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WASHINGTON STATE BAR NEWS

ROBERT O. BERESFORD — STATE BAR PRESIDENT, 1970-71

MEMORANDUM

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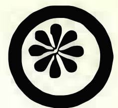
Editor's Note 

Washington State Bar News

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The complete convention program for the annual state bar meeting at Vancouver, B.C. is printed in this issue (page 17). The seminars planned are Product Liability, Patent-Copyright-Trademarks, The Right to Privacy, Governmental Tort Liability, Law Office Management and the Teach-in Panel. The leading speakers at the convention are ABA President Edward L. Wright, U.S. Attorney Stan Pitkin, Lee Turner of Great Bend, Kansas (probably the leading authority on law office management) and Professor David J. Sargent of Boston (invited because of his excellent reputation as a speaker).

Use the yellow card insert to register for the convention and make reservations for the various events. Excellent side events are available for the fair set (page 9).

Twenty-nine minority students have been studying at the U. of W. Law School this summer under the CLEO program. Seven ethnic minority groups are represented. CLEO Institute director, Geoffrey Crooks, explains the program (page 5).

In the June '70 issue of the *Bar News*, there appeared the article "The New Breed Lawyer" by David P. Riley. The article has subsequently appeared in expanded form in the George Washington Law Review (page 24). Leonard D. Goldberg takes issue with the activist role which the new breed lawyer is assuming (page 7).

Judge Edward Henry urges political parties to adopt a platform calling for amendment of the UN charter to provide for compulsory arbitration (page 10) . . . The second half of an article on California's system for discipline and removal of judges appears (page 11) . . . Profiles have been written on the two new members of the Board of Governors (page 9).

Mark Patterson takes on Chief Will Bachofner who criticized judges who defer sentences of drunk drivers and Paul Luvera, Jr. reiterates his opposition to the merit plan for selection of judges (page 3) . . . The possibility of non-mandatory bar-indorsed malpractice insurance for lawyers and other pending matters are outlined in an article on the work of the Board of Governors (page 4).

Bill Lowry lists some of the cases which will be heard by the state supreme court this fall (page 20) . . . Stanford Law School is first in offering a two-year law degree. Other major innovations are occurring in the school (page 23).

Edmund B Raftis

Photo by John D. McLauchlan

ROBERT O. BERESFORD

President, Washington State Bar Association 1970-1971

Loyalty, fairness and common sense. To the extent it is possible to summarize or describe a complex human being, these words describe Robert O. Beresford, president-elect of the Washington State Bar Association.

It is an assignment not possible of fulfillment for his partner of 26 years to write an objective cover story, because the admiration born of long friendship and association will be apparent.

Bob's achievements attest to his quick mind, ability to see issues and dedication to excellence in the practice of law, but these alone are not his true measure for the reason that a man is more held in esteem and affection by his friends and associates for his character, balance and qualities of leadership.

Bob has had a long and varied experience in all levels of bar association activity, having served as a member of the Board of Governors of the Washington State Bar; as a member of the House of Delegates of the American Bar Association representing both the Seattle-King County and State Bar Associations, and as a member of many state and local committees.

The record shows Robert O. Beresford was graduated from the University of Washington in 1939 and was admitted to the bar in February, 1940. This milestone was the result of sheer determination, application and ability. After losing his father when he was five, Bob's life was not easy. As a young man he hitchhiked to Seattle from the midwest for the purpose of attending the University of Washington. It was in the depth of the depression, and he was flat broke. He worked at any jobs available, usually at night, putting himself through college. It is not surprising that since his graduation he has actively participated in law school scholarship programs and quietly given direct personal assistance to law students and young lawyers, nor is it surprising that he is acutely sensitive to the aspirations, disappointments, hardships and needs of all people, particularly those who have not fared well in life's lottery.

Along personal lines, Bob and Agnes Beresford are devoted parents of four children: Bill, a lawyer in Seattle; Dick, a third-year law student; Barbara, a school teacher, and Harry, a college student.

Mr. Beresford's main hobbies are boating and fishing. He is a good salmon fisherman (although probably not a great threat to this natural resource) and a good navigator, but the frequency with which his boat's propellers intercept floating lumber has made him a joy to shipyard operators throughout the Puget Sound area.

Bob is a senior partner in the law firm of Beresford & Booth. We, his partners, view his election as president of the State Bar with mixed emotions, such as a man watching his mother-in-law drive his new Cadillac over a cliff, for we anticipate that during the coming year, as he follows the roast-beef-and-gutta-percha-pea circuit, we will not see a great deal of him. Our loss will be the Bar Association's gain, as Bob Beresford takes his place in the procession of outstanding men who have given so generously of their talents and leadership as presidents of our State Bar Association.

Wayne C. Booth

Letters

Drunk Drivers

Editor:

Last month's *Bar News* (page 11) printed an attack by Chief Will Bachofner and a couple of legislators on the practice of Snohomish County District Judges of deferring finding in drunk driving cases whereby the operator's license is not suspended.

The following is an editorial opinion of the writer. Suspension of license for a first offender often means that drunk driving is subject to penalties more severe than are meted out for felonies such as larceny, burglary and manslaughter. Our entire society is built around the ability of every citizen to drive from his residence to a job someplace distant from his home. There are in most cases no available means of transportation. As a result state wide in the hardship situation the charges are reduced to something lesser to avoid this result.

The Snohomish County system puts the defendant under supervision of a probation officer for six months to a year. If there is a drinking problem, it is likely to be discovered and treated, as will other driving problems. If the defendant is a willful violator, this, too, will be discovered and probation revoked.

Then, after six months to a year of observation, the charge is reduced, not as under the old style of reduce-and-forget-today.

Each defendant under the Snohomish County system is sentenced according to his individual case. It doesn't take much in brains or initiative to give the same sentence–jail, fine and license suspension–in every case. It also doesn't do much to solve the problem.

I think that I speak for most of the attorneys of Snohomish County when I say that our system is far better than the scoreboard approach that Chief Bachofner wants.

MARK T. PATTERSON
Snohomish Correspondent
Everett

Selecting Judges

Editor:

Thank you for publishing [June '70] Mr. Winter's article on the Missouri Plan which was most enlightening. I have commented in the *Bar News* about this matter previously and my feelings remained unchanged.

An excellent argument can be made that our present system of selecting judges has many faults and does not always result in the most qualified person being selected for the position.

However, our present system has the advantage, in my view, of offering to the public a remedy against an individual member of the judiciary whose performance on the bench calls into question his ability to perform his responsibilities.

The article did not comment on the experience of those jurisdictions which have adopted a Merit Plan as to the number of selected judges removed because of failure to approve by voters. I suspect that with no other name on the ballot once a judge has been selected he serves without fear of removal. I for one do not feel life-time appointments to the judiciary are healthy or beneficial to the public welfare.

Nor does the article suggest that the Plan include a method of calling to the attention of the voters the lack of ability of a particular judge so that an informed vote can be taken. In the absence of genuine, adequate disciplinary procedures with regard to members of the judiciary I remain opposed to a change in our present system.

PAUL LUVERA, JR.
Mount Vernon

The President's Corner

At this writing, I am on the last leg of my term of office as President; and with a hasty backward glance, I am amazed that the time has slipped by so quickly. Even of more concern, (and I suspect my other predecessors have shared the same feeling) there is so much that is not yet finished, albeit, progress is being made; there are so many ideas and plans that have not come to fruition, which seems to happen when each must be subjected to the tests of scrutiny, reference and research. On the other hand, it is very impressive to me to see what has been and is being done, by so many dedicated attorneys. I have said that before; and to list all such activity is not practical in this space, and might unwittingly overlook some conscientious workers.

The combined activity of your Board of Governors, the various Committees, and the Office Staff, presents a tremendous force for advancement of our Association; and I am gratified that so much has been accomplished.

I am indebted to Bernard G. Segal, President of the American Bar Association for the following quotation, which seems personally appropriate "I must hurry and catch up with my men – after all, I'm their leader."

So let me hurry to make plans for the convention in Vancouver, and I hope to see you there.

Work of the Board of Governors

The Board of Governors has narrowed the issues considerably in its search for a solution to the malpractice-insurance problems of the State Bar's active-practice members.

At its July meeting the Board authorized Bruce Maines of Seattle, chairman of the Insurance Committee, to proceed with negotiations on a specific plan, or plans, with one of the largest insurance carriers in the professional-liability field, Continental-National-American.

The Board's action came after a thorough and impressive presentation by Maines of the results of his committee's investigation into all aspects of the malpractice-insurance situation. The investigation now will be narrowed to discussions with the Chicago insurance firm of possible terms of a non-mandatory, Bar Association-sponsored statewide plan.

Among other things, Maines told the Board:

Twenty-seven state bars (out of the 46 which responded to a committee questionnaire) have some form of bar-indorsed liability insurance program; none has a mandatory program; 21 insurance firms now are actively seeking lawyers' malpractice-insurance business in Washington State (contrary to the frequent assertion that the field has "dried up") but premium rates definitely have increased; four insurance firms made "serious" proposals to the committee; a Bar-indorsed program provides advantages in premium rates and coverages, in the claims-processing area and in the precautionary-education area, and in making more accessible to the Bar Association the coverage-and claims statistics that would help the Board at some future time decide whether a mandatory-insurance plan would be more advantageous to the public and to lawyers.

The Board of Governors at its July 17 meeting also:

–Discussed the Bar News and its form and substance with Editor Edmund B. Raftis of Seattle. Board members generally praised the publication and suggested possible ways of further improvement. (The cover colors also got into the discussion; Raftis reported that from now on only four colors–of a less flamboyant tone–will be used.)

–Considered the first 39 applications for legal internships under the new Rule 9. Most were approved for recommendation to the Supreme Court after checks of the potential interns and their lawyer-tutors; final action on one was held up because the application was incomplete and two applications were denied.

–Considered possible refinements suggested by the Judicial Selection Committee in its procedures for recommending candidates for the new state Court of Appeals and Superior Courts; emphasis was on possible ways to include more local-bar opinion about candidates for the Appeals Court, especially in counties where the county and court district are the same.

–Approved continuing cooperation with State School Superintendent Louis Bruno and other educators in their investigation of a project to teach students about law. A new State Bar committee on the subject will be formed; the Board is asking for volunteers for membership. Lawyers with a special interest in the project–to teach in all grades from one through twelve about law, justice, lawyers, the courts and pertinent substantive law –may volunteer in a letter to the Board.

–Approved, at the recommendation of the Board of Bar Examiners, participation in a project investigating possible use of multi-state (California, Oregon and Washington) bar examination questions.

–Approved use of the association's lawyer mailing list by a bank which plans to offer lawyers participation in a credit-card system for payment of clients' legal fees.

–Approved, at the recommendation of the Legislative Committee, as part of the Bar's legislative program the clarification of the Professional Service Corporations Act to provide precisely for incorporation of sole practitioners and small law firms.

–Dealt with a wide variety of business involving matters of concern to individual lawyers, such as changes from inactive to active status, representation of indigents in federal courts, dues, etc.

–Received annual reports from these committees: Legislative, Unauthorized Practice, Judicial Article, Travel, Family Law, Anti-Trust, Minimum Fee, Subversive Activities, World Peace Through Law, Legal Aid, Young Lawyers, Lawyer Referral and Real Estate, Probate and Trusts.

REGISTER
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MEETING IN VANCOUVER,
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10, 11 and 12

CLEO

By Geoffrey Crooks

Since June 22 the Northwest Regional CLEO Institute, being held at the UW Law School, has given 29 college graduates from minority groups an intensive six-week introduction to the study of law. All intend to enter law school in the fall, most at schools in the Pacific Northwest.

CLEO–the Council on Legal Education Opportunity–is sponsored jointly by the American Bar Association, the Association of American Law Schools, the National Bar Association, and the Law School Admission Test Council. It is funded in part by OEO Legal Services and in part by the sponsoring law schools. In its few years of existence, CLEO has partially funded a number of pre-law institutes for minority students, of which this year's institute at the UW is the first in the Northwest. Six others are in operation around the country this summer.

CLEO's purpose is to assist and encourage minority students to enter the law, in which minorities are now severely underrepresented. (For example, as was pointed out by James McIver at the recent meeting of the Seattle-King County Bar Association, Black lawyers account for less than 1/2 of 1 per cent of the bar of this state. Needless to say, this state's imbalance is typical by comparison with other states.) CLEO seeks to interest minority students in entering law school, to encourage law schools to actively recruit minority students with the potential for law study and practice, and to provide some of the financial aid needed by most minority students.

Several problems are faced in recruiting minority students in significant numbers into the legal profession. It is now generally accepted that minority students are likely to score low on the Law School Admission Test (LSAT), relative to their ability to complete law school studies successfully. Then, once admitted to law school, a minority student is likely to face a more difficult academic transition than his white classmate. (Most lawyers will recall a period of shock during the first year of law study, even without the added disadvantages of a minority background.) Finally, there is the problem of finances. Though many white lawyers have successfully worked their way through law school, it seems clear that the typical white student has financial resources to call on which the average minority student does not. Taken together, these three factors can present a formidable stumbling block in the path of the minority student who might otherwise be headed for a distingusihed legal career.

The CLEO pre-law institutes attack the first two of these three factors. Generally, the institutes provide an introduction to the type of work which the student will face in the three years ahead. Such a program may be used to combat the unreliable LSAT predictor by giving the minority student who scores poorly an opportunity to prove that he is a reasonable risk as a law student. Thus, often students are admitted to a law school conditioned on successful completion of an institute. The institute experience may also ease the transition into law study, since it introduces the student to legal analysis in general and the case method in particular, and attempts to sharpen reading and writing skills in a law school setting. Hopefully, the minority student then enters law school with improved skills and increased confidence.

CLEO also attempts to lessen the students' financial difficulties, by providing each with a stipend of approximately $1000 per year during law school. The law school admitting a CLEO Institute student is expected to provide tuition, either by scholarship or loan. Also, the students' expenses at the summer

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Geoffrey Crooks is an assistant professor of law at the University of Washington School of Law and is director of the Northwest Regional CLEO Institute.

Quotes Quoted

institute are paid by CLEO.

The CLEO Institute in Seattle this summer was designed as a regional enterprise, with the law schools of the Universities of Oregon, Idaho, Montana, and Willamette University joining the UW in a sponsoring consortium. Roughly three-quarters of the students attending the institute will enroll in one of the five consortium schools, with eleven of the students set to enter the UW (along with several other minority students who will not have had the institute experience).

Almost half of the institute students are Washington residents, with most of the rest from elsewhere in the Northwest quadrant of the country. CLEO is not directed toward any particular minority. Properly speaking, any person from a disadvantaged background is eligible for CLEO, and non-minority disadvantaged students have participated. As might be expected, the racial or ethnic makeup of one institute reflects the diversity of minorities in the Northwest. Slightly fewer than half are Black, eight are American Indian (including one Eskimo), and others are Mexican-American, Filipino, Korean, Cuban, and Micronesian (U.S. Trust Territory). Except for the Micronesian all are U.S. citizens.

The institute curriculum is designed to emphasize the bread and butter of first-year law study, the case method. Thus, the three courses being offered are An Introduction to the Legal Process, Criminal Law-Theft, and Personal Property. The faculty consists of Professor Richard Cosway of the UW faculty, who needs no introduction to the bar of this state; Professor Ross R. Runkel, a 1965 graduate of the UW Law School and former editor of the law review, currently teaching at Willamette, and Professor Kellis Parker from the University of California at Davis, a 1968 graduate of the Howard University Law School and former editor-in-chief of the Howard Law Journal. Teaching Assistants are Woodrow Wallen, Carolyne Garbutt, and Wilbert Maez, all law students at the UW, and Fred Ferguson, a law student at California-Davis.

While the skill level of the students varies, all have approached the institute with a high degree of motivation. The enthusiasm which they have shown has been gratifying. It is our belief that if the motivation and hard work which we have seen so far carries over into law school, most of these students will prove themselves thoroughly over the next three years.

There are situations where even statistics cannot lie. Such is the case with respect to the number of black attorneys in the United States. According to the American Bar Foundation there are more than 317,000 attorneys in the United States. The estimates given for the number of black attorneys range from 2,000 to 5,000. At best this places the number of lawyers who are black at one and one-half and probably less than one percent.

This is a national average and the situation is far worse in the South. In 1968 only 506 black attorneys were practicing in the eleven Southern states that seceded from the Union. Breaking this down even further, one finds that certain Southern states reveal even more astounding statistics. Alabama, with a black population of approximately one million, has twenty-four black attorneys. There is one black attorney for every 41,700 black people in Alabama and one white attorney for every 670 whites. Indeed, these current statistics demonstrate little difference from statistics of twenty-five years ago.

The largest prestart program for blacks is that set up by CLEO. The original CLEO program was designed to produce 300 black lawyers by 1973. During the summer of 1969, CLEO sponsored, in conjunction with 39 law schools, eleven summer programs that enrolled 444 students. About 70 per cent of these students were black and 27 per cent were of Spanish descent.

The 1968 CLEO program, was basically the same, but somewhat smaller in scope, with 112 students from disadvantaged groups graduating from the Institutes and 93 entering 31 law schools. The 1970 CLEO Summer Institutes will be comprised of six or seven programs for approximately 200 students following the model of the 1968 and 1969 programs.

In brief, it would seem that the challenge is obvious. What is not so obvious is the means by which this challenge can best be met. At this point it is within the grasp of the law schools, the organizations that have been mentioned herein and the minorities to work out and implement programs that will do more than merely effect a token increase in the number of practicing black lawyers. Literally thousands of blacks must be graduated from law schools before proportionate representation in the legal profession can be approached.

A. Bruce Norton

"Current Legal Education of Minorities: A Survey" 19 Buffalo Law Review 639-656 (1970)

THE NEW BREED LAWYER AS LAWMAKER

By Leonard D. Goldberg

For some hundreds of years, lawyers have performed a comparatively well-defined function for the community. Their paramount duty of loyalty to their clients has circumscribed their objectives and their methods. As an advocate, the lawyer has been required only to present "as persuasively as he can, the facts and the law of the case as seen from the standpoint of his client's interest."[1]

Unlike the managers of some large corporations, lawyers have not been widely regarded as possessors of inadequately limited and insufficiently controlled powers. They have had no considerable practical ability to distribute things of value among rival claimants. Consequently, they have not been confronted by demands that they accede to an obligation of "social responsibility."

Now, however, attempts are being made to compel lawyers to participate directly and actively in formulating social policy. An article entitled *The New Breed Lawyer*[2] reports that "activists" are contending that lawyers should induce their clients to act in accordance with lawyers' views (or activists' views) of the public welfare. Lawyers are being urged to impose upon their clients their, or the activists', policy preferences, regardless of their clients' desires.

Even if a client prefers that the issues presented by an antitrust case be disposed of by a consent decree, his lawyer should insist, the activists assert, that the client proceed to trial when the lawyer or the activists believe that a trial would be in the public interest.[3] In their dealings with clients, lawyers, it seems, should act as judges and government attorneys as well as advocates.

If the changes in the role of the lawyer being proposed by the activists are adopted, they will radically alter his status. Having repudiated the obligations which bind him uncompromisingly to his client's interests, the lawyer will have no guide to follow in his relations with his client but his own or the militants' views of public policy. He will be converted from attorney and counsellor into lawmaker.

This is not an office whose powers lawyers are licensed to exercise. Lawyers are not authorized by the public to legislate. They do not operate in subordination to the institutions whose purpose is to provide assurance that the judge and the official legislator express the public's will. The institutions which guide and control the behavior of lawyers are designed chiefly to ensure their undivided loyalty to clients. Lawyers are not elected, and they are not appointed by public officials. They cannot be recalled or impeached. They are not bound to follow precedent. The public cannot scrutinize their opinions or conclusions, for these ordinarily do not appear in the press or the law reports. As A. A. Berle, Jr., has pointed out, when neither rules nor procedures have been created to control discretion proposed to be vested in a group, it should not be given or accepted.[4]

Because of the absence of adequate institutional restrictions on their discretion, if lawyers should become legislators, they would be irresponsible legislators. Since, as the activists themselves appear to recognize, the community is struggling already with a plethora of problems of control of irresponsible power, probably lawyers should not add to such problems unless the arguments in favor of their doing so are highly persuasive.

In fact, the reasons being advanced by the activists to support their proposals do not demonstrate the existence of a strong need for drastic alterations in the position of lawyers. The activists apparently are troubled because the Antitrust Division of the Department of Justice is undermanned and underfinanced.[5] Probably an increase in the Antitrust

Mr. Goldberg is a member of the State Bar Association and a Professor at the University of Washington in the schools of Business Administration, Department of Business, Government, and Society.

Division's appropriations would sufficiently alleviate these difficulties. Activists also seem to believe that needs exist for "outside public interest advocates" and for lawyers to do more uncompensated work on behalf of consumers and other groups whose interests are not being defended adequately.[6] However, they have set forth no reasons why these needs cannot be satisfied within the scope of an adversary system. Indeed, the concepts of public interest advocates and *pro bono* work imply the continued existence of that kind of system.

Ironically, the activists are most concerned about an exercise of irresponsible power. Large corporations, they seem to be saying, possess excessive, uncontrolled influence on lawyers and on the nation as a whole.[7] This is, of course, a serious problem, but not one whose difficulties, in all probability, can be greatly lessened by transmuting lawyers into lawmakers.

When activists imply that lawyers can assist greatly in imposing social responsibility on large corporations by exerting pressure on their corporate clients, they probably flatter the legal fraternity. There is little evidence tending to show that even a major law firm can persuade executives of large corporations to act contrary to their own view of their interests. Even if such a firm should threaten to cease to represent a resolute corporate client, as the activists have suggested it should,[8] it probably would not greatly affect the client's decisions unless no other firm of substantially equal stature would undertake to serve the client. Agreement among all major law firms not to act for a client in a particular transaction or case would not be likely to occur often, both because law firms are not often likely to achieve unanimity and because large corporations are not often likely to assume positions which would meet with such widespread disapproval.

But perhaps the answer to these objections is that the activists do not really intend to rely upon lawyers to enforce the activists' ideas of the public good upon large corporations. Perhaps they intend to picket other law firms in order to influence corporations, as they picketed Wilmer, Cutler, and Pickering.[9] Perhaps they will broaden the scope of their activities to include additional forms of quasi-coercive and coercive behavior. If these are their plans, it is hard to understand why they feel that they must attack the legal community's long-established understanding of its duties in order to reach their goals. Lawyers' views of their proper role would seem to be irrelevant to the success or failure of activists' self-help efforts to restrict the power of large corporations.

Little benefit is likely to accrue to activists if the lawyer arrogates to himself a power "to balance the private interest of his client against the public interest of society,"[10] but he can radically change his position in the community and that of his profession. The public cannot be expected to indefinitely suffer persons who presume to speak for it to remain free from democratic controls intended to ensure that they are both adequately representative and fully accountable to it. If lawyers follow the path onto which the activists seek to lead them, they may anticipate fairly confidently that they will be accused of exercising arbitrary power and that they will be confronted by demands that they acknowledge a duty of social responsibility and submit themselves to increased regulation in the public interest. Probably the activists or their successors will be their accusers.

FOOTNOTES

1. "Professional Responsibility: Report of the Joint Conference," 44 *A.B.A.J.* 1159 (1958).
2. David P. Riley, "The New Breed Lawyer," *Washington State Bar News* (June 1970) 7ff (cited hereafter as *The New Breed Lawyer*).
3. *Ibid.*, at 8, 16, 21.
4. Cf. A. A. Berle, Jr., "For Whom Corporate Managers Are Trustees," 45 *Harvard Law Review* 1365 (1932).
5. *The New Breed Lawyer*, at 16.
6. *Ibid.*, at 21, 22.
7. *Ibid.*, at 21-22.
8. *Ibid.*, at 16.
9. *Ibid.*, at 7.
10. *Ibid.*, at 7.

Two New Board Members

KENNETH P. SHORT

JOHN J. RIPPLE

A 9-handicap "golf nut" from Seattle and an enthusiastic semi-roughing-it-in-the-woods camper from Spokane will join the State Bar's Board of Governors during the Bar convention in Vancouver, B.C., Sept. 10-12.

And both **Kenneth P. Short** of Seattle and **John J. Ripple** of Spokane have long records of generous service to their local and state bars.

Short, of the firm of Short, Cressman & Cable with offices in the Seattle-First National Bank Building, will replace **Lloyd W. Bever** of Seattle as representative to the Board from the First Congressional District. Ripple, who succeeds **Grant L. Kimer** of Spokane from the Fifth District, is a partner in the firm of Gordon & Ripple, with offices at W24 Indiana, Spokane.

Ripple began law studies at the University of Minnesota Law School, then took time out for extensive naval service during World War II. He resumed studies at Gonzaga Law School and was graduated magna cum laude, No. 1 in his class, in January 1950. He was secretary and law clerk to U.S. District Judge Sam M. Driver for 18 months, and has been in private practice since 1951. He also was a Gonzaga law faculty member from 1951 through 1968.

Now representing the Fifth District on the new State Bar Disciplinary Board, Ripple has been Spokane County Bar president, chairman of the State Bar Public Relations Committee and a member of other committees. His civic contributions have included Rotary, Boy Scouts, United Crusade and Spokane County Welfare Council.

He and his wife, Patricia, have seven children; the eldest, John C., 18, will attend Washington State University in the fall.

Short, a Seattle native, was graduated from University of Washington Law School in 1942 and began practice that year.

He is a past president of the Seattle-King County Bar and of the Seattle Legal Services Program. He has been a member of many standing and special State Bar committees and now is active on the Legal Aid Committee and is caretaker-

(continued next page)

Antiques, Tea, Furs and Leather

Choice English-flavored antiques. High tea. Rare and original furs and leather fashions. A glimpse into a queen's life and (unoccupied) boudoir. A "British Columbia breakfast."

These are some of the scheduled highlights for the lawyers' ladies during the State Bar Convention in Vancouver, B.C., September 10-12.

And because they *are* lawyers' ladies, they also may visit through Vancouver's very different courts and courthouse.

The ladies' convention activities are expected to be among the most varied and very nicest ever arranged, Mrs. John W. Riley of Seattle, general chairman, said.

The "Choice Collectors' Antique Show and Auction" during the high tea at 4 p.m. Thursday, September 10, will be presented by Maynard's Ltd., of Vancouver, Toronto and London. It will be in the Vancouver Island Room of the Hotel Vancouver, the convention hotel.

Chairmen for the tea and show are Mrs. Gerald Collier and Mrs. David H. Olwell of Seattle. Receiving will be Mrs. Robert O. Beresford of Seattle, wife of the State Bar president-elect. Pouring will be wives of Supreme Court justices.

The furs-and-leather style show will be at 9:15 a.m. Friday, during the British Columbia breakfast on the hotel's beautiful Panorama Roof. And Mrs. George Kargianis of Bellevue, breakfast and show chairman, has signed up a list of attractive and talented models: Mrs. Hugh J. Rosellini of Tacoma, Mrs. Robert L. Harris of Vancouver, Wash., Mrs. Douglas M. Fryer of

(continued next page)

Judge Henry Urges Amendment of United Nations Charter

King County Superior Court Judge Edward E. Henry has recently urged lawyers and judges to persuade their government leaders to act on the resolution passed at the World Peace Through Law Conference in Bangkok, Thailand.

The resolution provided that the United Nations Charter be amended to provide a method for the compulsory arbitration of international disputes.

Judge Henry states that one reason for the advisability of arbitration in the settlement of international disputes is because it is understood by peoples of divergent political and cultural systems.

The most recent successful arbitration between nations was the Rann of Kutch dispute between India and Pakistan decided in February of 1969. The arbitration panel consisted of Yugoslavia, nominated by India; Iran, nominated by Pakistan; and Sweden, nominated by the Secretary General of the United Nations. The dispute was decided and the military forces that had been posed for battle were withdrawn.

As to arbitration of the war in southeast Asia, Judge Henry related:

"A French attorney has suggested to me that the Vietnam dispute could be settled by arbitration. 'How,' I asked. 'To decide who violated the Geneva accords,' he replied, 'You or they.'

"When the Indonese defeated the French in 1954, an agreement was signed by the foreign ministers of France, England, Soviet Union, Mainland China and representatives of the Democratic Republic of Vietnam, the State of Vietnam, and the Kingdoms of Laos and Cambodia.

"The United States did not sign the agreement, but its representative, Ambassador Bedell Smith, asserted substantial agreement and specifically declared, 'It (United States) will refrain from the threat or the use of force to disturb them (the agreement) . . . and will seek to achieve unity through free elections supervised by the United Nations to ensure that they are conducted fairly.'

"Since 1954, there has never been a determination by an impartial tribunal of the question of who violated the agreements.

"Why not in the future have these disputes decided either by an international court of justice or by an arbitration tribunal?

"Supposing the United States did lose this lawsuit and was ordered to go home. Wouldn't that be an honorable way out?"

Judge Henry has dealt with the subject of compulsory arbitration of international disputes in an article in the December, 1968, *American Bar Association Journal* at page 1187.

Judge Henry asks for help—"We'd like those of you who are interested to use your influence to have the coming conventions of the political parties adopt such a plank in their platforms."

Those interested in working in this area should contact Judge Henry to obtain further information.

IN MEMORIAM

Dick E. Scott, 63, Spokane, a graduate of Gonzaga University Law School. He was admitted to the bar in 1949.

Irving R. Stratton, 70, Seattle, died June 26. A graduate of the University of Washington School of Law, he was admitted to the bar in 1927.

New Board Members
(continued from page 9)

chairman of the at least temporarily inactive Committee on Legal Services for the Indigent. He also is a member of the Seattle-King County Lawyers' Committee for Civil Rights.

Short's term as a member of the House of Delegates of the American Bar Association expires in August, 1970.

He and his wife, Marjorie, who also golfs, have a son, 25, financial manager for a Seattle corporation, and twin daughters, Cassy (Mrs. John K. Morris), a graduate of University of Puget Sound and a bank management trainee, and Jean, a Western Washington State College graduate who is a speech therapist with the Fife-Milton School District.

Antiques
(continued from page 9)

Seattle (who will have the thrill of displaying a $3000 mink coat), Mrs. J. Paul Coie of Seattle, Mrs. Robert Seeber of Olympia and Mrs. Robert C. Mussehl of Seattle.

Mrs. Robert Royce of Seattle, as publicity chairman, and a host of other willing auxiliary workers have been assisting Mrs. Riley and the event chairmen with arrangements for the convention activities.

Opendack Suspended

Henry P. Opendack, Seattle, has been suspended from the practice of law for a period of two months. *In re Opendack*, 78 W.D.2d 103 (1970).

Pool Disbarred

Walter F. Pool, Spokane, has been disbarred from the practice of law in the State of Washington. *In re Pool*, 78 W.D.2d 203 (1970)

Judicial Discipline and Retirement – the California Plan

By **JACK E. FRANKEL**

Recent Events Emphasize Need for Commission

The 1969 events in Illinois and New Jersey and those misfortunes which enveloped Justice Fortas and Judge Haynsworth should need no elaboration as to the importance of adequate machinery for resolving questions of judicial ethics. While I do not think there has been a quantitative increase in unethical conduct in recent periods–perhaps the bar and the public have higher expectations as to what constitute acceptable standards of conduct and performance. I would hope that this would lead to sound methods for enforcing such standards. The time for improvisation should be past.

The value in having a suitable mechanism is still not necessarily accepted or understood. It seems easy enough to understand and to agree to developing a revised code of conduct. We may be overlooking implementation. Dean Acheson wrote in the October, 1969 issue of the American Bar Association Journal, under the title, "Removing the Shadow Cast on the Courts." He argued in favor of spelling out principles of judicial conduct in a code of behavior but then expressed what apparently is still a widely held view, "One need not concern oneself overly with methods of enforcement, since surely judges and justices of all people will comport themselves according to law once it is clearly and authoritatively stated."

Judges Shouldn't Judge Their Own Cases

I think this overlooks an important principle of justice: No one is fit to judge his own case. Let me give as examples two outstanding figures of the American judiciary–first, William Howard Taft. I quote from his sympathetic biographer, A. T. Mason,

> "Partisan politics was not off off limits for Chief Justice Taft. Right-thinking Republicans could usually look to him for a helping hand. Always alert to the danger of Progressive uprisings, he decided that plunging in was sometimes the better part of valor. The night of President Harding's funeral he tried to gauge Coolidge's political strength, sounding out the 1916 presidential hopeful, Charles Evans Hughes, on the possibility of his running again. Hughes told Taft 'he would not run for the Presidency.' Taft wrote at the time, 'my own impression is that Coolidge is the one upon whom more people can agree for nomination than anybody else'."

Concerning the 1924 election Taft observed, "Where all the businessmen of the country are for the candidate of one party, that candidate has heretofore prevailed." Obtaining their support at the polls in November depended upon opposing certain legislation. The apprehensive Chief Justice went into action. Andrew Mellon's views carried extraordinary weight with Coolidge; consequently, the Chief Justice wrote to the Secretary of the Treasury urging that he induce the President to veto bills which threaten to burden the Treasury. Mason writes, "Taft's letter embodied a catalogue of specific recommendations, a master outline for pending and potential executive treatment of nonjudicial legislation." Mason concluded, "It is difficult to square Taft's partisan political activity with the canons formulated by the Bar Association's Committee on Judicial Ethics, which Taft himself headed." Two years before Taft has been chairman of the ABA Committee which formulated the Canons of Judicial Ethics, including the one prohibiting partisan political activity.

Now the second example–Felix Frankfurter. The Roosevelt-Frankfurter correspondence has now been published. The extend of advice which Justice Frankfurter while on the Supreme Court gave President Roosevelt was startling. He provided the President a memorandum for reform of the tax laws, recommended repeal of the neutrality laws, urged creation of the top position to which Justice Byrnes was appointed and recommended his fellow Justice for the job. There was a continuous flow of advice on the conduct of foreign affairs and the management of the economy.

Let me return to Dean Acheson's article, "The intimate and notorious friendship of one of my closest friends, Justice Frankfurter, with President Roosevelt did harm to the public reputation of both the Court and the Justice. Felix Frankfurter's nature was so innocent and fiercely independent that this was quite hidden from him. I knew him as intimately as I have ever known anyone and have no doubt whatever that his friendship with the President did not influence his judicial judgements in any degree. But I cannot expect those who did not know him to share that opinion." Acheson concludes that the letters to the President "should never have been written, preserved or published . . . . "

It is not my intention to criticize these two great Americans, Taft and Frankfurter. My point is simply: A code without implementation is ineffectual. No one should expect a code which lacks enforcement procedures to be taken seriously. Circumstances have arisen repeatedly in our history and will undoubtedly arise again necessitat-

ing evaluation and resolution, independently and impartially. There are a variety of possible practices, many not necessarily improper in which unbiased scrutiny is needed. Let's look at a couple.

For example, there has been much talk about commercial relationships and outside activities of judges and a tendency to say "ban everything." Many investments by judges and also educational and civic activities are perfectly proper. It would be imprudent to require judges to be excessively cloistered. However, we all know that some business arrangements do create suspicion as to the integrity of the court. An unbiased tribunal is needed, to evaluate in problem areas and, with the power to act affirmatively.

As another example, bad manners, ill temper and discourtesy are occasional points of criticism. A judge who himself sees nothing wrong with his courtroom demeanor, to trial lawyers may appear as a tyrant and a despot, especially to neophytes or strangers who have not learned how to steer clear or cope with a particular brand of rudeness or tantrum. These are only two areas requiring independent analysis and review of complaints—there are many others.

Surely it makes sense that such abuses be attended to when they are alleged. Criticism of judges is often unmerited or exaggerated—usually it is irresponsible or misguided—and the critics, whoever they are, can be told to specify the claimed misconduct or wrongdoing and itemize particulars. Once the effectiveness and willingness of the commission to take positive action are established the ability to dispose of malicious accusations and innuendoes is enlarged. The value of this capability is appreciated when one considers the all too frequent wild crank insinuations which are made against judges . . . .

The Procedure Used in the California Plan

I'd like to explain a little more about the Commission's operation in California. Matters reaching the Commission come by somebody's complaint or report. There is no routine monitoring or auditing by the Commission itself. Reliance is placed upon someone filing a complaint or alleging a particular problem within Commission jurisdiction. However, once a matter is pending, the Commission can proceed on its own motion. Therefore, when affirmative action is taken it is because the Commission has so decided not because someone is complaining. This keeps attention on the relevant aspects and maintains Commission control of any investigation. Composed predominantly of judges and lawyers, it can be expected to proceed prudently and carefully.

Cases of possible chronic disability can be satisfactorily considered and adjudicated. The rarely occurring cases of apparent misconduct can be investigated and acted on. Lesser lapses can be dealt with. The stature of the Commission plus its powers enable it to discharge its responsibilities with efficiency and flexibility. It has its own staff, it has subpoena power, it may order that a judge's desposition be taken and it may ask for medical reports or independent medical examinations. By statute it may obtain assistance from all state and local departments. From the 1969 figures I gave, you can see that in only 28 instances out of 1050 judges (under 3%) was it necessary even to communicate with a judge. Therefore you can estimate how infrequently major Commission powers are utilized. This also reinforces my earlier opinion in the capability and dedication of the vast majority of judges. I want to emphasize that in the course of a year a very small percentage of judges are implicated in even minor transgressings—two to three percent.

California Commission Is Separate from Courts Administrative Office

This is not a management or administrative program. In California we have found it useful to separate the statewide court administrative office—which deals with such matters as case load, assignments, seminars and rules—from the discipline and fitness function. The California court administrator is a very busy person and is happy to be able to refer complaints to our office.

Thus, the purview is actually very limited which is as it should be. Expenses are at a minimum. The Commission enjoys good relations with the Administrative Office of the Courts, the Governor's Office, Legislative Committees, the State Department of Justice headed by the Attorney General, the State Bar of California and various agencies at the county level. The support of our two Chief Justices since 1960, Phil Gibson and Roger Traynor, and the positive outlook of the Commission members and chairmen, including the present Chairman, Presiding Justice Murray Draper, have been important. If that sympathetic and constructive attitude and interest were missing the results would be different no matter how well conceived the procedure.

Much of this sounds quite obvious and ordinary. There is actually nothing remarkable about a careful program for dealing with these delicate and persistent questions of ethics and conduct. Once organized and visible a standing commission strengthens the administration of justice. This helps instill in responsible citizens justifiable conficence in the integrity of the courts.

CLARK REPORT
By DUANE LANSVERK

The officers of the Clark County Bar Association for 1970-71 will be as follows: President: **Earl Jackson**; Vice-President: **Bill Caples**; Secretary: **Brian Wolfe**; and Treasurer: **Jim Horton.**

Jim Horton has left the prosecutor's office and associated with the firm of Blair, Schaefer, Hutchison & Wynne. **Fred Stoker** has replaced him in the prosecutor's office.

As of July 1, the Clark County District Court has reorganized into a county-wide court with three full-time judges: **Lyle Truax, Dean LaRowe,** and **Eugene Harris.**

The annual Bar Association Golf Day was held June 18 at the Orchard Hills Country Club. For the second year in a row **Don Simpson** was the best golfer of the day—with the lowest gross score. **Bob Schaefer** won the traveling trophy with the lowest net score (the prosecutor's office has been asked to investigate his handicap).

GRAYS HARBOR REPORT
By JOHN L. FARRA

Ed Brown, Prosecuting Attorney for Grays Harbor County, was recently elected Vice-President of the Association of Prosecutors for the State of Washington. It has been rumored that his secretary is delighted with the election of her boss; it seems Ed was the prior secretary-treasurer of the Association of Prosecutors and his secretary was continually typing notes of the meetings.

Judge **Paul O. Manley**, Justice of the Peace for the West District of Grays Harbor County, has announced that he will not seek re-election this fall. Judge Manley is a well-known criminal attorney in the Grays Harbor area.

At a recent Bar Association meeting, the following officers were elected: President, **Thomas Parker**, Aberdeen Attorney; Vice-President, **Jerry K. Hallam**, Aberdeen Attorney; Secretary-Treasurer, **Curtis Janhunen**, Deputy Prosecuting Attorney.

Congratulations to two former classmates who are entering the practice of law in the Spokane area. Mr. **Larry Gustafson** and Mr. **Monty Foster** will have their offices in the Old National Bank Building of Spokane, Washington. It seems that the two individuals are presently gathering furniture and books for their offices, and the official opening of their firm was to be on August 1.

The Prosecutor's Office had a surprise witness in a recent filiation case in Grays Harbor Superior Court. Defense counsel was surprised when the Deputy Prosecutor introduced an eye witness to the act from which the litigation stemmed. It would seem that the Prosecutor's Office can find witnesses to any criminal act if they try hard enough.

ISLAND REPORT
By TED ZYLSTRA

Ed Beeksma returned from the Prosecuting Attorneys' Convention at Sun Mountain with a renewed spirit for stamping out crime. We feel he was motivated by his sore sunburn.

Howard Patrick will be installed as President of the North Whidbey Chamber of Commerce.

This correspondent recently tried a smaller contract action in which my partner, **Dick Pitt,** was plaintiff. The adverse result of the trial would modify the adage to: "One who selects his partner as his lawyer has a fool for a client."

SEATTLE-KING REPORT
By LLEWELYN PRITCHARD

Richard J. Thorpe has become a partner in the firm of Ogden, Ogden & Murphy.

Donald A. Schmechel has been elected National Chairman of the Yale University Alumni Board. This is the first time a resident of the Pacific Northwest will head the group. The Board is a world wide organization with more than 80,000 members and 160 local chapters.

John G. Ritchie and **John B. (Jack) Bereiter** have announced their candidacy for judgeships in the fall election. Ritchie will run for the Seattle District Justice Court position being vacated by Judge Evangeline Starr. Bereiter, a Kent resident, will run for the new judgeship being created for the district known as "Aukeen" (from the combined names of Auburn, Kent and Enumclaw).

Eastside attorney **Richard C. Carrithers** has announced his candidacy for the position of Bellevue District Justice Court Judge. He is associated with the law firm of Powell, Livengood, Dunlap and Silvernale and is a graduate of Yale College and Yale Law School.

Bradley T. Jones has been elected president of the Seattle-King County Bar Association. Other newly elected officers are **Jack P. Schofield,** 1st vice-president, **Betty B. Fletcher,** 2nd vice-president, **George G. Bovingdon,** secretary, and **Harold F. Vhugen,** treasurer. **Muriel Mawer, Gale D. Barbee, Hugh McGough** and **Howard Pruzan** have been elected trustees of the Seattle-King County Bar Association. Serving as ABA delegate will be **DeWitt Williams.**

Frank W. Birkholz and **Marion V. Larson** have become partners in the law firm of Cartano, Botzer & Chapman.

John C. Coughenour will be leaving the Seattle firm of Bogle, Gates, Dobrin, Wakefield & Long on September 1, 1970, to teach at the University of Washington School of Law.

Betty Taylor Howard has announced her intention to file for the vacancy which will occur by reason of Judge Evangeline Starr's retirement from the Seattle District Court Bench.

Carl B. Luckerath and **Jim K. Carpenter** have terminated their association in the Alaska Building. Mr. Carpenter will associate with Brumbach & Lamb. Mr. Luckerath will assume the role of counsel with Montgomery, Purdue, Blankenship & Austin.

James B. Wilson, State Assistant Attorney General and Chief Counsel for the University of Washington, has been elected to a two-year term on the Executive Committee of the National Association of College and University Attorneys at its 10th Annual Conference in San Diego.

Richard Mah, Jr. has become a partner in Nickell, Quinn & Tuai. **Richard C. Nelson** and **Peter J. Lucas** have formed Nelson & Lucas, Inc., P.S., Northwest Building, Suite 103, 700-112th Avenue N.E., Bellevue 98004. 455-3900.

Frank Jerome Brown has left Clodfelter, Lindell & Carr to join Lind, Thom, Mussehl & Navoni as an associate . . . **John A. McGary**, formerly Law Clerk/Bailiff for the Honorable Richard F. Broz, King County Superior Court, has associated with Mr. Clay Nixon, Lawyer.

Gary M. Little, former Assistant Attorney General and Legal Counsel to the Office of Student Affairs at the University of Washington, has become General Counsel and Assistant Secretary to the Board of Directors of the Seattle Public Schools.

Nancy Ann Holman, Seattle, became the first woman Superior Court Judge in the state when she was appointed to the King County Superior Court Bench by Gov. Dan Evans.

Rainier Valley's old Columbia City has welcomed three young black businessmen and a newly remodeled theater. The Rainier Cinema is a business venture of Zebra, Inc. The corporation got off the ground a year ago with the help of **Gerald Tuttle**, of the Seattle-King County Bar Young Lawyers Section, which donates its services to assist black business. Tuttle worked with Chuck Stewart, of the National Business League, to secure financing through a Small Business Administration loan with matching funds from the Peoples National Bank.

Letters to the Editor: Received from **Jerry Schumm**:

"Although involved in several hairy legal problems, I wanted to take time out to correct the impression contained in a recent column that I had attended North Carolina Agricultural School at Chapel Hill.

"It must be that you are suffering from memory lapses because of the 50/0 drumming administered to your alma mater, Dook, in November of 1959, by the school that I attended, the University of North Carolina."

My apologies to brother Schumm and his dog, "Tar Heel."

SPOKANE REPORT
By **THOMAS R. CHAPMAN**

Dick Cease, our new Public Defender, states that his staff is nearly complete, but he is still looking for an experienced attorney to be his chief assistant. **C. B. (Barney) Waldrop** has been hired as Assistant Public Defender to fill the other attorney's post in the office. He is a native of West Virginia and a 1969 graduate of the University of Idaho Law School, is an Air National Guard Captain and a jet pilot.

Also on the staff are Dave Syre and Michael D. Smith, both juniors at Gonzaga Law School, and hired as legal interns in the Public Defender's Office. Francis J. Peck, longtime Spokane police detective, is the Investigator.

Claude F. Bailey has resigned his post as Deputy Prosecuting Attorney to enter private practice with Quackenbush, Dean and Smith. Joining the Prosecutor's staff was **Norris V. Barnhill**, a 1969 Gonzaga University Law School graduate.

Charles Van Marter has resigned his post as Deputy Prosecutor and is now associated with the firm of Myers, Reiley & Annis.

The graduating class of Gonzaga Law School recently enjoyed a late evening session with Ralph Nader at the home of Gonzaga Instructor (and Nader classmate) **Eldon Reiley**. Nader visited informally with the law students after a day of speaking at Oregon and Washington colleges.

Responding to students' questions, Nader discussed the role of law schools and legal education and his concept of the future function of the legal profession.

Nader expressly requested Canada Dry Ginger Ale as a beverage of choice, but condescended to drink Fresca instead. According to latest reports, his evening was not ruined by the absence of Canada Dry Ginger Ale.

Spokane Legal Services program has received approval from the Office of Economic Opportunity for funds totaling $53,164. **Douglas D. Lambarth**, the new Director of Legal Services, said the amount is slightly over $3,000 more than the Agency received last year. He is also hopeful of obtaining a $10,000 grant from the United Crusade Drive.

Lyle Keith and **Malott & Southwell** have announced their association as partners under the firm name of Malott, Keith and Southwell. Address: 415 S & E Building. Phone: MA 4-0159.

Lewis H. Orland, Dean of Gonzaga University Law School, has announced that William H. Wicker, Dean Emeritus of the University of Tennessee College of Law, will join Gonzaga University's Law School faculty in September as a visiting professor. Wicker is a former Editor of the Yale Law Journal and was Editor of the Tennessee Law Review for four years. Orland said that Wicker is the first of two new full time law professors that will be hired at Gonzaga this year to implement the new day law school program, which will begin for the first time in September.

A newly-formed Gonzaga Law School Alumni Association elected officers at its recent meeting. **Kenneth D. Vanderhoff**, Seattle, was named President. Other officers include **Arthur M. Hansen**, Vice President; **Valena Scarpelli Kern**, Secretary, and **Tom Chapman**, Treasurer.

Lionel E. Wolff and **C. Raymond Eberle** have announced their association in partnership for the practice of law under the firm name of Wolff & Eberle, 1407 Old National Bank Building, Spokane, 99201 (MA 4-2161).

STEVENS REPORT

A new firm, McNally & Stewart, has been formed in Colville as of June 15. **James P. McNally** and **Fred L. Stewart** are partners, with **John T. Raftis, Sr.**, of counsel. McNally will retain his law office in Ione and will continue to be Prosecuting Attorney of Pend Oreille County; Stewart comes from Yakima, where for the past five years he has been a member of Smith, Scott, Hanson and Stewart. He has been appointed Stevens County Prosecuting Attorney. Raftis, who has practiced in Stevens County since 1916, is phasing out his practice and will be spending most of his time in Seattle.

THURSTON-MASON REPORT
By **STEPHEN J. BEAN**

At the annual Thurston-Mason Bar Banquet (June 26, at the Red Bull Restaurant in Lacey) the featured speaker was Judge **Marshall Neill** of the State Supreme Court. Judge Neill received a standing ovation, following his excellent speech on the history of the Constitution and the Bill of Rights, and its contrast with the fears and frustrations of our times now, with special emphasis on the role of attorneys in these turbulent times.

The election of new officers and the adoption of a new minimum fee schedule highlighted President **Bob Seeber**'s hosting of the June meeting. Good potation and food (causing an unusually large attendance), preceded and followed the business meeting. Elected as President was Bob's law partner, **Larry Shannon**, who promised an equally wet meeting upon his retirement. Bob stepped down to Vice President, while **Ted Schultz** was elected Secretary-Treasurer.

Assistant Attorney General **John J. Champagne** has been appointed vice chairman of the Condemnation Law Committee of the American Bar Association.

The local Bar was astonished to see a picture of my partner, **Fred D. Gentry** (not usually known for his mod attire), in the local newspaper in an Edwardian gold and tan tux at POSSCA (Olympia's answer to PONCHO), and to read of him described as, "pensive, but elegant."

WHATCOM REPORT
By **ERNEST A. BENTLEY**

A joint no-host dinner was planned between the Whatcom County Bar Association and a group of Canadian lawyers who had royally entertained the membership in Canada last year. The guest speaker did not show up. Our versatile membership dedicated themselves to repaying the Canadian hospitality. The evening was a smashing success in spite of the eleventh hour improvising.

A modest outing was held with the Skagit County Bar Association playing host on Friday, July 24, 1970. Golf, dinner and evening entertainment were the high spots on the itinerary.

YAKIMA REPORT
By **RANDY MARQUIS**

William L. Weigand has been made a partner in the law firm of Lyon, Beaulaurier, Aaron, and Weigand, effective July 1, 1970.

The Washington State Association of Municipal Attorneys recently announced the election results of its fourteenth annual meeting at Yakima: **Larry M. Carlson**, President, City Attorney of Wenatchee; **John B. Bereiter**, First Vice President, City Attorney of Auburn; **G. Thomas Dohn**, Second Vice President, City Attorney of Ellensburg; **James P. Salvini**, City Attorney of Sunnyside, and **A. Wesley Hodge**, City Attorney of Tukwila, representing second and third class cities; **Philip E. Biege**, Town Attorney of Black Diamond and Carbonado, representing fourth class municipalities; **Ernest H. Campbell**, Secretary, and Co-Director, Municipal Research and Services Center of Washington; and **John P. Harris**, Immediate Past President of WSAMA.

Briefly Noted

Rule 9 on Legal Interns became effective on June 4 by order of the State Supreme Court (78 W.D.2d 177).

The rule as finally adopted reflects three changes from the proposed rule (77 W.D.2d 718). First, the supervising attorney must have been actively engaged in the practice of law for at least three years at the time the application for limited license is filed. Secondly, required supervision of a legal intern in Superior Court may be by an attorney from the same office as the supervising attorney. Thirdly, the rule expires on December 31, 1973, unless continued by order of the Supreme Court.

George B. Garber, formerly of Seattle and now President of Pioneer National Title Insurance Company in Los Angeles, has been elected Executive Chairman of the United Service Organizations, Inc. (USO) National Council.

Drunk driving convictions in Washington state have risen 80 per cent since a law giving police power to conduct breath tests went into effect Dec. 5, 1968.

A total of 9,644 convictions for driving while under the influence of liquor were recorded for 1968—before the so-called implied consent law was passed by the voters via initiative.

In 1969, 17,821 drunk driving convictions were reported.

And figures show that similar convictions for the first five months of this year are up 16 per cent over the same period last year.

Roughly 25 per cent of convicted drunk drivers in the state were arrested in King County.

Seattle and King County drunk drivers—past and potential—will be put under the microscope during a three-year study financed by a $1.9 million federal grant.

By the time the study is concluded, up to 12,000 Seattle-King County residents with drinking histories may be involved.

A task force of psychiatrists, psychologists and at least 10 additional Seattle police officers will be hired for the study.

Names and informational background on those convicted for drunk driving and drunk in public are being compiled in a data bank at Olympia.

Those contacted will be asked to volunteer for interviews, counseling, therapy and if needed, treatment for alcoholism.

Spouses or relatives of persons with heavy drinking problems are asked to write the Drinking Driver Project, care of the Department of Motor Vehicles, Olympia.

All information will be kept confidential.

Those persons requiring medical aid will be served at any one of several alcoholic treatment centers in Seattle and King County.

Funds from the grant may be used to establish a new detoxification facility in King County if necessary.

Herb Davis, Benton County prosecuting attorney, was elected president of the Washington State Prosecuting Attorneys Association last weekend at the group's meeting at Sun Mountain near Winthrop.

Other officers are **Ed Brown**, Grays Harbor, County vice president; **E. R. Whitmore** Chelan County, Secretary and **Robert Schillberg**, Snohomish County, treasurer.

The Lawyers Committee for Civil Rights Under Law in Seattle has failed to raise the $12,500 needed to match funds from the National Committee to continue operation. Thus the National Committee decided to stop funding the Seattle operation as of August 1, 1970.

James Leach, Executive Director in Seattle, reported that he was investigating possibilities for some other method of keeping a coordinated effort of volunteers going among lawyers. This might include working with the Young Lawyers' Section or some other group of young lawyers. It might include having a law firm donate a part-time person as coordinator of the volunteer program. Or it might be working with some other organization such as Legal Services Center or the Seattle-King County Bar Association.

King County Superior Court Judge **George H. Revelle** is a member of the eleven-man select committee of the ABA, composed of leading judges, lawyers and legal scholars, which has issued a report recommending comprehensive changes to bring the 46-year-old Canons of Judicial Ethics up to date. Former Chief Justice of the California Supreme Court, Roger J. Traynor, now a professor of law at the University of Virginia, heads the Special Committee on Standards of Judicial Conduct.

Seattle was one of six cities which participated in an ABA experimental project concerned with teaching law in the schools. The project was largely funded ($600,000) by the Ford Foundation.

Gary M. Little, general counsel for the Seattle Public Schools, and **Roy C. Mitchell**, WSBA director of professional activities, attended June 20-21 in New Orleans an evaluation conference on the project.

THE CONVENTION PROGRAM

September 10, 11, and 12, 1970
Hotel Vancouver
Vancouver, B. C..

Wednesday, September 9, 1970

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

2:00 P.M. Registration

Thursday, September 10, 1970

8:30 A.M. Registration

9:00 A.M. Ladies' Registration

10:00 A.M. Legal Institute:

I. NEW DEVELOPMENTS IN PRODUCT LIABILITY

Chairman:
W. Ronald Groshong, Seattle
Speakers:
Edward J. Novack, Everett
F. Lee Campbell, Seattle
Paul Luvera, Jr., Mount Vernon

Noon Luncheon (All ladies are invited)

Presiding: Grant L. Kimer, Retiring Member, Board of Governors. Fifth Congressional District, Spokane

Welcomes:
Mayor of Vancouver
Representative of Canadian Bar Association
Representative of Law Society of British Columbia

Response: Payne Karr, Seattle

Speaker: *British TV Author and Lecturer*

2:00 P.M. Legal Institutes:

II. PATENT, COPYRIGHT AND TRADEMARK LAW FOR THE GENERAL PRACTITIONER

Chairman:
Carl G. Dowrey, Seattle
Speakers:
George M. Cole, Seattle
David P. Roberts, Spokane
Gordon R. Sanborn, Seattle

III. THE RIGHT TO PRIVACY — DAMAGES ACTIONS AND NEW DEVELOPMENTS

Chairman:
William L. Dwyer, Seattle
"The New Constitutional Right to Privacy"
Speakers:
Cornelius J. Peck, Seattle
"Definition of the Right to Privacy"
Richard S. White, Seattle
"Representing the Plaintiff in Damages Actions"
Daniel J. Riviera, Seattle
"Representing the Defendant in Damages Actions"
Fredric C. Tausend, Seattle
"Privacy v. Wiretapping, Eavesdropping and Searches"
Edmund B. Raftis, Seattle
"Privacy v. Computers"

4:00 P.M. Ladies' Entertainment: **High Tea followed by Antique Show and Auction**

6:30 P.M. **No-Host Reception** in the Pacific Ballroom (individual dinner arrangements)

Friday, September 11, 1970

7:30 A.M. **Breakfast Meetings**
Gonzaga University Law School Alumni
University of Washington Law School Alumni
Willamette University Law School Alumni

8:30 A.M. Registration

9:15 A.M. Ladies' Entertainment: **Breakfast and Fur and Leather Style Show** — Panorama Roof

9:00 A.M. **Annual Business Meeting**

Presiding: John Huneke, President, Spokane
Parliamentarian: George W. Clarke, Spokane
Invocation: Hon. Philip A. GagLardi, Vancouver, B.C.
Reports:
- President, Washington State Bar Association
- Chief Justice, Supreme Court, State of Washington
- Court of Appeals
- Superior Court Judges Association
- Resolutions Committee

Speaker:
David J. Sargent, Professor of Law, Suffolk University, Boston

Professor David J. Sargent

Presentations:
- Recipient of Award of Merit
- New members of the Board of Governors
- New President of the Washington State Bar Association

Adjournment

Noon: **Luncheon** (all ladies are invited)

Presiding: Lloyd W. Bever, Retiring member of the Board of Governors, First Congressional District, Seattle
Speaker:
Edward L. Wright, President, American Bar Association, Little Rock, Arkansas

Edward L. Wright

2:00 P.M. Legal Institutes:

IV. FEDERAL, STATE AND MUNICIPAL TORT LIABILITY: RECENT DEVELOPMENTS AND PROCEDURES; A GUIDE FOR THE GENERAL PRACTITIONER

Chairman:
Smithmoore P. Myers, Spokane
Speakers:
Nelvin Bettis, Seattle
Joseph S. Montecucco, Olympia
Arthur T. Lane, Seattle

V. LAW OFFICE MANAGEMENT– The Development of Lay Assistants

Chairman:
Richard C. Reed, Seattle
Speaker:
Lee Turner (Turner & Balloun), Great Bend, Kansas

Lee Turner

Ladies' Entertainment: **A courthouse tour and tour of the Royal Suites in the Vancouver Hotel**

6:30 P.M. **No-Host Cocktail Party**

7:30 P.M. **Dinner Dance**
(Buffet dinner served from 7:30 to 9:00)

Saturday, September 12, 1970

8:00 A.M. **Breakfast meetings**
Harvard Law School
Fraternities

10:00 A.M. Legal Institute:

VI. "TEACH IN" PANEL

Moderator:
John N. Rupp, Seattle
Participants:
Dean Richard S. L. Roddis, University of Washington Law School:
"The New York No-Fault Liability System"

Murray B. Guterson, Seattle:
"New Rules on the Death Penalty"

John Gavin, Yakima:
"The Increasing Volume of Litigation – What Are We Going To Do About It?: A Proposal"

Frank A. Peters, Tacoma:
"The Public Defender System: A Critique"

Professor William H. Rodgers, Jr., University of Washington Law School:
"Pollution and the Law"

John R. Lewis, Moses Lake:
"How to Make Money Handling Wrongful Death Cases"

James A. Anderson, Seattle:
"The 1970 Legislative Session"

R. Ted Bottiger, Tacoma:
"Another View of the 1970 Legislative Session"

William H. Gates, Jr., Seattle:
"The Legal Profession in a Changing World"

James B. Wilson, Seattle:
"Campus Disorders and Due Process"

Noon **Young Lawyers Luncheon**
(all attorneys and their ladies are invited)

Speaker:
Stan Pitkin, U.S. Attorney
Western District of Washington

Stan Pitkin

The Courts

SUPREME COURT PRACTICE

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

Cases to fill the Supreme Court calendar for the September 1970 Session have been determined except for two vacancies held for emergencies. The vacancies will be filled in early October from petitions for review granted during the interim if no emergencies develop. Issues raised by cases to be heard which may be of interest are summarized below:

Original Hearings

40809-40810 – **Riot–Inconsistent Verdict–Juries:** Is R.C.W. 9.27.040 declaring the assemblage of three or more persons disturbing the public peace by using force or violence to other persons or property, or any threat thereof, a riot, constitutional in view of the first amendment right to peacefully assemble? Was the Jury Verdict finding one defendant guilty and the other two not guilty of riot inconsistent? Was there a systematic exclusion of black people thus denying appellant a fair and impartial Jury?

40906 – **Corporations, Director's Rights and Liabilities:** Duty of a director of a corporation to disclose to other directors and stockholders arrangements in which he was personally involved for the settlement of a claim against the corporation.

40944 – **Common Carriers Licenses:** Does the merger of one corporation into another under the provisions of the Business Corporations Act automatically transfer to the newly created corporation a common carrier permit issued by the Washington Utilities and Transportation Commission?

41627 – **Constitutional Law–Due Process**: Does the requirement that a general applicant must be a United States citizen to take the Bar examination violate the 14th amendment of the U.S. Constitution and constitute an improper encroachment on Congressional authority?

40911 – **Criminal Law–Evidence–Juries:**

a. How far may the prosecution go in introducing the independent activities of a co-perpetrator not on trial for the alleged crime?

b. Does the single verdict procedure of submitting simultaneously the issues of guilt and punishment (death sentence) violate constitutional rights?

c. Should the jury be allowed to choose between life imprisonment and the death penalty without guidelines or standards?

41623 – **Bail:** Can a municipal court require bail before trial on a traffic citation without a determination of whether bail is reasonably necessary to assure the defendant's appearance for trial?

41332 – **Ordinances–Retroactivity–Constitutionality:** Can a fire protection ordinance adopted subsequent to the submission of plans for the building of a multi-unit apartment building be applied to deny the approval of such plans? Does such an ordinance constitute an unreasonable restriction upon privately owned land?

41365 – **Obscenity**: Did the trial court err in holding a film, as a whole, not obscene, but obscene because the film was shown in an outdoor theater and each of its scenes examined independently? Is such ruling in effect, an application of the "isolated parts" test which has been rejected by the United States Supreme Court?

41516 – **Constitutional Law**: Are the citizenship requirements of the Seattle city charter and the civil service rules for public employment in conflict with the due process and equal protection clauses of the State and Federal Constitutions?

41572 – **Breathalyzer Tests–Legality of**: Was there a state toxicologist prior to the adoption of Ch 24 Laws of 1970 Second Ex. Sess.?

41051 – **Criminal Law, Unlawful Possession of Narcotics:** Does a prosecutor have discretion to charge for possession of narcotics under R.C.W. 69.33.230, a felony, or R.C.W. 69.40.061, unlawful possession of dangerous drugs, a gross misdemeanor, and if so, is defendant denied equal protection under the 14th amendment to the United States Constitution and Article I Section 12 of the State Constitution?

41328 – **Taxation**: Under a tripartite agreement where there were mutual exchanges of oil products were there multiple taxable transactions under the provisions of R.C.W. 82.04.060 and R.C.W. 82.04.270?

41167 – **Religious Disputes**: In a dispute between a church and a disaffiliated church involving the right to possession of real and personal property should the court consult church doctrine to determine legal capacity to sue and, if not, can the court consult church doctrine to determine justification of the claim for possession?

41234 – **Unjust Enrichment**: Where a lessor of farm land becomes a surety on a lessee's loan to operate the farm, both the lessor and lessee obtain life in-

surance for the benefit of the lendor and the lessor dies, is the lessor's estate entitled to recover from the lessee that portion of the life insurance proceeds paid to the lendor?

Rehearings

40051-40004 – **Usury**: Is Ch. 142 Laws of 1969 Ex. Sess. denying the defense of usury to a corporation engaged in land development when the loan is in excess of $100,000.00 retroactive?

40059 – **Municipal Corporations–Police Power**: Does the surviving corporation of a merger acquire a license to engage in business of the former corporation under R.C.W. 23.01.500 providing that the surviving corporation shall possess all rights, privileges and franchises possessed by each of the former corporations or does the license lapse under a city ordinance providing no license shall be transferred?

NEWS FROM THE COURTS OF LIMITED JURISDICTION

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

Regular readers of this column and others interested in the issues in our state's limited jurisdiction courts will recall the name of Glennie O'Connor as being the Yakima lady who made jurisprudential history by having the state Supreme Court uphold her right to file a justice court claim without payment of a fee due to her indigency. By way of updating that story, Judge **George Mullins** of the Yakima Justice Court reports that Glennie has still not returned to claim her common law right to pursue Charles Matzdorff without expense.

On the other side of the mountains, the April edition of the *Washington Law Review* comments on the Supreme Court opinion in *O'Connor vs. Matzdorff* on page 389 of the review. The comment is critical of the court for not reaching the issue of whether the Equal Protection Clause of the Constitution is applicable and for adding two criteria as preconditions for an indigent to meet that paying filers of claims do not have to meet to have access to the courts.

* * *

On June 6th, the University of Washington Law School was the site of an all day conference for limited jurisdiction court judges and clerks to discuss the new small claims and wage garnishment laws. Under the joint sponsorship of the Judicial Council, the Washington State Magistrates' Association and the School of Law, the program was put together by Judge **James Cook** of the Shoreline District Court and **Phillip Winberry,** who represented the Judicial Council.

Panelists in the program included Judges **Carolyn R. Dimmick,** North-East District Court of King County, **J. Edmund Quigley,** Seattle District Court; and **Albert Yencopal,** Richland Justice Court; Professors Robert Meisenholder and Frank Smith of the Law School, **William O. Atwell,** Seattle attorney, and Robert Bilow, a law student who drafted part of the legislation.

One of the things learned at that session is that there is now a wide divergence of viewpoint and practice in our courts on the question of how extensively the courts should go in assisting the parties in small claims suits in the area of practical legal advice about the filing and enforcement of suits. Such questions as "What do I do?" or "Who should I sue as parties to this action?" or "How do I legally serve these papers?" and "How do I collect my judgment?" are repeatedly asked of court clerks across the state. The consensus of the meeting was that standardized forms giving the rights of the parties and advice on procedural aspects of a small claims suit should be prepared by an agency like the Judicial Council or the State Bar Association and approved for distribution in all the courts by the state Supreme Court.

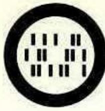
Another area that the conference thought needed work on by someone in Olympia was the issue of whether counter-claims and third party suits are permissible in the small claims departments of our courts.

* * *

Shoreline District Justice Court Judge **James R. Cook** has been elected chairman for the ensuing year of the King County Magistrates' Association. This association is comprised of all the judges of courts of limited jurisdiction for King County, including both justice and municipal courts.

* * *

The state supreme court recently ordered extension of the state court administrator's responsibilities to encompass courts of limited jurisdiction. Work done in this jurisdiction by the state court administrator, prior to the order, was on a voluntary basis to assist the courts and to obtain statistical data about court caseloads.



Office Practice Tips

LEE TURNER IS COMING

One of the featured speakers at the Fourth National Conference on Law Office Economics and Management which was held at the Waldorf-Astoria Hotel in New York City, May 17th of this year was Lee Turner, Chairman of the American Bar Association Committee on the utilization of lay personnel in law offices. Bob Mucklestone of Seattle was the chairman of that meeting, worked with Lee and knew him personally. Bob is also a member of our State Committee on Law Economics and Management.

When we were assigned a portion of the program for the Annual Convention of the Washington State Bar Association to be held in Vancouver in September, our first choice for a speaker of national repute was Lee Turner. I am delighted to report that Bob Mucklestone has lined him up and he will be in Vancouver. Only six of us from the State of Washington made the long trip to New York. Don't neglect to make your reservations to hear Lee Turner. It can put you years ahead in the planning of your office.

Lee now has four lawyers and twenty-nine lay people, a ratio of seven to one. His wife, a non-lawyer, initiated the system by making a random review of closed files to determine patterns to build check sheets and procedure manuals. He reports that the repetition was unbelievable and that the areas covered by the lay assistants continue to expand. Mrs. Turner attended the New York meeting and we are going to make every effort to induce her to come to Vancouver. Office managers, male and female, should make a special effort to meet and visit with her.

In October of 1968 at the San Francisco Conference, Lee Turner and his system were somewhat of a novelty. This is no longer so. Many firms are now following his pattern, some in general practice and some in specialties. An outstanding example of a sole practitioner is the lawyer with the bankruptcy practice who has a lay staff of twenty-three persons and handles 3600 active files at one time. Even Jack Lewis of Moses Lake could take lessons from this fellow.

One Chicago firm has specialized lay assistants in four categories: Collections, Probate, Real Estate and Bankruptcy. They charge $8 to $12 per hour for time of lay assistants and also boast an in-house computer, three Dura automatic typewriters, and one IBM Magnetic-Card typewriter. It appears that any area can be organized for lay support in which a large enough volume is developed by the technique of reviewing closed files. Many firms have not recognized this method of approaching the problem and have been hoping that there would be a general training of legal specialists so they could simply hire them and put them to work.

A recent questionnaire was circulated among the members of the Washington State Bar to pursue this inquiry. After listening to the Turners, I strongly suspect that each office must determine its own needs by a review of closed files and once having done so should be quite capable developing its own manual, check sheets and schedules.

This is an opportunity of a lifetime for both the individual practitioner and the firm. Anyone who fails to take the time and make the effort to hear Lee Turner can never honestly say that he is interested in progressive planning for his own office.

Harry E. Hennessey

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.

Law School News

The three-year lock step in American legal education has quietly been broken at Stanford Law School. The stage three-model law school, described in Dean Bayless Manning's article in the April 1970 *Bar News* has come to fruition.

Through a variety of programs–ranging from two to five years in length, and offering from one to three degrees–the Stanford Law School is reaching out to other academic disciplines on campus, extending its activities into the surrounding community, and offering students a chance to dig deeply into legal research.

Prof. Thomas Ehrlich, who quarterbacked the year-long study on a Ford Foundation grant, believes a much more differentiated system will emerge throughout American legal education.

Students now enrolled in Stanford Law School may complete their work in two years and receive a Master of Jurisprudence degree–the first two-year law degree offered by a major university.

Commenting on the new two-year degree program, Ehrlich says: "In a society preconditioned against drop-outs, students have a strong incentive not to terminate their legal study after two years, even when they have no need for the third year."

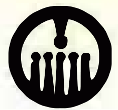
On the other hand, he notes, individuals from other disciplines and professions "would seize the opportunity to obtain a basic legal education if they could do so in two years and obtain a degree."

While the new J.M. degree is a terminal degree, students who receive it may later apply to return to the School for a Doctor of Laws (J.D.) degree. Admissions standards are the same for both the J.M. and J.D. degrees. Students need not choose between them until near the end of their second year at law school.

On a broader basis, Ehrlich comments, "Although these changes may seem unspectacular, they have significant potential for changing how legal education looks to the student."

In the future, individual law schools may choose to go in different directions, becoming more distinct institutions. While Stanford now tries to provide students "an array of options" after their first year, he points out, it simply does not have the resources to initiate, for example, a paraprofessional program–a field for which there is a clear national need.

Student career opportunities also will become more diverse, Ehrlich believes, but opportunities for employment in law-related fields are increasing. For awhile the national government was a student favorite. Now, it's consumer organizations and other groups where the public interest is quite large.

Lawyer/Public 

Is an organized, vigorous public relations program important to a bar association?

Judging from the new wave of PR activity among many state bars, there appears to be increasing awareness that such programs are important–to the public as well as to lawyers.

The increasing importance being placed on the role and value of public relations was dramatically demonstrated by recent action taken by the State Bar of Texas. The bar membership (65 per cent of the members cast ballots) voted to increase dues to $50 from $24 for the next four years, with most of the $200,000 to be raised to be alloted to an intensified public relations program. Of those voting, 62 per cent favored the dues increase.

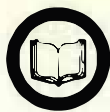
Bar officials in Texas have promised a "vigorous external program of public relations" to improve the public's image of the lawyer, the judge and court procedures.

Colorado's Bar president in his 1970 annual report asked "And what of our relationship with the public?" And he answered:

"Our approach here has been, at last, to seek help. We have engaged professional public relations counsel–but have made explicit to them that 'image building' is not our goal. Rather, our objective is to make a start toward enabling the public better to understand what our legal system is designed to accomplish and the role of the lawyer in that system. This is not an easy objective."

This also is a primary goal of your State Bar PR Committee, and a firm start has been made in that direction.

–Public Relations Committee



Books

Comparative Negligence, The ATL Monograph Series, Compiled by Prof. William Schwartz, foreword by Leon L. Wolfstone, President ATLA, 194 pp. (W. H. Anderson Company, Cincinnati, $4,50–order from ATLA, 20 Garden Street, Cambridge, Mass. 02138.)

The ABA Auto Reparations Report recommended the Wisconsin version of Comparative Negligence. This monograph maintains that the Wisconsin plan has major defects and that the Mississippi plan is far superior. It takes the position that the Mississippi plan is based on a true apportionment of fault concept with a pro-rata reduction in recoverable damages in proportion to the extent to which the plaintiff contributed to his own injury. The monograph is in its second printing. The monograph contains articles by both Judge Edward E. Henry and Prof. Cornelius J. Peck.

Washington State Real Estate Manual ($6.95 plus 31c tax–available from the publisher, Washington Real Estate Educational Foundation, 166 Roy Street, Seattle 98109.)

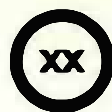
Constitutional Revision in Washington–a collection of five papers written by students in a year-long seminar at the University of Washington School of Law. Subjects: Legislative Article . . . Executive Article . . . Selection, Discipline and Removal of Judges . . . Elections . . . Local Government Article. Available for $2.00 from Professor Ralph W. Johnson, School of Law, Condon Hall, University of Washington, Seattle 98105.

Articles of Note

Douglas Shaw Palmer, "Computing Section 16(b) Profits on Stock Bought Under Option: Applying Rule 16B-6." 25 *The Business Lawyer* 1269 (No. 3 April 1970).

William H. Rodgers, Jr., "The Persistent Problem of the Persistent Pesticides: A Lesson in Environmental Law." 70 *Columbia Law Rev.* 612 (1970).

The entire issue of the May 1970 *George Washington Law Review* is devoted to the Washington, D.C., lawyer. (Vol. 38, No. 4). Included is "The Challenge of the New Lawyers: Public Interest and Private Clients" by David P. Riley. A shorter version of the article, "The New Breed Lawyer," appeared in the June 1970 *Bar News.* Also included is an article by members of a public-interest law firm who analyze their experiences after fifteen months of experimentation.



Twenty Years Ago

The convention was on! The favored locale–Spokane and the Davenport Hotel. A good convention it became with excellent reports from the Uniform Code, Public Relations, Inheritance and Gift Tax, and Unauthorized Practice Committees.

Chairman **George E. Mathieu** warned re unauthorized practice that failure to meet the challenge would hasten the trend toward socialized law. **Fred Dore**, Seattle, held his own convention of Georgetown University Law School grads. The very popular **Robin V. Welts** of Mt. Vernon was elected President.

Births

A total of 98 new lawyers came into being, but to paraphrase the old farm auction sale notice, "the names are too numerous to mention." Many, however, have achieved high place and all, so far as we know, have been a credit to the profession.

Crossed the Bar

James A. Brown, Spokane; **Wilbur A. Toner**, former Assistant State Attorney General, and **Harold G. King**, Walla Walla; **Edward W. Hart**, U.S. District Judge **Lloyd L. Black, George W. Soliday, George E. Steiner**, Seattle; **F. A. Hatfield**, Langley, Whidbey Island, passed.

Arrived

Charles C. Ralls was unanimously elected National Commander in Chief of the Veterans of Foreign Wars. **Thomas P. Gose** was elected President of the Walla Walla County Bar.

Politics

In Whitman County, **Marshall Neill** presented himself for State Representative.

Debate

The debate between **Cody Fowler**, President of the American Bar Association, and **Richard S. Munter**, Spokane, re "The Orange vs. The Apple" was fruitful of fun; however no exhibits of the subject were distributed.

Dean Judson Falknor told of an excellent position for a lawyer at The Hague, but added the sad prerequisite that knowledge of English was essential. This made us think of Will Rogers, who wrote that English came "nacherly" in his family.

DO NOT LABOR ON LABOR DAY!!!!

–**David J. Williams**

Notices

Wanted and Unwanted

For Sale: Dictaphone Model 600 with magnetic tapes–single unit for dictation and transcription or can be converted. Used less than one year. $200 or best offer. Donald W. Frey, P.O. Box 250, Longview 98632. Tel. 423-4050.

For Sale: 3 Unit integrated Stenocord dictation system (2 dictators, 1 transcriber) for sale or trade. GL 4-8115. (Bellevue).

For Sale: 18 IBM Magnetic Tapes, used and unused, for use on the MTST; nominal price. Ingram, Zelasko & Goodwin, Suite 216, Becker Building, Aberdeen 98520. Tel. 206-533-2865.

For Sale: CJS; Am. Jur. - Am. Jur. (2d); Supreme Court Rep.; ALR, ALR (2d) and ALR (3d). Contact the Estate of James W. Bryan, Jr., c/o Judge Robert J. Bryan, Kitsap County Courthouse, Port Orchard. We are looking for offers.

MEETINGS HELD BY STATE BAR ASSOCIATION DURING JUNE:

June	5	Professional Code
	6	Family Law
	11	Board of Governors
	12	Board of Governors
	19	Revision of the Judicial Article
	19	Unauthorized Practice of Law
	20	Revision of the Judicial Article
	21	Real Property, Probate & Trusts
	25	Disciplinary Hearing
	26	Law Office Management and Economics of the Law
	26	Probate & Trusts
	27	Legislative
	29	Disciplinary Board
	29	Disciplinary Hearing
	30	Legal Internship

Calendar

August 24-28	13th Biennial Conference of the International Bar Ass'n . . . . . Tokyo
Sept. 10-12	State Bar Annual Meeting . . . . . Hotel Vancouver, Vancouver, B.C.
Sept. 27 – Oct. 2	7th Annual Hawaii Tax Institute . . . . Princess Kaiulani Hotel
Oct. 30	Fifteenth Annual Estate Planning Seminar: "Immediate Pre-Mortem and Post-Mortem Estate Planning", co-sponsored by Seattle Estate Planning Council and U. of W. School of Law.
Oct. 24, Yakima Oct. 31, Spokane Nov. 7, Seattle Dec. 12, Olympia	"Professional and Fiduciary Liability," State Bar CLE Seminar, Paul C. Gibbs, Seattle, Chairman

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. Large county Legal Services Office seeking staff attorney to assume major responsibility for office caseload.

2. Lawyer needed to fully assume established practice in growing four-town area in Eastern Washington.

3. Nebraska Law School graduate, law review, formerly county attorney in Southwest state, seeks court clerkship or position in government office.

4. Director of Legal Services needed for one of Indian tribe organizations in Western Washington. Salary $15,000 per year.

5. Superior Court Judge's clerk seeking private general practice in Seattle area.

6. Young Seattle lawyer with three years' experience in general practice seeking new position in private practice or with corporate legal staff.

Will Information Sought

Anyone having any information regarding the last Will of Edward Albert Koss, who passed away last December, please contact Mrs. M. K. Marseilles, Rt. 1, Box 473A, Sunnyside 98944.

The Lawyer Placement files will be kept in Steve Johnson's room in the Hotel Vancouver during the Bar convention. The files will be available 10-12 a.m. and 2-4 p.m. on September 10 and 11, and 10-11 on September 12.

STATE BAR ASSOCIATION
ANNUAL MEETING
September 10, 11 and 12, 1970
HOTEL VANCOUVER
VANCOUVER, B. C.

Deadline for next issue of the BAR NEWS is September 14, 1970.

WASHINGTON STATE BAR ASSOCIATION
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