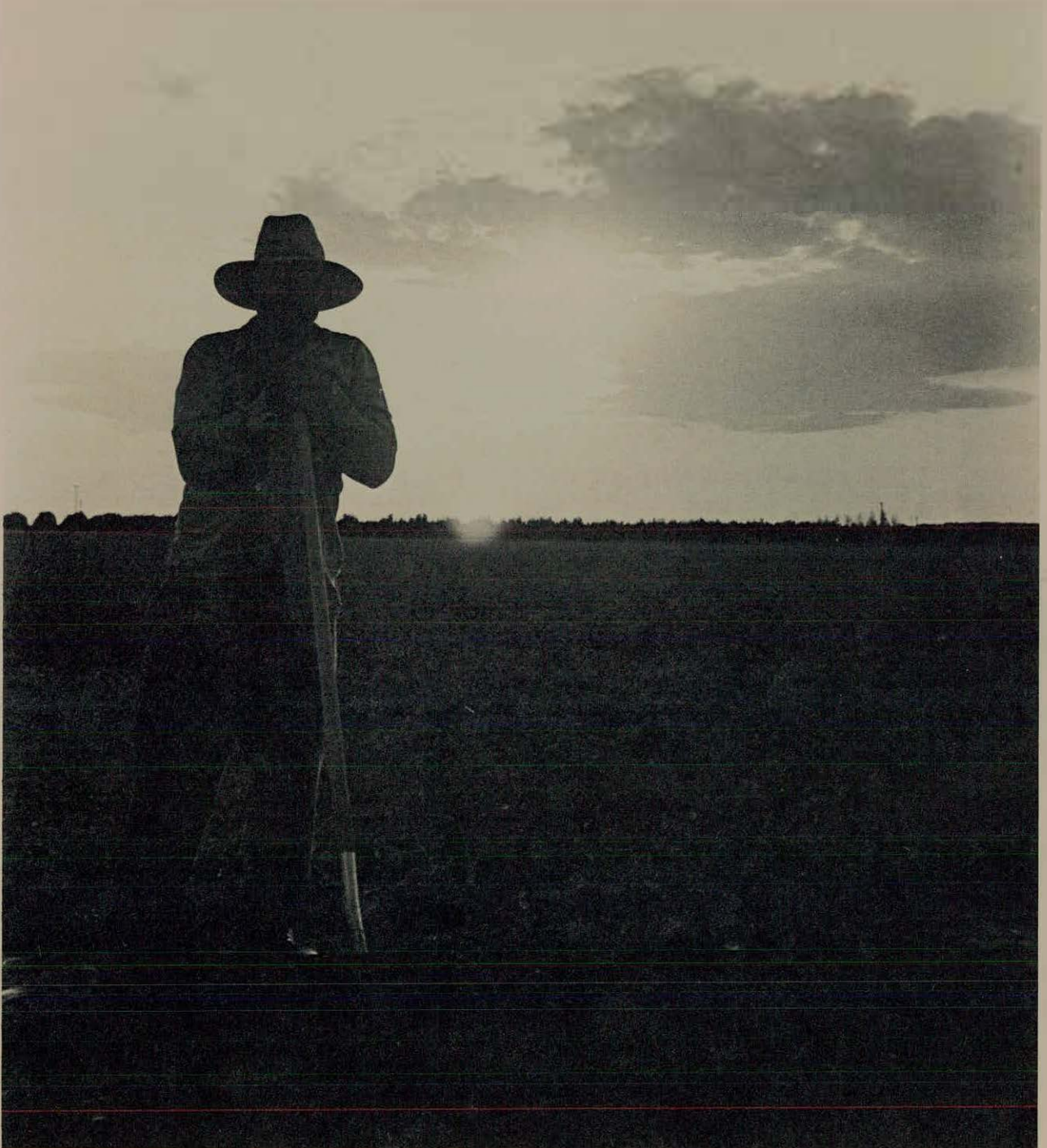


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# WASHINGTON STATE BAR NEWS

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FARMWORKERS IN THE YAKIMA VALLEY

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# Washington State Bar News

Published by

WASHINGTON STATE BAR ASSOCIATION  
505 Madison Street Seattle, Washington 98104  
EDMUND B. RAFTIS, Editor

Material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or of the Board of Governors. Direct all copy to Edmund B. Raftis, Editor, 1608 Exchange Bldg., Seattle 98104.

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Published monthly, except August-September combined. Subscription price is \$5.00 a year, 50¢ a copy. Subscription included with active membership. Back issues \$7.50 per volume, \$1 per issue.

United Graphics



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- 3, 6, 12, 23, 26 John D. McLauchlan
- 11 Bill Lilley, *Walla Walla Union Bulletin*
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## Defective Insurance Coverage?

Editor:

**COULD THIS BE YOU** —

After many years of paying insurance premiums on property coverage, liability, malpractice, etc., you never really know the extent of coverage, attitudes of insurance carriers, protection or lack of it until you have sustained a loss and run into the bureaucratic red tape that insurance carriers utilize when called upon to pay a loss under their contract of insurance.

How would you react if you felt that you had adequate coverage under the property section of your policy and an additional coverage for your books and library under a valuable papers and records endorsement and then upon sustaining a loss having your carrier tell you that in order to recover you have to keep your entire library and all books in four locked filing cabinets or you cannot recover under your valuable papers and records endorsement? Well, I can tell you that you would feel absolutely furious and frustrated!

This is exactly what happened to me when I lost everything in a fire which virtually destroyed my office building. I took the position that the valuable papers and records endorsement covered books and my library because (1) books were in the definition of valuable papers and records without limitation or exclusion, and (2) there was no coverage for my books and library per se in any other part of the policy. The carrier on the other hand takes the technical approach under the standard "Protection of Valuable Papers and Records" provision that in order to recover under this endorsement I must keep my books and library in

four locked filing cabinets, which are non-fireproof and designed only to protect against burglary, larceny or theft and not loss by fire. If there are any attorneys in the state of Washington who keep their books or library in any of their locked filing cabinets, I would most certainly appreciate hearing from them.

I urge each of you to review your insurance coverage *immediately* and make sure that your coverage in fact corresponds with your coverage in mind. I would be happy to answer any inquiries concerning my problem so that — **THIS COULD NOT BE YOU!**

EFREM Z. AGRANOFF

Everett

## Maxey

Editor:

Carl Maxey was invited to talk about "conspiracy and contempt." You indexed his article [Oct. '71 *Bar News*] as "Courtroom disruption" but the substance appears to be a studied attack upon the Judiciary.

I firmly believe that a practicing lawyer must maintain his faith in the integrity of our Judges and the Judicial system. If a lawyer loses that confidence, he loses his ability to sensibly and objectively advise his clients, and consequently he cannot function properly as a lawyer and should seek another profession (or occupation).

Mr. Maxey had not reached his teens and probably does not remember when President Roosevelt "turned the Court around" against 150 years of Constitutional precedent. If the present Ad-

ministration turns it again, it would only be redirecting the Court along the lines of its intended purpose, to the exclusion of legislation, which latter function belongs to another arm of Government.

Among Mr. Maxey's carefully selected examples of alleged Judicial abuse appears a serious factual error concerning a World War II situation of which I have personal knowledge. There were no "concentration camps." A few Japanese enemy aliens were interned based upon the record of their activities. The American citizens of Japanese ancestry, with their spouses, children and a large percentage of their alien parents, were placed in "relocation centers," from which Military and civilian personnel carried on a continuous program or relocation, largely successful except as to those who declined to leave or requested repatriation to Japan.

S. DEAN ARNOLD

Clarkston

## Editorial Policies

Editor:

I strongly support your editorial policies which are so apparent in the Washington State Bar News. Quite clearly, you have committed yourself and the journal to the job of telling lawyers things they should know. In the old days, the only thing of interest was the dialogue between Stanbery Foster and Ed McKinlay.

Undoubtedly, you hear grumbling from those lawyers who have become well satisfied with their lives and would resist change and new thoughts. Your influence on the Bar is healthy and refreshing.

HOWARD W. ELOFSON  
Yakima



The Washington State Bar Association is under the direction of its Board of Governors (one elected from each Congressional District). Its legislative, educational and other programs are the basic products of its committees, with the assistance of a professional staff.

The annual meeting, therefore, is puzzling to some in that many do not understand that the resolutions passed at the annual business meeting do not automatically become the law or rule of the association, but constitute only a recommendation to the Board of Governors.

A more realistic reaction should be surprise that much of this recommendation does become a part of either the Association's legislation, by-laws or actions (sooner or later), but only after due deliberation and consideration of those committees to whom it is assigned, made up of practicing attorneys throughout the state, and approval of the Board of Governors.

I recognize the impatience of youth, and this was evident at our last convention. I had the opportunity to attend a two-day session of the California Bar Association, being their Delegates' Meeting, at which approximately 450 certified delegates, representing 100 local Bar Associations, were present, with 147 resolutions submitted for consideration. The action of this delegation is also advisory to the Board of Governors, but what seemed most surprising was the similarity of the resolutions offered to those offered by the Washington Young Lawyers at our convention. In checking with the offices of the Oregon Bar, I find the same to be true there.

The conclusion that I reach is that these are not the product of Washington Young Lawyers,

necessary for the betterment of the Washington State Bar, but are the canned product of a national scheme, for whose specific benefit I do not know. I am not trying to discourage or belittle the work of the "Young Lawyers," as they are doing an exceptional job serving on the committees and the educational programs, together with their many other assigned duties. Their thoughts and ideas are refreshing and are certainly appreciated, and are considered at depth. I do wonder, however, how many are aware of the national situation they are so vigorously promoting.

I also wonder why they want to label themselves, first as "young" and secondly as "lawyer." Why not "lawyer" first and only?

When they are admitted to practice they are lawyers and accepted as such. They do not have to go through a training program, sit at the back of the court room or wait for second servings. They are never asked their age as a means of qualification. Therefore, why must we have this distinction? Let's all work for the same goals, as they too will some day be over the age of 36.

I would like to close this article with the last paragraph of an article by Peter Vanderwirken in the September *Fortune* magazine:

"The activist lawyers are on dangerous ground. They are assaulting many of the basic customs and institutions of our society. Their efforts may have a good deal of reason, justice and popular support behind them, but the legal system alone cannot bring about the reform of inflexible institutions. It is being asked to do too much. If the activists keep pressing and the institutions of government and society still fail to respond,



the law will soon be seen to be powerless and ineffective. At that point, law will neither merit nor receive respect or adherence, and the foundation stone of civilized society will have crumbled."

*Fred Schlangie*



## Editor's Note

What is the stance of lawyers in this state with reference to government-delivered legal services to the poor?

J. P. Tonkoff, immediate past president of the Washington State Trial Lawyers Association, characterizes OEO lawyers as bluejeaned, barefooted, long-haired ideological lawyers who are not interested in the client but in "la causa" in "Quotes Quoted" to the right.

What a negative atmosphere pervades some elements of our Bar.

What is the official position of the Washington State Bar? It is less than clear.

What is the official position of the Oregon State Bar? It is very clear. The membership of that Bar on October 7, 1971, at its annual meeting endorsed the recommendations contained in a statewide legal aid feasibility study conducted by one of its committees.

That study found that county bar volunteer legal aid programs were inadequate and the inadequacy was understandable because of their inherent weaknesses.

The report states: "There is no intention to assess blame for this situation, certainly not to place it on the legal profession which has expended considerable effort in trying to provide legal assistance to the poor. It is evident that a broader community supported program of legal services for the poor is necessary if this fundamental aspect of poverty is to be attacked in Oregon, if, in President Nixon's words, 'This Nation's commitment to the concept of equal justice,' is to be fulfilled. The Bar must provide leadership to such a program, but it is the community, the public at large, which must bear primary responsibility for its support."

The report recommended that a unified statewide program, staffed by full-time legal aid attorneys, should be established. The *judicare* approach was rejected.

The time for maligning the efforts of OEO attorneys without foundation should end in this state. The time for taking positive steps has arrived. While there have been public hearings held in various cities by the Bar's Legal Aid Committee, the Washington State Bar should undertake a thorough, well-financed study of the same scope as the Oregon study. I suspect the recommendation might well be the same.



## Quotes Quoted

### MODERN SOPHISM

Second to the Viet Nam depredation, the most disastrous assault upon the taxpayer's pocketbook constitutes the support of the poverty panaceas ranging from public welfare, housing and the Office of Economic Opportunity (OEO).

The OEO program was created five years ago as an effort to provide free legal services to the rural poverty-stricken but has not, in any manner, alleviated the burdens of the poor. The pattern that embraces the agency is not so much concerned with the protection of the poor unfortunate in trouble, as it is in torpedoing the structure of the rural community. The bluejeaned, barefooted, long-haired ideological lawyers employed by the OEO are not really the poor people's lawyer nor is it their sole objective to bestow benevolent legal services upon the needy. The majority of those who find themselves in complications with the law are chiefly in the criminal field. There has been no time in recent history of jurisprudence that a person in need of legal counsel with a meritorious cause had any difficulty in engaging the finest and most dedicated talent in the profession to render the legal services either with or without pay.

The young passionate legal lions on the staff of the OEO are not the people's lawyers, they have become movement lawyers. They are incessantly on the prowl for class action clients. The client is "la causa," whatever la causa happens to be. Their objective is not to settle grievances quietly but rather to engage in rude attacks upon the courts to provoke the ire of the trial judges who are not accustomed to hearing legal matters presented by costumed dressed counsel casting insulting remarks.

The "little guy" for whom these benevolent legal services are intended is submerged and seldom thought of unless he can be utilized as the necessary step to present the movement or class action to the court.

The OEO members turn out at farm-union rallies in support of the cause. A poor woman, however, who is sued by the farm union because she dared to oppose Cesar Chavez gets a cold shoulder when she seeks legal help. A slight reflection prevents us from being misled that the OEO advocates are knights in shining armor out to slay the dragon of injustice. . .

J. P. TONKOFF

President, Washington State Trial Lawyers Ass'n.  
*President's Column, Trial Topics, Feb. 1971*

# FARMWORKERS IN THE YAKIMA VALLEY

By Michael Fox

I should say at the outset that I don't represent the United Farmworkers Organizing Committee. I am not a spokesman for the union and any comments I make should not be interpreted as the union's official position on any matter. However, I have been very closely associated with a large number of members of the union and have worked on several cases which have been brought because of labor law problems.

In order to lay a little background, I would just like to make a few remarks on what the fate of the farmworkers in the Yakima Valley is and to attempt to lay a little groundwork so that you will understand how the union movement came into creation there and what has gone on in the past year.

The farm work in the Yakima Valley is largely done by various groups or divisions of people. The first is the racial division, being the Chicano farmworkers and the Anglo farmworkers. They paradoxically enough work on different crops. You will very rarely find a crew of farmworkers at a particular ranch that is genuinely multi-racial unless they are perhaps Chicanos and Blacks. There are very few work crews that will be, say, half Anglo and half Chicano.

The Chicanos in the Yakima Valley primarily work in the much more difficult and in the much more back-breaking work. They work in hops. I don't know if you have ever seen a hop field but

it has poles about as high as this room and long strings between the poles. The vines grow up and down these strings. It is very difficult work cutting them off and loading them into the truck and bringing them back to the shed.

They also work on beets, which is stoop labor. It consists mostly of thinning beets. There is also the picking of asparagus, which is very difficult back-breaking work. The worker has a little blade and goes out, stoops down, and cuts the asparagus from the ground.

The Anglos in the Yakima Valley work primarily in tree crops: peaches, pears, cherries, and apples, for example. It is a higher pay type of work and it is a type of work that is often done by authentic migrants who spend their lives following the harvest. In fact, during the apple season, you will find a lot of Anglo migrants sleeping on mattresses in the open down by the Yakima River.

It is an incredible life which I'm sure a lot of you here have never seen. It's something that I had never seen. I have seen migrant labor camps in the South and in other parts of the country, but I had never seen some of the ways that white Anglo migrants live in the Yakima Valley.

The other division is between the permanent residents and the migrants. A lot of the people who do farm work in the Yakima Valley are permanent residents. They are not really migrants. Some of them live in migrant labor camps part of the year. Others travel from state to state, primarily from Texas up through Colorado or California. Then it's back down again. The journey is repeated over and over. This is just their life. I ask you to imagine the effect that this incessant travel has on the schooling of their children.

---

**Excerpts from a speech delivered by Michael Fox, a staff attorney for Seattle-King County Legal Services, at the September 15, 1971, luncheon of the SKCBA Young Lawyers Section.**

The heaviest permanent concentration of Chicanos in the state is in the Yakima Valley and the Columbia Basin, primarily between the cities of Yakima and Pasco. Little towns like Sunnyside, Granger and Outlook are where you find a heavy concentration of Chicanos, many of whom



Michael Fox

work in farm labor during some time of the year. Some have other jobs in other times of the year. However, the typical pattern for a resident farmworker is that he is employed during part of the year on some of these crops and will be on welfare for the rest of the year.

It's a very vicious cycle, especially when you're in the migrant situation. There is really no exit from it. During the major crops, such as hops, a large amount of hand labor is required in contrast to the crops which demand very little hand labor like wheat, which is all done by mechanical combine. During the harvest of major hand labor crops, you will find a very heavy influx of migrants into the Yakima Valley. At this time, hops are being harvested in the Yakima Valley and you will find the population of the Chicano farmworkers in the Yakima Valley is increased by more than 1,000 just due to hops and hops is a comparatively small crop when you compare it to something like asparagus, where major corporations like Del Monte, Stokeley and Libby will hire several thousand migrants.

### **The Yakima Chief Hop Ranch**

Now to explain what happened on Labor Day of 1970 when union organizing really began. Workers were engaged in working at the Yakima Chief ranch, the largest hop ranch in the Yakima Valley in terms of acreage. One day, two of the workers were talking during a lunch break about how it was not the best type of life to work seven days a week, 11 hours a day and to get a \$1.60 an hour. Those were the wages at the Yakima Chief hop ranch during the 1970 harvest.

Shortly after that they talked with other workers

and a strike broke out. All 200 workers at the ranch went out on strike. Anyone who knows anything about labor history will agree that that is a pretty amazing way for a strike to begin. The Yakima Chief workers did not have trained organizers coming in, telling people about unions and telling them what they could get when they struck. That's not how it happened. It happened because workers were so fed up with the conditions that they were being forced to live in year after year. They just went out on strike.

Perhaps misery is the best organizer. That is the only message that I can come up with. Shortly after that there was a leadership that developed among the workers. They contacted our office about some kind of assistance. So I went out to the Yakima Valley about four or five days after this first strike had occurred. By then the strike had spread to several other ranches.

By that time agreements had been reached with seven or eight of the ranchers. Their agreements would make any lawyer laugh. They were written on old pieces of paper. They said "I promise to do this," and they were only signed by one party. Most of them were not even legal contracts. What they did do was to provide for an increase of wages to \$2 an hour. In certain cases, there were specific demands for removal of certain foremen with whom the workers didn't get along very well.

The one strike to which I was a witness was just incredible. I had never seen anything like it in my life. The union leadership rolled up to a particular ranch, got out and started yelling "huelga," "huelga" — which means "strike," "strike."

It took just about 15 minutes for all the workers at that ranch, none of whom knew the strike organizers, to leave the fields. The strike was concluded in about four hours because the hops were sitting on the vines and they spoil in about three days. Shortly after this strike the workers voted to affiliate with the United Farmworkers Organizing Committee (AFL-CIO), which is led by Cesar Chavez.

One episode that I did personally participate in was assisting the union leadership draft up a small contract with two particular growers who were engaged in a cooperative harvest. I went with them when they negotiated it. One of the growers signed the contract. After that was done I left the valley and came back to Seattle.

What subsequently occurred at that particular ranch later gave rise to a very significant lawsuit, *Garza v. Patnode* [Benton County Superior Court No. 25255], which we tried in January of this

year. When the farmworkers' representatives came back to negotiate this contract with the other grower — the one who had not already signed — they found themselves thrown off the property. As soon as they were thrown off, both of the growers and some of the Anglo employees armed themselves with shotguns. They took these shotguns and they paraded around the area of the hop processing plant where their workers were concentrated. That was the end of any union at this particular ranch. That was the end of the strike and that was the end of all organizational activity at that ranch.

The complaint in *Garza v. Patnode* alleged that by these actions, the two growers involved had interfered with the organizational rights of the farmworkers. This is pretty clear. The only problem is that farmworkers are not covered by the National Labor Relations Act which grants all workers the right to organize free of employer harassment and there is no comparable act in the State of Washington.

We were able to file this case because of the landmark case of *Krystad v. Lau*, 65 Wn.2d 827, 400 P.2d 72 (1965), won by Hugh Hafer of Seattle, which said that all workers in the State of Washington really have a right to organize free of employer harassment by virtue of the policy declaration section of the little Norris-LaGuardia Act [RCW 49.32.020].

When we filed this case, we didn't expect to break any new legal ground but we were breaking some new political ground in that farmworkers had never sued growers in the Yakima Valley on a problem like this. Growers thought that they could do anything they pleased.

There was a two-week trial and a permanent injunction was eventually obtained prohibiting the growers from interfering with the organizational rights of their employees. The decision somewhat changed the atmosphere in the Yakima Valley, where now every grower knows that if he intimidates his workers when they are attempting to organize a union, he can be slapped with an immediate lawsuit with damages and injunctive relief.

It certainly has not changed the atmosphere to any dramatic degree, however. You will find that since the strike last year there is now blacklisting going on in the Yakima Valley. If an individual was prominent during the strike, he will often show up and ask for work and he will find that there is no work for persons named Garza or Gonzales because they will know that that particu-

lar family participated in the strikes of 1970.

### **Rogers Walla Walla Company**

In June of this year, Lupe Gamboa, who is the prime organizer for the union along with Roberto Trevino, came to our office in Seattle and told us about the camp at Rogers Walla Walla Company in Walla Walla. They had been there the week before and had been confronted with a great mass of legal problems. The most shocking was the arbitrary denial of what is called "bonuses," which the migrant workers at Walla Walla were supposed to get. By contract they were supposed to get a bonus of ten cents an hour if they stayed till the end of the harvest and if they did their work. That's about all the contract says. This system is really not a bonus system but a device the growers use to keep their labor forces in their employ for the duration of the harvest.

The elimination of the bonus system in the hop fields was one of the big issues during the harvest in the valley in 1970. So it was decided at this meeting, when he told us about this, that we would go out and look into this and determine if any legal action could be taken.

I drove out to Walla Walla on a Saturday morning and picked up Gamboa along the way. He had already been to the camp. We picked up several other people and went down to Walla Walla. When we drove into this camp, the first thing we saw was a man in a sheriff's uniform with a holster and gun on his side.

I was a bit curious as to what he was doing there. He immediately confronted us and asked us what we were doing and I said that I was a lawyer and showed him my bar card. I stated that I was there to see people who requested legal assistance. He wanted to know their names. I said I wouldn't give him their names. This was because of the fact that workers who have become involved with the union and who had become involved with lawyers have been blacklisted and have been mistreated in other ways by other growers in that area.

This fellow in the sheriff's uniform, we later heard, was not a sheriff but was working for the Rogers Walla Walla Company and was given permission by the sheriff's department to wear the sheriff's uniform. We learned at our Justice Court trial that he was carrying the pistol without a permit.

We began talking in Spanish with the workers about the bonus system. They were telling us how names were posted in the dining hall of those who would be denied the bonus, say for sleeping-

in over an hour. This was not in the contract. We thought that we had a pretty good case.

About five minutes after we started talking to these workers, the Walla Walla sheriff's department car drove up. Two officers got out and asked who was in charge. Gamboa said he was. They started interrogating him and I remembered that this other fellow with us had a tape recorder in his brief case. I told him to take it out and the rest we have on tape.

I don't really want to go into what was said at that point because we are going to have another criminal trial very shortly.

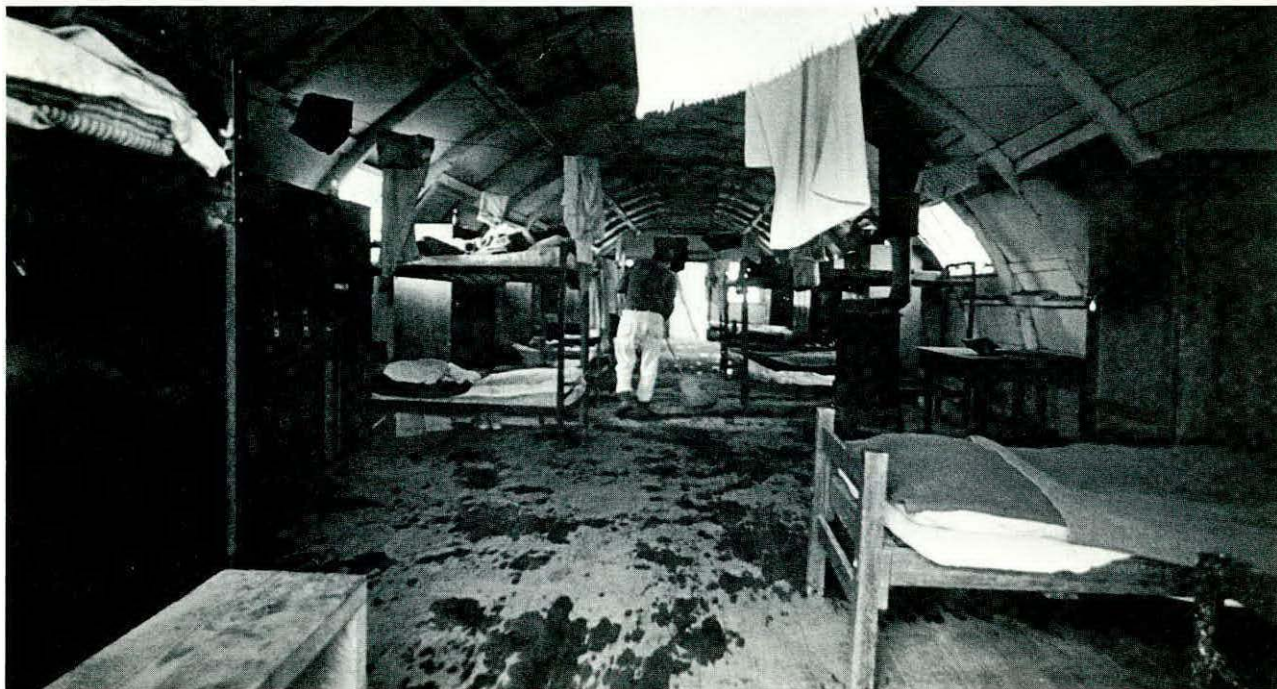
We were arrested [on June 19, 1971]. After that it really takes on the air of Alice's Restaurant. A law enforcement attorney for Walla Walla County came down and he wanted to know why we were there and why we had the nerve to drag him away from his Saturday afternoon martini on the veranda. At that I just about passed out. Here is this guy sitting there in his pink bellbottoms, drawn away from his dry martini on the veranda while these farmworkers are out there eating this slop in the camp and where I had been arrested because I was trying to speak with the workers about their legal problems. And he really wanted to know why we dragged him away by having the audacity to get arrested because we wanted to go there to talk to the workers about the problems

they had.

I want to show you some pictures which we took the next day. This is the interior of a Walla Walla Rogers Company migrant labor camp shed. There are forty people who live in this room. If you are not shocked by this, I am surprised. This room is a metal quonset hut. It sits out in the middle of an open field where the temperature gets to about 95° and it beats on that metal and the temperature inside is about 120°. I have never seen anything worse in any labor camp I have ever been in.

After I had been released on my personal recognizance by the Walla Walla County Sheriff's Department and after I got back to Seattle, I called Don Horowitz, who is the chief attorney general for the State Social and Health Services Division. I told him that I thought there were probably some health violations at this ranch. Don saw that an inspection team visited the Rogers Walla Walla labor camp shortly thereafter, and I have a copy of the attorney general's inspection report.

To show you what the atmosphere is in these communities, the attorney general's office was willing to do this but the Walla Walla County Health Department didn't want any part of this. They really had to be bullied into doing it by the attorney general's office and the State Social and Health Services Division. Here we have a camp with 190 men, all brought up from Texas and they



Interior of a Walla Walla Rogers Company Migrant Labor Camp Shed

live in this place for three months without families and without any individual kitchen facilities in the barracks. They go to a mess hall where they pay for their meals every day. However, as the report points out, no detergent is used for washing the dishes; they are cleaned by force of water. That doesn't do much for the germs that are on the plates. That's some idea of what this place is like.

The food storage is another item that is mentioned in here. It's put a little bit politely in the report ["rodent-infested food"], but in fact the food was full of rodent crap. That's just another example of what this place is like.

The men paid for these meals and room, by the way. They were not provided by the Company.

The men also had an opportunity to become intimately acquainted with their bed linen. They were not given any change for three months. Mattress covers were not issued. They were required to be furnished by state law. They were not provided at all.

Mr. Gamboa and I were tried in Justice Court in Walla Walla and were found guilty of criminal trespass [on July 9, 1971]. Our argument was basically that we had a right to be there and we didn't have to have the permission of the Company. Property rights must take a back seat when in conflict with first amendment rights, i.e., the right to association, free speech, and the right to civil counsel. Property rights must take a back seat to these types of associational rights. I think these two criminal cases will develop into major test cases. [The Superior Court trial is set for December 9, 1971, in Walla Walla.]

The right to organize — which is the victory we won last January — really means very little from a practical labor law point of view if labor organizers cannot go in and see the farmworkers in order to organize them. There are several U.S. Supreme Court cases construing the National Labor Relations Act that say if the organizers cannot go to see the workers which the employer has isolated from the union then the right to organize means nothing. The same argument can now be made by virtue of state law.

The issue involved in my own case is the right for anyone to see a lawyer or the right of a lawyer from a federally funded legal assistance program to go in to see people who are eligible for and who have requested his services. I don't think that's going to be a very difficult argument to prevail upon in a higher court.

We decided to use one other vehicle to try to establish these rights of free access to labor camps

as well and since the time of my arrest I have sued [on June 25, 1971] in Federal Court in my own capacity both the Rogers Walla Walla Company and the Sheriff's Department in Walla Walla alleging a federal civil rights conspiracy; our allegations are that these agencies, under the color of state law, worked together to deprive both me and the migrants of certain rights that are guaranteed us by the Constitution, primarily the First Amendment.

### Question and Answer Period

**Ed Raftis:** Do the migrant workers have any trouble getting legal representation from the Walla Walla or Yakima Bar?

**Fox:** Well, in auto accidents, they don't.

**John Darrah:** Mr. Tonkoff said they had no difficulty in getting an attorney.

**Fox:** In what kind of case? Would he represent a migrant worker in a labor case?

**John Darrah:** No minorities had any trouble in getting any representation.

**Fox:** That may be true in a lot of traditional-type cases. For instance, an auto accident case. I do want to say, however, that there has been no labor law litigation and no quasi civil rights litigation on behalf of Chicanos in the Yakima Valley, save that initiated by the ACLU project that was in the Yakima Valley several years ago and by my office. None of this has been done.

One thing you have to realize is that these cases are not fee-generating. The damages in a labor law case, where say an employee has been discharged, are going to be minimal. They are going to be the amount of his wages lost. It is going to be very difficult, first of all, for the Chicanos to get a lawyer to represent them against what are really the main clients in the Yakima Valley, the growers. That is where the conflict is. It is with the growers.

The Bar out there, face facts, lives on the grower. As a Yakima Valley lawyer has remarked to

me, "Every dollar that comes into the Yakima Valley comes down the irrigation ditches."

I think that the lawyer who decides he is going to start representing the Chicano farmworkers against growers is going to have a very tough time staying in business. Why isn't there OEO Legal Services in the Yakima Valley?

**Ed Raftis:**

**Fox:**

It is my understanding that an application was submitted this past year by a fellow named Tomas Villanueva from the Yakima Valley who has been very active in the Chicano community. But it was turned down by the National Legal Services Program, although the Yakima Valley was recommended by National Legal Services officials as the area in the country that is most sorely in need of a Legal Services Program. It was turned down, as I understand it, for lack of money on the part of the National Legal Services Program.

**Charles Ehlert:** When I was over there in 1968, for a short time, realizing that I would be leaving, I developed some contacts with lawyers in an attempt to try to get them to pick up where I had left off and to take on some of the cases that needed to be brought.

In several cases, there were lawyers sympathetic to us and to what we were trying to do. It came back to me and they told me that their partners were going to be offended if they undertook something like this. This was because their partners represented the growers and the friends of the growers who would be sued in this case.

**Fox:**

You have to realize that the Yakima Valley is a totally agricultural area. There is really very little industry, save Boise-Cascade between Pasco and Walla Walla. Everybody depends on agriculture. Once you get into a situation where there is this type of conflict,

there is a real problem in getting representation, especially because the law firms are so small.

**Charles Ehlert:** This is one of the best arguments that I can think of against having a judicare plan over there. A judicare program in a community like that would probably produce a fair number of divorces and maybe even wage recoveries but it is very unlikely it would bring about any institutional change.

**Fox:**

In my office, we are not attempting to provide a case service approach to the Yakima Valley. We are not handling any divorces. We are not handling any kind of minor cases. The only cases we are handling are those cases which we think are going to have some kind of effect on institutions in the Yakima Valley, specifically those cases which are going to have a daily effect on farmworkers.

**John Darrah:**

It seems to me that this is a project in which the Bar might very well be interested. The economic fact that people in this Valley cannot get lawyers seems to me to be a State Bar Association concern of the greatest magnitude.

**Fox:**

You are going to find that the Bar in Yakima is going to disagree with you. They will say that "certainly they can get lawyers"; "I have eight Chicano clients now"; and they will be on those kind of cases that they want to handle.

**John Darrah:**

Right, but you have the lawsuit going in federal court and the Bar may be of great support in that, especially in light of what happened at the annual meeting in Portland.

Let me ask you, is there any problem coming on you or your office from the OEO?

**Fox:**

Jack Kent is right in back of you. Why don't you ask him? He is an OEO official. I really don't know. I've never received any pressure from anybody in OEO. The only

*(Continued on page 28)*

# WASHINGTON STATE BAR NEWS

## Walla Walla Bar Opens Legal Aid Office



Giant scissors were used to cut the ribbon officially opening the Legal Aid Office. (L. to R.) Gary Greenfield, Vista Volunteer; Daniel N. Clark, chairman of the bar committee; Superior Court Judge Albert N. Bradford; Prosecuting Attorney Arthur R. Eggers; Madison R. Jones; Gov. Dan Evans; Lupe Zuniga of the Staff of the Blue Mountain Action Council; Sylvia A. Miller, the eldest female member of WSBA; and an unidentified spectator.

The Legal Aid Office of the Walla Walla County Bar Association was given a grand opening by Governor Daniel Evans on September 22, 1971. In cutting the ribbon to officially open the office, Governor Evans congratulated the bar, the local OEO which is providing the office space, and the local community on their response to the legal needs of the poor. The full-time legal aid office was first opened by the Bar Association late in August, of this year, and is administered by a lay Vista Volunteer, Gary Greenfield. Mr. Greenfield, who according to Vista is the first Vista Volunteer to be assigned to a bar association in the Northwest states, interviews clients, determines eligibility based on bar guidelines, repre-

sents clients in administrative hearings, and generally administers the legal aid program. Cases requiring attorneys' services are referred to participating members of the local bar association on a rotating basis. A fee of \$1.00 an hour is charged, which goes toward the expenses of the office. The legal aid office is supervised by a 5-man committee of the bar association consisting of **Charles Snyder, Carl Johnson, Phelps Gose, R. F. Monahan, and Daniel N. Clark**, Chairman.

— Daniel H. Clark

Deadline for next issue of the *Bar News* is November 8, 1971.

## Statewide Lawyer Referral Service Launched

All lawyers in the state outside King, Pierce and Spokane Counties are being urged to join the panel of the statewide Lawyer Referral Service being organized by the State Bar Association.

Washington State's program is only the third in the nation; the Illinois Bar has operated a statewide LRS for more than a year, and the Michigan Bar Association began its service last March. Florida's program also is ready to get underway.

LRS is a public service program which permits the Bar to fill in one more chink of its professional obligation to make legal services readily available to all. Referral services already are being conducted by the Seattle-King County, Pierce County and Spokane County Bar Associations, as well as almost 300 other local bars throughout the United States. The statewide program is designed to make Lawyer Referral Service available to all citizens in the state outside the three larger counties.

Under the new program the State Bar Office will maintain a registry of all LRS lawyer-panel members. Persons who think they need the services of a lawyer are invited, through Yellow Pages and other advertising, to telephone the office by a toll-free WATS line. A staff member will screen the calls, and callers needing a lawyer's services will have a prompt appointment made for them with an LRS panel lawyer in their community or area.

The client is assured that the

*(Continued next page)*

(Continued)

fee will be only \$10 for up to a half-hour consultation. He also is informed that if any further services are desired, the arrangement and the fee are subject to agreement between him and the attorney.

The appointments are made with lawyers on a rotation basis. On their applications to join the LRS panel, lawyers may designate areas of practice for which they do not wish to have referrals. Lawyers joining the panel pay \$15 annually to help defray costs of operating the service — chiefly the telephone service and advertising.

LRS is regarded as the best and simplest way to introduce people with legal problems to capable lawyers. It is directed toward that segment of the public able to pay reasonable fees but in a majority of cases unfamiliar with lawyers and what they do. It is estimated that about 60 per cent of the population is in that category.

Many have need of legal services but have never seen a lawyer, according to survey after survey. Some fear the indefiniteness or the rumored excessiveness of fees; some simply fear lawyers or are reluctant to "bother" a busy lawyer with their problems. And most have no idea how to select a lawyer and fear playing Russian Roulette by picking a name blindly out of the Attorney listings in the Yellow Pages.

In providing an easy way for those persons to obtain a half-hour consultation appointment with a lawyer for a flat fee of \$10, LRS also tends to attract to a licensed lawyer's office some persons who might otherwise be pushed toward taking legal problems to an unauthorized practitioner.

Solicitation of legal business



**Claude M. Pearson, Tacoma  
Chr. Lawyer Referral Service**

by individual lawyers is completely improper, of course. The job of reaching that large segment of the population rightly belongs to the organized Bar; only through Lawyer Referral Service can it say to the public, "Welcome, please come in; you are entitled to legal services, and it is our professional obligation to provide them to you at fair and reasonable fees."

Nationally, LRS is a successful and growing program. Almost 27,000 lawyers served more than a quarter million applicants in the last year for which there are figures, 1969. Few of the applicants ever before had used the services of an attorney. The estimated fee total was about six million dollars, and the national average earned fee per LRS referral was \$64.66.

In the 11 months ended May 31, 1971, the Seattle-King County Bar's LRS office made 1994 referrals to more than 400 lawyers.

Urging all the state's eligible lawyers to join the LRS panel, E. Frederick Velikanje of Yakima, State Bar president, said "It is sometimes said the bar is concerned only with the well-to-do. The Washington Lawyer Referral Service offers each of us the avenue through which we can

fulfill our professional obligation to make our services easily and conveniently available to everyone."

He described the service as "one of the most important undertakings by lawyers of Washington in many years."

Because of the time lag necessary in inserting advertising in the Yellow Pages, which is the greatest source of LRS referrals, the program is expected to start slowly after it is operative, probably in November. For this reason, the \$15 first-year fee being paid by lawyers joining the service now will be effective until summer 1973.

Remember to make contributions to the Washington State Bar Foundation.

## In Memoriam

**Andrew Berilla**, 64, Tacoma, died October 1. A 1933 graduate of Gonzaga University Law School, he was a long-time member of the Tacoma-Pierce County Bar Association.

**Bruce MacDougall**, 79, Seattle, died October 6. A 1916 graduate of the University of Washington Law School, he was employed by the city for 43 years — 34 of them as prosecutor — until his retirement in 1964.

**Judge Arthur H. Ward**, 80, Mount Vernon, died September 28. A 1915 graduate of the University of Washington Law School, he was appointed to the Superior Court in 1954 and retired in 1966, but still served as a judge pro tem of the State Supreme Court. He served two terms on the WSBA board of governors.

**TABULATION OF  
JULY 1971  
BAR EXAMINATION  
BY LAW SCHOOLS**

**247 Pass July '71  
State-Bar Exam**

	Pass	Fail	Total
American Univ.	2		2
Arizona State	3		3
Arizona Univ.	1		1
Baylor	1		1
Boston College	1	1	2
Boston Univ.	1	2	3
California (Boalt Hall)	4		4
California Western	1		1
Chicago	6	1	7
Colorado	2		2
Columbia	2		2
Cornell		1	1
Creighton	1	1	2
Deiver	1	1	2
Duke	2		2
Emory Univ.		1	1
Florida	1		1
Georgetown	7	1	8
George Washington	3	1	4
Golden Gate	1		1
Gonzaga	19	14	33
Harvard	5	1	6
Hastings	6		6
Howard Univ.		1	1
Idaho	11	2	13
Illinois	3		3
Iowa	1		1
Kansas		1	1
Loyola (Chicago)	1	1	2
Marquette	1		1
Memphis State		1	1
Michigan	8	2	10
Miami		1	1
Missouri		1	1
Montana	4		4
New Mexico		1	1
New York Law School		1	1
New York State	1		1
N.Y.U.	3		3
North Dakota		2	2
Northwestern	4		4
Ohio Northern		1	1
Oklahoma		1	1
Oregon	14	7	21
Pennsylvania	1		1
St. Johns	1		1
San Diego		1	1
San Francisco	1		1
Southern California	1		1
Southwestern	1	1	2
Stanford	11	2	13
Syracuse		1	1
Texas	2	2	4
Texas Southern		1	1
Utah	2	2	4
Washington	83	22	105
Washington & Lee	1		1
Wisconsin	3		3
Willamette	15	4	19
Wyoming		1	1
Yale	2	1	3
Law Clerk	1	3	4
<b>Total</b>	<b>247</b>	<b>92</b>	<b>339</b>

**Seattle**  
Parayil Abraham, Alan C. Alhadeff, John Aslin, Robert D. Austin, Hugh F. Bangasser, Donald R. Barker, Barry Barnes, Ruth N. Barnes, Joel Benohiel, Paul J. Bernstein, Jonathan K. Blank, Frederick R. Boundy, Patrick L. Brock, Thomas N. Bucknell, Jr., Russell W. Busch, Jess G. Casey, Charles R. Chaburn, Steven H. Chestnut, Peter P. Chevis, Jr., Carmon D. Clem, Carole V. Cee, Richard B. Cohen, Joseph P. Dawson, Ronald P. Douglas, Charles R. Ekberg, Barry D. Ernstoff, James C. Falconer, Thomas S. Felker, Paul S. Fenton, Ronald A. Franz, James W. Frits, Randolph Furman, Robert M. Gault, Nancy P. Gibbs, Thomas H. Grimm, Joel E. Haggard, Lawrence B. Hannah, William T. Helman, Paul I. Hendrickson, David N. Howarth, David A. Hunter, Michael L. Jacobs, Clark M. Jennings, Douglas N. Jewett, William B. Johnson, Michael E. Jones, David L. Kalberer, Frederick A. Kaseburg, Kenyon P. Kellogg, Jr., David B. Kenyon, David G. King, Robert M. Knes, J. Michael Koch, Randall H. Kramer, Alan R. Krebs, Brian J. Kremen, Robert M. Leadon, Christopher C. Leady, Ronald E. Lee, Larry C. Leonardson, Larry V. Lund, Brendan D. Lynch, Patrick E. McBride, R. Bruce McFarlane, Stephen A. McKeon, Richard L. McKinney, Robert A. McSorley, Robert H. Madden, Charles F. Mansfield, John T. Martin, Gail G. Maurer, Michael T. Mitchell, Catherine C. Morrow, Charles P. Nomellini, Charles G. Preston, Harold L. Rehkopf, George E. Rennar, William D. Rives, 3rd, Richard M. Rohlfis, Daniel C. Rooney, James E. Rottsoik, William C. Sage, Paul M. Silver, Edward R. Skone, Albert T. Slocum, William N. Snell, Robert F. Stein, Jr., Quentin Steinberg, Michael E. Stevenson, Robert I. Stier, James J. Stonier, Douglas F. Strandberg, Rex Bennett Stratton, 3rd, Scott H. Strickler, David B. Strong, Donald P. Swisher, James L. Varnell, John E. Veblen, George J. Vogler, Charles F. Vulliet, Robert J. Wesley, John I. Weston, Jr., Jack E. Wetherall, Harlan G. Wilder, William R. Wilkerson, Cynthia S. Wills, Helen Wilson, Robert L. Zagelow.

**Aberdeen**  
Michael A. McKean.

**Anacortes**  
David L. Yamashita.

**Auburn**  
Thomas P. Giere, Leonard W. Moen.

**Bainbridge Island**  
Terry L. Kukuk.

**Bellevue**  
Larry J. Couture, Robert R. Crees, Carl S. East, C. Richard George, Arnold S. Jaffe, Charles A. Johnson, Jr., David T. LeBlond, Terence M. McTigue, Leonard A. Miller, James T. Monahan, Phillip D. Noble, Thomas N. Tomashek, Steven J. Warshal, Daniel B. Watts, John S. Werts.

**Bellingham**  
Samuel E. Baker, Jr., David S. McEachran, David A. Nichols.

**Bremerton**  
Robin R. Gaukrøger.

**Colbert, Spokane County**  
Dennis A. Dellwo.

**Edmonds**  
John S. Biggs, Edward B. Ross, Harold E. Winther.

**Federal Way**  
Douglas B. M. Ehike.

**Fircrest**  
William E. Holt.

**Gig Harbor**  
Keith M. Black.

**Grandview**  
David W. Wyckoff.

**Hansville**  
Darrel Dunham.

**Hoquiam**  
Omar S. Parker, Jr.

**Issaquah**  
Conrad N. Bagne, Bruce M. Wright.

**Kent**  
Gary A. Dahlke.

**Kirkland**  
William C. Decker, Kenneth L. Cornell.

**Lacey**  
Dennis M. McLaughlin, Douglas Breck Marsh.

**Leavenworth**  
Richard E. Salwen.

**Long Beach**  
Guy M. Glenn.

**Longview**  
David H. Boyd, Barry J. Dahl.

**Lynden**  
Gary L. Brown.

**Lynnwood**  
George O. Darkenwald, Paul H. Watt.

**Mercer Island**  
Donald A. Berg, Richard M. Clinton, Michael S. Courtneage, William R. Levinson, David C. Stewart, Ethel J. Williams.

**Moses Lake**  
Charles Wiibur Clark.

**Olympia**  
Richard Anderson, John P. Braslin, Thomas F. Carr, Dennis W. Cooper, William D. Dexter, Norman J. Ericson, John W. Hough, Stephen G. Jameson, Mark D. Kenworthy, Earl R. McGimpsey, Robert P. Nelson.

**PASCO**  
Charles H. Barr.

**Port Angeles**  
Larry J. King.

**Puyallup**  
Donald J. Robinson.

**Quincy**  
Roger W. Patton.

**Redmond**  
Joseph T. Schlosser.

**Renton**  
David B. Morgan.

**Richland**  
Robert J. Wilson, Jr.

**Shelton**  
Joe L. Snyder.

**Snohomish**  
Alan C. Butterfield.

**Spokane**  
Patrick B. Cerutti, Seaton M. Daly, Jr., George E. Goerig, Jr., Clinton J. Merritt, Jr., George R. Nethercutt, Jr., James B. Remsen, Randall L. St. Mary, Patrick K. Staley, F. Lawrence R. Whitten, Thomas H. Wolfendale.

**Suquamish**  
James Christian Sand.

**Tacoma**  
J. Arvid Anderson, Christopher R. Boutelle, Guy T. Elliott, Hugh Ellis, Brian Frederick, Lewis M. King, Jr., Paul T. Murray, Leonard R. (Rick) Smith, Jr., Stanley P. Wagner, Jr., William McC. Wright.

**Vancouver**  
Alan J. Gardner, Morgan J. Mercer, Dale W. Read, Jr.

**Vashon Island**  
James Caraher, Paul D. Edmondson.

**Wenatchee**  
James M. Danielson, Robert A. Kiesz, Walter M. Stuteville, Joe R. Woollette.

**Woodland**  
William Ray McCann.

**Yakima**  
Michael W. Leavitt, Michael E. Schwab, Jeffrey L. Sullivan.

**Out of State**  
Edward D. Ahrens, Steven S. Anderson, William R. Anderson, Leonard J. Baldwin, William V. Baumgartner, John J. Blake, Richard Lee Brown, Gary Lynn Carpenter, Richard David Emery, Sharon L. Finegold, James J. Fletcher, Mark M. Hough, Geoffrey P. Knudsen, Warren G. Kohiman, David A. Leen, Henry E. Lippek, Terry K. McClusky, John C. Mundt, Richard S. Oettinger, Michael E. Perino, Donald F. Pietig, Raymond L. Sarna, Michael L. Shoen, Tricia Ann Smith, Alan C. Stay, Gary E. Suoja, Carl D. Teitge, Terrence R. White, John F. Young.

**Attorney Applicants**  
John H. Ober, Seattle, Joel G. Roth, Bellevue.

**Washington State Bar Association**  
**Budget: October 1, 1971-October 1, 1972**

**GENERAL ADMINISTRATION EXPENSE**

Audit (Von Harten, Trenholme & Seamens & Co.)	\$1,000	
American Bar Assn. and Western Conference	4,000	
Bar News	30,000	
Bar Presidents' Meeting	2,000	
Board of Governors	12,000	
Committee Expenses	60,000	
Gifts and Memorials	100	
Judicial Plebiscite	250	
Library	400	
Office:		
Repairs and Maintenance	2,000	
Rentals	20,100	
Insurance	375	
Supplies	15,000	
Equipment	3,000	
Equipment - Maintenance	600	
Miscellaneous and Contingency Fund	6,000	
Meeting - Chief Justices	1,000	
News Service	150	
Pickup and Delivery	150	
Postage	7,000	
Printing:		
Code of Professional Responsibility Manual	3,000	
Manual	2,500	
Judicial Conference - Ninth Circuit	500	
Telephone and Telegraph	5,000	
Trustee - Seattle First National Bank	1,000	
Transfer to Clients Security Fund	46,000	223,125
Salaries and employees' benefits	120,833	
Discipline	62,500	183,333
<b>Total</b>		<b>406,458</b>

**ESTIMATED INCOME**

Dues:		
3375 active members @ \$50	\$168,750	
1250 active members @ \$25	31,250	
725 inactive members @ \$2	1,450	201,450
Transfer from Examination Account		7,000
Reimbursements—		
Disciplinary Costs		3,000
Bar News advertising and subscriptions		3,000
Miscellaneous income		3,000
Interest on savings accounts		20,000
		<b>\$237,450</b>

**ESTIMATED EXPENDITURES**

General Administration Expense	\$223,125
Discipline	62,500
Salaries and Employee Benefits	120,833
Estimated expenses	406,458
Non-recurring expense items	83,749
	<b>\$322,709</b>
Estimated income	237,450
Deficit	<b>(\$85,259)</b>

*Footnote:*

This year, on the basis of our total active membership, the budget works out to roughly \$15 per lawyer allocated to discipline, \$10 for the Clients Security Fund, \$7 for the *Bar News* and \$14 for the work of committees, without any administrative expense or overhead even included. This very nearly consumes the \$50 which is the highest annual contributed figure per man.

**1971-1972  
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Edward L. Mueller, Seattle  
Smithmoore P. Myers, Spokane  
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Willard Hall Walker III, Longview  
David J. Whitmore, Wenatchee  
Dean Lewis H. Orland, Spokane  
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## CHELAN REPORT

By GRANT A. MUELLER

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**Earl W. Foster** is the new president of the Chelan County Bar Association and **David J. Whitmore** the new vice president. Secretary-Treasurer is **James B. Drewelow**.

Unfortunately this was not announced last June when elections took place but our active season starts in September. Normally the president hosts a Christmas dinner meeting for all members of the local bar. It has been noted that Earl Foster now has his house for sale.

The president presented four new lawyers to Judge **Lawrence Leahy** of the Chelan County Superior Court on Friday, October 1. Sworn in were **James M. Danielson**, **Robin R. Gaukroger**, **Robert A. Kiesz**, and **Joe R. Woolett**. They will join local attorneys. James M. Danielson will be practicing with Hughes, Jeffers & Jeffers; Robin R. Gaukroger, after a period of military service, with Charles W. Cone; Robert A. Kiesz with Charles W. Cone; and Joe R. Woolett with Sperline & Ellis.

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## EAST KING REPORT

By CHARLES F. DIESEN

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The East King County Bar Association held another successful Golf Day at the Mt. Si Golf Course on August 26. Defending champion, **Robert Van Eaton** of Kirkland, was dethroned as low gross champion by Gale Ryder. Bob did not go away entirely empty handed as he did have the longest drive of the day. Gale is now a third year student at the University of Washington and was working as a legal intern for

Johnson, Inslee, Best and Chapin of Bellevue. **Les Wahlstrom**, unofficial spokesman for the firm, said there was no truth to the assertion that Gale was hired to insure that someone from Bellevue would place among the winners.

Without disparaging **Dick Holt's** fine job as Master of Ceremonies for the evening, we missed the traditional entertainment **Lamar Ostrander** has provided over the past several years in that capacity. Lamar, we understand, was vacationing abroad in Russia.

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## GRAYS HARBOR REPORT

By JOHN L. FARRA

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It was announced by the Honorable Judge **Warner Poyhonen** that as of December 1, 1971, he would step down as Superior Court Judge of Grays Harbor. Judge Poyhonen is not exactly certain of his future activities, but he suggested that he may enter the private practice of the law, with an old friend. It would have to be assumed that Judge Poyhonen would commence practice within the Montesano area. Judge Poyhonen is known throughout the state for his activities in the Judges' Association and has received national recognition for his work. Best wishes are extended to him from all the members of the Grays Harbor Bar Association.

The new County Courthouse is finally assuming a definite shape. It would seem that the completion date is still within the grasp of the contractor.

This writer recently has changed positions, from Deputy Prosecutor of Grays Harbor County to City Attorney of Aberdeen.

On October 1, 1971, the two Judges of Grays Harbor County, **Warner Poyhonen** and **John H.**

**Kirkwood**, sat en banc during ceremonies honoring two new members of the Bar. The two new members were **Omar Parker Jr.**, son of Omar Parker of Hoquiam, and **William Wilkerson**. Mr. Wilkerson will be associated with the Stritmatter firm of Hoquiam until he is sent on active duty.

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## ISLAND REPORT

By TED ZYLSTRA

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The Bar has now officially welcomed and received **Dave Strong** as our newest lawyer. Dave is a graduate of the University of Washington and is a Deputy Prosecuting Attorney. He is also associated in the private practice of law with Edward C. Beeksmas.

The county commissioners have promised to proceed with the courthouse remodeling project and all lawyers eagerly await the new and improved facilities.

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## KITSAP REPORT

By HELEN GRAHAM GREER

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I just read the October issue of this publication. Wheee! What a wonderful issue! Full of the breath of life, like rising bread or the young man on the flying trapeze! It brings home to us that we need to be abreast of the times.

In the President's Corner President Velikane praised the superb job being done by Jack McLauchlan's Travel Committee. I second the motion, for that Committee has changed my whole life, and the opportunity to attend the stupendous American Bar Association London meeting on July 14-20 especially enriched 1971.

Four times in 50 years the ABA lawyers have journeyed to London to meet with their English coun-

terparts and to see the hallowed sources of Magna Carta, the Bill of Rights, trial by jury and the presumption of innocence, unknown in Continental Europe. This meeting with its invasion of 8000 lawyers and assorted wives and children made an impact even on vast surging imperturbable London.

In England and Wales there are approximately 25,000 solicitors and 2500 barristers. The magnificence with which the British solicitors and barristers entertained their lawyer guests and families cannot be exaggerated.

The three great formal sessions, the first in historic Westminster Hall, the others in the Great Room of Grosvenor House, holding 1800 people, with closed circuit TV for the overflows, were addressed by top legal and political figures on both sides of the water. The Prime Minister, the Lord Chancellor, the Lord Chief Justice, our own Attorney General, our Chief Justice of the United States Supreme Court, were there and I saw them and heard them. We missed our own Secretary of State because of the President's China visit story breaking.

All this and much, much more.

I was able to send a wedding present from the greatest department store in the world (Harrods) to our Prosecutor, **John C. Merkel**, and his beautiful bride, Joyce Flaiz, secretary of the County Planning Department. John's office has been expanding; his deputies presently include **Kenneth J. Lewis, Jack Evans, William McGonagle**, and at least three new men: **Steve Alexander** from Vermont, a graduate (1970) of Boston College Law School, married, 2 children, who worked after graduation in King County for Superior Court Judge **Frank**

**H. Roberts; Joseph Michael Koch**, U of W '71, married, no children; **C. Danny Clem**, U of W '71, bachelor. Deputy **Robert Moilanen** has left John's office and is hanging out a shingle in Vancouver, Washington.

Other news items from our county include:

Our Bar held its annual picnic at Judge **N. Gerard Fisher's** Seabeck waterfront home in August; barbecued salmon, water-skiing, swimming, gorgeous scenery and weather and good talk; what more could one want?

**Dudley Perrine** is in process of removing his law office in Port Orchard to his own building across from the City Hall, a beautiful site purchased recently from a disbanded church.

Our Annual Meeting will be held on November 8 to elect new officers. We are also becoming involved in the activities of the Kitsap County Law and Justice Committee, which is investigating the court system, the public defender operation and the improvement of public relations with law enforcement. This committee operates under a grant made possible by the Omnibus Crime Bill, and screens applications for grants made by other groups to the county commissioner.

A sad note: The wife of retired Superior Court Judge **Frank W. Ryan** passed on September 25 after a lengthy illness. She was Billie Bryan Ryan, daughter of J. W. Bryan, Sr., who was lawyer and Congressman in the Bull Moose days; sister of James W. Bryan, Jr., former U of W athletic great and longtime lawyer; aunt of Superior Court Judge **Robert J. Bryan**. Our loving sympathy is with our dear Frank, who pretends for both the State Supreme Court and the Superior Court, and whose never-failing patience on the bench makes him a legend.

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## PIERCE REPORT

By DAVID E. SCHWEINLER

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### ANNOUNCEMENTS

**William J. Barker**, formerly a partner in the firm of Turco, Erickson & Barker, has left the partnership to accept a position as Assistant City Attorney in Tacoma.

The Tacoma-Pierce County Bar Association has decided to cease its bi-weekly luncheon programs and substitute therefor a once per month evening dinner program to be held on the third Thursday of every month, beginning with the month of October, at the Top of the Ocean restaurant, commencing at 5:00 P.M.

### PROGRAMS

On September 23 the final bi-weekly luncheon meeting of the Pierce County Bar Association was pleased to have as its speaker **Roy Mitchell**, Director of Professional Activities of the Washington State Bar Association. His topic was "The Public Relations Mess and the Light at the End of the Tunnel."

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## SEATTLE-KING REPORT

By GERALD G. TUTTLE

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An experimental circuit court system began at the Bellevue District Justice Court office on September 23 for the hearing of default divorces, divorce motions and show cause hearings, supplemental proceedings, non-contested probate matters, motions and show cause hearings. The court will be manned by a judge, court commissioner or judge pro tem and will sit on selected days in the Bellevue District Justice Court

office and also at the Kent City Hall. Attorneys eligible to bring matters before the circuit court are those attorneys eligible for membership in the East King County or South King County Bar Associations.

**Terrence Carroll** has joined the staff of the Public Defender.

Mayor Wes Uhlman has appointed **Albert M. Franco** to the Seattle Human Rights Commission.

**Tim Manring** is co-chairman for the Alliance for a Living Market, an organization opposed to the city's proposed urban renewal project for the Pike Place Market. Among bodies supporting the Alliance for a Living Market is the Young Lawyers Section of the Seattle-King County Bar Association.

**Harvey S. Poll** has left the firm of Holman, Williams, Manning & Poll to become a member of the firm of Guttormsen, Scholfield & Stafford. Also joining Guttormsen, Scholfield & Stafford is **John G. Cooper**. **Francis E. Holman** has also left Holman, Williams, Manning & Poll to join Thomas, Holman & Dawson.

The public defender's office has received \$150,000 from state and federal law and justice agencies to extend its services to indigents charged with misdemeanors in Justice Courts throughout the county.

**Robert A. Castrodale** has left the Seattle area to take up the practice at Coulee Dam, Washington.

The touch football season got underway with a 24-2 victory by the Young Lawyers Section of Karr, Tuttle, Koch, Campbell, Mawer & Morrow (with a little help from their friends) over Culp, Dwyer, Guterson & Grader. Even **Bill** (George Blanda) **Dwyer** couldn't pull this one out.

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## SKAGIT REPORT

By **EUGENE C. ANDERSON**

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**John Kamb** is the new Skagit Bar President. At his first meeting, and in the absence of the new vice president (yours truly) it was unanimously and with great glee resolved that henceforth the vice president should be the bar news reporter. That action is no doubt against our by-laws, but pending appeal . . .

**Michael Lewis** of McBee & Lewis is the new secretary of the Skagit Bar. **Dave Yamashita**, Irish tenor, is now a member of the bar and of the firm of Smith & St. Clair. **Ken St. Clair** and **Paul Luvera Jr.** continue to be elected to prestigious offices in the WLTA (Board of Governors and Editor-in-Chief of their rag respectively).

**Jim Hammack**, who ostensibly retired two years ago, continues to specialize in farm probates in the estate tax bracket. **John Anderson** continues to avoid matrimony. . . . **George McIntosh**, Anacortes Yacht Club Commodore, continues to avoid everything from Thursday noon to Monday morning, and after this report is published, everyone will avoid me. **Bill Stiles, Jr.** has new office quarters, new secretaries, new filing system, but good old Bill hasn't changed a bit, wherever he is. **John Cheney** (Class of '39) sold his sailboat and has substituted back packing for boat painting — some change. The Go Gettum Skagit Prosecutors **Earl Angevine** and **Gil Mullen** are knocking them dead in the drug busting department. Earl also plays piano (advance reservations please).

Our annual Whatcom-Skagit County summer bar golf and etc., meeting was a great success. Skagit County walked off with golfing honors as usual, and rumor has it

that one of our locals, **Boynton Kamb**, walked off with other honors besides.

**William Nielson**, formerly clerk for Judge Stafford, is now associated with **Reuben Youngquist**.

Fifty years ago two young lawyers commenced practice in Skagit County. This year they both left our midst. **Warren Gilbert Sr.**, died at the age of 78. He practiced until this year. His warm humor and friendly hand will be sorely missed. **Arthur H. Ward** was 80 when he died. He practiced from 1921 until 1954, and was Superior Court Judge from 1954 until 1966, when he retired. He will be well remembered. Their respective sons, Warren Gilbert Jr., and John Ward, remain in practice in Skagit County.

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## SOUTH KING REPORT

By **STEPHEN L. JOHNSON**

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Congratulations to **Gerard M. Shellan**, Renton, recently appointed by the Board of Governors to represent the 7th District on the WSBA Disciplinary Board. Jerry has long been active in Bar activities and is a past president of this association.

**Robert Kitto**, Kent, is serving as president of the Seattle area Stanford Alumni Association.

South King County lawyers have again outpointed our East King County brethren. **William L. Donais**, Auburn, and **A. M. (Mike) Roberts**, Renton, had the privilege of arguing the first case to be heard under the new King County Circuit Calendar — at Bellevue on September 23, 1971 with Judge Soderland presiding.

Notice to South King County lawyers: If you have a matter on the Circuit Calendar in Kent on the first or third Thursday of the month, leave your office at noon and have lunch in Kent with your adversaries, friends, etc.

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**SPOKANE REPORT**  
By MICHAEL E. DONOHUE

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*Bacchanalia*

Riotous living was the order of the day recently as the belly-gods and bibbers of the Young Lawyers Section of the county bar threw their annual reception to corrupt the county's junior barristers. The hell-bender was held at the Ha'-Penny Square, one of Spokane's more popular saloons. At last report, all survived.

**Max Chapman** has retired from USF & G in Seattle and returned to hearth, home and the private practice of law at 602 E. Baldwin. His son, **Tom Chapman**, late of Cashatt, Williams, Connelly & Rekofke, has reverted to defrauding starving widows, homeless waifs and maimed workmen as an Assistant Attorney General. Is there no justice? . . . **Ted Ryan**, O'Coolin, Idaho's former Hibernian in residence, has brought his shingle back to the Spokane Valley. He'll join Jim Banta at N. 2709 Argonne Road . . . **John McLendon** and **Bud Voermans**, dba McLendon & Voermans, are blazing new trails at 921 N. Adams. Come on, telephone, ring! . . . **Fred Woepfel** has moved to 416 O.N.B. Building and **Bill Gerraughty** to 620 Lincoln Building.

*New Competition*

The dust hasn't settled yet, but it looks like several successful bar aspirants have found a home in Spokane law offices in the scramble for position which resulted from the announcement of the bar results in September. **Patrick B. Cerutti** has become an Assistant Corporation Counsel; **J. Gregory Casey** has associated with Richter, Wimberley & Ericson; **Patrick K. Stiley** will grace the office of Fredrickson, Maxey,

Bell & Allison; **F. Lawrence Taylor, Jr.** has joined Gordon & Ripple; **Mike Stevenson** will clerk for U. S. District Court Judge Charles L. Powell. More to come.

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

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Frank J. Owens and F. Parks Weaver, Jr. have announced that **Arthur L. Davies** is now associated with the firm of Owens and Johnson and that the name of the firm has been changed to Owens, Johnson & Weaver.

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**WALLA WALLA REPORT**  
By DANIEL N. CLARK

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The Public Defender Committee of the Walla Walla Bar Association, chaired by **John Reese**, has obtained the cooperation of the Walla Walla County Commissioners in jointly applying with the Walla Walla County Bar Association to the State Department of Law and Justice for LEAA funds for the funding of a public defender program in Walla Walla County. The application requests \$10,000 in LEAA funds for the hiring of a half-time public defender who will handle part of the criminal appointments with the remainder continuing to be assigned to attorneys in full time private practice.

Two 1971 law graduates of the University of Idaho have joined Walla Walla law firms. **John Stephen Biggs** is an associate in the firm of Reese & Mitchell, and **Robert L. Zagelow** is an associate in the firm of Minnick, Hahner & Hubbard. Both men were sworn in in Superior Court on October 1, 1971.

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**YAKIMA REPORT**  
By RANDY MARQUIS

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The Yakima Bar appears to be up to strength with the recent acquisition of a number of up and coming attorneys as follows: Assistant City Attorney **Gary M. Cuillier**, a 1967 grad of Gonzaga Law School, previously clerk in the Washington Supreme Court; **Michael "Mike" W. Leavitt**, grad of University of Utah Law School, associated with the firm of Gavin, Robinson, Kendrick, Redman & Mays; **Robert M. "Rob" Leadon**, grad of Hastings Law School, San Francisco, associated with the firm of Felthous, Brachtenbach, Peters & Schmalz; Deputy Prosecuting Attorneys — **Jeffrey Sullivan**, grad of Gonzaga Law School; **Michael Jennings**, grad of UW Law School; **Paul Edmondson**, grad of California Western Law School, San Diego. Paul is the namesake of the late attorney, Paul Edmondson, of the Yakima Bar.

*CHANGE IN OFFICES:*

The law firm of **Smith, Scott & Hanson** has announced the removal of offices from the Miller Building to 314 North 2nd Street, Yakima, Washington.

*LAWYERS IN THE NEWS:*

We are advised that Yakima attorney, **Don W. Schussler**, did well in the recent primary election in the race for City Council. He will be a strong contender in the city general election run-off November 2.

The Greater Yakima Chamber of Commerce has announced that **C. James Lust** is chairman of the Environmental Committee. **George Velikanje**, a member of the Board of Directors, will serve as sub-chairman for the county in the Government Affairs Committee.

## McLAUCHLAN AT LARGE



(L. to R.) John Rossmeissl, Warren Dewar, Walter G. Meyer, and George Velikanje, Yakima.



State Bar Counsel Jack P. Scholfield, Seattle.



Walter J. Robinson, Yakima.



Peter Greenfield and Judge Stanley Soderland, Seattle.



(L. to R.) J. Vernon Williams, Richard H. Riddell and William H. Gates, Seattle.



E. K. Murray, Tacoma.

## Establishment of WSBA Prison Reform Committee Sought

**Dave Hoff**, Seattle, co-chairman of the ABA Young Lawyers Section Committee on Prison Reform, announced that a proposal was being made at the October 22nd meeting of the WSBA Board of Governors to establish a WSBA Prison Reform Committee to administer the ABA Parole Aide Volunteer Program in Washington.

Washington is one of eight states chosen as a pilot state for the program, as is Oregon. In June of 1971, the ABA's Commission on Correctional Facilities and Services received a grant of \$210,995 from LEAA to launch a national demonstration project placing hundreds of volunteer young lawyers in service as part-time assistant parole officers.

While the volunteers' legal training will be of value as background in their parole work, they will function only as assistant parole officers and will not provide legal representation or services in this role. Other programs would be relied on to meet that important need.

Working under supervision of experienced parole professionals, each volunteer will be assigned to one offender on parole, adult or juvenile.

There will be a training program conducted by staff from the Commission and parole people from the states involved. A joint training session for volunteers from the states of Washington and Oregon is planned for sometime in November. There will be funds available to at least partially defray the traveling and accommodation costs in attending the training session which would most probably commence on a Friday afternoon and terminate on Saturday afternoon.

In the State of Washington, the program has been greeted with a great deal of enthusiasm by the Department of Institutions, and they intend to cooperate fully in the planning and the implementation of the program. There has been a great deal of interest expressed from all segments of the Bar, and it is, therefore, thought that the program should be handled through the Washington State Bar Association and should include all lawyers in the state rather than just young lawyers.

The program has already been started in the states of Maryland and New Jersey and has met with an overwhelming response from the Bar.

The ABA Young Lawyers Section, through its Committee on Criminal Law and Prison Reform, has been actively engaged in correctional and prison reform work since August, 1970. Its activity includes a national prison visitation program which has already stimulated attention and remedial action on prison shortcomings in a number of states as well as the provision of volunteer legal services and counselling to incarcerated offenders. Regional chairmen and state coordinators of the YLS Committee will play major roles in activation, organization and implementation of the parole volunteer program.

**Dave Hoff** commented:

"The concern of the members of the Washington State Bar in the area of prison reform was demonstrated at the state bar convention where one of the resolutions passed asked for the formation of a prison reform committee. In the event the Washington State Bar did not see fit to appoint a prison reform committee in response to that resolution, the parole aid project would nevertheless continue under the auspices of the Seattle-King County and

Washington State Young Lawyers Section. It is, however, a program of such scope that it should include all lawyers, and not just young lawyers."

## Tacoma Attorney Calls For McNeil Probe

An investigation by the bar and the news media of conditions at McNeil Island Penitentiary has been urged by Tacoma attorney **Robert I. Deutscher**, who recently represented an inmate in a trial concerning a stabbing death at the institution.

Deutscher is a member of the WSBA Young Lawyer Committee which earlier this year visited McNeil in an effort to inquire into certain complaints relating to treatment of prisoners and prison conditions. He found the visit "to be an object lesson in the art of evasiveness so far as the prison officials were concerned."

However, Deutscher states that matters were disclosed during the recent trial which "point clearly toward the need for some fundamental reform and ameliorative action."

Deutscher said: "I am firmly convinced that this is an area in which the press and other media can play a vital role in sorting out the truth and in presenting the facts fairly to the public, which is something that prison officials have been considerably reluctant to do."

The Tacoma News Tribune ran an article on his call for the probe on the front page of its October 3rd Sunday edition.

Deutscher predicts further efforts by the Young Lawyers Section of the Tacoma-Pierce County Bar Association, the ABA and the WSBA Young Lawyers Committee.

## PROPOSED UNIFORM TRAFFIC BAIL SCHEDULE

The basic purpose of traffic law enforcement is to encourage voluntary observance by all citizens through respect for the law and application of adequate and consistent deterrents (not necessarily money) to discourage violations.

To accomplish respect for our entire system, bail and recognition policies in Granite Falls must be compatible with those in Spokane, and the money bail required for a violation charged in Seattle should be consistent with the same violation in Olympia.

Some of the answers and standards to be used for the above are contained in the proposed Uniform Traffic Bail Schedule 79 Wn. 2d (No. 9) iv thru x now being studied by the bench and bar. These proposed amendments to JTR T2.03 are the result of a two-year study by the Judicial Council, with substantial input from the Washington State Magistrates' Association. Major provisions are:

(1) Emphasis placed on personal recognizance as opposed to money bail in many cases.

(2) Uniformity of dollar amounts for bail throughout the entire state.

(3) Uniformity as to which cases may be disposed of by bail forfeiture and which require mandatory appearances.

(4) Uniformity of processing by District, Municipal, Justice and Police Courts in all areas of the state.

(5) Annual review of the bail schedule by the Judicial Council with adequate opportunity to adjust and update where necessary.

Less dramatic provisions but

equally important, particularly to judges, clerks, and prosecutors, are the following:

(a) Discretion is left to the local judge to revise the bail up or down for any individual defendant.

(b) Discretion is left to the local judge to grant or deny personal recognizance.

(c) Discretion is left to the local judge to determine whether bail forfeiture shall terminate any individual case.

Variations from the bail schedule outlined in (a), (b), and (c) above must be made on a case-by-case basis, and must be documented by the judge with a specific order for that case. To those judges who fear being inundated by paper work, reassurance is given by the language, "Such order may be a simple docket entry."

To the often asked question, "Will a uniform bail schedule be followed by uniformity in fines and sentencing?", the answer must be a qualified "no." The local judge retains full authority to determine a proper sentence on a finding of guilty. He will continue to use traffic schools, alcohol treatment centers, probation and other community resources in addition to money fines and jail sentences. A future study would be required to discern trends toward uniform fines.

The Judicial Council is gratified by the interest shown and comments and suggestions received since first publication earlier this year and has incorporated many of these suggestions into the proposed rule.

— **Judge Waldo F. Stone,**  
**Chairman, Judicial Council**  
**Sub-Committee**

## Welcome to Cow County



King County Superior Court Judge **Donald Gaines** (R) was presented a spic 'n span, brand new cowbell by Clark County Superior Court Judge **Guthrie Langsdorf** (L) at the state judicial conference in Vancouver.

Quoting The Columbian's editorial entitled "Welcome to Cow County," Judge Langsdorf presented the clonking cowbell, on behalf of 48,032 cows in Clark County, 1960 census.

"Welcome to Cow County, Judge Gaines; 48,032 cows salute you. You are the best PR we've ever had," said the inscriptions.

But, Judge Gaines gathered his wits about him and replied:

"I have long understood that the pen is mightier than the sword, but they are both small compared to the mouth."

In June, when Judge Gaines denied a motion for change of venue in the Alioto case, he commented that an intelligent, unbiased jury could be selected in King County. He added that he believed it would be possible to get jurors who are more fair in King County than would be possible in a "cow county" such as Clark.

## 'Reverse Discrimination' Struck Down



Judge Lloyd Shorett

The following is the oral decision of Superior Court Judge Lloyd Shorett delivered on September 22, 1971, in *De Funis v. Odegaard*, King County No. 741727:

THE COURT: Counsel, we all know that this case is of a type that will, and indeed should be, reviewed very quickly by the Supreme Court of the State and so I will just state my views and that Court will get a chance then to review what I have said and eventually decide the matter.

It seems to me that the law school here wished to achieve greater minority representation and in accomplishing this gave preference to the members of some races. In doing this the Admissions Committee assumed that all members of minority races, with the exception of Asians, were deprived persons. The applications of the black students were separated from all others and assigned for review to a black student and a professor who had worked closely with the CLEO program.

Some minority students were admitted whose college grades and aptitude test scores were so low that had they been whites their applications would have been summarily denied. Excluding the Asians only one minority student out of 31 admitted among the applicants had a predicted first year average above the plaintiff's.

Since no more than 150 applicants were to be admitted the admission of less qualified resulted in a denial of places to those otherwise qualified. The plaintiff and others in this group have not, in my opinion, been accorded the equal protection of the law guaranteed by the Fourteenth Amendment.

In 1954 the United States Supreme Court in *Brown vs. The Board of Education* decided that public education must be equally available to all regardless of race.

After that decision the Fourteenth Amendment could no longer be stretched to accommodate the needs of any race. Policies of discrimination will inevitably lead to reprisals. In my opinion the

only safe rule is to treat all races alike and I feel that is what is required under the equal protection clause.

The other claims made by the plaintiff are, in my opinion, without merit.

Article Nine of our State Constitution requiring the State "To make ample provision for the education of all children residing within its borders . . ." obviously does not apply to graduate schools, *Litchman vs. Shannon*, 90 Wn. 186.

There is no constitutional restriction upon admitting non-resident students. The record shows that 21.6 per cent of the entering class are non-residents. This is down from 30.9 per cent last year and perhaps due to the increase in non-residents fees. In the absence of a statutory provision or a University rule the Court cannot interfere with this determination regarding the admission of non-residents.

It should be recognized that many Washington students attend law schools in other states thus equalizing the load between the states. Students who were admitted in previous years and then drafted into the Armed Services were also admitted without further examination of credentials. This was no distinction based upon race and such regulation, it seems to me, is quite proper.

Some difficulty is encountered in determining the proper remedy to correct the discrimination. Only the plaintiff has brought an action. The other eligible applicants have not commenced timely suits against the University. I think in law they must be said to have rested on their rights and the principle of laches should prevent suits by them during this ensuing academic year which suits would interfere greatly with the conduct of the law school.

Since the plaintiff has brought this action and has very acceptable credentials and since I find that there has been discrimination here involving 30 or so students admitted upon an entirely different system than that applied to this plaintiff, I think there should be a remedy for the wrong and the plaintiff will be admitted to the law school. The defendants are directed to allow him admission to the school in this year's class.

Gentlemen, I think that disposes of the issues.

**The SKCBA Board of Trustees at its meeting on October 20th voted to file an amicus brief on appeal on behalf of the defendants.**

## Partial Text of Minority Law Student's Reply

This statement is in response to the Sept. 22 decision of the Superior Court of King County which allowed Mr. Marco DeFunis, Jr. admission to the University of Washington Law School.

It is submitted on behalf of the membership of the Minority Law Students Association and in no way is it intended to bias anyone.

We speak from our experience and the common knowledge of the people whom we represent. The reasoning of this statement is addressed to the proposition that minority persons have been de facto excluded from many areas of our society, whether it be employment, education or civil rights.

One fact of life in our society is that some persons, by some accident of nature, have in fact become social outlaws. At one point in our history, to our national shame, the situation was such that this condition was critical and gave rise to a chronic national condition.

The need to cite statistics to support the above proposition is hardly necessary; one need only look about in the areas of employment, education, historical institutions and civil rights.

At times, the manifestation of this social ill has been clearly overt while at other times it has been very clever. In the end the result has always been substantial segregation, discrimination and social apathy.

Recently a new mode for curing this social ill has arisen in recognition of the desirability and necessity of securing greater minority representation in the many areas from which they were de facto excluded. . .

The DeFunis case was instituted upon the belief that a student applicant to law school is denied "Equal Protection" because of the alleged preferential treatment given to minority students.

It is our position that in light of present circumstances, policy considerations, and the fundamental concept of equal protection, this holding is "clearly erroneous."

First let us examine the present situation both in the legal profession and at the law school. The

King County Bar Association has a membership of 1,989 practicing attorneys of which only 16 are Blacks and to our knowledge there are no Chicanos.

Since 1958 the law school has averaged about one black law graduate per year. In the present third year class there is only one Black, one Chicano and one Indian student. All these statistics should be considered in light of the fact that there are about 50,000 Black citizens and 13,000 Chicanos in Seattle alone.

Furthermore, there is the proposition that there exists a public duty from our public institutions to fulfill the needs of said communities. It is an understatement to say that minorities have been grossly underrepresented in the legal profession.

It is our conclusion that past admission practices in fact operated to favor white applicants and provided a barrier for minority students. Although these practices were neutral on their face, and even neutral in terms of intent, they operated de facto to freeze the status quo of discrimination. The consequence, it would stand to reason, appears to be directly traceable to race.

The law school in 1968, in an effort to end this system of exclusion, undertook an affirmative action program by adopting a policy of active recruitment and assistance to minority law students. Because previous standards did not provide a valid base for prediction of success in law school as applied to minority students, a new approach was attempted in recognition of the long practice of inferior education received at segregated schools.

It was on this basis that the Supreme Court of the United States struck down literacy tests. It was precisely for this reason that Congress enacted the Civil Rights Act which required removal of artificial, arbitrary and unnecessary barriers to employment.

The evidence is now clear. The new students admitted under the new more liberal and enlightened approach are still here and performing quite well. The validity of the new standard as applied to minorities, by their genuine success, speaks for itself. . .

It is our desire, as minority students, to become good attorneys. We ask no more and expect no less. The desires we seek to achieve extend far beyond personal accomplishment but reach out to the very hearts of our people.

CO-CHAIRMEN  
Jerome Crawford  
Wilbert Maez

**Says Law Dean Richard Roddis: "We are trying to bring people from traditionally excluded groups into the mainstream of legal activities as one way to overcome 200 years of discrimination."**

*Time, October 11, 1971*



## The Board's Work

### Farmworkers In the Yakima Valley

(Continued from page 10)

type of pressure that I have received has been from people like from the growers, who make these statements in the press to the effect that the farm worker's union and all people associated with it are communists and their lawyer wears a red arm band and things like that — because I was wearing a red arm band to identify myself as a non-grower during the strike. Somehow that makes me a Red or something.

This past weekend, a fellow from the Yakima Bar came up to me at the Bar convention and looked at my nametag and said, "You know, you don't look like such a bad guy. The lawyers out there think you are the devil incarnate."

If they do, I guess that is just what I have to live with. But I haven't really felt any pressure from them and I don't think anyone in our office has.

### Charles Ehler:

There was a study done by a committee of the Washington State Bar Association in 1968, about the need on a statewide basis for legal services. A report was prepared which recommended against this. It would be very interesting reading for everyone interested. It concluded that the Legal Services Program that was provided in the city areas was not needed in rural areas because the rural poor were not a threat to the community. This is a very interesting posture for the Bar Association to be in.

**"The rural indigent, however, presents a different problem. He is generally not a threat to the community, and his needs, while just as desperate, are borne with stoicism."**

**Report of WSBA Special  
Committee on Legal  
Assistance Programs  
September 1968**

*The following memo, dated September 22, 1971, was to be considered at the meeting of the Board on October 22nd. Action taken on the memo will be reported next month.*

TO — BOARD OF GOVERNORS  
FROM — NEIL J. HOFF

In a conference with the chief lawyer of OEO in Tacoma yesterday I detected a welcome trend under his new administration. He says that his office is discouraging the handling of divorces. If some kind of rapport can be established with the bar so that cases can be referred out on a rotating basis after his office handles the initial interview, he feels that they can overcome some of the current objections.

I have an idea which seems impossible of accomplishment, but which is worth exploring. This is it:

All cases of indigents handled by private attorneys should be allowed on the minimum fee schedule as tax deductions. Under present law, of course, this can't be done. I am thinking, however, that with the tremendous pressures on congress for more and more appropriations to help the poor legally as well as medically, congress might welcome with open arms legislation along this vein. At least the lawyer will recoup by this method his actual time loss. I have asked President Fred to see that this matter is on the October agenda for discussion. I would hope at that time our board can be the catalyst nationally by resolution in starting the ball rolling.

If the idea is approved we should circularize our congressional delegation, the key chairman in both the house and the senate, the President's office, the attorney general and the ABA. One of the virtues of this plan is that from a public relations standpoint it would be beautifully acceptable. Certainly the public would be happy to see the bar donating its services and would not object to our at least receiving some tax benefit for our labors.

I know this is a revolutionary idea and a lawyer's first reaction has to be negative, but if we are to stop law by public agency from becoming a monster which would eventually swallow us up, we must be prepared to do our part.

Please give this your consideration.



**SUPREME COURT PRACTICE**

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

An article in the August-September 1971 *Washington Bar News* discussed the situation in Washington with respect to thirty-six nationally recognized problem areas in Discipline Enforcement. The third problem area was identified as "Delay." The author noted that a nationwide survey disclosed that the time between receipt of the complaint and entry of a court order imposing discipline varies from several months to more than five years. With respect to Washington, it was noted that during 1971, the following disciplinary opinions had been filed involving the indicated delay:

- In re Slater*, 78 W.D. 2d 984  
 ..... two years, seven months
- In re Garvin*, 78 W.D. 2d 859  
 ..... one year, ten months
- In re MacDonald*, 78 W.D. 2d 810  
 ..... two years

The author then suggests, "Perhaps a court rule requiring the court's opinion in disciplinary proceedings be filed within 30 days after the case was heard would be in order."

Without commenting on the value of such a rule, it may be of some assistance to actually identify the sources of the delay. Until a brief is filed by the Bar, the proceeding cannot obviously be set for hearing. Times involved have been grouped, therefore, under two subdivisions: Bar time and Court time.

**Slater** (two years, seven months)

- Bar Time (two years, two months)*
- Complaint served ..... August 26, 1968
- Answer ..... September 26, 1968
- Hearing ..... December 10, 1968-  
 February 13, 1969
- Report of Panel ..... March 7, 1969
- Record to Board of Governors  
 ..... March 31, 1970
- Review by Board of Governors  
 ..... June 12, 1970
- Report by Board of Governors  
 ..... July 27, 1970
- Record filed in Supreme Court  
 ..... August 4, 1970
- Brief of the Bar ..... October 7, 1970

*Court Time (five months)*

- Brief of the Bar ..... October 7, 1970
- Argument ..... February 9, 1971  
 (setting time — four months)
- Opinion ..... March 4, 1971  
 (writing and circulation time —  
 one month)

**Garvin** (22 months)

*Bar Time (seventeen months)*

- Complaint served ..... March 13, 1969
- Answer ..... April 18, 1969
- Hearing ..... June 18, 1969  
 (leave granted to amend)
- Report of Panel ..... January 2, 1970
- Record to Board of Governors  
 ..... February 20, 1970
- Review by Board of Governors  
 ..... April 9, 1970
- Report by Board of Governors  
 ..... June 2, 1970
- Record filed in Supreme Court  
 ..... June 9, 1970
- Brief of the Bar ..... August 3, 1970

*Court Time (five months)*

- Brief of the Bar ..... August 3, 1970
- Argument ..... October 6, 1970  
 (setting time — two months)
- Opinion ..... January 21, 1971  
 (writing and circulation time —  
 three months)

**MacDonald** (two years)

*Bar Time (sixteen months)*

- Complaint served ..... March 18, 1969
- Hearing ..... April 21, 1969
- Amended Complaint ..... July 15, 1969
- Hearing ..... July 22, 1969
- Report of Hearing Panel ..... August 7, 1969
- Record to Board of Governors  
 ..... August 26, 1969
- Report by Board of Governors  
 ..... April 15, 1970
- Record filed in Supreme Court  
 ..... April 27, 1970
- Brief of the Bar ..... July 27, 1970

*Court Time (six months)*

- Brief of the Bar ..... July 27, 1970
- Argument ..... September 16, 1970  
 (setting time — two months)
- Opinion ..... January 14, 1971  
 (writing and circulation time —  
 four months)

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## THE COURT OF APPEALS

By **ROBERT F. UTTER**, *Judge*

*Division 1*

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The four panels of the Court of Appeals will each hear 48 cases in the January term. They will refer an additional 40 cases for that term to the Supreme Court to hear. It is anticipated by this action, unless there is an unanticipated increase in filings, that the cases in the May term will include all cases unheard in the January term and all cases ready when the calendar for the May term is set. This means all divisions of the Court of Appeals are expected to be current by the May term.

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Judges **Ralph Armstrong** and **Vernon R. Pearson** of Division II will attend a seminar for appellate judges at Louisiana State University. These seminars are sponsored by the Appellate Judges Conference and funded by grants from the Law Enforcement Assistance Administration. Subjects to be presented to the judges are *Impact Decisions; Law, Ecology and Class Actions; Appellate Review and Judicial Philosophy in Criminal Cases; Internal Court Administration; Federal-State Relations; Preparation of Opinions; and Style and Judicial Writing.*

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## SUPERIOR COURT NEWS

By **ROBERT M. ELSTON**, *Judge*

*King County Superior Court*

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The 1972 Spring Conference of the Washington State Superior Court Judges will be held in Olympia in late April. A proposed revision of the Juvenile Code and the proposed new Criminal Code will be principal program topics.

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Judge **Story Birdseye** (King), president of the Washington State Superior Court Judges Association has appointed Judges **Charles Z. Smith** (King) and **Richard G. Patrick** (Benton-Franklin) as chairman and vice-chairman respectively of the Association's Juvenile Court Committee. Other committee chairmen appointed by Judge Birdseye are: Judge **David W. Soukup** (King), Criminal Law Committee; Judge **Albert N. Bradford** (Walla Walla), Judicial Grievance Committee; Judge **Keith M. Callow** (King), Legislative Committee;

Judge **Oluf Johnsen** (Kitsap), Judicial Article Revision Committee.

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Judge **Robert J. Bryan** (Kitsap) has prepared sample forms for use in criminal pretrial discovery proceedings. He has made these forms (Order for Pretrial Conference, Pretrial Order, and Supplement to Pretrial Order) available to other judges and they have been utilized in other counties.

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## NEWS OF COURTS OF LIMITED JURISDICTION

By **MURRAY A. McLEOD**, *Judge*

*Aukeen District Court*

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The Washington State Magistrates' Association held one of its most successful conferences at the annual convention in Yakima, September 23, 24 and 25. A shift in the workshop sessions went from the practical training guides for judges to a more theoretical approach in understanding the over-all concept of justice.

Recent federal funding has allowed the Courts of Limited Jurisdiction to set up spring training seminars, thus granting leave to place greater emphasis on conceptual approaches to the administration of justice.

The program offered a variety of thoughts for judges to carry home. Professors Ronald Akers and Albert Carlin of the University of Washington Schools of Sociology and Psychology developed the topic of Anti-Social Behavior and the Reverend Richard (Dick) Christensen concluded the sessions in discussing the ways to develop an understanding of those who commit offenses and other anti-social acts because of their own inability to understand.

Judge **William Atwell**, Snohomish County, conducted a short series of lectures and practical demonstrations on the use of electronic devices in traffic cases, with special emphasis on video-tapes of DWI offenders and the new digital radar being employed by some law enforcement agencies in the state.

WSMA extends its appreciation to Judge **George H. Mullins** of Yakima for his untiring efforts as convention chairman.

Officers and board members elected for the coming year are as follows: Judge **Gary Utigard**, President; Judge **Gerard Fisher**, Vice President; Judge **Albert Yencopal**, Secretary-Treasurer. Judges **Ferris Albers**, **Charles Johnson**, **Tom Hall** and **Murray McLeod** were elected to the Board of Trustees.



True, it's been said before. But this seems to say it especially well:

There is much anxiety, bordering on alarm in some quarters, regarding the "image of the lawyer."

The practice of law is a combative undertaking, or an "adversary" procedure. By its very nature, our calling does not permit us, at all times, to present a united front to the public. Since much of our activity is placed before the public eye because of its interest to and affect upon the public, our differences are widely aired. It is on just such an open discussion of problems and programs that our country has grown strong and great. But those who argue and debate an opposing position, though the results are to bring forth the best thinking of each side, are often something less than popular. That is a price our profession must bear.

Though we debate, harangue and argue, though we take differing approaches to problems, though we espouse conflicting solutions, our public image represents a composite of the actions of each individual lawyer practicing law in the state. Irrespective of what the structure of our association might be, it cannot "ride herd" on all the actions of all its members. Even if the association had sufficient funds to saturate the news media with truth, as well as colorful, propagandized public relations materials about the Bar, it would do little if any good in improving our image with the public. They are not so easily influenced when they see the activities of lawyers around them every day. Our actions truly speak so loudly they cannot hear what we say.

Our individual images and that of our profession as a whole can and should be improved. And it *can* be improved if each of us assumes his rightful role in society and his community and recognizes that every time a lawyer is successful in contributing himself to the public good that each and every other lawyer is thereby benefited.

Frankly, no amount of deploring, viewing with alarm or resolving on behalf of our association can take the place of, nor compare one whit with, the value to be obtained through the efforts of each individual member of this association in dedicatedly trying to do something of service for his fellowman . . .

Thus the president of another state bar addressed his fellow lawyers — and the message is meaningful in Washington State as it is all states.

Public Relations Committee

They had fun. The Spokane judges and lawyers joined in celebrating the elevation of two of their number to high places. **Judge Bunge** was elected president of the Judges Association and **Del Cary Smith**, president of the State Bar. **Dick Munter** was the toastmaster and **John Huneke** presented the guests, **Judge Hanley** from Lewiston, Ida., **Tom Gose** from Walla Walla and many others. We presume that the affair closed early, that is, about 2:00 a.m.

#### BIRTHS

**Francis J. Walker** opened in the Security Building, Olympia; Whitman County Bar elected **Philip H. Faris**, President, **Charles DeVange**, Vice President, and **J. D. McMannis**, Secretary-Treasurer; Cowlitz County Bar elected **David Hallin**, President, **Jerry Houston**, Vice President, and **Harry Calbom**, Secretary-Treasurer; **Ralph Armstrong** transferred his office from Kelso to Longview as did **Melvin C. Rooney**.

**Frank Price** joined Imus and Marsh in Kelso; **Richard J. Waters** became connected with **Loomis Baldrey** in Bellingham; **Warren Chan**, former law clerk to Supreme Court Justice **Frederick G. Hamley**, became associated with **Floyd M. Reischling** in the Central Building, Seattle.

#### CROSSED THE BAR

**W. F. Crowe**, 81, Walla Walla; also **John C. Hurspool** of that city; **Joseph B. McNerthney**, 31, Tacoma; **James Emmet Royce**, 63, Spokane; **H. C. "Steve" Brodie**, 67, Olympia. Seattle lost **Robert Anderson**, 83; **F. M. Cook**, former associate of T. M. Royce; and **John Emmett Freeley**, 39.

The editor made a special comment stating that we now had two prominent fish men in Seattle. One, **Edward W. Allen**, member of the International Pacific Salmon Fisheries Commission, and the other a new appointee of the President of the United States. He said of the appointee, he "of course, scarcely knows the difference between an anal fin and a three-mile limit, and has never counted the annual rings on either, but he says that he likes to fish and is eager to learn about fisheries. And then, naturally, he can always read Allen's books."

David J. Williams

- Dec. 2-3 Medicine and the Law program, sponsored by the University of Washington School of Law and School of Medicine, Olympic Hotel, Seattle.
- Dec. 3 1 to 6 p.m., Washington Civil Trial Practice, State Bar CLE seminar, Ridpath Hotel, Spokane. (Friday)
- Dec. 11 9 to 4, Washington Civil Trial Practice, State Bar CLE seminar, Olympic Hotel, Seattle.
- Dec. 18 9 to 4, Washington Civil Trial Practice, State Bar CLE seminar, Evergreen Inn, Olympia.
- Jan. 3-7 Sixth Annual Institute on Estate Planning, Americana Hotel, Bal Harbour, Florida.

## 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 applicants on file:

- (1) Large Central Washington firm seeking associates for general practice including trial work.
- (2) UW Law graduate, successful trial experience as Rule 9 intern, marine corps veteran, has resume on file.
- (3) University of Oregon Law graduate, Law Review, seeks to relocate from firm in large city to position in Whatcom or Skagit counties.
- (4) Newly established OEO Legal Services office has several openings at salaries ranging from \$10,000 to \$20,000.
- (5) Vietnam veteran with extensive courts-martial experience, currently clerk for Superior Court Judge, seeks private general practice in Seattle area.
- (6) Hearing Examiner positions currently open in several Washington State departments and agencies. Salaries range from \$900 to \$1396 per month.

## CLE By Tape

A reminder:

You now can order cassette tapes of four of the outstanding legal-education seminars presented at the recent State Bar Convention. They are being provided by the Continuing Legal Education Committee at actual cost as a service to the Bar.

The four programs available are:

### How to Defend a Criminal Case

(basic law for the general practitioner), Murray B. Guterson, William L. Kinzel and Mark T. Patterson.

**Land Use and Zoning** (an up-to-the-minute review of an increasingly widespread legal concern), Kenneth A. Cole, Robert W. Graham, Edward B. Sand and Woodrow L. Taylor.

**Real Estate Contracts, Mortgages and Trust Deeds:** Forfeiture and Foreclosure (including both

## Wanted and Unwanted

**For Sale:** 25% off current price. Gray, Attorneys Textbook of Medicine; Cyc. Fed. Pro.; Summer, Oil & Gas; RCW Book Pub.; Sup. Ct. Dig.; Remington Bankruptcy. Contact Michelle Youngbloom at Schweppe, Doolittle, Krug & Tausend, 657 Colman Building, Seattle 98104 (MA 3-7520).

**For Sale:** Three Year old ICP continuous roll copier, excellent condition — Cost: \$900, will sell for \$400 and include \$100 in paper and supplies. Kempton, Savage & Gossard, 615 Lyon Building, Seattle 98104 (MU 2-1882).

**For Sale:** Vols. 1-200 of Wash. Rpts; Vols. 1-175 of ALR and 1-26 of ALR 2nd; Vols. 1-58 of Am. Jur.; Vols. 1-3 of Wash. Words & Phrases; Vols. 1-11 of Am. Jur. Plead. & Prac.; and numerous others with several bookcases all for \$500. Mrs. Hildegard Lynch, 1509 West Mission, Spokane 99201 (FA8-0437).

**For Sale:** 5 Vols. of Antieau, Local Government Law; RCW (Book Pub.); Yokely, Muni. Corp., with '69 Supp.; Yokely, Zoning Law & Prac. Kenneth A. Cole, 11012 N.E. 3rd Place, Bellevue 98004 (454-0601).

basics and sometimes tricky fine points of law), John A. Gose, John E. Heath Jr. and Gordon A. Livengood.

**Law Office Records, Time-keeping and Billing** (some practical ideas every law office can use), Robert J. Arndt, Paul N. Luvera Jr., and Muriel Mawer.

Order forms for any or all the cassettes were published on the inside of the back cover of last month's *Bar News*.

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