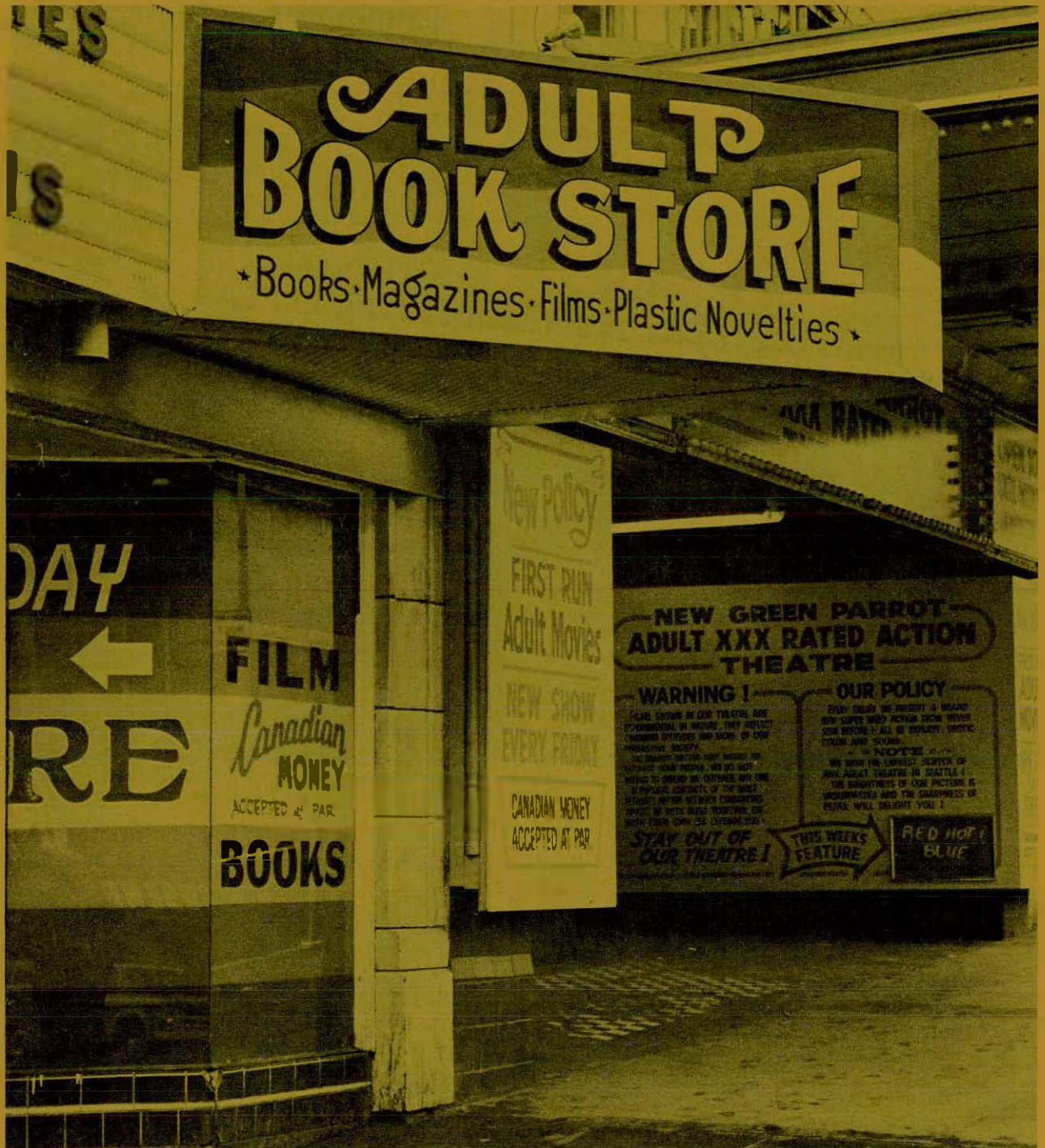


# WASHINGTON STATE BAR NEWS



OBSCENITY AND PORNOGRAPHY



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## In Defense of Maxey

Editor:

Mr. S. Dean Arnold's letter in your November issue, questioning Carl Maxey's "attack upon the Judiciary", selects the wrong target.

Mr. Maxey's political stance is far from my own, and I agree with very little he asserts in his article; but he demonstrated in the court room that he is a lawyer with every proper respect for the court system. He has chosen neither the court room nor the political podium as the site for attacks upon the integrity of the judiciary and the judicial system, in welcome contrast to a notorious few who have sought to disrupt and propagandize. On the contrary Mr. Maxey has set forth his views in an address to other lawyers, and surely this is the proper forum for criticism. Or are our judges and the judicial system so perfect or sacrosanct as to be beyond criticism? I defend both his right and your right to publish his comments, just as I feel that the opinions of a Kunstler have no place in a professional journal.

In passing, it is time we stopped defending the indefensible—the "relocation" of American citizens of Japanese ancestry during World War II, which was neither constitutional nor factually justified as an emergent measure.

STUART G. OLES

Seattle

## Relocation Centers

Editor:

Mr. Arnold's letter published in the *Bar News* of November, 1971 evokes some protest.

The infamy of the treatment meted out to American citizens of Japanese ancestry during World War II should not be forgotten or buried under such euphemism as "reloca-

tion centers."

Mr. Arnold, doubtless, was not "relocated." Neither was I. But American citizens who had done nothing wrong were removed from their homes, compelled to give up their businesses and lands, and were herded into the fairgrounds at Puyallup behind barbed wire where soldiers with fixed bayonets were stationed to make sure that none of them escaped.

The only other woman in my law class at the University of Washington was among these incarcerated citizens. One week we sat together in class and the next we found ourselves conversing through barbed wire.

Perhaps Mr. Arnold will favor the readers of the *Bar News* with a monograph on the difference between "relocation centers" and "concentration camps."

MARY ELLEN KRUG

Seattle

## Reply To The President

Editor:

The Board of Trustees of the Young Lawyers Section of the Seattle-King County Bar Association at its regular Board Meeting of November 3, 1971, unanimously resolved that I formally respond to Mr. Velikanje's column that appeared in the November issue of the *Bar News*. We appreciated his recognition that the "Young Lawyers" are doing an "exceptional job serving on the committees and educational programs, together with many other assigned duties." From the tone of his article, we question whether he sincerely believes that our "thoughts and ideas are refreshing" or "considered at depth" by the rulers of the Washington State Bar Association.

Prior to the Annual Meeting at Portland several of our Section

Trustees met with Mr. Velikanje's predecessor in an effort to determine if the Board of Governors would be receptive to the adoption of our proposed resolutions in principle prior to the Business Meeting in Portland. Nothing of substance came out of that meeting. What occurred in Portland was not a rebellion or revolt, but in fact a spirited and healthy discussion of vital issues to us as lawyers.

Mr. Velikanje declared that he recognized the impatience of youth and that this impatience was evident at the convention. Patience, whether exercised by youth or otherwise, has its limits. We are not looking for miracles nor are we interested in destroying or embarrassing the Washington State Bar Association. We merely want some enlightened, open-minded, leadership from the Board of Governors and the Washington State Bar Association President.

Our President's initial columns have been reactionary to new approaches and in our opinion help serve the seeds of polarizing the members of our Bar. We do not need divisiveness springing from the top. Hopefully, good leadership will inspire harmony among all of us.

Today, our society reeks with confrontation, i.e.: youth vs. their elders; urban vs. rural; poor vs. rich; labor unions vs. business; conservatives vs. liberals, and so on. The organized Bar has the responsibility to oil the wheels of constructive progress and not feed and fan the fuel of dissension.

Mr. Velikanje's conclusion that the Resolutions submitted at the Annual Meeting were not the product of Washington Young Lawyers is ridiculous. His idea that they represent a canned product of a national scheme is equally absurd. Members of our Section spent long hours drafting and presenting original resolutions. His remarks were at best careless, and an apology



At the beginning of my year, I announced that I hoped this would be a year of communication, and so it has begun – both condemnation and commendation. This, to me, indicates that you are reading the *Bar News* and are interested in our Association.

Your communications are appreciated, as this is the only way that your Board of Governors has the opportunity of knowing your thoughts, your desires and your beliefs – keep it up.

In relation to the *Bar News*, this is your house organ, and if you have some articles of interest to the Bar they should be sent to our editor, Ed Raftis. I can't promise which ones would be published, but at least it would give your editor a diversity of material and comments which he is unable to obtain without the cooperation of all interested members of the Bar.

Some things are happening within the Bar which I think are of vital interest to all. Many of these are referred to in the report on the activities of the Board of Governors, such as our hoped-for communication with the Young Lawyers by having the chairman of the Young Lawyers' Committee, Brad Gierke of Tacoma, sit on the Board as a non-voting member. We hope that you will use Brad to communicate the thoughts of the Young Lawyers.

The Family Law Committee,

under the chairmanship of Ivan Merrick, has just completed a 40-hour session at Providence Heights in Issaquah, with about 175 in attendance, not only members of the Committee but invited participants from law enforcement and welfare, sociologists and others interested in Family Law. I have not as yet had the opportunity to read the report of the committee, but I am looking forward to reading it. However, I have talked to those participating in the meeting, not only lawyers but lay people as well. The responses were excellent, not particularly based upon the production from the meeting but the fact that the members attending found that lawyers *do* care.

I also had the privilege of attending the Legislative Committee Meeting, and among other things the committee appointed a special committee under the chairmanship of Gerry Alexander of Olympia, to prepare and submit to the Legislative Committee for possible adoption a new Landlord-Tenant bill.

A committee under Judge Francis A. Walterskirchen is doing an in-depth study of the Uniform Probate Code.

The committee on automobile reparations, commonly known as "no fault insurance", under the chairmanship of Richard F. Broz, is well along in their studies of the various programs, with the hope that they can make a recommenda-



tion in the not too distant future as to what the decision of the Bar should be.

A new committee under the chairmanship of John Piper, Seattle, has been created to consider and study Washington's correctional institutions. Washington has been chosen as one of eight states for a pilot program for parole aide volunteers.

These are just a few of our very active committees, giving many hours of their time for your benefit, and if you have specific thoughts or desires on any of these programs, kindly communicate. Get yourself involved.

would be welcomed.

Today's lawyer wants to be proud of his chosen profession. We take the position that lawyers are charged with the responsibility of rendering high quality legal services to all segments of the general public. We are not a trade association or a guild. Our professional duties are broad and demanding. Our society is complex and our

basic institutions are not inflexible to reform and revitalization. Lawyers obviously have and want a leadership role in today's society.

The Washington State Bar Association has an outstanding national reputation and at the Portland convention we took giant steps toward true national leadership among the other State Associations. The Young Lawyers want to work

in unison with the Senior Bar in a joint effort that will hopefully lead the Bar to legal excellence, responsiveness to the disadvantaged, and genuine public esteem.

ROBERT C. MUSSEHL, Chairman  
Young Lawyers Section,  
Seattle-King County Bar  
Association



## Editor's Note



William Lockhardt in his article in this issue observes that when the obscenity laws are not clearly drafted confusion reigns.

Confusion and misinterpretation certainly reigned in *The Seattle Times* editorial reprinted in Quotes Quoted to the right. Judge Rakow struck down a Seattle City Licensing Ordinance on

the basis of the well-entrenched constitutional prohibition against prior restraints. Apparently, even the City's chief trial counsel admitted the City Council went awry in passing the ordinance. Judge Rakow wisely observed that it is better that the trial courts go along with Supreme Court decisions and strike down an ordinance, rather than have the public pay for an idle appeal. If the public believes in prior restraints, let them amend the constitution.

Did Judge Rakow strike down "one of the few remaining tools available to fight obscenity in Seattle"? RCW 9.68.010 prohibits the exhibition of an obscene motion picture film; RCW 9.68.060 prohibits the sale of erotic materials to minors. The SKCBA Criminal Code Revision Committee has proposed an ordinance prohibiting the public display of erotic materials.

Probably the most unfair statement in the editorial is "Judge Rakow has put the burden of determining what is obscene upon himself and his colleagues on the bench". As most citizens are well aware, the United States Supreme Court has imposed this obligation on Judge Rakow; he has not usurped this role.

Finally let's not accuse Judge Rakow of not interpreting the public interest. Put the burden where it lies. Unless the United States Supreme Court does an about-face or the constitution is amended to allow prior restraints, Judge Rakow is duty-bound to uphold the law of the land.

Even strict constructionist William Rehnquist recognized in his testimony before the Senate Judiciary Committee: "When you put on the robes, you're there not to impose your personal views but to construe as objectively as you possibly can the constitution and the statutes."



## Quotes Quoted

### Seattle v. Mecca Twin Theater



Judge Rakow

**Judge Ross R. Rakow:** The strange thing is, I hear the City's most respected senior trial counsel admitting and accepting this to be the law, and I do not see the City and or its executives and or its administrative or legislative branch trying to give the Supreme Court's decision life. I think they are trying to avoid it.

**I've had it with these kinds of cases, and this one in particular.** I respect your professional position, and I do not maintain in my response here today, or my announcement of my opinion, that this is black and white. I've tried to entertain and reject the various defective aspects of the argument and give meaning and life to what I think the Supreme Court of the United States is saying. And were it not a First Amendment right, the interpretation would be precisely as you urged. We're not going to exact such a high degree of specificity of an ordinance.

But better this Court decide it than it is decided in the Supreme Court at Washington, after the public has spent another fifty thousand dollars presenting it through the courts. Better that the trial courts go along. **Better that the people of the states amend their own constitutions if they don't like the law of obscenity, which they haven't seen fit to do, by the way.** If they don't like the Supreme Court decision as to what the First Amendment says, let them change it. Let them say, "We're not going to allow anybody to show their skin beyond the kneec, or any reference to sex or other matters."

### Setback in anti-obscenity fight

A visiting Superior Court judge has struck down one of the few remaining tools available to city officials to fight obscenity in Seattle.

Judge Ross R. Rakow of Klickitat County, where pornographic films and shows probably are non-existent or rare, ruled unconstitutional part of a city ordinance allowing the City Council to refuse a theater license to a person previously convicted of a felony or a misdemeanor involving "moral turpitude."

Judge Rakow commented that he is "fed up" with cases involving obscene adult films and said the

*(Continued on page 29)*

# OBSCENITY AND PORNOGRAPHY

By William B. Lockhart

I am a lawyer, not a sociologist or psychologist or political scientist. I do not plan to lecture broadly on the development of public policy through social science research.

My objective is much more limited — to discuss and clarify from a lawyer's viewpoint a single study in which the aim was the development of public policy on a little-understood problem through the collaboration of social scientists, lawyers, and independent-minded citizens trained in neither law nor the social sciences.

This kind of collaboration is still far too scarce.

Lawyers play a major role in law reform and do a good job with the resources they use, but far too often they rely primarily on their own skills in legal analysis and legal and factual research and seek too little enlightenment from the social sciences.

Underlying much law-making, whether by legislation or judicial decisions, are too many untested assumption and hypotheses about the world in which we live, about people and how they respond to certain situations, and other assumptions on which social science research can shed light. Seldom do lawyers or legislators turn to other disciplines that are qualified to test out these hypotheses or assumptions or to dig up other data through social science research that is simply beyond the training of lawyers.

*Portions of an article entitled "The Findings and Recommendations of the Commission on Obscenity and Pornography: A Case Study of the Role of Social Science in Formulating Public Policy" which appeared in 24 Oklahoma Law Review 209 (1971). © Oklahoma Law Review. William B. Lockhart is Dean of the University of Minnesota Law School and was Chairman of the Commission. Reprinted by permission.*

Lawyers have long been very good at running down objective facts that bear upon proposed changes in the law, but only in recent years have we begun to take effective steps to make real use of the social sciences in developing the data needed for wise and well-informed policy making for improvement of the law.

## The Need for Research

Our obscenity laws are a classic example of how laws ought not to be made — in the dark. They were made largely by legislators who simply assumed, without really knowing, that while "this sexy material does not hurt me" it is bound to be harmful to others. They had no reliable evidence of harm. They proceeded on the basis of assumptions, guesses and fears, plus the knowledge that this material was highly offensive to many of their constituents.

Back in 1954 Professor McClure and I made a study of the constitutional problems relating to obscenity censorship before we had any Supreme Court decisions. A vital question was "what are the objectives of obscenity legislation?" The laws provided little guidance but the writings of censorship advocates did. The laws were aimed at protection against arousing sexual desires and thoughts, against undermining moral standards, against inciting sexual behavior inconsistent with community standards of morality.

But when we asked, "What factual foundations are there for these fears about the effects of obscenity? What do we really know as distinct from what we fear and assume?" we found literally no solid information. We found many writings expressing opinions about the evil and harmful consequences that were thought to flow from what they called obscenity or pornography but we found literally no relevant evidence — unless opinions be considered evidence.

At that point McClure and I made a strong plea for social scientists to undertake extensive research into the effects of exposure to these materials. Our study had shown how little anyone really knew about the whole problem and how great the need was for solid information about such questions as: "Who are the users of pornography? What use do they make of it? What impact does it have upon its users, either in terms of sexual conduct or attitudes toward sexual conduct?"

Our point was that only with such information would it be possible rationally to formulate public policy in this emotion-charged area. So we urged scientific study and concluded that meanwhile, in the absence of knowledge, the legislatures could appropriately conclude that the worst of these materials should be controlled.

That was in 1954. Nothing significant happened toward developing the requisite information for policy-making until 1967.

#### **The Mandate of the Commission**

In late 1967 Congress created and in mid-1968 funded the Commission on Obscenity and Pornography and gave to that Commission a broad and challenging mandate. In short the Commission was to learn all it could over a two-year period about (1) the legal problems relating to control over "obscenity and pornography," (2) the pornography industry, its methods of distribution and volume of traffic, and (3) the effects of pornography and its relationship to crime and other antisocial conduct.

And Congress directed the Commission to make recommendations for legislative or other action, obviously to be based on its findings.

When the White House asked me to accept appointment to the Commission, I really had no choice, for this was the very kind of research task I had been urging others to do since 1954. Suddenly I found myself responsible for developing a broad research program that would produce reliable information about pornography and its effect upon users — fortunately with the help of seventeen other Commissioners with a broad spectrum of qualifications and experience — ministers, lawyers, social scientists, physicians, business men, and teachers.

#### **Introductory Comments on Research, and Findings**

Before taking up the details I would like parenthetically to make one personal disclaimer. I do not like pornography. I never have. Two years of study have left it just as distasteful. Much of it is ugly and crude and distorts sex when all aspects of love should be beautiful. I believe all the Commissioners shared this same attitude toward pornography.

But when we accepted this assignment we put aside our personal views and determined to seek and report the truth, whatever it might be, and then to form our independent judgment on what the government should do in this problem area only after we saw the scientific evidence.

This we did. Not until July of this year when all the evidence was available did we discuss what our recommendations should be. At that point the results of the highly varied research projects, carried on by a great many independent scientists, were so consistent and the evidence so persuasive that we reached a strong majority on every recommendation — at least two-thirds or more.

We did not water down our findings and recommendations, as Commissions often appear to do, for the sake of presenting a more united front. By reflecting differing views within the Commission our Report sharpens the issues for ultimate decision through the democratic process. And our Report provides the factual basis for making public debate and decision-making better informed.

#### **The Commission's Recommendation on Sex Education**

The Commission's most important recommendation in our view is that this country should launch a massive program of sex education to produce healthy attitudes toward sex and a sound understanding of our sexual natures in order to provide solid underpinning for our most basic institutions — marriage, home and family.

Our study convinced us that we need to bring sex out into the open. Direct and open conversation about sex between parent and child is too rare in our society. By keeping sex under cover, something to be spoken about in a hush, hush, secret way, we have overemphasized sex and made it more fascinating and attractive, while at the same time we have driven our children into less legitimate and less well-informed channels in search for information about this powerful drive within them.

#### **Legislative Recommendations**

A. I will discuss first the most controversial of these recommendations: the recommendation that the law should be revised to let consenting adults make their own decision on what they will read or view. We concluded that there were good reasons, persuasive to twelve of the eighteen commissioners, not to control what a consenting adult can read or view, no matter how offensive such material might be to others who need not read or view it.

# NEW GREEN PARROT ADULT XXX RATED ACTION THEATRE

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IF PHYSICAL CONTACTS OF THE MOST INTIMATE NATURE BETWEEN CONSENTING ADULTS OF BOTH SEXES TOGETHER OR WITH THEIR OWN SEX OFFENDS YOU -

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**THIS WEEK'S  
FEATURE**

**RED HOT &  
BLUE**

We reached this conclusion through a combination of value judgments and factual findings. Each was persuasive, but in combination they left me no alternative but to change my earlier view that limited control over what is available to adults was desirable.

Let me summarize the considerations and give you some of the data from our social science studies supporting these considerations.

1. Extensive empirical studies of many different kinds, carried on in different geographic areas by different independent scientists, all pointed in the same direction: in the case of adults exposure to explicit sexual material plays no significant role in causing social or individual harm, either in sexual behavior or attitudes toward sex and sexual activities.

Our summary of these studies alone takes up 140 pages of the Report. The research reports on this phase of our study will occupy several volumes.

2. Some additional data on effects, not in sufficient quantity to give major weight but not to be ignored, points to the probability that in some considerable number of cases exposure to explicit sexual material improves constructive communication about sex among married couples and helps to produce more satisfactory marital sex relations.

3. In America there is no community consensus supporting the laws prohibiting sale or exhibition of explicit sexual material to adults. On the contrary, our national survey shows that roughly 60% of American adults believe there should be no controls over availability of sexual materials to adults 21 or over. This means substantially less than a majority favor such controls.

4. Society's attempts to legislate for adults in this area have not been successful.

This is too complex for detailed treatment here, but I will try to summarize: Because obscenity laws must be sufficiently vague to protect access to materials of social value, they do not provide meaningful guidance to the courts, or to prosecutors, or to dealers. In our survey of prosecutors their major complaint was the indefiniteness and vagueness of the legal standards. And the dealers who must comply with the law face the same problem. As a result the law is inconsistently applied, and often erroneously applied to deny constitutional rights.

5. One of the most basic values to Americans is the right to freedom of expression and communication. This includes the right to read, the right to information, the right to entertainment. Laws that

control what adults may read or view are inconsistent with this basic value.

Americans deeply cherish the right to choose for themselves what they will read and what pictures or films they will view, whether for information, education, or entertainment. Most of us are simply unwilling to let anyone else make that judgment for us.

6. One final reason briefly. The Commission did not overlook the fear that explicit sexual material might lower the moral standards of the community. We recognized the great importance of sound moral standards, but our value judgment was that ideals of morality cannot be imposed by government controls. Government can properly concern itself with legislating behavior, but not with legislating moral outlook and moral values. Personal moral standards and outlook must be based on deep personal commitment, flowing from values instilled in the home, church, and school, and are not the proper concern for regulation by the government.

B. Now some brief comments on what underlies our recommendation that state laws should control the commercial distribution of explicit sexual materials to young people under 17 or 18, except with consent of their parents or teachers or clergymen.

The statute recommended is a far more explicit statute than any on the books. It defines with precision what is not to be sold, with a very narrow exception for art and materials of anthropological value. We avoided the vagueness of social value required in an adult statute by limiting the law to pictorial material carefully defined and leaving it to parents, teachers and clergy to make a mature judgment on social value. I can't go into all the details.

C. Our other major legislative recommendation was designed to protect those who are offended when the grosser, more shocking kind of pictorial material is thrust upon them.

Our studies confirmed that substantial numbers of persons are highly offended and emotionally upset when confronted with explicit sexual material, particularly the pictorial type. The number of complaints were great enough, and the aversion sufficiently strong, that we made the value judgment that persons should be protected from this kind of offense if this could be done without blocking availability of the material to those who want it. We found this not difficult to accomplish. We made two proposals:

1. We drafted and recommended state statutes forbidding public display of pictures and objects depicting explicit sexual activity when they can be seen from a public street or sidewalk or from the property of others.

2. We also designed and approved legislation to protect those offended by receiving unsolicited, sexually oriented mail advertising.

### Conclusion

D. In conclusion I have two closing comments:

1. I have said enough already to indicate the crucial role that social science research played in this team effort at developing public policy in this problem area where policy-making in the past has been characterized largely by assumptions, guesses and fears. Social science can and will play the same important role in many other areas as time goes on.

2. I do not suggest that the Commission's studies have already established public policy. There will be extended debate and much experimentation in our fifty states — and in many other countries — over the next ten to fifteen years as public policy regarding sexual materials is gradually reformulated.

And there will be much more research, as the Commission urges in its report, for two years of study cannot make up for the ignorance of centuries.

But let me underline one closing point. The method of formulating public policy regarding sexual materials can never again be the same. Public policy in this area can never again be made in a factual vacuum. The findings by the Commission, backed up by ten volumes of research reports, will require that from this point forward legislative judgments must be based on facts.

The many solid, intelligent, conscientious statesmen in our state legislatures and in Congress will simply not let appeals to emotion and to prejudice cover up this significant source of information. Nor will the great number of intelligent citizens now reading the report allow it to be ignored and placed on the shelf to be forgotten.

From this point forward legislative decisions on this subject will become increasingly informed decisions as our legislators are required to examine an increasing mass of factual data. And the result will be sounder decisions, whatever conclusions are reached. □

# NOT WILL, BUT JUDGEMENT

By John N. Mitchell

Although largely unnoticed in the press outside of Washington, one of the vital controversies in American history reached a dramatic high point three weeks ago in the nation's capital.

Chief Justice Warren Burger had been invited to give the main address at the dedication of Georgetown University's new Law Center. But a number of Georgetown law students were disturbed by a previous remark of the Chief Justice to the effect that the elective and legislative process, rather than litigation, should be regarded as the principal avenue of social change. They organized their own counter-dedication in the street outside the new Law Center, and for the main speaker they invited William Kunstler, the activist attorney who had received several sentences totaling over four years for contempt of court in the Chicago Seven Trial.

## "Anti-Establishment" Kunstler

So, on September 17 we had two speeches at the same time and almost at the same place — one by the nation's most eminent jurist and the other by a self-proclaimed "anti-establishment" lawyer who is among the most conspicuous exponents of activism in the courts. To give you an idea of the tone of Mr. Kunstler's speech, the press quoted him as having said, "Chief Justice Burger represents a vile system, and speaks for a vile system. He is not fit to dedicate this law school . . ."

You can see that this whole situation was hardly calculated to enhance the dignity of the highest court

*Portions of an address by the Attorney General of the United States before the Oregon State Bar Association at Gearhart, Oregon, on October 8, 1971.*

and the highest magistrate in this land. Yet far from being intimidated by this spectacle, the Chief Justice chose as his theme the very issue that had apparently brought on the counter-dedication in the first place.

## What Chief Justice Burger Had Said

On the earlier occasion, in a *New York Times* interview last July, the Chief Justice had been asked whether law students were justified in hoping they could accomplish "a change in the system through law." He had answered, in part:

I sincerely trust that some of their hopes may be justified . . . Young people who decide to go into the law primarily on the theory that they can change the world by litigation in the courts I think may be in for some disappointments. It is not the right way to make the decision to go into the law, and that is not the route by which basic changes in a country like ours should be made. That is a legislative and policy process, part of the political process. And there is a very limited role for the courts in this respect.

It was apparently in response to this statement that Mr. Kunstler — and again I am referring to press accounts of the counter-dedication — declared, "I think the Chief Justice . . . is embarked on a program of destroying the new breed of lawyers as a force for social change."

With this kind of rhetoric on one side of the issue, it is difficult to make any rational comparison between the two viewpoints. But since the encounter is so arresting, it almost commands our attention on one of the truly basic questions in our governmental system. Many young people are going into law because they anticipate using the courts to effect

social change. The question is, therefore, is this the best channel that can be used by the energies working for change?

### Are The Courts the Best Channel?

In his Georgetown University address, just as in his earlier press interview, Chief Justice Burger did not say that the courts should be avoided as an avenue of change. He did say that "although the litigation process is one factor in change, it is a slow, painful and often clumsy instrument of progress . . ." He pointed out that "Federal judges in particular need not be troubled by constituents or elections . . ." He asked those who look to this source for change "to ponder what remedy is available if the world shaped by the judicial process is not to their liking." And he reminded them that our history "began with a revolution instituted to overthrow a government that was beyond recall by the votes of the people."

In fact, belief in rule by the people was so strong when the Constitution was originally formed that there was considerable argument for making the Federal judiciary an arm of the legislative branch. But the framers of the Constitution kept it separate as a check against the other two branches. Writing in the Federalist papers, Alexander Hamilton considered it to be the "least dangerous" of the three branches, since it "can take no active resolution" in the governing process. "It may truly be said," he added, "to have neither force nor will, but only judgment."

Since then there have been times when many feared that Hamilton was wrong. One who feared this declared:

The Court . . . has improperly set itself up as a third House of Congress — a super legislature . . . reading into the Constitution words and implications which are not there, and which were never intended to be there.

Who said that? Not one of today's conservatives protesting the court's opinion in *Miranda vs. Arizona* or *United States vs. Wade*. It was President Franklin D. Roosevelt, stung by a Supreme Court which had declared key New Deal measures to be unconstitutional — had, in his opinion, substituted will for judgment.

### Domination of the Court

I bring this up as a reminder that the judiciary can and does work in either direction from one's own opinion and from public opinion. Those who may be enchanted with the Court as an instrument of change today would have opposed its actions yesterday and

might oppose them again tomorrow. And the disenchantment can turn to alarm if the judgment referred to by Hamilton gives way to sheer will — the will of activist attorneys before the bar, the will of the judges themselves, or the will of another governmental branch trying to dominate the Court.

In retrospect, it is even more appalling today than it was in 1937 that President Roosevelt would attempt to destroy the independence of the Supreme Court with his court-packing scheme. In rejecting that scheme, Congress championed at that time just what Chief Justice Burger championed in his Georgetown University speech. It insisted on maintaining its own limitations and it defended the powers of another branch of Government. In reporting against the court packing bill, the Senate Judiciary Committee stated: "We are not the judges of the judges. We are not above the Constitution."

In this same spirit, the Chief Justice is saying today, in effect, "We cannot legislate for the legislators. We are not above the Constitution."

### Raw Power Struggle

All of this may sound naive to those who cynically regard all of Government as a raw power struggle, with no holds barred, even if they do violence to the plan of Government itself. When it comes to the judiciary they hope to use it as, in Roosevelt's words, "a third House of Congress" — but a House not responsible to the people. Such a superlegislature might accomplish short-term results. But when will is thus substituted for judgment, neither the champions of the right or of the left can benefit for long. What had seemed to be a sophisticated exploitation of the machinery of government would, in reality, turn the clock back hundreds of years to a day when the law was what the king said it was.

Certainly it is true that the good fight can be fought and won in the courts. They have been the great bulwark against undue assumption of power by another branch. They have provided an alternate mode for relief of grievances at times when the more active branches seemed stalemated.

Without trying to get the courts to remake the law, young activist attorneys already have worlds to conquer in using the courts to enforce the law. Wrongs upon the public in such areas as environmental pollution, wrongs upon the individual in such areas as consumer fraud — these offer vast fields for plowing by those who commendably want to make their careers relevant to the needs of society. Let us remember that the discovery of facts constitutes more than half the practice of law. To document

*(Continued on page 27)*

# OCCUPATIONAL SAFETY AND HEALTH ACT

For some 60 years, protection of safety of workers has been left to the states. The larger states have had well administered programs. In other states, one will find more fish and game wardens than safety inspectors. Some 14,000 workers lose their lives every year in on-the-job accidents; 2.2 million are disabled. The resultant cost is \$9.1 billion.

Enter Congress with the passage of the Occupational Safety and Health Act of 1970 (OSHA) (P.L. 91-596). The Act has been hailed by many as one of the most important laws in the general area of labor-management relations since the New Deal. The new law became effective on April 28, 1971, and the majority of the interim standards promulgated pursuant to OSHA were effective on August 27, 1971. The standards have been printed in the Federal Reporter. Many more standards are to be promulgated and lawyers may expect to see extensive regulations by mid-1972.

The basic purposes of the Act are to: (1) provide a safe work place; (2) establish uniform safety standards; (3) assist states to meet these standards and then hand over the authority and administration to the states at the end of three years.

## Scope

The Act covers 57 million workers and 4.1 million establishments.

OSHA applies to any employer "engaged in a business affecting commerce who has employees." Section 3(5). Congress exercised its fullest constitutional authority in bringing employers under the Act. The jurisdiction of the Department of Labor in enforcing this new statute is as broad as the statutory

jurisdiction of the National Labor Relations Board. In sum, as President Nixon stated when he signed OSHA into law, "virtually all businesses, no matter how large or small, will be covered."

The State of Washington is one of eight states assisting OSHA in Target Industry Program compliance, conducting a total of 4,275 inspections. Under a one-year contract, ten inspectors from Washington were sent to Washington, D.C., for two months of training. OSHA will pay their wages as they make inspections in this state from September 1, 1971 to July 1, 1972.

The OSHA compliance program will focus on the "worst first", i.e., the five industries with the highest injury frequency rates. They are: longshoring, with an injury frequency rate of 69.9 per million manhours worked; roofing and sheet metal, 43; meat and meat products, 38.5; miscellaneous transportation equipment (primarily mobile home manufacturers but also including snowmobile makers), 37.6; and lumber and wood products, 36.1. The national average is 14.8.

Those firms with over 20 employees in these five industries have been picked from Dun and Bradstreet reports for inspection.

The first step in the administrative procedures of the Act is an investigation of an employer's premises by an OSHA investigator. The investigations may be categorized into two groups based on the method of initiation: a spontaneous investigation and a complaint investigation.

## Spontaneous Investigations

OSHA authorizes the Department of Labor to hire inspectors with the following authority:

- "(1) to enter without delay . . . (and)
- "(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus,

*Based in great part on an article by Denis M. Neill which appeared in the August and September 1971 issues of the Journal of Missouri Bar.*

devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee."

This section authorizes the investigators to enter and inspect a workplace without notice and without a prior complaint by an employee or other interested party. It is the policy of the Occupational Safety and Health Administration to make spontaneous inspections on a "worst, first" basis.

#### **Inspection Upon Complaint**

There are two provisions in the statute which provide for inspection upon employee complaints. Section 8(f)(1) permits any employee or representative of an employee who believes there exists a safety or health standard violation which threatens physical harm or causes imminent danger to may request an inspection by giving notice to the Occupational Safety and Health Administration. This complaint procedure is limited to those standards violations which threaten physical harm or create an imminent danger.

Section 8(f)(2) contains a broader complaint procedure, allowing employees to request an investigation, in writing, of a mere violation of the general duty provision or of an OSHA standard, without threat of physical harm or imminent danger. An internal review procedure in this section—triggered by the failure of an inspector to issue a citation on an employee complaint—necessarily implies that an inspection should be carried out following a complaint unless it is frivolous on its face. Proposed enforcement regulations require an investigation if the Occupational Safety and Health Area Director finds "reasonable grounds to believe that such violation or danger exists."

#### **Advance Notice**

The Act presupposes an inspection without advance notice. It provides for the imposition of a fine on any person who gives advance notice of inspection without authority of the Secretary or his designees. However, proposed regulations and policy statements by the Assistant Secretary of Labor for Occupational Safety and Health George C. Guenther indicate that in order to facilitate efficient inspections, upon authorization by the OSHA Area Director or the Compliance Officer, up to twenty-four hours advance notice may be given. This policy, however, is not intended to preclude an inspection without notice in appropriate cases.

#### **Inspection Procedure**

The inspection procedure is set out in detail in the statute and proposed regulations. The inspector must be allowed to investigate any workplace during regu-

lar working hours and at other reasonable times. In general, the rule of reason will govern the inspection. The inspector has the right and duty during the inspection to question either the employees or their representatives, and the agents of the employer.

Where the employees in any separate workplace in a business establishment are represented by a union, a representative of the union must be given an opportunity to accompany the inspector during the physical inspection of that particular workplace. There appears to be no impediment to having employees authorize a non-employee representative for such inspections. Where there is no union representative or other authorized representative, the investigator must interview (probably informally) a reasonable number of employees concerning matters of health and safety in their particular workplace.

An employee may notify the inspector of a violation during the inspection. This notice should be *in writing*. Apparently, the inspector will carry complaint forms and supply one to any employee who wishes to note a complaint. Undoubtedly, however, the inspector will consider oral complaints.

#### **Records**

During the inspection the employer must make available to the inspector such records as are required to be maintained pursuant to the appropriate regulations. *Specific forms are required.* These have been provided to most employers, and more are available from the Occupational Safety and Health Administration. Employers are required to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first-aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfers to another job.

The OSHA requires new procedures to maintain records of employee exposure to potentially toxic materials. These regulations will provide employees and their representatives with an opportunity to observe the monitoring and measuring of the exposure to toxic substances as well as with access to the records that are maintained pursuant to this program. The employer is obliged to notify promptly any employee who has been exposed to toxic materials or harmful physical agents in concentrations or levels that exceed those prescribed by OSHA standards.

#### **Citations**

The enforcement of the Act commences with the issuance of a citation indicating that the employer has violated either a safety standard or the Act's general

*(Continued on page 26)*

# WASHINGTON STATE BAR NEWS

## Rating the Judges

The question of how to handle results of the survey of members of the bar rating the court performance of the state's superior court judges was scheduled for the WSBA Board meeting in Pasco on November 18.

A resolution was introduced at a Spokane Bar Association meeting by James Connelly asking the WSBA Board to defer any action on the survey until the various county bar associations and members can make their views on this subject known. The vote, taken at the October 29th meeting, was 41 to 40 in favor of the resolution with President Del Cary Smith, Jr., having to cast the deciding vote.

The survey solicited the opinions of 4,404 lawyers: 2,065 responded.

The survey instructions provided: If the response is sufficiently representative, the results will be tabulated in the Bar office and mailed to the member of the Board of Governors of each Congressional District and the President of each Local Bar Association, as well as the Presiding Judge of each Superior Court district. The State Bar News, will publish an analysis of the over-all project and the results without using individual names. Lawyers and judges interested can obtain the specifics by contacting either their Congressional Board members or the Local Bar Presidents. The judges may also contact the Presiding Judges.

The purpose of the poll is to analyze the over-all qualifications of our present trial bench; it is not intended as a political or punitive measure for general public release. It is expected that all lawyers, as officers of the court, will not abuse the information.

## Family Law Conference Highly Successful



Helen Graham Greear et al

A successful conference results from four ingredients: relevant issues, concerned participants, good location, and a competent manager. The Family Law Conference at Providence Heights possessed all four.

Last spring the Board of Governors authorized the Family Law Committee to call a conference of representatives from all concerned disciplines to consider the results of its study of our laws relating to marriage, divorce and the family court. Educators, social workers from virtually every type of agency, law enforcement personnel, clergymen, judges, welfare rights people, and other concerned citizens met at Providence Heights, near Issaquah, October 21st through October 23rd in common concern for ways the law might better serve families in crisis. The issues were relevant and openly discussed. The participants were concerned intellectually and emotionally.

Providence Heights was the perfect setting for such a concentrated meeting. Gerrard C. Lawrence, the



Bob Winsor (L.) and Chr. Ivan Merrick (R.)

professional conference manager, made it possible for the Conference to be convened and to function with minimum extraneous distraction.

Several bills relating to divorce were filed in the 1971 legislative session. One of these was the product of the National Conference of Commissioners on Uniform State Laws. Responsible legislators seriously considered all the bills and directed the Judicial Council to deal with them and to make proposals for consideration at a future session.

The Family Law Committee, consulting with leadership of the Judicial Council, recommended that such legislation be prepared for the 1973 legislature. Preliminary to that preparation, the Committee felt that general statements of policy should be developed as the basis for the drafting process.

The Committee had studied the proposed Uniform Law against the background of current laws relating to marriage and divorce and had

concluded that any reform will require the existence of a viable Family Court to control simplified procedures. Our report was prepared and circulated to all those who participated in the Providence Heights Conference. Conferees were also provided with a simple summary of current Washington law and a copy of the proposed Uniform Act well in advance of the meeting.

We remain deeply indebted to Bernard Helling, a Uniform Law Commissioner from New Jersey, who had participated in all phases of the development of the proposed new Marriage and Divorce Act. An engaging and dedicated lawyer, he keynoted the Conference and remained in attendance as a resource person.

The Family Law Committee has not yet met to record officially the findings of the Conference as the deadline for this issue of the *Bar News* is faced; but some dramatic consensus was achieved by the 170 representatives at Providence Heights.

Concerning marriage, the Conference felt that our present requirements are archaic. Court permission should be required for all marriages where one of the parties is under the age of 18 years. Marriages should be certified by the County Auditor, comparable to the European system, with ceremony being optional to the parties. Pre-marriage and post-marriage counselling should be available to all. Preparation for marriage should be a high priority item in the curricula of the public schools from kindergarten through high school.

Concerning divorce, the sentiment was overwhelmingly for the "no fault" ground of irretrievable breakdown being the sole finding required for the dissolution of a marriage. Every effort should be undertaken to minimize the adversary nature of the proceeding.

When there is a serious issue involving children, the court should have authority to appoint an attorney to represent the interests of the children. The court should continue to have jurisdiction over all the property of the parties, whether community or separate.

Concerning Family Court, all were approving of the developments of the Snohomish County Department of Domestic Relations. There were strong feelings that the administration of the Family Courts should be managed by someone other than the Judge, and that Judges who serve Family Courts should receive special training for their responsibilities in this field. There was strong interest in having all the resources available to families in crisis be managed by local boards for local catchment areas, with the Family Court providing judicial services only. This is a huge new idea which will require serious further study.

When the final report of the Conference is published, it is hoped that it will be the basis of further study by all the disciplines represented at the Conference — and by the public as a whole. It should be available by the time of the distribution of this issue of the *Bar News*.

Among those concerned disciplines are lawyers. The Family Law Committee invites all to study the report, and hopes that many local bar associations will be moved to activate local family law committees to study it. It should be noted that Family Law Committee members are fairly representative of the entire estate: every one of them has participated in the processes of the Committee and attended the Family Law Conference. All will be glad to respond to any local request by a concerned committee or to speak at any meeting of a local bar association.

After its intensive and exhaust-

ing meeting at Providence Heights, the Family Law Conference had little time or energy to consider its future. A steering committee of 12 was selected to work with the Family Law Committee to determine ways of making effective input to the Judicial Council as it labors with the statutory language — and to the legislature as it deals with issues which cannot much longer be avoided.

IVAN E. MERRICK JR.

### In Memoriam

Ernest R. Cluck, 60, Seattle died October 22 from shots from an assailant. A 1936 graduate of the U of W Law School, he was a former legal adviser to the King County Assessor's office in the late 1930's, supervisor of Boeing Field in the mid-1940's and in recent years counsel for Sparkman & McLean.

Kenneth I. Ghormley, 82, Seattle, died October 12. A 1913 graduate of the University of California Law School, he served as counsel for the Carnation Co. and the National Wooden Box Association at various times in his career, retiring in 1967.

Albert I. Kulzer, 85, Tacoma, died October 17 from head injuries suffered the day before from a fall on his driveway. A 1909 graduate of the U of W Law School, he practiced many years in Chewelah until retiring in 1967. He was a superior court judge for Stevens and Pend Oreille counties for several years.

Remember to make  
contributions to the  
Washington State  
Bar Foundation

## Reform of the State Bar Moves Forward

At the October Board of Governors meeting, the first meeting after the annual meeting in Portland, Board member Jim Curran proposed that four resolutions which passed at the annual meeting be referred to the Committee on the Organization and Government of the Bar. The four were: (1) direct election of the Bar president by the membership; (2) expansion of the Board of Governors to 12 members and realignment of members' areas of representation to achieve approximate numerical equality in the number of their lawyer-constituents; (3) establishment of an independent Young Lawyers section; and (4) a resolution titled "reform of the legal profession and legal processes" which in effect would increase the social activism of the association.

The Committee was asked to have a report back to the Board no later than its meeting in January, 1972. The committee has met twice since the convention and reports good progress.

The Board, reaffirming in substance another convention-approved resolution, decided the Bar's financial data will continue to be published in the *Bar News* as it was in the October issue and that minutes of meetings of the Board will continue to be, as they have been, available at the Bar Office for reading by members. The original resolution had called for publishing the minutes in the *Bar News* and sending copies of the budget and financial statements to each member.

The Board also voted to disapprove scheduling State Bar, Board or committee meetings in places which discriminate on the basis of sex, race, or creed. The Board thus expanded upon the resolution approved by a majority

of members at the September annual meeting which disapproved meetings in places which discriminate on the basis of sex. The convention resolution also was directed to local-bar meetings, but the Board of Governors decided the State Bar may not impose such legislation upon local bar associations.

The convention-approved World Peace Through Law resolution supporting the international effort by lawyers and judges to encourage the use of law and justice for the solution of major world problems was approved by the Board.

### Landlord-Tenant Legislation

WSBA legislative representative Quinby Bingham reported to the Board at its October meeting that three landlord-tenants bills were introduced in the 1971 session of the legislature. He stated that all three were poorly drafted and did not receive WSBA support.

He noted that there is currently \$44,165.71 in the WSBA legislative fund (up from \$28,397.67 in the year ending 1970). About 80% of the WSBA members contribute to the fund annually. He recommended that the Board retain a draftsman to come up with a bill which would fairly represent the interests of both the landlord and tenant. A State Bar Legislative Committee subcommittee will guide the project. Members are Gerry L. Alexander of Olympia, chairman, and Donald A. Ericson, Spokane, Paul J. Narigi, Tacoma, Theodore D. Peterson, Pasco, and Terrance C. Schmalz, Selah.

Newspaper reports indicate that three bills to aid tenants in disputes with landlords may go before the 1972 State Legislature.

The bills, still in rough-draft form, would:

Give tenant-union organizers and members rights in organizing and bargaining collectively with land-

lords.

Provide court-appointed attorneys for indigent tenants who are being evicted.

Require that terms of damage-deposit receipts be spelled out in writing and permit tenants to use rent money to make needed repairs the landlord refuses to make.

Representatives of the Washington State Labor Council and of Local 6, Service Employees International Union, and State Senators Pete Francis and George Fleming, Seattle Democrats, are part of the committee working on the bills.

A Seattle Legal Services lawyer, Kent Millikan, who will help draft the bills, said they also probably will include provisions for:

Minimum standards for "decent housing" which a landlord must maintain.

Allow tenants to deposit rents with the county to force landlords to make needed repairs, or allowing tenants to make minor repairs themselves and deduct the cost from the rent.

Civil fines against landlords who seize tenants' property for non-payment of rent or illegally lock them out of homes.

The group plans to aim at helping tenants, not landlords. However, Millikan said, "There's a good argument that they (landlords) do need a speedier and less expensive" way to evict tenants who don't pay rent or damage property.

### Change In Law In Sequestering Juries in Criminal Cases Proposed

Whitman County Superior Court Judge John A. Denoo, has proposed to the Judicial Council a change in the statutes regarding sequestration of juries in criminal cases.

In this state since time immemorial, the law has permitted civil juries to separate throughout

the trial, sequestering them only after they have been charged and the case given them for deliberation. RCW 2.36.140. Judge Denoo observes that "there has been no serious criticism of this procedure and there probably have been no more cases of tempering with a jury while separated than there have been cases of tampering with sequestered juries".

However, in all criminal jury trials the statute requires that the jury be sequestered except when both the defendant and the prosecuting attorney have agreed the jury may separate. RCW 10.49.110. Judge Denoo again observes: "It does not appear that in those cases where the jury has been permitted to separate there has been any serious tampering with the jury."

Under Judge Denoo's proposal, there would not be sequestration of the jury in a criminal trial unless one of the parties petitioned the court therefor and good cause appeared therefor:

"At any time prior to or during the trial either party may petition the Court to sequester the Jury and, good cause appearing therefor, the Court may in its discretion order that the Jury be sequestered during the trial or remainder thereof."

Says Judge Denoo: "The situation prevailing in different judicial districts may require sequestration in some districts while it would not be necessary in other districts. The local Bar doing defense work, the local prosecuting attorney and Judge are best able to determine when such a drastic step is necessary. In most instances and in most judicial districts trial jurors can be relieved of this violation of their personal rights and the counties can be relieved of the additional costs. In addition in many of the smaller counties hotel accommodations are not available and it is next to impossible to provide suitable hous-

ing. Many times we are forced to divide the juries and send them to different motels or hotels requiring the use of additional untrained bailiffs and probably thereby violating the law.

"Such a change in the law will relieve many of the counties of a serious drain upon their finances and will make it much easier to obtain the services of the very best citizens who now beg off on the grounds of hardship because of the extreme interference with their business and home life.

"If the recent outrageous behavior in the Chicago Court is an indication of what is to come in the name of civil rights and the First Amendment we must prepare to meet the challenge. With a jury of twelve or thirteen honest law abiding citizens locked up it is difficult, if not impossible, for the trial court to protect itself against these outrages, it is not fair to these citizens to lock them up for indefinite periods of time while the Court is attempting to deal with those who are making a mockery of the administration of justice through using the courts as a political forum to enforce their views upon society as a whole.

"When these tactics are employed in the Court the Judge should be free to deal with them immediately. If the Court can recess the trial, send the jury home under proper instructions, and proceed immediately to charge the defendants and, if necessary, their attorneys with contempt we can then maintain the proper image of the Court as a Court of justice entitled to the respect of society without unduly punishing the innocent victims, the juries.

"I do not believe this change in the law will in any way detract from or be prejudicial to, the rights of defendants in criminal trials."

## Workmen's Comp.: Associates and Legal Secretaries Must be Covered By January 1

An article on page 30 of the October '71 *Bar News* pointed out that many attorneys will be required to comply with those portions of the revised Workmen's Compensation Act effective January 1, 1972.

Associates, legal secretaries and other employees in law firms must be covered. Partners and sole practitioners are not required to but may apply for coverage under the Act. Failure of an employer to obtain coverage can result in severe penalties.

Premium rates and risk classes were established on October 28, 1971, for occupations to come under mandatory coverage for the first time on January 1.

The premium rate is 41/100 cents per hour for the class 49-4 (clerical office) for the Industrial Insurance premium for attorneys and legal secretaries. This premium is paid entirely by the employer.

The premium rate is 24/100 cents per hour for class 49-4 for the Medical Aid premium. This premium is shared equally between an employee and employer.

To apply for coverage, an employer should contact the nearest service location of the Department of Labor and Industries.

## Facilities for Drunk Drivers

The "Habitual Traffic Offenders Act" (Chapter 284, Laws of 1971 Ex. Sess.) provides for mandatory jail sentence and fine for persons convicted a second or subsequent time within a five-year period for drunk driving. The law further provides that neither the sentence or fine can be suspended; provided, however, the court may, for a defendant who has not previously

had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court-approved alcohol treatment program.

Attorneys should be aware of "court-approved" programs in this state. One such program is the SWARF Center in Vancouver, Washington. Another excellent program is that run by MALDEN CENTERS (Chuck Hughes, Executive Director) at the Lewis Martin Home at 1808 18th Avenue, Seattle, Washington. The telephone number is EA 9-2335.

Malden Centers, Inc., has suggested the following programs to probation officers:

1. First offenders be placed on probation to attend and participate in an out-patient problem drinkers clinic twice a week for three months.
2. Second offenders be required, as a term of probation, to enter residence in Malden Centers for a minimum of 30 days with an out-patient treatment program twice a week for an additional 90 days.
3. Third offenders be required, as a term of probation, to enter the resident Malden Centers program for a period of 90 days with further out-patient treatment twice a week for an additional 120 days.

Costs of this program will be met by the individual as a condition of probationary terms. Present costs are as follows:

In resident treatment (includes Board and Room and above treatment program)  
\$50.00 per week.

Out-patient treatment on a twice a week program basis  
\$15.00 per week.

The costs of this program will not be a serious drain on family

finances because the person would not have his past cost of liquor. In a dayent he, or she, will be able to continue their regular employment. The family counseling will help the family with budget problems. However, should there be serious financial problems the above fees will be adjusted on a basis of ability to pay.

### **Malpractice Insurance Mandatory for SKCBA Lawyer Referral Service**

SKCBA Lawyer Referral Service has adopted a new rule requiring all of its panel lawyers to carry malpractice insurance. No set limits are required this year. Rather, the lawyer will disclose his limits, thereby allowing LRS to evaluate the coverage.

A recent study of the State Bar disclosed the following: There are about 5,350 attorneys on the official bar roster; of these about 4,000 are engaged in active practice; of these a surprising limit of 1,500 are estimated to be carrying legal malpractice insurance, leaving roughly 2,500 attorneys in this state uninsured.

The recent Dow-Laney proposal to WSBA members offers \$100,000 of malpractice insurance coverage with \$1,000 deductible at \$144.20 a year. The reasonableness of the rate may result in many more lawyers obtaining coverage.

SKCBA is also obtaining a \$100,000 policy to cover the liability of its members and employees in running LRS.

Another innovation this year is that as to four fields - (1) criminal; (2) patent, trademark and copyright; (3) immigration and naturalization and (4) workmen's compensation - panel lawyers must self-certify themselves as specialists in the area before they can serve on one of these panels. Panel members

of these four fields will then be asked to review those who have self-certified themselves.

Finally, SKCBA Lawyer Referral Service is trying to meet the criticism of the minimum bar fee schedule for non-contested divorces. A special panel may be formed to lower the fee below the minimum bar fee for people of moderate means or perhaps even for people of ample means.

Finally, the SKCBA Board has requested the WSBA Board to re-examine its position of declining to make malpractice insurance coverage mandatory of all of its members and to take steps to adopt such requirement.

Application forms for the newly-formed WSBA Lawyer Referral Service have recently been mailed to every lawyer in the state.

### **Governmental Lawyers Association**

The first fall luncheon of the Governmental Lawyers Association heard Greg Dallaire, Director of the Seattle-King County Legal Services, Inc., discuss some of the activities and procedures of his organization. The Governmental Lawyers group is exploring, in cooperation with the local bar, the possibilities of providing attorneys' services to those in Thurston County with limited abilities to pay.

The program committee over the past year must be credited with furnishing a stimulating array of speakers. The association encourages new public attorneys throughout the state to join and share in the benefits of the organization. It was rumored at the time of the writing of this article that the November gathering would be a purely social event in recognition of a first anniversary.

## LOCAL ADMINISTRATIVE AND TRIAL COMMITTEES

### First and Seventh Congressional Districts

#### LAC King County

Hugh McGough, Seattle, General  
Chairman

#### Sub-Committee No. 1

Harold F. Vhugen, Seattle, Chairman  
Bernard J. Barnes, Seattle  
Robert Baronsky, Seattle  
Barry H. Biggs, Seattle  
Frank W. Birkholz, Seattle  
John O. Burgess, Seattle  
Theodore J. Collins, Seattle  
Donald W. Ferrell, Seattle  
John A. Godfrey, Seattle  
Stephen L. Johnson, Kent  
Donald P. Marinkovich, Seattle  
Joseph T. Mijich, Seattle  
Thomas Paul, Seattle  
Dale E. Sherrow, Seattle  
R. Jack Stephenson, Seattle  
Duane Tewell, Seattle  
Stephen C. Watson, Seattle

#### Sub-Committee No. 2

Michael R. Green, Seattle, Chairman  
George W. Akers, Seattle  
Nelson W. Bettis, Seattle  
Paul J. Codd, Seattle  
Patrick T. Corbett, Seattle  
Arthur R. Hart, Seattle  
J. Anthony Hoare, Seattle  
Joseph D. Holmes, Jr., Seattle  
Thomas W. Huber, Seattle  
Hubert M. Jones, Seattle  
David C. Lycette, Seattle  
George M. Mack, Seattle  
Ronald A. Murphy, Seattle  
Richard C. Nelson, Bellevue  
Jay Nuxoll, Bellevue  
Barbara Ohnick, Seattle  
Laird B. Peterson, Seattle  
Arnold Robbins, Seattle  
Herbert M. Stephens, Seattle  
Daniel E. Tolfree, Seattle  
Irwin L. Treiger, Seattle

#### Fee Sub-Committee

Thomas J. Greenan, Seattle, Chairman  
Richard L. Gemson, Seattle  
Walter H. Hageman, Jr., Seattle  
Donald Johnson, Seattle  
Jerome M. Johnson, Seattle  
Edward N. Lange, Seattle  
Gary F. Linden, Seattle  
Roy E. Mattern, Bellevue  
Frank W. Payne, Federal Way  
John R. Praeger, Seattle  
Dale Riveland, Seattle  
Eugene H. Sage, Seattle  
Raymond H. Siderius, Seattle  
Philip K. Sweigert, Seattle  
Thomas M. Treece, Seattle  
Eugene D. Zelensky, Seattle  
Alvin J. Ziontz, Seattle

#### Trial Committee

Fred R. Butterworth, Seattle  
George G. Bovingdon, Seattle  
Craig P. Campbell, Seattle  
Richard A. Clark, Seattle  
Gordon Clinton, Seattle  
Brian J. Comstock, Seattle  
Paul R. Cressman, Seattle  
William L. Dwyer, Seattle  
R. George Ferrer, Seattle  
Albert M. Franco, Seattle  
Lisle R. Guernsey, Seattle  
Willard Hatch, Seattle  
A. C. Julin, Seattle  
Stanley N. Kasperson, Seattle  
Nelson T. Lee, Seattle  
Thomas D. Loftus, Seattle  
Michael Mines, Seattle  
William H. Mullen, Seattle  
Richard M. Oswald, Seattle  
William A. Roberts, Seattle  
Ward L. Sax, Seattle  
William R. Smith, Seattle  
Richard S. Sprague, Seattle  
Edward W. Taylor, Seattle  
William Wesselhoeft, Seattle

### Second Congressional District

#### LAC Clallam-Jefferson Counties

Frank B. Platt, Port Angeles, Chrm.  
Gerald B. Chamberlin, Port Angeles  
Howard V. Doherty, Port Angeles

#### Trial Committee

Gerard A. Johnson, Port Angeles  
Calmar A. McCune, Port Townsend  
Tyler C. Moffett, Port Angeles

#### LAC Skagit-Island Counties

George E. McIntosh, Mount Vernon,  
Chairman  
Stanley K. Bruhn, Mount Vernon  
Theodore D. Zylstra, Oak Harbor

#### Trial Committee

Fred R. Lubbe, Burlington  
Richard L. Pitt, Oak Harbor  
David A. Welts, Mount Vernon

#### LAC Snohomish County

James Davenport, Edmonds, Chairman  
Chester R. Bennett, Edmonds  
Robert C. Bibb, Arlington

#### Trial Committee

Dennis Britt, Everett  
Charles T. Cole, Stanwood  
Edward D. Jones, Stanwood  
R. Michael Kight, Everett  
John E. Rutter, Lynnwood

#### LAC Whatcom-San Juan Counties

David Rhea, Bellingham, Chairman  
Marshall Forrest, Bellingham  
Charles R. Olson, Bellingham

#### Trial Committee

Harold Iant, Bellingham  
George Livesey, Jr., Bellingham  
John T. Slater, Bellingham  
Richard J. Waters, Bellingham

### Third Congressional District

#### LAC Clark-Skamania Counties

David C. Hutchison, Vancouver,  
Chairman  
Gilbert Kleweno, Vancouver  
Dale V. Whitesides, Vancouver

#### Trial Committee

William C. Boettcher, Vancouver  
Irwin C. Landerholm, Vancouver  
Dale W. Read, Vancouver

#### LAC Cowlitz-Wahkiakum Counties

Jerry A. Houston, Longview, Chairman  
Ronald Huntington, Kelso  
William R. Studley, Longview

#### Trial Committee

Mark F. Andres, Jr., Longview  
C. LeRoy Borders, Kelso  
Donald L. Donaldson, Longview

#### LAC Grays Harbor-Pacific Counties

James M. Stewart, Montesano, Chairman  
Omar S. Parker, Hoquiam  
Charles B. Welsh, South Bend

#### Trial Committee

John E. Close, Aberdeen  
James M. Stewart, Montesano  
Lester Stritmatter, Hoquiam

#### LAC Lewis County

Lee J. Campbell, Chehalis, Chairman  
Harry J. Hall, Chehalis  
Jerry T. Moore, Centralia

#### Trial Committee

Dale M. Nordquist, Centralia  
John Panesko, Chehalis  
Gilbert C. Valley, Chehalis

#### LAC Thurston-Mason Counties

Ralph G. Swanson, Olympia, Chairman  
Richard S. Brown, Olympia  
Glenn E. Correa, Shelton

#### Trial Committee

Vernon L. Lindskog, Olympia  
Theodore Schultz, Olympia  
Barrett J. White, Olympia

### Fourth Congressional District

#### LAC Benton-Franklin Counties

Roger L. Olson, Pasco, Chairman  
Carl A. Sonderman, Prosser  
John A. Wilkins, Kennewick

#### Trial Committee

Edward B. Critchlow, Richland  
Thomas B. Gess, Kennewick  
Philip M. Raekes, Kennewick

#### LAC Columbia-Garfield-Asotin Counties

Donald W. Moore, Clarkston,  
Chairman  
A. F. Archer, Dayton  
S. Dean Arnold, Clarkston

#### **Trial Committee**

C. A. McCabe, Pomeroy  
Charles T. Sharp, Clarkston  
H. N. Woolson, Dayton

#### **LAC Grant-Adams-Lincoln Counties**

John W. Baird, Ephrata, Chairman  
Edward G. Cross, Ritzville  
Ken Earl, Moses Lake

#### **Trial Committee**

Edward A. Dawson, Wilbur  
Darrell E. Ries, Moses Lake

#### **LAC Kittitas County**

Cleary S. Cone, Ellensburg, Chairman  
David H. Gorrie, Ellensburg  
Ralph L. Schuller, Ellensburg

#### **Trial Committee**

Robert L. Fraser, Ellensburg  
Joseph G. Panattoni, Ellensburg  
John D. Thomas, Ellensburg

#### **LAC Klickitat County**

Alf M. Jacobsen, Goldendale, Chairman  
Thurman E. Ward, Goldendale

#### **Trial Committee**

Thomas B. Grahn, Yakima  
John W. McArdle, Yakima  
Joseph C. Murphy, Toppenish  
Note: The Trial Committee for Yakima County is to be used for Klickitat County.

#### **LAC Walla Walla County**

James B. Mitchell, Walla Walla  
Chairman  
Phelps R. Gose, Walla Walla  
Vaughn Hubbard, Waitsburg

#### **Trial Committee**

Carl L. Jones, Walla Walla  
Stephen Ringhoffer, Walla Walla  
William M. Tugman, Walla Walla

#### **LAC Whitman County**

Donald H. McMannis, Pullman  
Chairman  
Lawrence E. Hickman, Colfax  
Don Sheahan, Rosalia

#### **Trial Committee**

Wallis W. Friel, Pullman  
Kenneth B. Myklebust, Pullman  
Wesley A. Nuxoll, Colfax

#### **LAC Yakima County**

Homer Crollard, Yakima, Chairman  
Leonard M. Cockrill, Yakima  
Warren L. Dewar, Jr., Yakima  
Walter E. Weeks, Jr., Yakima

#### **Trial Committee**

Thomas B. Grahn, Yakima  
John W. McArdle, Yakima  
Joseph C. Murphy, Toppenish

Note: The Trial Committee for Yakima County is to be used for Klickitat County.

### **Fifth Congressional District**

#### **LAC Chelan-Douglas Counties**

Sam R. Sumner, Jr., Wenatchee,  
Chairman  
Harvey F. Davis, Wenatchee  
Richard G. Jeffers, Wenatchee

#### **Trial Committee**

Bernice Bacharach, Wenatchee  
Jon A. Phelps, Wenatchee  
Ernest R. Whitmore, Jr., Wenatchee

#### **LAC Ferry-Okanogan Counties**

Kelly Hancock, Omak, Chairman  
Richard A. Perry, Republic  
James Robert Thomas, Okanogan

#### **Trial Committee**

Granville Egan, Republic  
B. E. Kohls, Okanogan  
Rhesa E. Mansfield, Okanogan

#### **LAC Spokane County**

Patrick H. Murphy, Spokane, Chairman  
Frederick A. Clanton, Spokane  
Harold D. Clarke, Spokane  
Harvey W. Clarke, Spokane  
J. Donald Curran, Spokane  
William J. Grant, Spokane  
Warden L. Hanel, Spokane  
R. G. McBroom, Spokane  
Richard D. McWilliams, Spokane

#### **Trial Committee**

Philip S. Brooke, Jr., Spokane  
John E. Heath, Jr., Spokane  
Frank H. Johnson, Spokane  
Joseph Nappi, Spokane  
Lawrence E. Thayer, Spokane  
Paul S. White, Spokane

#### **LAC Stevens-Pend Oreille Counties**

Sidney R. Buckley, Colville, Chairman  
James F. Brigham, Newport  
Phillip P. Skok, Chewelah

#### **Trial Committee**

Daniel L. Collins, Colville  
Lloyd A. Eyrich, Newport  
Robert deGrief Skidmore, Colville

### **Sixth Congressional District**

#### **LAC Kitsap County**

Leonard W. Kruse, Port Orchard,  
Chairman  
James T. Munro, Bremerton  
James B. Sanchez, Bremerton

#### **Trial Committee**

Curtis H. Coons, Bremerton  
William R. Garland, Bremerton  
James I. Maddock, Port Orchard

#### **LAC Pierce County**

George W. Dixon, Tacoma, Chairman  
Grant L. Anderson, Tacoma  
Edward M. Lane, Tacoma  
Merrifield B. Rees, Tacoma  
William G. Viert, Tacoma

#### **Trial Committee**

George W. Christnacht, Tacoma  
Ellsworth I. Connely, Tacoma  
Vincent L. Gadbrow, Tacoma  
Paul Hoffman, Jr., Tacoma  
Frank A. Peters, Tacoma  
William E. Rohrs, Tacoma  
Gordon Scraggin, Tacoma  
Carl Skoog, Tacoma  
Harold M. Tolefson, Tacoma

### **State Bar Plans Further Reforms In Disciplinary Enforcement**

The State Bar soon will hire a "Director of Professional Standards" as a staff discipline investigator; by next June 1 will employ full-time staff bar counsel to work chiefly in the discipline field, and will recommend that laymen be named to the Discipline Board.

These decisions to improve and speed up the Bar's discipline processes were made by the Board of Governors at its busy two-day October meeting.

The August-September '71 *Bar News* (page 11) discussed the general problem of inadequate professional staff pointed out in the Clark Report. The August-September '69 *Bar News* (page 15) reported that the Michigan Bar created seven-member grievance boards composed of five lawyers appointed by the bar and two citizens named by the governor.

Employment of a Director of Professional Standards had been recommended to the Board of Governors by the Disciplinary Board. He will be a full-time staff investigator, and will supplement but not replace the system of local administrative committee (LAC) initial investigations of complaints against lawyers. He is expected to be especially useful in conducting investigations of complex or wide-spread cases which are unduly burdensome and time-taking assignments for volunteer practicing lawyers to undertake. The director, not necessarily an attorney, will be selected by a committee consisting

of John M. Cunningham of Centralia, chairman of the Disciplinary Board; James P. Curran of Kent, member of the Board of Governors, and G. Edward Friar, Bar staff member.

Because of the increasing number of lawyers and disciplinary cases, the Board voted to employ by next midyear a full-time Bar Counsel with the primary responsibility of processing cases under the Disciplinary Board. The Board of Governors was told the number of complaints filed has virtually doubled, from 380 in 1968 to an estimated 700 or more this year.

The Board voted unanimously to recommend to the Supreme Court that three non-lawyers be made members of the Disciplinary Board, which now numbers seven lawyers, one from each congressional district. The law members would be full voting members but would not sit as hearing-panel members. The Board recommended that the laymen be appointed by the governor, to staggered three-year terms.

An appointment of laymen, recommended initially by the Public Relations Committee, has been started or is being considered by a number of state bar associations. It provides a "public" point of view to disciplinary processes, helps offset public criticism that "lawyers whitewash lawyers" in discipline procedures, and could help forestall any eventual efforts by others to impose lay participation in or control of the professional discipline process.

In other actions relating to discipline, the Board decided that complaints initiated by the Bar Association should be referred to the full Disciplinary Board for decision as to the necessity for action, if any, and that no change will be made in the policy that complained-against attorneys are not given exact copies of complaints.

## Proposed Seattle Criminal Code Submitted

The SKCBA Criminal Code Revision Committee has completed its work and has submitted a 220-page product to Mayor Uhlman and the Seattle City Council.

Over 2,000 copies of the proposal have been printed and are available at no charge at the SKCBA Office. Numerous requests have already been obtained from city attorneys and others in this state and throughout the country.

The project was funded by the State Planning and Community Affairs Agency through a grant from the Law Enforcement Assistance Administration and by the City of Seattle. \$25,490 in federal funds were authorized; \$19,553.42 in federal funds were expended. The city made contributions in cash and services of \$15,583.22.

Some highlights of the proposed code are:

1. Being drunk in public is no longer a crime.
2. Only eight motor vehicle offenses are crimes.

Other motor vehicle offenses would be "violations". "Violations" do not carry the disabilities that arise from conviction of a crime. The punishment would be a fine only and not imprisonment, unless a finding of contempt was entered.

Further, as a result of Senator Greive's sponsored state legislation, commencing January 1, 1972, trial by jury must be allowed in criminal cases involving violations of Seattle City Ordinances. RCW 35.20.090. The intention of the proposed code is to make the bulk of traffic offenses non-criminal, thus obviating the jury trial requirement as to them.

3. By a three-two vote, only public (and not private) solicitation of sexual conduct for money is proscribed.

4. Public display of erotic materials, when it is so obtrusive as to make it difficult for an unwilling person to avoid exposure to it, is proscribed. (The ordinance was recommended by the President's Commission on Obscenity and Pornography.) Private commercial display of obscene materials to consenting adults is not prohibited.

5. Homosexuality is not prohibited under the current code nor would it be under the revised code.

6. A person may use force to resist an unlawful arrest under the current case law. The code adopts this same principle.

7. A person, who is not a peace officer, may not use deadly force to effect an arrest.

8. The provision requiring the registration of certain felons is repealed.

The members of the Steering Committee were Edmund B. Raftis, Chairman, Paul A. Barrett, William L. Dwyer, Roger M. Leed, and Lawrence K. McDonell. E. Joseph Burnstin, Jr., was the reporter.

The Committee found support for its recommendations in a speech given by President Nixon on March 11, 1971, to the National Conference on the Judiciary at Williamsburg, Virginia:

"What can be done to break the logjam of justice today, to ensure the right to a speedy trial and to enhance respect for law? We have to find ways to clear the courts of the endless stream of 'victimless crimes' that get in the way of serious consideration of serious crimes. There are more important matters for highly skilled judges and prosecutors than minor traffic offenses, loitering and drunkenness." *57 ABA Journal* 422 (1971)




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## CLARK REPORT

By DUANE LANSVERK

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Since our last report Vancouver has acquired five new attorneys. Robert Frewing has associated with the firm of Gallup & Duggan; Bob took his law and pre-law at U.W. He is married and his first child was born 11/5/71.

Ed Kelly, a former CPA, is with the Clark County prosecutor's office. He is single; his legal training was at the University of Illinois.

Robert Dean Moilenan has opened his own office in Vancouver. Before coming to Vancouver he worked in the Prosecutor's office in Kitsap County. He graduated from the University of Oregon (both college and law). He is married.

Morgan Mercer recently associated with the firm of Jones, Read and Church. He is married. He is a graduate of the University of Washington and took his pre-law at Lewis & Clark College in Portland.

William Vance Baumgartner has associated with Weber & Dunn. (They now have three "Bills"). He comes to us from the University of California. He is married.

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## EAST KING REPORT

By CHARLES F. DIESEN

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The circuit calendar for the East King County area is gathering momentum. On October 14 the East King County Bar Association meeting coincided with the second afternoon that a circuit judge was sitting in Bellevue. Judge Stanley Soderland was the Association's guest, spoke briefly on the operation of the new calendar and then adjourned to the Bellevue District Court to hear the matters scheduled. The calendar was originally limited to attorneys practicing within the jurisdictional limits of the East King County Bar Association,

but has been expanded to allow use by all attorneys provided all parties consent.

In the last issue we reported that Lamar Ostrander had gone to Russia. He returned but we are now informed that on November 4 he boarded a slow boat to China. According to Clint Ferrell, Mr. and Mrs. Ostrander are passengers aboard a freighter that is making many ports of call in the Orient. The Ostrandersons are expected back before Christmas.

New faces on the East side of Lake Washington include Charlie Johnson, who was one of the successful bar candidates who is practicing with Mike Donovan in Bellevue. Bill Trippett announces he has moved his offices from Redmond to Bellevue.

The election of Tom Kraft and re-election of Ken Cole to the Bellevue City Council makes three members of the East King County Bar Association on the seven member council. Richard Foreman is an incumbent.

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## LEWIS REPORT

By BYRON ADAMS

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Dan Agnew was elected President of Lewis County Bar Association after surviving the primary and final elections on 26 October. Lewis County enjoyed the company of two most worthy lady guests at our annual "Bring the Boss Night" (wives) . . . retiring Executive Director, Alice Ralls, and as a guest speaker, Marian "Pals-graft" Gallagher, U of W Law Librarian. Thanks ladies.

Many of our barristers have found time for some trips and sight-seeing. J. D. and Amy Searle went island-hopping in the Pacific, with concentrations in Australia and New Zealand. Mr. and Mrs. Lloyd Dysart have recently returned from vacationing in Europe. Judge Gober has been attending magistrates' con-

ferences in Alabama. Jerry Moore and Jim Vander Stoep are settling for a little wild game hunting in Canada and Stateside.

We understand the Prosecuting Attorney, Brian Baker, with the expertise and training of his deputy, John Panesko, has enabled the purchase of a new home for the Prosecutor . . . in the high-rent district. Nice going, Brian, with only ten months in office. If you need any help with the Assessor, see J. M. Cunningham.

Congratulations to John Hall for election to high office in the Young Lawyer's section, and congratulations to Donald F. Pietig in passing the bar and joining the firm of Nordquist and Olson. Don and Mary Jean, with three youngsters, have come to Lewis County from Omaha, Nebraska.

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## PIERCE REPORT

By DAVID E. SCHWEINLER

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### ANNOUNCEMENTS

Thomas G. Bruce, formerly an associate of the firm of Lee, Krilich, Lowry & Thompson, has accepted a position with the Pierce County Legal Assistance Foundation.

Stanley P. Wagner, Jr., University of Michigan Law School 1964, formerly an associate in the firm of Bergson, Berkland, Margolis and Adler in Washington D.C. and formerly supervising attorney Alamosa office of Colorado Rural Legal Services, Inc., has become the Director of the Pierce County Legal Assistance Foundation, and we welcome him to Tacoma.

Robert M. Reynolds, formerly Director of the Pierce County Legal Assistance Foundation, has accepted the position as Director of Litigation with that association.

Carl D. Teitge, a graduate of the University of Washington, has become an associate of Paul Sinnett.

### PROGRAMS

On October 21st the first monthly meeting of the Tacoma-Pierce County Bar Association was held at the Top of the Ocean. Social hour commenced at 5:30 and we were pleased to have as our speaker William Viers from Weyerhaeuser Company, who spoke on Recent Federal Laws Regarding Equal Opportunity in Business. The meeting was well attended and the Bar Association is pleased with its new evening schedule.

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### SEATTLE-KING REPORT

By GERALD G. TUTTLE

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Election Day resulted in a number of lawyers' being elected or re-elected to important governmental positions. John Miller was elected to a position on the Seattle City Council and Tim Hill was re-elected. They join Liem Tuai on the Council. Ed Heavey was re-elected to the King County Council. Tom Kraft, a newcomer to the political scene, defeated the incumbent to take a position on the Bellevue City Council.

Floyd F. Fulle, formerly of Ziontz, Pirtle, and Fulle, has joined the firm of Hay and Epstein to form the new firm of Hay, Epstein, and Fulle, with offices at 734 Central Building, Seattle, 98104. Alvin R. Ziontz, Robert L. Pirtle, and Mason D. Morisset, formerly partners in the firm of Ziontz, Pirtle, and Fulle, will continue as a partnership under the firm name of Ziontz, Pirtle and Morisset, with offices at 3101 Seattle-First National Bank Building, Seattle, 98154.

Phillip Gladfelter has left the firm of Perkins, Coie, Stone, Olsen, and Williams to join the House

Counsel staff of Pacific Car and Foundry in Seattle.

Charles L. Senn and James K. Treadwell announced the formation of a partnership under the name of Senn and Treadwell, 740 Logan Building, Seattle, 98101.

Walthew, Warner, and Keefe announced the removal of their offices to the Walthew Building, 123 Third Avenue South, Seattle, Washington, 98104, and the continuation of practice of law under the name of Walthew, Warner, Keefe, Arron, Costello, and Thompson.

Susan Fletcher French has left the firm of Preston, Thorgrimson, Starin, Ellis and Holman to join the firm of Martin, Niemi and Burch.

David M. Roderick has left the Seattle area to practice in Anchorage, Alaska.

Rand F. Jack has left the firm of Davis, Wright, Todd, Riese and Jones to teach law to undergraduates at the Fairhaven campus of Western Washington State College, Bellingham.

Arthur G. Barnett, Paul W. Robben, Paul F. Blauert, and William Merchant Pease announce the formation of a partnership under the firm name of Barnett, Robben, Blauert and Pease, 909 Northern Life Tower, Seattle, 98101.

Catherine C. Morrow has joined Gosta E. Dagg in the practice of law at 218 Broadway East, Seattle, 98102.

Schweppe, Doolittle, Krug & Tausend has announced that Donald L. Logerwell, Rex B. Stratto, III and Fred G. Cook have joined the firm as associates.

The Seattle Public Defender's program in Seattle Municipal Courts is in jeopardy, according to John Darrah. Originally, the office got a token \$25,000 from the city and \$250,000 from the Model Cities Program for Municipal Court work. For this fiscal year, the

Model Cities money was cut back to \$200,000 and several of the staff were laid off. Next spring more will be cut. Eventually, all Model Cities money will be cut off, as was originally planned. "They are weaning us of funds," Darrah says. "The cut next spring probably will cut the heart out of the program. Even though we knew when the program began that Model Cities money was only temporary to get us started, this will hit like a stone." The prospect of getting more city money is bleak, Darrah has been told. At the most, he might expect \$25,000 more.

Lawyers for Housing, an ABA and SKCBA sponsored program, has expanded its activities into rural programs involving Indians and migrant workers. Director Wallace A. Fiore reported that the group has been working with two Indian tribes — the Squaxin Island Indians and the Port Gamble Clallum Tribal Housing authority — in efforts to establish new housing programs. Attorneys also have been involved with state agencies in efforts to develop a statewide program for migrant housing.

Two Seattle Legal Services attorneys and an attorney from the Harvard University Center for Law and Education have filed a suit in U. S. District Court in Yakima against the Grange School District. School administrators, in a class action by 13 low-income school parents, allege misappropriating and misspending federal funds reserved for disadvantaged children.

The SKCBA Board has appointed a member to help organize a non-profit corporation tentatively entitled King County Paralegal Professionals, Inc., and to serve as a director. The corporation will then attempt to find funding for its operation.

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Neil Hoff reported at the last Board meeting that the University of Puget Sound is very close to the establishment of a law school which may open in fall of 1972 with a freshman class of 150.

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How about having the WSBA annual meeting in Honolulu next year? Charter flight round-trip would be \$148.46 and 6 nights - 7 days in the Ilikai Hotel \$239 per person, based on sharing a double room.

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### SOUTH KING REPORT

By STEPHEN L. JOHNSON

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The Association's annual Christmas dinner dance was to be held December 4 at the Meridian Valley Country Club. Jack Hawkins, Auburn, was the chief organizer and reports he got little help from his committee members, Don Holm, Renton and Pete Curran, Kent.

Don Watson, Burien, and his wife spent part of November vacationing in Mexico. Vice-President, Morton T. Hardwick, Renton, represented the Association at the meeting of local Bar leaders at the Tri-Cities on November 19, 1971.

The November meeting of the Association was a joint meeting with the medical profession. The program was friendly sparring between Mort Hardwick and Dr. Ivar W. Birkeland, Jr., on behalf of their respective brethren. Robert W. Kitto, Kent, was successful in his bid for the Kent City Council. Bob was the leading vote-getter in the election. Roger Lewis, Renton, was re-elected to the Renton School Board and Charles P. Curran, Kent, to the Valley General Hospital Board.

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### SPOKANE REPORT

By MICHAEL E. DONOHUE

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At a recent meeting of the County Bar, Tom Malott, *raconteur sans pareil*, held forth on the topic, "No Fault—No Probate—No Title—What Next?" As the title implies, Tom's speech asked the musical question, "Whither are we going" when our profession seems hell-bent on giving away gigantic portions of the practice of law to trust departments of banks, insurance companies, realtors and title companies, etc. Whither indeed?

Gonzaga Law School recently dedicated its new \$200,000 library addition. Gonzaga, whose enrollment has nearly tripled since the inception of the day program for law students, thus staved off the spectre of possibly having to seat additional students on somebody's lap. Onward and upward, Excelsior!

Frederic G. Fancher, formerly Chief Assistant Corporation Counsel for the City of Spokane, has become an associate in the firm of Randall & Danskin. Neil McKay, a super sleuth for the I.R.S. before entering law school at the U. of Idaho, has joined Lukins, Seelye & Randall. Jerry Boyd, of the Colorado bar, after a stint as law clerk with the 10th Circuit Court of Appeals, has joined Paine, Lowe, Coffin, Herman & O'Kelly. A partner in that firm, Curt Shoemaker, who must look a great deal older than he really is, has been named State Young Lawyers vice chairman. "You can fool some of the people some of the time. . ."

Gonzaga has presented its coveted Law Medal to Judge Willard J. Roe. Judge Roe, a graduate of Gonzaga's undergraduate and law school. Joe Ganz, of Sharpe & Twigg, has been appointed legal counsel for a State Senate Committee studying no-fault insurance. "As the Twigg is bent. . ."

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### WHATCOM REPORT

By ERNIE BENTLEY

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David A. Nichols is associated with the firm of McCush and O'Connor. He received his B.A. from Amherst, his Master's Degree from Wesleyan University and his JD from the University of Washington. Dave and his wife, Dorothy, have three children.

Richard Langabeer has become associated with the firm of LeCocq, Simonarson & Durnan. Richard received his B.A. from the University of Washington and his J.D. from Gonzaga University. He had previously worked for Justice Robert Hunter. Richard and his wife, Jacqueline, have two children.

David S. McEachran has entered into partnership with Craig Davis. David received his B.S. from Northern Michigan and his J.D. from the University of Colorado. David and his wife, Joan, reside in Bellingham.

Edward B. Ross joined the City Attorney, Richard Busse. Edward received his B.A. from Brandeis University and his J.D. from Hastings College of Law. Ed and his wife, Anna-Marie, have one child.

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### YAKIMA REPORT

By RANDY MARQUIS

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Yakima County U.G.N. announces campaign leaders headed up by President J. Hugh Aaron and assisted by Robert R. Redman, Corporate General, and Terry Brooks on assignment with the Yakima Bar. Also on assignment are C. James Lust — Corporate Employees, and Kent McLachlan — Special Gifts.

Don W. Schussler of the firm of Nashem, Prediletto and Brooks has been announced the winner in a tight race for the Yakima City Council.



## Justice Sharp Incorporator of National Center



State supreme court justices who served as members of the incorporating committee which organized the new National Center for State Courts are shown examining the historic clerk's register at the Plymouth, Massachusetts Court House, dating back to 1749. Strongly endorsed by President Nixon and Chief Justice Burger, the Center will serve as a nation-wide clearinghouse for state court problems and reforms. From left, seated: Chief Justice William S. Richardson, Hawaii, and Chief Justice James S. Holden of Vermont. Standing, from left: Justice Morell E. Sharp, State of Washington; Justice Paul C. Reardon, Massachusetts, chairman of the board and acting executive director of the Center; and Justice Louis H. Burke, California. Another committee member, not shown, is Chief Justice Robert W. Calvert of Texas.

## Veteran Tax Man Joins Revenue Department

William D. Dexter, formerly chief tax counsel for the State of Michigan, has been assigned to the Department of Revenue by Attorney General Slade Gorton.

The new assistant attorney general served 22 years with Michigan and has had extensive experience in legislation and litigation involving all phases of tax law.

He also has been a leader nationally in interstate taxation affairs and served three years as a Multistate Tax Commission committee chairman.

He was conferred a law degree by the University of Michigan (1948) and recently passed the

Washington State bar examination. His birthplace was Des Moines, Iowa, and he grew up in the Lansing, Michigan area. He earned his B.A. degree from Michigan State in 1942, and served as a destroyer line officer in the Pacific during World War II.

His wife, Dr. Mary Jane Dexter, is staff psychiatrist for the Community Mental Health Center in Olympia. They have five children.

Dexter was associated with George Kinnear, Washington State director of revenue, in the formation of the Multistate Tax Commission compact and both

## Economics Cassette Series

The Standing Committee on Economics of Law Practice has three cassettes dealing with economics of law practice.

*Hiring Lay Personnel* (Cassette No. 1) features Robert F. Preti of Portland, Maine, speaking on all phases of employment including recruitment, interviewing, testing, salary, and fringe benefits. 40 minutes. \$7.50.

*Building an Outstanding Law Firm* (Cassette No. 2) was written by G. Douglas Fox of Tulsa, Oklahoma, and discusses personnel administration, specialization and continuing education, facilities and equipment, and quality control. 35 minutes. \$7.50.

*Romancing Fees into the 20th Century* (Cassette No. 3) by J. Harris Morgan was taken from the sound track of a film by the same title and presents Mr. Morgan speaking on the topic of fees and billing techniques. 40 minutes. \$7.50.

The above cassettes can be ordered from the Circulation Department of the American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

The committee has now started a subscription feature whereby subscribers will receive a quarterly cassette covering the various phases of economics of law practice. The subscription rate is \$25 per year.

are members of the American Bar Association tax committee, which adopted a position favorable to the state tax compact in 1967.

He is the author of "Michigan Business Tax Activities Tax," a text on the value added tax.

McLAUHLAN AT LARGE



Hon. and Mrs. George H. Boldt, Washington, D.C.



Hon. W.R. Cole, Ellensburg



Charles Edward Gallup, Vancouver



Mr. and Mrs. Thomas D. Frey, Seattle



F.L. Stotler, Colfax and Frances Harris, Seattle



Stanley B. Long, Seattle

## OSHA

(Continued from page 12)

duty provision. Each citation must be in writing, describing with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation or order alleged to have been violated.

If the violation is of a *de minimis* nature, a notice in lieu of a citation may be issued. The compliance officer is not required to issue a citation at the time of the inspection but must furnish one with reasonable promptness thereafter. The citation will fix the time for the abatement of the violation. It need not, however, include a proposed assessment of penalty, for the statute provides that the proposed assessment of the penalty may be supplied at some future time.

No citation may be issued more than six months after the occurrence of a violation. However, in many cases it would seem that the violation might be of a continuing nature, thereby tolling the limitation period. The employer is obliged to post at the location of the violation a copy or copies of the citation, and is subject to a fine at \$1,000 for each day that he fails to meet this duty. Additionally, the time limit for employee appeals challenging the time allowed for abatement will undoubtedly be tolled if the employer fails to post a copy of the citation.

### Penalties

Shortly after receiving a copy of the citation, or, ideally, at the same time, the employer will be notified by certified mail of the penalty, if any, proposed for the violation.

Section 17 of the Act contains a broad spectrum of penalties designed to encourage adherence to the standards, rules or orders promulgated under the Act. If an employer commits a serious violation of the Act, he must be assessed a civil penalty of up to \$1,000 for each violation. An employer who willfully or repeatedly violates the Act may be assessed a civil penalty of up to \$10,000 for each violation. If the citation is for a violation which is specifically determined not to be serious in nature, the employer may be assessed a civil penalty of up to \$1,000 for each violation.

The seriousness of a violation determines whether or not the penalty will be discretionary on the part of the Secretary. A serious violation is one which is found to cause a substantial probability that death or serious physical harm could result from a condition which exists or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such place or employment

unless the employer did not, or could not with the exercise of reasonable diligence, know of the presence of the violation.

If an employer fails to abate a violation within the period permitted for its correction (which period begins with the final order of the Commission affirming the action of the Secretary) he may be assessed a civil penalty of not more than \$1,000 a day for each day he fails to abate the violation. If an employer's willful violation of any standard rule or order results in the death of an employee, the employer is subject to criminal prosecution, and may be fined not more than \$10,000 and imprisoned for not more than six months or both. Criminal penalties apparently do not apply to violations of the general duty to provide safe working conditions, even though a violation results in an employee's death.

### Appeals

The employer has fifteen *working* days from receipt of this latter notice to notify the Secretary that he wishes to contest the citation or proposed assessment of the penalty.

### Injunctions against Imminent Dangers

If an OSHA inspector discovers that a condition exists that could reasonably be expected to cause death or serious physical harm immediately, or before imminence of such danger can be eliminated through the enforcement procedures in the Act, he must notify employers and employees that he is recommending that the Secretary seek an injunction. The Secretary is then authorized to petition in the United States District Court for a complete cessation of operations at the plant, or an order requiring the immediate correction of the imminent danger. The statute expressly states that the employees may bring an action *in mandamus* to require the Secretary to so petition the court. The court may issue an injunction or a five-day temporary restraining order.

### Miscellaneous Provisions

OSHA envisions active cooperation with state governments in carrying out the new law. State health and safety plans will be presented to the federal government during the first two years of the Act's existence. Upon approval, and after a three-year probationary period, state enforcement would override and federal enforcement recede, subject to later intervention if the state enforcement program falters.

Finally, OSHA provides that whenever the standards set by the federal government are so severe that they will cause real and substantial economic injury, the Small Business Administration may assist a small business in effecting additions to or alterations in equipment, facilities, or methods of operations neces-

sary to comply with applicable standards. This provision may be of importance to qualifying business in the State of Missouri.

### Conclusion

One observation is obvious. Virtually *all businesses are affected*. Indeed, this is the first labor-related law to apply generally to farming. Thus, attorneys should "talk up" OSHA, suggesting that every client review the character and operations of his business to determine not if, *but how*, the safety law applies.

Attorneys with general retainer clients in these industries should review their clients' safety program to determine whether it conforms to the new *federal* law.

On November 29, 1971, a conference for employees will be held at the Holiday Inn in Seattle. There will be no registration fee. The Boeing Company has a contract to conduct such conferences in 60 cities nationwide.

A ten-minute film and presentation are available from OSHA, Smith Tower, Seattle, for groups of ten to fifteen people. Copies of the standards are also available from that office.

**Robert A. Friel**, formerly an attorney in the Office of the Solicitor in Washington, D.C., heads the Seattle Branch Office of the Solicitor in the Smith Tower to provide legal service for such agencies as OSHA; the Employment Standards Administration; Labor-Management Services; and the Manpower Administration.

### Not Will, But Judgment

*(Continued from page 10)*

injustice and to invoke the law for the public good is no prideless portion of the human adventure.

And to work through law and the judicial institution in this manner is infinitely preferable to the tragic alternative espoused by some — to defy the law and destroy our institutions. In a country which offers the redress of the bench and the ballot, he is no hero who resorts to the barricade.

Yet with all this, it is also true that the courts are not constructed to carry the mainstream of national change. They are not intended to initiate, but only to respond. What they may consider, and when they may consider it, are limited by circumstances. Generally, they are to wait until a specific case is brought under someone else's law before they can perform what is best described as, not an action, but a reaction. And as they do this, their fact-finding capability is not nearly so comprehensive as that of a legislative body.

This, then, is the "slow, painful and often clumsy instrument of progress" to which Chief Justice Burger referred. The purpose of the judiciary is to provide a detached and impartial judgment of legal problems presented to the Court, not to effectuate the people's will.

### Judges Least Responsible to People

Finally, it is true that judges may in many instances give us a more clearcut decision than we can get from elected legislators, who must reconcile conflicting interests through compromise, or perhaps even from an elected executive, who is also mindful of varied interests and who must work through the extended machinery of government. But because of the need for judicial independence, judges are the least responsible to the people, and at the Federal level they are not responsible to the people at all. Hence if judges were to step beyond judgment and substitute their will for the people's will — as expressed through the other branches — then we revert to some form of government other than a democracy.

In fact, it is not through just one, but through all three branches of government that young lawyers can find opportunity to effect change. All three branches have their share — some would say more than their share — of lawyers. In completing his answer to the *New York Times* interviewer, the Chief Justice touched on this when he said, "But if they see that as lawyers they may exert great influence on the whole system, then they may not be disappointed."

I dare say that each of us may sometimes feel the frustration that was observed by the celebrated French traveler, Alexis DeTocqueville, who visited America in the 1830s. "The lawyers of the United States," he wrote, "form a party which is but little feared and scarcely perceived . . ." Yet listen to what he added: "But this party extends over the whole community . . . it acts upon the country imperceptibly, but it finally fashions it to suit its own purposes."

Many of DeTocqueville's observations of American life are found to hold good to this day, but I do not believe that lawyers as a class could ever agree among themselves how to fashion the country. Yet if only half of DeTocqueville's claim is true, lawyers exercise far more power than any other profession that young people could enter. And I would charge those who eventually attain to the bench, that they use this power, not with will, but with judgment. □



## The Board's Work

The Board at its October meeting took action on a big variety of matters:

**Disciplinary Enforcement:** (see page 19).

**Reform of the State Bar:** (see page 15).

**Specialization:** A Special Committee on Specialization will be appointed to take a fresh look at that subject. A similar committee decided in 1968 that the State Bar should not undertake to certify lawyers as legal specialists; since that time new interest has been shown in the subject nationally and pilot programs are being started in California and elsewhere.

**Correctional Facilities:** The Board voted to appoint a Corrections Committee to cooperate with a similar new American Bar Association commission on corrections facilities and services and to participate in a study of correctional facilities, parole and probation and related fields (see *Bar News*, November 1971, p. 24).

The committee would help administer the ABA Parole Aide Volunteer Program in Washington, one of eight states chosen as pilot states for the program being funded by the LEAA. Under the program hundreds of volunteer lawyers will serve as part-time assistant parole officers, under supervision of parole professionals. Each volunteer lawyer will be assigned to one offender on parole to provide the help not usually possible under normal parole caseloads.

Appointed to the new State Bar Corrections Committee were **John T. Piper**, Seattle, chairman; **Ruth N. Barnes**, Seattle; **Donald J. Hale**, Everett; **David D. Hoff**, Seattle; **Herbert H. Freise**, Walla Walla; **Richard W. Pierson**, Seattle; **David M. Shelton**, Seattle; **Jack E. Tanner**, Tacoma, and **Stephen C. Way**, Olympia.

The ABA commission was created in response to a suggestion made by Chief Justice Burger.

**Group Legal Services:** A committee on group legal services will be appointed, and the Board asked staff-member Friar to attend a November seminar in Los Angeles to obtain background information on the subject. The Board also authorized member **Neil J. Hoff** to consult with the Supreme Court concerning the import of the group-services provision of the new Code of Professional Responsibility which the court has tentatively approved.

Group services have generally been regarded as contrary to the old Canons of Ethics. Such services are relatively restricted under terms of the ABA version of the new Code; the draft approved by the Bar and tentatively approved by the Supreme Court is regarded as more liberal in permitting group services, with certain restrictions (see Code changes, DR 2-103(D) (5), *Bar News*, October 1970, p. 35).

**Young Lawyers:** The chairman of the State Bar Young Lawyers Committee will be invited to sit with

the Board of Governors, the Board decided. The Young Lawyers Chairman will have a voice but no vote, and his expenses incurred in attending the meetings will be paid.

**Law Clerk Program:** After lengthy discussion and analysis of the program by which would-be lawyers may register as law clerks and study law in preparation to take the bar exam, without attendance at a law school, the Board voted to support continuance of the program, one of only a few such programs remaining in the nation. Informed that a number of lawyers who entered the bar through the law-clerk program have formed an association, the Board decided to ask the association for suggestions to improve and increase supervision of the program.

**Legislative Representative:** **Quinby R. Bingham** of Tacoma appeared and informed the Board that the requirements of his own law practice make it unfeasible for him to continue serving as the Bar's legislative representative during sessions of the legislature after 1972. He told the Board that the seemingly annual sessions plus the increasing activity of interim legislative committees indicate the desirability of the Bar's employing a full-time representative. The Board decided to seek out for employment such a representative, whose salary would be paid from the Legislative Fund voluntarily contributed by Bar members.

**Tax Credit for Free Services:** The Board approved a proposal by Board-member Hoff that the Bar seek to enlist national support for a move to obtain tax deductions for lawyers providing free civil legal services for indigents (see *Bar News*, November 1971, p. 28).

**1972 Convention:** The 1972 annual meeting of the State Bar will be held in Spokane Thursday through Saturday, September 7-9, at the Ridpath Hotel, the Board confirmed.

In other actions, the Board:

✓ Suggested a list of nominees from which the governor will name one member to the new **State Escrow Commission**.

✓ Voted not to release to the public the texts of bar examination questions after the giving and grading of the exam, as had been suggested.

✓ Voted against apportioning the annual bar dues for those newly admitted in the Fall; it was pointed out that the new lawyers "pick up" the apparent excess payment later because their first partial year does not

count as one of the five years during which they pay reduced dues. It also was pointed out that the present \$25. dues for a new lawyer account for less than half the per-lawyer cost of operating the association.

✓ Decided to have the **Fall meeting of local bar presidents in Pasco November 19**, with the November Board meeting the preceding day.

✓ Agreed to review during the November Board meeting the question of the adequacy of the present \$25-\$50 level of **annual association dues**, in view of the Bar's increasing commitments and expenses.

✓ Voted against filing an amicus curiae brief in the appeal of the case of **De Funis vs. Odegaard**, in which King County Superior Court held that the plaintiff had been unconstitutionally discriminated against in being refused admission to the University of Washington Law School while the school, to achieve greater minority-race representation, admitted students who were less qualified, on the basis of college grades and aptitude test scores (see *Bar News*, November 1971, p. 26).

✓ Approved the **Adams County Bar** recommendation of a lawyer for appointment to the Superior Court bench.

✓ Decided to ask President Fred Velikanje to investigate with experts what a proposed Bar-sponsored **Landlord-Tenant Act** should contain, how the drafting job should be approached and who should do it.

✓ **Asked that all local-bar presidents be invited to attend, at their own expense, meetings of the Board of Governors.**

✓ Administered **four reprimands** to lawyers found guilty of violating the Code of Professional Ethics.

✓ Decided that paid, professional, registered legislative lobbyists should not be members of the **State Bar Legislative Committee.**

✓ Ruled on five requests for admission to the law-clerk study program: approved requests by three lawyers wanting to represent indigents in federal court, and confirmed a number of appointments to various committees. □

## Quotes Quoted

*(Continued from page 4)*

people should amend the United States Constitution if they don't like the situation.

The nub of Judge Rakow's opinion is that films come under the First Amendment protection of free speech, and the city licensing code provision imposes a prior restraint and censorship on that right. The effect of the ruling, if it stands, is that Judge Rakow has put the burden of determining what is obscene upon himself and his colleagues on the bench.

If the city may not prevent known pornographers from holding theater licenses and showing obscene films, then its only recourse in upholding some semblance of public decency is to redouble efforts to arrest and prosecute pornographers after the fact.

At some point in the system, someone has to deal with the question of what constitutes pornography that is objectionable to prevailing moral standards, and set some limits.

As a lawyer in the cases before Judge Rakow said, "Persons have a right to engage in business, and government has no right to stop you except for some compelling reason of public interest."

*We agree and submit that upholding of reasonable community moral standards is a compelling reason of public interest. If the city may not exercise discretion in licensing of pornographic theaters, then it is clearly up to judges like Judge Rakow to do a better job from the bench in interpreting public interest.*

*Editorial  
The Seattle Times  
June 30, 1971*



## THE COURT OF APPEALS

By **ROBERT F. UTTER, Judge**

*Division 1*

All divisions of the Court of Appeals commenced selective opinion publication on June 10, 1971, in accordance with legislation passed in the 1971 Session. The decision to publish or not to publish an opinion is based on whether the case, in the judgment of the court, has precedential value. Guidelines for this determination used by the Court of Appeals are whether a case involves a new issue of law or changes application of an established precedent of law. More detailed guidelines were published in the June, 1971 column.

In each case where a decision is made not to publish the opinion, the case name is noted in the Washington Appellate Reports with a notation that the opinion is unpublished pursuant to RCW 2.06.040. The parties to the controversy, however, are given a reasoned written opinion by the court which is filed in the clerk's office of the respective divisions.

The law became operative at the end of the May term. There was, however, substantial use of its provisions for the cases heard in that term and not filed as of June 10, 1971.

| MAY SESSION:         | I       | II      | III     | Total |
|----------------------|---------|---------|---------|-------|
| Cases set            | 57      | 34      | 30      | 121   |
| Published opinions   | 39(74%) | 21(72%) | 20(67%) | 80    |
| Unpublished opinions | 14(26%) | 8(28%)  | 10(33%) | 32    |

Although the September term is not completed as of the date of this column's submission, the figures for the term show substantial use of the law's provision.

### SEPTEMBER SESSION AS OF NOVEMBER NOVEMBER 8, 1971:

|                                   |         |        |         |     |
|-----------------------------------|---------|--------|---------|-----|
| Cases set                         | 97      | 53     | 50      | 200 |
| Published opinions<br>(to date)   | 11(44%) | 9(64%) | 4(24%)  | 24  |
| Unpublished opinions<br>(to date) | 14(56%) | 5(36%) | 13(76%) | 32  |

## SUPERIOR COURT NEWS

By **ROBERT M. ELSTON, Judge**

*King County Superior Court*

**John W. Schumacher**, Aberdeen, has been named to the Gray's Harbor Superior Court bench by Governor Dan Evans. Schumacher, a partner in Schumacher

& Charette since 1958, will replace Judge Warner Poyhonen of Montesano, who has resigned. Schumacher will serve until the 1972 general election when he must seek re-election.

A luncheon will honor retiring King County Superior Court Judge **Henry Clay Agnew** Thursday, December 9 at the Olympic Hotel. Judge Agnew has announced his retirement at the end of this year. He has been a lawyer for 53 years and has served on the King County bench for 22 years.

Judge **Willard Roe** (Spokane) has been awarded the Gonzaga University Law Medal. The presentation was made during dedication ceremonies for the school's new \$200,000 law library. The law medal is awarded annually to an individual who has contributed outstanding service to the legal profession.

Judge **Horton Smith** (King) has been re-elected to a second term as president of Seattle Drug and Narcotic Center (Seadrunar).

## NEWS OF COURTS OF LIMITED JURISDICTION

By **MURRAY A. McLEOD, Judge**

*Aukeen District Court*

Congratulations are extended to two recently appointed judges of Courts of Limited Jurisdiction. Judge **W. Lawrence Wilson**, Edmonds, was appointed to fill the vacancy created by the recent elevation of Judge **Daniel Kershner** to the Snohomish County Superior Court Bench. Judge Wilson, formerly an Edmonds attorney, served as pro-tem judge of the Edmonds District Court and was Chairman of the Snohomish County Bar Association Committee on Legal Aid.

Judge **John G. Lane** was recently appointed to the Springdale Municipal Court, replacing Judge **Lester Porter**.

**Mr. Galen Willis**, Deputy Administrator for the Courts, has announced that there will be a yearly review of the District Justice Court Manual. The first such review will begin December of this year and any changes made shortly after the commencement of the year 1972. Mr. Willis has indicated that should anyone find any errors, omissions, or other changes to be made, please contact Mr. Willis at the Office of the Administrator for the Courts, Temple of Justice, Olympia, Washington 98501.



Recently I received the following letter and forms from that old master of forms, Al King of Kirkland, Washington. I am delighted to pass them on.

**Harry E. Hennessey**

When transferring stock to the heirs in an estate or for whatever other reason, we formerly used one of the Seattle brokers, preferably the firm which handled the decedent's account. After one or two unfortunate experiences, we have adopted the practice of securing the transfers directly from our office as we find this is quicker and can be handled principally by our secretary.

We enclose two forms which we use. The first is routinely sent to the transfer agent, requesting transfer instructions. The second is used for the actual assignment.

We usually obtain the transfer agent from the stock certificate or from one of the services available in the reference department of the Seattle Public Library. We are compiling a list of the names and addresses of the principal transfer agents. As you know, many companies now have more than one agent, and wherever possible we use an agent outside of New York City in order to avoid the New York State transfer tax. We have generally found the West Coast transfer agents to be more reasonable in their requirements.

In mailing certificates, we generally register them, with insurance for the approximate amount

of the lost certificate bond premium.

Bob Mucklestone subscribes to a service which furnishes information as to all dividends paid or payable. We usually get this information from the Seattle library.

We do not know what the practice generally is among other offices with regard to certificates, but suspect that most use the brokers' services in this regard.

We also enclose a form which we have found quite useful in requesting information from mortgage servicing agencies, and in assigning reserves, etc.

**Albert A. King**

Kirkland

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

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

## Request for Transfer Instructions

Re: Estate of  
Securities:  
How held: | | In name of deceased only  
| | In name of deceased and another as joint tenants with right of survivorship  
| | In name of trustee under living trust  
  
Nature of  
transfer: | | To legatees named in will  
| | To heirs at law (no will)  
| | To beneficiaries under living trust  
| | To surviving spouse under community property survivorship agreement (RCW Sec. 23.01.226)

Dear Sirs:

We are attorneys for the above estate, among the assets of which are securities of the above corporation. Please send us your requirements for transferring the securities to those entitled to succeed to the interest of the deceased.

Yours truly,  
KING & KING  
By:

## Assignment Separate From Certificate

Company \_\_\_\_\_

Number of shares \_\_\_\_\_

Class of stock \_\_\_\_\_

Certificate numbers \_\_\_\_\_

Present registered owner \_\_\_\_\_

For value received, each of the undersigned hereby assigns and transfers to each transferee set out below the number of shares of the above-described stock set opposite the transferee's name, and irrevocably appoints \_\_\_\_\_ his attorney to transfer the same on the books of the said company with full power of substitution in the premises.

| Transferees<br>(Name, address and tax identification number) | Number of<br>shares<br>transferred |
|--|------------------------------------|
|  |                                    |
|  |                                    |

Date: \_\_\_\_\_

Signature identification: \_\_\_\_\_

## Inquiry Form

To: \_\_\_\_\_

Seller: \_\_\_\_\_

Our No.: \_\_\_\_\_  
Your No.: \_\_\_\_\_  
Property: \_\_\_\_\_

Purchaser: \_\_\_\_\_

- We are closing a sale of the above property in which the purchaser has agreed to assume the mortgage. Please send us your assumption statement.
- The above sale has been closed. We enclose:
  - Copy of instrument of sale.
  - Assignment of reserves.
  - Assumption fee.
- Insurance policy or endorsement is enclosed.
- Insurance policy or endorsement will be mailed by broker:
- We understand a mortgage payment has been made since your assumption statement. Please send us an up-dated statement.
- Seller's new address: \_\_\_\_\_

KING & KING  
By: \_\_\_\_\_

### ASSIGNMENT OF RESERVES

The undersigned sellers hereby assign to the above-named purchasers the tax, hazard insurance, FHA, etc., reserves in the above matter.

Dated \_\_\_\_\_

\_\_\_\_\_  
Seller

**AGO 1971 No. 19: Mental Illness Hearings**

A county prosecuting attorney has the legal obligation to appear and participate in mental illness hearings in support of an application for commitment of a person alleged to be a "mentally ill" person, based upon his endorsement of the application as provided for in RCW 71.02.090.

**AGO 1971 No. 20: BC Traffic Violations****AGO 1971 No. 21: Gambling at Agricultural Fair****AGO 1971 No. 22: Interest Rate on Delinquent Property Taxes**

The reduction in the rate from 10% to 5% applies to taxes which were already delinquent prior to the effective date of the 1971 amendment.

**AGO 1971 No. 23: Occupational Drivers' Permits**

The veto of the Governor does not prevent their issuance.

**AGO 1971 No. 24: Minor Party Conventions**

The secretary of state may not, by the adoption of a rule or regulation, cause the names and addresses of registered voters signing nominating certificates at minor party conventions to become confidential information not open to general public inspection.

**AGO 1971 No. 25: Wild Animals****AGO 1971 No. 26: Abortions**

Neither chapter 3, Laws of 1970 (Referendum No. 20), nor any other law or regulation currently in effect, allows a pregnancy of a woman to be terminated by any person other than a physician licensed under either chapter 18.71 or chapter 18.57 RCW, or by the pregnant woman herself when following the directions of a physician so licensed.

**AGO 1971 No. 27: Discusses Property Tax Exemptions for Certain Senior Citizens****AGO 1971 No. 28: Prosecutor Serving as Councilman**

The prosecuting attorney of a fourth class county may simultaneously serve as a member of the city council of a third class city located in such county.

**AGO 1971 No. 29: County Roads****University of Washington:**

Law students may sue to open faculty meetings. The point in issue is whether the 1971 Open Meetings Law applies to departmental and school meetings within the University. Most Law School Committees do include student members, but faculty committee meetings are not usually open to the general student populace. The students would like to see all faculty meetings open to the public. The ASUW has granted \$300 to the Student Bar Association to hire four students to research the question. When research is complete, law students will consider going to court *pro se* in a test suit, says SBA President Tim Fishel. "The Law School faculty met November 1st in a session closed to the public", Fishel stated. "If it can be shown that they held a closed meeting with the knowledge that it violated the Open Meetings Act, each faculty member can be assessed a \$100 fine, and all action taken at that meeting will be voided."

Six third-year students are each receiving \$54 a month for five hours of work a week for the ASUW Legal Aid Society. The Society is funded two-thirds by ASUW funds and one-third is given by the Graduate and Professional Student Senate. All six have a limited license to practice under Rule Nine. Eligible clients are generally determined by following the guidelines set by OEO for its legal services.

It is anticipated that the first phase of the New School of Law, The Law Library Building, will be completed in May 1973. The first phase will provide an eight-story structure.

**Gonzaga University:**

The Gonzaga University School of Law, with the Day Division now in its second year, has shown a substantial increase in enrollment this year. The registration for the Fall semester is a total of 431 students, nearly double the last year's enrollment of 224. The school has admitted 263 first year students and these are divided about evenly between the Day Division and the Evening Division. Although the new students come from 59 colleges and universities across the nation, most of them have done their pre-law studies at schools in the State of Washington. In order to provide sufficient facilities for the increased student body, Gonzaga, early last Spring, began the construction of an addition to the existing Law School Building. The addition provides space for library, reading rooms, a reference room and faculty offices.



Many bar associations, including ours, of late have been making much of the now generally conceded fact that the individual lawyer in his practice, in his relationship with each individual client, largely determines the nature of his own public relations and that of the bar and lawyers generally.

One vital PR practice that many public relations committees, including ours, keep harping on is "keeping the client informed." And that practice not only is a key factor in a lawyer's personal public relations—it also means a higher annual income, according to survey after survey.

Results of the latest state bar survey, that in New Mexico, tell the same story:

Figures obtained in the survey "indicate a strong correlation between average income and the frequency of providing copies of pleadings, documents and correspondence to clients. The more knowledgeable a client is of the effort of his lawyer on his behalf, the better satisfied he should be upon completion of the matter. Providing copies of the lawyer's work product should help accomplish this. The better satisfied a client is, the more likely he will be to utilize the services of his lawyer in the future. Retention of clients translates into greater income."

How much greater? The Desk Book insert included in the October 1971 *Bar News* reported the difference in Oklahoma is \$5,900, in Georgia \$5,000. Now the New Mexico Bar adds its testimony to the record:

Lawyers who send copies of all correspondence to clients 100 per cent of the time have average incomes of about \$28,000; those sending 75 per cent of the time, about \$23,000; 50 per cent, about \$21,500; 25 per cent, about \$20,500, and never, \$19,500.

### Public Relations Committee



### BIRTHS

Jarvis E. Lowe forsook the canyons of Seattle to practice in the cozy comfort of Everett.

The following county bar presidents were elected: Adams, **George H. Freese**; Benton-Franklin, **Charles L. Powell**; Chelan, **Raymond Kendall**; Clallam, **N. G. Richardson**; Clark-Skamania, **Donald C. Blair**; Cowlitz, **Stewart J. Elliott**; Ferry, **Osee W. Noble**; Grant, **Felix Rea**; Grays Harbor, **F. W. Loomis**; Island, **James Zylstra**; Kitsap, **A. J. Hutton**; Kittitas, **F. A. Kern**; Lewis, **Dale M. Nordquist**; Okanogan, **Chas. A. Johnson**; Pacific, **John T. Welsh**; Pend Oreille, **Fred Trumbull**; San Juan, **Elmon A. Geneste**; Skagit, **Reuben C. Youngquist**; Snohomish, **Donald F. Jennings**; Spokane, **John Huneke**; Stevens, **Thomas I. Oakshott**; Thurston-Mason, **Ernest L. Meyer**; Pierce, **James V. Ramsdell**; Walla Walla, **Charles F. Luce**; Whitman, **Philip H. Faris**; Whatcom, **Boone Hardin**; Yakima, **Walter J. Robinson**; and King, **DeWitt Williams**, no kinship admitted.

### CROSSED THE BAR

Eugene W. Klein, 73, Snohomish. Thomas J. Waters, 70, Bellingham. Frank A. Latcham, 76 Tacoma. **Gideon M. LeCocq**, 62, Everett. Seattle lost **Ivan L. Hyland**, 79; **William T. Laube**, 71; and **A. H. Callahan**, 55.

### ETHICS

The Ethics Committee was asked if it was proper for a firm of lawyers who maintained offices on the street level in the business district to display the sign "Law Offices" 25 feet long in letters heavy, bold, black and 22" high. In addition the word "Law" appeared on the side of the building backlighted at night by fluorescent lights and visible for a distance of several hundred feet. Also lights were left on in the reception room which had large plate glass windows facing the street and where the Venetian blinds were so slanted to reveal a full view of the reception room on the walls of which were shelves of law books. The names of the lawyers were set out on three different street front windows in black letters 5" high and also the words "Insurance—Collections." The committee took the view that this was advertising. It must have been a shock to the lawyers involved to be denied the pleasure of extending the same show of hospitality to the suffering public the Montana saloonkeepers had found so effective and profitable in the good old days.

David J. Williams



**Wanted and Unwanted**

**For Sale:** Wash. Rptr, Vol. 1 Terr. Thru 447 P.2d; Shep. Cit; RCWA; 8 Vol. Cyclopedia of Trial Prac.; 3 Vol. Words & Phrases; 26 Vol. Wash. Dig.; 14 Vol. Am. Jur. Legal Forms; 3 Vol. Am. Jur. Pldg. & Prac. Forms; 9 Vol. Ann. to RCW; 11 Vol. Hillyer's Ann. Forms; 3 Vol. Cowdery's Forms; 8 Vol. Wash. Prac.; 6 Vol. Wash. Ad. Code; 3 Vol. Wash. Court Rules; CJS: Additional Misc. Vols. Intend to sell entire library intact \$\_\_\_\_\_. Terms can be arranged. Write R. W. Walker, P.O. Box 16, Fernwood, Idaho.

**For Sale:** 6 legal size five-drawer Brown-Morse extension file cabinets, good condition; reasonable. Carl Jonson, 400 Central Bldg., Seattle 98104 (MA 4-2521).

**For Sale:** Vol. 1-35 Am. Jur. 2d; Vol. 1-19 ALR 3d; Vol. 1-100 ALR 2nd & Digest; Vol. 1-19 Abbots Proof of Fact; 2 Vol. O'Bryan's Forms; Vol. 1-12 Wash. Dig.; Misc. ALR Vol. 1 & 2nd series. Mrs. Mary Carriker, 3102 Harney St., Apt. 6, Vancouver, Wash. (696-1044).

**For Sale:** 3 Vol. Wright, Crim. Fed. Prac. & Proc. \$55.00; ALR 3rd, Vol. 1-10 with index and ALR later case service, Vol. 1-6. Make offer. **Wanted:** full or partial sets of Fed. Supp. and Fed. 2d. Jim Uhlir, 2810 Sea-First Bldg., Seattle 98104 (MA 2-3740).

**For Sale:** Am. Jur. 2d set in very good condition and up to date, \$500. Burton S. Robbins, 1012 Northern Life Tower, Seattle 98101 (MA 48822).

**For Sale:** Complete office Dictaphone system. Seven dictating units, two equipped with telephone recorders; 6 transcribing units. Have been under continuous Dictaphone maintenance. Will dicker price for all or any part of system. Russ Austin, 2120 Pacific Bldg., Seattle 98104 (MA 4-5370).

**William R. Eddleman**

William R. Eddleman, disbarred in 1964, has been reinstated. 79 Wn.2d 725 (1971). It becomes effective upon his successfully passing the attorney applicant's examination, paying all costs taxable under the rules of the court pertaining to reinstatement, and taking the oath of attorney.

**Trained Legal Investigators**

There is a list of Trained Legal Investigators available for employment which is on file at the WSBA office. It is supplied by Universal Schools in Dallas, Texas, is arranged by state and will be updated regularly.

**Pleading Format Illustrated**

CR10(E) made recommendations concerning format for pleadings in civil cases, which has been made mandatory by a King County Local Rule. The format is both illustrated and explained in the Introduction to the recently published volumes 9 and 10 of the Washington Practice Series.

The volumes, published by West Publishing Co., were authored by Dean Lewis H. Orland of the Gonzaga Law School and Dan Reaugh of the Seattle Bar.

Deadline for next issue of the Bar News is December 6, 1971

**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) Indian tribe seeking full-time attorney to implement new legal services program on the reservation.
- (2) University of Washington Law graduate, ending Navy tour, seeks position in general fields of regional and city planning and/or governmental interrelations.
- (3) Northwest Washington county has opening for full-time deputy prosecutor. Starting salary range from \$12,000 to \$14,040, depending upon experience.
- (4) Two-man Central Washington firm seeking replacement for retiring partner. Immediate partnership contemplated in this general practice.
- (5) Large national insurance company seeking staff counsel for claim defense work in this state. Five years or more experience in field required.
- (6) Recent Oregon Law School graduate seeks private general practice in either Snohomish or Whatcom counties.
- (7) Former Chief Civil Deputy Prosecutor in large county, also 15 years private practice, currently hearing examiner, seeks new position without limitation at this time as to any particular field.
- (8) Criminal Assignment Commissioner, Supreme Bench of Baltimore City, flat rate salary up to \$25,000 per annum.



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|---------------------|---|
| 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<br>(Friday)  | 1 to 6 p.m., Washington Civil Trial Practice, State Bar CLE seminar, Ridpath Hotel, Spokane.  |
| 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.   |
| March 3<br>(Friday) | 1 to 6 p.m., Washington Civil Practice After Trial, State Bar CLE seminar, Ridpath Hotel, Spokane.                                    |
| March 18            | 9 a.m. to 4 p.m., Washington Civil Practice After Trial, State Bar CLE seminar, Olympia Hotel, Seattle.                               |
| March 25            | 9 a.m. to 4 p.m., Washington Civil Practice After Trial, State Bar CLE seminar, Evergreen Inn, Olympia.                               |

### Chief Justices' Conference Due Here Next Year

The Conference of Chief Justices will meet in Seattle next summer, it was announced by Chief Justice Orris L. Hamilton of the Washington State Supreme Court.

Consultation is provided by the annual conference among the presiding judges of the highest courts of each state on improving the administration of justice, procedures, organization and operation of state court systems.

Justice Hamilton will be host for the 1972 conference in Seattle. Chairman will be Chief Justice James S. Holden of the Vermont Supreme Court.

### Beat the Advance Sheets

A new, speeded-up cassette-tape service providing summaries and comment on State Supreme and Appeals Courts decisions is being offered by Northwest Legal Information Service (Box 333, Oregon City, Ore. 97045).

Beginning in December, the cassettes will be prepared by an editorial staff of Washington attorneys from copies of the actual decisions and in most cases subscribers to the service will have the taped summaries before the Advance Sheets are received.

Cases are classified by topic and a printed index is provided. The firm also offers cassette players at a price 40 per cent less than retail for the benefit of lawyers who have not yet obtained them.

### Charter Flight - Europe 1972

The Travel Committee announces a deluxe charter flight on a CPA jet from Vancouver to London on September 12, with return from Amsterdam October 8, 1972. The trip will cost about \$250, and full details will be published in the next issue of the Bar News. It can be a marvelous Christmas present for the family, so start your planning now, John D. McLauchlan, Chairman of the Travel Committee, urges.

**State Bar Convention  
September 7-9, 1972  
Ridpath Hotel  
Spokane, Washington**

### CIVIL TRIAL PRACTICE

An eight-man "faculty" will present a State Bar CLE seminar on Trial Practice in three cities during December.

The seminar on Washington Civil Trial Practice will be presented in Spokane's Ridpath Hotel from 1 to 6 p.m. Friday, December 3; the Olympic Hotel in Seattle Saturday, December 11, and the Evergreen Inn in Olympia Saturday, December 18. The two Saturday seminars will be from 9 a.m. to about 4 p.m.

"This seminar is an effort to bring every lawyer up to date on all recent trends in civil trial practice," Albert R. Malanca of Tacoma, general chairman, said. "It is not aimed solely at the trial bar or personal-injury practice but is intended to benefit every practitioner."

Speakers include Malanca, Ronald E. McKinstry of Seattle, Judge Stanley W. Worswick of Pierce County, James D. McCutcheon, Jr. of Seattle, William J. Rush of Tacoma and Judges George H. Revelle, Stanley C. Soderland, and David W. Soukup, Seattle, all King County.

Local chairmen are Will L. Lorenz of Spokane, John C. Huston of Seattle and Robert N. Gates of Olympia.

The third in the series of CLE seminars on practice before, during and after trial will be presented in the three cities in March; the subject is Washington Civil Practice After Trial.

### CPA Seminars

Federal tax seminars, to which attorneys are invited, have been scheduled by the Washington Society of Certified Public Accountants (347 Logan Building, Seattle) for Dec. 2 in the Hanford House in Richland; Dec. 3 in the Ridpath at Spokane, and Dec. 11 at University of Washington, Seattle.

## A Helpful New Service for You: CLE PROGRAMS on

# Cassette tapes

The Continuing Legal Education Committee of your Washington State Bar Association, with the support of the Board of Governors, has entered the field of presenting educational programs on cassette tapes, the new teaching medium. Now available to you, and priced STRICTLY AT THE COST OF PRODUCING AND DISTRIBUTING THE TAPES, are cassettes containing four of the valuable seminars presented at the recent Washington State Bar Convention: How to Defend a Criminal Case; Land Use and Zoning; Real Estate Contracts, Mortgages and Deeds of Trust; Forfeiture and Foreclosure; and Law Office Records, Timekeeping and Billing.

### CLE — Anywhere, Anytime

Now, at the press of a button, you can have a front-row seat at these permanently useful seminars. With a portable, battery-operated cassette player, the tapes can be enjoyed whenever you have free time — over coffee at breakfast, while stuck in traffic or commuting, while relaxing in the backyard, or in your office conference room with your partners and associates or even on a golf cart!

All you need to do is to drop the foolproof cassette into the player, press the "start" button and listen. When one side is finished, you simply flip over the cassette to play the other side. Thus now you can schedule CLE programs for your own convenience, with repeat performances as often as you like. Costs are properly chargeable business expenses for the lawyer pursuing continuing legal education for professional responsibility.

### The Cost:

*Because this is a new program, the cost of producing the tapes has not been definitely established. The total estimated cost for each program (two one-hour tapes) is about \$5, far less than half the price for similar programs provided by some other state and national CLE groups. Tapes will be produced to your order; please order now and the State Bar Office will bill you when the precise price is set. Use the handy order form below.*

### Why Cassette Tapes?

Every lawyer wants to keep abreast of new developments, to increase his expertise and to benefit from the knowledge of experts in various areas of the law. But a busy legal practice sometimes places a heavy demand on a lawyer's time and energy and makes it difficult for him to continue his legal education the way he wants to and should. Cassette tapes make it possible for the lawyer to "study" without attending a course or reading a book. The cassette makes it easy and convenient for a lawyer to continue his professional growth.

### The Tape Player

If you do not already have one, on the market today are many brands of inexpensive standard cassette tape players. They are standardized on the cassette system first introduced in 1964 and there is no problem of compatibility of cassettes.

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### PLEASE USE THIS HANDY ORDER FORM TODAY

Mail to: Cassette Tapes, Washington State Bar Association, 505 Madison, Seattle, Wash. 98104.

Please send me the cassette tape containing the program on:

— HOW TO DEFEND A CRIMINAL CASE

Speakers: Murray B. Guterson, Seattle; William L. Kinzel, Bellevue; Mark T. Patterson, Everett

— LAND USE AND ZONING

Speakers: Kenneth A. Cole, Bellevue; Robert W. Graham, Seattle; Edward B. Sand, Seattle; Woodrow L. Taylor, Seattle

— REAL ESTATE CONTRACTS, MORTGAGES AND TRUST DEEDS: Forfeiture and Foreclosure

Speakers: John A. Gose, Seattle; John E. Heath Jr., Spokane; Gordon A. Livengood, Kirkland

— LAW OFFICE RECORDS, TIMEKEEPING AND BILLING

Speakers: Robert J. Arndt, CPA, Seattle; Paul N. Luvera Jr., Mount Vernon; Muriel Mawer, Seattle

I understand I will be billed at a price, estimated at about \$5 each, equaling the cost of production, handling and mailing.

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