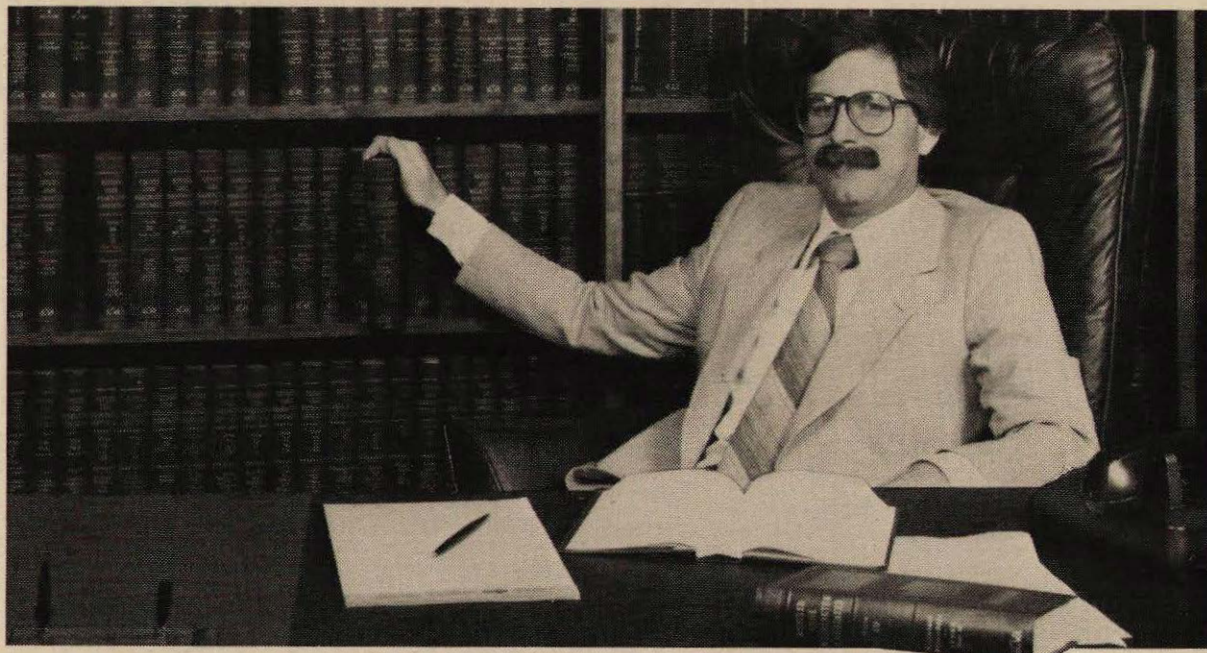

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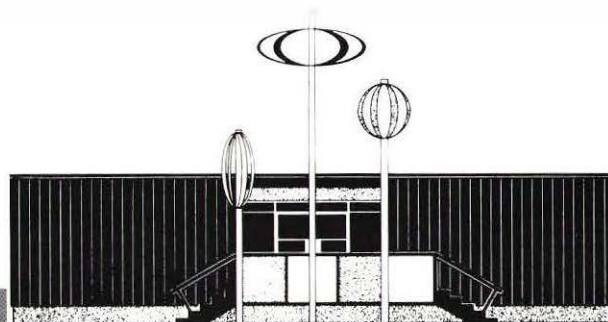
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Footnotes:

¹ 12 USC § 30-32

² 29 USC § 102 (b) (3); 29 USC § 1022; Reg § 2520.1046-3; Reg. 2520.104 a-4

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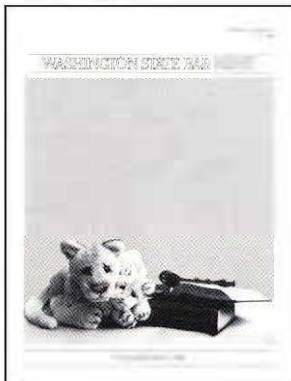
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Our Cover



Attorneys' Directory Listing Deadline

Be certain your office address and telephone number are current for the 1981 **WSBA Directory of Attorneys**, to be published in October. Notify the Directory Department of the Bar Office of any new changes in your listing by July 31st. Send listing changes to:

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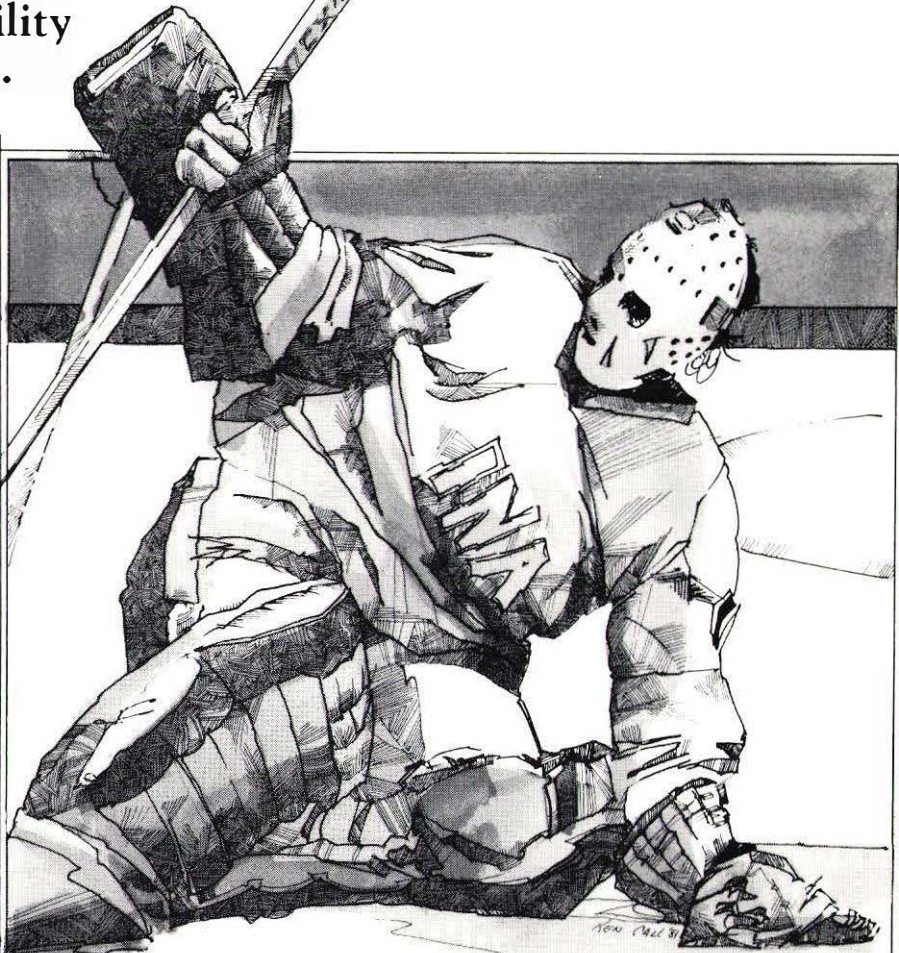
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Representation of the Involuntarily Committed Alcoholic—The Road to Malpractice?

Editor:

I am an attorney in Skagit County. I represent many clients who are respondents in actions under Chapter 70.96A, RCW. Perhaps this is better known as the "Uniform Alcoholism and Intoxication Treatment Act."

Skagit County is the situs of the Pioneer North Center for the Treatment of Alcoholism, which is situated in Sedro Woolley, Washington. This facility is one of perhaps two in this state which accepts involuntarily committed alcoholics and keeps them locked up in the Center for the period authorized by a Court. These committed alcoholics come from all over the state. I have had clients whose initial commitments occurred in Walla Walla, Tacoma, and the

Tri-Cities, for instance. I and other Skagit County attorneys are appointed to represent these people when a further 90 day recommitment or a second 90 day recommitment after the first 90 day recommitment is sought.

The reason I am writing this letter is to warn attorneys appointed for the initial 30 day commitment of a possible danger of malpractice. An attorney so appointed apparently remains the committed individual's attorney of record until another attorney is appointed. This is true even if that original attorney lives in Walla Walla. The possibility of malpractice arises because the Pioneer North Treatment Center has a policy of getting incoming committed persons, called "clients," to sign waivers of their federal privacy rights. These waivers allow Pioneer Center North to obtain all medical records of each client and to use those records in court in a recommitment hearing

against that client. I doubt that the attorney representing each client in the original 30 day commitment is aware of this practice. I strongly urge each attorney representing such a client at the original commitment to warn that client, in writing, of the dangers of signing such a waiver. Clearly informing a client that he or she should demand the right to contact an attorney before such a waiver is made would protect a client's rights.

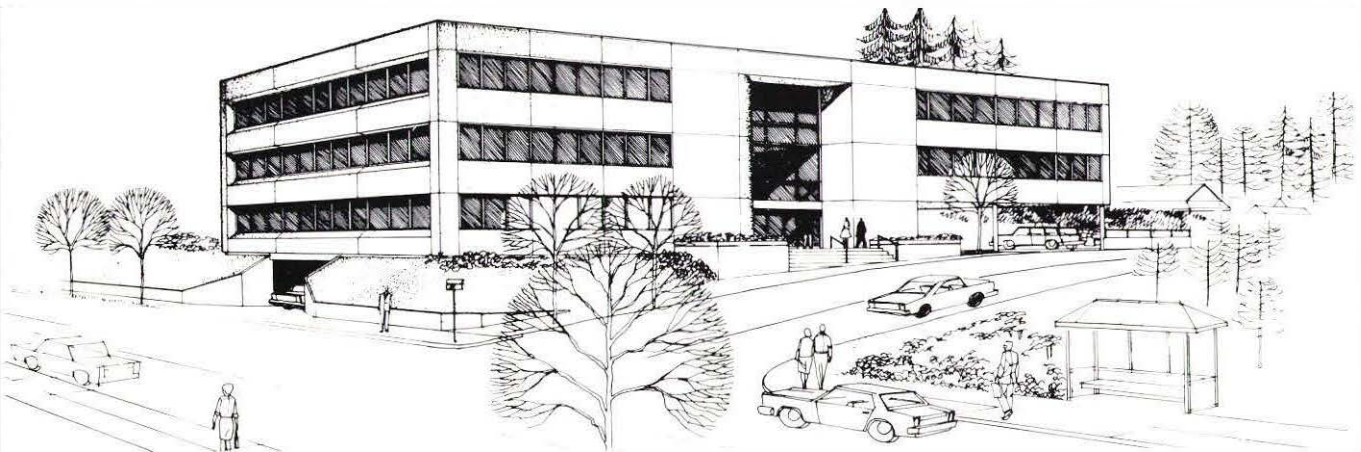
It is difficult to attack the validity of a waiver after that waiver has been signed, especially when the client is indigent. The most effective way to solve this problem is for the attorney at the original commitment to make the client aware of the dangers involved and to keep that client from signing any waivers.

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Hyperopia

Editor:

I enjoyed reading the May *Bar News*, "By and About Washington's Women Lawyers," including Bradley Jones' myopic viewpoint. I was quite astounded to learn, however, that either there is only one Washington law school with women students, or else certain Washington women lawyers suffer from their own peculiar brand of myopia. Since all references were to women law students attending the University of Washington, I had to infer that neither Gonzaga nor University of Puget Sound had any women law students.

Since my class at Gonzaga did have a few women in it, I had to check out the facts. Well, it turns out that those other two Washington law schools do indeed have women students. The UPS student body is 35% women and Gonzaga's is 25% women. I was pleased to learn that those

schools were not myopic. Although those schools still have a way to go before they catch up with the UW, it is too bad that your authors did not bother to learn what progress had been made there before submitting their articles.

JOEL G. GREEN

Seattle

Legal Services and Domestic Violence

Editor:

The April *Bar News* [35:4:25] mistakenly reported my having said that it is primarily the victims of domestic violence who benefit from legal services programs. What I said was that, in King County, Evergreen Legal Services provided advice or representation to between five and six thousand individuals in 1980, including approximately 1,400 vic-

tims of abuse by spouses or other companions. Domestic violence was the single most numerous complaint to which we responded.

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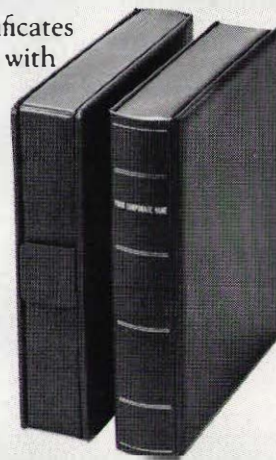
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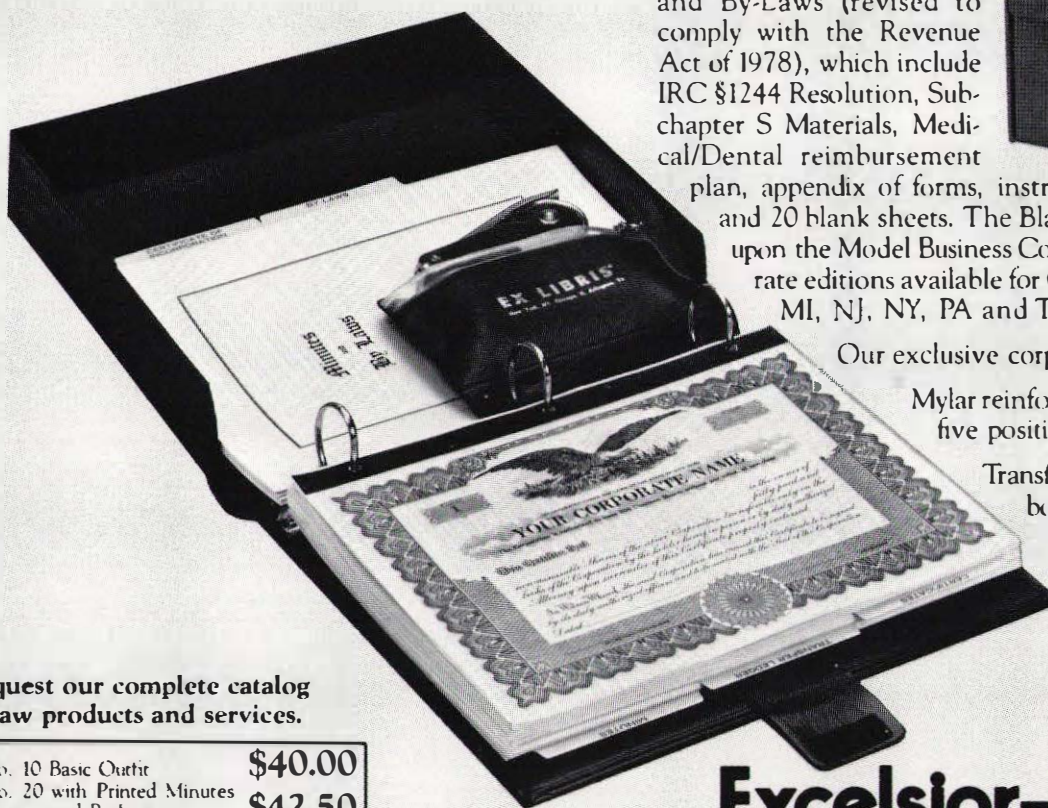
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Mid-Year Revue

Although this is the July *Bar News*, I wrote this editorial in May after the sixth number of Volume 35 had been put to bed. It is an appropriate time to re-examine the past six months and look ahead to the future.

As of the June issue, the *Bar News* published 315 pages featuring 42 articles by lawyers from seven Washington counties. Five of the preceding six magazines have been "theme issues" covering such topics as the correctional institutions, the William O. Douglas Memorial in Yakima, court congestion, the management of client funds, and Washington's women lawyers. Although *Time Magazine* and *The New Yorker* have pleaded with us for permission to reprint these articles in their publications, I have steadfastly refused.

Without a doubt, the two most popular articles to appear in the *Bar News* so far this year were "The Family Trust Tax Scam" [35:3:31] and "Maternity Leave—The Response of Law Firms" [35:5:24]. To my astonishment, the positive comments I received from attorneys about the maternity leave article primarily came from MALE attorneys. Apparently, their wives, posslqs and friends seriously consider a firm's maternity leave policies before they decide to climb aboard. Significantly, male attorneys told me that maternity leave policies would now influence their employment decisions, too.

On the whole, however, things are moving smoothly. The petition seeking the reinstatement of Jay White as editor has bogged down with only 1400 signatures. The number of letters I receive demanding my immediate resignation has leveled off at a mere hundred per week. Hate mail from unpublished authors has not yet degenerated to the letter-bomb stage. On the whole, things are moving smoothly.

All seriousness aside, it is a fact that the *Bar News* receives much

more highly polished material than it can possibly publish. Wildly swinging the axe of editorial prerogative, I have rejected numerous articles for various visceral reasons. Among the rejectees were these gems:

"Do-It-Yourself Lawyering: A Pro Se Primer" (A "how-to" article by one of Walla Walla's most knowledgeable inmates);

"Courtroom Repartee" (witty responses to adverse court rulings intended for the trial lawyer who desires to "save face" in front of a jury—written by a Portland cab driver who used to be a member of the Washington Bar);

"A Practitioner's Guide to Estate and Gift Tax in Albania" (a very, very short article);

"An Analysis of the Common Law" (a very, very l o n g article);

"Northwest Monasteries and the Second Amendment: The Right to Bear Arms".

I jest, of course. The articles we receive for publication in the *Bar News* are, on the average, far superior to what I have read elsewhere. We need more of the same.

In two months, the *Bar News* will run its September classic: Law Office Management. In the near future we will present a special issue about Washington's law schools and the prospects for the new lawyers they will graduate. In the not-too-distant future there will be a special magazine devoted to the question of lawyer discipline. In the foreseeable future we will do a theme issue which will evaluate Washington's new Mandatory Arbitration Rules. Sometime in the future this magazine will publish an issue solely about the new Traffic Infraction Rules. And in the very distant future the *Bar News* plans to run a theme issue entitled P.I. Lawyers In Space: Slip & Fall Cases in Zero Gravity.

Sorry. I have now lived in Puget Sound country long enough that clear skies make me drunk. Within the next ten months we WILL publish

articles about these subjects and I strongly advise lawyers who have an axe to grind or two cents' worth to say about these matters to begin formulating their thoughts.

I formally began my tenure as editor in January and I also began practicing law in that month. I learned a lot, but the lessons have not been free. Let me impart some of this hard-earned wisdom to you. It applies equally to writers and to lawyers.

First of all, learn to laugh at yourself. Others probably have been doing it for years. A good sense of humor will carry you through those adverse rulings and lost cases. Laughing at your misfortunes in court will do you a world of good, even though you may not be able to convince your clients of that.

Second, be succinct. Jurors, judges and clients always are grateful when a lawyer briefly and cogently makes his point. Too much stuffing ruins the turkey; too many words ruin the argument. Furthermore, those of you who practice in King County know that when you appear on the Civil Motions Calendar, you had better say it all in ten minutes or forever hold your peace.

Third, speak English! Nothing is more frustrating for a witness than a question posed to him in legalese. And nothing is more embarrassing for a lawyer than when that same witness, before God, judge and jury, responds to the lawyer's legalese question with an indignant "Huh?!" Similarly, nothing is more frustrating for readers—even lawyer readers—than an article not wholly written in English.

What more can I say? The past six months have been turbulent and incredibly fun. I look forward to more of the same.



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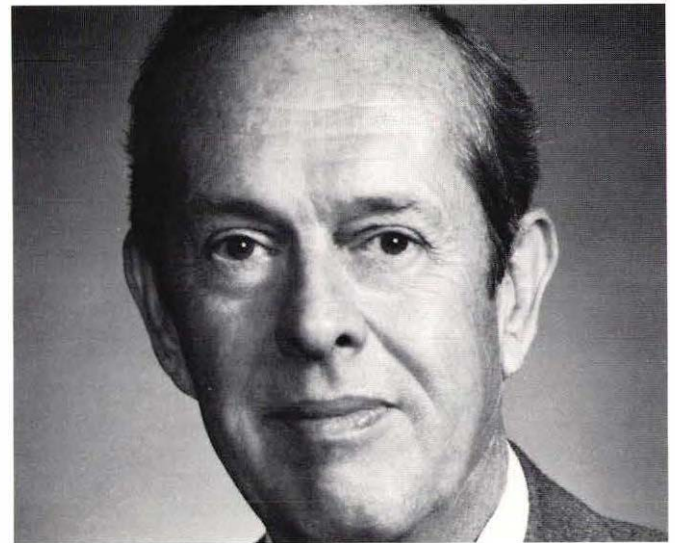
Specialization? Not Now

With a great deal of study, the Specialization Board of the WSBA, Don Cable, Chairman, developed a program for specialization in 1975-76. It contemplated that Association section organizations on substantive law subjects might apply to a Specialization Board to establish certification in designated specialty areas. It contained no "grandfathering" provisions, contemplated minimum periods of prior practice and minimum proportions of time spent professionally in the specialty field. Examinations were to be given and qualified practitioners then to be certified as specialists in the particular subject. Any practitioners could practice in the specialty fields without qualifying as specialists.

This program was approved by the Board of Governors in meetings of August 1976 and August 1977, but without recommendation to the Supreme Court for adoption as a court rule. The Board noted that if the program were made a court rule, the WSBA was prepared initially to recognize as specialty fields: labor; admiralty; patent, trademark and copyright; workmen's compensation; taxation.

The matter has since lain substantially dormant but with intervening requests for implementation of the program from the Trial Practice and Taxation Sections and with occasional *Bar News* references or articles on the subject. The Specialization Board has continued under John Binns and now Nyle Barnes as Chairman, principally to monitor developments in other states. The Taxation Section in the spring of this year made formal request to the Board to implement the program, looking to certification as Taxation Specialist, based on minimum years of practice, devotion of substantial practice time to tax work, and passing a written examination on federal taxation. For the section, Julie Weston, James Hilton and Mike Sterling have urged the approval of the project. The Board deferred consideration until its May meeting in Spokane. In the intervening period Board members have made informal inquiries in local areas with substantially divided responses as to support for the program.

At the May meeting, support for the proposal was made on behalf of the Taxation Section, with the Family Law Section also urging that some specialization program be implemented. Opposition to the proposal was principally from the Young Lawyers Section. John Binns presented an extensive and balanced review of the status of specialization in other states, identifying particular aspects, including the difficult economics of supporting examination-based certification even in states (Texas, California) with substantially larger bars than in Washington. He felt that the 15% minimum involvement under the Washington program was unfavorably low compared to the ABA plan and those of



other states. He also recounted unfavorable considerations of "self-designation" programs operated without examination or certification (e.g. New Mexico, Florida), even if requiring levels of CLE participation in the designated areas.

While the principal rationale for a specialization program is so as to provide helpful information to the public to assist in identifying qualified lawyers in specialty areas, it is also urged that a combination of the examination process and specially focused CLE will improve levels of lawyer competence. Opposition has mainly been based on the requirement of minimum periods of practice, budget problems of administration, malpractice considerations (both as to possibly higher standards of performance by specialists and possible exposure for non-specialists if engaging in a specialty field), and an assertion that the consumer public wouldn't really attach significance to a sponsored specialty certification.

With a specific decision facing the Board, it determined to withdraw the previously approved certification program and to ask the Specialization Board to consider and report to the Board of Governors as to whether a self-designation program should be considered. It may be noted that in prior deliberations both the Specialization Board and the Board of Governors had rejected self-designation as not serving discernibly useful purposes.

Under D.R. 2-105 of the Code of Professional Responsibility, a lawyer may not (except in admiralty, patent and trademark fields) advertise himself as a specialist unless under rules and regulations of the Supreme Court. No such rule or regulation has been promulgated nor is any currently proposed. So, for the present and near term, the title question and answer of this article are correct: "Specialization? Not Now".

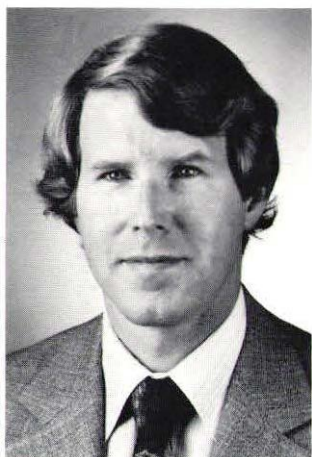
Bradley T. Jones

The Guardian ad Litem: A Voice for the Dependent Child

by Stephen M. Gaddis

I. The Problem:

Since the 1880's when a trend swept the nation favoring enactment of comprehensive juvenile codes, courts have been grappling with the concept of representing the dependent child's interests. Courts have sought guidance from other areas of legal practice where dependent children or their interests are subject of legal proceedings, such as divorce, probate, personal injury, and mental illness proceedings. The few alternatives available in these areas today suggest that perhaps now the flow of ideas should be reversed. Other proceedings may do well to take the lead from programs established in the juvenile area in providing effective representation for children.



Stephen M. Gaddis was appointed Family Law Court Commissioner for the King County Superior Court in January, 1981. He practiced law with the Seattle firm of Gaddis and Fox, in which capacity he assisted in the development of the Volunteer Guardian ad Litem Program.

Traditionally, children have been represented by one of three types of officials. Courts have variously relied upon the appointment of *guardians ad litem*; a public agency or officer such as the Department of Social & Health Services or the prosecuting attorney; or, more recently, through the appointment of attorneys for the children. There is an increasing awareness that children, although being the subject of legal proceedings and the ones affected by them, have been accorded little recognition in the decision-making process. Our adversary system is keyed to the financially solvent person who can articulate his own best interest, retain an attorney for that purpose, and pursue the favored solution through the trial and appellate court systems. Recently, local, state, and federal government agencies have taken remedial steps to insure that those persons without financial means could also have full representation in the judicial system. Thoughtful individuals have long been concerned, however, about those who, until recently, have not been represented at all.

Children comprise a class of clients who often stand to gain or lose the most but who have had no legally cognizable right to counsel or representation until recent United States Supreme Court decisions. The landmark case in identifying these rights is *In Re Gault*, 387 U.S. 1, 87 S. Ct. 1428 (1967), which arose out of a concern for the confinement of a juvenile delinquent beyond that which would be applied for an adult. Many of the same criticisms respecting the restricted represen-

tation of juvenile delinquents are also applicable to the area of dependency. In these cases, the end result may be that a child could be institutionalized, placed in temporary or permanent foster care or deprived of a parent/child relationship. Any of these may cause as much disruption to the child as the commitment of a delinquent.

Local officials and agencies have generally proven inadequate in the representation of children. Where these matters are handled through the prosecuting attorney's office or the state Attorney General a conflict of interest may arise because the same office may also be representing the state as the petitioning party. Where the official or agency is not the petitioner in the proceeding, the high volume of the caseloads encourages the officer to rubber stamp decisions agreed to by the other litigants, affording little opportunity for investigation and recognition of the independent needs of children. State agencies and officials also serve at the leisure of and subject to the budgets of executive or legislative departments, which are, in turn, subject to political pressures.

Courts, however, view the protection of children in litigation as a part of their responsibility, independent of that of the other branches of government. Judges have favored appointment of independent officials, *guardians ad litem*, to represent dependent children. A *guardian ad litem* is an official of the court, serving at the pleasure of the judicial body appointing him or her, whose duty it is to independently investigate, evaluate and report to the court respecting what he or she concludes to be the child's best interest. The guardian is made a nominal party to the legal proceeding; thus he or she must join in and approve any settlements. The guardian may present evidence and testimony, should the matter be litigated. Unlike a general guardian, the *guardian ad litem* is not vested with physical custody of the child or responsibility for the child's financial affairs. Since the function of a *guardian ad litem* is to represent the specific needs of an incompetent in a legal proceeding, courts have customarily appointed either a family member or a legal specialist to serve as guardian. In juvenile proceedings there is often a conflict between the interests of the child and the family so that the practice has been that attorneys are most frequently used. In some states this practice has been formally codified such that only attorneys serve as *guardians ad litem*.

The most recent trend in the representation of children has been to appoint an attorney to represent a child or incompetent. An attorney serving in this capacity is a trained advocate expected to serve with the same authority as counsel for any other party to the proceeding. The attorney takes an active part in settlement negotiation, examines and cross-examines witnesses, and par-

ticipates in legal procedures on behalf of his client—the child. The distinction between a *guardian ad litem* and attorney for a child is most clearly indicated in juvenile proceedings. In delinquency cases, the attorney acts to defend his client just as would a criminal defense attorney. If the child is convicted (adjudicated to be a delinquent or offender) the attorney may then argue for the least possible penalty, rather than what might be in the child's best interest. A *guardian ad litem*, however, is charged with determining what is best for the child and representing that point of view.

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This position is taken rather than that which would least penalize the child, or which is most consistent with the announced preference of the child.

A great deal of confusion has arisen regarding the roles of the guardian and an attorney because of the common experience of courts to appoint attorneys to serve as guardians. This practice has led to uncertainty in the role expectations of the persons appointed and the role expectations of the appointing authority. It has also clouded the fact that the primary role of a guardian is that of a social evaluator, for which one possessing legal skills may have no particular qualifications. A strict delineation of the roles is the answer to these concerns. In some cases, it may prove useful to appoint both a guardian and an attorney, according to the roles to be fulfilled. An example of such a situation is the case where the child has a strong, well-formulated preference which is not consistent with the child's best interests. Courts may then consider that each viewpoint is legitimate and deserving of independent representation.

II. The Proposal:

While a clear definition of the roles and expectations of children's attorneys and guardians is desirable and leads to more effective representation, it also creates the possibility of greater cost. There may be two persons appointed and paid to perform the work that the attorney/ *guardian ad litem* performed alone in the past. An innovative response to the desire for separation of responsibilities at no significant increase in cost was devised by the Juvenile Department of the King County (Seattle, Washington) Superior Court. A group of concerned persons under the leadership of David W. Soukup, then Chairman of the Juvenile Court Judges Committee, formulated a program whereby lay volunteers from the community are appointed to serve as volunteer *guardians ad litem* in juvenile court dependency cases. The court's former practice had been that common to other jurisdictions (the appointment of attorneys as guardians).

The King County Volunteer *Guardian ad Litem* Program has now been active for over three years. While it was started on an experimental basis, the acclaim which it has received from judges, social workers, and members of the community has led to its continuation from that of a one-year pilot project to a permanent program with its own budget. It has been designated as a model by the National Counsel of Juvenile and Family Court Judges and has been emulated in more than 20 other jurisdictions. Judge Soukup was named "Child Advocate of the Year" by the North American Council on Adoptable Children on recognition of the program's success.

The program is comprised of an administrative staff, a pool of interested and trained members of the public

who serve as guardians, and a roster of attorneys who have received specialized training or experience in this area of practice. The administrative office is led by a Program Director and includes a Program Assistant, a secretary/ clerk and a part-time Program Legal Consultant. Recently, a non-profit corporation has provided all legal services required by the program and the guardians.

The Program Director, Carmen Ray-Bettineski, is responsible for the program, which operates under the auspices of the Juvenile Judges Committee and the Superior Court Administrator. The Director has specific responsibility for long-range planning, budgeting, recruitment, selection and assignment of guardians, and public relations. The Program Assistant is responsible for implementation of the training programs devised; the handling of routine correspondence and office procedures; the collection and interpretation of statistical data; and the continuing evaluation of the individual components of the program. The Program Legal Consultant responds to questions from the office or the individual guardians relating to the law and procedures relating to dependency practice; provides forms and resources; assists in training the guardians and in preparing legal reference materials; and coordinates the use of the attorneys who serve the program.

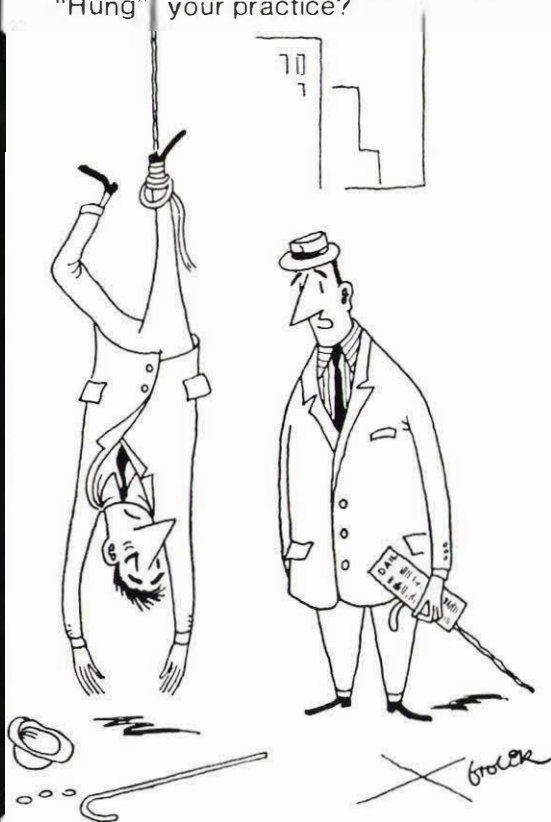
Guardians are members of the community who express an interest in the welfare of children. They need not possess any specific professional skills; however, experience has shown that many of the volunteers have had prior training which is related to their work. The base of community support has proven sufficiently broad that guardians may be appointed according to each child's needs. In this way attention can be directed to relevant considerations such as ethnic upbringing, religious practices, or behavior characteristics or restrictions resulting from medical conditions.

A group of private attorneys has served as a bank from which individuals may be selected to represent guardians in cases that go to trial. They are now utilized as necessary in addition to the legal services corporation. The King County procedure provides that if there is a contested fact or allegation of a petition which cannot otherwise be resolved, the matter is set for a fact-finding hearing. At this hearing, it may be necessary for the guardian to have an attorney present through all or a portion of it. Guardians who have no specific attorney assigned have access to the program Legal Consultant.

The entire program receives guidance from a Board of Community Advisors which is comprised of social workers, attorneys, and local citizens. This board reviews and establishes policies and serves as a communications link with the public and involved social service organizations.

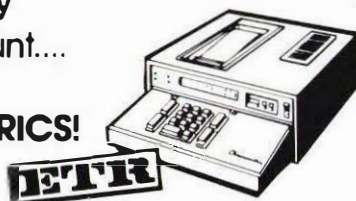
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To prepare the guardians, they attend an initial training seminar at which they are given information on role expectations, legal procedures, interviewing skills, report preparation and presentation, and how to deal with termination of one's own involvement. Monthly rap sessions are scheduled which provide an opportunity for the guardians to exchange useful information and receive support. Additionally, they acquire further information from presentations made by experts in the field who are invited to attend the sessions. Further training is accomplished through articles in a program newsletter and attendance at additional seminars which are scheduled periodically.

While the guardians are not paid for their work, they invest a substantial amount of their own time and concern in the well-being of the children. An important focus of the program is in maintaining contact with the guardians on a personal basis, and maintaining full flexibility to respond to individual questions and needs. The intense satisfaction received by the guardians from the support and work they are doing has led to the creation of a group of highly motivated, qualified individuals who wish to continue in their service to the benefit of the children involved.

The program has proven itself to be cost-effective on a per case basis compared with the prior procedure of appointing attorneys to serve as guardians. The greatest dividend, however, has been that there has been a consistently high level of performance of the guardians in meeting the specific expectations of their role. Attorneys are utilized when legal skills are necessary; but the reduced amount of their usage has resulted in fewer compensable hours rendered per case and has allowed payment of a reasonable level of compensation for those services.

A key to the success of the Volunteer *Guardian ad Litem* Program has been the personnel selected to administer and participate in it. The representation of children in juvenile court is a field where the contribution of vast sums of money will not automatically guarantee success or effective representation. It is the people, not the dollars, who count. The fulfillment of the Program's goals has provided much more than any cost effectiveness comparison could measure. The Program as outlined may be varied to assist in similar or related judicial proceedings. One could readily imagine such a program teaming with the investigative and reporting components of Family Court; or providing representation in inter-state custody disputes. Now is an appropriate time to conduct an audit of each local court system to determine whether the needs of the children who are the subjects of litigation are being recognized, and which alternative may best lead to the realization of the court's duty to determine issues according to their best interests. □

WASHINGTON STATE BAR NEWSLINE

The Board's Work



by Steven A. Reisler

SKCBA YOUNG LAWYERS ASK BOARD TO OPPOSE CONSTITUTIONAL CONVENTION

BELLINGHAM, June 19-20 -- Representatives of the Seattle-King County Bar Association Young Lawyers appeared before the Board of Governors and asked the State Bar Association to go on

record in opposition to the convoking of a national constitutional convention. According to SKCBA Young Lawyers Vice-Chairperson Deborah Arron, only four more state legislatures must pass such legislation before a national constitutional convention becomes reality.

The impetus behind a constitutional convention apparently comes from certain groups which intend to force a balanced budget upon the federal government by way of constitutional amendment. Bar President Jones noted parenthetically that a balanced budget might be a political, rather than legal issue, with which the Bar should not meddle. Anne Kruse, representing the Washington Women Lawyers Association, argued that balancing the budget is a political issue, but amending the Constitution is a legal question which falls uniquely within the ambit of the Bar's interest.

Nancy Gibbs, SKCBA Trustee, told the Board of Governors that one important concern for the Bar Association is the conspicuous lack of publicity surrounding lobbying efforts to have Washington's legislature endorse the concept of a constitutional convention. She stated that legislation favoring a convention narrowly failed in the last session, but that it received almost no publicity.

Although some Board members bluntly stated that the Bar Association should not interfere with political processes, others suggested that the Bar go on record as supporting a constitutional convention only as a means of achieving broad constitutional reform. Opponents of a constitutional convention fear that once the convention is convened it will have carte blanche to revise the Constitution wholesale. It was generally noted that there exists no precedent for a constitutional convention or its ramifications in this country except during the brief period under the ill-fated Articles of Confederation.

The constitutional convention issue will probably surface again in the next legislative session. The Board voted 8-1 to decide at its next meeting what position the Bar Association should take on this matter.

BOARD VOTES FUNDS FOR ADOPTION LAW CONFERENCE

Washington's adoption statutes are in total disarray; it is up to the state's lawyers to straighten them out. This was the message brought to the Board of Governors by Hank Hibbard, Chairman of the Family Law Section's Adoption Law Revision Committee.

The Board fully appreciated the sad state of Washington's adoption laws. As Fourth District Governor Dale Read commented, the adoption statutes seem to change with almost every legislative session. The question, therefore, was not whether to endorse the concept of an interdisciplinary conference in October 1981, but whether the Bar should financially support that endeavor. As First District Governor Paul Steere succinctly phrased the problem, the Family Law Section has a long and unsplendid history of fiscal irresponsibility characterized by requests for supplemental monetary authorizations from the Bar Association. In light of the worthiness of the Adoption Law Conference, however, the Board voted unanimously to provide \$2,000 support, with the caveat that "not four cents more" would be forthcoming.

BOARD INVITES COMMENTS ABOUT THE ROLE OF LEGAL ASSISTANTS

After discussing the issue for more than a year, the Bar Association's Legal Assistants Committee has proposed guidelines which define the role of the legal assistant in the "delivery of legal services." Evan Inslee, chairman of that committee, told the Board of Governors that the time was ripe for state-wide lawyer input on the issue. The issue is one of recognition, not regulation, Inslee said. Should the Bar Association fail to take a position, he stated, the legislature may seize the initiative. By 8-1 vote, the Board decided to unveil the Committee's proposed guidelines and have them published, when possible, in the Bar News.

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BUDGET CRUNCH LOOMS ON THE HORIZON

In a luncheon meeting with the Whatcom County Bar Association, President Brad Jones told the assembled lawyers that maintaining the Bar's essential services will soon require a large infusion of money. That money will almost certainly have to come from members of the Bar.

According to Jones, the Bar badly needs more staff for its disciplinary functions and to continue operations of its trust account audits. He noted that Washington's Bar Association has passed the 11,000 member level and still continues to grow. By Supreme Court Order, the Bar must support CLE, the bar exam and disciplinary functions -- which together account for almost one-half of the Bar Association's annual budget.

Jones also summarized several issues of interest to lawyers. He re-stated that the Board had rejected certification of specialties in the practice of law (Bar News 35:6:45) and was looking into the possibility of "self-designated" specializations. With respect to lawyer legislators, Jones expressed dismay at the insignificant participation of the Bar as politicians. Currently, there are only five lawyer-legislators in Olympia. On the question of the unauthorized practice of law, Jones reiterated the Bar's position that it would only investigate proven instances of unauthorized practice and only when it could be established that the public was being disserved.

OTHER BOARD ACTIONS:

NEXT BAR PRESIDENT NOMINEE; Jack Dean, chairman of the Search and Selection Committee, proposed to the Board of Governors that David Welts be the Association's next Bar president. The nomination of Welts, a Skagit County lawyer who practices in Mount Vernon, was unanimously approved.

COURT REPORTERS AND COURT DELAY; By unanimous vote the Board decided to create a committee to investigate the impact which the present court reporting system has on court congestion and delay. The proposed committee would include lawyer, reporter and judicial representatives.

SCAN MONEY REQUEST KILLED; The Seattle Consumer Action Network requested a \$500 grant from the Bar Association to support research and compilation of a consumer complaint counseling guidebook. The request was denied 7-2.

REVISION OF DISCIPLINARY RULES CONTEMPLATED; Kurt Bulmer, in-house Bar counsel, explained to the Board of Governors how the proposed revisions of disciplinary rules would affect current procedures. The new rules, which the Board will consider in the next several weeks, fundamentally change the philosophical underpinnings of lawyer discipline.

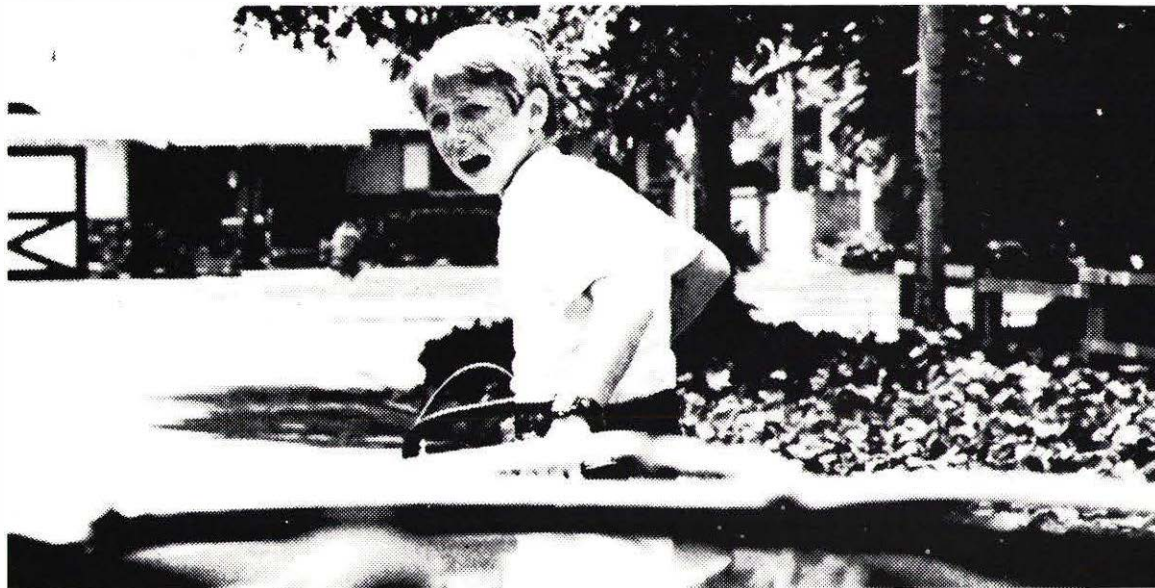
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Direct Review of Administrative Decisions in the Appellate Courts

by Mark H. Adams

Direct court review of administrative agency decisions has heretofore been available only in the Superior Court, either under the Washington Administrative Procedure Act, RCW 34.04.130, or other statutes, e.g., RCW 41.06.200. In 1980 the state legislature passed House Bill 209 (Laws of 1980, ch. 76, p. 176), providing for direct review by the Court of Appeals of some administrative decisions, bypassing the Superior Court. This article will discuss the operation of that new and largely untried legislation.

The legislation added new sections to the Washington APA:

RCW 34.04.133 Contested cases—Direct Review by Court of Appeals

The final decision of an administrative agency in a contested case under chapter 34.04 RCW may be directly reviewed by the Court of Appeals upon certification by the Superior Court pursuant to this section. An application for such direct review must be filed with the Superior Court within thirty days of the filing of the petition for review in Superior Court. The Superior Court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the Court finds that:

- (1) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;
- (2) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(3) An appeal to the Court of Appeals would be likely regardless of the determination in Superior Court; and

(4) The appellate court's determination in the proceeding would have significant precedential value.

RCW 34.04.135 Contested Cases—Refusal of Review by Court of Appeals

The Court of Appeals may refuse to accept review of a case certified pursuant to RCW 34.04.133. The refusal to accept such review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

In addition, a new sentence was added to RCW 2.06.030 regarding the jurisdiction of the Court of Appeals:

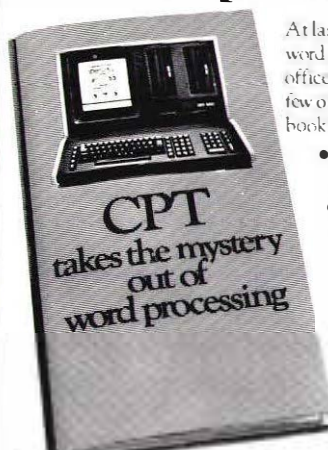
The Court shall have appellate jurisdiction over review of final decisions of administrative agencies certified by the Superior Court pursuant to RCW 34.04.133.

Some elements of the legislation for direct Court of Appeals review are obvious. (1) An application for such review is filed in Superior Court within 30 days of the filing of the customary petition for Superior Court review of an agency decision. (2) The Superior Court judge may certify the case to the Court of Appeals only (a) if satisfied that the review is limited to the record of the agency proceeding, and (b) if the judge finds that all of the stated jurisdictional criteria are present. (3) The

Mark H. Adams is Court Commissioner for the Court of Appeals, Division II.

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Court of Appeals may refuse to accept such a certification. (4) The Supreme Court will not review such a refusal.

These statutes do not contain guidance on some important aspects of this procedure, however. For example, what kind of certification proceeding should be held in Superior Court? What kind of record should be made? Should the trial court's findings of the existence of the jurisdictional criteria be in writing? What standard of review will the Court of Appeals apply in deciding whether to accept certification? At this juncture there have been no court decisions construing the statutes for the guidance of the courts and practicing attorneys, nor does the scanty legislative history offer much help.

Certain principles can be stated with confidence, however. First, the usual discretionary review standards of RAP 2.3(b) do not seem to apply to the Court of Appeals' decision whether to accept certification of an administrative appeal. For one thing, the original version of the bill, as submitted by the Judicial Council and as formerly passed by the House in the 1979 session, provided that administrative decisions would be "subject to discretionary review by the Court of Appeals under the Rules of Appellate Procedure"; the reference to the rules was dropped from the legislation in final form. Moreover, in urging acceptance of the certification, no party will be asking the Court of Appeals to examine a trial court decision for possible error. When the Superior Court commits an "obvious" or "probable" error under RAP 2.3(b)(1) or (2), the usual result is for the Court of Appeals to *accept* review; in this context, however, the logical result if the Court of Appeals were to find error in the trial court's decision to certify the case would be a *refusal* of review. And by entering a statutory order of certification, the trial court would certainly not have "so far departed from the accepted and usual course of judicial proceedings" as to call for appellate review, in the words of RAP 2.3(b)(3).

This context is likewise inappropriate for application by the Court of Appeals of a sort of "substantial evidence" test to the Superior Court certification. We are talking about an appellate court's decision whether to assume jurisdiction over a case, which is a matter not properly controlled by the estimation of a lower court. What logically remains as a standard of review is a *de novo* consideration by the Court of Appeals, by which the Court reviews the record of the certification proceeding and decides for itself whether the statutory criteria have been satisfied. That is what the Supreme Court does in a similar context when an appeal is certified to it by the Court of Appeals for possible direct review under RCW 2.06.030.

The second manifest principle is that in order for the Court of Appeals to make an intelligent decision whether

to accept the certification for review, an orderly procedure must be followed and an adequate record must be developed below. Thus, as a matter of good practice the petitioning attorney will include in the petition for direct review a statement confirming that the review will be limited to the agency record and demonstrating that the four factors in RCW 34.04.133 are present. Opposing counsel should be served with the petition for direct review and statement of jurisdictional compliance and be given an opportunity to concur or to dispute the petition. If the Court of Appeals is to have the benefit of the argument of counsel and the trial court's thinking on the matter, a record should be made of the certification proceeding, perhaps as conducted on a motion docket.

Finally, written findings of fact addressing the presence of the statutory criteria should be entered, or at least a verbatim record should be made of the trial court's reasons for finding that the criteria are satisfied. *Cf. State v. Agee*, 89 Wn.2d 416 (1977) (trial court should enter written findings regarding suppression of evidence); *State v. Strong*, 23 Wn. App. 789 (1979), (desirability of written findings in a juvenile court disposition); *State v. Colbert*, 17 Wn. App. 658 (1977) (desirability of written findings regarding continuance of criminal trial); *State v. Hanson*, 14 Wn. App. 625 (1975) (desirability of written findings regarding denial of bail pending appeal).

In summary, the legislation providing for direct review contemplates that both the Superior Court and the Court of Appeals will examine the case in turn to decide if it should bypass the Superior Court. Therefore, proceedings in Superior Court should produce confirmation by the judge of the likelihood of an eventual appeal to the Court of Appeals and a description by the judge of which issues are perceived to be "fundamental and urgent," why any delay for purposes of Superior Court review "would be detrimental to any party or the public interest," and why an appellate opinion "would have significant precedential value." With the issues thus focused, the Court of Appeals will be in a position to examine the record and to verify the existence of the statutory criteria.

The review process in the Court of Appeals should be triggered by a notice for discretionary review, followed by a motion for discretionary review, without reference to the standards in RAP 2.3. The motion should be prepared, filed and served according to RAP 17.3 and 17.4, and ordinarily would be set for argument on a regular motion docket before a commissioner. RAP 17.2(a), 17.5(a).

A party may object to the commissioner's ruling pursuant to RAP 17.7, as with any other motion. If the ultimate Court of Appeals decision is to deny direct review, new RCW 34.04.135 provides that no further

review of that decision is available in the Supreme Court. It is possible, however, that a case will be perceived by the Court of Appeals as being so important as to warrant certification to the Supreme Court, bypassing both the trial court and the Court of Appeals. See RCW 2.06.030; RAP 4.2. Whether the Supreme Court would accept such a certification, in view of former holdings against direct review of agency decisions, remains to be seen. See, e.g., *Dept. of Highways v. King County Chapter, Wash. Environmental Council*, 82 Wn.2d 280 (1973). □



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RESOLUTIONS

...To Be Considered at the 1981 Annual Business Meeting of the Washington State Bar Association

According to the by-laws of the Washington State Bar Association, resolutions and reports received by the Resolutions Committee at least 60 days prior to the Annual Business Meeting are to be published in the *Washington State Bar News* prior to such Annual Business Meeting.

The Resolutions Committee earnestly solicits written responses and comments from members of the Association regarding proposed resolutions and requests that any such responses and comments be submitted to the Resolutions Committee, c/o the Washington State Bar Association, 505 Madison, Seattle, Washington 98104. The function and purpose of the Resolutions Committee is to report to the membership of the Association upon each resolution, giving its recommendations, proposed amendments thereto, or comments thereon.

As announced in the last *Washington State Bar News*, the Resolutions Committee will hold a public hearing prior to the Annual Business Meeting. The hearing is scheduled for 10:00 A.M. on September 10th, at the offices of the Bar Association, at the above address. Upon completion of business that day, or at the Chairperson's discretion, the hearing will be adjourned to reconvene on September 16th at the time and place shown in the convention program. The advance public hearing session on September 10th has been scheduled in an effort to allow more time to those presenting views and in an effort to give the members of the Committee more time to consider the resolutions and to request any additional information which might be helpful to the Committee in making its recommendations on the resolutions to the membership. Proponents and opponents of resolutions are urged to attend the September 10th hearing if at all possible, and, if not, to present their views prior to that time in concise written form for consideration by the Committee at that hearing. Presence at or absence from the September 10th hearing will not affect any right under the by-laws to present views when the public hearing reconvenes during the convention. At the reconvened hearing, preference in presenting views will be given to those with viewpoints which were not expressed at the September 10th hearing. Proponents and opponents will be given a reasonable opportunity to be heard at the advance session and at the reconvened hearing.

At the conclusion of discussion of each resolution at the reconvened hearing, the Resolutions Committee will recommend approval or rejection of any such resolution, with amendments if deemed appropriate.

A copy of the by-laws regarding time deadlines and other information about submitting resolutions may be obtained from the Washington State Bar Association Office.

Members of the Resolutions Committee are D. Wayne Campbell, Brian L. Comstock, William E. Cullen, Jr., James Patrick Curran, Bradford M. Gierke, Suzanne M. Koestner, Edward L. Mueller, Richard J. Schroeder, Allen L. Schwenker, II, H. Dolores D. Sibonga, Rush E. Stouffer, Jr., Phillip L. Thom, Richard L. Wiehl, James J. Workland, and George E. McIntosh, Chairperson.

**CODE OF PROFESSIONAL
RESPONSIBILITY COMMITTEE**

Formal Opinion No. 174

**Trust Account Funds Held for One Client
May Not Be Used for Advancing Costs
on Behalf of Another Client**

Our opinion has been requested with respect to the usage by a law firm or lawyer of funds placed in their trust account to pay costs on behalf of a client prior to the time that client deposits funds in trust with that law firm or lawyer. In effect, what occurs is the lawyer dips into the trust account where the funds of client "A" are held in order to advance costs on behalf of client "B" who will eventually make a payment to the lawyer to reimburse them for the advance from the trust account.

The issue presented by the request falls within the scope of Canon 9 of the Code of Professional Responsibility which mandates that "a lawyer should avoid even the appearance of actual impropriety" on the part of the lawyer or law firm. The appearance of what is done by the lawyer is questionable especially insofar as the lawyer's duty to preserve the identity of funds and property of a client placed in the lawyer's hands. The facts indicate a knowledge on the part of the lawyer or law firm that client "B" will be making a deposit: thus there is no attempt to make client "A" ultimately liable or responsible for the expenses of client "B". Notwithstanding this "intention" on the part of the lawyer or law

firm the use of trust funds to accomplish this purpose is contrary to DR 9-102.

DR 9-102 requires a lawyer to preserve the identity of funds and property of a client placed in the lawyer's control or possession. Under DR 9-102 the lawyer or law firm is required to maintain a separate, identifiable trust account. Once a client's property is deposited in that account, the lawyer is under an obligation not to deposit the lawyer's funds in that account *and* it is also the lawyer's responsibility to maintain complete records of those funds. Any act that takes on the appearance of commingling of lawyer funds with funds belonging to a client constitutes a violation of this disciplinary rule (see EC 9-5).

A lawyer or law firm can ethically advance costs for a client (see DR 5-103(B)); however, in doing so a lawyer is under a responsibility to use the lawyer's own funds and not the funds of another client. In effect, the use of a client's trust funds to advance costs for another client constitutes the use of a trust for an improper purpose. If a lawyer desires to advance costs or pay for expenses in anticipation of payment by a client the lawyer or law firm *must* do so from their own account and not from a trust account. The use of one client's trust account funds to advance costs for another client is and would be in all cases improper. ☐

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A Needs Assessment and Deskbook Evaluations

Joel G. Green

Assistant Director of CLE

Mandatory CLE has begun its sixth year in Washington. During the previous five years, the WSBA has presented a wide variety of CLE seminars. Courses have dealt with many subjects, have served many purposes, and have been selected through the same method each year. Topics for a fiscal year are selected by the CLE Committee in conjunction with the various Bar Sections. The CLE Committee represents a broad spectrum of the membership, however, a majority of our members have little or no input in course selection. In light of these facts, one may properly ask, "How does the WSBA know that the courses it presents will truly meet the needs of the Bar?" To date, the WSBA has relied upon the expertise of the CLE Committee and the Bar Sections to answer that question. Although we are confident that we have been meeting the Bar's needs, there are other methods of determining those needs than that used to date.

One method that would involve greater input from the Bar would be through a needs assessment. A needs assessment would use a progressive selection of proposed seminar topics by the members of the Bar. Ideally, the whole Bar should participate, but the costs would be staggering. The problem is to find a representative sample. The Bar Convention is the solution, since it involves a large cross-section of the Bar. A needs assessment taken by the Bar Convention registrants would be valid enough for full consideration by the CLE Committee and aid that Committee in future course selection.

The WSBA will conduct a needs assessment at the September Bar Convention. Each registrant will receive the first phase of the survey. They will be asked to rank on a scale of 1 to 30 courses that they would like out of more than 132 possibilities. Forms returned to the WSBA will be evaluated and a second list of the 50 most popular choices sent to registrants who completed the first form. That form will allow participants to rank the top 20 choices, and will be returned to the WSBA. A final list will be distributed to the participants who will choose their top 10 choices and return them to the WSBA. A final list of the 20 most popular choices will be forwarded to the CLE Committee for consideration as

part of the next fiscal year's line-up of CLE seminars. For those of you out there who believe that they are not being heard by us, this is your great chance to tell the WSBA the types of courses you think you need to maintain and upgrade your professional competence.

On another note, the WSBA is currently developing a fourth deskbook which will deal with the broad subject of commercial law. Although the focus of this proposed deskbook has been narrowed, the editors and authors need input from present users of deskbooks and potential users of a commercial law deskbook. The WSBA distributed an evaluation form at its May and June CLE seminars. The form was designed to find out what you require in a deskbook. It asked how present deskbooks have helped or hurt your day-to-day practice of law. Those forms returned have been evaluated, but since most of our members did not attend a May or June seminar, we ask that if you have any suggestions for improving the usefulness of our deskbooks that you write the WSBA in care of the CLE Department with your suggestions. Your criticisms of our past efforts will enable us to improve the forthcoming commercial law deskbook. So, please take some time to write us about how you have used our deskbooks and what you would have done if you had had the opportunity to write or edit those deskbooks. We also welcome your thoughts on what you need in a commercial law deskbook and what such a deskbook could do to improve your practice in commercial law, consumer transactions, and products liability law.

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August 20-21, 1981: San Francisco	12.00
<i>Personal Injury Cases</i>	
August 20-21, 1981: San Francisco	9.50

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<i>Annual Convention</i>	
July 9-12, 1981: Vancouver, B.C.	8.00



A Simple Tickler System

by Stanley K. Bruhn

How could a lawyer avoid some malpractice claims, be more efficient, keep his work more current than it otherwise would be, keep clients happy, etc.? A busy lawyer cannot possibly attend to everything at all times.

The answer is to have a workable tickler system. The system need not be complicated and, in fact, the simpler it is, the more it will be utilized. The prime ingredients are adherence to the system and cooperation between the lawyer and his/her secretary.

In our office we have what I consider as simple a tickler system as can be devised. We use 3" x 5" cards which are kept in a metal storage box at the secretary's station. The box contains a tab for each month, and tabs numbered 1 through 31 following the current month. The card has the following information:

Date Due _____ Atty. _____
 Client _____
 Work Required _____

Our office uses these reminders for every conceivable situation, including luncheon engagements, dental ap-

pointments, spouses' birthdays, etc. Most critical, however, are those reminders concerning pleadings and other due dates which must be met to avoid defaults, etc. We tickle the following, for example: annual meetings of corporations, follow-up correspondence, reminders when correspondence or pleadings are due, deadlines for tax returns, notes to call clients and just about everything that goes through the office.

As I think of matters that need to be done, I make out a card and give it to my secretary. After a short time working with this system, you will find that your secretary is filing the ticklers automatically without being reminded. The first chore my secretary performs each morning is to pull the tickler cards for that day and bring them to my attention. My secretary prepares most of the tickler cards so the system is not burdensome to the attorney.

Admittedly, our system is not "fail-safe"; there is no assurance that the system works unless my secretary and I cooperate. I took the matter up with the Office Practice Committee at the last meeting and, as a result, the Chairman appointed Christopher J. Bell of Port Orchard to work up a form for a "fail-safe" system suggested by Harry Hennessey at the meeting. As soon as said form is approved by the committee, it will be made available to the Bar at a nominal cost.

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Stanley K. Bruhn practices in Mount Vernon in the firm of Bannister, Bruhn & Cunningham. He is currently a member of the Office Practice Committee of the State Bar.

Office Practice Helps Available at Convention

by **Robert A. Milne**

The Office Practice Committee has completed a draft of an office practice manual, which will be available for distribution at the September convention. The Committee will have a booth at the convention and, in addition to the manual which will be available on a reimbursable basis, the Committee will also have samples of an office calendar which will be adequate for keeping track of all forthcoming deadlines for everyone in the office. By posting it in a convenient place, it will be possible for the office to be fully apprised of all deadlines or appointment problems.

In addition, the Committee has completed a topical

Index of Office Practice Tips columns and has designed a process by which all of these can be made available to interested members. An order form for this purpose will also be available at the State Convention.

Various forms which have been developed and which will be most helpful, particularly to the younger attorneys who are still developing their organizational material, will also be made available at the convention on a reimbursable basis.

Meanwhile, the Committee would like to hear from members of the Bar who have office practice organization or administrative problems on which it could be of assistance. Inquiries may be directed to the Office Practice Committee, Washington State Bar Association, 505 Madison Street, Seattle, Washington 98104 or presented to the Committee at the Convention in Vancouver.

Prepared by the Office Practice Committee, Harry E. Hennessey, Articles Coordinator, P.O. Box 5396, Spokane, Washington 99205.

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Friar to Be President of Bar Executives

G. Edward Friar, the Executive Director of the WSBA, will assume the Presidency of the National Association of Bar Executives at the ABA's Annual Meeting this August in New Orleans.

The National Association of Bar Executives (NABE) has as its primary objectives the continued upgrading of professionalism in the administration of state and local bar associations. The NABE has conducted many programs and projects during its 41-year history, including a variety of educational seminars and the development of techniques and resources to improve management skills and operational efficiency in bar associations. Membership in the NABE is comprised of bar executive directors and key staff personnel of

state and local bar associations in all fifty states and several U.S. territories. National membership currently numbers some 700 bar management executives.

The NABE Presidency is another in a long string of honors to come to Eddie Friar in his business, political and professional careers. He practiced law for 30 years, served as General Counsel to the Southern Governors Conference, as General Counsel to the Tennessee Public Service Commission, is a life member of the Sixth Circuit Judicial Conference and early in his career successfully represented 11 southern states in the landmark Freight Rate cases before the Interstate Commerce Commission and ultimately the U.S. Supreme Court. In business, among other activities, he was the President and Chairman of the Board of Corporate Concepts, Inc., a diversified corporation engaged in recreation, food, motel and land development re-

sources activities. Among many political honors, he served for four years as the Secretary of State in Tennessee. He also has served as the Chairman of the National Commission for Intergovernmental Cooperation, and as a delegate to and officer of the Inter-American Congress of Municipalities. He is a member of the ABA's House of Delegates, is a Fellow of the American Bar Foundation and is listed in Who's Who in America and in World Who's Who in Commerce and Industry. He was a decorated combat naval officer in World War II.

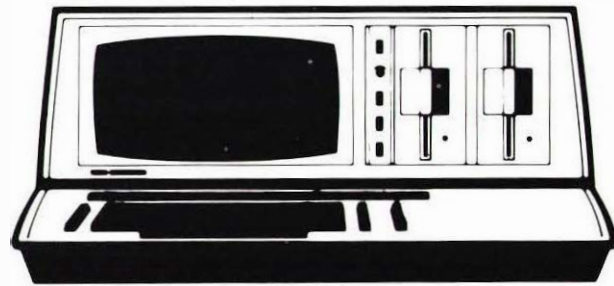
When asked about his current honor, Eddie said "This is not a personal thing by any means. I think it is a tribute to the quality of the membership of the Washington State Bar Association. The lawyers of our state have put us in a position of leadership in the profession in the country and this honor is simply in recognition of that standing."

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George Washington Law Alumni Meeting Scheduled for September 18 at Vancouver, B.C.

The George Washington University Law Alumni's annual breakfast meeting, which is held in conjunction with the WSBA's annual meeting, is scheduled for Friday, September 18, at the Hyatt Regency in Vancouver, B.C. Dean Jerome A. Barron, nationally recognized First Amendment scholar and author, will meet with alumni, spouses, and guests. Professional Achievement Awards will be presented to George Washington Alumni Cameron Sherwood, class of 1927, and Oscar A. Zabel, class of 1926, in recognition of their outstanding professional achievement and service to the Law School and the University.

Col. Clifford A. Daugherty, the Law Alumni Association's national executive-director, will accompany

Dean Barron, who is making the trip from Washington, D.C. to present the awards.

Those wishing to attend may contact Richard F. Broz, 3300 Seattle First National Bank Building, Seattle, Washington 98154, telephone number (206) 623-5890, for reservations and information.

New Name for UW Law Library

The University of Washington School of Law Library, in service for more than 80 years, is being renamed the Marian Gould Gallagher Law Library in honor of a law professor who has been its librarian for almost half of those eight decades.

Prof. Gallagher, law librarian and faculty member since 1944, is retiring this June. During those 37 years at the UW she has received the highest recognition from colleagues

in law, law librarianship and library science.

A dedication ceremony to mark the formal name change will be held July 29 in Condon Hall, housing the law school and its library.

The decision to rename the library in Prof. Gallagher's honor is "a testimony to her invaluable contributions to the University's law school and professions of law and librarianship," according to George Schatzki, dean of the School of Law.

"Her efforts in behalf of the law library have not only helped to create a great library facility but also have been instrumental in putting together one of the best law schools in the nation," said Dean Schatzki.

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An adjunct professor of librarianship, Prof. Gallagher in 1982 will become a visiting professor of law and Distinguished Librarian at Hastings College of Law in San Francisco.

DeForest Elected SKCBA President

Stephen E. DeForest, Seattle attorney, has been elected president of the Seattle-King County Bar Association, succeeding **Paul C. Gibbs**, as head of the Association for the coming year. Other officers elected are: **Harold F. Vhugen**, first vice-president; **James S. Turner**, second vice-president; **Stew Cogan**, treasurer; **George Kargianis**, secretary. Three candidates were elected to the Board of Trustees for a three-year term ending June 1984, **Donald J. Horowitz**, **William L. Kinzel**,

Thomas S. Zilly, **M. Wayne Blair** was elected to fill an unexpired three-year term ending June 1983. New officers and trustees will take office July 1.

DeForest is a partner in the law firm of Riddell, Williams, Ivie, Bullitt, and Walkinshaw. He was first vice-president of the Association for the past year.

WAAHO Update

Administrative Law Judges from the various state agencies met in Tacoma on May 16, 1981 to discuss the newly created State Office of Administrative Appeals. The meeting of the Washington Association of Administrative Hearings Officers (WAAHO) featured a presentation by Robert Felthous, chairperson of a Special Task Force of the Administrative Law Section of the Washington State Bar Association. Mr.

Felthous, whose Task Force drafted and successfully shepherded the legislation which created the new administrative law court (SHB 101) gave much of the credit for the success of the Bill to Rep. William Ellis, chairperson of the House Ethics committee and sponsor of the Bill.

WAAHO has established a Task Force of its own to assist the soon to be appointed Chief Administrative Law Judge in implementing the new administrative tribunal. Anyone who wishes more information may contact WAAHO c/o Ernest A. Heller, President, 4203 Olympic Blvd. W., Tacoma, Washington 98466.

Seattle Lawyer Appointed to Head National Committee

Seattle attorney, Robert C. Mussehl, was selected to chair the Ameri-

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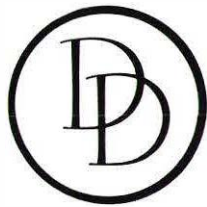
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can Bar Association, Marriage and Family Counseling and Conciliation Committee. Mussehl is currently a member of the ABA House of Delegates, where he serves as one of fifteen Assembly Delegates elected at large by the ABA membership.

He served on the Executive Committee of the Washington State Bar Association, Family Law Section (1973-75). Mussehl is an active member of the Seattle-King County Bar Association Family Law Section (1973-81), and served on its special committee to establish child support schedule (1973-75). He is the author of several articles on family law practice, including "From Advocate to Counselor: The Emerging Role of the Family Practitioner," Vol. 12, No. 3, Spring 1977, Gonzaga Law Review.

Mussehl is in private law practice with the law firm of Neubauer & Mussehl, and his area of concentration is family law and civil trial.

J. Porter Kelly, Seattle attorney, and D. Douglas Davies, of Oakland, California, were appointed vice-chairpersons of the ABA Family Law Section Committee.

Condominium and Cluster Housing Seminar

The Sixth Institute on Condominium and Cluster Housing will be held October 16 & 17, 1981 at the Fountainbleau Hilton Hotel in Miami Beach, Florida. For further information address inquiries to: Institute on Condominium and Cluster Housing, University of Miami Law Center, P.O. Box 248087, Coral Gables, Florida 33124.

In Memoriam

Jerome R. Walstead, 67, of Longview, died April 30. He was admitted to the Bar in 1941.

PIERCE REPORT

by **GEORGE KELLEY**

Twenty-four new lawyers were recently sworn in in local ceremonies conducted by Supreme Court Justices **Carolyn Dimmick** and **Floyd Hicks**. How many of the twenty-four have found jobs remains a question. Dean of the UPS Law School, **Fredric Tausend** spoke at the ceremony and indicated a need for more lawyers.

Ted Bottiger spoke on the latest legislative session at the monthly bar meeting held at the Rodeway Inn. Ted, who went from Senate majority leader to minority leader faster than you can say Peter Von Reichbauer, gave an informative and nonpartisan talk on why it's all the Republican's fault.

Local bar Vice President **Ed Haarmann** has instituted a program of having the monthly bar meetings at different restaurants. In the past, meetings were held at the Lakewood Terrace. Now, having tried two different restaurants, it appears that next month's meeting will be held at McDonald's at 72nd & Pacific Avenue. Tacoma is a gourmet's delight.

Quickies: **George Marsico** is but a shadow of his former self, having lost at least 80 lbs. **Neil Hoff**, working the defense side of the libel case, took on some out-of-towner named Melvin Belli in King County. Neil says he won. **Arvid Anderson** claims to have caught six salmon in one day in local waters and still put in 5½ billable office hours. Fishing with clients again, huh Arvid? **Tom Baker**, trying a plaintiff's personal injury case, encountered a defense accident reconstruction expert who testified brilliantly, complete with pictures and diagrams, about the wrong intersection.

Franklin L. Dacca and **John Hickman** recently formed the partnership of Dacca and Hickman and have opened offices in Fife.

George Dixon died after a lengthy illness. He was a good lawyer and a good friend. He will be missed.



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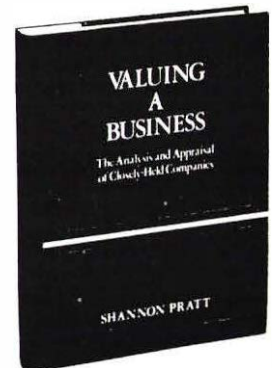
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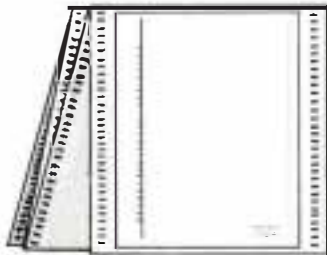


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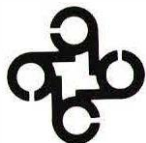
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