
WASHINGTON STATE BAR NEWS



John Gavin

State Bar President 1963 – 1964



MEMORANDUM

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EDITOR'S NOTE

Washington State Bar News

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Parallel areas of concern facing the legal and medical professions become more pronounced every day. The clinical approach has long been established in the training of medical students. Steps are now being taken in the legal profession in this state to implement legal internship (page 4). The Board of Governors has approved the recommendation of the internship committee that bar applicants must pass not only the bar examination but also a general practice course. A bar opinion poll appears on this subject (page 27), which may prove to be controversial — especially among law students.

Both lawyers and doctors are experiencing difficulty in obtaining malpractice insurance. When they do, the premium cost is substantial and rising. Both the Washington and Oregon State Bar Associations are considering innovative plans to solve the problem (page 12).

While certification of specialists is not foreign to the medical profession, it is to the legal profession. A plan for certification of specialists has emanated from the Virginia State Bar Association which may merit study by our association (page 14).

What about group legal services? The Code of Professional Responsibility takes a conservative stand on the subject (page 13).

Justice Finley explains why he opposes a commission on judicial qualifications for discipline and removal of judges (page 2). SJR 5, which would have established such a commission, failed of passage in the last session of the state legislature. A question that might be advanced to Justice Finley is — Isn't an individual running for a judicial



Photo by John D. McLaughlan

position even more vulnerable to spurious charges where a commission is not in existence to act quickly on such charges?

Life is being made difficult for Washington lawyers in courts in Alaska (page 2) . . . Seattle is in the forefront in the nation with the proposal to establish a Municipal Code Revision Commission (page 16) and with the program to offer legal counsel to increase and improve housing for persons of low and moderate means (page 29) . . . Seattle Young Lawyers Section received a first-place award from the ABA for the second year in a row (page 8) . . . Is library shelf space becoming scarce in your office? A suggested remedy (page 24) . . . Film on Article Nine of UCC will go state-wide (page 28) . . . Special thanks are due Chet Bennett for the Snohomish Report for the past year. He is succeeded by Mark T. Patterson (page 20), of whom Judge Tom Russell spoke highly in his column in the *May Bar News*.

LETTERS

Washington Lawyers vs. Alaska Bar Association

Editor:

In Volume 23, No. 6, an article appears relating to Washington lawyers appearing in Alaska courts. We are sorry to say that the preamble, namely, the statement "The word was that Washington lawyers were experiencing difficulty in representing clients in Alaska due to the fact that the Alaska Bar Association has been routinely opposing motions for appearances of out-of-state lawyers" is correct.

The answer given by Stanley Hewitt, Executive Director of the Alaska Bar Association, is not correct. In the case of City of Anchorage vs. Swalling General et al., Cause No. 68-1757 in Superior Court at Anchorage, several Seattle attorneys who have requested permission to serve as co-counsel with Alaska lawyers have been refused. They are being strongly fought by the Alaska Bar Association.

It is a very complicated and difficult case. The file pertaining to lawyer applications to participate in the trial now involves about 25

pounds of paper, and as yet we have no favorable ruling.

I have strictly complied with Rule 81, and I believe that the other attorneys have done likewise. The other attorneys involved are Nelson T. Lee, of my office, Patrick C. Comfort of the law firm of Comfort, Dolack, Hansler & Billett, 819 South K Street, Tacoma; Lauren D. Studebaker, Burton C. Waldo, and Gerald DeGarmo. For your information, I am enclosing the memorandum of Stanley Hewitt, attorney for Alaska Bar Association.

ELVIN P. CARNEY

Seattle

QUOTES QUOTED

"In an elective state system—whether nonpartisan or politically oriented—there are real dangers in the California plan [for the discipline and removal of judges]. They are greatly minimized where a Missouri or Nebraska judicial merit-selection and tenure plan is extant. In a state with an elective judicial system, a most unqualified candidate for judicial office could cause a groundless complaint to be filed against an incumbent judge.

If the complaint were filed just prior to election, the attendant publicity could be disastrous in influencing the electorate against the incumbent while the commission was still in the process of reaching a final decision. Ultimate exoneration by the commission could be too late, or too poorly publicized, to stave off election defeat of an out-standing judge."

*Justice Robert C. Finley
Trial Magazine - June/July 1969*

Erroneous and misleading information has been made public by insurance companies on the rising number of medical-malpractice suits in the state, Leon Wolfstone, Seattle attorney, charged yesterday.

Wolfstone, president of the American Trial Lawyers' Association, pointed out that malpractice suits pending in Federal Court have been postponed because of news articles based on such information.

"In the past two years all suits carried to completion involving a doctor or a hospital numbered only 15 in this state," Wolfstone said. "Of these, only five were won by the plaintiff, with judgments ranging from \$4,500 to \$40,000." Wolfstone denied that lawyers hired on a "contingent-fee basis" were overly eager to press malpractice suits in the hope of obtaining a large percentage of the damage award.

"There are probably 25 cases considered and dismissed by attor-

neys for every malpractice suit instituted," he said. "In addition, I would say one of every 15 cases pressed is ever tried to conclusion.

"And of these cases receiving judgment, 75 per cent are in favor of the doctor or hospital being sued."

Wolfstone said many more plaintiffs would have won but for the "conspiracy of silence among most doctors—a reluctance to testify against a fellow member of the medical profession."

Wolfstone said one reason for the number of suits initially filed is the frequent refusal of doctors and hospitals to make records available to the patient.

For a lawyer to obtain the records to find whether a case is defensible in court, he must file a suit.

"The edginess of the medical profession is, I think, unwarranted," Wolfstone said. "The plaintiff still has the burden of

THE PRESIDENT'S CORNER

AMEN — Neil Hoff

Editor:

For and on behalf of myself and many members of the Spokane, Washington, area we wish to add a hearty AMEN to the remarks stated by Neil Hoff in your August/September issue.

RINER E. DEGLOW

Spokane

(Letters to the editor should be mailed to 1608 Exchange Bldg., Seattle, 98104.)

proof.”

Wolfstone said he doubted that there has been an increase of malpractice itself. He said suits previously brought “have contributed greatly to the improved standard of medical care.”

The Seattle Times, September 10, 1969, and Seattle Post-Intelligencer, September 12, 1969.

(See Compulsory Malpractice Insurance, page 12.)

Curiosity may prompt some of you to read this, my first column as the new president of your Association. Let me state that I conceive the office to entail, in part, being a spokesman for the Board of Governors, and to that end in this column will endeavor to keep the lawyers in touch with the workings of the Association.

The word “gap” is often heard these days — “generation gap,” “credibility gap,” etc. Unfortunately, there may be some basis for alluding also to a “communication gap” between the practicing attorneys and the State Bar Association. Too many attorneys seem to have no particular contact with, or apparent interest in, or desire to know about what their Association does. This is not desirable, because the more attorneys who take part in Bar activities, the stronger the Bar Association; and a strong Association makes the practice of law by each of us more enjoyable, more profitable, more meaningful, and one in which we can take pride. It is in our own selfish best interest. With the help of the Board of Governors, I hope during the coming year to make it possible for all attorneys to become more aware of what many of them are now doing in carrying on the activities of the Association. In other words, if there is a “gap,” we will try to eliminate it.

This past year the Association has enjoyed the dynamic leadership of Payne Karr as your president. During that year many important things took place for which the President can take credit. The Court of Appeals came into being with the assistance of most of the attorneys and the hard work by many over a long period of time; the new Rules of Discipline were adopted by the Supreme Court after much detailed work by attorneys; there has been continued ded-



Photo by John D. McLaughlin

icated work activity in C.L.E., Clients Indemnity Fund, the Legislative Committee, the State Bar News, the Young Lawyers Committee, to mention just a few and to overlook others that should be mentioned. The Board of Governors has done a conscientious, thorough job in running the Association. As a result, as Payne Karr reported to the convention in Seattle, just concluded, the Association is a busy, going concern.

Having also attended the National Conference of Bar Presidents in Dallas, Texas, recently, I know that our Association is in the forefront, nationally, in most Bar activities. The Bench-Bar-Press, Clients Indemnity Fund, and Discipline point up the leadership we presently enjoy. This enviable position can only be maintained, and further progress can only be made, by the interest and involvement of more and more attorneys. I hope this will come about.

I can only pledge to you my own time and effort, which will be used as fully as possible, to assist in making the Bar Association an even more active, progressive Bar, and with the help of all of you we can work toward that goal.

Laymen who chance upon this month's cover article may be astounded to learn that John Gavin's reputation among the members of the Bar surpasses the fame he has achieved on the ski slopes and golf links throughout the state. Even he will modestly admit to being the

"finest skier east of the Cascades, over fifty years of age, weighing 240 pounds, with one eye." Comparable acclaim and success on the golf course has been attributed to his colorful attire



(Bermuda shorts and fluorescent socks) which seemingly inspires the ball to escape the blinding glare by fleeing over the vast distances when driven and by moving directly to the hole on a putt.

The relationship between his preeminence as a trial lawyer and his success as a thespian is less easily explained. As "The Man Who Came To Dinner" in 1966, he reputedly enjoyed every bite. His announced retirement from the stage leaves that arena the poorer.

John Gavin's contributions to the Bar of this state reflect the same enthusiasm, dedication and excellence. Eleven years after receiving his LL.B. from the University of Washington, he was elected President of the Yakima County Bar Association. He then became a member of the Board of Governors of the Washington State Bar Association from 1947 until 1950 and was elected President of the Bar Association in 1963. He is a member of the American College of Trial Lawyers, the Federation of Insurance Counsel and the American Judicature Society.

His enthusiasm for the law is obvious to all who know him. In particular, those who work with him believe he has few peers.

CAMDEN M. HALL

The Board of Governors has approved three recommendations of the State Bar's Internship Committee which will have dramatic impact on candidates for the legal profession. They are:

1. A post-graduate General Practice Course should be developed and made a requirement for admission to practice.

2. The Supreme Court and Judicial Council should act on the request for the adoption of a limited-license rule.

3. The Internship Committee and the Board of Governors should stimulate part-time and summer employment of undergraduate law students. Supplemental orientation and instruction should be provided in those sections of the state where there are enough summer interns to warrant the effort.

General Practice Course

The impact of the decision to develop a General Practice Course is that candidates for admission to the bar will be required to pass the course and the bar exam. Two states offer examples of mandatory general practice courses, New Jersey and Wisconsin.

New Jersey has always required a mandatory apprenticeship program — clerkship until 1963 and, since then, a skills training course. The current rule requires a candidate for admission to successfully complete a skills training course offered by the New Jersey Institute for Continuing Education after taking the bar exam. Candidates may directly petition the State Supreme Court for admission to clerk, but the vast majority take the course. Clerkships are for nine months, and those who clerk tend to clerk for judges. See: Eli Jarmel, "The New Jersey Skills Training Course", 15 *The Practical Lawyer* (No. 3) 12 (1969).

Wisconsin has had a mandatory General Practice Course since 1968. The course is taught at the University of Wisconsin Law School by practicing lawyers. There is no bar examination for graduates of the state's two law schools who take the General Practice Course.

PRONG DEVELOPMENT LEGAL INTERNSHIP

Chief Justice Warren Burger is one of many speaking out on the failure of law schools, the organized Bar, and the courts to provide society with people-oriented and problem-oriented counselors and advocates to meet the broad social needs of our changing world. He applauds the trend of recognizing the need for clinical exposure of law students to the realities they will face in practice. The following article discusses steps being taken in this direction in Washington State.

The New Jersey program has experienced adverse student attitudes. "Our biggest single problem is that the students come to the course with all the 'enthusiasm' of a draftee reporting for basic training . . . It seems that one of the reasons our students come with this reluctance is that they feel particularly picked on. They have been singled out in this entire nation for this program, and they are not at all adverse to

telling us that.

"In addition, they are tired of 'school', and it does not seem to matter what program it is. A number of our students have reported the same reaction to other postgraduate educational programs, including those they have volunteered for and those they have been paid to take. Today's law students even question the value of law school beyond the first year. Conse-

Comparison of the Two Courses

| <i>New Jersey</i> | <i>Wisconsin</i> | <i>New Jersey</i> | <i>Wisconsin</i> |
|--|---|---|---|
| Length: Five-week period beginning two weeks after the bar examination. | Ten-week period, given in the summer. | Description of the Classes: | |
| Cost: \$120 | \$150 registration fee, plus \$50 for books. | The students, outside of class, work their way through a set of typically encountered legal problems. In the classroom, their work product is criticized and evaluated by both the instructor and fellow students. The instructors minimize classroom lecturing. The students were divided into 32 sections with a median class size of 19. | Students are divided into sections of no more than 24. After a lecture on closing an estate and a demonstration on that subject in the law school moot courtroom, the students were required to prepare a final decree, receipts, and an order discharging executor. Following a lecture on guardianship and conservatorship, each student was assigned to prepare guardianship petitions and orders in a hypothetical situation. |
| Examinations: Yes. There is an 8-10% failure rate. If an exam is failed, it is retaken until passed. | Exams were given in 1968 but not in 1969 because experience taught that there are "better ways" of evaluating practicing skills than through exams. | Built into the course are a number of role-playing situations and mock demonstrations. In a real courtroom, the students are required to perform fundamental trial procedures. They select jurors; conduct direct examination in front of their classmates; cross-examine both lay and expert witnesses; make openings and closings to that jury. | On another day, they were required to draft deeds, note and mortgage, a land contract, a commercial lease, and an earnest money agreement. |
| Materials: In addition to the formal classroom presentation, each student receives about 1,500 pages of text, checklists, annotated forms, and the like. | Six texts prepared by the State Bar of Wisconsin and 700 pages of photo-copied handouts were used as instructional material. | | Other subjects covered were law office systems, financial arrangements between lawyers, corporations and partnerships. |
| Location: The course is given only once a year and in five to eight sites throughout the state with a uniform set of materials. | The course is given only once a year and only in Madison. | | |

quently, you must recognize the impact of this emotion on your students' motivation.

"Still another factor contributes to the motivation problem. Most students come through law school with little idea of the lawyer's role in practice. This kind of course must tell them that a significant portion of law practice is tedious and monotonous.

"They must recognize that they file papers in a particular order, on a particular set of days, in a particular place, and if they do not do it that way, problems arise! People pay lawyers to file those papers properly. This is a novel idea to the vast majority of law school graduates. One gets the impression that they believe, for example, that estates probate and administer themselves — that somehow the assets marshal and distribute themselves.

"Despite these difficulties, the author does not consider the program a failure. Within six months of their completion of the course, over one-third of the students show up in the courses we offer for the general New Jersey bar. The author would guess that that figure is substantially higher than the average return of first-year graduates to CLE programs anywhere in the country. If that is true, then part of our motivation problem is that the students do not know yet what they do not know. After leaving our course, beginning practice, and spending countless hours doing what should be relatively easy to do, they voluntarily come back to 'school' looking for that kind of help.

"In New Jersey, we are concerned with whether we can trust a beginning lawyer to represent people on his own. Most of the young lawyers who go to firms or to prosecutors' offices moonlight substantially, representing private clients. Whether or not this is nationally typical, it nevertheless seems to be common here.

"If the concern in other states is also whether the young lawyer can be trusted to represent people on his own, then it is suggested that, as a result of this kind of program, the young New Jersey lawyer can mitigate that concern more so than his contemporaries anywhere else in the country." **The Practical Lawyer**, *Ibid*, pp. 107-8.

According to **Eugene A. Wright**, chairman of the Internship Committee, "the bench and bar of Wisconsin, legal educators there, and the students who completed the 1968 general practice course were unanimous in their praise of the faculty, the contents of the course, the materials distributed, and the down-to-

earth practicality of the whole process." Perhaps exemption from the bar examination for graduates of Wisconsin Law Schools who successfully pass the course accounts for an attitude different from that expressed by New Jersey students.

Special License to Practice

The subject of special license to practice was submitted by the Board of Governors to the State Supreme Court in February, 1969. It was then referred to the Judicial Council, which anticipates circulating the proposed rule within a month.

Early in the spring the ABA House of Delegates adopted by resolution a draft of a Proposed Model Rule Relative to Legal Assistance by Law Students. The rule would permit students in the final year of a regular course of study to appear in court, under adequate supervision by members of the bar, on behalf of indigent persons in both criminal and civil matters or the prosecution in criminal matters. But the proposed model rule relative to legal assistance by law students is designed primarily to provide legal assistance to indigent persons charged with a public offense.

The ABA Model Rule would provide certain safeguards, including certification by the dean of the law school and a certification by the applicant that he is familiar with the Canons of Professional Ethics. He would receive no compensation for his services from the person on whose behalf he renders services. In most court appearances, the supervising lawyer would have to be personally present and be fully responsible for the manner in which they are conducted. In addition, the eligible law student may engage in other activities, including the preparation of pleadings and other documents to be filed (but such pleadings must be signed by the supervising lawyer); preparation of briefs and other documents to be filed in appellate courts, and participation in oral argument in appellate courts in the presence of the supervising lawyer. Any document or pleading would contain the name of the eligible law student who had participated in drafting it.

The Internship Committee disagrees with the Proposed Model Rule in its concept that a special license to practice should be provided only to law students engaged in providing legal services to indigent persons. The Committee believes that the limited license should be available also to the increasing number of second-year law students who are finding employ-

ment during the summer months and during their final year of law school. Employing law firms report that the limited license would be of material benefit to the supplemental summer training programs. It would also support the current emphasis on strengthening advocacy training.

Students under the proposed Washington rule would be allowed to participate in the argument of law motions and preparation of briefs and memoranda to trial judges.

Opposition to the proposed rule seems to center in these contentions:

1. A limited license to practice would provide competition for the licensed practitioner.

2. The limited license would probably be used only by under-graduate law students in Spokane and Seattle.

3. There are insufficient law offices to support such a program and to provide employment and adequate supervision.

4. The so-called "catch-all" objection which is variously expressed as, "Oh, it sounds like a new idea, so I'm opposed to it", or "Why don't the law schools do something about it", or, "It might swamp our courtrooms with a lot of bearded undergraduates with their kooky ideas."

There are presently about 19 states which provide to undergraduate law students a limited license to practice which permits the undergraduate to appear in court, usually under some active supervision by a lawyer in good standing. It has worked elsewhere and not a single state which has it is considering abandoning it. An article on the Oklahoma Bar Association's recently adopted rule governing the limited license appears in 14 *Student Lawyer Journal* (No. 4) 14 (Dec. 1968).

Summer Employment

This spring the Internship Committee surveyed lawyers and law firms of the state to determine their interest and willingness to participate in an internship program for students about to enter their last year of law school training.

A poll supervised by **Robert S. Mucklestone** and **J. Shan Mullin** demonstrated:

1. Several Spokane law firms presently employ undergraduate law students part-time or full-time during the academic year and during the summer vacation period. These are students at Gonzaga University Law School, which has only a night program.

2. As of June 1, 1969, six law firms in the Puget Sound area reported plans to employ thirteen undergraduate law students for the summer.

3. Other law firms in the Puget Sound area and elsewhere indicated an interest and might be expected to offer such employment in future years.

4. There was general acceptance of the suggestion that the employed students be released for supplemental instruction in an organized program which would emphasize courthouse and courtroom familiarity.

5. Twenty-six undergraduates at Gonzaga University Law School expressed a desire to work during the summer of 1969 in law offices "... if adequate compensation were to be paid."

6. Twelve to fourteen second-year law students at the University of Washington desired summer clerkship employment.

The committee gave careful consideration to the format of supplemental instruction to be provided by the state or local bar association as a concomitant of summer internship. It was agreed that providing such instruction would be feasible only if there were an audience of a dozen or more interns.

The topics for instruction as proposed were:

1. Orientation visits to and talks about the functions of the clerk's office, the Motion, Probate, Juvenile and Presiding departments of the Superior Court, the Justice Courts, the offices of the Prosecuting Attorney, Corporation Counsel, Auditor, Treasurer and Attorney General.

2. A real estate program to include visits to the offices of the Auditor and a title insurance company.

3. A criminal law program to include visits to the Prosecutor's Office and attendance at a criminal trial.

4. Instruction on legal ethics.

Because of the results of the survey, it was concluded that the supplemental instruction should be deferred until 1970.

A bar opinion poll on the subject of the mandatory general practice course appears on page 28.

LEGAL ASSISTANCE TO BLACK BUSINESSES

And those who ignore the realities of conflict – those who assign the troubles of a great nation to the youth, to the Black, to the hippies and the yippies and the Leftists and the Rightists – miss a very fundamental point.

It is not the radicals and the militants who pose the greatest threat to America. It is the great silent majority, the people whom Vice President Agnew termed the effete society – the legions of affluent Americans who sit idly by while the nation fights for its future.

**Honorable Daniel J. Evans,
Governor, State of Washington
Address, July 2, 1969**

For the second year running the Young Lawyers Section of the Seattle-King County Bar Association has won the ABA first place single project entry award for large cities. Last year's award-winning program was "Youth and the Law". This year it was "Legal Assistance to Black Businesses".

In early fall of 1968, officials of the Section met with city leaders to discover areas where the intelligence and imagination of young lawyers could be utilized to assist in innovative programs designed to meet the crisis challenge of urban America. One of the areas suggested was assistance to black businesses.

Subsequently a meeting was held with members of the National Business League to determine whether volunteer legal assistance could aid the League. In response to the League's overwhelming evidence of the need for such service, the Board of Trustees of the Section decided to commit the volunteer services of its members to a program of legal assistance to black entrepreneurs.

Over 30 young lawyers volunteered to participate in the program. Project liaison and coordination were arranged through the Seattle Committee of the Ford Foundation-sponsored Lawyers Committee for Civil Rights Under the Law. **James Leach**, Executive Director of the Committee, coordinated the program and followed up to determine that the project was operating satisfactorily.

Because of a number of barriers which exist in the development of black businesses, including the absence of a satisfactory relationship with the legal profession and the lack of adequate financing, it was anticipated that at the early stage of a foundling business the volunteer attorney would not be compensated. Research of the Canons of Professional Ethics, and especially Canon 12, which states that in fixing fees a client's "poverty may require a lesser charge, or even none at all," satisfied the Project Committee that such an arrangement was possible. It was further anticipated that as a business progressed, a minimal fee might be assessed and that if the business thrives,

the ordinary expectations of a reasonable fee could be met. In all other respects, the normal attorney-client relationship existed.

The significance of the project's assistance to black business is dramatically shown by a summary in the application of some (13) of the case studies of assistance rendered.

A sample case study is as follows: A black business woman had established a non-profit corporation to work with young artists and had decided that some of her proteges had advanced to the point where they were ready for professional exposure. The National Business League had helped her outline her proposal and then called the Lawyers' Committee for some legal assistance. She was referred to a young lawyer in a large Seattle law firm, who had previously had considerable experience in the field of record companies. The young attorney has put in better than 50 hours on this project, including helping the company receive SBA financing, setting up the board of directors, and drafting contracts for artists for the company. The company has now made some master tapes which are ready for cutting, and is awaiting further financing before proceeding further. It is anticipated that in the near future the company will build its own studio.

The guiding force for the project was supplied by **Llew Pritchard**, chairman of the Young Lawyers Section this past year, and **Tom Alberg** and Professor **Bill Rodgers**, co-chairmen of that Section's Contemporary Legal Problems Committee. Attorneys participating in the program, among others, included: **Evan Schwab**, **John Lackland**, **Del Barnard**, **John Kenneth Jones**, **Gerald Tuttle**, **Peter Lucas**, **Richard Derham**, **Jack Stephenson** and **William Rutherford**.

With such programs available to newly admitted members of the bar – the new breed – there should be little justification for "turning-off" the Bar Association as being irrelevant and without commitment in the area of Urban Crisis.

WASHINGTON STATE BAR NEWS



This sketch was presented to the Board of Governors by Payne Karr. L. to R. — Charles I. Stone, Thomas G. McCrea, Brooks K. Johnson, Lee J. Campbell, Payne Karr, Grant L. Kimer, John S. Moore and Lloyd W. Bever.

Successful Applicants In State Bar Exam

The Washington State Bar Ass'n. on September 9, released the names of the following successful applicants in the July bar examination:

ABERDEEN

Curtis Michael Janhunen.

BAINBRIDGE ISLAND

Bruce Edward O'Connor.

BELLEVUE

Chester L. Brown, William H. Clarke, David Edward Foscue, Theodore Charles Green, Allen Charles Hamley, Michael Brien Hansen, Joan Smith Lawrence, John Richard Quick, John R. Stocker, William George Tonkin.

BELLINGHAM

David Edward Rhea Jr.

BLACK DIAMOND

Robert Earl Corlett.

BOTHELL

William Robert Creech.

DES MOINES

John Gerhart Hennen.

EDMONDS

Douglas Cook, Wade Elliot Gano.

EVERETT

Lloyd Laverne Pike.

FEDERAL WAY

T. G. McQuary.

GIG HARBOR

Douglas Vincent Alling, William Chapin Collins, Jr.

HOQUIAM

James Raymond Short.

ISSAQUAH

Phillip Byron Winberry.

KENNEWICK

Charles Edwin Forrest Alden, R. Crane Bergdahl.

DISCIPLINARY BOARD MEMBERS NAMED

Seven lawyers have been named to constitute the state bar disciplinary board. They are: Fred C. Palmer (Chairman) of Yakima, Fourth District; Richard R. Hodge (Vice-Chairman) of Tacoma, Sixth District; DeWitt Williams of Seattle, First District; Alfred McBee of Mount Vernon, Second District; John M. Cunningham of Centralia, Third District; John J. Ripple of Spokane, Fifth District; and James P. Curran of Kent, Seventh District.

The disciplinary board was created on July 1, 1969, by the new Discipline Rules for Attorneys (75 W.D.2d 960-96). Up to this time, half of the work of the Board of Governors has been consumed by disciplinary matters. Under the new rules, the Board of Governors retains jurisdiction only over reinstatements. Now the Board of Governors will be able to spend almost all its time in seeking improvements in the organized bar and related matters.

It was observed by Chairman Fred Palmer, that there are 600 more lawyers in this state than there were ten years ago. He stated: "If we don't police ourselves, the legislature will do it for us." Approximately 300 complaints were received by the Bar Association this past year.

A separate committee will be studying other revisions in the discipline rules for attorneys. The matter of temporary suspensions is one that was mentioned by Palmer as being studied.

Deadline for the next issue of the *Bar News* is October 8, 1969.

(Continued on page 17)

Lack of Lawyer Support Undercuts OEO Legal Services

Lawyers are generally aware that federal funding for OEO Legal Services is on a matching basis. Twenty per cent of the total funds for operation of OEO Legal Services is required to be provided by members of the bar either in cash or in services.

Many lawyers are not aware that the amount of support necessary to meet the OEO's 20% matching requirement is considerable. Federal contributions to the three participating programs in King, Pierce and Spokane counties are now roughly \$365,000. The matching requirement is thus approximately \$91,000 per year, which works out to about \$40 per attorney, if every attorney in the three counties were to contribute equally. As it is, fewer than half carry the entire load.

The proposed federal budget for OEO Legal Services for fiscal 1970 calls for a 38% increase over last year from \$42 million to \$58 million. The increase is likely to increase the funds available in Washington for expanding the three County Legal Services offices and to improve chances for new pro-

grams in other counties. Increased lawyer contributions are necessary in order to obtain increased federal funding.

Talk to any OEO attorney and he will tell you that a small fraction of the indigents across the state are receiving adequate legal services. No attorney need be reminded that the legal profession is a branch of the administration of justice and not a mere money-getting trade (Canon 12). Each attorney has taken the oath that: "I will never reject from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice."

A \$40 contribution becomes somewhat insignificant in comparison with the countless hours of free legal services which would be required of members of the bar but for OEO Legal Services. Contributions on the part of all will focus on the problems of poverty in ways which not only help the poor deal with the complexities of our society, but also make it possible for legal institutions to respond to the needs of the poor.

In Memoriam

Herbert A. Crowder, 88, Seattle, died September 1. A graduate of Blackburn College, he was admitted to the bar in 1908. In 1909 he and his late brother, Truman Crowder, established the firm of Crowder & Crowder and enjoyed a longtime practice in Seattle.

Clyde E. Ellis, 90, oldest practicing attorney in Spokane County at the time of his retirement last April, died July 17. A 1906 graduate of Denver University Law School, he was a third-generation lawyer, his father having practiced in Colorado and his grandfather in Kansas. He was one of ten Spokane attorneys honored by the Spokane County Bar Association in March, 1966, for having more than half a century of law practice.

Edward J. Guenther, 50, Tacoma, collapsed at a Civil Service Board meeting on July 15 and was pronounced dead at a Tacoma hospital. A 1952 graduate of Gonzaga

University Law School, he had practiced in Kennewick before moving to Tacoma and serving as an assistant city attorney the past eight years.

Warren (Mike) Hardy, 81, Woodinville, died August 16. A 1914 graduate of the University of Washington Law School, he had practiced in Seattle for 51 years.

Adlore R. Kehoe, 55, Seattle, died August 10 after a long illness. A 1939 graduate of the University of Washington Law School, with a master's degree from Stanford University, he was a partner in Jones, Grey, Kehoe, Bayley, Hooper & Olsen. He was one of the founders of the Estate Planning Council, and was a lecturer in Corporate Finance, Taxation and Estate Planning Law at the University of Washington Law School.

Lloyd T. Keogan, 63, Spokane, died July 22, following a two-year illness with cancer. A 1954 gradu-

IRS CONCEDES CORPORATE STATUS OF PROFESSIONAL ASSOCIATIONS

The IRS announced in TIR-1019, 8/8/69, that "it is conceding that organizations of doctors, lawyers, and other professional people organized under state professional association acts will, generally, be treated as corporations for tax purposes". This action followed numerous judicial decisions adverse to IRS on the issue.

The announcement was qualified— "Obviously, however, the government must reserve the right to conclude differently in any case that reflects special circumstances not present in O'Neill or Kurzner". The complete text appears in 38 LW 2100 (8/12/69).

Remember to make contributions to the WASHINGTON STATE BAR FOUNDATION.

ate of Gonzaga University Law School, he practiced in offices at the Northtown Shopping Center.

John F. McCarthy, 74, Longview, died August 4 following an illness of approximately a week. Upon graduation from Gonzaga University Law School in 1922, he came to Longview and had been active in legal practice throughout that time. (See Cowlitz Report, p. 18)

Shirley R. Marsh, 63, Longview, died of a heart attack in a hospital on August 17. He was a former Kelso city councilman, served two terms as Cowlitz County prosecuting attorney, served two terms as a state senator and was a former assistant and chief assistant attorney general. (See Cowlitz Report p. 18)

Rodney E. Young, 58, Okanogan, died July 24. He was a 1935 graduate of the University of Washington Law School.

NEW BOARD MEMBERS



STORRS B. CLOUGH

Storrs B. Clough of Monroe and Neil J. Hoff of Tacoma have been appointed by the Bar's Board of Governors to fill vacancies on the Board.

Hoff will represent the Sixth District and Clough the Second.

In the Sixth District the term filled for three years by Brooks K. Johnson of Tacoma ended in early September and Vernon R. Pearson of Tacoma had been elected to succeed Johnson. However, before Pearson began his service with the Board he was named a judge of the new Appeals Court, leaving a Board vacancy to which Hoff was named.

Clough was named to fill the two years remaining of the term of Thomas G. McCrea of Everett, sworn in September 8 as a Superior Court judge in Snohomish County.

Clough was graduated from Snohomish High School in 1937, Whitman College in 1942 and Gonzaga University Law School in 1950.

He was employed in the Attorney General's Office in Olympia from 1950 to 1953, then practiced about one and a half years in Morton. He moved to Monroe and since has been a solo practitioner there. He also has been part-time city attorney the last eight years. He served as a special deputy prosecuting attorney in 1959-60 during a grand jury investigation of vice in Snohomish County.

Steven Clough, one of the new governor's four children, this month started the study of law at the University of Idaho. Another son, Allan, 24, has resumed his



NEIL J. HOFF

studies in sociology and psychology at Washington State University after military service which included 14 months in Vietnam.

Hoff was graduated from Tacoma's Stadium High School and in 1941 from Pacific Lutheran University, where he was newspaper editor and a debater. He was graduated from University of Washington Law School in December, 1948; as a student he was a member of the Law School Student Board of Control.

Hoff practiced law briefly in Port Orchard, then served nine months as a deputy prosecutor in Tacoma. He was elected a Republican state representative in 1951 and a senator in 1953; in the 1955 legislative session he was the Senate majority leader. He was an unsuccessful candidate for state lieutenant governor in 1957.

Since then he has continued in private practice. He now is a member of the Board of Governors of the Western Trial Lawyers Section and just completed a term as a governor of the American Trial Lawyers Association.

Hoff breeds, raises and shows Quarter horses and St. Bernard dogs. On his ranch at Purdy, between Gig Harbor and Port Orchard, he keeps ten horses, and is the owner of an American Quarter horse Champion stallion, Beeotoe. And on one of the state bar's trips to Europe he obtained in Switzerland a St. Bernard, Dixy V. Sauliant, which now is an American Kennel Club Champion bitch, with a record of 22 first places and one second place in 23 shows entered.

Judicial Appointees

All vacant judgeships have been filled throughout the state as a result of the following appointments:

King County Superior Court:

Frank H. Roberts, Jr., 50, Seattle, is a 1951 graduate of the University of Washington Law School and was president of the Washington Association of Defense Counsel this year. He retired as a colonel from the Army Reserve in 1962. At the time of his appointment, he was a partner in Roberts & Bergmann.

Horton Smith, 44, Seattle, is a 1950 graduate of the University of Washington Law School and was a King County Superior Court Commissioner in Juvenile Court from 1964 to 1969. He unsuccessfully ran for the Superior Court bench last November. He is a captain in the Naval Reserve. At the time of his appointment, he was a partner in Smith, Lind, Thom & Mussehl.

Spokane Superior Court:

George T. Shields, 41, Spokane, is a 1953 graduate of the Columbia University Law School. He has been a member of the State Board of Bar Examiners since 1966 and was a member of Wolff & Shields. Since his appointment, he has assumed the presidency of the Whitman College Alumni Association. He was appointed to replace Judge **Hugh H. Evans**, who recently was appointed to the state court of appeals.

Yakima Superior Court:

Carl L. Loy, 53, Yakima, is a 1951 graduate of the University of Washington Law School. He will replace Judge **Ian R. MacIver**, who is retiring. Loy's term began in September and expires in 1970. He has been in practice in Yakima since 1951.

Seattle Municipal Court:

Charles V. Johnson, 41, Seattle, is a 1957 graduate of the University of Washington Law School. He replaces Judge **David W. Soukup** who recently was appointed to the King County Superior Court.

At the 1968 annual meeting in Spokane, a report was made to the membership relative to a proposed compulsory malpractice insurance program to apply to all Washington lawyers in private, active practice.

In October 1968, a questionnaire was circulated to all members of the Bar; 1,893 of the some 4,000 members of the Bar responded. Sixty-two and one-half per cent favored the proposed program without qualification. After that time, several things occurred that made it advisable to make a resurvey. The most important change has been a remarkable increase in malpractice premiums in recent months. Effective February 5, 1969, malpractice premiums in this area rose by 75%.

Latest Washington Questionnaire

Thus in late July 1969, another questionnaire was circulated. One thousand nine hundred ninety-seven responded, an increase of 100 over the earlier survey. Those favoring the compulsory program increased from 62½% to 67%. This increase occurred even in face of the increase of proposed premiums from \$75 to \$125 for \$100,000-\$300,000 coverage.

Some resisting the proposal do so on the ground that the cost is too high. Others express differing opinions whether any members should be excepted from the plan — e.g., lawyers in state or federal governmental service, non-resident lawyers, lawyers in the military service,

house counsel and lawyers in semi-retirement.

The Oregon Proposal

The Board of Governors has not acted on the proposal yet. An optional plan is being considered which combines excess insurance and self-insurance. The Oregon State Bar is considering a similar plan which would establish a fund from which approved claims would be paid up to \$25,000. Claims in excess of \$25,000 would be paid by a first excess insurance company up to \$125,000. In the highly unlikely event that the claim exceeded \$125,000, that portion of the payment exceeding \$125,000 would revert to and be paid from the Bar Fund until that fund was depleted. Claims exceeding the balance of the fund would then be paid by an aggregate excess insurance company, up to \$1,000,000. The projected annual cost of coverage for each lawyer up to \$1,000,000, under the limited self-insured plan, would be \$125 per participating member based upon a participation by 2,000 members.

Statistics supplied by the company now writing most of the Oregon coverage show that total claims paid by that company amounted to \$11,311 in 1966, \$45,881 in 1967, and \$37,544 in 1968, with the highest single payment in the amount of \$10,000. Approximately 700 lawyers are covered by this company under a label of group coverage, which, in reality, amounts to individual coverages.

A preliminary investigation by the committee revealed that 50 per cent of the members of the Oregon State Bar have no professional liability insurance coverage at all. This, of course, means a low premium income for the carrier, which in turn forces an increase in rates.

The Medical Profession

Medical malpractice suits in Washington State have spiraled so sharply that Aetna Life and Casualty Insurance Co., the company which writes 75% of doctor-protection policies, threatens to quit the field. The suits are threatening to

price medical care even higher because the premium costs are passed on to the public in doctors' bills, just as in any business. A \$1 million policy now costs a general practitioner about \$350 annually. Specialists are paying around \$1,600 a year for the protection.

These judgments and settlements allegedly were reported in this state during 1967-68: Top amount was \$181,000, second was \$150,000 and third was \$80,000. The amounts ranged on downward. Both the judiciary committee and the public health and welfare committee of the Legislative Council are studying the entire medical field in hopes of solving the malpractice problem.

The *Seattle Post Intelligencer* reported on September 6:

"Doctors and insurance men blame the jump in malpractice suits, settlements and judgments on a number of things. They include:

" 'Liberal' courts, attorneys specializing in the field, patients who expect perfection from doctors and specialization and sophistication in the medical field.

"Most courts, say doctors and insurance people, regard a doctor charged with malpractice as being guilty until proven innocent.

"The burden of proof is on him, they contend — just the reverse of the traditional concept of American justice.

"And judges, they add, are giving the laws much more liberal interpretations — to the benefit of the plaintiffs.

"Another legal thorn, according to Harlan Knudson, WSMA director of governmental affairs, is the statute of limitations. He explained: 'For years, it was three years from the time of the alleged act of malpractice. But recently, courts have interpreted the statute as applying three years from time of discovery of the alleged act. This, of course, can run over a considerable period of time.' "

The decision referred to is *Ruth v. Dight*, 75 W.D.2d 674 (1969).

(See Leon Wolfstone's reply on page 2.)

Photo by John D. McLaughlin



Charles I. Stone announced the results of the latest questionnaire at the annual meeting.

NEW ETHICS CODE APPROVED BY ABA

At its annual meeting in Dallas, the American Bar Association adopted a new Code of Professional Responsibility to replace the Canons of Ethics in force 60 years. Drafting the new Code took over five years.

The House of Delegates unanimously approved the new code after overwhelmingly voting down an amendment on group legal services.

Disciplinary Rule 2-103 D (5), relating to group legal services, permits a lawyer to cooperate with the legal service activities of a non-profit organization that recommends, furnishes, or pays for legal services to its members or beneficiaries, but only in those instances and to the extent that controlling constitutional interpretation at the time of the rendition of the services requires the allowance of such legal service activities, and only if the following conditions, unless prohibited by such interpretation, are met:

- (a) The primary purposes of such organization do not include the rendition of legal services.
- (b) The recommending, furnishing, or paying for legal services to its members is incidental and reasonably related to the primary purposes of such organization.
- (c) Such organization does not derive a financial benefit from the rendition of legal services by the lawyer.
- (d) The member or beneficiary for whom the legal services are rendered, and not such organization, is recognized as the client of the lawyer in that matter.

The Special Committee on Availability of Legal Services submitted a substitute group legal services proposal, the effect of which would have broadened the concept of such arrangements by eliminating the "controlling constitutional interpretation" language. The committee took issue with the disciplinary rule as drafted on four grounds:

1. It was wrong in principle. Le-

gal services must be readily available.

2. It was unworkable in fact. The NAACP and Mine Workers cases dealt only with specific groups being furnished legal services. What about NEA, ASCAP, the Airline Pilots and Automobile Clubs? Which decisions will control under the rule — a state supreme court decision or a federal district court decision?

3. It invites further litigation. It is a default to the court in the bar's obligation. It would be far preferable for the bar to regulate its own affairs in group legal services matters, as opposed to making the courts decide on a case-by-case basis.

4. There is inadequate protection to the public and the profession. There is no further check on group legal services plans under the rule.

The substitute proposal, which failed of passage, would have required a written agreement between the lawyer and the organization containing provisions insuring that the services of the attorney were

not exploited, the independent judgment of the lawyer was protected and certain limitation of publicity of the lawyer's services. The agreement would have to be filed with the regulatory agency having authority to discipline the lawyer.

At its mid-April meeting, the Board of Governors of the State Bar of California adopted rules relating to group legal services. They will not become effective until approved by the California State Supreme Court. Rather than filing a written agreement, the California Rule requires that annual reports be filed with the state bar. The ABA committee proposing the substitute measure did not follow this tack because the committee preferred that the restriction on group legal services be spelled out in an agreement which would be brought to the attention of the group.

The Code of Professional Responsibility is not binding in this state, but it has been referred to a state bar committee for consideration of its adoption in this state.

AWARD OF MERIT TO POWELL



Photo by John D. McLaughlin

George V. Powell was the recipient of the Award of Merit at the State Bar Annual Meeting. The award was given in recognition of his unusual service to the bar on the legislative and judicial tenure committees and his work in bringing to fruition the disciplinary board. The award is not given annually but only when special recognition is warranted. The recipients in prior

years were: 1957-Ben Grosscup, Arnold Beezer; 1958-George McCush, Judge Wm. J. Steinert, Clarence Coleman, Herbert Ringhoffer; 1959-Ted Cummings; 1961-Charles Osborn; 1962-Charles Horowitz; 1963-Ben C. Grosscup; 1964-E. Glenn Harmon; 1965-E. K. Murray, John Davis, Robert Elston; 1968-DeWitt Williams.

CERTIFICATION OF SPECIALISTS

The ABA, at its 1969 mid-year meeting in Chicago, decided not to promulgate nationally a plan for certification of specialists. However, it encouraged state bar associations to experiment in the area so that ABA could draw on experience of various state bar associations.

Categories of Legal Specialties

A committee of the Virginia State Bar Association has come up with a proposal which merits consideration. The recognized categories of legal specialties would be:

1. Admiralty Law
2. Business and Corporate Law
3. Civil Trials
4. Collections
5. Criminal Law
6. Divorce and Domestic Relations
7. General Practice (no certification necessary)
8. Labor Relations Law
9. Patent, Copyright or Trademark Law
10. Real Estate Law
11. Taxation Law
12. Wills, Trusts and Estates

Changes in Canons

The committee proposed changes be made in the canons relating to competence of an attorney, referral of clients and advertising. The canons would provide:

(1) that it is the duty of a lawyer, once he determines that a matter presents complexities beyond his competence, to discuss with the client the obtaining of the services of a lawyer possessing such necessary competence; (2) that when a client's lawyer refers a matter, a case, or a client to another lawyer or firm possessing the necessary competence, he remains the client's lawyer; the client's lawyer associates the person possessing the required competence in the special field and it is unprofessional conduct for the lawyer to whom the matter is referred to represent the client in other matters for a period

of three years from the conclusion of the matter; (3) that lawyers may hold themselves out in a limited manner to the public through Telephone Directories, City Directories and Office Building Directories as specializing in certain categories of law.

Certification Procedure

It was recommended that an attorney may qualify as a specialist by meeting the requirements specified by the Council of the Virginia State Bar and obtaining from the Virginia State Bar its certificate of his qualifications. The following statement of certification criteria was agreed upon by the committee:

A. To enable a lawyer to announce publicly his interest in handling matters within a branch of the law established by the Virginia State Bar Council, the lawyer shall file with the Secretary of the Virginia State Bar, an application for certification of his eligibility to make such announcement stating:

1. That he is a member of the Virginia State Bar.
2. That within the two years next preceding his application he has had substantial experience within the branch or branches of law designated in his application. This substantial experience shall be established by devotion of at least 25% of the applicant's time on such matters, or the acquisition or holding of a Master's Degree in such field, or service for at least 2 years in a governmental office involved in that branch of law, the handling of a specified number of matters in that branch of the law or some other evidence of experience which is acceptable to his local bar association.
3. That he encloses a certificate

signed by an authorized member of the Executive Committee of the nearest active city, county or circuit bar association, evidencing the belief of that committee that the applicant is of good reputation in the community, that it believes the statements contained in the application, and that it is of the opinion that, based on such statements, the applicant has had sufficient experience in the branch of law to possess reasonable competence in that branch of the law.

4. That if certified in a legal specialty he will earnestly continue his education in the specified field or fields of law through conscientious reading and research or through continuing legal education programs or by some other method prescribed or approved by the Virginia State Bar which will insure his continuing proficiency in the branch or branches of law designated in his application.

B. Each application for certification received by the Secretary of the Virginia State Bar will be submitted for approval by the State Bar Executive Committee upon the advice and recommendation of the Council Member representing the circuit where the applicant maintains his practice, or a major part thereof.

C. Each certification of legal specialty will continue in effect for a period of five years from date of issuance. Six months prior to the expiration date of a certification the holder will receive notice that his certification must be renewed or it will lapse. A certification may be renewed by filing a renewal application containing the types of data specified in paragraph A above for an original application.

Attorneys' Appearance Before a Community Club

An opinion has been requested from the Legal Ethics Committee as to the propriety of a group of attorneys in a community, such as West Seattle, holding a meeting with the Community Club for interested parties in connection with legal problems. We are advised that there will be no advertising relative to the matter, nor of the participation of the attorneys.

A number of opinions of the ABA, both formal and informal, have considered similar situations. All of them discuss the question in the context of whether there would appear to be advertising within the meaning of Canon 27.

Quite often the question is posed with respect to a "legal seminar." Informal Opinion No. 840 of the ABA, dated September 23, 1965, advises that in presenting a legal seminar it is proper to give not only the name of the attorney and his firm, but also indicate academic degrees, legal affiliations, offices and honors. The opinion recognizes that there is an element of advertising present, but on the basis of a balancing of interest, it concluded

that in order to obtain sufficient attendance of lawyers for a legal seminar, it was appropriate.

A legal seminar, of course, is to be distinguished from the apparent nature of the meeting contemplated here, which is addressed to laymen. In such instance, the identification of the attorneys by name and firm would not appear to be inappropriate, but further identification of honors and affiliations would be self-laudatory and improper.

The principal factor to be borne in mind is whether the attorneys participating in the panel are dealing solely with subjects of general interest to the community or are also including advice on legal problems of individual persons. Informal ABA Opinions Nos. 384 and 503 clearly rule out as unethical any attempt, directly or indirectly, by an attorney in such group to advise a particular member of the audience about his personal problem.

Informal ABA Opinion No. 840, *supra*, provides a useful summary:

"An attorney may participate in legal seminars for lawyers or laymen if (1) their purpose is edu-

cational and not to gain a profit or publicity for the sponsor or the lawyer, (2) they are sponsored by a responsible public or private organization, (3) announcements related to such seminars are dignified and do not contain laudatory statements or state specialties, and (4) no specific legal advice is given. An attorney may accept payment for his participation."

We feel one precautionary observation should be made in this connection, which is probably inherent in the above quotation, and that is: no informal "group of attorneys" which is not acting as a part and on behalf of a recognized association of attorneys, membership and participation in which is by way of honorarium or is open to all attorneys similarly situated, should initiate a public forum, regardless of ultimate sponsorship. However, should an organized community club wish to schedule a legal affairs forum on specific or general subjects, there would be no objection to any lawyer's participation, subject always to the rules hereinabove quoted.

Retiring Board Members

The Second Sage of Chehalis



LEE J. CAMPBELL

When He Spoke The Board Listened



BROOKS K. JOHNSON

Photo by John D. McLaughlin

Photo by John D. McLaughlin

**240 LAWYERS AND FAMILIES BOARD STATE
BAR ASSOCIATION'S EUROPE '69 FLIGHT**

**Criminal Code Revision
in Seattle**



THE KITCHELLS



THE GOLDMARKS



THE RANDALLS



THE NICOLAIS

CHARTER TRIP TO JAPAN -- EXPO '70

The travel Committee has booked 152 seats on a jet aircraft of Canadian Pacific Air departing from Vancouver for Tokyo on May 30 and returning June 21, 1970. Members of the Washington State Bar Association, their spouses, dependent children and parents living in the same household are eligible for the flight and should accompany the lawyer member.

We anticipate that this trip will be a quick sell-out at the bargain price of \$360 for the round trip. To insure your reservation, mail your check to the order of the Travel Committee, Washington State Bar Association, in the amount of \$360.00 for each ticket to:

Travel Committee, Washington State Bar Assn.
c/o Seattle-First National Bank
P. O. Box 3586, Seattle, Washington 98124
Attn: Mr. William A. Mobley, Escrow Agent

Until publication of the American Law Institute's Model Penal Code in 1962, little had been done in the area of substantive criminal law reform. Publication of the Model Penal Code gave impetus to criminal law revision throughout the country. It served both as a much-needed guide for legal revision. As of 1967, approximately 30 states and the federal government were considering criminal code revisions. To date, however, revision of criminal ordinances has not occurred at the municipal level.

In establishing the Municipal Criminal Law Revision project under Ordinance 96511, Seattle became a leader in municipal criminal law reform. Seattle now has the opportunity not only to meet the current needs of the community for criminal law reform but also to furnish a model code for national usage.

The Seattle-King County Bar Association's Board of Trustees has approved the recommendation of its Municipal Criminal Code Revision Committee (Burroughs B. Anderson and Murray B. Guterson, co-chairmen) that the city council should be requested to establish a Revision Commission. The Commission would determine what substantive criminal laws should be included in the new, revised code. It is hoped that the Commission could deliver a completed code revision to the city council within two years from the date of the ordinance establishing the Commission.

The recommendation is that the Commission be composed of not fewer than nine and not more than thirteen members. A lawyer who is a member of the academic profession preferably would be retained as Project Director.

The Revision Commission would meet on a regular basis not less often than once a month. The Seattle-King County Bar Association would act as the titular sponsor of the project but the Commission would operate as an independent agency of the city.

Photos by John D. McLaughlan

Bar Exam Results

(Continued from page 9)

KENT

Jeannie J. Lavorato Meyer, Richard G. Welch.

KIRKLAND

John Lester Farra.

LACEY

Richard Allen Heath.

LONGVIEW

George E. Twining.

MERCER ISLAND

Clemens H. Barnes, Robert D. Kaplan (No. 2), Philip Mark King, James Jay Lamont, Arthur John Losee, Frederick Luke Noland, William F. Taylor, Jr.

NACHES

William Thomas McPhee.

OLYMPIA

Kenneth Donald Beyer, Richard Sidney Brown, Frederick William Fleming, Stanbery Foster, Jr., Thomas George Holcomb, Jr., James F. Huey, Donald McKee Ingersoll, William Frederick Lemke III, Paul Lester Stritmatter.

PASCO

Brian Anthony Putra.

PORT ANGELES

Morgan Collins, Richard A. Headrick.

REDMOND

Lewis Anthony Hutchison.

RENTON

Charles John Delaurenti II.

RICHLAND

Jack Dean Evans, Richard Harry Holmquist.

RITZVILLE

Steven Herbert Sackman.

ROYAL CITY

William Leary Halpin.

SEATTLE

John R. Allison, William Frederick Almon, Steven Whitney Anderson, Donald Macneil Barton, W. George Bassett, Christopher J. Bell, George Michael Bennett, Robert Lynn Bergstrom, Patrick W. Biggs, Charles Raban Blumenfeld, John Francis Boespflug, Jr., Sigurd B.

Borgersen, William J. Boyce, Elizabeth J. Bracelin, William Lester Britton, Tracy L. Brown, M. John Bundy, Paul Dunlap Carey, Ronald L. Castleberry, Thomas J. Chambers, Jr., Allen Delos Clark, Ronald Hall Clark, James Dinnen Cleary, Donald E. Clocksin, Michael Lindau Cohen, Myron Lee Cornelius, Lee A. Covell, Geoffrey Crooks, Sonia Frances Crow, Michael Bayard Crutcher, William E. Cullen, Jr., Gordon B. Davidson, Douglas S. Dunham, Richard Douglas Eadie, Bruce David Erickson, Stephen Kerr Eugster, Vernon Lawrence Evans, Charles Cooper Gordon, Robert Bruce Gould, Harold Hawthorne Green, Robert J. Gunovick, Jeffrey Paul Hahn, Bruce G. Hand, Lawrence Edward Hard, John William Hempelmann, John Kent Hoerster, O. J. Humphrey, III, Bruce Hulm Hurst, Eric L. Hutchinson, Henry William Ipsen, Jr., Robert Leon Israel, Patrick W. Jorgensen, Charles James Judson.

Christopher Kane, Malcolm D. Katz, Gerald L. Knight, Ronald Bryan Kurilo, Charles Dean Little, Michael Francis McBride, Philip Leonard McCormick, Brian William McMahon, Patrick Roy McMullen, John David MacDougall, James Trowbridge Marston, Frank Oliver Meeker III, Steven Dwight Milam, Michael J. Navin, Christopher Brian Neils, William H. Nielsen, Thomas Collins O'Hare, James Albert Oliver, Marvin H. Olsen, Dennis G. Opacki, Douglas Shaw Palmer, Jr., Jan Seymour Pauw, Jan Eric Peterson, Dale Bryon Ramerman, Neil A. Ray, Stewart Patrick Riley, Barbara J. Rothstein, Eugene Charles Routh, Benjamin Crispin Sanchez, Dean Robert Sargent, Gerald Schei Solberg, Jerry W. Spoonemore, James Jones Stanton, Judd Ellson Tuberg, James Dewey Twisselman, James L. Vandenberg, Curtis Kinney Walker, Jr., Byron H. Ward, James Edgar Francis Xavier Warme, John Lynn West, Julie Whitesel Weston, Jerome D. Whalen, Charles Bonney Wiggins, Patricia Ellen Williams, Geoffrey Alan Wilson, Arnold M. Young.

SNOHOMISH

Halleck Howitt Hodgins.

SPOKANE

Hollis Herman Barnett, Frederick John Caruso, John Maynard Cary, Leo F. Daily, Lawrence A. Duff, Joseph A. Esposito, Monty James Foster, Larry D. Gustafson, Michael Francis Keyes, John O. McLendon, Stanley Donald Moore, Gerald Robert Neal, Claude H. Potts, Gerald Allen Rein, Diehl Randall Rettig, Dennis William Reynolds, Thomas Burr Tilford, Adrian Joseph Voermans, Jr.

SUMNER

Richard Douglas Kyle.

TACOMA

Richard L. Dabney, Charles E. Jett II, John Louis Messina, Anton James Miller, Gerald T. Parks, Jr., Richard B. Sanders, Daniel Hoyt Smith, Michael Joseph Turner, C. Robert Wallis, James Sutton Witt III.

VANCOUVER

Brian Harding Wolfe.

WALLA WALLA

Walter C. Minnick.

YAKIMA

Michael Dennis Finney, Roy N. Howson, Lyle E. Neeley.

OUT-OF-STATE

Howard Roy Bartlett, Eugene, Oregon; Dennis Lee Bekemeyer, Champaign, Illinois; Lloyd Thomas Clark, Jr., Beaverton, Oregon; Stuart Allan Cohen, Portland, Oregon; Leland Ben Hancock, Spenard, Alaska; William John Kamps, San Francisco, Calif.; Oscar Yale Lewis, Jr., Salem, Oregon; Clyde Henderson Martin, Novato, Calif.; James Richard Moore, Manhattan Beach, Calif.; Bertha R. S. Mussbaum, Montgomery, Alabama; Geoffrey C. Shepard, Washington, D.C.; Jerry D. Talbott, Boulder, Colo.; John Leonard Tatum, Salem, Oregon; James Kenneth Treadwell, Eugene, Oregon; Jeffrey Michael Witteman, Salem, Oregon; David Thomas Wood, Salem, Oregon.

ATTORNEY APPLICANTS

James A. Blum, Spokane, Richard Day Everett, Mercer Island, William C. Irvine, Seattle, Robert Casey Lane, Tacoma.

NEWS AROUND THE STATE



BENTON-FRANKLIN REPORT

By ED MCKINLAY

Two new young lawyers have arrived to grace the local scene with their presence. **Crane Bergdahl** will join **Leavy, Taber and Schultz**, where he will provide some much-needed height for those rebound shots. **John McLendon** will associate with **Loney, Westland & Raekes**, lending some youth and sartorial elegance to an otherwise drab assemblage.

We are also sporting, for the first time in our history, a third Superior Court Judge. **Richard Glen Patrick** was robed in ceremonies at the Franklin County Courthouse on August 29th, with Supreme Court Justice **Orris Hamilton** presiding. Some persons hold out hope that, given a year or two, Judge Patrick will even get his own office and stationery.

By now everyone knows that the elevator got stuck at the Bar Convention, but perhaps not everyone has heard of the tender wifely solicitude demonstrated by our Mrs. **Gene Schuster** who, seeing Gene's predicament in the trapped elevator from her safe vantage point in the corridor called, "Gene! At least throw me the room key so I can go have a drink!" There are some new grounds that should be added to R.C.W. 26.08.020!

And speaking of the Bar Convention, what would you think of a lawyer that would invite you to his room for a drink at a particular hour, and then not show up himself? It reminds us of the parents who sent their small son to the grocery store, and while he was gone they moved. We think such a one should be drummed out of the corps and his name stricken from the roll of attorneys forthwith. To

spare him public embarrassment, we're not going to mention his name, but his wife's name is Mrs. **Stanbery Foster**.

CHELAN REPORT

By GRANT A. MUELLER

Chelan County has two lawyers opening offices recently in Wenatchee. Both are graduates of the University of Washington and both claim Wenatchee as their home town. **James D. Kendall**, formerly of Quincy, after a brief stay in Yakima, is opening his own office here. He is immediate past president of the Grant County Bar Association and the son of a former, well-known Wenatchee attorney who was active until 1953. **Earl Foster**, a former trust officer with the Seattle-First National Bank, has opened his office for private practice again in Wenatchee. His father and family are long time residents of the area and active in fruit production and marketing.

COWLITZ REPORT

By ODINE H. HUSEMOEN

This entire issue of the Bar News could be devoted to the life and service of **Shirley R. Marsh**, 63 years, whose passing this column regrets to report. Prosecutor, assistant attorney general, state senator, representative, lobbyist, attorney, Shirley was known through the bar, legislature and state offices for his wisdom, wit, and understanding of human relations. This column is entirely inadequate to express the deep loss which will be felt in Cowlitz County and everywhere in the state by those who knew Shirley.

The passing of another pioneer Cowlitz County attorney is noted here and again we cannot fully elaborate the long career of **John McCarthy**, who was born in 1895 and admitted to the bar in 1922. His long practice in this county extended to all phases of the law.

Also it should be noted that with the appointment of **Robert Arkell** to the Court of Appeals, a new firm has been formed by the name of **Studley, Purcell & Spencer**.

OLYMPIA REPORT

By STANBERY FOSTER



Mary Ellen Krug and Stanbery visit convention art exhibit.

Photo by John D. McLaughlin

At the recent State Bar Convention, Judge **Eugene A. Wright**, telling it as it is, included procrastination as one of the things lawyers do very well. After the summer lethargy, the preparation of a short report represents inertia in action.

The convention attracted a majority of the Olympia Bar. The rich Mr. **John S. Lynch** of Olympia took office as a member of the Board of Governors, succeeding **Lee Campbell** of Chehalis.

During the convention, one of the elevators of the new Washington Plaza Hotel stalled between floors for almost an hour, trapping some twenty or so passengers, including Chief Justice and Mrs. **Robert T. Hunter**. Attorney General **Slade Gorton** was observed the next day getting on the very same elevator, in direct violation of his own edict against gambling. Chief Justice has testimonial knowledge that no skill is involved in the operation thereof. Pure chance. Next case.

The investiture of the Judges of the new Court of Appeals was impressive. The Chamber of the House of Representatives was filled to

overflowing. Among those taking part was William O. Douglas, Associate Justice of the Supreme Court of the United States. Mr. Justice Douglas had some words of advice for the new judges, which included his former lawyer, now Judge, **Charles Horowitz** of Seattle.

Colorful quotes; William Seagle in the July issue of the *American Bar Association Journal*:

"In *Mortensen v. U.S.*, 322 US 369 (1944), in a 5-4 decision, the court upset the conviction of the Mortensens and thus established the propriety of interstate vacations for prostitutes."

The late Judge **Roger J. Meakim** of King County in *Mourik v. Adams*, 47 Wn.2d 278, 287 P.2d 320:

"She followed the stakes outlined by the real estate man and she stood upon the written opinion of the real estate man as to the title of real property, than whom nobody in North America knows less about the title to real property."

An article in 6 *Houston B.J.* 472, identification by probabilities and trial by arithmetic, has been described as a lesson for beginners in how to be wrong with greater precision. With such comment, one wonders if UCC comments have established a trend. Heaven forbid. It is easy the regular way.

Former Assistant Attorney General **Robert N. Gates** has joined **Bartlett White** in the general practice at 210 East Union, (Tel. 357-5555).

A funny thing happened in the convention. I ran smack dab into that Sagebrush Socrates, **Ed McKinlay**, who appeared quite lost in the maze of modern machinery. He was fascinated, delighted and magnetized by the escalators in the hotel. He still stands a respectful distance from his razor when shaving but otherwise looked quite the same. Rather drab.

The most colorful convention speaker? State Senator **Perry Woodall** of Toppenish. In reporting upon the legislative attempts to combine the duties of some of the offices in adjoining sparsely populated counties the Senator re-

minded the members: "Unless you can find a guy who likes to wear a cowboy hat, you can't even get anyone to run for Sheriff in some places." If they would have him, **Ed McKinlay** could well turn northwest to Toppenish, for lessons, that is.

PIERCE COUNTY REPORT

By **DAVID E. SCHWEINLER**

"**GOOF**": Last month I erroneously reported that **Jack Petrich**, formerly a partner of Binns, Petrich & Mason has taken a year's leave of absence to enter business in the Tacoma area. This statement was not true. Jack Petrich has not left his firm and has not entered business for one year in the Tacoma area. I will sincerely try not to make such errors in the future.

Gene Godderis (Gonzaga 1961), formerly a partner in Henderson, Connelly & Godderis, has now become the partner of **James M. Healy, Jr.** and the firm name will be Healy & Godderis. Their offices are on the 13th Floor of the Puget Sound National Bank Building, Tacoma.

Kenyon E. Luce, formerly associated with **Sam Allotta**, has moved his offices to 5505 20th Street East, Tacoma, for the general practice of law.

Ronald A. Roberts, formerly an associate of the firm of Eisenhower, Carlson, Newlands, Reha & Sinnitt, has become a partner of that firm.

Daniel R. Baty and **Mark G. Honeywell** have become associates of the firm of Gordon, Honeywell, Malanca, Peterson & Johnson.

Ray Hayes, formerly of Chehalis, has become an associate of the firm of Davies, Pearson, Anderson & Gadbow.

Robert M. Reynolds has been appointed Director of the Pierce County Legal Assistance Foundation, replacing **Franklin K. "Tom" Fogg**.

Don Hogaboam (Idaho '68) formerly associate with the firm of Neal, Bonneville, Hughes & Viert, has joined the staff of the Tacoma City Attorney.

August 1 the annual Lawyers'

Day Golf Tournament was held at the Tacoma Country Club. **Bert Johnson** and **Stan Burkey** were co-chairmen. Cocktails and dinner followed at the Country Club and there was an exceptional turn out.

SEATTLE-KING REPORT

By **LLEWELYN G. PRITCHARD**

Five members of a nine member advisory board to study the creation of a county public defender system were appointed by the Operations and Judicial Committee of the King County Council. They were: Superior Court Judge **Edward Henry**, Chairman of the Courts' Attorneys for Indigents Committee; **George Fiori**, former Aukeen District Justice Court Judge; **George K. Faler** and **Robert G. Moch**, representatives of the Seattle-King County Bar Association; and **John M. Junker**, University of Washington Law Professor and President of the Defender Association. Other officers of the Defender Association, which is being funded by the Model Cities Program and the City of Seattle, are **David D. Hoff** and **Graham Greenlee**, both Seattle attorneys.

Stephen D. Johnson has become a partner in the firm of Curran, Kleweno, Johnson & Curran . . . Attorney General **Slade Gorton** has announced expansion of the Educational Division of his office and the promotion of **Richard M. Montecucco**, Assistant Attorney General for ten years, to head it. **Bertram L. Metzger, Jr.**, former Acting Director of the Seattle-King County Legal Services Center, will advise Western Washington State College and other colleges in that area. **C. Kenneth Grosse** will advise Seattle, Shoreline and Bellevue Community Colleges among others.

Camden M. Hall is currently serving as Chairman of Choose an Effective City Council (CHECC). Also serving on the CHECC Executive Committee with Hall is Seattle Attorney **George W. Akers**, who is acting as treasurer. . . **Orly J. Sorrel** was elected a director of Lions International at the 52nd Annual Convention in Tokyo.

John M. Watson has become a partner in the Seattle firm of Miller, Howell and Watson . . . Cornelius C. Chavelle has been re-elected for the third time as President of the Boys' Club of Seattle and King County.

Tom M. Loftus has been named Assistant General Counsel of Northwestern Mutual Insurance Company . . . Peter D. Francis and Jack J. Ackerman have formed a corporation for the rendering of professional legal services under the name of Francis and Ackerman. Richard A. Fox and Irene Rush Ferris will continue as of counsel to the firm.

Gary W. East has left the legal staff at Transamerica Title Insurance Company and is now in private practice associated with John W. Underwood in the Cascade Building, Bellevue, Washington . . . David C. Cummins was granted an LL.M. Degree in taxation law at New York University. He is now an Associate Professor of Law at the University of Idaho in Moscow, Idaho.

Moriarty, Olson, Campbell and Brindle have announced that Ivan E. Merrick, Jr., has returned to the general practice of law and that their firm will now be known Moriarty, Olson, Merrick & Brindle . . . Jerry H. Landeen, a former Assistant Attorney General of the State of Washington, has become associated with the firm of Cook, Flanagan & Berst.

LeSourd, Patten & Slemmons has announced its offices will be located at the Northern Life Tower. Joseph E. Gandy and Robert L. Palmer will be of counsel to the firm . . . Larry B. Alexander, formerly with the Office of the Corporation Counsel, is now associated with the firm of McMullen, Brooke, Knapp & Grenier.

SNOHOMISH REPORT

By MARK T. PATTERSON

September 8 inaugurated a new term for the Snohomish County Superior Courts. Until the 1st of January, 1970, the Superior Court Judges of Snohomish County may be found in the following departments: Judge Thomas Stiger will be in the Presiding Department; Judge

Paul Hansen will be in Department No. 1; Judge Phillip Sheridan will be in Department No. 2; Judge Edward Nollmeyer in Department No. 3; Thomas McCrea in Department No. 4; and Judge Alfred Holte will hold Juvenile Court.

Arnold Young and Dick Eadie, successful takers of the summer bar examination, are the newest assistants to Prosecutor Robert Schillberg . . . Paul Hansen's name has been replaced on the door of Anderson, Hunter & Carlson by that of Thomas Collins, who is just back from an Army tour . . . James E. Deno has recently joined Don Minor's firm . . . Thomas A. Gish has newly joined the firm of Bell, Ingram, Smith, Johnson & Level . . . A new partnership in town is that of Don Senter and Bardell (Buzz) Miller, who are now open for business in the Realty Building . . . Thomas E. Kelly, formerly of the Attorney General's office, entered the firm of Williams & Novack September 2.

Some months ago the previous correspondent, Chet Bennett, indicated there was an open office with Hunter & Gates. That office has been filled by your correspondent.

Please send any news and forgotten items from this month to 616 First National Bank Building, Everett. They will be much appreciated.

SOUTH KING REPORT

By MIKE BORAWICK

The Federal Way law firm of Albert and deMers has been dissolved. Douglas Albert and Chuck Steensland are now practicing at 30640 Pacific Highway South, Federal Way. Harrison deMers has moved to 31220 Pacific Highway South. With him are Ted McQuary, Vanderbilt Law School, and Tom Mountjoy, also of Vanderbilt, '69.

In Auburn, William L. Donais, formerly with Bonjorni, Burgeson & Fiori, is now on his own at 201 So. Division St. . . Kent saw the dissolution of the firm of Kuvara & Gooding. . . Don Ryan, Jr., U of W and San Diego Law School, is associated with the firm of Johnson &

Crane in Auburn. The firm is about to move to a new location in Auburn . . . Robert Van Sieten is associated with Schneider, Smythe & Salley in Auburn.

The 10th Annual South King County Open golf tournament went off as scheduled at the Enumclaw Golf and Country Club. Over 30 golfers were after the trophy and numerous other prizes. Bill MacFarland, who moonlights as a hockey coach, came in with a 74 to edge Dave Best and Paul Houser. Bob Kuvara picked up the long drive-golf course contest, and Judge Hugh Rosellini won a prize for the longest drive, Olympia to Enumclaw. A swimming meet was held following the tournament with Phil Biege winning all the marbles . . . At the annual 'Fish-in' at Westport, Zane Johnson and Judge Howard Thompson won the fishing honors.

YAKIMA REPORT

By RANDY MARQUIS

ACQUISITIONS AND CHANGES:

Walter (Wally) G. Meyer, Jr., was recently announced as a partner in the Law Firm of Palmer, Willis & McArdle.

James D. Kendall, formerly a partner in the firm of Velikanje, Moore, Countryman, Kendall & Shore, has recently moved to Wenatchee, Washington, and announces opening of law offices at the Doeneen Building.

On Sept. 2, 1969, Lonnie R. Suko became associated with the firm of Lyon, Beaulaurier & Aaron. Lonnie hails from Odessa, Washington. He took his undergraduate degree in political science at Washington State University and graduated from law school at the University of Idaho in June 1968. He spent the year last past as a law clerk with Judge Charles Powell of the Federal bench.

ATTORNEYS IN THE NEWS:

Terry Watkins of the Halverson firm was spotlighted in the news when he officiated over the Miss Yakima Pageant. With Terry as M.C. the pageant came off as a fine success.

THE COURTS

SUPREME COURT PRACTICE

By WILLIAM M. LOWRY
Supreme Court Clerk

On September 8, 1969, four panels of the Court of Appeals and the Supreme Court commenced the hearing of cases. All cases argued on the appeal calendar will be heard by all nine members of the court. Cases being heard by the Supreme Court during the September, 1969, Session which may be of interest to the bar are summarized below:



ORIGINAL CIVIL CASES

- 39979 *Real Property – Percolating Waters:*
Does the doctrine of “percolating waters” apply where the defendants’ excavation temporarily lowers the subterranean watertable resulting in loss of water pressure, causing the adjacent land to subside and damaging the dwelling thereon?
- 40162 *Taxation – Interstate Commerce:*
Is the income which a Washington telephone company derives for furnishing and maintaining communication facilities to an Air Force station in this state subject to public utility tax or is this an unconstitutional tax on earnings gained from interstate commerce?
- 40248 *Service of Process – Immunity:*
Are nonresidents of the State of Washington immune from process while in this state to attend a court hearing, one as a party and the other as a voluntary witness? Has the adoption of the “long-arm” statute undermined the immunity doctrine in those cases in which it is applicable, since the nonresident can be reached by process in any event?
- 39837 *Judgments – Date of Interest:*
Does the interest on a judgment run from the date of the judgment in the trial court or from the date of the remittitur in the first appeal?
- 40964 *Administrative Law:*
Was the Highway Commission’s determination of the route for a limited access freeway through Walla Walla arbitrary and capricious?
- 40160 *Taxation – Business and Occupation Tax:*
Is the service charge on installment sales contracts separate and distinct from the purchase price, and thus subject to the B and O tax? Is an accounting procedure whereby the parent corporation performs the accounting work of its subsidiaries a service and taxable under the B and O tax? And does taxation of either the service charge or the accounting procedure burden interstate commerce?
- 39972 *Copyrights:*
Is the Washington Copyright Protection Act unconstitutional concerning radio and TV contracts licensing performances of musical compositions in Washington?
- 39879 *Taxation – Assessment – Leaseholds:*
Did the King County Assessor properly value a leasehold as a unit with the realty rather than separately for tax purposes? Both sides argue the case as a replay of *Pier 67, Inc. v. King County*, 71 Wn.2d 92, 426 P.2d 610 (1967).
- 39719 *Dismissal – Want of Prosecution:*
Is Civil Rule 41(b) replacing RPPP 41.04W retroactive so that it applies to a dismissal which was being appealed at the time the change in the law took effect?
- 39890 *School Districts – Failure to File Claim:*
This is an action against a school district for personal injury. It was dismissed for failure to file a claim within a year as required by RCW 53.52.020 (now repealed). The issue on appeal is whether or not the codification of this statute under the title of “Port Districts” and chapter “Claims Against Port and Other Districts” violates Const. art. 2, § 17, which provides that no bill shall embrace more than one subject and that same shall be expressed in the title,
- 40412 *Taxation – Wholesale Services:*
Is a clothing store, which has four outlets, performing functions comparable to a wholesaler for purposes of the B and O tax,

when goods are sent from eastern manufacturers to the main store and there unpacked, pressed, tagged, and delivered to the outlets?

40120 *School Districts – Building Regulations:*
Has the state fully occupied the field of school building regulations, so as to exempt school districts from complying with municipal building codes?

40030 *Domestic Relations – Filiation:*
May a child support judgment entered in a filiation proceeding under RCW 26.29 be subsequently modified? If so, must the modification proceedings be initiated by the appropriate county prosecuting attorney or may the mother do so on behalf of the child?

40023 *Insurance – Domestic Stock Insurers – Proxy Voting:*
Does a proxy solicitation, which does not describe the circumstances under which a proxy holder would exercise the stockholder's cumulative voting rights, meet the requirements of RCW 48.08.090 and related orders of the Insurance Commissioner? May shares voted after adjournment of the formal election, but before counting of the ballots, be counted in determining the election's outcome?

40043 *Insurance – Uninsured Motorist – Arbitration Provisions:*
Is one who is injured by an uninsured motorist and who is covered by two insurance policies, both of which require arbitration of disputes involving uninsured motorist coverage, limited to but one arbitration and award, or is he entitled to force both insurers to arbitrate?

40059 *Corporations – Merger:*
Do business licenses held by corporations constitute "rights, privileges, and franchises" which pass to the surviving corporation after a merger with another under RCW 23.01.500(3), now RCW 23A.20.060(3)?

Can Everyone Hear Me?



Chief Justice Robert T. Hunter at State Bar Luncheon.

40187 *Administrative Law – Powers of Tax Commission:*

Did the State Tax Commission exceed its rule-making powers when it defined "janitorial services" as not including the business of furnace cleaning, thereby subjecting that business to the retail sales tax?

39725 *Automobiles – Negligence – Wanton Misconduct:*

An automobile accident causing death of driver and passenger. Action by passenger. Did the trial court err in failing to give instructions on wanton or wilful misconduct, where the evidence showed that the automobile was traveling about 100 m.p.h. around a gradual turn after coming over the crest of a hill and sideswiped an oncoming car, the driver having a blood alcohol content of .16%?

40284 *Quo Warranto:*

Is *quo warranto* the proper method to attack the validity of an annexation ordinance 5 years after it was passed, when RCW 35.24.440 provides that *quo warranto* proceedings must be commenced within 1 year of the annexation?

40340 *Grand Jury – Contempt for Refusal to Testify:*

Did the court err in entering an order of contempt when the defendant refused to testify before a grand jury without counsel being present?

40503 - *Workmen's Compensation:*

40504 Is a worker traveling back and forth from work in a company owned car on his own time covered by industrial insurance?

Legal Ethics:

Was it proper for the Attorney General to continue in this case because before the decision by the Department of Industrial Insurance he was arguing for the department and the employer, and against the employee; while after the decision he was arguing for the department and employee, but against the employer – thus creating ethical problems under Canon No. 6 and Canon No. 30?

40751 *Eminent Domain:*

Is RCW 8.25.070, requiring the tender of immediate possession of land to the condemnee as a prerequisite to the recovery of attorney's fees in a condemnation action, unconstitutional?

40264 *Administrative Law:*

In an action to transfer a portion of a freight route from one carrier to another, are the findings by the Washington Utilities and Transportation Commission, in granting the transfer, supported by substantial evidence

and in accord with public policy and the applicable regulations?

40343 *Taxation:*

Factual dispute as to whether certain property was being used for religious purposes and not for profit, thus being exempt from real property taxes.

Procedure – Necessary Parties:

Is the Snohomish County Treasurer a necessary party under CR 19 in an action brought to exempt certain property from real estate taxation?

40366 *Unauthorized Practice of Law:*

Did the actions of a real estate company and escrow company, in executing an earnest money agreement, arranging loans for the buyer, making up escrow instructions and aiding in other transactions pertinent to the closing of a real estate sale, constitute the unlawful practice of the law proximately causing the plaintiff's damages?

Vernon R. Pearson and **Ray E. Munson**; Superior Court Judges **William J. Wilkins** and **Warren Chan** of King County, **Frank W. Ryan** of Kitsap County, and **Warner Poyhonen** of Grays Harbor County.

The Superior Court Judges' Association, meeting concurrently with the Washington Judicial Conference, elected Judge **Charles T. Wright** of Mason-Thurston Counties to serve as President of the association for the coming year. Judge **Lloyd L. Wiehl** of Yakima County was elected vice-president and Judge **Donald L. Gaines** of King County was reelected secretary-treasurer.

Continuing legal education continues to receive strong support from the Superior Court bench.

Judges **George H. Revelle**, **Donald L. Gaines** and **Howard J. Thompson** of King County, and Judge **Charles T. Wright** of Mason-Thurston Counties were delegates to the Twelfth Annual Meeting of the National Conference of State Trial Judges which commenced August 7 at Dallas, Texas.

Among the items of discussion was the recently published Second Edition of the Trial Judges' Book, published by the West Publishing Company and authored in part by former Superior Court Judge **Eugene A. Wright** of King County, Judge **George H. Revelle**, and Judge **Charles F. Stafford**, formerly of Skagit-Island Counties and presently on the Court of Appeals.

SUPERIOR COURT NEWS

By **RICHARD E. BROZ**

Judge, King County Superior Court

Judges of the State Supreme Court, Court of Appeals and Superior Courts unanimously approved a resolution at the close of the Washington Judicial Conference on September 5, 1969, directed to revision of the Canons of Judicial Ethics.

"The public has a right to expect the highest standards from its judges," said Chief Justice **Robert T. Hunter** of the Supreme Court. "We want to show that the judiciary is sensitive to the problem and not ignoring it. This work may go a long way toward preserving and improving the image of the judiciary."



Ethics was one of the major topics of discussion at the annual conference, planned in cooperation with the National College of State Trial Judges. Judge Ernst John Watts of the Circuit Court of Wisconsin led the discussion.

There was consensus in the discussions that the present code, unchanged since 1922, is too vague and that there is a definite need for more concrete guidelines.

A nine-judge committee, working with the bar and the district and municipal courts, will study and revise the canons, reporting to the judicial conference next year.

Supreme Court Justice **Hugh J. Rosellini** will serve as chairman of the special committee. Other members are: Supreme Court Justice **Walter T. McGovern**; Court of Appeals Justices **Charles Horowitz**,

Leading Supreme Court Decisions

Criminal Law – Confession While Intoxicated

Proof that one who has confessed to crime was intoxicated at the time of making a confession goes to the weight and credibility to be accorded to the confession, but does not require (at least where the intoxication does not amount to mania, and the intoxicants were not furnished the accused by the police or other government officials) that the confession be excluded from evidence. *Slate v. Cuzzetto*, 76 W.D.2d 536 (1969).

Criminal Law – Frivolous Appeal

The court points out that the bar has a responsibility consistent with its adversary posture to see to it that public funds are not wasted in frivolous appeals. Less costly alternative ways to lay before an appellate court all genuine questions of error, short of purchasing a page-by-page verbatim report of the trial, are set forth. *State v. Koser*, 76 W.D.2d 668 (1969).

Real Estate Sale: Implied Warranty as to Foundation.

When a vendor-builder sells a new house to its first intended occupant, he impliedly warrants that the foundation supporting it is firm and secure and that the house is structurally safe for the buyer's intended purpose of living in it. The doctrine had not been heretofore squarely stated in this state in cases arising from the sale and purchase of realty. *House v. Thornton*, 76 W.D.2d 586 (1969).

OFFICE PRACTICE TIPS

DOUBLE OR TRIPLE YOUR LIBRARY SPACE

For over 400 years the librarians at Oxford, England, have been stacking numbered sets two deep. A very simple and satisfactory way to double your library space is to make your shelves 14 inches deep rather than 7 inches. After this the numbered volumes are placed on the shelves so that the odd numbers are in front and the even numbers are behind. We have been using this system for several years and find that it is very satisfactory and no problem for such sets as the Washington Reports, American Jurisprudence and A.L.R. We do not use it for U.S.C.A. or R.C.W.A. However, this is no particular problem because you always have an older set of books such as Corpus Juris that can be placed behind these sets and a label on the shelf reading "Corpus Juris Volumes 1 to 18" is a sufficient guide to the books in the back.



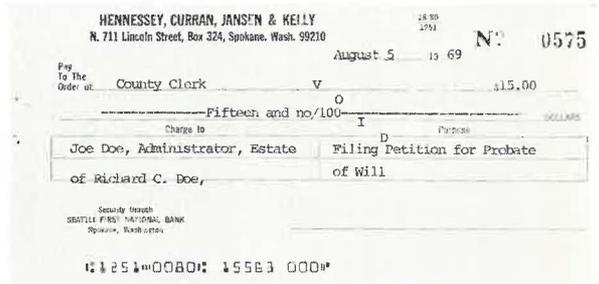
In a new building or in a situation where the library is being planned from scratch we experimented with rolling shelves some 29 inches wide, made up of two 14 inch shelves back to back with plywood backing and an end covering the hole. Under these shelves we placed v-shaped wheels on an axle with a sprocket on the outside end connected to a sprocket and a turning wheel at convenient working level. We have three rolling shelves and two 14 inch fixed shelves with only one corridor space. We keep the open corridor in the section where the most active books are located. Adjoining these rolling shelves we have a briefing room with an 8 foot table and shelves above the table for statutes and frequently used books.

One of the most interesting aspects of 14 inch shelves is that they are identical to the open shelf filing which is 14 inches on 12 inch centers. Consequently, in those cases where rolling shelves are used, we found it feasible to start at one end next to the briefing room with our books and from the other end with our transfer files. When the shelves are close together the transfer files are not visible and both library and transfers work toward the center which is the open space. The tracks for these rolling shelves are simply 2 inch angle iron placed on their side in pyramid form. The tracks and wheels are standard

equipment but the shaft, turning wheel and chain were a special job.

VOUCHER CHECKS

Many offices require that all checks be written in the office by the bookkeeper. This can be a great nuisance to a lawyer who is on the move. We have a much more flexible system utilizing a voucher form of check with a copy of NCR paper, which does not require a carbon. Every lawyer in the firm keeps an envelope full of these checks in his wallet and turns in the NCR copies to the bookkeeper weekly. If the bookkeeper is not in, he simply sticks them on her spindle from which she does her posting. The voucher portion of the check, as appears from the following illustration gives the bookkeeper full information as



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to the proper place for posting. The copies are doubly convenient for reconciling the bank statement. At the time she goes through the returned checks each month, the bookkeeper disposes of the carbon copy for the checks returned. In this manner she always has the carbons for the uncleared checks available for reference and sorting.

HARRY E. HENNESSEY

TWENTY YEARS AGO

NEW LAWYERS

Luvern V. Rieke, presently acting Dean of the University of Washington Law School, with 111 others, many of whom became equally prominent, passed the State Bar examination.

THE CODE

Not fit for adoption!! Such was said of the proposed code in a resolution adopted by the Board of Governors following the recommendation of the Association's code committee. It was further resolved that the Legislative Council should abandon any attempt to revise the entire code. Fortunately, however, Bancroft-Whitney Co. came to the rescue. They offered to do it.



NEW ADMINISTRATION

The new officers and governors for the ensuing year were: **V. O. Nicholson**, Yakima, President; **Paul P. Ashley**, Seattle, secretary-treasurer, and **Nelson R. Anderson**, Seattle, counsel, Mr. Ashley, governor, First Congressional District; **Clarence J. Coleman**, Everett, Second District; **C. D. Cunningham**, Centralia, Third District; **John Gavin**, Yakima, Fourth District; **Justin C. Maloney**, Spokane, Fifth District, and **Reuben C. Carlson**, Sixth District.

NEW JUDGES

To the State Supreme Court were appointed Judges **Frederick G. Hamley**, Seattle, and **Charles T. Donworth**, Seattle. Governor Langlie also appointed to the Superior Bench **Glen L. Bean**, Walla Walla, and **Theodore S. Turner**, Seattle.

THE MARINES LANDED

Clay Nixon, Seattle, was elected National Commander of the Marine Corps League. Former Marine captain, **Charles C. Ralls**, was elected Senior Vice Commander of the Veterans of Foreign Wars.

BIRTHS

Ralph G. Swanson was appointed Prosecuting Attorney of Thurston County. He had the good judgment to appoint present Superior Court Judge **Hewitt Henry**. . . **Ivan Merrick, Jr.**, Seattle, left Padden & Moriarity to become an Episcopalian minister. **Fred H. Dore**, Seattle, took his place. Ivan has forsaken the cloth — mostly — and is back with the Moriarity firm

. . . **Edward W. Dolch** took over the practice of **Norman G. Booth** in Mt. Vernon. Mr. Booth became director of public relations for the Sioux Falls College, Sioux Falls, South Dakota.

ECONOMICS

Lawyers were not getting rich then either. Statistics indicated that the average net annual income of all lawyers was \$8,315. "Ah, but," said editor **John Rupp**, "averages are tricky things so let us look at the median and find that to be \$6,336." Nonsalaried lawyers had a median income of \$5,719 a year. This was a 93% increase over 1941. However, there were brighter spots. The average income of "business lawyers" was \$11,737. However, the "individual lawyers" annual income was \$5,650. Partners earned in proportion to the size of the firm. Two member income was \$8,030 each. Three member firms averaged \$12,821 each. A nine member firm averaged \$27,246 each.

Perhaps this explains why firms are growing larger. "Wither are we bound now?", Beard.

ANYPLACE BUT HOME

This column is being written during the current State Bar convention in Seattle. The reason, Ed Raftis wrote a cryptic note to the effect that September 8, which was the Monday following adjournment of the convention, was the deadline. Why do nice editors early become tyrants?

The writer is reminded of a Bar convention held many years ago in Spokane. That city and its Davenport Hotel was always a favorite place with outsiders. However, all of the resident lawyers there were not so enthusiastic. Popular **Joe McCarthy** of that city rose in his wrath one day during an important debate — about very little — and stated *his* reason. He explained that he was enjoying the meeting when he received an urgent call from his office. It appeared that a client was very anxious to have his help. What was the needed help? What did the client want? A loan of ten dollars. He lent it. Said Joe, sputtering Irish all over, "Hereafter we should hold all conventions on Mt. Rainier." He meant it.

DAVID J. WILLIAMS



BOOK NOTES FROM YOUR STATE LAW LIBRARY

By C. E. BOLDEN
Law Librarian

Although approximately one year old, Murray T. Bloom's stinging indictment of the legal profession continues to be the source of equally stinging book reviews and a popular topic of conversation for lawyers and non-lawyers alike.

The Trouble With Lawyers, (New York, Simon and Schuster, 1968.)

Any lawyer who has not read Mr. Bloom's "work" would find it interesting, to say the least—provided, of course, he is not prone to chronic apoplexy.

It is Mr. Bloom's purpose to document his hypothesis that the American middle class is being victimized by a sizable percentage of the legal profession—if not all—through a series of excerpts from various periodicals, running the gamut from the *New York Journal of Law to Playboy*. The author purports to cite specific instances whereby the American public has been victimized by a profession characterized as money grubbing hypocrites.

In addition to criticizing individual practicing attorneys, judges, and law professors, state bar associations also take their lumps—among them the Washington State Bar Association. For example, the joint tenancy initiative of 1960 was, according to the author, viciously attacked by the State Bar Association, purely for profit motives.

Not since Dacey's **How to Avoid Probate** has a singular popular work evoked the wrath of the collective legal profession, state and federal. Depending on the reader, reaction to Bloom's work may be good or bad—but certainly not indifferent.

Jean Appelman, of the Chicago Bar, is the author of a text which should be of considerable value to an advocate in his preparation of a brief to be submitted to a reviewing body—be they trial court, appellate court, or administrative agency. **Persuasion in Brief Writing**. (Vienna, Va., Coiner Publications, Ltd., 1968.)

Regardless of the merit of his cause, considerable effort must be expended by the attorney to convince



the reviewing body that his position must prevail to the exclusion of all others.

In 567 pages, the author discusses the entire framework of a brief and devotes special attention to such subjects as arrangement of the material to be discussed, effective sentence structure, word usage, and selection of issues. Also discussed are the more intangible—but quite important—nuances such as a knowledge of the personal philosophies and backgrounds of those who will review the brief.

In addition to the basic text, the author has included portions of illustrative briefs of various types of actions, such as hospital malpractice, zoning, common law remedy in wrongful death, etc.

Indeed, a concise, clearly written, practical guide for the attorney.

Briefly noted:

Friedland, Martin L. **Double Jeopardy**. (Oxford, Clarendon Press, 1969, Pp.439.) A scholarly, extremely well written, historical study of the rule against double jeopardy.

Houck, John W., ed. **Outdoor Advertising: History and Regulation**. (Notre Dame, University of Notre Dame Press, 1969. Pp. 250.) A subject of considerable interest, especially since *Markham Advertising Company, Inc., v. The State of Washington*, 73 Wn. 2d 405 (1968).

Bedau, Hugo Adam, ed. **The Death Penalty in America**. (Chicago, Aldine Publishing Company, 1968. Pp. 584.) An anthology posing the question, Is capital punishment necessary, or even useful, in the United States today?

ARTICLES OF NOTE

Crutcher, M. Bayard, "Imaginary Chair Removed from the United States Courthouse; or, What Have They Done to Admiralty?" *5 Willamette Law Journal* 367 (1969).

Finley, Justice Robert C., "Remodeling the Judiciary", *Trial* (June-July 1969).

Levinson, Sam L., "Recovery for Wrongful Death on Offshore and Inland Waters", *5 Willamette Law Journal* 379 (1969).

Raftis, Edmund B., "Representing a Juvenile in Juvenile Court", *Law Notes* (July 1969).

Rummel, Judge Bartlett, "The Right of Law Enforcement Officers to Use Deadly Force to Effect an Arrest", *14 New York Law Forum* 749 (1968).

NOTICES

MAJOR MEDICAL PLAN: IMPORTANT CHANGE AND IMPROVEMENT

The Board of Governors has approved a change in major medical coverage, effective October 3, 1969.

As before, all primary benefits, namely those expressly stated, will be payable up to the stated limit. After that dollar limit is reached and a \$100.00 deductible is at that time applied and calculated, thereafter all medical, surgical, hospital expenses, drugs, special nursing, braces, doctors' office calls and doctors' hospital calls will be paid to the extent of 80%. The deductible, when required, is once for each year.

Members with protracted and expensive illnesses will greatly benefit from the change. Present members of the program will, in September, receive new certificates and explanatory material.

The broker, Pacific Underwriters Corporation, will be glad to answer questions regarding these important changes.

Will Information Sought

Will the lawyer who drew a will about January, 1967, for Carrie Hillwick at Sharon's Rest Home, 610 North Fife, Tacoma, Washington, please communicate immediately with Tunstall, Hettinger, Dohn & Hazel, 1016 Larson Building, Yakima, Washington. GL 2-9141.

Deadline for the next issue of the *Bar News* is October 8, 1969.

WANTED AND UNWANTED

For Sale: RCW, needs supplementation. L. Krika, 2330 Hood Pl., Walla Walla 99362. Tel. 1-509-529-0967.

For Sale: (1) Universal "Electrostatic" copier; (2) 3M 107 copier; (3) Books: Modern Leg. Forms, Am. Jur. Trials, ALR3rd (with Later Case Service and Quick Index), Shep. Wash. Citations, set of personal injury valuation handbooks.

Nile E. Aubrey, 5738 N. 26th, Tacoma 98407. SK 2-7794.

Wanted: Wash. Session Laws, in whole or part. William J. Van Natter, 415 Norton Building, Seattle 98104. MA 3-2348.

For Sale: USCA, complete set up to date. Atwood & Sferra, 1010 4th & Pike Bldg., Seattle, 98101. MA 4-6960.

LAWYER PLACEMENT SERVICE

By DAVID L. BROOM

The Young Lawyer's Committee of the Washington State Bar Association operates a Lawyer Placement Service at the State Bar Office, 505 Madison Avenue, Seattle, Washington, 98104, and at the Spokane County Law Library, Paulsen Building, Spokane. The service is available to members of the Association and recent law graduates seeking legal opportunities and employers seeking legal personnel. The service is offered without cost to either the applicant or prospective employers. The following are summaries of a few of the many applications on file:

1. Hearing Examiners needed for various state agencies. Start as high as \$12,000.
2. Scenic ski area in Eastern Washington needs County Prosecutor. Excellent salary—plus—over one half time available for private practice using county facilities and office space.
3. Prominent Spokane firm seeking associate. Unusually fine opportunity for someone interested in that area.
4. Recent graduate, now Chief of Enforcement for quasi-governmental agency, seeks private practice in Puget Sound area.
5. Young staff counsel for midwest chemical company, with extensive experience in all aspects of products liability, wants private practice in Washington State.

Further information regarding the above can be obtained at either location.

Washington State Bar News Poll

1. I favor no requirement of a General Practice Course.
2. I favor the requirement of a General Practice Course in lieu of a bar examination for graduates of the two Washington State Law Schools.
3. I favor the requirement of a General Practice Course in lieu of a bar examination for graduates of any accredited law school.
4. I favor both the requirement of a General Practice Course and the bar examination.

You are invited to write a letter (as briefly as possible) explaining why you voted as you did.

To be tabulated your ballot must reach the editor's desk not later than October 15. Letters must be received not later than October 8.

Please clip this ballot and mail to: Editor, Washington State Bar News, 1608 Exchange Bldg., Seattle, Wash. 98104.



1969

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| October 4 | UCC Videotape (Personal Property Security Under the UCC) . . . Vancouver, Wash. |
| October 6 & 8 | UCC Videotape . . . Seattle. |
| October 8-9 | Eighth Annual Corporate Counsel Institute. Northwestern University School of Law, Chicago, Ill. |
| October 15-17 | Metropolitan Judges National Conference . . . Washington Plaza Hotel, Seattle. |
| October 17 | Truth in Lending, State CLE Institute . . . Seattle. |
| October 18 | UCC Videotape . . . Yakima. |
| October 18 | Corporate Miscellany, State CLE Institute . . . Spokane. |
| October 25 | UCC Videotape . . . Olympia. |
| October 26-29 | Ninth Northwest Tax Institute . . . Bayshore Inn, Vancouver, B.C. |
| November 1 | UCC Videotape . . . Richland. |
| November 1 | Corporate Miscellany, State CLE Institute . . . Spokane. |
| November 15 | Corporate Miscellany, State CLE Institute . . . Pasco. |
| November 19-22 | The Conglomerate Merger Movement . . . University of Miami School of Law, Coral Gables, Fla. |

Conference on Conglomerate Mergers

On November 19-22, 1969, the Center for Interdisciplinary Study of Public Law of the University of Miami School of Law, in cooperation with The Bureau of National Affairs, Inc. of Washington, D.C. will sponsor an inaugural Annual Interdisciplinary Conference on Public Law at the Sheraton-Four Ambassadors Hotel in Miami, Florida.

The aims of this Conference of experts will be to identify and consider the whole reach and impact of the conglomerate merger movement and to attempt to arrive at value judgments from the viewpoints of the several disciplines of law, economics, sociology and political science, with particular attention to current developments including business activity, existing and proposed legislation, and governmental action.

All inquiries for additional information should be to the Director of the Center for Interdisciplinary Study of Public Law: Professor Leonard J. Emmerglick, Annual Interdisciplinary Conference on Public Law, University of Miami School of Law, P.O. Box 8087, Coral Gables, Florida 33124.

Article Nine UCC Film Will Go Statewide

A State Bar Association "first" — a videotaped Continuing Legal Education institute — will have its premiere in a dozen or more Washington cities this fall.

One of the CLE Committee's two regular fall legal seminars, it explores the subject of Personal Property Security Under the Uniform Commercial Code, Article Nine.

The speakers, instead of visiting only four cities "live" during the fall according to the traditional CLE program format, spent many hours in a University of Washington television studio taping their panel presentations.

The result is a four-hour edited videotape short-course that can be presented in many more locations than could a program featuring the speakers "live". And, hopefully, the cost can be kept a bit lower, CLE Committee members said.

For the State Bar and UW Law

School, the producer and chairman was Richard Cosway, Law School professor who is an authority on the UCC and also is one of the film's panel members.

The other panelists are Robert F. Garing of Seattle, vice president and legal officer of the National Bank of Commerce; Edward N. Lange of Seattle, who was active in this state's adoption of the UCC and who has presented for bankers throughout the state numerous seminars on the Code; Morris G. Shore of Yakima, a previous participant in CLE seminars and a member of the UCC Article Two panel in 1968, and D. Gordon Willhite of Seattle, a previous lecturer on the UCC and a lecturer for the Washington Bankers Association.

In addition, much of the "crew" — Cosway, cameramen, technicians and Associate Law School Dean John C. Huston, who assisted with the entire project — visited the Sec-

retary of State's Office in Olympia to interview Mrs. Julia Roth, UCC Division filing officer. Thus lawyers attending the seminars will see the actual complicated filing operation, and Mrs. Roth explains simple ways to avoid dangerous and potentially costly delay.

The videotape also puts emphasis on three forms of commonly used collateral — automobiles, intangibles and farm products. The presentation is designed to be strictly practical — helpful to lawyers with varying degrees of familiarity with the Code.

Lawyers attending the seminars will receive a practice manual which includes useful outlines of the speakers' presentations, plus many essential Article Nine forms, statutes, charts and references to source materials.

BRIEFLY NOTED

Over 900 lawyers registered for the annual meeting in Seattle, making it the largest attended convention ever held by the State Bar.

For the fourth year in a row, a member of the Yakima Bar Association has won the round trip ticket for two to Hawaii (courtesy Pacific Underwriters Corporation). This year it was **C. W. Halverson** of Yakima. His winning was timely because his tan, which he nurtured in his recent trip to Greece, was just starting to fade.

The State Bar Public Relations Committee's co-chairman **J. David Andrews** announced at the annual meeting that a public relations liaison-lawyer will be named in most counties and a manual will be developed for use by these lawyers. The committee will seek to work with educators to develop texts and studies starting with third graders.

The dean of the State Supreme Court judges, **Matthew W. Hill**, will leave the bench in January at the age of 75, the mandatory retirement age. A University of Washington graduate, Justice Hill was in private practice 26 years before becoming a King County Superior Court Judge in 1945. He was named to the Supreme Court a year later and has served as chief justice a number of times. He has been one of the State's most active Baptist Church laymen.

He observed that the work of a judge is similar to a marriage in that a judge becomes wedded to the pursuit of justice and the administration of law. He said he does not regard January as a retirement date but rather as a divorce by constitutional mandate. He plans to continue making "support payments"

to the bench and bar in any way he can.

For the first time in its history, the Washington State Bar Association has endorsed a judicial nominee — **Eugene A. Wright** as a judge on the Ninth Circuit Court of Appeals. His appointment was confirmed by the Senate on September 13th.



Leon L. Wolfstone, Bellevue, was unanimously elected president of the 23,000-member American Trial Lawyers Association at

its 23rd annual convention held in Denver. The association is the second largest bar association in the nation.

Joseph H. Gordon, Tacoma, was elected to a fifth one-year term as Treasurer of the American Bar Association.

Delegates to the ABA Annual Meeting heard Deputy Attorney General **Richard B. Kleindienst** reveal that the Nixon Administration has given the ABA veto power over all federal judgeship nominations save Supreme Court appointments. This brings to a climax the organized bar's 30-year effort to have a say about the selection of federal judges.

Robert S. Mucklestone, Seattle, is editor of *Bar Activities*, the ABA Section of *Bar Activities*.

Gov. **Ronald Reagan** has signed into law a major overhaul of California's divorce system. The measure eliminates most traditional grounds for divorce and is designed to remove some of the bitterness. Effective Jan. 1, there will be only two grounds for divorce: incurable insanity and irreconcilable differences. Divorce reform had been under study by the legislature for several years. Nearly one of every two married couples in California gets divorced.

The following people will constitute the officers of the Washington State Patent Law Association for the 1969-70 year: President — **Delbert J. Barnard**; Vice President — **Kenneth W. Vernon**; Secretary — **William N. Appel**; Treasurer — **Christopher O. Duffy**; Executive Committee members: **Patrick D. Coogan**, **Robert B. Hughes**, and **Gordon R. Sanborn**, immediate past president.

ABA Housing Program in Seattle

Seattle has been named one of five cities where the American Bar Association will launch a program to offer legal counsel to increase and improve housing for persons of low and moderate incomes. Other cities are Boston, Cincinnati, Houston and St. Louis. Los Angeles is to join later.

A total of \$650,000 has been pledged to the program by the Ford and Danforth Foundations, the Office of Economic Opportunity and the Department of Housing and Urban Development. Contributions from the cities to participate also have been made.

John Lashly of St. Louis, chairman of the ABA Special Committee on Housing & Urban Development Law, said the project is designed to increase "the number of minority group lawyers equipped to deal with the complexities of housing law" as well as to increase the supply of housing in low income areas.

The project will employ a national director who will coordinate the efforts of three lawyers in each project city. Staff lawyers will give technical assistance to guide neighborhood groups through the maze of regulations governing federally-financed low-income housing. They'll also push for new state and local laws to modernize outmoded or inadequate landlord-tenant laws, **Lashly** said.

Richard S. White, the Seattle-King County Bar Association's representative to the national group, said three lawyers will soon be hired to work in the program in Seattle.

WASHINGTON STATE BAR ASSOCIATION

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