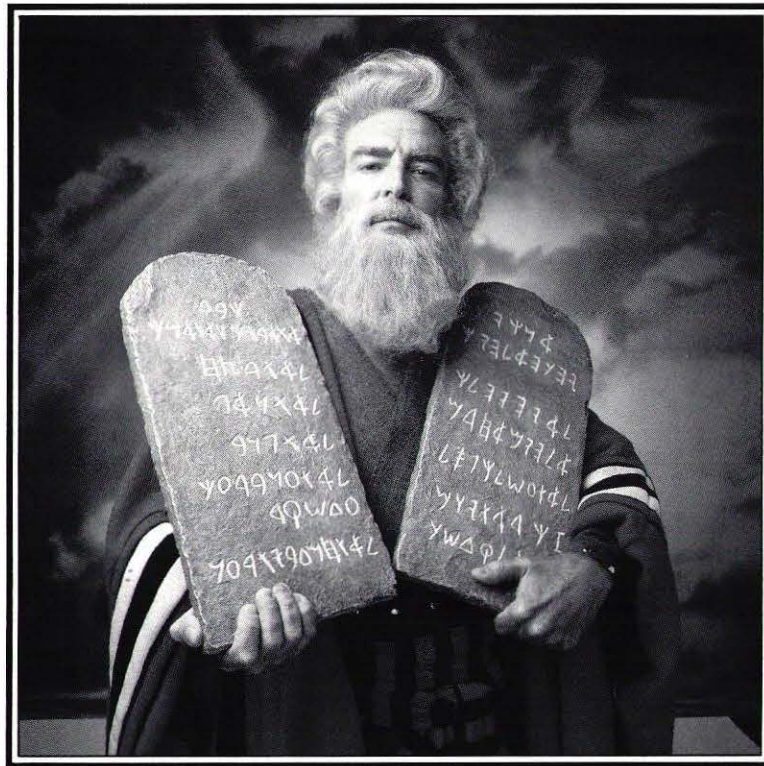


# Washington State **Bar** **News**

Vol. 47, No. 11, November 1993



## BY THE BOOK

### ANNUAL BOOK REVIEW ISSUE:

THE DISTRICT COURT *VADE MECUM* • IN THE MATTER OF BILLY K.  
LEGAL CLASSICS IN REVIEW: DREISER'S KALEIDOSCOPE  
A SPANISH/ENGLISH LEGAL DICTIONARY  
EDITOR'S CHOICE • SURVEY OF RECENT PUBLICATIONS

### ALSO:

ELECTRONIC ENVIRONMENTAL INFORMATION AT YOUR FINGERTIPS  
THE 1993 TAX LAWS  
RETIREMENT PLANNING FOR THE SMALL PRACTICE  
GOLDEN NUGGETS ON THE L.A.W. BBS

**NEW!**  
FROM WEST

# WASHINGTON CASE LAW™ AND REVISED CODE OF WASHINGTON ANNOTATED™ ON CD-ROM

With West's exclusive Key Number System.  
Also available: West's® Revised Code of Washington Unannotated.  
For more information, call 1-800-255-2549, Ext. 9000.

West Publishing   
More ways to win



## WASHINGTON LIBRARY

Special savings for West's RCWA print customers\*

For  
PROFESSIONAL LIABILITY  
Call

**HALL-CONWAY-JACKSON, INC.  
FORMERLY QUINAN-PICKERING, INC.**

- Serving Washington Attorneys Since 1960
- "A" Rated
- Premium Savings
- Prompt Service
- Limits From \$100,000/\$300,000 Up to \$5,000,000  
(up to \$10,000,000 available upon request)
- Carrier Known for Excellent Claims Service
- Special Low Rates for Defense Practices
- Can quote from other company's applications  
(Note: *not* renewal applications)
- Please telephone now for your application and specimen  
policy

**CALL US FOR YOUR COURT BONDS, TOO!  
EASY PROCESSING – QUICK TURNAROUND TIME**

Ask for Pat Stewart  
**HALL-CONWAY-JACKSON, INC.**

9725 - 3rd NE, Suite #401

P.O. Box 75978

Seattle, Washington 98125

**(206) 527-2444**

**Toll free: 1-800-877-8024**

**Fax: (206) 525-1316**



## Washington Lawyers Practice Manual

*The "all-in-one" library*

### WLPM: 7 Volume Set

The Manual includes over 3700 pages, covering 21 areas of law, in seven easy to use looseleaf binders.

### Analysis, Techniques and Step by Step Procedures in 21 Areas of Law

The Manual covers the 21 most common areas of practice. It includes Washington state and federal procedures, techniques and practice tips. You get straightforward information on the who, what, when, where and how of daily practice in Washington.

### Over 1000 Forms

WLPM compiles over 1000 forms, indexed by chapter and subject matter, covering anything from garnishment proceedings to bankruptcy.

### Checklists

The Manual's checklists help you better interview clients and cover basic legal points efficiently, and provide easy to follow step-by-step procedures.

### Bibliographies

In order to ensure ease of use, the Manual is designed to provide the Washington practitioner with the basic "nuts and bolts" laws and procedures. However, should unique and complex issues arise in your case, the WLPM also includes numerous bibliographies to help resolve any remaining questions or issues.

## Practice Manual Plus

**Now In Windows!**  
Includes New Mandatory Domestic Relations Forms!

### WLPM+: What Is Practice Manual Plus?

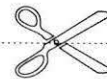
Practice Manual Plus combines IBM compatible computer software with the Practice Manual. It includes the entire text of eight of the most popular chapters of the Washington Lawyers Practice Manual--plus key RCW titles and court rules on computer disk. Special software enables you to instantly search all of the text of any of eight chapters, as well as the key RCW Titles and court rules. Practice Manual Plus will make your practice easier and more profitable. You'll spend more time thinking about important client issues and less time finding resources.

### Find Text Easily and Quickly

Practice Manual Plus can be called up with one computer command. To search for a topic or text, simply type the keywords--in a single keystroke the computer will locate the text. The software is so efficient that the process is literally instantaneous.

### Includes Relevant Statutes and Court Rules!

Another keystroke allows you instant access to principal statutes. For example, the Civil Trial Practice Chapter includes the Civil Rules, the Federal Rules of Civil Procedure, and RCW Title 4. You can travel through the text quickly and easily, locate relevant paragraphs, copy them to your word processor and into a memorandum or brief!



## Washington Lawyers Practice Manual

*The "all-in-one" library*

### To Order the 7-Volume Looseleaf:

- Send me the Washington Lawyers Practice Manual at \$530.00 + \$13.54 shipping/handling + \$44.57 tax, for a total of \$588.11.
- Help me keep my Manual up-to-date by putting me on "Automatic Reorder" status for Annual Supplements in 1994 and beyond. You will automatically send me the Supplement each year.

WSBA 11/93

### To Order the Software:

Please enter my order for the following chapters of the 1993 Practice Manual Plus software at \$50 per chapter for fewer than 4 chapters, \$40 per chapter for 4 chapters or more, or \$25 per chapter for updates of prior software chapters purchased. Prior purchases can be included to obtain special quantity discount! (\$2/ch. s/h + 8.2% tax)

Windows \$50/\$40 Regular Price	Windows \$25 Update Price	DOS \$50/\$40 Regular Price	DOS \$25 Update Price		Disk Size:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bankruptcy	<input type="checkbox"/> 3.5" (1.44MB)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Business Law	<input type="checkbox"/> 5 1/4" (360k)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Civil Trial Practice	<input type="checkbox"/> Please put me on "Automatic Reorder" status for software updates.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collecting Claims	<input type="checkbox"/> I qualify for the 4-chapter-or-more quantity discount
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Domestic Relations	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Personal Injury	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Probate etc.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Real Property	

### For All Orders, Please Complete the Following Information:

Name \_\_\_\_\_ **Method of Payment:**  Bill Me (this option not available for looseleaf product)  
 Firm Name \_\_\_\_\_  Payment Enclosed  VISA  MasterCard  
 Address \_\_\_\_\_  
 City State Zip \_\_\_\_\_ Cardholder's Name \_\_\_\_\_ Exp. Date \_\_\_\_\_  
 Phone \_\_\_\_\_ Card Number \_\_\_\_\_

Offer Effective Thru 12/93

**Mail To:**  
King County Bar Assoc.  
600 Bank of Calif. Bldg.  
900 Fourth Avenue  
Seattle, WA 98164-1005

ANNUAL BOOK REVIEW ISSUE

FEATURES

- The District Court *Vade Mecum* 15  
*Washington Criminal Practice in Courts of Limited Jurisdiction*  
reviewed by David Allen  
“**Vade Mecum:** F f. mod. L,= go with me...n. Handbook...carried constant about the person.”
- In the Matter of Billy K.*, reviewed by J. Scott Miller 17  
In a confusing time, when children seek to divorce their parents, a novel draws on real life to illuminate some of the complexities of child custody.
- Legal Classics in Review: Dreiser’s Kaleidoscope, reviewed by Philip H. DeTurk 18  
*An American Tragedy*, Theodore Dreiser’s 1925 novel, raises issues that reverberate through society and law even today.
- Survey of Recent Publications 23  
A look at some of the most interesting books received by the *Bar News* in 1993: *The Oxford Companion to the Supreme Court of the United States*; *The Oxford Dictionary of American Legal Quotations*; *Lawyers and the American Dream*; *Amending America: If We Love the Constitution So Much, Why Do We Keep Trying to Change It?*; *Legal Research . . . Without Losing Your Mind*; *Anatomy of a Personal Injury Lawsuit*; *Employment in Washington: A Guide to Employment Laws, Regulations and Practices*; *Immigrating to the U.S.A.: Who is Allowed? What is Required? How to Do It.*
- Butterworth’s Spanish/English Legal Dictionary, 26  
reviewed by José Gaitán, Glenna White and Susana Stettri Sawrey  
Lawyers with Spanish-speaking clients should find these two volumes most useful.
- Editor’s Choice, reviews by Lindsay Thompson 33  
*Wilkes: His Life and Crimes*; *Wilkes on Trial*; *Juggernaut: The Whitman Massacre Trial, 1850*;  
*From Profanity Hill: King County Bar Association’s Story*
- 
- How to Determine Who Knew What About Pollution When - or - How to Tell the Difference Between 41  
Companies Who Polluted on Purpose and Those *Who Just Did It By Mistake*, by Susan Golden  
This isn’t about a book, but it’s a goldmine of environmental-information sources, both historical and contemporary (read “electronic”).
- 
- The 1993 Tax Act: The Act Will Have Some Whistling Dixie and Others Singing the Blues 53  
by Joe F. Yonek and Robert K. Buchanan, Jr.  
The first of two articles. The authors introduce the new federal tax package. Next month, they’ll write “Tax Planning in the Wake of the Revenue Reconciliation Act of 1993: The Difference Between Riding the Wave and Floundering in the Surf.”
- 
- Golden Nuggets in the L.A.W. BBS: Valuable Information on the Cheap, by Cletus M. Weber 54  
Speaking of going electronic . . .
- 

COVER CREDIT

New York photographer of people, **Joe Toto**, graciously gave the *Bar News* permission to use his image of Moses receiving the Law on Mount Sinai. The background was especially designed to convey the feeling of a cosmic encounter. Careful research was done on the calligraphy, and when the Dead Sea Scrolls were discovered, a comparison proved the reconstruction to be quite accurate.

Published by  
 WASHINGTON STATE BAR ASSOCIATION  
 500 WESTIN BUILDING 2001 SIXTH AVENUE  
 SEATTLE, WA 98121-2599

LINDSAY THOMPSON, *Editor*  
 JENNIFER KLAMM, *Managing Editor*  
 JACK YOUNG, *Advertising Director*  
 KRISTY KING, *Editorial Assistant*

DENNIS P. HARWICK  
*Executive Director*  
 MARY ELIZABETH ST. CLAIR  
*Director of Communications*

©1993 Washington State Bar Association  
 Printed by United Graphics, Seattle

**BOARD OF GOVERNORS**

PAUL L. STRITMATTER, *President*  
 M. WAYNE BLAIR, *First District*  
 VICKIE K. NORRIS, *Second District*  
 MARY E. FAIRHURST, *Third District*  
 WEST H. CAMPBELL, *Fourth District*  
 JOSEPH NAPPI, JR., *Fifth District*  
 DANIEL L. HANNULA, *Sixth District*  
 JAN ERIC PETERSON, *Seventh District*  
 STEVEN G. TOOLE, *Eighth District*  
 JAMES V. HANDMACHER, *Ninth District*  
 MICHAEL A. LARSON, *King County*  
 LINDA J. DUNN, *King County*

EDITORIAL DEADLINE 15th day of month for second issue following. Direct correspondence to Washington State Bar News, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, telephone (206) 727-8215. All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Governors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

*Washington State Bar News* is published monthly by the Washington State Bar Association, 500 Westin Building, 2001 6th Avenue, Seattle, WA 98121-2599. Second-class postage is pending in Seattle, WA. \$6.70 of a regular member's dues is used for a one-year subscription. The annual subscription rate for inactive members is \$12.00. Nonmember subscription rate is \$24.00 a year.

POSTMASTER: Send address changes to Washington State Bar News, 500 Westin Building, 2001 6th Avenue, Seattle, WA 98121-2599.

**DEPARTMENTS**

**Letters:** Judges needn't be so isolated; praise for "News from Home," what do antilock brakes do to skidmark analysis; and more on sex with clients. Plus a judge's comments on the Sentencing Reform Act, and denunciation of the *Bar News* for hypocrisy, bigotry, and general non-PCness. Oh, well... **5**

**The President's Corner:** Governance, *by Paul L. Stritmatter* **11**

**Exec's Report:** The ABA Poll: The Public Perception of Lawyers *by Dennis P. Harwick* **13**

**An Innovative Approach to CLE** **22**

The Gray Pages

- **The Board's Work:** The Governors met after the *Bar News* went to press. The October meeting will be reported in the December issue. **27**
- **Digest:** Discipline, Annual Bar Dues/Licensing Deadline; Mental Health Services Board Members Needed; the Usual Usury Rate; State Law Library Short Book List; the Legal Foundation of Washington advises on IOLTA accounts. **29**
- **Calendar:** November and December are *full!* **29**

**Office Practice Tips:** Retirement Planning for the Small Practice, Part 1, Qualified Plans, *by Kent Tarpley and Linda Schuler* **36**

**In the LAP:** Ten Commandments for Lawyers' Health **39**

**In the News:** Lawyer-dunking for United Way; Food Frenzy **40**

**Automation Briefs:** Computers are Required for the Practitioner to Avoid Malpractice, *by David M. Sandhaus* **51**

**Around the State:** News from Home, from Clark, Kitsap, Pierce and South King county bar associations. **56**

**In Memoriam:** Charles Snyder and John K. Johnsen

**Notices** **59**

**Classified Advertising Information** **59**

**EDITORIAL ADVISORY BOARD**

LIS WIEHL, *First District, Chair*

BROOKS L. BALDWIN, <i>First District</i>	ROBERT W. MARSDEN, <i>Sixth District</i>
THOMAS D. OVERCAST, <i>First District</i>	ROBERT C. CUMBOW, <i>Seventh District</i>
JOAN E. SULLIVAN, <i>First District</i>	TAMMY LEWIS, <i>Seventh District</i>
CHARLES B. JACKSON, <i>Second District</i>	CONNIE LIND, <i>Seventh District</i>
KIMBERLY PAGE, <i>Second District</i>	WILLIAM PHILBRICK, <i>Seventh District</i>
NANCY KRIER, <i>Third District</i>	HANS THIELMAN, <i>Seventh District</i>
JAY FLYNN, <i>Fourth District</i>	GREGORY L. RUSSELL, <i>Eighth District</i>
JILL KELLER, <i>Fourth District</i>	JAMES BAKER, <i>Ninth District</i>
CHRISTOPHER A. JOHNSON, <i>Fifth District</i>	PENNY HAZELTON, <i>King County</i>
J. SCOTT MILLER, <i>Fifth District</i>	CAROLYN M. VAN NOY, <i>King County</i>

**WSBA PHONE NUMBERS**

<b>General Information</b> .....	<b>(206) 727-8200</b>	<b>Fax</b> .....	<b>(206) 727-8320</b>
Administration .....	(206) 727-8200	CLE .....	(206) 727-8202
Licensing .....	(206) 727-8210	Admissions .....	(206) 727-8209
Legal .....	(206) 727-8207	Communications .....	(206) 727-8203
Lawyers' Assistance Program .....		(206) 727-8268	



*Letters to the Editor of reasonable length are invited. They should be typed on letterhead and signed. The editor reserves the right to select communications or excerpts therefrom for publication and to edit any letter as may be appropriate.*

### In Defense of the Right to Hang Around

Editor:

This is in reference to a passing remark in George Kelley's "Pierce County Report" in the August, 1993 *Bar News*. It was reported that Elaine Houghton had been appointed to the Court of Appeals, Division II, and "since judges are not allowed to hang around with lawyers" Tony Froehling had been appointed to complete her term of office as a trustee of the Tacoma-Pierce County Bar Association.

Please be advised that the Canons of the Code of Judicial Conduct (CJC) do not prohibit judges from serving as trustees of county bar associations (Ethics Committee Advisory Opinion 86-3). In South King County the current bar association board of trustees includes three judges (two District Court judges and one Superior Court judge). Judges are encouraged to engage in activities which improve the law, the legal system or the administration of justice, either independently or through a bar association (Ethics Committee Advisory Opinion 92-2).

It is this judge's opinion that all judges should be active in their local and county bar associations. A bar association should not presume that a judge would not want to hang around with lawyers, nor should a judge assume the bench and presume she/he cannot hang around with lawyers.

JUDITH R. EILER

Judge, King County District Court  
Federal Way Division

### "So, then Louie says to me—"

Editor:

Many thanks to you for recently lifting the veil from my eyes regarding the Lawyers' Assistance Program (LAP). Heretofore, I'd viewed it as little more than a day care service for those of our brethren who just seem unable to shoul-

der those mundane adult tasks which constitute making a living by providing legal services. I confess that inveterate skepticism clouded my assessment of this WSBA "service."

The September *Bar News* (page 42) indicated that 32 percent of our ranks are "... experiencing dissatisfaction with our love relationship with our spouse or companion." It went on to note that the legal profession, among its other drawbacks, apparently and uniquely creates: (1) time limitations; (2) an inability to listen; (3) angry outbursts; (4) financial difficulties; (5) stress-related fatigue; (6) inappropriate limit setting; (7) patterns of broken commitments.

I passed these "facts" along to my old pal Louie, who is a plumber. We were nursing the latest in a long line of schooners at an unnamed pub. Louie's spouse, who may in fact enjoy only companion status, had just ejected him from their shared residence in a hail of vituperation and broken crockery. She cited, as grounds for eviction, his apparent inability to listen to her unending catalogue of various lamentations, such as

financial difficulties (this had to do with his recent purchase of a new pickup and matching hunting dog) and broken commitments (apparently he'd opted for Monday Night Football and thus had broken their date to attend the local mud wrestling championships). Coincidentally, she is a plumber.

The long and the short of it is that, based on my recommendations, Louie successfully induced the local union membership to adopt their own counseling program—one remarkably similar to ours. It will be called PAP, the Plumbers' Assistance Program. This will also serve to notify you that I've provided Louie with your address and phone number, since the WSBA is undoubtedly in a position to tutor these counseling, and counseled, neophytes in their quest for the perfect profession.

LARRY W. ZEIGLER  
Richland

### Ah, Jeez, Not Again...

Editor:

Stories and illustrations about all-male legal partnerships with crazy women cli-

## KEY ARGUMENT

If you rely on an archaic key numbering system for your computer-assisted research, you had better be good at second-guessing. Because before you can access information, you must first ascertain how the original source — a case, statute or code — phrased it.

Then again, you can use CD Law.

Our search software allows you to do research based on key *words*, not numbers. Consider the search:  
"can a parent sue

for the wrongful death of an unborn fetus killed in an automobile accident." With CD Law, you can type in the search exactly as phrased, or construct a Boolean search and have your results in about 20 seconds.

Where might you find the same case using the aforementioned key numbering system? Try "Minors"

Then, try CD Law. For a FREE  
30 day trial, call

**(206) 623-1688.**

## CD LAW

THE STATE OF  
WASHINGTON

# WSBA CLE Stands for Answers and Information

*"Local videos are great."*

**Each Year, WSBA CLE Brings You Nearly 500 Hours of CLE.** This year we are offering over 60 different seminars and taking them to locations around the state, including Seattle, Olympia, Wenatchee, Vancouver and Spokane.

*"Lots of hints and insights."*

**We Work Hard to Earn Your Praise.** We give you a wide range of choices including employment law, trusts and estates, environmental law, growth management, litigation, and negotiation. And unlike other providers, we don't neglect those narrower practice areas like intellectual property, international business law, health law and antitrust.



**Washington State Bar Association**  
**Continuing Legal Education**  
**Call us at 206 727-8202**

*"The book is great resource material."*

**We Hear that from People Whose Business It Is to Know.** Both our registrants and indexers who review our course books and those of other CLE providers consistently comment that our books are the most comprehensive and provide the best analysis.

*"What's your latest book on workers comp?"*

*"Do you have anything on irrevocable trusts?"*

**Every Day, WSBA CLE Staff Answers Your Research Questions.**

We answer dozens of calls every day from attorneys and paralegals looking for a research lead. With the help of CLEDEX, a comprehensive index covering hundreds of WSBA CLE course books and those of other providers, we will help you track down the elusive reference work... whether or not we published it.

## NOVEMBER

- 38th Annual Estate Planning Seminar**  
Seattle - WA State Convention & Trade Center - 11/4-5  
15.0 CLE Credits \$260
- Essentials of Real Estate**  
Seattle - Seattle Sheraton Hotel & Towers - 11/11  
Olympia - Westwater Inn - 11/18  
6.5 CLE Credits \$130
- Takings and the Growth Management Act**  
Seattle - Sheraton Seattle Hotel & Towers - 11/12  
6.5 CLE Credits \$130
- 10th Annual Antitrust Conference**  
Seattle - Seattle Hilton - 11/12  
5.0 CLE Credits \$155
- The New Health Care Services Act**  
4.25 CLE Credits \$85
- Critical 1993 Changes in Medicaid Nursing Home Eligibility Rules**  
3.0 CLE Credits \$70  
Both Health Care and Medicaid \$140  
Spokane - Cavanaugh's River Inn - 11/12  
Seattle - WA State Convention & Trade Center - 11/19
- Effective Voir Dire in a Criminal Case**  
Seattle - Washington Athletic Club - 11/20  
6.5 CLE Credits \$135
- Negotiation & Settlement Advocacy for Experienced Lawyers**  
Seattle - WA State Convention & Trade Center - 11/18-20  
18.0 CLE Credits \$495

## Upcoming Seminars

## DECEMBER

- Damages Strategies in Commercial and Tort Litigation**  
Olympia - Ramada Inn - 12/3  
Bellevue - Bellevue Hilton - 12/10  
6.25 CLE Credits \$135
- Drafting Wills and Other Estate Planning Documents**  
Seattle - WA State Convention & Trade Center - 12/3  
Spokane - Cavanaugh's Inn at the Park - 12/10  
6.5 CLE Credits \$135
- Collection of Judgments**  
Seattle - WA State Convention & Trade Center - 12/16  
Spokane - Cavanaugh's Inn at the Park - 12/16  
6.5 CLE Credits \$130
- Why Choose Federal Court?**  
Seattle - Seattle Hilton - 12/17  
6.5 CLE Credits \$130
- Best of CLE<sup>sm</sup> 1993**  
Seattle - Seattle Hilton - 12/23  
Spokane - Cavanaugh's Inn at the Park - 12/23  
6.5 CLE Credits \$125
- The Art of Distribution Law Advocacy**  
Seattle - Seattle Sheraton Hotel & Towers - 12/30  
6.0 CLE Credits \$140

ents who dance before them on tabletops may have their place. That place, however, is not on the cover, nor on the pages of a magazine funded by the Washington State Bar Association.

SUZANNE LEE ELLIOTT  
Seattle

Editor:

In the last edition of the *Bar News*, you responded to a letter from the Governmental Bar Association President which had discussed the proposed mandatory assessment scheme to fund the Client Security Program. In response, you assumed that all government attorneys believe that "they are an island, separate unto themselves." This comment was offensive, and at best, incongruous with the letter published in that same issue of the *Bar News* by incoming President Stritmatter, which advocated inclusion of all interests within the bar, including government lawyers.

On the subject of the Client's Security Program, if, as you noted in your comment, the funding options for the program have been under active study and discussion by the Board of Governors for a long time, the content and extent of those discussions has not been communicated through the *Bar News* or otherwise to the membership. Upon reading about the proposal, I contacted the Governor-elect from my district and suggested that the Bar look into using IOLTA money to fund the Client's Security Program, because it would be logical to have the interest on trust accounts fund the security for those same accounts.

As for your assumption that government attorneys consider themselves "an island, separate unto themselves," in thirteen years as a practicing governmental lawyer I have never belonged to the Governmental Lawyers Bar Association, but have always been a dues-paying member of my local bar association. And, believe it or not, I don't always agree with every point of view advocated by the Thurston County Bar Association, either.

You paint with too broad a brush, which has the tint of bigotry. If you cannot respect an open dialogue and diversity of opinion on an issue affecting the Bar, then you are a hypocrite and it is not appropriate for you to continue as

editor of the *Bar News*. It seems to me that you owe not just the government lawyers, but the entire bar, an apology.

MICHAEL P. LYNCH  
Olympia

*(Editor's response: My response to the GLBA president's letter in the September Bar News was about two things. One was that it said my "Board's Work" report on the GLBA's response to the Client Security Fund was wrong. I was*

there; the author of the letter wasn't. I defended my report.

The other thing my response was about was my observation of GLBA representatives at Board of Governors' meetings since 1988. I can't recall ever hearing them endorse an idea that would cost their members money. I note with interest that, coincidentally, Mr. Lynch's alternative funding idea for the Client's Security Program would exempt gov-

## A P P E L L A T E P R A C T I C E

### REED McCLURE

ATTORNEYS AT LAW

WILLIAM R. HICKMAN

PAMELA A. OKANO

MARILEE C. ERICKSON

3600 Columbia Center  
701 Fifth Avenue  
Seattle, WA 98104-7081  
206/292-4900

### Perils of Appeal — Part XI

#### DON'T MAKE YOUR ARGUMENT IN A VACUUM.

Relate the law to the facts  
of the case.

The Appellate Team at  
Reed McClure is available  
for consultation, association  
or referral on your appeal.

## Who does the IRS go to with a tough business valuation case?

### The First Princeton Corporation

- Reliable business valuations
- Divestitures and acquisitions
- Portfolio management

*The Northwest's only business valuation firm with actual market  
knowledge about deals that get done—and those that don't.*

William E. Holmer, ASA, President  
Five Centerpointe Drive, Suite 100  
Lake Oswego, Oregon 97035  
(503) 598-9399

**Experienced,  
Dependable, Thorough.**

**A name you can trust.**



An Accredited Senior Appraiser of The American Society of Appraisers

ernment lawyers, who don't have trust accounts.

I also know a lot of government lawyers. They tell me what they think. Lots of them write to the *Bar News* about their views. (From 1991 to 1993 I was one myself, though not a GLBA member—they're pretty much an Olympia crowd). They have tended to complain—excessively, in my view—that the WSBA doesn't do enough for them, that

it doesn't put on CLEs that interest them, that they wouldn't go anyway because they'd have to pay for them; that to attend the old annual conventions would cut into vacation time—all manner of reasons not to get involved with the state bar association. People who sit on the sidelines haven't much basis for complaining how the game is going. I agree with Paul Stritmatter's comments about including government lawyers in WSBA

affairs, but government lawyers need to meet the Bar Association half-way.

As for Mr. Lynch's view that the Client Security Program proposal has not been communicated to members through the *Bar News*, I can only refer him to President Joe Delay's column, June 1992, page 9; "The Board's Work," December 1992, page 43; the article, "It's Your Concern," by Administrative Review Judge Ellen G. Anderson, January 1993, page 23; "The Board's Work," January 1993, page 36; "The Board's Work," February 1993, pages 41-42; "The Board's Work," June 1993, page 33; "The Board's Work," July 1993, page 29; and the article, "Proposed APR 15: Lawyer's Fund for Client Protection", by Robert D. Welden, August 1993, page 22. The matter has also been extensively covered by WSBA Governors in their newsletters, particularly by former Third District Governor Steve Tubbs, in whose district Olympia lies. The GLBA has also had a representative at every meeting I can recall for many a year, who presumably reported what was going on to the GLBA members.

Calls for respect for diversity nowadays seem to mean that one *can't* disagree with another. To differ is, apparently, to be a bigot.)

### The Kafkaesque Delights of Sentencing Reform

Editor:

In the August *Bar News*, David Heller observed that "the present sentencing scheme for drug crimes . . . treats different people as if they were the same. Heller is correct, but barely scratches the surface.

The Sentencing Reform Act, in its zealous pursuit of "proportionality", applies the same unthinking approach to *most* crimes. What's more, it schizophrenically treats people who *are* the same as though they were different. Here are a few examples:

*Sam, 51, is a model citizen.* During a card party at Sam's, his loutish neighbor Brutus slaps his wife for a "stupid" play, pitches the card table over and announces he's going home. Sam, having had a bellyful of Brutus' abusiveness, follows him, storms through the door and punches Brutus square in the nose. Meanwhile, across town, Joe, 20, breaks into his vacationing neighbors' garage,

## BUSINESS VALUATIONS

*and economic analyses*

for . . . SALE / MERGER  
EMPLOYEE STOCK OWNERSHIP PLANS  
ESTATE "FREEZING" RECAPITALIZATIONS  
GIFT & ESTATE TAX  
DIVORCE  
DAMAGES & LOST PROFITS  
FAIRNESS OPINIONS  
SUBCHAPTER S CONVERSIONS  
BUY / SELL AGREEMENTS  
EQUITY DISPUTES  
REORGANIZATIONS  
STOCK OPTION PLANS  
DISSENTING SHAREHOLDER ACTIONS  
REASONABLE EXECUTIVE COMPENSATION  
INTANGIBLE ASSETS & GOODWILL  
LITIGATION / ARBITRATION  
EXPERT TESTIMONY

that's *all* we do.

### BUSINESS VALUATION RESEARCH, INC.

PAUL T. CLAUSEN, BSME, MBA, ASA  
Seattle: (206) 622-6883  
Spokane: (509) 747-8737

Suite 2150  
701 Fifth Avenue  
Seattle, WA 98104

*over 1000 businesses appraised since 1971*

steals their lawn mower, and sells it for drug money. Sam is charged with residential burglary and assault; Joe, with second degree burglary and theft. Each pleads guilty to the burglary in exchange for dismissal of the other count. In light of the circumstances and his exemplary record, Sam gets the minimum—three months. Joe, however, receives the maximum—three months.

**Identical twins Ken and Oliver commit identical crimes in King and Okanogan Counties, respectively.** Ken is charged with only the most serious offense, first-degree robbery, the prosecutor agreeing not to file other available charges in exchange for a guilty plea. Over in Okanogan, they throw the book at poor Ollie. After trial, he's convicted of first degree robbery, taking a motor vehicle, vehicular assault, and felony eluding. Ken's range is 31 to 41 months. Oliver's is 51 to 68 months.

**Sally convinces her friend Maria (both are 18) to help her scare a neighbor boy, almost 13, who has been relentlessly pestering Sally to buy alcohol for him.** According to the plan, Maria

sneaks her father's unloaded pistol out of the house. Sally points it at the neighbor, telling him, "bug off or die!" Both are charged with second degree assault of a child. Maria has never been in trouble of any kind, while Sally has been a discipline nightmare, repeatedly in and out of school and juvenile detention. She's been convicted of DWI and DWS twice, shoplifting three times, assault four times, and minor in possession of alcohol and marijuana. She also has juvenile felony convictions for burglary and theft, sentenced on the same day. Maria's SRA range is 31 to 41 months. So is Sally's.

**Cindy is sexually abused twice during the week of her twelfth birthday.** Before her birthday, the neighbor boy, Nathan, age 19, inappropriately touches Cindy's buttocks while they're at a swimming party. She protests, he apologizes, and no further misconduct occurs. The following Saturday, after Cindy's birthday, her stepfather, Hank, maneuvers her into his bedroom and there has sexual intercourse with her. Cindy is too mortified to offer any resistance. Nathan,

for first degree child molestation, faces 51 to 68 months. Hank's range, for second degree rape of a child, is the same.

**Roommates Juan and Bill are selling cocaine, splitting the profits 50/50.** A police informant makes a purchase from Juan. Instead of arresting Juan, the police wait while the informant does further work in the area. On three subsequent visits, the informant buys twice from Juan and once from Bill. Juan is charged with three counts of delivery of a controlled substance, Bill with one. Juan's range is 67 to 89 months; Bill's is 21 to 27.

**Felton and Missy team up to steal an expensive computer.** Felton pleads guilty to first-degree theft, as charged, and is sentenced by Judge Goode to mid-range: 45 days. Missy's lawyer negotiates a reduction to third-degree theft, a gross misdemeanor. However, Missy is sentenced by "Hangin' Hannah," the toughest judge in the county, to 240 days.

The Legislature, intending to prevent maverick judges from imposing weird, arbitrary sentences, deprived them of most of their discretion. Prior felony

## MORE STATE BAR ASSOCIATIONS SPONSOR "THE HOME" THAN ANY OTHER INSURANCE COMPANY

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



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

Before your coverage expires, call us. Let us give you a FREE premium indication. More than 1700 law firms in Washington are already receiving these benefits. When it comes to insurance, come to the leader.

**SEABURY & SMITH**

Call Ann Melendez at:  
(206) 292-7148 or 1-800-522-7200 ext. 148

record is established as the one overriding relevant factor, but a bewildering assortment of rules counts some prior crimes, multiplies others, and ignores still others. Police and prosecutorial discretion can not only influence the outcome, but determine it. Crimes with the same name, but which encompass vastly different conduct, are presumed to be practically identical.

The SRA has removed the threat of off-the-wall sentencing by virtually guar-

anteeing it.

EVAN E. SPERLINE  
Judge, Grant County Superior Court  
Ephrata

### Thanks, Very Much

Editor:

I read with interest an item about former classmates of mine, Randy Geller and Jennifer Hubbard, in the August issue of the *Bar News*. It seems to me that the "News from Home" feature of the

magazine, which I had never paid too much attention to before, serves an invaluable service to members of the bar by allowing us to keep up to date on old acquaintances. This is especially important to me because I no longer live in Washington. . . .

Again, thank you for providing an important service.

ANDREW B. TURK  
Phoenix

### The Unasked Question

Editor:

I read with great interest Ned Stuart's article on the importance of proper tire skid mark evidence in traffic accident litigation.

Unfortunately, Mr. Stuart did not mention one question that should now always be asked by the investigating officer, and attorneys, to properly interpret skid mark evidence—did any of the automobiles involved in the accident have anti-lock braking systems?

Perhaps Mr. Stuart could write a follow-up article explaining the importance of this question.

J.A. WRIGHT  
Lewiston, Idaho

### Necrophiliacs, Rejoice!

Editor:

I applaud proposed disciplinary rule 8.4(h), forbidding sexual contact between clients and their lawyers, but believe it is only a preliminary step. I propose that all active members of the Washington State Bar Association be forbidden sexual contact with any person, unless (1) the nonlawyer participant, with independent counsel, executes an agreement that he or she will never seek the legal services of the lawyer participant; or (2) the nonlawyer participant is dead and his or her estate has been closed.

MICHAEL J. CRANSTON  
Seattle

### Request for Contributions

William F. White, 205 Berwick Road, Lake Oswego, Oregon 97034, is seeking anecdotes of unusual or humorous courtroom encounters for a book to be titled, *Tricks of the Trade in the Practice of Law* or *The Lighter Side of Practicing Law*.

## Make Your Family Law Cases Easier!

### Forms+Plus™ Software

#### Easily Produce All of the Mandatory Family Law Forms

The easy and accurate way to produce all of the REVISED mandatory family law forms developed by the Pattern Forms Committee. With **Forms+Plus™**, select a pleading form from a handy menu. That form instantly appears on your computer screen and is already filled in with your client's information. State's forms are easily modified by typing right into the form or with text from any word processing document to **create your own modified forms**. As you add more client information, any other form requiring that same information automatically is filled in.

Integrates **SupportCalc™** data!

### SupportCalc™ Software

#### Proven Accuracy For Calculating Child Support

1000 family law attorneys already save time using **SupportCalc™** to make important decisions with their clients instead of bending over complicated forms, schedules, tables and calculators. **SupportCalc™** lets you practice law ...not accounting. **SupportCalc™** has been updated to include the 1993 I.R.S. Tax Tables.

#### Instant and Accurate Financial Declarations With **SupportCalc™/FD**

**SupportCalc™** has been made even better. Now you can produce the **NEW Financial Declaration** accurately and efficiently. The **Financial Declaration** requires totals and subtotals - exposing you to math errors and oversights, unless you let **SupportCalc™/FD** do the work for you. Gives your **Financial Declaration** the same credibility as your **Child Support Worksheets**.

### ORDER TODAY -- SHIPPED TODAY!

We will *immediately* ship you the software which is the standard for Family Law cases. Legal+Plus software is proven in thousands of cases since 1988. Easily produce accurate and correct Mandatory Family Law Forms, Child Support Worksheets and Financial Declarations *NOW!*

### CALL TODAY For Free Information or Demonstration!

(206) 286-3600 (Seattle area)

1-800-637-1260 (toll-free)

**LEGAL+PLUS™**  
LEGAL+PLUS SOFTWARE GROUP, INC.

P.O. Box 9759, Seattle, WA 98109

**30-DAY MONEY BACK GUARANTEE**



## GOVERNANCE

by **Paul L. Stritmatter**  
*WSBA President*

How people are governed has been a debate for as long as men and women have banded together. The Boston Tea Party underscored the frustration of those in the remote colonies as to how England was governing them. Lawyers have often played a very key role in this country in structuring models for governance and the day-to-day operations of governing bodies. So how should lawyers be governed?

Our current system of governance has been in place for 60 years, dictated in part by the State Bar Act of 1933. That act empowered a Board of Governors to govern us. It provides that the Board consist of not more than 15 members, with one member from each congressional district and such additional members elected as provided by the bylaws of the association. In conformance with the governance concept of one person-one vote, the bylaws provide for two governors elected by King County at large. Each governor serves a three-year term. In 1993, four new governors were elected; in 1994, three new governors will be elected; in 1995, four new governors will be elected.

Our model for governance has been a subject of discussion many times in recent years. The most recent debate involved the proposal to create a Young Lawyers-designated position on the Board of Governors. The Division withdrew the proposal when it became apparent that there were not sufficient votes to approve the idea. One of the persuasive arguments against the idea was that the issue should not be dealt with in a piecemeal fashion, but governance should be looked at in its entirety.

At its September meeting, the Board of Governors authorized the establishment of a task force to study the governance of the Bar and to present a comprehensive report to the Board not later than July 1994. The task force is to study

and review various models of governance and report on their advantages and disadvantages. Further, the task force is charged to make a recommendation regarding what changes, if any, with the reasons therefor, it would recommend.

Many concerns come to mind when we consider this issue of governance. One suggestion has been that a house of delegates should be established similar to the model of the American Bar Association. That format has been in place since 1936. It includes representatives of all state bar associations and some local bar associations. Section chairs are voting members of the House, and section delegates have seats. Some states have young-lawyer delegate requirements. The House of Delegates has the ultimate responsibility for establishing association policy, and meets twice a year. The Board of Governors is elected by the membership by district; however, the House elects the officers. The Board of Governors provides the basic day-to-day-governance.

The argument most often heard for changing our governance model is that the current one is not sufficiently inclusive. Some members of the organization and some groups of members feel disenfranchised. They seek a place at the table of governance and a model that will assure broad representation of all the members. Questions are asked about what role sections should play in our governance. Should our governing body include representatives from the unaffiliated bar associations in the state of Washington; the specialty bars; the minority bars; or the county bars? What role should the judiciary play in the governance of the Bar Association?

Our current system of governance includes a rather formalized process of liaisons who attend each board meeting. By way of example, most board meetings are attended by liaison representatives from the Young Lawyers Division, the King County Bar Association, the King County Bar Young Lawyers Divi-



*Paul L. Stritmatter*

sion, Washington Women Lawyers, the Government Lawyers Bar Association, the District Court Judges Association, the Superior Court Judges Association, the Court of Appeals, the Washington State Trial Lawyers Association, the Defense Trial Lawyers, the Legal Foundation of Washington, the Washington Association of Prosecuting Attorneys, the Attorney General's office and the Administrative Law Judges Association. These liaisons are provided with copies of the materials for the voluminous agenda for each board meeting and are then recognized during discussion and debate to speak on any issue they wish. While they have the opportunity to provide input to the debate, they do not have a vote in deciding the issues. The Board is often influenced, however, by persuasive argument and thoughtful input from those organizations. Would our governance be better-served if these organizations had a vote rather than simply the opportunity to participate in the debate?

A significant issue on governance involves the question of whether or not there should be lay members on the WSBA governing board. We need only look as close as the Oregon State Bar Association to see that they have three lay members on their 15-person board. Alaska has three lay members on its 12-person board. California has six lay members on its 23-member board. Currently, we have lay members who serve on our Disciplinary Board, the Fee Arbitration Panel, the Character and Fitness Committee, the Client's Security Program and the CLE Board. I am not

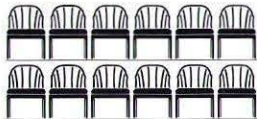
## WE KNOW HOW TO SELL YOUR CASE TO A JURY

*The key to a winning verdict is knowing how jurors think. From the simplest to the most complex litigation, we bring the jury's perspective to every aspect of your case. Our services help you:*

- **evaluate the probability of prevailing at trial**
- **test case themes, strengths & weaknesses**
- **find out what your case is worth**
- **improve witness performance on the stand**
- **obtain the best jurors for your case**

*Discover why top litigators throughout the country call on us when preparing for trial.*

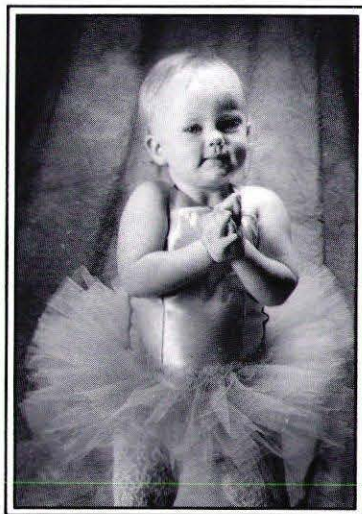
*For further information, please call or write:*



### HOWARD VARINSKY ASSOCIATES JURY & TRIAL CONSULTANTS

2100 Funston Place • Oakland, California 94602  
(510) 530-2252

*Performance  
Guaranteed*



## Rough & Associates

*Incorporated*

C O U R T R E P O R T E R S

(206) 682-1427

Fax 682-2996

1218 Third Avenue, Suite 1000, Seattle, WA 98101

aware of a single complaint or objection to the participation of these lay members. In fact, they have brought important insight to the issues, and they have been fine contributors to the decision-making processes of those boards and committees. Isn't it important that we not only have private citizen participation in the governance of the Bar Association, but that the public realize that there is lay person involvement in our governance?

Our method of selecting the president is also an issue for discussion. (I personally favor a model under which every other year the president would be a lawyer from Hoquiam.) Currently, the president is elected by the Board from King County every other year. In the alternate years, the president is elected from eastern Washington and western Washington outside of King County. A president-elect is named by February 1 each year to begin presiding after the annual meeting in September.

As I write this column (September 23), I am in the process of naming a 20-person task force to study the issue. My appointments will be subject to confirmation by the Board. I am seeking to make appointments that will assure geographic representation, different types of legal-practice backgrounds, gender, ethnic and age diversity, and various points of view regarding the Bar Association. I have already written to the presidents of many of the unaffiliated bar associations and specialty bars, and not only have I sought their input on the make-up of a task force, but I have asked them to put this issue of our governance on their agendas for discussion this year.

The all-too-prevalent feeling of members of our Bar that their thoughts and concerns are not being addressed by the Association demands that we carefully consider over the next year the most appropriate model for governance. I invite your personal letters, discussion and debate whenever two or more lawyers are together, and constructive input so that a thoughtful decision can be made as to how we should govern ourselves over the next 60 years. "If anyone ask me what a free government is, I answer, that for any practical purpose, it is what the people think so." Edmund Burke, *Letter to the Sheriffs of Bristol* (1777).

So what do you think?



## THE ABA POLL: THE PUBLIC PERCEPTION OF LAWYERS

by **Dennis P. Harwick**, *WSBA Executive Director*

By now, most of you have heard about the ABA poll on the public perception of lawyers. To me, the most interesting finding was that the more people knew (and interacted) with lawyers, the more likely they were to harbor negative feelings towards lawyers. This flies in the face of the traditional lament that "If they knew more about what we do, they'd appreciate us more."

In fact, those who know a lot about the legal system, people ages 45-59, upper-middle class, high-income, and highly educated—precisely those who are most likely to interact with lawyers—had the most negative attitude. Conversely, those who got most of their information from television (as opposed to newspapers), people ages 18-29, those with family incomes under \$20,000, lower socioeconomic classes, and those who knew little or nothing about the legal system were the groups who held the most favorable view of lawyers. Unfortunately, the two strongest predictors of an individual's negative feelings were: 1) having served on a jury, and 2) having been sued.

Was there any good news? Not much. One can extrapolate from the statistics shown above that lawyers still fill the role of representing the downtrodden and disadvantaged. The poll also found that lawyer competency receives generally high marks. Nearly two-thirds of the public see lawyers as smart and knowledgeable. Of those who had retained a lawyer during the past ten years, nearly two-thirds say they were satisfied or very satisfied with the lawyer's performance.

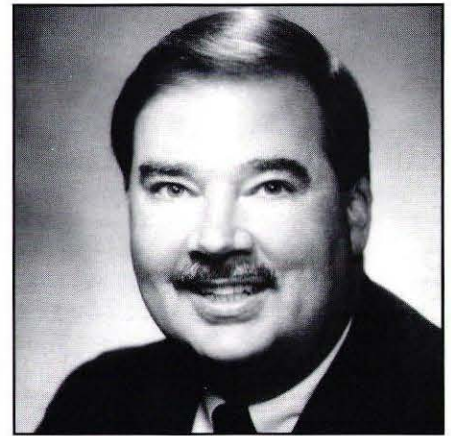
One segment of the poll focused on the public perception of legal ethics. Although the term "legal ethics" was not defined, almost half of those surveyed said that 30 percent of lawyers lacked the ethical standards to serve the public. But the poll confirms what we hear every day at the Washington State Bar Association — the public defines ethics much more broadly than does the legal profession (or the WSBA Legal Department). The public sees ethics as a broad range of issues, including client relations, client communications, and legal fees. Lawyers tend to see ethics as the absence of disciplinary measures and adherence to the Rules of Professional Conduct.

At the WSBA, our jurisdictional threshold for lawyer discipline requires a violation of the Washington Rules of Professional Conduct. Forty percent of the grievances we

receive from the public involve conduct clearly outside the Rules of Professional Conduct and are dismissed without investigation. Another 37 percent are dismissed after investigation for failing to state a violation of the Rules of Professional Conduct. A lot of people go away unhappy because their definition of legal ethics was different from the conduct prohibited by the Rules of Professional Conduct.

When people were asked to suggest ways of improving the legal profession, four responses led the pack: 1) toughen the ethical standards required of lawyers, including areas currently outside the jurisdiction of lawyer discipline, 2) toughen the criminal justice system, 3) reduce legal fees, and 4) reduce the number of excessive or frivolous lawsuits. If you are like me, you have an immediate (and somewhat defensive) knee-jerk response to each of those suggestions.

As someone who has spent many years in the organized-bar arena, I have a couple of responses to the ABA poll (the full text of which can be found in the September 1993 issue of the *ABA Journal*). First, we must avoid the temptation of thinking that a flashy public relations campaign can fix the perception problem. PR campaigns have been tried (usually at considerable expense), and subsequent polling shows that they have little, if any, effect on the public perception

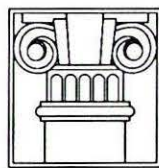


*Dennis P. Harwick*

of lawyers. Next, don't lose too much sleep over perceptions that originate in the role of lawyers in representing the unpopular client or cause. And, finally, concentrate on those things that can be improved.

I'll close where I started—the startling revelation that those who know us the best think the worst of us. We need to improve the proverbial spot "where the rubber hits the road"—the spot where lawyers interact with clients. About the time you get this issue of *Bar News*, WSBA President Paul Stritmatter and I will be attending a meeting on ways bar associations can improve client relations and address consumer complaints that aren't violations of the Rules of Professional Conduct. Realistically, the WSBA doesn't have the resources to do much in this area right now. But every journey starts somewhere.

### It's a Dollar & \$ense decision



WASHINGTON STATE  
BAR ASSOCIATION  
**CREDIT  
UNION**

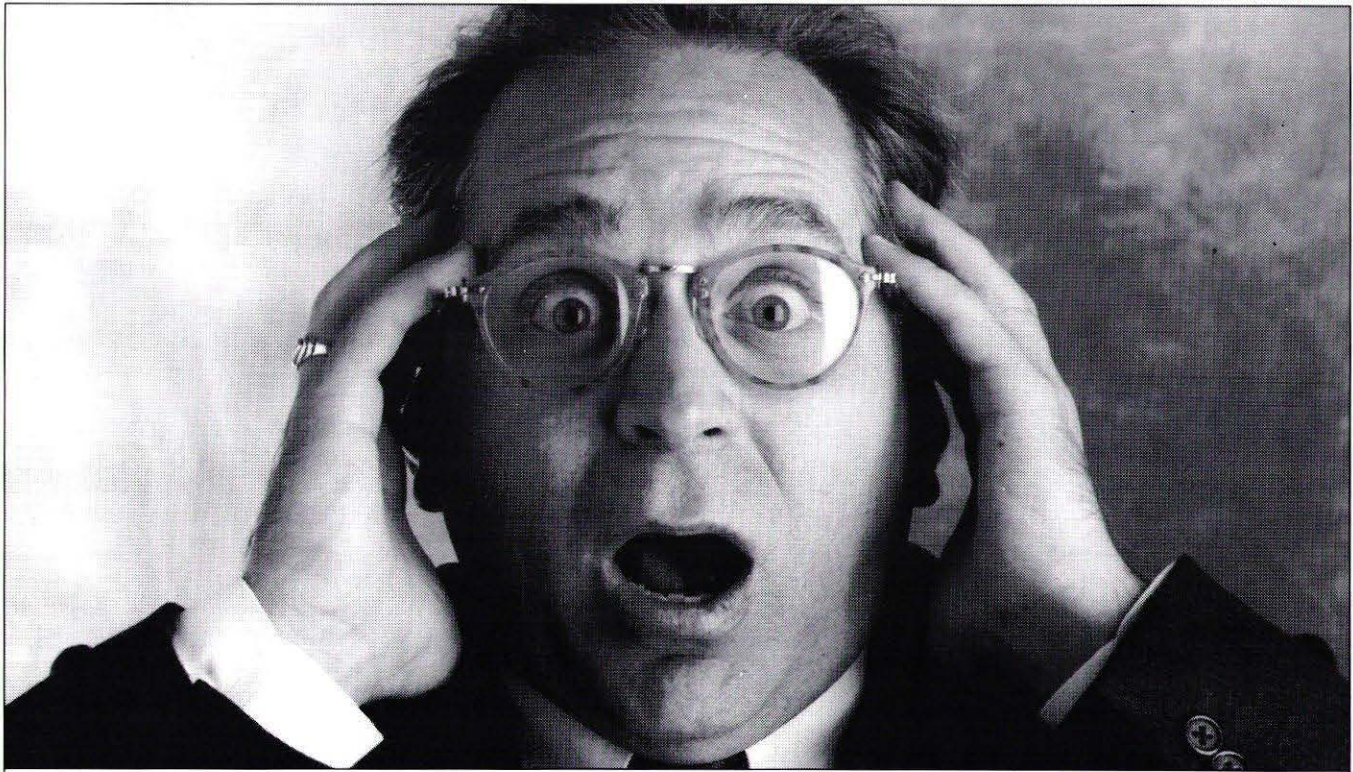
Deposits are guaranteed by  
the Washington Credit  
Union Share Guaranty  
Association and are not  
federally insured.

Make the right decision about credit cards with our new low interest rate Mastercard®.

- low 14.4% APR
- no annual fee
- up to \$15,000 credit line

For more details and an application call us today.

In Seattle 623-5023  
Toll Free (800) 247-4773



## NOW...CLOSE THE DOOR ON LAST-MINUTE SURPRISES.

### Index your stack of late-breaking decisions intelligently.



When very recent decisions affect the value of your precedent, **you can't wait** the time it takes for the information to turn up in standard reporters. Nor can you simply rely on memory or superficial analysis of those cases.

Doing such things leaves the door open to surprises no lawyer wants. *Shepard's EXPRESS® Citations* was created to let you avoid nasty surprises.

### A powerful, easy-to-use "finishing touch" to Shepardizing™.

*EXPRESS Citations* is more current than standard Shepard's. More complete than on-line. When you finish the Shepardizing process with *EXPRESS*

*Citations*, you learn how very recent decisions have strengthened or weakened your precedent. You avoid getting hit from out of the blue by an opponent or judge who has this information when you don't.

#### **EXPRESS Citations:**

- covers the 2 to 3 months of decisions that have not yet been officially published
- gives you an intelligent index with full analysis of these sometimes hard-to-locate cases
- organizes this vital information in a convenient, softbound volume that's updated and replaced twice a month
- delivers expert summaries that explain the treatment of your precedent in late-breaking decisions
- furnishes "Bluebook" information, including case name and date, for citing references

### Don't let opponents pick up where you leave off.

Seize an opportunity your opponent may very well miss. Let the crucial information in *Express Citations* guard against the risk lurking in unexamined late-breaking decisions.

To get this vital tool in your hands now for a no-obligation, 30-day review, contact your Shepard's Representative or call toll-free: **1-800-541-3334.**



**SHEPARD'S**  
MCGRAW-HILL

# THE DISTRICT COURT *VADE MECUM*

Linda Portnoy and Eileen Farley, *Washington Criminal Practice in Courts of Limited Jurisdiction* (Butterworth, 1993, 2 vols., \$165).

reviewed by **David Allen**

**W**hat is the jurisdictional difference between a district court and a municipal court? (See Chapter 1.03-1.05.)

What is the significance of some cases being charged by prosecutor's complaint, others by an officer's citation, and still others by citizen's complaint? (See Chapter 4.) What is the procedure for challenging a charging document? (See Chapter 4.02.) Is rebuttal evidence discoverable? (See Chapter 7.03.) Does a defendant have the right to plead no contest? (See Chapter 8.03.) How can a defendant charged with a misdemeanor offense "settle" his criminal case by paying a victim's damages without committing the crime of witness tampering? (See Chapter 9.02.)

Linda Portnoy and Eileen Farley, former public defenders with the Seattle-King County Public Defender Association, took on a massive project two years ago when they began this two-volume treatise. Until its publication (which could be titled *Everything You Wanted to Know About Misdemeanor Practice, But Didn't Have a Clue Where to Start Looking!*), there was no one text to which the practitioner could refer for misdemeanor practice information.

As the treatise points out, misdemeanor courts handled more than 2,000,000 misdemeanor and traffic infraction cases in 1990. The great majority of criminal cases in Washington are handled in misdemeanor courts, as opposed to superior courts, where, with a few exceptions, only felonies are prosecuted. Washington criminal courts of limited jurisdiction are a crazy-quilt of jurisdictional and geographic overlays. Besides district courts (formerly justice of the peace or district justice courts), there is also a myriad of municipal courts. Unfortunately, this is just where the confusion begins, because there are different classifications of municipal courts, depending upon the size of the city and on how the court was created.

Further, some of the procedures de-

veloped in these courts have an uncertain genesis. Such proceedings as a "dispositional continuance," or "deferred findings," which are names for a conditional dismissal, will leave the practitioner perplexed if he or she seeks a written explanation. Much of the court procedure is passed on by word of mouth, much like folklore, from veteran attorneys to novices. *Washington Criminal Practice in Courts of Limited Jurisdiction* not only describes these various procedures in detail, it also offers practical and useful suggestions to aid the practitioner in wending the client's case through the labyrinth of obstacles facing him.

Unlike felony work, where the majority of practitioners have at least a subspecialty in criminal work, misdemeanor cases are handled by a broad range of attorneys, from the generalist who might handle a misdemeanor or two a year, to the "specialist" who has a full caseload of DWIs and domestic-assault cases. This treatise will be indispensable to both. It is well-organized; it effectively provides an overview of just about any issue that might arise; yet it provides extensive background information.

For example, the work deals effectively with an area that is rife with mistakes—the compromise of misdemeanors. This procedure, which is available only in misdemeanor cases and which would subject a practitioner to charges of witness-tampering if attempted in a felony case—permits the defendant to work out a civil compromise with an alleged victim in exchange for a dismissal of charges. The authors provide a concise, yet complete, explanation of this procedure, in an easily readable and usable style.

This treatise is both technically complete and extremely practical. It contains a rich compendium of forms. Rather than attempt to create an order for production of 911 tapes, risking, say, the omission of a request for the necessary computer printouts showing the tim-

ing and logging of the calls, counsel can use Form 18, which contains the necessary directives and states that it should be provided at court expense. Other forms are similarly helpful. The work also contains several checklists for attorneys for use in misdemeanor practice. There are helpful chapters on file, case and—perhaps, most important—client management.

Attorneys Portnoy and Farley have accomplished a prodigious task in culling a massive amount of information into a practical text, one which will become a primary source book for counsel handling district or municipal court cases.

*David Allen practices with Allen & Hansen, P.S. in Seattle.*

## WANTED: OIL/GAS ROYALTIES!

- Well established royalty corporation buys producing and non-producing royalty and mineral interests.
- In last 2 years we have purchased over \$3 million worth of royalties from California to Florida.
- Strictly confidential with quick response.
- If you have clients wishing to dispose of oil/gas assets call our toll FREE number. Ask for Bob Bozman.

**1-800-899-7052**

*"ExpertLAW  
is incredible! We couldn't  
afford to go back to  
the old system"*

WASHINGTON STATE  
ATTORNEY

# The verdict is in.

*"We looked at  
everything...before we saw  
ExpertLAW we thought our only  
choice would be to invest in an  
expensive custom system."*

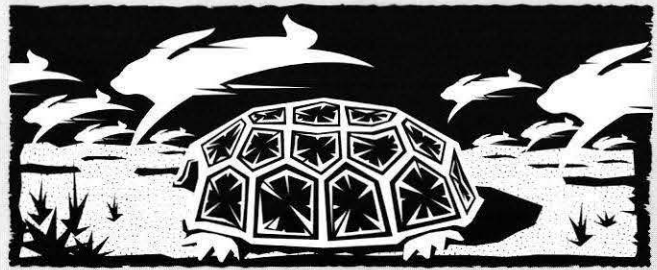
VANCOUVER  
WASHINGTON ATTORNEY

Users agree that ExpertLAW not only makes the production of legal documentation easier, it increases client service and reduces your firm's costs. ExpertLAW is not "Forms Software" or a "Macro." It is a powerful Intelligent Document Composition System utilizing

built-in

Client Interview

Forms, Task Checklists and Hidden Notes and Comments to standardize your documentation. Custom Default Answer Tables, Missing Information Alarms and Easy Editing Summaries allow for efficient, nearly foolproof composition. Word Processor and Database Integration, Intuitive Menus and Word Processing Text Functions enable you to move quickly and easily through the program while *LogoMaker* and *LetterMaker* functions create customized documents.



*If your software is leaving you behind maybe it's time to come out of your shell. Stick your neck out, give us a call today!*

*"Because ExpertLAW  
is so obviously straightforward  
to use...I can now offload work  
to others who don't do  
what I do everyday."*

SEATTLE PARALEGAL

For more  
information and a  
free Sample Diskette:  
(206) 623-3840



1417 Fourth Avenue  
Suite 350  
Seattle, WA 98101

SOFTWARE FOR WASHINGTON STATE PROBATE, ESTATE PLANNING AND FAMILY LAW

# IN THE MATTER OF BILLY K.

David A. Tate, M. Evans & Co., Inc., New York, NY (1991), \$18.95.

reviewed by **J. Scott Miller**

**I** am sure that the spouses of most attorneys find it curious that we find it so fascinating to read about other members of our profession. We must be fascinated, because it seems as if every other novel on the shelf is about a lawyer, judge, or victim of the legal system.

David A. Tate should be forgiven for writing his first novel about lawyers and judges. I suppose, since the dust jacket of his book reports he used to be a lawyer in addition to being a psychotherapist, real-estate developer, writer, and comic. He is a graduate of Union University's Albany Law School and has an M.A. in clinical psychology.

*In the Matter of Billy K.* is premised on a tripartite conflict among doctors, lawyers, and parents over appropriate medical treatment for nine-year-old Billy Keily. Billy, you see, has Hodgkin's Disease and his doctors insist on traditional cancer treatments (surgery, radiation, and chemotherapy); Billy's parents, though, receive a message from God and want to cure him with prayer.

The story takes place in New Hampshire, where, as the hospital administrator observes, the state motto is "Live Free or Die"—an ominous sign to any doctor who wants to override the parents' decision on medical treatment for their terminally ill son.

The doctors convince the New Hampshire Department of Social Services to sue the parents for neglect, alleging that faith healing is not acceptable treatment for cancer; because he is a minor, the court should decide what therapy is most appropriate.

Ah, but the parents have a licensed physician who promises that he can cure Billy's Hodgkin's Disease with holistic therapy using only diet, megavitamins, laetrile, meditation, yoga, and psychoimmunotherapy. Now we have licensed doctors disputing other licensed doctors, which is an arena courts are loath to enter.

The state hires hardworking but mediocre attorney, John Walsh, and Billy's parents hire legal superstar Roger

Conway.

Enter our hero.

Peter Heines is an associate in Conway's firm. He is appointed by Judge Brind of the family law court to be the "law guardian" for little Billy. Brind, we soon learn, is irascible and gruff, but fair. His decision to appoint Heines is triggered by a request from Billy's treating physician Dr. Rachel Freedman. She started this whole mess when she was fired by Billy's father.

Enter the subplot.

Peter—it seems—also had Hodgkin's Disease and completed his treatment five years ago, and Rachel Freedman was his doctor. But our hero has feet of clay; he kept his cancer secret from everyone and has never come to grips with his own mortality. Now Billy's situation forces him to address his own feelings that have been suppressed for five years.

Dr. Rachel Freedman has always secretly loved/lusted after Peter, something her husband finds objectionable but strangely erotic. In the heat of the legal battle, Peter realizes he loves Rachel. Peter's wife moves out. Peter and Rachel have a mutual crisis of conscience, and they agree to be "just friends."

The first half of the book takes place in offices and bedrooms, except for a brief trial scene, where Judge Brind rules in favor of the parents. We are then treated to 12 pages of oral argument at the New Hampshire State Supreme Court, which—predictably—remands the case back to Judge Brind for an evidentiary hearing to balance the relative merits of holistic therapy vs. traditional treatment.

The final court scene has Peter Heines calling himself to the stand with a cathartic revelation of his own cancer treatment and apparent cure. Heines' testimony, though, does not sway Judge Brind, who again rules for the parents.

The Epilogue notes that little Billy (remember him?) eventually died three years after the New Hampshire Supreme Court affirmed Judge Brind's decision. (Perhaps Tate is suggesting that the New Hampshire state motto should be

changed to "Live Free *and* Die"?). But the confusing Author's Note at the conclusion of this unusual book says that one night a moth (!) woke David Tate and told him the ending of the book should be changed so Billy could live. (Does anyone remember "Apocalypse Now"?). I guess we'll never know which ending Tate really intends.

This is not bad as a first novel, and it addresses some interesting ethical dilemmas faced by the medical and legal professions. However, it is not a hard-hitting courtroom drama.

*In the Matter of Billy K.* is easy to dance to and has a good beat. I give it a 65.

---

*J. Scott Miller practices law in Spokane with Johnson, McLean, Riccelli & Devlin.*

---

THE LATEST ON  
IMMIGRATING TO THE U.S.A.  
AVAILABLE NOW!

Immigrating to the U.S.A.

LAW OFFICES OF  
DAN P. DANILOV  
SUITE 2303  
ONE UNION SQUARE  
SEATTLE, WASHINGTON  
98101-3192 U.S.A.  
TEL: (206) 624-6868 FAX: (206) 624-0812

## Legal Classics in Review DREISER'S

by Philip H. DeTurk

**W**hat is the American Tragedy? Rather, what was *An American Tragedy* in 1925, when Theodore Dreiser's 814-page novel of that name was first published? (I use the Signet Classic edition, 451-CE 2465 for page references following.)

Was it the death of Roberta by drowning (at page 493), and the subsequent execution of Clyde for the crime (page 810)? Certainly sad, and the gist of the entire novel, but a tragedy? No more so than that of Romeo and Juliet, or any senseless crime executed by one person against another.

If not that, was it that *status of the rich versus the poor*? Clyde, though the nephew of the rich collar manufacturer of Lycurgus, New York, earns only \$25 a week as supervisor of a number of young ladies in a department that stamps and records the number of collars to be sent to the stitchers (page 231). It is there that Clyde first meets Roberta Alden (page 241), who had a

... face that was small and regular and pretty and that was haloed by bright, light brown hair. Her eyes were of a translucent gray blue . . . She looked practical and serious and yet so bright and clean and willing and possessed of so much hope and vigor . . .

Later, it is Roberta who states the premise, quite succinctly, when she utters in despair:

But they've got everything. You know they have. And I haven't got anything, really. And it's so hard for me to keep up my end and against all of them, too, with all they have (page 360).

Clyde realizes this is no trick by Roberta, but her heartfelt expression of her feelings as a result of Clyde's interest in Sondra, the very rich young girl he has met through his family contacts:

If I'd ever had a chance like some girls— if I'd ever been anywhere or

seen anything! But just to be brought up in the country and without any money or clothes or anything—and nobody to show you.

Roberta's lament is genuine. She only earns \$15 a week if her production is high, whereas Sondra has enough money available that she later gives Clyde \$70 just so he can, among other things, pay for lunch when the twosome loses a golf match to two other very rich young people (page 536).

Incidentally, the author starts a great number of his sentences, and even paragraphs, with "And." It is a very successful device when he is moving his action along, especially during the narration of the presentation of the evidence against Clyde at the trial (651 to 655), where the testimony of some 20 prosecution witnesses is encapsulated. The trial portion of the book itself takes 103 pages.

Or is the "tragedy" the failure of America to allow abortions in the years preceding 1925 and for decades thereafter? Dreiser has never been actively iden-

## Life Insurance & Annuity Placement Service

**OVER 30 TOP CARRIERS IMMEDIATELY AVAILABLE TO QUOTE**

### **Absolute Most Competitive Quotes Available**

#### **Partnership & Corporation**

Buy/Sell & Stock Redemption Funding  
Key Man/Executive Compensation

#### **Annuities**

Immediate and Deferred  
Flexible Premium and Single Premium  
Structured Settlement

#### **Estate Planning**

Joint Insureds- both First and Second to Die

#### **Personal Insurance Needs**

Debt Coverage  
Court Ordered Support Coverage

\* **Issue Ages to Age 85 and Above**

\* **Utmost Discretion Always**

\* **Due Dilligence** (financials available upon request)

We are famous  
for solving the  
"impossible case"

### **Benefit Concepts Northwest**

*A Financial Solutions Company*

P.O. Box 3325 / 4 South Mission  
Wenatchee, WA 98807

(509) 663-6237 (800) 946-2269

(509) 663-5409 - fax



# KALEIDOSCOPE

tified with the historical anti-abortion movement, but his narration about the difficulties both Clyde and Roberta were having trying to accomplish that solution to Clyde's problem (he had impregnated Roberta but no longer—if he had ever—loved her, and he wanted to be rid of his obligation to her so he could try to marry Sondra), is very exact.

The chapter that begins at page 389 develops this theme. The doctor who is contacted muses on the problem:

Ordinarily it was his custom to advise immediate and unconditional marriage. Or, where that was not possible, the perpetrator of the infamy having decamped, it was his general and self-consciously sanctioned practice to have nothing to do with the matter. It was too dangerous and ethically and socially wrong and criminal into the bargain (page 400).

The subject is renewed when, with help from his rich relatives, Clyde gets a

lawyer after his arrest for murder. The attorney selected had, in his twentieth year, been in a similar quandary. His father had spent \$1,000 and successfully arranged for the pregnant girl to be housed in Utica and the problem resolved. Once again, the rich were able to accomplish these illegal results. The poor, epitomized by Roberta, were not (page 592).

Then, again, the tragedy—at least, from the standpoint of the law, *might be that there was no Miranda decision* at the time of Clyde's arrest for the drowning of Roberta. His is interrogated by an expert, the district attorney who later handles Clyde's trial. This man's name is Orville Mason. Although he uses the same last name that Arthur Train gave his upstate New York attorney in the Tutt stories, Dreiser's Mason is no Squire. He is a very learned, and equally determined, prosecutor who does a thorough job. If anything, he overtries his case, calling 127 trial witnesses against Clyde.

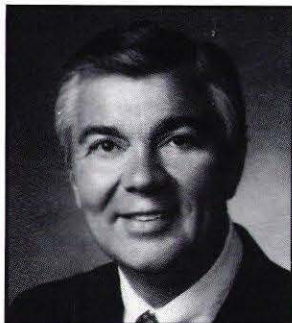
Mason also presents the evidence

against Clyde to him soon after the young man's arrest. It is strong, and very persuasive. The letters that Roberta wrote to Clyde during her despair have already been obtained by Mason by execution of a search warrant at Clyde's apartment (not all of the law of the Twenties was one-sided). In this mock trial, the learned attorney solicits comments and opinions from Clyde beginning at page 559. At one point, Mason remarks:

Why, what a dunce you are!—what a poor plotter, without even the brains not to use your own initials in getting up those fake names you had hoped to masquerade under—Mr. Carl Graham—Mr. Clifford Golden!

Although Mason expects a confession, Clyde holds back. His efforts, in light of the evidence he learns the State already has against him, shows some character—if only that for self-preservation—since throughout the book Clyde is pictured as an ineffectual coward. Of course,

## Preparing for trial can be a real trial...



### This man knows that better than anyone.

According to Jury Verdicts Northwest, Tom Chambers has tried more plaintiff personal injury cases in the past 10 years than any other attorney in Washington state. Past President of WSTLA, Trial Lawyer of the Year in 1989, and a past member of the WSBA and ATLA Boards of Governors, Chambers' experience is gathered from hundreds of cases tried in Washington state courts over a span of more than two decades.

## The Thomas J. Chambers Trial Notebook



The Thomas J. Chambers Trial Notebook is the only comprehensive resource on how to prepare for and conduct a trial in Washington state. Tom Chambers, the preeminent Seattle personal injury attorney, has written the definitive "cookbook" on trial work.

Separately, or together, you can purchase:

- One or both volumes of Chambers' "nuts-and-bolts" guide to trial work;
- A companion computer disk containing hundreds of sample forms, including complaint and jury instructions for cases involving auto accidents, product liability, medical negligence, wrongful death, insurance bad faith, and more;
- Two videotapes to assist your client in preparing for depositions and defense medical exams.

Choose one from below	EAGLE WSTLA	MEMBER WSTLA	NON- MEMBER
Notebook, Volume I - Pre-Trial	\$ 95	\$ 110	\$ 125
Notebook, Volume II - The Trial	\$ 95	\$ 110	\$ 125
Volumes I & II Only	\$ 175	\$ 195	\$ 225
Computer Disk (forms only)	\$ 75	\$ 80	\$ 90
Two Videotapes	\$ 50	\$ 60	\$ 70
Entire Package	\$ 285	\$ 315	\$ 350

(2 volumes, computer disk, 2 videotapes)

Disk format:  IBM PC 5.25"  IBM PC 3.5" Files are in Word Perfect 5.1

#### Payment Information:

Total Price (from column above) \$ \_\_\_\_\_  
 Postage \$ \_\_\_\_\_  
 Add 8.2% state sales tax \$ \_\_\_\_\_  
**TOTAL \$ \_\_\_\_\_**

Check  VISA  MC Card # \_\_\_\_\_ Exp Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Name (on card) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Ship To: Name \_\_\_\_\_  
 Address (no P.O. Boxes please) \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Firm Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mail to: WSTLA Legal Educational Seminars  
 1809 7th Avenue, Suite 909 - Seattle, WA 98101-1324  
 Or order by phone, (206) 464-1011, or fax (206) 464-0703

he did not go with Roberta to see the doctor about the abortion. He didn't plot the death on the lake successfully. Nothing he did turned out well at all, but he does manage to avoid the trap being set by Mason, without a need to be forewarned that anything he says may be used against him at trial.

The entire incident used as the basis of *An American Tragedy* was drawn from accounts of true crime, as were the plots of earlier Dreiser books, *The Financier*

and *The Titan*. Dreiser not only uses it, but also alludes to it in the framework of the book when he reproduces a newspaper article which spells out the details of that crime (page 438). Clyde gets his idea from that article, his complete scenario for the crime. Even there, he is lacking in imagination as how to function in his everyday life crises.

As recently as 1992, there was a King County trial involving similar facts; i.e., someone drowning as a result of having

gone out in a flimsy craft with another person who is subsequently charged with murder. One moral for anyone reading this review is not to get into a canoe or rowboat in the event one does not swim and the other party to that form of transportation may be an angry spouse or significant other.

Still another tragedy could be *the author's perceptions of lawyers*, particularly those who practice criminal law. Besides the young attorney hired to represent Clyde, we find his younger—and more cynical—partner, Jephson. He concocts a defense for Clyde which requires him to lie on the stand during his defense. Mason recognizes the lie and denounces it to the jury (page 725).

Beginning at page 603, Jephson sets forth 11 different approaches that can be used to explain Clyde's actions in connection with the death of Roberta. These include the manufacture of evidence and an attempt to procure, and hide, other evidence of the case against Clyde. Mainly, however, Clyde's attorneys convince Clyde of a story to explain it all, which he relies on during his lengthy time on the stand (pages 672-732).

The deputy sheriffs investigating the case aren't particularly concerned about the truth, either. In order to assist District Attorney Mason—and supposedly without his connivance—they plant some evidence so that "irrefragable proof" of the crime is available (page 575), though the use of Roberta's hair to show the purported force with which she was struck by Clyde's camera becomes quite important to dispute Clyde's contention that it was merely an accident.

Last, the *American Tragedy might be capital punishment*. Dreiser offers as poignant an account of the execution of a criminal as can be found in any work of fiction not dealing directly with that subject:

And to the end that a man, once condemned by a jury, would be compelled to suffer not alone the death for which his sentence called, but a thousand others before that. (page 759)

Clyde must meet, and be in the same room with, a large number of other murderers—all men—each of whom will ultimately be taken into the execution

## IS YOUR LIBRARY UP-TO-DATE?

### Washington Civil Practice Deskbook

**STAY  
ON TOP  
WITH THIS  
HANDY NEW  
RESOURCE!**

*Eleanor C. Hoague, Attorney at Law, et al.*

Maintain professional competence by staying up-to-date with this concisely organized resource. Text covers twelve major subject areas with an emphasis on procedure. Get quick and easy access to each topic with convenient tabbed dividers. Topics are organized into chapters that include definitions, procedural steps, and examples. Citations to statutes, cases, and other authorities correspond to the text across from which they appear. The deskbook also includes a Table of Statutes, Table of Cases, and an Index.

Looseleaf. Available Winter 1993. ISBN 0-88063-841-1 ..... \$115.00

### Employment in Washington

**COMPLETELY  
REVISED!**

**EASIER  
TO USE!**

*Michael J. Killeen, Davis Wright Tremaine, Seattle*

Now it's even easier to use *Employment in Washington* as your primary resource for state and federal employment law. This new, improved format is completely revised and renumbered for faster reference, with larger type for easier reading.

The new chapters and sections include benefits, employee relations, termination of employment, family leave, hours and wages, health and safety, unions, Social Security, retirement plans, workers' compensation, advisers and information sources, and a new subject index. Learn about new developments in areas such as OSHA safety standards; discrimination; employee privacy rights; and workers' compensation.

New appendices include the Washington Human Rights Commission regulations; the EEOC guidelines on discrimination and the ADA; and the Washington DLI General Safety and Health Regulations.

3rd Edition. Looseleaf. 460 pages. ISBN 0-88063-955-5 ..... \$75.00

To order call:

**1-800-548-4001**

(Please use code LWAAH when phoning in your order.)

**BUTTERWORTH  
LEGAL PUBLISHERS**

chambers:

The procession had passed. The door was shut. He was in there now. They were strapping him in, no doubt . . . a sudden dimming of the lights in this room—as well as all over the prison . . . and then after the lapse of a minute perhaps, a second dimming lasting for thirty seconds—and finally a third dimming . . . “He knows what’s on the other side now.” (page 773)

Clyde must watch similar proceedings for all twenty of the men who are in prison when he first arrives; all are put to death during the time he waits the results of his appeal. One of them, Nicholson, a lawyer from Buffalo, “was convicted of poisoning an old man of great wealth and afterwards attempting to convert his fortune to his own use” (page 768). It is to the credit of the legal profession that, when Nicholson’s turn to die came, he did so with dignity, bidding all of his fellow sufferers, “God bless you all. I hope you have good luck and get out.” (page 776).

A recent book, *Dead Man Walking* (Random House, 1993), by Helen Prejean, deals with the lives and deaths of several Louisiana prison inmates. She interviews the victims’ families and then still writes a 278-page opus against capital punishment. It would be interesting to know if she is aware of Dreiser’s fifty pages on the incarceration and execution of Clyde.

Execution. For, of course, Clyde’s appeal fails:

. . . taken all together and considered as a whole, they make such convincing proof of guilt that we are not able to escape from its force by any justifiable process of reasoning . . . (page 799).

This conclusion the appellate court reached despite the record of Clyde’s cross-examination, a travesty of judicial fairness. From the reading of Roberta’s love letters, to the demonstration in the very boat where the unhappy girl spent her last moments before falling into the lake, and including the reference to Kansas City (“Do you always run away when one of them dies?”), Clyde is subjected to excessive prosecutorial zeal (page 772

et seq).

If the Court of Appeals considered the admission of the letters, it is never expressed. Nicholson explained to Clyde that excerpts alone would have been allowed: “If your lawyers can get the Court of Appeals to agree to the soundness of that you will win your case sure” (page 775).

Other appealable issues included the District Attorney’s opening statement, disguised as an closing statement (pages 640-647); threats to the jurors (page 640); allusion to a witness the District Attorney knows doesn’t exist (page 647); use of Roberta’s mother, who faints in the courtroom (page 663), and the prosecutor’s constant references to Clyde as a liar and to Roberta as Clyde’s dead lover:

“Don’t that look like her hair?” and now he shoved it forward at Clyde who shocked and troubled withdrew from it as from some unclear or dangerous thing—yet a moment after sought to recover himself—the watchful eyes of the jury having noted it all. “Oh, don’t be afraid,” persisted Mason, sardonically. “It’s only your dead love’s hair.”

*An American Tragedy* is divided into three parts. The first, ending at page 145, can be skipped, and the remainder of the book still enjoyed. This preliminary section deals with Clyde’s background as a child of itinerant religious people with little money but great faith in the Lord; his job at a hotel, where he first earns money; his crowd of boys and their desires (including Clyde’s feelings toward Hortense), and Clyde’s wayward sister, Esta, whose love affair is also blighted.

It is also in the latter pages of Part I that Clyde is involved in an adventure in which he is a passenger in an automobile which kills a young girl bystander. Afterward, Clyde runs from Kansas City, never to return.

Part II brings Clyde to Lycurgus, and the assistance of his rich uncle. It is at this point that film versions of *An American Tragedy* begin. Based on a Broadway stage play, *A Place in the Sun* turns Clyde into George, who is hitchhiking to Lake Lycurgus when he is honked at

## CORPORATION KITS FOR WASHINGTON COMPLETE OUTFIT \$ 49.95

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

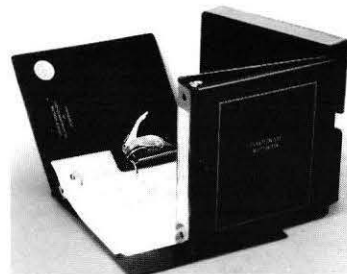
\$ 3.50 ADDITIONAL FOR SHIPPING & HANDLING  
(UPS GROUND). NEXT DAY DELIVERY AVAILABLE  
ON REQUEST AT SLIGHTLY HIGHER CHARGE.

Complete kit w/o pre-printed  
By-laws & Minutes, includes  
50 shts. blank bond paper:  
\$47.95 plus \$3.50 S & H

### NEW!

- NON-PROFIT OUTFIT

\$69.95



**WE SERVE ONLY THE  
NORTHWEST!  
ORDER TOLL FREE!  
PHONE 1-800-874-6570  
FAX 1-800-874-6568**

ORDERS IN BY 3:00 PM MT ARE SHIPPED  
THE SAME DAY.

WE WILL BILL YOU WITH YOUR ORDER.  
SATISFACTION GUARANTEED.

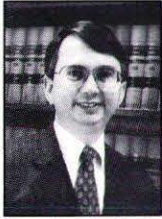
PLEASE! WE MUST HAVE THE FOLLOWING  
INFORMATION TO PROCESS YOUR ORDER:

- Exact name of the corporation.
- State of incorporation and year.
- Number of shares authorized.
- Par Value or No Par Value & any preferred shares.
- Complete or w/o By-Laws & Min.

NO EXTRA CHARGE FOR SPECIAL CLAUSES  
OR TWO CLASSES OF STOCK  
Note: Special clauses subject to fit.

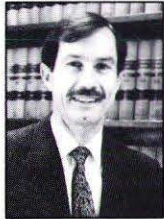
**CORP-KIT NORTHWEST, INC.**  
119 SO. 297TH PLACE  
FEDERAL WAY, WA 98003

## APPELLATE LITIGATION



Douglass A. North

The appellate lawyers at Maltman, Reed are available to help you with your next appeal.



Douglas W. Ahrens

Recent, successful appeals have been argued in the following areas:

### Trial Practice Rules

*Bryant v. Palmer Coking Coal Co.*,  
67 Wn. App. 176 (1992)

### Motions to Vacate

*Vaughn v. Chung*,  
119 Wn.2d 273 (1992)

### Service of Process

*Romjue v. Fairchild*,  
60 Wn. App. 278 (1991)

### Insurance

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

### Child Support

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

### Business Torts

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

### Workmen's Compensation

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

### Real Estate

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

### Child Custody

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

### Personal Injury

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

### Property Division

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

### Product Liability

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

### DOUGLASS A. NORTH DOUGLAS W. AHRENS

Maltman, Reed, North  
Ahrens & Malnati, P.S.

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

by Sondra (who in the film is called Angela). Suffice it to say that Montgomery Clift played George and Shelley Winters played Roberta. The haunting Sondra, who, according to Jephson, was the cause of the brain storm that created temporary insanity for Clyde (page 601) is none other than Elizabeth Taylor, who, cast in the role at age 17, gave what many movie anthologies call "one of her finest roles in the film." Mason could have only been played by Raymond Burr, who also relied on bringing the rowboat into the courtroom in the 1950s film.

*A Place in the Sun* won a Best Director Award for George Stevens, as well as Best Screen Play and Best Musical Score awards from the Academy Awards judges. A earlier film version of the Dreiser classic appeared in 1931 under the title, *American Tragedy*. Sylvia Sidney played Roberta, and Frances Dee was Sondra. Charles B. Middleton, who went on to find fame in television, was Jephson, and Clyde was re-enacted by Phillips Holmes. It was a straightforward telling of the book, with about one third of the film being devoted to the trial. Both films were produced by Paramount.

The reader tackling *An American Tragedy* can better follow the narrative by considering it to have five parts: the preliminaries in Part I, as discussed above; the meeting, seduction and subsequent drowning of Roberta (pages 146-494); and then the apprehension of Clyde and legal counseling (pages 495-637). The trial goes on for 100-plus pages after page 638, and, finally, there is the section on Clyde's imprisonment and execution, starting at page 754.

*An American Tragedy* is an excellent read. If only the young lawyer spends time with the trial portion of the novel, the reader will be well-rewarded. We older attorneys, who have had time to peruse, leisurely, the exploits of weak, under-educated Clyde as he copes with the affluent and equally under-educated Sondra, will find a rich experience in devoting 20 hours of our time to the way Dreiser perceived events in America over 75 years ago.

*Philip H. DeTurk practices law in Puyallup, and once a year he dusts off a forgotten or neglected classic of legal fiction for the Bar News.*

## AN INNOVATIVE APPROACH TO CLE

The Settlement Now Board of Directors has developed a new approach to Continuing Legal Education seminars. In September, the WSBA CLE Board approved both Settlement Now's request for a six-credit CLE mediation seminar and four additional credits for those participating in pre-seminar preparation and completing an advance questionnaire. The questionnaire centers on the mediation problem that will be the focus of "Breaking the Log Jam—Moving Beyond Impasse." This seminar features the techniques that a mediator or parties use in the caucus stage of a mediation.

Those wishing to receive the additional four CLE credits need to review the problem, answer the questionnaire and submit their answers to Settlement Now before November 31. Those who have satisfactorily answered the questions will be awarded an additional four CLE credits. This is believed to be the only program of its type in the country, wherein those attending the CLE seminar are encouraged to study ahead of time and be prepared to discuss specific topics and issues in the seminar.

Upon return of questionnaires, Settlement Now will tabulate them and provide the results to the seminar facilitator, William F. Lincoln, former professor at Harvard School of Law and Willamette University.

This year's mediation will focus on a multiparty mediation involving sexual harassment issues between a teacher and a student. Registration is from 8:30 a.m. to 8:45 a.m., with the welcome and program introduction beginning at 8:45 a.m. The seminar will end at 3:45 p.m. The cost for Settlement Now mediators is \$85 and \$150 for all others.

The Settlement Now program is a non-profit, pro bono mediation program which has been in existence since 1988. Approximately 1,914 cases have been submitted to Settlement Now, with more than 1,000 successfully mediated. Approximately \$42,600,000 has changed hands to date, all with fees incurred by either party.

Settlement Now provides pro bono mediation services in King, Kitsap, Pierce and Snohomish counties, and by request in Skagit, Whatcom, Jefferson, Clallam and Thurston counties. Approximately 400 attorneys participate as mediators in the Settlement Now program. For more information, contact Kenneth L. LeMaster, Mark B. Moburg or Peter M. Marchel at (206) 545-5165.

# SURVEY OF RECENT PUBLICATIONS

## Interesting books received by the Bar News in 1993

by **Lindsay Thompson**  
Bar News Editor

**L**egal research—can't live without it, can't find time for it. Young lawyers get a hit of it in first year law; paralegals get handed demands for an immediate copy of a half-remembered case, in a different year, with different facts. And what do you do with all this computer stuff?

Writing consultant C. Edward Good, who last visited these pages with his book *Mightier Than the Sword: Powerful Writing in the Legal Profession* (Blue Jeans Press, 1989), returns with a handy—and *short*—legal research guide. *Legal Research . . . Without Losing Your Mind* (1993, LEL Enterprises, P.O. Box 5628, Charlottesville, VA 22905, (800) 662-9673, 258 pp. plus 85 pp. visual aids volume, \$21.95 + \$3.50 shipping) is principally aimed at the newcomer to legal research (the law student, flailing about for the Holy Grail, for example), but there's plenty you learned in law school that you probably didn't retain as well as you should've. "Many attorneys and paralegals could reduce their LEXIS and WESTLAW bills substantially by engaging in some manual legal research," the publishers says. "We've stripped legal research down to the basics, to just those sources the researcher needs to know about for an efficient, time-approach." The book takes two situations and tortures their participants through the law: Wally and Mipsie sue Dr. Schwartz for a wrongful pregnancy in Part One, requiring lots of case law research. In Part Two the Clarence Thomas-Anita Hill confrontation is the basis for a romp through legislative and administrative law research techniques.

Speaking of looking things up, those clever word mavens at Oxford University Press have produced two large, handy tomes. *The Oxford Companion to the Supreme Court of the United States* (1992, 1,032 pp., hardcover, \$45) is a fascinating legal encyclopedia in one

volume. If it relates to the Supreme Court, it seems to be in this volume. Big subjects like the court's treatment of antitrust, little subjects like the court's tonsorial parlor:

**Barber Shop.** Located on the ground floor of the Supreme Court building, the barber shop contains a single black-and-white barber's chair and related hair-cutting equipment. The Court employs one barber. Male Court employees can obtain a haircut there, but the shop is not open to the public.

All are here. Interesting appraisals of the careers and decisions of Court members dot the volume, as do analyses of sections of the Constitution, biographies of scholars.

John Rawls, page 708

. . . is best known for *A Theory of Justice* (1971), a book that rejects the utilitarian claim that justice is that which will produce the greatest good for the greatest number . . . he has influenced constitutional scholarship, fostering constitutional perspectives consistent with affirmative action programs, election spending reforms and greater media access . . . has validated the idea that through judicial review the Constitution should embody national aspirations for social justice, brotherhood and human dignity.

. . . and cases ranging from *Abington School District v. Schempp*, 374 U.S. 203 (1963) to *Zurcher v. The Stanford Daily*, 436 U.S. 547 (1978).

Oxford's eclectic approach to anthologizing is also well-demonstrated by *The Oxford Dictionary of American Legal Quotations* (1993, 600 pp., hardcover, \$49.95). Some 3,500 quotations have been assembled by Assistant Yale University Librarian Fred Schapiro, rang-

ing from U.S. Supreme Court opinions ("I do not suppose that civilization will come to an end whichever way this case is decided," *Haddock v. Haddock*, 201 U.S. 562 (1926), Holmes, J.), presidential documents ("Under the doctrine of separation of powers, the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of government," *Public Papers of the Presidents: Richard Nixon, 1973*), and legal treatises ("Life is so terrifyingly dependent on the law," Karl Llewellyn, 40 *Yale Law Journal* 704 (1931)), to novels ("A smart-Aleck client is apt to engage a smart-Aleck lawyer, much as men are said, out of personal vanity, to marry women who in general resemble them," Arthur Train, *Tut! Tut! Mr. Tutt* (1923)), movies ("I mean, too bad it didn't happen further down the street—in front of the May Company. From *them* you can collect! Couldn't you have dragged yourself another twenty feet?" *The Fortune Cookie*, 1966), and song lyrics:

Yes, as through this world I've  
rambled  
I've seen lots of funny men,  
Some will rob you with a six gun,  
And some with a fountain pen.  
But as through your life you'll  
travel  
Wherever you may roam,  
You won't never see no outlaw  
Drive a family from their home.  
*Woody Guthrie, "Pretty Boy Floyd"*

They all relate to American law. There is even a section on lawyer jokes (pp. 264-65; no need to repeat them here). Even slogans from bumpers are included:

When guns are outlawed, only  
outlaws will have guns.  
*Slogan of opponents of gun control*

Guns don't kill people, people kill  
people.  
*Slogan of opponents of gun control*

Guns don't die, people die.  
*Slogan of supporters of gun control*  
(p. 94)

The book frequently summarizes great public debates. The first entry, for example, is "Abortion," and the quotations range from Harry Blackmun's opinion in *Roe v. Wade*, "This right of privacy . . . is broad enough to encompass a woman's decision whether or not to ter-

minate her pregnancy" to Antonin Scalia's "The issue is whether it is a liberty protected by the Constitution of the United States. I am sure it is not," in *Planned Parenthood v. Casey* twenty years later. Two hundred and forty-one pages of cross-indexing make it easy to find a comment for every occasion.

Take the need to move from discussion of one book to another, for example. Under "Constitution," for ex-

ample (pp. 57-63), then-Governor Franklin Roosevelt tells a 1930 radio audience, "The United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written." Roosevelt's later presidential adventures in testing that elasticity are among the subjects of Richard B. Bernstein's and Jerome Agel's book, *Amending America: If We Love the Constitution So Much, Why Do We Keep Trying to Change It?* (Times Books/Random House, 1993, 392 pp., hardcover, \$25). The 27 amendments to the federal Constitution are the winners out of a two-century-old contest with over 10,000 entries. This study of the amendment process examines what the authors call the synergistic relationship between the Constitution and American society. Americans have amended their Constitution to ban—and un-ban—liquor; create a Bill of Rights; to try to prevent the Civil War, then codify its results; and get back at Franklin Roosevelt (by limiting presidents to two terms). Some of the today's arguments over issues—abortion, the balanced budget, are nicely placed in a larger context, that of the constant tension between our expectation that the Constitution be, at once, the solution to all our present disputes and our road map for the ages.

People fill this book, famous and unknown. Among the most interesting is Gregory Watson, a Texas legislative aide who, finding James Madison's banner for a limit to Congress's ability to set its own pay abandoned on a stricken field, took it up again in a ten-year quest that led to its adoption as the Twenty-Seventh Amendment in 1992—203 years after it was proposed.

The idealism of the Constitution isn't just about amending and improving the document itself. Stuart M. Speiser's *Lawyers and the American Dream* (1993, M. Evans & Co., New York, 432 pp., softcover, \$16.95) is about "Equalizers"—lawyers representing underdogs in civil lawsuits against the establishment, and how their quests breathe life into the concept of equal justice under law. Aptly for a book produced in the Dark Age of Television, Speiser uses the McKenzie Brackman law firm in *L.A. Law* as an exemplar, using the TV firm's lawyers and their cases to make his points about real-life cases.

## BREAKING THE LOG JAM— MOVING BEYOND IMPASSE.

An innovative, interactive seminar to  
sharpen your caucusing skills in mediation.

This *Settlement Now* workshop, directed by noted mediation authority William F. Lincoln, will be held at the Westin Hotel, 1900 Fifth Avenue in Seattle, on December 16, from 9 a.m. to 3:45 p.m. Lunch is included.



Persons wishing to attend can pre-register and receive a copy of the mediation problem and an advance preparation questionnaire. Those submitting completed questionnaires will be eligible for four extra CLE credits, in addition to six credits for attending the seminar — **ten hours CLE credit.**

The cost for attorneys who are *Settlement Now* mediators is \$85. For others the cost is \$150.

To reserve your space, call *Settlement Now* at 545-5165 and ask for Peter Marchel, Mark Moburg or Ken LeMaster. Space is limited so early reservations are recommended.

The *Settlement Now* Foundation is a 501(c) (3) non-profit organization.

"As a footnote," he says,

I must confess that my own favorite TV lawyer is the redoubtable Horace Rumpole, John Mortimer's Old Bailey hack . . . Unlike Perry Mason and Ben Matlock, Rumpole's clients are nearly always guilty of something, but he plays the law like a slightly out-of-tune piano to get them off or minimize their punishment, winning our sympathy for them in the process. I have often wished that Rumpole could somehow be transplanted to an American civil practice, where he might represent clients more worthy of his magic than the Timson family of petty thieves who habitually run afoul of overzealous police officers. But the Rumpole character would probably lose its appeal if burdened with financial success.

Far from decrying the surfeit of lawyers in America versus the rest of the world, he calls for development of Equalizers in other nations, holding that democratic, market-oriented societies require the empowerment of the individual and equal access to justice. Japan, often cited for its ability to get on with so few lawyers, is also, Speiser finds, a land where injury victims often have to hire mobsters to collect damage claims the old-fashioned way.

Speiser's book is part jeremiad, part autobiography, as he recounts, among his examples, great cases he tried. One was Ralph Nader's famous libel suit against General Motors, out of gratitude for which, one assumes, Nader contributed the rather giddy blurb on the cover of the book. Still, we learn from war stories, and the chapter titles alone ("Onassis, Gucci and the End of Impunity," "Kicking in Rotten Doors," "How to Shortchange Widows and Orphans") make this book a page-turner.

Such books as Speiser's are most informative for points of style. For the guts of a case—finding the law, applying it—two Washington lawyers have made useful contributions. Michael J. Killen is the author of *Employment in Washington: A Guide to Employment Laws, Regulations and Practices* (3d edition, 1993, Butterworth Legal Publishers, 443 pp., ring binder). It's a no-

nonsense guide to the employment relationship; hiring; employee rights and privacy; hours of work; wages and working conditions; employment discrimination; health and safety; benefits; unions; worker's compensation and disability benefits; and termination of employment. A final chapter is a guide to advisers and information sources. Appendices include the Washington Human Rights Commission regulations, EEOC guidelines on

discrimination; including the Americans With Disabilities Act, and Department of Labor & Industries general safety and health regulations. The book is well-written, and, in happy contrast to the broad-brush, national-generalities approach of many books on such topics, draws heavily on Washington sources, both statutory and case law.

Though out a couple of years, a book edited by Seattle lawyer James S. Rogers,

## Success on Appeal: When There Are Special Obstacles To Overcome

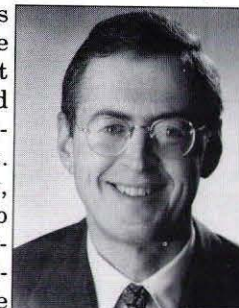
Appellate lawyers provide a variety of services, but they play a distinctive role when a court must be asked to do something out of the ordinary -- when, for example, the client cannot win unless the court rejects a contrary line of cases, refuses to apply the literal meaning of a statute, dismisses the respected views of leading treatises, or declares an exception to some procedural or jurisdictional principle especially dear to the judiciary.

Cases where such problems arise -- both at the appellate and trial levels -- have been a large part of my practice and in most of them the court was persuaded to depart from normal practice.\*

I bring to these cases the perspective of a teacher as well as a practitioner and have written or taught about the doctrines of precedent, statutory interpretation,

procedure and jurisdiction since 1963. As a law professor in the early seventies, I created one of the first academic courses in appellate practice and procedure. Since then I have given seminars on appellate issues not only to attorneys but to state Supreme Court justices and court of appeals judges.

Currently, I continue to assist attorneys and clients in some or all of the various phases of the appellate process -- including the evaluation, design, strategy and presentation of the appeal. I welcome inquiries regarding any or all of them.



**Bill Bishin**  
682 - 1584

\* See, for example, *Sall v. Examining Board of Psychology* (1993) (holding unconstitutional statute governing impaired health care providers); *Su v. M/V Southern Aster* (1992) (overturning trial court's factual findings in business tort context); *Jose v. M/V Fir Grove* (1992) (reversing its own prior decisions, court rejects other authority interpreting maritime statute); *Raby v. M/V Pine Forest* (1990) (limiting discretion of trial court on supersedeas bonds); *National Union Fire Insurance Co. v. Seafirst Corp.* (1989) (rejecting judicial and academic authority on vacation of judgements after settlement); *Teamsters Pension Fund v. Premium Distributors* (1987) (rejecting cases imposing individual ERISA liability); *Seven Gables Corp. v. MGM/UA Enterprises* (1986) (rejecting judicial limitations on motion picture bidding laws); *Short v. Demopolis* (1984) (allowing legislative entry into court's traditional jurisdiction while overturning precedent to find Consumer Protection Act applicable to lawyers and other professionals); *Marvin v. Marvin* (1977) (the "palimony" case: rejecting cases on the rights of unmarried partners to community property).

LAW OFFICES OF WILLIAM R. BISHIN, P.S., 1111 THIRD AVE. STE 1865, SEATTLE 98101  
**Appeals: State • Federal • Federal • State**

*Anatomy of a Personal Injury Lawsuit* (3d edition, 1991, ATLA Press, Washington, D.C., 557 pp., hardcover), is a good guide to trial preparation, with lessons applicable to all sorts of suits. Distinguished contributors like Roxanne Barton Conlin, Philip H. Corboy, Seattle arbitrator Michael S. Gillie, Mount Vernon legend Paul N. Luvera and Gerry L. Spence make for a valuable compendium of trial experience. While one may disagree with particular approaches advocated in given chapters, for the novice looking to do a PI case and not end up the victim, it's an excellent road map for the first few trips, until experience and confidence allow more venturesome choices of route.

In the immigration law field, Seattle lawyer Dan P. Danilov and his co-author, New York lawyer Howard D. Deutsch, have produced the sixth edition of their reference book, *Immigrating to the U.S.A. Who is Allowed? What is required? How to do it?* (Self-Counsel Press, Inc., 1704 N. State Street, Bellingham, WA 98225, 172 pp. plus extensive form appendices, softcover, \$14.95). The authors promise "considerable new editorial material" in the new edition. The book is written in a plain-English style, so as to be accessible to the potential immigrant as much—or more—than the lawyer in the field. But for the practitioner who needs a place to start, this looks like a good entry into the area, a primer before attacking the thickets of federal regulations.

## BUTTERWORTH'S SPANISH/ENGLISH LEGAL DICTIONARY

*Guillermo Cabanellas de las Cuevas and Eleanor C. Hoague, Butterworth, 1991, \$90.*

reviewed by **José Gaitán, Glenna White and Susana Stettri Sawrey**

**A**re you a lawyer with Spanish-speaking business clients seeking to decipher a business contract written in English? If so, Butterworth's Spanish/English Legal Dictionary has a lot to offer you.

This dictionary is composed of two hardback volumes (Spanish to English and English to Spanish) with easy-to-read text. The volumes contain detailed definitions of words and phrases ranging from Latin legal phrases to common and not-so-common business and legal terms. The English to Spanish volume offers definitions for a wide range of terms, including "forum non conveniens," "collateral attack," "bait and switch," and "palimony."

While many of the dictionary's definitions would prove to be too unwieldy for use by an interpreter in a courtroom setting (where a concise term is necessary due to the rapid rate of speech), there are complete explanations of many terms which would prove useful to a business person or lawyer who wishes to explain or understand a particular term in the target language.

The Spanish-to-English version offers

explanations of terms and concepts unique to the Spanish-speaking world and offers explanations of terms which have different social significance in those countries. The term "notario," for example, is explained in depth.

One caveat: Though the book is comprised mostly of technical and legal terms, the beginner using this exhaustive work should be aware that there are a few slang or derogatory terms in the Spanish-to-English volume ("puto," for example) which should be used with care in certain company.

Butterworth's English/Spanish Legal Dictionary will prove to be an excellent resource for anyone who does business with the Spanish-speaking world, including members of the legal profession.

*José Gaitán is a partner of Gaitán & Cusack, a business law and litigation firm. Glenna White is a legal secretary with the firm, as well as a Washington state-certified Spanish court interpreter. Susana Stettri Sawrey is a Spanish interpreter certified at both the state and federal levels and is president of the Washington State Court Interpreters & Translators Society (WITS).*

## PRIVATE VALUATIONS

incorporated

Adrien E. Gamache, Ph. D., President

- Valuations of Businesses & Intellectual Property
- International Transfer Pricing (IRC 482)
- Experienced Litigation Support

*Call for references and qualifications*

40 Lake Bellevue, Suite 100, Bellevue, Washington 98005  
(206) 646-8993 • (206) 822-8095 FAX

## How to Have a Successful Law Office

**21 Innovative Ideas  
That Will Improve Your  
Practice**

edited by Gregory S.  
Morrison for the WSBA Law  
Practice Management  
Section

\$16.18 including WA sales  
tax. Order from Heike Burr,  
WSBA, 500 Westin Building,  
2001 Sixth Avenue, Seattle,  
WA 98121-2599. Visa/MC.  
Complimentary with LPM  
Section membership.  
For more information,  
call (206) 727-8320.



## Notices of Interest to Bar Members

### WSBA Disciplinary Notices

**Suspended:** Federal Way lawyer **Edna J. Verzani** (WSBA #4426, admitted 1930) has been ordered suspended from the practice of law for sixty days pursuant to Supreme Court order dated August 31, 1993 and effective immediately. Verzani's reinstatement to active status is conditioned upon providing proof to disciplinary counsel of compliance with the September 29, 1989 order of the Chair of the Disciplinary Board regarding examination of her books and records with the exception of reimbursing the amount of interest to one client. The discipline is based upon her failure to comply with the Chair's order to correct her neglect of a client's funds, negative ledger balances, commingling of earned attorney fees with client funds, and failure to promptly refund inactive client funds and properly invest client funds. [September 7, 1993]

**Disbarred:** Utah lawyer **John M. Bybee** (WSBA #6745, admitted 1976) has been ordered disbarred by the Washington Supreme Court on September 2, 1993 for practicing law in Washington while on inactive status, and failing to advise the Washington court before which he appeared that he was not an active member of the WSBA. [September 7, 1993]

### Public Notices

*In re RCW 19.52.120(1): Legal Interest Rate ("Usury Rate"):*

The average coupon equivalent yield from the first auction of 26-week treasury bills in October 1993 is 3.17%. **The maximum allowable interest permissible for November 1993 is therefore 12%.**

Compilations of the average coupon equivalent yields from past auctions of 26-week treasury bills, and past maximum interest rates, appear in the *Bar News*, October, 1987, for 1982-84; in June, 1989, page 37, for 1984-85; in June, 1992, for 1985-87; and in June, 1993, for 1987-93.

### Mental Health Services Board Members:

The Snohomish County Mental Health Advisory Board is seeking new members. The purpose of this citizen's advisory group is to bring the mental-health

concerns of the community to the attention of county government. The board meets on the second and fourth Mondays of the month. Applicants must be residents of Snohomish County and not employed by a mental-health provider agency. For more information, contact Nancy Jones, Snohomish County Mental Health, (206) 388-7211.

### Annual Bar Dues/Licensing Deadline:

The annual license fee (bar dues) for all members of the Washington State Bar Association is due on or before February 1, 1994. License fee forms will be mailed to all members in December. If you have not received your form by the end of December, please contact the WSBA Licensing Department (206-727-8210). The license form will also include the annual trust account declaration, as well as the CLE Certification form for those required to report CLE credits this year (those active members admitted 1976 through 1983).


### State Law Library— Books Recently Cataloged:

Listed below are some of the new titles recently acquired by the State Law Library and available for loan by phone from (206) 357-2136 or by mail from Washington State Law Library, Temple of Justice, P. O. Box 40751, Olympia, WA 98504-0751. A quarterly *Books Recently Cataloged* list, generally containing 150-200 new titles, is also available. Copies may be obtained by mail from the above address.

On January 7, 1991, the State Law Library began circulating the video collection of the Office of the Administrator for the Courts (OAC), which has more than 150 titles and more than 175 videos. A catalog of titles is available from OAC; call Judicial Education at (206) 753-3365, ext. 3248, for a copy.

When requesting materials, please include the author, title, and call number.

Architecture and the Handicapped  
*Accessible meetings in Washington State: planning and resource guide.*  
Olympia, WA: Governor's Committee



## All the Exhibit Indexes and Closing Sets You Want When You Want Them

Excelsior-Legal's 4 regional plants offer immediate shipment of a complete line of quality exhibit indexes and closing sets, including: numerical/reverse numerical, Roman numeral, alphabetical, medical, trust, litigation, table of contents and blank—in letter or legal size, bottom or side tabbed. We also stock a full line of Tabbies, exhibit labels, tags and stampers.

All indexes are constructed of sturdy 32-lb. ledger stock, and tabs are printed both sides and mylar reinforced (except blank tabs).

For fast and reliable service  
or for more information  
call (800) 433-1700 or (817) 461-5993.

**Excelsior-Legal, Inc.**  
610 Magic Mile, Arlington, TX 76005

on Disability Issues and Employment, 1992. Pp.-56. **KF480.A44 1992**

**Custody of Children**

Atkinson, Jeff. *Handling religious issues in custody and visitation disputes*. Chicago, IL: ABA Section of Family Law, ©1992. Pp. 20. **KF547.A84 1992**

**Divorce Mediation**

*The equity of mediated divorce agreements*. Denver, CO: Center for Policy Research, [1990]. 1 vol. V.p. **KF529.E68 1990**

**Jury Selection**

Werchick, Arne. *Civil jury selection*. 2d ed. New York, NY: Wiley Law Publications, ©1993. Pp. 411. **KF8979.W48 1993**

**Lawyers—Accounting**

Love, Vincent J. *Understanding and using financial data: an Ernst & Young guide for attorneys*. New York: Wiley, ©1992. Pp. 363. **HF5686.L35U53 1992**

**Trial Practice**

Bailey, F. Lee and Kenneth J. Fishman. *Handling misdemeanor cases*. 2d ed. New York: Clark Boardman Callaghan, ©1992-. 1 vol. (loose-leaf) **KF9656.B35 1992**

**From the Legal Foundation of Washington—Your Efforts Can Raise Funds for Legal Help for the Poor:**

Over the past three years the interest earned on IOLTA accounts has dropped dramatically. The Legal Foundation of Washington, the recipient of the interest, has 50 percent less to give to nonprofit programs than it did three years ago. This means the pro bono program sponsored by your local bar will face another difficult year. It means that the major legal services programs including Evergreen Legal Services, Spokane Legal Services Center, and the Puget Sound Legal Assistance Foundation face the most serious budgetary cutbacks since the federal government cut their funding by 25 percent in 1981.

But you can do something to help. The following information details the interest rates paid and fees charged on IOLTA accounts at 22 representative banks from around the state which hold IOLTA accounts. Ask your banker to match First Interstate's rate of 4 percent, not only for your account, but for all IOLTA accounts they hold. Or ask your banker to waive the fees on IOLTA accounts just as Washington Mutual does.

Asking the banks for help does have an impact. Seafirst recently reduced the fees on IOLTA accounts to a monthly flat fee of \$6. This results in an annual increase of \$25,000 per year to the Foundation. If you have any questions, please call the Foundation staff at (206) 624-2536 in Seattle.

Banking Institutions	Number of Accounts	Interest Rate	Average Fee
Bank of California Seattle	44	1.75%	\$10.00
Cashmere Valley Bank Wenatchee	9	2.57%	\$0.00
Centennial Bank Olympia	13	2.02%	\$2.31
Enterprise Bank Bellevue	21	2.0%	\$15.85
Evergreen Bank Seattle	19	1.8%	\$5.00
First Interstate Bank Seattle	472	4.00%	\$13.06
Frontier Bank Everett	46	3.0%	\$11.96
Key Bank of Puget Sound Seattle	864	1.60%	\$7.17
Kitsap Bank Port Orchard	28	2.0%	\$7.33
National Bank of Bremerton Bremerton	10	3.5%	\$5.60
North Cascades National Bank Omak	4	2.5%	\$4.88
Northwest National Bank Vancouver	95	1.5%	\$0.34
Pacific Northwest Bank Seattle	38	1.50%	\$32.32
Pioneer National Bank Yakima	11	1.63%	\$2.78
Seafirst Bank Seattle	1547	1.49%	\$5.99
Skagit State Bank Burlington	23	3.25%	\$13.44
US Bank of Washington Seattle	703	1.50%	\$13.75
Washington Mutual Seattle	93	2.5%	\$0.00
Washington Trust Bank Spokane	127	1.60%	\$14.20
West One Bank Boise	278	2.05%	\$4.98
Whidbey Island Bank Oak Harbor	12	2.5%	\$4.00
Yakima Valley Bank Yakima	15	3.0%	\$0.00



- Business Advisory Services, Inc. (206) 223-5400
- CLE International (206) 621-1938
- Idaho Law Foundation (208) 342-8958
- King County Bar Association (206) 624-9365
- Lewis & Clark Law School/Northwest School of Law (503) 768-6642
- National Business Institute, Inc. (715) 835-7909
- National Institute of Trial Advocacy (NITA) (800) 225-6482
- Spokane County Bar Association (Spokane BA) (509) 623-2665
- Tacoma-Pierce County Bar Association (TPCBA) (206) 383-3432
- University of Washington School of Law (UW CLE) (206) 543-0059
- Washington Assn of Prosecuting Attorneys (WAPA) (206) 753-2175
- Washington State Bar Association (WSBA) (206) 727-8202
- Washington State Trial Lawyers Assn (WSTLA) (206) 464-1011, (800) 732-9251

**Note:** Telephone numbers for regular regional CLE providers and other groups presenting events are listed above. Individual contacts are listed with the specific entry.

**November 1993**

- 3-28** Seattle: "Unquestioned Integrity: The Hill/Thomas Hearings." *Sponsored by The Group Theater.* Contact: (206) 441-1299.
- 4** Spokane: WDTL Annual Insurance Law Seminar. *Contact:* (206) 628-6600. Also presented November 5 in Seattle.
- 4-5** Seattle: 38th Annual Estate Planning Seminar. *Sponsored by WSBA.*
- 4-6** Seattle: National Defender Investigator Association National Conference. *For information:* Sidney Wright, (206)

- 726-3109.
- 5** Seattle: Drafting Family Law Documents. *Sponsored by KCBA.*
- 5** Olympia: Washington Real Property Law. *Sponsored by Thurston County Young Lawyers.* *For information:* Jay Goldstein, (206) 943-6747.
- 6** Portland, OR: Understanding Neck & Low Back Injuries. *Sponsored by Medilegal Institute.* *For information:* (206) 621-1266.
- 6** Bremerton: Legal Education Seminar Workshop Series. *Sponsored by Washington Association of Legal Sec-*

- retaries. *For information:* Lori Bergram, (206) 623-7580, ext. 2519.
- 6** Seattle: Hot Topics in Real Estate Development Law & Practice. *Sponsored by UW CLE.*
- 6** Seattle: Computers in the Law Office. *Sponsored by UW CLE.*
- 10** Spokane: 5th Annual Family Law Seminar *Sponsored by WSTLA.* **Oct 28 was canceled; Note new date and location.**
- 11** Vancouver, WA: Video Seminar: Advising the Small Business. *Sponsored by WSBA.*
- 11** Seattle: Essentials of Real Estate. *Sponsored by WSBA.*
- 12** SeaTac: Fundamentals of Washington Environmental Law Compliance. *Sponsored by Preston Thorgrimson et al.* *For information:* Barbara Gagnet, (206) 623-7580.
- 12** Boise: Idaho Criminal Jury Instructions. Also presented November 19 in Moscow. *Sponsored by Idaho Law Foundation.*
- 12** Seattle: Consumer, Antitrust & Unfair Business Practices Conference. *Sponsored by WSBA.*
- 12** Seattle: Takings/Growth Manage-

The Washington Law School Foundation *presents*

## UNIVERSITY OF WASHINGTON CLE: The CLE Specialists\*

\*\*"Education Is All We Do"

Questionnaire	- 1993 Year-End Schedule -																																								
<p style="font-size: small; margin: 0;"><i>complete and mail or fax us this questionnaire and save money on your next UW CLE</i></p> <ol style="list-style-type: none"> <li>1. What specific topic(s) would you like to see made the subject of a seminar within the next year?</li> <li>2. What speaker(s) would you like to address this topic?</li> <li>3. Are you interested in serving on a CLE advisory council?</li> <li>4. What two areas of law are our principal specialties?</li> <li>5. What one thing would you like to see more of in CLE?</li> </ol>	<p style="font-size: small; margin: 0;">All seminars held in Seattle unless otherwise noted</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr style="border-top: 1px solid black; border-bottom: 1px solid black;"> <th style="text-align: left; padding: 2px;">Live</th> <th style="text-align: right; padding: 2px;">Credits</th> <th style="text-align: right; padding: 2px;">Cost</th> </tr> </thead> <tbody> <tr><td>11/24 (morning) A Morning With Lincoln Caplan</td><td style="text-align: right;">2.5</td><td style="text-align: right;">\$ 40</td></tr> <tr><td>11/30 Ports &amp; Waterways</td><td style="text-align: right;">7.0</td><td style="text-align: right;">120</td></tr> <tr><td>12/3 (morning) History of the Constitution</td><td style="text-align: right;">3.0</td><td style="text-align: right;">60</td></tr> <tr><td>12/4 Federal Appellate Practice Institute</td><td style="text-align: right;">7.0</td><td style="text-align: right;">120</td></tr> <tr><td>12/7 Incorporating Small Businesses</td><td style="text-align: right;">7.0</td><td style="text-align: right;">120</td></tr> <tr><td>12/11 Trial Lawyers Greatest Hits</td><td style="text-align: right;">7.0</td><td style="text-align: right;">120</td></tr> <tr><td>12/18 Law, Literature &amp; Film</td><td style="text-align: right;">7.0</td><td style="text-align: right;">120</td></tr> </tbody> </table> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr style="border-top: 1px solid black; border-bottom: 1px solid black;"> <th style="text-align: left; padding: 2px;">Video/Audio</th> <th style="text-align: right; padding: 2px;">Credits</th> <th style="text-align: right; padding: 2px;">Cost</th> </tr> </thead> <tbody> <tr><td>8/20 International Commercial Law</td><td style="text-align: right;">7.0</td><td style="text-align: right;">\$ 195</td></tr> <tr><td>9/11 Total Quality Management</td><td style="text-align: right;">8.0</td><td style="text-align: right;">195</td></tr> <tr><td>10/7 Health Reform Act of 1993</td><td style="text-align: right;">8.5</td><td style="text-align: right;">195</td></tr> </tbody> </table> <p style="font-size: small; margin: 5px 0 0 0;"><b>Ongoing Live</b> (audio for past sessions)</p> <ul style="list-style-type: none"> <li>• Family Law Skills Training Certificate Program</li> </ul> <p style="font-size: small; margin: 5px 0 0 0;"><b>Forthcoming (1994)</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top; padding: 2px;"> <ul style="list-style-type: none"> <li>→ The Sinking Creek Case (late January)</li> <li>→ 27th Annual Pacific Coast Labor Law (May 19-20)</li> <li>→ The <i>Fisons</i> Doctrine</li> <li>→ Real Estate Litigation</li> <li>→ Professional Mediation Skills Training</li> </ul> </td> <td style="width: 50%; vertical-align: top; padding: 2px;"> <ul style="list-style-type: none"> <li>→ Environmental Litigation (March 4)</li> <li>→ Environmental Law &amp; Mgmt (May 19-20)</li> <li>→ Cross-Training 101</li> <li>→ Intellectual Property Litigation</li> <li>→ Fundamentals of Valuation</li> <li>→ Biotechnology</li> </ul> </td> </tr> </table> <p style="text-align: center; font-size: small; margin: 5px 0 0 0;"><i>Some CLE credits are pending or approximate</i></p>			Live	Credits	Cost	11/24 (morning) A Morning With Lincoln Caplan	2.5	\$ 40	11/30 Ports & Waterways	7.0	120	12/3 (morning) History of the Constitution	3.0	60	12/4 Federal Appellate Practice Institute	7.0	120	12/7 Incorporating Small Businesses	7.0	120	12/11 Trial Lawyers Greatest Hits	7.0	120	12/18 Law, Literature & Film	7.0	120	Video/Audio	Credits	Cost	8/20 International Commercial Law	7.0	\$ 195	9/11 Total Quality Management	8.0	195	10/7 Health Reform Act of 1993	8.5	195	<ul style="list-style-type: none"> <li>→ The Sinking Creek Case (late January)</li> <li>→ 27th Annual Pacific Coast Labor Law (May 19-20)</li> <li>→ The <i>Fisons</i> Doctrine</li> <li>→ Real Estate Litigation</li> <li>→ Professional Mediation Skills Training</li> </ul>	<ul style="list-style-type: none"> <li>→ Environmental Litigation (March 4)</li> <li>→ Environmental Law &amp; Mgmt (May 19-20)</li> <li>→ Cross-Training 101</li> <li>→ Intellectual Property Litigation</li> <li>→ Fundamentals of Valuation</li> <li>→ Biotechnology</li> </ul>
Live	Credits	Cost																																							
11/24 (morning) A Morning With Lincoln Caplan	2.5	\$ 40																																							
11/30 Ports & Waterways	7.0	120																																							
12/3 (morning) History of the Constitution	3.0	60																																							
12/4 Federal Appellate Practice Institute	7.0	120																																							
12/7 Incorporating Small Businesses	7.0	120																																							
12/11 Trial Lawyers Greatest Hits	7.0	120																																							
12/18 Law, Literature & Film	7.0	120																																							
Video/Audio	Credits	Cost																																							
8/20 International Commercial Law	7.0	\$ 195																																							
9/11 Total Quality Management	8.0	195																																							
10/7 Health Reform Act of 1993	8.5	195																																							
<ul style="list-style-type: none"> <li>→ The Sinking Creek Case (late January)</li> <li>→ 27th Annual Pacific Coast Labor Law (May 19-20)</li> <li>→ The <i>Fisons</i> Doctrine</li> <li>→ Real Estate Litigation</li> <li>→ Professional Mediation Skills Training</li> </ul>	<ul style="list-style-type: none"> <li>→ Environmental Litigation (March 4)</li> <li>→ Environmental Law &amp; Mgmt (May 19-20)</li> <li>→ Cross-Training 101</li> <li>→ Intellectual Property Litigation</li> <li>→ Fundamentals of Valuation</li> <li>→ Biotechnology</li> </ul>																																								
Contact Us	<ul style="list-style-type: none"> <li>• John Rapp, Director</li> <li>• Kristin Scheyer, Conference Coordinator</li> </ul> <p style="margin: 0; font-size: small;">1-800-CLE-UNIV 206-543-0059, 8881 685-3929 (fax)</p> <p style="margin: 0; font-size: small;">Address: 706 Condon Hall 1100 NE Campus Pkwy Seattle, WA 98105</p>																																								

ment. *Sponsored by WSBA.*

12 Spokane: The New Health Services Act. *Sponsored by WSBA.*

12 Spokane: Changes in Medicaid Nursing Home Eligibility Rules. *Sponsored by WSBA.*

12-13 Vancouver, B.C.: Washington

State Society of Hospital Attorneys 20th Annual Seminar on Hospital and Health Law. *Contact: Erick Rasmussen, (206) 552-1110.*

15 Deadline for copy for the January, 1994 *Bar News.*

15 Seattle: Getting Paid in Dissolu-

tion Cases. *Sponsored by KCBA.*

16 Seattle: Fair Housing. *Sponsored by KCBA.*

17 Seattle: Negotiating in the Pacific Rim. *Sponsored by KCBA.*

18 Olympia: Essentials of Real Estate. *Sponsored by WSBA.*

18 Seattle: Divorce Mediation. *Sponsored by KCBA.*

18-20 Seattle: Negotiation and Settlement Advocacy Institute. *Sponsored by WSBA.*

19 Seattle: The New Health Care Act. *Sponsored by WSBA.*

19 Seattle: Medicine for Attorneys. *Sponsored by WSTLA.*

19 Seattle: Changes in Medicaid Nursing Home Eligibility Rules. *Sponsored by WSBA.*

19 Seattle: Business & Consumer Torts. *Sponsored by KCBA.*

19 Tacoma: Appellate Practice. *Sponsored by TPCBA.*

19 Seattle: Ninth Annual Pacific Northwest Bankruptcy & Credit Seminar. *Sponsored by Gateway Seminars.* For information: (206) 628-5858.

22 Seattle: Inside the Business Law of America: A Morning with Lincoln Caplan. *Sponsored by UW CLE.*

24 Seattle: Inside the Business of Law in America: A Morning with Lincoln Caplan. *Sponsored by UW CLE.*

30 Seattle: Current Issues Affecting Ports and Waterways. *Sponsored by UW/CLE.*

### December 1993

2 Seattle: The Chaos of Divorce Without Marriage. *Sponsored by KCBA.*

3 Seattle: History of the Constitution. *Sponsored by UW CLE.*

3 Seattle: Real Estate Institute. *Sponsored by KCBA.*

3 Olympia: Damage Strategies in Commercial & Tort Litigation. *Sponsored by WSBA.*

3 Idaho Falls: Annual Law Update. Also presented December 10 in Boise and December 17 in Lewiston. *Sponsored by Idaho Law Foundation.*

3 Seattle: How to Draft Wills & Other Estate Planning Documents. *Sponsored by WSBA.*

4 Seattle: Federal Appellate Practice Institute. *Sponsored by UW CLE.*

4 Seattle: Current Issues Affecting Ports and Waterways. *Sponsored by UW CLE.*

4 Tacoma: Annual Year-End Potpourri CLE. *Sponsored by TPCBA.*

## Lee Meyers Investigations

- Locate and Skip Traces
  - Asset and Financial Reports
    - Background Reports
      - Surveillance
        - Video Depositions
          - Difficult Process Services

*With over 20 years experience.*

**(206) 999-0 SPY (0779)**

Now there is a  
local  
Trust Company  
that is fully  
independent, truly  
client-oriented,  
unlimited in its  
ability to manage  
personal assets.

—  
Now  
there is a choice.

The Trust Company of Washington. Personal trust work in its purest sense. Performed by a top-notch team of skilled professionals – all of whom are Trust Company of Washington owners. The service is comprehensive, prudent, personal, traditional. Their commitment is to provide superior long-term financial performance for the client.

### The Trust Company OF WASHINGTON *Building Your Trust*

TACOMA  
2050 First Interstate Plaza  
1201 Pacific Avenue  
206-627-6547

BELLEVUE  
825 Skyline Tower  
10900 NE 4th Street  
206-637-4651

7 Seattle: Incorporating Small Businesses. *Sponsored by UW CLE.*

9 Seattle: Drafting Seller Financing Documents. *Sponsored by KCBA.*

10 Bellevue: Damage Strategies in Commercial & Tort Litigation. *Sponsored by WSBA.*

10 Seattle: A Day on Trial. *Sponsored by KCBA.*

10 Spokane: How to Draft Wills & Other Estate Planning Documents. *Sponsored by WSBA.*

11 Seattle: American College of Trial Lawyers' Greatest Hits: Big Cases, Big Lessons. *Sponsored by UW CLE.*

13 Seattle: Rainmaking in a Time of Economic Drought. *Sponsored by KCBA.*

14 Seattle: Buying & Selling Privately Held Businesses. *Sponsored by KCBA.*

15 Deadline for copy for February, 1994 *Bar News.*

15 Seattle: Drafting Real Estate Forms. *Sponsored by KCBA.*

16 Seattle: Breaking the Logjam—Moving Beyond Impasse. *Sponsored by Settlement Now. For information: (206) 545-5165.*

16 Seattle & Spokane: Collection of Judgments. *Sponsored by WSBA.*

16 Seattle: Recent Developments in Labor Laws. *Sponsored by KCBA.*

17 Seattle: Why Choose Federal Court? *Sponsored by WSBA.*

17 Seattle: Basic Bankruptcy. *Sponsored by KCBA.*

17 Seattle: Negotiations: Winning

Without Trial. *Sponsored by WSTLA.*

18 Seattle: Law, Literature & Film. *Sponsored by UW CLE.*

23 Seattle/Spokane: Best of CLE 1993. *Sponsored by WSBA.*

30 Distribution Law Advocacy. *Sponsored by WSBA.*



Executive Chair ..... \$729  
Client Chair ..... \$329  
Other desk chairs starting at \$499

## LEATHER STAYS ON THE JOB

When buying furniture is a business decision, 100% top-grain leather becomes an excellent investment. Not only is it beautiful, comfortable and washable, it also lasts four times longer than fabric or vinyl.

## LEATHER FURNITURE CO.

3333 184th SW • Lynnwood  
774-0033

1304 Western Ave. • Seattle  
223-1050

## TRADEMARK

### & COPYRIGHT SEARCHES

**TRADEMARK**—Supply word and/or design plus goods or services.

#### SEARCH FEES:

COMBINED SEARCH — \$ 205\*

TRADEMARK OFFICE - \$70\*

STATE TRADEMARKS - \$75

COMMON LAW - \$65

EXPANDED COMMON LAW - \$115\*

DESIGNS - \$95\* per class minimum

COPYRIGHT - \$105\*

\*plus photo copy cost.

#### INTERNATIONAL SEARCHING

#### DOCUMENT PREPARATION

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

**RESEARCH** - (SEC - 10K's, ICC, FCC, COURT RECORDS, CONGRESS)

**APPROVED.** Our services meet standards set for us by a D.C. Court of Appeals Committee.

Over 100 years total staff experience - not connected with the Federal Government.

#### GOVERNMENT LIAISON SERVICES, INC.

3030 Clarendon Blvd., Suite 209

Arlington, VA 22201

Phone: (703) 524-8200

Fax: (703) 525-8451

All major credit cards accepted

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

Since 1957

# SUPPORTING EVIDENCE

At CD Law, we believe that software and hardware support are all part of the package. That's why when you invest in our product, you're not only getting the premier CD ROM publication of Washington statutes and decisions — you're also entitled to free installation and on-site training by an expert in computer-assisted legal research. Services and support no other company offers.

What's more, we provide turnkey solutions to our customers' computing needs, and can

equip you with CD ROM drives, PCs or CD ROM network file servers at a fraction over cost.

And, because we're a local company, our representatives are always close at hand should you have questions or need help on-site. (Try getting this kind of commitment from a company two thousand miles away.)

For a FREE 30 day trial, call (206) 623-1688. Once you've sampled our product, service and support — you'll have all the evidence you need.

## CD LAW

THE STATE OF  
WASHINGTON

**THE BIGGER  
THE BANK  
THE SMALLER  
THE CUSTOMER**



Does your bank make you feel like the proverbial grain of sand on the beach of life? Does it make you feel as if it doesn't need your business? Or even want your money? Perhaps they've forgotten what it's like to be small. We haven't. We're Pacific Northwest Bank. We know what it's like to be small. We also know what it's like to be better. Which is why we treat all our customers like the proverbial big fish in a small pond. Pretty smart, eh?

---

Seattle - 3rd and Seneca 624-0600    Bellevue - NE 8th and 112th NE 646-0900



**Pacific Northwest Bank**  
Member FDIC

A LITTLE SMALLER. A LITTLE SMARTER.®

# EDITOR'S CHOICE

Charles Sevilla, writing as Winston Schoonover, *Wilkes: His Life and Crimes* (Ballantine Books, 1990, 292 pp., softcover, \$4.95)

Charles Sevilla, *Wilkes on Trial* (Ballantine Books, 1993, 298 pp. hardcover, \$18)

Ronald B. Lansing, *Juggernaut: The Whitman Massacre Trial 1850* (Ninth Judicial Circuit Historical Society, 1993, 140 pp., softcover, \$15)

Marc Lampson, *From Profanity Hill: King County Bar Association's Story* (Documentary Book Publishers Corp., 1993, 126 pp., hardcover, \$24.95, plus \$2.00 tax and \$2.00 shipping, from King County Bar Association, Seattle).

by Lindsay Thompson

**R**eaders of this space should, upon conclusion, do two things. Thing One: rush out and demand that your bookseller round up copies of Charles Sevilla's two comic masterpieces. Thing Two: Never loan them out. You will never see them again. They will pass off into infinity, from hand to hand, from one guffawing reader to another.

*Wilkes: His Life and Crimes* and *Wilkes on Trial* are, beyond any question, the two most hilarious legal satires I've ever read. Sevilla, a top-drawer San Diego defense attorney whose clients have included executed California murder convict Robert Alton Harris, has created an Everyman defense lawyer, one who will do *anything* to save his client, and his fee.

Originally published as stories in the defense bar publications *Forum* and *Champion*, *Wilkes: His Life and Crimes* is a collection of reminiscences of New York defense attorney John Wilkes by his long-time silent partner, Winston Schoonover. They range through the 1950s, '60s and '70s.

Every case Wilkes defended brought on a fight with "the two-headed Hydra"—what he called the judge and the DA—over his insistence that he be given enough time to prepare his cases. Wilkes desired to age his cases like fine wine. He quoted Emerson, who might have written the rationale for the Old Wine Defense which my friend made famous, when he said, "Time turns to shining ether the solid angularity of fact."

The book begins with Wilkes being thrown in New York's infamous jail, The Tombs, for contempt, followed,

promptly, by Schoonover, who'd run afoul of the notorious Judge Joseph Blugeot trying to get Wilkes out. Immediately upon their incarceration, the jail exploded in a riot. "What a predicament: Wilkes and I were now holed up on the Tombs' twelfth floor along with eighteen guards (the hostages) and two hundred raging barbarians." Wilkes never missed a beat. It took him about thirty seconds to strip off his suit, put on a Yassir Arafat head covering (made from his torn shirt), and sunglasses (taken from a guard), and announce himself as "Akbar, revolutionary lawyer, leader of the oppressed in the ever-lasting battle against capitalist avaricious plunderers," giving interviews, taunting the mayor. Once the jail was surrounded, Akbar announced his heroic Thermopylae strategy: he'd lead a handful of men down the elevator to meet the cops—and destiny. The mob liked it—having someone else die for them. Their cries resounded as their leader got on the lift: "Akbar! Akbar! Akbar!" Writes Schoonover,

As soon as the elevator doors closed, separating the four of us from the bellowing barbarians, Wilkes punched the button for the eleventh floor and revised the heroic Thermopylae strategy:

We'll get back in our cells, lock the doors, and put on our street clothes. When the cops come, we play dumb. We've been on the ninth floor the whole weekend. No riot for us.

They bailed out, walking to freedom as the cops scoured the place for the mysterious Akbar.

As the chapters race on, Wilkes gets caught up in the quiz show cheating scan-

dal of the 1950s and has to prove he wasn't cheating in his area of specialty—Oscar Wilde—by reciting "The Ballad of Reading Gaol" without an error. Pacing around the rosewood conference table 54-1/2 times in 90 minutes, he does it without a hitch. Later, Wilkes and Schoonover are caught in a client's money-laundering scheme and get kidnapped to Quito. He runs for judge, delivering the now-famous "Scumbag Speeches" about his opponent and the corruption of the system, whacking one sacred cow after another square between the eyes. Losing, he takes out after Judge Blugeot again:

Blugeot looked up from his throne to empty space and muttered to himself a self-pitying "*Extinctus amabitur idem*" ("The same man dead will be loved.")

To which Wilkes responded, "*Omnium consensu capax perii nisi imperasset*" ("If he had not ruled, people would have thought he could rule.")

"Mr. Wilkes, I speak the truth," replied the judge. "Remember, '*Veritas, a quocunq; dicitur, a deo est.*' ('Truth stated by anyone like me is from God.')

"Judge, I think Bracton said it best, '*Veritas habenda est in juratore; justitia et iudicium in iudice*' (In context: 'Give me a little less truth and a little more justice.')

"Wilkes could talk Latin-jive with the best of them," Schoonover reported admiringly. "Matter of fact, he was the best I ever saw."

*Wilkes on Trial* picks up with the murder of the horrible Judge Y.A. Knott, and before the action is over, Wilkes is a prime suspect. In the meantime, he has

to try cases involving the gang leader, Lyle Diderot, a lispng hot tub spa proprietress accused of prostitution; address the Round Table of the National Association of the Greatest American Trial Lawyers while falling-down drunk; get in and out of contempt; and solve the murder in this sprawl of a novel. Psychotic judges; the blood-thirsty prosecutor, Miles Landish; the perpetual hay fever sufferer, Detective Mike the Hanky

Mulraney; Wilkes' investigator, Uriah Condo; his jury selection consultant, Ruby Fulgioni (whose rules of jury selection in New York City include "DON'T select a juror who drools when he talks about capital punishment; DO pick descendants of the Boss Tweed family; DON'T pick religious jurors except for followers of the Satanic Masonics, Disciples of Alphonse the Apostate, the Moribund Tabernacle Divine Light Holy

Mission, the Charles Crud Celestial Crusade, the Beelzebub Worshipers, the New-Age Satanic Revenge Society, the Post-Thermonuclear Anti-Christ Pre-Survivors Club, or the Unitarian Church . . ."); and Dr. Vladimir Knudsen, the canine psychiatrist ("This dog has a blunted affect"); all populate this madhouse that is Sevilla's New York. If Charles Dickens were alive today, he'd be reading the Wilkes books on his lecture tours. "Can't beat him," he'd say.

Many WSBA members have been involved in the effort to create new legal systems in the former socialist states of Eastern Europe recently. What a task, having to create a legal system from scratch, deciding what laws to use, creating procedures, finding suitable facilities, dealing with the press and the public, making the proceedings understandable to defendants who speak another language, dealing with the distance—or absence—of functioning higher authorities.

It is of more than passing antiquarian interest that the same issues were of pressing importance in the Pacific Northwest less than a century and a half ago. Ronald Lansing, a professor at Lewis & Clark College's Northwestern School of Law (in whose Torts II class, I must reveal, I was an undistinguished participant 11 years ago) has brought the beginnings of the region's legal system to vivid life in *Juggernaut: The Whitman Massacre Trial 1850*. Lansing observes,

Much has been written about the massacre and about the life of Marcus Whitman, but little has been written about the trial of the alleged murderers. That trial occurred at Oregon City in the last week of May 1850. The trial was the Oregon frontier's first attempt to formalize and record judicial proceedings concerning an event of deep and abiding significance to the people of that time. It was a trial that today gives us some insight into the difficult beginnings of formal law, the opening struggles of a new judiciary, and the confrontation of civilizations in a place of wilderness.

He notes,

Finally, we must never forget that


**WE FIND**

# HEIRS

RESULTS GUARANTEED  
OR NO CHARGE...

CALL  
**1-800-ONE-CALL**  
(663-2255)

*A Better Way!*



**INTERNATIONAL GENEALOGICAL SEARCH INC.**  
Established 1967

FAX 1-800-663-3299



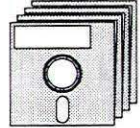
**AB**  
Legal Printers

**FEDERAL APPELLATE BRIEFS**  
Printed, Served by Affidavit, Filed.

**FEATURING SAME-DAY TURN**  
*Expertise From Over 30 Years Experience*

**Specialists in Legal, Financial (Debt/Equity), and Corporate Printing**

**WE OFFER THE LATEST IN HIGH-SPEED DIGITAL-QUALITY PERFORMANCE. YOUR MAC™ OR PC FILES FLOW INTO OUR PRESS WITHOUT COMPROMISE VIA YOUR MODEM, YOUR FLOPPY DISC, OR FROM YOUR HARD COPY. CALL US FOR DETAILS**

Barry J. Reischling, Owner  
222 Wall Street, Suite 100, Seattle, WA 98121  
Ph: (206) 443-1515 Fax: (206) 443-4322

this seminal case represents what is the most critical, the most scrutinized, the most dramatic, the most safe-guarded proceeding that takes place in a court of law: the trial of a human being for homicide under penalty of death.

Five Cayuse Indians were tried for the murder of Marcus Whitman in United States District Court for the District of Oregon, May 21-24, 1850. All told, there were six indictments for the murder of residents of the Whitman mission near Walla Walla, but only one was tried. Thanks to extensive court records of the trial, contemporary newspaper coverage, published recollections of participants and numerous secondary sources, Lansing had a remarkably strong base to build his story on. And rather than resort to the dry tone of the scholar, he has adopted as a narrative vehicle a fictional observer of the trial, a man named Eli.

I mean to tell you about that murder trial. I was here for it—all four days of it. Court records were kept, and newspaper stories were reported. I have read them all. I was a young man then with an itch and a nose for law doings. What I have to tell you hangs true to a hair and brings you as close as memory allows to what is gone.

Eli's retelling reflects Lansing's research into the speech of the time, when the patois of the Rocky Mountains trapper was "encountering the more acceptable English of migrating white settlers. That meeting of language tells us something about a culture clash that was a catalyst for the trial itself." As an example, Lansing reports that two interpreters were needed because three different languages were being used at trial. English, which none of the defendants spoke; Cayuse-Nez Perce, which none of the lawyers or court personnel spoke; and the Chinook Jargon, a polyglot tongue developed by the tribes for commercial communication, and which trappers and traders had picked up over time. Everything had to be said three times, and the trouble of translation was compounded by the universe of difference in concepts the trial and the defendants represented.

Lansing's review of the testimony of witnesses reveals a remarkably thin prosecution case and a spirited, if sometimes less than fully effective, defense. Today's prosecutors and defense attorneys will read with interest the sparring of their forbears over remarkably current issues, each side positioning for advantage in motions. Perhaps the most interesting participant in the trial was the judge, 30-year-old Orville C. Pratt, who'd arrived in the Oregon territory nine months earlier by way of law practice in New York and Illinois and the appointment of President James K. Polk. One can see in his trial rulings, 12 of which Lansing identifies as potential assignments of error on appeal, either a conscientious man trying to do his best in trying circumstances, or a result-driven judge running the trial to reach the desired outcome. There was no appeal of the defendants' convictions, however. There was no place to hold them for the years it would take to get the case heard by the congressionally designated reviewing body, the U.S. Supreme Court. They were hanged a week and a half later.

*Juggernaut* is a first-rate, accessible book. Lawyers will find it fascinating, as, for perhaps different reasons, will nonlawyers. Lansing's research is reflected in the detailed end notes, in which he not only reveals but comments on

sources, and also raises other interesting issues which, placed in the text, would have been distractions. The story is supplemented by 31 illustrations, ranging from contemporary photographs to copies of court papers in the case. The Ninth Judicial Circuit Historical Society, which has done much to expand to study of western legal history in just a few years, did a fine day's work when they published this book.

So, too, has the King County Bar Association, celebrating its centenary with the publication of Marc Lampson's *From Profanity Hill: King County Bar Association's Story*. Most of what I knew about the King County Bar I knew from watching and listening to the phalanx it has sent to Board of Governors meetings over the past few years. I knew, for example, that it does everything first, and better; that when money is to be made on a task, it,—rather than the state bar—should get to milk the cash cow; and that it recently divided the known world into the districts of North, East, South and Central King County, leaving in place local customs and leaders in return for seats at the parliament of the Imperium. I have teased them that way for years. But about the same time *From Profanity Hill* arrived for review, I discovered my future as a lawyer lay in—you guessed it—Seattle. So I read the work with particular attentiveness, to

## CHRISTMAS AT THE SALISH



The Salish Lodge at Snoqualmie Falls celebrates the holiday with evening music by strolling carolers and holiday refreshments in the Library. Enjoy one night's lodging, dinner for two, our famous Country Breakfast, as well as a poinsettia and a special commemorative keepsake gift. Gratuities and tax included.

Available Dec. 1 - Dec. 30 any evening ..... \$335.00  
per couple



Phone 1-(206) 888-2556 or 1-(800) 826-6124 for Reservations

learn more about the briar patch I'd now have to live in and, further, to see how many past words I'd have to eat.

Happily, I learned a great deal and found it very informative. (Happily, too, I can still tease the Bar, and now with learned historical references.) This is a handsome book, well laid out, with many contemporary illustrations from regional archives: an 1860 photograph, "considered to be the first taken in King County," opens the work. Lampson, a former editor of the King County *Bar Bulletin* has done his homework. The book opens with a chapter on the organization of law, the courts and the bar in the Puget Sound area. It's a nice counterpoint to Lansing's description of events to the south around the same time.

As Seattle grew, so grew its bar, and the book tells the stories of some of those pioneer lawyers who did well for themselves, both in and out of court. By 1891, a Seattle newspaper proclaimed there were 307 lawyers in a city of fewer than 50,000 people,

one lawyer to every 170 population, men, women and children . . .

### How to Have a Successful Law Office

#### 21 Innovative Ideas That Will Improve Your Practice

edited by Gregory S. Morrison for the WSBA Law Practice Management Section

Learn how to:

- improve client relations
- be a better manager
- increase your productivity
- decrease your stress
- be a better lawyer

\$16.18 including WA sales tax. Complimentary with LPM Section membership. Order from Heike Burr, WSBA, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599. Visa/MC.

For more information, call (206) 727-8320.

there are many who are in receipt of handsome incomes . . . there are a number of firms in this city, who have an annual income of ten thousand dollars and over.

The organization of the University of Washington School of Law guaranteed an annual supplement to the supply after 1899.

The arrival of women and minority lawyers is chronicled, as are the migration of the courthouse from its lofty perch on Profanity Hill (the name derived from the effects of the exertion required to leg it up there for court) and the turbulence after World War I and through the Depression and the Second World War. The Red Scare of the late '40s and early '50s is described in some detail and leads directly into the turmoil of the 1960s. Lawyers were in the thick of all these frays, in court or in the streets. Lampson describes the explosive growth of the bar in the 1970s and '80s ("The Washington State Bar Association grew more between 1972 and 1977 than it had in the preceding forty-five years of its existence") and the strains this placed on lawyers, law firms and the courts. The celebrated, and—at the time—shocking, blowups at the Schweppe and Karr Tuttle firms marked a sea change in the practice of law in King County.

A section in the latter half of the book contains profiles of firms and institutions sponsoring the work. This necessary bit of hagiography is tastefully presented.

I was pleasantly surprised by this book. When I heard of plans for it, I figured the end product would be masticated into a boring, something-for-everyone pudding of political correctness, the usual result of institutional self-publication in these self-conscious times. But Marc Lampson and the King County Bar Association have produced something to be proud of. *From Profanity Hill* has both scholarly merit and popular appeal. Lawyers outside the Seattle area will wrongly think this is a parochial history. It illuminates the development of the law in Washington state as well as in King County, and it offers a thoughtful first take on fairly recent history. For the price, it is a good value. For the legal historian, it is an essential addition to the bookshelf.

## RETIREMENT

by Kent Tarpley and Linda Schuler

When you are ready for retirement, will you have enough income to do the things you enjoy most? How can you accumulate more dollars for retirement, and how can your law practice help fund your pension?

Your financial independence later depends on your financial planning now. You must consider everything—pensions, savings, investments and Social Security.

Savings and investments such as stocks, bonds, certificates of deposit, life insurance policies, mutual funds, money market accounts, annuities, real estate, and personal property can determine the difference between financial comfort and financial hardship. The following article discusses qualified plans. Part 2 discusses nonqualified plans.

In a small law firm, you're keenly aware of how taxes affect your practice. They eat up the dollars needed for your expansion and operating expenses.

One of the most attractive alternatives is some type of qualified retirement plan, which offers a way to deduct the payments you make and builds employee retirement savings. Specifically, it offers:

- tax-deductible contributions—plan contributions are deductible as an ordinary business expense;
- tax minimization—contributions are not taxed until received (typically at retirement); and
- tax deferral—employee contributions on earnings accumulate each year without being taxed. This allows retirement savings to grow more quickly than through conventional saving programs.

These three advantages combine to provide significant tax savings. Your particular business situation will suggest the best of several ways to structure a qualified plan.

### 401(k) Plans: Flexible and Affordable

Many small firms want to start a retirement plan, but they don't because it seems too costly and inflexible. Here's



## PLANNING FOR THE SMALL PRACTICE, PART 1 QUALIFIED PLANS

a solution: the 401(k) plan. These are available to sole proprietors, partnerships and corporations.

With a 401(k), each employee chooses to defer a portion of current salary. Since the employee primarily funds the plan, costs to your practice are minimized.

A 401(k) offers flexibility. To supplement employee contributions, you may contribute what you want by:

- Matching a portion of employee salary deferrals to increase employee participation, and/or
- Making a discretionary contribution, which may vary from year to year based on profits.

All your law firm contributions are tax-deductible. Both the amount and periodicity of contributions may vary.

Each employee decides what percent of his or her salary to contribute to the plan through payroll deduction. There is a wide latitude in contribution amount. In 1993, for example, the range was \$0 to \$8,994, a maximum which few can attain.

A 401(k) also helps employees reduce their current taxable income and accumulate retirement funds on a tax-deferred basis. Contributions and earnings are not taxed until they're withdrawn.

### The SEP Alternative

Some practices hesitate to establish a retirement plan because it seems too complex. A Simplified Employee Pension (SEP) may be the answer for you. SEPs entail:

- Simplified creation. You complete only one IRS form, and eligible employees establish a SEP Individual Retirement Account (IRA) at the financial institution of their choice.
- No complex plan document. An SEP is a one-page plan.
- No employee booklets. A signed copy of IRS Form 5305-SEP is the sole agreement you give to eligible employees.
- No government filings. You don't need to file the plan with the IRS or the Department of Labor.
- No complex discrimination tests. Plan design prevents discrimination in favor of highly compensated employees. You contribute the same percentage of com-

pensations, based on a written allocation formula, for each participating employee.

- No confusing vesting schedules to follow. All contributions are immediately 100 percent vested.
  - Easy coverage rules. Eligibility is easy to determine.
  - No year-end signing deadline. You may establish a plan as late as April 15 to qualify for a prior-year tax deduction.
- Plus, like other qualified retirement plans, SEP contributions are flexible and tax-deductible, and both contributions and earnings grow tax-deferred.

### A New Idea for Profit-sharing Plans

If you are concerned about the limits related to qualified retirement plans or discrimination requirements that prevent you from allocating as much as you'd like for you and your key employees, here's a new idea for structuring a profit-sharing plan.

Age-weighted plans add a new twist to profit-sharing plans by allowing you to base contributions on the employee's age and salary. Contributions to traditional plans are usually allocated at an equal percentage of pay. With an age-weighted plan, older, higher-paid employees (including businessowners) may receive greater shares of the contribution.

Recent IRS regulations make this type of plan possible. Age-weighted plans are based on the theory that each employee's share of the contribution provides the same benefit (as a percentage of pay) at retirement. Employees closer to retirement receive a larger portion of the contribution, since they have fewer years to accumulate funds.

Like a traditional profit-sharing plan, contributions to an age-weighted plan are flexible. Each year, you decide if and how much to contribute.

If you already have a profit-sharing plan or are just thinking of adding one to your employee-benefit package, an age-weighted plan may be for you. Businesses with the following characteristics are ideal candidates for an age-weighted profit-sharing plan:

- the business has up to 25 employees;

- owner or key employees are relatively older than other employees; or
- owner or key employees are more highly paid than other employees.

If you have a qualified plan in place, you may amend it by substituting the age-weighted allocation formula for your current one. A word of caution: changing to an age-weighted plan may create negative feelings among younger employees, since they will probably receive a smaller percentage of the contribution than in the past.

To gain the benefits of a qualified retirement plan for the 1993 tax year, start planning now. Generally, the structure of your practice determines when you must adopt and fund your plan:

- Sole Proprietorship or Partnership: Establish and sign your plan by December 31, and make contributions by your tax-filing deadline, plus extensions (normally April 15).
- Corporation: Establish and sign your plan by December 31, and make contributions by March 15 or a later extended tax-filing deadline.

See the December *Bar News* for Part 2: "Nonqualified Plans."

*Kent Tarpley and Linda Schuler, CLU, ChFC, are financial planners with the Financial Strategies Group in Seattle.*

**No comment?!  
No good.**

"Road Map to  
Better Understanding"  
Annual  
Bench Bar Press Conference  
4 CLE credits  
\$55  
NOV 19

(206) 727-8212/8213

mal • prac • tice

n. Improper or negligent act by a professional causing damage or injury.

pro • tec • tion

n. To keep from harm, attack or injury.



Washington State Bar Association Sponsored  
Lawyers' Professional Liability Insurance Program



Call Pam Blake  
**206-224-7411**

or

**800-366-7411**

**KIRKE-VAN ORSDEL, INCORPORATED  
ADMINISTRATOR**

**1420 5th Avenue, Suite 2200, Seattle, Washington 98101**

AMCB



## TEN COMMANDMENTS FOR LAWYERS' HEALTH

by **Larry G. Evans**

The American legal profession is made up of the best minds and the worst bodies in the world. In a grown-up business, lawyers often behave like children when it comes to their health. Overwork and stress cause the early end of many distinguished careers. To restore balance to lawyers' lives, it is necessary to change behavior in a fundamental way. These Ten Commandments contain the essence of the secrets for robust health. By following them you will have greater energy, clearer thinking, and a longer, more fulfilling life.

### I.

#### **Thou Shalt Listen To Thy Body**

The human body is a marvelous machine. It gives warning signals of what it needs and what it does not need. If you are under pressure, you will probably not be hungry. If you are not hungry, don't eat. If you are sleepy or tired, either lie down and rest or take a brisk walk. Medicine, particularly tranquilizers and sleeping pills, only masks the messages your body is trying to give to you. In all things, recognize the superior intelligence of your nervous system. It knows what is best for you. Pay attention to it. By doing so, you can prevent illness instead of having to treat it after you are sick.

### II.

#### **Thou Shalt See The Positive**

Don't be negative about other lawyers or about judges. You will only create a hostile environment for yourself. Being nice to people and speaking kindly toward them is such a simple way to reduce stress on yourself.

In every adversity, there is an opportunity. Look for it. Problems are really chances to create solutions.

### III.

#### **Thou Shalt Have Perspective**

In the spectrum of the universe, how important is the matter about which you are worrying? In 10 years, will you even remember the name of the case that is keeping you awake at night? Stop pushing so hard. Slow down and take it easy. Life really is too short. Don't compare yourself to others. It's hard on your heart. "Win-Win" is a great philosophy to follow.

### IV.

#### **Thou Shalt Stay Young and Creative**

Just because you are a lawyer doesn't mean you have to be overweight, tired, shaky

and aging rapidly. Think of yourself as creator. Each letter, contract and court appearance can be an opportunity to let your creative juices flow, keeping you young and vital.

Your vision does not have to keep getting worse. Staring during periods of concentration is hard on your eyes. Blink lightly and often.

Benjamin Franklin was right. Early to bed and early to rise can make you healthy, wealthy and happy in the practice of law. Each hour of sleep before midnight is worth two after midnight.

### V.

#### **Thou Shalt Avoid Anger**

Whatever you put out is what you get back. Anger begets anger. If you keep getting angry, you may develop high blood pressure, ulcers and other stress-related illnesses. Anger causes you to lose control and certainly can harm your health. To avoid anger, try empathy. It always works, even with those who frustrate you most. If you must express anger, do it in a way that doesn't harm anyone.

### VI.

#### **Thou Shalt Be Organized**

A messy work environment causes stress on a subtle level. Clean, clear desks are better for your health than is jogging a mile a day. Work smart, not hard. Think about the value of your time. Delegate, delegate, delegate. Letting go of "responsibilities" aids digestion, eases constipation and helps prevent strokes. Scheduling appointments back-to-back, whenever possible, will allow uninterrupted time. For you.

### VII.

#### **Thou Shalt Eat With Common Sense**

Babies like sugar and sweets; so do lawyers. Babies don't know any better. Sugar, fatty meats, salt, caffeine and alcohol are not friends of yours. Avoid them as much as possible. Look for foods with some nutritional value. Empty calories just add weight. Choose fresh, wholesome foods. Nuts, especially pecans and blanched almonds, make great snacks and are easy to carry with you. Discover popcorn without salt or butter. It will satisfy your hunger and help your health. Fresh fruits and lightly steamed vegetables are excellent for your longevity.

Don't skip meals. If you do, your blood-sugar level will drop and you will be less

able to concentrate. If you're hungry, you should eat.

It doesn't do any good to have a salad for lunch if you cover it with dressing or sauces that contain fats and salt. Fish is fine, but not if it's fried. Get plenty of fiber. It's good for you colon. Avoid junk food. It's loaded with salt, sugar and fat. Don't fuel a billion-dollar deal with a junk food meal.

### VIII.

#### **Thou Shalt Exercise With Intelligence**

Walk, don't drive. If you park an extra block or two from the office. You will add years to your life. Climb stairs, don't ride. What's important is not what you do for exercise, but that you do it every day. It must be part of your lifestyle, just like brushing your teeth. The body likes to move. Stay loose. You don't need lots of equipment. Brisk walks are like balm for your heart. Don't overdo. Select exercises you can do the rest of your life.

### IX.

#### **Thou Shalt Not Smoke**

What more needs to be said? If you need more information, think about emphysema, heart disease and cancer. Habits are easy to break. Just do it.

### X.

#### **Thou Shalt Escape Daily**

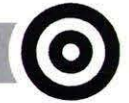
Take time for yourself. A 10-minute walk can do wonders for a frazzled nervous system. Find a way to go away, every day. Meditation, deep relaxation or sensible exercise will take you into yourself. There you will find an inner peace that will recharge your energy and keep you toned and fit.

*This article is reprinted with the permission of The Virginia Lawyer.*

#### **About the Author**

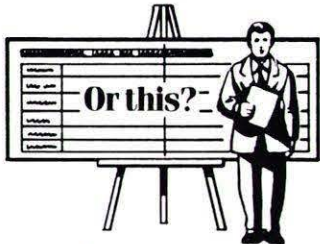
*Mr. Evans is a member of the Valparaiso, IN firm of Hoepfner, Wagner & Evans. 11"x17" parchment reprints suitable for framing are available for \$7.95 by writing to the Evans Company, P.O. Box 1519, Valparaiso, Indiana 46384-1519.*

LAP is a confidential service providing assessment and referral for a broad range of problems confronting lawyers. These include stress, burnout, depression, career dissatisfaction, alcohol and drug abuse. Contact the Lawyers' Assistance Program at (206) 727-8268.



# TRIAL LAWYERS

NOW YOU HAVE A CHOICE... This?



If you have a complex case to argue, do what many attorneys are doing.

**SIMPLIFY** by using **LARGE-FORMAT** graphic presentations.

Proven effective time after time.

Cases often settled in arbitration.

Reduces reams of complex paper evidence to simple, large and easy-to-read panels.

**COMMON SIZES:**

- 1-panel — 30" x 40"
- 2-panel — 30" x 80" or 40" x 60"
- 3-panel — 30" x 120" or 40" x 90"

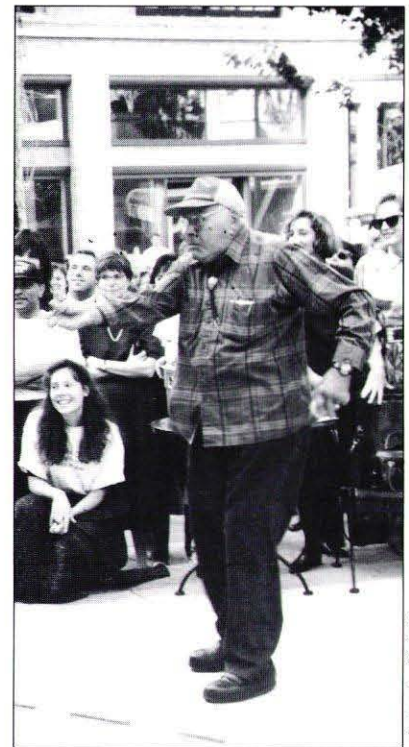
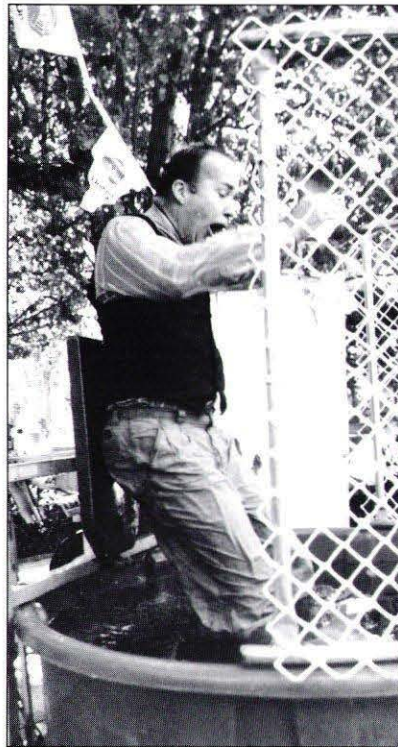
Multiple panels are lightweight, hinged and reinforced for easy handling and portability.

Call now for a free consultation regarding your project, typical charges and our complete services.

We can solve your presentation problems and we will do so within your time frame.

## DON COPPOCK GRAPHIC SERVICES

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



photos by Rick Meyer

D  
U  
N  
K  
  
A  
  
L  
A  
W  
Y  
E  
R

## FOR UNITED WAY

Seattle's Perkins Coie firm raised \$1,350 for charity at their October 1 lawyer dunk. Above are managing partner **Bob Giles** going into the tank (l) and a man taking aim (r) to successfully dunk attorney **Evelyn Sroufe**.

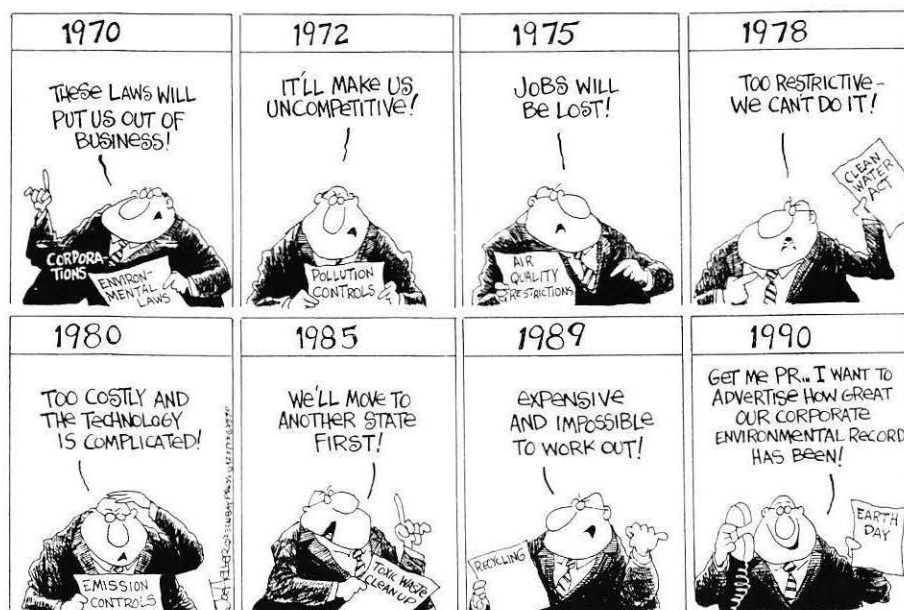
## FOOD FRENZY FOR FOOD LIFELINE

Seattle's Davis Wright Tremaine challenged local area lawyers, bankers and CPAs in a food collection campaign which ultimately gathered 143,910 food items donated by more than 6,400 people. This 70,000 pounds of food will feed 15 western Washington families for more than 10 months. Below (l to r) are winning Cozen and O'Connor team representatives **Patti Godof, Deb Samuelson, Paula Rietzul and Sheryl Scofield** with Seattle Mayor **Norm Rice**.



photo by Jennifer Simmons

# HOW TO DETERMINE WHO KNEW WHAT ABOUT POLLUTION WHEN - OR - HOW TO TELL THE DIFFERENCE BETWEEN COMPANIES WHO POLLUTED ON PURPOSE AND THOSE WHO *JUST DID IT BY MISTAKE*



"DDT is one of the safest pesticides being used." James M. Brown, letter, *American Way*, June 1970.

It is hard, now, to identify past corporate polluters of our earth, air and aquifers, and to prove they knew what they were doing. This article is a guide to sources of environmental information, both historical and contemporary.

by Susan Golden

**B**oth the quantity of information and the methods of accessing it have changed radically in the past 25 years. The *Chemical Abstracts* index for the years 1937 to 1946 shows one column of references to articles about the pollution of water. From 1957 to 1961 (just before the publication of Rachel Carson's *Silent Spring*) there were 3-1/2 columns on the subject. By the first Earth Day in 1970, online databases were in use as well; that year the online version of *Chemical Abstracts*, CA Search, listed 306 articles mentioning water pollution; in 1992, 3,000.

The amount of information published about the environment has increased exponentially since 1970. At the end of the '60s, manual indexes and abstracts began to be replaced by online databases, which included the citations for newspaper articles, trade journals, conference proceedings, government reports and research papers. A search that used to take a researcher days—even weeks—could be done in minutes.

Proving what was known by a com-

pany about the hazards of industrial waste to the environment is relatively easy to find after 1970, but much more difficult for the preceding time. The researcher has to dig through the literature by hand.

A typical assignment reads something like, "Find everything that has been written about soil contamination in the U.S. from 1912 to the present." (Actually, it usually reads, "How much would it cost to find everything . . .?")

What was known during the years in question about soil contamination: within the industry, within the scientific community and in the popular press? The research involves:

- the historical activities of the industry in question;
- trends in the industry regarding environmental issues;
- professional organizations that industry members belonged to, conferences that they attended and trade publications that they read;
- information known by the general public—published in the popular press—about environmental issues; and
- the movers and shakers: the industry experts, the leading scientists, or the environmental watchdog organizations

hounding the corporate abusers.

If you know next to nothing about the industry and type of pollution in question, begin the search with what others have already compiled. The first step is to identify the key depositories of information for the industry, locate the archivists and experts and obtain published bibliographies on the subject. Start with: the *Encyclopedia of Business Information Sources*; the *Research Centers Directory*; the *Encyclopedia of Associations* and the *Directory of Special Libraries*.

Most large trade associations have libraries, and their research librarians should be your starting point. They can tell you what their members read, name the conferences they attend, possibly introduce you to subject experts, and guide you to the right indexes, abstracts and databases for your subject. Some, such as the National Water Well Association's Ground Water Information Center, maintain their own in-house database. For a fee, they will search it for you and send you a list of bibliographic citations.

Become familiar with the University of Washington libraries. Those most commonly used for environmental research

are the Natural Sciences Library, Fisheries-Oceanography, Chemistry, Engineering and Forest Resources. Access their book catalogs via the internet (see tables) to track down titles of interest and determine their location before setting foot on campus. (The internet also provides access to book catalogs for major universities and research centers throughout the United States.)

To comply with due diligence, and because thoroughness provides a greater chance of capturing that valuable nugget of information, cast a wide net at this early stage. This avoids having to go back later and try to fill in the gaps.

For the years preceding online databases, you must rely on print indexes. Hiring researchers who are detail-oriented and do not bore easily is the key to success at this stage.

*Chemical Abstracts*, the *Bibliography of Agriculture*, and the *Applied Science and Technology Index* are the best sources of historical information on the environment. They index trade publications, scientific journals and conference proceedings. Most citations give a one- or two-sentence description of article content. Retrieve copies of all the important-

sounding titles, and scan the articles for issues relevant to the case.

At this stage, you should make a backup copy of the article and write a summary of its relevant points. Load these notes into a bibliographic database. Once the technology for hand-held scanning devices has improved, the full text of the article can be scanned into your database. (But read up on copyright law beforehand.)

The derivation of terminology is important. Words used to label the forms of contamination are fairly new and evolving. You need to become familiar with the words in common usage during the era under investigation.

Large trade associations or research centers frequently publish indexes to their journals. An example of this is the *Abstract Bulletin of the Institute of Paper Science and Technology*. Available at the Forest Resources Library, this index tracks the literature back to 1929. In 1967, these abstracts were made available through Paperchem, an online database carried by DIALOG. Today, Paperchem is described as a "comprehensive database covering international patent and journal literature related to pulp and

paper technology." Nearly 1,000 periodicals in more than 20 languages are indexed, as well as the patent gazettes of six major companies.

Other examples of industry-specific indexes are *Packaging Science and Technology Abstracts*, *Aluminum Industry Abstracts*, and *RAPRA*, an index dedicated exclusively to rubber, plastics, adhesives and polymeric composites.

Magazine and newspaper indexes yield information about what was public knowledge about a subject. Print indexes are available for the *New York Times*, the *Wall Street Journal* and the *Christian Science Monitor*. The full-text, online version of the *New York Times* is available on LEXIS/NEXIS, from Mead Data Central; Dow Jones News Retrieval carries the *Wall Street Journal*; and the *Monitor* can be found on the National Newspaper Index on Dialog.

Newspapers can reveal nuggets; the *Wall Street Journal* handles issues with tongue-in-cheek. In the early '70s, a poisonous chemical leaked into the Great Miami River from a paper manufacturing plant and may have poisoned some 1.8 million fish below the point of discharge. The *Journal* quoted the corpo-

# **King County LAWYERS' DIRECTORY**

**TO MAKE CHANGES** for next year's edition of the King County Lawyers' Directory, fill in the form below and mail it to:

**Daily Journal of Commerce**

P.O. Box 11050

Seattle, WA 98111

Phone - (206) 622-8272 • FAX - (206) 622-8416

*Deadline for changes is Jan. 1*

## **OLD DATA**

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Business Phone #

\_\_\_\_\_  
FAX#

## **NEW DATA**

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Business Phone #

\_\_\_\_\_  
FAX#

**CAUTION:** Do not list your home address unless you want it to appear in the directory.

rate spokesperson's response: "The company is greatly embarrassed by the unfortunate accident, even if, in fact, it didn't cause a fish kill."

Many database vendors began loading metropolitan newspapers into their files in the late '70s and early '80s, so that a searcher could simultaneously access hundreds of newspapers around the country in minutes; for the preceding years, the researcher must use the newspaper morgue or the public library. *The Seattle Times* and *P-I* refer all callers to the public library or the University of Washington Special Collections.

The Seattle Public Library maintains a clipping file of articles back to the turn of the century, and Special Collections indexes local newspapers. However, in some communities, the only way to investigate what has been published on a given topic in the local press is to scan microfilm copies of back issues.

Other print indexes to review are the *Business Periodicals Index* and the *Readers Guide to Periodical Literature*. The latter began publishing in 1904 and covers the popular literature, such as *Time*, *Life*, etc.

Both the University of Washington and the Seattle Public Library are depositories for government documents. Reference librarians at both locations can help with uncovering the appropriate resources. The National Technical Information Service (US Department of Commerce) publishes bibliographies of searches run on the NTIS database. At \$60 each, they are often cheaper than running an original search.

For EPA documents, the U.S. EPA Region 10 library is open during business hours, Monday through Friday, or it can be accessed via modem at (206) 553-0383. Its Online Library System (OLS) is a computerized catalog of the U.S. Environmental Protection Agency library network. OLS consists of several related databases listing books, reports and articles on a variety of topics. Included are citations relating to chemicals, 1901-1985, summaries on topics relating to lake management and key materials relating to hazardous waste. The librarians at Region 10 are available to help the public as well as EPA employees.

The quantity of environmental information being made available through online databases, CD-ROM and computer bulletin boards is growing daily. Though published in 1992 and already

dated, the *Environment Online: The Greening of Databases* by Paula Horn is a good introduction to this network. David Snyder, owner of the Snyder Research Company in San Rafael, California, gives one-day seminars on using hazardous-material databases and bulletin board systems. The author hopes to arrange for Snyder's seminar in Seattle sometime in 1994. In the meantime, the course materials for it can be purchased for \$49. Those interested in staying abreast of the changes in the online databases serving

this industry should peruse *Database*, *Link-Up*, and *Information Today* magazines.

If Mead Data Central (LEXIS/NEXIS) picks up the Bureau of National Affairs environmental newsletters, you can be sure that Dialog will follow suit. VISTA Environmental Inc. and Mead Data Central have formed a relationship to make VISTA's environmental services available on the LEXIS/NEXIS service. The VISTA database contains public-record information collected from federal and

## Environmental & Land Use

### ENVIRONMENTAL AND LAND USE MEDIATION GROUP

MTCA/CERCLA Allocation  
Inter-agency Mediation  
Land Development  
Property and Asset Transfers  
Insurance Coverage Litigation

A program of  
WASHINGTON ARBITRATION  
& MEDIATION SERVICE, INC.



INTERNATIONAL  
DISPUTE RESOLUTION  
LIMITED

Ted Hunter, William F. Joyce, Co-chairs  
ENVIRONMENTAL AND LAND USE  
MEDIATION GROUP

4300 Two Union Square • 601 Union Street  
Seattle, WA 98101 • 206 467 0793

state environmental agencies. In addition to the data on the LEXIS/NEXIS service, VISTA produces specialty reports which present the data for a particular property and the neighborhood around it—the Environmental Hazard Radius Profile. This report is available for any site in the country.

Since environmental concerns cover the spectrum of information from agriculture to noise, the online databases that can address these subjects are limitless. Some of the key environmental databases are:

- The Environmental Bibliography
- Enviroline
- Pollution Abstracts
- GeoRef
- Toxline
- CA Search (Chemical Abstracts)
- Toxnet
- Hazardous Substances Databank
- Agricola
- Compendex Plus
- NTIS

Subscriptions to DIALOG, LEXIS/NEXIS and National Library of Medicine are *de rigueur* for anyone doing environmental research. Though it does not have the US newspaper coverage of

DIALOG (a Knight Ridder Company), Data-Star, its European equivalent, does carry an assortment of environmental databases and is far cheaper to search. Dow Jones News Retrieval provides a gateway to Datatimes, the system containing an extensive file of newspapers from all 50 states.

Following this article are tables reprinted from David Snyder's course work and *Database* magazine's three-part article on environmental resources. There is also a bibliography of recommended titles and key telephone numbers.

Good luck with your research—and if, at times, the sheer quantity of information in front of you seems daunting, just remember the cautionary words of Saul Wurman in *Information Anxiety*: "A single week-day edition of the *New York Times* contains more information than the average person was likely to come across in a lifetime in 17th century England."

*Resources:*

*Federal Remediation Technologies Roundtable, Accessing Federal Data Bases for Contaminated Site Clean-*

*Up Technologies*. Second edition. EPA/542/B-92/002, August 1992.

Frick, G. William and Thomas F.P. Sullivan. *Environmental Glossary*, 5th Edition. Rockville, MD 20850: Government Institutes, 1990.

Hill, Karen and Annette Piccirelli (eds.) *Gale Environmental Sourcebook*. Detroit, MI: Gale Research Inc., 1991.

Hane, Paula. *Environment Online: The Greening of Databases*. Wilton, CT: Online Inc. (Eight Bit Books) 1992.

Henriques, Diana B. "Tracking Environmental Risk," *New York Times*, 28 April 1991, Sect. 3 p. 13.

Kokoszka, Leopold C. "Guide to Federal Environmental Databases," *Pollution Engineering*, Vol. 24, No. 3, February 1, 1992.

Leahy, Germain. *A Guide to Environmental Law Research*. Washington DC: Georgetown University, Jacob Burns Law Library, 1991.

Owings, Loren C. *Environmental Values, 1860-1972: A Guide to Information Sources*. Detroit, MI: Gale Research Co. 1976.

Snyder, David M., "Tracking Environmental, Health and Safety Issues," *Link-Up*, July/August, 1991.

Sullivan, Thomas F.P. (ed.) *The Directory of Environmental Information Sources*, Fourth Edition, Rockville, MD 20850: Government Institutes, 1992.

U.S. Environmental Protection Agency, *Access EPA*, EPA/220/B-92/014, NTIS PB-92 14738, GPO 005-000-0040604.

*Online Libraries:*

EPA—Online Library System (OLS): The dial-in access number is (206)553-0383. Use a 300-9600 baud rate, 7 data bits per character, even parity, one stop bit, duplex half. (If all of this is Greek to you, call their technical-support line (800) 334-2405.)

University of Washington Libraries via the internet: at the internet prompt type: telnet uwin.u.washington.edu. The UW help line is (206)543-0242.

*Susan Golden is head of Seattle's Golden Information Group, which tracks and processes information for law firms and environmental research companies.*

LANE  
POWELL  
SPEARS  
LUBERSKY

*Larry S. Gangnes*  
*David M. Schoeggl*  
*Michael B. King*  
*Linda B. Clapham*

**Seattle**  
(206) 223-7000

*Jeffrey M. Batchelor*  
*James H. Clarke*  
*Thomas W. Sondag*  
*Christopher C. Brand*

**Portland**  
(503) 226-6151

**A Full Service Law Firm  
With Appellate Lawyers Since 1956**

*Our firm's appellate lawyers are available for referrals or consultation on civil and criminal appeals in the state and federal courts.*

ANCHORAGE, AK • LOS ANGELES, CA • MOUNT VERNON, WA • OLYMPIA, WA • PORTLAND, OR • SEATTLE, WA  
LONDON, ENGLAND • TOKYO, JAPAN

**Table 1. BULLETIN BOARD SYSTEMS (a representative sampling)**

[Prepared by Snyder Research Company of San Rafael, CA for the training classes it offers.

Tables are reproduced here with the author's permission.]

NAME	ORGANIZATION	BBS NUMBER	VOICE NUMBER	DESCRIPTION
ORD BBS [free]	EPA Office of Research and Development	513-569-7610	513-569-7272	bulletins on ORD products and activities; ORD publications database
Hazardous Materials Information Exchange (HMIX) [free]	Federal Emergency Management Agency/Dept. of Transportation	708-972-3275	800-752-6367	wide variety of bulletins and message conferences on hazardous materials topics, especially emergency preparedness
Pollution Prevention Information Exchange System (PIES) [free]	EPA Pollution Prevention Information Clearinghouse	703-506-1025	703-821-4800	forum for transfer of technical information on source reduction and recycling
Alternative Treatment Technologies Information Center (ATTIC) [free]	EPA Office of Environmental Engineering and Technology Demonstration	301-670-3808	301-670-6294	innovative methods for treatment of hazardous waste, especially for site remediation
Center for Exposure Assessment Modeling (CEAM) [free]	EPA Office of Research and Development	404-546-3402	404-546-3549	techniques for analyzing contaminant pathways to assess exposures; models available for downloading
Technology Transfer Network (TTN) [free]	EPA Office of Air Quality Planning & Standards	919-541-5742	919-541-5384	air quality emissions testing, modeling, and control technologies
Nonpoint Source Information Exchange (NPS) [free]	EPA Office of Water	301-589-0205	703-385-6000	information about nonpoint source water pollution
Cleanup Information BBS (CLU IN) [free]	EPA Office of Solid Waste and Emergency Response	301-589-8366	301-589-8368	Superfund; RCRA Corrective Action; innovative technologies for remedial action
RecycleLine	Recycling Data Management Corporation	315-393-3366	800-387 0675	national databases for recycling markets, recycled products, equipment and services
Solid Waste Information Clearinghouse (SWICH)	Solid Waste Association of North America	301-585-0297	301-677-9424	municipal solid waste topics; library system; technical and market information
Water Quality Information Bulletin Board System [free]	California Regional Water Quality Control Board, San Francisco Bay	510-286-0404	519-286-1255	surface and ground water quality; includes leaking underground storage tank database
Pesticide Information Network (PIN) [free]	EPA Office of Pesticide Programs	703-305-5919	703-305-7499	inventory of pesticide monitoring projects; restricted use list; chemical index
Environmental Issues Report <sup>1</sup>	Capitol Reports	916-441-5295	916-441-4427	U.S. & California regulatory information on toxics (companion to printed newsletter)
National Ground Water Information Center	National Water Well Association	800-242-4965 (2400) 800-782-7162 (1200)	800-551-7379	industry and governmental information on ground water; also downloadable software
FedWorld	National Technical Information Service	703-321-8020	703-487-4608	"gateway" to more than 80 federal BBSs
EcoNet	Institute for Global Communications Internet	415-322-0284 or Sprintnet or Internet	415-442-0220	conferences of linked message threads on a wide variety of environmental topics; E-mail; international in scope
Whole Earth Electronic Link (WELL)		415-332-6016 (2400) 415-332-8410 (9600) CompuServe Network Internet	415-332-4345	conferences on many topics; E-mail; program files; file storage; full Internet access

<sup>1</sup> formerly Toxics News

Table 2. HAZARDOUS-MATERIAL

DATABASE	PRODUCER	VENDOR(S)	ACCESS	TYPE	DESCRIPTION
HSDB	National Library of Medicine	National Library of Medicine (ToxNet)	networks	factual	toxicological data for nearly 4,200 toxic and potentially toxic chemicals
RTECS	NIOSH	National Library of Medicine (ToxNet); DIALOG; Chemical Information System	networks	factual	acute and chronic toxicity information for more than 100,000 potentially toxic chemicals
Integrated Risk Information System (IRIS)	EPA	National Library of Medicine (ToxNet); Chemical Information System	networks	factual	health risk and EPA regulatory information for more than 500 chemicals
CERCLIS	EPA	Chemical Information System [also see Vista]	networks	directory	the EPA's CERCLA database of abandoned hazardous-waste sites; includes "no further action" sites as well as National Priority List sites
Facility Index System (FINDS)	EPA	Chemical Information System; Mead (Vista)	networks	directory	cross-index of EPA facility identification numbers; includes CERCLIS, RCRIS, and several other databases
Records of Decision	EPA	Mead (Vista)	networks	full text	approved cleanup plans for Superfund sites
Potentially Responsible Parties	EPA	Mead (Vista)	networks	directory	parties identified as potentially liable for cleanup of Superfund sites
Oil and Hazardous Materials/ Technical Assistance Data System (OHM/TADS)	EPA	Chemical Information System	networks	factual	information on more than 1,400 hazardous materials, including oil, for use in emergency response
Information System for Hazardous Organics in Water (ISHOW)	EPA	Chemical Information System	networks	factual	melting point, boiling point, partition coefficient, acid dissociation constant, water solubility, and vapor pressure for more than 5,000 chemicals
EnviroFate	EPA	Chemical Information System	networks	factual; bibliographic	data and citations concerning transport and degradation of chemicals released in the environment
Chemical Hazard Response Information System (CHRIS)	Coast Guard	Chemical Information System	networks	factual	emergency response information for more than 1,200 chemical substances; geared toward chemicals transported over water
HAZARDLINE	Occupational Health Service	Occupational Health Service	800-545-6737	factual	occupational health and safety information on 3,600 chemicals
Environmental Health News	Occupational Health Service	Occupational Health Service	800-545-6737	bulletin	news regarding occupational/environmental safety and health; new stories added daily on agency announcements,

## DATABASES (a representative sampling)

DATABASE	PRODUCER	VENDOR(S)	ACCESS	TYPE	DESCRIPTION
					enforcement actions, court decisions, current events, health and safety studies, and medical developments
MSDS	Occupational Health Service	Occupational Health Service	800-545-6737	data sheets	material safety data sheets on more than 70,000 chemicals and mixtures; updated daily
Toxics Release Inventory	EPA	National Library of Medicine (ToxNet); Mead (Vista)	networks	directory; factual	information on estimated releases of more than 300 toxic chemicals into the environment (data submitted under SARA 313)
TOXLINE	National Library of Medicine	National Library of Medicine; DIALOG	networks	bibliographic	covers toxicological, biochemical, physiological, and pharmacological effects of drugs and other chemicals
Chem ID	National Library of Medicine	National Library of Medicine	networks	directory	cross-reference for chemical names and identification numbers
Federal Register	US Government Printing Office	DIALOG; Mead	networks	full text	full text of Federal Register; updated daily
Code of Federal Regulations	US Government Printing Office	Mead; Westlaw	networks	full text	full text of CFR
Pollution Abstracts	Cambridge Scientific Abstracts	DIALOG	networks	bibliographic	more than 150,000 bibliographic records concerning air pollution, environmental quality, noise pollution, pesticides, radiation, solid wastes, water pollution, and more; covers 1970 to present
PTS Newsletter Database	Predicasts	DIALOG	networks	full text	variety of newsletters, including Air/Water Pollution Report and Superfund
Enviroline	R.R. Bowker	DIALOG; ORBIT	networks	bibliographic	more than 140,000 bibliographic records concerning a wide range of environmental topics
Online Library System	EPA	NTIS/NCC	(800) 445-2795	catalog	EPA's national, regional and hazardous-waste library catalogs; many listings include abstracts
VISTA	VISTA	Mead; Prentice-Hall	networks	directory	government environmental records
DAMAR	DAMAR	DAMAR	local or 800 #	directory	real estate information; includes Assessor's Parcel No., owner, area, land use
900 Online	Barclays	Barclays	(see note)	full text	complete California Code of Regulations via a menu-driven system
National Technical Information Service (NTIS)	U. S. Dept. of Commerce-NTIS	DIALOG; ORBIT; Data-Star; BRS; STN	networks	bibliographic	contains citations for publications concerning government-sponsored research, development and engineering
Federal Research in Progress	NTIS	DIALOG	networks	directory	information about ongoing federally funded projects
Occupational Safety & Health (NIOSH)	NIOSHTIC	DIALOG; ORBIT	networks	bibliographic	citations for journal articles, monographs and technical reports concerning occupational safety and health

DATABASE	PRODUCER	VENDOR(S)	ACCESS	TYPE	DESCRIPTION
Environment Reporter	Bureau of National Affairs	Mead	networks	full text	newsletter
Washington Alert	Congressional Quarterly	Congressional Quarterly	networks (subscription required)	full text; directory	federal legislation & congressional documents
Legi-Tech	Legi-Tech	Legi-Tech	(subscription required)	full text; directory	<i>California Code of Regulations</i> ; California legislation; other states' legislation; federal legislation
StateNet	StateNet	StateNet	(subscription required)	full text; directory	50-state and federal legislation; also regulations

Note: Special software is required for 900 Online. Obtain from Barclays by mail, or download from (702) 598-1464 (8-N-1). Access number: (900) 740-9011.

Introduction to "Using Online Hazardous-material Databases and Bulletin Board Systems." Presented at HAZMACON '93, April 8, 1993. © Snyder Research Company, P.O. Box 3398, San Rafael, CA 94912, (415) 499-3463.

### TABLE 3. DATABASES AND PROVIDERS

\* Indicates address is provided in Table 4. CIS is used for Chemical Information Systems, Inc.

**1st Medical Response Protocols** Micromedex TOMES PLUS  
**ACIDOC** Questel  
**Acid Rain** Now merged with Bowker's Environment files  
**AEROSPACE DATABASE** DIALOG (CD-ROM, online), Knowledge Index  
**Agric** DIALOG (FedRIP subfile)  
**Agricola** BRS, DIALOG, Knowledge Index, OCLC (CD-ROM), Quanta Press, SilverPlatter (CD-ROM)  
**Agriculture Library** OCLC (CD-ROM)  
**AGRIS International** DIALOG SilverPlatter (CD-ROM)  
**Agrochemicals Handbook** Data-Star, DIALOG, Knowledge Index, Pergamon, Compact Solution (CD-ROM)  
**APILIT/APILIT2** DIALOG, ORBIT, STN  
**APIPAT/APIPAT2** DIALOG, ORBIT, STN  
**ASHP (American Society of Hospital Pharmacists)** NLM TOXLIT, SilverPlatter (TOXLINE Plus CD-ROM)  
**APTIC** DIALOG  
**AQUACULTURE** DIALOG  
**AQUALINE** ORBIT  
**Aquatic Sciences and Fisheries Abstracts (ASFA)** DIALOG Cambridge Scientific Abstracts (PolTox and ASFA CD-ROMs)  
**Aquire (Aquatic Information Retrieval, EPA)** CIS  
**Baker** CIS  
**BEILSTEIN** DIALOG ORBIT STN  
**BIOSIS** BIOSIS Connection, BRS, Data-Star, DIALOG, ORBIT, SilverPlatter (BIOSIS 1989 - CD-ROM), SilverPlatter (TOXLINE Plus CD-ROM), STN  
**CAB Abstracts** BRS, DIALOG, Cambridge Scientific Abstracts (PolTox III CD-ROM), SilverPlatter (CD-ROM)  
**CA SEARCH** BRS, Data-Star, DIALOG, ORBIT, Questel, STN, TOXLINE (segment)  
**California "List of Lists"\***  
**Chemical Activity Status Report (CASR)** CIS  
**CCRIS (Chemical Carcinogenesis Research Information System)** CIS, TOXNET (NLM)  
**CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System)** CIS, NTIS (tape)  
**CESARS (Chemical Evaluation Search and Retrieval System)** CIS  
**CHEM-BANK** SilverPlatter (CD-ROM)

**CHEMICAL EXPOSURE** DIALOG  
**Chemical Hazards Response Information System (CHRIS)** CIS  
 Micromedex TOMES PLUS (CD-ROM), RACHEL\*, SilverPlatter (CHEM-BANK CD-ROM)  
**Chemical Reg-A-Dex\***  
**Chemical Safety Newsbase** Data-Star, DIALOG, ORBIT, STN  
**ChemID** NLM  
**CHEMLINE** NLM  
**Chemlist** STN  
**CHEMSEARCH, CHEMNAME** Data-Star. (Chemical Nomenclature), DIALOG, STN (Registry), ORBIT (Chemical Dictionary)  
**Chemtox\***  
**Climate Assessment Database** National Weather Service  
**CLIMATEDATA** EarthInfo Inc. (CD-ROM)  
**Combined Health Information Database (CHID)** BRS  
**COMPENDEX** BRS, DIALOG (online, CD-ROM), STN  
**Comprehensive Core Medical Library** BRS  
**Computer Retrieval of Information on Scientific Projects (CRISP)**  
 DIALOG (subfile of FedRIP)  
**CTCP (Chemical Toxicology of Commercial Products)** CIS  
**Current Contents Search** BRS, CD Plus (CD-ROM), DIALOG, ISI (Floppy disk, CD-ROM)  
**Current Research Information System (CRIS/USDA)** DIALOG, OCLC (CD-ROM), SilverPlatter (CRIS/ICAR CD-ROM)  
**Dermal Absorption** CIS  
**Development and Reproductive Toxicology (DART)** TOXNET  
**The Earth Science Data Directory\*** U.S. Geological Survey  
**Earth Science Library** OCLC (CD-ROM: USGS Library, GeoIndex, Earth Science Data Directory)  
**Ecology Abstracts** BRS (CSA Life Sciences), Cambridge Scientific Abstracts (PolTox CD-ROM), DIALOG (Life Sciences Collection), Knowledge Index (Life Sciences Collection)  
**EINECS (European Inventory of Existing Chemical Substances)**, SilverPlatter (CD-ROM)  
**EMBASE (Excerpta Medica)** BRS, Cambridge Scientific Abstracts (PolTox II CD-ROM), Data-Star, DIALOG SilverPlatter (CD-ROM), Elsevier Science Publishers (diskettes)  
**Energy (DOE)** DIALOG (Energy Science and Technology), DIALOG (FedRIP subfile—research only), STN

- Energy Library** OCLC (CD-ROM)
- ENERGYLINE** Bowker (Enviro/Energy Abstracts Plus CD-ROM), DIALOG, ORBIT
- Environmental Fate (ENVIROFATE)** CIS
- ENVIROLINE** Data-Star, DIALOG, ORBIT
- Environment Library** OCLC (CD-ROM)
- Environmental Bibliography** DIALOG, National Information Services Corporation\* (NISC, CD-ROM)
- ETICBACK (Environmental Teratology Information Center Backfile)** TOXNET
- Federal Research in Progress (FedRIP)** DIALOG SilverPlatter (TOXLINE CD-ROM)
- FINDS** (EPA Facility Index System) CIS
- FS Info Database\*** U.S. Forest Service
- Gastrointestinal Absorption Database (GIABS)** CIS
- Genetic Toxicity (GENETOX)** CIS TOXNET
- GeoRef** DIALOG ORBIT STN
- GPO Monthly Catalog** DIALOG, OCLC (CD-ROM), WILSONDISC (CD-ROM), WILSONLINE
- Ground Water On-Line** National Ground Water Information Center (NGWIC)
- Hazard Communication & Hazard Protection\*** Online Computer Systems, Inc.
- Hazard Communication Product** (U.S. Office of Personnel Management) NTIS (diskettes)
- HAZARDLINE** BRS, Occupational Health Services, Inc.
- Hazardous Substances Data Bank (HSDB)**, Data-Star, NLM, Micromedex TOMES PLUS (CD-ROM)
- HAZINF (Hazardous Chemicals Information and Disposal)** CIS
- Health and Safety Science Abstracts** BRS, Cambridge Scientific Abstracts (PolTox CD-ROM), ORBIT
- Health for All (Primary Care and Consumer Information)** CD Resources, Inc. (CD-ROM)
- HEALTH PERIODICALS DATABASE** DIALOG
- Health Reference Center** Information Access Company (CD-ROM)
- Heilbron** DIALOG, Knowledge Index
- Index to EPA Test Methods\***
- INIS (International Nuclear Information System)** SilverPlatter (CD-ROM), STN
- IRIS (Integrated Risk Information System)** BT Tymnet—various members, CIS Micromedex TOMES PLUS (CD-ROM), NLM, NTIS (ASCII file)
- ISHOW (Information System for Hazardous Organics in Water)** CIS
- JEDI (Joint Education Development Initiative)\***, NIMBUS (CD-ROM)
- Kirk-Othmer Encyclopedia of Chemical Technology** BRS, DIALOG (online, CD-ROM), Data-Star, Knowledge Index
- Mallin** CIS
- Material Safety Data Sheets (MSDS)** Aldrich Chemical Company, Inc. (Sigma-Aldrich MSDS CD-ROM), CCINFODisc: Series A1 (CD-ROM), CCINFOline, National Pesticide Information Retrieval System (NPIRS), National Safety Data Corporation, Occupational Health Services, Inc. (online, tape, CD-ROM), Genium Publishing Corporation\* (diskettes)
- MDX Health Digest** Standalone system\*, GENIE gateway
- Medical Toxicology and Environmental Health** Data-Star
- Meditext** Micromedex TOMES PLUS (CD-ROM), NLM HSDB (EMT field)
- MEDLINE** BRS, Cambridge Scientific Abstracts (CD-ROM), Data-Star, DIALOG (online, CD-ROM), EBSCO (CD-ROM), Knowledge Index, NLM, Online Research Systems, Inc.—CD PLUS (CD-ROM), SilverPlatter (CD-ROM)
- Merck Index Online** BRS, CIS, DIALOG, Knowledge Index, Questel
- National Air Toxics Information Clearinghouse (NATICH)** EPA
- National CD-ROM Sampler \***
- National Pesticide Information Retrieval System (NPIRS)** Purdue University, SilverPlatter (PEST-BANK CD-ROM)
- Natural Resources Database (NRDB)** National Information Services Corporation\* (NISC, CD-ROM)
- NEDRES (National Environmental Data Referral Service)** BRS
- New Jersey Department of Health Fact Sheets** CCINFODisc: Series A2, EPA TRI (CD-ROM), NLM TOXNET TRIFACTS (coming soon), RACHEL
- NIOSH/TIC CCINFODisc: Series B2**, CCINFOline, DIALOG (Occupational Safety and Health), ORBIT, SilverPlatter (OSH-ROM CD-ROM)
- NOAA Earth Systems Data Directory** BRS (part of NEDRES)
- NTIS** BRS, Data-Star, DIALOG (online, CD-ROM), Knowledge Index, OCLC (CD-ROM), ORBIT, STN, SilverPlatter (CD-ROM)
- Oceanic Abstracts** BRS, DIALOG
- Oil and Hazardous Materials-Technical Assistance Data System (OHM-TADS)** CIS, Micromedex TOMES PLUS (CD-ROM), SilverPlatter (CHEM-BANK CD-ROM)
- Online Library System - EPA** NTIS, U.S. EPA Research Triangle Park Library\*
- Pesticide Document Management System (PDMS)** National Pesticide Information Retrieval System (NPIRS)
- PESTDOC (Pest Control Literature Documentation)** ORBIT
- Pesticide Monitoring Inventory \*** EPA (Pesticide Information Network)
- PEST-BANK** SilverPlatter (CD-ROM)
- PHYTOTOX (Toxic Effects on Plants)** CIS
- Pollution Abstracts** BRS, Cambridge Scientific Abstracts (PolTox CD-ROM), DIALOG, Knowledge Index
- PolTox Library (Pollution/Toxicology)** Cambridge Scientific Abstracts (CD-ROM)
- Publications of the U.S. Geological Survey** American Geological Institute (CD-ROM)
- RCRIS (Resource Conservation Recovery Information System)** CIS, NTIS (tape)
- Registry file** Data-Star, DIALOG (CHEMNAME), STN
- REPROTOX** Micromedex TOMES PLUS (CD-ROM), Reproductive Toxicology Center \*
- Registry of Toxic Effects of Chemical Substances (RTECS)** BRS, CIS, CCINFODisc: Series A2, DIALOG, SilverPlatter (CHEM-BANK CD-ROM), TOXNET
- Risk\*Assistant\*** Hampshire Research Institute
- Riskline** SilverPlatter (TOXLINE CD-ROM)
- Roadmaps \***
- SCISEARCH** Data-Star, DIALOG, ISI (CD-ROM), ORBIT
- Substructure and Nomenclature Searching System (SANSS)** CIS
- Suspect Chemicals Sourcebook (Suspect)** CIS
- Teratogen Information System (TERIS)** University of Washington,\* Micromedex TOMES PLUS
- Toxic Chemical Release Inventory (TRI)** NLM, GPO (CD-ROM)
- TOXLINE** BRS, Cambridge Scientific Abstracts (PolTox CD-ROM), Data-Star, DIALOG, SilverPlatter (CD-ROM), NLM
- TOXLIT** NLM, SilverPlatter (TOXLINE Plus CD-ROM)
- TSCA Chemical Substances Inventory** DIALOG, NTIS Tape (PB-86-220878), ORBIT, SilverPlatter (CHEM-BANK CD-ROM), STN
- TSCAPP (TSCA Plant and Production)** CIS
- TSCATS (Toxic Substances Control Act Test Submissions)** BRS, CIS, Data-Star, DIALOG (subfile on TOXLINE), NLM (subfile on TOXLINE), SilverPlatter (TOXLINE CD-ROM)
- Toxicology Abstracts** Cambridge Scientific Abstracts (PolTox CD-ROM)
- WastelInfo** ORBIT
- Water Resources Abstracts** DIALOG, National Information Services Corporation\* (NISC, CD-ROM), OCLC (Selected Water Resources Abstracts CD-ROM)
- WATERNET** DIALOG
- Well Fax** National Ground Water Information Center (NGWIC)

TABLE 4. CONTACTS FOR SELECTED FILES

**California List of Lists.** Office of Hazardous Materials Data Management, P.O. Box 2815, Sacramento, CA 95812

**Chemical Reg-A-Dex.** J.J. Keller & Associates, Inc., 145 W. Wisconsin Ave., P.O. Box 368, Neenah, WI 54957-0368 (800) 327-6868

**CHEMTOX,** Resources Consultants, Inc., 7121 CrossRoads Boulevard, Brentwood, TN 37027 (615) 373-5040

**The Earth Science Data Directory.** U.S. Geographical Survey, 801 National Center, Reston, VA 22092 (703) 648-7112

**FS INFO Database,** FS Info, Central Information Systems Staff, Forest Service, USDA, Room 809 RP-E, POB 96090, Washington, DC 20090-6090 (703) 235-2074; FTS 235-2074

**Hazard Communication & Hazard Protection,** Online Computer Systems, Inc., 2025 Century Blvd., Germantown, MD 20874 (800) 922-9204

**Index to EPA Test Methods,** Ms. Peg Nelson, Head Librarian, U.S. Environmental Protection Agency, Region 1 Library, JFK Building, Boston, MA 02203

**JEDI,** NIMBUS Information Systems, P. O. Box 7427, Charlottesville, VA 22906 (800) 782-0778

**MDX Health Digest,** Medical Data Exchange, 445 South San Antonio Road, Los Altos, CA 94022 (415) 941-3600

**National CD-ROM Sampler,** Mary Miller, Virginia Cooperative Extension, Plaza I Building D, Virginia Polytechnic Institute, Blacksburg, VA 24061-0524 (703) 231-7244

**Online Library System—EPA.** For establishing an account: National Technical Information Service (703) 487-4807  
For more information or User Guide: U.S.EPA, Library Services Office, MD-35, Research Triangle Park, NC 27711 (919) 541-2777

**Pesticide Monitoring Inventory (Pesticide Information Network)**  
Ms. Leslie Davies-Hilliard, Office of Pesticide Programs, U.S. EPA, 401 M Street SW (H7507C), Washington DC 20460 (703) 577-7499; Fax (703) 557-9309

**REPROTOX,** Reproductive Toxicology Center, Columbia Hospital for Women Medical Center, 2425 L Street, N.W., Washington DC 20037 (202) 293-5137

**Risk\*Assistant,** Hampshire Research Institute, 1600 Cameron Street, Suite 100, Alexandria, VA 22314 (703) 683-6695

**Roadmaps,** John S. Leitzke, Chemical Screening Branch, Office of Toxic Substances, U.S. EPA, 401 M. Street SW, Washington, DC 20460 (202) 382-3507

**Teratogen Information System (TERIS),** Janine E. Polifka, Ph.D., TRIS WJ-10, Department of Pediatrics, University of Washington, Seattle, WA 98195

ADDITIONAL DATABASE PROVIDERS

**Genium Publishing Corporation (MSDS Engine),** 1145 Catalyn Street, Schenectady, NY 12303-1836 (518) 377-8854

**National Information Services Corporation,** Suite 6, Wyman Towers, 3100 St. Paul Street, Baltimore, MD 21218 (301) 243-0797; Fax (301) 243-0982

**RACHEL (Remote Access Chemical Hazards Electronic Library)**  
Environmental Research Foundation, P.O. Box 73700, Washington, DC 20056-3700 (202) 328-1119

©DATABASE October 1991, reprinted with permission  
“Databases and Providers” (Table 3) and “Contacts for Selected Files” (Table 4) originally appeared in *Database* magazine as tables 1 and 2 on pages 35 through 43 in an article in the October 1991 issue. “Sources for Environmental Newsletters” appeared on pages 20 and 21 in an article in the August 1992 issue. The *Bar News* thanks *Database* for its generosity in letting us publish its lists as part of this article.

TABLE 5. ONLINE DATABASE SOURCES FOR ENVIRONMENTAL NEWSLETTERS

Full-text newsletters covered by the following codes: Bureau of National Affairs: B; Environmental Law Institute: E; LEXIS/NEXIS: L; NewsNet: N; Occupational Health Services, Inc.: O; PTS NEWSLETTER DATABASE: P; Wakeman/Walworth: W; WESTLAW: WL

Air Toxics Report	P	Environment Week	N	Medical Waste News	P
Air/Water Pollution Report	N,P	Environmental Business Journal	P	Multinational Environmental Outlook	P
Alliance Alert	P	Environmental Compliance Update	N	New Jersey Industry Environmental Alert	P
Alternative Energy Digests	P	Environmental Health News	O	Nuclear News	L
Asbestos Abatement: Risks & Responsibilities	B	Environmental Law Reporter	E,L,WL	Nuclear Waste News	N,P
Asbestos Control Report	P	Federal Grants and Contracts Weekly	N	Occupational Health & Safety Letter	P
BNA Environment Daily	B,WL	Food Chemical News	P	Occupational Health & Safety: Seven Critical Issues	B
BNA Headlines	WL	Foundation Giving Watch	N	Occupational Health & Safety Reporter	B,L
BNA International Environment Reporter	B,L	From the State Capitals: Waste Disposal and Pollution Control	W,WL	Octane Week	P
BNA Occupational Safety & Health Daily	B,L	GAO Reports and Testimony	N	Oil Spill Intelligence Report	N
BNA Toxic Laws Daily	B,L,WL	Gas Daily	P	Oxy-Fuel News	P
Business and the Environment	N,P	Global Environmental Change Report	N,P	Pesticide & Toxic Chemical News	P
Cancer Weekly	N,P	Golob's Oil Pollution Report	N	PR Newswire	N
Chemical Regulations Reporter	B,L,WL	Gower Federal Service (Interior Board of Land Appeals Decisions)	WL	Product Safety Letter	N
Coal & Synfuels Technology	N,P	Green Marketing Report	N,P	Report on Defense Plant Wastes	N
Coal Outlook	N,P	Greenhouse Effect Report	P	Research Alert	N,P
Commerce Business Daily	N	Groundwater Monitor	P	Right-to-Know Planning Report	B
Congressional Activities	N	Hazard Communication Compliance Manual Database	B	Sludge Newsletter	P
Defense Cleanup	P	Hazardous Materials Intelligence Report	N	Solid Waste Report	N,P
Energy Alert	P	Hazardous Waste News	N,P	State Environmental Report	N,P
Energy Books Quarterly	P	Hydrowire	N	Superfund	N,P
Energy, Economics, and Climate Change	N,P	Indoor Air Quality Update	N	Texas Industry Environmental Alert	P
Energy Conservation News	N,P	Industrial Environment	N	Toxic Law Reporter	B
The Energy Daily	N,P	Industrial Health & Hazards Update	N,P	Toxic Materials News	N,P
Energy Design Update	N	International Solar Energy Intelligence Report	P	Toxic Materials Transport	N,P
The Energy Report	N,P	Job Safety and Health	B	Utility Reporter Fuels, Energy & Power	N,P
Energy User News	L	Louisiana Industry Environmental Alert	P	Waste Information Digests	P
Enhanced Energy Recovery News	N,P			Worldwide Energy	N,P
Environment Reporter	B,L,WL			Youth Markets Alert	P



## COMPUTERS ARE REQUIRED FOR THE PRACTITIONER TO AVOID MALPRACTICE

by David M. Sandhaus

*It's legal malpractice not to use a computer in the practice of the law.* That is the standard of care required of a competent practitioner. I've alluded to this notion before in other articles, (see "The Natural," May 1993 issue of the *Bar News*, a review of WESTLAW's natural language search software), but recent experience has confirmed my belief that the ability *by someone* in the law firm to use computerized research is required to meet the minimum standards of legal competency.

I was recently helping to research the law in a serious criminal matter. The prosecution felt confident that it had the case well in hand and that the defendant's decision to testify in his own behalf served their interests. However, as these things go, the prosecution's star witness suddenly became a poor witness once he took the stand. Defense counsel's cross-examination exposed unsavory aspects of his life; the witness's answers suddenly became tenuous and unsure; he admitted complicity in the crime; and suddenly the prosecution was not as comfortable with its chances for conviction.

The next day, the defendant took the stand and the prosecution decided it wanted to employ a novel method of impeaching the defendant that it had previously avoided as being too risky for such a strong case. Therefore, while the defendant was testifying, I was at the law library using WESTLAW to find a case to use as authority for impeaching him. After about a half-hour, I found a somewhat obscure case from the 5th Circuit that supported the approach the prosecution wanted to take in impeaching the defendant.

I rushed the case to the courtroom, and as soon as a recess was called, the prosecution, defense counsel and I entered chambers. Over the strenuous objections of defense counsel (see Demi Moore in *A Few Good Men*), the judge allowed the prosecution to impeach the defendant based on the 5th Circuit case. The defendant was found guilty. Without WESTLAW, the prosecution wouldn't have found this case in time as

authority to impeach the defendant, and who knows what would have happened?

I was recently showing a superior court judge how to use CD Law to research Washington cases and statutes on a CD-ROM player. The judge provided me with an issue that interested him regarding a complicated real estate transaction. Within seconds, I found two cases on point contrary to the decision he was about to render in the case.

Don't jump to the conclusion that this was a lazy judge. Quite the contrary; the judge is known in the community for his hard work and consciousness regarding research. That is why he wanted me to show him how to use CD Law. The larger issue is that neither attorney had provided the judge with these two cases that were on point to the decision that he was about to render on the matter.

In one instance, the attorney might

have had a reason for not providing the judge with the unfavorable cases (although a violation of an attorney's duty to cite contrary authority in a jurisdiction) or he may not have found the cases buried some 30 years in the past. The other attorney just blew it for his client. Again, we found the cases on a CD Law ROM disk in less than a minute and, although that might not be as profitable as charging \$100 an hour for bad research — winning cases is normally thought of as a profitable business practice. According to a spokesperson at CD Law they hear stories all the time from attorneys who say, "CD Law saved my B—."

Other research chores that are required of an attorney are also greatly eased by automation. For example, an attorney can instantly Shepardize (Lexstat in Lexis) cases and find where

## LAW AND ORDER

Try locating pertinent legal information in an orderly fashion with another CD ROM publication for Washington — and you'll be wasting your time. Because only CD Law offers a ranking feature that brings the most relevant information to your immediate attention.

For example, when researching "trade secrets" with CD Law, the lead Washington case appears at the top of the list. With a competitive product, you'll sort through several less significant cases first.

And, unlike some

chaotic filing systems, our databases are arranged under a table of contents — making it easy to find precisely what you're looking for.

Compare for yourself. If, after 30 days, you don't agree CD Law is far superior to CD-ROM products that cost much more, you can return it with no obligation. It's that simple. And so, you'll find, is our search software.

For your FREE 30-day trial call  
**(206) 623-1688** today.

## CD LAW

THE STATE OF  
WASHINGTON

important US Supreme Court decisions are cited in Washington by clicking on a button in WESTLAW. These are two important research techniques that are often difficult to accomplish efficiently using unautomated research techniques, but they should be part of the repertoire of a competent lawyer.

Admittedly, these computer services are not inexpensive. WESTLAW and Lexis can easily cost more than \$140 an

hour. CD Law requires a powerful 486 computer, a CD-ROM player (however, the CD-ROM player can also play music and double as an "office entertainment system"), annual maintenance fees and CD-ROM disk updates that cost in the thousands of dollars. Many people who remember the days when attorneys could open an office with just a yellow pad, a typewriter, and a small loan from their parents or a friendly uncle may

blanch at the costs of buying these computer services.

Other professions though, such as dentists, doctors and others, do have start-up costs and overhead outlays that are required to meet minimum competency standards. Not many of us would feel comfortable going to a doctor who hadn't invested in a stethoscope or a dentist who didn't have a X-ray machine. It wouldn't be scandalous for the legal profession to require that lawyers use or have access to products like Lexis, WESTLAW or CD Law in order to meet competency standards.

Obviously, an article like this can't determine the minimum competency standards of the legal profession. That is an issue for the Supreme Court and, possibly, the Legislature to address. However, I do think it is in the best interests of the Bar to begin advocating the use of modern technology (as have other professionals) as a minimum-competency standard. This will ensure that only competent people are practicing the law and that the quality of services that clients receive from the legal profession is adequate.

*David Sandhaus is an attorney and law office automation, management, and marketing consultant who can be reached at (509) 448-8757.*

# Industrial Strength Law.

Industrial insurance claims, including liens in third-party cases. Social Security disability and Longshore & Harborworkers. Referrals and associations are invited.

**AABY**  
**PUTNAM**  
ATTORNEYS AT LAW

**Bellingham:**  
206-676-5225  
Or toll free:  
1-800-245-4529

**Seattle:**  
206-292-8627  
Or toll free:  
1-800-223-4529

**Olympia:**  
206-754-7707  
Or toll free:  
1-800-225-4529

1402 F Street  
Bellingham, WA  
98227

401 2nd Ave.S.  
Suite 303  
Seattle, WA  
98104

915 E. Legion Wy  
Olympia, WA  
98507



**WASHINGTON  
DEFENSE  
TRIAL  
LAWYERS**

*Since 1962*

*Join an organization of  
over 500 attorneys who are*

## **MAKING A DIFFERENCE**

### **BENEFITS OF MEMBERSHIP**

- Superior CLE Seminars
- Quarterly "THE DEFENSE PRESS"
- Annual Judges Reception
- Statewide seminar/receptions
- Amicus Committee
- Legislative Speaker's Bureau
- Membership dinner meetings
- Annual Convention

For information, call Nora Tabler  
206/233-2930

## **GET MEDIA- TRAINED!**

Attend the Annual Bench Bar  
Press Conference  
"Road Map to  
Better Understanding"  
at the  
Seattle Hilton  
November 19  
4 CLE credits  
\$55

For a copy of the program  
and/or to register,  
call the WSBA  
(206) 727-8212/13

# THE 1993 TAX ACT:

## THE ACT WILL HAVE SOME WHISTLING DIXIE AND OTHERS SINGING THE BLUES

by **Joe F. Yonek**  
and **Robert K. Buchanan, Jr.**

**T**he tax bill which had been kicked around Congress for the past couple of years, finally came to rest this year as the Revenue Reconciliation Act of 1993<sup>1</sup> ("RRA 1993" or the "Act"). Though the bill's path through Congress was often strewn with tax rate increases, the rates adopted in the final version were onerous enough to prompt the narrowest of victory margins.<sup>2</sup> When the Act's more than \$270 billion of tax increases are compared to the approximately \$35 billion in tax benefits, it is not difficult to see why the media have accented the negative aspects of the new law. However, even among the numerous provisions designed to line the federal stables with hay, an occasional shining needle can be found.

One negative aspect of RRA 1993's tax increase provisions is their retroactive application to income derived in taxable years beginning on or after January 1, 1993. Because taxpayers had been pre-paying income tax at the old rates up to the date of passage of the new Act, many taxpayers may owe an additional amount come tax time. Therefore, to help ease the pain of retroactivity, the Act contains installment payment and penalty waiver provisions for the tax resulting from the increased rates.

This article focuses primarily on the income tax rate increases, and generally touches on certain other changes in the tax code. For a discussion of strategies on how to lessen a client's tax bite, see the article in next month's issue, entitled "Tax Planning in the Wake of the Revenue Reconciliation Act of 1993: The Difference Between Riding the Wave or Floundering in the Surf."

### Individual Income Tax Rates

Before the Act, the top income tax rate for individuals, estates and trusts sat at a relatively low (given pre-1986 rates) 31%. With the Act came two additional tax rates—36% and 39.6%. The 36% tax rate kicks in on the income of single individuals in excess of \$115,000

(\$140,000 if married and filing jointly). The new top rate of 39.6% applies to income over \$250,000 for single taxpayers, as well as married taxpayers filing jointly. By Congress having the top tax rate triggered at the same income level for single taxpayers, and married taxpayers filing jointly, the effect is (in essence) to impose a tax penalty on marriage.

Note that by filing separate returns, a married couple does not avoid the "penalty." For married individuals filing separately, the margin is split—subjecting *both* spouses to the top tax rate at an income threshold of only \$125,000 each. Just why this "marital penalty" was injected into the income tax rates is unexplained in the House and Conference Committee reports.

As the capital gains tax rate remains capped at 28%, the new higher 36% and 39.6% tax rates on ordinary income place a premium on characterizing income as capital gain. In addition to the existing code provisions limiting the ability of taxpayers to convert ordinary income into capital gains to take advantage of the lower rate, Congress added new provisions aimed at preventing such conversion and limiting the benefit to be gained from the tax rate differential.

### Estate and Trust Income Tax Rates

For estates and trusts, the income tax rate changes are more dramatic. Estates and trusts reach the 36% tax rate with yearly income over only \$5,500; and tops out at the 39.6% tax rate for all income over \$7,500 per year.

### Corporate Tax Rates

The corporate income tax rates, too, have undergone some adjustments, though not to the degree individual rates were affected. The Act edged the corporate income tax rate up a notch to 35% for all income over \$10 million per year, with an additional tax of 3% on income between \$15 million and (approximately) \$18.33 million. For corporate income between \$100,000 and \$335,000,

the pre-Act marginal tax rate of 39% still adheres.<sup>3</sup> After RRA 1993, then, the corporate rate landscape is pocked with peaks and valleys.

### Other Changes

Certainly the changes in tax rates have been the focus of news accounts of RRA 1993. However, this effect on primarily higher income individuals is but a small part of the overall tax package. Nestled betwixt the bad news lies some good news.

A new 50% capital gains exclusion has the effect of instating a top tax rate of 14% on certain capital gains. To qualify, gain must be from the disposition of stock of a "qualified small business." Among numerous other requirements, the stock must be from an original issue and be held for five years.

Among the most controversial of the provisions in the new law is the inclusion in income of 85% on social security benefits over a new, second threshold amount beginning in 1994. Other changes affecting individuals include increased restrictions on the deductibility of moving expenses, retroactive extension of the exclusion from income of certain employer-provided educational expenses, limitation of the amount of compensation which may be counted in determining contributions to qualified retirement plans, extension of the low-income housing tax credit, and a 4.3¢-a-gallon gas tax hike.

For business, much of the attention has been on the curtailment of deductions affecting higher-paid individuals within the corporate (or other) structure. Some of these tax code modifications include the denial of deductions for club dues, further restrictions on the deductibility of meal and entertainment expenses (now 50% deductible as opposed to the former 85% allowance), limitations on the deductibility of travel expenses attributable to accompanying family members, and a \$1 million cap on deductible compensation.

The Act also contains a departure from prior law—the allowance of 15-year am-

by Cletus M. Weber

ortization for certain acquired intangibles. Under former law, taxpayers often had to fight an uphill battle to push such intangibles into the realm of deductibility. The new provision will lend some needed assurance to the area. Turning from the intangible to the tangible, additional help for small business was introduced in the form of an increased (from \$10,000 to \$17,500) section 179 expense deduction for tangible property placed in service in tax years beginning after 1992.

## Closing

The above discussion is intended as a general introduction to the 1993 Act, and is not inclusive of all the tax code amendments it embodies. See the article in next month's issue, entitled "Tax Planning in the Wake of the Revenue Reconciliation Act of 1993: The Difference Between Riding the Wave or Floundering in the Surf," for a more in-depth treatment of how to use the above changes, and others, to your clients' benefit.

Footnotes:

<sup>1</sup> The bill was passed as Title XIII of the Omnibus Budget Reconciliation

Act of 1993, P.L. 103-66, signed into law by President Bill Clinton August 10, 1993.

<sup>2</sup> On August 5, 1993, the House voted 218 to 216 in favor of the bill; the Senate vote yielded a 50-50 deadlock, broken with Vice President Al Gore's vote in favor of its passage.

<sup>3</sup> The 39% marginal tax rate is derived by applying the (formerly) top corporate income tax rate of 34%, and adding to the tax due, an additional tax equal to the lesser of 5% of the income in excess of \$100,000, or \$11,750. The result is that the 39% marginal tax rate drops back to 34% for income over \$335,000 (due to the \$11,750 cap).

*Joe F. Yonek, J.D., University of Puget Sound School of Law and L.L.M. in Taxation, University of Florida, is an attorney with the Portland, Oregon firm of Hanna, Kerns & Strader.*

*Robert K. Buchanan, Jr., J.D., Gonzaga University, L.L.M. in Taxation, New York University School of Law, is also an attorney with the firm.*

*Reminder: The address, phone and fax numbers showing on your fee statement will be published in the 1994 Resources attorney directory. Last day for corrections is February 1, 1994.*

## EXPERT WITNESS ON ECONOMICS & VALUATION

### Expert witness for:

- Pay lost to death, disability or employment termination.
- Valuation of businesses, professional practices and losses.

### Qualifications:

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

**Dr. John Culbertson • (206) 282-5785**

Looking for a good deal on computerized legal information? Then look no further than the L.A.W. BBS, the WSBA's electronic bulletin board. (The "L.A.W." part stands for "Legal Access in Washington.")

Although it gets less exposure than the commercial databases, the L.A.W. BBS is just as valuable for many uses and, in some cases, even superior. For example, you won't find the Bellevue Land Use Code or the Chelan Municipal Code on the commercial databases, but they are on the L.A.W. BBS.

In fact, all of the following, and more, can be found on the WSBA system:

**1. "Standard" databases:** including the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), Washington Reports 2d and Washington Appellate reports. (Currently, the case law covers only 1977 through 1991.)

**2. Court rules:** including Washington Court Rules, plus local rules for the counties of King, Snohomish, and Spokane. The Federal Rules of Civil Procedure are also available.

**3. Administrative and WSBA rulings:** including attorney general opinions (AGOs) and letter rulings (AGLOs). Washington State Department of Revenue documents are also available: Washington Tax Decisions (WTDs), Excise Tax Bulletins (ETBs) and Revenue Policy Memoranda (RPMs). Board of Industrial Insurance Appeals rulings are also on-line, as are WSBA ethics opinions.

**4. City and county codes and ordinances:** currently available—Bainbridge Island, Chelan, Des Moines, Redmond and Pierce counties. The Bellevue Land Use Code is also on-line, and others are expected in the future.

**5. Corporations:** To check the availability of a corporate name or find the registered agent of a corporation for service of process, search by part of the corporation's name or by the name of the registered agent.

**6. Contractor licenses:** These can be searched by license number, by name of the business, or by name of one of the business's principals.

**7. Washington lawyers:** Search by name, telephone number, city or bar number. No matter which method you

# NUGGETS IN THE L.A.W. BBS: VALUABLE INFORMATION ON THE CHEAP

use, once you locate an attorney, you can view name, address, telephone number(s), license status and date of admission.

**8. WSBA Community Law Deskbook:** This entire volume is on-line, as is the table of contents.

All of these databases are "searchable" in essentially the same manner as are commercial databases (e.g., "STATE PRE/3 GROVER: or "26.09.070").

The L.A.W. BBS is more than simply databases, though. Once on-line, you can take advantage of many other benefits, such as "conferences" in which you can discuss with other attorneys the legal issues that are important to your practice. You can also find useful forms and files from lawyers in practically all major areas of practice.

For more information about these and other advantages of the L.A.W. BBS, stay tuned. These other areas of the bulletin board will be highlighted in subsequent issues of the *Bar News*.

How much does the L.A.W. BBS cost? It's free if you want to spend only a limited amount of time looking around in it. But if you "subscribe" to the service, you receive up to three hours' worth of time per day; you need pay only \$30 per quarter or \$100 per year (subject to change without notice). Even any long-distance charges outside the Seattle and Tacoma service areas should be lower than those for calling out-of-state databases.

How do you access the L.A.W. BBS? As with commercial databases, all you need to add to your computer is a modem and communication software, which can be purchased for as little as \$30. Access is not restricted to IBM-compatible computers; you can also access the L.A.W. BBS with a Mac.

For more information, check the yellow pages in the back of the 1992 WSBA *Resources* attorney directory, or call the WSBA at (206) 727-8276.

If you're still not sure whether you want to take advantage of this valuable but inexpensive tool, simply hook up to the bulletin board, and take a free test drive. Are you computer shy? Ask a current user of the L.A.W. BBS (or anybody who is familiar with electronic bulletin boards) to help you. Chances are, you'll find that the L.A.W. BBS is exactly the source you've been needing all

along—at a price you can afford.

*Cletus M. Weber* is a partner at Peng & Weber in Seattle, where he practices

*immigration and general business. He is a volunteer with the WSBA Computerization of Law Division (COLD), the group that administers the L.A.W. BBS.*

## The Art of Engineering.

*Sometimes it takes a little more than persuasion to win your case.*

- Forensic/Failure Analysis
- Automobile Accident Reconstruction
  - Fire /Explosion Investigations
  - Slip and Fall Investigations
- Maritime & Aviation Failure Analysis
  - Product Failure
- Bicycle Failure/Accident Reconstruction
  - Expert Witness Testimony



PACIFIC TESTING LABORATORIES

(206) 282-0666

3257 16th Avenue West, Seattle WA 98119

## LAW. LESS.

Compared to a competitive CD ROM publication, CD Law offers six more databases, superior search software, free on-line updates and unequalled service and support.

We also offer something less. The price.

We've recently reduced the cost of our premier product — giving you the opportunity to purchase CD Law for \$1200 less than the competition. You'll also save over \$400 per year on our updates. And, these charges are

"locked in" to protect you from any future surprises.

What's more, owning CD Law is contingent solely upon your satisfaction. Unlike our competitor, the discs are yours to keep regardless of whether you continue your updates.

For a FREE 30-day trial, call (206) 623-1688. We'll provide free training and a CD ROM drive to use at no extra charge.

All the more reason to try CD Law for less.

## CD LAW

THE STATE OF  
WASHINGTON



NEWS FROM HOME

Andrew B. Turk sat for the Arizona bar in February, passed, and was sworn in May 15, 1993. On June 1 he took a junior associate position with Muchmore & Wallwork, P.C., a new firm formed by two veteran Arizona attorneys. The

firm "is the only Arizona law firm devoted to civil litigation emphasizing environmental and toxic tort matters. On a more personal note," he reports, "I married Barbara J. Kiffmeyer in Phoenix, October 3, 1993."

Robert G. Casey has joined Trujillo, Peick, Lingenbrink & Maladry as an associate. Admitted in Washington, Alaska, Oregon and Utah, he was previ-

ously a legislative counsel to the Alaska legislature. A member of the Bellevue firm, James A. Trujillo, has been named a director of the Washington Law School Foundation. He will serve a three-year term on the board of the foundation, an advisory body in fund-raising and trust management matters. A third lawyer, John C. Peick, has been named legal counsel to the Washington Association of Mortgage Brokers.

Chuck Wolfe, a partner in Schwabe, Williamson, Ferguson & Burdell in Seattle, has been named editor of the WSBA Environmental and Land Use Law Newsletter.

Robert C. Mussehl of Seattle has been elected to the executive council of the ABA Section on Dispute Resolution.

Former WSBA Public Affairs Director George W. Scott was married to Ruth H. Martens July 9, 1993. The ceremonies took place in the Senate Chamber of the Washington State Capitol, where Scott was a member in the 1970s and '80s.

Tacoma lawyer Steven Quick-Ruben resigned as a member of the WSBA Editorial Advisory Board in July. The Board oversees the operation of the Bar News.

Timothy J. Blake spoke on "Building a Core Native Americans and the Law Collection" at a July 30-31 seminar presented in Prescott, Arizona by the U.S. Courts Library. Blake is associated with the Library, which serves the federal courts in Phoenix.

Scott W. MacCormack, late of the Washington, D.C. branch of Milbank, Tweed, Hadley & McCloy, joined Heller Ehrman White & McAuliffe's Seattle office last summer. His practice includes advising domestic and foreign entities on federal and state taxation, securities offerings, restructurings and acquisitions.

Steven O. Rosen is a new division director of the Section of Litigation in the American Bar Association. He will supervise the work of a number of the section's committees. He is a partner in the Portland office of Miller, Nash, Wiener, Hager & Carlsen.

Foster Pepper & Shefelman, Seattle, has announced that J. Scott Emery has joined the firm's business group. Emery practices in banking and corporate finance.

Julie Weigand-Johnson has joined

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS

IS PLEASED TO ANNOUNCE THAT  
FORMER CHIEF JUSTICE  
ROBERT E. BAKES

HAS JOINED THE FIRM AS A PARTNER.

THE FORMER CHIEF JUSTICE WILL CONCENTRATE HIS PRACTICE IN THE AREAS OF ALTERNATIVE DISPUTE RESOLUTION, INCLUDING ARBITRATION, MEDIATION, AND SUMMARY TRIALS, AS WELL AS CONSULTATION IN TRIAL AND APPELLATE PRACTICE AND PROCEDURE.

JUSTICE BAKES WAS A MEMBER OF  
THE IDAHO SUPREME COURT FROM 1971 UNTIL FEBRUARY 1993.

FIRST SECURITY BANK BUILDING  
911 WEST IDAHO, SUITE 300  
(208) 345-2000  
BOISE, IDAHO 83701

THE EARL BUILDING  
525 PARK AVENUE, SUITE 2D  
(208) 522-6700  
IDAHO FALLS, IDAHO 83403

OCTOBER 1993

WORKERS' COMPENSATION

Industrial Injury and Occupational Disease

We welcome and appreciate your referrals in this specialized area.

Walthew, Warner, Costello,  
Thompson & Eagan

"Representing Injured Workers For Over 60 Years"

(206) 623-5311

Toll Free 1-800-824-6215

THE WALTREW BUILDING  
123 Third Avenue • Third South & South Washington  
Seattle, Washington 98104

Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim.

**Susan Robinson**, with Karr Tuttle Campbell in Seattle, has been elected a member of the American College of Mortgage Attorneys.

**Alexander W. Mackie**, who practices in Olympia, has been hired as a growth-management consultant by Columbia County. He will work with the county on issues relating to recently adopted interim regulations designed to conserve county resources lands and to protect critical areas.

**Stewart A. Martin** reported in September that he'd been chosen to be part of the first "class" of an eight-month community leadership training course called Advance Bellevue. Martin is a shareholder with Danner, Scott & Martin; the firm has offices in Bellevue, Portland, and Wilsonville, Oregon.

Judge **Philip J. Thompson**, a member of the Court of Appeals, Division III, was honored by Gonzaga University at its September Distinguished Alumni Merit Awards. Thompson is a 1956 undergraduate and 1962 law graduate of Gonzaga.

**Sheena R. Aebig**, formerly shareholder, managing partner and chair of the bankruptcy practice group at Shulkin, Hutton & Bucknell in Seattle, has joined Bogle & Gates' bankruptcy and insolvency practice group.

---

## CLARK COUNTY REPORT

by JOHN F. NICHOLS

---

### RUMOR CONTROL

*It's never too early*

While the majority of us lazy lima-bean attorneys are lounging at Club Slurpy catching the last zephyrs of a long hot summer, there are those hard-working competitors positioning themselves for the strenuous fall campaign. No, I am not referring to those running for some trivial elected post (Quayle, et al.). There are those wily lawyers positioning themselves for the prime yellow-page spots. Yes, the Beagle campaign has already started. Traditionally, the Beagle rush does not begin in earnest until the first yellow page salesman places calls on October 12 at 8:05 P.S.T.

Whether due to the Columbus Quincentennial or the economy, the ground movements were already detected in early August. This is unheard of in the modern push-button phone era.

The first ripples were felt with the divestiture of the **Darrell Lee** firm. Declaring their autonomy were **Mike Langsdorf** (now with **Bob Gregg** and **Rob Russell**), **J. R. "Bob" Yoseph** (Ihringer & Dunkerly) and **Bob Mitchelson** (sighted somewhere in the Cascade Park area). Darrell remains at the Hazel Dell office restricting his practice to serious criminal and track law.

Other movements find **Terry Lee** (no relation nor resemblance except around the suspicious eyes) moving from Landerholm, Memovich et al. to Marsh, Stichman, Higgins et al. Apparently, with **John Stichman** on the stump (or up a stump) for the County Commissioner job, there was a need for another hard driving domestic attorney, but they hired Terry Lee, anyway.

The battle is also brewing over the yellow-page positions of the judicial candidates **Jim Rulli** and **Ed Poyfair**. The vultures waiting to pick the bones of the winner are offering outrageous amounts for said space. The catch is they must also use the previous occupant's graphics. In Jim's case, the explosion effects coming out his ears or the leaning office/house for Ed.

As the old riddle queries, "Where do you bury the survivors?" The final answer will be announced in this space as time and interest allow.

---

## KITSAP COUNTY REPORT

by KATHLEEN M.S. WRIGHT

---

*Pro Bono Kudos.* Recent pro bono attorneys of the month include **Kerry Stevens**, **Tracy DiGiovanni** and **Kathleen Shedd**.

*Washington Women Lawyers.* President for the new year is **Holly Banks**. State Court Appellate Justice **Elaine Houghton** spoke at a recent meeting.

*More Athletic Endeavors.* Marathon bike rides and white water rafting. What is next for Kitsap lawyers? **Susan**

**Caulkins** shot women's low gross score at the Hospice of Kitsap County sponsored event at Gold Mountain.

*Another Well-deserved Honor.* **Frank Shiers** of Shiers, Chrey, Hauge, Cox & Caulkins, Port Orchard, was named Kitsap's "Best Attorney" in a recent poll of the *Kitsap Business Journal*.

*Additions.* **Kim Hunt**, a recent graduate of UPS, is a new associate at the aforementioned Shiers firm. If this column appears weighted with Shiers info, it is because it seems to be the only firm with a PR department which regularly dispenses news and well-planned media advertising.

---

## PIERCE COUNTY REPORT

by GEORGE S. KELLEY

---

The TPCBA annual golf tournament was held at the scenic Madrona Golf Course in Gig Harbor. Through special arrangements with the Department of Transportation, the Narrows Bridge construction project was halted long enough so that all contestants arrived on time. The winners were **Dan Still**, low gross with a score of 71, **John Combs**, low handicap, **Tom Ellington**, low Calloway, **Corrine Dixon**, women's low gross with a score of 94, and **Peggy Gross**, low net. This year there was a geezer's division for men over 50 (there will be a women-over-50 division when enough of them admit to being that old), which was won by **Bert Johnson** with a score of 77, and court commissioner **Dave Johnson** took low geezer net with a 64.

As part of the post-tournament festivities, a raffle was held, the benefits of which were split between the law library and the pro bono fund. Most of the raffle prizes took the form of weekends and rounds at area golf courses. **Lee Martin**, who has business interests in the Philippines, donated a round of golf at the Zambawonga Golf and Country Club and an overnight stay at the Lantaka Hotel in Zambawonga City. Air fare was not included in the package. **Mike McKasy** was the winner of this prize and was gracious enough not to ask for a refund.

**Klaus Snyder** arranged to have the entire tournament video-taped; it will be shown during the cocktail hour prior to the Lincoln Day Banquet in February.

The recent primary election featured several members of the bar, most of whom will not be running in November. **Pete Kram** lost his bid for a seat on the Park Board. **John Meske** and **Ivan Johnson** were unsuccessful in the race for Port Commissioner, while **Pat Lantz** and **Herb Gelman** made the finals. Finally, retired judge **James Healy** came in third in the contest to be Tacoma's next mayor. The voters apparently felt that Judge Healy didn't know as much about law and order as his opponents.

The September bar luncheon featured newly appointed court of appeals Judge **Elaine Houghton** as speaker. There was also a brief "point-counter point" debate on the Long amendment with **Ed Winskill** in opposition and **Tom Cena** speaking in favor. The debate was spirited, informative and brief as each speaker was aware that any lengthy presentations would eat into her honor's speaking time.

It is reported that the First Annual Legal Seminar at the Katmai Lodge in King Salmon, Alaska was a great success. It was sponsored by Margullis, Luedtke and Ray and was approved for 18 hours of CLE credit. **Ron Thompson** had the hot fishing rod and caught and released over 40 salmon on his best day. Call **Sherilee Luedke** if you are interested in the 1994 seminar. It promises to be a better deal than a round of golf at Zambawonga Golf and Country Club.

---

## SOUTH KING COUNTY REPORT

by **THOMAS A. CAMPBELL**

---

News from the South King County Bar Association comes on many fronts. The September meeting was attended by local heads of state and visiting dignitaries. WSBA president **Paul Stritmatter** attended so that he could hear the exploits of our speaker, **Ann Rule**. As the meeting wore on, it turned out that **Ann Rule** and **Phil Biege** may be the fruit of the same family tree. Suspicions are that **Ann** and **Phil** are deep-frozen twins. This revelation gave new meaning to the title of **Ann's** first book, *The*

*Stranger Beside Me*. President and samurai warrior, **Mike Salazar** opened the meeting by decreeing that all future presidents must shave their heads for the first meeting. **Salazar** is preparing for the Seattle Marathon, but **Jane Rhodes**, with her sailing agenda, may take exception to **Salazar's** precedent. **Theresa Ahern** is back in possession of her own body, having delivered her first baby. Congratulations are offered to **Theresa** and her husband, **John Greaney**. **Patrick Hardy** has joined the Law Offices of **Timothy Jenkins**. All who attended the meeting are also reminded that they should tell **Joe McGoran's** wife that he is at a WSTLA seminar in Reno. **Mike Pratum** returned safely from sunny California. **Pratum** was in such a hurry to avoid the dol-drumms that he put the extra-gummy tires on his BMW and burned up all the pavement between here and Northern California. The next meeting will take place on October 17 at Anthony's Home Port. Judge **Anne Ellington** is anticipated as the speaker to deliver the Annual State of the Court Address.

---

## IN MEMORIAM

---

### Charles Snyder

*"Before his retirement on January 1," writes Walla Walla County Bar Association president John W. Lohrmann, "Charlie Snyder was of counsel to my firm for six years. Here is an excerpt from the memorial resolution presented to the superior court by the Walla Walla County Bar Association."*

"Charles Snyder died in Walla Walla on July 24, 1993, at the age of 81. He was a native of New York City, but attended schools in Seattle, graduating from the University of Washington and the University of Washington School of Law. He is survived by his wife, Ruth, whom he married in 1936; by two children, Carole Lea Raugust of Moraga, California and Gary R. Snyder of Bellingham; and by two grandchildren

"Charlie, as he was affectionately known, began the practice of law in Olympia, with the Washington State Inheritance and Tax Commission. The Snyders moved to Walla Walla in 1941, and Charlie remained in the active practice of law, initially part-time in the prosecuting attorney's office, then in full-

time private practice until his retirement in January 1993, when he attained honorary membership status in the Washington State Bar Association.

"Charlie will be remembered as a gentleman. In an age when opposing attorneys are often hostile, Charlie was unfailingly civil. He was held in high esteem by his colleagues, friends and clients, many of whom he served for decades. He was an Abe Lincoln type of lawyer: independent, honest, and highly principled. He had a keen sense of humor and a ready smile.

"Even while worn down by illness during his final years, Charlie remained characteristically optimistic and upbeat. Taking his daily walk to his office in 105-degree summer heat, he might be asked, "Hot enough for you?" to which he would invariably reply, "Just right!"

"Charlie Snyder left his stamp on the legal community in Walla Walla. His hallmark was quality work, promptly done. His real estate contracts and deeds, as well as innumerable wills and trusts—all bearing his inimitable style—will be seen in Walla Walla files for years to come. The reader of any document prepared by Charlie is immediately struck by the deliberateness, brevity and clarity of the contents. A master of the pre-computer age, Charlie used the English language efficiently and effectively.

"Charlie Snyder earned the respect, not only of his peers, but of his employees. His last three secretaries served him a combined total of 53 years. He was a good lawyer, a good family man, and a good citizen of this community. Those of us who knew him will always miss him."

### John K. Johnsen

John K. Johnsen, 46, died of a heart attack June 11, 1993 at his home in Yakima. Born in California, he served in the Army from 1967 to 1973. After graduating from Washington State University, Johnsen studied law and philology at the Rheinische Friedrich Wilhelm University in Bonn, and graduated from Gonzaga University School of Law in 1977.

Practicing first in Colville, Johnsen came to Yakima in 1980 and joined the law firm of Thorne, Kennedy & Gano. His partner, David A. Thorne, wrote the *Bar News*, "John was a highly respected attorney whose interest in science and technology was applied with vigor. He was very interested in geol-



*Reminder: The address, phone and fax numbers showing on your fee statement will be published in the 1994 Resources attorney directory.  
Last day for changes is February 1, 1994.*

**NOTICES ADVERTISING**

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

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

*Advance payment required.*

**Deadline:** 25th of each month for second issue following. No cancellations after deadline.

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

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

We Are Pleased to Announce  
the opening of

**JUNKER & THOMPSON, P.C.,**

a professional service corporation for the practice of commercial law,  
with an emphasis in international trade matters.

Joel R. Junker received his L.L.B. from Cambridge University (Trinity Hall); his J.D. from California Western School of Law, where he was Editor-in-Chief of California Western International Law Journal; and his B.A. from Valparaiso University. Mr. Junker was previously Assistant General Counsel to the United States International Trade Commission in Washington, D.C., a shareholder in Graham & Dunn, and Of Counsel to Bogle & Gates, Seattle, Washington. He is admitted to Practice in Washington and California.

Mr. Junker will continue to serve as President of Veritrade International, Inc., an international trade consulting firm specializing in duty drawback, country-of-origin verification, and ISO 9000 certification.

Lindsay T. Thompson is a graduate of Oxford University (Mansfield College); Northwestern School of Law of Lewis & Clark College; and St. Andrews Presbyterian College. He was previously Deputy Prosecuting Attorney for Cowlitz County, Washington, and a commercial law and litigation associate of Weber & Gunn, Vancouver, Washington.

Mr. Thompson will continue as Editor of the Washington State Bar News.

**JUNKER & THOMPSON, P.C.**

The Financial Center  
1215 Fourth Avenue, Suite 1501  
Seattle, Washington 98161

Telephone (206) 625-9211  
Facsimile (206) 625-9115

**PROFESSIONAL****State and Bankruptcy  
Court Appeals****Margaret K. Dore**

former clerk to  
Washington Supreme Court  
Justice Vernon Pearson, and to  
Washington State Court of Appeals  
Judge John Petrich, announces  
her availability for referral,  
consultation or association  
for both Washington State and  
Bankruptcy Court appeals.  
Ms. Dore passed the C.P.A. exam  
in 1982. She also holds  
an M.B.A. in Finance  
and a B.A. in Accounting.

**Lanz & Danielson**  
(206) 382-1827

**White-collar  
Malpractice**

Attorneys  
Accountants  
Financial Institutions & Lenders  
Insurers  
Realtors  
Securities Brokers

**Mark Alan Johnson**  
6850 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, WA 98104-7016  
(206) 386-5566  
fax (206) 682-0675  
toll-free (800) 247-2157

announces his availability for  
consultation, association or  
referral of substantial claims of  
white-collar malpractice.

ogy, rock-hounding, and loved the outdoors. He will be greatly missed by his colleagues throughout Central Washing-

ton."

Johnsen was a member of the Yakima County Bar Association, Mensa Inter-

national, and other civic and professional groups. Survivors include his mother, wife, three sons, a brother and a sister.

*Reminder: The address, phone and fax numbers showing on your fee statement will be published in the 1994 Resources attorney directory. Last day for corrections is February 1, 1994.*

### State and Local Taxes

**George C. Mastrodonato**, a former Administrative Law Judge with the Washington State Department of Revenue, is available for association, consultation or referral in all matters of state and local taxation. Mr. Mastrodonato has more than 17 years of experience in state and local taxes, including audits, legislation, rule-making, administrative appeals, trial courts and appellate litigation.

**George C. Mastrodonato**  
**Lane Powell Spears Lubersky**  
711 Capitol Way  
Olympia, WA 98501-1231  
Telephone (206) 754-6001

### Breast Implants

**Cheryl Robbins Berg** of The Dolack Hansler Firm is now accepting referrals, consultations and associations on personal-injury cases involving breast implants. She has 17 years of personal-injury experience and is a member of the Tacoma-Pierce County Bar Association. She serves on the Board of Governors of WSTLA, is past chair of the WSBA Litigation Section and a member of ATLA's Breast Implant Litigation Group.

**Cheryl Robbins Berg**  
**The Dolack Hansler Firm**  
950 Pacific Avenue, 11th Floor  
Tacoma, WA 98402  
(206) 383-7123

### Product Liability

#### **Douglas E. Somers**

18 years' litigation experience, former head of product liability for major manufacturer, announces his availability for association, consultation, preparation and trial of product liability or other personal-injury claims.

(206) 292-1515

### MITCHELL, LANG & SMITH

is pleased to announce that

**ALAN B. HUGHES**

has joined the firm,

and that

**TODD S. BARAN**

is now associated with the firm.

Mr. Hughes, formerly with Johnson & Martens, P.S., in Seattle, will practice in the firm's Seattle office. Mr. Baran, formerly a law clerk to the Honorable Edward Warren, Oregon Court of Appeals, will practice in the firm's Portland office.

101 S.W. Main, Suite 2000  
Portland, Oregon 97204  
(503) 221-1011

1001 Fourth Ave., Suite 3000  
Seattle, Washington 98154  
(206) 292-1212

### Tax & ERISA Consultation

#### **Edward B. Ratcliffe,**

J.D., L.L.M..

Attorney with 4+ years at the IRS, Employee Plans and Actuarial Division in Washington, D.C.

**1319 Dexter Ave. No.**

**Suite 370**

**Seattle, WA 98109**

**(206) 285-8416**

### Viet Nam

**Le Dinh Tuyen** announces his availability for consultation in international business transactions relating to Viet Nam.

**Le Dinh Tuyen, Esq.**  
1001 Fourth Avenue, Suite 3200  
Seattle, WA 98154  
(206) 292-1650  
fax: (206) 760-8041

### Probate

**Mary Anne Vance** announces her availability for association and referral of probate cases, both contested and noncontested.

1250 Bank of California Ctr.  
Seattle, Washington 98164  
(206) 682-2333

### Multi-state Attorney Brian M. Keith

Member of Arizona,  
California, Nevada,  
Oregon and Washington bars.  
Available for referrals,  
association and appearances.

Telephone: (619) 566-1000  
Telecopier: (619) 566-1011

### Appeals

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

**Philip A. Talmadge  
Talmadge and Cutler**  
3650 First Interstate Center  
999 Third Avenue  
Seattle, Washington  
98104-4009  
(206) 340-4600

### Appeals and Civil Litigation

**Joan H. Lukasik** is available for referral, consultation or association on appellate and commercial litigation matters.

AT&T Gateway Tower  
700 Fifth Avenue, Suite 3925  
Seattle, Washington 98104  
Phone: (206) 340-2655  
Fax: (206) 340-1128

(also admitted in Alaska)

### Insurance

#### Richard Gemson

former adjunct professor of law at UPS and former in-house counsel for North Pacific Insurance Co., is available for consultation, association or referral in matters involving all types of insurance coverage, as well as arbitration and mediation in civil, tort and contract litigation.

506 Second Ave., Suite 1825  
Seattle, WA 98104  
(206) 467-7075  
fax (206) 622-3965

### Criminal Law

**Frederick D. Leatherman, Jr.** is accepting referrals in state and federal felony cases. Fifteen years' experience in litigating complex felony cases in state and federal courts.

**Frederick D. Leatherman, Jr.**  
1301 Fifth Avenue  
Suite 3500  
Seattle, WA 98101  
(206) 382-1100

## HALLMARK, KEATING & ABBOTT, P.C.

William E. Fitzharris, Jr.  
Daniel F. Mullin  
Lee M. Barns  
Barney Jay Mason  
Mary K. McIntyre  
Lisa L. Pan  
Gregory L. Ursich

are pleased to announce the relocation of their Seattle office to

Second and Seneca Building • Suite 1600  
1191 Second Avenue  
Seattle, Washington 98101-2910  
Telephone: (206) 622-2295 • Facsimile: (206) 340-0724

Our Portland office remains:

800 Benj. Franklin Plaza, One Southwest Columbia, Portland, Oregon 98258-2095  
Telephone: (503) 222-4422 • Facsimile: (503) 796-0699

### Contract Legal Services

#### Nancy L. Rees

announces her availability for contract work for research and drafting.

(206) 451-0765

### Burn Injuries

**William S. Bailey**, 1991 WSTLA Trial Lawyer of the Year, is available for association or referral of fire, explosion and burn injury cases.

**Fury Bailey**  
1300 Seattle Tower  
1218 Third Avenue  
Seattle, WA 98101-3021  
(206) 292-1700 or  
(800) 732-5298

**Eastern Washington Appeals**

Civil or Criminal

**W. Osler McCarthy**  
(509) 747-4315

Former law clerk to  
Chief Justice Fred Dore.  
Former newspaper editor.

Available for  
association, referral, editing,  
substitutions on indigent appeals.

**Kraft Kimbrough & Ganz**

**Joseph J. Ganz**

is available for consultation,  
association or referral of  
substantial claims of  
professional malpractice.

**11033 N.E. 24th, #200**  
**Bellevue, Washington 98004**  
**Phone: (206) 451-1202**

**Calif/Wa Dual-licensed**

**Michael A. Aronoff**

Available for referrals, consultation  
or association on California matters.  
Heavy family law background.

**(206) 874-0189**  
**fax (206) 874-8005**

**Escrow**

**Sonkin & Klein**

announce their availability  
to act as escrow and to close  
real estate and business  
opportunity transactions.

**1325 Fourth Avenue**  
**Suite 1335**  
**Seattle, WA 98101-2509**  
**Phone (206) 340-2555**  
**Fax (206) 842-7099**

**Irving A. Sonkin Direct**  
**Dial Number: 343-4508**

**Robert S. Klein Direct**  
**Dial Number: 343-4510**

**Sheila A. Rooney Direct**  
**Dial Number: 343-4512**

**Pence & Dawson**

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

**(206) 624-5000**

**Evidence**

**Karl B. Tegland** announces his  
availability for consultation or briefing  
on the admissibility of evidence.

**(206) 486-8860**

**FOSTER PEPPER & SHEFELMAN**

Takes Pleasure in Announcing

**BRIAN L. HOLTZCLAW**

**LORI NOMURA**

**TIMOTHY M. WOODLAND**

Practicing in Our Seattle Office

and

**GORDON E. CRIM**

Practicing in Our Portland Office

Have Become Associates of the Firm

Fall 1993

**BELLEVUE**  
(206) 451-0500

• **PORTLAND**  
(503) 221-0607

• **SEATTLE**  
(206) 447-4400

---

---

## FOR SALE/WANTED

---

---

**Used law books**—bought, sold and appraised. Save on Washington Reports, RCWAs, Washington Digests, Pacific Reporters, Federal Reporters, etc.—complete law library acquisition and liquidation service—John Teskey, Law Books/Library Services, Seattle. Phone: (206) 325-1331.

**Antique English legal documents** from a barrister's estate. Property indentures on parchment 1650-1725. Beautiful calligraphy. Fascinating histories. \$100-\$500; Oliver, (206) 827-5757.

**William S. Hein, & Co., Inc.** World's largest law book dealer. Extensive collection of Washington Reports & Appellate Reports, WA. Digest 2nd, WA. Reports 1st & 2nd, WA. Law Reporters and periodicals. Call (800) 828-7571, or fax (716) 883-8100.

**Save 50% on law books.** National law. America's biggest law book dealer. We buy/sell. Huge inventories. Excellent quality. Your satisfaction guaranteed. Free quotes. (800) 279-7799.

**LegalEdge™ Case Management** Software. Full-featured, comprehensive, easy to customize, relational database ideally suited for defense, transactional, plaintiff or government practice. Free demo disk, (818) 986-8616.

**Law books for sale:** Washington Reporter: Vols 290-846, \$2,150 and Washington Digest 2nd: Vols. 1-41, \$1,000. Contact Cindy at Pomerville, Stookey & Grattan, P.S., (206) 696-0023.

**WinBankr™ Bankruptcy Forms** System. The power of Microsoft® Word for Windows has been harnessed to efficiently produce bankruptcy forms: Data entry extremely fast; all core filing forms instantly accessible; no repetitive typing; all potentially time-consuming procedures automated. Because of your great support during our recent discounted purchase price offering, we are making the \$195 single-user price permanent. Thank you. Call (206) 937-6631.

**SOS™ ("Small Office Solutions")** Forms System. The creators of WinBankr™ have done it again! This fully integrated general law office forms system coordinates its operations with its own virtually limitless database *within*

Microsoft® Word for Windows. Enter addressee information once. After that, "pop" such data into custom letter, fax, Rolodex label, mail label, envelope and other forms with the click of a mouse button—no need to purchase a separate database system. Basic system single-user purchase price: \$145. Call (206) 937-6631.

---

---

## SPACE AVAILABLE/WANTED

---

---

**Sweeping, unobstructed view** of Puget Sound (First Interstate Building, Seattle, 41st floor). Elegant law offices near courthouse. Reasonable rates include receptionist, basic messenger service, mail delivery, fax, two conference rooms, law library, fully equipped kitchen. For more information, please call Sharon at (206) 624-9400.

**Burien Office:** Wanted, one or two attorneys to share congenial, smoke-free office with established attorney. Receptionist/secretarial services, photocopies, RCWA and other amenities. (206) 246-3333.

**Office-sharing space available** immediately in the Bank of California Building, Seattle, 17th Floor. One-three offices, with up to two secretarial stations. Amenities include conference rooms, kitchen, library, fax, phones, photocopier, telephone/receptionist service. For more information, please contact Peggy Day at Tewill & Findlay, (206) 623-2369.

**Office space for rent:** Modern, attractive building in Puyallup; terms and facilities negotiable. Call Mayhew-Froehling at (206) 845-1791.

**Greenwood-Green Lake (Seattle)** area office space at 8011 Greenwood Avenue North: Two large attorney offices with a smaller office for another attorney or staff person plus receptionist area, kitchen, two restrooms and conference room. I wish to share this ground floor office with one or two other attorneys. Copier, fax, telephone installed. Easy access to downtown Seattle. Call Rob Carpenter at (206) 783-2300.

**Premium view office—Bellevue** high-rise office space available for fifth attorney, including amenities. Possible

referrals. (206) 451-8301.

**Outstanding view offices** for lease—From 1,350 square feet up to 7,107 square feet in Seattle's First and Cedar Building at competitive rates. Offices have panoramic and restful views of the Olympic Mountains and Elliott Bay facing south, west and north; cityscape and Space Needle views from the East. Within walking distance to waterfront shopping and dining. Ample parking from \$60 per month per stall. Office space is available for customized tenant improvements, or "as-is" with private window offices. Contact: Estelle Shives, SeaMark Properties, Inc., (206) 448-4111.

**Office space: Bellevue downtown—**Key Bank Building, extra professional office to share, full amenities available. Easy freeway access. (206) 823-8718.

**Space-sharing.** First Interstate Center, Seattle. Two offices available on the 25th floor with full-service firm and other subtenants. Two conference rooms, library, receptionist. Fax, Lexis, PC Network. Negotiable terms. (206) 382-2600.

**Your home office** becomes a luxury suite with the addition of our support services package. Whether you're just starting out, or downsizing, we offer corporate amenities for the home-office professional. Personalized telephone answering with voicemail, mail/messenger service and conference facilities where you can meet with clients in a professional atmosphere. Let our business address, Bellevue's best, be your business address. Add a membership in the Eastside Law & Tax Library, and you go first-class at budget rates. For more information, call Terry Dam at (206) 451-3961.

---

---

## SEEKS ASSOCIATION

---

---

**Seattle law firm looking** for firms in Pierce and Snohomish counties for reciprocal ex parte activities. Please call Sherri (206) 624-3443.

---

---

## POSITION WANTED

---

---

**Attention attorneys and personnel**

Reminder: The address, telephone and fax numbers showing on your fee statement will appear in the 1994 *Resources* attorney directory. Final date for corrections: Feb. 1, 1994.

directors: The National Academy for Paralegal Studies has qualified paralegals in your local area ready for employment in law offices and corporations. Our paralegal graduates are trained in areas of law such as family, real estate, torts, criminal, probate and corporate law. Student interns are also available. There are NO fees for these services. For additional information, call Lisa Piperato at (800) 285-3425, ext. 3041.

**Legal-assistant** position sought by Australian-qualified attorney. Experienced in legal research and advice as well as clerical skills. Willing to accept entry level position for an opportunity to gain knowledge of U.S. legal system. (206) 649-8466.

---

## POSITION AVAILABLE

---

**Attorney jobs—National and Federal Legal Employment Report**, highly regarded monthly detailed listing of attorney and law-related jobs with the U.S. Government, other public/private employers in Washington, D.C., throughout the U.S. and abroad: *500-600 new jobs each issue*; \$34-three months; \$58-six months. Federal reports, 1010 Vermont Avenue, N.W. #408-WB, Washington D.C. 20005. (202) 393-3311. Visa/MC.

**ERISA attorney** to join eight-lawyer Employee Benefits Practice Group in large, diversified law firm located in Portland, Oregon. Must have experience in tax-qualified retirement plans, executive compensation and employee welfare benefit plans. Minimum four years' experience. Excellent academic record required. Compensation commensurate with experience. Equal Opportunity employer. Send resumé to Ms. Lee Dayfield, Stoel Rives Boley Jones & Grey, 900 SW 5th Avenue, Suite 2300, Portland, OR 97204.

**Litigation associate for Boise**, Idaho office of large Northwest regional law firm. Must have a minimum of four years' litigation experience. Position in-

volves significant discovery and trial experience in product liability and employment law. Requirements include excellent scholastic record and strong writing skills. An Equal Opportunity Employer. Send resumé to Ms. Lee Dayfield, Stoel Rives Boley Jones & Grey, 900 SW 5th Avenue, Suite 2300, Portland, OR 97204.

**Labor and employment litigation** associate for Portland, Oregon office. Litigation associate at a minimum of three-year level to work exclusively in labor and employment. At least one year of experience must be employment-related litigation. Equal Opportunity Employer. Send resumé to Ms. Lee Dayfield, Stoel Rives Boley Jones & Grey, 900 SW 5th Avenue, Suite 2300, Portland, OR 97204.

**Litigation attorney:** Growing law firm in Seattle seeks a highly motivated associate. Minimum two years' experience in civil litigation, with particular emphasis in personal injury. Must have had case responsibility and must be able to write and research effectively. Strong credentials required. Send resumé to: Personnel Manager, 120 Lakeside Avenue, Suite 300, Seattle, WA 98122.

**Estate planning attorney.** Sole practitioner with growing estate planning practice seeks another attorney interested in doing solely estate planning. Experience desirable, but not required. Must be very personable and enjoy public speaking. Must be of very high character. Send resumé to Phil Rehberg, 2800 S. 192nd, Suite 104, SeaTac, WA 98188-5163.

**Vancouver, WA personal-injury**, two-attorney law firm seeking associate. Medical experience/background a large plus. Excellent academic credentials required. Salary DOE. Reply to: Box 404, WSBA.

---

## SERVICES

---

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

**Urology forensic consultant.** Expe-

rienced, boards, professor, M.D., J.D., plaintiff or defense. (314) 361-7780.

**Get paid!** Has a client ever *not* paid you? Owned and operated by attorneys, we finance your new clients and reduce your receivables. No turn-downs. Free credit ratings. No recourse (except felony). The LAWCARD<sup>SM</sup> (800) LAW FEES [(800)529-3337].

**Join now; no dues until January 1994.** There's no better way to control your costs than with a membership in the Eastside Law & Tax Library. One monthly payment buys the library services you need at a price you know in advance. Fully qualified library staff, state-of-the-art equipment, comfortable, quiet surroundings. Open 24 hours a day, seven days a week, holidays too. Enjoy now; pay next year, or pay in full now and get a 20 percent discount. For a free day's use and more information, call Margie Hawley at (206) 646-3464.

**Contract attorney:** experienced, accomplished trial and appellate attorney available; ten-plus years' litigation emphasis. References on request. Reasonable rates. M. Scott Dutton (206) 324-2306.

**Automated document preparation:** automate the preparation of all types of standard documents, including family law forms, using your current word processor. Practicing attorney and computer consultant. Michael V. Fancher, (206) 462-0788.

---

## MISCELLANEOUS

---

**Sun Valley—New, four-bedroom**, three-bath house just north of town with hot tub and large fireplace; fully equipped; mail service. \$1,100-\$1,300/week. Vicki Christensen, (503) 224-5560.

**Hood Canal—Waterfront home**, Olympic mountain sunsets. Fireplaces, fully equipped, sleeps four or eight. Twenty minutes to Seattle ferry. (206) 282-4539.

**Five bedrooms, four bathrooms**, den, large common area, fireplace, facing Bald Mountain (beautiful view), near Lane Ranch, Sun Valley Idaho. Available December 27/January 3. If interested, contact Box 391, Mount Vernon, Washington 98273.

# WASHINGTON ADMINISTRATIVE CODE

# WAC

STAY UP TO DATE WITH

The new WAC will consist of more than 13,000 pages in 12 perfect-bound volumes, and will contain over 40,000 sections filed by 176 rule-making state agencies. Many of these rules have the force of law, and regulate business and industrial activities throughout the state.

The 1992 edition of the WAC will be available in May of 1993. Purchase price will remain at \$320 plus 7.9% sales tax.

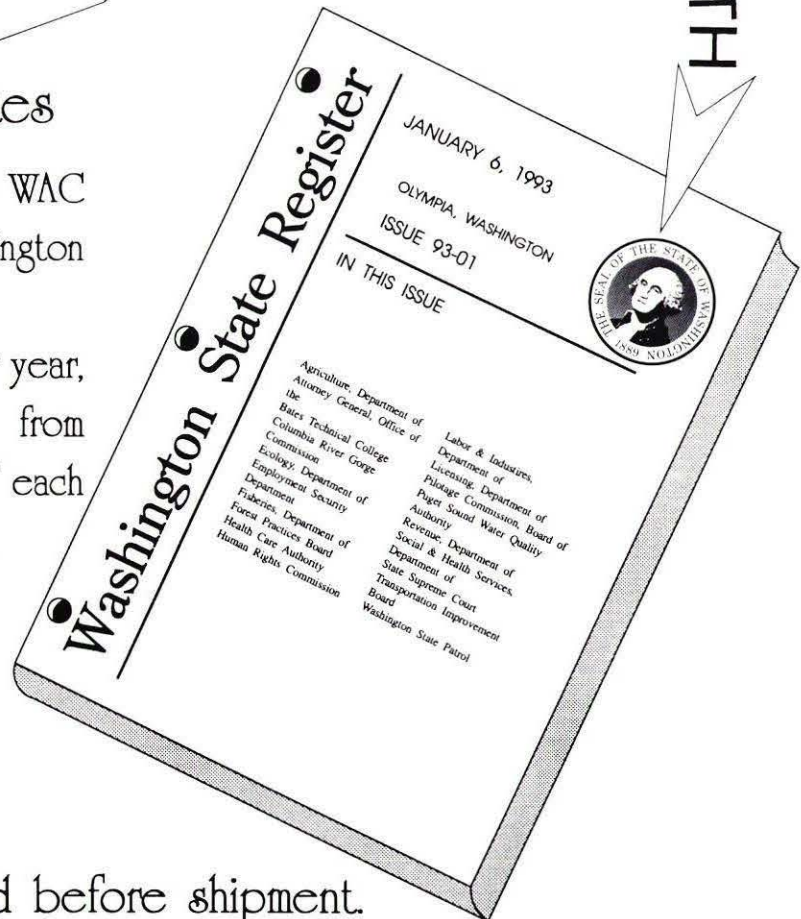
## 1993 Register Updates

Twice monthly updates to the WAC are provided by the Washington State Register.

Keep up to date for \$160 per year, plus tax. Subscription runs from January through December of each year, with back issues provided.

Send your check to:  
Office of the Code Reviser  
Subscriptions  
PO Box 40552  
Olympia, WA 98504-0552

Payment is required before shipment.



The next time  
you're renewing  
your malpractice  
insurance,  
*remember  
that time is money*

Every professional liability program requires a renewal application, but ours is short and to-the-point. On all but a few specific questions, if the answer to the question hasn't changed from last year, you don't need to tell us about it.

The no-change renewal application is just one benefit that makes the Lawyer's Protector Plan an extraordinary value. This benefit and others are why more than 27,000 lawyers in 45 states are insured by the Lawyer's Protector Plan.

For more information, contact your independent agent. Or call National Insurance Professionals Corporation.

(206) 441-7960



The Lawyer's Protector Plan® is a trademark of Poe & Brown, Inc., Tampa, Florida, and is underwritten by the Commercial Casualty Company, one of the CNA Insurance Companies, CNA Plaza, Chicago, IL 60685. CNA is a registered service mark of the CNA Financial Corporation, the parent company for the CNA Insurance Companies.

**CNA**  
For All the Commitments You Make®

© 1993 Poe & Brown, Inc.

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