



# LIFEBEGINS

A Publication of the  
Washington State Bar Association  
Senior Lawyers Section

Volume 11 Winter 2008-2009 Number 1

## Save the Date!

### Senior Lawyers Section 2009 Annual Meeting & CLE Seminar

Friday, May 8, 2009  
Marriott, Sea-Tac Airport

By Steve DeForest

Another informative and entertaining seminar is coming your way. You can bank CLE credits, meet old friends, and enjoy the day by attend this CLE. After ten years of holding the line on the tuition, because of rising costs, including a WSBA administrative fee applicable to all section CLEs, we have reluctantly increased the cost to \$150 for Section members and \$170 to join the Senior Lawyers Section and attend the seminar. If there are sufficient registrations, we plan to open this CLE to all other lawyers for \$250. Even with the increase in fees, this is still one of the best CLE bargains anywhere. It includes the seminar, written materials, an excellent lunch, parking, and a social hour at the end of the session.

We have arranged a distinguished lineup of presenters, including U.S. District Court Judge Marsha J. Pechman, humorist Jeff Tolman, Bob Welden (ethics), David East (Guantanamo), Gloria Nagler (bankruptcy), and Todd Bowers and Tim Trageser (Kevin Coe civil commitment trial).

Please mark your calendar for May 8 and watch for the registration form either in the mail, or at [www.wsbacl.org/seminars.php?mdx=5&ydx=2009](http://www.wsbacl.org/seminars.php?mdx=5&ydx=2009).

## May 2008 Annual Meeting and CLE Seminar Is a Resounding Success

By Robert Berst

Two hundred thirty-three senior lawyers and faculty filled our Sea-Tac Marriott convention room on Friday, May 2, 2008. The Senior Lawyers Section Executive Committee accurately estimated attendance, and the room was very comfortably full.

### What a Bargain

One more time, at the urging of the founder of the Senior Lawyers Section, Phil DeTurk, and with the approval of the committee, the seminar tuition was \$100. Included in this cost were morning beverages and pastries, a spectacular lunch buffet in the atrium, and a hosted reception. The lunch, which followed our established pattern, included Caesar salad and Italian-style antipasto to start; a choice of salmon, chicken, or both; assorted vegetables; and then, to top it off, an amazing variety of desserts.

### Reception

The reception immediately followed the seminar and was hosted again by Bonnie Amble Pladson, president of the BECU Trust Company.

### Comments by Attendees

This year the committee again made a special point of requesting comments on the evaluation:

PAUL N. LUVERA, Luvera Barnett Brindley Beninger and Cunningham, Seattle, speaking on *The Advocacy*

*continued on next page*

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*May 2008 Annual Meeting and CLE Seminar Is a Resounding Success from previous page*

*Process: Mastering Persuasion Strategies:* "Great program, easy to see why he has such great success with juries." "One of the best lectures I have heard in 20 years." "He could sell me the Brooklyn Bridge."

HON. MARY E. FAIRHURST, Washington Supreme Court, Olympia, speaking on *From the Flintstones to the Jetsons: Working Across Generations:* "Very informative - enlightening."

J. DONALD CURRAN, Delay Curran Thompson Pontarolo & Walker, Spokane, speaking on *Avoiding Ethical Lapses as You Age:* "Relevant to this group and food for thought as we all age."

KURT M. BULMER, Attorney at Law, Seattle, speaking on *Ethics:* "Very knowledgeable, helpful." "Spoke from experience."

SCOTT B. OSBORNE, Kirkpatrick & Lockhart Preston Gates Ellis LLP, Seattle, speaking on *Recent Developments in Real Estate Case Law:* "Absolutely excellent update on statutes and cases of very important significance, particularly to seniors."

KELLYE TESTY, Dean and Professor of Law, Seattle University School of Law, Seattle, speaking on *Current Developments in Legal Education:* "Very interesting topic. Good speaker."

STEVE E. DEFOREST, Riddell Williams P.S., Seattle, speaking on *Advising Your Clients for Senior Living - Housing for Seniors: Legal Considerations:* "When I grow up, I want to be like Steve." "Always has been a good speaker and still is."

DIANE KENNY, Care Source Health Communications, Inc., Seattle, speaking on *Advising Your Clients for Senior Living:* "Excellent book. Well-presented material."

NELLIS Y. KIM, Eldercare Consultant/Social Work Care Manager, Sound Options, Inc., Tacoma, speaking on *Advising Your Clients for Senior Living:* "Relevant and well-presented."

TIMOTHY L. AUSTIN, Attorney at Law, Bellevue, speaking on *Planning for IRA and Qualified Plan Beneficiary Designations and Distributions:* "Good info on IRA/Roth - very practical." "Hope you will have him again." "Best portion of the day."

BONNIE A. PLADSON, President, BECU Trust Company, speaking on *How to Avoid Costly IRA Mistakes:* "She was the most helpful speaker of the day."

The high marks for all of our speakers reflected what I heard on the scene, which was very complimentary of the entire program. There were a number of comments about the entire program: "Your selection of topics is right on point. Keep it up." "We need more on the tax planning aspects of IRA's." "Once again, this has been a great event for senior lawyers." "Outstanding program! Thanks." As was emphasized at the seminar, the evaluation forms are read by the committee and help to guide us on future programs and speakers.

#### **CLE Credits**

The seminar was approved for 6 credits, including 5 general credits and 1 ethics credit.

#### **WSBA Presence**

This year's seminar event manager was Barbara Konior. She was present at the seminar and was assisted by Jennifer Keene and Heather Balch, the program coordinator. They all did an excellent job, as shown by all of the evaluation forms as "A positive experience."

#### **Program Planning**

Each of the members of the Senior Lawyers Section committee works at a team effort to select and put our seminar programs together. Thanks go to each committee member for all their efforts.

### 2008-2009 Senior Lawyers Section

#### **Officers**

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#### **WSBA Support**

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Barbara Konior

## Section Awards \$10,000 Grant to Plymouth Housing Group



**To:** Stephen DeForest, Senior Lawyers Section,  
Washington State Bar Association

**From:** Marianne Painter, Plymouth Housing Group

**Re:** Grant Report on Legal Clinics at Plymouth Housing Group

**Date:** Monday, October 13, 2008

In April 2008, the Senior Lawyer Section of the Washington State Bar Association awarded a grant to Plymouth Housing Group in support of legal clinics at Plymouth Housing Group for 2008-09. We are very grateful for this important support that gives Plymouth residents the opportunity to access free and confidential legal advice.

The following is the report on the progress to date.

### **Legal Clinic Update**

Since April 1, 2008, Plymouth has hosted four legal clinics for all Plymouth residents at the Plymouth on Stewart building and at the Langdon and Anne Simons Senior Apartments. These clinics were staffed by the King County Prosecutor's office aligned with the King County Bar Association's Homeless Legal Clinics. Plymouth staff members Jonathan Kilian and Marilyn Mitchell acted as the liaisons for the lawyers and the tenants.

The main goal of these clinics was to help our residents address outstanding legal matters. Issues addressed at the clinics included financial obligation (repayment of debts), outstanding arrest warrants, rent increase because of returning to work, SSA cutting benefits, removing felony charge from record, out-of-state warrant, trust fund affecting Social Security payments, and a record of sex offense hindering ability to get housing.

The next General Legal Clinic is on November 20<sup>th</sup>, and will be held every other month from here on out.

On October 22, 2008, Estate Planning Attorney Rob Morrison will host the inaugural Life Legal Paperwork Clinic at the Simons Senior Apartments to prepare Powers of Attorney and Healthcare Directives. Plymouth staff member and Notary Allison Vrbova will be present.

### **What did the grant fund?**

The grant was used to partially fund the new Plymouth Volunteer Coordinator, Georgia Nikon, who was hired in July 2008. She has worked closely with Plymouth Social Services Manager Michael Quinn to create an appropriate infrastructure and management system to support quarterly legal clinics and follow-up for clients. The grant also funded liaison staff member time devoted to recruiting and coordinating the clinics, and associated communications, materials and computer support needs for the clients.

To date, 17 clients have been served by the grant with the expectation that at the end of 2008, approximately 30 clients will have been served.

### **Thank you for your generous support**

Thank you for the opportunity to continue legal clinics at Plymouth and expand our services to senior residents by providing them with the ability to make healthcare directives, Power of Attorney documents, and wills. If you have any questions about the grant or the legal clinic program, please contact Marianne Painter, Resource Development Director at 206-374-9409, ext. 143, or email: [mpainter@plymouthhousing.org](mailto:mpainter@plymouthhousing.org).

## Supporting Attorneys in Transition

### Senior Lawyers Section Sponsors Three-Hour Seminar

*By Fred Frederickson*

On October 16, 2008, the WSBA Senior Lawyers Section sponsored a three-hour seminar at the Renaissance Hotel in Seattle entitled "Supporting Attorneys in Transition." More than forty attorneys attended the seminar, which was held immediately before the WSBA luncheon honoring lawyers who have been members of the Bar for 50 years.

The theme of the seminar was transition from the practice of law, whether voluntary retirement or one involving the delicate subject of physical or mental impairments that preclude an attorney from effectively practicing law. Malcolm L. Edwards, John G. Bergman, and Fred Frederickson were co-chairs of the program

Distinguished speakers included mental health practitioners Marty Richards, Affiliate Assistant Professor of Social Work, University of Washington, Seattle; Carol A. Vecchio, Founder and Executive Director, Centerpoint Institute for Life and Career Renewal, Seattle; and Barbara Harper, Director, WSBA Lawyer Services Department; and attorney George P. Haldeman, Senior Assistant City Attorney, Tort Section, Seattle.

After the formal presentation, a panel of lawyers – retired Thurston County Superior Court Judge Robert J. Doran, John E. Ederer, Malcolm Edwards and Fred Frederickson – commented on the topics raised by the speakers

and the panel. Bergman served as master of ceremonies and moderator of the panel discussion.

After the seminar, attendee Jerry Jager, chairman of the Senior Lawyers Section, said, "This was an excellent seminar. The issue of transition is something that all lawyers must eventually confront. I believe the Senior Lawyers Section should sponsor future seminars dealing with this important subject."

Judging by their post-seminar evaluations, the seminar attendees agreed with Jerry. Comments from attendees included the following:

"This was an outstanding seminar."

"Riveting presentation."

"Right on the money. In the midst of this cycle, I was struck by Carol's uncanny understanding."

"A fine complement to the earlier presentations."

"Nicely organized. Fine selection of presenters. More powerful than I anticipated. Well done."

"Excellent insights."

"Wish this had been more than three hours."

## Information for Your Clients

Did you know that easy-to-understand pamphlets on a wide variety of legal topics are available from the WSBA? For a very low cost, you can provide your clients with helpful information. Pamphlets cover a wide range of topics:

Bankruptcy	Landlord/Tenant	Real Estate
Communicating with Your Lawyer	Lawyers' Fund for Client Protection	Revocable Living Trusts
Consulting a Lawyer	Legal Fees	Signing Documents
Criminal Law	Marriage	Trusts
Dissolution of Marriage (Divorce)	The Parenting Act	Wills
Elder Law	Probate	

Each topic is sold separately. Pamphlets are \$9 for 25, \$15 for 50, \$20 for 75, and \$25 for 100. Pricing for larger quantities is available on request.

To place your order or for more information, please contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA. Sales tax is applicable to all in-state orders.





# Becoming a Resilient Caregiver: When a Family Member Has Dementia

The following PowerPoint presentation by Sue McCurry, Research Professor, Psychosocial and Community Health, University of Washington, is reprinted with permission.

**Becoming a Resilient Caregiver:  
When a Family Member Has Dementia**

*UW Work Life Seminars*  
October 21, 2008

Susan M. McCurry, Ph.D.  
Northwest Research Group on Aging  
University of Washington

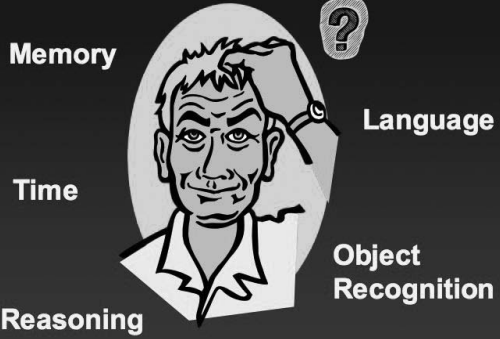
**Communication: Don't Argue!**

- > Communication can make or break any relationship.
- > Dementia affects both expressive and receptive language.
- > As dementia progresses, communication becomes less verbal, more body language.




**Seattle Behavioral Treatment Protocols**  
L. Teri, R. Logsdon, S. McCurry, J. Uomoto

- > Partnership
- > Standardized and individualized
- > Skill building
  - Communication
  - Pleasant events
  - Problem-solve difficult situations
  - ABC's of behavior change
  - Maximize cognitive function
- > Sustainability



**DANCE Strategies for Success**

- ❖ Don't argue
- ❖ Acceptance
- ❖ Nurture yourself
- ❖ Creative problem-solving
- ❖ Enjoy the moment



**Communication**

<p><b>Early Stage</b></p> <ul style="list-style-type: none"> <li>• Allow time for unhurried interactions</li> <li>• Double-check instructions to make sure the person understands them</li> <li>• Try using written instructions</li> <li>• Avoid challenging the person, or do so in a non-threatening way</li> <li>• Answer repetitive questions consistently</li> </ul>	<p><b>Mid-Later Stage</b></p> <ul style="list-style-type: none"> <li>• Use a soothing voice</li> <li>• Speak slowly and clearly (not loudly)</li> <li>• Maintain eye contact and a pleasant facial expression</li> <li>• Use non-threatening body language</li> <li>• Do one task at a time</li> <li>• Reduce distracting background noises</li> </ul>
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## Acceptance: Realistic Expectations

- Dementia affects the way a person thinks, feels, makes decisions, and reacts.
- Persons with dementia do not have control over their symptoms.
- Dementia symptoms fluctuate, sometimes unpredictably.
- Because of their brain disease, persons with dementia may not realize how much help they need.

## Realistic Expectations

### Early Stage

- Obtain medical evaluation to rule out treatable causes of dementia
- Encourage person to be independent in normal routines
- Expect inconsistent gaps in ability
- Don't assume that changes are deliberate or due to "denial" or "lack of motivation"

### Mid-Later Stage

- Regularly double-check driving, financial records, medications, diet, hygiene
- Share safety concerns with involved family or caregivers
- Don't expect the person with dementia to readily accept your help.
- Do expect to sometimes feel embarrassed, angry, or disappointed

## Increasing Caregiver Knowledge

- **McCurry S.** *When a family member has dementia: Steps to becoming a resilient caregiver.* Praeger Publishing: Westport: CT (2006).
- **Robinson A, et al.** *Understanding difficult behaviors.* Eastern Michigan University: Ypsilanti, MI (1994).
- **Lists of caregiver education materials that are continually updated and reviewed:**
  - Alzheimer's Disease Education and Referral Center (ADEAR) ([www.alzheimers.org](http://www.alzheimers.org); 1-301-495-3311)
  - Alzheimer's Association ([www.alz.org](http://www.alz.org); 1-800-272-3900)
  - Rosalynn Carter Institute for Caregiving (caregiver help page) ([www.rosalynncarter.org/caregiver%20resource%20center/](http://www.rosalynncarter.org/caregiver%20resource%20center/))



## Nurture yourself: Take a Break When You Need It

- "Check your own pulse first"
- Physical and emotional health: The best inoculation against burnout
- Who in your life wants to help but doesn't know how?
- Find 10 minutes every day to do something that you love.
- Respite is good for caregivers and for persons with dementia



## Nurture Yourself

### Early Stage

- Stay involved in meaningful outside activities
- Exercise, exercise, exercise
- Maintain a careful diet
- Follow your doctor's recommendations
- Find someone you can talk to about how you're doing

### Mid-Later Stage

- 3 R's: Regular respite and relaxation!
- Ask people to help you
- Let people help you when they offer
- Consider adult day programs

## The Scope of Caregiving

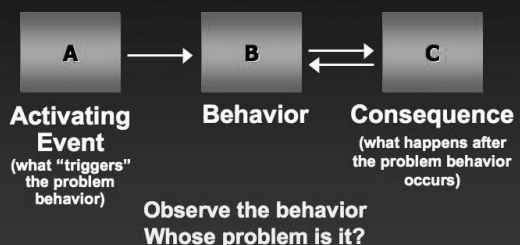
- *There are more than 50 million caregivers in the United States*
- *40% of Americans over age 60 are caring for older or disabled adults*
- *17% of family caregivers are providing 40 hours of care per week or more*

AARP/National Alliance for Caregiving. *Caregiving in the U.S.* (2005)

## Community Resources

- Alzheimer' Association ([www.alz.org](http://www.alz.org); 1-800-272-3900)
- National Adult Day Services Association ([www.nadsa.org](http://www.nadsa.org); 1-800-558-5301)
- National Association of Professional Geriatric Care managers ([www.caremanager.org](http://www.caremanager.org); 1-520-881-8008)
- Area Agencies on Aging (AAA)
  - Includes Senior Information and Assistance, Senior Rights Assistance ([www.seniorservices.org](http://www.seniorservices.org); 1-800-972-9990)
- Respite services
  - National respite locator ([www.respitelocator.org](http://www.respitelocator.org))

## Creative Problem-Solving: The ABCs of Behavior Change



Teri L. Logsdon RG. *Comprehensive Therapy*. 16(5), 36-42 (1990).

## Changing the ABC's of Behavior

- "A": Look for the antecedent
  - Did anyone or anything trigger the event?
- "B": Define and observe the problem
  - Who does it happen around?
  - What is the current behavior?
  - Where does it happen most?
  - How often does it occur?
- "C": Identify the consequence
  - What happened after the behavior?
  - How did others react?

## Common Triggers for Problems

- Pain or physical discomfort
- Infection
- Medication side effects
- Fatigue
- Over- (or under-) stimulation
- Caregiver communication style

## A-B-C's: Setting Realistic Goals

- Select problems that can be changed
- Select problems that occur frequently
- Ask others to help brainstorm
- Consistency is critical
- Triggers can be small
- Give it time



## A-B-Cs: Simple but Tricky

- Creative brainstorming is not always easy
- Behaviors can be influenced by more than one thing at a time
- The message being communicated is more important than the actual behavior
- Observation is critical and challenging
- The caregiver is always right

## Enjoy the Moment: Finding the Gifts of Dementia Care

- Laughter and love are good medicine
- Pleasant events improve mood and reduce behavior problems
- Look for the uplifts:
  - Why are you a caregiver?
  - What does your loved one give back?



## Why Do Caregivers Do It?

- "I have a heart for the job"
- A sense of fulfillment or purpose
- Tangible evidence it makes a difference
- Wanting to give back to a loved one who is "still there"
- Cultural or family traditions ("we take care of our own")
- What if this were my mom or dad (or me)??

Dran D. "A heart for the job": Rewards of giving care to residential elderly in times of personnel shortages". 15<sup>th</sup> annual Alzheimer's Association Dementia Care Conference (2007).

## Increasing Pleasant Activities



- What did the person enjoy in the past?
- What does he/she enjoy now?
- How can tasks be modified to accommodate current abilities?
- Who is available to help with these activities?

### Pleasant Events Schedule: AD

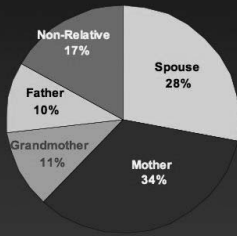
© 1995 R. G. Logsdon, Ph.D. & L. Teri, Ph.D.

Instructions: This schedule contains a list of events or activities that people sometimes enjoy. It is designed to find out about things your relative has enjoyed during the past month. Please rate each item twice. The first time, rate each item on how many times it happened in the past month (frequency); the second time, rate each event on how much your relative enjoys the activity.

Activity	Frequency			Enjoy		
	Not At All	1 to 6 Times	7 or more Times	Not At All	Some-what	A Great Deal
1. Being outside						
2. Shopping, buying things						
3. Reading or listening to stories, magazines, newspapers						
4. Listening to music						



## It's All in the Family: Who Needs Care?



AARP/National Alliance for Caregiving,  
Caregiving in the U.S., (2005)

- 80% of care-recipients are 50 years or older (20% are 85 years or older)
- 65% are female
- 42% are widowed
- 85% take prescription medications
- 23% have Alzheimer's, dementia, or other mental confusion

## Sample Activity Categories

- **Structured physical activity:**
  - ◊ Exercise, household or yard chores, hobbies, anything that expresses creativity
- **Life story notebook:**
  - ◊ Capturing reminiscences in a way that they can be shared with others
- **Memory notebook:**
  - ◊ Simple instructions for doing things that matter

G Hersch, T Miller. "An activity-based intervention for early stage dementia". 15<sup>th</sup> annual Alzheimer's Association Dementia Care Conference (2007).

## Obstacles to Activities

- Lack of time or money
- Plan is too complicated, more trouble than it's worth
- Negative behaviors interfere with pleasant activities
- Caregiver is burnt-out
- Participant refuses to participate

## Advantages of Behavioral Treatment

- Addresses interpersonal and environmental causes of behavioral disturbances.
- No interactions with other medications or side effects.
- Empowering for caregivers and individuals with dementia.
- Gives caregivers tools they can use in future situations.

## Limitations to Behavioral Treatment

- Not crisis management.
- Takes caregiver commitment, time, and patience.
- May require increased professional help or training.



## Keys to Resilient Caregiving

- Stay in touch with your values
  - Finding purpose and meaning in your role
- Perfection is not the goal
  - "Good enough" caregiving
- You are not alone
  - Who wants to help?



## The Seattle Protocols Core Research Team

Linda Teri, PhD

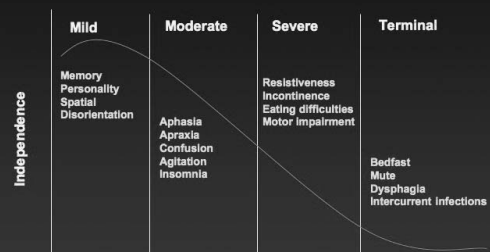
Rebecca Logsdon, PhD  
Amy Moore, MS  
David La Fazia, MSW, PhD  
Thom Walton, B.A.  
Ray Houle, B.A.  
Cynthia Deschenes, CCRN  
Reiko Hikida, BA  
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Sue McCurry, PhD  
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Ken Pike, Ph.D.  
Margaret Sekijima, ARNP  
Martha Cagley, B.A.  
Lisa Bancroft, MSW  
Kendra Wight, BA  
Cathy Blackburn, BA  
Raquelle Williams

*And the many persons with dementia and family caregivers who have shared their lives and experiences with us.*

Research on the Seattle Protocols has been funded by the National Institute of Mental Health, National Institute on Aging, the Alzheimer's Association, and the University of Washington

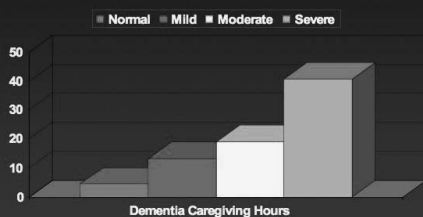
## Progression of Dementia



Bullock R. Alzheimer's Disease and Associated Disorders, 18 (supp. 1), S17-S23 (2004).




### Time Spent Caregiving (Hours per Week)



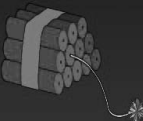
Bullock R. *Alzheimer Disease and Associated Disorders*, 18 (supp. 1), S17-S23 (2004).

### The “Unidentified Patient”

- Helplessness
  - Grief
  - Self-Doubt
  - Anger
  - Guilt
  - Anxiety
  - Sleep Disturbance
- 
- Diabetes
  - Hyperlipidemia
  - CHD
  - Obesity
  - Metabolic syndrome
  - Compromised immunity
  - HTN

Schulz et al., *Gerontologist*, 35, 771-791 (1995); Vitaliano et al., *Psychol Bull*, 129, 946-972 (2003).

### Behavior and Mood Disturbances in Dementia

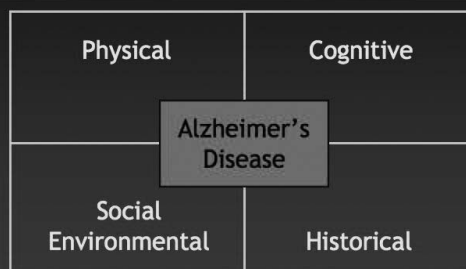
- > Occur in 70-90% of individuals at some point
  - > Increase as disease progresses from mild to severe stages
  - > Primary source of stress & burden to family caregivers
  - > Common cause of institutionalization
  - > May be difficult to treat, and require more than one intervention
- 

### Behavioral Treatments for Dementia

#### Reasons to Focus on Behavior

- > Cannot alter cognition
- > Can change behavior
- > Can improve functional status
- > Can increase quality of life for patient and caregiver

### Causes of Behavioral Disturbances in Alzheimer’s



### Speak Out!

Wanted: Lawyers to volunteer to speak to schools and community groups on a variety of topics. For more information about the WSBA Speakers Bureau, contact Charu Verma at 206-239-2125 or [charuv@wsba.org](mailto:charuv@wsba.org).



## SE Asia: Where Six Dollars Buys You a Rolex or Massage

By Tom Wampold

Southeast Asia has always been a bargain, but now with the decline of the dollar and the prices in Europe, it is even more appealing. In January 2008, Barbara Jo Levy (B.J.) and I went to Ho Chi Minh City, still known as Saigon to the locals. We stayed in the best room in a perfectly located hotel with air-conditioning, TV, and refrigerator for \$35 a night. You can get a room not quite as big for \$25. It was a 10-minute walk to a large indoor market where you can buy designer shirts for \$6, or a "Rolex" for \$25. One day, B.J. and I ate lunch at the local market. We each had a bun, which is a like an omelet only more flour than egg, loaded with shrimp and bean sprouts, which you wrap with lettuce and basil, and dip in a wonderful sauce. The costs for both was \$1.25.

Two years ago, in Saigon, we wanted to do a 3-day trip down the Mekong Delta. Almost every block has several travel agents. The travel agent recommended a 3-day, 2-night trip. It included most food, and 2 nights' hotel. She explained we would take a large boat down, and also do sightseeing from little open boats that went into the canals, and went on at great length about the places we would be taken to, and that all admissions were included. It sounded perfect, so with some trepidation, I asked her the price and she said \$25 a person. The trip was more than she said and was fascinating.

If you have any curiosity about seeing cultures, you will love Southeast Asia.

Saigon also has many interesting museums, such as the Remembrance Museum, which is about the Viet Nam War from their standpoint, and the Cui Chi tunnels. You can go anywhere in the city in a cab for \$2-3. In other words, money is no object – go anywhere, do anything, and not worry about how much you are spending.

This year we wanted some beach time, so we went to Koh Samui in south Thailand. An air-conditioned bungalow with TV and refrigerator was \$37. Dinner for 2 at a beach restaurant cost between \$5 and \$10, including bottled water and soda. Lying on the beach was free. Last year, I had a tux custom-made. It included a shirt, cummerbund and matching bow tie, and cost \$100 (if only I had a place to wear it). We had custom-made blue jeans made for \$25. After the exhaustion of getting measured, we went to get a Thai massage, for 6 dollars an hour. B.J. thought she was in heaven on the beach. She could lie on her lounge chair on the beach, and shop. You can get clothes, jewelry, and food from vendors walking up and down the beach – the vendors are not obnoxious or pushy like in some countries.

Next we went to Bangkok, where I have been many times. We stayed with Bob Larson. Bob practiced law for many years in Seattle, met a wonderful Thai lady, got married and is very happy living in Bangkok. Bangkok has a about 11 million people and is crowded but fascinating. There is lots of shopping and sightseeing – it shouldn't be missed.

All of Southeast Asia is interesting and cheap. I have also been to Hanoi, Cambodia, and Laos. Anchor Wat and Anchor Thom in Siem Riep, Cambodia, should not be missed. Luang Prabang, which is a world heritage city, is wonderful. In all these countries, the people have all been friendly and helpful. Neither B.J. nor I ever felt endangered or uncomfortable. Cambodia, Laos, and Viet Nam are even cheaper than Thailand. For instance, I had a summer suit custom-made in Viet Nam for \$60.

In summary, not only was it a great trip, but also it is nice to come home and not worry about economizing because of the money spent on the trip. The idea of going to London and spending \$200-\$300 for a crummy hotel is not very appealing to me.

### WSBA Emeritus Status

**Are you paying** for your "Active" WSBA license but not practicing much these days?

**Are you thinking** about changing your status to "Inactive" for a reduced licensing fee?

**Consider** WSBA "Emeritus" status. Emeritus is a limited license to practice with the same low licensing fee as "Inactive" without the mandatory MCLE requirements.

*For more information please contact Sharlene Steele, WSBA Access to Justice Liaison, at 206-727-8262 or sharlene@wsba.org.*

## Malta Meeting Maddingly Merry

By Philip H. De Turk

Let us read about illustrious men, all of whom have been to Malta: Odysseus and Calypso, who were stranded together on the island of Gozo for seven years in times of antiquity; Saint Publius, a one-time governor of the island country, converted by Saint Paul, who was shipwrecked in the year 60 for three months en route to Rome for his trial for treason; Count Roger of Sicily, who came to Malta, which was 60 miles from his country, to win back the archipelago for Christianity in 1090 from the Saracen; Grand Master Jean de la Valette of the Knights of Saint John who had left the island of Rhodes in disgrace, but later successfully defended their new land from the same Saracen who had defeated them eight years earlier (their rent for staying in Malta was a single falcon paid to Charles V of Spain annually; they defeated the Arab onslaught in 1565); Napoleon Bonaparte, whose French forces held the island for two years in 1798 always under seige; Dickie Mountbatten, formerly Louis of the House of Battenberg, who was stationed on Malta after WWII; Philip H. De Turk, a member of the group called 'road scholars' who visited Malta in February of 2008.

What did these latter people see and do while visiting this 120 square-mile republic located almost in the center of the Mediterranean Sea, two-plus hours from either London or Frankfurt by air?

They viewed rocks that formed temples over 7,000 years ago (hager qim) and were free-standing long before the pyramids, erected by an unknwn people who lived on Malta successfully leaving only their edifices to preserve their memory.

Countless bays, grottos and lagoons were visited as they drove around the island with its many roads accomodating more than 350,000 motor vehicles owned by its 400,000 inhabitants.

Bands which perform during various civic events and have their their own buildings with bars and other amenities were seen (according to a president of the Sliema Club, there are 100 such groups available for this musical nation).

More than twenty restaurants were used to feed this ravenous array of Americans, each featuring food of still another country.

Some of the 400 churches of the nation were visited, including one housing the limestone cave where St. Paul lived during his imprisonment. None of these edifices were small.

Catacombs which go back thousands of years offered an opporutunity to see where the islanders waited out the almost daily air raids during mid-June 1940 until August 1942, with bombings from Italy averaging more than six a day.

Museums of many types, palaces of both the nobility that existed prior to the knights and those built by those same religious zealots who saved the island from the Turks, a golf course, films of note re: the country – all were part of the Maltese experience.

The English more or less came to the country after the French were evicted, and stayed until 1979. Their departure is now celebrated in one of the annual holidays on Malta. During British tenure, they effected their driving style, which means that vehicles stay on the right side of the highways as in Great Britain itself. The British also built a golf course, the only one in Malta. This 18-hole layout goes back to the early part of the 20th century, undoubtedly suffering damage from the war. Its clubhouse is ancient but presently being renovatd. (As an outsider

visiting a site, reading signs saying renovations are being done, one doesn't really know if that is true; these could be prospective for many years.)

Basically the links are flat – then the country itself has only an 800-foot elevation – and are in sorry condition. They are also treeless; the islands are basically without many trees. Yet, when what golf is there is the only show in town, it must serve. People drive from Gozo to play.

Besides being expensive, I found the fairways rough, the greens shoddy, and the criss-cross patterns on some fairways dangerous. I also managed a hook shot on one tee,



*One of many streets in historical Mdina, first capital of Malta.*

*continued on next page*



*Malta Meeting Maddingly Merry* from previous page

which went sailing over the border fence and down one of the highways probably to be found many yards away.

As for expensive, everything on Malta was that. When you are paying over \$1.45 for a euro (it went up to \$1.56 after we departed), your prices are going to be accordingly. After all, a Maltese doesn't look at an American, if he can even tell us apart from English, and think that this poor person is paying too much to buy our money so the price should be reduced accordingly. Malta was using lira until 1/1/08, when it went to the euro.

Divorce lawyers should stay away from Malta. No such marital relief is offered in this nation. You can separate, but permanently only by death. While we were there, we read in their daily newspaper about a 50-year-old woman who was found dead of unnatural means in her house. There was no mention of a husband. With the small population, I would assume this did not happen often.

Besides Malta, there are two other islands in the archipelago. The second largest is Gozo, one-third the size of Malta. Comino is smaller yet, but does feature a hotel as well as one of the ubiquitous towers that abound the surface of the other islands. These towers were used primarily for warning the other parts of the nation. There are at least 50 of them to observe.

Gozo holds 27,000 people with its capital city being called 'Victoria,' formerly Rabat. It is a three-mile ferry ride from the northwest corner of Malta, which takes about 30 minutes. Some locals commute daily but the living is much less hectic on the smaller enclave. Here too are the temple formations that also go back to 5000 BC, with sophisticated patterns that mystify archeologists.

There are cathedrals, shopping centers featuring local crafts, a grotto accessible only by a short boat ride, and 'the citadel' which served as the protective fort for this island which was also besieged by the Turks almost 500 years ago.

Going back to the main island, one finds Valletta, its capital city and its most populated and exciting portion thereof. (Reference is made to another Maltese trip by a ITN-er in May 2008 with prices posted, as they existed in lira in 2007.) All wonderful views of the grand harbor are

from the garden area of this city which is long and flat, once you achieve its top, and has many restaurants. It also has the co-cathedral, as large as most in Europe, with a wonderful pipe organ. The castles are nearby. One can easily spend a day wandering around this city. Traffic is controlled, with few vehicles in the metro area itself.

Outside of it, lies the transit center. Not unlike those in your own home city, buses from every part of the island, and Gozo, come to this center where passengers transfer and leave again. If we were not on tour buses throughout

the week, we would have come here to catch the bus we wanted every morning.

One place to which we would have gone either way, would have been Mdina. This is the old capital. It is a walled city. Tourists cross a bridge to gain access to the main road that goes through the town. There are side streets taking people to museums, a few restaurants, and homes open to the public. From the road end at the other side of



*Inside the main palace where the grand masters dwell; Valletta, Malta*

the city, a view of the countryside including some farms is laid open, to those seeking the view.

After many years it was decided that it was more important to be nearer the sea so Mdina was abandoned as the capital due to the three miles that separated it from the Mediterranean. At one time there was a railroad running between Mdina and points east. It was around seven miles long with about three stops. It had a short lifespan.

We were in Malta in February '08, which is definitely out of season. This is a country with many named beaches; they are on Gozo, too. Yet none of them were in use at that time of year. The climate was cool and the day we arrived there was fierceness to the wave action on the quays near our hotel, Le Meridien.

This hotel is one of the newest. We had select rates, so giving prices is impractical. They also vary by season. It has 14 floors and many views, but mine looked at its parking area. It has three restaurants. The breakfasts, which were included, were excellent with many choices not usually available. It is in the Sliemna area of the country about ten miles by road from Valletta to which there is local bus service.

*continued on next page*



*Malta Meeting Maddingly Merry* from previous page

There are also four casinos on the archipelago, one in the Hilton Hotel. There is a racetrack with a limited season where the horses run clockwise. It was very near the golf course with meets every weekend while we were there. Soccer is also popular, and it is interesting to see some of the areas for the sport crowded between buildings but with netting to protect the ball.

There are few trees, little wildlife, and not many birds. The latter are shot at by hunters hiding in huts above the cit-



*A fortification on Malta about 7,000 years old.*

ies, whether they are a protected species or not. It is difficult to see these lairs, inasmuch as the island is also spotted with so many historic towers. There are also numerous cats – the famous Maltese cat – similar to what once proliferated in Venice. Maybe they were sent from that city to Malta?

The wind blows in the afternoon. So golf, if at all, is better in the morning as are tennis matches and general outdoor activities. How often it rains is not known but in the ten days we were there, we only had one such storm.

Drinking is prevalent. Cisk is a local beer. Liquor must be imported and costs accordingly. Wine can be local and of good quality.

97% of the Maltese are Catholics. There are only 80 Jewish people on the islands, with one synagogue for them, somewhat cramped into a building also used for other purposes.

All the natives speak a unique Semitic language with similar writing to our own: “bhala nistrani; irrefletti u ivvota” advises the locals to be sure and vote. An election was taking place in early March with delegates selected from whom the president would be elected for another five years. The republic works very well.

One can't appreciate this country without understanding the Second World War and how it affected this place located in the shipping lanes of the Mediterranean. Three fiction books which discuss it in great detail are “The Jukebox Queen of Malta” by Rinaldi; “The Brass Dolphins” by Trollope; and Nicholas Monsarrat's “The Kappillan of Malta,” which not only was penned while the author lived on Gozo, but covers the entire gamut of Maltese history, albeit favoring WWII.

One could describe the many museums visited, but it seems enough to let you know they are there to be seen. One could also attempt to outline descending into the catacombs, but suffice to know that if you are over six feet tall, you will do a lot of bending and head moving to avoid getting another bump on the noggin.

There are cruise ships that stop here for the obligatory nine-hour stay; there is a ferry from Sicily and the air flights to Britain as well as Frankfurt. There are many hotels and smaller places. Restaurants predominate, some of which are quite good.

Yet, when you come right down to it, Malta is an experience. If you have no knowledge of WWII, it will not mean as much to you. It is an experience in that you know and then see how an indomitable people persevered in what was



*One of 400 Roman Catholic churches on Malta.*

not necessarily their war; and it is an experience because anyone can visit an island, see a beach, and enjoy a sunset. Few, however, can learn about a people.

So while I am hardly illustrious, I leave you with my memories of an interesting ten days in February 2008. Mad-deningly merry maybe, but momentous.

## In Memoriam: Wes Foss

September 12, 1928 – July 9, 2007

*Remarks by Shan Mullin at Memorial Service on July 19, 2007 – University Presbyterian Church, Seattle*

I was a very proud friend of Wes for 49 years, having met him when I joined Perkins Coie (then Holman, Mickelwait, Marion, Black & Perkins) in 1958. Wes joined Perkins Coie two years earlier, after serving as a law clerk to U.S. District Court Judge George Boldt and active duty as a JAG officer with the Air Force at Andrews Air Force Base. Before attending the University of Washington Law School, Wes distinguished himself by being selected as valedictorian of his graduating class at Central Valley High School in Spokane County, by serving as the student body president at Washington State University, and by graduating Phi Beta Kappa from WSU with a degree in political science.

I was honored to be asked by his daughter, Sharon, and son, Dean, to give you all more information about how we at Perkins Coie – lawyers, secretaries and support staff – admired Wes and how we enjoyed his presence with us for his 51 years as a lawyer in private practice.

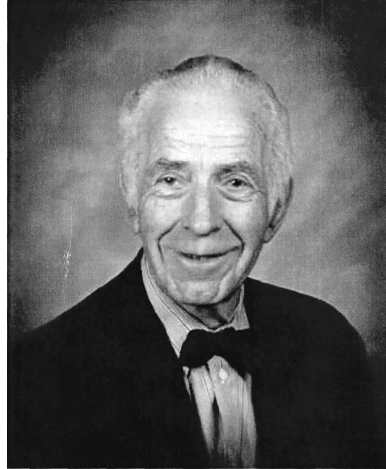
In 1956, Perkins Coie was located on 2-1/2 floors of the Hoge Building at Second and Cherry in Seattle. It had been in the same building since the firm was founded 45 years earlier, in 1912. The office included approximately 25 lawyers, 13 secretaries, three receptionists and a bookkeeper. Wes was an active participant in the growth and success of the firm for over half a century.

This week I had the privilege of speaking with about a dozen of our Perkins Coie lawyers and staff and was not at all surprised to find that everyone I spoke with had the same positive and appreciative comments about Wes. There was strong consensus about his work ethic, his wonderful judgment, his loyalty, and his commitment to the highest ethical behavior.

### Work Ethic

Wes was a trial lawyer. He enjoyed preparing for and trying cases, including cases with two of our most senior lawyers, Harold Olsen and Ted Thomsen, both here today. Both Harold and Ted recalled his effort and his dedication. If it meant working to midnight or after... so be it... then, if it meant setting the alarm at 4 a.m. to go back to work... then so be it.

His attention to detail and his ability to handle complex and sometimes very technical subject matter made him a great choice for our lawyers and clients. He was known to give 110% to the cause and not give up until he had done the very best that he could offer.



### Loyalty

Wes's loyalty – to his family, to his friends, to his law firm, to his clients, and to various non-profit institutions with which he was connected – was noted by everyone I spoke with this week. One example goes back to the late 1980s when our firm was handling a number of litigation matters related to failed savings and loan organizations. Wes was part of the team that was representing FSLIC (the Federal S&L insurance program). It turned out that we had cases that needed attention in Anchorage, where we had a Perkins Coie office. Wes was asked to move to Anchorage for several years,

which he did. While there, he did more than “pitch in” ... he provided senior leadership and served as a mentor for the younger lawyers in the Anchorage office. His loyalty and commitment to the firm and our clients meant that he was always ready to step up and help wherever he was needed.

### Wonderful Judgment

Wes was a good listener and “advisor/mentor.” When complex issues would arise... other lawyers would seek Wes out as a sounding board. He was good at thinking “outside of the box.” After listening, we all knew that he would give you a straight, unvarnished answer or guidance. You could count on the fact there would be no “sugar coating” from Wes.

### Values

His values were very important to him. He knew what was right and what was wrong. He was not tolerant of ethical failures or even of borderline ethical behavior. In short, he was a “straight arrow” and expected the same from all that he dealt with in his life.

He was outwardly humble and was not comfortable blowing his own horn.

He was inwardly proud – of his daughter Sharon and his son Dean, and their accomplishments, of his 3 grandsons (Erik, 12, John Michael, 10, and David, 8), of his law firm, of the organizations where he served as a volunteer leader, and of his heritage. We will hear more shortly about his volunteer leadership from Tom Stang.

Above all, he was a “positive” person. He was always “up” – and remained so during his final six months with us. He was a physically active person and was accomplished at

*continued on next page*

## 1958: A Moment in Time

*Program from the WSBA October 2008 50-Year Luncheon*

The year is 1958. A house costs about \$12,750, and the average salary is \$4,600. A gallon of gas costs just a quarter. The price of first-class U.S. postage is raised to 4 cents from 3 cents, where it had been for 26 years.

New products at the grocery store this year include Friskees dry cat food, Rice-a-Roni, and Cocoa Puffs. Sweet 'n' Low is introduced as an artificial sweetener, and receives U.S. trademark patent no. 1,000,000. The Wham-O company introduces the Hula Hoop; over 100 million are sold. Also this year, Americans invent the microchip, the computer modem, and the remote control.

Following the 1957 launch of Sputnik by Russia, America enters the space race, as NASA is established by the U.S. for the scientific exploration of space and Explorer 1 is launched. Explorers 2 through 5 are also launched later this year.

Dwight Eisenhower is president, and Albert D. Rosellini is governor of Washington. Mr. Rosellini, who this year celebrates 75 years of membership in the Washington State Bar Association, remains an active member of the Bar.

In January, the U.S. Civil Rights Commission swears in six members and begins operations. Dr. Martin Luther King publishes his first book, *Stride Toward Freedom: The Montgomery Story*. While at a book signing in Harlem, he is stabbed in the chest by Izola Ware Curry. The NAACP Youth Council hold sit-ins at Oklahoma City lunch counters. In September, the US Supreme Court rules unanimously that Little Rock, Arkansas, schools must integrate.

U.S. GNP is \$468.3 billion. Unemployment is 6.8 percent – nearly 5.5 million people are out of work.

The Pulitzer Prize is awarded to James Agee for his book *Death in the Family*. Soviet novelist Boris Pasternak wins – and declines – the Nobel Prize for Literature for *Doctor Zhivago*. Other books published this year include *Lolita* by Vladimir Nabokov, *Breakfast at Tiffany's* by Truman Capote, and *The Dharma Bums* by Jack Kerouac.

At the Academy Awards, "Gigi" takes home nine Oscars, including Best Picture. Best Actor goes to David

Niven in "Separate Tables," and best actress goes to Susan Hayward in "I Want to Live." Other movies this year include "The Bridge on the River Kwai," "South Pacific," and "Vertigo."

Billboard debuts its Hot 100 chart. Ricky Nelson's "Poor Little Fool" boasts the first No. 1 record. The Recording Industry Association of America awards the very first Gold Record to Perry Como, who also takes home an award for Best Male Vocal Performance in the first-ever Grammy Awards.

The first domestic jet-airline passenger service is begun by National Airlines between New York City and Miami. The first trans-Atlantic passenger jetliner service begins with flights between London and New York on the new British Comet Jet. And here at home, Pan American World Airways takes delivery of the country's first commercial jet airliner, a Boeing 707, and starts service in October on a trans-Atlantic route.

More than 45 million American households have television sets. The National Association of Broadcasters bans subliminal ads. Charles Van Doren finally loses on TV game show "21." Other popular TV shows include "Candid Camera," "The Ed Sullivan Show," "Come Dancing," "The Jack Benny Show," "Panorama," and "Alfred Hitchcock Presents."

In baseball, the New York Yankees regain the world championship, beating Milwaukee in the World Series by four games to three, after trailing three games to one. Also this year, the Brooklyn Dodgers become the Los Angeles Dodgers, and the New York Giants become the San Francisco Giants.

### In Washington...

Voters in western King County reject the creation of a new government agency, the Municipality of Metropolitan Seattle, with broad responsibilities for regional sewage treatment, public transportation, and regional planning. A narrower Metro plan for improving water quality will be adopted the following September. (Metro will take over regional transit in 1972 and merge with King County in 1994.)

"Seattle Bandstand" makes its broadcast debut on KING-TV. Hosted by Ray Briem, Seattle Bandstand is a televised teen-dance show and is modeled after Dick Clark's national program, "American Bandstand." The Northwest version is an instant favorite and eventually helps launch the hit-making careers of several area bands.

The state Toll Bridge Authority agrees to give Native American names to two new ferries currently under construction. When the two ferries are launched during the next year, they will be named Klahowya, meaning "greetings," and Tillikum, meaning "friends." *continued on next page*

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### In Memoriam: Wes Foss from previous page

tennis, skiing, fishing, golf (and we will hear more shortly from Boh Dickey about Wes as a golfer) and other outdoor activities – so he missed those activities very much as his health declined. He tried to see the "good" in everyone and everything. For example, when his doctors told him the bad news about his cancer, his response was "I have had a good life."

Indeed, Wes, you had a good life. We thank you for all that you brought to our lives. Your family and your many, many friends at Perkins Coie and within the broader community are going to miss you very much.

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### 1958: *A Moment in Time* from previous page

In June, the U.S.S. Nautilus, the world's first nuclear submarine, visits Everett and Seattle. The Nautilus is en route to the North Pole on a top-secret mission to cross the North Pole submerged. A leaking condenser unit threatens the secret mission, but security concerns and time preclude repairs through the usual channels. Crewmen disguised in civilian clothing secretly buy 140 quarts of the automotive stop-leak product Bar's Leak to repair a leaking condenser system. The leak is repaired, and the Nautilus carries on.

In September, two giant U.S. Air Force B-52 Stratofortresses collide while making routine landings at Fairchild Air Force Base near Spokane. Thirteen airmen are killed and three are injured. The incident is the worst disaster in the history of the Strategic Air Command's B-52 bomber operations.

Chace's Pancake Corral, a Bellevue icon for 50 years, opens its doors, and a plate of "sourdough cakes" costs less than 50 cents.

#### And at the WSBA...

In January 1958, 46 people pass the bar exam. In February of 2008, 361 people passed. In July 1958, 92 candidates pass the bar exam. Last July, 644 people passed.

President Eisenhower declares that May 1, 1958, will be the first nationwide Law Day, as "a day of national dedication to the principle of government under laws." Local bar associations commemorate the day by giving talks in schools, service clubs, and other organizations. Panel discussions and movies are presented over TV and the radio, and ceremonies are held in local, state, and federal courts. Some churches even present Law Day-themed sermons to mark the event.

The Washington State Bar Foundation is incorporated, with contributions going toward the purchase of a building

to serve as WSBA offices. President F.A. Kern writes in the *Bar News*: "If every member makes an initial contribution of some amount at this time... the lawyers of the state of Washington will know for a certainty that some time in the future, they will be the owners of their headquarters building."

At the ABA convention in Los Angeles, the Seattle Bar Association receives second place in the Award of Merit competition for local bar associations of more than 800 members. The Spokane County Bar Association wins first place for associations of fewer than 800 members. The *Bar News* notes that "Mrs. Robert K. Keller, member of the [Women's] Auxiliary [of the Seattle Bar Association], deserves special commendation for her outstanding artwork on the [competition] entry. She employed an Indian motif throughout, using a totem pole design on the cover, which incorporated scales of justice."

And the WSBA offers a salmon fishing expedition following the Washington State Bar Convention, for \$2 per hour per fisherman. "The fishing is reported to be at least excellent," says the *Bar News*, but the boats are described as merely "adequate."

#### Today we honor you...

You, the members of the WSBA class of '58, have seen many changes – cultural, political, and societal – during your years in the legal profession. I hope you enjoy celebrating your 50 years of membership in the Washington State Bar Association, as you gather here today with friends and colleagues to share stories and memories. Your achievements and dedication are an inspiration. You have served our profession and our community for 50 years, and have made us all proud to be lawyers. We salute you and we thank you.

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