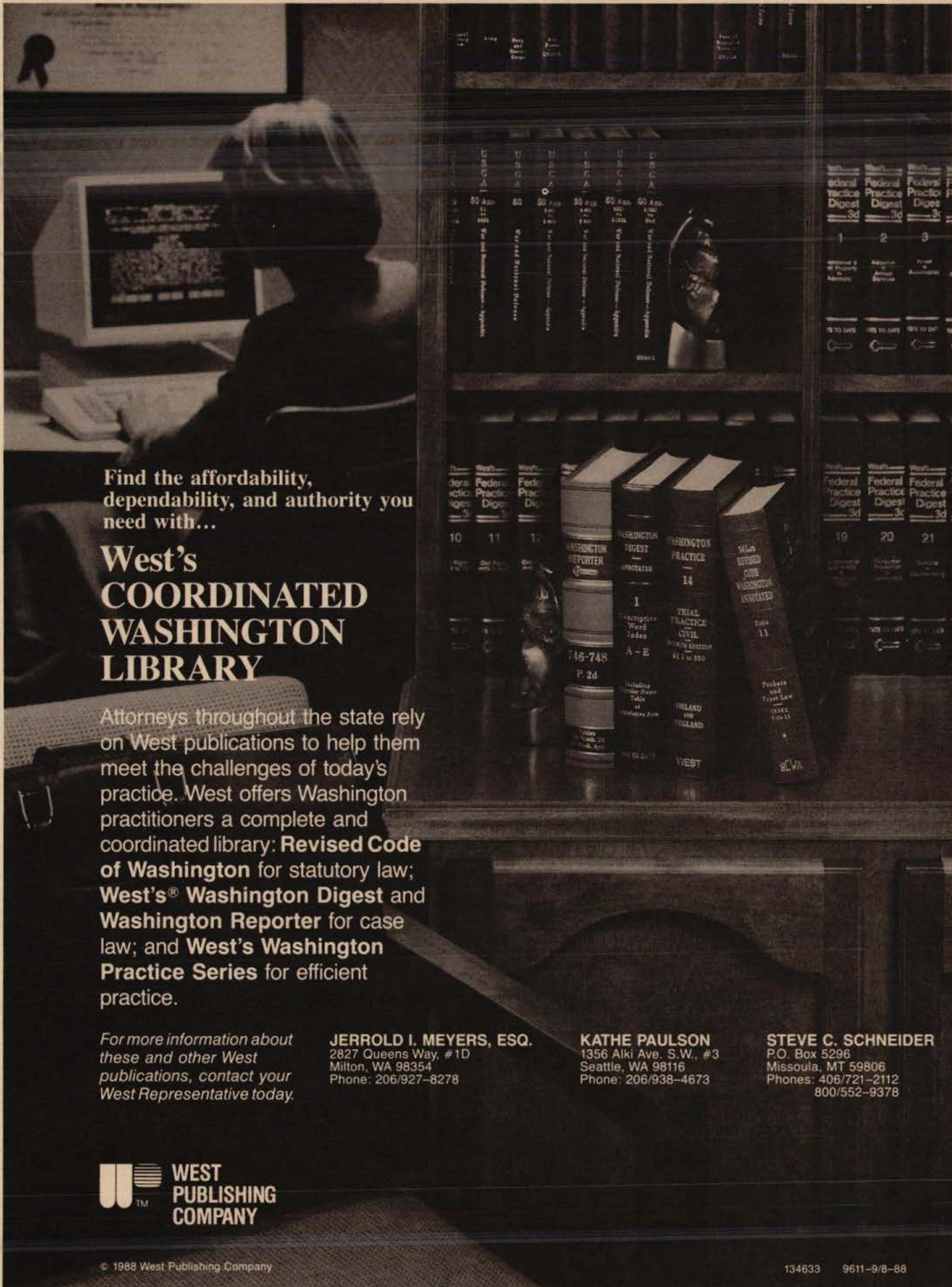
Washington State Bar News
Vol. 42, No. 9, September 1988

Law Practice Management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Washington State Bar News
Vol. 42, No. 9, September 1988

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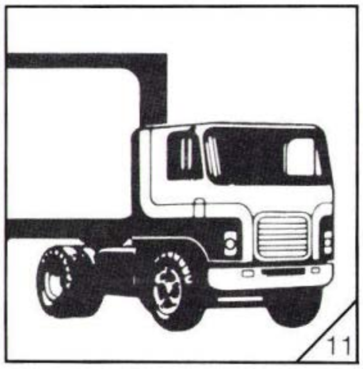
Cover: Renowned aerial cityscape courtesy of Wright Runstad & Company. Illustrations on pages 13, 14 and 35 are from the Reports of the Commission on Federal Paperwork, 1977.

The editor thanks Evans/Kraft Bean Public Relations for assisting with this issue.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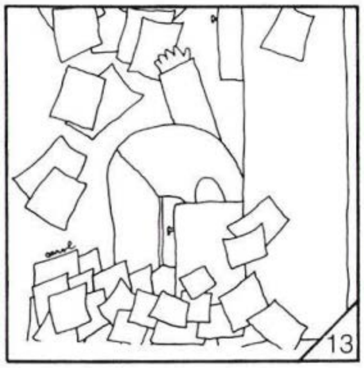
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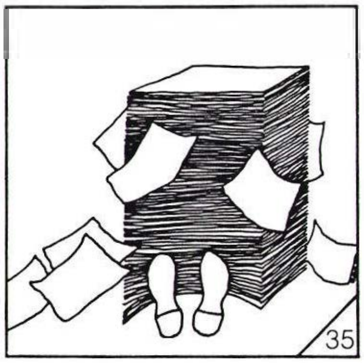
35

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Published by
WASHINGTON STATE BAR ASSOCIATION
500 Westin Building 2001 Sixth Avenue
Seattle, WA 98121-2599
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JENNIFER KLAMM, *Managing Editor*
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Printed by United Graphics, Seattle

PUBLISHED the last day of the month before cover date. Editorial deadline 25th day of month for *second* issue following. Direct correspondence to *Washington State Bar News*, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, telephone (206) 448-0441. All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Governors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement. SUBSCRIPTION, included in active membership, is $12.00 a year for inactive members (WA State residents add $0.98 WA State Sales Tax), and $24.00 a year for nonmembers (WA State residents add $1.97 WA State Sales Tax).

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The Rules Don't Legalize Lying In The Weeds

Editor:

I agree wholeheartedly with David Smith's letter regarding last-minute documents. The discovery rules we all practice under were meant to eliminate "trial by ambush" regarding factual issues. The same spirit should carry forward as to legal issues. If an argument won't fly after full reflection, the victory will be temporary in any event because a motion for reconsideration and/or the appellate process gives a lot of time for full examination of legal issues.

J. PATRICK AYLWARD
Wenatchee

Changes in Catastrophic Care Coverage

Editor:

In June 1986, the *Bar News* published our article entitled "Medicaid for Nursing Home Care: Some Estate Planning Considerations." The Medicare Catastrophic Coverage Act of 1988 made important changes in the Medi*caid* program for nursing home care described in the article. Anyone wishing a summary of these changes may send a stamped, self-addressed envelope to:

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PETER GREENFIELD
BARBARA A. ISENHOUR
Seattle

A Toothsome Epilogue

Editor:

I enjoyed the letter of Michael Jacobsen ("A Little Partisan Grapeshot From the Past," *Bar News*, July 1988) and thought you might like to hear about the follow-up.

The late Milton Green, who taught criminal law at the University of Washington, and who I believe hailed from Colorado, indicated that the defendant Packer's murder trial was appealed, and the Supreme Court of the State of Colorado was under the mind that the sentencing judge was prejudiced and ordered a new trial. The defendant was again convicted of murder but was this time sentenced to life imprisonment. He lived a long life and died a confirmed vegetarian.

RICHARD J. WATERS
Bellingham

THE PRESIDENT'S CORNER

We Should Be So Lucky

When I see the time, energy and personal commitment that each member of the Board of Governors gives to our Association it leads me to comment, "We should be so lucky."

When I see the dedication, hard work and efficiency given our Association by John Michalik, our executive director, and his fine staff, I can only repeat, "We should be so lucky."

When I see the caliber of people now joining the Board of Governors to begin their three-year terms, namely Don Curran, Ron Gould and Jeff Tolman, I say again, "We should be so lucky."

The same can be said of Wayne Wilson and his public affairs department, which does so much to bring law-related education to our schools and to the public, and information about our Bar's good works to our members.

The members of the Board of Governors are elected by their peers in each Congressional District for a three-year term. They serve without pay. If they fly at Bar expense, they travel at economy rates. If they choose to have their wives or husbands accompany them, such expenses are paid by the individual Governor. If a Governor drives to a meeting, he or she is compensated at 20½¢ per mile and is paid actual expenses while in attendance at the meeting. In other words, Board members provide a maximum of service—literally hundreds of hours per year—without compensation, and at the most modest of expenses.

For many years, the president and each Governor has made a personal cash contribution to the "Governors Social Fund," which provides total funding for the libations at the president's social hours at Board meetings. These social times are usually held Thursday and Friday evenings during each Board meeting week.

The Board of Governors has a heavy charge and set of responsibilities levied upon it by the Supreme Court. Its duties, as set by G.R. 12, are to regulate Bar admissions; to regulate lawyer discipline; to provide a forum for discussion of subjects pertaining to the practice of law; to promote law reform and jurisprudence; to provide continuing legal education for WSBA members; to conduct audits of members' trust accounts; to carry on research in fields of substantive law practice and procedure, and to make reports and recommendations on same; to maintain, at the Board's discretion, a Clients' Security Fund which assists in indemnifying clients for losses caused by the dishonesty of active WSBA members; to maintain at the Board's discretion, a program to aid and rehabilitate impaired lawyers; to sponsor and maintain committees, sections and divisions which aid in the work of the Bar; to provide communication to lawyers and the public regarding Bar activities and Association positions on issues; to monitor legal matters of interest to the Bar and to report on same to public officials; to maintain a legislative representative to keep the Bar informed about new and proposed legislation related to our justice system; to inform public officials about the legislative positions and concerns of the Bar Association; to maintain and foster programs for law-related education and public information on matters of law; to maintain and foster programs to promote goodwill among our members and between our members and the public; and finally, to allocate and disburse funds to efficiently discharge the duties placed on the Association by our Supreme Court.

That's quite a shopping list the Court has handed us. All of the forgoing are made possible by your Bar dues.

The Supreme Court operates as a branch of state government. It has the ultimate responsibility for the regulation of the practice of law, including admissions, discipline, and continuing legal education. However, the Supreme Court has delegated to us the authority to assist them, and we willingly accept that. In fulfilling these duties, we are relieving the taxpayers of the substantial expense

normally required of such functions. But each of us also pays for these functions. For example, the cost of discipline alone is about $1,000,000 per year and comes directly from your Bar dues. Add this work to the duties given us by G.R. 12, and you can readily see the awesome responsibility facing your Board of Governors. It is a heavy load, but one which results in enormous direct and indirect benefits to both our justice system and to the public at large.

It has been an extraordinary experience for me to be involved in these programs and responsibilities, both as a member of the Board of Governors and as your president. There is no greater honor which can accrue to a lawyer than to be elected to leadership by his or her peers. It has been a high point in my career and a time I will treasure. I hope, however, that the memories of all that has transpired during the past year will center upon no individual, but on the progress and service your Bar Association has provided to you and the public. It is a record we can be proud of, and one which, as with all Bar activities, was made possible by the support and dedication to professionalism of you—our individual members.

A General Practice Section Of the Bar?

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

At its July meeting, the Board of Governors of the State Bar Association received a report from its Special Long-Range Planning Committee. Among the various recommendations in that report was a General Recommendation for the prioritizing of greater direct benefit services to Association members and, within that General Recommendation, an "Action Recommendation" urging that the Board of Governors take steps to create a General Practice Section within the State Bar Association.

The Committee, in its report, expressed the view that most of the Association's existing 16 sections may not be "sufficiently valuable or attractive to the general practitioner." While such an attorney may need to know about corporations, as an example, he or she may not need to acquire the depth of knowledge in this area that might be exemplified or provided in publications, programs and other activities sponsored by the Corporation, Business & Banking Law Section or the Corporate Law Section. In the opinion of the Long-Range Planning Committee, "Many of our members, including some in large firms, are indeed general practitioners and they have a need both for educational programs more clearly designed for their type of practice and the need to have an opportunity to meet to exchange views and experiences with others in that type of practice." Noting the experience and growth of the General Practice Section of the American Bar Association, the Committee also expressed the view that the creation and functioning of a General Practice Section in the Washington State Bar Association would be likely to stimulate and contribute materially to the creation of practical, needed aids for busy practitioners.

In receiving this report, the Board of Governors expressed its basic agreement with the Committee recommendation concerning the creation of a General Practice Section—and asked me to draw this matter to your attention. While the Board can *encourage* the creation and development of new sections within the Association, a greater chance of success is, by experience, achieved when, with the seed planted, interested members step forth to do the necessary work to make the seed grow and to bring the concept and idea to reality.

The Association Bylaws [in Article IX, Section 4] set forth the procedures involved in creating a new section and the timetables needed to bring such a section to reality. It is not the easiest process around, but it is a process which, in recent years, has led to the establishment of a number of new, and now very active, sections in the Association. The process involves soliciting at least fifty (50) members of the Association who will commit to joining the section if formed; delineating the proposed "jurisdiction" of the section and its contemplated activities; drafting a set of bylaws for the section; presenting a proposed two-year budget for the section; and handling a number of other items designed to get the section off to a good start. The process is not simple, stretches over a fair period of time and involves a good deal of work.

The Board of Governors could, on its own motion and on the strength of the Long-Range Planning Committee report, create a General Practice Section. However, as noted, the chances of that section's success and ongoing vitality are increased immeasurably when members themselves take the lead and provide the commitment necessary to make it all work.

In sum, here is an idea for a positive, new and useful group within the State Bar Association. A new section in an area where a need has been recognized. A concept which has already received an enthusiastic reception from the Board of Governors. What is needed to make it all work are some interested members who are willing to carry the ball. If *you* are interested, drop me a line at the State Bar office. I'd be happy to send you the materials needed to get you going on the work, and I'd also be happy, in the event of multiple expressions of interest, to put people in touch with each other so an organizing committee for the section can be formed.

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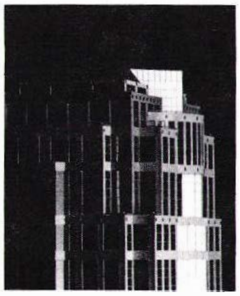

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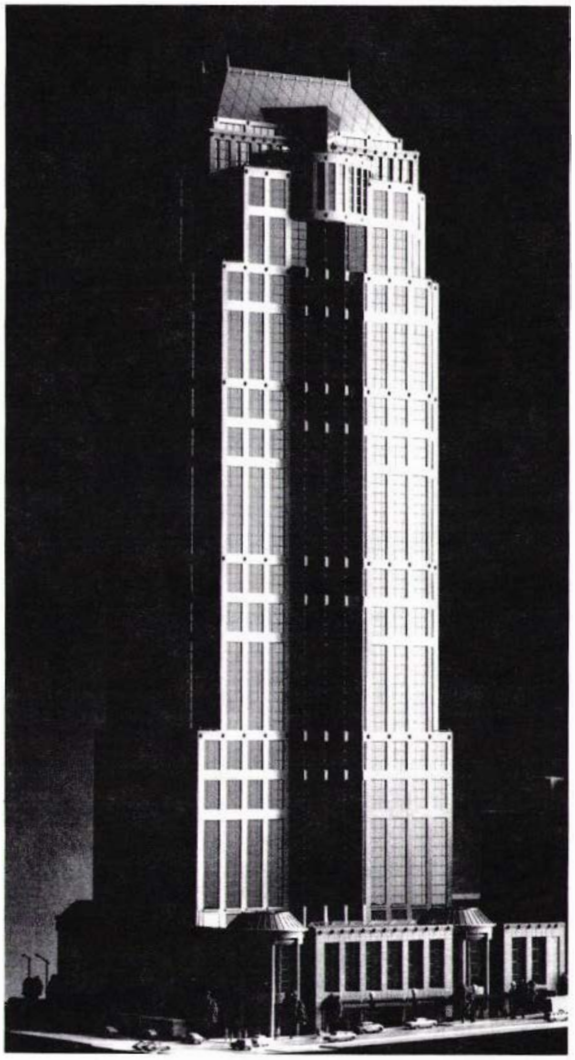

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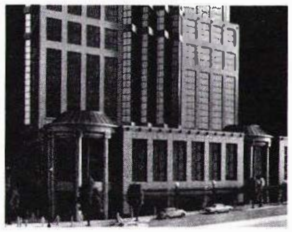

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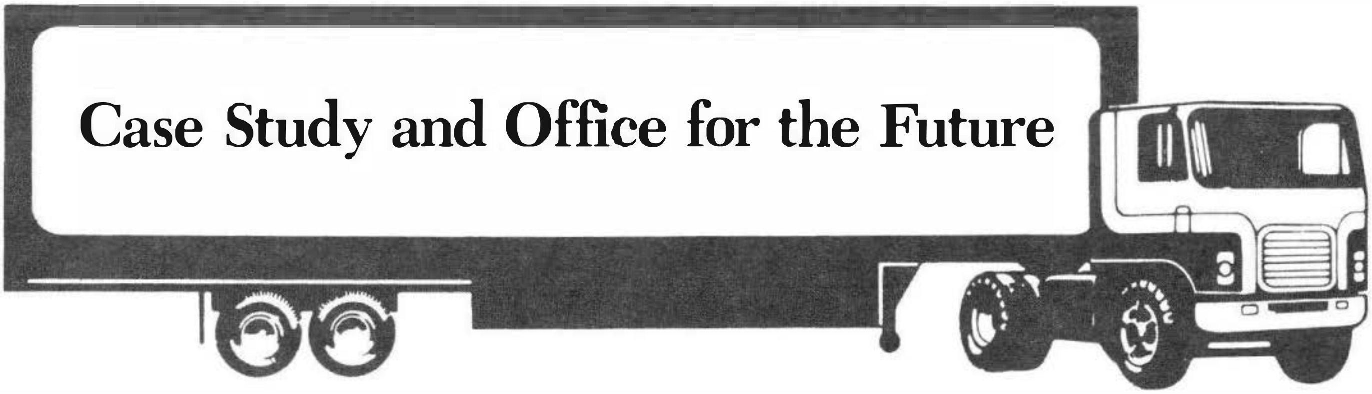


by **Lindsay T. Thompson—**
Editor, Bar News

Many Washington law firms are part of a national trend: coping with nearly perpetual growth and the space and budget management challenges such expansion presents. A survey in the August 1988 issue of *Professional Office Design* cited Perkins Coie and Davis, Wright & Jones as two of several Seattle-based firms making recent moves to new space.

Another firm, Karr Tuttle Campbell, occupied 66,000 square feet in the 1201 Third Avenue Building this summer, closing Friday, June 10 in their former space and reopening in the new on Monday, June 13. Over that weekend some 250 people and tons of office material, books and files were moved by uncounted moving vans, says firm executive director Gregory Meister.

While the planning of a move is always complex, Karr Tuttle Campbell's was a two-year process involving significant staff and outside time and effort. Firm shareholder Robert P. Karr supervised office selection and design, while Meister handled technical aspects like computer upgrading and interoffice linkage. To handle day-to-day moving arrangements, the firm assigned one of its senior office administrators, Nancy Strom, to the year-long position of "special projects manager."

"We took an integrated approach to the move," Meister says. This meant identifying and taking advantage of advancements in office operations and systems technologies not available in office buildings of the past. So, for example, rather than wiring and rewiring computer systems together with miles of snaking cable, the firm ran eight sets of twisted-pair wiring through all the walls during buildout and put in computer hookup jacks on walls in each office. A "patch panel," which looks like an old-fashioned telephone switchboard, was located in the environmentally controlled computer room to allow people who move in the future—attorneys and staff, for example, who are separated—to remain linked-up electronically. The powerful Syntrex computer system, located in the computer room, handles all manner of tasks, including litigation support, accounting functions, and management of large volumes of documents.

Though the firm took 66,000 square feet—three and a half floors—in the 55-story stone and emerald glass tower, they also reserved 18,000 square feet on a fourth floor for expansion. However, rather than leave the space unimproved for later buildout and integration with the existing space, the firm went ahead and completed the additional area. As growth dictates, they will occupy the extra space "pockets" as they need them, activating additional leasing costs only for the space put into use each time.

The firm's library shows similar forethought. Many firm libraries are simply places to stack books until they are needed. Planning theirs around the expressed needs of attorneys and staff, Karr Tuttle Campbell increased its size by 50 percent and relocated it to a place of high visibility both for clients and firm members. "Libraries are becoming showcases for firms," Meister comments. Areas for work, special projects and conversation are laid out in the library area, which includes study carrels built into the distinctive bowed-glass sides of the building.

Addressing clients' increased needs and expectations, the firm added additional conference rooms, which are made available for use even for meetings not related to firm business. And inviting clients to lunch has taken a new twist with the installation of a cafeteria within the office. "It serves soup and sandwich fare mainly," Meister told the *Bar News*. "It's gotten heavy use by attorneys in the office, and has encouraged a lot more mixing among various employees of the firm." An outside company runs the cafeteria, reducing the firm's cost to the expense of installation and space rental.

The firm's building, 1201 Third Avenue, has won widespread praise for its inventive mixing of modern technology with classic "skyscraper" features, which distinguish it from the many International-style towers in downtown Seattle. Designed by McKinley Architects of Seattle with Kohn Pederson Fox Associates of New York, the $175 million tower is an interesting essay in the future of office design and space-planning. □

Managing Documents in Litigation:
Questions Most Often Asked
. . . And Some Answers

by **Mary Anne Baggaley** *CMC*

Summary

In most law firms, automated systems that offer assistance in areas of substantive legal practice are the poor stepchildren of law firm automation. For law firms that have played in the WPPSS litigation sweepstakes, however, litigation document management systems are now as common as word processing systems. While their interest has been piqued by the WPPSS activity, many other firms continue to believe that litigation support systems are "too costly" or "more trouble than they're worth." This article will serve as a primer for the uninitiated and offer some advice to experienced firms about in-firm management and installation of such systems.

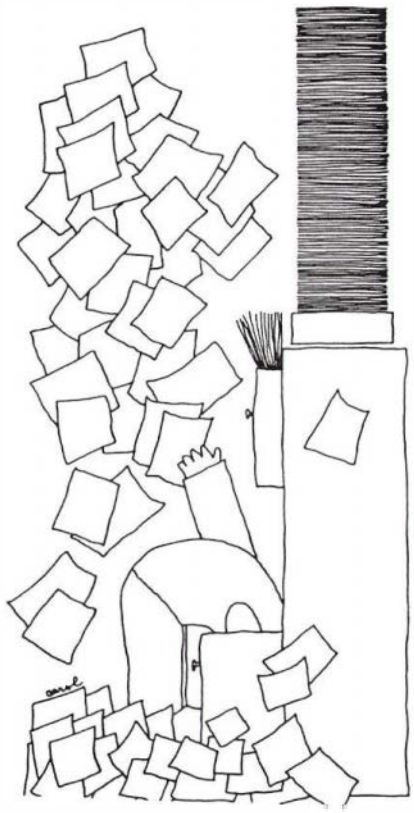
In the modern law office, automated systems have replaced manual procedures for everything from personnel management to client billing. Most conventional typing tasks have given way to automated document preparation, and accounting systems have replaced most manual ledger posting and billing tasks. These automated "back office" systems have allowed firms to manage and manipulate information with greater speed and accuracy than did earlier manual methods.

While this revolution is no longer "new," automation of front office functions has been slower to catch on. In the litigation department, manual methods continue to be used to handle the mountains of paper that overflow filing rooms, offices, conference rooms and hallways. Harried lawyers and legal assistants search through, sort, copy, and refile documents, desperately determined to find the ones needed for a court deadline or the next day's deposition.

Systems are available to assist counsel in document management, scheduling/docketing, case management, damages quantification, conflict checking, and internal work product management, to name only a few applications. Based on questions most often asked by litigators, this article serves those who have less experience with document management systems as a sort of "primer" on the subject; for the initiated, it offers some advice about installation and the ongoing use of such systems within the law firm.

Q: My computer-generated credit card bill is often incorrect. Why should I trust my documents to a computer?

A: You usually find such errors as a result of bad manual processing or inaccurate data entry—human, not computer, errors.



A Manual Search And Retrieval System.

Similarly, the "lost document" problem in an automated litigation support environment is a human error. Machines and software aren't perfect either, but they are much less prone to error than are the people handling large volumes of paper and information.

The Benefits of Automated Document Management Systems

The primary advantage of these systems over even the most effective manual ones is the speedy and comprehensive retrieval of information:

Speed. Document searches involving multiple search criteria (*e.g.*, all of Smith's memos to Jones or Harris during the last six months of 1967 that discuss the construction contract) are very difficult to conduct manually, especially if the files contain over 10,000 pages; manual file searches can take days.

Comprehensiveness. The computer won't "lose" documents.

Access. You can get at your document data base via telephone from almost anywhere in the world.

Convenience. You can capture your impressions about documents as you review them. Simply put your feet up and set a computer keyboard in your lap.

In short, you can trust your documents to a computer because it can find what you want when you want it (and not miss anything along the way, like the document you missed during that case last year. You remember the one—the document that the other side used so effectively against you.)

Q: So I would need a computer. What else is involved?

A: There are four major tasks in setting up and using a document management system for your case (see Figure 1):

Document Processing is a series of manual steps which prepare materials for analysis and computer entry. (Most of these are necessary to both computer and manual filing systems):

— Acquisition of documents through production/discovery and control of that process.

— Document receipt logging and careful tracking of documents throughout all processing steps.

— Document preparation activities including numbering, copying and/or microfilming and "unitizing" (determining document boundaries).

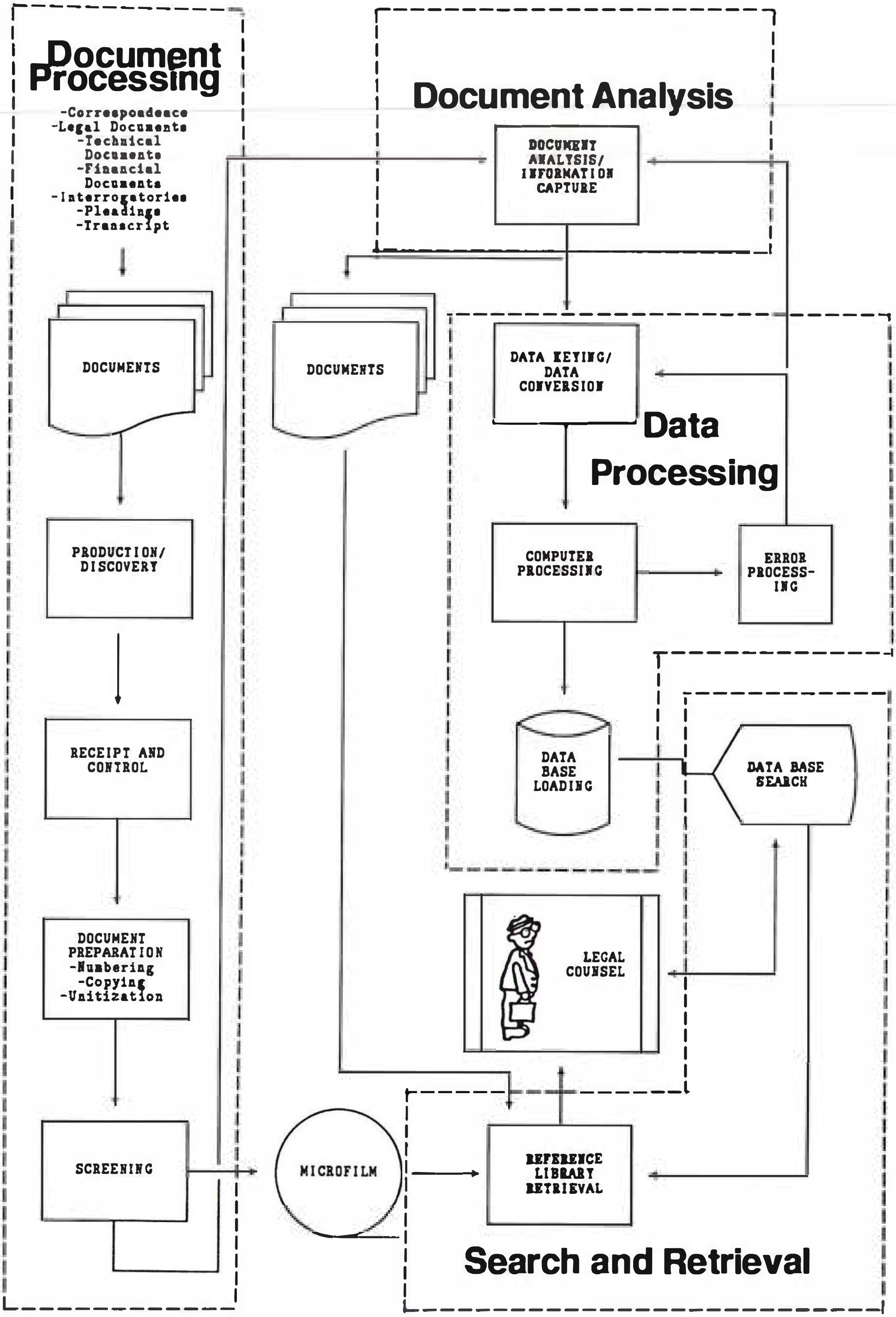


Figure 1: Document Management System for Litigation

— Document screening by counsel to select relevant materials or simply to categorize documents by some classification scheme (issue coding or subject coding or keywording).

Document Analysis is the identification and recording of key information about the document. In the planning stage of a litigation support project, counsel determines what information from the documents is important to the case. Both the document coding procedures and the computer database structure rest on this determination. Generally, the types of information recorded from a document fall into four broad classes (see Figure 2), and the capture of information can be done in a number of ways.

Locational Data

Production number
Control number
Microfilm number
File location
Document source

Bibliographic Data

Document type
Doocument date
Author (name and organization)
Addessee (name and organization)
Copyee (name and organization)
Number of pages
Attachments
Marginal notes
Confidentiality
Other document numbers

Substantive Data

Subject/title
Subject matter
Events referenced
Mentioned names/organizations
Product/quantity/amount
Abstract
Text (verbatim)
Documents referenced
Analyst comments

Case-Related Data

Privilege claim
Relevance
Evidentiary history
Subpoena identifier
Examining attorney
Witness/deponent name
Exhibit number
Case identifier
Issue/contention
Lawyer comments

Figure 2: Typical Fields of Information

Cataloging, Indexing, Abstracting, and Extracting

Cataloging captures discrete data (*e.g.*, the name of the addressee or the type of document) from the source document through procedures that govern data format (*e.g.*, all names are entered last name first, followed by initials) or standardize the data (for all references to American Telephone and Telegraph, ATT is entered). Indexing captures information contained in the body of the document by using a predefined list of subject terms or a subject or issue outline. Abstraction creates a brief textual summary describing the content of physical characteristics of a document. Extracting is another method of information capture wherein selected passages of a document are simply recorded verbatim on the document coding form (discussed below) or computer screen.

You can use these approaches to information capture in combination depending on the type of data you encounter. A brief abstract describing the format of an accounting spreadsheet is a useful addition to cataloging, since there is usually very little bibliographic information on a spreadsheet. If the fact pattern and issues in a case are relatively simple, indexing may not be necessary, and you may get better results with extensive cataloging and a brief summary. Where "what he knew and when he knew it" is critical in a case, extracting key passages in memoranda or letters can be very useful.

Typically, the capture of information is performed manually by physical transcription from the source document to a document coding form (DCF). The information on the coding form represents a summary of the document and, when loaded into the computer, is often referred to as the "document record." There is, however, an alternative to the DCF: the formatted microcomputer or computer terminal screen. The screen itself is formatted to look like a DCF, and information from the document is simply keyed on the screen. This approach combines the data recording step (*i.e.*, completion of a DCF) and the data keying and loading steps (see below).

Let me mention a final, and very critical, aspect of document analysis: standardization of data. Most of the material produced in litigation consists of a relatively "uncontrolled" text. Data formats vary (June 1, 1987; 6/1/87; 1 June 1987; and so forth) as will references to organizations (AT&T; American Tel; the phone company; AmTel; and so forth). These are important items of information in a lawsuit. If the exact text of the document is entered and you want to search for all documents written in 1987 by anyone connected with AT&T, you will need to search all possible ways this date and organization might have been expressed in the documents—and you're sure to miss some. So it is useful to standardize such information before it goes into the computer (*e.g.*, all dates are represented YY/MM/DD and all references to American Telephone and Telegraph are captured as ATT).

Now the third task.

Data Processing is the series of steps that results in a searchable database of document information. First, the information written on the DCF must be transformed into data which can be read by a computer. This process is called "data keying" or "data conversion" and at its simplest is the keyboarding of what's written on the DCF into a machine which looks much like a word processing unit (note that optical scanning is also a means of data conversion). The output is a magnetic tape which can be run into the computer, thereby "loading" the data into the database. The design of the database will, of course, match your DCF in terms of the types of data, number and length of data fields and so forth.

Since you will probably do this work on the microcomputer in your office, the procedure is fairly simple. You will probably have a legal assistant "fill out" the computer screen rather than a DCF, thereby completing the data capture, keying and loading tasks in a single step.

With more sophisticated software, you can edit the incoming data to detect certain kinds of errors: "illegal" dates (*e.g.*, February 30), numeric data in a field defined for alphabetic characters only or vice versa; data which exceed a specific length; and so forth. When these errors are corrected, you have a relatively error-free collection of information to begin searching.

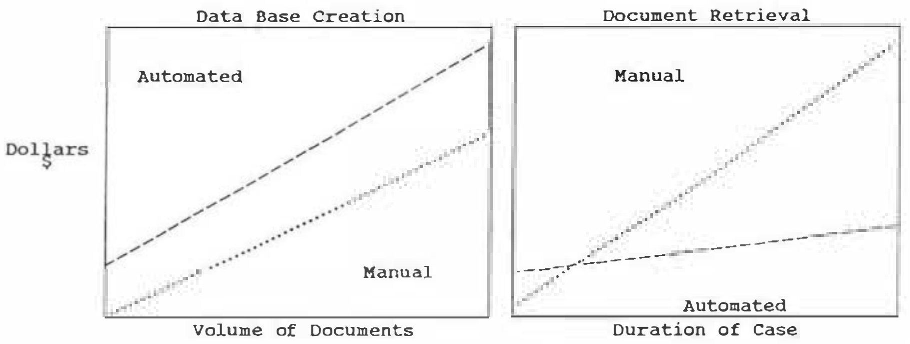


Figure 3: Document Management System Costs — Manual vs Automated

Search and Retrieval involves at least two databases: (1) a hard copy and/or microfilm document reference library and (2) the computer database. These databases are used concurrently in your research tasks. You will use the computer to identify all documents that meet certain search criteria (*e.g.*, all documents written by Smith during August 1984 which have marginalia). You can print out all the information on the document record if you like. If you then need to see the document itself, you can retrieve it from the library. Normally, each document is assigned a control number (during document processing) which is carried on the computer record and is the number by which the physical document is filed in the library.

Q: Is that it?

A: Yes, for the basics. I could go on and on. . . .

Q: That's probably enough detail at this point. Having that level of access to and control of my documents would give me a great edge over my opponent. However, I don't think my clients could afford the cost of such a system. How expensive is all this?

A: The initial investment is not small, but you should not think of this process as one that a single client will pay for.

Rather, you should think of this technology as an investment of the firm, like your new word processing system or your library. But, first, let's talk about cost.

Cost

Except when there are clearly too many documents to manage cost effectively in a manual system (*e.g.*, over 10,000 in complex litigation), cost is a very important issue in assessing the need for an automated system. Although minicomputer and mainframe costs have dropped significantly over the last several years, lawyers and their clients generally believe that they remain prohibitive, and many lawyers are not current on the greatly expanded capabilities of the less costly microcomputer systems. But in either case, few litigators realize that the highest cost in an automated litigation support project is not for computer hardware but for document coding labor. These labor costs may represent 75% or more of total project costs, a large portion of which would be incurred anyway on a manual system for preparation of index cards or multiple files. Because an automated system saves labor in searching for and retrieving documents throughout a case, the longer a case lasts, the more economical such a system becomes (see Figure 3). Three to six months of computer retrieval work will probably bring you to a break-even point. At the end of the period, the cost of the manual system will begin to exceed the total cost (machine and labor) of the automated one.

Furthermore, since a microcomputer system is sufficient for many litigation departments, costs for the necessary computer hardware and software and printer should not exceed $6,000 for a basic system. However, if the amount of document-intensive litigation handled by the firm is substantial, a larger, more expensive machine is necessary, and costs range upward from $50,000 in most instances.

But this presumes that you want a computer of your own. There are alternatives available, and this leads us to consider the broader question of where you obtain the resources to automate your document collection.

Q: That's the problem. I don't know anything about computers, big or small. My legal assistant doesn't either. Who will set up the computer? Who's going to type into it the information from the document? How do I get started on a project such as this?

Help: How To Get From Here To There

A: There's a lot of help available.

TASK	RESOURCE OPTIONS			
	In-Firm	Vendor	Consltnt	Client
Planning and Design				NA
Document Coding				
Data Processing			NA	
Management				

Figure 4: Implementation Options

First, you need to decide what you want to do in-firm and what you are willing, from both cost and control standpoints, to contract to outside firms. There are at least four major elements (see Figure 4) in an automated litigation support project which one might contract out: Planning and design; document coding; data processing; and project management. In most instances, you have at least four resource options: In-firm, vendor, client and consultant. (In Figure 4, "NA" means "Not Applicable." Usually, the client does not have the skill to plan and design the system, and if a consulting firm provides data processing services, it would normally be classified as a full-service vendor.)

The In-Firm Option. Given what you've said about your resources within the firm, you may want to turn over the entire project to a vendor or consultant, in spite of the additional costs. If you fit into the microcomputer category described above, your best alternative is to purchase a microcomputer system and use outside assistance as needed. The surest way to control costs on a project is to ensure that it is well managed. A legal assistant who is a good manager is the most valuable resource you could have.

However, if you are in a large firm of active litigators, you'll want to consider a minicomputer-based system and in-firm staff to operate it. Find someone who is highly experienced in automated litigation support projects to bring on staff as your internal consultant-manager. This will save you monumental headaches in the future.

Q: Let me interrupt to ask about these larger computers. We are considering a minicomputer to handle the firm's accounting and financial reporting needs. Apparently, the system we're looking at will also take information from our word processing stations, so our secretaries can type attorney timesheet information directly into the billing system. We've been told that it's important for a firm our size to plan ahead with computers so they'll talk to each other. It this relevant to document management?

A: Very relevant.

Your firm has gotten some good advice about what counts in terms of buying computers for a growing firm. The "talk to," or compatibility, issue is simply a concern that when you prepare your pleadings on the word processing system, for example, you be able to move that data into your document management system in order to perform LEXIS-type searches on it. If these uses require different system environments—different hardware or software—you want to ensure that you can enter the data in one environment, *e.g.* your stand-alone word processor, and move it to and use it in another environment, *e.g.*, a document management/full text system running on your computer. So there are compatibility issues at both the software level and hardware level. There are also a number of ways to get around incompatible environments, like writing "conversion" software—programs that take data from one environment and reformat it to be used in another environment.

In your planning, you should look at these areas where information has multiple uses or where data are captured in one environment (attorney timesheets on the word processor) to be used in another (the accounting system). With regard to document management systems, the most common interface is with word processing for pleadings, memoranda of law and the like.

Resource Options

The Vendor Option. There is a collection of firms nationally and locally known as "litigation support vendors." These firms can assist you in every aspect of a project—from microfilming to database retrieval.

The Consultant Option. A consultant can assist you in all areas of the project but is most valuable in (1) designing and documenting your data base and the manual elements of your system; (2) managing your support project and (3) assisting you to select a major vendor firm or computer hardware/software. You should insist, however, that the consultant fully train at least one legal assistant in all aspects of document processing, coding, computer usage and so forth and leave you with a fully documented set of procedures general enough to apply to any future case. This will allow you to proceed independently, needing only intermittent assistance when you begin a new case.

The Client Option. Many clients have substantial data processing facilities themselves. As a cost-saving measure, you may want to suggest use of their computers for the case. A shared data processing environment, however, could jeopardize the non-business record, attorney work product status of the database, and if there is any contention for computer use in the client's day-to-day business, you can be sure that running payroll will get priority over your search requests or data loading. Finally, this approach does not leave you or your firm with any long-term automation capabilities of your own.

Q: Whatever the option, how would I bill the client for computer time, for example? Or for document coding?

A: Firms have answered that question in different ways.

You could plan to recapture the capital costs of the computer system over a specified period of time and, based on your litigation department income projections, set a per matter or per hour (like LEXIS or WestLaw) fee for computer use. As such, the first client on the system does not bear the full cost of it. Rather, costs are amortized over a number of clients, matters and years.

With regard to labor costs, they should be billed to the client in the same manner that you bill your own or legal assistant fees. However, if you use a group of temporary staff to code documents, for example, these people should probably not be classified or billed as legal assistants. You would certainly want to cover the cost of employing them but not bill them at the same salary multiple as a legal assistant unless they are equally qualified.

Q: You said that labor is the biggest cost in creating a document database. How much money are we talking about?

A: Generally, you can hire temporary staff to code documents for $5 to $7 per hour.

Let's assume that we have 10,000 documents to code, and we need to complete the work in four weeks. You can get a rough estimate of labor costs by determining how many documents per hour can be coded (let's assume five) and dividing that into the total number of documents (10,000). Then, by dividing that figure by the total hours available for the work (four weeks plus an extra 40 hours to adjust for training, absence and so forth, *i.e.*, 200 hours), you will know how many coders you need. This figure is multiplied by the number of hours (200), and the result is multiplied by the labor cost per hour, giving you the labor cost for coding. In this example, you would need ten coders. In addition, you would want another three or so coders to serve a quality control function—to review the DCFs for accuracy.

Other labor costs for document processing staff (*e.g.*, for document numbering and copying) will bring your labor costs to between $15,000 and $21,000, plus the cost of a legal assistant/manager. If you are using a microcomputer, you paid less than $10,000 for hardware and software. As a result, your labor costs will be almost 90% of total project costs. More expensive data processing services will adjust the percentage downward, but labor costs will probably be no less than 70% of total costs.

Law Firm Economics

Q: But I presume that those costs would be passed on to the client. What can you tell me about the overall economic benefits to the firm of using this technology? It occurs to me that we will bill fewer paralegal hours and perhaps fewer lawyer hours per client since the computer may make much of your current "paper chase" unnecessary.

A: In one sense, the answer depends on whether you are coming at the business of law from a feast or a famine standpoint.

If you currently have too little work for your lawyers and staff, you will not want to introduce this technology, not because it would "make matters worse" but because the work environment would probably be quite resistant to it. It's natural for people to worry about not having a job even if the threat is imaginary.

However, this is not the case in most law firms. Rather, the situation is the opposite—too much work to do, too few skilled people to do it, too few hours in the day. It is not clear that the computer replaces people, particularly in the law firm environment. Rather, it allows people to concentrate on judgment-based activities (something computers are not skilled at yet). When lawyers and legal assistants are able to spend the majority of their time using their analytical powers, their experience and training, their well-developed legal judgment in behalf of a client, rather than sorting through boxes of documents to find Smith's October 1978 letter to Jones, the client is better served, and the lawyer finds that the practice of law is pretty satisfying, after all. ☐

Mary Anne Baggaley is a Certified Management Consultant with extensive experience in litigation support projects. Formerly with Price Waterhouse, she established Baggaley & Associates, a Seattle management consulting firm, in 1985.

Some Thoughts on the Evolution of Affidavits

by **Jeff Tolman**

STATE OF WASHINGTON)
) ss.
County of Kitsap)

Jeffrey L. Tolman, being first duly sworn, on oath deposes and says,

One of the most interesting, and demanding, aspects of practicing law is drafting a persuasive document. As a young man dreaming about someday being a barrister, I easily visualized myself verbally crushing an opponent. I don't recall, however, ever thinking about prevailing in a battle of affidavits.

In my ten years in practice, the art of drafting affidavits—and it is an art—has changed dramatically. Years ago, at least among the young lawyers I practiced against, there developed a pride in our affidavits. We didn't have as many clients as we wanted, so we had plenty of time to create a persuasive document which told "the truth, the whole truth, and nothing but the truth" in our client's most colorful words. The affidavits were works we were proud of.

I remember one dissolution case in which my client caught her husband with another woman in her home. My affidavit brought life into the event. It said,

> As I arrived home from the grocery store, how could I have known that in moments I would discover for the first time that my husband had been seeing another woman? Yet as I put away my purchases I couldn't help but notice a scent of strange perfume and an odor of generic cigarettes. Then I heard the moans—primal noises that Barry only made when he was full of passion or professional wrestling was on TV. After confirming that there was no grappling on the tube, I knew for sure for the first time that Barry had a mistress.

My opponent's affidavit rebutted our allegations by saying,

> As I lay in bed, having tried on my wife's cheapest perfume and searching, with the help of a friendly neighbor, for the cigarette I had misplaced, how could I have known that my wife would accuse me of being untrue to her?

As time went by, we young lawyers got busier and discovered that often judges didn't like what our affidavits said. Court calendars became crowded and there was no time for prose. Judges, like detective Joe Friday, just wanted the facts. Because of this judicial attitude, over the years writing an affidavit became progressively easier. Now most affidavits are boilerplate forms which encompass (and bring into the proceeding) every type of marital and societal problem. The days of putting a client's own words onto paper have diminished in direct correlation to increasing mechanization and crowded court dockets.

The silliness of modern affidavit practice, and the recollection of how to win a battle of words, was brought back to me recently when I was involved in a dissolution case between two local folks that I knew slightly. They are pleasant, well-respected members of the community, but neither is likely to win a Rhodes Scholarship . . . unless the scholarship judges read their affidavits. My opposing client has a 12th-grade education, works for the federal government and is, more or less, "Everyman." His affidavit said, among other things (or, as he most likely would have said, "inter alia")

> The Respondent continues to perpetuate blatant misrepresentations upon the children and many of our friends and neighbors; To wit:
>
> repeating libelous and slanderous statements; ridiculing me in public; and in general, abusing, harrassing and maligning me.
>
> Further affiant sayeth naught.

I don't know anyone who really talks like that. When was the last time you heard someone say "to wit" before (s)he listed examples to make a point? The affidavit was nonsense. Pure fiction. Yet it was going to be read by a judge who would decide several major issues in the parties' lives. I decided that the best way to highlight the absurdity of my opponent's statements was to be absolutely honest. Our responsive (and winning) affidavit was happily signed by my client:

> I believe that my husband is either mentally unbalanced or is taking mind-altering drugs. In the 12 years we have been married he has NEVER used words as he did in his affidavit. He has NEVER said "to wit," or "maligning," or "sayeth naught," or most of the other words in the document. Something unusual is going on and I think the kids should be with me until he gets his head straightened out.

I still live with fond memories of days-of-affidavits-past and in the naive hope that in time our system will evolve until once again affidavits will be drafted in colorful prose to persuasively express a client's true feelings.

Further affiant . . . says nothing. □

Informal Opinion 88-4
Advances to Clients on Industrial Insurance Claims Prohibited

Question:

May a lawyer properly advance funds to a client in anticipation of receipt of funds from the Department of Labor and Industries when the lawyer is reasonably certain that the industrial insurance claim will be but has not yet been approved by the Department?

Answer:

No. Such advances are not authorized by RPC 1.8(e), and would violate RPC 1.8(j) which prohibits a lawyer from acquiring a proprietary interest in a cause of action. Depending upon the circumstances, such an advance may also be a business transaction with a client that does not meet the requirements of RPC 1.8(a). However, if the claim had been approved but the funds were not yet received, such an advance made in compliance with RPC 1.8(a) would be permitted because there would be no pending litigation in connection with those funds.

Discussion:

An inquiry has been made to the Rules of Professional Conduct Committee asking whether it is proper for a lawyer representing clients in making industrial insurance claims against the Department of Labor and Industries to make advances to clients in anticipation of receipt of funds from the Department in situations where the lawyer is almost certain that the claim will be approved by the Department. Such claims are subject to review by the Department and an adverse decision may be appealed to the Board of Industrial Insurance Appeals pursuant to RCW 51.52.050.

Rule 1.8 of the Rules of Professional Conduct provides in part that:

> A lawyer who is representing a client in a matter. . .
>
> (e) shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to his or her client, except that a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided that the client remains ultimately liable for such expenses.

Subsection (e), although phrased in terms of a prohibition of financial assistance, is in substance a grant of permission to the lawyer to advance or guarantee limited financial assistance with expenses incurred in connection with contemplated or pending litigation. In this sense, subsection (e) is an exception to subsection (a), which limits the right of a lawyer to enter into a business transaction with a client, and subsection (j) which prohibits a lawyer from acquiring a proprietary interest in a cause of action or subject matter of litigation except for a lien or contingent fee arrangement. Subsection (e) enables a lawyer to advance or guarantee expenses of contemplated or pending litigation without being concerned with the business transaction restrictions set out in subsection (a), the proprietary interest prohibitions of subsection (j), or common law maintenance—furnishing another with funds to carry on litigation.

Thus, in the context of an L & I claim, a lawyer could advance fees to a doctor to obtain a medical examination necessary to support a client's claim, because such an advance is permitted by RPC 1.8(e) as an expense of litigation. What the lawyer cannot do is make an advance for some other purpose not related to the expense of litigation.

After an L & I claim is approved, however, a lawyer may properly make an advance to a client against the funds to be paid by the Department on the claim, because there would be no litigation contemplated or pending in relation to those funds. Such an advance would have to be made in full compliance with the requirements of RPC 1.8(a), including the requirements of written disclosure and client consent.

Informal Opinions are published pursuant to authorization granted by the Board of Governors but they have not been individually approved by the Board and do not reflect the official position of the Association. An informal Opinion is provided for the education of the Bar and reflects the opinion of the Rules of Professional Conduct Committee.

Correction: Numbering of 1988 Informal Opinions

The informal opinions published in the *Bar News* to date in 1988 are as follows:

88-1: Contingent Fee Arrangements in Cases Where the Court Sets a Reasonable Attorney's Fee (February, page 22)

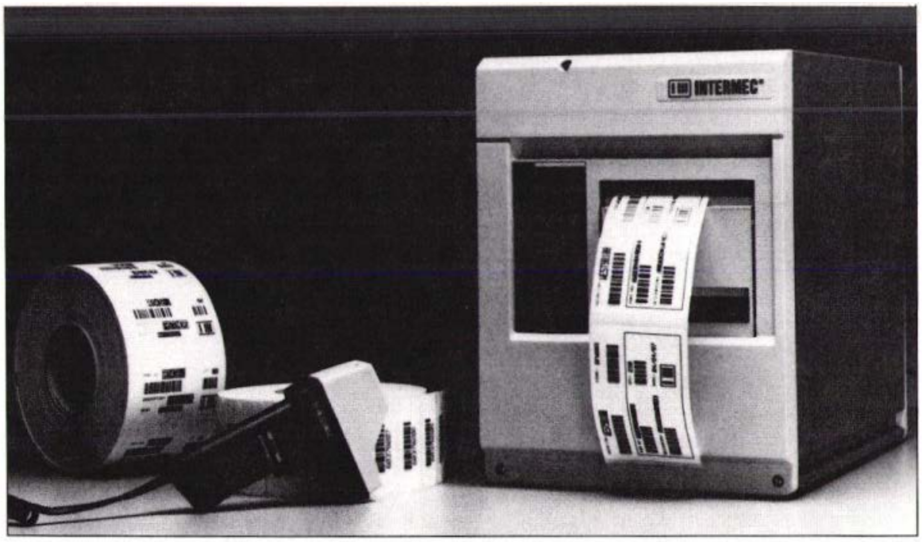
88-2: Advice by Prosecuting Attorneys to Prospective Witnesses (March, page 30)

88-3: Misleading Contingent Fee Advertisements Prohibited (May, page 10)

88-4: Advances to Clients on Industrial Insurance Claims Prohibited (September, page 24)

The May issue carried the wrong number for 88-3, misdesignating it as 88-1.

BAR CODE FILE MANAGEMENT SYSTEMS



Bar Codes

You've seen it at the grocery store. It's the latest, greatest boon to the Seattle Public Library. And now it's available for the office filing system—the bar code is coming into its own.

While not cheap, the bar-coding of office files can soon pay for itself through efficient tracking of case programs, the physical location of files, integration with the billing system and rapid retrieval of information.

If your firm has already invested in a large, flexible computer system, you can have a bar-coding program written to fit your needs. However, software compatible with the most commonly used large, medium and small systems has just come on the general market.

For easy identification, labels on the files contain both bar code and text. The file number can be the same as the client number or matter number, thus keying the use of the file to case/client billing. And with the scanning system, you *always* know where *every* file is.

Hardware

A label printer and a scanning wand-reader are the only additional hardware you need. They occupy a small area (see photo) and readily fit onto a standard desk top. Files can also be checked in and out using a computer terminal, rather than the scanner. The labels, produced on a thermal printer, are solid rather than dot matrix, so they're easy to read. (Laser printing is not yet available). Whatever terminals you have in place can access the software. No other hardware is needed.

Current Costs

Thermal printer (by Intermec of Lynnwood)	$2,500
Scanner wand-reader (also by Intermec)	895
Software (depends on firm size)	3,000-7,000
Training (4 hours)	240 (+ Travel)

If you haven't yet invested in word processing, a personal computer in the $3,000-to-$7,000 range will handle this task.

For More Information

File management systems using bar codes are in place in Arizona and California. The software is published by Omega Computer Systems, Inc. of Scottsdale, Arizona, (800) 356-1339, and is distributed by Steiner and Associates in Bellevue, (206) 453-5555. Omega also publishes completely integrated law firm accounting systems.

Did You Know? PC Hints, Updates, Explanations & News

In the burgeoning ecology of rapid information dissemination, storage and retrieval, new niches constantly appear, and new forms are rapidly evolving to fill them. One of these forms is a monthly personal computer newsletter for lawyers, published by Shepard's/McGraw-Hill.

The Lawyer's PC contains evaluations, news of computer developments particularly interesting to lawyers, information exchange through both reader letters and requested articles and suggested further readings. It received the runner-up award for Best Computer Newsletter in both the 1988 and the 1986 competitions sponsored by Citizen American Corporation and the Computer Press Association.

Annual subscriptions are $91 (including shipping and handling). Contact Shepard's/McGraw-Hill, Inc., P.O. Box 1235, Colorado Springs, CO 80901; (800) 525-2474.

WASHINGTON STATE BAR NEWSLINE

The Board's Work

by Lindsay Thompson

INN AT SEMIAHMOO, BLAINE, WASHINGTON: AUGUST 19-20, 1988

PRESENT: President Dean and all of the Governors, and President-Elect Elizabeth Bracelin and Governors-Elect Donald Curran of Spokane, Ronald Gould of Seattle, and Jeff Tolman of Poulsbo. ALSO PRESENT: Colonel Betz (Chairman, Committee of Bar Examiners); Lee Campbell (Chairman, Task Force on Association Books and Records); Alece Cox (President, Washington Women Lawyers Association); Sandra Fancher (Washington Women Lawyers Association); Dan Gottlieb (SKCBA Young Lawyers Division); Judge James Heller (Magistrates/District Judges' Association); Ed Holm (Legal Foundation of Washington); Bradley T. Jones (former WSBA President); Thomas Loftus (WSBA Representative, ABA House of Delegates); David McEachran (Prosecuting Attorneys' Association); John McKay (President-Elect WSBA Young Lawyers Division); John Meyer (Washington State Trial Lawyers Association); John J. Michalik (WSBA Executive Director); Mary Prevost (WSBA Centennial Task Force and Government Lawyers' Association); Leland G. Ripley (WSBA Chief Disciplinary Counsel); Matt Sayre (SKCBA Trustee); Judge John Skimas (Superior Court Judges' Association); Lindsay Thompson (*Bar News* Editor); and Nicholas Wagner (Chairman, WSBA Court Rules and Procedures Committee).

TECHNICAL CLARIFICATIONS DEPARTMENT:

Last month's installment of *The Board's Work* cited the proposed adoption of a CLE application fee to cover processing and other administrative costs related to reviewing courses submitted to the CLE Board for MCLE approval. The fee is not going to be levied against members of the Association for attendance at CLE seminars.

PRO BONO SERVICES:

The Board considered a staff response to Recommendation 3 of the Pro Bono Task Force report received at last month's meeting. That recommendation called on the Bar Office to provide support and related services to pro bono efforts around the state.

The staff proposal called for the Bar Office to coordinate and assist pro bono programs, mediation services, pro se clinics and the like by centralizing a source of forms, information, CLE materials and operating information for local programs, assisting in development of grant requests, interprogram consultation between new and existing programs, public relations, information dissemination, and training attorneys for pro bono work. Much of this work can be done within existing Bar Office staff and budget allocations, Executive Director John Michalik said; any direct program costs would be funded by outside sources, such as grants.

After some discussion—chiefly on whether the Legal Foundation of Washington is likely to commit to a multi-year support grant—the Board unanimously authorized the staff plan and a $23,000 grant request to the Legal Foundation.

BOOKS AND RECORDS POLICY ADOPTED:

Having published a revised version of the proposed policy on access to association books and records in the *Bar News*, the Governors reported only slight response to the request for further comment from members.

Seattle-King County Bar Association and SKCBA Young Lawyers Division Trustees Matt Sayre and Dan Gottlieb, and WSBA Young Lawyers Division President-Elect John McKay expressed the views of their organizations that the policy should be adopted as court rule to make it harder to change, especially with respect to exemptions from application of the policy; that the exemptions should be defined as narrowly and precisely as possible in lieu of the amended draft's list of examples of exceptions; and that the policy ought not grant so much discretion to the Association's executive director. Based on the year-long process of notice and comment the Board used to develop the policy statement, the Governors found it sufficient as amended, and adopted it unanimously as printed in the August 1988 *Bar News*.

NEW SECTION IN THE ASSOCIATION:

A request for expressions of interest in the creation of an Indian Law Section in the Association was run in the *Bar News* last spring. Seattle lawyer Richard Du Bey appeared before the Governors with the names of 85 Association members committed to membership in the section, a set of bylaws, and a two-year budget (WSBA Bylaws require petition by at least 50 members to create a new section). Du Bey told the Board Washington has more tribes than any state in America, and has had extended public controversy in litigation of resource allocation between native American and other elements of the population, all of which suggested a need for a section to help develop Indian law and practice. After brief discussion, the new section, its bylaws and budget, were unanimously approved by the Board.

AIDS AND THE ASSOCIATION:

The Board next heard a report from a Task Force on AIDS originally appointed by President William Gates and reconstituted by President Dean. The task force chair, Kelly Corr of Seattle, presented the report.

The task force report called AIDS a serious and growing public health issue raising important questions in the fields of civil rights, privacy, discrimination and the like. "The Association has both an opportunity to form a vital public service in this area as well as an ethical obligation to do so," the task force reported.

Tasks the group determined were needed included development of a pamphlet on AIDS similar to the other "Citizen Rights" brochures distributed to the public by the Association; development of a manual of suggested legal forms for use by lawyers with clients who have AIDS, along with a videotape to accompany and explain the manual; and development of a script for recording to be used in the Association's "Tel-Law" telephone information service.

All of these projects were presented to the Board in final text form for approval. The brochure will be in print by the time this report is published, and the manual is ready for initial free distribution to organizations and individuals working with AIDS patients within and without the Bar. The text covers estate planning, discrimination, Social Security and other benefits, state law and financial concern.

Because the "Citizen Rights" brochure series and "Tel-Law" tape development are continuing budgeted programs of the Association, no additional budget costs were projected to arise from implementing these projects. The video is expected to be funded through grant applications. Only initial production and distribution of the manual would require outright funding, and it was anticipated the outlay would be recovered through the sale of the manual to Association members.

Governor Jay White of Seattle called the task force report the best and most complete he had seen in his time on the Board, and the Governors as a group called the AIDS crisis one in which the Association has a positive responsibility to be involved. Accordingly, the Governors unanimously adopted the task force report and authorized spending $5,000 to put its recommendations into effect. President Dean later appointed task force member Tim Bradbury to succeed Corr as chairman.

THE BAR CENTENNIAL:

How the Association should observe its 100th year along with the State Centennial was the brief of a task force which includes Rick Wilson and Mary Prevost, both of Olympia. Coming to the Board on a follow-up report, Prevost presented a proposal for a half-hour videotaped documentary on the Bar Association's history for use in public, educational and Bar events. The documentary would intersperse interviews with representative members of the Bar and archival material, at a cost of $25,000. While there was general agreement that the price was reasonable given what videos cost to produce, and that it would doubtless be a fine production, several Governors balked at the cost for reasons ranging from whether the audience it would reach would justify the expense, the availability of cheaper options, and the beating the Governors have taken on a number of fiscal issues over the last two years. The chief alternate contender for an Association Centennial observance was use of the *Bar News*, but the pros and cons of video—"The Medium of the Eighties" one Governor said—held the floor. In the end, the Board approved expenditures of $25,000 on the video project on a vote of six to four, Governors DeForest, Reisler, Turner and Weston voting against.

WRAP-UP AT SEMIAHMOO:

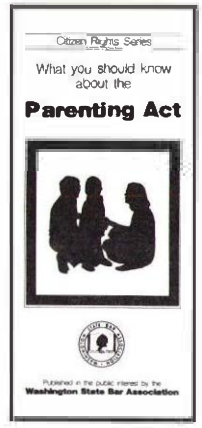
In other action, the Board:

- After reviewing revisions they requested, approved amendment to the Rules of Lawyer Discipline to allow taking a default against a lawyer who doesn't answer the complaint against him or her;
- Approved several line items in the 1988-1989 Budget carried over from last month;
- Appointed outgoing Governor Frank Johnson of Spokane as a trustee of the Legal Foundation of Washington;
- Heard a report on the work of the Committee of Bar Examiners from its chairman, Colonel Betz, and a report on the ABA Annual Meeting from delegate Thomas Loftus;
- Approved a Bylaw change to better describe the mandate of the Committee on Interprofessional Relations; and
- Completed the process of making Association committee appointments.

NEXT MEETING:

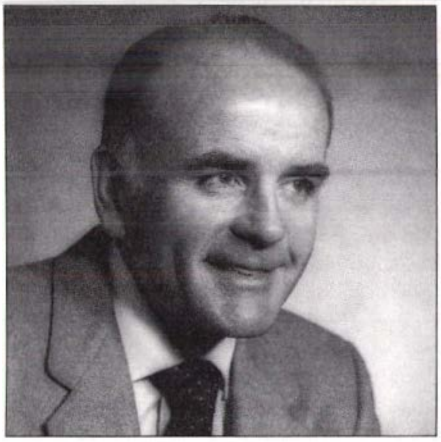
September 13, 1988 at the Bar Convention in Vancouver, British Columbia, Canada.

NEW PAMPHLETS



For a free sample and ordering information, please send a long (#10 business size), self-addressed stamped envelope with 25¢ postage for EACH topic to: Pamphlets, WSBA, 500 Westin Bldg., 2001 Sixth Ave., Seattle, WA 98121-2599. Be sure to specify topic(s) desired.

Curran, Gould and Tolman Elected to Board of Governors



J. Donald Curran

Ronald M. Gould

Jeffrey L. Tolman

J. Donald Curran was born in Butte, Montana October 7, 1933. He moved to Spokane when he was nine years old and has lived there ever since. He was graduated from Gonzaga Prep in 1951 and Gonzaga University School of Law in 1960, where he met his wife of 26 years, Va Lena. They work together in the firm of Delay, Curran, Thompson & Pontarolo. They have three boys, Kevin, age 25;

continued on page 32

Ronald M. Gould, a partner in Seattle's Perkins Coie firm, will succeed **Steven Reisler** on the Board as King County Governor at Large.

Gould, who was graduated from the University of Michigan Law School, is married to Suzanne Gould. They have two children, twelve-year-old Daniel and eight-year-old Rebecca. In law school, he was editor-in-chief of the *Michigan Law Re-*

continued on page 32

A native of Greybull, Wyoming, new Board member **Jeffrey L. Tolman** moved to Asotin when he was 14. He received his B.A. from Eastern Washington University in 1974 and his J.D. from the Gonzaga University School of Law in 1977. Following a 35-state tour of the U.S., he chose Poulsbo as the ideal home for his family. He and his wife, Laurie, have sons Chris and Andy, who are six and three

continued on page 32

Curran, continued

Kelly, age 24; and Kerry, age 22.

Don Curran was first elected president of the Washington State Trial Lawyers Association in 1965. He is a Fellow in the American College of Trial Lawyers. In 1982-1983, he was president of the Spokane County Bar Association. He served three years on the WSBA Disciplinary Board (chair, 1983-1984). In 1983-1984, he served on the Judicial Recommendation Committee. He has also served on the WSBA Bar-Pac Committee. He has been a hearing officer for the Disciplinary Board and a speaker at CLE meetings on trial practice and disciplinary matters. He limits his practice to representing claimants in personal injury and workers' compensation matters.

He will succeed **Frank Johnson** as representative of the Fifth Congressional District on the Board.

Gould, continued

view. He clerked for Judge Wade McCree in the United States Court of Appeals in 1973-1974 and for Justice Potter Stewart in the United States Supreme Court in 1974-1975. He has been a lecturer at the Practicing Law Institute, the New York Law Journal, the ABA National Institute and other legal education programs. He was adjunct professor at the University of Washington School of Law from 1986 to 1988 and has traveled to the Orient as a member of a People-to-People East Asia Comparative Law Delegation.

He received the Seattle-King County Bar Association 1987 Award for Distinguished Service to the Legal Profession and the Public. He chaired the Executive Committee of the "Today's Constitution and You" project from 1983 to 1987. He has served on the WSBA's Law School Liaison, Bench-Bar-Press and Judicial Recommendation committees. He has also been active on the boards of the Boy Scouts, the Community Relations Council of the Jewish Federation of Greater Seattle and the Metrocenter YMCA.

Tolman, continued

respectively.

Tolman is widely known for his prolific law-related articles, which have appeared in the *Bar News*, Idaho's state bar magazine, *The Advocate*, the *ABA Journal* and a host of other publications.

He has made numerous continuing education class presentations on topics ranging from law and the handicapped to marketing legal services and survival skills for middle- and small-sized firms.

Tolman has served on a variety of WSBA committees, including Law-Related Education, Bench-Bar-Press, and Court Rules and Procedures. He represented the WSBA in the ABA House of Delegates from 1986 to 1988. He has worked on the WSBA task forces for Long-Range Planning and AIDS and the Law, and he serves on the Editorial Advisory Board of the Young Lawyers Division.

He has been a trustee of both the Washington State Young Lawyers and the Kitsap County Bar Association.

Tolman will replace retiring Governor **Jay White** of the First District.

Depression— A "Drug of Choice"

by A Metropolitan Lawyer

Resumé

Education. Powerlessness, incompetence, invisibility, learned at my parents' knees; reinforced by control; shaming; physical, emotional and sexual abuse; neglect.

[*Their goal was perfection. I embraced that norm of craziness from an early age.*]

Diploma. Advanced degree in Early Childhood Depression.

[*At around six years of age, I suspected that something was wrong with my family. And with me, too. None of my efforts changed the monstrous, all-consuming anxiety, chaos and despair my parents felt but never talked about.*]

Parents.

Mother: Massive mood swings. Vivacious and outgoing at times; depressed (incapacitated) at others. Self-esteem from usually unfinished artistic and intellectual pursuits. Japanophile (born there). Pro Roosevelt, Stevenson and the Communist Party in the 1940s. Favorite phrase: "How wonderful!" said with glassy eyes. Tobacco and alcohol abuse, any time, any day.

Father: Flat affect (chronic depression). Withdrawn into projects. Self-esteem from producing things. Descended from factory owners and managers, Connecticut Yankees. Hated the then-enemy, Japan. Literally shook at the mention of Roosevelt and Stevenson. Favorite phrase: "No matter how well you do it, someone will always come along and do it better." Runner-up: "I'm never wrong. Might not always be right, but I'm never wrong." Abused tobacco all the time and alcohol after 6 p.m. on weekdays and all the time on weekends.

[*Pearl Harbor was bombed two weeks before I was born. The war I remember best, however took place within the walls of our home. The liberation of Europe and the occupation of Japan did not deliver my family from the chains of depression and despair.*]

Life axioms. Conflict is never resolved. Personal boundaries do not exist. Trust no one; tell no one about my family or myself. Life is an angry, serious business. It's better to disappear than to feel. Adults must kill themselves a little each day with alcohol, tobacco, depression, denial.

[*Both my parents, victims of unmet expectations, died 20 years ago at age 59 from abusing alcohol and tobacco. They succeeded in making themselves invisible. My legacy — to continue the pattern.*

As I grew older, I tried other methods to cope: tobacco, worry, drugs, alcohol, overwork, overexercise, garage sales. Years of off-and-on therapies included antidepressants, lithium, and tranquilizers. The therapies did not stop the breakup of my marriage, did not prevent me from embracing my parents' traits and passing those traits on to my children.

I quit practicing law after five years ("someone did it better"), took another advanced degree, moved, changed jobs the way some people change socks. Ended up, at 40, exhausted and in a great deal of pain.]

Discovery. Irony of ironies! Inability to completely suppress all feelings was my salvation. I was simply too tired to go on.

[*In 1983 I read my umpteenth self-help book,* It Will Never Happen to Me *(Claudia Black) followed by* Adult Children of Alcoholics *(Janet Woititz). Well it had, and I am.*]

Recovery

Attending self-help Adult Children of Alcoholics meetings opened my eyes wider: I was not alone (28 million of us). My childhood patterns were normal reactions to abnormal situations. Psychologists called it "delayed stress syndrome." Whatever. I had it. There *was* a way out.

Others shared their pain and despair. I watched them on their road to health. I could break my bonds of denial and move towards recovery. Existence didn't have to be just absence of feelings. Glimmerings of joy and self-esteem — heady stuff!

As my experience broadened, I explored a raft of motivations, techniques and sources for personal growth: A desire for health. Taking risks; opening my mouth and trusting others to listen to my feelings. Effective therapy. Mourning the losses of my childhood (*After the Tears*, Middleton & Dwinell, an excellent guide). Sharing the present with others. Establishing my own personal boundaries and learning to stop others from abusing me. Becoming involved in things outside myself — service work, peer counseling with LAP, helping others similarly impaired. Exercise, eating well. Building a relationship with my children (now young adults) and exploring the "tough stuff" with them. One of them recently said to me, "I want to take care of my today before it becomes my yesterday." Attending the Lawyers' ACOA meetings. Writing this article.

I see life as a process. I practice being a human being (and a lawyer, again). Health is ongoing, not something I can capture and put on a shelf in a jar like a medical specimen.

I still get down occasionally. Depression was my "drug of choice," but now, in the spirit of acceptance, I tell someone and share a tear, a laugh, a hug. My performance isn't perfect. But that's okay. I only have to remember that my childhood role models spent years dying to be perfect.

What It Means

by LAP Staff

The Lawyer Ways of Living Questionnaire, completed by a random 10% of Washington lawyers, tells us that approximately 2,500 lawyers (19% of the Washington Bar) now suffer from symptoms similar to the author's.

The lawyer in this article is recovering. The malady can be treated effectively through many different approaches. Come work with us to determine how best to begin your recovery, given who you are and what your needs are.

Most of LAP's clients are self-referrals; if you have a concern for a peer, LAP is available for confidential, effective assistance.

NOTES FROM THE ACADEMY

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

Creditor-debtor law. Where lessee abandoned containers of hazardous chemicals that were improperly stored on leased premises, forcing lessor to pay almost $50,000 in cleanup costs and civil penalty, lessee's obligation to reimburse lessor was nondischargeable in lessee's Chapter 7 bankruptcy. Abandonment without notice to lessor of presence of dangerous chemicals, coupled with grossly inadequate storage methods, knowledge that chemicals presented personal safety and environmental risks, and knowledge that lessor would be required to pay cleanup costs, constituted willful and malicious conduct within meaning of Bankruptcy Code § 523(a)(6), making reimbursement claim nondischargeable. ***Malloy v. Berry***, 84 Bankr. R. 717 (Bankr. W.D. Wash. 12/11/87).

— *M. D. Rombauer*

Personal property. Under RCW Chapter 30.22, the Financial Institution Individual Account Deposit Act, which went into effect 1 July 1982, persons who are designated as co-owners of a joint and survivor account may take as survivors upon the death of the one who signed the signature card, even though the survivors did not sign the card or make deposits. Court says in dictum that statute forbids nonsigners to withdraw funds during the signer-depositor's lifetime. ***In re Fox's Estate***, 51 Wn. App. 498, 754 P.2d 690 (5/19/88).

— *W. B. Stoebuck*

Real property. (*Case 1.*) While condemnor of private way of necessity under RCW Chapter 8.24 may designate route for passageway, his choice is not binding on trial court. Court should still consider adverse impact route designated may have on condemnee and may fix another route. ***Wagle v. Williamson***, 51 Wn. App. 312, 754 P.2d 684 (5/5/88).

(*Case 2.*) Forfeitures of real estate installment sale contracts are governed by RCW Chapter 61.30, Real Estate Forfeiture Act of 1985. Though notice of forfeiture must comply only substantially with requirements of Act, following defects in notice made it ineffective: failure to state expressly certain date on which forfeiture would occur, failure to state certain date to surrender possession, failure to state certain date to seek extension of time to contest forfeiture, and inclusion of demand for attorneys' fees. ***Powell v. Moss***, 51 Wn. App. 530, 754 P.2d 697 (5/25/88).

(*Case 3.*) Under RCW Chapter 61.30, governing forfeiture of real estate installment sale contracts, held as follows: (a) purchaser may bring action to set aside forfeiture; (b) in such action, purchaser may claim offset against amount allegedly due under contract; and (c) seller may record contract any time before forfeiture notice is recorded, as long as purchaser is not prejudiced by its not being recorded earlier. ***McLean v. McLean***, 51 Wn. App. 635, 754 P.2d 1033 (5/31/88).

— *W. B. Stoebuck*

Real property security. Under Deed of Trust Act, RCW Chapter 61.24, sale to bona fide purchaser may not be set aside because of defects in sale. Bona fide purchaser is one who is innocent of defects and who pays valuable consideration. When purchasers paid $4,870 for condominium unit at trustee's foreclosure sale, burden shifted to trustor to show that price was so inadequate as to put purchasers on inquiry notice of defects. In this case, trustor failed to introduce sufficient evidence to discharge this burden. ***Steward v. Good***, 51 Wn. App. 509, 754 P.2d 150 (5/23/88).

— *W. B. Stoebuck*

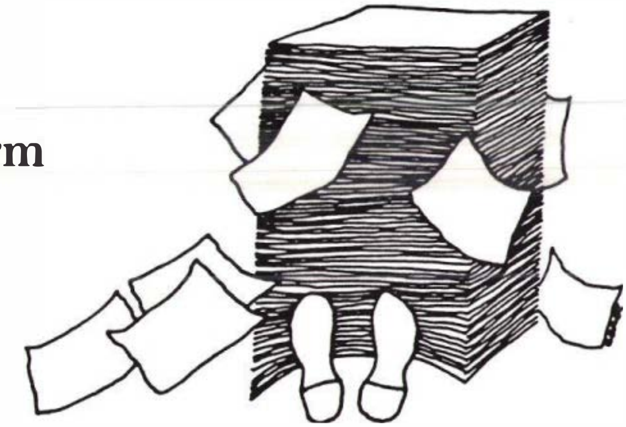
Torts. (*Case 1.*) Social host who gratuitously provides alcohol to guest is not liable for damages caused by guest's intoxication. In so holding, court deferred to Legislature as body which should evaluate competing social costs and benefits of change in common law no-liability rule. In affirming trial court's grant of summary judgment, it also appears Supreme Court concluded that there were no facts from which a jury could conclude guest was obviously intoxicated. ***Burkhart v. Harrod***, 110 Wn.2d 381, 755 P.2d 759 (5/5/88).

(*Case 2.*) Release of employer sued under respondeat superior theory does not release employee unless release expressly so provides. ***Vanderpool v. Grange Insurance Ass'n***, 110 Wn.2d 483 (5/19/88).

(*Case 3.*) Certification by state auditor in connection with offering of WPPSS bonds conceivably could have created special relationship with bondholders sufficient to justify exception to public-duty doctrine. State may also be held liable under RCW 21.20.430(1) if a state official qualifies as "seller" of security and makes untrue statements, with required scienter, in connection with sale. Public statements by state legislators and other official actions may constitute interference with valid contractual relationships, unless statements and actions are found to be discretionary, which cannot be determined on motion to dismiss. ***Hoffer v. State***, 110 Wn.2d 415, 755 P.2d 781 (5/12/88).

— *J. T. Richardson*

Editors Are Coming to the Law Firm



"The lawyer's greatest weapon is clarity, and its whetstone is succinctness."
Judge Prettyman—District of Columbia Circuit

by **Gary Kinder**

When a judge's eyes meet a lawyer's written words, the images and feelings generated are critical. Words are often the synapse between months or even years of a lawyer's preparation and a judge's decision. If those words form sentences that are rhythmic, clean, and crisp, they create an impression of thoroughness and intelligence. If they stumble forward from abstraction to redundancy, they convey only confusion. Yet with so much riding on the effectiveness of their written words, lawyers have no one to help maximize the impact.

Authors, who presumably work daily to enhance their writing skills, are edited to death and thankful for it. My agent makes general comments about my manuscripts, which I revise accordingly. My editor scrutinizes the finished manuscript, looking for ways to perfect the telling of the story. (I find his practiced eye invaluable when I have gotten too close to the words to see them clearly.) Finally, the copy editor tightens the manuscript further, suggesting changes in style and guaranteeing consistency. Trying to write a book without input from all three would be impossible.

When the book is published and does well, a low, six-figure total *might* be involved for everyone, including my publisher. Lawyers routinely have millions or even tens of millions riding on their written words. But no one reviews those words; no one helps to shape the argument more cogently. Because so much is at stake, and because firms constantly strive for greater efficiency, I foresee a trend in larger firms to employ permanent legal editors who will consult on the writing of major briefs and train incoming associates to write clearly and succinctly.

A skilled legal editor can help to engage the attention of a judge by cutting and combining sentences, removing redundancies, converting the passive voice to active. A long sentence becomes a series of shorter sentences; the rhythm changes to emphasize a pivotal point. As Archibald Cox tells his law students at Harvard, "To lay out the law and the facts in a brief is not enough. You must make them march and sing."

Legal editing gives a firm the advantage in close cases and makes a firm more efficient. A good legal editor can: 1) be the "objective reader" everyone recommends but no one can find; 2) help a lawyer meet a deadline; 3) increase the chances of persuading a judge; 4) train associates to write forcefully and effectively; 5) polish an associate's work to save a partner time; 6) reduce a client's bill; and 7) become another profit center for the firm.

Recent signals from the bench may accelerate the growing need for legal editors. Last fall, the Los Angeles Superior Court passed a rule that it will accept no brief or memorandum longer than 15 pages. A Commissioner for the Washington State Court of Appeals recently predicted that the current 70-page limitation on briefs will soon be cut in half. Last spring, Senior Superior Court Judge Faith Enyeart told a group of litigators that her biggest complaint with Seattle lawyers is the length of the briefs they submit. A legal editor is skilled both at saying more in fewer words and in teaching others to do so.

The resurgence of attention to legal writing problems is inspired by judges not only warning to keep it short, but also pleading to keep it clear. Last year, prompted by law students insisting that simple language would be unacceptable to judges and "established" law firms, Joseph Kimble and Steve Harrington conducted a formal survey of 300 judges and 500 lawyers in Michigan. Titled "Legal Language Survey," it asked the participants to consider six pairs of sentences and select from each pair either the sentence taken from a legal document or the same sentence rewritten simply. The judges overwhelmingly voted for the simple, clear language. They were more likely to respond to the survey, and nearly twice as likely to add comments. Why are judges so eager to express their views on legal writing? Perhaps because, as described in countless articles they have authored, much of what they have to wade through is vituperative, verbose, repetitious, confusing, and often irrelevant.

So the message from the bench is the same as always: Say it clearly, and say it succinctly. But now, lawyers are beginning to listen more carefully. The ABA's American Institute for Legal Training within the Office reports that with more than a dozen structured seminars and myriad other consulting services available to them, member firms now request legal writing programs far more than any other. Their popularity may reflect the frustration senior partners feel over in-house problems caused by inadequate writing. In firms large and small, the most frequent complaint heard during associate evaluations is that the associate does not write well. In my own seminars, partners talk of the inordinate amount of time they must spend rewriting associates' work.

The problem is not confined to associates. A front-page article in *Litigation News*, Spring 1987, noted: "Too often highly competent lawyers write briefs and memoranda that are ambiguous, verbose, or difficult to read and understand. Many law firms and corporate law departments are working to address this problem. . . ."

Why don't lawyers write clearly and succinctly? Survey takers Kimble and Harrington answer, "They don't know how. Plain English is not child's play. It only looks easy."

Some lawyers write better than others, but no lawyer should be expected to write well. Lawyers are not trained to write well, nor given time to edit their work properly. Here is a typical example of a sentence that can be trimmed and made more forceful.

> The kind of prejudice that the rule is concerned with is not simply evidence which is adverse to the opposing party, but "prejudice which is unfair."

If you know some simple rules, the sentence is merely a puzzle waiting to be solved. By cleaning out the useless words, like "the kind of" and "is concerned with," then putting the subject next to its verb, and finally converting the negative to affirmative, an editor can quickly produce (or teach the lawyer to write):

> Under the rule, prejudice must be more than adverse to the opposing party; it must be "prejudice which is unfair."

A 26-word sentence becomes a more forceful statement in 20 words. Most sentences can be similarly pared. Multiply the effect of this change times several hundred, the number of sentences in a brief or other document, and you have some idea of the difference that good, clean writing can make.

Another example:

> Even if the aforementioned loan loss reserves of the banks which Pacific has selected bore any resemblance to any issue that must be determined in this case, the introduction of such evidence, or any reference thereto, would be barred by FRE 403.

Judges have written of their disdain for verbosity and hyperbole, especially combinations of the two. The sentence works much better, and scores more points with the judge, if written like this:

> Even if the loan loss reserves of other banks were relevant, FRE 403 would bar such evidence.

How will an editor function in the office? The role will differ from firm to firm, and in each firm the role must evolve. Primarily, the legal editor will edit and teach, a permanent, but maybe part-time, commitment. Editing major briefs may become a priority because the editor's time can be billed directly to the client at a profit. (You're charging your client for an expert, someone who excels at persuading with words and who may be a lawyer as well. When some clients pay tens of thousands of dollars in legal fees every month, the cost of assuring the impact of the final product is small.) With many briefs now being written by as many as five or six lawyers, editing may be necessary not only to tighten and streamline, but to provide continuity and uniformity.

The editor can also play a major role in associate training, beginning with new associates as they enter the firm. During a series of workshops, the editor can demonstrate typical legal writing problems, how to identify them, and how to solve them; then monitor the associates' work for several months and consult with the associates individually to continue to sharpen their writing skills. In addition to training new associates, an editor may help tighten the work of older associates before it is submitted to partners, thus saving the partners time. Finally, the editor can teach a writing program for summer clerks and be available to assist lawyers in preparing client seminar materials, books, and in-house publications, which increasingly take up lawyers' time. Whether to consult with the editor should always be at the lawyer's discretion. The lawyer always has the final say: An editor's job is to suggest, not to dictate.

I sat for the Florida Bar in 1971, when legal assistants were visible only on the horizon, proofreaders were people who worked for magazines in New York, "lateral hire" had not entered the language, and no lawyer would think of hiring a public relations firm. As the practice of law continues to evolve, the need for even greater efficiency will dictate further changes. In-house legal editing is one that increases a firm's efficiency; it also enhances a firm's ability to communicate with the written word, which will forever remain, as one practitioner has put it, "the most important arrow in the lawyer's quiver." □

Gary Kinder, Seattle author and lawyer, is a member of the Florida bar who teaches legal writing throughout the West. He will present his CLE seminar in Spokane and Seattle this fall.

Adoption Congress: Call for Presentations

"Discovering New Frontiers in Adoption" is the theme for the 1988 Region 8 conference of the American Adoption Congress at the Holiday Inn, Sea-Tac, October 14 and 15.

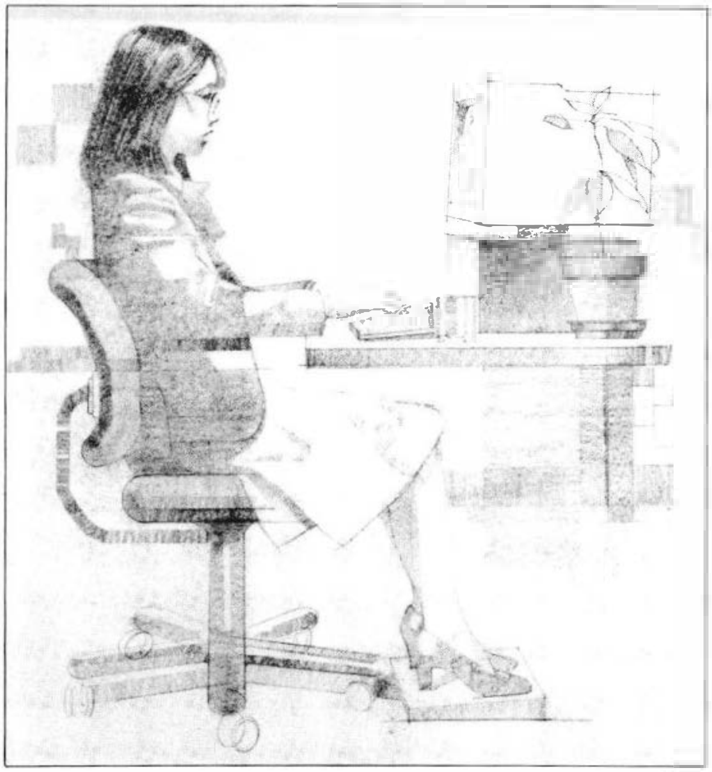
Principal speaker will be Dr. Thomas Bouchard, Jr., director of the Minnesota Center for Twin and Adoption Research and chair of the Department of Psychology, University of Minnesota.

The Adoption Resource Center of the Children's Home Society of Washington is sponsoring the conference and invites suggestions and proposals for workshop presentations. Submit workshop title, brief description, presentor, time required, address and phone number of contact person to: Laurie Lippold, P.O. Box 15190, Seattle, WA 98115.

Why Computerize?

It's a Necessity

For Any Law Office.



by: **Richard L. Robbins**

Once novel to a law office, a computer system is now a necessity.

Computers improve office efficiency. They expedite routine but important chores such as billing, handling dockets, calendaring events, producing contracts, deeds, wills and other documents. In short, computers help law offices save time and money.

And in today's competitive environment, clients may stay only if their legal counsel is as computerized as they are in their businesses and homes. A law firm's fees must be in line with those of other law offices. Computerized efficiency helps achieve this. Additionally, a firm must pay fair salaries to retain talent. The computer can assist a firm in keeping track of billables so that attorneys and other staff are well-rewarded. In case any skeptics still exist, here's a summary of the basic areas in which computers can make any law firm more efficient and effective:

1. Secretarial efficiencies: In law offices where lawyers know how to type, far fewer secretaries are needed after computers have been installed. Lawyers can input their own text and even complete, finished documents. Through the use of "expert systems" software, documents such as wills, deeds and corporate papers can be created when the attorney merely inputs relevant data.

2. Easier billing: Instead of tracking written data from timesheets, attorneys can keep their time records on the computer. After merely inputting time spent along with client names (or codes) and the name of projects, invoices and time reports can be created automatically.

3. Improved diaries: Low-priced docketing and calendaring systems enable attorneys to enter their court dates, answer due dates and log meetings with opposing counsel. From this, they can produce daily or weekly schedules and listings of work to be done. This use of the computer can prevent a major cause of malpractice claims—missing statute of limitations dates.

4. Easier, faster document assembly: Word processing functions may be the most valuable benefit of a computer in a law office.

Most legal work requires the assembly of documents—contracts, letters of agreement, UCC filings, answers and complaints. Word processing permits an attorney to modify existing and "boilerplate" documents without drafting new ones from scratch. Editing and changing documents no longer requires rewriting.

Firms may purchase programs that have built-in document forms which may be adapted to meet state and local requirements or preferences of the firms. Some day, by using ABA Law Office of the Future techniques, a firm may be able to call up a program entitled, for example, "Incorporation." An attorney could then do all work including verifying new laws, generating bylaws and other papers, checking similar names and registration, billing the client and docketing future filings—merely by answering several questions.

5. Improved case management: Client case management files can be set up in computer systems to track the progress of work.

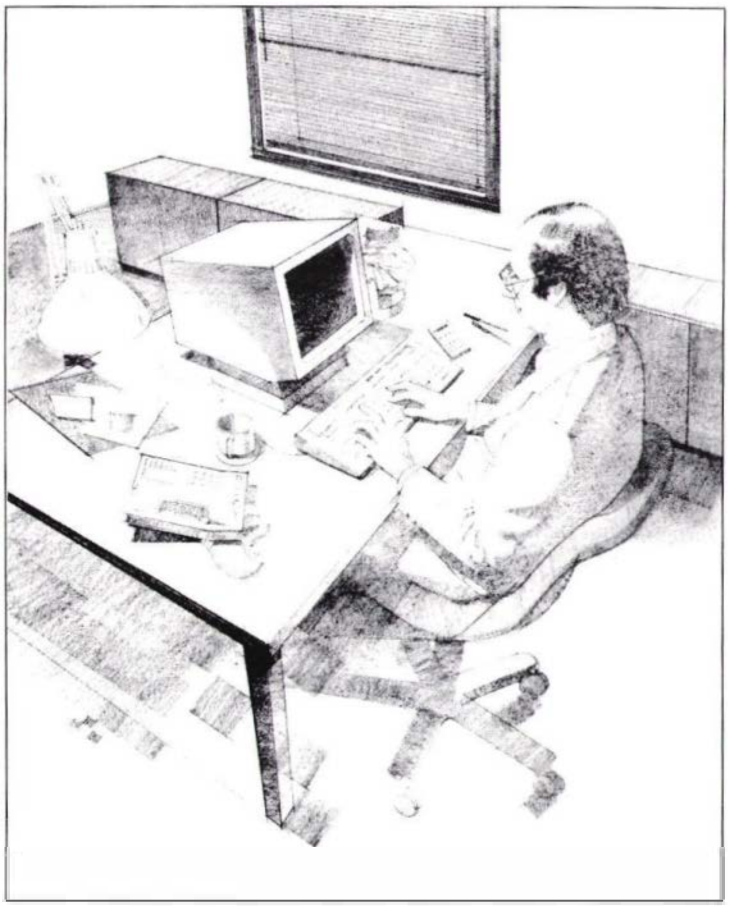
Litigation support systems and database managers can track large numbers of documents used in evidence or gathered for data—even memos that are kept in file. (In addition to typed manuscripts of court hearings or depositions, many stenographic services now provide electronic copies that can be used in computerized law office data systems.) Documents can be found by a search for key words or specially-indexed terms. Old briefs on similar topics can be updated instead of totally rewritten.

6. *Faster research*: Legal research is part of most law practices. Services such as LEXIS and WestLaw offer faster (one-sixth the time) and cheaper approaches than a manual search. Through the use of a telephone modem, law office computer systems can link into these extensive databases.

Additionally, through the ABA and many state and local bar associations, research services are now available at prices much lower than those in the past.

Only a minimum amount of hardware and software is required to launch a law office on its way to becoming a more efficient, computerized practice. Almost any type of personal computer (*e.g.* IBM, IBM-clone, Apple MacIntosh, Radio Shack) can be used to accomplish the aforementioned operations. After a firm masters these basics, additional software enables it to expand into more "specialized" areas.

In law, computerization has become a normal, accepted standard. Firms that aren't up to standard will suffer competitively. For more information on why (and how) a law firm can computerize, contact the ABA's Legal Technology Advisory Council at (312)-988-LTAC. □



Illustrations on pages 38 and 39 from *Working With Displays. A Practical Guide for VDT Users.* Available along with an educational materials list and an order form/price list from **Center for Office Technology**, 1130 Connecticut Avenue N.W., Suite 900, Washington, D.C. 20036

VDT Controls

The *Washington Post* recently carried an article by Frank Swoboda on Suffolk County, New York legislation which imposes "strict new standards for private employers with 20 or more computer terminals purchased after Jan. 1, 1990."

The new law passed over bitter opposition by the business community and a veto by Suffolk County Executive, Patrick Halpin. It requires employers to pay 80 percent of the costs of both annual eye examinations and glasses or contact lenses that the use of video display terminals might cause. It also requires that a computer work station be "ergonomically" sound, *i.e.*, equipped with adjustable furniture and special lighting.

As computers and word processing become the standard in the workplace, the work environment is having to be examined anew.

From Yellow Pads to Computers:
33rd Annual Estate Planning Seminar:
Tax Considerations in Selecting a Business Entity

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

"Putting Clout In Your Practice... From Yellow Pads to Computers" will be presented on Tuesday, October 25 in Bellevue at the Red Lion Inn. The program is sponsored by the ABA Economics of Law Practice Section and the WSBA CLE Committee in cooperation with the WSBA Law Office Economics and Management Section. This one-day program features **James A. Eidelman** (Attorney at Law, Ann Arbor, MI); **Chris R. Youtz** (Sirianni & Youtz, Seattle); and **Phil J. Shuey** (President and CEO, Critique Consultants Corp., Denver, CO). **Elliott W. Johnson** (Attorney at Law, Mount Vernon) will serve as program moderator.

Program topics include: "Computers for the Law Office II, Selecting a System and Installing It (videotape);" "From Yellow Pads to Computers—An Overview;" "Managing Your Information;" "Advanced Word Processing—Computer Assisted Document Assembly;" "Financial Management By Spreadsheet;" "Stump the Experts Panel Discussion;" and three sets of concurrent sessions: 1) "Legal Time and Billing" or "The PC On the Lawyer's Desk" or "Tax Planning;" 2) "Calendar and Docket Control" or "Automated Document Assembly" or "Corporation Systems;" 3) "Calendar and Docket Control" or "Creating and Using Client Databases" or "Real Estate Systems." The registration fee is $115. For further information about this workshop, please write The Conference Desk, Inc. at P.O. Box 191166, Dallas, TX 75219 or telephone 1-800-527-5818.

The 33rd Annual Estate Planning Seminar will be held in Seattle at the Westin Hotel on October 20 & 21. Program chairs **Laverne L. Dotson** (Touche Ross & Co., Seattle) and **Rodney A. Bench** (The New England, Seattle) have confirmed a distinguished faculty for this year's program: **Steve R. Akers** (Jenkens & Gilchrist, P.C., Dallas, TX); **Paul S. Bishop** (Short Cressman & Burgess, Seattle); **Fritz W. Bowman** (CLU, ChFC, Seattle); **William L.E. Dussault** (William L.E. Dussault, P.S., Seattle); **Thomas A. FitzGerald** (The New England, Boston, MA); Dr. **William P. Gerberding** (President, University of Washington, Seattle); **James B. Gilchrist** (Seattle-First National Bank, Seattle); **Richard A. Hopp** (Stoel Rives Boley Jones & Grey, Seattle); Professor **Stanley Johanson** (University of Texas, Austin, TX); **Reginald S. Koehler III** (Perkins Coie, Seattle); Professor **Norvie L. Lay** (University of Louisville School of Law, Louisville, KY); **Gerald Le Van** (Family Business

Foundation, Inc., Baton Rouge, LA); **Timothy J. McDevitt** (Foster Pepper & Shefelman, Bellevue); **Steve Milam** (University of Washington Health Sciences and Hospitals, Seattle); **Malcolm A. Moore** (Davis Wright & Jones, Seattle); Professor **Jeffrey N. Pennell** (Emory University School of Law, Atlanta, GA); Dean **John R. Price** (University of Washington School of Law, Seattle); **Donald K. Querna** (Randall & Danskin, P.S., Spokane); **John H. Rosenfeld** (Tonkon, Torp, Galen, Marmaduke & Booth, Portland, OR); **Kenneth L. Schubert, Jr.** (Garvey, Schubert & Barer, Seattle); and **George W. Steers** (Stoel Rives Boley Jones & Grey, Bellevue). For further information about this program, please contact Karla Ellison at the WSBA at (206) 448-0433.

"Tax Considerations in Selecting a Business Entity" will be presented on September 24 at the Coeur d'Alene on the Lake Resort in Idaho and on September 30 at Plymouth Congregational Church in Seattle. Faculty members are seminar chair **Joseph H. Wessman III** (Witherspoon, Kelly, Davenport & Toole, Spokane); **Gerald A. Rein** (Lukins & Annis, Spokane); **Andrew H. Zuccotti** (Stoel Rives Boley Jones & Grey, Bellevue); **J. Earl Epstein** (Epstein, Shapiro & Epstein, Philadelphia, PA); **Laverne L. Dotson** (Touche Ross & Co., Seattle); and **Timothy W. Quirk** (Paine, Hamblen, Coffin, Brooke & Miller, Spokane). For further information regarding this seminar, please contact Lita Spratt at the WSBA at (206) 448-0433.

APPROVED COURSES
Washington State Bar Association

Tax Considerations in Selecting a Business Entity
3.25 credits
SEP 24 Coeur d'Alene (The Coeur d'Alene on the Lake)
SEP 30 Seattle (Plymouth Congregational Church)

Advising the Business Client and Corporate Executive
6.50 credits
SEP 29 Seattle (Sheraton)

From Yellow Pads to Computers
7.50 credits
OCT 25 Bellevue (Red Lion)

33rd Estate Planning Seminar
15.00 credits
OCT 20 - 21 Seattle (Westin)

COWLITZ COUNTY REPORT
by **ODINE H. HUSEMOEN**

The prior part-time editor of this report, **Terry Lee,** has departed for Clark County, so this author has surfaced for a guest appearance.

The major news affecting the local bar is the breakup of the law firm of Studley, Purcell, Frey, Spencer & Kenny. **William R. "Bill" Studley** has retired, as has **Wayne D. Purcell. Dave C. Spencer** is now the full-time Longview city attorney locating his office in City Hall. **William J. Kenny** is now teaching school in Portland, Oregon, leaving **Donald W. Frey** as the sole surviving attorney, in private practice. **Kathryn Barnhouse** has stayed in the same location, but is officially the Longview Municipal Court prosecutor.

The Cowlitz County's Prosecutor's office, after losing **Terry Lee**, has hired **Susan Clark**.

David Hiscock is an associate with Klingberg, Walker, Reitsch, Twining & Martin. Walstead, Mertsching, Husemoen, Donaldson & Barlow, P.S. has hired **Patrick Kubin**, who has been practicing in Milton-Freewater, Oregon.

Local real estate broker **Vincent Penta** has passed the state Bar exam and is now trying to decide which hat he should wear.

NORTHWEST WOMEN'S LAW CENTER

Gala Dinner. You can lead a career and be an activist, according to Dr. **Mary Frances Berry**, who spoke at the Northwest Women's Law Center's Gala Dinner recently. Berry, who teaches American social thought at the University of Pennsylvania, is best known as a U.S. Civil Rights Commissioner. Fired by President Reagan in 1983, she sued and was reappointed to the Commission by Congress. Active in South African struggles, she believes we must all work for change in our personal, as well as our professional, lives.

Her inspiring speech was the highlight of the dinner, which raises a major portion of the public interest law organization's operating budget each year. Significant contributions from law firms helped make this year's affair a success. The Law Center extends special thanks to: Bogle & Gates, Davis, Wright & Jones, Foster, Pepper & Shefelman, benefactors; Garvey, Schubert & Barer, Lane Powell Moss & Miller, Lasher & Johnson, LeSourd & Patten, Short, Cressman & Burgess, Williams, Kastner & Gibbs, sustainers. Heller, Ehrman, White & McAuliffe; Karr Tuttle Campbell; Levinson, Friedman; Vhugen, Duggan, Bland & Horowitz; Perkins Coie; Preston, Thorgrimson, Ellis & Holman; and Lucy Isaki, were all sponsors.

Annual Auction. Fatten up those wallets, folks! Our Sixth Annual Auction will be held October 8 at the Design Center Northwest, 5701 Sixth Ave. South, Seattle. Tickets to this year's event are $25 per person. Some of this year's donations include a *Far Side* book personally autographed by Gary Larson; a color TV and two three-foot-high stuffed Mickey and Minnie mouse dolls donated by Viacom; a lounge recliner from Scan/Design; elegant outfits donated by women's shops such as Rozekova, Beau Monde and Brotman's; vacation weekends around the Puget Sound area; and a series of six facial treatments to pamper yourself with at Annie Cruz.

In addition, a tour of the Bluegrass has been put together which includes two nights for two at the Marriott Griffin Gate (a former horse farm), dinner at the Duck Club, a tour of three private horse farms (all home to Triple Crown winners), and a tour of Lexington in a '56 Mercedes by photographer and radio personality, David Cronen.

Westin Hotels has contributed three nights for two at the Westin Kauai, and four nights for two at the Westin Mauna Kea.

A final highlight of the auction is the bidding for the lithograph, "Women in Law," which has been donated by the artist, Linda Hawkin-Israel. This picture was featured on the June cover of the *Washington State Bar News*. The lithograph and the accompanying artist's comments are framed and ready to be proudly displayed by the winning bidder, be it a sole practitioner, a law firm or a corporation. There exists a very good chance that "Women in Law" will become a commemorative postage stamp in 1989, which will assuredly increase the value of the lithograph. The bidding for this piece, which is currently selling for more than $3,000, will begin at $2,000. If you are interested in viewing "Women In Law" prior to the auction or in makingan absentee bid on the lithograph, please call the Law Center at (206) 682-9552. Call this number for ticket information, too. See you there!

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

As a refreshing change from news magazine articles about Ed Meese's shenanigans we have Pierce County's own **Frank Ladenburg** and his many brothers and cousins. They were featured in a July issue of *Sports Illustrated* as members of a softball team consisting only of Ladenburgs appropriately called "The Family." According to the article, Frank's team plays between 70 and 80 softball games per year and wins most of them. Other team members include brother **Dave**, who is in a law clerk program with McCormick, Hoffman et. al, and **John Ladenburg,** who recently left his trial practice for a job with the county.

Murray Anderson of Anderson, Anderson and Hiblar, Inc., P.S., who has been in downtown Tacoma forever, has moved with his firm to a University Place location across the street from the Pine Cone Restaurant. Meanwhile, **Richard Jensen**, P.S. and Associates are moving their offices closer to downtown from the Law Center to the SeaFirst Building.

Meagan Foley has been appointed as Superior Court Commissioner replacing the retiring **Craig Adams** who is now in private practice with Gelman and Couture. **James Helbling** has joined Meagan's old firm of Rovai, Miller, et. al having left Manza, Moceri, P.S.

Sherrie L. Boswell has become an associate in the offices of Frank Dacca.

Anne Meath has joined the Davies, Pearson firm together with **Beverly Johnson** who is of counsel.

Judge **Rosanne Buckner** has been selected as the recipient of the Washington State Bar Association Family Law Section award for her efforts in regard the Parenting Act.

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

Office Moves. The newly-named firm of Stafford, Frey, Cooper & Stewart (the latter two additions being for **John G. Cooper** and **John Spencer Stewart**) announces an opening of a branch office in Friday Harbor(!) **Charles W. Mertel** and **Michael R. Garner** have joined Short, Cressman & Burgess; **Lawrence K. Cheung** has become associated there; and **Josef Diamond** is of counsel. **John Lockie** has joined Graham & Dunn. **Kevin P. Sullivan** has joined Essenburg & Staton.

The firms of Treece, Richdale, Malone & Corning and Abbott, Curtis, Galvin & Doyle announce the merger of their practices under the name of Treece, Richdale, Malone, Corning & Abbott with offices in Ballard. **Roger Madison** has been named vice president, corporate development and general counsel of AEI Music Network, Inc.

Cromwell, Mendoza & Belur announces that **Stephanie Johnson-O'Day** has joined the firm as an associate. **Janet E. McKinnon** is now associated with Mills & Cogan. **Faye L. Mattson**, **Kate E. Sako** and **Richard A. Koske** have become associated with Christensen, O'Connor, Johnson, Kindness. **Mark N. Thorsrud, Paul F. Cane** and **Patrick M. Paulich** announce the formation of Thorsrud, Cane & Paulich with offices at 1111 Third Avenue. **Marilyn R. S. Sellers** has announced the opening of her firm in the Bank of California Center.

Pressentin & Associates has merged with Evans, Craven & Lackie, with **Patrick E. Pressentin, David A. Trieweiler** and **Margaret C. McGinty** moving to the new firm's Columbia Center offices. **Linda M. Youngs** has joined Hanson, Zwink, Baker & Ludlow. **Gary Fallon, Sarah Mack** and **Michael Scott** have become principals in Hillis, Clark, Martin & Peterson. **James Gradel** and **James R.** ("Pretty Boy") **Hermsen** have become partners at Miller, Nash, Wiener, Hager & Carlsen.

Of Note. Seattle attorney **Charles Z. Smith** has been appointed to the Washington Supreme Court bench replacing retired Justice **William C. Goodloe**. **Loretta Kepler** and **Lis Wiehl** have been awarded the first fellowships by the Perkins Coie Community Service Fellowship Foundation. They will assist Common Ground, a nonprofit group dedicated to raising funds for low-income housing. **Patricia K. Greenstreet**, a partner in Chemnick & Moen, has been selected as 1988 "Nurse of the Year" by the King County Nurses Association.

Trial Practice. **Pat LePley** was installed as president of the Washington State Trial Lawyers Association at the 1988 convention. Others who were honored included: **Judith M. Proller**, President's Award; **Frank Stubbs**, Trial Lawyer of the Year; and Justice **Robert F. Brachtenbach**, Judge of the Year. Other awards presented at the banquet (addressed by Governor **Booth Gardner**) included:

Michael J. Welch, the "Henry Kissinger Diplomat of the Decade" Award; **Richard** "Bogey" **Vroman** for his attention to detail and tight-fisted administration of the golf tournament; **John** ("Father of the Year") **Meyer**, **Toni Froehling**, and **Henry Grenley**, the "Patience of Job" Award for playing in the same foursome as this correspondent; and **Jan Eric Peterson**, *Road and Track*'s "Dapper Driver of the Year."

Balancing the news of plaintiffs' attorneys with comment regarding insurance defense counsel, tort lawyers may be interested in reading the monthly *Washington Insurance Law Letter* edited by **William R. Hickman**, and published/distributed at no charge by Reed, McClure, Moceri, Thonn & Moriarty. Hickman (whose "wit" and leaning this correspondent first noted in a hearing before the Court of Appeals in 1971) refers to the publication as a "survey" of current insurance law and tort law decisions. Just like the *WSTLA Trial News* (soon to be edited by **Eugene Moen**) Hickman's *Law Letter* presents one definitely-recognizable perspective.

SNOHOMISH COUNTY REPORT
by **REBECCA CLARK**

Approximately 100 golfers will participate in the September Snohomish County Bar Association Golf Tournament. Tournament organizers **Bill Sullivan** and **Jeff Pratt** have invited and received acceptances from the following judges: **Paul Hansen**, **Joseph Thibodeau**, **Robert Winsor**, **Walter Webster**, **John Wilson**, **Frank D. Howard**, **Vernon Pearson**, **Keith Callow**, **Jack Scholfield**, **Fred Dore**, **C. Kenneth Grosse** and **Arden Bedle**. The annual Doctors' and Lawyers' Softball Game has been rescheduled for August 19 at Everett Memorial Stadium. **Jim Townsend** will coordinate practices and, in order to maintain stringent discipline, interested players must attend at least one practice if they want to participate.

SOUTH KING REPORT
by **MARK EIDE**

Please stop sending in your cards and letters; we have found what is believed to be the original Bylaws for the South King County Bar Association (signed by Governor Stevens) and have been assured by the Secretary of State that, indeed, the South King County Bar is an association because they have a parchment in their office which declares it to be so. We are still attempting to locate the two awards received from the American Bar Association in the late 1960s (Volunteer Defender Program and Abolishment of Fee Justice Court System). Any information is still being accepted at President **Leslie Wagner**'s office, 25028 - 104th Avenue Southeast, Suite 102, Kent, WA 98031.

Moves. Barney & Weiner have recently split up, and Barney maintains the old office space where he has been for many years. **Andy Weiner** has stepped out (off) into sole practice sharing office space in the Burien area with **Doug Moreland**. Back in the Federal Way area, McGoran, Foshaug and Sawyer along with **Doug Albert** are opening wonderful poolside offices (no kidding—and this is not associated with the Goodwill Games pool). They have converted a rather large house that had a swimming pool into rather attractive office space along the new 348th corridor in Federal Way. This reporter recently read an advertisement which described additional office space soon to be open in the building as "prestigious" including access to swimmingpool, sauna and secretarial services; query: if your office were next to a swimming pool and sauna, would you really need secretarial services?

Rumors abound about a possible South King County Satellite for King County Superior Court. Note to the King County Council: We know where there are two serviceable courtrooms in the South King County area where two new judgeships could certainly be filled by able, willing and qualified South King County members of the Bar; just think, no public outlay for additional courtrooms.

President Leslie Wagner has not authorized an announcement, but we will tell you that she is engaged to be married, we believe sometime this fall. Her fiancé is a "nice guy" who saw the light and quit practicing law to go into commercial real estate.

SPOKANE COUNTY

Court of Appeals Judge **Philip J. Thompson** has been named Chief Judge of the Court's Division III bench in Spokane.

Thompson takes over the position from **J. Ben McInturff** who retired from the appellate court bench July 4 after 36 years as a judge in the Spokane area.

Elected by his three benchmates, Thompson will fill out the remaining six months of McInturff's term as Chief Judge, then keep the position for another regular, two-year term. Thompson came to the Court of Appeals in 1983 after serving on Spokane County superior and district court benches.

Judge **Ray E. Munson** was named Acting Chief Judge of the division.

WASHINGTON STATE ASSOCIATION OF MUNICIPAL ATTORNEYS

by **ROBERT F. HAUTH**

The following eight persons were elected/re-elected to the Board of Directors of the Washington State Association of Municipal Attorneys (WSAMA), and to the offices indicated, at the 32nd Annual WSAMA Meeting, July 1, 1988, in Tacoma:

Scott C. Broyles, president, City Attorney for the cities of Asotin and Clarkston; **Donald H. Stout**, first vice president, Director of the Advisory Division, Law Department, city of Seattle; **Patricia Bosmans**, second vice president, Assistant City Attorney of Tacoma; **Martin F. Muench**, board member representing cities of between 2,500 and 50,000 population, City Attorney of Puyallup; **James A. Whitaker**, board member representing cities of 2,500 or more, City Attorney of Moses Lake, Ephrata, and Royal City; **Mark O. Erickson**, board member at large, City Attorney of Olympia; **John D. Wallace**, immediate past president, City Attorney of Bothell, Gig Harbor and Mill Creek; and **Robert F. Hauth**, secretary-treasurer, General Counsel to the Municipal Research and Services Center of Washington.

WASHINGTON WOMEN LAWYERS

Washington Women Lawyers is sponsoring a candidate forum co-hosted by the Tacoma-Pierce County and Capital chapters. The event will include a forum moderated by KING 5 news anchor, **Jean Enersen**, featuring invited major party gubernatorial, state attorney general, and United States senatorial candidates. The event will be held the evening of September 29 at the Tacoma Sheraton. The ticket price will be $30 and will include dinner. For tickets, please send your checks, payable to WWL, to Dexter Horton Building, Suite 618, 710 Second Avenue, Seattle, WA 98104. If you have questions, call (206) 622-5585. On July 9 the Seattle-King County Chapter sponsored a reception honoring member **Betty Bracelin**, president-elect of the State Bar Association, and the first woman to hold that position. A good turnout of judges attended, in addition to seven of the members of the Board of Governors. Kudos to Governor **Frank Johnson** and president **Jack Dean**, who traveled all the way from Spokane! In July, the state organization's Judicial Evaluation Committee conducted evaluations of the applicants for Washington Supreme Court Justice appointments. The organization extends its congratulations to newly-appointed **Charles Z. Smith**, who was rated "highly qualified" by WWL.

Did You Know?

ABA Launching Legal Technology Resource Center to Improve Member Benefits

The American Bar Association (ABA) will launch a Legal Technology Resource Center to build upon the success of its law office technology programs and to improve "its members' access to these programs."

In announcing action taken at the Board of Governors meeting in Denver last week to approve this new initiative, ABA president Robert MacCrate said, "The programs we have undertaken during the last four years have succeeded beyond our expectations. Now we must concentrate our efforts on helping members to learn how to gain access to these programs and how to use them efficiently."

The next step will be to establish a Legal Technology Resource Center, he said, which will respond to ABA members' expressed desire for "more information on how to purchase and use computers and related products."

Later in 1984, the Legal Technology Advisory Council (LTAC) was established to perform software evaluations. Through its rigorous testing procedures and evaluations, LTAC responded to the need to improve the quality and performance of computer software for the legal market, initially time-and-billing packages.

In 1986, the Law Office of the Future project was created to provide a catalyst in the legal marketplace for the development and integration of diverse technology products.

And in 1987, LawLink, The Lawyer's PC Partner, was introduced to provide a combination menuing and tailored communications package for use on an attorney's personal computer workstation.

All Association legal technology projects will be grouped together in the Legal Technology Resource Center, except for the testing programs of LTAC. The ABA will complete the work LTAC has contracted for, and will investigate continuing the testing program through a cooperative relationship with another not-for-profit testing facility.

DISCIPLINE

Disbarred

Seattle attorney **Jerome J. Doherty** (admitted 1973) was disbarred by the Washington Supreme Court on June 27, 1988. The court order was based upon the complaints of five clients. Doherty was found to have failed to return unearned client funds; misrepresented to a client that a trial date had been set; failed to file timely an appellate brief; failed to respond to repeated client requests for information; failed to account; failed to cooperate in the Bar's investigation of the complaints; and failed to appear for a deposition after having been properly served with a subpoena.

Ferndale attorney **Richard F. Ayres, Jr.** (admitted 1960) was ordered disbarred on July 5, 1988 based upon a hearing officer's decision that Ayres' conduct in converting client funds in the amount of $361.75 to his own use constituted an act involving moral turpitude, dishonesty, and corruption.

Seattle attorney **William H. Simmons** (admitted 1973) was disbarred by the Washington Supreme Court on July 7, 1988. The court's order was based upon Simmons's conduct in providing an adverse witness, whom he knew to be an alcoholic, with two bottles of whiskey the day before the witness was to testify. The court stated that Simmons's conduct in tampering with a witness merited disbarment especially in light of Simmons's previous disbarment in 1964.

Bremerton and Federal Way attorney **Robert Jenness Banghart** (admitted 1975) was disbarred by the Washington Supreme Court on June 27, 1988. Banghart was found to have neglected several client matters, to have failed to cooperate with the Bar in its investigation of client complaints, and to have made false statements in an affidavit submitted to a superior court.

Censured

Spokane attorney **Victor J. Felice** (admitted 1951) has been ordered censured by the Disciplinary Board. The order of the Disciplinary Board was based on Felice's conduct in obtaining an *ex parte* order in a guardianship, including approval of his own attorney's fees, without notice to the guardian *ad litem*, after he had been specifically directed by the court to consult the guardian *ad litem* before taking any further action in the guardianship.

IN MEMORIAM

Dale V. Whitesides, 53, died July 14, 1988 in an automobile accident in Madras, Oregon. He was a partner in the Vancouver firm of Landerholm, Memovich, Lansverk & Whitesides. A 1959 graduate of the University of Washington School of Law, Whitesides joined the Bar in 1960. He was a former city attorney for Washougal and sometime instructor at Clark College, and served as president of the Clark County Bar Association in 1970. Whitesides was an avid rose grower and a member of the Fort Vancouver Rose Society. Survivors include his wife, two sons, his mother and one sister.

Pendleton Miller, 78, influential civic activist and senior partner of Lane Powell Moss & Miller in Seattle, died June 30.

The Seattle-born Miller was a descendant of a pioneer family which played a prominent role in the settlement of the Pacific Northwest.

"Pen" Miller was graduated from Phillips Andover Academy in 1928 and Yale University in 1932. He received his law degree from the University of Washington in 1937. During World War II, he served as a Captain in the U.S. Army, after which he became a member and later a senior partner of the law firm that became known as Grosscup, Ambler, Stephan & Miller. In 1965, he became a senior partner of Evans, McLaren, Lane, Powell & Moss which changed its name to Lane Powell Moss & Miller. There he practiced labor relations and corporate and business law.

Among his civic activities, Miller served as the 38th president of the Seattle-King County Municipal League (1955-1956). As such he was influential in the creation of what is now known as METRO, the Municipality of Metropolitan Seattle. He also assisted in passing laws providing for the election of municipal judges.

Miller's other interests led him to serve on the Board of Trustees of the Ryther Child Center, the Washington State Historical Society and the Lake View Cemetery. He was also a board member of the American Cancer Society and chairperson of various state and local bar association committees as well as the former president of the Men's University Club and the Seattle Golf Club.

Remembered by friends for his "delightful sense of humor, compassion, humbleness, and charitableness," Miller contributed his spare time and energy to safeguarding the environment, collecting rare books on the history of the Pacific Northwest and supporting his wife Elisabeth's interest in horticulture through donations to the University of Washington's Library of Horticulture.

Miller and his family recently pledged $1 million to the University of Washington for an endowed chair—the first at the Law School—for the purpose of seeking and retaining a distinguished faculty.

In addition to his wife, Miller is survived by two sons and three grandchildren.

ET ALIA

LEXIS® Group Plan Sponsored by YLD/SKCBA

The Young Lawyers Division of the Seattle-King County Bar Association (YLD/SKCBA) is sponsoring a LEXIS® Membership Group Program for attorneys throughout the state of Washington.

LEXIS® is a computerized legal research service containing state, federal, and foreign case law; numerous specific libraries on topics such as tax, labor and banking; ALR annotations; full-text law reviews; Shepard's® and Auto-Cite® citation services. Using computerized legal research, attorneys can find relevant cases or other documents in a matter of minutes.

Under the YLD/SKCBA Group Plan, Washington attorneys will be able to use LEXIS® from their own offices on their own personal computer equipment. As a result of YLD/SKCBA sponsorship of the plan, a law firm or office can obtain the LEXIS® service for a lower monthly minimum rate than if the firm were to have its own, direct LEXIS® subscription. According to Mead Data Central, the parent company of LEXIS®, a group plan subscription is the more cost-effective option for small- or medium-sized firms performing fewer than 35 searches per month.

To help promote the plan, Mead Data Central is offering a) free use of LEXIS® for one month and b) half-price LEXIS® training to firms joining the plan in September or October of 1988.

Attorneys interested in the WESTLAW® computerized legal research service should note that YLD/SKCBA is continuing to provide WESTLAW® through the Electronic Law Library Service located in the King County Law Library.

For more information on the YLD/SKCBA LEXIS® Group Plan or on the Electronic Law Library Service, call (206) 296-0947 at any time, or contact Roman Welyczko at YLD/SKCBA, 320 Central Building, 810 Third Avenue, Seattle, WA 98104; (206) 624-9365 1 p.m. - 3 p.m., Monday through Friday.

Minority and Justice Task Force Public Forums

Washington state's Minority and Justice Task Force will be asking for the opinions of lawyers and other legal professionals regarding minority bias problems in state courts. The 22-member group invites your attendance and comment at the following public forums:

Yakima area—September 9, 5:30-8:30 p.m., St. Joseph's School, South Sixth & Edison Streets, Sunnyside.

Seattle area—October 6, 4-7 p.m., King County Council Chambers, 4th Floor, King County Courthouse, 516 Third Avenue, Seattle.

Bellingham area—October 7, 3-6 p.m., Presentation Room, Wilson Library, Western Washington University, Bellingham.

Spokane area—October 20, 4-7 p.m., Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane.

Tri-Cities—October 21, 3-6 p.m., Columbia Basin College, Room L-102, Library Building, 2600 North 20th Street, Pasco.

Written testimony is especially welcome. Send written remarks to: Minority and Justice Task Force, 3200 Columbia Center, 701 Fifth Avenue, Seattle, WA 98104.

For further information, contact Desiree Leigh at (206) 625-0268.

Transferred

On June 21, 1988, attorney **Paul T. Murray** became an inactive member of the Washington State Bar Association.

Goldmark Award Nominations Open

The trustees of the Legal Foundation of Washington seek nominations for the Charles A. Goldmark Distinguished Service Award. Goldmark, prominent Seattle attorney, was president of the board of the Legal Foundation at the time of his death. His belief that legal services must be available to all persons regardless of their ability to pay inspired the creation of this award in his honor. The award is presented each January by the Legal Foundation to an individual, group, or organization who best realizes equal access to justice for all.

In assessing the candidates the board will recognize outstanding work that is accomplished outside of the ordinary duties of the nominee's employment, that has a recognizable positive impact on residents of Washington state, and that furthers the goals and objectives of the Legal Foundation.

Please send your nomination, which may include documentation and letters of support, by November 7, 1988 to: Mr. William Wade, Chair, Award Committee, Legal Foundation of Washington, 600 Central Building, 810 Third Avenue, Seattle, WA 98104.

Appointment as Special Assistant Attorney General

Regulations have recently been adopted by the Department of Labor and Industries to implement the provisions of RCW 51.24.110, which authorizes the department to maintain a list of attorneys from which the Attorney General may appoint special assistant attorneys general to represent the department in third party actions under RCW 51.24.050. To qualify, an applicant must be an active member of the Washington State Bar Association, maintain a trust account in compliance with the Rules of Professional Conduct, and have and maintain in force professional liability insurance.

Application forms must be filed with the Department of Labor and Industries and are available from the Office of the Attorney General, the Bar Association Legal Department, or the assistant director of the department.

Interim Suspension

Seattle attorney **Ben L. Hankin** (admitted 1982) was ordered suspended from the practice of law pending the outcome of disciplinary proceedings by Supreme Court order entered July 6, 1988.

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

Did You Know?

Dun & Bradstreet's Business Information Now Available Via WESTLAW®

Dun & Bradstreet Credit Services, a division of the Dun & Bradstreet Corporation, is providing instant online access to its business information database for users of WESTLAW®, West Publishing Company's computer-assisted legal research service.

Two of Dun & Bradstreet Credit Services' products—the comprehensive Business Information Report, which provides business information on more than nine million United States businesses, and the Family Tree℠ Service, which identifies structural interrelationships within business organizations—are now offered on WESTLAW® via gateway access.

Both the Business Information Report and Family Tree℠ Service have many applications for legal professionals. The Business Information Report includes information on public filings with specific dates of suits, judgments, tax liens and UCC filings; historical background on the firm's principals and the business itself; a review of the company's financial condition and trend of sales and earnings; a payment record reported by suppliers; a description of the firm's operation, including products and services, selling terms, number of employees and seasonal variations, and other important information.

Family Tree℠ Service links divisions and branches to a headquarters and links subsidiary companies to their parent company. As a result, the ultimate parent company and its underlying subsidiaries, divisions and branches can be identified in a single print-out.

Both these reports can help improve an attorney's ability to perform conflict checking, analyze mergers and acquisitions situations, check credit worthiness of potential clients and identify structural relationships between business concerns.

New Series of Small-Firm Software Applications

Syntrex Incorporated, a leading supplier of information management systems to law firms, displayed its industry standard family of legal application software—designated "The Partner Series"—at the recent annual ALA Convention in Chicago. The packages are designed to meet the needs of small- to medium-sized firms or individual departments within larger ones.

The new family of products is based on industry-standard software, using the DOS operating system. The five packages incorporate all of the functionality and operational simplicity demanded by law firms.

The Partner Series is available in four functional stand-alone or multi-user configurations: *The Litigation Partner* is a comprehensive litigation support system for retrieving all relevant documents pertaining to a specific issue or case. *The Office Partner* provides a comprehensive document system that includes rapid handling of footnotes, endnotes, tables of authorities, and redlining. *The Financial Partner* offers an automated time and billing, and general ledger, system designed to reduce administrative time. *The Real Estate Partner* is a streamlined, flexible real estate closing system that performs all calculations and prorations, and creates closing documents.

The systems tie together with a fifth "partner," *The Network Partner*, a full-featured, easy-to-use interconnection facility, for as few as two workstations to as many as hundreds of local and remote workstations, servers and networks.

RE: RCW 19.52.020(1) Interest Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in August is 7.52 percent. The maximum allowable interest permissible for **September 1988** is thus **12 percent**. For further details and past rates, see the October 1987 *Bar News*, page 39.

Northwestern School of Law CLE

Northwestern School of Law, Lewis and Clark College, will host a conference on "The Public Trust and the Waters of the American West: Yesterday, Today and Tomorrow" on November 18 and 19 at Lewis and Clark College. Cost of the conference is $185 ($160 until October 31). The program is approved for 13.25 Washington CLE credits. For more information, call Laurie Bennett, (503) 244-1181.

PROFESSIONAL

FOR SALE

For Sale: Washington Reports, Washington Appellate Reports through 1986. Phone: (509) 662-9337. Mail: P.O. Box 1273, Wenatchee, WA 98807-1273.

New Sanyo transcriber with two Olympus dictators, local service available, $700. Call Debbie at (206) 467-1489.

Mini-law library: RCWA, Washington Practice, Washington Digest, Rabkin & Johnson Forms. Buy them as a package: $3,400. Contact: Jerome O. Cohen (206) 329-5656.

Used law books—Savings to 50%. All national & state publications. Federal 2nd & Supplement, Washington Statutes, ALRs etc. Libraries purchased nationwide. Professional Books Service, Suite 105, 9016 Wilshire Blvd., Los Angeles, CA 90211. 1-800-538-4984.

For sale: MITA DC-191 photocopier with three paper trays. Maintenance agreement available in areas serviced by Wenatchee. $400. (509) 422-3610.

SPACE AVAILABLE/WANTED

Prestige office-sharing. Panoramic views in downtown Bellevue suites. Only two suites remaining. Furnished or unfurnished. The Eastside's largest law library. Full-time receptionist. Three conference rooms. Messenger service twice daily. *Eagle Eye Bulletin*. Private secretarial stations available. Complimentary covered parking for clients. Legal word processing, facsimile, telex available. Contact Shari Perkins or Ted Barr, (206) 451-3961.

Market Place Two, Seattle. One to four offices available within twelve-office suite. Exceptional view—Puget Sound, Mt. Rainier. Across from Seattle Athletic Club. Parking within building. Secretarial space, receptionist, telephones, copier and fax access, law library, two conference rooms, kitchen, file and storage cabinets. Contact Anita: (206) 448-1010.

Lynnwood Executive Center: Prestigious office space available from 126 square feet to 200 square feet. Full service including secretarial, telephone answering, receptionist, law library, kitchen facilities, conference rooms, copying and facsimile service. Located in the Fisher Business Center adjacent to the Alderwood Mall. Space limited. Act now. (206) 774-4499.

Downtown Seattle, 32nd floor, 1001 Fourth Avenue Plaza. Close to courts. Furnished/unfurnished suites, short-/long-term leases. Receptionist, legal word processing/dictation, telephone answering, telex/facsimile, Kodak copier, mail service, law library, legal messenger. Contact Lillian Beegle, (206) 624-9188.

Downtown **Vancouver,** WA. Private offices in elegant historic renovation. Plush decor, conference facilities, experienced support staff. From $275 per month. Flexible terms. Call (206) 694-0541 or (503) 228-1605.

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Attorney-C.P.A. seeks opportunity with small high-tech company as house counsel/chief financial officer. Broad experience including electronics industry. Reply to Box 223, WSBA.

Position wanted: Wenatchee area. Experienced attorney seeking private or corporate position in Wenatchee area. Strong credentials. Over four years' litigation experience with major Seattle law firm. Over two years' business experience with multinational, Seattle-based company. Admitted Washington and California. Contact Robert Dodge, (206) 443-3181.

POSITION AVAILABLE

Cairncross, Ragen & Hempelmann, P.S. seeks associates in the following areas: litigation, tax, real estate, land use, and general business. Excellent credentials required. Please send resumé to Recruiting Coordinator, 70th Floor, Columbia Center, 701 Fifth Avenue, Seattle, WA 98104-7014.

Willamette University College of Law invites applicants for one or more faculty tenure track positions beginning with the 1989-1990 academic year. Applications are particularly encouraged from women and members of minority groups. Please send resumé and letter of application to: Professor R. Hagedorn, Willamette University College of Law, Salem, OR 97301.

Experienced business associate is sought by medium-sized firm with an active business and litigation practice for work in general corporate, real estate, and business law. Applicants must have excellent academic credentials and a minimum of one to two years of experience. Reply to Box 224, WSBA.

LeGros, Buchanan, Paul, Prescott & Whitehead seeks to hire one or more highly motivated attorneys to support and help expand the firm's business, tax, and real estate practices. Existing clients and experience of two-plus years are preferable. Send resumé to Recruiting Coordinator, 2500 Columbia Center, 701 Fifth Avenue, Seattle, WA 98104-7098.

Kerr Stores Legal Search handles placement for attorneys and legal support staff in the Pacific Northwest, Alaska, Hawaii. Send letter and resumé in strictest confidence to 624 Skinner Building, Seattle, WA 98101; (206) 625-1855.

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Shidler McBroom Gates & Lucas seeks to hire a qualified Washington attorney for an associate position. The successful applicant should have a civil litigation background and a minimum of two years' experience in taking depositions, arguing motions and handling litigation matters through trial. Please send your resumé and reply to the Hiring Coordinator, Shidler McBroom Gates & Lucas, 3500 First Interstate Center, 999 Third Avenue, Seattle, WA 98104.

Vyzis Company, a Bellevue-based real estate development firm, seeks attorney to assist in-house legal staff of two attorneys. Experience in real estate law and negotiations preferred. At least some background in litigation desired. Send resumé to Ms. Claude Worth, 3605 - 132nd Avenue S.E., Suite 300, Bellevue, WA 98006.

Are you a sole practitioner or firm principal who could produce more if you didn't have to deal with the management aspects of running your firm? We are a growing and well-managed Seattle tax and commercial firm with overflow work, seeking a principal with a practice base who can handle additional work. Respond to Box 222, WSBA.

Riddell, Williams, Bullitt & Walkinshaw seeks lateral associate with at least two years' experience in securities law. Experience in business transactions and/or tax law preferred, but not required. The firm also seeks lateral associate with at least one year's practice experience in tax law. LL.M. or C.P.A. preferred; some ERISA experience desirable. Candidates for these positions must have excellent academic credentials, writing skills and references. Send resumés to Karen F. Jones, Hiring Attorney, Riddell, Williams, Bullitt & Walkinshaw, 1001 Fourth Avenue Plaza, Suite 4400, Seattle, WA 98154.

Central Washington attorney needs associate to handle criminal defense contract and general practice. Experience and interest in trial work is necessary. Send resumé to Box 221, WSBA.

Prestige office space in Seattle, 42nd floor Seafirst Plaza/panoramic views, large library/space for contract legal work/referrals possible. Two years' general practice experience required. Reply to: P.O. Box 16254, Seattle, WA 98116.

Established small downtown Seattle business and municipal firm seeks experienced attorney with compatible practice. Superior skills and practice standards required. Reply to Box 219, WSBA.

Prominent Northwest tax firm seeks associate for tax controversy work and tax planning. Experience preferred. Send resumés and references to LeSourd & Patten, P.S., 2400 Columbia Center, 701 Fifth Avenue, Seattle, WA 98104-7005, Attn: Office Administrator. All replies will be kept confidential.

WILL SEARCH

Will the attorney who prepared the last will & testament of Walter E. Bassett, Sr. of Buckley, Washington, please contact Frances Bassett, Buckley, (206) 829-0428 or Louise McVay, Buckley, (206) 829-0671.

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Vol. 42, No. 9, September 1988

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