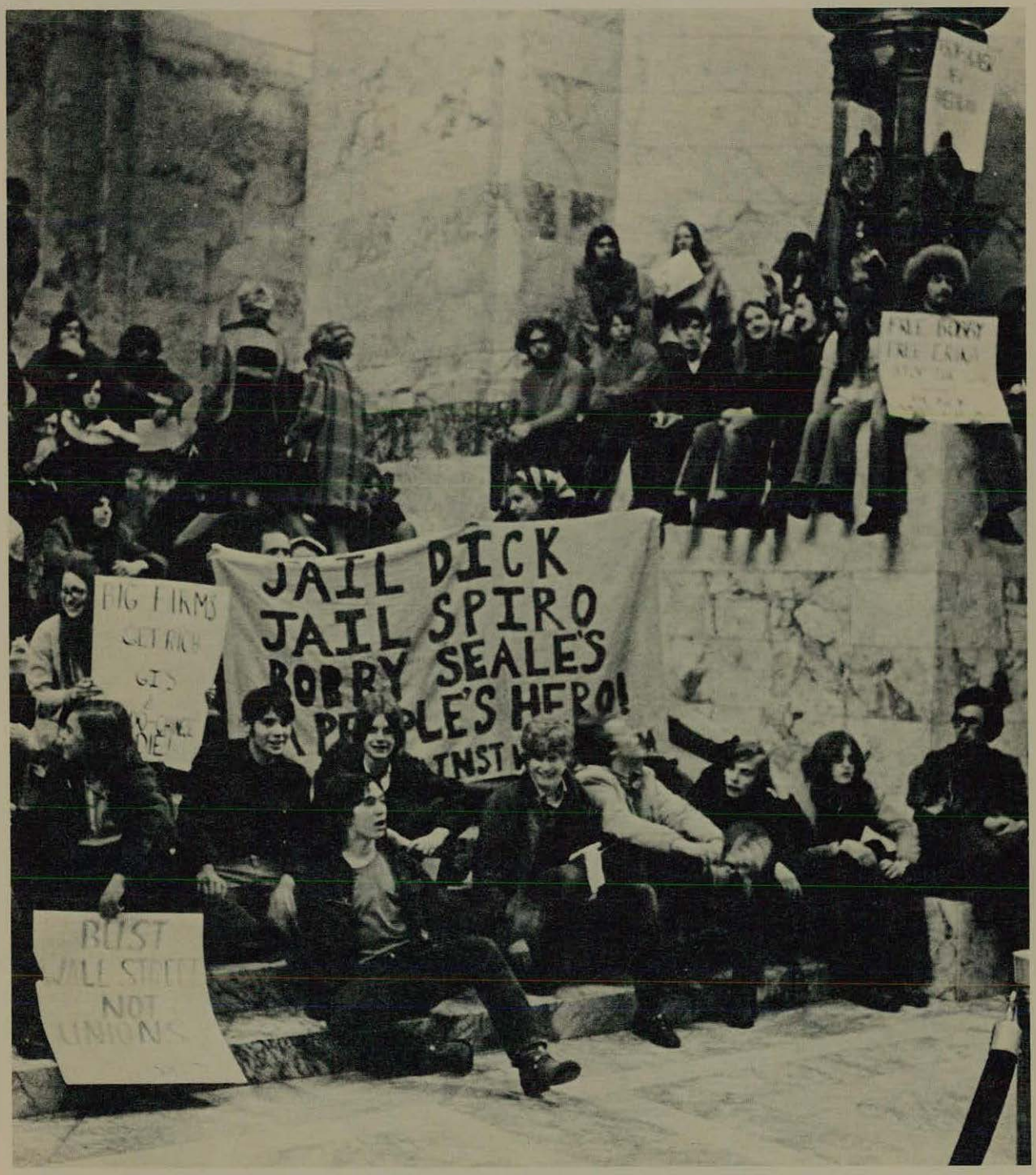
Volume 25, Number 4
April 1971

WASHINGTON STATE BAR NEWS



A CRISIS OF AUTHORITY

MEMORANDUM

TO: All State of Washington Attorneys

RE: The Unique Facilities and Flexibility of the Metropolitan Press, Seattle, a Service Oriented Printing Company

The Metropolitan Press has earned the reputation as the state's leading legal-financial printer and color lithographer. This reputation has been accomplished progressively since the Company's founding in 1905 by people who believed in the highest standards of quality, integrity and service as they apply to the printing industry.

A partial listing of services in our Legal & Financial divisions include:

LEGAL DIVISION

(Pertaining to the printing and disposition of appellate briefs)

- Brief drafts are edited to conform to the current rules on appeal.
- Index and case authority are prepared for you automatically with special attention to the correct form of citations.
- Briefs are printed either letterpress or offset; are served for you on opposing counsel (either personally or by our affidavits of service duly prepared and notarized) and we file the requisite number of copies. The above services take place in most instances within 48 hours after receipt of copy.
- We specialize in appellate briefs for the Washington, Idaho and Oregon State Supreme Courts; The Washington State Court of Appeals; The Ninth Circuit Court of Appeals; The U.S. Supreme Court; The U.S. Court of Claims; and the Interstate Commerce Commission.

FINANCIAL DIVISION

(Pertaining to documents required for the issuance of securities to the public)

- Financial printing for SEC encompassing registration statements and prospectuses requires a thorough knowledge of the complex rules and regulations and in many cases, overnight production of the documents involved.
- The Metropolitan Press has produced the documents for the majority of full registrations originating from this state.
- We are also specialists in the production of offering circulars, Regulation "A" 's, engraved and lithographed stock certificates, debentures and bonds; indentures; merger agreements; proxy statements and proxies; and annual and interim shareholder reports.

The Metropolitan Press
appreciates your business;
solicits your continuing business;
and invites your referral of new business.

Please call MUtual 2-8800 collect — MUtual 2-8801 in the evening after 5 p.m.

s/BARRY J. REISCHLING
Manager, Legal-Financial Divisions
CRAFTSMAN-MET PRESS
(Metropolitan Press)
Fairview Avenue N. & Valley, Seattle, Washington 98109

(paid advertisement)

Washington State Bar News

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

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

United Graphics

Index

Editor's Note

Ralph Nader, in his law day speech last year, observed that whereas law day used to be a kind of legal version of pseudo-patriotic breast-beating, it is now becoming an occasion for critical self-analysis. He termed this a very healthy and promising evolution. It is in this spirit that the very fine lecture by Edward Bennett Williams, **A Crisis of Authority,** is carried in this law day issue (page 5). The lecture stirred wide interest among the California State Bar.

* * * *

Will this session of the legislature be able to come up with a constitutional amendment on the **judicial article** to submit to the voters? The possibility looked dim last month. However, SJR 31 has now been filed which has the endorsement of the board of governors, judges, judicial council and lay participants (but still not labor). Judge Vernon R. Pearson explains the consensus proposal (page 11). Neil Hoff of the board of governors in his inimitable fashion also covers the same subject matter (page 15).

* * * *

The problems at **McNeil Island Penitentiary** have been front page news of recent date. Members of the bar are generally aware that U of W law students have been spearheading a national LAMP program at the Penitentiary. Now, for the first time an article describes at length to what they are about (page 9). LAMP II will shortly be underway at Monroe.

* * * *

Two very important pieces of federal legislation are highlighted in this issue. The period for filing **federal estate tax returns** has been shortened and the alternate valuation date has been changed (page 17). Those businesses using **credit reports** after April 24, 1971 will have to comply with certain requirements (page 18).

* * * *

Our state bar decided nearly three years ago not to go forward with a pilot program on **certification of specialists.** Three states now have such pilot programs, California being the latest (page 16). The first pilot program on **prepaid legal insurance** got underway in Louisiana in February (page 16).

* * * *

Gonzaga registered 100% passage on the January 1971 bar exam. Washington was 70% and the overall average was 79% (page 20).

Speaking of bar exams, recently a California law student, who wanted admission information, wrote to the Washington State Bar's Board of Bar Examiners. He neatly typed the address: 4201 E. Marginal Way So., Seattle. That's headquarters for the Washington State Liquor Control Board. Yes, someone there knew where to forward the letter.

Edmund B. Raftis

Letters

Political Endorsements

Editor:

The letter of Stuart Oles at page 14 of the January issue of the *Bar News* prompts this support . . .

(1) Surely the right to vote is no more important or constitutionally protected than the right, if not the duty, to campaign for the candidate of one's choice.

(2) If a campaign supporter has the right to attempt to persuade others to vote for a candidate, do not such others have the right to know the qualifications of the supporters of the candidate?

(3) In other words, if the voting public has a right to know the candidate is a lawyer, do they not have the right to know his supporters and/or his opponents are or are not lawyers? In Court, the occupation of a witness, as well as the party, is always relevant to truth-seeking and I find it difficult to believe that "ethics" prohibit the same truth-seeking in the larger arena.

(4) A similar but differing question pertains to the popular requirement of requiring a candidate to disclose the source of his contributions. This, of course, means that although one has the right to vote secretly for a candidate, he has no concomitant right to financially support him.

Under such a law a supporter might make a "secret" contribution but this tends to raise serious questions concerning a candidate. Actually, it might be a tactical advantage to a candidate to contribute a handsome amount to his opponent as a "secret" contribution.

(5) Lastly, such self-laudatory phrases as "distinguished" or "prominent" lawyers fall into the category of self-defeating juvenilia, stupid perhaps but hardly unethical. Would it be as unethical to characterize the candidate as "prominent" or "distinguished"?

I think the kids are correct concerning their views of us as the right thinking establishment.

JENNINGS P. FELIX

Seattle

Mortgage Notes

Editor:

Thanks to the diligent efforts of Congressman Brock Adams, you may advise the Washington Bar that, upon the next printing, both the V.A. and F.H.A. have agreed to strike the underlined words in the following quotations from the official, government printed mortgage notes required by both of those agencies:

V.A. Note: "The undersigned agrees to be jointly and severally bound, and severally *hereby waive any homestead or exemption right against said debt,***.*"

F.H.A. Note: "The undersigned, whether principal, surety, guarantor, endorser, or other party hereto, agrees to be jointly and severally bound, *severally hereby waive any homestead or exemption right against said debt,***.*"

Presumably the objectionable language may be stricken from the existing form of note without fear that the lending institution will reject the loan. At least I have successfully done so . . .

A couple of hours in the library confirmed my first impression that there is not a state in the Union that would enforce an advance waiver of homestead or exemption rights. (See *Slyfield v. Willard*, 43 Wash. 179, 86 P. 392.) . . .

The fact that this reprehensible language has been in the F.H.A. official form of note since 1933 shatters what faith I had in the integrity of both the A.B.A. and our own association. . .

Certainly the members of both the A.B.A. and our own legal ethics committees, infested as they are with money lender and mortgage-bankers' lawyers, must have known the terms of F.H.A. notes over the last three and a half decades. Each December our ethics committee sternly reminds us of the A.B.A. ruling that we violate our canons if we send our clients Christmas cards. I am sure the public whom we serve is deeply grateful for this noble function of our ethics committee. Yet government lawyers are permitted to flagrantly violate our ethics, and in the process destroy faith in our government, without a word of protest — which must mean the ethics committee condones it.

It is little wonder that more and more of the silent majority are becoming disenchanted with our integrity as well as our government — that our children are throwing rocks at courthouses — that our profession is more despised than revered — that some in our ranks are seeking relief from the stigma of being a member of our state association through court action.

While the lone or small firm practitioner may still be guided by the spirit of the Barons of Runnymede, I am afraid we have allowed a corporation oriented breed to take over the management of our local and national associations.

VAUGHN E. EVANS

Seattle

The President's Corner

There are literally dozens of bills presented to the Legislature in which lawyers have a direct or indirect concern. One of them presented to this session would alleviate a condition which has long been a pet peeve of mine. The one to which I refer is SB 390, under which the Court of Appeals would determine, in its discretion, which of the opinions it writes are of precedential value and should be published. I realize this is not an earth-shaking piece of legislation, but I have long thought something should be done to reduce the flow of legal literature which every lawyer is required not only to purchase, but, what is even worse, to read in its entirety and, finally, in the form of bound volumes, to store ad infinitum.

Actually, the bill does not go far enough. It does not eliminate the necessity of a written opinion. It simply authorizes the court to determine whether or not it shall be published. It is only logical to assume that court files, being open to the public, will allow opinions which have been determined not to be of precedential value to be picked up by some enterprising publishing firm and published in a bound or pamphlet form, thus making it almost imperative that lawyers who desire to keep up with all of the state laws purchase these opinions to determine for themselves whether for future cases they are of precedential value. This is one objection.

Another objection is (and I think it is soundly taken) that one of the reasons for the backlog in our appellate court system is the number of cases on purely factual situations, or in fields as, for example, industrial insurance, where the law is pretty well set, and which under our state constitution call for a judge taking the time to prepare a written opinion where a decision could just as easily be announced from the bench. Such a procedure would not only aid in the attaining of prompt and therefore better justice to the cases involved, but would also free the judge for more important litigation where research, but (the writer hopes) not more extensive opinions may be required.

A perfect example of such extended opinions occurred in a recent Supreme Court advance sheet. There one case, involving an estate, took over seventy pages to reverse. There was no contribution made to the law of will contests. What occurred was almost a trial de novo in the Supreme Court of factual issues only, and now for all time this decision will be stored as part of the common law of this state, and have the same precedential value to the bar and the public of this state as does the proverbial insurance case wherein medical coverage is limited to the insured's going through the side window of a 1929 white Packard sedan on a snowy July day at 3 p.m.

Even with the existing constitutional provision calling for a written decision in appellate cases, there is no real reason why a more extensive use of the one-paragraph per curiam opinion cannot be utilized. As long as it is in writing, a mere one-sentence opinion stating that the case presents the same issue as did a named earlier case and that the decision is in accordance with that precedent, satisfies the requirement.

Of course this is another field in which no one lawyer can speak for the entire bar, but I do think that if the consensus of the lawyers practicing in this state is in agreement with these sentiments, the appellate bench will be more than happy to cooperate.

Quotes Quoted

No Fault Auto Insurance

[It has been stated] that someone is at fault in every automobile accident.

This is not true in any meaningful sense. Is the inadvertent failure to observe a warning signal caused by thoughts about a sick relative or by a quarrel which just developed between children on the back seat the kind of fault which establishes it as the just criterion for distributing the costs of automobile accidents?

More important, is it possible to say with any certainty who was at fault in an accident in high-speed traffic on three- or four-lane highways?

Most persons seriously injured are not fully compensated for their economic losses. Many others who suffer relatively minor injuries receive three or four times their economic losses because insurance companies are willing to buy up their claims.

The companies do so rather than run the risk that jurors will award larger sums, adjusted upward with pain and suffering damages to compensate for attorney's fees, in the mistaken belief that justice is served by making the one at fault pay.

— CORNELIUS J. PECK,
Professor of law,
University of Washington.

The Seattle Times
October 13, 1970

In urging that the existing system be scrapped Professor Peck argues that fault is just too difficult to determine and that the system's shortcomings — inefficiency, high cost, unpredictability, runaway juries, etc. — all flow from this problem. I disagree. Fault in the average auto accident is relatively easy to determine. We have traffic lights, stop signs, and well-known rules of the road to point the way. I know that when I run a red light I am at fault; I know that when I slam into the car ahead of me I am at fault. No, Professor Peck, this isn't where the problem lies.

What makes the existing system relatively expensive, time consuming and sometimes frustrating is the fact that we are giving the accident victim highly individualized treatment. He is not being compensated on the basis of a pre-determined formula. We are taking the time and making the effort to consider the impact of an automobile collision on **each** victim. An eight-inch scar on the cheek of a 16 year old girl means something far different than an eight-inch scar on the cheek of a middle-aged lumberjack. The loss of a leg to a pro football player or a ballerina means something far different than the loss of a leg to an English teacher. A permanently damaged knee may destroy the earning capacity of a longshoreman and leave the earning capacity of a lawyer unaffected.

Before we scrap the present system of compensating accident victims we should understand exactly what we are giving up. We are giving up the right to distinguish the impact of an accident loss on one individual from the impact of an accident loss on another individual.

Professor Peck goes on to imply that it is the risk of high jury awards which induce insurance companies to "buy up" claims. The implication here is that it is the juries that are often responsible for squandering insurance company money on inflated awards to undeserving claimants. Under our law either side in a personal injury action can demand a jury trial as opposed to a far simpler, shorter and less formal trial to a judge alone. And yet in virtually all automobile accident cases in this part of the country it is the defendant insurance company counsel who demands the jury trial — not the claimant or his counsel. Who's kidding who about jury verdicts?

Ronald J. Bland, Seattle
Unpublished letter to The Seattle Times
October 16, 1970

A CRISIS OF AUTHORITY

By Edward Bennett Williams

We're worrying about contempt of court by political defendants and their lawyers. We ought to be worrying about whether the American criminal justice system isn't forfeiting its right to respect.

We meet in a society in turmoil. It's a society in revolution. Our times are like the times Dickens described in his great novel, "the best of times and the worst of times." It's the worst of times because never in our history have we been so challenged in preserving order while retaining liberty. And it's the best of times because to our generation more than to any other has been given the opportunity of demonstrating to the world that liberty and order are compatible concepts. We are presented with a series of great opportunities in the disguise of insoluble problems. I think to even our slowest learners it is now apparent that we are in the midst of a social revolution, a revolution that may be as significant in its final impact as any other phase of our nation's history. It's the revolution of the young, the poor, the blacks, the social aliens of our society. It has created a crisis of authority, a crisis in which the authority of all of our institutions is under challenge—the family—the university—the church—the judicial system—the economic system—and the very government itself.

History has shown us that in periods of great domestic turbulence forces are set in motion which tend to restrict or threaten the constitutional liberties of the American people. Clearly, we are going through such a period now with the war in Indo China, with a fulminating crime wave in our urban areas and with increasing episodes of violent dissent. The use of physical violence against the people, the property and the institutions of the United States has created a climate of fear and under the domination of fear some of our citizens, at least, seem willing to exalt order over liberty so long as it is someone else's liberty. Just how far this counterrevolution has gone is difficult to gauge, but the pollsters have given us some measure of its impact. A nationwide poll conducted on a highly scientific basis with a very broad base of sampling, done by the Columbia Broadcasting System late last Spring, produced some rather dismaying results.

Seventy-six percent of those persons polled said that they believed that extremist groups should not be allowed to demonstrate against the government even if their demonstration constituted no threat of violence.

Fifty-five percent of those polled said that they believed no one should be allowed to criticize the government if the criticism were regarded as harmful to the national interest.

And fifty-five percent said they believed that no newspaper, radio, or television station should be allowed to report stories considered by the government to be harmful to the national interest.

The Fifth and Sixth Amendments fared no better than the First, because 60 percent of those polled said they believed that if a person were acquitted by a jury in a criminal case and the pros-

---

Edward Bennett Williams of Washington, D.C., is a distinguished trial lawyer, author and educator. The Alexander F. Morrison Lecture, which he delivered at the California State Bar Convention, appeared in The State Bar of California Journal, Vol. 45, Nov.-Dec. 1970, No. 6. Major portions of the lecture are reprinted here.

I think to even our slowest learners it is now apparent that we are in the midst of a social revolution.

ecutor should gather some new evidence the accused ought to be tried again.

Sixty percent said they believed that if a person were suspected of having committed a serious crime he should be locked up until such time as the police garnered enough evidence formally to charge him.

Almost half said that they were in favor of the abolition of the privilege against self-incrimination and the right of every accused to confront and cross-examine his accuser.

Now this is a very small biopsy of American thought, but it has about it the smell of malignancy. In short, a majority of the American people, or so the pollsters tell us, would restore order by abridging freedom. The Bill of Rights has always been a repository of minority rights. It's a safeguard against majoritarian oppression. The average American lives his whole life without exercising any of the rights safeguarded to him by the Bill with the exception of going to the church of his selection on Sunday. He makes no speeches critical of the government. He organizes no protest. He doesn't dissent from governmental policy. And insofar as the Fifth and Sixth Amendments are concerned, he never invokes his right to remain silent in the face of interrogation. Nor does he have occasion to cross-examine an accuser nor demand bail or the right to counsel when confronted with a criminal charge. And so he has developed a certain lassitude about the Bill. The fires that once blazed in the minds and hearts of Americans everywhere for freedom would seem to have been rather carefully banked. The time has come to give those fires a new incandescence born of deep self-analysis, deep introspection, and deep self-examination.

There have been many speeches made in the last two years about crime, punishment, violence, and dissent. They have been made by presidential candidates, by congressional candidates, by gubernatorial candidates, by law professors, by prosecutors, and by policemen. I have seen none made by a lawyer for the defense. So today I would like here at your convention to presume upon your hospitality to plough an untilled field.

I want to talk to you not about law and order but about liberty and order. Like all of you I hate crime and violence. I love peace, order, and law—in that order. I believe that peace is the tranquility of order and that without law there can be no order. With that as a prelude I should like to advance for you some very basic—not innovative, not patentable—but some very basic, fundamental, elemental concepts that I believe at this time need rearticulation in our society.

From every corner we hear, and everywhere we read that crime is on the rise, that we are in the vortex of a violent era, that law and order are on holiday. But in order to have an intelligent discussion of the subject it's necessary first of all to define the terms.

Crime is a very broad generic term. It covers a multitude of sins. A gangland murder by a member of the Mafia is a crime. So, too, is the manipulation of a stock on the New York Exchange. Doing in an unfaithful husband by an irate housewife is a crime. So is the public drunkenness of a Bowery bum. A dark park mugging by a young delinquent is a crime. And, so, too, is the misapplication of funds by a bank president. But these kinds of crime can be no more lumped together for analysis than manic depression and chicken pox, or a fractured metatarsal and throat cancer.

A majority of the American People, or so the pollsters tell us, would restore order by abridging freedom.

The kind of crime that has aroused the alarm of our country, the kind of crime that has bestirred the concern of the citizenry, the kind of crime that cries out for the attention of the organized Bar, is that kind of crime that is directed against private property rights, often attended with violence to the person, that is taking place in the inner cities of our large urban areas daily at an ever accelerating rate—robberies, burglaries, larcenies, muggings and yokings, and thefts. This is the kind of crime that has aroused the concern of this nation and it constitutes 87 percent of all of the crimes being committed in the country. Seventy-five percent of it is being committed in the inner cities of our very large urban areas by children—if I may use that term loosely—23 years of age and younger! I suppose any sociologist looking at those facts would say that crime must be ineluctably related to the increasing urbanization of our population and to the increasing restiveness of our children.

The very first thing that we must do as lawyers is explode a myth. We must explode a myth that

is demonstrable hokum, the myth that is promulgated to the effect that the spiraling rate of crime is attributable to what the critics of the Warren Court call the "turn-them-loose" decisions. This is humbug and it can be exploded by the most cursory resort to the record. Tonight you and I can go to a precinct station in Los Angeles, or Washington, or New York, or Chicago. We can sit there for a night or a month, or four months. We can ride in a prowl car with two policemen for

We must explode the myth that the spiraling rate of crime is attributable to the Warren court.

a night, or a week, or four months, and we'll never meet one young delinquent who is brought in after committing his crime on the street who ever heard of Miranda, or Mapp, or Mallory, or Escobedo, or Gideon—or who ever gave one fleeting thought to his constitutional rights or his constitutional liberties or to criminal procedures before he went into the street to do his mischief. They go out in the street to do their mischief on one basic premise —that they won't get caught! And the record shows they're right 80 percent of the time! And they go out on another basic premise. Their downside position is that if by some wild fortuity they're apprehended by the police that they can tinker with the archaic, outmoded, antiquated American criminal justice system for two years before they face the day of reckoning. You think that's a deterrent? You bet it's not!

What's more, the record remains the same. The record is there for all to read. We're still convicting the same percentage of those who are arrested as we did before the Warren Court. We're still convicting the same percentage of those indicted as we did before the Warren Court. And the hard information that is now being developed shows that we're still getting the same percentage of precinct confessions that we did before Miranda and Escobedo.

To advocate the overturning of Supreme Court decisions, to advocate more and more wiretapping, to advocate no-knock provisions for entries by the police, to advocate preventive detention as a means of stemming the spiraling urban crime rate is like prescribing aspirin for a brain tumor.

I said that when the young delinquent goes into the street he goes on the premise that when he commits his crime he won't be caught. I said the record bears him out. Let's look at the record.

Last year in America there were 2-million burglaries of homes and small business establishments. Only 18 percent of those crimes—and these were just the ones that were reported—were cleared by the police. By that I mean, so that we will understand each other perfectly, that in only 18 percent of those 2 million burglaries do the urban police think they know who committed the crime. There were 1,500,000 larcenies of property valued at $50 or more. Only 18 percent of those were cleared by the police. There were 270,000 armed robberies. Only 27 percent were cleared by the urban police. There were 870,000 car thefts—almost all by children and only 17 percent were cleared by the police. So I say to you that 80 percent of the reported crime in America isn't relevant to the machinery of justice with which we deal as lawyers because those cases never get into the system. I say also that it is a reasonable conclusion from those facts that the time has come in our country dramatically to escalate the quality and quantity of our urban police forces.

The givers of society have fled to suburbia and the takers have come in to fill the vacuum. The cities can't do it on their own. So we have to face up to some hard conclusions. Are the cities of this country worth saving? If they are, then we had better give some massive subsidies to the cities so

When the young delinquent goes into the street he goes on the premise that when he commits his crime he won't be caught.

that once again order can be restored, because order is an indispensable condition to any form of progress. If there is to be progress in education and housing and in welfare and in job opportunities we have to restore order first . . .

The real villain—the real villain—in this tragedy is the national priority which allocates $80-billion to defense and only $500-million to make the streets at home safe.

Next, I say the time has come to take an agonizing look at our archaic system of criminal justice in America. The criminal courts of urban America are failing wretchedly. Like scarecrows put in the fields to scare the birds of lawlessness, tattered by neglect, and, unmasked, they have become roosting places for the crows to caw their contemptuous defiance. To the victims of crime, to the witnesses of crime, to the innocent defendants, to the honest policemen, the urban criminal courts have become a sham and a broken promise. There's

nothing so difficult to explain to an intelligent layman as why a defendant who has been convicted of armed robbery by a jury beyond a reasonable doubt can tinker with the process for two years before he faces the day of reckoning. Nothing so difficult. If punishment has a place in American jurisprudence it will be effective only if it's swiftly administered. It needn't be severe but it must be swiftly administered.

The time has come for us to take a long look at the British Court of Criminal Appeal because we know that a defendant convicted in Old Bailey by a jury today will be in the British Court of Criminal Appeal in three weeks and his case will be decided the day it is argued. I have tried a lot of criminal cases in the last 25 years and I've lost a lot of them but I've never been so ready to tell a three-judge court how I was treated unfairly—if I was treated unfairly—as I am the day after the verdict.

But what happens in our system? We wait, in most of our large cities, for months to get the

The criminal courts of urban America are failing wretchedly.

transcript of record prepared for filing. And then we write briefs on subjects like robbery and larceny and burglary on which every conceivable thing that can be divined by the human imagination has been written. And then there's a hiatus and there's oral argument. And then three judges will sit on a robbery case for sixteen weeks while one of them writes an essay for posterity to add to the lore of your library.

We're worrying about contempt of court by political defendants and their lawyers. We ought to be worrying about whether the American criminal justice system isn't forfeiting its right to respect. I say the time has come for us to look at the system and introduce some 20th Century concepts into the outmoded justice system—video taped trials, indexed for ready appellate reference—briefless appeals in these street crime cases —oral arguments limited only by considerations of relevancy before one-judge appellate panels. I say we have to look at the whole system. We have to look to see if the grand jury hasn't outlived its usefulness in our system. . .

One last thing on that subject—and I hadn't expected to say this this morning, but I must say it. It's a police problem. It's a court administration problem. But there's something that's hovering over the whole thing like the ghost of Banquo. I wouldn't have believed this a year ago but I'm convinced of it now, though I can't prove it to you yet. I can't prove it to you with the kind of hard information with which I can talk to you about the

We've got to come to terms with the drug culture in this country.

police function in this country. But I interested myself enough to find out something about the narcotic problem in America this year. I wondered—because I'd heard so much talk about the kind of crime that we're discussing being committed by addicts—if this were really true. So, I conducted an experiment and had several hundred cases pulled at random from the probation offices of a large city in the East and I found to my dismay that 79 percent of the persons convicted of robbery, larceny and burglary were addicts of narcotics, hard narcotics. We've got to come to terms with the drug culture in this country. We've got to revolutionize our thinking about it because it is so inexplicably linked to the kind of crime about which we're speaking that we've got to develop the hard information necessary to have programs to stamp out the illicit traffic in drugs.

But always we must remember that the system of justice about which we're speaking is irrelevant to the conditions in which crime is breeding in the big cities: ignorance, poverty and illiteracy, racial discrimination, breakdown of the family unit, breakdown of the moral structure, breakdown of the religious tradition, breakdown of self-discipline in America with the inevitable breakdown in child-discipline. These are the conditions in which a generation of Americans has grown up in the inner cities, in the ghettoes, unmotivated, unstimulated, uneducated, unloved and unwanted.

There is an Old Testament prophecy about the sins of our fathers being visited upon the third and fourth generation. We're inheriting the lava of bitterness and frustration resulting from generations of educational denial, economic exploitation, political disenfranchisement and social ostracism of our black population. The lava has erupted in the inner cities and is pouring its molten heat down their streets and boulevards. We have to come to terms with the fact that in the 1970's equal justice under the law is no longer enough. We shall have no peace in our streets or in our hearts until we recognize that equal acceptance, equal respect, equal opportunity are the patrimony of every American.

(continued on page 26)

LAMP

By Donald S. Chisum and John F. Young

While the original policy of LAMP was to have direct and continuing supervision of students by volunteer attorneys, the response from the Bar has not been adequate to implement that policy. Experience to date teaches that the primary responsibility for the operation of an on-going program must rest within the law school community. Practicing attorneys have neither the time nor (frequently) the expertise to supervise students' work.

The Legal Assistance to McNeil Prisoners (LAMP) Program at the University of Washington School of Law is a volunteer law student organization, the broad aims of which are (1) to provide free legal assistance to indigent inmates of the United States Penitentiary at McNeil Island, Washington, over a broad range of legal problems, and (2) to provide for participating second- and third-year law students an organized vehicle for experiential legal education. The LAMP Program was initiated through the joint efforts of officials of the Federal Judicial Center, the University of Washington School of Law, the United States Penitentiary at McNeil Island, and the Young Lawyers Section of the Seattle-King County Bar. LAMP has been in operation at McNeil Island since January 1970 and to date has received over 300 applications for assistance. As the result of recent visits to and negotiations with the officials of the Washington State Reformatory at Monroe, the Law School plans to establish a similar program (to be called "LAMP II") in the near future for Monroe inmates.

Donald S. Chisum, who is LAMP Faculty Coordinator, is an Assistant Professor of Law at The University of Washington Law School. John F. Young, who is LAMP Student Director, is a third-year student at the Law School.

Legal Services for Indigent Inmates — Meeting the Challenge of Johnson v. Avery.

Prison inmates confront a great number of problems upon which they should have legal assistance. However, most of these problems are of a nature such that an indigent is not constitutionally entitled to court-appointed counsel. Further, because they are indigents, they cannot afford to retain counsel to advise them of their rights.

For example, in the area of federal postconviction petitions, numerically the largest area of concern for prison inmates, the federal courts have ruled that counsel may and should be appointed for petitioners to whom evidentiary hearings are granted. However, there is no such access to counsel at the critical preliminary stage — the preparation of the petition for the writ. Without available legal assistance, the prisoners' only means of access to the courts for postconviction relief is to file their own petitions. The result is a flood of ill-conceived and frivolous petitions. This flood inundates the inarticulately or obscurely drawn petitions submitted by inmates who have meritorious claims but who are not aware of the merit or are unable to adequately express themselves.

Other examples of unmet inmate need for legal assistance abound. A number of inmates are plagued by detainer warrants filed against them by other jurisdictions which are groundless

or which are assailable by speedy trial motions. In many instances, the inmates have legal questions which merely require explanation. For example, many inmates serving sentences concurrently with state sentences are simply unsure of their status with respect to the other jurisdictions involved.

The United States Supreme Court has recognized that prison inmates have a constitutional right to access to some sort of legal assistance. In *Johnson v. Avery*, 393 U.S. 483 (1969), the Court held that a prison administration could not prohibit prison writ-writers from assisting fellow inmates in the preparation of legal papers unless a reasonably adequate alternative source of legal assistance was available to the inmates. The Court explicitly mentioned the use of law students to advise inmates as a possible alternative.

The goal of the LAMP Program is to meet at least partially the challenge of *Johnson v. Avery* to provide a more satisfactory alternative to legal assistance by "jailhouse lawyers" and writ-writers while at the same time offering valuable experiential education to students. Indeed, in April 1970, United States District Judge George Boldt ruled in a suit by a writ-writer against the prison, that, with respect to McNeil Island, the LAMP Program is a reasonably adequate alternative to mutual inmate assistance which under *Johnson v. Avery* would justify the prison's prohibiting jailhouse lawyers from operating in that institution. (*Reece v. Warden*, No. 3839.)

Experiential Education — The LAMP Workshop.

Perhaps the most significant development in legal education in the last few years has been the appearance of clinical or experiential education in the curricula of law schools. Experiential education involves law students in the solution of "real" legal problems for "real" clients and causes. The pressures for such education have come from several sources. Law students are too impatient to spend a full three years studying legal doctrine without participating in the legal process itself. The legal profession has demanded graduates with greater exposure to the essential skills of practicing law. Though jealous of their jurisdiction, many law faculty members too see the value of integrating classroom instruction which provides broad but shallow exposure to major areas of the law with experiential training which offers narrow but intense exposure. Finally, pressure to involve law students in the solution of "real" problems comes from those who see them as an available untapped source of legal talent to serve the expanding class of persons who need and deserve legal assistance but cannot afford it.

Law students have, of course, always been free to engage in the extracurricular activities of their choice (within the limits of the rules against the unlicensed practice of law). However, many have urged the incorporation of experiential education into the curriculum itself with full academic credit in order to free time for the student to participate and to integrate more effectively experiential training with formal classroom instruction.

The establishment of the LAMP Program at the University of Washington School of Law in early 1970 offered an excellent opportunity to introduce experiential education into the curriculum. The method adopted by the faculty was the approval of a new course in the curriculum entitled "Workshop in the Legal Rights of Prisoners" (Law 573) to be conducted by Professor Chisum. The Workshop is structured as a year-long, three credit seminar. Active participation in the LAMP Program is a prerequisite to enrollment in the workshop although students remain free to participate in the autonomous program without enrolling in the Workshop.

The purpose of the Workshop is to augment the educational value of participation in the LAMP Program. It does this in three ways. First, it provides a classroom setting in which the most commonly encountered areas of the law can be discussed. Class sessions have covered the substantive and procedural aspects of federal postconviction remedies, sentencing law, parole and probation, and detainers. Materials used for the Workshop include an introductory article on prisoner legal problems, materials on federal habeas corpus prepared by Professor Chisum for the Workshop, and other selected materials on specific topics in the law. As part of the requirements for completion of the Workshop course, each student will research a particular area of the law in which prisoner problems frequently arise and will write a summary of the law in that area. These written products will be used to prepare a "Handbook on Prisoners' Legal Remedies," that will be distributed to present and future LAMP participants and to attorneys who work with prison inmates. Subjects to be included in the Handbook are: Washington postconviction remedies, federal habeas corpus, motions under 28 U.S.C. 2255, federal and Washington sentencing law and procedure,

(continued on page 27)

AGREEMENT AT LAST?

By Vernon R. Pearson

Judge, Court of Appeals, Division Two

It should disturb every lawyer and judge in this state that the election system requires the judge frequently to choose between his job security and his conscience, whenever a politically "hot" decision comes before him.

For more than ten years the bench and the bar, and for the last five years a committee of outstanding lay-citizens, have been working toward a revision of the judicial article of the state constitution, to accomplish needed reforms to improve the courts and the administration of justice in Washington. Until very recently these efforts have been frustrated by divergent views on what is needed and how it should be accomplished.

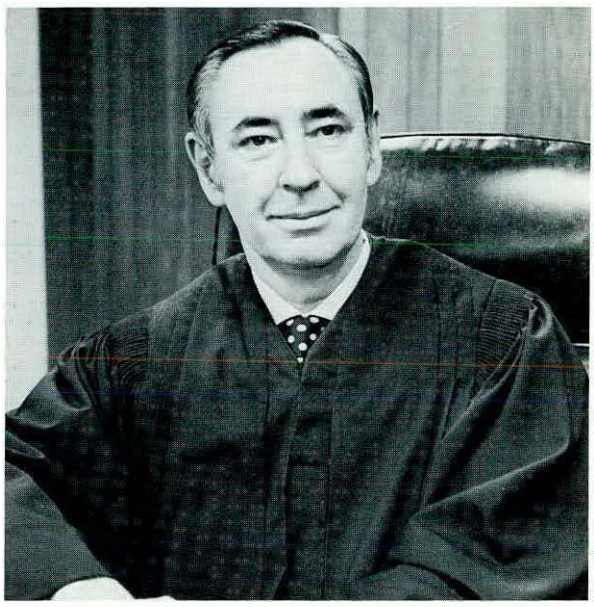
Within the past two months a liaison committee of the bench and bar has written a proposed revision of the judicial article which appears to be acceptable to the lawyers and to judges of all court levels who have served on the liaison committee.

The three areas of controversy which have historically frustrated constitutional judicial reform have been these:

(1) How should judges be selected for office?
(2) How should judges be disciplined and/or removed from office?
(3) Who should have the authority and responsibility for the administration of the courts?

It is fair to say that not only has there been disagreement between lawyers and judges on all three of these questions, there has also been substantial disagreement among lawyers and among judges themselves, and these disagreements within the legal fraternity have prevented or seriously limited chances for much needed reforms.

We do not mean to imply that all disagreement has suddenly dissipated and that *all* judges and *all* lawyers have now agreed on a solution to these three important hangups. There are still those in both groups whose own particular circumstances or views dictate opposition to revision of the article on any one or more of these controversial questions. However, it has become more and more apparent that if the lawyers and judges want a voice in the system of judicial administration in this state, they must compromise their disagreements or face the prospect of changes which would be totally unacceptable to all concerned.



Judge Vernon R. Pearson

That is why the liaison committee of the bar and bench have worked diligently to come up with an acceptable revision which in their judgment will further the administration of justice in Washington.

Unfortunately, while the few lawyers and judges who are directly involved in this work are well informed on the issues presented, the vast majority of lawyers and judges are not actually aware of what is at stake and what has been happening. The purpose of this presentation is to get the word out to all of you, so that the bar and bench can present a united forced for the enactment of a judicial system which will serve the interests of all people of the state.

Inherent in all three of these major issues is a central problem. How do you create a judicial system which leaves the judge independent enough so that his decisions are free of political pressures, yet at the same time keep the judge responsive to the needs of the people?

There are those who strongly advocate a straight elective system for selection of judges as the *only* way to keep them *responsive* to the people. This argument has great appeal, particularly to certain vested interest groups who pack enough political muscle to influence the election of judges. But what is the *independence* of the judge under the election system—and I think it is time to be frank about this subject.

There are many politically "hot" and important issues coming before the courts with more and more frequency. To these issues we expect our judges to respond impartially, according to established legal precepts and without regard for political consequences. But how reliable is that noble expectation?

Take the trial judge in Los Angeles last year who was required to rule on the politically controversial question of whether or not the Los Angeles School system was in violation of Supreme Court rulings on segregation. For deciding that the constitution compelled him to order those schools to desegregate, he was rewarded by an opponent who defeated him in the general election last November.

It should disturb every lawyer and judge in this state that the election system requires the judge frequently to choose between his job security and his conscience, whenever a politically "hot" decision comes before him.

This is not an isolated example. Viewpoints on many important legal issues have become polarized in this country and there are many political activist groups capable of doing irreparable damage to the judge who must run for election.

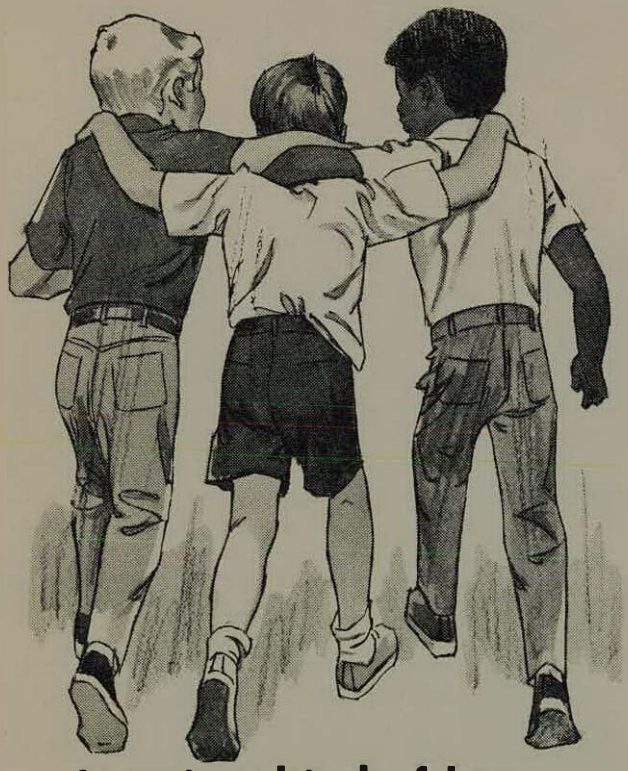
Then we should consider the campaign problem itself. The judge must have some political base from which to successfully wage a contested campaign. He must seek that support from vested interest groups whose endorsements and financial contributions are essential to a successful campaign. Very few judges are financially able to underwrite the cost of a campaign, particularly the statewide campaigns which must be faced by Supreme Court justices, who occasionally have opposition. Can the judge truly render an "impartial" decision involving the legal problem of one of the groups whose support he needs in the next election?

What kind of a campaign platform should a judge have? Should he adopt those slogans which may be popular with large segments of the public, such as "I'm for law and order"? If he does, how reliable can we expect him to be when it becomes necessary for him to strike the proper balance between individual rights and society's rights in criminal cases.

The liaison committee of the bench and bar have decided that the judge, in order to maintain the requisite independence, should have more security from political or other influences than the normal elective system furnishes. Consequently, the judicial article proposed by the liaison committee would adopt the "Nebraska" plan for selection of judges. In brief, that plan provides that all vacancies in the court are filled by appointment by the Governor from a list of candidates approved by a judicial qualification commission composed of judges, lawyers and laymen. The appointed judge serves for two years and then faces an election in which other aspirants may file against him. If he is successfully elected, his term of office is six years. At the end of each six-year term, the judge must be approved by the electorate, who have a chance to vote for or against his retention.

The second area of controversy was concerned with the discipline and removal of judges. Very few among the judges or lawyers oppose the principle that discipline machinery is necessary to handle cases of judicial misconduct. At the judicial conference in Bellingham last September, the judges unanimously approved this principle. The question which has caused the disagreement is how should this be accomplished in a fair way, again so as not to unduly interfere with the judges' independence in the decision process. Some assert that if judges handle their own discipline,

(continued on page 29)



Law is a kind of love.

What higher expression of man's feeling for man exists than that which seeks justice, compassion and equality for all men?

Law shelters and protects. It must always listen. Hold true. Remain calm and compossionote.

Law is sometimes restrictive because everyone's ideals ore hard to maintain. Limiting to on extent because every freedom must hove some limit.

Low represents the best thinking, the highest ideals of man for mankind.

If it becomes outdated, each of us is to blame.

If it foils us, we've foiled it.

Low insists upon order and peace. But it beckons change and improvement. Without law there would be no constructive change. Or freedom. Or justice. Or equality.

Without these there would be no love.

We're all brothers under the law. Woven together by common conscience and need.

Low is a kind of love.

Channel change through law and reason.

LAW DAY U.S.A. MAY 1.

Channel Change Through Law and Reason

A note to those hundreds of lawyers who will be asked this year to make Law Day talks in the schools:

The Law Day theme is "Channel Change Through Law and Reason," a highly pertinent topic. It underscores forcibly that grievances and inequities must be changed through orderly, lawful means, not by militancy and force.

The most relevant Law Day addresses are those which reflect the personality and views of the speaker and are tailored to the interests of a particular audience. Topics are by no means limited to the theme of the observance—they may embrace almost any facet of law which is of interest to the audience. And the question period, which speakers have found usually can run much longer than their talks, are highly popular with students and make it easy for speakers to zero in on student interests.

Actually, any law-related theme is appropriate: The function of the modern lawyer; the adversary system; legal ethics; the evolution of the Anglo-American legal system; selection of jurors; how courts make law; society's interests vs. personal freedoms.

Whatever his theme, every speaker should bear in mind that the basic purpose of Law Day is educational; the over-all objective is to bring to as many Americans as possible a keener awareness of their reliance upon law in their daily lives and of the indispensable role of law in our national life.

Juvenile Probation Subsidy Program

The Probation Subsidy Act (RCW 13.06) was passed by the 1969 Legislature. It was January of 1970 that the program got underway in King County.

Results of the year-long program are now beginning to appear. There have been 400 fewer juvenile commitments to the Department of Institutions in 1970 compared to 1969.

Under the program the state reimburses the county $4,000 for every juvenile kept on the program. If institutionalized, the cost of keeping that youngster would be about $8,000. For every $1 spent on the program, the taxpayer is being saved $1.

The county's reimbursement in 1970 is expected to be $288,000. Based on what would be the normal commitment, 155 youngsters will be placed on the program this year. Tentatively $609,000 has been approved for 1971, depending on appropriations.

The probation subsidy staff numbers 28, with 10 social workers.

In addition to the specialists, the program provides an umbrella of services by utilizing various resources in the community. But state law forbids use of subsidy funds to finance the existing program. The subsidy program's work is over and above the regular probation program of the Juvenile Court. Available for kids in the subsidy program are group homes, foster homes; medical, dental diagnosis and treatment; tutors, babysitting service to allow parents to take part in counseling sessions, vocational needs and equipment and other consultive services as needed.

In 1970, 117 juveniles were in the program in King County. Even though 13 of those placed on the program eventually were committed to institutions, officials are pleased with the first year's operation.

The administrators emphasized they do not want to "present a picture that everything is rosy or that we are working any miracles." They are working with hard-core, high-risk youngsters. There are many problems. "It's still the brightest thing to come along though."

Worth Hendrick in the September 26, 1970 *Argus* sounds this warning on the program:

"The county subsidy-probation law is an excellent one and deserves the support of citizens and juvenile-delinquency treatment and prevention personnel throughout the state. But there are inherent dangers in the program, also, that deserve equal attention.

"One of the most critical problems institutional administrators must face as the subsidy program gathers steam is that counties will skim off the 'easiest' treatment cases for involvment in their own local delinquency services, while sending on to state facilities the really 'hard-core' delinquents with long-standing character disorders.

"State institutions have long been notoriously unsuccessful in treating the most seriously disturbed youth whose problems often appear hopeless and who most often graduate from juvenile facilities into adult prisons.

"Washington State how has a golden opportunity to concentrate on truly innovative programs for these youngsters—if its institutional administrators will wake up and take an active stand in wiping out time-worn policies and in jacking up personnel who are so fearful of rocking the boat that they are content to drift in aimless circles.

"Let's hope the alarm clock isn't ignored."

California judges propose sweeping procedure changes

A committee of Superior Court judges has proposed sweeping and highly controversial court reforms to expedite and streamline the judicial process.

The seven-man panel proposed 39 changes, including the abolition of jury trials in civil cases and the reduction of the size of a jury in felony criminal cases.

Other means of modernizing the system outlined in the 146-page report included:

Elimination of preliminary hearings in felony criminal cases; liberalization of marijuana and bookmaking laws; removal from the court structure such matters as public intoxication, incorrigible juveniles, non-contested probates, school teacher employment disputes, and insurance disputes; reclassification of all non-serious traffic violations and other minor cases now classified as misdemeanors requiring full court procedures to the "infraction" category; and requiring "certification" of attorneys in the specialty of criminal law and procedure before they could represent defendants accused of a capital crime or other serious felony.

IN MEMORIUM

W. Todd Elias, 56, Spokane, died January 10. A 1940 graduate of the University of Nebraska Law School, he was a vice president of Seattle-First National Bank, having been with the bank for 20 years.

Sam R. Summer, 91. Wenatchee, died February 23 (see Chelan Report p. 21).

Remember to make contributions to the Washington State Bar Foundation

Neil Hoff on the Judicial Article

The consensus amendment to the judicial article [SJR 31] was a fearful project. Lawyer draftsmen since 1949 when the project started were determined that any form of judge tenure was out of the question.

Judicial discipline with lay and lawyer say-so was an invasion of the integrity of the judge-branch of government, said those with the black gowns.

Selection of judge nominees by a judge-lawyer-lay commission binding on the governor was an awesome invasion on the independence of the executive branch of government.

And any form of independent administration of the courts geared to contain in the maverick judge was an unspeakable thing.

Two years ago the Bar Association retired all judges from its committees. Lawyers felt they were being intimidated and that they couldn't function as representatives of the 4000-plus lawyers.

So like Ichabod Crane, we leaped on our horses and rode off in all directions.

We came together three months ago when it became apparent that it had become necessary "to rise above principle."

All of a sudden a wary committee was formed.

The Bar sent the undersigned from its Board of Governors to an uneasy congress with Supreme Court Judges Hamilton, Finley and Rosellini and Superior Judges Keith Callow and Oluf Johnsen. District Judge Gerard Fisher came to Olympia as did two staff members of the Judicial Council and two representatives of the 150 member citizens' council on judicial reform. The new Appellate Court sent Judge Ralph Armstrong.

They hammered out a consensus document. As the Madam said . . . "They all give a little."

Here's what happened:

1. The judges agreed to a discipline program with four judges, three lawyers and two laymen in charge, a true non-judge majority.

2. Selection of judge nominees to be independent of and binding upon the governor.

3. Administration of the Courts to be set up by the legislature — not by the judges.

4. And finally, in return for all this, the bar agreed to a modified form of judicial tenure.

Let's talk about this —

Labor has formally said "no".

But really we have tenure now. In the last two decades only one or two judges have been defeated who have previously survived an election.

Under our bill all appointed judges must run the first time against all comers. Then every six years they stand on their records — a sort of recall test.

Lawyers, judges and lay participants recognized that a judge can get in the bag. If he must run every four years he needs loot. If he gets it from fellow lawyers, he becomes an intellectual cripple.

Same with labor or industry.

His independence has been sadly impaired.

The federal program of life appointment is for most of us an acceptable prison. Because nothing can be done about it. It's written into the United States Constitution.

Let's write something into our state structure that controls the noisy-pesty lazy judge, rewards the 90 percent of those who churn out decent rock-like day-to-day business and in the final analysis make it a pleasure to walk into the courtroom with a sense of comfort that if the cause if good, the justice and judicial decorum will match.

If there ever was a time to plow down the old, worn-out grass, it is now.

After all, recall isn't a word. It got rid of five of our Tacoma city councilmen — and all they did was vote the wrong way.

— Neil Hoff

Lawyers For Welfare Recipients?

Neatly tucked away in Gov. Dan Evans' budget is the sum of $560,000 to provide legal assistance to people on welfare, and lawyers in the Legislature disagree on whether that's necessary.

Which is to be expected, of course.

One lawyer who just can't see it is Rep. **Robert Charette**, Aberdeen Democrat, who says lawyers all over the state are providing free advice now, so why not let them do it.

In Aberdeen, he said, every lawyer takes his turn once a week spending an afternoon in an office provided at the public assistance department.

Welfare recipients with troubles, such as receiving eviction notices, etc., have appointments made for them to see the current lawyer in residence and are not charged for the advice they receive.

Similar practice is done in most counties, Charette said, so why discourage it by providing paid help.

"It would be better to spend $25,000 or so to get a guy to coordinate the legal aid system offered by the various bar associ-

ations," he said. "We lawyers are willing to give our time, but we haven't got the time to spend on the details of setting up appointments, etc."

Another lawyer legislator disagreed. And he didn't want his name used, for obvious reasons.

"Based on what I have seen, both in western and eastern Washington, the calibre of legal advice the destitute get is pretty miserable," he said.

"The thing is, any practicing attorney worth his salt is so busy taking care of the paying customers he hasn't got time to really care about some down and outer. Unless it's a personal injury suit, a guy on welfare won't get the time of day."

There really aren't enough lawyers to go around in this state, he said.

"In the 50 states, the average law student population per 100,000 residents is 35.5. In Washington, it's 16—that's because we only have two small law schools, University of Washington and Gonzaga."

There are in the nation, 1,800 so-called poverty lawyers paid by the Office of Economic Opportunity to look after the legal rights of the poor, he said.

Too many of these don't just give legal advice but prefer to stir up trouble, but he is in hopes this kind of thing will result eventually in a change in the welfare system.

The great criticism of the legal profession is that they have an almost total lack of any kind of social conscience and lawyers recognize this.

For that reason, he said, maybe a half-million dollars in the budget for lawyers for the poor isn't such a bad idea after all.

Adele Ferguson
Bremerton Sun
February 9, 1971

California Lawyers Can Be Certified As Specialists in Three Areas

The November 1969 *Bar News*, on page 17, described the California State Bar proposal for certification of specialists. The California State Supreme Court approved the proposal in February of this year.

Approval by the high court means the Bar can proceed with a pilot program for specialists in workmen's compensation, criminal law and taxation. Lawyers who meet certain qualifications would be allowed to describe themselves to the public as "specialists" in these fields.

Three states have been providing leadership to the nation in taking affirmative action in the regulation of specialization. They are California, Michigan, and Texas. California organized its specialty board in May 1970; in March of 1970, the Michigan State Bar specialization committee adopted a pilot program which was published in May; the bar of the State of Texas has a committee working on specialization and indications are that in about a year or a year and a half that state's specialty board will be organized. Michigan's experiment covers probate law and labor relations.

Each of these programs is an effort to organize a board to regulate practicing attorneys who are "substantially involved" in the areas of specialization which will be recognized by the board. These programs permit attorneys who obtain certificates to disclose to the public that they are available to render services in the recognized specialties, just as there is now specialization in admiralty and patents.

The plan adopted by the ABA under which the committee on specialization operates is that these experiments are to be conducted for a five-year period. During this period, states will be encouraged to organize specialty boards in the areas in which the committee grants sanctions; and at the expiration of the pilot period, either the whole program will be terminated on a particular plan will be sanctioned for nationwide use by the ABA, but operated by the states, much in the same way the legal education, licensing and ethics are promulgated by the ABA but operated by the various states.

Prepaid Legal Insurance Plan Launched

The man who spends a long time in the hospital can usually depend on his insurance company to help bail him out of the financial hole. But one who spends an equal time in court is not so lucky.

To remedy the situation, a committee of the American Bar Association has launched a pilot project whose participants get legal insurance for a 2-cent hourly deduction from their paychecks.

It works like this: Say a man wants a divorce. Under the insurance program, he can choose any lawyer he wants. Then he gets a form from his insurers to give the attorney, who is thus assured he will be paid for his services.

The case proceeds as would any other. The difference is that the insurance covers 80% of all legal expenses up to $1000 (or $800 worth). Future programs could of course carry higher coverage.

The man also may have obtained the services of a better lawyer that he would have been able to attract without financial

backing to prove his ability to pay legal costs.

The program has not shown results yet since it was launched only in February in Shreveport, La., where 600 members of the Western Louisiana Council of Laborers, Local 229, will participate.

But William McCalpin, chairman of the ABA committee studying the program, expects it to spread, possibly at the demand of labor unions who may make prepaid legal insurance a demand in collective bargaining.

McCalpin said there are "formidable obstacles" to legal insurance including the possibility it may conflict with state insurance laws, Internal Revenue Service regulations and portions of the Taft-Hartley Act.

So far there has not been much discussion on extending the insurance to individuals, but interest has been expressed by teachers, a consumer group, an auto club and a real estate developer who wanted service for residents of his community.

McCalpin said service to individuals is "probably a long way down the road." He said the major medical companies still insure mostly through group or company policies.

There are many details still to be worked out in any event. The Shreveport program, which will run two years, is expected to cost less than $200,000, but the union is paying only about $50,000 of that, McCalpin said, and the ABA and private foundations contribute the rest. Obviously, he said, cost of the insurance will be hiked, in other programs, probably to about 5 cents per hour.

McCalpin said the Office of Economic Opportunity's Legal Aid Program showed the large client potential "in the poverty area."

Federal Estate Tax Law Amended

President Nixon signed H.R. 16199 (the estate and gift tax payment speedup bill) on December 31, 1970. The new law shortens the period for filing estate tax returns from 15 to 9 months for estates of decedents dying after December 31, 1970 (Code Sec. 6075). Since the estate tax is still payable with the return, the time for paying the estate tax is also 9 months. The alternate valuation date (Code Sec. 2032) is shortened from 12 months to 6 months. In addition, an 80-year old holder of a power of appointment has 9 months instead of 12 months within which to execute the affidavit specifying that he intends to execute his power of appointment in favor of a charity [Code Sec. 2055(b)(2)].

Relief Provisions

Two provisions in the law ease hardships resulting from the shortened estate tax payment period. First, property acquired from decedents is deemed to have been held for more than 6 months for income tax purposes (Code 1223). Second, if the payment of the estate tax within 9 months after a decedent's death creates hardship for the estate, the period for payment of the tax can be extended for a period of up to 12 months, rather than the 6-month period provided by the general rule of the old law (Code Sec. 6161). These provisions apply to the estates of decedents dying after December 31, 1970.

Release of Personal Liability

An executor will be able to obtain a discharge from his personal liability for the estate taxes even though he has obtained an extension of time for payment of the tax. A fiduciary (other than an executor) will be able to obtain a discharge of his personal liability for estate taxes immediately after the discharge of the executor from personal liability or 6 months after the date of the fiduciary's application, if later. The discharge will be granted only if the fiduciary pays his share of the estate tax or the fiduciary is not liable for any of the estate tax liability. An executor can also obtain a discharge from personal liability for the decedent's income and gift taxes by making a written application, after the returns are filed, for the release from personal liability for such taxes. The above provisions go into effect for the estate of decedents dying after December 31, 1970 (Code Secs. 2204 and 6905). Executors of estates of decedents dying after December 31, 1973, will also be able to obtain discharges from personal liability within 9 months after making application or within 9 months after the estate return is filed.

The filing of estate tax returns with Regional IRS Service Centers is authorized.

Gift Tax

Starting in 1971, gift tax returns and the payment of the gift tax will be on a quarterly rather than on a annual basis. The quarterly return and payment of the tax will be due on or after the 15th day of the second month following the close of the calendar quarter in which the gift was made—or on May 15th, August 15th and December 15th. The tax will be computed on a cumulative basis through the end of the quarter and will be based on the total amount of gifts made through the end of the quarter, less the annual exclusion of $3,000, the other allowable gift tax deductions, and the available $30,000 specific exemption (Code Secs. 2501 et seq., 6019, and 6075(b)).

Credit and Other Consumer Reports

(Continued from page 26 of March '71 *Bar News*)

Title VI may be cited as the Fair Credit Reporting Act. It amends the Consumer Credit Protection Act by inclusion of a new Title pertaining to reporting by consumer reporting agencies. The provisions of Title VI take effect *April 24, 1971*.

What Consumer Reports are Included?

This new Act requires that "consumer reports" (written or oral) by a consumer reporting agency upon a consumer's credit standing, general reputation, character, or mode of living, which are used or expected to be used for the purpose of serving as a factor in establishing a consumer's eligibility for (i) employment, or (ii) credit or insurance (primarily for personal, family or household purposes), must be fair and equitable to the consumer with regard to confidentiality, accuracy, relevance and proper utilization [§§ 602(b), 603(d)].*

Credit, insurance and other reports on business organizations, to be used for business and commercial purposes, are excluded from the coverage of the Act [§ 603; S. 17635; H. 10053]. **

When Can Consumer Reports Be Furnished?

The term "consumer reporting agency" (*CRA*) is defined as any person who regularly engages, for a fee or dues or on a cooperative, nonprofit basis, in assembling and evaluating credit and other information on individual consumers for the purpose of furnishing reports thereon to third parties ("users") [§ 603(f)].

Information in CRA files is to be kept confidential, and consumer reports may be furnished only under the following circumstances:

— to a person intending to use the report for employment, credit or other legitimate business purposes [§ 604(3)];

— pursuant to court order, or the written instructions of the consumer [§ 604(1);, (2)]; or

— to a government agency, with respect to identifying information (limited to the consumer's name, and former and present addresses and places of employment) [§608].

Request By The Consumer for the Report

— the nature and substance of all information (except medical information) on him in its files [§ 609(a)(1); S. 17635, 17637; H. 10051-52];

— the sources of the information (except those used solely in preparing investigative consumer reports, described below, which sources are, however, obtainable under appropriate discovery procedures if civil suit is brought under the Act) [§§ 609(a)(2), 616, 617]; and

— the recipients to whom it has furnished a consumer report for employment purposes within the two years preceding the consumer's request . . . and for any other purpose (such as credit purposes) within the six months preceding the request [§ 609 (a)(3)].

Report Disputed by a Consumer

If the completeness or accuracy of any item of information in his CRA file is disputed by a consumer, the CRA must (unless it has reasonable grounds to believe the dispute is frivolous or irrelevant) reinvestigate within a reasonable time and record in its files the current status of the information. If the original information proves inaccurate or cannot be verified, it must be deleted by the CRA from its file [§ 611(a)].

If the reinvestigation fails to resolve the dispute, the consumer can file a brief explanatory statement as to his version of the disputed information. This statement, or a summary thereof, is to accompany all subsequent consumer reports containing the information in question (unless there is reasonable belief the statement is frivolous or irrelevant). Also, at the consumer's request, the CRA shall notify any person specifically designated by the consumer who has received a consumer report for employment purposes within the preceding two years, or a consumer report for any other purpose within the preceding six months, of the deletion of any item or furnish the explanatory statement or summary thereof; the CRA is required to disclose to the consumer his right to make such a request [§ 611(b)-(d)].

* *All citations hereinafter to sections are to those of this Title VI of Pub. L. No. 91-508.*

** *All citations hereinafter to any of the pages S. 17632-17637 are to 91 Cong. Rec. 116 — Senate of October 9, 1970, and to any of the pages H. 10048-10057 are to 91 Cong. Rec. 116 — House of October 13, 1970.*

Stale Data

With certain exceptions, no consumer report furnished by a CRA may contain any adverse information which antedates the report by more than seven years, with the exception of bankruptcy for which the retention period is fourteen years [§ 605].

A CRA must also notify the affected consumer when items of adverse information which are "matters of public record" are furnished in a consumer report to a potential employer, together with the name and address of such employer. In lieu of this reporting requirement, a CRA is required to maintain strict procedures to ensure that the public record information is complete and current. Items of public information include arrests, indictments, convictions, suits, tax liens, and outstanding judgments [§ 613; S. 17635; H. 10052].

Investigative Consumer Report

An "investigative consumer report" is a consumer report which contains, in whole or in part, personal-type information on the consumer's character, reputation, personal characteristics, or mode of living obtained through personal interviews (excluding, however, credit information obtained directly or through a CRA from a creditor of the consumer being investigated) [§ 603(e)].

Investigative consumer reports cannot be obtained on any (non-business) consumer unless the person ordering the report, such as an employer, (i) discloses to the consumer (in writing within three days after first requesting such report) that such a report may be made and (ii) advises the consumer that he may, within a reasonable time, request disclosure of the nature and scope of the investigation requested [§ 606; S. Rep. No. 91-517 at 5; H. 10052]. Such additional disclosure of the nature and scope of the investigation is to be made in writing within five days after the written request for such disclosure is received from the consumer or the investigative consumer report was first requested, whichever is the later. No employer can be held liable for any violation of § 606 if it can show that at the time of violation it maintained reasonable procedures to assure compliance [§§ 606(b), (c)]. The consumer need not be advised, however, if the investigative consumer report is to be used for employment purposes for which the consumer has not specifically applied [§ 606(a)(2)].

No adverse information included by a CRA in an investigative consumer report (other than the above-mentioned matters of public record covered in § 613) may be included in a subsequent consumer report, unless verified or unless received within the three months preceding the date upon which the subsequent report is furnished [§ 614].

Disclosure By Users of Consumer Reports

Specific disclosure requirements are imposed upon the users of consumer reports (investigative and other consumer reports). If employment is refused, or credit or insurance for personal, family or household purposes is denied or charges therefor increased, in whole or in part, because of adverse information contained in a consumer report received from a CRA, *the user of the report must advise the affected consumer and furnish the name and address of the reporting CRA* [§615(a)].

Adverse action may be taken to deny credit (for personal, family, or household purposes) or increase the charges therefor, based in whole or part on information received from a person "other than a CRA" bearing upon the consumer's credit standing, character, general reputation, or mode of living. If so, the user of such information (upon receiving written request from the consumer for the reasons therefor, which request must be made by the consumer within 60 days after learning from the user of the adverse action taken) shall disclose "the nature of the information" to the consumer within a reasonable time. The user is required to disclose to the consumer, when initially informing him of the adverse action taken, his right to make such a written request. Again, no liability is imposed if the user shows that at the time of the § 615 violation he maintained reasonable procedures to assure compliance [§ 615(b), (c)].

Damage Suits Against Users or Consumer Reporting Agency

Suit may be brought in federal or state court against a user of information or a CRA for damages for noncompliance with the requirements of the Act. If the noncompliance is willful, punitive damages may be sought, together with actual damages, costs, and attorney's fees [§ 616]. If the non-compliance was negligent, punitive damages may not be imposed. The plaintiff need, however, only prove ordinary negligence, rather than gross negligence [§ 617;S. 17635; H. 10052].

State laws imposing additional requirements with respect to the collection, distribution, or use of information on consumers are not pre-empted, unless inconsistent with provisions of this law [§ 622; H. 10052]. □

NOTICE OF BOARD ELECTION

The election in the Second, Fourth and Seventh Congressional Districts for members of the Board of Governors of the Washington State Bar Association for a three-year term of office takes place this year. At present, **Storrs B. Clough,** Monroe, represents the Second District, **John S. Moore,** Yakima, the Fourth Congressional District and **Charles I. Stone,** Seattle, the Seventh Congressional District.

Nominating petitions for this purpose may be obtained from the Bar office, 505 Madison Street, Seattle 98104. The nominating petitions must be returned to the executive office before May 31, 1971. The results of the election will be announced on June 16, 1971.

Lawyers residing in the seventh district must return the residence information cards to the State Bar office by May 1, or they will not receive a ballot.

93 PASS JANUARY STATE BAR EXAM

Names of the 93 persons who passed the bar exam given in January were released February 19. Of the total, 43 were from Seattle. Whereas only 60 percent taking the January 1970 bar were successful, 79 percent of the January 1971 applicants were successful.

SEATTLE, Stephen Edward Alexander, Allan B. Ament, Charles S. Amstutz, Charles D. Armstrong, Jack R. Burns, Eugene J. Burnstin Jr., Frank C. Cowles, Judith S. Dubester, Harry B. Fay III, Raymond E. Ferguson.

Thomas L. Gayton, Carl P. Gilmore II, Thomas T. Glover, Arthur W. Harrigan Jr., Clayton F. Harrington, Jr., James R. Hermsen, Marianne K. Holifield, Yoshihiko Ito, Kendell M. Jennings, Anthony J. Karrat, John Kent.

rat, John Kent.

Arthur A. Levy, Lawrence L. Longfelder, Roderick N. McAulay, George H. McNeal Jr., Eugene M. Moen, David F. Nitschke, F. Frances Palmer, Blair Frederick Paul, Stevan D. Phillips, Benjamin G. Porter.

Stephen M. Randels, Gregory G. Rockwell, Barbara C. Schwartzbaum, Karin P. Sheldon, William Wesley Stuart, William C. Tobin Jr., John D. Urquhart Jr., Karl L. Wadsack, Rodney J. Waldbaum, Woodrow A. Wallen, Michael J. Welch, William J. Wigan, and Wayne J. Wimer.

Following are the names of applicants from other areas who passed the examination: (Some were attorneys in other states but were required to take this state's bar examination in order to practice in this state):

BAINBRIDGE ISLAND, Stephen Carl Anderson.

BELLEVUE, John M. Hancock, Barry Joel Hasson, Ronnie Dean Havelka, Richard J. Shipley, Edwin J. Snook.

BELLINGHAM, Craig Powell Hayes.

BOTHELL, Vernon Thomas Judkins.

CENTRALIA, Dan J. Agnew.

CHEHALIS, Byron A. Adams.

EDMONDS, William W. Treverton.

ELMA, William Earle Morgan.

FEDERAL WAY, Bryan C. Ogden.

KINGSTON, Jon W. Pegg, Jr.

KIRKLAND, James Boyd Drewelow, Ralph John Rodamaker.

LACEY, Richard Jameson Langabeer, Edward F. Schaller, Jr.

MERCER ISLAND, Fred G. Cook, Robert Scott Friedman, Bruce F. Meyers, Frederick Michael Scherma.

OLYMPIA, David Robert Minikel, Russell Timothy Oliver, Ralph David Pittle.

REDMOND, William R. Trippett.

SPOKANE, Robert Calvin Cathcart, Ernest D. Greco, R. Michael Moss, Byron George Powell, Thomas M. Smith, Robert Gregory Viets, Donald L. Westerman, Ronald Charles Wyse.

TACOMA, Edward Greely Hudson, Robert Dwain Jones, Bettina B. Plevan, Edward Francis Shea.

TUMWATER, David Wharry Schiffrin.

VANCOUVER, Robert Dean Moilanen.

WOODLAND, Douglas A. Wallace.

OUT OF STATE, Ronald Ray Carpenter, David H. Doud, Gerald Michael Halligan, Harry Holloway III, Steven Leonard Larson, John Adams Moore, Jr., Gary Shelby Pederson, Rodney M. Peterson.

ATTORNEY APPLICANT, Roland L. Hjorth.

Tabulation of January 1970 Bar Examination by Schools

	Pass	Fail	Total
American U.	1	0	1
Arkansas	1	0	1
Arizona	1	0	1
Boston College of Law	1	0	1
Boston U.	3	0	3
California-Western	0	1	1
Chicago	1	0	1
Colorado	1	0	1
Columbia	1	0	1
Cornell	0	1	1
Connecticut	1	0	1
Creighton	1	0	1
Denver	0	1	1
Duke	1	0	1
Georgetown	1	0	1
George Washington	3	1	4
Golden Gate	1	0	1
Gonzaga	10	0	10
Hastings	3	0	3
Howard	1	0	1
Idaho	3	1	4
Illinois	1	0	1
Iowa	1	0	1
Memphis State	0	1	1
Michigan	3	0	3
Miami	1	0	1
Montana	0	1	1
Minnesota	1	0	1
Missouri	2	0	2
William Mitchell	1	0	1
N. Carolina	1	0	1
New York Law School	0	1	1
New York U.	1	0	1
Northwestern	2	1	3
Northwestern (Lewis & Clark)	1	0	1
Ohio State	1	0	1
Oregon	5	0	5
Santa Clara	1	0	1
St. Louis U.	0	1	1
San Francisco	1	0	1
Stanford	3	0	3
Suffolk	0	1	1
UCLA	2	0	2
USC	0	1	1
Utah	0	1	1
Wayne State	1	0	1
Washington	19	8	27
Washington & Lee	1	0	1
Wisconsin	3	1	4
Willamette	5	0	5
Yale	1	0	1
Law Clerks	0	2	2
	93	24	117

CHELAN REPORT
By GRANT MUELLER

Sam Sumner, Sr., who served Wenatchee as attorney for over 60 years, died. The Bar will feel the loss of a man who came to Wenatchee in 1905, who liked people and always had a friendly greeting for the newcomer as well as his many old friends. We will remember the reply of Sam Sumner to our questions of "How are you?" with a return question, "Do you mean mentally, morally or physically?"

Tom Warren will join **Dave Whitmore** in the practice of law under the firm name of Whitmore & Warren. The change results from the separation of **E.R. (Dick) Whitmore Jr.** from the firm. He is now the full-time prosecuting attorney for Chelan County, effective Jan. 1. Since Chelan County is now officially a third class county, it must have a full-time prosecuting attorney.

Since law school graduation in 1966, Warren has been an Army captain, practicing law with the Army Judge Advocate General's Corps. In Vietnam, he prepared the case as prosecutor for the celebrated "Green Beret" incident.

EAST KING REPORT
By CHARLES F. DIESEN

Mr. and Mrs. **John P. Cogan** of Redmond and Mr. and Mrs. **Grant Silvernale** of Kirkland were active promoters of the Seattle Symphony Family Concert held March 5 at Redmond High School.

New faces in East King County include **Charles Senn,** formerly a judge advocate officer stationed at Fort Lewis, who is practicing in Bothell with Elhart and Corning. **David Gould** is teaching at Bellevue Community College.

Joe Miller has moved his office to 200 Redwood Building in Bellevue where he shares space with **Hartley Newsum** and **Gerald M. Herman.**

James Young of Redmond has been attempting to sell his house on Union Hill for two years. When the King County Council recently granted the fire department a conditional use permit to build a new fire station across the street, Jim indicated he could be a volunteer fireman if not an attorney or real estate salesman.

Richard Carrithers of Bellevue, chairman of the local Law Day program, has announced that all King County lawyers will be invited to a Law Day breakfast on May 1. He expects more than 300 people to attend.

KITSAP REPORT
By HELEN GRAHAM GREEAR

Grim tragedy struck at one of our members since the last report. **James Roper** and wife lost their home at Olalla and one of their children in a sudden devastating fire.

The game of musical chairs is on at the Kitsap County Court House, and the Kitsap County Law Library is still the fellow without a seat. After much huffing and puffing and remodeling, which still goes on, the Kitsap County Commissioners have built themselves an office (which they need); the County Engineer has moved into the old Juvenile Headquarters now remodeled; the new Youth Center in the country houses the Juvenile Department; the Prosecuting Attorney is in temporary quarters in the basement, near the Assessor's new office; the old Engineer's Office is being remodeled for permanent quarters for the Prosecuting Attorney, and some summer day (perhaps this year) after four long years, the Law Library will once more have a home, this time in the Engineer's former quarters. Heaven speed the day. Visitors to the courthouse presently survey the acres of books in the halls and while away waiting periods reading Tiffany on Real Estate and Wigmore on Evidence.

Rumor hath it that an ancient set of RCL was stored in a jury room, and only when the bailiff reported the interest of his jury in the reading matter provided was the horrendous fact uncovered and the poor books sheeted over with plywood.

The new Prosecuting Attorney is **John C. Merkel,** son of a distinguished lawyer, the late John Merkel. He, a bachelor, now heads a staff consisting of three bachelors and one benedict. What a field for a secretary! By the way, his office telephone is TR 6-4441, Extension 275. Myron Freyd's former deputies **Kenneth Lewis** and **Jack Evans** are still with Merkel, to whom have been added **William S. McGonagle** and **Robert Dean Moilanen,** the one married man in the office (Wife: Carolyn Moilanen; children none yet). McGonagle, a tall (6'4") handsome Scottish type, was born in Seattle and has a B.A. degree in history (UW) and J.D. degree from the University of Montana Law School (1969). Bob Moilanen was born in Montana and has a B.S. degree (1960) and a Law degree (1970) both from the University of Oregon.

TRAVEL:

The Honorable **Jay W. Hamilton** and wife Clarene took a quick trip to sunny Spain in February. The only message received by Kitsap County friends from the absent judge was a large aerial view of Amsterdam with the handwirtten message: **Having a wonderful time - send money.**

Also (details are not too clear) but as a result of a European cruise **James O. Arthur** has taken unto himself a bride, Grace B. Evins, a beautiful Southern Lady.

The former Prosecutor, **Myron Freyd,** is back in private practice on Bay Street, Port Orchard.

PHOTOGRAVURE:

We all had our pictures taken by a Detroit photography firm and soon composites of the entire bar will be hanging in every law office, with our large Bar Association composite hopefully hanging in the Law Library. (Item for the suggestion box)

An ancient British record reveals the following:

"On the removal of a distinguished counsel from a house in Red Lion Square, an ironmonger became its occupant; and Erskine wrote the following epigram on the change:

'This house, where once a lawyer dwelt,
Is now a smith's — alas!
How rapidly the iron age
Succeeds the age of brass!

Further affiant sayeth not.

PIERCE REPORT
By **DAVID E. SCHWEINLER**

The 63rd Annual Lincoln Day Banquet was held at the Winthrop Hotel on Friday, February 21, 1971, and the guest speaker was the Honorable Mark O. Hatfield, United States Senator, State of Oregon, who gave the Lincoln Day address.

David Manger, of the firm of Oldfield & Manger, gave "The Young Lawyer" address. Honored guests included from the federal bench the Honorable **William J. Lindberg** and **William T. Beeks;** from the Supreme Court bench the Honorable **Robert T. Hunter, Robert C. Finley, Frank Hale, Orris Hamilton, Walter T. McGovern, Marshall A. Neill, Hugh J. Rosellini, Charles F. Stafford, Charles T. Donworth,** and **Charles T. Wright;** from the Court of Appeals the Honorable **Ralph L. Armstrong** and **Vernon R. Pearson;** from the Superior Court bench the Honorable **W.L. Brown, Jr., John D. Cochran, Robert A. Jacques, Bertil E. Johnson, William F. LeVeque, Bartlett Rummel, Hardyn B. Soule** and **Stanley W. Worswick;** from Congress the Honorable **Floyd V. Hicks,** representative of the 6th District; University of Washington Dean **Richard S. L. Roddis,** Professor **Robert Fletcher** and his wife, **Betty;** Gonzaga University Law School Dean **Lewis H. Orland.**

As a part of the festivities, the officers of the Tacoma-Pierce County Bar Association were announced for the year 1970-1971:

President: **Warren R. Peterson**
Vice-President: **David E. Schweinler**
Secretary-Treasurer: **Michael J. Turner**

Trustees for a two year term are:

Grant L. Anderson
J. Kelley Arnold
Jack G. Rosenow

At the luncheon meeting March 4, the Tacoma-Pierce County Bar Association amended its By-Laws to provide for the establishment of a Young Lawyers section.

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

Graham, Dunn, Johnston & Rosenquist and McCord, Moen, Sayre, Hall & Rolfe have announced the joining of their offices under the firm name of **Graham, McCord, Dunn, Moen, Johnston & Rosenquist,** with offices, upon completion of remodeling, at the Seattle-First National Bank Building.

Evan L. Schwab, a partner with the firm of Davis, Wright, Todd, Riese & Jones, will take a leave of absence to work with the King County Prosecutor's Office. Schwab has been assigned as a deputy prosecuting attorney for the County Grand Jury. Seattle attorney **John B. Merritt,** a partner in the firm of Lund, Franklin, Merritt & Martin, will also take a leave of absence from his firm, to become a special deputy prosecutor for the probe.

The partners in the law firm of Levinson & Friedman have announced that the firm will hereafter be known as **Levinson, Friedman, Vhugen, Duggan & Bland.**

John A. Henry has announced the removal of his office to 17544 Midvale Avenue North, Seattle, Washington.

The beautiful Mercer Island home of Seattle attorney and ski resortdeveloper,**Jerry R.Schumm,** was included in the March, 1971 edition of *Sunset* magazine. The layout featured photographs of the Schumms' home, including the beautiful Doris Schumm and her lovely back porch.

Keith Gerrard has become a partner in Perkins, Cole, Stone, Olsen & Williams, and **William A. Gould, John E. Keegan, Timothy A. Manring, George W. Martin, Jr., William Hays Parks, Randall Revelle, Alvord B. Rutherford,** and **Richard S. Twiss** have become associates of the firm.

Warren H. Quast has been appointed as Executive Vice President and **Richard A. Fox** as Vice President and Counsel for Great Western Title.

Proud Papa Department: **Bob Mussehl** and **Nyle Barnes** are passing out cigars in honor of new

offspring: David Lee Mussehl and Courtney Catherine Barnes.

"Women In Law" was the subject of a panel discussion at the University of Washington. Panelists included **Janice Neimi,** Seattle Justice Court Judge; **Betty Fletcher,** First Vice-President of the Seattle-King County Bar Association; **Marian Gallagher,** of the University of Washington Law School faculty; and **Patricia Harber,** an assistant prosecuting attorney for King County. Also on the panel were **Chris Young** and **Elizabeth Bracelin,** Seattle attorneys, and Nancy Gibbs and Judy Young, law students at the University. The panel discussed opportunities in law for women undergraduates.

A greatly expanded Speakers Bureau staffed by Seattle area attorneys and sponsored by the Seattle-King County Bar Association is offering a wide range of discussion topics for community groups and organizations. According to committee chairman, **Brian Comstock,** the Bureau has been restructured to include a large number of attorneys and a more comprehensive list of contemporary subjects.

Prof. **William Hamilton Rodgers, Jr.** of the University of Washington Law School, has urged that grand juries serve as watchdogs of the public interest in areas where the customary agencies fail to do so. This is a switch of position by Prof. Rodgers, who is one of the most forceful advocates of the move to establish offices of Ombudsmen to ride herd on public officers and agencies. In recent testimony, Prof. Rodgers gave his reasons for deciding that Ombudsmen cannot be relied upon. "Today", he told the lawmakers, "I am prepared to concede that the (Seattle-King County) Ombudsman is a 'political joke' and therefore that we need a substituting reporting authority with sufficient clout, such as the Grand Jury."

Donald J. Horowitz, Chief Counsel of the Division of Social & Health Services of the State of Washington, has suggested that public confidence in the legal profession would be greater if some laymen were included on lawyer-discipline committees.

David D. Hoff has become the prosecuting attorney for the City of Issaquah.

Lewis Guterson and **Louis Rousso** have moved their offices to 203 Metropole Bldg. **Frank L. Sullivan** is now with the Public Defenders Office.

William Gossett, former ABA President, will be the speaker at the Law Day luncheon at the Olympic Hotel on April 30.

SNOHOMISH REPORT
By **MICHAEL W. HERB**

Snohomish County Bar President **Gaylord Riach** recently spent a week in British Columbia helicopter skiing in the Caribou mountains. **Robert L. Milligan,** from Bothell, a retired Navy Commander, has associated with **Michael Moynihan** in Mick's Lynnwood office. **Henry Chapman** and **Rudy Mueller** have taken in **James Stonier,** a third year law student, under the Rule 9 Legal Intern Program.

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

Richard Brown is no longer associated with the firm of Miles and Brown. He has opened his own office at 415 S. Water, Olympia.

YAKIMA REPORT
By **RANDY MARQUIS**

BAR BUSINESS:

At a recent meet an enabling resolution was passed approving the implementation of a LAWYER REFERRAL SERVICE FOR YAKIMA COUNTY. President **Bob Felthous** named the following attorneys to the supervising committee: **Gary McGlothlen** and **Elwood Hutchson.** This service will be separate and distinct from Legal Aid. It is planned that the service will be located at the local Law Library in the Courthouse.

ACQUISITIONS:

Prosecuting Attorney **Lincoln E. Shropshire** announces the appointment of two deputy prosecuring attorneys. The first, **John A. Moore, Jr.,** no kin to **John S. Moore,** is a grad of the University of Wisconsin College of Law and a member of the Wisconsin and Washington State Bars. He holds a Bachelor's Degree in English from the University of Wisconsin. John has been employed with the prosecutor's office since November 1969 as an investigator.

Robert B. Royal, a recent grad of the University of Washington Law School, holds a B. A. in Economics from Brigham Young University. Bob was born in Evanston, Illinois, and reared in Seattle.

JUDGES AND LAWYERS IN THE NEWS:

Yakima District Justice Court Judge **George H. Mullins** has been named to the ethics and grievances committee of the North American Judges Association.

Donald Bond of the firm of Halverson, Applegate & McDonald was recently elected to the board of directors of the Yakima Rotary Club.

Briefly Noted

Revised Case Setting Procedure in King County

Two major changes in case setting procedures have been announced. First, non-jury cases will be removed from the case setting sessions. Instead, the clerk will set the case and notify the attorneys of record by post card not less than five weeks before the trial date set. It will still be possible for attorneys to set non-jury cases by agreement.

Secondly, it will be possible to advance a case on the trial calendar over the opposition of the opponent. The burden will be shifted to the opponent to show good cause why the case should not be set early.

A proposed rule change will establish the amount of temporary child support during the pendency of divorce cases according to a schedule based on the husband's income and the number of children. A lawyer would have to show cause why a specified sum shouldn't be set. That will save most of the time consumed in arguing over temporary child support.

The court also is exploring such ideas as allowing lawyers to select juries in civil cases without a judge being present and making greater use of six-man juries instead of the normal 12-member panels.

Baby Delays New Attorney

Marianne K. Holifield, 29, Seattle, passed the January Bar exam but she didn't make it to the swearing in ceremony. Instead she gave birth to a 7-pound 15-ounce boy.

Asked if she regretted missing the ceremony, Mrs. Holifield said, "The way you feel at that point, (during labor) you'd rather have the baby."

Gonzaga Law Students Assist in Legal Services Program

The Spokane Legal Services office now includes twelve Gonzaga University Law School student volunteers in its program. The volunteers are from both Day and Evening Divisions of Gonzaga Law School.

Their work involves investigation, legal research and the preparation and presentation of cases in administrative hearings. In addition to the volunteers, five Gonzaga law students have for some time been employed by the Legal Services Office on a regular basis. The work of this group runs the gamut from interviewing and research to assisting with the handling of actual litigation under the Legal Intern rule.

Executive Director Position

The Seattle Model City Program has announced the availability of the position of Executive Director of the Seattle Housing Development League. The deadline for applications is April 15, 1971.

The League is a non-profit housing corporation which has been established for and by the residents of Seattle's Model Neighborhood to assist in the reduction of community blight. It will sponsor and assist other non-profit sponsors in the rehabilitation and construction of low-income housing. The salary is open.

Address all correspondence to:

Seattle Housing Development League
Mr. Ben Woo, Chairman,
Personnel Committee
c/o Model City Program
1700 East Cherry Street
Seattle, Washington 98122

Phone: 583-5710

New Kitsap Jail

A $975,000 general obligation bond issue to finance construction of a jail addition to the Kitsap County Courthouse was approved by the county's voters on a third try. The tally in the February 9 election was 11,833 to 7,659 for a 60.7 percent approving margin. The same proposition failed by 1.5 percent of the required approving margin in last November's general election.

Young Lawyers

The WSBA Young Lawyers Committee considered the proposed criminal code and other bills at its meeting at the Empress Hotel in Victoria, British Columbia on March 19, 1971.

In addition to the proposed criminal code, the Committee considered recommendations with respect to the following bills:

Regulation of Campaign Contributions and Expenditures, Environmental Protection Act, Residential Landlord-Tenant Act of 1970, Freedom of Information Act of 1971, and Educational Opportunities for Handicapped Children.

Social Gambling

On February 15, 1971, State Senator **Gordon L. Walgren,** D.-Bremerton, in a letter to State Bar President **Robert O. Beresford,** asked him to appoint a committee of lawyers, including one prosecutor and one city attorney, to immediately prepare legislation to legalize some forms of social gambling.

Beresford replied on February 17 that it was unlikely the State Bar would take part in drawing up such legislation, indicating that the Bar Association did not have the necessary facilities available for such drafting. He added that the Bar would not even be prepared to take a stand on such legislation without a thorough study.

McLAUCHLAN AT LARGE

Ben J. Gantt, Jr.
Seattle

J. Paul Coie
Seattle

Thomas S. Zilly
Seattle

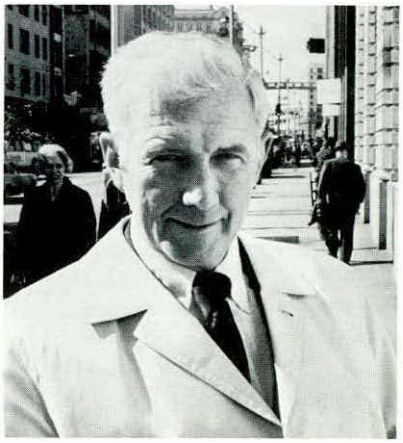
H. Joel Watkins
Seattle

Thomas P. Keefe
Seattle

Paul M. Poliak
Seattle

Justice Marshall A. Neill
Olympia

Howard V. Doherty
Port Angeles



William Wesselhoeft
Seattle

A Crisis of Authority *(continued from page 8)*

Let's turn our attention briefly to the problem of dissent. It's against racial injustice, social injustice and a war in Indo China over which they have a preemptive concern that the youth of America are demonstrating, organizing, protesting and dissenting. In our kind of society reasonable and informed dissent is better than mindless compliance. One of the basic premises upon which this government was built is that there is no proposition so universally held as not to be subject to question, to challenge and to debate. And the suppression of dissent is more to be feared than the threat of subversion. Are we to fight a war for the liberties of the Vietnamese and lose our own in the process? Are we to go into a war and sustain 40,000 deaths and 300,000 casualties and not be free to criticize its conduct? Are we, at last, to course most of our national energies and resources into the mammoth effort in Vietnam and be shielded from all but the good news? This is what the pollsters tell us. It's a mood of repression among some segments of Americans. Bob Dylan, singing the haunting lyrics of the social revolution, asks:

> How many times must a cannonball fly
> before they're forever banned?
> How many years can some people exist
> before they're allowed to be free?
> How many times must a man turn his head
> and pretend that he just doesn't see?
> The answer, my friend, is blowin' in the wind.
> The answer is blowin' in the wind.

There is a small breed of highly vocal extremists who are contemptuous of all liberties except their own, intent upon destroying freedom, so long as it's someone else's. They have turned to trashing, the burning of buildings, the lighting of fires, the smashing of windows and the mouthing of epithets. They have turned to violence as a weapon of terror against the ideological enemy. Albert Camus said such rebels "begin by demanding justice and end by wanting a crown."

. . . Revolution has an implacable rhythm of its own. When there's civil disobedience, when there's violence, when there's guerilla warfare, there is always elicited a countervailing will to repress and that is manifested by the results in the Columbia Broadcasting System poll. Violence is never defensible when there are alternative means of reaching the minds of men and in this country those means have always been available . . .

There is a malaise of the national spirit. We've grown fat and indolent as a people. We're unwilling to make the personal sacrifice necessary for a national commitment to excellence. We have become so concerned with personal pleasures and personal concerns that we are unwilling to pour our energies into necessary collective endeavors and necessary collective obligations. We've lost the spirit that transformed a people into a citizenry and a territory into a nation. We have become a singularly secular society. Religion has no place in our scheme, especially for those under 40 in our country. And when religion goes there

We've lost the spirit that transformed a people into a citizenry and a territory into a nation.

must be something to hold our culture together. Even a sense of vocation would do it—a sense of commitment to excel in whatever one does—a commitment to be the best one can be at all times, whether he be a carpenter or a Supreme Court Justice. This is the kind of commitment that we are watching fade away into oblivion in this country, and fade away faster and faster as we grow older. . .

We face a daunting challenge—but one for which we are equal. Emerson said, "if there is any period one would desire to be born in, it's the period of revolution when the old stands side by side with the new and admits of being compared; when all the energies of mankind are searched by fears and hopes; when the historic glories of the old are compensated by the rich possibilities of the new era. It, like every other time, is a very good time in which to live if one knows what to do with it."

And what to do with it? In our society control and order must be restored with the tools of freedom. We must surrender none of our civil rights and none of our civil liberties, for it would be a cruel and tragic paradox indeed if to restore order we abridged freedom. For then, like the heroes of Shakespeare's tragedies we should have been our own undoing. We must meet the problems of urban turbulence, the crises of our cities, the problems of violence, the problems of dissent, without surrendering any of our rights or civil liberties—by resort to the machinery of due process, by righting the wrongs, curing the ills, eliminating the causes that lead men to violence. We may not reach this goal today or tomorrow. We may not reach it in our lifetime. But the quest to restore order while preserving liberty intact is the greatest adventure for the lawyer of this century. □

LAMP *(continued from page 10)*
detainers and speedy trial motions, probation and parole, prison disciplinary proceedings, in forma pauperis litigation, procedures for obtaining transcripts, etc.

Second, the Workshop provides a forum for discussing the experiential aspects of the program. Discussion of professional responsibility, interviewing techniques, prison procedures, and like subjects affords the students an opportunity to learn how to obtain the information necessary for the disposition of a case and how such information should be handled. Student counselors exchange ideas and discuss problems they have encountered in dealing with inmate clients and with the institutions in which they reside.

Third, the Workshop offers the students an opportunity to discuss the larger problems of penal institutions and prison reform. Former inmates of McNeil Island visited with the Workshop students and spoke frankly about their experiences while incarcerated. Various published materials on prison conditions, corrections theory, and prison reform have been and will be distributed to Workshop students to increase their awareness of the problem. Hopefully, this exposure will produce future practitioners who are enlightened and concerned about the problem of reforming our correctional institutions.

STRUCTURE & OPERATION

As necessary funds have yet to be obtained to hire a full-time, paid staff, the Program has been run by a faculty-student Advisory Board, which sets program policies and oversees program operations. A Student Director, appointed by the Advisory Board, handles the administrative operations of the Program, such as maintaining case files, assigning cases to students, arranging interviews with inmates, preparing reports and correspondence, and consulting with LAMP students on their individual cases. The Student Director is assisted by three third-year students who act as supervisors of teams of LAMP student counselors.

Currently, 35 students are participating in the LAMP Program at McNeil Island. Seventy percent of these students are in their second year of law school with the balance in their third year. It is anticipated that approximately 15 more students (mostly in their second year) will join the Program to work in LAMP II at the Monroe Reformatory.

The inmate population at McNeil Island and Monroe provides an ample supply of "clients" for LAMP student counselors. The McNeil inmates were introduced to the Program at a presentation given by the Student Director at the prison auditorium. Prison case managers have been provided with application forms on which the inmates indicate the general nature of their legal problems. These forms inform the applicants that LAMP counselors are law students who are not attorneys and are not licensed to practice law. Upon receipt of the applications for assistance, the Program sends the applicant an acknowledgment letter informing the inmate that as soon as a student counselor is available to handle his case, he will be contacted for an interview by the counselor.

Cases are assigned to student counselors on the basis of the date the application is received unless a subsequent application indicates some need for immediate assistance. Currently, the Program's case backlog at McNeil Island is about 40 applications; 15-20 new applications for assistance are received during each month. As a student counselor completes his work on one case, and the file has been reviewed by program supervisors, the file is closed and the student is assigned a new case.

SERVICES PERFORMED BY LAMP PARTICIPANTS

Each student counselor is assigned to three, four, or five cases, depending on the nature of the problems indicated on the prisoner's application for assistance. These cases are his own, and he is responsible for all the work done on behalf of his "clients." Supervision of the student counselor's work on his cases is the responsibility of his team leader, a third-year student who has been with the program for a year and who has handled a number of his own cases previously. Student counselors turn in periodic reports on each case to the team leaders, who are available for consultation at any time and who refer the student counselors to private attorneys or faculty members where expert assistance is required. While the original policy of LAMP was to have direct and continuing supervision of students by volunteer attorneys, the response from the Bar has not been adequate to implement that policy. The few attorneys who are regularly available for consultation are rationed as needed among the entire program staff, and most direct supervision

is provided internally by senior students, the Student Director, and Professor Chisum.

Student counselors begin by visiting the prison and interviewing the inmates. Often several interviews are necessary before the student can sufficiently define the inmate's problem. Once the problem is defined, and the student has researched the question, case strategy can be outlined. The student meets with his supervisors to determine the appropriate strategy. What the student counselor actually does for the inmate varies greatly with the nature of the problem. His tasks may include investigation of facts and records, legal research on the merits of a claim, completion of court-supplied forms for postconviction relief, informal correspondence with officials, or a search for an attorney or legal services organization to handle the inmate's case. The results of his efforts are then communicated to the inmate.

The following nonexhaustive examples will illustrate the assistance commonly provided by student counselors.

1. *A Post Conviction Problem.* The student researches the facts and the law, and then meets with his supervisor to discuss the merit or lack of merit in the inmate's case. Frequently, a transcript of the araignment or sentencing proceeding is obtained to verify the factual allegations surrounding a guilty plea which the inmate wishes to attack. If it is clear that there is no merit to the inmate's claim, the counselor writes a memo to the file and explains to the inmate the reasons why he finds no merit. If colorable merit is found, the student prepares the necessary motions, memoranda and affidavits, under the supervision of Professor Chisum or a volunteer attorney. Ordinarily, a postconviction motion is prepared so that it can be submitted by the inmate *pro se* unless an attorney agrees to appear as counsel. If a hearing is granted on the motion, ordinarily the court will appoint counsel to represent the petitioner at the hearing. If the motion is denied without a hearing, the Program supervisors study the order denying relief and determine whether an appeal is appropriate. If an appeal is warranted, notice is filed, and counsel if sought, either from the Program faculty or from private attorneys, to prosecute the appeal. The student counselor works with the attorney in the preparation of the appeal brief.

2. *A Problem With a Detainer for an Untried Charge.* The student checks the prison records to ascertain the source and grounds for the detainer. He then researches the law and consults with supervisors to evaluate strategy. If the client wishes to demand trial, motions are prepared to be filed *pro se* by the inmate with the prosecution and the appropriate court of the jurisdiction that has filed the detainer. If the inmate is not removed for trial nor the charge dismissed, the student, after consultation with his supervisor, may prepare a petition for habeas corpus to dismiss the indictment or dissolve the detainer. Where a speedy trial motion is not filed, student may negotiate informally with prosecuting officials to have the charges dismissed.

3. *A Problem With a Detainer Based on a Conviction or Parole Violation.* The student checks the source and grounds. If the detainer is based on an unserved sentence in another jurisdiction, the student may draft a request for parole from the federal institution to the state detainer or prepare a motion to the trial court in other jurisdiction for resentencing in order to make the sentences run concurrently. If the detainer is based on a parole mandatory release violation, or on a probation revocation, the student interviews the parole officer, where possible, and attempts to obtain an assessment of the possibility of reinstatement.

4. *A Problem With Parole.* The student examines the inmate's record and status at the institution. He then may confer with the inmate's prison caseworker and with state and federal parole officers. He may attempt to secure the assistance of outside community and placement organizations. He may submit a letter or memorandum to the Parole Board recommending parole, transfer, or parole-to-detainer.

5. *Civil Matters.* The student does preliminary investigation of the facts and the law and consults with a supervisor, faculty member, or volunteer attorney. If the inmate is found to have any colorable claim or if he needs legal assistance to defend a claim against him, the student attempts to secure representation by a private attorney or a legal services organization.

CONCLUSION

The LAMP Program places the University of Washington School of Law within the expanding group of law schools that are offering to their students first-hand exposure to the operation of the correctional system while at the same time beginning to fulfill an unmet need for legal assist-

ance to indigent prison inmates. The interest and participation of the Bar and practicing attorneys will increase the effectiveness of both the educational and service functions of law school programs such as LAMP. In this vein, the Young Lawyers Section of the American Bar Association has initiated a nationwide "prison visitation program" with David D. Hoff of the Seattle Bar as chairman. In turn, the Young Lawyers Section of the Seattle-King County Bar Association has established a local committee as part of the national program with David M. Shelton as chairman. The first project of the national program was a visit to the McNeil Island prison to observe LAMP students interviewing inmates. Also participating in the visit was Richard J. Hughes, chairman of the ABA Commission on Correctional Facilities and Services.

Despite the interest shown by the Bar in programs such as LAMP, experience to date teaches that the primary responsibility for the operation of an ongoing program of student inmate legal assistance must rest within the law school community. Practicing attorneys have neither the time nor (frequently) the expertise to supervise students' work. Once the students under law school supervision screen through the large volume of frivolous requests for aid or requests that can be fulfilled simply or informally and ferret out the serious cases, the volunteer attorney's role in supervising the student should and does expand.

The ideal structure undoubtedly would be to employ an attorney as a full-time "clinical" director of the program. The Law School has explored means of securing financing such a position but has been unsuccessful to date. Until such financing is secured, the program can continue to operate effectively only with a combination of general supervision by faculty members contributing a portion of their time and detailed work and supervision by the students themselves — spurred principally by the pride and *esprit de corps* usually found around law schools only in law review and moot court organizations. And it is likely that much of the available student manpower for LAMP and LAMP II will continue to be supplied by second-year students. Too often third-year students who seek experiential training in the law are lured away to compensated positions with attorneys who offer supervision under Rule 9 of the Washington Admission to Practice Rules. □

Agreement at Last? *(continued from page 12)*

complaints will be whitewashed. Others claim that if outsiders handle the discipline, the judge can be harassed by complaints in such a way as to impair his independence. On the question of "removal" the judges have been quite adamant. If they must face the electorate, many say, the electorate should be the only way they should be removed from office (subject only to the constitutional impeachment provision) like any other elected official.

The liaison committee has reached a fortunate compromise. The bar, through the Board of Governors, has agreed to support discipline and removal *along with* the modified elective retention system (the Nebraska plan). Discipline and removal would be handled by a commission of judges, lawyers and laymen, with judges and lawyers making up a majority of the commission.

Court administration has also been a difficult problem. The principal argument for administration of the courts by an independent commission is that it would improve the efficiency of the system. Many lawyers strongly advocate such an independent commission. Many judges have opposed it, believing that it would constitute a severe threat to their independence if their courts were run by anyone other than themselves.

The compromise reached by the liaison committee would not lock into the constitution machinery for court administration, but would leave that subject to the legislature. It makes good sense to allow for some flexibility and experimentation. After all, the legislature must provide the necessary funds for operating the courts.

It has been a long and arduous task, arriving at these compromises. No judicial system will ever be devised which *all* lawyers and *all* judges agree is the perfect one.

However, from the standpoint of improving the judicial system in Washington in the best interests of the people it serves, the liaison committee's recommended plan is a monumental accomplishment and deserves the support of all lawyers and judges and interested laymen. It will take such support to make it a reality. SJR 31 needs immediate, strong and united support. □

The Board's Work

Can one committee of the Washington State Bar Association possibly come up with an amendment to the United Nations Charter that would tend to take the world a small step closer to permanent peace without war?

It certainly can, **Donald D. Fleming** of Seattle told the State Bar Board of Governors at the Board's February meeting. He appeared before the Board to explain the amendment-proposing resolution developed by the State Bar's Special Committee on World Peace Through Law. The Board, after Fleming's presentation and responses to members' questions, decided to study the resolution further before considering at the Board's late-March meeting whether the Board also should indorse the resolution.

Briefly, U.N. Charter Article 33 prescribes that several peaceful methods (mediation, arbitration, World Court, etc.) "shall" be used to settle international disputes. But it contains no precise machinery for the arbitration process. This machinery would be supplied by the World Peace Through Law Committee's proposed amendment to Article 33.

The committee's proposed amendment is the outgrowth of a concept developed by Judge **Edward E. Henry** of Seattle and refined through much committee consideration. The idea attracted favorable attention at the 1970 World Pece Through Law conference in Bangkok attended by Judge Henry, as an individual and at his own expense. Judge Henry's idea, presented by Fleming, also received much favorable reaction from leaders of the Presidential Commission on the United Nations, meeting in Portland in November 1970.

Fleming told the board Judge Henry planned to submit the committee's proposal at a national conference in Minneapolis in late March. Fleming will present the proposed amendment at an international World Peace Through Law session in Belgrade, Yugoslavia, in July.

The Board praised the committee and its individual members for their effort in seeking to contribute to the cause of world peace through law.

At its February meeting the Board of Governors also:

√Indorsed a legislative bill which would grant cost-of-living salary increases to judges.

√Decided to seek additional information on the subject of computerized legal research services for the Bar.

√Denied a request for a contribution of State Bar funds for use in establishing a neighborhood consumer center in Seattle.

√Discussed at length a Young Lawyers proposal for certain changes (see p. 34, *Bar News*, February 1971) in the structure and operation of the Bar Association before voting to assign the matter for consideration of the Committee on Committees, which is studying the entire organization of the association.

√Reaffirmed Board policy opposing the use of advertising, in general, in the *Bar News;* this was in response to a suggestion that lawyers' "cards" announcing law-firm and office-address changes be published as advertising.

√Reaffirmed Board policy opposing the use of the Bar address list by firms seeking to sell law books.

√Expressed informal approval of the Legal Aid Committee's proposal to present a seminar at the 1971 Bar Convention on the subject of funding and administering small volunteer legal-aid programs; the committee's request for a place on the convention schedule was referred to the CLE Committee.

√Bestowed honorary Bar membership upon **Randall S. Case** of Seattle, retired 50-year member.

√Reaffirmed an earlier Board decision that the liberalized provisions of the Clients' Security Fund would not be applied retroactively.

√Establish the new Governmental Lawyers Association of Washington as an "official" local bar association.

√Learned from Board member **John S. Lynch** of Olympia, who had investigated, that "there will be no problem" concerning possible unauthorized practice of law before the Board of Industrial Insurance Appeals; he said he had been informed that the appeals board permits nonlawyers to appear in informal hearings but not in formal hearings.

√Administered two formal reprimands to an attorney who had been found guilty of unconscionable delay in legal matters and had failed to cooperate and communicate with Local Administrative Committee members investigating complaints against him.

√Dispatched a wide variety of matters affecting individual lawyers, including legal-intern applications, a temporary admission for education purposes under Rule 8, requests to represent indigents in federal court and a law-clerk tutor request.

SUPREME COURT PRACTICE

By WILLIAM M. LOWRY
Supreme Court Clerk

Cases raising issues which may be of interest to members of the Bar and which will be argued before the Supreme Court during the May 1971 Session are summarized below:

ORIGINAL:

41632 *Rainier Avenue Corporation v. City of Seattle* - **Real Property - Dedication -**
What interest does a municipality have in a vacated street abutting a city park, where both the street and the park were dedicated in the same plat, and may this interest, if any, be defeated by action of successors in interest of the plattor, even though their property does not abut the street and their title documents make no mention of any interest therein?

41640 *Tonasket v. State Tax Commission* - **Taxation -**
Are the cigarette excise tax (ch. 82.24 RCW) and the criminal penalties appendant thereto applicable to the sale of cigarettes by an Indian on his reservation, where the state has assumed civil and criminal jurisdiction of the reservation under ch. 37.12 RCW?

41635 *Connolly v. Department of Motor Vehicles* - **Licenses - Implied Consent -**
May the Department of Motor Vehicles revoke a driver's license for six months as a result of refusal to take the prescribed breathalyzer test when he was not advised of his right to have additional tests administered by any qualified person of his choice?

41762 *Seattle Police Officers Guild v. City of Seattle* - **Constitutional Law -**
Is it violative of a police officer's fifth amendment rights to require, as a condition of his employment, submission to a polygraph test or answer otherwise privileged questions?

41783 *Dore v. Kinnear* - **Taxation - Revaluation**
Is it unconstitutionally discriminatory to assess one section of a county at a new and higher rate without revaluing each parcel within the county?

41663 *Kain v. Logan* - **Torts - Personal Injury - Evidence -**
Is it error to refuse to allow an expert witness to testify to facts upon which his opinion was based on the grounds that such testimony would be in violation of hearsay rule?

41664 *Washington Kelpers Association v. State* - **Constitutional Law -**
Is RCW 75.12.650, which prohibits the use of sports gear for commercial fisherman, unconstitutional on the grounds: (1) that it is not a valid exercise of the state's police power and (2) that is discriminates within a class?

41680 *State v. Tucker* - **Criminal Law - Filiation Proceedings -**
Is a married woman entitled to the provisions of the filiation statute where she is living separate and apart from her husband at the time of conception and birth of a child and alleges that the husband is not the father of the child?

41577 *State v. Engstrom* - **Criminal Law -**
Whether the "hit and run" statute (RCW 46.52.020) is in derogation of an accused's constitutional rights as guaranteed under Art. 1 § 9 of the Washington State Constitution and the Fifth Amendment of the U.S. Constitution?

41884 *In re Miesbauer* - **Criminal Law -**
Should *Boykin v. Alabama*, 395 U.S. 238, requiring a trial court to inform a defendant of the maximum sentence before accepting a plea of guilty be applied retroactively?

41724 *Ashley v. Lance* - **Appeal and Error -**
Whether on a remand by the Supreme Court to the Superior Court parties may amend their pleadings to include new defenses? Whether the trial court properly applied the decision of the Court in the previous case of *Ashley v. Lance*, 75 Wn 2nd 471?

41773 *State v. Siler* and 41774 - 41723 - *In re City of Seattle v. Seattle-First National Bank* - **Attorney's Fees -**
Whether under the Provisions of RCW 8.25.070, allowing "reasonable" attorney's fees, fee agreements between condemnee and attorney are binding upon the condemnor in an award for fees?

SUPERIOR COURT NEWS

By ROBERT M. ELSTON, *Judge*
King County Superior Court

Judge **Lloyd L. Wiehl** (Yakima), president of the State Superior Court Judges' Association, has announced that the Association's Spring Conference will be held April 22-24 at Richland. Among topics to be discussed are the proposed Juvenile Code, courtroom security, drug abuse ramifications and other matters of current judicial concern.

§ § §

King County Superior Court judges have chosen Judge **Stanley C. Soderland** to organize and preside over the grand jury scheduled to convene April 12 is Seattle. Judges **William J. Wilkins** and **Lloyd Shorett** have presided over past King County grand juries.

§ § §

Judge **Edward E. Henry** (King) attended an international law conference at the University of Wisconsin March 13 and 14. Approximately 80 other members of a World Peace Through Law Center committee discussed plans for next year's conference in Belgrade, Yugoslavia. Judge Henry advocates a United Nations charter amendment to provide that one nation may compel another to arbitrate international disputes. He has been a member of the World Peace Through Law Center for six years during which period he has traveled at his own expense throughout the world to participate in its deliberations.

§ § §

Judge **George H. Revelle** (King) has written the Appropriations Committees of both houses of the state legislature expressing concern for the state's Special Supervision Program for delinquent juveniles (probation subsidy program). Judge Revelle, chairman of the King County Superior Court Judges Juvenile Committee, wrote: "Unfortunately, the initial enthusiasm and the support for the program as a concept did not extend to its implementation . . . the result is an austere program which cannot be expected to produce results . . . equal to the potential provided by the funding formula." The result, he said, may render the plan "ineffective as a treatment program."

NEWS FROM THE COURTS OF LIMITED JURISDICTION

By MURRAY A. McLEOD, *Judge*
Aukeen District Justice Court

T. Patrick Corbett, a Seattle attorney, has been appointed to the Seattle Municipal Court bench, filling the vacancy created by the recent elevation of Judge **James Noe** to the Superior Court for King County. Judge Corbett, a long-time Seattle resident, served as a deputy prosecuting attorney for King County under Charles O. Carroll before entering private practice. The judges of the various courts of limited jurisdiction throughout the state take this opportunity of welcoming Judge Corbett to the bench.

Judge **Waldo F. Stone,** who has for many years worn two hats of Municipal and District Court Judge, has submitted his resignation to the City of Tacoma to terminate his position as Municipal Judge in order to devote his full time to the ever-increasing duties and obligations of the Tacoma District Court. Judge Stone pointed out in his letter of resignation that perhaps it was time for the City of Tacoma to re-examine its position on the Municipal Court and perhaps consider merging with the District Court to insure one level of justice for all defendants throughout the county.

Judge **Gerard Fisher,** Kitsap, has reported that the response of the judges to the first State Training Seminar for Courts of Limited Jurisdiction has been such an overwhelming success that plans are already in the mill for another one, possibly even later on this year. Such a seminar as this has been long overdue and is one of the many steps taken by the Washington State Magistrates' Association to improve the administration of justice in the courts of limited jurisdiction throughout the state.

A new association, the Washington State Court Administrators Association, has been formed by chief clerks and administrators for courts of limited jurisdiction. Mrs. Bea Boone, Chief Clerk of Thurston County District Court, has been elected as President. Mr. Harvey Harrison, Deputy Administrator of the Courts for the State of Washington in charge of court administration procedures, has been the advisor to the group and indicated that the prime purpose of the association is to assist the judiciary in the improvement of court administration.

Judicial Council

This column previously (February, 1971) highlighted a list of proposed legislation submitted on behalf of the Judicial Council to the 1971 session of the legislature. The Judicial Council also conducts a continuous examination of the Rules of Practice and Procedure in the state of Washington in order to formulate and recommend to the Supreme Court improved rules and procedures for adoption by that court in the exercise of its rule-making power granted by the Rule-making Act of 1925. See RCW 2. 04.190 and RCW 2. 04.200.

It has been observed in other jurisdictions that the mere grant to the Supreme Court of the rule-making power is without effect unless there exists also a separate body which serves as a clearing house for suggested changes in procedure, and which finally formulates into tentative rules for submission to the court those suggestions which seem to have merit. In this state the Washington Judicial Council serves both as a clearing house and as a draftsman for the Supreme Court.

In the past the Judicial Council has played a major role in the adoption by the Court of the Civil Rules for the Superior Court, the Juvenile Court rules, the "legal intern" rule (APR 9), and the proposed uniform traffic bail rule, among others.

At present, the Council is preparing to submit to the Supreme Court for adoption in Washington proposed Rules of Criminal Procedure for the Superior Courts. The Criminal Rules are the work product of three years of deliberation and drafting by a task force of judges, attorneys (both public and private) and law school faculty members, appointed by the Judicial Council to draft the proposed rules. The criminal rules will be more fully discussed in this column at a later date.

The Judicial Council invites suggestions for needed procedural reforms from all members of the legal profession. Persons wishing to initiate Judicial Council study of a particular problem should address themselves to the Chief Justice of the Supreme Court, who serves as the chairman of the Judicial Council.

Lawyer/Public

STREAMLINED COURT SYSTEM SOUGHT

Thus read the 11-inch headline. And then the story:

"Modernizing and streamlining court procedure in Clark County to save the taxpayers 'a pile of money' and make more efficient use of the judges and courts is the aim of a task force of eight judges and attorneys.

"The group is the bench-bar committee of the Clark County Bar Association, which has been working on various areas of concern in both the Superior Court and lower courts.

"Attorney Irwin Landerholm, who is co-chairman with another Vancouver attorney, Duane Lansverk, said the committee is charged with trying to make 'a pretty thorough survey' of the court procedures and their impact on the community.

" 'The courts. . . must modernize,' Landerholm asserted. 'They must serve the people and not the other way around.' "

And so on.

That, in the highest and best sense, is public relations. The news story was in the Vancouver Columbian. It ran for some 15 inches, reporting fully on what Clark County's 69 lawyers and several Superior Court and District Court judges plan to do to improve the system of justice and the courts.

Public relations never should be, and for lawyers and bars never can be, mere puffery, lily-guilding. Bar public relations has been defined by some experts as "*doing* something worthwhile, then letting people know about it."

"Doing something" has been instinctive to lawyers for centuries. And it is to most local bar associations.

If your local bar is doing something worthwhile, something either immediately or ultimately in the public interest, then you have only to let the people know about it and you have a perfect public relations program.

— Public Relations Committee

Office Practice Tips

THE OFFICE MANUAL

We have all resolved at one time or another to put together an office manual as a guide to the staff and a reference for all of the policy decisions that we make and then forget. One lawyer tells me that he has started his office manual by instructing his secretary to cut out this column on Office Practice Tips each month and place it in a separate file for quick reference. Recent articles such as that setting forth the divorce retainer and a model partnership agreement surely justify this consideration. An office manual has such inherent value that I suggest that we all quit thinking about it and set it up in a good solid form so that it can grow and still be accessible.

Our office manual is housed in an 8½ x 11 three-ring book with 2" rings. We are using the Wilson Jones seamless virgin vinyl ring book which has hinges reinforced with nylon and carries stock No. 196-34BR. It comes in a pleasant brown color and is easily labeled with a labeling machine. The first page of our manual is a preface or introduction entitled "Guide to Office Manual" and reads as follows:

The "Office Manual" is the repository for the statement of policies and systems under which the office operates. Every staff member should acquaint himself with it and refer back to it for guidance.

Each section such as: Vacations, Hours, Billing Practice, Transfer Files, etc., is assigned a section number and each page in that section is a decimal number. For example, Hours is Section 1.1, 1.2, etc.

All sections and material in a section (e.g., paragraphs on particular subjects) are indexed on the alphabetical index sheets following the index tabs.

For convenience in making new entries each new section is listed on the sequence number assignment sheet with any cross index headings desired. For example the first item is:

Hours of Work — Coffee Time — Noon Hour — Saturdays Section 1.

From time to time a secretary will type the cross index items on the cross index sheets. As each item is cross indexed it should be checked off as follows:

✓ ✓ ✓
Hours of Work — Coffee Time — Noon Hour
✓
— Saturdays 1.

The above entry required four cross index entries. In each one the key word appears first. For example the first entry under "H" would read: *Hours of Work* — Coffee Time — Noon Hour — Saturdays 1.

The second entry under "Co - Cz" would read: *Coffee Time* — Noon Hour— Saturdays — Hours of work 1.

Recently I received a letter from a lawyer asking for guidance in revamping their filing system stating that they were currently filing by number which resulted in scattering the files and that they also had a problem in locating a file where the pleadings listed only the Plaintiff and one Defendant and their client was somewhere down a long list of Defendants. He went on to ask if we had an office procedures manual which would outline the procedure used in setting up index cards and cross-reference cards. I was able to point out that an article on Client's Cards had been published which answered a part of his problem. In that article I promised to later cover the subject of the Name Index which I know that I had never done. I was able to send him a page out of our office manual covering this area which reads as follows:

NAME INDEX

This Name Index is designed to cross reference the names of all parties to all matters being handled or which have been handled in our office. In the client's card file we maintain a client's card with detail as to the matters handled for that particular client and showing the transfer numbers of all transferred files for that client. However, we may in a given case be representing a plaintiff and there may be three or four defendants. We do not prepare a client's card for each defendant because they are not our clients, and we do not have sufficient data on them to justify maintaining a client's card. We cross-index to these people by entering their names in this name index with a reference to the file client's card, responsible attorney and year. For example, if we represent Robert Jones in an action against Brown and Smith, we would prepare a client's card for Jones and his name would be entered in the Name Index "Jones, Robert, file Jones vs. Brown and Smith - H (responsible attorney's initial) 1968." Brown and Smith would both be entered in the same manner,

---

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.

Twenty Years Ago

"Brown, John H., file Jones vs. Brown and Smith - H 1968."

Entries are initiated in the Name Index by the secretary or attorney filling out a name index slip. This is a multiple pink slip. Be sure to check the proper box and fill in all pertinent information. The posting will normally be handled by the night girls and we will designate an appropriate spindle for accumulation of the posting slips. A sample slip:

Name Index Slip ☐
File Time Slip ☐
Long Distance Charge ☐

Last Name First Initial

File: _____

Atty: _____ Date: _____ Charge: _____

Services or L.D. Call to: _____

_____

Realizing that we had never done a chapter in our office manual on our filing system, which is alpha-numeric-annual, I resolved to do so. It has evolved in our offices over the last 27 years and is designed to meet most of the objections to the straight numeric or alphabetic systems. Writing about your system always tends to refine it. I have now written up a chapter for the office manual on the filing system and will publish it in these pages shortly.

Meanwhile, if you really don't have an office manual why don't you suggest to your secretary that she call your favorite office supply firm and order a Wilson Jones ring book Model No. 196-34BR with one set of alphabetical indexes and one package of lined 3-hole paper. Then tell her to read these articles and save anything that appeals to you as a guide to office procedure. We will as time goes by publish sections or chapters covering such subjects as vacations, hours, billing practice and any other subject you may request.

Harry E. Hennessey

President **Welts** reported the mid-winter meeting of the House of Delegates, A.B.A. **Frank Holman**, Seattle, was then the President. Report was mostly routine except one shocker — **Dick Munter** never turns in any expense account. However, President Welts assured that the others who did were not wasting W.S.B. money.

The report on legislation indicated that very few of the Judicial Council bills became law. One that did provided for retirement of judges and another making provision for widows of judges.

Clark-Skamania Bar met to discuss and perhaps cuss the new rules of court. Judge **Simpson,** retired, made comments. There is no report as to what was said but maybe "plenty" would cover it.

BIRTHS

William J. Lindberg appointed U.S. District Judge. **Paul Klasen** commenced practice in Soap Lake, his home town. **McCoy, Purcell & Elliott** opened offices in Longview. **Arthur J. Hutton** elected President, Kitsap County Bar. **Kelley, O'Sullivan and Meyers,** referred to by Editor Rupp as a Scandinavian law firm, took new offices in Seattle. **Kenneth J. Selander** appointed assistant U.S. district attorney, Seattle.

Dean ducked out. Dean **Judson Falknor,** Washington Law School, resigned to become professor of law at U. of C., Berkeley. Jud had been a successful trial lawyer, but apparently the law school was too tough a trial for him.

CROSSED THE BAR

Mary Alvord Thorn, of Highland, Elvidge & Elvidge, passed. Mary was very active, capable and feminine.

Thirty years ago a large group of lawyer fathers and lawyer sons had a banquet. Of these only two father-son combinations remain. **Elias Wright** and U.S. Circuit Court Judge **Eugene A. Wright,** and **Raymond Ogden, Sr.** and **Raymond Jr.** Raymond, Sr., 95, practices law full time nine months of the year. Judge **George Donworth** spoke for the fathers and **John Rupp** declaimed for the sons.

The good old days were those when the moon was believed to be just something the cow jumped over.

by M.W. Bean, Daily Journal of Commerce

David J. Williams

Calendar

May 7	Fourth Annual Pacific Coast Labor Law Conference, Olympic Hotel, Seattle.
July 5-7 14-20	Annual Meeting of the ABA in New York, N.Y. and London, England.
Aug. 29 - Sept. 4	National College of Advocacy, sponsored by ATLA and Hastings College of the Law, at Hastings in San Francisco.
Sept. 9-11	Annual Meeting of the Washington State Bar Association in Portland, Oregon at the Portland Hilton.
Oct. 10-15	8th Annual Hawaii Tax Institute at the Princess Kaiulani Hotel in Waikiki.

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) Senior (although under 40) staff attorney with Eastern Washington office of large national corporation has extensive resume on file.

(2) Five-man firm serving four-county Western Washington area seeking associate for private general practice.

(3) Candidate for N.Y.U. L.L.M. in Taxation seeking summer employment for 1971 and permanent position beginning September 1972 (following additional one year fellowship).

(4) Young Western Washington private practitioner, UW Law graduate, seeks position as corporate staff counsel.

(5) Corporation needs attorney experienced in labor contracts and negotiation for position in Nevada. Salary $20,000 to $25,000.

(6) Upper-third graduate of Iowa Law School, Army J.A.G. officer and Vietnam veteran, seeking private general or trial practice in Puget Sound region.

(7) Eastern Washington federally funded anti-poverty agency seeking Legal Services Director at $11,400.

Deadline for next issue of the *Bar News* is April 5, 1971.

Remember to make contributions to the Washington State Bar Foundation.

Notices

WANTED and UNWANTED

For Sale: Wash. Rpts. comp. thru 63 Wn. 2d; 44 Vols. P. 2d, Shep. Wash. Cit.; Vols. 1-13 Wash. Dig.; RCW Ann.; Vols. 1-6 Wash. Prac.; USCA; ALR thru ALR 3rd and digests; AM Jur and Am Jur 2d thru Vol. 20; CJS; Am Jur Proof of Facts; Vols. 1-6 Bancrofts Probate Prac. 2nd Ed; Vols. 1-4 Modern Legal Forms; Collier on Bankruptcy 2d; Vols. 1-3 Schwartz, Trial Auto Cases; Vols. 1-4 Schweitzer, Cyclopedia Trial Prac.; Vols. 1-5 Reid's Branson Instructions to Juries; Vols. 1-6 Nichols on Eminent Domain; Keeper, Marriage & Divorce; Vols. 1-28 Cyclopedia Auto Law & Prac.; Vols. 1-3 Modern Trials Belli; Med. Trial Tec.; Vol. 1-3 Schweitzer Trial Guides; many others. Estate of Lloyd D. Cunningham. Contact Ken Earl, 1000 West Ivy, Moses Lake 98837 (RO 5-7826).

For Sale: CJS complete through Jan. 1, 1970, and U.S. Sup. Ct. Reports, Lawyer's Ed., with Digest, Notes and Citator. Make offer. Boyd J. Long, 1700 Standard Plaza, Portland, Oregon 97204 (503-224-6440).

TRAVEL — LONDON

Additional space has opened up for the charter flight to London departing from Vancouver, B.C., July 9, 1971, and returning from Amsterdam August 7, 1971. The bargain price of this deluxe flight on CPAir Jet is $289.00 per seat and is open to members of the Bar, their spouses, and dependents living in the same household. Send your remittance of $289.00 for each seat to:

Travel Committee, Washington State Bar Assn.
Seattle-First National Bank
P.O. Box 3586, Seattle,
Washington 98124

WHICH OF THESE OUGHT TO BE CLOSE AT HAND ON *your* SHELVES?

Still available, though most are in severely limited quantities, are these practice manuals, handbooks and seminar outlines published by the Continuing Legal Education Committee of your Washington State Bar Association. They cite, brief and discuss *WASHINGTON* LAW researched by *WASHINGTON* LAWYERS for *WASHINGTON* LAWYERS. You are urged to order *today*, while supplies are available, the books that might save you much time and money in your practice now or in the future. Use the handy order form below.

PROFESSIONAL AND FIDUCIARY LIABILITY

Robert W. Dickey, Don R. Hungate, Harry Margalis, Ronald H. Mentele, Robert E. Ratcliffe, 1970; 81 pages, hard-cover loose-leaf binders; $7.50.

Fundamentals, brought up to date, of the "errors and omissions" professional and fiduciary liability of attorneys, doctors, accountants and insurance and real estate brokers, plus a background section on professional liability panels (doctors-lawyers).

PROFESSIONAL SERVICE CORPORATIONS

Paul R. Cressman, Donald C. Dahlgren, Charles L. Thomas, Richard A. Winkenwerder, James Workland; 1970; 105 pages, hard-cover loose-leaf binder; $7.50.

To incorporate or not to incorporate professionals: This book will help you decide, both about your own practice and the practices of your professional clients. Required legal procedures; federal income tax problems; retirement plans and their actuarial aspects.

CIVIL RIGHTS LAW IN WASHINGTON

J. David Andrews, John R. Baylor, Thomas K. Cassidy, Lembhard G. Howell, Kenneth A. MacDonald, Cornelius J. Peck, Howard P. Pruzon; 1970; 174 pages, hard-cover loose-leaf binder; $10.

The definitive work on this subject for the general practitioner. The enlightening and vitally necessary history of civil rights laws; sorting out the multiplicity of forums; translating violations into damages and fees; employment discrimination from both employer's and union's viewpoint; employer's obligations under current civil rights laws

PERSONAL PROPERTY SECURITY

Under the Uniform Commercial Code, Article 9

Richard Cosway, Robert F. Garing, Edward N. Lange, Morris G. Shore, D. Gordon Willhite; 1969; 137 pages plus 26 forms; hard-cover loose-leaf binder; $5.

The latest tips and traps in the increasingly complicated world of secured property transactions. Contents: Simplified outline of mechanics of filing, including potentially costly pitfalls; automobile financing, both dealer and consumer; financing the former—correlating UCC provisions with a myriad of existing state lien and other statutes; financing with intangibles—what to do and what to watch out for in taking security interests in the six UCC varieties of intangibles; many statutes, valuable forms, outlines by the authors.

CORPORATE MISCELLANY: SPECIAL PROBLEMS OF CORPORATE LAW PRACTICE

Barry H. Biggs, Richard A. Derham, Paul E. S. Schell, Michael E. Stansbury; 1969; 139 pages; hard-cover loose-leaf binder; $5.

Liabilities of corporate officers and directors have been so expanded that in some places corporations are having trouble recruiting them. The outlines also discuss the new nonprofit corporation law and many vital and sometimes little-known aspects of the Securities Act of 1933.

SALES TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE

Richard Cosway, James M. Hilton, Hans C. H. Jensen, Morris G. Shore, Lawrence R. Small; 1968; 394 pages; hard-cover loose-leaf binder; $5.

The UCC's Article 2 (plus Article 6—Bulk Transfers) in Washington State; Code provisions with the Official Comment plus the invaluable Washington Comment on each, plus the authors' expert explanations; sales and contracts and their construction, third parties, performance, breach and excuse, rights and remedies, retail installment sales, etc.

PRIVATE ANTITRUST ACTIONS

William L. Dwyer, Luvern V. Rieke, Roy L. Prosterman, Frederic C. Tousend, Charles S. Burdell, John E. Heath, Jr.; 1968; 209 pages; hard cover loose-leaf binder; $5.

"Antitrust" has edged into the day-to-day vocabulary of the local-level lawyer. This volume explores the vital aspects of private antitrust actions: Principal statute provisions, synopses of leading trade-regulation cases, easy-to-understand explanations of antitrust development, treble-damage actions, "localization" of jurisdiction, what antitrust laws do to business and professional associations.

TAXATION FOR THE GENERAL PRACTITIONER

William F. Baldwin, John T. Piper, Scott B. Lukins, John B. Greene, Joseph D Holmes, Jr.; 1969, 135 pages, hard cover loose-leaf; $5.

This book, prepared by experts for non-experts, seeks to highlight tax-saving opportunities, tax traps and tax problems to which all lawyers must be alert. Some of the topics: Incorporation or partnership; the oft-vital Subchapter "S" election; liquidation; collapsible corporations; tax problems in employee-benefit programs; tax aspects of divorce, alimony and support payments; expense items; federal tax procedure and litigation.

CONVENTION 1970

312 pages; $4

New Developments in Products Liability; W. Ronald Groshong, Edward J. Novack, Edward D. Hansen, F. Lee Campbell, Martin T. Crowder, Paul N. Luvera, Jr.

Potent, Copyright and Trademark Law for the General Practitioner; Carl G. Dowrey, David P. Roberts, Gordon R. Sanborn, George M. Cole.

Federal, State and Municipal Tort Liability; Smithmoore P. Myers, Nelvin Bettis, Joseph S. Montecucco, Arthur T. Lane.

Law Office Management: The Development of Lay Assistants; Lee Turner, Great Bend, Kansas.

The Right to Privacy—Damages Actions and New Developments; Cornelius J. Peck, Richard S. White, Daniel J. Riviera, Frederic C. Tousend, Edmund B. Raftis, William L. Dwyer.

CONVENTION 1964

260 pages; $3.

Practicing Law Efficiently; Harry E. Hennessey, William B. Bantz, Albert A. King.

Federal Constitutional Law; Robert L. Fletcher, Eldon H. Reiley, Kenneth MacDonald.

Condominia and Cooperatives; Louis H. Pepper, Ralph Gilby, George W. McBroom.

Water Rights; Max Jensen, Ralph Johnson, Charles B. Roe, Jr.

Zoning, Platting and Land Use; T. David Gnagey, Robert F. Hauth, Vaughn P. Coll, Edward A. Rauscher.

Farm Law; Edward Dowson, Dale Green, E. S. Velikonje.

Uniform Rules of Evidence; Elwood Hutcheson, Riner Deglow, Paul Sinnitt, William Wesselhoeft, Lawrence Monbleau, Lloyd W. Bever.

ORDER FORM

PLEASE SEND ME:

- ☐ Civil Rights Law ($10)
- ☐ Professional Service Corp. ($7.50)
- ☐ Prof. and Fiduciary Liability ($7.50)
- ☐ Personal Property Security (UCC Article 9) ($5)
- ☐ Sales Transactions Under UCC ($5)
- ☐ Taxation for the General Practitioner ($5)
- ☐ Corporate Miscellany ($5)
- ☐ Private Antitrust Actions ($5)
- ☐ Convention 1970 ($4)
- ☐ Convention 1964 ($3)

☐ Check enclosed ☐ Bill me

Name _____

Address: _____

City and Zip Code: _____

Mail to Washington State Bar Association, 505 Madison, Seattle 98104.

WASHINGTON STATE BAR ASSOCIATION
505 Madison Street
Seattle, Washington 98104

Nonprofit Org.
U. S. POSTAGE
PAID
SEATTLE, WASH.
Permit No. 2204