
WASHINGTON STATE BAR NEWS



John Huneke

State Bar President 1969-1970



MEMORANDUM

TO: All State of Washington Attorneys

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LETTERS

A Reply to Judge Revelle



NEIL HOFF

Editor:

I have digested and redigested the article in the May issue of the *Bar News* by Judge George H. Revelle and feel compelled to make a few comments thereon. As a member of the Board of Governors of the American Trial Lawyers Association, I cannot help but take exception to Judge Revelle's comment that our seminar in Las Vegas was devoted singly to how to get money out of insurance companies. If Judge Revelle were to have read the agenda of the many seminars we have throughout the year in various parts of the country, he would see that we do a broad coverage of all phases of personal injury litigation, as well as criminal defense standards. As a result of ATLA's continuing legal education, thousands of lawyers have vastly improved their competency in court.

The trouble with the Bar Association is not solely to be found in incompetence among lawyers. The many Supreme Court reversals bear good witness to the fact that

judges in many cases do not reflect the highest standards of trial practice. Appointments to the bench and elections of judges, many times, do not have any relationship to the judge's background as an advocate, and those of us who litigate constantly are frustrated by the fact that the judicial officer, who must control the trial, has far less of a background than the advocate. These short time judicial schools that have sprung up of recent times hardly compensate for a judge's inexperience in the field of trial advocacy. In the smaller counties, lawyers who try cases have little or no choice but to proceed before the local judge. To affidavit him would be to invite an almost impossible relationship.

Trial lawyers do not control the appointments to the bench. The greatbulk of the lawyers who vote on the lists of recommended lawyers for appointment to the bench never see the faces of a juror. Their practice is confined to other fields, which involve for the most part office practice with an occasional appearance in probate court.

Judge Revelle mentions that the judiciary controls the lawyers and should, therefore, decide who should appear before them. It works only one way, however. There is no significant control body within the Bar Association that can discipline a member of the judiciary for intemperance, carelessness or just plain temper. Lawyers are reprimanded by the judges before their clients and fellow attorneys, without any adequate recourse. While the contempt process is seldom used, it sits there most effectively. The Rules of Practice and Procedure are largely the creature of the judiciary and are, for some part, geared to accommodate the court and not the practitioner, who is out in the field fighting to keep alive and to acquire enough resources so he can live and retire in some comfort.

I cannot recall in my many years as an active participant and officer of ATLA, any time when the national association, state association or Western Trial Lawyers Association, have been sought out for their

thoughts, as a group, and the lawyers who mostly do defense work say the same is true insofar as their organizations are concerned.

Maybe we had better start thinking in terms of classifying our judges so that those with backgrounds in corporate and business law would hear that type of case, and those with extensive trial backgrounds would take care of the litigation which is of the advocacy nature and involves complicated evidentiary problems.

Young lawyers today are too busy or too indifferent to sit through trials as observers. The big firms keep them at the briefing table and the small firms do not have them. I wholeheartedly agree that incompetence in our profession should never be condoned. The diploma on the wall says that the lawyer can do anything any other lawyer can do — so does the doctor's diploma. In the medical profession, however, specialization is permitted and it seems to be working out to the benefit of all parties — patients and physicians. I cannot understand why the Bar Association is so reluctant to move ahead in that direction. We spend so much time worrying about whether we should call ourselves doctor or esquire, that we fail to see that society is becoming highly specialized and we must follow the trend or get lost in the shuffle.

We are facing the prospect of group clinic practice in the law. We are threatened with legislation which will do away with the fault system in personal injury matters, thereby eliminating for the most part the role of the advocate. Ethical opinions come out that say, in effect, that we cannot subsidize our clients' cases by personally paying for experts and for visual aids, while at the same time, the plaintiffs' lawyers know that if they do not do this they will not be prepared and the client will be at the mercy of the defense bar, which has unlimited funds, through their insurance carriers, who pay these costs and then pass them along to the general public.

Many judges feel that the plaintiff lawyer is a short of a licensed

THE PRESIDENT'S CORNER

grand larcenist, who is trying to get something for nothing. I try not to be paranoid about this, but the plaintiffs' bar, I am sure, will agree that they often get this feeling during the course of a trial.

I do not mean this letter to be an indictment of the judiciary. For the most part, these gentlemen are doing a job at great personal financial sacrifice. However, there never seems to be a lack of candidates for these positions and there never will be.

May I respectfully suggest that the Board of Governors of the State Bar Association take upon itself a more powerful hand in dealing with the judiciary-attorney relationship and be empowered to take such steps as are necessary to control the situation when it appears to be getting out of hand and is affecting the ability of lawyers to do their jobs as their conscience dictates it be done. For after all, Judge Revelle should not forget that he and his distinguished colleagues are first of all, lawyers, and that they make their living within the field of law and in the specialty of the judiciary.

If these comments result in the jerking of my welcome mat in some of our courts — so be it. But I feel the remarks of Judge Revelle should not go unanswered. Maybe some good will come out of all of this, for if we cannot differ in good faith, we do not deserve even the "esquire."

The Bible contains three quotations which may be appropriate to the subject matter. "Even Solomon in all his glory was not arrayed like one of these. 6:20" "Judge not, that ye be not judged. 7:1" "With what measure ye mete, it shall be measured to you again. And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye. 7:2-3." (all from the book of Matthew.)

NEIL HOFF

Tacoma

In these days of unrest and turmoil — both actual and threatened, national and international — the following ideas published 25 years ago by one of our title insurance companies deserve thoughtful reflection:

- "You cannot bring about prosperity by discouraging thrift.
- You cannot strengthen the weak by weakening the strong.
- You cannot help small men by tearing down big men.
- You cannot help the poor by destroying the rich.
- You cannot lift the wage earner up by pulling the wage payer down.
- You cannot keep out of trouble by spending more than your income.
- You cannot further the brotherhood of man by exciting class hatred.
- You cannot establish sound security on borrowed money.
- You cannot build character and courage by taking away man's initiative and independence.
- You cannot help men permanently by doing for them what they could and should do for themselves."

It occurs to me that too many people today have lost sight of these fundamental truths.

In a lighter vein, unusual epitaphs on cemetery headstones have always amused me. Since this is my final "President's Corner," perhaps the occasion is appropriate to pass on to you some of my favorite epitaphs.

Early New England Yankees were as tight with their words as they were reputed to be with their purses. Each word did the work of several, a trait many of our profession might emulate advantageously. A simple phrase told a story.

Three headstones in Rhode Island illustrate the point. The first bore a man's name. The second said simply, "Ruth, his wife." The third, "Anne—who should have been."

A poignant statement from New Hampshire reads "She done her best."

A Main stone bears the curious message, "I kept telling them I didn't feel so good."

Metaphorical poetry, a popular form of expression by some is illustrated by:

"Here lies the body of Solomon Pease,
In the valley under the trees;
Pease is no longer here, only the pod,
Pease shelled out and went home to God."

Another sample,

"Stranger
Approach this spot with gravity
Here Dr. John Smith
Is filling his last cavity."

Some are a bit whimsical such as:
"Here lies the body of Thomas Bound
Who was lost at sea, and never was found."

But the one that proves that even in death you cannot get the last word reads:

"Stop traveler as you pass by
As you are now so once was I
As I am now so you will be
Prepare for death and follow me."

Scrawled beneath the foregoing verse were the lines:

"To follow you I am not content
Until I know which way you went."

To John Huneke who will "follow me" on September 6, I bequeath a dedicated Board of Governors composed of seven intelligent and unselfish men devoted to the best interests of our profession and the improvement of its service to the public, a generous supply of industrious committee chairmen, attentive to many significant projects affecting all lawyers, and the priceless opportunity to work intimately with a superior group of men and women. There can be few greater satisfactions in life.

Payne Starr

THE COVER

The Washington State Bar Association's new president is **John Huneke** of Spokane. Prominent attorney, son of a distinguished judge, crack debater, active community leader, former Gonzaga Law professor, and former Spokane Bar Association president, John Huneke brings substantial talent and ability to the Association's presidency. A short review of his activities demonstrates both the extent of his talent and the high regard which his associates have for him.



Following graduation from the University of Washington Law School, politics called, as it does many young lawyers. So, at the height of the great depression, John Huneke filed for the Republican nomination for Spokane County Prosecuting Attorney. The campaign against the incumbent, Ralph Foley, was highly spirited with the challenger criticizing his opponent for not being a "full-time" prosecutor — a criticism which is even today levied against some of our state's prosecuting attorneys. Alas, the depression was not a particularly good time for Republicans and the young attorney lost.

Subsequently Mr. Huneke was prominently mentioned as a 1940 candidate for Congress against Congressman Charles H. Leavy. Apparently, his campaign for prosecutor had won him many friends — even with the Democratic opposition. One newspaper article, for example, praised his potential candidacy as containing special appeal to the large number of young voters whose ballots would be a big factor in the election. At the same time, the article said, his name would carry weight with many older voters who had become accustomed to voting for his father, Judge William A. Huneke, dean of the Superior Court Judges in Spokane County. The article then closed as follows:

"With his high ideals, his legal training and his intimate knowledge of the problems of the Fifth District, Republicans are anticipating a political Moses in John Huneke, who will lead them to the promised land in 1940."

Unfortunately, the seas declined to part and Mr.

Huneke's active involvement in politics somewhat declined. Nonetheless, he remained active in local community activities. Thus, in 1941, his many civil achievements won him the Spokane Junior Chamber of Commerce distinguished service award as the young man under 35 judged to have contributed the greatest service to the community during the preceding year.

Among other things, 1946 was a year of transition for organized labor. Much controversy surrounded labor's activities and tactics. Everyone was talking about labor; not everyone believed that labor was always right. So, while it does not necessarily reflect upon his current thinking, Mr. Huneke's speech at a weekly luncheon of the Spokane County Bar Association was of considerable moment in February 1946. Essentially, he disagreed with the idea that picketing was an exercise of free speech and, therefore, protected by the Constitution.

Basing his talk upon the state Supreme Court's refusal to restrain the A.F.L. from picketing mills in which C.I.O workers were employed (*State ex rel. Lumber and Sawmill Workers v. Superior Court*, 24 Wn.2d 314, 164 P.2d 662 (1945)) he stated: "My own opinion is that picketing actually is wrong, and the court is in error in its stand that peaceful picketing merely is the right of free speech."

Quoting from Justice Steinhert's dissenting opinion in that case, he said, "If there is a single person, or group of persons, in these United States today who does not fully comprehend, or at least does not clearly sense, the nature, purpose and effect of picketing, such person, or group of persons, must surely be found among the wearers of the judicial robes."

So-called peaceful picketing, said Mr. Huneke, is nothing less than economic pressure, economic coercion, or economic warfare.

The honors which have been bestowed upon John Huneke speak to the high regard which his friends and fellow attorneys have for him. For example, as one of his partners wrote:

"For many years as the perpetual presiding officer and secretary, Mr. Huneke has shown marked expertise in handling a group of lawyers and judges in Spokane who meet regularly and seriously discuss legal matters and problems, and periodically meet and test mathematical probabilities and participate in other activities usually associated with such testing process. This group of lawyers is known by the unpretentious name of 'The Legal Study Group' formed after WW II and is the successor to the 'Blackstone Society' formed after WW I."

Not all of his time is consumed by such heady matters as community affairs, politics and legal matters and problems. His principal outside hobby is tennis, which with his family obligations, rounds out the activities of a very busy man.

CAMDEN M. HALL

THE CONVENTION PROGRAM

September 4, 5 and 6, 1969

Washington Plaza Hotel

Seattle, Wash.

Wednesday, September 3, 1969

9:00 A.M. Meeting of the Board of Governors

2:00 P.M. Registration

Thursday, September 4, 1969

8:30 A.M. Registration

9:00 A.M. Ladies' Registration

9:30 A.M. to

8:00 P.M. **Art Exhibit in The Arlington Room**

A showing of works of art by lawyers, judges and members of their families

Legal Institutes:

10:00 A.M. **I. PERSONAL PROPERTY SECURITY UNDER ARTICLE NINE OF THE U.C.C. - AN EXPERIMENTAL VIDEO TAPE**

Participants:

Robert Garing, Seattle
Edward N. Lange, Seattle
Morris Shore, Yakima
Gordon Willhite, Seattle
Richard Cosway, University of
Washington Law School

Portions of a four-part television program produced by Leon W. Hevly, Jr., of the Closed Circuit T.V. Services of the University of Washington, and A.R. McCausland, Television Coordinator of Telecourses, Division of Extension Services of the University of Washington.

10:00 A.M. **II. CUTTING RED TAPE: Practical Techniques for Obtaining Government Financing for Small Business.**

(Topics and Speakers Unannounced as of Presstime.)

12:00 **BAR-BENCH LUNCHEON IN THE BALLROOM**

Presiding: Lee J. Campbell, Chehalis,
Member of Board of Governors, Third
Congressional District

Welcoming Remarks: William H. Gates, Jr.,
President, Seattle-King County Bar
Association

Speaker: Eugene A. Wright, Seattle
Former King County Superior Court
Judge; President Nixon's appointee to
Ninth Circuit Court of Appeals
"WHATS RIGHT WITH LAWYERS"
A candid appraisal of our virtues —
and faults — by a distinguished member
of our profession.

2:00 P.M. **CRISIS ON THE CAMPUS**



Moderator: Frank J. Eberharter, Seattle

Participants:

Eric Redman, Student at Harvard College
Professor Charles L. Black, Jr.,
Luce Professor of Jurisprudence at
Yale University

Dr. Charles E. Odegaard, President of
the University of Washington

Morris M. Doyle, Trustee of
Stanford University

6:00 to

7:30 P.M. **RECEPTION AND COCKTAIL PARTY
IN THE BALLROOM** Courtesy Seattle-
King County Bar Association

Friday, September 5, 1969

7:30 A.M. BREAKFAST MEETINGS

Gonzaga Law School Alumni
University of Washington Law School Alumni
Michigan Law School Alumni
Yale Law School Alumni

8:30 A.M. Registration

9:30 A.M. to

5:00 P.M. Art Exhibit

10:00 A.M. ANNUAL BUSINESS MEETING IN THE BALLROOM

Call to Order: Payne Karr, Seattle

Parliamentarian: William A. Gissberg,
Everett

Invocation: Gordon S. Clinton, Seattle

Report on the Judicial Council:
Honorable Robert T. Hunter, Chief
Justice of the Supreme Court

Report of the President of the Superior
Court Judges' Association:
Honorable Warner Poyhonen, Montesano

Report of the President of the Washington
State Bar Association:
Payne Karr, Seattle

Committee reports

Report of ABA Delegate:
E. Frederick Velikanje, Yakima

Report of Resolutions Committee:
Charles F. Scanlan, Spokane

Presentation of Award of Merit

Awarding of Certificates to Retiring
Members of the Board of Governors

Introduction of New Members
of the Board of Governors

Introduction of New President

Awarding of Certificate to Retiring
President

Adjournment

12:00 LUNCHEON

Presiding: Brooks K. Johnson, Tacoma
Speaker: Honorable Edward W. Kuhn,
Memphis

Former President of the
American Bar Association.

Member of ABA Special Com-
mittee on Automobile Reparation

*"CRYSTAL BALL GAZING AT THE
FUTURE AUTOMOBILE ACCIDENT
LITIGATION"*

Legal Institutes:

2:00 P.M. III. PROFESSIONAL SERVICE CORPORATIONS

Location: Auditorium, Seattle-First
National Bank Building (Transporta-
tion from the Washington Plaza Hotel
to the Auditorium will be provided.)

General Chairman: Richard C. Reed,
Seattle

Chairman: Paul R. Cressman

Participants:

Donald C. Dahlgren, Seattle

Required Legal Procedures with
Reference to the Professional Cor-
poration Act.

James J. Workland, Spokane

Federal Income Tax Problems If
Professionals Incorporate

Charles L. Thomas, Tacoma

Retirement Plan Advantages

Richard A. Winkenwerder, Fellow,
Society of Actuaries, Milliman &
Robertson, Inc., Seattle

Actuarial Aspects of Retirement
Plans for Professionals

2:00 P.M. IV. NON-TORTIOUS DAMAGES

Chairman: Alan A. McDonald, Yakima

Participants:

Norman R. Nashem, Jr., Yakima

Basic Elements of Contract Damages
in General

Lawrence R. Small, Spokane

Damages Under the Uniform Com-
mercial Code

Rex M. Walker, Seattle

Damages Under Construction and
Building Contracts

Edward T. Hilpert, Jr., Seattle

Damages Under Real Estate
Contracts

4:00 to

5:30 P.M. Tours of Selected Seattle Law Offices
F. Lee Campbell, Seattle, Chairman. (The
tours will depart from the Seattle-First
National Bank Building Auditorium.)

6:30 COCKTAIL PARTY (no host)

7:30 to

12:00 DINNER DANCE IN THE BALLROOM
(Buffet dinner served 7:30 P.M. to 9:00 P.M.)

Saturday, September 6, 1969

8:00 A.M. BREAKFAST MEETINGS:

Phi Alpha Delta

Phi Delta Delta

10:00 A.M. Legal Institutes:

10:00 A.M. V. NEW LEGISLATION – 1969 Session
Washington State Legislature

Chairman:

Quinby R. Bingham, Tacoma
Washington State Bar Association
Legislative Representative

Participants:

George W. Clarke, Seattle
(Representative)

The Garnishment Law - Elimination
Marital Bankruptcy - Modification
Family Support Law H.B. 381

Francis E. Holman, Seattle (Senator)

Additions and Changes to Corpora-
tion Law – Professional Corpora-
tion Act.

Gordon Walgren, Bremerton (Senator)

Amendments to Lien Statutes –
Foreclosure of Liens by Notice and
Sale – Probate Code Changes

Perry B. Woodall, Toppenish (Senator)

Additions and Changes to Criminal
Code – Legislative Council Bills

**10:00 A.M. VI. THE CREDIT CARD – GROWING
LEGAL PROBLEMS**

Chairman: Charles L. Sayre, Seattle

Participants:

Edward N. Lange, Seattle

Issuer – Outlet Relationship

Eldon H. Reiley, Spokane

Issuer – Cardholder Relationship

Merton Elliott, Tacoma

Special Problems – Consumer
Protection Disclosure

Bertram L. Metzger, Seattle

Social and Economic Factors

12:00 **Young Lawyers Luncheon in the
Bainbridge Room**
(preceded by no-host cocktails)

Co-chairmen: Robert C. Mussehl, Seattle
Lee R. Voorhees, Seattle

Speaker: Brockman Adams, Seattle
United States House of Representatives

“Stopping Crime in America’s Cities”

(All attorneys and their ladies invited to attend.)

CONVENTION ORDER OF BUSINESS

The order of business shall be that set out in the published program; Provided, however, that the President or other chairman of the meeting may make such changes in order as he may deem necessary or expedient, from time to time.

Section 5. Resolutions. Any member may, at least twenty (20) days before the opening day of an annual meeting, or at least two (2) days before the opening day of any special meeting, present to the Resolutions Committee, in writing, any resolution pertaining to the legal profession or to the Association, or to any report of any officer or committee of the Association or other appropriate matter, for consideration at such meeting.

Section 7. Parliamentary Rules and Debate Rules:

(a) Parliamentary Rules. Proceedings at any meeting of the Washington State Bar Association shall be governed by Roberts’ “Rules of Order.” The President at or prior to any Annual or Special Meeting of the Association may appoint a parliamentarian to advise him on parliamentary matters during any such meeting.

(b) Debate Rules—

(i) When a member of the Association desires to speak, he shall rise and address the presiding officer. Upon being recognized, such member shall state his name and residence.

(ii) No member shall speak more than once upon the same subject, and then for not to exceed five (5) minutes, except by special permission of the chairman or by the approving vote of a majority of the members then present; provided that the member who made the motion under discussion shall have the right to close the debate upon it for a period not to exceed five minutes.

(iii) When a minority report has been filed in connection with a Committee or Section report, one representative of the minority, selected by the minority for that purpose, shall have the privileges of the floor, to speak once, not to exceed five minutes, upon the question.

(iv) No non-member of the Association shall be heard by the meeting unless upon motion of a member and the unanimous vote of the meeting.

(v) At the request of the presiding officer or of any member, any resolution or motion shall be reduced to writing. Such a resolution or motion shall be read before it may be debated.

(Article IX, By-Laws, Washington State Bar Association.)

IN DEFENSE OF THE JUDICIARY

"Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor." Canon 1, Canons of Professional Ethics

A 'Difficult' Decision for Police, Too

The cause of frustration among law-enforcement officers in their efforts to clamp down on the distribution of marijuana and other illegal drugs was illustrated in Superior Judge Frank D. James' court yesterday.

Police thought they had a clear-cut case of violation of the Uniform Narcotic Drug Act against Larry Harve Kjornes and Warren Arthur Powell, who were arrested February 10 in Terry Avenue near Pike Street.

According to testimony given the court, officers had received information that a large quantity of marijuana was to be transferred from a vehicle; Detectives F. James Johnson and Ivan Madzuma, watching through binoculars, saw two men and a woman open the trunk and bend over packages inside.

The police moved in, and the men ran, but stopped when Johnson fired a shot. When arrested the men had no marijuana in their possession. However, a look into the car yielded 103 bricks of marijuana, 200 amphetamine pills, 4,000 barbituate pills and two blocks of hashish. The seizure was one of the largest ever taken in Seattle.

Judge James found them innocent because, as he said, they didn't have illegal drugs in their possession when they were arrested. He explained that the decision was a "difficult one" for him. It also was a "difficult one" for police trying to stem the flow of illegal drugs.

Editorial
The Seattle Times
June 13, 1969

of a car. It failed to state the uncontested fact that the car belonged to a woman who has since been separately tried and convicted of the crime of possession of narcotic drugs. It also failed to state that the woman had the key to the trunk, opened it and then opened the suitcase in which the drugs were found.

The two men were charged with the crime of possession of narcotic drugs which carries a mandatory five year jail sentence. When arrested they had no drugs in their possession and the only evidence which involved them in any way was that they had examined one of the packages in the suitcase.

I believe that you, as one who has been directly involved in law enforcement, will fully appreciate that such evidence however suspicious is not proof of the crime of illegal possession.

Fortunately, our legal system requires proof for criminal conviction. So long as we have conscientious judges who apply time-honored principles without fear or favor we will have our freedom. As soon as we permit state action against individuals on mere suspicion of criminal involvement we will have become a police state. I cannot believe your fine paper intends to have an editorial policy supporting the power of judges to imprison defendants in cases of suspicious conduct.

The editorial in question has nourished an enormously dangerous public misunderstanding about the relationship between judicious law and increasing crime rates. Better it would have been entitled:

"Local Court Upholds Fundamental Principle in Hard Case".

This editorial has done a great disservice to our court and community. I am deeply concerned that the press and other media make an effort to analyze and to see both the error and the hazard of current thinking about "Soft Judges". In this connection as you may know, the Bar Association, working representatives of the media and some of the judges have been exploring this subject and the Bar Association intends to present further opportunities for its treatment. Mr. Henry McLeod has been instrumental in the work that has been done so far, and I trust we will continue to have the good help from him and your organization.

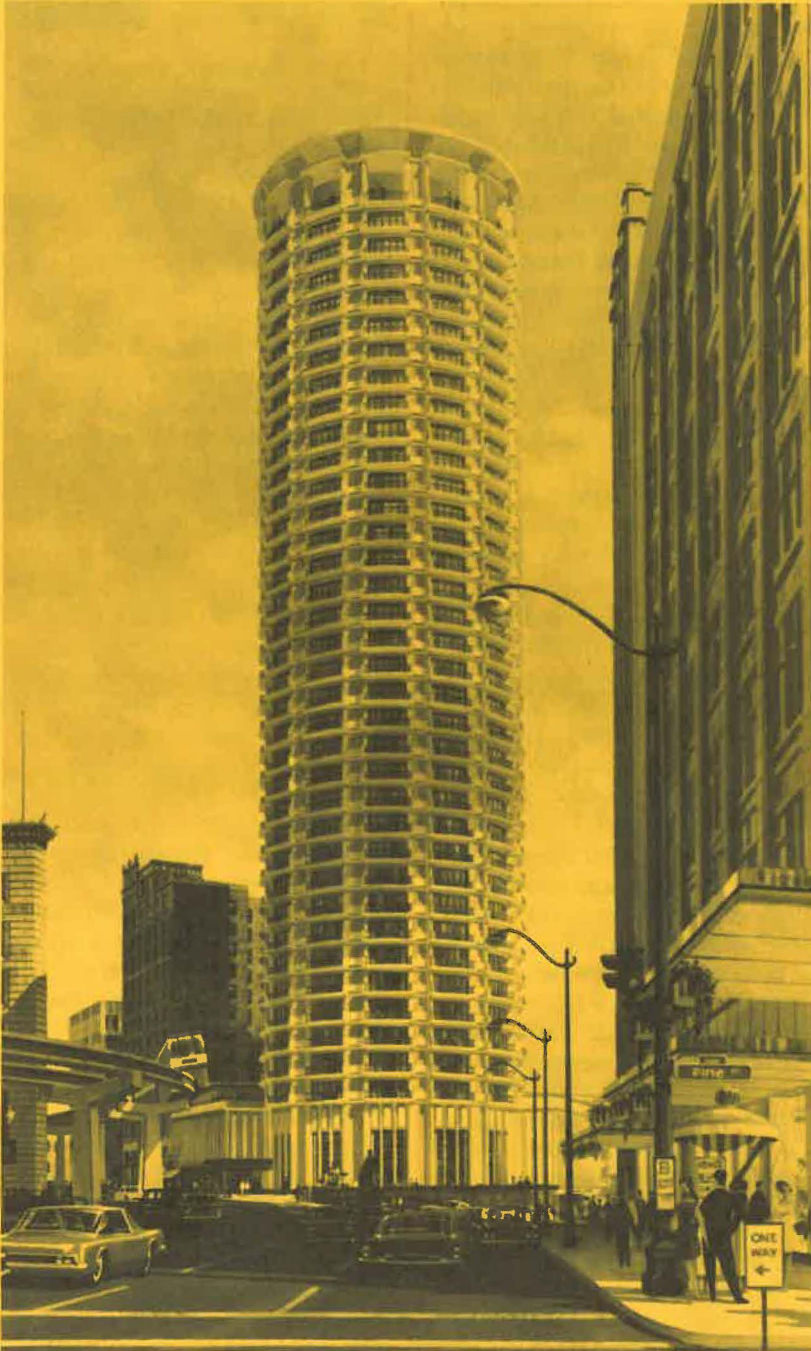
Very truly yours,
Seattle-King County Bar Association
William H. Gates, Jr., President

Editor, The Times:

The Seattle Times carried an editorial on Friday, June 13, which has implications of such significance that I feel constrained to comment upon it on behalf of the organized bar of this country.

The editorial was entitled "A Difficult Decision for Police, Too" and said that Judge Frank D. James had rendered a decision on a case involving an unusually large quantity of drugs which frustrated police efforts to convict the responsible parties. As the editorial pointed out, the drugs were in the trunk

WASHINGTON STATE BAR NEWS



Convention Site

- The Washington Plaza Hotel is the first major hotel to be built in downtown Seattle in nearly 40 years.
- The 40-story hotel was built at a cost of \$22 million.
- "The Plaza," formerly called the Benjamin Franklin, has 286 medium-priced rooms.
- "The Tower," the new, circular structure, has 429 de luxe rooms. There are six suites, including the Rainier Suite, which at \$250 a day provides a living room, known in hotel parlance as a "parlor," three bedrooms on two levels and a grand piano.
- The hotel houses Trader Vic's, the Beef Room (a specialty restaurant), the Oak Room, the Westlake Room (a posh supper club which is hosting big-name entertainers such as Billy Eckstine and Abbe Lane, together with dining), the Plaza Library (a small, intimate cocktail lounge), and the Coffee House.
- On the mezzanine is the ballroom, which accommodates 600 persons for dinner, more for meetings, dancing or entertainment. Seven meeting rooms with a total capacity of more than 500 persons are near the ballroom.
- 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.

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

John H. Caley, 62, Seattle died June 17 while vacationing at Hood Canal. A 1933 graduate of the University of Washington Law School, he was a member of the board of directors of Eversharp, Inc., a former regent of Gonzaga University and a member of the firm of Caley & Caley. Survivors include his son Rock E. Caley, a Seattle attorney.

Ben Driftmier, Sr., 80, Anacortes died June 10 at his residence. A 1912 graduate of the University of Washington, he practiced law for 57 years and was a member of the firm of Driftmier & Driftmier. Survivors include his son, Ben Driftmier, Jr., an Anacortes attorney.

John W. Richards, 67, professor emeritus of the University of Washington Law School died July 6 in Tucson, Arizona, where he had been living for the past year. He was on the University faculty from 1931 until his retirement in 1967. He later taught at the University of Arizona and Hastings Law School.

Mark H. Wight, 82, Olympia, former Washington State Law Librarian and key man in formulating the Revised Code of Washington, died July 12 in an Olympia hospital. A graduate of Syracuse University Law School, he opened practice in Toppenish, then moved to Olympia in 1915 to work under the land commissioner to annotate the state land laws. In 1928 he was appointed Law Librarian and retired ten years ago after 31 years in the post. In addition to service as chairman of the Statute Law Committee that set up the Revised Code of Washington, Mr. Wight served six years on the Olympia School Board.

Raymond G. Wright, 89, Seattle, died June 17. A 1907 graduate of Harvard Law School, he had been a trustee of the Seattle Art Museum since it was founded, was a member of the board of trustees at Princeton and was of counsel to Davis, Wright, Todd, Riese & Jones. His survivors include Willard J. Wright, a Seattle attorney, his son.

The Third District's new member of the Bar's Board of Governors, John S. Lynch of Olympia, has divided his 36 years as a lawyer into one-third public service and two-thirds private practice.

A Seattle native and graduate of the Olympia schools, Lynch picked up both bachelor's and law degrees at the University of Washington in 1933. He then filled a variety of public-service jobs — including a Navy hitch — before entering private practice.

Lynch and Vernon R. Pearson of Tacoma, representing the Sixth District, were elected recently to become governors at the close of the State Bar convention in Seattle September 4-6. Only days later came word that Governor Dan Evans had appointed Pearson to the new Appellate Court Bench, Division 2, District 1 (Pierce County).

Lynch was employed as city attorney for the Town of Tumwater in 1934-35, then became Washington State counsel for the federal Public Works Administration in 1936-37. He left federal service in 1937 to accept appointment as Thurston County deputy prosecuting attorney.

In the spring of 1940, the county's prosecuting attorney, Smith



JOHN S. LYNCH

Troy, became state attorney general and Lynch took over the prosecuting attorney's desk. He was elected to the job in 1940 for the remainder of the term, then was elected to a four-year term in 1942.

After Navy service from October 1943 to January 1946, he returned to complete his term as prosecuting attorney, then entered private law practice in Olympia. He, almost immediately, was elected president of the Thurston-Mason County Bar Association and served in 1947-48.

He and his brother Neil J. Lynch, are associated in practice, with offices in Olympia's Thurston County Federal Savings and Loan Building.

CORRECTION

Edmund J. Wood, Planning Specialist of the Seattle Model City Program writes: "I just want to correct your article appearing on page 11 of the June-July Bar News.

"While an amicus brief is being written in *Hall v. Beals*, this is not being done on behalf of the Law and Justice Task Force of Model Cities, but rather as a voluntary project by Charles Ehlert and myself.

"Incidentally, the case, which will be heard by the U.S. Supreme Court next term, challenges residence requirements only for presidential elections."

College of Trial Lawyers

William A. Helsell, of Helsell, Paul, Fetterman, Todd & Hokanson, Seattle; **Thomas G. McCrea** of McCrea, Kafer, Gissberg & Wilson, Everett; and **Paul Sinnitt** of Eisenhower, Carlson, Newlands, Reha & Sinnitt, Tacoma, have been elected to Fellowships in the American College of Trial Lawyers.

The college is a national organization, the aim of which is to improve the standards of trial practice, the administration of justice and the ethics of the trial branch of the professions.

Membership, which is a post of honor, is by invitation of the Board of Regents.

For the Ladies

There should be no lonely or bored "convention widows" during the bar's Seattle meeting Sept. 4-6.

From Thursday noon champagne through Saturday cocktails-and-luncheon there is something for the lawyers' wives to be viewing or doing. The Seattle-King County Bar Auxiliary, as well as convention planners generally, have arranged a titillating variety of activities and entertainment.

The auxiliary's lead-off event for the ladies is a "Satin and Star" champagne luncheon at the Women's University Club at 11:30 a.m. Thursday. And with the get-acquainted luncheon "some of our most beautiful ladies, including Mrs. J. Paul Coie, Mrs. Richard C. Conrad and Mrs. Don Paul Bagley, will model couture fashions by I. Magnin and Co.," says Mrs. John W. Riley, auxiliary first vice president. "Proceeds above our cost will be given to the scholarship fund."

The ladies will soar high above Puget Sound — to the 46th floor of the shiny new Seattle-First National Bank Building — to "experience" a 9:15 Friday breakfast in The Restaurant Mirabeau. After breakfast comes a drive to the Seattle Art Museum, where, Mrs. Riley says, "masterpieces of Oriental art, including screens, bronzes and sculpture, will be shown and described by the museum docent, Mrs. David Sprague. Every important art form embracing 3,000 years of creativity in China, Japan, the Near East and Southeast Asia will be represented."

She adds that the auxiliary needs to know approximately how many ladies plan to attend the luncheon and breakfast and suggests that checks (\$7 for the luncheon and \$6 for the breakfast) may be made payable to the Seattle-King County Bar Auxiliary. Mrs. Douglas M. Fryer is directing auxiliary president.

The convention itself provides several co-ed social highlights. At 6 Thursday evening lawyers and their ladies will be guests of the Seattle-King County Bar Association at a reception and cocktail party in the

beautiful ballroom of the brand-new Washington Plaza, convention headquarters. Special art, decorations and other esthetic touches are planned to add to the beauty of the occasion.

Friday evening's traditional convention social highlight is the 7:30-to-midnight buffet dinner and dance, preceded by cocktails at 6:30. And Saturday noon the Young Lawyers have invited all attorneys and their ladies to their luncheon, which will have Rep. Brockman Adams as speaker. A no-host cocktail social period will precede the luncheon.

A Lawyers' Art Show

An unconventional touch of pure culture will share the bar's conventional legal spotlight at the Washington Plaza in September.

It's the "Lawyers' Art Show," a modern esthetic "first."

Variety is the word for the dozens of entries already noted at Bar News press time and more were expected, Mrs. John L. Kennett, chairman, reported. And not exactly typical, she said, was the Eastern Washington "body painter" lawyer-hobbyist who "threatened" to send a live model wearing — if that's the word — one of his creations.

The show of art works by lawyers and their wives and families is more than just a convention novelty, Mrs. Kennett said.

"It is intended to give yet another way for lawyers to become acquainted with each other and with their interests and communities. The show promises to be rewarding to all who submit entries or who view them."

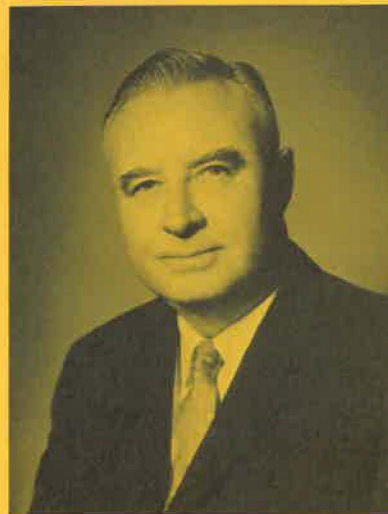
Mrs. John D. McLauchlan (Ebba Rapp), a well-known Seattle artist herself, is directing the effort to assure that the art is displayed properly and exhibited safely. She and Mrs. George Bovington will accept entries the day before the show opens and will design the display in the Washington Plaza's Arlington Room, Mrs. Kennett said.

The art show will be a "prime feature" of the opening-night reception and cocktail party sponsored

by the Seattle-King County association in the hotel Ballroom.

Just to make sure no one walks away with or paints a mustache on a legal Mona Lisa, volunteers will "baby sit" the display at all times when the Arlington Room's doors are unlocked.

Former ABA President To Address Convention



EDWARD W. KUHN

A former president of the American Bar Association, Edward W. Kuhn of Memphis, will be the Friday luncheon speaker during the state bar convention in Seattle Sept. 4-6.

Now a member of the ABA Special Committee on Automobile Reparation, he will talk on "Crystal Ball Gazing at the Future Automobile Accident Litigation." He is a member of the International Association of Insurance Counsel and in 1959 was president of the Association of Insurance Attorneys.

A graduate of Catholic University and of the University of Michigan Law School, he has a long record of service to the bar at every level since his admission to the Tennessee bar in 1934. A fellow of the American College of Trial Lawyers, he was a member of the ABA's Board of Governors in 1960-63 and was ABA president in 1965-66. Earlier he was president of the Tennessee State and Shelby County bar associations.

CRISIS ON THE CAMPUS

Thursday, September 4, 1969
2:00 P.M.
Washington Plaza Hotel



CHARLES E. ODEGAARD

--Dr. Charles E. Odegaard, since 1958 has been the president of the University of Washington, which has shared some of the turbulence that has enlivened many of the nation's college campuses the last two years.

Odegaard, graduate of Dartmouth with a Ph.D. from Harvard, was former dean of the College of Literature, Sciences and Arts of the University of Michigan and was Chairman of the American Council on Education from 1962-3.

He was recipient of the 1969 Liberty Bell Award presented by the Seattle-King County Bar Association. The citation reads in part:

"Dr. Odegaard has personally demonstrated the highest form of leadership in recognizing the valid claim which the various segments of the University have upon establishing University policy. He has charted a peaceful course wherein all at the University may pursue their goals in the business of learning and of teaching. In the administration of presidential power, Dr. Odegaard has given more than lip service to our concepts of fair play and due process."



CHARLES L. BLACK

--Professor Charles L. Black Jr., Luce Professor of Jurisprudence at Yale University, is a much-published author and participated in U.S. Supreme Court school-segregation and civil-rights cases.

Black, graduate of the University of Texas and of Yale Law School in 1943, practiced in New York City and then taught nine years at Columbia University before joining the Yale faculty in 1956. He has been a counsel for the NAACP and member of the Advisory Committee on Admiralty Rules, Judicial Conference, Association for American Indian Affairs, Maritime Law Association and Coif.

His books include "The Law of Admiralty," "The People and the Court" (reissued as a paperback in 1967), "Telescopes and Islands" (poetry) and his newest, in 1968, "Structure and Relationships in Constitutional Law."



MORRIS M. DOYLE

--Morris M. Doyle is a nationally well-known San Francisco lawyer and a Stanford University trustee (regent), who was in the thick of things during Stanford's student uprisings stemming from activities of the Stanford Research Institute.

Doyle, a graduate of Stanford and of Harvard Law School, has been a leader at the bar since his admission in California in 1932. He was president of the Stanford Board of Trustees in 1962-65. He is a member of the American College of Trial Lawyers, American Law Institute and American Judicature Society and is active in American Bar Association section activities.

He has played an important role in the recent much-publicized turmoil involving the Stanford Research Institute, of which he is a director. Militant students sought closer ties between the institute and Stanford University, with increased university control over the institute and an end to Defense Department and war- and military-related research. Doyle has been chairman of the Stanford trustees' committee on the institute, and in May the trustees voted divestiture of the institute from Stanford.



ERIC REDMAN

—Eric Redman of Seattle is a Harvard College senior and author of a by-line article on "Why Did Trouble Erupt at Harvard" in the April 25 edition of a Seattle newspaper. This summer he is employed, as he was last summer, as an assistant in the Washington, D.C., office of Sen. Warren G. Magnuson.

Redman, who appeared on the nationwide Mike Douglas television show last year, has been an outstanding scholar at Harvard even while keeping a busy schedule of outside activities. From February to May this year he was an assistant instructor in the Institute of Politics, and has served as a research assistant to the dean of the Harvard Medical School.

He attended Seattle public schools and was graduated from Phillips Academy (Andover), where he was a National Merit Finalist. At Harvard, where he is majoring in government, he was admitted directly into the sophomore class. His father is M. Chandler Redman, Seattle lawyer.



SDS Attempted Takeover at U. of W.



The Program

"Extremely timely and with great potential appeal to both lawyers and their wives." Thus moderator Frank Eberharter of Seattle describes the "Crisis on the Campus" panel program scheduled for Thursday afternoon during the State bar's Sept. 4-6 convention in Seattle.

"And the program is potentially provocative enough that it should invite active audience participation," Eberharter said. "The speakers have been well chosen to represent the concerned parties in the widespread campus unrest."

Participants will be a university student (Eric Redman), professor (Charles C. Black), president (Dr. Charles E. Odegaard) and trustee (Morris M. Doyle).

Ass't Att'y Gen. Little And Interested Parties



First Report on Effect of Implied Consent Law

Decrease in Traffic Deaths

Traffic deaths in the state have dropped a surprising 25 per cent since the voter-approved implied consent law gave law enforcement officers tougher tools to use against the drinking driver.

Across the United States last year, the death rate was 5.5 per 100 million miles. This year it is running at 4.8.

This state last year killed 5.0 per 100 million miles. This year it is running at 4.8.

State Patrol Chief Will Bachofner warns that "you cannot credit all of this (reduction in deaths) to the implied consent law.

"There are other factors involved, including the addition of a large number of new troopers to the units on the highways," Bachofner said.

"But there is no doubt in my mind that the implied consent law is playing a large role in reducing the number of accidents and deaths," he said.

Out of the total number of drivers involved in fatal accidents, the number who were "under the influence" has decreased 36.6 per cent.

Suspensions

Nine hundred and thirty-three persons suspected of driving under the influence have refused to take the breathalyzer test during the first six months of Washington's new implied consent law. Of those, 275 persons have appealed the six-month driver license revocation, the penalty for refusing to take the test. The Department of Motor Vehicles has held 205 hearings, upholding the revocation in 185 of the cases. Thirty-four persons have filed notice of appeal to Superior Court. (Appeal notices for the December, 1968 — June, 1969 period are still coming in.)

Misconceptions of the Public

"The most common misconception people seem to have is that they can avoid the revocation, if they are subsequently found innocent of the drunk driving charge or if they are charged with a lesser offense," according to Assistant Attorney General Ed Mackie. "Actually the implied consent law provides that refusal of the breathalyzer test is grounds for the license revocation in itself, regardless of whether the person is later found guilty of the criminal charge of drunk driving."

Another point frequently brought up in appeals is the ques-

tion of whether the driver understood the officer's warning about the consequences of refusing the breathalyzer test. Mackie pointed out that the issue is whether the warning was clearly given, not whether the driver was able to comprehend it — despite the fact that at least one attorney argued his client was "too drunk to comprehend what he was doing."

There are four points at issue in an implied consent hearing, according to the statute: Whether the officer had reason to believe the driver had been drinking, whether he asked the driver to take the test, whether he warned the driver of the six-month revocation penalty for refusing the test, and whether the person did refuse the test.

Increase in Convictions

Statistics for the first five month period show 3,437 breathalyzer tests have been administered, compared with 1,304 for the similar period of the previous year.

The "driving while under the influence" charges, for the same periods, increased from 1,216 to 3,357, a 176 per cent increase, and convictions on those charges for the same periods went from 779 to 1,782 for a 129 per cent increase using the Breathalyzer test.

Pre-Judgment Wage Garnishments Successfully Challenged

King County Superior Court Judge Howard J. Thompson, on June 25, denied a writ to prevent Justice Court Judge Bill Lewis from dismissing pending pre-judgment garnishments of wages. Judge Lewis, the presiding jurist of Seattle Justice Courts, had announced he would dismiss all pending pre-judgment garnishments and return money being held to those garnished.

No pre-judgment garnishments have been issued by the District Justice Courts since June 9, when the United States Supreme Court in *Snidach v. Family Finance Corp. of Bay View*, 37 L.W. 4520, required that notice and an opportu-

ity to be heard be given a defendant before the *in rem* seizure of wages.

Judge Thompson said he interprets the decision to apply principally to garnishments of wages and did not preclude collection agencies from attempting to garnish other assets prior to judgment in the main action.

Pierce County Justice Courts also are not accepting for filing affidavits for wage garnishments prior to judgment. Wage garnishments have been eliminated altogether in three states — Florida, Texas and Pennsylvania.

"Experience shows that it has helped not only debt collections but business in general. More-

over, as one commentator concludes, the elimination of wage garnishments would provide a new kind of security to millions of Americans who live in dread of being fired. They would know that their job was safe from creditors and that the money needed to feed their families [would] be there. The welfare rolls would be reduced by the number of families forced into unemployment because their bosses wanted to eliminate [bookkeeping] expense." J. Skelly Wright, "The Courts Have Failed the Poor," *The New York Times Magazine*, March 9, 1969, p. 26, 106.

Lawyer Policing Bill Rejected After Michigan Bar Asks Grievance Changes

A Michigan House Judiciary Committee has decisively rejected a proposal to place licensing and disciplining of Michigan lawyers in the hands of two state administrative boards.

This action came shortly after the State Bar of Michigan announced proposed changes in its rules which would include the establishment of lawyer-layman grievance boards to investigate complaints against attorneys.

Licensing Too Extreme The legislative committee vote was 14-1 against reporting the bill out for House debate. Committee members said they believe it was too extreme an approach to lawyer misconduct at this time.

Several legislators said they would rather see implemented self-policing measures recently proposed by the state bar. The association asked the state supreme court to permit changes in its rules which would simplify grievances procedures.

Seven-Member Boards One proposed change would allow the creation of seven-member grievance boards which would hold initial, informal hearings on alleged lawyer misconduct. The boards would be composed of five lawyers appointed by the bar association and two citizens named by the governor.

Informal Hearings Printed complaint forms would be available to the public at county clerk offices throughout the state. Following the filing of a complaint against an attorney, the committee would conduct an informal session and report its findings to the state bar's grievance board which, along with the supreme court, is responsible for policing the legal profession.

Another rule change would charge lawyers to report unethical conduct by other lawyers. It also would allow the state bar grievance committee to bypass normal investigative procedures should a viola-

tion appear flagrant and would provide for suspension from practice of the accused attorney during the investigation. The supreme court has not yet ruled on the proposals.

Open to Public Earlier this year the court approved a bar recommendation to open to the public and news media all formal hearings by the grievance committee from which direct disciplinary action could result. The ruling stipulated that preliminary informal sessions of the committee, to examine into the merits of complaints, would continue to be conducted in private.

All the activity resulted from charges that the bar and bench were moving too slowly in a disciplinary proceeding. The legislative bill, co-sponsored by 51 members of the Michigan House, would have placed the state board of law examiners under the department of licensing and regulation, which now licenses doctors and other professionals. Board members would have been appointed by the governor. The examiners would have been required to license graduates of accredited Michigan law schools without a bar examination.

A separate five-member board of legal grievances would have been created to handle complaints against lawyers. It too would have been appointed by the governor.

There are 10 attorneys on the 15-member House Judiciary committee. One of the non-lawyers said his home town bar association does an adequate self-policing job and suggested the bill would have applied "overkill" to handling isolated problems.

A state bar spokesman said the bill is not dead and will remain in committee when the legislature adjourns for the summer. It could conceivably come up again when the legislature convenes next January.

Opinions of the Legal Ethics Committee of the Washington State Bar Association

Opinion 141 (June 1969)

Attorney's Appearance on TV

An opinion has been requested as to whether it would be proper for an attorney to act as host and moderator on a series of televised high school debate shows where he is identified on the program as an attorney, but no mention is made of his law firm.

We believe that ABA Formal Opinion No. 298 is determinative. That opinion, in part, provides as follows:

"In the case of continuing education or public information programs . . . produced by the television and broadcasting companies, designed and used as public information programs, lawyers . . . may properly appear and be identified as such, either generally or individually, provided, always, that such programs conform to proper standards of the Bench and Bar."

ABA Informal Opinion No. C230(g) states that commercial sponsorship of such a program would not of itself make participation by an attorney improper.

We conclude, therefore, that participation by an attorney in such a series of television shows is proper as long as the programs and the attorney's participation therein conform to other standards of the Bar.

Pre-Paid Legal Insurance

The pilot project for pre-paid legal cost insurance to have been implemented by the Clackamas County (Ore.) Bar Association has been discontinued due to difficulties in locating a homogeneous group of insured. Hospital and plywood employee groups did not work out. However, the Shreveport (La.) Bar Association will attempt to implement a similar project.

WASHINGTON STATE COURT OF APPEALS

First Division – Seattle

Judge Frank D. James, Sr., 61, Seattle, is a 1930 graduate of the University of Washington Law School. He did post-graduate work in military government and international law at Princeton University. He was in private practice until he was appointed by Governor Langlie to the King County Superior Court bench in 1949. He has been elected chief judge for Division I.

Judge Robert F. Utter, 39, Seattle, is a 1954 graduate of the University of Washington Law School. He was clerk to State Supreme Court Judge Matthew Hill in 1954 and 1955 and served as deputy prosecutor from 1955 to 1957. In 1959 he was appointed a Superior Court Commissioner in juvenile court. He was elected to the King County Superior Court bench in 1964.

Jerome J. Farris, 39, Seattle, is a 1958 graduate from the University of Washington Law School, where he was president of the law school student body. He also holds a master's degree in social work from Atlanta University. He was State President of the Junior Chamber of Commerce and secretary of Forward Thrust. At the time of his appointment, he was a partner in Farris, Bangs & Horowitz.

Charles Horowitz, 64, Seattle, is a 1927 graduate of the University of Washington Law School. The recipient of a Rhodes Scholarship, he attended Oxford University from 1927 to 1929 and received his bachelor's degree in jurisprudence and his master's degree there. At the time of his appointment, he was a partner in Preston, Thorgrimson, Horowitz, Starin & Ellis. He has been elected relief chief judge for Division I of the new court.

Judge Herbert A. Swanson, 46, Everett, is a 1949 graduate of the University of Washington Law School. He practiced in Everett until his appointment to the Snohomish County Superior Court bench in 1966. He is past president of the Snohomish County Bar Association.

Judge Charles Stafford, Jr., 51, Mount Vernon, is a 1947 graduate

of Yale Law School. He practiced law in Mount Vernon for six years, served as Skagit County Chief Deputy Prosecutor and has been a Skagit County Superior Court Judge since 1953.

Second Division – Tacoma

Harold Petrie, 51, Olympia, is a 1948 graduate of Georgetown University Law Center. He practiced law in Yakima for ten years and served three terms in the State House of Representatives before being appointed to the State Board of Industrial Appeals by former Governor Albert D. Rosellini. Governor Evans appointed him director of Labor and Industries in 1966, a position he held at the time of his appointment.

Judge Ralph Armstrong, 60, Longview, graduated from the University of Idaho Law School in 1931. He practiced in Longview for 20 years before becoming a Cowlitz County Superior Court Judge in 1957. He served as a Democratic State Representative from 1941 - 43 and as Kelso City Attorney from 1944 - 46.

Vernon Pearson, 46, Tacoma, is a 1950 graduate of the University of Michigan Law School. He was an instructor at the University of Washington Law School in 1950 - 51. He was a member of the State Board of Education, the Board of Bar Examiners of the State Bar Association and the firm of Davies, Pearson, Anderson, Pearson, & Gadbow at the time of his appointment.

Third Division – Spokane

Judge Ray E. Munson, 42, Yakima, is a 1954 graduate of the University of Washington Law School. He was special agent for the FBI, Yakima County Deputy Prosecutor (1957 - 61), and practiced law in Yakima from 1961 - 64. He became a Yakima County Superior Court Judge in 1965.

Judge Hugh Evans, 62, Spokane, is a 1932 graduate of Gonzaga University Law School. He was Spokane County Prosecutor for 15 years and became a Spokane County Superior Court Judge in 1956.

Dale M. Green, 46, Walla Walla. (see Walla Walla Report, p. 20.)

Highlights

- The average age of the court is 50.6 years.
- Eight are Republicans and four Democrats.
- The judges will assume their \$25,000 a year posts on August 18 and start hearing cases on September 8.
- The Supreme Court has already sifted through 313 cases filed on appeal and remanded 259 of them to the new court. Another 357 cases remain to be screened by the high court.
- Chief Justice Hunter estimates that with the new court in operation, the backlog of cases can be cleared up within 1½ years. Hopefully then, cases could be decided within 60 to 90 days after arguments.
- At first, the three-judge panels sitting in Seattle will probably use the courtroom in the U.S. Courthouse here reserved for the U.S. Court of Appeals. Federal courtrooms will also be used temporarily in Tacoma and Spokane. The new court probably will have to seek funds from the legislature for permanent courtrooms and offices.
- The chief justice estimated that 85% of the future appeals will be filed with the Intermediate Court rather than the State Supreme Court. Of these, possibly 5% to 12% will be brought before the Supreme Court for review.
- He also said that the Supreme Court will probably hear all cases en banc rather than assigning many of the cases to five-judge departments as in the past.
- **Joseph A. Thibodeau**, 28, will become clerk of the new court. A graduate of Gonzaga University Law School, he has served as deputy clerk of the Supreme Court the past 2½ years.

Ninth Circuit Court of Appeals

Eugene A. Wright, 56, Seattle is a 1937 graduate of the University of Washington Law School. He was a King County Superior Court Judge from 1954 to 1966, when he resigned to become vice president and senior trust officer of the Pacific National Bank. He served as an instructor at the National College of State Trial Judges at the University of Nevada during several summers. He was a Japanese linguist and Army intelligence officer during World War II, retiring in 1965 as a colonel in the Army reserve. Mr. Wright will keep his residence in Seattle and commute to San Francisco when necessary. He is the fourth and last of the recently created positions on the thirteen-member court to be filled. The position pays \$42,500 annually. His nomination by President Nixon awaits Senate confirmation.

U.S. Attorney for the Western District of Washington

Stanley Pitkin, 32, Bellingham, has been nominated by President Nixon to succeed **Eugene C. Cushing** as U.S. attorney for the Western District of Washington. A graduate of Vanderbilt University School of Law, he has served as Whatcom County Prosecutor since 1966.

The young prosecutor had the backing of Gov. Dan Evans, state Republican chairman **C. Montgomery Johnson** and Atty. Gen. **Slade Gorton** for the post.

U.S. Rep. **Thomas M. Pelly** and King County Prosecutor **Charles O. Carroll** had supported former county deputy prosecutor **Joel A. C. Rindal** for the federal post. His appointment was delayed when Pelly asked the White House to hold it up.

Pitkin's name has been under consideration for some six months. His appointment is subject to Senate confirmation, but no difficulty is expected.

Pitkin discounts speculation that he might use the U.S. attorney's post as a springboard to go after U.S. Rep. **Lloyd Meeds'** seat in 1970. "I just want to do this job," Pitkin said.

Washington State Superior Courts

Benton - Franklin:

Richard G. Patrick, 44, Pasco, is a 1952 graduate of the University of Michigan Law School. He served as city attorney for Pasco from 1953 - 63 and was a partner in **Patrick & Campbell**.

Cowlitz:

Robert Arkell, 38, Longview, is a 1962 graduate of Hastings College of Law, and was appointed to fill Judge **Armstrong's** vacancy. He was a Republican legislative candidate last fall. He was a member of the firm of **Studley, Purcell, Spencer & Arkell**.

Arkell's appointment announcement was accompanied by a copy of a letter to the Cowlitz County Bar Association in which the governor noted he was departing for the first time from Bar Association recommendations in naming a new Superior Court judge.

Evans chided the local Bar for ignoring his instructions and proposing only one name, instead of offering several names from which the governor might make his selection.

King County:

Keith M. Callow, 44, Seattle, is a 1952 graduate of the University of Washington Law School. He served as assistant attorney general, a law clerk for Justice Hill, a deputy prosecutor, and was a member of **Barker, Day, Fleming, Callow & Taylor**.

Robert M. Elston, 47, Seattle, is a 1953 graduate of the University of Washington Law School. He was in private practice for seven years. He served as Shoreline District Justice Court Judge from 1963 - 68, when he was appointed a King County Superior Court Judge. Defeated in last November's election, he has served since then as a King County Superior Court Commissioner.

Frank D. (Don) Howard, 37, is a 1956 graduate of the University of Washington Law School. He has been in private practice as a trial attorney in Seattle since 1958 with **Guttormsen, Scholfield, Willits & Ager**. He is a lieutenant commander in the Coast Guard Reserve.

Judge David W. Soukup, 35, is a 1961 graduate of the University of Chicago Law School. He was in private practice four years and served three years as a deputy King County prosecutor. He was appointed to the Seattle Municipal Court bench in 1967 and was elected for a full term in 1968.

Pierce:

Stanley W. Worswick, 42, Tacoma, is a 1954 graduate of Harvard Law School. He was an instructor in law, University of Washington, 1953 - 54, and was Assistant Secretary of the State of Washington, 1965 - 66. He was a partner in **Rush, Lynch & Worsick**.

Snohomish:

Paul D. Hansen, 38, Everett, is a 1959 graduate of the University of Washington Law School. He was president of the Snohomish County Bar Association from 1968 - 69, and was in the firm of **Anderson, Hunter & Carlson**.

Thomas McCrea, 52, Everett, is a 1940 graduate of the University of Washington Law School. He was elected to the Board of Governors in 1968. He was a member of **McCrea, Kafer, Gissberg & Wilson**.

San Juan Island:

Harry A. Follman, 44, Mount Vernon, is a 1951 graduate of the University of Washington Law School. He has been county prosecutor since 1962.

Thurston-Mason:

Frank E. Baker, 48, Olympia, is a 1948 graduate of the University of Washington Law School. He was a member of the firm of **Parr, Baker, Alexander & Cordes**. He was president of the Thurston-Mason County Bar Association from 1954 - 55.

Yakima:

Walter A. Stauffacher, 48, Grandview, is a 1956 graduate of Willamette University Law School. He was Deputy Prosecuting Attorney for Yakima County from 1956-61 and was a member of **Noon & Stauffacher**.

At press time, the following vacancies had not been filled: King (2), Spokane (1), and Yakima (1).

NEWS AROUND THE STATE



CLARK REPORT

By DUANE LANSVERK

The officers of the Clark County Bar Association for the next year will be as follows: President: **Dale V. Whitesides**; Vice-President: **James D. Ladley**; Secretary: **Bernard Newby**; Treasurer: **Dennis R. Duggan**.

Dennis R. Duggan has joined the firm of **Reed & Gallup . . . William H. Dunn, Jr.** has moved his practice to **Hazel Dell** and merged with **Kenneth W. Weber** in the firm of **Weber & Dunn**.

James D. Horton came down from **Spokane** to join the prosecutor's staff last fall . . . **Eugene Harris** is the new judge of the East District Court in **Clark County**—replacing **Robert Garver, Jr.**, who resigned to devote his full time to the practice of law . . . **Read & Church** have recently completed their spacious and luxurious new offices and are looking for more attorneys to help pay the overhead.

The annual Bar Association Golf Day was a resounding success at **Orchard Hills Country Club** on **July 10th**. **Don Simpson** was the best golfer of the day—with the lowest gross score—but **Bill Klein** walked off with the traveling trophy because he had the lowest net score. **Tom Lodge** won the **KP** award; the only unusual thing about that is that **Tom** was in **Reno, Nevada** on his honeymoon on the day of the tournament. The prosecutor's office has called for an investigation of the awards committee. The visiting dignitary for the day was Judge **Ralph Armstrong**, who has recently been appointed to represent this District on the new Court of Appeals. We enjoyed the opportunity to visit with Judge **Armstrong**

After the **Golf Day** festivities the lawyers and their wives were invited to an open house at the magnificent new mansion of **Robert Garver, Jr.**, which overlooks **Camas** and the **Columbia River**. After viewing the premises one local attorney remarked: "I don't know about the rest of you, but I'm moving my practice to **Camas!**" It is truly a lovely home, and the **Garvers** were gracious hosts.

COWLITZ REPORT

By ODINE H. HUSEMOEN

Henry R. Dunn, Prosecuting Attorney for **Cowlitz County**, announced that he has a position available in his office for a deputy prosecuting attorney. The position is somewhat unique in that the deputy will earn a salary of **\$850** and be able to engage in private practice. Anyone interested in this position should call **Mr. Dunn** in **Kelso** at **425-8130**.

C. LeRoy Borders has recently been named **City Attorney** for **Kelso**. The position was vacated when **Ronald Huntington** was appointed to the **Cowlitz County District Justice Court**. For approximately the last two years, **Le** has been in partnership with Judge **Huntington** in **Kelso**.

Charles Mertsching, locally noted mainly for his golf, has recently become one of the biggest boosters of airlines traveling to the southwestern United States. In addition to his business ventures, **Chuck** recently went to school in **Las Vegas**.

Invitations are now in the mail for the famous **Cowlitz County Bar Association Summer Picnic**. In the past, this event has been one of the

major highlights of the summer season. Just ask anyone who has attended recently.

KITSAP REPORT

By HELEN GRAHAM GREEAR

First, we think the improvements made in the **Washington State Bar News** are just tremendous. We congratulate the Editor and staff.

Vital Statistics: **Phil Best** and wife (**Phil** is associated with **Wallace & Fraser**) had a baby on **July 1, 1969**. Further, affiant knoweth not.

Agricultural Notes: **Jim Arthur** (**Arthur & Hanley**) recalls being entertained at dinner with the **Dudley Perrine** family, who had reluctantly slaughtered their two pet ducks, **McDonald** and **Dopey**. The **Arthurs** enjoyed roast duck, but the **Perrines**, with tears coursing down their faces, were unable to eat. Eat **McDonald** and **Dopey**? Impossible.

The **Gerard N. Fisher** family (**Gerry** is a judge of a court of limited jurisdiction — you don't dare say inferior court!-) have a new baby lamb named **Blue Bell** . . . As to **Jim Roper** of **Olalla**, who floats cows out of wells, the cow is now expecting.

Vacations: **Fred B. Cohen** is cruising in **Barkley Sound** on his yacht. **Myron Freyd**, wife and small son **Allen** are viewing **Disneyland**.

Matrimony: **R. Bruce Harrod** to **Darlene B. Rockwell** on **July 19**.

Office: **R. Bruce Harrod** and **James W. Bryan, Jr.** have dissolved partnership . . . **John Merkel** is leaving the **Prosecutor's office** and is associated with **Arthur & Hanley** as of **August 1**.

PIERCE REPORT
By **DAVID E. SCHWEINLER**

Franklin K. "Tom" Fogg, formerly director of the Pierce County Legal Assistance Foundation, has returned to private practice and will be associated with **George W. Dixon, Frank A. Peters, F. Curtis Hilton** and **H. Frank Stubbs** for the general practice of law in the Professional Building, South Ninth and "G" Streets, Tacoma . . . **Martin L. Potter** and **Frank J. Ruff** have moved their offices to 103 State Savings Building, 955 Tacoma Avenue South, Tacoma.

Jack J. Majeres, formerly House Counsel for the Northern Pacific Railway Company, has returned to private practice in Tacoma and will be associated with **E. Albert Morrison** at 1211 6th Avenue, Tacoma . . . **Jack Petrich**, formerly a partner in the firm of Binns, Petrich & Mason, has taken a year's leave of absence to enter business in the Tacoma area . . . **G. Perrin Walker**, formerly a member of the legal staff of Weyerhaeuser Company, has become an associate with the firm of Conrad, Kane & Vandenberg, 600 Rust Building, Tacoma.

Franklin D. Burgess, formerly City Attorney, attached to the Tacoma City Light Division, has entered the private practice of law and will be associated with **Jack E. Tanner** in the Puget Sound Bank Building, Tacoma . . . **David H. Johnson**, formerly Deputy Prosecuting Attorney, in and for Pierce County, has become associated with the firm of Conrad, Kane & Vandenberg, 600 Rust Building, Tacoma, Washington.

On Friday, June 27, 1969, the annual Doctor-Lawyer Field Day was held with the doctors acting as hosts. A golf tournament at the Tacoma Golf and Country Club and a tennis tournament at the Lakewood Racquet Club were the two primary events of the day. Cocktails and dinner followed at the Country Club and there was an exceptional turn-out for both events. The lawyers won the tennis tournament, 17 to 7.



Personnel of the Seattle based 6th Judge Advocate General Detachment, US Army Reserve, discuss current administrative problems at Hattiesburg, Mississippi, scene of their two week summer camp. L to R: Major Richard E. Kane, Colonel Lawrence W. Wanichek, commanding officer, Specialist Fourth Class Jay A. Hansen, First Lieutenant Neal J. Shulman, and Specialist Fourth Class Jeff A. Morris.

SEATTLE-KING REPORT
By **LLEWELYN G. PRITCHARD**

Davis, Wright, Todd, Riese & Jones have moved their offices to 4200 Seattle-First National Bank Building. **Daniel B. Ritter, Evan L. Schwab** and **William N. Moloney** have become members of that firm . . . **Karr, Tuttle, Campbell, Koch & Campbell** have moved their offices to 2600 Seattle-First National Bank Building . . . **Christensen, Sanborn & Matthews** have located their offices at 3010 Seattle-First National Bank Building.

Stephen C. Watson has become a partner of Clodfelter, Lindell & Carr . . . **J. Dean Morgan** has associated with the firm of Houger, Garvey and Schubert.

Kenneth A. MacDonald was honored for his many years of services as chairman of the State Board Against Discrimination at that organization's twentieth anniversary banquet at the Olympic Hotel . . . **John H. Chapman** has been elected President of the Governing Board of the Northwest Center for the Retarded. The non-profit center provides educational and vocational training for more than two hundred children who are classed as severely retarded.

David A. Hoff has been named Chairman of the Young Lawyers

Section of the Seattle-King County Bar Association. **Peter D. Jarvis** will serve as Vice-Chairman, **Jerry Schumm** as Secretary and **Christopher T. Bayley** as Treasurer.

John Richard Steincipher of the Seattle-King County Bar has been retained by the Trust Territory of the Pacific Island to revise the Territory's legal code.

Located in the Western Pacific, the Trust Territory embraces the 2,141 Marshall, Mariana and Caroline islands which comprise 700 sq. mi. of land in 3,000,000 sq. mi. of sea—an area nearly as large as the continental United States. The 96,000 Micronesians inhabit fewer than 100 of these islands and have lived since the sixteenth century under the consecutive rule of the Spanish, the Germans and the Japanese.

Mr. Steincipher will travel to Saipan this Summer and will spend a period of two months in consultation with the Congress of Micronesia and the Trust Territory Government. The new code is scheduled for completion in 1971 and will be published by the Book Publishing Company of Seattle.

Effecting October 1, 1969, **Ray L. Johnson, Evan E. Inslee** and **Joyce L. Lucas** formerly of the firm of Johnson, Jonson & Inslee, will, together with **David A. Best**, open offices in Bellevue under the name

of Johnson, Inslee & Best with Joyce L. Lucas as an associate. Their offices will be at the Carlson Hill Building.

David H. Berner has been appointed a Hearing Examiner No. 2 for the Board of Industrial Insurance Appeals. In this capacity he is now serving in a quasi-judicial office for the board. On June 17th, Tuesday, the HHC 365th Civil Affairs Area (B), Fort Lawton, conducted retirement ceremonies and bid farewell to Colonel H.A. 'Pat' Myers, JAG, USAR, completing 27 years of Army Reserve and active service. He is a 35-year partner in the law firm of Carkeek, Harris, Harris, Myers & Vertrees.

SNOHOMISH REPORT

By CHESTER R. BENNETT

This being the termination date for my periodic tenancy as scribe for our county, I cannot help but reflect on the many changes that have taken place in our county and state.

To have watched **Al Holte** come to the Bench, and to be followed now by his former law associate **Paul Hansen**, does something for my soul. Then to see **Herb Swanson** elevated to the Appellate Court for the state is gratifying. These are good men — men of good-will and men of integrity.

It was exciting to see **Bob Utter's** appointment to Appellate Court and **Keith Callow's** assumption of the bench in King County. To find **Liem Tuai** an active Councilman for Seattle is reassuring in these times of national grail searching.

We have many new young men coming into practice in our county and if anyone of them is concerned about the "image" of the Bar, he should just look about him and talk to his fellow lawyers. The daily practitioner is a hard working, socially concerned, community involved, honest man. He has but one thing to market, and that is his character. He is much in demand.

The lawyer tries to keep up with his technological society. **Don Minor** joins any number of our Bar

in the use of IBM Magnetic Tape Typewriter for utilizing common forms; others find themselves using computers for briefing. And one finds the best Bar convention to be the always crowded, informative Continuing Legal Education Forums.

There is, I am sure, scads of news available for print this month, but I shall leave that to my successor in interest. Although I should join with you in wishing good luck to our outdoorsman, **John Cogan**, who is striking out *pro se*, very soon, in Redmond. **Gordy Creighton**, my friend of "pipe-yard" days in ancient "Hooverville," the two (2c) cent Yesler cable car rides, and "lucky bite" candy of Mar's Grocery, is now fully ensconced in his new office in Bellevue. **Efrem Agranoff** still rules the air lanes here; **Bob Bibb** is to climb St. Helens; **Park Williams** can walk again; and **Sam Hale** looks like a senator.

Best regards to all of you from the Snohomish County Bar. C'est la vie!

SPOKANE REPORT

By THOMAS R. CHAPMAN

Following the appointment of Spokane County Superior Court Judge **Hugh H. Evans** to the newly created Court of Appeals, **Joseph Nappi**, President of the Spokane County Bar Association, appointed **C. Eugene Huppin** to serve as chairman of the committee on the recommendation for selection of a Superior Court Judge. Committee members are: **Patrick H. Winston**, **Kermit M. Rudolf**, **Robert E. Stoeve**, **Robert J. Schimanski**, **Curtis L. Shoemaker** and **Leslie L. Woods**.

Joseph Esposito, **Michael Keyes** and **Dennis Reynolds** have been appointed by Supreme Court Chief Justice **Robert T. Hunter** as clerks of the Eastern Division of the Court of Appeals. All are 1969 Gonzaga Law graduates.

Z-DAY SEMINAR

Shortly before regulation Z's spear was handed to the nation's credit consumers, **Curt Shoemaker**

and **Don Morrison** organized a seminar designed to prepare the members of the Bar for the impact of the new legislation. Speaking were **Shoemaker**, **Morrison**, **Howard Anderson**, **Eldon Reiley** and **John Neff**.

CHANGES

Jack H. Dibble and **John H. McRae**, former Assistant U.S. Attorney, have formed a new partnership. Dibble & McRae will have offices at W. 921 Sprague, phone Madison 4-1389.

William J. Powell has moved to 1017 Paulsen Bldg., phone Madison 4-5196.

Carl Diana has moved to 812 Paulsen Bldg., where he will be associated with **Frank Spinelli**. Phone: Riverside 7-6019.

WALLA WALLA REPORT

By RALPH L. JONES

Dale M. Green has been appointed to the Washington Court of Appeals. Prior to his partnership with **Cameron Sherwood** and **William M. Tugman** in May of 1961, he was United States District Attorney for the Eastern District of Washington residing in Spokane, Washington. Judge Green, a native of Eastern Washington, was born, reared and educated in and near Sunnyside, Washington. His college education which began at Washington State University in 1941 was interrupted by World War II. After his military service, he attended the University of Washington where he received a B.A. in Economics and Business and a B.S. and J.D. in Law in June 1950.

Our new judge began practice in Spokane with the firm of **Graves, Kizer & Graves** prior to entering the Office of the United States Attorney in 1954. He was a trial attorney for the Department of Justice in Washington, D.C. from 1956 and 1958, when he became U.S. District Attorney. Judge Green is a member of the American, Federal, State and County Bar Associations.

Judge Green, his wife **Peggy**, and two children, **Fred** and **Judy**, ages 13 and 17 respectively, live in Walla Walla overlooking Garrison Creek.

THE COURTS

SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**
Supreme Court Clerk

The interim rules for the Court of Appeals were published in the Washington Advance Sheets of July 11, 1969 and became effective July 18. The revised rules for the Supreme Court are to be effective upon publication on July 25. Both adopting orders invite comments and recommendations from the Bench and Bar to be received by the Supreme Court by August 15. The Supreme Court will review suggestions during the following two weeks. On September 1, the Supreme Court will adopt revisions, and the three divisions of the Court of Appeals will commence hearing arguments on September 8, 1969.



Those desiring to make recommendations should be cognizant of the limitations of the endeavor. At the outset, the Supreme Court was faced with the question of whether the objective of the change should encompass improvement in the rules as well as implementation of the Court of Appeals. Because of limitations of time, the decision was made that only the latter objective was possible. Despite frequent and considerable pressure to include changes for the purpose of improving procedures, the line was, on the whole, stubbornly held. Changes though obviously desirable were rejected unless required for the implementation of the new court.

This approach would appear to have the following advantages:

- a. The transition to a functioning Court of Appeals will be accomplished with the least trauma to the practicing lawyer. The familiar Rules on Appeal, though in some respects awkward and hazardous, are retained, even as to numbering for both Appellate Courts.
- b. Improvements in procedures, language and organization of the rules can be made later and include the benefits of an in depth study, experience with the new court and a sufficient time for adequate review and comment by the Bench and Bar before adoption.

It follows that suggested changes not required to implement the Court of Appeals have little chance of favorable consideration at this time.

Some exceptions were made in the scope of the undertaking. These are considered of interest to any counsel involved in the appellate process and are therefore identified below. Numbers refer to the applicable rule of both the Supreme Court and Court of Appeals Rules on Appeal.

RULE NO. 31

CHANGE

Complete rewrite to provide automatically for judgment in trial court against sureties liable on appeal.

REASON

To eliminate the problem of how judgment is obtained against sureties.

RULE NO. 33

CHANGE

Time for taking an appeal other than from a final order increased from 15 days to 30 days (applicable to Court of Appeals only).

REASON

Eliminate the trap of non standard time for filing notice of appeal.

RULE NO. 46

CHANGE

Paragraph (c)(2)(ii) prevents withdrawal of counsel in a criminal case during pendency of an appeal without authority of the trial court.

REASON

To provide the court the means of ensuring a defendant's rights in a criminal case are protected.

RULE NO. 56

CHANGE

New procedures incorporating in the rule procedures which have been developed through practice.

REASON

To assist the Court of Appeals by standardizing procedures.

RULE NO. 57

CHANGE

New paragraph (j) added constituting a petition for writ of certiorari a notice of appeal in the event the petition is denied.

REASON

Eliminate the trap of the court finding appeal an adequate remedy after time for filing notice of appeal expired.

RULE NO. 66 CHANGE

New procedures authorizing large exhibits not necessary for resolution of the issues to be left with the trial court subject to call.

REASON

To eliminate the expense of transferring useless bulky exhibits.

Superior Court News

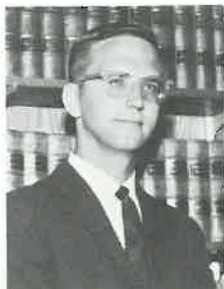
The Presiding Judge of King County Superior Court wishes to remind members of the bar of King County of court rule 40(b)(2c) which permits attorneys to set trial dates by agreement at any time prior to case setting day. Utilization of this procedure eliminates the necessity of attending case setting and insures a date convenient to counsel, parties and the court. In addition it minimizes the need for continuances.

Mimeographed forms of stipulation and order for setting of agreed trial dates are available from Miss Pat Miller, Chief Calendar Clerk in the Presiding Department. Please check with Miss Miller to learn if a desired date is available before presenting the order for signature. The court file should be presented with the order.

NEWS FROM THE COURTS OF LIMITED JURISDICTION

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

In talking to the framers of the 1961 District Justice Court Act, one gets the impression that part of their hope was to create a uniform system of courts that would attract lawyers who wished to follow a judicial career as life's calling and who would receive excellent preparation and training in all aspects of the judiciary as a prologue to service in the superior court. Recent developments in Olympia should encourage these gentlemen as well as others who feel that the bar and the public deserve no less than judges who have educated and trained themselves on and off the bench and who will



not be an unknown quantity as they are sworn in to an important and respected role.

First the legislature, as the culmination of the 1969 session, has established a uniform gradation of judicial salaries that recognizes that all levels of the Washington judicial system must be salaried at a level that will attract lawyers of quality but also recognizes the increased responsibilities a judge will meet as he pursues a career upward through the echelons of our system. Thus there is an equal \$2,500 gradation between each of the four judicial positions running from the supreme court to the district justice courts.

On the executive side, there is also encouragement to those who foresee career judges in Washington, as 50% of the appointments thus far to the King County Superior Court by Governor Evans come from the ranks of men who have decided that training in a Washington Court of Limited Jurisdiction would be invaluable. **Robert M. Elston** and **David Soukup** assume their posts with a thorough grounding in the real stuff of judicial temperament and trial procedure.

A few columns ago, the creation of the State Committee on Law and Justice under the chairmanship of Judge **Eugene Wright** was noted and it was explained that this committee had the task of developing programs and priorities for the use of \$380,000 of federal funds allocated to the State of Washington to aid law enforcement and criminal justice agencies. This has been accomplished over the course of several months and many exhausting meetings.

The outcome, which the federal administrator of the program, Charles H. Rogovin, says indicates "that the State has taken a penetrating look at its criminal justice needs and developed long range goals," is as follows: interdisciplinary workshops for criminal justice system personnel—\$15,000; prevention and control of civil disorders—\$62,325; specialized training programs for law enforcement officers—\$5,000; seminars and workshops for judges of courts of limited jurisdiction—\$5,000; improving public knowledge and understanding of the criminal justice system—\$17,250; police elementary school education—\$15,000; youth outreach to prevent civil disorders and delinquency—\$50,000; identification and treatment of deviant elementary school youth—\$60,000; support of private care of dependent youth—\$18,000; improvement of police communications in rural and semi-rural areas—\$25,285; establishment and improvement of services and facilities for local and regional detention and corrections—\$50,000; intensive probation service for delinquent youth—\$18,000; mobile communications and command vehicle for a metropolitan area—\$33,750.

Attorney General Opinions

AGO 1969 No. 10: School Director's Change of Residence.

In a school district which has been divided into school director districts under RCW 28.57.050, a school director's voluntary removal of his place of residence from one director district to another within the school district does not disqualify him from continuing to serve for the remainder of the term for which he was elected.

AGO 1969 No. 11: Interest on Delinquent Property Taxes:

The interest rate of 10% per annum which is provided for by § 3, chapter 216, Laws of 1969, Ex. Sess., with respect to the collection of delinquent real and personal property tax is applicable to property taxes which had become delinquent prior to the effective date of the 1969 act but which are tendered for payment on or after that date.

Leading Supreme Court Decisions

Corporations: Officers and directors of a corporation were held severally and personally liable for a corporate debt of \$6,664.14 because they failed to comply in 1960 with the then prevailing portions of RCW 23.01.080 which required the filing of an affidavit of paid-in-capital. The Business Corporation Act, effective July 1, 1967, repealed RCW 23.01.080. However, the court upheld the savings clause of that Act, RCW 23A.44.145. *True's Oil Co. v. Keeney*, 76 W.D.2d 132 (1969).

Criminal Law: In a 5-4 decision, the court reversed the trial court's ruling and held: (1) a defendant in municipal court charged with a serious misdemeanor has no constitutional right to counsel at public expense; (2) a municipal court judge has no inherent judicial authority either to compel members of the bar to serve indigent defendants in municipal court without compensation, or, in the alternative, to bind the municipal treasury to pay for such services. (The majority — Justices Hale, Hunter, Neill, McGovern and Donworth. The dissenters — Justices Rosellini,

Hill, Hamilton and Finley.) *Hendrix v. Seattle*, 76 W.D.2d 144 (1969).

Guardianships: If a guardian ad litem has not been appointed to represent the ward at hearings on interim reports and accountings during the pendency of guardianship proceedings, the ward may challenge the expenditures made from the guardianship estate, which were approved by the ex parte orders. The effect of this challenge is to require the guardian to fulfill his or her statutory and common law duty to fully account at the final hearing. *In re Rudonick*, 76 W.D.2d 119 (1969).

Insurance — Excess Clauses: This case presented a question of first impression in this State. Where two or more policies provide coverage for the particular event and all the policies in question contain "excess insurance" clauses, such clauses are mutually repugnant and must be disregarded, rendering each company liable for a share of the judgment or settlement prorated according to their respective policy limits. *Pacific Indemnity Co. v. Federated American Insurance Co.*, 76 W.D.2d 249 (1969).

Real Estate Contract — Forfeiture: Although the general rule is that a forfeiture can be avoided by a simple tender of overdue payments bringing the contractual obligations up to date, the court in its discretion may decree an alternative course of action where such relief would seriously threaten the financial stability of the seller. The trial court had decreed on December 5, 1968, that the contract vendee be given a six-month period of grace in which to "cash out" the contract vendor's net equity. This would require a payment of about \$280,000, plus attorney's fees and costs, and the assumption of the underlying mortgage and contracts. In affirming on June 5, 1969, the court extended the period within which such right must be exercised for a period of 90 days from the filing of the remittitur in the trial court. *John R. Hansen, Inc. v. Pacific International Corp.*, 76 W.D.2d 219 (1969).

State Tort Claims Act — Interest on Judgment Against State: The state is not liable for interest on tort judgments, notwithstanding RCW 4.92.090 which reads: "The State of Washington . . . shall be liable for damages arising out of its tortious conduct to the same extent as if it were a private person or corporation." (5 - 4 decision). *Fosbre v. State*, 76 W.D.2d 255 (1969).

OFFICE PRACTICE TIPS

INFORMATION RETRIEVAL WITHOUT COMPUTERS

In all law offices, large or small, there is the recurring problem of locating quickly and with certainty previous work products to avoid repeating legal research.

Orme Lewis and Paul G. Ulrich, of the Phoenix, Arizona bar, developed an inexpensive information retrieval system that enables an office of one or one hundred lawyers quickly to index and later locate an opinion letter, a memorandum of law, a brief, or any other instrument. Their system, which is an application of the McBee Systems Key-sort card, is described in the July 1968 issue of the *American Bar Association Journal*.



This system of information retrieval without computers was later adopted by the State Bar of Texas for distribution throughout that state.

We are pleased to report that the Key-sort card has been adapted for use in the State of Washington and that the Board of Governors has approved a plan for purchase and stocking of the cards at the State Bar office in Seattle in order that Washington practitioners can take advantage of substantial savings resulting from quantity purchase of the cards.

It is suggested that those of you who may be interested in this system read the article above referred to in advance of the State Bar Convention, at which time the necessary equipment will be on display. As soon as orders for 10,000 cards have been placed, the cards, especially adapted by the Committee on Law Office Economics and Management, through the efforts of Ronald J. Pery of the Seattle Bar, for use in the State of Washington, will be ordered by the State Bar office.

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.

Basically, this system utilizes a card coded by subject matter (using the West Digest system) or by statute, constitution, court rule, etc. The mechanical sorter causes the appropriate card to drop out of the pile giving reference to the sought-after legal document.

In addition to this presentation at the State Bar Convention in Seattle this September, the Committee on Law Office Economics and Management will have the responsibility for the following events during the Convention:

1. There will be a seminar on *Professional Service Corporations* presented as part of the Continuing Legal Education Program. Paul R. Cressman will be chairman of that seminar program which will be held in the auditorium of the Seattle-First National Bank Building.

2. There will be tours of various Seattle law offices, in order to permit personal inspection of law office equipment, systems, practice methods, office layouts utilized by those offices and which are thought to be of interest to Washington practitioners. F. Lee Campbell will be chairman for the law office tours.

Can you use any of these ideas?

1. All of our attorneys are equipped with side drawer filing in each office for those files that the attorney is working on actively. This file should be located within arm's reach of the attorney for easy access during conferences or in responding to telephone inquiries.

2. A conference phone attachment permits parties in the office to participate in conference phone calls, enables the lawyer to attend to other business while awaiting the completion of a call, and permits one to work with both hands in going through a file during a conversation.

3. Service request forms, containing the basic client information, made up in sets of three or however many copies you wish, with specially treated paper to eliminate the necessity for carbon paper, can be filled out during an initial conference and distributed to the bookkeeper, docket control clerk, or whatever your office procedure requires.

We invite your contribution to "Office Practice Tips" so that you can share your ideas on how to run a better law office.

RICHARD C. REED

TWENTY YEARS AGO

ANNUAL MEETING – 1949

At the annual meeting the president spoke. **Tracy Griffin** was not famed for silence but rather for pithy remarks. He opens speaking of presidents with this flow:

“Usually, their accomplishments, if any, are planted for them by past administrations and fortunate is the executive if they flower while he is fleetingly in vogue. With your Bar Association – likewise.”

“A few members of the Bar seek ‘progress’ overnight and complain now and then at lack of accomplishment, forgetting that ‘progress’ does not always mean going forward. One may very easily ‘progress’ backward.”

He said, however, that he hoped as president to make progress but . . . “Unfortunately, I found that time continues to tick while one, of necessity, must practice his profession and there was not enough of me in one year to commence to commence. For the first time I began to comprehend why one year in office, or four, eight, twelve years might not suffice. All in your and the public’s interest, you understand, and not a selfish thought of my own in building up a small totalitarian set-up.”

In closing he says, “In memoriam, I mean in conclusion: My year with you and for you has been a pleasant one indeed. It could not be otherwise . . . I came into office following the meeting of the American Bar Association in Washington and throughout my term I have had the friendly, solid counsel of a great President of the American Bar Association – Frank E. Holman.”

He ended as usual with a real punchline saying, “As Judge Ronald would say, ‘God Bless you – exception allowed.’”

The annual meeting was noteworthy because of its excellent speakers, among whom were: **Dean Judson F. Falknor**, Seattle; **Harold Shepherd**, Stanford; **Alfred J. Schweppe**, Seattle; and **Hon. Walter B. Beals**, Olympia; **Rev. James V. Linden, S.J.**, Spokane; **H. E. T. Herman**, Spokane; Toastmaster, **Richard S. Munter**, Spokane; and **Dean Wesley A. Sturges**, Yale Law School.



Hon. Arthur B. Langlie, Governor, also addressed the meeting. It was indicated that he would not appoint successors to the then retiring judges until the annual meeting was concluded.

RETIREES

Chief Justice Clyde G. Jeffers, formerly Superior Court Judge of Ephrata, where he commenced practicing law in 1905, retired because of ill health.

The revered **Justice William J. Steinhert** also retired for the same reason. He had served as Superior Court Judge of King County before being appointed to the Supreme Court by Governor Roland H. Hartley.

Superior Court **Judge Clay Allen**, who had at one time been United States attorney in Seattle and later appointed Judge by Governor Clarence D. Martin, gave notice that he was leaving the bench. All three had rendered fine service.

As to judicial appointments, it was reported:

“The screening by the bar, through its Judiciary Committee, **Elias A. Wright**, Chairman, in cooperation with the Chief Executive of the State, is resulting, we believe, in excellent appointments to the bench.”

BIRTHS

W. E. McCroskey resigned as examiner for the State Department of Transportation to open a law office in Spokane.

Edward John Crowley, presently Lt. Governor Cherberg’s righthand man, opened his own office in the Old National Bank Building, Spokane.

It seems that there must always be some moaning at the Bar. We can imagine the embarrassment of the always genial and efficient **Mark H. Wight**, State Law Librarian, when he announced that the 1949 Session’s Laws would be delayed on account of the State Printer’s Office. The State Printer did not say anything . . . There was plenty said at this annual meeting which was also the 50th anniversary of the opening of the University of Washington Law School. **Stephen F. Chadwick ’15**, Seattle, formerly of Colfax, was one of the principal speakers at the commemorating alumni luncheon. He left nothing unsaid that should be said. With his remarks the Law School came of age. It has had trouble keeping deans ever since.

DAVID J. WILLIAMS

NOTICES

Wanted & Unwanted

A WORD TO THE WISE

PUBLIC RELATIONS FILM STRIPS AVAILABLE

The TV Series "With Justice For All?" produced last winter by the Special TV Committees of Seattle-King County and Washington State Bar Associations and aired on Channel 9, KCTS-TV, is now available on 16mm. sound film as a public service for showing by bar associations or other interested groups. The series is as follows:

Tape No. 1. Law and Protest; No. 2. The Courts - I; No. 3. The Courts - II; No. 4. The Lawyer; No. 5. Prosecutors, Police and Power; No. 6. Legal Aid For The Poor; No. 7. Creditor-Debtor Relationships; No. 8. Probate - Community Property; No. 9. Domestic Relations; No. 10. Criminal Law; No. 11. Rights of the Injured and Disabled; No. 12. Mental Illness and the Law, and Adoption.

Each tape runs 30 minutes.

Also obtainable through Seattle-King County Bar Office are the following:

"The True and The Just" produced by New York City Court Administrator, which is shown to all new jurors in New York City, "Lawyers, Laymen and Legal Fees," "Packaging Your Product," and "Ethics - Your Professional Responsibility."

For information contact Seattle-King County Bar Association, 605 Arctic Building, Seattle, Washington, 98104.

Will Information Sought

Mrs. Anna C. Eisiminger is believed to have executed a Will sometime after March, 1967, in Seattle. Would anyone having information concerning this please communicate with George H. Bovingdon, Attorney, Seattle (MA 2-0494) or with Mrs. Sammie Dietz, 1022 - No. 47th, Seattle, Washington 98103 (ME 3-2210).

For Sale: From the estate of Edward J. Lehan - Wn. Rpts. complete with current advance sheets; RCWA; Laws of Wn. 1891-1957, 29 Vols., 8 vols. Williston on contracts; 4 vols. Williston on sales; Hillyer's Ann. Forms of Pleading & Prac.; Atty. General's Opinions. Mrs. Edward J. Lehan, 3108 West Glass, Spokane, 99205. FA 8-1551 ext. 359 (days), FA 7-7959 (evenings).

For Sale: From the estate of Eugene F. Hooper - RCWA; Wn. Dig.; Am. Jur. Proof of Facts; Fed. Code; Am. Jur. 2d; Am. Jur. Pleading & Prac. Forms; Am. Jur. Trials; Am. Jur. Legal Forms. \$400 or offer, which is the equity owned by the estate in the books and with purchaser assuming the contract balance owed Bancroft-Whitney Co. on whatever terms are agreeable with Co. C.R. Lonergan, Jr., 847 Logan Bldg., Seattle. MA 4-2800.

Will Information Sought

Attorney holding will of Stanley King of Union Gap, Wash. please contact his daughter Betty Jane Miller at PA 5-3518 in Seattle.

Pacific Underwriters, the broker for the Major Medical coverage to members of the Washington State Bar Association, has again notified the Association that it will deliver to the Association its check for a return of premium based upon loss experience.

This year the premium refund is in excess of \$11,000. This refund applies to the period January 3, 1968, to January 2, 1969.

Mr. Robert C. Rodruck, Jr., of Pacific Underwriters, states that it is his opinion that by the summer of 1970 a sufficient accumulation of return premiums will be in the hands of the Bar Association so that an entire quarterly premium of the subscribing members can be paid from this fund rather than from the individual membership. Mr. Rodruck suggests that members of the Association not yet subscribing to the program should do so without delay to reap the obvious benefit of the omitted premium.

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

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) Branch (overseas) Executive Vice President of \$400 million-plus sales corporation seeks general corporate practice with small to medium sized firm.

(2) Oregon lawyer with 17 years trial and appellate practice seeks corporate staff counsel position. Admitted in Washington.

(3) Midwest lawyer with six years' experience seeks to relocate in Washington in corporate practice position. Upper third graduate.

(4) Large eastern Washington utility offering position involving areas of insurance and real property along with general corporate affairs, with good opportunity for advancement.

(5) Small (10,000) western Washington city with available main street office space is without resident attorney.

(6) Several current vacancies on the Attorney General's legal staff. Applicants will be considered for immediate appointment as Assistant Attorneys General.

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



1969

Metropolitan Judges Conference in Seattle

Outstanding jurists will gather in Seattle October 15 through 17 to attend the national conference being planned by the Association of Metropolitan Courts.

The association members include presiding and chief judges of the highest trial courts in metropolitan areas with a population of more than 800,000.

King County Superior Court Judge **William J. Wilkins** is serving a one-year term as president of the association. Honorary chairman of the Association of Metropolitan Courts is retired United States Supreme Court Justice **Tom C. Clark**. He guided organization of the association which meets annually.

About 80 judges are expected to attend. There will be four seminar periods during the conference.

The working title for one of the sessions is "Punishment, Probation and Plea Bargaining — Are the Courts Too Soft on Criminals?" Student demonstrations and narcotic violations are two of the topics for that session.

There will be a discussion of the public defender and other suggested systems for the defense of indigents. Another seminar will be devoted to considering computers and other modern aids for multi-judge courts.

Headquarters for the conference is the Washington Plaza Hotel.

Judge **G. Joseph Tauro**, chief justice of the Superior Court of Massachusetts and a member of the association's executive committee, will speak at a Seattle-King County Bar Association luncheon the day the conference begins.

Harvard Palmer and **George W. Martin** are hosts for the conferences. Attorneys are being asked to make contributions to defer the cost of hosting the conference. Donations, which are tax deductible, should be made payable to "Superior Court Judges' Association" and mailed to "P.O. Box 3586, Seattle 98124."

- Sept. 3 Seminar of the Washington State Trial Lawyers Ass'n . . . Washington Plaza Hotel, Seattle.
- Sept. 4-6: Washington State Bar Ass'n Annual Meeting . . . Washington Plaza Hotel, Seattle.
- Oct. 8-9: Eighth Annual Corporate Counsel Institute . . . Northwestern University School of Law, Chicago, Illinois.
- Oct. 15-17: Conference of Metropolitan Courts . . . Washington Plaza Hotel, Seattle.
- Oct. 26-29: Ninth Northwest Tax Institute . . . Bayshore Inn, Vancouver, B.C.

Tax Institute at Vancouver, B.C.

Several of the Nation's leading tax authorities from New York City, Chicago, Cleveland and Los Angeles will be featured speakers at the ninth Northwest Tax Institute to be held at the Bayshore Inn, Vancouver, B.C. on October 26 - 29, 1969. The Institute is sponsored by the Washington and Oregon C.P.A. Societies and the School of Business Administration of the Universities of Washington and Oregon. C.P.A.'s, lawyers and other tax practitioners from the Pacific Northwest, Alaska and Hawaii will assemble at this Institute, participate in panel discussion and lecture sessions with these outstanding authorities. Some of the speakers and topics are: **Robert Anthoine** — "Tax Free Corporate Acquisitions"; **Mario P. Borini** — "Tax Aspects of Changing Forms of Doing Business"; **Meade Emory** — "Installation Reporting".

Trial Lawyers Association

The annual seminar of the Washington State Trial Lawyers Association will be held on September 3, 1969 at the Washington Plaza Hotel in Seattle.

Although the seminar is dedicated as a tribute to the Board of Governors of the Washington State Bar Association, the main subject matters will be (1) The New Court of Appeals — Statutes and Rules; (2) Evidence and the Ultimate Question; (3) Drug Abuse Dilemma and (4) Recent Developments in Sovereign Liability.

Guest speakers on these subjects, who will include the Honorable **Frank D. James**, one of the Chief Judges of the State Appellate Court, **Smithmore P. Myers**, a former United States Attorney and former Dean of Gonzaga University School of Law, and **Ned Good**, President of the California Trial Lawyers Association, from Los Angeles, California.

BRIEFLY NOTED

Grant Armstrong, Chehalis, was reelected without opposition to a three-year term as Washington State Delegate in the ABA's House of Delegates.

The State Young Lawyers Committee is considering the undertaking of a project to compile, and perhaps make uniform, local Superior Court rules throughout the State.

There are five fewer active attorneys in the State of Oregon than in 1968.

Growth in population and industry in the State of Washington is continuing at an accelerating pace. The state population in 1968 exceeded the previous year by approximately 3%, and exceeded the 1960 population by over 15%. Correspondingly, on the judicial side, total case filings for 1968 exceeded the previous year by 3.5%, and 1960 by 31%. Criminal filings in 1967 increased 10.9% over 1966, and 1968 criminal filings showed a 14% gain over 1967. The 1968 criminal filings exceeded the 1960 criminal filings by 56%.

The Board of Governors of the State Bar of California has adopted new rules of Professional Conduct allowing certain types of group legal services. They will not become effective until approved by the California Supreme Court. The phenomenon of group legal services had been under study for ten years in California.

For the calendar year 1967, the statewide per capita operating cost of the Superior Court was \$1.135. (For 1966, this figure was \$1.25.) For the 1967 period, the probation and rehabilitation costs per capita were slightly under \$.99. (In 1966, this figure was \$.936.)

The operation expenses of the Supreme Court for 1966 totaled \$598,977.46, making a per capita

cost of \$.187.

For persons involved in litigation and, particularly, if they are unsuccessful, the courts, together with attorney fees, may seem extremely expensive. However, to the taxpayer, by comparison with other per capita figures for 1967, the cost of court operation is surprisingly insignificant. For example, the following per capita costs for 1967 were supplied by the Washington State Research Council from a report of the U.S. Bureau of the Census: Education, \$234.42; Highways, \$101.29; Public Welfare, \$43.65; Police, \$12.78; Local Fire Protection, \$7.69.

Dean Lewis H. Orland of Gonzaga University Law School, Deputy Attorney General **Christopher T. Bayley**, and **Edmund B. Raftis** attended the Western Assembly, "Law and the Changing Society" in Coronado, California, June 12-15. Among the subjects considered were "Evolution of American Legal Education," "Substandard Law Schools," "The Distribution of Legal Services," and "Role of the Organized Bar in Meeting the Problem of Crime and its Control."

The 1969 Conference of the Ninth Judicial Circuit was held in Seattle on July 15 - 17. **DeWitt Williams** was program chairman. Outstanding speakers included Hon. Tom C. Clark, Hon. Richard H. Chambers (Chief Judge Ninth Circuit), Hon. J. Edward Lumbard (Chief Judge Second Circuit) and Hon. Richard G. Kleindienst (U.S. Deputy Attorney General). **John Rupp** delivered "The Wicked Flea."

Assistant Attorney General **Richard M. Montecucco** (Counsel for Community Colleges in the State), Olympia, and Assistant Attorney General **John Lackland** (Counsel for the University of Washington), Seattle, attended a conference on "The Campus Crisis" presented by the Practising Law Institute at Boston College, June 27-28.

The following were elected to offices at the Thirteenth Annual Meeting of the Washington State

Association of Municipal Attorneys (WSAMA) on July 18, 1969, at Seattle:

John P. Harris, President, Chief Assistant Corporation Counsel of Seattle;

Larry M. Carlson, First Vice President, City Attorney of Wenatchee;

John B. Bereiter, Second Vice President, City Attorney of Kent;

G. Thomas Dohn, City Attorney of Ellensburg and **Dale M. Nordquist**, City Attorney of Centralia, representing second and third class cities;

Gordon Blechschmidt, Town Attorney of Mabton and Harrah, representing fourth class municipalities;

Ernest H. Campbell, Secretary, Legal Consultant, Institute of Governmental Research, University of Washington.

Was Judge Armstrong Misquoted?

Judge Ralph Armstrong was appointed by Gov. Evans to the Court of Appeals on June 26. The *Longview Daily News* ran the following article on May 16:

Cowlitz County Superior Court Judge Ralph Armstrong has asked that his name be removed from consideration for appointment to the newly created State Court of Appeals.

Judge Armstrong has served several terms as a State Supreme Court justice pro-tem, and was considered a leading candidate for one of the 12 positions.

He told The Daily News that he is asking the judicial selection committee of the State Bar Association not to consider his name.

"I have enjoyed my Supreme Court experience, and feel it has been a great benefit to me as a trial judge. However, I would not care to leave the trial court on a permanent basis. The development of our decisional law is a great challenge, but I find a greater challenge and interest in working with the problems of people," he commented.

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