

# WASHINGTON STATE BAR NEWS



Thomas P. Gose State Bar President 1967 — 1968



# MEMORANDUM

TO: All State of Washington Attorneys

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# EDITOR'S NOTE

## Washington State Bar News


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"The Trouble With Lawyers" has appeared this month on at least two non-fiction best seller lists, *The New York Times* and *Time*. Several letters of comment on the book appear on page 2. The question of whether a lawyer-legislator should be required to list all his annual legal income and the clients who paid him is receiving a fair amount of coverage in the press. The State Senate Ethics Board has announced plans to review the propriety of State Senator Gordon Herr receiving \$1,000 per month as executive secretary of the State Association of Water Districts while he acts as chairman of the Senate Committee which deals with legislation affecting water districts. One of his Senate colleagues asked: "Why pick on Gordy? Just because he isn't a lawyer and can't accept retainer fees that nobody could find out about."

The Seattle P.I. in a March 9, 1969 editorial stated: "The disturbing implication of the remark is that such practices are widespread in the legislature, causing one to wonder about the depth of legislative sincerity in adoption of ethical codes... If legislative bodies expect to win public confidence in their ethical standards, they will have to begin policing themselves without waiting for the press to blow the whistle."

The same agitation is found at federal level where of the 535 members of congress, more than 300 are attorneys. Drew Pearson and Jack Anderson, in their book, "The Case Against Congress" state: "Through the years, congress after congress has rebelled against setting guidelines to govern the outside income of its lawyer members. As a result, the only guidelines are the general ones set for criminal behavior..."

In the last analysis, the congressman lawyer, even in the broadest sense, is not a free man. He must serve two masters — his private client and his constituent. The voters generally are unaware of the conflict, let alone how it is resolved."

The attorney-client privilege is statutory with common law origin. There appears to be no constitutional limitations on the legislature amending the statute to require such reporting by lawyer-legislators. Even under current statutes, most courts have held that the fact of retainer or identity of the client is not privileged as a confidential communication. e.g. *U.S. v. Pape*, 144 F.2d 778 (2d Cir.), cert. den. 323 U.S. 752 (1944); and cases collected in 16 ALR 3d 1051-3 (1967).

Some fear that the "Kramer Report" will take its place in the dusty shelves of unfulfilled promises and unanswered questions. The recommendations in the area of the quality and equality of justice are discussed on pages 5-6. The legal profession certainly has a serious obligation to weigh the merits of the recommendations.

The present canons of ethics may be past history after August ABA meeting in Dallas. The House of Delegates will have before it a Code of Professional Responsibility which is a complete rewrite of the canons. An article on pages 7-8 highlights portions of the proposed Code and a bar opinion poll on three of its provisions appears on page 24.



# LETTERS

## THE TROUBLE WITH LAWYERS

Editor:

I am returning herewith my vote on the opinion poll on "The Trouble with Lawyers." Although I only voted "yes" on one of the four questions, I feel that many of the improper practices mentioned in the book review do happen here and we, as members of the Bar, have been too slow to take corrective action. As a result the Bar has lost much of the prestige it once enjoyed. We have been guilty of the same kind of feather-bedding we find so distasteful in others.

I applaud the example set by our President, Payne Karr, who has devoted so much of his time and talents in providing community leadership. I suggest that more lawyers should recognize that they have a unique opportunity to help lead the way to a better society and that the failure to take full advantage of that opportunity is deplorable.

FRED W. GILBERT

Spokane

## BAR LEADERSHIP SEEMS AWARE OF TWENTIETH CENTURY

Editor:

1. Yes. The practice of law is in the public interest. After over thirty years of practice I have concluded that it is not in the public interest for businesses or professions to be completely self-regulated. The public suffers.

2. Yes. The more the public is informed of the actual operations of courts, the better operated the courts will be.

3. Yes. Same as Number 2.

4. Yes. Qualified by some procedural device which will enable a disinterested non-lawyer group to exempt disclosure of client's identity when no useful public purpose will be served. It is the client who may influence the lawyer-legislature the voting public is entitled to know about.

I am pleased to note that in the last few years Washington State Bar Association leadership seems to have become aware that the profession will have to change to meet the Twentieth Century.

RONALD E. DANIELSON  
Municipal Judge

Bremerton

## LAW SURVEY COMMISSION

Editor:

I have felt for a substantial period of time that there should be a well paid and well staffed permanent full time group to review the statutes and rules to determine if certain changes might be made to minimize the expense involved in some litigation. It is my opinion that the activities of this group should be more or less under the supervision and control of a group of advisors who are not full time members of the group. This group of advisors might include lawyers (and particularly a lawyer member who is involved in providing legal services to the poor) and members of the public. The full time staff might have a tendency to get into a routine and become somewhat removed from the problems confronted by those members of the public who need legal services . . . I believe there is substantial room for improvement in our existing pro-

bate procedure and in procedures relating to divorce. I have no particular penchant for the governor appointing the group. This could be done by the Bar Association and the Bar might undertake doing this solely as a public service. . .

MALCOLM L. EDWARDS

Seattle

## FEDERAL JUDGES

Editor:

In regard to question No. 1, the Governor should not appoint a group but the lawyers should, and this particular committee should contain a couple of activists students from the law schools with equal vote and power to write the minority report.

In regard to question No. 2, Federal Judges should not be required to make anything public until the Bar finally decides that said Judges should not be appointed for life and be treated as if they were something else than average human beings. It is with considerable bitterness that I comment on the appointment of said Judges inasmuch as although I have the highest respect for the Federal Judges with whom I am personally acquainted and have absolutely no qualms as to their integrity, I feel that the appointment system is basically wrong and not responsive to the needs of the people.

In regard to question No. 3, see the answer to question No. 2 above.

I believe it would be unfair for an attorney who happens to be a legislator to list the names of his clients under any circumstances. I believe that it is violative of the attorney-client privilege. I will not tell even the Internal Revenue Service who my clients are and in the

# THE PRESIDENT'S CORNER

Circuit Court of Appeals in California there is a case entitled, *United States of America vs. Alva C. Baird*, wherein Alva C. Baird, an attorney, refused to disclose to the IRS the names of his clients in a tax case and after originally being held in contempt of court and sentenced to jail he was exonerated by the Circuit. I, of course, do not believe that a legislator should be able to practice law on the side, however, until we have acquired a different system this would be economically impossible, and tends to prevent knowledgeable people from serving the state in a representative capacity.

ALVA C. LONG

Auburn

## LAWYER-LEGISLATORS

Editor:

... All lawyers in the legislature must be required to list their clients and the income from those clients in order to discourage legislators from abusing the attorney-client relationship by using it as a blind for accepting payments from interest groups. The present situation cannot continue since the entire profession is getting a bad name on account of this practice, which the general public assumes (probably with every justification) is going on. Lawyers, better than anyone else, should realize that the Bench and Bar must set for themselves a standard that goes beyond what is "acceptable" and rises to the quality of a regard for the ultimate "punctilio" of honesty — that puts the integrity of the profession beyond any possible question or plausible reproach.

ROGER M. LEED

Seattle

Committees are frequently maligned as an organized waste of time. One definition which has always amused me despite my disagreement with the sentiment it expresses describes a committee as a group of people who can do nothing individually but who, when assembled together after research and mature reflection, decide that nothing can be done.

Such deprecatory remarks are grossly unfair to many dedicated and effective people. Since our Association gave me my present assignment, I have become increasingly impressed by the superlative service to the public and to our profession which is performed by so many of the committees of the Washington State Bar Association. It is a genuine inspiration to work closely with them and to see clearly the results of their efforts.

A thoughtful defense of the committee system with which I am in complete accord is found in John Galbraith's recent book *The New Industrial State*. Mr. Galbraith says:

"Association in a committee enables each member to come to know the intellectual resources and the reliability of his colleagues. Committee discussion enables members to pool information under circumstances which allow, also, of immediate probing to assess the relevance or reliability of the information offered. Uncertainty about one's information or error is revealed as in no other way. There is also, no doubt, considerable stimulus to mental effort from such association. One may enjoy the luxury of torpor in private but not so comfortably in public at least during working hours. Men who believe themselves deeply en-



gaged in private thought are usually doing nothing.

"Committees are condemned by the cliché that individual effort is somehow superior to group effort; by those who guiltily suspect that since group effort is more congenial, it must be less productive; and by those who do not see that through the process of extracting, and especially of testing, information has necessarily a somewhat undirected quality—briskly conducted meetings invariably decide matters previously undecided; and by those who fail to realize that highly paid men, when sitting around a table as a committee, are not necessarily wasting more time than, in the aggregate, they would each waste in private by themselves."

I have never run across any acceptable substitute offered by the detractors of the committee system. After all General Motors is run by a committee. And what's good for General Motors ...

*Payne Starr*

# THE COVER

Thomas P. Gose, Washington State Bar Association President for 1967-68, has long been active in matters of civil and professional concern. Past president of the Board of Regents of Washington State University, member of the Board of Regents of Gonzaga University, and District Director of the Association of Governing Boards of Universities and Colleges—higher education has clearly been one of his principal interests.

Mr. Gose's biography contains numerous distinctions. He is a member of the American Judicature Society, a fellow in the American Bar Foundation, former City Attorney for Walla Walla, member of the advisory board of the Spokane and Eastern Division of the Seattle First National Bank which is composed of business and community leaders of Spokane and the Inland Empire, director of the Eastern Washington State Historical Society, and director and officer of the Ridpath Hotel, Inc. In spite of his many interests and activities, he frequently finds time to quietly ride horseback across the fields which surround his home town.

A native of Walla Walla, and member of a pioneer family, Gose has practiced law almost continuously since 1925 when he graduated from the University of Washington Law School. His only absence from the active practice occurred during World War II when he served as a Major in the United States Army and during which he was awarded the Bronze Star. Gose's father, several uncles, cousins and sons are also attorneys, making the Gose family one of our State's most prominent and distinguished contributors to the legal profession.

As president of the Washington State Bar Association, Gose campaigned vigorously for adoption of the intermediate Court of Appeals. He also proposed study directed toward adopting a method to expedite federal estate tax audits and a uniform Deed of Trust Law similar to the Uniform Commercial Code.

As a concerned citizen and active member of the Bar, Thomas P. Gose has not only earned the respect of his friends and community, but he has also earned the appreciation of his profession.



CAMDEN M. HALL

# LAW DAY USA

## A STATEMENT BY THE GOVERNOR

By joint resolution of Congress and by Presidential proclamation, the twelfth annual Law Day USA will be observed on May first.

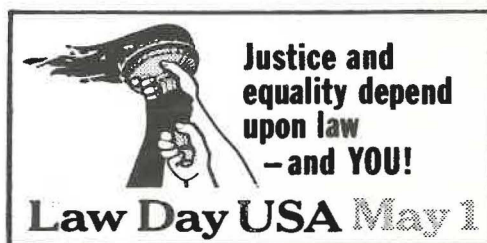
The four-fold objectives of Law Day USA are: (1) to foster respect for law and understanding of its essential place in American life; (2) to encourage citizen support of law observance and law enforcement; (3) to advance equality and justice under law; and (4) to point up the contrast between freedom under law in the United States and Governmental tyranny under Communism.

The American Bar Association has chosen, this year, the following timely message to convey the theme: "Justice and equality depend upon law - and YOU!" In a period of public disorders and rising crime, strained race relations and social unrest, it reminds Americans that social justice and equal opportunity involve both law and the attitudes of individual citizens. The theme affirms that enduring advances in social justice must come about through lawful channels and the public acceptance of the needs of justice will speed such gains.

It is appropriate, therefore, on this Law Day that we acknowledge our duty as citizens and recognize our responsibilities to uphold the law, the agencies of law enforcement, and the courts in the performance of their obligations. Also, that in the home, the school and the church we teach young Americans the enduring values of a society rooted in a tradition of freedom secured by the processes of law.

Now, therefore, I, Daniel J. Evans, Governor of the State of Washington do hereby designate Thursday, May 1, 1969 as **LAW DAY, USA** throughout this state, and call upon all citizens to join in its observance through appropriate ceremonies, programs and educational activities. I especially urge the schools, churches, the courts, civic service clubs, and the media of public information, to participate.

DANIEL J. EVANS, *Governor*



# RACE AND VIOLENCE

*"Lawyers, at least in Seattle, have been one professional group that has devoted much unpaid energy to the problems of the ghetto," The Kramer Report, page 36.*

On February 26, A. Ludlow Kramer, Secretary of State, at a Seattle-King County Bar luncheon, key-noted the release of the report on "Race and Violence in Washington State" issued by the Commission on the Causes and Prevention of Civil Disorder. This report is the first in which a state has taken the Kerner Report and analytically applied it on a state level. It represents nine months of study and concludes that "sufficient preconditions do exist in Washington State to cause major civil disorder."

Serving on the 19-man commission were two judges, Warren Chan and Charles Z. Smith, and two lawyers, Ronald L. Hendry, Pierce County Prosecuting Attorney, and Donald J. Horowitz, Seattle. The 63 page report contains 89 recommendations, nine of which are in the category of "Quality and Equality of Justice." The bench and bar have an obligation to review these recommendations and take any needed action.

**1. Judges, like other public officials, should undertake programs of sensitivity training, including confrontation and dialogue with ghetto residents.**

*Comment:*

King County Superior Court Presiding Judge Story Birdseye has stated that this recommendation will be carefully considered at the next executive committee meeting of the judges.

**2. While juries obviously cannot be given sensitivity training it would be quite proper for the jury's handbook to include a section devoted to helping the average juror understand the culturally different.**

*Comment:*

This recommendation will also be carefully considered by the executive committee of the King County Superior Court Judges at their next meeting.

**3. Sensitivity training and poverty law should be provided in the law schools, and integrated into the curriculum, to prepare a broader base of the legal profession to meet poor, black clients with deeper understanding. Law students should be encouraged to assist in poverty area legal programs as part of their practical legal education.**

*Comment:*

At the University of Washington Law School, a course in poverty and the legal process has been authorized by the faculty as a substitute for the first year course in Processes. The course is required for first year students in

## COMMISSION MEMBERS



Ronald L. Hendry



Photo by John D. McLaughlin

Donald J. Horowitz

the spring quarter. Several second and third year students have requested to take the course and are being allowed to take it on a non-credit basis. Different professors will teach various parts of the course: Prof Junker - Poverty and the Administration of Criminal Justice; Acting Dean Rieke - The Law of Domestic Relations and Poverty; Prof. Prosterman - "Comparative" Poverty; Prof. Andersen - Poverty and Administrative Law; Prof. Johnson - Indians . . . the Law . . . the Fishing Rights Controversy; Prof. Kummert - Taxation and Poverty; Prof. Smith - The Law and the Low Income Consumer; Prof. Morris - Housing and the Poor; and Prof. Roddis - Economic Regulation and Poverty.

There is no course geared solely to sensitivity training. However, a major by-product of the Poverty and the Legal Process course will certainly be sensitivity training. In addition, throughout the year speakers appear at the law school speaking on subjects relating to race and poverty. Generally about half of those enrolled at the law school attend these lectures.

**4. City and county public defender systems to handle the criminal cases of the poor should be adopted.**

"Lawyers and prosecution attorneys must be motivated to take pride in making our system of justice available on a quality basis to all. The appointed counsel system, it appears to us, has not provided that kind of representation."

*Comment:*

The establishment of the Public Defender in Spokane County was discussed in the last two issues of the *Bar News*.

It is anticipated that the office of Public Defender in King County will be established shortly. The articles of incorporation for a non-profit corporation have been drafted with the participation of the Seattle-King County Bar Association, the City of Seattle and Model Cities. Model Cities has allocated \$258,000 for a five-year program. The city has allocated \$25,000 for this year's operation. There are enough funds to have a staff of 18 or 19 attorneys.

The office would provide representation in municipal court and quasi-judicial hearings as those on mental health and parole revocation hearings. It may be expanded into King County justice courts.

**5. As regards civil cases, a stronger Bar Association, State and City financial support for the operation of the OEO Legal Services program is urged. Salaries of attorneys need to be upgraded in order to keep competent personnel.**

Secretary of State Kramer in his speech observed, "We praised the Seattle Legal Services Center and the dedicated attorneys who support it. But we wondered why it was not adequately funded, and we asked why Seattle was the only major city in our state that had such a program."

*Comment:*

There are currently six lawyers on the Seattle Legal Services staff with a seventh to join the staff in July. Positions for three additional lawyers will open April 1. The salaries range from \$9,000 starting salary to \$15,000 for the director. Federal funds for the fiscal year April 1, 1967 to March 31, 1968 were \$259,000. Federal funds were cut to \$219,000 for the fiscal year, April 1, 1968 to March 31, 1969. It is anticipated that the funds for the coming fiscal year will be the same, \$219,000.

Seattle is not the only major city in the state that has a legal services program. Tacoma has had a program for 18 months and Spokane's program has just gotten under way. Vancouver's application for OEO legal services was turned down by federal authorities for lack of

federal funds.

**6. The coroner's jury system should be revised to allow a legal representative of the deceased or his family to participate in the hearing, to ask questions, present evidence, etc. The jury should be picked in the ordinary way that petit juries are selected in Superior Court. Finally, the state Judicial Council should study the advisability of retaining or abolishing the coroner's jury.**

*Comment:*

House Bill No. 515, which was passed by the House 84-10 and has been sent to the Senate, abolishes county coroners in favor of a medical examiner system administered through the State Health Department. The measure, introduced by request of Gov. Dan Evans, would take effect July 1, 1970.

It would apply to all of the state's 39 counties, including King County, where the office of coroner is being abolished under the new home rule charter. The coroner's jury, now called to determine facts and recommend whether prosecution is warranted, would be replaced by an inquest held by the prosecuting attorney.

**7. The State Supreme Court, under its rule-making authority should adopt the ABA's Minimum Standards for criminal justice as they relate to pre-trial release.**

*Comment:*

The State Judicial Council has established a committee to draft court rules relating to pre-trial release. An article in the January issue of the *Bar News* discussed the area of bail reform. The Municipal League's bill was not introduced in this session of the legislature. The prevailing view is that the subject should be covered by court rule, rather than by statute.

**8. The State Board of Prison Terms and Parole should be authorized by statute to extend its jurisdiction to all courts, on all levels, in the state.**

"Post-conviction procedures are in need of reform. The system of probation and parole wants updating and should be extended to the courts with which most people have contact — the Justice and Municipal courts.

"... Such service in the lower courts, where the lesser crimes are tried, would help prevent the greater crimes from being committed."

# CODE OF PROFESSIONAL RESPONSIBILITY

## *Comment:*

In July 1967 the field probation staff was transferred from the State Board of Prison Terms and Parole to the Department of Institutions, Division of Probation and Parole. This division currently only offers probation services in felony cases. Additional funds would be needed to expand its jurisdiction.

Both King County and Pierce County have their own probation services for District Justice Courts which are funded by OEO and the respective counties. The Municipal Court of Seattle has its own probation services which are funded by the city and are recognized to be of the highest quality. However, in other parts of the state, probation services range from excellent to non-existent.

There is a bill in the legislature to allow the expenses of a probation department in justice court to be charged as a court expense.

Some observers see problems in a state-wide system. It might have the effect of dampening experimentation and innovation.

**9. There should be established in the state a permanent Law Revision Commission made up of citizens from all segments of the population, white and black, from the bench, the bar and other professions, whose task would be to review, evaluate and recommend, on a regular basis, changes in the procedures and substance of our legal system.**

## *Comment:*

This is considered to be a good suggestion by **Luverne Rieke** of the State Judicial Council. Such commissions exist in other states and in his opinion would not overlap the work of the Judicial Council. There should be enabling legislation.

## **Action By Young Lawyers Section:**

The Board of Trustees of the Young Lawyers Section of the Seattle-King County Bar Association has decided to analyze the recommendations and take action on those it deems meritorious. **Tom A. Alberg** (1900 Washington Bldg.) and **Bill Rodgers** (assistant professor, U. of W. School of Law) Co-Chairmen of the Section's Committee on Contemporary Legal Problems will coordinate the analysis. They welcome any further information or suggestions that members of the Bar may have.

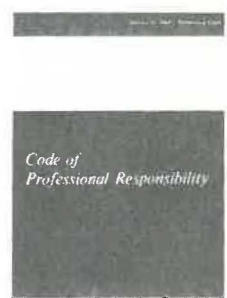
The original 32 canons of Professional Ethics were adopted by the American Bar Association in 1908. They were based largely on the Code of Ethics adopted by the Alabama State Bar Association in 1887, which in turn had been borrowed largely from the lectures of Judge George Sharswood, published in 1854 under the title of *Professional Ethics*. Since then a limited number of amendments have been adopted on a piecemeal basis.

In 1964 a special ABA Committee was named to re-evaluate the canons. The Committee concluded that rather than amend the canons, a new Code of Professional Responsibility was the only answer. A preliminary draft of the proposed Code was released on January 15, 1969. The time for suggestions expired March 15. The final draft will be submitted to the House of Delegates of the ABA at its meeting to be held in August of 1969 in Dallas.

The Code consists of three separate but interrelated parts: Canons, Ethical Considerations, and Disciplinary Rules. The **Canons** are concise axiomatic statements of the obligations of lawyers to the public, to the legal system, and to the legal profession. The **Ethical Considerations** are aspirational in character and represent the objectives toward which every member of the profession should strive. The **Disciplinary Rules** are mandatory in character and state the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action.

The draft of the Code proposes nine Canons:

1. A Lawyer Should Assist in Maintaining the Integrity and Competence of the Legal Profession
2. A Lawyer Should Assist the Legal Profession in Fulfilling its Duty to Make Legal Counsel Available
3. A Lawyer Should Assist in Preventing the Unauthorized Practice of Law
4. A Lawyer Should Act Competently and Use Proper Care in Representing Clients
5. A Lawyer Should Preserve the Confidences and Secrets of Clients
6. A Lawyer Should Exercise Independent Professional Judgment on Behalf of Clients



7. A Lawyer Has a Duty to Represent His Client with Zeal Limited Only by His Duty to Act Within the Bounds of the Law
8. A Lawyer Should Assist in Improving the Legal System
9. A Lawyer Should Avoid Even the Appearance of Professional Impropriety

Some of the Disciplinary Rules which are bound to evoke comment are:

**Rule 1-102 Misconduct**

(A) A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law. As used in Disciplinary Rule 1-102, a lawyer engages in conduct that adversely reflects on his fitness to practice law if he:

\*\*\*

- (4) Fails to exercise reasonable care to prevent his partners, associates, and employees from engaging in conduct which, if done by him, would violate a Disciplinary Rule.

**Rule 2-105 Limitation of Practice**

(A) A lawyer shall not hold himself out publicly as a specialist or as limiting his practice, except as permitted by Disciplinary Rule 1-204(a)(6) [reputable law lists and legal directories] and as follows:

\*\*\*

- (4) A lawyer may state on his letterhead, shingle, and professional card that his practice is limited to a single field of law, but only if his practice is in fact so limited.

**Rule 7-108 Communication with or Investigation of Jurors**

\*\*\*

- (D) After dismissal of the jury in a case with which he is connected, a lawyer shall not communicate with or cause another to communicate with any juror regarding the trial except to determine whether the verdict may be subject to legal challenge, in which event he shall confine his communication to matters pertinent thereto and shall refrain from asking questions or making comments calculated merely to harass or embarrass the juror or to influence his actions in future jury service.

Examples of Ethical Considerations are:

**Canon 3 – EC Par. 7**

A lawyer often delegates tasks to clerks, secretaries, and other lay persons. Such delegation is proper if the lawyer maintains a direct relationship with his client, supervises the delegated work, and has complete professional responsibility for the work product. This delegation enables a lawyer to render legal services more economically and efficiently.

**Canon 6 – EC Par. 6**

... Although a contingent fee arrangement gives a lawyer a financial interest in the outcome of litigation, a reasonable contingent fee is often permissible because it may be the only means by which a layman can obtain the services of a lawyer of his choice. But a lawyer, because he is in a better position to evaluate a cause of action, should enter into a contingent fee arrangement only in those instances where the arrangement will be beneficial to the client.

**Canon 7 – EC Par. 7**

Adjudicated cases recognize that in certain areas of legal representation, principally procedural as distinguished from substantive, a lawyer is entitled to make decisions on his own. But otherwise the authority to make decisions is exclusively that of the client and, if made within the framework of the law, such decisions are binding on his lawyer. As common examples, it is for the client to decide whether he will accept a settlement offer or whether he will waive his right to plead an affirmative defense.

**Canon 7 – EC Par. 39**

A lawyer should accede to reasonable requests regarding court proceedings, settings, continuances, waiver or procedural formalities, and similar matters, which do not prejudice the rights of his client. He should follow local customs of courtesy or practice, unless he gives timely notice to opposing counsel of his intention not to do so.

Copies of the Preliminary Draft may be obtained upon written request to: Special Committee on Evaluation of Ethical Standards, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

(A bar opinion poll on this subject appears on page 24.)

# WASHINGTON STATE BAR NEWS

## GOVERNOR EVANS ISSUES LAW DAY PROCLAMATION



Left to right: Brooks K. Johnson, member of Board of Governors, Sixth Congressional District; Robert T. Hunter, Chief Justice, Washington State Supreme Court; Governor Daniel J. Evans; Louis Bruno, State Superintendent of Public Instruction; and James F. Henriot, Chairman, Washington State Bar Association Law Day Committee.

## 62 Applicants Pass January Bar Exam

The successful applicants of the January Washington State Bar Examination were:

**Seattle** — Charles F. Adams, Joseph A. Albo, James E. Anderson, John A. Barlow, LeRoy C. Boyce, Bernard A. Donahue, Gary W. East, William R. Fleming, Jr., Lawrence R. Halpern, Donald H. J. Hermann III, Gerald H. Igl, Roger W. Johnson, Justs N. Karlsons, Richard F. Lancefield, John D. Leinen.

Douglas B. MacDonald, Joseph O. Masterson, James R. Miller, David C. Mitchell, Jr.; Mark B. Packer, Ward J. Rathbone, David M. Salentine, Jon M. Schorr, Thomas J. Taaffe, Gerald A. Troy,

Robert W. Villareale, James L. Vonasch, Robert L. Williams and William E. Zwink.

**Auburn** — Donald G. Ryan, Jr. and Kenneth W. Vernon.

**Bellevue** — Truman R. Castle, Robert A. Dootson, Jon G. Schneider, Hubert Stratmeyer, Douglas W. Tufts and John F. Ver-cimak.

**Tacoma** — Anthony G. Chase, Don L. Hogaboam, Dennis J. La-Porte and Frank O. Witt.

**Olympia** — Christopher M. Eagan, Robert H. Leeds Jr., Donald D. McRayde and Jerome E. Westby.

**Spokane** — Garald A. Gesinger, Michael D. Kidder and Richard A. Staeheli.

**Other cities** — Robert L. Milli-

## TABULATION OF JAN. 1969 BAR EXAMINATION BY LAW SCHOOLS

	Passed	Failed	Total
American U.	0	1	1
Baylor	1	0	1
Chicago	1	1	2
Cleveland-Marshall	0	1	1
Columbia	1	0	1
Denver	1	0	1
Duke	1	0	1
Georgetown	2	0	2
George Washington	4	0	4
Gonzaga	9	2	11
Harvard	1	0	1
Howard	1	0	1
Idaho	1	1	2
Indiana	1	0	1
Michigan	4	0	4
Minnesota	1	0	1
North Dakota	0	1	1
Ohio State	4	0	4
Oklahoma	1	1	2
Pittsburg	1	0	1
St. Johns	1	0	1
San Diego	1	0	1
Stanford	2	0	2
Tulsa	0	1	1
UCLA	0	1	1
Utah	1	2	3
Virginia	1	0	1
Washburn	0	1	1
Washington	16	8	24
Wayne State	1	1	2
Wisconsin	1	1	2
Willamette	3	1	4
Wyoming	0	1	1
	62	25	87

gan, Bothell; Harold E. Bailly, Coupeville; James B. McCabe, Edmonds; Terrance H. Neal, Everett; Vincent A. Retacco, Issaquah; Anthony Schwab, and Robert Barker III, Kirkland; Richard A. Mueller, Marysville.

**Robert V. Flock, Okanogan; Darrell E. Lee, Redmond; Cameron K. Hopkins, Yakima.**

**Out-of-state** — Donald H. Crouch, Milwaukie, Ore.; Jeffrey D. Jennings, Woodside, Calif.; and Don W. Schussler, Salem, Ore.

**Attorney applicants** — Vincent R. Larson, Bainbridge Island, and Franklin D. Loomos, Auburn.

**IN MEMORIAM**

**Owen C. Campbell**, 52, Seattle, died February 10 in his home of a heart attack. A 1948 graduate of the University of Washington School of Law, he was a partner in Moriarty, Olson & Campbell.

**George H. Crandell**, 89, Seattle, died February 11 in a hospital after a brief illness. A 1905 graduate of Detroit College of Law, he was a former Spokane County prosecutor and practiced law in Seattle for 45 years, having retired four years ago.

**Robert H. Evans**, 87, Seattle died February 13 at his home. A 1904 graduate of the University of Washington School of Law, he was an assistant corporation counsel for the City of Seattle and later formed the firm of Peters, Powell, Evans & McLaren in 1927. He retired in 1965 and was of counsel to Lane, Powell, Moss & Miller.

**George P. Gruger**, 53, Bellevue, died February 11. He was a 1947 graduate of Stanford University School of Law.

**Charles A. Johnson**, 92, Okanogan, died February 2. A graduate of University of Minnesota Law School, he had been in active practice at Okanogan from 1909 until his retirement in 1966.

**Christ D. Lillions**, 78, Mercer Island, died February 11. Admitted to the bar in 1913, he was a candidate for Congress in 1948.

Remember to make contributions to the Washington State Bar Foundation.

**Legal Internship Plans Underway**

The foundation for a true legal internship program is being laid in Spokane where eleven law students from Gonzaga University are employed as clerks in local law offices. But, others have full-time or part-time employment doing work which utilizes their legal training.

Five law students work for Spokane County Legal Services. Two serve in the Spokane office of the Attorney General. Others have found work with title insurance companies, banks, and state and federal agencies.

The Law School at Gonzaga presents only a night program, leaving the students free by day to engage in outside employment. It is believed that the number in outside work at the University of Washington Law School is much smaller.

At its last meeting, the Legal Internship Committee of the Bar undertook to organize and staff a supplemental program for law students in their final year of study. It is expected that the program will be

confined to the Puget Sound and Spokane areas in 1969 and be expanded in subsequent years.

The program is dependent upon the number of law students actually employed during the summer months, although the manuals, study outlines, and special instruction will be available to students not doing law work.

The committee is not engaged in placement or in determining salaries.

A subcommittee headed by **Robert S. Mucklestone** of Seattle is currently surveying law firms in the Puget Sound area to determine how many of them plan to employ law students this summer. The questionnaire will also determine what interest there may be in the supplemental instruction which is tentatively planned for Friday afternoons during the summer.

**Eugene A. Wright** of Seattle is chairman of the Legal Internship Committee.

**Charles F. Scanlan**, Spokane

**Results of February Washington State Bar News Poll**

**“The Trouble with Lawyers”**

	Yes	No
1. Should the Governor appoint a small group whose sole function would be to make semi-annual surveys of the workings of the civil law and the courts on the public? . . . . .	30	18
2. Should all federal district judges be required to make public each year a full list of all trustees they appointed in commercial bankruptcy cases and fees paid the trustees? . . . . .	44	8
3. Should all superior court judges be required to make public each year a full list of all appraisers, special administrators and guardians ad litem they appointed and fees paid to the appointees? . . . . .	39	13
4. Should every lawyer-legislator be required to list all his legal income-for the year and the clients who paid him? . . . . .	31	21

# THE COURT OF APPEALS

Engrossed House Bill No. 183, which would establish the court of appeals, has passed the House and as of press time rests in the Senate Judiciary Committee.

1. *Manner of Election.* Under the bill the judges would be elected, although Governor Evans would appoint them for the first 18 months. House Democrats failed 59 to 44 in an attempt to have the judges elected in the fall of 1969 instead of 1970. An attempt to have the bill require the governor to appoint six Democrats to the court also failed.

The bill eliminates the nominating commission and the Nebraska Plan, i.e., the judge would face one contested election and then be subject to a "yes" or "no" vote as to retention. The State Labor Council and the State Grange are responsible for the deletion of the nominating commission and the Nebraska Plan.

The governor has been put on notice that if he does not agree to appoint some Democrats to positions on the court of appeals, the bill as passed by the Senate will provide for open elections in November 1969.

2. *Jurisdiction.* The House bill leaves to supreme court rule whether appeals should be filed initially in the court of appeals or in the supreme court.

Chief Justice **Robert T. Hunter** and Justices **Robert C. Finley** and **Hugh J. Rosellini** favor initial filing in the supreme court. The remaining six justices favor initial filing in the court of appeals. The supreme court has given the legislature some indication of what jurisdictional rules it would promulgate, if empowered to do so. If the initial filing were to be in the court of appeals, rules such as the following would be promulgated:

A-1 All cases for appellate review shall be filed in the appropriate division of the court of appeals *EXCEPT*:

(a) cases of quo warranto, prohibition, or mandamus involving state officers;

(b) capital criminal cases where death penalty imposed;

(c) cases raising significant issues under the state and federal constitution, and cases involving the constitutionality of a tax, impost, assessment, toll or the validity of a statute or municipal ordinance;

(d) cases involving important questions of first impression in this jurisdiction or

questions of substantial public importance or interest;

(e) cases involving issues on which there is a conflict between decisions of panels of the court of appeals;

all of which shall be appealed directly to the supreme court.

A-2 No case, appeal or petition for a writ brought in the supreme court or court of appeals shall be dismissed for the reason only that it was not brought in the proper court, but it shall be transferred to the proper court.

A-3 Appeals to the court of appeals shall be taken from the superior court in the manner prescribed for appeals to the supreme court.

A-4 For the prompt and orderly administration of justice, the supreme court may transfer to the appropriate division of the court of appeals for decision a case or appeal pending before the supreme court if the case or appeal is within the jurisdiction of the court of appeals; and the supreme court may transfer causes pending in a division of the court of appeals to the supreme court.

## Statute Not Rule

Five Seattle attorneys have written an 11 page paper on the question of jurisdiction. They are **John L. Weinberg**, **Bruce Michael Cross**, **Bruce M. Pym**, **Roger M. Leed**, and **Jack G. Strother**. They concur in the unanimous recommendation of the Board of Governors of the Washington State Bar Association that jurisdiction should be established by statute, not by supreme court rule.

The Weinberg Committee in reaching its conclusions examined the constitutional schemes in the other 20 states which have, to date, established intermediate courts of appeal. The conclusions are also based in part upon the experience that they had as law clerks to judges of the Washington Supreme Court or of other courts.



Photo by John D. McLaughlin

**JOHN L. WEINBERG**

The position paper states that the establishment of the jurisdiction of the various courts in a state's judicial system is a legislative function, not a judicial one. Supreme court judges are uniquely competent to establish the procedural rules which will govern the processing of a case in a given court. But problems such as which classes of cases are sufficiently important to justify the privilege of direct appeal or right to the supreme court of Washington are more suited to debate and resolution by the duly elected legislative representatives of the voters.

This conclusion is borne out by the experience in the other twenty states which have intermediate appellate courts. In all or virtually all, the jurisdiction of those courts is established by statute - in fact, in some the jurisdiction is provided in the state constitution.

Furthermore, if the jurisdiction of the court of appeals is provided by statute, rather than by court rule, that court will be vested with an independent statutory function of its own, not subject to alteration at the pleasure of the supreme court. This independence will provide the court of appeals a measure of dignity and stature.

#### **Direct Appeal of Right – Constitutional Questions**

The position paper takes issue with the use of the words "significant issues" in A-1(c).

Application of this standard would require the supreme court to spend inordinate amounts of time and effort reviewing appeals in which constitutional issues are raised to determine which are "significant" and which are not. In recent years, a high percentage of appeals raise constitutional issues of one kind or another, and the supreme court would be required to examine each with care solely to determine jurisdiction. Furthermore, in light of the rate of expansion of constitutional law doctrine, it is questionable whether the court could develop an approach or pattern of any durability for determining whether a constitutional issue is "significant" or not.

A more reasonable system would be one modeled upon the federal system for appeals of right to the United States supreme court. **Direct appeal should be allowed where the trial court has held unconstitutional a statute, ordinance, tax, impost, assessment or toll.** Where the trial court heard and rejected the constitutional argument, the appeal should be to the court of appeals. This standard would provide a fairly good guarantee that only the cases raising the most significant constitutional issues were afforded direct

appeal; and, most important, it would do so without requiring a preliminary examination of the cases by the supreme court.

Justice McGovern in a recent luncheon talk to the Young Lawyers Section remarked that he thinks this recommendation has merit but that it should be by rule not statute.

#### **Direct Appeal of Right – "Important" Questions**

The Weinberg committee also takes issue with the use of the words "important questions of first impression" and "questions of substantial public importance of interest" in A-1(d). It states that it is hard to imagine any appeal which could not reasonably be argued to fit into such a broadly defined category.

Even in a case where such an argument is of no merit whatever, the court would be required to, (1) review counsel's allegations of the basis for jurisdiction; (2) review the case to determine just what questions are actually involved, and which are not; (3) do some research to determine whether the questions are really ones of first impression or pass upon whether they are of substantial public importance or interest; and (4) confer and prepare a decision on the right to a direct appeal. While this might not be serious in isolated cases, the broadness of the category would multiply this burden over many cases.

Most cases in which the court might grant direct appeal on the grounds of the importance or novelty of the questions involved are also cases which would eventually merit a review by the supreme court of the court of appeal's decision. Thus, since the case is likely to reach the supreme court anyway, the supreme court could order the case transferred to it under its authority to transfer a case pending in the court of appeals, "... for the prompt and orderly administration of justice." The grant of a direct appeal of right in such a case is not only unnecessary but harmful from the standpoint of the workload at the Supreme Court.

Furthermore, removing from the jurisdiction of the court of appeals the cases involving the most significant and important questions could well have a detrimental effect upon the calibre of the men who would be attracted to serve on the court of appeals, because the cases left within the jurisdiction of the court would tend to be routine and repetitive.

For all of these reasons, they recommend that there be no provision for direct appeal or right in, "... cases involving important questions of first impres-

sion in this jurisdiction or questions of substantial public importance or interest.”

### Certification of Cases and of Questions

House Bill 183 provides, “When the [court of appeals] acquires jurisdiction of any cause and makes a disposition there shall be no further right of appeal except at the discretion of the supreme court upon the filing of a petition for review.”

While many states similarly make a second appeal entirely within the discretion of the supreme court, many others grant a second appeal of right in very limited classes of cases. One common provision grants such a right where the judges of the panel of the court of appeals which decided the case certify to the supreme court that the case (in the language of the Constitution of Illinois): “. . . involves a question of such importance that it should be decided by the supreme court.” (Constitution of Illinois, Art. 6, S5.) This device would be of great value in assisting the supreme court to spot the court of appeals cases which contain such issues. Certifications of importance from the judges of the court of appeals come from observers who are qualified, impartial, and thoroughly conversant with the facts of the case. Perhaps the appropriate language for Washington would be that discussed above under direct appeals of right: “. . . important questions of first impression in this jurisdiction or questions of substantial public importance or interest.”

A second type of certification procedure, which could be used either alone or in conjunction with the procedure described above, would permit the court of appeals to certify questions - not entire cases - to the supreme court for decision. This procedure is, of course, modeled upon RCW 2.60.010 *et seq.*, which permits the certification of questions to the Washington supreme court by federal courts. The legislature should give consideration to extending the scope of that statute to include the Washington court of appeals as a court which can certify questions to the Washington supreme court.

They therefore recommend the establishment of procedures for the certification of cases and/or of questions by the court of appeals to the supreme court.

### Briefs on Second Appeal

The proposed supreme court rules provide that, in cases decided in the court of appeals in which further appeal is granted to the supreme court, the appeal in the supreme court shall be heard, “. . . on the same records and briefs filed in the court of appeals.” This provision apparently is an attempt to minimize the burden that two separate appeals imposes upon the parties and counsel, as well as to minimize the delay. In many cases, however, the decision of the court of appeals will be on a basis which was not thoroughly argued or briefed before that court. In such cases, it will be incumbent upon counsel for the appellant in the supreme court to convince that court that the court of appeals decision is not an accurate statement of the law; and upon counsel for the appellee to defend that decision. Where the central issues upon which the decision rested were not adequately briefed in the court of appeals, and no new brief can be submitted in the supreme court, that court will be largely without the assistance of counsel in researching the issue. This is an undesirable result from the viewpoint of everyone concerned.

They, therefore recommend that the rules require - or at least permit - the filing of new briefs in the supreme court.

### Other Developments

There will probably be argument on the Senate floor as to whether one of the panels shouldn't be headquartered in Tacoma instead of Olympia.

If the question of whether opinions must be written and published is left to court rule, Justice McGovern thinks that this question should be resolved by the lawyers. It is the lawyers who must pay for the books and library space. He pointed out that these opinions may be beneficial to lawyers and, if they were not published, they would be unavailable because it would not be possible to get opinions certified for citation. The Board of Governors of the State Bar would be called upon by the supreme court to advise whether the rule should require publication.

Justice McGovern also pointed out that Sec. 4 of HB 183 states that “decisions shall be rendered by a concurrence of two” judges of the three-judge panel. What if three concurred, would the decisions be valid?

# NEWS AROUND THE STATE

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## OKANOGAN REPORT

By RICHARD E. JOHNSON

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By dog sled from the still snow-bound frontier, a first and probably last report. New acquisitions, or as yet unreported, include: **Richard B. Price**, now associated with **James Thomas** in the prosecutor's office; **William V. Cottrell**, an engineer turned lawyer, located at Omak; and **Robert Flock**, just admitted to the Bar who is also in Omak. Since we require all new counsel to provide a party for the bar, we are anticipating Bob's invitations.

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## OLYMPIA REPORT

by STANBERY FOSTER

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For his first vacation in seventeen years, Olympia attorney **Ernest L. (Bud) Meyer** chose the last two weeks of February to be in Hawaii. He has returned to the fold, tanner, fatter and poorer. He insists that the reason the large jets are used between Hawaii and the mainland is that it takes a plane of that size to become airborne from here with all the necessary gold aboard to pay expenses while there and a plane of equal lifting capability to get off the ground with all that extra weight on the people coming back. How true. But Hawaii is terrific and it is worth every dollar. While Thurston County was embalmed with icicles and three feet of snow, temperatures in the Islands were a mean 83° day times and 67° night times. What a way to go.

As long as degrees have been mentioned, it is appropriate to refer to a world port located at approximately 47° North Latitude and 119° West Longitude, which has

knowingly indicated a willingness to increase its renown. By consulting your atlas, you can identify an area approximately fifteen statute miles east by southeast from **Connell**, in Franklin County, Washington, known as **Kahlotus**, on **Kahlotus Lake**, some seven miles (statute) north of the Snake River site of the Lower Monumental Dam. It is, of course, sovereign over the Port of **Kahlotus**. Next to its location, the most outstanding feature of the Port of **Kahlotus**, is its attorney, none other than that Sagebrush Socrates, **Ed McKinlay**. How about that? I didn't realize the nautical cut of his trousers was an authentic guild symbol. Welcome aboard, sailor!

On Wednesday, February 26th, in an impressive en banc ceremony in the Supreme Court, the attorney's oath was administered to **Dennis LaPorte** (Gonzaga), Clerk for Chief Justice **Robert T. Hunter**; **Robert H. Leeds, Jr.** (Gonzaga), who has joined the prosecutor's staff in Spokane; **Donald D. McRayde** (Gonzaga) and **Jerome Westby** (University of Washington) of the Attorney General's staff.

Free coffee followed. These young men will never hear such nice things said about them again — in the Supreme Court, that is. Congratulations are in order.

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## PIERCE REPORT

by DAVID E. SCHWEINLER

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### ANNOUNCEMENTS

**John J. O'Connell**, formerly Attorney General for the State of Washington, for the past twelve years, has joined the firm of **Gordon, Honeywell, Malanca, Peterson & Johnson**, and is officially desig-

nated "Of Counsel." It is a pleasure to have John once again in our "midst."

**Monte E. Hester**, formerly with Tacoma Title Company, has joined the firm of **Binns, Petrich and Mason**, as an associate.

**John T. Robson, Jr.**, (Wyoming, 1967), formerly an associate of the law firm of **Loney, Westland & Raekes**, of **Kennewick, Washington**, has joined the staff of the **Pierce County Prosecuting Attorney** as a **Criminal Deputy**.

### PROGRAMS

The Sixty-First Annual Lincoln Day Banquet was held at the Winthrop Hotel on Friday, February 14, 1969, and the guest speaker was **Mr. Art Fletcher**, Special Assistant to Governor **Daniel J. Evans**, who spoke on the topic, "Lincoln, and America Today." Honored guests included, from the Federal Bench: The Honorable **George H. Bolt**

Supreme Court Bench: The Honorable **Hugh J. Rosellini**, The Honorable **Richard B. Ott**, The Honorable **Robert T. Hunter**, The Honorable **Orris L. Hamilton**, The Honorable **Frank P. Weaver**, The Honorable **Robert C. Finley**, The Honorable **Charles T. Donworth**, The Honorable **Frank Hale**.

Superior Court Bench: The Honorable **Hardyn B. Soule**, The Honorable **Bartlett Rummel**, The Honorable **Horace G. Geer**, The Honorable **John D. Cochran**, The Honorable **Bertil E. Johnson**, The Honorable **Robert A. Jacques**, The Honorable **William F. LeVeque**, The Honorable **William L. Brown, Jr.**

Washington State Bar Association: **Mr. Lloyd W. Bever**, **Mr. Thomas G. McCrea**, **Mr. Lee J. Campbell**, **Mr. John S. Moore**, **Mr. Grant L. Kimer**, **Mr. Brooks K. Johnson**



The Congress: **The Honorable Floyd V. Hicks**, Representative of the Sixth District

University of Washington, School of Law: Associate Dean **John C. Huston**, Professor **P. Richard Cosway**, Professor **Robert L. Fletcher**, Professor **Robert Meisenholder**, Professor **George Neff Stevens**, Professor **Philip A. Trautman**

Gonzaga University School of Law: Dean **Lewis H. Orland**

As a part of the festivities, the Officers of the Tacoma-Pierce County Bar Association were announced for the year 1969-1970: President: **Mr. Charles Gleiser**; Vice President: **Mr. Robert T. Peterson**; Secretary: **Mr. Bryce Dille**; Trustees for a Two Year Term: **Mr. Frank D. Burgess**, **Mr. Merrifield B. Rees**, **Mr. Robert L. Rovai**

On February 27, 1969, the bi-weekly meeting of the Tacoma-Pierce County Bar Association was pleased to have as its speaker, **John Peschek**, Controller of St. Joseph's Hospital, whose topic was "Hospital Records and the Attorney."

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### SEATTLE-KING REPORT

by **Llewelyn G. Pritchard**

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**Jack E. Hullin**, **John A. Roberts** and **William P. Fite**, have announced the formation of the firm of **Hullin, Roberts & Fite**. **Donald D. Skinner** is an associate in the firm.

**Michael J. Cafferty**, Assistant to Mayor **J. D. Braman**, has been appointed deputy assistant secretary for urban systems and environment, a \$32,000 per year federal post in Washington, D.C.

**Robert Maslan**, who followed his father, **Ben Maslan**, into the King County Prosecutor's Office, has fol-

lowed his father into private practice, at 616 Dexter Horton Building.

A recent issue of *Time* magazine identified Seattle lawyer **James Reed Ellis** as representing "Leadership: The Vital Ingredient". *Time* reports that back in the late 1950's, Ellis was one of a handful of Seattleites who decided that the waters of Lake Washington were so polluted that a cleanup was overdue. They drew up a supergovernmental agency, called Metro, of 94 separate taxing districts around the lake and built big new sewage-treatment plants. "He won't tell you he was responsible," says a friend, "but Jim put Metro together. He didn't worry about the problems involved in creating another level of government. He just felt it had to be done."

**James L. Magee** has associated with the firm of **Macbride and Sax**.

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### SNOHOMISH REPORT

by **CHET BENNETT**

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Courteousness, style, and competence continually attract me about our lawyers throughout this state. And in our county we have an abundance of such qualities. But the one who often throws me is our own **Rod Boddington**. Although blind, since an early age, Rod exhibits a style and form in the law and his personal habits that make him the wonderful part of our local bar that he is.

We can't help but notice the far away look in the eyes of Judges **Thos. Stiger** and **Ed Nollmeyer**, recent returnees from a few days in the teeming jungles of Mazatlan.

Joining the Prosecutor's office in the next few weeks will be **Steve Good**, from Gonzaga Law School

(we understand he has a passel of kids, but then who hasn't), and **Rich Mueller** from Georgetown Law School. Further, **Wes Duce** and **Terry Bernard** have enlarged their legal family with the advent of **John Woodward**. Blessings on you and each of you.

Young **Mike Herb**, firmly implanted in his new digs in Lynnwood, still had time to prepare two articles for publication, one in the *American Bar Journal*, and the other in the *Georgetown Law Center Publication*.

Give a Huzzah to our **Frank Carr** when you pass him in the courthouse; he's deeply embroiled in trying to help quite a large group of young people see their way out of some rather serious problems. Stay with it Frank.

Congratulations to our officers of the Country Bar for the stellar job they did in arranging the Annual Bar Dinner for Snohomish County. Guest speaker; **Marian** "the librarian" **Gallagher**; what a woman! Zounds. Prior to that evening, I had always thought that **Mrs. Palsgraff** had, in a moment's irresistible impulse, pushed the scales over on the conductor who had been chasing, on a frolic of his own, the anarchist with the squib.

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### SPOKANE REPORT

by **THOMAS R. CHAPMAN**

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Spokane attorneys and the Spokane Legal Secretaries Association are combining their skills to provide a new legal secretary training program at Spokane Community College next fall. The program will provide intensive work in legal typewriting, shorthand, transcription,



office procedures, legal terminology, secretarial accounting, law and American Government. Students with pre-requisite skills may complete the program in one year and receive a certificate. Students who have not had introductory work will enroll in the Secretarial Science Course for a year and, at the end of two years, will receive an associate in applied science degree. Attorneys on the advisory committee are **Grant L. Kimer, John E. Heath, Jr., and Robert W. Winston, Jr.**

**Ronald K. Mullin**, formerly associated with the firm of Turner, Stoeve & Layman, has opened his office at 509 Radio Central Bldg., phone TE 8-2915.

The 12th Circuit of the Law Student Division of the American Bar Association held its annual conference in Spokane this month. Stanley D. Moore, Gonzaga Law School senior and Vice-President of the organization's 12th Circuit, said students from Gonzaga, Willamette and the Universities of Washington, Idaho, Oregon and Montana attended the conference. The theme was "The Lawyer's Professional Responsibility." Judge Walter Ely of the Ninth United States Circuit Court, and Robert W. Bonner, past Attorney General of the Province of British Columbia, were the principal speakers. A panel on Saturday afternoon discussed the topic, "Does the legal profession impose an obligation on its members beyond that imposed by citizenship—to aid the community?" The diverse panel was composed of the Honorable **James Ben McInturff**, Spokane County Justice Court; **George Kain**, former Spokane County Prosecutor; Charles Dorn, Associate Professor at Gonzaga Law School; Wes Lynch, Public Services Director for KREM TV; and Al

Corner, freshman at Gonzaga University Law School. The conference concluded with a farewell reception at the Spokane Club, hosted by the Spokane County Bar Association.

Spokane County Prosecutor **Don Brockett** has announced the appointment of two new deputies, **Michael D. Kidder**, who has been assigned to the civil department, and **Robert W. Leeds** to the criminal division.

#### NEW CARDS:

Three new attorneys have joined our ranks. Sworn into practice this month before Superior Court Judge **Raymond F. Kelly** were: **Garald A. Gesinger**, a Gonzaga Law School graduate; **Richard A. Staeheli**, also a Gonzaga graduate, now estate tax attorney with the Internal Revenue Service; and, **Michael D. Kidder**, a graduate of the University of Washington Law School.

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### YAKIMA REPORT

by **RANDY MARQUIS**

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Congratulations to newly appointed Deputy Prosecuting Attorney **Cameron Hopkins**. Cameron, a native of Toppenish, Wash. and recent grad of Willamette Law School, was among the successful contenders in the January Bar examination.

#### LAWYERS IN THE NEWS:

The Yakima County Legal Secretaries Association has announced its selection of **Robert A. Felthous** as "Boss of the Year". Bernice Burger, Sunnyside, was named "Legal Secretary of the Year". Judges were Judge **Lloyd S. Wiehl**, John Trowbridge, Yakima banker, and **Alan A. McDonald**. Bob was selected for the honor on the basis of a letter writ-

ten by his secretary **Eleanor McBride**. **James P. Salvini** wrote the letter nominating Mrs. Burger, his secretary for the past 20 years.

**Homer B. Splawn** has been re-elected President of the Yakima Valley Museum. Homer has been president since 1964. **George M. Martin** was elected to the post of secretary.

**J. S. "Bud" Applegate** was recently honored at the annual meeting of the Yakima Y.M.C.A. as he ended 7 years as president of the Y.M.C.A.'s Board of Directors. Bud was the recipient of a SERVICE TO YOUTH plaque and was the subject of a 30 minute "This is Your Life" presentation. Bud remains on as a member of the board.

**Donald H. Bond**, board member of the Yakima Chapter of the American Red Cross, has been named fund chairman to head up project "Serve our Servicemen (SOS)". The campaign will generate cash to defray costs of providing emergency services for military personnel.

#### YAKIMA ATTORNEYS IN THE SOUTHSEAS:

We note that Yakima was well represented at the 21st meeting of the Western States Bar Conference at Maui, Hawaii. Accompanying President **John Gavin** were **J. S. "Bud" Applegate, C. W. Halverson, Fred C. Palmer and E. Frederick Velikanje**.

#### CHANGES:

**James D. Kendall**, grad of Yale University and U of W Law School, will be a partner in the firm of **Velikanje, Moore, Countryman, Kendall & Shore** as of April 1, 1969. Jim comes to Yakima from Quincy, Washington, where he has been in practice some 10 years.

# THE COURTS

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## SUPREME COURT PRACTICE

by WILLIAM M. LOWRY  
Supreme Court Clerk

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Broadly speaking, the United States Supreme Court in *In re Gault*, 387 U.S.1, 18 L.Ed.2d 527 (1967) would appear to hold that a juvenile in a delinquency proceeding is guaranteed by the due process provision of the Fourteenth Amendment the same fundamental Constitutional rights as an adult in a criminal case. An adult who is an indigent and convicted of a crime is entitled to a review at public expense, *Douglas v. California*, 372 U.S. 353, 9 L.Ed.2d 527 (1967). It would seem to follow, therefore, that a juvenile determined to be a delinquent and an indigent is entitled to a review at public expense. Funds have been made available to the Supreme Court for perfecting the appeal of an indigent convicted of a crime. Are the funds available to perfect the review of an order determining a juvenile to be a delinquent, if the juvenile is an indigent?

For sometime the Court has granted petitions for writs of certiorari to review an order determining a petitioner to be a juvenile delinquent as a matter of right. Since *In re Gault, Supra*, the writs have directed the preparation of the record without provision as to how the court reporter is to be reimbursed, nor has the preparation of the record been conditioned on the payment of costs. In two recent cases, Supreme Court Numbers 40797 and 40719, the court authorized the cases to proceed without payment of filing fees or posting of bond, but by notation orders entered in the motion docket denied motions to expend state funds for the costs of perfecting the petitioners' reviews. The orders do not indicate whether costs can be recovered from the county or if reimbursement can be expected. It is assumed that the orders denying costs are based on the fact that the statutory authority for paying the costs incurred by an indigent in perfecting a review refers to "criminal cases," RCW 2.32.240 and 10.01.112. The concern of the court to clearly distinguish a juvenile delinquency proceeding from a criminal case is well understood. Further, referring to Chapter 133, Laws of 1965, it will be noted that the portion of the act making funds available to an indigent at the trial court level contains the following:

"Provided, that this section shall also apply to such other proceedings and at such other times as may be constitutionally required."

Although the authorization for expenditure of state funds to pay the costs of an indigent at the appellate level is contained in the same chapter, the above proviso is not included for appellate costs.

A bill, HB 798, has, however, been introduced in the 1969 Legislature. The bill would authorize the Supreme Court to pay the costs of an indigent juvenile seeking review of an order determining him to be a delinquent. At the time of writing the bill has been referred to the House Rules Committee for second reading.

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## SUPERIOR COURT NEWS

by RICHARD F. BROZ  
Judge, King County Superior Court

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Judge Lawrence Leahy of Chelan County isn't overly impressed with this winter's weather reports; he relates the time around the turn of the century that coyotes "ate" his father's barn on the family homestead. Seems the "barn" was made of animal hides, which the coyotes found to their liking during a particularly hard winter.

The incident was reported in the Wenatchee Daily World in the 1930's, and later was mentioned in Ripley's "Believe it or Not." Believe it or not.

★★★

Judge Richard J. Ennis of Lincoln County will join recently retired Supreme Court Justice Charles T. Donworth as judge pro tem during the May term of The Supreme Court; Judge Ralph Armstrong of Cowitz County completed four weeks on the Supreme Court bench as pro tem during February.

★★★

State financial aid to counties providing special probation supervision programs for juveniles would be provided in a plan presently before the legislature. Support for the plan was demonstrated by delegates to the Washington Congress of Parents and Teachers "Conference on Judicial Concern for Children in Trouble," held February 21 and 22 in King County.



Delegates to the conference included clergymen, parole officers, judges and interested lay persons. The conference was financed through a Sears Roebuck Foundation grant, and is one of a series of regional meetings in the United States. Superior Court Judges **Warner Poyhonen, Bertil E. Johnson** and **Robert F. Utter** and King County Court Commissioner **Robert M. Elston** attended the conference. About 120 persons from 28 of the state's counties heard Judges Johnson and Utter address the conference during the opening session.

★★★

Support for improved juvenile detention facilities received a boost in two counties recently. Kitsap County voters in January approved a \$500,000 bond issue to provide for replacement of its existing juvenile hall, and King County's Youth Service Center dedicated its new \$115,000 swimming pool facility on February 7th. The King County swimming pool was donated by retired Seattle contractor Daniel McEachern, and according to Judge **Lloyd Shorett**, Chairman of the Juvenile Court Committee, it is expected to provide immediate benefits in the way of needed recreational activities for youths detained at the center.

★★★

The House of Representatives has approved an additional four Superior Court Judges for King County, which would bring the total to 26. Only one judge has been added to the King County Bench during the past five years, during which period the number of criminal and civil Superior Court cases filed in the county rose from 26,578 cases in 1963 to 30,847 cases in 1968, an increase of 17%.

Criminal cases in King County are presently brought to trial on an average of three months and one week from the time defendants are charged, while civil jury cases are generally tried approximately twelve and one-half months after being noted for trial.

King County Court Administrator **Edmond J. Carey** states that the waiting time required before cases can be brought to trial is increasing in proportion to the increased filings, and that the addition of the new judicial positions will definitely improve the court's ability in meeting the increased caseload.

In addition, the House has approved the addition of one Superior Court judge each in the Pierce, Snohomish, Thurston-Mason, and Benton-Franklin County judicial districts.

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## NEWS FROM THE COURTS OF LIMITED JURISDICTION

By **THOMAS B. RUSSELL**, *Judge  
Northeast District Justice Court*

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Judge **Lee J. Reynolds** would like the bar of the state to be aware that as of March 10 all trials of the Clallam County District Court and the Port Angeles Municipal Department of that court will be heard at the new location of 134 West Front Street, Port Angeles.

★★★

A relatively unheralded development in the field of criminal law and one that will have a noticeable impact in this state is the grant to the State of Washington of about \$380,000, under the provisions of the United States Omnibus Crime Control and Safe Streets Act of 1968.



The Republicans of the bar will welcome the news that this is one of the first exercises by the Congress of the "bloc grant" concept, meaning the disposal of the funds is almost entirely within the state's discretion.

Besides providing funding for the police departments in terms of strengthening and improving their existing programs, facilities and equipment, the fields of courts and corrections are also recognized as areas that could utilize funding. Training programs and seminars, facilities, equipment and staff for expanded or new services, like a crime information center, and planning for new concepts and projects in the field of criminal corrections, would all be likely proposals to receive this assistance. The strings to all this are not monumental and can be summarized as follows: the funds are distributed on a matching grant basis with local agencies supplying 40% of the funds in most cases and 50% for "bricks and mortar" projects; 75% of the entire grant must be distributed at the local level as opposed to state-wide agencies and no more than one-third of the federal funds can be expended on personnel.

So to those of the bench and bar who have said they only wish they had the funds to do this or that about improving the criminal justice system, I suggest submitting your ideas to any of the following members of the state bar who sit on the State Planning

# OFFICE PRACTICE TIPS

Commission's Task Force on the Courts: **Slade Gorton, Bennett Feigenbaum, Robert Schillberg** and **Al Bise**, or to **Eugene Wright**, chairman of the Commission or to **Jim O'Connor**, the new director of the Law and Justice Planning Office in Olympia.

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The Department of Motor Vehicles has some advice for those attorneys and judges who find themselves in the new position of being involved with a defendant who has refused a breathalyzer test contrary to Initiative 242 and has been found guilty of driving while under the influence. If he is not requesting a hearing on the revocation, he is not entitled to apply for an occupational license. However, a bill sponsored by Sen. **Perry Woodall**, Toppenish, if passed this session, would make the defendant eligible. If the defendant has requested a hearing, the revocation by law is stayed pending that determination and he is eligible to apply for an occupational license.

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## NOTEWORTHY SUPERIOR COURT DECISIONS

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### Unclaimed Property Act – Administrative Rule Declared Invalid

In 1955, the Washington State Legislature, in enacting an Unclaimed Property Act, omitted Section 16 of the Uniform Act. The omitted section in substance provides that property shall still be presumed abandoned under the Act, even after the expiration of a shorter period of limitation.

Bills were proposed in the 1963 and 1967 legislature which in substance sought to add omitted Section 16 to the Act. Both failed of passage. The Department of Revenue on January 11, 1968 adopted Rule UCP 1 which in substance sought to add omitted Section 16 of the Uniform Act.

In a declaratory judgment action, the court held Rule UCP 1 to be invalid because it was in excess of the authority conferred by RCW 63.28.320 on the Department of Revenue to make necessary rules and regulations to carry out the provisions of the Unclaimed Property Act. *Pacific Northwest Bell Tel. Co. et al v Dept. of Revenue*, Thurston County Cause No. 40343. (Judge Hewitt A. Henry)

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## LAW SPECIALISTS

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In October of 1968, I attended the Third National Conference on Law Office Economics and Management of the American Bar Association in San Francisco. The magnet that drew me to this meeting was the stories I had been hearing about H. Lee Turner of Great Bend, Kansas, and the fact that he was scheduled to lead a section at the Conference.



H. Lee Turner is a very successful lawyer who tries 30 jury cases a year and commutes by a two engine plane. He is the Chairman of the American Bar Association Committee on the Utilization of Law Personnel in Law Offices. His own office is a national example of his Committee's goal.

Lee tells an interesting story of how he came to organize his office along its present lines. Initially, it was like any other law office with a ration of roughly one secretary per lawyer. One day his wife, who was a Phi Beta Kappa in personnel administration, became exasperated, as all our wives do at times, and announced that he was spending so much time in the office including nights and week ends that there must be something wrong in the way it was organized. She hired a babysitter and went down to do an analysis of the operation in the manner in which she had been taught in the study of personnel administration. When it was completed, she concluded that the entire basic operation of law offices is contrary to all of the established principles and standards of personnel administration. She pointed out that in big industry such achievements as the trip to the moon utilize the productive efforts of tens of thousands of people with only elementary skills. However, they use the systems management which consists primarily of breaking down various operations to their simple components.

Prepared by the Committee on Law Office Economics and Management, Richard C. Reed, Seattle, Chairman; Harry E. Hennessey, Spokane, Editor.

This column is a clearing house for better ways to run the law office. Contributions are solicited from all members of the Bar and should be sent to the editor at Post Office Box 324, Spokane, Washington 99210.

The first thing that was required was sufficient space to house a large staff. This entailed moving the office out of the heart of town, which Lee claims didn't make a bit of difference because "If people want to find you, they will find you."

Secondly, in a town the size of Great Bend, Kansas, with a population of 16,000 in a county having a total population of only 34,000 the recruitment of staff presents a problem. Lee Turner solved this by recruiting women over 40 with college degrees and absolutely no experience in the law. He insists that the most unutilized resource available to lawyers is a college educated woman whose family is either in secondary school or graduated and who desires intellectual stimulation of a demanding occupation. He contends that education to business is the same as fertilizer to farming and that the college degree is most valuable. For one thing, he claims that college conditions the employee for deadline pressure and individual responsibility. He further contends that in this group of employees the challenge of mental stimulus is the primary consideration and money is secondary. These are not typists — indeed many of them cannot type.

Turner argues that his development was inevitable, in view of the knowledge explosion which has occurred within the last 10 years. He points out that the total fund of human knowledge doubled in the 200 year period from 1730 to 1930, doubled again in the 30 year period from 1930 and doubled again in the 10 year period from 1960 to 1970. This means, of course, that the total fund of knowledge has doubled twice in the years that some of us have practiced. Part of this avalanche of information is being met by specialization of the lawyers, but the mass is too great to be handled on this basis alone and the only other answer is to divide it into narrow gauge production lines for trained lay personnel.

There has been a good deal of discussion for the last several years about the propriety, the ethics and the wisdom of training lay personnel in the manner in which Turner recommends. The real question is, "Does it work?"

Today Lee Turner's firm has three lawyers and twenty-three non-legal personnel. They practice in 65 counties constituting 60 per cent of the area of the State of Kansas, an operating territory 200 miles wide by 250 miles long having a population of 600,000. They have a general trial practice primarily oriented to defense of negligence, workmen's compensation

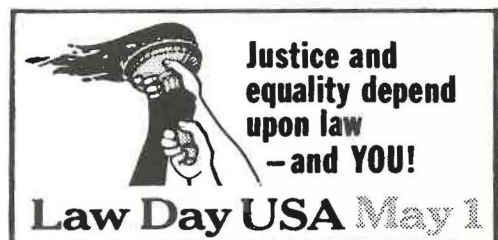
actions, products liability, automobile accident cases, with 30 per cent of their practice devoted generally to probate and business law. They open in excess of 300 new files per year. Since starting in 1952, the firm has had an annual average increase in excess of 20 per cent.

Turner claims that the utilization of lay personnel has been a most satisfactory solution. He insists that his work is now organized to the point where the pressure is off and he can be assured that all detail has been taken care of and that lawyers are doing lawyer's work, not clerk's work. He also insists that there is far less error in work performed by highly trained lay personnel in narrow areas than by lawyers, particularly young lawyers.

Under his system the training procedures are initially prepared by the attorney. The attorney closely supervises the initial specialist. After the initial training the specialist trains a back-up or secondary specialist who can assume the primary role in the event of absence or resignation of the primary specialist. Unless a new field of specialization is opened, the training function will be conducted by the non-legal organization of which they form an integral part, and the lawyer is freed from repetitious tasks for the unique and productive efforts he and only he can perform. His attention to detail decreases, good lines improve and symptoms of battle fatigue diminish.

Lawyers must learn to use every available tool to free time, and in effect extend time. Analysis, organization, delegation and utilization of resources and abilities of non-legal personnel represent the area in which successful response can be made to the challenge of our time.

HARRY E. HENNESSEY



# TWENTY YEARS AGO

The Legislature adjourned on time – almost!! **Richard B. Ott**, the Bar's representative, made a long report; but it essentially said only "our bills failed in enactment."

The Board of Bar Examiners, **George McCush**, Bellingham; **Elwood Hutcheson**, Yakima; **Henry Elliott**, Seattle, Chairman, announced the following had passed the January bar examination:

Bremerton: **Neal Julian Hoff** and **William Richard Garland**.

Pasco: **Roger L. Olson**.

Olympia: **Hewitt A. Henry**, **John S. Robinson, Jr.**, **Donald C. Blair** and **Daniel C. Blom**.

Mount Vernon: **Herbert A. Swanson**

Anacortes: **George Edward McIntosh**.

Everett: **August P. Mardesich**, **Tony P. Mardesich** and **Edward M. Nollmeyer**.

Yakima: **Perry J. Robinson** and **Richard L. Kohls**.

Sunnyside: **Henry L. Martin**

Tacoma: **William Lewis Brown, Jr.**, **Carl C. Conrad** and **Annon W. May** (Dash Point).

Hoquiam: **Charles Lee Hyndman**.

Spokane: **William Lee Bennett**, **Keith H. Campbell**, **Henry I. Carey**, **John L. Cooney**, **Lloyd A. Eyrich**, **Herbert Eugene Hood**, **Daniel C. Mahoney**, **Charles T. Morbeck**, **Paul J. Murphy**, **Kermit Patrick Owens**, and **Phillip P. Skok**.

Longview: **Jerry A. Houston**, **Leonard Lewis** and **James B. McCoy**.

Camas: **Hugh A. Knapp**

Bellingham: **F. Derond DeWeese**, **Charles Richard Burks**, **George Livesey, Jr.**, and **John G. McDonald**.

Okanagan: **Jonathan E. Goldmark**.

Portland: **Wilbur Kenneth Wilson**.

Seattle: **Burroughs B. Anderson**, **Paul M. Anderson**, **Eldon W. Anderson**, **Philip Lyman Burton**, **Vernon E. Bjorklund**, **John D. Blankinship**, **Peter James Boyd**, **Stimson Bullitt**, **Merlin Karl Burgess**, **Owen C. Campbell**, **Edmond John Carey**, **Hugh Francis Carney**, **Richard Alvin Clark**, **Daniel Lee Collins**, **William M. Cummings**, **Donald W. Eastvold**, **James Reed Ellis**, **Irwin Sheldon Elyn**, **Philip Henry Faris**, **Edward A. Fey**, **Herbert H. Freise**, **Thomas P. Gable**, **Benjamin J. Gantt, Jr.**, **William A. Gissberg**, **William C. Goodloe**, **John M. Harding**, **Eugene Francis Harris**, **Jack Eugene**



**Hepfer**, **Floyd V. Hicks**, **Hugh Byron Horton**, **Earl R. Hubbard**, **Frank Calvin Hutchins**, **Robert Smith Ivie**, **Lewis Henry Johnson**, **Edmund John Jones**, **Aurel Maxey Kelly**, **Thomas Francis Kelly**, **Francis R. Kitchell, Jr.**, **Edward Eldridge Level**, **Lawrence K. McDonell**, **Don Miles**, **Jefferson Davis Miller, Jr.**, **Joseph Sidney Miller**, **Edwin Albert Morrison**, **Robert Grant Mullen**, **Russell William Newman**, **Stuart Gregory Oles**, **Ronald Arthur Peterson**, **Donald Wayne Purcell**, **John Lawrence Reeder**, **Leo Forrest Richter**, **John Franklin Robinson**, **Mary Kathryn Sanders**, **Charles Layton Sayre**, **Donald Dean Schnatterly**, **Patricia Jean Shanahan**, **John B. Spear**, **Donald Elliot Spickard**, **Richard Kent Stacer**, **Michael James Sterbick**, **Peter Lawrence Sterbick**, **Louis N. Vanderford**, **Robert H. VanEaton**, **John Chester Vertrees**, **Burton Corlett Waldo**, **Lawrence Wilbur Wanichek**, **Henry Joel Watkins**, **Griffith Way**, **Robert Chalmer Wells**, **Charles S. Wheeler** and **Walter B. Williams**.

Former University of Washington basketball star, **William A. Gissberg**, Everett, now State Senator, was especially mentioned.

Walla Walla had the unusual distinction of husband and wife, **Thomas Francis Kelly** and **Aurel Maxey Kelly**, both passing the examination at the same time. Their ten-month old baby, **Shannon**, was very proud of them.

Colfax

**F. L. Stotler** writes that **Judge McCroskey** (who lived to be 102 years of age), though long retired and living in California, made a substantial contribution to the Legislative Committee. Mr. Stotler states the judge was a real gentleman and at one time his very fine senior partner.

King County Prosecutor, **Charles O. Carroll**, announced the appointment as his deputy of **Stuart G. Oles**, who ranked third in his law class. Mr. Oles had been recommended by the Dean of the Law School, **Judson F. Falknor**.

**M. W. Bean**, Editor of the Seattle Daily Journal of Commerce, drops this pithy and timely (?) blurb:

"It is nothing to look forward to with enthusiasm, when we realize that history will be a chronical of today's current events."

DAVID J. WILLIAMS




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## BOOK NOTES FROM YOUR STATE LAW LIBRARY

By **C. E. BOLDEN**  
Law Librarian

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Within recent months considerable attention has been devoted to the field of consumer protection and the various liabilities that may result from the use of commercially available products. One of the most comprehensive overviews of the consumer protection field has recently been edited by Professor F. Reed Dickerson of the Indiana University School of Law. The report was prepared by the Seminar on Legislation of the Indiana University School of Law for the use of the President's Committee on Consumer Interests, as well as the National Commission on Product Safety. **Product Safety in Household Goods** (Indianapolis, Bobbs-Merrill Co., 1968, pp. 190.)



This study of essentially household products concentrates generally on the following areas: (1) "Stating a coherent and realistic philosophy of consumer protection, (2) developing a logical framework broad and flexible enough to accommodate all aspects of the problem, (3) examining about a dozen of the most sensitive product hazards to see what lessons of consumer protection they might suggest for consumer protection generally. (4) inventorying and briefly appraising the available approaches and sanctions that might be potentially useful for protecting the consumer, and (5) surveying the available literature on product safety to discover leads for exploring specific subjects in greater depth than has been possible for the Seminar." The editor readily admits that the study is general and, at best, pinpoints the general areas where additional legislation concerning product safety is needed.

As an example of the types of product hazards under investigation, considerable attention was paid to glass doors and panels. The author cites a study completed in 1966 which reported 40,000 annual injuries from glass doors alone, and a 1964 study which reported that one out of every seven glass door injuries resulted in hospitalization. In this connection,

the author notes that Washington was the first state to enact glass door safety legislation prohibiting the installation of glass doors unless they have tempered, laminated, or wire glass. RCW 70.89.010-70.89.900.

Other selected hazards covered in the report were refrigerator deaths (44 deaths in 1964 and 24 in 1965) and radiation injuries resulting from color television sets.

Among the recommendations made by the author was the establishment of a reporting system for accidents which specified the cause of the harm in considerable detail. Also, a most interesting recommendation for the creation of a "consumer counsel" in the lower echelons of government to represent the interests of the consumer.

Within the general area of product safety relating to household articles, Professor Dickerson's survey is probably definitive. Also, the proposals for improved legislation could certainly be recommended to legislators, both state and federal for their serious consideration.

### Briefly Noted:

Tax, Sol. **The Draft: A Handbook of Facts and Alternatives.** (Chicago, University of Chicago Press, 1967, pp. 497.) A collection of papers concerning the draft, presented at a conference held at the University of Chicago in December 1966.

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## ARTICLES OF NOTE

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**Finley, Justice Robert C.**, "Free Press - Fair Trial: A Commonsense Accommodation". *41 New York State Bar Journal* 9-24 (1969).

**Misterek, Leon C.**, "A Role for State Court Adjudications in Federal Cases - A Proposal". *3 Valp. L. Rev.* 1-16 (1968).

**Noe, Judge James A.**, Review - "ABA Standards Relating to Pretrial Release (tentative draft)", *44 Wn. L.Rev.* 341-5 (1968).

**Peck, Cornelius J.**, "A Critique of the NLRB's Performance in Policy Formulation: Adjunction and Rule-Making." *117 U. of Pa. L. Rev.* 254-275 (1968).

**Wiehl, Judge Lloyd L.**, "The Six-Man Jury". *4 Gonzaga L. Rev.* 35-44 (1968).

# NOTICES

## NOTICE OF BOARD ELECTION

The election in the Third and Sixth Congressional Districts for members of the Board of Governors of the Washington State Bar Association for a three-year term of office takes place this year. At present **Lee J. Campbell**, Chehalis, represents the Third Congressional District and **Brooks K. Johnson**, Tacoma, represents the Sixth Congressional District.

Nominating petitions for this purpose may be obtained from the Bar Office, 505 Madison, Seattle, 98104. The nominating petitions must be returned to the executive office before May 31, 1969. The results of the election will be announced on June 16, 1969.

## DUES PAYMENT DUE

In order to avoid any possibility of suspension for non-payment of membership dues, we urge you to pay your 1969 dues immediately if you have not already done so.

## SENATOR JACKSON TO SPEAK AT BAR DINNER

United States Senator **Henry M. Jackson** will be the featured speaker at the quarterly dinner meeting of the Seattle-King County Bar Association. The meeting will be held in the Birch Room at the Washington Athletic Club on Tuesday, April 8, 1969. Cocktails will be served at 5:30 P.M. and dinner is at 7:00 P.M.

Deadline for the next issue of the *Bar News* is April 7, 1969.

## WANTED AND UNWANTED

**For sale:** ALR 2nd, Vols. 1-29 and ALR, 1st permanent digest, 12 vols. Total price: \$175. Rodman B. Miller, 687 Dexter Horton Bldg., Seattle 98104. MA 2-1340.

**For sale:** AM Jur or Am Jur 2d, both up to date. Kindall & Voris, 208 Bellingham National Bank Bldg., Bellingham 98225. 734-6390.

**For sale:** Up to date and complete, Wash. Reports, Am Jur Pleading and Practice Forms, Proof of Facts, and Wash. Digest. James D. Kendall, 303 East "D" Street, Yakima 98902. CH 8-6030.

**For sale:** Book Publishing Co. RCW looseleaf; with current annotations. Dudley Panchot, 1117 Norton Bldg., Seattle 98104. MU 2-3840.

## OFFICE SPACE AVAILABLE

Attractive office space is available for one or two attorneys. Contact: John Patrick Cook or Richard J. Dunlap, 577 Dexter Horton Bldg., Seattle 98104. MA 3-3193.

## WILL INFORMATION SOUGHT

Anyone having information as to the making of a will by Rosa B. Friends, who in her later years resided in Skykomish, Wash., please contact Lenihan & Ivers, 1114 Norton Bldg., Seattle 98104. MA 4-4212.

STATE BAR ASSOCIATION  
ANNUAL MEETING  
September 4, 5 and 6, 1969  
Washington Plaza Hotel  
SEATTLE

## 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. 1968 Oregon law school graduate seeks position with Federal Agency or as corporate staff counsel.
2. Eastern attorney with 17 years experience, 13 with staff of major broadcasting company, seeks appropriate corporate legal position with prospect of growth into broader management role.
3. 28-year old lawyer with 5 years' state government experience wants to enter private practice in the Puget Sound area.
4. Eastern Washington prosecutor seeking deputy at a salary of \$6,500 plus private practice. Free office space and equipment in modern downtown office building.
5. An additional attorney is greatly needed in "4-city" Eastern Washington area.

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



### MAKE YOUR RESERVATIONS NOW FOR ANNUAL MEETING

Plans are going forward for the annual meeting of the Washington State Bar Association to be held on September 4, 5 and 6, 1969, in the new Washington Plaza Hotel. The hotel doesn't open until late in June. The new hotel and the Benjamin Franklin Hotel will become one on opening day, with the name Benjamin Franklin disappearing.

The new and the old buildings will be known collectively as the Washington Plaza Hotel, but the new part (a 40-story circular tower) will be known as "the tower" and

the old part as "the plaza". Maximum occupancy in the hotel will be 1,400 with 1,000 of that number in the tower.

The hotel has advised that many reservations have already been made. If you have not done so, you are urged to make your reservations as soon as possible to insure space in the new hotel. **When making your reservations, please specify that you wish space in "the tower", as the Bar Association has reserved a block of rooms in that section for members attending the convention.**

### CLE PROGRAMS

Mark your calendars! The spring CLE programs are the two topics most requested by members of the Bar:

		Real Estate Transactions and Closings: Practical Problems	
April	12	Tyee Motor Inn,	Olympia
May	10	Davenport Hotel,	Spokane
		Federal Income Taxation for the General Practitioner	
April	19	Ridpath Hotel,	Spokane
May	3	Seattle Center,	Seattle
	17	Red Lion, Pasco	
June	7	Tyee Motor Inn,	Olympia

### WASHINGTON STATE BAR NEWS POLL

What's your opinion on the Code of Professional Responsibility?

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 1. Should a lawyer be subject to disciplinary action if he fails to exercise reasonable care to prevent his partners, associates and employees from engaging in conduct which if done by him, would violate a disciplinary rule? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Should a lawyer be allowed to state on his letterhead, shingle, and professional card that his practice is limited to a single field of law, but only if his practice is in fact so limited?                                  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Should a lawyer's communication with any juror after trial be limited to questions to determine whether the verdict may be subject to legal challenge?  | <input type="checkbox"/> | <input type="checkbox"/> |

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

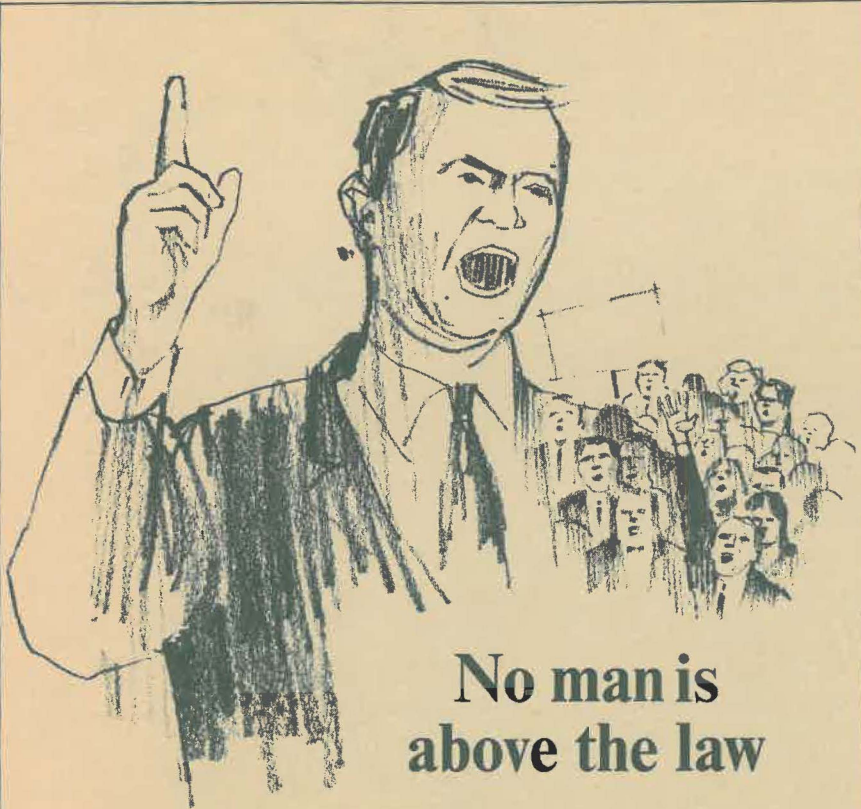
To be tabulated your ballot must reach the editor's desk not later than April 10.

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

### 1969 HAWAII TAX INSTITUTE

The 1969 Hawaii Tax Institute sponsored by Chaminade College of Honolulu will be held at the Hilton Hawaiian Village Hotel in Waikiki. The dates are October 26 through 31, with an optional weekend extension at the Maui Hilton Hotel on the Island of Maui. The principal speakers for this Sixth Annual Institute include: Jacquin D. Bierman, J. K. Lasser & Co., New York, New York; Sherwin T. McDowell, Ballard, Spahr, Andrews & Ingersoll, Philadelphia, Pennsylvania; James O. Hewitt, Hewitt & Greaves, San Diego, California; Frank B. Appleman, Weeks, Bird, Cannon & Appleman, Fort Worth, Texas; Lauren Williams, Sutherland, Asbill & Brennan, Washington, D. C.; Albert H. Cohen, Price, Waterhouse & Co., N.Y., N.Y. For additional information contact the Director, Hawaii Tax Institute, 3140 Waialae Ave., Honolulu, Hawaii, 96816.

## LAW DAY PLANS ANNOUNCED



### No man is above the law

The right of dissent has been cherished and preserved since the beginning of our republic. The day must never come when it will be otherwise. Vigorous and effective expressions of dissent and of legitimate grievances are essential ingredients of the democratic process.

But there are valid and necessary limitations on dissent. Freedom of speech does not include incitement of riot. Seeking redress of grievances does not include the right to do violence to persons or the property of others.

A great American, Theodore Roosevelt, observed succinctly: "No man is above the law, and no man is below it."

Events of recent years have proved again that lawlessness and violence do not advance progress, but retard it. They destroy rather than extend civil rights, and they impede rather than promote real solutions to social ills.

They have confirmed that enduring advances toward full realization of the American ideals of equality and justice must come about through lawful channels. And they have reminded us that in a lawful society no one gains by attempts to enforce change by defying the law.

That is the essence of the message of the annual LAW DAY USA observance on May 1. Congress and the President have urged all Americans to observe LAW DAY by rededicating themselves to "the ideals of equality and justice under law." It is an appeal that merits the thoughtful attention of every American.

**Justice and equality depend upon law — and YOU!**

# Law Day USA May 1

At a formal signing ceremony in his office in Olympia, on March 5, 1969, Governor Daniel J. Evans issued his statement proclaiming May 1, 1969, as Law Day USA throughout the State of Washington. Present for the signing ceremony was Chief Justice Robert T. Hunter of the State Supreme Court, Brooks, K. Johnson, Board of Governor from the Sixth Congressional District, James F. Henriot, Chairman of the State Bar Law Day Committee, David J. Williams, Chairman of the Seattle-King County Law Day Committee and Stephen Bean, Chairman of the Thurston-Mason County Law Day Committee. Also present was Louis Bruno, State Superintendent of Public Instruction.

State Superintendent of Public Instruction Louis Bruno, who was given a Law Day Liberty Bell Award last year, will issue a directive to all county, intermediate district, school district superintendents, elementary and secondary principals allowing Washington attorneys to conduct secondary social studies classes on May 1, in a question and answer and general discussion period centering around the theme of the 1969 Law Day observance — "Justice and equality depend upon law — and YOU!"

Plans are progressing rapidly by local Law Day Committee Chairmen to involve numerous members of the Bar in public ceremonies at Court Houses, civic luncheons and the schools' programs. Among the larger luncheons planned for Law Day are those sponsored by the Seattle-King County Committee which will have as a principal speaker, Senator Robert W. Packwood of Oregon. A luncheon in Tacoma sponsored by the Tacoma-Pierce County Bar Association will have as a principal speaker, President elect, Bernard G. Segal of the American Bar Association. Special programs are also being planned by the committees at the Law Schools of the University of Washington and Gonzaga University.

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