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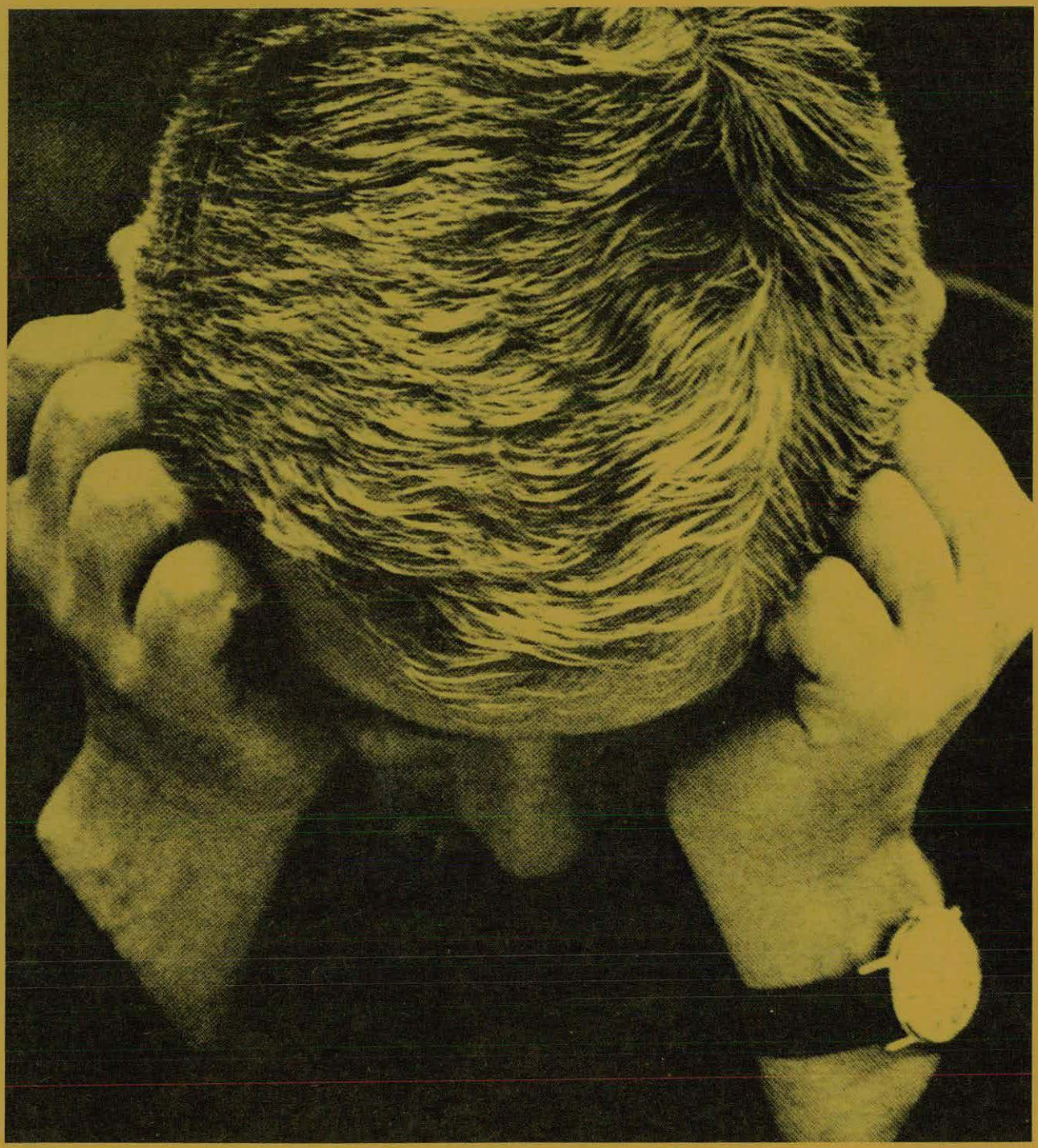
WASHINGTON STATE BAR NEWS



CONVENTION ISSUE

Washington State Bar News

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LEAD ARTICLES

IN THE NEWS

DEPARTMENTS

Letters

Fees in Divorce Litigation

Editor:

If perchance, there is anything in this letter of use to you, please do not attribute it to me. Some of our brethren would say this epistle is from a stuffy lawyer who has forgotten the realities of down-to-earth practice where it is a problem to pay the rent. (Actually, I have not forgotten.)

I was shocked (repeat, shocked) by the quotation, writer unnamed, in your Editor's Note in the July issue:

> "This is a time when the use of para-professionals is increasing and when fairly standard uniform work in non-contested and default cases is to the point where it is almost mechanized or computerized."

If any lawyer is handling divorce cases via paraprofessionals and data processing machines, he is, I think, violating our professional standards and traditions. A divorce is an important and traumatic experience in the life of anyone—except possibly movie stars who profit from the publicity.

A poor person is as much entitled to careful weighing of the facts and sound professional advice as is an affluent burgher. If and when our profession assumes that delicate personal and financial problems can be relegated to a paraprofessional (what does that word mean?) and an IBM machine, we are finished as a profession and have become a business where the dollar score is the test of success, as with a stock salesman.

Lawyers should charge according to the fair value of their services. Does anyone suppose that the time of a last June Yale graduate, who does not yet know how to check records of the county clerk or auditor, is worth $35 an hour, even in inflated currency?

I thoroughly agree that this is not the time to raise fees. The raise was, as your writer remarks, a "disservice to the profession." It is hard for me to understand why it was done. But that is another subject. Second only to the American Medical Association, I think our associations take the prize in presenting a poor image to the public.

NAME WITHHELD
Seattle

Editor:

It has been my experience that there are usually emotional problems in a divorce, and the lawyer should counsel and advise his client accordingly. I believe the client needs to be informed at all stages in the proceedings and should be made as comfortable as possible going through the divorce process. A divorce is a very human situation and should not be mechanized.

It is also my experience that a lawyer is necessary to identify what may be the assets and liabilities of the parties. In every "non-contested" divorce I have handled one of the principal problems may not be the division of assets, but the management of the debt. This is an area where the lawyer's advice and counsel is particularly important to the client.

It should be further understood that the parties do not often recognize what, in fact, may be an asset. A wife who has supported her husband through medical school and then faces a divorce by her indigent resident physician, may have rights that must be considered. Frequently one of the parties to the divorce has pension or other rights through their employment which they have not identified. One party may have a claim for injury which is a community asset to be considered.

I frankly believe that my clients are generally well satisfied that I have earned the fee in the non-contested divorce case.

The statement of Lincoln that the lawyer's time and advice are his stock and trade certainly applies to divorce litigation.

BARRY A. SCHNEIDERMAN
Seattle

Editor:

The comment that one OEO attorney in Seattle handled 2,000 divorce cases in one year is shocking. If an attorney is able to put in eight chargeable hours per day (and most attorneys admit that four to six chargeable hours is more reasonable) and if he works 50 weeks per year (allowing two weeks for vacation), he would only have worked 2,000 hours for the entire year. This would mean one hour per case.

Even with the use of paraprofessionals, the attorney's attention to the case in counseling with the client personally should exceed this.

In talking with other brethren of the bar, most of us, even with the use of paraprofessionals for obtaining routine information, spend from 30 to 60 minutes in the first interview because of the need of the client to discuss the problem in depth.

Perhaps the OEO attorney had been saving up pending divorce cases from several years prior and just now decided to bring them all to completion. Otherwise, I would suggest that the practice of law in this manner cannot help but reflect badly for the entire legal profession.

TERRY V. BERNARD
Everett

The President's Corner

This month's column winds up my contribution to legal literature. The standard procedure is to look at the major acts and decisons which have been made during the preceding year and review them in this last report. I am going to skip that because the subjects have been adequately covered in other columns of the *Bar News*.

What I am really interested in, and what I am sure you are interested in, is what is going to take place in the future. We can leave out the chaff about living in an age of change. We are up to our necks in it already in practically every field, including that of the law, but there are some places where our association is practically medieval.

To start with, we operate through a Board of Governors and through the committee system. The board system has not been changed in the thirty-nine years since the Integrated Bar Act was passed. The committee system has been changed only by adding committees. There has been an attempt to remedy this situation in the past year. We have reached the stage where we have a Committee on Committees. The purpose of this committee is to look not only at the different groups within the bar, but also at the bar act itself, to revitalize the bar and bring us up to the point where we can work on current problems.

The entire system needs to be changed, first, in the number and jurisdiction of committees; secondly, the Board of Governors should not have arbitrary and unlimited power to appoint committee chairmen (this power should be exercised only in conjunction with the committee itself) and, finally, some study should be given as to whether or not we should have sections each of which, in turn, would elect its own steering committee.

I think it is a pretty sad commentary when the bar association can send out questionnaires to every member asking for the interest of the members in committees, and then place possibly one in five of those who have evidenced an interest in serving on a committee.

Next, something has to be done about the one man, one vote. The Young Lawyers resolution calling for a twelve-man board is only a partial solution. Some way has to be found to spread the membership on the board into areas which are really stepchildren insofar as bar offices are concerned, for example, Kitsap and Chelan Counties, among others. I don't think that Bremerton or Wenatchee, or any areas around them, have ever been represented on the Board. I pick those two because they come to me easily, but I know there are a lot of others.

The minutes of every meeting of the Board of Governors should be published in detail, except, of course, for disciplinary matters, and there are very few of those any more because they are handled by the Disciplinary Board. Lawyers should not be told only of the ultimate action; they should know how each governor voted, since the only way to make an argument or change a vote is to have this knowledge, and besides that, of all professions, the bar should be first in the dissemination of such knowledge.

The present bar act provides for lawyers voting in the districts in which they reside instead of where they maintain their offices. A glaring example of the result of such a rule is shown in a small eight-man office such as my own, where one or the other of us must vote in the First, Second, Sixth and Seventh Congressional Districts.

I had hoped the Committee on Committees would come up with something really constructive to solve the many problems of which I have given you only a few examples. It has not done so; these things take time, and I am sure that it is giving the problems the study they deserve and that recommendations will be made in due course.

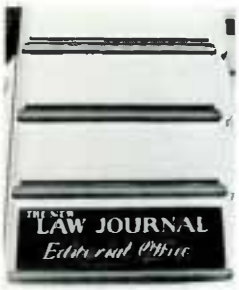
It is my hope that the Committee on Committees will study the possibility of integration by court rule, instead of state statute.

Finally, the Young Lawyers will actually not secede from the bar association in spite of the noise they are going to make at the state bar convention. This is healthy. They have worked hard on the problems which we should have recognized some time ago and come up with the answers. These, however, are problems which are also being considered by the Committee on Committees, and it would appear that it would be much more effective to present the resolutions to that committee, to the end that if it is necessary to redo the bar act—and it is, unless we integrate by court rule—it be done all at one time, rather than in piecemeal sections.

An ex-president of the Washington State Bar Association is about as influential as Carrie Nation at a distillers' convention. I, however, will not cease to be active in the Association. I know that the Board of Governors, in view of my activities this year, and possibly because of some of the sentiments expressed in this last column, will place me in a position of influence by appointing me to an important committee such as the committee to study the repeal of the Nineteenth Amendment.

Editor's Note

Starting on the next page is an article embodying the arguments which convinced a citizens' committee and three of five members of the SKCBA Steering Committee that prostitution behind closed doors in Seattle should not be subject to criminal sanctions. I was and am still not convinced that the law should be changed to allow the return of brothels to Seattle.



There is always danger that by focusing on one controversial issue in a code revision project, the whole code suffers. Hopefully, the community will weigh each issue separately and not in an emotional vein reject the whole code because of extreme disagreement with one section. (This is what happened in California.) Actually, the proposed code contains an alternative section which would still subject all prostitution to criminal sanction. The choice is clear cut.

Quite persuasive empirical data can be found in a just-published book, "The Lively Commerce" by Charles Winick and Paul M. Kinsie (320 pages, Quadrangle Books, $8.95), heralded as the "first serious study of prostitution to appear in America in half a century."

The book puts the matter in a historical context. When prostitution flourished in the 1920's, the largest syndicate of brothels was run by a group of Chicago gangsters generally believed to be headed by Al Capone. Brothels operated under the guise of hotels in Chicago, Minneapolis, Fargo, Bismark, Butte, Walla Walla, Spokane and Seattle. The authors report: "A longtime Seattle brothelkeeper, interviewed recently about prostitution in her city, said, 'Just before World War II there were more than a hundred houses here. Now I doubt there's one.' " Do we really want to go back to the good old days?

So what's wrong with prostitution? Isn't it a "victimless crime"? Authors Winick and Kinsie categorically state that prostitution is beyond doubt a social evil because it uses up women in a very rough way. Prostitution is one of the few occupations in which mobility is almost always downward and is negatively correlated with age.

They compare our attitudes toward prostitution with what were our attitudes toward drug addiction as recently as ten years ago. New York State, with more than half the country's drug addicts, did not have a program or even one bed available for them in 1959; today it has thousands of beds and over $100 million budgeted annually for rehabilitation.

The authors submit that a similarly enlightened attitude toward prostitution would include disapproval for the practice but every possible assistance to the women who work in it. A realistic goal would be to maximize opportunities for those women who wish to leave prostitution.

The Burnstin-James approach has the cart before the horse. Just as the courts and the legislature have not stricken laws prohibiting public drunkenness from the books without detoxification centers being funded, laws prohibiting prostitution behind closed doors should not be stricken from the books without rehabilitation programs being funded.

The experiences of those European countries that have mounted effective programs to reintegrate the prostitute into the community can provide valuable clues.

The authors observe that when prostitution declines, so do other crimes. One reason for the interrelationship of prostitution with the incidence of other crime is that prostitutes are often narcotic addicts, and bring other addicts and "pushers" into an area.

In 1967, the New York State Penal Code reduced prostitution from a misdemeanor to a violation with a fifteen-day maximum sentence. Prostitutes flocked to the city from across the country, and the 8,045 arrests for 1968 represented a 27% rise over 1967 and a 70% increase over 1966. In 1969 New York ended its two-year experiment with a lenient prostitution law.

In England, prostitution itself is not a criminal offense, but soliciting on the streets was made punishable by fine in 1959. While this "tidying up" has made prostitution less of a public embarrassment in England, one unanticipated effect has been that exploiters have been given new control over prostitutes.

With the current heightened sense of the dignity of the human individual, there is hope that the goal of society will not be a perpetuation of the exploitation of sex but rather will be to offer all possible help to those who have potential for greater things still locked within themselves.

PROSTITUTION IN SEATTLE

By: E. Joseph Burnstin, Jr. and Jennifer James (Fetz)

Within the last five years, Seattle has experienced an increase of prostitutes on its streets creating an unsightly, yet at the same time, attractive environment. In 1968, the City Council responded by enacting an ordinance prohibiting, *inter alia*, "[loitering for] the purpose of . . . soliciting . . . another to commit an act of prostitution."[1] The proposed Seattle Criminal Code[2] retains a form of this ordinance[3] yet recommends repeal of all others dealing with prostitution. This approach is operative in much of Western Europe and Great Britain.[4] It has been recommended for this country as well[5] and has been adopted by at least one state.[6] It has been asserted that not only is this approach "naive," but that it ignores the concomitant crime and coercion and is based on "new concept moral values."[7] This article will respond to those criticisms and discuss other issues related to prostitution.

MORALITY AND THE CRIMINAL LAW

It is probably true that most persons view prostitution as immoral. For many it follows that the practice of prostitution must, therefore, be made criminal. The practical deficiencies of this view will be discussed throughout this article but one observation is usefully made here. To seek repeal of the laws prohibiting prostitution is not necessarily to make a judgment that prostitution is morally good. It is rather a judgment about the appropriate use of the criminal law predicated on utilitarian grounds espoused by Bentham and Mill as long ago as the 18th Century, and recently in this country.[8] Consequently these "new concept

1. Seattle Ordinance No. 97316 (12.40.010 (g)), 1968.
2. *Tentative Draft*, June 23, 1971, adopted by a five-member Steering Committee of the Seattle-King County Bar Association.
3. *id.* 12A.12.020.
4. The Street Offenses Act, 1959 (7 & 8 Eliz. 2c.57).
5. National Council on Crime and Delinquency, "Crimes Without Victims, A Policy Statement," *Crime and Delinquency*, Vol. 17, No. 2, April 1971 pp. 129-130.

   Washington State Young Democrats, State Convention, Spokane, January 1970.

   ACLU of Washington, Policy Statement on Women's Rights, May 20, 1971.
6. Nevada Revised Statutes, § 201.300-400.
7. *Seattle Times*, June 29, 1971, at A12, Col. 1.
8. J. Bentham, *The Principles of Morals and Legislation* (1780).

   J. S. Mill, *On Liberty* (1859).

   R. Clark, *Crime in America* (1970).

   H. L. Packer, *The Limits of the Criminal Sanction* (1968).

   N. Morris and G. Hawkins, *The Honest Politician's Guide to Crime Control* (1970).

Mr. Burnstin is a 1970 graduate of the University of Washington School of Law and a member of the Washington State Bar Association. Since August 1970 he has been reporter for the Seattle Criminal Code Revision Project under the direction of a Steering Committee of the Seattle-King County Bar Association.

moral values" are neither new nor do they reflect moral values.

A decision to deny governmental support for certain moral values is both commonplace and appropriate. The present criminal law does not enforce all moral values. For instance, failure to tell the truth although universally condemned, is made criminal only in some instances such as perjury or fraud. Not all stealing is criminal; embezzlement can put you in jail but loafing on the job cannot. One may come upon a drowning person and watch him die without fear of either criminal or civil liability. While many consider fornication immoral, it is not prohibited by law.[9] Immorality alone is not a sufficient basis for criminal prohibition. We believe that the use of the criminal law reflected in the statement "there ought to be a law against," is in part responsible for the unfortunate state of the present Seattle Criminal Code.

9. Seattle Ordinance No. 73095 § 1, 1944 which prohibited fornication was amended by Ordinance No. 97316 in 1968 to lift the proscription and at the same time toughened the law and penalty dealing with prostitution.

PROPOSALS

That prostitution is a complicated issue and that present methods of dealing with it are largely unsuccessful is hardly open to debate. The proposals in the revised Criminal Code of Seattle are an honest and serious response, not a panacea. The statutory recommendations contained in the code essentially legalize prostitution.[10] Public solicitation, however, is prohibited. Sexual activities have been consistently regulated by the Code to prohibit behavior in public which would offend the sensibility of others. This could be described as an "in public" right of privacy. One should be able to be in the public without seeing litter, obscene magazines, or for that matter, prostitutes and their clientele.

In addition, the proposed code does not make it criminal merely to be a pimp. That is, the occupation per se is not prohibited. It hardly needs stating that coercion itself is proscribed.[11] We believe that legalizing prostitution will not only reduce the necessity of a pimp as a protective agent and business manager, but also encourage the prostitute to seek police assistance if she is threatened. In cases where the pimp coerces a girl to enter into prostitution he, of course, commits a crime. We fail to see how either the legalization or prohibition of prostitution will necessarily affect the rate of coercion.

No other regulations are proposed at this time. Prostitutes are not licensed, taxed, inspected, or otherwise controlled. If these controls are later desired, they can easily be effected.

GOALS AND HYPOTHESES

In many respects the goal of those seeking repeal of prostitution laws coincides with those urging retention. How these goals can be attained is essentially an empirical question. In some cases the lack of sufficient data requires the use of induction. Our goals:

(1) to reduce the crime associated with prostitution such as larceny and robbery;
(2) to cease the personal degradation involved in the present approach which affects both the police and the prostitute;
(3) to remove the problem of prostitution from the criminal justice system (as we have begun to do in the case of the skid row

10. The closest operative model is Great Britain. Note 4. *supra.*

11. Proposed Seattle Criminal Code 12A.04.170.

drunks) in order to effectively use socio-psychological approaches;

(4) to reduce the possibility of payoffs often associated with "victimless crimes;"

(5) to save the city hundreds of thousands of dollars annually which can be better spent in the criminal justice system or elsewhere; or alternatively;

(6) to free members of the criminal justice system (especially the police) in order that they may more efficiently deal with crimes which increasingly concern the community.

Our hypotheses:

(1) that much related crime (larceny, robbery and bribery) is caused by the present illegal status of prostitution;

(2) that law enforcement is differential in its treatment of men and women and that this hypocrisy reduces respect for the law;

(3) that one of the inherent goals of any criminal law — rehabilitation — is wholly unsuccessful here;

(4) that the asserted rationale for the continuation of the present approach is either logically false or contradicted by data.

RATIONALE FOR THE PRESENT SYSTEM

The present system of control via the criminal law is generally supported on three grounds. It is claimed that prostitution is linked to organized crime; that prostitution is responsible for much ancillary crime and also for the increase in (or at least the transmission of) venereal disease.

ORGANIZED CRIME

In recent years the concept of organized crime has come under attack.[12] While we take no stand on that issue, it is not always clear where Organized Crime begins and mere organized crime ends. A certain amount of coordination is necessary for the success of any enterprise. Whatever the state of existence of organized crime, a recent Presidential Commission stated unequivocally that prostitution played "a small and declining role in organized crime's operations."[13] The second supportive argument (dealing with ancillary crime) is more complex and deserves some attention.

12. Morris and Hawkins, Chapter 8. Note 8, *supra.*

13. *Presidential Commission on Law Enforcement and Administration of Justice, Task Force Report: Organized Crime* p. 4 (1967). The Commission went on to say that "Prostitution is difficult to organize and discipline is hard to maintain. Several important convictions of organized crime figures in prostitution cases in the 1930's and 1940's made the criminal executives wary of further participation."

Ms. James is an Instructor in the Department of Psychiatry at the University of Washington and is presently completing her doctorate in the Department of Anthropology. For the last three years Ms. James has conducted research in the Seattle City Jail and on the streets with Seattle's streetwalker population. This research has been the subject of four articles and is being submitted, in part, as a dissertation.

ANCILLARY CRIME

It is obvious that some amount of other crimes is associated with prostitution. Some suggest that for this reason prostitution itself must be made criminal so as to reduce or control concomitant crime.[14] This assertion will not withstand analysis; furthermore as we will show prohibition of prostitution itself causes crime.

As the laws are presently constituted, it is a criminal offense for the patron to engage a prostitute and vice versa.[15] In those cases where

14. The necessity for sexual release is a basic human requirement. To the extent one is concerned with the "related crimes" question, it would seem that consideration should be given to the effect prostitution services has in *limiting* even less desirable sexual behavior. It is possible that the prostitute fulfills the sexual needs of some who, whether emotionally or physically handicapped, might otherwise be compelled to utilize force on others.

15. Seattle Ordinance No. 73095 § 1 as amended by Ordinance No. 97316 § 1 (12.40.010 (a), (b) or (d)), 1968.

the customer is a victim of robbery or theft by a prostitute and makes a report to the police, their response can take only one of two forms. Either the victim's participation can go "unnoticed," (in essence a toleration policy), or he may be prosecuted for offering or agreeing to commit prostitution.[16] While offers of immunity in return for testimony are not unheard of, a regular practice of immunity cannot be sanctioned. On the other hand, it seems clear that if prosecution of the customer is a regular response, the reporting of other crimes will diminish. It appears that the first alternative has been chosen in this city.[17] The choice is not attractive, but one made necessary by the present law.

The prohibition of prostitution has a double impact. To the extent that prostitutes believe their victims will not report a robbery or theft they will be encouraged to commit it. Further, prostitutes, more than occasional victims of assaults by customers, are also discouraged from involving the law.[18]

VENEREAL DISEASE

It is supposedly common knowledge and a key argument for prohibition that prostitution is responsible for the transmission of most venereal disease. Like many commonly held assumptions this cannot be supported by fact. The Seattle King County Health Department is required by law to examine all arrested persons "who are suspected of being afflicted with any contagious or infectious disease . . . ."[19] As a matter of practice, all women arrested as prostitutes are inspected. In the last three years, no more than one or two women (out of hundreds arrested)[20] have been found to have infectious syphilis; slightly more than 5% were infected with gonorrhea.[21]

Public Health Advisors believe that prostitutes are well educated about venereal disease problems and are watchful for them. They are aware of preventative techniques which include using prophylactics, checking customers and seeking medical care. On the other hand, young persons are often ignorant not only of the symptoms of venereal disease but even of precautionary measures.[22] An obvious though rarely mentioned point is that prostitutes, if infected, are not merely passive carriers. Because they suffer themselves, they will seek treatment. A reputation as one who is infected would cut down the relatively large volume of repeat business which most prostitutes depend on. More attention is now being focused on other sources of venereal disease such as members of the drug subculture, the hippie community, college and high school students, and members of the armed forces returning from overseas. Public Health Advisors believe that the increase in venereal disease is related more towards a general change in sexual values (unaccompanied by health education) than to any one source.

DIRECT AND INDIRECT COSTS TO THE COMMUNITY

That the rationale for the present approach is faulty (as discussed above) is only one of many compelling reasons requiring a change. While some of the costs described below are subtle, when massed together they lead to an inescapable conclusion.

One of the more subtle yet unintended consequences of labeling a person "criminal" is that the use of the label may itself limit the behavior of those being labeled. The "labeling theory"[23] maintains that the criminal law and the process through which it is administered produces crime.

(Continued on page 28)

16. While evidential considerations are always a limiting factor in obtaining convictions, presumptions have not been unknown in this area of the law.

17. Note 28, *supra.*

18. Many of the statistics used in this article were collected over a three-year period in Seattle by Ms. James from both Seattle Police Department Vice Squad files and from numerous conversations with prostitutes, pimps and customers. Of 76 prostitutes interviewed, 64% reported suffering an injury caused by a customer.

19. Seattle Ordinance No. 32444 § 1 (15.16.010) 1914.

20. Note 28, *supra.*

21. Interview with Seattle King County Public Health Department Advisors July 15, 1971. Their statistics show that in the period 1968-1970, 240 cases of infectious syphilis were reported in this state for the age group 15-30. That age group appears to suffer about a 1% rate of gonorrhea. Prostitutes in Seattle (roughly the same age group) are responsible for a negligible amount of syphilis and appear to have a slightly higher percentage of the less serious gonorrhea.

22. The age group 15-30 was responsible for 84% of the reported cases of gonorrhea in Washington (1970). Few members of this group, however, patronize prostitutes. Prostitutes interviewed in Seattle report that 70% of their customers are between 30 and 60 years of age.

23. H. Becker, *Outsiders* (1963).
E. M. Lemert, *Social Pathology* (1951).

DISCIPLINARY ENFORCEMENT

A profession ought to be able to regulate itself, but the truth is that the legal profession has not done so. I suggest that the time may come when, if the legal profession wants to avoid regulation from the outside, it must sternly regulate itself from within.

—Chief Justice Warren Burger
July 5, 1971

It was in July of 1970 that the Clark Committee Report was released by the ABA.

The Committee said it "must report the existence of a scandalous situation that requires the immediate attention of the profession." Washingington state justifiably resented the broad brush treatment given in the ABA press release.

However, the countering press release from our state was equally as expansive—"It is important that every citizen of Washington State know these national criticisms are not applicable in our state."

How does Washington State really measure up in the area of Disciplinary Enforcement?

The article by Michael Franck in the July Bar News *highlighted the major problem areas nationally in disciplinary enforcement. This article analyzes how the 36 problem areas apply in Washington.*

After reading the analysis, it should be clear why Washington was mentioned at the mid-year ABA meeting in St. Louis as being a leader in disciplinary enforcement.

1. **Lack of funds.** *Lack of adequate financing is the most universal and significant problem. Even states such as California, which combine a volunteer system with a substantial professional staff, are considering seriously the desirability of converting to an exclusively professional staff. Funding should be both from the Bar's and public funds.*

There is no paid full-time professional staff for disciplinary matters. Washington relies heavily on the attorney volunteer system. WSBA does retain **Jack P. Scholfield** and **T. M. Royce** as counsel to represent it before the Disciplinary Board and the state supreme court. Financing is from dues paid by bar members and from costs assessed the respondent-attorney if the charges are sustained and discipline is imposed.

About 15% of the State Bar budget is devoted to disciplinary enforcement. Those closest to the program do not believe that the State Bar, as currently financed, could support the cost of abandoning the volunteer system and relying entirely upon paid professional staff.

Those closest to the program also believe that the present system is working well and does not demand exclusively professional staff. They like the idea of a voluntary Local Administrative Committee. It provides the members of the members of the Committee an opportunity to work on disciplinary prob-

lems and it is educational for them. It also gives them an opportunity to perform a valuable service for the Bar.

2. **Fragmented structure.** *Investigation of complaints is subject to the potential consequences of close professional, personal and political relationships between the accused attorney and the member of the local administrative committee who investigates his conduct. No more than four regional committees for the state should be organized as has been done in New York.*

There are currently 25 local administrative committees. (See pages 20-21 of December 1970 *Bar News.*)

It is believed that the existing system will be greatly strengthened by the adoption of revisions recently proposed by the Board of Governors to the State Supreme Court. Under the proposed revisions, the Association office will have a more important role in disciplinary proceedings from start to finish. It will be required that the processing of all complaints begin in the Bar office. The Bar office will maintain all disciplinary files, assign all complaints to individual local administrative committee members, and be responsible for all follow-ups and reassignments. It will generally and routinely expedite proceedings through the Disciplinary Board level.

3. **Delay.** *A nationwide survey disclosed that the time gap between receipt of the complaint and the entry of a court order imposing discipline varies from several months to more than five years.*

Three disciplinary decisions have been handed down thus far this year by the State Supreme Court. The time elapsed between the commencement of disciplinary proceedings and the entry of the court order imposing discipline was as follows: *In re Slater*, 78 W.D.2d 984 (1971) (2 years, 7 months); *In re Garvin*, 78 W.D.2d 859 (1971) (1 year, 10 months) and *In re MacDonald*, 78 W.D. 2d 810 (1971) (2 years). The decisions do not reflect when the complaints were received.

There is no question but what there needs to be a reduction in the elapsed time between the beginning and the end of disciplinary proceedings. The creation of the Court of Appeals has reduced the backlog of cases in the Supreme Court and should allow the court to deal promptly with these matters. Under Rule 6.5 (a) disciplinary proceedings are accorded priority on the Supreme Court calendar. Perhaps a court rule requiring the court's opinion in disciplinary proceedings be filed within 30 days after the case was heard would be in order.

The creation of the Disciplinary Board has served to speed up the process. Furthermore, LAC members are given deadlines. Under normal circumstances, the first interview should be completed within ten (10) days after assignment to an LAC Member, and a final recommendation be made within twenty (20) days after assignment.

4. **Ineffective rotation.** *Disciplinary agency members should be appointed for three-year terms, with no member to be eligible to serve for more than two consecutive terms. The terms should be staggered so that one-third rotate annually.*

LAC members are appointed to three-year terms or until their successors are appointed and their terms are staggered. DRA 2.1(b). The same rule applies to Disciplinary Board members with the additional proscription that no one is eligible to serve two consectutive three-year terms. DRA 2.4(a) (2).

5. **Segments of bar not selected for service.** *Although a significant number of complaints submitted to disciplinary agencies concern the single or small-firm practitioner, lawyers from minority groups and lawyers engaged in negligence and criminal law, there are few lawyers from these groups serving within the disciplinary structure.*

There is no indication that such lawyers

How Does Washington State Measure Up?

Washington complies with 20 of the recommendations under current or proposed disciplinary rules: 4, 5, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 22, 25, 26, 28, 29, 30, 33, 36.

Washington does not comply with 14 of the recommendations and reasonable minds may differ as to whether changes are required in these areas: 1, 2, 3, 6, 7, 11, 13, 15, 21, 23, 27, 31, 32, 34.

Two of the recommendations have no application in Washington: 24, 35.

have been excluded from service on disciplinary committees.

6. **Inadequate professional staff.** *One staff attorney can handle approximately 300 complaints per year, including processing, investigation and prosecution. In jurisdictions where staff attorneys would have to travel extensively, the number of complaints each staff attorney could handle would have to be reduced appropriately.*

   In the first 14 months of the existence of the Disciplinary Board, 482 complaints were filed. (See p. 11, November 1970 *Bar News*.)

   WSBA has hired part-time counsel, Messrs. Scholfield and Royce. In addition, Jack Scholfield is assisted by other lawyers in his office and by Lloyd Ducommun. When it appeared that the "Bar Counsel" burden on these attorneys was becoming unduly great, Dick Riddell was employed as special counsel to handle the O'Connell-Faler complaints. It is believed that the WSBA professional staff is adequate for the present.

7. **Absence of training programs for disciplinary agency staffs.** *With the exception of those few jurisdictions that now have a staff of more than one attorney, such as California, Florida and New York City, and are able to maintain some continuity of expertise, no facilities exist for training new staff members.*

   A revised 28-page Procedure Manual was recently distributed to LAC members in this state. It was originally prepared for use in King County. Those closest to the program are responsive to the suggestion that a training program for LAC members be instituted, e.g. a seminar for LAC members.

8. **Few investigations initiated without specific complaint.** *Effective enforcement requires that disciplinary agencies investigate all instances of attorney misconduct that come to their attention, regardless of the source, without awaiting a specific complaint.*

   The Board of Governors recognizes that the Association should be "self starting" and not wait for a specific complaint in situations where evidence of probable misconduct comes to its attention. The procedure manual indicates that complaints may be initiated by the Board of Governors. Further the Board of Governors may request that a formal complaint be made by bar counsel, with or without further investigation, where and as indicated. (See the two statements issued by the State Bar in the O'Connell matter. February 1970 *Bar News*, p. 9.)

9. **Government attorneys, house counsel for corporations and other attorneys who are not subject to discipline in the jurisdictions in which they actually practice.** *The report points out that in the District of Columbia, there are 4,000 lawyers who are not members of the bar but practice before federal agencies. The D.C. bar does not admit and does not discipline lawyers before the federal agencies.*

   It is clear from §13 of the State Bar Act that only active members of the Bar may practice law. Furthermore, under local Federal Court rule 2(e), attorneys practicing before that court may be disbarred or disciplined by that court.

10. **Insistence by disciplinary agencies on unnecessary formalities, including verification of complaints.**

    The complaint in Washington need not be verified. DRA 3.1 (a)(1).

11. **Lack of absolute immunity for persons filing complaints with disciplinary agency.** *The report recommends a court rule providing that any individual who submits a complaint against an attorney to an authorized disciplinary agency shall have absolute immunity from any suit predicated thereon.*

    There is currently no such rule in this state. One insider stated that he had good reason to believe that potential complainers would not even discuss the matter because they could not be given a promise of absolute immunity from suit. Giving immunity in a situation like this should not prove unduly injurious to the attorney complained about even if the complaint should be groundless. The reason for this is that the proceedings are completely confidential.

12. **No permanent record of complaints and their processing.**

    WSBA maintains a centrally located permanent record of every complaint and its disposition.

13. **Processing of complaints involving material allegations that also are the subject of pending civil or criminal proceedings.** *The report recommends providing that disciplinary proceedings be deferred until the determination of pending criminal or civil litigation involving substantially similar material allegations, provided that the respondent-attorney pro-*

ceeds with reasonable dispatch to insure the prompt prosecution and conclusion of the pending litigation.

There is no such rule in this state. As pointed out on page 24 of March 1971 *Bar News*, the WSBA was conducting an investigation of Alioto-O'Connell-Faler fee arrangement while suit filed by attorney general Slade Gorton was pending in superior court.

There is general agreement among those involved in the system that there should not be an arbitrary rule one way or the other. The Disciplinary Board should be allowed to exercise its good judgment and discretion as each particular case comes up as to whether disciplinary proceedings should be initiated immediately or deferred until pending criminal or civil proceedings are disposed of.

For instance, in the O'Connell-Faler situation the issues involved in the disciplinary proceedings are not exactly the same as those in the criminal/civil litigation. Waiting for the determination of criminal or civil litigation obviously produces undesirable delay. On the other hand, in appropriate circumstances, this objection may be offset by "suspension during the pendency."

14. **Absence of subpoena power in the disciplinary agency.**

DRA 3.2(h) provides broad subpoena power after the formal complaint has been filed. A further amendment to the rule, authorizing the Disciplinary Board to exercise subpoena power to assist Bar Counsel in pre-formal complaint investigatory activity, is being submitted to the Supreme Court for approval. Rule 2.1 (c)(5) provides for the perpetuation of testimony by local administrative committees and Rule 3.2(i) provides for the taking of depositions for use at panel hearings.

15. **No provision for compelling the testimony of witnesses and respondents in disciplinary proceedings by granting them immunity from criminal prosecution.** *The report recognizes that this provision probably requires legislative authorization.*

There is no such provision in this state. The reaction of one attorney was that the Disciplinary Board should not have this power, reasoning that the WSBA investigative interest is rather restricted as compared to investigations conducted by a Prosecuting Attorney, law enforcement agencies generally and grand juries. It was his thought that if anyone claimed the Fifth Amendment in a disciplinary proceedings, justice could ultimately be done by enlisting the cooperation of the Prosecuting Attorney.

16. **No informal admonitory procedures to dispose of matters involving minor misconduct.**

Although there has been no rule in the past authorizing the issuance of an informal letter of admonition, the Disciplinary Board has done so where it appeared that the attorney may have been guilty of improper conduct under circumstances which did not justify the filing of a formal complaint. An admonition did not constitute a finding of misconduct on the attorney's record. However, the rules now proposed for adoption by the Supreme Court would authorize this procedure.

17. **Treating serious misconduct complaints as private disputes between attorney and client.** *A court rule be enacted which provides that restitution shall not justify in and of itself the termination of a disciplinary investigation into alleged misconduct by an attorney.*

Washington has such a rule, DRA 2.1 (d)(2), which provides that restitution does not justify the LAC in failing to undertake or complete its investigation and report thereon to the Disciplinary Board.

18. **Inadequate procedures for accepting resignation from attorney under investigation.** *The report recommends that a court rule be enacted authorizing the acceptance of the resignation of an attorney who is the subject of a pending misconduct complaint and the entry of a consent order disbarring the attorney, provided that the attorney acknowledge in writing that the material facts on which the complaint is predicated are true.*

Section four of the WSBA Bylaws provides that a member may resign provided that if there is a disciplinary proceeding then pending against him, such resignation may be accepted or rejected in the discretion of the Board of Governors and on such conditions as the Board may determine. These same powers have been delegated to the Disciplinary Board.

Actually this is something that comes up regularly when an attorney agrees to go in-

(Continued on page 30)

The Oregon Bar Study:

JUDICARE—A FAILURE?

At the State Bar Annual Meeting in 1968, Paul D. Hanson, then chairman of the Legal Services Committee, delivered that Committee's report which recommended OEO legal services for the metropolitan centers and judicare for smaller communities and rural areas in Washington State.

The Board of Governors subsequently made application for funds for a judicare program which was turned down by federal authorities.

OEO legal service programs are in operation in Seattle, Tacoma and Spokane. An attorney volunteer type program funded by OEO for one year at $10,000 got underway in Clark County on March 1. (May '71 *Bar News*, p. 17) The thirty-five other counties in Washington still rely on legal aid programs or no programs at all.

The Washington situation is very comparable to Oregon. Five of Oregon's 36 counties have OEO legal services.

Using a grant of $9,500 from OEO and $1,850 from Oregon State Bar funds, the Oregon Bar launched on March 15, 1971 a study examining the need for a statewide legal services program in Oregon. The results of the 135-page study were released in June, 1971.

The report recommends that a unified, statewide program incorporating current government assisted legal services programs should be established, i.e., an Oregon Legal Services Corporation should be formed. A full range of legal services would be delivered by full-time legal aid attorneys serving eligible low-income clients rather than through volunteer private attorneys, as is now the case, or judicare.

What would be the source of funds? The Director of Legal Services in the Seattle Regional Office of OEO, which has direct authority over grants in the Northwest, has indicated a desire to see the program, when approved by the Oregon Bar and Governor, financed by OEO and other sources that may be possible.

Also the study team consulted the regional HEW office in Seattle which indicated that it would be happy to receive a proposal for an Oregon Legal Services Corporation when approved by the Bar and Governor.

The Oregon State Bar considered judicare but rejected such an approach.

Judicare projects have been funded in four localities by OEO: Washington Township, Alameda County, California; five rural counties in Montana; New Haven, Connecticut; and 28 rural counties in northern Wisconsin.

The evaluation of judicare from the report follows:

Judicare makes use of the private bar with their large reservoir of legal experience and knowledge of the communities they serve. Also the program permits a low income individual to select his own attorney and makes legal service accessible to him particularly in some outlying areas.

A major problem uncovered is the immense cost of providing legal service through judicare. The cost-per-case figure for Wisconsin judicare in the 28 rural counties for fiscal 1970 was $196.39 (This figure excludes initial $5.00 interviews and also does not cover the costs of the central administrative office in Madison). A comparative figure for two comparable rural legal service programs operating with full-time attorney staff from regional offices for fiscal year 1970 is as follows: California Rural Legal Assistance—$80.42, and Pine Tree Legal Assistance (statewide program for Maine)—$66.66. An overall Office of Economic Opportunity cost-per-case figure for fiscal year 1970 is $59.00, which covers 1,990 full-time

staff attorneys who handled 900,000 cases across the country. It can readily be seen that judicare is very costly, indeed.

Other important problems have also been encountered. In each of the judicare programs, numbers of attorneys do not want to participate as fees are substantially lower than minimum bar rates. In Wisconsin, for instance, the basic judicare fee is $16.00 per hour and a number of attorneys have indicated that they cannot accept judicare cases; often only marginal attorneys are the ones to take cases and make money from the program. Also, the federal government, through setting judicare rates, increasingly participates in the area of private bar fees. Another problem is that divorce dominates the judicare programs. In Montana judicare, 68% of the cases concerned divorce; only 26 cases during the entire fiscal year ending on August 31, 1970 were non-domestic relations cases. Aside from uncontested divorces, few cases are ever taken to court on behalf of judicare clients; services consist primarily of advice in a brief initial interview.

Further, conflict of interest problems occur often, especially in smaller communities, where a private attorney may be involved with the institution against which the judicare client wishes to defend his legal interests as a tenant or consumer. As pointed out in a report to the Central Oregon Bar Association in 1968 which rejected a judicare approach to legal aid, a poor person is often "reluctant to take the first step into the law office because he has been intimidated or is too proud to accept what amounts to charity." The study team's discussions with many low income groups corroborate this point. An additional problem is that private attorneys, who have developed broad competence in many areas of the law, seldom have much knowledge or develop expertise in areas of vital concern to low income persons: welfare fair hearing regulations or consumer fraud problems, for instance.

Finally, a broad problem of current judicare programs is their lack of any outreach or substantial contact with the low income community. They do not try to prevent legal problems before they reach crisis proportions through community education. As stated in the evaluation of Montana judicare: "There has been little impact on factors that create and maintain poverty in the area."

For the above reasons, the study team has concluded that judicare would not be a suitable vehicle for assistance in Oregon.

Thus ends the portion of the Oregon study dealing with judicare.

One would get the impression after reading this report that judicare is dead.

However, one reading *The National Observer* of July 5, 1971 would gain the impression that "judicaid" program in California is soon to be born.

It was last December that Gov. Reagan vetoed a $1,800,000 OEO grant to the California Rural Legal Assistance, Inc. The Governor did so on the basis of a report, by state anti-poverty director Lewis K. Uhler, accusing CRLA attorneys of "gross and deliberate" violations of government regulations.

The National Observer reports:

OEO Director Frank Carlucci named a panel of three state judges (none from California) to investigate the charges. It was suggested at OEO that if the charges were true, CRLA would be allowed to die. If the charges were false, the governor's veto would be overridden.

In late June, the judges dismissed the charges as "unfounded and without merit." In a 400-page report studded with praise for CRLA, they recommended the program be continued. Mr. Carlucci, however, declined to override the veto. Instead in the words of an OEO spokesman, "an agreement with the governor for CRLA's continued operations was reached, and the veto was removed."

On paper, it still looks like a signal victory for the legal-aid program: OEO will give CRLA a $2,600,000 grant over 17 months to continue its work among 550,000 poor California farm workers.

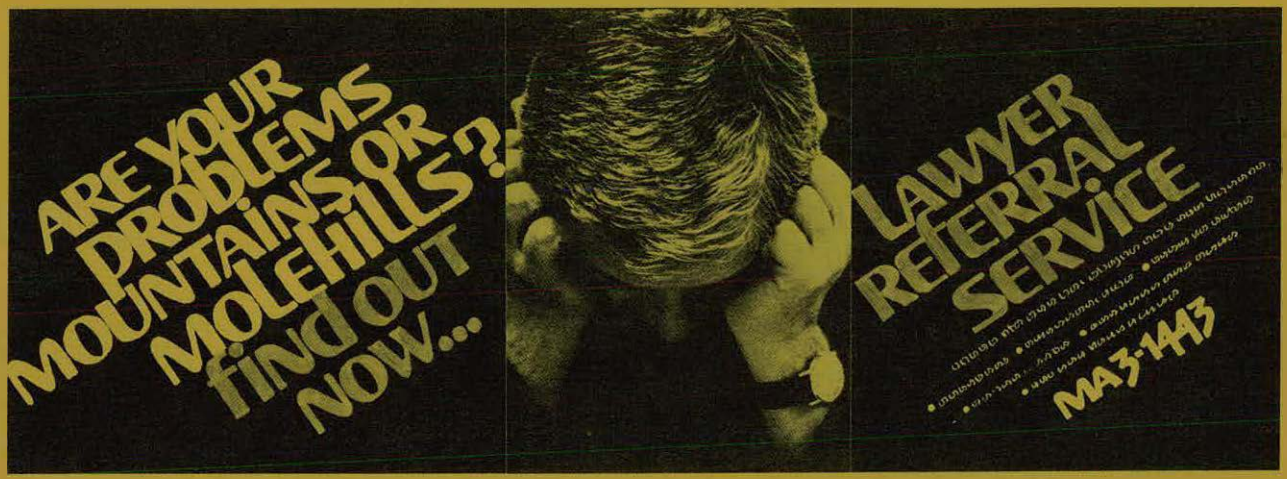
But attached to the grant were 22 "special conditions," some of which legal-service partisans say will severely restrict their ability to represent their clients. Moreover, in releasing the funds, Mr. Carlucci unaccountably also gave the green light to a pet Reagan project, a $2,500,000 California "judicaid" program. Mr. Carlucci also suggested that CRLA might eventually be "combined" with the Reagan program, which involved reimbursement to private lawyers handling antipoverty cases.

Mr. Carlucci's conditions and particularly his financing of the rival program proposed by Mr. Reagan, leave CRLA officials wondering how much of a reprieve they have won.

"We're used to being a political football," complained one CRLA attorney. "But this time we really thought the kicking might stop."□

WASHINGTON STATE BAR NEWS

Smashing Ad Program for Lawyer Referral Service



The Board of Trustees of the Seattle-King County Bar Association has given the green light for an extensive advertising program for Lawyer Referral Service.

Graphics have been developed by O. Kern Devin, Jr. and copy by Rick Reed of Jay Rockey Public Relations, Inc.

Barlow F. Christensen in his article in the November '70 *Bar News* stated: "The lawyer referral plan's impact on public knowledge and attitudes is potentially great, but comparitively little is presently being done in this field."

Seattle expects to be a leader in the field with its program. There will be advertising in transit busses, on television, on radio, in newspapers and in card racks in various business establishments and public buildings.

It is also expected that Lawyer Referral Service will take some innovative steps this year in attempting to set qualifications for certain panels with an eye to quasi certification of specialists.

Three New Members Elected to Board of Governors

Two University of Washington law graduates and a Gonzaga law alumnus will join the State Bar's Board of Governors during the State Bar Convention at the Portland Hilton September 9-11.

They are:

Edward J. Novack, Everett, Second Congressional District, who will succeed Storrs B. Clough of Monroe.

Robert S. Day, Kennewick, Fourth District, succeeding John S. Moore of Yakima.

James P. Curran, Kent, Seventh District, to succeed Charles I. Stone of Seattle.

Novack, of the UW law class of 1953, is engaged in a general practice with Williams & Novack. He has been a Snohomish County Bar officer and member of the

(Continued on page 17)

Edward J. Novack

Successor To Alice Ralls Named

A veteran lawyer and administrator has been employed by the Board of Governors as assistant executive director of the State Bar.

He is G. Edward Friar, a graduate of University of Tennessee Law School who practiced in Knoxville. He joined the Bar staff effective July 1 and later will succeed Mrs. Alice Ralls, who has announced plans to take early retirement from the position of executive director.

Friar brings to the Bar Office a wealth of experience at the bar, in government administration, in

(Continued on page 17)

Convention Events for Wives

Several attractive special events are being arranged for the wives of Washington lawyers who will be attending the State Bar Convention in the Portland Hilton September 9-11.

Ladies' activities are being arranged by the Clark County Bar Association Auxiliary, of which Mrs. John Wynne is president.

Mrs. Gilbert Kleweno, convention activities chairman for the auxiliary, said that one highlight for the visiting ladies will be a selected tour of Portland, designed to include the famous Pittock Mansion, the world-famed Rose Gardens and the Japanese Gardens. During the tour luncheon will be served at the lovely Hill Villa, which offers a panoramic view of Portland and the snow-capped mountains. The tour will be Friday, September 10.

Another program feature will be a luncheon event Thursday in the beautiful Pavilion Room overlooking the Roof Garden of the Hilton. The entertainment will include Isabell Hoyt, a noted humorist who also is one of only two women television-station merchandising managers in the nation.

Clark County Auxiliary members assisting Mrs. Kleweno include the Mesdames Robert Harris, Steven Memovich, Dale Whitesides, John Skimas, James Ladley, Robert Schaefer, Frank Foley, Jefferson Miller, James Gregg, Dean LaRowe, Robert O'Dell, Charles Gallup and Duane Lansverk.

Ladies at the convention also may attend the festive Thursday and Friday luncheons of the State Bar and will attend the annual gala association dinner-dance Friday evening.

Seattle-King County Bar Wins Award of Merit

The Seattle-King County Bar Association has been named recipient of a special award in the American Bar Association's 1971 Award of Merit competition for state and local bar associations.

Jack P. Scholfield, president of the Association, accepted the award at a presentation luncheon held in the Americana Hotel in New York City in conjunction with the 94th annual meeting of the American Bar Association.

The special award was given to the Seattle-King County Bar Association for establishing a project designed to improve the availability and quality of low- and moderate-income housing in the Seattle area.

The annual awards of merit are presented to state and local bar associations by the ABA's Section of Bar Activities to give national recognition and professional activities. The winning entry of the Seattle-King County Bar Association was in the category for local bar associations having between 800 and 2000 members.

IN MEMORIAM

H. E. (Cap) Donohoe, 91, Chehalis, died July 2 in a Chehalis hospital following a brief illness. A 1908 graduate from the University of Washington Law School, he had practiced in Chehalis for 55 years until his retirement in 1963. He served both as deputy county prosecuting attorney and as city attorney.

Edgar N. Eisenhower, 82, Tacoma, died on July 12 in Tacoma General Hospital 9 days after suffering a stroke. A 1914 graduate of the University of Michigan Law School, he was a brother of the late president Dwight D. Eisenhower, practiced law in Tacoma for many years and was a partner in Eisenhower, Hunter and Ramsdall.

J. Allan Evans, 53, Bellingham, died February 16. A graduate of Harvard Law School, he was admitted in 1942 and was assistant secretary and legal counsel of the Bellingham Division of the Georgia-Pacific Corp.

Lynwood W. Fix, 72, Bellevue, died July 4. A 1924 graduate of Harvard Law School, he served as divorce proctor in the King County Prosecutor's office from 1956 to 1969.

Joseph E. Gandy, 67, Seattle, died June 13 of a heart attack. A 1929 graduate of the U. of W. School of Law, he held numerous civil posts including President of "Century 21," Seattle World's Fair in 1962. He was of counsel to LeSourd, Patten, Fleming & Hartung.

Warren J. Gilbert, 78, Mount Vernon, died May 28 at his home. A 1921 graduate of the U. of W. School of Law, he served as prosecuting attorney for Skagit County from 1922 until 1930. He was Mount Vernon city attorney from 1938 until 1950. He was a member of Gilbert & Gilbert.

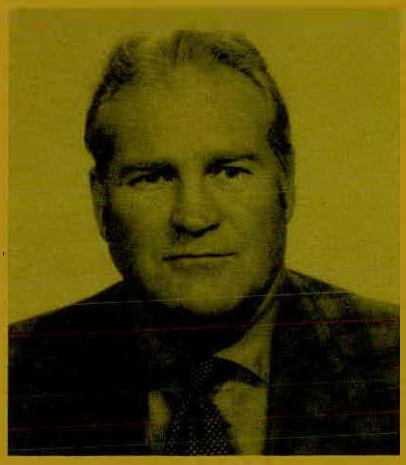
Charles B. Howard, 56, Seattle, died July 13. A 1939 graduate of the University of Washington, he had an active maritime law practice and was a member of Howard, LeGros, Buchanan & Paul.

Lewie Williams, 86, Seattle, died June 28. A 1910 graduate of the U. of W. School of Law, he had practiced law in Seattle for 60 years.

New Board Members
(Continued from page 15)

State Board of Bar Examiners and state committees and has been active in Everett civic activities.

A native of Red Lodge, Mont., and graduate of Renton High School, he is a Phi Beta Kappa graduate in electrical engineering from UW. He and his wife, Lorraine, have three youngsters, aged 6 to 16, and he boats, golfs and fishes—and makes his own wine.



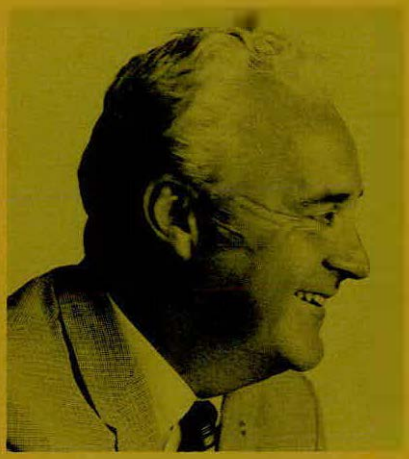
Robert S. Day

Day was born in Ezel, Kentucky, and moved as a youngster to Okanogan. He attended Whitman College and Gonzaga Law School ('53). He clerked the following year for Judge Edward Schwellenbach, before entering private practice in the Tri-Cities.

In 1960 his present firm of Peterson, Taylor & Day was formed to engage in a general trial practice. He has been president of the Benton-Franklin Bar and a member of State Bar committees, including the Committee on Revision of the Judicial Article.

He also doubled in brass as Kennewick police judge and justice of the peace from 1954-1970.

He and his wife, Gloria, have sons 15 and 17. Also a golfer, he describes himself as a "former boatman"; when the sons were younger the family frequently toured on a 31-foot cruiser down the Columbia and out into the ocean.



James P. Curran

Curran, of Curran, Kleweno, Johnson & Curran, who as an undergraduate attended Gonzaga, University of Alaska and University of Washington and was in the UW law class of 1948, is a member of the State Bar Disciplinary Board, has served on State Bar committees, just completed a term as a Seattle-King County Bar trustee and has been president of the growing South King County Bar Association.

He and his wife, Mabel, have four children ranging in age from 9 to 23, including daughter Maureen, a Kent kindergarten teacher who this summer has been touring Ireland and Europe with three other young women. Jim, who notes that his firm probably had the "first free-standing law-office building in the county," probably also is the only lawyer in the state with a handball court operating behind the office; some 40 Kent and Auburn men (and Jim) use the court to stay trim. He also golfs occasionally, skis with the family and skippers a small boat.

Successor to Alice Ralls
(Continued from page 15)

civic and charitable activities and in business.

As a private practitioner he has appeared in all Tennessee and federal courts, including the U.S. Supreme Court; served as general counsel to the Tennessee Public Service Commission and to the Southern Governors' Conference; been made a life member of the Sixth Circuit Judicial Conference, and lectured at many law schools, the FBI Academy, the National Association of Attorneys General and the American Trial Lawyers Association.

He has been Tennessee secretary of state, administrative assistant to the governor of that state, chief clerk of the Tennessee House of Representatives and chief of personnel and training of the State Labor Department. In addition, he has been chairman or member of a number of administrative boards, including the Tennessee State Board of Tax Equalization, Funding Board, Board of Claims, Rules and Regulation Board, Committee to House State Agencies, the Building Commission for the Department of Institutions and the Licensing Board for the Healing Arts.

He also has been chairman of the National Commission of Inter-Governmental Cooperation.

Business activities include serving as president and board chairman of the Board of Corporate Concepts, Inc., and vice president and general counsel of Performance Systems, Inc. He is listed in Who's Who in America, World Who's Who in Industry and Commerce, Who's Who in the South and Leading Men of the South and Southwest.

A widower, he has a son, George Edward Friar, in business in Atlanta.

Malpractice Insurance Plan Indorsed By Board of Governors

A comprehensive professional liability (malpractice) insurance plan, coupled with an umbrella liability provision and a widespread variety of other personal insurance, has been formally indorsed by the State Bar's Board of Governors.

The program is entirely voluntary—each member of the Bar may select the services, if any, that he wishes. Premiums are expected to be less than those now paid by most lawyers, according to the offering firm.

Coverages, through several leading national insurance firms, are provided in a package put together especially for the State Bar Association by Dow-Laney Co. of Seattle. The firm also is consultant and broker for insurance programs of the Washington state education, hospital, restaurant, funeral directors, buildings materials, and professional and technical engineers associations.

Necessary to the program is an arrangement for lawyers' premium payments administered through an automatic checking account draft.

"Only recent advances in the use of computerized monthly payment facilities for group-administered insurance contracts make this program possible," the Dow-Laney proposal noted.

Professional Data Processing, Inc., of Seattle will compute the amount to be paid by each lawyer each month and create a draft against the lawyer's checking account based on authority from the lawyer. Funds collected then will be distributed to the various underwriting companies.

The Board of Governors after a several-year Bar study of possible solutions to the growing professional liability insurance problem voted to indorse the program and make it available to every association member. Throughout the country premium rates have been rising rapidly and some insurance firms reportedly are withdrawing from the market. A number of other bar associations in the last year have taken steps to assure coverage for their members at the lowest and most stable rates through group arrangements.

Dow-Laney soon will begin providing to individual lawyers full details of the various insurance opportunities. Following are brief outlines of the plans included in the package.

Professional Liability

This policy, carried through the St. Paul Fire and Marine Insurance Company which already is insurer for a number of Washington lawyers, provides coverage up to any limit desired. A key feature is that the premium rate will remain stable for three years, after which it will be reexamined in the light of experience.

An accompanying umbrella liability policy can provide a million dollars of more of liability protection over the basic professional malpractice liability, auto, homeowners, boat and office premises liability policies, and includes a $25,000 major medical policy with a $10,000 deductible provision.

Automobile Insurance

Underwritten by Travelers through a subsidiary, Standard National, the auto-insurance portion of the package will insure association members and their dependents. Premiums, according to Dow-Laney, in most cases will be less than those the typical lawyer now is paying for similar coverage.

"The language in the contract makes it one of the broadest available," the Dow-Laney program says. "Twenty-four-hour nationwide claim service is provided by a unique Travelers service using a toll-free Watts line."

Homeowner's

Dow-Laney says premium rates for this policy, also underwritten by Travelers through Standard National, will be less than many lawyers now pay. Premiums can be paid monthly as part of the total insurance package or can be paid annually by a mortgage company.

Boat and Personal

This policy, underwritten by Travelers, provides coverage for boats, trailers, campers, furs, jewelry, cameras, motorcycles and rental dwelling and other special items; payment is through the monthly payment package.

Disability Income

Through a policy provided by Paul Revere Life Insurance Co., each lawyer may select his own amount of coverage, waiting period and insured income. Contracts are noncancellable and guaranteed renewable at the rate in effect when the policy was issued. Rates will be "considerably lower" than premiums for other comparable policies, according to Dow-Laney.

The broker noted that most participants will wish to use this service in conjunction with, and not as a substitute for, the group disability coverage now available through the State Bar.

Will Information Sought

Gertrude Miller Bilbrey, formerly of 803 East Denny Way, Seattle, died on April 19, 1969. It is believed that Mrs. Bilbrey had a will prepared in a Seattle law office sometime in January or February of 1968. Anyone having any information is asked to contact Mrs. Fleming at P.O. Box 546, Grandview, Washington.

Washington State Bar Association Annual Meeting
Portland Hilton Hotel

WEDNESDAY, September 8, 1971

9:30 A.M. Meeting of the Board of Governors
2:00 P.M. Registration

THURSDAY, September 9, 1971

8:30 A.M. Registration
9:00 A.M. Ladies' Registration
10:00 A.M. Legal Institutes:

I. THE TWENTIETH CENTURY LAW FIRM – HOW TO BE ONE

Chairman: Claude M. Pearson, Tacoma
Participants:
Grant Armstrong, Chehalis
Payne Karr, Seattle
Stanley B. Long, Seattle

II. HOW TO DEFEND A CRIMINAL CASE

Chairman: Murray B. Guterson
Participants:
Murray B. Guterson, Seattle
William L. Kinzel, Bellevue
Mark T. Patterson, Everett

Noon **Luncheon** (all ladies are invited)
Presiding: Charles I. Stone, Seattle, Retiring Member of the Board of Governors, Seventh Congressional District
Welcome:

Response: Storrs B. Clough, Monroe, Retiring Member of the Board of Governors, Second Congressional District
Program Chairman: J. David Andrews, Seattle, Chrm. Public Relations Committee
Speaker: **The Honorable Tom McCall, Governor of the State of Oregon**
"Your Image Is Showing"

2:00 P.M. Legal Institutes:

III. UP THE BAR!

(1) The Trouble With Lawyers

Chairmen: Efrem Z. Agranoff, Everett, James S. Turner, Seattle

(2) The Bar Views The Bench, And Vice Versa

Chairman: Douglas D. Peters, Selah
Moderator: The Honorable Alfred T. Goodwin, U.S. District Court for the District of Oregon
Participants:
The Hon. W.R. Cole, Ellensburg
William A. Helsell, Seattle
John S. Moore, Yakima
The Hon. Stanley Soderland, Seattle

IV. LAND USE AND ZONING

Chairman: Woodrow L. Taylor, Seattle
Participants:
Kenneth A. Cole, Bellevue
Robert W. Graham, Seattle
Edward B. Sand, Seattle, Planning Director, King County Planning Department
Woodrow L. Taylor, Seattle

4:30 P.M. Legal Aid Program
Chairman: Bertram L. Metzger, Jr., Seattle
Speaker: **Fred Speaker, Washington, D.C., National Director for Legal Services, Office of Economic Opportunity**
Participants:
Edward D. Hansen, Everett
Bernice Jungroth, Vancouver, Director Clark County Bar Association Legal Assistance Office
The philosophy and emphasis of the Federal Services Program and the availability of federal funding for new programs, particularly in the rural areas.

6:30 P.M. No-Host Reception (individual dinner arrangements)

FRIDAY, September 10, 1971

7:30 A.M. **Law School Alumni Breakfasts:**
George Washington, Georgetown, Gonzaga, Harvard, Michigan, Washington, Willamette, and Yale

8:30 A.M. Registration

9:00 A.M. **Annual Business Meeting**
Presiding: Robert O. Beresford, Seattle, President, Washington State Bar Association
Reports:
Washington State Bar Association – Robert O. Beresford, Seattle, President
Supreme Court – Hon. Orris L. Hamilton, Chief Justice
Court of Appeals – Hon. Charles Horowitz, Seattle, Chief Judge, Division #1
Superior Court Judges Association – Hon. Lloyd Wiehl, Yakima, President
Committees:
Insurance Committee – Bruce Maines, Seattle, Chairman
Internship Committee – J. Shan Mullin, Seattle, Chairman
Lawyer Referral – Claude M. Pearson, Tacoma, Chairman
Family Law – Ivan Merrick, Jr., Seattle, Chairman
Resolutions – Harold Pebbles, Olympia, Chairman
Presentations:
Award of Merit
New members of the Board of Governors
New President of the Washington State Bar Association

Noon Luncheon (all ladies are invited)
Presiding: John S. Moore, Yakima, Retiring Member of the Board of Governors from the Fourth Congressional District
Program Chairman: Richard S. Reed, Seattle, Chairman
Committee on Law Office Management and Economics of the Law
Speaker: **J. Harris Morgan, Attorney at Law, Greenville, Texas**
"Romancing Our Fees Into The Twentieth Century"

2:00 P.M. Legal Institutes:

V. FORECLOSURE: REAL ESTATE CONTRACTS, MORTGAGES AND TRUST DEEDS
Chairman: Gordon A. Livengood, Kirkland
Participants:
John A. Gose, Seattle
John E. Heath, Jr., Spokane
Gordon A. Livengood, Kirkland

VI. ROMANCING – FUNDAMENTALS OF AN ANCIENT ART
Chairman: George F. Velikanje, Yakima
Participants:
Robert J. Arndt, CPA, Price Waterhouse & Co., Seattle
Paul N. Luvera, Mount Vernon
Muriel Mawer, Seattle

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

7:30 to 11:30 Dinner Dance (Buffet dinner served from 7:30 to 9:00)

SATURDAY, September 11, 1971

7:30 A.M. Breakfast meetings:
Phi Alpha Delta
Phi Delta Delta
Phi Delta Phi

10:00 A.M. Legal Institute:

VII. SPEAK-OUT TEACH-IN PANEL
Moderator: John N. Rupp, Seattle
Participants:
Tom A. Alberg, Seattle
Quinby R. Bingham, Tacoma
Stanley K. Bruhn, Mount Vernon
John M. Darrah, Seattle
Charles Ehlert, Mercer Island
Hugh B. Horton, Kennewick
Alfred McBee, Mount Vernon
Carl Maxey, Spokane
J. Shan Mullin, Seattle
Justice Morell E. Sharp, Olympia

11:30 A.M. Young Lawyers Reception (no-host)

Noon Young Lawyers Luncheon (all attorneys and their ladies are invited)
Chairman: Llewelyn Pritchard, Seattle
Speaker: **Slade Gorton, Olympia, State Attorney General**

Proposals of Young Lawyers

Election of President by Membership and Creation Of Office of President-Elect

Proposed Amendment to WSBA Bylaws

ARTICLE IV
OFFICERS OF THE ASSOCIATION

"Section 1. OFFICERS. The officers of the Washington State Bar Association, exclusive of the Board of Governors, shall consist of a President. Vice President. Secretary-Treasurer, and an Executive Director.

(a) The Vice President and Secretary-Treasurer shall be elected by the active members of the Association and shall serve for a term of one year beginning at the close of the annual meeting of the Association following their election. The Vice President shall. upon the expiration of his term as Vice President. succeed to the office of President for a term of one year beginning upon the expiration of his term as Vice President.

The newly elected Vice President and Secretary-Treasurer shall attend the last meeting of the Board of Governors held prior to or at the annual meeting of the Washington State Bar Association.

(b) The President shall be a voting member of the Board of Governors and the Vice President and Secretary-Treasurer shall attend and participate in, as non-voting members. all of the meetings of the Board of Governors.

(c) The Executive Director shall be appointed by the Board of Governors and hold office at the will of the Board of Governors.

Section 2. NOMINATING PETITIONS FOR OFFICERS. Any active member of the Association in good standing may be nominated for the office of Vice-President or Secretary-Treasurer upon petition signed by not less than twenty (20) nor more than thirty (30) active members of the Association.

A uniform form of nominating petition shall be prepared and furnished on request by the Executive Director.

Only those nominating petitions prepared and signed as above set forth will be received and filed.

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Section 3. FILING OF NOMINATING PETITIONS. Nominating petitions shall be filed in the office of the Association not later than 5:00 p.m. on the 31st day of May of the year in which the election is to be held.

Section 4. VACANCY. Should any vacancy in the office of the President, Vice President or Secretary-Treasurer occur. the Board of Governors shall appoint a member to hold office until the next election.

Section 5. PREPARATION OF VOTING RECORD. All active members of the Washington State Bar Association who are. on June 1st of the year in which an election shall be held, in good standing. shall be eligible to vote at said election.

The Executive Director shall maintain a record of those members eligible to vote, which record shall be open to inspection by members of the Association.

Section 6. BALLOTS. The Executive Director shall. on or before June 5th. prepare ballots containing the names of all candidates for the office of Vice President and Secretary-Treasurer and shall mail one ballot to each member of the Association eligible to vote. together with an envelope marked "Ballot" and an envelope addressed to the Association.

Should any member eligible to vote fail to receive a ballot, or shall receive an improper ballot, he may obtain the proper ballot by furnishing the Executive Director proof of his eligibility to receive the same, and upon returning the improper ballot, if any.

Section 7. VOTING. Each member shall. after marking his ballot, place the same in the envelope marked "Ballot." place said envelope in the envelope directed to the Washington State Bar Association, print or type his name, and affix his signature to the outside thereof. and cause the same to be delivered to the office of the Association not later than 5:00 p.m. on June 15th.

Section 8. VOTING SYSTEM. In an election of Vice President and Secretary-Treasurer, a preferential voting ballot shall be used. Voting for first choice shall be mandatory, for second choice permissive. Not more than one first choice and one second choice shall be expressed on any one ballot, and no voter shall vote a second choice for a candidate for whom said vote has already voted a first choice. In such case only the first choice vote shall be counted.

Alteration of or addition to the ballot. other than the marking of first and second choice votes. shall invalidate the ballot.

Any candidate receiving a majority of all first choice votes cast at the election shall be elected. If no candidate receives first choice votes equal to a majority of all the first choice votes cast. then second choice votes shall be counted and added to the first choice votes received by the respective candidates. and any candidate receiving the plurality of all first and second choice votes shall be declared elected.

Section 9. CHECKING AND CUSTODY OF BALLOTS. On receipt of the ballots the Executive Director shall. should the envelopes be properly identified and signed, deposit the same in receptacles segregated as to districts. Said receptacles shall remain in the custody of the Executive Director until the ballots shall be canvassed.

Should any ballot envelope not be properly identified or signed. the same shall be returned to the sender for identification or signature. Ballots not enclosed in envelopes. properly signed or identified at the time of canvass. shall not be counted.

Section 10. CANVASSING OF BALLOTS. Ballots shall be canvassed in the office of the Association by an election board consisting of not less than five (5) members appointed by the President. Any member of the Association may be present at such canvass.

Promptly on conclusion of the canvass. the election board shall certify the results thereof to the Executive Director. who shall forthwith publicly announce the election of the successful candidates and notify each candidate by mail of the result of the election.

2. Section 2 of Article V of the Bylaws is amended to read as follows:

"Section 2. VICE PRESIDENT. The Vice President shall perform such duties as may be assigned to him by the President or by the Board of Governors. During any period in which the President is unable or refuses to act, the Vice President shall perform the duties of the President."

One Lawyer — One Vote

Proposed Amendment to the State Bar Act

RESOLVED, That the Washington State Bar Association hereby recommends the adoption of either an amendment to the Bar Act (RCW 2.48) or the adoption of a Court Rule to provide in substance:

BOARD OF GOVERNORS. There is hereby constituted a Board of Governors of the State Bar, which shall consist of the President of the State Bar, the Vice President of the State Bar, and the Secretary-Treasurer of the State Bar, as ex officio members, and whose law offices are located in districts to be established by the Board of Governors on the basis of equal representation of the active members of the State Bar, and revised every 10 years by the Board of Governors. In the case of a AAA County, one or more districts may be established by the Board of Governors from which one or more members of the Board of Governors are elected on at large basis within such districts. The members of the Board of Governors shall hold office for three years and until their successors are elected and qualify; four members of the Board of Governors shall be elected each year pursuant to procedures which shall be set forth in the By-laws of the State Bar. Vacancies in the Board of Governors shall be filled by the continuing members of the Board until the next district election, held in accordance with rules hereinafter provided for.

Reform of the Legal Profession and Legal Processes

Resolution

RESOLVED, That the Washington State Bar Association undertake new and additional efforts to reform and revitalize the legal profession and the legal processes, civil and criminal, for the purpose of providing adequate legal services and resolution of disputes for all persons;

RESOLVED, That the Washington State Bar Association investigate and recommend programs, including legislation when appropriate, (1) for the reform and modernization of the legal profession (such as programs for specialization, legal insurance, use of legal assistants, and computerization), (2) for the protection of the public interest (such as consumer and environmental protection), (3) for the reform of our prison and punishment system and for the establishment of an effective rehabilitation system, and (4) relating to contemporary legal problems, such as the reform and revitalization of the political process, modernization of the judicial process, amelioration of drug problems and the integration of all people fully into our profession and society;

RESOLVED, That the Washington State Bar Association hire a full-time Special Director to implement the foregoing resolutions; and

RESOLVED, That the Washington State Bar Association allocate substantial resources to implement the foregoing resolutions, including the creation of new special and standing committees when appropriate and the appropriation of adequate monies from its regular and surplus funds.

Independent Young Lawyers Section

Proposed Amendment to WSBA Bylaws

1. A new section 5 shall be added to Article VI to read as follows:

"Section 5. Young Lawyers Section.

(a) The members of the Young Lawyers Section shall be all of the members of the Association under 36 years of age. Membership in the Section shall terminate automatically at the end of the calendar year during which a member attains 36 years of age or upon such person ceasing to be a member of the Association.

(b) The Young Lawyers Section shall be governed by a Board of Trustees elected by the members of the Section. The officers of the Section shall consist of a President, Vice President and Secretary-Treasurer, who shall be elected by the members of the Section. Elections and other organizational matters shall be governed by Bylaws of the Section which shall be adopted and subject to amendment by the members of the Section.

(c) Subject to the provisions of the Bylaws of the Young Lawyers Section, the Section and the Board of Trustees of the Section may make such public statements and take such public stands on behalf of the Section as shall be determined by the Section or by the Board of Trustees of the Section.

(d) To the extent not inconsistent with this Section 5, the Young Lawyers Section shall be subject to the provisions applicable to Committees of the Association under Article VI of these Bylaws.

2. Amend Article VI as follows:

(a) Insert the words "and Sections" after the word "Committees" in the title of Article VI.

(b) Amend the last sentence of Section 1 of Article VI to read as follows: "All of the work of the Association shall be accomplished by the Board of Governors, the officers, appropriate committees created by the Board of Governors and appropriate sections created by these Bylaws.

(c) Delete Sections 1(f)(28) and 1(g)(28) related to Young Lawyers committee from Article VI.

Publication of Budget, Financial Statement, Annual Report and Summary of Minutes of Board's Meetings

Proposed Amendment to WSBA Bylaws

1. Section 5 of Article V shall be amended by adding the following sentences:

The Board of Governors shall at least 30 days prior to the Annual Meeting send to each member of the Association a copy of (a) the budget for the coming year, (b) the statement of income and expenditures for the previous fiscal year and the current balance sheet and (3) a summary report of the activities of the Association for the prior year. The minutes of each meeting of the Board of Governors, except for matters relating to discipline, shall be open to inspection by any member of the Association and a summary of the minutes of each meeting including the votes of each member of the Board of Governors, shall be published in the Washington State Bar News.

GRAYS HARBOR REPORT
By JOHN L. FARRA

There is still some room open for any people interested in going to the Grays Harbor Bar & Bench Salmon Derby. This annual event is to be held August 20th, 1971. It is urged that anyone interested in going to the Derby should immediately contact **Ted Zelasko** or Judge **Warner Poyhonen.** The address, if you are interested, is Ted F. Zelasko, Attorney at Law, Becker Building, Aberdeen, Washington.

Two local Attorneys have announced that they will cooperate in the use of their office space, **Richard Johnson** of Montesano, and **John Wolfe** of Aberdeen have agreed to share office facilities. Mr. Johnson will remain in Montesano, and Mr. Wolfe will remain in Aberdeen.

On July 21, 1971, the Grays Harbor Bar Association held an evening meeting. A cocktail hour preceded a dinner, followed by a meeting. The reason for the meeting was to introduce the breathalyzer machine to members of the Bar. This meeting was held through the cooperation of Sergeant Woodmansee of the Washington State Patrol.

Three local firms have hired law clerks for the summer. **Jerry Hallam** of Aberdeen has in his employment Robert Lande. Mr. Lande is presently attending Iowa University and is entering his final year. **Jack Burtch** of Aberdeen has Gregory DeBay from Willamette University. Mr. DeBay recently completed his first year of law school. The firm of Schumacher and Charette have John Schumaker who recently completed his first year of law school at the University of Washington.

William Morgan and **Paul B. Bitar** of Hoquiam have announced that Mr. Morgan will share office space with Mr. Bitar. Their offices will be in the Bitar Building in Hoquiam.

LEWIS REPORT
By DAN J. AGNEW

Mr. John Quinan of the insurance brokerage firm of Morris, Guedel and Quinan, Inc., was a special guest at our June bar meeting. Mr. Quinan gave an interesting and informative talk on lawyers' professional liability insurance. A lively discussion followed led by the most vociferous member of our bar when it comes to insurance problems, **Lee J. Campbell.**

Superior Court Judge **D. J. Cunningham** took his vacation in Europe and planned to spend a great deal of his time there visiting the country of Spain. Also in Europe was **Grant Armstrong,** attending the ABA convention. Keeping busy locally is **Jack Cunningham** who is the local Babe Ruth Baseball President. He informs me that the job is a full time responsibility, one that he feels **Jerry Moore** ought to have next year.

PIERCE REPORT

Elvin J. Vanderberg, Tacoma, has been elected president of the Tacoma Estate Planning Council.

Joseph E. Nolan, 65, the genial Irishman who went to work for the Weyerhaeuser Co. as a lawyer in 1947 and wound up as executive vice president in 1961, has retired and is going back to school.

SEATTLE-KING REPORT
By LLEWELYN G. PRITCHARD

King County Prosecutor. **Christopher T. Bayley,** commented on his first five months in office at a speech at the annual dinner of the Seattle-King County Bar Association. Bayley indicated that he is determined to make decisions on the basis of what is legally and constitutionally correct instead of taking the course which might be politically easier at the moment.

An experiment that would reduce the delay between arrest and trial in felony cases from four and one-half months to 40 days, has been approved by the Criminal Justice System Committee. King County Superior Court Judge **David W. Soukup** presented the plan to members—representatives of the bench, the bar, law enforcement agencies and governmental officials who want to improve King County judicial procedures. The project, aimed at expediting felony trials while maintaining fair procedures, has begun in Superior Court. It will be reviewed after three months.

The Young Lawyers Section of the Seattle-King County Bar Association is one of the six nonpartisan groups involved in the coalition for open government. The coalition will send out letters to individuals and organizations, asking for their level of interest, ideas, participation and support of the project. Some of the matters being considered are "the public's right-to-know, open meetings of elected officials and full disclosure of campaign contributions and expenditures." Seattle attorney **Roger M. Leed** is on the group's drafting committee.

George Guttormsen, Jack P. Scholfield, Shannon Stafford,

John A. Hamill, Thomas D. Frey, and **Charles W. Mertel,** formerly of the firm of Guttormsen, Scholfield, Willits & Ager, have announced the formation of a new partnership for the practice of law, under the name of Guttormsen, Scholfield & Stafford.

James D. Burns has been elected president of the Seattle Society, Archeological Institute of America.

Edmund P. Allen, assistant chief criminal deputy prosecuting attorney, has resigned and has associated with **Dominick V. Driano** in West Seattle. **Herbert L. Onstad,** a divorce proctor for more than five years, has joined the firm he helped form in the 1920s, and it will become Nicolai, Sorrel, Onstad & Binns.

James B. Gorham has left Puyallup to establish his practice at 22513 Marine View Drive, Des Moines 98188 (TA 4-5630).

There are presently 1,929 members of the Seattle-King County Bar Association. There are approximately 2,300 lawyers in the county.

Dean **Richard Roddis** has been serving as the acting chairman of a committee on No-Fault Insurance. The other members of the committee at the present time are **Ronald J. Bland, Fred R. Butterworth, Thomas P. Keefe, Eugene H. Knapp, Michael Mines, Robert I. Odom, Hoyt M. Wilbanks, Jr.,** and **Leon Wolfstone. It is** anticipated that some additional members will be added by the committee to provide a broader representation of interests.

The OEO Legal Services will have an operating budget of $318,696 for the coming year.

The Public Defender will have a budget of $575,000. The sources are: $250,000 from Model Cities, $25,000 from the City of Seattle and $300,000 from King County. Model Cities is cutting about $50,000 from its share for the next fiscal year causing a cut-back in municipal court services.

Esther J. Johnson has been appointed to the five-member King County Personnel Board to succeed **George W. Akers,** whose term has expired.

An article by **Phillip H. Ginsberg,** Chief Trial Attorney of the Office of Public Defender of Seattle, entitled "Law Reform and Defender Services" can be found in the May 1971 issue of *The Legal Aid Briefcase.*

Daniel C. Blom, senior vice president and general counsel, Family Life Insurance Co., has been elected president of the Washington Insurance Council

Andrew J. Young, has been elected vice chairman of the State Board for Community College Education.

Robert D. Allen, vice president and Washington division counsel of the Pioneer National Title Insurance Co., has announced his retirement.

New officers and new trustees of young lawyers section: **Robert C. Mussehl,** chairman; **William H. Neukom,** vice-chairman; **Barbara J. Rothstein,** secretary; **Robert L. Burnham,** treasurer; **Elizabeth J. Bracelin, Barbara J. Rothstein, Gregory R. Dallaire, Phillip H. Ginsberg** and **Mason D. Morisset,** trustees.

Albert A. Rinaldi, Jr., has left the county prosecutor's office to join the firm of Bianchi & Tobin . . . **Ralph A. Alfieri** and **George W. Holifield** have announced the formation of a partnership at 655 Dexter Horton Building. **Linda L. Dawson** will be associated with the firm.

Jerome L. Hillis, John E. Phillips and **Mark S. Clark** of Hillis, Phillips & Clark and **Paul E. S. Schell, H. Raymond Cairncross** and **George W. Martin, Jr.** have announced the formation of a partnership under the firm name of Hillis, Schell, Phillips, Cairncross, Clark & Martin with temporary offices at 1107 Hoge Building.

Mary Fung Koehler has announced that **Owen J. Wales,** formerly associated with the law department of Burlington Northern, Inc., is assuming her practice of law while she is abroad. Mrs. Koehler will be in the Far East for the coming year, where her husband will be acting chairman of the Department of Anatomy at the University of Malaya.

King County Prosecutor **Christopher T. Bayley** was elected on July 7 to the Executive Council of the Young Lawyers Section of the ABA at the annual meeting in New York. **Llewelyn Pritchard** was named a Director of the Section.

SNOHOMISH REPORT

By **MICHAEL W. HERB**

A fire occurred on June 12, 1971, in the Realty Building in Everett, and several law offices were severely damaged thereby. Among the attorneys' offices involved were: **Senter & Miller, Johannes Watness, Cooper & Lyderson** and **Efrem Agranoff.**

Several attorneys were off to Europe during the summer for vacations, including **Bennett Box** in Edmonds and deputy prosecutor **Terry Neal.**

Henry Chapman had some fine experiences in salmon fishing off the shores of Camano Island during the weekends. One Sunday, Henry was fishing with his son, Grey, when he hooked a salmon estimated to be at least 20 pounds. He feverishly battled the fish for over 30 minutes during which time his line became

tangled with a raft, and, after that, it became tangled with another boat. Henry finally managed to alleviate these problems and bring the fish to the edge of the boat when he realized there was no net in the boat. He tried to pull the fish from the water with his hands, but the line broke. The following Sunday, Henry was once again observed in the same area fishing for salmon.

SOUTH KING REPORT
By **STEPHEN C. JOHNSON**

Congratulations to **James P. Curran,** Kent, upon his election to the Board of Governors of the State Bar. Jim is a past president of the South King County Bar and its first contribution to the Board. **Monroe Watt,** Kent, and his wife have just returned from a three week tour of the British Isles; their itinerary included the ABA meeting in London.

As of June 1, 1971, **Wayne Wimer** became associated with Bonjorni, Burgeson & Fiori in their Kent office. Wayne was formerly Judge F. A. Walterskirchen's clerk in the King County Superior Court and is a graduate of the University of Oregon Law School. **Robert C. Van Siclen** is now a partner in the firm of Schneider, Smythe, Salley & Van Siclen.

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

The Thurston-Mason County Bar Association authorized the formation of a Young Lawyers Association and the Young Lawyers elected the following officers: **Bill Lenke,** President, **Richard Brown,** and **F. Parks Weaver, Jr.,** Treasurer, although he has yet to assess any dues.

Jerome L. Buzzard re-entered the wonderful, wacky world of private practice at approximately the same time he became the first attorney in Thurston County to own a water bed. Whether there is any correlation is open to conjecture.

Ed Shaw, formerly of the Attorney General's Office Tort Claims Division, went into private practice on July 12 in Olympia, with offices across the street from the County Courthouse. Ed was a University of Washington Law School graduate in 1968.

WALLA WALLA REPORT
By **PHELPS R. GOSE**

The Walla Walla County Bar Association recently had an election of new officers. President of the Walla Walla County Bar Association is Stephen Ringhoffer, Vice-President, Cameron Sherwood, Secretary-treasurer, Dan Clark.

The county commissioners of Walla Walla County have given their permission to start the new law library project. Special credit for this new law library must be given to county commissioners Howard Barnes, James Stonecipher and Eugene Kelly along with **Arthur Eggers, R. J. Williams** and **James Mitchell** of the Walla Walla County Bar Association law library committee. A special vote of thanks must be given to **Marian Gallagher** of the University of Washington law library staff for her assistance in planning the law library.

Ron McAdams has opened his own law office in Walla Walla after being associated with Reese & Mitchell for the past 3½ years. He will continue to serve as deputy city attorney. His new office is in the Denny Building.

WHATCOM REPORT

Richard A. Nelle, a former Whatcom County prosecuting attorney, has been named U. S. Magistrate for the Bellingham station of the Western District of Washington. Nelle's appointment fills a vacancy created by the resignation of **Richard Fleeson.**

YAKIMA REPORT
By **RANDY MARQUIS**

ACQUISITIONS:

The firm of Ivy, Elofson, Vincent & Hurst has announced the association of **David K. Crossland** effective July 1, 1971. The firm is in the Miller Building.

LAWYERS IN THE NEWS:

Dale F. McKenzie, Grandview attorney, was recently installed as President of the Grandview Rotary Club. Community service is no novelty to Dale. We understand he has been President of the Grandview Chamber of Commerce twice, Adjuntant of Grandview American Legion Post, Manager of the Yakima Valley Junior Fair, Chairman of the South Central Washington Roads Committee, and Chairman of three United Good Neighbors drives.

G. Thomas Dohn, of the firm of Tunstall, Hettinger, Dohn & Hazel, was recently named First Vice-President of the Washington State Association of Municipal Attorneys. Tom is City Attorney of Ellensburg.

G. William Baker, of the firm of Gavin, Robinson, Kendrick, Redman & Mays, was recently selected as Producer of Yakima's Summer Musical Extravaganza entitled "Oliver". The popular musical called for an all-time budget of some $4700.00 with a cast of 65 and a large crew and orchestra. Bill is Past President of the Yakima Little Theatre Group.

Briefly Noted

Pritchard a Winner

Llewelyn G. Pritchard, Seattle, and Alan H. Molod, Philadelphia, were the winners of the 25th annual personal finance law argument at the ABA convention in New York. The opposing team members were from Shreveport and Atlanta.

The winners earned the right to be transported without expense to them to London to face a barrister and a solicitor in the Abraham Lincoln Room of the Savoy Hotel on July 14th. Judges for that argument were Robert W. Meserve, President-Elect of the ABA, Lord Justice Megaw, P.C., a Lord Justice of Appeal, and Sir Derek Hilton, M.B.E., B.A., Chairman of the Immigration Appeals Tribunal.

In a hair-line decision, the one hundred dollar bill with Ben Franklin's picture on it was awarded to the Englishmen who were declared to be the winners. No court exists to which higher appeal may be taken.

U. of W. Law Library Cuts Services

State support for higher education will be down 10.2% for the coming biennium while the cost of law books has gone up 34.8% in the past biennium.

Something had to give. They have. Subscriptions to certain current materials have been cancelled; some titles have been eliminated altogether; lending by mail will be confined to historical and seldom-used volumes. Xerox copies must be substituted for the lending of physical volumes of current materials, including current periodicals, treatises and miscellaneous publications. There will be a charge for the xerox service.

Non-Lawyers' Names on Law Firms Stationery or Cards

The increased employment of laymen in law offices---as office managers or administrators, legal interns, staff investigators and paraprofessionals—-raises the question again as to use of non-lawyers' names on law firms' stationery and business cards.

In response to an inquiry, the State Bar's Legal Ethics Committee recently noted that American Bar Association Informal Opinion No. 100 is applicable: It said listing of the name of a staff investigator on a firm's letterhead is improper. The investigator may, however, have his own individual letterhead but it must not imply that he is entitled to practice law nor contain the name of a lawyer or law firm.

ABA Opinion 909 permits an investigator to use a business card designed only to identify him and it may state by whom he is employed.

Drinker ("Legal Ethics") states flatly that "A lawyer's letterhead may not carry the name of a . . . clerk or student or other layman, ..."

Wise ("Legal Ethics"), reviewing the ABA Opinions, states that a lawyer's letterhead "should not give the names of any non-lawyers, even lay employees of the office."

New Legislation on Adoption

HB 762, which passed the last session of the legislature, makes an important change in adoption procedure in independent (doctor-lawyer) placements.

HB 762 adds a new section to RCW 26.32 which requires prospective adoptive parents to obtain a written preplacement report on their fitness as prospective adoptive parents. The preplacement report must be on file with the court twenty days prior to a hearing on an Order of Relinquishment. As a practical matter, this means that in the typical infant adoption the study must be prepared well in advance of the birth of the child.

Clients should be forewarned to order the preparation of such a study as soon as they make the decision to adopt. Studies may be prepared by an adoption agency, the State Department of Social Services and Health, or a court social worker. A reasonable fee may be charged for the preparation of such a study, and the law expressly permits a waiver or reduction of that fee upon showing of financial need.

The Omnibus Crime Bill

The past two issues of the *Bar News* have failed to list all the sponsors of SB 441, the Omnibus Crime Bill. Several bills were combined into this one bill in the final days of the session by the Senate Judiciary. Thereafter the House added some of its own projects onto the bill. The bill was originally sponsored by Senators **James A. Andersen, Gordon Walgren** and **Charles E. Newschwander.** Senator **William Gissberg,** Chairman of the Judiciary Committee and other members of that Committee also worked on the bill.

McLAUCHLAN AT LARGE

George Greenwalt, Atty.
U. S. Immigration Service, Seattle

Bob Winsor, Seattle

George H. Davies, Seattle

Mike Kight, Everett

Lee J. Campbell, Chehalis

Prostitution in Seattle

(Continued from page 8)

Application of the process and the label influences behavior by foreclosing legitimate alternatives and reinforcing illegitimate ones. The impact of this theory is not that the criminal justice system should cease to operate, but that attention must be paid to these counter-productive by-products when determining whether a criminal label is appropriate.

When a prostitute is defined as a criminal, it is a small step for her to take more than is offered to her and to thereby fulfill the definition. Attaching the label "criminal" may blur the distinction for her between merely offering a service and committing theft. To the extent then that the paramount goal is the reduction of the harmful associated crime, our laws regulating prostitution are counterproductive.

In order to obtain a broader perspective of prostitution it should be considered as one example of a class commonly called "crimes without victims;"[24] so named because a "victim" does not complain to the police. Other examples of this class are drunkenness, homosexuality, gambling, fornication and narcotics. Morris and Hawkins[25] point out that not only is this "overreach of the criminal law" unproductive but that "it contributes to the crime problem." One of the perversities inherent in the prohibition of victimless conduct such as prostitution is the hypocritical, degrading and arguably illegal manner in which it has always been pursued.[26]

Prostitution is an exchange involving a willing seller and a willing buyer; between a client seeking a service and a woman providing the service. It is now, and has been, since at least 1944,[27] illegal for a male customer to offer or agree to commit or to engage in an act of prostitution. Males, however, are rarely arrested despite the fact that they are also violating the law.[28] The rationale for this discriminatory enforcement is that the prostitute conducts many transactions while the customer buys a limited amount.[29] The prostitute alone is perceived as the criminal, the one who is outside the law and who must be controlled. She is fined and incarcerated time after time, occasionally on the statement of a dissatisfied customer, often on the testimony of a police officer who has posed as a customer, and frequently because she is "loitering" in a public place. Since prostitution is a service contract based on mutual agreements, and since under law there is no differentiation, this ambivalence on the part of law enforcement is particularly pernicious and reflects the ideological inconsistency of the present approach.

In Seattle, prostitution is actively supported by the same community for whom the police ostensibly control it. Surveys show most customers to be middle-aged, middle-class suburbanites.[30] We believe it is morally repugnant for a society to publicly condemn an activity as criminal, yet support it clandestinely.

There is one cost to the community which we believe is perhaps most harmful but which has no price tag — official corruption. As of this date in Seattle, the entire story is not known. However, it appears obvious that a system of money bribes has existed here wholly in connection with "victimless crimes." Proprietors of homosexual bars and gambling establishments have been coerced, by some police officers and perhaps others, into making payoffs to insure that violations of the criminal law will be overlooked. Where crimes exist without complainants, the police become the complaining party. There is no "interested party" to insure enforcement and the incentive to take bribes is disproportionate to the arrests made in

24. E. Schur, *Crimes Without Victims* (1965).

25. Note 8, *supra.*

26. J. Skolnick, *Justice Without Trial* (1966).

27. Seattle Ordinance No. 73095 § 1, 1944.

28. 1969 adult arrests for prostitution:
620 women
1 white male customer
1970 adult arrests for prostitution:
358 women
1 white male customer
Seattle Police Department Annual Report 1969, 1970.

29. It would seem that a better approach to prevent prostitution (if indeed that is the goal) would be to arrest and convict customers. Even though this is less efficient for the police, the public attention focused on those for whom the publicity of conviction is meaningful, would have far-reaching deterrent impact.

30. C. Winick, "Clients' Perceptions of Prostitutes and of Themselves," *International Journal of Social Psychiatry*, Vol. 8 (1961-62).

B. Harry and R. E. L. Masters, *Prostitution and Morality* (1964).

Prostitutes in Seattle report their customers occupations as follows: 35% businessmen, 10.6% salesmen, 11.4% lawyers-accountants, 13.8% Boeing employees, 3.3% Merchant Marine, 4.1% armed services. The remaining 21.8% is not further reduced for this article.

connection with these "crimes."

There is nothing subtle about the expenditure of money. How much money is spent each year in Seattle to control prostitution? Our guess is at least 1 million dollars. This includes not only the police vice squad, tac squad, and patrol operations (including pay for court time) but also jail personnel, administrative services, court personnel (both municipal, superior and appellate courts), public defenders, and probation services.[31] Expenditures could be accurately calculated but the task would be Herculean. Our point, however, is simple. Much money is being spent, and we believe it could be spent more wisely.[32] For instance, "clearance rates"[33] are exceedingly low for some crimes.[34] We believe that government could well decide, given the low clearance rates in categories of serious crime, to reallocate what limited funds are available in order to have a greater impact on behavior which does have harmful consequences for the community.

CAUSES

It is beyond the scope of this article to delve very deeply into the reasons why a woman becomes a prostitute. A short and perhaps sufficient answer is that many persons prostitute themselves to a greater or lesser degree. Normally, however, this prostitution does not involve sex or if it does, the sexual aspect is subtle. The taint of sexless prostitution is not as deep.

The psychological approach has traditionally rested on the impact of deprivation during childhood. We believe that another socio-psychological factor is operant: society's definition of the female as a sexual commodity. This basic image of female sexuality combined with the "double standard," places many women in the personality structure of the prostitute long before money changes hands. Society considers the sex experiences of a man as attributes if not milestones in his general development. Similar experiences in the life of a woman represent loss of virtue and degradation. Women though, in all classes of this society, are taught to "hustle" at an early age in order to sell themselves. It becomes, for some, merely a question of degree; that is, to sell oneself for economic security to one man or to many men.

Economic factors also play an important role. Among them are the desire to avoid the degradation of the welfare system; the need to support children alone; and the discrimination women face in terms of training, employment, promotional opportunities, and compensation. Most prostitutes believe that if a woman has chosen prostitution as a way to survive, she should not be labeled a criminal; rather condemnation should be directed toward the economic system which leads many women to seek this alternative as the least repellant. In a society where respect is most frequently based on accumulation of material goods, prostitution provides an avenue to respect which for many women is otherwise unattainable.

The involvement of women in prostitution can only be explained if we cease to view prostitution as something quite different from the sexual relationships that we find in the rest of our society. The degradation of prostitutes is only an exaggerated version of the position of all women. When women and men have equal opportunities to develop their skills and sexuality, the inequalities that generate prostitution at home and in the streets will cease to exist.

THE PIMP

One cannot even briefly discuss prostitution without some consideration of the pimp. His role is often a bitter argument for the control of prostitution. He is viewed as the procurer of women, the forcer and beater of prostitutes and the reaper of all the profits. The pimp-prostitute relationship is far from simple but some of the more important dimensions are described below.[35] The pimp exists because he provides important services for the prostitute. He will, for instance, post bond after arrest. Many bonding agencies will not provide bond for a woman but prefer to

31. Vice Squad budget for 1970 was $476.566. Their expenditures are essential to enforce drug, gambling, prostitution and pornography laws. "Special Operations" (tac squad) budget was $1.117.809. Personnel assignments in these units will vary depending upon the fluctuation in magnitude of any particular vice. Patrol expenditures were $6,795.747. How much patrol time is spent on prostitution is admittedly the sheerest speculation.

32. This suggestion is not a criticism of the police. They are charged with enforcing the ordinances of the city and properly allocate money to do so.

33. A term of art defined in *Uniform Crime Reporting Handbook*. FBI. Department of Justice p 50 (1966). Essentially a "clearance" means that the police know who committed the crime.

34. 1970 figures (which are representative): robbery 27%, burglary 15%, larceny ($50 and over) 7%, auto theft 17%. Seattle Police Department Annual Report (Statistical Report).

35. Based on interviews with 76 prostitutes and 17 pimps, 1968-1971.

deal with the pimp. He may also secure a lawyer and additional services while the woman is held in jail. In many cities, protection also includes payoffs to law enforcement officials in order to reduce harassment of the women.

Whether the prostitute is working or in jail, her pimp provides for the care of her children and takes care of her apartment and personal belongings. He also manages the money which she earns, paying living expenses and providing her with clothing, transportation and other necessities.

The fact that the pimp is also someone to love is another important aspect of the pimp-prostitute relationship. Like others, a prostitute needs someone to love and give to, she needs someone to care about her and take care of her. Given the social and moral aspects of prostitution, "her man" must be someone who knows and understands her profession.

As a reflection of society which views the single woman as inferior, members of the "profession" view a prostitute without a pimp as inferior. Just as a woman within the law gains respect and self esteem through her husband, a prostitute gains respect through her pimp.

The case of a purely forced relationship between a pimp and a prostitute is rare. However where this occurs, the relationship is quickly terminated by the prostitute. In the majority of cases the relationship is voluntary as is entrance into prostitution.

CONCLUSION

We have shown how laws against prostitution are costly both in human and monetary terms and that they are also criminogenic. These laws cannot be supported by their asserted rationale.[36] Alternatives have been suggested here which amount to legalization. We do not recommend a "tolerance policy" (where written law and enforcement practice do not coincide) but an approach that we believe is realistic. Fines only serve to drive up the cost, imprisonment only increases alienation, and rehabilitation is nonexistent. In short, suppression only drives prostitution into less visible channels which, as abortion and the prohibition of alcoholic beverages have proven, multiply dangers to society.

The elimination of prostitution can begin by a change in the law, but it will also require an end to discrimination against women and the consequent psychological and economic stress. Ultimately, it will depend on the restructuring of the sexual values in our society which provide the clientele and the occupation of prostitute.□

36. One point needs response here because it transcends our thesis. One could argue that these proposals are fine for a statewide or nationwide approach, but not for a jurisdiction as small as a city. Their adoption will innundate Seattle with prostitutes. Our first response is to reiterate that public solicitation, in any case, is prohibited. While an influx in prostitutes is possible, we think it unlikely. If legalization alone attracted prostitutes, most would work Nevada. The law of supply and demand still plays an important role. Interviews with 72 prostitutes here indicate that 82% were born in Seattle and that they had resided here an average of 13.5 years.

Disciplinary Enforcement

(Continued from page 12)

active. Subject to approval of the Disciplinary Board and the Board of Governors, a stipulation is then entered into under DRA 3.3, which sets out all of the circumstances and often places some agreed restriction against an early application for reinstatement. A stipulation for suspension or disbarment also requires the approval of the Supreme Court.

19. **No provision for service by mail, publication or other means when respondent cannot be personally served.**

Provision is made in this state. DRA 3.1(B).

20. **Inadequate provisions for dealing with attorneys incapacitated by reason of mental illness, senility or addiction to drugs or intoxicants.**

This state makes such provision. DRA 10.1.

21. **Inadequate provisions for reciprocal action when an attorney disciplined in one jurisdiction is admitted to practice in other jurisdictions.** *The report points out that several jurisdictions provide by rule of court that the findings in a disciplinary proceeding in another jurisdiction that a local attorney has been guilty of misconduct shall be conclusive for purposes of any disciplinary proceeding instituted in that jurisdiction.*

No such provision exists in this state. It is questionable whether this state should accept at full face value the results of disciplinary proceedings in another jurisdiction.

22. **No provision for suspension pending appeal of attorneys convicted to serious crimes before the disciplinary proceeding based on the**

conviction is concluded.

This state currently makes provision for automatic suspension from the practice of law upon conviction of a felony under either state or federal law. DRA 9.1.

The Board of Governors has proposed an amendment to DRA 9.2 which is currently being considered by the state supreme court. The proposal sets forth an entirely new set of procedures for suspension during the pendency of disciplinary proceedings in cases where it appears that a continuation of the practice of law by the lawyer in question "will result in a substantial risk of serious injury to the public."

23. **No provision making conviction of crime conclusive evidence of guilt for purposes of the disciplinary proceeding based on the conviction.**

This state has no such provision. Considering the existence of DRA 9.1, there appears to be no need for such a rule.

24. **Permitting disciplinary proceedings to be tried by jury.** *The report recommends elimination of jury trial in disciplinary proceedings.*

This recommendation does not apply to this state because there is no provision for jury trial in disciplinary proceedings.

25. **Inadequate provisions concerning public disclosure of pending disciplinary proceedings.** *The report recommends that there be a court rule providing that the existence of a pending disciplinary proceeding shall be a matter of public record if the charges are based on a conviction for a crime or the respondent-attorney, following the filing of formal charges, requests public hearings, but otherwise shall be kept confidential until hearings have been held and the charges sustained by the trial authority.*

Disclosure provisions would be extensively liberalized under revised DRA 11.7, currently pending before the State Supreme Court. The revised rule would provide that the Board of Governors may advise the news media of the pending disciplinary proceeding when it deems it in the best interest of the public to do so.

26. **Failure to publish the achievements of disciplinary agencies.** *The report recommends that arrangements should be made to have relevant information concerning attorney discipline published in media likely to reach members of the profession and the public. Publication should not be limited to cases that result in formal disciplinary proceedings.*

The result of formal disciplinary proceedings are found in the State's Supreme Court reports. Also, the overall statistics are published yearly in the *Bar News*. Other information could be released to the general public by the Board of Governors under proposed revised DRA 11.7.

27. **No provision for protecting clients when an attorney is disciplined, or when he disappears or dies while under investigation.** *The report recommends a court rule requiring (1) that attorneys who are disbarred or suspended must notify all clients within a specified time of their inability to continue to represent them and the necessity for promptly retaining new counsel; and (2) that whenever an attorney is suspended for disability, or disappears or dies while under investigation, the disciplinary agency shall determine whether a partner, executor or other appropriate representative of the attorney concerned is available to notify and protect the interests of the attorney's clients and, if not, shall petition the court having disciplinary jurisdiction to take necessary action for the protection of the clients involved.*

This state has no such provision. A rule requiring client notification as suggested would certainly tend to prevent continuation of practice during the suspension period. The proposal as to the protection of clients' interests where the lawyer is suspended, etc., also seems desirable. Of course, when he practices with one or more partners, usually no action by the Bar Association is necessary. This problem would come up only when the attorney practiced alone.

28. **Disbarred attorneys too readily reinstated by the courts.** *The report recommends a court rule providing (1) that either a person disbarred shall not be readmitted to practice or that a specified period of time, exceeding the maximum suspension that court imposes, must elapse before a disbarred attorney may apply for reinstatement, and (2) that reinstatement shall be granted only on the affirmative showing by the applicant that he possesses the requisite qualities of character and learning.*

One year must elapse before the petition for reinstatement is made, DRA 8.1(a), and

the reinstatement will be made only upon certain required affirmative showings, DRA 9.2 and DRA 10.2.

29. **No procedure for notifying disciplinary agencies when attorneys admitted to practice in their jurisdiction are disciplined elsewhere.**

This problem has been met through the establishment of a National Discipline Data Bank to which this state reports all formal discipline imposed against attorneys for dissemination to every disciplinary agency within the United States.

30. **No consultation and exchange of information among disciplinary agencies about their mutual problems in disciplinary enforcement.** *The report recommends creation of a National Conference on Disciplinary Enforcement, with a permanent staff, to arrange periodic regional and national meetings of those interested in disciplinary enforcement and to perform related tasks.*

WSBA would undoubtedly participate in such a program.

31. **Reluctance on the part of lawyers and judges to report instances of professional misconduct.** *The report recommends (1) greater emphasis in law school and continuing legal education courses on the individual attorney's responsibility to assist the profession's efforts to police itself by reporting instances of professional misconduct to the appropriate disciplinary agency; (2) sanctions, in appropriate circumstances, against attorneys and judges who fail to report attorney misconduct of which they are aware.*

The WSBA Board of Governors has recommended to the State Supreme Court that DR 1-103(A) of the ABA Code of Professional Responsibility be deleted in adopting this state's code. DR 1-103(A) would have imposed an obligation on lawyers to bring to the attention of proper officials violations of the Code of Professional Responsibility by other lawyers. The Board believed that this matter was sufficiently covered by an ethical consideration (EC1-4) and it was unnecessary and unrealistic to subject a lawyer to discipline for failure to comply therewith.

32. **No requirement that attorneys keep accurate records of client funds in their possession and have the records audited.** *The report recommends a court rule requiring (1) that all attorneys maintain the records pertaining to client funds required under the provisions of Disciplinary Rule 9-102(B)(3) for a reasonable period after final distribution of the funds has been made; and (2) that these records be audited annually.*

This state has no such provisions. Rather than the expense of a required annual audit, one lawyer close to the system endorses the requirement that accurate records be kept and trusts to the integrity of lawyers to comply with the rule.

33. **No training courses on ethical standards and disciplinary enforcement for judges responsible for lawyer discipline.** *The report recommends expansion of judicial training courses, such as those conducted by the Federal Judicial Center, to include instruction in substantive and procedural problems in disciplinary enforcement.*

WSBA would undoubtedly endorse this proposal.

34. **Attorneys accused of crime given preferential treatment by law enforcement authorities and the courts.** *The court reports establishment of liaison with law enforcement agencies and criminal courts to foster awareness of problems in disciplinary enforcement resulting from their lenient treatment of accused attorneys and to develop appropriate procedures.*

No such formal establishment of liaison exists in this state. This problem does not appear to be a problem of consequence in Washington.

35. **No statewide registration of attorneys (applicable to nonintegrated jurisdictions only).**

This recommendation is not applicable since the Washington bar is integrated.

36. **Limited ancillary bar association services to complement the work of disciplinary agencies.** *The report recommends the establishment of (1) procedures for handling claims against attorneys; (2) procedures for arbitrating fee disputes; (3) client security funds.*

Recommendations (1) and (3) are covered by the client's security fund in this state. Many complaints based on fee disputes are settled informally by local administrative committees. The Special Disciplinary Committee after considerable discussion decided that the establishment of formal arbitration groups to settle fee disputes was not justified. Such disputes may also be resolved by the courts or by arbitration. □

The Board's Work

Four landmark items of business were concluded by the State Bar's Board of Governors at its June meeting.

The Board:

- Approved establishment in the State Bar Office of a Lawyer Referral Service, to be conducted by toll-free long-distance telephone line throughout the state except in the larger counties in which local Lawyer Referral Services now are operating.
- After a two-year study of the best way to solve Washington lawyers' errors-and-omissions insurance needs, accepted a "package" insurance proposal by a Seattle firm.
- Accepted the Continuing Legal Education Committee's recommendations for a change in emphasis in the CLE program in an effort to make it better fit the needs and wishes of a majority of lawyers.
- Approved and agreed to support a big project of the Family Law Committee, which plans a statewide two-day conference of experts from many fields as part of a committee program to provide leadership in updating Washington family law.

The Insurance Program

Accepted by the Board of Governors was a package program submitted by Dow-Laney Co. of Seattle. The seven-part insurance plan includes provision for professional-liability coverage at competitive rates, guaranteed for three years, plus a number of other lines of coverage (auto, homeowners, disability, etc.) which the company says may be obtained by attorneys at premium savings.

The Bar-indorsed program, and all parts of it, are completely non-mandatory — any lawyer may obtain one part or several or all portions of the insurance.

Additional news of the plan appears elsewhere in this edition of the *Bar News*, and details will be provided to all lawyers soon.

Continuing Legal Education

Will L. Lorenz of Spokane, CLE Committee chairman, appeared before the Board to present the committee's proposals to broaden the CLE program.

The committee will undertake a program of producing large, thorough, working-lawyer volumes on specific areas of Washington law; will encourage and assist other Bar committees wanting to publish texts or handbooks of special interest to the Bar; will go into the tape-cassette business, starting with the taping of CLE sessions at the State Bar convention and making them available, at cost, to all attorneys; will continue the present traveling "live" seminars on subjects of broad interest and continue to publish the practice manuals to accompany them; and will consider the feasibility of once-a-month or once-in-two-months "live" seminars in or near Seattle on specialized subjects, with each seminar to be recorded and the tapes made available to all lawyers.

Family Law Conference

The Family Law Committee in many meetings over a two-year period has thoroughly plumbed the uniform model codes and the status of Washington family law and researched legislation and trends in other states and much writing in fields allied to family law. The committee has come up with a tentative draft of conclusions, and these will be subject to pro-and-con presentations by perhaps as many as 200 conferees at an October 21-23 statewide meeting at the Providence Heights Conference Center at Issaquah. The Committee will attempt to invite representatives of every segment of expert interest in the state concerned with the family and family law, committee Chairman **Ivan Merrick** of Seattle said.

The final conclusions of the committee are expected to be submitted through the Board of Governors to the 1972 legislature.

Lawyer Referral Service

The LRS Committee, whose chairman is **Claude M. Pearson** of Tacoma, after a year's study recommended the statewide program to make legal services more easily and conveniently available to one substantial segment of the population. The program would not be operated in King, Pierce and Spokane Counties, which now have local-bar services.

After the program goes into effect, a person in one of the other counties who wishes to employ an attorney but has none of his own may telephone the Bar Office, toll free. A staff member will make an appointment for him with an attorney in his area who has signed up as a member of the statewide LRS panel. The person will pay a flat-rate legal fee of $10 for a one-half-hour

consultation. Any further provision of legal services would be subject to agreement between the attorney and the client. Appointments will be made with lawyer-panelists on a rotating basis, and panel members will be able to indicate areas of the law in which they do not wish to accept appointments. Panelists will pay an annual $15 fee to help defray costs of the LRS operation.

Other June Business

The Board of Governors also:

√ Considered a number of opinions of the Legal Ethics Committee and ordered several to be published for the Bar generally.

√ In considering several recommendations of the Client Security Fund Committee again declined to make the Fund's newly liberalized provisions retroactive to cases arising before the Fund was changed.

√ The Board also accepted, with regret, the resignation of **Donald E. Spickard** of Seattle as Client Security Fund Committee chairman. Don helped develop the concept of the Fund, one of the first in the United States, and served 10 years after its inception helping discharge its continuing business. The Board extended him great thanks and praise.

√ Decided to ask the Disciplinary Board's opinion on a recommendation from the Public Relations Committee that the amount of information and statistics about the Bar's disciplinary actions be increased for both lawyers and the public.

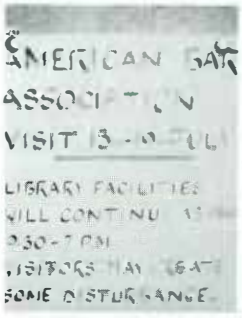
√ Received with thanks minutes of meetings and other communications from a number of active Bar committees.

√ Concluded a large amount of business involving individuals and pertaining to the Bar examination, discipline, the law clerk program, legal interns and lawyers wishing to represent indigents in federal courts.

√ Conferred honorary Bar membership upon **C. C. McCullough,** who was born in 1886 and admitted in 1915.

√ Considered and ordered forwarded to the governor lists of lawyers recommended by local bars for possible appointments to Superior Court positions in Pierce and Snohomish Counties. □

9 Quotes Quoted



Awash with champagne from gargantuan receptions and simultaneous garden parties, the 13,500 American lawyers and wives in London for the American Bar Association conference are now heading happily into their second week: 'the biggest tax-deductible family holiday of the decade.'

The astounding cavalcade is publicly avoiding the issues that are tearing America apart. No one mentions Panther trials, or the Berrigan brothers, or Angela Davis, or the Ellsberg prosecution. In the Grosvenor House hotel well-dressed lawyers queue for tickets to 'The Chalk Garden.' Upstairs in the Press room an American correspondent is phoning over his description of the opening ceremony at Westminster: 'Bright sunshine streamed through ancient stained glass — period.'

Among a massive throng at the Inner Temple garden party, only four blacks are visible, one of them from Chicago, in an amazing green suit set off by white shoes. No troublemakers are present. Grey heads, American and British, nod wisely in agreement on their common heritage. Beside the fountains, over the ice-cold Mumm's Cordon Rouge, there is a strong hint of issues being dodged. Who wants unpleasantness? Who would dare to suggest that American civil liberties are being eroded by the Nixon Administration? A session on the invasion of privacy draws 27 people: wire-tapping is discussed; one panellist talks eagerly about a new memory system which can record 20 pages of personal data on every U.S. citizen on less than 5,000 feet of microfilm; three or four have doubts.

The latest issue of the *New Yorker* to reach England comments on the behaviour of the police in Washington in May, when many of the 7,000 demonstrators arrested were dealt with lawlessly. No one could call the *New Yorker* a radical paper. 'If the law breaks the law, then there is no law,' the magazine concludes. No one, in our hearing, raised any such contentious point at the American Bar Association's pleasant sessions.

The Observer Review (London)
July 18, 1971

SUPREME COURT PRACTICE

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

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

ORIGINAL:

42060 - *In re application of James S. Johnson, Henry K. Bobala, etc.* - **Criminal law - procedure**
Whether persons detained in jail who have not been charged with a crime but on suspicion of committing a crime may maintain a class action to challenge the conditions of their confinement?

42054 - *State v. Estill* - **Constitutional law**
Is RCW 9.26A.030 (credit card theft) which raises a presumption of guilt where two or more credit cards are in the possession of one other than the cardholder violative of the due process clause in that it creates a presumption of guilt and destroys the presumption of innocence?

42063 - *Rosella Selden, Guardian ad Litem for Debra Selden, a minor v. American Motorcycle Association Inc.* - **Civil rights**
Whether a voluntary association which exerts strong influence over a particular profession may nevertheless discriminate on the bases of sex in view of the provisions of RCW 49.12.200?

42064 - *Larry Terry and Sam Daniels v. Puget Sound National Bank* - **U.C.C.**
Is the obligation on the customer of a bank to exercise reasonable care and promptness in checking the bank statement removed by RCW 26 A 4-406(3) which provides that there is no responsibility of the customer where he establishes lack of ordinary care on the part of the bank?

41906 - *Dravo Corporation et al. v. City of Tacoma* - **Taxation - Municipal corporations**
Whether an ordinance which purports to impose a business and occupation tax on business activities outside of the geographic area of the taxing authority is constitutional?

42057 - *Pacific Northwest Bell Telephone Co. v. Port of Seattle* - **Municipal corporation**
Whether a municipal corporation is liable without fault for damage caused by the bursting of its watermains?

42061 - *Edward Hynes et ux. v. Armand J. Ravetti et ux. and Associated Securities Corporation* - **Usury**
(1) Whether the purchaser of a usurious note can be an innocent purchaser for value without notice and, if so, isn't usury a real defense to enforcement of the note? (2) Whether the holder of the usurious note can interpose a defense of fraud in the inducement to a declaratory action seeking to bar recovery on the note on the grounds of usury?

42062 - *William C. Touchette v. Northwestern Mutual Insurance Company* - **Insurance**
Is an exclusion of coverage for uninsured motorist, unless such exclusion is consented to or requested in writing, in violation of RCW 48.22.030?

42069 - *Richard Schurk et ux. as Guardian ad Litem for Maria Argo v. Ronald Christensen et ux and Reed Christensen, a minor* - **Torts - damages**
Is a parent entitled to recover damages for emotional trauma which resulted from the molesting of her daughter?

40265 - *In the matter of the Estate of Sadie Boston, Deceased; Henry Boston, Executor v. Mary Dittmer and Howard Dearinger* - **Wills and probate - homestead**
The effect of the repeal of the no homestead against separate property provision of RCW 11.52.010.

42053 - *Friedlander v. Friedlander* - **Divorce - Prenuptial agreements**
What effect should be given a prenuptial agreement in view of RCW 26.08.110 which authorizes the divorce court to distribute both community and separate property as shall appear just and equitable?

SUPERIOR COURT NEWS

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

King County Superior Court judges have elected Judge **Stanley C. Soderland** as inquiry judge, a position created in each county by Sec. 5 of the 1971 Grand Jury Act. Inquiry judges are, in effect, one-man grand juries to "hear evidence concerning criminal activity and corruption." Judge Soderland has been presiding over the 1971 King County Grand Jury.

* * *

Governor Dan Evans has appointed **Howard A. Patrick**, Oak Harbor, as superior court judge of the new Island-San Juan County Judicial District. Judge Patrick will be the only judge in the new district, created by the 1971 Legislature. His term began August 9 when the new law became effective. Judge Patrick, a member of the firm of Patrick, Zylstra & Pitt, had practiced in the area since 1954, including a term as prosecuting attorney.

* * *

Administrator for the Courts **Albert C. Bise's** 1970 Annual Report notes that the superior court visiting judge program amassed three and one-third years of collective visiting judge time. Judges who served 30 days or more outside their own districts in 1970 were: **W. R. Cole** (Kittitas), 108.5 days; **Ross R. Rakow** (Klickitat-Skamania), 93; **George H. Freese** (Adams), 82; **Richard J. Ennis** (Lincoln), 69; **Robert A. Hannan** (Grays Harbor), 66; **Patrick McCabe** (Asotin-Garfield-Columbia), 57; **B. J. McLean** (Douglas-Grant), 47.5; **Charles T. Wright** (Thurston-Mason), 40.5; **John A. Denoo** (Colfax), 32.5; and **Robert J. Bryan** (Kitsap), 30.

* * *

King County Superior Court Judge **Edward E. Henry**, decrying a lack of sentencing uniformity, has recommended that sentencing be by panels of penologists rather than by judges. He believes that trial judges "do not have the capacity nor the facilities to determine what is best for society as well as the future welfare of the defendant." He says such a panel could examine defendants with a better evaluation of rehabilitation prospects and utilization of facilities.

* * *

John N. Skimas of Vancouver has been named to the new Clark County Superior Court judgeship by Governor Evans. The post was created by the 1971 Legislature. In two other appointments, **Daniel T. Kershner**, a District Court judge in Lynnwood since 1967, will move to the Superior Court bench in Snohomist County and **James V. Ramsdell**, a Tacoma attorney for 37 years and a former law partner of Edgar Eisenhower, will join the Pierce County Superior Court.

THE COURT OF APPEALS

By **ROBERT F. UTTER,** *Judge*
Division 1

The complete figures for the full calendar year of 1970 show a 40% increase over 1969 in all appeals filed in the Court of Appeals and the Supreme Court. Civil cases increased by 49% and criminal cases by 27%.

Distribution for new direct appeals to the various divisions of the Court of Appeals for 1970 showed Division I with 58%, Division II with 23%, and Division III with 19%. Criminal appeals accounted for 46% of the new cases for Division I, 31% for Division II, and 28% for Division III. During 1970, Division I disposed of 399 cases, Division II 168, and Division III 135.

Cases dismissed by either the court, one of the parties, or by stipulation accounted for 40% of the total dispositions of Division I, 18% of Division II, and 13% of Division III.

The Court of Appeals has taken affirmative steps to reduce the existing backlog of cases. The last Legislature, as previously reported, authorized the court in certain situations to dispose of cases by memorandum opinion without publication. Although the act was not effective until June 14, 1971, 25% of the opinions filed in Division I for the Spring term were disposed of by memorandum opinion.

All divisions of the court have increased their settings for the Fall term. Division I has set 100 cases for that term, and Divisions II and II 50 each. Division III's total will include 10 cases from the civil case backlog of Division I.

The Supreme Court has accepted referral of 12 cases from Division I, 9 from Division II, and 5 from Division III for the Fall term.

The budget authorized by the Legislature included a position for a court administrator. Mr. Roland Johnson, former law clerk to Judge Horowitz, has filled this position on an interim basis and has assisted Judges Herbert Swanson and Robert Utter in pre-screening the cases for the Fall term.

Office Practice Tips

Convention Plans

Anyone interested in office procedure will find an unusual amount of valuable material available at this year's State Bar Convention. As was mentioned before in this column, we are featuring J. Harris Morgan of Texas, a national authority on the art of billing. A cursory survey of offices appears to indicate without question that billing procedure is very weak and fails to adequately demonstrate the effort expended on the case by the responsible lawyer. Don't just send one man to report on J. Harris Morgan's presentation. If you are a firm try to have all your key men there.

Last year we presented Lee Turner. Many people came away wondering about the actual mechanics of training staff to accomplish what he has. Most of us don't really want to organize a super-firm to his standard but we would like to edge cautiously in that direction. In order to demonstrate with more particularity how he operates, the American Bar Association has put out a new film showing a tour of the Turner offices with questions and answers as to the operation. Your Economics Committee has arranged with one of the principal suppliers to obtain the film and show it on a continuous basis during the convention. I am sure that everyone interested in the field will want to see that film.

Western States Economics Workshop

Your State Committee was well represented at the Western States Economics Workshop presented by the American Bar Association in Seattle on May 15th. Many exotic gadgets were described and demonstrated. While few have any present application to the average law office, they were great for stirring the imagination. I could not help but think what a great improvement it would be if our present equipment had only a few minor improvements. Here are a few examples.

The ideal copy machine for a lawyer has yet to be developed. It would feed off a roll of bond paper and make clear second and third copies for form work, would copy law books, two pages at a time and operate at a cost of 2 cents per copy. Several machines have some of these attributes but none has all.

The ideal automatic typewriter for a lawyer would be simple to operate, use inexpensive and easily stored magnetic cards, it would have a three card capacity so that it could operate with the standard form card, plus the fill-in card, plus an end product card. In this way all fill-in material could be checked before insertion and the product card would give a basis for revision typing. Some of the paper tape and punch card machines have been fitted with three readers but paper tape is bulky and punch cards have very little capacity. The IBM mag-card has the other attributes. No one machine has all.

Convention Program

The Friday afternoon session of the Convention Program is designed to put the spotlight on the subjects of time keeping, billing, bookkeeping, accounting and record keeping for lawyers. This is planned as a strictly bread and butter presentation and all should benefit from the material.

Harry E. Hennessey

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

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

Idaho College of Law

Interest has been shown in the formation of an *informal* association of Idaho College of Law graduates who practice or reside in Washington. Graduates are urged to send their name, date of graduation, address and current position to Jay F. Wisman, 2931 Rockfeller Avenue, Everett 98201.

If enough responses are received quickly, an attempt will be made to arrange a breakfast meeting in Portland of the State Bar Association.

Books

The Profession of Law, *L. Ray Patterson and Elliott E. Cheatham, The Foundation Press, Inc. 1971, 170 Old Country Rd., Mineola, N. Y. 11501, pp. 489, $12.* (This book is described on its cover as a part of the publisher's "University Textbook Series.")

In a sense the flyers advertising the publication tend to lead one to believe that the book is written by lawyers for lawyers. In fact, it is a book written by law professors for students. Thus, a statement by the publisher in the flyer may be unintentionally deceptive:

> "This book is the first comprehensive discussion of the Profession of Law by American lawyers. Its theme is: 'Lawyers Standards Are an Integral Part of Law Itself'."

The work, which is scholarly, is more a philosophical discussion of the Profession of Law as an abstract and ideal concept than it is a dissection of the day-to-day realities with which each practicing lawyer must be concerned. In this framework the book is somewhat pious in its approach.

The forward by Chief Justice Burger expresses the concern that each of us who has an affection for the Profession feels. He says: "A book *searching* for the basic responsibilities and standards of the profession, as does this one, comes at a good time." (Emphasis added).

The book is a secular catechism with more questions than answers. It presents a comprehensive and orderly topical development of virtually every aspect of the Profession of Law (as contrasted with the practice of law).

The book covers what every lawyer worth the title hopes for in the Profession: high ethical standards; satisfactory compromises of difficult cases; a competent, courteous and considerate judiciary; the satisfactory resolution of social problems; a sense of self-worth and fulfillment.

This book, because of its emphasis, could be titled "More Than You Really Care to Know Concerning Ethical Standards for Lawyers." The work is a monumental compilation of ethical considerations from every conceivable aspect. It could have been written only by members of the academic community who, seemingly, have the advantage of time to engage in philosophical discourses on what the legal profession ought to be. Indeed, what man himself ought to be.

The average practicing lawyer would discount most of the authors' aspirational description of the legal profession as being somewhat removed from reality. He lives in a world where the associates that he has hired regard themselves as grossly underpaid, where most legal stenographers are part gypsy and have an uncontrollable urge to move, where his partners are not completely satisfied with the amount of their annual shares and where his clients regard his statements for services as being a principal cause of galloping inflation.

In addition he must do much of his work yesterday, continue to bring in business to cover the overhead and carry himself with the dignity and aplomb of a thoughtful British squire. He really does not have the time to engage in the thoughtful resolution of ethical dilemmas of "the sinking lifeboat and whom should we throw overboard next?" variety. If, in a lifetime of practice, he faced one-one hundredth of the ethical dilemmas posed by the authors his practice would be described as wildly exciting. Most of the ethical ghosts created by the authors appear about as often as problems involving the Rule in Shelley's case. They just do not exist, except as they involve the lawyer who suffers a defect in character brought on by greed. The responsible practicing lawyer acts principally through instinct, resulting from cultural and religious training. If a lawyer does not have the instinct of propriety he should not be permitted to practice law, or permitted to serve as a member of the judiciary.

This is a useful book. (What else can one say?) It is a textbook of concern for the Profession of Law.

It is perfectly obvious that the Profession (and the law) has glaring weaknesses and that its members had better get on with a process of meaningful reform.

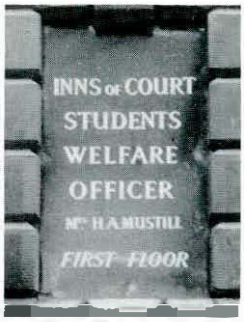
The Chairman of the Law Commission of England put it this way in drawing a parallel between generals and lawyers:

> "You will remember the famous saying that war is too serious a matter to be left to generals. We in England think that it is possibly also true that law reform is far too serious a matter to be left to the legal profession."

The indicators are apparent. The authors warn the Bar to heed those indicators.

Donald D. MacLean

Women and Women's Lib Hit Law Schools



Women are in the forefront of a regional stampede to get into law schools.

One fourth of the entering law class at the University of Washington in the fall will be co-eds. The previous high for women in the class was 10 per cent.

Prof. Richard O. Kummert, chairman of the Law School's admission committee, described the increase of females hoping for enrollment spots in the school as "dramatically large." Last year there were 85 women applicants.

"This year the number is in excess of 225 — so it is more than doubled," he said.

Kummert noted that in 1964 there were only two women in the U. W. entering class. Next fall the number will be some 35.

Three other regional schools also reported an increased number of women knocking at their doors.

Only 3 per cent of the nation's practicing attorneys are women, Kummert observed.

There are several reasons why women are eager to join the legal fraternity, Kummert believes.

"A primary factor is the increased emphasis in the past four or five years on the subject of women's rights, dating from the Civil Rights Act of 1964.

"There also is the increased emphasis throughout the educational system toward the notion of professionalism for women — a general kind of career orientation beginning as early as junior high school."

He noted also that there are a number of increasingly important areas of law where there has been long-time feminine interest — in such categories as consumer products and consumer safety.

"These are questions that women simply long have been involved in," he said.

— Julie Emery
The Seattle Times

The second annual Law Women's Conference was held from April 2-4 in Chicago, and I was fortunate to represent the women of the law school (staff, students, faculty) at the conference. . .

The conference began Friday evening with a panel, the topic of discussion being "Women in the Practice of Law". . .

Most agreed that it was beneficial to both client and attorney to have women representing women in the courts. Also, there was a general consensus that women have to be careful not to take on the traits of men when they become lawyers. Some attorneys expressed the feeling that they are careful with the types of cases they take on, hoping not to tread on other women. For example, a defense attorney said she refused to defend men accused of rape, for she felt ill at ease taking sides against the woman who has been allegedly raped. Other attorneys said they went out of their way to find cases where they can represent women, for example, in abortion cases. . .

It seems that most women who become attorneys have been secretaries at one time, and therefore, have difficulties working with women secretaries. They don't want to overload their secretaries with work, knowing from first hand experience the drudgery of typing. Also, the opinion was expressed that women attorneys feel peculiar being the "boss" over secretaries, as if they are oppressing their sisters — the feeling of guilt. Everyone agreed that professionalism and elitism contribute to a breakdown of communication between secretaries and attorneys. Ways of breaking down professionalism and elitism were discussed, with an emphasis on the law commune as an alternative to work in legal firms. In a law commune setting, secretaries are given more interesting duties — researching, interviewing clients, investigating, etc., while attorneys do some of the mundane chores — answering telephones, serving their own coffee, xeroxing their own papers, etc. . .

N.Y.U. says there is an enormous problem of law firms hiding information. The women students wish to know the salary ranges, so they can compare women's salaries to men's salaries. The women of N.Y.U. have taken the step of filing suit in New York court *against twelve major law firms*, charging them with discriminatory hiring practices. They feel they will be able to acquire important information through the process of discovery. . .

— Ellen Tiger
Condon Commentaries

Lawyer/Public

Remember "How to Avoid Probate"?

That's the book that made many lawyers' blood boil. And since then there have been numerous articles in the national magazines and elsewhere, chiefly criticizing the expense and the delay involved in probate. Few legal subjects seem to attract as much public awareness.

Part of the problem, of course, is in the "system" itself, and the job of speeding and simplifying legal and judicial procedures involved in probate is being tackled on a number of fronts. The fee aspect of the problem has caused much debate among lawyers, and in response to suggestions made at last winter's meeting of this state's Local Bar Presidents, the State Bar's President Bob Beresford asked the Fee Committee, chaired by **Paul R. Cressman** of Seattle, to try for new approaches. The committee has almost completed the task. One lawyer writing recently on that subject noted that "if the lawyer properly informs the executor and all of the heirs of the services which he is performing, they will consider the fee to be just and fair."

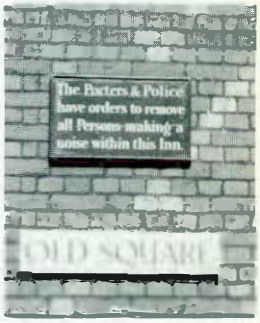
He noted that virtually all laymen want their lawyers to discuss fees during the first interview, and this goes for probate matters, too.

As soon as the estate is opened, some lawyers send a letter to the executor or administrator explaining their functions, and they also send a copy to all the heirs so they, too, will be informed of the procedures. The heirs should be informed that they are encouraged to contact the executor or his attorney if they have questions about what is going on during the probate.

And "as the administration progresses, consider sending copies of all documents to each of the heirs. One of the most important psychological factors in lawyer-client public relations is the principle that you should keep your client advised at all times. Send him a file folder and let him build up his file . . . . Then, when he sees the bill, he will realize that a great deal of time and effort went into the services."

The Public Relations Committee

Twenty Years Ago



Yakima had it. **President Welts** reported the highest registration of any convention yet. **Del Cary Smith,** Spokane, was elected the new president. Spokane also captured the presidency of Superior Court Judges by election of Judge **Louis F. Bunge** to that office, Speaking of judges, Judge **Jay A. Whitefield,** Ellensburg, gave notice he was leaving for a month and adopted special rules of Court for the regulation of his bar during this period. What trust!!

BIRTHS

Spokane attorney **Anne King Craig** gave birth to Michael Alan, 8 lb. 14 oz. Papa Alfred survived too. **Ralph O. Olson**, Bellingham, was appointed to the Supreme Court. **Bert C. Kale** was appointed to Superior Court, Bellingham, to succeed Judge Olson. **Tyler C. Moffett,** former law clerk to Justice **Walter B. Beals**, opened in Port Angeles with Conniff & Taylor. **John W. Dobson, Paul W. Houser, Jr.**, and **David C. Dobson** opened as Dobson, Houser and Dobson in Renton. **Serge Gorny** joined the firm of Little, LeSourd, Palmer & Scott, Seattle. **Samuel C. Rutherford** succeeded Gorny as deputy prosecuting attorney.

CROSSED THE BAR

John Pedigo, formerly of Walla Walla, died in Virginia; **Andrew J. Gillis**, 93, police judge in Walla Walla; **Charles L. Westcott**, in Tacoma; and **Robert A. Wilson**, much beloved County Clerk, Spokane County.

SPEECHES

Federal Judge Medina, New York, a former great trial lawyer, was the guest speaker of the convention. He had earlier in the year incarcerated a number of hyenas who used his court to bark in.

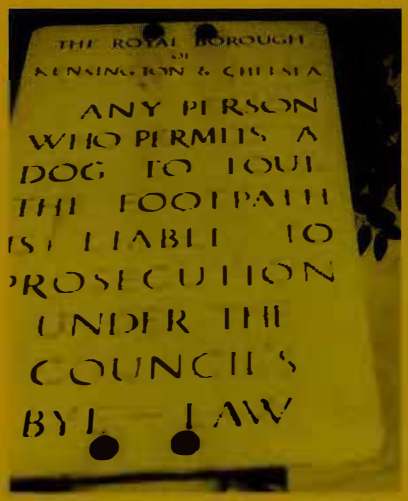
The old soldiers had their own speaker, Major General Reginald C. Harmon, lawyer attached to the Air Force. The committee was comprised of **Judge Wilkins**, Chairman, **Judge Sam Driver**, **Lyle Keith, Judge Carl Quackenbush**, Attorney General **Smith Troy** and **Judge Orris Hamilton.**

Edward W. Allen, Seattle, addressed the Law Society of British Columbia, in Vancouver, on "International Law and Fish." Ed is hooked on this subject.

David J. Williams

Notices

Calendar



Wanted and Unwanted

For Sale: Negligence & Compensation Cases Ann. complete through Vol. 4 of 4th Series. New condition. Only $175. Phillip G. Bunker, Law Librarian, Temple of Justice, Olympia 98501.

For Sale: RCW Ann., 1971 Ed. never used; price new $220; asking $150 or best offer; must sell. David Benjamin, 5223 University Way N.E., Seattle 98105 (LA 3-5049).

For Sale: Vols. 1 & 2 O'Bryan's Forms; 1-32 American Law Reports 2nd. and many others Mrs. James Carriker, 3102 Harney St., Apt. 6, Vancouver, Wash. (696-1044).

For Sale: Benedict on Admiralty (6 vols.); Blashfield Automobile Law and Practice (17 vols); Appleman Insurance Law and Practice (26 vols.); Am Jur Pleading and Practice Forms (23 vols.); all completely current. Any reasonable offer considered. McBee & Lewis, 211 Pioneer Building, Mount Vernon, Wash. (336-2173).

For Sale: Unused new set Washington Revised Code with 1967 pocket and 3 volume index. Best Offer Cash. Will deliver any point in Washington. Contact S. M. Swanberg, P.O. Box 2261, Great Falls, Montana 59403.

Sept. 8	Fall Seminar and election of officers of Washington State Trial Lawyers Association, at the Portland Hilton, Portland, Oregon.
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.
Dec. 2-3	Medicine and the Law program, sponsored by the University of Washington School of Law and School of Medicine, Olympic Hotel, Seattle.
Jan. 3-7	Sixth Annual Institute on Estate Planning, Americana Hotel, Bal Harbour, Florida.

LAWYER PLACEMENT SERVICE

By **DAVID L. BROOM**

The Young Lawyer's Committee of the Washington State Bar Association operates a Lawyer Placement Service at the State Bar Office, 505 Madison Avenue, Seattle, Washington 98104, and at the Spokane County Law Library, Paulsen Building, Spokane. The service is available to members of the Association and recent law graduates seeking legal opportunities and employers seeking legal personnel. The service is offered without cost to either the applicant or prospective employers. The following are summaries of a few of the many applicants on file:

(1) Medium-large Seattle firm seeking associate primarily for corporate, real estate and tax work. Salary negotiable.

(2) Tax attorney (LL.M., New York University) with large firm seeking relocation.

(3) Well-known three-man firm in smaller community seeking associate for general practice. Rapid partnership anticipated.

(4) IRS seeking Federal Estate and Gift Tax return examiner. Starting salary to $12,600 depending upon experience.

(5) Two experienced, aggressive attorneys with law reform orientation being sought by large city legal assistance office.

(6) Attorneys in two different (one medium size, one small) eastern Washington communities seeking men to replace retiring partners.

For Sale: Vols. I and II of Wash. App. Reports, $20 each. Joseph H. Smith (259-9194, Everett, Wash.)

For Sale: Rabkin & Johnson, Federal Income & Gift Estate Taxation; Rabkin & Johnson, Current Legal Forms with Tax Analysis; and Collier Bankruptcy Manual. Charles R. Branson, 321 Evergreen Bldg., Renton, Wash. 98055 (BA 8-3860).

Deadline for next issue of the *Bar News* is September 13, 1971.

For Sale: Wash. Digest (incomplete), Vols. I & II O'Bryan's Wash. Forms; 1-32 (less vol. 28) ALR 2nd, and others. **Wanted:** Wash. Reports 1 to 3, territorial, vol. 145 Wash. and vol. 1 Hillyers. Also vols. 3 & 4 Wash. Practice, Towne. Irving Koths, Box 306, Morton, Wash. 98356 (495-5133).

For Sale: Complete, up-to-date set of Mertens, Federal Income Taxation, 35 volumes, price $350. Call Loren Prescott, MA 3-6400, Seattle.

WASHINGTON STATE BAR ASSOCIATION
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Seattle, Washington 98104