING

Appointments, and whether to renew them, came before the Board again in May. With a large and growing WSBA membership clamoring for opportunities to participate in section and committee work, east side-west side population issues, and the fact that the nature of some appointments is such that members need more than one term to realize their full value to the Association, balancing such competing values is a headache.

The centers of May's headache were the State Law Revision Commission and the American Bar Association House of Delegates. The Bar Association has four appointments to the Law Revision Commission. Two seats expired June 30, 1988. The Board appointed Teri Rideout of Tacoma to complete Patrick Comfort's term and serve a four-year term starting July 1, 1988, but carried over a motion to reappoint Robert Beschel to a second four-year term to the May meeting.

In the ABA House of Delegates, the Bar Association has four reps, all of whose terms expire in August 1988. Their places had to be filled by May 31 for the coming two-year term. In addition, changes to the ABA's rules required staggering terms of delegates. Present delegates are Mike Hemovitch, Tom Loftus, Patrick Comfort and Jeff Tolman, who was appointed as a representative of the Young Lawyers Division. All but Tolman, who turned 35 in May and was banished from young lawyerhood, were eligible for reappointment.

Debate among the Governors turned upon how to ensure rotation in office yet get good results for the Association in settings like the ABA, where who you know and how long

you last has a bearing on committee appointments. "This is mainly a power question," Governor Ed Shea said. "We need to look at ABA appointments in terms of what we want to get for our members." That approach dictated staying with delegates who showed potential for advancement in the ABA. But Governor Frank Johnson worried that such an approach sent the wrong signals: "We tell everyone else they can only serve for a limited time. If we change this policy, even a little, we may be shutting out the young blood." Governor Jay White of Seattle thought they should "reaffirm the policy" of tenure limits but define an element of flexibility for special circumstances. In addition, there was a consensus that ABA appointments should be publicized to the members better in the future.

After some discussion the Board approved a motion by Governor Steve DeForest of Seattle reaffirming standing policy that ABA delegates may not serve more than three terms, and that reappointment will turn upon an evaluation of a delegate's effectiveness and advancement within the ABA ranks.

The upshot of the discussion was the following appointments:

- Robert Beschel was reappointed to the Law Revision Commission.
- Tom Loftus and Patrick Comfort were elected to two year terms as ABA delegates; Mike Hemovitch was elected to a

one year term, and Frank Chmelik was elected to the YLD seat.

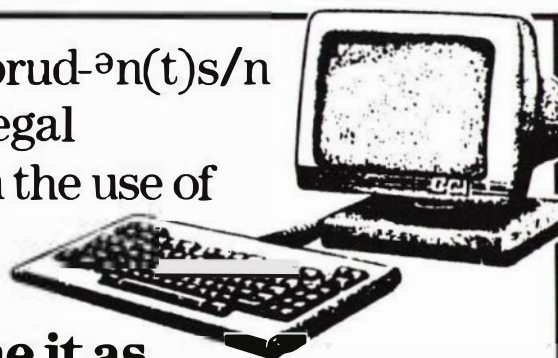
BUDGET COMMITTEE REPORTS

The Board's Budget Committee, made up of Governors Frank Johnson, Julie Weston and Jay White, reported in April they were thinking of several methods of increasing Association fee income. Prior discussion is outlined in the May 1988 *Bar News*, at page 41. The budget process for 1988-89 is a continuing one, the committee said, but they had come to some conclusions which, if approved, would have a significant impact on the creation of next year's budget:

- **Restoration of the Association's reserves.** A \$500,000 reserve built up in the early 1980s was depleted last year in the absence of a dues increase. The committee recommended a minimum reserve contribution of \$250,000 in 1987-88, with additional reservations of \$200,000 in 1988-89; \$150,000 in 1989-90 and \$100,000 in 1990-91.
- **Recovery of Overhead Costs Attributable to Section Activities.** Section income is adequate for direct costs, the committee reported, but WSBA overhead costs attributable to the sections' activities was \$66,000 in FY 1987.

The sections have a fund of approximately \$320,000, of which \$200,000 is in stable certificates. The interest earned on those funds is about \$14,000 in 1988, which the commit-

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tee proposed applying in future years as an offset to overhead costs.

- **Increasing Bar Exam Income.** The bar exam has been running a deficit for years, the committee reported. In 1987 the loss ran to \$164,000. Some costs—such as character and fitness investigations, swearing-in ceremonies and other organizational costs—have no income equivalent. However, the committee thought application fees could be raised, and a fee imposed for the form itself, since almost twice as many persons write for one each year than take the exam. Imposing a \$10 fee and raising exam fees \$50 for general applicants, \$50 for ethics exams and \$50 for attorney applicants would raise \$78,000 to \$88,000 per year.
- **Recovery of SKCBA Loan.** A 1979 loan to the Seattle-King County Bar Association for a Tel-Law program, long unpaid and asked to be forgiven by SKCBA, should be collected, the committee recommended.

The Board made quick work of three of these, approving the reserve policy and section overhead policy unanimously. The bar exam fee provoked reaction that it was one more in a never ending escalation of costs for those least able to pay. Other Governors pointed out the first-year attorney dues have gone unchanged since 1979, and that members of the bar, who have made their voice heard loudly on bar expenses, are being asked to subsidize the bar exam unreasonably. This view

prevailed. Governor Stritmatter moved to change the attorney exam fee increase to \$80 to bring the percentage increase in line with that of the general exam fee, and the fees were approved, Governor Weston voting against.

The SKCBA loan, for its size, caused the most debate. There were arguments that SKCBA had more than paid it back in other services it had undertaken for the Association, that SKCBA had gotten off while other county bars had paid off their loans, that SKCBA was short of cash and payment would force cutbacks in other desirable programs. In the end Governor Turner observed that SKCBA was simply overextended and would have to put its house in order, moving to require no interest repayment of the loan over four years. The motion passed, 6-2.

WRAP-UP IN SPOKANE: In other action, the Board:

- referred an ABA proposal for a project on local ordinance reform to the Young Lawyers' Division and the Administrative Law Section;
- heard reports on the new state Judicial Council and Lawyer Disciplinary Board from member and former Board member Ed Lane of Tacoma;
- went on record opposing a suddenly surfaced Congressional proposal to eliminate federal court diversity jurisdiction.



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Defending Debt Collection



by Jeffrey K. Grinnell

In the November 1987 *Bar News*, various tactics for inhibiting the collection process were set forth. I will not explore the moral or ethical considerations of aiding a consumer to beat his just debts because Larry Kleinberg did an excellent job of that in his January 1988 letter to the *Bar News*. However I would like to offer a few observations:

1. The consumer who regularly files complaints following a contact with a collection agency gets sued. In reality the vast majority of these complaints are unwarranted. Most occur after the first demand for money. The public has been educated to the point where it equates demand with harassment. Rather than take the chance of additional complaints which—warranted or not—take time and expend money, the agency will opt for no contact and use the judicial system.

2. The attorney who routinely tacks a law violation counterclaim to

his answer does his client a disservice. Plaintiff's counsel will be less cooperative in terms of settlement, avoidance of trial, and adjustments to the defendant's credit profile.

3. The attorney who routinely attaches a law violation counterclaim to his answer does himself a disservice. Plaintiff's counsel prepares and files up to four to five hundred suits and garnishments a month and will meet defendant's counsel again soon.

4. The attorney who crosscomplaints against plaintiff's assignor is now fighting two attorneys. Usually, the attorney for the assignor will take over the case. This attorney usually is more concerned with the principle of the thing than with settling the matter.

It's true, bankruptcy lawyers both hate and love aggressive collection agencies. They love us because we force consumers to make decisions they don't want to make. This often results in a consumer consulting his local bankruptcy attorney, or, increas-

ingly, seeking help from a paralegal service. They hate us due to the incessant phone calls and messages left in an attempt to determine if a chapter has been filed or a retainer paid.

I find fault with the notion that equates the noun "agency" with the verb "abuse." Granted, as in any industry or profession we have our abusers: those who eye the bottom line without regard to how they got there. Agencies who operate in this fashion are increasingly falling by the wayside for five distinct reasons:

The Fair Debt Collection Practices Act (FDCPA)

This legislation puts every third-party collector on an equal footing, including lawyers who used to advertise that they were not encumbered by the provisions of the act. The 3,500-member American Collectors Association lobbied for passage of this act. Why? Because it is definitive. Most gray areas are gone. Each agency has a set of rules within which to work. Agency owners who chose to run their businesses in a professional manner can now compete with those who only eye the bottom line. The abusers will eventually have to comply or be consent-decreed out of existence.

Clients

Major credit grantors—the major sources of business for agencies—also play an important part in determining how an agency is run. In the past, an agency would take a business's "garbage" and turn it into cash. The business owner many times got more satisfaction from turning the account over for collection than he did from receiving an agency's check. Those days are gone. The department store chain or utility treats its assigned claims as a resource. The creditor sets monthly goals for the agency, conducts random audits of accounts, and in some cases determines policies and procedures. Monies collected are directly reflected in the prices you and I pay, too. Goodwill is important even in the case of bad debt writeoffs. I have seen more than one agency lose hundreds of

thousands of dollars in yearly revenue because it could not keep its collectors from generating complaints. A creditor treats a complaint against an agency as a complaint against itself. Creditors know the provisions of the FDCPA because many adhere to it themselves. The collection industry today is a true service industry. Those agencies that cannot service accounts professionally without unnecessary complaints simply won't have the accounts to collect.

Training

Fourteen years ago I answered an ad on a law school bulletin board. It read, "Investigator, salary, commission, advancement." The training course lasted five minutes: Three to fill out the withholding form, one on how to read the ledger card, and one on how to dial the phone. My salary was \$475 per month, and the chance to make commission was zero.

Today's collector will rarely see a unit before the third day. The FDCPA and state law must be learned, and a test passed. Classes on technique and professionalism are taught. Collectors learn how to be matter-of-fact, empathetic but firm. We teach them how to resolve disputes and calm the upset debtor. We teach them how to take abuse and not react personally. Training sessions are conducted daily on all facets of collecting professionally within the guidelines set out by the state and federal acts. Compensation has also changed since my first day. Our best people, the professionals, make in excess of \$30,000 per year without generating complaints.

Technology

Computer systems are also an important tool in curbing any potential abuse. In addition, they help determine what has occurred on a particular file. Modern systems can tell an agency manager who was called, when the call was placed, and the duration of the call. We can determine how many calls were made to a specific phone or on a specific account. Computer systems track which letter was sent to whom, restrict letters on certain balances or types of accounts, and prevent letters

and calls from reaching debtors represented by counsel.

Management

Supervision, of course, is the key to preventing law violations. Many agencies are using the "team leader" concept where one supervisor has responsibility for two or three collectors. These team leaders are taught to move in on calls that are getting out of hand and to report any legal violation, intentional or not. The pressure brought to bear on agency owners and managers due to client concerns and state and federal laws has forced those not in compliance to take notice. I see much more hands-on management and supervising by walking around and listening than in the past.

The notion that agencies often abuse or cloak illegal practices is simply incorrect. The collectors who abuse people and use any means to collect a debt soon make a name for themselves. Our industry, including the award-winning Washington Collectors Association, is by necessity closely knit. Those collectors with a reputation for abuse find themselves without a place to work. This is particularly true with industry leaders. With multi-million dollar contracts on the line, no one retains abusers.

The *Federal Reserve Bulletin* of October 1987 indicated a sharp rise in installment debt attributed to the baby boomers. More debt equals more bad debt and increased collection activity. Collection industry leaders are doing their part to prohibit past abuses and educate employees. I think it is incumbent upon us as attorneys to help individuals through their debt problems. Negotiation is the answer. If a resolution can't be had and a bankruptcy must be filed, then so be it. When a judgment is entered, the loser is the debtor. Most will be on their feet within ten years, and the agency will be waiting.

Jeffrey K. Grinnell is a Redmond attorney admitted to the California and Washington State Bar associations. For the past six years he has been Collection Manager and General Counsel for Washington Credit, Inc., a collection agency in Redmond.



Notes From the Academy

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

Civil Procedure. Service upon secretary of state does not give jurisdiction over defendant who resides within state of Washington, even though plaintiff cannot locate defendant and believes he resides in another state. *Martin v. Meier*, 50 Wn. App. 121, 747 P.2d 496 (12/23/87).

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

Torts. Held, manufacturer, assembler, distributor, and seller of handgun were not liable for injury to plaintiff who was shot by another person with gun. Under RCW 7.72.030(1)(a), plaintiff failed to show any design alternative that "would have prevented [the] harm" inherent in handgun's capacity to shoot. Absent statutory control, sellers have no duty to con-

trol distribution of guns simply because they are known to be dangerous. Manufacture, distribution, and sale of handguns is not ultrahazardous activity. Even if risk of handguns outweighs their utility, no common-law action arises, because such product liability claims require there must be "something wrong" with the product, beyond inherent functional risk of shooting. Such common-law actions have been based on legislative findings against "Saturday-night specials," but Washington's legislation regarding handguns is devoid of such finding and pre-empts common-law handgun regulation. *Knott v. Liberty Jewelry and Loan*, 50 Wn. App. 267, 748 P.2d 661 (1/8/88).

J. T. Richardson

Wills and estates. Deeds that have been held otherwise ineffective as inter vivos conveyances are validated by RCW 11.02.090, despite failure to comply with formalities for due execution of wills. Grantor executed quitclaim deeds in favor of only surviving daughter, placing them in safety deposit box held jointly with daughter, and daughter later took possession of deeds and recorded them, all prior to grantor's death. Lower courts held that presumption of valid delivery that arose upon possession by grantee was rebutted by clear and convincing evidence that grantor had not intended to convey a present interest during her life, and so deeds were ineffective for failure to comply with wills act. Court of appeals held further that RCW 11.02.090 did not save deeds. Statute purports to save from invalidity under wills act, *inter alia*, a "conveyance, or any other written instrument effective as a...conveyance," even though instrument provides that property shall pass to a person designated by decedent. On appeal, Supreme Court was asked to consider only whether RCW 11.02.090 saved deeds. Court held that it did, reasoning that to interpret statute to require that an instrument be independently effective as conveyance before statute would operate would be to render statute meaningless, which would be contrary to established principles of

statutory interpretation. Thus, deeds were effective to transfer property at issue to daughter. (*Comment.* There has been confusion in Washington and many other jurisdictions as to the efficacy of some kinds of instruments, otherwise effective as inter vivos conveyances, to serve as will substitutes because of the presence of language indicating that they are intended to take effect "at death" or "only at death." See, e.g., *Young v. O'Donnell*, 129 Wash. 219 (1924). Many such instruments could be validated under orthodox principles of future interest law, but courts have often been reluctant to do so, on the theory that they are "testamentary." Arguably RCW 11.02.090, which was taken almost verbatim from § 6-201 of the Uniform Probate Code, was intended to clear up this confusion and to save such attempted "conveyances" from invalidity. Whether it was also intended to validate a deed where there was, as in this case, no effective delivery, because apparently there was no inter vivos intent to convey a present right to possession in the future, is quite doubtful. This case is a significant, and radical, interpretation of a statute that has been adopted in a number of states.—T. R. A.) *In re O'Brien's Estate*, 109 Wn.2d 913, 749 P.2d 154 (1/28/88).

T. R. Andrews



Did You Know?

Construction Claims Guide Available

"Construction Claims Guide," a booklet detailing the classifications and types of damages available in construction claims, is available free of charge from Wagner-Hohns-Inglis, Inc. The booklet examines acceleration, changed conditions, schedule change, delays, direct costs, field overhead, and home office overhead, negotiations and hearings. Write to Janice Griffiths, Manager of Information Services, Wagner-Hohns-Inglis, Inc., 100 High Street, Mount Holly, NJ 08060-1494.

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Observations from Within the Lap

I am one of the more fortunate lawyers who, nearly ten years ago, was blessed with a pain threshold low enough for me to hit bottom before I lost everything in my life. My marriage and practice went, but I retained some of the material things of life which most of us consider assets.

I was also fortunate enough to become involved with the Fitness Committee of the King County and the State Bar associations during the formation and inauguration of the state and local Lawyers' Assistance programs. I have observed what started out as a small volunteer effort blossom into a busy, professional, life-giving and sustaining part of our professional association. I am grateful to have had the opportunity to be a part of this remarkable process in an area where help was, and is, so badly needed.

Little did I know, however, that the LAP would be the vehicle for another personal adventure, *i.e.* the introduction to the organization known as Adult Children of Alcoholics. While I was familiar with the advent of these groups, had recommended their therapy to clients and others, because neither of my parents were alcoholic, I did not feel eligible. I attended the first of the lawyers' ACOA meetings about three months ago. I learned, first of all, that I "qualified" for membership because alcoholism was present in both my maternal and paternal families and, while the immediacy of drinking had not been a factor in my upbringing, all behavioral consequences of alcoholism in the family came through. In short, I was a child of a "dysfunctional" family and in that process had developed many of the characteristics of the co-dependent, *e.g.* perfectionism, inability to risk, nonassertiveness, placating, etc. Shortly after a recent meeting, I experienced my first encounter with a cacophony of feelings which my own alcoholism had masked for years. The product is a few notes that follow, which I share as an indication of the healing through experiencing that is possible in this group:

ACOA Thoughts

To want to please—to have to
After so many not - good - enoughts -
Not quite right
To weep at the loss, time after time

Would have saved me, but
No time, no time
On to the next milestone
Set for me by others
Or by me, who thinks their mind
Who will stop them,
Who will stop me
Who will be me,
Me

Who will help me
Who will see me
Who will want me
Who will still me
Me

I love the helpless, the handicapped
Compassion as for no other
Goes to those who can't or don't
Or haven't.
Perhaps I envy them their
Helplessness to be the best, their
Freedom to be less than perfect.

I'm afraid to succeed
I couldn't do it well
Enough
Or long enough
Or perfect enough
For them
Or for me.

Just once I wish I'd had
Time to grieve a loss,
Before the next potential
For failure was demanded
By them, for me, for me
By me, from them,
With love.

Love was mine without
Condition
But I missed it,
Wishing I was ready

I wouldn't risk
I missed so much
Of fun and pain and
Life

And still I don't
From habit though
I know better now

Help me beyond understanding
PLEASE

Who can I tell about me?
Who is to be trusted
With such a precious
Secret.
Anyone.

How can I love you as you
Love me when I
Can't love me like you can?

They were always there
When I wanted;
Were they ever there
When I needed?
And if they were,
I said I didn't.
I wouldn't want to be
A burden.

Just because it wasn't
Good before,
Despite the unfulfilled
Promise of yesterday
I can be what
I can be—but
What is it?

Faith me, baby!!

I only ran away twice—
But I came back both times—
Help me to hurt
So it helps

If I don't think so
Much about doing
It wrong—
Perhaps I won't.

Being kind to others
Is being kind to me

My scarlet letter—
The perfection of
A circle

—○—

Like the moon—appearing as
A bright, round hole in
The speckled darkness.

My recovery has been augmented and the quality of it enhanced by the inclusion of ACOA in my repertoire of tools for living. I wish to thank the Lawyers' Assistance Program for helping one of those who helped put it in place. The ACOA group meets on the second and fourth Wednesday of every month at 6 p. m. at the LAP offices. It is free of charge, and confidences are maintained.

Most of LAP's clients are self-referrals; if you have a concern for a peer, LAP is available for confidential, effective assistance. Pages 26-27 of the December *Bar News* list the 19 most frequently asked questions about LAP. Previous monthly articles feature specific impairments such as alcoholism, depression, drug abuse, eating disorders, etc. LAP will send reprints upon request.



**New Orders Announced By U.S. Bankruptcy and King County Superior Courts;
New Motion Form In Snohomish County.**

United States Bankruptcy Court
Western District of Washington
(The following orders became effective March 2, 1988.)

In re	General Order No. 6)	It appearing that a significant
)	number of the checks made payable
Filing Fees for Cases)	to the Clerk of the above-entitled
Under Chapter 11, United States)	Court as filing fees due for cases
Bankruptcy Code)	commenced, reopened or converted

under Chapter 11 of the United States Bankruptcy Code are returned unpaid, and it further appearing that this results in inordinate amounts of time being expended by the Court and the Clerk in order to collect the filing fees, now, therefore, it is

ORDERED that all filing fees pursuant to 28 U.S.C. Sec. 1930 due for cases commenced, reopened or converted under Chapter 11 of the United States Bankruptcy Code shall be paid in the form of cash, cashier's check, money order or attorney check. It is further

ORDERED that any Chapter 11 petition that is received by the Clerk of the above-entitled Court without payment as set forth in this Order shall be accepted by the Clerk as tendered for filing. It shall be held for ten days from the date of receipt and the Clerk shall promptly notify the petitioner to comply with this order. It is further

ORDERED that if the fees due are not then paid as set forth in this Order within ten days, the Clerk shall promptly return the unfiled petition to the petitioner. It is further

ORDERED that an individual commencing a voluntary Chapter 11 case may pay the filing fee in installments. The petitioner shall comply with Bankruptcy Rule 1006(b). The payment of the filing fee in installments does not modify the obligation to pay the installments in the form set forth in this Order.

DATED March 2, 1988.

/s/ Samuel J. Steiner, Sidney C. Volinn, Robert W. Skidmore, Thomas T. Glover, and Frank D. Howard, Bankruptcy Judges

In re General Order No. 7

Trustee Deposits of Funds
in the Registry of the
Bankruptcy Court

APPEAL: *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.*

Edwards & Barbieri

We are pleased to have acted as amicus curiae for Division III in defending its procedure for eliminating meritless appeals. **In re Marriage of Wolfe**, 99 Wn.2d 531, 663 P.2d 469 (1983).

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It appears that the number of cases in which Chapter 7 and Chapter 11 trustees are depositing estate funds into the Registry of the above-entitled Court has increased substantially. It further appears that in many cases there may be no legitimate need to place the funds into the Registry. Now, therefore, in order to control the volume of work in the Clerk's office resulting from the increased number of trustee registry accounts, it is

ORDERED that a trustee who

wishes to have funds deposited into the Registry of the Court shall in addition to complying with Local United States District Court General Rule 6, file with the above-entitled Court an application and a proposed order requesting authority to deposit the funds. The application shall include a detailed explanation of the facts and circumstances necessitating the transfer of estate funds into the Registry. Trustees are discouraged from seeking Court authority to deposit estate funds of less than \$100,000. Copies of the application and proposed order shall be served on

the office of Estate Administration and the Financial Deputy Clerk. It is further

ORDERED that the Clerk shall submit the application and order to the Bankruptcy Judge along with a recommendation of whether the trustee should be authorized to transfer the funds into the Registry of the Court.

DATED March 2, 1988.

/s/ Samuel J. Steiner, Sidney C. Volinn, Robert W. Skidmore, Thomas T. Glover, and Frank D. Howard, Bankruptcy Judges

III. Pleadings and Motions

Rule 7. Motions

King County Superior Court Rules
(The following changes became effective June 1, 1988.)

- (b) Motions and Other Papers.
(1) How made.
(A) No change.

- (B) No change.
(2) Form.
(A) No change.
(B) No change.
(C) Notes for Motion Calendar—
Time for Filing. Any party desiring to

bring any issue of law on for hearing prior to trial other than a summary judgment motion must file with the clerk and serve all parties at least five six court days before the date fixed for such hearing, a note for the motion calendar. The note must contain the title of the court, the clerk's number

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If we could choose our line of work by the relative portability of the tools, maybe we'd all become piccolo players. Failing that, those of us who require a four arm load of gear (but can't afford a crew) must find clever ways to tote our toys to work. While a slim leather attache is appropriate for some occasions, there are times (generally more frequent) when sheer utility would be a more sophisticated approach.

A Case Study

In one test, a Jake™ Bag carried a court steno transcriber, a tape recorder, two three ring binders, two dress shirts, two ties, two pair of socks, cables, files, aspirin, pens, a microphone, paper, two boxes of paper



clips and an airline flight guide. All at once. Try that in your \$600 italian leather attache!



A Guided Tour

Jake™ has a functional attache compartment on one side, with three 5-1/2" pockets, five pen pockets, a key hook and a document divider. This compartment is comparable to most soft-sided leather or vinyl briefcases in terms of capacity, though none we have seen feature the handy pockets.

The cargo compartment, besides being physically separate from the attache, expands the Bag a full five inches when fully unzipped, yet will easily accommodate a complement of overnight gear or other cargo even when closed. Inside the cargo area you will find three more 5-1/2" pockets as well as two huge 9" pockets, which are large enough to hold 8-1/2 x 11" materials upright, due to Jake's 20 x 13"

overall size. This is the definitive carry-on for legal or business travelers.

Construction

Jake™ is made of genuine nylon Ballistics™ cloth, which happens to be the same material used in the production of bulletproof vests. Handles and straps (new padded shoulder strap included) are 2" nylon webbing, sewn and bar tacked for maximum support and durability. Rugged coil zippers are used throughout. All hardware is steel rather than plastic, and every Jake™ Bag is made in the U.S.A., in black or grey.

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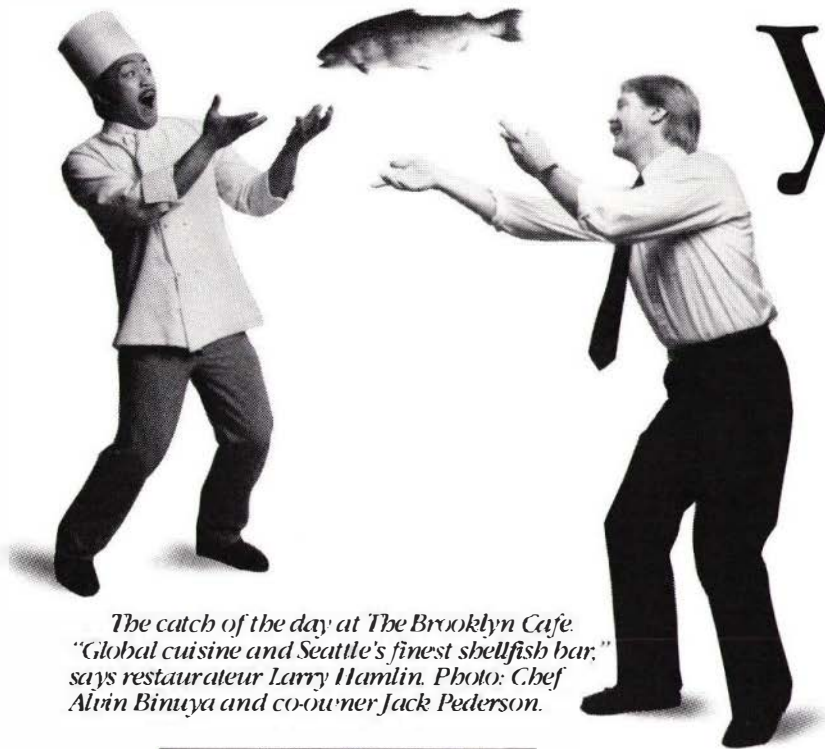
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The catch of the day at The Brooklyn Cafe. "Global cuisine and Seattle's finest shellfish bar," says restaurateur Larry Hamlin. Photo: Chef Alvin Binuya and co-owner Jack Pederson.



Bob's Shoeshine. An illuminating experience from Boris "Bob" Volinsky, the affable Ukrainian.



Shown above are just six of our many services at 1201 Third Avenue.

The building is now open. First tenants are in. And if you're lucky enough to be one in the future, picture all of this just an elevator away:

Umberto's pizza slices at Mel's Market. A business meeting box lunch from Estelle's Sandwich

Kitchen. A Chicago Frankfurter from The Umbrella Club. A mocha from the 1201 Espresso Bar.

A cut and perm from the hair styling salon. A wash and wax from the car service in the garage. A spray of blooms from the florist.

The Wall Street Journal from FIGS sundries. "The Power of Ethical Management" at Beks Book-

Office building you can bring to work.

Day care achieves new heights. Cooper Moore will go to day care where Mom works, at 1201 Third Avenue. "A first in Seattle's high-rise history," says Tema Nesoff, YWCA associate director.



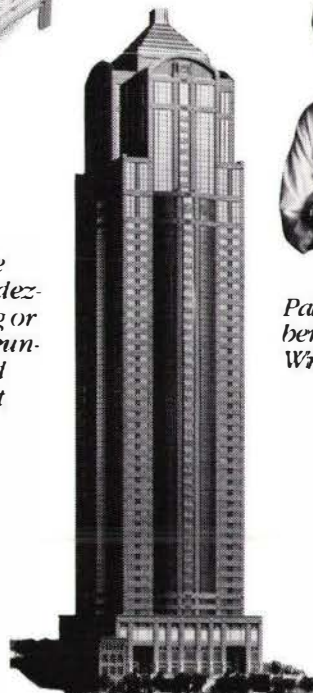
The atrium overlooking the grand plaza. It's the perfect rendezvous for espresso, casual dining or Roosevelt High School's 25th reunion. Photo: Diane Maxwell and Maureen McCormick of tenant Stewart Title.



Pacific Nautilus is one lease option you can exercise daily. David Bruce of tenant Perkins Coie can take the elevator to work out.



Property Manager Neal Warner (center), Paige Carns and Jim Jackson are three members of the building management team at Wright Runstad & Company.



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talk about in Seattle.*

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and a brief title of the cause, a designation of the calendar (Family Law, Civil Motions, etc.) the date and time when the same shall be heard, and the words "note for motion calendar," the names, addresses and telephone numbers of attorneys for all parties, the nature of the motion and by whom made. This note for motion calendar must be signed by the attorney or party filing the same, with the designation of the party represented. Copies of the motion together with all supporting documents including affidavits must be served on all parties and on the King County Superior Court Civil Motions Coordinator at least ~~five~~ six court days before the date fixed for the hearing. Response documents and briefs must be filed with the clerk and copies served on all parties and the Civil Motions Coordinator no later than 12:00 noon ~~of the two~~ court days prior to the hearing. Note: See LR 56 for Summary Judgment Motions—Procedures.

No further changes.

RULE 56. Summary Judgment
(c) Motion and Proceedings.

(1) Procedure.

(A) Filing; Response; Time for Filing. Motions for summary judgment or other relief under Civil Rule 56, and supporting briefs, affidavits, references to deposition testimony relied upon, form of judgment and any other relevant material must be filed with the Court at least fourteen (14) calendar days before the time noted for the hearing. Copies of the motion together with all supporting documents including affidavits must be served upon all parties and on the King County Superior Court Civil Motions Coordinator at least fourteen (14) calendar days before the time noted for the hearing. The responding party must file and serve the response, including any cross-motion and all relevant materials on all parties on the Civil Motions Coordinator at least seven (7) calendar days before the hearing. The moving party must file and serve any rebuttal material on all parties and on the Civil Motions Coordinator no later than noon ~~of the two~~ court days prior to the hearing.

(B) No change.

(C) No change.

(D) Confirmation Process. In the

event a motion for summary judgment is to be argued, counsel must notify the Civil Motions Coordinator in person or by telephone by noon ~~of the two~~ court days prior to the hearing; otherwise the matter will be stricken unless an agreed or uncontested order is to be entered. If no opposition is anticipated, the Civil Motions Coordinator should be so informed. The Coordinator will advise the confirming party of the specific time for oral argument. It is the responsibility of the confirming party to notify all other parties of the specific time for argument.

No further changes.

94.04 FAMILY LAW PROCEEDINGS

(a) No change.

(b) Family Law Courtroom Calendars and Procedures.

(1) No change.

(2) Notice and Hearing. Copies of the motion together with all supporting documents including affidavits and certified statements must be served on all parties and on the Family Court Motions Coordinator at least ~~five~~ six court days before the date of the hearing. Response documents including briefs, if any, must be filed with the clerk and copies served on all parties and the Family Law Motions Coordinator no later than 48 hours *by noon two court days* prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than 12:00 noon of the court day prior to the hearing.

(3) Confirmations. Counsel must notify the Family Law Motions Coordinator in person or by telephone by noon ~~of the two~~ court days prior to the hearing; otherwise, the matter will be stricken unless an agreed order is to be entered.

No further changes.

Snohomish County Superior Court

The following information became effective June 1, 1988.

The Snohomish County clerk's office has issued a new motion calendar form for all superior court actions. Use of the form will ensure proper placement of matters before the court, says clerk Kay Anderson. For more information or forms, contact the clerk's office in Everett.

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“The Other
Legislature”
and
“The Other
Court”

by Cheri L. Brennan
Asst. Public Affairs Director

Olympia had barely bid adieu to the state Legislature when some 400 high schoolers converged on it. The youngsters, representing some 40 communities, were there to kick off the 41st session of Washington YMCA Youth & Government.

The event culminates seven months of activity, during which time the youngsters mirror legislative and judicial processes. “This program presents an unusually authentic ap-



Student legislators debate the merits of their bills during community night, a forerunner to the statewide assembly in Olympia.

proach to education about our government,” said Martha Jolly, the program executive director.

Students meet their “real world” counterparts while taking part in committee meetings, caucuses, press conferences and the Governor’s Banquet and Ball. Governor Booth Gardner and his youth counterpart addressed the opening joint session of

the Legislature.

Meanwhile, cries of “Oyez! Oyez! Oyez!” were heard in the House Office Building as the youth court got under way. This year’s judicial component was patterned after the *Kuhlmeier v. Hazelwood School District* case. Students researched issues, prepared briefs and took part in mock trials at local and district levels



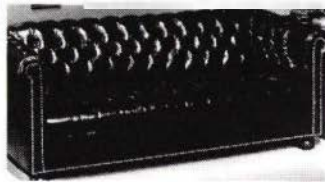
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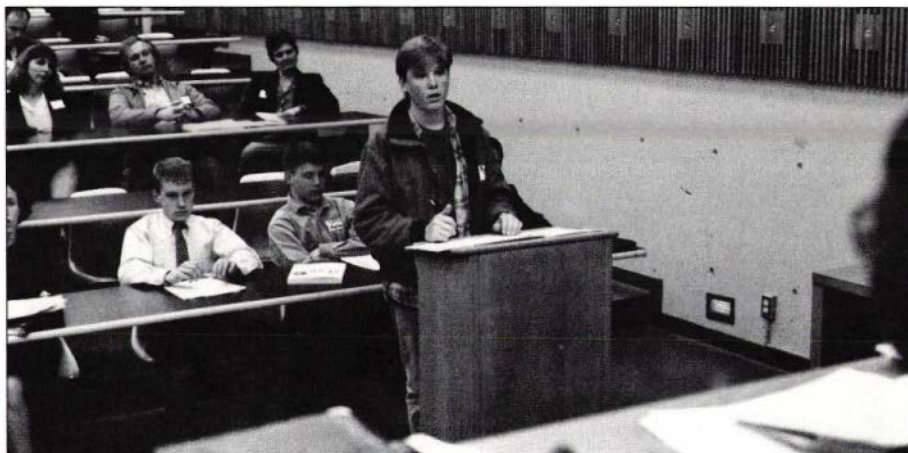
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"Justices" confer during a court recess at the community night event. Pictured are (L to R) students Jennifer Coombs, Charlene Linder and Allison Chinn with Seattle attorney/adviser Heather Houston Reeve.



Students from District II, representing various Puget Sound communities, assembled at the University of Washington School of Law for a "Community Night" program in preparation for the Olympia session. At the podium is "attorney" Ryan Rogers of Bellevue's Eastside Family YMCA, who presented respondent's arguments. Following the Olympia event, Rogers was named "Judicial Participant of the Year." He will represent Washington state at a national conference later this year.

before beginning the appeal process in Olympia. Student "judges" joined actual Supreme Court justices in hearing arguments.

More than 14,000 students have participated in YMCA Youth & Government since its first session, convened in 1947. Since then, the program has logged an impressive list of participants and accomplishments:

Student legislation has preceded actual legislation in such areas as the 18-year-old vote, sex/drug education

in schools, minimum teacher salaries, teacher competency tests and driver education. The roster of past participants includes Washington Court of Appeals Judge Gary Alexander, State Representative Max Vekich and State Supreme Court Justice Robert Utter.

Summer months are when planning begins for the next session. Among those plans, the sponsors are examining ways to expand the judicial component. If you're interested in

preparing cases or volunteering for a network of attorneys to assist students in writing briefs, researching cases and preparing courtroom arguments, let us know! Call or write Cheri Brennan in the State Bar's Public Affairs Department, (206) 448-0441, ext. 250.

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

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Law Office Videotape Series and 1988 Creditor-Debtor Mid-Year

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

The Law Office Economics and Management Section of the WSBA has purchased a set of videotapes for use by members of the Bar. They are designed for instructing your staff about their responsibilities and for sharing information with clients about various aspects of the legal system. Produced by the State Bar of Wisconsin, this series of videotapes is available for loan two weeks at a time from the CLE office at the WSBA. The tapes are intended for viewing in the law office and cover the following topics: "Law Office Confidentiality"; "Preparing For Your Deposition"; "Going To Court: Part I—What To Expect"; "Going To Court: Part II—What's Expected of You"; "About Your Divorce"; "Professionalism in the Law Office"; "The Probate Pro-

cess"; and "Overview of the Legal System—An Introduction to the Law Office." These videotapes are available in the ½" VHS format. For further information about the tapes and lending policies, please contact Carole Lannerd at (206) 448-0433.

The Creditor-Debtor Section will hold its 1988 Mid-Year Seminar on July 15-16 in Kitsap County at the Silverdale on the Bay Resort Hotel. Located in one of the fastest growing areas of Kitsap County, the Silverdale on the Bay Resort Hotel will play host to a program dealing with "Current Issues in Secured Lending: Loan Documentation and Bankruptcy." The Mid-Year will feature two nationally recognized speakers, Professor **Barkley Clark** (Professor of Law, National Law Center, George Washington University) and **Jonathan M. Landers** (from the San Francisco firm of Gibson, Dunn and Crutcher).

Program co-chairs are **Dillon E. Jackson** (Hatch & Leslie, Seattle) and **Malcolm C. Lindquist** (McGavick, Graves, Beale & McNerthney, Tacoma). The Friday morning ses-

sions will focus on "Recent Developments in Secured Lending under Article 9 of the UCC" and "Stay Litigation, Adequate Protection, and Cash Collateral Issues." Friday afternoon sessions will also deal with "Recent Developments in Secured Lending under Article 9" and include coverage of "Avoidable Transactions: Preferences, Fraudulent Transfers, Leveraged Buyouts and Stock Redemptions."

The Saturday morning sessions will include treatment of "The 24 Defenses of the Guarantor" and "Plan Issues for Creditors," followed by "Perilous Pitfalls in Exercising Bank Setoff" and "Standby Letters of Credit" during Saturday afternoon.

Clark is a former Robert A. Schroeder distinguished Professor of Law (University of Kansas). He was formerly with Holme Roberts & Owen in the practice of banking law in Denver. He is the author of five books and 25 law review articles and has served as chairman of the UCC Article 9 Committee of the American Bar Association. He is a frequent

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The 1987 Supplement to the Washington Administrative Code, incorporating all changes in state agency rules filed through the end of that year, is now available from the state Code Reviser. The 1987 Supplement consists of 1,600 pages in one volume of the same format as the 1986 edition of the WAC.

The Supplement contains 4,000 sections filed by 91 rule-making state agencies in 1987 that have not previously been available in codified form.

The price of the 1987 WAC Supplement is \$52, and sales tax of 7.8% applies to all sales other than to state agencies. State law also requires payment in advance. To order the Supplement, send your name and mailing address, along with your check or money order in the amount of \$56.06 (tax included, no shipping charged in U.S.) to:

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speaker around the country on commercial and banking law topics. His books include *The Law of Secured Transactions Under the UCC* and *The Law of Bank Deposits, Collections and Credit Cards*. He is the co-author (with his wife, Barbara) of a monthly newsletter entitled *Secured Lending Alert*.

Landers concentrates on workouts, pre-bankruptcy planning and bankruptcy cases, and has handled a wide diversity of workout, corporate restructuring, and bankruptcy matters. He is the co-author of two books and is the author of more than twenty published articles on the subjects of civil procedure, bankruptcy, and consumer credit. He is also a frequent speaker before bar associations and continuing legal education institutes and is co-chair of the Pacific Bankruptcy Law Institute and the Western Mountains Bankruptcy Law Institute. In 1982 Landers became head of the Bankruptcy Group at a large San Francisco firm, and in mid-1986 he became the founding partner of Gibson, Dunn & Crutcher's San Francisco office.

For further information about the Creditor-Debtor Mid-Year, please contact Program Coordinator Karla Ellison at the WSBA, 500 Westin

Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, or telephone (206) 448-0433.

APPROVED COURSES Washington State Bar Association

Environmental and Land Use Law Section Mid-Year

11.00 credits

JUN 2 Orcas Island (Rosario
- 4 Resort)

Computer and Technology Law: The State of the Art 1988 (5th Annual Computer Law Institute)

8.25 credits

JUN 3 Seattle (Stouffer Madison)

Family Law Section Mid-Year

11.00 credits

JUN 10 Vancouver, WA (Inn at the
- 12 Quay)

Real Property, Probate and Trust Section Mid-Year

12.00 credits

JUN 10 Blaine (The Inn at
- 12 Semiahmoo)

Creditor-Debtor Section Mid-Year

9.50 credits

JUL 15 Silverdale (Silverdale on the
- 16 Bay Resort Hotel)

Pro Bono Network Available

Puget Sound Law Foundation has reactivated its pro bono network. Started in the early 1980s by students at the University of Puget Sound School of Law, the foundation has student officers and a Board of Directors which includes prosecutors for counties and cities, private practitioners, mediators, and the dean of the UPS Law School.

The pro bono program matches law students with private practitioners, nonprofit organizations, and public agencies.

If you have a pro bono or public interest project that could use the assistance of a law student, or if you are interested in participating in a project, please contact coordinator Patty Rose at (206) 632-6038, or write to Puget Sound Law Foundation, Pro Bono Network, P.O. Box 360, Tacoma, WA 98401.



Seattle Settles Attorney Wrongful Death Suit

A lawsuit arising from the 1982 shooting of a Seattle lawyer was settled February 29, 1988 after twelve days' trial in King County Superior Court.

Joan Neville, widow of Thomas Neville, and their son, Joseph sued the city for one million dollars, alleging police should have known Neville's killer, John A. Robinson, was a threat to the lawyer. Neville, who represented Robinson's wife in a bitter divorce, was shot to death in the lobby of his office August 2, 1982. He was 36 years old. Robinson was convicted of murder and sentenced to life in prison.

City attorneys maintained there was no way to predict such outbursts and opposed making municipalities insurers of people's conduct. The case was settled without admission of liability by the city.

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KITSAP COUNTY

Jacquelyn M. Aufderheide, a 1987 graduate of the University of Puget Sound School of Law, has joined Eisenhower, Carlson, Newlands, Reha, Henriot & Quinn in Tacoma. A Silverdale resident, she practices in commercial litigation and labor law.

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

Judge **E. Albert Morrison** was taking a shortcut through the new wing of the courthouse which was under construction. Unfortunately what his honor perceived through his trifocals to be a short step turned out to be a four-foot drop. The fall resulted in a broken shoulder and elbow.

It happened that **George Christnacht** was representing a plaintiff in a dental malpractice case in the judge's court at the time. George moved for a mistrial on the basis that the jury's sympathy would somehow be affected because the judge looked worse than his client. Hearing on the motion was held in the judge's hospital room. Motion granted. It's true—you can look it up.

Robert Denomy has left the firm of Demarest and Denomy to become house counsel for a real estate investment firm. Bob apparently wanted to be part of the overhead rather than pay it.

This year's version of the "young lawyers" slowpitch team started the season with an 11-4 loss in a Tacoma city softball league game. This team, which is presently sponsored by the trust department of Puget Sound Bank, has existed in one form or another since 1970, and the "young" in the team name may be a misnomer. New additions include **Steve Burgess** of the prosecutor's office. Some with long memories recall when Steve's dad, federal magistrate **Frank Burgess**, used to play shortstop and Steve, who was then in junior high, would tag along. Returning after a 10-year sabbatical is **Warner Boettcher**, who proved he hasn't forgotten how to hit into a double play.

Anderson, Caraher, Brown & Burns have announced that **Randall M. Johnson** has become a partner and **Charles R. Hostnik** an associate.

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

Office Moves. Betts, Patterson & Mines announces that **Charles W. Davis**, **Steven Goldstein** and **James P. Solimano** have become principals, and that **Jonathan G. Basham** is now associated with the firm. **Margo T. Keller** has become a partner in Lasher & Johnson, and **David J. Sprinkle** and **Kevin P. Hanchett** are now associated with the firm. **Lars E. Anderson** and **Jan Samuel Ostrovsky** have become partners of Bogle & Gates; **Mark D. Whitlow** and **Jack W. Coyne** have become of counsel there; and **Evan Schwab** has joined Bogle & Gates as a partner. **Laura Treadgold Oles** joins Davis Wright & Jones as counsel, and **A. Peter Parsons** joins as a partner.

Williams, Kastner & Gibbs announces the following new partners: **Robert William Burns**, **Josephine B. Vestal**, **Sheryl J. Willert** and **Randy J. Aliment** in the Seattle office, and **Joe D. Tanner** in the Vancouver office. **Shidler McBroom Gates & Lucas** has joined its practice with **Weinrich & Gilmore** (**Bert H. Weinrich**, **Carl P. Gilmore**, **Lance C. Dahl**, **Christopher M. Carletti**, **Kevin P. Sullivan** and **Jennifer M. Coughlin**). **Stoel Rives Boley Jones & Grey** has added four associates in its Seattle office: **Franklin G. Dinces**, **Jan M. Aalbregetse**, **Lisa M. Stone** and **Paul D'Aloisio**. **B. Gerald Johnson** and **Jan David Blais** have joined **Preston, Thorgrimson, Ellis & Holman** as partners.

D. John Thornton was recently appointed special counsel at **Karr, Tuttle, Koch, Campbell, Mawer, Morrow & Sax**. **Thomas A. Campbell** has joined **Hollowell, Pisto, Kalenius & Rhodes** as an associate. **Mark D. Dunlap** and **Jonathan S. Solovy** have joined **Adolph & Smyth** as associates.

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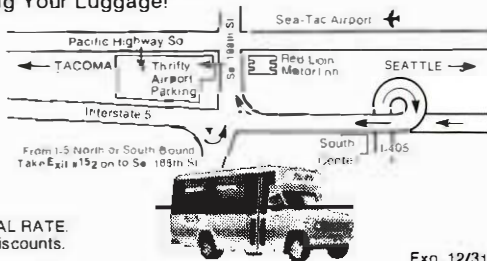
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Donald K. Davis and Susan R. Davis of The Davis Firm (Ballard) announce that Tom Dalglish is now associated with the firm and that Jim Beard is of counsel. Eugene N. Bolin, Jr. has opened his office at the Greenlake Place Building.

Roderick McAulay has joined Forsch, McCarty and McAulay as a principal. David Lieberworth is a new partner in Cary & Baron, and Scott Warner has joined as an associate. Ogden, Ogden, Murphy and Wallace announces new partners: M. Scott Snyder and Christopher Washington; and new associates: Cameron Comfort, Robert Dollinger and Kent Meyer.

Of Note. John N. Rupp has written to the *Puget Sound Business Journal* to correct the *Journal's* listing of Washington's 50 oldest businesses: Schweppe, Krug and Tausend was formed in Seattle in 1879 and is the oldest law firm in Washington. Stoel Rives Boley Jones & Grey recently purchased the sculpture, "Literature (with the coast of Africa in flames)," created by Vancouver, B.C. artist Richard Prince, and will exhibit it in the lobby of One Union Square until mid-July. The piece will also be exhibited in Stoel Rives' Portland and Bellevue offices and is one of more than 275 paintings, sculptures, photographs, photogravures, ceramic and glass pieces by Northwest artists in the Stoel Rives collection.

The *University of Puget Sound Law Review* is seeking articles for a symposium issue regarding Northwest and Washington legal history. Interested authors should direct inquiries and submissions to the Editor in Chief, Jeffrey M. Sayre.

SNOHOMISH COUNTY REPORT by REBECCA CLARK

The Snohomish County Bar Association recently held a special memorial for Chester R. "Chet" Bennett, who passed away on March 10, 1988. He was a respected attorney and active community leader who practiced law in Edmonds for the past 33 years. Chet was born in Everett and at-

tended Hastings College of Law in Berkeley, California. He was the first president of Snohomish County Legal Services and was an active member of the Snohomish County Bar Association. Chet was the driving force behind many of Edmonds' civic improvements. He was a member of the Edmonds Planning Commission from 1967 to 1969 and last year he received the Living Legend Award from the Edmonds School District, honoring him for his support of education. His colleagues remembered that he always maintained the highest ethical and professional standards and paid tribute to the service he rendered to his community and his profession. He is survived by his wife, Crisse, and his children, Geoffrey, Peter, Leigh, Richard and Leslie and their families.

Other News: Larry Dolan has recently opened his law practice in the Fisher Business Center in Lynnwood, emphasizing business and real estate matters, family law and civil trial work. The Snohomish County Bar Association has recognized that it needs to develop itself as an organization that more actively advocates the professional and business needs of its members. In an effort to develop a stronger membership base regular meetings with programs will be held each month.

SPOKANE COUNTY

Five local lawyers were honored by the county bar association in March for pro bono work in the community. **Fred Woeppel** was cited for exceptional service in a newspaper report of the event; also honored were **Richard Kuhling, Steven Stocker, Leslie Grove and Roger Clement**. In 1987 the Spokane Bar Association made 334 pro bono referrals to attorneys, who spent over 2,000 hours on the non-income cases. The firm of **Winston & Cashatt** was honored as firm of the year for its pro bono work.

WALLA WALLA COUNTY

Aurel M. Kelly, a former Walla

Walla resident and attorney, has been appointed chief judge of the Colorado Court of Appeals. A graduate of Whitman College and Columbia University School of Law, she was the first woman lawyer in Walla Walla and first deputy prosecutor in the county. In 1960 she moved to Arvada, Colorado and practiced with her husband from 1964 to 1972. She was a special assistant attorney general of

Colorado from 1963 to 1969 and first woman to head the criminal division of the attorney general's staff from 1971 to 1974. Appointed to the Court of Appeals in 1974, she was the first woman to serve on the appellate court. She is one of three women holding equivalent positions in the United States. Kelly has been a member of the Whitman College Board of Overseers since 1977.

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Seattle attorney **Jeremiah M. Long** (admitted 1956) was ordered to receive a Reprimand for his conduct in failing to promptly deliver a file to a client's new counsel after being discharged, and failure to cooperate in a disciplinary investigation. In addition, Long was ordered to pay costs in the amount of \$1,238.96.

IN MEMORIAM

James E. Prince, a longtime Seattle lawyer, died in Palm Springs, California, on Sunday, March 27, 1988.

Prince was graduated from Harvard Law School in 1933, after attendance at Washington State University and the University of Washington. He entered practice at the predecessor to the Perkins Coie firm in 1936 and became a named partner in the firm, known at that time as Holman, Mickowait, Marion, Prince & Black. His primary duty at the Holman firm was

the representation of the Boeing Company. In 1952, he left the firm and became Vice President of Administration for Boeing. He later became Senior Vice President and Secretary of Boeing and a director before retiring in 1978.

Prince maintained a home in the Seattle area, as well as a condominium in Palm Springs, where he was riding at the time of his death.

Chester R. "Chet" Bennett, 63, died March 10, 1988 in Edmonds, Washington. Born in Everett, he attended WSU and Hastings College of Law. He practiced in Edmonds for over 30 years and was variously city attorney, city councilman, and planning commission member. His penchant for civic involvement left many a project better run or more successful. City flags were flown at half-staff until after his memorial service March 15. A U.S. Navy veteran, Bennett was a past president of the Snohomish County Legal Aid Society and honored last year by the Edmonds School District's Living Legend Award. Survivors include six children, all WSU graduates and

three of them lawyers, he was proud to say; his wife, Crisse, and five grandchildren.

ET ALIA

RE: RCW 19.52.020(1)

Interest Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in May 1988 is 6.41 percent. The maximum allowable interest permissible for **June 1988** is thus **12 percent**. For further details and past rates, see the October 1987 *Bar News*, page 39.

Research Project Opens New Path to Washington's Past

Life during Washington's territorial days has come into sharper focus thanks to a first-of-a-kind research guide recently completed by the Secretary of State's Archives Division.

Working under a federal grant, the Archives have compiled a publication called "Frontier Justice: A Guide to the Court Records of Washington Territory 1853-1889." According to State Archivist Sid McAlpin, it represents a valuable new tool in documenting the legal, social and economic history of Washington during the 36 years preceding statehood.

"Territorial court records—taken individually and as a whole—provide fascinating insight into everyday life in Washington's pioneer days," he says. "Now, for the first time, we have a comprehensive guide to these legal proceedings."

In addition to providing an index to the records of individual cases, the guide also contains information about the history and structure of the territorial court system, as well as summaries regarding the incidence of criminal, civil and probate cases. Some interesting facts revealed by those summaries:

- During territorial days, civil suits were much more common than criminal actions—25,000 civil cases compared to 6,834 criminal cases;
- The most common civil cases revolved around collection of debts;
- The most common criminal cases involved alcohol and

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Jon Scott Fox

Chair, DWI and Misdemeanor Section, Washington Association of Criminal Defense Lawyers. Frequent lecturer and author on DWI defense topics. Founding member, Washington Association of Criminal Defense Lawyers. Former Adjunct Professor of Law, Lincoln School of Law. Member, California and Washington bar associations.

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drugs, especially selling liquor to Indians and smoking opium. A pioneer could also be classed as an "habitual drunkard" by the court;

- Murder cases were relatively rare—only 257 murder cases were tried during the 36-year period;
- Contrary to the popular image of the Western gunslinger, it was actually a crime to "exhibit a dangerous weapon."

"This information shows that the typical pioneer wasn't standing on Main Street for a shootout or riding in a posse to chase rustlers," says McAlpin. "More likely, he was in court suing his neighbors."

McAlpin notes that there were several interesting individual cases during the territorial period, including a trial which ended with the hanging of Leschi, martyr of the 1855-1856 Indian Wars. This period also saw the so-called "Nevada Bloomer" case, which brought a halt to the women's suffrage movement in the mid-1880s. Records from probate cases also give an interesting glimpse of day-to-day life in territorial Washington. Documents from these cases often include listings of every possession of the deceased, providing a snapshot of the typical pioneer household.

"In short, we feel this publication opens the door to a new understanding of Washington's past," says McAlpin. "It uncovers a whole new avenue of research for those who are interested in our state's history. It also provides valuable assistance for those who are looking for information about their ancestors."

The Frontier Justice guidebook project was administered by Seattle Regional Archivist Candace Lein-Hayes and coordinated by Archival Services chief David Hastings. The two-year project was funded in part by the National Historic Publications and Records Commission and was greatly assisted by county clerks in Washington state.

The guide, which consists of two printed volumes and two reels of 16-mm microfilm, contains an inventory and index to more than 37,000 case files. Researchers will find the guide at any of the State Archives'

regional facilities, located in Bellingham, Burién, Cheney, Ellensburg and Olympia. Copies may also be purchased at a cost of \$50 each (includes postage, tax and handling). Orders should be sent to: Washington State Archives, P.O. Box 9000, Olympia, WA 98504.

Task Force to Study Courts for Bias

Washington's first black judge will head a newly-appointed task force which will look for possible minority bias in state courts.

Announcement of the appointment of Charles Z. Smith, a former judge of Seattle Municipal and King County Superior courts, was made by Vernon R. Pearson, Chief Justice of the Washington Supreme Court. A former University of Washington law professor, Smith now practices law in Seattle.

Pearson also announced the hiring of Desiree B. Leigh, Seattle, as task force project director. A former bank official, Leigh was also a foreign service officer with the U.S. Depart-

ment of State, holding posts in Washington, D.C. and Lagos, Nigeria.

Authorized by the Legislature last year, the 17-member Minority and Justice Task Force will study the effects of minority status on litigants, lawyers, judges and employees in the Washington court system. The enabling law directs the task force to make recommendations on possible reforms and "attitude-awareness training for judges and legal professionals."

The program is a part of an overall effort mandated by the Legislature to study possible gender and minority bias in state courts. Another task force held a series of public hearings on the gender issue earlier this spring.

Task Force members include a variety of judicial and non-judicial appointees. They are: Judge Philip J. Thompson, Court of Appeals, Division III (Spokane); Judge Donald D. Haley, King County Superior Court; Judge James M. Murphy, Spokane County Superior Court; Judge Shannon Otero Wetherall, King County

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Superior Court; Judge Heather Van Nuys, Yakima County District Court; Ruperta Alexis-Caldwell, an administrative law judge for the state of Washington; LeRoy McCullough, Seattle hearings examiner; Peter

Bacho, attorney and professor of ethnic studies, University of Washington; Grace Y. Chien, attorney; S. Nia Cottrell, attorney, National Labor Relations Board; Jack W. Fiander, attorney; Nina A. Harding, attorney,

Associated Council for the Accused; Ricardo S. Martinez, deputy prosecuting attorney, King County; Sharon A. Sakamoto, attorney; Vicki Toyohara, assistant city attorney, Seattle; Hector Gonzalez, director, Washington State Commission of Hispanic Affairs; Irene Gutierrez, Hispanic Immigration Program; Ray Fjetland, chief, Tacoma Police Department; Marsha Andrews, University of Puget Sound School of Law; and Priscilla Harris, University of Washington School of Law.

Scheduled meetings of the task force will be announced. All meetings will be open to the public.

Program contact: Desiree B. Leigh, project director.

Phone: (206) 625-0268 (Seattle: 1-5 p.m.).

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Notice of Hearing on Petition for Reinstatement

A petition for reinstatement after disbarment has been filed on behalf of Thomas F. McGrath, Jr., who was disbarred by order of the Supreme Court on December 9, 1982, based on his conviction for second degree assault. McGrath practiced law in Seattle, King County, Washington.

Public hearing on McGrath's petition for reinstatement will be conducted before the Board of Governors on Thursday, June 16, 1988, commencing at 9:00 a.m. at the Westin Hotel in Seattle, Washington. On or before the date of the hearing, anyone wishing to do so may file with the Board of Governors a written statement for or against such reinstatement, addressed to the Washington State Bar Association, 500 Westin Building, 2001 Sixth Avenue, Seattle, Washington 98121-2599. Such statements should set forth factual matters showing that the petitioner does or does not meet the requirements of RLD 9.6(a). Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard by the Board of Governors.

Legal Foundation Grants Now Available

Grant applications are now available from the Legal Foundation of Washington for the funding of law-related charitable and educational programs. Foundation president Judge J. Ben McInturff estimates over \$2 million will be available for distribution.

Application deadline is August 31, 1988. Awards will be announced in early December.

Interested applicants may obtain grant criteria and application forms from the Legal Foundation office, 600 Central Building, 810 Third Avenue, Seattle, WA 98104. Phone: (206) 624-2536.

STATE LAW LIBRARY

Recent Acquisitions

Listed below are some of the new titles recently acquired by the State Law Library, and available for loan by telephone at (206) 753-6525, or by mail from Washington State Law Li-

brary, Temple of Justice, AV-02, Olympia, WA 98504-0502. A bi-monthly *Selected Recent Acquisitions* list, generally containing 150-250 new titles, is also available. Copies may be obtained on request.

AIDS

AIDS in the workplace: resource material. 2d ed. Washington, D.C.: The Bureau of National Affairs, Inc., 1987. Pp. 626.

Legal medical and governmental perspectives on AIDS as a disability. A monograph based on papers from a multidisciplinary ABA panel program and selected articles from the "Mental and Physical Disability Law Reporter." Washington, D.C.: American Bar Association Commission on the Mentally Disabled, 1987. Pp. 55.

BOUNDARIES (ESTATES)

Robillard, Walter G. and Lane J. Bouman. *A treatise on the law of surveying and boundaries.* 5th ed. 1st and 2d ed. by Frank Emerson Clark. Charlottesville, VA: The Michie Company, 1987. Pp. 966.

COMMUNITY PROPERTY

Mennell, Robert L. and Thomas M. Boykoff. *Community property in a nut-*

shell. 2d ed. St. Paul, MN: West Publishing Co., 1988. Pp. 469.

CONSTITUTIONAL HISTORY

Main themes in United States constitutional and legal history: major historical essays. Edited with an introduction by Kermit L. Hall. United States Constitutional and Legal History, V. 1. New York, NY: Garland Publishing, Inc., 1987. Pp. 637.

CONSTITUTIONAL LAW

Adler, Mortimer J. *We hold these truths: understanding the ideas and ideals of the Constitution.* New York, NY: Macmillan Publishing Company, 1987. Pp. 288.

Tribe, Laurence H. and Ralph S. Tyler. *American constitutional law.* 2d ed. Mineola, NY: The Foundation Press, Inc., 1988. Pp. 1881.

DISCRIMINATION IN EMPLOYMENT

Player, Mack A. *Employment discrimination law.* Hornbook Series, Practitioner's Edition. St. Paul, MN: West Publishing Co., 1988. Pp. 975.

GOVERNMENT ATTORNEYS

Now hiring: government jobs for lawyers. Edited by Abbie Willard Thorner. Chicago, IL: American Bar Associa-

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tion, Law Student Division, 1986. Pp. 163.

GOVERNMENT LIABILITY

Pine, John C. and Robert D. Bickel. *Tort liability today: a guide for state & local governments*. Joint Publication. Washington, D.C.: National League of Cities; Public Risk and Insurance Management Association, 1986. Pp. 75.

LAND USE

The "taking" issue: *the supreme court finally acts*. November 14, 1987. Seattle, WA: University of Washington School of Law, 1987. Pp. 118.

LAW OFFICES—DATA PROCESSING

The nuts and bolts of timekeeping, billing & accounting software. March 27, 1987. Stouffer Madison Hotel. Seattle, WA: Seattle-King County Bar Association Continuing Legal Education Committee, 1987. V.p.

STRUCTURED SETTLEMENTS

Eck, James R. and Jeffrey L. Ungerer. *Structuring settlements*. Trial Practice Series. Colorado Springs, CO: Shepard's McGraw-Hill, Inc., 1987. Pp. 500.

Washington Jurist Chairs National Research Group

Washington Supreme Court Justice Robert Utter has been named chair of an American Judicative Society Committee charged to evaluate and overcome judicial election campaign abuses. Establishment of the committee was prompted by discussions among AJS directors at their mid-year and annual meetings. The continued involvement and assistance of AJS members will play an essential role in the committee's work, the AJS Spring 1988 Report to Members says.

AJS will continue to actively promote merit selection, working to implement its belief that this process is still the best way to choose quality judges. However, politicization and financial abuses in judicial campaigns are a growing problem; the fact that 40 states still select at least some of their judges by election makes this an important area of concern for the Society.

With a multitude of ethical questions arising in the course of judicial election campaigns, the program is part of the Society's long-standing working in judicial conduct and ethics. As a first step, information is being gathered from around the country by AJS Fellow Cynthia Kelly to identify relevant cases, statutes and advisory opinions affecting judicial campaigns. AJS ultimately hopes to publish a monograph, develop model campaign guidelines, conduct educational workshops and assist states in drafting legislation and revising ethical standards.

The committee includes Judge Judith Chirlin of Los Angeles, Dean Jack Etheridge of Atlanta and former Chief Justice John Hill of the Texas Supreme Court.

The committee is interested in hearing about problems with judicial elections in the states. Please send letters, news clippings or suggestions for local programs to Cynthia Kelly at AJS, 25 East Washington, Suite 1600, Chicago, IL 60602.

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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).

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For sale: Washington Reports, Washington Appellate Reports,

Washington Digest, American Jurisprudence 2d, RCWA, West Washington Practice and various texts. (509) 662-9337, P.●. Box 1273, Wenatchee, WA 98807.

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The Port of Seattle seeks an attorney as in-house counsel. Strong academic and professional credentials and a minimum of two years' experience, including litigation, preferred. Please send resumé and brief cover letter expressing your interest to Department of Human Resources, Port of Seattle, P.O. Box 1209, Seattle, WA 98111 by 7/29/88.

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