

Washington State **Bar  
News**

Vol. 44, No. 12, December 1990



**The Fifth Watch Begins: A New Captain Takes the Duty Post**

# Quick!

## Join thousands of prominent attorneys on America's fastest growing legal directory.

A listing in West's Legal Directory instantly displays your credentials to thousands of law firms and corporations.

With the touch of a few buttons, they can view your client list, read about your most significant victories, identify your areas of

practice, view your honors and awards and any other information you choose to list.

So you get national exposure, new opportunities for referrals and the knowledge that you are listed among some of the most prominent attorneys in America.

### YOUR INFORMATION WILL ALWAYS BE CURRENT

With traditional directories, your information is updated just once a year. But on West's Legal Directory, you can update your information any time at no additional charge. All it takes is a phone call.

### IT'S THE MOST COST-EFFECTIVE DIRECTORY AVAILABLE

Your Basic Profile is always free. And if you act quickly, you can get the more detailed Professional Profile listing free for one year. Don't wait!

**CALL 1-800-777-7089 TODAY TO BE INCLUDED IN AMERICA'S FASTEST GROWING LEGAL DIRECTORY.**



Note: Many Professional Profile listings contain multiple screens of information.

**WEST'S  
LEGAL  
DIRECTORY**  
*Online Nationwide!*

# PROFESSIONAL LIABILITY INSURANCE

COMPARATIVE SHOPPING  
MAKES SENSE

EXAMINE SPECIMEN POLICIES  
CONSIDER QUOTATIONS

YOU MAY WANT  
TO DO BUSINESS WITH US

## ★ RECENT TRANSACTIONS

<u>QUINAN-PICKERING, INC.</u>	<u>COMPETITION</u>	<u>SAVINGS</u>
\$15,275.	\$29,576.	\$14,301.
17,989.	23,619.	5,630.
1,931.	2,722.	791.
3,480.	3,688.	208.
11,726.	25,394.	13,668.

- ★ "A" RATED INSURANCE COMPANY
- ★ LIMITS FROM \$250,000 TO \$10,000,000
- ★ PLEASE WRITE OR TELEPHONE FOR AN APPLICATION AND SPECIMEN POLICY
- ★ NOW IS THE TIME TO ARRANGE FOR JANUARY, FEBRUARY AND MARCH
- ★ PLEASE INQUIRE FOR SPECIAL RATES FOR DEFENSE PRACTICES

ADMINISTRATORS

## QUINAN-PICKERING, INC.

ESTABLISHED 1938

P.O. Box 3875 • Seattle, WA 98124 (206) 622-4260  
2727 - 4th Avenue So.  
TOLL FREE 1-800-562-3010  
FAX (206) 624-9752

# STOCK VALUATION DISCOUNTS: 0% or 90%?

---

Discounts for lack of control and marketability are often the most subjective and controversial issues in valuing minority shares of a closely-held corporation. Average discounts fall in the range of 30% to 40%. But, like many statistics, averages offer little guidance when analyzing a specific case. The courts have accepted combined discounts as low as 0% and as high as 90%, depending on the law, the circumstances, and the evidence.

Our experience and research indicate that discounts may be influenced by a myriad of factors, such as . . .

- Purpose of valuation (estate tax, ESOP, divorce, merger, etc.)
- Relevant caselaw
- Requisite voting power to effect a merger, dissolution, liquidation, and control of board of directors
- Method of enterprise valuation
- Voting power and other rights associated with stock
- Concentration of voting power
- Shareholders' agreements
- Prior sales of stock
- Likelihood of sale, merger, liquidation, or public offering
- Family or financial ties between owners and directors
- Relations between owners and directors
- Dividends and other fiscal policies
- Asset structure of corporation
- Actions of shareholders and directors
- Fiduciary duties
- Corporate articles, bylaws, and minutes
- Wills and trusts

---

## ***BUSINESS VALUATION RESEARCH, INC.***

---

Paul T. Clausen, BSME, MBA, ASA  
Greg L. Mettler, CPA, JD

2150 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WA 98104

(206) 622-6883

***We specialize in valuing businesses for sale, merger, estate & gift taxes, ESOP's fairness opinions, divorce, damages, expert testimony, and other purposes.***

**FEATURES**

**ANNUAL SUBSTANCE ABUSE ISSUE**

<b>THE ELEPHANT REVISITED: SUBSTANCE ABUSE, DENIAL AND SOCIAL NORMS,</b> by <i>Kathy Severson, M.C.</i>	13
<b>RECOGNIZING CODEPENDENCY,</b> by <i>Suzann Holman, R.N.</i>	17
<b>INTERVIEW: THE STIFF-UPPER-LIP PROFESSION</b> LAP clinician Barbara Harper and managing editor Jennifer Klamm talk about why lawyers get into substance abuse trouble.	19
<b>HOW ALCOHOLICS ANONYMOUS CAN HELP</b> A look at the impact of A.A. in the law.	20

**DEPARTMENTS**

<b>Letters:</b> Securities litigation, Politically correct CLE and Praise for "The Board's Work"	4	<b>Notes from the Academy</b> <i>Edited by William B. Stoebuck</i>	34
<b>The President's Corner,</b> by <i>Lowell K. Halverson</i> It's a Bird! It's a Plane! Its...	7	<b>Westlaw Focus,</b> by <i>Joseph Scott</i>	36
<b>The Corner Office,</b> by <i>John J. Michalik</i> And Then There Were Five	9	<b>In the News</b> <b>The Pollution Liability Insurance Program,</b> by <i>John S. Conniff</i>	39
<b>In the LAP:</b> Bran Flakes for Lawyers	10	<b>On Lawyer Advertising</b> <b>Lawyers Take Orders</b>	
<b>Spotlight:</b> Dennis P. Harwick Selected WSBA Executive Director	11	<b>Around the State</b> <b>News from Home,</b> <b>County Reports</b>	41
<b>The Gray Pages</b> • <b>The Board's Work,</b> by <i>Lindsay Thompson</i>	24	<b>In Memoriam: Kevin J. Freeman</b>	
• <b>Recipes for Success</b>	28	<b>Notices/Classified Advertising Information</b>	52
• <b>Calendar</b>	30		
• <b>Digest</b>	31		

**ART CREDITS**

In keeping with a nautical theme, our December cover comes from that of *Harper's*, Saturday, April 2, 1887. "Ship Ahead!" is a wood engraving drawn by Thure de Thulstrup, a staff artist and illustrator who often worked from photographs. He was a contemporary of, and worked with, Frederic Remington; he sometimes redrew Remington's early works. (See John Michalik's farewell column on page 9.)

**WSBA Telephone Numbers**

Administration..... (206) 448-0441	Lawyer Referral..... (800) 552-0787
Admissions..... (206) 448-0563	Lawyers' Assistance..... (206) 448-0605
Continuing Legal Education..... (206) 448-0433	Legal Department..... (206) 448-0307



*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 on Securities Problems

Editor:

Dr. Max Bader's recent letter makes some well-informed comments on my June 1990 *Bar News* article, "Securities Loss Recovery: A Growth Area in the Law." I appreciate his thoughts, and here offer a few more of my own.

1. I appreciate Fidelity Magellan and like Peter Lynch. But why *not* use the S&P 500 as a performance measurement standard? This is the normal "Blue List" measuring rod of equities.

2. The average fund should do *better* than the S&P 500 index because fund managers are being paid to manage money—versus an unmanaged index. Why else are these "managers" being paid but to outperform the unmanaged indexes? Why pay fees and expenses to only do less well than the indexes and averages?

3. Dr. Bader cites transaction and administrative costs as an excuse for poor performance. Many of these costs are way too high due to excessive trading and portfolio turnover. And

many funds (Vanguard is a notable exception) spend excessive amounts on their officers and expenses.

4. I knew that the terms "idiotic" and "insane" would stir a reaction, and even suggested to a *Bar News* editor that they be toned down. They said "leave them!"

5. Dr. Bader suggests "...the fund was so large..." as an excuse for poor performance. No one forced them to do so. It could have been split up. They (Fidelity) chose not to—apparently for the "prestige" of becoming the world's largest fund. Also, making friends with many corporations by buying their stock has been their key to sales and to their funds' asset growth.

I gave Peter Lynch credit in Stafford's Investment Strategy Letter (SISL) of January 1, 1988 for giving fair warning of probable poor future performance in 1987. But 35% down in six months is way too poor.

6. Peter Lynch has retired since my article was written, precisely because no one can stay on top of 1,400 issues, as I said in my October 1987 - January 1988 articles and newsletter. His successor, Morris Smith, immediately cut the portfolio in half—but even 700 issues is too many.

7. Fidelity Magellan unnecessarily lost 35% of their investors' money by "having a policy" (my very carefully chosen words) of being 100% invested.

They *chose* to have such a policy, in spite of the historical reality of up to 90% losses in bear markets. I cite the Amex in 1969-1974 as an example. This is particularly applicable to Fidelity Magellan because they were invested in so many Amex and NASDAQ stocks.

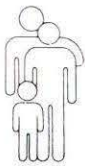
8. The average mutual fund investor isn't a market professional. He hires one so that he won't have to be a market maven. That's why he relies on the mutual fund manager to protect him from serious losses (e.g., 35% in a few weeks in late 1987).

9. Dr. Bader says of Fidelity Magellan: "...the fund regained all of its losses..." How much better would it have been to have gotten out in previous months - locking in profits, and then buying low, and so making even more? But they couldn't do so because of their insane policy of being 100% invested 100% of the time.

Besides, he shifts the responsibility for loss to those who redeemed their shares at or near the lows. These poor clods got nailed. They should have been protected. Some mutual funds have become like the government - they have gotten out of the protection business and into the protection racket business.

10. Broker ignorance and misrepresentation was covered in my article, but I deliberately concentrated on securities losses beyond the usual type with which the Bar is already familiar. I thank Dr. Bader for fleshing out my article in the way he did. I did help the elderly, widowed mother of a UW law school classmate avoid an additional \$60,000 loss on WPPSS bonds, where they had been misrepresented by an ignorant broker, so I am personally acquainted with the problem. And I am currently serving as a consultant for another WSBA member for his widowed mother involving junk bond losses.

11. As for the corporate governance issue, Dr. Bader is exactly right. I support his recommendations. I founded the American Investors Association (AIA) in 1978, which sought to accomplish many of these objectives, but individual investor financial support at that time was lacking. (Big brokerage houses did offer to help, but I turned them down.) The only group I know of today which really focuses on



## Colonial Clinic

### ALCOHOL/DRUG EVALUATION/TREATMENT

Employee Assistance  
Consultation  
Professional Intervention

**QUALITY RECOVERY ORIENTED PROFESSIONAL CARE WITH DIGNITY & CONFIDENTIALITY**

- INDIVIDUAL EVALUATION
- OUTPATIENT PROGRAM
- FAMILY/SIGNIFICANT OTHERS (SO)
- ADULT CHILDREN OF ALCOHOLICS
- OTHER COMPULSIVE DISORDERS

State Approved:  
DWI, Dept. of Licensing Assessments

**(509) 838-6004**

WEST 315 9TH AVE., SUITE 201, SPOKANE, WA 99204

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

LINDSAY THOMPSON, *Editor*  
JENNIFER KLAMM, *Managing Editor*  
DENNIS M. EAGAN, *Advertising Director*  
LORRAINE WALL, *Editorial Assistant*

DENNIS P. HARWICK, *Executive Director*  
GEORGE SCOTT, *Director of Public Affairs*

©1990 by Washington State Bar Association  
Printed by United Graphics, Seattle

#### BOARD OF GOVERNORS

LOWELL K. HALVERSON, *President*  
RONALD M. GOULD, *Treasurer*  
JEFFREY I. TOLMAN, *First District*  
JOHN T. SLATER, *Second District*  
STEVEN B. TUBBS, *Third District*  
JOHN G. SCHULTZ, *Fourth District*  
J. DONALD CURRAN, *Fifth District*  
MONTE E. HESTER, *Sixth District*  
LEMBHARD G. HOWELL, *Seventh District*  
THOMAS J. CHAMBERS, *Eighth District*  
RONALD M. GOULD, *King County*  
ALVA C. LONG, *King County*

#### EDITORIAL ADVISORY BOARD

PENELOPE ANN HAZELTON, *Seattle, Chair*  
KIRSTEN ANDERSON, *Seattle*  
JAMES EDRYN BAKER, *Seattle*  
M. LAURIE FLINN CONNELLY, *Spokane*  
KAREN ANN LERNER, *Bellingham*  
CONSTANCE VOORHIES LIND, *Seattle*  
STEPHEN TEMPLETON OSBORNE, *Kennewick*  
STEVEN QUICK-RUBEN, *Tacoma*  
WAYNE L. WILLIAMS, *Olympia*

PUBLISHED the last day of the month before cover date. Editorial deadline 25th day of month for second issue following. Direct correspondence to Washington State Bar News, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, telephone (206) 448-0441. All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Governors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement. SUBSCRIPTION, included in active membership, is \$12 a year for inactive members (WA state residents add \$0.98 WA state sales tax), and \$24 a year for nonmembers (WA state residents add \$1.97 WA state sales tax).

this issue is the national investor group headed up by T. Boone Pickens, the corporate raider and chairman of Mesa Petroleum, who may be facing junk bond problems.

12. I have received a number of inquiries from attorneys in connection with my articles, and anticipate many more. I reiterate the primary thrust of the article—that this is a major growth area of law practice. One attorney who contacted me not only wants me to assist him in one or more of five matters,

but has indicated that he plans to devote his entire practice to this "growth area in the law."

JOHN N. STAFFORD  
Spokane

#### CLE Showing Too Much Initiative?

Editor:

Seattle-King County Bar Association's Real Property, Probate and Trust Section gave a seminar in October with one CLE credit that was entitled, "What is Wrong With Initiative 547?" It appears that this section is captive to the developer special interests who oppose the initiative. Perhaps I am just uneducated, but I thought that CLE credit was given to assist lawyers in learning about the law rather than about which side of the political fence is proper.

RON STEINGOLD  
Bellevue

#### Love That Board's Work

Editor:

I know you normally receive more "onions" than "orchids" so I am taking this opportunity to send you a bouquet of orchids. I certainly enjoy your reporting of the Board of Governors' meetings. A bit of humor and tongue-in-cheek reporting livens up what could otherwise become dull reading.

PATRICIA C. WILLIAMS  
Spokane

Editor:

Supplementing my previous letter on humor in the *Bar News* ("Letters," *Bar News*, September 1990, p. 4), may I compliment you on your reporting of "The Board's Work." This is also very entertaining, as well as useful. I look forward to it each month.

JOHN HUNEKE  
Spokane

Editor:

Your column, "The Board's Work," is absolutely wonderful. It is light, it is funny, and best of all a member of the WSBA can actually get some sense of what is really going on. Dry reports of the Board's final actions are not nearly as informative as a witty report chronicling the way the decisions are made.

Keep up the great work.

MICHAEL P. FARRIS  
Paeonian Springs, Virginia

*Celebrating  
One Hundred Years  
of Service*

**REED M<sup>C</sup>CLURE**

A T T O R N E Y S A T L A W

3600 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WA 98104-7081  
(206) 292-4900

## Essential and affordable . . .

### ■ REVISED CODE OF WASHINGTON

Official codification by the Statute Law Committee.

Reprinted every two years: supplemented alternate years.

9 volumes; sturdy, softbound construction — \$205.

### ■ ANNOTATIONS TO THE RCW

The “companion” set to the RCW.

Complete case notes and digests to the RCW volumes.

Prepared by Washington attorneys.

Semi-annual, cumulative supplements.

5 volumes: same style, format and sturdy construction as the RCW — \$200.

### ■ WASHINGTON WILLS & TRUST FORMS

Prepared by Robert Mucklestone, recognized

leader in probate law. Complete and

current. Annual updates. Over 350 pages in

convenient, looseleaf, 8½ x 11 inch format — \$75.



Book Publishing Company

*Publisher of Books and Codes for Government and the Legal Profession*

201 Westlake Avenue North

Seattle, WA 98109-5293

Telephone (206) 343-5700



## It's a Bird! It's a Plane! It's...

by Lowell K. Halverson

Last month our ranks increased by 613 new attorneys. In ceremonies around the state, these successful Bar applicants raised their right hands, took the Oath of Attorney and, by virtue of answering each of the intoned questions, were enfranchised to "practice" law with the rest and the best of us. In Seattle alone, 300 applicants were transformed into attorneys in the joyous presence of their 700 relatives and friends. Our projected winter membership is now 16,255.

According to statistics furnished by the Bar examiners, they are among the best and the brightest. Over 70% who took the exam passed it; over 90% passed the ethics portion. They came from top-ranked law schools throughout the country and were heads of their college classes. Because they are so bright and so recently landed from the learned halls of law schools, they are exempted in their first year from our 15-credit-hour CLE requirements.

Although many of them have never been in a law office or a courtroom and know few practitioners personally, they are presumed to be renaissance types. Like each of us, they are paper-qualified to try a complex class action, a homicide and a land use appeal, maybe all in the same week. They can advise widows and orphans on probate matters, speak learnedly on the Rule in Shelly's case, counsel the resolution of boundary disputes and mediate a divorce. Some of them are even reputed to be capable of leaping the Columbia Tower in a single bound—all triggered by a piece of paper issued out of Olympia.

This is a powerful piece of paper with magic qualities. It has certainly worked wonders for all of us. It allows us to charge a fee for our services without the threat of engaging in the unauthorized practice of law (a misdemeanor which has not been enforced for years, to my knowledge). This is the same piece of paper each of us received when we took the Oath. Concededly, those were the days when "giants walked the earth," and with that piece of paper we really *could* do all those things that these 613 are reputed to be capable of. But then we

were a smaller bar; there were fewer of us. There was more collegiality, so that when we attempted our first leap over the Smith Tower (a smaller building but with more jutting points—hence greater risks) and fell on our toosh, there was always a more-experienced lawyer to pick us up and get us leaping again.

The demand to leap buildings has gone up. Young associates in large law firms can expect billing quotas of 1,700 to 2,000 hours per year. Even the smaller firms are feeling the economic pressures of "bottom line" economics, albeit their billing quotas are dressed up as "suggested goals," and they are merely "asked" to turn in 1,800 hours. The costs of leaping have also increased. Common courtesy and civility take second place to the bottom line. We have higher lawyer burnout, an overburdened Lawyers' Assistance Program (LAP is a program for injured leapers) and a 1987 statewide survey which shows that fully one-third of us are suffering from some level of malaise about our professional future as building leapers. Of course, no building is too tall if you are a brand-new leaper.

Enter *Lawyer to Lawyer* (LTL). The State Bar is currently working on a program to pair up every new admittee with an experienced lawyer/teacher as a way of providing a rite of passage into the profession. In the past, when our numbers were small, "mentoring" was accomplished informally as a step in the transition every new lawyer made in becoming an "accepted" member of the local bar organization. Normative behavior, for example, the "minimum amount of courtesy that is expected of every lawyer practicing in Omak, Washington," was easily transmitted by oral tradition. Unwritten and even obscure local rules were discussed over lunch, one on one, senior lawyer to young associate. A lawyer/mentor, by example, demonstrated that intimidation, manipulation, making life miserable for the opponent, unnecessary motions and other attrition behaviors were simply unacceptable. Significantly, Omak has no Rambo lawyers, and that is not just because of



Lowell K. Halverson

the absence of tall, leaping buildings there.

The Bar is looking for good mentors, particularly those who have leaped one building too many, who know the hidden costs of leaping and can impart that knowledge to the new admittees joining our ranks each six months. Pull out your dog-eared copy of your local bar's Rules of Professional Courtesy.\* If you can say, without qualification, that you observe those rules in your professional life, we want you to help us help the new admittees.

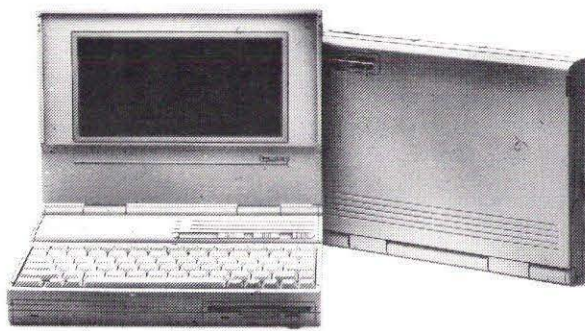
We hope to have a demonstration project in place for the next class of new admittees in the spring. By fall 1991, it is estimated we will need 600 or more mentors. Will you help?

\*Many local bar organizations have adopted voluntary Rules of Professional Courtesy to fill that "gap" in the Rules of Professional Conduct which permits Rambo-type behaviors in the guise of advocacy. If your local bar has not adopted similar rules, or you do not have a copy, write me care of the Bar office. I will make sure you are sent a sample set of suggested courtesy rules.

# Who Says You Can't Take It With You?

## *Notebook and Laptop Computers*

For Business Professionals,  
Sales Staff, Auditors, Engineers, Consultants



NOTEBOOKS:  
COMPAQ LTE/286  
COMPAQ LTE 386s/20



LAPTOPS:  
COMPAQ SLT/286  
COMPAQ SLT 386s/20

**COMPAQ**

It simply works better.



SIMPLY THE BEST IN...  
SELECTION • SOLUTIONS • SERVICE • SUPPORT

We're as close as your phone: 206/451-3780 or FAX 206/451-2706

COMPAQ Registered with U.S. Patent and Trademark Office



## And Then There Were Five

by John J. Michalik  
WSBA Executive Director

By the time you read this column, assuming normal *Bar News* publication schedules, I will have completed nearly a decade as the State Bar's executive director and will have turned that spot and the "proprietorship" of the Association over to Dennis Harwick. Looking back on these years in the corner office, and contemplating this last column, there are a number of things I could write about and, surely, at some considerable length; but the space is short, so one or two thoughts will have to suffice.

When I first joined the State Bar staff in 1975 there were under 6,000 WSBA members. With the newest group of admittees this fall our total active and inactive membership has pushed well past the 17,000 level. For over 9,000 of you, one of your first real contacts with the Association was at the orientation session on the first morning of the Bar examination when I began the proceedings, as I have for the last 20 examinations, with the at-once welcome and ominous words, "Good morning, this *is* the Washington State Bar Examination." "Welcoming" words aside, the past decade has clearly been one of tremendous growth in both the Association and the legal profession in this state. That is not just a function of numbers.

Far more than numbers, the real growth has been in Association activities, programs, and contributions to the membership and the public good. The last decade has seen growth in the number and activities of State Bar sections; the "birth" of an active and vital Young Lawyers Division; the advent of unprecedented volunteerism by Washington lawyers in Association activities, community service, and pro bono/public service activities which

have no parallel in any other profession; and the growth and expansion of law-related educational activities for citizens, especially in the public schools, at levels which are the envy of other bar associations across the country. We have also witnessed the start-up and progress of the acknowledged "#1" Lawyers' Assistance Program in the country, providing needed help for those of our members with drug, alcohol and other problems.

As we have provided public service through pro bono and law-related education activities, so too the decade of the '80s has seen a dramatic growth in service activities designed to assist members of the public who need legal assistance in other ways—we've expanded our Lawyer Referral Service, we've instituted a statewide "InfoLine" service in cooperation with *The Seattle Times*, and we've advocated, pushed and pulled at the state and national levels for better funding and support for indigent legal services. So too over that period of time we've improved the Association operation through computerizing much of what we do and at levels few associations have attained; through relocating to a headquarters facility that should continue to serve the organization for years to come; and through accumulating an outstanding staff of really dedicated, and often overlooked, people.

The listing in the previous paragraph barely scratches the surface of how the Association has changed as it has grown. I suppose I have played some small part in that but it has far more been my privilege to be around while it has all happened. They have been years of stimulating experiences and change, with the real driving force being those hundreds and thousands of Association members who have contributed so much of their time and energy in positive

ways to the Association's programs of every type. At the forefront of those volunteers are the men and women who have served as governors and presidents of the Association. I have been in the arena with those folks and have found them without exception to be dedicated people who, while often having differing views, have never scrimped on effort, dedication, and their commitment to governing the Association in the best of all possible ways. That is often done at great financial and personal expense but without *ever* a complaint. They have always proved worthy of a difficult task and I tip my hat to them for exemplifying the absolutely finest characteristics and features of a proud profession.

In the now 57 years of the unified bar in this state, this Association has had but four executive directors. The fifth comes to us with a strong background and experience right "next door" in Idaho and I am very confident of his abilities as my successor. He will do a fine job, with your support.

I captioned my resignation letter to the Board of Governors "The End of My Watch," and that has come. It's time to be piped ashore. Mr. Harwick, the wheel is yours: steer a straight course and keep a light in the bow. Adieu.



## Bran Flakes for Lawyers

These days, it's rare to pick up a newspaper or popular magazine and not find an article about either stress or cholesterol. Readers are admonished to reduce stress in their lives and fat in their diets. Fascination with these two topics may stem from the role both stress and cholesterol are thought to play in the development of heart attacks.

The concept that stress contributes to the underlying condition behind heart attacks, arteriosclerosis, is not new. The turn-of-the-century physician Sir William Osler wrote in 1908, "The conditions of modern life favor arteriosclerosis, as a man is apt to work his body machine at high pressure...nowadays, with the human engine it is top speed or nothing, and we cannot wonder that it early shows signs of hard usage. In the fourth or fifth decade, even with the best of habits in eating and drinking, the incessant strain and anxiety of public life or of business may lead to degeneration of the bloodvessels."

Certainly, the twentieth-century lawyer drives at top speed. Beyond Osler's early speculations, more recent scientific evidence supports the notion that stress is a contributing factor in heart attacks. Most of us know of someone who has had a heart attack—or undergone surgery to prevent one—before the age of 50. Heart disease is the leading cause of death in the United States. This may be especially true for lawyers given that white collar workers are especially vulnerable.

But what about the other well-accepted culprit, cholesterol? Studies conducted in the past two decades confirm the relationship between

cholesterol and heart disease. One large national study of 3,810 middle-aged men, the Coronary Primary Prevention Trial (CPPT), showed that by lowering blood cholesterol levels, study participants could achieve a substantially lower risk of developing heart disease. The University of Washington Medical School's Northwest Lipid Research Clinic in Seattle was one of the study sites for the CPPT.

For even occasional readers of the popular press, none of this is news. But what about a relationship between stress and cholesterol levels? No one really knows the underlying mechanism linking the two. Stress may contribute to heart disease by raising cholesterol levels in the blood. A little history provides a clue: Back in the late 1950s, around the time when most of today's lawyers were either contributing to the baby boom or becoming a product of it, two cardiologists, Meyer Friedman and Ray Rosenman, measured cholesterol levels in tax accountants during the height of tax return preparation time, and at other work periods when the accountants were under considerably less stress. They found that the accountants' cholesterol levels were significantly elevated around tax time.

To further pin down the relationship between stress and cholesterol, Dr. Barbara McCann, assistant professor at the UW medical school and psychologist at the aforementioned Lipid Clinic, recently conducted a similar study among those whose jobs expose them to significant increases in workload because of cyclical deadlines. McCann found that cholesterol levels increased when deadline time was upon

them. She also found that the office workers changed their diet: They consumed more calories and ate higher-fat foods, which have been associated with elevated cholesterol.

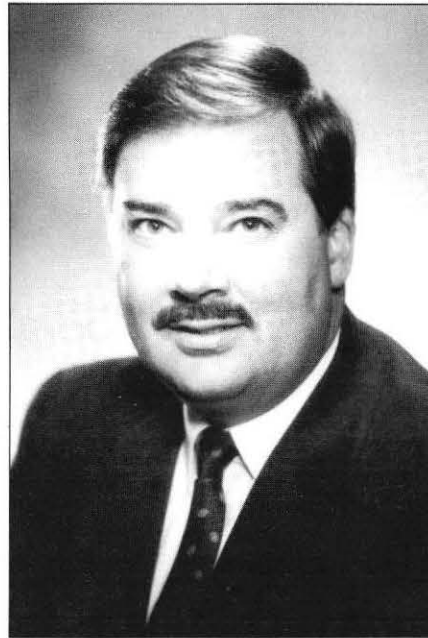
To continue this research, McCann has recently teamed up with lawyer-psychologist Dr. Andrew Benjamin, head of the Lawyers' Assistance Program. They, together with Dr. Robert Knopp, professor at the UW medical school and director of the Lipid Clinic (he was collaborator on McCann's earlier study), are planning to study the relationship between stressful deadlines, dietary habits, and cholesterol in attorneys practicing in the Seattle-King County region. The study will specifically target tax attorneys because, as with the preceding studies in tax accountants and office workers, it is important to be able to pinpoint when study participants' heaviest workloads are likely to hit, or, to paraphrase Osler, when "the body machine is working at high pressure, top speed or nothing."

Benjamin believes that the most frequent pathway to premature death among lawyers stems from cardiovascular disease. But modern medicine has failed to address the role of stress at work on this disease process. So LAP will be recruiting volunteer lawyers at the end of the year to delineate this process. Watch your mailbox and this column for further details.

If you are concerned that your distress is causing negative consequences in your relationships, legal practice, or well-being call the WSBA Lawyers' Assistance Program, (206) 448-0605, collect if long distance.



## Dennis P. Harwick Selected WSBA Executive Director



Dennis P. Harwick, who for the past five years has served as executive director of the Idaho State Bar, has been named by the Board of Governors to succeed John Michalik as WSBA executive director. Harwick's selection culminates a nationwide search effort which elicited nearly 50 applications, many from individuals holding executive director or chief executive officer positions with other organizations, including five persons with experience as executive director of other state bar associations.

Dennis Harwick is an Idaho native who attended college and law school at the University of Idaho. As an undergraduate he was a student body officer, Phi Beta Kappa, and was named the University of Idaho's Outstanding Senior of 1971. Upon graduation from law school he joined the Idaho Bank & Trust Company (now Key Bank of Idaho) where he created the in-house legal department for that institution and was named a full vice president at age 29. In a 12-year career with the bank, Harwick would go on to administer the institution's legal, corporate communications and public affairs programs. He was one of five statewide spokesmen for the Idaho banking industry and was a frequent instructor in continuing education courses for bankers. He accepted the position of executive director of the

Idaho State Bar and the Idaho Law Foundation, Inc. in 1985 and, since that time, has been responsible for the full range of activities of that unified bar.

Among other civic and community service activities, Harwick served as the chairman of the Idaho Commission on the Bicentennial of the U.S. Constitution; is a past vice president of the Boise Philharmonic Association; and in 1981-1982 was national president of the University of Idaho Alumni Association. He is married, and his wife Rebecca is a banker by occupation. Among other activities and interests, Harwick is an enthusiastic tennis

player—describing himself as a "decent club level player." He is also a nationally certified tennis umpire and has service in that area, including umpiring at the 1988 U.S. Open Tennis Championships in New York.

Dennis Harwick will succeed John Michalik, and become only the fifth executive director in the State Bar Association's history, in early December. At that point, Michalik will have completed 15 years of service with the Washington State Bar Association, including over five years as director of continuing legal education and nearly a decade as executive director. State Bar Association president Lowell Halverson, in announcing Harwick's selection, commented that "With John Michalik's resignation the State Bar Association has lost one of its very strongest assets and, certainly, that resignation creates one of the classic situations of an 'act that's almost impossible to follow.' However, the key word here is 'almost'—the Board of Governors is, to a man, convinced that in Dennis Harwick we have come up with yet another strong executive director who can build on the past and, with the Board of Governors, the Bar staff, and continuing great involvement by members in all of our activities, carry us on into even greater things in the future."



**CAREUNIT<sup>®</sup>**

**HOSPITAL OF KIRKLAND**

and **CLINICS OF WASHINGTON\***

**\*CONVENIENT LOCATIONS THROUGHOUT PUGET SOUND**

<b>SEATTLE</b>	<b>363-0031</b>
<b>KIRKLAND</b>	<b>821-1122</b>
<b>BELLEVUE</b>	<b>746-3888</b>
<b>KENT</b>	<b>859-0951</b>
<b>TACOMA</b>	<b>474-8777</b>

\*State-approved Inpatient, Partial hospitalization, and Outpatient programs are available throughout our entire system to better serve the individual needs of your clients. Specialized services include:

- SP1, Intermediate, & Deferred Prosecution programs
- Alcohol Information School (AIS)
- 24 hour turnaround for high quality written DWI reports for you and the Courts.
- Intensive Outpatient Cocaine program
- DACS (Drug & Alcohol Consultation Service) – available at no charge to you or your client to determine the treatment program best suited for their needs. Just call **821-1122** 24 hours-per-day.

# The Elephant Revisited: Substance Abuse, Denial and Social Norms

by Kathy Severson, M.C.

**I**n December 1987 I had the privilege of first writing for the *Washington State Bar News* on chemical dependency as it implicates the family of the addict. I described how the family system becomes deeply embedded in both denial of the problem and further escalation of problem behaviors. Now, three years later, I have further thoughts on the issue. Specifically, I am turning my attention to an analysis of the social system within which all those families are born. There is a metaphor commonly used in the addiction field to describe the defense mechanism of denial. Family members are said to be living with an "elephant in the living room," feeding it, cleaning up after it, and generally functioning around it while seemingly pretending it is not there. That the image is not of a mouse in the living room is significant. I would like to revisit this image, only from a different perspective. I think the living room is bigger than those in which individual families warm themselves, and what is denied is the size of a herd of elephants. Oppression is the elephant in the living room. Patriarchy is the form. Child-rearing and socialization processes are the mode of transmission. Both men and women participate in the dance.

While it is a value-laden term, one that arouses feelings of concern or anger for many people, patriarchy most simply defines social systems in which the primary power is held by men. It is a hierarchical system with men (in our culture, white men) at the top. By

holding the power over a long period of time, this group defines reality by shaping cultural expression and social norms. In American history, for example, white men have passed the laws, published most of the literature and history, defined science, interpreted religious experience and unconsciously patterned the flow of information such that only a certain reality emerges. This reality is taken for "truth" rather than being understood as the social construction that it is. Gloria Anzaldua (1987, p. 16) writes, "Culture forms our beliefs. We perceive the version of reality that it communicates. Dominant paradigms, predefined concepts that exist as unquestionable, unchallengeable, are transmitted to us through the culture. Culture is made by those in power—men. Males make the rules and laws; women transmit them."

The problems arising out of any oppressive system are complex. For example, it can be clearly demonstrated that both those in power and those on the outside are negatively affected by the system. Because both sides of the dyad are internalized, when a member of the oppressed group gains financial access to the system, (s)he often takes on the full spectrum of attitudes and behaviors of the dominant group. And the reverse is true: those seemingly on the top are often struggling with feelings of powerlessness and rage which more logically belong to the disenfranchised. To further complicate matters, race, class and gender interact in the matrix of oppression. Men and women of all races interact within a web of power dynamics that

shape the very nature of relationships to self and other.

In terms of the theory and practice of addiction treatment, this complexity and power dynamic should no longer be ignored. It is not good enough to say alcoholism is a disease without fully exploring social causes. It is not good enough to use a punitive legal response to addictive problems without an analysis of the structure within which they occur. To treat oppressed and dysfunctional individuals with further oppression and dysfunction does not solve the problem. Arno Gruen (1986, p.1) theorizes,

Human development may follow one of two paths: that of love or that of power. The way of power, which is central in most cultures, leads to a self that mirrors the ideology of domination.

The addicted individual in this context is seen not only as suffering from a physical disease but, perhaps more important, from a psychosocial disease. A fully advanced addiction contains all the properties of destructive and potentially creative power. The drama of powerful and powerless is played out both internally and externally. Marion Woodman (1990, p. 38) says, "At the center of an addiction is, in one form or another, a radical betrayal of trust." We have all experienced this betrayal and therefore must find ways to individually and collectively heal its effects.

If the concept of denial is expanded to include a focus on its role in maintaining dysfunctional social norms, a whole new arena emerges in which to focus le-

gal and therapeutic intervention. The risk in doing so is becoming bogged down in the complexity of the problem. The task is to walk the fine line of understanding the social context in which human problems arise while, at the same time, providing healing resources for individuals within that social context. Patriarchy must be acknowledged as a key force in the development of addictive problems in our society. It must not, however, be used as a focus of blame when it comes to helping individuals and families: that can lead to further denial and lack of responsible choice-making.

It seems there are key themes in American culture which are manifest in numerous ways and which dominate the collective response to social problems, these themes that have arisen and been reinforced by hundreds of years of white male dominated thought. The following are representative:

Reason and rationality are the only valid sources of information and decision-making.

All problems, and therefore all solutions, lie within the individual.

Punishment is an effective motivator. There is a natural split between reason and emotion, between humans and God, between humans and nature, between self and other.

Truth exists as handed down from the authorities. Knowledge is therefore received and not constructed.

Some people are more valuable, and therefore have more say, than others.

Children are possessions, and the nuclear family—headed by the father—is sacred.

These are some of the central concepts which interact to form a web of social conditioning which is fertile ground for the development of addictions. The issues are further clouded by "double speak." For example, there is constant rhetoric about the value of the family, but in reality we spend very little of our national resources on those issues that may provide support to families. To address addictive problems, we need to step out of this web and begin to dismantle its premises. And so, to human

service professionals in many different capacities it becomes imperative that while we are providing treatment from our present understanding, we are at the same time using every possible opportunity to create new knowledge and a different kind of society.

What is the way to this different kind of society; what are *the ways*? The answers lie in the intersection of individual change and socio-political reform, each facilitating and leading to more of the other. Rather than argue about which comes first, let's work on both. Certain long-held ideologies will be transformed as we come into more loving relationship with ourselves and each other. To participate in a "restless, impatient, continuing, hopeful inquiry...in the world, with the world, and with each other" (Freire, 1972, p.59) will lead to vastly different ways of seeing. "If we can open to our own pain and explore our resistances and long-held aversions, there arises the possibility of touching another's pain with compassion, of meeting another as we meet ourselves with a bit more clarity and tenderness" (Levine, 1987, p.11). Most impor-

# PROVIDENCE RECOVERY PROGRAM

Providence Hospital / Everett

- ◆ Treatment For Alcoholism and Other Drug Addictions
- ◆ Inpatient - Outpatient - Day Programs
- ◆ Intensive Family Program
- ◆ Two Years Continuing Care
- ◆ DWI Assessment
- ◆ Deferred Prosecution Treatment
- ◆ Covered By Most Medical Insurance
- ◆ Free Consultations

258-7300

916 Pacific Ave., Everett, WA

"Treatment With People You Trust" 

tantly, as we explore the sources of the betrayal of self, we can turn to the children of the next generation with the hope, love, and respect that they so deserve. It is in childhood that the seeds of the abuse of power take root. A recent *Seattle Times* article reported that 20 percent of American children are living in poverty. This simply could not be possible without the screen of denial that protects us from seeing what we have created. To turn to the words of Alice Miller (1983, p.283):

When Galileo Galilei in 1613 presented mathematical proof for the Copernican theory that the earth revolved around the sun and not the opposite, it was labeled "false and absurd" by the Church. Galileo was forced to recant and subsequently became blind. Not until three hundred years later did the Church finally decide to give up its illusion and remove his writings from the Index.

Now we find ourselves in a situation similar to that of the Church in Galileo's time, but for us today much more hangs in the balance. Whether we decide for truth or for illusion will have

far more serious consequences for the survival of humanity than was the case in the seventeenth century. For some years now, there has been proof that the devastating effects of the traumatization of children take their inevitable toll on society—a fact that we are still forbidden to recognize. This knowledge concerns every single one of us, and—if disseminated widely enough—should lead to fundamental changes in society; above all, to a halt in the blind escalation of violence.

Addictions are a form of violence to the soul. They arise out of the conditions of betrayal that are transmitted from generation to generation. There is a distortion of power and an endless seeking of ways to both mask and heal the inner experience of having been denied our full humanness. Can we call oppression by its name and then join together to find a different way? Only in so doing will self-destructive behaviors and addictive problems be transformed into self-creative expression and compassion for others. □

## REFERENCES

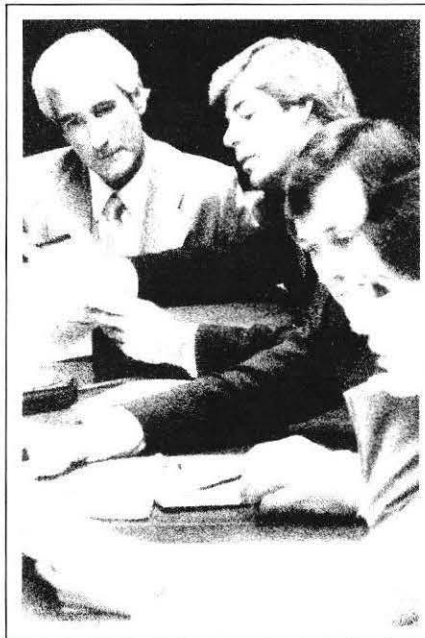
- Anzaldúa, Gloria (1987). *Borderlands La Frontera: The New Mestiza*. San Francisco: spinsters/aunt lute press.
- Freire, Paulo (1972). *Pedagogy of the Oppressed*. New York: Continuum Publishing Co.
- Gruen, Arno (1986). *The Betrayal of Self: The Fear of Autonomy in Men and Women*. New York: Grove Press.
- Levine, Stephen (1987). *Healing into Life and Death*. New York: Anchor Press/Doubleday.
- Miller, Alice (1983). *For Your Own Good: Hidden Cruelty in Childhood and the Roots of Violence*. New York: Farrar-Straus-Giroux.
- Woodman, Marion (1990). *The Ravaged Bridegroom: Masculinity in Women*. Toronto: Inner City Books.

*Kathy Severson, M.C., holds a master's degree in counseling from Seattle University. Her private practice in Seattle emphasizes chemical dependency. She is a part-time faculty member of Seattle University's Alcohol Studies Program.*

## The Preferred Alternative

■ Our current Washington State panel of retired/former judges—all with extensive civil litigation experience:

Hon. Dennis J. Britt (Ret.)  
 Hon. Richard F. Broz (Ret.)  
 Hon. Charles S. Burdell, Jr. (Ret.)  
 Hon. W.R. "Bob" Cole (Ret.)  
 Hon. Walter "Jack" Deierlein, Jr. (Ret.)  
 Hon. James C. Kaiser (Ret.)  
 Hon. J. Ben McInturff (Ret.)  
 Hon. Stephen M. Reilly (Ret.)  
 Hon. John W. Riley (Ret.)  
 Hon. John W. Schumacher (Ret.)  
 Hon. Gerard M. Shellan (Ret.)  
 Hon. JoAnne L. Tompkins (Ret.)  
 Hon. William H. Williams (Ret.)

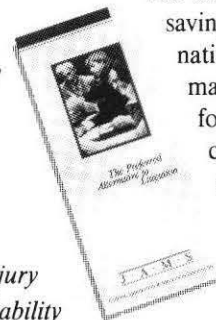


■ More than 7,000 cases heard annually firmwide including:

- Business/Contractual Disputes
- Construction Defects
- Discovery Disputes
- Family Law
- Insurance Coverage
- Lender Liability
- Maritime
- Personal Injury
- Premises Liability

- Products Liability
- Professional Liability
- Real Estate
- Toxic Torts
- Wrongful Termination

For more details on cost savings, case coordination, discovery management, hearing formats and types of cases handled, contact the J·A·M·S office for a free brochure today.



# J · A · M · S<sup>®</sup>

JUDICIAL ARBITRATION & MEDIATION SERVICES, INC.<sup>SM</sup>

1420 FIFTH AVENUE, SUITE 400, SEATTLE, WA 98101 • 206/622-JAMS OR STATEWIDE 1-800/626-JAMS

# VISUAL AIDS?!

I don't have time for this!  
Our trial date is next week —  
Where can we possibly get these visual aids by then?

Ahem....!

**DON COPPOCK**

**GRAPHIC SERVICES**

GRAPHIC DESIGN & PRODUCTION  
VISUAL AIDS  
DESIGN CONSULTATION  
TECHNICAL ILLUSTRATION  
(206) 789-5599

## What is CoDependency?

Author unknown

1. My good feelings about who I am stem from being liked by you.
2. My good feelings about who I am stem from receiving approval from you.
3. Your struggles affect my serenity. My mental attention focuses on solving your problems or relieving your pain.
4. My mental attention is focused on pleasing you.
5. My mental attention is focused on protecting you.
6. My mental attention is focused on manipulating you to "do it my way."
7. My self-esteem is bolstered by solving your problems or relieving your pain.
8. My own hobbies and interests are put aside; my time is spent sharing your interests and hobbies.
9. Your clothing and personal appearance are dictated by my desires as I feel you are a reflection of me.
10. My clothing and personal appearance are dictated by your desires as I feel I am a reflection of you.
11. Your behavior is dictated by my desires as I feel you are a reflection of me.
12. My behavior is dictated by your desires as you feel I am a reflection of you.
13. I am not aware of how I feel or what I want; I am aware of how you feel and what you want.
14. If I am not aware, I assume.
15. The dreams I have for my future are linked to you.
16. My fear of rejection determines what I say or do.
17. My fear of your anger determines what I say or do.
18. I use giving as a way of feeling safe in our relationship.
19. My social circle diminishes as I involve myself with you. 20. I value your opinion and way of doing things more than my own.
20. I expect you to meet my needs.



## ST. PETER CHEMICAL DEPENDENCY CENTER

**services offered**

Outpatient Treatment for DWI and  
Deferred Prosecution Clients  
(opens in 1991)

Adult Inpatient Treatment Unit  
Adult Day Treatment

Adult Codependence Workshops

Adolescent Inpatient Treatment Program  
Independent Unit

Employee Assistance Program

4800 College Street S.E.  
Lacey, WA 98503  
206-459-8811  
Toll-free: 1-800-332-0465

A proud member of the Sisters of Providence Healthcare System



# Recognizing Codependency

by Suzann Holman, R.N

**C**odependent clients can present a confusing picture: taking control at times, then becoming helpless and indecisive; becoming overly demanding, then changing their minds; skillfully manipulative, then completely passive; often misunderstanding explanations; reacting rather than responding; answering queries indirectly or not at all, unintentionally fouling communication. They often display a distorted sense of reality, and they may not think logically or even rationally. They may project their feelings onto you; accuse you of what they themselves are feeling or thinking. They may mention an alcoholic parent or sibling, possibly a child of their own who is already experimenting with alcohol and/or other drugs. Their low self-esteem often neutralizes their ability to express needs. They may not say what they want in order to please you; you need to ask them if what they say is really what they want. Refuse to make decisions for them, even though they want you to out of their dependency.

If you find yourself feeling increasingly frustrated with your client, you may be dealing with a codependent. Early recognition of this can make your professional life much easier.

What is a codependent? In our society, it is a person who consistently neglects him- or herself to meet the needs of another. The relationship is similar to that of an addict and his drug, only the drug is a person. As in the case of the addict, soon the codependent's whole life revolves around that drug/person, and most healthy self-care ceases. The unhealthy dependency on that other person affects all relationships and interactions.

Numerous dysfunctional systems can lead to codependency, including the most commonly associated one: alcoholism. Codependency develops whenever a family system or relationship begins to compensate for some shift in equilibrium: drug abuse, coping with

chronic illness, premature or ungrieved death, workaholism, physical, sexual, and emotional abuse as well as various compulsive behaviors. Codependency is often a generational illness, as the learned behaviors are passed on from one generation to the next. Church expectations and societal pressures also play a role in this and oftentimes delay or even prevent recovery.

Our society rewards codependency. Codependents are caregivers. They are people with lots of compassion: doctors, lawyers, dentists, nurses, therapists, all the serving professionals as well as almost anyone else. It is when compassion becomes a compulsion to serve and be needed that a problem develops. Codependents suffer through denial of their own needs and overwork to take care of everyone and everything else. They are so indispensable in our society that without them, it would not survive as we know it.

Codependents are in the workplace, among clients, friends and family. They are recognizable in their neglect of themselves. They go to the dentist or doctor only when they hurt too much to avoid it. Someone else makes their appointments. They neglect their minds and spiritual needs. They neglect their bodies through lack of or too much exercise; they under- and oversleep, gain or lose too much weight, neglect their appearance and hygiene. Women often neglect their hair and wear no makeup. They may be moody, resentful and unable to accept compliments. They'll have excuses for all of these behaviors, but underlying it all is the belief, "I don't deserve it."

Codependents have very low self-esteem. They are often depressed and look it, but have no awareness of this. They may also complain of headaches, gastrointestinal problems, sleep disturbances and eating disorders. They often tolerate unacceptable behavior, including emotional, verbal and physical abuse. These behaviors may have become

"normal" to them.

As a protective coping mechanism, codependents and chemical dependents share several common behaviors: projection, denial and a distorted reality. They may both act like "dry drunks," who exhibit drunken behavior without use of the drug. Codependents' behaviors have developed as responses to others' dependencies. However, dysfunctional it appears, it's worked. This can make healthy change extremely difficult.

Workplace codependents are hard-working, responsible and dependable. They will come to work even when they are ill. They may refuse to take vacations. They can be hypercritical of themselves, others and the organization; they tend to blame and scapegoat others. They will do their own job and then help others do their jobs. They can become intrusive in an effort to help a fellow employee. They'll cover for an alcoholic by doing his or her work. They'll take on more work than anyone else and uncomplainingly stay late to complete it. They may have no personal life beyond work and derive their only sense of value from their work.

Codependents often smother their friends. These are the most thoughtful and considerate friends in the world. They can also be so needy that it's difficult to maintain the friendship. It can be difficult or even impossible to have an honest relationship.

Codependent family members are the ones who eventually cause most people to seek help. It is family relationships that teach us behaviors early in life that may be dysfunctional indicators of codependency. Codependents need to be needed and even try to anticipate the needs of others, often without consultation. As parents, they will do things for their children that the children are capable of doing themselves. Indeed, they must learn to do for themselves, or they will remain dependent on their parents. These children also eventually suffer lowered self-esteem and confi-

## The Washington Wills Library Expert Systems To Assemble Documents

Prepare simple or complex wills in minutes with Attorneys' Computer Network software. The state-specific programs ask multiple-choice and fill-in-the-blank questions, then compose tailored documents which can be edited with your IBM-compatible word processing software. User friendly, no commands to learn.

The Wills Library's wide variety of provisions includes:

- Separate dispositions of personal effects and realty

- Cash bequests
- Granting and exercise of powers of appointment
- Credit equivalency trusts
- Marital deduction trusts with QTIP provisions
- Purchase of annuities
- Other types of dispositions

The programs also prepare:

- Living will declarations
- Powers of attorney
- Family tree affidavits
- Asset summaries
- Execution checklists
- Client interview questionnaires

The Wills Library is only one of 15 state-specific libraries by ACN, including: Inter Vivos Trusts; House, Condo and Com'l Real Estate Sales Contracts; Office and Store Lease Riders; Net Leases; Limited Partnerships; Com'l Mortgages/Deeds of Trust; Business Sales; Separation Agreements; Shareholder Agreements; and more.

**Only \$200 each, with free updates for the first year.**

Call Bernice Williams at 800-221-2972. Specify 5 1/4" or 3 1/2" disk.

**Excelsior-Legal, Inc.**<sup>TM</sup>

62 White St., New York, NY 10013  
(800) 221-2972 FAX (212) 431-5111

## PROVEN QUALITY — Mediation —

In 1984 we pioneered the use of mediation for tort and commercial cases in Washington State. Since that time our caseload has steadily risen and we have expanded our mediation panels of attorneys and former judges around the state. Our program has been used as the model for our 41 affiliated offices in major cities around the U.S., Canada, and Europe, with hundreds of cases being mediated each month.

**Responsive Service \* Reasonable Fees \* Proven Quality**



WASHINGTON  
ARBITRATION  
& MEDIATION  
SERVICE  
INCORPORATED

**Washington Arbitration & Mediation Service  
ADR Resource Center  
83 So. King St., Suite 806  
Seattle, WA 98104  
(206) 467-0793; fax (206) 467-7810**

dence, often with life-long consequences, which will likely include codependency.

When dealing with codependents, be aware of their behaviors. This is an armed defense! They may be quite helpless in your office. If they are about to divorce, they may be in a state of near panic, as the divorce may represent abandonment to them. As a lawyer, you have a unique perspective of your clients, often learning personal circumstances that they might not share with anyone else. Background information often offers insight into the present situation, revealing repetitious generational behavior. This is powerful intervention material, and it's time to make an appropriate referral to a twelve-step program, a therapist or even a helpful book. If you have other clients that you know attend Alanon, ACOA, etc., ask them if they'd be willing to have another client make contact to attend a meeting. Most codependents would never go alone. Don't be afraid to share your concern that without help, the situation may occur again. Four or five serial alcoholic or abusive marriages are not uncommon.

As professionals prone to codependency, we must keep a check on our own behaviors. We must each decide the difference between caretaking (unhealthy) and caregiving (healthy) as it applies to our own profession, then stick to it. A healthy life is a balanced life; that means fairly equal proportions of time for work, home life, play and spiritual well-being. □

### Bibliography

<sup>1</sup>Beattie, Melody. *Codependent No More*. New York: Harper/Hazelden, 1987.

<sup>2</sup>Schaef, Anne Wilson. *Co-Dependence: Misunderstood-Mistreated*. San Francisco: Harper & Row, 1986.

<sup>3</sup>Schaef, Anne Wilson. *When Society Becomes An Addict*. San Francisco: Harper & Row, 1987.

*Suzann Holman is a registered nurse who works in the psychiatric unit at Seattle's Providence Hospital.*

# The Stiff-Upper-Lip Profession

by Barbara Harper

**T**his article resulted from an interview with Barbara Harper, LAP clinician, by Jennifer Klamm, *Bar News* managing editor. It quotes from the recent ABA report, "The State of the Legal Profession, Report #1, A Discussion of the Extent, Causes and Impact of Lawyer Career Dissatisfaction 1990 v. 1984." The data were derived from the National Survey of Career Satisfaction/Dissatisfaction Waves I and II, conducted by the ABA Young Lawyers Division in 1984 and 1990.

**Bar News:** According to a recent survey on career satisfaction/dissatisfaction conducted by the ABA Young Lawyers Division, many lawyers are unhappy in their jobs. Why?

**Harper:** Among other things, the adversarial, competitive nature of the profession seems to be resulting in a loss or decrease in collegiality among the practitioners. In part, it's because there's little place for humanism in the law. Lawyers find themselves putting away the human part of their lives to pursue their calling. The survey report says,

There are...serious problems resulting from the increased stress of dissatisfaction and billable hours which have disturbing and important implications for the profession. These lie in the area of increasing social dysfunction or destructive behavior by lawyers and the impact of this behavior on themselves, their families, their quality of work and productivity, their firms, and their clients.

(Page 16.)

**Bar News:** Why is this any different from before?

**Harper:** Intense competition, in terms of both finance and showmanship, is at the root of this behavior.

There is also the danger that their own emotional lives will get hooked into

their clients' difficulties. In many offices, there's no place to deal with this, and there's no place to take it *from* the office. It's a stiff-upper-lip profession.

**Bar News:** Does this mean the attorney's on an emotional roller coaster?

**Harper:** Right. There's another person inside that bravado. It's difficult to fulfill the client's right to representation, deal with the client's pain and tough it out on the surface. If the client doesn't "win," the attorney will likely feel grief and the sense of loss that comes with personal failure. And often someone has to win and the other party loses.

**Bar News:** What about the abuse of alcohol?

**Harper:** It's always been there, but now between 13 percent (men) and 20 percent (women) of lawyers drink six drinks or more a day -- up from four percent overall in 1984. For some people it's a daily habit of self-medicating.

Some (we don't know how many) withdraw to use other drugs in isolation.

What starts out as a way to unwind becomes destructive to relationships. The family is the first to go. By the time it's obvious on the job, the person is probably in the late stages of substance abuse.

**Bar News:** Are men and women equally at risk?

**Harper:** Yes, but women's bodies show the ravages of alcoholism more quickly and more severely than do men's. Until the '70s, it was generally not known or accepted that women could become alcoholics.

**Bar News:** What responses to this increasingly negative work situation have you observed?

**Harper:** People respond in at least two different ways. What we see here are people experiencing depression: lethargy, sleep disturbance, pervading anxiety, appetite disturbance and low libido, to name a few symptoms. Procrastination and the generation of extra, needless work are other symptoms of work-related depression.

We also see substance abuse: alcohol, street drugs, prescription drugs and food disorders are a cluster of addictions that people sometimes adopt.

**Bar News:** What are some things that have worked in getting out of these situations?

**Harper:** Firms may have stress-reduction workshops. Individuals can look for alternative law-related work. The LAP offers support groups for lawyers and peer counselors to talk to.

**Bar News:** In your estimation, what is the most important first step for a lawyer to make when (s)he becomes aware that something has to change?

**Harper:** Talk to somebody: a friend, a colleague, the LAP. Whatever you do, don't hang onto it. □

# How Alcoholics An

**A**lcoholics Anonymous can be an extraordinarily useful tool to the practitioner in dealing with a client that has a drinking problem; however, like any tool, A.A. has its limitations. The following material is offered to help by describes A.A.'s acceptability to the courts in Washington, and what kind of resource A.A. is.

## A.A. in the Cases and Statutes:

Alcoholics Anonymous got its start in New York and Ohio in 1935, and it spread to Washington within a few years; 1941 in Seattle is the generally-accepted year. Washington Area Assembly of Alcoholics Anonymous, *Our Stories Disclose, A History of the Washington Area of Alcoholics Anonymous*. The program did not receive formal recognition by this state's legal authorities as an effective treatment modality until much later, however.

*In Re Greenwood*, 22 Wn. 2d 684, 157 P. 2d 591 (1945) is an early case that discusses the virtues of sobering up; Greenwood was a Bremerton lawyer who had been disbarred because of the deleterious effect his drinking problems had on his clients' affairs. He got sober by going to Alaska and working there managing a camp; when he returned to Bremerton and petitioned for reinstatement the Bar Association Board of Governors opined that "it is believed that no permanent rehabilitation is likely." Nonetheless, the Supreme Court had more faith in the man's sobriety, and permitted reinstatement. It is not clear whether A.A. had any part in Greenwood's recovery, or whether he stayed sober after reinstatement or not; however, the case does recognize that rehabilitation is possible, which was not widely recognized in 1945.

A.A. gets specific favorable mention

in more recent cases; for example, in *Seattle v. Hill*, 72 Wn. 2d 786, 435 P. 2d 692, cert. den. 393 U.S. 822, 21 L. Ed. 2d 142, 89 S. Ct. 16 (1967), a famous case unsuccessfully challenging the constitutionality of Seattle's drunk-in-public ordinance, A.A. was mentioned as one of the services provided by the Seattle city jail; between 70 and 110 prisoners were attending weekly meetings held in the jail. The dissents were vigorous and reflected the thinking of the times that resulted in eventual decriminalization of drunkenness; they contain considerable interesting data, such as a reference to the testimony of Superior Court Judge Charles Z. Smith that there were, at the time, 37,000 alcoholics in King County. *Aripa v. Social and Health Services*, 91 Wn. 2d 135, 588 P. 2d 185 (1978) addressed the right of Washington State Penitentiary inmates to have comprehensive drug and alcohol treatment services; the Court found that there was no such enforceable right, but that a program was (and, of course, still is) in place, and "...the alcohol treatment program consists of a variety of components, including the credibly successful Alcoholics Anonymous program." At 139.

Legislative recognition of the problem of alcoholism has produced an extensive and sometimes confusing statutory product; nonetheless, it amply demonstrates a good-faith effort to do something. See, for example, Chapters 72.08, 74.50, 70.96, 70.96A, and 72.49 RCW. Confidentiality is, of course, very important to alcoholics generally (whether practicing or recovering), and to A.A. members in particular. There is statutory recognition of this principal in RCW Section 69.54.070; however, the practitioner should be aware that it may also be governed by the child abuse reporting statute, Chapter 26.44 RCW; see *State v. Falgade*, 85 Wn. 2d 730, 539 P. 2d 86 (1975). A dated, but excellent, history is Johnson Fred, "State Law—Uniform Alcoholism and Intoxi-

cation Treatment Act, Wash. Rev. Code Ch. 70.96A (1974)—Decriminalization of Alcoholism—Alcoholism as a Defense to Criminal Liability," 50 *Wash. L.R.* 75.

## How Can A.A. Help Your Client?

If you suspect that a client has a drinking problem, a good starting point would be to read Hohlbein's "Recognition and Evaluation of the Alcohol Abusive Client" in *Alcohol and the Law: Recognizing and Dealing With Alcohol Abuse by Clients or Colleagues*, WSBA Continuing Legal Education Program, 1985. If your suspicions are confirmed, you might then contact A.A. for assistance. Alcoholics Anonymous World Services, *A.A. Guidelines, Cooperating with Court, A.S.A.P., and Similar Programs* recommends that an A.A. member, acting as a private individual, might talk to the client and report an opinion (this should not be treated as a diagnosis, however; see *infra*).

Once it has been determined that a client is an alcoholic, A.A. can be immediately effective in getting that person to stop drinking, which will often alleviate some of the most serious stresses on the family. Alcoholics Anonymous is widespread; virtually every community in the state has one or more active groups. Metropolitan Seattle has almost 1,000 meetings a week. As a consequence, it is easy to contact an A.A. volunteer or intergroup office; simply call the number listed in the local telephone book under Alcoholics Anonymous. The individual answering the phone will certainly be prepared to help an individual alcoholic or answer questions about the program. A.A. will, traditionally, offer help in getting the alcoholic to a nearby A.A. meeting or other immediate assistance. In addition, the volunteer will probably be able to provide at least some referral help; for example, ALANON and ALATEEN are

# Anonymous Can Help

groups similar to A.A., that provide assistance to nonalcoholic members of families that include an alcoholic. Once a person becomes active in A.A., (s)he should not be considered "cured"; viewing alcoholism as a disease that is in remission is more correct. It usually takes years for an alcoholic to straighten out the wreckage that has been made of the past, so even though some immediate improvements will be apparent, other changes will take a great deal of time.

There is great variety in services that local A.A. groups provide to the courts. In Washington, A.A. meeting chairpersons are usually willing to sign a logsheet indicating that the person has attended a required meeting (some groups are philosophically opposed to this process, however; see "Required Attendance," *infra*).

In other parts of the U.S., A.A. volunteers run introductory or informational meetings that are in many respects similar to Washington's Alcohol Information Schools; *loc. cit.* Other arrangements are possible; consultation with the local A.A. Cooperation with the Professional Community Committee is recommended, if special services are desired (see *infra*).

There are, of course, a few things that Alcoholics Anonymous *cannot* do: A.A. cannot provide diagnostic services; i.e., the program is not really set up to provide you with admissible evidence of whether the client is an alcoholic. A referral to your county alcoholism services office is recommended as an alternative, since those agencies are set up to do diagnosis.

A.A. is not a charity, and it is not a job-referral service; it has just one purpose, and that is aiding its members in their recovery from alcoholism.

*State v. Barnhard*, 108 Wn. 2d 527, 741 P. 2d 1 (1987) makes the point that, although a treatment center may be used as a sentencing alternative to jail under RCW 70.48.020 (3), A.A. does

not really serve that purpose well by itself. A.A. participation can be most beneficial when utilized in conjunction with other alternative sentencing, such as supervised probation.

For attorneys with drinking problems, the WSBA Lawyers' Assistance Program can be of great help; it is located on the fourth floor of the Westin Building in Seattle, and its direct-line phone number is (206) 448-0605. As with other professions, there are A.A. groups composed entirely of lawyers, such as International Lawyers in A.A. and the Seattle "Unbar Association" meetings. A considerable number of the peer counselors are recovered alcoholics who have made their time available to help other lawyers address their drinking problems.

## Required Attendance at A.A. Meetings

With respect to rehabilitative alternatives to sentencing in criminal cases, although RCW 70.48.020(3) permits alternative sentencing to "special detention facilities," which can use "combinations of features including, but not limited to...alcohol or drug rehabilitation programs...", see *State v. Barnhard*, *supra*. A.A. is not, by itself, a viable sentencing alternative. The program is entirely voluntary, without any real structure or organization capable of enforcing attendance. Consequently, although attendance at A.A. meetings (or one of its kindred 12-Step programs) is part of many kinds of rehabilitative program, monitoring and supervision must usually be carried out by a third party, such as a probation officer or Child Protective Services caseworker. This is an especially important issue because most treatment programs rely on participation in a 12-step program as essential to continued abstinence, and there are no half measures available. Such an alcoholic or addict must continue participation in a 12-step program to remain drug- or alcohol-free; any resumption of substance use is inevitably followed by resump-

tion of the addiction.

This problem of mandatory attendance is one of great interest and unresolved controversy, both in the rehabilitation program community and in the courts. *Henson v. Employment Security*, 113 Wn. 2d 374, 779 P. 2d 715 (1989) is particularly important, as it raises some of these issues but does not resolve them in a manner helpful to the criminal process. Henson worked for a Spokane employer who came to suspect that he had a drinking problem. The employer required Henson to participate in an alcoholism treatment program, which he did. However, the treatment program required Henson to attend A.A. meetings, which he refused to do. Henson lost his job and applied for unemployment benefits; the benefits were denied; Henson appealed and, ultimately, five members of our Supreme Court upheld the denial. The majority decision stated (at 378 and 379-80):

Henson was not discharged for being an alcoholic, for having alcohol on his breath or even for not going to A.A. meetings. He was discharged strictly for his refusal to complete the [Northwest Treatment Center] program which he had previously agreed to enter...In doing so, Henson made an implied contract...It was reasonable then for the employer to require Henson to follow NTC's recommendations, regardless of whether Henson concurred with the diagnosis. Henson's refusal willfully violated this implied contract.

Four Justices dissented, however, and in doing so they raise the central question:

N. Robertson [in] *Getting Better, Inside Alcoholics Anonymous* (1988)...acknowledges, however, that A.A. "does not work for everyone"...at 112, and describes the

strong religious and spiritual elements of the A.A. program that many alcoholics have difficulty embracing. Another study observes that A.A. is best suited to individuals who are "open to spiritual values", and notes that the program is ineffective when it conflicts with an individual's culture or personality, or when alcohol abuse is merely a

symptom of underlying psychological problems. Young & Lawson," 28 *Int'l J. Offender Therapy & Comp. Criminology* 131 (1984). A legitimate question can be raised as to the efficacy of any treatment program undertaken as a result of coercion rather than from commitment to its ideology.

At 113 Wn. 2d 387.

This point has been acknowledged by A.A. since its beginnings, although the reasons for failure have been somewhat different:

Rarely have we seen a person fail who has thoroughly followed our path. Those who do not recover are people who cannot or will not completely give themselves to this simple program, usually men and women who are constitutionally incapable of being honest with themselves. There are such unfortunates. They are not at fault; they seem to have been born that way. They are naturally incapable of grasping and developing a manner of living which demands rigorous honesty. Their chances are less than average. There are those, too, who suffer from grave emotional and mental disorders, but many of them do recover if they have the capacity to be honest.

A.A. World Services, Inc.,  
*Alcoholics Anonymous*, 58 (1939)

Reluctance to undertake *any* program of recovery is characteristic of alcoholics; nonetheless, A.A. has been successful with a great many of them, *supra*, 24 et seq. The biggest problem is that A.A. is a voluntary program; coerced attendance has never been taken into account, and sanctions for non-attendance are difficult to apply. Consequently, there are likely to be two groups of persons who, having been referred to A.A. by the legal system:

1. Do not attend but say that they do; or,
2. Attend, but do not get the intended benefit because they cannot for some reason.

The latter group is likely to be the smaller of the two; the existence of either group can create a problem, however, because it implies probable recidivism, continued or worsening family or financial problems and the like. Granted, it is not the province of attorneys to guarantee the efficacy of *any* rehabilitation program; nonetheless, the legal system, created largely by attorneys, often relies unduly on this particular form of rehabilitation. One solution to the problem is careful monitoring; once A.A. participation is rejected, an-

## For timely, accurate assessments you and your clients can trust, call Swedish Hospital Addiction Recovery Program.\*

DWI evaluations and court-related progress reports are among the many outpatient services of **Swedish Hospital Addiction Recovery Program**.\*

You'll find our reports concise, complete and to the point. And, they're prepared within **your** time frame.

Our outpatient services also include individual and family counseling, public education sessions and employee assistance program consultations.

Our 21-day inpatient program offers a proven solution for your alcoholic and chemically dependent clients. It's the only such service available in a downtown Seattle acute-care hospital.

Our in- and outpatient services are priced lower than most similar programs. And, they're covered by major insurance plans, Champus and Medicare.

For more information, call or write us.



SWEDISH HOSPITAL MEDICAL CENTER

747 Summit Avenue Seattle, WA 98104

**(206) 386-3150**

\*Formerly the Saint Cabrini Recovery Program

other alternative must be developed promptly or relapse is likely. Everyone relying on the rehabilitation alternative must keep in mind that A.A. cannot provide this monitoring because what formal, organized structure it has is strictly voluntary and generally quite informal in nature; paid staff members are rare.

*Metlow v. Spokane Alc. Rehab. Cntr.* 55 Wn. App. 845, 781 P. 2d 498 (1989) contains another important view of this problem. Heffernan, a patient, had undergone inpatient treatment at the defendant center, and was in aftercare treatment. He relapsed and got drunk, and while driving an auto, he struck plaintiff's car, injuring plaintiff and killing plaintiff's wife. Plaintiff attempted to apply the rule in *Peterson v. State*, 100 Wn. 2d 421, 671 P. 2d 230 (1983) to these facts; *Peterson* is the case that found the state negligent for failing to adequately treat a psychotic patient who committed a tort following release from a state mental institution. Among other things, Plaintiff alleged that failure to ensure that Heffernan attended A.A. meetings constituted negligence; fn2. The Court of Appeals found that the treatment center had no duty comparable to that of the state psychiatrist in *Peterson*.

### Is Alcoholism a Handicap?

As it presently stands in Washington state, alcoholism is not a handicap in, for example, the affirmative action sense. See *Phillips v. Seattle*, 51 Wn. App. 415, 754 P. 2d 116 (1988), in which the court noted that the disease of alcoholism is permanent, but that alcoholics can stop drinking. Alcoholism is not, as a result, a handicap under the interpretation of Washington State law in this case, because "the statutory definition of handicap at issue here focuses not on the permanence of the disease, but on the permanence of the impairment." On the other hand, under the Federal Rehabilitation Act of 1973, 29 U.S.C. 706(8), as recently amended, alcoholism is defined as a handicap, and so this aspect of the law will continue to evolve.

### Learning More About Alcoholics Anonymous

All larger communities in Washing-

ton, and most smaller ones, have a rather informal A.A. "organization" which will include a Cooperation with the Professional Community Committee. These committees are composed of A.A. volunteers who represent various A.A. meeting groups, and they are prepared to give their time to assist lawyers, doctors, psychologists, clergy and other professionals with alco-

holic/addicted clients. The committees can also provide supplies of literature on A.A. Volunteers are usually available to serve as speakers at meetings, and obtaining a volunteer to meet with an alcoholic is usually possible at any time, day or night. C.P.C. committees are most easily reached at the Alcoholics Anonymous telephone number in your local telephone directory. □

## Deloitte & Touche Offers Litigation Consulting Services

As the Pacific Northwest's largest accounting and consulting firm, our resources include industry specialists in:

- Aerospace & Defense
- Agribusiness and Food
- Cable Television
- Construction
- Education
- Energy
- Financial Institutions
- Government Services
- Health Care
- High Technology
- Insurance
- International Trade & Finance
- Manufacturing
- Media
- Real Estate
- Retail
- Telecommunications
- Transportation
- Travel & Hospitality
- Utilities

Let our experienced litigation consulting specialists assist you with:

- Issues Definition
- Strategy Development
- Claim Analysis
- Economic Impact Analysis
- Discovery Request Development
- Document Review
- Data Management
- Affirmative Case Development
- Damage Determination
- Deposition Assistance
- Settlement Negotiation Assistance
- Expert Testimony

Put our experience and resources on your side.

Call Vicky Sdrales at (206) 292-1800 to discuss how we can provide valuable support to your litigation team.

**Deloitte &  
Touche**





by **Lindsay Thompson**, Bar News Editor

**Bremerton, November 16-17, 1990**

**Present:** President Halverson and the Governors. Also present: Judge Gerry Alexander (Court of Appeals); Judge David Draper (Superior Court Judges' Assn.); Dennis Harwick (WSBA Executive Director-designate); John Fattorini (WSBA Legislative Liaison); Donna McNamara (SKCBA/YLD); John J. Michalik (WSBA Executive Director); Judge Roy Rainey (District Court/Magistrates' Assn.); Geoff Revelle (SKCBA Trustees); Kristin Stred (Washington Women Lawyers); Lindsay Thompson (Bar News Editor/Clark County Trustees); Morton Tytler (Government Lawyers); and Robert Welden (WSBA General Counsel).

**Behind Those Doors:** The Board of Governors held an executive session for an hour to discuss, the president later announced, disciplinary matters and the election of the WSBA president for 1991-92. Watch governors' newsletters for more details of what went on.

**Executive Director's Report:** Executive director John Michalik gave his 113th and final consecutive monthly report. It was chiefly a review of finances, the state of which he said is good. The goal of a \$180,000 surplus to be put in reserve is still likely. On the minus side, the 1990 convention deficit looks like it will run to \$16,000.

Executive director-designate Dennis Harwick, over from Idaho, sat in for the meeting, observing the proceedings with

the polite expression of a colonial district officer invited to sit in on the council meeting of a particularly obscure tribe. He takes over in December.

**The Dance of Legislation:** Seattle lawyer Eric Redman once called it the magic process of governing, and the WSBA Legislative Committee has begun to tune up the band for the coming session of the Honorables in Olympia. Chair Dick Manning and legislative liaison John Fattorini gave an overview of the coming situation as best it can be divined. Of main interest was the Legislative Committee's ruminations over the recently issued report of the Gates Commission on change in the Washington courts. The committee had held a "roundtable discussion" on the report, Manning said, but a hurried one: there is so little time to consider this matter, given the commission's schedule. That became a common refrain throughout the meeting, and lent some credence to the view that the commission wants to run the report through the motions as fast as it can to avoid the firestorm of criticism developing around its conclusions.

Manning said the committee found little to like in the report. They don't like the pro tem judges' proposal, the development of more uniform penalties and court rules, voir dire limitations, the district court jurisdiction changes, and the increase in mandatory arbitration levels.

Moving on, the committee presented two proposals for legislation in 1991.

The first was a proposal from the Creditor-Debtor Section to review RCW Chapter 6.15 by increasing the value of

### For Your Non-Profit Clients:

## Management Services to Professional and Trade Associations

### SHIRLEY BISHOP, INC.

- data base development and management; mailings
- member recruitment and retention programs
- financial management
- coordination of meetings and conferences

In addition, we serve as the contact for telephone inquiries and correspondence to the association, providing the advantages of a full-time office.

For more information on the administrative support we offer associations and a list of current clients, please call Shirley Bishop at (206) 441-6020.

### SHIRLEY BISHOP, INC.

2033 Sixth Avenue, Suite 804  
Seattle, Washington 98121  
(206) 441-6020

personal property exempt from enforcement of judgments. Representing the section, Susan Stanley said the proposal "seeks to bring the exemptions into line with economic realities." They have not been revised since 1973, and the Consumer Price Index tripled in that time.

"Then why did you only double the exemptions?" Governor Lem Howell jumped in.

It is a compromise proposal; "There are diverse interests within the Section," she diplomatically answered. "In addition to increasing the exemption amounts, the proposal will also let the impecunious apply up to five thousand dollars of any unused homestead exemption to personal property not otherwise covered by the exemption categories."

Governor Jeff Tolman moved that the Association support the proposal; it passed unanimously.

Next came lawyer Jerry Pusch, from the Business Law Section, with some amendments to the Uniform Limited Partnership Act, RCW Chapter 25.10. The changes parallel developments in limited partnership law, and will make limited partners more like shareholders in corporations. Tolman moved that the Association support the plan, and it passed unanimously.

**Go West, Young Governors:** The Western States Bar Conference is an annual winter affair somewhere warm and sunny (Santa Barbara in '91) for bar association leaders from fourteen states. Year in and out, governors who have attended it endorse sending more the next year, calling it

"very useful." This year Governor Don Curran, who went last year, called the conference "very useful," and moved that the executive director and second year governors attend on the WSBA tab. The president endorsed the idea, and exhorted other governors to go on their own. The Board, finding the motion very useful, approved it unanimously.

**Bowled Over:** The Board then repaired to Port Orchard for lunch at the Hi-Joy Lanes with the Kitsap County Bar Association. The local attorneys arrived in great numbers and festivity, and made their visitors most welcome. Governor Jeff Tolman, on home turf, gave particularly interesting, and short, introductions of the Board of Governors. The president, in bowling shoes, eschewing the usual presidential address (no, not the one in the phone book) tossed open the floor to questions, and a lively session followed.

**How Firm A Foundation?:** After lunch the Board had a joint meeting with the board of directors of the Legal Foundation of Washington. Foundation president Paul Bastine told the Board of Governors about the work of the foundation and its concerns for the ability of legal services programs to meet the needs of the poor in Washington. The meeting was informational in character, and everyone pronounced it very useful.

**Sorry, Judge, I Don't Have to Answer That One:** Robert Welden, WSBA general counsel, presented a proposed formal ethics opinion on the obligation of defense counsel in a criminal case to disclose information regarding



## CNA's enlightened idea for lawyer's insurance: financial stability.

CNA's financial stability provides the security you need in an insurer, because we have the resources to adequately finance your professional liability coverage and honor our commitments.

For over 30 years, CNA has provided professionals with stable, reasonably-priced malpractice protection. Our programs include comprehensive coverages, local claim service, expert underwriting and legal defense.

Our expert attorney panel vigorously defends against all frivolous malpractice suits.

It's your professional reputation and your practice. Protect them with CNA—the company that has the financial stability you can depend on.

**Contact your local Lawyer's Protector Plan Administrator:**

**CNA**

For All the Commitments You Make®

Home Office: Chicago, Illinois

**National Insurance Professionals Corporation**

**2601 - 4th Avenue, Suite 200**

**Seattle, WA 98121-1297**

**(206) 441-7960**

a defendant's criminal history. It's been a contentious subject, with a superior court judge having filed a 1989 disciplinary complaint against a lawyer the judge felt improperly withheld information about his client that the lawyer felt was a secret he was bound to keep.

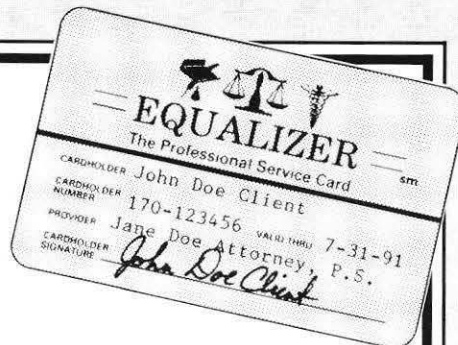
The Rules of Professional Conduct Committee found the frequency of problems in the area warranted a rethink and a formal opinion. To be published in full in the January *Bar News*, the opinion concluded that a criminal's prior history, although a matter of public record, is between a lawyer and his or her client, a confidence or secret, depending on the facts of the case. Therefore, it may not be disclosed except in compliance with RPC 1.6.

Governor Alva Long thought the opinion did not go far enough, citing examples of where courts could access state computer files during a hearing and get certain types of information about a defendant's record on its own. He thought criminal defense organizations ought to be given a chance to review and comment. Governor Monte Hester moved to amend the opinion to preclude answering any question about a criminal defendant's record from the court, noting that in certain situations silence was as potentially damning as any answer that might be given. After some further discussion of how to balance the needs of the court for what it considers relevant information and the rights of the defendant, the Board voted to adopt the opinion as amended, and did so unanimously.

**"Did I Miss Something? I Thought This Was**

**the Superior Court Judges' Association Report":** Governor Lem Howell took the witness chair to tell the Board about his turn as the Board's representative to the meetings of the Superior Court Judges' Association. Happily, the judges had discussed the Gates Commission report, which gave Howell a chance to review at length the iniquity of the commission's composition, hearings and conclusions. Governor Ron Gould moved to put the Board on record as opposing any proposal to let pro tem judges be imposed on litigants. But Governor Curran raised a point of order, elegantly handled by the president, that the motion was out of order in what was ostensibly the Superior Court Judges' Association meeting report. Howell finished the report with a rousing general denunciation of the Gates Commission, and said he'd found his meeting with the judges very useful.

**Appointments:** The Supreme Court, having created a Commission on Minorities and Justice to study how the system serves ethnic groups, needed some suggestions of lawyers to serve on it. The Board came up with several names, but other Governors, wanting to see if they could find some nominees and find out if they'd be willing to serve, pressed to get the matter put over until early December, when they will pool their nominations and make some appointments by conference call. The Board then moved to the allocation of a new ABA House of Delegates seat, and after some discussion and three nominations, elected Seattle lawyer Lew Pritchard.



Now there is a financing plan designed especially for lawyers

The =EQUALIZER= sm Professional Fees Financing Plan will pay you when your client can't.

Call us today at 206-226-5731

The Equalizer Corporation  
15 South Grady Way  
Renton, WA 98055

**Sectional Feeling Rears Its Ugly:** The Alternative Dispute Resolution Section set up a proposal to amend its bylaws. They want to be able to have members of nonlawyer mediation/ arbitration groups serve on their executive committee, and more fully participate in the section's work thereby.

Governor John Schultz thought the proposal not very useful. Expressing concern that nonlawyers be allowed to roam free and bill themselves to the public as having in some sense the approval of the Bar Association, he moved to deny the amendments. Governor Ron Gould expressed surprise that no one from the Section showed up to advocate such a precedent-setting idea. But in the end, the Board tabled this until the December meeting.

**Gates Commission, Round III:** By Saturday morning it began to appear Gresham's Law had begun to take over the Board meeting, with the Gates Commission report inspiring even more gratuitous abuse than last year's little-loved Novack Commission report. Governor Ron Gould revived his motion that the Board disapprove any proposal to impose pro tem judges on litigants who don't want one. Some governors were concerned that action on the one aspect of the Commission report might imply some degree of approval or acquiescence in the others. Governor John Schultz urged the rejection of the report "en toto". Governor Tom Chambers, citing recent court overload emergencies in Spokane and Yakima, wondered if maybe the Supreme Court ought to have some power to appoint "emergency judges". But the Board would have none of it,

and voted to table the discussion of the commission report until December, when they plan to draw the long knives on the whole thing. The motion passed, 6-4, Governors Chambers, Curran, Gould and Howell opposed.

**And You Thought Choosing for the Ark Was Hard:** The Board decided in August to set up a Long-Range Planning Group to look ahead to the needs of a 20,000-member WSBA, now just a few years off. Former Governor Steve DeForest has been doing some planning for the project, and appeared with a proposal to create a committee of no more than 15, drawn from the Board and various designated bar and bar-related groups, give it a \$5,000 budget, and have it report back next summer. Everyone started weighing in with groups who'd been left out and shouldn't have been, and whose addition now would prove very useful. The Board juggled and squeezed; the committee grew to 18, then shrank to 16, then won approval by the Board. Details will follow here once they are firmed up.

**Wrap-up in Bremerton:** In other action, the Board approved a dues increase for the Law Office Economics and Management Section, and held a hearing on the petition for reinstatement of Richard W. Hart.

**Future Meetings:** 1990: December 14-15, Seattle; 1991: January 11-12, Olympia; February 15-16, Tacoma; March 22-23, Bellevue; April 19-20, Winthrop; May 17-18, Spokane; June 21-22, Kelso; July 19-20, Blaine; August 23-24, Leavenworth; September 11-14, San Diego (Bar convention).

## TRADEMARK

### & COPYRIGHT SEARCHES

TRADEMARK-Supply word and/or design plus goods or services.

#### SEARCH FEES:

COMBINED SEARCH — \$ 205\*  
 TRADEMARK OFFICE - \$70\*  
 STATE TRADEMARKS - \$75  
 COMMON LAW - \$65  
 EXPANDED COMMON LAW - \$115\*  
 DESIGNS - \$95\* per class minimum  
 COPYRIGHT - \$105\*

\*plus photo copy cost.

#### INTERNATIONAL SEARCHING

#### DOCUMENT PREPARATION

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

**RESEARCH** - (SEC - 10K's, ICC, FCC, COURT RECORDS, CONGRESS) **APPROVED.** Our services meet standards set for us by a D.C. Court of Appeals Committee. *Over 100 years total staff experience - not connected with the Federal Government.*

#### GOVERNMENT LIAISON SERVICES, INC.

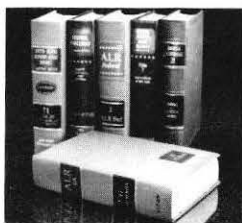
3030 Clarendon Blvd., Suite 209  
 Arlington, VA 22201  
 Phone: (703) 524-8200  
 Fax: (703) 525-8451

All major credit cards accepted

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

Since 1957

## You can't get closer to the issues than this.



At Lawyers Cooperative Publishing, we know our analytical legal research system is not complete without one vital link - our field representatives. They know what's available, what's affordable, and what resources will be of the greatest value to your practice, given your needs and market.

Right now, your local representative is ready to help you get the most from our integrated library for Washington practice - from ALR to Am Jur or USCS to US L Ed.

If you want to be in charge, talk to a representative who's in touch with your needs. Contact your local representative directly, or call 1-800-527-0430.



John Fletcher  
(206) 784-2474



Bruce Groesbeck  
(509) 922-0175



Tom Mulligan  
(206) 857-7903



David Prescott  
(503) 243-1337



Lawyers Cooperative Publishing

Rochester, New York 14694

# Recipes for Success

Earlier this year, the Warwick Hotel and Mothers Against Drunk Driving organized among seven hotels a competition aimed at promoting responsible drinking-and-driving practices.

Larry Brown covered the event for *The Seattle Times*. He reported,

Hotels increasingly are serving alcohol-free drinks and low-alcohol drinks in their lounges, bars and restaurants.

Judges considered taste, appearance, texture and creativity when they rated the drinks presented by seven bartenders. Prizes went to three sweet drinks that would be appropriate as dessert substitutes.

As its contribution to holiday cheer, the *Bar News* is reprinting the recipes here:

## The Washington State Berry Harvest

Walker Price  
SHERATON HOTEL

1 serving

1 1/2 cups vanilla frozen yogurt, divided  
1/2 cup blueberries, fresh or frozen  
1/2 cup half-and-half  
1/2 cup fresh strawberries  
1 dash (about 1/2 teaspoon) grenadine  
syrup  
1/2 cup fresh raspberries

1. In a blender, combine 1/2 cup frozen yogurt, most of the blueberries (reserving a few for garnish) and one third of the half-and-half. Blend about 4 seconds, and pour into a 12-ounce glass.

2. In the blender, combine 1/2 cup frozen yogurt, most of the strawberries (reserving a few for garnish), one third of the half-and-half, and the grenadine. Blend about 4 seconds, and add to the glass.

3. In the blender, combine 1/2 cup

frozen yogurt, most of the raspberries (reserving a few for garnish), and remaining third of the half-and-half. blend about 4 seconds, and add to the glass.

4. Garnish drink with the fresh fruit, and serve with two long straws.

**\*3rd Place\***

## Emerald Ice

Shelley Arntson  
THE EDGEWATER

1 serving

3 ounces pineapple juice  
2 ounces coconut milk  
1 ounce apricot nectar  
5 small scoops lime sherbet  
1/2 cup ice cubes

1. In a blender combine pineapple juice, coconut milk, apricot nectar, lime sherbet and ice.

2. Blend at high speed until thoroughly combined and smooth. Pour into tall glass

**\*2nd Place\***

### Mills & Uchida Court Reporting, Inc.

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

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

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

# The End Of Trial And Error

## Select Group takes the uncertainty out of temporary legal support.

We provide a full-range of carefully screened, highly qualified professionals on an hourly, daily, part-time or full-time basis.

Our personnel include:

- Attorneys
- Paralegals
- Programmers
- Illustrators
- Legal Secretaries
- Document Clerks
- Word Processors
- Graphic Designers

The next time employees go on vacation, or you're deep in litigation, or need computer support services, call us.

Find out how Select Group can support you like no other.

**SELECT GROUP**

2731 77th Ave. SE, Mercer Island WA 98040 236-2700

**J.A.F. (Jamoca Almond  
Fudge)**

*Terry Barratt*  
THE WARWICK HOTEL

1 serving

- 1/2 cup ice cubes
- 2 1/2 ounces whipping cream
- 2 1/2 ounces orgeat syrup (almond-flavored)
- 3 ounces Hershey's chocolate syrup, divided
- 2 tablespoons instant coffee
- Whipped cream or whipped topping for garnish
- 2 teaspoons chopped almonds

1. In a blender combine ice, whipping cream, orgeat syrup, 2 1/2 ounces chocolate syrup and instant coffee. Blend at high speed until thoroughly combined and smooth. Pour into a tall glass.

2. Garnish top of drink with whipped cream or a squirt of canned topping. Drizzle about 1/2 ounce chocolate syrup over cream, and sprinkle with chopped nuts.

**\*1st Place\***

**CONGRATULATIONS**

WASHINGTON STATE BAR  
ASSOCIATION  
MEMBERS AND STAFF

ON YOUR NEW  
EXECUTIVE DIRECTOR.

OUR LOSS IS YOUR GAIN.

IDAHO STATE BAR  
MEMBERS AND STAFF

*The Weather Professionals*

**YOUR SOURCE OF  
WEATHER  
INFORMATION**

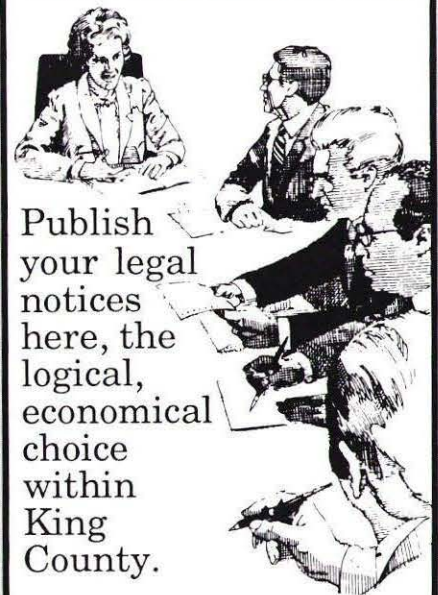
- **Weather Data Acquisition**
- **Weather Reconstruction and Analysis**
- **Expert Witness Services**
- **Cross-Examination Advice**

Our weather services are provided by experienced professionals in research and forensic meteorology. They are available to your firm to discuss your cases indepth and with complete confidentiality.

**Atmospheric Research Associates**

P.O. Box 767  
Snoqualmie, Washington 98065  
(206) 888-9299

**ATTORNEYS !**



Publish  
your legal  
notices  
here, the  
logical,  
economical  
choice  
within  
King  
County.

Seattle Daily  
**Journal of Commerce**  
**CALL 622-8272**  
for details



## December 1990

**1** The trial of a Criminal Case, Seattle. *Sponsored by:* UW CLE and WSBA Criminal Law Section. *For information:* (206) 543-0059.

**4** Negotiations and Settlement Advocacy, Olympia. Also presented December 5 in Seattle. *Sponsored by:* WSBA CLE. *For information:* (206) 448-0433.

**4** How to Draft Wills and Other Estate Planning Documents, Spokane. *Sponsored by:* WSBA CLE and WYLD. *For information:* (206) 448-0443.

**4** Boundary Law in Washington, Seattle. *Sponsored by:* National Business Institute, Inc. *For information:* (715) 835-7909.

**5** Negotiations and Settlement Advocacy, Seattle. *Sponsored by:* WSBA CLE. *For information:* (206) 448-0433.

**6** How to Draft Wills and Other Estate Planning Documents, Seattle. *Sponsored by:* WSBA CLE and WYLD. *For information:* (206) 448-0433.

**6** Computax Fall Update Tax Seminar, Seattle. *Sponsored by:* Commerce Clearing House. *For information:* (213) 374-4CPE; fax (213) 543-6494.

**8** Second Annual Commercial Law Institute, Seattle. *Sponsored by:* UW CLE. *For information:* (206) 543-0059.

**13** How to Foreclose On, and Defend Against, Liens, Seattle. *Sponsored by:*

WSBA CLE and Creditor/Debtor Section. *For information:* (206) 448-0433.

**13** Considerations in Buying or Selling a Business in Washington, Seattle. *Sponsored by:* National Business Institute, Inc. *For information:* (715) 835-7909.

**14-15** WSBA Board of Governors' meeting, Seattle. *For information:* (206) 448-0441.

**15** Dealing With Experts and Expert Testimony, Seattle. *Sponsored by:* UW CLE. *For information:* (206) 543-0059.

**18** Basic Drafting of Wills and Trusts in Washington, Seattle. Also presented December 19 in Spokane. *Sponsored by:* National Business Institute. *For information:* (715) 835-7909.

**19** Basic Drafting of Wills and Trusts in Washington, Spokane. Also presented December 18 in Seattle. *Sponsored by:* National Business Institute. *For information:* (715) 835-7909.

**27** Best of CLE 1990, Seattle. *Sponsored by:* WSBA CLE and General Practice Section. *For information:* (206) 448-0433.

## 1991

### January

**11-12** WSBA Board of Governors' meeting, Olympia. *For information:* (206) 448-0441.

## February

**6** Legal Foundation of Washington Annual Charles A. Goldmark Awards Luncheon, Seattle. *For information:* (206) 624-2536.

**15-16** WSBA Board of Governors' meeting, Tacoma. *For information:* (206) 448-0441.

**17-23** Skimender '91, Whistler, B.C. *Sponsored by:* WSTLA. *For information:* (206) 464-1011.

## March

**22-23** WSBA Board of Governors' meeting, Bellevue. *For information:* (206) 448-0441.

## April

**19-20** WSBA Board of Governors' meeting, Winthrop. *For information:* (206) 448-0441.

## May

**17-18** WSBA Board of Governors' meeting, Spokane. *For information:* (206) 448-0441.

## June

**21-22** WSBA Board of Governors' meeting, Kelso. *For information:* (206) 448-0441.

## July

**19-20** WSBA Board of Governors' meeting, Blaine. *For information:* (206) 448-0441.


## August

**23-24** WSBA Board of Governors' meeting, Leavenworth. *For information:* (206) 448-0441.

## September

**11-14** WSBA Board of Governors' meeting and State Bar Convention, San Diego. *For information:* (206) 448-0441.

*("Calendar" carries information on events of interest to members of the Association. Please send event notices to Lindsay Thompson, Editor, Bar News, 7414 N.E. Hazel Dell Avenue, Suite A, Vancouver, WA 98665. Deadline is the 15th of each month for the second issue following.)*



Join an organization of over 500 attorneys  
who are making a difference

**WASHINGTON DEFENSE TRIAL LAWYERS**  
*(formerly the Washington Association of Defense Counsel)*

\*\*\*\*\* Since 1962 \*\*\*\*\*

**Benefits of Memberships:**

- Expert Witness Index
- Superior CLE seminars
- Quarterly "THE DEFENSE PRESS"
- Annual Judges Reception
- Statewide seminars/receptions
- Amicus Committee
- Legislative Speaker's Bureau
- Membership dinner meetings

For information, call Nora Tabler  
(206) 447-9505



*Notices of Interest to Association Members*

**Attorney Discipline**

Tacoma attorney **Mary Jo Manzanares** (admitted 1981) was ordered to receive a disciplinary sanction of a two-year suspension. The discipline was based on Manzanares' neglect of several client matters, misrepresentation to clients, and noncooperation in a disciplinary investigation. As Manzanares had been suspended for more than four years pending the outcome of her disciplinary proceedings, she was ordered reinstated to active status by the Court order of September 10, 1990. Manzanares will be on probation for two years under a variety of conditions.

**Public Notices**

**Paralegals Become An Affiliated Unit of ATLA:** An affiliated unit of paralegals/legal assistants has been established within the Association of Trial Lawyers of America by vote of the Association membership. This was announced in July at the 1990 ATLA Annual Convention in San Diego. Any paralegal sponsored by an employer who is a regular member of ATLA in good standing may join and, for an annual fee, receive the benefits of subscriptions to *Trial*, *ATLA Law Reporter* and *ATLA Advocate*; the right to attend ATLA conventions; and the right to attend all ATLA educational seminars and purchase ATLA educational materials at the member rate.

Information concerning membership in this paralegal category may be obtained from ATLA's Membership Department at 1050 31st Street, N.W., Washington DC 20007-4499 or by calling (800) 424-2727.

**Notice To All Attorneys in Clark, Skamania, Klickitat and Spokane Counties:** The Supreme Court has extended the videotape pilot project to December 31, 1991 and issued an Order outlining the procedures to be followed when videotape has been used to record court proceedings.

The Order supersedes the Rules of Appellate Procedure by designating the

videotape instead of a written transcript as the official record on appeal. Because

there is no transcript, no Statement of Arrangements is required. The party

**Available now at no cost!**

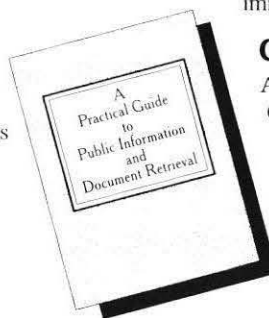
This guide to public information can make your job easier.

When it comes to matters of public record information, Prentice Hall Legal & Financial Services has indeed "written the book." And we're offering it to you **free**, just for the asking.

or any other tasks involving public record information, call or write us today. Your copy of our free "how to" booklet will be on its way to you immediately.

If you are responsible for completing

- Uniform Commercial Code searches or filings
- Tax lien searches
- Bankruptcy searches
- Suit and judgment searches
- Trademark searches
- Motor vehicle searches



**Call 800-USA-INFO**

Ask for Karen Hickman, Client Support Specialist

**Prentice Hall Legal & Financial Services**  
508 East Union  
Suite #1  
Olympia, WA 98507



PRENTICE HALL LEGAL & FINANCIAL SERVICES

**FAST COPIES**

At Kinko's, our staff is trained in the particular care and special handling that legal documents require. When you need top quality copies and you need them fast, depend on Kinko's, the copy center.

- Fast Turnaround
- Confidentiality
- Free Pick-Up & Delivery
- Legal Copy Specialists
- Your own Kinko's Service Representative

**Seattle** 292-9255  
1335 2nd Ave.

**Bellevue** 455-3434  
10900 N.E. 4th St.

**Spokane** 484-0601  
1320 N. Hamilton

**kinko's**  
the copy center

## Appellate Litigation

Doug North is available for consultation, association or referral on your next appeal. Successful appeals have been handled in a variety of legal areas:



### Insurance

*Tissell v. Liberty Mutual*, 115 Wn. 2d 107 (1990)

### Child Support

*Marriage of Sacco*, 114 Wn. 2d 1 (1990)

### Business Torts

*Hoffer v. State*, 110 Wn. 2d 415 (1988)

### Workmen's Compensation

*Dennis v. Dept. of Labor and Ind.*, 109 Wn. 2d 467 (1987)

### Real Estate

*American Federal Savings v. McCaffery*, 107 Wn. 2d 181 (1986)

### Child Custody

*In Re Dombrowski*, 41 Wn. App. 753 (1985)

### Personal Injury

*Jensen v. Beaird*, 40 Wn. App. 1 (1985)

### Property Division

*In Re Marriage of Lindsey*, 101 Wn. 2d 299 (1984)

### Product Liability

*Gammon v. Clark Equipment Co.*, 38 Wn. App. 274 (1984)

### Trial Practice Rules

*Campbell v. A.H. Robins*, 32 Wn. App. 98 (1982)

### Estates

*In Re Heath Estate*, 30 Wn. App. 98 (1981)

### Eminent Domain

*In Re Puget Sound Power & Light*, 28 Wn. App. 615 (1981)

Douglass A. North

Maltman, Weber, Reed, North and  
Ahrens

1415 Norton Building  
Seattle, WA 98104  
(206) 624-6271

seeking review has no responsibility for providing the record for the Court of Appeals, but must designate in the Notice of Appeal what tapes (either by date or proceeding or tape number) need to be forwarded to the Court of Appeals. Copies of the tapes for preparation of the appeal can be ordered from the court.

The new Order also includes a procedure to motion the trial court to authorize a partial or full transcript to supplement the videotape. A copy of the motion form is enclosed in this packet. It is to be completed and submitted to the trial court in those cases where a transcript is necessary for the review and briefing process. If you have questions about the Order, please contact Bobbi J. Olson, Office of the Administrator for the Courts, at (206) 753-3365.

**WSBA Judicial Recommendation Committee to Schedule Interviews:** The WSBA Judicial Recommendation Committee is currently accepting applications from attorneys and judges seeking consideration for appointment to fill potential appellate court vacancies. Interested candidates will be interviewed by the Committee at its Spring 1991 meeting. The Committee's recommendations are reviewed by the Board of Governors of the WSBA and are then referred to the Governor for review when appointments are made to fill vacancies on the Court of Appeals and Supreme Court.

If you are interested in scheduling an interview, please contact the WSBA at 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, (206) 448-0441, to obtain a questionnaire. Please specify whether you need the questionnaire designed for a judge or an attorney. All questionnaires must be received in the Bar Office *no later than 5 p.m. on Friday, February 15, 1991*, to be considered for an interview at the Spring meeting.

**Reminder of Court Rules Changes:** Effective September 1, 1990, CR 10(d) requires all pleadings, motions and other documents to be drawn on 8 1/2 x 11 inch paper.

Also effective September 1, 1990, APR 13 requires attorneys to put their

bar number on all papers filed in state courts, and gives lawyers ten days to notify the Washington State Bar Association of personal name or address changes.

## In re RCW 19.52.120(1): Legal Interest Rates

The average coupon equivalent yield from the first auction of 26-week treasury bills in November 1990 is 7.41%. The maximum allowable interest permissible for **December 1990** is therefore **12.00%**. Compilations of the average coupon equivalent yields from auctions of 26-week treasury bills appear in the *Bar News* on page 39 in October 1987 for 1982-1984; on page 37 in June 1989 for 1984-1985; and on page 51 in June 1990 for 1985-1990.

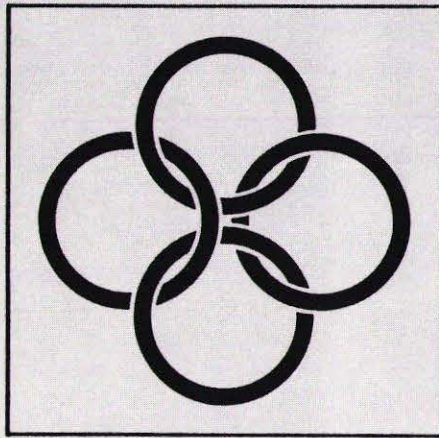
**State Bar Disaster Response Team Update:** A year ago the WSBA Disaster Response Task Force created a disaster response plan, and the Board of Governors appointed a nine-member team to be "on call," carry a minimum of \$1 million in personal liability insurance and neither take nor make referrals arising from any accident on which they serve as advisors. (See the *Bar News*, September 1990 at 25.) They are prepared to go to the scene and offer free general advice to victims and their families.

The team completed a four-hour orientation seminar at the Westin Hotel on October 26.

WSBA president Lowell K. Halverson notes, "At first glance the state of Washington seems an unlikely place for a mass disaster. But when you consider the possibilities for nuclear accidents, marine collisions and spills, or the collapse of a dam, reality enters in. The Bar has a positive role to play in aiding the victims, and in monitoring the scene to insure that no Washington lawyer breaks our rule against in-person solicitation. We are working with the American Bar Association to create reciprocal agreements between the states which will allow the profession to discipline any out-of-state lawyer who does so."

The Northwest's last major earthquake took place in 1949. It has been a decade

since Mount St. Helens lost its head. Accidents will happen. Better be prepared."



**asae**

**WSBA Publication Wins National Award:** The "Law & Justice Handbook: A reporter's guide to the bar, bench and courts in Washington," has been awarded a Certificate of Achievement in the Gold Circle Awards competition sponsored by the American Society of Association Executives.

The WSBA Department of Public Affairs distributed over 400 copies of the "Law & Justice Handbook" to reporters and editors statewide. It includes an overview, in layman's terms, of Washington state legal and judicial systems and a glossary of legal terms.

Assistant director of public affairs, Pam Love, was primary author of the handbook; *Bar News* managing editor Jennifer Klamm contributed the chapters on law-related organizations and Washington's court system, which were excerpted from *Resources*, the yearly member directory that Klamm also edits.

The "Law & Justice Handbook" will be displayed at the American Society of Association Executives' winter and spring management conferences. It will also be the subject of an article in *Communications News*, the A.S.A.E. communication section newsletter. The 1990 Gold Circle Awards attracted over

800 entrants from Canada and the United States. The WSBA entry was one of only three entries from the West Coast to capture a Certificate of Achievement.

**1990-1991 Corporate Counsel Directory Now Available:** The 1990-1991 *Corporate Counsel Directory* contains up-to-date listings of over 180 companies with in-house counsel in Washington, as well as over 600 individual listings of corporate counsel and section members. Price for the directory for WSBA Corporate Law Section members is \$5 + 41¢ tax; for nonmembers, \$10 + 82¢ tax (tax is applicable to Washington state residents only). Supplies are limited! To order, send your check to WSBA, Attn: Robbie Painter. Be sure to specify 1990-1991 Corporate Counsel Directory, and include your name, WSBA number and return address on your order.

**Certified Spanish interpreters:** Washington's first list of certified Spanish interpreters went into effect on November 1, 1990. Vietnamese and Cambodian interpreters will be tested this fall and winter. RCW 2.43 provides that certified interpreters shall be used in all legal proceedings involving non-English-speaking parties, absent good cause.

Passage of RCW 2.43 followed an audit of state courts which revealed that even courthouse janitors and casual passersby were sometimes used to interpret legal proceedings. Spanish-test graders found unsuccessful candidates made serious mistakes during the oral exam. For example, "instance" became "insistence," "charged with" turned into "burdened with," and "now that I know" came out "now that I am jailed." But graders were pleased to find successful candidates very well-prepared.

The lists may be obtained from Joanne Moore, Office of the Administrator for the Courts, (206) 753-3365.

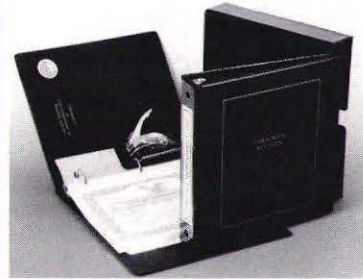
*(Items for inclusion in "Digest" should be sent to Lindsay Thompson, Editor, Bar News, 7414 N.E. Hazel Dell Avenue, Suite A, Vancouver, WA 98665. Deadline is the 15th of each month for the second issue following.)*

**CORPORATION KITS  
FOR  
WASHINGTON  
COMPLETE OUTFIT  
\$ 49.95**

PRE-PRINTED BY-LAWS & MINUTES  
STOCK CERTIFICATES, PRINTED  
CORPORATE SEAL WITH POUCH  
BINDER W/SLIP CASE & INDEX TABS  
SS-4 FORM FOR EIN  
S CORPORATION FORMS (2553)

\$ 3.00 ADDITIONAL FOR SHIPPING & HANDLING (UPS GROUND). NEXT DAY DELIVERY AVAILABLE ON REQUEST AT SLIGHTLY HIGHER CHARGE.

Complete kit w/o pre-printed By-Laws & Minutes, includes 50 sheets blank bond paper: \$46.95 plus \$3.00 S & H



**WE SERVE ONLY THE  
NORTHWEST!**

**ORDER TOLL FREE !**

**BY FAX**

**FAX 1-800-874-6568**

WE SHIP WITHIN 24 HOURS  
AFTER RECEIPT OF ORDER.  
YOU WILL BE BILLED WITH  
YOUR ORDER.

**SATISFACTION GUARANTEED!**

**BUY TEN (10) KITS - GET ONE  
FREE! NO TIME LIMIT, NO  
STRINGS!**

PLEASE! WE MUST HAVE THE FOLLOWING INFORMATION TO PROCESS YOUR ORDER:

- Exact name of the corporation.
- State of incorporation and year.
- Number of shares authorized.
- Par Value or No Par Value & any preferred shares.

**CORP-KIT NORTHWEST, INC.  
P.O. BOX 4300  
WHITEFISH, MONTANA 59937  
PHONE 1-800-874-6570**



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

Community property. Husband and wife were married and divorced, then remarried. In action dissolving second marriage, court made various divisions of parties' assets, including division of husband's pensions from employment. In making division of these pensions, court considered total time parties were married during both first and second marriages. Held on appeal: It was error to consider length of both marriages. Trial court should have considered only length of second marriage, as length of first marriage had already been considered in property division in dissolution of first marriage. In re Marriage of Parks, 58 Wn.App. 511, 794 P.2d 59 (Div. 3, 7/16/90).

—T. R. Andrews.

Contracts. (Case 1.) Decedent's daughter paid half cost of duplex built on decedent's land. Years later decedent sold it at substantial profit. Daughter now claims against decedent's estate, not merely for what she invested, but for half of sale price of land. Held, daughter is entitled to half of sale price of land on

theory of quasi-contract. Underlying theory is unjust enrichment. Thus, measure of damages is one-half of decedent's gain, not merely recovery of what daughter invested. Yates v. Taylor, 58 Wn.App. 187, 791 P.2d 924 (Div. 3, 6/5/90).

(Case 2.) Purchasers of mobile home sue vendors and vendors' broker for damages for failure to disclose that mobile home was insulated with formaldehyde insulation. Vendors, who knew about formaldehyde insulation, told broker that home had no defects, and broker, who did not examine for kind of insulation, accepted their statement. Held, broker not liable to purchasers for negligently failing to discover and disclose defects. Broker is liable to purchaser to disclose only defects of which broker knows or could have discovered by reasonable degree of effort and professional expertise. Brock v. Tarrant, 57 Wn.App. 562, 789 P.2d 112 (Div. 3, 4/17/90).

(Case 3.) Subcontractor claims beyond contract price on quantum meruit basis for cost overruns caused by delays

on job. Delays and unanticipated conditions on job caused subcontractor's employees to spend about three times as many hours as had been estimated. Held: (1) When clauses of contract between prime contractor and subcontractor provided for cost overruns caused by delays and required subcontractor to make written claims, this was condition to maintaining claims for delays. (2) Subcontractor cannot claim cost overruns were beyond scope of contract on "substantial or cardinal change" doctrine merely because of delays. That doctrine requires not merely delay or unanticipated amount of work, but change in nature of project. No such change shown here. Hensel Phelps Construction Co. v. King County, 57 Wn.App. 170, 787 P.2d 58 (Div. 1, 3/5/90).

(Case 4.) Defendant had announced contest with 16 prizes for best colts of certain stallions that defendant owned. Plaintiffs owned eight of 33 eligible colts. Defendant canceled contest before judging was held. Plaintiffs claim damages for breach of contract. Held, defendant not liable. Damages were speculative, based upon conjecture that plaintiffs' colts would have won. Wilkerson v. Wegner, 58 Wn.App. 404, 793 P.2d 983 (Div. 3, 7/5/90).

—S. W. DeLong

Evidence. In prosecution for statutory rape, trial court properly allowed witness to recount victim's identification of defendant, cried out during sleep, apparently while victim was having nightmare. Appellate court held victim's statements were not objectionable as hearsay because they were not intended as "assertions," as this term is used in ER 801. Court said, "The nightmare statements are involuntary verbal reactions, and, as such, are nonassertive utterances and not hearsay." Relevance of statements came, not from truth of matters stated, but simply from fact statements were made. (Comment: Fascinating case of first impression in Washington. Courts elsewhere are split on admissibility of dream statements. - K.B.T.) State v. Stevens, 58 Wn.App. 478, 794 P. 2d 38 (Div. 1, 7/16/90).

—K.B. Teglund

# CALL OUR CUSTOMER SERVICE LINE FOR QUICK REPROGRAPHIC SOLUTIONS

If you need to reproduce something fast... call us. Our friendly customer service department will prepare an estimate, and help you find solutions.

- Copying
- Large format copying
- Diazo
- Quick print
- Legal copying
- Offset printing
- Color copying
- Laminating/mounting
- Plotting/scanning

Customer service:

Give Kurt a call (206) 443-6900 or 1 (800) 542-7835

**superior reprographics**

1925 5th Ave., Seattle, WA 98101



**Planning and zoning.** (*Case 1.*) Plaintiff's land was within area that was rezoned in connection with and pursuant to adoption of amendment to comprehensive plan. Court says that rezoning of plaintiff's land was quasi-judicial act. However, requirements of *Parkridge v. City of Seattle*, 89 Wn.2d 454, 573 P.2d 359 (1978), for rezonings are relaxed. It is not necessary to show that rezoning was necessitated by changed conditions, because it was based upon amendments to plan. Nor did there have to be specific findings of fact with respect to plaintiff's particular parcel, since rezoning was not site-specific. *Kentview Properties, Inc. v. City of Kent*, \_\_\_ Wn.App. \_\_\_, 795 P.2d 732 (Div. 1, 8/27/90).

(*Case 2.*) Plaintiff was co-owner of land county refused to rezone. Plaintiff's other co-owners had consented in writing to plaintiff's representing them, but they were not parties to lawsuit challenging county's refusal to rezone. *Held, inter alia:* While ordinarily owner of land is indispensable party to suit challenging zoning of that land, other owners are not indispensable on facts of this case; their interests are represented by plaintiff. *Balsler Investments, Inc. v. Snohomish County*, \_\_\_ Wn.App. \_\_\_, 795 P.2d 753 (8/27/90).

— W. B. Stoebuck

**Real property.** Plaintiff and deceased person were joint tenants of land. Deceased person executed deed to this land to third persons. If this deed was valid, it severed joint tenancy so that plaintiff would not be survivor. After deceased person died, plaintiff sued third-person grantees, claiming deed to them was void because of undue influence and deceased co-tenant's lack of capacity. Third persons now contend that, because joint tenancy was severed, plaintiff has no interest in land and no standing. *Held*, plaintiff has sufficient interest to have standing. Whether plaintiff has standing turns upon the very thing in issue, whether the deed was in fact effective. *Gottwig v. Blaine*, \_\_\_ Wn.App. \_\_\_, 795 P.2d 1196 (Div. 2, 8/27/90).

— W. B. Stoebuck

**Wills and estates.** Attorney drafted will for client, but later concluded client had been incompetent. However, attorney took no action to

have will revoked, and testatrix died. After her death, a disappointed heir brought action to challenge will, which beneficiary under will defended. Challenge failed. New beneficiary sues will-drafting attorney for recovery of attorney's fees incurred in successfully defending will, on theory that attorney's failure to disclose belief in incompetence while testatrix was alive had subjected beneficiary to litigation. *Held*,

beneficiary not entitled to recover attorneys' fees. Attorney had no duty to inform beneficiary of his belief that testatrix was incompetent, even if this would have given beneficiary opportunity to establish testatrix's competence while she was alive. *Morgan v. Roller*, 58 Wn.App. 728, 794 P.2d 1313 (Div. 2, 8/9/90).

— T. R. Andrews

**VISIONS**

**NORTHWEST**

Your convenient
downtown eye care center

==== **Complete Eye Care** =====

- Eye Examinations • Glaucoma Tests • Computerized Visual Fields
- Fashion Eyewear Boutique • Sports Eyewear • Sunglasses
- Contact Lenses – All Types • Emergency Repairs • Adjustments
- Detection and Treatment of Eye Disease

**Dr. David W. Betts**  
Practice of  
Optometry

OPEN 8:30 - 5:30 MONDAY THRU FRIDAY

**624-EYES**  
**624-3937**




1315 4TH AVE. Across from Rainier Square,  
Downtown Seattle

# ECONOMIC LOSS

## Expert witness for:

- Pay lost to death, disability or employment termination.
- Reasonableness of past, current and future pay.

## Qualifications:

- Consultant to Fortune 500 employers on pay and benefits since 1967.
- Experienced witness for plaintiffs and defendants.
- Current graduate school faculty member.
- Earned doctorate—Harvard Business School.

**Dr. John Culbertson** (206) 282-5785 in Seattle



## **WESTLAW Makes Researching Judges' Rulings Easier**

by **Joseph Scott**

*Western Regional Manager, West Services, Inc.*

Editor's note: The *Washington State Bar News* has been awarded a WESTLAW™ Bar Journal Grant, which includes a WALT® II terminal, WEST-JET™ printer, WESTLAW access for six months and WESTLAW training. West Publishing Company provides this copy to us as part of the grant program.

Learning more about how a judge has ruled in past cases has practical applications in the courtroom, according to West reference attorney William Cornwall.

"Judges frequently discuss similar issues in similar cases, so it is helpful for an attorney to know how a judge has ruled in the past," Cornwall says.

One of the fastest, easiest ways to conduct information searches about judges is with WESTLAW®, which allows attorneys to gather information that would be difficult to obtain by traditional research methods.

Cornwall says, "It would take longer to search through law books for this in-

formation because they do not index cases by the judge who ruled in the case."

WESTLAW, divided into collections of information called databases, currently has over 2,000 databases available for searches. Almost all of its databases are divided into fields, which reflect naturally-occurring divisions of a document.

Examples of caselaw fields are title, citation, digest, opinion, synopsis and judge. These fields allow you to narrow your search to a specific topic, rather than an entire document.

Databases are searched with a query composed of words, numbers and sym-

bols. Depending on how the query is structured, the search can be broad or narrow.

The *judge field* allows researchers to retrieve all full-text decisions where a specific judge has authored the majority opinion. Adding descriptive terms to the *judge field* query allows the user to retrieve all cases where a judge has authored an opinion on a certain subject such as affirmative action, obscenity, judicial power or privacy rights.

The *judge field* is presented in WESTLAW's Full Text Plus™ format, meaning you receive the full text of opinions, plus West's editorial enhancements. When a case is received by

### **WASHINGTON LAWYERS PRACTICE MANUAL**

#### **KNOWS LITIGATION.....**

*The "all-in-one" library. Your major resource for complete legal information year round.*

*When must a civil appeal, statement be filed and served?  
(Vol I, Chapter II, Page 9)*

*Can you name four categories of damages?  
(Vol I Chapter II Page 2)*

*Do you know the procedure for issuance of a writ of execution?  
(Vol III Chapter VII Page 41)*

*When can a lawsuit be commenced in district court?  
(Vol I Chapter I Page 78)*

**7 VOLUME SET \$484.75**



*For more information contact Karen Jo Hensley. (206) 624-9365  
Young Lawyers Division, Seattle-King County Bar Association*

West Publishing Company, it is carefully checked for accuracy, information is updated, citations are checked and parallel citations are added. These editorial enhancements often give you additional search terms and help you to focus your research, saving time and cutting costs.

To retrieve information on cases where a judge wrote a concurring or dissenting opinion, you use the *synopsis field*. In this context, a synopsis is a brief case description that is prepared by West's lawyer-editors. It makes it easy to get a quick overview, including procedural history and the court's holding. By reading the synopsis, you can rapidly browse retrieved documents to determine if they are relevant to your research.

Cornwall says the *synopsis field* can also be used to retrieve cases in which a judge has been reversed or affirmed by an appellate court: "It is often a benefit for attorneys to know how a judge's rulings have been reviewed in the appellate courts when planning their client's appeals. This is one more way using WESTLAW can help enhance your research."

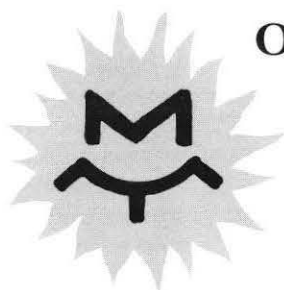
#### ANNOUNCEMENT

#### **1991 RESOURCES MEMBERSHIP DIRECTORY**

The 1991 directory of attorneys is presently in its compilation stage. Listings for the directory are being compiled from information contained on 1991 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 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 28, 1991—the deadline for dues payment.

## WE SPECIALIZE IN THE HIGHEST QUALITY TREATMENT OF ALCOHOLISM AND DRUG ADDICTION

*Since 1968*



SUNDOWN  
M  
RANCH

- Adult & Adolescent Treatment
- Outpatient/Inpatient
- Family Counseling
- Psychiatric Diagnosis
- Affordable Rates
- Covered by Most Insurance Plans
- State Licensed and Certified

P.O. BOX 217  
SELAH, WASHINGTON

**509/457-0990 or 800/326-7444**

# LAWYER'S PROFESSIONAL LIABILITY.

## **Hurley, Atkins & Stewart, Inc.**

Washington State Administrators  
for the National Union Fire Insurance Company  
Attorneys Errors and Omissions Program.

Professional Liability Insurance Brokers  
1800 Ninth Avenue, Suite 1500  
Seattle, WA 98101/(206) 682-5656

# The Pollution Liability Insurance Program

by **John S. Conniff**  
*Counsel, House Financial Institutions  
and Insurance Committee*

**I**n 1986, Congress directed the Environmental Protection Agency (EPA) to adopt regulations requiring certain owners or operators of petroleum underground storage tanks (USTs) to maintain financial responsibility for "taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases from operating an underground storage tank." 42 USC 6991b (c)(6). The EPA adopted these regulations on October 26, 1988. 40 CFR Parts 280 and 281. The regulations contain different financial responsibility limits and compliance deadlines for various classes of owners and operators. 40 CFR Part 280 subpart H. Depending upon the number and use of the USTs, owners or operators must have coverage limits of \$500 thousand or \$1 million per release and annual aggregate limits of \$1 million or \$2 million. Although certain classes of owners and operators had to comply with these requirements at earlier times, all affected owners and operators must comply by October 1991.

In response to the limited availability and affordability of pollution liability insurance, the Washington State Legislature created the pollution liability insurance program in 1989 to assist UST owners and operators in complying with EPA financial responsibility regulations. Chapter 70.148 RCW (1990 Supplement). Many owners and operators claimed that without state assistance they would be forced to discontinue the use of their USTs, since most owners and operators do not qualify for EPA-permitted alternatives to the purchase of scarce insurance.

The program is administered by a

newly created independent state agency -- the pollution liability insurance agency (PLIA). The program is designed to meet the objective of insurance affordability by selling excess of loss reinsurance to a pollution liability insurance company at a price well below the private market price for similar reinsurance and by requiring the insurer to pass this discount on to owners and operators who meet underwriting standards established by the PLIA director. The program must meet the objective of availability by requiring the insurer to accept a greater degree of risk than the insurer would otherwise accept without state involvement. In return for the insurer's acceptance of every application meeting agency standards, PLIA will reimburse the contracting insurer for any covered loss that exceeds \$75,000 up to \$1 million. This financial obligation is funded through a wholesale petroleum product tax. Chapter 82.23A RCW (1990 supplement).

PLIA must accomplish these goals in a manner that "[p]arallels generally accepted principles of insurance and risk management." RCW 70.148.005 (2)(d). The program can deviate from standard insurance industry practices "only to the extent necessary and within the tax revenue limits provided to make...insurance reasonably affordable and available to owners and operators who meet [program requirements]." In particular, the program must help those owners and operators "whose underground storage tanks meet a vital economic need within the affected community." RCW 70.148.005 (3). Thus, marginal risks who do not meet initial PLIA standards could nevertheless obtain insurance if the consequence of discontinued use of an UST would result in hardship for the

local community. For example, in a small isolated town where gasoline is obtained from one source that represents a high pollution risk, the director is required to make every reasonable effort to grant coverage in order to maintain the community's source of fuel.

The program must consider the quality and condition of any UST site proposed for insurance and cannot cover past or existing pollution. RCW 70.148.005 (3). While the program cannot cover existing pollution problems, polluted sites are eligible for coverage if the owner or operator has a plan for proceeding with corrective action. However, if such an owner or operator is granted coverage and subsequently files a claim with the program insurer, the owner or operator has the burden of proving that the claim is not related to preexisting pollution. This evidentiary burden continues until the owner or operator demonstrates to the satisfaction of the director that corrective action has been completed. RCW 70.148.070(5)(a)&(b). This provision was enacted to ensure that owners and operators with contaminated UST sites could obtain insurance for future pollution while working to correct existing problems. If the insurer rejects an owner or operator's application for coverage or cancels coverage, the owner or operator may appeal the insurer's decision to the program director. RCW 70.148.080.

Since insurance companies require owners and operators to conduct extensive testing and investigation of an UST site prior to acceptance, the Legislature authorized the program director to partially subsidize these expenses taking into consideration the owner or operator's financial resources. RCW 70.148.035. For example, the director

has proposed to cover 75% of the first \$3,500 of eligible underwriting expenses for owners or operators with a net worth of \$250,000 or less and 50% of these expenses for owners and operators with a net worth between \$250,000 and \$500,000.

After two years of development, the pollution liability insurance agency (PLIA) has announced that it is accepting applications for insurance coverage

through one of two insurers contracting with the agency. All UST owners and operators seeking pollution liability insurance coverage may call Paul Balmforth and Associates in Bellevue at (800) 752-3869 or Sedgwick James in Spokane at (509) 358-3900 to obtain application information. For information concerning the program, the agency director, Jim Sims, can be reached at (206) 586-5997. □

*John Conniff provides a more complete analysis of the development and operation of the UST insurance program in an article appearing at 14 UPS Law Review 1. He may be reached at Room 234 John L. O'Brien Bldg., Olympia, WA 98504; (206) 786-7119.*



*Attorneys and Waitstaff extraordinaire with Danny Mitchell (center, holding check) and J.J., Special Olympics Coordinator for this event (far left).*

#### PUBLIC SERVICE

**"Waiter, There's a Fly in My Soup."**

**"Just Yours? Find Three More and I Can Add a Consumer Protection Act Claim."**

There were crashing plates, courtroom jokes, the truth was stretched, judges and Seattle City Council members attended, and the joint was packed as Seattle attorneys waited tables in early October during Trattoria Mitchell's fifth annual "Lawyers Take Order," to benefit Seattle Area Special Olympics.

Competition was fierce during the lunch shift, especially between Sim Osborn and Julia Langley, for the largest single gratuity, and after Julia earned nearly a \$400 tip, Sim immediately got on the telephone and tried to recruit more friends and clients to have lunch in his section! Councilwoman Dolores Sibonga was a very charming server, and although she didn't have the highest tip total, she had such notables in her section as Sue Donaldson, Cheryl Chow, Paul Kraabel and George Benson. Attorneys also had to be on their best behavior as two superior court judges showed up for dinner. However, no side bar discussion was permitted.

The dinner shifts included some three-to five-year veterans such as Bob Rohan, Irwin Schwartz, Pete Mair and even John Henry Browne, who sauntered into the restaurant, demanded his apron, ordered pasta garlic and a glass of wine and said, "Just tell me where my section is."

*Quality Legal Services Since 1930*

## WORKERS' COMPENSATION

**Industrial Injury and Occupational Disease**

We welcome and appreciate your referrals in this specialized area.

### THE WALTREW FIRM

Edward F. Boyer	Thomas A. Thompson
John J. Costello	Charles F. Warner
Christopher M. Eagan	John F. Warner
Timothy S. McGarry	John F. Walthew (1986)
Robert H. Thompson	Eugene Arron, of counsel

**(206) 623-5311**

**Toll Free 1-800-824-6215**

The Walthew Building  
123 Third Avenue South • Third South & South Washington  
Seattle, Washington 98104



## LAWYER ADVERTISING

## "OK, You Can Do the Ad in Your Pool, but the Gold Chains Can Only Be Worn in the Version for New Hampshire and South Dakota."

During 1989, lawyers spent more than \$83 million to advertise their services on television, an increase of \$20 million over the previous year.

Lawyer advertising is on the rise, as the practice of law evolves as a profession and a business. State regulation of lawyers who advertise is evolving in response to the growth, and grappling with constitutional limits in the process. The American Bar Association Commission on Advertising has updated its Provisions of State Codes of Professional Responsibility Governing Lawyer Advertising and Solicitation, first published in 1987, detailing that process. More than 30 states have revised their regulations since the publication of the first edition.

The compendium of state codes and ethics opinions from all 50 states, the District of Columbia and Puerto Rico includes an introductory overview of recent developments governing lawyer advertising.

The introduction briefly analyzes this summer's U.S. Supreme Court ruling in *Peel v. Attorney Registration and Disciplinary Commission of Illinois*, which addressed advertising claims of specialization, and the 1988 decision in *Shapiro v. Kentucky Bar Association*, a direct-mail solicitation case. It places them in the context of developing law since the court upheld lawyers' commercial free speech rights in 1977.

The compilation is a practical reference for practicing lawyers, bar associations, law schools, state courts, regulators and marketing consultants," said Jerome E. Bogutz, commission chair. The commission will issue annual supplements to the binder, he said.

Copies are available for \$75 each from ABA Order Fulfillment, 750 N. Lake Shore Drive, Chicago, IL 60611, or by telephone from (302) 988-5555. There is a handling charge of \$3.95 per order.

## NEWS FROM HOME

Gonzaga University honored six former students and prominent lawyers at its annual Distinguished Alumni Merit Awards banquet October 25, 1990. Those honored were Rev. **Arthur L. Dussault**, S.J., Spokane; **Patricia Etchart**, Billings, Mont.; **Richard F. Keller**, Washington, D.C.; **Smithmoore P. Myers**, Spokane; Isaac Pope, Chehalis; and **Charles Tilford**, Spokane.

"Smitty Myers" is a Gonzaga fixture now, just as he was an undergraduate who earned his bachelor's degree in philosophy in 1936, and law student who graduated in 1939," an announcement said.

As an undergraduate, Myers was top debater and student body president, and he graduated summa cum laude. In law school he again became student body president, and repeated his summa cum laude academic performance. Now semi-retired but teaching as professor of law, Myers' Gonzaga ties have been strong through the years. After earning his law degree he became a superior court clerk, assistant state attorney general, and private law practitioner in Seattle before

returning to GU as dean and professor of the GU Law School in 1955. He then left the university to become a United States attorney, private law practitioner again, county bar president, United States magistrate, only to return to GU. Myers received the Gonzaga Law Medal in 1980, and last year received The Award of Honor and Merit, the highest award of the WSBA.

**J. Scott Miller** has been appointed chair-elect of the Automobile Law Committee for the Tort and Insurance Practice Section of the ABA. He will also serve as Automobile Law Commentator for *Tort and Insurance Law Journal*. He is a principal in the Spokane law firm of Turner, Stoeve, Gagliardi and Goss, P.S.

Miller previously was a vice chair and newsletter editor for the TIPS Automobile Law Committee. He is active in the WSBA and Spokane County Bar Association. He chairs the Spokane City Council Task Force on the Hamilton-Nevada Corridor, and is a former chair of the Young Lawyers Division Editorial Advisory Board.

Miller graduated from Gonzaga University in 1980 and received his law degree from Gonzaga University Law School in 1984.

The Davies Pearson law firm in



**PACIFIC  
HARBOR  
CAPITAL**

**Debt and Equity  
For  
Medium-Sized Companies  
in the Pacific Northwest  
and Rocky Mountain States**

Portland, Oregon 503/222-7920 New York, New York 212/230-2555

A PacifiCorp Financial Services Company.

Tacoma takes pleasure in announcing that **James R. Tomlinson** has become a member of the firm. Tomlinson received his J.D. from Willamette University in 1984. His areas of practice include family law, real estate, employment law, and general business.

**Michael J. Foor**, member of the WSBA since 1977, has been named vice president and director of the Real Estate Division of Pima Federal Savings and Loan Association in Tucson, Arizona.

---

---

## BENTON-FRANKLIN COUNTY REPORT

by **STEPHEN T. OSBORNE**

---

---

It's been several months since the Benton-Franklin Report has graced the pages of this column. This writer would have to concede that it has been long enough that most items must fall under the category of "old business." It's not that there hasn't been anything going on in this part of the state, we've just been saving up most of the "good stuff" for one report.

Recently elected president of our bar association was **Edward F. Shea**. **Mike Pickett** and **Karen Koemsted**, both from Kennewick, were elected vice president and secretary-treasurer, respectively.

**Tim Mahoney**, noted Kennewick plaintiff's PI attorney, moved his office

into a building formerly occupied by a minor emergency clinic, which was conveniently located near the freeway. Taking advantage of the location, Tim erected a roadside sign which, because of its size and neon lighting, has caused several rear-end collisions already. Tim thinks those who have complained about the large red cross still adorning the side of the building, and the parking space designated "For Ambulances Only" are narrow-minded, jealous, or both.

In the past, this writer has avoided according any recognition to the winners of the annual bar golf tournament, believing that other local trivia was more deserving of the limited space allotted the column. However, this year it should be noted that **Phil Raekes** won the low-net award. That he is this writer's senior partner has nothing to do with the recognition accorded this year. Asked who the other tournament winners were, he replied, "Who cares, and be sure that you spell my name right." However, in deference to this writer's standard of full, if not fair reporting, **Mark Kuffel** won the low gross award, and **Jim Egan** was recognized as the "grossest" golfer. Longest drive was... oh, who cares.

**Dan Arnold**, who put his law practice on hold while he sailed off into the San Juans intending never to return, was back in dry dock recently recovering from what was reported to be an

infection resulting from shucking too many oysters. The truth is that he ran out of Dramamine. Dan would also concede that the San Juans are a long way from Walden Pond.

Finally, **Mike Johnston** announced he was leaving the Johnston & Roach firm to devote his time to his half-time court commissioner position and his golf game. Those who have seen big Mike hit the ball would agree that his game needs more attention than half time. He leaves, Pat, Dan and Tom Roach to hold down the fort, which hereafter will be referred to as the "Roach Hotel."

---

---

## CHELAN/DOUGLAS REPORT

by **LARRY TOBISKA**

---

---

Recod of the last time the Cascade Curtain parted so that you could view the remarkable organism known as the Chelan/Douglas County Bar Association has been lost in the distant past.

Unobserved and unmolested, however, as time has passed the organism has flourished. Now when we gaze upon it and all its parts we see 120 practicing attorneys, three superior court judges, two district court judges plus court commissioners and other intriguing attachments.

The largest firm, located in the Apple Capital itself, contains fifteen attorneys. In all, 52 of the practicing attorneys are in firms with five or more attorneys. (Deluxe trivia)

The superior court judges, in order of time on the bench, are the Hon. **Charles W. Cone**, the Hon. **Fred Van Sickle** and the Hon. **John E. Bridges**. The Superior Court Commissioner is the Hon. **Peter G. Young**.

The district court judges are the Hon. **Robert E. Graham** and the Hon. **Thomas C. Warren**.

The local bar president, that person who is responsible for all that we do or fail to do, is **Pat Aylward**, of Jeffers, Danielson, Sonn and Aylward, P.S.

In spite of its growth, this bar association is still quite friendly and social. I mean, what else is there to do over here? We gather at the fall banquet to celebrate the harvest of the accounts receivable, and when the snow passes in the spring, we emerge and gather again for golf and dinner to celebrate the fact

# QUICK START REFERENCE SOURCE

- Perfect for quickly reviewing an area of law outside your specialty.
- Great starting point for research in an unfamiliar area
- Comprehensive — covers all Bar Exam topics

- Up to Date — just off the press from revision
- Authored by leading practitioners

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

Over the past 28 years more people have prepared for the Washington Bar Exam with Bar Review Associates of Washington than have done so with all other review aids combined. Until now the outlines used in the course have been available only to those students who were enrolled in the class.

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

To order your outline send \$175.00 plus \$10.00 postage and handling to:

## Bar Review Associates of Washington

4143 University Way N.E. • Suite 305 • Seattle, WA 98105 For more information call (206) 633-1068

that our clients remain implacably opposed to one another for another season.

And so it goes from season to season in the hinterland—a natural process of growth and celebration.

This writer was shocked to discover that some members of the local bar are actually participating in State Bar events. Look for the next exciting report about the Chelan/Douglas County Bar Association to learn who is doing it!!

---

### CLARK COUNTY REPORT

by JOHN F. NICHOLS

---

*The Judges of October.* October ushered in a multitude of changes for Clark County on the judicial level. First, Justice **Ed Reed** of Division II of the Court of Appeals announced his retirement. Reed formerly served on the Clark County Superior Court bench for 15 years and has been a fixture, as well as something of an easy mark, at the annual CCBA golf tournament. Judge **Dean Morgan** immediately applied for the vacancy, and to the relief of those who had failed to Shepardise his South Dakota cites, was appointed by the

Governor.

This set off a mad rush for Morgan's courtroom. Among those applying were: **Roger Bennett, Ed Kelly, Brian Wolf, Jim Rulli, John Stichman, Commissioner Ron Wilkinson, and District Court Judge Randy Fritzler.** Following a completely unbiased and intimately fair judicial poll conducted by the CCBA, the top four vote getters went on to an interview with Governor **Booth Gardner.** The interview apparently consisted of a single identical question given simultaneously to each candidate while each was encased in a separate, sound-proof booth. The exact nature of the question is secret, but it is rumored to deal with one's party affiliation and/or stand on the DH (designated hitter). In spite of his answers, Roger Bennett was selected to the bench.

Judge Morgan's swearing-in ceremony on October 11 was held in his courtroom, packed as usual with family, friends and attorneys with orders to be signed. In addition, there was a bevy of judges taking advantage of promised treats and speeches. A reception followed honoring Reed, complete with

reminiscences by **Bud Gallup** and Judge **John Skimas.** A good time was had by all who could remember it. Sincere CCBA thanks go to **Carol Luckett** and **Gideon Garron** for their aid in organizing the ceremonies and supervising the cloakroom.

Next month? It's beginning to look a lot like Beagle-time.

---

### EAST KING COUNTY REPORT

by RANDOLPH I. GORDON

---

Of Romneys, Montadales, Cheviots, Suffolks, Lincolns, and Dorsets, I favor the Dorsets. Polled, with open faces. I am speaking, of course, of the not so wild and woolly. Few of my colleagues truly appreciate my views on this and, aside from the occasional snicker, regard the whole matter as one of personal eccentricity. Please consider briefly the following exegesis on the ovine connection. For, you see, when not honing my lawyer's skills, I am a shepherd.

It has been said that law sharpens by narrowing. And I must admit that from my ovine dependents--for whom I provide alfalfa hay, medicines, pasture,

We've changed our name from Marsh & McLennan Group Associates to Seabury & Smith BUT there are STILL

11 GOOD REASONS FOR PLACING YOUR PROFESSIONAL LIABILITY INSURANCE WITH US.:

- Easy to complete applications
- Fast turn-around on quotations
- More options and broader coverage for your premium dollar
- Defense costs are in addition to your policy limits
- Less paperwork on your renewal
- "Prior acts" coverage (if you qualify)
- **FREE** subscription to Lawyers Liability Review Quarterly
- Local underwriting authority and policy issuance
- Local expertise . . . quick response by phone, FAX, or in person
- **FREE** seminars qualifying for CLE
- CLE discounts for qualifying firms
- Discounts available for docket/date control system

Only through Seabury & Smith can you obtain all these benefits.

Before your coverage expires, call us. Let us give you a **FREE** premium indication. More than 1700 law firms in Washington are already receiving these benefits.

When it comes to insurance, come to the leader.

---

## SEABURY & SMITH

---

720 Olive Way, Suite 1212  
Seattle, WA 98101-3890  
Call Glenda Dugdale at:  
(206) 292-7146 or 1-800-552-7200

water, and minerals from salt to selenium, whom I assist in sickness, on whose behalf I have undertaken midwifery, whose hooves I bathe, and to whom I provide the guidance and protection expected of the feudal lord--I receive far more than I give.

Here, in east King County, it is just a few minutes from the urban core to the unabashedly rural. And those of us who

are vulnerable to such sentiments find in this proximity a connection to nature, to the past, to a simpler time, to our fellow humans and to a part of ourselves that is not yet specifically regulated under the Rules of Professional Conduct.

Let no future adversary take comfort! Shepherds are a hardy lot, easily making do with less, sleeping in the crisp night

on the hard ground, ready with their friendship, contemplative, but single-minded and vigilant in their duty to their charges. Next time you shepherd a client through the thicket of legal problems, remember the source from which these metaphors flow. I do. And without the least condescension, I aspire to, once again, extricate the snared hoof and calm that noble, pounding heart.

Among the law firms flocking and flourishing on Eastside pastures, are the new law offices of **Lynn C. Pollock** and **Susan Millican O'Brian**, located at Suite 315, Bellevue Corporate Plaza, 600 - 108th Avenue Northeast. Within bleating distance, at 10900 N.E. 4th (Skyline Tower), **Serena Schourup** has just become a shareholder with the Bellevue law firm of Revelle, Ries & Hawkins. A 1984 graduate of the University of Puget Sound School of Law, and intern with the Honorable **Robert Skidmore** of the United States Bankruptcy Court, Schourup's practice will emphasize real estate, commercial leasing, financing, and structuring joint venture agreements.

For those of you who have yet to commit the entire RCW to memory, there is no longer any need to feel sheepish about it. Kirkland attorney and EKCB Trustee, **Bruce Gardiner**, of the Gardiner Law Firm, has a complete set of the Revised Code of Washington on computer diskette available for copying onto your own diskettes at no charge. Call (206) 823-9456 for information.

As the year draws to a close: "Be thou diligent to know the state of thy flocks, and look well to thy herds: for riches are not for ever ... " My best wishes for a happy and prosperous holiday season.

### KITSAP COUNTY REPORT

by KATHLEEN M.S. WRIGHT

*Palace Revolt:* With the current two- and three-year backlog for civil cases being set for trial, the grumbling from various bar members and plaintiffs has grown to a roar and an ad hoc committee was formed to address the issue. The result? A five-point proposal to increase the efficiency and use of existing

## LAKESIDE

RECOVERY CENTERS, INC.  
Effective, Affordable, Alcohol & Drug  
Treatment  
Inpatient and Outpatient Programs

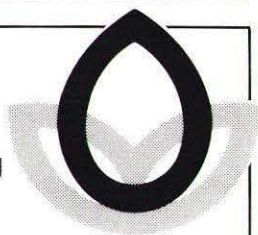
Nationally recognized and unique programs for:

- Adolescents (13-18) • Cocaine Addiction
- Family Members
- Free Services to Assess the Problem and Get the Person Into Treatment
- 24-Hour Admitting and Counseling Programs
- Fully State-Licensed and Accredited
- Covered by Most Health Insurance
- State-Required Drinking Driver Programs

**823-3116**

Lakeside Handles More Deferred-Prosecution and Court-Ordered Cases Than Any Other Treatment Provider in the State.

14500 Juanita Drive N.E., Bothell, WA 98011



## VIDEO NOW Inc.



- ◆ DEPOSITIONS
- ◆ LEGAL
- ◆ CORPORATE
- ◆ INSURANCE

No Travel Or Set Up Charges

VIDEO PRODUCTIONS UNLIMITED

SEATTLE  
623-5965  
BELLEVUE  
454-3357

SOUTH KING COUNTY  
852-1186  
TACOMA  
927-4827

resources. Translation: make the judges work harder. It is proposed that all trial start at 8:30 each day; there will be one morning break, an hour for lunch and no afternoon break. All motions and ex parte matters will be heard after daily trial proceedings are finished. Also, a full-time commissioner is proposed for all family law matters. The judges so far have maintained a discreet silence. One suspects they are having a difficult time forming an eloquent opposition to efficiency and access to justice. However, the judges had a "retreat" at the end of September to discuss "bar matters," which included court congestion.

*Pro bono plaudits:* Silverdale attorney **Russ Hartman** was given the Pro Bono Award of the Year at the recent State Bar Convention. Russ almost single-handedly put together the county's pro bono referral program, with help from the YWCA. Russ is a general practitioner whose arbitration skills are widely admired and used.

*Docs v. Lawyers:* On September 9, 15 members of the Bar took on a group of physicians at the Kitsap County Fairgrounds in the second annual "Diamond Wars" baseball contest between the groups. A worthy cause, Project Family and Hospice of Kitsap County, was the ostensible reason for the game, although the Docs sought revenge as they snatched defeat from the jaws of victory in last year's game, 13-9. The "At-Laws" were stylishly attired in tuxedo shirt "unis." "At-Laws" was not a unanimous choice for the name, but some taste, decorum and propriety prevented the game from officially being known as "The Dicks v. The Docs." Commissioner **Len "Leadball" Costello** pitched an outstanding last few innings, and **Michael "Mop Up" Klemetstrud** wiggled his way out of a bases-loaded, no outs situation. **Rob Beattie** and judges **Jim Riehl** and **Roy Rainey** had some key hits. P.A.'s **Reinhold**, **Shuetz** and **Pete Thilley** may be warming the bench next year, as they "plugged up the bases like they plug up the courts" according to one defense lawyer, who requested anonymity; Other At-Laws on the field: **Keith Buchholz**, **Jeff Tolman**, **Russ Hartman**, **Tim Botkin**, **Steve Bennett**, **Jay Roof** and

**Drake Mesenbrink**. Three young men from the audience, dubbed the "Fairgrounds Boys' Choir," gave a stirring rendition of the National Anthem, á la Roseanne Barr. **Kevin Howell** took the opportunity to move into his new career of sports broadcasting. The At-Laws graciously allowed the Docs to prevail, 8-7.

*Further sports updates:* Trying to prove that the firm that plays together may stay together, associates of Shiers, Chrey & Hauge rafted their way down the Tieton River (near Yakima) this summer. No lawyers were lost, but the guide was misplaced twice. Perhaps it was the mandatory partner viewing of the movie "Deliverance" that inspired Mssrs. **Shiers, Chrey & Hauge** to decline the invitation to join the associates.

Led by paratrooper **Laurie Jones**, a veteran of 300 jumps, a daredevil group of five bar members took to the skies over Kapowsin Field near Mt. Rainier. When her main chute failed to open, **Anna Laurie** allowed that she wasn't sure she had the "right stuff" and she would leave pushing the envelope" to her secretary, **Valerie Ford**. Other jumpers included **Thurman Lowans**, **Chris Bell** and **Larry Paulson**. Judge **Leonard Maddock** was accused of wimping out at the last minute, but he pleaded the court congestion that

would result if the jump failed to go as planned.

*New associates:* **Tracy Di Giovanni** at the newly renamed firm of Shiers, Chrey & Hauge.

**Roger Dunaway**, Seattle refugee, at the Silverdale firm of Koch and Bennett.

*Bar Picnic:* A fine time was had by about 40 lawyers plus their families at the September 15 bar picnic. Braving a summer thunderstorm, Judge **William Kamps** remained loyal to the barbecue.

*Bookmobile:* A casualty of space availability, the county law library has become chambers for Judge Kamps. The library moved into a "modular" unit—a glorified trailer out in the parking lot. The move is one of the underlying reasons for the aforementioned revolt (see first item), although more people complained about the reduction in parking spaces than the resource access.

*Kitsap County is #1:* Modesty requires us to put this item at the end, but how can we pass up noting *Money* magazine's designation of Kitsap County's Bremerton as the #1 area to live in the U.S.? We were trying to keep all this beauty and affordable living to ourselves, but—hey—if you want a tour of the library trailer, just let us know.

*Arrivals:* The absence of this column

When You Joined  
Your Association,  
Here's One  
Of The Benefits  
They Didn't Tell  
You About:

*E.P.S.* You automatically  
achieve *Preferred Status*  
at the luxurious Warwick Hotel,  
a little corner of Europe in downtown  
Seattle.

You'll enjoy upgraded accommodations, king-size beds, wet bars, marble baths and plush robes. It means waking up to complimentary *Preferred Status* breakfast and a Wall Street Journal in your room. Also 24-hour courtesy downtown transportation and free local phone calls.

And most amazingly, it means your *Preferred Status* rate is just . . .

Plus tax,  
single occupancy **\$95\***

**the  
Warwick**

A little corner of Europe at Fourth & Lenora, Seattle.  
(206) 443-4300 or Toll-free 1-800-426-9280

\* Please identify yourself as a member of your association  
when making reservations.

for the past two months is attributed to the somewhat early arrival of **Curtis William Edward Wright** on July 30. Reporter and son are fine.

---

---

## LOREN MILLER BAR ASSOCIATION

by **RICHARD A. JONES**

---

---

*New officers:* The Loren Miller Bar Association elected the following officers for the 1990-1991 calendar year: **Nia Cottrell**, president; **Deryl Brown-Jackson**, vice president; **Raymond Connell**, 2nd vice president; **Marjorie Lamarre**, secretary; **Douglas Jackson**, treasurer; and **Gary Gayton**, member-at large.

*1990 Northwest Minority Job Fair:* The 1990 Northwest Minority Job Fair took place on September 28 at the Four Seasons Olympic Hotel.

For the past three years, this job fair has afforded second- and third-year minority law students, as well as law school graduates, the opportunity to interview one-on-one with private law firms and public agencies. This year, 40 firms and agencies and over 90 applicants participated, providing each applicant with at least five interviews throughout the day.

The Fair was conceived in 1987 through the cooperative efforts of the law firm of Lane Powell Spears Lu-

bersky, the Loren Miller Bar Association, the Asian Bar Association and the Black American Law Students Association at the University of Puget Sound. Since 1987, these organizations have continued to manage and operate the Job Fair with the overall goal of increasing minority representation in the northwest legal community.

Lane Powell Spears Lubersky has coordinated the details of each job fair, which has grown steadily over the past three years. This year, with the number of applicants and interviewers participating, there were over 600 interview slots to schedule.

**Richard Jones**, immediate past president of the Loren Miller Bar Association and chairman of the Job Fair Committee, describes the concept of the Job Fair by saying: "In the past, employers have represented that they were interested in hiring qualified minorities, but they didn't know where to find them. The Job Fair meets this concern head on; we put prospective employers together with qualified applicants for an intensive day of interviewing, and we get results." Jones is quick to point out that "we are not going to change the dismal statistics of minorities in the legal profession overnight, but we are removing the obstacles to minority hiring one by one." Jones further praised the Lane Powell Spears Lubersky law firm for its leadership role in Seattle's legal

community in making the Job Fair as successful as it has been to date.

**David C. Lycette**, managing partner of Lane Powell Spears Lubersky, explains his firm's support by stating that "we feel that attorneys in the private sector must step forward to facilitate minority law students' entry into the practice of law. We must improve the statistics and by this aggressive program, the number of minorities practicing in the Pacific Northwest will increase."

---

---

## PIERCE COUNTY REPORT

by **GEORGE S. KELLEY**

---

---

The judicial election results are in and, surprisingly, the incumbents did well. Judges **Karen Strombom** and **Terry Sebring** retained their appointed superior court jobs and **Fillis Otto** will be with us for one more term in District Court No. I. **Ralph Turco** managed to eke out victory in his bid to become a Tacoma Municipal Court judge. Ralph, though unopposed, put up quite a few yard signs and headed off the much-feared write-in campaign of the unknown candidate.

**John Paglia** and **Tom Farrow** will run off in November for the district court position in Gig Harbor.

**Frank Dacca** has opened new offices in the SeaFirst Bank Building in Fife.

Rush, Hannula and Harkins have added **Richard W. Young** and **Bradford A. Steiner** as associates of the firm.

The Attorney General announces that their Tacoma office has expanded from two lawyers in 1979 to 22 in 1990. Recent additions include **Mike Noah**, **Mitch Harada**, **Joanne Wolfe**, **Kirsten Prud'homme** and **Kathleen Stockman**.

Under the heading of when the going gets weird the weird go to Olympia, we have our own **Chuck Johnson** elected to the Supreme Court. That's attorney **Charles Johnson** from Gig Harbor, not the fellow reading the news with **Wendy Mann** at 10 o'clock on Channel 11. Not only is he the first UPS law school graduate to hold such a high post, but he managed to win the statewide election without campaigning. The media, after consulting with legal

LEADERSHIP

## American Arbitration Association

### Dispute Resolution Services

*Since 1926, the American Arbitration Association has been the leader in the development and administration of impartial dispute resolution services.*

- Arbitration
- Mediation
- Mini-Trial
- Factfinding
- Negotiations
- Retired Judges
- Individualized ADR Systems
- Membership Services
- Training
- Publications
- Elections

**Come to the Leader.**

**American Arbitration Association**

811 First Avenue, Ste. 200  
Seattle, Washington 98104-1455  
(206) 622-6435 Fax (206) 343-5679

**Offices in 35 Cities Nationwide**



experts from King County, claimed that his familiar-sounding name was the reason for his upset win. However, a few of us right-thinking and perceptive judges of legal talent know he could win and supported him all the way—right Chuck... 'er your Justice?

There may be a moral here for consideration by those superior court judges who are mean-spirited and abrupt with attorneys defending accused persons. Now one of those attorneys just got elected to the Supreme Court.

**Phil Sloan and Sandy Bobrick** hosted a pre-election reception for Judge Strombom, combining it with their long-awaited office-warming. These days its getting so expensive to open a new office that the cost of the office-warming party cannot be met until all contractor's liens have been satisfied.

Then we have **Terry McCarthy**, who is reported to be involved in a divorce case where the pro se wife has 21 different personalities. When asked if the multiple personalities caused problems, Terry said no, he had already managed a settlement with four of them.

Weddings are the only happenings of any note around here this month. **Klaus Snyder** of Sumner was married on a lovely fall afternoon in an outdoor ceremony in a Brown's Point waterfront park. Guests were entertained by a fellow attempting to boat a large salmon immediately offshore during the vows. The fisherman caught the fish, and the couple caught each other - a happy ending.

Also married was **Steve Hanson**, who, while humming a chorus of "Get Me To The Church On Time," left the Washington-Oregon football game early to attend the ceremony. We don't want to sound like **Ann Landers** here, but one might wonder if Steve had his priorities in order in what might have been a Rose Bowl season for the Dogs.

Speaking of misplaced priorities, Husky football and good planning, we have the annual superior court judges' retreat where they discuss common problems and, undoubtedly, gossip about lawyers. Somehow it got scheduled for the weekend of the Arizona game. One suspects that if all the judges retired to form a mega law firm that they would shortly be applying for Chapter 11 protection and guidance.

The rule that complex problems have simple, easy-to-understand wrong

answers (one of the many variations of Murphy's law) is at work here in Tacoma. The mayor was publicly critical of the prosecutor's handling of a recent murder trial where the defendant was acquitted on a self-defense argument. Her comments only made a tragic situation worse and needlessly heightened racial tensions. This resulted in numerous letters to the editor from lay persons and lawyers including bar president, **Ron Coleman** to the effect that her honor's comments were untrue and inappropriate.

**Joe Betzendorfer** has announced his retirement commencing the first of the year. Actually, Joe is not exactly retiring; he is just finishing his active cases and not accepting new ones. Court congestion and the priority ordinarily assigned trials of domestic matters will insure that Joe will not soon disappear, but simply fade away.

**Bob Reinhard** has hired recent UPS grad **Rebecca Larson** as an associate.

---

---

## SEATTLE-KING REPORT

by JAMES VARNELL

---

---

*The Name Game.* One would ordinarily not think that an election for the position of municipal court judge *pro tem* (Evening Department) of a small, eastern Washington town (Rosalia) could generate such debate

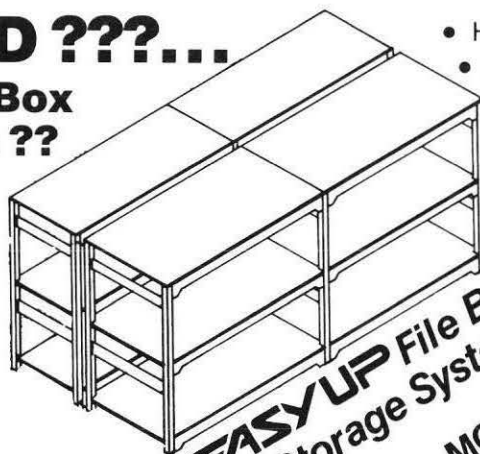
among lawyers (and the electorate) regarding the question of whether name familiarity plays a major role in the electability of judicial candidates. In order to delve further into this issue, one in which both of the major, daily newspapers in Seattle have paid scant attention, this correspondent has compiled a list of potential contests which are intended to elicit reader comment. We hope our readers (through their written comment) will provide some indication of their polling booth instincts and reactions to a candidate's name. All contests are hypothetical, and any resemblance to a real election is purely coincidental.

First, regarding the effect, if any, geographical location plays in an election, we submit **Gary East vs. David West**; and in a name replay of a 1970 Supreme Court race, **Willard Wright vs. Willard Sharpe**. In a three-way biblical face-off, we have **Roslyn Solomon vs. Eugene Moses and Parayil Abraham**. In a race where the battle lines are drawn, it's **David Friend vs. Alan Foe**. In a case of candidate believability, it's **Leland Bull vs. Matthew Straight** or (UPS law professor) **John Strait**.

In a race that covers the issues from A to Z, it's **John Aaby vs. Jay Zulauf**. In this race, the candidates' debates should not mix apples and oranges: **Andrew Peach vs. William Appel**. Other closely-watched contests

## TIRED ???... of File Box Pile Up ??

Let us  
maximize  
the use of  
your  
storage  
space.



- Heavy Gauge Steel
- Boltless Assembly
- Local Inventory
- Ivory Color
- Installation Available

**EASYUP File Box  
Storage System**

**MOVING SOON?**  
Use our free layout  
& design service.



## EASYUP® STORAGE SYSTEMS

(206) 624-2033  
FAX (206) 467-9147

Out of Wash. (800) 426-9234  
(800) 248-2033

would include: a test of images with **Mark Weakely vs. Sidney Strong**; the auto club division with **Lauren Studebaker vs. Stuart Oles**; no tortoise and hare race here: **Larry Swift vs. Richard Fast**; a contest to determine which is mightier: **Beverly Penz vs. Stephen Sward**; a contest of home-run hitters: **William Mays vs. Phillip Aaron**; a contest in which the voters would be drenched with campaign literature: **Shawn Flood vs. Richard Waters**; the **Harry Cross-William Stoebeck** Excellence in Real Property position to the winner of **Kent Platt vs. Patrick Acres**; the contest for the seat held for many years by **Neil Diamond**, and originally by **Al Jolson**: **Alan M. Singer vs. Clifford Cantor**; the estate and probate seat on the court would be determined by the winner of **John Bury vs. Megan Graves**; the special master in the **Boldt** case could come from this foursome: **Gary Bass, Irene Fisher, Leo Fishman, or Kurt Salmon**.

Experience with UCC Articles 3 and 4 might prove beneficial in this contest: **Laura Banks vs. Mark**

**Moneymaker vs. Larry Nickell**. In a contest of different generations it would be **Judy Young vs. Julie Olds**. In a contest of heavy thinkers, it would be **William Smart vs. James Densley**; and how could the voters choose between **Philip Noble and Joseph Just?** Or **George Fair vs. Samuel Justice?** Which attorney would campaign on the basis of devoting more time to the bench: **Kathryn Works or Bruce Holliday?** Finally, because it appears that the Washington Supreme Court could use another 6'4", part-time basketball player (and in a real test of the effect of a name on the ballot), it would be **"Gentleman Jim" Varnell v. Attila the Hun**.

*Of Note.* **Thomas** ("The Man Who's Always Smiling") **Loftus** recently retired from Unigard Insurance Group, and is of counsel with Groshong, Lehet & Thornton. Loftus just completed six years representing the WSBA Board of Governors in the House of Delegates of the American Bar Association, and has been selected as a U.S. delegate to an international law and economic conference at the Kremlin Palace,

Moscow, U.S.S.R.

**William R. Hickman** has received an award from State Farm Insurance Company for his appellate work over the past 22 years. **Linda R. Larson** has been elected to a second term as president of the Board of Trustees for the Seattle Children's Museum. Two recent appointments by the American Bar Association included **G. Richard Hill** as chair of the Land Use Planning and Zoning Committee, and **Bruce King** as chair of the Subcommittee on Maritime Financing.

Retired King County Superior Court Judge **David Soukup** has been elected president of the National Court-Appointed Special Advocate (CASA) Association. CASA was born from Soukup's concern that judges were making critical decisions about the lives and fortunes of children without sufficient information. In 1977, Soukup, currently a Seattle attorney, helped start the King County Guardian Ad Litem program, and has been nationally recognized for his work for children's rights with the **Donna J. Stone** Award from the National Committee for the Prevention of Child



## WASHINGTON ADMINISTRATIVE CODE

### 1989 EDITION NOW AVAILABLE

The 1989 Washington Administrative Code, incorporating all changes in state agency rules filed through the end of that year, is now available from the state Code Reviser. The WAC consists of more than 11,000 pages in nine perfect-bound volumes. It contains over 35,000 sections filed by 176 rule-making state agencies.

This edition replaces the 1986 WAC and its 1987 and 1988 supplements and also contains the 5,000 sections filed in 1989 that have not previously been available in codified form.

The price for the 1989 WAC is \$320, and sales tax of 7.8% applies to all sales other than to state agencies and out-of-state subscribers. State law also requires payment in advance of shipment. To order the WAC, send your name and street address (UPS will not deliver to PO Box), along with your check or money order in the amount of **\$344.96** (tax included, no shipping or handling charges in US)

to:

**WAC Subscriptions  
Office of the Code Reviser  
Legislative Bldg AS-15  
Olympia, WA 98504**

*The Official Code of State Agency Rules*

Abuse, and the Child Advocate of the Year Award from the North American Council on Adoptable Children.

*Office Moves.* Heller, Ehrman, White & McAuliffe announces the addition of **Kristin A. Henderson**, **Adonis A. Neblett**, **Sarah Rudolph**, **J. Scott Harlan**, and **Spencer N. Thal** to its Seattle office. The property-casualty legal department of SAFECO Corporation announces the following promotions: **Kenneth LeMaster** to vice president and associate general counsel in charge of trial lawyer activities; **Robert Taylor** to vice president and associate general counsel in charge of corporate and regulatory matters; and **Donald D. Skinner** as chief attorney responsible for the Seattle branch of trial lawyers. **Dan Fenno Henderson**, director of the Asian Law Program and professor of law at the University of Washington has become of counsel to Riddell, Williams, Bullitt & Walkinshaw; **Stanley T. Hsiao** has become an independent consultant to the firm on matters of Taiwanese trade and investment. **S. Lamont Bossard, Jr.** has become associated with Wolfstone, Panchot & Bloch. **Robert W. Moss** and **Heather H. Oesting** have relocated their offices to the Plaza 600 Building.

**P. Stephen DiJulio**, **Linda L. Foreman**, **Warren J. Rheame**, **Stuart T. Rolfe**, **J. Tayloe Washburn** and **George L. Smith** have become partners at Foster Pepper & Shefelman. **Clifford L. Peterson** has recently joined Rosenow, Hale & Johnson as a partner. **Philip Wickstrand Dufford** has joined Ginsberg, Stanich & Dufford; **Robert R. Mackin** has become of counsel to the firm. **Gail J. Gordon**, formerly of the Seattle regional office of the Securities and Exchange Commission is working as a consultant in the British Columbia Securities Commission's Branch of Policy and Legislation. **Scott B. Osborne** has become a member of Graham & Dunn. After 30 years with Reed McClure, **Jerry E. Thonn** has joined Helsell, Fetterman, Martin, Todd & Hokanson as a member of the firm. **Jonathan S. Solovy** has joined Bell, O'Connor, Flegenheimer & Leong as a partner. Additions to the Seattle office of Layman, Loft, Arpin & White include **Mark W. Hendrickson** as a principal and **Stephen A.**

**Eggerman** as a member. **Richard C. Cohan** has moved his office to 520 East Denny Way.

### WASHINGTON WOMEN LAWYERS

The Seattle-King County Chapter of the Washington Women Lawyers held its annual general membership meeting on September 11. The following individuals were elected to serve as its board of directors:

**Rosemary Daszkiewics**, president; **Adrienne Tollefsen**, secretary; **Lynne Graybeal**, treasurer; **Thao Tiedt**, v.p. communications; **Cheryll Russell**, v.p. programs; **Cynthia M. Kadoshima**, v.p. public relations; **Jeanne Clavere**, v.p. continuing legal education; **Lisa Schuchman**, v.p. membership; **Sheryl Garland**, state representative; **Elaine Winters**, state representative; **Donna Wise**, state representative; **Beth Clark**, SKCBA board liaison; **Anne Schindler**, v.p.

## MARITIME INJURIES

Since 1929 we have represented workers, seamen, longshoreworkers, fishermen and passengers injured aboard tugs, barges, fishing vessels, processors, ferries, freighters, pleasure boats and all other vessels found on inland and ocean waters.

### LEVINSON, FRIEDMAN, VHUGEN, DUGGAN, BLAND & HOROWITZ

Sam L. Levinson  
Edwin J. Friedman (1981)  
Harold F. Vhugen  
Robert D. Duggan  
Ronald J. Bland  
Donald J. Horowitz

David W. Soukup  
Theodore R. Willhite  
Charles R. Jones  
Ronald R. Ward  
Maria S. Diamond  
Linda D. McQuaid

Robert M. Kraft  
Joel J. Delman  
Emily Vrieze Glueck  
William D. Hochberg  
Lance Palmer  
David S. Vogel

One Union Square  
600 University Street, Suite 2900  
Seattle, Washington 98101-4156

(206) 624-8844 • 1-800-448-8008 (Statewide toll free)  
FAX (206) 624-2912

## BRITISH COLUMBIA COUNSEL

Our firm of eleven lawyers is available for referrals, consultation or agency work in all civil trial and appellate court litigation in British Columbia, Canada.

### MACAULAY & COMPANY

Barristers

600 - 840 Howe Street  
Vancouver, British Columbia  
Canada, V6Z 2L2  
Telephone: (604) 687-9811  
Fax: (604) 687-8716  
Contact: Ross E. McLarty

legislative affairs; **Judy Endejan**, judicial evaluation committee liaison; **Laurie Schoenrock Levin**, at-large member; **Janet Reis**, at-large member; and **Jeanne Verville**, v.p. special projects.

The annual dinner for the Washington Women Lawyers/Seattle-King County Chapter was held on Thursday, October 18, at the House of Hong. The featured speaker was **Sharon Creeden**, and her topic was "The Quality of Mercy: Stories of Women and the Law," which focused on the history of Washington Women Lawyers.

The board held its retreat on Saturday, October 6, at the Chambered Nautilus Bed & Breakfast Inn. The retreat was a great success, setting forth new ideas, projects and goals for the upcoming year.

---

## SOUTH KING COUNTY REPORT

by **BARBARA HEAVEY**

---

*Summer fun and games:* Despite last-minute attempts at sabotage by outside forces, the annual golf tournament was held in July. **Phil Biege** did his usual fantastic job of arranging food and prizes and **Paul Houser** was a masterful master of ceremonies. **Matt Sayre** walked off with the trophy and, with our usual Southern hospitality, no judge walked away empty handed. Everyone else was reasonably well behaved however, and a good time was still had by all.

**Duncan Bonjorni** spent his summer vacation as a counselor at the American Legion Boy's State leadership program. This is the third summer Duncan has devoted time to assisting with the moot court and government programs.

Summertime didn't bring anything exciting to **Bob West**, who fills in some of his spare time sitting as municipal court judge for the city of Black Diamond. Bob reports that he is still hearing the same old thing and all of the "good stuff," like the police seizures of drug dealers' property, still goes to Aukeen District Court in Kent. Judge **Stephen Sward** at Aukeen District Court did not have anything to say about vehicle seizures but he did

remember a helpful witness to a vehicle accident who offered to draw him a "diaphragm." "It turned out to be an intersection," he reports.

*Summer work:* **Harry Reichenberg** decided to join the summertime rest scene and devote himself to only two full-time jobs rather than his normal three. Harry has officially left his former employer, who had something to do with building airplanes, and has extended his evening Federal Way law practice into the daytime. His only other job is as attorney coordinator of the South King County Legal Clinic. The Legal Clinic, which is part of the Seattle-King County Bar Association Young Lawyer Division program providing a half-hour legal consultation to the general public without regard to income guidelines, kept 25 South King attorney volunteers busy in addition to Harry.

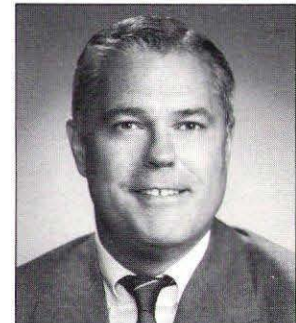
*New Associates:* Two 1990 law school graduates, **Kim K. Adams**, from the University of Puget Sound and **Jennifer A. Ewers**, from the University of Washington have joined Curran, Kleweno and Johnson in Kent. With the firm's egalitarian letterhead, Kim even gets top billing. Wonder if that extends to offices?

**Jennifer White**, a 1989 graduate of the University of Puget Sound joined Edwards and West as an associate last year. We have never been known for our timely reporting of events. While some members of South King County law firms have been known to live outside of the area, Jennifer is a true South Kinger from Maple Valley.

Bonneville, Viert, Morton and Mc-

Goldrick reports that **Mark Alexander** has joined the Federal Way office as an associate. Mark who, is admitted to the bar in the states of Nebraska, New York, and New Jersey, is expected to bring a national perspective to flag city.

*New offices:* **Dave Kontos** has relocated his practice from Auburn to Kent.



*J. Richard Crockett*

---

## WASHINGTON DEFENSE TRIAL LAWYERS

by **NORA TABLER**

---

(Whistler, B.C., July 1990)... The Washington Defense Trial Lawyers announced the election of officers for 1990-1991 at their annual convention in Whistler, B.C., July 12-15. They are: **J. Richard Crockett**, Seattle, president; **Palmer Robinson**, Seattle, vice president; **Michael H. Runyan**, Seattle, secretary; and **Jeffrey I. Tilden**, Seattle, treasurer. The trustees are **Ronald B. Leighton**, Tacoma (immediate past president); **Dennis L. Fluegge**, Yakima; **Robert A. Keolker**, Seattle; **Michael A. Patterson**, Seattle; **Peter J.**



*Whatcom County attorney Ira Uhrig leads the Scottish Marching Band.*

**Johnson**, Spokane; **Mary H. Spillane**, Seattle and **William R. Phillips**, Tacoma.

WDTL is a 700-member organization of attorneys who devote substantial time to the defense of persons and companies in civil litigation matters.

In addition, Tacoma lawyer and outgoing WDTL president Leighton accepted the Rudolph Janata Outstanding Achievement Award on behalf of the WDTL as the outstanding defense bar organization in the country. The award was presented by the Defense Research Institute (DRI) at its 1990 National Defense Bar Leaders Convention in Salishan in June.

---

---

## WHATCOM COUNTY REPORT

by **MICK MOYNIHAN**

---

---

**Ira Uhrig** is the new District Court Commissioner. After some interesting competition and different proposals, the selection was made. Congratulations.

Also entertaining the crowds this summer at parades and the like, Ira was the leader of the band for our own Scottish Marching Band. (I think that is somewhat like a drum and bugle corps--or was it a rum and bungle corps?-- see photo)

In addition to his duties at the court, he was all decked out in his finery, complete with kilts and brass, as he led the band in several of our parades this summer. He cut quite a figure.

**Mick Moynihan** entered his 1939 Ford Deluxe in the Sumas parade and won first prize for the best original antique car. The trophy will be suitably placed in the courtroom.

**Don Kirkpatrick**, our own landlord and tenant ace, was elected to the presidency of the Bellingham Lions Club for the coming year. When things get quiet here in Whatcom County, the local radio station goes out and interviews people like Don, and so I expect that we will hear his nasal twang quite a bit in the months to come.

Langabeer, Tull & Cuillier have hired **Jon Sitkin** away from the public defender's office, and that was a feather in Jon's cap, as several attorneys wanted that job.

**Tom Lester** is a recent addition to the Tario complex.

Part-time hearing examiner and part-time municipal court judge and part-time retiree, **Mike Bobbink**, is the proud father of a brand new baby boy. While most of us are looking forward to being grandfathers, Mike is out there populating the world. That's what he gets for marrying someone so young.

And **Sam Peach** recently flew down to Scottsdale, Arizona, for a reunion of his WW II P-38 squadron. For those of you who don't know what a P-38 is, ask your father.

---

---

## IN MEMORIAM

---

---

**Kevin J. Freeman**, 38, died

August 24, 1990. Born in San Francisco, Freeman graduated from Washington State University in 1974 and Willamette University School of Law in 1977. After clerking for a Lane County, Oregon circuit judge, Freeman worked as a prosecutor for the Grant County, Oregon district attorney's office. From 1979 to 1987 he practiced in Lebanon, Oregon; in 1987 he moved to Seattle, where he maintained a solo practice until his death. In June, Freeman was honored by the Seattle-King County Bar Association with its Pro Bono Award for his work with the Volunteer Attorneys for People With AIDS project. He was also a volunteer with the Northwest AIDS project.

**ROBERT D. REINHARD**

is pleased to announce that

**REBECCA M. LARSON**

a 1990 graduate of the University of Puget Sound

School of Law

has become an associate

The Carlton Center

1551 Broadway, Suite 310

Tacoma, WA 98402

(206) 385-1666

THE LAW FIRM OF  
**BELL & INGRAM, P.S.**

IS PLEASED TO ANNOUNCE THAT

**JEFFREY C. WISHKO**

HAS JOINED THE FIRM

1000 WALL STREET BUILDING

2930 WETMORE AVENUE

EVERETT, WASHINGTON 98201

EVERETT (206) 258-6261

SEATTLE (206) 762-5623

FAX (206) 359-8450

OCTOBER 1990



# NOTICES

## NOTICES ADVERTISING

**Professional:** WSBA members only. \$40/inch. Billed at publication.

**Classified: Members**—\$25 for 25 words, each add'l 25¢. Non-members—35 for 25 words, each add'l 75¢. Box number service—add'l \$6.

*Advance payment required.*

*Deadline:* 25th of each month for

second issue following. No cancellations after deadline.

*Note:* State and federal law allow minimum, but prohibit maximum, qualifying experience for "positions available."

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

## PROFESSIONAL

Referrals, Associations and Consultations in Immigration Law Matters

**Robert H. Gibbs**  
(12 years' experience)

1613 Smith Tower  
Seattle, WA 98104  
(206) 623-0900

### Pence & Dawson

**Bob Dawson** announces his availability for trial of plaintiff's personal injury lawsuits.

624-5000

### Appeals

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

#### Douglass A. North

Maltman, Weber, Reed,  
North & Ahrens  
1415 Norton Building  
Seattle, Washington 98104  
Telephone (206) 624-6271

### State and Federal Taxes

Attorney invites consultations and referrals on issues of taxation.

**F. Michael Kovach**  
710 Cherry Street  
Seattle, Washington 98104  
(206) 223-0205

THE LAW FIRM OF

## WOLFSTONE, PANCHOT & BLOCH

is pleased to announce that  
**S. LAMONT BOSSARD, JR.**  
has become associated with the firm.

Mr. Bossard, a graduate of Stanford University and Boston College Law School, was formerly general counsel for the Trammell Crow Company, Commercial Division, in Seattle, where he provided legal assistance in all areas of commercial real estate development and management, including leasing, acquisition and sales of real property, financing and development of commercial projects, and enforcement of landlords' rights in Washington and Oregon. His practice will emphasize real estate law. Mr. Bossard is admitted to practice in California and the District of Columbia, as well as in Washington.

Stanley G. Bakun	Larry A. Johnstone
Lynn Penix Barker	John A. McGary
Kenneth A. Bloch	John C. Oldfield
S. Lamont Bossard, Jr.	Dudley Panchot
Donna M. Calf Robe	Kevin Michael Paulich
Charles J. Coolidge	Kay L. Quackenbush
Robert L. DiJulio	Edwin G. Woodward
Leon L. Wolfstone (1914-1981)	

Seattle Address	Bellevue Address
1500 Norton Building	320 - 108th Avenue N.E.
801 - 2nd Avenue	Suite 410
Seattle, WA 98104	Bellevue, WA 98004

PHONE: Seattle/Bellevue  
(206) 682-3840

FAX: (206) 340-8837

**Arbitration/Mediation**

**Fred R. Butterworth** announces his availability to serve as an arbitrator or mediator in civil litigation, including dissolution matters.

**Fred R. Butterworth**

**Keller Rohrback  
Law Offices  
1201 Third Avenue  
Suite 3200  
Seattle, WA 98101-3052  
Telephone (206) 623-1900**

**Lender Liability**

**Charles Ferguson**, an attorney with fifteen years' experience in commercial and investment banking, is available for consultation, referral, and association in lender liability matters.

**Charles S. Ferguson**

**Attorney at Law  
1001 Fourth Avenue  
Suite 3200  
Seattle, Washington 98154  
(206) 223-0979**

**Mark Alan Johnson**

**5120 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, Washington 98104  
(206) 386-5566**

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

**Appeals**

**Philip A. Talmadge** announces his availability for referral, consultation, or association on state and federal appellate briefs and arguments.

**Philip A. Talmadge**

**Talmadge Friedman & Cutler  
4900 Columbia Center  
701 Fifth Avenue  
Seattle, Washington 98104  
(206) 386-7229**

FOSTER PEPPER & SHEFELMAN

Takes Pleasure in Announcing

LISA M. BROWNLEE

PENELOPE S. BUELL

FARA E. FAUBUS

ALITHA E. LEON JENKINS

STEVEN G. JONES

KURT R. WALTERS

THOMAS L. WEINBERG

Have Become Associates of the Firm  
Practicing in the Seattle Office

---

Suite 3400  
1111 Third Avenue  
Seattle, Washington 98101  
(206) 447-4400

---

Fall 1990

ANCHORAGE • BELLEVUE • PORTLAND • SEATTLE

**Richard D. Reed**

announces his availability for the referral of employment law matters, including discrimination, wrongful discharge and related claims and defenses.

(206) 447-9186

Referrals and Associations invited in

**Workers' Compensation and other disability matters**  
**Aaby, Putnam, Albo & Causey**

**Seattle (206) 292-8627**  
**Bellingham (206) 676-5225**  
**Olympia (206) 754-7707**

**FOR SALE/WANTED**

Save 30%-60% on law books. Call National Law Resource, America's largest law book dealer. We buy/sell. Huge inventories. Your satisfaction absolutely guaranteed. (800) 279-7799.

**Advocacy Manual:** Federal Employees' Compensation Act (FECA) Claims is now available. The 200-page manual contains FECA rules, regulations, caselaw and practice tips to guide attorneys through the FECA claim process. Learn how to handle a FECA claim. Develop new clients among federal workers injured on the job. Currently 95% of federal injured workers are not represented by attorneys on their comp. claims.

**Howard L. Graham**, a Washington lawyer, has written the Advocacy Manual in collaboration with W.L. Clow, Jr., the executive director of the National Association of Federal Injured Workers, to encourage attorneys to expand their practice to include injured federal employees.

To order: Send \$95 plus \$5 shipping and handling to Clowham Ventures, P.O. Box 73821, Puyallup, WA 98373. Washington residents add \$7.79 sales tax.

**Madison Park/Canterbury** neighborhood, Seattle. Four-bedroom, two and three-fourths bath, living room, dining room, family room, den. 2,950 square feet, lot 11,000 square feet, two-car garage, large patio and pool with excellent privacy. Principals only. \$625,000. (206) 323-7767.

**For sale:** West's Washington Reporter. Current. Like new/never used. (New set \$3,850; used selling for \$2,400.) Nothing down! Take over \$50-per-month payments; balance \$1,500. Call Bill or Jan at (206) 833-4554.

**Books for sale:** ALR 1st-4th, \$3,000; AM JUR Pleading and Practice, \$700; AM JUR Proof of Facts 1st, 2d and 3rd, \$1,200; AM JUR Trials, \$800; Corpus Juris Secundum, \$900; RCW Ann., \$1,200; Wash. Reports 1st 200V, \$3,200; AM JUR Legal Forms 2nd, \$700. BW Federal Procedure Forms, L. Ed., \$700. Payment plans. Contact Ed Holm in Olympia at (206) 943-6747 or in Seattle at (206) 824-6261.

**GINSBERG & STANICH**

is pleased to announce that  
**PHILIP WICKSTRAND DUFFORD**

former Chairman of the  
Washington State Environmental Hearings Office  
has joined the firm as partner  
providing representation in the areas of environmental  
and land use law

THE FIRM HAS CHANGED ITS NAME TO

**GINSBERG, STANICH & DUFFORD**

The firm will continue its emphasis on commercial  
litigation, real estate and employment law,  
and

**ROBERT R. MACKIN**

has become of counsel to the firm  
and will practice under the name of

**LAW OFFICES OF ROBERT R. MACKIN**

emphasizing practice in commercial real estate,  
land use and business law.

Phillip H. Ginsberg	Patrick S. Brady
Janis K. Stanich	Mark B. Kantor
P. Wickstrand Dufford	Gail N. Swenson

Of Counsel  
Robert R. Mackin

1201 Third Avenue	Seattle, WA 98101-5049
Suite 2780	Fax (206) 224-7081
GSD Telephone: (206) 624-6242	
RRM Telephone: (206) 224-7069	

**For sale:** Wn 2d. 112 vols. with advance sheets. Wn.App. Reports with advance sheets, 54 vols.; all RCWs (73 vols.); Shepard's (Citations & Case Names). \$4,020. Bremerton, (206) 479-2960.

**Used law books**—bought and sold—Washington-related law books our specialty—law library appraisals by qualified expert. John C. Teskey, Law Books/Law Library Services. Call Seattle, (206) 325-1331.

---

---

### SPACE AVAILABLE/WANTED

---

---

**Unobstructed sweeping view** of Olympics, Elliott Bay; 41st floor, First Interstate Center, Seattle; elegant fully equipped law offices. Reasonable rates. Ask for Alison: (206) 624-9400.

**Downtown Seattle office-sharing** - \$150 per month. Also full-time offices available on 32nd floor, 1001 Fourth Avenue Plaza. Close to courts, furnished/unfurnished suites, short-/long-term lease. Receptionist, legal word processing, telephone answering, fax, law library legal messenger and other services. Contact Phyllis Huber, (206) 624-9188.

**Koll Center** (downtown Bellevue), office(s) available sharing space with attorneys. Beautiful view -- 17th floor. Telephone, library and conference room provided. Other amenities. Cassandra Marshall, (206) 451-8301.

**Two large, bright view offices**, available December 1, with large secretarial and paralegal spaces, reception, conference room, duplication, library, messenger, fax, after-hours answering service and kitchen. Friendly and congenial atmosphere with other small law firms. Beautifully renovated Pioneer Square (Seattle) building with health club facility. Full amenities. (206) 464-1932.

**Prestige office-sharing.** Located in the new, unique Bellevue Place. Forty-two luxury suites for attorneys and CPAs only. Let us take care of the business details while you take care of your clients and billable time. Furnished/unfurnished suites, short-/long-term leases. Conference rooms, kitchen, file and storage cabinets. Receptionist, telephone answering, word processing, facsimile and photocopyers.

Private secretarial stations and on-site paralegal service available. Call Ted Barr, (206) 451-3961.

---

---

### POSITION WANTED

---

---

**Seeking contract work:** Experienced attorney in commercial, real estate and bankruptcy litigation seeking 10-15 hours of contract work a week while pursuing a Master's Degree in Tax at Golden Gate University, Seattle. Rates negotiable. References. Robert Millsap, (206) 525-5289, 4721 - 36th Avenue N.E., Seattle, WA 98105.

**Loan workout/real estate sales:** Executive with major financial institution wishes to relocate to Washington. Although I have been a WSBA member for over a decade, I am seeking a nonlegal position managing a loan workout and/or real estate disposition department within a financial institution. I have an outstanding track record in the management of such departments. Please respond to Box 302, WSBA.

**Former newspaper editor**, summer J.D., seeks contract research, trial prep while awaiting spring bar. Osler McCarthy, (509) 747-4315. Spokane.

**Attorney with 16 years'** experience in agricultural, commercial, environmental, insurance and municipal litigation seeks challenging position in private practice or corporate staff. Reputation for effective analysis and management of complex cases and mastery of technical details. Strong communication and writing skills. Computer literate. Will furnish resumé, writing sample and references. Write Box 300, WSBA.

---

---

### POSITION AVAILABLE

---

---

**Attorney jobs**—national and federal legal employment report: highly regarded monthly detailed listing of hundreds of attorney and law-related jobs with U.S. Government, other public/private employers in Washington, D.C., throughout U.S. and abroad. \$32 - 3 months; \$55 - 6 months. *Federal Reports*, 1010 Vermont Ave., N.W., #408-WB, Washington, D.C. 20005. (202) 393-3311. Visa/MC.

**Associate lawyer needed** to head our new offices in Tacoma, Bellevue, Everett: a minimum of two years' experience in divorce, bankruptcy, criminal, general practice required. Send resumé and salary request to Law Firm, P.O. Box 16614, Seattle, WA 98116.

**Attorney. Diversified general practice:** Substantial client base in domestic relations, criminal defense, bankruptcy and general civil matters. Excellent compensation package featuring salary and incentive payment program plus full benefits. Washington Bar membership and some local experience required. Adherence to the highest ethical standards required. If you desire significant client contact and an independent caseload, direct inquiries and resumé in confidence to Katherine Johnson, Regional Partner, 1525 Fourth Avenue, Suite 610, Seattle, WA 98101.

**Job vacancy: staff attorney**—Farmworker Division—Granger, Washington. Evergreen Legal Services is seeking a staff attorney for its Farmworker Division. The office is located in Granger, Washington. The Farmworker Division serves migrant and seasonal farmworkers statewide and emphasizes employment-related issues and impact advocacy involving civil rights and education. Qualifications: member of the Washington State Bar or willing to take next Bar exam. Ability to speak and write Spanish strongly preferred. Applications: Send resumé and writing sample to Patrick McIntyre, Deputy Director, Evergreen Legal Services, 101 Yesler Way, Suite 300, Seattle, WA 98104; (206) 464-5933.

**General practice associate** sought for busy, well-established Bellingham firm. Need aggressive, personable attorney with emphasis on domestic and civil law. Must be admitted to Washington Bar. Experience preferred but high motivation heavily weighed. Salary negotiable. Full benefits. Contact Jane Maier at (206) 671-8500.

**The Tacoma office** of the Seattle firm of Taylor & Kahn is seeking an attorney with engineering and/or construction background. Litigation and established clientele desired. Reply to Nancy, 900 AGC Building, 1200 Westlake Avenue North, Seattle, WA 98109.

**Washington Natural Gas Company** seeks staff attorney with at least five years' experience in corporate/utility law. Must be a member of the Washington State Bar. Varied practice opportunity. Please send resumé and salary requirements in strictest confidence to: T.J. Hogan, Vice President-Legal, P.O. Box 1869, Seattle, WA 98111.

**Major Seattle firm** seeks at least two attorneys for Olympia office. Desirable practice areas include administrative/governmental, business, insurance defense and real estate. Applicants should send letter and resumé, and state extent of client/practice base, to Box 301, WSBA.

**Civil litigation/insurance** defense: Tacoma attorney seeks associate. Experience preferred. Salary DOQ. Send resumé to 6010 - 20th St. East, #7, Tacoma, WA 98424.

**Career change:** Reached a plateau in your career? Dissatisfied with your colleagues, responsibilities, income or hours? Want to be your own boss, have unlimited income potential and no startup costs? Apex Financial Group specializes in financial planning for businesses and individuals. We need the talents of people from many professions. If you answered "yes" to the above questions, submit a resumé in confidence to W. 428 Riverside, Suite 408 ONB, Spokane, WA 99201-0302.

**Clallam County Public Defender** has an opening for an experienced criminal defense attorney. Caseload includes felonies and misdemeanors. Congenial, supportive coworkers, liberal medical benefits and vacation policy, great location. Starting salary to \$33,500 depending on experience. Contact GERALD BARNHART at 111 East Third Street, Suite 2D, Port Angeles, WA 98362, (206) 452-3307. Position must be filled by January 1, 1991.

**Part-time military attorney:** McChord Air Force Base near Tacoma seeks a military reserve attorney. Three-lawyer staff handles legal matters for 3,000-member organization operating in four states (and, uh, overseas). Must hold or qualify for commission as military judge advocate officer. Send correspondence to Jerry Stimmel, 3rd Floor MGM Building, 800 Bellevue Way N.E., Bellevue, WA 98004.

**University of Washington School of Law.** The University of Washington School of Law may have two or three positions available to teach a first-year course in basic legal skills during the academic year 1991-1992. Each instructor provides primary classroom instruction in legal analysis, synthesis, research, writing and other legal skills for two sections of 25-30 persons.

Applicants should possess proven analytical and writing skills as demonstrated by membership on law review, high class standing, judicial clerking or equivalent experience. This is a nine-month position, with possible renewal for a second and third year. Salary to be determined. Send applications to Thomas Andrews, University of Washington School of Law, JB-20, Seattle, WA 98105. The University of Washington is an affirmative action/equal opportunity employer.

**Small eastside firm** seeking motivated attorney. Four+ years' experience in business transactions/commercial litigation. Letter/resumé/writing sample to Woodley & Associates, P.C., 3927 Lake Washington Blvd. N.E., Kirkland, WA 98033.

---

---

## SERVICES

---

---

**OMEGA, Attorney Placement:** The Pacific Northwest's premier attorney placement firm, specializing in law firm and corporate attorney placement. Direct confidential inquiries to OMEGA, (206) 467-5547.

**Investigations: confidential** civil, criminal, fraud and traffic accidents. Executive protection. Twenty-six years in police service. Retired chief of police. References available. Albert Anglin, (206) 885-2608.

**Registered professional** land surveyor with J.D. and extensive experience as an expert witness in boundary disputes. Author of articles and regular columns in recognized journals and instructor for land surveyors' seminars; active in professional societies. Jerry R. Broadus, Geometrix Inc., (206) 840-5680.

**Snelling Silent Search:** Quality referrals in attorney, secretarial, paralegal staffing. Employee-/employer-paid fees. Highly competitive rates backed by

one of the best unconditional guarantees in the business. Regional and national database of applicants. Daniel Choi - legal placement specialist, (206) 357-3933.

**Enjoy the holidays!** A qualified contract attorney can help you meet your year-end deadlines and allow you to spend more time with your family and friends this holiday season. We offer easy access to a prescreened pool of experienced attorneys ready to work with your firm or corporate legal department on a temporary basis. For information call The Alexander & Thomas Group, Inc., (206) 361-2707.

**Legal transcription:** Civil and criminal procedures accurately and professionally typed from cassette tapes. (206) 952-7186 or (206) 233-3143.

**The Bonjorni Company,** Robert C. Bonjorni, MAI, RM, real estate appraisers and consultants serving Washington and Alaska, P.O. Box 1461, Bellevue, WA 98009; (206) 827-8764.

**Join the Eastside Law and Tax Library.** The first of its kind for attorneys and CPAs is open at Bellevue Place. This is a membership-only law and tax library. Individual or corporate memberships are available. Open 24 hours. Deposition rooms and conference rooms. Full-service staff including law librarian. WESTLAW with main printer. Facsimile, photocopiers, microfilm and videocassettes. Located on the third floor of the MGM Building in Bellevue Place. Call Ted Barr/Margie Hawley, (206) 646-3464.

---

---

## WILL SEARCH

---

---

**Eloise (Mrs. Alfred) Snow:** Will search for Mrs. Alfred/Eloise Snow, Tacoma resident. Contact attorney Thomas Krilich, (206) 383-4704.

---

---

## MISCELLANEOUS

---

---

**Try Vashon,** walk to Seattle ferry. Two+ years exquisite contemporary, private, sound view, almost two acres, three-bedroom, two-bath, studio over garage. Rental/lease, (206) 567-4411.

**Sun Valley** - New four-bedroom, three-bath house just north of town, with hot tub and large fireplace; fully equipped, maid service. \$1,000/week. Rick Roskie, (503) 224-5560.

# How do you tell someone s/he's an alcoholic?

You need help.

Many alcoholics become so profoundly confused in their thinking that when confronted, their first reaction is to deny alcohol is a problem.

Or if family, financial, job, health or legal difficulties do force them to admit it, they'll often promise—quite sincerely—to get things under control.

Don't believe the promises. Don't take no for an answer. Don't wait.

## **A complex disease that kills.**

Willpower and strength of character have nothing to do with overcoming alcoholism. It's a complex disease that sends five out of six sufferers undiagnosed and unhelped to the grave.

And it should be treated in the same way as any other life-threatening disease.

With prompt and professional help.

No one has a better understanding of

alcoholism, or more experience in treating it successfully, than CareUnit.

## **We can help you end the nightmare.**

Since 1972, the unique CareUnit program has helped hundreds of thousands of people in cities all over the United States overcome problems with alcohol and drugs.

If you think someone close to you is in need of help, one or both of you should come in and talk to us.

A trained CareUnit counselor will assess whether there's a problem. Recommend a course of action if need be. And give you any help you need.

This consultation is confidential. And it's free.

Call us at any of the five Washington State locations listed below.

But do it today. Because a drinking or drug problem

rarely gets better by itself.

Only worse.

# CAREUNIT®

**Adult and Adolescent programs available.**

Ballard Community Hospital  
Seattle

(206) 789-7209

CareUnit Hospital of Kirkland  
Kirkland

(206) 821-1122

Grays Harbor  
Community Hospital  
Aberdeen

(206) 533-8500

Highline Community Hospital  
Riverton Campus  
Seattle

(206) 242-2260

Island Hospital  
Anacortes

(206) 293-3333

## ASSETS LOCATED STATEWIDE

Bank Checking & Savings • Savings & Loan Accounts  
Real Property • Vehicles • Personal Property  
Sources of Income • Business Interests

<b>MINOR QUEST</b> .....	<b>\$109.</b>
Ideal for small judgements and non-evasive subjects. Discovery fees.	
<b>STANDARD QUEST</b> .....	<b>219.</b>
Determine if a debtor is financially worth pursuing.	
<b>EXPANDED QUEST I</b> .....	<b>299.</b>
For larger claims - includes a spouse & choice of a supplemental service, and more.	
<b>EXPANDED QUEST II</b> .....	<b>369.</b>
For more problematic cases. May include a subject's DBA.	
<b>MAJOR QUEST</b> .....	<b>439.</b>
A Hidden Asset Investigation. Effectively structured for the more evasive.	
<b>★ BARON'S QUEST</b> .....	<b>319.</b>
An over & above policy limit Asset Investigation <b>EXTENDED SEARCH ADD \$110.</b>	
<b>FAMILATERAL SUPPORT QUEST</b> . . . .	<b>399.</b>
Assess an errant parent's ability to pay or determine the validity of a recipient's demands.	
<b>COMMUNITY PROPERTY REPORT</b> . . . . .	<b>479.</b>
Discover the undisclosed assets of a spouse.	
<b>BENEFICIARY'S QUEST</b> .....	<b>469.</b>
Determine the undisclosed assets of a deceased.	

## WHEREABOUTS & SKIP TRACES

Defendants • Debtors • Missing Persons  
Witnesses • Runaways • Spouses • Heirs • Skips  
ALSO: Child Recovery • Background Reports

<b>SKIP TRACE I</b> .....	<b>\$119.</b>
Ideal for the non-evasive. <b>ADD \$30 when located.</b>	
<b>SKIP TRACE II</b> .....	<b>239.</b>
Subject information old, unconfirmed, or limited? The Extended Skip Trace is made to order.	
<b>SKIP DEBTOR QUEST I</b> .....	<b>219.</b>
A boldly combined limited Skip & Asset Search for the non-evasive.	
<b>SKIP DEBTOR QUEST II</b> .....	<b>329.</b>
A strongly combined Skip & Asset Search developed for the more evasive.	
<b>WHEREABOUTS SEARCH I</b> .....	<b>259.</b>
Structured for the more complex, non-evasive situation.	
<b>WHEREABOUTS SEARCH II</b> .....	<b>389.</b>
For most missing heirs, evasive defendants, or key witnesses.	
<b>WHEREABOUTS SEARCH III</b> .....	<b>499.</b>
Recommended for missing persons, runaways, spouses, etc.	
<b>★ SPECIAL QUEST - Locate &amp; Serve</b> . . . . .	<b>329.</b>
Combo Skip Trace & Service of Process.	
<b>THE "DUE DILI" QUEST</b> .....	<b>239.</b>
For service by publication. Written affidavits prepared per CC.	

**FREE PHONE CONSULTATION**

**1-800-321-2935**

**1-800-542-2200**

(From Calif.)



**QUEST**  
ATTORNEY  
INVESTIGATIONS

1111 Third Avenue  
25th Floor  
Seattle, WA 98101  
(206) 467-1044

Offices also located  
in California,  
Oregon, & Texas

International Headquarters  
21054 Sherman Way, #201  
Canoga Park, CA 91303  
(818) 999-6033  
National • International

### WASHINGTON STATE BAR ASSOCIATION

500 Westin Building  
2001 Sixth Avenue  
Seattle, WA 98121-2599

Nonprofit Org.  
U. S. POSTAGE  
**PAID**  
SEATTLE, WASH.  
Permit No. 2204