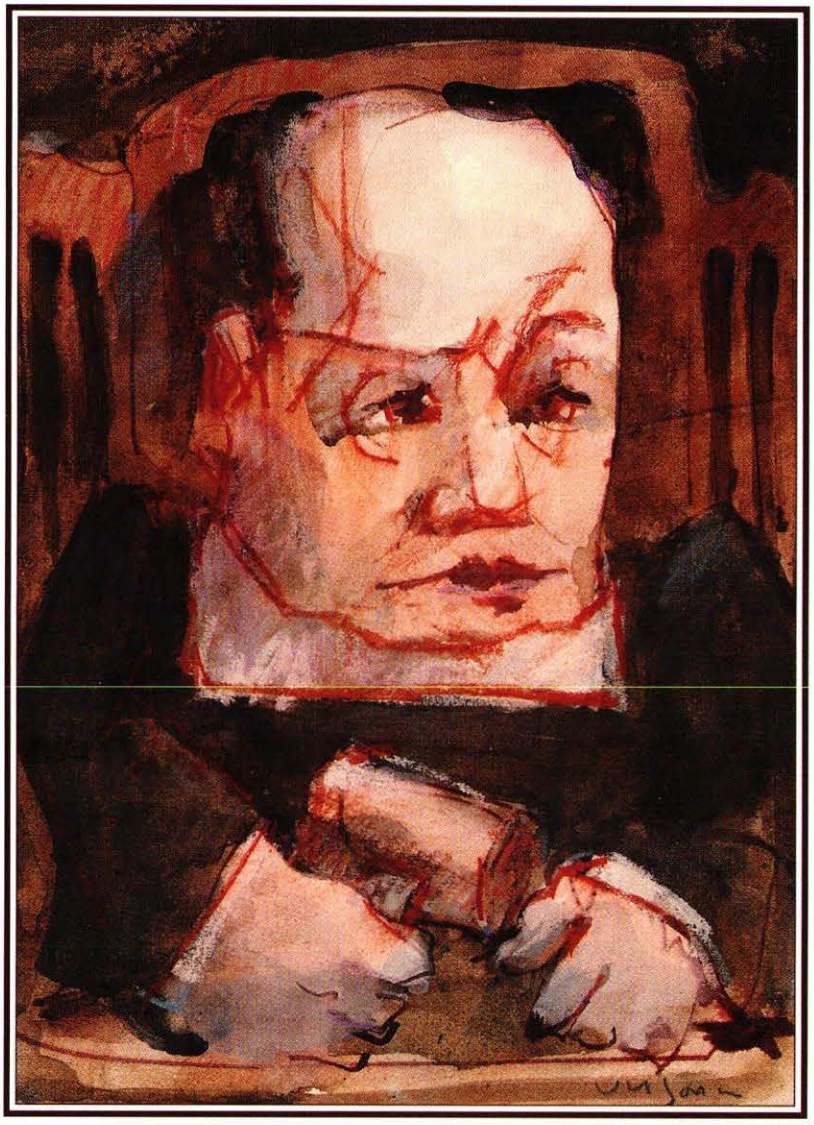
Washington State Bar News
Vol. 49 No. 11, November 1995
The official publication of the Washington State Bar

Judicial Campaign Speech



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Washington State Bar News

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You Mean He Was *Serious*?

Editor:

Re: John Tomasin's Letter to the Editor, September 1995.

It is sad to see the same tired logic to challenge one's loyalty to the United States Constitution being used again. If Mr. Tomasin was to set his "way-back machine" for the late '50s/early '60s, he would hear his argument against the propriety of Justices Scalia, Kennedy and Thomas sitting on "major abortion" cases being used to challenge John F. Kennedy's qualifications and loyalty to be President of the United States.

What Mr. Tomasin spewed out from behind his arrogant defense of abortion is the same justification the KKK uses to hate Roman Catholics. The Pope, as spiritual leader of the Catholic Church, is not in the United States, but rather sits in the Vatican which lies in a "foreign country." The Pope, and the whole Church, demand that strict adherence to their dictates ensures one's salvation and entrance into heaven. Catholic's loyalty to the United States and to the Constitution becomes questionable when there is a conflict between Federal policy and the Vatican's policy. Obviously, how can you trust anyone with such a divided loyalty? Not all spiritual people are brainwashed individuals incapable of independent thought.

I'm sure that if Mr. Tomasin took the time, he would find many examples of Americans who exhibited their patriotism, love of community, and loyalty to the United States Constitution despite the fact they worship in a faith that does not originate from Merry Old England. Instead of bashing Justices Scalia, Kennedy and Thomas on grounds of their alleged religious convictions, Mr. Tomasin should have attempted to challenge them on some intellectual basis. Hate based solely on one's religion or religious beliefs is no different than hate based solely on one's race, gender or orientation.

STEPHEN G. JOHNSON
Tacoma

Editor:

The letter by John Tomasin, published in the September 1995 *Bar News*, urging disqualification of Justices Scalia, Kennedy and Thomas in abortion cases repeats the old canard advanced by the Know-Nothings in the mid-19th century and the Ku Klux Klan in the early part of this century that Catholics cannot carry out their constitutional duties of office because of their faith. The letter was bigoted, and did not deserve to be published in your magazine. You owe your readers an apology.

JOHN J. WHITE JR.
Kirkland

Editor:

John Tomasin's letter in the September issue opined that Justices Scalia, Kennedy and Thomas should disqualify themselves in abortion cases because of Pope John Paul II's Magisterium condemning laws permitting abortion. Mr. Tomasin's proposal rang a distant bell.

A long time ago, when I was in my preteens, the argument was seriously and widely put forth that no Catholic should be elected President, lest the Executive Branch take its orders from the Vatican.

That was during the 1960 presidential campaign; the candidate was John Kennedy. One would have thought that the aftermath of that election put such bigoted nonsense to rest once and for all. Ironically, 35 years later, it is alive and well in Mr. Tomasin's Liberalism.

ROBERT C. CUMBOW
Bellevue

In Defense of Clerking

Editor:

We have just read the September issue of the *Bar News* and had some comments to make concerning a particular section of The Board's Work. Our attention was drawn to the report to the Board by Frank Slak, chair of the Committee of Bar Examiners, about the law clerk program. Having finished our participation in the program at the end of last year (and with the clerk having successfully passed the February bar exam) we didn't want to let this opportunity pass to comment upon this seemingly beleaguered program.

The law clerk program may be described by some as an "anachronism" but it is a worthwhile program that fills a gap left by the present system of legal education in the State of Washington.

Not all law students are fresh from undergraduate school. Some who desire to become attorneys are older and have worked in the legal profession in other capacities. These potential lawyers are more seasoned and more likely to be sure that being a practicing attorney is what they want. Although we know of no statistics, it would be interesting to compare the percentage of law clerks who are still

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actively practicing law after ten years and the percentage of law school graduates who are in a similar position.

Also, the law schools in this state are not well situated geographically for all residents. Cheryl Duffy, who clerked from this office, resides in Mount Vernon. The closest law school is the University of Washington. It is not always possible to uproot and move in order to attend law school, just as it's not always possible to leave an established career (and established salary) to return to student life.

The law clerk program was the ideal solution for us, just as it is for many other people. However, it is not the option for everyone. Law clerks must be self motivated and must deal with a sense of isolation. It is likely that the law clerk will not be a member of a study group or have other clerks in the area with whom to share experiences. But a law clerk has hundreds of hours of practical experience in a law office, along with countless hours of studying and tutoring.

It was disturbing to read the rather negative comments that were made concerning what we consider to be a fine program. And we are unclear as to how this program will have "a significant staff impact at the bar office, as well as a fiscal impact" if it does expand to the size that has been projected. As stated, each clerk pays $500 per year for "administrative expenses." There is no mention of what the clerk receives for that fee from the bar association or just what type of administration is involved. There is a separate fee to apply for the program, which we paid. Under the rules tutors are not allowed to charge for their services and receive no funds from the bar association. The clerk has the responsibility of paying for all books and other resource materials for lessons. It is assumed that the members of the oversight committee do not receive payment for the time they spend working on the law clerk program.

Monthly, graded tests were submitted to the bar association, but no feedback was ever received from anyone at the bar office about the tests. The clerk received a pamphlet outlining the rules of the program, a copy of the reading list that was required, a copy of the monthly report form (copied at our office) to be submitted each month, and periodic lists of the other participants in the program. Katie Corrigan (who was a wonderful liaison) sent us periodic correspondence to schedule the annual meetings with the committee and other correspondence as necessary but that was the extent of the involvement of the bar office, to our knowledge. Five hundred dollars seems to be a more than fair payment for this level of administration.

During our four years in the program, there was one meeting held at the bar office of all the clerks and tutors, ostensibly to give one and all a chance to share experiences. It was a bit rough, as first meetings usually are, but it had a potential to be helpful to the participants in the program. Unfortunately the experience was never repeated and the clerks and tutors were left to make their own way once again.

Our participation in the program was picked up by the media, with featured stories in *The Seattle Times* and in *The New York Times*. This prompted dozens of calls to our office from people who were curious about the program. It was disturbing to hear some of them say that they had contacted the bar office regarding the program and were actively discouraged from participating in the program by employees of the bar office. From the minutes as outlined in Mr. Thompson's report of the July meeting, it appears that this sentiment is shared by members of the Board of Governors as well, which is unfortunate.

As for Mr. Slak's concern that "it looks bad for the examiners to be preparing some law students for the exam the examiners write, run and grade," we can only speak from our personal experience with the committee. At no time did the clerk receive any sort of "inside information" or even a clue as to what was to be covered on any of the bar examinations that were administered during our time in the program. This concern is not well founded. The law clerks have an excellent pass rate for the bar exam, but perhaps this arises from the type of training received?

The law clerk program is not for everyone. But it does have a place, even in this high tech world of ours. We've discussed the program with hundreds of people over the years and the general public seems quite impressed that lawyers can still be trained in this fashion. Many people have mentioned that they would feel very comfortable with a brand new lawyer who had not only studied the law and passed the bar exam but who also had years of practical experience in a law office.

If the bar association can't handle the program past a certain size, then it would make sense to limit the number of people who can participate in the program. Perhaps the *Bar News*, as an educational tool, could do an article on the law clerk program for the benefit of the general membership. To have this program described

by the governors as "a discount-price law school using volunteer lawyers as faculty" is demeaning to those who have successfully completed it. Many fine attorneys have trained in this manner. This is a unique program and should not be disposed of without a great deal of thought and consideration. Sometimes the old ways have value.

CHERYL L. DUFFY
DOMINIC L. BACETICH
Everett

More on Gun Rights

Editor:

John S. Mueller's letter about "A Right to Keep and Bear Arms?" illustrates the weakness of the theory that the Second Amendment does not protect an individual right so well that a review of his comments is appropriate.

His first point is that those who do see an individual right lean heavily on the published works of scholars. He would prefer to dismiss their work as mere "opinion" even though courts regularly cite such sources themselves. More importantly gun prohibitionists cite them, whenever and to whatever extent they can. So it is not at all clear why we should not do so also. I suspect that gun prohibitionist advance this argument because the scholars who have no ideological commitment support our side of the question almost unanimously.

Mr. Mueller would prefer to emphasize court decisions. But the only thing that we know unequivocally from the high court is that we don't have a right to weapons that do not have a potential militia use (See U.S. v. Miller 1939). Since that decision the high court has twice stated that the Second Amendment provides an individual right but without elaborating on the subject.

Professor Van Alstyne ably summed up how little is to be learned from high court decisions. He compared guidance about the Second Amendment to that which was available about the First Amendment at the turn of the century. Someone depending only on court rulings at that time would have concluded that freedom of speech was not very important or to be construed broadly. It was only after the scholars had developed their arguments for a broad construction that the courts began to agree.

Mr. Mueller also "took grave issue" with the statement that "most of the available statistics do not demonstrate that local gun control laws reduce crime." He went on to a discussion of how the Brady Bill, which of course is not a local law at all, has interfered with handgun sales. This is not crime reduction as it was defined when its proponents were selling the Brady Bill.

More important, I wrote in the July issue that that statement was a quote from an article that is relied on by HCI and was included in the bibliography that organization sent me. While I suspect that its author is correct, I made it clear that I included the quote to advance the proposition that HCI has grave difficulty in finding work by independent scholars that supports their positions.

It was asserted that I had dismissed the writings of HCI's paid staff without establishing a proper foundation for doing

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so. Actually I rejected them, which they deserved, after I analyzed Mr. Henigan's comment that "The Second Amendment poses no threat to laws effecting the private possession of firearms, (and this) may well be the most settled proposition in constitutional law," (*Legal Times* 5/22/91).

In the five years before his comment there were at least ten bar review articles published that disagreed with him. In addition the high court stated a year earlier that it found the same sort of individual right in the Second Amendment as it did in the First Amendment (*see* Virdugo-Urquidez 1990). Mr. Henigan's comment is startlingly at variance with the available evidence.

Actually what appears to be without foundation is the statement by Mr. Mueller that the NRA opposes all gun control measures. When I read that I picked up the NRA publication that happened to be lying nearest me and found this description of the NRA's efforts to unite "victims, criminologists and police to close the loopholes in America's catch and release criminal justice system" through "tough mandatory sentences for armed and violent crime." Almost any issue of the *American Rifleman* contains material on the NRA's gun control proposals and the efforts that organization is making to see them implemented.

More important, the lack of sure and certain punishment for criminals has become such a problem that in recent years as many as one-third of the murders in this country were committed by people who are out on bail (U.S. Attorney General William Barr.)

The material quoted above from the August 1995 *American Rifleman* documents that it is inaccurate to say that the NRA opposes all gun control. It is also clear that controlling armed crime by controlling armed criminals is an approach that has considerable merit.

I suspect that what is causing the NRA to be subjected to such unwarranted attacks by gun prohibitionists is that the prohibitionists arguments rarely survive close scrutiny.

Take the cherished myth that the main reason that we have a high homicide rate is because we have an armed populace. This was spelled out in unusual detail in *Scientific American* (11/91) in an article which was subtitled "More guns means more deaths from crime and accidents." It was filled with graphics that showed our homicide rate advancing in lock step with the number of guns in the hands of our citizens.

The problem is that during the last three years there has been a tremendous reduction in our homicide rate at a time that Americans have been adding briskly to their personal arsenals. Florida's astounding 29 percent decrease in its homicide rate is no longer entirely unusual but almost any gun store operator will tell you that sales remain vigorous indeed.

There were allegations that the author of the article cooked the books to support his argument and the last three years data adds to this suspicion.

The weakness of the theory that the availability of guns is a root cause of our crime problem is also shown by the Canadian experience. In the period when our rate had been declining, that country, which has extremely tight gun laws, has had serious growth in its homicide problem (*The Oregonian*, August 27, 1995.)

The argument that we would be better off if we disarmed potential crime victims doesn't have any more credibility than the argument that the best way to protect the Bosnian Muslims from their Serbian neighbors is to embargo their arms supplies. We all know how well that has worked out.

I suspect that most arguments for gun control measures that have a blanket effect instead of targeting likely firearms abusers are similarly vulnerable to scrutiny and this is why there is so much rancor from some of their proponents.

WILLIAM G. DENNIS
Kelso

Thanks to All

Editor:

At a time when lawyers are viewed as selfish and materialistic, I want to thank the members of the Bar who supported my ride in the 1995 Courage Classic. The Classic is a three-day, 172-mile bike ride over Snoqualmie, Blewett and Stevens passes. The ride serves as a fund raising vehicle for the Sexual Abuse Clinic at Mary Bridge Children's Hospital. I received many kind messages of support from members of the Bar and no less than 52 pledges from attorneys in Washington and Oregon. On my behalf and on behalf of the kids who benefit from the services offered by the clinic, thank you again.

STEVEN F. FITZER
Tacoma

Jury Nullification is Hell

Editor:

I have seen some letters recently about something called "jury nullification." William Tecumseh Sherman, not a lawyer, but an extremely common-sense and experienced man, was in the middle of

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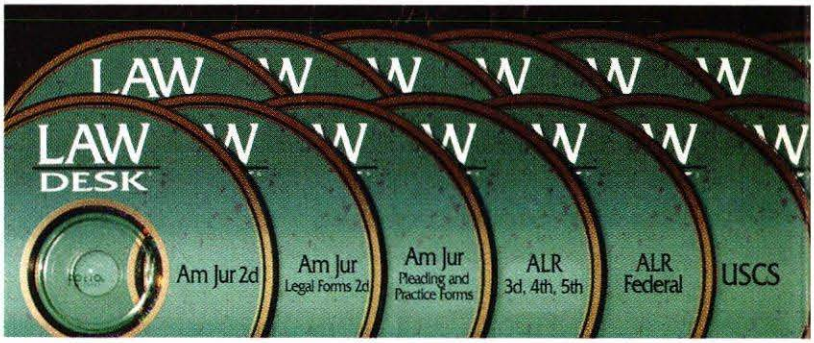

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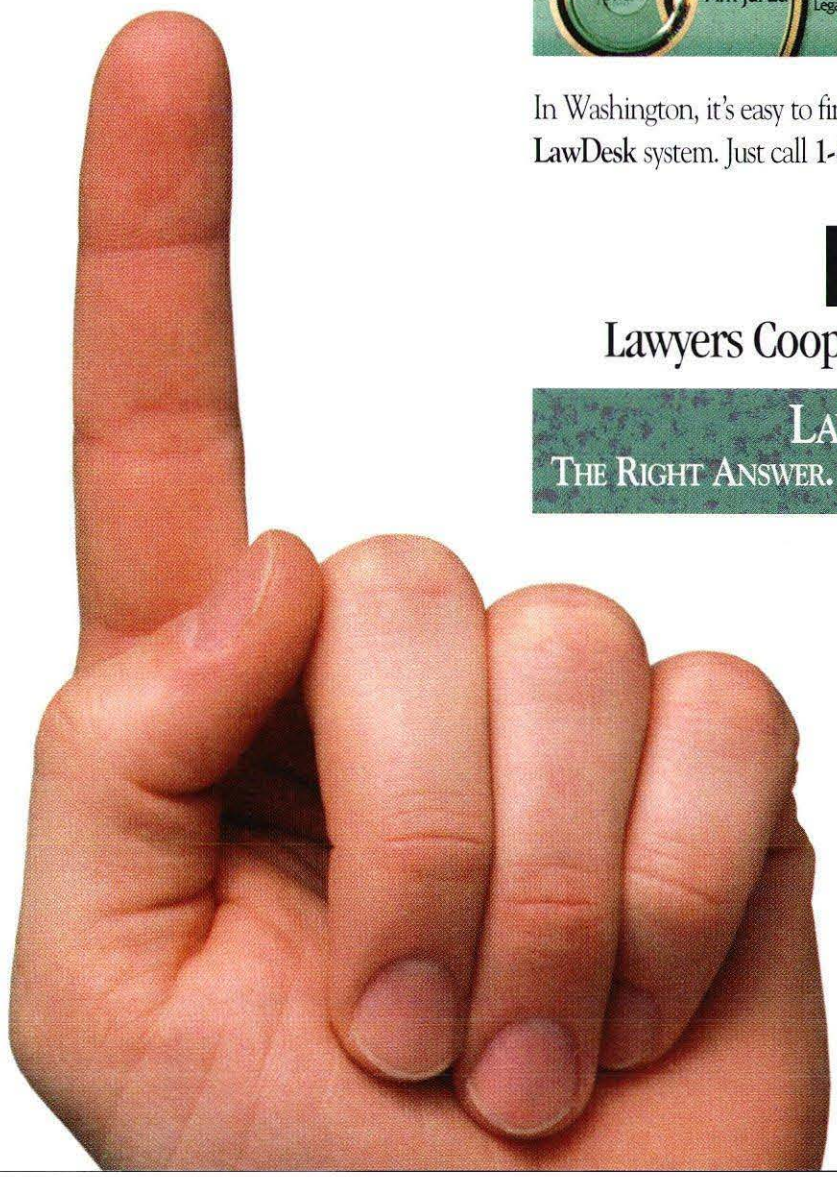


the turmoil leading up to the civil war and had the following to say about the practical consequences of this sort of thing:

> The law is or should be our king; we should obey it, not because it meets our approval but because it is the law and because obedience in some shape is necessary to every system of civilized government. For years this tendency to anarchy had gone on till now every state and county and town through the instrumentalities of juries, either regular or lynch, makes and enforces the local prejudices as the law of the land. This is the real trouble, . . . it is the democratic spirit which substitutes mere opinions for law.

ROBERT CASTRODALE
Spokane

Editor:

I was truly shocked to see Patricia Michl's letter in the *Bar News* supporting jury nullification. One of the primary deficiencies of the jury system is the uneven nature of the justice it hands out. As any prosecutor who has done a few trials can tell you, it is not unusual to see juries acquit defendants despite overwhelming evidence and then convict on a very close case. This is true for a variety of reasons; some panels base their decision strictly on the evidence and some base it on their "gut reaction" to the defendant. I have even seen jurors sleep through most or all of the trial.

Instead of trying to redress these problems, Ms. Michl's solution is to inject yet more capriciousness into an already chaotic situation. She makes the bold assumption that the different jury panels will agree on which laws are bad and which ones good. Nothing could be further from the truth. Laws governing drug use, for example, are frequently the subject of disagreement. Jury A may acquit codefendant A in a marijuana growing operation because it disapproves of the law, but codefendant B will be convicted for the exact same conduct because jury B feels marijuana is dangerous.

It should also be pointed out that the innocent would suffer under a nullification system as well. After all, the jurors would be free to disregard the reasonable doubt standard and vote guilty as long as they felt in their heart of hearts the defendant was guilty, regardless of whether the state proved its case.

What we should be doing is making efforts to limit juror caprice not enhance and sanction it. Jury nullification is a horrible idea and one we should all oppose.

TOBIN DARROW
Everett

A Damning Response

Editor:

Retired *Bar News* editor Lindsay T. Thompson's recent editorial comment in the September issue regarding the WSBA Court Rules Committee ["They Just Can't Leave the Damned Things Alone," page 29] complains that "the rules are becoming a political football for interest groups among lawyers." One may infer from Mr. Thompson's argument that lawyers stack the committee to support rules changes that benefit those lawyers' practices. Having served as a member of the committee for the past two years, and having served on two court rules task forces appointed by the Supreme Court, I concur with his point; since any lawyer can be a member of the Court Rules Committee simply by requesting appointment to the Board of Governors, a partisan approach can, and does, occur.

However, Mr. Thompson must take some responsibility for the process which he asserts is "deeply flawed." In his article in the same issue ["Hello, I must be going," page 12], Mr. Thompson vaunts,

> I've been pleased, too, that the *Bar News* could occasionally weigh in usefully on public issues. We long urged the Board of Governors to scrap their unworkable appointment system and open up WSBA committees. Nothing has brought more talent to the work of the bar and more understanding to members of how their association works.

An appointment system, fairly applied, will result in balance. An open system, as currently exists, results in partisan advocacy that sometimes lacks the spirit of compromise which was present in appointed task forces of the past.

RONALD KESSLER
Hoquiam

No Pride in the Law

Editor:

Thirty years ago, when I became a legal secretary, I was excited to be in my profession and the field of law in general. When asked what I did, I responded with a great deal of pride. As the years, have passed, however, I am distressed to see what is happening around me.

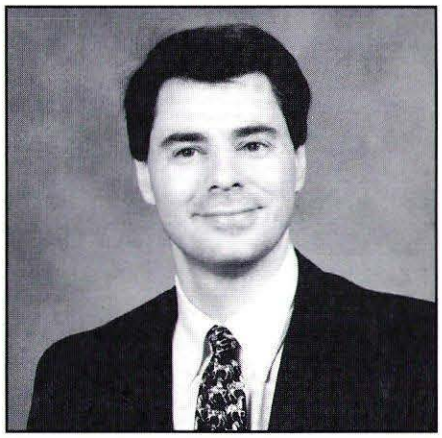
There was a time when attorneys respected each other, and when they walked out of the courtroom at the end of a hearing or trial, what had occurred therein was behind them, and they not only continued to respect each other but often went out for coffee or a drink together, brothers and sisters in the same profession. Now I see attorneys being vindictive and, at times, almost unethical.

I have seen attorneys recommending that a client report an attorney, to whom they owe money, to the bar "to cool their heels for awhile." I have seen attorneys refuse to grant an extension of time to a fellow attorney who has been ill. I have overheard attorneys "bad-mouthing" other attorneys in public places. The list of injustices I have seen attorneys do to each other goes on and on.

Now when I am asked what I do, I am hesitant to tell the truth. How can attorneys hope for respect from the general public if they don't even have respect for themselves?

JUDY L. DAVIS
Bellingham

An Open Letter to the Walsh Commission



Hal White

by **Hal White**, Bar News *Editor*

A few months ago, our Supreme Court "liberalized" Washington's judicial campaign speech restrictions. The *Bar News* features an article on this change on page 19. This revision has been heralded as finally providing the electorate with usable information in judicial campaigns.

In the *Seattle Post-Intelligencer*, for example, Chief Justice Barbara Durham proclaimed the new rules "a sea change" for judicial candidates.

Cathy Allen, an advisor to judicial candidates, was quoted in the same article as saying: "This is a breath of fresh air in the very stuffy market for judicial candidates."

Mary Wechsler, president of the King County Bar Association, was quoted in a different article as saying, "This is a good thing for the voters of our state."

And, throwing all caution to the wind, one article gushed, "Candidates can now expect to be asked for their views on abortion, capital punishment, education, gay rights, gun control and land use."

But surely a more apt quote would have been, "The more things change, the more they stay the same"? Consider the change.

The prior canon, in pertinent part, did not allow candidates to "announce their views on disputed legal or political issues." The revised canon repeals that clause, but replaces it with language which prohibits candidates from making "statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court. "

I am hard-pressed to think of a "disputed legal or political issue" which *wouldn't* be "likely to come before" a court.[1]

Justice Durham suggests that perhaps candidates for lower courts could offer their opinions on capital punishment — although candidates for the Supreme Court could not.

The distinction is elusive. Lower courts are faced with this issue. Surely it isn't simply because the Supreme Court has the final say in the matter. In that scenario, candidates for our highest court couldn't say *anything*.

Nevertheless, I infer from other comments attributed to the Chief Justice that opinions regarding these and other situations will "come out in the wash," and that these changes will result in a true liberalization of judicial campaign speech. I sincerely hope so.

However, I fear that this revision may be a case of "too little, too late."

> ***". . . [T]here isn't anything wrong with our current method of judicial selection that a* true *liberalization of judicial campaign speech wouldn't rectify."***

A 24-person commission, named after its chairman, ex-KOMO news anchor Ruth Walsh, has now been selected to review Washington State's method of selecting judges. Currently we have an elected judiciary, although judges are temporarily appointed in the event of the death, retirement, or resignation of a sitting judge.

In an article by Ms. Walsh, she states that, "In a recent survey, two of three voters complained that they do not have sufficient information to make intelligent choices about judicial candidates. For this and related reasons, Governor Mike Lowry and Justice Durham created the 'Walsh Commission' . . . to recommend change." She then lists four subcommittees of the commission, which are researching everything from taking away the public's right to vote on candidates; to imposing additional requirements on who can enter judicial races; to giving the veneer of democracy to the appointment of judges, by allowing the public to vote on them in "retention" elections.

Surprisingly, however, there is no overt mention of any research into allowing candidates to speak freely to the voters. I fear the commission believes that the incremental change made in Canon 7 precludes them from suggesting further openness to the electorate.

I therefore watched the Sept. 18 televised forum conducted by Ruth Walsh on this issue with interest. I came away with two impressions. One, that several members of her commission are predisposed towards taking the selection of judges out of the hands of the public, and placing it in the hands of a select group. And two, that there isn't anything wrong with our current method of judicial selection that a *true* liberalization of judicial campaign speech wouldn't rectify.

Many look with horror at this unabashedly democratic alternative. They have two objections. One, that judicial candidates will seize this opportunity and say something like, "I'll hang anyone in my court who's even *accused* of jaywalking!" There are two obvious responses to this unlikely possibility: One, who would actually vote for such a buffoon? And two, surely it would be profitable to know this information beforehand about a judi-

cial candidate, as opposed to listening to him or her parrot, "I will faithfully perform the duties of my office"?

The second objection, even if our candidates conducted themselves with sufficient decorum, is that the image of the judiciary would be tarnished in the eyes of the public if we allowed them to say such outré things as, "Yes, I'm against the death penalty."

I've got news for adherents to this fallacy: Gagging the public's judicial candidates has **already** accomplished this. Moreover, why *shouldn't* the public know this information about a Supreme Court candidate? The fact that we won't allow a judge to reveal his or her prejudices doesn't mean the prejudices don't exist; it merely means that, for purposes of etiquette, we have covered up the public's opportunity to discover them. It's time we ended this silly pseudo-ethical charade about "preserving the image of the judiciary in the eyes of the public," when the public realizes that the only charade is our attempt to make them choose a judicial candidate in a vacuum.

Moreover, surely this is better than where I fear the commission is going: a committee-based patronage system. And I use the word "patronage" advisedly. Anyone who thinks that committee members won't come into a selection process with preconceptions regarding how they want a judge to rule in a given political situation is naive; most members will seek to select only those candidates who have demonstrated an adherence to that individual's personal preferences; if that isn't patronage, what is? And how, exactly, is this superior to the democratic process?

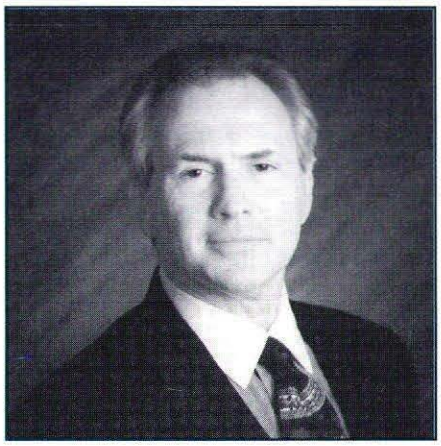
It is disheartening that some believe that the solution to voter ignorance is not to give the public *more* information, but to take the judicial selection process *away* from the public. This implies, at root, a deep contempt for the electorate. The public isn't as dumb as they think. *We're* the public. All we need — all the public needs — is sufficient information to make a knowledgeable and informed choice;[2] not an elitist group who would prefer to take that privilege out of the public's hands because they know better.

Footnotes

[1]As one federal judge stated when examining the issue of judicial free speech, "There is almost no legal or political issue that is unlikely to come before a judge of an American court." *Buckley v. Ill. Judicial Inquiry Bd.*, 997 F.2d at 229. One commentator wrote, "There is doubt as to whether the 1990 Canon has narrowed anything besides the actual words that were contained in the 1972 Canon . . . . [I]f one compares the phrase 'disputed legal or political issues' with 'issues that are likely to come before the court,' very little difference will be discovered." 2 *Widener Journal of Public Law* at 701-2.

[2]Wisconsin, for example, utilizes the following restriction in lieu of Washington's language: "A judge shall not do . . . anything which would commit the judge or appear to commit the judge in advance, with respect to any *particular* case." See "Candidates' Free Speech Rights After *Buckley*," 70 *Chicago-Kent Law Review* at 228, for an interesting analysis of this and other alternatives to the ABA Canon. For an excellent overview of this entire topic see Snyder, "The Constitutionality and Consequences of Restrictions on Campaign Speech by Candidates for Judicial Office," 35 *UCLA L. Rev.* 207 (1987). Although the author focuses on the 1972 code, his comments are applicable to current restrictions.

More Than 600 Lawyers Are Participating on WSBA Committees



Edward F. Shea

by Edward F. Shea
WSBA President

Everybody wants one! Or perhaps, after days of cross-referencing several binders and retrieving telephone and fax numbers from *Resources*, it only seems that way. That is how, in part, I spent my first few weeks as president — selecting committee chairs and *unfunded* members for appointment to WSBA committees. *Unfunded* means that no expenses of attending the committee meetings are reimbursed.

The Bar staff had provided me with a variety of binders and memoranda. Spread around my office were several binders: one contained the Committee Preference Forms filed by hundreds of our members and organized by Congressional District; a second contained the complete annual reports of each committee chair including their recommendations for a successor chair and for reappointment of some committee members as well as the attendance records of each committee member; a third contained the profile of each committee, its members, their year of appointment and their district. Already in my possession was a complete list of the funded committee appointments which are made by each member of the Board of Governors.

The committee appointment process has been somewhat frustrating to many. The governors are concerned that expectations of members can never be met when each governor has only approximately 30 appointments in any given year. These include reappointments recommended by the committee chair. As president, I am concerned that those receiving *unfunded* appointments will feel slighted or even insulted. I am also concerned that members may not realize that there is a Board policy that there are no *unfunded* appointments to the Character & Fitness, Judicial Recommendation, Lawyers Fund for Client Protection and Law Examiners committees, nor any to the Disciplinary Board or MCLE Board. Finally, our members are often frustrated by years of unsuccessfully seeking appointment. Annually, we tinker with the appointment process to make it more inclusive and effective.

The working presumption is that with good attendance a member appointed to a funded position on a committee will enjoy two additional years on that committee. The presumption of reappointment for a total of three years on a committee holds less true with *unfunded* appointments. This is because the concept of *unfunded* appointments is relatively new. Frankly, we are still tweaking it to make it more satisfactory to those appointed and to ensure that committees effectively function with the inclusion of a large number of *unfunded* appointments.

There are several areas of concern regarding the continued use of *unfunded* appointments.

Several chairs are concerned that the large number of *unfunded* appointments has compromised the ability of the committees to be productive. A second concern of some chairs of committees with large numbers of *unfunded members* is the budget impact of mailings to many who do not attend or participate.

In reviewing the attendance records of *unfunded* appointees, I noted that for the non-King County lawyers, and especially for Eastern Washington lawyers, attendance at Seattle meetings was a serious problem for many *unfunded* members. This may indicate that those living outside King County regard an *unfunded* committee appointment as a hollow honor if not an unreasonable burden.

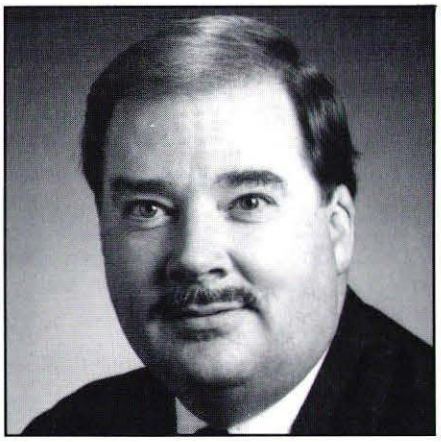
As I went through each committee appointing *unfunded* members, I balanced those concerns with the objective of creating a real opportunity for participation in committee work. In the end, more than 320 attorneys had received *unfunded* appointments to Bar committees. The Board of Governors had made more than 300 *funded* appointments to committees and Boards.

After dozens of calls and faxes, there was finally a lawyer willing to serve as chair of each committee. To those who declined, you have my respect for acknowledging that your current commitment to client and practice did not allow you to accept. To those who accepted chairs and to all appointees, you have my respect and the gratitude of your fellow lawyers for agreeing to help the Bar with the truly important work of our committees.

Your Board and I have done our best to respond to member demand for a committee appointment system that actually delivers on the promise of inclusion. We would like to increase the funding for the committees so that participation for those outside King County can be increased, but the budget does not permit that.

So, are we delivering on a promise of inclusion by using the concept of *unfunded* committee appointments, or are we simply replacing the frustration of "no appointment" with a new one? Should we provide more funding for committees? Tell us what you think and send us your best ideas for improving the system.

Humor at the Bar Association



Dennis P. Harwick

Believe it or not, there is humor to bar administration—and I have been chided occasionally for not using more of it in my column (as I was known to do back when I directed the Idaho State Bar). The advantage then was that I had two ready-made columns a year known as "Bar Exam Gems"—actual excerpts from bar exams (anonymous, of course!). I haven't had bar exam gems to publish here because of the different way the Washington bar exam is graded and because some people thought publication was demeaning to the examinees.

I am, after taking a deep breath, going to share with you some of the best from the Idaho bar exam to give you some idea of what I'm talking about. These are actual snippets of bar exam answers. Part of the fun was assigning them to categories, to-wit:

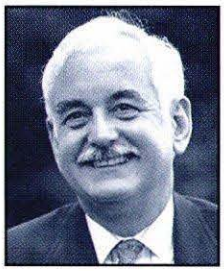
Category	***Bar Exam Gem***
"I Never Will Marry"	"Though Wanda and Henry lived together for six years, there is no evidence that they intended to be married, especially since they later married." "This was a monogamous marriage because they slept in separate bedrooms." "A marriage is not finalized until divorce." "Pain and suffering are not considered the fruits and labor of the marriage."
"It may seem obvious, but . . ."	"False statements are statements that simply are not true." "Nine years is longer than five years." "We will have to accept at face value the opening statement of facts."
"Delicate Criminal Procedure Issues"	"Once the defendant is arrested, he can be searched and all contraband retained and used." "Here the needs of society for effective law enforcement venture beyond common limits of decency without regard for the defendant's interest in the sanctity of the one thing he should never be required to expose: his internal regions."
"So much for what they teach you in law school"	"I'm fighting the inclination to give him some rat poison or a slingshot and a bag of cement and telling him to leave well enough alone." "Federal court is a good option because even though state law will apply, the bathrooms are usually nicer in Federal court buildings." "I think it is improper to use blackmail in the course of one's professional practice." "Remedies run in packs."
"Thanks, I didn't know that"	"The Average Cow Test: The 13,000 gallons is for 1,000 head of cattle as the average cow drinks 13 gallons of water a day." "A pat-down search of a suspected criminal is allowed. But a search of the inside of that person's clothing, as here, is only allowed if a bulge is felt which might be a weapon." "Public policy should bar any gifts to poodles, but it doesn't." "Bigamy is a strict liability offense."
"Executive Director's Award"	"A jury must determine which side has met its burden of proof either by preponderance of the evidence or by clear and conniving evidence." "Larry should be strung up, shot, and then disbarred."

As Dave Barry would say, "No, I'm not making these up." They just fell in my lap.

When the editor first suggested this piece, he was warned that this departure from Bar News *tradition - i.e., informing our readership of a specific judicial race - would precipitate everything from an avalanche of campaign pieces disguised as "Letters to the Editor," to accusations that the Bar News had become a "politicized" magazine. The editor respectfully disagrees. A contested Supreme Court race is too important to ignore. Washington's official legal publication should not make its readership look elsewhere to learn about such a contest. Having said that, the* Bar News *will zealously guard its impartiality in such matters. Therefore, to avoid even the appearance of favoritism, the candidates were asked to write their own statement.*

The Supreme Court Candidates Speak Out

Roselle Pekelis



Richard B. Sanders

[The following was written by a volunteer for the Pekelis campaign; - Ed.]

Justice Rosselle Pekelis brings a wealth of judicial experience to the Washington State Supreme Court. She was Chief Judge of Division I of the Court of Appeals with a nine-year tenure when she was appointed to the high court in April of 1995. From 1981 until 1986 she sat on the King County Superior Court where she served on the Executive Committee, the Complex Litigation Calendar and as Chief Criminal Judge. Best described as a "moderate" in terms of her judicial philosophy, Pekelis has presided over hundreds of trials and has authored over 600 opinions.

Roselle Pekelis consistently ranked at the top of King County Bar polls while in superior court and was named "Judge of the Year" by the Washington State Trial Lawyers Association in 1987. As an appellate judge she is known for scholarly but concise written opinions, and for actively engaging attorneys during oral argument with penetrating questions. Her concern for the quality of bench and bar led her to found the William O. Douglas Inn of Court and serve as its president from 1989-1992.

She has a particular love of constitutional law, based in no small part on personal experience. Born in Florence, Italy, in 1938, Pekelis's early childhood was marred by the anti-Semitic hysteria of World War II. The family fled from Italy to France and then finally to United States via Portugal. Her father had to begin his career again, entering law school at Columbia University in 1942. As political refugees, the Pekelis family developed a patriotism and an appreciation for personal freedoms that remain with Justice Pekelis today. Her commitment to our Constitution and the provision of equal treatment under the law is reflected in her work as a board member of the Sentencing Guideline Commission, the Legal Foundation of Washington, the Minority & Justice Commission, and Chair of the Indigent Defense Task Force. She currently serves on the Public Service Advisory Board at the University of Washington Law School.

Pekelis is also profoundly interested in legal issues involving children and the family. She is currently one of Washington's three commissioners to the National Conference on Uniform State Laws. As such she served as a member of the drafting committee for the Uniform Adoption Act.

Married to immigration lawyer Frank Retman, Pekelis has four children, two stepchildren and six grandchildren. A community volunteer in her Mount Baker neighborhood of Seattle, Pekelis has been PTA president at Hawthorne Elementary and is currently a board member on the Rainier District Little League.

I am a candidate for the Washington State Supreme Court. No politician has ever appointed me to the bench. Instead, I have spent the last 26 years in the trenches defending the rights of the people.

If elected to the Court, I would be one of the most qualified justices on the Court because of my extensive trial and appellate experience. More than 60 published opinions on a wide variety of topics bear my name as the principal attorney.

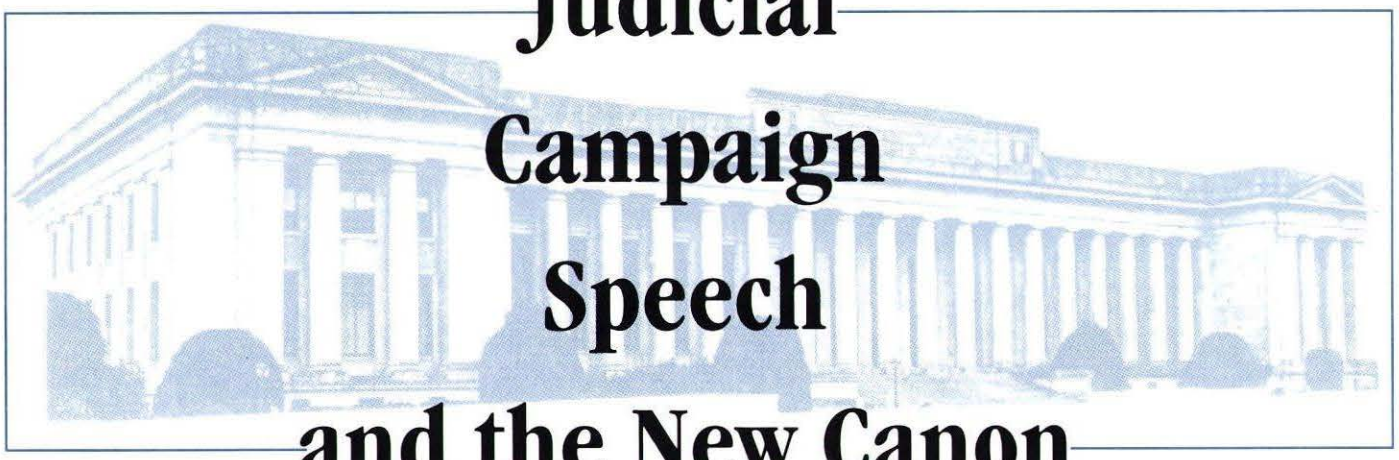
I have spent my legal career arguing that the rights of ordinary people should be protected, whether or not they are politically correct or politically popular—and whether or not they toe the line for the bureaucracy.

In this race, there is a clear and distinct choice between candidates. I am a highly qualified citizen attorney who believes in liberty and believes that all of the people's constitutional rights must be protected all of the time. My opponent is a career jurist and defender of the bureaucracy who has been appointed by politicians to courts three times without ever having to face the voters in a contested race.

I represent what I hope is the future. Already, voters are taking an increasing interest in electing judges for their qualifications, not their political correctness or political affiliations. Twenty-six years defending liberty is what makes me qualified to come before the voters in a contested race and ask for their support to be a judge.

Insider politics have unfortunately become the norm for our courts. Politicians appoint their friends to the bench. Special interest groups then publish "ratings" saying the political appointees are qualified. Appointed justices boast of their "experience." It's a round-robin of political correctness.

But the creation of a judicial bureaucracy shielded from the voters will not protect your rights. In fact, it may mean the opposite. I fear a judiciary that lacks independence from the government. By contrast, I will be a judge who has a track record representing the people—and that is fundamentally what the agenda of a judge ought to be. That is my agenda and I will be proud to carry it out as a judge on the Washington Supreme Court.



Judicial Campaign Speech and the New Canon

by **Thomas More Kellenberg**

I. Introduction

On June 8, 1995, in time for this year's judicial elections, the Washington Supreme Court substantially revised the restrictions on judicial campaign speech in Canon 7 of the Code of Judicial Conduct.

The Canon, which previously prohibited a judicial candidate from commenting on matters other than his or her "judicial qualifications," had been criticized for unduly restricting the candidate's First Amendment rights of free speech. (*See Judicial Campaign Speech in Washington, 48 Washington State Bar News 20 (July 1994)*). Two federal cases decided by the United States Courts of Appeal for the Third and Seventh Circuits also put into question the constitutional viability of Washington Supreme Court decisions interpreting the rule.

Although the new formulation of Canon 7 has similarly been criticized by some commentators as unconstitutionally restrictive, the new provision permits judicial candidates to comment on any matter, except if their statements would "commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court."

II. History of the Canon

Restrictions were first imposed on the speech of judicial candidates by Canon 28 of the Canons of Judicial Ethics, promulgated by the American Bar Association (ABA) in 1924. The Canon, which stated that a judicial candidate "should avoid making political speeches," prohibited judges from making partisan speeches to advance the cause of a particular political party.

In 1972, the ABA adopted the Code of Judicial Conduct which substantially narrowed the free speech rights of judicial candidates. Under the 1972 Code, judicial candidates were prohibited not only from making partisan political speeches, but also from "announc[ing] their views on disputed legal or political issues." Initially, 47 states adopted the 1972 Code and all but 11 adopted Canon 7(B)(1)(c) which regulates the campaign speech of judges and lawyers seeking judicial office. Washington adopted the Code of Judicial Conduct in 1974.

Subsequently, in 1990, the ABA replaced the 1972 Code of Judicial Conduct with the Model Code of Judicial Conduct. Because the 1972 restrictions on judicial campaign speech were believed to be overly broad, a new Canon was drafted limiting the prohibition to statements which "commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court." Although many states, including Washington, elected to retain the restrictions found in the ABA's 1972 Code, seven states adopted the new, less restrictive, prohibitions found in the 1990 Model Code.

III. Washington's Old Canon

As originally adopted in the State of Washington, Canon 7(B)(1)(c) provided that candidates, including an incumbent judge for judicial office, should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce their views on disputed legal or political issues; or misrepresent their identity, qualifications, present position or other fact.

Beginning in 1978, the Washington Supreme Court decided several cases in which it attempted to interpret the extent of the rule's prohibitions. The court first addressed Canon 7's restrictions on free speech in *In re Donohoe*, 90 Wn.2d 173 (1978). Attempting to balance the competing principles of freedom of speech and impartial justice, the court held:

> A candidate for judicial office has a right to challenge an incumbent judge's ability, decisions and judicial conduct, but it must be done fairly, accurately and upon facts, not false representations. The voters are entitled to a fair statement and evaluation of the qualifications of the candidates.

Ten years later, in *In re Kaiser*, 111 Wn.2d 275 (1988), the Washington Supreme Court reaffirmed the principles set forth in *Donohoe*. While recogniz-

ing that judicial candidates possess certain free speech rights under the First Amendment, the court reiterated that a candidate's qualifications — namely "the health, work habits, experience and ability of the candidate" — and only those qualifications, were open to discussion in judicial campaigns. Because the rule "permit[s] a broad range of fair comment on judicial qualifications," the court held that the Canons relating to judicial campaign speech "can and do meet constitutional requirements."

The court most recently addressed the constitutionality of Canon 7's free speech restrictions in *In re Stoker*, 118 Wn.2d 782 (1992). There, the court reiterated, once again, that the Canon's restrictions on free speech were valid because they "serve[d] a compelling state interest" and were "drawn and applied in a narrowly tailored fashion."

IV. *Stretton* and *Buckley*

Six months before the Washington Supreme Court issued its opinion in *Stoker*, the United States Court of Appeals for the Third Circuit held in *Stretton v. Disciplinary Bd.*, 944 F.2d 137 (3rd Cir. 1991), that Canon 7(B)(1)(c) of Pennsylvania's Code of Judicial Conduct met First Amendment standards only if its speech prohibitions were limited to "issues that are likely to come before the court." Rejecting implicitly the argument that judicial candidates could be limited to discussing their credentials, the court held that restrictions on judicial campaign speech could be upheld only if given a "narrow construction." Because "prejudging an issue is the evil that the Canon is designed to avoid," its reach must be limited to situations in which the candidate's speech pertains "to matters that may come before the court for resolution."

The court then listed a number of issues which judicial candidates could discuss, other than their qualifications, including "criminal sentencing and the rights of victims of crime"; "judicial administration including the jury selection process"; and "the importance of the right to privacy as a basic constitutional right." Canon 7 could withstand First Amendment scrutiny, the court concluded, only if a judicial candidate were allowed to discuss the enumerated issues.

Two years later, in *Buckley v. Illinois Judicial Inquiry Bd.*, 997 F.2d 224 (7th Cir. 1993), the United States Court of Appeals for the Seventh Circuit struck down completely an Illinois statute, substantially similar to Washington and Pennsylvania's, regulating the speech of candidates for Illinois judicial office. The court held that because the rule "reaches far beyond speech that could reasonably be interpreted as committing the candidate in a way that would compromise his impartiality," it unduly infringed the free speech of judicial candidates. The court concluded,

[T]he fact that some of the statements forbidden by the rule, notably promises to rule in particular ways in particular cases or types of case, are within the state's regulatory power cannot save the rule.

V. Washington's New Canon

Apparently recognizing the unconstitutionality of the Washington rule — and the weakness of its interpretation in *Donohoe*, *Kaiser* and *Stoker* — the Washington Supreme Court joined, on June 8, 1995, those other states which have adopted the less restrictive prohibitions on judicial campaign speech found in the 1990 Model Code.

Canon 7(B)(1)(c) of the Washington Code of Judicial Conduct now provides that candidates for judicial office should not:

> (i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of office;
>
> (ii) make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or
>
> (iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

The new Canon, although tabula rasa in Washington, will clearly overrule Washington Supreme Court decisions interpreting the earlier Canon. Moreover, there is no reason to believe that the issues enumerated in *Stretton* would be prohibited from discussion under Washington's new Canon, unless the candidate's statements would, in a particular context, "commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court."

However, because the current version of the Canon has yet to be challenged in court, there is no case law which definitively delineates the parameters of permissible speech under the new Canon. And until a court has an opportunity to define those parameters, substantial differences of opinion will exist, even among judicial candidates, as to what may be discussed in judicial campaigns.

Indeed, several commentators, and the *Buckley* court, appear to believe that even the present formulation of the rule may unconstitutionally restrict free speech. As a legal matter, the outer limits of permissible judicial campaign speech will not be established until the United States Supreme Court takes up the matter and rules definitively on the First Amendment questions raised by the Canon. Even then, the Washington Supreme Court could interpret the Washington Constitution's free speech protections more broadly.

As a practical matter, however, and regardless of any future constitutional challenge, the new rule does permit significant and valuable additional discourse in judicial campaigns. Perhaps most important, judicial candidates can now speak in public about their judicial philosophy, and their vision for the future of our judicial system. They can also address important issues regarding court administration and reform, previously foreclosed by the rule's earlier interpretation. Indeed, the new rule permits judicial candidates to comment on *any* matter, except if their statements would commit or appear to commit them "with respect to cases, controversies or issues that are likely to come before the court."

The National Conference of State Trial Judges has recognized that there are some qualities that are absolutely indispensable for judges, including moral courage, fairness, dignity, and integrity. The new Canon 7, although arguably imperfect, should assist the electorate of Washington in finding those same qualities in the individuals we elect as state judges.

Thomas More Kellenberg *is an attorney with the Seattle office of Perkins Coie. He is the chair of the WSBA Court Congestion and Improvement Committee, and an adjunct professor at the University of Washington School of Law.*

Examining the Work of State Courts, 1993: A National Perspective from the Court Statistics Project

National Center for State Courts, 1995, 80 pp., paperback, free publication.

1994 Caseloads of the Courts of Washington

State of Washington, Office of the Administrator of the Courts, 1995, 246 pp., paperback, free publication, also available on Internet and disk.

reviewed by **Joan E. Sullivan**

Every day, Washington State courtrooms are packed with lawyers, all waiting for their five-minute opportunity to argue a case before a judge. *Pro se* litigants wander the courthouse, each one hopeful that the judge will spout off a lottery ticket answer to a lifetime of problems. Judges try to squeeze one more case into a never-ending sea of calendars. Trials can last weeks, and appeals can last years. In some law firms and courtrooms, workaholism has become an ideal, as lawyers and judges try to bridge the abyss between outdated budgets and the tidal wave of litigation.

Washington courts are not alone. This scenario is being played out across the nation. This book is a compilation of national data and statistics which provide compelling evidence that all state courts in the nation are facing a similar caseload explosion and courtroom crisis.

Examining the Work of State Courts, 1993 was a joint project of the National Center for State Courts and the Conference of State Administrators. For nine years, from 1984 through 1993, state court administrators and appellate court clerks worked cooperatively with authors Brian Ostrom and Neal Kauder to gather accurate and comprehensive data on state caseload filings. The authors have organized and analyzed the data so that "states can consider their performance, identify emerging trends, and measure the impact of legislation."

The 80-page report is divided into eight major categories. The authors provide graphs, tables and statistics as they discuss federal and state court caseloads, civil and criminal cases, domestic relations, felonies, appellate caseloads, and tort and contract cases.

In this latter category, for example, we learn that the two most common torts disposed of in state courts are auto accidents (60%) and premises liability cases (17%). Of the automobile torts that are tried before a jury, plaintiffs win approximately 60% of the time, and the average award is under $30,000. We also learn that 97% of all tort cases are resolved through settlement.

Although the individual statistics are interesting, the overall news is grim. There has been a decade of rapid increases in case filings, while resources for handling this long-term growth has not kept pace. For example, in 1993 over 90 million new cases were filed in the nation's state courts. This total includes nearly 20 million civil and domestic cases, 13 million criminal cases, and close to 2 million juvenile cases. The remaining caseload consists of approximately 55 million traffic and ordinance violations. State courts of general jurisdiction handle 85 times as many criminal and 27 times as many civil cases as the U.S. District Courts, with only 14 times as many judges.

> ***"Pro se litigants wander the courthouse, each one hopeful that the judge will spout off a lottery ticket answer to a lifetime of problems."***

According to the nine-year study, state courts adjudicate 98% of the nation's total volume of cases. Not surprisingly, over 90% of state cases are disposed by nontrial means, such as guilty pleas, dismissals, and settlements. Despite the nontrial settlements, most courts cannot keep up with the flow of new case filings, resulting in an increase in pending cases and a consequent delay in case resolution.

What is the solution?

For courts and legal communities searching for fresh ideas, *Examining the Work of State Courts* has little to offer. Unfortunately, Ostrom and Kauder never reach beyond statistics to discuss possible changes or solutions to the crisis. The authors simply recommend that courts "search for more efficient ways to conduct business," until "resources expand to meet the growing need for staff, services, and facilities."

The authors wrote this report in nontechnical language so that it could be shared with legislative and executive-branch policy makers. Court administrators and judges will also find the statistics helpful in persuading the public and politicians that more resources are necessary to run the courtroom. And yet, while bigger court budgets would be a relief, more money is not the entire answer.

The increase in caseload volume represents not only an increase in population, but also an increase in the severity of community problems. Each case filed in the court is a summary of lives in crisis, as allegations of abuse, addiction, cruelty, lies and deceit are told in voices of pain. The violent, the mentally ill, the young, the injured and the angry all come to court seeking a sympathetic ear and answers to their needs.

It is not a coincidence when a young child facing robbery charges in juvenile court is also involved in a dependency case because his mother is a drug addict and his father has disappeared; nor is it a coincidence that jail populations increase at Christmas and Easter time, when a petty crime can "buy" a homeless person a warm bed, a hot meal and an opportunity to celebrate the holidays.

Lack of alternate and preventative social services has left the court system drowning in a sea of community ills. We must begin to treat the court system as part of a larger community process and insist that the public be equally aware of and responsive to intermeshed community problems. Without interdisciplinary intervention, we will continue to desperately tread water in a rising flood of cases.

"It's not a coincidence that jail populations increase at Christmas and Easter times, when a petty crime can 'buy' a homeless person a warm bed, a hot meal and an opportunity to celebrate the holidays."

Thomas Carlyle once said that "knowledge of statistics can save us from ignorance." If so, then *1994 Caseloads of the Courts of Washington* will ensure that we never suffer from ignorance again. This book is a compilation of Washington state caseload statistics based on information obtained from every district, superior, and appellate court in Washington State. Statistics were gathered from every county for a period of four years, from 1990 through 1994.

1994 Caseloads is divided into four categories: the Supreme Court, the court of appeals, the superior courts, and the courts of limited jurisdiction. Each category has a summary of statistical highlights, a section directory, statistical charts, and a specific court glossary.

In the Supreme Court category, every motion, opinion and review is counted, segregated and analyzed. In 1994 there were 1,255 new cases filed in the Washington State Supreme Court, a 6.5% increase in one year. That same year the Court disposed of 1,288 cases, mandated 145 opinions, and had 475 cases awaiting disposition at the end of the calendar year.

This detailed information is also provided for the Court of Appeals. For example, in 1994 there were 3,902 new cases filed in the Court of Appeals, a 4% increase in one year. Division I received 50% of the new cases, Division II 29%, and Division III 21%. Division II disposed of 1,208 cases, which was a 30.3% increase in one year, while Division I disposed of 1,944 cases, which was comparable to its 1993 disposition rate.

In the superior court category, there are 90 separate sections, chronicling the filing and disposition of criminal, civil, domestic and juvenile cases. The sections cover all types of cases, from adoptions and criminal law, to mental illness and sentencing. Both overall statistics and individual county breakdowns are provided. For example, in 1994 there was a total of 218,398 new case filings in superior court, an increase of 3.3% in one year. Throughout Washington, there was a 22.4% jump in homicide filings, and a 16.5% rise in robbery cases.

Some county comparisons may be interesting. In Garfield County the superior court adjudicated 81 criminal adult cases without trial, while in King County the superior court adjudicated 42,768 similar cases. Yakima County filed more than twice as many homicide cases — as well as more sex crimes, misdemeanors, and assaults — as Spokane County, although it has only one half the population. Pierce County, with only one third the population of King County, filed almost 200 more domestic-violence cases.

This detail is also reported in courts of limited jurisdiction. There are 34 sections, which provide statistics on topics such as small claims, parking violations, misdemeanors, jury trials, and appeals to the superior court. Overall statistics, as well as county and municipal information, are provided. For example, courts of limited jurisdiction received 2.27 million new filings in 1994, 39% of which were parking violations. Sadly, domestic-violence and antiharassment petitions increased 11.4% over 1993.

Each of the four categories in the *1994 Caseloads* contains a glossary of terms specific to the court. The glossaries provide a miniature review of legal definitions and court procedure which would be helpful to any attorney or judge unfamiliar with a specific court. In addition, the glossaries for the Supreme Court and Court of Appeals are particularly useful, because each contains cross-references to the Rules of Appellate Procedure.

It is mind-boggling to consider the volume and breadth of cases that each state court must handle on a daily basis. While the *1994 Caseload* is "designed mainly for general public consumption," it is a report which lawyers, judges, and court administrators will all find interesting. The Office of the Administrator of the Courts, which has compiled this massive analysis, should be commended for such a comprehensive and easy-to-read report.

(Free copies of the *1994 Caseloads of the Courts of Washington* are available through the Office of the Administrator of the Courts (OAC). If you need data diskettes, or have questions regarding online access, contact Steve Stentz of the OAC at (360) 705-5264. Copies of *Examining the Work of State Courts, 1993: A National Perspective from the Court Statistics Project*, are available through the Publication Coordinator of the National Center for State Courts at (804) 253-2000. Request Order No RA-169. There is a $3.50 postage and handling charge.)

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***Joan E. Sullivan** practices law in Snohomish County. On occasion, she also sits as a pro tem judge and commissioner.*

Washington Adopts Limited Liability Partnership (LLP) Legislation

by **William G. Pusch**

On July 1, 1995, the Washington Legislature authorized a new form of business entity known as the "limited liability partnership" (LLP). This new form of partnership addresses issues and experiences (i.e., break-ups of partnerships, which often lead to bankruptcy proceedings) which accountants, lawyers and other professionals have faced in recent years. LLPs should be of particular interest to professionals because a general partner will now be able to shield his or her personal assets from unlimited vicarious liability for certain partnership obligations without the necessity of operating as a professional limited liability company (LLC) or a professional corporation (PC), both of which are more complex than a general partnership. Use of the LLP is not limited to professionals. An LLP may be an appropriate choice for any partnership where partners want to protect themselves from the vicarious liability arising from the negligence or misconduct of their fellow partners. LLPs operate within the same rules and structures and are subject to the traditional partnership rules of the Uniform Partnership Act (UPA), except as specifically modified with respect to LLPs. Unlike a partner in a traditional general partnership, an LLP partner is protected from personal liability arising from the omissions, negligence or malpractice of other partners or employees of the partnership. LLP status does not affect the liability of a partner for his or her own misconduct or malpractice, the misconduct or malpractice of those under the partner's supervision, nor the liability of the partner for the traditional commercial obligations of the partnership. Washington now joins a number of other states which have modified their general partnership statutes to permit a general partnership, upon satisfaction of certain specified statutory requirements, to operate as an LLP. The first LLP statute was adopted in Texas in 1991. As of February 10, 1995, approximately 20 states had enacted LLP legislation and LLP legislation was pending in at least 26 other states.

The requirements to form, maintain and operate an LLP are minimal and should be easy for partnerships to comply with.

Formation

An existing or new partnership may file an application with the Secretary of State stating:

- Partnership's name
- Address of its principal office
- If the principal office is not in Washington State, the address of the registered office and name of the agent for service of process in Washington
- Number of partners
- Brief statement of the partnership's business
- Any other matters that the partnership desires to include a statement that the partnership applies for status as a limited liability partnership.

The application must be accompanied by a filing fee of $175. LLP status, and the liability protection of the partners, is not affected by errors in information in the application or a subsequent notice, or by changes occurring after a filing.

Name

The name must include the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.

Annual Report and Fee

After the LLP has been formed, an annual fee must be paid, accompanied by a notice to be provided by the Secretary of State setting forth the number of partners in the partnership and any material changes in the information previously filed.

Duration of LLP Status

Status as an LLP becomes effective immediately upon filing the application with the Secretary of State and remains in effect until (i) the LLP voluntarily withdraws by filing a withdrawal notice with the Secretary of State or (ii) 30 days after notice from the Secretary of State that the LLP has failed to pay a required annual fee. There are no provisions for reinstatement following involuntary termination by the Secretary of State.

Professional LLPs

Professional LLPs are authorized to provide professional services outside of Washington through partners who are not licensed in Washington. Those practicing in Washington must be licensed in Washington. Also, Washington LLPs may in-

clude, within the partnership, partners licensed and practicing in other states, but not Washington.

Certain domestic and foreign professional services LLPs are required to maintain, for the partnership and its members practicing in Washington, professional liability insurance or certain cash equivalents. These can be bank certificates of deposit, bank letters of credit or other evidence of financial responsibility as designated by the Insurance Commissioner. The coverage must be at least $1,000,000 or such greater amount, not to exceed $3,000,000, as the Insurance Commissioner may establish by rule. If the professional service LLP fails to maintain such coverage, then the partners are personally liable to the extent that, had such insurance or other evidence of financial responsibility been maintained, it would have covered the liability in question.

> ***"Washington now joins a number of other states which have modified their general partnership statutes to permit a general partnership, . . . to operate as an LLP."***

Operations in Other States; Internal Affairs Doctrine

A Washington LLP may conduct business in any other state of the United States or in any foreign country. The statute states that it is the intent of the Legislature that the legal existence of a Washington LLP be recognized outside the boundaries of Washington and that the laws of Washington governing the LLP, including its internal affairs and the liability of partners for partnership obligations, are to be governed by Washington law.

Conversely, the statute sets forth that it is the policy of Washington that the internal affairs of a foreign LLP, including the liability of its partners for the debts and obligations of the foreign LLP, are governed by the laws of the jurisdiction in which the LLP is organized. However, certain foreign LLPs rendering professional services are subject to the insurance requirements previously described.

The LLP Liability Provisions

The basic provision limiting an LLP partner's liability is as follows *[This will constitute a new sub-chapter to RCW 25.04; Ed.]:*

> [A] partner in a limited liability partnership is not liable directly or indirectly, including by way of indemnification, contribution, assessment, or otherwise, for debts, obligations, and liabilities of or chargeable to the partnership, whether in tort, contract or otherwise, arising from omissions, negligence, wrongful acts, misconduct, or malpractice committed in the course of the partnership business by another partner or an employee, agent, or representative of the partnership.

But the statute provides that the foregoing limitation shall not:

> affect the liability of a partner in a limited liability partnership for his or her own omissions, negligence, wrongful acts, misconduct, or malpractice or that of any person under his or her direct supervision and control.

Limitations are imposed on the partners' obligations to contribute to partnership losses, the obligation of deceased partners' estates to cover the partnership's losses, and the liabilities upon dissolution (caused by the act, death or bankruptcy of another partner). These provisions prevent the potentiality that a partner, or a deceased partner, in an LLP might be required to contribute indirectly to cover partnership losses caused by another partner's malpractice.

William G. Pusch *is a business and corporate lawyer in the Seattle office of Davis Wright Tremaine.*

Stepping Away from the Law

Recently, as I was driving home from work, I mulled over my day at the office and court. I decided that the day had been a good day because my experience had been "okay." I usually let my analysis end at this point, but for some reason I chose to examine my day a bit further. I sadly realized that I believed it had been a good thing to have mediocre experiences. I then realized that my experiences at work could be divided into two categories: okay or bad. "What the hell am I doing with my life?" I thought as I drove on.

I know I am not the only attorney who feels this way. And judging from my friendships and associations with a large number of attorneys, my guess is that there is a relatively high percentage of attorneys who, if they stopped and actually allowed themselves to think about it, would find themselves having those same feelings of dissatisfaction with their employment situations.

The problem is that most attorneys, myself included, generally do not allow themselves the opportunity to think about their chosen career. For many, that would require them to peel away the finely crafted veneer they have worked so hard to reinforce over the years; to risk exposing feelings that would conflict with the benefits they have enjoyed as a result of that veneer. Many of us have found it best to let sleeping dogs lie. The reasons tend to run the gamut, from financial bondage, to jeopardizing our self-image and self-esteem.

Many reading this know exactly what I am feeling. My job is okay; the pay is great (I could not get a comparable salary if I went elsewhere); and the benefits are superb (generous vacation, lengthy maternity/paternity benefits, job share options, etc.). Moreover, I really like my coworkers, I like the power of being an attorney and, last but not least, what else could I do for a living?

But, underneath all the justifiable reasons for staying at the job, lurk the dangerous feelings of restlessness, self-doubt and deceit. Many of us rely on denial to keep these feelings at bay; and some even strut around feeling proud of themselves for never acknowledging that these feelings exist just below the surface.

It is easy to deny these feelings, because to acknowledge them leads to one of two things: 1) I must do something about these feelings (i.e., leave the job, and possibly the career); or 2) accept these feelings, and acknowledge the fact that I am selling my soul to stay in a place that causes negativity but allows me to live materially the way I want to.

> ***"'What the hell am I doing with my life?' I thought as I drove on."***

My feelings started in law school. Almost immediately, I knew I had made the wrong career decision — my guts told me so. But I had no idea what other career to consider; the promissory notes had been signed, and I believed I would need an attorney's salary to repay them. So I sucked it up, ignored my desperation, and kept going. I graduated from law school unimpressively, but satisfactorily. But the entire time I was in school I felt I was living a lie; as if I were some foreign entity that somehow had gone unnoticed and thus was able to slip through the cracks and graduate. I never felt akin to those who actually enjoyed the law school experience. I remember feeling relieved that I had not been "caught" in my deception.

The next hurdle to overcome — in order to be what I had committed myself to be — was the Bar Exam. I remember being horrified at the prospect of investing three years and tens of thousands of dollars into a career that one test could make or break. The feelings of deception mounted. I wondered whether I would be "found out" at this checkpoint — even though I had managed to avoid being found out in law school.

For those who know what it is like to fail the Bar Exam, you may know a piece of what I felt like when I failed. Not only the shame and humiliation of failing amongst my peers, but honestly thinking I had been caught. The Bar Exam, the final hurdle to becoming an attorney, had exposed me as the impostor I knew I was. All the time and money, hopes and expectations were snuffed out by the results of one test. I recall wondering what to do: Should I try "faking it" again, to see if I got lucky and passed, or should I just accept that I had been caught trying to do something that I was not meant to do; jump from my warm cocoon of deceitful familiarity; and attempt to discover the career I was meant to pursue? I ignored my feelings and took the easy route, and sat for the exam again. And . . . you guessed it: I passed. I believed that I had somehow managed to fool the examiners

in order to do so. I was a con artist getting rewarded for one of my greatest facades. With great relief, I eagerly accepted my license to practice — a useful shovel for burying my feelings of doubt.

But the Bar Exam wasn't the final hurdle. The final hurdle has been my job and — in all truthfulness — probably my career as an attorney. I would liken my job to an addiction. I know it is not good for me, in the sense of "selling my soul," but I am hooked. I am hooked because of my obligations, expectations, and feelings that I deserve a better lifestyle because of the awful experience I endured to get here. And I know that quitting cold turkey is too painful for me to consider.

Luckily for me, I have some palatable options. I am most fortunate to have a supporting spouse. Additionally, we have been able to slowly stockpile a small amount of savings and, as a result, we were able to purchase a modest home and have a child. As a result of the birth of our child last year, I have exercised a job-share option, so I am now working part-time. It is a tough financial bullet to bite, but we felt it would be a valuable benefit to our child, and a valuable benefit to my sanity.

The strange thing about reducing my job to part-time is the feeling of freedom it created within me. Although my experience at work still does not get better than "okay," I have the other half of the work week to enjoy experiences that can make me feel great. Also, by reducing my paycheck by half, I am no longer dependent on a full salary. This gives me a multitude of fulfilling, albeit lower-paying, job options to consider if I choose to go back to work full time. I have never felt this kind of freedom in my entire adult life.

I feel as if I am in the embryonic stage of my potential to go beyond my career addiction. I have taken only a tiny step, but it was the step that I had been so afraid, for so long, to take. I am optimistic that as time goes on, each additional step will become easier.

And, eventually, those steps will take me to my ultimate goal of discovering a career that provides me with a great experience. Something I genuinely love and feel good about.

It has taken a lot to actually put these feelings on paper. But I hope it may give some hope to those of you who have recognized yourselves in this story. There is no magical solution to this problem, just as there is no cure for addiction. But there are a few suggestions I will share.

First of all, start saving money, if you haven't already. Begin small, with a sum you feel you can manage (even $25 per paycheck — just start!). Put that money in a savings account, credit union or bank other than the one you regularly bank at. Do not get a cash card for that savings account. Each month, review your finances and see if you could spare a bit more money for that account. You will be amazed at how good you feel when you see your money accumulating. This money, if carefully protected, will eventually help you purchase your ticket to freedom.

Besides money, you will need support in pursuing your endeavor. Many of you will not have the luxury of a supportive spouse or family. That is okay. There are other avenues of support available to you. There are library resources, workshops, and support groups. There are career and individual counselors. There are coworkers and friends. But it really comes down to whether you are ready to take that tiny but oh-so-difficult step.

If you are ready, or if you want to consider the possibility of taking that step, then immediately call the WSBA Lawyers' Assistance Program at (206) 727-8268. You can remain anonymous if you choose (although they do adhere to strict rules of confidentiality), but call and inquire as to what books they suggest for career transitioning. What workshops or support networks do they know of? What is involved in the counseling they offer? Develop a knowledge of the resources available to you, and you are already working toward your first step.

Your journey will be long and probably tumultuous, but well worth the endeavor. Remember, every journey begins with a first step. Good luck to those who have walked in my shoes.

Book Group for Women Lawyers

LAP invites
women lawyers
to participate
in a weekly
book discussion group
with peers
and Jean Johnson,
LAP clinician

Book selections will examine:

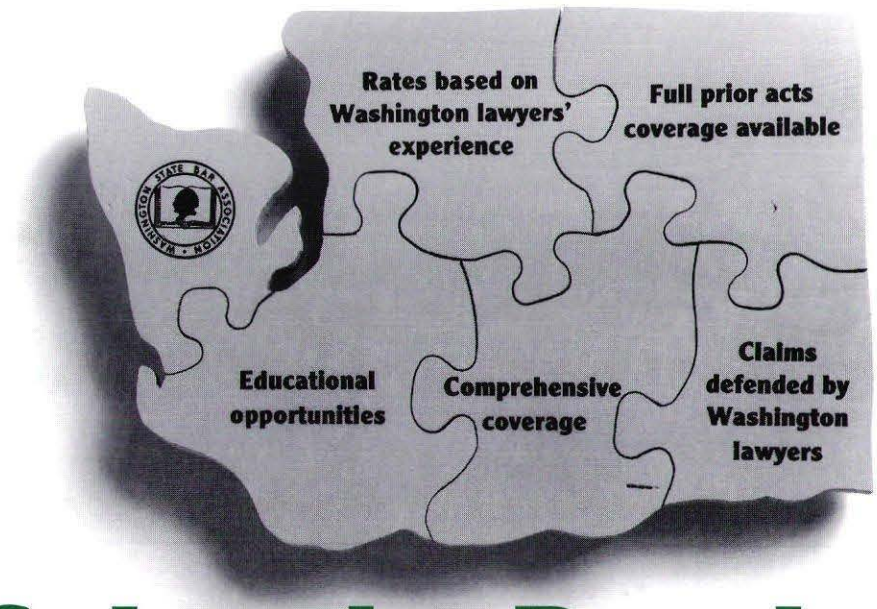
- Specific challenges in one's personal and professional life
- Life enhancement
- Other topics to be chosen by the group

The initial meeting will be on Monday, November 20, at 12 PM in the LAP offices.

A permanent day and time will be discussed at the first meeting.

If interested,
please contact
Jean Johnson
Lawyer's Assistance Program
(206) 727-8268

Services provided by LAP are confidential.



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by **Hal White**
Editor, Bar News

WSBA President Ed Shea opened the October 20 meeting in Everett by informing the Board of a recent dinner with Washington Women Lawyers. Although an apparently incendiary dinner speech by Chief Justice Barbara Durham was interrupted by a fire alarm, a pleasant time was had by all - and we thought Justice Durham was only fiery on the bench.

President Shea then introduced Larry Kenney, a trustee with the Legal Foundation of Washington, who thanked the Board for its help in obtaining an amendment to APR 12, which now encompasses Limited Practice (escrow) Officers. He is currently working with various LPO organizations to implement these new IOLTA requirements.

After a few remarks by Executive Director Dennis Harwick on the WSBA Internet Home Page, which should be up by Dec. 1, Harwick introduced Phyllis Selinker, of the Access To Justice board, who updated the Governors on the Legal Services funding changes in Washington (D.C.), and the concomitant legal services funding changes in Washington (State). The most drastic change will be the dissolution and consolidation of Evergreen Legal Services, Puget Sound Legal Services, and Spokane Legal Services on January 1, 1996. This will apparently enable the resultant entity, and the state's other legal service providers, to enter into a two-tier system. The purpose of such a system is to establish one entity which will accept congressional funds with their attendant restrictions, and another entity which will be funded by IOLTA and other monies to escape such limitations.

In rapid succession, the Board then appointed Mary Fairhurst as BOG Treasurer; Nancy Krier, Diane Anderson, and Hunter John to the (take a deep breath) Superior Court Judges' Association Family and Juvenile Law Committee Juvenile Court Rules Subcommittee (SCJAFAJLCJCRS for short); and nominated Ed Mackie to the Supreme Court Ethics Advisory Committee.

Washington Attorney General Christine Gregoire addressed the Board about the virtues of Alternative Dispute Resolution in general, and the need to expand the use of mandatory settlement conferences in particular. The Board concurred with the Attorney General, and Dennis Harwick will ask the WSBA ADR Section, in concert with other relevant sections, to review the possibility of amending the Civil Rules to institute such a change.

The AG also asked the Board to endorse a proposed new Superior Court Administrative Rule, as well as an amendment to RAP 18.13, which would give qualified priority to RCW 13.34 and 26.33 proceedings. These changes would require that courts dealing with allegedly abused or neglected children render a prompt determination regarding whether to reunite them with their parents. The Board unanimously supported these proposed changes.

George Bowden, President of the Snohomish County Bar Association, informed the Board of the status of the Snohomish Bar, and detailed that local bar's creation of a legal referral program, its institution of a pictorial directory, and its success with a local courthouse facilitator which assists pro bono litigants.

Pat Comfort, of the Lawyer's Assistance Program (LAP), then requested that the LAP be made a mandatory function of the Bar. This request, made in an effort to obtain more secure financing, would need to be approved by the Supreme Court, and will be considered by the task force on lawyer discipline.

The Award For Most Enthusiastic Presentation Of The Day then went to Christine Mower, a member of the board of the General Practice Section. Ms. Mower recently attended the ABA General Practice Leadership Summit held earlier this summer in Chicago. She informed the Board that isolation was a common problem encountered by solo General Practitioners, and potential solutions given at the conference included: regular meetings between solo GPs; a computer bulletin board network; a mentoring program with an experienced attorney; and the creation of a directory of attorneys - indexed by area of practice - who can be contacted by solo GPs when the need arises.

In a discussion about residence vs. place of business, and which location should prevail for the purposes of WSBA Presidential Selection, Governor Pat Williams stunned the Board by suggesting that it utilize a common sense approach to the issue. The Board, aghast, soundly reprimanded the Governor, and reminded her that she was, after all, an attorney. The editor, shaken by the conduct of Ms. Williams, forgot the result of the vote.

Mark Sullivan, Head Anarchist of the Computerization Of Law Division, explained that the recent crash of the L.A.W. BBS (electronic bulletin board) was the result of inadequate equipment and systems operators. Due to the impressive efforts of COLD members, the system should be back up by the time you read this. Those who subscribe to the BBS will receive two weeks of additional service for each week of downtime.

Apparently feeling ignored because of the attention recently given Governor Williams, Governor Dunn then requested, and received, a standing ovation from the rest of the room.

On Oct. 21, the Board considered whether to implement guidelines regarding when an individual bar section could file an amicus brief. Dennis Harwick will study the bylaws of other state bars on this issue and report back to the Board.

Paul Larsen, chairman of the Task Force on Nonlawyer Practice of Law, presented the report of that task force to the Board. The report recommends allowing nonlawyers to practice law in limited situations, although a large minority of the task force disagreed with this view. Copies of the report, complete with majority and minority viewpoints, will be circulated for comment.

Governor Peter Ehrlichman, in conjunction with Barrie Althoff and Karen Tall of the WSBA staff, presented minor recommendations from a task force which reviewed the ABA *Report on the Washington Lawyer Discipline System* (see the August *Bar News* for details). The recommendations were generally endorsed by the Governors. The more significant recommendations of the task force will be presented at a November 3-4 meeting of the Board in Seattle.

Bob Welden and Dave Horn then presented the final report of the King County Bar Association Task Force on Lesbian and Gay Issues in the Legal Profession. The report submits that there is a bias in the legal profession against gays and lesbians, and calls for the implementation of 60 recommendations to change this situation. Although sympathetic to the report, the Board tabled a request to endorse its recommendations until it could consider the impact of recommendation #49, which would amend RPC 8.4(g) to delete the "prohibited by law" language, and recommendation #50, which would amend the Code of Judicial Conduct.

Saving the most important business for last, the Board adopted a timeline regarding a decision on the final report of the WSBA Governance Task Force. As detailed in the July *Bar News*, the task force recommended that the WSBA change its method of governance to either an ABA-like House of Delegates system or, failing that, an expanded Board of Governors. The Board will accept public comment at its next meeting, Dec. 1-2 in Bellevue, after which it will take a preliminary vote on the task force recommendations. For those unable to attend, written comment can be directed to Governor Mary Fairhurst, at P.O. Box 40133, Olympia, WA 98504-0113. Subsequent to the December straw vote, the Board will consider any additional comments, and take a formal vote at its February 9-10 meeting in Vancouver, WA.

Notice: The Board is accepting applications for service on the Limited Practice Board. Interested attorneys should contact WSBA Executive Director Dennis Harwick before November 17.

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Please see page 32 for CLE provider phone numbers

November 1995

2 Tacoma: Tacoma CLE. *Sponsored by* WSTLA.

3 Seattle: 12th Annual Antitrust, Consumer Protection & Unfair Business Practices Conference. *Sponsored by* WSBA CLE and Antitrust Section.

3 Olympia: Ultimate Jury Guide: Beyond Voir Dire. *Sponsored by* WSBA CLE. **Also in Seattle Nov. 10, and Spokane Nov. 16.**

3 Seattle: Affirmative Action: Opportunity or Stigma. *Co-sponsored by* Asian Bar, Hispanic Bar, King County Bar, Korean American Bar, Loren Miller Bar, NW Indian Bar, WA Women Lawyers, WSBA Committee on Opportunities for Minorities in the Legal Profession. *For information* (206) 624-9365.

3 Seattle: Family Law Skills Certificate Series of Programs , Session 5 (total of 14 sessions). **Session 6 on Nov. 17**. *Sponsored by* UW CLE.

6 Seattle: International Tax Issues. *Sponsored by* NSCC.

6 Seattle: International Legal Lecture Series. *Sponsored by* NSCC and Bogle & Gates. **Also on Nov. 13, 20, 27, Dec. 4 and 11.**

6-7 Medford, OR: Fall Tax Practitioners Institute. *Sponsored by* Portland State University, School of Business Administration. *For information* (503) 725-4820. **Also Nov. 13-14 in Kennewick; Nov. 15-16 in Wilsonville, OR; Nov. 28-29 in Portland, OR; Nov. 30-Dec. 1 in Jantzen Beach, OR; Dec. 4-5 in Boise, ID; Dec. 11-12 in Eugene, OR; Dec. 14-15 in Wilsonville, OR.**

8 Seattle: 14th Annual Employee Benefits Seminar — 1995 Employee Benefits Update. *Sponsored by* Davis Wright Tremaine.

9 Spokane: Eighth Annual Insurance Law Seminar. *Sponsored by* WDTL. **Also November 10 in Seattle.**

9 Seattle: Hot Topics in Evidence. *Sponsored by* KCBA.

9 Seattle: Guardian ad Litem Training for Family Law. *Sponsored by* KCBA.

9 Seattle: WSBA Corporate Counsel Section quarterly dinner featuring "The Civil Justice Reform Act: Cutting Corners & Cutting Dollars." *For information* (206) 727-8239.

9-10 Seattle: Private Property and Government Takings. *Sponsored by* Law Seminars International. *For information* (206) 621-1938.

9-10 Chicago: 1995 Employment Law Conference. *Sponsored by* The National Employment Law Institute. *For information* (415) 924-3844.

9-11 Bellevue/Seattle: Third Annual Pacific Coast Law and Human Communication Technologies Conference. *Sponsored by* UW CLE.

10 *Bar News* fax poll deadline.

10 Seattle: Investments and the Law. *Sponsored by* WSBA CLE.

10 Seattle: Administrative Law. *Sponsored by* WSBA CLE and Administrative Law Section.

10 Seattle: Getting the Judge to Say "Yes!" *Sponsored by* Kinder Legal Writing. *For information* (206) 622-3810.

10 Seattle: Washington Real Estate Practice for Paralegals and LPOs. *Sponsored by* Clearwater Information Systems Inc. *For information* (715) 835-2111.

13 Seattle: International Environmental Issues. *Sponsored by* NSCC.

14 Tacoma: How to Understand, Access, and Use the Internet. *Sponsored by* Fred Pryor Seminars. **Also Nov. 15 in Seattle and Bellingham; Nov. 16 in Bellevue and Everett; Nov. 29 in Yakima; Nov. 30 in Kennewick and Olympia; Dec. 1 in Spokane.**

16 Seattle: Legal Issues for Persons with AIDS. *Sponsored by* KCBA.

16 Spokane: Family Law Mandatory Forms/Drafting. *Sponsored by* WSBA CLE. **Also in Seattle November 17.**

16-17 San Francisco: 1995 Employment Law Conference. *Sponsored by* the National Employment Law Institute. *For information*, call (415) 924-3844.

17 Seattle: 2nd Annual Commercial & Residential Real Estate Conference. *Sponsored by* WSBA CLE.

17 Seattle: Family Law Pre-Trial and Trial Preparations. *Sponsored by* WSBA CLE.

17 Seattle: Facts & Fiction of Living Trusts. *Sponsored by* KCBA.

17 Seattle: Trial by the Masters. *Sponsored by* WSTLA.

20 Seattle: Export Licensing and Compliance. *Sponsored by* NSCC.

21 Seattle: Tax Practitioner/IRS Town Meeting. *Co-sponsored by* WA Society of CPAs, American Society of

UW CLE

NOVEMBER

3 Family Law Skills Certificate Series of Programs, Session 5 (total of 14 sessions, mornings only). Seattle

9-11 Third Annual Pacific Coast Law and Human Communication Technologies Conference:
11/9 Day 1 (Litigators)
11/10 Day 2 (all Attorneys)
11/11 Day 3 "Makeovers with the Masters." Bellevue and Seattle

17 Family Law Skills Certificate Session 6. Seattle

DECEMBER

1 Family Law Skills Certificate Session 7. Seattle

1 UW Federal Civil Practice Update. Seattle

2 Aronson & Tegland'sWashington State Civil Practice Procedure Update. Seattle

9 Statutes in Everyday Litigation and Business Practice. **Also December 20**. Seattle

15 American College of Trial Lawyers' Interactive Video Evidence Training. Seattle

15 Family Law Skills Certificate Session 8, Seattle

18-21 Land Use Practice Certificate Program. Seattle

20 Statutes in Everyday Litigation and Business Practice. Seattle

21 Cross-training 101: Traps for the Unwary, cosponsored with King County Bar Association. Seattle

Listing of CALENDAR Phone Numbers

- Business Advisory Services, Inc.: (206) 223-5400
- CLE International: (206) 621-1938
- Davis, Wright, Tremaine (DWT): (206) 622-3150
- King County Bar Association CLE (KCBA): (206) 624-9365
- Northwestern School of Law of Lewis & Clark College: (503) 768-6642
- National Business Institute, Inc. (NBI): (715) 835-7909
- National Education Network (NET): (800) 637-0020
- National Employment Law Institute (NELI): (415) 924-3844
- National Institute of Trial Advocacy (NITA): (800) 225-6482. BBS registration, messages, etc.: Set communication program to 8 bits, no parity, 1 stop bit, then call (219) 234-7348.
- North Seattle Community College Continuing Education (NSCC): (206) 527-3705
- Professional Education Systems (800) 843-7763; fax (715) 836-0031
- Spokane County Bar Association (SCBA) (509) 623-2665
- Tacoma-Pierce County Bar Association (206) 383-3432
- University of Washington School of Law (UW CLE): (206) 543-0059; (800) CLE-UNIV
- Washington Association of Criminal Defense Lawyers (WACDL): (206) 623-1302
- Washington Association of Prosecuting Attorneys (WAPA) (360) 753-2175
- Washington Defense Trial Lawyers (WDTL) (206) 233-2930; fax (206) 628-6611
- Washington State Bar Association CLE (WSBA CLE): (206) 727-8202; fax (206) 727-8320
- Washington State Trial Lawyers Association (WSTLA) (206) 464-1011, (800) 732-9251
- World Trade Club (206) 448-8803

Women Accountants, WA State Tax Consultants, WA Assoc. of Accountants, National Assoc. of Black Accountants, WA State Society of Enrolled Agents, WSBA. *For information* (800) 272-8273.

27 Seattle: Joint Ventures and Licensing. *Sponsored by* NSCC.

28 Seattle: Property Tax Law in Washington. *Sponsored by* National Business Institute Inc. *For information* (715) 835-7909.

30 Seattle: Federal Tax Controversies. *Sponsored by* WSBA CLE and Taxation Section.

30 SeaTac: Managing Medicine in the PI Practice. *Sponsored by* WSTLA.

30-Dec. 1 Washington, D.C.: 1995 Employment Law Conference. *Sponsored by* The National Employment Law Institute. *For information*, call (415) 924-3844.

December 1995

1 Laguna Niguel, CA: American Bankruptcy Board of Certification exam (reflective of current law, including Bankruptcy Reform Act of 1994). Sample exam with answers available for $10. *Contact* Scott Williamson, ABBC, (703) 739-1023; ABBC, 44 Canal Center Plaza, Suite 404, Alexandria, VA 22314.

1 Seattle: Liens. *Sponsored by* KCBA.

1 Seattle: UW Federal Civil Practice Update. *Sponsored by* UW CLE.

1 Portland: Real Estate Exchanges Under 1031 I.R.C. — A Guide to the Last Remaining Tax Shelter for Real Estate Investment. *Sponsored by* International Law Institute. *For information* (206) 726-9337. **Also Dec. 8 in Bellevue and Dec. 14 in Spokane.**

1-2 Bellevue: WSBA Board of Governors meeting.

2 Seattle: Aronson & Tegland's Washington State Civil Practice Procedure Update. *Sponsored by* UW CLE.

4 Seattle: Foreign Representatives and Distribution. *Sponsored by* NSCC.

5 Vancouver, WA: The Legal Team. *Sponsored by* WSTLA.

6 Seattle: Electronic Document Management Solutions for Law Enforcement. *Sponsored by* Advanced Imaging and Networks LLC. *For information* (206) 622-2963, (800) 232-5881. **Also January 10.**

6 Tacoma: 1995 Washington Health Legislative Conference — The New Marketplace: Where is it Taking Us? *Sponsored by* Washington Health. *For information* (206) 543-3670.

6 Seattle: The Lawyer on the Internet: Becoming an Effective User. *Sponsored by* WSBA CLE.

7 Seattle: Collection of Judgments. *Sponsored by* WSBA CLE and Creditor/Debtor Section. **Also in Spokane December 14.**

7 TBA: Volunteer Legal Services Basic Consumer Bankruptcy Seminar. *Sponsored by* KCBA.

7-8 New Orleans: 1995 Employment Law Conference. *Sponsored by* The National Employment Law Institute. *For information*, call (415) 924-3844.

8 Seattle: Distribution Law. *Sponsored by* WSBA CLE.

8 Seattle: Essentials of Drafting Wills and Other Estate Planning Documents. *Sponsored by* WSBA CLE and Young Lawyers Division. **Also in Vancouver December 15.**

8 Seattle: Family Law Institute. *Sponsored by* KCBA.

8 Seattle: WSTLA's 1995 Holly Ball.

9 Seattle: Statutes in Everyday Litigation and Business Practice. *Sponsored by* UW CLE. **Also on Dec. 20.**

11 Seattle: Immigration. *Sponsored by* NSCC.

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

15 Seattle: Best of CLE 1995. Sponsored *by* WSBA CLE and General Practice Section. **Also VIA•CLE — live CLE to your office over your phone.**

15 Seattle: White Collar Crime. *Sponsored by* KCBA.

15 Seattle: Trial as Theater. *Sponsored by* WSTLA.

15 Seattle: Trial — Ultimate Theater: Communication and Persuasion for Advocates. *Sponsored by* NITA.

15 Seattle: American College of Trial Lawyers' Interactive Video Evidence Training. *Sponsored by* UW CLE.

18-21 Seattle: Land Use Practice Certificate Program. *Sponsored by* UW CLE.

21 Seattle: Cross Training: Avoiding Traps for the Unwary. *Co-sponsored by* KCBA and UW CLE.

28 Seattle: Essentials of Probating an Estate. *Sponsored by* WSBA CLE and Young Lawyers Division. **Also VIA•CLE — live CLE to your office over your phone.**

January 1996

5 Seattle: Gift Tax Returns. *Sponsored by* WSBA CLE and Real Property, Probate and Trust Section.

5 Seattle: Fiduciary Tax Returns. *Sponsored by* WSBA CLE and Real Property, Probate and Trust Section.

9 Tacoma: WDTL Membership Dinner Meeting.

19 Seattle: Adoption. *Sponsored by* WSBA CLE.

19 Seattle: The NW Law Office Management Institute and Legal Expo Exhibit Hall. *Sponsored by* WSBA CLE, Law Practice Management Section, and Puget Sound Chapter of Assoc. of Legal Administrators.

19 Seattle: Corporate Counsel Institute and Legal Expo Exhibit Hall. *Sponsored by* WSBA CLE and Corporate Law Department Section.

20-21 Seattle: 21st Annual Military Law Update. *Sponsored by* Army Judge Advocate General's School/6th Legal Support Division. *For information* (206) 281-3002.

26 Seattle: Suing the Government. *Sponsored by* WSBA CLE.

February 1996

1 Seattle: Depositions. *Sponsored by* WSBA CLE. **Also in Olympia Feb. 9.**

2 Seattle: How to Read Financial Information. *Sponsored by* WSBA CLE. **Also in Spokane Feb. 9.**

9 Seattle: Mediation. *Sponsored by* WSBA CLE.

15 Seattle/Spokane: Elder Law. *Sponsored by* WSBA CLE and Elder Law Section.

23 Seattle: Risk Allocation for Construction/Design. *Sponsored by* WSBA CLE.

23 Seattle: Real Estate. *Sponsored by* WSBA CLE and Real Property, Probate & Trust Section.

23-24 Vancouver, BC: Northwest Securities Institute. *Sponsored by* WSBA CLE and Business Law Section, in cooperation with Oregon State Bar CLE Committee & Securities Section.

Bar News
fax poll
page 42.

Replies due by November 10!

Notices of Interest to Bar Members

Disciplinary Notices

Disbarred

Spokane lawyer Daniel J. Keane (WSBA #9122, admitted 1979) was ordered disbarred by the Washington Supreme Court effective August 18, 1995, pursuant to a Stipulation to Disbarment. The discipline is based on Keane's mishandling of settlement funds belonging to one of his clients, neglect of an unrelated immigration matter, and noncooperation in Bar Association investigations.

I. Procedural History

Formal disciplinary charges were filed in May 1994. In March 1995, Keane entered into a Stipulation to Disbarment. The Disciplinary Board, by a vote of 8-0, approved and adopted the Stipulation and recommended Keane's disbarment to the Supreme Court.

The Association was represented by disciplinary counsel Kenneth S. Kagan. Respondent was represented by Kurt M. Bulmer. The Hearing Officer assigned was E. Frederick Velikanje of Yakima.

II. Facts

A. Trust Account Violations in a Personal Injury Case

In 1986, Keane began representing a client seriously injured in an automobile accident. In January 1990, Keane settled his client's case for policy limits of $500,000. With his client's permission, he deposited the settlement funds in a trust account. In December 1991, Keane's client received a $95,900.87 settlement of his time loss claim, and in November 1992, a $95,000 settlement of his Underinsured Motorist (UIM) claim against his insurance company.

Several times between January 1990 and March 1992, Keane removed from the trust account not only the legal fees to which he was entitled, but also funds belonging to his client prior to Keane's possible entitlement to those funds as legal fees on the later settlements. In disbursing funds belonging to his client either in excess of that which was allowed by his written contingent fee agreement or in advance of his entitlement to those funds, Keane violated RPC 1.5 (written calculation in a contingent fee case) and RPC 1.14 (trust account rules).

When the client asked for an accounting of the settlement funds, Keane failed to provide one until 8 months after the client filed a grievance with the Association, and 18 months after the last settlement funds had been received. This failure violated RPC 1.4 (communications with a client) and RPC 1.14 (trust account rules).

The Supreme Court's order approving the Stipulation and disbarring Keane ordered Keane to submit to binding arbitration or mediation the dispute over his entitlement to certain fees. The Court further ordered that if a valid judgment is obtained against Keane resulting from civil litigation, or if, as a result of his conduct, a restitution order of a court following a criminal conviction and sentencing arises, Keane was to make restitution to his client or enter into a satisfactory agreement to pay such restitution prior to any reinstatement to the Bar.

B. Neglect of a Client Matter in an Immigration Case

In August 1991, a client retained Keane to assist her husband in applying for readmission to the United States following his deportation. The client paid an advance fee deposit and the filing fee, and provided Keane with numerous original certified documents necessary to complete the application. Commencing in June 1993, with no action taken on her husband's behalf, the client asked, through new counsel and the Association, that Keane return her original documents and remaining trust funds. Keane only returned the documents and the trust funds 11 months later, 9 months after the client filed a grievance with the Association. Keane's conduct violated RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4 (communication with a client), RPC 1.14 (trust account rules), and RPC 1.15 (duties upon termination or withdrawal).

Disbarred

Former Tacoma lawyer John S. Glassman (WSBA #12482, admitted 1982) was ordered disbarred effective August 8, 1995, by Washington Supreme Court order. In October 1992, Glassman had been suspended from the practice of law pending the outcome of his disciplinary proceedings.

Glassman's disbarment was based on his misuse of several clients' funds; misuse of a family trust fund of which he was the trustee; multiple trust account violations; and misrepresentation to the Association in the course of its investigation. The sums misappropriated from clients represented insurance settlements ranging from $12,000 to $88,000 and occurred between 1989 and summer 1992.

I. Procedural History

Disciplinary charges were filed against Glassman in September 1992. Amended charges were filed in June 1993 and November 1994. In November 1994, Glassman entered guilty pleas in *State v. John S. Glassman*, Pierce County Superior County cause no. 93-1-04668-7 related to thefts from four of his clients. Thereafter, he filed pleadings with the Association stating that he neither admitted nor denied the allegations, but on the advice of counsel believed there was sufficient evidence for a hearing officer to enter a sanction of disbarment, waived his right to further hearing, and would permit the hearing officer to enter a sanction recommendation of disbarment. Following a December 1994 disciplinary hearing, the hearing officer entered a recommendation of disbarment, plus restitution of: 1) the principal $25,000 sum plus interest to the victim in the unauthorized minor settlement claim; 2) $246,850 to the family trust (which sum represented the likely trust principal had it not been liquidated); and 3) the principal sum of $15,895 which represented legal fees paid by Glassman's bank in defense of forged instruments presented to it for payment. In May 1995, the Disciplinary Board adopted the officer's recommendation of disbarment and restitution. By Supreme Court order entered August 8, 1995, Glassman was disbarred and ordered to pay restitution as outlined above.

The Association was represented by disciplinary counsel, Maria S. Regimbal and Kenneth S. Kagan. Respondent was represented by Jack G. Rosenow. The hearing officer was Claire Cordon of Seattle.

II. Facts

A . Unauthorized Insurance Settlements, Forgery and Theft of Client Funds

1. Unauthorized Settlements of Client's Claims and Theft of Proceeds

In March 1989, without his client's knowledge or permission, Glassman settled the client's motor vehicle tort claim with an insurer for $19,544, forged the settlement check and misappropriated the settlement funds. In May 1991, Glassman settled a second separate claim on behalf of the same client for $12,000, and again misappropriated the funds. The client learned of both unauthorized settlements, forgeries and thefts in the summer of 1992. In March 1993 Glassman entered into a civil settlement with the client for $31,544.

The hearing officer determined that Glassman's conduct with respect to both unauthorized settlements violated criminal statutes and ethical rules RLD 1,1(a), RPC 1.14, 8.4(b) and 8.4(c), relating to criminal conduct, dishonesty, and handling of client funds.

2. Unauthorized Settlement of A Second Client's Claim and Theft of Proceeds

In December 1990, without the client's knowledge or permission, Glassman settled a retired woman's slip-and-fall claim with an insurer for $88,000. The client learned of the unauthorized settlement in the summer of 1992. At an August 1992 deposition, taken by disciplinary counsel, Glassman falsely testified that the client had authorized the settlement and had then loaned Glassman her settlement funds. Glassman tendered partial restitution to the client in August 1992, and later entered into a civil settlement with the client.

The hearing officer determined that Glassman's conduct with respect to this client and his response to the Association violated criminal statutes and ethical rules RLD 1.1(a), RPC 1.14, 8.4(b) and 8.4(c), relating to criminal conduct, dishonesty, and handling of client funds.

3. Forgery of Third Client's Checks and Theft of Funds

With respect to a third client, Glassman entered into an authorized structured civil settlement of a personal injury claim in the Spring of 1992. In the underlying tort claim, the client had sustained permanent eye damage as a result of an accident. Glassman forged the signatures of the client and the client's spouse to settlement checks totaling $52,500. He disbursed these funds — without authorization — to himself or to third parties. In the fall of 1992, the client learned of the forgeries and filed a civil claim against Glassman. That case was resolved in March 1993, with the net effect that Glassman's co-counsel in the underlying tort claim did not receive any fees for his efforts.

The hearing officer determined that Glassman's conduct with respect to this client violated criminal statutes and ethical rules RLD 1.1(a), RPC 1.14, 8.4(b) and 8.4(c), relating to criminal conduct, dishonesty, and handling of client funds.

4. Unauthorized Settlement of Estate Claim, and Theft of Funds

Glassman represented the estate and minor children of a woman who had been killed by a drunk driver in February 1991. In March 1992 Glassman entered into a settlement of $25,000 with the victim's insurance carrier for underinsured motorist coverage. The hearing officer concluded that Glassman forged the personal representative's name to the insurance check, deposited the money to his general law office account, and paid the funds to his creditors. The personal representative learned of the unauthorized settlement and forgery in the fall of 1992. At the time of the December 1994 disciplinary hearing, Glassman had not made restitution.

In the spring of 1992, with the personal representative and children's guardian's permission, Glassman settled the claim against the adverse driver. The settlement was approved by the Superior Court. However, Glassman deposited the settlement proceeds totaling $24,666, into his pooled IOLTA trust account instead of blocked minor trust accounts and disbursed the children's funds to third parties, including other clients, who were not due funds from the account. Glassman made restitution to the children on this settlement in early 1993.

The hearing officer determined that Glassman's conduct with respect to the unauthorized settlement and wrongful diversion of minor settlement funds violated criminal statutes and ethical rules RLD 1.1(a), RPC 1.14, 8.4(b) and 8.4(c), relating to handling of client funds and prohibiting criminal conduct and dishonesty.

5. Forgery and Conversion of Personal Injury Client's Settlement Proceeds

In March 1992, with his client's permission, Glassman settled a personal injury motor vehicle accident claim for $15,500. The client endorsed the check, and signed a settlement statement reflecting deductions in excess of $5,000 for medical bills to be paid from the settlement. Glassman deposited the settlement check to his general office account and disbursed it to himself and to his personal creditors. Glassman disbursed to the client a sum equal to the net settlement from other clients' funds in his IOLTA trust account. Glassman delayed paying the client's medical bills, and this resulted in creditors contacting the client for payment. Glassman made restitution to this client on the unpaid medical bills in November 1993.

The hearing officer determined that Glassman's conduct in converting the settlement funds violated criminal statutes and ethical rules RLD 1.1(a), RPC 1.14, 8.4(b) and 8.4(c), relating to criminal conduct, dishonesty, and handling of client funds.

6. Misrepresentation to Client In Contingent Fee Disbursal

In early 1992, Glassman agreed to represent a pregnant woman in a motor vehicle

accident tort claim. The contingent fee agreement provided for a fee of 25% of gross recovery, if recovery was made by settlement. The client had subrogated medical bills of approximately $35,000, related to premature delivery of her child. In September 1992, Glassman presented the client with the insurer's offer to settle the claim for a settlement of $75,000, with the insurer to pay the subrogated medical bills directly. In order to make the settlement acceptable to the client, Glassman agreed to collect the 25% contingent fee only on the general damages portion ($75,000). When Glassman received the settlement funds, he disbursed them to the client on the basis of 25% of the gross recovery, including the subrogated medical expenses. The client immediately protested the disbursal, but Glassman had closed his practice in early October 1992, and did not respond to her. In July 1993 Glassman remitted the difference in the settlement, $8,631, to the client.

The hearing officer determined that Glassman's actions in failing to abide by the agreement he reached with the client at the time of settlement, and in failing to promptly return the disputed client funds to trust and resolve the dispute with the client, violated RPC 1.14, relating to trust account compliance, RPC 1.15, requiring a lawyer to protect a client's interests on withdrawal, and RPC 8.4(c) prohibiting dishonesty.

B. General Trust Account Violations

Between 1990 and 1992, Glassman did not maintain integrity in his trust account and would disburse one client's settlement funds to another client, deposit his own funds from the account to make disbursals to clients due funds from his trust account, and disburse funds from his trust account to clients not due funds from the account.

The hearing officer found that this conduct violated the trust account rule, RPC 1.14.

C. Liquidation of Family Trust

Commencing in 1990, Glassman was the trustee of a family trust, which required that only income from the stock corpus be distributed to the trust beneficiaries. The trust was not a client. Between August 1990 and November 1991, Glassman liquidated the stock holdings of the trust, in excess of $170,000. The bulk of the funds were deposited to Glassman's IOLTA trust account and were disbursed to Glassman — or to others for his benefit — and to clients who were due funds from the trust account. Between September 1990 and May 1994 Glassman sent the trust beneficiaries checks which he represented to be quarterly dividends of the trust holdings, and false accountings which stated the holdings of the trust to be between $175,000 and $240,000. In actuality, the trust holdings at the time of the accountings was less than $20,000. As of September 1994, the trust assets were less than $11,000. The trust beneficiaries learned in the fall of 1994 that the trust had been substantially depleted.

The hearing officer determined that Glassman's conduct in his handling of the trust funds and misstatements to the trust beneficiaries violated criminal statutes and ethical rules RLD 1.1(a), 8.4(b) and 8.4(c), prohibiting criminal conduct and dishonesty.

Reprimanded and Censured

Tacoma lawyer Gerald G. Burke

(WSBA #17773, admitted 1988) has been ordered reprimanded and censured, and placed on a one-year probation, following a disciplinary hearing. The reprimand is based on Burke's failure to account properly for and deliver client funds of a client. The censure is based on Burke's multiple ethical violations as to three clients.

I. Failure to Account Properly for Client Funds

In late 1990 through spring 1991, Burke represented a personal injury client and her minor son in a claim for damages against the driver of the car in which they were passengers at the time of an accident. In Spring 1991, with the client's permission, Burke settled both personal injury claims, for cash and the insurer's payment of medical bills. Two settlement checks totaling $3,000 were deposited to a trust. A check for $1,599.33, representing the net settlement on both claims, was disbursed to the adult client in mid-May 1991. No written accurate accounting was provided to the client at that time. Between July 1, 1991, and August 22, 1991, the client and her new lawyer requested an explanation and accounting of the client's and her son's settlement funds. No accurate accounting was provided. The client and her new lawyer filed a grievance with the Association in March 1992. During the pendency of the investigation, although requested, Burke did not provide a prompt and accurate accounting of the client funds to the Association. An accurate accounting was provided following a personal meeting between disciplinary counsel and Burke in March 1993. At that time, Burke determined he had erroneously overpaid himself; he offered the client a refund of $211. In December 1993 Burke returned to the client all legal fees he had collected from the May 1991 settlements. The client's new lawyer negotiated with the insurer to have the client's and her minor son's settlements restructured in 1993 and 1994.

Following a disciplinary hearing in spring 1994, a hearing officer found and concluded that Burke's conduct in failing to properly account to the client and her new lawyer violated RPC 1.14, requiring a lawyer to account for and deliver client funds, and RPC 1.5(c)(1), requiring a written statement of accounting in contingent fee cases. Burke's conduct in failing to provide the Association an accurate accounting of his handling of the settlement funds in the investigation violated RLD 2.8, requiring a lawyer's cooperation in a disciplinary investigation.

II. Multiple Rule Violations

The hearing officer also recommended Burke receive a letter of censure relating to six separate rule violations with respect to the above client and two additional clients. With respect to the personal injury client, Burke submitted a joint settlement offer to the insurer for the adult client and minor child client, which violated RPC 1.1, requiring a lawyer to provide competent representation, and RPC 1.8(g), prohibiting joint settlements on behalf of clients without appropriate waivers. Burke, also in violation of RPC 1.1, settled the minor child's claim without compliance with SPR 98.16, which requires court approval of minor settlements and establishment of blocked accounts for minor settlement funds.

A second personal injury client retained Burke to represent her in March 1991. The client discharged Burke in July 1991 and retained new counsel. During the representation Burke's office staff submitted a settlement offer to the adverse party's insurer, without the client's permission, in violation of RPC 1.2(a), requiring a lawyer to have settlement authority, and RPC 1.4, requiring adequate communication with a client. Burke's office also received a written counteroffer from the insurer. At the new lawyer's request, Burke sent to him the client's file, but it did not contain all documents related to the settlement negotiations. This conduct, in failing to ensure the file was complete, violated RPC 1.15(d), requiring a lawyer to protect a client's interests on withdrawal.

The censure also related to Burke's conduct with respect to an employment-discrimination client. After Burke settled the client's claim, Burke and the client disagreed regarding the legal fees to be paid. The client filed a grievance with the Association. Burke asserted an attorney's lien on the settlement check, and filed suit against the client to determine his fees, and included a claim for damages for his defending against the WSBA grievance. The client's communication with the Association was privileged under RLD 12.11, and Burke's conduct in asserting a civil

claim violated RPC 3.1, requiring a lawyer's claims to be meritorious, and RPC 8.4(d), prohibiting conduct prejudicial to the administration of justice. Burke amended his pleading to delete the claim, when a WSBA investigator advised him of RLD 12.11. Burke also failed to provide this client's subsequent lawyer the client file when requested, in violation of RPC 1.15, requiring a lawyer to protect a client's interests on withdrawal.

Following a disciplinary hearing, the hearing officer recommended Burke receive a reprimand for his failure to account for the personal injury client's funds, and a letter of censure for the six counts outlined above. The Disciplinary Board adopted the sanction recommendation of reprimand and letter of censure and modified the hearing officer's recommendation of probation relating to office practice improvement from six months to one year, with the probation to be supervised by an independent lawyer. Burke filed a Petition for Discretionary Review of the Board's Order with the State Supreme Court. That petition was denied in June 1995.

The Association was represented by disciplinary counsel Maria S. Regimbal. Respondent represented himself. The hearing officer was Steven W. Hale of Seattle.

Suspended

Seattle lawyer Paul G. Gillingham (WSBA #5154, admitted 1973) was ordered suspended for sixty days, by the Supreme Court, *In re Paul G. Gillingham*, 126 Wn.2d 454 (1995). Gillingham's motion for reconsideration of the June 8, 1995, opinion was denied, and the suspension became effective on August 17, 1995. The discipline is based on Gillingham's preparation of a client's 1987 will which named him as a 20% beneficiary, and Gillingham's acceptance of a substantial unsecured loan in 1988 from the same client.

I. Procedural History

Formal disciplinary charges were filed in September 1992. A disciplinary hearing was held in June 1993 and the hearing officer found ethical violations and recommended a thirty-day suspension. In January 1994 the Disciplinary Board, by a vote of 10 - 2, modified the findings, conclusions and recommendation and recommended a one-year suspension. Two members dissented and recommended a six-month suspension. On appeal by Gillingham, the Supreme Court determined that a sixty-day suspension was appropriate. The Association was represented by disciplinary counsel Lynn C. Tuttle and Maria S. Regimbal. Respondent was represented by E. Douglas Piebel. The Hearing Officer was John Miller of Tacoma.

II. Facts

Gillingham began representing a client in the 1970s, related to clearing title to several parcels of real property, and in establishing a guardianship for the client's mother. Gillingham and the client eventually became friends. In 1984, at the client's request, Gillingham drafted the client's will. The will named Gillingham as executor of her estate and as a 10% beneficiary. In 1987, Gillingham made revisions to the will pursuant to the client's instructions. That will named Gillingham as 20% beneficiary of the client's estate and as executor of the estate. In 1989 the client, with the assistance of a new lawyer, prepared a will, wherein Gillingham received no share and a third party was nominated as personal representative. The client died in March 1990. Gillingham initiated, but abandoned, a will contest in the summer of 1990. Gillingham received no proceeds from the estate. The Court determined that Gillingham's conduct in drafting the 1987 will violated RPC 1.8(c), prohibiting a lawyer from drafting an instrument in which he receives a substantial gift from a client.

In 1987 Gillingham accepted $25,000 from the client for his wine importing business. No promissory note nor security documents were prepared, but Gillingham agreed to accept the funds if the client would prepare a repayment schedule, which she did. He repaid the funds with interest. His conduct with respect to this transaction violated RPC 1.8(g), which limits business transactions with clients. It was determined that the transaction violated the ethical rule, in that the terms of the transaction were not transmitted in writing to the client.

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For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at (206) 727-8280, leaving the case name and your address.

Public Notices

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

The average coupon equivalent yield from the first auction of 26-week treasury bills in October 1995 is 5.62%. ***The maximum allowable interest rate permissible for November 1995 is therefore 12%.*** Compilations of the average coupon equivalent yields from past auctions of 26-week treasury bills, and past maximum interest rates of the past 10 years appear on page 72 of the June 1995 *Bar News*.

RPPT "CLEDEX" Index now available:

The WSBA RPPT Section commissioned Raven Researchers to prepare a 1986-1994 subject index to meet the needs of real property, probate and trust practitioners. The cost is $32.46 ($30 + $2.46 tax) for Section members and $43.28 ($40 + $3.28 tax) for non-Section members. A high-density, WordPerfect 6.0 DOS format diskette is available for an additional $10.82. Cumulative supplements at a nominal cost will be available in the future. To order the current volume, send a

check payable to the WSBA to Jacki Browning, WSBA, 500 Westin Bldg., 2001 6th Ave., Seattle, WA 98121-2599.

Formal resolution on recycled paper adopted at Winthrop on July 29, 1995, by the WSBA Board of Governors :

WHEREAS, the City of Seattle has proposed to the Washington Supreme Court an amendment to General Rule 14 that would require the use of recycled-content paper for pleadings and other papers filed with the court, and

WHEREAS, the amendment was proposed to the Court Rules and Procedures Committee of the Washington State Bar Association by a member of said Committee, and

WHEREAS, the Court Rules and Committee rejected said amendment, believing that it is not the function of court rules to increase the market for a particular product or to dictate office management practices to lawyers or law firms, but

WHEREAS, the Committee agreed that the use of recycled paper on a voluntary basis should be encouraged and so recommend to the Board of Governors of the Washington State Bar Association,

NOW THEREFORE BE IT RESOLVED:

That the use of recycled-content paper in pleadings and other papers prepared by lawyers and law firms throughout the State of Washington should be encouraged, and

That this resolution be communicated throughout the legal community by the use of all appropriate means.

WSBA Presidential Selection

The Board of Governors of the Washington State Bar Association (WSBA) is seeking applicants to serve as President of WSBA for 1996-1997. Pursuant to Article IV(A)(2) of the WSBA, the President for that term shall reside in King County.

Applications will be accepted through November 15, 1995. Applications should be limited to a current resumé, a concise application letter, and may attach selected references. Applications should be sent to WSBA Executive Director, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599. Endorsement letters received before November 30, 1995, may be considered by the Search Committee and the Board of Governors. Interviews will be conducted as soon thereafter as possible at the WSBA offices.

The Washington State Bar Association member selected to be the State Bar President will have an opportunity to provide a significant contribution to the legal profession.

While prior experience on WSBA's Board of Governors may be helpful, there is no requirement to have been a member of the Board of Governors or to have had previous experience in Bar activities. The candidate must be willing to devote a substantial number of hours to State Bar affairs and be capable of being a positive representative for the legal profession. The position is unpaid. Some expenses, such as State Bar-related travel, are reimbursed.

The commitment begins as President-Elect. On September 6, 1996, at the WSBA's annual business meeting, the candidate will assume the position as President of the Association. The candidate will be expected to attend two-day Board meetings every six weeks, as well as attend numerous subcommittee, section, regional, national and local meetings. During his or her service, the candidate will also be required to meet with members of the Bar, the courts, the media, and public- and legal-interest groups, as well as be involved in the Bar's legislative activities. Appropriate time will need to be devoted to communicating by letter and telephone in connection with these responsibilities.

Rules Committee Seeks Your Comments

The WSBA Court Rules and Procedures Committee is scheduled to consider the Civil Rules for Superior Court and for Courts of Limited Jurisdiction during its 1995-96 review year. Your comments and suggestions about these rules are invited. (Comments on the Mandatory Arbitration Rules and Special Proceeding Rules are also invited.) Please send them to: Steven Rosen, Staff Attorney, WSBA, 500 Westin Building, 2001 6th Ave., Seattle, WA 98121-2599.

RESULTS

THE WASHINGTON STATE BAR NEWS FAX POLL

In last month's *Bar News*, we asked your opinion regarding the proposed division of the Ninth Circuit Court of Appeals. We asked you to check one of five statements which most reflected your views. The results:

1. **61%** strongly supported the division of the Ninth Circuit.
2. **4%** somewhat supported the division of the Ninth Circuit.
3. **30%** strongly opposed the division of the Ninth Circuit.
4. **4%** somewhat opposed the division of the Ninth Circuit.
5. **0%** thought the proposal was worthy of study, but that additional research was required before they could form an opinion.

The Senate Committee on the Judiciary, which held hearings on this bill on Sept. 13, has yet to vote on this issue. Senator Gorton is a sponsor of S. 956, while Senator Murray opposes the proposed division. The Board of Governors is on record as supporting a 12th Circuit, although it has not considered this issue since 1989.

Your Comments:

"The division of the Ninth Circuit should have been done *years* ago! [I] like the idea of fax polls."
- *Robert B. Gould, Seattle*

"Some issues are better served by being tailored to the needs of the Pacific Northwest. These needs cannot be met in a Circuit comprising California."
- *Laura VanderVeer King, Tracyton*

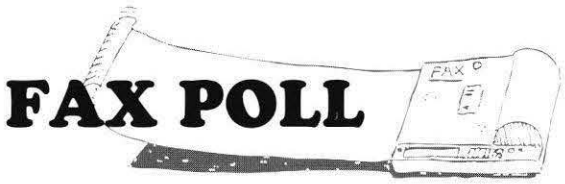
"Having practiced law in Arizona, there is a great difference in attitudes and interpretations of legal issues. People in different areas look at the same law differently!"
- *Michael A. Miller, Renton*

"The applicability of 9th Circuit precedent in intellectual properties law is beneficial to litigants in Washington State. I therefore oppose creation of a new 12th Circuit Court of Appeals."
- *Lisa M. Brownlee, Amsterdam, Holland*

"There are virtually no valid arguments against it."
- *Benjamin H. Settle, Shelton*

Because the percentages were rounded, the total does not equal 100%. Overall, 23 responses were received which, according to the experience of other magazines, is within the average range of responses. The Editor welcomes comments regarding our members' interest in fax polls.

Although these statistics accurately reflect the viewpoints of the individuals who responded, they do not necessarily reflect the overall opinion of the WSBA membership.



What is your opinion regarding the continuation of the Law Clerk Program as provided under APR 6 ? A statement in support of the program can be found on page 5 of this issue. Concerns regarding the cost, and staff time, required to maintain this option can be found on pages 54 & 55 of the October issue, and page 29 of the September issue. Please check the statement which most reflects your opinion, along with any comments which you may have, and fax this entire page to the number below. Please, only one vote per attorney.

1. _____ I strongly support the continuation of the law clerk program.

2. _____ I somewhat support the continuation of the law clerk program.

3. _____ I support the law clerk program, but only with certain modifications (see comments, below).

4. _____ I somewhat oppose the law clerk program.

5. _____ I strongly oppose the law clerk program.

Comments: _____

_____

_____

_____

Name and city of faxing attorney: _____

(This will be kept confidential unless your comments are chosen for publication along with the poll results in the December *Bar News*.)

Fax your response by November 10 to:
(206) 860-0379
(Please note: This is not the WSBA fax number.)

Or, mail your response by November 8 to:
Washington State Bar Association
Attn: Hal White, *Bar News* Editor
2001 6th Ave., Suite 500
Seattle, WA 98121

Please send suggestions for future fax polls to the above address.

Riding the Electronic Train

by **Deborah Norwood**

Deborah Norwood is the State Law Librarian at the Washington State Law Library in Olympia. She will provide the initial articles for a new monthly department in the Bar News, *Computers & The Law.*

Librarians are actively involved in the organization and retrieval of information. We classify information — usually contained in books — in order to efficiently retrieve it. This is still the most familiar shape for information storage. We can all visualize a book — maybe not the same book, but a book nonetheless. It is usually rectangular, comes with a cover, has numbered pages, and usually has a table of contents. We feel comfortable with a book; we can pick it up, and use it without instruction.

However, books are no longer the most efficient method of storing, retrieving or organizing information. Information comes in different formats, some easier to use or more efficient than others. For example, microfilming is still a cost efficient method for storing information, although it may not be the most user-friendly, nor the most efficient for retrieval.

Increasingly, *electronic* formats are the most cost effective methods of information storage and retrieval. These methods are not only available to those with big mainframes, but also to anyone with a personal computer. We can not only store and retrieve information, but we can also create our own digital documents, or "digital books," for dissemination to others. Access to these documents can be instantaneous, and can be as widespread or as narrow as we decide.

My goal will be to explore various aspects of information storage, retrieval and organization. When I was asked to contribute to this department, my first response was that I was not a technical expert. But I *do* think information as a commodity is fascinating. I am a librarian not because I love books, but because I love the information that books contain. How we store information, how we organize or classify it, how we retrieve it, and how we use it, is what is driving the information revolution. By discussing these issues, I hope to stimulate you to jump on the train that is taking us to a new destination for information access.

What I also want to convey is that you don't need to know technical details to jump aboard this train. What you *do* need, however, is an understanding that computers are tools for information. We can create, store, organize and retrieve information all by machine. Consequently, the challenge is to change our perceptions from a tangible format — such as a book — to an electronic format — such as a computer disk.

The challenge is to change our perceptions from a tangible format — such as a book — to an electronic format — such as a computer disk.

This month, I have general recommendations regarding personal computer magazines. The titles mentioned here should be available through your local library, or at book and software stores.

Two excellent pc magazines are *PC Novice* and *PC Today*. *PC Novice,* in particular, offers articles at a beginner's level with good explanations of terms, and introductions about how everything works together. Its sister publication, *PC Today*, is also very well written, but it covers topics in much more depth, and focuses on business and home office applications.

Other magazines to consider are *PC Magazine*, *Byte* and *PC Computing*. Although the articles in these magazines may be technically sophisticated, I find them helpful for spotting trends and innovations. They all provide comparisons between equipment, and are worthwhile to review for recommendations. The ads alone give you a sense of what's available, and the ranges of options to choose from. *PC Magazine* provides brand name comparisons between virtually every type of pc equipment, and gives recommendations based on performance and cost. *Byte* is probably the most technically sophisticated of the popular magazines devoted to personal computing — I feel as if I need an engineering degree to understand some of the articles — but don't let that discourage you. I have learned a lot just by slogging my way through them. *PC Computing* provides a little bit of everything, by giving comparisons between products and offering articles. Looking at one — or all — is worthwhile just to get a sense of what's hot, what's not, and what may be.

A couple of other magazines that are fun to read are *Wired* and *Internet World*. *Wired* is — how shall I say this — *wired*. It is generally well written; the layout alone is visually intriguing, although definitely different, and coverage seems to encompass anything to do with electronic communication media. *Internet World* is fun to read for a sense of what's happening on the Net, and it is certainly easier on the eyes than *Wired*. It has lots of information on what — and how to — search the Internet.

Daily newspapers increasingly carry well-written articles on technology, including regular columns on personal computing. Coverage includes just about everything from new operating systems to the selection of equipment. The *Seattle Times-Post Intelligencer* devotes a full section to personal technology each Sunday.

There are a host of issues surrounding information retrieval beyond purchasing hardware and buying software. Some that come to mind include copyright, training, and the Internet. I look forward to riding the train with you to the new frontier of the information age.

A Small-town Legal Dictionary

by **Jeff Tolman**

Law, like medicine and other professions, has its own lingo. "PR" to a lawyer is Personal Recognizance, whereas to a wine maker it may be a Private Reserve. An "Associate" to a businessman is someone they work with; to a senior law partner it is someone who works 65 hours a week for less than minimum wage.

Even more confusing, however, is the difference in definitions of legal terms between small towns and cities. For example, to a city lawyer a "big settlement" has seven figures. This is also true in a small town, but two of the figures are to the right of the decimal point.

This Dictionary gives definitions of common legal terms as they are used in small towns. In a small town court, the judge may misunderstand your words unless you are on the same definitional wavelength. Unfortunately for you, if you and the judge define your words differently, it is his definition that will prevail. When the judge goes on to his next case, you will be the person left to convince the confused, convicted and probably non-paying client that it was the judge who did not fully understand the English language.

appel•lant *n.* The party appealing a trial court's decision; the party who has the burden of showing that — at trial – the judge was insane, bug-eyed, on drugs, or sleeping with opposing counsel.

as • so • ci • ate *n.* Someone you give all the cases you never expect to win or get paid for, then complain when they don't; someone a partner chews out for making the same mistakes he did.

bar exam• A painful ritual through which allegedly competent law graduates become allegedly qualified attorneys; Marquis de Sade was the first Bar Examiner.

Bull • - - - - ! *n.* a comment which is "absurd and fanciful." 312 Ill. 73, 94 (1924).

class stand•ing A lawyer's class standing is always "near the top ten," as in, "Rhode Island is 'just east' of California."

cli • ent *n.* **1.** (The perfect one) A wealthy person in need of legal assistance who believes that you are honest, your fees are fair, and has no friends which have experienced a similar problem. **2.** (The average one) A person with too many assets to qualify for legal services, but not enough to support the cost of remedying the problem. **3.** (The one to stay away from) A smooth talker who convinces you that they are "the perfect client" *(see above)* when, in fact, their case will become "involuntary pro bono" *(see below)*.

court cal•endar A bureaucratic effort to provide rhyme and reason to the schedule of hearings, which results in no reason and no rhyme; a schedule which is adhered to by the many (lawyers, clients, experts, etc.) and ignored by the few (the judges).

em • bar • rass • ment *n.* Making an irrevocable mistake as a lawyer. An illustration: Four years ago you drafted a will for a client who recently died. Since he was a particularly nice fellow who you admired very much, you go to the funeral where his casket is opened for final viewing prior to cremation. After the services you go to the family home, have cookies and coffee, and visit with the survivors. After the formalities conclude, one of the survivors asks you to read the will, which you brought. You do so (out loud) for the first time since you drafted the document. The last paragraph reads "Do not cremate me. Bury me next to my brother." As the words sputter out of your mouth, you wish you, not your former client, were a pile of ashes. You are "embarrassed."

good ver•dict **1.** (city definition) Winning everything allowed in law and equity, full attorneys' fees and costs; and humiliating your opposing client and counsel. **2.** (small-town definition) Both clients ending up equally happy or unhappy, and both lawyers equally likely to be paid.

good judge One who rules in your favor when the law is against you.

indepen•dent med•ical exam• A medical checkup of an injured person, paid for by an insurance company, and performed by a doctor who owns stock in insurance companies, to support the company's claim that the injured person is malingering.

insur•ance defense• attor•ney A member of the Bar whose job it is to make mountainous injuries into molehills, comparative negligence abound, and show

juries that all plaintiffs are "malingerers" after "secondary gain."

insur/ance adjust/er A person whose job is to make living with only three limbs seem like an advantage.

judi/cial campaigns/ Contests governed by rules allowing no critique of the incumbent, with no promises given, nor any position taken, on any relevant issue by either candidate.

ju • ry *n.* Twelve people who don't trust lawyers or believe defendants.

late judge An impossibility; judges are never late, since the court can't start without them.

law review/ An organization of men and women who know, and care, what "The Rule Against Perpetuities" is.

le/gal sec/retary 1. (a perfect one) Someone who can convince an angry client that you're in court when you're not; who can make a document look good when it isn't; who can make sense out of your dictation when you can't; and who thinks it's a privilege and honor to work for you. **2.** (one to be fired) Someone who tells the truth to clients and colleagues; types exactly what you dictate; and lets the office fridge run out of pop and beer.

lo/cal court rules Rules created by the local Bench and Bar to frustrate and inhibit out-of-area attorneys from practicing in the local courts; legal land mines; a method by which people who do not have to make a living practicing law govern people who do.

los/ing case An impoverished client with an unwinnable case and a brother on the Bar Disciplinary Committee.

mal • ing • er • er *n.* A person who, along with his doctors, says he hurts more than the insurance attorney believes that he would with the same injuries.

mal • prac • tice *n.* Taking the aforementioned "Losing Case."

o/pening state/ment Fifteen or more minutes of slipping local trivia into a discussion of your case — as if it somehow relates — in hopes that the jury will feel so at ease with you that they will ignore how defective your position is.

part • ners *n.* Colleagues you like, trust and work well with, all without concern for their respective monthly gross receipts — until they get too far behind you.

pe • ti • tion • er *n.* The party wanting the divorce. Usually a person whose first question is: "This is a no-fault divorce state, isn't it?"

pho/toco/py machine/ A machine that, when used properly, can create a near-perfect copy that won't show the two pints of "whiteout" used on the original.

pro bo/no 1. (voluntary) Taking a case with no expectation of receiving a fee from that particular client. **2.** (involuntary) Putting $2,000 worth of time and effort into a case only to become a creditor in that client's bankruptcy.

re • spon • dent *n.* The party not wanting the divorce. The party who will assert that the Petitioner can leave the marriage amicably if they choose, but only with the clothes on their back and all the community bills.

se/condary gain When an injured person expects to be made whole by a negligent driver's insurance company.

set/tleable case A case in which the insurance company has movies of your client, and his "severe and permanent lumbar injury," teaching an aerobics class.

stand/by cal/endar The never-never land of hearings in which attorneys must be ready to present months of work on two hours' notice; also, an excuse to prevent your client and several witnesses from taking their long-scheduled vacations.

Supreme/ Court advance/ sheets An increasingly good way of keeping track of your friends and former classmates.

sure win/ner A DWI defense involving a policeman who recently moved to Malta.

Thank you, Your Hon/or! An involuntary explicative, expressed by attorneys who have just won a trial or motion, to verbally pat the judge on the back for his well-reasoned decision.

Thank you . . . your . . . honor *(see above)* A sentence with an implied "you dumb —" at the end, normally muttered by a lawyer whose client is going to jail or who just lost a lawsuit, to let the judge know that he still has respect for the system as a whole, just not that judge.

voir dire The process by which a lawyer finds the 12 least hostile people on a jury panel.

wit • ness *n.* A person sworn to tell the truth, whose attorney will characterize as a saint, the other attorney will characterize as a liar, and the jury will believe is somewhere in between.

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Jeff Tolman *is a partner at Tolman & Kirk in Poulsbo.*

The Lawyer's Guide to the Internet.

G. Burgess Allison, 205 pp., softcover, $29.95.
American Bar Association, 1995.

The Internet Guide for the Legal Researcher

Don MacLeod, 305 pp., softcover, $56.
Update Service, $39. (semiannual updates July and November).
Infosources Publishing, 1995.

reviewed by **Robert C. Cumbow**

You need the text of the newest U.S. Supreme Court opinion. Do you wait for the advance sheet? Print it off LEXIS or WESTLAW? Photocopy a digested version from your morning *Times*? Or pop onto the Internet and download the whole thing with little effort and at no cost, thanks to the Supreme Court's Project Hermes?

Well, your obvious choice is Hermes—if you know about it, and if you are connected to the Internet. Two big ifs. Getting connected is your own business, and only you can decide if it's right for you or your firm. But there is no longer any excuse for not knowing about it.

In recent months numerous books and articles have alerted the legal community to the wealth of resources the Internet places at the fingertips of lawyers, paralegals and law librarians everywhere. Two of these are of particular interest, and nicely complement each other: Burgess Allison's *Lawyer's Guide to the Internet* provides an excellent broad introduction to the Internet and its resources, while Don MacLeod's *Internet Guide for the Legal Researcher* presents a fine, focused and growing one-stop listing of its legal research resources and how to access them.

MacLeod realistically views the Internet as a legal research resource that, at present, is "no match for commercial online services," but that "is *becoming* a basic legal reference tool." That maturation is occurring with blinding speed, as evidenced by Mr. MacLeod's own admission that his book (and others like it) begin to be out of date the very day they are published. The review copy sent to the *Bar News* was accompanied by the July 1995 Update, devoted chiefly to the WorldWide Web and the info-access explosion caused by the availability of the user-friendly Netscape Navigator. Updates will continue to appear each July and November, for those who care to subscribe.

MacLeod identifies his book's purpose: to catalog some of the more popular and simple ways of doing the two basic things for which a legal researcher will want to use the Internet: communicating and retrieving data. The book provides basic technical information in a user-friendly, easily understood way, pointing the reader toward necessary hardware capabilities and the comparative advantages of various communicating, searching, browsing, and compression softwares.

The bulk of Mr. MacLeod's book is a prodigious guide to law-related databases, search tools, and other resources on the Internet. Separate sections focus on academic, government, and nationwide resources; state resources (did you know that the full texts of the RCW, the state constitution, and legislative bills are available on a searchable public-access system?); WorldWide Web sites; and law libraries. There are also a bibliography of conventional printed materials on the Internet, a useful Glossary of Common Internet Terms, and an exhaustive index.

Besides providing an excellent and eye-opening guide to what's available on the Internet, MacLeod's book is also valuable for pointing out what's *not* there (and, by implication, should be): certain agency rules and regulations, for example, and a wide range of commercial information not yet online as business, for once, lags behind government in taking advantage of new communications technology. Thus the book is as useful a guide for those who are providing online resources as for those who are using them.

MacLeod offers a good basic introduction to electronic mail, and its Usenet permutations, newsgroups, listservs, talk and chat. The economy with which he presents this information has some disadvantages: He breezily perpetuates the misinformation that e-mail communication will replace postal delivery only after security features are implemented. In fact, simple encryption tools already available make electronic mail more secure than your average sealed envelope, and routing features make it more readily traceable than Certified Mail. He also enthusiastically commends to the legal researcher the approach of communicating a snarly research question to "a few hundred colleagues," with scarcely a nod in the direction of the inherent obstacles to obtaining legal solutions via Internet: questionable reliability of the source, potential malpractice, possible conflicts violations, avoiding waiver of the attorney-client privilege.

The book's biggest drawback is that it shows every evidence of having been spell-checked but not proofread. How else to account for the frequency of obvious typos like "you" for "your" ("you have erased

> ***"The Lawyer's Guide to the Internet . . .may be the one indispensable work for anyone who still expects to be practicing law in the 21st century."***

the post from you computer"), "simple" for "simply," missing words ("you will prompted by a dialog box"), and an alarmingly creative approach to alphabetization (Host, HTTP, IP, HTML, InterNIC, Jughead)?

Notwithstanding its shortcomings, Mr. MacLeod's book is serious business and sharply focused to the immediate needs of the legal researcher who wants to become Internet-literate and save time and money by using the net's vast base of free resources. His glossary is replete with technical terms and names of gophers and other tools; but you will search in vain for Internet jargon. No "IMHO," no "BTW," no "NRN" — only "Newbie" is present and accounted for. For the rest, you must turn to Burgess Allison's broader and more ambitious — and more self-consciously hip — *Lawyer's Guide to the Internet*.

In her foreword to the book, ABA President Roberta Cooper Ramo identifies what is best and worst about Mr. Allison's book. She calls the book "a map showing the entrance to the global village," and it is that. Besides providing a useful primer and an excellent resource base, *The Lawyer's Guide to the Internet* points the way for all future legal research and discourse. As such it may be the one indispensable work for anyone who still expects to be practicing law in the 21st century.

Ramo identifies a second "attraction of this book," to which she gives equal weight: "the fun factor." Now, I'm as much in favor of fun as the next person, especially when it means lively, entertaining writing; but most of the "fun factor" in Mr. Allison's book consists of an irritating gee-whiz style that wears out its welcome after three pages. He peppers his prose with "yow," "wow," "OK," "'cause" (for the apparently obsolescent "because"), "sure," "stuff" (as in "the cool stuff" and "the easy stuff"), "hey," "gosh," "well," and "cool." He enthuses in breathless italics, seemingly unable to apply to his own writing the incongruity he recognizes in the Internet "emoticon": If your reader can't tell your tone by the way you choose and organize your words, adding a smiley face (or italics) isn't going to help. He indulges in self-congratulatory celebration of his own cleverness, such as his extended metaphor of a "tour" of the Internet as a personally-guided amusement park ride ("Keep your hands and feet inside the car at all times, remain seated, and don't raise the bar while the car is moving."). Readable? I guess so. Friendly? I'm not so sure. Mr. Allison appears to have learned to write from studying the worst of Stephen King:

> Time out. You're kidding! We're gonna get a *boring history lesson*? Hey! Does a kid looking for Sega Genesis care even *one whit* about Atari's first game of Pong? Of course not. Is it even of any *use*? Like, I don't think so.

If he's putting these words in his reader's mouth, it's insulting; if he's putting them in his own, it's degrading. Such *Sesame Street* Generation rhetoric may appeal to those who somehow became lawyers without finishing high school, but it's likely to be off-putting to those of us who expect to be written to as adults. This approach to what Mr. Allison evidently thinks of as "punchy writing" may be explained by the fact that, despite the book's usefulness to the legal profession, his real interest in the Internet is as a form of entertainment. See page 39: "Think of the Internet as a great big TV set."

That kind of "thinking" results in an uncritical analytical style that ill serves Mr. Allison and his readers when he purports to examine the Internet as a cultural and political phenomenon. He lumps copyright infringement and fair use together, for example, without distinguishing between them, in one big basket about "free speech" on the Internet. He leaves frustratingly unexplored the intriguing implications of his observation that Internet users and providers cheerfully send thousands of users electronic copies of documents they would never dream of distributing in hard copy form.

Mr. Allison either doesn't recognize, or thinks unworthy of discussion, the underlying suggestion that copyright infringement ceases to be illegal in a medium that makes it so easy.

His thinking is equally muddled when it comes to the government. On page 5, he hates the idea that *the government* (italics his, of course) is leading the way in the information revolution; on pages 51-54 he is oh-so-suspicious of the motives of private enterprise in suggesting that it can do a better job of laying the information superhighway than government agencies can. (Unaccountably, he refers to the promotion of private-sector involvement as "politically correct" — the first time I've ever heard that term applied to anything other than the excesses of well-intentioned Liberalism.)

In his glossary definition of "cyberspace" he waxes snide about "the reality distortion field that surrounds Hollywood, Madison Avenue, and pop culture" — turning an astonishingly blind eye to the very sources of his own literary (I use the term advisedly) style.

The "fun factor" has, on the other hand, produced one particularly enjoyable (and user-friendly) benefit: Mr. Allison presents his footnotes as numbered sidebars, in gray-screened boxes more eye-catching and often more readable than the main body of the text.

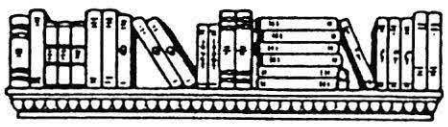
After about 60 pages of intermittently useful background information laced with rock'n'roll rhetoric and unexamined opinion, Mr. Allison settles down to something like straightforward prose. The more serious and informative part of his book, evidently, did not lend itself to "the fun factor." So for the next hundred or so pages he treats us as serious legal practi-

tioners looking for a way to do our jobs better. He discusses ways of using the Internet to obtain maximum useful information at minimum cost and effort, the uses, abuses and risks of e-mail, the truths and lies about security and viruses, and how best to take advantage of what's actually "out there" on the Internet.

Then follows the most useful section of all: compilations of legal resources available by Internet, including extensive excerpts from Erik J. Heels's legendary "Legal List," a list of "Law Lists" compiled by Lyonette Louis-Jacques, and an extensive reference listing of government information sources. These are accompanied by summaries of each resource's content and instructions on how to access it—information with the potential of increasing the efficiency and decreasing the expenses of law practice from the largest corporate firm to the humblest sole practitioner.

So despite the fact that its stylistic aim is low, Allison's book has enough scatter to hit most of the key marks in what is emerging as the most important innovation in law since West Publishing first looked at a desktop computer with a wild surmise. *The Lawyer's Guide to the Internet*, with periodic updating, bids fair to become the essential resource of a new age of law practice.

Editorial Advisory Board chair ***Robert Cumbow*** *practices in Seattle with Perkins Coie.*



STATE LAW LIBRARY
Books Recently Cataloged

Listed below are some of the new titles recently acquired by the State Law Library, and available for loan by phone from (360) 357-2136, or by mail from Washington State Law Library, Temple of Justice, P. O. Box 40751, Olympia, WA 98504-0751. A quarterly *Books Recently Cataloged* list, generally containing 150-200 new titles, is also available by mail from the above address.

On January 7, 1991, the State Law Library began circulating the video collection of the Office of the Administrator for the Courts (OAC), which has more than 150 titles and more than 175 videos. A catalog of titles is available from OAC; call Judicial Education at (360) 753-3365, ext. 3248, for a copy.

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

BANKRUPTCY

Hessling, Robert A. *Reaffirmation and redemption*. Charlottesville, VA: Michie Co., ©1994. Pp. 775. ***KF1526.H47 1994***

DISCOVERY (LAW)

Simpson, Reagan Wm. (Reagan William) *Civil discovery and depositions*. 2d ed. New York, NY: Wiley Law Publications, ©1994. Pp. 595. ***KF8900.S55 1994***

EMPLOYEE RIGHTS

Decker, Kurt H. *Privacy in the workplace*. Horsham, PA: LRP Publications, ©1994. One vol. V.p. ***KF3455.D43 1994***

LAWYERS—FEES

Brickman, Lester. *Rethinking contingency fees*. Washington, DC: The Manhattan Institute, 1994. Pp. 83. ***KF310.C6B7 1994***

POWER OF ATTORNEY

Durable powers of attorney and health care directives. 3d ed. Colorado Springs, CO: Shepard's/McGraw-Hill, ©1994- . Two vol. (loose-leaf) ***KF1347.D87 1994***

SHAKESPEARE, WILLIAM

Kornstein, Daniel. *Kill all the lawyers?: Shakespeare's legal appeal*. Princeton, NJ: Princeton University Press, ©1994. Pp. 291. ***PR3028.K67 1994***

TELEMATICS

Cavazos, Edward A. *Cyberspace and the law*. Cambridge, MA: MIT Press, ©1994. Pp. 229. ***KF2765.C38 1994***

The Basic Trial Lawyer

Many lawyers complain that they leave law school as they entered it — with a skullfull of mush — but there's still the old-fashioned way: reading. Here's a collection of useful books.

by **Lindsay T. Thompson**

Even after 137 trials, I wake up the morning of each new one with an acute case of stage fright. All I want to do is get out of bed, get dressed, get in the car, and leave town.

Once I am in the courtroom, surveying the scene like Raymond Burr in the opening credits for Perry Mason, I am OK. Like most bad actors, I love trial work, and I love jury trials best of all. I have been fortunate to try a variety of cases, ranging from a defective toupee through adverse possession, timber trespass, misidentified Arabian horses, embezzlement, cocaine-dealing grandmothers, customs broker negligence, divorce, theft of a lawn mower ("I saw a car coming the other way as I drove home," the owner testified. "The trunk was up, and there was a lawn mower in the back. I thought, 'that little tag on the handle looks just like the one that was on my mower when I picked it up at the repair shop yesterday.'"), the stiffing of a hotel owner by a rock 'n roll band, perjury, and conspiracy, not to mention the Case of the Stolen Three-Quarters of a Cord of Firewood (my version of Horace Rumpole's Penge Bungalow Murders).

What really made me an aficionado, however, was my time as a deputy prosecutor for Cowlitz County. I soon discovered the local criminal defense bar was a group possessed of endless ingenuity. Ellie Couto, Duane Crandall, John Hayes, Mick McLean, Jim Morgan, Mark Muenster, Dennis Owens, Steve Thayer, Sam Wardle, Steve Warrning, and Steve Wozney *never* ran out of ideas for attacking my cases, my witnesses, or my neckties.

I had to hit the books. I developed a passion for information about trying cases and picking juries. Happily, there is a seemingly endless supply, and I have been collecting them ever since. In a time when mentors are short, a well chosen bookshelf can be a good companion.

West Publishing Company has brought out several useful entries in recent years. Perhaps the best of any I have seen is Cathy E. Bennett and Robert B. Hirschhorn's *Bennett's Guide to Jury Selection and Trial Dynamics,* (1993, 420 pages hardbound with 711 pages soft cover appendices volume). Bennett, a noted trial consultant whose advice was credited with helping William Kennedy Smith win acquittal before her untimely death, and her long-time collaborator Hirschhorn, have produced a truly remarkable and useful work. For those of us who generally lack the resources to hire such people, this book is the next best thing. Although tilted, a bit, in the direction of criminal defense cases, it is nevertheless packed with insight and practical advice for any lawyer doing jury work. The appendices are especially valuable, consisting of motions and questionnaires for the selection of juries.

A 1994 paperback published by West, Keith Evans' *The Common Sense Rules of Trial Advocacy* (236 pages), will assist new attorneys in approaching their first court appearance with confidence, as well as providing experienced trial lawyers with an invaluable review of the do's and don'ts of trial advocacy. Evans, who made a successful career in the English Bar before making a name for himself in California, draws on 30 years of court room experience in several hundred jury trials. He explains the basic philosophies and objectives of examining witnesses, and details ways to plan and carry out examinations. He explains the mistakes that many lawyers make in trial presentations and gives directions on how to avoid them. He describes ways to formulate questions, and includes techniques for producing polished and effective examinations; explains how to prepare and present a case to the decision makers; and details guidelines for holding the undivided attention of the fact finder throughout the trial. He discusses such concepts as body language of a document, pace, movement, sign posting, the proper use of white space, and the rules of persuasion in writing. The book is made up of short essays on these topics written in a literate but accessible style. We all grow a bit rusty between trials, especially in private practice. This book is a handy volume to pull down from the shelf as part of the brushing-up process.

Prentice Hall Law & Business has published three different books on aspects of conducting jury trials. Donald E. Vinson's *Jury Persuasion: Psychological Strategies and Trial Techniques* (281 pages hardbound, 1993) provides a penetrating assessment of jurors' interior influences and the thought processes likely to come into play as jurors hear a case and deliberate. Jurors' perceptions of the trial process and their ultimate decisions are largely determined by their pre-existing attitudes and beliefs, which act as screens or filters to interpret, distort, or reinforce information presented during trial, Vinson maintains. Attorneys who understand these cognitive and emotional perspectives have a distinct advantage in presenting their case, as well as influencing the outcome of the jury's verdict. Vinson, who chairs DecisionQuest, Inc., a Los Angeles jury research and trial consulting firm, covers such matters as attitudes and personality traits, cognitive and affective jurors, decision making, common reasoning flaws, attitudinal biases, and the "notorious sleeper effect."

The text, which also contains anecdotes, reflections, and short pieces by 33 trial lawyers across the country, teaches litigators how to confront jurors' emotions and predispositions from the very start of trial. Topics examined in the book include voir dire, jury selection, opening statements (why do most jurors arrive at a verdict — or a predisposition – during or immediately thereafter?), witness likability and its impact on the testimony of witnesses, special tactics (how to achieve the requisite turn-around by embracing the statement and inoculating witnesses), reinforced learning (why do jurors react positively when invited to join a learning process?), demonstrative evidence, punitive damages (and how a juror's emotional state affects their award), and basic methodologies employed by jury research consultants and firms.

Robert E. Goldman's *The Modern Art of Cross Examination* (374 pages hardcover, 1993) reflects the experiences of a leading court room strategist about what works and what doesn't in the court room. Structured as a hands-on, working tool, the handbook presents in detail how a successful cross examination is planned, developed, and executed. It also provides, with clear, step-by-step instructions, the means of applying Goldman's tactics. Throughout the work, Goldman illustrates how to use court room surroundings, trial participants, tensions and conflicts, points of law, and even what the judge and jury may have read in the morning newspaper to work toward earning the desired response from each witness.

Among the other topics covered in the book are steering cross examination effectively without depending on a list of questions; maximizing the effect of witnesses' answers through "set-up" questioning; adjusting cross examination techniques to satisfy changes in causes of action; dictating pace and tempo, developing themes, moderating aggressiveness and isolating issues; extending answers to the opponent's logical — and often absurd — conclusions; anticipating shifts in testimony; impeaching and cross examining witnesses; closing escape hatches; maneuvering statistics to destroy the opponent's theory of cause and effect; and pyramiding the total effect of the cross examination for the most powerful possible summation.

Colorado lawyer Leonard E. Davies has contributed to Prentice Hall's book shelf with *Anatomy of Cross Examination* (477 pages hardcover, 1993). Each principle in Davies' book sets forth a succinct objective, which is analyzed in detail and illustrated by example. Davies groups his principles into eight sections, including: sizing up the terrain, applying strategy, selecting tactics, achieving the objective, developing a style, understanding witnesses, thinking on your feet, and questioning the expert witness. This book is filled with examples and excerpts drawn from actual trials, as well as the lore and literature of legal practice. Each was selected to demonstrate the application of a particular principle of effective cross examination.

Three recent books address the next phase of trial work, the appeal period. Robert L. Stern, Eugene Gressman, Stephen M. Shapiro and Kenneth S. Geller have collaborated to produce the Bureau of National Affairs' *Supreme Court Practice: 7th Edition* (1,064 pages hardcover, 1993.) BNA calls the book definitive coverage of the U.S. Supreme Court, and they are not exaggerating. This is an exceptionally well organized and remarkably thorough and accessible treatise containing everything a lawyer needs to know to initiate or defend a case in the Supreme Court. New to this edition is the "guide for counsel in cases to be argued before the Supreme Court of the United States" prepared by the present clerk of the court, William K. Suter. Among the topics considered by the book is whether a petition for certiorari should be filed in a particular case; the most effective ways of preparing petitions for certiorari and briefs in opposition; jurisdictional statements and motions to dismiss or affirm; briefs on the merits; and various other motions and documents for submission to the Court. In addition, techniques for persuasive oral argument are distilled from the experience of judges and advocates. The book describes the daily operation of the court and its various offices, alternative methods of admission to the Bar, and the availability of the Supreme Court briefs and records in depositories and libraries. Included in the text are checklists for docketing and processing cases, pursuing a case through the briefing and oral argument stages after review has been granted, negotiating the maze of page limits and cover colors not prescribed for most documents filed with the Court, samples of forms, petitions, briefs, motions, and other documents, and appendices containing the full text of the 1990 rules and the text of all statutes pertaining to the Supreme Court.

From West Publishing comes Thomas E. Baker's *Rationing Justice on Appeal: The Problems of the U.S. Courts of Appeal* (445 pages hardcover, 1994). This one volume publication is a complete treatment of the problems and possible solutions facing the U.S. Courts of Appeals. It provides a historical overview of the critical structural issues facing the judges and Congress, as they decide how to deal with the astronomical growth in the dockets of the Courts of Appeals. The book has its origins in the Federal Courts Study Committee Implementation Act of 1990, passed by Congress to direct the board of the Federal Judicial Center to study the full range of alternatives for the Federal Courts of Appeals and submit a report to Congress. The study provides a foundation for debate on this topic over the next few years, and particularly informs regarding the recent revival of Senator Slade Gorton's long-standing campaign to divide the 9th Circuit Court of Appeals and create a new, "Northwest" circuit. The last effort to divide the 9th Circuit, in 1989-90, has a chapter all its own in this book.

Judge Frank M. Coffin, senior circuit judge of the U.S. Court of Appeals of the 1st Circuit, has written *On Appeal: Courts, Lawyering and Judging* for WW Norton & Co. (373 pages hardcover, 1994). Aimed at a more general audience, but nevertheless useful as an introduction to the process for anyone interested in federal appellate work, Coffin's book takes the reader on a tour behind the scenes of the Court of Appeals, revealing the innerworkings of this essential but frequently overlooked aspect of America's legal system. He covers everything from the collegial efforts of judges and law clerks, to the history of the Court of Appeals and many of its landmark decisions. Coffin achieves this by describing a wide range of real-life cases and showing how lawyers work up their briefs, how oral arguments are brought into play, and how the judges hearing each case confer in chambers, work with their clerks, and reach a conclusion that eventually appears as an opinion in one of the miles of books that line the walls of every law office and library. Written in Judge Coffin's clear and witty prose, *On Appeal* offers practical advice for appellate lawyers, including how to prepare for an appeal, how to write convincing briefs, how to prepare oral arguments for greater efficiency, and — most important — how to recognize when a case will fail on appeal, and how to gently inform the client in order to save everyone time, aggravation, and money.

Of course, at every level, winning a case is about telling stories. Seattle resident and WSBA member, Sharon Creeden, has produced a fascinating collection of stories, *Fair is Fair: World Folk Tales of Justice* (August House Publishers, P O Box 3223, Little Rock AR 72203, 1-800-284-8784, 190 pages hardcover, 1994). Creeden, who has contributed in the past to the *Bar News*, has assembled a fascinating collection that illustrates how various cultures have dealt with criminal behavior. These 30 stories are further enhanced by the author's knowledge of the law, and her illuminating commentary linking them to famous court cases and current legal debates. For example, "The Lawyers Advice," a Danish tale of a farmer who escapes punishment by convincing the judge he is insane, is paralleled with the case of John Hinkley, Jr., the man tried for attempting to assassinate former President

> ***". . . at every level, winning a case is about telling stories."***

Reagan. At the story's end, the author gives a brief history of the insanity defense, beginning with the M'Naghten and Brawner rules, and closing with an explanation for Hinkley's acquittal, which so outraged the public that 38 states soon changed their laws. A Malaysian tale in which each animal blames another for Crocodile's broken eggs prompts the discussion of proximate cause and liability law; a Japanese tale about how Ooka, the judge, identifies the real mother of a baby is compared with an overview of the 1985 Baby M child custody dispute; and an Italian tale about a mistreated horse gives rise to a discussion of the contemporary animal rights debate and a legal history of the movement. Juxtaposing the wisdom of other cultures with the dilemmas of our modern western legal system, this fascinating collection makes legal issues accessible, and folk tales relevant, to modern life.

From American Lawyer Media Books [625 Polk Street, Suite 500, San Francisco CA 94102, (415) 749-5400] comes *The Price of Harassment: Weeks v. Baker & McKenzie* (384 pages softcover, 1995). After a six week trial in San Francisco Superior Court, legal secretary Rena Weeks won $3.7 million for sexual harassment against the world's largest law firm and one of its top (former) partners. Was it a runaway jury, or justice? Court TV and the *Recorder*, a San Francisco legal newspaper, provided gavel to gavel coverage of the trial, and have now produced a book and video with highlights of this ground-breaking case. The book includes opening statements and closing arguments; key witness testimony; complete jury instructions and special verdict forms; juror interviews; trial briefs, and Judge John Muntr's ruling slashing the original $7.2 million verdict. Editor Monica Bay has taken reporters Mark Boennighausen and Clara Tuma's work, and assembled it into a first-rate practical guide to this volatile area of employee relations. American Lawyer also offers a package deal in which Court TV's video documentary of the case can be ordered with the book. The video is also available separately.

Clark Boardman Callahan has produced several valuable sets with broad practical application. *Attorneys Medical Advisor/ Atlas*, 10 volumes, ring binder, 1994, helps attorneys easily, quickly, and thoroughly evaluate personal injuries, diseases, and

disabilities before consulting experts; ask the right questions of parties and experts to make a case; prepare for discovery, trial or settlement; and clearly communicate with juries, opposing counsel, expert witnesses and judges. The set discusses medical considerations and complications of a condition or procedure, and cross references full color anatomical illustrations in the atlas. The set provides up-to-date information on the normal anatomy and physiology of the human body; the birth, growth, and aging process; diagnostic procedures; treatment procedures; traumatic injuries; medical disorders; and physical disorders; as well as 300 striking full-color illustrations that can be easily and inexpensively reproduced or enlarged, with a special coating that permits the attorney to mark them up with water based markers. A three-bar icon system alerts the reader to critical medical insights that complicate a condition, affect a long-term prognosis, or have other special significance. User guides define frequently encountered medical terms, illustrate anatomical perspectives, and provide tips on fast access to ensure maximum product benefit. Assembled by authors Lee Less Russ, Bruce Freeman, and J. Stanley McQuade, the set is a well-organized, thorough and all-together useful guide to the medical side of personal injury cases.

Clark Boardman Callahan has also produced *Attorneys Desk Library*, a six-volume set dealing with eleven important practice areas: litigation, contracts, small business planning, labor and employment law, federal income taxation, securities law, immigration law, consumer law, workers compensation, real estate, and criminal law. The set is thorough without being overwhelming, in topics which could each generate a set of volumes of similar size. As a starting point for further analysis, the set is an excellent reference. Its utility is extended by the availability of forms diskettes, available in ASCII and WordPerfect formats. These make drafting time shorter and customization easy.

Steven C. Alberty's *Advising Small Businesses* (Clark Boardman Callahan, 1994, 2 volumes, ring bound) is a basic treatise dealing with the nuts and bolts of advising companies that don't grow up to become General Motors. It is thorough, well organized, and written in an accessible style.

Prentice Hall Law and Business has produced a useful adjunct to *Business Practice, State Limited Liability Company Laws* (3 volumes, 1994). Within the last year, in Washington and around the country, limited liability companies have become all the rage. The book covers each of the 35 states which have adopted laws governing this significant new form of business organization, and provides a complete explanation of forming, managing, operating and dissolving a limited liability company. In addition to practice guides for each state, the complete texts of all 35 state limited liability acts, plus the ABA prototype limited liability company act and draft uniform limited liability company act are included, as well as the latest official and unofficial state forms and annotations of all relevant case law holdings. Also included in the set is a comprehensive mini-hornbook which offers detailed analysis of the significant differences among limited partnerships, limited liability partnerships, and limited liability companies; and also assesses state and federal tax issues.

Finally, two new sets have been published dealing with environmental topics. Elizabeth Glass Geltman has produced *Environmental Issues in Business Transactions*, in collaboration with The Michie Company (2 volumes, hardbound, 1994). Geltman treats the growing body of federal and state environmental legislation regulating real property transactions. Casting a wide net, these laws can ensnare even the most peripheral parties, exposing them to potentially ruinous claims. This set reveals the potential dangers to the unwary, giving attorneys a clear, practical guide for creating sensible strategies to identify and avoid liability in business transactions. Any business transaction involving land, whether part of a company merger or a simple closing, can involve lenders, trustees, brokers, attorneys, contractors, shareholders, and other interested parties. *Environmental Issues in Business Transactions* helps the practitioner perceive the typical problems, draft documents that satisfy environmental regulations, and structure the transaction to protect against liability.

Closer to home, West Publishing Company has produced a two volume treatise by former *Bar News* contributor and University of Washington School of Law professor William B. Stoebuck. *Real Estate: Property Law* and *Real Estate: Transactions* comprise volumes 17 and 18 of the Washington Practice Series. The set provides authoritative analysis and commentary on residential landlord/tenant law, and the constitutional limitations on due process and takings issues. Topics examined include property, land use planning, zoning, development, tenancies in common, easements, covenants, and real estate financing. Professor Stoebuck, recognized as the leading authority on real property and land use planning law in Washington, has been cited in decisions by the Supreme Court of Washington, the Court of Appeals, and the U.S. Supreme Court. Stoebuck's two volume addition to the Washington Practice Series is a welcome expansion of that already useful Washington oriented collection.

With an election just around the corner, and candidates already jockeying for position, *Lobbying, PAC's, and Campaign Finance, 50 State Handbook, 1994-5* (West Publishing Company, 1994), is a soft bound annual review of state regulations and laws covering lobbying and the financing of political campaigns in every state in the union. Ross Perot, who recently announced he is launching a third political party, may find this work useful to read in his spare time.

The State Capital Law Firm Group, a non-profit corporation consisting of 50 independent law firms located in or near their respective state capitals, put this book together. Each chapter is written by an experienced attorney/lobbyist from a firm within the group, and each state's chapter is organized according to a model outline. Each chapter summarizes a given state's laws on lobbying, campaign finance, political action committees, and related ethical considerations. The handbook covers lobbyists' obligations, as well as those of the people or entities that employ them. References to state codes and state attorney general opinions that further refine practice or procedure are included. Recordkeeping procedures, reporting requirements, prohibited practices, the employability of former elected officials, and many other topics relating to the political game are detailed. Miscellaneous information, such as a listing of specific state forms, contact names and addresses of state ethics and election commissions is also included.

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Lindsay Thompson *practices law in Seattle, and in grade school was one of those annoying children who worked hard at writing book reports.*

Straight talk from the newest attorneys

The *Bar News* recently asked the 1995 spring WSBA admittees to tell us how their jobs or job searches were going. We wanted to know if lawyering was everything they'd hoped it would be. We even asked how much money they were making. Of the 381 questionnaires mailed, 41 responded (10.5%). Here are a few highlights (percentages may be more or less than 100 because of multiple answers or no answers to each question):

"Why did you want to be a lawyer?" The big answer was opening up career options (32%), then helping others/idealism and challenging (both at 24%). Only 17% admitted to money being a motivating factor. Other answers included enjoying public speaking, and being a "people person."

When it comes to what they thought other people's motivations were to practicing law, 80% said money was the main factor for their colleagues. Other reasons included power (27%), helping others/idealism (24%), ego (20%), and a smattering of votes for responsibility, challenge, glamour, control and variety.

Their job searches were a mixed bag, with 54% saying they had a job, and the rest saying they either didn't have a job at all, had a job in a different field, or declined to answer the question. Twenty-four percent said they had a job lined up before passing the Bar, and 49% said getting a legal job was much harder than they expected. One answer:

• "I was fortunate to have secured employment prior to graduation from law school. I believe that being an older student I had many advantages that my younger classmates didn't have because I think that firms today are really looking for more than just a J.D., they want a new attorney who can offer work experience, maturity, additional degrees and skills that fit the firm. Younger attorneys have greater difficulty in these areas."

The salaries they expected to make showed either a huge case of confidence or cluelessness. Forty-six percent said that when they first entered law school, they expected to make $30,000 - $50,000 in their first year as a lawyer; 59% expected more than $50,000. (Several of those expected $60,000 - $80,000 starting out.) Now that they're actually in the job market, 64% expect to make $15,000 - 30,000 this year, 28% $35,000 - $50,000. Only two expect more than $50,000. Within five years, 43% hope to make $35,000 - $50,000, 22% $50,000 - $70,000, and 35% expect more than $70,000 a year.

The good news is that many of these recent graduates still hold high moral standards for themselves. In asking them **"How would you define a successful career as a lawyer?"** the answers ran anywhere from being able to repay their student loans to finding happiness at work and at home. Some comments:

• "A successful first year lawyer would be one fortunate enough to secure employment at a firm which not just allowed, but required, the lawyer to take on full responsibility of acting as a lawyer, requiring trial court time, appeals court time, and client counseling."

• "A successful first year is getting past the moral degradation that the older attorneys feel they must impose on the new attorneys. A successful long-term career is not becoming an alcoholic or adulterer during my lifetime even though my work pushes me toward those ends every day."

• "Your clients stay with you for 20 years and say nice things about you behind your back."

When asked about **the public's perception of the legal profession**, most said it was negative.

• "They don't like you until they need you."

• "The public has a poor image of lawyers and it seems to be getting worse. My pet theory is the number of people getting divorced are exposed to lawyers and never like the results."

• "(P)eople outside the profession who have known me for years indicated while I was in the law clerk program that they just knew I was going to change when I became a lawyer... Some people think lawyers are automatically successful and live in some sort of 'Dallas' type world."

Some were disillusioned with the practice of law and the justice system.

• "I feel like the system is deteriorating. The less access we give to the legal system the less relevant it is to society. The benefits of the law are still reserved for few."

• "I think the practice of law can be rewarding, and I think the system is capable of, and heading toward, reform, mostly due to the public's perception and demand to reform the system's abuses and ineffectiveness."

• "Now I realize that you can't change the system, you have to resist being changed by it."

"What's the best advice you've ever received about a career in law?"

• "Get a job before you go to law school. Develop a career path that law augments. It will give you valuable experience in an area before you look for employment as an attorney."

• "I was told that 90% of lawyers serve 10% of the American Public and that if I really want to make a difference I should try and help the forgotten 90% of the public."

"If you could change one thing about the practice of law, what would it be?"

• "The profession must learn to address the racism, sexism, and other forms of discrimination that is clearly abundant within the hallways of the large, medium and small size firms."

• "I would like to see all schools require either a year of advocacy class, a year of law clinic, or a year of internship at a law firm. If this required adding an additional year to law school, so be it. Medical students endure this for the sole purpose of gleaning practical experience before they begin treating patients in private practice. Why should a client's legal rights be placed at a lower premium?" Anonymous.

• "The procedural games that are played in litigation. They are a disservice to the client and the profession, they do not truly advance justice, and most attorneys know that if they simply cooperated with each other, many litigation matters would be resolved much more quickly and inexpensively, to the moral satisfaction of all involved." ◆

Mandatory CLE Update

The MCLE reporting period, January 1, 1993 - December 31, 1995, is reaching its close and Group 1 members (admitted through 1975 and in 1991) are reminded that it is time to begin assembling data for the three-year CLE certification, due January 31, 1996. The certification will be included with the Licensing Fee packet to be mailed in mid-December.

To all those admitted in 1991, a word of caution from the Licensing Department — it is up to each individual member to keep track of their own attendance records; the CLE Board does not do it for you. Another reminder — members are allowed to obtain one-third of the credit requirement via audio/video tapes.

Congratulations to the 648 summer 1995 washington state bar admittees!

Aaron, Colin Jeffrey, New York, NY
Abdel-Barr, Khaled Samir, B.C., Canada
Abraham, Anila, Kent, WA
Abrahams, Nadine C., Chicago, IL
Adams, Michelle Bacon, Tacoma, WA
Ahrend, George M., Spokane, WA
Aiken, Amanda May, Seattle, WA
Aird, Craig R., Fox Island, WA
Alberti, Anntonette Zembrzuski, Federal Way, WA
Alderete-Medjo, Cynthia Louise, Redmond, WA
Alesch, Wendy Marie, Lake View, IA
Allen, Marilyn J., Anacortes, WA
Allgood, Tara L., Coeur d'Alene, ID
Amos, Colin J., Federal Way, WA
Anderson, Kimberley Reed, Seattle, WA
Anderson, Nancy Lynne, Seattle, WA
Anderson, Richard L., Woodinville, WA
Anderson, Troy S., Kirkland, WA
Andre, Scott C., Seattle, WA
Andrews, Robin D., Spokane, WA
Anger, Kristin D., Kirkland, WA
Aoyama, Shari Ann, Seattle, WA
Arvanitidis, Klio., Seattle, WA
Azevedo, Julie M., Mercer Island, WA
Backman, Barbara J., Vancouver, WA
Baehr, Alexander Alcides, Seattle, WA
Baker, Kraig L., Seattle, WA
Baldwin, William N., Lynden, WA
Ballew, Brett., Port Orchard, WA
Barak, Mark J., Bellevue, WA
Barnes, Blake Leigh, Seattle, WA
Barnes, Brian Michael, Olympia, WA
Bartlett, Helen Mareen, Tacoma, WA
Barton, John G., Seattle, WA
Baumeister, Bradley William, Seattle, WA
Baumeister, Monica Brooke, Seattle, WA
Baytion, Catherine Margaret, Seattle, WA
Bean, Douglas Merrill, Issaquah, WA
Beaty, Michael Gene, Kirkland, WA
Beitey, Joseph Gerald, Valley, WA
Benjamin, Jason P., Omak, WA
Bennett, William McKay, Pacifica, CA
Berg, William M., Seattle, WA
Bergstrom, Robert W., Bainbridge Island, WA
Berman, Leonard Randolph, Portland, OR
Berryman, James C., Tuscumbia, AL
Bershad, Bonnie E., Seattle, WA
Bethke, Brian D., Danville, CA
Bild, Elaine M., Berkeley, CA
Bjornson, Erik Jon, Tacoma, WA
Black, Donald W., Tacoma, WA
Blackford, Sharon Jean, Seattle, WA
Blair, Mark C., Tacoma, WA
Blinn, Grant, Tacoma, WA
Blocki, Sarah Elizabeth, Tacoma, WA
Bloomer, Danette Landkammer, Yakima, WA
Blue, Ahndrea L., Kent, WA
Bogden, James Michael, Mercer Island, WA
Bonnell, Susan L., Seattle, WA
Born, Brian M., Seattle, WA
Bowers, Todd Richard, Seattle, WA
Boyd, Michelle Renee, Tacoma, WA
Boyd, Steven Bradley, Redmond, WA
Boyle, Karen Allston, Mercer Island, WA
Braden, Sherri Annette, Seattle, WA
Bradshaw, Russell Martin, Spokane, WA
Bray, Julian McFarland, Seattle, WA
Bridgman, Geoffrey Julian Marshal, Seattle, WA
Brillon, Alicia Allison, Seattle, WA
Broadbent, Joseph L., Stanwood, WA
Broer, Grant Clark, Ridgefield, WA
Brotman, Adam B., Seattle, WA
Brower, Joshua C. Allen, Seattle, WA
Brown, J. Elizabeth, Spokane, WA
Brown, Kristine A., Issaquah, WA
Bruno, David Ford, Bellevue, WA
Bryant, Nancy Lee, Tacoma, WA
Buck, Peter Roland, Seattle, WA
Buck, Vincent Templin, Seattle, WA
Buckley, Barbara Noel, Salem, OR
Buckley, Brian Joseph, Woodinville, WA
Buckley, Patrick F., Kent, WA
Bugbee, Chris A., Spokane, WA
Burk, Jerry L., Kent, WA
Buzzard, Jeanine Marie, Lynnwood, WA
Callaghan, Kathleen A., Seattle, WA
Campos, Joseph Michael Francis, Seattle, WA
Capell, Jeff H., Tacoma, WA
Caplicki, Edmund Virgil, III, Seattle, WA
Cargo, Karine Heather, Seattle, WA
Carlisle, Todd Harris, Tacoma, WA
Carnell, Darren E. Seattle, WA
Carpenter, Dolores Phillips, Anchorage, AK
Carroll, Kathleen, Portland, OR
Carson, Roy Robert, Seattle, WA
Carson, Sheree Strom, Seattle, WA
Cary, Margaret, Seattle, WA
Case, Deborah J., Federal Way, WA
Chaney, Jean M., Seattle, WA
Chang, Kenneth Hsi Kung, Seattle, WA
Chang, Margaret Higgins, Bellevue, WA
Charles, Edsonya, Seattle, WA
Christensen, Randy L., Vancouver, BC
Chun, Robin J., Issaquah, WA
Cichos, Troy M., Kent, WA
Cikutovich, Frank Louis, Spokane, WA
Clark, Alexander, Coconut Creek, FL
Classen, Norma Louise, Tacoma, WA
Claxton, Michael Allen, Vancouver, WA
Claydon, Sevilla Caroline Penry, Seattle, WA
Coe, Jack Brooks, Eastsound, WA
Colborn, James William, Kent, WA
Collins, Cathy Louise, Tacoma, WA
Collins, Matthews S., Los Altos Hills, CA
Contris, Lisa Ann, Tacoma, WA
Conway, N. Gail, Bellevue, WA
Cook, Julie K., Topeka, KS
Coons, Sherie Lynn, Tacoma, WA
Coriell, Kristen Bell, Spokane, WA
Costanza, Kevin Samuel, Edmonds, WA
Cox, Kristianne M., Portland, OR
Crawford, William Edward, Snohomish,WA
Crofton, Janice, Canada
Crowley, Anne March, Seattle, WA
Culp, Matthew Stanton, Bainbridge Island, WA
Culver, Robert Edward, Seattle, WA
Cummings, Mikel Marie, Tacoma, WA
Cunnane, Joseph M., Seattle, WA
Cutting, Curtis Charles, Arlington, VA
Dale, Nicole E., Renton, WA
Darcy, Sara, Spokane, WA
Dauber, Paul Bruce, Seattle, WA
Daudt, Michael Duane, Galt, CA
Davenport, Stephanie N., Everett, WA
David, Joseph Z., Scarsdale, NY
David, Rachel, Seattle, WA
Davies, Richard John, Bainbridge Island, WA
Davis, Geoffrey Marc, Seattle, WA
Dawson, Sabrina Ann, Bellevue, WA
Deagle, Brian James, Issaquah, WA
De Andreis, Peter, Portland, OR
Dear, Sharon Ann, Kennewick, WA
De Jesus, Riza, Seattle, WA
Delos Santos, Eric C., Seattle, WA
Denison, Chris S., Kennewick, WA
Denney, Sharon, Renton, WA
Des Jardins, Craig J., Tacoma, WA
Dewing, Elizabeth A., Seattle, WA
Dezzani, John Maurice, Eugene, OR
Dicke, Karen Marie, New Orleans, LA
Dietz, Richard C., Spokane, WA
Dille, Brent Frederick, Tacoma, WA
Dingledy, Mary Elizabeth, Seattle, WA
Dippold, John Curtis, Washington, D.C.
Do, Kim Huong, Seattle, WA
Dodge, Ryan E., JR., Seattle, WA
Doglio-Marquardt, Matthew, Seattle, WA
Dole, Mark Timothy, Seattle, WA
Donald, Karen L., Long Beach, CA
Donaldson, Samuel Allen, Gainesville, FL
Donion, Paul Michael, Burien, WA
Donlan, Dan J., Des Moines, WA
Dorfman, Harlan Russell, Seattle, WA
Doss, Michael L., Oregon City, OR
Dow, Suzanne Marie Bernadette, Port Angeles, WA
Downs, Patrick, Tacoma, WA
Drake, Leslie A., Tacoma, WA
Driver, Dante John, Seattle, WA
Duarte-Sanchez, E. Melania, Renton, WA
Dubin, Matthew David, Seattle, WA
Duckworth, Randall A., Pullman, WA
Duncan, John Thomas, III, Kirkland, WA
Earle, William G., Portland, OR
Eaves, Jessica Ann, Seattle, WA
Edmonds, James Roy, Bainbridge Island, WA
Ehrenberg, Michaelanne, Seattle, WA
Eisemann, Eric L., Portland, OR
Ellickson, Julie Zuver, Seattle, WA
Elston, Michael Dennis, Spokane, WA
Ely-Morrison, Lorraine, Olympia, WA
Emmal, Julie Kendig, Battle Ground, WA
Engle, Barry Wayne, Woodburn, OR
English, William Deshay, Anchorage, AK
Erikson, Jodilyn A., Tacoma, WA
Erm, Rene, II, Walla Walla, WA
Etkin, Jennifer Ann, Seattle, WA
Evans, Cary Christopher, Renton, WA
Fahrenkrug, Mark Robert, Seattle, WA
Farmer, Terri Susan, Tacoma, WA
Farr, Molly Elizabeth, Edmonds, WA
Farrell, Stephanie Jo, Seattle, WA
Feldman, Sally Anne, Kirkland, WA
Fenstermaker, Linda Lee, Brooklyn, NY
Ferguson, Robert W., Seattle, WA
Ferrier, Karl W., Ocean Park, WA
Ffitch, Simon J., Portland, OR
Fine, Susan L., Mercer Island, WA
Finucane, Brendan Patrick, Seattle, WA
Fitzpatrick, Arthur Merritt, Seattle, WA
Fitzsimons, Michael Brewster, Seattle, WA
Fletcher, Denise Michelle, Altus, OK
Flores, Robert A., Bellevue, WA
Fordham, Mark Thomas, Seattle, WA
Forquer, Jennifer A., Tacoma, WA
Fredette, Patrick, Spokane, WA
Freeman, Spencer Douglas, Seattle, WA
Fricke, Steven Paul, Vashon, WA
Friedman, David Elliot, Seattle, WA

Froggatt, Jason T., Seattle, WA
Fryrear, Lance Rodman, Seattle, WA
Furusho, Tolan Shigeo, Burien, WA
Gabelein, Kevin C., Seattle, WA
Galak, Robert C., Issaquah, WA
Garrity, Martha Angelica, Sherwood, AR
Gartland, Stacey L., Seattle, WA
Gaston, James Éric, Kirkland, WA
Gibson, Christopher, Redmond, WA
Gilbert, Bruce Richard, Seattle, WA
Giles, D. Troy, Seattle, WA
Giorgetti, Lucinda R., Portland, OR
Glant, Trudi, Seattle, WA
Glosser, Lawrence Stephen, Issaquah, WA
Goertz, Amy Jeannette, Spokane, WA
Gold, Dana Lynn, Seattle, WA
Goldsmith, Leila Kawar, Renton, WA
Golik, Anthony Frank, Spokane, WA
Gonick, Peter B., Olympia, WA
Goodkin, Jarett A., Lake Forest Park, WA
Goodwin, Darla J., Seattle, WA
Gordon, Alexander, Portland, OR
Gordon, Kimberly Noel, Seattle, WA
Gorham, Barbara Josephine, Seattle, WA
Gossage, Charles Randall, Marina Del Rey, CA
Graham, Lawrence D., Bellevue, WA
Graham, Stephen Thomas, Seattle, WA
Grant, Gail Z., Bellevue, WA
Grant, Rebecca McHenry, Aeworth, GA
Graves, Cheryl Lynn, Seattle, WA
Gray, Richard Owen, JR., Bellevue, WA
Gray, Thomas, J., Enterprise, OR
Greene, Brian M., Arlington, WA
Grigel, George G., Spokane, WA
Gross, Peter Arthur, Seattle, WA
Groves, Devon P., Seattle, WA
Guichon, Kevin P., Bellevue, WA
Hain, Wendy Louise, Portland, OR
Hall, Robert Rees, Tacoma, WA
Hancock, David L., Mercer Island, WA
Handler, Michael David, Seattle, WA
Hanna, Charles H., III, Bellingham, WA
Hardin, Katrenia Charlene, Sumner, WA
Hargrove, Todd Randolph, Seattle, WA
Harms, Stephen Lee, Moscow, ID
Harnisch, Kevin James, Mercer Island, WA
Harper, Kenneth W., Yakima, WA
Harrington, Kirsten B., Moscow, ID
Harrington, Shannon Marie, Seattle, WA
Harris, James Andrew, Bellevue, WA
Hawkins, Bruce Edward, Redmond, WA
Hawkins, Julie R., Kennedy Town, Hong Kong
Hazlegrove, Scott Andrew, Seattle, WA
Headley, James Edwin, Spokane, WA
Healy, Timothy L., Tacoma, WA
Helmlinger, John Andrew, Tacoma, WA
Herm, Robert J., Seattle, WA
Herman, Andrew C., Seattle, WA
Herrman, Kathryn Julia, Gig Harbor, WA
Heywood, Heidi L., Cathlamet, WA
Higuera, Marie Bernadette, Seattle, WA
Hill, Rustan James, Bremerton, WA
Hillman, John Christopher, Edmonds, WA
Hitchcock, Laura Lee, Sequim, WA
Hohn, Katherine Marie, Wenatchee, WA
Hood, Laura Nicole, Seattle, WA
Howe, Janet Milam, Issaquah, WA
Hunter, Anita Leigh, Tucson, AZ
Hurdelbrink, Mark Edward, Tacoma, WA
Hutcheson, William D., JR., Tacoma, WA
Hykes, Linda Marie, Mesa, AZ
Iverson, Ann M., Tumwater, WA
Iverson, Erik Howard, Seattle, WA
Jahnke, Susan Brye, Seattle, WA
Jang, Miyeon, Bellevue, WA
Jensen, Cynthia Ann, Seattle, WA
Jensen, Howard F., Seattle, WA
Jensen, Keith R., Seattle, WA
Jepson, Craig Steven, Seattle, WA
Joe, Stephen Russell, Issaquah, WA
Johnson, Keith Alan, Pullman, WA
Johnson, Kristi Joan, Seattle, WA
Johnson, Susan Mary, Seattle, WA
Johnston, Carol Nofziger, Bainbridge Island, WA
Johnston, William J., Maple Valley, WA
Jones, Donald Ford, Vaughn, WA
Jones, La Donna Marie, Seattle, WA
Jones, Rick Edward, Tukwila, WA
Jones, Sabrina Katherine, Spokane, WA
Jordan, Ty Noel, Seattle, WA
Jorgensen-Peters, Karen Marie, Seattle, WA
Joseph, Cassondra E., Bellevue, WA
Kalzer, Karen Adell, Seattle, WA
Kapela, Dana, Bellevue, WA
Kares, Lauren J., Seattle, WA
Keefe, Dan James Gerard, Spokane, WA
Kelley, Nicole C., Seattle, WA
Kendrick, Karen Lee, Woodinville, WA
Kennar, Elizabeth Rose Butler, Seattle, WA
Keziah, Thomas Dysard, Portland, OR
Kim, Ed S., Seattle, WA
Kim, Kathy Moon Chu, Bellevue, WA
Kim, Robert Daewoo Choi, Seattle, WA
Kim, Sang Min, Bothell, WA
Kim, Sara S.J., Tacoma, WA
Kinkade, Kristopher Avard, Falls Church, VA
Kirkpatrick, Karen Elsa, Federal Way, WA
Kjerulff, Holly Blair, Seattle, WA
Koenig, Mark Robert, Seattle, WA
Kohten, Leann F., Tacoma, WA
Kolde, Endel R., Seattle, WA
Kramer, Jennifer Anne, Tacoma, WA
Labrador, Raul Rafael, Seattle, WA
Lahocki, Andrea Caryl, Renton, WA
Lam, Vic Sung, Mountlake Terrace, WA
Lang, Jeffrey Allen, Kirkland, WA
Langrock, Gary M., Seattle, WA
Lankton, Stephen Ryan, Seattle, WA
Lantz, Benjamin J., Seattle, WA
Lapin, Matthew P., Seattle, WA
Lapps, Tracy Ann, Seattle, WA
Larrivee, Francois Paul, Bellevue, WA
Larsen, Kelley J., Bellevue, WA
Larsen-Le Vier, Lynn, Ellensburg, WA
Larson, Joni, Pflugerville, TX
Latham, Felicia, Seattle, WA
Latimer, Matthew D., Edmonds, WA
Layson, Nancy A., Tacoma, WA
Lecovin, Mark Jason, Vancouver, B.C.
Lee, Chung Hyun, Seattle, WA
Lee, Robert T. John, Seattle, WA
Lee, Tony Soon, Herndon, VA
Lehrman, Dale Leroy, Brewster, WA
Lehto, Paul Richard, Seattle, WA
Leid, Rory W., Seattle, WA
Leitch, Charles Philip Edward, Bellevue, WA
Leonard, Brian Walter, Ridgefield, WA
Leone, Lisa Marie, Seattle, WA
Levelle, Michael David, Beaverton, OR
Leyton, Kimberly, Bellevue, WA
Lindquist, Mark Evans, Seattle, WA
Link, Gregory Charles, Des Moines, WA
Lipinsky, Joseph Andrew, Edmonds, WA
Lipscomb, Robert Edward, St. Paul, MN
Lipsky, Joshua Mc Clain, Seattle, WA
Lonborg, David Wright, Honolulu, HI
Long, Alice Annette, Tacoma, WA
Loo, Lamont C., Renton, WA
Lopez, Joseph John, Seattle, WA
Love, Matthew Alan, Olympia, WA
Ludlow, Dione Joy, Gig Harbor, WA
Lundsgaard, David C., St. Paul, MN
Lustig, Erica Dawn, Tacoma, WA
Machia, Linda S., Seattle, WA
Mager, Gary N., Seattle, WA
Mainard, Christopher J., Seattle, WA
Malae, Robert J., Portland, OR
Marcy, Gary Lee, Portland, OR
Martel, John Gerald, Portland, OR
Martel, Julie Anne Cobb, Portland, OR
Martin, Kathleen Carney, Vashon, WA
Martinelli, Rosalie Verona, Tacoma, WA
Mason, Bradley T., St. Cloud, MN
Masterson, Anne Christine, Tacoma, WA
Mather, Robin Suzanne, Seattle, WA
Mathers, Gregory Stephen, Colorado Springs, CO
Mathison, Judith Ann, Mill Creek, WA
Matthys, Shelly Dawn, Federal Way, WA
Maurer, William B., Bellevue, WA
Maxwell, Melinda Ann, Lake Oswego, OR
Mazzone, Peter, Edmonds, WA
McAllister, Dana Leigh, Wrightsville Beach, NC
McCammond, Lisa M., Colfax, WA
McCann, Kevin Anthony, Spokane, WA
McCullough, Rebecca Kaye, Tacoma, WA
McDonald, Kristi R., Seattle, WA
McDowall, John Robert, Seattle, WA
McIntyre, Elizabeth Ann, Oakland, CA
McIntyre, Jennifer Hope, Puyallup, WA
McKeirnan, Thomas Leo, Seattle, WA
McKinley, Kathryn Rae, Spokane, WA
McPherson, Neil Connor, Tacoma, WA
Mendez, Lisa Kay, Spokane, WA
Merchen, Heath W., Auburn, WA
Meyer, Karen A., Spokane, WA
Meyer, Samuel Gregory, Tacoma, WA
Meyer, Scott Dean, Spokane, WA
Millen, Mark Paul, Monte Sereno, CA
Miller, Benjamin L., Seattle, WA
Miller, D. Willas, Seattle, WA
Miller, Lincoln, Bainbridge Island, WA
Mills, Christina Ekman, Newport News, VA
Min, Kollin K., Seattle, WA
Minger, Douglas E., Eugene, OR
Minola, Patricia J., Mercer Island, WA
Mirghanbari, Shawna M., Puyallup, WA
Mirza, Thomas Louis, Portland, OR
Miyashiro, Carol McAvoy, Bothell, WA
Moberly, Michael A., Seattle, WA
Mohajerin, Thatcher P., Spokane, WA
Monnet, Melinda, Oklahoma City, OK
Moore, Sarah B., Olympia, WA
Morford, Mark G., Seattle, WA
Morioka, Renee Naomi, Tacoma, WA
Morris, Tom L., Seattle, WA
Morris, Tracy Michelle, Seattle, WA
Morrow, Frank Henry, Freeland, WA
Mowers, Scott Christopher, Gig Harbor, WA
Muller, Robert J., Syracuse, NY
Murakami, Masanori, Seattle, WA
Murphy, Kara Marie, Redmond, WA
Murray, James Richard, Alexandria, VA
Murray, Julie Anne, Tacoma, WA
Murray, Pilar L. Tirado, Tacoma, WA
Muth, Stephanie Lynn, Seattle, WA
Muzzy, Anna Elizabeth, Seattle, WA
Myers, Jennifer Doreen, Seattle, WA
Nagel, Scott Samuel, Tacoma, WA
Neal, Christopher L., Houston, TX

Neal, Lisa C., Houston, TX
Nelson, Jason Russell, Spokane, WA
Niebling, Scott Allen, Spokane, WA
Noel, Wright A., Seattle, WA
Noreen, Kevin C., Tacoma, WA
Norris, William Kenneth, Spokane, WA
Northman, A. TOD, Portland, OR
Novak, Pamela Rose, Beaverton, OR
Nowlis, Suzanne, Seattle, WA
Nyhus, Mark Stephen, Puyallup, WA
Oberholtzer, Vincent Joseph, Olympia, WA
O'Farrell, George R., Tacoma, WA
O'Halloran, Scott Matthew, Puyallup, WA
Olander, Jaime Michael, Everett, WA
Oliver, Loria A., Olympia, WA
Olsen, Lance E., Redmond, WA
O'Rourke, John B., Spokane, WA
Over, Heidi Lyn, Seattle, WA
Pabst, Meridee E., Camas, WA
Pai, Harish Kateel, Seattle, WA
Paltzik, David Michael, Seattle, WA
Panesko, Joseph Vincent, Olympia, WA
Park, Brian Chung, Edmonds, WA
Parker, Paul Timmons, Suquamish, WA
Parlange, Lorraine Anne, Spokane, WA
Parry, Mary Jane, Spokane, WA
Parry, Theodore R., Seattle, WA
Passannante, Mark G., Portland, OR
Paulson, Jane Suzanne, Portland, OR
Penfield, Robert Joseph, Tacoma, WA
Penner, Stephen Michael, Seattle, WA
Pesch, Christopher A., Bellevue, WA
Peters, Theodore C., Lake Oswego, OR
Petersen, Scott Thomas, Spokane, WA
Petersen, Virginia A., Seattle, WA
Pettit, Allison Gail, Seattle, WA
Phelps, Christian J., Spokane, WA
Phillips, Lori Lynn, Valley Springs, SD
Phillips, Shannon E., Seattle, WA
Pidgeon, Stephen W., Tigard, OR
Pienkowski, Laura A., Oak Forest, IL
Piraino, Michael C., Seattle, WA
Plauche, Samuel Wilmore, IV, Mercer Island, WA
Polakovic, Raymond Michael, Seattle, WA
Polintan, Odette, Seattle, WA
Pollock, Jeffrey Robert, Chehalis, WA
Polmueller, Walter G., Tacoma, WA
Port, Cindi S., Spokane, WA
Porter, Robert Ellis, Bothell, WA
Powell, Marta Brown, Seattle, WA
Quintana, Jose J., Seattle, WA
Raekes, John P., Richland, WA
Raines, Karen I., Seattle, WA
Rasco, Barbara A., Seattle, WA
Rasnic, Raegen Nicole, Seattle, WA
Rasskazova, Larisa, Portland, OR
Ray, Robert Theodore, Section, AL
Raymond, Christopher Paul, Seattle, WA
Reed, Scott Walter, Salt Lake City, UT
Reeve, David A., Salem, OR
Reifer, Anthony George, Bellevue, WA
Reilly, Chris Parker, Newport, R.I.
Rein, H. Lisa, Seattle, WA
Rein, Rebekah Justine, Seattle, WA
Reinard, Margaret E., Kirkland, WA
Remlinger, Diane Marie, Bellevue, WA
Renzoni, George Ernest, Seattle, WA
Retacco, Becky Michelle, Issaquah, WA
Rhoads, Deborah L., Tacoma, WA
Ribellia, Patrick A., Aloha, OR
Rice, Erin Frazier, Seattle, WA
Richards, Steven Arthur, Spanaway, WA
Richardson, Sarah Evelyn, Tacoma, WA
Richer, Lorinda Waldron, Cheney, WA
Riesen, Philippe, Seattle, WA
Rietmann, Melissa, Tacoma, WA
Ring, David A., Seattle, WA
Robb, Bruce, Jr., Seattle, WA
Roberts, Cameron William, Long Beach, CA
Roberts, Delight Kim, Reno, NV
Roberts, Lorraine M., Seattle, WA
Robinson, Christopher John, Seattle, WA
Rocker, Ruth Casby, Portland, OR
Rodov, Mara, Seattle, WA
Ronn, Susan L., Seattle, WA
Ronnestad, Mary Lee, Spokane, WA
Roozekvans, Michael A., Spokane, WA
Rose, Kari, Battleground, WA
Rosencrantz, Robin Alyce, Seattle, WA
Rosenfeld, David Matthew, Seattle, WA
Rosenfeld, Laurie T., Seattle, WA
Rosenstein, Joshua I., Seattle, WA
Runger, Cindy L., Tumwater, WA
Runkel, Matthew William, Seattle, WA
Ruth, Douglas P., Seattle, WA
Ryan, Patrick W., Seattle, WA
Saiki, Curtis K., Seattle, WA
Sargent, Andrew H., Bainbridge Island, WA
Schill, Scott J., Bellevue, WA
Schneider, Janet L., Portland, OR
Schoolcraft, David George, Seattle, WA
Schrenk, Michael L., Seattle, WA
Schuchmann, Mona L., Iowa City, IA
Schuh, Terry Alan, Tacoma, WA
Schuler, Galen George Barry, Seattle, WA
Schwab, Lisa D., Seattle, WA
Sehlin, Jennifer C., Oak Harbor, WA
Seitz, Gary Francis, Philadelphia, PA
Selby, Carrie Archibald, Tacoma, WA
Selman, Marja E., Bothell, WA
Senter, Anne Elizabeth, Seattle, WA
Sferra, Linda Louise, Seattle, WA
Shannon, Lee Kevin, Kirkland, WA
Shartel, Andrea B., Portland, OR
Shaver, Robert L., Moscow, ID
Shaw, James S., Seattle, WA
Sheiness, Diana K., Bothell, WA
Sherr, Adam L., Seattle, WA
Sherwood, Laurie A., Bellevue, WA
Shirley, Robert Brandon, Olympia, WA
Shomer, Kim M., Seattle, WA
Shoup, Rebecca Anne, Seattle, WA
Siderius, Michael Edward, Seattle, WA
Silbert, Bereniki, Spokane, WA
Simmons, Bret S., Seattle, WA
Simpson, Todd William, Blaine, WA
Slater, Neil Zachary, Renton, WA
Smith, Bryan Steven, Mercer Island, WA
Smith, Hillary B., Billings, MT
Smith, Lisa K., Seattle, WA
Smith, Rick Elden, Longview, WA
Smith, Shane D., Spokane, WA
Song, Marsha Farris, Newcastle, WA
Soong, James William, Bellevue, WA
Speas, Jennifer, Iowa City, IA
Spencer, Warren R., Bellevue, WA
Spragins, Alan Wood, New York, NY
Spuller, Susan Elaine, Seattle, WA
Spurrell, Nikole Elise, Tacoma, WA
Stanley, Tracy Lu Anne, Wenatchee, WA
Stendahl, Pamela J., Portland, OR
Stier, Jonathan T., Seattle, WA
St. Onge, Edward F., JR., Tacoma, WA
Strauch, Gale Mayumi, Bellevue, WA
Strickler, Mary Ann, Olympia, WA
Stromberg, Russell Martin, II, Tacoma, WA
Struck, Karen L., Irvine, CA
Summerhill, Stacie Ann, Seattle, WA
Sutherland, G. Bruce, Arroyo Grande, CA
Sybrandy, Richard Mark, Mount Vernon, WA
Symons, Wade Arthur, Seattle, WA
Talley, C. Corbin, Seattle, WA
Tango, Trudes, Tacoma, WA
Taylor, David F., Pacific Palisades, CA
Telstad, Katti, Gainesville, FL
Thomas, Tracy Irene, Seattle, WA
Thompson, Roger Matt, Tacoma, WA
Thompson-Lagerberg, Elizabeth, Olympia, WA
Thomsen, Randall Thor, Spokane, WA
Thornton, Sarah Alice Boeker, Seattle, WA
Thorson, Heidi Christine, Seattle, WA
Tierney, Kathy E., Olympia, WA
Ting To, Kate Sau, Seattle, WA
Tinsley, Patrick Tracy, Spokane, WA
Todd, Dianne T., Olympia, WA
Townsend, Roger M., Seattle, WA
Tran, Hong Thi, Spokane, WA
Tran, Peter H., Seattle, WA
Tratnik, Melanie, Seattle, WA
Treat, Noel Reynolds, Tumwater, WA
Treger, Michael D., Seattle, WA
Trujillo, David Burton, Yakima, WA
Twito, Julie Ann, Lynnwood, WA
Tyler, Jeffrey Hutten, Seattle, WA
Underhill, Dayna Ellen, Woodland, WA
Uyeno, Naomi S., Portland, OR
Vanatta, Alecia M., Seattle, WA
Vance, Joseph, Bellevue, WA
Vance, Karen Michelle, Seattle, WA
Vasquez, Jose Dino, Oakland, CA
Veliz, Sandra, Renton, WA
Venekamp, Vanessa Crockford, Steilacoom, WA
Veneziani, Jacqueline M., Seattle, WA
Vera, Jose F., Seattle, WA
Vibbert, Kevin R., Mill Creek, WA
Vitalich, Andrea Ruth, Seattle, WA
Viteznik, Peter Justin, Portland, OR
Walker, Jodi Claire, Tacoma, WA
Walls, Aaron Gregory, Edmonds, WA
Walser, Vicki L., Tacoma, WA
Walters, Mark D., Kirkland, WA
Wang, Bernard Pan-Yin, Bellingham, WA
Wartelle, Douglas Michael, Everett, WA
Wathen, Rick J., Seattle, WA
Weaver, Amy E., Seattle, WA
Weer, David H., Tacoma, WA
Weinstein, Christopher Gordon, Seattle, WA
Weiss, Wendi Kara, Portland, OR
Werhel, Elizabeth A., Maple Valley, WA
Wheat, Scott, Tacoma, WA
Whitaker, Bryan P., Spokane, WA
Wigen, Carla C., Maple Valley, WA
Wildsmith, Quentin, St. Louis, MO
Willette, Renee M., Seattle, WA
Williams, Andrew Bennett, Seattle, WA
Williams, Irene Carol, San Francisco, CA
Williams, Laura Noel, Seattle, WA
Williams, Tamera L., Everett, WA
Willis, Monte A., Spokane, WA
Wilson, Carin Anne, Kennewick, WA
Wilt, J. Peter, Seattle, WA
Wincup, Tori Christine, Bethesda, MD
Witteman, Jeffrey M., Vancouver, WA
Wonderley, Patricia Faith, Seattle, WA
Wood, David Storrs, Miami, FL
Yao, David Kelly, Seattle, WA
Young, Duane Jen Fook, Seattle, WA
Yug, Elliott D., Veradale, WA
Yurgo, Wendy M., Kirkland, WA
Yuthok, Tsering Yudon, Bellevue, WA
Zimberoff, Daniel Eli, Seattle, WA

CLARK COUNTY REPORT
by **TERRY LEE**

Farmers are known for bursts of activity around the time of planting and harvest. The roar of the machines, the tilling of soil, the collection of crop, pales in comparison to the activity that accompanies the September yellow-page commitment. Knowingly or secretively, above board or through the back yard fence, lawyers change their offices, associations and even their pictures. No one, not even this writer, is immune from the frenzy that begins in the mid summer and extends to the early autumn here in our beautiful county that borders the Columbia River. As the salmon stock dwindle and the spawning runs decrease, lawyers fill the void. It is highly doubtful that we'll ever be considered an endangered species and, we hope, we will never outnumber the fish.

Darquise Cloutier, in a bold entrepreneurial move, has struck out on her own. As a practitioner, she's easily bribable if, when asking for a continuance or other such favor, you give her the most recent McDonald's toy that comes with a Happy Meal. Heather Hoke-Irwin, now known as **Heather Hoke**, has taken **John Stichman** under her wing and set up her practice in the East County Green Palace. **Jerry Eline** decided to have a negative net worth, so he purchased an office building. The tenants are relatively satisfied, but they do wish that Jerry would have someone else do the cleaning and gardening around the property rather than Jerry and his staff.

As local environmental/political issues have popped up, a surprisingly new name, **John Karpinski**, has been in the press. John actually suffered a lull of three months without having his name blazoned through the papers. **George Brintnall**, in a courageous break away from the yellow-page syndrome, is contacting businesses and restaurants throughout the community asking that his face and ad be well-placed in the restroom facilities. **Dan Stahnke** thinks it is a brilliant idea and is actually competing with him by having a business card dispenser located in somewhat similar areas. **Joe Prather** recently returned from Ireland, where he kissed the Blarney Stone. Now, at least, he may have some oral brilliance.

The small firm of William, Kastner and Gibbs recently demised in the Clark County area. When **Joe Tanner** left William, Kastner and Gibbs to make diapers the plug was pulled. Since then the talent and clients have dwindled away. **Randy Printz** wound up at the Landerholm firm where recent Oregon convert **Russ Garrett** leads in charisma and kayaking. **Mark Stoker** had previously joined the Landerholm firm leaving **Steve Leatham** to fend for himself. Steve actually wound up with **Brian Heurlin** and **Rick Potter**. It is truly hard to say where everyone wound up, but once the yellow-page ads are out, the contest will heat up for this year's Beagle Award. Please stay posted.

KING COUNTY

Erik H. Iverson has joined the law firm of Lane Powell Spears Lubersky in Seattle as an estate and business planning associate, including federal and state taxation.

Forrest W. Walls, a partner in the Municipal Finance department at the Seattle-based law firm Preston Gates & Ellis, has been elected to membership in the newly-established American College of Bond Counsel. Mr. Walls was one of only two attorneys in the state of Washington selected for this honor. Bond Counsel are highly specialized lawyers who represent states and local governments when they raise money through the issuance of municipal bonds. The ACBC was established as an organization of prominent bond lawyers selected on a national basis for their experience, reputation and commitment to serve state and local governmental bond holders.

Keith Dearborn, partner in Bogle & Gates' Real Estate and Land Use Practice Groups, is changing his focus from Seattle to the firm's Eastside land use practice. Dearborn has been active in Pacific Northwest environmental and planning issues.

Kathleen A.T. Dassel has joined the Seattle law firm Betts, Patterson & Mines, P.S., as an associate. She will focus on insurance defense and product liability issues. Her experience also includes toxic tort and white-collar criminal defense litigation.

Corporate and securities lawyer **Karen A. Andersen** has joined Davis Wright Tremaine's Seattle office as a senior associate. Formerly with the San Francisco law firm Brobeck, Phleger & Harrison, Andersen has experience in all aspects of public offerings (equity and debt), private placements and mergers and acquisitions.

Mary Kay Simpson was recently promoted to Senior Vice President at the Seattle office of Rollins Hudig Hall, a national/international insurance brokerage firm. She manages the RHH Claims Department and is also a member of the Hawaii Bar.

Bruce N. Edwards, Special Counsel to Karr Tuttle Campbell, has been elected a Fellow of the American College of Tax Counsel. He is only the ninth Fellow in Washington state and one of only 534 nationwide.

A number of Seattle attorneys have announced the formation of McNaul, Ebel, Nawrot, Helgren & Vance, a law firm focusing largely on civil and criminal litigation, real estate transactions and business law. Partners in the new firm are **Jerry McNaul, John Ebel, Louis Nawrot, Michael Helgren, Cyrus Vance Jr., Robert Sulkin, Peter Vial, Robert Stewart, Tyler Ellrodt, Barbara Hallowell and Marc Winters.** The firm's offices are on the 27th floor of One Union Square in Seattle.

Lorna Luebbe has joined the Seattle office of Geraghty & Miller as a project scientist. She is responsible for managing litigation support projects, providing support to Geraghty & Miller's corporate CERCLA program, managing remediation and litigation support projects, conducting compliance audits, and providing regulatory support for larger scale projects.

Michael A. Stosser has joined the Washington, D.C., office of Heller Ehrman White & McAuliffe as partner, heading the Washington Energy Practice. He advises and represents commercial, industrial and manufacturing energy consumers.

Graham & Dunn attorney **James L. Magee** was elected a Fellow of the International Society of Barristers for his work in trial advocacy. The Ann Arbor, Michigan-based society honors attorneys nationwide for their advocacy skills and professionalism. Membership is limited to fewer than 600.

Greg Montgomery has joined Seattle's Reed McClure as a partner, with experience in commercial litigation, including lender liability disputes.

Riddell, Williams, Bullitt & Walkinshaw will merge with Graham & James, a leading national and international law firm, effective January 1, 1996. After the merger, Riddell Williams will be the second-largest Graham & James office, operating initially under the name Graham & James/Riddell Williams. Graham & James currently has more than 300 lawyers in 12 offices worldwide with access to an additional 1,000 attorneys in affiliated offices.

LAW FUND REPORT
by **LAUREN MOORE**

In this season of gratitude, we would like to thank 1995-1996 Washington State Bar Association President and LAW Fund Board Vice President **Ed Shea** for his dedication to Access to Justice in Washington state. Ed joins a tradition of bar leaders in his service as both a bar leader and a committed LAW Fund volunteer. The prestigious list includes: **Paul Stritmatter**, **Jim Vander Stoep**, **Bill Gates** and LAW Fund's founding president **Jack Dean**.

Thank you to the law firms and lawyers who have contributed already to the LAW Fund 1995 Annual Campaign. Your participation this year is particularly important due to the devastating attack on federal funding for the civil legal services programs supported by the LAW Fund campaign: Evergreen Legal Services, Puget Sound Legal Assistance Foundation and Spokane Legal Services Center.

Please help us make the 1995 campaign our most successful ever. The need has never been greater.

Please send your contribution to LAW Fund, 1326 Fifth Avenue, Suite 815, Seattle, WA 98101.

WASHINGTON LAWYERS CAMPAIGN FOR HUNGER RELIEF REPORT
by **JOHN WOOD**

The September 21 silent auction held for the benefit of the Lawyers' Campaign for Hunger Relief was an unqualified success and very enjoyable. About 150 people attended to bid on 50 auction items, nibble on three celebrity chefs' appetizers and get acquainted with the Campaign.

The auction, held at the Bally store at 1218 Fourth Ave., raised more than $3,000 for needy children in Washington state. The event was sponsored by Bally, international retailer of luxury leather goods, in cooperation with *Seattle Magazine* and the Lawyers' Campaign.

There was a wide range of items auctioned: weekend vacations at Whistler and Rosario resorts, gold-medal wines from Firesteed, a year's membership at Cascade Athletic Club, Seahawks and Huskies football tickets, art prints, pottery and sculpture from local artists, an array of computer software, beauty products and treatments, and dinners out at Seattle restaurants. Highest bid of the night was $300 for the Whistler resort vacation.

Three chefs attended and served three of their favorite hors d' oeuvres to the crowd. **Tim Kelly** of Painted Table, **Walter Pisano** of Tulio Ristorante and **Thierry Rautureau** of Rover's were present for the entire event and donated their time and food.

The auction was part of a campaign by Bally to benefit selected charities in major American cities. The LCHR, which has been raising money from Washington's legal community for four years, was selected by Bally because 100 percent of funds collected go directly to organizations benefiting children at risk.

The benefit was a good start for a new board of directors, **Bob Mussehl**, LCHR chair, said, as many board members were involved in finding auction items, helping with the event and purchasing items.

Copies of the 1996 children's calendar were displayed at the auction. The calendar, produced by Amica International, is a four-color piece of art featuring illustrations by area children that express their hope for the future. Proceeds go to LCHR. It retails for $13.95. Order for your firm and your clients . . . (206) 622-3000.

PIERCE COUNTY REPORT
by **TONI FROEHLING**

Summer is finally over, and it's time for everyone to get back to work. This is the first column in many years without the wit and wisdom of **George Kelly**, who will be sorely missed. In the words of **Lee Pendergrass**, "We know you Froehling, and you're no George Kelly." Thanks Lee.

The second annual Pierce County Bar Convention at Alderbrook is just completed and like the first, was a great success. We had nearly one hundred lawyers, over fifty spouses and an equal number of kids. Future Pierce County Bar Association president **Chris Keay** is three-fifths of the way to having his own kids basketball team. They might not win much, but they are really cute. Keep up the good work.

This summer we had a Seattle lawyer come down to show us all how criminal trials are handled. Did a great job until it came to light that he was suspended for not paying his bar dues, thereby necessitating

a mistrial. Did you hear that, Lakewood lawyers?

As many of you know, when **Annon May** passed away, he left numerous files, most of which were closed. What to do with those files became somewhat of a hot topic. It brought to light the problem of what we all should do with our files when we are done with them. For those of you thinking of passing away, you might plan ahead to avoid creating problems.

Pierce County was again well represented at the annual gathering of motorcycle enthusiasts in Sturgis, South Dakota, although we missed **Dianna Kiesel** in black leather this year.

Jim Lopez had a successful early summer, having received an All-Star award for his participation in the Roy Hobbs World Series held annually at Fort Myers, Florida. He was 2-0 for the series with a .69 ERA, capping off a good season for his team, the Washington Senators, who ended the year at 40-11. Jim was 9-2 for the year, and might be considering a career change.

Finally, the first monthly "Bubba" award goes to **Rob Freeby**, who, in an effort to impress one of our local jurists eating dinner at the same establishment, dove off the dock at Katie Downs into the Superfund site known as Commencement Bay. Reports of Rob's hair turning green are premature.

SPOKANE COUNTY

James E. Reed, formerly with Backman, Blumel & Reed in Spokane, has joined the firm of Winston & Cashatt as a principal. He will continue to concentrate in construction law. His new address is 1900 Seafirst Financial Center, Spokane, WA 99201. Phone is (509) 838-6131 and fax is (509) 838-1416.

At the Spokane Club June 28, colleagues, friends and family members honored **Harold W. Coffin** for 60 years of professional and community service. He began his legal career in 1933 upon graduation from the University of Idaho School of Law. He served as president of the Spokane County Bar Association in 1955 and was a member of the WSBA Board of Governors from 1947 to 1949; he served in the ABA House of Delegates from 1949 to 1951. Coffin has served on the boards of the Comstock Foundation, the Eastern Washington Historical Society and the Cheney Cowles Museum and was Chancellor of the Episcopal Diocese of Spokane from 1974 to 1985.

WASHINGTON DEFENSE TRIAL LAWYERS REPORT

by **BETH A. JENSEN**

November highlights our insurance law experts. **Karen Hornbeck and Brad Maxa** will chair the annual insurance law seminar in Spokane on November 9 and in Seattle on November 10. **Tom Harris** will discuss duty to defend, **Tim Gosselin** will address UIM and PIP arbitration, and **Karen Weaver** will talk about insurance regulations. **K. C. Webster** will educate us on coverage issues. **Pam Okano** will undertake the monumental task of reviewing 1995 appellate cases. We will also have special guests Judge **Dean Morgan** from Division II of the Court of Appeals and **Jim Waldo,** gubernatorial candidate. Morgan will provide us with a judicial perspective on insurance coverage lawsuits, including *Dejbod* and *Mailloux*. Waldo was the lead negotiator representing Pierce County, the Port of Tacoma, the cities of Tacoma, Fife and Puyallup, and private land owners to reach a comprehensive agreement with the Puyallup tribe of Indians concerning land claims and disputes in the Pierce County area. He will discuss negotiation techniques.

The insurance law seminar is always a popular and well-attended program. Call the WDTL office at (206) 233-2930 for more information.

WASHINGTON WOMEN LAWYERS STATE BOARD

Washington Women Lawyers welcomed its 1995-96 State Board and honored Washington Supreme Court Chief Justice **Barbara Durham** at its Annual Dinner and 25th Anniversary Celebration in October. The "Passing the Torch Award" was presented to **Kay Fields**, a sole practitioner in Snohomish County, for her involvement in the WWL Snohomish County Chapter's mentoring program. "Member of the Year" awards were given to **Jeanne Clavere**, a sole practitioner in Bellevue; **Thao Tiedt** of Ryan, Swanson & Cleveland in Seattle; **Carol Haugen** of Itronix Corporation in Spokane; **Kathy Tierney**, a contract attorney in Thurston County; and **Rodi O'Loane** of Tinney, O'Loane & Nunn in Everett. **Nancy Krier**, WWL's outgoing president, honored **Melisa Evangelos** of Perkins Coie and **Colleen Christensen** of Bogle & Gates with the 1995 "President's Award." Attorneys who wish to be listed in the WWL Directory must submit membership applications by March 31, 1995. The WWL Snohomish County Chapter will sponsor a CLE on child support on November 1. The WWL Capitol Chapter will sponsor the Women's Legislative Reception on February 5 in Olympia.

For membership information or details on WWL events, please contact Tiffanie Kilmer, Executive Director, at (206) 622-5585.

WHITMAN COUNTY

Three shareholders of Underwood, Campbell and Brock & Cerutti, P.S., announce the formation of a new law firm, Brock, Carpenter & McGuire. **Norman D. Brock, Kenneth D. Carpenter** and **L.R. "Rusty" McGuire** will continue their existing practices and offices, with McGuire continuing in the St. John office and the other attorneys continuing in Davenport, Ritzville and Odessa. A new Spokane office will be located at the old city hall building.

IN MEMORIAM

Lloyd Shorett

Lloyd W. Shorett, former King County prosecutor and retired Superior Court Judge, died in August of this year. He was 86.

The Seattle native spent a total of 59 years in the legal system. He was a graduate of the University of Washington in 1932, spent four years in private practice with Albert Rosellini, and was appointed to the King County prosecutor's office by Warren G. Magnuson.

In 1942, Mr. Shorett was elected as King County Prosecutor. Six years later, he was elected to the Superior Court, a position he held for 25 years. Among the cases he was involved in was Teamster President Dave Beck's trial in the 1950s.

Mr. Shorett's survivors include his wife, daughter, and step-children. Remembrances may be made to the Medic One Foundation at Harborview Medical Center in Seattle, or to the Josh Howard Memorial Fund, in care of The Seattle Foundation, 425 Pike St., Seattle.

Kenneth Bell

Kenneth G. Bell died in July of this year. He was 40 years old.

Mr. Bell was an assistant U.S. attorney who specialized in prosecuting illegal drug-trafficking organizations. Prior to his duties as U.S. attorney, he served seven years as a deputy prosecutor in Kitsap County.

He is survived by his wife and three children. The Kenneth G. Bell Family Fund has been established to contribute to his children's education. Donations may be made at any branch of Washington Mutual Savings Bank.

G. Thomas Dohn

G. Thomas Dohn died on July 16 of this year. He was 59 years old.

Mr. Dohn, a sole practitioner at the Dohn Law Offices, was active in the Yakima County and Washington State Bar Associations. He had formerly served as city attorney for the municipalities of Ellensburg and Goldendale, as well as on the Board of Visitors for the University of Washington.

Survivors include his wife and nine children and step-children. Memorials may be sent to the G. Thomas and Mardi Uhlmann Dohn Scholarship Fund at Yakima Valley Community College; the First Presbyterian Church of Yakima in care of a fund benefiting youth education; or to the Coronary Care Unit at Providence Medical Center.

M. Chandler "Mac" Redman

M. Chandler "Mac" Redman died on August 26 of this year. He was 82 years old. Mr. Redman earned his law degree at the University of Washington, and subsequently became a partner at the Seattle firm of Sullivan, Redman & Winsor. In 1974 he moved to the Silverdale area, and became a partner in the firm of Smith, Redman & O'Hare.

Mr. Redman is survived by his fiancée, three children, and five grandchildren. Donations may be made to the Group Health Foundation, 521 Wall St., Seattle, WA 98121. Please specify the Care Center at Kelsey Creek as the recipient.

William Wilkins

William J. Wilkins died at his Bellevue, Washington, home on September 9 of this year. He was 98 years old.

Mr. Wilkins was born in Michigan in 1897, and served in both World Wars, winning a Silver Star in 1918. He was also a King County Superior Court judge for 32 years, from 1940 to 1972.

However, he is perhaps most renowned for being the last surviving judge to have served on the Nuremberg war tribunals. Judge Wilkins recounted the year he spent on that tribunal in a 1981 autobiography, *The Sword and the Gavel*.

He is survived by his wife, five children, and several grand and great-grandchildren.

Raymond Ogden

Raymond D. Ogden, Jr. died of heart failure on September 20 of this year. He was 85 years old.

A graduate of the University of Washington Law School, Mr. Ogden was one of the first Washington attorneys selected to join the American College of Trial Lawyers. His father founded the law firm which ultimately became Ogden, Murphy & Wallace.

Mr. Ogden devoted hundreds of pro bono hours to the Metro/Forward Thrust plan which cleaned up Lake Washington. One of his most satisfying accomplishments was when he successfully represented Seattle in negotiations to bring the hydroplane Gold Cup to Lake Washington. Mr. Ogden served as the first official timer of the races, which have now become an annual event.

Mr. Ogden is survived by his daughter, sister, and several grand and great-grand children.

Hon W. R. Cole

Retired Kittitas County Superior Court Judge William R. Cole, 81, died August 8, 1995, in Ellensburg. Raised in Colfax and Olympia, he graduated from the University of Washington in 1936 and the University of Idaho School of Law in 1941. He attended the United States Coast Guard Academy and served in the Coast Guard during World War II. Following his release from active duty, he moved to Ellensburg, where he established a private practice of law in 1946.

In 1947, Judge Cole was appointed Deputy Prosecuting Attorney for Kittitas County and was elected Prosecuting Attorney in 1950. In 1958 he was elected to the Superior Court and occupied the Bench until January 1985.

Active in a variety of community and professional pursuits, he was a leader in the Elks, Eagles, American Legion, and Boy Scouts. He was a past president of the Ellensburg Chamber of Commerce and a member of the Kittitas County Fair Board. He was also a member of the Executive Committee of the National Conference of State Trial Judges' Selection of Judicial Administration Division of the ABA and served on the Washington State Patrol Criminal Justice Board. He was active in the National Judicial College, the National Institute of Juvenile Court Judges, the National Council of Juvenile Court Judges and the Washington State Association of Retired Superior Court Judges.

Judge Cole was a frequent visiting judge in King County over the course of three decades, so much so, in fact, that many referred to him half-seriously as an unofficial member of the King County Bench. He was noted for the handling of difficult cases involving free speech, shoreline management, and professional sports.

After his retirement, he served as a pro-tem judge and worked with Judicial Arbitration and Mediation Service (J.A.M.S.).

Survivors include Judge Cole's wife, three children and seven grandchildren.

Timothy J. Gawron

In the September 1995 issue of the *Bar News* we reported the untimely death of 39-year-old lawyer Timothy J. Gawron. Due to the suddenness of his death, he had not yet had the opportunity to provide insurance for his family in the event of his death. He was the sole means of support for his wife, Cheryl, and his daughters, Alexandra, 6, and Cassie, 3.

The University of San Diego School of Law Alumni Association, in conjunction with local attorneys and Timothy Gawron's friends, has established a trust fund for the benefit of his wife and children. Please send donations to the following address: The Gawron Family Fund, c/o Richard Myers Jr., Trustee, U.S. Bank, Wedgewood Branch, 8702 - 35th Ave. N.E., Seattle, WA 98115.

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Fall 1995

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Notes:

1) Positions available are automatically posted on a 24-hour jobline [(206) 727-8261] and in placement binders at the WSBA offices for immediate consideration by prospective applicants.

2) State and federal law allow minimum, but prohibit maximum, qualifying experience, e.g., no ranges.

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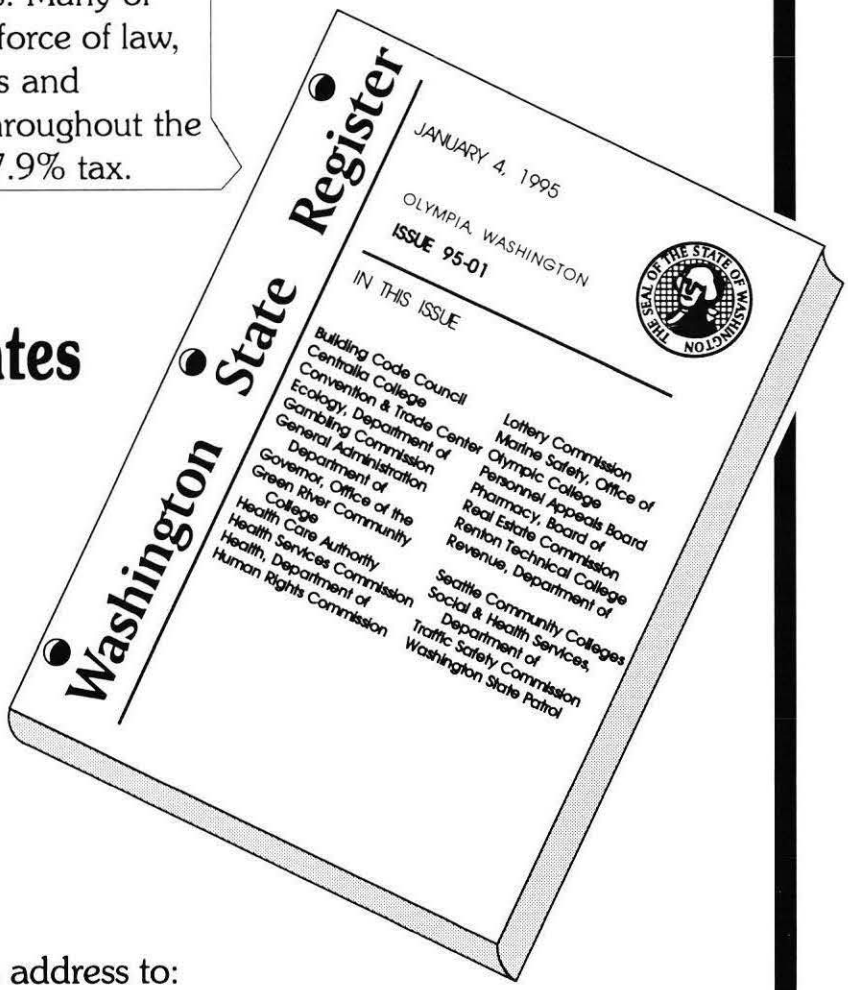

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