



LIFE BEGINS

A Publication of the
Washington State Bar Association
Senior Lawyers Section

Volume 9

Winter 2006-2007

Number 1

Save the Date!

Senior Lawyers Section 2007 Annual Meeting & CLE Seminar

Monday, April 19, 2007
Seattle Marriott SeaTac Airport

By Robert A. Berst

How can we make the 2007 annual meeting and CLE seminar as exciting as the 2006 seminar? Each year, the entire committee works as a team to bring you new, exciting, and relevant programs. As those regular attendees know, your committee is not bashful about experimenting with unusual material.

But, enough of this technical stuff – we again have tentatively decided to keep the seminar tuition at \$100.00 for section members, which includes the seminar, materials, lunch, social hour, and parking. We arranged for the top-of-the-line lunch served by the SeaTac Marriott. The reception will be hosted by the Boeing Employees Credit Union.

This is the only seminar where you will know most of those in attendance.

SEE YOU THERE!

This article appeared in the WSBA Tax and Real Property Probate and Trust newsletters, and is being used with our appreciation and consent of the author.

Planning for the Washington Estate Tax

By Benjamin G. Porter, Past Chair Estate &
Gift Tax Committee, Washington State Bar Tax Section

The New Washington Estate Tax

The new Washington estate tax imposes a separate stand-alone estate tax on transfers of property located in Washington owned by persons dying after May 16, 2005. (RCW 83.100.04(1)). The Washington estate tax is imposed on the decedent's "gross estate" as that term is defined for federal estate tax purposes in Section 2031 of the Internal Revenue Code (the "Code"). The deductions allowed against the federal gross estate by Chapter 11 of the Code for the federal estate taxes are also allowed against a decedent's gross estate for the Washington estate tax. However, the Washington estate tax disallows the deduction for state death taxes allowed for federal estate tax purposes under Code Section 2058.

The Washington estate tax is imposed on the "Washington taxable estate" (RCW 83.100.020(13)), defined as the federal taxable estate as adjusted, less \$1.5 million for people dying before January 1, 2006, or less \$2.0 million for people dying after January 1, 2006, and less a special deduction provided for farm and woodland properties under RCW 83.100.046.

The Washington estate tax is imposed at graduated rates from 14% to 19% for estates over \$9 million. Assuming the Washington estate tax may be deductible in determining the federal estate tax, the effective rate of the new tax is nearly 9% for the largest estates.

The Washington tax does not tax gifts and other lifetime transfers. However, the gross estate for federal estate tax as defined by Section 2031 of the Code brings back into the estate of a decedent a number of lifetime transfers (Code Sections 2036 – 2045). Those transfers are subject to Wash-

continued on next page

In This Issue

Planning for the Washington Estate Tax	1
Speaking of Retirement!	4
Where in the World Is Ladakh?	6

Planning for the Washington Estate Tax from page 1

ington estate tax because the computation of the Washington taxable estate begins with all of the items included in the decedent's federal gross estate.

The Washington estate tax will not be affected by changes in the federal estate tax laws. For example the \$2 million Washington exemption effective this year will not change when, under current law, the federal exemption increases to \$3.5 million in 2009, when the federal estate tax goes away entirely in 2010, or when the federal estate tax returns with a \$1 million exemption.

When Is Property Located in Washington?

The estates of Washington residents are taxable on interests in tangible personal property and real property located in Washington and intangible assets regardless of the situs of the intangible assets. The estates of Washington non-residents are taxed on only interests in tangible personal property and real property located in Washington. Intangible property owned by non-residents is not subject to the Washington tax. Examples of intangible property include stocks, bonds, interests in partnerships and limited liability companies, life insurance, annuities, bank accounts, business interests, retirement plans, and IRAs.

Washington Department of Revenue's Proposed Rules, WAC Chapter 458-57 (Estate and Transfer Tax) (the "Proposed Rules") suggest that a trust beneficiary's interest in a trust holding Washington real estate will be treated as Washington property. The proposed regulations do not, however, distinguish properties held in a revocable trust from properties held in an irrevocable trust. However, it is likely the interest of a grantor-beneficiary of a revocable trust will be taxed based on the nature and location of the underlying assets held by the trust. On the other hand, the interest of a beneficiary of an irrevocable trust would appear to be an intangible asset, regardless of the location or nature of the underlying assets.

Planning Strategies to Convert Taxable Washington Property to Nontaxable Property

The different Washington tax treatment of tangible and intangible property presents planning opportunities to reduce the property subject to tax. For example, a Washington resident with an interest in out-of-state tangible personal property or real estate should hold that property in a way that it will be deemed property located outside Washington. Accordingly, those kinds of assets should be held outright, or in a revocable trust, as a tenant in common, or tenant with right of survivorship. On the other hand, a non-resident owning tangible personal property or real property located in Washington should hold the property in a way that it will be deemed intangible property not subject

to Washington tax. Those assets should be held in a corporation, limited liability company, or partnership.

Effective Date and Potential Retroactive Application of the Tax

Laws of 2005, Chapter 516, § 20, provided: "This act [the Washington estate tax Act] applies prospectively only and not retroactively." However, the use of the Code definition of "gross estate" that includes lifetime transfers made prior to death (Code Sections 2035-2045) may result in prohibited retroactive application of the Washington estate tax to transfers made prior to May 17, 2005. For example, pursuant to Code Sections 2035 and 2042 the proceeds of a life insurance policy on the insured's life given away within three years of the insured's death is brought back as part of the insured's federal gross estate under Code Section 2031. The Proposed Rules take the position that all transfers included in the federal gross estate are subject to the Washington tax, whether made before or after the effective date of the Washington estate tax.

It would appear that if the Washington estate tax is imposed on a completed gift made prior to May 17, 2005,

continued on next page

2006-2007 Senior Lawyers Section

Officers

Chair: Jerry Jager, CLE Chair
Past-Chair: Dudley Panchot
Secretary: Stephen E. De Forest
Treasurer: Joanne Primavera

Committee Members

*Carole Grayson,
Editor Life Begins*
Eugene I. Annis
Robert A. Berst
Philip DeTurk
Roderick Dimoff
H. Weston (Wes) Foss
Fredrick O. Frederickson
Herbert H. Freise
G. Lawrence Salkield

WSBA Support

Toni Doane
Ali Milks

Planning for the Washington Estate Tax from previous page

when Washington had neither a gift or estate tax, the tax would be inconsistent with Section 20 of the bill prohibiting retroactive application of the tax, as well as the Due Process and Impairment of Contracts clauses of the U.S. Constitution.

Avoiding the Washington Estate Tax by Making Outright Gifts

The Washington estate tax is imposed on only a decedent's Washington property that is transferred at the time of death. Except for those pre-death transfers that are included in a decedent's federal gross estate under Code Section 2031, there is no Washington counterpart to the unified gift and estate tax rules found in the federal gift and estate tax laws. Outright gifts are simply free of Washington tax.

For planning purposes, consideration should be given to making large outright deathbed gifts. The gifted property should be property that has an income tax basis close to the value of the gift, so the loss of the federal estate tax step-up in basis will be unimportant. Although the gift would reduce the available unified credit upon the donor's death, the transfer would avoid the Washington estate tax.

Apportionment of the Washington Estate Tax Between Washington Property and Non-Washington Property

Since the Washington estate tax is to be borne only on Washington property, a formula is provided in the statute that is intended to apportion the tax between Washington property and property that is not Washington property (RCW 83.100.040(20)(b)). Unfortunately, the formula provided by the statute is flawed and will fail in many cases to properly apportion Washington estate tax.

The apportionment statute provides that the Washington estate tax is to be multiplied by a fraction, the numerator of which "is the value of the property located in Washington" and the denominator of which "is the value of the decedent's gross estate." Since RCW 83.100.20(5) defines "gross estate" as the gross estate used for federal estate tax purposes under Code Section 2031, the denominator is the decedent's worldwide gross estate, undiminished by available deductions.

Thus, for example, assume that a decedent owned assets with the same gross values in both Washington and outside Washington. Since the gross values would be equal, using the fraction provided in the statute, one-half of the tax would be apportioned to the Washington property and one-half to the property outside Washington. However, since the Washington estate tax is computed on the net federal taxable estate, the use of the gross estate value in the allocation fraction, rather than the net taxable value, will result in an allocation that has no relationship to the rela-

tive net values of the properties within and outside Washington.

A second problem with the allocation formula is that the deduction for qualified farm and woodland property does not require the property be located in Washington. The allocation formula excludes the deduction for farm and woodland properties from both the numerator and denominator of the fraction. If the qualified farm and woodland property is located only in Washington, the formula will result in a larger allocation of the tax to out of state property. The opposite result will occur if the farm and woodland property is located outside Washington.

To the extent that the allocation fraction results in tax being assessed against property outside Washington, there is a question whether the full Washington estate tax will be eligible for a deduction for federal estate tax under Code Section 2058 as a state death tax. Cf. Rev. Rul. 52-230, 1956-2 C.B. 600, which denied a credit for state taxes under similar circumstances.

Washington Qualified Terminable Interest Property and Qualified Domestic Trust Elections

The personal representative of an estate may claim a marital deduction for a qualified terminable interest property ("QTIP") for qualified income interests for the benefit of a U.S. citizen spouse and a similar deduction for distributions to a qualified domestic trust ("QDOT") for the benefit of a non-U.S. citizen. The election to claim the deduction is made on the decedent's federal estate tax return.

There are a number of situations where the amount of the marital deduction necessary to avoid federal estate tax on the death of the first spouse will be different than the amount needed to avoid the Washington estate tax. The size of the Washington taxable estate may be less than the federal taxable estate, so a smaller Washington marital deduction would avoid taxes than would the deduction necessary to avoid the federal estate tax. On the other hand, when the unified credit for federal estate and gift tax purposes is \$3 million or when there is no federal estate tax in 2010, a larger marital deduction for Washington estate tax purposes might be needed to avoid the Washington estate tax.

The ability to make different QTIP and QDOT elections under federal and Washington law was recognized by RCW 83.100.50. That statute gave the Department of Revenue the authority to make rules allowing a Washington election on the Washington return different from the election made on the federal return. The Proposed Rules would permit those different elections.

continued on next page

The following article originally appeared in the September 2006 issue of "In Sight for Oregon Lawyers: Improving the Quality of Your Personal and Professional Life," by the Oregon Attorney Assistance Program, and is being used with our appreciation and consent of the author.

Speaking of Retirement!

By Mike Long, OAAP Attorney Counselor

In June the OAAP sent a broadcast e-mail to 6,000 active and inactive members of the Oregon State Bar (OSB) age 50 and older inviting them to complete a retirement survey. In early August, we expanded the survey to include almost 1,900 active and inactive OSB members who were born between 1957 and 1964 – the younger baby boomers. We appreciate the time that almost 1,100 of these lawyers spent completing the survey. We regret that some of you who attempted to participate in the survey were unable to complete it due to technological difficulties and lost the opportunity to share your responses with us.

We drew the following observations from the responses to the June survey and the preliminary responses to the August survey:

- 13% of the lawyers surveyed are 40- 49 years old; 62% are 50-59; almost 78% are 50-64; and 10% are 65 or older.
- A majority are practicing full-time as sole practitioners or in small firms. About 25% are working in the public sector as judges, government lawyers, or in government positions.
- 70% of the lawyers surveyed are male. However, the following breakdown by age reflects the increasing representation of women lawyers in the OSB:

Age	% Women Lawyers
70+	0%
60-69	14%
50-59	32%
40-49	55%

Envisioning Retirement

- 11% to 12% of the Oregon lawyers surveyed do not plan to ever retire. They plan to continue to practice fulltime or part-time until they die or are no longer capable of practicing.
- 30% plan to continue practicing law part-time after age 65 mainly for the stimulation, sense of purpose, and satisfaction it provides.
- 11% plan to continue practicing law part-time after age 65 primarily for the income it will provide.
- 18% plan to retire completely and no longer work for pay by age 65; almost 60% plan to do so by age 70; over 40% of the Oregon lawyers surveyed plan to continue to practice law or work after age 70.
- 71% of the lawyers envision retirement as a time to begin a new chapter in life by being active and involved, starting new activities, and setting new goals, compared with 29% who envision retirement as a time to take it easy, take care of themselves, enjoy leisure activities, and take a much-deserved rest from work and daily responsibilities.

Planning for the Washington Estate Tax

from previous page

If a Washington QTIP or QDOT election is made the Proposed Rules provide that the property covered by the election is includable in the surviving spouse's estate for Washington estate tax purposes. The proposed regulations seem to assume that the surviving spouse will still have Washington property subject to the Washington estate tax when he or she dies. It would appear that if the surviving spouse were to change his or her residence to another state and have no Washington tangible personal or real property, there would be no Washington estate tax due. In such a circumstance, the Washington estate taxes would be avoided in both estates.

Hopes and Dreams

Almost half of the Oregon lawyers surveyed age 50 and older are very optimistic about retirement and are very much looking forward to their retirement years. Another 39% report feeling somewhat optimistic about their retirement years and are looking forward to them for the most part. About 15% of the lawyers are not feeling too optimistic about their retirement years and are either not looking forward to them or looking forward to them with mixed feelings. The younger lawyers surveyed in August report less optimism toward retirement. Only 36% are very optimistic about their retirement years and almost 25% feel not too optimistic about their retirement years and are either not looking forward to them or looking forward to them

continued on next page

Speaking of Retirement! from previous page

with mixed feelings. Lawyers over 50 who have not yet retired are most looking forward to the following opportunities in retirement:

- More time and opportunity to travel (81%)
- Time for community service, volunteering, hobbies, recreation, or new educational opportunities (79%)
- More time for family and friends (72%)
- More time for exercising and fitness (64%)
- A slower pace (61%)

Lawyers over 50 who have already retired report that they are actually most enjoying the following opportunities:

- More time and opportunity to travel (71%)
- Increased control over their schedule (71%)
- Time for community service, volunteering, hobbies, recreation, or new educational opportunities (65%)
- More time for family and friends (64%)
- A slower pace (64%)
- More time for exercising and fitness (60%)
- The decrease in adversarial relationships (59%)

Primary Concerns

The two most significant financial concerns lawyers hold as they look toward their retirement years are:

- Projecting their long-term financial needs (69%)
- Concerns regarding Medicare, health insurance, and long-term care insurance (62%)

The preliminary responses from the younger baby boomers (age 42-49) reflect a higher level of financial anxiety as they look ahead to retirement, compared with lawyers 50 and older. Over half identify their most significant financial concern as not being able to afford to retire. Forty-one percent are concerned about the continued existence and availability of Social Security. This age group specifically commented on the burden of their student debt load and its impact on their ability to save for retirement.

The personal retirement concerns most frequently cited by lawyers over 50 are:

- Loss of intellectual stimulation (38%)
- Loss of professional camaraderie and affiliations (35%)

- Loss of social interactions and social isolation (32%)
- Loss of opportunities to use professional skills and experience (31%)

The most significant personal concern cited most frequently by the younger baby boomers is maintaining health and independence.

Nest Egg Size

The amount of wealth lawyers believe they will need to accumulate to retire may depend on the size of firm they practice in.

- About 30% of lawyers practicing as sole practitioners or in two-lawyer firms believe they will need to accumulate over \$1.5 million, and another 20% believe they will need to accumulate over \$1 million. About 20% of lawyers practicing as sole practitioners or with one partner believe they will need to accumulate between \$750,000 and \$1,000,000.
- Almost 80% of lawyers practicing in firms with 50 or more lawyers believe they will need to accumulate over \$1.5 million, and another 11% believe they will need over \$1 million in accumulated wealth to retire. Less than 4% of lawyers practicing in large firms believe that accumulated wealth of less than \$1 million will be sufficient in retirement.
- Almost 60% of male lawyers believe they will need more than \$1 million in accumulated wealth. About 40% of women lawyers believe they will need more than \$1 million in accumulated wealth.
- At the time of the survey, almost 40% of male lawyers over 50 report accumulated wealth of over \$1 million; 25% report accumulated wealth between \$500,000 and \$1,000,000; and 29% report accumulated wealth between \$0 and \$500,000.
- At the time of the survey, 20% of women lawyers over 50 report accumulated wealth of over \$1 million; 25% report accumulated wealth between \$500,000 and \$1,000,000; and 38% report accumulated wealth between \$0 and \$500,000.
- Male lawyers over 50 are almost three times more likely to have accumulated wealth of over \$1.5 million (25%) than women lawyers (9%).

Only 25% of lawyers report that they have retained the services of a financial planner or advisor to help them develop a financial plan for retirement. About 40% of law-

continued on next page

Where in the World Is Ladakh?

By Steve Forest

Globalization is upon us. The world is shrinking, and the danger of homogenization is growing. Fortunately, there are lands and cultures that are still relatively untouched. One such place is Ladakh, which my wife and I visited in August 2005. It was one of our most fascinating travel experiences. Though politically a part of India, Ladakh's culture and religion are enduringly Tibetan, and it is often referred to as "Little Tibet." Some of its monasteries and the palace in Leh, Ladakh's main city, are nearly as old and impressive as Lhasa's Potala Palace. My wife and I elected to make this trip through a tour operator that advertised small groups and a long relationship with in-country guides. Our tour guide ("Yetish") was excellent, but we may have tested the small-group concept. There were just three of us, the third person being a Chinese gentleman, born in Hong Kong, and a U.S. research chemist with DuPont for the last 20 years. A single man, he was an experienced and knowledgeable traveler, and much to my wife's relief,

shared our dismay over the destruction of nearly all the Buddhist monasteries in Tibet and the suppression of religious practices and thought.

Since 1948 Ladakh has been a part of the Indian state of Jammu and Kashmir, lying at the northern most tip of India. Flanked by the Karakorum Mountains on the north-east and the Himalayan ranges on the south and south-west, it is one of the highest inhabited places on the earth. Literally, Ladakh derives from "La-Dawgs" or the "Land of High Passes." Through these often treacherous passes came caravans laden with jade, carpet, precious stones, tea, musk and other luxury products that were traded between China and Kashmir, Afghanistan, Central Asia and beyond on one of the great trading networks of history. Leh, the capital city, was located on a minor off shoot of the fabled Silk Road and served as a caravan halt for travelers. In addition to material goods, the movement of monks, pilgrims and craftsmen brought sacred texts and objects, and religious thought and learning through this region, laying the basis for an incredibly rich cultural heritage.

The location of Ladakh is of great strategic importance to India. The fighting along the much disputed India-Pakistan line has subsided, and the border between North Pakistan and Kashmir reopened tentatively after the devastating earthquake of October 8, 2005.

Road access to Ladakh is limited to five months of the year. The preferred method of travel is by Boeing 737 from Delhi to Leh. The principal carrier is Jet Airways, which has only two flights in and out each day, weather permitting. These are early-morning flights, because of the high altitude and its effect on lift. The elevation of Leh is about 11,000 feet. As we left Delhi at 5:40 a.m., the pilot must have been in a hurry, because he pulled away from the loading pad three minutes early and before all of the passengers had been seated, sending those standing stumbling rearward, to the merriment of the flight attendant and the seated passengers. Air India is the other carrier to Leh, but we were advised to avoid it because of service issues.

Ladakhis are Tibetan-Mongoloid in appearance, although traces of Kashmiri Moslem influence can also be seen. Traditionally, the men wear a "goncha," a long maroon or brown woolen tunic tied with a bright pink sash. Except for ubiquitous monks, nearly all the men we saw were wearing western dress. Women do not wear western dress as frequently; their goncha is slightly more fitted than the men's version, and is worn with a brocade or goatskin cape (fur side turned toward the wearer) on the back. Their jewelry, often turquoise or amber, can be stunning.

Ladakh encompasses approximately 60,000 square miles of rocky high desert and barren inhospitable moun-

Speaking of Retirement! from previous page

yers report that they have developed a financial plan that includes specific goals for retirement.

Staying Healthy

The lawyers surveyed give themselves a pretty good report card regarding their health status and their efforts to maintain their health.

- About 75% rate their health as very good or excellent; another 19% rate their health as good.
- About 60% report exercising three or more times per week.
- 93% report never smoking.

Protecting Clients' Interests in Case of Disability

About 80% of sole practitioners report that they have not made any arrangements with another attorney to cover their practice if they are temporarily unable to practice due to disability or extended absence or to close their practice due to permanent disability or death.

Summary

The OAAP will be using responses from this survey to further refine the lawyer retirement planning workshops it offers in the future and to create additional presentations or workshops to address the concerns and informational needs reported in the survey. We sincerely appreciate your participation in this survey.

continued on next page

Where in the World Is Ladakh? from previous page

tains. It has one of the lowest population densities in the world: less than two inhabitants per square mile. As we flew north from steamy Delhi (a 55-minute flight) we could discern patches of green that were along the outflow of steep glacial streams and the rivers in the narrow valleys between mountain ranges.

Leh has a population of about 50,000, and is by far the largest town in Ladakh. It spreads upward from the Indus River Valley. Both in the countryside and in Leh refrigeration is almost non-existent. The electrical supply is limited. Many of the shopkeepers in Leh display their goods on the sidewalk. If we showed an interest, they would invite us inside, pausing for a moment to start up a portable generator to turn on the lights in the shop. We surprised one family that was sitting on the floor inside in total darkness eating their lunch.

On the basis of our tour operator's conclusion that there are no satisfactory hotel accommodations in Leh, we were taken to a "resort" about 20 minutes outside of the city. This became our base for the next 16 days. The three of us were the only guests, and occupied two of the 14 yurts ("ger" in Mongolia), each of which had a connected small bathroom with running water, toilet, wash basin and a shower-curtained enclosure. As the water was heated by solar panels, showers were most comfortable at the end of the day. Summers in Ladakh are short and relatively hot (70's and low 80's during the day). It is a time when the Ladakhis work long hours in the fields, raising barley, the staple cereal out of which tsampah (flour) is made, vegetables such as tomatoes, cauliflower, cabbage, radishes, carrots, and fruits. Their terraced fields are irrigated by hand

dug ditches and canals. Mechanical farm equipment is almost non-existent. Winters are brutal. Temperatures of 20 to 30 degrees below zero are common, and it is frequently windy. Because of the high mountain ranges, Ladakh receives only about two inches of rain per year. The aridity of the area is immediately apparent; long vistas of mountains without vegetation and valleys with only a few patches of green clustered around the snow melt streams. Our yurt was quite comfortable but sparsely furnished. Electricity for lighting was available from 7-11 p.m., with occasional interruptions. A king-sized bed, with twin-size sheets and blankets, provided a lumpy surface.

On our first day in Leh, no activities were scheduled. We were urged to read, sleep, drink lots of water and move about slowly, in order to become acclimatized. Although we had started Acetazolamide, the generic equivalent of Diamox, 24 hours before our arrival, we did not need much persuasion to lie low. Even walking a very short distance on the level caused a shortness of breath. The following morning we awoke as the sun shone on the snow covered 22,000 foot peaks on the western side of the Indus valley. It was an inspiring sight, as we watched the sun line move down the mountain sides, in the clear sparkling air. Adjustment to altitude went well and on our second day in Leh we visited two monasteries (gompas), one palace, and the home of an oracle, all within an hour or two of the city.

The predominant religion in Ladakh is the Tibetan form of Buddhism. Religious books and prayers are in the Tibetan language, the monastic orders and artwork are clearly Tibetan in origin. Each monastery follows either the red-hat or the yellow-hat sect, the two main sects of Buddhism that developed in Tibet. The Dalai Lama is the head of the yellow-hat sect.

Ladakh's gompas are its treasure. They contain the finest examples of the region's artistry in metalwork, painting, sculpture and the decorative arts. Generally the gompas have a central courtyard with one or more prayer flags on tall poles. It is here that the masked dances take place during festivals. Off this courtyard is the dukhang, or main assembly hall, where the lamas gather for prayers and meals. Here there often is a raised seat reserved for the monastery's Rimpoche (an Incarnate Lama), rows of seats for the lamas, numerous religious paintings on cloth (thankhas) decorating the walls and pillars, and statues of various figures, including at least one of the Lord Buddha. We saw many chortens decorated with semi-precious stones and containing the ashes of a high lama or, perhaps, simply offerings of grains, jewels, or the holy books of Buddhism. The dukhang may also house precious ancient holy books in bookcases on the side walls. The gompas comprise the heart of Ladakhi culture, and we were enchanted

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.

continued on next page

Where in the World Is Ladakh? from previous page

to be able to join the locals as lamas and young boys in training chanted their prayers.

Our mode of transportation within Ladakh was by “jeep” – a diesel-powered Toyota wagon. About 60 percent of the roads that we traveled on were asphalt surfaced, an improvement attributable to the border struggles with Pakistan and China that required ready access by the Indian army. However, the road beds were not well prepared, and the asphalt was generally uneven and bumpy. There were an endless number of curves, many of them blind, and therefore high speeds were unobtainable. That was just as well, because with only a few minor exceptions, the “highways” were a very narrow two-lane road, or maybe a wide one-lane road. In either case, whenever we met a vehicle coming from the opposite direction, or in passing another slower vehicle, both vehicles would have to pull over on to the shoulder. Most of the vehicles were trucks, many of them Indian army. Since much of our travel was on the side of a mountain, frequently with a precipitous drop-off on the outer edge, and no guard rails as such, I tried very hard not to pay attention to the driving. That was a difficult task, because of an ingrained habit of maintaining continuous awareness of the road even when I am not behind the wheel. We were comforted by the fact that our driver had driven for a number of years, and had a wife and two small children at home.

On the morning of our fifth day in Ladakh we packed up the jeep and headed in a northerly direction along, or near, the Indus River. This major river, which was creamy brown from silt, originates in southern Ladakh and flows north, before making a big arc in Pakistan, where it reverses direction and flows southerly, emptying into the Arabian Sea near Karachi, Pakistan. Our destination the first night was Bema, a very small town on the Indus, possibly the equivalent of two short blocks. Here, we were lucky to meet the locals and to be invited into their homes: such friendly, hardy and self-sufficient people!

With one exception, our 8 nights not spent in the yurt near Leh were in tents. Our tent site was a small patch in an apricot grove of level ground about 100 feet from the road. As Ladakh does not have any improved camping facilities, our tents were usually pitched in small fields. A separate latrine tent afforded privacy for a shallow trough that had been dug for our use. One of the many surprising sights we saw along the Indus was the large number of apricot trees, laden with fruit. The golden fruit was spread out on rocks to dry in the sun to provide winter time nutrition along with the pits, while the nut oil is used for cooking.

After four days of exploring a number of monasteries, visiting with local families, and admiring the beauty of the landscape, especially the powerful effects of erosion on the steep terrain, we returned to Leh for one night and the bliss of a hot shower. The next day our destination was the Nubra Valley, which roughly parallels the Indus Valley. Bordered on the east by the Karakorum Range it is ringed with peaks as high as 24,000 feet. Through this fertile valley flows the Shayok River. To reach the Nubra Valley we had to cross the Khardung-la pass. The last 10 miles of road on either side of the pass were a miserable excuse for what is reputed to be the highest “motorable” road in the world, and we made very slow progress. We stopped at the pass, with its glorious views in all directions, only partially obscured by clouds. We had our photograph taken next to a sign that recorded the elevation as 18,380 feet, and an explanation that the road had been completed in 1973 by the Indian army. Our destination was a tented campsite near Sumur, where we spent two nights. On the second day we visited the Diskitt Monastery, perched high on a rocky promontory with a commanding view of the Nubra Valley. Enroute we stopped to watch three bacterian (two hump) camels grazing in the river bed. These camels are a vestige of earlier times when the Nubra Valley was a segment of a trading route from India to China. We returned to Leh over the Khardung-la pass, stopping for lunch at a small village at an elevation of 14,730 feet (which is 320 feet higher than the summit of Mt. Rainier).

After spending one night at our yurt, and getting clean again, we set out early for a long day’s drive (85 miles, the last 25 of which were very tedious). We arrived at Lake Tso Morini, a salty lake about the size of Lake Washington, in the mid-afternoon. The lake is surrounded by mountains, including the Gya Range to the south, with snow capped peaks in the 21-24,000 foot range. Our tent that night was set up along a small stream outside of the tiny town of Korzok, at about 15,000 feet. During the late afternoon and early morning a large number of nomads, many of them refugees from Tibet, passed close by, headed up to, or re-

continued on next page

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 Dené Canter at 206-727-8213 or denec@wsba.org.



Where in the World Is Ladakh? from previous page

turning from, the high mountain pastures were they tended their yaks, goats and dzos (yak-cow). The wind came up in the early evening, and with it frigid air. While our tent remained upright, the latrine tent blew over in the night, with obvious challenges for those seeking relief. The following morning we walked about half a mile to an isolated residence on the lakeshore, built 3-4 years previously for use by the Dalai Lama on his infrequent visits to Korzok. From Korzok we drove back toward Leh, but stopped off to spend another night in a tent in a farmer's field, in order to get an early start for the Takthak Monastery and the one-day festival that was being held at the monastery. It was a cultural treat and one of the highlights of the trip. The courtyard was packed with the local people, the women all in their native dress, and quite a few tourists. The masked dancers wore brightly colored clothing and moved very slowly and deliberately. They were accompanied by the beat of drums and the dissonant sounds of a variety of local instruments.

Traveling half way around the world is never an easy task. Our trip was more arduous than normal, because 24 hours before we were scheduled to depart we were informed that our trans-Pacific flight had been cancelled and rebooked for a week later due to a pilots' strike. We had to scramble to find another carrier, resulting in alternate routing and less convenient times than the original reservations. The flight from Seattle to Los Angeles to Shanghai to Delhi consumed 21-1/2 hours in the air; the total elapsed time from the horizontal to the horizontal was 37 hours. We arrived at our hotel in Delhi at 5:30 a.m. local time. On the return (Delhi – Seoul – Los Angeles – Seattle), the in-air time was an hour shorter, but the hours vertical were 49-1/2 hours.

As we boarded the plane in Leh, the same plane that had brought the Dalai Lama to Leh to visit less than an hour before we boarded it, we were saddened to leave this land of mountains, monasteries, markets and monks, and the place where prayer flags fluttering in the high mountain passes provided constant reminders of the cultural heritages of Little Tibet. We miss the warmth and friendliness of the Ladakhis who opened their homes to us. Although the people are very poor, there is no begging. We have such admiration for their self-sufficient way of life, their strong religious beliefs, and the closeness of their multi-generational families. It causes one to ponder about the true values of life, and whether we are carelessly reckless with the abundant resources which we consume.

WSBA Service Center at your service!

800-945-WSBA or 206-443-WSBA
questions@wsba.org

We're here to serve you!
The mission of the
WSBA Service Center
is to respond promptly to
questions and requests for information
from our members and the public.

Call us Monday through Friday,
from 8:00 a.m. to 5:00 p.m.,
or e-mail us at *questions@wsba.org*.

Assistance is only a phone call
or an e-mail away.

CLE CREDITS FOR PRO BONO WORK?

LIMITED LICENSE TO PRACTICE WITH NO MCLE REQUIREMENTS?

Yes, it's possible!

Regulation 103(g) of the Washington State Board of Continuing Legal Education allows WSBA members to earn up to six (6) hours of credit annually for providing pro bono direct representation under the auspices of a qualified legal services provider.

APR 8(e) creates a limited license status of Emeritus for attorneys otherwise retired from the practice of law, to practice pro bono legal services through a qualified legal services organization.

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

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:

Alternatives to Court	Elder Law	Probate
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

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.

If you're not already a member of the Senior Lawyers Section for 2006-2007, join now!

Send to: Senior Lawyers Section
 Washington State Bar Association
 1325 Fourth Avenue, Suite 600
 Seattle, WA 98101-2539

Please check one: I am an active member of WSBA
 I am not a member of WSBA

Enclosed is my check for \$20 for my annual section dues made payable to Washington State Bar Association. Section membership dues cover October 1, 2006, to September 30, 2007. (Your cancelled check is acknowledgment of membership.)

Name _____

Address _____

City/State/Zip _____

Phone # _____

E-mail address _____

WSBA # _____

Office Use Only

Date _____ Check # _____ Total \$ _____

This is a publication of a section of the Washington State Bar Association. All opinions and comments in this publication represent the views of the authors and do not necessarily have the endorsement of the Association nor its officers or agents.

WASHINGTON STATE BAR ASSOCIATION
Senior Lawyers Section
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Nonprofit Org.
U.S. Postage
PAID
Seattle, WA
Permit No. 2204



Printed on recycled paper
