

LO, THE INSURANCE MAN COMETH



"It is more blessed to receive a return of premium than to pay . . ."

Only in the Bar Association do the extravagant promises common to the business world come true. In the photographs our handsome President — first nonplussed, then astonished, then pleased — receives from Robert Rodruck, Jr., a check for \$5,657.00 as a life insurance dividend accruing by reason of low loss experience. It is being paid ratably to the life insurance subscribers of the Bar Plan. More of the Bar should take heed.

Photographs by John D. McLaughlan, Chairman of the Travel Committee, which enterprise also has yet to miss paying a dividend.

George H. Bovingdon, Chairman
Insurance Committee

LAWYER PLACEMENT SERVICE AVAILABLE

The Lawyer Placement Service, sponsored by the Young Lawyers' Committee, wishes to bring this service to the attention of the Bar. The Placement files are available at the Bar Association Office in Seattle. This Service can assist attorneys interested in a new association, as well as those desiring to employ new associates. The local business community also is encouraged to make use of this service when in need of persons with legal training.

The Service consists of two parts. The *Applicants' File* contains resumes of attorneys seeking new positions. The *Employers' File* lists available opportunities. Interested parties are encouraged to list themselves in the one file and to examine the other.

The availability of a confidential listing should not be overlooked. The File can be set up to present a description of the available resume or opportunity without making public the identity of the lister. Inquiries can be channeled to the person or firm making the confidential listing who then is free to answer those inquiries which interest him.

For further information, contact either the Washington State Bar Association Office in Seattle or Robert A. Castrodale, Chairman, Lawyer Placement Service, 812 Northern Life Tower, Seattle 98101.

GRANT COUNTY BAR ELECTS

Ralph Kenison, Moses Lake, has been elected president of the Grant County Bar Association. Other new officers are Robert Gibson, Quincy, vice-president, and James Strong, Moses Lake, secretary-treasurer.

WASHINGTON STATE BAR ASSOCIATION

Legislative Program 1967 Legislative Session

The following measures have been approved by the Board of Governors and are being supported by the Bar Association before the 1967 Session:

1. *S.J.R. 7 — Constitutional Amendment on Presidential Inability and Vice-Presidential Vacancy.*

This amendment to the Federal Constitution, sponsored by the American Bar Association, has now been approved by the Washington Legislature, as the 32nd state. It needs six more for ratification.

2. *S.J.R. 6 — Revision of Judicial Article to Authorize Creation of Court of Appeals, and Implementing Legislation.*

These proposed measures were prepared by the Association's Committee for Revision of the Judicial Article, and are the result of its study and work over a period of three years, terminating with submission to all members of the Bar for comments last fall.

The amendment would authorize the Legislature to set up a Court of Appeals, define its jurisdiction, number of judges, terms, salaries, method of selection, etc.

The implementing legislation would carry the above into effect, if the amendment is ratified at the November 1968 election.

The need for relief of our Supreme Court from its present and growing workload seems imperative.

3. *H.B. 119 — Central Recording of Marriage and Divorce Statistics.*

The American Bar Association's Marriage Law Committee strongly recommends this legislation. It points out that Washington

A.T.L.A. TO HOLD SEMINAR ON PERSUASION

J. Donald Curran, president of the Washington State Trial Lawyers Association, announces that the American Trial Lawyers Association and its Washington affiliate will sponsor a one-day seminar on "The Art of Persuasion in Litigation" on Saturday, February 18 at the Olympic Hotel, Seattle.

Advance registration may be made by sending \$25.00, together with complete name and address, to Director of Seminars, American Trial Lawyers Association, 6 Beacon St., Boston, Massachusetts 02108. Registration at the door will commence at 8:00 a.m. and the program will start promptly at 9:00 a.m. The registration fee includes a copy of "The Art of Persuasion in Litigation Handbook."

Curran stated the program will feature some of the nation's foremost trial attorneys. He invites all Washington state lawyers to attend "regardless of whether they represent the plaintiff or the defendant."

is now one of only 10 states without it.

The desirability of finding such information in one, rather than thirty-nine places, is obvious.

4. *S.B. 76 — Model Non-Profit Corporation Act.*

The Association sponsored this act (then H.B. 263) at the 1965 Session. It is much needed to complete the Bar's work in the corporate field, and to bring order out of chaos in our non-profit statutory law. It would enlarge and clarify and take the place of the three present separate confusing acts (RCW 24.04, 24.08 and 24.16).

It is the work of the Association's Corporate Law Committee and of the Secretary
(continued on page 4)

Washington State Bar News

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ROBERT M. ELSTON, Editor

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LETTERS . . .

Editor:

Our office has just been informed by a local Revenue Agent of a change of policy on the part of the IRS which is of general interest to the members of the Bar.

The Revenue Agent informs us that the National Office of the Internal Revenue Service has instructed him to treat the division of community property in kind pursuant to property settlement agreements incident to divorce as the sale or exchange of capital assets, except where specific assets are actually divided into two equal portions.

This policy is to be applied whether the division is equal or unequal as to value; thus, where community property has a total fair market value of \$100,000, the transfer to H of stock having a fair market value of \$50,000 and the transfer to W of the house, auto, and other assets having a fair market value of \$50,000 will be treated as a taxable transaction. In each case gain or loss is to be attributed to the one-half community property interest transferred by the transferor spouse.

This is contrary to the rule in *Davenport vs. Commissioner*, 12 TCM 856 (1953) and represents a departure from the presently accepted rules governing the division of community property in property settlement agreements.

Furthermore, the Western Regional Commissioner has notified our client, whose return for 1963 had previously been audited and accepted as filed, that his return will be reexamined for the purpose (presumably) of assessing a deficiency resulting from the property settlement agreement entered into in 1963.

WITHERSPOON, KELLEY,
DAVENPORT & TOOLE

Allan H. Toole, Spokane

THE PRESIDENT'S CORNER

by JOHN N. RUPP

The Board of Governors held a regular meeting on January 6 in Seattle. It was not a particularly long or difficult meeting — we started at 9:00 A.M. and adjourned at about 4:30. Here is what happened.



We took up disciplinary matters first and started with new cases. The first one was passed to the next meeting because we needed more information. The second one was filed in the respondent's file because there is already a case pending. (It seems that 5% of the members cause 90% of the trouble.) The third one was one which, we hope, can be disposed of by a letter. And the fourth and last one was referred to counsel for preparation of a formal complaint and trial.

Then we considered pending cases in various stages of the procedure, and all that I can tell you about them, with propriety, is, in the words of the late Wesley Mifflin, that they "continue to pend."

We then heard James P. Dillard's petition for reinstatement and, when all the evidence was in, granted a request for a continuance until July.

Next we took up applications to take the January bar examination and, there being nothing out of the way, granted them.

We then moved to membership matters and granted Eugene A. Wright's application to become an active member again, and we bestowed honorary membership on Elmer L. Bennett, Charles A. Johnson, R. B. LeCocq, John A. Soule and Elias A. Wright.

The report of the Clients Indemnity Fund Committee was considered next, and we approved several claims arising from the defalcations of two former members of the association.

The "Visitor-Violator Traffic Court Program" sponsored by the Young Lawyers Committee came up next, and we agreed to

Editor:

Enclosed is a photostatic copy of an item from the Assistant Attorney General contained in the United States Attorneys Bulletin, Volume 14, No. 26. As indicated in the heading of the release, it appears to be a matter of interest to attorneys.

Eugene G. Cushing
United States Attorney

Suits Against the United States Under 28 U.S.C., Section 2410

In order to avoid unnecessary litigation, United States Attorneys are requested to acquaint members of the local bar and other interested parties with provisions of 28 U.S.C., Section 2410, as amended by Section

(continued on page 5)

SKAGIT COUNTY REPORT

The unexpected death of Clyde C. Fowler on December 17, 1966, cast a shadow over the holiday season for Skagit County bench and bar. Clyde, who had practiced in Mount Vernon for over 20 years, was also the incumbent Mount Vernon Justice of the Peace and Municipal Court Judge. In November he had been elected to the position of Second District Judge under Skagit County's new district system. Clyde was well respected and well thought of by all who had the good fortune to know him. Warren "Bud" Gilbert, Jr., has been appointed to the position of District Judge and Municipal Judge until the next general election in 1968.

On January 3, 1967, the oath of office as Superior Court Judge was given to W. J. Deierlein, Jr., by then Chief Justice Hugh Rosellini, and Supreme Court Judge O. Hamilton robed the new Judge Deierlein. Representatives of Governor Evans, the Bar Association, the State Legislature and County government spoke briefly during the ceremonies.

As noted above, Skagit County now has a district justice court system. The three districts follow the lines of the commissioner's districts, and are known as the 1st, 2nd and 3rd districts presided over by Eugene C. Anderson, Warren Gilbert, Jr., and Hugh Ridgway in Anacortes, Mount Vernon and Sedro-Woolley respectively.

Eugene C. Anderson

contribute \$150.00 toward the expenses of that program.

Then we considered the resolution of the Snohomish County Bar Association favoring legislation for an additional superior court judge for that county. We referred it to the Legislative Committee for a report, not because we did not favor it, but because we believe that all such matters should be considered in the light of the needs of the whole State.

A letter from a Seattle lawyer came up next. He suggested a study of the contingent fee system "from the standpoint of correcting the abuses inherent in the system." That matter was referred to the President, to report at the next meeting. How about it, chaps? Shall we go to the British system and abolish contingent fees? Sure would cut down that old case load.

We then spent a long time considering the Legislative Committee's report. That Committee, under the leadership of Ernest K. Murray of Tacoma, really does a job.

Then we granted the request of a lawyer to be approved to represent indigent persons charged in Federal Court with crimes.

A number of minor miscellaneous matters were then considered and disposed of before adjournment.

We meet next in Tacoma on February 10 and plan to attend the Pierce County Bar Association's Lincoln Day Banquet that evening. Lincoln's birthday comes on Sunday this year, so the banquet will be held on Friday the 10th. I was fascinated to learn that one Tacoma lawyer won't go because, by golly, the banquet ain't being held on Lincoln's birthday. Puck had something to say about that sort of thing: "A Midsummer Night's Dream," Act III, Scene 2, line 115.

BOOK NOTES FROM YOUR STATE LAW LIBRARY

C. E. BOLDEN
LAW LIBRARIAN

At long last, there is an extensive, comprehensive text in the area of state administrative law. Professor Frank E. Cooper of the University of Michigan School of Law and the Detroit Bar is the author of *State Administrative Law* (The Bobbs-Merrill Company, 1965). Prior to the publication of this two-volume treatise, practically nothing was available to shed light on the dreary wasteland of state administrative law, with the exception of an excellent study "Administrative Adjudication in the State of New York" by Robert M. Benjamin. Although Benjamin's study was extremely valuable and most useful in shaping the Model State Act, (adopted by the Conference of Commissioners on Uniform State Laws in 1946) its scope was restricted to the State of New York.

This excellent treatise by Cooper is, to my knowledge, the only general treatise which analyzes the statutory and case law of the several states bearing upon problems of administrative procedure. The work covers such vital areas as separation and delegation of powers, rule-making, contesting cases, licensing, and the scope of review of administrative decisions. It is very well indexed, and the extensive table of contents provides quick access to the material contained therein. Certainly the attorney concerned with state administrative law problems would find Cooper's treatise invaluable.

* * *

As the number of automobiles on our highways increases, injuries, deaths, and property damage caused by automobile accidents are steadily increasing. Certainly one of the contributing factors to the increasing death rate on our highways is the so-called "drunk driver." Because of the tendency of many states towards a "get tough" policy, the person accused of drunk driving finds that he cannot afford to plead guilty but must engage an attorney to defend him. Richard E. Erwin has recently published a second edition of his *Defense of Drunk Driving Cases, Criminal - Civil* (Albany, Matthew Bender, 1966).

The work is divided into eight parts covering the general areas of the Offense, Pre-trial Considerations, the Arresting Officer, the Examining Physician, Chemical Test for Intoxication, Affirmative Defense, Argument to Jury, and Jury Instructions. Each part has been expanded to form a unique 790-page specialty treatise. The excellent table of contents and subject index provide ready reference to sections throughout the treatise and a short bibliography provides citations to additional reading in this general area.

The author notes in the preface: "For those who are inexperienced in the trial of the so-called drunk driving case, as well as those who have tried some of them without making any special study of the problems involved, the following chapters have been prepared. This is not intended as, nor does it purport to be, an exhaustive study of the

In Memoriam

Michael Keys Copass, 60, Seattle, died January 7. He was a graduate of the University of Chicago School of Law. He was a former president of the Seattle-King County Bar Association and served as a King County Superior Court judge from 1956 until 1957 when he resigned to re-enter private practice.

* * *

Kenneth W. Hill, 49, Raymond, died December 7. He was a graduate of the University of Washington School of Law and had practiced in Raymond for 17 years. He was Raymond city attorney for over 13 years and at the time of his death was city attorney for the towns of Long Beach and Ilwaco.

* * *

Raymond Reiser, 47, Seattle, died December 26. He was a graduate of the George Washington School of Law. He had practiced in Seattle since 1947 including service as an assistant United States attorney.

* * *

Joseph J. Stangle, 46, Spokane, died December 30. He was a 1950 graduate of the Gonzaga University Law School. He had practiced in Spokane since 1950.

* * *

Arthur L. Haugan, 63, Renton, died December 23. He was a graduate of the University of North Dakota Law School and had practiced in Renton from 1946 until his death. He served as Renton city attorney from 1947 until 1956.

* * *

Walser S. Greathouse, 63, Seattle, died December 16. He received a law degree as a Rhodes Scholar from Oxford University.

* * *

Ferd Schaaf, 66, Seattle, died December 7. He was a graduate of Gonzaga University Law School. He was a former assistant state attorney general.

* * *

Kenneth E. Sivula, 41, Seattle, died February 1. He was a 1953 graduate of the University of Washington School of Law. He had been on the Bellevue City Council since 1960 and was active in civic affairs.

law and the legal problems involved, but it does raise the question and points the way to further research in the specific legal problems. It is primarily intended as a guide in the preparation and trial of such cases, with particular emphasis on cross-examination and chemical tests for intoxication."

* * *

A great many books have been written by attorneys concerning cases they have handled, the interest and quality of which run the complete gamut from boredom to fascination. One of the better books of this type has been written by Elmer Gertz. *A Handful of Clients* (Chicago, Follett Publishing Company, 1965).

Elmer Gertz represented Nathan Leopold at his parole hearings after Leopold had been imprisoned forty years for his part in the 1924 murder of Bobby Franks. The book provides an interesting and human interest insight into Leopold's struggle for his freedom, including two attempts at executive clemency, two attempts at parole, and a suit against the exploitation of Leopold's life story. Approxi-

COWLITZ REPORT

December again was the time for holding the annual Cowlitz County Bar Association Christmas Party at the Longview Country Club. The event was well attended by the local association and the judiciary along with a group from Clark County (that is the county in the suburbs of Portland that does not write an article for the Bar News informing that it has new members in its association). The Cowlitz Party is a function which is sponsored by all, encouraged by many, condoned by a few and blamed on *Alan Hollowell*.

The Cowlitz County Prosecutor is looking for an additional deputy and has a lot to offer to any interested individual. The office includes a substantial starting salary, all office expenses and the right to conduct a private practice. If anyone is interested contact *Wayne Roethler* at the County Courthouse, Kelso, Washington.

Very shortly the law firm of *Studley, Purcell, Spencer & Arkell* will be moving into their expanded quarters at their same address. With all their new floor space it looks as though they have room for an additional attorney.

Former Superior Court Judge, *J. R. Callahan's* private practice has again been terminated by his sojourn to the desert of California for golf. Also, former Superior Court Judge, *J. E. Stone* is still confined to a nursing home and would be happy to hear from any friends and well wishers.

Odine H. Husemoen

WILL INFORMATION SOUGHT

Victor Haglund, Spriestersbach Bldg., Alpine 2-7770, Everett, desires information relative to the execution of a will by Richard N. Peterson who was a resident of Seattle and died in December, 1966.

* * *

Any person having information regarding a will of John Henry Howard of Seattle, please contact Sullivan, Redman & Winsor, 2418 Smith Tower, MAin 2-2418, Seattle 98104.

Tough Bar Exam

Korea's prospective lawyers take a bar exam so difficult that only two out of 100 pass at any one time. There are only 750 practicing lawyers with a population of 29 million.

mately the first third of the book is devoted to the Leopold story.

The remaining two-thirds contains a description of Gertz's participation in a narcotics conspiracy case, a battle for literary freedom and an obscenity trial. Of special interest is his discussion of his defense of Henry Miller and the *Tropic of Cancer* against charges of obscenity and book censorship. The discussion of this case gives a penetrating insight into the arguments for and against censorship in general.

This 380-page book is very well written, deals with interesting personalities and backgrounds, and should be enjoyable, light reading for lawyer and layman alike.

LEGISLATIVE PROGRAM*(continued from page 1)*

of State's and Attorney General's offices.

5. *H.B. 93 - Extension of Securities Act to Out-of-State Real Estate Developments.*

The State Division of Professional Licensing has proposed extension of RCW 21.20 to include these transactions. It would require preparation and approval of prospectuses and advertising material. Similar acts are in effect in other states, and seem needed to control persistent abuses.

6. *S.B. 60 - Right of Witnesses to Presence and Representation by Counsel before Grand Juries.*

The Bar's Civil Rights and Criminal Law Committees recommend this act. Last year's Grand Jury Session in King County is cited as a sample of the need.

The bill would extend such right to witnesses while in attendance before the jury.

7. *H.B. 77 - Eminent Domain Costs and Fees.*

This would increase the payment to defray the cost of evaluating of offers by condemnors in eminent domain proceedings, take the arbitrary limits off the allowances for moving costs, provide for allowance of reasonable expert witnesses fees, and for an allowance of attorney's fees if recovery exceeds the condemnor's offer.

8. *H.B. 138 - New Probate Code Amendments.*

These are clarifying and housekeeping amendments suggested by the Bar's Probate Law Committee to the New Probate Code, which will become effective on July 1, 1967.

9. *Proposed Amendments to Uniform Commercial Code and Business Corporation Act.*

These acts passed in 1965 become effective July 1, 1967. Proposed amendments thereto, suggested by several persons or groups, are under consideration, but as yet no position taken thereon.

10. *Justice Court Legislative Proposals.*

Executive Request Bills (S.B. 83 and H.B. 204) have been introduced extending the 1961 Justice Court Act to all counties, abolishing fee justices, and making other amendments to the Justice Court Act. Also the Bar's Justice Court Committee has made certain additional recommendations. The Association is in the process of studying these recommendations for the purpose of taking a position thereon.

11. *H.B. 38 - Increase in Superior Court Judges Salaries.*

The Association has approved and is supporting the request of the Superior Court Judges Association for further increase of Superior Court Judges' salaries from \$20,000 to \$25,000.00 effective January, 1969.

12. *Bills Proposed by Judicial Council.*

The Association has approved with some suggested amendments, and is supporting, the following bills proposed by the Judicial Council:

S.B. 131 - Makes the salary of Court Administrator equal to that of Superior Court Judges.

S.B. 132 - Amends procedure for serving summons on non-resident motor vehicle drivers.

S.B. 200 - Increases per diem compensation of Superior Court Judges pro tempore from \$10.00 to 1/250th of Superior

SPOKANE COUNTY REPORT

Members of the Spokane County Bar Association were saddened by the death of Joseph J. Stangle, 46, on December 30th following a heart attack on December 19th.

Howard Herman has been installed as illustrious potentate of the El Katif Temple . . . Robert M. Brown has been elected vice-president and member of the 1967 Executive Committee of the Spokane Chamber of Commerce . . . Walter R. Rodgers III has been named a special hearing officer by the Department of Justice to process conscientious objector appeals under the Selective Service Act . . . Howard S. Duell has retired as senior associate counsel of the Spokane County Office of Pioneer National Title Insurance Co.

Howard A. Anderson has been named a partner in the Spokane law firm of Morrison, Huppin & Ewing . . . Robert W. Twigg is attending the current session of the Legislature in Olympia, having been elected State Senator last fall . . . Martin G. Weber recently returned from Bakersfield, California, where he worked on the legal staff of an oil company. He is now associated with attorney Patrick H. Murphy in the Lincoln Building . . . Clarence A. Boling has now joined the staff of the Prosecutor's Office.

T. David Gnagey

Court Judge's annual salary.

S.B. 201 - Increases membership of Judicial Council to include judge of court of limited jurisdiction.

S. B. 202 - Eliminates the duty of jury to assess punishment in justice court trials.

S.B. 203 - Increases appellant fee in Supreme Court to \$15.00, eliminates Respondent's fees and provides for free copies of opinions to parties.

S.B. 207 - Authorizes Supreme Court to provide for conferences of Justices of the Peace for improvement of administration of justice.

S.B. 208 - Revises provisions for tolling statute of limitations to include by service of summons before filing.

S.B. 209 - Revises procedure and number of publications required for summons by publication, personal service outside of state, notice of sale of property and notice of assignment for benefit of creditors.

13. *Other Proposed Legislation.*

Each session brings proposed acts on many matters affecting the public and of interest to attorneys.

The Legislative Committee expects, through its members and Legislative Representative, to study same during the session, and to recommend to the Board of Governors a position thereon if deemed advisable.

14. *Extension of Sales Taxes to Personal Services.*

The Bar Association will continue its opposition to any such proposal if made.

Respectfully submitted,

E. K. Murray, Tacoma, Chairman; Robert L. Charette, Aberdeen; James P. Connolly, Spokane; Donald A. Ericson, Spokane; W. Kenneth Jones, Spokane; Thomas P. Keefe, Seattle; Milburn D. Kight, Ephrata; Bernard G. Loncot, Olympia; Fred P. Mason, Vancouver; Donald L. McMannis, Pullman; Paul J. Narigi, Tacoma; Richard T. Olson, Seattle, Vice-Chairman; C. A. Orndorff, Spokane; George V. Powell, Seattle; Wesley C. Uhlman, Seattle; John F. Wilson, Everett; Barrett J. White, Olympia; H. N. Woolson, Dayton; of Committee; Quinby R. Bingham, Tacoma, Legislative Representative.

OPINIONS

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

(1) The first real property taxes as to which the exemption provided for by Ch. 168, Laws of 1965, Ex. Sess., is applicable are the taxes levied in 1966 for collection in 1967. (2) Under existing law, taxpayers who inadvertently fail to claim an exemption under said Ch. 168 may not obtain a refund of the amount of exemption to which they would have been entitled. (AGO 65-66, No. 122.)

* * *

A school district may enter into a conditional sales contract, pursuant to RCW 28.58.550 without approval of the voters of the district so long as the contract price, added to existing debt within that class of debt which, under Art. VIII, Sec. 6, and RCW 39.36.020, may be incurred without voter approval does not exceed 1½% of the assessed value of the taxable property in the district. (AGO 65-66, No. 123.)

* * *

The registrant of a foreign judgment, under Ch. 6.36 RCW, may not cause execution, or garnishment under RCW 7.32.010(3), to issue upon the judgment so registered prior to the time that said judgment is reduced to a judgment of this state. (AGO 65-66, No. 124.)

AROUND THE STATE

Jon R. Harlan, Naches, is a new civil deputy prosecutor for Yakima County. He was appointed by Prosecutor **Lincoln Shropshire**.

* * *

Schuyler Jerome Witt has resigned as chief criminal deputy Prosecuting Attorney for Pierce County. He plans to join **Robert Hutchins** and **Everett Plumb** in a new partnership at Tacoma Mall. Hutchins and Plumb are also former Pierce County deputy prosecutors.

* * *

Gary Cronk has resigned as a Pierce County deputy prosecutor to join Johnson & Dixon at 1125 Rust Bldg., Tacoma.

* * *

Gordon Walgren has been appointed Bremerton city attorney. He succeeds **Gerard N. Fisher** who resigned to accept appointment as Kitsap County District Justice Court judge. Walgren has retained **Lawrence Soriano** as deputy city attorney.

* * *

John C. Ragan is the new prosecuting attorney for Mason County.

* * *

Nels B. Nelson, Jr., Benjamin G. Hanson and **Ralph Milne** have formed a new partnership at 945 Tacoma Ave. S., Tacoma.

* * *

Donald H. Bond and **Thomas B. Grahn** have become partners in the Yakima firm of Halverson, Applegate, McDonald & Weeks. The firm name is unchanged.

SNOHOMISH COUNTY REPORT

After two issues by my co-editors, *Don Senter* and *Don Lyderson*, the happy task of editing this month's "funny farm news" has again fallen upon the broad but sagging shoulders of the editor-in-chief, whom you all know, but for those of you who do not know, you may refer to the bottom of this article for his name.

In last month's issue, Don Lyderson mentioned new additions to the Prosecutor's staff but, of course, it is difficult to tie the body to the name until one is confronted by a 6' 6" frame with your editor looking at his belt buckle when he is informed that he was none other than *Bruce E. Jones*, one of the new deputies. Bruce indeed looks formidable and should be quite a deterrent in and of himself to would-be crime committers. In this connection it is nice to see *Cedric Hollenbeck* (whom I affectionately used to term "Sir Cedric Hollenhook") in our Prosecutor's office. A hearty welcome to all of these brave souls who would seek to protect those of us who need protection.

Dick Johnson, formerly with Griffin and Johnson, is now with Bell, Ingram & Smith in the new First National Bank Building... *Dan Griffin* continues to practice in the Medical-Dental Building with his able associate, *Jim Bortner*, under the firm name of Griffin & Bortner... *Paul Williams*, advises that as of January 1, 1967, *Curtis P. Thomson* has been made a partner in the firm of Williams and Holte, now Holte, Williams and Thomson. In association with this growing firm is *Richard Cole* who was previously with the Prosecutor's office and who recently took office as Judge of the Edmonds District Justice Court... A hearty welcome to these new members of the private practicing clan in our once placid community which is attempting to keep up with the expansion in every direction with primary consideration being given to the Boeing Company. Of course, we welcome this expansion, but the growing pains are a bit something else.

Rudy Mueller, who practices with Sam Hale, has initiated a body-bruising, bone breaking, huff-puffing ski school for lawyers. The turnout has been very good and Rudy informs me that the ski instruction is progressing nicely except there has to be a round table discussion, briefs submitted and argument had before each subsequent ski maneuver is executed by the students. Your editor has foolishly joined this happy group and has become known as the "Great Rationalizer" for every fall and misguided turn. Great sport if you survive!

Another first in the history of the Snohomish County Bar is this community's first female attorney, *Miss Myrtle Kvangnes*. Myrtle, a graduate of the U of W, has been an editor for Book Publishing Company and the assistant to the State Code Revisor, where she was one of the attorneys to the House of Representatives and was the permanent law clerk for Supreme Court Justice Mallory. She also found time to work for the trust department of Crocker-Anglo Bank in San Francisco. Myrtle's office is at 2919 Wetmore in the Spriestersbach Building, ALpine 2-2520. When I welcomed her to our Association, I asked whether she will be putting her name on the list to represent all female indi-

SUPERIOR COURT NEWS

By **ROBERT F. UTTER**

Judge, King County Superior Court

The Supreme Court will add Judge Charles A. Denny to the list of retired judges serving on the Supreme Court. In accepting service as Judge Pro-tem, Judge Denny will give up private practice of law.

* * *

Judges Al Bradford, John Tuttle, and Thomas Jordan of Walla Walla and Columbia Counties will start a joint program for juveniles in the two counties. Walla Walla County commissioners were scheduled to hire a juvenile officer immediately to fill a staff vacancy and begin operation of the program. The Columbia County portion of the program will be supported by an allocation of \$2,000, made by the Board of County Commissioners.

* * *

King County Court Commissioner Robert C. Wetherholt has moved up to a new position of Court Administrator. His new duties will be to keep track of the volume of new cases, arrange pre-assignment of cases to individual judges, educate and orient new jurors and determine which cases need pre-trial hearings and which may be referred to the pretrial calendar.

* * *

John H. Kirkwood has been appointed to the Grays Harbor Superior Court Bench by Governor Daniel J. Evans. Judge Kirkwood fills the vacancy created by the recent death of Mitchell Kalin. Judge Kirkwood attended Grays Harbor Junior College and the University of Portland. He served with the Eighth Air Force during World War II and re-enrolled in the University of Idaho in 1947, where he graduated from law school in 1949. Following graduation, Judge Kirkwood worked for the Honorable Joseph A. Mallory, Judge of the Washington State Supreme Court for a year and one half until July, 1951. He then started private practice in Aberdeen, Washington where he remained until his appointment to the Bench.

He is married to the former Delores Bostwick and has two children, Mark, age 12, and Robert, age 11. The Judge enjoys carpentering, shooting and observing automobile racing.

gent prisoners on criminal appointments, to which she replied she was not going to discriminate and hoped that there would not be too many female indigent prisoners, which may indicate that by her very presence in our Bar the women will stop committing crimes in our county (but I seriously doubt it).

Our outgoing President (in more ways than one), *Levy Johnston*, has announced that our annual bar banquet will be held at the Everett Golf & Country Club on February 24, 1967. I would suppose that the announcements and invitations to honored guests will be going out very soon.

Efrem Z. Agranoff

Deadline for the next issue of the **Bar News** is February 22, 1967.

LETTERS...

(continued from page 2)

201 of the Federal Tax Lien Act of 1966 (P.L. 89-719). To that end, the following item may be inserted in local bar publications:

Under 28 U.S.C., Section 2410, as enacted and previously amended, the United States has consented to be named a party defendant in any suit instituted in a federal or state court having jurisdiction of the subject matter for the purpose of quieting title to or foreclosing a mortgage or other lien upon real or personal property on which the United States has or claims a mortgage or other lien. As amended by Section 201 of the Federal Tax Lien Act of 1966, the Government's consent to be sued under Section 2410 has been broadened to include "partition" actions, "condemnation" actions, "interpleader" actions and actions "in the nature of interpleader."

Any pleading (whether or not designated as a complaint) which attempts to join the United States as a party in the types of actions named, where the action involves liens arising under the Internal Revenue Code, must set forth with particularity the nature of the interest or lien of the United States, i.e., (1) the name and address of the delinquent taxpayer, (2) if a notice of tax lien has been filed, the identity of the internal revenue office which filed the notice, and (3) the date and place such notice of lien was filed. Moreover, as in the past, service of process must be made upon the United States Attorney's office and a copy of the process and complaint must be sent to the Attorney General of the United States by registered or certified mail. Unless these requirements are met, the pleading is defective as to the United States and is subject to a motion to dismiss. In such event, a judgment rendered in such a suit, or a judicial sale pursuant to such judgment, will not disturb the lien of the United States.

A judgment or decree in any such action shall have the same effect respecting the discharge of the property from the mortgage or other lien held by the United States as may be provided with respect to such matters by the local law of the place where the court is situated. However, in a mortgage or lien foreclosure action, the property involved will be discharged from a junior federal mortgage or lien only if a judicial sale of the property is sought; in such situations, except where federal law precludes redemption, the United States may redeem real property sold within 120 days from the date of sale, or such longer period as may be allowed under local law.

(ED. NOTE: An earlier release of this Bulletin - Dec. 23, 1966 - contained an error. The above supersedes. - R.M.E.)

Worswick Leaves State Post For Private Practice

Stanley W. Worswick has resigned as assistant secretary of state to return to private practice in Tacoma. He is associated with William J. Rush and W. Gerald Lynch. Worswick had served on Secretary of State A. Ludlow Kramer's staff since February, 1965.

SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**
SUPREME COURT CLERK

The December 19, 1966, issue of the Bar News listed several cases set for hearing in the January, 1967 session of possible special interest to the Bar. Since the article was written, three cases have been added to the docket which deserves mention:

- No. 39357 Is alcoholism a disease and does conviction as a result of alcoholism with confinement and/or fine constitute cruel and unusual punishment.
- No. 38978 Right to counsel of person charged with a misdemeanor in a municipal court.
- No. 39262 Can a municipal corporation condemn for a boat marina more land than needed for the use of the residents of the municipality.

Nine of the young men now employed as law clerks' by the judges of the Supreme Court will be terminating their employment in July, 1967, and are seeking opportunities for employment. All were carefully selected for their ability in the law and will have completed a years experience working closely with an active Supreme Court judge or a judge pro tem.

Those involved are:

Duncan A. Bayne, University of Washington Law School, 1966; presently clerking for Judge Frank Hale; interested in opportunities in the Puget Sound area.

Thomas A. Clark, graduated from Gonzaga University School of Law, 1966; now clerking for Judge Orris L. Hamilton; no preference as to location.

Stephen A. Crary, University of Washington Law School; former Associate editor of the Washington Law Review; now clerking for Chief Justice Robert C. Finley; prefers Seattle or Tacoma area.

C. Raymond Eberle, Gonzaga University Law School, 1966; at Gonzaga a member of Law Review; presently clerking for Judge Matthew W. Hill; prefers Spokane area.

Thomas J. Heye, Cornell University Law School, 1966; now clerking for Judge Richard B. Ott; does not have a preference as to location.

William M. Gingery, Columbia University, 1966; now clerking for Judge Langenbach, Judge Pro Tempore; has no preference as to location.

David G. Metcalf, Hastings College of Law, University of California, 1966; currently clerking under the Pro-Tempore system for the State Supreme Court; prefers Puget Sound area.

Peter E. Paget, University of Washington; presently clerking for Judge Dolph Barnett, Judge Pro-Tempore; prefers Seattle area.

Stephen P. Ryder, Gonzaga University School of Law, 1966; presently clerking for Judge Robert T. Hunter; prefers Seattle area in an office with heavy trial work.

SEATTLE-KING COUNTY REPORT

NEW POSTS: *James A. Noe* has been appointed Seattle Municipal Judge. He succeeds Judge *Charles Z. Smith* who was appointed last November to the King County Superior Court . . . Superior Court Judge *James Mifflin* has been elected presiding Judge to succeed Judge *William J. Wilkins* . . . Bellevue District Judge *Melvin V. Love* has been elected chairman of the King County District Judges Association . . . *David C. Hunter* has been appointed by the King County Superior Court as a new Commissioner . . . Judge *Evangelina Starr* has been chosen Presiding Judge of the Seattle District Justice Court . . . Safeco Insurance General Counsel *Bruce Maines* has announced the appointment of *William R. Lanthorn* as chief attorney of the home office legal department . . . *Andrew J. Young* has been elected president of the Seattle branch of the N.A.A.C.P. *Donald Haley* is a new vice president.

NEW CARDS: *Patrick J. Donnelly* has opened an office at 1212 Olympic National Life Bldg., MA 3-3088 . . . *Kahin, Horswill, Keller, Rohrback, Waldo & Moren* have changed their firm name to *Horswill, Keller, Rohrback, Waldo & Moren* and have announced the association of *Dwayne A. Richards*. They remain at 1220 IBM Bldg. . . *Arthur L. Griswold* has moved to 862-106th Ave. N. E., Bellevue, MAIn 2-5151 . . . *Wolfstone & Panchot* have changed their firm name to *Wolfstone & Kleist*. Their office remains at 1117 Norton Bldg., MUtual 2-3840 . . . *Orvin H. Messegee* and *Jeremiah McCormick* announced their association with *E. R. Cluck* at 402 Grosvenor House, MAIn 4-7572. Cluck will also continue his president office as general counsel for *Sparkman & McLean*, 2515 Fourth Ave. . . *Lloyd A. Herman* has associated with *Breskin, Rosenblume & Robbins* at 803 Hoge Bldg., MAIn 4-3443 . . . *David W. Soukup* has resigned as a Deputy Prosecuting Attorney to open an office at 620 Arctic Bldg., MAIn 4-8105 . . . *Jones, Grey, Kehoe, Hooper & Olsen* is now *Jones, Grey, Kehoe, Bayley, Hooper & Olsen*. New partners are *Frank S. Bayley, George A. Klawitter, Gene B. Brandzel* and *Dexter A. Washburn*; *Victor Van Valin* is a new associate and *F. Bartow Fite, Jr.*, is of counsel. They are at 1000 Norton Bldg., MAIn 4-0900 . . . *Wright, Innis, Simon & Todd* has a new name: *Wright, Simon, Todd & Schmechel*. New Partners are *William G. Pusch* and *P. Cameron DeVore*. The new name is lettered

WANTED AND UNWANTED

For Sale: Complete set CJS, including 1966 pocket parts. *James V. Abbott*, 420 N.E. Ravenna Blvd., LA 4-3600, Seattle.

Wanted: *Wesley K. Duce*, First Natl. Bank Bldg., AL 9-4151, Everett, is interested in obtaining Vols. 2 to 22 of Am Jur 2nd.

Wanted: *Ross & Schweinler*, 901 Tacoma Ave. So., BR 2-2111 want to buy a used IBM transcriber.

Wanted: *John C. Carlson*, Suite H, Professional Centre, NO 2-5451, Wenatchee, would like to buy a set of Am Jur 1st and 2nd.

For Sale: Up to date CJS and USCA. E. *Albert Morrison*, 914 Puget Sound Bank Bldg., Tacoma.

For Sale: Complete set ALR 2nd and 3rd with complete current supplements and later case service. *Dean C. Smith*, Wapato Professional Center, phone 879-4571, Wapato.

For Sale: IBM Selectric typewriter w/3 extra type elements. Hardly used. \$350. District Court Judge *Franklin K. Thorp*, Courthouse, Olympia, phone 352-4851.

For Sale: Full set, Prentice-Hall American Federal Tax Reports. Excellent condition. \$2.00 per volume. *Moss, Adams & Co.*, 1000 Logan Bldg., MUtual 2-3822, Seattle 98101.

on the same doors at 1411 Fourth Ave. Bldg.

NAMES: *Jim K. Carpenter* has been promoted to rear admiral in the Naval Reserve. . . *David E. Wagoner* has been elected vice president of the Seattle School Board. . . *John and Patricia Muchlestone* went to Hawaii for vacation with their three children and returned with four. New son *James Michael* was born in Honolulu December 30. . . *Francis E. Holman* has been re-elected mayor of Lake Forest Park (and elected to the state House of Representatives). *James W. Davenport* has been appointed city attorney for Lake Forest Park. . . *William C. Goodloe* has been named chairman of the YMCA's 1967 membership and fund-raising campaign. . . *B. Gray Warner* has been honored with an Alumni Service Award from Northwestern University for "his abiding interest in Northwestern, and his continuing and constructive support of its programs."

WASHINGTON STATE BAR ASSOCIATION

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