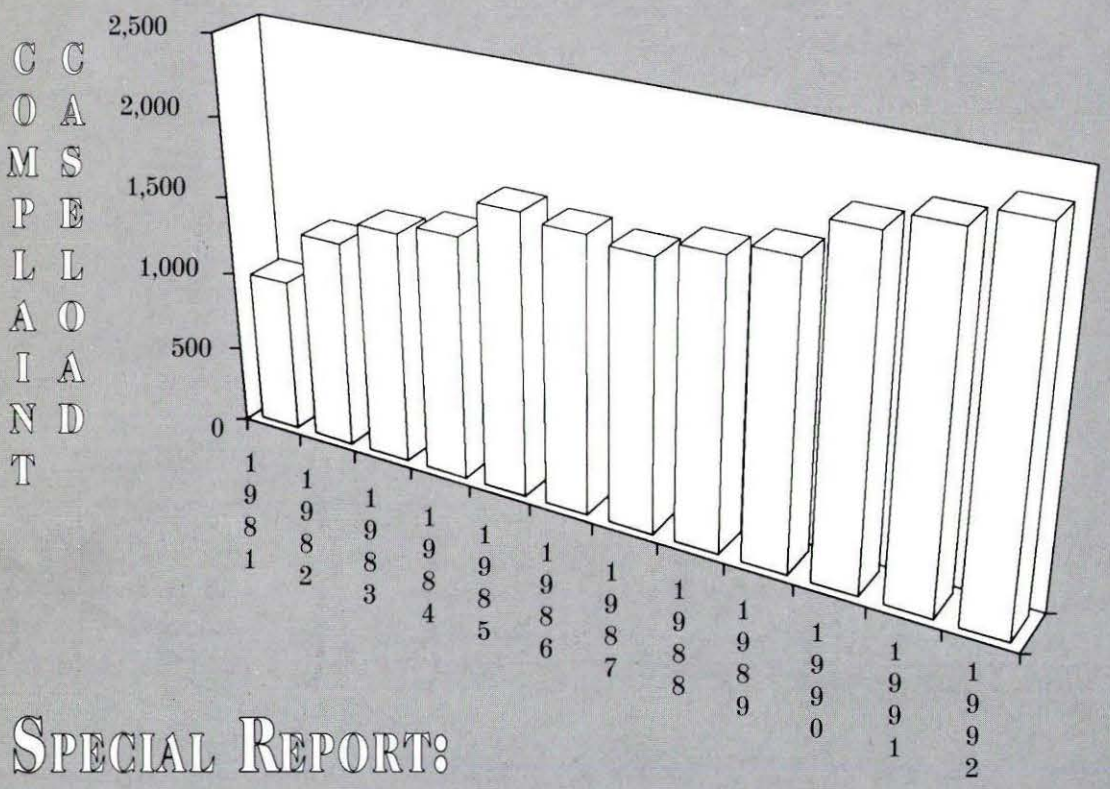
Washington State Bar News
Vol. 47, No. 8, August 1993

New Horizons in the Arena of Drug-testing

Proposed APR 15: Lawyers Fund for Client Protection

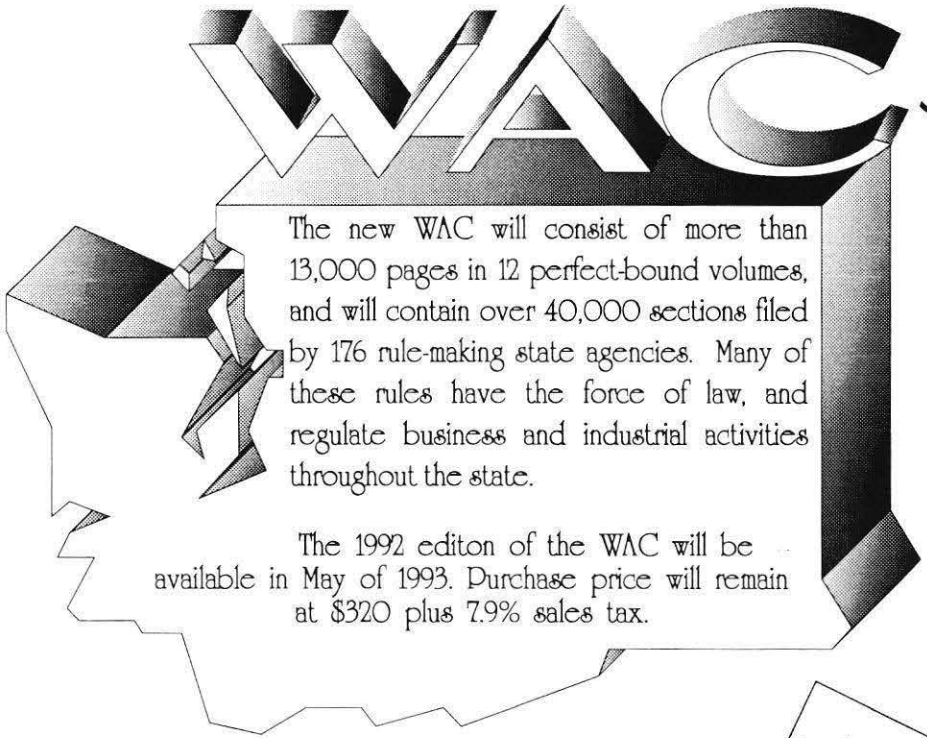
WSBA Annual Meeting & Awards Luncheon

Guilty Through Ignorance



Special Report: Lawyer Discipline in Washington

WASHINGTON ADMINISTRATIVE CODE



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Vol. 47, No. 8, August 1993

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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.

Legal Foundation Seeks Used Computers

Editor:

As the executive director of the funding source for local, bar-supported pro bono programs, I would like to alert your readers to the fact that many of those programs are struggling due to insufficient funds. They are attempting to perform their valuable services with part-time staff, volunteers, and, sometimes, inadequate office systems.

Some of the programs have no computers. Many of them need additional or newer computer components. If any law firms with to donate used computers, please contact the Legal Foundation of Washington. We can refer you to a needy program.

BARBARA C. CLARK
Executive Director
Legal Foundation of Washington
945 Logan Building
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. . . So Does the Bulletin Board

Editor:

L.A.W. BBS needs (1) a volunteer who has access to a scanner and optical-character-reading software and is willing to scan in case law or other documents; (2) a volunteer who is familiar with a database program, such as Dbase or Paradox, and willing to assist with the assembly of databases; (3) a volunteer familiar with the "C" programming language; (4) donations of 286 computers, laptop computers, and scanners. Contact me for more information, at (206) 462-0575.

RON STEINGOLD
Bellevue

Lawyers in Love

Editor:

Thank you for providing Vickie Norris a forum to discuss regulation of lawyers' sexual relations with clients. Although I agree with Ms. Norris's argument that a rule is necessary, I believe the *Bar News* should have provided a contrary view on a subject of this nature.

While it is unfortunate that we need to impose such a rule on ourselves, I am not sure that the proposed rule goes far enough. Ms. Norris's commentary points out that sexual relations between lawyers and clients should be prohibited, in part, because of the influence which a lawyer can exercise on clients' lives. The inequity of the relationship and the position of power held by an attorney do not necessarily disappear simply because the attorney-client relationship ends. Therefore, although a "bright line" rule may be more difficult to establish, it seems that consideration should be given to prohibiting sexual relations between lawyers and former clients, at least for some minimum period after the attorney-client relationship ends.

BRADFORD E. FURLONG
Mount Vernon

Editor:

I write in response to Vickie Norris's article concerning proposed disciplinary rule 8.4(h), which would forbid sexual contact between lawyers and their clients.

The rule appears to be directed at overreaching by lawyers, but Ms. Norris does not give a single example of any harm any person has incurred. There are deterrents which prevent lawyers from seducing their clients without the assistance of rule 8.4(h). These are the fear of being fired, the fear of not being paid, and the fear of loss of reputation.

Ms. Norris raises the issue of conflict of interest. There are always conflicts between lawyer and client. The lawyer has an interest in collecting a fee, and the client has an interest in avoiding it.

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The lawyer has an interest in the goodwill of the legal community, whereas the client is interested in the result, regardless of the goodwill of the legal community. Contingency fee lawyers, especially those who advance costs, always have interests different from those of their clients. A lawyer who has had a past sexual relationship, or any relationship, with a client, may have more of a conflict than one who has a current sexual relationship.

Ms. Norris argues that lawyers are in a trust relationship with their clients. In actuality, lawyers are servants and agents of their clients. Very few lawyers have a conservator-guardian-trustee relationship with their clients.

Generally, we have too many laws and rules, which is a major reason why the public doesn't like lawyers. People should, presumptively, be free to do what they want without fear of quasi-criminal sanctions.

There are many reasons not to adopt this rule. We need to know more about the subject than what the ABA thinks in order to decide whether it will be a useful rule.

ROGER B. LEY
Seattle

More on Professionalism

Editor:

Hear! Hear! Three cheers for President DeForest's column, "Time to Dust Off the Oath" (*Bar News*, May 1993).

It seems that every other word you hear from lawyers regards how terrible it is to be practicing law because of the lack of respect, the shark-like feeding frenzy that seems to drive lawyers to bite each other's backs at every opportunity.

Having recently reentered private practice after a 12-year hiatus with The Boeing Company, I make it a primary objective to "get along with" my brethren of the bar. That doesn't mean I'm a wimp or that my clients' interests take a second seat; it is possible to advocate your clients' best interests without offending every opposing counsel with whom you come into contact.

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When I passed the Alaska Bar (after my admission here, in my home state), a then brother-in-law of mine presented me with a framed, calligraphy copy of the Alaska Oath of Attorney. If you change one word in the first paragraph ("Alaska" to "Washington"), it is the current Washington State Oath of Admission. I have it prominently displayed in my office and frequently refer to it. That oath says it all, and it would be well for all of us to keep it firmly in mind.

Thank you, Mr. DeForest, for your reminder. Let's hope it has its desired effect!

Another note: Randolph Gordon's article, "A Modest Proposal For Improvement of Our Legal System," was OUTSTANDING! It gave me a real chuckle. What a fantasy, to think we could reduce all the legal system's shortcomings by adoption of the old "mutual combat" rules! A *very* entertaining piece!

RONALD C. MATTSON
Renton

Editor:

I was impressed with the content of the May issue of the *Bar News*. It led me to reflect upon why lawyers are viewed the way they are by the public.

I would like to elaborate on a passing comment made by Judge Anne Ellington and Rosemary Daszkiewicz in an article in that issue: "Some claim [the lack of professionalism] is a direct result of the entrepreneurial aspects of the practice of the law . . ."

Exactly— money is the problem!

Much has been written in this publication about unjustified lawyer-bashing by the public. I suspect that the public perception of lawyers is essentially correct. As noted by Mary Gallagher Dilley, in her May *Bar News* article, "Many recognize *a deterioration of the public attitude* toward lawyers and a loss in the sense of pride lawyers feel about their profession" (emphasis in the original).

Is our primary motivation to help people or to feather our own nests? As long as the primary motivation amongst us is to earn a lucrative income, we cannot meet at least one of the various definitions of "professional" in dictionaries. In addition to the pursuit of gain, *Webster's New Collegiate Dictionary*, 1976, defines "profession" as "characterized or conforming to the technical or ethical standards of a profession . . ."

One of the reasons cited for the decline in civility between lawyers was "the conversion of the practice of law from a profession to a business, causing lawyers to concentrate on the bottom line" (Otorowski, "Civility and Rule 11," *Bar News*, May 1993).

I suggest that lawyers are not capable of excelling at the "bottom line" and excelling at being true professionals at the same time. Professionalism is at risk as soon as the chief impetus of practitioners becomes profit rather than the desire to represent the best interests of their clients. How many readers of the *Bar News* think first about whether they can make money from a client's legal problem, before the question even crosses their minds whether the client's interest is best served by pursuing legal action? "Success," at least on the civil side of the bar, is more measured by money than by the results achieved.

There is an inherent conflict in priorities between income levels and doing good work in the practice of law. The negative public perception of lawyers will, undoubtedly, continue as long as the majority of members in our "profession" continue to bow to the icons of income.

Another factor which helps explain why lawyers have lately been treating each other so shabbily is our very numbers (too many rats in a cage?). As Otorowski noted in the May *Bar News*, "the dramatic increase in the numbers of practicing lawyers; [and] economic competition for clients and winning results . . ." both explain the decline of civility, in addition to the desire to maximize income.

The competition for business and money assures a type of interaction that precludes courtesy. Since many medical professionals also appear to be attracted to this part of the country, that calling, likewise, seems to be suffering from a

decline in "professionalism."

In times of budget crunches such as these, when education is scandalously underfunded, it might be instructive to compare the salaries of teachers to those of doctors and lawyers. Perhaps it is time to reorder the priorities in our society. Perhaps we should start with our own profession . . .?

The observations in this letter are limited to lawyers on the civil side of the bar, and apply to 75 percent of those lawyers, by my estimation. There are a few gems in our midst, to whom I apologize for this polemic.

JOHN MERRIAM
Seattle

Better Call Ahead

Editor:

You have listed the meeting times for the Skagit County Bar Association as the first Wednesday of the month (*Bar News*, May, 1993, page 33). For the last year—approximately—we actually have been meeting on the first Monday. When the new bar president takes over in a couple of months, the meeting dates may change again.

WILLIAM R. McCANN
Sedro Woolley

Department of Erudition (Political History 401)

Editor:

The paragraph heading in Randolph Gordon's article (*Bar News*, May 1993, at page 45) reads as follows:

"The Nabbering Nabobs of Negativism Will Deny the Virtues of Physical Violence".

I believe the proper word is "nattering" rather than "nabbering." At least "nattering nabobs of negativism" was the term used by former vice president Spiro Agnew in his famous speech castigating what he termed the left-wing press.

My dictionary provides me with no definition of "nabber." "Natter" is defined as (1) to chatter idly; (2) talk on at length; (3) to find fault or scold.

I have nattered enough.

CHARLES W. CONE
Wenatchee

Editor:

Mr. Cone is absolutely correct both as to attribution and orthography.

Apparently, the Muses (particularly Mnemosyne) have abandoned me, leading me to recall "nabbering nabobs" based upon its internal alliteration and mellifluousness, rather than the orthographically correct "nattering nabobs."

Mr. Cone is to be commended. No doubt his clients are well-served by an individual whose erudition, attention to detail, and choice of reading material have attained such rarefaction.

Further your affiant nattereth nought.

RANDOLPH I. GORDON
Bellevue

(*Editor's Note:* "Nattering nabobs" is a term beloved of political junkies, who fondly recall its appearance in the mid-term congressional campaigns of 1970. *New York Times* columnist William Safire described its origins in *Before the Fall: An Inside View of the Pre-Watergate White House* (New York: Belmont Tower Books, 1975) at page 323:

Into the lists sailed Spiro T. Agnew, the most modern version of the Happy Warrior, to test Nixon's theory that the best economic defense was a "social issue" defense. To provide the traveling press with color, we announced that we would be the only campaign in history with an unabridged dictionary (the Merriam-Webster Second Edition, not the permissive Third) and Buchanan tried out a little of his alliteration, calling his targets "pusillanimous pussyfooters"; I added "vicars of vacillation"; George McGovern got into the alliteration act by denouncing Agnew's "foaming fusillades." Agnew relished every moment of this. He came up with "he mounted the moment with the relish of a randy rogue," but we talked him out of that. To add spice to a San Diego speech, he asked us to come up with an updated version of Adlai Stevenson's "prophets of doom and gloom" with which to

flay the perennial pessimists. I went overboard, suggesting a choice between "hopeless, hysterical hypochondriacs of history" and "nattering nabobs of negativism," and the Vice President laughed and said, "Hell, let's use both." Tongue in cheek, that is what he did, drawing an appreciative laugh from his audience and a pleased smile from the national press corps traveling along, unaccustomed to fresh leads at every stop from a Republican politician.

The Agnew attack, delivered with a merry bravado, was not received in good humor . . . .

In *Safire's Political Dictionary: An Enlarged, Up-to-Date Edition of The New Language of American Politics* (New York: Random House, 1978), at page 444, Safire noted that the phrase "was taken seriously by James Reston of *The New York Times*, who called it 'the worst example of alliteration in American history.'" The phrase continues to enjoy some currency, although it is now generally "used derisively against politicians who complain about the press." The original Agnew speech is in a newly published collection of famous speeches through history, edited by Safire and titled, *Lend Me Your Ears*.)

Department of Erudition (Formal Logic 402)

Editor:

Dennis Harwick's column in the April *Bar News* had an interesting discussion of the flawed image of lawyers and what is described as a syllogism.

Unfortunately, the so-called syllogism—attributed to Michael Scanlon, the communication head of the ABA—is a syllogism only in the loosest sense. The classic syllogism, like the limerick, has an exactly prescribed form. It is not simply a collection of statements and conclusions. The syllogism, in its original and exact sense—as the dictionary would have informed Mr. Scanlon—consists of (1) a major premise, (2) a minor premise, and (3) a conclusion.

Mr. Scanlon's "syllogism" is actually a collection of four major premises, with the fourth part in the form of a conclusion, which may flow in part from the premises but does not do so necessarily or obviously. If one were to attempt the daunting project of converting Mr. Scanlon's four statements into a syllogism it would result in something like this: Anyone who has a financial interest in preserving a system that isn't working is corrupt. The legal profession has a vested interest in preserving the current system. Therefore, the legal system is corrupt.

Or: Anyone who has a vested interest in a corrupt system cannot be trusted to change that system. The legal profession has a vested interest in preserving a corrupt system. Therefore, the legal profession cannot be trusted to change the system.

It may be possible to rearrange the contents of the so-described syllogism into other acceptable forms. The project is tiresome.

The value of formal logic is that it is designed to prevent fuzzy reasoning and reduce the pain of trying to sort disparate ideas into acceptable logic. It is helpful to any lawyer to apply the formal rules of logic to his or her arguments or those of an opponent. The results can be—variously—gratifying or shocking.

While it is true that secondary and tertiary meanings of syllogism are listed in the dictionary as deductive reasoning or a subtle, specious or crafty argument, and Mr. Scanlon's "syllogism" might fit within those definitions, it is confusing to apply the term to a reasoning pattern other than that of the classical logic which gave birth to the term (I could put that into a formal syllogism, but will leave it up to the reader.)

DANIEL C. BLOM
Seattle

(*Dennis Harwick replies:* Hell, I was lucky to spell it correctly.)

The Teacher as Terrorist

Editor:

Russell A. Austin's article, "Terror in

Condon Hall" was splendid exercise in the art of (presumably) unintended placement-based irony.

We have the annual "Why Doesn't Anyone Like Us?" issue (or was it the semiannual "Why We Don't Like Ourselves" issue?), featuring pontification on the rudeness and incivility of practitioners of this jolly profession. And what appears right in the middle? A veritable hymn to the use of rudeness, incivility, intimidation and general nonsense as a "teaching" tool.

When a profession endorses—nay, glorifies—an educational system which holds out as heroes people who perceive success as possession of "the power to reduce even a good student's brain to Jello, and to turn strong men into quivering blobs," it's hard to imagine how anyone could be surprised when the objects of that exercise arrive in practice a tad cynical and disenchanted.

In my experience at the University of Washington, law professors appeared little interested in professing much of anything, and much interested in pursuing paths of questioning which led ultimately to unanswerable questions of great legal, philosophical and moral consequence. Questions like, "How many lawsuits *can* dance on the head of a pin?" To the credit of the institution, nobody came close to the absurdity described by Mr. Austin, although one of my professors did allow as how we were getting light treatment: he had only recently stopped demanding that his students stand during interrogations.

Asking law students baffling questions gets treated as some great victory—if nothing else, it gets you written up in the *Bar News* as a lion of the system. It is beyond me how it can constitute much of anything remarkable that a professor, who has been hacking away at the same stuff for years, is able to trip up someone who's seen it for the first time the night before. Professors in any field could do the same thing; only in law do they receive plaudits for obfuscation and intimidation.

Mr. Austin has provided us with a wonderful example of how great law professors engender in their students suspicion, hostility and a generally tense approach to the wonders of the law. That seems to me the perfect start for turning out the very sort of people your publication bemoans from time to time.

E. DOUGLAS PIBEL, JR.
Monroe

Editor:

Everything Russell Austin said in his May *Bar News* article about Professor Warren Shattuck's contracts class is true. For every class taught by Professor Shattuck, there must be a story. He was my first-year contracts professor in 1979 at Hastings College of Law in San Francisco. One morning the building, the chairs and the video monitors began to move very vigorously. California natives held their breath to see whether it would get any worse. Someone screamed. My friend from the Midwest pushed his way to the end of the row and fled the room (He was later quite embarrassed by this, but he insisted that it was uncivilized for the ground to move in such a fashion).

Professor Shattuck paused briefly in his questioning, gave us all the withering look described by Mr. Austin, and stated, "We are not going to allow a little thing like an earthquake to interfere with our education, are we?" Class continued.

For the record, he was a wonderful teacher.

GAIL E. MAUTNER
Seattle

Fashion and Professionalism Collide

Editor:

In reference to the May *Bar News* article about professionalism in the courts, there is actually a case ruling that if a person appearing before the court is not wearing a tie, that person can be put in jail. *See, Bly v. Henry*, 28 Wn. App. 469, 624 P.2d 717 (1980) As a female, I do not wear ties, but I always wear a scarf in honor of this ruling and hope that my liberal interpretation of

the case is acceptable!

KATHLEEN HERRICK
Paralegal, Utilities Division
Office of the City Attorney
Seattle

More on Criminal Sentencing Reform

Editor:

John Ladenburg's article, "Criminal Sentencing Reform: A Second Opinion" (*Bar News*, May 1993) is a not-surprising defense of stiff sentences for drug offenders. His claim that the number of prosecutions for drug-dealing has gone down as a direct result of the increased-sentencing provisions in 1989 simply ignores numerous other programs, such as the DARE program, and the strong efforts, in a number of communities, to fight drug abuse.

His claim that drug-dealing leads directly to increases in other violent crimes may or may not be true. But, significantly, he ignores the fact that we treat more serious and unquestionably violent crimes less harshly than drug-dealing. For example, one who distributes heroin or cocaine commits a Level 8 offense, with a standard range of 21-27 months for a first-time offender. Delivery of many other Schedule I or Schedule 2 drugs is a Level 6 offense (RCW 9.94A.320), with a 12-14 month standard range sentence.

Second-degree manslaughter is also a Level 6 offense, with a 12-14 month standard range sentence for a first time offender. First Degree Burglary is a Level 7 offense, with a 15-20 month standard range sentence. Residential burglary is a Level 4 offense, with a 3-9 month standard range sentence for a first-time offender. Second degree robbery, second degree assault, first degree escape and second degree arson are all Level 4 offenses, with a standard range of 3-9 months for a first-time offender. Second degree burglary is a Level 3 offense, with a standard range sentence of 1-3 months for a first-time offender.

I trust that Mr. Ladenburg will deplore such light sentencing for these offenders. He will probably respond that these offenders, too, should be given two- or three-year sentences, or more. Why stop there? Why not lock all of these people up for five years or ten years, as the statutes defining those crimes allow?

The answer is that our sentencing scheme should be proportionate. Serious, violent crime should be treated more harshly than nonviolent crimes. First-time offenders and individuals whose crimes are related to drug problems *and who may be amenable to treatment* should be given treatment-oriented sentences in order to address substance abuse problems which contribute to the poor decision to engage in criminal conduct. Judicial discretion should be restored for sentencing these offenders.

As Secretary of Corrections Chase Riveland said, the issue is not one of tough sentencing, but rather, smart sen-

tencing.

FRED DIAMONDSTONE
Seattle

Editor:

To anyone who can stand one more comment about drug-sentencing reform, I offer the following observation vis-`a-vis your January and May 1993 issues: the problem with the present sentencing scheme for drug crimes is that it treats different people as if they were the same.

John Ladenburg eloquently expresses the prosecutor's viewpoint: he says that harsher sentences are meted out to drug dealers, not users. The problem is, many of the so-called dealers ARE users.

I do not know whether this ever occurs on Mr. Ladenburg's turf (Pierce County) but almost every "drug dealer" I have ever been appointed to represent in King County was a drug addict who fell victim to a common Seattle Police Department practice. This is how it works: an undercover police officer walks into an area where he knows illegal drugs are sold. The officer does not look for someone selling drugs; instead, he arbitrarily selects someone (who for some strange reason is almost always a person of color, but that's another story). The officer asks the selected person whether that person knows where the officer can buy some "soup" (or whatever street term for crack cocaine is then in use.)

If the person approached is a destitute crack addict, he sees an opportunity to get himself a fix even though he has no money. The addict will then "set up" a deal by introducing the officer to the street corner dealer (whom the police should have been able to identify, anyway, through surveillance). The addict does this in the hope of obtaining a commission from the buyer, a "piece of the rock" to feed his addiction.

This drug addict is now an accomplice to the delivery of cocaine. In the eyes of the law, the accomplice IS a drug dealer who will receive exactly the same sentence as the actual seller for profit, RCW 9A.08.020. In many cases the police ensnare two or more addicts over a single case, thereby increasing their arrest statistics without requiring any thoughtful police work to determine who the REAL bad actors are, thereby making the majority of persons convicted for delivery of cocaine people who are NOT drug dealers for profit, and thereby filling out prisons with junkies who had no expectation of receiving anything from the sale other than the temporary relief from their addiction.

Mr. Ladenburg conjures up the image of "armed drug-dealing gangs" to justify harsh sentences for "drug dealers." I know such gangs exist, but I also know that the law punishes drug addicts trying to obtain a fix exactly the same way it punishes members of those "armed drug-dealing gangs." In my opinion, this is both poor public policy and an injustice.

DAVID S. HELLER
Seattle

Editor:

I did not, in my article in the January *Bar News*, "argue more severe sanctions" be imposed, nor suggest that we "heap more punishment" on those detected in violation of .10 . I proposed an administrative revocation for problem drinkers—those testing .14 and up—with a shift of the burden to show no significant problem with alcohol. I proposed immediate, coerced treatment in order to regain driving privileges.

My thanks to Ross Rakow for contributing to the dialogue on DWI issues. His suggestion of a "civil infraction" for a first offense for "any" (slight, some, much) alcohol in one's system is a good one. I endorse it and have so argued on a philosophical basis for many years.

Such a standard—*no* alcohol in one's blood/breath when operating a motor vehicle—would be clear, unequivocal and vastly easier to enforce.

Under current rules, which allow drinking up to .10, neither the driver, the patrolman, the judge nor the jury can, with ease, determine whether a driver is "legally impaired." Large amounts of time are spent in trials to determine the efficacy of the BAC verifier and its operation in a specific case. Technical testimony, by technicians and toxicologists, can consume literally hours in a typical case.

The issue is, will the public and our lawmakers embrace a rule permitting *no* alcohol at all in the driver?

We in Washington (and every other state) operate under a "tolerance policy." That is, we tolerate driving after ingesting alcohol so long as the driver is "not affected" or impaired. Drinking in mod-

eration is virtuous and accepted by all social standards. Driving is OK if the driver has exercised "control" in limiting the amount of drink so as not to creep over the line into impairment.

The moderate drinker becomes "immoderate" in many cases by the judgment of a police officer, judge or jury. There is no objective way for the driver, or others, to be certain of the BAC level. Breath testers are mechanical, electronic devices which will always be subject to challenge in court.

Thus, society's standard of drinking in moderation is a validation of *driving* after drinking in moderation. If it is OK by the standard of society, can we expect a new, *zero* tolerance standard? While the proposal of Ross Rakow is an excellent one, is it practical in a society dominated by "social" users of alcohol? While my common experience is that we are a long way from accepting this, I believe the potential benefits of this proposition are far greater than the reduction of financial hardship to the family of the drinking driver. These include reduction of court congestion: making a first DWI a civil infraction would instantly eliminate fifty percent, or more, of district court jury demands. Judges would hear fewer bench trails for DWI. Prosecutors' time— preparation for trial or appeal—would be significantly reduced. Public defense time would, too. Court time and space would be freed for other matters.

Jail occupancy for DWI would be reduced, together with attendant jail personnel needed to handle the incarceration of DWI convicts.

The impact on the driver would be immediate. Time now consumed by exhaustive pretrial maneuvers would be abandoned. The loss of driving privilege, felt immediately, should make the drinking driver respect the system because of prompt accountability.

New emphasis on immediacy of penalty should carry over into the renewal of education and prevention, leading to a reduction of highways deaths and injuries.

Funds freed up from a less-burdened judicial system can be redirected to other areas of need.

There are undoubtedly many other benefits to the proposal. Is there a legislator out there willing to sponsor such a radical change?

NEIL C. BUREN
Yakima

Warning: Medicaid Changes Coming

Editor:

Estate planners who advise clients on issues relating to Medicaid eligibility should be alerted to the significance of legislation currently [June 10, 1993] pending in Congress. Language passed the House in late May that would, if ultimately enacted, change the effect of uncompensated transfers of property made after May 11, 1993. It would also change the Medicaid-related consequences of certain trusts established after May 11. As of this writing, the Senate has not acted on the legislation, but Senate action is expected soon.

Among other changes, Medicaid eligibility could be affected by property transfers within 36 months (up from the current 30 months) of application for assistance, and the period of ineligibility resulting from an uncompensated transfer could run longer than 30 months. (The maximum period of ineligibility is currently 30 months.) Also, periods of ineligibility for multiple transfers in consecutive months would run consecutively. (They now run concurrently.)

To obtain the text and a summary, of the pending amendments, send a self-addressed envelope, with postage of 52 cents affixed, to Evergreen Legal Services, 401 Second Avenue South, #401, Seattle, WA 98104, ATTN: Medicaid Bill.

SEAN BECK,
BARBARA ISENHOUR,
PETER GREENFIELD,
CAROL VAUGHN
Seattle

Proposed Rule 8.3(g)

Editor:

Awhile back, I wrote a letter (which the *Bar News* was so nice to publish) urging the membership to revolt against the proposed rule restricting free speech and thought—RPC 8.3(g). At the time, I proposed that a rule which declared abusive or harassing conduct (and thought) professional misconduct might be used inappropriately to restrict zealous representation and advocacy of a client's interests (which might not always be socially acceptable).

I must now report that my prediction has come true. Even prior to the rule being formally enacted, at least one superior court judge (who, for obvious reasons, shall remain nameless) has used it as an excuse to restrict a defense attorney's cross-examination of a hostile state witness. The judge claimed Rule 8.3(g) prevents a lawyer from commenting on a person's sexuality even if used to seek the truth. Yes, that's right, a judge actually applied this yet-to-be-approved rule in limiting a criminal defendant's right to a full and effective defense (putting the attorney in a position of having to sit down and shut up or face possible professional repercussions). Needless to say, Division I will soon be seeing this case on review. . .

I simply can't think of a better example, or a more chilling result of the approval of this free-speech-regulating rule which I previously commented on, and I would ask every lawyer in the state to really *think about how much we are willing to sacrifice* for the sake of civility. I have provided this "update" in the hopes we can shut this absurd rule down before it really does become law! Not that I totally disagree with a move towards civility, but in the criminal defense realm, treating witnesses with respect, courtesy and polite repartee can get your innocent client life in prison (or worse).

J.C. BECKER
Kirkland

WSBA: Regulatory Agency

by **Steve DeForest**
WSBA President

The unified or mandatory bar concept has its centuries-old roots in England. All Canadian provinces and 33 of the states in the U.S. require every lawyer licensed to practice in that jurisdiction to belong to a professional association. The widely advertised resolution, sponsored by Governor Alva Long, for consideration at the annual meeting of this association raises once again unified v. voluntary bar issues. Under the resolution, mandatory dues could be expended only for administering and carrying out those functions necessary to regulate the practice of law in this state. These functions are described as admissions, licensing, discipline, monitoring compliance with continuing legal education and trust account regulations, and administering the Lawyers' Assistance Program. Implicit in the resolution is that the Washington State Bar would become solely a regulatory agency. All other functions and activities presently performed by the WSBA as a professional association would be discontinued. Some of the non-regulatory activities might be assumed by other bar organizations, including, perhaps, a separate voluntary statewide bar association.

The last time this issue was analyzed in this state was in the spring of 1991, as one of the assignments of the Long-range Planning Task Force. That task force, chaired by Bill Gates of Seattle, was probably more broadly based than any previous long-range planning task force appointed by the Board of Governors. Its 17 members included one current board member (Alva Long), two former governors (Paul Stritmatter and Julie Weston), and representatives of a broad spectrum of bar-related organizations (King County, Washington Women Lawyers, WSTLA, Asian Bar, Loren Miller Bar, Government Lawyers Bar, Superior Court Judges Association, and WAPA). To improve geographical representation, lawyers were additionally appointed from the Fourth and Fifth Congressional Districts. The Task Force considered the mandatory versus voluntary membership issue, including materials from the State Bar of Wisconsin, which had just then returned to mandatory membership after several years as a voluntary organization. The Task Force concluded that the WSBA should remain a mandatory membership organization in order to carry out its duties as defined by the Washington Supreme Court.

Shortly thereafter, a task force in Utah reached a similar conclusion. The issue in Utah had been precipitated by a serious financial crisis: an operating deficit and an impending default on obligations incurred to construct the Utah Law & Justice Center. The Utah task force recommended a unified bar be continued for two primary reasons. First, a properly managed and administered unified bar is the most cost efficient method of assisting the Court in carrying out its regulatory functions. Second, the task force concluded that mandatory dues provide the financing necessary to carry out the public-service obligations of the

OR PROFESSIONAL ASSOCIATION?

members of the legal profession as officers of our system of justice. It warned that in the absence of bar-organized and bar-sponsored programs to promote the availability of legal services to the public, the Court might find it necessary to implement alternate means to meet the needs of the public.

In my opinion, the answer to the question raised by the Long resolution depends on your perception of the responsibilities and obligations of being a lawyer. I firmly believe that each of us has a duty to the public and the legal system. Law provides the societal structure which governs the relationship between people and their government. The law both preserves order and reflects the consensus of public values.

As lawyers, we are trained in the use of law. Because law is in the public domain, we have a societal responsibility that extends beyond the commerce of legal service. Lawyers have a duty to see that law fulfills its mission of preserving and developing social order on an equal field, and that law results in justice. At the same time, the legal system must respond to our changing and diverse society. The bar is traditionally the aggregation of those qualified to practice law. The bar, as a group, must have the public trust if it is to be effective. Participation of all lawyers is required if that goal is to be achieved.

This is not to say that voluntary bar associations, both local and specialty, have neglected the inherent duty of lawyers to the public. Most, for example, have active pro bono programs. Such organizations are, however, limited by two factors: (1) resources and (2) a focus which is designed to attract members. The economic pressure of maintaining adequate membership may result in the organization concentrating more on those activities that attract members than on those that are most in the public interest. A mandatory bar can speak for the entire profession, and it is likely to speak with greater sensitivity to public concerns than would a narrower segment of the bar represented by a voluntary bar association.

Lawyers have a duty of loyalty both to their clients and to the courts. Mandatory bar membership helps the process of reconciling these often conflicting loyalties by diminishing the influence of specialties and local interests. A voluntary bar faces a greater risk of becoming a trade association promoting the particular interests of its members.

Because the ultimate function of a mandatory state bar should be the enhancement of our profession, through the discharge of responsibilities to clients, the justice system and the public, I believe it is fair and reasonable to require that each person who wishes to be included as a member of our self-regulated profession contribute to the cost of that undertaking.

The Long resolution, and perhaps other resolutions, will be debated and voted upon at the annual meeting on Friday, September 10, at 2 p.m., at the Seattle Sheraton Hotel. Please note it on your calendars. I urge you to attend, participate in the discussion, and vote.

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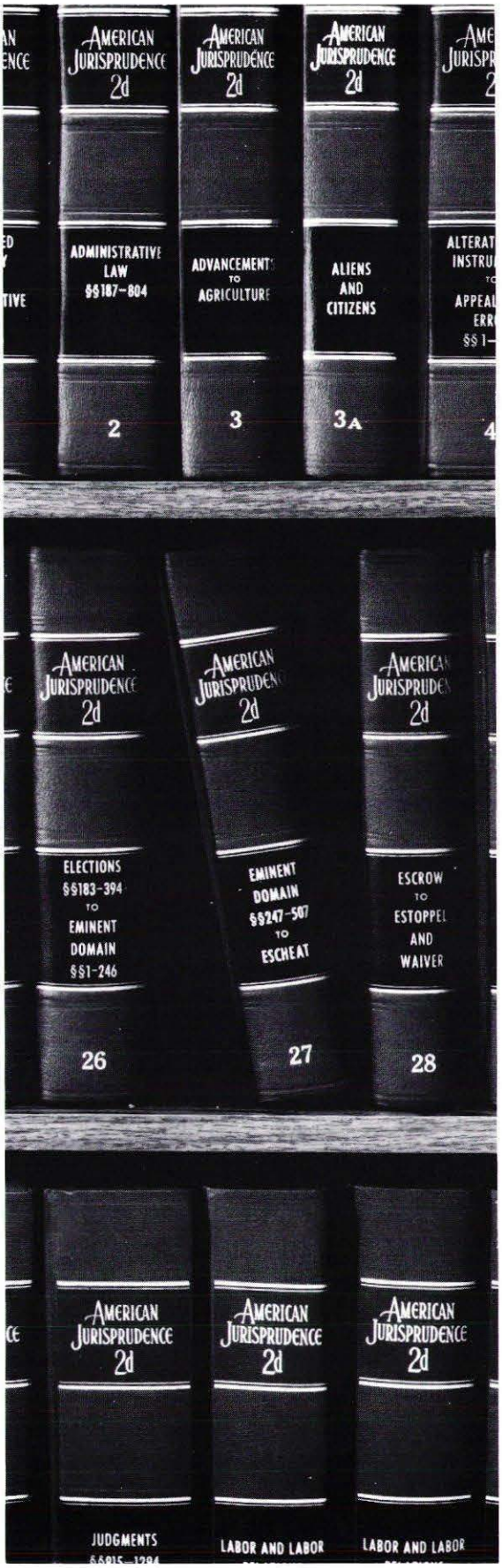
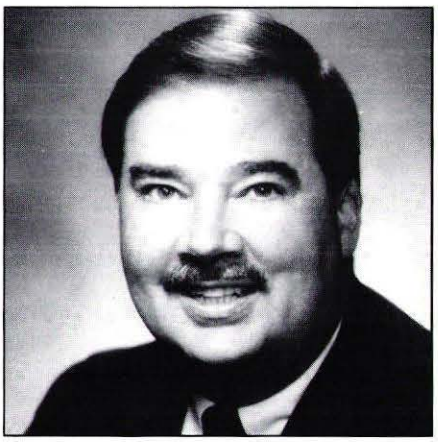


Note: Contrary to the announcement I so carefully inserted in last month's *Bar News*, the Annual Business Meeting will be at the Seattle Sheraton at 2 p.m. on Friday, September 10, 1993.

LAWYER DISCIPLINE: THE THANKLESS NECESSITY



Dennis P. Harwick

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

Elsewhere in this issue of the *Bar News* you will find statistical information about the WSBA's role in disciplining lawyers in the state of Washington. The increase in client grievances is inexorable—more than 2,300 in 1992 (up from 1,300 in 1982), and most of those complaints come, not surprisingly, from clients and former clients.

Lawyer discipline is the top priority of the WSBA. It is the single largest element of our budget. But why is it so important? To quote the late Robert B. McKay, chair of the ABA's Commission on Evaluation of Disciplinary Enforcement (better known as the McKay Commission):

> No lawyer, and no client, can be indifferent to the disciplinary enforcement system. If the process is performed sensibly and quickly, it will provide for lawyers and clients alike a needed service to assure honorable and effective delivery of legal services. If the disciplinary process does not meet that standard, a disaffected public is likely to impose limits upon the process.

A little history might help. Twenty years ago, most states conducted lawyer discipline at the local level with no professional staff. Lawyer discipline was a secretive procedural labyrinth of multiple hearings and reviews. The ABA's Clark Committee warned in 1970 of a "scandalous situation" and called for significant reforms. Most states, including Washington, heeded this call and created the current model for lawyer discipline, i.e., a model where an independent board serves as the primary adjudicative body rather than the popularly elected Board of Governors, and appeals from that body go directly to the Supreme Court, not the Board of Governors. Times have changed, and the expectations of the public today are even higher. Consequently, the ABA created the McKay Commission in 1989 to revisit the issue of lawyer discipline. That Commission reported to the ABA House of Delegates in February of 1992, and most of its recommendations were accepted. There isn't space here to discuss all of those recommendations, but I am pleased to report that the Washington State Bar Association had already set up some of them, e.g., random audits of client trust accounts. Evaluating and improving the process of lawyer discipline is an ongoing concern of the Board of Governors, so the Board of Governors, the Supreme Court, and the Disciplinary Board invited an ABA Evaluation Team to review our disciplinary process and make recommendations. The Evaluation Team spent several days here in March and met with disciplinary staff, members of the Discipline Board, members of the Board of Governors, members of the Supreme Court, lawyers who had been subject to grievances, clients who had filed grievances, and lawyers who had defended other lawyers against allegations of attorney misconduct. We expect the Evaluation Team's report within the next month or so and will seriously consider its recommendations.

We understand that it is frustrating and painful for a lawyer to be the subject of a complaint to the WSBA. We know that a vast majority of those complaints will either fail to state a prima facie claim (a violation of the Rules of Professional Conduct) or will be dismissed after investigation. We also know that WSBA members would like us to dismiss complaints because we know that the lawyer has a "good reputation" or that "the client is a flake." On the other hand, many clients would like us to line the lawyer up against a wall and conduct a summary execution. Finally, we know that we are unlikely to please either party. But the process is important. We must show that all grievances get sufficient consideration even if we can't obtain the result that the client wants. My biggest frustration is that we can't handle the current caseload as quickly as both lawyers and clients deserve. Lee Ripley and his staff have chipped away at the backlog over the past couple of years and have made headway in meeting aspirational timelines for resolving grievances, but we want the resources to process those claims more quickly. Lawyer discipline is, and must be, the highest priority of the Washington State Bar Association. It's not glamorous. It's not popular. It's not fun. But it is the right thing to do. To paraphrase Mr. McKay, if the disciplinary process does not meet standards that are acceptable to the public, the public will seek to impose limits on the legal profession that most lawyers will find offensive and onerous. The WSBA must work to improve its system of lawyer discipline to serve both the lawyers and citizens of this state and to avoid abdication of this responsibility to the Legislature.

NEW HORIZONS IN THE

by **Elaine J. Darling**

The Omnibus Transportation Employee Testing Act of 1991 is expected to be fully implemented for Department of Transportation (DOT) entities in 1993. This law will affect more than 3,000,000 commercial drivers holding commercial drivers' licenses (CDLs) nationwide, who are not currently under DOT regulations. This new law will include alcohol-testing as well as the current testing for illegal drugs for all DOT-regulated entities, such as airlines, pipeline and trucking companies.

The Omnibus Transportation Employee Testing Act states that millions of our nation's citizens use transportation by aircraft, railroad, trucks and buses and depend on the safe and responsible operation of such vehicles. The greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on or off duty, by those individuals who are involved in the operation of transportation vehicles.

To date, there are 109,341 CDL drivers and approximately 5,000 trucking companies in the state of Washington. Currently, under the Federal Highway Administration (FHWA), only interstate carriers that have trucks weighing 26,000 pounds or more, or transport 15 passengers or more, or transport hazardous materials must have a comprehensive drug-testing program. Under the new rule, drivers that hold a CDL—either interstate or intrastate—would be subject to the drug-testing program or the same requirements as the current federal regulations that are in effect.

For many U.S. companies, drug-testing has become the rule, not the exception. According to the National Institute on Drug Abuse (NIDA), estimates on the financial drain to companies from substance abuse range up to $120 billion a year. These figures cover lowered productivity, lost time, medical and liability insurance, and poor-quality products and services.

If the number of drug tests performed by the Laboratory of Pathology (100,000 in 1992) and Regional Toxicology Services (an increase of 25 percent over last year) is any indication, then this type of program has become more and more common in the workplace. There are 60 NIDA-certified laboratories in the nation. NIDA drug screens will withstand legal challenges in the courts because they rely on backup testing procedures. NIDA tests have rigorous requirements for specimen integrity and chain-of-custody documentation, both in the collection and transportation of samples and in the testing laboratory. Also, there are strict guidelines in how the results are handled and reported.

The Omnibus Testing Act has been held up pending a response from public opinion. Problem areas in implementation are the difficulty of implementing alcohol-testing procedures as effective as sampling for hard drugs (alcohol is metabolized in the bloodstream more quickly than other drugs) and the fact that alcohol is a legal substance, while all other mandated testing has been for illegal substances. DOT still cannot come to an agreement whether to mandate breathalyzer and urine-testing or blood samples with a breathalyzer for confirmation.

All DOT-regulated entities have very similar components for their drug-testing programs. Nevertheless, confusion still exists among trucking companies on what the law actually mandates. In Washington state, there are only seven DOT inspectors to monitor and enforce compliance by trucking companies. Ultimately, it is the employer who must be fully knowledgeable about DOT regulations.

The FHWA eliminated a requirement that an accident with no fatalities or injuries cause at least $4,400 in damages. The new standard is that one or more of the vehicles must incur a "disabling injury" requiring it to be towed away. (See #4, below.)

DOT-regulated trucking companies must have the following components for their programs to be in compliance:

1. Testing performed by a NIDA-certified laboratory.
2. Testing for the following situations:
   - preemployment,
   - for cause, or
   - random testing spread reasonably through the 12-month period at an annual rate of at least 50 percent.
3. Periodic testing with medical card, discontinued after the first test is completed and the random program is in place.
4. Post-accident testing, required when an accident results in
   - the death of a human being,
   - bodily injury to a person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident, or
   - one or more motor vehicles incurring disabling damage as a result of the accident and requiring a vehicle to be transported from the scene of the accident by a tow truck or other vehicle.

An employee is subject to post-accident testing as soon as possible after the accident but no later than 32 hours after the accident. This provision will provide the much-needed information regarding the relationship between drug use and accidents.

5. Return to duty—random testing for

ARENA OF DRUG-TESTING

up to five years after having had a positive drug test.

6. DOT recommends that a company have an anti-drug policy stating that the goals are:

- to detect and deter the use of illegal drugs in the workplace,
- to provide confidentiality for test results and medical histories and
- to ensure nondiscriminatory testing methods.

Information on employee drug testing is to be kept under lock and key with limited access and not in the employee personnel file.

There should be an employee assistance program (EAP), which consists of educational and training materials for employees and supervisors. The training must include the effects and consequences of substance abuse on health, safety and work; the ramifications and behavioral causes that may indicate substance use or abuse; and documentation of training given to employees and supervisory personnel; EAP training programs must consist of at least 60 minutes of training.

7. Medical review officer (MRO). The MRO must be a licensed doctor of medicine or osteopathy with knowledge of substance abuse. The American Medical Association (AMA) recognizes the American College of Occupational and Environmental Medicine (ACOEM) and the American Association of Medical Review Officers (AAMRO) as organizations setting standards for MRO services to interpret and evaluate an individual's confirmed positive test results together with his or her medical history and any other relevant biomedical information. There are no strict guidelines in the regs, and that is why companies need to ask their MROs for proof of voluntary certification; this indicates a certain body of knowledge pertinent to drug-testing.

Test results are kept by the original lab, and the MRO report at the company under lock and key with limited access. They should contain the following information:

- the fact that the employee submitted to a controlled substance test,
- the date of test,
- the location of such test,
- the identity of the person or entity performing the test, and
- whether the test finding was positive or negative.

The employee must document that the use was lawful and prove, through clear and convincing evidence, that use of the controlled substance was prescribed by a licensed medical practitioner. An employee would be allowed to use a controlled substance (except for methadone) when taken as prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties. The final decision on results should be based on whether there is evidence of abuse of the medication or illegal use.

Whether the controlled substance causes the employee to be at risk while operating a commercial motor vehicle is a separate issue. Commercial drivers may not drive while taking many types of medications.

The FHWA states that the motor carrier will not be *required*, by this rule, to offer an opportunity for rehabilitation or to provide job security to drivers who fail a drug test, who use drugs on the job, or who voluntarily come forward and request rehabilitation. The FHWA does encourage motor carriers and consortiums to develop their own policies regarding rehabilitation. This rule neither prohibits a motor carrier from assigning a driver to a nondriving duty nor requires the driver to use vacation time, sick leave or leave without pay in order to accommodate that person's rehabilitation activities.

Issues such as termination, reassignment, hiring of temporary drivers to fill a position, or policies regarding a driver's absence from a position are, the FHWA believes, issues that are appropriately the subject of labor-management negotiations.

Conclusion

With the pending passage of the Omnibus Transportation Employee Testing Act, drug-testing and sanctions for use will help discourage substance use and reduce absenteeism, accidents, healthcare costs and other drug-related problems. It will also act as a deterrent to those individuals who might be tempted to try drugs for the first time and those who currently use drugs.

Drug-testing will protect the health and safety of the employees and users of transportation systems through the early identification and referral for treatment of workers with drug and alcohol problems. It is advisable to have your policy and drug-testing components reviewed by an experienced employment and civil rights attorney to prevent liability prior to implementation.

***Elaine J. Darling**, MSW, is president of Workplace Systems, Inc. (WSI), a DOT-approved drug-testing company based in Kirkland. She wishes to thank **Kris Phillips**, Federal Program Specialist, Department of Transportation-Federal Highway Administration for her technical assistance and review of this article. Questions concerning the new law may be addressed to Phillips at (206) 753-9875.*

PROPOSED LAWYERS' FUND FOR

WHAT IS IT? WHAT WILL IT COST? WHY NOW?

APR 15 IN A NUTSHELL—

The Action: The rule would create a trust fund to pay compensation to clients who suffer loss of money or property through the dishonest acts of a lawyer in connection with the lawyer's professional activities.

by **Robert D. Welden**
WSBA General Counsel

The Board of Governors has approved a proposed amendment to the Admission to Practice Rules that would establish a Lawyers Fund for Client Protection to replace the current Client's Security Program. It would be established as a trust, funded by an annual mandatory assessment on all active members of the Bar. The Board recommends that for the first year the assessment be set at $10.

This proposal is being submitted to the Supreme Court for consideration pursuant to GR 9. If the Court accepts the proposed rule, it will be published for comment in a January, 1994 Washington Reports advance sheet. The Court will receive comment through April 30. The Supreme Court will then adopt, reject, or amend the proposed rule, or take such other action as the Court deems appropriate. If adopted, the rule will be published in the advance sheets on July 1, and will become effective September 1, 1994.

What is the Lawyers' Fund for Client Protection?

The Lawyers' Fund for Client Protection (Fund) would replace the Client's Security Program which the WSBA has maintained in one form or another since 1960. The Fund would be established as a trust, which means that all funds raised for it could only be used for the purposes set out in the Court Rule establishing it. The Board of Governors would be its trustees, and there would be a Committee appointed by the Board to administer the Fund. See page 25 for the full text of proposed APR 15.

The purpose of the Fund is

> to relieve or mitigate a pecuniary loss sustained by any client by reason of the dishonesty of, or failure to account for, money or property entrusted to any member of the Association in connection with the member's practice of law, or while acting as a fiduciary in a matter related to the member's practice of law.

The Fund may also be used to relieve or mitigate losses sustained by persons by reason of similar acts of an individual who was, at the time of the act complained of, under a court-ordered suspension.

The Fund may not be used for the purpose of relieving any loss resulting from an attorney's negligence or for acts performed after a member is disbarred. Payments from the Fund are gifts to the recipients and will not be considered entitlements.

Procedural Rules

The Board has also adopted Procedural Rules, subject to approval by the Supreme Court. They establish a Lawyers Fund for Client Protection Committee of 11 lawyers and 2 nonlawyers (which is the same as the current Client's Security Program Committee). The Committee will review applications from persons claiming to be eligible for a gift from the Fund based on investigative reports from bar counsel. Any action on an application for more than $3,000, or approval of any payment of more than $3,000, must be submitted to the Board of Governors/Trustees for final action. There is a limit of $50,000 that may be paid out for applications concerning any one lawyer. The Fund is a "last resort" and applicants must normally have exhausted any other available avenues of recovery.

Applicants who are paid from the Fund must sign subrogation agreements with the Fund. Lawyers who are the subject of payments from the Fund are liable for restitution, although for practical reasons restitution is usually only received when ordered as a condition of a criminal sentencing, or when a disbarred lawyer seeks reinstatement to the Bar. No lawyer may charge a fee for representing an applicant to the Fund, unless such fee has been approved by the Trustees.

The Trustees will file an annual report with the Supreme Court on the activities and finances of the Fund.

Why Now?

This proposed rule is the culmination of many years of study and work by the Client's Protection Program Committee. It has become increasingly clear to the Committee that while the number of applications for gifts from the Program have remained relatively steady, the amounts sought for recovery have been steadily rising (see the table on page 25). The Program has been funded out of the general revenues of the Bar. For the past several years, it has been budgeted at $100,000 per year. Until this year, that amount has been sufficient to meet the Program's needs. We are faced this year with a situation where we will only be able to pay approved claims at about seventy-five cents on the dollar.

This is a purely discretionary program of the Bar. When the Bar's finances become tight, it is an obvious target for termination. That almost happened when the Board was forced to trim programs after the 1992 dues rollback initiative. The Board is committed to funding the Program through the next fiscal year,

APR 15: CLIENT PROTECTION

WHY ME? ISN'T THERE A BETTER WAY?

The Assessment: The Supreme Court will be asked to assess $10 from each active member of the WSBA.
Effective date: The Court will be asked to publish the proposal for comment in January 1994, and if it is adopted, make the rule effective September 1, 1994.

but financial realities dictate that eventually, at the present rate of Bar revenues, the Board will be unable to continue this commitment.

Why Me?

Some members of the Bar agree with the concept of the Fund, but believe that they should not be required to help fund it because they do not handle client funds. Some ask, "Why should I be responsible for the theft of a few dishonest lawyers?" Those are good questions deserving of thoughtful answers. Let me try.

It is a familiar caveat that we are privileged to be a self-regulating profession. Only lawyers (including those lawyers we designate as judges) have the power to decide who may enter our profession, who should be disciplined for misconduct, and who should be suspended or disbarred. Unlike doctors, accountants, architects, or hairdressers, the Legislature and the Department of Licensing have no control over our professional activities. But with that privilege goes the responsibility of protecting the public when we make a mistake, and when one of the persons we have assured the public may be trusted as a lawyer turns out to be unworthy of that trust.

Members of other professions are required as a condition of licensing to maintain fidelity bonds or insurance, or to establish some other form of financial responsibility. See, for example, the requirements established for businesses and professions in RCW ch. 18 and 19. We lawyers have no such requirement.

But, some members say, since I do not handle client funds, I do not "contribute to the risk" of theft. The point is that the *vast majority* of lawyers do not contribute to the risk of theft of client funds. The only lawyers who "contribute to the risk" are the dishonest lawyers. Unfortunately, no one yet has devised a means of identifying these few dishonest lawyers until it is too late, and the theft has occurred.

And not all eligible applications involve client funds as such. Some of the hardest decisions for the Committee involve retainers paid to lawyers who perform no services after receiving them. While fee disputes are not subject to reimbursement from the Fund, a pattern of conduct by a lawyer accepting fees for which no services are performed may indicate a fraudulent intent and, thus, amount to a dishonest act.

Others argue that they should not be required to contribute to the Fund because they are forbidden by law or by condition of employment from engaging in the type of law practice that would involve client funds. The problem with that is that if people would only do what they are supposed to do and refrain from doing what they are not, we would have no need for any Fund—or for lawyer discipline or, for that matter, the police. Theft is forbidden, but it occurs.

The Board of Governors, as part of its ongoing sunset review of all WSBA discretionary programs, conducted a hearing on the Client's Security Program in March. One of the attendees was C. Patrick Sainsbury, King County Chief Deputy Prosecuting Attorney. He commented that this is one of the costs of the privilege of practicing law. He and others have warned that if we do not maintain a program to protect the public from the consequences of the few dishonest colleagues in our profession, the Legislature will, or at least will attempt to, impose such a requirement upon us.

Isn't There A Better Way to Do This?

The short answer is, maybe there is, but no one has found it. The Committee has been looking at this program for several years. They have considered other alternatives, but none has been found to be as financially feasible, as fair, and as financially secure as the proposed Fund. Among those other alternatives are insurance, bonds, and limitations on who may hold client funds.

Bonds:

The problem with fidelity bonds is their availability and cost. For example, RCW 18.44.050 requires escrow agents to maintain fidelity bond coverage in the aggregate amount of $200,000. That requirement has been waived by the Director of the Department of Licensing because it was determined after study that such bonding is not available at an affordable cost, and when it is, the bonds cover only employees of escrow agents and not corporate officers, partners or agents.

At the March sunset review hearing, Pat Sainsbury reported that he had made inquiries about the cost of fidelity bonds and learned that it would cost between $2 and $5 per thousand, or, *for a $100,000 bond, it would cost a lawyer $2,000-$5,000 annually.*

One insurance broker has proposed the mandatory bonding of lawyers. Brokers would write $100,000, $0 deductible bonds for an annual premium of $165, provided that bonding were required of *every* lawyer in the state.

At present, no state requires that lawyers be bonded. Rhode Island requires that court-appointed fiduciaries be bonded, but it is the only jurisdiction to do so.

Lest anyone think the $10 payment required of each active lawyer is an onerous burden, I suggest that he or she consider the costs of those requirements on business and professional people in RCW ch. 18 and 19.

Insurance:

Montana has obtained insurance to fund their program. However, they have never made a claim on the policy. Virginia obtained "excess" insurance to pay claims larger than the $25,000 limit imposed by their Client's Security Fund. During the first year of coverage, it was discovered that a lawyer, who had since died, had stolen about $40 million. The insurance carrier wanted to increase the premium so high that the state bar decided not to renew the policy. The insurer also took the position that the policy limits were written per lawyer, while the bar takes the position that the limits are per claim. The result is that no "excess" claims have been paid.

The problem with attempting to insure a client security fund is that there are no actuarially sound means of assessing the risk.

Limiting Who May Hold Client Funds:

There have been suggestions that we limit the lawyers entitled to hold client funds. One suggestion was to prohibit any lawyer from handling client funds and require them to be held by either escrow service accounts or some special "master" trust account maintained by the Bar. The problem with that is that requiring lawyers to utilize other escrow service or special accounts does not change the problem—it only shifts it. There are, unfortunately, dishonest persons in all fields of endeavor.

It has also been suggested that we "allocate the risk" and require lawyers who wish to handle client funds to pay for a special license which would support the Fund. The reality of that is that, in many instances, we would be imposing a heavy financial burden on those lawyers least able to afford it. Many new admittees and sole practitioners would effectively be "disbarred" from taking cases that might involve the handling of client funds, not because of any professional or ethical shortcoming, but merely because they could not afford such a "special" license.

Conclusion

When we became lawyers we each took an oath which says, in part:

> I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

The Lawyers Fund for Client Protection is a manifestation to the public that we take our responsibilities as lawyers seriously. It is always difficult to generate favorable publicity for this type of program, because the reason it exists is that there are a very few dishonest lawyers among us who, for whatever reason, steal client funds. But it is an opportunity to show that we, individually and collectively, take our responsibility to the public seriously and that we are a profession worthy of their trust.

APR 15: LAWYERS FUND FOR CLIENT PROTECTION

(a) Purpose. The purpose of this rule is to create a Lawyers Fund for Client Protection, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession.

(b) Establishment. There is established the Lawyers Fund for Client Protection (Fund). The Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any client by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA in connection with the member's practice of law, or while acting as a fiduciary in a matter related to the member's practice of law. The Fund may also be used to relieve or mitigate like loss sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was, at the time of the act complained of, under a court ordered suspension. The Fund shall not be used for the purpose of relieving any pecuniary loss resulting from an attorney's negligent performance of services or for acts performed after a member is disbarred. Payments from the Fund shall be considered gifts to the recipients and shall not be considered entitlements.

(c) Funding. The Supreme Court may provide for funding by assessment of members of the WSBA in amounts determined by the Court upon the recommendation of the Board of Governors of the WSBA.

(d) Enforcement. Failure to pay any fee assessed by the Court on or before the date specified by the Court shall be a cause for suspension from practice until payment has been made.

(e) Restitution. A lawyer whose conduct results in payment to an applicant shall be liable to the Fund for restitution.

(f) Administration. The Fund shall be maintained and administered by the Board of Governors acting as trustees for the Fund. The Board shall appoint the Lawyers Fund for Client Protection Committee (Committee) to administer the Fund pursuant to rules adopted by the Board of Governors and approved by the Supreme Court. The Committee shall consist of 11 lawyers and two nonlawyers, who will be appointed to serve staggered three-year terms.

(g) Reports. The Board of Governors, in consultation with the Committee, shall file with the Supreme Court a full report on the activities and finances of the Fund at least annually and may make other reports to the Court as necessary.

YEAR	NUMBER OF APPLICANTS	NUMBER PAID[1]	NUMBER OF LAWYERS	AMOUNT PAID
1986	19	7	5	$5,907.51
1987	36	4	3	51,447.71
1988	39	19	10	28,493.94
1989	41	20	7	51,747.99
1990	26	20	6	35,619.69
1991	27	8	7	34,909.39
1992	22	5	3	8,750.95
1993 to date	3	17[2]	5	205,536.67 [3]

[1] Note that the applications approved in any given year are not necessarily applications received during that year.
[2] The figures for 1993 regarding payment are those applications approved for payment to date.
[3] To the extent total claims regarding any one lawyer exceed $50,000, and to the extent the total adjusted approved claims exceed the Program's $100,000 budget, these payments will be prorated.

9 1/2 Reasons to attend the WSBA Annual Meeting Day!

Friday, September 10, 1993
Sheraton Seattle Hotel & Towers

8 am – CLE (free; limited enrollment)

"Protecting Your Practice Against Malpractice Claims, Discipline and Litigation"
4 CLE credits

12:15 pm – Awards Luncheon

2 pm – Business Meeting

1 Have a voice on the issues

2 Support your profession

3 See old friends

4 Meet new Board members

5 Get free CLE credits

6 Network

7 Learn how to avoid malpractice & discipline

8 Cast your vote

9 Support the Lawyers' Campaign for Hunger Relief
(with canned goods or cash)

1/2 Win a door prize

Protecting Your Practice from Malpractice Claims, Discipline & Litigation

Friday, September 10, 1993

Schedule

7:00 am

Registration and Distribution of Course Book

7:55 am

Welcome and Introductions

Pamela K. Blake *(Program Chair) – Kirke-Van Orsdel, Inc. – Seattle*

8:00 am

Significant Disciplinary Problem Areas and Practical Tips for Avoiding the Malpractice Zone

Lawyer Discipline in Washington and High Risk Areas
Interrelationship Between Discipline and Malpractice
Scope of Permissible Advertising

Leland G. Ripley *– Chief Disciplinary Counsel, WSBA – Seattle*

Kurt M. Bulmer *– Attorney at Law – Seattle*

9:00 am

How to Protect Yourself and Your Client from Misunderstandings

How to Accomplish Client Satisfaction and Decrease Risk – Common and Not-So-Common-Sense Practice Tips for Better Client Relations and Communication

Jay B. Roof *– Roof, Tolman & Kirk – Poulsbo*

Mark W. Henderson

Paul Dorroh

10:00 am

Break

10:10 am

Tips for the Unwary

Selected Special Areas of Concern including,
Considerations When Taking on Another Firm's Attorney or When Leaving Your Firm and Taking Clients With You
Significant Recent Cases

Pamela K. Blake *(Moderator)*

Paul Dorroh

Ralph E. Cromwell, Jr. *– Byrnes & Keller – Seattle*

10:40 am

Loss Prevention and Risk Management

Avoiding Conflicts of Interest – What to Ask and Suggested Systems
Proper Calendaring Procedures
Engagement, Disengagement and Non-Engagement Letters

Mark W. Henderson *– Senior Underwriter, Special Casualty, Special Underwriting Division, Scottsdale Insurance Co. – Scottsdale*

Paul Dorroh *– Assistant Vice President, Kirke-Van Orsdel, Inc. – San Francisco*

James B. Stoetzer *or* ***Stephanie Camp*** *– Lane Powell Spears Lubersky – Seattle*

11:45 am

Question and Answer Period

12:00 noon

Adjourn

Information

Registration

There is no tuition for this seminar, however, seating and enrollment are limited. Advance registration is strongly encouraged. Pre-registrations and door registrations, if any, will be accepted on a space available basis only. Please fax or mail the SEMINAR REGISTRATION FORM appearing on the REVERSE side of this brochure.

Disabled Individuals

If you have a disability for which you will need reasonable accommodation, please send us a description of that reasonable accommodation along with your advance registration at least 5 working days before the program.

No Shows

Course materials will only be distributed to registrants on site. Course materials will not be sent to registrants who are no-shows.

Recording

Recording (audio or video) is strictly prohibited without prior written approval of the CLE Director.

Questions

For further information, please contact Kelly Huffman at the WSBA – 500 Westin Building – 2001 Sixth Avenue – Seattle, WA 98121-2599; Phone (206) 727-8202.

Credit

Approved by the Washington State Board of CLE for 4.0 CLE credits.

Registration

❑ **304SEA - CLE SEMINAR REGISTRATION**
Complimentary Registration – Limited Enrollment

❑ **AWARDS LUNCHEON TICKETS**
__ Luncheon tickets at $22.50 per person; payable to the WSBA.

Note: You need not register to attend the 2 pm Business Meeting.

Payment must accompany all Luncheon registrations

Name _____ WSBA # _____
(as it appears on credit card)

Address _____

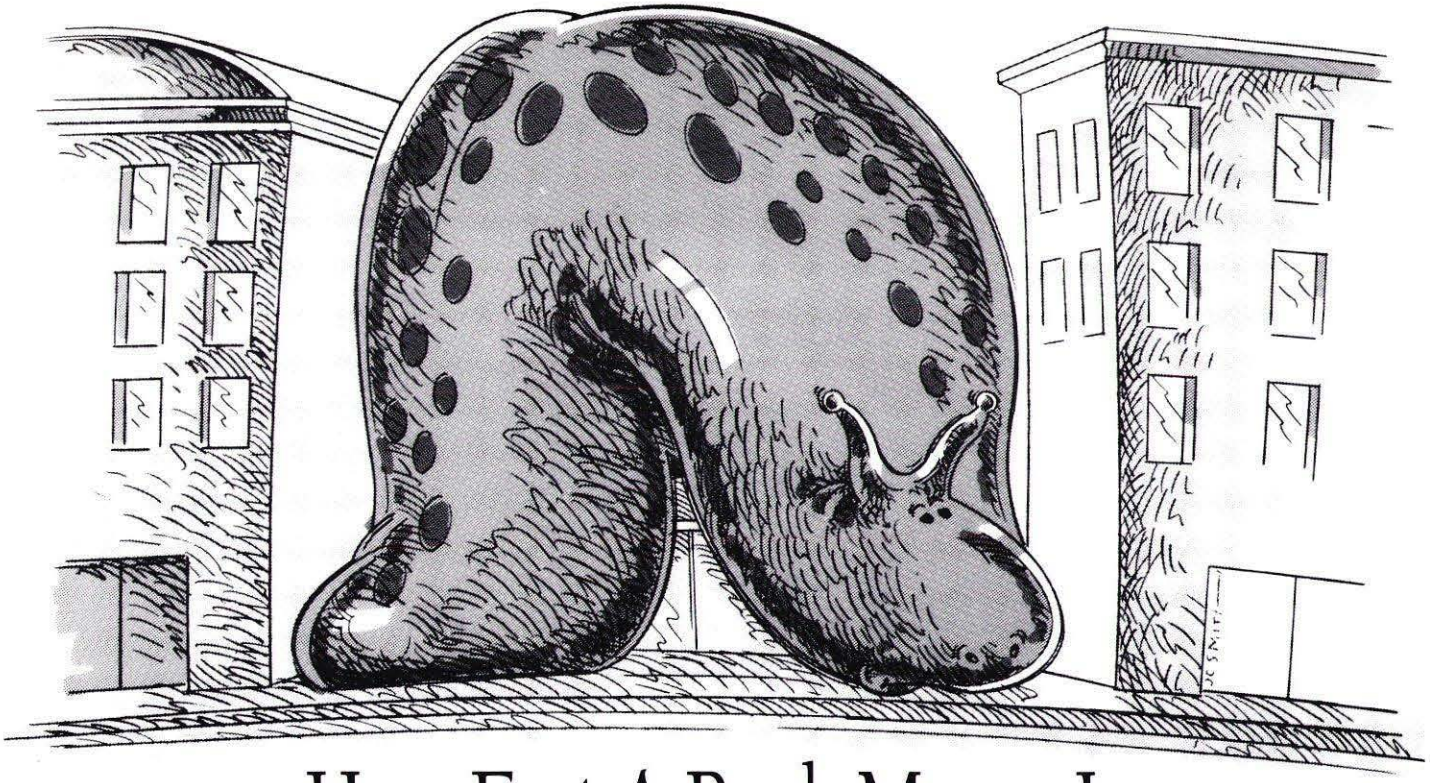
Telephone no. _____

Signature (required for credit card) _____

❑ **Check** enclosed payable to the WSBA ❑ MasterCard ❑ VISA

Card No. _____ Exp. Date ____

Mail this form to: WSBA – 500 Westin Bldg. – 2001 6th Ave. – Seattle, WA 98121-2599 or fax it to (206) 727-8320. You must include credit card information with fax registrations or fax orders. Be sure your name, bar number and correct address appear above.



How Fast A Bank Moves Is Inversely Proportional To Its Size

Large, slow-moving banks, in what they vaguely define as personal service, offer clients less than an acceptable level of responsiveness. We won't shuffle you back and forth between departments or lose you in lethargic, slow-moving bureaucracies.

You need solutions when you need them. Pacific Northwest Bank offers attorneys and law firms the advantages of banking with a local, responsive, flexible financial institution committed to meeting your needs.

Specifically, our clients enjoy the following benefits:

- IOLTAs: Quick, "no hassle" approach to setup and disbursement of IOLTA and Client Trust Accounts via telephone.
- CREDIT LINES: Custom-tailored revolving credit lines with sublimits allowing attorneys and law firms to segregate and track costs associated with major cases.
- COURIER SERVICE: Convenience of door-to-door banking.
- ABSOLUTELY NO ATTORNEY JOKES.

SEATTLE FINANCIAL CENTER
3rd and Seneca *624-0600*

BELLEVUE FINANCIAL CENTER
NE 8th and 112 NE *646-0900*

Pacific Northwest Bank™
Member FDIC
A little smaller. A little smarter.™

Check your calendar – Sept. 10, 1993

WSBA Annual Meeting
Sheraton Seattle Hotel & Towers
1400 6th Avenue

7:00 am **CLE registration desk opens**

WSBA information booth opens

7:30 am **Lawyers' Campaign for Hunger Relief drive begins**
(please contribute either canned goods or cash)

7:55 am **CLE Welcome and Introductions** (West Room)

8:00 am **Program** (4.0 CLE credits)
"Protecting Your Practice From Malpractice Claims, Discipline & Litigation"

12:15 pm **WSBA Awards Luncheon** (Metropolitan Room)
Presentation of:
Award of Merit – for long term service to the public or Bar or for a single extraordinary contribution
President's Award – for special accomplishment during the President's term
Board of Governor's Award for Professionalism
Angelo Petruss Award for Lawyers in Public Service
Outstanding Judge Award
WSBA Pro Bono Award(s)
Affirmative Action Award

Remember to support the Lawyers' Campaign for Hunger Relief
(please consider bringing either canned goods or a cash donation)

2:00 pm **WSBA Annual Meeting** (Metropolitan Room)

Call to Order
Stephen E. DeForest, WSBA President

State of the Judiciary Address
Chief Justice James A. Andersen,
Washington State Supreme Court

Recognition of 50 Year Members

Remarks by President of Legal Foundation of Washington
William P. Bergsten

State of the Bar Address
Stephen E. DeForest, WSBA President

Presentation and Debate of Resolutions

Passing of the Gavel to our New Bar President Paul L. Stritmatter

Notices of Interest to Bar Members

WSBA Disciplinary Notices:

Censured: Olympia lawyer **Herbert H. Fuller** (WSBA #1444, admitted 1954) has been ordered censured pursuant to a stipulation for discipline, approved May 14, 1993. The discipline is based upon his failure to advise the client, who was marrying Fuller's mother, that his relationship to his mother might materially limit his representation of the new client during the preparation of a prenuptial agreement for his mother and for the new client, and upon Fuller's failure to obtain the new client's written consent to the joint representation. [June 3, 1993]

Commission on Judicial Conduct Notice:

The Commission on Judicial Conduct has filed its decision concerning charges against Judge **John P. Junke** of the Walla Walla Municipal Court and the Walla Walla District Court after considering a hearing panel's report, objections to the report, and argument. The hearing panel issued its report after conducting a three-day hearing in Walla Walla on December 9, 10 and 11, 1992.

The Commission confirmed the panel's findings that Junke violated the Code of Judicial Conduct by threatening to cancel the public defender contract over the filing of affidavits by a public defender, by failing to control his temper in the courtroom, by gathering and considering evidence outside of a trial without the consent of the parties, and by improperly dismissing a DWI charge. Based upon the violations found, the Commissioner ordered that Junke be reprimanded and be required to attend judicial training. A dissent was filed by Commission member Anthony Thein, who felt the hearing panel's recommendation that Junke be admonished "was sufficient sanction for what seems to me to be no more than an intramural squabble among members of a closed system. No evidence presented showed that a single defendant suffered unjust or unfair treatment in Judge Junke's Court." *In re the Matter of Honorable John P. Junke, Walla Walla District Court*, Case No. 91-1137-F-34. The Commission was represented by its counsel, Edward F. Shea. Junke was represented by Kurt Bulmer. [June 4, 1993]

Public Notices

Cumulative Subject Index Published:

The Reporter of Decisions of the Washington Supreme Court announces the availability of the 1993 edition of the Cumulative Subject Index. The Index is a case law research tool that identifies the legal subject matter of every headnote to every published opinion of the Washington Supreme Court and Court of Appeals from December, 1979 (93 Wn.2d and 25 Wn.App.) to February, 1993 (120 Wn.2d and 68 Wn.App.).

Designed to be used as a deskbook, the Index provides quick access to the case law in the official reports. Logical and consistent subheads lead the researcher directly to the law sought.

A free copy of the Cumulative Subject Index is sent to all subscribers to the Washington Reports Advance Sheets. Nonsubscribers and subscribers desiring extra copies may obtain the Index for $10.79 (price includes sales tax and shipping) from the Commission on Supreme Court Reports, Distribution Office, Temple of Justice, P.O. Box 40922, Olympia, Washington 98504-0922; (206) 357-2155. Availability is limited to the stock on hand; the 1992 edition sold out.

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 July 1993 is 3.19 %. **The maximum allowable interest permissible for August 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* on page 39 in October, 1987 for 1982-84; page 37 in June 1989 for 1984-85; on page 47 in June 1992 for 1985-87, and on page 49 in June 1993 for 1987-93.

Notice of Deadline for Filing WSBA Resolutions:

Pursuant to Article VII, Section F - "Resolutions" of the WSBA Bylaws, any ten (10) active members of the Washington State Bar Association may present a written resolution to the Board of Governors for consideration at the WSBA's Annual Business Meeting. Note: *Even though the WSBA convention was cancelled,* ***there will be an Annual Business Meeting. It will be held Friday, September 10, 1993, beginning at 2 p.m. at the Seattle Sheraton Hotel.***

Resolutions must be filed with the Executive Director at least twenty (20) days before the Annual Meeting (by 5 p.m. on Friday, August 20, 1993) and must be accompanied by a written report explaining the resolution. The resolution and explanatory report together shall not exceed a total of one thousand (1,000) words. The Executive Director's office is at 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599.

The Board of Governors will refer any resolution addressing issues within the purposes of the WSBA to the WSBA Resolutions Committee. Those purposes are set forth in Article I of the WSBA Bylaws and/or General Rule 12 of the Washington Court Rules.

The Resolutions Committee will hold a ***public hearing*** to consider the views of the proponents and opponents of resolutions on ***Thursday, September 2, 1993***, beginning at 9:30 a.m. at the offices of the WSBA (500 Westin Building, 2001 Sixth Avenue, Seattle). Proponents and opponents of resolutions are urged to attend the hearing or to present their views in written form for consideration by the Committee.

The members of the WSBA Resolutions Committee are: David D. Hoff - Chair, Gary D. Gayton, Jon C. Iverson, James T. Johnson, Edward N. Lange, Teresa M. Morris, Mark W. Muenster, Gregory H. Pratt, John M. Riley, III, John G. Schultz, Stanley D. Tate, Phillip L. Thom and Ted D. Zylstra.

Note: Telephone numbers for regular regional CLE providers and other groups presenting events are listed on page 32. Where the contact is an individual, contact information is listed in the specific calendar entry.

August 1993

6 Seattle: Selections from the WSBA Civil Procedure Deskbook. *Sponsored by* WSBA.

6-7 Stevenson: WSBA Young Lawyers Division Board meeting. *For information*: Sheri Borgford, (206) 727-8239.

9 Yakima: Northwest Power Planning Council public hearing—Phase IV amendments to the council's Fish and Wildlife Plan. *For information:* R. Ted Bottiger (206) 956-2200/Tom Trulove, (509) 359-7352.

11 Hood River OR: Northwest Power Planning Council public hearing—Phase IV amendments to the council's Fish and Wildlife Plan. *For information:* R. Ted Bottiger (206) 956-2200/Tom Trulove, (509) 359-7352.

13 Seattle: How to Handle Complex Guardianship Issues. *Sponsored by* WSBA.

13 Deadline for written comment on Phase IV amendment proposals of Northwest Power Planning Council's Fish and Wildlife Plan. *For information:* R. Ted Bottiger (206) 956-2200/Tom Trulove, (509) 359-7352.

13 Seattle: Trial Lawyers Say and Do the Darndest Things: The Most Common Mistakes Made at Trial and How to Fix Them. *Sponsored by* NITA.

15 Deadline for copy for October 1993 *Bar News*.

20 Seattle: Criminal Law in Courts of Limited Jurisdiction. *Sponsored by* WSBA.

20 Olympia: Probating and Estate and Handling Post-mortem Matters. *Sponsored by* WSBA.

20 Seattle: International Trade Law. *Sponsored by* UW School of Law.

20 Seattle: Third Annual Attorney Paralegal Team. *Sponsored by* WSTLA.

21-28 King Salmon, Alaska: Chiropractic/Legal Seminar, Katmai Lodge. *Sponsored by* Margullis, Luedtke & Ray, attorneys, Tacoma. *For information:*, Sherilee M. Luedtke, (206) 627-7222.

22-24 Leavenworth: Juvenile Training Program. *Sponsored by* WAPA.

September 1993

1 Olympia: Washington Wills in the 1990s (video). *Sponsored by* WSBA.

1-3 Seattle: Taking and Defending Depositions. *Sponsored by* NITA.

9 Seattle: Tort Law Update. *Sponsored by* WSTLA.

9-10 Seattle: WSBA Board of Governors meeting.

10 Seattle: WSBA Annual Meeting and free CLE Seminar: Protecting Your Practice from Malpractice Claims, Discipline and Litigation. NOTE: Enrollment is limited. NOTE FURTHER: WSBA convention in Victoria has been canceled.

September 10
8 a.m.-4:30 p.m.
AIDS and the LAW
Sponsored by
King County
Bar Association
Complimentary
breakfast and lunch
$20
6.5 CLE credits
Contact Carolyn King
(206) 340-2584

Business Advisory Services, Inc. (206) 223-5400
CLE International (206) 621-1938
Idaho Bar 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

10 Seattle: AIDS and the Law. Sponsored by KCBA. *Contact* Carolyn King, (206) 340-2584.

10-11 Sun Valley: Advanced Estate Planning. *Sponsored by* Idaho Bar Foundation.

15 Deadline for copy for November 1993 *Bar News*.

17 Seattle: Water Law. *Sponsored by* WSBA.

17 Seattle: Advising the Small Business Client. *Sponsored by* WSBA.

17 Tacoma: Effective Discovery—Planning & Implementation. *Sponsored by* TPCBA.

17 Seattle: Intellectual Property. *Sponsored by* WSBA.

17 Seattle: Environmental Protection/ Property Rights/Regulatory Gridlock; Healthcare in Transition. *Sponsored by* UPS School of Law Alumni Assoc. *Contact* (206) 591-2288.

17 Seattle: UPS School of Law Annual Alumni Dinner. *Contact* (206) 591-2288.

17-18 Coeur d'Alene: Northwest Bankruptcy Conference. *For information:* Idaho Bar Foundation.

18 Seattle: Third Annual Northwest Alternative Dispute Resolution Conference. *Sponsored by* UW School of Law/WSBA ADR Section.

19-20 Snoqualmie Falls: Litigating the Head Trauma Case. *Sponsored by* The MediLegal Institute. *Contact* Pam Love (206) 621-1266.

22 Vancouver, WA: Washington Wills in the 1990s (video). *Sponsored by* WSBA.

23-24 Portland: Survival of the Fittest, Association of Legal Administrators 18th annual Region 5 conference. *Contact* Sandi Glandon (503) 226-6151.

24 Spokane: Advising the Small Business Client. *Sponsored by* WSBA.

24 Seattle: Environmental Law for Business and Real Estate Lawyers. *Sponsored by* WSBA.

29 Seattle: Advising the Injured Worker. *Sponsored by* WSBA.

30 Ellensburg: Washington Wills in the 1990s (video). *Sponsored by* WSBA.

by **Jim Francek**
[reprinted with permission from Employee Assistance *magazine]*

"Oh, I get by with a little help from my friends" is more than just a line from a popular Beatles tune. The emotional support friends can give is a crucial weapon in your anti-stress arsenal. Another potent anti-stress strategy is to alter your perception of life events by framing them in a more positive way. In the discussion below, Jim Francek reflects on stress with EA's associate publisher, Chip Drotos.

Chip: What are the main sources of stress for most people?

Jim: Every day we are faced with change, whether it's in the workplace, the family, or society. These changes, in turn require us to make adjustments in the way we think and feel and react in order to cope. Change, and the uncertainty it brings, is often very stressful, especially when the change involves something over which we have no control.

Chip: Some people are able to manage change with a minimum of stress, while others in the same situation suffer a good deal of stress. Why are some people more bothered by stress than others?

Jim: People who manage stress well are people who see change as a challenge rather than a threat, whose philosophy of life allows them the flexibility to see a particular change as just one event, not "the end of the world" and who have a support system that keeps them connected to people who offer comfort and encouragement.

Chip: How does our internal philosophy, our belief system, affect the way we handle stress?

Jim: If our beliefs include a lot of "musts" and "shoulds," then we are placing a lot of demands on life—and setting ourselves up for disappointment. For example, we may believe that life *should* be fair; well, maybe it should, but we have a lot more evidence that it isn't. So if we hold out for that "should," chances are we're going to be disappointed. If, however, we can be more flexible in accepting what comes, if we can downsize those "shoulds" and "musts" to I would *prefer* life present me with this or that, and not get all upset if it doesn't, then we'll have much less stress.

Chip: So handling stress effectively means developing the internal flexibility to take life as it comes?

GET THE BEST OF STRESS

Jim: Yes. Life is like a fast-flowing river—the people who are hanging on to the side of the dock as the river pounds on them get beat up pretty bad. They're spending their time looking over their shoulder and saying, "Oh, why can't we have stayed where we were?" instead of looking forward and trying to read the currents. If we let go, if we engage in life instead of fighting it, we can start looking for the opportunities for respite or connection with others to get through the whitewater. Sometimes we hang on to something so tightly that it becomes a source of stress in our lives, and we don't recognize the reality that life is changing all around us, and for us to hang on is not a very healthy thing.

Chip: What do we tell ourselves, then, when something unpleasant happens to us?

Jim: Instead of thinking, "Ain't it awful this happened to me," ask yourself what you've learned from the experience. Everything that happens to us is a lesson. Are we open to learning it? If we look on life events as challenges from which we can draw strength rather than something that will wipe us out, then we'll learn valuable lessons. If you're driving down the highway and you get in a car accident, you can get all upset with the person who intersected with you—or you can reframe what happened and learn from it: What's my part in all this? What did my preoccupation with the meeting I was hurrying to have to do with this accident? If my marriage falls apart, instead of blaming my spouse, I can reframe the event by asking what my contribution was to the breakup—what do I have to learn at this time in my life about what happened?

Chip: Why is a social support system so important for coping with stress?

Jim: If we isolate ourselves, if we withdraw from others and don't share the problems we're facing, then we're left with our own fears, imaginings and all the worst-case scenarios we so ably conjure up. This is not a time to pull back. Other people who care about us can lend perspective to our problems, challenge us to look at them a different way, tell us what they did to get through the very same situation. Being connected to other people is one of the greatest ways to de-stress because we can get the input, the encouragement, and the comfort we need to balance our lives again.

Chip: How can you create a good social support system?

Jim: First, you must understand where you are right now. Ask yourself, who are your best supporters, who are the members of your personal cheerleading club? Who are the people who will give you the hugs, the encouragement, or maybe the kick in the butt, if that's what's needed? If you don't have enough people in your life who will give you the unconditional love and support you need, how do you get a few more?

Chip: Where do we find the people who will cheer us on?

Jim: Look at others in your life whom you could nurture into strongly supportive relationships. Reconnect with family members, friends, neighbors or your religion. The whole world doesn't have to be supportive of us, but there should be three or four people in our lives from whom we can draw strength. If we don't have that, we need to think about why we don't. And that may be stressful! But that's the issue: What is it about me that blocks me from being connected to people in this way?

Chip: What are some unhealthy ways of dealing with stress? What should we avoid?

Jim: Sometimes we deny that a problem exists; we say, "This can't happen to me, won't happen to me" instead of accepting what life brings us and dealing with that. Projecting the blame onto others doesn't buy us much either. We need to stop thinking like the victims and take ownership of our part in the problems. Finally, we need to stop isolating ourselves from the rest of the world. Some people have the idea that they get a badge of honor if they keep problems to themselves, but they are the ones subject to heart attacks and premature deaths—they don't allow anyone to get close enough to reach them.

If your marriage has come apart this year, if we're living alone, if there isn't anyone special in our lives, if we're not connected, then we don't feel in sync with the rest of society. We may feel depressed and isolate ourselves even more. The key is to recognize that we are moving in the direction of isolation and take steps to address that. If we can accept where we are right now, think through the possibilities, and stay connected with others, we will be able to handle whatever life brings us without being overwhelmed by stress.

* * *

Nota Bene

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.

Every Tuesday at noon in the WSBA Presidents' Room, (4th floor, Westin Building), LAP sponsors a free job hunters' support group for WSBA members who are actively involved in the search for a new position. This is a drop-in group focusing on the exchange of ideas, job leads, and job finding ideas. Call Joyce Elven at (206) 727-8268 for information on upcoming special programs to be held periodically in conjunction with these meetings.

1992 Annual Washington

Introduction

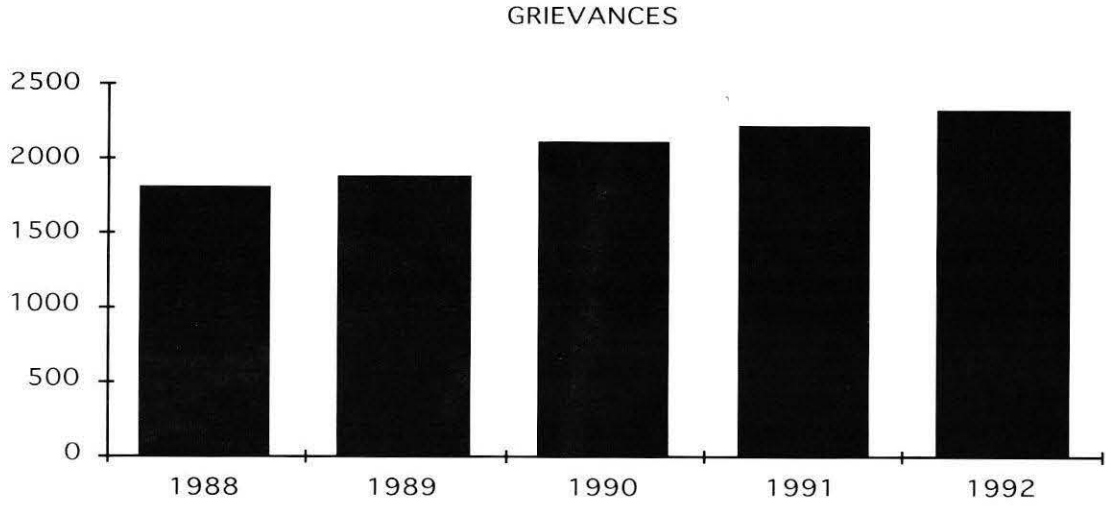
This annual report gives an overview of Washington lawyer discipline during 1992. Discipline is a vital WSBA regulatory function. This report shows the continuing increase in the number of grievances filed as well as the other actions taken to carry out our responsibilities to the Washington State Supreme Court. These accomplishments occurred through the hard work of the volunteer WSBA leaders—the Board of Governors and the Disciplinary Board—and the contributions of the volunteer hearing officers, investigators, and other volunteers. I want to also acknowledge and thank the Legal Department staff for its diligence and dedication.

Leland G. Ripley
Chief Disciplinary Counsel

New Matters Opened in 1992

Discipinary Grievances	2,300
Interim Suspension Requests	3
Reciprocal Discipline	1
Motions to Appoint Counsel to Protect Clients	2
Disability Proceedings	3
Probation Monitors	9
Cost Monitors	5
Reinstatement Proceedings	1
Total	2,324

[1991=2,213 +5%]



Grievances Received 1988-92

Report
Lawyer Discipline

1992 Developments

- Washington Supreme Court requested that the Review Committees make specific findings of fact in support of their interim suspension recommendations.
- WSBA and Washington Supreme Court requested ABA evaluation of our discipline system. Evaluation team visited WSBA March 3-5, 1993.
- Retention period for dismissed grievances decreased from five to three years.
- First full year of trust account overdraft notification rule completed.
- Washington Lawyer Discipline Manual created.
- Grievance form and explanatory brochure revised.
- Rules of Professional Conduct, Rules 1.10 and 7.4 amended.
- Character and Fitness Committee under Title 9 created.
- 2,324 new grievance files opened.
- 2,402 grievance files closed.

Washington Supreme Court Decisions

- *In re Ivan D. Johnson*, 118 Wn.2d 693, 826 P.2d 186 (1992). The Court imposed a 60-day suspension followed by two years' probation and restitution on a

Nature of Grievances—1992*

Nature of Grievance	Number	Percent
Advertising & Solicitation	31	1.4
Lawyer's Fees	236	10.3
Trust Account Violations[includes overdrafts]	367	16
Unsatisfactory Performance	689	30
Violation of a Duty to a Client	407	17.8
Interference with Justice	245	10.7
Personal Behavior	306	13.4
Violation of a Duty to the WSBA	19	.8

Identity of Grievant—1992

Identity of Grievant	Number	Percent
Client	1,055	45.9
Former Client*	183	8.0
Opposing Client	333	14.5
WSBA	297	12.9
Ct. Reporter/Expert Witness	76	3.5
Other Lawyer	49	2.1
Opposing Counsel	48	2.1
Judicial	8	.3
Other	248	10.7
Unknown	5	.2

* New Category added during 1992

lawyer who twice borrowed funds from a client without making adequate disclosures.

• *In re Jay C. Immelt*, 119 Wn.2d 369,831 P.2d 736 (1992). Per Curiam disbarment of a lawyer convicted of mail fraud for conversion of $45,000 of client funds. The Court rejected Immelt's argument that Washington could only impose the indefinite suspension imposed by Ohio for the same misconduct.

• *In re Craig White*, Bar #12563 (February 22, 1992). Imposed reciprocal discipline, a three-year suspension, in response to Oregon discipline.

The Court suspended five lawyers pending completion of their disciplinary proceedings. Four suspensions resulted from felony convictions, and one resulted from the threat of harm to the public.

Trust Account Audits

In 1992, staff completed 14 audits for cause. These audits revealed one case of trust account conversion, eight lawyers not in compliance with RPC 1.14 and five lawyers in compliance with RPC 1.14.

In 1992, staff completed random examinations of 80 firms involving 1,002 lawyers. Under trust account regulations approved by the Supreme Court, 30 days after a law firm complies with the Chair of the Disciplinary Board's order, the WSBA copy of the examination report is destroyed. As of February 1, 1993, there were four 1992 examinations awaiting proof of compliance.

GRIEVANCES RECEIVED, 1991-1995

	1991	1992	1993	1994	1995
Grievances Received	2,213	2,324			
Change	+5%	+5%			
Active Instate Lawyers as of Midyear	14,511	15,115			
Grievances/100 Active Instate Lawyers	15.26	15.37			
Change	+1%	+.7%			

COMPLAINTS RECEIVED, 1986-1990

	1986	1987	1988	1989	1990
Complaints Received	1,734	1,695	1,794	1,870	2,107
Change	-2.5%	-2.2%	+6%	+4%	+12.7%
Active Instate Lawyers as of Midyear	11,901	12,307	12,867	13,338	13,953
Complaints/100 Active Instate Lawyers	10.8	13.8	13.9	14.0	15.1
Change	-7.0%	+26.9%	+.7%	+.7%	+.8%

COMPLAINTS RECEIVED, 1981-1985

	1981	1982	1983	1984	1985
Complaints Received	982	1,325	1,476	1,545	1,779
Change		+34.9%	+11.4%	+4.7%	+15.1%
Active Instate Lawyers as of Midyear	9,063	9,649	10,120	11,297	11,901
Complaints/100 Active Instate Lawyers	10.8	13.7	14.6	15.7	14.6
Change		+26.9%	+6.6%	-0.7%	-7.0%

Ethics Inquiries

As a membership service, one disciplinary counsel provides daily informal personal ethics opinions. For 215 days in 1992, disciplinary counsel answered 2,567 inquiries, an average of 11.93 inquiries each day!

Lawyers Disciplined

While seven grievances were dismissed at the hearing stage, 31 sanctions were imposed on 29 lawyers. There were nine Letters of Censure, the most since 1987. There were five Reprimands, also the most since 1987. Six lawyers were suspended and 11 disbarred.

RPC Amendments

RPC Rule 1.10 was amended to provide that, with certain disclosures, a law firm may avoid imputed disqualification if the firm screens a personally disqualified lawyer from involvement in the legal matter.

RPC Rule 7.4 was amended to provide that a lawyer who receives a certificate or award may, with appropriate disclosures, use the terms "certified," "specialist," "expert" or other similar term.

Character & Fitness Committee

This Committee of three nonlawyers and nine lawyers considers applications for reinstatement from disbarment and recommends either granting an application to the Supreme Court or denying an application to the Board of Governors.

Areas of the Law –1992 Grievances

Area of the Law	Number	Percent
Family Law	574	25.0
Criminal Law	367	16.0
Torts	246	10.6
Estates/Probate	126	5.5
Real Property	111	4.8
Collections	74	3.2
Workers Compensation	58	2.5
Bankruptcy	51	2.2
Contracts/Consumer Law	35	1.5
Landlord/Tenant	28	1.2
Labor Law	28	1.2
Corporate & Banking	26	1.1
Guardianships	24	1.0
Traffic Offenses	19	.8
Foreclosure	16	.7
Administrative Law	16	.7
Immigration	8	.3
Taxation	7	.3
Juvenile Matters	7	.3
Patent/Trademark	6	.3
Environmental Law	6	.3
Commercial Law	5	.3
Anitrust	3	.2
Other	38	1.7
Unknown	177	7.7
None	244	10.6

DISPOSITION OF CLOSED MATTERS, 1991-1995

DISPOSITION	1991	1992	1993	1994	1995
Discipline Imposed/Discipline- related [1]	119 (4.7%)	138 (5.7%)			
Interim Suspension	4 (0.1%)	5 (0.2%)			
Disability Transfer	14 (0.5%)	1 (0.1%)			
Dismissal after Hearing	3 (0.1%)	7 (0.2%)			
Dismissal with Advisory Letter	76 (2.9%)	42 (1.8%)			
Review Committee Dismissals [2]	197 (7.7%)	213 (8.9%)			
Staff Dismissals After Investigation	1,085 (42.5%)	884 (36.8%)			
Deferred	27 (1.0%)	34 (1.4%)			
Staff Dismissals Without Investigation	888 (34.8%)	979 (40.8%)			
Miscellaneous [3]	146 (5.7%)	99 (4.1%)			
Totals	2,559 (100%)	2,402 (100%)			

DISPOSITION OF CLOSED MATTERS, 1986-1990

DISPOSITION	1986	1987	1988	1989	1990
Discipline Imposed/Discipline-Related [1]	82(4.4%)	9 (3.8%)	81 (4.9%)	86 (5.4%)	82 (4%)
Interim Suspension	0	0	3 (0.2%)	3 (0.2%)	8 (0.4%)
Disability Transfer	1 (0.1%)	6 (0.3%)	3 (0.2%)	4 (0.2%)	1 (.05%)
Dismissal After Hearing	11 (0.6%)	6 (0.3%)	2 (0.1%)	1 (0.1%)	1 (0.5%)
Dismissal with Advisory Letter	87 (4.7%)	68 (3.8%)	61 (3.7%)	52 (3.3%)	50 (2.5%)
Review Commitee Dismissals [2]	245 (13.2%)	218 (12%)	203 (12.3%)	209 (13.1%)	179 (8.8%)
Staff Dismissals After Investigation	840 (45.2%)	763 (41.9%)	718 (43.4%)	631 (39.6%)	815 (40%)
Deferred	10 (0.5%)	19 (1.0%)	20 (1.2%)	13 (0.8%)	36 (1.8%)
Staff Dismissals Without Investigation	515 (27.7%)	555 (30.4%)	460 (27.8%)	508 (31.9%)	818 (40.2%)
Miscellaneous [3]	66 (3.6%)	119 (6.5%)	103 (6.2%)	86 (5.4%)	43 (2.1%)
Totals	1,857 (100%)	1,823 (100%)	1,654 (100%)	1,593 (100%)	2,033 (100)%

DISPOSITION OF CLOSED MATTERS, 1981-1985

DISPOSITION	1981	1982	1983	1984	1985
Discipline Imposed/Discipline-related	57 (5.8%)	51 (4.7%)	112 (7.7%)	91 (7.0%)	90 (5.5%)
Disability Transfer	0	1 (0.1%)	5 (0.3%)	2 (0.2%)	2 (0.1%)
Dismissal After Hearing	4 (0.4%)	10 (0.9%)	10 (0.7%)	11 (0.9%)	18 (1.1%)
Dismissal w/ Advisory Letter	56 (5.7%)	71 (6.5%)	119 (8.2%)	107 (8.3%)	75 (4.6%)
Review Comm. Dismissals	0	422 (38.6%)	308 (21.1%)	169 (13.1%)	228 (14.0%)
Staff Dismissals After Investigation	501 (50.8%)	80 (7.3%)	414 (28.4%)	459 (35.5%)	712 (43.9%)
Deferred	2 (0.2%)	7 (0.6%)	12 (0.8%)	3 (0.2%)	15 (0.9%)
Staff Dismissals Without Investigation	366 (37.1%)	444 (40.6%)	458 (31.4%)	431 (33.3%)	461 (28.4)
Miscellaneous	0	8 (0.7%)	20 (1.4%)	21 (1.6%)	22 (1.4%)
Totals	986 (100%)	1,094 (100%)	1,458 (100%)	1,294 (100%)	1,623 (99.9%)

NOTES TO DISPOSITION OF CLOSED MATTERS

[1] Includes stipulations to misconduct without discipline, and after 1986, admonitions, although an admonition is a finding of misconduct without imposition of a disciplinary sanction.

[2] Includes original dismissals and conditional dismissal protests.

[3] E.g., files closed when a lawyer is disbarred.

DISCIPLINE IMPOSED, 1991-1995

DISCIPLINE	1991	1992	1993	1994	1995
Censure	5	9			
Reprimand	3	5			
Suspensions (average days)	4 (443)	6 (267)			
Disbarment	9	11			
Total Sanctions	21	31			
Total Grievances Resulting in Discipline	56	104			
Lawyers Disciplined	21	29			
Percentage of Lawyers Sanctioned [5]	.2%	.2%			

DISCIPLINE-RELATED MATTERS, 1991-1995

Admonition [6]	66	34			
Probation [7]	3	9			

DISCIPLINE IMPOSED, 1986-1990

Censure	19	16	5	2	2
Reprimand	5	5	4	4	2
Suspended Suspension [4]	1	0	0	0	0
Suspensions (Average days)	8 (140)	4 (288)	4 (343)	6 (321)	6 (461)
Disbarment	5	3	11	6	4
Total Sanctions	38	28	24	18	14
Total Complaints Resulting in Discipline	63	37	22	59	37
Lawyers Disciplined	30	20	24	17	14
Percentage of Lawyers Sanctioned [5]	.25%	.17%	.17%	.13%	.10%

DISCIPLINE-RELATED MATTERS, 1986-1990

Admonition [6]	10	23	23	23	34
Probation [7]	5	6	3	6	3

DISCIPLINE IMPOSED, 1981-1985

Censure	22	24	21	31	19
Reprimand	12	8	9	20	15
Suspended Suspension	5	2	0	0	0
Suspensions (Average days)	4 (201)	7 (139)	10 (197)	10 (248)	9 (104)
Disbarment	4	11	6	4	11
Total Sanctions	47	52	46	65	54
Total Complaints Resulting in Discipline	53	50	68	79	85
Lawyers Disciplined	40	44	40	47	42
Percentage of Lawyers Sanctioned	.44%	.46%	.40%	.44%	.37%

DISCIPLINE-RELATED MATTERS, 1981-1985

Admonition	0	0	0	0	0
Probation	0	0	3	8	15

NOTES TO DISCIPLINE IMPOSED

[4] This sanction is not in the Rules for Lawyer Discipline, effective January 21, 1983.

[5] Based upon active in-state lawyers at midyear.

[6] A nonpublic finding of misconduct without the imposition of a disciplinary sanction.

[7] Not a sanction, can be imposed for up to two years when a lawyer is sanctioned. Before January 21, 1983, probation was imposed as a "suspended" suspension.

OFFICE PRACTICE TIPS

SPONSORED BY THE LAW PRACTICE MANAGEMENT SECTION

Is It Time to Change Your Law Library?

by **Gregory S. Morrison**

Today's successful lawyer recognizes the need to constantly evaluate and update his or her methods of practice. In so doing, efficiency, productivity, and income can be maintained or increased.

In this regard, one area in law offices that is frequently overlooked is the law library. More often than not, even the smallest of law offices devotes several hundred square feet to a law library.

In addition to the space requirements, there is also the cost associated with the purchase and maintenance of these books. On a monthly basis, even a "no-frills" library can cost a substantial amount of money keeping up-to-date.

One solution to this potential problem is to transition from books to CD ROM research materials. Some of the more obvious benefits of this approach are the substantial savings in space and rent, and the convenience of instant access to your research materials. There are many companies that are now reproducing reporters, codes, digests and more in this convenient format. Most are cross-referenced with key word search capabilities.

The hardware needed to use these applications is relatively inexpensive and readily available. Through a simple networking system, every lawyer in an office can have access to the system at his or her own desk. Desired materials can be saved and/or printed for insertion in a file for future reference.

Although there is a cost associated with keeping this type of system updated, it is quite small compared to the cost of storing and maintaining a "book-based" law library.

Furthermore, a CD ROM system is, in most cases, actually less expensive to purchase than a comparable amount of printed information, even if you have to buy the hardware.

If you already have a library, but would like to change over, there are several companies that deal in used law books. These companies, most of whom advertise in national and state-circulated law journals, have broad markets that facilitate the liquidation of law books. The prices paid for used law books depends on the demand for the particular book or set, and its condition. It is entirely possible that the proceeds from the sale of a modest law library would fully pay for a computerized system.

Of course, not all law books are available on CD ROM—yet. It appears though, that in due course, virtually every published work will most probably be offered in a format compatible with modern technology.

This column is a clearing house for better ways to run the law office. Contributions are solicited from all members of the Bar and should be sent to: Gregory S. Morrison, Tips Editor, W. 621 Mallon, Suite 605, Spokane, WA 99201.

GUILTY THROUGH IGNORANCE

by **Ned Stuart**

Your client assured you nothing could have prepared him for what happened. He had driven through that same intersection dozens of times in the past. Traffic was light, and the weather was fine. Suddenly, out of the corner of his eye, he saw a movement from his left. Startled, he slammed on his brakes. There was a screeching from the tires, a horrible crashing sound, and shocking silence. Stunned, he sat for moment and tried to collect his thoughts. The vehicle had come from his left. His own speed was at or under the speed limit. The accident was not his fault, right? Possibly wrong!

This type of accident is repeated hundreds of times a day throughout North America, often with serious or fatal consequences. You should be alerted to a basic mistake many investigating officers make at the accident scene: measuring the skid marks too long! Once these measurements are recorded, they become evidence; all subsequent investigators depend upon their accuracy.

Inaccurate measurements are a result of inadequate training and lack of understanding of the dynamics involved when vehicles are sliding. To begin with, skid marks are not the result of rubber left on the road by the sliding tires. The tires heat up from friction, but rarely enough to melt rubber. Instead, the tires heat the asphalt, causing the asphalt to soften and smear in the direction of the sliding tire.

When the driver puts pressure on the brakes, the front end of the vehicle dips down because of a weight shift towards the front end and away from the rear wheels. This allows the rear wheels to lock up—first, simply because there is less weight on the rear wheels than the front. The rear wheels, sliding first, heat up first and are the first to leave skid marks (see picture below).

When the initial investigating officer arrives at the scene, the vehicles are at their final resting position, usually several feet from the area of impact. When the vehicles are not positioned at the end of the skid marks, the officer will invariably measure the entire length of the marks, failing to realize that the beginning of the marks is caused by the rear wheels and the last several feet are caused by the front tires. These measurements are too long, usually by the length of the vehicle's wheel base.

Speed, while not always the cause of an accident, always dictates the severity of an accident. Skid marks, properly measured, constitute important evidence in the determination of speed. If they are measured too long, failure to subtract the wheel base of a vehicle can increase the driver's speed by as much as 17 percent. It should be remembered that skid marks can, by themselves, determine speed only if the skidding vehicle comes to a complete, unimpeded stop. In any other situation, the skid speed must be combined with speeds calculated from some other source, such as momentum, kinetic energy or metal deformation. In fact, speed from skid marks calculated from the minimum-speed equation, or nomographs used by many officers, can't even tell speed loss, only speed-energy equivalent.

Here's an example:

Your client's vehicle left 29 feet of skid marks leading to the area of impact. The impact speed with the other vehicle was calculated to be 17 m.p.h. The wheel base of your client's vehicle is 10 feet. If the officer failed to subtract the wheel base from the total length of the skid marks, your client's initial speed could have been calculated at 30 m.p.h. or higher rather than the true 25 m.p.h. it should have been, almost a 17 percent error.

Police officers receive, relatively speaking, little training in traffic accident investigation. It is just not a high priority subject today, compared to drug enforcement, driving under the influence and self-defense. The officer is trained in accident-reporting and how to fill out the standard Motor Vehicle Accident Report form. The result of this inadequate training can be tragic for a driver unless the original report is reviewed critically and carefully by your client.

The investigating officer is not charged with the responsibility of determining the cause of the accident, but with trying to determine if a violation of the law has occurred. If so, then evidence must be collected to prove or disprove the elements of that violation. Witnesses are interviewed, marks on the road are located and measured. The area of impact is determined. The final resting position of the vehicles is fixed, and photographs are taken if deemed necessary.

If you become involved in a case of this nature, remember:

1. If there were skid marks, were there four distinct tire marks at the scene, and did the officer measure each mark and take an average length of the tire marks?
2. If four marks were not observed and measured, did the officer check each tire for a contact patch where the tire scrubbed along the road?
3. Does the officer know the difference in appearance between front and rear tire skid marks, and can he or she explain the reason for that difference?
4. If, in the opinion of the investigating officer, all four wheels locked up, did he or she subtract the length of the wheel base of the skidding vehicle from the total length of the skid marks?
5. If speed was determined from skid marks and speed from some other source, were the two speeds added or combined?

Auto accidents and personal injury have become a very lucrative field for some attorneys. Unfortunately, by the time attorneys become involved, the scene has been obliterated and the vehicles have been repaired or destroyed. The only evidence that remains is the police report and/or an insurance adjuster's interview, many times barely adequate. Reconstruction of the accident then must be based on the possible erroneous interpretation of evidence by the investigating officer.

To be aware of these possible misinterpretations of facts, the attorneys must constantly seek new information and avail themselves of articles on the subject and attend timely continuing legal education seminars on this topic.

***Ned Stuart**, of Stuart Parks Forensic Consultants teaches courses on accident investigation and reconstruction. His Cataldo, Idaho telephone number is (208) 682-2831.*

SOFTWARE REVIEW: STAMPIT 2.0

List Price: $89.95 single-user version; $189.95 ten-user network version
Requires: WordPerfect 5.1 or Word For Windows
Contact: Enhancement Software
10960 Wilshire Blvd., Suite 334
Los Angeles, CA 90024
Phone: (213) 850-1362
In Brief: StampIt is an easy-to-use macro add-in product for WordPerfect that replaces the traditional rubber document stamper. The DOS version is a little quirky, but if you need to stamp documents it should meet your needs.

by **David M. Sandhaus**

StampIt is a macro add-in product for *WordPerfect 5.1* and *WordPerfect for Windows* that replaces the traditional rubber document stamper. We evaluated the *WordPerfect 5.1* version.

Using *StampIt* is easy. Pressing the Alt-S key combination in *WordPerfect* calls up a menu of macro stamps for the current document. For example, entering "25" from the macro menu selects the "Exhibit ____ " stamp.

StampIt comes with 57 pre-defined stamps, but you can custom order stamps from Enhancement Software for an additional $13.95 each. I found a number of the stamps useful for a law practice including: Client Copy, Draft, File copy, Initial Box w/arrow, Privileged Document, and Review & Initial.

Stamps can be placed anywhere on a document with user-defined page orientation; e.g., diagonal at 30 percent, diagonal at 45 percent, vertical, inverted, etc. In addition, stamps can be boldfaced, shaded, or regular type. The default appearance of most stamps is the "watermark" style.

In the DOS version, shading or bolding a stamp requires that the user enter a "/B" or "/S" command following a numbered macro selection. Scaling, positioning and rotating is similarly done from different *StampIt* macro menu commands.

The *Windows* version of *StampIt* (that we did not evaluate) seems a lot slicker in this regard because you do not need to memorize cryptic "/" commands or wade through multiple menu levels to rotate or position a stamp. In the *Windows* version of *StampIt*, all commands are available through easily accessible push buttons.

There are a couple of annoying, but not fatal, quirks to *StampIt*.

First, the *StampIt* menu replaces the regular Shift-[F7] print menu on WordPerfect but without all the regular printing options.

So you first must go to the *WordPerfect* Shift-[F7] command to set certain print options before applying a stamp. Moreover, once you select your stamp, you must print it. You can't select a stamp and then print it later using the Shift-[F7] command.

Second, the stamps are active only during the current editing session. As a result, the next time you open that same document, the stamp won't be present. However, in one situation, using the "Exhibit" stamp, I could never eliminate it from the document without converting it to a *Microsoft Word* document and then deleting it. I probably somehow imbedded the stamp permanently in a document header.

Finally, you can't edit stamps. For example, I wanted to edit the "Exhibit" stamp to add an number to it (e.g. "Exhibit #21"), but *StampIt* wouldn't let me.

Quite frankly, I'm a *Word* user and

not an expert on *WordPerfect*. My guess is that a proficient *WordPerfect* user could figure out a way to modify the stamp macros.

All in all, *StampIt* is an elegant and inexpensive solution to an ongoing need of applying different notations and stamps to legal documents. *StampIt* is easy to use (the user manual for the DOS version runs only 17 pages) and will meet your stamping needs so long as you can live with some annoying design quirks.

NEWS FROM HOME

Daniel Harris has been named a principal in LeSourd & Patten, P.S. of Seattle. His practice will concentrate in the fields of products liability, environmental law and commercial litigation.

Randy Geller has left the Attorney General's office, Spokane, to join Nuxoll Libey Ensley & Esser in Pullman. In May, he married **Jennifer Hubbard**, who works with the Attorney General's office at Washington State University.

Scott M. Kilpatrick of Longview has been named U.S. Bankruptcy Trustee for southwest Washington. A Longview attorney for six years, Kilpatrick is with Walstead, Mertsching, Husemoen, Donaldson & Barlow. He succeeds **James B. McCoy**, who retired in February after 44 years as a trustee.

Mike McKay, U.S. Attorney for the Western District of Washington from 1989 to 1993, has joined Lane Powell Spears Lubersky as a partner and member of the litigation department.

Rodney J. Waldbaum, with Seattle's LeSourd & Patten, has been elected president of the WSBA Tax Section. Others elected to section office are **Gary Randall**, president-elect; **George Mastrodonato**, secretary, and **Richard Algeo**, treasurer.

Lisa Brett Egan, a partner in the Portland, Port Townsend and Anchorage firm of Ericsson & Egan, has been elected president of the Northwest Aviation Insurance Association. **Philip S. Harris** has joined the firm as an associate. A 1992 graduate of Lewis & Clark Law School and the Cornell School of Hotel Administration, he provides legal services to the hospitality industry.

Shelley L. Brandt is a new associate in Connolly, Holm, Tacon & Meserve in Olympia. She practices in the areas of family and employment law, and general civil litigation.

Retired Snohomish County Superior Court Judge **Robert C. Bibb** has joined Judicial Arbitration & Mediation Services, Inc. (JAMS). Bibb was a lawyer in Seattle and Arlington from 1949 to 1974, and served on the bench from 1974 until his retirement in January.

Jerome Shulkin, senior shareholder of Shulkin, Hutton & Bucknell in Seattle, was inducted as a Fellow of the American College of Bankruptcy in May.

The Municipal League honored **Michael Vaska** for outstanding service to the community by a person under 35. Co-founder of Sound Metropolitan Area Rapid Transit, a coalition of business and civic groups formed to promote discussion of transportation programs, Vaska was honored in May.

Trish M. Brown has been certified in business bankruptcy by the American Bankruptcy Board of Certification. She's a partner in Lane Powell Spears

Lubersky in Portland, and the first woman recognized by the ABBC.

Riddell, Williams, Bullitt & Walkinshaw has elected **W. Michael Hafferty** as managing partner. Others appointed to the firm's executive committee are **Bruce T. Bjerke** and **David D. Buck**. Another member of the firm, **Daniel Nye**, has been elected to the board of the World Trade Club in Seattle.

Robert L. Capizzi, **Deborah B. Cushing** and **Stephanie G. Watson** have joined Perkins Coie's municipal finance department.

Frank Vulliet has left Stoel Rives Boley Jones & Grey to form his own firm, C.F. Vulliet & Associates, in Seattle. The new firm confines its work to commercial, casualty and property cases on trial, on appeal or in arbitration, mediation or negotiation.

Karen Perret, formerly an attorney in Paris, has become of counsel to Schwabe, Williamson, Ferguson & Burdell. She will work in the firm's international practice area.

Dean Lum, an associate with Bliss Riordan, was named Young Lawyer of the Year 1993 by the WSBA Young Lawyers Division. He sits on the YLD Board of Trustees and is a WSBA Special District Disciplinary Counsel. He is active in the Asian Bar Association, having served as president, and is the Northwest Delegate for the National Network Against Anti-Asian Violence. A native Seattleite, he presently handles insurance defense and coverage law, product liability, personal injury and property damage litigation.

EAST KING COUNTY REPORT

by MARIJEAN E. MOSCHETTO

August is the month where it seems that everyone is going out of town. This month, however, this writer will still be in town as August marks the second leg of the Suburban County Bar Association Golf Challenge issued by the East King County Bar Association to the South King County Bar Association. The Challenge is being played side-by-side at the Carnation Golf Course on August 19 with the EKCBA Golf Tournament. Not only will it be determined who wins, but challenge on another level will be decided as to whether South will match the sartorial splendor of the uniforms worn by East's team at the first leg of the challenge in July. Even if you are not playing in the challenge, there are still plenty of slots available to play the regular tournament or attend the dinner held afterwards.

The Eastside Legal Assistance Program also traditionally kicks off its annual raffle ticket sales at the tournament. The proceeds benefit ELAP's programs of providing legal clinics, workshops and direct legal assistance to needy citizens of Eastside communities. You'll recall that EKCBA shared the 1992 WSBA Pro Bono Award for ELAP's fine work. The ticket drawing will be held in December at EKCBA's Holiday Party.

Mark your calendars in September for resumption of the monthly EKCBA luncheons the third Thursday of September

at the Bellevue Inn. The focus of September's meeting will be "Lawyer Satisfaction." October celebrates the 30th anniversary of the East King County Bar Association. November's topic is yet to be announced, and December has the Holiday Party held at the Hyatt in Bellevue featuring the Eastside Barristers Blues Band. For details on these events, call the EKCBA office at (206) 635-3097.

KITSAP COUNTY REPORT

by **KATHLEEN M.S. WRIGHT**

Moving Around. **Ann Cook** joins the firm of J. Michael Koch & Associates after departing as a partner of Tracy, McDaniels, Buccholz & (now sans) Cook. Being an associate in Kitsap County is likewise risky business. **Jeanette Dalton** takes leave of the Poulsbo firm of Roof Tolman & Kirk for a different existence in Bellevue. Off to become a college professor is **Karrin Peterson**, formerly of Sexton, Bartholomew & Johnsen. "Downsizing" hits even us country folk, as **Laurie Jones** and **Kelley Rinehart** discovered themselves reorganized out of a job at Sanchez, Paulson, Mitchell & Laurie. Both have landed on their feet and are pursuing solo careers.

Local Boy Makes Good. Secretary of State **Ralph Munro** was the recipient of the annual Liberty Bell award for Law Day. The SOS lives on Bainbridge Island.

Yellow Pages Blues. The annual round of sales representatives calls is mercifully over, at least until next month. Here in Kitsap County, we are blessed by three (3) "officially sanctioned" books and who knows how many "independent" books—four at my last count. There are a couple of troubling concepts here. The first is: Why can't there be just one book for our county? It is not that large, and it is fairly geographically compact—except for the Republic of Bainbridge Island. But no, due to the infinite wisdom of the antitrust foes and the Ma Bell breakup, a whole section of the north county is served by a company from Hood River, OR. Not even in our own state! This requires advertising in at least three separate books and more, if you believe the pitch from the independents that the Jumbohuge Yellow Pages is the most widely used based on 1998 projections. Second, who are these people from Tukwila, Redmond, the Big City, Tacoma, Kingston (sorry, that *is* in Kitsap)? Don't they have enough business in King, Pierce, Snohomish, etc. counties without bothering us yokels? They list local offices and telephone numbers, but *no one has ever seen them.* I say, if they want to advertise here, they should be compelled to eat at J.A. Michaels once a month with the rest of us and be prohibited from using red, eagles and gavels in their ads.

PIERCE COUNTY REPORT

by **GEORGE S. KELLEY**

Consider the case of a lawyer who thought that a small story in the local paper about one of his cases might re-

sult in some free advertising. In this case the small story produced some entirely unexpected results.

It seems that some elderly clients of **Frank Ladenburg** came to his office complaining that they had found a hypodermic needle in a can of diet soda. (Notice we are practicing responsible journalism by not mentioning the brand name in order to lessen the impact of publicity on the soft-drink company.) Frank felt that a call to the media might warn area consumers about similar objects in their soft-drink cans. It never occurred to him that there might be some free publicity in making the public-service announcement. To Frank's surprise, he was quoted in the newspapers, and several television stations did interviews with Frank's clients using the Troup, Christnacht, Ladenburg & McKasy office sign as a backdrop.

As might be expected, the story was picked up by the wire services and television networks. Copycat reports flooded in from all parts of the country; federal indictments were filed on the false ones; the Dow Jones average fell, and visits from **Geraldo** and **Oprah** were threatened. Negotiations for movie rights are pending, and **Danny DeVito** is said to be interested in playing Frank.

Fortunately, neither of Frank's clients appeared to be suffering from any observable injury. In time, they are sure to receive just compensation as a result of their lawyer's efforts. On the issue of free advertising, it may be that, like the proverbial lunch, there is no such thing.

In swearing-in ceremonies 51 lawyers were admitted to the bar. Some can remember when there were not 51 lawyers in the county. One admittee was David **Small**, son of **Hollis Small**. He will join his father at Small, Snell, Logue and Weiss.

Gregory Logue, formerly of Small, Snell, Logue and Weiss, has moved his office to Old Town.

Also sworn in were **Dorlene Merrill Crawford** and her husband, **Edward T. Crawford**. Wife-husband lawyer teams are common these days, but no one remembers spouses having been sworn in at the same time. Their office is located on Dock Street.

Elaine Houghton has been appointed to the court of appeals to take Judge **John Petrich's** seat. Among other things, Elaine was a county bar association trustee. Since judges are not allowed to hang around with lawyers, **Tony Froehling** has been appointed to take her place.

KING COUNTY BAR ASSOCIATION

The King County Bar Association's new officers and trustees took office July 1. **Mary Alice Theiler** was elected president; **Mary H. Wechsler** is first vice president. **J. Richard Manning** is second vice president, and **Daniel S. Gottlieb** is treasurer. **Frederick Noland, Jr.** is secretary.

Trustees from the Central District are **Thomas Kelly, Jr.** and **Palmer Robinson**. South King County's trustee is **Zanetta Fontes**. East King County's newest trustee is **Ronald Dickinson**.

WASHINGTON STATE LAWYERS' CAMPAIGN FOR HUNGER RELIEF

by **RANDI RYAN**

Lawyers support summer sack lunches for kids:

Again this summer, children and teens in low-income areas of Seattle and King county are receiving free sack lunches at over 140 summer youth program sites.

And, again, the Washington State Lawyers' Campaign for Hunger Relief is providing strong support for the program which could serve as many as 12,000 sack lunches daily. Summer sack lunch program sites are located in neighborhoods where over 50 percent of the residents are low-income.

For some children, the nutritionally balanced meal is all they will get for that day.

In addition to the children served by the program, ten to 20 low-income teens are employed in the Roosevelt High School kitchen, where the lunches are assembled for delivery by refrigerated truck to meal sites.

Last year, the program served an average of 6,700 lunches and 2,300 breakfasts daily. With 17,000 children eligible for free and reduced-price meals during the school year in Seattle alone, participation this year could double.

The Lawyers' Campaign has enabled the city's Division of Family and Youth Services to increase its outreach efforts for the 1992 and 1993 seasons. In its initial effort last year, the Campaign helped expand the number of kids reached by over 1,500. This year, to reach the number of hungry kids we know are out there, we need the lawyers' assistance more than ever.

You can help ensure that as many children and teens as possible are protected from malnutrition during the months when school lunch programs are closed down. Of your contribution, 100 percent goes directly to the program.

The Lawyers' Campaign supports five hunger-fighting ventures. With your help, the Summer Sack Lunch program can reach thousands more children.

(Please address your contribution to the Lawyers' Campaign for Hunger Relief, 1111 Third Avenue, Suite 1010, Seattle, WA 98101-3210.

Celebrating: Seattle's Oseran, Hahn, Van Valin & Watts, P.S. 10-year honoree legal assistants standing, l-r: ***Alyce Kane, Marilyn Huentleman, Eona Schulz*** *and* ***Winifred Epstein****; seated: 11-year honoree bookkeeper* ***Lucinda Pieczatkowski****. The fete included a dinner given in their honor and the presentation of gold award bracelets. The firm prides itself in the longevity of tenure for not only its attorneys but its staff as well.*

WASHINGTON ASSOCIATION OF LEGAL SECRETARIES

Arline Joyce, PLS, of the Skagit County Legal Secretaries Association, was elected president of the state association for 1993-94 during its 29th annual meeting in Fife.

Other officers include: **Jan McDonough**, PLS (Thurston County), president-elect; **Bonnie Gerber** (Tacoma-Pierce County) first vice presi-

Two Special Offers From The Employee-Owners of Avis Exclusively For Members Of Washington State Bar Association

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dent; **Roxanne Forrest** (East King County), second vice president; **Julie Moore** (Chelan-Douglas County), corporate secretary; **Eleanor Johnson**, PLS (Inland Empire) treasurer; and **Sally Favors**, PLS (Tacoma-Pierce County), national director.

Kathy Koches, Certified PLS of the Fort Vancouver Legal Secretaries Association, received the Washington Association of Legal Secretaries' Legal Support Professional of the Year Award at the annual meeting.

WASHINGTON STATE TRIAL LAWYERS ASSOCIATION REPORT

by **LETHA J. OWENS**
and **LORI D. HANSEN**

With the conclusion of the 1993 Annual Convention in Coeur d'Alene, Idaho, the torch of WSTLA leadership passes from **Halleck H. Hodgins** to **Judy Proller**, 1993 WSTLA president. Proller, who practices in Bellingham with Aaby, Putnam, Albo & Causey, will lead an impressive Board of Governors which will include both newly elected and continuing members. Proller shares these thoughts on her goals for the coming year: "Having served on the WSTLA Board of Governors for seven years, I have developed a sense of personal priorities. I look forward to working with outstanding trial lawyers throughout the state to give shape to those priorities. They include providing opportunities to members to ascend to leadership positions, encouraging diversity and promoting collegiality and professionalism." Good luck to Judy and the rest of the 1993 Board of Governors

The 1993 Board includes: **Nicolas Corning**, president-elect; **Ed Dawson** vice-president East; **Mark Barber**, vice president West; **Laura Jaeger,** vice president CLE; **Dick Kilpatrick**, 2nd vice president CLE; **Andrea Darvas**, vice president development; **Steve Fury**, 2nd vice president development; **Janet Rice**, vice president finance; **Richard McDermott, Jr.**, vice president judicial relations; **Lori Haskell**, 2nd vice president judicial relations; **James Sellers**, vice president legislative, **Bill Hochberg**, 2nd vice president legislative; **Rodney Ray**, vice president membership; **Don Means**, 2nd vice president membership; **Wayne Lieb**, vice president public affairs; **Patricia Wilner**, 2nd vice president public affairs; **Robert Dawson**, vice president publications; **Ronald Ward**, secretary/treasurer; **Maria Diamond**, editor-in-chief; **Kevin Sullivan, Jeffrey Donchez**, 1st Cong. District; **Sanford Kinzer, Douglas Shepherd**, 2nd Cong. District; **Paul Henderson, Donald Jacobs** , 3rd Cong. District; **William Flynn, Jr.**, **Rod Nelson**, 4th Cong. District; **Robert Dunn, Daniel Hess**, 5th Cong. District; **Cheryl Robbins Berg, Frank Ladenburg, Jr.**, 6th Cong. District; **Steve Krafchick**, **Andrew Benjamin**, 7th Cong. District; **Steve Toole**, **William Bailey**, 8th Cong. District; **Rod**

Stephans, **David Heller**, 9th Cong. District; **George Thornton**, **Timothy Anderson**, At-Large; **Richard Eyman**, **James Rogers**, **Leonard Schroeter**, ATLA Board; **Ted Willhite**, **Bob DiJulio,** ATLA State Delegate.

If you have any items you wish to appear in this column, or have any comments, please contact **Letha J. Owens** at (206) 542-3138 or **Lori D. Hansen** at (206) 637-3067.

WASHINGTON WOMEN LAWYERS

The Washington Women Lawyers Annual Dinner has been scheduled for Friday, October 8, 1993 at the Washington Athletic Club, 1325 Sixth Avenue, Seattle. The keynote speaker will be Dr. Lillian Glass. Glass has done extensive research in the area of communication between the genders and is author of a recently published book, *He Says, She Says: Closing the Communications Gap Between the Sexes.*

In addition to the keynote address, the meeting will feature the presentation of honors to the WWL Board Member of the Year, Chapter Members of the Year, and the President's Award.

IN MEMORIAM

Robert L. Bell

Robert L. Bell, 71, died May 3, 1993 in Spokane. A Spokane native, Bell attended Whitworth College and graduated from Gonzaga University School of Law in 1952. Bell served in the U.S. Navy during World War II.

Bell practiced briefly with Max Etter, then joined Frederickson, Maxey & Bell, where he practiced for two decades. He retired in 1980 and moved to Port Ludlow. He returned to Spokane in 1992. He was a member of the National Association of Trial Lawyers and the National Association for Court Administration, as well as a variety of civic organizations. Survivors include his wife; three children and four stepchildren; five grandchildren and nine step-grandchildren.

Frederick W. Post

Frederick W. Post, 82, died April 26, 1993. He was an Ohio native who graduated from the College of Wooster. He attended the University of Virginia School of Law before graduating from the University of Washington School of Law in 1938.

During World War II, Post served as a lieutenant commander in the Navy. He practiced law in the Seattle area for more than 40 years. Among his more notable cases was a suit in which he represented 18 Indian tribes in claims against the U.S. Government for tribal lands and treaty law. Outside work, he was noted as an athlete, musician—he played flute in the Cornish orchestra—and an amateur scientist and engineer, who built an electric car and panned for gold. Survivors include his wife, two children and one grandchild.

NOTICES

WSBA Annual Business Meeting: 2-4 p.m. Friday September 10, Seattle Sheraton Hotel.
Awards luncheon: 12 noon-2 p.m.

Professional: WSBA members only. $40/inch. Billed at publication.
Classified: Members—$25 for 25 words, each add'l 25¢. Nonmembers—$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.

PROFESSIONAL

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Mary Anne Vance announces her availability for association and referral of probate cases, both contested and noncontested.

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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
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CHMELIK & JOHNSON, P.S.

The law firm of MURA & CHMELIK, P.S.
is pleased to announce that:

Steve Mura has been elected to the Whatcom County Superior Court.

William H. Johnson, formerly of Adelstein, Sharpe & Serka, has joined the firm as a principal. Mr. Johnson has a Masters of Law in taxation. Mr. Johnson's practice will continue to focus on business representation, estate and tax planning.

The firm has changed its name to CHMELIK & JOHNSON, P.S. and will continue to emphasize practice in municipal law, business law, litigation, environmental law, probate and estate planning.

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ERICSSON & EGAN
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LISA BRETT EGAN has been elected President of the Northwest Aviation Insurance Association. Ms. Egan holds a Bachelor of Professional Aeronautics degree from Embry-Riddle Aeronautical University and a Juris Doctor from the Northwestern School of Law at Lewis & Clark College. She is a certified commercial pilot and aircraft mechanic with ratings as a helicopter, multi-engine and instrument pilot.

PHILIP S. HARRIS has joined the firm as an Associate. Mr. Harris is a 1984 graduate of Cornell University School of Hotel Administration and a 1992 cum laude graduate of the Northwestern School of Law at Lewis & Clark College. His general business practice provides legal services to the hospitality industry.

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former superior court judge,
former court of appeals judge pro tempore,
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Outstanding view offices for lease—from 1,350 square feet up to 4,572 square feet in the 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.

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Attention attorneys and personnel 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.

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Attorney with extensive aviation experience seeks contract or part-time position with aviation law firm. Attorney's aviation experience includes: USAF and 121 carrier experience (727 second officer, instructor and check airman; Airbus 320 pilot and instructor; and DC9 first officer). MPA/JD, member WSBA, two years' estate planning experience. Please contact Bruce W. Graham at (206) 637-3075.

Attorney with corporate law, litigation and legislative drafting experience seeks associate position. Bar member WA (November '92) and NY (June '93); J.D. ('92) and Canadian law degree ('90). Motivated, aggressive, creative; excellent writing skills. Please call or write Ken H. Finkelstein, 845 Burdett Avenue, #403, Victoria, British Columbia, V8W 1B3. Confidentially at (604) 356-9415 or at home (604) 385-7657.

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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.

Spokane law firm seeking highly motivated associate with a minimum of two years' experience for addition to small commercial/litigation-oriented firm. Excellent academic credentials required. Salary DOE. Responses held in strictest confidence. Reply to Box 394, WSBA.

Small-office practitioner to represent out-of-state finance company with domestication of judgments and execution of debtors' assets. Reply to Managing Partner, Box 2524, Bala Cynwyd, PA 19004.

ERISA attorney. We are seeking an experienced employee benefits attorney. Must have experience in tax-qualified retirement plans, executive compensation and employee welfare benefit plans. Minimum three years' experience. Excellent writing skills required. Compensation commensurate with experience. Equal Opportunity Employer. Send resumé, transcript and writing sample, in confidence, to Ms. Lee Dayfield, Stoel Rives Boley Jones & Grey, 900 SW 5th Avenue, Suite 2300, Portland, OR 97204.

Walker & Dowell, a three-lawyer law firm in Longview, Washington, seeks an experienced, well-rounded attorney as an associate to engage in the general practice of law. The opportunities for significant advancement and ultimate ownership are virtually certain. Beginning salary is commensurate with experience and potential. Send inquiry to the firm, P.O. Box 867 Longview, WA 98632.

The Municipal Court of Seattle is seeking applicants for one full-time magistrate. The position will be appointed by the judges, primarily to conduct mitigation and contested infraction hearings and sit as judge pro tem on criminal cases.

Requirements: Admitted to practice five years and member in good standing, WSBA. Ability to work rapidly and accurately to analyze the law, apply facts

and come to a conclusion, and enter information into the computer. Working knowledge of court rules needed.

Selection process: Resumés should include criminal-law experience, computer experience and addresses and telephone numbers of references.

Compensation: $4,616/month base. Women/minorities encouraged to apply.

Resumé with references and cover letter by August 30, 1993 to: 11th Floor Judicial Chambers, Public Safety Building, Seattle WA 98104. Attention: Caulette Holman. (206) 684-8709.

Excellent opportunity for commercial attorney with at least five years' experience to join growing seven-attorney, Wenatchee-based law firm with diverse corporate law and commercial litigation practice. Strong credentials and experience required. Send resumé to Robert G. Dodge, Foreman & Arch, P.S., 701 N. Chelan Street, Wenatchee, WA 98807-3125.

Tax lawyer: Quality east King County firm has opening for business/tax attorney, preferably with advanced degree in taxation, excellent academic qualifications and drafting skills. We are looking for a self-motivated person who would like the opportunity to take on immediate responsibility for tax and business matters for firm and your own clients. Excellent benefits and opportunity. Apply to Box 397, WSBA, in strict confidence.

Unique opportunity for small-town practice and association with quality seven-lawyer firm. Two years' experience required. Practice areas: real estate, family law, small business and personal injury. Send resumé to PO Box 817, Kirkland, WA 98083-0817.

WILL SEARCH

Clayton Michel: Date of death: May 19, 1993. If you have any information regarding the will of Clayton Michel, long-time Adams County resident, please contact Steven H. Sackmann, 455 E. Hemlock, PO Box 409, Othello, WA 99344. (509) 488-5636.

Loyal Fengler: O'Shea, Barnard, Martin & Hendrickson, 10900 N.E. 4th Street, Suite 1500, Bellevue, WA 98004, (206) 454-4800, is trying to locate the last will and testament of Loyal Fengler, who passed away on January 24, 1993. Please contact Sandy Bitterman at the address or telephone number listed above.

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.

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

Legal Billing Services. Joan K. Rumrill. Professional, accurate, efficient and low-cost billing service for law firms. Call today for a free consultation. (206) 780-9727.

Build your body. Build your brain. All work and no play is harmful to your health, but how do you fit work and exercise into your busy schedule? Now you can solve the problem with a membership in the Eastside Law & Tax Library and the Seattle Club Bellevue Place at a saving of 50%. Join both now; pay only one initiation fee. Convenient locations on adjoining floors cut out travel time. Get your work done efficiently in a full-service library with the support of qualified library staff. Then an elevator ride takes you to your workout, exercise class or swim. Try it for one week free. Call now for more information. Offer ends August 31. Ask for Margie Hawley at (206) 646-3464.

Occupational-health scientist and licensed attorney will help you with every aspect of your toxic tort, WISHA or other health-related case. Excellent credentials in both disciplines and reasonable rates. Steven S. Paskal, CIH, JD. (206) 943-5007 (Olympia).

Urology Forensic Consultant: experienced, boards, professor, M.D., J.D., plaintiff or defense. (314) 361-7780.

MISCELLANEOUS

Italy—18th Century Tuscan farmhouse: 30 miles southwest of Florence on pastoral, wine- and olive-producing estate at end of private road; unobstructed views of several nearby hill towns, fully furnished, modern kitchen, bath; sleeps six; available year-round: $400-$600/ week, depending on season. Law Office of Ken Lawson, (206) 783-1203, fax (206) 784-4577.

Italy—19th Century Tuscan/ Umbrian farmhouse—ten miles from Orvieto (medieval hilltown, cathedrals and wine!) on tranquil farm (fresh fruit, eggs and cheese); fully furnished; completely updated; one hour from Rome/ Florence/Siena/Assisi/Perugia; sleeps six; from $600/week. Law Office of Ken Lawson, (206) 783-1203, fax (206) 784-4577.

"World's Famous Romantic Lanikai Beach," Kailua, Oahu, Hawaii. Guests don't want to leave this sought-after location and comfortable fully furnished home. Call owner, (808) 262-9119.

Three-bedrooms, two and one-half bathrooms, den, large community area with a deck, fireplace, facing Whistler Mountain (beautiful view), basement; ski in and ski out to lifts. Box # 544, Whistler, B.C. V0N1B0; (604) 926-5477.

Large home within one-quarter mile of Sun Valley Lodge on Saddle Road; four bedrooms; three baths; recreation, dining and living rooms and covered two-car garage. If interested please contact Box 391, Mount Vernon, WA; available December 27-January 3.

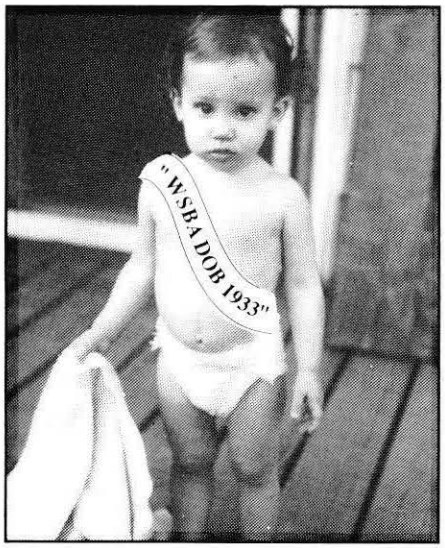
WSBA Annual Business Meeting
Friday September 10, 2-4 p.m.
Awards luncheon 12 noon-2 p.m.

The Last Word:

COME!

FOR GAWDS SAKES PAY ATTENTION

No one will change me
unless you do.



AND HERE'S HOW!

RESOLUTION TO LIMIT USE OF MANDATORY FEES

Be it resolved:

Effective October 1, 1994, the Washington State Bar Association shall not use the revenue it derives from mandatory dues assessments except to administer and carry out functions necessary to regulate the practice of law in Washington State, to-wit, admissions (including the bar examination), licensing, discipline, monitoring compliance with continuing legal education and trust account regulations, and administering the lawyers' assistance program.

Statement in Support of Resolution

The Washington State Bar Association represents a number of conflicting interests, none of which is being served well. The state bar has assumed the responsibilities of a regulatory agency, a trade union, a professional society, and a defender of the judicial system as if there were no significant differences among these various legitimate interests, and as if it need not answer for its performance in any one respect because its general intentions are good.

The resolution would limit the use of mandatory fees to regulatory purposes. I follows the example of the District of Columbia Bar, whose membership restricted the use and amount of mandatory dues during the early 1980's. See, 431 A.2d 521 (D.C. App. 1981). The resolution's objective is to meet the bar's public responsibilities from its mandatory fees, while encouraging the development of a voluntary bar, supported by voluntary dues, fees, and contributions, which would be responsible to and representative of the state's lawyers.

WE CAN PASS THIS AT OUR SEPTEMBER BUSINESS MEETING - FIRST WE MUST SHOW UP!

SHOW UP & VOTE!!

We can do what will otherwise never be done.

Please mail this ad to an Out of County Lawyer who might support us. Let our people know.

"Sponsored by Alva Long individually, not paid for or endorsed by SKCBA or WSBA obviously."

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