

Washington State Bar News

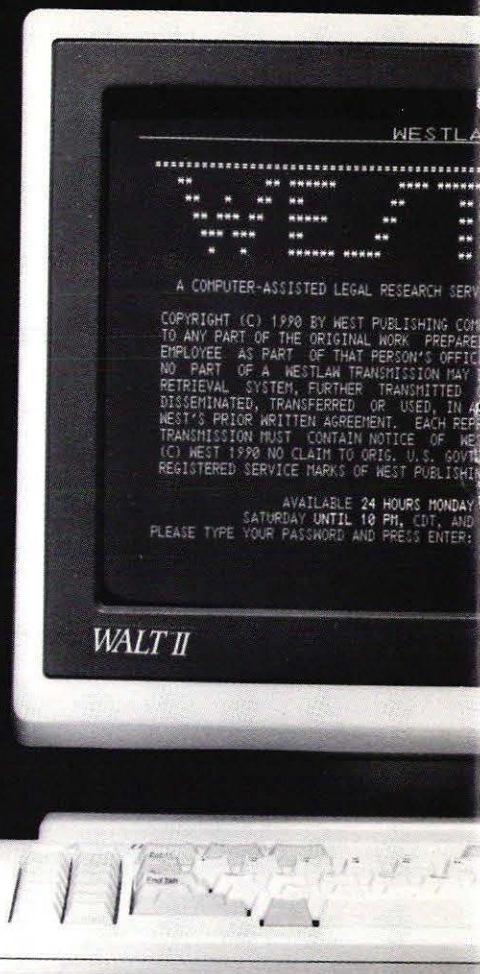
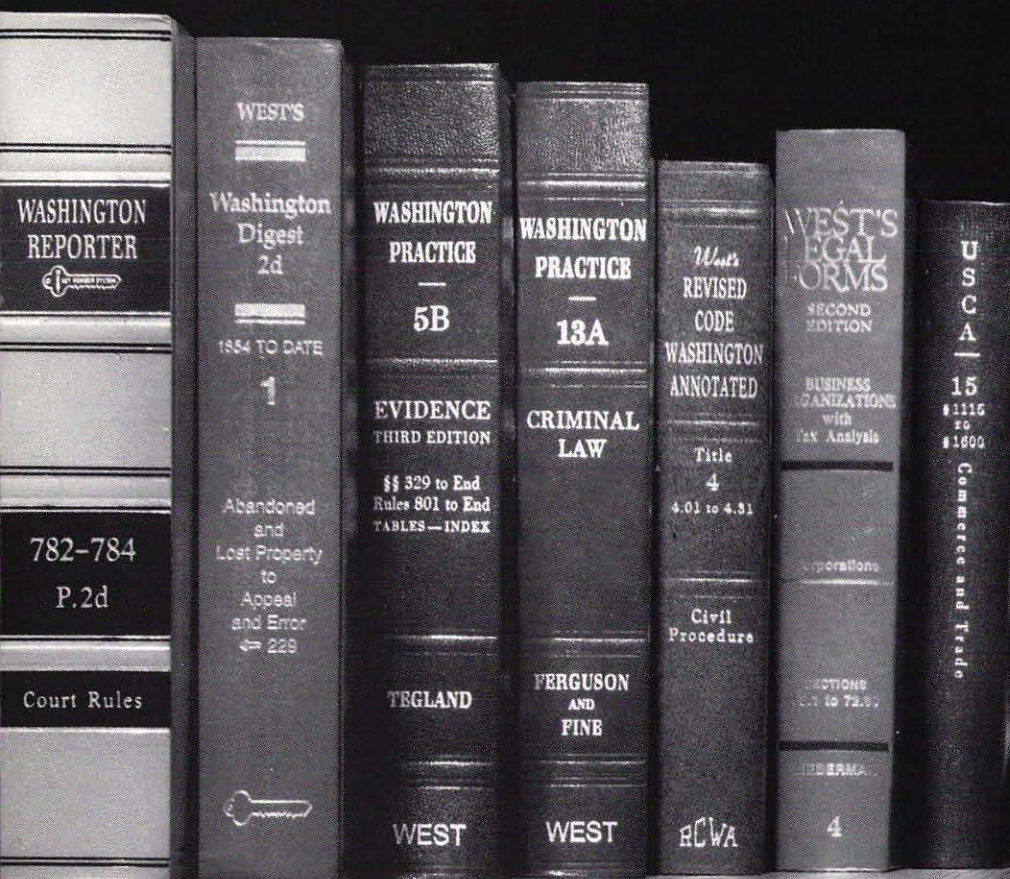
Vol. 44, No. 9, September 1990

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ART CREDITS

On the cover: This commercial printer's handbill, *circa* 1870, humorously expresses some truths about office management that are relevant today. From a steamer trunk found at the farm of the editor's great aunt and great uncle, Mamie and Claude McFadyen, near Ellerbe, North Carolina. The background is the entrance marble in the Westin Building, where the WSBA has its office. It was photographed by the managing editor, who also took the library snapshots accompanying Annetta Lawson's feature article.

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

Another Reason to Read the Bar News Back to Front?

Editor:

Some time ago I had suggested that the *News* might have a separate humorous section (as does the *ABA Journal*).

Now I find that need is met by the entertaining reports from counties "Around the State." These are becoming priority reading whenever the *News* arrives.

Keep it up.

JOHN HUNEKE
Spokane

Legal Secretaries Make All the Difference

Editor:

Most attorneys want their legal secretary to be able to accept ever-increasing responsibilities, handle ever-increasing workloads and understand increasingly complex court rules. In order for this to happen, the legal support personnel who work for us have to have a source for their own professional education, both formal and informal.

The Washington Association of Legal Secretaries, which is a chapter of the National Association of Legal Secretaries, provides seminars, publications, as well as friendships and informal guidance, for many thousands of legal secretaries. In addition to the national and state organizations, there are local chapters in many counties.

The Washington State Bar Association has long voiced pro forma support for the Washington Association of Legal Secretaries, but not too many members (including some of our officers and governors) have yet taken steps to implement their support. If you want your support staff to feel like valued members of a professional team, encourage them to join the Washington Association of Legal Secretaries, and pay their dues. It's only \$54 per year. My secretaries' membership in the Washington Association of Legal Secretaries has improved their performance in our office substantially. Paying their dues continues to be the very best investment I can make.

STEPHEN T. CARMICK
Chehalis

CR 11 Madness

Editor:

I hope, by the publication of this letter, that we as lawyers can self-police

ourselves back to some semblance of dignity and professionalism in relationships between lawyers. I refer to the rather indiscriminate use of CR 11 pleadings.

I recently had occasion to file a boundary dispute case. After obtaining an engineer's survey indicating that my client's property was being encroached upon; after investigating prior surveys similarly concluding; after visiting the site with the client and personally having observed the encroachment and the nature thereof; and after having carefully investigated that for the most part of the dispute there could not be an adverse possession problem; and having carefully taken the time to eliminate a boundary dispute settlement agreement, I did file the action for declaratory judgment to determine the appropriate boundaries between my client's property and a neighbor's.

Therefore you can understand how dismayed I was to receive an answer from a lawyer in a well-established, large law firm in the city of Seattle make the allegation "this action was commenced and is being pursued in violation of Civil Rule 11."

It would appear to the undersigned that the allegation in the counterclaim so alleging a CR 11 violation is and was in and of itself a violation of Rule 11.

The question is, what is the Bar Association and lawyers doing or intend to do relative to indiscriminate allegations of CR 11 violations? Is the Bar Association going to sanction the lawyers who indiscriminately utilize that format in their pleadings more or less as a matter of course? What about the senior partners, or any partner for that matter, who sanctions the use of such pleadings when there has not been a good-faith investigation or determination by the attorney who by signing an answer is certifying that in good faith he or she believes there is a CR 11 violation? I doubt very seriously that the partners or senior partners of the firm that made this allegation that I have referred to appreciate that this type of a pleading is coming from their office, which in a sense certifies that to the best of that lawyer's knowledge, information and belief "formed after reasonable inquiry" that the action is being pursuing it in

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violation of Civil Rule 11.

It may or may not be important that the signatory to this answer alleging that the undersigned has violated CR 11, has a Washington State Bar Association number 13.55 times larger than the undersigned's Washington number. Nevertheless, I know what I would do if that occurred within the law firm with which I am associated.

Hopefully, if you would be kind enough to publish this letter lawyers, including partners and senior partners in other law firms, will take note and counsel litigators in their firm as to their responsibilities and duties in signing pleadings, particularly as it relates to making an allegation that another lawyer has violated the rules of the superior court.

EVAN E. INSLEE
Bellevue

...Without Regard to Race, Religion, Political Belief or Sexual Orientation

Editor:

I read with great sadness the comments of two Washington state lawyers to John Kydd's article regarding AIDS. I have had the privilege during my nine years in private practice to represent a wide diversity of clients, including persons with AIDS. It is that diversity that makes private practice my career choice.

I have represented many clients on a pro bono basis as a VAPWA (Volunteer Attorney for Persons With AIDS). By treating these very ill people with compassion and respect while meeting their urgent legal needs, I help repay the state of Washington for the privilege of being licensed as an attorney.

It is similarly my duty to represent other individuals who come to me, despite *their* political beliefs, religion, sexual orientation, etc. It is not my job to judge lifestyles. The reality is that at least one in 10 persons in Washington state is gay or lesbian. I shudder to think of the level of compassion, respect and representations that those two men provide to those of their clients who are gay or lesbian.

We need, as individuals, to constantly challenge each other on discriminatory beliefs. If you cannot understand the

blatant discrimination in these letters because of your personal beliefs regarding homosexuality, substitute black for homosexual and sickle cell anemia for AIDS.

As a family law attorney who has

represented hundreds of battered heterosexual women, I seriously question whether it is gay people who are the ones who are anti-family.

NANCY HAWKINS
Seattle

Correction

The lead sentence in "Attorneys Use Credit Counseling Services" (June 1990 *Bar News*, page 8) should have read, "Many attorneys are unaware that there is an inexpensive and effective alternative to bankruptcy." The text erroneously read "expensive."

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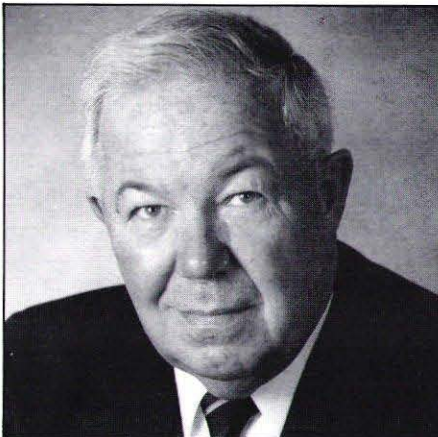
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James A. Vander Stoep

A Great Experience— Thanks

The opportunity of serving as the 100th president of this Association has been truly gratifying. The main reason it is so rewarding is that one is continually working with and for lawyers. There is no finer assemblage in the world. Lawyers argue and differ, but they are committed to their chosen profession and to justice for all. When asked to help, they do.

Another rewarding aspect of the presidency is the association with Bar staff. All departments of WSBA are staffed by dedicated, efficient persons. That staff has been ably headed by John Michalik since 1981. He is leaving for other fields, but his record and his organization have been the primary reason why the WSBA sits at the top of organized bar associations. He will be missed.

I expressed my admiration for and

appreciation of lawyers in general. I want to specifically refer to a group of lawyers—the Board of Governors. Four Governors—Bill Bergsten, Steve DeForest, Paul Stritmatter and Jim Turner—are completing their three-year terms. This has meant a multi-day meeting a month for three years plus many, many committee meetings, correspondence and telephone calls between Board meetings. They, the other six, and the hundreds who have preceded and will follow them are dedicated persons willing to share their time and talents to assist their profession and the public.

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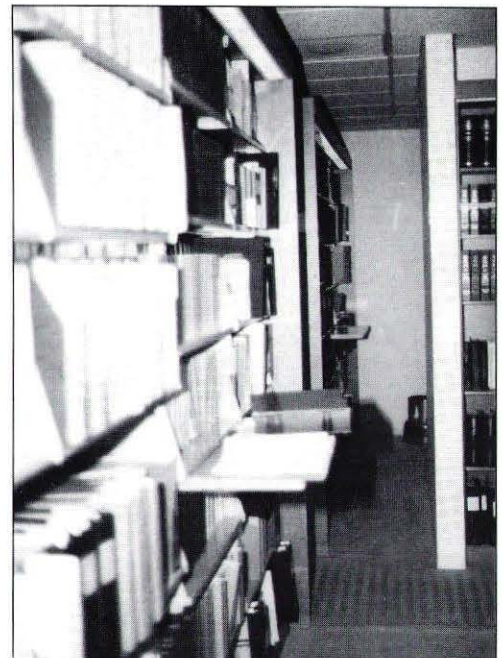
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Davis Wright Tremaine: L: "We wanted the nicest space to be for everyone." Integrated study-work-reading areas in natural light with

Design For Working



stacks to the inside. Note second-storey expansion space. R: Mid-stack, pull-out shelves.

"Glitz...not pertinent to lawyers...misplaced priorities...irrelevant to ABA's membership...wrong image of attorneys."

by Annetta Lawson

You might not be surprised to learn that the above comments were taken from readers' responses to an article in the September 1989 *ABA Journal*. If asked to guess the subject of this article, you could name any one of several topics currently debated in the legal community. But would you believe the article was called, "Law Office Design Winners"?

Why all the brouhaha over office design? Well, the feeling seemed to be that lawyers have more important and socially relevant things to do. Time and money spent on office design was perceived as either misplaced, or worse, self-indulgent.

No one came to the defense of design. Not one letter said, "Bravo! At last lawyers are realizing that the design of the work environment can contribute to efficiency and to quality of output." Yet most attorneys and many support staff spend significant portions of their lives in offices. And almost all are under constant pressure to increase productivity.

Given these facts, might it make sense to devote time, effort and even

money to work space design? Is such expenditure justified by lower stress, less time wasted, higher caliber work? Or are we pampering ourselves, feeding our egos or misplacing resources?

We decided to try answering these questions by studying our own work space, the law library. The changes in law library design over the past five years have been dramatic. The library of old was typically in core space with no natural light, a few bookshelves, and almost no work space for library users and less for library staff.

As many firms began moving into new offices, attention was given to the library. Natural light, more work space, and especially changes in technology, gave the library a new image.

Several Seattle firms have recently experienced the change in library design. By touring their new libraries and talking with the folks who planned them, we could get first-hand information about the relationship between design and output. Has design actually made a difference in use and efficiency?

At the end of our tour, with facts to back us up, we would have the definitive answer to the question of glitz or good sense.

The Library Tour

In good design, form is dictated by function. In order to plan the form a law library should take, we need to understand the function. What, exactly, happens in a law library?

The analogy may be a bit primitive, but think of the law firm as an earthworm. The firm ingests an endless quantity of information, then processes and passes along that information in what everyone hopes is an enriched form.

However, unlike the self-reliant earthworm who works alone, the law firm has to worry about organization. Even the most capable attorney can't be productive without information. And, while the attorney could gather the information needed, this is usually not the most efficient use of time. Typically, many people are involved in the acquisition, processing and retrieval of the information needed by one attorney.

The function of the law library is information management, that is, the acquisition, storage, and retrieval of information. This still means books. The libraries in our tour have collections ranging from 5,000 to over

40,000 volumes. But increasingly, it also means information in other formats: microform, CD-ROM and in-house databases increase the library's management job. Access to information outside the firm via online databases opens up the library walls to include millions of documents.

A law firm's system for acquiring, storing and retrieving information will have a great deal to do with the quality of work the firm is able to produce and with costs involved in work production.

Bogle and Gates

The needs of both library staff and users were carefully considered. Staff areas were planned for work without interruption. There is space for intense study, as well as for more relaxed reading and catching up on current materials.

"In planning our new library we sent out a survey to our attorneys and staff. The overwhelming response was, 'more natural light.'"

"People need space where they can work on projects without distraction. Imagine trying to get your work done with three other people working in your office."

"The technical jobs that go on behind the scenes enable the rest of us to do what we do. We had to educate the designers about behind-the-scenes work."

Davis Wright Tremaine

This library was one of the first in Seattle to move to new quarters. It has provided inspiration for many of the libraries that have moved since.

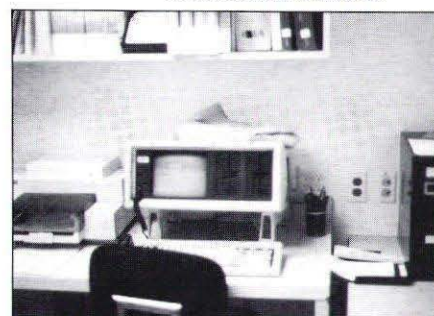
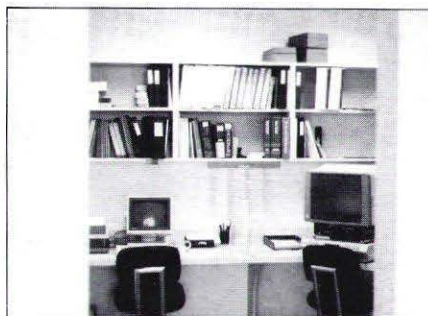
"The key is getting good space. The firm wanted to use this beautiful space for something that was central to the firm and that everyone could enjoy. Naturally, that was the library."

"The library is the center of the firm's culture. It conveys the values of the firm to others."

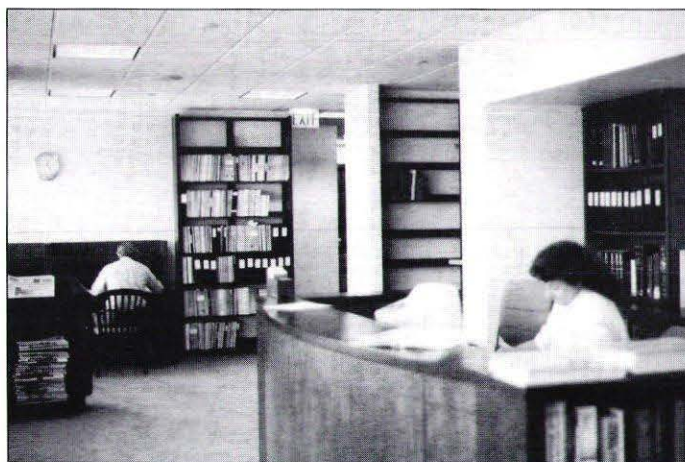
"We had to show the designers how you process a book, how you check in mail. Sometimes they didn't want to hear it. But practicality prevailed. This library works well."



Bogle & Gates: L:
Easily accessible,
compact shelving.
Working desks (not
shown) have natural
light.



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The library played an important role in working with the systems department to plan for maximum use of computers in the library and also throughout the firm.

"The library has always been the firm's most active user of computers. We're also articulate about what we want, so it was natural for us to contribute to developing the LAN."

"Our reference desk is the focus of all incoming reference and research requests. The person on duty can access on-line

services as well as in-house databases, and can provide library patrons with a lot of information without ever leaving the desk."

Karr Tuttle Campbell

The library was planned to fit the work that would be carried on. Details from the height of desks to the logical flow of a legal research project were considered.

"We tried to get away from the question, 'Who's going to sit there?' and think in terms of what work is going to be done there. A library needs space for projects."



Karr Tuttle Campbell: L: Contract attorney stations with natural light.

R: Accessible computer station; half-stacks with working tops, large working tables.



"Everyone is able to work more efficiently. Only now do we realize how much stress and inefficiency was caused by lack of adequate work space in the old library. Here we all accomplish more in less time."

"Planning for technology is a challenge. We incorporated plans for years ahead, but already we are using some things that were designed for 'later'."

Perkins Coie

An important feature in planning for the new library was charting all the types of work done in the library and the relationships among the jobs. Having a complete picture of tasks helped to establish the characteristics of the space.

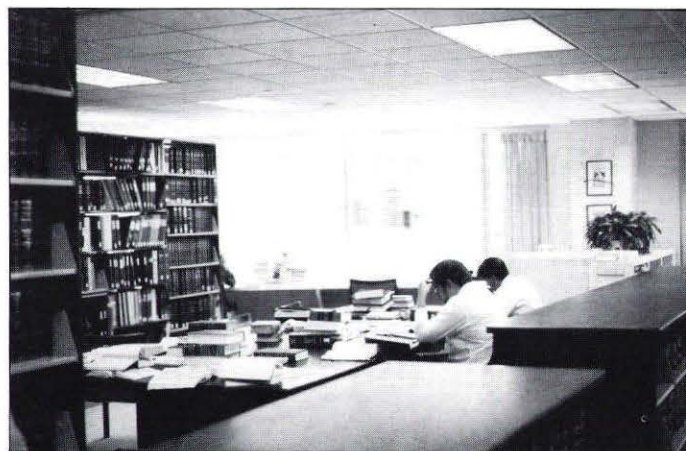
"Our reference desk, phones and computers are located away from the study area. There are separate rooms for noise-making activities like copying and dictation. There is no paging in the library. Quiet areas are really quiet."

"People used to walk out of the old library saying they couldn't handle it. Now with space, natural light, comfortable work places and no interruptions, there is much more library use."

Ferguson & Burdell

Legal research and long hours go hand in hand. In planning our library we incorporated features that would help the

Perkins Coie: Lower R: Harmoniously designed carrels radiating out from stacks; natural light.



researcher work for long periods with maximum concentration. There is lots of stand-up work space and room to move around. Chairs are comfortable. Tables are especially designed to accommodate legal materials. Lighting was of prime importance. Natural light, subdued colors and even a tree help to give the illusion of being in the open.

Graham & Dunn

This library is unique in that it is planned along a main traffic corridor. In order to get to other places in the office, attorneys, staff and clients must pass through the library.

"Big buildings can have the effect of isolating people. Sometimes people can feel reluctant to go into unfamiliar territory. Here, everyone is forced to come into the library. We like the visibility and accessibility of the library."

"We find that people who are walking through are aware of being in the library and are quiet, but also the low shelves

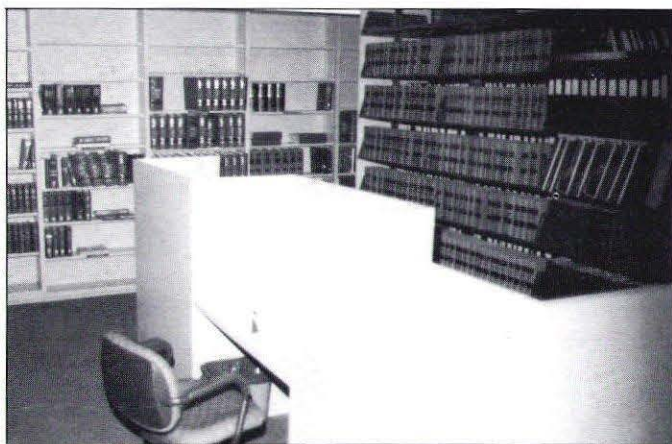


and beveled glass screens act as sound barriers so that noise is not a problem in the study areas."



Graham & Dunn: L: Corridor with quiet rooms and natural light on one side and stacks on the other.

Ferguson & Burdell: R: Large, canted reference/work desks; natural light contract attorney stations.



Eastside Law and Tax Library: Membership library with efficiency carrels, reference stacks, computer, private reference rooms with phones, copying, librarian.

Eastside Law and Tax Library

Library facilities and services are expensive, but are essential to attorneys. Eastside Law and Tax Library, the first subscription library in the state, addresses the problem of affordable information services. Here costs are shared by members, enabling everyone to have the same quality library facilities and services enjoyed by large firms. A sole practitioner, an attorney whose office is elsewhere, but who has frequent business on the Eastside, a Seattle firm with a Bellevue branch, corporate counsel, anyone who does not wish to maintain a law library, but who needs the services of one, may take advantage of membership.

Glitz or Good Sense

We came away from our library tour with two clear messages. First, good library design makes sense. Among the people we talked with there was not one dissenting voice. Everyone agreed that

better library design increased library use by attorneys and staff and enabled the library staff to provide more efficient service.

Secondly, good library design does not happen by accident. To achieve a library designed for working, it is necessary to have a planner and a plan. The ideal planner, who is a librarian, understands what components have to be in place to make the system work. From behind-the-scenes technical jobs to the newest technology to the needs of legal researchers, the librarian's experience is invaluable in assuring that the library serves the requirements of the firm.

In addition to her training and experience, every librarian we talked with had done her planning "homework." This included extensive reading, visiting law libraries to study their design, conferring with colleagues and attending seminars. Every one had spent time educating others in her firm about library functions. All had held

meetings with attorneys and staff who would use the library, and with firm administrators and interior designers who rarely use law libraries, but who play important roles in library design.

One librarian summed up her role in the planning process when she said, "I knew that if we had to sacrifice something, either have a beautiful space or a space that worked, beauty would have to go. We were lucky though. The designers made it beautiful and I made it work." □

Annetta Lawson is a librarian for Ferguson & Burdell in Seattle and for the Eastside Law & Tax Library in Bellevue. A member of the WSBA, she holds her B.A. from Randolph Macon College, M.Ed. from Temple University, J.D. from the University of Puget Sound, and M.L.S. from the University of Washington.

She gratefully acknowledges the help of her colleagues, whose ideas and experience made this article possible. Special thanks to the following law librarians who were responsible for planning and moving the libraries pictured:

Bridget Dacres, Bogle & Gates; Christy Leith, Davis Wright Tremaine; Maxine Dowd, Graham & Dunn; Barbara Holt, Karr Tuttle Campbell; Denyse McFadden, Lane Powell Spears & Lubersky; Jane Stewart, Perkins Coie; and Carol Warner, Perkins Coie.

The Lawyers' Creed:

I will be friendly. I will be prompt. I will keep my client fully informed.

©by Gregory S. Morrison

Several years ago, I had the good fortune of being associated with attorney Harry E. Hennessey, who was a principal architect of the concept known as law office management. Throughout our five-year association, he consistently emphasized the importance of adhering to the Lawyers' Creed in cultivating and maintaining good client relations. Since opening my own practice, I have discovered that the Lawyers' Creed really does work. Therefore, I encourage you to also use it and refer to it often.

The Lawyers' Creed is a synthesis of an award-winning survey conducted by the Missouri Bar Association in conjunction with the publishing giant, Prentice-Hall. Although this survey was conducted several years ago, almost all of the more recent studies seem to set forth the same findings. Therefore, even though the demographics of our society are continually changing, the attitudes that exist between lawyers and clients have remained relatively static.

The Lawyers' Creed is as follows: "I will be friendly. I will be prompt. I will keep my client fully informed." It is so simple in its form, yet so strong in its message. However, without the means to carry out its purpose, it has little value. The purpose of this article is to provide you with some suggestions for carrying out its message.

Being Friendly Organization

As a group, lawyers tend to think the single most important thing on a client's mind is results. Fortunately for us, this is not the case. Although the importance of good results should not be minimized, the one thing that a client really wants from you is your friendship.

This concept may even transcend individual clients and go all the way up the ladder to large corporate clients. After all, a corporation is an entity comprised of individuals. It is totally

within the realm of possibility that if an attorney is unfriendly to an individual who is influential within a corporation, that corporation may ultimately find a new attorney.

One of the easiest ways to impress upon your clients that you really do care about them is to remember everything about them, their family and their case. Unfortunately, our minds are continually editing out information which we do not regularly use. A simple way to enhance your memory of your clients is to maintain a client card file adjacent to your telephone. These cards should be alphabetized by last name, and each individual card should contain pertinent information about that particular client. If you have a desktop computer, this information can be easily stored in a database.

You will be amazed at just how effective these client cards are the first time you get a call from a past client whose name you vaguely recollect but about whom you are unable to remember any details. Client cards will save you the embarrassment of forgetting about something that may have been very important to your client, and they will reinforce your clients' perceptions that their matters are important to you.

Remember special occasions. It takes only a few moments to send out a card for a client's birthday, anniversary or other significant date. The few moments that you or your secretary spend doing this will impart a good feeling to your client and reinforce your name recognition. You will also find that Christmas cards are an excellent way to communicate with your clients. Even if your time constraints are such that only "form" greeting cards are feasible, they are better than nothing at all.

An increasing number of firms and sole practitioners are finding that firm brochures are a quick and effective way of acquainting potential clients with the services that your firm has to offer. I have seen firm brochures that are only

one page in length as well as firm brochures in excess of fifty pages. Size and layout need be dictated only by the amount of information that you wish to set forth. Such a brochure is an excellent tool for personalizing your firm and "breaking the ice" with new clients.

You may also consider distributing a periodic newsletter to your clients. The contents may consist of recent developments in the law that may affect your clientele, new services which you may be offering, or anything else that you feel your clients may be interested in reading. Recall that a newsletter is just one more way to keep your name alive.

Be sure to spend enough money in the preparation of your brochure or newsletter so that it looks professional. It doesn't matter that a client may arbitrarily misjudge your abilities by the quality (or lack thereof) of your brochures or newsletter, but the mere fact that it may happen should dictate a professional product.

Treat everyone with respect. If there ever was a golden rule of good client relations, this is it. Your respect for your clients' interests should be genuine, and it should transcend all economic or social barriers. As a person in business, you cannot afford to run the risk of alienating any potential clients. Even if a client is less than desirable, you have no way of knowing who that person might know. By alienating one client, you might lose a legitimate source of good referrals.

A recognized principal of organizational management is that employees follow the example of the employer. What that means in this context is that if you are selectively

Gregory S. Morrison is a Spokane attorney. He is vice chair of the Law Office Economics & Management Section, chairs the Young Lawyers Division CLE Committee and was the YLD Young Lawyer of the Year in 1989.

friendly and unfriendly with your various clients, then so will your staff. Unfortunately, an employee may end up insulting a good client.

The discovery of a common interest between you and your client can be a very rewarding way to establish a friendship. An interest that you share with your client outside the sphere of your law practice also helps put your client at ease and shows that you have a life outside your office and the courtroom.

Being Prompt

Just as much as clients like their lawyers to be friendly, clients hate delay. The more you can do to expedite your client's matter, without prejudice to your client's best interest, the happier your client will be.

Essentially, being prompt is a function of being organized.

Within a well-organized law practice there are many different "systems" in concurrent operation. Organization does not cost a lot of money, but it does require some serious thought and an appreciation for the

organizational rules. What follows is a brief overview of some of the principles of organization that are so time tested that they qualify as rules. The serious thought will have to be provided by you.

Ergonomics

Ergonomics is the study of human motion. Ergonomics is also a useful tool in arranging your law office so that it operates at maximum efficiency. An efficient work station will save you time and effort immediately.

Take a moment now, and look at the illustrations below. Notice that the items that are most frequently used are positioned on the desk so that they are easily accessible by your right hand (vice versa if you are left handed). It seems so simple, yet this is often overlooked.

Since your time is finite, delegate any task that can be done by someone else. Your time will be freed up to do those things that only you can do. The result here is a savings in time for the lawyer and in attorney's fees for the client.

Spending Yourself

In order to effectively delegate, one must provide their staff with adequate training. Failure to adequately train yields poor results, frustration for all parties and, potentially, professional liability. Delegation also helps to provide your employees with an enhanced feeling of self-worth and the feeling that they are a necessary component of your success—which they are!

The consistent use of a daily calendar in conjunction with an annual calendar is the best way to produce a timely work product. Use the daily calendar to keep track of your billable hours and to post notices to yourself for short-term dates and deadlines. Use annual calendar for logging future court dates and deadlines that are more than one week away. In addition to my computerized calendar, I prefer to use a large annual calendar that shows all twelve months. Post the annual calendar on the wall in front of your desk so that if you are on the telephone planning a future event, you can easily

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coordinate it with other preexisting future obligations.

Avoid repetition. The ability to conveniently access your prior work product will keep you from repeating tasks that you have already done, *e.g.* briefs and memorandums, and it will provide you with an efficient way to obtain old files. Suffice it to say, there are numerous ways of organizing your file and information storage systems. In developing an index system, your main consideration should be ease of use and efficiency.

Time Economy

It is also helpful to cross-reference your indices, *e.g.* client name, attorney name, nature of action and/or date. As your practice grows and your client files become more voluminous, you may wish to consider organizing your old files for each year and then numerically within each subheading.

Always Make a Daily List. On this list set forth those tasks which you feel you can reasonably accomplish within one day. Then tackle your worst project first. You will be surprised at

how pleasant your days become when you get your worst projects out of the way first thing in the morning. Using lists effectively will also free your mind to concentrate on the task at hand and relieve anxieties over possibly forgetting an important matter.

Parkinson appropriately stated that the amount of time used to accomplish a particular task will expand or contract in direct proportion to the time allowed to accomplish it. Evaluate your list of tasks for the day, and then assign a reasonable amount of time for each one. Your time will become substantially more productive, and that spent on unnecessary elaboration will become minimized.

Goal-setting

How will you know if you've arrived, if you didn't know where you were going? Setting goals for yourself will give you direction both personally and professionally. Always having a clear set of goals will also assist you in making daily decisions.

Your goals should take many different forms. Your short-term goals

should never take more than one year to accomplish. On the other hand, long-term goals should be set for those things that you wish to accomplish within three to five years, or ten years, or by the time you retire.

When setting goals for yourself, be sure to temper them with reason. Setting unreasonable goals results only in frustration and a feeling of defeat. So set lower goals for yourself and accomplish them.

The Management by Objectives (MBO) system is a recognized management tool for monitoring the progress of you and your staff. It is a hybrid of goal-setting and time management which involves setting goals and assigning a time limit to accomplish them. The particular goal and its attendant time limit should be clearly specified, so that at the end of the time period you can review your own or your staff's progress and determine if the goal or objective has been timely reached. If your objectives are reasonable, then you can expect to see a better work product produced more efficiently.

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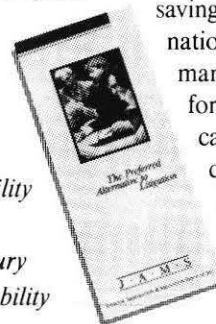


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Keeping Your Clients Fully Informed

We all know that our clients want to know what's going on with their actions. Right? Wrong! Apparently, we are not doing enough to keep our clients informed of the matters which we are handling for them. One of the most common complaints clients have against their lawyers is that they were not kept apprised of what was going on.

Failure to maintain good client contact during a pending matter breeds

contempt. And, out of contempt, come malpractice suits, complaints to the Bar Association, and bad word-of-mouth advertising.

In an attempt to address this problem, the Rules of Professional Conduct has provided us with a mandate to keep our clients "reasonably" informed. But, what is reasonable? Unfortunately, that word begs for a definition. Here are a few easy ways to keep your clients fully informed.

Copy your client with everything.
Next time you open a new client file,

make a duplicate file folder for your client. Then, send your client copies of letters, briefs, memorandums, court papers, etc. Fill their file just as you fill your own. Your client will then know that you are doing everything within your power to further the cause. Likewise, you will not be continually forced to decide what is important to your client and what is not. Even if you send your client something that is far too complex to understand, s(he) will still look at it and appreciate the effort that you have expended.

Invite your client to come to court with you. Not all court proceedings require that your client be in attendance. But, just because your client's attendance is not required, that doesn't mean your client shouldn't be there. On the contrary, you should try to invite your clients to all court proceedings in which their matters may be heard. It is only through being in court that they will fully appreciate what it is you are doing for them. And, needless to say, your self-esteem will get a boost when you shine in court in your client's presence. Also, your client will be substantially more sympathetic towards a loss if s(he) were present and saw that you gave the cause your best effort.

On the other hand, if your client is unable to attend a court proceeding, be sure to send a letter and information about what transpired at the proceedings.

Summary

The essential ingredient to a successful law practice is happy, paying clients.

The way to keep your clients happy is simple: Be friendly. Be prompt. Keep your client fully informed.

And, don't forget to keep yourself happy. This, too, is a simple process that is a combination of maximizing your productivity while minimizing your stress.

If you generally accept these tenets as being true, and take the time to understand how they work, and put them to work for you and your practice, then I guarantee that you will enjoy results that are immediate and positive. □

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The Lawyer's Computer

© by Robert Bigelow

This article is abridged and updated from one with the same title, published by the Florida Bar Journal in January 1980. Ten years have made some difference; the personal computer is now ubiquitous. Then I had a secretary; now I do all my own typing, and a high school student handles my filing in six hours a month.

Ten years ago, I reported, "Much has been written on how lawyers can use computers in their practices. But a detailed rundown of what is available would be of passing interest—the technology is changing; the price is dropping; and today's system is tomorrow's obsolescence." This is truer than ever. The modern law office now uses computers for word processing and accounting; some use them for conflict checking, docket control, litigation support and tax returns.

The coming thing is "practice development" or, in lay terms, systems that do substantive work like drafting wills, handling all the paperwork in conveyancing, and putting together a corporation—always checking to make sure nothing is overlooked. Last spring, the ABA's Law Practice Management Section held a conference on practice application development; a copy of the report is available free of charge from Robin Roy at (312) 988-5706.

Isaac Asimov says that there have been four great advances in civilization: speech, by which man communicates; writing, by which man remembers; printing by which man can distribute knowledge economically; and computers/communications which make the transfer of information distance-independent. No longer do people or paper have to be physically moved. New technology will make possible the "Wired City," where meetings and personal conferences can be dispensed with. The lawyer's bulging file cabinets can be discarded; the tremendous quantities of paper and professional magazines that inundate us every day can stop. In the years ahead, each lawyer could have his own computer terminal with keyboard and display capability.

Perhaps a flight to the future is appropriate. In 1980 I suggested the following; some of these predictions



photo courtesy of Hills & Knowlton, New York City

have come true, but many are still on the drawing board. And some developments, like voice message services, used by many lawyers, were not in my crystal ball.

o As Arthur Advocate enters the office in the morning, he dials up his personal electronic mailbox and finds what messages have arrived. Sorting them by sender, he displays them for consideration and action. One letter he orders to be filed. For another he dictates a response into the microphone of his voice-actuated typewriter. Other messages will be canceled after perusal. As each message is considered, the sender will be advised that Arthur has received it. If reference to files is necessary, Art can order the pertinent documents displayed on another terminal for comparison and analysis and research. An Advocate's secretary is not bound to a typewriter; rather, (s)he becomes a true administrative or legal assistant.

o Lawyer Billie Barrister has a conference today with counsel for the

other company in a merger. She does not personally visit, but confers by videophone. If a group conference is necessary, she goes to the conference room where holographic equipment using laser technology lets Billie "meet" with lawyers in several other cities simultaneously. The holographic techniques make it appear to each of them that the entire group is present in her own conference room.

o In trial practice, motions are argued by videophone. Trials themselves use expanded holography, with the jurors sitting at home watching the "tube."

o As the office of tomorrow expands, there is no need to commute to a central location. The lawyer works at home. Home is wherever the lawyer wants. A complete law library is at his or her fingertips, as is every file in every matter that he is handling.

But these possible scenarios are not likely, because man is a sociable animal and likes the company of other people. Many developments in the law, and in law office management, had their

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genesis in convivial drink. And it's a long way from today to the Brave New World. Lawyers, in particular, are slow to change; there is too much *stare decisis* in our bones. But a look at what could be should help us plan how to cope with the changes that are coming.

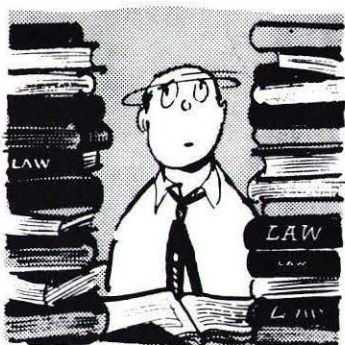
The use of computers in the practice of law has not been without substantive problems.

The development of computerized research techniques has malpractice overtones. In *Holt v. Wayland*, 338 Mich.50, 58, 199 N.W. 2d 195, 201 (1972) the court held that "proper legal research would have revealed that a case with the identical issue...had been pending in the Supreme Court for four months." It was held that the attorney who failed to discover the pending case violated Disciplinary Rule 6.101(a)(2) of the Code of Professional Conduct. With the availability of computerized research, will the lawyer who fails to use these techniques—and misses a case—commit malpractice?

The use of computerized litigation support techniques has also raised questions about limits of discovery. It has been held that the defendant need not disclose information from or about its computerized trial support system prepared solely for litigation when the documents were available to the plaintiff through normal discovery without undue hardship. The court concluded that the support system reflected mental impressions, theories, and thought processes, and a detailed description of the system and its use would impinge on the defendant's right to organize and use the material: *IBM Peripherals*, 5 CLSR 878 (1975).

If lawyers are to deliver their services effectively and economically in the coming decade, they must use evermore efficient tools and techniques. Systemization and standardization using sophisticated equipment operated by trained paraprofessionals, will become the norm. Lawyers who use these techniques will prosper; those who avoid the advance of technology will founder. □

Robert Bigelow is a lawyer in Winchester, Massachusetts and a regular author on law office management topics.



Reading Around the ABA

The three publications below are available from ABA Order Fulfillment, 750 North Lake Shore Drive, Chicago, IL 60611, (312) 988-5555.

ABA Publishes Firm Management Info Guide

Walk into any law firm, and you'll probably hear as much discussion about software systems and strategic planning as about cross-examination and counter claims. The reality is that to remain successful, lawyers today must be savvy business managers as well as skilled practitioners.

To help attorneys run the business of law, the American Bar Association Law Practice Management Section has released a new guide to the hundreds of books, pamphlets, videos, articles and audiocassettes it has produced on management issues.

The 1989-1990 "Law Practice Management Catalog" lists the ABA publications and products focusing on topics from cost accounting to law firm recruiting...from docket control systems to law firm brochures and newsletters...from preventing malpractice suits to retirement planning and policies...from in-house management strategies to two-tier partnerships.

The catalog features a detailed index and a four-page, four-color insert on the section's newest publications.

The "Law Practice Management Catalog" is available at no charge from ABA Order Fulfillment.

Getting Paid -- The Latest Word

Significant improvements in a law firm's cash flow and profitability can be made easily. How? By developing a comprehensive and effective collection system, says a new American Bar Association publication.

Improving Accounts Receivable Collection: A Practical System, by Arthur F. Nacht, J. Larry Green, Richard J. Vandenberg and Dale E. Hower, confronts the pressures lawyers face to maximize billable time and the unpleasant task of collecting unpaid fees from clients.

This publication includes spreadsheet templates on a diskette, providing the framework to design an effective formalized collection system. It offers guidelines to develop written internal policies, procedures, forms and related materials.

According to the authors, designing an

effective collection system involves six phases:

- * Pre-acceptance: Activities that lawyers should complete before accepting an engagement.

- * Acceptance: Activities that lawyers should complete upon accepting an engagement.

- * Representation: Activities that lawyers should complete while the engagement is in process.

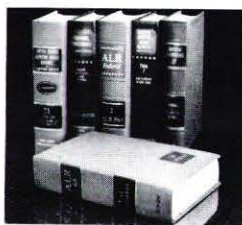
- * Billing: Activities associated with the billing process.

- * Collection: Activities that lawyers should complete after the bill is rendered.

- * Post-collection: Activities that lawyers should pursue after an account is paid.

Improving Accounts Receivable Collection: A Practical System, is available for \$49.95 (\$39.95 for LPM Section members) plus \$2.95 per order for handling.

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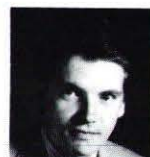
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Douglas Brackmans, Unite!

Robert Michael Greene, *Managing Partner 101: A Primer on Firm Leadership* (ABA Section of Law Practice Management, 1990), paperbound, 69 pp. \$29.95 (\$19.95 to Section members).

Arnold B. Kanter, *The Handbook of Law Firm Mismanagement* (Cats'rd Press, 1990), paperbound, 192 pp. \$12.95.

reviewed by Lindsay Thompson

It's hard to imagine which is the bigger joke: Arnold Kanter's book, which intends to be funny, or the markup the ABA Law Office Management Section expects to make on a 68-page paperback.

Greene's book is a distillation of things he learned in eight years as managing partner of a 150-lawyer firm. Kanter's book is a collection of memoranda and articles chronicling the life and times of a 59-member mythical Chicago firm, Fairweather, Winters and Sommers. It's remarkable how the two dovetail.

"Introduce yourself," says Greene to the new managing partner. Go around and see all the constituencies of the firm. And remember—"associates are different. They are, or should be, the future of the firm." Let them know you value them.

Kanter's book—and firm—dealt with the same problem through its Morale Committee. The associates seemed to be unhappy, but couldn't put their finger on why. One said, "It just doesn't seem like we're, well, part of it, you know, one of you. It's like you're running up there and we're down here and not on the same level and all, you know."

The solution: A variation on the old role reversal game at summer camp, in which the Partners become Associates and vice versa. "That sounds like a

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great idea. Let them deal with the clients complaining about bills, decide which new word processors to order and figure out how to tell an associate he'd better start looking for another job. That way they can see the problems that we have, that not everything is roses once you become a partner." Well, it went swimmingly, aside from some problems about which associate would become which partner ("They'll all want to become the senior partner, just like we do"), for a few hours, until the associates found out how hard it was to be a partner, stopped complaining, and then began leaving the firm in droves, leading to the creation of a committee on associate retention and evaluation.

Committees? Greene says, "One of the great joys of firm management will be working with your firm or office committees." One hopes he is being ironic, or we have proof positive that managing partners are born, not made. He suggests making sure your committees know what they are about, meet efficiently, and get things done. (See next page.) He has a chart of how such things work.

Kanter's firm has charts, too, but things bogged down when the management consultant went berserk halfway through his charts, connecting all the boxes to the tune of "Dem Bones."

But committees are important, and Kanter's book is full of their meetings. Take a look at the sidebar, and ask yourself how close to reality comedy can come.

Actually, both books are pretty useful. Kanter presents some interesting lessons in satirical guise, though his tendency to use Everyman surnames reminded me why I never liked *The Pilgrim's Progress*.

Greene's book proves again the old, but oft-forgotten, truth that sometimes the solution to a problem can be quite simple—like managing an office. □

Lindsay Thompson is editor of the Bar News and an associate of Weber & Gunn in Vancouver, WA, where he assiduously skips firm meetings.

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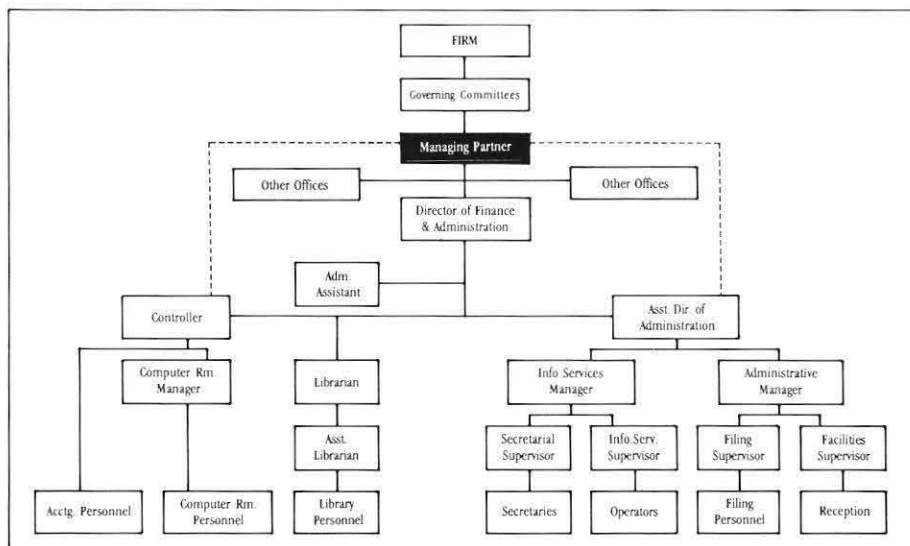
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[An excerpt from *The Handbook of Law Firm Mismanagement*]

Just the Fax, Please, Ma'am

The Fairweather Winters & Sommers Committee Overseeing Management of Modern, Innovative Technology Tending to Ensure Efficiency, known as the COMMITTEE Committee, was awaiting the arrival of its Chair, Robert Mentor.

"Where the hell is Rob?" wondered committee member Ruth Tender.

"Meeting was s'posed to start twenty minutes ago."

"Why don't we call him?" suggested Lydia Dos.

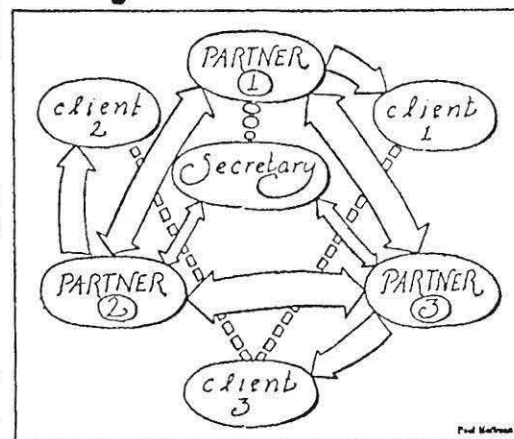
"Good idea, Ms. Dos," offered the firm administrator, Lt. Colonel (retired) Clinton Hargraves, CPA. "I'll do it. How do you work this damn phone?"

"You have to pick up the receiver, the thing that's shaped a little like a banana,"

Greene Diagram



Kanter Diagram



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said Arthur Fortran.

"Very funny, Art. I mean the speaker phone."

"Just push that little black switch and hold it down for a second, Colonel," said Lydia.

"Thanks. Hey, it's easy."

"Hello," the Chair answered.

"Io, Rob, you coming?"

"Who is that, coming where?" asked Rob.

"Colonel."

"You in a cave, for godsake, Clint?"

"No, I'm on the speaker phone."

"Well, get off that damn thing, would ya?"

"Okay, just a sec. Damn, cut him off."

Within minutes, Mentor appeared in the conference room. "Sorry, forgot about the meeting. I put it into my daily diary on the computer, but I keep forgetting to look at my computer."

"Why don't you just print the diary out?" suggested Arthur.

"Can't," said Robert. "I don't have a printer, so I have to go through word processing to print it out, and they're always so backed up that by the time I print out today's diary, it's tomorrow."

"Well, maybe we should just get more printers put in," said Arthur.

"Nope, the Finance Committee would never approve that; it costs a fortune. And besides, we're not wired for it," said Robert.

"Not wired for it, what do you mean?" asked Arthur.

"We don't have the voltage or ampage or some damn-age. If we were to put in printers, the lights on the east side of the office would fade in and out, unless we restricted use of the printers to between midnight and 6 A.M."

"Well, that's not very good," said Lydia. "Can't we rewire?"

"No, we're moving to a new building in two-and-a-half years, and the Executive Committee wants to avoid capital expenditures until then," said the Colonel.

"Rob, doesn't that kill the other things on the agenda we were going to talk about?" asked Ruth.

"No. If we decide to install the voice mail or buy more fax machines, we can take them with us to the new building."

"Voice mail? What's voice mail?" asked the Colonel.

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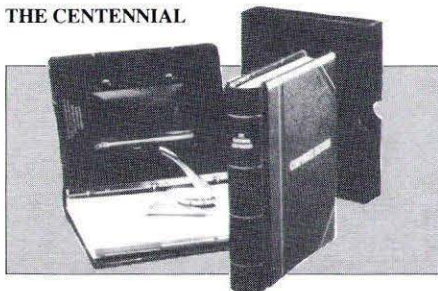
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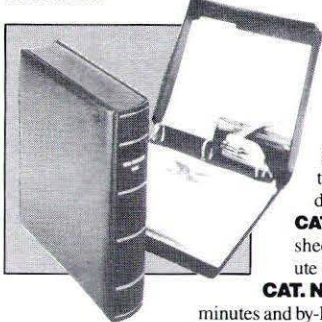
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"That's so when you're out, somebody can leave a message for you," explained Lydia.

"Big deal. They can do that now, with my secretary," said Arthur.

"Yes, but what if your secretary is away?"

"Then it goes to the receptionist," said Arthur.

"With voice mail, you can leave a personalized message on the machine for people who call you," explained Ruth.

"A personalized message, why would I do that?"

"Let's suppose you're expecting a call from your client Sam Smith, for whom you're litigating an important matter. The other side has just made a settlement offer of \$25 million, which will expire at the end of the day. You've got to go out to an important meeting, but you leave a message for Sam that they've offered to settle for 25 mil and you recommend he accept it, and would he please leave you a message by 5 P.M. Understand?"

"That's preposterous."

"Preposterous?"

"Yes. First, I don't have any client named Sam Smith. Second, I do estate planning, not litigation. And third, if I did litigate and anyone offered me \$25 million, I'd grab it and worry about old Sam Smith later."

"She was just giving you a hypothetical," Lydia protested.

"Well try to make your hypotheticals a bit more realistic. But I wouldn't leave a message like that, anyway. What if somebody else called and got the message? What about the attorney-client privilege?"

"You give Sam a special code that he has to punch in in order to get the message, so that if somebody doesn't have the code, they can't get Sam's message."

"You mean you have to record a separate message for everyone who might call and leave it in a special place and give them a code number, which they have to remember, and then I have to change the message every time I want to leave a new one?" asked the Colonel.

"It's really not nearly as complicated as it seems, Colonel."

"Not complicated? You're talking to a guy who can't operate a speaker phone."

"Maybe we should defer action on the voice mail proposal and get the representative of Tell-It-Like-It-Is Software to come back to demonstrate how it works for the Colonel and for anyone else who wants to watch it."

"Good idea," said Robert. "Maybe we can take care of the last item, though, these additional fax machines. Anyone object to our getting three more of them?"

"How do those damn fax things work, anyway?" asked the Colonel.

"What difference does it make?" asked Mentor.

"Well, I figure we're a committee on technology, we ought to know something about how things work," said the Colonel. "And those fax machines seem like magic to me."

"Actually, they're very simple, Clint," said Lydia. "Each machine has a tiny guy inside, lying on his back. As the sheet comes through, the guy calls his buddy in the other machine and reads it to him, and that guy types it onto a sheet that's coming out of his machine."

"You're a riot, Lydia. But I don't understand why we need more machines. We just bought two a few months ago," Ruth complained.

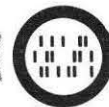
"Our usage is way up. All of our clients have them, and other law firms seem to use them more often than they use the U.S. mail," said Mentor.

"But those machines cost over a thousand bucks each," said Arthur; "we can't be running out and buying more every month."

"Nonsense, we can't afford *not* to," said Lydia. "The Colonel here came up with the idea of billing for both incoming and outgoing faxes at a buck a page. And now, next to photocopying, faxing is the most profitable thing our firm does. If we were smart, we'd give up practicing law altogether and just go into the photocopy/fax business—Fairweather, Photocopy & Fax."

"But I like to practice law," protested Arthur.

"Don't worry, Art," Robert reassured him, "we'd continue practicing law—as a loss leader."



Cracking a Smile vs. Cracking the Whip

©by Gregory S. Morrison

How do you manage your subordinates? Is it with an iron fist? Are you aloof and unapproachable? Or, is it with warmth and friendliness?

If your answer is the latter, you may be surprised to learn that you are facilitating higher morale, higher productivity and lower stress among your subordinates than your peers who are taking the taskmaster approach.

If your lighthearted approach is ever challenged, you may wish to point out the fact that humor is profitable. Employees that are happy are less likely to take unnecessary sick leave due to stress-related illness; they are more likely to put in that special extra effort because they like you, and they will continue on the job longer because they can see you are working hard to make it truly enjoyable for them.

An article was published recently about a psychologist who was having extraordinarily good results treating over-stressed executives. His approach was more comical than it was clinical. One of his initial exercises was to get his dour clients to learn how to juggle while wearing Groucho Marx glasses. Although this may sound quite stupid (and obviously something you don't want the senior partner to be doing in the reception area!) it was very successful. By shifting the focus to fun and levity, the day-to-day stresses of working in a law office were more easily tolerated.

Best of all, a good sense of humor is free. All you need to do is take an extra moment to look on the lighter side of a situation. If, however, wit and humor are not your strong suits, then take time to read some books from the humor section of your favorite bookstore. Or treat yourself to a few comedy shows.

You will also find that a good sense of humor is often much appreciated by your clients. A well-timed and well-delivered "one-liner" can lighten even the most stressful situations and put your clients in a relaxed frame of mind. But as with anything sweet, be sure to not overdo it to the point that your

clients would confuse your terrific personality with immaturity.

A great system for ensuring a good sense of humor for all occasions is to simply write down any story or anecdote that you particularly enjoy. I knew one lawyer who indexed all of these accumulated notes by theme or topic. He always had hundreds of delightful anecdotes available to him.

I also recall the inscription that he wrote in a copy of his Personal Note-

book, which he presented to me: "Remember that laughter is the best medicine, especially if you can always retain the ability to laugh at yourself."

This column is a clearinghouse for better ways to run the law office. Contributions are solicited from all members of the Bar and should be sent to: Gregory S. Morrison, Tips Editor, The Flour Mill Penthouse, W. 621 Mallon, Spokane, WA 99201.

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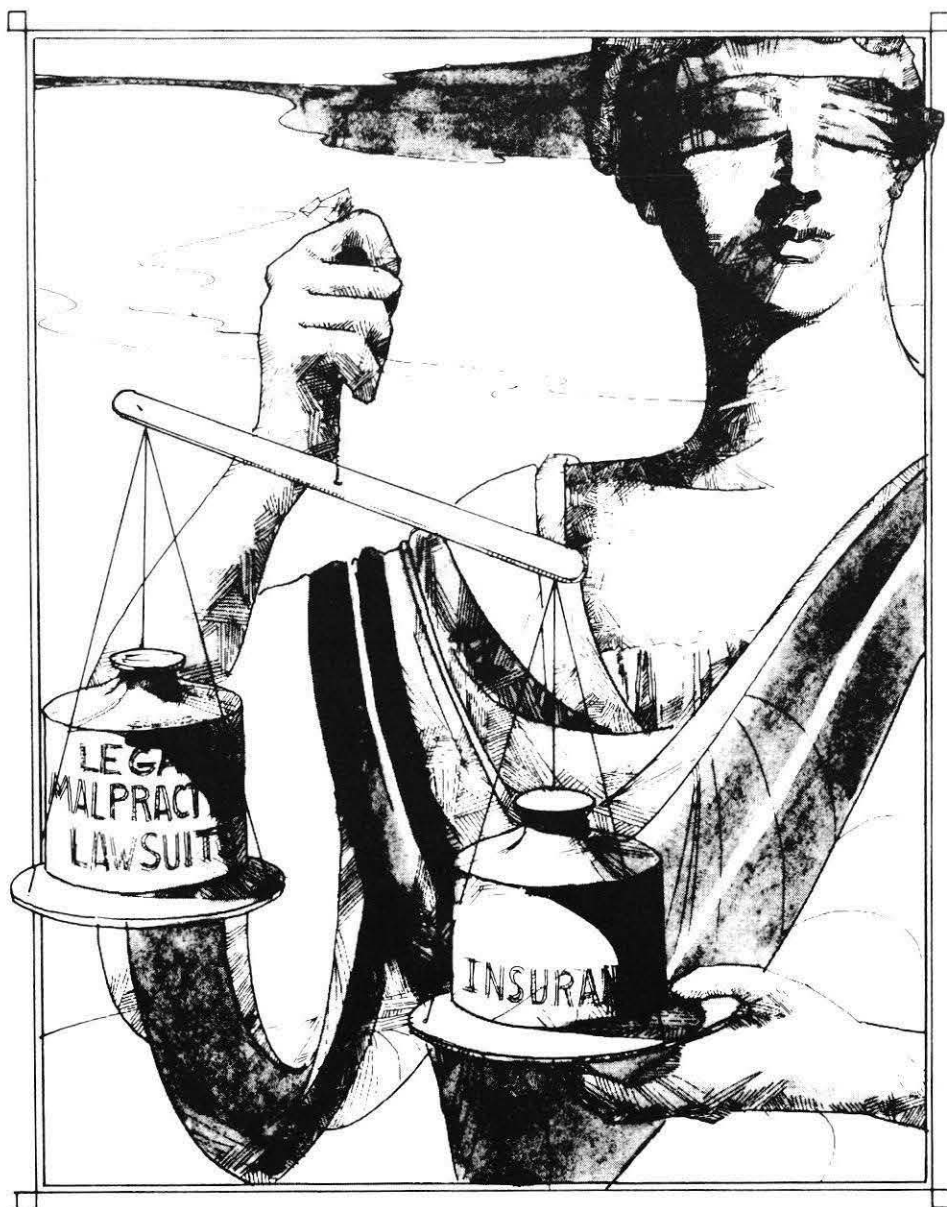
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We're Prepared: The WSBA's Disaster Response Plan

by George W. Scott
WSBA Director of Public Affairs

We don't think of Washington state as a likely place for a mass disaster. The climate is not harsh enough; there are no tornados, hurricanes, or tidal waves, and the last serious earthquake occurred 40 years ago. It's more likely that a catastrophe would be "man-made" than an accident of nature: an airplane crash, a ferry sinking on Puget Sound, nuclear meltdown in the Tri-Cities, a dam failure on the Columbia River, or warfare. The Bar is now prepared to aid the victims of mass disaster, the nature of which cannot be anticipated.

The Disaster Response Plan was approved by the WSBA Board on May 18, 1990, ten years to the day after the eruption of Mount St. Helens. In the words of Olympia attorney Don Law, chair of the WSBA's Litigation Section and the Disaster Response Task Force which designed the document, it was "drafted to provide a clear chain of command with defined responsibilities where necessary. Maximum flexibility has been maintained, given the immense diversity of potential disasters."

In the past five years, five other state bars have faced the question of what their responsibilities were in mass disasters. Hawaii put out flyers and press releases to deter "parachutists" who flew from the mainland to Oahu when a volcano erupted. Texas's team

has been on site at four disasters in the last two years. When United Flight 232 slid into an Iowa cornfield in 1989, the Iowa Bar quickly mobilized and got exposure on national television for its deterrence efforts. In July 1989, Florida Bar assembled a 120-page plan. The WSBA Board was scheduled to discuss a disaster response task force in October of last year. As it turned out, this was the week of the San Francisco earthquake! The State Bar of California and the Bar Association of San Francisco were already making impressive responses to that emergency.

The Board gave detailed consideration to the task force's proposal in January and March of 1990. It evolved through 14 revisions prior to adoption. The plan is shorter (seven pages plus 35 pages of attachments) and broader in scope than that of any other state. Its focus is on aiding and counseling victims, as well as deterring those who would benefit from the misfortune of others, and on letting the public know of the Bar's concern for their fate. The plan provides for a Disaster Response Team ("DRT") of up to ten attorneys who can be called out to the site(s) of the disaster. At its August meeting, the Board of Governors confirmed the members of the team, one nominated from each Governor's district.

They agree to:

- * serve a minimum term of four years,

indefinitely extendable at the discretion of the Board;

- * attend a three hour-training session at the WSBA, scheduled for October 1, and a biannual refresher course;
- * certify that they have at least \$1 million of professional liability insurance;
- * decline to represent clients in matters arising from involvement on the DRT; and
- * not make referrals or give specific legal advice (as opposed to initial, generic counsel).

The ultimate composition of the DRT will depend on the nature of the emergency that causes the WSBA president, or in his/her stead the executive director, to call the team out. The team is composed of both plaintiff and defense attorneys with expertise in probate, real estate, health care, insurance and transportation regulations. Nomination criteria included: availability, depth of experience, and ability to work in a public arena under distressing conditions.

The chief disciplinary counsel, or one or more designees, and the director of public affairs will rendezvous with the DRT. That group will then go to the central emergency medical facility being used or the coordination headquarters for relief agencies. The team will offer initial and general counsel to victims and their families on questions such as

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probate, insurance, and statutes of limitations. They will have available the WSBA's pamphlet "The Disaster Victim's Legal Information Guide," designed by the task force to give cautions and considerations to people traumatized by a major catastrophe.

The Bar's brochure, "Information About Filing a Grievance Against a Lawyer," will also be at hand. The Bar's disciplinary counsel will monitor for activity by any attorney, regardless of state of origin, that is a breach of the WSBA Rules of Professional Conduct, specifically RPC 7.3, which forbids in-person solicitation.

Before leaving for the disaster site, the director of public affairs will fax paid generic ads and news releases to all the state's media citing the prohibition against solicitation and telling of the Bar's presence.

The Board has charged the task force with developing a model interstate agreement which, if effected, would permit enforcement of the same disciplinary standards on lawyers from other states. Task force members Don Law and Andrea Darvas, Dan McKelvey and Charles Palmerton will meet with advisors Dick Crutch and Tom McLaughlin on November 19 to consider a draft proposal. If approved by the Board, it could become a resolution at the ABA's 1991 annual meeting in Atlanta.

The WSBA Board adopted an interim disaster response plan at its July meeting to cover the period to October 1, when the DRT will have been trained. The Young Lawyers Division has also entered into an agreement with the Federal Emergency Management Agency (FEMA) to provide pro bono assistance to low-income disaster victims in their local community. Mark Albertson is in charge of recruiting and organizing volunteers. If you wish to help, write him at 2809 First Avenue, Seattle, WA 98121.

The WSBA's Disaster Response Plan is unique. More than the deterrence and public relations aspects found in other state bars' plans, ours focuses on concrete aid to disaster victims and their families. The task force insisted, and the Board concurred, that this alone was sufficient justification for its creation.

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The Role of the Washington State Bar Association in Rule-making by the Washington Supreme Court

by Steven Rosen,
Staff Attorney, WSBA Court Rules and Procedures Committee

Several years ago, in an effort to provide an orderly and uniform procedure for promulgating rules of court, the Washington Supreme Court adopted General Rule 9. This rule, which became effective September 1, 1984, provided that the Court, in consultation with the WSBA, would "establish procedures for the periodic review of the rules of court." As a result, the WSBA's Court Rules and Procedures Committee has been charged with reviewing eight primary sets of court rules on a regular basis: the Civil and Criminal Rules for Superior Court, the Civil and Criminal Rules for Courts of Limited Jurisdiction, the Rules of Appellate Procedure, the Rules for Appeal of Decisions of Courts of Limited Jurisdiction, the Rules of Evidence, and the Justice Court Traffic

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The Court Rules and Procedures Committee, consisting of approximately 26 members from around the state, meets monthly from October through June to consider suggested amendments to the rules. Its proposed amendments must be approved by the WSBA Board of Governors before submission to the Supreme Court. Proposed rules, which must be submitted to the Court by October 31 each year, may then be published for comment in a *Washington Reports* advance sheet the following January. After the comment period expires on April 30, the Court publishes any adopted rules in a special edition of the advance sheets in July, to take effect September 1. (The Court may adopt or amend a rule without following the procedures set forth in GR 9; this is usually limited to emergency or special circumstances.)

The committee reviews two sets of rules during each October through June "cycle." The normal sequence of review is:

CrR and CrRLJ (current year--1989/1990)

ER and JTIR (1990/1991)

CR and CRLJ (1991/1992)

RAP and RALJ (1992/1993)

It should be noted from the schedule outlined above that proposed rules developed during the 1989/1990 review year and approved by the Board will not be published for comment until January 1991, and those adopted will not, in the ordinary course of events, take effect until September 1, 1991.

Washington attorneys interested in suggesting amendments to the rules of court should forward their recommendations, or direct any questions about the rules process, to the Committee's staff attorney, Steven Rosen, at the WSBA. □



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THE BOARD'S WORK

by Lindsay Thompson, Bar News Editor

Portland, Oregon, August 17-19, 1990

Present: President Vander Stoep, President-elect Lowell Halverson, the Governors and Governors-elect Tom Chambers of Issaquah, Monte Hester of Tacoma and Steve Tubbs of Vancouver.

Also present: Harold Clarke (WSBA/YLD); Frank Edmondson (Government Lawyers); Mary Fairhurst (Washington Women Lawyers); Nancy Gibbs (Legal Foundation of Washington); Judge Ted Kolbaba (Superior Court Judges' Assn.); Mike Larson (SKCBA/YLD, Friday); Donna McNamara (SKCBA/YLD, Saturday); John J. Michalik (WSBA Executive Director); Judge Dan Phillips (District Court/Magistrates' Assn.); Larry Ransom (SKCBA Trustees); Ed Shea (ABA Delegate); Lindsay Thompson (*Bar News*) Editor/Clark County Trustees; Judge Phil Thompson (Court of Appeals); and Robert Welden (WSBA General Counsel).

President's Report: A number of items were reported, chief among them the resignation of John J. Michalik, executive director of the Association for nine years. Michalik announced his resignation August 1, to take effect November 2, 1990. On August 3, 1990 the president appointed a committee to find candidates for the job composed of the president; the president-elect, Lowell Halverson; immediate past-president Elizabeth Bracelin; and Governors Don Curran, Jeff Tolman, and Ron Gould. Curran chairs the committee,

which has sent out notices to a variety of professional publications announcing the vacancy and a job description. In addition, the president said a notice would go out to all WSBA members in a mailing to come out the following week.

Cutoff for applications is August 31, and the committee will meet in early September to review the applications and choose a short list of finalists. The goal is to make a recommendation to the Board by the end of September to give the new person a chance to work with Michalik on the transition.

Governor Lem Howell thought that the end of August application date was unrealistic. He particularly thought more time was needed to get the word out in the minority press and other groups to encourage minorities and women to apply. He felt an acting executive director should be named and the Board should look at restructuring the position as well.

Governor Ron Gould shared some of Howell's concerns but thought the Board had to act promptly to get someone in place as soon as possible. He thought it ill-advised to redefine the job as someone new was coming into it. Michalik observed that the Board had handled the matter in 1981 in a little over six weeks.

The matter resurfaced Saturday morning when Howell moved to receive the report of Curran's search committee and amend it to extend the deadline for applications to January 1, 1991. The

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question was called without debate and the motion was defeated 2-8, Governors Howell and Bergsten voting in favor.

In other matters, the president reported that amendments to CR26(b) had been suspended by the Supreme Court pending further review of objections to them expressed in various quarters and reported in past editions of this column. The Board voted to support the amended version being proposed to the Court, which would make information about proposed structure settlements discoverable, and allow the defendant to withdraw the offer at any time as the demand is made.

A New 18½-minute Gap, and Rose Mary Woods Nowhere in Sight: John Michalik went over the monthly financial reports and found things in good order, and told the Board 865 people had taken the summer Bar exam, which decamped to Spokane because of the Goodwill Games. It was the second largest turnout ever, and during it lightning hit the convention center and blacked out one room for about 18 minutes. "We just added 18 minutes to the end of the session when the lights came back on," Michalik said, but a number of would-be lawyers thought those in the room should be instructed not to think about the questions until the lights came on, and others complained that the people in that room had 18 minutes extra to think, so all the questions in that session should be tossed out. Some people sure know how to have fun.

Professionalism: The Search Continues: Governor Steve DeForest presented a report he'd worked on over the past year to follow up on the work of a WSBA Task Force on Professionalism which reported in 1989. The 20-page report covered a wide array of topics which will be covered in greater detail over the coming months as committees to which they were referred report back. However, the report praised local efforts in a variety of areas of Washington to improve the image and standards of practicing attorneys, and it recommended such ideas as adoption and enforcement of law firm codes of conduct and professional standards; more detailed training of lawyers by their firms; adoption and enforcement of firm billing and client disclosure standards; that the WSBA should appoint a committee to resolve judge-lawyer disputes and publish CR11 sanctions; promote pro bono programs; establish a program for linking new lawyers with more-senior ones for advice and help; promote methods of alternative dispute resolution; continue and expand existing WSBA programs; establish a loan program to help law school graduates who go into public service repay their loans; and that law schools should increase training in alternative dispute resolution; emphasize ethical and professional principles throughout the curriculum; and enforce law school codes of conduct. The report was hailed by the Board as a masterful document and a blueprint from which many good things will be realized.

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Resolutions, Reservations, and Combinations of Courts: Michalik told the Board one more resolution was in the offing for presentation to the Annual Meeting of the Association in September, which would propose a consolidation of district and superior courts. In addition, Michalik said there had been developments relating to the resolution proposed previously which would mandate relocating the 1991 WSBA Convention and Annual Meeting from San Diego (see "Resolutions to Be Presented at the 1990 Annual Meeting," *Bar News*, August 1990, pp. 36-37).

Specifically, Michalik said he'd been contacted by the San Diego Marriott, where the 1991 convention is located, and asked whether the convention was on. The hotel had been contacted by a person identifying himself as attorney Howard Todd, whose name is on the list of resolutions' sponsors, and who asked about a variety of convention-related matters, including whether there would be damages sustained by the WSBA if the convention were moved. "Substantial," was the hotel's reply. Copies of the convention contract were also requested by the caller, and the request was denied, both by the hotel and Michalik, as part of a request for production of documents about the convention and other matters by Todd. The basis for the refusal was the policy in the hotel/convention trade that all contracts are unique and proprietary and not subject to disclosure. In the meantime, the Marriott may be referring the matter to its legal department.

In a related matter, Michalik said he'd also gotten a call from

a hotel in Hawaii with which preliminary discussions were underway as a possible site for the 1995 convention. Someone identifying himself as a WSBA member, but whose name was not retained by the hotel, asked if the hotel knew the Association might breach its contract in San Diego in 1991, and the hotel wanted to know what was going on.

This sort of thing can get out of hand, Michalik said, and if the WSBA gets a bad rep for breaching its contracts it'll end up affecting the cost of prosaic things like space for CLE meetings.

The Board considered the matter at some length. The question was how much, if any, of the contract, to give out? Governor John Schultz thought it all ought to be released, lest it appear the Board was hiding the ball. In the end the Board voted 8-2 to allow release of the nonproprietary portions of the contract to Todd, Governors Schultz and Turner opposed.

Stationery Target: The Young Lawyers Division asked for stationery. The argument was that it would give the Division greater visibility, credibility, and the like, and other young lawyer groups around the country have it.

The counterargument, consistent with the Board's tendency to treat the Division like a teenager asking for the car, was that (1) if we give it to you everyone else will want it, and (2) you might use it for something goofy and get the Big Bar into trouble. Subsidiary questions involved how many people would use the stationery, and for what. There were

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suggestions that it be limited to fewer people, for fewer purposes, and even to add a section from the bylaws across the bottom of the page, a sort of Surgeon General's warning that unauthorized use would lead to personal liability for the indiscriminate stationery user. The Board voted 6-4 to table the matter until September, but as is often the case, the table stayed tabled only 'til after lunch, during which a proposed policy governing YLD stationery use was amended to restrict things enough to suit the Board. Once untabled, the amended set of restrictions was approved. The lucky users will be the YLD officers, trustees, Bar staff, immediate past-president and the editor of *DeNovo*. Ever jealous, the editor of the *Bar News* immediately asked for stationery, but was hooted down.

Wrap-up in Portland: In other matters, the Board: deferred action on a CLE Committee proposal relating to "home viewing" of CLE materials; approved amendments to the bylaws of the Family Law and General Practice sections; approved appropriations for the Computer Law Committee for some demonstration project work and approved the creation of a Joint Computerization of Law Division in the Law Office Economics and Management and General Practice sections; heard a report from ABA delegate Ed Shea from the latest midyear meeting; and adopted a formal ethics opinion requiring that lawyers keeping funds in escrow be subject to RPC 1.14; and crossed the river to have lunch with the Clark County Bar Association.

Next meeting: September 12, 1990 in Spokane.

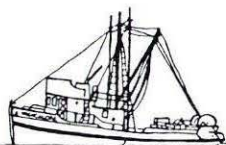
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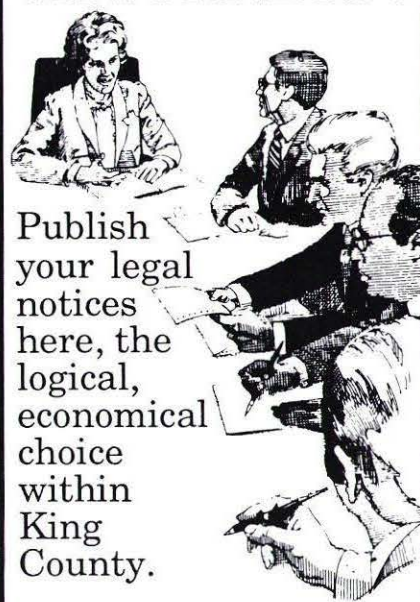
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CALENDAR

September 1990

8 Family Law Nuts and Bolts: Basic Domestic Relations. Sea-Tac. *Sponsored by:* WSBA CLE and Family Law Section. *For information:* (206) 448-0433.

10 Registration deadline for Christian Legal Society breakfast; see September 14 entry below.

13-15 WSBA Annual Meeting and Convention, Spokane. *For information:* (206) 448-

0441.

14 Christian Legal Society breakfast at the Bar Convention, Spokane. Location to be announced in convention program. As in past years, there will be a guest speaker. Make reservations by September 10. *For information:* Lyle Wilson, 910 - 164th Street S.E., Mill Creek, WA 98012; (206) 742-9100.

17 Washington Construction Law, Seattle. *Sponsored by:* Federal Publi-

cations, Inc. *For information:* (202) 337-7000; fax (202) 223-0755.

21 Estate Planning and Protective Planning Techniques in Washington, Seattle. *Sponsored by:* National Business Institute. *For information:* (715) 835-7909. Also held September 26 in Spokane.

24 The Goods and Services Tax: You and Your Practice, Vancouver, B.C. *Sponsored by:* CLE Society of B.C. *For information:* (604) 669-3544; fax (604) 669-9260.

26 Estate Planning and Protective Planning Techniques in Washington, Spokane. See September 21 entry for details.

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FALL 1990 SCHEDULE

Date	Course #	Location	Title
9/7	9015	School of Law	TAX ASPECTS OF BASIC REAL ESTATE TRANSACTIONS 9:00-4:30 — 6.50 CLE Credits — \$135
9/20-21	9016	School of Law	FOURTH ANNUAL WESTERN REGIONAL INDIAN LAW SYMPOSIUM 9:00-4:30 — 13.00 CLE Credits — \$175
9/29	9017	School of Law	INTRODUCTION TO COMPUTER-ASSISTED LEGAL RESEARCH 8:30-5:00 — 7.50 CLE Credits — \$135
9/29	9018	School of Law	INTERNATIONAL CONTRACTS AND NEGOTIATING: A WORKSHOP 9:00-4:30 — 6.50 CLE Credits — \$140
10/6	9019	School of Law	INCORPORATING SMALL BUSINESSES 9:00-4:30 — 6.50 CLE Credits — \$135
10/11-12	9020	Washington Athletic Club	EIGHTH ANNUAL NATIONAL FISHERY LAW SYMPOSIUM 9:00-5:00 — 13.25 CLE Credits — \$275
10/23-24 10/25-26	9021A 9021B	Sheraton Hotel Northwestern School of Law	SEVENTH ANNUAL HAZARDOUS WASTE LAW AND MANAGEMENT CONFERENCE 9:00-5:00 — 14.00 CLE Credits — \$275
11/2	9022	Washington Athletic Club	NINTH ANNUAL FEDERAL TAX CONFERENCE 9:00-4:30 — 6.50 CLE Credits — \$135
11/9	9023	Washington Athletic Club	SECOND ANNUAL PROFESSIONAL RESPONSIBILITY INSTITUTE 9:00-5:00 — 7.00 CLE Credits — \$135
11/17	9024	School of Law	ADVOCACY IN THE APPELLATE COURTS UNDER THE NEW RULES 9:00-4:30 — 6.50 CLE Credits — \$135
12/1	9025	School of Law	THE TRIAL OF A CRIMINAL CASE 9:00-4:30 — 6.50 CLE Credits — \$100
12/8	9026	School of Law	SECOND ANNUAL COMMERCIAL LAW INSTITUTE 9:00-5:00 — 7.00 CLE Credits — \$135
12/15	9027	School of Law	DEALING WITH EXPERTS AND EXPERT TESTIMONY 9:00-5:00 — 7.00 CLE Credits — \$135

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4 Sports Law, Seattle. *Sponsored by:* WSBA CLE. *For information:* (206) 448-0433.

5 Problem Real Estate Loans in Washington, Bellevue. *Sponsored by:* National Business Institute. *For information:* (715) 835-7909.

11 Fundamentals of Bankruptcy Law, Seattle. *Sponsored by:* ALI-ABA. *For information:* fax (215) 243-1664.

14-18 Divorce and Parenting Mediation Training, Seattle. *Sponsored by:* Conflict Resolution Service. *For information:* (206) 633-4283.

18 Washington Women Lawyers Annual Dinner, Seattle. *For information:* Jean Kuharevicz, (206) 564-8400.

20 Family Law Nuts and Bolts: Custody and Support, Sea-Tac. *Sponsored by:* WSBA CLE and Family Law Section. *For information:* (206) 448-0433.

November 1990

17 Family Law Nuts and Bolts: Special Property Issues, Sea-Tac. *Sponsored by:* WSBA CLE and Family Law Section. *For information:* (206) 448-0433.

("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.)



Notices of Interest to Association Members

Judicial Disciplinary Notices

Judicial Admonishment: By stipulation of the parties, the Commission on Judicial Conduct issued an order of admonishment to Whatcom County Superior Court Judge **Michael F. Moynihan** on June 1, 1990. The stipulation notes that Moynihan had an ex parte communication regarding his approval of a settlement with the guardian ad litem for a minor child in a case before him. The Commission found that Judge Moynihan's conduct was in violation of Canons 2(A) and 3(A)(4) of the Code of Judicial Conduct, even though Moynihan thought he was acting in the best interests of the minor. The Commission cautioned Moynihan not to continue the conduct giving rise to the admonishment.

Attorney Nondisciplinary Notices

Seattle attorney **Anthony J. Meyers** (admitted November 10, 1977) was ordered suspended from the practice of law pending the outcome of proceeding by Supreme Court order entered July 2, 1990.

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

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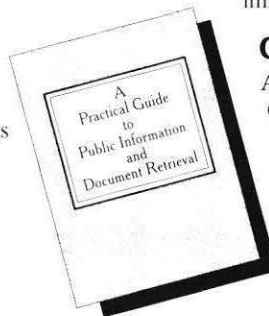
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Public Notices

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 WSBA of personal name or address changes.*

Notice of Schedule Change for Recording Documents in King County: All documents to be recorded on a particular day must be in the

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Public Comment Requested:

When it reconvenes this fall, the WSBA Court Rules and Procedures Committee is scheduled to review the Rules of Evidence (ER) and the Justice Court Traffic Infraction Rules (JTIR). Members of the Bar are encouraged to submit comments and suggestions concerning these rules. Contact Steven Rosen, WSBA, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599.

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 August 1990 is 7.56%. The maximum allowable interest permissible for September 1990 is therefore 12%. Compilations on the average coupon equivalent yields from auctions of 26-week treasury bills appear in the *Bar News* on the following pages: 1982-1987 in October 1987, page 39; 1984-1989 in June 1989, page 37; and 1985-1990 in June 1990, page 51.

(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.)

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

Criminal law. Detective obtained search warrant, based in part on record of defendant's power usage, obtained by telephone from power company employee. Search under warrant yielded 20 marijuana plants growing under lights. Trial court suppressed evidence and dismissed, but court of appeals reversed. *Held* by Supreme Court: Court of appeals reversed and trial court's decision affirmed. Detective's telephone request for utility records violated RCW 42.17.314, which requires law enforcement authority that seeks utility records to submit written statement that it suspects utility customer of a crime and that record will assist in resolving that suspicion. Statute provides that information obtained in violation "is inadmissible in any criminal proceeding." Issuance of search warrant is part of criminal process, and without electrical usage information, probable cause for warrant was lacking. *State v. Maxwell*, 114 Wn.2d 761, 791 P.2d 223 (5/17/90).

—J.M. Junker

Evidence. (Case 1.) In prosecution for statutory rape, state was properly allowed to call physician to testify as to contents of laboratory report contained within file at physician's clinic. Report, showing five-year-old victim suffered from sexually transmitted disease, was admissible under hearsay exception for business records. RCW 5.45.020. Record did not need to be authenticated by witness from laboratory that made it, as physician laid sufficient foundation by testifying about laboratory's operations and his clinic's reliance upon their reports. *State v. Ziegler*, 114 Wn.2d 533, 789 P.2d 79 (4/12/90).

(Case 2.) In wrongful death action, trial court admitted testimony of pathologist who had performed autopsy on victim. *Held*, no error, even though RCW 68.50.105 says that autopsy reports are "confidential." "Confidential" does not mean "privileged." Trial court has discretion to admit as evidence either autopsy report or testimony of its author. *Zueger v. Public Hospital Dist. No. 2*, 57 Wn.App. 584, 789 P.2d 326 (Div.1, 4/23/90).

—K.B. Tegland

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Real property. (Case 1.) Landlord is not liable to third person for dog bite injuries caused by tenant's dog, even if landlord knows of dog's vicious nature. *Clemmons v. Fidler*, Wn.App., 791 P.2d 257 (Div. 2, 5/24/90).

(Case 2.) Owner of land is indispensable party to court action challenging land use decision respecting that land and must be joined as party within time provided by ordinance. *Waterford Place Condominium Ass'n v. City of Seattle*, Wn.App., 791 P.2d 908 (Div. 1, 5/29/90).

—W.B. Stoebuck



LAW SCHOOLS

GU Law Students Receive Public Interest Law Grants

Three Gonzaga University law students have received grants to work in public interest law this summer as part of their legal education. The grants, totaling more than \$4,000, will supplement students' incomes from their employers. The grants are part of the School of Law Public Interest Law Project (GPILP).

Recipients are Chris Grey, who will work for Idaho Legal Aid, Indian Law Unit, in Coeur d'Alene, Idaho; Lisa Brewer, who will work for the Southern California Women's Law Center in Los Angeles; and Robert Good, who will work for the Spokane County public defender.

GPILP is a nonprofit corporation affiliated with the National Association of Public Interest Law. GPILP membership is comprised of students and faculty at Gonzaga's School of Law. The organization's mission is to encourage law students to work in areas of public interest law. It funds the summer grant program by various fundraising activities throughout the year.

JUSTICE SYSTEM COMMISSIONS

Now the ABA Has One, Too

L. Stanley Chauvin, Jr. of Louisville, president of the ABA has named a Task Force on the Crisis in the Justice System to develop a coordinated approach for the ABA's response to problems confounding the U.S. Legal System.

Robert D. Raven, immediate ABA past president, will chair the task force. It is to report this August with recommendations for a coordinated association response to the crisis in the civil and criminal justice systems, caused by increased caseloads and long-term underfunding and neglect. The

result is inordinate delays in both criminal and civil dockets, and, in some jurisdictions, moratoriums on civil justice activity.

"The system is overwhelmed," said Chauvin, in announcing the task force. "Courts and their personnel are unable to meet the demand. Law enforcement and prisons are burdened beyond belief. Prosecutors and defenders struggle to meet speedy trial deadlines. Civil litigants can no longer be heard."

"Conditions are such that injustice may become a growth industry," he cautioned.

Other members of the task force are Judge Mary McGowan Davis, a state trial court judge in New York, N.Y.; Norman S. Early, Jr., Denver, CO, district attorney; Gerald Eisenstat, Vineland, NJ, president of the New Jersey State Bar Association; and James R. Neuhard, Detroit, chief public defender for the state of Michigan.

The task force is surveying existing literature defining the problems and establishing their magnitude, and is compiling relevant ABA policy on the issues presented. It also is examining existing ABA activities designed to address the problems in the courts. It is to recommend a plan for future action to the ABA Board of Governors for the

association to assist courts and related entities to increase resources, reduce backlogs and better equip the nation's civil and criminal justice systems to deal with the demands they face.

THE GOOD WILL GOES ON Soviet American Chamber of Commerce Formed

It is no coincidence that the Soviet American Chamber of Commerce, a nonprofit organization designed to facilitate the exchange of international trade and business information between the United States and the Soviet Union, was formed this year in Seattle. Beginning with the 1973 sister city program between Seattle and Tashkent through the 1990 Goodwill Games, the people of Washington state have been in the forefront of establishing cultural and social linkages with the people of the Soviet Union.

Recent commercial developments in the Soviet Union and Eastern Europe have signaled a new openness and window of opportunity for further enhancing Soviet-American relations. With the enthusiastic reception and success which a few American com-

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Editor's Note: The *Bar News* is the recipient of a grant from West Publishing under which the magazine is provided six months of free Westlaw computer research services as an aid to editorial work, as well as a financial grant from West to provide a

series of columns on developments in Westlaw computerized research. The following text has been provided by West Publishing.

Prognosticators across the country predict economically difficult times for

law firms in the 1990s. One answer to controlling costs and improving a firm's profitability may lie in how lawyers take advantage of technology. Particularly in smaller firms, lawyers may find computers can help them remain

panies have recently received in the Soviet Union, it now appears that both countries are ready to explore many new and dynamic commercial relationships.

The spirit and design of the new organization is to provide a neutral forum for the exchange of commercial information between American businesses and their Soviet counterparts. The Chamber intends to provide the public with business news and trade information so that future commercial alliances between both countries will be created.

The Chamber's founder, Gregory S. Paley, is a partner at Beles & Paley, Counselors at Law, in Seattle.



photo by Bill Hanson

An abundance of attorneys celebrated the annual Ralph Bunche Award (presented this year at the new Council of International Organizations) accepted by Dr. Mikail Kuzin of the U.S.S.R. for Eduard Shevardnadze.



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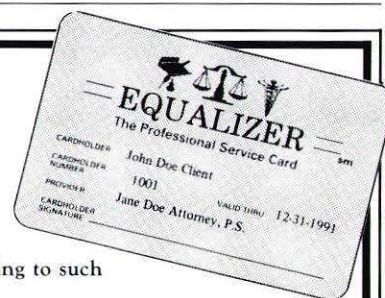
We will be attending the Washington State Bar Association Convention in September. Please stop by booth number 64 to say hello and let us answer any questions you may have.

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- Payment of your post petition chapter seven bankruptcy fees and costs after the case closes
- Convert your past due accounts receivable to cash



competitive.

Law firms have adapted to technology in support areas, such as data and word processing, but they have been slow to adjust to computers outside traditional support staff positions.

William E. Callanan, writing in *The National Law Journal*, observes that firms struggle with the introduction of computers to their lawyers. According to Callanan, many lawyers are bothered both by their own computer illiteracy and by the necessity to commit nonbillable time to self-education.

Adapting to Technology

Some attorneys have already made a successful transition. Despite initial concerns about expense, E.X. Martin, III decided to experiment with WESTLAW in his criminal practice in Dallas, Texas.

Writing in *The Champion*, Martin summarized his experience using a personal computer with communication software to access WESTLAW as "cheaper and more effective than other research methods." William Callanan

agrees, "Attorneys who use computers now simply will have the edge over those who don't."

Although attorneys are generally convinced of the potential of computers, many need help to make the changeover. Attorneys who wish to use computers for mainline legal functions, such as computer-assisted legal research (CALR), require an array of learning resources. Recent developments by West Publishing Company's WESTLAW® show a response to this need from the CALR industry itself.

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Mr. Mom, J.D.

I have been practicing law part-time in a downtown Seattle firm for about a year now. I graduated from law school in 1979 and have been working with this same firm for a total of six years. I spend most of the rest of each day taking care of my two boys, who are seven and three. My wife is a visual

artist, who for the past year has been working for what seems to be far more than full-time with the Washington State Arts Commission.

Before this last year, my family and work life fit a fairly traditional stereotype: I trudged off to work each day, leaving early and getting home by

dinner time. My wife was primarily responsible for taking care of our kids; she also actively pursued her career. With flexible schedules we both assumed we could accommodate any expected needs of the kids. My family was the most important aspect of my life. I dedicated much of my energy to them, but it often felt as if my primary role was to play with my kids during the evenings and weekends, providing necessary relief and breathing space for my wife.

I began to become disaffected with my work. It was difficult to sustain my energy and commitment and enthusiasm. I lacked personal emotional gratification in the work, but I truly enjoyed and relied on the time I spent with my kids. I envied what seemed to be my wife's comfortable routines and felt increasingly frustrated, anxious and helpless -- trapped as the only breadwinner in the family.

My wife was offered a full-time position with the Washington State Arts Commission. We didn't want our kids to be doomed to spend full days in schools and/or day care situations. My wife said she would accept the position only if I switched to a part-time status and spent the extra time with our boys.

My firm accepted the change. Now I work as an independent contractor, without salary or benefits; I am paid according to the billable hours I charge. This arrangement seems to be working well. Both parties benefiting from the continuity.

My schedule changed dramatically. I prepare those hated school lunches, make breakfast, get the kids dressed and make sure we are all out the door on time. Then we cruise down the freeway. We spend a lot of time talking about music, sports stars, and favorite sugarless gum flavors. I drop off the kids at two separate schools, always spending a little time at the preschool my three-year-old attends, making sure he feels comfortable before I leave. I then drive downtown, search frantically for a cheap parking spot, and get to work at about 9:30 a.m.

At 3:00 p.m. I dash out the door to pick up my two kids. We then run errands or head straight home for a snack and Legos. It is then time to go to the

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store, make dinner, and hope that my wife gets home in time.

The kids have handled the transition exceptionally well. Maybe they can get away with more with me around the house, given my preference for play over discipline. I think, that the shift was a smooth one, primarily because of the rapport that already existed. Such a shift would probably involve all sorts of difficulties, if a solid base and comfort level did not already exist.

I had some trouble, initially applying a logical, control-oriented approach to the home front. I felt my own personal pressure to be an effective, wonderful parent and homemaker. I was overly concerned with meeting all the necessary schedules and ensuring that everyone was taken care of in the best possible way. The lunches and dinners were too big, and I kept working too hard at making sure the kids had plenty to do. I came to realize that I was pushing everybody around, and that both kids were quite comfortable filling their own lives, with some help.

The toughest part is probably the lack of individual free time. I spend most of the day rushing from one place to another, at work, or dealing with the kids. There is no time for lunches, workouts or socializing. It is worse when my wife is gone on trips, or works evenings, when I deal with all the endless little routines involved in caring for and appeasing kids alone. It requires an incredible amount of energy and patience simply to get through the day.

The best part is the positive balance between emotional gratification and intellectual stimulation. I love spending time with my kids. I think of them both primarily as good friends, and enjoy listening, playing, and joking with them. They are a captive audience for my questionable sense of humor. Work gives me continuing contact with thinking adults, intellectual challenges, and a wholly different feeling of satisfaction.

It is quite positive, if practical, to more fully share the parenting role. Although it is not necessary to dedicate this amount of time to be a good parent, the experience has improved my capacity to both share and understand our respective family roles. Before the switch, I always felt quite helpful around the house and thought I was an equal participant in its management. Now, I realize how much more time,

effort and patience is involved in pushing forward a household on a truly equal basis. The additional time spent with the kids gives me far better insight into their moods, feelings and interests, and the opportunity to become aware of, and share in, the little daily events which constitute the substance of all of our lives.

The new arrangement has involved changes in my work circumstances which, overall, have been positive. Remaining with the same firm has helped because of contact with supportive coworkers and the continuity of established work practices and routines. I find I have more energy, interest, and commitment during the time I am at work, and my productivity reflects that. The nature of my work has also changed. Instead of the traditional, long-term, plodding caseload assignments, I deal with a constantly changing series of short-term issues which require quick resolution, research and helping others with their projects.

However this does not follow the traditional career path. Coworkers, other attorneys, and possibly clients may treat you differently because they perceive that the practice of law is not the first priority and they are concerned about the level of commitment to the work. Child care provides for little flexibility; it may prove difficult to adjust to a typical litigation calendar or to accommodate full-time client schedules. It is difficult to pursue the social components of

practice which can be so important. There simply is not time for lunches or after work get-togethers with coworkers, friends, or clients.

This present arrangement works only with some significant prerequisites. It requires a full-time working spouse, capable of generating sufficient income and benefits. It requires a spouse who is both willing and capable of making a significant change in her own life, assuming new responsibilities and sharing in her old role. It requires a relationship with a firm flexible enough to accept different priorities and a different working arrangement. It requires the giving up, or at least postponement, of traditional work patterns, including the standard career path, monetary security, and constant professional growth. Finally, it requires a willingness to accept the uncertainty of the situation, with no existing definite future progression or path.

My arrangements will inevitably change, subject to further developments of either of our careers, and to the growing needs of our kids. At present, I am selfishly enjoying this opportunity to spend this time with them. I am also hopeful that this time will be of benefit to them individually and will help establish a strong positive bond between us in the future. With much love, I dedicate this piece to Jake and Lucas, who were wondering how I would mention their names in this article.

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NEWS FROM HOME

William Acey and Clifford B'Hymer of Clarkston have merged their practices. Their combined firm works in the areas of social security and disability, worker's compensation, personal injury claims, real estate, wills and probate. More recently, **Eva J. White** joined the firm as an associate.

A 1989 law graduate of the University of Idaho, she worked for Idaho Legal Services before joining the firm.

Michelle L. McComb is the first woman to join the Yakima firm of Abeyta & Nelson. A graduate of Lewis & Clark College and Willamette University School of Law, McComb is the fourth attorney in the ten-year-old firm.

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Leslie Harris, with the Seattle firm of Kargianis, Austin & Erickson, has been elected western director of the National Federation of Paralegal Associations. NFPA is the oldest and largest national paralegal association, with 16,500 members through 52 affiliated associations.

Joseph C. Murphy of Toppenish has been admitted to the bar of the United States Supreme Court as one of a number of Gonzaga University alumni admitted together on June 11. Admitted in Washington in 1946, he practiced until 1973, serving over 25 years as Toppenish city attorney.

At its Bosses' Night dinner meeting in June, Greater Seattle Legal Secretaries' Association made the following awards: boss of the Year—**Asa D. Glazer** (Merrick, Hofstedt & Lindsey), Member of the Year—**Lynn Grignon** (Ferguson & Burdell).

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

The Washington State Chapter of the American Immigration Lawyers Association recently elected its officers for the 1990-1991 term: **Robert N. Tulloch**, president; **Frank H. Retman**, vice president; **David M. Brenner**, secretary; **Carol L. Edward**, treasurer; **Ira S. Rubinstein**, program chair; and **Janet H. Cheetham**, membership chair.

CLARK COUNTY REPORT by JOHN F. NICHOLS

Just beating the government restrictions on logging, an unknown partner at Blair Schaefer felled the stately old-growth maple which had stood for decades at 11th and Franklin. The cutting took place in the early-morning hours (approximately 9:30 a.m.) in an attempt to avoid tree huggers and before **Hugh Potter** arrived for his morning nap. However, the chopping did not take place without controversy. After someone had attempted to "spike" the tree with a copy of the local district court rules, **John Karpinski** chained himself to the trunk. Amid chants of "saw him in two," and "throw him in the chipper," Karpo suddenly remem-

bered that he had an extra key and proceeded to unlock himself. While the long-term effects of the cutting remain to be seen, early signs of trouble have occurred: **Dave Christel's** spotted parakeet died; **Bob Schaefer's** office temperature increased; finally, there have been sightings of a Green Peace Zodiac Boat in the courthouse core area.

Moves: **Art Miller** has moved his piano from Digger O'Dell's to his office. Those wishing to have Art "Play Misty" for them may schedule a half-hour consultation. A small donation in his brandy snifter may result in a waiver of initial consultation fee.

Golf Day: Straight from the verdant Fairways of the Royal and Ancient Orchard Hill's Golf Course come the unofficial results of the Annual CCBA Golf Day: Low gross: part-time attorney and full-time golfer, **Roger Knapp**, with an embarrassingly low score. Low net: part-time attorney and no-time golferette **Cynthia McCann**. Don't ask how this score was derived, but someone should get the net and throw it on the guy who came up with any system in which Cindy ends up winning anything other than longest divot. Most gross: As usual, **Billy Thayer**. Guest golfer: **Chris Blatner**, erstwhile husband of Ms. Low Net, whose very existence has been questioned. Chris is the president of the Multnomah County Bar Association's Golf Section (no kidding). Chris filed a domestic violence complaint after having to watch Cindy play. Best-dressed: **Steve Tubbs**, safari shirt, pith helmet and bow tie.

Bike Day: Out of the asphalt of east Clark County rode the Second Annual CCBA Bike Day. This event is an alternative to those lawyers whose athletic ability extends to being able to distinguish a gear from a sprocket. Spandex award: is bestowed upon that/those person(s) whose form expands the tensile strength of said material beyond its recommended limits. The division winners are: Male: **Jerry Eline** (a two-time winner who is virtually unchallenged in this field). Female: **Karen Feulner**, who in an attempt of false modesty advised that she had her tights taken in just for this competition.

There is trouble brewing in Vancouver. Assistant city attorney, **Jeff Riback**, has found a new way to generate more revenue for the city of Vancouver. Jeff, who prosecutes DWIs, was disturbed by the decline of drinking in the city and the resulting loss of fines. As a solution, Riback has concocted his own beer under the name of "B.A.150." The secret of his micro

brewery is low taste; low calories, but disproportionately high breathalyzer readings. For those interested in sampling a B.A.150, a tasting room has been arranged in the spare space at the city's Grant House Restaurant.

New Officers: Under the CCBA bylaws of one "party" and no vote, the following regime was inoculated into power by acclamation and disclaimer:

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John F. Nichols, president; **Scott J. Horenstein**, vice president; **Randy T. Grove**, treasurer; and **Alicia L. Lowe** (reigning Boss of the Year), secretary.

The president in his inaugural speech vowed that the CCBA would be more serious and more professional, as if such things were possible. But it was fun reading his lips, anyway.

EAST KING COUNTY REPORT

by RANDOLPH I. GORDON

Solon, Tiberius Sempronius Gracchus, Augustus Caesar, Emperor **Diocletian** each grappled with it. **Lanctantius** spoke of it as "the greatest public calamity and general sorrow." **Nero, Tacitus** reports, considered whether he should not order its repeal "and so confer a most splendid boon on the human race." And now, as the summer sun beats mercilessly down upon the hills of the Eastside, **Brian Derdowski**, King County Councilmember, speaks of it in community

meetings. It is the great issue of the Summer of 1990 on the Eastside. You can't avoid it—or death.

Tributum soli. Property taxes.

Hardly is the word out when, to paraphrase **Yeats**, a vast image out of *Spiritus Mundi* troubles our sight. Never before has the object of greater excoriation been contained within postcards, which is the medium of choice for the King County Assessor. The growth of the Eastside population, the pressure for growth and development, has just culminated in an increase of property taxes for 1991 of between 200% and 300% 1990 in property tax levels for many of its inhabitants. Senior citizens and long-term residents speak of being "taxed off" their property.

There is, of course, the right of appeal. But, as the King County Board of Equalization has stated in amiable bureaucratese: "Please understand that, by law, the Assessor is assumed to be correct unless the petitioner presents clear, cogent and convincing evidence that the Assessor has made an error."

Clear, cogent and convincing! (Translation: You lose!)

What is Councilmember Derdowski, elected on a slow-development platform, doing about it? So far, two meetings have been held informing community members how to appeal. But, Councilmember Derdowski, isn't the real question whether any control on development is going to be meaningful so long as landowners are taxed on the land's "highest and best use"? Can anyone afford a five- or ten-acre tract of undeveloped land when it is taxed as though there are twelve- or twenty-four-homes upon it? Is it equitable to increase taxes so abruptly without affording the population the opportunity to prepare their financial affairs? What is a landowner to do when confronted with a tax bill larger than the mortgage which is actually the case with some landowners on the Eastside? As one historian has noted, "Taxation in the later Empire was not very heavy, but it was arbitrary and not related to ability to pay." Talk abounds of limits on the rate of tax increase—linking it to the

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consumer price index. And if the bottom falls out of the real estate market as has occurred elsewhere, will the assessments drop and reimbursements be made? Don't count it (or on it) yet.

Tacitus reports that Nero's impulse was checked by the senators, "who, having first heartily praised the grandeur of his conception, pointed out that the dissolution of the empire must ensue if the revenues which supported the state were to be diminished."

It will be interesting to read Councilmember Derdowski's lips. In the meantime, the waters of Lake Sammamish are taking on the distinct aroma of tea.

PIERCE COUNTY REPORT

by GEORGE S. KELLEY

Judge Karen Seinfeld has been selected as the 1990 Distinguished Law Graduate of the University of Puget Sound School of Law. Among her other achievements, she is the first UPS grad to become a superior court judge.

Pat Bosmans, of the Tacoma city attorney's office, has been elected as president of the Washington State Association of Municipal Attorneys for the coming year.

Herb Gelman became a grandfather of a granddaughter. Those skeptics who thought Herb was too young to have grandchildren haven't seen him without his wig.

In the ongoing parking space wars at the courthouse, district court commissioner Kathryn Guykema issued the following memorandum to the staff and pro tems: "Contrary to what you may have been told, I DO use my parking space. If you have not been authorized to use it, AND YOU HAVE NOT BEEN, do not use it. If you are not the culprit here, the abrupt nature of this announcement does not apply to you. If you are the culprit, it does. Please heed it." (Emphasis added by the judge, not by your correspondent.) We must do something about wishy-washy judges and their ambiguous rulings.

Gene Godderis has filed for the superior court judgeship held by recent

appointee Terry Sebring. John Feutz is running against Judge Karen Strombom. Ralph Turco has filed for Judge Hal Murtland's spot on Tacoma Municipal Court.

There is some speculation that Judge Murtland is retiring and will not seek reelection. Kurt Salmon faces an upstream challenge against John Paglia in Gig Harbor District Court.

Finally, Stephen L. Bulzomi has become a partner in Messina, Duffy, which probably beats running for judge or even becoming a grandfather at a young age.

SEATTLE-KING REPORT

by JAMES A. VARNELL

Office Moves. Michael R. Sorenson and Bruce N. Edwards are new special counsel at Karr Tuttle Campbell. Paula S. Pridgeon has relocated to 200 S. 333rd St. in Federal Way. Jeannie P. Mucklestone and John Mucklestone, Jr. have joined Mucklestone & Mucklestone. Ellis &

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Li has opened a new office in south Seattle; new partners at the firm are **Michael R. McKinstry**, **Jan P. Olson**, **Daniel J. Ichinaga** and **Nancy L. Cahill**; **Mark K. Hatate** and **Rawleigh H. Grove** have become associates. **James H. Hicken III** has joined **Riddell, Williams, Bullitt & Walkinshaw** as a partner in the firm's Seattle office. **Craig Beles**

and **Gregory S. Paley** have formed **Beles & Paley** with offices in the Maynard Building.

Jeffrey A. Beaver has joined **Bryan Schiffrin McMonagle & Twiss** as an associate. **Talmadge & Friedman** has changed its name to **Talmadge Friedman & Cutler**, adding **Philip E. Cutler** as a new director; **Robert G. Nylander** is a new associate there. **Scott**

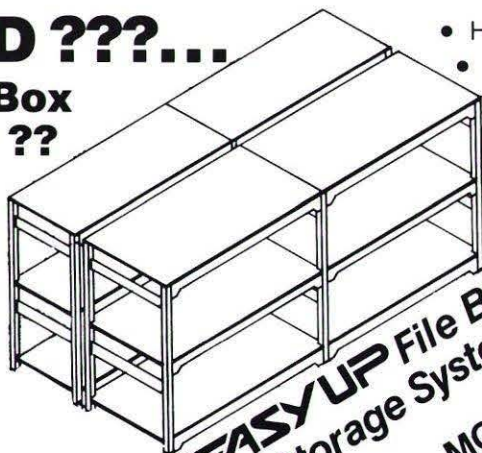
Campbell has joined **Helsell, Fetterman, Martin, Todd and Hokanson** as an associate; **C. James Frush** is of counsel; and **Robert Rupp** has been named managing director. **Taylor & Hintze** has changed its name to **Taylor Kahn** and is opening a Tacoma office with **Tom Dickson** supervising; **Peter B. Camp** and **Dean G. Von Kallenbach** have joined the firm.

Of Note. **Dan Wershow** has been awarded a Fulbright grant to consult through mid-December with the government of Malaysia's Ministry of Trade and Industry. **Alan Alhadeff** and **Robert G. Taylor** have joined the National Construction Panel of United States Arbitration & Mediation, Inc.; **Doug Jewett**, **Kerry Lawrence**, **Don Horowitz**, **John Cooper**, **Greg Bertram** and **Sherman Knight** have joined its Northwest Regional Panel. The American College of Tax Counsel has inducted **David F. P. O'Connor** as a new member. **Marguerite Schellentrager** has been appointed an administrative-law judge in Seattle for the U.S. Social Security Administration. **Joseph L. Brotherton** has been elected president of the American Association of Attorney-Certified Public Accountants, Inc. **Lane Powell Spears Lubersky** hosted a reception honoring the arrival in Seattle of White House Fellows (including **John McKay**) and their Soviet counterparts at a special leadership conference in conjunction with the Goodwill Games.

Life in the Fast Lane. A review of Seattle District Justice Court files reveals that in spite of the horror stories of Seattle's traffic congestion, some public servants are working to make it better. Officer **J. L. Jones** of the King County Department of Public Safety recently cited a defendant for driving in the car pool-transit lane, which requires three or more occupants in the car. Apparently, the defendant, who was driving a hearse, had only one live passenger with him, and a dead body in the back. The defendant, unsuccessfully, claimed that the dead body made him eligible for the car pool lane. (The reverse of the citation indicates that "his" seatbelt was hanging unused and unbuckled behind him. It is

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not noted whether the reference was to the driver, the passenger or the deceased.)

Seattle's Funniest Home Videos. In response to the significant popularity of a syndicated television show regarding homemade videos, we understand that tapes of the following have been submitted to the Fox TV network by local movie buffs: a federal-court closing argument by **Andrew R. Hamilton** with his fly open; a **Bart Simpson** imitation (unintentional) by **Kelly Corr**; a summary judgment argument in the style of **Morton Downey, Jr.** by **David Koopmans**; and the conducting of an expert's deposition **Geraldo Rivera**-style by **Mike Gossler**.

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Spokane attorney **Richard L. Cease** has been named the winner of the Washington Association of Criminal Defense Lawyers' William O. Douglas Award. Cease was selected to receive the award, the highest WACDL presents, in recognition of his outstanding dedication and service to the criminal defense, demonstrated through his 20 years of service as head public defender for Spokane. The award, a bust of former U.S. Supreme Court Justice **William O. Douglas** created by Oregon artist **Steve Parks**, was presented June 9 at WACDL's annual membership meeting.

At the annual meeting, WACDL also presented certificates of appreciation to six individuals in recognition of their outstanding service to the Association and its goals. Recipients were:

Robert C. Boruchowitz, president of the Washington Defender Association and co-chair of the WACDL Public Defender Committee, for his efforts on behalf of WDA—and the entire criminal defense bar—in the Legislature, in the Indigent Defense Task Force, and in the WSBA, which this year approved WDA's revised standards for indigent defense services.

David B. Bukey, for his work as co-chair of the WACDL Continuing Legal Education Committee and as co-chair of the Association's December 1989 seminar, "Criminal Law: The Year in Review."

Stephen W. Hayne, member of the WACDL board of governors, for his work as co-chair of WACDL's very successful 1989 Holiday Party and

Auction.

Michael P. Iaria, for his work as co-chair of the WACDL Membership Committee. During his one-year term, membership in the Association has grown from 329 to 453.

Lenell Nussbaum, for her work as co-chair of the WACDL Continuing Legal Education Committee and as co-chair of WACDL's spring seminar,

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Laurie Roffman, secretary to **Mike Frost**, for her extraordinary efforts on the 1990 Holiday Party.

Frost, of Seattle, is the newly elected WACDL president for 1990-1991. Vice presidents are **Steve Hayne** of Bellevue and **Robert Whaley** of Spokane. **Peter Offenbecher** of Seattle continues as treasurer, and **Steve Thayer** of Vancouver continues as secretary.

Winners of the races for position on the governing board are: **Mike Trickey** (1st district), **Jill Bernstein** (2nd district), **Mark Muenster** (3rd district), **Chelsea Korte** (4th district), **Roger Peven** (5th district), **Ron Ness** (6th district), **James Lobsenz** (7th district), **Irwin Schwartz** (8th district), **Tim Ford** (at large) and **Peter Mair** (at large). **Tim Kosnoff** (8th district) and **Julie Twyford** (5th district) were appointed to the board

to complete the terms of governors who vacated their positions.

They join current board of governors members **Katrina Pflaumer**, **Kathryn Ross**, **Jon Ostlund**, **Steve Warning**, **Jim Egan**, **Monte Hester**, **Karen Klein**, **John Muenster** and **Mark Vovos**.

WASHINGTON STATE ASSOCIATION OF MUNICIPAL ATTORNEYS

The following persons were elected or succeeded to their respective offices indicated and to the Washington State Association of Municipal Attorneys Board of Directors for 1990-1991 at their 34th annual meeting, June 14-15 in Yakima:

Patricia Bosmans, assistant city attorney of Tacoma, president; **Martin F. Muench**, city attorney of Puyallup, first vice president; **Larry D. Winner**, senior assistant city attorney of Spokane, second vice president; **Richard L. Andrews**, city attorney of Bellevue, board member representing cities of 2,500 or fewer population; **Mark O. Erickson**, city attorney of Olympia, board member representing cities between 2,500 and 50,000 population; **Sandra Driscoll**, city attorney of Federal Way, board member at large; **Sandra M. Watson**, assistant city attorney of Seattle, board member at large; **Wayne D. Tanaka**, city attorney of Issaquah, board member at large, West Side; **Daniel B. Heid**, city attorney of Sunnyside, board member at large, East Side; **Donald H. Stout**, chief assistant city attorney of Seattle, immediate past-president; **Robert F. Hauth**, general counsel of the Municipal Research and Services Center, secretary.

WASHINGTON WOMEN LAWYERS

In September, **Lillian Barna**, superintendent for Tacoma Schools, will be speaking to WWL members. This meeting will be held on Wednesday, September 26 at the Engine House Restaurant in Tacoma.

On October 24 at the Engine House,

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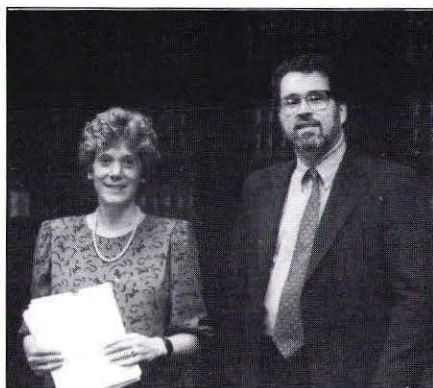
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Seattle attorneys **Margaret Niles** and **Michael Newcity** of Garvey, Schubert & Barer have studied and traveled in the U.S.S.R. They currently concentrate their practices on U.S.-U.S.S.R. joint business ventures, trade, immigration, intellectual property protection and taxation. They both teach in law schools, Niles at the U of W and Newcity at UPS.

WWL will present an issue forum on election candidates.

In November, WWL will host an evening program exploring career options for lawyers. We will have a panel: a lawyer/in-house counsel, a



July 5 meeting of the Executive Committee of the WSBA World Peace Through Law Section at Ivar's Salmon House on Lake Union. L to R: **Louise McAllister**, chair; **Bill Hanson**, Seattle; **Steve Bernheim**, now teaching legal writing at UPS; **Terry Savery**, Seattle.

judge, an attorney general, a law professor and a lawyer representing private practice.

In December, WWL will present a program concerning women as entrepreneurs.

IN MEMORIAM

Wayne J. Davies, 77, died June 28, 1990. Born in Silver Creek, Nebraska, Davies studied at Midland

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College, Creighton University and the University of Nebraska School of Law, from which he graduated in 1937. He was admitted to practice in Nebraska in 1945 and Washington in 1948. He was one of the founders of the Davies Pearson firm in Tacoma, and he was active in a variety of civic and professional associations. Survivors include his wife, two children and three grandchildren.

Kenneth R. MacArthur, 83, died June 30, 1990 in Seattle. An Alaska native, he earned his undergraduate and law degrees from the University of Washington. In 1934 he became supervising attorney for the Home Owners Loan Corp., and he later became escrow Washington Title Insurance Co. He moved still later to Wenatchee and served as president of a local title company.

MacArthur served in the Army during World War II, rising to the rank of lieutenant colonel. After the war, he practiced for a time with the Judge Advocate General's Corps. He became chief litigation counsel for the Small

Business Association in Washington, Oregon, Idaho and Alaska, and served as president of the Chelan-Douglas County Bar Association. Survivors include his wife, three children, eleven grandchildren

and seven great-grandchildren.

Arnold Sadler, 74, died June 27, 1990 in Seattle. Blinded as a child he was an activist for the blind for most of his professional career. In 1962, he founded the Northwest Foundation for the Blind, which provides scholarships, personal aid and other help to blind persons. He was president of the Washington Association for the Blind and a tireless advocate of employment opportunities for the blind. He even invented a talking calculator for the blind in the 1970s.

Alarmed at the number of hunting accidents in Washington some years ago, Sadler went to a Seattle hardware store with his guide dog, applied for and obtained a state hunting license. His stunt prompted a change in the application process requiring hunters to prove full vision to get a license.

Survivors include his wife and sister.

Retired Walla Walla County Superior Court Judge **John C. Tuttle**, 74, died June 7, 1990 in Walla Walla.

Born in Walla Walla, Tuttle attended local schools and Whitman College before attending the University of Washington School of Law. He served in the South Pacific with the U.S. Navy during World War II. After the war, he married and took up practice; from 1961 to 1977 he served on the bench. Survivors include his wife, two children and three grandchildren.

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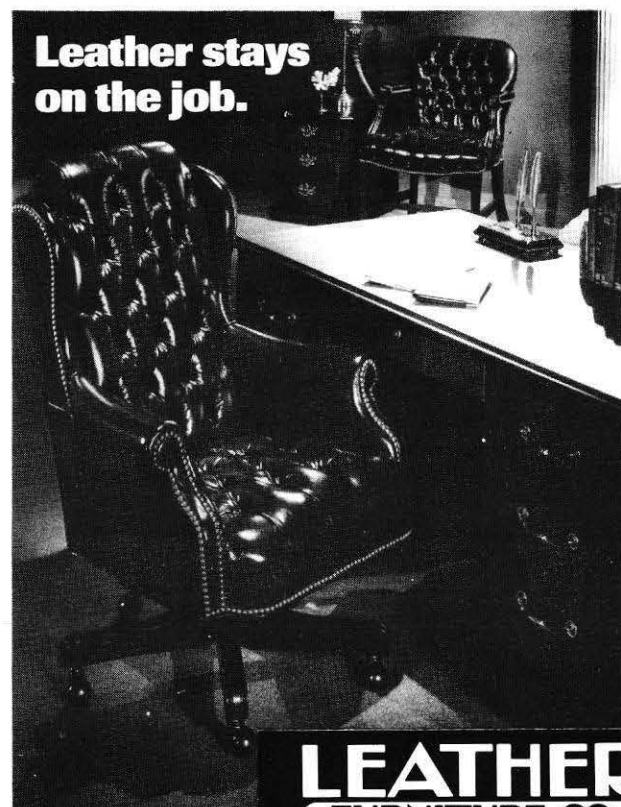
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