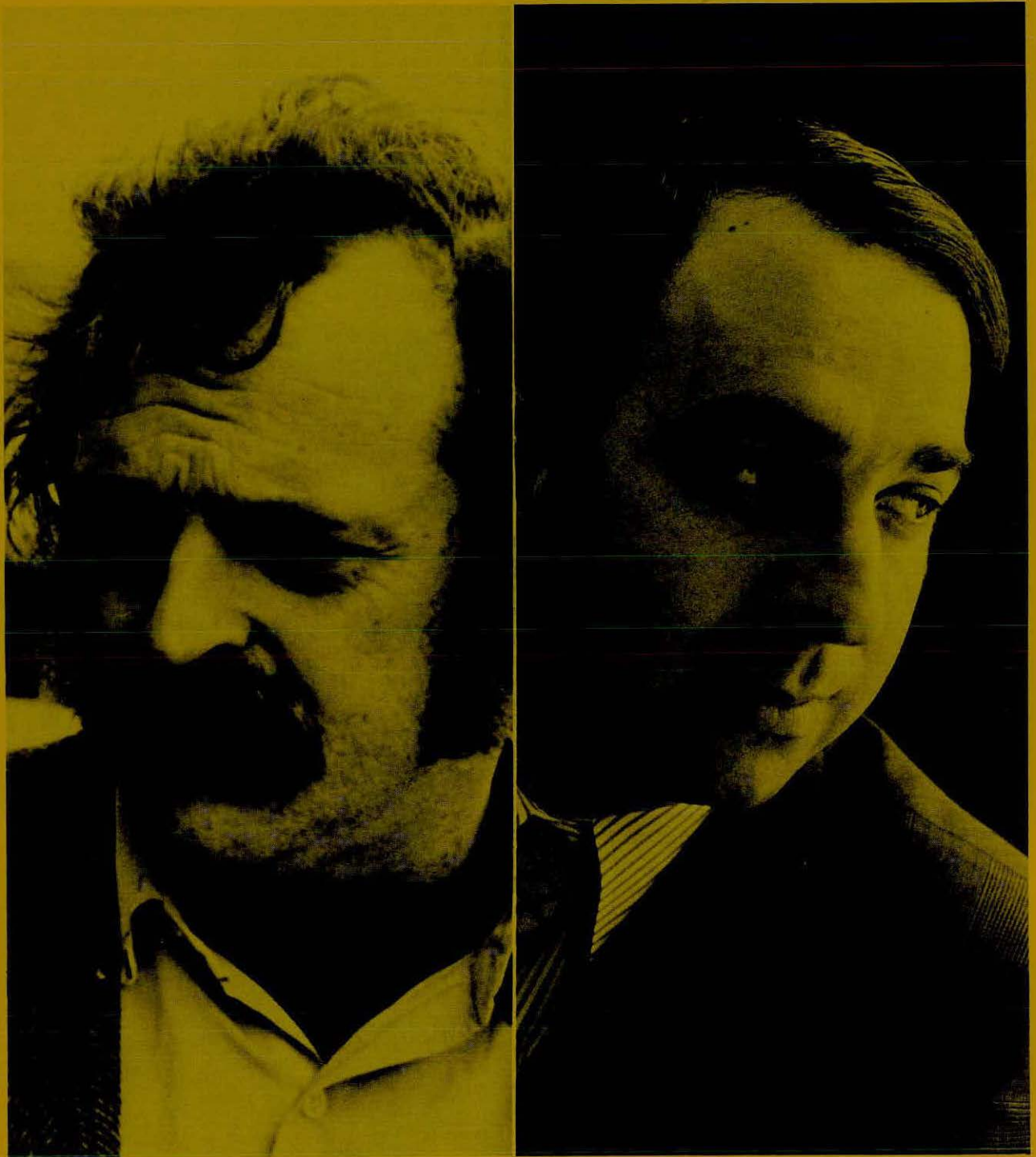

WASHINGTON STATE BAR NEWS



THERE'S TROUBLE AT McNEIL ISLAND



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There's Trouble at McNeil Island (page 5). Prison reform has been on the upswing since Chief Justice Burger delivered his speech "No Man Is an Island," May '70 *Bar News*. However, there has been frustration in many quarters in an attempt to get at the bottom of the recent strike at McNeil Island. The transcript of the interview of Lee Holley and Dave Hoff printed herein was forwarded to Warden J. J. Parker for comment. He did not respond. Serious allegations — such as that lawyers are not allowed to visit clients on evenings or Saturdays and lawyers must be investigated and approved before they are allowed to visit clients there — remain unanswered. Probably even more disturbing is the growing realization of man's inhumanity to man as perpetrated through the prison system. The full weight of the Bar should be brought to bear to open the channels of communication among inmates, the Bar and the public to seek new approaches in the corrections area.

* * * * *

Law Book Publishers (page 9). A hot subject nationally in Bar circles is the shoddy marketing practices being used by some law book publishers. Don Gulliford voiced his discontent in the '70 *Bar News*. ABA President Edward L. Wright devoted his entire column to the subject in one of his recent columns in the *ABA Journal*. A fairly extensive report out of Texas has been reprinted for your information.

* * * * *

The Law School Boom (page 11). The Board of Trustees of the University of Puget Sound will consider at its May meeting establishment of a law school to serve the Tacoma, Seattle and Olympia areas. The ABA has indicated support for such a school. The unprecedented increase in the demand for legal education is discussed in this article. The point that seems to be overlooked is the difficult time that law students are having in finding legal positions upon graduation.

* * * * *

Also to be found: Legal research by computer in Washington State (page 2); The Seattle P-I draws the president's ire (page 3); SKCBA gives another \$10,000 to minority law students (page 13); progress report on no-fault auto insurance (page 15); increased talk about one lawyer — one vote (page 16); summary of some of the new laws out of '71 legislature (page 19); Claude Pearson outlines statewide call to action on Lawyer Referral Service (page 21).



The Board's Work

You're a lawyer. You have a client and he is scalded, balded and angry. His new pressure-can of hair spray had exploded, he was obviously injured and damaged and he wants compensation.

You (or your newly trained secretary-operator) go to the computer terminal in your office building. You type a word meaning you want all the Washington Supreme Court Reports searched.

You type "aerosol" and "pressure can," which you decide are the key search words. The computer almost immediately flashes the answer: 54 OCCS, 38 DOCS. That means the words occurred 54 times in 38 cases. Too many for you to check out.

You tell the computer to find the same words when they occur in conjunction with "explosion" or "exploded." The computer answers: 24 OCCS, 11 DOCS. Great — you are narrowing the search.

Then the computer asks *you* a question: What do you want: 1. Title. 2. Headnotes. 3. Full text. Or perhaps something from a dozen more choices, including such things as the attorneys involved, the judges, reference to ALR annotations, history of the cases, etc.

You ask for titles, citations and headnotes. And you get them typed back to you — fast. Cost to you (or your client) for the service is, say, \$25. Hours of eyeball briefing time saved: Possibly quite a few. And your secretary could have done all the computer conversing after instructions from you as to what you were looking for.

The time-, money- and effort-saving service isn't here yet. But perhaps the time when it will be is not too many years away, the Board of Governors was told at its March meeting. The Board was briefed on the **progress of computer use** by Richard O. White, state code reviser, and Edward C. Miller, staff research analyst.

White likened the computer to "a very fast, dumb law clerk"; Miller added that the researching computer "doesn't get bored."

"It is a tremendous tool, but it doesn't substitute for a lawyer's judgment," White said.

The IBM computer now is being used by the Legislative Information System, operated under general supervision of the Permanent Statute Law Committee (the State Bar members of which are Robert L. Charette, Aberdeen; Bernard J. Gallagher, Spokane; Charles P. Moriarty, Seattle; Charles R. Olson, Bellingham, and Daniel J. Riviera, Seattle).

Now contained as the "data base" in the computer are the Revised Code of Washington, the Constitution and state enabling and organic acts,

attorney general opinions — and the ten recent volumes of the Washington Reports starting with 64 Wn 2nd. The latter are being used as a pilot project to determine the effectiveness of searching case-law materials.

The RCW and other data, plus legislative bill drafting and bill progress reports, are being used in services to legislators. One computer statute search cost \$36 and saved at least 20 man-weeks of work. And such searches beat the eyeball method: A lawyer using manual research aids on one project found 70 relevant code sections; a computer search turned up 32 more code sections he had missed.

The big obstacles naturally, to making full computer research facilities including case law available to lawyers statewide are time and money, White said. He envisioned the day when the service will include computer terminals scattered throughout the state, available to lawyers on a cost (computer time plus line toll charges) basis. And the service not only will save wear and tear on lawyers and their clerks, but will tend to make legal services more easily and inexpensively available to clients by greatly reducing the number of hours billed for library and research work.

In other business at the March meeting the Board of Governors:

✓ Held a formal hearing on a petition for **reinstatement** of a disbarred lawyer and agreed upon a recommendation to the Supreme Court.

✓ Granted permission to take the **bar exam** again to several applicants who had taken the test at least three times and failed. The Board also decided to ask the Legal Education Liaison Committee to evaluate bar examinations and designated Board member John S. Moore of Yakima (the new president of the University of Washington Law School Alumni Association) to be in liaison with the committee.

✓ Again considered a **World Peace Through Law** proposed resolution that urges United Nations Charter amendment to make possible required arbitration of international disputes; the Board deferred a stand until the question could be presented for discussion to the Bar at large.

✓ Approved requests by 11 lawyers to represent **indigents** in federal courts.

✓ Officially extended the Board's deepest sympathy, on behalf of all the lawyers in Washington, to the family of **Fred C. Palmer**, who died in December; Mr. Palmer was chairman of the State Bar Disciplinary Board and a former Bar president

(continued on page 4)



Editor:

The Young Lawyers column in the March '71 *Bar News* with the suggested reforms has prompted this note with my reactions.

I assume that the Young Lawyers are suggesting election to the committee, a special budget, and representation on the Board of Governors, because they want to promote their own different, and younger and more progressive ideas. On the other hand a "young lawyer" is determined arbitrarily on the basis of age alone, with those under 35 qualifying and those over 35 excluded.

It strikes me that there is some inconsistency in establishing a criterion of ideas for one purpose, and an arbitrary age for another. It is obvious that many older lawyers have as young ideas as those of this committee, and I am sure there are many lawyers under 35 years of age who are quite stuffy. An arbitrary age rule seems to be no basis on which to allow a special representation or the reforms suggested.

It would appear to me more in order if the Young Lawyers would work toward electing someone to the Board, regardless of age, whose ideas correspond with those they are seeking to promote. Obviously the committee does a terrific and conscientious job, and its ideas are always welcome; but to change the system on the basis of age alone seems illogical.

JOHN HUNEKE

Spokane

Dependent in no small part on the energy of our good editor, Ed Raftis, this column, which is being written on the last day of March, will be published sometime in May. This, of course, presents some problems when the subject happens to be a newspaper article which came out yesterday. However, timely or not, we lawyers came in for about as irresponsible a bit of reporting as I have ever read, in an article in the *Seattle Post Intelligencer*.

The article to which I refer ostensibly reports the argument made by Fred Dore before the Supreme Court on behalf of certain King County taxpayers. It carefully points out that Fred is Chairman of the Senate Appropriations Committee which passes on the budget of the Supreme Court, as well as on pay boosts and pension matters. In it is the following absolutely unfounded statement:

Most observers here are convinced that the court was thinking more of election and Dore's budget power than they were of the law when the order was written. These so-called "observers" undoubtedly consisted solely of the reporter.

I have already given a statement on this, and I am sure if it is published at all in the *Seattle Post Intelligencer*, it will be given about the same prominence as the divorce-asked column.

My point in bringing this up again, however, is that here we are celebrating Law Day, doing our very best to instill respect for the courts and the judicial process, only to find ourselves subjected to the innuendos and fabrications of a reporter whose right to publish such an irresponsible and libelous article is predicated upon the decisions of

the court which he vilifies.

I am sure we all feel the frustration of the bad publicity which has been given to the bar association at every turn. No reporter takes the time and trouble to get the true facts of the hours which the average practitioner spends in attempting to aid people who are obviously unable to pay a legal fee. A little passing publicity has been given to ours as the only profession which, out of its own pocket, indemnifies the public for any losses sustained as a result of trust funds placed with a lawyer. It is completely forgotten that long before the government began to underwrite the defense of indigents in criminal matters, lawyers were defending them in federal court for nothing, and in state courts for \$10 a day paid in the form of a warrant cashable at some indefinite time in the future. Long before general legal services were provided for the poor, again by government aid, the lawyers of this state, out of their own pockets, staffed and paid for free legal aid bureaus.

I am in ancient history, but there is no point in referring to what is being done today. We are all familiar with the activities of our committees, the members of which are serving without compensation for the improvement of justice and the court system, and we are also familiar with the fact that we have courts and judges of which we are justly proud.

This column, I recognize, can be called pointless. We are all at our wits' end to know what can be done to improve our public relations. It is not just a matter of what the public thinks of us, but there is entirely too much in vogue today to tear down respect for the law.

The Board's Work

(continued from page 2)

and Board member.

✓ Expressed **opposition** to proposed **CAROA Rule 33** (Advance Sheet February 12, 1971) and generally favored an alternative suggestion proposed by Justice Marshall A. Neill.

✓ Set Friday, May 14 at Ocean Shores as the date and place of the spring meeting of **Local Bar Presidents**.

✓ Delegated Robert O. Beresford of Seattle, president, and Kenneth P. Short of Seattle, Board member, to represent the State Bar at the **Ninth Judicial Circuit Conference** in Portland June 28-30.

✓ Approved amendments to **Rule 9** proposed by the Legal Internship Committee. Among other things, the changes would permit internship under the rule after 2½ years of a four-year school (the rule previously required completion of two-thirds of law studies); permit a supervising attorney to have completed his required three years' practice in Washington "or elsewhere"; authorize an intern to practice in a limited way in appellate courts; permit "an attorney from the same office" as well as the supervising attorney to review an intern's work; and permit legal aid, public defender and similar staff attorneys and members of state, county or municipal legal departments to supervise the work of two legal interns, instead of one. The proposed amendments now will be considered by the Supreme Court.

✓ Received discipline, financial and committee **reports**, reviewed Legislative Committee activities and discussed again the concept of so-called "no-fault" automobile insurance proposals.

✓ Voted a contribution of \$500, in response to a request submitted through a steering committee of a Seattle-King County Bar special committee, toward expenses of the **National Conference of Bankruptcy Referees** meeting in Seattle August 29-September 1.

✓ In response to requests from members of the Young Lawyers for reconsideration of a Board decision not to contribute State Bar funds toward establishing a **Seattle neighborhood consumer center**, decided to ask the Young Lawyers for a fuller outline of the program including clarification of the extent to which it might duplicate existing consumer services. □

Modern civilisation puts limitless weapons of destruction into the hands of mankind . . . Every recourse to war, to any kind of war, is recourse to measures which by their very nature are criminal. War is inevitably a web of killing, invasion, loss of freedom, and destruction of property . . . Human reason demands that the law should not be considered adequate if it punishes only petty crimes of which lesser people are guilty. The law must also reach the men who seize great power and deliberately combine to make use of it to commit an evil which affects every home in the world. The last step in preventing the outbreak of war, which is unavoidable with international lawlessness, is to make statesmen responsible before the law. Let me say it quite clearly: this law is here first applied to German aggressors, but it includes, and must do if it is to be of service, the condemnation of aggression by any other nation, not excepting those who now sit here in judgment.

Mr. Robert Jackson, *Chief Prosecutor of German War Criminals before the International Military Tribunal, Nuremberg, 1945.*

THERE'S TROUBLE AT MC NEIL ISLAND

The peaceful strike at McNeil Island failed; it drew attention, as prisoners planned, but produced few results. If the strike was ever really settled, nobody said so. It just "disappeared," along with 75 prisoners — strike leaders among them — into The Hole. Their message ostensibly went unheeded and unbargained. However, the warning lingers. It was the first time in the prison's 96-year-history that inmates had demanded enmasse any rights from McNeil officials. If the signal is not apparent to penologists, it is apparent to prisoners.

*Seattle PI Northwest Today
March 28, 1971*

On February 22, 1971, about half of the 980 men in McNeil Island's main cell block area refused to go to work, according to Warden Jacob J. Parker. Persons who have had contacts with the prisoners said the strikers totaled closer to 90%. In any event, it was the first protest of its type in the prison's 96-year history. A quiet, one-day hunger strike was held in 1947.

On March 4, the first work call issued and enough men turned out to resume production in three factories. As of this writing 45 prisoners still remain in what the prisoners call "the hole" and what the Warden calls "segregation cells."

The inmates presented thirteen demands ranging from better medical care to a lifting of mail restrictions. Late in January, a group of six inmates (the "genocide plaintiffs") filed suit in

United States District Court in Tacoma charging that prison officials violated certain prisoner "rights". The suit grew out of the November 15 fatal stabbing of William Douglas Carter, 26. The suit charges that prison officials allowed known psychotic prisoners to roam freely among the general prison population. The case is pending.

On February 27, suit was filed in Federal Court seeking a halt to "illegal conditions" at McNeil. Suit asked that Norman A. Carlson, director of the Bureau of Prisons, establish a trusteeship over the prison to assure what the suit described as the cessation of genocide, killings, beatings, rapes, racism, illegal secrecy and falsification about inmates.

On March 7, suit was filed in Federal Court in an attempt to force McNeil Island prison officials

to allow newsmen to talk to striking inmates.

On March 14, Eyewitness News Conference was viewed on KIRO-TV. The newsmen participating were Bill Robison (moderator), Clif Kirk (Eyewitness News anchorman) and Bill Windsor (Eyewitness News reporter). The two lawyers interviewed were Lee Holley, who is one of the defense attorneys for the Seattle Seven and a supporter of the McNeil Island Federal Prison Strike Committee, and David Hoff, who is co-chairman of the ABA Young Lawyers Section Committee on the Administration of Criminal Law and Prison Reform. Excerpts from that interview follow:

The controversial nature of this article is recognized. It is printed to inform the Bar of serious allegations which have been made publicly. Warden J. J. Parker was given the opportunity to respond in the Bar News, but he declined. The views expressed herein do not necessarily reflect those of the editor, the Board of Governors or the Association. Your comments are invited.

Q. Should prisons be abolished?

A. **Mr. Holley:** Prisons, as we know them, and the concept of prisons, absolutely. They serve the opposite of every purpose our society wants. They encourage crime; they encourage hatred; they destroy individuals; they create all the evils that supposedly prisons exist to resolve.

A. **Mr. Hoff:** Well, that's a very complex question. I agree with Lee that the current prison system is not working and that it should be changed. If you're asking me "Should all prisons be closed down and some other system be immediately instituted?", I don't think it is possible to do that. I think they have got to be changed.

Q. Can prisons be changed?

A. **Mr. Hoff:** Yes. I think it is possible. I think the reason they haven't been changed is because legislatures have been very slow to act, thinking it would cost a lot of money. Also I think they are afraid to act because there is not a great deal of pressure being put on legis-

latures to change prisons. I think that we are somewhat in the same situation that we were in civil rights in the early 1950's, in this country. If we are going to look for some real changes in the prison system, I think we are going to have to look to the courts, rather than to the legislatures.

Q. Is the problem that there is not enough known about what goes on in prisons?

A. **Mr. Holley:** Exactly, and that's really the core of it. I don't know if you're reading my mind. I don't believe the problem is really that the legislatures are slow to act. I think the problem is that those who do know about the prisons want to keep what exists. The real crime is that there are human beings in institutions who are existing in a way that I am sure the American people don't know they exist. They are allowed to continue to so exist because the media is kept out of there and the only stories which are ever given are from those persons who know what exists and want to continue it.

Q. Where do we change this? Do we change this



David Hoff

at the prison level, such as at McNeil Island, or do we change this through Congress?

A. **Mr. Holley:** Well, I can only do what I can do. The one thing that the inmates have asked of me is not to get off abstractly theorizing about what I can envision to do. Rather, they ask me to get the media, and hopefully the public, in to meet and to talk with them, to get rid of their blind conceptions about what a convict is. In many, many cases these are CO's; these are persons who disagree with society's position on drugs; these are persons eighty-five per cent of whom come from the bottom 5% of society. They are really the symptoms of social disorder and not the cause of it. The public will then know about these people and know about the conditions that exist. When the American public sees what exists, they will see that this isn't some slow problem we should correct. We are creating the greatest evils there. We are creating men so filled with hatred.

Q. Now you made the point that the freedom of newspeople to go into the prison has been thwarted. Why have not cases been filed in Federal Court that would take care of this problem before the recent case that was filed just a couple of weeks ago? Why has it taken so long?

A. **Mr. Holley:** Therein lies the problem. I don't want to exaggerate numbers. There are 50 to 500 cases pending before Judge Boldt. I can't give you the exact number but I tend to believe it is the latter figure. It may be only 50 to 100. I haven't counted how many. However, I have talked to at least 50 men who have cases which have been pending there for months and years. I have affidavits from inmates who heard Judge Boldt say at McNeil Island last year that he won't grant any writs because he's afraid of opening a floodgate. He's afraid that his desk will be filled with writs. While the Constitution of the United States says that writs of habeas corpus shall never be suspended, we have the situation where there's a multitude of litigation pending and nothing is ever done.

And lawyers won't go down there. And that's where Dave and I are in complete agreement. That's what has to happen. The Bar has a decided obligation, I believe, to justice. The inmates don't want just my coming down there, or two or three lawyers that could well be working with Indians or GI's or any of the problems. They want the Bar to come down

Holley's Charges Disputed

Editor:

During the past year a total of 72, a monthly average of 6, motions, petitions for writs, formal and informal complaints were lodged or filed at the Tacoma office of the Clerk of the United States District Court by inmates of McNeil Island penitentiary. Occasionally, when the Court is engaged in lengthy trials or other extended judicial business, inmate communications accumulate awaiting disposition. No accumulation at any time has exceeded 35. As of this date, there is one such matter which has not been acted on by the Court. In every action, a written memorandum order is signed and entered by the Court. These orders are appealable and often are appealed to the Court of Appeals for the Ninth Circuit. The district court orders for more than seventeen years have been reversed in not more than ten instances. During the same period from time to time inmate formal and informal applications for relief have been frequently wholly or partly granted by the judge sitting at Tacoma.

Very truly yours,
Charles A. Schaaf, Clerk
By Edgar Scofield
Deputy in Charge

there. Every regulation of the administration of McNeil Island is to discourage and thwart lawyers' coming down there. They don't allow lawyers in the evening; they don't allow them on Saturdays and Sundays; they won't allow them on holidays. They have a new rule they just threw at me that you have to write and a lawyer has to get investigated and approved before he can come there. This may capture your imagination as to the bureaucracy and the arbitrariness that exists. Lawyers have to get investigated and approved. I didn't have to. I don't know why I'm special. Apparently they know that I am good out there. But now I am trying to get lawyers to go down there and help and they're delaying. I've had letters to the Warden asking to meet with him since January 15. The man can't meet with me. He can't take that trouble for me to try to show him that his fear is the thing that's causing the problems, his fear of losing control.



Warden Jacob J. Parker

Q. I would like to interject a comment that the Warden of McNeil is not here to state his opinions.

A. **Mr. Holley:** He may be a problem. I am sure you could remove Warden Parker, which I don't want to discourage, and the same system is going to go on day in and day out. And that's the trouble. We don't want to highlight the problem of Warden Parker or Captain Mobley or that sensational beatings and killings are the things. It's the entire dehumanizing system that's creating the real problems and destroying human beings. So I don't want anything I say to be an attack on Warden Parker, even though I might have that human tendency to want to.

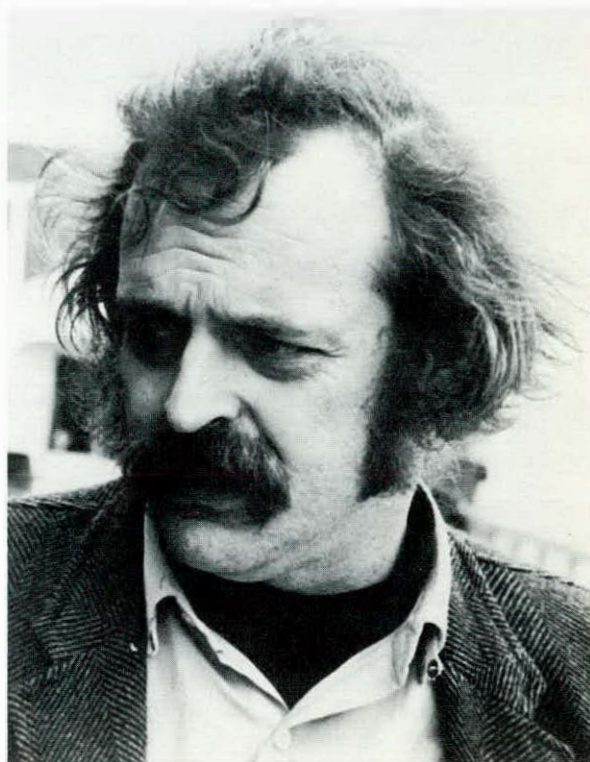
Q. Where do we start to change this system?

A. **Mr. Holley:** Well, if you want some positive proposals, I think McNeil is a beautiful island with some of the ugliest structures on it imaginable and some of the ugliest holes with scores of men being kept in there ten months at a time not knowing why they're kept in there. [One prisoner] attempted to commit suicide for the sixth time in three months, maybe it's three and a-half months now, and they won't even let him die. They have been keeping him in the hole. Stop what exists right now. Set up an institution. If you are going to

confine people that can't get along in our society, let it be where they can be human beings; where their families can go over and stay with them if they want to; where they can do meaningful work; where they can express their individuality in various ways; where they are not herded around and only known by numbers. I call up case workers and ask about so and so. He doesn't even know who that is. He has to know the number.

They are allowed all forms of pornography; as long as they can keep the men competing amongst each other about who is the biggest man, that's all right. But they are not allowed any readings of any sort of a political nature. They are not allowed to have their minds function. They are told what they should think. We have to stop that. We can set up institutions where, if we are going to separate people from society, we put a guard at the gate and maybe somebody going around in a rowboat to see that nobody is trying to swim through the icy waters. We can let them run institutions that are there. But even then, the psychiatric cases that kill people should be kept segregated from the other inmates.

(continued on page 26)



Lee Holley

LAW BOOK PUBLISHERS

The following article by James W. Wilson, which is extracted and digested from the January 1971 Texas Bar Journal, discusses questionable law book marketing practices used by some law book publishers.

An ABA complaint office has now been established, which will work with lawyers and publishers in investigating reported abuses in this area. Lawyers who have complaints regarding law book publishing practices or related matters are urged to write the new complaint office in care of the ABA Department of Professional Standards, 1155 E. 60th St., Chicago, Ill. 60637.

The State Bar Committee on Legal Publications met recently with representatives of three major lawbook publishers — West Publishing Co., Matthew Bender and Company, and The Lawyers Cooperative Publishing Company — to discuss trade practices in the lawbook publishing business. Callaghan & Company was also invited to send representatives, but it declined the invitation.

The Committee was created following the publication of an article in the June 1969 American Bar Association Journal by Raymond M. Taylor, Law Librarian of the Supreme Court of North Carolina, entitled, "Lawbook Consumers Need Protection."

All of the representatives were cooperative, well-informed and reasonably candid. The discussions were wide-ranging and involved not only the specific complaints received by the Legal Publications Committee but also the broader aspects of the complaints.

Most of the complaints received by the committee relate to practices of publishers in servicing existing sets of lawbooks, and the discussions with the publishers' representatives centered on this subject. Lawyers generally seem to feel that publishers take unfair advantage of the "captive" position of their customers with respect to the reporters, encyclopedias, statutes and the other sets of lawbooks the lawyers have in their libraries.

Lawyers want their lawbooks kept up-to-date, and they want them serviced efficiently with as little bother on their part as possible. However, many lawyers believe that the cost of supplementation is excessive and that many revisions are unnecessary and are inspired by a desire to generate profits as much as by a need for keeping the set up-to-date. Lawyers also object when a publisher expands an existing set by adding volumes which deal with new matter, particularly when they are compelled to buy the new material or dispense with the set as a whole, and they resent it when publishers ship them books they have not ordered. These were the principal complaints the committee received and the principal subject of discussion when the committee met with the publishers.

Little Headway Made

The committee made little headway with the publishers on the question of whether unnecessary lawbooks are published. The publishers vehemently deny, of course, that anything other than editorial considerations prompt their decisions on revisions, new editions and the inclusion of new matter in existing sets. They also deny, as is contended by some, that they use excessively wide margins, unnecessarily thick paper and other deceptive practices to achieve what one of our correspondents called "the endless process of making two volumes grow where one grew before."

The committee was and remains unconvinced. Perhaps publishers do not intentionally "pad" lawbooks, but the facts are that the more books they publish, the more money they make. The economics of present lawbook marketing methods provide publishers with every incentive to publish unnecessary lawbooks. The root of the problem lies in a marketing system which allows a publisher to enhance his profits by increasing the number of volumes in an existing set of lawbooks. Since lawbooks are sold on a per volume basis, every time a publisher replaces a volume in an

existing set or adds a volume to it, he is assured of a substantial sale. If a single volume can be replaced with two volumes, sales are doubled. Lawyers are aware of these facts, and they are not impressed by publishers' explanation. They refuse to believe that lawbook publishers are not motivated by normal business considerations.

The committee advised the publishers' representatives of these thoughts and urged them to attempt to devise marketing methods which will eliminate these incentives. The committee assured the publishers that lawyers would understand the publishers' need to conduct profitable enterprise. One member suggested that publishers of traditional lawbooks might consider pricing methods more like those of loose-leaf services. The committee received no complaints about the charges for loose-leaf services. It was suggested that even if it would not be practical to market conventional lawbooks entirely on a subscription basis, after the initial purchase of a set of lawbooks, it would seem that the publisher could keep the set current for an annual subscription charge. Whatever supplementation and revision is required would be covered by this annual charge. A variation of this suggestion would be to charge an annual subscription charge for editorial work and for paper back supplements plus a minimal per volume charge for revisions which would only cover the cost of printing. The purpose in either event would be to remove the present incentive to generate more volumes.

The Lawyers Co-op representatives stated that their company had given serious consideration to this approach and had even considered leasing sets of lawbooks to lawyers. They pointed out that ALR is in effect marketed for a fixed annual sum now. ALR publishes six volumes a year, each of which contains approximately 100 annotations, at \$40 per volume. It was because Lawyers Co-op did not want to expand ALR beyond its customary six volumes that the publishers decided to bring out the ALR Federal series. Several Texas lawyers objected to the publication of the ALR Federal series, but the company contends that with the tremendous expansion in federal cases in recent years it was compelled either to expand the entire set and include more annotations on federal law or to bring out a separate set of annotations on the subject. Its management thought that the latter course would be preferable.

West's representative seemed interested in the idea of an annual subscription charge although he was skeptical that it could be applied to sets like

Vernon's black statutes. Matthew Bender's attitude was entirely negative. Although Matthew Bender's publications would appear to be almost uniformly susceptible to this sort of marketing, its representatives saw no possibility of adopting this approach to Bender's publications.

No Recommendations at Present Time

The committee is not prepared to make any recommendations on this subject at the present time. Its members have no way of knowing with any certainty whether publishers' prices or profits are excessive. They are not sure that an annual subscription charge would not result in higher lawbook costs. They do know that present marketing methods are subject to abuse, and as long as the present system prevails lawyers will continue to suspect that publishers' decisions to add to their sets of lawbooks are motivated by a desire to increase sales volume as well as by editorial considerations. If the publishers value their customers' opinion, they would do well to give this situation serious study.

Lawyers also object to the publishers' practice of sending lawyers lawbooks which were not ordered. The major publishers apparently do not engage in the practice of sending lawyers unordered copies of entirely new books which have no relation to an existing set. However, none of them hesitate to send an unordered new edition to owners of an existing set, and they freely send unordered volumes which are published as additions to an existing set. The following are some examples of this practice.

West recently published a two-volume set of Uniform Commercial Code forms specifically designed for the Texas practitioner. Rather than market the set as an independent work, West published the book in a "black statute" format and shipped them without an order to all subscribers to Vernon's Texas Annotated Statutes.

Recently West also began publishing a revised edition of its *Federal Practice Manual*. The set will ultimately reach six or seven volumes. As the volumes are published, they are shipped unordered to all owners of the three-volume first edition.

The Lawyers Co-operative Publishing Company recently began publication of a separate set of annotated federal cases entitled "ALR Federal," and it shipped the first volume without an order to all of its regular ALR subscribers. Unless affirmatively rejected by the subscribers, the shipment

(continued on page 29)

THE LAW SCHOOL BOOM

The number of admissions applications to the University of Washington School of Law has reached an all-time high, according to Associate Dean **John Huston**.

Applications for the 1971-72 academic year reached 1,650 by the March 15 deadline. 260 will be accepted in order to get a 150 first-year class.

By comparison, applications for the 1970-71 academic year totaled 989. 285 were accepted and 162 entered as first-year students.

The applications at Gonzaga University School of Law are also at an all-time high. (They were very high after WW II, in the early 50's, also.) For Gonzaga, it is most difficult to make comparisons. At this time last year the School of Law had an increase but they were all for the Evening Division. The Day Division was not approved by its trustees until May 1970. Many of those applications converted to Day Division. Now, the Day Division has been known for nearly a year. Since early Fall the School has been drawing applications to two divisions rather than one.

Gonzaga has received 400 applications for the two divisions for 1971-72. This compares with just over 300 applications for 1970-71 for both Day and Evening Divisions. Rev. **Charles Walsh**, S.J., Professor of Law at the School stated on April 2, 1971: "I would not guess at all how many we might ultimately receive this year. It is too early to say. We have no early deadline for applications because we presently have what is sometimes called a rolling admissions system. Admission, other than standby, will close when the capacity is filled. This will likely happen much earlier for the Day Division than for the Evening Division. Again, we have no good Day Division admission experience. The Day Division admission figure for 1971-72 should be between 130 and 140. It is too early to estimate the Evening Division but it will likely enroll a much smaller number. As you know, articles discussing law school application increases point out the increasing number

of ghost or multiple applications filed by the student eager to get in somewhere. This makes planning very difficult for the school."

In the Fall of 1971, when its Day Division began, Gonzaga Law School admitted a total of 119 students to the two divisions. (This included a few special students taking only a class or two.)

Father Walsh further commented: "Much has been written nationally regarding the factors responsible for the increase. The basis for comparison is poor at Gonzaga because of the addition of the Day Division. It is certainly true that those prepared for the teaching field in many areas are finding a tight market and under-graduates find that out. Also, many of the generation now in college are rather dissatisfied with many of the inequalities and injustices of many facets of our system and are willing to give themselves to the work of improvement with a generosity that has sometimes been lacking in the past. They seem to realize the practical value of legal knowledge if changes are to come in an orderly manner. Less often mentioned is the fact that legal education is useful in so many areas outside of the regular practice of law. Also, if it seems that the general public has taken a much greater interest in law. Those are some of the reasons for increase but the only local reason I can give is the addition of our Day Division."

In the wake of a 154% increase in freshman enrollment following the establishment of the three year day program, Gonzaga Law School has plans for a \$190,000 addition to include the law library, reading room, reference room and seven offices. Additional classroom space will also be provided in the existing structure.

Nearly all accredited schools of law have a capacity enrollment, creating a "critical shortage" of chances to study law, the American Bar Association says.

An annual survey of 146 law schools accredited by the ABA showed that enrollment has risen nearly 20% in a year, from 68,386 in 1969 to 82,041 in 1970.

Maximilian W. Kempner, New York, chairman of the Section of Legal Education and Admissions to the Bar, said only 16 schools indicated they would have taken any more first-year students last fall. The total which would have been admitted was only 650, about 2% of the number of first-year students already enrolled.

"I am deeply concerned over what this survey reveals about the inability of accredited law schools to respond to further increases in the demand for legal education," Kempner said.

"Society expects our institutions of criminal justice to be more adequately manned and expects legal services in the private sector to be more broadly available. The ABA survey shows the need for a national response to the critical shortage of opportunity for law study," he said.

The report said that law school enrollment in the past decade has doubled and that the number of woman law students over the past five years has increased by 150%, from 2678 in 1966 to 6937 in 1970.

An analysis of the situation is found in an article entitled "It's the Roughest Year Ever to Enter Law School" by Terence Shea which appeared in *The National Observer* of March 22, 1971:

"About 75,000 young men and women are now making tentative plans to start law school in the fall. At least half of them will discover in the coming weeks that they will have to make other plans.

"Law schools could not even hope to expand as rapidly as the demand for law education has risen in recent years. And although the job market for young lawyers has shrunk markedly this year, the demand for law schooling has risen again. Compared with estimates of a year ago, about one-third more people are applying to law school this spring.

"Law schools probably will raise entrance requirements still further and mail acceptances to smaller percentages of applicants in order to prevent the unanticipated ballooning of first year class size that surprised legal educators last fall.

"Total enrolment at the 146 law schools approved by the American Bar Association (ABA) shot upward by 14,000 to a record 82,000, double the number of law students a decade ago. An ABA study reported that only about a dozen law schools had any first-year vacancies, and that 34,000 students started law study last year. Similarly large growth was reported also by the 20 or so law schools that are not on the ABA-approved list, enrolling about 4,000 students.

" 'This is going to be the roughest year ever for a kid to get into law school,' says Charles Consalus, program director of the Law School Admission Test (LSAT), the Educational Testing Service examination required by almost all law schools.

"During the 1969-70 academic year, a total of 74,000 LSATs were taken by law-school applicants. So far this year, 85,000 LSATs have been administered, and there is one test date remaining. The total test figure is expected to exceed 100,000.

"Because a good LSAT score is crucial for entering a good law school, some students take the test more than once. Thus, the growth of LSAT figures reflects rising law-school interest, not the number of applicants. Mr. Consalus uses a separate ETS program for law-school applicants to estimate that 75,000 people are applying for law school this year.

"Much of the increase stems from the foreseeable and continuing increase in the country's population of 23-year-olds, says Prof. Vaughn Ball of the University of Southern California law school, in Los Angeles. But he adds that population figures fail to account for the percentage increases among college graduates deciding on law school. 'Is it a temporary bulge, or a whole new ball game?' he says. All that anyone knows for certain, he adds, is that 'this isn't something that's over with—by any means.'

"Who are the unanticipated applicants? Why do they want to learn law? And what happens to them in law school?"

"Geoffrey Hazard, a visiting professor of law at Yale, offers his own conjecture on the factors producing the increase of law students, and on what happens to them in law school. There has been a 'romanticization of the process of law' and a decline of graduate-degree careers, he says, and 'a reaffirmation of active life' among students who have come to feel that in effecting social change 'the presidium of the intellectuals doesn't show much promise.'

" 'Law students are fairly businesslike people,' Professor Hazard says, and their school years become 'essentially a kind of aging process. What law school general does is temper viewpoints. It makes you see things a little more in the round.' "

Perhaps what needs greater publicity is the difficulty the law graduates are experiencing in finding a position. Associate Dean Huston reports that out of a class of 104 graduates this June, there are still 71 which have not been placed. □

WASHINGTON STATE BAR NEWS

Law Clerks to Judge Lindberg



L to R, John Aslin (present clerk), William L. Kinzel, Joyce Thomas, Charles A. Schaaf, Judge William J. Lindberg, Phillip T. Hutchison, Charles C. Schmidt, and Robert W. McKisson.

Nearly 200 lawyers and judges attended a banquet held in March at the Hilton Hotel honoring Judge William J. Lindberg upon his retirement, including his law clerks past and present pictured above.

A native of Minot, N.D., Judge Lindberg came to Spokane in 1921, attended Lewis and Clark High School and was graduated from Gonzaga Law School in 1927 with an LL.B. degree. He obtained a master's degree at Georgetown University in Washington, D.C.

He joined the Spokane law firm of Cannon, McKeivitt and Fraser in 1928 and in 1933 was appointed secretary to the Washington State Senate in Olympia. He served as assistant attorney general for a year and was a member of the State Liquor Control Board from 1934 to 1941.

He practiced law in Olympia and Seattle until he was appointed to the U.S. District Court in 1951 by President Harry S. Truman. He was named chief judge of the

Western District in 1959. He now is in partial retirement but remains on senior status with the court, handling specific assignments on the bench.

State Supreme Court Justice Walter T. McGovern has been appointed to Judge Lindberg's position by President Nixon and awaits Senate confirmation.

Tall and lean, Judge Lindberg at 66 doesn't appear to be ready for "retired status" yet.

But a hearing ailment has placed considerable strain upon him, added to the pressures of administering the ever-increasing number of new rules and legislation bearing on operation of the courts.

Since his appointment 20 years ago, Lindberg says case loads have grown so substantially that now each judge in the district handles an average of 246 civil cases and 104 criminal cases per year.

\$10,000 Minority Scholarship Fund Renewed

The SKCBA Board of Trustees at its March meeting unanimously passed a motion appropriating \$10,000 for a minority scholarship fund for the academic year 1971-72 at the University of Washington Law School. SKCBA receives about \$50,000 in dues per year so it is a sizeable commitment by the Bar.

Dean Richard Roddis and Assistant Professor Geoffrey Crooks reported at the meeting on how the \$10,000 contributed by SKCBA was spent in the 1970-71 academic year. \$7,000 was initially allocated to eight students, with the thought that \$3,000 would be held out for those minority students who moved into second and third years of law school. However, a number of the eighteen minority students in the first year class were acutely pressed for additional finances. Thus, it was necessary to spend the remaining \$3,000 with seven additional allotments of \$40 to \$600 being made.

The University of Washington is embarked on a special fund raising program for second and third year minority students. The \$10,000 from SCKBA will again be used only for first year minority students.

It was reported that a significant number of the eighteen first year minority students will successfully pass their first year. This is so, even in face of the fact that the faculty determined that it would not modify its academic standards.

(continued next page)

Thus far, there are 112 minority student applications on file for admission to the University of Washington Law School. Four have already been admitted.

The CLEO program (see August-September '70 *Bar News*, page 5) will be held at the University of Denver this summer. The University of Washington hopes to have six CLEO participants.

Experimental Course on the Courts Initiated at University of Washington Law School

A "Workshop in Problems of Judicial Administration" is being taught at the University of Washington Law School this Spring Quarter, with King County Superior Court Judge **Charles Z. Smith** acting as coordinator.

The course is an experimental one with the quite tentative purpose of acquainting law students with the dynamics of court processes and the administration of courts. It is an elective course with three quarter hours' credit to be graded on a pass-fail basis. While it is designed primarily for third year students, it is open to second-year students as well. The course began on March 30, with twelve students enrolled.

The course will follow a field work and seminar approach. Students will be assigned to group leaders (one of the participating judges) in small groups for field work assignments to be determined by the individual groups. This may consist of research, interviews, court visitation and the like. After this phase has been completed, the teams will report back to the entire group meeting at the law school for two-hour periods beginning at 7:30 in the evenings on May 6, 13, 20 and 25.

The faculty supervisor is Professor **Marjorie Rombauer** and participating judges will include Judges **Eugene A. Wright**, **George H. Revelle**, **Solie M. Ringold**, **David W. Soukup** and **Gary N. Utigard**. Other judges will be involved on a less formal basis.

Judge to Rule on Interviews with Prison Strikers

According to the April 7 Seattle Times Judge Boldt will rule in May on whether newsmen can interview leaders of the recent strike at the McNeil Island federal penitentiary. He heard arguments on April 5 and said he will rule after studying briefs to be submitted May 3.

The suit was brought by the Seattle-Tacoma local of the American Newspaper Guild, Jessica Mitford, author, and Dwight Jarrell, reporter for The Tacoma News Tribune, after reporters were barred from interviewing strike leaders. They were joined in the suit by the American Civil Liberties Union of Washington State.

"There are things going on there that we have a right to know about," **Croil Anderson**, attorney for the guild, told the judge. "We are not asking very much, just a chance to talk to these people."

Anderson said Miss Mitford had been invited by one prisoner to interview him.

Al Stephan, an assistant United States attorney, replied, "It must be realized that there was a need for disciplinary activities."

A number of reporters toured the prison at the invitation of Jacob Parker, warden, although they were not allowed to view some areas and were not permitted to interview strike leaders, Stephan said.

"Coverage of this would have aggravated the situation," he said.

National Corporation for Legal Services

A bill to establish an independent, nonprofit legal-services program for the poor was introduced in Congress on March 18 with bi-partisan support.

The measure would establish the "national corporation for legal services," a private government-financed agency to take over the program which now is run by the Office of Economic Opportunity.

It calls for an 18-member board of governors to run the agency. Six members would be publicly appointed—five by the President and one by the Judicial Conference.

Six representatives would come from professional organizations such as the American Bar Association. Two new agencies—the National Clients Council and The Legal Services Organization—each would name three governors.

Estimates of the annual cost range from the \$61 million—the amount being spent for the present program—to \$140 million.

Senate sponsors include **Henry M. Jackson**, Washington Democrat. House sponsors include **Lloyd Meeds**, Washington Democrat.

IN MEMORIAM

Fred R. Benz, 80, Seattle, died March 17. He was a 1924 graduate of the University of Washington School of Law.

Leslie H. Dills, 68, Seattle, died March 26 after a long illness. A 1927 graduate of the University of Washington Law School, he helped set up the rules and regulations for the SEC in Washington, D.C., an agency for which he worked for about ten years.

STATE COMMISSION ON NO-FAULT AUTO INSURANCE

A bill (HB 696) creating a special commission to study the no-fault concept of automobile insurance has passed the House.

Creation of the commission was requested by Gov. Dan Evans, who contended there is a need for an overhaul of the automobile insurance system in Washington.

In hearings before the House Financial Institutions and Insurance Committee, WSBA spokesman **Quinby Bingham** said the State Bar was not opposed to the study but asked that it be enlarged to include a look at a comparative negligence system. The House rejected an amendment which would have so broadened the study.

Walter A. Evans in an article in the March 21 Seattle Post-Intelligencer portrayed the State Bar as the heavy:

"About the only person to defend the present system was Quinby Bingham, Tacoma, legislative representative for the Washington State Bar Association.

"He told the House Committee that the no-fault concept would eliminate jury trials in accident cases.

"'And', he said, 'when we get away from the jury trial we get away from justice.'"

However, in his series of articles in the P-I, Walter A. Evans did point out that the State Insurance Commissioner's office had some reservations:

"State Insurance Commissioner Karl Herrmann said the no-fault system seems promising, but cautioned:

"'What effect will this revo-

lutionary theory of payment, regardless of fault, have on premium rates and what will be its effects on the innocent victims?"

"'I believe it would be better for us to observe the results of the Massachusetts law, the determinations pending before the courts and the actual effect on rates before we jump headlong into a plan.

"'Once such a drastic step is taken, it would be very difficult to backtrack and come out with a favorable result.'"

William Bennett, no-fault insurance authority in the Washington State Insurance Commissioner's office, warned:

"When you start talking about first party coverage — if you're going to make more insurance available to more people at a better price — you're going to have to give up something.

"Make sure what you're giving up is worth it."

Under the bill, a blue ribbon commission is to be appointed to make the one-year study and return in 1972 with a proposal for a model bill. The bill provides for 15 persons to serve on the commission: two senators, two representatives, the insurance commissioner, attorney general and director of the department of motor vehicles (or their designees), and eight citizens to be appointed by the Governor, "two of whom shall be representatives of automobile casualty insurance companies operating within the state; two of whom shall be admitted to the practice of law within this state and four representatives of the interest of the general public as consumers."

A bill (HB 230) had been introduced by Reps. Albert Shinpoch, D-Renton, and Donn Charnley,

D-Seattle, which would have instituted a pure no-fault bill with limits of \$4,000 on property damage and \$2,000 on personal injury.

"We decided to let it die when the study commission request was made," Charnley said.

A bill (SB 654) introduced by Sen. **August Mardesich**, D-Everett, would have set a limit of \$10,000 per person and \$100,000 per accident (and a \$750 a month wage loss limit). Property loss liability would have still been resolved under the tort liability system.

Federal Level

The Nixon Administration in March urged Congress to advise the states that if they do not approve "no-fault" automobile insurance, the federal government will.

The request by Transportation Secretary John A. Volpe was immediately attacked by critics of the present auto insurance system as "shockingly inadequate." They said Volpe should have proposed immediate federal legislation to require no-fault car insurance nation-wide.

The federal recommendations are the result of a \$1.6-million study by the Transportation Department that took nearly three years.

Time magazine commented: "Despite the administration's timid position, some form of [Senator Hart's] bill stands a reasonably good chance of congressional adoption, if not this year then in 1972."

Michigan Democrat Philip Hart said that there is no time to talk about giving state action a chance to work "when there's a crisis." Hart and Senator **Warren Magnuson** are co-authors of a federal bill that would provide no-fault payments for medical and

rehabilitation expenses, plus up to \$30,000 over 30 months for loss of income. Accident victims would be able to sue in court only if they suffered "catastrophic" injuries.

Senator Hart further stated that waiting for the states to act is a waste of time. "As long as you have insurance men and lawyers in the statehouse, you are not going to have no-fault insurance and that is as certain as the next accident," he said.

The Wall Street Journal editorialized on March 24, 1971:

"Senator Hart of Michigan has estimated that auto accident litigation accounted for one fourth of the total income of the United States legal profession in 1969. It should thus be no surprise that many lawyers are opposed to the principle of 'no-fault' automobile insurance, which will get much discussion from Congress and the public over the next few months.

"It's unfortunate that federal leverage may have to be used against many states to force acceptance. State legislatures often are too close to the pressures of special interest groups. Unless they do become responsive, the real reactions to genuine public dissatisfactions may have to come from either above or below them. In the case of auto insurance reform, it seems likely to come from above."

State Level

No-fault legislation has been introduced in 26 states. Massachusetts is the only state which has passed no-fault legislation. A limited form of no-fault coverage went into effect January 1. During the first two months, bodily injury reports to the state motor vehicle bureau dropped by 50%, indicating to supporters of the plan that motorists are making

fewer false claims.

William Bennett of the Washington State insurance commissioner's office said:

"That 50 per cent decrease may not be significant. There may be fewer claims at higher amounts. People may be waiting for their bills to total more than \$500 so they can sue for pain and suffering.

"We'll have to wait awhile before we jump to any conclusions."

The Massachusetts Plan covers up to \$2,000 medical and hospital expenses and up to 75 per cent of loss of wages and salary. The plan bars pain and suffering suits unless hospital and medical expenses exceed \$500 or in cases of death, dismemberment, loss of sight or hearing, serious disfigurement or fracture.

Since the Massachusetts legislation does not provide for complete elimination of all tort liability and does not limit recovery to only out-of-pocket losses on a first party basis, it must really be labeled a "limited" no-fault plan. An article by James D. Ghiardi and John J. Kircher, which is critical of the Massachusetts Plan, is found in Volume 21, No. 4, *Syracuse Law Review* at page 1135.

One Lawyer — One Vote

When last term the Supreme Court decided in *Hadley v. Junior College District*, 397 U.S. 50 (1970), that "specialized governmental bodies such as junior college districts" were subject to the one-man, one-vote principle of *Gray v. Sanders*, 372 U.S. 368 (1963), two professors at the University of St. Louis Law School (Sanford E. Sarasohn and Harvey L. Zuckman) scratched their professorial heads and asked

whether this means that in the thirty states that have an integrated Bar the rule applies "in the conduct of elections for the governors."

Their answer is a resounding "yes," confirming the statement of Justice Harlan in dissent in *Hadley* that the decision "forebodes . . . that the rule is to be applied to every elective public body, no matter what its nature."

Their study, entitled "One Lawyer — One Vote: The Application of One Man One Vote to the Integrated Bar," appears in the September, 1970, issue of the *Journal of the Missouri Bar* (326 Monroe Street, Jefferson City, Missouri 65101). The paper presents a detailed study of the integrated Missouri Bar, with four exhibits, and concludes that on four selected dates the "facts clearly suggest a definite pattern of gross differences from mathematically equal representational levels in the Board of Governors of the Missouri Bar." The price is \$1.

While the authors confine their conclusions to the Missouri Bar, they say this:

If the test of "one person, one vote" is extended to integrated professional associations, it seems safe to say that many integrated bars in this country will have to reconstitute their governing boards and the electoral processes by which those boards are chosen. It is our hope that the integrated bars, which were conceived as "democratically governed and administered" quasi official bodies, will, through appropriate voluntary revision of their representational systems, negate the need for federal judicial involvement in what is essentially a state matter.

Meanwhile, United States District Judge Alfred T. Goodwin in

the Western District of Washington in *Maxey v. Washington State Democratic Committee*, 319 F. Supp. 673 (1970), has decided that "the one-man-one-vote principle does apply to the manner of sending delegates to the state and national conventions." Judge Goodwin holds that in the case of political parties "the process begins when the state committee allocates the delegates to the state convention."

The point was left open in *Gray v. Sanders*, but Judge Goodwin holds that in the selection of delegates *Gray* requires that "the allocation be made on some national population basis," which, he says, is "either total population or total Democratic voters as measured by the Democratic vote in the last presidential election."

On the same day, October 26, 1970, in *Dahl v. Republican State Committee*, 319 F. Supp. 682, Judge Goodwin held that the one-man, one-vote principle does not apply in the selection of the state committee members for a political party and that the rule comes into being only "when the state committee calls the state convention and allocates delegates to the county party organizations."

The decisions of Judge Goodwin caught the eye of Lyle Denniston, who reports the Supreme Court for the *Washington Star*. Pointing out that "in Washington State in 1968, each delegate from King County — the state's largest — represented 2,800 voters, while each delegate from little San Juan County represented 420," a pattern that prevails across the nation, Denniston sees the rulings as "bound to shake the two major political parties across the country."

Judge Goodwin's decisions are to be appealed to the Court of Appeals for the Ninth Circuit where Denniston predicts "the

same result," with the issue's coming to the Supreme Court at the October, 1971, term well ahead of the 1972 Presidential election. He writes that Judge Goodwin is "the first jurist to rule that the convention process is a crucial step in the presidential election machinery, and that it, therefore, must give equal weight to votes of citizens who pick the delegates."

As I have, Denniston notes that the selection of delegates on a one-man, one-vote principle will give "a strongly urban-suburban cast . . . to several layers of conventions, right up to and including the national conventions." He thinks there will be a "deepening conflict between convention majorities and the party committees, state and national" that are now "dominated by the less populated counties and states" but which, quite inconsistently, it seems, Judge Goodwin holds need not be chosen on the one-man, one-vote principle of *Gray*.

The far-sightedness of Lyle Denniston is made evident by R. W. Apple, Jr., in *The New York Times* for November 17, 1970, in which he points out that Governor Lester G. Maddox of Georgia filed a suit in the United States District Court for the District of Columbia to apply to national conventions the one-man, one-vote rule, asserting in his complaint that "nominees of the two political parties are chosen in malapportioned national conventions."

As Judge Goodwin explains in his opinion and Governor Maddox in his complaint, both the Democratic and Republican Parties select their committees on a county-unit basis and their delegates by a complicated formula that allows bonus delegates if the party candidate carries the particular county or district or state.

This method, as Judge Goodwin held, defies defense under the one-man, one-vote rule.

— Arthur John Keefe
57 *ABA Journal* 283 (1971)

Legal Aid for Poor Underway in Clark County

The poor in Clark County now have their first organized legal aid program.

The project is a joint effort by the Clark County Bar Association, which will run the program, and the Economic Opportunity Committee, which will pay the bills for administration, an office, a secretary-administrator and other related costs.

The program went into effect March 1.

Members of the bar will volunteer their time and efforts on behalf of the clients, who will be referred to them by the administrator.

She is Bernice Jungroth of Vancouver, who for the past couple of years has been doing quite a bit of traveling. Before that, she was secretary for the Oregon Department of Labor, Civil Rights Division. In 1965-66, she worked for the Lawyers Committee for Civil Rights Under Law in Jackson, Miss. Her salary will be \$500 a month.

The legal aid committee of the bar association will supervise the program, which is funded by the Office of Economic Opportunity for one year only. The grant is \$10,000.

Ken Weber is chairman of the committee, which includes **Ron Wilkinson, Jack Wynne, James Horton, Robert Avery, C. Brent Nevin** and **Earl Jackson**, who is president of the bar association.

But Mrs. Jungroth will do much more than simply referring clients to volunteer attorneys.

Often, according to George Watson, who took over as executive director of the EOC today, people think they have a legal problem when they really don't. Mrs. Jungroth will make that determination, and, if necessary, refer the person to the proper agency.

"We'll have a springboard for referrals — that's the beauty of the thing," Watson said.

Other agencies, such as Employment Security, public assistance and social security, will in turn refer people to the legal aid program.

Certain types of cases will not be handled, including bankruptcies, criminal matters and fee-generating cases. These would include various damage suits, etc., which attorneys usually handle for a portion of the judgment awarded.

In case of criminal matters, the court appoints an attorney for a person accused of a felony if he has no funds of his own. This is not true with misdemeanors, but the committee doesn't feel it can furnish legal aid in criminal matters, at least not yet, according to Weber.

Among the cases that will be handled are divorce actions, property and consumer problems, contracts and frauds.

The organizers are looking toward the future, too, when federal funds won't be available.

To this end, every applicant will be asked to pay a \$2 registration fee, which will be retained by the office and used later to finance a continuation of the program. The fee can be waived in appropriate cases.

Although limited funds are available for payment of filing fees, all applicants will be encouraged to either pay all official fees or seek a waiver of filing fees from the court.

Each applicant will be encour-

aged to pay attorney fees to the fullest extent possible. The office will collect these fees. In case a judgment for attorney fees is obtained, such as in some divorce cases, the attorney handling the case is requested to notify the office and let the office take steps to bill and collect fees.

All fees collected will be distributed on the basis of half to the attorney and half to the office. The office's share will also go into the kitty for a future program.

One of Mrs. Jungroth's first duties will be to solicit lawyers for volunteer service.

Weber said that at a bar association meeting a few months ago, about 20 or 21 of the lawyers present said they would volunteer. He estimated that at least half of the county attorneys will participate in the program.

"The idea is not to give away free legal services, but to provide services for people who don't have the resources but need legal help," Weber said. "We hope that the people participating in the program will leave a little for posterity. For instance, in a case where the attorney fee normally would be \$300, we might ask the person to pay \$50."

For Weber and Wilkinson, the legal aid program is the result of years of work toward getting some kind of legal services for the poor in Clark County.

"I'm pleased to the extent that we now have something," Weber said. "I would prefer an office with an attorney, because there are certain disadvantages to the referral system. We've got a lot to learn once we get into the program.

"For instance, we haven't worked out that problem of what to do if a person from Battle Ground comes in and the next attorney on the list is in Camas. Do we send him over there? What

about transportation?"

"Our first step is to try to do more than we have in the past. A substantial number of attorneys have taken cases without fees before, some maybe more than others.

"The weakness of the program is having to depend on volunteers, but that is also its strength, because you get more people involved. Legal aid offices in other areas have been used to send people to get rid of anything you don't want to handle.

"We have to play it by ear. It will die on the vine if the people who participate in the program do not recognize their responsibility of contributing what they can for a fee," Weber said.

To be eligible for legal aid, a single applicant cannot have an income of more than \$1,900 a year, or \$1,600 a year if he lives on a farm, up to \$5,600 a year for a family of seven and \$4,700 for a farm family of seven.

An applicant's resources, other than personal clothing, household goods and his home, cannot exceed \$1,500.

Applicants must reapply each time they seek assistance in a new matter.

— **Elisabet Van Nostrand**
Vancouver Columbian
March 1, 1971

Supreme Court Assists Court of Appeals

Last year 596 cases were filed in the Seattle division, 248 cases in the Tacoma division, and 187 cases in the Spokane division of the Court of Appeals.

The Seattle division issued 195 opinions last year.

Chief Justice Orris L. Hamilton of the State Supreme Court said last month that his court will begin in May to assist the backlog by taking some of Division 1's cases.

Legislation '71

Bills which have passed both chambers:

HB 55: **Administrative Procedure Act**
Amends RCW 34.04.150 to exclude denial, suspension or revocation of a driver's license from the Administrative Procedure Act.

HB 206: **Commercial Code***
Amends RCW 62A.6 - 105 (bulk transfers) to permit the immediate transfer of a business if the proceeds of the sale are placed in escrow.

EHB 157: **Commercial Code**
Adds a new section to Chapter 70.54 RCW. Blood transfusions are declared to be the rendition of a service and not covered by any implied warranty under the UCC. No civil liability is to be incurred except in the case of willful or negligent conduct. The act applies only to liability alleged in the contraction of hepatitis and malaria and does not apply to any transaction in which the blood donor receives compensation.

HB 220: **Corporations**
Amends RCW 23A.32.050-.060-.080 simplifying requirements for filing for foreign corporations seeking to do business in this state.

SB 390: **Court of Appeals**
Amends RCW 2.06.040 to provide that each panel shall determine whether a decision of the court has sufficient precedential value to be published as an opinion of the court. Otherwise, it shall not be published.

SB 244: **Courts of Limited Jurisdiction**
Amends RCW 3.30.030 and other statutes to change the name from justice court and justice court judge to district court and district judge. Amends RCW 3.34.090 to allow county commissioners to bond each district judge and clerk of the district court.

HB 234: **Criminal Law ***
Amends RCW 9.45.060 to add property covered by a security agreement to the statute providing that it is a crime to remove property subject to a chattel mortgage or conditional sale from the State of Washington. Makes it a gross misdemeanor for a person to fail to return leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed; provided that the lease and the notice contain a clause that warns of the potential prosecution.

SB 496: **Homesteads**
Amends RCW 6.12.050 to increase homestead from \$6,000 to \$10,000 and amends RCW 11.52.010 et seq. to increase award in lieu of homestead from \$10,000 to \$15,000.

SB 241: **Judicial Council**
Amends RCW 2.52.010 to add to the judicial council two judges of the court of appeals and increases representatives of the bar from three to five, with the three still being appointed by the chief justice of the supreme court and the two new ones to be appointed by the legislative committee of WSBA and increases from one to two judges from the courts of limited jurisdiction.

HB 720: **Practice and Procedure**
Adds to Chapter 4.16 RCW a provision that the statute of limitations on medical malpractice shall be three years from the date of the alleged wrongful act or within one year from the time that the plaintiff discovers or should have discovered the negligence, whichever time period is greater. This statute legislatively overrules *Ruth v. Dight*, 75 Wn.2d 660, 453 P.2d 631 (1969) which had interpreted provisions of 4.16 RCW as applying three years from time the plaintiff discovers or should have discovered the negligence.

SB 10: **Probate**
Amends RCW 11.76.080 to provide that a guardian ad litem is needed for a person under 18 years of age (formerly 21 years old). Amends RCW 11.88.020 and 11.92.010 to provide that persons 18 years and older can be guardians (formerly 21 years old).

SB 40: **Probate**
Amends RCW 11.76.100 to require a personal representative to file receipts or canceled checks as exhibits instead of documents in the case.

HB 143: **Professional Service Corporations***
Adds to Chapter 18.100 RCW that PS Corporations with one shareholder need have only one officer and director.

HB 66: **Washington Principal and Income Act ***
Repeals RCW 23.74.010-.020 and adopts uniform principal and income act relating to the ascertainment of principal and income and the apportionment of receipts and expenses among income beneficiaries and remaindermen.

Items endorsed by the Bar are marked with an asterisk.

Principles of *In re Gault* Extended to Mental Illness Proceedings

With the assistance of **Landon Estep**, an attorney in private practice, Seattle Legal Services recently was successful in having certain constitutional guarantees of due process extended to mental illness commitment hearings. **J. Dinnen Cleary** represented Seattle Legal Services.

The case involved a twenty-year-old woman who believed that she had been wrongfully committed to Western State Hospital. King County Superior Court Judge **Horton Smith** reversed the Court Commissioner's order of commitment. He held that *In re Gault*, 387 U.S. 1 (1967) is applicable to mental illness proceedings.

The principal points are as follows:

1. There must be sufficient notice of the charges serving as the basis for arrest, detention and commitment in order to provide adequate opportunity to prepare a defense.
2. That the alleged mentally ill person does have a right to be present at the time of the hearing to confront persons who state she or he is mentally ill and to cross-examine them. In the event, however, that the person would definitely be affected by this and that it would be medically damaging to the person, then this could be avoided in the case of the concurrence of the two examining physicians.
3. The guardian ad litem who is a member of the bar in the past should likewise be appointed as an attorney so that he would function in both capacities.

4. A court reporter must be present at the commitment hearing.
5. That the decision as to a jury trial can be made at the end of the hearing.

Judges, Police, Lawyers and Probation Officials Seek to Remove Barriers

A "First-Monday" series of meetings is underway in King County to try to remove barriers between various elements of the criminal-justice system.

Although there are common goals, there has been considerable misunderstanding and lack of communication between the elements, such as police and the courts.

Participants hope to change the situation by sharing problems and seeking solutions at meetings on the first Monday of each month.

Among the participants are Municipal, Justice and Superior Court judges; police chiefs; county and city officials; the director of public safety; lawyers; the public defender; probation, parole and correction officials; the county prosecutor; the Superior Court administrator; Bar Association representatives, and the administrator of the Law and Justice Planning Office.

"I was delighted by the response to these suggested meetings," said Judge **David W. Soukup**, chairman of the Superior Court's Criminal Procedures Committee.

The April agenda contained three major topics:

1. A proposal by **John Darrah**, public defender to abolish the system of retaining persons in the city jail after arrest on "sus-

picion" or "open charge" rather than bringing them before a judge "without unnecessary delay."

In a metropolitan area such as Seattle there should be a procedure which ensures the appearance before a magistrate within a few hours after arrest, Darrah said. The American Law Institute recommends three hours.

The lawyer said "suspicion" as a label should be dropped and persons should be considered "charged" even though it is by the police and not officially by the prosecutor. This would permit an immediate determination of whether the person is eligible for release on recognizance or bail.

2. Discussion of the effect of a proposed Superior Court criminal department. This would involve six or seven judges on a rotating basis who would handle all pleas, sentencing and criminal trials. Criminal matters now are heard by all 26 judges.

A volunteer chairman will be selected at each meeting. He will be responsible for preparing and mailing the agenda for the next meeting, establishing a meeting place and mailing minutes after the meeting.

"It is suggested that rather than simply mentioning a topic for discussion, each agenda item outline the problem and, when possible, a suggested solution acceptable to your agency for discussion, acceptance or necessary modification to fit the needs of other agencies," Judge Soukup said in a letter to the participants.

The aim will be to avoid too much "philosophical, theoretical, or otherwise nonspecific discussions at our meetings," Judge Soukup wrote.

—Larry Brown
The Seattle Times
April 4, 1971

A Call to Action on Lawyer Referral Service

The following enthusiastic notes were made by Claude Pearson of Tacoma after attending the A.B.A. Seminar on Lawyer Referral Service, March 12, 13, 1971 in San Francisco:

1. Barlow Christenson: If the adversary system is to survive, all relevant interests must be capably and competently represented. Lawyers have a monopoly but if they fail to get legal services to forty million middle to low income persons, that privileged status will soon disappear.
2. Is Mr. Christenson correct in expressing the A.B.A.'s concern that forty million citizens of moderate to low income are not presently being served? Probably. Inflation has helped price part of this large group right out of legal services. In addition, many are newly "in the market" for legal services and because they have had no previous experience with lawyers, simply do not know how to go about employing one.
3. I recommend that now is the time for our state and local bars to take steps to remedy this alarming problem. What can be done? Can we face these facts:
 - a. Lawyer Referral Service is our DUTY and it is NOT A CHARITY. It is a public service of paramount importance.
 - b. Many lawyers, maybe most lawyers, have no concept of their own responsibility to see that the public gets served. The local and state bars *must* remedy this defect.
 - c. Truth and justice can come

from the adversary system IF all persons have access to the adversary system.

- d. King County is the most noteworthy place in our state where a consistent and continuing effort is being carried out to get legal services to this group — about 2000 referrals to 400 panel lawyers in 1970 and more in 1971. Other local bar associations are trying, but their services may need to be re-vamped or re-emphasized.
- e. More local bars, where capable, MUST implement services NOW!
- f. The State Bar should move quickly to implement a State Wide Lawyer Referral Service for *all* counties of our state where the local bar associations do not operate a service. In my judgment, a State Wide Service using a WATTS line would be both workable and inexpensive.
- g. **FEATURES OF THE ILLINOIS PLAN**
 - 1) Budget: Surprisingly low — about \$9,000 per year.
 - 2) A Watts line for a block of 10 hours of time, five days a week, costs about \$140 to \$160 per month.
 - 3) A referral clerk working under the supervision of the Director of Professional Activities monitors the Watts line.
 - 4) Panel members signed up in each county must carry E. & O. coverage in a minimum amount.
 - 5) Lloyd's of London insures the Illinois State Bar for E. & O. coverage at \$1 per referral — this cost factor can probably be improved.

h. The American Bar Association has a newly created **LAWYER REFERRAL GUIDANCE PLAN** in which it will send a consultant to ANY LOCAL BAR ASSOCIATION AT NO COST TO THAT ASSOCIATION to give advice on the establishment of new services or in revamping a poorly operating service. Write to:
Mr. Alan Kurland
Lawyer Referral Guidance
American Bar Center
Chicago, Illinois

- i. An E. & O. policy to protect the local bar association can be obtained at a cost of about \$350 to \$400 per year.
- j. Banks are willing, often anxious, to make loans to finance legal services. Local bar associations and local committees could work out plans for paying for legal services on the installment plan. Dentists have been using this method for years. Why not the lawyers?
- k. **MYTH OR TRUTH?**
"We are a very small bar association. Everyone knows us. No one in our county is going without legal help." May I suggest that lawyers who say this are really saying: **WE INSIST ON THE PRIVILEGE OF CHOOSING OUR OWN CLIENTS AND WE REALLY ARE NOT CONCERNED WITH WHETHER THE PUBLIC IS SERVED OR NOT.** May I suggest that the adversary system will collapse if all persons who need service do not get it.



Around the State

BENTON-FRANKLIN REPORT

William A. McCormick has joined Sensney and Sonderman, Prosser, as an associate. He has served the past 1-1/2 years as assistant attorney general for Montana. Prior to that he had been in private practice in Missoula.

John G. Carroll, has been named a deputy prosecutor for Benton County. Carroll recently moved to Richland from Seattle where he was in private practice for the past 14 years. He has formed a law partnership with **Richard H. Bennett**, who is also a deputy prosecutor.

CLARK REPORT By DUANE LANSVERK

Mike Langsdorf, the son of our own Judge Langsdorf, has joined the staff of the Clark County Prosecutor's Office. Mike was married shortly after he came to the Prosecutor's Office.

Much has been written and said about re-examining court practice and procedure with an eye toward streamlining and modernization so as to better serve the public. Lawyers and judges have been told by no less than the Chief Justice of the United States Supreme Court that unless we do something to keep pace with the needs of society, the legislatures will take more and more responsibilities away from lawyers and the courts. With this background in mind, **Earl Jackson**, the president of the Clark County Bar Association in December, 1970, appointed a Bench-Bar Committee consisting of our three Superior Court Judges (**Langsdorf, McMullen and Reed**), District Court Judge **Truax**, Prosecuting Attor-

ney **C. Brent Nevin**, and **Brian Wolfe**, along with **Irwin C. Landerholm** and **Duane Lansverk**, who are to act as co-chairmen. This has been a working committee, with meetings and subcommittee meetings at least once a week. An agenda of over 30 specific areas of consideration has been set up, and priorities have been established. We feel that some of the items are uniquely Bench-Bar procedural problems, so we are considering those matters first. When such problems have been discussed and/or resolved, we intend to expand the committee by bringing in laymen to help discuss other problems with broader implications to the community. To date we feel much has been accomplished through the distillation and use of suggestions from other counties. Some of the accomplishments are as follows: A jury questionnaire has been adopted; we have experimented with six man juries and intend to promote the use of six man juries; jury terms have been added in March and July to help keep the criminal docket current; divorce affidavit forms have been adopted for use in temporary support hearings; dockets have been rearranged so as to cut down on attorney time in court; uniform bail guide lines have been adopted for use in both district and superior court; and a recommended support schedule for use in setting temporary support has been adopted.

The biggest problem, however, has been the biggest headache; and it has promoted the most discussion within the committee and the bar generally. This is the problem of trial settings. It is with shame that lawyers in Clark County must tell their clients that it takes longer to get a case to trial in Clark County than it does in even the large, metro-

politan counties in Washington and Oregon. We are still working on the solution to that problem.

One thing has become clear to every member of the Bench-Bar Committee in the past several months: There are many things which can be done at the local level to save court time, to save lawyer time, to save tax dollars and to speed up the administration of justice.

EAST KING REPORT By CHARLES F. DIESEN

William Trippett has opened an office as a sole practitioner in the court building in Redmond.

Hugh Stroh of Eastgate announced that he will be Lieutenant Hugh Stroh, U.S. Army, for a period of 90 days commencing June 20, 1971.

ISLAND REPORT By TED ZYLSTRA

Prosecutor **Ed Beeksma** has returned from the National District Attorneys Convention in Hawaii.

The House of Representatives has passed the bill which would create a new judicial district for Island and San Juan counties and we are now anxiously awaiting Senate action.

Harold Baily is no longer employed as an administrative assistant to the county engineer and is devoting his full time to his private practice. . . . Your reporter recently enjoyed 10 days of sun and golf in California. . . . **Dick Pitt** will soon take command of his new cruiser. It should be available just in time for the Bar Cruise to Rosario.

LEWIS REPORT

By DAN J. AGNEW

Centralia attorney **Ralph E. Olson** was recently released from the hospital after suffering injuries caused by falling out of a tree he was pruning. Ralph emphatically denies his fall was occasioned by sawing off the branch he was sitting on at a point flush with the tree trunk.

On March 25, 1971, the Bar Association held its monthly meeting at the Nor'Wester Restaurant. **Lee J. Campbell** gave a report on the proposed "no-fault" insurance programs being studied by the legislature. A guest at the meeting was **Ray Hayes**, former Chehalis attorney, now established in Tacoma.

The new Chehalis city police judge is **James S. Turner**. Mr. Turner is filling the vacancy created by the retirement of **J. Dorman Searle**, who is stepping down after over 20 years of service in that position.

SEATTLE-KING REPORT

By LLEWELYN G. PRITCHARD

Donald D. Fleming and **John F. Colgrove** have become partners in the firm of LeSourd, Patten & Slemmons, and the firm name has been changed to LeSourd, Patten, Fleming & Hartung. **Lawrence E. Hard** is an associate.

Douglas Shaw Palmer has announced the opening of his office for the practice of law at 1709 Northern Life Tower.

Donald G. Cohan, formerly a member of the firm of Monheimer, Schermer, Van Fredenberg & Smith, has announced the open-

ing of his office at 1624 Washington Building.

Raymond D. Ogden, Sr., said to be the oldest practicing attorney in the state, was honored by friends and law associates on his 95th birthday anniversary. Mr. Ogden was born in Williamsburg, Iowa, March 5, 1876. He earned his law degree at the University of Iowa in 1901 and came to Seattle that same year. He has practiced here continuously since then. Mr. Ogden still puts in a 9:00 to 4:00 work day at his offices in the 1411 Fourth Avenue Building, though he rarely makes an appearance in court.

Cornelius C. Chavelle, president of the Seattle-King County Boys Club, has been named chairman of the National Area Council of Boys Clubs of America.

David D. Hoff has been elected Chairman of the Board of the Defender Association.

Alfred J. Schweppe, Seattle, was a spokesman for the ABA at Senate hearings last month in opposition to ratification of the U.N. Convention on genocide.

SNOHOMISH REPORT

By MICHAEL W. HERB

The Snohomish County Bar Association is currently reviewing its program in the area of legal aid and **Bardell (Buzz) Miller** is the chairman of the committee examining this program and **Bud Hansen** is chairman of a committee formed to investigate into O.E.O. Funding and Agency Participation. There appears to be an infusion of new blood into some middle-aged attorneys in the county. Courtroom observers have noticed flared pants and double-breasted suits on **Henry Templeman**, **Efrem Agranoff** and **Buzz Miller**.

SPOKANE REPORT

By THOMAS R. CHAPMAN

Underwood, Campbell and Zellmer have announced the retirement of **Floyd J. Underwood** as a member of the partnership. He will, however, continue as counsel to the firm. The firm has also announced the association of **Terry L. Snow**.

Leonard F. Jansen has joined the ranks of sole practitioners with offices at 660 Lincoln Building, telephone RI 7-6006.

Hennessey, Curran, Jansen & Kelly has changed the firm name to **Hennessey, Curran, Kelly and Workland**.

The Spokane Office of the Attorney General has three new Assistant Attorneys General. **Tom Smith** (G.U. '70) and **Will Halpin** (U. of Ore. '69) are employed in the Labor and Industries Division. **John Lamp** (Willamette '68) is now representing the community colleges.

Federal Judge **Charles L. Powell** has reappointed **Victor J. Felice** to the post of U.S. Magistrate for the Eastern District of Washington.

Rick Fancher has been appointed Chairman of the local Law Day Committee. Assisting him are **Jack Madden**, **Bill Goss**, **Dave Roberts** and **Bob Lamp**.

YAKIMA REPORT

By RANDY MARQUIS

Tim Weaver will join the firm of Hovis, Cockrill & Roy effective May 1. Tim is a graduate of Willamette Law School and has been employed as a clerk with the Washington State Supreme Court.



Newly nominated ABA officers



Attorneys nominated for election as officers of the American Bar Association discuss issues at the ABA midyear meeting in Chicago. Flanking Robert W. Meserve of Boston, Mass., nominated for president-elect of the Association, are: **Joseph H. Gordon** (left), of Tacoma, Washington, nominated for a seventh one-year term as treasurer; and **Kenneth J. Burns, Jr.**, of Chicago, for a one-year term as secretary. Officers will be elected next July at the ABA annual meeting in New York. Their terms begin at the conclusion of the meeting.

Young Lawyers Will Provide Consumer Aid

The articles of incorporation for the Neighborhood Consumer Center have been drafted and funding appears imminent. This is the current status of the Center which was discussed on page 25 of the March '71 *Bar News*.

Directors of the non-profit corporation are **Robert C. Mussehl, Daniel Seligman, G. Theodore Ressler, William H. Clarke, Barbara J. Rothstein, Irene Malbin, and Frederick Lukens**. Four more directors will be named to the board.

It is anticipated that the executive director of the Center will be paid \$16,500. Anyone interested should submit a resumé to Robert Mussehl.

It is hoped that the doors to the office will open no later than June 1 in the University District.

Correction

There are 18, not 17, lawyers serving in the State Senate this session. One of the Senate's most sterling members, **Gordon L. Walgren-D**, Bremerton, was inadvertently omitted in the list printed on page 13 of the March '71 *Bar News*.

State Inheritance Tax Division

A former Spokane attorney has been appointed supervisor of the State Revenue Department's inheritance-tax division. **Richard E. Scott**, a 1949 graduate of Gonzaga University, will handle legal affairs and court appeals for the division.

100 Years Old

Byron R. Kibler, of Enumclaw, was 100 years old on January 12th. That city honored him with a reception at his residence in the Bethesda Manor Nursing Home. Kibler, a native of Staunton, Virginia, has lived in Enumclaw for more than 70 years. He obtained a law degree from the University of Colorado and moved to Enumclaw in 1901. For a number of years he was in the banking business. He began his law practice in 1932, specializing in real estate and probate matters, and continued until his retirement in 1954, at the age of 84. The Enumclaw City Council passed a resolution paying tribute to Mr. Kibler on his 100th birthday.

Tollefson named judge in Tacoma

Erling Tollefson, who began Law School when he was 42, has become Tacoma's second Municipal Court judge. Tollefson was appointed by Mayor Gordon Johnston yesterday to the \$20,000-a-year position. He is the brother of former Congressman Thor C. Tollefson and former Mayor Harold M. Tollefson.

A well-known baseball player in college, Tollefson dropped out of the University of Puget Sound in 1938 and worked for a paint company until 1955 when he entered Law School.

G.U. Awards

The 1971 recipient of Gonzaga University's most prized award, the DeSmet Medal, is U.S. District Court Judge **William J. Lindberg**. The recipient of the Law Medal will be **Thomas Malott** of Spokane for having "contributed outstanding service to the legal profession." The awards will be made at Gonzaga's 84th Commencement exercise May 9.

McLAUHLAN AT LARGE



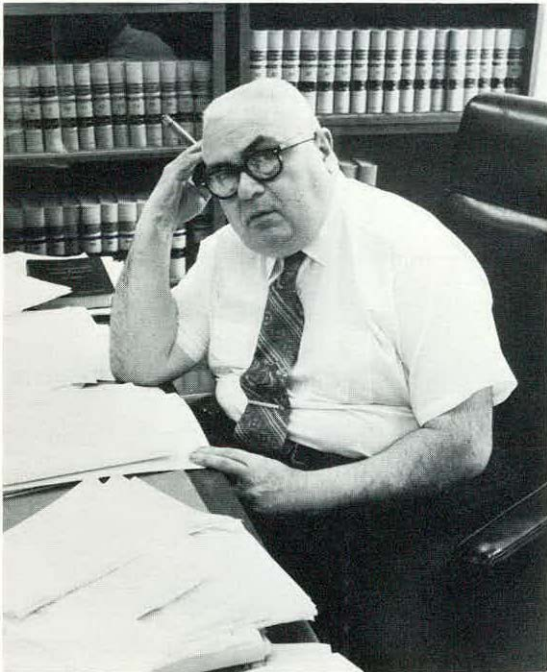
Robert D. Morrow, Seattle
No-Fault Auto Foe



Slade Gorton, Olympia
State Attorney General



William H. Gates, Jr. et ux., SKCBA im-
mediate Past President, (left) and Bradley
Jones et ux., SKCBA President (right)



Bernie Lonctot, Olympia
Mr. Securities



Fredric C. Tausend, Lembhard G.
Howell and Phillip T. Hutchison,
(L. to R.)
Seattle
Mustaches

There's Trouble at McNeil Island

(continued from page 8)

Q. Where do we have to start to do this? Is this Congress? Is it the Bureau of Prisons? Where?

A. **Mr. Holley:** One of my visceral objections with how our society handles most problems is that we think about it and we abstract about it and we talk about things. Let's do something. Let's get the press out there. Let's point out how ridiculous it is.

Q. The press is faced with the same situation.

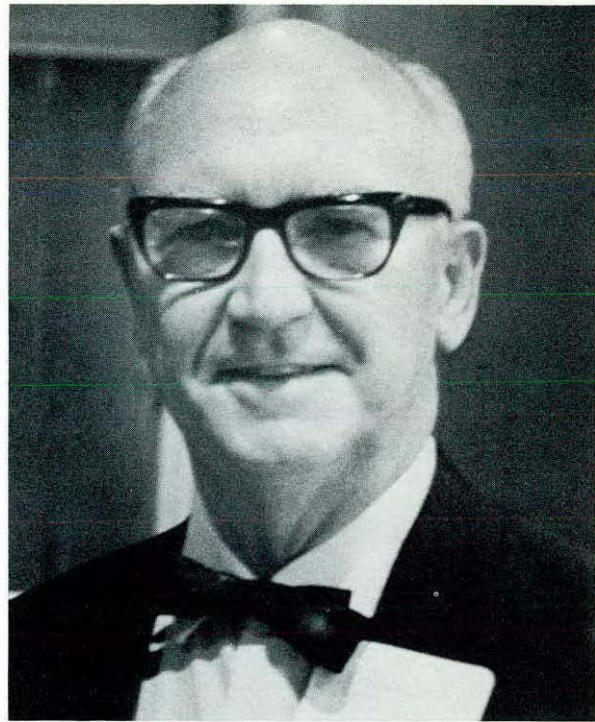
A. **Mr. Holley:** I'm on your side.

Q. Mr. Hoff, can you run a penitentiary as a democratic institution?

A. **Mr. Hoff:** It's a difficult thing to do. The question that you ask is "How do you go about it?". There are ways to go about it. In 1970 a Federal Court in New Orleans ordered a penitentiary, the Orleans Parish Prison, to be closed within a certain period of time and all prisoners to be let free on a writ of habeas corpus unless certain conditions in the prison were corrected, unless certain ways of doing things were changed. The way that the Federal Courts do this is under the Constitutional provision that prohibits cruel and unusual punishment. What is "cruel and unusual punishment" changes. The whole Constitution changes with the times. I think that's the way you get into court and that's the way you get courts to do something. Prisons really don't accomplish any of the things that we expect them to do in this country, except perhaps keeping people segregated from society.

Mr. Holley: For a time.

Mr. Hoff: For the time being, that's right. Now, to do that you have to look at the sentencing; you have to look at the type of people that are going to prisons, the type of people that shouldn't be in prisons at all. And it's only when you look at the whole spectrum that you can start to do something about it. The question you're asking is "How do you get that started? Do you get it started by writing a letter to your Congressman or do you get it started by lobbying with your local legislator?" The answer to both questions is "No." That doesn't seem to be the way. And the reason that it doesn't seem to be the way is that you can't seem to get people upset or concerned. Let's face it, gentlemen. Most people in this country have very little sympathy



Hon. George Boldt

for a person that's committed a crime and is in jail. Most people would tell you "He ought to be in jail." If you tell them conditions are terrible, they'll say "Great. Boy, let's keep them terrible. That way he won't commit another crime."

Q. Is this the reason for the strike at McNeil? Do the inmates feel that they have to resort to that type of tactic to get the attention?

A. **Mr. Hoff:** I don't claim any personal knowledge of the reason for the strike at McNeil.

Q. A big frustration of ours has been the fact that we cannot go to McNeil and talk to the prisoners. Bill has been allowed out on a couple of times, once to interview the Warden and once to take a guided tour with an interview after the tour. Have you been able to get on the Island since the strike began? Have you been able to talk to the prisoners, particularly those who were segregated?

A. **Mr. Holley:** I meet two or three days a week with various inmates. I got a letter from one of the inmates today pointing out that he's afraid I am going the route of all lawyers that go down there and that is making promises and not doing it. One of the real frustrating problems is that so many guys down there

need to talk to people. I find myself spending too much time talking to them and not doing some of the legal work and some of the work in getting their messages out. But I meet frequently with the strike committee, with the genocide plaintiffs and with any other inmate that requests my services. Fortunately this week we've gotten our first break. There's been three lawyers that have agreed to go down there frequently. I met with Dave today and I'm certain through our joint efforts we'll be able to get a number of other lawyers. I do talk with them and, just what Dave says, when people begin to get aware that what goes on there and what is being done to these men have no relationship to who they are.

In other words, the concepts of prejudice as to what a convict is are so totally unrelated to the men that are down there, the beautiful human beings that are down there, that that's the way we are going to change it. People will begin to be aware of how they have been duped and fooled by the Humphrey Bogart concept of the tough-guy criminal. People will see that there are a lot of "Birdmen of Alcatraz" down there. A lot of the real cream of our society is down there. You just have to read George Jackson's book [Soledad Brother — The Prison Letters of George Jackson] to see the type of minds that exist there. Believe me, when I go down there, every time I meet George Jackson . . . men who have insights, understanding and appreciation of love and appreciation of what life is about and other people's rights. The strike lasted for 11 days. While they were cooped up in cells, just the fact that not an incident of violence and not an incident of any disorder among themselves occurred shows that the concept, that you can't have democracy in a prison, is completely erroneous. It's the only way that we are going to have institutions that get people ready to come out into minimum security in the outside world.

Q. Let me follow it a little bit further, if I may. You are able to go into the prison. You're able to talk to some of the inmates. Still, when they tell you of the injustices that they allege have been inflicted on them, how do you carry that beyond hearsay? Do you ever have any actual proof that some of these things have happened? How do we, as newsmen, even were we allowed to walk through the prison and talk to the strike leaders, how would we know what to accept and what to reject?

A. **Mr. Holley:** I've seen the 280 stitches in [one prisoner's] arm, where in one of his six attempts to commit suicide he so mangled his arm hoping that they couldn't put it together again. I have seen many other things. I didn't want to create a misimpression that it's easy for me to go out there. I actually, on four separate occasions, went out there with permission and wasn't allowed on the Island. Lately they have been very good. Every time they tell me I can go, they actually let me on the boat and some guards even smile at me. Yesterday there was an incident where a guard assaulted me. Nobody was around but other guards. I pointed that out to the Young Lawyers section because I don't think it's just me that's important. I think it's the whole lack of respect for the institutions of our society, for the press and for the American public in letting them hear the other side. When you go out there though, I think that the six selected strike committee representatives, who were selected by the inmates as spokesmen, should be maybe the first ones you're interested in talking to. Tommy Thomas is the president of the Jaycees out at the prison. You know, this isn't a radical left man. This isn't some far-out person that just represents some dissenting faction. He's been in the hole since the strike started. Why? Because he had the democratic dignified instinct to say "Yes. I'll act as your spokesman. I'll speak to the Warden." And he's thrown in the hole.

Q. Wasn't there already a committee representing the inmates in existence when the second committee was organized?

A. **Mr. Holley:** Not concerning the strike in any sense. Inmates will explain it to you. One reason that inmates don't want me going out and giving hearsay is the problem that I don't know who is reliable. You newsmen have instincts. You know who you can believe and what stories you can believe when you hear them. You just have to meet these men.

Q. But at a time when there is a work stoppage on an island, as there was on McNeil, and although there was not violence, this was not a normal situation. Mr. Hoff, don't you think an administrator of a prison is on somewhat firm ground to attempt to deal with the earlier recognized committee?

A. **Mr. Hoff:** Well, you're asking me to comment on what an administrator of a prison would

like to do. If I were an administrator of a prison, I wouldn't like the press around at all, obviously. And the reason I wouldn't like the press around at all is because it is obviously much easier for me to run my own prison if I can keep all outside influences from that prison. And when inmates talk to the press, then you get a whole lot of people concerned and informed about the opinion of the prisoners that were not informed before.

Q. Do you accept the criticism of the McNeil administration that Mr. Holley has expressed?

A. **Mr. Hoff:** I can't because I don't have any personal knowledge of it.

Q. Will your committee become interested in it?

A. **Mr. Hoff:** I've sent a letter to Warden Parker and I have volunteered the services of my committee to come down to the prison as informal observers to either tend to substantiate some of the charges Mr. Holley makes, or if they are untrue to try to substantiate the fact that they are untrue. I explained in my letter to him that I feel either way, it's to the benefit of the prison since we are somewhat neutral in this. We don't have any knowledge of it.

Q. Did you get an answer?

A. **Mr. Hoff:** Well, I have not received an answer yet, but in all fairness I just wrote the letter last week so I would not ordinarily expect an answer right away. But I know Warden Parker. I've dealt with him before and I've talked to Warden Parker and most times he's been quite receptive to some suggestions that we have made and he's been very cooperative with the program we've had to try to get law students and young lawyers down to McNeil Island. I hope he will accept our offer because I think that when charges like this are made, you have charges and counter-charges. I agree with you; you as newsmen go down to the prison; you have no way of knowing who's telling you the truth; you have no way to evaluate it.

Q. Would you say that in a sense the Warden is as much a victim of the system as the inmates?

A. **Mr. Hoff:** Well, to a much lesser extent because he's not locked up there. I think it is a kind of unequal victimization. If I had my "druthers," I think I would rather be the Warden than the inmate.

Q. Mr. Holley, a few moments ago you said that newsmen have instincts. How long would it take me as a newsman, presumably half-way

intelligent, to spend on McNeil before I could really find out what was going on?

A. **Mr. Holley:** I believe you do have instincts but I also believe that you can trust the inmates. The inmates know that this importance of being able to get to the public is so great that I trust their responsibility when they get an opportunity. I'm not afraid, say you're talking to other than hand-picked inmates by the Warden, that they are going to grab your microphone and start saying hello to their family on the outside. Let me just suggest something that is even better. From the very outset the genocide plaintiffs and the strike committee have issued in every way possible, and I haven't seen it printed anywhere, a request to Warden Parker to get on a program like this and let's just talk like human beings, Warden Parker. You have been saying an awful lot to the press. We won't hurt you. You know you can put us in chains if you want while we talk. Let's just get some of the truth out and talk with Tommy Thomas on television, Warden Parker, or talk with Charles Armsberry on television, Warden Parker, or talk with Willie Brazier on television or Armando Vargas. These are men that maybe went to the fifth grade or eighth grade. Warden Parker knows a lot of words and everything. Let's just get the public to see what's going on. Maybe that's a better solution because, can that hurt? I don't think it can hurt the American public too much.

Q. Mr. Hoff, were you warden of McNeil Island, would you do it?

A. **Mr. Hoff:** Well, let me try to answer it this way. If I were warden of McNeil Island, I think I would be somewhat concerned with a lot of the charges that are now being made about the way my penitentiary is being run. And I think that as warden I would have to accept the responsibility for the truth or the falsity of that situation. And I think that I would want to do everything I could in my power to find out whether in fact these abuses did exist and if I were sure they did not exist, I would want outside support from some neutral sources to prove that they didn't exist.

Moderator: On that note we will have to end our program. Our thanks to Lee Holley, and to David Hoff for being with us today. □

will continue.

Matthew Bender's *Business Organizations* set was originally published several years ago as a ten-volume work on the subjects the name implies — partnerships, corporations and other business associations. Subsequently, two volumes were added (11 and 11A) on federal securities regulations. These two volumes were shipped unordered to all owners of the first ten. At a later date, Bender published a one-volume work on trade secrets. It was offered separately under the title "Milgrim, *Trade Secrets*" and if ordered separately it arrived in a binder so titled. All owners of *Business Organizations* were sent the identical contents in a binder denoting it as Volume 12 of *Business Organizations*. In similar fashion, Volumes 13 and 13A on corporation acquisitions and mergers, Volume 14 on patents, and Volume 15 on franchising were all added to the set and were shipped unordered to everyone who owned the first ten volumes.

But even this was not the end. Within the last few months, Bender has published the first of an estimated seven-volume "definitive work" on antitrust law. The cost is \$42.50 per volume. This work may be purchased as an antitrust set with a binder which reads "Von Kalinowski, *Antitrust Laws and Trade Regulation*." The first volume of the same work was sent unordered to all owners of *Business Organizations* in a *Business Organizations* binder, and if they did not do something to stop it they will ultimately receive all seven volumes as Volumes 16, 16A, 16B, 16C, 16D, 16E and 16F.

The publishers' representatives were questioned at length about the practice of shipping unordered volumes, and each defended its practices in this regard. They emphasized that lawyers are free to return any of these books for full credit, even if already "stamped-in" and they believe that the low number of returns they receive confirms their position and justifies the practice. They also pointed out that requests not to send unordered material are scrupulously honored.

Matthew Bender in particular justifies its practices by the wording of its standard order form which includes the following language:

"Please enter my order for supplements, revisions, replacement pages, revised volumes, new additional volumes, and material related to the items listed on the front side. It is understood that I may at anytime cancel my order for the

above supplements, revisions, etc. by so informing Matthew Bender & Co., Inc. in writing."

The publishers also contend that if they were prohibited entirely from sending new editions and new matter added to existing sets to lawyers without a specific order most lawbooks would never be published. The facts of lawbook marketing life are said to be such that entirely new lawbooks are much less likely to be published than are those which may be marketed as a part of an existing set. Publishers receive very few orders in response to direct mail advertising, and it is physically as well as economically impossible to cover the entire market with sales representatives. According to the publishers, many outstanding works which lawyers find extremely valuable to them in their practice would never have been published if they could not have been marketed as a new edition or as an addition to an existing work.

The publishers claim that the objections to unordered volumes under the present practice do not compare to the complaints they would receive of improper servicing if the system were changed significantly. While a few lawyers object to the present practice, most lawyers prefer the system as it is to one which would not only require more attention to detail on their part in ordering lawbooks but would deprive them of many of the sets on which they rely today.

Though there is merit in the publishers' position, the committee believes that present practices go too far. The fact that lawyers are free to return unordered books and that few do so does not prove that lawyers approve the practice. The

Unordered Merchandise

The Federal Trade Commission considered passing a proposed Trade Regulation Rule on unordered merchandise but Section 3009 of the Postal Reorganization Act passed recently by Congress has made the rule unnecessary (P.L. 91-375, August 12, 1970). Although the Act has been signed into law, an effective date has not yet been fixed. On September 11, 1970, the FTC indicated that regardless of the effective date, it will move under the authority of the FTC Act to enforce the provisions of Section 3009.

Legally, there are only two categories of merchandise which may be mailed to a person without his consent, either free samples, or merchandise

sent by a charitable organization as a means of soliciting contributions. In either of these cases, the person may consider the merchandise a gift. It is illegal for the person or organization sending the merchandise to bill the recipient.

*Seattle-King County Legal Services
Center Newsletter (March 1971)*

committee believes that most lawyers are unaware of the extent to which publishers ship them unordered books and are unaware that the "fine print" of an order form may authorize such shipments. When books arrive that appear to be part of an existing set, most law offices accept them without question. Moreover, many lawyers do not want to worry with returning unordered lawbooks, and they do not want to have to set up office procedures to intercept them. That they may request that no unordered materials be sent is no answer. If placed in this status by a publisher, it is usually necessary to special order everything, including normal paperback supplementation.

The committee believes that many of the complaints lawyers have today would be eliminated if a standard order form were adopted which gives the lawyer a well-defined option to purchase exactly the sort of future service he wants. He should be able to order normal supplementation without ordering "revised volumes," "new additional volumes" and "related material." If he wants to place himself in the tender mercies of the publisher, he should be free to do so, but this should not be a pre-condition to receiving normal supplementation. The publishers' representatives indicated that if a standard order form were adopted by the bar, it would be accepted by the publishers. However, for obvious reasons, the publishers would prefer to use the same order form nationwide, and for this reason the committee recommends that the newly-formed ABA Special Committee on Lawbook Publishing Practices give consideration to the adoption of such a form.

In the meantime, there is much that the individual lawyer can do to protect himself from unordered books. Knowing of the extent to which publishers engage in the practice, he can adopt office procedures which will intercept unwanted books. He can instruct his office personnel to save mailing cartons, and if he does not want a book, he can re-seal it in the carton, and return

it, without postage, marked "Refused, Return to Sender." If he believes a publisher is particularly abusive, he may claim his rights under Article 29c-1 V.A.C.S., adopted by the last Legislature which allows the recipient of unordered goods to treat them as a gift. This will almost certainly get the publisher's attention.

The committee received a number of complaints of improper billing practices and of difficulties in obtaining service adjustments from lawbook publishers. Most of these complaints were directed at Matthew Bender, and Bender concedes that it encountered serious problems when the company recently changed to computerized bookkeeping. Bender now believes that it has solved its problems and that similar difficulties will not be encountered in the future. The committee was impressed that all of these representatives of the publishers' top management sincerely desire to provide good service to the bar and that they will make a genuine effort to correct problems of this nature. We suggest that you advise the committee of any future difficulties you may have in order that we may take your complaint to the top.

It was apparent from our discussions that the publication of Mr. Taylor's article alone has had a substantial impact. Although the publishers deny that they have engaged in deceptive practices, some of them concede that inattention on their part has produced ambiguous appearances and they have voluntarily taken positive action to correct the situation. The committee believes that Mr. Taylor has rendered a tremendous service to the legal profession for which we will all be indebted for years to come. □



SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**

Supreme Court Clerk

During the fall of 1969, thirty-two law school seniors applied for the position of law clerk with the Supreme Court. Additional applications were made for positions with the Court of Appeals. The Supreme Court and Court of Appeals selected twenty-one. Twelve of these, listed below, are seeking private employment commencing upon termination of their duties with the appellate courts.

Supreme Court

Gary Cuillier, 1407 Southeast 38th
Law Clerk for Chief Justice Lacey, Washington 98501
Orris L. Hamilton Phone: 491-0217
Gonzaga School of Law J.D. - 1970; interested in general practice, civil and criminal law in the Yakima area - available in August, 1971.

Bart G. Irwin, 2300 West 9th
Law Clerk for Justice Olympia, Washington 98501
Charles F. Stafford Phone: 753-5096
Gonzaga School of Law J.D. - 1970; interested in general practice in a medium size community - available in August, 1971.

Richard J. Langbeer, 3800 Elizabeth
Law Clerk for Justice Capitol Club Apartments
Robert T. Hunter Apartment 86
Lacey, Washington 98501
Phone: 491-1864
Gonzaga School of Law J.D. - 1970; interested in general practice with emphasis on commercial law in the North King County or Snohomish County area - available in August, 1971.

Ralph Pittle, 4223 Woodland Park Ave., N
Law Clerk for Chief Justice Seattle, Washington 98103
Orris L. Hamilton Phone: ME 2-1970
University of Michigan B.S. in Pharmacy; American University J.D. 1970; interested in trial work in the areas of medical malpractice, products liability, personal injuries and criminal law in the Seattle area - available in August, 1971.

Ed Schaller, 2209 Alpha Drive
Law Clerk for Justice Lacey, Washington 98501
Charles T. Wright Phone: 491-2960
Gonzaga School of Law J.D. - 1970; interested in general practice and corporate law in the Olympia or Tacoma area - available in August, 1971.

Division I, Court of Appeals

Charles S. Burdell, Jr., Division I, Court of Appeals
Law Clerk for Judge State of Washington
Robert F. Utter 10th Floor, Pacific Building
Seattle, Washington 98104
Phone: 464-7655

Willamette College of Law J.D. - 1970; interested in general practice and litigation in the Seattle area - available in August, 1971.

Curtis J. Coyne, Division I, Court of Appeals
Law Clerk for Judge State of Washington
Ward Williams 10th Floor, Pacific Building
Seattle, Washington 98104
Phone: 464-7656

Gonzaga School of Law J.D. - 1970; interested in general practice with emphasis on trial work in the Seattle or Spokane area - available in August, 1971.

Roland W. Johnson, Division I, Court of Appeals
Law Clerk for Chief Judge State of Washington
Charles Horowitz 10th Floor, Pacific Building
Seattle, Washington 98104
Phone: 464-7657

University of Washington School of Law J.D. - 1970; interested in corporate law or general practice in the Seattle area - available in August, 1971.

Joel H. Paget, 5512 15th Avenue NE
Law Clerk for Judge Seattle, Washington 98105
Herbert A. Swanson Phone: LA 2-2199
University of Washington School of Law J.D. - 1970; interested in commercial practice in the Seattle area - available in August, 1971.

Division II, Court of Appeals

Werner Boettcher, 914 Fifth Avenue, SW
Law Clerk for Judge Puyallup, Washington 98371
Ralph Armstrong Phone: 848-2094
University of Washington School of Law J.D. - 1970; interested in general practice, civil law and trial practice in the Olympia or Tacoma area - available in August, 1971.

Edward F. Shea, 4057 East Spokane Street
Law Clerk for Chief Judge Tacoma, Washington 98404
Harold Petrie Phone: GR 4-5852
Georgetown University Law Center J.D. - 1970; interested in general practice with emphasis on federal trial work and administration practice; no location preference - available in August, 1971.

Division III, Court of Appeals

Patrick R. Acres, East 224-27th
Law Clerk for Judge Spokane, Washington
Hugh H. Evans Phone: RI 7-3441
Gonzaga School of Law J.D. - 1970; interested in general practice with emphasis on commercial law; no location preference - available in August, 1971.

SUPERIOR COURT NEWS

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

Judge **F. A. Walterskirchen** (King) has proposed a system of jury selection to speed justice and save cost. His plan features a dual use for courtrooms. While a judge is presiding over a non-jury case, jury selection for another case would be conducted in the jury room at the back of the same courtroom. No judge would preside over jury selection but problems or questions would be referred to a judge. Lawyers would conduct the impaneling, marking forms to indicate jurors challenged or accepted. Judge Walterskirchen also recommends that the jury coordinator check with lawyers in civil cases before trial to evaluate settlement possibilities, whether a six-man jury will be accepted, or whether a jury will be waived.

NEWS FROM THE COURTS OF LIMITED JURISDICTION

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

Judge **Gerry Fisher**, Kitsap County, chairman of the Judicial Training Committee, has indicated that the recent seminar for Judges of Courts of Limited Jurisdiction was so successful that there is now some thought given to making this, at the minimum, an annual training session for judges, with perhaps two or more different sessions each year to accommodate those judges interested throughout the state.

A new experiment is being considered for courts of limited jurisdiction. A project is being prepared to initiate the use of Electronic Data Processing in a series of county courts in Spokane, Pierce, King and Snohomish Counties. This project will, hopefully, demonstrate the use of Electronic Data Processing Systems in carrying on the normal administrative functions of the courts. It is planned that this may eventually lead into the use of court administrators for county courts, being chosen through the State Administrator's office and under the direction of a board of judges from each specific county involved. Judge **Murray A. McLeod**, Auburn, has been named project director, and a co-ordinator will be chosen shortly to carry the project through.



In a recent article we promised to publish chapters from our Office Manual to encourage you to take the time to think out your own system and type it up for your own manual. If some of our practices cause controversy, so much the better. No system is right for everyone, but not having a system is the worst possible situation. The following is our section on filing:

FILING SYSTEM

Our files are divided into three categories, namely:

1. Personal Filing - Current and Active
2. Central Filing - Current- Semi-Active
3. Transfer Files - Inactive
1. *Personal Files* - Current and Active - Each

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.

lawyer and staff member has a *personal filing cabinet* for the current and active files which he or she is servicing. Each personal file has a standard set of 24 alphabetical dividers plus any special categories such as "Hennessey". For each file appearing in the personal files a charge out file may be placed in central filing. These charge out files are described under the heading of transfer files. To date our firm has not had sufficient problems locating files to require implementation of the charge out file practice for central filing, but should problems develop it will be implemented.

2. *Central Filing* contains files that are current and semi-active. Central filing has *alpha numeric* tabs. Instead of 24 basic tabs there are 70, each with identifying number for the sub-section, for example Sa to SU is No. 54. S being a heavy number has six sub-divisions 54, 55, 56, 57, 58 and 59. Each file label should carry the last name first and the file section number eg. Ralph Santoro's file is to be labeled: Santoro, Ralph vs Adams et al 54. Refiling is then accomplished by number, ie., always behind 54. This is faster than thinking about what division of S the file fits into.

3. *Transfer Files* are inactive and have *annual-alpha-numeric* tabs. Each year all files in central filing are culled and stripped. Any file having no papers dated within the past 12 months is automatically segregated for transfer and thinned. If a file doesn't amount to anything it should be destroyed, not indexed. If it is substantial it should be thinned by removing all loose papers, notes and extra copies. Papers belonging to clients may be mailed to them with a covering letter detailing what is being sent.

The past year is then added to the numeric identification as well as the number indicating the relative location. Hence, if Ralph Santoro's file were to be No. 3 alphabetically in his category his label would now read: Santoro, Ralph vs. Adams 70.54.3. The alpha numeric tabs from the filing cabinet are also labeled with the year, e.g., Sa to Sc 70.54 and transferred with the transferred files. A new set of tabs is set up for central filing for 1971. All transferred files are then cross indexed in the volume entitled "Index to Transfers 1970 - 1980". In a prominent place in the transfer files are the *charge out* files having a red transparent tab. Each charge out file is ruled as follows:

No file may be removed unless a charge out file is filled in and put in its place. When it is returned the charge out file flags the spot to replace it eg. 70.54.3 and it will always be in the proper alphabetical sequence within its alpha numeric section. All transfer files are cross indexed in

Index to Transfer Files. We use heavy duty 3-ring loose leaf binder with 6 x 9½ reinforced sheets. Each book covers a ten-year period (for a smaller firm of course one book could cover 20 years and a larger firm 5 years). Each book has a set of alphabetical index tabs from A to Z. On each side of each tab is typed the alpha numeric breakdown for the letter, eg. Sa to Sc is Page 1 which is labeled Sa-Sc 1. Santoro's file would be entered behind the "S" tab on the page labeled Santoro, Ralph vs Adams, John H. and Brown, Charles V. 70.54.3. It would be cross indexed under Adams, John H. and Brown, Charles V. Santoro vs 70.54.3 and Brown, Charles V. and Adams, John H., Santoro, Ralph vs 70.54.3. In this manner all of one client's business for a given transfer year is together under one annual alpha numeric number and the transfer file shelves are still full without any need to leave slack for insertion of new files in any alphabetical category. This meets the objection to the straight numerical transfer filing which tends to scatter the clients' files throughout the year and the objection to alphabetical filing that one category fills up faster than another and it is impossible to have full shelves without constantly moving all later files.

Heavy duty 3-ring binders are expensive. The best quality costs about \$12.50 each. Dan Reaugh in the IBM Building in Seattle has been using his old CCH loose leaf binders for form books for years. The only problem is that they have 5 rings instead of 3. In setting up our 1970 to 1980 Index, I solved this problem very neatly by cutting off two rings with a hack saw. It now takes standard 3-ring 6 x 9½ paper. For 42 cents I was able to purchase a bottle of gloss black Pactra enamel, a bottle of thinner, and a paint brush and very effectively painted out all references to CCH on the cover. A gum label off the labeling machine, completed the Index. There should be numerous uses for 3-ring binders other than the one that I have developed and the one that Dan Reaugh has developed over the years.

— Harry E. Hennessey

File No.	File Name	Removed by	Date
70.54.3	Santoro, vs Adams	HEH	2/10/71



A variety of events, some of them reported in the newspapers, in the last several years have strongly indicated there is a critical need to increase knowledge of legal rights and responsibilities among many members of the public, especially the young people.

To help fill this need the State Bar has undertaken a giant-size job: To place in the hands of every graduating high school senior in Washington State this spring a 16-page booklet outlining, at least briefly, "The Law in Your Life."

It is not a textbook. It is intended as a practical, useful report on some of the more important laws and legal institutions that will affect most graduates immediately as they get jobs, are married, drive automobiles or use their system of justice.

Sections discuss new rights for 18-year-olds; the law and the courts; how laws are made; the roles of lawyers, judges and juries; marriage and family law; employer-employee-union law; a number of helpful aspects of consumer law; personal rights, and laws affecting motorists.

In brief letters published in the booklet Louis Bruno, state superintendent of public instruction, suggests to the seniors that "knowing and properly using the law provide one important key to success in whatever you undertake in the future," and Robert O. Beresford, State Bar president, points out that "absolutely all of us must know some of the laws and must be aware at least of the existence of many others."

"Otherwise," he adds, "we could not be fully aware of our rights and our responsibilities and could not achieve maximum happiness as persons and usefulness and effectiveness as citizens."

Blended into the substantive law explained in the booklet are these concepts, among others: Laws change in response to society's needs and wishes; the all-pervading importance of law in a free society; source and definition of law; it is every citizen's law; one's liberty is limited by the rights of others; minority rights must be protected; importance of trial by jury; the working of the adversary system of justice; balance of personal freedoms vs. society's interests, and the contrast between our personal freedoms and the lack thereof in some other places.

The booklet will not, of course, solve society's modern problems; hopefully, it is a healthy step in the direction of helping improve public understanding of the legal system that holds society together.

— Public Relations Committee

APPOINTEES

Governor Arthur B. Langlie appointed Honorable **Frank P. Weaver** of Spokane to succeed Honorable **John S. Robinson** on the State Supreme Court. Judge Robinson was respected and loved by members of the bench and bar generally . . . To the respective Superior Court positions the Governor appointed **Thomas R. Stiger** of Everett, **Bertil E. Johnson** of Tacoma, and **Albert N. Bradford** of Walla Walla.

BIRTHS

Harry R. Calbom, Jr., moved from Spokane back to his hometown, Longview. Apparently, Harry felt the folks back home had forgotten childish pranks or at least forgiven them . . . **Steenland & Smith** open in Ellensburg . . . **Selander, Espedal & Clark** established offices in the Dexter-Horton Building, Seattle . . . Little, LeSourd, Palmer & Scott announced new associates, **Dan F. Henderson**, Harvard, and **Emmett E. McInnis, Jr.**, Yale. The view was expressed that this would result in a delicate balance . . . **Joseph f. Swontkoski** forsook Seattle for Lynnwood . . . **George Apostol** departed Omak for Juneau, Alaska . . . In Walla Walla County, **Murray E. Taggart** was appointed prosecuting attorney . . . **Dyar & Hubbard** opened offices in Waitsburg. They celebrated the occasion by hosting fellow members of the Walla Walla County Bar to a steak dinner. What a nice precedent!

CROSSED THE BAR

Robert A. Wilcox, 82, Cle Elum, where he had practiced since 1909 . . . **John F. Garvin**, 53, Seattle, formerly of Spokane . . . **W. E. Cullen**, 78, Spokane, entered practice there in 1906 as counsel for the Milwaukee Railroad.

LEGISLATION

Spokane prosecutor **Hugh Evans** reported that the new real estate transaction tax law was "an enactment without a father . . . not even a mother would recognize it."

A. B. Comfort commented that Senate Bill No. 100 started out relating to sureties and ended up as a bill on homestead exemptions in probate.

Hail to the Queen of the May!!!

— David J. Williams



IMPORTANT NOTICE

Effective March 15, 1971, any motion or other application for relief in Seattle Cases assigned to **Judge George Boldt** will be noted for hearing in **SEATTLE on the FIRST and THIRD** Mondays of each month at 1:30 P.M.

The moving party shall serve and file with the motion or application original and two copies of a brief statement of reasons in support thereof and a list of citations of authorities relied on.

The motion or application shall be noted for and heard on the **SECOND** Monday after the motion is filed. Not later than 4:30 P.M. on Thursday preceding the Monday appointed for the hearing each opposing party shall file with the Clerk the original and two copies of opposing reasons and authorities.

All other provisions of Rule 7 of the Local Rules are applicable.

Prefix Change

Effective April 16, 1971, the prefix for the Clerk, U.S. District Court, and other Government offices with telephone numbers having the prefix 583 were changed to 442.

Travel — Orient

An exciting 14-day trip to Japan and Hong Kong is being sponsored by the State Bar for its members and their families.

ORIENT ADVENTURE departs from Seattle on August 12, 1971. \$868 includes round-trip transportation on World Airways chartered 707 jets with first-class meals, deluxe hotels, the services of a travel director and five local hosts, plus many other exclusive features.

Contact the State Bar office for further information.

Wanted and Unwanted

For Sale: CJS and RCW, both completely up to date. W. L. Beuck, 217 Pine Street, Seattle 98101 (MA 2-4488).

Wanted: Used Dictaphone Time-Master dictator. Contact A. Clemens Grady, 112 Taylor Street, Port Townsend 98368 (385-1400).

For Sale: Vols. 1-32 ALR 2d (less Vol. 28 ALR 2d) for disposal or trade; also other vols. Mrs. James Carriker, 3102 Harney St., Vancouver, Wash. (696-1044).

Deadline for next issue of the *Bar News* is May 7, 1971.

Disbarment

Milton T. Slater, former Snohomish County attorney, was disbarred from the practice of law in Washington by opinion filed March 4, 1971. *In re Slater*, 78 W.D.2d 984 (1971).

State Bar Association
Annual Meeting
September 9, 10 and 11, 1971
Portland Hilton
Portland, Oregon

Remember to make contributions to the Washington State Bar Foundation

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. Young sole practitioner with five years' experience in large city wants to relocate to rural community in Eastern Washington.
2. Louisville, Ky., manufacturer seeks staff counsel for patent and trademark matters. Must have engineering degree and five years' patent experience.
3. Western Washington sole practitioner seeking young attorney to share office space and overhead while establishing own practice.
4. Local division of large national corporation seeking staff counsel for wide variety of duties including public relations. Salary \$20,000.
5. Five-man suburban King County firm seeking associate for considerable civil and criminal trial work. Will accept legal intern or bar applicant pending admittance.
6. Upper-third graduate of Michigan Law School, currently professor, seeks private practice with emphasis on tax work.
7. Young attorney, currently involved in legislation-drafting in Olympia, seeks permanent position.

- May 7 Fourth Annual Pacific Coast Labor Law Conference, Olympic Hotel, Seattle.
- May 15 Bench-Bar-Press Relations Forum in the HUB Auditorium
- July 5-7 Annual Meeting of the ABA in New York, N.Y. and
14-20 London, England.
- Aug. 29 - National College of Advocacy, sponsored by ATLA
Sept. 4 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.

Hawaii Tax Institute

The 8th Annual Hawaii Tax Institute sponsored by Chaminade College of Honolulu will be held at the Princes Kaiulani Hotel in Waikiki, starting October 10 and running through October 15, 1971. Registrants can also avail themselves of an optional weekend extension on the Island of Kauai. A distinguished faculty of nationally known tax authorities has been selected for this year's Institute. For additional information, contact:

Director, Hawaii Tax Institute
Chaminade College of Honolulu
3140 Waialae Avenue
Honolulu, Hawaii 96816

Bench-Bar-Press Forum

The School of Law and the School of Communications at the University of Washington will conduct a forum on the general subject of bench-bar-press relations on Saturday morning, May 15, in the Hub Auditorium. The Honorable **Eugene A. Wright** will moderate the forum; appearing as representatives of the legal profession will be the Honorable **Thomas G. McCrea**, Judge of the Superior Court of Snohomish County, and Mr. **Dan Riviera**,

a Seattle attorney. Representatives of the press will appear. There will also be position papers prepared by students in the School of Law and the School of Communications.

In particular the forum will discuss new developments in courtroom demeanor and the reporting of court news as effected by the new Code of Professional Responsibility, the American Bar Association Stand-

ards Relating to Fair Trial and Free Press, the proposed new Canons of Judicial Ethics, and the State Guidelines for Bench, Bar and Press. Also to be discussed will be the limitations, if any, on the media in reporting certain judicial proceedings outside the presence of the jury.

You may obtain further information from Associate Dean Robert S. Hunt of the School of Law or Professor Don R. Pember of the School of Communications.

Pacific Coast Labor Law Conference

The Fourth Annual Pacific Coast Labor Law Conference will be held Friday, May 7, 1971, at the Olympic Hotel. The Conference is jointly sponsored by the University of Washington School of Law and the Labor Law Section of the Seattle-King County Bar Association.

Subjects and speakers for this year's Conference are the following:

"Individual Employee Rights"*

A.L. Zwerdling, attorney from Detroit; Charles Prael, attorney from San Francisco; and Howard Jenkins, Jr., member, National Labor Relations Board, Washington, D.C.

"Successorship Problems"—

Charles J. Morris, professor of law, Southern Methodist University, Dallas, Texas; and Joseph Barbash, attorney from New York.

"Labor Problems in the Public Sector"—Ed Townsend, labor editor, *Christian Science Monitor* and associate editor, *Business Week*; Robert H. Chanin, general counsel, National Education Association, Washington, D.C.

Chairman for the Fourth Annual Pacific Coast Labor Law Conference is Seattle attorney J. David Andrews.

QUALIFICATION CHECK LIST

"Are the business activities of my client in states other than its state of incorporation of such a nature as to require qualification?"

This check list is designed to assist counsel in answering that question more quickly and easily—for a corporate client already active in outside states or one about to become active there. It provides a quick method of surveying a client's business activities. His survey complete, counsel can then concentrate his research on the types of business activities he has checked.

Covered in this check list are those types of business activity most often considered by courts and legislatures when dealing with statutory provisions governing qualifications of foreign corporations. Space is provided for counsel to list additional business activities, if any, of his client.

Our groupings of activities and generalizations as to their effect are offered as guides only. They should not be construed as conclusive.

We recommend the use of this or a check list of your own for its continuing value to you and your client. Corporate officials sometimes change a company's method of doing business without consulting counsel with a leading

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I am a lawyer. Send me a sample copy of CT's newest work aid for lawyers, your eight-page QUALIFICATION CHECK LIST. I would like to see if it will be of help to me in checking my corporate clients' out of state activities.

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