Washington State Bar News
Volume 43, No. 1, January 1989

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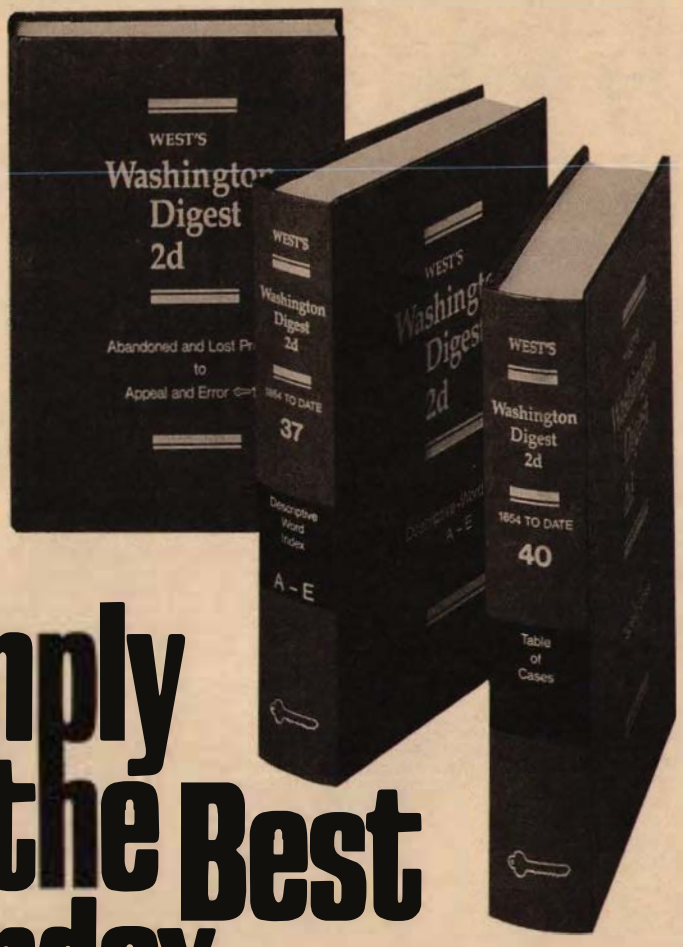

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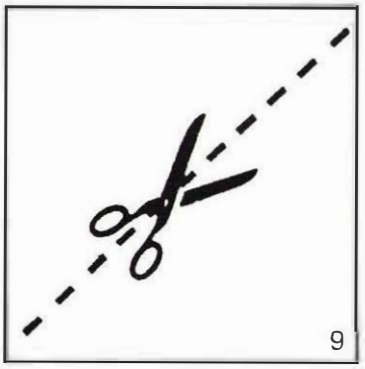
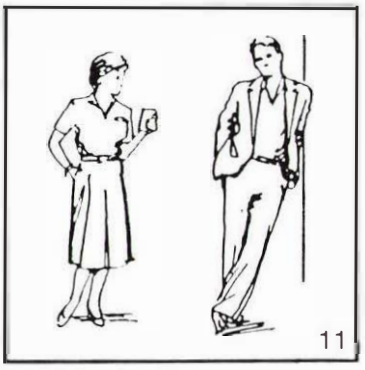
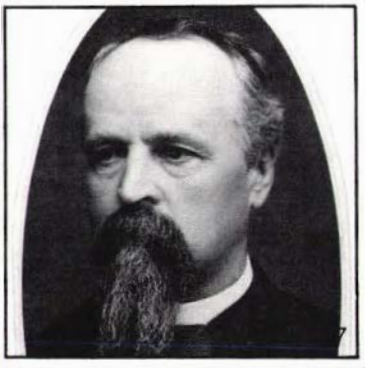
FEATURES







IN THE NEWS

DEPARTMENTS

ANNOUNCEMENT

1989 MEMBERSHIP DIRECTORY

The 1989 directory of attorneys is presently in its compilation stage. Listings for the directory are being compiled from information contained on 1989 dues statements (mailed to all WSBA members in early December). When sending in your dues to the Bar office, **please note the instructions on the dues statement relative to the address and phone number to be used for your listing in the directory.** Corrections for directory listings must be received by February 1, 1989 — the deadline for dues payment.

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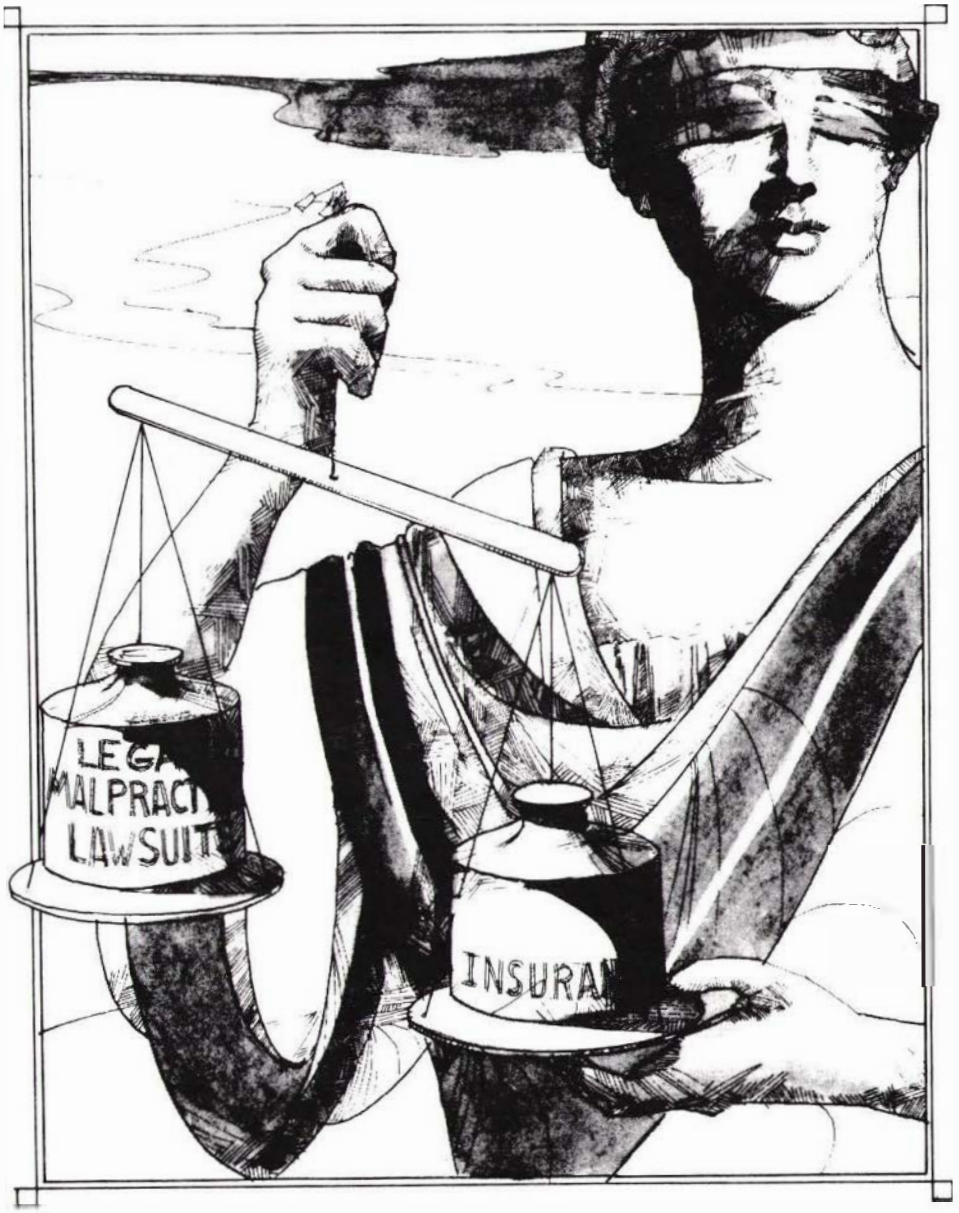

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LETTERS

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

More About That Ad

Editor:

After reading Mr. Mosner's letter "No Room in the Ad," ("Letters," October) and looking at Mr. Johnson's advertisement, I can see why Mr. Mosner, and, very likely, many other lawyers, were upset over that advertisement.

While the law serves to protect us from the anarchy mentioned in Mr. Mosner's letter, it is, to many lawyers, their religion. The law is what provides them a personal sense of order in the world and their own circumstances. Placing a cross and the words "Jesus Loves You" in a legal advertisement attempts to blend two very immiscible religions, a legal heresy of the first rank.

The law, however, is a very ineffective religion, in that it has never provided life to anyone. Anyone, lawyer or not, who has drunk of that water offered to the woman at the well (John 4:14) has no difficulty choosing between these religions.

As the woman at the well was compelled to ask of all in her periphery, "Is this not the Christ?," Mr. Johnson has not been ashamed of the gospel of Christ, to the point of offending the modern day scribes. As a Christian, he should be commended.

DAVID W. FREESE
Edmonds

Editor:

I read with some amazement the letter written by Zachary Mosner in the October *Bar News* complaining about an attorney's ad in the July *Bar News* containing a cross and the words "Jesus Loves You."

Mr. Mosner's letter displays the bigotry and prejudice that he assumes was in the ad. Mr. Johnson was doing nothing more than stating his credentials. Some selecting legal representation may prefer a Christian attorney, whether or not they are Christian themselves. Others may prefer an attorney who is a member of the ACLU, or perhaps a Rajneeshee — as far as I know clients still have a right to exercise their prejudices in their choice of attorneys.

Mr. Mosner should be delighted to know, if he is concerned that Mr. Johnson will represent only those whom Jesus loves, that Jesus testified to loving everyone, and especially sought out those who were in desperate need of it.

D. BRUCE GARDINER
Kirkland

Editor:

May I second the letter of Zachary Mosner questioning the ongoing advertisement in the *Washington State Bar News* by Richard S. Johnson which includes a cross and the words "Jesus Loves You"?

As lawyers we breathe life into the judicial branch of government. Whether or not a lawyer's advertisement could be said to violate Article

I, section 11 of our state's constitution, I would hope that the spirit of that section would lead Mr. Johnson to reshape his ad.

As quoted by Judge Chadwick in *State ex rel Dearle v. Frazier*, 102 Wash. 369 (1918), Washington's first attorney general explained the necessity for separating government from sect in these historic truths:

> A large proportion of the early inhabitants of this country were driven from their native homes by religious persecution, and sought an asylum in a savage wilderness, preferring hardships, privations and danger rather than to submit to any interference with their right to worship Almighty God according to the dictates of their own consciences.
>
> ... It was, no doubt, with a full consideration of the heterogeneous elements composing our nation, and the memory of the persecutions of their ancestors, that ... all but two of the original thirteen states declared a complete divorce between the government and creed.

HOWARD P. PRUZAN
Seattle

Come On, Lighten Up

Editor:

In the interest of having more lightheartedness or humor in the *Bar News*, has consideration been given to a special column for such entertainment? Most publications try for balance (even the *ABA Journal* struggles on its last page) and while it is a demanding task, support and requests for items from the membership might make it all possible.

We do have fun occasionally in "Around the State" or with such writers as Jeff Tolman, but this would give more prominence to the lighter side of the practice of law.

Perhaps I should not make a suggestion without backing it up, and would refer as an example to *Artz v. O'Bannion*, 17 Wash. App. 421 (1977), and headnote number 4 on page 421.

Another might be the second paragraph of Judge Tolman's opinion in *State v. Edwards*, 188 Wash. 467 (1936), on page 470.

I am sure other members have similar stories or quotes that could keep the column going if someone on the staff has responsibility for it.

JOHN HUNEKE
Spokane

(Editor's note:
Readers are welcome to send contributions to the Editor in care of the Bar Association, though it has been suggested, by various people at various times, that most of the departments in the Bar News *can qualify as humor. A particularly funny monthly column by a federal judge in the* Texas Bar Journal *suggests trial transcripts and deposition transcripts are a particularly rich source of humor. Par-*

ticularly tortured legal writing will also be welcomed.)

The Write Stuff

Editor:

The absurd idea that "legal writing has always been bad" has finally penetrated to the core of our Bar Association. "Is It Affect or Effect?" (*Bar News*, October 1988, pages 12-13). This idea, inflicted upon all of us by generations of English teachers and other unworldy types, is based on the limp-wristed notion that style is more important than substance. By approving this, our esteemed editor gives yet more ammunition to those countless critics of the Bar who are always looking for ways to attack lawyers and the legal profession.

In fact, some of the stylistically best English is found in legal prose. Here is an example: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Of course there is "bad legal writing." The cure is for each of us to take the time to put our writing into proper English. Among other things, we are professional writers and for this reason alone we should write professionally.

However, to criticize all legal writing as bad does a disservice to our profession and for this reason, I disagree with the editor's opinion.

GERALD T. OSBORN
Anacortes

EXECUTIVE DIRECTOR

The Seattle-King County Bar Association is seeking a qualified individual to serves as its Executive Director. Desirable qualifications include excellent communication skills, a working knowledge of accounting and budgeting concepts, familiarity with computer systems, experience with fundraising and grant-writing, and an ability to supervise a staff of 20+ and to work with volunteers, a supervisory board, and the public. Salary $40,000+ DOE and benefits. Send applications to SKCBA, Attn: Search Committee, Bank of California Building, Suite 600, 900 Fourth Avenue, Seattle, WA 98164-1005. Cover letters with resumés accepted until January 20, 1989. SKCBA is an Equal Opportunity Employer.

Attention: General Practitioners!!

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

In "The Corner Office" in the September 1988 *State Bar News*, I passed on to you some thoughts concerning the potential for the formation of a General Practice Section within the State Bar Association. Among other things, mention was made in that September column of the encouragement given to this idea by the Association's Long-Range Planning Task Force and the enthusiasm expressed by the Board of Governors in receiving that Task Force report in general and the General Practice Section idea in particular. One of the real "points" of "The Corner Office" column on the subject was to solicit the interest of members of the Association willing to work on the project of forming the section. A number of you responded to that solicitation, and the initial work is underway.

A committee organizing a General Practice Section of the State Bar Association is now hard at work and has asked for my assistance in "getting the word out" to the Association membership. I am pleased to do that and to use this space for that purpose. The committee is chaired by Kennewick attorney Joseph P. Erickson, and its purpose is to organize a section that "will serve to advance the interests and professionalism of general practitioners." If you are willing to join the committee's petition to the Board of Governors requesting that the section be established, or if you would like to receive more information about this proposed section, please fill out the coupon appearing below, clip it out and send it on to Mr. Erickson at the address indicated.

INDIVIDUAL ATTORNEY'S NAME ONLY — WSBA I.D. number

Address, zip code — telephone number

☐ I endorse the formation of a General Practice Section of the WSBA, and I will apply for membership upon its formation ($15 annual dues).

☐ I am willing to serve on one of the following committees of a WSBA General Practice Section:

- ☐ CLE
- ☐ Legislation
- ☐ Newsletter
- ☐ Recruitment

☐ Please send me a questionnaire soliciting my views on the role and functions of the proposed General Practice Section.

Please return immediately to:
Joseph P. Erickson, Chairman
Committee to Organize a WSBA General Practice Section
P.O. Box 6938, 100 N. Fruitland #B
Kennewick, Washington 99336

Life After Lawyering

by **Deborah L. Arron**

Until recently, the choice to practice law, like that of medicine, presumed a lifetime commitment. As of 1970, U.S. Census Bureau statistics showed that only about six percent of all licensed attorneys had abandoned their profession. And law was so stable an environment that most practitioners changed jobs only once during a 30- or 40-year career.

Lawyer Mobility

Today, however, that stability is eroding at an escalating rate. A Harvard Law School study found that more than half of the class of 1981 had moved to a second position within three years after graduation, as compared to a 13-year average stay for the class of 1959. Large law firms also report that up to half of their carefully-selected (and expensively-recruited) associates are gone within three years. Law firm mergers, rare ten years ago, are commonplace today. Terms such as "specialty boutique," "full-service megafirm," "national law firm," and "lateral hiring" are all products of the Eighties.

Once a rare event, mobility among lawyers is now an accepted part of the legal profession. And that growing permission to change contributes to a climate which encourages more and more attorneys to question the very selection of their careers.

The proof is found even among lawyers who purport to have high levels of job satisfaction. According to an American Bar Association survey, nearly a third of those lawyers who reported above-average satisfaction with their current employment still planned to change jobs within five years. Every attorney surveyed reported high levels of dissatisfaction with at least one aspect of employment, especially its interference with their personal lives. Although women have gained ground in the legal profession as a rapidly growing and visible minority, their expressed dissatisfaction with practicing law exceeded, and, in some categories, nearly doubled that of men.

In fact, according to the same source, 43 percent of all practicing lawyers — well over a quarter of a million people—would bail out of the profession tomorrow if shown a feasible alternative. Almost all lawyers (85 percent) with five years' experience or less doubt that they would again choose law as a career if they had the past to relive. And, more than 30,000 attorneys are looking for jobs outside the legal profession at this very moment.

Andrea Lachman, a former corporate lawyer for seven years who now owns and operates two popular eating spots in Manhattan, remarked descriptively, "If I had a dime for every time a lawyer asked me, 'What else can I do with my life?' I'd have enough money to open three more restaurants."

Motives for Change

Those who do leave the profession cite a variety of justifications for their actions, but their explanations are bound by a common complaint — the legal system's unnecessary complexity, inefficiency, and distorted values. Former corporate lawyers contend that legal work wastes resources, costs too much money, and can't generate enough profits to justify the time and effort involved. Litigators find themselves bogged down in procedural requirements, unproductive paper-pushing, and anticlimactic settlements that often merely massage conflicts or, worse, aggravate them. The pressure to bill more hours in order to maintain cash flow and the need to respond to their opponents' actions consume all of their time and energy. Parents of young children especially resent the demands of the profession. They daily deal with the conflict of wanting to devote more time to their families but feeling that they can do so only at the expense of forward movement in their careers.

Creative types, who rejoice in novel solutions to problems, are frustrated by the law's legacy of piling one precedent and rule atop another to inch toward change. Those who stormed into the profession to save the world run into a ponderous and reactionary system that, especially in the last ten years, seems to have done little for mankind. Lastly, some con-

sider the adversarial system counterproductive to an Aquarian society. Law's essential nature pits one person against another in a process which separates and divides, while their visions join mankind together in a peaceful, productive world.

Examples

Although they share a common point of view, these former practitioners express their many differences by the diverse post-practice paths they take. Celia Paul, a New York City career counselor who has worked with several thousand attorneys individually and in workshops over the last five years, says that what attorneys do with their training runs the gamut. "There is no one area you could mention that some lawyer has not tried next," observes Paul. "Attorneys have even started new businesses with no background in the area they've gone into by using skills they developed as lawyers: thinking on their feet, handling pressure, and setting priorities."

Many lawyers transfer writing, investigation, problem-solving and organizational skills into jobs in communications, whether in creative writing, journalism, public relations or publishing. John Robinson, Terrin Haley, and Terry Tang are all former practitioners who now write for the *Seattle Weekly*. Robert Marrett of Seattle launched a monthly energy issues magazine, *Electricity Journal*, which examines the effects of energy policies on consumers for a targeted audience of utility and government decision makers. Ralph Warner co-founded and directs Berkeley's Nolo Press, America's first self-help legal publisher. Kevin Ward was asked to head a corporate communications company in Manhattan after publishing a satirical look at the legal profession, *Not the Official Lawyer's Handbook*.

Ronald Bass, who wrote the screenplays for "Gardens of Stone" and "Black Widow" after years of writing spy novels as a hobby, attributes his ability to develop characters in his screenplays to his experience as a top entertainment lawyer in Los Angeles. Says Bass, "Negotiating involves problem-solving and persuasion, which give you certain psychological insights. It teaches you to sense how people work and how that affects their behavior."

Other lawyers make use of the business and management skills they developed as lawyers. Bob Randolph, a MacDonald, Hoague & Bayless partner, accepted an offer from a former Oxford University classmate to relocate to Singapore to assume the managing directorship of a multinational alternative energy company. Judd Kirk resigned from his partnership with Davis, Wright & Jones two years ago to take the helm of a new real estate development subsidiary of the Skinner Corporation. Alan Shapiro, a former insurance defense attorney, became a planned giving specialist for New York University by selling his credibility and his ability to get up to speed in a new area quickly and competently.

Many practitioners parlay their knowledge of the legal system into a job which serves lawyers. For example, Terry Murphy left Bogle & Gates to start a small law practice. There, he became much more interested in

computerized office management than in his caseload. His interest in computer programming blossomed into Terosoft Legal Software Company. Rees Morrison followed a similar path. After seven years' toiling in the bankruptcy departments of three different Manhattan megafirms, Morrison initiated a conversation with another commuter who was carrying the same laptop computer as he. That contact led to a sales job in the computer industry and, a few years later, to his current position as vice president of Analytic Legal Systems, a company founded by another former practicing lawyer.

Philadelphia lawyer Lawrence Richard founded LAWGISTICS eight years ago to provide consulting to law firms and lawyers in communication and performance excellence. Later, after receiving an advanced degree in applied behavioral science, he expanded into career planning for lawyers. Demand for that service necessitated the recent opening of a second office in New York City.

A former Chicago practitioner, Cheryl Heisler, resigned a marketing position with Kraft after getting barraged with telephone calls from other attorneys who had read about her career switch in the *ABA Journal* and *Crain's Chicago Business*. She created LAWTERNATIVES, a home-based business which provides counseling and referral to lawyers who are interested in exploring alternative careers.

Ellen Alexander practiced with Bogle & Gates before purchasing a family construction business with her husbandm When the liability insurance crisis made shaky the company's future, she founded (with Robert Thomas, at that time another lawyer in transition) The Alexander-Thomas Group, Seattle's contract lawyer placement agency.

Dedicated lawyers also turn volunteer activities into new careers. Bill Zook was recently named director of a Seattle Better Business Bureau mediation program after volunteering for them as an arbitrator for nearly three years. A Michigan practitioner convinced the Marin County Humane Society board of directors to hire her as their director, a job she still holds and loves after eight years, because of her years of volunteering for a similar program back home.

The most satisfying farewell to the profession comes from those who capitalize on their hobbies to create nontraditional employment. Former chief criminal deputy of the King County Prosecutor's office, Mary Kay Barbieri, and former supervising juvenile court deputy, Linda Walton, completed their first season as owner-operators of North Cascades Llama Company, a guide service which uses llamas to pack in gourmet meals and supplies for three- to five-day hikes. Another former prosecutor now tells stories for a living. And 1974 Harvard Law School graduate, Dace McCoy, combined a passion for diving with a background in land use planning law to become the Cayman Islands' underwater land use planner.

Most practitioners are loathe to endure any more schooling after completing a legal education and at least one bar examination. But those who choose psychological counseling as a next career find further formal training essential to their transition.

Stephen Feldman, a licensed lawyer/psychologist in Seattle, funded his doctoral program at the University of Nebraska by teaching part-time at their law school. Another practitioner has reduced her law practice to four days per week to make time for a master's program in psychology.

Whether returning to school, funding time off for a job hunt, or following through on a vision, the key to a successful transition is planning. One Seattle couple, both lawyers, serve as a good example. In 1981, after the birth of their first child, they carefully analyzed how practicing law did and did not fit with their life goals. In one column, they listed all the things that were wrong with their lives. In another column, they created both long- and short-range goals to cure those faults.

"Lifestyle was what it all boiled down to," they admit. "We are only here once. We've only got our kids for X number of years. Nobody remembers who did *Hadley* v. *Baxendale* or any other case. In light of the fact that we were never going to make lasting names as lawyers, it all came down to what kind of life we wanted to live. Lying down on a flat log in the sun is what it boiled down to in our lives. And enjoying our family."

Step by step, with much research, one major failure, and perseverance, they designed a home-based business to meet their requirements — manufacturing and distributing ceramic Christmas tree ornaments. In 1984, after three years of planning and execution, they closed their law offices to realize their vision. Now, they pay in taxes more than what a third of all lawyers earn; their children are rarely with babysitters and never in day care; the entire family travels much of the year; and their lives are incredibly enriched.

In other words, like other former practitioners, they have no regrets about pulling out of the practice of law. That's not to say that they and others don't have some regrets about the way they extricated themselves from their profession. In hindsight, they might have accomplished it more efficiently, with less trauma, or with more support from others. They might have left sooner, with more money or direction, or with fewer conflicts. But, without exception, they all agree that their decision to leave was the best choice they ever made.

The Leap

Hindy Greenberg, a contract attorney and volunteer coordinator of a peer support group in San Francisco, emphasizes that getting out of law is not easily accomplished. "A lot of people expect to hop from law to another career with a snap of the fingers: All of a sudden, a light bulb will turn on, their life path will be lit, and the perfect position will magically appear. It doesn't work that way. It is a long, arduous process." But it is also a process which can reap handsome rewards.

There is an oft-repeated fable, reputed to be of Buddhist origin, about the courage to make a change.

A man has fallen over a cliff and is holding desperately onto a sturdy branch growing out of the side of the crevice. From his perch, all he can see is the branch he grasps, certain death below, and nearly within reach, a lush mountain meadow ten feet behind him.

Suddenly, seemingly from nowhere, a voice speaks to him. "Let go of the branch and jump to the meadow. You can make it. I will help you."

The man is understandably perplexed. He cannot see the person who speaks. It could have been his imagination. If he misses his target, his life will certainly end, but hanging precariously to a branch on the side of a cliff for the rest of his life holds no appeal either. If he lets go and leaps as the voice urges, if he trusts in the unknown, he could discover an appealing way out of his dilemma.

What does it take for him to follow the instructions of the voice?

A simple leap of faith.

Or, as Kevin Ward said,

"Jump. You can fly." □

This article is excerpted from *Running From the Law: Why Good Lawyers Are Getting Out of the Legal System*, scheduled for publication by Niche Press in the spring, 1989.

***Deborah Arron**, past chair of the Young Lawyers Section of the Seattle-King County Bar Association, former trustee of SKCBA, and a civil litigator for 10 years, left the practice of law in 1986. Last year, she founded Lawyers in Transition in Seattle, an information and support group that seeks to facilitate job satisfaction for lawyers.*

100 Years Ago— Sidewalks, Wheat Notes and the Litigious Mr. Clark

by **Lindsay Thompson** Bar News *Editor*

January 1889 was a mixed bag for Mr. Van Buren Clark and for Allen & Crowley, attorneys. Clark managed the feat of having two cases before the Supreme Court of Washington at the same time, and Allen & Crowley argued them both.

The first case, *Van Buren Clark v. Lincoln County*, 1 Wash. 518 (1889) was decided by the Court January 29, 1889. The case, on appeal from Walla Walla County District Court, involved a fall taken by Clark in Lincoln County. He sought $15,100 in damages for injuries sustained as a result of his meeting with "an alleged defective sidewalk." That was big money then — President Cleveland, a lame duck, only made $25,000. The county demurred, the demurrer was sustained, and exceptions were taken.

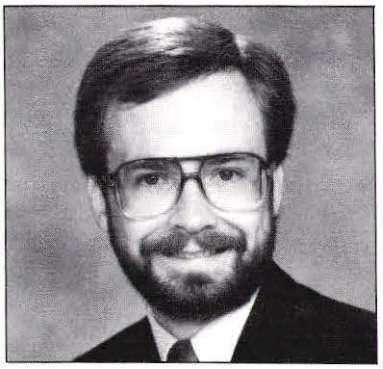
After meandering through the common law and the trends in New England, the Court upheld the judgment. "To permit suits of this kind to be brought against counties would be productive of frequent, vexatious and interminable litigation; and, while this should not stand in the way of anyone's legal right, it ought not to be permitted, unless clearly warranted by law expressly provided by statute. While some courts in this country seem inclined to hold the right to bring suits of this character," Justice Lucius B. Nash huffed, "the courts in England are wholly against the right, and the great majority of our states having similar provisions in their statutes to our own are against it. In harmony with the great weight of authority in this country, this court holds that the action cannot be maintained."

Two days and 31 pages later, the justices gave Clark and Allen & Crowley one to take home in *Levi Ankeny v. Van Buren Clark*, 1 Wash. 549 (1889). Ankeny agreed to sell Clark two quarter sections of land in Walla Walla County for three annual installments of 4,000 bushels of wheat and Clark's assumption of a $3,000 mortgage on the land. Ankeny gave Clark a $10,000 bond to ensure performance, and Clark gave Ankeny what the Court called "a wheat note" plus a chattel mortgage to secure its payment. Clark made good on the wheat in two years and demanded a deed from Ankeny. After putting Clark off repeatedly, Ankeny — you guessed it — referred Clark to his attorneys, who offered him a warranty deed to the quarter on the odd section and a quitclaim to the quarter on the even section, or "railroad land," which Ankeny's lawyers thought would not pass clearly to the Northern Pacific Railway Co. Clark rejected the deal, went to Ankeny's bank, returned possession of the land to Ankeny and sued him for the value of the wheat. Clark won at trial, and Ankeny appealed, claiming Clark had an obligation to pay the wheat under the note and chattel mortgage, neither of which said anything about the purchase or sale of land.

This time, the Court slam-dunked Ankeny, upholding the verdict of the trial court but sending it back for a bit of tidying up — suspending issuance of execution until Clark, who'd rescinded the contract, released Ankeny from his bond.

From the desk of a MENTOR attorney... The MENTOR Program — Why Participate?

by **Scott Collier**



Scott Collier, an attorney with the Vancouver firm of Horenstein & Duggan, P.S., is also chair of the Clark County Bar's Public Relations Committee.

Increasingly, law has a pervasive influence on the lives of those we attorneys represent. Yet an alarming number of clients are functionally illiterate with respect to the legal system: how it works and the role of attorneys within it. The MENTOR Program is one of many ways the state's legal community can fulfill its duty to educate the public, as recommended in the Rules of Professional Conduct and, in return, participate in a truly rewarding experience with those we will be representing in the future. MENTOR involves direct communication between students and lawyers, legal assistants, court personnel and judges. It provides first-hand opportunities for students to see and discuss law-related topics with lawyers and observe matters being litigated.

By the time most students reach high school, they have probably had only limited exposure to our legal system and its main participants, the judges and lawyers. However, students will undoubtedly have a preconceived view of that system based upon their exposure to traffic court, juvenile court or the divorce of a parent or family member. Some of their notions will have come from watching "L.A. Law" or "Perry Mason" reruns.

To increase students' understanding and appreciation of the law, the WSBA's Department of Public Affairs and its Committee on Law-Related Education conceived the idea of MENTOR. It was patterned after the highly-successful programs in New York City and Washington, D.C., and was designed to both demystify the law and its participants and provide a program of study and events to enrich the students' understanding of the legal system.

Horenstein & Duggan, P.S., has been involved with MENTOR for three years. Each year, we have heard students comment that "lawyers and judges are actually real people with hearts" and that we are "more normal than they expected."

Once we become involved in a program like MENTOR, we see first hand the importance of educating those we will represent and serve as to what the practice of law is really like. "It [the program] showed that being a lawyer isn't all glamour and excitement," "Laws aren't black and white," "To be a lawyer you need to work hard"; and "They don't know everything; they have to refer to books."

We of the legal community want a say regarding the skills of students coming out of our school system. We have a responsibility to share our expertise. It is not adequate or fair to leave that up to the teachers. Our investment will come back in the form of better-educated citizens and clients, who will not be so hesitant to go to an attorney before their needs become major problems. In the three years that our firm has been involved in MENTOR, it has served some of the students it has helped to educate. They showed a far better understanding of how we lawyers work and bill and how the courts operate.

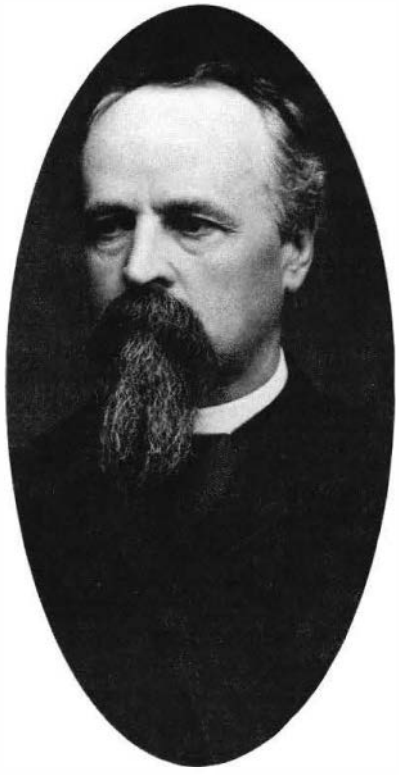
In a few short years, the MENTOR Program has gone from fime to fifty high school/law firm partnerships statewide. Lawyers and school districts recognize that there is nothing like the sharing of a lawyer's reallife experience to capture students' interest and thereby educate them. This rapid growth shows the need of the students to understand, as well as our need to serve clients who better grasp our role within a complex system.

John P. Hoyt and Women's Suffrage

by **Charles K. Wiggins**

(First of a series on the Constitutional Convention and Lawyers' roles in it)

As a judge and as president of the Washington Constitutional Convention, John Philo Hoyt found himself immersed in one of the spirited controversies of the day — women's suffrage. The Territorial Legislature gave women the vote in 1883. Hoyt, writing for the Territorial Supreme Court, upheld the statute in 1884, but the court overturned the statute in 1887. In 1889 Hoyt voted in the Constitutional Convention for a direct vote by the people on the issue of women's suffrage, to be submitted to the people as a separate proposition simultaneously with the constitution itself.



Hoyt's Background: Legislator, Governor, and Judge

Born in Ohio in 1841, Hoyt served in the Union Army during the Civil War, then returned to Ohio, enrolled in law school, and was admitted to the bar in 1867. He practiced in Michigan from 1868 to 1878, where he was elected to the State House of Representatives and served a term as Speaker of the House. Seeking a change in climate, Hoyt sought and was appointed to the position of Secretary of the Territory of Arizona. He became Governor of Arizona Territory in 1877. In 1878 Hoyt was named to succeed Governor Brayman of Idaho Territory, who had fallen from favor for his administration of affairs during the Nez-Percé War. Investigating the charges against Brayman before he took over, Hoyt concluded that Brayman had been unjustly removed and wrote to President Hayes to decline the appointment; the President offered Hoyt an alternative appointment as associate justice of the Supreme Court of Washington Territory.

Hoyt arrived in Olympia in February 1878. By most accounts, he was a well-respected judge. An acquaintance called him "one of the kindliest and most courteous gentlemen who ever sat upon the judicial bench in Washington." When Hoyt's first term expired, every practicing attorney in each of the 12 counties of his judicial district petitioned President Arthur to reappoint him. Still, Hoyt felt obliged to write the U.S. Attorney General in defense of his temperance that he had drunk neither "spiritous liquor" nor malted liquor in 20 years. President Arthur reappointed Hoyt to a second term.

Judge Hoyt survived a second challenge to his judgeship when a Democrat, Grover Cleveland, removed nearly every Republican office holder in Washington Territory when he took office in 1885, and served until his term ended in 1887. Hoyt moved to Seattle and became manager of the banking house of Dexter, Horton & Company.

The Suffrage Movement in Washington Territory

Suffrage advocates had pressed the Territorial Legislature to extend the franchise to women for years. In 1854, A. A. Denny moved to grant women suffrage in the first Territorial Legislature. He failed. When the Legislature revised the election statutes in 1867 to deny former Confederate soldiers the vote by restricting it to "all white American citizens 21 years of age," legislator Edward Eldridge argued that the phrase granted women the vote.

Women were inconsistently allowed to vote until 1871, when the Legislature decided women had no right to vote except in school elections. In 1878, following approval by the voters at large and authorization by the Territorial Legislature, a convention of 15 elected delegates assembled at Walla Walla to draft a constitution to be submitted to Congress in Washington's petition for statehood. Though the convention heard from Abigail Scott Duniway, a prominent Oregon suffragist, and Eldridge moved to delete the word "male" from voter qualification requirements, the delegates rejected extension of the franchise. However, the delegates voted overwhelmingly to submit women's suffrage as a separate proposition for a direct vote by the electorate. The voters ratified the Walla Walla constitution, but rejected women's suffrage by a margin of almost 3 to 1, and the whole effort came to naught because Congress declined to grant statehood in 1878.

The Territorial Legislature finally granted the vote to women in November 1883. This statute not only permitted women to vote, but by implication permitted them to sit on grand juries, since another code section made all qualified electors and householders competent to do so. The implication was tested when one Mollie Rosencrantz appealed her conviction for keeping a house of ill fame on the ground that a married woman had served on the grand jury which had indicted her (*Rosencrantz v. Territory*, 2 Wash. Terr. 267 (1884)). Judge Hoyt, writing for himself and concurring Judge Wingard, upheld the conviction on the ground that the law was valid, and women were therefore eligible to sit on grand juries.

Two years later, a similar challenge was brought by one Harland who was

convicted of conducting a swindling game called "21, or top-and-bottom dice" (*Harland v. Territory*, 3 Wash. Terr. 131 (1887)). This time changes in the court changed the result. Hoyt was disqualified from sitting on the appeal because he had presided over Harland's trial. (Each of the four judges of the Territorial Supreme Court sat as a trial judge in one of the four judicial districts and was disqualified from hearing any appeals from his own cases, which were heard by the remaining three judges.) Judge Wingard, who joined Hoyt in the *Rosencrantz* decision, had resigned from the court. Judge George Turner, who vigorously dissented in the *Rosencrantz* decision, carried the day and overturned the law holding that the Franchise Act violated the provision of the Organic Act of the territory which stated that, "Every law shall embrace but one object, and that shall be expressed in its title" (This requirement survives in Article II, § 19 of the Washington Constitution). Turner reasoned that the title of the act, "An act to amend § 3050, Chapter 238, of the Code of Washington Territory," did not adequately express the subject of the legislation.

The Territorial Legislature of 1887-1888, elected by both male and female voters, reinstated women's suffrage. The issue was returned to the Territorial Supreme Court by Nevada Bloomer, who had been denied the right to vote in a regular municipal election in the city of Spokane Falls. (*Bloomer v. Todd*, 3 Wash. Terr. 599 (1888)). The case appears to have been contrived by saloon owners and suppliers to invalidate the women's franchise out of fear that women would vote for prohibition. Bloomer's husband owned a saloon, and John Todd, one of the defendant election judges, was a beer bottler who supplied him. By now, Hoyt's term on the court had ended, and Turner, who'd resigned from the court, was retained to oppose the statute. It was argued that Congress had provided in the Organic Act that only male inhabitants would be permitted to vote in the first territorial election, and that the first legislative assembly would decide upon the qualifications of voters at all subsequent elections. Relying on this, the court struck down the statute, holding that Congress must have intended to limit the franchise to male citizens, and that the Territorial Legislature had no power to enfranchise women. Thus ended women's suffrage in Washington Territory.

Hoyt, Suffrage, And The Constitutional Convention

With another try for statehood in the works, the battle for women's suffrage now shifted to the Constitutional Convention of 1889. The delegates considered three options: limit the franchise to men; extend the franchise to men and women alike; or, separately submit to the voters the issue of women's suffrage. Hoyt and Turner, who had fought the issue in their tenures on the Territorial Supreme Court, were now pitted against one another for the presidency, or chairmanship, of the Constitutional Convention. A third contender, Ralph O. Dunbar, was so

strong an advocate of women's suffrage that he eliminated his chance of election. *The Seattle Times* commented "Hoyt is objected to by the anti-suffragists, but his views upon the subject are mild, compared with those of Dunbar, consequently Dunbar's chances for the coveted honor have melted away like snow in the sunshine." Then Turner withdrew in favor of Hoyt, who was reported to have secured his election by a pledge not to place women suffragists in prominent commmittee positions.

But the suffrage issue had become entangled with another hotly debated issue of the day — prohibition — as the *Bloomer* case showed. Abigail Scott Duniway blamed the prohibitionists for resistance to women's suffrage, arguing that the liquor industry had stirred up opposition with the argument that women would surely vote for prohibition. She urged Washington suffragists at the convention to avoid the prohibition controversy at all costs.

Early convention press reports of delegate straw polls suggested that the delegates would limit the vote to men and that the best suffragists could hope for was a separate referral of the voting question to the people. A vigorous women's suffrage lobby nevertheless strove to persuade the delegates to include suffrage in the constitution. Although Duniway was unable to attend the Washington convention, the prominent Massachusetts suffragist Henry B. Blackwell traveled west and lobbied the constitutional conventions of North Dakota, Montana and Washington. Blackwell wrote to his wife from Olympia:

> Here I am fighting against odds — both the party conventions & leaders having dropped woman suffrage in order to conciliate the whiskey interest & the very general opposition which the men have manifested since the judges have overthrown the women's right of suffrage. It is a most discouraging & perplexing condition of things.

A lengthy debate ensued in the convention when delegate P. C. Sullivan of Pierce County moved to invite Blackwell to address the delegates; he eventually withdrew his motion, and Blackwell settled for a public address attended by a few delegates and members of the public at large.

The suffrage question came before the convention on August 12, 13 and 15, 1889. The delegates reviewed and voted upon the issue in several rounds: in "committee of the whole," when the entire convention of 75 delegates freely debated and amended the proposed elections article; on first, second and third readings of the article; and, after the article was defeated on its final reading, on reconsideration of the article. Given the temper of the Convention, the debate was really over a series of strategic withdrawals by the suffragists.

Round One questioned whether to include women's suffrage in the constitution. When the convention went into the committee of the whole to consider the proposed elections article, 39 delegates left the hall to avoid listening to any suffrage speeches. Delegate Edward Eldridge moved to

strike the word "male" from the qualifications of voters in Section 1 of the proposed article. Eldridge spoke for over an hour, reviewing the history of women's suffrage in Washington at some length, and urging the delegates to extend equal rights to women:

> The consent of the governed is necessary to form just government and woman is an essential part of the governed. It follows as a natural sequence that woman is entitled to the right of suffrage. The conditions that man has ordained they should occupy was not the position the creator intended them to occupy. The women of Washington for the last quarter of a century have been petitioning for their rights.

No one else spoke on the motion, which was defeated. Eldridge brought this motion before the convention again on the elections article's first reading, but was defeated, 50-8. Hoyt opposed the motion.

Round Two considered whether the Legislature should be authorized to grant women the right to vote. Ralph Dunbar led the suffragists in the lengthy debate, in which the Territorial Court, and Turner in particular, was criticized for striking down prior suffrage legislation. This effort failed, 38-18, on the first reading, Hoyt again voting "no."

Round Three took up the details of a separate submission of the suffrage issue to the public. Eldridge, supported by Hoyt, repeatedly and unsuccessfully attempted to authorize women to participate in the vote on separate submission. Again supported by Hoyt, Eldridge unsuccessfully moved to permit the Legislature to submit women's suffrage to the voters in the future even if the public failed to approve suffrage on the initial separate submission. Finally, the delegates debated whether suffrage should be separately submitted to public vote in 1889 or 1890. The suffragists felt that their chances of success were best at a special election limited to the suffrage issue, at which the only voters would be those most concerned with suffrage. They also wished to avoid submitting suffrage simultaneously with prohibition, which the delegates had also decided to submit separately. The delegates initially agreed on 1890, but finally voted to submit suffrage to the voters in 1889.

Hoyt's voting pattern reveals a strong conviction that women's suffrage should not be included in the constitution, but should be separately submitted. Hoyt did vote in favor of the suffrage movement by supporting the move to allow women to vote on separate submission, and by voting to authorize submission to popular vote on later occasions. Did Hoyt make a deal with anti-suffragists to limit his suffrage views in exchange for his selection as president of the convention? Turner's withdrawal from contention for the presidency supports this hypothesis, but any "deal" seems inconsistent with Hoyt's past record— his support for the accused Governor Brayman, the support and admiration Hoyt enjoyed from the practicing bar during his tenure on the bench, and his voting record on suffrage as a judge. It seems more likely that Hoyt concluded, as did Blackwell, that separate submission was the optimum strategy for an uphill battle.

Epilogue

The constitution was overwhelmingly approved by a vote of 40,152 to 11,879. Women's suffrage was defeated on separate submission by a vote of 16,527 to 34,513. Women were not to receive the vote in Washington for another 20 years.

Judge Hoyt was elected to the Washington Supreme Court in 1889, and served on the court until 1897. Following his tenure on the Court, he became a lecturer at the University of Washington School of Law and was also a United States referee in bankruptcy at Seattle from the early part of the twentieth century until 1912. Hoyt died in Seattle on August 25, 1926, at the age of 85.□

Note on Sources

The best accounts of the convention are found in the newspapers of the day (I have drawn on the *Seattle Post-Intelligencer* and the *Spokane Falls Review*) and in the *Journal of the Washington State Constitutional Convention* (B. Rosenow ed., 1962). *See also* J. Fitts, *The Washington Constitutional Convention of 1889* (MA Thesis 1951, at U. of W. Library). The U. of W. law school library's Washington Lawyer file contains information on Hoyt. Sources on suffrage include A. Duniway, *Path Breaking: An Autobiographical History* (2d ed. 1971); Pearce, *Suffrage in the Pacific Northwest*, 3 *Wash. Hist. Q.* 106 (1912); L. Wheeler, ed., *Loving Warriors: Selected Letters of Lucy Stone and Henry B. Blackwell* (1981).

Charles K. Wiggins *is a Seattle attorney. He holds degrees from Princeton, the University of Hawaii and Duke University School of Law. His last appearance in the* Bar News *was a series on appellate procedure in 1986.*

Banishing Depression Through Transition

by A Metropolitan Lawyer

I experienced great satisfaction practicing law during the first five years. Although I'd never thought of myself as particularly smart before law school, I excelled there. I joined a prestigious firm and built up a good reputation as a practitioner and bar association leader. My career boosted my ego.

I liked learning how to be an effective litigator and assisting those in need. I enjoyed interacting with my clients and peers and the fact that I could help people reach agreement. On top of it all, I earned good money and increasing respect.

On the other hand, I hated the deadlines and rules. It never made sense to me that the obviously-fair thing couldn't be done because of procedural restriction. Or that others would abuse the law to avoid responsibility. What bothered me most of all was that I found myself taking marginally necessary actions either in order to fulfill my hourly billing obligation or to appease a client's need to vent his anger through the court system.

I had started to think that law wasn't the right career for me way back in 1979. I remember fantasizing with another lawyer about getting into television reporting, or going back to school in psychology. My friend was horrified. He told me that I was absolutely suited to be a lawyer and nothing else. I bought it.

I always felt stressed practicing law, but I got used to the constant headaches and the neck and shoulder tension. As my conflict about wanting to do something else increased, however, so did my symptoms of stress. I became an exercise nut, walking to work each morning and heading for the gym nearly every afternoon. When that wasn't enough, I started "pigging out" every night. Eventually, only wine would calm me down. Some nights, I'd fall drunkenly asleep before 8 o'clock.

About three years ago, I started waking up every morning dreading the day. That dread grew into a depression that psychological counseling couldn't alleviate. Out of desperation, I decided to take a one-year sabbatical.

It didn't help. I didn't want to move down the ladder of success. And I couldn't think of any other way to earn the kind of living I earned practicing law. I felt trapped.

When I couldn't stand the anxiety any longer, I enrolled in a series of personal effectiveness training seminars. That led me to recognize my food addiction and to join Overeaters Anonymous. As I was getting my overeating, drinking and cumpulsive exercising under control, I started reaching out to others. I shared my desire to stop being a lawyer, and my confusion about how to go about it. Someone told me about Lawyers in Transition. There, I received the understanding and encouragement from peers that brought me clarity about my career direction.

I'm not going back to practicing law. I've figured out a way to combine my experience and my values into a new business which serves lawyers. I don't regret my choice at all. The only thing I regret is that I didn't reach out to others sooner.

Choices

by WSBA Lawyers' Assistance Program staff

This is a lawyer who found assistance from that wonderful resource, Lawyers in Transition, one of several recovery alternatives. She ended her serious depression and has avoided relapse. The results from the Lawyer Ways of Living and Health Questionnaire, completed by a random 10% sample of Washington lawyers, suggests that approximately 3,200 lawyers (23% of the Washington Bar) suffer depression to the extent that the author did. Besides her compulsive coping strategies mentioned above, her distress included the following symptoms:

- feeling no interest in her usual activities and relationships
- feeling lonely most of the time
- feeling extremely tense or keyed-up for extended periods of time
- being plagued by feelings of guilt
- occasionally thinking about ending her life.

If this fact pattern sounds familiar, or if alcohol, depression, drugs, etc. have become the focus of your life, call us. LAP provides confidential, effective assistance. LAP can evaluate you and recommend a range of alternatives for beginning and sustaining your recovery. We can assist you or your fellow lawyer. Just call (206) 448-0605.

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

New Impeachment Rules • Insurance in Divorce • New Property Law Development

Evidence. Reversing a number of earlier holdings, Supreme Court has changed guidelines for admissibility of prior convictions for impeachment. New guidelines are: (a) a conviction that is automatically admissible as substantive evidence under ER 404(b) is not automatically admissible for impeachment under ER 609; (2) nature of defendant's proposed testimony is irrelevant to determining whether prior conviction is admissible for impeachment; (3) property crimes, including theft, involve "dishonesty" within meaning of ER 609 and are thus automatically admissible for impeachment; (4) defendant may not appeal from a ruling admitting prior conviction for impeachment unless he or she actually takes stand and testifies; and (5) on appeal, error in admission of prior conviction is not considered constitutional error and thus may be harmless. Four judges signed lead opinion; five concurred in result only. ***State v. Brown***, 111 Wn.2d 124, 761 P.2d 588 (7/14/88).

—K. B. Tegland

Insurance — dissolution. Trial court in dissolution action issued preliminary injunction, forbidding either spouse to change entitlements to any life insurance policies. Husband later changed beneficiary designation on his policy, which originally gave all proceeds to wife, naming third person to receive half of proceeds. He then committed suicide. Trial court held his re-designation was void because in contempt of its order. *Held*, affirmed. Wife is entitled to all of proceeds. Trial court's injunction validly limited husband's right to change beneficiary. It was within trial court's equity jurisdiction to remedy deliberate violation of its order. ***Standard Insurance Co. v. Schwalbe***, 110 Wn.2d 520, 755 P.2d 802 (5/26/88).

—T. R. Andrews

Real property security. Bank's installment note, secured by mortgage, contained acceleration clause and also clause allowing prepayment upon payment of penalty. Debtor defaulted, and bank declared acceleration. Bank contends that, since acceleration causes prepayment, it should be able to add prepayment penalty to amount due. (Bank also suggests that debtor intentionally defaulted, to force bank to accelerate, so he could pay off loan without penalty; but court finds this not proven.) Prepayment clause did not (as they sometimes do) say that prepayment penalty would be added to balance upon acceleration. *Held*, prepayment penalty is not to be added to balance due. Prepayment penalty is due when debt is paid before it is due, but acceleration causes entire debt to become due at point of acceleration. (*Comment*. This appears to be Washington's case of first impression on this interesting issue. — W.B.S.) ***Rodgers v. Rainier Nat'l Bank***, 111 Wn.2d 232, 757 P.2d 976 (7/15/88).

—W. B. Stoebuck

Torts. Co-employees who harassed plaintiff, resulting in plaintiff's resignation from employment, could be held liable for intentionally interfering with plaintiff's business relationship with employer. Because interference of this kind must be intentional to be actionable, the exclusive-remedy provision of Industrial Insurance Act does not preclude action against co-employees. ***Eserhut v. Heister***, 52 Wn. App. 515, 762 P.2d 6 (9/6/88).

—J. T. Richardson

WASHINGTON STATE BAR NEWSLINE

The Board's Work

by **Lindsay Thompson**

SEATTLE, DECEMBER 16-17, 1988

PRESENT: President Bracelin and the Governors of the Association, save Governor J. Donald Curran of Spokane, absent due to illness.

ALSO PRESENT: C. C. Bridgewater (Prosecutors' Assn.); Steve DiJulio, Lucy Isaki and Matt Sayre (SKCBA Trustees); Frank Edmondson (Gov. Law.); John Fattorini (WSBA Legislative Liaison); Dan Gottlieb (SKCBA Young Lawyers); Ed Holm (Legal Foundation of Washington); Judge Ted Kolbaba (Superior Ct. Judges' Assn.); John McKay (WSBA Young Lawyers); John J. Michalik (WSBA Exec. Dir.); Linday Thompson (*Bar News* Ed.); Gregg Tinker (WSTLA); and Robert Welden (WSBA General Counsel).

PRESIDENT'S REPORT: President Bracelin told the Board she testified before the Commission on the Courts looking into changes in judicial disciplinary procedures in light of the Gary Little scandal. She told the Commission the Board of Governors feel confidentiality should be maintained in the early stages of an investigated complaint. The public should feel free of the possibility of judicial retaliation when they make a complaint. She added that once probable cause is found that a complaint be filed, confidentiality perhaps should end. However, the public's right to know should be balanced by experience: many complaints in the Commission on Judicial Conduct come from unhappy litigants.

The president went on to note that current proposals in Olympia are overreactions to the Little case. Considering whether the Commission should uniformly look into conduct of judges prior to appointment, she said the Civil Rules provision for measuring relevance against prejudice to the accused is a good rule of thumb. Proposed changes in the composition and organization of the Commission — reducing the number of lawyers on the Commission or barring one from being elected chair — run counter to experience. There has been no showing of a need to make such changes, or that they would have prevented the Little case. A substantial case can be made for the desirability of having lawyers on the Commission for their knowledge of the legal system while not being judges themselves, Bracelin testified.

Finally, she observed, proposals to make the Commission an executive rather than judicial agency raise questions of separation of powers as well as whether any real need has been shown for such a step.

YOUNG LAWYERS DIVISION: YLD president John McKay presented a first-anniversary report on the 8,000-member group. "It's been an avalanche," McKay

said of member participation in Division committees covering subjects as diverse as continuing legal education, publications, equality in practice, law-related education, legislation, pro bono service, criminal prosecution and defense, and public affairs. A network of YLD representatives reaches every county and bar affiliates in Washington at the grassroots level, coordinating service projects and helping organize YLD affiliates. A full schedule of CLE programs, focusing on basic practice skills, is in hand, and long-range planning is being institutionalized to ensure orderly divisional growth and effective expenditure. Last year, McKay told the Board, the Division raised $12,000 above the Board's budget appropriation, then returned $6,000 at the end of the year. "We didn't feel we had to spend it all just because we had it," McKay said.

The Governors expressed delight and admiration over McKay's report. Governor Jeff Tolman thought it "remarkable that they've done so much with $80,000 and 8,000 lawyers thrown into a division." Governor Steve DeForest wondered, "Should we give them 7,000 lawyers and another $80,000 and see what they can do?"

A LEGAL INSURANCE COMPANY: Attorneys' Professional Insurance Committee chair Milton Smith and former WSBA president William Gates appeared before the Board to discuss the question that stopped last month's consideration of whether an independent Bar insurance company should be set up: Can the Association own an insurance company in light of RCW 48.05.045, which prohibits state agencies from owning and controlling an insurance company?

"I wasn't aware of the statute the last time we met," Smith told the Board. "My response is that we didn't anticipate that the Association would own the company. Ownership should be by members, with appointment of board members by the Association's Board of Governors. That gets around the 'ownership and control' question." But Smith said his committee hadn't considered the organizational details of an insurance company beyond leaning toward a stock or mutual company because reinsurance companies dislike reciprocal companies.

WSBA General Counsel Robert Welden, queried by Board members whether a private company with a WSBA-appointed board could satisfy the ownership/control issue in RCW 48.05.045, said the issue hadn't been considered in a 1986 legal opinion on the statute's effect. Another issue needing examination, Welden said, is whether Bar Association funds can be spent on surveying the demand for a private insurance company.

LAWYERS' ASSISTANCE PROGRAM: Dr. Andrew Benjamin, director of the Association's year-old Lawyers' Assistance Program (LAP), told the Board the program has built a solid record of providing help to troubled members of the Association, and has earned national notice for its programs.

The LAP assists attorneys with all sorts of troubles, but some 86% of first-year cases are mental (depression, impairment, senility, etc.) or alcohol-related. The program takes in 12 to 15 cases a month— about one percent of WSBA membership — of which about 60% are self-referrals. "We've been able to present the program as a credible alternative in lawyers' minds to the Association's disciplinary operations, which used to be the only way the Bar dealt with impaired lawyers," Benjamin said. "Many of the lawyers we help become counselors to other lawyers in the program, and are one of our most effective tools. In addition, our year has allowed us to see what publicly-

available treatment counseling programs work best for lawyers. That sharpens our ability to keep our clients." Benjamin noted that LAP cost each WSBA member about $6 last year, compared to $45 for disciplinary proceedings.

LAP has developed peer-counseling groups in most areas of the state, Benjamin said, but is going slowly on expanding its programs or seeking more cases. "We've got about as much as we can handle, and don't want to compromise the quality of the services we provide."

According to Benjamin's records, it would be easy for the program to be overwhelmed. Statistically verifiable surveys done by him indicate 18% of members have a problem with alcohol, and 12% have problems classifiable as clinical depression. That doesn't mean they're unfit to practice, he added. In most cases, depression manifests itself first in interpersonal relations, and affects professional performance last.

COMING LEGISLATION: WSBA Legislative Committee chair Don Ericson and Legislative Liaison John Fattorini emceed a procession of members of Bar committees seeking the Governors' endorsement of proposed legislation. Here's the result:

- The Governors agreed to sponsor a rewrite of Washington co-op laws. Essentially unchanged since 1921, RCWs 23.86 and 24.32 offer alternate ways to set up co-ops. In the bill, RCW 24.32 will be repealed and 23.86 rewritten to update the statute while not requiring any action by existing co-ops.
- They also agreed to sponsor three amendments to the Deed of Trust Act which will clarify the five-day periods in which notices can be published; delete the requirement that acknowledgments be included in notices of sale; and address the state of Washington Supreme Court's decision in *Glidden v. Municipality of Tacoma,* 111 Wn.2d 341, (1988), which allows the elimination of the interests of bona fide purchasers with or without notice.
- Changes to the probate code were endorsed, with amendments by the Governors. These proposals address the decision of the U.S. Supreme Court in *Tulsa Professional Collection Services, Inc. v. Estate of Pope, 56 USLW 4302 (April 19, 1988).* The decision invalidates RCW 11.40, et seq. in its requirements of notice to creditors of an estate. The amendments set up an array of proofs a personal representative can make to show good faith efforts to notify all creditors, and sets up an 18-month limitation after which claims — with the exception of potential insurance proceeds — will be extinguished. The Governors thought some of the requirements to determine possible creditors' claims — like going through three years' worth of the deceased's checkbooks — were excessive and directed that they be reduced.

"I'd like to bury this discussion," Governor Jim Turner quipped gravely, and the Governors voted to sponsor it. Governor Jeff Tolman opposed the action.

- Technical amendments to RCW 58.17, the land-planning statute, were approved for sponsorship by the Association. The potential exists for all manner of unintentional violations of the statute by land users, potentially triggering criminal prosecution. These include inserting a savings clause in the short plat-planning approval requirements for legal conveyances; creating an exception to replatting requirements for conveyances to government entities for roads and utilities; creating some other small but useful exemptions; and relieving title companies from having to disclose platting discrepancies they can't find in the ordinary course of reviewing titles.
- The next proposal was one to exempt qualified revi-

sion plan loans from the state usury statute. Attorney Dick Hopp explained the federal ERISA law and various bank-handling charges make it easy for such loans to exceed the usury level. "Why not raise the usury level instead?" one Governor asked. After a discussion, the Governors voted to support, rather than sponsor, the proposal. Governors Stritmatter and Tolman opposed it.

PROFESSIONALISM: THE REPORT. At work since 1987, the Task Force on Professionalism put in its report to the Governors via Seattle lawyer John Ruhl. The report seeks to identify key factors contributing widespread perceptions that legal professionalism is declining and then makes recommendations aimed at individual lawyers, firms, the Bar Association, the judiciary and state law schools to "improve the reality and the perception of professionalism within the Bar." The Governors agreed to take up the report at length shortly and encourage its publication in the *Bar News*, with an invitation for member comment.

THEN THE GOVS TOOK UP THE AXE, AND GAVE THE BUDGET FORTY WHACKS. Governor Julie Weston, chair of the Budget and Audit Committee, said elements of the '88 budget got out of hand and needed some order imposed. Specifically, WSBA committees are meeting more, pushing travel reimbursement costs through their budgeted roofs. With computerization of the Association's financial systems now underway, committee budgets will be closely tracked. In addition, the rule requiring reimbursement requests be submitted within sixty days of expenditure will be uniformly enforced to prevent unexpected year-end floods of bills.

In addition, the Governors approved some new requirements that observers of Board meetings and participants at Board events reimburse the Bar Association for the cost of their attendance.

Governor Paul Stritmatter thought another area for significant savings lay in over $12,000 spent last year to put on swearing-in ceremonies for new admittees. He felt free facilities, like courtrooms, should be used. King County Governors countered that up there no courtroom is big enough any more, making rental of hotel ballrooms and the like a necessity. A motion to look into the question was approved.

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

- noted a Supreme Court comment added to RPC 1.14 holding that "escrow or other funds incident to the closing of real or personal property transaction were subject to rule regardless of whether the lawyer views the funds as belonging to clients";
- voted to withdraw Formal Ethics Opinions 108, 115 and 180 in light of the

Supreme Court's holding in *Loudon v. Mhyre, 110 Wn 2d 675 (June 9, 1988)* that lawyers cannot have ex parte contacts with treating physicians;

- endorsed current proposals to increase salaries for the federal judiciary;
- heard a report from the Task Force on Opportunities for Minorities in the Profession;
- heard a report from the Criminal Law Section and resolved to make reform of finding county indigent defense program funding a priority in the coming legislative session; and
- approved a two-year, $5,000 loan to the International Law Section to enable publication of its deskbooks.

SPECIAL NOTICE

The Board of Governors has asked that the membership be advised the Governors will be conducting a statewide poll of the membership in a couple of months. The poll, being devised by Governors Mike Carlson, Ron Gould and Jeff Tolman, will seek WSBA members' views on a variety of subjects, including where and when the Bar convention should be held; whether a private legal insurance company would get any support; a rating of various Association programs, services and publications; information for the Young Lawyers Division; and what members think the Association should and shouldn't be doing in the future. A vigorous response is encouraged.

CLE CLEARINGHOUSE

Two New Deskbooks Available

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

The *Alternate Dispute Resolution Deskbook: Arbitration and Mediation in Washington* will be introduced at three seminar sites during the month of January. The first presentation will be on Wednesday, January 18 in Spokane at Cavanaugh's Inn at the Park; the second presentation is on Wednesday, January 25 in Tacoma at the Sheraton Hotel; the final presentation is on Friday, January 27 in Seattle at the Stouffer Madison Hotel. The seminars will focus on selected major issues from the deskbook. Moderator for the program is **Bruce F. Meyers** (Attorney at Law, Mercer Island). Topics and speakers are: "Mandatory Arbitration" by **M. Wayne Blair** (Montgomery, Purdue, Blankenship & Austin, Seattle); "Uninsured/Underinsured Motorist Arbitration" by **Karen Southworth Weaver** (Attorney at Law, Unigard Insurance Group, Seattle); "Labor Arbitration and Mediation" by **Anthony F. Menke** (Menke & Jackson, Yakima) in Spokane and **Janet L. Gaunt** (Attorney at Law, Seattle) in Tacoma and Seattle; "Construction Arbitration" by **Donald L. Logerwell** (Logerwell, Schoonmaker & Berger, Seattle); "Mediation" by **J. Richard Manning** (Jager, Manning & Marvin, Seattle) in Spokane, by **Alan C. Alhadeff** (Washington Arbitration and Mediation Services, Inc., Seattle) in Tacoma, and by the Honorable **Charles S. Burdell, Jr.** (King County Superior Court, Seattle) and **Benjamin J. Gantt, Jr.** (Graham & Dunn, Seattle) in Seattle; "Family Law Dispute Resolution" by **Gary J. Gainer** (Richter-Wimberley, P.S., Spokane) in Spokane, by **John W. Kydd** (Halverson & Strong, Seattle) in Tacoma, and by **Gregory L. Bertram** (Attorney at Law, Edmonds) in Seattle; and "Enforcement of Awards and Ethical Considerations" by **Michael F. Keyes** (Attorney at Law, Spokane) in Spokane and by **Claude M. Pearson** (Davies, Pearson P.C., Tacoma) in Tacoma and Seattle. Tuition for the seminar is $145. For further information about this program or ordering the deskbook, please contact Robin Anderson, WSBA, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599 or telephone (206) 448-0433.

The *Motor Vehicle Accident Insurance Deskbook* will be introduced at four seminars presented throughout the state. The program will be presented on Thursday, February 2 in Olympia at the Westwater Inn; on Thursday, February 9 in Seattle at the Westin Hotel; on Thursday, February 16 in Spokane at Cavanaugh's Inn at the Park; and on Thursday, February 23 in Bellevue at the Holiday Inn. It focuses exclusively on accident insurance issues. Seminar co-chairs, co-editors and contributing authors are **Robert C. Taylor** (Associate General Counsel, Safeco Insurance Company, Seattle) and **Karen Southworth Weaver** (Attorney at Law, Unigard Insurance Group, Seattle).

The seminars will begin with a series of short hypotheticals and commentary covering: Finding and Construing the Policy; the Coverage Grant; Coverage Exclusions; Subrogation; Duty of the Liability Insurer to Defend; and Duty of Good Faith and Fair Dealing. An afternoon guest speaker will address Mandatory Automobile Insurance Legislation. Senator **Peter von Reichbauer** (30th District, Chair: Financial Institutions and Insurance Committee, vice chair: Transportation Committee) will speak in Olympia. Representative **Bill Day** (3rd District, Member: Financial Institutions and Insurance Committee, vice chair: Health Care and Corrections Committee, member of the State Council on Aging—An Advisory Committee on Long-Term Care) will speak in Seattle. (Senator **Mike Kreidler** may appear as an alternate speaker at this site.) Senator **Jim West** (6th District, vice chair: Financial Institutions and Insurance Committee, member: Economic Development and Labor Committee and the Health Care and Corrections Committee) will speak in Spokane. Senator **Mike Kreidler** (22nd District, member: Financial Institutions and Insurance Committee, Environment and Natural Resources Committee and Health Care and Corrections Committee) will speak in Bellevue. (Representative **Bill Day** may appear as an alternate speaker at this site.) The final portion of the program will consist of commentary focusing on First Party Coverage, Duties of the Insured, Conditions and Limitations of the Coverage, and UIM.

Tuition for the course is $140. For further information about the program or ordering the deskbook, please contact Karla Ellison, WSBA, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599 or telephone (206) 448-0433.

APPROVED COURSES
Washington State Bar Association

Employment Law For the General Practitioner

6.75 CLE credits

JAN 12 Portland (Red Lion Inn/ Jantzen Beach)
JAN 26 Seattle (Westin Hotel)

Introducing The Alternate Dispute Resolution Deskbook: Arbitration and Mediation in Washington

6.00 CLE credits

JAN 18 Spokane (Cavanaugh's Inn at the Park)
JAN 25 Tacoma (Sheraton Hotel)
JAN 27 Seattle (Stouffer Madison Hotel)

Probate: How to Probate an Estate and Handle Post-Mortem Matters

7.00 CLE credits

JAN 20 Seattle (Westin Hotel)

Introducing the Motor Vehicle Accident Insurance Deskbook

6.00 CLE credits

FEB 2 Olympia (Westwater Inn)
FEB 9 Seattle (Westin Hotel)
FEB 16 Spokane (Cavanaugh's Inn at the Park)
FEB 23 Bellevue (Holiday Inn)

AROUND THE STATE

BENTON-FRANKLIN COUNTY REPORT
by **STEPHEN T. OSBORNE**

Despite popular demand, the Ben-Franklin report is back. Though most members polled thought once a year was more than enough, our new el presidente **Harvey Faurholt** prevailed on this writer to shoot for two months in a row. There is no truth to the rumor that he will be the subject of a recall election. As the year winds (grinds) to an endn it is appropriate to recall some of the significant events that occurred this past year. On the serious side, our bar received recognition for its outstanding support of the legal aid program. Our hat is off to our local legal aid committee, the administrator, **Marge Johnson,** and to all the attorneys (100%) who participated.

Following a rigorous campaign, **Carolyn Brown** prevailed in the recent general election to succeed superior court judge **Robert S. Day,** who retires at the completion of his term.

Special recognition is also due long-time Kennewick attorney **Tom Gess**. Tom was initially admitted to the bar in 1942. He was later admitted to the bars of Idaho and Washington in 1946 and 1949, respectively. Those who know Tom find it hard to believe that anyone with such a great golf swing could be 81 years old. The start of his career was postponed due to World War II, or he would be in line for one of the coveted 50-year pins shortly.

Diehl Rettig received well-deserved recognition at the recent opening of the new Tri-Cities Coliseum during opening ceremonies. Rettig was a moving force from the inception of the coliseum and was recognized by the owner-developer, **Ron Dixon** of Vancouver, B.C., for his significant contributions. The beautiful, state-of-the-art coliseum will seat 6,000 for Western Hockey League play and 8,000 for concerts, and is a tremendous addition to the community.

Under the "better never than late" heading, the annual bar golf tournament was held. In deference to the recent beer commercial admonition "know when to say when," the tournament was shortened to nine holes. **Mark** "The Shark" **Kuffel** garnered the low gross title while **Pete** "The Cheat" **Moore**, claiming no established handicap, "guessed" that 24 was close enough, and won the low net. Asked to explain his round of two under, he responded, "Beginner's luck?" Court reporter **John** "Godzilla" **McLoughlin** won the longest drive and judge **Fred Staples** won the closest-to-the-pin competition.

NOTICE TO ATTORNEYS

The State of Washington, Department of Corrections, intends to issue several Request For Proposals (RFP) for the purpose of obtaining legal services for felony offenders committed to the custody of the Department of Corrections.

Successful proposers will provide legal services to eligible inmates in contracted service areas. Representation will be for civil matters only. Contracts shall be for the period of July 1, 1989, through June 30, 1991, and will contain an option for the Department of Corrections to renew for an additional two-year period. Contract awards are contingent upon funding by the state legislature.

Copies of the request for proposal may be obtained on or after February 15, 1989, or by mail or in person, from the Department of Corrections, Office of Contracts and Regulations, at the following address:

Department of Corrections
Office of Contracts and Regulations
410 West 5th, P.O. Box 9699, MS/FN-61
Olympia, Washington 98504
(206) 7753-5770

MASON COUNTY

Dianna Timm Adams has moved her office from the Belfair Center to her new duplex at Northeast 43 Belfair Street. The phone is still (206) 275-5723.

LOREN MILLER BAR ASSOCIATION
by **RICHARD JONES**

For the third consecutive year, the Loren Miller Bar Association has spearheaded an extremely successful food drive for local families. The Central Area Motivation Program and the High Point Neighborhood House agencies received more than $2,000 in $25, $50 and $75 grocery store certificates. The agencies then distributed the gifts to more than 50, preidentified families with special circumstances in time for the 1988 Thanksgiving holiday. Late donations went to Operation Emergency Center as a Christmas contribution. **Dwayne Evans**, High Point Neighborhood House Director, joined CAMP Director **Larry Gossett** and food drive workers **Larry Evans** and **Rick Davis** in expressing sincere appreciation to the donating law groups and their contributing membership.

The 1988 food drive was the most financially successful one to date, states **Richard Jones**, LMBA president. This was due in substantial measure to the combined energies and efforts of the Washington Women Lawyers, King County Chapter; the Asian Bar Association; and the LMBA. In a parallel development, the National Conference of Black Lawyers was also involved in soliciting funds from within its membership to donate to local service agencies for Thanksgiving.

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

Congratulations to **Brian Tollefson**, who was elected to fill the open superior court position caused by judge **William Brown's** retirement. Some naysayers and political pundits claim that he won the election on the basis of name familiarity, although no one can point to any other judge in Pierce County named Brian.

Stan Wagner has returned from Korea, where he spent the last nine months studying Korean law courtesy of a Fulbright scholarship. Stan was not one of the students we saw on television engaged in nonOlympic events such as the 30 meter firebomb throw and the tear gas canister dodge.

Doug Hill, of the prosecutor's office, qualified for and finished the Hawaiian Ironman Triathalon in the top 100. This last summer Doug was training on his bicycle when he was attacked by two thugs. Doug relates that his attackers were not too bright in that they kept hitting him on his helmet. Doug, on the other hand, is no Fulbright scholar in that he chased the thugs and they beat him up again.

The restrooms on the first floor of the courthouse nearest the clerk's of-

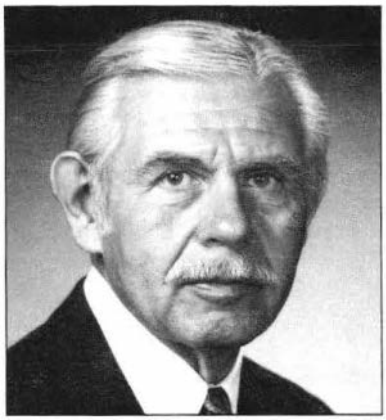
fice are no longer available to the public and are restricted for the use of staff. They are guarded with combination locks. Normally one would blame the judges for this outrage. However, they have their own facilities, so they probably are innocent of this one. If we are able to obtain the lock combinations by resort to the Public Disclosure Act (RCW 42.17) or by covert means, that information will be printed as a service to the bar.

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

Office Moves. **Sherman H. Jensen** has become a principal of Garvey, Schubert & Barer, and **Bryan D. Lane**, **William C. Lewis** and **Frank H. Williamson** have become associated there. **Steven M. Dickinson** has returned to the firm after a one-year stint in Tokyo with Matsuo & Kosugi, being replaced there by **Clarence F. West**. **Phil Mahoney** has moved to the Lyon Building. **Melanie J. Rowland** has become senior counsel with the Wilderness Society, resident in the Seattle Northwest Regional Office. **Martha R. Lockwood** and **William F. Forsman** have joined Reed, McClure, Moceri, Thonn and Moriarty as associates. **Donald L. Thoreson** joins Betts, Patterson & Mines as a principal, and **Lucia E. McDonald** and **Lori L. Guzzo** have joined as associates. **Stephanie E. Croll** and **Kerry S. Bucklin** have become associated with Short Cressman & Burgess. **Steven G. Skinner** has joined George, Hull & Porter as an associate. **Daniel C. Theveny** and **John P. Erlick** have become junior members of Cozen and O'Connor.

Mark A. Griffin and **Diane C. Babbitt** have become associated with Keller Rohrback. Bradbury, Bliss and Riordan announces that **Richard C. Nelson** has joined the firm, **James R. Blair** has become of counsel, and **Ronald L. Baird** and **Daniel R. Cooper, Jr.** have associated with the firm, which has opened a Fairbanks, Alaska office. **J. Parker Cann**, **John Lockie** and **Clifford D. Sethness** have become of counsel to Graham & Dunn; **Mark J. Friedman**, **Marisa L. Velling** and **Sandra L. Wilson** are now associates therem Hackett, Beecher & Hart has relocated to the Westlake Center, **Mark Leemon** has become a shareholder in the newly-named firm of Castle, Schnautz, Hilfer & Leemon.

The practices of **Gary W. East**, Inc. P.S. and Lagerquist, McConnell & McDonough have become combined to form East, Lagerquist, McConnell & McDonough. Three promotions to new positions at subsidiary companies of Washington Energy Company have been announced: **Robert J. Tomlinson** has been elected president of Thermal Efficiency, Inc.; **Timothy J. Hogan** has been promoted to vice president-legal and secretary of



Long-time Bar News *column editor William Stoebuck (see page 22) is of counsel to Karr Tuttle Campbell.*

Thermal Efficiency, Inc., Thermal Exploration, Inc., Thermal Energy, Inc. and ThermRail, Inc.; **Giuliana M. Danon** has been promoted to assistant vice president-legal of Thermal Exploration, Inc. **John M. Steel** has joined Riddell, Williams, Bullitt & Walkinshaw as a partner, and **Michele G. Gagnes** is of counsel there. **William Stoebuck**, University of Washington Law School professor, has joined the firm of Karr Tuttle Campbell as counsel.

Book Report. **Thomas N. Bucknell** has co-authored "*Lender Liability: Theory and Practice.*" This is not the first literary work for Bucknell, formerly of Sedro Woolley: previously, he assisted in the biographies of country-music pianist **Hargis** "Pig" **Robbins**, and steel-guitarist **Don Helms**.

Worthy Of Note. Bogle & Gates has been presented with the Corporate Leadership Award by the Evergreen Safety Council for outstanding community service. The first annual Charles Horowitz Lecture was presented by the Friends of the Washington Commission for the Humanities, and included opening remarks by **Muriel Mawer** and addresses by judge **Bill Dwyer** and justice **James Dolliver**.

Honored at the tenth annual University of Washington School of Law Alumni Recognition Banquet were judge **Jerome Farris**, **Joseph H. Gordon**, and **Kenneth L. Schubert, Jr.** Justice **Robert F. Brachtenbach** served as master of ceremonies. Glowing introductory remarks were provided by Professor **Luvern V. Rieke** for judge Farris, **John Gavin** (at length!!) for Gordon, and **Michael D. Garvey** for Schubert.

Charles Kimbrough has been named vice president of the Northwest Kidney Center. **David Garrison** has been appointed chairman of the WSBA Intellectual and Industrial Property Law Section.

Social Notes. Two recent social events in Seattle may have escaped the attention of some readers and are well worth reporting here: **Kelly Corr** has forsaken the ranks of Seattle's most eligible bachelors. (The next thing we know, **Henry Aronson** will become betrothed as well!) Secondly, the annual "Lawyers Wait Tables at the Trat" was held at the Trattoria Mitchelli restaurant in Pioneer Square with tips/gratuities being do-

nated to the Special Olympics. In a reversal of last year's results which saw **John Henry** "Mr. Dress for Success" **Browne** take top honors; **Julia Langley** prevailed in three separate categories. Donating their time and professional (?) services, and not far behind in the fund-raising effort, were Browne, **Bob Rohan**, **Beth Rogers**, **Frank Smith**, **Sim Osborn** and **Peter Mair**.

YAKIMA COUNTY REPORT
by **JOSEPH D. HAMPTON**

Election Results. In the only judicial race in the November 8 election, **Dirk Marler** narrowly defeated **Randy Marquis** for the position of district court judge. **Don Schussler** retained his seat on the Yakima school board. Finally, **Jay Inslee** was elected to the Legislature as the representative from the 14th District, Position Two. Former WSTLA secretary Jay and current WSTLA president **Pat LePley** recently celebrated the victory in Olympia by trying on Jay's new seat for size. Perhaps now the Trial Lawyers can lay off a few superfluous lobbyists. Congratulations all electees.

Musical Folks. On October 29, the Yakima Symphony Orchestra and Chorus presented Beethoven's Ninth Symphony. **Don Kinney** of the percussion section and **Susan Arb** of the Chorus participated in the sold-out production, which included additional choirs from Portland and Central Washington University.

Good Times. "Shut Up and Dance IV," held October 29, was a smashing success with attendance approaching one hundred celebrants. Damage reports are still pending at this time. Interesting costumes included those worn by **Jeff** and **Susan Slothower**, who were dressed as bowhunter and wounded Bambi, respectively. Three unidentified crayons were observed fleeing the scene after the host and hostess reported colored markings on the wallpaper near the nachos and punch. **Mark Watson** was arguably the evening's most energetic dancer, but **John Rossmeissl** "Walk[ed] Like an Egyptian" better than anyone.

DISCIPLINE

Suspended

Seattle attorney **Robert P. Press** (admitted 1984) has been ordered suspended for 90 days by Supreme Court order dated October 20, 1988, approving his stipulation to discipline. The suspension is for neglecting a collection matter, misleading his client that a trial date had been set, and failing to cooperate with the Bar Association. The suspension will begin upon termination of Press's current suspension for failing to fulfill CLE requirements, and will be followed by a two-year probationary period.

Seattle attorney **Linda K. Navarro** (admitted 1982) was ordered suspended for at least two years by Supreme Court order entered September 20, 1988. This suspension was ordered as a result of Navarro's conviction of three felony counts of delivery of a controlled substance, heroin. The suspension was ordered to begin June 2, 1987, the date of Navarro's suspension as a result of her felony convictions under RLD 3.1.

The Court ordered reinstatement to be conditioned upon Navarro's obtaining a certificate of discharge and meeting certain other conditions.

In addition, once she is reinstated, Navarro will be subject to at least two years' probation upon certain conditions.

IN MEMORIAM

James Carpenter, 72, died October 28, 1988 in Seattle. Born in North Dakota and raised in Seattle, Carpenter obtained his law degree from the University of Washington.

Carpenter joined the UW Reserve Officers Training Corps in 1938. Called to active duty in 1942, he commanded a destroyer escort in the Pacific during World War II. After the war he remained in the Naval Reserve, serving as president of the state and national Reserve Officers' associations, chairman of the Secretary of the Navy's National Policy Board for reserve matters, and a member of numerous reserve selection boards. In 1966, Carpenter became the first Seattle resident to be named a reserve rear admiral, and on his retirement in the 1970s he was awarded the Naval Reserve Officers' Meritorious Service Medal.

Carpenter worked for some time as legal consultant to the Western Retail Lumber Association. He began his private practice in 1955, emphasizing labor law. Survivors include his wife, five children and a sister.

Donald McL. Davidson, 66, died October 30, 1988 in Kirkland. He was born in Chicago, raised in New York, and came to Seattle in 1951. Davidson joined Ferguson & Burdell and developed a large contract and construction law practice in Washington and Alaska.

Among Davidson's more celebrated cases was his representation of Pat Purvis, general contractor for the federal science exhibit at the Seattle World's Fair of 1962, in his 16-year action for breach of contract against the government. Davidson spent 12 years on the Kirkland Planning Commission and was a key player in the development of shoreline devel-

opment policies for Kirkland and other Lake Washington communities.

Davidson's survivors include his wife, three children and seven grandchildren.

Philip J. Thompson, Jr., 28, died October 18, 1988 in Seattle after a fall from a bridge. Associated with the firm of Cable, Langenbach & Henry, Thompson was a graduate of the University of Santa Clara and Gonzaga University School of Law, where he was a Thomas More Scholar and editor of the law review. Survivors include his father, Washington Court of Appeals Judge Philip Thompson of Spokane.

Schuyler J. "Jerry" Witt, 60, died September 23, 1988. A graduate of the University of Washington School of Law in 1955, Witt spent his career, save brief periods of private practice from in the 1950s and 1960s, as a Pierce County deputy prosecutor. He enjoyed a substantial reputation as a prosecutor, once obtaining 23 consecutive guilty-as-charged verdicts. The record stood for years.

Witt is survived by his wife, two sons, a stepson and four grandchildren.

ET ALIA

U.P.S. Law Alumni Society Seeks Participation

The University of Puget Sound Law Alumni Society (L.A.S.) Board of Directors is planning academic, social, and community-related events across the state, as well as in Portland, Anchorage, and Hawaii. We are developing speakers' bureaus in Washington communities; Continuing Legal Education programs presented by U.P.S. faculty members; local chapters of the Law Alumni Society; more activities with current U.P.S. School of Law students; and cosponsorship of events with local bar associations. Last but not least, we will be hosting the increasingly-popular Annual Dinner in Seattle in April 1989.

All U.P.S. graduates are welcome to assist with, and participate in, all L.A.S. development activities. For information on how you can help, please contact the Law Alumni Society at (206) 591-2293.

Calendar of Upcoming 1989 Events:

March or April	Athletic Day
April 14	Annual Dinner
May 13	1979 Class Reunion
May or June	Swearing-In Reception for new Bar members in Tacoma.

In Re: RCW 19.52.020(1) Interest Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in December is 8.73 percent. The maximum allowable interest permissible for **January 1989** is thus **12.73 percent.** For further details and past rates, see the October 1987 *Bar News*, page 39.

NOTICES

The law firm of

CHEMNICK & MOEN

is pleased to announce that, effective December 1, 1988, the firm name became

CHEMNICK, MOEN & GREENSTREET

On that date, the firm's offices were moved to

Market Place Two, Suite 450
2001 Western Avenue
Seattle, WA 98121

The telephone number of (206) 443-8600 remains the same. The firm continues to be available for consultation or association on complex personal injury litigation, including medical negligence and product liability claims.

KATHY A. COCHRAN
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Advance payment required.

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

PROFESSIONAL

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

Douglass A. North
Hennings, Maltman, Weber & Reed
1415 Norton Building
Seattle, Washington 98104
Telephone (206) 624-6271

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Bellingham (206) 676-5225
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(206) 627-2889

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

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2001 Western Ave.
Seattle, Washington 98121
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HOUSTON, TEXAS

BERN A. JOHNSON

JANET A. McDONALD

FORMERLY OF WEBSTER & SHEFFIELD
NEW YORK, NEW YORK

GREGORY C. NARVER

CYRUS R. VANCE, JR.

FORMERLY ASSISTANT DISTRICT ATTORNEY
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