

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

Vol. 50 No. 1, January 1996

*The official publication of the Washington State Bar*



**Repressed  
Memory  
Litigation**

# OPEN AND SHUT CASE.

Open the new 4.0 version of CD Law, and you'll discover why the competition wants you to settle for their product before you give ours a fair trial.

In fact, we've added a host of features that are setting new standards in computer-assisted legal research for speed, power and ease of use.

For example:

- The case law and the RCWs are now fully hyperlinked on the same disc — no more flip-flopping between discs to do your research.
- Bidirectional proximity searching allows you to find what you're looking for regardless of the order in which your key words appear.
- Automatic plurals, tenses and other word forms let you locate words in any tense.
- Our multi-level Table of Contents allows you to browse through the RCW or WAC by title, chapter, or section — as you would with a book.
- Relevance ranking brings the most probably relevant material to your immediate attention.

Add the fact that CD Law is available in DOS, Windows and Macintosh versions — and is priced over \$500 less than the competition — and the case for CD Law becomes even more compelling.

## More of the Most Current Information

Not only does CD Law offer the most powerful software of any CD-ROM publication of Washington Law, we also give you more up-to-date information. With over 25 databases and free access to up-to-the-minute Washington Supreme and Appellate Court Slip Opinions and recent 9th Circuit decisions via CD Law OnLine — you won't find a more current and complete Washington State law library.

## FREE 30-Day Trial Run

If the jury's still not in, we invite you to weigh the evidence for yourself. Try CD Law for 30 days with no obligation. We'll provide installation, on-site training and even supply you with a CD-ROM drive to use at no extra charge.

Call today at (206) 623-1688. Once you give us a trial, we're confident the truth will prevail.

Visit Us On The World-Wide Web  
<http://www.cdLaw.com>

## CD Law Databases: *(New Additions in Italics)*

- Supreme Court Decisions from 1914 to present (Vols. 80–200 Wash., 1–128 Wn.2d)
- Court of Appeals Decisions from 1969 to present (Vols. 1–79 Wn. App.)
- The 1995 Revised Code of Washington
- The Washington Administrative Code (current through July 5, 1995)
- Washington State Register (10/31/95)
- 1995 Session Laws (including House & Senate Bill Reports, Initiatives, Referenda)
- Growth Management Hearings Board Decisions (1992–Present)
- Attorney General Opinions (1949–date)
- Local Rules of Court (Federal and all Washington counties)
- Rules of Court (ERs, DRs, CRs, CrRs, RAPs, RPCs, etc.) current through 9/21/95
- Washington State Constitution
- Federal Rules of Evidence & Civil Procedure
- Mandatory Domestic Relations Forms
- Seattle, *Bellevue, Tacoma, Everett* & Spokane Municipal Codes
- King, Pierce, *Kittitas*, Skagit, Snohomish & Yakima County Codes
- Shoreline Hearings Board Decisions
- Pollution Control Hearings Board Decisions
- *Forest Practices Board Decisions*
- *Significant Decisions of the Board of Industrial Insurance Appeals*
- PERC Decisions
- WA State Bar Association Ethics Opinions
- *The United States Code*
- *Recent Ninth Circuit Decisions*
- *Washington Tax Decisions & Excise Bulletins*
- *Corporations Division Information*

Available December 1995

U.S. Supreme Court Decisions 1754–Present



## CD Law

*Your search is over.*

(206) 623-1688

1000 2nd Avenue, Seattle, WA 98104

For  
**PROFESSIONAL LIABILITY INSURANCE**

Call  
**HALL-CONWAY-JACKSON, INC.**  
Formerly Quinan-Pickering, Inc.

- Serving Washington Attorneys Since 1960
- Rated "A" by both A.M. Best & Standard & Poor's
- Premium Savings
- New Expanded Policy Including Unlimited Extended Reporting Option
- Prompt Service
- Limits From \$100,000/\$300,000 Up to \$10,000,000
- Carrier Known for Excellent Claims Service (24 hr response)
- Special Low Rates for Defense Practices
- Can quote from other company's applications  
(Note: not renewal applications)
- Please telephone now for your application and specimen policy
- The company, Coregis Insurance Company, has over 20 years experience

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

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

9725 - 3rd NE, Suite #401

P.O. Box 75978

Seattle, Washington 98125

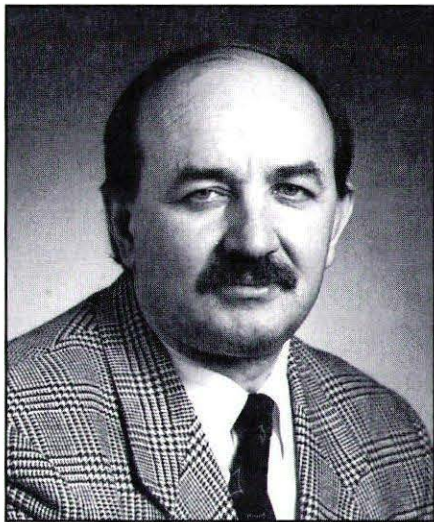
**(206) 527-2444**

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

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

# RUSSIAN CONSULT, Inc.

Branch offices in Moscow (West Consult) and on the island of Sakhalin (Far East Consult).  
Russian Consult, Inc. works together with the Institute of State and Law of the  
Russian Academy of Sciences and other major scientific centers in Russia.



**Anatoly T. Kossenko**

Russian lawyer

- Since 1994 Russian Consult, Inc., the first Russian law consulting firm in USA, President
- Since 1995 West Consult (Moscow law firm) President
- Since 1993 Far Eastern Academic Law University, Rector
- Since 1990 Far East Consult, Inc.(first non-government law firm in Russia), President
- 1989-90 Foreign Trade Association, Law Consultant
- 1985-89 Senior Deputy-Prosecutor President
- 1979-85 Regional government, Chief Legal Consultant
- 1976-79 Prosecutor's Office, Senior investigator

Anatoly T.Kossenko graduated from the Moscow State University in 1976.

A corporation of Russian lawyers and economists, providing consultant services for American projects in Russia and Russian projects in the USA.

Lawyers, consultants and experts of the corporation:

- help search for the best investment projects on the Russian market and provide complete consulting service to the client;
- provide expertise for Russian projects, business plans, documents and problems;
- render complete services to develop, restructure and dissolve joint ventures in Russia and assist with negotiations and business transactions;
- prepare draft documents (contracts, agreements, business plans, letters, etc.);
- provide consultations regarding Russian laws;
- provide legal representation for clients in Russian courts.

## RUSSIAN LAW SCHOOL

A Washington State nonprofit organization, founded to bring knowledge of Russian laws to American lawyers, bankers and business people through a correspondence course of study.

Russian Professors of Law will provide students with basic legal principles regarding:

- Foreign Investment Law in Russia,
- Property/Estate Law in Russia,
- Joint Ventures Development and Liquidation,
- Finances and Banking in Russia,
- Taxes in Russia,
- Export/Import Operations,
- Customs in Russia,
- Criminal Law in Russia,
- Land law in Russia,
- Natural Resources and Environmental Law in Russia

Chairman of the Board of Trustees - Director of the Institute of State and Law, Russian Academy of Sciences, Presidential Adviser Boris Topornin.

RUSSIAN CONSULT, Inc. 2001 Sixth Ave., #2322, Seattle, WA 98121. Tel. (206) 443-9225. Fax (206) 443-9219  
RUSSIAN LAW SCHOOL 2001 Sixth Ave., #2344, Seattle, WA 98121. Tel. (206)443-9221. E-mail: amruscon@halcyon.com



Cover: George Caleg Bingham  
 THE PUZZLED WITNESS  
 Kennedy Galleries Inc., New York.  
 For further information, please  
 call (212) 541-9600

### BAR NEWS

#### HAL WHITE

Editor (206) 282-3396

#### JENNIFER KLAMM

Managing Editor, (206) 727-8215  
 jennifer\_klamm@dBug.org

#### JACK YOUNG

Advertising Director,  
 (206) 727-8260

#### DOREE ARMSTRONG

Editorial Assistant, (206) 727-8214

#### BETH GREENHILL

Communications Coordinator,  
 (206) 727-8213

### SUBMISSION GUIDELINES

The *Bar News* encourages correspondence and article submissions. The submission deadline is the 15th day of the month for the second issue following: e.g., February 15 for the April issue. We request a 3 1/2" disk (in any conventional format) and hard copy at the time of submission. Please include a SASE if you would like your material returned. Article submissions should run approximately 1,200 to 3,000 words. Graphics and illustrations are welcome. Address all correspondence and submissions to: Hal White, *Bar News* Editor, 500 Westin Bldg., 2001 6th Avenue, Seattle, WA 98121-2599.

# Washington State Bar News

Vol. 50 No. 1 January 1996

The official publication of the Washington State Bar

## ARTICLES

Repressed Memory Litigation: Court Cases and Scientific Findings on Illusory Memory, <i>by Elizabeth Loftus</i>	15
WSBA Legislative Positions <i>by John Fattorini</i>	26
1995 Bar News Index	55

## COLUMNS

Editor's Page Elections, Past and Future, <i>by Hal White</i>	10
Exec's Report The WSBA Joins the Internet, <i>by Dennis P. Harwick</i>	13

## DEPARTMENTS

Letters	5	Ethics & the Law	39
Fax Poll Results & Questionnaire Legal Services Funding & WSBA Governance	27	Changes to Discipline System Given Tentative Approval	
The Board's Work	29	FYI	41
Briefly Noted	32	Lawyers' Assistance Program Recovering From Losing a Big Case	45
Calendar	35	Around the State	46
Book Reviews <i>Remembering Satan</i>	37	Announcements	48
		Professionals & Classifieds	50

Published by  
WASHINGTON STATE  
BAR ASSOCIATION

500 WESTIN BUILDING  
2001 SIXTH AVENUE  
SEATTLE, WA 98121-2599

DENNIS P. HARWICK  
Executive Director

MARY ELIZABETH STRITMATTER  
Director of Communications

©1996 by Washington State Bar Association  
Printed by Valco Graphics, Seattle

All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Governors. Elvis lives! Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

*Washington State Bar News* (ISSN 986-5213) is published monthly by the Washington State Bar Association, 500 Westin Building, 2001 6th Avenue, Seattle, WA 98121-2599, and mailed second-class in Seattle, WA. \$14.42 of a regular member's dues is used for a one-year subscription. The annual subscription rate for inactive members is \$15. Non-members subscription rate is \$24 a year.

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



Printed with soy-based ink on recycled paper

## ADVERTISING

**Display:** Contact Jack Young (206) 727-8260.

**Professional:** Boxed ads. WSBA members only. \$40/inch. Billed at publication.  
Contact Doree Armstrong, (206) 727-8214.

**Classified:** Advance payment required.

Members — \$25/first 25 words; .25 ea. add'l word.

Nonmembers — \$35/first 25 words; .75 ea. add'l word.

Blind box number service — \$7. (Responses will be forwarded.)

Contact Beth Greenhill, (206) 727-8213.

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

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

**Deadline:** Copy received - not postmarked - by first of each month for issue following. No cancellations after deadline.

For classifieds and professionals, submit typed copy (no phone orders) to *Bar News*, 2001 Sixth Ave., Ste. 500, Seattle WA 98121-2599.

## BOARD OF GOVERNORS

EDWARD F. SHEA, *President*  
PETER EHRLICHMAN, *First District*  
PATRICK R. McMULLEN, *Second District*  
MARY E. FAIRHURST, *Third District*  
STEVE CROSSLAND, *Fourth District*  
PATRICIA C. WILLIAMS, *Fifth District*

DANIEL L. HANNULA, *Sixth District*  
LISH WHITSON, *Seventh District*  
STEVEN G. TOOLE, *Eighth District*  
DENNIS J. LA PORTE, *Ninth District*  
RON PEREY, *King County*  
LINDA J. DUNN, *King County*

## EDITORIAL ADVISORY BOARD

T. Charles Althaus, *Third District*  
James Baker, *Ninth District*  
Lee Miller Barns, *First District*  
L. Brooks Baldwin, *First District*  
Robert C. Cumbow, *Chair*  
Steve Bertsch, *Second District*  
Craig A. Fielden, *Seventh District*  
Jay Allan Goldstein, *Third District*  
Charles B. Jackson, *Second District*  
Chris A. Johnson, *Fifth District*  
Nancy Krier, *Third District*  
Daniel R. Kyler, *Sixth District*

Gregory James Lawless, *Seventh District*  
Tammy Lewis, *Seventh District*  
Constance Lind, *Seventh District*  
Robert W. Marsden, *Ninth District*  
Colleen K. McMonagle, *Seventh District*  
Jennifer Elaine Micheau, *Seventh District*  
J. Scott Miller, *Fifth District*  
Thomas D. Overcast, *First District*  
William Philbrick, *Seventh District*  
Hans Thielman, *Seventh District*  
Carolyn M. Van Noy, *First District*  
Lis Wiehl, *First District*  
Steven Arden Zimmerman, *First District*

## SELECTED WSBA TELEPHONE NUMBERS

General Information .....	(206) 727-8200	
Fax .....	(206) 727-8320	
Administration .....	(206) 727-8200	
Admissions .....	(206) 727-8200	
CLE .....	(206) 727-8202	
Communications .....	(206) 727-8203	
Jobline (recording) .....	(206) 727-8261	
L.A.W. BBS .....	Modem .....	(206) 727-8312
.....	Voice Message .....	(206) 727-8314
Lawyers' Assistance Program .....	(206) 727-8268	
Legal .....	(206) 727-8207	
Licensing .....	(206) 727-8210	



Readers are invited to submit letters of reasonable length to the editor. They should be typed on letterhead and signed. The editor reserves the right to select excerpts for publication or edit them as may be appropriate.

## Better Late Than Never

Editor:

In my article "Computerized Lawbooks?" (*Bar News*, December 1986), I proposed that a not-for-profit effort be set up to produce a low-cost legal research CD ROM.

Now, nine years later, I am pleased to announce that the disk is ready. It has the full text of Washington 2d and Washington Appellate reports, together with the RCW and WAC current as of December 1995. Both DOS and Windows search programs are included.

The disk is distributed on an "as is" basis. However, anyone who is unimpressed can return it for a full refund. Quarterly updates are planned.

The price for WSBA members is \$49 (which includes tax and shipping); \$22 for those employed as public defenders or in legal clinics representing indigents.

Orders may be sent to:

Washington Digital Law Library Foundation

P.O. BOX 1830

Richland, Washington 99352

EDWARD V. HISKES  
Richland

## In Defense of Nullification

Editor:

If Mr. Darrow is concerned about inconsistent jury verdicts (letter to the *Bar News*, November 1995) then he should wholeheartedly support HJR 4205, the jury nullification bill, because it will promote the kind of juries that have over time been quite consistent. The long run of history shows that true constitutional juries which are a fair cross section of the community have been remarkably consistent in identifying and punishing those intentional acts which are morally wrong, or *malum in se*, such as murder, robbery, and rape. Those same juries have also stood fast against the oppressive *malum prohibitum* laws which kings, presidents, and legislatures have sought to use to stifle freedom.

Presently, the government destroys the cross sectional nature of the jury by striking off all dissenters to the law at issue in the case and leaving nothing but government partisans on the jury. That is not a constitutional jury. HJR 4205 will correct this by forbidding the striking of jurors who have expressed a willingness to use their power of nullification. This will insure that every time a defendant is on trial there will likely be jurors on his jury who are opposed to the very law the defendant is being tried upon, assuming there is significant opposition to that law in the community. This will have the rapid effect of paring down bad laws by a pattern of acquittals and hung juries. To have respect for law we must have laws that people respect.

It should be pointed out that contrary to Mr. Darrow's aversions, inconsistent jury verdicts are sometimes a very good thing. They can be the start of a movement toward freedom. In Massachusetts in 1765 in the case of *Slew v. Whipple* the jury ruled that slavery was illegal, an inconsistent jury verdict for the time. But this inconsistent jury verdict started a trend, and within 20 years slavery, having been abolished by juries, was gone from Massachusetts. Would we be willing to give up the verdict of *Slew v. Whipple* merely because it was inconsistent with other verdicts of the time? The first nullification verdicts in alcohol prohibition cases

were no doubt inconsistent with others at the time and yet a trend toward freedom was established that in 12 years overthrew alcohol prohibition.

Mr. Darrow also fears that the reasonable doubt standard will suffer if juries know of their power of nullification. As important as the reasonable doubt standard is in run of the mill criminal cases, its importance pales in comparison with the importance of the jury's true purpose, which purpose is the protection of freedom and the Constitution by nullifying oppressive laws.

As Thomas Jefferson explained the role of the jury in a letter to Thomas Paine in 1789 — "I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution." Or as George Bernard Shaw expressed the paramount importance of jury nullification to the role of the jury — "The power of the jury on occasion to deliver an accused person from both the police and the letter of the law is the sole reason for its existence."

In the classic jury nullification case the facts are not in dispute and so reasonable doubt is of no consequence in such a case. The Quaker who helped a fugitive slave in 1852 did not rely upon the reasonable doubt standard, but relied instead upon the jury's power to rise above the law to reach justice. Likewise, the recent acquit-



## A personal approach to professional asset management and trust administration



Niki Hermanson 206•464•5209

Roger Donahoe 206•464•5219

Norton Building  
801 Second Avenue, 16th Floor  
Seattle, WA 98104



**RCW & WAC on CD-ROM!**  
less than 1/3 the cost of the paper version



As Published by the Statute Law Committee  
Office of the Code Reviser

**The Revised Code of Washington**  
Including RCW Dispositions  
*Current through 1995 3rd Special Session*

**Washington State Constitution**  
*Current through 1994*

**Washington Administrative Code**  
*Current through noon, July 19, 1995*

**&**  
**Administrator for the Courts Pattern Forms**  
*as of 10/95*

Please send \_\_\_ copies of the 1995 CD-ROM

Check one

- I want both RCW & WAC for \$125 + tax (\$134.88)
- I want RCW only for \$50 + tax (\$53.95)
- I want WAC only for \$90 + tax (\$97.11)

Prepayment Required

Send your check to:  
Office of the Code Reviser  
PO Box 40552  
Olympia, WA 98504-0552  
(360) 753-6804

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_

tal of marijuana defendants in Madera County, California, who called the news media and then planted sterile hemp seeds in front of TV cameras, had nothing to do with reasonable doubt. Fair cross sectional juries who know about their power of nullification may eventually produce consistent verdicts of acquittal for the marijuana defendants that Mr. Darrow was concerned about in his letter.

HJR 4205 is a fresh breath of First Amendment air which informs the jury of the truth about its power to judge the law and which prevents the government from stacking the jury with government partisans. To paraphrase the most influential libertarian in all of history — Jesus Christ — “If the juries know the truth, the juries will make us free.”

TOM STAHL  
Ellensburg

*To suggest that jury nullification is necessary to protect “freedom and the Constitution” reminds me of that old quote, “In order to save it, we had to destroy it.”*

*To equate jury nullification with a constitutional democracy is to equate black with white. Laws are made in a democratic milieu; jury nullification, by definition, ignores the results of that process. It is contradictory to endorse a constitutional democracy on the one hand, and support a jury’s right to ignore the laws made pursuant to that environment on the other.*

*You state that jury nullification “will have the rapid effect of paring down bad laws by a pattern of acquittals and hung juries. To have respect for law we must have laws that people respect.” I agree with your conclusion, but not your methodology. One of the quickest ways to change a bad law is to enforce it rigorously; not to disregard it. Disregarding particular laws only fosters contempt for all laws in general.*

*An earlier letter printed in the Bar News (Sept. '95) also alluded to HJR 4205. For our readers’ information, we reprint the full text of this resolution below. It is currently in the House Committee on Law and Justice. - Ed.*

## HOUSE JOINT RESOLUTION 4205

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 16 of the Constitution of the state of Washington to read as follows:

Article IV, section 16. (1) Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law, except as provided in subsection (2) of this section.

(2) An accused or aggrieved party’s right to trial by jury, in all instances where the government or any of its agencies is an opposing party, includes the right to inform the jurors of their power to judge the law as well as the evidence, and to vote on the verdict according to conscience.

This right shall not be infringed by any statute, juror oath, court order, or procedure or practice of the court, including the use of any method of jury selection that could preclude or limit the empanelment of jurors willing to exercise this power. This right shall not be infringed by preventing any party to the trial, once the jurors have been informed of their powers, from presenting arguments to the jury that may pertain to issues of law and conscience, including (a) the merit, intent, constitutionality, or applicability of the law in the instant case; (b) the motives, moral perspective, or circumstances of the accused or aggrieved party; (c) the degree and direction of guilt or actual harm done; or (d) the sanctions that may be applied to the losing party.

Failure to allow the accused or aggrieved party or counsel for that party to so inform the jury shall be grounds for mistrial and another trial by jury.

## Life is Never a Dress Rehearsal

Editor:

I read with interest the article “Stepping Away From the Law” in the November 1995 *Washington State Bar News*. I am one who has walked in the shoes of the author.

Unlike the anonymous author’s statement, while in law school “almost immediately I knew I had made the wrong career decision . . .” I remained naive well through my 13th year of private practice. I continued to rally my spirit and the spirit of the staff around me by advocating honesty and fair dealing, a sense of professional commitment and a genuine desire to be of service to my clients. My naiveté also fell victim to one of the great lies of modern man: hard work would automatically equate to success which in turn would equal wealth, satisfaction, love, acceptance and client goodwill.

Alas, at age 39 I looked at my many successes as a lawyer (and by all material standards they had been many — as the author would agree, great pay, superb benefits, power and prestige) and concluded it would never get any better than what I was experiencing at that point in my professional career. The question I asked myself was “what do I do for the next 25 or 30 years?” I concluded my ambitions were not being met by the benefits of being a qualified journeyman attorney.

I relied on my experience as a business owner, my formal education, and some of the legal advice I had given to clients over the years, not to mention the lessons I had learned from trial work, and went to work as a senior executive for a national corporation.

Working in a corporate environment I was almost immediately left speechless when I found people that were warm and nurturing and willing to work on projects with common strategic goals. Rather than the hostile, negative and often time destructive attitude that exists in the legal profession I found co-workers to be cooperative, results oriented and driven for mutual benefits.

Query: When was the last time you worked with opposing counsel to obtain a mutually agreeable goal? Even in periods of mutual agreement my experience generally was there was incessant posturing, fee justification, wrangling and acrimonious bellicose babble. Many cases were “over-lawyered” and “under-resolved.”

I am continually amazed as I contact

**THE FLEET SALES NETWORK**  
YOUR FREE NEW & USED VEHICLE PURCHASING SERVICE

Save hundreds to thousands ... and drive away in the vehicle of your dreams!



More than 7,000 members serviced! Just follow these three easy steps:

**1** Call The Fleet Sales Network to speak with a Customer Service Representative who will answer your questions concerning service benefits at: (800) 593-5338 or (206) 514-0515.

**2** Identify your membership affiliation through The Fleet Sales Network. Our Dealers minimize time by checking inventory, locating, or factory ordering your preferred vehicle. The Dealer Representative then sets your V.I.P. appointment. Sorry, no phone quotes.

**3** When you arrive at the dealership, speak only to your appointed Dealer Representative. Your discount has been pre-arranged and is yours in writing. There is no need to negotiate! The Dealer Representative will address all of your vehicle purchasing needs.

**WASHINGTON**

**ACURA**

**ACURA OF BELLEVUE**  
Bellevue

**BMW**

The Fleet Sales Network  
(800) 593-5338

**BUICK**

**VALLEY AUBURN BUICK**  
Auburn

**CADILLAC**

**FREDERICK CADILLAC, LTD**  
Seattle

**CHEVROLET**

**BIDDLE CHEVROLET-GEO**  
Bothell

**BILL HAZELETT CHEVROLET-GEO**  
Kent

**PUYALLUP CHEVROLET-GEO**  
Puyallup

**CHRYSLER-PLYMOUTH**

**DWAYNE LANES CHRYSLER-PLYMOUTH**  
Everett

**DODGE**

**LYNNWOOD DODGE**  
Lynnwood

**TACOMA DODGE**  
Tacoma

**FORD**

**BRIEN MOTORS, INC.**  
Everett

**PACIFIC COAST FORD**  
Federal Way

**PRESTIGE FORD**  
Bellevue

**GMC**

**DWAYNE LANES GMC**  
Everett

**HONDA**

**HONDA OF FIFE**  
Fife

**RENTON HONDA AUTOMOBILES**  
Renton

**SIMS HONDA**  
Burlington

**HYUNDAI**

**EVERETT HYUNDAI**  
Everett

**ISUZU**

**CAPITOL COACHMAN ISUZU**  
Olympia

**SCARFF ISUZU**  
Auburn

**JEEP-EAGLE**

**CAPITOL COACHMAN JEEP-EAGLE**  
Olympia

**PERFORMANCE JEEP-EAGLE**  
Everett

**SOUTH TACOMA JEEP-EAGLE**  
Tacoma

**LINCOLN-MERCURY**

**OLYMPIC LINCOLN-MERCURY**  
Seattle

**MAZDA**

**CAPITOL COACHMAN MAZDA**  
Olympia

**EVERETT MAZDA**  
Everett

**UNIVERSITY MAZDA**  
Seattle

**MITSUBISHI**

**BELLEVUE MITSUBISHI**  
Bellevue

**NISSAN**

**TOPPING NISSAN**  
Fife

**OLDSMOBILE**

The Fleet Sales Network  
(800) 593-5338

**PONTIAC**

**VALLEY AUBURN PONTIAC**  
Auburn

**SAAB**

**BILL HAZELETT SAAB**  
Kent

**SUBARU**

**PUYALLUP SUBARU**  
Puyallup

**TOYOTA**

**RODLAND TOYOTA**  
Everett

**VOLKSWAGEN**

**CAMPBELL-NELSON VOLKSWAGEN**  
Edmonds

**VOLVO**

**TOPPING VOLVO**  
Fife

**OREGON**

**CHEVROLET-GEO**

**DAVE HAMILTON CHEVROLET-GEO**  
Redmond

**HUBBARD CHEVROLET-GEO**  
Hubbard

**DODGE**

**DICK'S COUNTRY DODGE**  
Hillsboro

**FORD**

**DAMEROW BEAVERTON FORD**  
Beaverton

**THOMASON FORD**  
Gladstone

**GMC**

**DOLLAR GMC**  
Pick-ups, Suburbans, 4x4's  
Medford

**HONDA**

**HONDA WORLD**  
Coos Bay

**THOMASON HONDA**  
Gladstone

**JEEP-EAGLE**

**DAVE HAMILTON JEEP-EAGLE**  
Redmond

**NISSAN**

**JIM SMOLICH NISSAN**  
Bend

**OLDSMOBILE**

**DAVE HAMILTON OLDSMOBILE**  
Redmond

**DOLLAR OLDSMOBILE**  
Medford

**SUBARU**

**JOHN & PHIL'S SUBARU**  
Corvallis

**THOMASON SUBARU**  
Gladstone

**TOYOTA**

**JOHN & PHIL'S TOYOTA**  
Corvallis

**VOLVO**

**JIM SMOLICH VOLVO**  
Bend

**For customer service or new dealers call: (800) 593-5338 or (206) 514-0515**

Manufacturer-to-consumer rebates and factory warranties apply on new cars. Used cars are safety checked and title guaranteed, and come with a dealer's warranty. Trade-ins are welcome. Purchase or Lease options. Vehicle prices do not include tax, state license or registration fees. Your savings will vary depending on the vehicle purchased. © 1995 Showcase Advertising Associates

former colleagues who say that some day they are going to get out as well. I have concluded that much of this is that belliose babble I experienced while in private practice. Most of these people will spend their lives miserable, wondering about getting out. For those people who still consider the alternatives, listen to the calm quiet voice of experience.

life is never a dress rehearsal;  
and a person contemplating  
jumping over a large chasm  
cannot elect to do so in two bounds.

For me, I chose not to contemplate, complain and wonder any longer. I also had the benefit of a supportive spouse, good timing and probably good luck. Having all of those benefits I can now look back into the institution and without reservation conclude that there is little difference between the inmates and the guards — none of them have the keys — the only difference is the level of medication they take.

My status as an attorney made me proud; my career as an attorney left me disappointed. Thank you for the thoughtful articles. Keep up the great work.

DONALD A. O'NEILL  
Phoenix, AZ

## More on Catholicism & Recusal

Editor:

I didn't read the poor thing itself [John Tomasin's letter in the Sept. '95 *Bar News*]. But the responses were so rancorous and so devoid of any knowledge of the Catholic faith that the issue should be clarified. I am an atheist, the worst kind: a lapsed Catholic. I memorized my catechism for nine years. I also discussed Catholic theology extensively with priests with doctorates in theology.

Concerning matters of faith, the Pope is the sole and only arbiter on earth of the will of God. There is no dispute on this issue in Catholic dogma or theology, it has been laid to rest for centuries. In these matters it is 'he who must be obeyed' if one is to attain eternal salvation. More to the point, you cannot be Catholic and dispute the Pope's authority in matters of faith. If you are Catholic you accept the Pontiff in matters of faith. If you dispute what the Holy Father reveals as an item of "FAITH" you can't be Catholic. In mod-

ern parlance 'it's a definitional thing.' I have just restated the same idea several times because no one seems to get the point.

Now, when a Catholic is told as a matter of faith that abortion is a sin against God and the teller is His Holiness and the object of the telling is a Catholic and a legislator in this country then the long arm of religion has reached into politics. (Whew! Try saying that sentence in one breath.) The Catholic legislator is an oxymoron in this situation. She or he must oppose abortion on any level if he or she wants to be Catholic, wants eternal salvation with Jesus Christ.

The letters chastising poor Mr. Tomasin seem to feel that there is nothing to worry about because a number of prominent Catholic politicians put aside their faith for some reason they deemed more important than that old pooh bear "eternal salvation." The writers seemed to zero in on the simple-minded idea that a Catholic President would be taking orders from the Vatican (sounds like a Tom Clancy book) or that that simple-minded idea is being propounded here and in documents espousing ideas similar to the ones in this letter. It is not a simple idea. It is a simple *virtue* we are discussing. I would love to see all the Catholics on the Supreme Court write their opinions openly in terms of their religious burden. But of course the justices (judges, bureaucrats, and elected officials too) won't do that because they'd lose those jobs, that prestige, power, their place in history, invitations to cocktail parties for the elite, chances for rubbing elbows with the rich and famous. Making a person a federal judge at any level is as good a way to make a human being as close to being god or god-like as mankind has ever been able to devise. However, if you are promoted to "supreme" Justice you get power *and* something no other public official in this country has: reverence, that is, you are revered. Only a saint or a good Catholic would give all that up — for virtue.

Of course, it's easy for me to take the high road in this letter. I opted out [of Catholicism] early so I wouldn't have to make choices that defined me as untrue to what I otherwise claimed was the core of my existence. I have a real problem with lying — about important things.

FABIAN ACOSTA  
Seattle

*I think you miss the point of those responding to Tomasin's letter. Everyone carries a set of beliefs with him or her when they become judges. Not just Catholics. Everyone.*

*For example, you are a self-professed atheist. If you were a judge, should you disqualify yourself from school prayer cases? Religious discrimination cases? Disputes concerning tax-exempt status of religious organizations? Of course not.*

*You may argue that this analogy is imprecise because, unlike Catholics, you are not called upon to act contrary to a higher religious figure. However, as you state in your letter, you do "have a real problem with lying"; thus, in your case, your "higher figure" would be your own conscience. If your conscience dictated that school prayer was balderdash, even though — hypothetically, let's say — the Constitution specifically permitted it, how would you rule? Or, more to the point, should you be permitted to rule?*

*Barring an individual from sitting as a judge because of his or her religious or political beliefs is a highly dangerous precedent, because none of us would be immune from such scrutiny. That is why the rating of Justice-elect Sanders as "not qualified" by the King County Bar Association — almost certainly because of his conservative political beliefs, ignoring his vast appellate experience — was so disturbing. We must distinguish between political or religious beliefs on the one hand, and an individual's competence to sit on the bench on the other.*

*Reassuringly, the public was more comfortable with this distinction than the evaluating committee, when it elected Sanders, but defeated the property rights initiative he espoused. That is why it is important to continue to elect judges — so that everyone can have their say — as opposed to allowing committees to appoint them — where a small group can skew the selection. - Ed.*

**WSBA Governance  
FAX POLL  
page 28**



## Elections, Past and Future

by Hal White  
Bar News Editor

No sooner had the dust settled from the November general elections than the Board of Governors began its deliberations regarding the number and type of individuals which can run for and/or sit on the Board. I have a few thoughts about both events.

In a surprise to many, Richard Sanders defeated incumbent Roselle Pekelis in the state's Supreme Court race. Disappointingly, however, the same excuses were offered by the losing side that are always offered whenever an incumbent judge loses a race: The spelling or pronunciation of a name.

According to the *Seattle P-I*, "Paul Elliott, campaign manager for Pekelis, said that name appeal was the key factor in her defeat."

The *Seattle Times* stated that "Chief Justice Barbara Durham figures Pekelis fell victim to the phenomenon that swept away Keith Callow in 1990 — name unfamiliarity. Absent information about judicial races, voters tend to look for something in the name, Durham said. And Pekelis, which is of Russian descent, isn't so easy to pronounce as Sanders."

These are, at best, disappointing beliefs. But at least Elliott's statements were understandable. To admit that 53% of the voters preferred what your opponent represented is a painful admission. Better to hide behind the fallacy of name pronunciation, and thereby diminish the significance of the victor's accomplishment.

But Justice Durham also parroted the mistaken notion that Sanders won because of his name. Let's examine that assertion.

This urban legend originated when Justice Charles Johnson defeated incumbent Keith Callow in a 1990 Supreme Court race. Apparently unwilling to believe that voters would defeat Callow because of a campaign fully as weak as his opponent's, supporters decided that people must have voted for Johnson because they liked his name better. But his supporters ignored the fact that Callow spent virtually nothing on his campaign (\$10,176); had never run in a statewide race as an incumbent; and was not even among the top two

candidates in a Supreme Court race two years later, when he certainly enjoyed greater name recognition than the ultimate victor, Barbara Madsen.

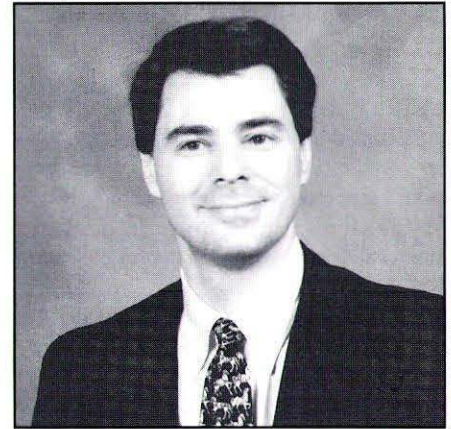
Proponents of this myth also ignore the fact that a candidate for the other Supreme Court position in that election — Gov. John Spellman — enjoyed massive name familiarity, and he *lost*; by a greater margin than Callow.

If you want another example of the fallacy of name recognition, consider the more recent Supreme Court race of Janice Niemi, who had significantly greater name recognition than Gerry Alexander; she lost, too.

*"A judicial seat,  
once obtained, is  
not a personal  
fiefdom — despite  
the old boys'  
sophistry that  
challenging a  
sitting judge is  
déclassé."*

Other examples abound. One of the more famous in our state was when Brock Evans ran for Congress. Pundits throughout the district hypothesized that a candidate with the first name of Brock Adams (this was prior to Brock Adam's subsequent difficulties) and the last name of Dan Evans would do extremely well on the basis of name recognition alone. He was trounced.

Some may nevertheless argue that the 1995 election of Jeanette Burrage to the King County Superior Court was an example of name recognition; after all, she



Hal White

had run for both the Supreme Court and Court of Appeals within the past 12 months. However, if her victory was due to name recognition, it was a very strange type of recognition.

In her 1994 race for the Supreme Court, Burrage received 43% of the vote. In her subsequent race for the Court of Appeals, she received 41% of the vote. In her November race for the Superior Court, she received 34% of the tally. Name recognition is supposed to *increase* your vote totals, not *decrease* them. I submit that people are focusing merely on the fact that she *won*, rather than on the circumstances of her victory, which allowed her to win with a plurality of the vote in a five-candidate race. I don't believe I'm going too far out on a limb when I say that her chances of winning a two-person race in a run-off election would be problematical.

Of course, there *is* an alternative to the conceit that an incumbent only loses because of an unattractive name: An increasingly intelligent and demanding electorate. A state which would unseat a sitting Speaker when he sued his own constituents over term limits would not hesitate to defeat a justice who failed to convey why he should remain the incumbent. Re-election is not a right. A judicial seat, once obtained, is not a personal fiefdom — despite the old boys' sophistry that challenging a sitting judge is *déclassé*. Rather, re-election is a privilege. The voters learned nothing about Callow during his six years on the Supreme Court, and thus decided that virtually any challenger would be superior to a detached, uncommunicative incumbent. Johnson's

name didn't win the election for him; Callow's lack of communication did.<sup>1</sup> The electorate realizes that an insulated, prolonged judicial tenure is not necessarily a good thing; consequently, they demand that judges communicate with them in exchange for this honor — or suffer the consequences. Judicial candidates ignore this responsibility increasingly at their peril.

Justice-elect Sanders understood this. He communicated extensively with the voters. Agree with him or not, you couldn't help but know how he stood on the issues. Pekelis, on the other hand, conveyed absolutely no position on any issue to the electorate. The real surprise is that she lost by only a 53-47 margin.

Amazingly, however, some people use Sanders' victory, together with the defeat of Referendum 48, to demonstrate that voters don't know what they're doing. To the contrary, it *proves* they know what they're doing. Unlike the Screening Committee of the King County Bar Association (see the Editor's response to F. Acosta's letter on page 9), the electorate was able to distinguish between a flawed referendum, and the impartiality of a candidate who backed that proposal. This distinction is crucial, and the public grasped it; the public realized that liberals aren't the only candidates that can render just decisions despite their political beliefs; conservatives can too. So can moderates. So can socialists, Catholics, Jews, Evangelicals, and blacks. To believe otherwise is bigoted; moreover, to promulgate the fallacy of name pronunciation — whenever a candidate of contrary religious or political viewpoint prevails — is an extrapolation of that bigotry, and deserves to be rooted out wherever it is encountered.

Thus, although I am personally relieved that Referendum 48 failed, I applaud the election of Justice-elect Sanders — because it demonstrates that the electorate possesses the intelligence to make such a crucial distinction.

\* \* \*

On a separate topic, our Board of Governors will soon be making decisions regarding possible changes in the way our Association is governed. At present, we are governed by a Board comprised of 11 Governors: one each from the nine congressional districts, and two at-large

***“None of us — even those who were storm troopers in an earlier life — deserve the chaos that a room full of 100 lawyers would create for our Association.”***

governors elected from King County (home — for better or worse — to half of Washington's lawyers). Each governor serves a three-year term. Our current system also has a President, who serves for one year, and can vote only in the event of a tie between the governors.

A recent task force has recommended that the present system be scrubbed in favor of an “ABA-like” house of delegates system. Failing that, the task force recommended the creation of an expanded Board of Governors, which would include such unelected additions as a “diversity representative,” a “citizen representative,” and a “young lawyer representative.” It is estimated that the house of delegates system of governance, which would be in *addition* to an expanded Board of Governors, would consist of more than 100 lawyers, and cost an additional \$295,000 per year.

None of us — even those who were storm troopers in an earlier life — deserve the chaos that a room full of 100 lawyers would create for our Association.

I am confident, however, that the present Board realizes that adding so many politicians to the mix won't help our Association. What I fear, however, is that the sheer anticipation generated by a task force report will cause the Board to instigate the lesser of the two evils: an expanded Board. This option, which would cost an additional \$75,000 per year, falls under the heading of, “If it ain't broke, why fix it?”

For the past several months, I have

watched the Governors at work. I have been impressed with their combination of collegiality and professionalism, as well as their attention to the concerns of individual Association members. The addition of several non-democratically elected members to the Board is both unwise and unnecessary. Such additions will be accountable to no one in the Bar; no constituents will have elected them; and they will add no voice to the Board which is not already available to anyone who wishes to attend a Board meeting. In no other setting have I witnessed an elected body more receptive to the opinions and comments of members who merely choose to show up at meetings. We do not therefore need to insult members of our minority bars by the imposition of a quota system. As Dick Manning related in his letter to the Governors on behalf of the King County Bar Association, “our Board members of color questioned the wisdom as well as the selection process of a ‘diversity representative.’”

However, I do suggest one change to our Governors: the addition of an out-of-state representative to the Board. Currently, each of the congressional districts possesses one governor, with the exception of King County, as explained above. However, *we have more out-of-state members than exist in eight of our nine congressional districts*. Thousands of members of our association are barred from their right to democratic representation. It is an injustice to fellow members of our bar who, through no fault of their own, are unable to live within the boundaries of our state. This is an embarrassing omission which should be rectified as quickly as possible.

Notwithstanding that point, however, I believe that it frequently requires courage — sometimes a *lot* of courage — to simply maintain the status quo. But sometimes that is what is necessary. All change *isn't* improvement; all proposals *aren't* progress. This is such a time. With the exception of adding a democratically elected out-of-state representative, the Board of Governors should stay the course — and resist change for change's sake.

<sup>1</sup>A mistake he didn't make in his 1984 Supreme Court race (which he won by over 300,000 votes) even though he had little name recognition, and was outspent by his opponent.

# DANKA

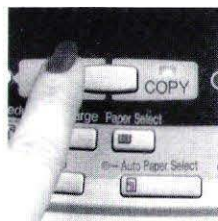
*World-class products. World-class service.*

*(Formerly Seattle Office Systems)*

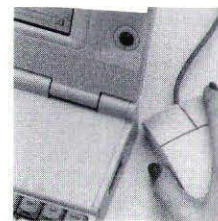
Introduces **THE LEGAL ADVANTAGE** in  
one stop document processing.



Fax



Copy



Print

**Three Machines in One —  
The RICOH MV310: A Smart, Sensible Choice!**

# DANKA

*World-class products. World-class service.*

2260 152nd Ave. N.E.  
Redmond, WA 98052  
206-641-5000  
Fax 206-865-9482

411 University  
Seattle, WA 98101  
206-223-0435  
Fax 206-467-0212

728 Pacific Ave.  
Tacoma, WA 98402  
206-383-7288  
Fax 206-383-7288



## The WSBA Joins the Internet

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

Happy new year!

What better time for the WSBA to join the Internet with its own Web site? Actually, the WSBA Web site (or "home page") has been "under construction" (to use an Internet term) since last fall. It was unveiled at the Board of Governors meeting on December 1, 1995, then featured at the WSBA CLE "Internet and the Law" on December 6.

Part of the delay in unveiling the WSBA Web site was making sure that we got the perfect Internet address, which is: <http://www.wsba.org>. In the interim, the Web site has been living at <http://www.nwlawyer.net/wsba>. I can't go any further without giving credit to two unpaid volunteers whose expertise and labors made the WSBA Web site possible: Sam Foucault (a WSBA member) and James Cameron. Sam and James are affiliated with Northwest Lawyer, an Internet provider to the legal community.

Although the potential uses of the Internet are myriad, the WSBA Web site has two principal purposes at this time: information and communications.

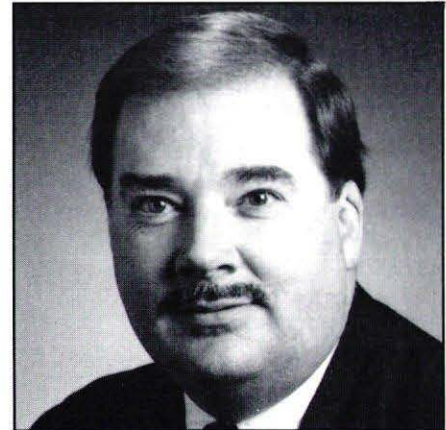
**Information:** The WSBA Web site is loaded with information for both WSBA members and for the public. WSBA members can find a listing of upcoming WSBA CLEs, a summary of MCLE requirements, a list of the Board of Governors, annual licensing information, summaries of the WSBA Sections, a breakdown of WSBA membership counts by county, and a list of WSBA member services — to name

just a few. Members of the public can learn about the WSBA, find out the requirements for taking the bar exam, and get details on filing grievances against lawyers who violate the Rules of Professional Conduct.

No Web site would be complete without a set of FAQs (frequently asked questions). We have a 21-item list that includes lawyer referral services, access to LAW BBS, and the telephone number for the legislative hotline.

**Communication:** The WSBA Web site provides another vehicle for communicating with the WSBA staff. We will develop an e-mail address for the WSBA itself (you can e-mail me directly at [barchief1@aol.com](mailto:barchief1@aol.com)). I know that only a fraction of the WSBA membership currently uses external e-mail, but the number is growing. For example, WSBA President Ed Shea ([ED\\_TC@aol.com](mailto:ED_TC@aol.com)) and I conduct much of our day to day business by e-mail.

**What the WSBA Web Site is Not:** It is not a research vehicle. There are lots of commercial providers (LEXIS, Westlaw, etc.) who provide on-line legal research. You will find lots of law school and law libraries on the Internet. You will find volumes of useful information on the WSBA's own L.A.W. BBS service. Consequently, we did not duplicate the research data bases here. At this point, we are not even ready for on-line CLE registrations, annual licensing, or publication sales — but give us time.



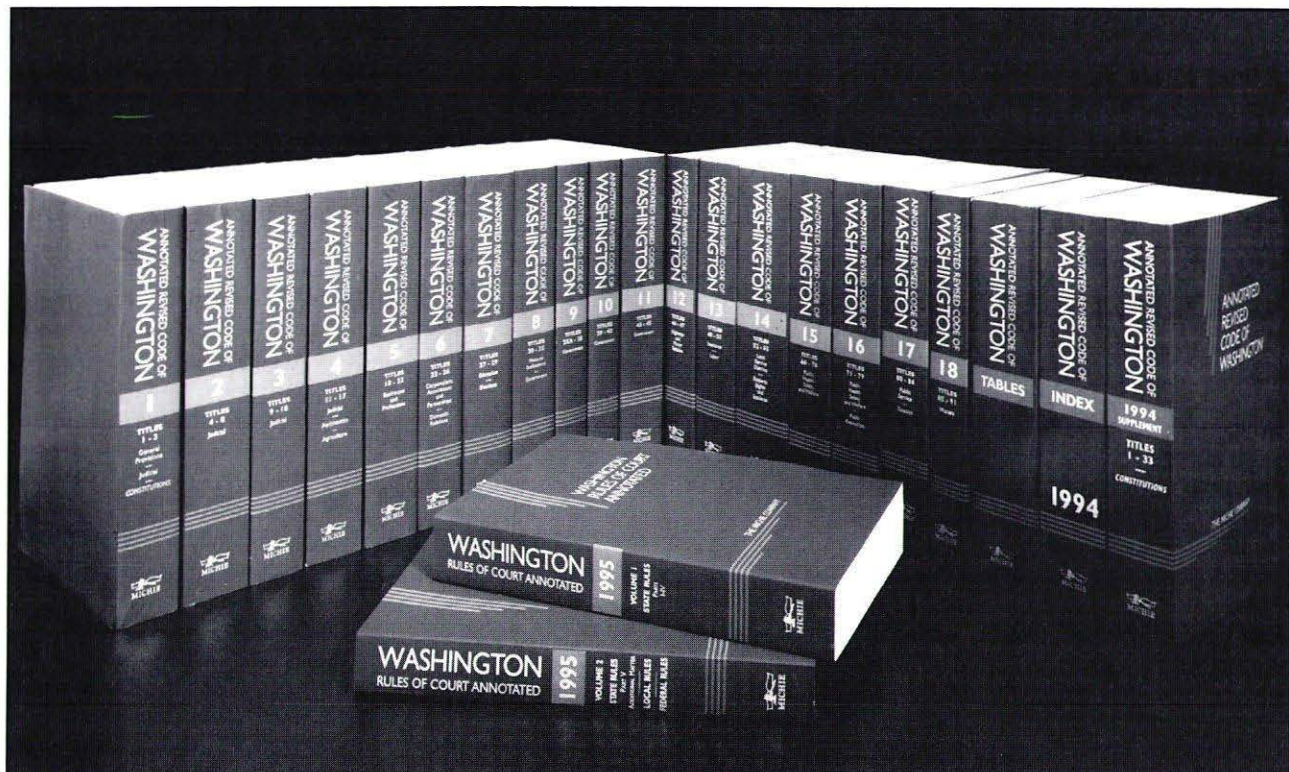
*Dennis P. Harwick*

What I do know is that the WSBA hit the Internet with the most extensive information of any state bar association (we are approximately the 4th or 5th state bar with a Web site, depending on what you count as a Web site). I know that our Web site will evolve to better serve both members and the public. Let me know what you think about our Web site!

**The Missing Column:** Some of you may have noticed that I did not have a column in the December issue of *Bar News*. It was the first time in over a decade that I didn't get a column in a monthly bar magazine. Like many middle-aged children, I got the unexpected call that I was needed at home. Within the course of a couple of hours, I was at a Boise hospital with my mother and siblings to attend to the details of my father's final days. Suddenly, a column for *Bar News* wasn't that important.

I write this not to engender sympathy — there was nothing unique about my experience. It did, however, remind me that there are more important things than spending those last couple of hours at the office, and that finding yet another letter to the editor from someone you've never met excoriating you for some slight — real or imagined — is not going to be the worst thing that can happen to you that month, week, or day. As we start a new year, renew your priorities. There's time to write that column later.

# MICHIE'S ANNOTATED REVISED CODE OF WASHINGTON



**The State's Most Practical, Reliable, and Affordable Statutory Reference...**

**Superior annotations focus and define your research...**The *Annotated Revised Code of Washington* contains notes to decisions which directly construe Washington law. Our case notes clearly identify each type of information in the annotations to help you pinpoint your research.

**Prompt updates and Advance Code Service assure the most current law...**Michie Butterworth will publish fully annotated cumulative supplements within 90 days of receiving the revisions from the legislature. During the period between the publication of supplements, our Advance Code Service keeps you up-to-date with periodic cumulative pamphlets.

**Portable and accessible in a convenient format...**Published in softbound format, each individual volume is small enough to carry to the office or the courtroom.

**Comprehensive index eliminates fruitless research...**We update and replace the General Index annually. With each printing, we improve the index entries according to user suggestions about popular terminology.

To order or for more information, call today:

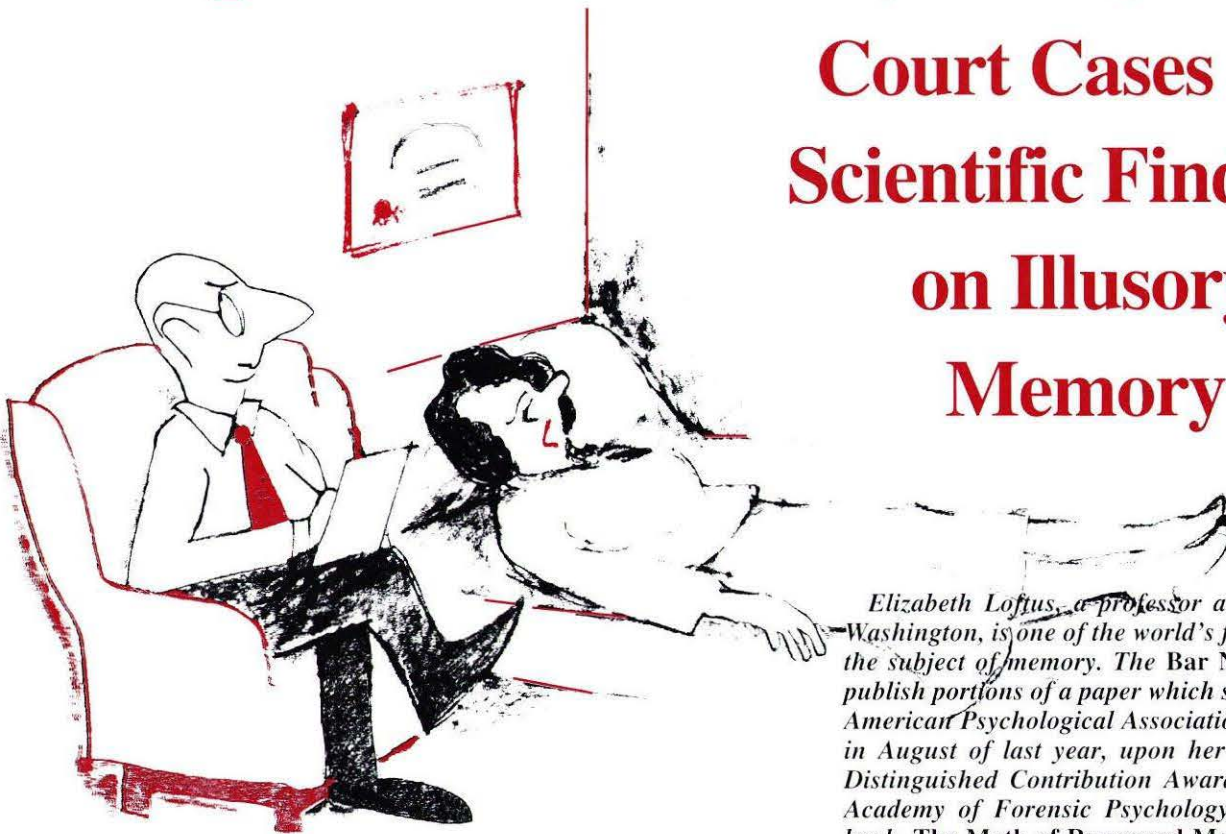
## 800-562-1215

Please use code PBB when phoning in your order.

 MICHIE

# Repressed Memory Litigation:

## Court Cases and Scientific Findings on Illusory Memory



by Elizabeth Loftus

**T**he 1990s ushered in the decade of repressed memory litigation. People all over North America have emerged from psychotherapy accusing their fathers and mothers, their uncles and grandfathers, their former neighbors, their former teachers and therapists, and countless others, of sexually abusing them years before. Their accusations stem from memories they had apparently completely repressed until various therapeutic interventions excavated their mental remnants and made their presence known. With new-found memories in hand, these abuse "survivors" confront their family members or former acquaintances. Hundreds of them have taken their alleged abusers to court, forcing them to pay damages. In many cases, defendants have also found themselves enmeshed in criminal proceedings, and more than a few have been sent to jail.

This repressed memory litigation is not about child abuse in general. Child abuse

is a serious problem in our society. According to one report<sup>1</sup>, in 1992 alone there were 175,000 substantiated reports of child abuse in this country. Moreover, those 175,000 cases may be an underestimate since many child molesters commit their crimes with impunity. I heartily applaud many of the efforts to combat the real child abuse problem, and to sternly punish true perpetrators.

This litigation is also not about the large numbers of genuine victims who have known of their abuse their whole lives, and only recently summoned the courage to tell a trusted friend or therapist about it.

Rather, repressed memory litigation is typified by cases like that of Mary D.,<sup>2</sup> who sued her father, claiming that she had been abused from infancy until age 23. After more than six months of counseling, Mary recalled that she had been manually penetrated and masturbated by her father when she was an infant, and

later when she was about 2 or 3 years old. Her therapist, she said, informed her that many of her psychological problems were connected to such abuse, and that her repression was a natural psychological response.

### Background

In 1989, legislation went into effect in Washington that permitted people to recover damages for injuries suffered as a result of childhood sexual abuse within three years of the time they remembered the abuse.<sup>3</sup> The legislature invoked a novel application of the "delayed discovery doctrine," which states that the statute of limitations does not begin to run until the plaintiff has discovered the facts that are essential to the cause of action. The assertion in repressed memory cases is that the memory of abuse could take decades to remember.

At least 28 states have adopted similar legislation, although some states differ from Washington and limit the discovery

*Elizabeth Loftus, a professor at the University of Washington, is one of the world's foremost experts on the subject of memory. The Bar News is honored to publish portions of a paper which she presented at the American Psychological Association Annual Meeting in August of last year, upon her acceptance of the Distinguished Contribution Award by the American Academy of Forensic Psychology. Her most recent book, The Myth of Repressed Memory, co-authored by Katherine Ketcham, was published in 1994 by St. Martin's Press.*

*“ . . . there is virtually no support for the idea that clients in therapy routinely have extensive histories of abuse of which they are completely unaware.”*

period to a set number of years after a triggering

event, such as the age of majority (e.g., in Idaho it is five years after the age of majority). A discussion of the positions taken by various state legislatures — and their uncritical proclamations about repressed memories — can be found in a recent law review article.<sup>4</sup>

At the heart of such legislation is a fundamental set of assumptions: That we banish traumatic experiences from consciousness because they are too horrifying to contemplate; that we cannot remember these forgotten experiences by any normal process but only by special

techniques; that these techniques produce reli-

able recovery of memory; that before such recovery, these forgotten experiences cause miserable symptoms and problems in our lives; and that by excavating and reliving the forgotten experiences we can be cured.

In point of fact there is no cogent scientific support for this repression folklore, and ample reason to believe that extraordinarily suggestive prolonged searches for hidden memories can be harmful. There are grounds to believe that such practices, while confined to a small minority of practitioners, involve large numbers of patients given the sheer number of patients who seek psychotherapy in any given year. This is not to say that people cannot forget horrible things that have happened to them; most certainly they can. But there is virtually no support for the idea that clients in therapy routinely have extensive histories of abuse of which they are completely unaware. Yet an unfounded faith in the repressed memory ideology has led some clinicians to engage in practices that are risky, if not dangerous, in terms of their potential for creating false beliefs and memories.

As a consequence of this legislative activity, juries are now hearing cases in which plaintiffs are suing their parents, relatives, neighbors, teachers and others for acts of childhood sexual abuse that allegedly occurred 10, 20, 30 even 40 years earlier, but were only recently remembered.<sup>5</sup>

### Repressed Memory Litigation

Repressed memory cases are difficult to defend. Plaintiffs' attorneys understandably view this with favor. As one lawyer put it: "An abuser cannot dispute being somewhere at a certain time when that somewhere and time has not been clearly established in the first place. . . . [This] makes it difficult for the perpetrator to directly disprove the abuse."

Conversely, defendants try to show the highly suggestive nature of the therapeutic process. Frequently that process involves invasive techniques such as age regression, guided visualization, trance writing, dream work, body work, hypnosis, and sodium Amytal ("truth serum").<sup>6</sup> Numerous research and clinical psycholo-

# CNA: The choice for dependable Professional Liability Insurance

Providing dependable professional liability protection for lawyers requires an insurer with a solid financial foundation. Because, in addition to individual policy features, you also are paying for your insurer's ability to pay your claims.

Continental Casualty Company, one of the CNA Insurance Companies, offers professional liability insurance

for lawyers through the Lawyer's Protector Plan.<sup>®</sup> CNA is a major property/casualty group that has earned high financial ratings from all four financial rating services.\*

Ask your local agent about the Lawyer's Protector Plan. Or call us and we'll recommend an agent.

\*A.M. Best, Standard & Poor's, Moody's, Duff & Phelps

National Insurance Professionals Corporation  
1040 NE Hostmark St. #200  
Poulsbo WA 98370  
(360) 697-3611  
Fax: (360) 697-3688  
1-800-275-6472



## CNA

For All the Commitments You Make<sup>®</sup>

The Lawyer's Protector Plan<sup>®</sup> is a registered trademark of Poe & Brown, Inc., Tampa, Florida, and is underwritten by Continental Casualty Company, one of the CNA Insurance Companies. CNA is a registered service mark of the CNA Financial Corporation, CNA Plaza, Chicago, IL 60685.

**“... Over the next few years, Vynette would ‘remember’ abuse by her mother, father, uncles, neighbors, and many other people with whom she had contact.”**

gists have raised grave concerns that these activities

are fostering the creation of false beliefs and memories that implicate innocent people.<sup>7</sup> Indeed, some have referred to the litigation resulting from “recovered memory therapy” as “witch hunts of the ‘90s.”

Hundreds of people have taken advantage of the new legislation and brought suits in which they claim their memories resurfaced in therapy.<sup>8</sup> There were 800 such cases in 1994, three-quarters of which were brought in civil court.<sup>9</sup> Because there is usually no corroborating evidence, the classic repressed memory trial ends up as a credibility contest between the accuser and accused. Invariably, the process of therapy is on trial. Recently, however, lawsuits have also been brought by “retractors,” who claim that they were led to believe that they were sexually molested, but now realize their memories were false.

**Retractor cases**

As of 1994, some 300 individuals had retracted their sex abuse allegations, and some had sued their former therapists, achieving six figure settlements or jury verdicts.<sup>10</sup>

One example is Laura Pasley, an employee of the Dallas Police Department, who walked into her Texas therapist’s office with one problem, bulimia, and walked out with another: incest (Pasley, 1993). Pasley was hypnotized. She joined group therapy. She had flashbacks that her therapist insisted were actual data from her past. Every dream she reported was, according to her therapist, what actually happened to her, no matter how bizarre. Her required reading included *The Courage to Heal*, *The Child Within*, and other books that contain some highly suggestive advice. For instance, *The Courage to Heal* tells readers: “If you think you were abused and your life shows the symptoms, then you were.”<sup>11</sup> Laura would eventually “remember” group sexual abuse, a dead man hanging from a rope, and being sexually abused by animals.

She spent four years with unsubstantiated beliefs and memories, eventually became disenchanted and angry with her therapist, and finally realized that her

memories were false. Only then was she able to put her estranged family back together. She sued her former therapist for malpractice and obtained a sizable six-figure settlement.<sup>12</sup> Diana Halbrooks obtained a successful jury verdict against the same therapist.<sup>13</sup>

The largest retractor verdict occurred

Diane Humenansky (1995).<sup>14</sup> Humenansky, a St. Paul psychiatrist, tried to defend herself against accusations that she induced patients to recall false memories of childhood abuse. The first trial against her was brought by a former patient, Vynette Hammané, and her family, alleging that Humenansky subjected

in 1995 in a case against

**LAWYERS TO AMERICA AND TO THE WORLD**

Graham & James LLP

and

Riddell, Williams, Bullitt & Walkinshaw

are pleased to announce  
the merger of our two firms.

**Effective January 1, 1996**

Riddell Williams became  
the Seattle office of Graham & James  
operating initially under the name

Graham & James LLP/Riddell Williams PS.

From the Pacific Northwest  
to the Pacific Rim and beyond,  
we serve the businesses of the world.

Graham & James LLP



Los Angeles | Newport Beach | San Francisco | Palo Alto | Sacramento | Seattle | Washington, DC | New York | Tokyo | Beijing  
Hong Kong | Taipei | Bangkok | Jakarta | Ho Chi Minh City | Hanoi | Dusseldorf | London | Milan | Berlin | Brussels | Bucharest  
Frankfurt | Leipzig | Munich | Prague | Brisbane | Canberra | Melbourne | Perth | Sydney | Mexico City | Jeddah | Kuwait | Riyadh



Vynnette to an increasingly suggestive and coercive program of mind-altering drugs, hypnosis, and threats designed to get her to remember abuse.

Vynnette began therapy with the psychiatrist on September 20, 1988, for treatment of generalized anxiety. She had no memories of physical or sexual abuse, even when explicitly asked. Over the next few years, however, Vynnette would "remember" abuse by her mother, father, grandmother, uncles, neighbors, and many other people with whom she had contact. She remembered abuse at age 9 months and even at 3 months. She remembered being forced to have a baby at age 8. She remembered satanic ritual abuse with numerous dead babies being served buffet style. She developed more than 100 different personalities, including a dog, a baby angel, and one called "Just Me."

Vynnette Hamman and her family were awarded over \$2.6 million dollars. More than \$2 million was for pain and suffering, lost earnings and medical expenses up to the time of trial. An additional \$461,000 was for future damages. Vynnette's husband was awarded \$210,000 for loss of partnership.

### Third-party cases

Another set of cases are brought by people *implicated* by repressed memories — the "third party" cases. These individuals take the offensive by filing

***"The criminal prosecution . . . was based on the memories of his daughter, Laura B., who claimed that her father molested her from the ages of 5 to 23, including raping her just days before her wedding."***

negligence suits against therapists who helped produce the accusations. They demand compensation for the psychological upheaval, the ruined reputations and careers, and the breakup of families that inevitably follow the supposed recall of childhood abuse.

One California father, Gary Ramona, sued after he became convinced that his daughter's recent accusations of abuse were based on false memories generated by misguided therapy.<sup>15</sup> Ramona's daughter, Holly, claimed that she had been molested by her father between the ages of 5 and 16, including numerous times with the family dog, Prince.

Holly's "memories" arose only after

she began therapy as a sophomore in college. Holly's therapist had told her during an initial therapy session that 70-80% of people who suffered from the eating disorder which Holly complained of were child sex abuse victims — a misleading if not purely erroneous piece of information. Holly attended group therapy sessions in which sexual victimization was discussed. Holly was subjected to the barbiturate sodium Amytal, and when she expressed reservations about her memories, she was assured — incorrectly — that lying while under the influence of sodium Amytal was impossible without training.

Holly's father, Gary Ramona, sued not only the therapists who treated his daughter, but the hospital where a portion of the treatment took place. The Ramona case was considered the "first successful courtroom challenge to practitioners of 'recovered-memory' therapy."<sup>16</sup> It was the first case where a jury awarded damages against a therapist for "implanting or reinforcing" false memories in a case brought by a relative of the patient. Typically, the therapist's duty of care is to the client, and only clients can sue for negligence. But Ramona, the client's father, was permitted to sue the therapist, causing some commentators to suggest that this raises "the specter that anyone who is harmed by a false memory may, in the future, recover damages."<sup>17</sup>

Another third-party case arose after Kathleen Sullivan consulted a psychologist and, under hypnosis, remembered abuse by an older sibling.<sup>18</sup> Kathleen told her parents about her recovery of repressed abuse memories, and they subsequently sued the psychologist for "intentional and reckless infliction of emotional distress and for the injury to the family relationship."

In discussing the psychologist's culpability, the Court noted that parents may not generally sue for damages caused by malpractice against a (live) child, but the record in this case suggested that the psychologist, Dr. William Cheshier, specifically directed his actions, in part, against the parents and their interests. He allegedly imposed a false memory in Kathleen Sullivan, instructed her to break contact with her parents if they disagreed with her memory, and prevented the parents from taking some reasonable steps to inquire into the validity of the memory.

## The Salish Lodge

presents

# A Fireside Massage

Your package includes:

- One night's lodging for 2 in a deluxe guest room
- Two 30-minute introductory Massages
- \$75.00 dining credit

Available March-May 1996 any midweek night Sunday through Thursday.  
Call for reservations. \$286<sup>00</sup> per couple.



*The*  
**SALISH LODGE**  
At Snoqualmie Falls.

1-(800) 826-6124  
1-(206) 888-2556

### Combined Retractor and Third-party Plaintiffs

A combined "retractor" and "third party" case found its way into a courtroom in Pittsburgh. Nicole Althaus developed memories of her parents molesting her as a teenager, then recanted after a heartbreaking 14-month separation from them. She joined her parents in suing the psychiatrist, and a jury awarded \$272,000 in compensatory damages.<sup>19</sup> Details of this case can be found in an extensive series of articles that appeared in the *Pittsburgh Post-Gazette*.<sup>20</sup>

### Unusual Cases

Disputes about repressed memories have also led to legal difficulties for more unusual defendants. One therapist was charged by the State of Washington with negligence and incompetence in the "recovered memory" treatment of a woman who accused her father of sexually abusing her as a child.<sup>21</sup> The woman, GM, saw therapist Linda Rae MacDonald from 1989 to 1993. GM's therapist validated GM's memories of alleged childhood ritual and sexual abuse without seeking any verification or exploring alternative interpretations.

GM's health deteriorated, requiring medication and hospitalization. The State ordered the therapist's license suspended for five years and fined her \$5,000. To reduce her suspension and her fine, she was required, among other things, to have her practice supervised, submit semiannual reports, pay costs and fees, and complete numerous college level courses in abnormal psychology, mental health, law, and ethics.<sup>22</sup> GM still believes her father molested her.

Two highly unusual legal cases were filed by retractors against authors whose books have been implicated in the development of their false memories.<sup>23</sup> Kimberly Mark sued her therapists and the author of *The Courage to Heal Workbook*. She claimed that the book's author represented that she had special knowledge in helping adults, including those with no memories of childhood sexual abuse. Moreover, the author allegedly taught Mark to unconditionally believe that "recovered memories" are historically accurate and true and worthy of belief. Mark suffered severe mental anguish and emotional distress as a result. Deborah David, who was led to believe

that she was a victim of satanic ritual abuse, and suffered multiple personality disorder as a consequence, also sued her therapists, and the authors of *The Courage to Heal*, for fraud and misrepresentation. David alleged that the book was ultimately used to induce false delusions of childhood sexual abuse. The author-defendants were ultimately dropped from these suits.

Problems of a different kind faced a Florida woman, Donna Serritella, who was charged with insurance fraud after she tried to get Nationwide Insurance Company to pay for her recovered memories of sexual abuse.<sup>24</sup> According to news reports, Serritella was nearly involved in an auto accident but escaped without injury — either to herself or to her car. Approximately nine months later she contacted her insurance company, stating that she had flashbacks of sexual abuse caused by the near accident. She demanded \$25,000. While pursuing her demand, she also sued her alleged abuser, and he filed a countersuit contending slander and malicious prosecution. During that case, evidence emerged that she had remembered abuse on numerous oc-

casions preceding her near-accident. At last report, Serritella was being held in jail in lieu of \$5,000 bail.

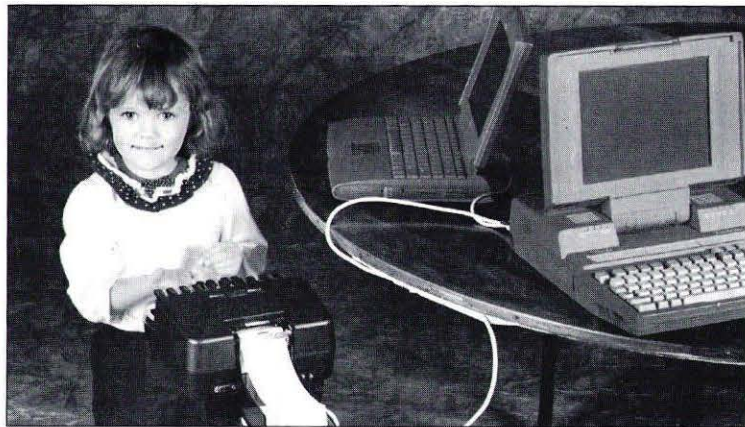
Some patients sue without retracting. In one instance, a patient successfully sued a psychiatrist for malpractice who had injected her with "truth serum" over 140 times in an effort to uncover memories of child abuse.<sup>25</sup>

One of the strangest cases of repressed memory led to freedom for a rather surprised defendant from Minnesota. Dennis Truwe had been convicted of criminal sexual conduct in early 1994. A juror in the trial belatedly realized — after conviction but before sentencing — that she had been sexually abused in childhood. Had her history been known at the time of jury selection, she would not have been chosen. The judge declared a mistrial. Truwe was tried again, and acquitted.<sup>26</sup>

### Criminal Repressed Memory Cases

Criminal prosecutions based upon formerly repressed memories of murder have now occurred in a number of states. For example, in 1994 a jury convicted an Indiana woman, Anita Vega, of involun-

### Growing with Technology



*Rough & Associates*  
Incorporated

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

(206) 682-1427 Fax 682-2996  
1218 Third Avenue, Suite 405, Seattle, WA 98101

## Edgewater Lodge



### Come ski with us!

Edgewater, a charming lakeside lodge on 45 acres of private forested land on the shore of Green Lake in Whistler, B.C.

Relax in our lakeside spa. Ice skate at lakeside, or experience X-C skiing from our door on seemingly endless groomed trails and only 5 minutes past Whistler Village with its multiple high-speed alpine lift system and abundant night life.

Wonderful meals. Various skiing, adventure, and lifestyle packages available.

### Edgewater, a lakeside retreat

For more information and a brochure:

Ph: (604) 932-0688 Fax: (604) 932-0686  
Internet: jays@whistler.net

## TRADEMARK & COPYRIGHT SEARCHES

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

### SEARCH FEES:

COMBINED SEARCH - \$260\*  
(U.S., STATE AND EXPANDED COMMON LAW)  
U.S. TRADEMARK OFFICE - \$120\*  
STATE TRADEMARK - \$125  
COMMON LAW - \$75  
EXPANDED COMMON LAW - \$165\*  
DESIGNS - \$145\* per U.S. class (minimum)  
COPYRIGHT - \$155  
PATENT SEARCH - \$390 (minimum)

### INTERNATIONAL SEARCHING

### DOCUMENT PREPARATION

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

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

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

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

GOVERNMENT LIAISON SERVICES, INC.

3030 Clarendon Blvd., Suite 209

Arlington, VA 22201

Phone: (703) 524-8200

FAX: (703) 525-8451

Major credit cards accepted.

TOLL FREE: 800-642-6564

Since 1957

tary manslaughter in the 25-year-old death of her toddler daughter. Vega's oldest daughter said she had suppressed the memory until she began having nightmares about it in 1992, after getting counseling.<sup>27</sup>

However, the most famous is the case of George Franklin, convicted of murder after his daughter, Eileen, claimed she witnessed a murder 20 years earlier, repressed the memory, and then remembered. Franklin's conviction was recently vacated on appeal.<sup>28</sup> A battle over therapy records typically ensues during such litigation, pitting the patient's right to privacy against the accused's constitutional right to defend.<sup>29</sup>

A judge in a New Hampshire court recently put the issue of repressed memory on stage as he refereed a vigorously fought scientific battle.<sup>30</sup> The criminal prosecution of Joel Hungerford was based on the memories of his daughter, Laura B., who claimed that her father molested her from the ages of 5 to 23, including raping her just days before her wedding. A couple of years later she began therapy, and recovered these memories. In a companion case, the prosecution of John Morahan was based upon memories of a former student, Sarah F., who claimed that her teacher had raped and impregnated her when she was 13. More than five years later, while in therapy, she recovered this memory.

What was unusual about the New Hampshire case was that the judge ruled the State had the burden of proving that the phenomenon of memory repression — and the process of recovery through therapy — had gained general acceptance in the field of psychology. Moreover, the State had to establish this by showing the validity of the methodology underlying the testimony, and its application to the facts at issue.

During the subsequent hearing the defense filed motions for discovery, arguing that the therapy records were necessary to challenge the reliability of repressed memories in pretrial proceedings. In the words of the defense psychiatrist, "It is critical for an expert familiar with the practice of psychotherapy to assess the degree to which . . . suggestive influences may have been operating in the hands of the complainant's therapist. This can only be done by allowing the expert to review the therapist's notes and reports."

The subsequent examination indicated that Laura B. had initiated therapy due to symptoms of clinical depression and sexual problems in her marriage. She had no memories of any sexual abuse, but her sister claimed to be recovering memories of abuse by the father, and Laura B. then wondered about her own history.

Laura B. began therapy in 1992 with Susan Jones, MSW. One of Jones' stated goals was to recover memory of possible sexual abuse. Jones had a joint therapy session with the two sisters during which the sister's claims were discussed. During nine months of therapy, involving approximately 100 sessions with Jones, Laura B. would begin to "remember" abusive episodes, including an unremembered rape that occurred two days before her wedding a few years earlier. These recollections were induced via visualization techniques, dream interpretation, analysis of body pains, and more. It became clear from the records that Jones "educated" Laura B. about repression and other concepts, affirmed Laura's memories, and validated her abuse.

Therapy records were also made available concerning the alleged victim in the companion case, 21-year-old Sarah F. While the facts of her allegations were somewhat different, an analysis in her case revealed that she had attended a "therapeutic boarding school," and her memories were recovered using hypnosis, "inner child therapy," and other activities aimed at digging out suspected abuse. She accused many other individuals before settling on her seventh grade teacher, defendant Morahan, whom she claimed raped her when she was 13.

After a two-week hearing in which the science of memory, memory repression, and its applicability to the instant cases were thoroughly aired, the judge ruled that the State had not met its burden, and the women would not be permitted to testify at trial. In reaching his opinion, the judge found that the psychotherapy used in these cases was highly suggestive, and "not scientifically reliable" (p. 33 of ruling).

## Psychological Science on Suggestibility

Dr. Diane Humenansky testified repeatedly during her trial (see p. 17) that she did not believe in false memories. She refused to acknowledge that anything she

might have done could have led her patient to develop false recollections about the past, and to experience the devastation that such recollections caused. Yet expert witnesses presented several forms of evidence to demonstrate that the power of suggestion can create false memories.

Moreover, it is clear that questionable practices occur in many counselor's offices. In one instance, a private investigator went undercover into a therapist's office, posing as a patient, complaining of nightmares and sleep disorders. On the third visit the therapist informed the investigator that she was an incest survivor.<sup>31</sup> In another instance, Cable News Network sent a reporter with a hidden video to a therapist. The reporter complained of feeling depressed and having recent relationship problems with her husband. In their first session, the therapist diagnosed her as a "classic" incest survivor. When the reporter questioned the therapist about her lack of memory during a second session, the therapist responded that her reaction was typical because her trauma was so awful.<sup>32</sup>

### Misinformation Studies

Large memory distortions have now been found in hundreds of studies, involving a wide variety of materials. Misleading post-event information can alter a person's recollection in a powerful, even predictable manner. Courtroom lawyers, political leaders, pollsters and psychologists have long understood this.

For example, Hyman and his colleagues<sup>33</sup> successfully implanted in the minds of adult subjects some rather unusual childhood memories. In one study, college students were asked to recall actual events — as reported by their parents — together with one false event. The false event was either an overnight hospitalization for a high fever with a possible ear infection, or a birthday party with pizza and a clown. Parents confirmed that neither of these events had happened, yet subjects were told that they had experienced one of the false events at about the age of 5.

The subjects tried to recall the experiences that they thought had been supplied by their parents, under the belief that the experimenters were interested in how people remember shared experiences. In all, 74 true events were presented to sub-

jects, and they remembered something about 62 (84%) of these in the first interview and 65 (88%) in the second interview. As for the creation of false memories, no subject recalled the false event during the first interview — similar to repressed abuse cases — but four of 20 subjects (20%) did "remember" by the time of the second interview. One subject "remembered" that the doctor was a male, but that the nurse was female — and also a friend from church.

In a second study, Hyman et al. (1995) tried to implant three new false events that were rather unusual, such as attending a wedding reception and accidentally spilling a punch bowl on the parents of the bride. In this study, 205 true events were presented to subjects, and they remembered something about 182 (89%) of these in the first interview. As for the false events, again no subject recalled these during the first interview, but 13 (25%) did so by the third interview. For example, one subject initially had no recall of the wedding "accident," stating: "I have no clue. I have never heard that one before." By the second interview the subject said: "... It was an outdoor wedding and I think we were running around and knocked something over like the punch bowl or something and, um, made a big mess and of course got yelled at for it."

In a third study<sup>34</sup>, the false punch bowl event was used again. In all, 218 true events were presented to subjects, and they remembered something about 74% in the first interview and 85% in the second interview. False memories were expressed by less than 1% of the subjects during the first interview, but by 27% during the second interview. One subject, during a second interview, remembered extensive detail about the unfortunate man who had punch spilled on him: "... a heavy-set man, not like fat but like tall and big kind big beer belly, and I picture him having a dark suit on, like grayish dark and like having grayish dark hair and balding on top, and, uh, I picture him with a wide square face and I just picture him getting up and being kind of irritated or mad . . . ."

Taken together, these and other studies show that people will falsely recall childhood experiences in response to misleading information, and in response to the social demands inherent in repeated interviews.<sup>35</sup>

## CORPORATION KITS

FOR

### WASHINGTON

COMPLETE OUTFIT

**\$52.95**

Pre-printed By-Laws, minutes & resolutions, printed stock certificates & full page stubs, corporate seal w/pouch, binder & slipcase, index tabs & tax forms for EIN & S Corporation.

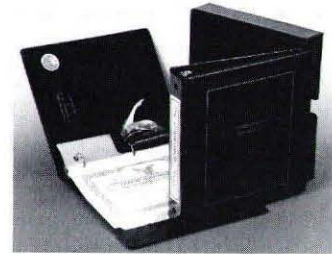
Complete kit w/o pre-printed By-Laws & minutes. 50 shrs bond paper.

**\$49.95**

\$4.00 additional S & H per kit (UPS Ground).

Next day delivery available on request.

Kit w/o seal \$40.95 plus S & H



### OTHER PRODUCTS

- NON-PROFIT OUTFIT \$59.95
- LTD. LIABILITY CO. OUTFIT \$59.95
- LTD. PARTNERSHIP OUTFIT \$59.95
- FAMILY LTD. PART. OUTFIT \$59.95
- SEAL W/POUCH (CORP., NOTARY) \$25.00
- STOCK CERTS & STUBS (20) \$25.00

### NEW !!!

#### EXHIBIT INDEXES & CLOSING SETS

WE STOCK A LARGE INVENTORY OF EXHIBIT INDEXES

(ALPHABETICAL & NUMERICAL), CLOSING SETS (ALPHABETICAL & NUMERICAL), BLANK WRITABLE TABS & SPECIALTY INDEXES, ALL FOR QUICK SHIPMENT. CALL FOR PRICING INFO. MIX FOR QUANTITY DISCOUNTS.

### ORDER TOLL FREE !

PHONE 1-800-874-6570

FAX 1-800-874-6568

ORDERS IN BY 2 PM MT SHIPPED SAME DAY  
WE WILL BILL YOU WITH YOUR ORDER.

SATISFACTION GUARANTEED.

CORPORATION OUTFITS REQUIRE THE FOLLOWING INFORMATION:

Exact name of the corporation, state & year of incorporation, total shares of stock authorized with par value (or no par), preferred shares, complete or w/o By-Laws.

NO CHARGE FOR STANDARD CLAUSES WITH KIT PURCHASE. SPECIAL CLAUSES AND MULTIPLE CLAUSES OF STOCK EXTRA CHARGE.

### CORP-KIT NORTHWEST, INC.

119 SO. 297th PLACE

FEDERAL WAY, WA 98003

SERVING THE NORTHWEST

## Imagination Inflation

One therapeutic technique that may create false childhood memories involves imagination. This experimental approach induces subjects to imagine events that they don't recall. To explore the impact of deliberately inducing subjects to imagine a counterfactual past, I and my collaborators demonstrated that one simple act of imagining a childhood event increases a person's confidence that the event actually happened — a phenomenon called "Imagination Inflation."<sup>36</sup>

In this study, subjects were asked about a long list of possible childhood events (e.g., broke a window with your hand) and they told us the likelihood that these events had happened to them as a child. Two weeks later, subjects were instructed to imagine that some of these events had actually happened to them. We confined our analysis to items that the subjects explicitly said were unlikely to have happened in the first place. They then responded for a second time about the likelihood of possible childhood events.

Consider one of the items. "Imagine

*"Wrap the  
skin of  
imagination  
tightly around  
yourself,  
and it  
becomes you."*

that it's after school and you are playing in the house. You hear a strange noise outside, so you run to the window to see what made the noise. As you are running, your feet catch on something and you trip and fall." While imagining themselves in this position, subjects answer questions such as "What did you trip on?" They are asked to further imagine: "As you're falling, you reach out to catch yourself and

your hand goes through the window. As the window breaks, you get cut and there's some blood." While imagining themselves in this predicament, they answer questions such as "What are you likely to do next?" and "How did you feel?"

A one-minute act of counterfactual imagination led to positive changes in a significant minority of subjects. After engaging in this act of imagination, 24% of subjects increased their confidence that something like this actually happened to them. For those who had not imagined the event, only 12% showed a corresponding increase. The other items used in this study showed similar increased confidence after imagination.

These findings show that even a single act of imagining a known counterfactual event can increase the belief that the event happened. We and others have expressed concerns that imagination may be one of the steps down the royal road to creating false memories.<sup>37</sup> If so, therapists may need to think twice about the wisdom of using or recommending imagination strategies for the express purpose of eliciting allegedly buried abuse memories. Wrap



Imagetech/RICOH  
192 Nickerson Street  
Suite 200  
Seattle, Washington 98109  
(206) 298-1600  
Toll Free: 800-652-2515

HOLLIS MILLER, JR. • SENIOR ACCOUNT EXECUTIVE

## COPIER, FACSIMILE AND PRINTER SYSTEMS

- SALES
- SERVICE
- SUPPLIES
- TRAINING

**SUPPORTING THE PUGET SOUND FOR MORE THAN 30 YEARS.**

*“With both organized medicine, in general, and psychiatry, in particular, having grappled with false memories . . . it seems time for practitioners to recognize their reality.”*

the skin of imagination tightly around yourself and it becomes you.

### **Dreams and False Memories**

Some psychotherapists believe that dreams give insights into an unremembered traumatic past, or that dreams should be used as a resource for reconstructing early sexual abuse. In fact, there is virtually no cogent support for the belief that dreams replicate traumatic experience (Brenneis, 1994). Yet therapists sometimes treat patients with this unsupported belief in mind. Such activities can create problems in the following way: If therapists discuss a topic during a waking session, material about this topic may, as a consequence, get into the patient's dreams at night. When the dreams are

discussed at the next waking session, and (mis)interpreted as if they are evidence of a traumatic past, the patient may come to falsely believe and misremember a past that never happened, except in the patient's dream.

Consequently, numerous commentators have worried about the potential harm that can occur as a result of sexualized dream interpretation.<sup>38</sup> In fact, Guiliana Mazzoni and I reported three experiments which showed that after a subtle suggestion, subjects falsely believed that items from their dreams had actually occurred (Mazzoni & Loftus, 1995). The possibility that these questionable therapies could lead a patient to a false belief that sexual abuse occurred is more than a passing risk.

### **In Conclusion**

Given the extensive and growing literature on suggestion and false memory creation, it is hard to see how knowledgeable therapists can seriously refuse to acknowledge the potential for false memories.

The American Medical Association has been quite clear in asserting that the current use of recovered memories of childhood sexual abuse is fraught with problems of potential misapplication, in part because it is “not yet known how to distinguish true memories from imagined events in these cases.”<sup>39</sup> The American Psychiatric Association has acknowledged that memories can be significantly influenced by a trusted person who suggests abuse as an explanation for symp-

## **FINALLY, LIABILITY INSURANCE CREATED BY LAWYERS, FOR LAWYERS, AND SOLD DIRECT TO LAW FIRMS.**

The DIRECT program from Great American® is an entirely new approach to lawyer's professional liability insurance.

DIRECT allows you to communicate directly with our team of professionals, which means you'll enjoy prompt, superior service based on your needs.

DIRECT was designed for well-managed firms that use effective risk management controls. If your firm qualifies, you will

enjoy competitive rates, deductible reduction features, and available limits of \$10 million or more.

Established in 1872, Great American Insurance Company is backed by \$3 billion in assets and \$950 million in policyholder surplus, and for over 15 years has enjoyed nothing less than an A (Excellent) rating from A.M. Best Company.

Call Mari Gaines today to put DIRECT to work for you.



**GREAT AMERICAN®**  
INSURANCE COMPANIES

Legal Professional Liability Division

**800-299-4331**

With offices in Seattle, Atlanta, Cincinnati, Dallas, Orlando and San Diego

toms/problems, and that repeated questioning may lead individuals to report memories of events that never occurred.<sup>40</sup>

With both organized medicine, in general, and psychiatry, in particular, having grappled with false memories in this way, it seems time for practitioners to recognize their reality. We should be able to unite behind the pursuit of genuine perpetrators of childhood abuse, while still being skeptical of allegedly derepressed memories. As one physician has aptly noted, skepticism of such memories is important, because of their inherent unreliability, and because of the tragic consequences when they are false.<sup>41</sup>

#### Endnotes

<sup>1</sup>Sauer, Mark & Okerblom, Jim. (1993, Sept. 6) *Trial by therapy*. National Review, pp. 30-39.

<sup>2</sup>*Mary D. v. John D.*, 264 Cal. Rptr. 633 (Cal. App. 6 Dist.) (1989).

<sup>3</sup>RCW 4.16.340.

<sup>4</sup>Julie M. Kosmond Murray (1995). *Repression, memory, and suggestibility:*

*A call for limitations on the admissibility of repressed memory testimony in sexual abuse trials.* 66 U. of Colorado Law Review 477-522.

<sup>5</sup>Poole, D.A.; Lindsay, D.S.; Memon, A. & Bull, R. (1995) *Psychotherapy and the recovery of memories of childhood sexual abuse: U.S. and British practitioners' opinions, practices, and experiences.* Journal of Consulting and Clinical Psychology, vol. 63, pp. 426-437.

<sup>6</sup>See, for example, *Mateu v. Hagen* (King County Superior Court Cause No. 91-2-08053-4; June 9, 1993) where the defense successfully argued that unconventional techniques such as psychodrama, hypnosis, and age regression had been used to implant memories.

<sup>7</sup>Lindsay, D. Stephen & Read, J. Don (1994) *Psychotherapy and memories of childhood sexual abuse: A cognitive perspective.* Applied Cognitive Psychology, vol. 8, 281-338.; Frankel, F.H. (1993) *Adult reconstruction of childhood events in the multiple personality literature.* American Journal of Psychiatry, vol. 150 pp. 954-958; Hochman, John (1994) *Recovered memory therapy and false*

*memory syndrome.* Skeptic, vol. 2, pp. 58-61; Loftus, E.F. (1993) *The reality of repressed memories.* American Psychologist, vol. 48, pp. 518-537; Loftus, E. F. & Ketcham, K. (1994) *The Myth of Repressed Memory.* NY: St. Martin's Press.

<sup>8</sup>The rush to enact such legislation may be abating. In response to the false charges made against Cardinal Joseph Bernardin, Douglas Kmiec, a Notre Dame law professor, said the case may prompt some legislatures, which have liberalized their laws allowing evidence obtained through hypnosis in sexual abuse cases, to rethink their changes (*The Seattle Times*, March 6, 1994, p. A16).

<sup>9</sup>FMSF Legal Survey. FMS Foundation Newsletter, July/August 1995, p. 11. The False Memory Syndrome Foundation, 3401 Market St., Suite 130, Philadelphia, PA 19104.

<sup>10</sup>Lindsay, D. Stephen & Read, J. Don (in press) *"Memory work" and recovered memories of childhood sexual abuse.* Psychology, Public Policy, & the Law.

<sup>11</sup>Bass, E. & Davis, L.. *The Courage to Heal* (Harper & Row, 1988) p. 22.

<sup>12</sup>Pasley, L.E. (1993) *Misplaced trust.* True stories of false memories (E. Goldstein & K. Farmer, eds.). Boca Raton: Sirs Publishing; pp. 347-365.

<sup>13</sup>Blow, Steve (1995, May 21) *Memories almost split this family.* The Dallas Morning News, p. 35A.

<sup>14</sup>deFiebe, Conrad (1995, June 19) *Psychiatrist is accused of planting memories.* Minneapolis Star Tribune, p. A1. Gustafson, Paul (1995, Aug. 1) *Jury awards patient \$2.6 million.* Minneapolis Star Tribune, p 1B.

<sup>15</sup>*Ramona v. Isabella*, No. 61898 (Super. Ct. Napa County, Cal., May 13, 1994).

<sup>16</sup>Geyelin, Milo (1994, May 17) *Lawsuits over false memories face hurdles.* Wall Street Journal, pp. B1, B7.

<sup>17</sup>Schneider, Jeffrey G. (1994, August) *Legal issues involving "repressed memory" of childhood sexual abuse.* The Psychologist's Legal Update. (Published by National Register of Health Service Providers in Psychology, Wash DC.) pp. 1-16.

<sup>18</sup>*Sullivan v. Cheshier*, 846 F.Supp. 654 (N.D. Illinois 1994).

<sup>19</sup>New York Times (1994, Dec. 17) *Parents Win Suit against Psychiatrist in Sex Case*, p. A9.

<sup>20</sup>See, e.g., Schmitz, Jon (1994, Nov. 22) *Malpractice jury told of 'nightmare'*

### Personal Injury Sexual Abuse & Harassment Employment Discrimination Psychiatric Malpractice

Law Offices of

## TOM CHAMBERS & ASSOCIATES



*Tom Chambers, Heather Cameron and Gail Weber are available to represent individuals in matters of sexual abuse and harassment, employment discrimination, and psychiatric malpractice.*

**1400 Broadway, Seattle, WA 98122  
(206) 328-5561**

in false abuse case. Pittsburgh Post-Gazette, p. C1. Schmitz, Jon (1994, Dec. 17) *Jury finds psychiatrist negligent in treatment*. Pittsburgh Post-Gazette, p. A1.

<sup>21</sup>Associated Press. (1995, Feb. 22) *Therapist faces charges in case of 'recovered memory' of sex abuse*. Seattle Post-Intelligencer, p. B5.

<sup>22</sup>*In the Matter of the Disciplinary Action concerning the Counselor Registration of: Linda Rae MacDonald*. (1995, July 11) RC 94012. Agreed findings of fact, conclusions of law and order. State of Washington, Department of Health Counselors, pp. 1-7.

<sup>23</sup>*Kimberly Mark v. John Zulli, Hypnosis Training Institute et al.* Complaint filed in April 1994 in Superior Court of the State of California for the County of San Luis Obispo. *Deborah David et al. v. Arlton M. Jackson et al.* Complaint filed in June 1994 in the Superior Court of the State of California for the County of Sacramento (Case 540624).

<sup>24</sup>Henry, Kaylois (1995, May 12) *Fraud charge cites claim of recovered memory*. St. Petersburg Times, p. 1.

<sup>25</sup>*Joyce-Couch v. DeSilva*, 602 N.E.2d 286 (1991).

<sup>26</sup>Duchscher, Kevin (1995, May 9) *Once convicted, Maple Grove man now free*. Minneapolis Star Tribune, p. 2B.

<sup>27</sup>Sacramento Bee, July 30, 1994, *Mother guilty of child's '60s death*, p. A24; New York Times, August 7, 1994, *Daughter with nightmares helps to convict mother of a killing*, p. 34.

<sup>28</sup>*Franklin v. Duncan*, 884 F.Supp. 1435 (N.D. Cal. 1995). Among other reasons, the court vacated because the judge had denied the defense the ability to show that the specifics of the daughter's memory had been reported in the media before her testimony. Nevertheless, the prosecutor had been permitted to argue that Eileen's memory could only have been produced by a person who had actually witnessed the event. See Loftus & Ketcham (1994) for a further account of this matter.

<sup>29</sup>See Loftus, E.F.; Paddock, J. R.; & Guernsey, T.G. (1996) *Patient-psychotherapist privilege*. University of Richmond Law Review, in press.

<sup>30</sup>*State v. Joel Hungerford* (St. 94-45-7) & *State v. John Morahan* (St. 93-1734-6) Superior Court, Northern District of Hillsborough County, State of New Hampshire. Notice of decision, May 23, 1995. See also Gorman, Christine (1995,

April 17) *Memory on Trial*. Time Magazine, pp. 54-55.

<sup>31</sup>E.F. Loftus, *The Reality of Repressed Memories*, American Psychologist (1993) vol. 48, pp. 518-537.

<sup>32</sup>*Guilt By Memory*. (Cable News Network (CNN) television broadcast, May 3, 1993).

<sup>33</sup>Hyman I.E.; Husband T.H.; Billings F.J. (1995) *False memories of childhood experiences*. Applied Cognitive Psychology, vol. 9, pp. 181-197.

<sup>34</sup>Hyman, I.E. & Billings, F.J. (1995) *Individual differences and the creation of false childhood memories*. Unpublished manuscript, Western Washington University.

<sup>35</sup>False memories are not limited to adults. According to a March 13, 1994 column in *The Seattle Times* (p. M8), "One study by researchers at UCLA and the State University of New York asked 72 girls, ages 5 to 7, about medical treatment they had received. Almost 10 percent of those who had not received genital or anal exams reported they had. In a similar study of 3-year-olds, the false reports were even higher."

<sup>36</sup>Garry, M.; Manning, C.; Loftus, E.F. & Sherman, S.J. (1995) *Imagination inflation*. Unpublished manuscript, University of Washington.

<sup>37</sup>*The Courage to Heal* cites this story, of a woman who was disturbed by the fact that she couldn't remember specific memories of physical abuse by her father, as a "good model if you don't have specific pictures to draw from": "I obsessed for about a year on trying to remember, and then I got tired of sitting around talking about what I couldn't remember. I thought, 'All right, let's act as if.' ... [so] That's how I acted. I had the symptoms. Every incest group I went to completely empathized." (P. 82; 1988.)

<sup>38</sup>E.g., Lindsay & Read, 1995.

<sup>39</sup>American Medical Association (1994, June 16) Council on Scientific Affairs. CSA Report 5-A-94. *Memories of Childhood abuse*. (Reprinted in Shepard's Expert and Scientific Evidence Quarterly, 1994, vol. 2, pp. 459-463).

<sup>40</sup>American Psychiatric Association (1993, December 12) Board of Trustees Statement on memories of sexual abuse.

<sup>41</sup>Gordon, Barry (1995, July 13) *Review of The Myth of Repressed Memory*. The New England Journal of Medicine, pp. 133-134.


## LAW OFFICE AUTOMATION

### 13 YEARS EXPERIENCE HELPING THE SMALLER LAW FIRM

Networks  
Voice Recognition  
CD-ROM Technology  
Docketing  
Billing  
Accounting  
Case Management  
Computer Faxing  
Troubleshooting

### CALL FOR MORE INFORMATION

or our  
**FREE Newsletter**

 Steiner & Associates, Inc.  
10777 Main Street, Suite 303  
Bellevue, WA 98004

**(206) 453-5555**

# WSBA Legislative Positions

by **John Fattorini**, WSBA Legislative Representative

(Due to the hundreds of bills introduced in the Legislature each session, it is impossible to describe every proposal which may interest our members. Nevertheless, the following is a list of the more significant bills on which our Association has taken a position. For more information, our readers may wish to contact Pat Aylward, WSBA Legislative Chair, @ (509) 662-3685; or the Legislative Hotline, @ (800) 562-6000. This issue's "Board's Work" also summarizes legislation considered by the Board in its December meeting. - Ed.)

**SHB 1018** By House Committee on Law & Justice (originally sponsored by Representatives Padden and Appelwick).

**SUPPORT**

*Amending the Washington uniform limited partnership act.*

Revises provisions regulating the withdrawal from and dissolution of a limited partnership.

**HB 1019** By Representative Padden.

**SUPPORT**

*Transferring certain interests in Individual Retirement Accounts.*

Revises provisions relating to the transfer of a community property interest in an Individual Retirement Account at the death of an account holder spouse.

**HB 1092** By House Committee on Law & Justice.

**OPPOSE**

*Consolidates mortgage, real estate contract, and deed of trust foreclosure procedures.*

**SHB 1097** By House Committee on Law & Justice (originally sponsored by Representatives Sheahan, Appelwick and Padden).

**SUPPORT**

*Waiving penalties for certain estate tax returns.*

Provides a waiver when the delinquency was the result of circumstances beyond the control of the responsible person.

**SHB 1182** By House Committee on Law & Justice (originally sponsored by Representatives Hickel and Appelwick).

**SUPPORT**

*Modifying the Uniform Commercial Code.*

Makes technical amendments to the UCC.

**HB 1504 and SB 5404** By Representatives Horn, Romero, Cairnes, Costa, Van Loven, Kremen, Stevens, Cole, Appelwick and Quail.

**OPPOSE**

*Creating a lien for real estate brokers.*

Declares that a broker shall have a lien upon commercial real estate in the amount due to the broker. Establishes the conditions, requirements and procedures for the enforcement of the lien. Declares that prior recorded liens and mortgages have priority over a broker's lien.

**SHB 1220** By House Committee on Law & Justice (originally sponsored by Representatives Sheehan and Appelwick).

**SUPPORT**

*Modifying options for payment of retirement allowances.*

Designates the procedures and requirements of a determination of an obligee as a survivor beneficiary if the department has been served with a dissolution order 30 days prior to the member's retirement.

**HB 1618** By Representative Appelwick.

**SUPPORT**

*Removing ordinary health care expense from the child support economic table.*

**HB 1619** By Representative Appelwick.

**SUPPORT**

*Revising child support provision for day care expenses.*

Provides that if a child support obligor pays more than his or her proportionate share of the actual expenses of day care, the obligor shall be entitled to a credit in the amount of the overpayment.

**HB 1620** By Representative Appelwick.

**SUPPORT**

*Removing the advisory status of the child support economic table for combined incomes of \$5,000 and more.*

Revises RCW 26.19.020 to provide that the economic table is presumptive for combined monthly net incomes up to and including \$7,000.

**HB 1659** By Representatives Meilke, Quail, Crouse, Costs, Kremen and Cooke.

**OPPOSE**

*Regulating real estate brokerage relationships.*

Declares that a licensee who enters into a brokerage relationship with a principal shall be limited to representing only that

principal in the transaction. Specifies the duties of a seller's/landlord's agent and dual agent. Establishes compensation limits. Provides for vicarious liability and imputed knowledge tests.

**SHB 1907** By House Committee on Law & Justice (originally sponsored by Representative Appelwick).

**SUPPORT**

*Revising restrictions on residential time for abusive parents.*

Limits a parent's residential time with a child if the parent a) resides with a person who has been convicted of a sex offense, or b) has been convicted as an adult of a sex offense under RCW 9A.64.020, 9.68A or 9A.44.

**Corporation Act** - Proposed changes to the Washington Business Corporations Act relating to provisions regarding "significant business transactions" (i.e., state anti-takeover legislation). **SUPPORT**

**Domestic Relations** - Legislation will authorize out-of-state residents to file divorce in Washington if respondent is a resident of state. The present RCW authorizes only a resident of this state to file a petition for dissolution. However, there are situations where the Respondent is residing in this state and this is the only state that has jurisdiction. As the law stands, a Petitioner could be prevented from seeking assistance in our courts if he/she is not a current resident of the state. This is an especially difficult problem in Vancouver and other border areas of the state. If a party moves out of state at separation, this state may be the "home state" under the Uniform Child Custody Jurisdiction Act and, therefore, filing must occur in Washington, but the law does not permit it. **SUPPORT**

**Limited Liability Companies** - Clarifies Washington Limited Liability Act; eliminate traps that have resulted in rejected filings; incorporate recommendations received from Washington Secretary of State's office; clarifies agency authority of members in member-managed LLCs. **SUPPORT**

**B & O Tax on Professional Services** - Seeks to decrease the B & O tax of 2.5% on attorneys and other service professionals.

**SUPPORT**



# RESULTS

of

THE WASHINGTON STATE BAR NEWS

## FAX POLL



In last month's *Bar News*, we asked your opinion regarding the continuation of funding for the Legal Services Corporation. We asked you to check one of five statements which most reflected your views. The results:

1. **71%** believed Legal Services funding should be increased.
2. **8%** believed Legal Services funding should remain the same.
3. **2%** believed Legal Services funding should be decreased to the level of the Senate bill.
4. **9%** believed Legal Services funding should be decreased to the level of the House bill.
5. **11%** believed Legal Services funding should be eliminated.

Because the percentages were rounded, the total does not equal 100%. Overall, 65 valid responses were received which, according to the experience of other magazines, is within the average range of responses.

In late November the House and Senate conference committee agreed upon the \$278 million figure. President Clinton has threatened to veto the overall budget bill, which would include Legal Services funding.

### Your Comments:

"Legal Services lost sight of its mission and became an ideologically driven organization pursuing its own agenda."

*Matthew J. Dudley, Spokane*

"Few doubt the valid need for LSC funding, but given the degree of zealotry too often experienced with LSC attorneys without sufficient application of the principles of common sense and ... legal dispute resolution, it should not come as a surprise to LSC that a backlash is coming."

*J. Eric Gustafson  
Yakima*

"As a current staff attorney at Spokane Legal Services Center, I see the need for legal services in the low-income community on a daily basis. A loss of funding will mean even more low-income individuals will go without needed legal services."

*Teresa Faust, Spokane*

"The needs of families in our county, hard hit by the loss of timber and fishing-based jobs, have increased significantly in the last decade. The need for help with bankruptcies, evictions, child support modifications, and dissolutions for poor people require that Legal Services funding be increased."

*Jessica Schreiber  
Port Angeles*

"Have we become so mean and parsimonious as a society that we are unwilling to adequately fund a patently successful program that provides critical assistance to our most needy and disenfranchised citizens? If so, God help us."

*Gordon W. Griggs, Everett*

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

**THE WASHINGTON STATE BAR NEWS**

**FAX POLL**



What is your opinion regarding the proposed changes in WSBA governance? A task force report has recommended that our association adopt an "ABA-like" house of delegates system, composed of approximately 114 lawyers, in addition to an expanded Board of Governors. The projected cost of this option is an additional \$295,000 per year. Failing this, the task force recommended an expanded Board without a house of delegates system. This expanded Board would include a "diversity representative," a "young-lawyer representative," and a "citizen representative." It would also replace the two at-large King County Governor positions with two additional Seventh District representatives. The projected cost of this option is an additional \$75,000 per year. For further details of these proposals, review pages 18-26 of the July *Bar News*.

Please check the statement which most reflects your opinion, along with any comments or qualifications which you may have, and fax (or mail) this entire page to the number below. No cover sheet is necessary. Please, only one vote per attorney.

- 1. \_\_\_\_\_ I support the existing Board of Governors format.
- 2. \_\_\_\_\_ I support the expanded Board of Governors format.
- 3. \_\_\_\_\_ I support the House of Delegates format.
- 4. \_\_\_\_\_ I support an alternative format (see comments, below).

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name and city of faxing attorney (required): \_\_\_\_\_  
(This will not be published, unless your comments are chosen for publication along with the poll results in the February *Bar News*.)

Fax your response by January 10 to:  
**(206) 727-8320**

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

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



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

Executive Director Dennis Harwick opened the December 1 meeting in Bellevue by unveiling the WSBA Homepage on the World Wide Web. Maestro Sam Foucault, who has devoted many pro bono hours to this project, provided a guided tour of our Association's residence on the Internet. This Homepage should provide various opportunities for WSBA members, including the ability to obtain CLE forms and, eventually, register for CLEs. The WSBA Internet address is: <http://www.wsba.org>. During the tour, Governor Pat Williams also expressed a keen interest in the underutilized potential of "hot links," and will chair a task force exploring new and creative uses for this sizzling concept.

Dennis Harwick also detailed discussions with his counterparts in the Utah, Idaho, and Oregon bars regarding CLE compliance for multistate-bar members. A prospective comity agreement (known as the "Boise Protocol"), tentatively holds that CLE compliance in the member's principle state of practice will suffice for requirements in other states where the member is licensed. On a related matter, he also informed the Board that WSBA CLE registration is on target for the current year.

The Board then voted to recommend Robert Stein for reappointment to the Limited Practice Officer Board. The Governors also formed a "Task Force to Review the Law Clerk Program." To achieve a balanced perspective, the Board decided to accept one application from each of the following categories: a law school representative; a graduate of the law clerk program; a tutor in the program; and a non-tutored attorney. Frank Slak will be asked to serve as chairman. Applications for this committee should be forwarded to Governor Steve Crossland, at P.O. Box 19, 139 S. Worthen, Wenatchee, WA 98807-0019. Applications are also being accepted for the Revenues Task Force. Applicants should contact President Ed Shea at P.O. Box 2368, 1816 N. 20th Ave., Pasco, WA 99302. In further action, Pamela Bartlett, Mary Averett, and Deborah Russell were appointed to the Character & Fitness Committee.

Dave Horn and Scott Smith then appeared before the Board to ask its endorsement of a Resolution regarding the

"Final Report of the King County Bar Association Task Force on Lesbian and Gay Issues in the Legal Profession." Upon deliberation, the Board unanimously adopted the following language concerning this report: "The Board of Governors has received and reviewed 'In Pursuit of Equality: The Final Report of the King County Bar Association Task Force on Gay and Lesbian Issues in the Legal Profession.' We commend the members of the Task Force for their work. We condemn all bias, including bias against gays and lesbians, in our profession and in the legal system. We urge all attorneys and judges to review the Report. We will disseminate the Report to our sections' and committees' chairs for review and discussion. We will ask them to provide us feedback by the May, 1996 meeting. We will refer Task Force Recommendation 49 [which would amend RPC 8.4(g) to delete the 'prohibited by law' language; - Ed.] to the 'RPC' and 'Opportunities for Minorities' committees for their review and recommendation, and for a report to the Board by said May meeting. We look forward to working with other members of the bar to work toward the elimination of all bias."

During the lunch break, the Governors and liaisons then received a report by Randy Gordon, President of the East King County Bar Association (EKCSBA). Mr. Gordon lauded the performance of the Eastside Legal Assistance Program which, in 1993, won the Pro Bono Award for its service to the disadvantaged in East King County. Gordon also noted that EKCSBA has commissioned a task force to study unnecessary expenses involved in litigation (this should keep the committee busy), and is looking forward to the completion of the Eastside Justice Center in the long-term, and obtaining space for an eastside law library in the short term. Afterwards, President Ed Shea briefly discussed the need for the WSBA to increase revenues in order to continue as a fully functioning, independent bar association.

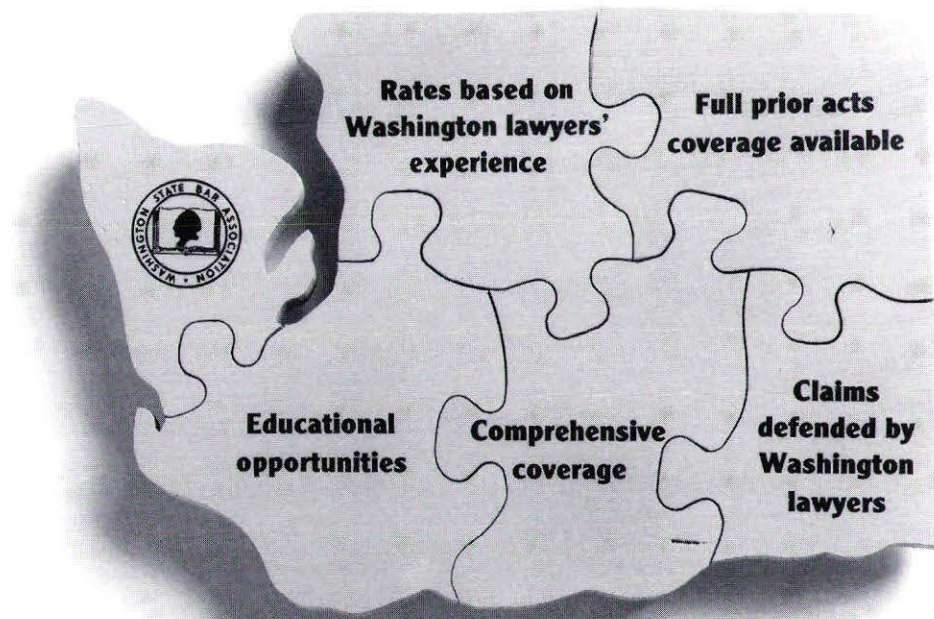
In the afternoon session, the Governors heard a presentation by the Access To Justice Board. ATJ Chairman Paul Stritmatter provided an overview of that organization's recent activities and goals, while Nancy Isserlis and John McKay, chair of the Equal Justice Coalition, provided information on the Jan. 1, 1996 combination of Washington's three legal-service entities into one corporation,

the Northwest Justice Project (NJP). Judge Paul Bastine then discussed the congressional restrictions which may be placed on LSC funds (Dec. *Bar News*, p. 41; Sept. *Bar News*, p. 56), and attempted to obtain a leg up in the competitive bidding process for such funds by asking the Board for an endorsement of NJP's application. The Governors did not act on this request.

Phyllis Selinker then discussed the Courthouse Facilitator Program, which began in 1993, and ATJ's attempts to expand this program into other counties. This program provides a courthouse facilitator which assists pro bono litigants in local courthouses, and has been successfully implemented in Snohomish County. Mary Alice Theiler also informed the Board of a possible telephone access line (using either a 1-800 or 1-900 number) to provide legal assistance, and a possible WYLD pilot project in King County which would assist moderate-income individuals in legal matters at little or no cost. Finally, Ken Davidson explained that budgetary cuts have laid off 30 lawyers from the state's three legal-service corporations, and the resultant need to recruit as many as 1,000 lawyers throughout Washington to provide pro bono activities to pick up this slack.

On the legislative front, WSBA lobbyist John Fattorini and Legislative Committee Chair Pat Aylward introduced Gordon Tanner and Don Percival, who discussed legislation affecting their respective sections. Briefly summarized, the Board opposed the Broker's Lien Bill (SSB 5404), which would allow real estate agents to place liens on real property; supported minor corrective amendments to the power-of-attorney statute (RCW 11.94.010(3)); supported housekeeping changes relating to Limited Liability Companies; and supported revisions in the corporations act which delete the "death penalty" for certain actions by domestic corporations.

Family Law Chair Mary Hammerly then discussed various pieces of family law legislation. The Board supported an amendment to RCW 26.09.030, which would allow out-of-state residents to file for divorce in Washington if the respondent is a Washington resident; supported SHB 1907/SSB 5676, which would increase judicial discretion in certain child visitation situations; supported a proposed change to RCW 26.19.020, which would



# Solve the Puzzle of Professional Liability ...

**with the Washington State Bar Association-sponsored Lawyers' Professional Liability Program.**

Puzzled by what professional liability coverage you need?

The Washington State Bar Association-sponsored Lawyers' Professional Liability Program puts all the pieces together for you.

This program protects both sole practitioners and law firms alike, with:

- comprehensive coverage for malpractice claims
- unequaled risk management support
- local consulting for potential claims situations

Find out why the Washington State Bar Association-sponsored Professional Liability Program is the right fit for you.

For your more information call Pam Blake, Account Executive in Seattle, at (206) 224-7411, or **TOLL FREE 1-800-366-7411**

Underwritten by:  
Reliance National Insurance Company



Sponsored by:  
The Washington State Bar Association



Administered by  
Kirke-Van Orsdel, Incorporated



either annualize health care expenses, or exclude such calculations completely, depending upon which was more politically viable; supported HB 1620 (amending RCW 26.19.020), which would raise the ceiling on presumptive income to \$7,000; opposed a bill which would allow license suspension by administrative process for failure to pay child support; and supported HB 1619, which would authorize a parent who had overpaid day care or other specific expenses to recoup such expenditures (amending RCW 26.29.080(3)).

Turning to the most important topic of the day, the Board then received testimony on the issue of WSBA governance (see July *Bar News*, p. 18; this issue, p. 10). Apart from actual members of the task force, only three individuals offered oral testimony, and only ten individuals or groups submitted letters. With the exception of the task force itself and the Young Lawyers Division, there appeared to be little support for the proposal to create a WSBA House of Delegates. However, the Governors will continue to accept members' comments until their formal vote on the task force recommendations at the February 9 meeting in Vancouver, WA.

On December 2, the Governors continued their analysis of lawyer discipline (see August *Bar News*, p. 15). Except for discussions regarding funding for the proposed changes (to be addressed at the February 9 meeting), the Governors completed their preliminary deliberations on this topic. Due to the importance and length of the modifications, a summary of the proposed changes is featured in this issue's "Ethics & the Law" department.

At the request of Governor Peter Ehrlichman, the Board then formally recognized and commended Federal District Court Judge Walter T. McGovern for his 25 years of service on the bench.

The Board then received the report of the Presidential Search Task Force. The applicants for the position of WSBA President for the Oct. '96 - Sept. '97 term were Tom Chambers, former president of the Washington State Trial Lawyers Association, and Wayne Blair, former president of the King County Bar Association. The Board heard presentations from both former Governors, and were unanimous in their belief that either individual would serve admirably as president. After an extensive discussion, the Governors selected Tom Chambers as the WSBA president-elect.

## The New Math

**Your Estate Planning Expertise**

+

**Our Investment Experience**

=

**Satisfied Clients**

**SAFECO Trust Company**

**206/223-6291**

***Safety, Integrity, Performance***



## Mediation Center Trainings

*with James C. Melamed, J.D.*

There is no more experienced or dynamic mediation trainer. Jim teaches *Negotiation and Mediation* at the University of Oregon School of Law; served as Executive Director of the Academy of Family Mediators (1987-93); and is past-Chair of the Oregon Dispute Resolution Commission (1992-94).

### **Divorce Mediation Training**

**February 7-11 in Portland**

**March 20-24 in Eugene\***

*\*benefit training for University of Oregon School of Law Mediation Clinic*

### **Civil & Workplace Mediation Training**

**January 24-27 in Portland**

**May 29-June 1 in Eugene**

**Ask around. There is no better mediation training.**

*These trainings are approved for continuing legal education in Oregon and California and have been submitted for approval to the State Bar of Washington*

**Call for a free copy of our Conflict Resolution Resources Catalog**

**1-800-JDAGREE**

***for more information and to register***



**IOLTA Financial Institutions**

*Approved Financial Institutions  
as depositories for Lawyer Trust  
Accounts:*

Pursuant to Rule 13.4 of the Rules for Lawyer Discipline and an amendment to RPC 1.14(a) (both effective March 1, 1991) lawyer trust accounts can be maintained only in financial institutions which are approved because they have filed with the Disciplinary Board an agreement to report to that Board in the event any properly payable instrument is presented against a lawyer trust account containing insufficient funds, whether or not the instrument is honored. Following is a list of all approved financial institutions as of November 29, 1995. Direct inquiries regarding the list to the Disciplinary Board, c/o Counsel to the Disciplinary Board, Washington State Bar Association, 2001 6th Avenue, Suite 500, Seattle, WA 98121-2599, (206) 727-8280.

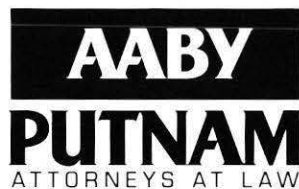
- American First National Bank
- American Marine Bank
- American National Bank
- Baker Boyer Bank
- Bank Northwest
- Bank of Bellingham
- Bank of California
- Bank of Fairfield
- Bank of Grays Harbor
- Bank of Latah
- Bank of Northshore

- Bank of Pullman
- Bank of Sumner
- Bank of the Pacific
- Bank of the West
- Bank of Vancouver
- Bank of Whitman
- Bellingham National Bank
- Cascade Community Bank
- Cashmere Valley Bank
- Centennial Bank
- Central Washington Bank
- Central Valley Bank, N.A.
- Citizens First Bank
- Citybank
- Columbia Bank
- Columbia National Bank
- Columbia Savings Bank, Federal Savings Bank Commerce Bank of Washington, N.A.
- Continental Savings Bank
- Coulee Dam Federal Credit Union
- Cowlitz Bank
- Credit Union Puget Sound
- Edmonds National Bank
- Enterprise Bank of Bellevue, N.A.
- Evergreen Bank
- Farmers and Merchants Bank
- Farmers State Bank
- First Community Bank
- First American State Bank
- First Bank of Washington
- First Savings Bank of Renton
- First Federal Savings Bank of Washington
- First Heritage Bank of Snohomish
- First Independent Bank, Downtown Office
- First Interstate Bank of Washington, N.A.
- First National Bank of Port Orchard
- First National Bank in Spokane
- Frontier Bank/Branch Operations
- Grant National Bank

- Great Northwest Bank, A Savings Bank
- Great Western Bank
- Heritage Bank
- Harbor Community Bank
- Home Security Bank
- Horizon Bank
- Horizon Credit Union
- Industrial Credit Union
- Inland Northwest Bank
- Intalco Employees' Credit Union
- InterWest Savings Bank
- Islanders Bank
- Key Bank of Puget Sound
- King County Medical Society Credit Union
- Kitsap Bank
- Klickitat Valley Bank
- Metropolitan Federal Savings and Loan Association of Seattle
- Mid State Bank
- Mt. Rainier National Bank
- National Bank of Bremerton
- National Bank of Tukwila
- North Cascades National Bank
- North Pacific Bank
- North Sound Bank
- Northwest Community Bank
- Northwest National Bank
- Northwestern National Bank
- O Bee Credit Union
- Olympia Credit Union
- Olympic Savings Bank
- Pacific First Bank, FSB
- Pacific Northwest Bank
- Peoples State Bank
- Pioneer National Bank
- Pioneer Savings Bank
- Prairie Security Bank
- Public Employees Credit Union
- Puget Sound Bank
- Puyallup Valley Bank
- Redmond National Bank
- Riverview Savings Bank
- San Juan County Bank
- Seattle-First National Bank
- Security Pacific Bank Washington, N.A.
- Security State Bank
- Silverdale State Bank
- Skagit State Bank
- Social and Health Services Federal Credit Union
- Sound Banking Company
- Sound Savings and Loan Association
- Spokane Catholic Credit Union
- Spokane Police Credit Union
- Spokane Postal Credit Union
- Spokane Teachers Credit Union
- State National Bank of Garfield
- Sterling Savings Association
- Summit Savings Bank
- Timberland Savings Bank
- Towne Bank of Woodinville
- Twin County Credit Union
- Twin Harbors Credit Union
- U.S. Bank of Washington
- United Health Services Credit Union

# Industrial Strength Law.

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



<b>Bellingham:</b> 360-676-5225 Or toll free: 1-800-245-4529	<b>Seattle:</b> 206-292-8627 Or toll free: 1-800-223-4529	<b>Olympia:</b> 360-754-7707 Or toll free: 1-800-225-4529
1402 F Street Bellingham, WA 98225	401 2nd Ave. S. Suite 303 Seattle, WA 98104	915 E. Legion Wy Olympia, WA 98501

United Savings and Loan Bank  
 United Security Bank  
 Valley Commercial Bank  
 Valley Community Bank  
 Washington Federal Savings and Loan  
 Association  
 Washington First International Bank  
 Washington Mutual Savings Bank  
 Washington State Bar Association Credit  
 Union  
 Washington Trust Bank  
 Whatcom State Bank  
 WestOne Bank, King County  
 WestOne Bank, Pierce County  
 Wheatland Bank, The  
 Whidbey Island Bank  
 Yakima Valley Bank

---

### Judicial Interviews

---

#### *WSBA Judicial Recommendation Committee to Schedule Interviews:*

The WSBA Judicial Recommendation Committee is accepting applications from attorneys and judges seeking consideration for appointment to potential appellate court vacancies. Interviews are scheduled on a space-available basis for either March 22, 1996, or May 31, 1996. Candidate questionnaires are due at the WSBA office by 5 p.m. on February 15, 1996, for the March meeting and 5 p.m. on April 16, 1996, for the May meeting.

The Committee's recommendations are reviewed by the WSBA Board of Governors and then referred to Washington's Governor for consideration when vacancies on the Washington Court of Appeals and Supreme Court are filled.

To schedule an interview, contact the WSBA at 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599, telephone (206) 727-8200, and obtain a questionnaire. Please specify whether you need the questionnaire designed for a judge or an attorney.

---

### Usury Rate

---

The average coupon equivalent yield from the first auction of 26-week treasury bills in December 1995 is 5.42%. *The maximum allowable interest rate permissible for January 1996 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*.

---

### Board Volunteers

---

Helping Hands for the Disabled, a non-profit group which runs housing for disabled adults, seeks members for its board of directors. They meet in Kirkland on the second Tuesday of each month. Contact Wendy Shoemaker at (206) 441-6300.

---

### M.A. in Russian Law

---

The Academic Law University of the Russian Academy of Sciences offers a one-year M.A. in Moscow: study all ar-

eas of Russian law and practical experience through a legal-internship program. Intensive Russian-language training is provided if needed. Contact: Prof. A.M. Dula, Registrar, Academic Law University, 5718 Westheimer, Ste. 1515, Houston, TX 77057-5733; tel. (713) 977-9693; fax (713) 977-1543.

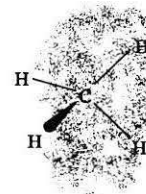
---

### Resignation

---

King County lawyer Richard J. Fast (WSBA #7118, admitted 1976) was permitted to resign as a member of the WSBA with discipline pending, effective November 8, 1995.

# Schaefer Engineering Corporation



## Specializing in: **Electrical, Mechanical and Metallurgical Failures**

Electrical Engineering  
 Failure Analysis  
 Slip and Fall Investigations  
 Product Liability Analysis  
 Fire Investigation

Metallurgical Engineering  
 Manufacturing Analysis  
 Welding Failures  
 Industrial Failures  
 Corrosion Analysis

Electrical, Metallurgical, and Mechanical Testing of Products

6215 N.E. 187th St., Seattle, WA 98155  
 Phone (206) 483-2243 FAX (206) 486-5760



*Private Valuations, Inc.*  
 1000 Second Avenue  
 Suite 3450  
 Seattle, Washington  
 98104-1022

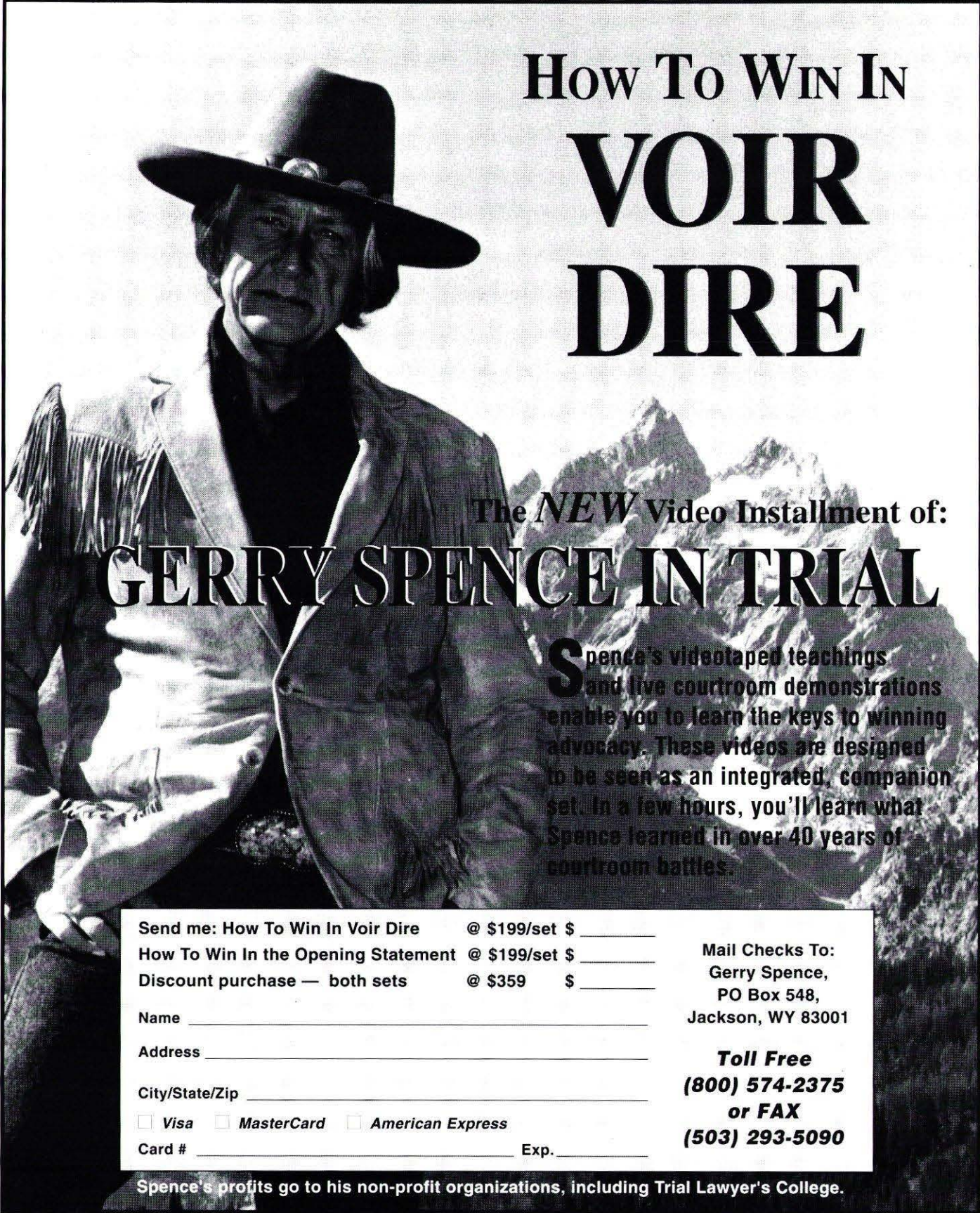
APPRAISERS AND VALUATION CONSULTANTS

Adrien E. Gamache, Ph. D., President

- Valuations of Businesses & Intellectual Property
- Commercial/Industrial Real Estate Appraisal
- Experienced Litigation Support

*Call for references and qualifications*

**(206) 621-8488 • (206) 682-1874 FAX**



# How To Win In VOIR DIRE

The *NEW* Video Installment of:  
**GERRY SPENCE IN TRIAL**

**S**pence's videotaped teachings and live courtroom demonstrations enable you to learn the keys to winning advocacy. These videos are designed to be seen as an integrated, companion set. In a few hours, you'll learn what Spence learned in over 40 years of courtroom battles.

Send me: How To Win In Voir Dire @ \$199/set \$ \_\_\_\_\_

How To Win In the Opening Statement @ \$199/set \$ \_\_\_\_\_

Discount purchase — both sets @ \$359 \$ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Visa  MasterCard  American Express

Card # \_\_\_\_\_ Exp. \_\_\_\_\_

Mail Checks To:  
Gerry Spence,  
PO Box 548,  
Jackson, WY 83001

**Toll Free**  
**(800) 574-2375**  
**or FAX**  
**(503) 293-5090**

Spence's profits go to his non-profit organizations, including Trial Lawyer's College.



CALENDAR

Phone Numbers

- Davis, Wright, Tremaine (DWT):  
(206) 622-3150
- King County Bar Association CLE  
(KCBA): (206) 624-9365
- University of Washington School of  
Law (UW CLE):  
(206) 543-0059; (800) CLE-UNIV
- 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

Calendar information is submitted by providers. Please check with providers to verify information. Send submissions to: Washington State Bar Association, *Bar News* Calendar, 500 Westin Bldg., 2001 Sixth Ave., Seattle, WA 98121-2599. Fax (206) 727-8320. Questions? Call (206) 727-8214.

January 1996

5 Seattle: **Lifetime Giving: Planning and Procedures** (1/2 day). By WSBA CLE and Real Property, Probate and Trust Section. 3.25 CLE credits approved.

5 Seattle: **Fiduciary Income Taxation: A Practical Guide** (1/2 day). By WSBA CLE and Real Property, Probate and Trust Section. 3.25 CLE credits approved.

5 Seattle: **Family Law Skills Training Certificate Program, Session 4**. By UW CLE. 3 CLE credits approved.

12 Seattle: **Leadership & Supervisory Skills for Women**. Also Jan. 29 in Bellingham; Jan. 30 in Bellevue; Jan. 31 in Tacoma; Feb. 1 in Olympia; Feb. 22 in Everett; Feb. 23 in Seattle. By The National Businesswomen's Leadership Association. Call (800) 258-7246.

9 Tacoma: WDTL Membership Dinner Meeting.

12-13 Olympia: WSBA Board of Governors meeting.

12-14 & 27-28 Seattle: **Professional Mediation Skills Training Certificate**

Course. By UW CLE. 35.75 CLE credits pending.

19 Seattle: **The Essentials of Handling Adoption**. By WSBA CLE. 6.5 CLE credits pending.

19 Seattle: **The Law Office Management Institute and Legal Expo Exhibit Hall**. By WSBA CLE, Law Practice Management Section, and Puget Sound Chapter of Assoc. of Legal Administrators. 5.5 CLE credits pending.

19 Seattle: **Corporate Counsel**

**Institute and Legal Expo Exhibit Hall**. By WSBA CLE and Corporate Law Department Section. 6.5 CLE credits pending.

19 Spokane: **Take Control of Your Workload**. By Gonzaga University School of Law. Contact Marge Buck, (800) 572-9658 ext. 3725. 6.5 CLE credits pending (including 3 ethics).

19 Seattle: **Estate Planning Certificate Program, Session One** (of seven). By UW CLE. 4 CLE credits pending.



ATTORNEYS

CANNOT JUSTIFY AN ADMINISTRATOR BUT STILL NEED HELP?

LAW OFFICE MANAGEMENT

*The Roth Group*

Provides small sized firms with administrative support:

- Accounting
- Budgeting
- Personnel
- Equipment
- Computer & Telephone Systems

...for only the number of hours per week or month that you need.

INTERESTED? Please call (206) 236-1076

Or write to Box 465 for details.  
All inquiries are held in the strictest confidence.

WORKERS' COMPENSATION

Industrial Injury and Occupational Disease

*We welcome and appreciate your referrals in this specialized area.*

**Walthew, Warner, Costello,  
Thompson & Eagan**

*"Representing Injured Workers For Over 60 Years"*

(206) 623-5311

Toll Free 1-800-824-6215

THE WALTHEW BUILDING  
123 Third Avenue • Third South & South Washington  
Seattle, Washington 98104

20-21 Seattle: **21st Annual Military Law Update**. By Army Judge Advocate General's School/6th Legal Support Division. Call (206) 281-3002. 9.5 CLE credits approved.

25 Seattle: **Proposed Revisions to Article 9 and Sticky Article 9 Problems**. By DWT. 1 CLE credit pending.

25 Seattle: **Choosing Your Retirement Plan**. By KCBA.

26 Seattle: **Suing the Government: What You Should Know About Public Sector Liability**. By WSBA CLE.

6.5 CLE credits approved.

26 Seattle: **Family Law Skills Training Certificate Program, Session 9**. By UW CLE. 3 CLE credits approved.

26 Seattle: **1996 Water Law**. By UW CLE. 7.25 CLE credits pending.

27 Seattle: **Agricultural Finance**. By UW CLE. 6.5 CLE credits pending.

### February 1996

1 Seattle: **A Practical Approach to Building Your Deposition**

**Skills**. By WSBA CLE. *Also in Olympia Feb. 9*. 6.75 CLE credits pending.

9 Seattle: **Mediation: Making it Work**. By WSBA CLE. 7.75 CLE credits pending.

9-10 Vancouver: WSBA Board of Governors meeting.

15 Seattle & Spokane: **Elder Law**. By WSBA CLE and Elder Law Section. 5.75 CLE credits approved.

22 Seattle: **Survey of Recent Restatement of Suretyship**. By DWT. 1 CLE credit pending.

23 Seattle: **Representing Commercial Property Owners and Property Managers**. By WSBA CLE and Real Property, Probate & Trust Section. 6 CLE credits (and 0.75 ethics) pending.

23-24 Vancouver, BC: **Northwest Securities Institute**. By WSBA CLE and Business Law Section, in cooperation with Oregon State Bar CLE Committee & Securities Section. 12 CLE credits pending.

29 Address/phone changes not already noted on annual licensing renewal forms for 1996 *Resources* directory must be received by Data Processing Department **by noon** to be included. **No exceptions**. Call (206) 727-8217/8276.

### March 1996

1 Seattle: **Directors' & Officers' Liability**. By WSBA CLE. 6.25 CLE credits pending.

1 Spokane: **State & Local Tax Deskbook**. By WSBA CLE and Taxation Section. *Also in Seattle March 8*. 6 CLE credits (est.).

5-7 Bellevue: WSBA Bar Exam. Call (206) 727-8209.

8 Seattle: **Estate Planning for Small to Medium Sized Estates**. By WSBA CLE. 6.75 CLE credits pending.

12 Seattle: WDTL Membership Dinner Meeting.

15 Bellevue: **Employment Law Institute**. By WSBA CLE. *Also VIA•CLE — delivering live CLE to your office over your phone*. 6.5 CLE credits (est.).

21 Seattle: **Revisions to Article 5**. By DWT. 1 CLE credit pending.

21 Olympia: **Planning and Compelling Discovery**. By WSBA CLE. *Also in Seattle March 28*. 6 CLE credits (est.).

22 Seattle: **The Seventh Annual International Law Institute**. By WSBA CLE and International Practice Section. 7 "live" CLE and 1.5 A/V credits pending.

22-23 Tacoma: WSBA Board of Governors meeting.

21-24 Phoenix: **WDTL Sunbreak Seminar**.

## Make Your Family Law Cases Easier!

### Forms+Plus™ Software

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

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

Integrates **SupportCalc™** data!

### SupportCalc™ Software

#### Proven Accuracy For Calculating Child Support

1,000 family law attorneys already save time using **SupportCalc™** to make important decisions with their clients instead of bending over complicated forms, schedules, tables and calculators. **SupportCalc™** lets you practice law... not accounting. **SupportCalc™** includes the most current I.R.S. Tax Tables.

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

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

### ORDER TODAY -- SHIPPED TODAY!

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

### CALL TODAY For Free Information or Demonstration!

(206) 286-3600 (Seattle area)

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

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

P.O. Box 9759, Seattle, WA 98109

**30-DAY MONEY BACK GUARANTEE**



## Remembering Satan

Lawrence Wright, 205 pp., softcover, \$12. Vintage Press, 1995, (800) 793-2665.

reviewed by **Robert C. Cumbow**

It's hard enough to imagine how a victim can remember something that never happened. More provocative is trying to imagine how an accused *perpetrator* — with everything to lose and nothing to gain — can remember things he never did.

Lawrence Wright's *Remembering Satan* is a straightforward journalistic account of a bizarre Washington state criminal case that epitomized a national phenomenon. Wright's style is crisp and matter-of-fact, and his approach is as close to classic objective journalism as one is likely to find in the post-Watergate generation of *auteur* investigative reporters. In fact, it is precisely because he recounts the story objectively that his book so chills its reader.

One morning in late 1988 Paul Ingram, an officer with the Thurston County Sheriff's office, was arrested by his colleagues in connection with acts of child sexual abuse that had been recently remembered by his adult daughter. In the course of the investigation, two other Ingram children, Ingram himself, and eventually, with great difficulty and reluctance, even Ingram's wife began to remember the abuse.

As the memories emerged, the abuse grew from a few isolated instances to a pattern that spanned the entire lifetimes of Ingram's sons and daughters, intensified to embrace the most hideous depravities imaginable, and broadened to include as perpetrators not only Ingram but his wife, some neighbors, and several other Thurston County Sheriff's officers. The more the victims and accused perpetrators recalled, the less consistent the memories became; and not one shred of

physical evidence was ever produced to support any of the accusations. Indeed, the memories became increasingly inconsistent with verifiable fact: the Ingram girls claimed to have scars where they had none, and one claimed to have had a child ritually aborted and slaughtered, though a physician's examination proved she had never been pregnant.

None of the inconsistencies or lack of evidence kept Paul Ingram from going to prison.

The Ingram case — and Wright's accounting of it — calls into question the whole concept of what memory is, how we remember, and how remembering is different from fantasizing (if it is). The epistemological implications of this inquiry neither escape nor intimidate Wright. Never becoming overly scientific or technical in his analysis, he faces up to the challenge of charting the Freudian and post-Freudian theories implicated by repressed memory syndrome. He tackles with aplomb the notion of repressed memories as masks for other memories or unresolved feelings, and Freud's shift in emphasis from repressed memory of actual trauma to repressed memory of feelings, desires, fears too deep and complex to be resolved by the conscious mind — accompanied perhaps at times by the need to find an enemy to blame for those troublesome, buried emotions.

Through it all, Wright keeps his focus. *Remembering Satan* is not about repression, or remembered abuse, or repressed memory in general; it is specifically about repressed memory of satanic ritual abuse, which emerged in the 1980s as a specifically identifiable American cultural phenomenon, recalling the witch hunts of 16th century Europe and 17th Century

New England, and the more recent and less phantasmagorical Red Scares of the 1950s. Indeed, Wright joins others in suggesting that the satanic ritual abuse phenomenon may have arisen as a replacement for fear of Communism, coincident with the collapse of Communism in the Eastern Bloc in the late Eighties. (Interestingly, he makes nothing of the potent fact that some of the earliest accusations of ritual abuse were directed at day care centers — a natural emblem of the collectivist lifestyle Americans were trained to fear during the Fifties.)

Wright cites one researcher as acknowledging that "In the end, we (as clinicians) cannot tell the difference between believed-in fantasy about the past and viable memory of the past. Indeed, there may be no structural difference between the two." But if there is, finally, no discernible difference between fantasy and memory, how can we trust our own minds? If "memory . . . continually reinvents personal history," how can we base our actions on what we think we know about ourselves? Of course, the other possibility — that ritual satanic abuse is all too real and that the abusers exercise some sort of mind control over the victims, and perhaps over themselves as well — leads in the same direction: an inability to rely on one's own memory of one's actions and feelings. These are scary questions, which Wright leaves his readers to ask and answer for themselves.

The facts in the case point, disturbingly, toward the possibility that the source of the Ingrams' memories may have been the investigation itself. The investigators, believing they had hold of a case that might prove, finally, that satanic ritual abuse of the kind reported in numerous

*"The facts in the case point, disturbingly, toward the possibility that the source of the Ingrams' memories may have been the investigation itself."*

cases across the country was real, clung to their conviction that "something *must* have happened," long after efforts to assemble a coherent factual pattern had bogged down in a welter of contradiction and uncertainty. The investigators became victim advocates, doubting both Ingram's memory and his *lack of* memory, and coming, perhaps, to exercise themselves a kind of mind control over both victims and suspects. Dr. Richard Ofshe, a social psychologist, demonstrated the likelihood of this by actually evoking from Paul Ingram a "memory" of an event that not only did not happen but *could not have happened*. A predisposition to believe the complaining victim is certainly not a bad thing; indeed, most criminal investigations necessarily begin with a victim's complaint. But believing a victim merely because he presents himself as a victim begs the question when there is doubt that any victimizing behavior ever actually occurred in the first place.

The Ingram case may have been instrumental in Washington's becoming the first state to adjust the statute of limita-

tions for certain tort claims to allow an action to be commenced within three years from the date the cause of action is *remembered*. The case has other serious implications for the law as well. Like all witch hunts, both literal and metaphorical, cases like the Ingram case invert our philosophy of criminal justice, presuming guilt rather than innocence. If the accused admits the acts, we have a confession; if he does not, we tell ourselves (and him) that he is "in denial" — because, as victim advocates, we *know* that *something* must have happened.

As his trial approached, Paul Ingram evolved a notion of two "kinds of memory," one of which he called "my normal memory," the other of which, increasingly, became a repository of constructed fantasies of things that "*must have happened*." Later, in prison, he categorized what he thought of as his "memories" into three classes: "Definitely Happened," "Not So Definitely Happened," and "Not Sure."

Wright concludes his examination of the Ingram case with the suggestion that

memories, which should hold a family together, can destroy a family and the individuals that comprise it when those memories become vehicles for the expression of suppressed fears and resentments — what he calls "a tragic courtship of buried longings forced into public view" evoking "the sexual power that underlies the dynamics of the family."

If Wright's book is ultimately unsatisfying, it is only because the questions raised by the Ingram case haven't been answered. The phenomenon of remembered satanic ritual abuse has not gone away. Paul Ingram remains in prison. Pointedly, the open-endedness of Wright's book mirrors the often frustrating inconclusiveness of our judicial process — which is, after all, *only* a process, and not (whatever we may tell ourselves) a search for the whole truth.



*Robert Cumbow is an attorney with Perkins Coie in Seattle, and he chairs the WSBA Editorial Advisory Board.*

## Experience. Insight. Perspective.

### Seabury & Smith

With 30 years experience in program management and over 1,500 professionals in 50 offices, lawyers have come to respect Seabury & Smith's commitment to the legal community.

*For information on the benefits of our  
Lawyers Professional Liability Program,*

*Please contact:*

Ringo Allen	206-292-7157
Leslie Vickers	206-292-7145
Deborah Wade	206-292-7146

*or call us toll free at 1-800-552-7200*

A Marsh & McLennan Company

## LAW OFFICES OF DAN P. DANILOV

United States  
IMMIGRATION LAWS  
VISA SERVICES



SUITE 2303 - ONE UNION SQUARE  
SEATTLE, WASHINGTON 98101-3192 U.S.A.  
TEL: (206) 624-6368 FAX: (206) 624-0812



## Changes To Discipline System Given Tentative Approval

by **Barrie Althoff**, *Chief Disciplinary Counsel*  
& **Randy Beitel**, *Disciplinary Counsel*

Over the last several months the WSBA Board of Governors has considered the 42 changes to our discipline system recommended by the ABA Standing Committee on Professional Discipline and the WSBA Joint Task Force On Lawyer Discipline ("JTF") appointed by the Washington Supreme Court and the WSBA.\* In addition to more promptly resolving lawyer discipline matters, the recommended changes would considerably broaden our focus to include additional consumer and member services and assistance. The Board has debated and taken "straw votes" on virtually all the recommendations. None of these decisions, however, is final. These proposals will be reconsidered at the Board of Governors' February 10, 1996, meeting in Vancouver, WA, with a "big picture" review of how all the changes fit together, and the most difficult task of all, deciding what we can and cannot afford. This article alerts members where the Board is going with these changes and encourages you to discuss your concerns with your Governor.

### Keep Discipline at the Bar.

The Board agreed with the JTF to reject the ABA recommendation that discipline be transferred to the Supreme Court. The JTF felt that improvements in our discipline system could be made more expeditiously and economically by keeping discipline at the Bar rather than creating a new agency at the Court.

### Create a Department of Professional Conduct.

At the crux of many of the recommendations is a vision which broadens the focus of lawyer discipline beyond just prosecuting and punishing lawyer misconduct. Acting to adopt this vision, the

Board voted to transform what has been known as the WSBA Legal Department into the Department of Professional Conduct. Thus, the Board approved the JTF recommendations to help those who are willing to be helped by creating a Practice Assistance Program (skills training, office management, mentoring) and continuing strong support for the Lawyers' Assistance Program. The Board also approved alternatives to traditional discipline, voting to accept the JTF recommendations to develop a mediation program (both lawyer/client & lawyer/lawyer) as well as a diversion program for less serious misconduct. The Board also approved the JTF recommendation to adopt mandatory fee arbitration. However, the Board decided to wait until other new programs are up and running before considering the JTF recommendation of an Office of the Ombudsman (a resource and referral option for consumer inquiries and complaints).

### More Timely and Improved Resolution of Grievances

In 1995, the Board added eight new disciplinary counsel positions. In time, this will reduce the backlog of disciplinary cases and keep new matters current. Moreover, the Board approved JTF recommendations to utilize professional investigators under the direction of disciplinary counsel; to issue prompt notices of dismissal; to send Disciplinary Board Review Committee dismissal orders to grievants within 14 days; and to institute a 45-day time limit on grievants protesting dismissal of their grievance (there currently is no time limit). The Board concurred with the JTF in rejecting the ABA recommendation of cursory dismissal letters, retaining the current practice of giving a detailed analysis of the

basis for a dismissal. The Board also concurred with the JTF recommendation to change references in the Rules for Lawyer Discipline from "conditional dismissal" to "dismissal."

The Board approved the JTF recommendation to require Hearing Officers to write their own findings, conclusions and recommendations, and to file these within 30 days after a hearing. The Board concurred with JTF recommendations that the Supreme Court continue its expedited policy for discipline matters and that the Court consider a procedure whereby motions for interim suspension are quickly heard, including a provision that motions for interim suspension made while the Court is in recess be heard by the Chief Justice or the Chief Justice's designee, subject to review by the full Court. The Board agreed with the JTF recommendation that the Supreme Court adopt an interim suspension show-cause procedure to immediately transfer to "disability/inactive" status any lawyer who alleges in the course of a disciplinary proceeding the inability to assist counsel. In response to recommendations for various time lines, the Board also directed staff to prepare appropriate time lines for processing of disciplinary matters for consideration by the Board.

### Refining Volunteer Use

The JTF recommended use of somewhat fewer, but better trained and supported, volunteers. The Board approved the JTF recommendation to reduce the number of Special District Counsel from 340 to 75, and that said counsel be appropriately trained and monitored by the Chief Disciplinary Counsel. Although the ABA recommended reducing the pool of hearing officers from 94 to no more than five, the JTF recommended a pool of 35

hearing officers. The Board retained the power to appoint hearing officers, and deferred until a later date any decision on the number of hearing officers and whether such officers should be paid. The Board adopted the JTF recommendation that hearing officers should be assigned by the chair of the Disciplinary Board, and that the Disciplinary Board should monitor their performance.

### Clearly Defined Roles

The JTF also recommended that the roles of various components of the discipline system be more clearly defined:

**Supreme Court:** The Board agreed with JTF recommendations that the Court retain authority to *sua sponte* review Disciplinary Board decisions as well as hear appeals by disciplinary counsel or respondents, and that the Court adopt a procedural rule establishing a time limit for initiating *sua sponte* review.

**Board of Governors:** The Board concurred with the JTF recommendation that the Governors continue to have access to confidential disciplinary information in furtherance of its managerial oversight role. The Board also agreed with the JTF recommendation that disciplinary counsel no longer be required to obtain approval of the Board of Governors to appeal a Disciplinary Board decision to the Supreme Court. The Board tabled the JTF recommendation that appeals from the Character and Fitness Committee on petitions for reinstatement (after disbarment)

be considered by the Disciplinary Board rather than the Board of Governors. Moreover, the Board rejected the ABA's recommendation that the Governors be taken out of the loop for amending the Rules for Lawyer Discipline.

**Disciplinary Board:** The Board agreed with the JTF recommendation that the Disciplinary Board should apply an appellate standard for review of hearing officers' findings of fact, but retain *de novo* review of conclusions of law and recommendations, and that matters be remanded to the hearing officer for any new evidence. The Board also agreed with the JTF recommendations that the Disciplinary Board should not automatically review hearing officer decisions except in cases of recommendations for suspension, disbarment, or transfer to disability/inactive status; that the right of appeal by disciplinary counsel and the respondent be retained; and that the Disciplinary Board may *sua sponte* review a hearing officer's decision within the prescribed standards. The Board also agreed with the JTF recommendation that the Disciplinary Board have full-time counsel with staff support.

**Ethics Calls:** The Board agreed with the JTF recommendation that neither disciplinary counsel nor counsel to the Disciplinary Board should answer ethics advice calls. Staffing of this function was left to the discretion of the Executive Director.

**Disciplinary Counsel:** The Board

agreed with JTF recommendations that the Office of Disciplinary Counsel act as the prosecutorial arm, and that non-disciplinary activities of disciplinary counsel be limited to the discretion of the Executive Director. The Board also approved the JTF recommendations that disciplinary counsel promulgate uniform written policies regarding the screening, investigation, dismissal, referral, and prosecution of cases, and that these policies include the investigation of all allegations concerning client funds and lawyer trust accounts.

### Professional Development

The Board concurred with JTF recommendations providing training programs for all disciplinary system personnel, both staff and volunteers; adoption of general written criteria for evaluation of disciplinary staff; structuring the agency to allow employees to grow professionally; and providing formal communication between disciplinary staff and the Board of Governors Discipline Committee.


### How Will We Pay For This?

If we are to implement these improvements, the cost of lawyer discipline will increase. Just how much is not yet determined, but the Board of Governors will be looking at cost estimates in February. The ABA's No. 1 recommendation is that we need to properly fund lawyer discipline. The JTF recommended that this be accomplished either by a separate mandatory Supreme Court assessment for discipline, or by a provision that the portion of the WSBA budget used for discipline not be subject to referendum. The Board of Governors has deferred this decision until the February Board meeting.

These proposed changes are significant and will affect your practice of law. They will institute new programs to better serve both our members and the public. Let your Governor know by February 10 what you think of these proposals.

\* For a more complete discussion of these recommendations, see: "Redefining Lawyer Discipline in Washington: A Multifaceted Approach," *Washington State Bar News*, August 1995, pp. 15 - 19. For a copy of the report itself, call the WSBA Communications Department at (206) 727-8213.

**WE FIND**  
**HEARS**  
**RESULTS GUARANTEED**  
**OR NO CHARGE...**  
**CALL**  
**1-800-ONE-CALL**  
(663-2255)  
FAX 1-800-663-3299

 **INTERNATIONAL GENEALOGICAL SEARCH INC.**  
Established 1967

## Tom Chambers of Seattle chosen as WSBA president-elect

Seattle lawyer Tom Chambers, a former WSBA Governor, was elected by the Board of Governors to succeed current WSBA President Ed Shea in September 1996. Chambers, who served on the WSBA Board of Governors from 1990-93, has also served as president of the Washington State Chapter of the American Board of Trial Advocates, served on the board of WSTLA, and is currently state chair of the Lawyer-Pilots Bar Association. He also chaired the Access to Justice Task Force which designed the 1-year-old Access to Justice Board.

Chambers estimates that he has spent 25 percent of his time during the last 15 years participating in numerous lawyer group activities, from holding office to working on committees, task forces and boards.

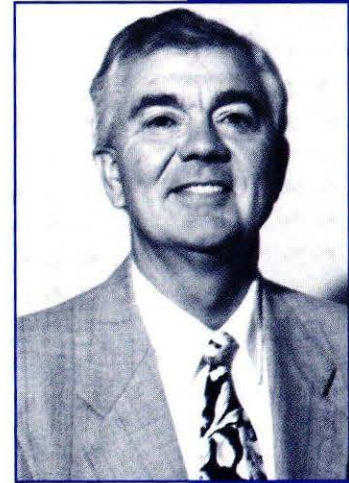
According to his application letter, he sees several issues looming ahead for the Board in the coming years, chief among them is access to the justice system; preparing for future changes in WSBA governance; reaching out to all constituencies within the Bar; and possibly instituting a "Law Fair," which would give specialty bars and sections an opportunity to share their specialized knowledge with the rest of the Bar.

"I hope to remind members of the bar that

we are members of the judicial branch of government, and that the founding fathers knew when they founded three branches of government that the rich and the powerful and the majority would have their way with the legislative branch, and that the rich and the powerful and the majority would have their way with the executive branch. And that it would fall to the judicial branch to protect the poor, the powerless and the minority, and that lawyers, each and every one of us, are members of the judicial branch of government."

As for what he hopes to gain from the presidency, Chambers said, "I like lawyers, love the practice of law, and it's been my discovery that I always get more back than I put into lawyer groups. I expect that I'll make some cherished friendships and meet some wonderful and interesting people."

Chambers will take over the presidency at the Bar's annual business meeting on Friday, September 6, 1996. ♦



## 1996 WSBA board of governors election

Four positions on the WSBA Board of Governors will be up for election this year: the governors representing the Third, Sixth, and Eighth Congressional Districts, along with one of the King County at large positions. Those positions are currently held by Mary Fairhurst (Third District), Dan Hannula (Sixth District), Steve Toole (Eighth District), and Linda Dunn (King County at large).

The WSBA Bylaws provide that any member in good standing, except a member previously elected to the Board of Governors, may be nominated for the office of governor from the district in which he or she resides by filing a petition signed by at least twenty (20) active members of the WSBA residing in that

congressional district.

Nominating petitions are available from Brynn Hancock at the WSBA Office, 500 Westin Building, 2001 Sixth Avenue, Seattle, WA 98121-2599; (206) 727-8244. Petitions must be received by the executive director of the WSBA by 5 p.m. on March 1, 1996. The Board of Governors determines the official dates of the election. Ballots are usually mailed around the first of June and counted approximately the first of July.

**Note:** The *Bar News* intends again this year to include in its May issue a section carrying statements of 100 words or fewer from all the nominated candidates. Those statements should accompany the nominating petitions. ♦

## WSBA fiscal year 1995 financial results

The WSBA's 1995 fiscal year ended September 30. The accounting firm of Dodd, Wing & Co., P.C., is in the process of completing its audit of our financial statements. They will issue their report to the Board of Governors in January or February.

The preliminary, unaudited results for the year show that the WSBA finished 1995 with revenues exceeding expenses by about \$285,000. \$120,000 of this amount represents the net revenues of the 21 Sections, and is allocated to a reserve for the Sections. \$87,000 represents the net revenues of CLE programming (both CLE seminars and CLE deskbooks, audio and video tapes and other publications), which is allocated to a reserve for CLE. The remaining \$78,000 is added to the Bar's general reserve.

The Bar had a break-even budget for fiscal 1995. Total revenues for the year were just slightly over budget, by 1.4%. Expenses were slightly under budget, by 2.3%. These results were achieved by tightly controlling expenses, thanks to efforts by staff, members and the Board of Governors.

If you would like a copy of the Bar's audited financial statements when they become available, or a copy of the Bar's 1996 budget, please contact Pat Dieken, Director of Finance and Administration, at (206) 727-8241.

\*\*\*\*\*

The total number of registrants for WSBA CLE seminars in fiscal year 1995 was 10,419. That number doesn't include the thousands of others who bought course-books, deskbooks and audio/video seminars.

## Just when you thought it was safe to go back on the bulletin board . . .

The L.A.W. BBS (Legal Access in Washington Bulletin Board System) has been experiencing technical difficulties for several months now. Here's why:

The L.A.W. BBS is run by a volunteer-based support group of about a half dozen lawyers in the Seattle area who have the technical background to work with bulletin boards. (No Bar dues goes to the BBS; it is supported solely by subscriptions. The Bar provides space and oversight).

The problems with the BBS are many. It began in August when some of the old equipment began to fail, no longer able to support the system. The group's only viable option was to upgrade the machines. However, that hardware upgrade led to conflicts and failures that included hard drive failures, which ended up destroying the BBS software, associated

configurations, as well as the third-party software that managed and integrated the various database functions. It all had to be rebuilt and restored.

Since then the group has experienced various hardware driver conflicts, limitations inherent to DOS, and persistent conflicts coordinating software and hardware, including Windows 95, which was installed and then removed.

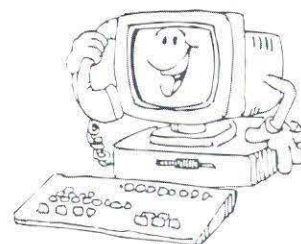
Current status: just one of the eight nodes is active (a node is a modem connection). That means only one person can dial in and connect at a time. That node/number is the main BBS line at (206) 727-8312. You can monitor the status of the BBS by calling (206) 727-8314 for a voice mail message from the volunteer group. Messages are checked daily.

To compensate for time lost, the approximately 350 subscribers, who were subscribers at the time that the system failed in August, will be given an additional day for every day the system is down. ♦

## WSBA goes to cyberspace and beyond!!

The WSBA has officially launched itself into Cyberspace with a web site (or homepage) on the Internet. (See the executive director's column on page 13.) Akin to a giant yellow pages listing, our homepage currently provides information to both the public and WSBA members about Bar services, policy and procedures. Debuted at the December Board of Governors meeting and presented at the recent "Internet and the Law" CLE, our virtual address is now <http://www.wsba.org>. The web site was created and designed by attorney Sam Foucault and James Cameron, who donated their time and a temporary address via Northwest Lawyer, an Internet provider to the legal community.

The number of computer and Internet users nationwide grows exponentially; in June this year there were only about 81 firms/lawyers on the Internet, today there are about 400 on-line. With legal resources becoming more widely available on the web, attorney Sam Foucault of Northwest Lawyer sees the Internet as a cost-effective tool for the solo practitioner, in-house counsel, or in this case, the Bar. "Maximizing our access to the public and lawyers on the Internet will make the most



of limited staff resources and funds at minimal expense," says Executive Director Dennis Harwick.

Currently the Bar's web site is maintained and will be updated by Denise Covington in the Bar's data processing center. She is trained in HTML, the Internet language. Ken Yu, the WSBA's resident desk-top publisher, will assist her by converting forms, such as CLE materials, into Internet format that maintains the look and feel of documents on the Internet. Together, they will input information. Eventually, with additional e-mail sites, the Bar hopes to be able to get information out. This "interactive" capability holds the possibility that members can pay licensing dues, register for CLEs or purchase Bar publications without leaving their desks. Another venture under consideration is linking the L.A.W. Bulletin Board Service to the Bar's web site. But for now we are only on the on-ramp to the information superhighway. So...log on and buckle up. ♦

## The law office management institute and expo is back!

After a one-year hiatus, WSBA CLE has again teamed up with the Law Practice Management Section and the Association of Legal Administrators to present the January 19, 1996, Law Office Management Institute and Expo at the Seattle Convention Center.

### Focus on Small to Mid-Sized Firms

This year's program includes a special track of programming for small and medium sized firms. Because those firms generally operate without an administrator, their lawyers are looking for solutions as they grapple with personnel, business and other management questions.

John Redenbaugh, WSBA CLE's Associate Director, has worked with the ALA and the LPM Section in designing and planning this program. John notes that the afternoon panel discussion "Solving Critical Problems" is a valuable session for the attorney in the smaller office. "Dean Brett (of Brett & Daugert in Bellingham) will be working with that panel, pawing through the problems lawyers in small firms face day to day." The panel, which includes a CPA, as well as attorneys from Walla Walla, Mount Vernon and Seattle, will look at everything from how firm decisions are made to understanding how to use a budget as a management tool. They'll be taking questions from the audience and proposing solutions.

Additional topics available in this track of programming include employment and personnel issues, capitalization considerations and handling the challenging client.

### It's Like Three Seminars in One

Another hallmark of the Institute is the concurrent sessions. With three tracks of programming running simultaneously, attorneys and law office managers can tailor the program to their own particular educational needs.

In addition to the track for small to medium sized firms, attorneys can also attend sessions on communications issues. Topics include the Internet, client communication and interoffice communication skills, a review of software, and discussion of how the pace of practice can impact quality of practice.

The third track looks at organizational and

structural issues that law firms must face. A session on choices of entities will focus on the recent option of forming professional limited liability companies. The afternoon sessions include a critical look at the Americans with Disabilities Act and what firms ought to be doing to comply, and staffing and training issues that arise as law firms encounter technology.

### Key Note Address

This year's Institute is marked by a special presentation by Ward Bower, a principal with Altman Weil Pensa, well recognized globally as a leader in legal management consultation.

Mr. Bower brings a remarkable depth of expertise and analysis in strategic planning, organizational development, and compensation plans for law firms.

Notes Redenbaugh, "Because of the importance of Ward's presentation, we knew we had to isolate it on the

schedule. Everyone will want to attend this important address." Mr. Bower will discuss the strategies successful law firms will employ in the emerging marketplace, including targeted marketing, positioning, management quality and technological innovation. He will include a planning model for law firms.

Mr. Bower also will hold a follow-up workshop on how a law firm can get a competitive advantage in the new legal marketplace.

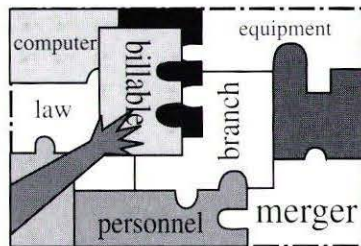
### EXPO Hall

Throughout the day, the EXPO Hall will be open. This year, the Institute welcomes over 40 exhibitors. Always popular with those attending the Institute, the EXPO is a remarkable array of vendors and products of particular interest to lawyers and law firms.

Anyone can attend the EXPO — and, it's free.

### Registration Information

Registration for the Law Office Management Institute is \$149; \$169 if received after January 5. That includes entry to all of the Institute sessions, the comprehensive course book, and admission to the EXPO Exhibit Hall. To register, call Jerrie Bennett at the WSBA CLE offices: (206) 727-8202. ♦



### Supreme court rejects proposed "House Counsel" and "Emeritus" membership and acts on other proposed rule amendments

On December 11, 1995, the WSBA was advised that "the Supreme Court rejected the proposed amendments regarding the licensure for in-house and emeritus attorneys (APR 8(f) and (g)). The Court thought that these changes set a bad precedent and could create conflict problems." These two proposals would have created new forms of limited licenses to practice law. See "The Board's Work", *Bar News*, January 1995, p. 34; July 1995, p. 37.

Also, the Supreme Court returned the proposal to amend RLD 11.1 for reconsideration in light of the ongoing consideration of major changes in the disciplinary process by the Board of Governors. The proposed amendment would have opened the discipline system more to public scrutiny and accountability. See "Public Scrutiny — The Price of Self-Regulation?", *Bar News*, July 1994, p. 44.

The Supreme Court also rejected proposed amendment to IRLJ 3.6, and returned a proposed amendment to IRLJ 3.2 for redrafting. They also forwarded a proposed amendment to SPR 98.16W to the Superior Court Judges Association for comment before publication, and requested that the Board of Governors advise the Court of its views regarding an amendment to CrRLJ 2.1(c).

The Supreme Court adopted amendments to CrR 4.2(g) and CrRLJ 4.2(g)[written statement on plea of guilty], effective upon publication.

Other proposed amendments to the IRLJ, CrR, CRLJ, CrRLJ, and RAP will be published in the Washington Reports Advance Sheets for comment.

## Your call is important . . .

Each day, on average, the WSBA receives 4,000-5,000 telephone calls. That's not a typo: 4,000-5,000 a day; 600 each hour; 10 each minute! While many of these are called to direct dial numbers, a large volume of calls are directed to the WSBA main switchboard number or one of the department general numbers. During the annual license renewal period (December through March), when members are calling to verify CLE attendance and credits, to discuss membership status changes, and to clarify questions they have regarding the WSBA, the average number of calls increases to 6,700 daily.



For this reason, bar staff are often taking other calls, and callers are routed to voice mail. We attempt to provide quick and informative service where possible through recorded messages, and our goal is to return any phone message within 24 hours.

Voice mail can be frustrating, particularly when all you want is to talk to a "real person" to get an answer to a simple question. But please bear with us while we handle all of the requests for service. Be assured that your call is important, and we will call you back if you leave a message. Thanks. ♦

## Licensing reminders

Annual licensing forms were mailed on Dec. 9, so all members should have received theirs by now. The form and fees are due back by Feb. 1, 1996. Call (206) 727-8271 if you didn't receive a form.

### CLE Credits

If you are in CLE reporting Group 1 (admitted through 1975 and in '91) you are required to report CLE credits by Feb. 1. If you did not obtain 45 credits by Dec. 31, 1995, you must still file the compliance form by Feb. 1, make up the delinquent credits, file a supplemental compliance form, and pay a late filing fee by May 1. You may earn up to 15 credit hours from audio/videotapes. If you were a CLE speaker you may claim a maximum of 10 credits (for your preparation time) for each hour of presentation.

### New CLE Ethics Requirement

In accordance with the recent amendment to Admission to Practice Rule 11, the CLE ethics requirement will be phased in beginning this year, 1996. This will **not** affect CLE reporting Group 1 members (who are reporting this month). They will need to report six ethics credits at the end of their next reporting cycle,

1996-98. But, as previously announced in *Bar News*, Group 2 members, whose three-year reporting cycle ends in 1996, will be required to report two ethics credits. Similarly, Group 3 members, who next report in 1998, will need four ethics credits. By 1998 the ethics requirement will be fully implemented so that all members report six ethics credits for each three-year reporting cycle.

### Resources Membership Directory

The WSBA *Resources* membership directory can be ordered on the licensing form (\$15.15 WA members, \$14 out of state members). As your name and address is culled directly from your licensing form, be sure we have your correct information for publication in *Resources*. Any changes must be received by the Data Processing Department by **noon on Feb. 29** to be included in the 1996 *Resources* — no exceptions. Call (206) 727-8217/8276. The directory will be available in early May. If you do **NOT** want your address or phone listed in *Resources* you must request confidentiality in writing to the executive director. The only situations considered for non-inclusion are physical threats, stalking, etc. ♦



If you have timely Bar-related news, activities or business, or a funny story that would be of interest to your co-members, call, mail or fax it to us and we will help spread the word in upcoming FYI editions. Call us at (206) 727-8203 or fax us at (206) 727-8320.



## Recovering From Losing a Big Case

In my misery, I searched for a story by a lawyer who had lost a big case. Someone who could share my pain and, hopefully, give me some insight on how he had survived every lawyer's worst enemy — failure. I found no articles to help me, only hundreds of stories about million-dollar verdicts and huge settlements. I knew I wasn't the first lawyer, or the last, to lose a trial. It happens every court date. But always silently. Without comment. Without sharing. Ours is not a profession to openly discuss one's failings — to talk about losing.

I seemed doomed to my quiet anguish forever.

I can still feel the scene in detail. The jury, 12 honestly nice people who had spent three weeks listening to lawyers and witnesses, returned to the jury box and the foreman (the man I had hoped would lead the panel) handed the verdict form to the clerk, who, in turn, handed it to the judge. Momentarily the judge read the verdict:

"Question No. 1. Was the defendant negligent?"

Answer: No."

I didn't know whether to faint or throw up — I almost did both. After 15 days in a wrongful-death trial the jury had rendered a defense verdict. We had not convinced them of the defendant's negligence. We had lost.

In a daze, I congratulated my opponent and thanked the jurors that I could find for their attention during the lengthy trial. Then I left. Numb. Wanting to cry but being unable to because of my internal

restraint. Not wanting to accept what had happened. Wondering if my old job in the sawmill might still be open. Questioning my professional judgment and ability.

"I'll survive. I'll be fine," I gallantly said. But I didn't survive and wasn't fine nearly as quickly as I expected. Like most lawyers, I had gotten consumed by my case. I had such a belief in the justness of our cause and my preparation of the case that, though I gave lip service to the possibility of a defense verdict, my heart never believed it for a minute. I was totally unprepared when the verdict came. In addition to feeling terrible for my client, I felt a great personal rejection by the jury. I had opened my heart and soul to them and told them as honestly as I could why we deserved a substantial verdict. They (those 12 fine folks that I would be proud to have to my house for dinner any night) gave my client — and me — nothing. Though I had been turned down by experts during my dating years, the rejections hadn't, all added together, hurt this bad.

The response from my colleagues varied dramatically. My friends were sympathetic and supportive. They knew I loved the case and felt we had a good claim. They also knew that someday the tables would be turned and I would be supporting them. Other colleagues talked about my obvious inability to judge the merits of the case and regaled my defeat. My mentor heard my pain and said:

You'll never recover. No good lawyer — no lawyer who cares — ever does. But if you do re-

cover, and many lawyers can't, you will have matured a great deal. If you can't recover, as many lawyers I've seen over the years, you'll be an easy mark. You'll practice scared and never have the courage to take a worthy case to the wall again. It will hurt for a long time, but you've got to recover, you've got to survive.

Somehow, I did. For a time I was gruff with my wife, my kids and the folks in my office. For weeks I had periodic mental lapses during which I'd retry parts of the case in my mind. But slowly my kids, my friends, my wife and my colleagues made me laugh. After a while I could talk about the trial without my stomach cramping. I've gone over the trial hundreds of times in the past four months and by every analysis we had to take the case to trial. The insurance company had offered virtually no money, and we did what we had to do. We took the chance of a trial and, in this particular case, came up empty-handed.

Since that trial, I've tried two minor cases and noticed the changes in me from my three-week adventure. The confidence. Knowing how to prepare. The composure. In many ways, I went into the trial as a boy and came out a man.

I survived. Not easily, but as a better lawyer. Probably a better person. Certainly less critical of non-prevailing parties. And, most importantly, as a lawyer who isn't as afraid to fail.

I've been there.

### MEN'S GROUP

If this story strikes a familiar note, and you would like to talk with other men who practice law about how they deal with those and other inevitable losses, call the LAP at (206) 727-8268 for information about a group on the subject, to begin soon. It will be led by Steve Feldman, J.D., Ph.D. (Seattle lawyer and psychologist).



### KING COUNTY

Preston Gates and Ellis reports that **Paula Elaine Boggs**, a firm partner and member of the ABA House of Delegates, has been appointed a member of the ABA Standing Committee on Constitution and Bylaws and cochair of the ABA Litigation Section of the Business Torts Committee. The firm also announces a major expansion of its environmental practice into California with the addition of **Roger Lane Carrick** and **David B. Sadwick** to the Los Angeles office and the addition of **Suzanne Sorknes** to the corporate practice as a partner.

**Greg Bell**, **Carmen Flores** and **Del Kilde** have joined Foster Pepper Shefelman as associates in the firm's Seattle office and **Nancy Driano** has joined the taxation practice group as an associate. The firm has also received the Second Annual Community Service Award from the Association of Legal Administrators, Puget Sound Chapter. Their major community service project last year was a landscaping project at the Cal Anderson House, an apartment complex for people with AIDS. The firm also donated \$32,000 to the project.

**J. David Andrews**, senior partner of Perkins Coie, received a National Leadership Award from the Leukemia Society of America for his dedication to the fight against leukemia.

**James (Jay) E. Hadley** has joined Ryan, Swanson & Cleveland. He was formerly with Culp, Guterson & Grader.

Karr Tuttle Campbell announces that **Mike Liles, Jr.**, after 24 years as a partner with Bogle & Gates, has joined the firm's Seattle office as a shareholder and corporate finance chair.

**Joshua Rosenstein** has joined the Bellevue law offices of Hanson Baker Ludlow and Drumbeller, P.S.

**Cynthia L. Alderete-Medjo** and **David G. Schoolcraft** have joined Reed McClure as associates.

Davis Wright Tremaine in Seattle has added **Monica Brown Gianni** as an associate to the firm's tax law practice group.

Heller Ehrman White & McAuliffe has added seven associates to its Seattle office. **Adam B. Brotman**, **Audrey Hwang** and **Jonathan K. Wright** have joined the firm's business law practice; **Nancy A.**

**Pacharzina** is an environmental associate; **Kristin D. Anger** is with the labor & employment practice; and **Anna E. Muzzy** and **Lori Lynn Phillips** are members of the litigation practice.

**Ron Ward** received the WSTLA President's Special Recognition Award for his commitment to educate lawyers and the public about the law and our legal system, his exemplary service to the community and to the organization.

### LAW FUND by LAUREN MOORE

Thank you to all of the lawyers and law firms who contributed to the LAW Fund 1995 Annual Campaign. The private bar has reason to be proud in Washington state. LAW Fund's contributions and donor pool continue to increase each year.

Congratulations to **Pat Arthur** of Evergreen Legal Services for receiving the 1996 Goldmark Distinguished Service Award from the Legal Foundation of Washington. The Goldmark Award is given for exceptional efforts to assure equal access to justice and recognizes work that has a positive impact on low-income residents of Washington.

It is now more important than ever that the private bar support civil legal services programs for the poor in Washington state. LAW Fund Board members are working to encourage every member of the bar to: make a financial contribution to LAW Fund; make a financial contribution to your local pro bono program; volunteer with your local pro bono program; and become involved in access-to-justice issues in our state.

To learn more about LAW Fund, or to become one of the first to make a contribution to our Fifth (!) Annual Campaign in 1996, please contact: LAW Fund, 1326 5th Avenue, Ste. 815, Seattle, WA 98101, or call (206) 623-5261. LAW Fund is a 501(c)(3) not-for-profit corporation, and your contributions are tax-deductible.

### LAWYERS CAMPAIGN FOR HUNGER RELIEF by JOHN WOOD

"For these are our children . . . we will all

profit by, or pay for, whatever they become."  
*James Baldwin*

The Washington State Lawyers' Campaign for Hunger Relief will be 5 years old this year. Founded in 1991, the Campaign continues to seek funds from Washington's legal community to contribute to five agencies that care directly for at-risk children.

In November, Campaign chair **Robert Mussehl** distributed \$8,000 to four of those agencies: the Emergency Feeding Program, The Campaign to End Hunger, The Children's Alliance and CARE. The remaining program, the Summer Sack Lunch Program, received funds earlier in the year.

"We were happy to get something out to these groups in plenty of time for the holiday season," Mussehl said.

The need for help in this area is not diminishing by any means. A recent report from a state organization, called "Washington Kids Count," said that our children are worse off economically and socially than they were a year ago. That study placed blame for low performance in school on economic conditions and poor nutrition, which go hand in hand.

"It's hard to learn when you're facing teen pregnancy, inadequate nutrition, crime, substance abuse and family problems," the organization's director, **Rick Brandon**, said.

The report said that one-third of the children in Washington are growing up in families with incomes that do not meet basic living expenses.

It isn't hard to see what this is doing to the generations who will be governing and working here in the next century. Think of the impact it will have on welfare costs, medical care, crime and the educational system. To say nothing of the present suffering of thousands of children.

It is imperative that any of us with the means to do so contribute something to organizations that help relieve poverty and hunger. Your donation to LCHR goes directly to that cause.

We are more available than ever. We now have a home page on the Internet: [wslchr@speakeasy.org](mailto:wslchr@speakeasy.org). More traditional contacts work, too: (206) 622-3000 and 1111 Third Ave., #2626, Seattle, WA 98101. We are open to your ideas as well as your donations.

---

---

## WASHINGTON ASSOCIATION OF LEGAL SUPPORT PROFESSIONALS REPORT

---

---

by **PIEGI FLYNN**

On September 15-18, 101 legal-support professionals attended the Washington ALSP Fall Board Meeting in Tukwila, hosted by the Greater Seattle Legal Secretaries Association. **Mark Barber**, 1995-96 president of the Washington State Trial Lawyers Association, was the keynote speaker at the Saturday business meeting.

Greater Seattle LSA raised money and collected canned food for the Renton Food Bank.

There were 15 members who sat for the Certified Professional Legal Secretary examination and three members who sat for the Accredited Legal Secretary examination in September. For information regarding the certification programs, call **Louise Akramoff**, at (360) 428-7298 or **Lugene Borba**, at (509) 882-5901.

Fort Vancouver LSA will host the winter board meeting January 19-21 in Portland, Oregon. Two concurrent seminars are offered on Friday from 1:30-5:30 p.m. Attendees can choose between a PLS Topic seminar and a "Written Discovery Panel Discussion" on "Employment Law, Family Law, Medical Malpractice and Personal Injury." There is also a leadership workshop, "Macros for Membership," from 4-6 Friday evening. Two concurrent seminars are offered on Saturday morning: first-session topics are "Paternity and OSE" and "Right-to-die Panel Discussion" covering "Legal, Ethical, and Medical Concerns." Second-session topics are "Family/Joint Custody" and a continuation of the "Right-to-die Panel Discussion" covering "Criminal Liability." For information regarding the educational seminars, please contact **Eleanor Johnson**, at (509) 455-9555 or **Victoria Heindel** at (206) 623-9900.

The Washington Association of Legal Support Professionals announced the winners of its annual heritage awards at their May annual meeting.

**Toni Martin**, Wenatchee: Two Homestead Awards, small chapter — the first for the way Chelan-Douglas County LSP advertises in the local bar news, local newspapers and vice president's role in the follow-up of potential new members; and the second for outlining the setup of a study group for the Professional Legal Secretary/Accredited Legal Secretary cer-

tification examinations.

**Lisa Hanses**, Stanislav Ashbaugh, Seattle: the Conestoga Award, large chapter, for a presentation made before the Puget Sound Association of Legal Administrators to demonstrate how membership in Greater Seattle Legal Secretaries Association enhances a legal-support professional's commitment to the field, and for devising a way for firms to financially support membership in the association.

**Virginia de Lay**, Preston Gates & Ellis, Seattle: the Pioneer Award and the Homestead Award, large chapter, for outlining the work the association does with the King County Bar Association, the courts and other associations in marketing the association; **Yvonne Thomas**, Seafirst Bank Legal Department, Seattle: a Homestead Award, large chapter, for explaining their program for Court Observance Week. One item that impressed the judges was the number of parties in attendance at the presentation.

**Lorraine Larson**, Bellevue: a Homestead Award, large chapter, for outlining how the weekly Eastside Legal Clinic operates with the volunteers, together with duties and sample forms which are used.



---

---

## WASHINGTON DEFENSE TRIAL LAWYERS REPORT

---

---

by **BETH A. JENSEN**

As 1995 comes to an end, WDTL looks forward to a busy 1996. We begin the year with a membership dinner meeting on January 9 at the Tacoma Sheraton. WDTL Yakima Trustee **Mark Watson** has promised to find an interesting dinner speaker. On March 12, the membership dinner meeting will be back in Seattle at the Washington Athletic club. WDTL Trustee **Terry Hall** is responsible for that evening's dinner speaker. To chase the gloomy days of winter away, WDTL has again planned a "Sun Break" seminar which will be held this year at the Scottsdale Stouffer Cottonwoods Resort March 21-24. Program chair **Roy Umlauf** has designed a program consisting of two morning sessions focusing on case evaluation and settlement negotiation with afternoons left open for watching spring training baseball games and golf. In April, WDTL will sponsor a seminar on "defending the head injury case." WDTL goes east of the mountains in May with the Yakima Judges' Reception on the 2nd and the Spokane Judges' Reception on the 3rd. The 1996 member convention will be August 1-4 at the Resort at the Mountain in Welches, Oregon, at the base of Mount Hood.

Of special note is the appointment of **Tom Merrick** to the WSBA Court Rules Committee. The committee could have a distinct impact on personal-injury defense practice this year, since the committee will be reviewing the Civil Rules.

### **VISIONS** **NORTHWEST**

Your convenient

downtown eye care center

#### Complete Eye Care

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

**Dr. David W. Betts**

**OPEN 8:30 - 5:30 MONDAY THRU FRIDAY**

**Practice of  
Optometry**

**624-EYES**

**624-3937**



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



**PROFESSIONAL & CLASSIFIED  
ADVERTISING INFORMATION**

**Professional:** Boxed ads, as on page 50. WSBA members only. \$40/inch. Billed at publication.

**Classified:** *Advance payment required.*

Members — \$25/first 25 words; .25 ea. add'l word.

Nonmembers — \$35/first 25 words; .75 ea. add'l word.

Blind box number service — \$7. (Responses will be forwarded to you.)

**Deadline:** Ad copy (typed, doubled-spaced) due with payment first of the month for the issue following (i.e. Jan. 1 for Feb. issue). No cancellations after deadline. No phone/fax orders.

**Send to:** *Bar News*, WSBA, 500 Westin Bldg., 2001 Sixth Ave., Seattle, WA 98121-2599.

**Notes:**

- 1) Position Available ads are automatically posted on a 24-hour jobline [(206) 727-8261] and in placement binders at the WSBA offices for immediate consideration.
- 2) State and federal law allow minimum, but prohibit maximum, qualifying experience, e.g. no ranges.

HERSHNER HUNTER MOULTON  
ANDREWS & NEILL

is pleased to announce that

JOHN V. HELMICK

has become of counsel  
to the firm  
effective November 1, 1995

Mr. Helmick will continue to  
practice in the area of  
Securities Law

180 East Eleventh Avenue  
P.O. Box 1475  
Eugene, Oregon 97440  
(541) 686-8511

**WASHINGTON WOMEN  
LAWYERS STATE BOARD  
REPORT**

by TIFFANIE KILMER

WWL's gender bias committee will present a training seminar for faculty, staff and students at the University of Washington on January 17. To register, contact WWL at (206) 622-5585.

Participate in the WWL history project by sharing your story on videotape. For more information, contact Patricia Kaiser, vice president public relations/history, at (206) 323-9112. Women of color and women outside of the greater Seattle area are encouraged to participate to ensure that the rich diversity in our state is documented in the project. To purchase a copy of the WWL 25th Anniversary video shown at the Annual Dinner, please send a check for \$25, plus \$5 for postage and handling to WWL at P.O. Box 25444, Seattle, WA 98125-2344.

The WWL 1996 Speaker's List is now available — please contact the WWL office to obtain a complimentary copy. The WWL Biannual Membership Directory of *current* WWL members will be published in the spring of 1996. To check your membership status or join WWL, please contact Tiffanie Kilmer, WWL executive director, at (206) 622-5585 by February 15.

The Annual Women's Legislative Reception, cosponsored by the WWL Capitol Chapter, will be held on February 5 at 6 p.m. at the Olympia Center for Performing Arts. The Second Annual WWL Leadership Development Conference will be held in June of 1996 — watch for future details.

HAWKINS JEPPESEN HOFF P.S.

welcomes three new attorneys to its team:

Susan Alexander

appellate, civil litigation and land use

Matthew J. Cruz

real property, estate planning and general business

Loretta S. Story

family and civil litigation

The firm has served Washington state since 1978.

454-2344

Barbara A. Isenhour  
and

Sean R. Bleck

Formerly with Evergreen Legal Services  
are pleased to announce the formation of

**ISENHOUR BLECK, L.L.C.**

The firm will emphasize practice in the areas of:  
Medicaid and Medicare benefits  
Health care planning for the elderly and disabled  
Estate planning and probate  
Guardianships

ISENHOUR BLECK  
Bank of California Center, Suite 3250  
900 Fourth Avenue  
Seattle, WA 98164-1005  
(206) 340-2200  
Fax (206) 382-9109

Charles K. Wiggins

Former Judge, Washington State Court of Appeals

Announces his availability for arbitration  
and mediation of appeals, and for referral,  
consultation, and association on

Washington State Appeals  
Federal Appeals  
Preservation of Appellate Issues at Trial

6412 NE Agate Beach Lane,  
Bainbridge Island, WA 98110  
(206) 780-5033

**STOEL RIVES** LLP

We are pleased to welcome the following lawyers  
who joined our Seattle office in 1995:

Geoffrey G. Revelle  
*Corporate Finance & Securities,*  
and

Christopher J. Voss  
*Corporate Finance & Securities.*

We are pleased to announce that

John E. Poffenbarger,  
*Estate and Business Planning,*  
has become a partner in the firm.

January 1996

600 University Street, Suite 3600  
Seattle, WA 98101  
Telephone (206) 624-0900  
Facsimile (206) 386-7500  
Internet <http://www.stoel.com>

**WHALEN & FIRESTONE** LLP

is pleased to announce that

R. Broh Landsman

formerly a partner with  
Helsell, Fetterman, Martin, Todd & Hokanson  
of Seattle, Washington  
has joined the firm as a partner.

January 1, 1996

1221 Second Avenue, Suite 410  
Seattle, Washington 98101  
(206) 624-7900



PROFESSIONAL

**Labor and Employment Law**

**William B. Knowles** is available for consultation, referral and association in cases involving employment discrimination, wrongful termination, wage claims, unemployment compensation and federal employee EEOC or Merit System Protection Board appeals.

(206) 441-7816

**Pence & Dawson**

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

(206) 624-5000

**Malaysia**

**Dan Wershow** is available for consultation, association or referral in Malaysian legal matters. Fulbright scholar, 1990.

(206) 223-5500

**Mediation**

**Ted Clelland**, Professional Neutral Mediation/Arbitration/Facilitation Other forms of dispute resolution and program design. 17 years of ADR experience and certifications.

(206) 933-7902  
(800) 474-7902  
Fax (206) 933-6914

**White-collar Malpractice**

Attorneys  
Accountants  
Financial Institutions & Lenders  
Insurers  
Realtors  
Securities Brokers

**Mark Alan Johnson**  
6850 Columbia Seafirst Center  
701 Fifth Avenue  
Seattle, WA 98104-7016  
(206) 386-5566  
fax (206) 682-0675  
toll-free (800) 247-2157

announces his availability for consultation, association or referral of substantial claims of white-collar malpractice.

**Probate**

**Mary Anne Vance**, co-author of the chapters on Estate Planning and Probate in Butterworth's *Washington Civil Practice Deskbook*, announces her availability for association, consultation or referral of probate cases, both contested and noncontested

1250 Bank of California Ctr.  
Seattle, Washington 98164  
(206) 682-2333

**Burn Injuries**

**William S. Bailey**, 1991 WSTLA Trial Lawyer of the Year, is available for association or referral of fire, explosion and burn injury cases.

**Fury Bailey**  
1300 Seattle Tower  
1218 Third Avenue  
Seattle, WA 98101-3021  
(206) 292-1700 or  
(800) 732-5298

**Appellate Consultant**

**Heather Houston**

Offering an appellate perspective on every phase of your case. Thirteen years' experience evaluating, briefing, and arguing appeals. Former law clerk to Justice Robert F. Utter, Ret.

**Gibbs Houston Pauw**  
1111 Third Avenue #1210  
Seattle, WA 98101  
(206) 682-1080

**Medical Negligence & Product Liability**

Chemnick, Moen & Greenstreet is available for referral or association in plaintiff's medical negligence and product liability claims.

The firm's staff includes a nurse-attorney and a nurse-paralegal. Patricia K. Greenstreet and Eugene M. Moen are past chairpersons of WSTLA's Medical Negligence Section. Paul W. Chemnick organized WSTLA's Product Liability Section and served as its first chairperson.

**Chemnick, Moen & Greenstreet**  
450 Market Place Two  
2001 Western Avenue  
Seattle, WA 98121  
(206) 443-8600

**Professional Malpractice**

**Joseph J. Ganz** is available for consultation, association or referral of substantial claims of professional malpractice.

11033 N.E. 24th, #200  
Bellevue, Washington 98004  
Phone: (206) 451-1202

### **Construction Law Arbitration — Mediation**

**Sherman L. Knight** is both an attorney and a licensed architect with years of hands-on experience as a builder/developer.

Mr. Knight is available to arbitrate/mediate all phases of design and construction disputes including contract interpretation, real estate, business formation and dissolution, site disputes, collection and bond claims.

**Robertson, Phillips & Knight**  
1000 Plaza Center  
10900 N.E. Eighth Street  
Bellevue, WA 98004  
(206) 455-2345

### **Insurance**

#### **Richard Gemson**

former adjunct professor of law at UPS and former in-house counsel for North Pacific Insurance Co., is available for consultation, association or referral in matters involving all types of insurance coverage, as well as arbitration and mediation in civil, tort and contract litigation.

506 Second Ave., Suite 1613  
Seattle, WA 98104  
(206) 467-7075  
fax (206) 623-1432

### **Calif/Wa Dual-licensed**

#### **Michael A. Aronoff Foshaug, McGoran, Sawyer & Aronoff, P.S.**

Available for referrals, consultation or association on California matters. Heavy family law background. 20 years' experience in California.

(206) 874-0189  
fax (206) 874-8005

### **Dental Malpractice & Disciplinary Proceedings**

**John J. Greaney** announces his availability for referral of

- 1) plaintiffs' claims of dental malpractice, and
- 2) representation of healthcare providers in disciplinary matters.

(206) 451-1202, Bellevue

### **Vehicle Crash-Worthiness**

#### **Paul W. Whelan** of the law firm **Schroeter, Goldmark & Bender, P.S.**

is available for association or referral in cases related to motor vehicle crash-worthiness, including cases involving fuel-system integrity, such as Chevrolet C/K series pickup trucks.

810 Third Avenue, Suite 500  
Seattle, WA 98104  
(206) 622-8000

### **Legal Malpractice**

**Roger K. Anderson**, former legal malpractice insurance defense attorney with Lee, Smart, Cook, Martin and Patterson, P.S., announces his availability for association, consultation or referral of substantial plaintiff's claims of legal malpractice.

11033 N.E. 24th  
Suite 200  
Bellevue, Washington 98004  
(206) 451-1202  
fax (206) 454-4289

### **Appellate Analysis and Argument**

Since 1963

#### **Bill Bishin**

(206) 682-1584

### **Appeals**

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

#### **Douglass A. North**

**Maltman, Reed, North,  
Ahrens & Malnati, P.S.**  
1415 Norton Building  
Seattle, Washington 98104  
Telephone (206) 624-6271

#### **Gregory L. Samuels** Barrister • Attorney

Practicing law in  
Washington & British Columbia  
(800) 222-6332

### **Environmental Insurance**

**Timothy P. Cronin** is available for consultation, association or referral on environmental contamination insurance coverage litigation.

**Mullin, Cronin & Blair, P.S.**  
115 N. Washington  
Spokane, WA 99201  
(509) 455-7999  
Fax: (509) 455-8327

References upon Request

### Fisheries

Law - Business - IFQ  
Consultations - Contract  
Washington - Alaska - Japan  
**Dr. John G. Gissberg, J.D.**  
Certified Fisheries Scientist  
(206) 443-3735

### State Court Appeals

**Thomas C. Sorenson**  
announces his availability for  
consultation or association on  
civil appeals in the Washington  
State appellate courts. Fourteen  
years' experience in appeals of  
personal injury, professional  
malpractice, product liability, and  
insurance cases.

320 Dayton St., Suite 225  
Edmonds, WA 98020  
(206) 771-5206

### Mary Jane Ferguson

**Appellate Legal Services**  
Research, Writing & Argument  
(206) 525-7268

### State & Local Tax

**Frank Dinces** is available for  
consultation and referral on any  
aspect (planning, audits, litigation or  
lobbying) of state and local taxation.  
With over 10 years of focused  
experience, Mr. Dinces seeks to  
represent clients being audited,  
engaging in major transactions,  
pursuing legislation, challenging tax  
assessments or seeking  
tax refunds.

**The Dinces Law Firm**  
Suite 800  
500 - 108th Ave. N.E.  
Bellevue, Washington 98004  
(206) 637-2827

### Lawyer Ethics & Discipline Former WSBA Chief Disciplinary Counsel

**Leland G. Ripley**  
Ste. 3620, 1000 2nd Avenue  
Seattle, WA 98104-1004  
(206) 223-2082  
fax (206) 382-1105

announces his availability for  
consultation, association or  
representation regarding lawyer  
ethics issues, defense of  
disciplinary grievances, as well as  
consultation, association, or expert  
testimony regarding claims for  
lawyer malpractice.

### DSHS Liability Sexual Abuse Claims

**Mick Seidl**, counsel for plaintiffs in  
*Babcock v. State*, 116 Wash. 2d  
596 (1991), is available for consul-  
tation or referrals in sex abuse  
cases, including negligence claims  
against DSHS and foster homes.

**Seidl & Rizzo**  
Suite 350 Lincoln Place  
1620 SW Taylor Street  
Portland, Oregon 97205  
(503) 229-1819  
(503) 229-0360 (fax)

### Maritime Trial Lawyers

**James M. Beard**  
**Joseph S. Stacey**

Are available for consultation,  
referral, and association in cases  
involving maritime issues,  
including personal injury, product  
liability, insurance coverage,  
employment matters, and  
maritime lien issues.

**Stacey & Beard**  
5006 20th Ave. NW  
Seattle, WA 98107  
206-784-5830  
fax 206-784-6778

### Entertainment Law

**Neil Sussman** is available for  
consultation and referral on  
entertainment law matters, including  
music, film, theater and television.

10727 Interlake Avenue North  
Seattle, WA 98133  
(206) 363-8070

---

### FOR SALE

---

**William S. Hein & Co., Inc.**, World's  
largest law book dealer. Extensive collec-  
tion of Washington Reports & Appellate  
Reports, WA Digest 2nd, WA Reports 1st  
& 2nd, WA Law Reporter and periodi-  
cals. Call (800) 4WM-HEIN, or fax (716)  
883-5595.

**Save 50% on law books.** National Law,  
America's largest law book dealer. All  
sets complete, current, excellent quality.  
Buy/sell/appraise. VISA/MC, AMEX,  
Discover. (800) 886-1800.

---

### SPACE AVAILABLE/WANTED

---

**Law firm office share**, 322 Main Street  
in downtown Edmonds, three blocks from  
ferry dock, \$400. Call (206) 771-1240.

**Forty-fourth floor, First Interstate  
Center**; view offices, secretarial space,  
flexible terms available. Inquire: (206)  
623-1700. Danielson Harrigan &  
Tollefson.

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

**East King County.** Small civil prac-  
tice (two locations) with transactional  
focus (real estate, commercial, business,  
estate planning and probate) and varying  
litigation load seeks motivated, energetic  
lawyer with three-plus years experience  
with: strong people skills; ability to work  
both independently and as part of a team;

marketing and managerial expertise. Sublet some or all quality office space; overload and referral work available or work out office share/of counsel arrangement. Principals looking for successor in suburban office. Reply to *Bar News* Box 480.

**Kronenberg & Associates**, practicing personal injury, criminal and family law, has office space for a sole practitioner. Will consider/provide overflow, referrals, space for services, or standard sublease. This is not a salaried associated position being offered. If subleased, rent will include either limited legal secretarial assistance or separate work space for own legal assistant. Office amenities include telephone answering, photocopier, fax and library. Arrangement is open to negotiation. Submit *specific* ideas and needs to: Pacific Building, Suite 2121; 720 Third Avenue, Seattle, WA 98104. (206) 624-5555.

---

---

## POSITION WANTED

---

---

**LL.M. (Tax) estate planner seeks** of counsel, part-time or in-house position with bank, corporation or firm. Top quality experience in both big-firm and boutique practice. Member WA, DC and GA bars. Bring this Northwesterner home. Call (404) 347-9484.

**WSBA member — J.D., M.A.** (policy, administration) — multilingual, computer skilled with experience in government (treasury, veterans), seeks employment in any field. Excellent worker. Eager to relocate. Reply to *Bar News* Box 482.

---

---

## POSITION AVAILABLE

---

---

**Attorney jobs:** Indispensable monthly job-hunting bulletin listing 500-600 current jobs (government, private sector, public interest), RFPs and legal-search opportunities for attorneys at all levels of experience in Washington DC, nationwide and abroad. Order the *National and Federal Legal Employment Report* from Federal Reports, 1010 Vermont Avenue, N.W., #408-WB, Washington, D.C. 20005. \$39-three months; \$69-six months. (800) 296-9611. Visa/MC.

**Established Eastern Washington** firm with active business practice is looking for an attorney with experience in business law, preferably with an LL.M. in

taxation or a CPA. Experience should include business planning and formation, real estate, tax planning, financing, 1031 exchanges and general business transactions. Knowledge of agricultural business, particularly tree fruit production and marketing, would be an asset. Compensation negotiable. Send resumé, references and cover letter to *Bar News* Box 468.

**Major Seattle law firm seeks ERISA** lawyer. Salary DOE. Please send resumé to *Bar News* Box 477.

**Construction litigation associate:** Mid-size Spokane law firm needs construction attorney with a minimum of two years' experience. Background with military JAG or governmental agency, construction, architecture or engineering preferred. Send resumé to Richard W. Relyea, Winston & Cashatt, 1900 Seafirst Financial Center, Spokane, WA 99201.

**Litigation attorney.** Davis Wright Tremaine, a national law firm with 11 offices, seeks an attorney for its Richland, Washington, office with a minimum of three years' experience in litigation. A background in employment law, construction law and government contracts would be a plus. Candidates must have excellent academic credentials, writing skills and references as well as the ability to assume responsibility for client matters. Send resumé to Debbie Barker, Davis Wright Tremaine, 2600 Century Square, 1501 Fourth Avenue, Seattle, WA 98101-1688.

**Small downtown Seattle insurance** defense firm is looking for an associate with a minimum of three years of litigation experience in Washington. Potential for partnership. Reply in confidence to *Bar News* Box 478.

**East King County.** Small civil practice (two locations) with transactional focus (real estate, commercial, business, estate planning and probate) and varying litigation load seeks motivated, energetic lawyer with three-plus years' experience with: strong people skills; ability to work both independently and as part of a team; marketing and managerial expertise. Sublet some or all quality office space; overload and referral work available or work out office share/of counsel arrangement. Principals looking for successor in suburban office. Reply to *Bar News* Box 480.

**The Spokane office of Lukins & Annis, P.S.** is seeking an associate attorney with a minimum of one year's experience and a strong tax background for work in the areas of personal tax plan-

ning, business transactions, and estate planning. We are a 50-attorney firm with offices in three locations, and eight attorneys have tax LL.M.s. Applicants should have excellent academic credentials and interpersonal skills and a desire to build one's own practice. Please send a resumé to Robert H. Douthitt, Lukins & Annis, P.S., 717 West Sprague Avenue, Suite 1600, Washington Trust Financial Center, Spokane, WA 99204.

**Business attorney** — Landerholm, Memovich, Lansverk & Whitesides, a 23-attorney firm in Vancouver, Washington, with a thriving business practice, seeks a business tax associate with an LL.M. in taxation. The attorney's practice will focus on the formation of, and tax planning for, closely held corporations, partnerships and limited liability companies and unique federal tax issues involving the structuring of cross-border (Washington-Oregon-California) mergers and taxable and tax-free acquisitions. The position involves frequent client contact and responsibility for negotiations and appeals with state departments of revenue and the Internal Revenue Service. Must have strong academic credentials and an ability to manage rapid practice growth in a thriving business practice. We offer a competitive compensation, bonus and benefits package. Please send resumé, law school transcript and a short writing sample to Director of Administration, Landerholm, Memovich, Lansverk & Whitesides, P.S., PO Box 1086, Vancouver, WA 98666.

**Experienced business lawyer** with some existing client base to join firm with active business practice. Send resumé and description of practice in confidence to Vandeberg Johnson & Gandara, c/o Daniel Gandara, 3200 Seafirst Columbia Center, 701 Fifth Ave., Seattle, WA 98104.

**Construction attorney.** Tarlow, Jordan & Schrader, a respected Oregon law firm with a strong presence in the construction and real estate industries, is seeking an experienced construction attorney to represent its high-quality clientele regarding construction claims, contracts and litigation. The successful candidate will be comfortable in a fast-paced, quality-conscious, and results-oriented environment. Must be admitted in Oregon and have a minimum of five years' experience. Excellent salary and benefits, including a 12.5% company-paid retirement after one year of employment, strong

professional and marketing support, a performance-based partnership track, and an energetic team environment. Respond in confidence to: Bev Davis, Tarlow, Jordan & Schrader, 1600 SW Cedar Hills Blvd., Portland, OR 97225.

**Attorney with three-plus years'** litigation experience. Small downtown firm exclusively handles litigation. Seeking attorney with confidence in all aspects of trial practice and excellent writing and oral skills. Salary DOE. Send resumé and detailed description of litigation skills and experience to *Bar News* Box 481.

**Plaintiff's firm seeks** successful litigator for Spokane-Coeur d'Alene practice. Send resumé in complete confidence to *Bar News* Box 479.

**Business attorney**—Landerholm, Memovich, Lansverk & Whitesides, a 23-attorney firm in Vancouver, Washington, seeks an experienced business/corporate law attorney for an associate position in the firm's fast-growing business practice. Applicants must have a minimum of four years of experience in the areas of general corporate and business matters, with emphasis on business organizations (corporation and partnership), business transactions, and commercial matters. Must have demonstrated ability to manage rapid practice growth in a thriving business practice, possess a superior academic background and excellent writing skills. Please send resumé, law school transcript and a short writing sample to Director of Administration, Landerholm, Memovich, Lansverk & Whitesides, P.S., PO Box 1086, Vancouver, WA 98666.

**Employment Law Attorney** — Landerholm, Memovich, Lansverk & Whitesides, P.S., A 23-attorney law firm in Vancouver, Washington, seeks an experienced employment law attorney for an associate position in the firm's thriving business practice. Applicants must have three years' experience in counseling business clients on a broad range of employment matters including ADA compliance, personnel handbooks, wage and hour requirements, employment contracts, employee terminations, claims of discrimination, and other personnel policies and practices. Labor law background and litigation experience helpful but not mandatory. Candidates must demonstrate an ability to manage rapid practice growth and possess a superior academic background and excellent writing skills. Please send resumé, law school transcript, and a short writing sample to Director of Ad-

ministration, Landerholm, Memovich, Lansverk & Whitesides, P.S., PO Box 1086, Vancouver, WA 98666.

**Three-person, established** McCall, Idaho, firm seeking associate. Minimum two years' experience preferred. Respond to Millemann, Pittenger & McMahan, Attn: Steven J. Millemann, Box 1066, McCall, Idaho 83638.

**Litigation attorney wanted**—Seattle office of Bullivant Houser Bailey Pendergrass & Hoffman, PC, seeks an attorney with a minimum of three years of civil-litigation experience. Excellent research and writing abilities required. Salary dependent on qualifications and experience. Written inquiries only. All inquiries are confidential. Send resumé, writing sample, transcript and cover letter detailing pertinent experience to Kelli Derrig, Hiring Coordinator, 1601 Fifth Ave., Suite 2400, Seattle, WA 98101.

---

---

## WILL SEARCH

---

---

**Laverta M. Williamson:** Laverta M. Williamson of Seattle died on October 15, 1995. Anyone with any knowledge of a will executed by Ms. Williamson please contact Mark C. Vohr at (206) 632-7312.

**Lawrence "Mick" B. Emge, III.** Seeking will or trust of Lawrence "Mick" Emge. Please contact Molly M. McPherson at (360) 678-4407.

---

---

## SERVICES

---

---

**Locate anyone.** Defendants, witnesses, debtors, heirs. No charge if not found. Flat fee: \$195. Nationwide public records/computer search. Manhunt Investigations Inc. (800) 335-HUNT.

**Oregon accident?** Unable to settle the case? Associate an experienced Oregon trial attorney to litigate the case and share the fee. OTLA member; references available. Zach Zabinsky, (503) 223-8517.

**Complex litigation in Oregon?** We will co-counsel or pay contingent referral fee. Personal injury, medical malpractice, product liability, civil rights, commercial litigation and other complex matters. We have successfully litigated in the U.S. Supreme Court, federal and state court and appellate courts in several western states. Call Don S. Willner & Assoc.

P.C., (800) 333-0328 or (503) 228-4000.

**Contract attorney**—too busy for the law library or your next trial brief? Attorney for legal research, writing and trial preparation at hourly rate. Former law clerk in King County Superior Court, US Bankruptcy Court. Licensed since 1981. Experience in drafting motions, pleadings, CLE materials, legal deskbook updates. Elizabeth Dash Bottman, 6031-50th NE, Seattle, WA 98115. (206) 526-5777.

**Forensic document examiner.** Trained by Secret Service/U.S. Postal Crime Lab examiners. Court-qualified. Currently the examiner for the Eugene Police Department. Only civil cases accepted. Jim Green, (503) 485-0832.

**Contract attorney: Construction.** Former editor with national AIA documents program now available for research, writing and trial preparation. Member, Washington State Bar Association. Joseph A. Dundin (206) 789-3247.

**Do you need expert research** performed in the following fields: liens, judgements, bankruptcies, subrogations, or locator service? Call Access Unlimited at (509) 622-6815.

**Contract attorney: Overworked?** Let me prepare your discovery, motions and legal research (\$25 per hour). For civil and criminal appearances and depositions call for a flat rate price quote. Milan Milatovic (206) 292-1476.

**Urology forensic consultant:** Experienced, boards, professor, M.D., J.D., plaintiff or defense. (314) 361-7780.

---

---

## MISCELLANEOUS

---

---

**Beach retreat** — Enjoy the luxury touch in our elegant beachfront penthouse in quiet Gearhart, Oregon. Panoramic ocean view. Two bedrooms, two baths, plus loft; sleeps eight. Deck, fireplace, laundry facilities. Indoor heated pool, Jacuzzi, golf, tennis. Fully equipped kitchen. Mid-week discounts. (503) 221-4291.

**Big Island vacation home.** Waikoloa, Hawaii—5,200 square feet. Ocean-view, four bedrooms, four baths; all amenities including Jacuzzi. Sleeps 12+. Great for groups/reunions. Country club setting, golf course (with substantial discounts), tennis, pool, stables. Beautiful beaches and world class resorts within six miles. 29 miles from Kona. Very reasonable. Call for brochure: (503) 735-0592.

# WASHINGTON STATE BAR NEWS 1995 Index

## BY AUTHOR:

- Ahern, Theresa.** South King County Bar Assn. Report JUN p65
- Aillo, Lucy.** What a Law Firm Should Consider When Purchasing Malpractice Insurance DEC p21
- Allen, Craig H.** U.N. Law of the Sea Convention in Force: But In U.S. the Debate Is Only Beginning JUL p27
- Althoff, Barrie.** 1994 Grievances and Lawyer Discipline DEC p34
- Anderson, Leanna.** Greater Seattle Legal Secretaries Assn. Report JAN p52; FEB p55; JUN p54
- Anderson, Ronald E.** Washington Lawyers Bid Farewell to Merrill Wallace JAN p54
- Antle, Stephen.** Enforcing Letters Rogatory In British Columbia FEB p15
- Appelwick, Marlin.** Understanding *In re Marriage of Arvey*, 77 Wn.App. 827 (1995) SEP p49
- Arvey, Gail.** Understanding *In re Marriage of Arvey*, 77 Wn.App. 827 (1995) SEP p49
- Bamberger, James A.** After 20 Years Under the Legal Services Corporation, the Struggle for Civil Access to Justice Faces its Greatest Challenge MAY p40
- Bartels, Belinda.** Records Management: An Overlooked Asset SEP p25
- Botman, Elizabeth.** Attention, Contract Attorneys! MAR p28
- Brandzel, Gene B.** Client Satisfaction Programs: Why Use A Consultant When You Can Do It Yourself JAN p21
- Brenner, David.** Honey, I Shrank the Bar MAY p27
- Brown, W.L., Jr.** Pierce County Older Lawyers Luncheon and Memories Association Report SEP p61
- Bushnell, George E., Jr.** Justice For All, Or Justice For None MAY p39
- Case, Joan.** Kitsap County Report. SEP p59; AUG p50; OCT p59; DEC p55
- Chadwell, Robert G.** It Is Time to Create a New 12th Circuit Court of Appeals for the Pacific Northwest OCT p48
- Clark, Barbara.** The Goldmark Equal Access to Justice Internship MAY p68
- Clinton, William J.** Proclamation Designating National Legal Services Week MAY p38
- Cone, Charles W.** Chelan County Old Pharts Bar Association Report FEB p54; JUN p63; SEP p60; DEC p56
- Cottrell, Cheryl.** Washington Lawyers' Campaign for Hunger Relief Report APR p56
- Coughenour, John C.** Trial-Lawying: A Business or A Profession? MAR p22
- Cumbow, Robert C.** Educating the 21st-Century Lawyer MAR p15  
(review) *The Death of Common Sense: How Law Is Suffocating America* JUN p54  
(review) *The Lawyer's Guide to the Internet/ The Internet Guide for the Legal Researcher* NOV p46  
(review) *The Theme Is Freedom: Religion, Politics and the American Tradition* DEC p37
- Dennis, William G.** A Right to Keep And Bear Arms? The State of the Debate JUL p47  
Crime Control Through Gun Control. AUG p43
- de Ryss, Diane.** Teaching Old Dogs New Tricks. JAN p29
- Doyle, Brad.** Washington State Lawyers' Campaign for Hunger Relief Report SEP p59
- Drummer, Gregory F.** Update: Market Training Hits the Mainstream in Law Firms SEP p24
- Ehrlichman, Peter S.** Referendum Fails—Vast Majority Vote to Have Bar Association Remain Intact JUL p55
- Estes, Stewart A.** Where Are You Going? Where Have You Gone? The Dust Settles on the Tort Reform Act of 1986 APR p37
- Fairbanks, Joan.** ATJ MAY p62
- Favors, Sally.** Professionalism and Legal Support Personnel MAR p27
- Flatt, Victor B.** Diversity, Discrimination, Affirmative Action and the Gay/Lesbian Experience AUG p21
- Ford, Daniel.** Working For A Fair Shake in the Fields MAY p56
- Froehling, Toni.** Pierce County Report NOV p59; DEC p56
- Gates, William H.** Changing the Office of Chief Justice: The Story of SJR 8210 OCT p45
- Gordon, Randolph I.** My Life in (Divorce) Court: One Lawyer's Journey Into the Dark Side of the System DEC p44
- Gould, Ronald M.** Is the WSBA's Mission Your Mission As Well? JAN p13  
Response to Referendum Proponents JAN p45  
How May Lawyers Help Prevent Youth Violence? FEB p11  
Our Noble Profession MAR p9  
Vote No APR p15  
President's Tribute to the Board of Governors MAY p21  
My Colleagues Speak Out JUN p18  
Why Be A Lawyer? JUL p16  
Moving Forward AUG p11  
A Good Year With Good People SEP p17
- Harwick, Dennis P.** Trends in the Legal Profession: Musings for a New Year JAN p11  
The More Things Change . . . FEB p13  
Annual Financial Report: Same Boring Good News MAR p11  
Solicitation of WSBA Award Nominations—1995 APR p25  
The Referendum: Fact and Hysteria MAY p22  
Regionalization of Some Bar Activities: A Good Idea or Another Trilateral Commission Plot? JUN p21  
Preliminary Thoughts on the Referendum JUL p17  
Tribute to a Colleague: Ada Shen-Jaffe AUG p13  
A Farewell To Lindsay/Civil Legal Services Programs—Where Are The Clients To Go? SEP p18  
Evolution in the Use of WSBA Dues OCT p22  
Humor at the Bar Association NOV p17
- Hershman, Jane.** Records Management: An Overlooked Asset SEP p25
- Hillier II, Thomas.** Splitting the 9th Circuit Would Be the Wrong Decision for the Wrong Reasons OCT p48
- Hiskes, Edward V.** The Reichstag Fire MAY p28  
In re: Apology Concerning "Reichstag Fire" Article JUN p27
- Huebner, Fredrick D.** Trade Secrets and Noncompetition Agreements: A Washington Law Primer: JUN p33
- Hutchinson, Mark A.** A Law Fund Exercise in Justice MAY p58
- Hyman, Michael B.** Be Like Abe FEB p9
- Jensen, Beth A.** Washington Defense Trial Lawyers Report JUL p64; AUG p51; SEP p61; NOV p60
- Kalikow, Barnett M.** Good Public Relations Begin At Home: The Lawyer's Commitment MAR p25
- Kane, Christopher.** International Arbitration and Mediation: Seattle As A Center for ADR? FEB p23
- Kellenberg, Thomas More.** Judicial Campaign Speech and the New Canon NOV p19
- Kelley, George S.** Pierce County Report JAN p52; MAR p52; APR p55; JUN p64
- Kilmer, Tiffanie.** Washington Women Lawyers State Board Report OCT p60
- Kniss, Linda.** Greater Seattle Legal Secretaries Assn. Report JAN p52; FEB p55
- Koga, Dean.** Records Management: An Overlooked Asset SEP p25
- Koubourlis, Yana D.** Trade Secrets and Noncompetition Agreements: A Washington Law Primer JUN p33
- Krier, Nancy.** Reflections by Elizabeth Bracelin, Founding Member of Washington Women Lawyers and Only Woman President of the WSBA AUG p53
- Kunsch, Kelly.** Washington State Constitutional Research: A Recipe for *Gunwall* Analysis OCT p31
- Lee, Terry J.** Clark County Report MAY p76; JUN p63; JUL p63; NOV p57
- Lewis, C.S.** The Humanitarian Theory of Punishment DEC p15
- Lewis, Tammy L.** (review) *Handbook on Insurance Coverage Disputes*, 7th Edition JUN p51
- Lombard, Suzanne.** Records Management: An Overlooked Asset SEP p25
- Lorenz, Col. F.M.** Democratic Reform and the Rule of Law in Cambodia FEB p26
- Manson, Cindy.** Washington Association of Legal Secretaries Report FEB p56  
Legal Support Professionals of Washington Report APR p53
- Mattson, Ronald C.** South King County Bar Assn. Report OCT p60
- McMonagle, Colleen.** (review) *The Court Report: A Year of King County Family Law Decisions* JUL p60
- McKay, John.** Access to Justice Board Creates Equal Justice Coalition MAY p63
- McKay, Michael.** It Is Time to Create a New 12th Circuit Court of Appeals for the Pacific Northwest OCT p48
- Meyerowitz, Steven A.** Clients Under Stress JAN p23
- Moore, Lauren.** LAWFund Report JAN p52; FEB p55; MAR p52; APR p53; MAY p77; JUN p64; JUL p64; AUG p50; SEP p60; OCT p59; NOV p59; DEC p56  
A Law Fund Exercise in Justice MAY p58
- Moschetto, Marijean E.** East King County Bar Assn. Report FEB p55; APR p52; MAY p76; JUL p64; DEC p54
- Moynihan, Michael.** Whatcom County Report MAY p78
- Muller, Linda.** Records Management: An Overlooked Asset SEP p25
- Mussehl, Bob.** Washington Lawyers Campaign for Hunger Relief Report OCT p59
- Ness, Gregory.** Yellow Pages Advertising SEP p44
- Nichols, David A.** It is Time to Get Rid of Peremptory Challenges and Treat Jurors With Dignity APR p16
- Nichols, John F.** Clark County Report MAR p51
- Norwood, Deborah.** Riding the Electronic Train NOV p43
- Paisner, Joel R.** The Land Use Petition Replaces the Writ SEP p50
- Patrick, Rachel.** A Checklist for Eliminating Barriers to Diversity/Nine Steps to Fostering

- Diversity AUG p29  
**Pekelis, Rosselle.** The Candidates Speak Out NOV p18  
**Petman, Frank H.** American Immigration Lawyers Assn.: WA Chapter Report JAN p51  
**Philbrick, William G.**, (review) *U.S. Regulation of the International Securities Markets: A Guide For Domestic and Foreign Issuers And Intermediaries*, 2d Edition JUN p51  
**Powers, Ragen.** Access to Justice Board Creates Equal Justice Coalition MAY p63  
**Pusch, William G.**, Washington Adopts Limited Liability Partnership (LLP) Legislation NOV p24  
**Quigley, A. Stevens.** Debtless in Seattle: The Bankruptcy Reform Act of 1994 MAR p46  
**Ritter, Daniel B.**, New Rules for Lending on Securities and Other Investment Property SEP p47  
**Roberts, Royce A.**, His First Client MAY p65  
**Russell, Kathryn A.**, (review) *Reciprocity and Retaliation in U.S. Trade Policy* JUN p53  
**Russell, Charles O.**, Affirmative Action: Equal Opportunity or Equal Results? AUG p33  
**Russell, Thomas B.**, Beam Me Up, Your Honor! SEP p42  
**Sanders, Richard B.**, The Candidates Speak Out NOV p18  
**Scalone, Joe.** It's Time to Open the Legal Profession MAR p41  
**Shaub, Joseph.** Personality Differences and Their Impact on the Professional and Personal Lives of Attorneys and Office Administrators JAN p14  
**Shea, Edward F.**, Our Future — Together OCT p21  
 765 Lawyers Are Participating in WSBA Committees NOV p16  
 The Holidays — Enjoy Them! DEC p13  
**Sheldon, Charles H.**, The Legal Profession: Then and Now APR p45  
**Shenker, Michael R.**, The Worldwide Web SEP p40  
**Smith, Roger F.**, TQM? . . . Or Old-Fashioned Excellence? SEP p19  
**Spangler, Anne L.**, Government Lawyers Bar Assn. Report MAY p77  
**Steckel, Randall E.**, Poverty As A Barrier to Family Reunification in Juvenile Court FEB p51  
**Stevens, Kerry.** A Trip to a Diplock Court FEB p32  
**Storch, Tyson.** (review) *Managing the World Economy: Fifty Years After Bretton Woods* JUN p56  
**Stritmatter, Paul L.**, "Blitzkrieg" or Blarney? A Reply to Ed Hiskes MAY p29  
**Sullivan, Joan.** (review) *1994 Caseloads of the Courts of Washington* NOV p22  
**Swan, Kevin.** Splitting the 9th Circuit Would Be the Wrong Decision for the Wrong Reasons OCT p48  
**Taber, Ron.** The Case for Repeal of Affirmative Action AUG p28  
**Tabler, Nora C.**, Washington Defense Trial Lawyers Report APR p55  
**Tolman, Jeff.** A Small-town Legal Dictionary NOV p44  
**Thompson, Lindsay T.**, Access to Justice Board Report SEP p58; DEC p53  
 The Board's Work: JAN p33; FEB p35; MAR p29; MAY p49; JUN p23; JUL p33; SEP p29  
 Editor's Page: Everything But the Peacock (color covers) JAN p9  
 My Life As A Nazi Press Flack, And Other Tales MAY p23  
 Hello, I Must Be Going SEP p12  
 Washington's Two New Lawyer-Congressmen Like the Job So Far APR p51  
 The Washington Supreme Court Strikes Down Legislation Bringing the WSBA Under PERC MAY p70  
 Governance Into the Next Century: The Final Report of the Task Force on WSBA Governance (editor) JUN p18  
 Redefining Lawyer Discipline in Washington: A Multifaceted Approach — The Final Report of the Joint Task Force on Lawyer Discipline of the Washington State Supreme Court and Washington State Bar Association (editor) AUG p15  
 Washington Women Lawyers Celebrate 25 Years AUG p41  
 Pondering the Imponderable, Mulling the Mysterious (review of *Explaining the Inexplicable: The Rodent's Guide to Lawyers*) SEP p39  
 WSBA President Ed Shea Sees More Challenges for the Bar. . . Governors Begin Three-Year Terms OCT p51  
 (review) *The Basic Trial Lawyer* NOV p49  
**Todd, Howard K.**, Should the Mandatory Dues Referendum Be Adopted: YES JAN p43  
 Restricting Dues Presents Issues of Principle, Control MAY p26  
**Truselo, Mary.** Asking for Help APR p50  
**Van Gorder, Charles.** Assumption of Risk Under Washington Law OCT p23  
**Walkky, Sis.** Records Management: An Overlooked Asset SEP p25  
**Weber, Susan M.**, Washington State Trial Lawyers Assn. Report FEB p56  
**Welden, Robert D.**, The Board's Work MAR p29  
**White, Hal.** The Board's Work NOV p29  
 Editor's Page: And Now For Something Completely Different OCT p20  
 An Open Letter to the Walsh Commission, NOV p14  
**Wiggins, Charles K.**, Order in the Court: The Courtroom Decorum Guidelines JAN p25  
**Wood, John.** Washington Lawyers Campaign for Hunger Relief Report NOV p59; DEC p57  
**Wright, Kathleen M.S.**, Kitsap County Report MAR p51
- BY SUBJECT:**
- ABA**  
 ABA Awards: Hodson, Nelson, Livingston Hall Juvenile Justice Awards FEB p43  
 Pro Bono Publico Awards MAR p49  
 ABA Consortium Meets in Seattle to Study Washington's Access to Justice Board JUL p56  
 "Locate" Software Directory Published JUL p43  
 Tribute to a Colleague: Ada Shen-Jaffe (Margaret Brent Award winner) AUG p13  
 WSBA and Seattle University Win ABA National Award for Professional Responsibility Clinic AUG p56
- Access to Justice/ATJ Board/Pro Bono**  
 ABA Consortium Meets in Seattle to Study Washington's ATJ Board JUL p56  
 ATJ Board Creates Equal Justice Coalition MAY p63  
 Access to Justice Board Report SEP p58; DEC p53  
 After 20 Years Under the Legal Services Corporation, the Struggle for Civil Access to Justice Faces its Greatest Challenge MAY p40  
 Appellate Representation Requests for Information Available JUL p43  
 ATJ MAY p62  
 Bar and Pro Bono Leaders Swap Strategies, Fundraising Ideas JUL p57  
 Cameras in Court: Pro Bono Videotape Produc-
- tion Called Invaluable in 100-Year Sentencing Decision JAN p30  
 Checklist for Eliminating Barriers to Diversity/ Nine Steps to Fostering Diversity, A AUG p29  
 Civil Legal Services Programs — Where Are The Clients To Go? SEP p18  
 Congress Writes Limited Practice Rules for Civil Legal Services and Volunteer Attorneys; Ongoing Pro Bono Representation Immediately Threatened SEP p56  
 Diversity, Discrimination, Affirmative Action and the Gay/ Lesbian Experience AUG p21  
 Evergreen Legal Services Board Meetings Announced FEB p41  
 Fight for Legal Services Funding and Access for all People to our Courts Continues, The OCT p55  
 For the Good of the Public DEC p52  
 Goldmark Equal Access to Justice Internship, The MAY p68  
 Justice For All, Or Justice For None MAY p39  
 His First Client MAY p65  
 Law Fund Exercise in Justice, A MAY p58  
 "Marlin the Magnificent" and Friends Pull Filing Fee out of Legislature's Hat JUL p56  
 Poverty As A Barrier to Family Reunification in Juvenile Court FEB p51  
 Proclamation Designating National Legal Services Week MAY p38  
 State Funding for Legal Services in Jeopardy MAY p71  
 Tribute to a Colleague: Ada Shen-Jaffe (Margaret Brent Award winner) AUG p13  
 Washington State's Equal Justice Team Goes to D.C. for Legal Services Funding MAY p71  
 Working For A Fair Shake in the Fields MAY p56
- Admission to Practice**  
 Educating the 21st-Century Lawyer MAR p15  
 Congratulations to the 407 Spring 1995 Washington State Bar Admittees! JUN p60  
 A Primer for New Attorneys (WSBA Services) SEP p54  
 Straight Talk from the Newest Attorneys NOV p53  
 Congratulations to the 648 Summer 1995 Washington State Bar Admittees! NOV p54
- Advertising**  
 Yellow Pages Advertising SEP p44
- Affirmative Action (see Minorities & the Law)**
- Agriculture**  
 Foreign Agricultural Land Owners Reporting Requirement MAR p37  
 Working For A Fair Shake in the Fields MAY p56
- Alternative Dispute Resolution**  
 International Arbitration and Mediation: Seattle As a Center for ADR? FEB p23  
 ADR Section Needs Volunteers for Elementary School Mediation Program JUL p58  
 Family Law Mediator Certification SEP p34
- Appellate Practice**  
 It is Time to Create a New 12th Circuit Court of Appeals for the Pacific Northwest OCT p48  
 Splitting the 9th Circuit Would Be the Wrong Decision for the Wrong Reasons OCT p48  
 Washington State Constitutional Research: A Recipe for *Gunwall* Analysis OCT p31
- Appointments**  
 JAN p42; FEB p49; MAR p40; APR p36; MAY p53; JUL p39; AUG p35
- Around the State**  
 Access to Justice Board Report SEP p58; DEC p53  
 American Immigration Lawyers Assn. Washington Chapter Report JAN p51; AUG p50

Chelan County (Old Pharts Division) Report  
 FEB p54; JUN p63; SEP p60; DEC p56  
 Clark County News OCT p58; DEC p54  
 Clark County Report MAR p51; MAY p76;  
 JUN p63; JUL p63; NOV p57  
 East King County Report FEB p55;  
 APR p52; MAY p76; JUL p64; DEC p54  
 Government Lawyers Bar Assn. Report MAY p77  
 Greater Seattle Legal Secretaries Association Re-  
 port JAN p52; FEB p55; JUN p64  
 The Judiciary FEB p53; MAR p50;  
 JUL p62; AUG p47; DEC p53  
 King County News OCT p58; DEC p54  
 Kitsap County Bar Assn. Report MAR p51;  
 SEP p59; AUG p50; OCT p59; DEC p55  
 LAWFund Report JAN p52; FEB p55;  
 MAR p52; APR p53; MAY p77; JUN p64; JUL  
 p64; AUG p50; SEP p60; OCT p59; NOV p58;  
 DEC p56  
 News From Home JAN p50; FEB p53; MAR  
 p50; APR p52; MAY p75; JUN p61; JUL  
 p62; AUG p47; SEP p57  
 Oregon News OCT p60  
 Pierce County Report JAN p52; MAR p52;  
 APR p55; MAY p78; JUN p64; NOV p59; DEC p56  
 Pierce County Older Lawyers Luncheon and  
 Memories Assn. Report SEP p61  
 South King County Bar Assn. Report  
 JUN p65; OCT p60  
 Spokane County News  
 OCT p60; NOV p60; DEC p57  
 WA Assn. of Criminal Defense Lawyers Report  
 AUG p51  
 WA Assn. of Legal Secretaries Report/Legal  
 Support Professionals of WA Report  
 FEB p56; AUG p50; SEP p61  
 WA Defense Trial Lawyers Report APR p55;  
 JUL p64; AUG p51; SEP p61; NOV  
 p60  
 WA Lawyers' Campaign for Hunger Relief Report  
 APR p56; JUN p19; SEP p59; OCT p59; NOV  
 p59; DEC p57  
 WA State Trial Lawyers Assn. Report FEB p56  
 WA Women Lawyers News DEC p58  
 WA Women Lawyers Report MAY p78  
 WA Women Lawyers State Board Report  
 OCT p60; NOV p60  
 WA Women Lawyers, King County JAN p53  
 Whatcom County Report MAY p78  
 Whitman County News NOV p60

#### Attorney, Being An

Attention, Contract Attorneys! MAR p28  
 Be Like Abe FEB p9  
 Client Satisfaction Programs: Why Use A Con-  
 sultant When You Can Do It Yourself? JAN p21  
 Diversity, Discrimination, Affirmative Action and  
 the Gay/Lesbian Experience AUG p21  
 Educating the 21st-Century Lawyer MAR p15  
 Good Public Relations Begin At Home: The  
 Lawyer's Commitment MAR p25  
 His First Client MAY p65  
 The Holidays — Enjoy Them! DEC p13  
 It's Time to Open the Legal Profession MAR p41  
 Just tell It — the Good News About Lawyers  
 JUN p58  
 Legal Profession: Then and Now, The APR p45  
 My Life in (Divorce) Court: One Lawyer's Jour-  
 ney Into the Dark Side of the System DEC p44  
 Order in the Court: The Courtroom Decorum Guide-  
 lines JAN p25  
 Our Noble Profession MAR p9  
 Personality Differences and Their Impact on the  
 Professional and Personal Lives of Attorneys  
 and Office Administrators JAN p14  
 Photo Album, The DEC p42  
 Pondering the Imponderable, Mulling the Myster-  
 ious (review of *Explaining the Inexplicable:  
 The Rodent's Guide to Lawyers*) SEP p39

Report Issued by Task Force on Nonlawyer Prac-  
 tice of Law DEC p49  
 Stepping Away from the Law NOV p26  
 Preliminary Thoughts on the Referendum  
 JUL p17  
 Trends in the Legal Profession: Musings for a New  
 Year JAN p11  
 Trial-Lawyer: A Business or A Profession?  
 MAR p22  
 Why Be A Lawyer? JUL p16

#### Attorney Discipline

1994 Grievances and Lawyer Discipline  
 DEC p34  
 Barrie Althoff Named WSBA Chief Disciplinary  
 Counsel JAN p31  
 Board of Governors Recommends to Court Expans-  
 ion of Disclosure of Lawyer Discipline Records  
 SEP p55  
 Discipline Department Adds 8 New Staff to Re-  
 duce Case Backlog JUN p57  
 Expanded Disciplinary Notice Reporting Policy  
 APR p27  
 Legal Department Enlists First Three Volunteers  
 JUL p58  
 Notice of Hearings (in re task force recommenda-  
 tions) OCT p37  
 Redefining Lawyer Discipline in Washington: A  
 Multifaceted Approach — The Final Report of  
 the Joint Task Force on Lawyer Discipline of  
 the Washington State Supreme Court and Wash-  
 ington State Bar Association (editor) AUG p15

#### Attorney General Opinions

JAN p39; FEB p40; MAR p36; APR p31; JUN  
 p28; JUL p41; AUG p37; SEP p32

#### Attorneys, Employment of

New Federal Job Application Procedures MAY p53

#### Awards

ABA Pro Bono Publico Awards MAR p49  
 ABA Hodson Award FEB p43  
 ABA Livingston Hall Juvenile Justice Awards  
 FEB p43  
 ABA Nelson Award FEB p43  
 "I'm so proud to introduce . . ." (WSBA Award  
 winners) OCT p38  
 Legal Foundation of Washington Seeks Goldmark  
 Award Nominations SEP p33  
 Paul Bastine Nominated for ABA Pro Bono Award  
 MAY p73  
 Tribute to a Colleague: Ada Shen-Jaffe (Margaret  
 Brent Award winner) AUG p13  
 Recipients of WSBA Awards SEP p55  
 Solicitation of WSBA Award Nominations —  
 1995 APR p25  
 West Publishing Corporation Excellence in Pri-  
 vate, Academic and Government Law  
 Librarianship Awards FEB p43  
 WSBA and Seattle University Win ABA National  
 Award for Professional Responsibility Clinic  
 AUG p56  
 WSBA Young Lawyers Division Achievement  
 Awards MAR p37

#### Bankruptcy Law

Debtless in Seattle: The Bankruptcy Reform Act  
 of 1994 MAR p46

#### Bar News Theme Issues

Stress in Practice and in Court, JAN; International  
 Law and Practice, FEB; Professionalism, MAR;  
 The Great Referendum Debate, MAY; Access to  
 Justice, MAY; Annual Financial Issue, JUN; Into  
 the Labyrinth: Restructuring the State Bar Asso-  
 ciation, JUL; Washington Women Lawyers: Cel-  
 ebrating 25 Years, AUG; Diversity in the Practice  
 of Law: Readings from the WSBA Committee for  
 Opportunities for Minorities in the Legal Profes-  
 sion, AUG; Law Practice Management, SEP; New  
 President and Board of Governors Members, OCT

#### Biographies (see "Profiles")

#### The Board of Governors (BOG)

Notice of BOG Election FEB p39  
 President's Tribute to the BOG MAY p21  
 Biographies of 1995 BOG Candidates MAY p72  
 New WSBA Governors Elected AUG p53  
 WSBA President Ed Shea Sees More Challenges  
 for the Bar . . . Governors Begin Three-year  
 Terms OCT p51  
 Formal Resolution on Recycled Paper Adopted at  
 Winthrop, July 29, '95 by WSBA BOG NOV p40

#### The Board's Work

JAN p33; President's Report; Pro Bono: Does It  
 Count Or Doesn't It?; Nonlawyer Practice Legis-  
 lation; Presidential Initiatives; Other President's  
 Report Items; Executive Director's Report; Snap-  
 shot of Us; Sooner or Later They Had to Come Up  
 for Air (WSBA Governance Task Force); The  
 Welden Report: How Can He Be Two Places At  
 Once?; Another Proposed Court Rule Revisited;  
 Who Judges the Judges?; More on Youth Viol-  
 ence: Coming Legislation; Wrap-up in Seattle.  
 FEB p35; Of Course, If This Passes There'll Be  
 No More Money to Pay for Next Year's Referen-  
 dum (Referendum on Mandatory Programs); Our  
 Hats Are in the Ring (Presidential Search Commit-  
 tee Report); Newt Blair Unveils the Revolution  
 (Latest Draft) (Governance Task Force Report);  
 Ditto the Discipline Task Force Report; Wrap-up  
 in Olympia.

MAR p29; Social and Other Notes; Who Should  
 Accredite CLE?; Whither the Court (referendum);  
 Is Anyone Safe While They're in Session? (legis-  
 lature); The Search for Just the Right Word(s)  
 (part-time leave policies); A Visit From the Chief  
 Justice: Onward to the Referendum; "We're in the  
 Money..." (treasurer's report); More on Prevent-  
 ing Youth Violence: Annual Discipline Report;  
 And the winner is....(Presidential election result);  
 Fattorini Returns (legislature); Wrap-up in Tacoma.

MAY p49; President's Report; Executive  
 director's report; Citizen, Do Your Duty; Referen-  
 dum Planning; The Union Issue: An Apparent  
 Truce Has Been Declared; Wrap-up in LaConner.  
 JUN p23; Referendum News; It's Official! The  
 Emily Litella Trophy Has Been Retired; Wrap-up  
 in Spokane.

JUL p33; Referendum Results; Heads Up,  
 They're Coming Your Way (Board of Governors  
 meetings, 1995-96); And A Blessed Silence Fell  
 Upon the Land; Remember That Scene Early in  
 "2001: A Space Odyssey" When The Ape Figures  
 Out Really Impressive Things You Can Do With A  
 Bone? (MCLE Board changes); "Allow Me As An  
 Old Equity Draftsman," Said The Lord Chancellor  
 In Gilbert & Sullivan's "Iolanthe," "to Make A  
 Suggestion. The Subtleties of The Legal Mind Are  
 Equal To the Emergency. The Thing Is Really  
 Quite Simple — The Insertion of A Single Word  
 Will Do It" (court rules changes); As Will Rogers  
 Said On Being Introduced to the President: "Beg  
 Pardon, Didn't Catch the Name—" (visit by the  
 Chief Justice); The 1995-96 Budget: More Cuts  
 Coming; Lowry to Lawyers — Drop Dead (Gov-  
 ernor vetoes B&O tax rollback); Expanding the  
 Tent (new WSBA membership categories); Wrap-  
 up in Lake Chelan.

SEP p29; Preliminaries; Opposing Harassment;  
 Making Disciplinary Matters Public; If Abe Lin-  
 coln Wanted to Read Law Today, He'd Move to  
 Washington (law clerk program); They Just Can't  
 Leave the Damned Things Alone (court rules);  
 There's A New Reporter on This Beat (confirmation  
 of new *Bar News* editor); Budget Blues; Wrap-  
 up in Winthrop.

OCT p35; President's Report; Executive  
 Director's Report; Warming Up Her Pitching Arm;  
 Legal Services in peril; Court Rules; Lawyer Dis-

cipline: Criminal Practitioners, Unite!; And They'll Still Be Talking About It After We're All Dead (regulating nonlawyer practice); Wrap-up in Seattle.  
 NOV p29; Legal services; priority to RCW 13.34 & RCW 26.33 proceedings; L.A.W. BBS: Task Force on Nonlawyer Practice of Law report; recommendations for WSBA discipline system; amendment of RPC 8.4(g); WSBA governance.

#### Books

State Law Library: Books Recently Catalogued  
 JAN p40; FEB p43; MAY p52; NOV p48  
 (review) *Handbook on Insurance Coverage Disputes*, 7th Edition JUN p51  
 (review) *U.S. Regulation of the International Securities Markets: A Guide For Domestic and Foreign Issuers and Intermediaries*, 2d Edition JUN p51  
 (review) *Reciprocity and Retaliation in U.S. Trade Policy* JUN p53  
 (review) *The Death of Common Sense: How Law Is Suffocating America* JUN p54  
 (review) *Managing the World Economy: Fifty Years After Bretton Woods* JUN p56  
 (review) *The Court Report: A Year of King County Family Law Decisions* JUL p60  
 (review) *Pondering the Imponderable, Mulling the Mysterious (Explaining the Inexplicable: The Rodent's Guide to Lawyers)* SEP p39  
 (review) *Examining the Work of State Courts, 1993: A National Perspective from the Court Statistics Project/1994 Caseloads of the Courts of Washington* NOV p22  
 (review) *The Lawyer's Guide to the Internet/The Internet Guide for the Legal Researcher* NOV p46  
 (review) *The Basic Trial Lawyer* NOV p49  
 (review) *The Theme Is Freedom: Religion, Politics and the American Tradition* DEC p37

#### Briefly Noted (see "Digest")

#### Business Law (see Finance)

#### Business Volunteers for the Arts

BVA Offers A Chance to Volunteer "Backstage"  
 SEP p33

#### Calendar

JAN p41; FEB p45; MAR p39; APR p34; MAY p54; JUN p30; JUL p44; AUG p39; SEP p35; OCT p43; NOV p31; DEC p30

#### Cambodia

Democratic Reform and the Rule of Law in Cambodia FEB p26

#### Civil Procedure

Enforcing Letters Rogatory In British Columbia FEB p15

#### Commission on Judicial Conduct

#### Disciplinary Notices

Bordlemay, Hon. Rosemary, DEC p28;  
 Hutchinson, Hon. Alan, APR p28; Linde, Hon. John O., AUG p36; Macklin, Hon. Carmel C., JUN p28; Monson, Hon. Andrew L., APR p28

#### Computers

Beam Me Up, Your Honor! SEP p42  
 Computers and the Law NOV p43  
 Domestic Relations Pattern Forms Moved to Internet SEP p32  
 Felony Judgment and Sentencing Form Available on Disk JUN p29  
 Internet and the practice of law, The JUN p57  
 Internet Seminar Provides Basic Tools for Law Firms Wanting to go On-line AUG p54  
 "Locate" Software directory published JUL p43  
 Juvenile Court Forms DEC p28  
 (review) *The Lawyer's Guide to the Internet/The Internet Guide for the Legal Researcher*

NOV p46  
 Puget Sound Computer Law Association  
 Riding the Electronic Train MAR p37  
 Worldwide Web, The NOV p43  
 SEP p40

#### Constitutional Law

A Right to Keep And Bear Arms? The State of the Debate JUL p47  
 Changing the Office of Chief Justice: The Story of SJR 8210 OCT p45  
 It is Time to Create a New 12th Circuit Court of Appeals for the Pacific Northwest OCT p48  
 Washington State Constitutional Research: A Recipe for *Gunwall* Analysis OCT p31

**Consumer Price Indexes-**  
**Pacific Coast Cities (1995)/U.S. Average 1994**  
 JUN p27; JUL p43; AUG p38; SEP p34

#### Continuing Legal Education

Annual Meeting's Cheap CLE Seminar Packs 'em In OCT p53  
 Best of CLE or Bite of CLE? DEC p49  
 CLE Dept. Reports High Attendance JUL p58  
 CLE Implements 2-year Deskbook Update Schedule JUN p59  
 Mandatory CLE Update (reporting cycle) OCT p42; NOV p53  
 Real Property, Probate and Trust Section CLE Index Prepared NOV p39  
 Teaching Old Dogs New Tricks JAN p29  
 WSBA CLE Wins National Best Program Award AUG p56

#### Contract Attorneys

Attention, Contract Attorneys! MAR p28  
**Court Appointed Special Advocates (CASA)**  
 Information on Participation MAY p53

#### Court Rules

Request for Comment on Civil Rules for Superior and District Courts JUL p43  
 Rules Committee Seeks Your Comments OCT p42  
 Supreme Court Amends APR 11 to Include Ethics Requirement AUG p55

#### The Courts

(review) *1994 Caseloads of the Courts of Washington* NOV p22  
 Cameras in Court: Pro Bono Videotape Production Called Invaluable in 100-Year Sentencing Decision JAN p30  
 Candidates Speak Out, The (Sanders/Pekelis race) NOV p18  
 Changing the Office of Chief Justice: The Story of SJR 8210 OCT p45  
 (review) *The Court Report: A Year of King County Family Law Decisions* JUL p60  
 Examining the Work of State Courts, 1993: A National Perspective from the Court Statistics Project NOV p22  
 It is Time to Get Rid of Peremptory Challenges and Treat Jurors With Dignity APR p16  
 It is Time to Create a New 12th Circuit Court of Appeals for the Pacific Northwest OCT p48  
 Order in the Court: The Courtroom Decorum Guidelines JAN p25  
 Request for Comment on Civil Rules for Superior and District Courts JUL p43  
 Splitting the 9th Circuit Would Be the Wrong Decision for the Wrong Reasons OCT p48  
 Supreme Court Arguments on TV OCT p42

#### Criminal Law

Cameras in Court: Pro Bono Videotape Production Called Invaluable in 100-year Sentencing Decision JAN p30  
 Crime Control Through Gun Control AUG p43  
 Felony Judgment and Sentencing Form Available on Disk JUN p29

Humanitarian Theory of Punishment, The DEC p15  
 Second Annual Criminal Justice Institute September 29-30 in Bellevue AUG p55  
 Washington State Constitutional Research: A Recipe for *Gunwall* Analysis OCT p31

#### De Novo

WSBA YLD Now Accepting Independent Contractor Applications for Editor and Assistant Editor of *De Novo* MAY p78

#### Department of Social and Health Services

New policy re recovery of long-term-care benefits announced JUL p43

#### Digest (includes "Briefly Noted")

JAN p38; FEB p40; MAR p36; APR p27; MAY p51; JUN p28; JUL p40; AUG p36; SEP p32; OCT p41; NOV p35; DEC p28

#### Discipline

**Disbarments:** Beaty, Robert T., JUL p40; Conklin, Robert J., MAY p52; Garnet, William E., JAN p39; Glassman, John S., NOV p35; Keane, Daniel J., NOV p35; Pashkowski, Tanya, JAN p39; Ritchie, Paul S., JAN p39.

**Censures:** Burke, Gerald G., NOV p37; Healy, Kevin G., AUG p36; Krilich, Thomas G., APR p27; Leonard, Brian K., JAN p38; Wicker, S. Edward, JUL p40

**Reprimands:** Alden, Charles Edwin, MAY p51; Burke, Gerald G., NOV p37; Krilich, Thomas G., APR p27; Magness, Mickey, JUN p28; O'Rourke, John C., AUG p28

**Suspensions:** Cusack, Kenneth J., JAN p38; Daniel, Richard Brent, FEB p40; Funk, Bernice, MAR p36; Gillingham, Paul G., NOV p39; Grashin, David E., JAN p38; Juarez, Santiago, APR p27; Killebrew, Patrick D., JAN p39; Manning, Michael S., APR p28; McMullen, Dennis O., OCT p41

#### Elder Law

New policy in re recovery of long-term-care benefits announced (DSHS Washington) JUL p43

#### Elections

Notice of Board of Governors Election FEB p39  
 WSBA Presidential Selection OCT p42  
 WSBA Presidential Selection NOV p40

#### Employment of Attorneys

Attention, Contract Attorneys! MAR p28

#### Employment Law

Trade Secrets and Noncompetition Agreements: A Washington Law Primer JUN p33

#### Environmental Law

Agencies Alert People to Unsafe Aquatic Weeds AUG p37  
 The Land Use Petition Replaces the Writ SEP p50  
 Formal resolution on recycled paper adopted, Winthrop, July 29, '95, by the WSBA BOG NOV p40

#### Ethics

Educating the 21st-Century Lawyer MAR p15  
 Supreme Court Amends APR 11 to Include Ethics Requirement AUG p55

#### Evergreen Legal Services

(see "Access to Justice")

#### Family Law

Announcement of Mandatory Changes to the Domestic Relations Pattern Forms JAN p39  
 (review) *The Court Report: A Year of King County Family Law Decisions* JUL p60  
 Domestic Relations Pattern Forms Moved to Internet SEP p32  
 Family Law Mediator Certification SEP p34  
 Juvenile Court Forms DEC p28  
 My Life in (Divorce) Court: One Lawyer's Journey Into the Dark Side of the System DEC p44  
 Poverty As A Barrier to Family Reunification in Juvenile Court FEB p51

Understanding *In re Marriage of Arvey*, 77  
Wn.App. 827 (1995) SEP p49

#### Fax Polls

The *Washington State Bar News* Fax Polls &  
Results OCT p56; NOV p40; DEC p40

#### Fiction

His First Client MAY p65

#### Finance

Debtless in Seattle: The Bankruptcy Reform Act  
of 1994 MAR p46

Trade Secrets and Noncompetition Agreements: A  
Washington Law Primer JUN p53

(review) *Handbook on Insurance Coverage Dis-*  
*putes*, 7th Edition JUN p51

(review) *U.S. Regulation of the International Securities*  
*Markets: A Guide For Domestic and Foreign Issuers And Intermediaries*, 2d Edition  
JUN p51

(review) *Reciprocity and Retaliation in U.S. Trade*  
*Policy* JUN p53

(review) *The Death of Common Sense: How Law*  
*Is Suffocating America* JUN p54

(review) *Managing the World Economy: Fifty*  
*Years After Bretton Woods* JUN p56

New Rules for Lending on Securities And Other  
Investment Property SEP p47

#### FYI: State Bar Highlights

MAY p71; JUN p58; JUL p55; AUG p53; SEP 53;  
OCT p53; NOV p53; DEC p49

**Governance** (see, also, "The Board's Work")  
Is the WSBA's Mission Your Mission As Well?  
JAN p13

Should the Mandatory Dues Referendum Be  
Adopted: YES JAN p43

Response to Referendum Proponents JAN p45

The More Things Change . . . FEB p13

Notice to Members In Re Referendum FEB p39

Vote No APR p15

Notice of Deadline for Filing WSBA Resolutions  
APR p31

Restricting Dues Presents Issues of Principle, Con-  
trol MAY p26

Honey, I Shrunk the Bar MAY p27

The Reichstag Fire MAY p28

"Blitzkrieg" or Blarney? A Reply to Ed Hiskes  
MAY p29

The Great May 15 Referendum Debate: Letters  
from Our Members MAY p31

President's Tribute to the Board of Governors  
MAY p21

The Referendum: Fact and Hysteria MAY p22

My Life As A Nazi Press Flack, And Other Tales  
MAY p23

My Colleagues Speak Out JUN p18

Regionalization of Some Bar Activities: A Good  
Idea or Another Trilateral Commission Plot?  
JUN p21

Re: Apology Concerning "Reichstag Fire" Article  
JUN p27

Preliminary Thoughts on the Referendum  
JUL p17

Governance Into the Next Century: The Final  
Report of the Task Force on WSBA Govern-  
ance (editor) JUL p18

Referendum Fails — Vast Majority Vote to Have  
Bar Association Remain Intact JUL p55

Moving Forward AUG p11

New WSBA Governors Elected AUG p53

Evolution in the Use of WSBA Dues OCT p22

765 Lawyers Are Participating in WSBA Commit-  
tees NOV p16

#### Gun Control

A Right to Keep And Bear Arms? The State of the  
Debate JUL p47

#### Health, Stress and Chemical Dependency

Asking for Help APR p50

Clients Under Stress JAN p23

Destressors FEB p31

Family Baggage JAN p47

Personality Differences and Their Impact on the  
Professional and Personal Lives of Attorneys  
and Office Administrators JAN p14

#### Humor

Honey, I Shrunk the Bar MAY p27

Humor at the Bar Association NOV p17

A Small-Town Legal Dictionary NOV p44

**IOLTA** (see "Legal Foundation of Washington")

#### Insurance Law

(review) *Handbook on Insurance Coverage Dis-*  
*putes*, 7th Edition JUN p51

What a Law Firm Should Consider When Purchas-  
ing Malpractice Insurance DEC p21

#### Interest Rates (see "Usury Rates")

**Interim Attorney Suspensions (Nondisciplinary)**  
Ackerman, Jack, AUG p36; Christensen, Nelson  
L., AUG p36; Kappelman, Ronald D., JAN p38;

Lindel, John T., MAY p51; Nichols, Howard M.,  
FEB p40

#### International Law and Trade

Enforcing Letters Rogatory In British Columbia  
FEB p15

International Arbitration and Mediation: Seattle  
As A Center for ADR? FEB p23

Democratic Reform and the Rule of Law in Cam-  
bodia FEB p26

A Trip to a Diplock Court FEB p32

(review) *U.S. Regulation of the International Securities*  
*Markets: A Guide For Domestic and Foreign Issuers And Intermediaries*, 2d Edition  
JUN p51

(review) *Reciprocity and Retaliation in U.S. Trade*  
*Policy* JUN p53

(review) *Managing the World Economy: Fifty*  
*Years After Bretton Wood* JUN p56

U.N. Law of the Sea Convention in Force; But In  
U.S. the Debate Is Only Beginning JUL p27

Nigerian Fraud Rings AUG p38

International War Crimes Tribunal Needs Chief  
Operating Officer SEP p34

Firesale: *International Law Handbook* OCT p50

#### Ireland

A Trip to a Diplock Court FEB p32

**Judicial Recommendations Committee, WSBA**  
Interviews Announced MAR p37

#### The Judiciary

Around the State FEB p53; MAR p50;  
JUL p62; AUG p47; DEC p53

Changing the Office of Chief Justice: The Story of  
SJR 8210 OCT p45

An Open Letter to the Walsh Commission  
NOV p14

Judicial Campaign Speech and the New Canon  
NOV p19

Examining the Work of State Courts, 1993: A  
National Perspective from the Court Statistics  
Project NOV p22

(review) *1994 Caseloads of the Courts of Wash-*  
*ington* NOV p22

#### King County Hearing Examiner

Rules of Procedure available FEB p43

#### Land Use (see "Environmental Law")

#### Law Clerk Program

Law Clerk Program: Is "Reading for the Law" an  
Idea Whose Time is Past? OCT p54

#### Law Day

Kitsap County Law Day Honors Young Students  
JUL p61

Law Day Winners AUG p55

#### LAWFund

Report JAN p52; FEB p55; MAR p52; APR p53;  
MAY p77; JUN p64; JUL p64; AUG p50; SEP

p60; OCT p59; NOV p58; DEC p56

A LAW Fund Exercise in Justice MAY p58

#### Law of the Sea

U.N. Law of the Sea Convention in Force; But In  
U.S. the Debate Is Only Beginning JUL p27

#### Law Practice Management

Client Satisfaction Programs: Why Use A Con-  
sultant When You Can Do It Yourself? JAN p21

Personality Differences and Their Impact on the  
Professional and Personal Lives of Attorneys  
and Office Administrators JAN p14

Records Management: An Overlooked Asset  
SEP p25

TQM? . . . Or Old-Fashioned Excellence? SEP p19

Trends in the Legal Profession: Musings for a New  
Year JAN p11

Update: Market Training Hits the Mainstream in  
Law Firms SEP p24

Washington Adopts Limited Liability Partnership  
(LLP) Legislation NOV p24

#### Law Reviews

*George Mason Independent Law Review* Article  
Solicitation JUN p29

#### Law Revision Commission

Law Revision Commission Final Report on Fore-  
closure Project AUG p38

#### Lawyers' Assistance Program (LAP)

Life after the law: John Sullivan — Lawyer,  
Marathoner, LAP Peer Counselor JUN p59

In the LAP: Family Baggage, JAN p47; Destress-  
ors, FEB p31; Attention, Contact Attorneys! MAR

p28; Asking for Help, APR p50; Good Lawyers —  
Good Lawyering, JUL p59; A New Lease on Life,  
OCT p57; Stepping Away from the Law, NOV

p26; The Photo Album, DEC p42

#### Lawyers' Fund for Client Protection

The Lawyers' Fund for Client Protection  
OCT p54

#### Legal Education

Educating the 21st-Century Lawyer MAR p15

Public Interest Law Association, UW School of  
Law SEP p34

#### Legal Foundation of Washington

The Goldmark Equal Access to Justice Internship  
MAY p68

Legal Foundation of Washington Seeks Goldmark  
Award Nominations SEP p33

Goldmark Awards Luncheon Announced  
DEC p29

A Message to the Members of the Washington  
State Bar DEC ad insert following p44

#### Minorities and the Law

(see generally, August *Bar News*)

Affirmative Action: Equal Opportunity or Equal  
Results? AUG p33

Case for Repeal of Affirmative Action, The  
AUG p28

Checklist for Eliminating Barriers to Diversity, A/  
Nine Steps to Fostering Diversity AUG p29

Diversity, Discrimination, Affirmative Action and  
the Gay/Lesbian Experience AUG p21

#### Nonlawyer Practice of Law

It's Time to Open the Legal Profession  
MAR p41

#### Obituaries

Adair, Chester C., JAN p53; Allison, Daniel B.,  
FEB p57; Bannister, Elizabeth T., SEP p62; Bell,  
Kenneth, NOV p61; Bovingdon, George G., JUL

p64; Browne, Paul W., AUG p52; Burton, Philip,  
OCT p61; Callow, Gordon M., APR p56; Clapp,  
Norton, JUL p65; Coie, J. Paul, MAY p79; Cole,

Hon. W.R., NOV p61; Dietzen, Thomas A., AUG p52; Dobson, David C., APR p56; Dohn, G. Thomas, NOV p61; Driscoll, Arthur J., JUL p65; Elicker, Charles, OCT p61; Ellis, William H., JAN p53; Gallagher, Bernard J., DEC p58; Gawron, Timothy J., SEP p62; NOV p61; Gibbs, Paul C., SEP p62; Gierke, Bradford M., DEC p59; Greenlee, Archie M., JUL p65; Halverson, C.W. (Hal), DEC p58; Ronald N., MAY p79; Hawkins, Hugh W., Jr., AUG p52; Henderson, Robert B., SEP p62; Hohlbein, Wesley G., JUL p62; James, Hon. Frank, JAN p53; King, Donna M. Parvey, DEC p59; Lant, Harold, FEB p57; Manolides, Hon. Evans, SEP p62; McCutcheon, James M., DEC p59; Ogden, Raymond, NOV p61; O'Rourke, Joseph J., FEB p57; O'Sullivan, Arthur, SEP p62; Redman, M. Chandler "Mac," NOV p61; Ringhoffer, Stephen M., APR p56; Shattuck, Warren, OCT p61; Shorett, Lloyd, NOV p60; Sperline, Lowell, JUL p65; Stocking, Donald J., FEB p57; Sweet, John W., FEB p57; Tanksley, Hon. Raymond, Jr., APR p56; Washington Lawyers Bid Farewell to Merrill Wallace, JAN p54; Wilkins, Hon. William, NOV p61; Williams, DeWitt, JUL p65; Williams, Robert Jackson, AUG p52; Willis, Galen, JUL p49

**Partnership Law**

Washington Adopts Limited Liability Partnership (LLP) Legislation NOV p24  
**Pierce County** (see also, **Around the State**)  
 Pierce County Code Supplement Available DEC p28

**Practice Alerts**

Poverty As A Barrier to Family Reunification in Juvenile Court FEB p51  
 Commission in Seattle: The Bankruptcy Reform Act of 1994 MAR p46  
 New Rules for Lending on Securities And Other Investment Property SEP p47  
 Understanding *In re Marriage of Arvey*, 77 Wn.App. 827 (1995) SEP p49  
 The Land Use Petition Replaces the Writ SEP p50

**Pro Bono** (see "Access to Justice")

**Professionalism**

Educating the 21st-Century Lawyer MAR p15  
 Trial-Lawying: A Business or A Profession MAR p22  
 Good Public Relations Begin At Home: The Lawyer's Commitment MAR p25  
 Professionalism and Legal Support Personnel MAR p27  
 It's Time to Open the Legal Profession MAR p41  
 Our Noble Profession MAR p9  
 WSBA and Seattle University Win ABA National Award for Professional Responsibility Clinic AUG p56

**Profiles**

Barrie Althoff Named WSBA Chief Disciplinary Counsel JAN p31  
 Be Like Abe FEB p9  
 Crossland, Stephen E. OCT p51  
 WSBA President Ed Shea Sees More Challenges for the Bar . . . OCT p51  
 LaPorte, Dennis J. OCT p51  
 Life after the law: John Sullivan — Lawyer, Marathoner, LAP Peer Counselor JUN p59  
 "Marlin the Magnificent" and Friends Pull Filing Fee Out of Legislature's Hat JUL p56  
 McMullen, Patrick OCT p51  
 Q & A With Ed Shea SEP p53  
 Reflections by Elizabeth Bracelin, Founding Member of Washington Women Lawyers and Only

Woman President of the WSBA AUG p53  
 Tribute to a Colleague: Ada Shen-Jaffe (Margaret Brent Award winner) AUG p13  
 Washington's Two New Lawyer-Congressmen Like the Job So Far APR p51  
 WSBA President Ed Shea Sees More Challenges for the Bar . . . Governors Begin Three-Year Terms OCT p51  
 Washington Lawyers Bid Farewell to Merrill Wallace JAN p54  
 Whitson, Lish OCT p51

**Public Health**

Summary of Changes to the Vaccine Injury Table APR p30

**Public Policy**

Affirmative Action: Equal Opportunity or Equal Results? AUG p33  
 Case for Repeal of Affirmative Action, The AUG p28  
 (review) *The Death of Common Sense: How Law Is Suffocating America* JUN p54  
 Checklist for Eliminating Barriers to Diversity, A/ Nine Steps to Fostering Diversity AUG p29  
 Crime Control Through Gun Control AUG p43  
 Diversity, Discrimination, Affirmative Action and the Gay/Lesbian Experience AUG p21  
 Humanitarian Theory of Punishment, The DEC p15  
 (review) *The Theme Is Freedom: Religion, Politics and the American Tradition* DEC p37

**Real Property Law**

Law Revision Commission Final Report on Foreclosure Project AUG p38

**Real Property, Probate and Trust Section**

CLE Index Prepared NOV p39  
**Referendum, WSBA** (see also "The Board's Work")  
 Should the Mandatory Dues Referendum Be Adopted: YES JAN p43  
 Response to Referendum Proponents JAN p45  
 Notice to Members In Re Referendum FEB p39  
 Honey, I Shrank the Bar MAY p27  
 Moving Forward AUG p11  
 Restricting Dues Presents Issues of Principle, Control MAY p26  
 The Reichstag Fire MAY p28  
 "Blitzkrieg" or Blarney? A Reply to Ed Hiskes MAY p29  
 The Great May 15 Referendum Debate: Letters from Our Members MAY p31  
 My Colleagues Speak Out JUN p18  
 My Life As A Nazi Press Flack, And Other Tales MAY p23  
 Moving Forward AUG p11  
 Preliminary Thoughts on the Referendum JUL p17  
 In re: Apology Concerning "Reichstag Fire" Article JUN p27  
 Referendum: Fact and Hysteria, The MAY p22  
 Referendum Fails — Vast Majority Vote to Have Bar Association Remain Intact JUL p55  
 Vote No APR p15

**Securities Law**

(review) *U.S. Regulation of the International Securities Markets: A Guide For Domestic and Foreign Issuers And Intermediaries*, 2d Edition JUN p51  
 New Rules for Lending on Securities And Other Investment Property SEP p47

**Taxation**

Revision of WAC 458-20-207- B&O Taxation of Attorneys APR p30

**Torts**

Where Are You Going? Where Have You Gone? The Dust Settles on the Tort Reform Act of 1986 APR p37

Assumption of Risk Under Washington Law OCT p23

**Trade Secrets**

Trade Secrets and Noncompetition Agreements: A Washington Law Primer JUN p33

**Usury Rate: In re RCW 19.52.120(1)**

JAN p40; FEB p43; MAR p37; APR p30; MAY p52; JUN p29; JUL p41; AUG p37; SEP p33; NOV p39; DEC p28  
 Average Coupon Equivalent Yields from the Auction of 26-Week Treasury Bills: 1985 to Date JUN p72

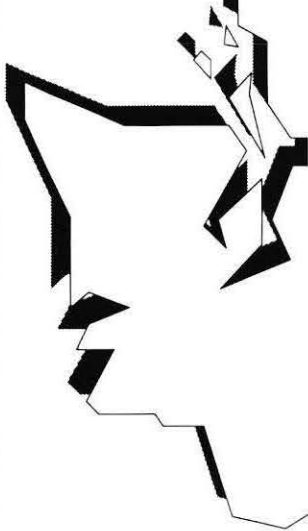
**Washington State Bar Association**

106th Annual Meeting of the Washington State Bar Association, The AUG p54; OCT p37  
 765 Lawyers Are Participating in WSBA Committees NOV p16  
 Annual Report SEP insert following p34  
 Annual Financial Report: Same Boring Good News MAR p11  
 Barrie Althoff Named WSBA Chief Disciplinary Counsel JAN p31  
 Coming to a Mail Box Near You . . . (WSBA licensure forms) DEC p50  
 Evolution in the Use of WSBA Dues OCT p22  
 Florida Bar Spends \$\$\$ So We Don't Have To (Public Relations Seminar) OCT p53  
 Formal Resolution on Recycled Paper Adopted at Winthrop, July 29, '95, by the WSBA BOG NOV p40  
 Good Year With Good People, A SEP p17  
 Governance Into the Next Century: The Final Report of the Task Force on WSBA Governance JUN p18  
 Is the WSBA's Mission Your Mission As Well? JAN p13  
 More Things Change . . . The FEB p13  
 New WSBA Governors Elected AUG p53  
 Notice of Deadline for Filing WSBA Resolutions APR p31  
 Our Future — Together OCT p21  
 Primer for New Attorneys (WSBA services), A SEP p54  
 Solicitation of WSBA Award Nominations — 1995 APR p25  
 Regionalization of Some Bar Activities: A Good Idea or Another Trilateral Commission Plot? JUN p21  
 Request for comment on Civil Rules for Superior and District Courts JUL p43  
 WSBA Section & Division Leaders DEC p50  
 What WSBA Committees Were Up To In 1995 DEC p51  
 YLD Achievement Awards MAR p37  
 Young Lawyers Division Midyear MAY p73  
 WSBA YLD Now Accepting Independent Contractor Applications for Editor and Assistant Editor of *De Novo* MAY p78  
**Washington State Bar News**  
 1994 Bar News Index JAN p65  
 And Now For Something Completely Different . . . (new editor) OCT p20  
 Everything But the Peacock (color covers) JAN p9  
 Farewell To Lindsay, A (resignation of editor) SEP p18  
 My Life As A Nazi Press Flack, And Other Tales MAY p23  
 Notice in re Selection of *Bar News* Editor MAR p49 APR p5  
 Hello, I Must Be Going (resignation of editor) SEP p12  
**Youth Violence**  
 How May Lawyers Help Prevent Youth Violence? FEB p11

# WASHINGTON ADMINISTRATIVE CODE

## 1995 Edition

# WAC



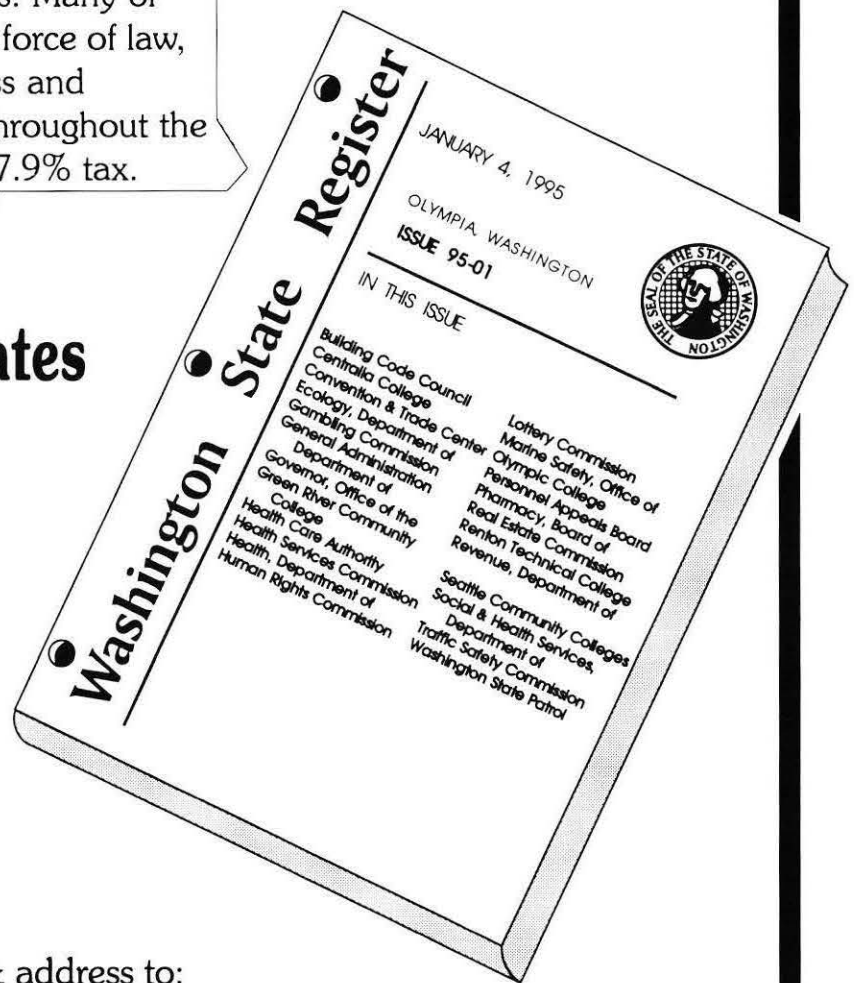
The 1995 edition of the WAC contains all permanent rules filed as of January 1, 1995. The twelve bound volumes contain over 40,000 sections filed by 176 state rule-making agencies. Many of these rules have the force of law, and regulate business and industrial activities throughout the state. Only \$340 + 7.9% tax.

**\$366.86**

## 1995 Register Updates

**\$188.83**

Keep your WAC current throughout the year with the Washington State Register. Two issues per month for only \$175 + 7.9% tax per year. Your WSR subscription runs from January through December of each year.



Send a check along with your name & address to:

Office of the Code Reviser  
Subscriptions  
PO Box 40552  
Olympia, WA 98504-0552

**NOTE:** Payment is required before shipment. Please include street address (and PO Box if applicable).

# The most complete state and federal CD-ROM library in Washington.

AVAILABLE FOR WINDOWS™, APPLE® MACINTOSH® AND DOS!



## WASHINGTON PRACTICE™

Includes these popular titles:

- ▶ Courtroom Handbook on Washington Evidence
- ▶ Rules Practice
- ▶ Washington Pattern Jury Instructions—Civil and Criminal
- ▶ Many more!

## WEST'S® WASHINGTON CASE LAW™ AND REVISED CODE OF WASHINGTON UNANNOTATED™ INCLUDES:

- ▶ Reported decisions from 1898 to date
- ▶ Washington Quick Opinions
- ▶ Table of Cases
- ▶ Attorney General Opinions from 1977 to date
- ▶ The unannotated text of the Revised Code of Washington
- ▶ Washington Court Rules

## WEST'S® REVISED CODE OF WASHINGTON ANNOTATED™ GIVES YOU:

- ▶ State statutes and constitution
- ▶ Washington Court Rules
- ▶ Session laws as appropriate
- ▶ Notes of decisions of cases construing statutes
- ▶ References to related materials

## WASHINGTON ADMINISTRATIVE CODE™

- ▶ Eight new books added!

## WEST'S® WASHINGTON DIGEST CD-ROM EDITION™


- ▶ Includes the full Key Number outline and every digest topic.

## EXPANDED COVERAGE ON CD-ROM!

*Washington Arbitration Reports* and *Northwest Personal Injury Litigation Reports* (provided by Jury Verdicts Northwest) and *Spokane Municipal Code*.

**FIND OUT MORE ABOUT WEST CD-ROM LIBRARIES™ AND GREAT, MONEY-SAVING OFFERS NOW IN EFFECT. CALL TODAY!**  
**1-800-255-2549, EXT. 785.**

**WEST**  
**CD-ROM**  
**LIBRARIES™**




For information about other West Publishing products and services, visit us on the Internet at the URL:  
<http://www.westpub.com>

West. An American company serving the legal world.

© 1995 WEST PUBLISHING. \*Some restrictions may apply. 0-94364-1195

1201128-6