

LEGAL ETHICS OPINION ON LAWYERS AS WITNESSES

The Legal Ethics Committee of the Washington State Bar Association has issued the following opinion:

No. 134. Re: Lawyers as Witnesses Gentlemen:

You have requested the opinion of the Ethics Committee on certain situations involving lawyers as witnesses. You have given us certain hypothetical cases and queries which we shall set forth in the order given to us followed by our opinions.

1. A, B, C and D is a law partnership representing a client in a personal injury action. X is an employed associate of that partnership. The partnership represents a personal injury plaintiff on a basis of a contingent fee. During the trial of the case, X, the associate, is called as a witness to testify to the existence or non-existence of material facts relating to the main issues (as distinguished from purely formal facts). X did not have prior knowledge of any of these facts but went to investigate the subject of his testimony after the case arose and was referred to A, B, C and D.

Query: Is there any difference in principle in this situation and in the situation of *In Re Thorstensen's Estate*, 28 Wn. 2d, 837, and *Levas v. Dewey*, 33 Wn. 2d, 232, and other such similar cases?

Opinion: The opinions of the American Bar Association and the statements of the courts and particularly our own Supreme Court indicate that Canon 19 is to be strictly construed with certain exceptions that are not applicable here. This Canon reads as follows:

"When a lawyer is a witness for his client except as to merely formal matters such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client."

It has been held in numerous opinions that the disability of a partner in a law firm is the disability of all of the partners. It is the opinion of the committee that the same disability exists as far as employed associates of the law firm are concerned and that it is not ethical for a lawyer, his partner, or his associate to testify in court in behalf of his client except as to merely formal matters.

We believe that the same principles and logic which made the canon necessary would apply to the lawyer's associate as well as his partner.

2. Assume the same foregoing facts with
(Continued on Page 18)

MISSISSIPPI GOVERNOR BARNETT TO ADDRESS ANNUAL MEET

The Hon. Ross R. Barnett, governor of the State of Mississippi will be the featured convention speaker, it has been announced.

Governor Barnett, a lawyer, is an honor graduate of the University of Mississippi



GOVERNOR ROSS R. BARNETT

School of Law. After receiving his degree in 1926, he began his practice in Jackson, Mississippi.

Barnett served as president of the Jackson and Hinds County Bar Association six different terms. This association has more than 300 members. He served as Bar Commissioner for the Mississippi State Bar Association two terms and served as First Vice-President of the Mississippi State Bar. He then was elected President of the Mississippi Bar Association and served in 1943 and 1944. He is now the senior member of a law firm composed of seven members, one of the largest law firms of Mississippi.

He is now serving as State Chairman for the Mississippi Bar Association Committee on Procedural Reforms.

Barnett has been an active member of the American Bar Association for many years and for several years served as a member of the Association's Committee on Improving the Administration of Justice. Barnett has operated a farm in Madison County a number of years and was named by the American Bar Association as a member of its National Agriculture Committee.

He was inaugurated Governor of the State of Mississippi, January 19, 1960, for a four-year term.

SEATTLE TO BE SITE OF INJURY SEMINAR

Richard Amandes, Assistant Dean, University of Washington Law School, and Leon Wolfstone, have announced that the University of Washington School of Law and Washington Chapter of NACCA Bar Association will jointly sponsor a seminar at Seattle, on personal injury trial and practice, August 9, 10 and 11.

The program will be composed of nationally prominent trial lawyers in the personal injury field who will be coming on to Seattle for this seminar following the national conventions of the American Bar Association at San Francisco and the NACCA Bar Association at Denver.

The program will be held at the University of Washington campus.

By reason of obvious complications on housing arrangements, it is urged that all interested in attending make their own housing arrangements immediately.

Inquiries on housing may be made through Expo-Lodging, 321 First North, Seattle; McKinnis-Fox Travel Service, 5000A University Way, Seattle; Seattle Guest Service, 1525 Taylor Avenue, Seattle; or any travel agent.

LAWYERS NAMED TO BOARD OF GOVERNORS

Elections were held in the Second, Fourth and Seventh Congressional Districts of the State of Washington for members of the Board of Governors.

The new members elected to a three-year term to take office at the termination of the 1962 annual meeting are as follows: Second Congressional District—Burton A. Kingsbury of Bellingham to succeed the late Howard Graham of Stanwood; Fourth Congressional District—John S. Applegate of Yakima to succeed James I. Leavy of Pasco; Seventh Congressional District—George V. Powell of Seattle to replace George H. Bovingdon of Seattle.

The results of the election were announced by an Election Board composed of the following members: John D. McLaughlan, chairman; M. L. Borawick, Yvonne Carrol, Edward Heavey and Hugh R. McGough.

CONVENTION ACCOMMODATIONS

Members planning to attend the annual meeting in Vancouver, B.C., are reminded to make reservations now for accommodations. A list of motels is available in the Bar office, 501 Third Avenue, Seattle, or you may make your headquarters at your favorite hotel.

Washington State Bar News

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EDITOR'S NOTE

The political season is upon us which may explain the increased number of political articles submitted.

The *Bar News* must maintain an editorial ignorance that some Washington lawyers have—for various reasons—succumbed to the beckoning of public service.

All political scurrying cannot be reported, obviously. To notice only *some* such activities, either through selection or lack of total awareness, could be construed as constituting favoritism, though not so intended.

So, clinging to the satisfying—if illusionary—notion that the *Bar News* has readers among its addressees, we advise that desperate as we obviously may often be for copy, we must reject items relating to the fascinating doings of office seekers.

—R.M.E.

Keep the *Bar News* posted! Send us information about firm or individual changes, office moves, promotions, and other items of interest to your colleagues.

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THE PRESIDENT'S CORNER

By PAUL P. ASHLEY

A Gallup poll on the relative importance of vocations would doubtless rank them something like this:

- (1) Astronauts
- (2) Nuclear Physicists
- (3) Jet Pilots
- (4) Scientists generally
- (5) Engineers
- (6) Doctors
- (7) Submariners

and so on. A few devout souls might put philosophers and the clergy up where they belong. Almost no one would reach the Law until much lower on the ladder.

Yet actually, as of today, the science and art of preserving orderly relationships between individuals and between nations transcends all disciplines in urgency and long-range importance.

That was not always so. Surely those imaginative and diligent forebears who scratched the soil with sticks and learned to grow crops, were the most important men of the clan—though no one recognized them as such, particularly the hunters. As of his day, the genius who invented the wheel outranked the lawgiver of the tribe a thousandfold. When the black death struck, when other epidemics ran rampant and babies were lucky to survive the second summer, the health sciences seemed paramount in importance. But today the basic problems are quite different.

Brilliant men have taught us to make and deliver devices capable of destroying civilization. The health scientists have prolonged life until some statesmen say that the burgeoning population constitutes a more deadly menace to civilization than does the atomic bomb.

The primary problem of the world today is not the invention of faster cars or planes. It is not medicare — though I think it is whenever I ache. It is not the proliferation of gadgets. The primary concern of mankind is to learn to use the scientific knowledge we already possess before we blow ourselves to bits. Western civilization is in about the same situation as a crowd of small boys who have stolen dynamite caps from a construction project.

So what do we need? We need that which only the Law can give. Within each sovereignty there must be an obedience to the Law and the traditions of that society. And between sovereignties there must be a rec-



ASHLEY

ARMY APPOINTMENTS AVAILABLE

It has been announced by the Judge Advocate General of the Army that there are presently openings for direct appointment, in company grade, to the Regular Army, Judge Advocate General Corps, for qualified lawyers.

The applicant must not have reached 32 years of age, except that the maximum age is extended by the period of prior commissioned service after the age of 21. Further, the applicant must be able to complete 20 years of active commissioned service before he reaches his 55th birthday.

Further information may be obtained by contacting Richard M. Thatcher (Col., JAGC, USAR), 755 Dexter Horton Building, Seattle.

ognition of a Rule of Law which transcends national rivalries.

Such is the present challenge to the Law—meaning the whole body of fundamental law as invoked through court procedures. If ever a vocation had a mission, the Law now has. It is to preserve civilization from the destructive excesses of technical know-how. What a tribute it will be to the scientists of Russia if they can blot us out in one fell swoop. A magnificent scientific achievement! Science will have triumphed but the Law in its grand concept will have failed.

When pertaining to things physical, the laws of nature are so precise that men can fly into the heavens and be returned to walk the earth again. Assuredly there must be principles (laws) of human relationship sufficiently exact and enforceable to bring peace and harmony within and between peoples. Various of the social sciences discuss principles. But the Law has a primary responsibility not only to principles but to methodology. Only the law can show how the legal principles should be applied and apply them.

As of the moment, lawyers are participants in the most critical of vocations. On every level we must inculcate and spread the concept of a Rule of Law in contrast to dominion by caprice. Obedience to the Law must be encouraged—municipal, state, federal and international. The substantive Law—municipal to international—must be improved in all its aspects, particularly procedural, so that it will clearly merit the respect and support of every right thinking person everywhere.

We are members of an elite corps, with all the responsibility of an elite corps. Young men entering the law should have the pride which comes with such an association. And with that pride comes the duty of a dedication to its highest purposes.

Attend the Annual Meeting—Vancouver, B.C., September 6, 7, 8, 1962.

HOURS AMENDED

The Honorable Theodore S. Turner, King County Superior Court, has furnished a copy of an Order Adopting Amendment to Special Rules for King County, relating to Court hours. The order provides:

In the Superior Court of the State of Washington for King County. In Re Special Rules of the Superior Court for King County. No. 12050-D, Order Adopting Amendment to Special Rules.

It is by the court ordered that Rule 2 (a) of the Special Rules of the Superior Court for King County be amended by the addition of a second paragraph, so that Rule 2 (a) as amended shall read as follows:

"RULE 2**"COURT HOURS**

"(a) *Presiding Department.* The presiding judge shall open court in his department at 9:10 a.m., and the sessions in that department shall be from 9:10 a.m. until 12:00 noon, and from 1:30 p.m. until 4:00 p.m., Monday through Friday, and 10:00 a.m. until 12:00 noon on Saturday.

"Commencing with the 1st of June, 1962, and continuing until further ordered, the Department of the Presiding Judge shall remain open for all persons having business with the court, but neither the Presiding Judge nor the clerk thereof need attend personally on Saturdays except upon call. When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the county clerk's office a notice giving the names, addresses and telephone numbers where the Presiding Judge or Acting Presiding Judge and clerk may be reached during court hours."

Dated this 31st day of May, 1962.

LLOYD SHORETT, *Presiding Judge*

ADAIR HEADS SEATTLE-KING COUNTY BAR

Chester Adair has been elected president of the Seattle-King County Bar Association. He succeeds Stanley Soderland.

Other newly-elected officers of the association are: Richard H. Riddell, first vice-president; Russell V. Hokanson, second vice-president; Axel C. Julin, treasurer; and Margaret Gaskill, secretary.

New board members are: Eldon W. Anderson, Merwin E. Casey, and William W. Montgomery. George Martin was re-elected delegate to the American Bar Association.

SUSPENDED FOR YEAR

J. Lael Simmons, Seattle, has been suspended from the practice of law for a period of one year by the Washington State Supreme Court. The court said Simmons had violated his oath as an attorney in connection with savings bonds purchased by a client. The suspension had been recommended by the Board of Governors in a disciplinary proceeding before the court February 26.

SEATTLE-KING REPORT**KEEPING UP WITH THE NAMES:**

Preston Niemi has left Macbride, Martin & Shorts to work with the U.S. State Department diplomatic corps. . . . Jean R. Sherrard, who formerly officed with Hennings, Maltman & Weber, is now a hearing examiner with the Board of Industrial Insurance Appeals. . . . Frank L. Sullivan has been named Assistant Chief Criminal Deputy for the King County Prosecutor's staff. Anthony Savage, Jr., has left that office to work for the Seattle World's Fair. . . . David R. LaRose and David L. Williams are new King County Deputy Prosecuting Attorneys. . . . August F. Hahn has left the Prosecutor's office to enter private practice with Regal & McDonnell, 577 Dexter Horton Bldg., MAin 3-2412. . . . Arnold B. Robbins has associated with Breskin & Rosenblume, Hoge Bldg., MAin 4-3443. . . . Dudley Panchot is now associated with Wolfstone & Piehler, 807 Central Bldg., MUtual 2-3840. . . . Ralph M. Bremer is now an associate with Lycette, Diamond & Sylvester, Hoge Bldg., MAin 3-1330. . . . Thomas J. Greenan, formerly with Kennett, Evans, Stafford & Greenan, has returned to the Attorney General's Section of the Highway Department. . . . James R. Cook and Gustav G. Kostakos (Cook & Kostakos) are now at 1103 Norton Bldg., MUtual 2-0171. . . . Gayle Barry, formerly with Reaugh, Hart & Allison, is a new Assistant Attorney General assigned to industrial insurance cases. . . . David F. Hiscock has moved from Skeel, McKelvy, et al., to associate with Kahin, Carmody & Horswill, 540 Central Bldg., MAin 3-1902. . . . With the departure of Lowell P. Mickelwait to his new position with The Boeing Co. in July, a Seattle firm's name will change to Holman, Marion, Black, Perkins & Coie. . . . Russell J. Reid and Maurice E. Sutton have become associates with Jones, Grey, Kehoe, Hooper & Olsen, who are now located at 1000 Norton Bldg., MAin 4-0900. . . . We should recognize, even though belatedly, that Frederick B. Hayes passed the bar examination last July although his name was omitted from the list appearing herein last September. . . . E. Paul Schumann has opened an office at 3201 Smith Tower Bldg., MAin 3-0115. . . . Richard Gemson is a new associate with Skeel, McKelvy, Henke, Evenson & Uhlmann, 1020 Norton Bldg., MAin 3-1031. . . . Richard E. Kane has associated with Maurice Kadish, 1807 Smith Tower, MAin 3-3882 (Kadish & Kane) after an absence of 28 months during which he was on active duty with the U.S. Army.

TOGETHERNESS: Jacob A. Mikkeltorg has joined the firm of Broz & Long to form the partnership of Broz, Long & Mikkeltorg at 912 Logan Bldg., MAin 4-5950. . . . Donald R. Douglas has become a partner with Sweet & Merrick, 1015 Vance Bldg., MUtual 2-2406. F. Ross Burgess is

COWLITZ REPORT

On Friday, April 27, 1962, the members of the Cowlitz County Bar Association were honored to have an address by Justice Orris L. Hamilton of the Washington State Supreme Court. Justice Hamilton's very appropriate speech for our Law Day celebration was entitled "Our American Heritage."

Your reporter has been trying to overcome the shock of having three female children, the latest born December, 1961, a plight which also seems to trouble Alan Hallowell whose third daughter was born during the same month. Apparently some of us just aren't capable of producing male children!

DAVE C. SPENCER

an associate. . . . Richard M. Oswald and John H. Faltys have formed the partnership of Oswald & Faltys, 640 Dexter Horton Bldg., MAin 4-2144. . . . Nelvin W. Bettis is an associate with Bassett, Davies, Roberts & Donaldson, 811 Alaska Bldg., MAin 3-1844. . . . C. E. "Buck" Austin, former Assistant Attorney General, and Jerome L. Jager, formerly with Walsh & Margolis, have formed an association in the Logan Bldg., MAin 3-6302. . . . Edward A. Rauscher and Stuart D. Barker, Jr., have formed a partnership (Rauscher & Barker) at 1627 Washington Bldg., MUtual 2-1533. . . . The firm of Hall, Cole & Lawrence has been dissolved. Charles C. Hall has joined in partnership with Stanley F. Atwood (Hall & Atwood) with Benjamin P. Shuey as an associate. Victor D. Lawrence has become a member of a new firm of Roberts, Shefelman, Lawrence, Gay & Moch at 1612 Northern Life Tower, MAin 2-1818. Kenneth A. Cole remains at the old Hall, Cole & Lawrence address (610 Fourth and Pike Bldg.) practicing as an individual with Stanley B. Allper as an associate. Melvin F. Buol has become an associate with Kahin, Carmody & Horswill (supra).

MISCELLANY: Harold S. Shefelman has been elected a trustee of Brown University, his alma mater. . . . Cornelius C. Chavelle has been elected a director of the Boys' Clubs of America. . . . The annual Washington Law Review Banquet was held May 5 in the Arctic Club featuring an address by San Francisco trial attorney J. W. Ehrlich. . . . Harold Eastvold, Hugh McGough, James McBride, Alan Froelich, and Julian Dewell addressed Seattle high school assemblies recently. . . . William C. Goodloe has been elected state president and Richard I. Sampson, state registrar of the Sons of the American Revolution. . . . The Greater Seattle Legal Secretaries' Association held its 7th annual "Bosses' Night" recently and presented Josef Diamond with an award as "Boss of the Year."

BOB O'GORMAN

HEWITT HENRY ELECTED TO HEAD PROSECUTORS' GROUP

Thurston County Prosecuting Attorney Hewitt Henry was elected president of the Washington State Association of Prosecuting Attorneys at its recent meeting in Port Angeles. Other officers chosen were: Donald Moore, Clarkston, vice-president; John McCutcheon, Tacoma, secretary; and John Lally, Spokane, treasurer.

LEGAL ETHICS OPINION ON LAWYERS AS WITNESSES

(Continued from Page 15)

the exception that X obtained his information prior to the occurrence giving rise to the suit.

Query: (a) Is X forbidden to testify, or (b) should A, B, C and D undertake the employment?

Opinion: X is not only not forbidden to testify, but by proper subpoena could be required to testify and should in the interest of justice be available for any pertinent or essential testimony, but (b) the A, B, C, D firm should not undertake to represent the client whose case requires X's testimony and if they have undertaken it, they should relinquish the case to other counsel as soon as the situation becomes apparent.

3. Assume the same facts as in (1) except that A, B, C and D represent a client upon a per diem basis rather than upon a contingency.

Query: (a) Is it then appropriate for X to testify as to facts learned after the occurrence? (b) Should the firm remain in the case after summoning X as a witness?

Opinion: While it is true that the A, B, C, D firm does not have the financial interest in the case when it is on a per diem basis rather than a contingent basis, it is our opinion that this does not change the ethical question and our answer to this query would be the same as in "2" above.

4. Assume the same facts as in (3) except that X learned the facts upon which he testified prior to the occurrence in which his firm of employers is involved as counsel on the per diem basis.

Query: What is the result as to the propriety of calling X as a witness?

Opinion: We again reiterate that the employed associate of the A, B, C, D firm cannot ethically testify in a case for a client represented by the A, B, C, D firm and the firm, if it considers X's testimony necessary to the case, should not undertake to represent the client in the case, or if already employed should withdraw from the case in favor of independent counsel.

Help support Continuing Legal Education and it will help support you.

Deadline for the next issue of the *Bar News* is August 10, 1962.

WILL INFORMATION SOUGHT

John R. Bocek, attorney, 25 C Street S.E., Auburn, TEmple 3-4397, wishes to locate a will or codicil executed by Albert Wick, whose last known address was 27723 152nd Ave. S.E., Kent.

* * *

John A. Paglio, 1130 South 11th, FULton 3-2541, Tacoma, is interested in locating a will executed by Clyde Edwards about 1949 in the Tacoma area. Anyone with knowledge of such a will should communicate with Mr. Edward's daughter, Mrs. Yvonne C. Priest, 2304 So. Campbell, Alhambra, California.

LIBRARY SEEKS PICTURES

The Washington State Supreme Court Law Library is attempting to acquire, for historical and reference purposes, a collection of portraits and group gatherings of members of the Washington State Bar Association as far back as the territorial days, according to an announcement by state law librarian Roy M. Mersky.

Mersky said the pictures will be mounted and framed and hung in the halls of the Supreme Court. Persons wishing to contribute such pictures should contact Mr. Mersky at the Supreme Court Law Library, Temple of Justice, Olympia.



SATISFACTION

Many lawyers speak of the sense of satisfaction that comes from being a member of the American Bar Association.

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SEATTLE V.A. CHIEF ATTORNEY OFFICE HONORED

The Office of the Chief Attorney, Seattle Veterans' Administration, has been selected as the most outstanding in the nation for 1961, according to John B. Kirsch, Regional Office Manager.

One of 66 throughout the country, it is headed by Beverly S. Wilkerson, Chief Attorney. The staff renders legal decisions affecting the thousands of veterans and their beneficiaries in the States of Washington and Alaska.

This includes legal guardianship of more than 9,000 children of deceased veterans, and incompetent veterans. They are legal advisors for the Seattle and Juneau, Alaska, Regional Offices, and the five VA Hospitals in the State of Washington. The Chief Attorney's office also handles legal matters involved in the VA multi-million dollar loan guaranty and direct loan programs.

The division, runner-up in 1960, consists of a staff of 35 people, including 15 attorneys.

SECOND MAJOR ADDITION TO A.B.A. CENTER UNDERWAY

Construction has begun on a second new addition to enlarge the American Bar Center, less than a year after completion of a first new wing to the block-long national law center at 1155 East 60th St. fronting the Midway Plaisance in Chicago.

The American Bar Center is the headquarters of the American Bar Association and the American Bar Foundation, as well as six ABA-affiliated national organizations of the legal profession. The original Center was completed in 1954, and the two new wings reflect the rapid growth in membership and service activities of the ABA and affiliated groups.

Estimated to cost \$1,285,000 the newest addition will be a five-floor "L" shaped structure linked with the original Center and located at the corner of Woodlawn avenue and 60th St. It will be completed in a year to 14 months and will house expanded library and research facilities of the American Bar Foundation, a legal research organization established by the ABA.

ANNUAL MEETING

Make your plans now to attend the Annual Meeting of the State Bar Association.

HOTEL VANCOUVER
Vancouver, B.C.

September 6, 7, 8, 1962

Make Hotel Reservations Now

PLI PUBLISHES PERSONAL INJURY DEFENSE BOOK

THE DEFENSE OF PERSONAL INJURY ACTIONS, by Daniel A. Novok. Practising Law Institute, 20 Vesey Street, New York 7, N.Y. pp. 100. \$3. TRIAL PRACTICE SERIES, edited by Harry Sabbath Bodin, P.L.I. 1961. pp. over 1,200. \$25.

The Practising Law Institute has published a new book that should be at the right hand of every lawyer representing a defendant or a casualty company—and plaintiff's counsel can learn from it what he will be up against.

"The Defense of Personal Injury Actions" is an important "first" . . . the first time a book has been written from the defendant's point of view in negligence cases.

PRESIDENTS LOCAL BAR ASSOCIATIONS

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Spokane County Bar Assn.
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Robert Cooper
Tacoma Bar Assn.
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David E. Rhea
Whatcom County Bar Assn.
Wallis W. Friel
Whitman County Bar Assn.
J. P. Tonkoff
Yakima County Bar Assn.
John N. Cheney
Skagit County Bar Assn.

SPOKANE REPORT

John Schultheis, attorney at law at Pullman, Washington, has announced that he will associate with Murphy, Bantz and Hemovich for the practice of law at 418 Symons Building, Spokane, Washington.

At the meeting of the Spokane County Bar Association on May 11, a standing tribute was paid to the memory of Joseph A. Albi, a member of the Spokane Bar for many years and president of the Athletic Round Table for a number of years. He was a principal participant in the building of Spokane Memorial Stadium, in whose honor the stadium has now been officially named by the Spokane City Council.

Mr. Albi has enjoyed a long and prosperous law career in Spokane County, where he has participated in many of the noted trials that have taken place here in the past.

HARVEY ERICKSON

FEDERAL TAX LIAISON COMMITTEE FORMED

To assist in an orderly administration of the federal tax laws on the local level, a joint liaison committee of lawyers (F. A. LeSourd, Seattle, Charles F. Osborn, Seattle, and William B. Bantz, Spokane), certified public accountants and licensed public accountants has been set up to meet periodically with the District Director of Internal Revenue in Seattle. The discussions will involve problems arising in all phases of the Revenue Service operations in the state of Washington, including audit, collection, intelligence and conference.

Members of the bar are urged to acquaint members of this committee with any procedures or situations which are unsatisfactory or in which the administration of the federal tax laws on the local level may be improved. Names of all taxpayers and counsel will be kept confidential, as well as the names of all Revenue Service personnel involved.

The objective of the joint committee will be to secure frank and open discussion of problems in the treatment of taxpayers and the handling of matters by tax practitioners before the Revenue Service, so that progress on these problems may be secured. It is hoped that as a result of these discussions the District Director may be able to improve tax administration and the committee may be able to suggest to the professional groups involved proceedings which will improve effectiveness of tax practitioners.

RICHARD PITT APPOINTED ISLAND COUNTY PROSECUTOR

Richard Pitt has been named prosecuting attorney for Island County to succeed James M. Hay who has resigned. Pitt, 34, had previously been in practice in Seattle.

Does the State Bar Office have your current address?

AROUND THE STATE

Robert Johnson, a member of the North Bend law firm of Johnson and Holt, has been named Police Judge of the Town of Snoqualmie.

* * *

Pierce County Prosecuting Attorney John G. McCutcheon has named two new deputies. They are: William Nelson Goodwin, III, and Thomas M. Baker, Jr. They replace recently resigned Fred Fromader and Richard Mattsen. Fromader has associated with Arthur Knodel at Fife and Mattsen has joined James P. Healy in South Tacoma.

* * *

Dale Whiteside has resigned as Mason County deputy prosecutor to associate with the Vancouver firm of Robinson, Lander, Holm & Memovich. John R. Kramer succeeds Whitesides.

* * *

Edmund F. Jacobs has been named Puyallup city attorney to succeed Les Jochimsen who has moved to Washington, D.C.

* * *

Lloyd Meeds has been appointed Snohomish County prosecuting attorney to succeed Arnold Zempel who resigned to accept the position of justice court judge to succeed the late C. P. Brownlee.

* * *

Charles T. Cole continues the practice of law in Stanwood in the Gunderson Bldg., the location of the late Howard C. Graham.

INTERNAL REVENUE LIAISON COMMITTEE MEETING HELD

The semi-annual meeting of the Western Regional Bar Associations—Internal Revenue Service Liaison Committee was held in Seattle on June 1 under the sponsorship of the Washington State Bar Association and its Committee on Liaison with Internal Revenue Service.

The all-day meeting was held at the Edmond Meany Hotel and was attended by Regional Commissioner Harold Hawkins and Regional Counsel Melvin Sears of San Francisco, permanent members of the Committee, and their assistants, and by Bar Association delegates from California, Arizona, Idaho, Oregon, Washington, Hawaii and Alaska. Crane C. Hauser, Chief Counsel, Internal Revenue Service, Washington, D.C., who is chief law officer for the Internal Revenue Service, attended the meeting as a guest of the Committee.

The current chairman of the Liaison Committee is Frank L. Mechem of Seattle, the Washington State Bar Association delegate on the Committee. Mr. Mechem also serves as Chairman of the Washington State Bar Committee on Liaison with the Internal Revenue Service, and De Witt Williams of Seattle, a past member of the Board of Governors, is Vice-Chairman of this Committee.

The function of the Liaison Committee

DR. LEHAN K. TUNKS

NEW U. OF W. LAW DEAN

Dr. Lehan K. Tunks has been appointed Dean of the University of Washington School of Law by that University's Board of Regents. Dr. Tunks, who will assume his new post in January, 1963, succeeds Dr. George Neff Stevens who recently resigned as Dean after ten years of service to devote his time to teaching. Dr. Stevens will remain on the school's faculty as a Professor of Law.

Dr. Tunks is, and has been since 1953, Dean of the School of Law at Rutgers University. He is an authority on corporation law and corporate management. He has been active for many years in the development of legal education policies and curriculum and has authored numerous articles and papers for legal periodicals. He recently served as chairman of a special committee on Law School and University Relations for the Association of American Law Schools.

Dr. Tunks, a 1935 graduate of the University of Nebraska, received his doctor of law degree from Northwestern University in 1938 and his doctor of judicial sciences degree from Yale University in 1947. He was on the faculty of the School of Law at the University of Iowa from 1938 to 1953, except for a period during World War II when he served with the OPA in Washington, D.C. He is a member of the American Bar Association, American Judicature Society, American Law Institute, and the Order of the Coif.

BOOKS—COMING AND GOING

Reese and Mitchell, 705 Baker Bldg., Jackson 5-8130, Walla Walla, wish to sell: Washington Reports (1st and 2nd Series) complete; ALR and ALR 2d complete with Digests; Shepard's Washington Citorator; Pacific Digest through 1960; LRA 2nd, complete with Digests; RCL and Supplements, complete.

* * *

Robert E. Anderson, 2032 N.W. Blvd., FAirfax 5-2519, Spokane, offers to sell one current set of American Jurisprudence.

* * *

The Port Angeles Evening News, 120 South Lincoln, GLencourt 2-2345, Port Angeles, has a Revised Code of Washington (complete except for 1961) for sale for \$50.00.

* * *

Anyone knowing of a set of Attorney General's Opinions for sale please contact Charles R. Lonergan, Jr., Corbett, Siderius & Lonergan, 847 Logan Bldg., MAin 4-2800, Seattle.

is to afford an opportunity to present and to discuss and act upon agendas of matters of common interest to members of the Bar and the Internal Revenue Service.

JOSEPH ALBI

Joseph A. Albi, Spokane, died May 8 after an extended illness. He was a graduate of Gonzaga University.

* * *

HOWARD C. GRAHAM

Howard C. Graham, 51, Stanwood, a member of the Board of Governors of the Washington State Bar Association, died recently in a Seattle hospital. He was a graduate of Whitman College and the University of Washington Law School and had practiced in Stanwood since 1934.

* * *

ROY R. CAHILL

Roy R. Cahill, 77, Dayton, died recently. He received his law degree from Columbia University in 1912 and began his practice in Dayton the same year. He served several years as prosecuting attorney for Columbia County.

* * *

CLYDE BARNARD

Clyde A. Barnard, 43, Seattle, died May 1. He was a graduate of the University of Washington Law School.

* * *

C. P. BROWNLEE

Clarence P. Brownlee, 76, Everett, died recently after a sudden collapse. He was a Justice of the Peace for a number of years after serving for many years as a deputy prosecuting attorney for Snohomish County. He was a graduate of the University of North Dakota.

* * *

RICHARD W. AXTELL

Richard W. Axtell, 46, Spokane, died recently of a heart attack. He received his law degree from George Washington University and later attended Harvard Law School. He had taught for a while at Gonzaga Law School.

* * *

VERNE TOWNE

Verne Towne, Rosalia, died March 14, 1962, after an extended illness. He had practiced in Rosalia from 1906 until 1960. His son, Vernon W. Towne, is the Seattle Municipal Traffic Judge.

* * *

GLEN S. CORKERY

Glen C. Corkery, 77, Seattle, died May 29. He was a graduate of the University of Washington Law School and had practiced in Seattle 52 years.

PRACTICE OPPORTUNITY

Frank C. Mueller, 1117 2nd Avenue Building, MUtual 2-8680, Seattle, is interested in disposing of the practice of his son, the late Frank C. Mueller, Jr. Please contact Mr. Mueller for details.

* * *

H. E. Donohoe, Security State Bank Building, SH 8-3611, Chehalis, offers for sale: library, furniture, and equipment adequate for practice. Cash or terms may be arranged.

OPINIONS

By JOHN J. O'CONNELL
ATTORNEY GENERAL
State of Washington

A city or county acting separately or together does not have the authority to impose a flat charge upon each passenger boarding an airplane at a municipal airport which is operated jointly by said city and county. (AGO 61-62, No. 100).

* * *

The federal government does not have exclusive criminal jurisdiction over the Titan missile bases in Grant County, nor does it have concurrent jurisdiction, since it has not complied with applicable federal law. However, the state of Washington, in exercising its jurisdiction, may not act in a manner which will embarrass the federal government in the exercise of the powers and functions incident to the public purpose to which the lands are devoted. (AGO 61-62, No. 101).

* * *

The department of highways does not have the authority to offer a prospective employee, as an inducement for his accepting state employment, to pay the cost of moving his household goods and effects to the vicinity of the place of his employment. (AGO 61-62, No. 102).

* * *

School districts may, but are not required to advertise for bids under Ch. 224, Laws of 1961 (RCW 28.58.135), when purchasing public liability or fire insurance policies even though the anticipated premiums may exceed \$2500. (AGO 61-62, No. 103).

* * *

(1) Under Sec. 7, Ch. 274, Laws of 1961 (RCW 51.24.010), an injured workman who successfully maintains a third party action, the recovery of which is had after June 8, 1961, is entitled to have the state bear a proportionate share of the costs and attorney's fees (after approval of the court) that he has incurred in effecting recovery. (2) Before the Department of Labor and Industries can be called upon to contribute a proportionate share of attorney's fees and costs the workman must file a civil action in a court of law. (AGO 61-62, No. 104).

* * *

A school district of the first class has the power to apply to the federal communications commission for a license to construct a television transmitter and to construct said transmitter on land within the district for educational purposes. (AGO 61-62, No. 105).

* * *

Persons employed by a nonprofit agricultural fair association authorized and conducted pursuant to Ch. 61, Laws of 1961, are not exempt from coverage of the 1961

LAW LIBRARY ASSOCIATION TO MEET IN JULY

The American Association of Law Libraries will hold its 55th Annual Meeting at the Jack Tar Hotel in San Francisco, July 1-5.

This convention will emphasize foreign and international law. Panels will be held on the selection and acquisition of foreign materials, as well as the basic problems involved in their cataloging and classification. In addition, demonstrations in the new developments in microfacsimilies will be given.

Bernard Witkin, a San Francisco attorney, authority on California law and member of the A.B.A., will be banquet speaker at the meeting. Following the Annual Meeting, an A.A.L.L. Mid-Pacific Conference will be held in Hawaii, July

minimum wage and hour act. (AGO 61-62, No. 106).

* * *

The board of directors of a second class consolidated school district has the authority to close one of its grade schools which is economically unfeasible to operate without submitting the matter to a vote of the people. (AGO 61-62, No. 107).

* * *

In determining whether or not the owners of property subject to at least sixty per cent of the cost of a proposed local improvement have protested the improvement, city must, under RCW 35.43.180, include as a part of the total cost whatever amount of money the city voluntarily contributes thereto. (AGO 61-62, No. 109).

* * *

(1) A county may be liable (a) for the cost of hospitalization and care of an injured county jail prisoner depending upon the prisoner's financial status; (b) for damages sustained by a county jail prisoner injured through negligent conduct attributable to the county. (2) Where there is a possible county liability, insurance may be purchased for the county by the board of county commissioners. (AGO 61-62, No. 110).

* * *

An incorporated nonprofit club must be licensed or the consumption of liquor authorized by banquet permit in order for persons to consume liquor on club premises. (AGO 61-62, No. 112).

* * *

Subject to certain qualifications, cities of the first, second and third classes have the authority to enter into collective bargaining agreements concerning wages, hours and working conditions with duly authorized representatives of employee organizations. (AGO 61-62, No. 114).

* * *

A person charged with a criminal viola-

NIEMEIER NAMED TO HEAD CITY ATTORNEYS

Edward A. Niemeier has been elected president of the Washington State Association of Municipal Attorneys. He is city attorney of Poulsbo. Other city attorneys elected to office are: John Tracy, Spokane, first vice-president; John Nason, Richland, second vice-president; Omar Parker, Hoquiam, director representing second class cities; Einar Simonarson, Lynden, director representing third class cities; and Robert Gibson, Quincy, director representing fourth class cities.

6-12.

Further details may be obtained by writing Dan F. Henke, General Arrangements Chairman, School of Law Library, University of California, Berkeley 4, California.

tion of the state motor vehicle code before a police court judge who is not also a justice of the peace in a second class city does not have a constitutional right to a trial by jury in that court but said right is insured on appeal to the superior court where a jury *de novo* trial may be demanded. (AGO 61-62, No. 116).

* * *

School buildings may be constructed or remodeled so as to provide a radioactive fallout protection factor. (AGO 61-62, No. 117).

* * *

A Board of Directors of a school district may not permit the distribution of Gideon Bibles *on school premises* by either school employees or representatives of the Gideon Society in view of the prohibition found in the constitution and statutes of this state regarding separation of church and state. (AGO 61-62, No. 118).

* * *

A school district in the state of Washington is prohibited by the Washington constitution and applicable state law from participating in any way in the planning, promotion or execution of baccalaureate exercises which are religious in nature. (AGO 61-62, No. 119).

* * *

(1) The portion of a lease which requires a lessee to keep his place of business open on Sundays for the purpose of selling merchandise in violation of RCW 9.76.010 (day of rest or Sunday closing law) is illegal, void and unenforceable. (2) The portion of a collective bargaining agreement between a labor organization and an employer which requires employees to perform work or labor on Sunday *in violation of* RCW 9.76.010 (and not within one of the exceptions contained therein) is illegal, void and unenforceable. (AGO 61-62, No. 120).

WESTERN DISTRICT COURT ANNOUNCES RULE CHANGE

The United States District Court, Western District of Washington, has announced:

RE: Order amending Rule 2—Attorneys, Eligibility, in the Matter of the Local Civil Rules, Western District of Washington.

For good cause therefore appearing, IT IS ORDERED THAT Rule 2 of the Local Civil Rules of this court is amended this date to read as follows:

(a) Any attorney who is a member in good standing of the Washington State Bar, and any attorney who is a member in good standing of the bar of any state and who is employed by the United States or one of its agencies in a professional capacity, and who, while being so employed may have occasion to appear in this court on behalf of the United States or one of its agencies, is eligible for admission to the bar of this court.

(b) In the case of any attorney for the United States or one of its agencies who is not a member of the Washington State Bar, his petition, in addition to the requirements set forth under Rule 3 of the Local Civil Rules of this court, shall also state the department or agency by which the applicant is employed and a brief statement of the circumstances necessitating his admission to the bar of this court.

(c) In the case of an attorney employed by the United States or one of its agencies who is not a member of the Washington State Bar, his admission to practice before this court is conditional upon his continuing to be so employed or having become a member of the Washington State Bar.

YOUNG LAWYERS GROUP PLANS CONVENTION ACTIVITIES

The Young Lawyers Committee, established two years ago to focus on the problems and needs of young lawyers, is planning the presentation of law seminars at the annual state bar meeting in Vancouver, B.C., September 6, 7, 8, 1962.

The Committee will hold a luncheon and evening dance program on September 8 featured by prominent speakers at both functions. The luncheon will be held in the Hotel Vancouver and the evening dance will be at the Bayshore Inn. Following the luncheon, a "practical application of law" seminar will concern Planning and Handling the Small Estate. Speakers will be Robert Mucklestone, Seattle; George Shields, Spokane; Robert Brachtenbach, Selah; and Dave Hutchinson, Vancouver. Further details will be announced soon.

The Committee solicits inquiries, information, and suggestion from local bar associations on young lawyer programs. These should be directed to M. J. Carlson, 302 First National Bank Bldg., Everett.

OLYMPIA REPORT

With the announcement by John Rupp's telephone company that progress dictates abandonment of the familiar telephone call-letter prefixes we have known, i.e., "Fleetwood" and "Whitehall," office practices will have to be changed, too. Rather than a cheery telephone greeting of "Good Morning, this is Fleetwood 12345," it is going to sound a bit strange, as well as unorthodox, to instruct the gals to say: "Good Morning. This is 4512345." Perhaps we will have a return to: "Good Morning. This is Glotz, Herkemere, Adams, Smith, Boondoggle and Replica, Miss Twist speaking." Or maybe just plain "Lawyer's Office." Something new for Managing Partners and the Ethics Committee to worry over.

With the spring jury term about concluded, the usual scenes are repeated once again, some smiles, some tears.

The annual Thurston-Mason County Bar banquet, held this year at the Tye Restaurant, was a huge success. With dinner reservations for 80, how many appeared? Easy. 80.

Travelers: Harold Pebbles, Alaska; Jack Lynch and Don Miles, Washington, D.C., and New York; S. Foster, West Tenino.

New officers of the Thurston-Mason County Bar for 1962-3: Buzz Walker, President; John Ragan, Shelton, Veep; Don Horowitz, Record and Money Keeper.

New arrivals: Beth Horowitz, six pounds and all smiles. Beth is already a seasoned traveler in the modern manner, going by jet to New York just to invite her grandparents to the World's Fair. Some gal.

It happened in Thurston County — the bride who decided against a honeymoon so there would be more for alimony.

STANBERY FOSTER

Does the Washington State Bar Association have your current address? If not, bring them up to date.

WASHINGTON STATE BAR ASSOCIATION
501 Third Avenue
SEATTLE 4, WASHINGTON

DUANE LANSVERK
1111 BROADWAY
VANCOUVER, WASH.

CLARK-SKAMANIA REPORT

The newly elected officers of the Clark-Skamania Bar Association are: C. Dean LaRowe, President; William C. Boettcher, Vice-President; Duane Lansverk, Secretary; and Eugene Harris, Treasurer, Camas.

C. Brent Nevin was so exuberant about the excellence of the performance of retiring president Jack Wynne and his crew, that he rashly offered to carry Jack out of the last meeting on his shoulders. Since C. B. is five feet, 7 inches at 145 pounds and Jack is six feet, four inches at 220 pounds, Deputy Prosecutor Nevin is lucky his offer was graciously declined. Though the rest of the Bar Association were not so rash, we were just as appreciative.

Chief Justice Robert C. Finley was the featured speaker at the Law Day ceremonies in Vancouver on May 1. Judge Finley spoke to a combined meeting of the Clark-Skamania Bar Association, the Greater Vancouver Chamber of Commerce, the Vancouver Kiwanis Club and the Vancouver Rotary Club. Judge Finley reminded us all that a frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

Joseph M. Deem has recently become associated with the firm of McMullen, Snider & McMullen, in Vancouver. Joe is a graduate of the University of Denver Law School.

Dale V. Whitesides is now associated with the firm of Robinson, Landerholm, Movovich & Lansverk of Vancouver. Dale is a graduate of the University of Washington Law School and is a former deputy prosecuting attorney in Mason County.

After several months of practicing as Mason or Foley, Fred Mason and Frank Foley have returned from their travels and resumed practice of law as Mason and Foley. It is amazing what a Republican and a Democrat can do if they will only cooperate.

DUANE LANSVERK

Attend the Annual State Bar Meeting.

JUL 2 1962

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