

WASHINGTON STATE BAR NEWS

ENGROSSED SENATE BILL NO. 253

State of Washington
42nd Legislature
2nd Extraordinary Session

By Senator Gissberg

Read first time January 19, 1972, and referred to JUDICIARY COMMITTEE.

1 AN ACT Relating to the state bar act; and amending section 5, chapter
2 94, Laws of 1933 and RCW 2.48.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 Section 1. Section 5, chapter 94, Laws of 1933 and RCW
5 2.48.030 are each amended to read as follows:

6 There is hereby constituted a board of governors of the state
7 bar ((7)) which shall consist of not more than fifteen members, to
8 include: the president of the state bar ((as an ex officio member
9 and of)) elected as provided by the bylaws of the association, one
10 member from each congressional district now or hereafter existing in
11 the state elected by secret ballot by mail by the active members
12 residing ((in each congressional district now or hereafter existing
13 in the state)) therein, and such additional members elected as
14 provided by the bylaws of the association. The members of the board
15 of governors shall hold office for three years and until their
16 successors are elected and qualified: PROVIDED, HOWEVER, That the
17 present members of the board of governors ((elected to constitute the
18 first board shall, at their first meeting so classify themselves by
19 lot that two members thereof)) in office on the effective date of
20 this 1972 amendatory act shall hold office for ((one year only and
21 two others for two years only)) their remaining terms and until
22 their successors are elected and qualified. Any vacancies in
23 ((said)) the board of governors shall be filled by the continuing
24 members of the board until the next ((district)) election, held in
25 accordance with the ((rules hereinafter provided for)) bylaws of the
26 association.

STATE BAR ACT AMENDED



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Dues Increase and Reforms

Board of Governors:

I wish to add my name to those protesting the 60% increase in the absence of any compelling need or adequate explanation. It appears to me that this is a "put-down" of the younger members for their activity at the Portland Bar meeting.

If anything the Bar should retrench in view of the economic depression in the State and particularly King County.

The establishment of Bar committees for so-called reform of



Deane W. Parker

law in the fields of domestic relations, probate and personal injury, and the establishment of the Public Defender are all self-defeating as far as individual lawyers' incomes are concerned, if we are to believe the proposals emanating from them.

The Bar would be better engaged in attempts to enhance the incomes of its members rather than to add to their burdens by raising the dues and requiring malpractice insurance for membership on the referral panels.

Has the Bar lost its sanity? Are we going to bury the private practice of law along with the practitioner? We are not all "fat cats" in the practice and

some of us cannot afford the luxury of these so-called reforms.

Would any lawyer believe that a labor leader could long hold his job if he proposed measures to deprive his union members of employment?

Perhaps the private practitioner no longer fills a need in society, if so, let us go down with flying colors and not sabotage ourselves in the process.

There may be those lawyers who hold that the end result of the proposed reforms, i.e., divorce, probate and personal injury settlements by the Courts without the intervention of lawyers will lead inevitably to more business in the end when the laymen have made their mistakes and are finally in trouble requiring our services to correct the same.

Is this, however, the proper social attitude of the profession, or would we be better advised to promote preventive law by the establishment at long last of pre-paid legal services such as the medics in their expertise in the economics of their profession established in the depression of the '30s?

DEANE W. PARKER

Seattle

DeFunis

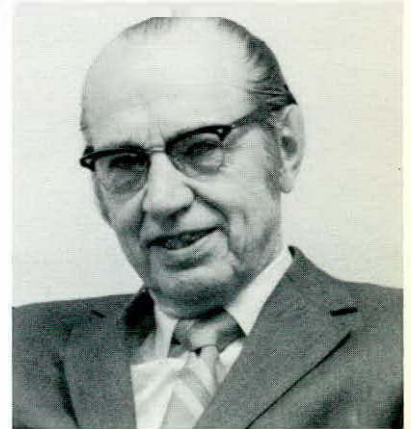
Editor:

The decision of the Board of Governors as reported in the February *Bar News* not to file a Brief Amicus Curiae in the DeFunis appeal, is, in my opinion, the only proper action.

However, the comments by various members of the Board that they feel the University of Washington had a right to discriminate against DeFunis because he is white, and in favor of other far less qualified appli-

cants because they are black, disturbs me.

There should be no racial prejudice, either in favor of, or against, any person because of his color. The only consideration to be given applicants for admission to the law school should be mental qualifications and standing in the community.



Walter Scott Acheson

There is one important element which has not even been mentioned in discussing the DeFunis case. That is, the right of the public to proper representation. There is an obligation to the public on the part of the law school to select the best qualified persons who are to represent them as lawyers. When a person is given a certificate of graduation from a law school, the school is thereby certifying to the public that this person has been tested and screened as the best qualified of those who have applied for training.

I highly endorse the comments of E. Glenn Harmon of Spokane in our *Bar News* of February, 1972. His definition of a racist is the best I have seen. Under that definition, the only thing to be considered is qualification. We are not interested in color.

WALTER SCOTT ACHESON
Seattle



The Board of Governors, at its January meeting, reached a decision as to Phase I of the Judicial Poll and I believe a few comments to the Bar might be apropos at this time.

The compilation of the poll was done by a computer service in the East, so any possibility of a leak would be minimal.

The report was done in two steps, the first for all judges of the Superior Court outside of King County and the other just for King County. The results were made available to the Board of Governors and to a two-man committee of the Superior Court Judges' Association, and it was this judges' committee that finally made the suggestion that each judge be given his own results without any comments, together with the percentage result on the several basic questions and a right to ask where he ranked numerically with his fellow judges in his county.

The Board determined to stop at this point to evaluate reactions and results.

We wish all the information could be made available to the members of the Bar, but we believe this would be tantamount to making it public. The purpose of the poll was not to hurt a judge or to allow him to use these results for his own benefit, but was to point out to the judge his strength and his weaknesses, with the hope that he could re-evaluate himself and improve his judicial position.

There were many revelations and some, but few, surprises. There were many very pertinent comments. Of the lawyers answering the poll, 65% said they were not satisfied with judicial discipline, and this shows a need in our State for a commission, similar to that of the State of California, to handle the dis-

cipline and removal of judges. I am happy to say that most judges now agree there is this need. It was not always so.

Many attorneys, in answering the question as to their satisfaction with present discipline of judges said: "What discipline?" One choice remark was: "I am from a small area. The preacher takes care of our judicial discipline on Sunday morning."

One surprise was that in answer to the question of an independent court administrator, outside King County the vote was yes — 47%, no — 53%. King County voted yes — 29%, no — 71%. At least the State attorneys seemed to be satisfied with our present rule-making and administrative methods through the judiciary. Read "Innovations in Court Administration" in the December issue of *Judicature*.

The comments indicate a failure of communication between the judiciary and the Bar. Some comments were:

"All judges I know are human beings, or at least were, before they went to the Bench — but you can't get many of them to admit that."

"Frankly, I would feel better if the judges worked as hard as most of us have to do to make a living."

"Lawyers should be respectful of the judiciary, but it is mighty hard sometimes."

"Too many judges forget they exist to serve, instead of being served."

"Polls like this would help diminish the 'Jesus Complex.'"

I feel these comments indicate the necessity of closer association and communication. I wish all judges would attend Bar functions to help them remember how their



former associates live, act and think.

I don't know a judge with whom I can't sit down and discuss common problems, and I have yet to find the judge who didn't want to improve himself, but I think the tendency has been for judges to cage themselves in their ivory towers, with the thought they would be criticized for association with the attorneys. Also, the attorneys fear approaching judges to express their thoughts.

Let's all give it a joint try and do a lot of soul searching before Phase II.

Fred Schlangie



Editor's Note

What will be the impact of the amendment of the State Bar Act?

The proponents of the Portland Resolutions say the time is ripe for the Board of Governors to amend the bylaws to provide for a 15-member Board of Governors elected on a one-lawyer, one-vote concept and to provide for direct election of the president.

The opponents of the Portland Resolutions say the Board of Governors should add one or two King County positions on the Board of Governors but leave it at that and leave the election of the president to the Board of Governors.

What will the Board of Governors do? There is speculation that no decision will be made on the one-lawyer, one-vote question until the Committee of the Organization and Government of the Bar submits its final report and recommendations. There is currently no consensus in that Committee. As to election of the president, there is an indication that the Board will elect at its March 24th meeting in Spokane a president to take office at the September annual meeting.

The proponents of the Portland Resolutions did receive a setback at the Board's January 20th meeting in Olympia. The Board committed itself to amend the bylaws to require a two-thirds vote by the membership on any referendum to amend the bylaws — if the amendment to the State Bar Act passed. Since the amendment passed, it is presumed the Board will so amend the bylaws.

Under the current bylaws, only the Board can amend them. If the membership does not agree with a bylaw amendment or an action of the Board, it has the power of referendum. But if the bylaw change goes in, as long as 34% of the membership supports the Board, the remaining 66% will be on the losing end.

What are your views on change in the structure of the State Bar? Let your voice be heard or you may lose through default.



Quotes Quoted

Excerpts from an address given by Spokane Superior Court Judge Willard J. Roe at dedication ceremonies for the new Gonzaga School of Law Library during which the Gonzaga Law Medal was presented to Judge Roe. (A contribution by the WSBA Rule By Law Committee.)

There is ferment now in the law and our social order. As an example, there will be submitted to the next legislature in the State of Washington a new Juvenile Court Code which completely overhauls the procedure and, to a certain extent, the philosophy heretofore existing. This was the product of the Gault case. The very function, the philosophy of the Juvenile Court, is being examined and challenged, its historical position having been undermined by the mentioned case. Yet, there are those who are wondering if the substitute processes do not carry with them evils which are greater than those sought to be corrected.

Domestic relations was the subject of a conference where a wide gamut of domestic relations was explored, including no-fault divorce, mandatory pre-marital counseling, raising the age of marriage, contract marriage, elimination of residence requirements in divorce actions, involving third parties as a matter of right in the welfare of children, possible recognition of a partnership between homosexuals.

A new judicial article has been proposed which would modify the State of Washington and fundamentally affect its court system, although the courts seem to be functioning admirably well. A new revision of the Criminal Code which has not been modified in substantial portions since 1909, was published December, 1970, and would revamp our criminal law and, in some instances, eliminate acts which hitherto have been criminal and propose different methods of treatment.

No fault insurance is a factor nationally and locally. Crime, having increased at the ratio of 10 to 11 per cent a year, is rapidly reaching such activity as 30 per cent in a three-year period, which is taxing the capacity of society and the courts to absorb and respond. Yet it must; the alternative is social breakdown.

There are those who believe in change for change sake. That, of course, is error. Each time a change is made, something is lost of the past, which is something many overlook in their frantic efforts to modify. It has been said that a fanatic is one who, having lost sight of his goals, redoubles his efforts. Some of these who advocate departure

(Continued on page 31)

"NO FAULT" AUTO INSURANCE



The following is the majority report of the WSBA Committee on Automobile Reparations, Richard F. Broz, chairman. The report was adopted by the Board of Governors on January 20, 1972, by a vote of six to one, James Curran being the dissenter. Broz testified on behalf of the Board before the legislature. He was reported as saying that the Association would consider hasty passage this session of a no-fault bill "to be reckless action on the part of the legislature," in view of the complexity of such legislation.

Bruce Maines, Vice President and General Counsel of SAFECO, was reported as testifying earlier in the hearings: "Attorneys are the only ones — the only group — against this type of insurance. They stand to lose \$1.3 billion in fees

and they're going to fight it down to the last nail."

The insurance commissioner's office recommended about 30 amendments to H.B. 53. Ned Shera, R-Tacoma, who is in the insurance business and was a proponent of the bill, reportedly said the insurance commissioner's office and the State Bar "have been looking at this subject for months. You are able to sharpshoot this bill enough to come up with 30 amendments. Why have you not offered your own bill? This is a tactical mistake."

H.B. 53, which had a \$1,000 "threshold" and an effective date of April 1, 1973, passed the House 73 - 25.

The bill did not move out of the Senate Commerce Committee.

The *Seattle Times*, in a January 31 editorial, characterized the Bar Report as "thoughtful" and as adding "a welcome new dimension to the debate over 'no-fault' insurance."

PREFACE

In response to the critical issues posed by the no-fault insurance debate — the resolution of which will have a considerable impact upon the rights and liabilities of all our citizens — the Washington State Bar Association appointed a special committee to analyze the present system of compensating accident victims and to make recommendations for its improvement. In performing the task assigned it, this committee has adhered to the basic proposition that any system of compensation recommended must be in the best interest of the public at large.

As it appeared to this committee that compensation claims for property damage are generally handled adequately through existing collision and property damage coverage usually without litiga-

tion, this report is limited to an analysis and recommendations with respect to claims for personal injury and death.

The changes that might be made in the present system are numerous and vary widely in scope. Some legislative proposals, for example the Hart-Magnuson bill (S.945) now before Congress, are extremely comprehensive and would drastically alter the existing rights and liabilities of motorists and accident victims. The insurance industry itself is divided on the issue of no-fault. The issue is not whether change is needed, but rather *which* changes will best serve the public interest.

The committee is fortunate to have had available for consultation and research purposes an abundance of literature concerning automobile reparation and no fault. These subjects have been under study and scrutiny by academicians, legislators, journalists, consumer groups, bar associations, and many others. In the last two years, several states have adopted no-fault legislation. However, no two no-fault proposals are identical.

Furthermore, it has become increasingly clear that the problem of automobile accident reparations is not the same in Washington State as in New York, and that changes needed in one state may not be needed or even appropriate in another state. The work of this committee has concentrated on what will work best for the citizens of Washington State.

OBJECTIVES

For convenience, an outline of the basic desirable objectives, supported by the analysis which follows, is set forth here. In addition, a list of recommended legislative changes is appended. The basic objectives relating to recommended changes in the present system are:

1. To allow most automobile accident victims to recover out-of-pocket automobile losses from their own insurance companies without having to resort to claims against other drivers.
2. To reduce substantially the number of litigated personal injury claims by providing first-party medical and time loss coverage.
3. To allocate insurance costs fairly among motorists through intercompany arbitration following the payment of first-party benefits or by imposing a lien right of recovery.
4. To provide added protections for the seriously injured automobile accident victim through increased liability and uninsured motorist limit requirements.
5. To improve the existing reparations system

by (a) substituting the doctrine of comparative negligence for that of contributory negligence, and (b) repealing this state's host-guest law.

6. To maintain the public's right of access to the courts for the individual assessment of rights and damages with respect to claims arising out of injury or death from automobile accidents.

It is recognized, of course, that unanimity of opinion with respect to such complex considerations is unlikely, if not impossible.

EVALUATION OF THE PRESENT SYSTEM OF COMPENSATION FOR INJURY AND DEATH

I. The Fault Principle.

The legal foundation of the present automobile accident reparations system — if indeed it can be called a system — is the negligence or fault principle. Fault in this context is essentially equated with carelessness, the failure to exercise that care which "a reasonable man of ordinary prudence in like circumstances" would exercise.

Once the automobile accident victim establishes liability, he or she is entitled to compensation for virtually all damages proximately caused by the collision. Each such victim is entitled to have his or her losses individually assessed without reference to any fixed formula or limitation. The victim is not only entitled to recover his out-of-pocket losses but also general damages.

Customarily, general damages are thought of as "pain and suffering" but general damages also include compensation for disability, disfigurement, future medical expenses, future wage losses, impairment of earning capacity, and a whole host of other intangibles which might be summarized as the loss of the ability to enjoy life which, to some degree, attends any injury of a serious and permanent nature. Perhaps the most distinguishing characteristic of the existing reparations system is the fact that it gives the accident victim highly individualized treatment. He is not being compensated on the basis of a predetermined formula. The present damage rules require us to take the time and effort to consider the impact of any automobile collision on *each* victim. It is this right, more than any other, that is really at stake in the no-fault debate.

Under present law, the accident victim, in order to shift the economic burden of loss to the other driver (usually to the other driver's insurance

company), must overcome the doctrine of contributory negligence. Under that rule, a plaintiff in a personal injury case generally is not entitled to recover if his own negligence contributed (even in a minor degree) as a cause of the accident; contributory negligence is almost always a complete defense no matter how careless the other driver may have been. Obviously, because of the doctrine of contributory negligence, vast numbers of automobile accident victims are deprived of any recovery under the present tort system.

Accordingly, as one means of assuring some recovery to more accident victims, it is recommended that contributory negligence be replaced by comparative negligence so that the accident victim may recover damages reduced proportionately by his own negligence.

In this context, the Department of Transportation's study of automobile accident reparations (page 20) and the report of the American Bar Association's Special Committee on Automobile Reparations (ABA Rep. p.75) similarly recommend the substitution of comparative negligence for contributory negligence. In addition, ten states have already adopted comparative negligence principles; comparative negligence legislation was adopted in Oregon's last legislative session; and the report of the Governor's Automobile Accident Study Commission in California (December 1970) recommends such legislation.

Another impediment to recovery under the present system is the Washington host-guest law (RCW 46.08.080). That statute bars recovery by an injured passenger against a host driver unless the passenger is able to prove intoxication, "gross negligence," or intentional tort. Accordingly, the burden of proof on a passenger in an automobile is substantially greater than the burden placed upon automobile accident victims generally. It is believed that such disparity in the burden of proof is not justified; repeal of the statute is recommended.

Still another barrier to recovery for an accident victim is the judge-made rule that the negligence of one spouse prevents his or her marital partner, injured in an automobile accident, from recovering damages against a negligent third party even though the injured spouse was not personally negligent in the slightest. It is suggested that the rule imputing the negligence of one spouse to the other, as a bar to recovery by the innocent accident victim from a negligent third party, is unjustified and should be abolished.

II. The Role of Insurance in the Present System.

At the heart of the present automobile reparations system is insurance. While the claims are nominally brought against the individual automobile driver, it is the individual driver's insurance company which customarily responds to the claim for damages. It is, therefore, impossible to evaluate the reparations system without first evaluating the role of insurance.

Turning first to the question of cost — certainly a primary concern — there is a marked disparity between Washington State and the nation as a whole. For example, in the ten-year period from September 1, 1961, to September 1, 1971, the average cost in Seattle of automobile insurance for top-rated adult motorists increased only 12 per cent.¹

In contrast, automobile insurance premiums for identical coverages, during the same period of time, increased 51 per cent in San Diego, 91 per cent in Denver and 57 per cent in St. Louis. During the same ten year period, according to Bureau of Labor statistics, doctors' fees increased 56 per cent, hospital room charges 151 per cent, and the average automobile repair claim 93 per cent. Statistics, of course, are subject to wide variation among companies, regions and motorists. What is significant, however, is that automobile insurance costs in Washington State have risen comparatively little in the past ten years.

In considering the need and advisability of expanded first party no-fault automobile coverages, it should be noted that extensive first party "no-fault" benefits are presently available and incorporated in most automobile policies. These coverages include collision, medical payments, comprehensive, and towing. In 1970, according to Best's Executive Data, 45 per cent of all automobile insurance premium dollars was spent for such no-fault first party benefits.²

III. The Uninsured and Underinsured Motorist problem.

Even where fault can be clearly proven and the defense of contributory negligence is not a factor, a seriously injured automobile accident victim, or

1. The basic coverages included in this comparison are bodily injury, \$25,000/\$50,000 limits, uninsured motorist coverage, property damage coverage of \$10,000, medical payments coverage of \$1,000, comprehensive and \$100 deductible collision coverage. The average cost of these coverages in Seattle in 1961 was approximately \$159 and is presently \$178. These figures are based on pleasure use only and presume a good driving record.

2. 46 per cent in the State of Washington.

the estate of a fatally injured victim, may receive no compensation, or inadequate compensation, because the negligent party was uninsured or underinsured.

Washington State's Financial Responsibility law (RCW 46.29.260) requires insurance limits of only \$15,000 per person and \$30,000 per accident. 1968 statistics show that 56% of Washington drivers carried only these minimum limits. Obviously, the economic losses of a seriously injured accident (without even considering compensation for pain, suffering or disability) may far exceed such limited coverage.

Parenthetically, it is remarkable that the only requirement now imposed by RCW 46.72.040 upon a carrier for hire is that a bond be filed assuring liability limits of \$1,000 per person and \$10,000 per accident to compensate victims for personal injury or death.

In addition, there is a substantial likelihood (estimated at approximately 12 per cent in Washington and 20 per cent nationally) that a negligent driver may be uninsured. There is normally no requirement under Washington law that a driver carry liability coverage or that a vehicle be covered. Our financial responsibility law, like that of most states, simply requires that the uninsured driver post financial security *after* the accident. This after-the-fact sanction does little or nothing to compensate the victim of the uninsured driver's negligence.

Furthermore, it is reasonable to assume that the uninsured 12 per cent probably represent the worst driving risks on the road. Drivers with drunk driving convictions, license suspensions and bad driving records are predictably the same drivers who find it most difficult and most expensive to obtain liability coverage.

The insurance industry's response to the problem of the uninsured motorist has been first-party uninsured motorist coverage which essentially places the insured's own company in the position of the nonexistent carrier of the uninsured driver involved in the collision. Uninsured motorist coverage is relatively inexpensive with the annual premium averaging about \$10 per year. The coverage operates within the framework of the existing fault system; it is intended to provide benefits for accident victims who can prove that the uninsured driver was at fault in the collision.

Uninsured motorist coverage is often fairly criticised because (1) it is usually limited to the \$15,000/\$30,000 requirements of the Financial Responsibility law, (2) the coverage is not com-

pulsory (although it must be offered to all policy holders, it may be rejected), and (3) the coverage is not available to non-owners of automobiles who customarily ride in public conveyances.

It is here recommended that (1) insurance companies be required to make available uninsured motorist coverage with limits equal to the policy holders' liability limits, (2) uninsured motorist coverage be made mandatory, and (3) both public liability and uninsured motorist coverage be required for the operation of public carriers.

IV. The Role of Courts and Lawyers.

One of the most serious criticisms of the existing automobile reparations system is that it takes the accident victim too long to obtain compensation. It is widely assumed that court calendars are hopelessly clogged and that the accident victim must wait years for his day in court. This is one additional area in which the national statistics and those of Washington State differ markedly. A calendar status study issued on August 1, 1971, by the Institute of Judicial Administration demonstrates that Washington State is far ahead of the rest of the nation in dealing with the problem of court congestion and delay.

In King County, the average waiting time for trial of personal-injury cases has been a little more than a year, and in Spokane County, less than three months. Recognizing that it often takes at least a year before a serious personal injury claim can be realistically evaluated from either a medical or a legal standpoint, it is fair to conclude that court congestion is not a significant problem in personal injury litigation in Washington.

Another frequently voiced criticism of the present system is that juries tend to award excessive verdicts to undeserving claimants with exaggerated injuries. This committee has not discovered any evidence substantiating such criticism so far as Washington State is concerned. In this context, while recognizing that divergent conclusions may be reached, it is perhaps noteworthy that requests for jury trial in this state are customarily made by defense counsel who presumably prefer determination of issues by a jury rather than by a judge.

The contingent fee has also been criticized as a source of problems in personal injury cases. Again, this committee believes that such criticism, if merited at all, is not applicable in this state. First, lawyers are prohibited from financing litigation; payment of actual expenses incurred in pressing a claim for damages must be an obligation of the claimant and not of his lawyer. However, in

order that adequate legal services be available to poor and rich alike, a lawyer, by agreement with his client, may base his fee upon a percentage of the recovery. If there is no recovery, the lawyer receives no fee.

Second, alternative methods of fixing the lawyer's fee should be, and usually are, available. For example, regardless of the outcome of his case, a client may choose to pay a fee to his lawyer based upon the hourly rate charged by the lawyer for such services. The client may choose the fee arrangement he wishes; in many cases, the contingent fee agreement is the only practical way that one injured in an automobile accident can obtain the lawyer of his choice.

Moreover, the impact upon the courts of automobile personal injury litigation is probably far less than generally assumed. For example, Department of Transportation statistics (DOT study, p.70) show that 4,000,000 persons were either killed or injured in 1967 automobile accidents; 220,000 personal injury suits were filed in the nation's courts in 1968; all but 7 per cent of those suits were settled or otherwise dismissed before entry of judgment. Obviously, the great bulk of personal injury claims are administered without the involvement of lawyers or the courts.

NO-FAULT PROPOSALS

I. The Concept

Although the many no-fault proposals thus far made vary widely in scope, the basic concept underlying every such proposal is that the automobile accident victim, regardless of whether he was at fault, should be compensated at least in part, by his own insurance company. No-fault is a form of first-party insurance.

In addition, many no-fault proposals contain a "threshold" requirement; in most instances an injured person's medical bill, for example, must exceed a certain sum before a suit can be brought against a third party to recover for pain, suffering, disfigurement, and disability.

It is recommended that there be no "threshold" limitation upon the right to sue. Pain, suffering, disfigurement and disability often have no direct relationship to the size of a medical bill. An individual's basic right to freedom from disability and suffering, or to compensation for the deprivation of that freedom, should not be made dependent upon an artificial and often meaningless measuring rod.

Furthermore, although there can be no certainty in any forecast, the availability of limited no-fault insurance benefits, as recommended in this report, should, without a threshold limitation, reduce litigation by enabling many accident victims, without legal assistance, to obtain from their own insurance companies quick and certain reimbursement for medical expenses and wage loss. There is reliable evidence that many injured persons, particularly those not substantially damaged, are not inclined to sue provided that their direct economic losses are reimbursed speedily and without undue difficulty.

II. The Cost

Insurance actuaries and other interested persons and groups differ substantially in forecasting the impact upon insurance premiums to be anticipated should any particular no-fault insurance proposal be adopted. There simply are no reliable statistics upon which such predictions can safely be made. One truth is evident: insurance premiums are related directly to the scope of coverage and benefits paid thereunder; reductions in premiums usually occur in response to a decrease in benefits paid. The payment of benefits primarily determines the amount of the premium, regardless of whether the benefits are no-fault first-party payments or payments made by a third party's insurance company.

Parenthetically, statistics indicate that a substantial portion of all automobile insurance premium dollars go to pay for coverages relating exclusively to the automobile itself. These coverages include property damage liability, collision, comprehensive and towing, and are unrelated to the problem of personal injury reparations. Recent studies indicate that relatively minor and inexpensive improvements in automobile design could drastically reduce property damage resulting from collision (especially where impact is at slower speeds).

All efforts to make motor vehicles and highways safer should, of course, be encouraged. Losses in human life, suffering and money will not be substantially reduced, regardless of what system of compensation is used, unless the frequency of automobile accidents is lessened considerably.

III. Insurance Proposals.

First party no-fault coverage providing personal injury benefits, including medical expense and income loss, should be made a mandatory part of all automobile policies. There should be a moderate ceiling amount. Illustratively, a coverage of \$2,000, would pay the medical expenses in 95% of all cases;

in one survey 79% of personal injury claims paid had a total wage and medical loss of \$500 or less. Provision should be made for prompt payment of benefits by an insurance company to its own insured, and for the retention by that company of lien rights or for subrogation among insurance companies (the company insuring the innocent party should be able to recover its costs from the company insuring the negligent party, with insurance industry arbitration of disputed cases).

Such no-fault insurance would pay virtually all the economic loss (medical and wage) of almost all accident victims promptly and without, in most cases, recourse to lawyers and lawsuits.

As a corollary of many no-fault proposals, the best and worst risks, from an accident-causing point of view, become reversed. Under the present system, a driver's premium rate reflects the risk that he will *cause* a loss; under a no-fault system, his rate would reflect the risk that he will *sustain* a loss. Today's worst risk, from an accident-causing viewpoint, is a teen-age male driver, unmarried, unemployed; the best risk presently is the middle-aged, cautious family man with good income. Under no-fault plans, since it is the risk of possible medical and income loss that is insured against, the teen-age driver becomes the better risk and the middle-aged driver the worst. Permitting the insurance companies, by subrogation or lien rights, to place the loss upon the negligent driver would tend to establish premium rates fairly.

CONCLUSIONS

(1) The present tort or fault system should be substantially retained; every citizen should have recourse to the courts for an individual assessment of his rights and damages.

(2) The operation of that system can be improved by removing or modifying existing barriers to recovery (the doctrine of contributory negligence, the host-guest law, and the rule imputing the negligence of one spouse to the other); and

(3) Limited no-fault first-party insurance coverage would, within the framework of the present reparations system efficiently reimburse most accident victims for their medical expenses and wage losses and eliminate the need for lawyers and lawsuits in many cases.

RECOMMENDED AUTOMOBILE ACCIDENT REPARATIONS LEGISLATION

1. Adoption of comparative negligence standard in all tort litigation; preferably, similar to the

Wisconsin law permitting a plaintiff to recover if his own negligence is "not greater than" that of the defendant.

2. Repeal of the host-guest law (RCW 46.08.080).

3. Mandatory first party coverage in all automobile policies issued in Washington State providing (to driver, passengers, and pedestrians injured by the vehicle) medical expense insurance (suggested at \$2,000 per person), and wage-service loss benefits (with suggested coverage available to \$6,000 per person, said coverage to contain appropriate sanctions for unjustified or inexcusable delay in the payment of benefits.)

4. Alternatively, a mandatory single limit medical-wage-service loss policy in an amount not less than \$2,000.

5. Increased minimum limits on all public liability automobile insurance policies issued in Washington State to a single limit of \$50,000 for each accident resulting in personal injury or death in place of the present \$15,000/\$30,000 financial responsibility requirement.

6. Mandatory uninsured motorist coverage in all automobile policies issued in Washington State with limits offered equal to those limits specified in the bodily injury coverage.

7. Extension of the uninsured motorist requirements and financial responsibility requirements to all common carriers, including taxi cabs operating within the State.

8. Legislative prevention of any double recovery of first party benefits (retaining for the insurance company paying such benefits (1) its right to subrogation enforceable, against the negligent third party or his insurance company if necessary, through inter-company arbitration, and (2) its lien upon such benefits if such are recovered by its insured in an action against the third party).

9. Statutory abolition of the judicial doctrine imputing the negligence of one spouse to another as a bar to an action by one marital partner against a third party.

10. Stricter licensing requirements and stricter enforcement of suspensions and revocations of licenses.

11. Effective and compulsory automobile liability insurance (or its equivalent in financial responsibility) embodying the foregoing provisions relating to insurance.

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INSIDE VIEW OF UNION GROUP LEGAL SERVICES

Remarks of William A. Roberts

At January 21 WSBA Meeting in Olympia

UNION GROUP
LEGAL SERVICES

SECTION OF

VANCE, DAVIES & ROBERTS

ATTORNEYS AT LAW

All of us who have practiced law for 15 or 20 years look with suspicion upon the changes that are occurring in our legal profession and certainly group legal services is one of these. Frankly, I think that we, as a legal profession, have done a very poor job in providing legal services for the middle class working man and woman, who comprise probably a majority of the union members in at least this particular area.

Our law firm in August of 1971 set up a program of group legal services for members of

certain of our labor union clients by entering into contracts with those unions who desired to afford their members of this service. We were very careful about the representations that we made in the contracts. We wanted to make sure that the labor unions and their members understood that we were only going to perform a particular type of legal service.

Preventive Law Program

We determined that the type of service would be more in the area of preventive law, i.e., making the services available to them hopefully to keep them from becoming involved in litigation and problems in future years. Wills, community property agreements, probate, guardianships, adoptions, bankruptcies and articles of incorporation are the types of routine legal services which do not involve any contested matters. Now, we did have one exception to that, traffic offenses which affect their right to drive which affects their employment.

We do not, under this program, handle any contested matters. We will handle a non-contested divorce but we will not handle a contested divorce. We will never handle anything which involves a conflict between the union member and his union, e.g., the member believes that he is not being paid a proper wage. We do not involve ourselves in anything which involves conflicts between members.

The union member is free to utilize our services for conferences. When he comes in we will indicate whether we can do anything for him through the program. If we cannot, we advise

him and if it falls within the specialty of some attorney, where he may be in Kent or Auburn, we will recommend attorneys in that particular area to him.

By the same token, if it falls within the area of a specialty of our office, we will inform him that he is free to use our regular law office at our regular fee schedule but he is not required to do so if he does not desire this service.

Fee Schedules Used

We have contracted with the unions on a fee schedule basis. The fee schedules are set forth in the contract. These fee schedules, however, are not made available to the members. We have had some doubt in our mind as to whether it would be proper to circulate the fee schedules to the members. I'm not so sure that ultimately we won't reach a different conclusion on that but presently we believe they shouldn't be made available.

However, the member is free to inquire of the union officials as to the fees. And of course when he comes in, he is advised as to what the charges are. As far as any publicity is concerned, it is sent out at union expense and is first screened through our office. In the publicity, some reference is made to fees. Some reference is made to the types of services that are to be performed. There is a clear indication that if a member qualifies, his fees will be substantially less than regular law office fees would generally be.

In order to assure that no others than members of the union can utilize the services, the member is given a card. This card is given to only those members in good standing. It is available to the member and his dependents. We do not answer any inquiries on legal problems over the telephone.

Paraprofessionals

We have attempted to structure this so that the type of services that are performed are routine and lend themselves to be handled by paraprofessionals. I think this is very important as far as the explanation as to why we can do things cheaper than the regular law office.

We have a great number of forms of Wills. The paraprofessional can get the data with respect to the Will. He can prepare the Will for the individual from the forms. After having been screened by the attorney, the individual can then execute it. These are the sort of things that we are interested in developing so that we can do a large volume at a minimum of effort on behalf of the attorney.

Low Utilization of Services

When we started out, we had no idea what the utilization would be. We thought we would start out with a base of 10,000 members. We picked those union clients who we thought would probably utilize the services of a lawyer more than others. For example, we thought that milk drivers and salesmen have greater use for legal services than a warehouseman.

We started out with a lawyer who works full time. This is all he does. We have a paraprofessional. We have a half paraprofessional, half receptionist-secretary. The office is physically divorced from ours. We, of course, as far as the responsibility for it and the costs for it are borne by our firm.

The thing that has been the biggest shock to us is that there is a very low utilization for these services. This is partly because the persons who are involved in this program, the beneficiaries so to speak, are really not aware what a lawyer can do.

Need For Publicity

You can advise him by mail that the services are available but frankly I think that he is not going to go to a lawyer until he has something happen to him. Until he gets involved in a divorce or gets hit by a car, he doesn't think he needs a lawyer. We are trying to work out some publicity, which is consistent with the Code of Professional Responsibility, to advise him that there are other things that lawyers can do for him — examine their property transactions for them — that they should have Wills — community property agreements if their situation warrants it. These are the sort of things that we are trying to encourage them to do. The statistics that we have indicate that utilization is very low. We would estimate that you can plan on about 70 people coming into your office for some problem out of every 1,000 per year.

In the first four and one-half months of the program, we have had 250 people come in with a variety of legal problems. We inquired of them when they came in as to how they learned of the service. They had heard of it basically from other people. The word is getting out on the jobs. This is the way it looks like it is going to grow.

Yet To Make the Overhead

We have operated for four and one-half months and we have yet to make the overhead. But we

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WASHINGTON STATE BAR NEWS

WSBA Board Works Toward Implementing "Open Panel" Group Legal Services

The WSBA Board, at its January 20th meeting, unanimously endorsed in principle the "open panel" concept of prepaid group legal services. The Board further directed the WSBA Group Legal Services Committee (Tom Mallot, Spokane, Chairman) to draft enabling legislation if necessary.

Philip Murphy, American Bar Association Consultant, had told the WSBA Board earlier in the day that:

"The ABA urges you to set up an 'open panel' plan. It might be modest in its beginnings and offer something that will avoid actuarial pitfalls. The plan would lead to involving all members of the state bar as well as providing greater availability of legal services to the public. This should be actively pursued.

"I am not trying to scare anybody but governmental forces are moving into this area. There is a new Legal Services Corporation that has been proposed in Congress which would serve as the perfect matrix for the expansion of legal services to the poor to something comparable to medicare whereby there would be legal services for all. If the Bar doesn't do something, then how can you complain when all the business goes to 'closed panel' group legal services programs. You can cry later but it isn't going to do you any good. You have got to do something now so that you don't cry later."

The WSBA Board has taken the first step in heeding his words.

Murphy pointed out that the California State Bar Board of Governors has adopted the first phase of a professionally sponsored, broadly based program of prepaid legal services. A not-for-profit corporation controlled totally by the state bar would be

(Continued on page 15)

Legislature Amends State Bar Act and Board of Governors Committed to Amend Bylaws on Referendum

The skids have been greased for the adoption of the Portland Resolutions. As of this writing, the State Legislature has amended the State Bar Act through passage of Senate Bill No. 253 and Gov. Evans is expected to sign the bill.

Senate Bill No. 253 makes provision for adding up to eight more members to the board of governors, which could bring the total to 15. The president would be a voting member of the Board and would be elected in accordance with the bylaws.

The amendment of the 1933 State Bar Act will make possible implementation of the one-lawyer, one-vote concept. Under the expanded board, it could be provided that each member would represent about 300 lawyers. The second congressional district has 280 lawyers and so the board member from that district would be only slightly over-representative. King County with 52% of the lawyers in the state would receive 7 members under a one-lawyer, one-vote concept.

Perhaps a recital of the origins of S.B. 253 would be elucidating. The WSBA Committee on Government and Organization of the Bar, the committee to which the WSBA Board had assigned the Portland Resolutions, met about four times between September and January. They were unable to arrive at any consensus on one-lawyer, one-vote or direct

(Continued on page 15)

75% Don't Read *Bar News*, Says Ripple



Jack Ripple

Board member Jack Ripple of Spokane commented at the January Board meeting after the Board had approved a WSBA "open panel" group legal services program:

There is another thing that I am concerned about. We have a big problem of educating our own members on "open panel" group legal services. Is simply an article in the *Bar News* sufficient? Regardless of what else is said, I don't think that more than 25% of our members read this *Bar News*.

SKCBA Board Bars Meetings in Three Private Clubs

The SKCBA Board of Trustees at its January 19th meeting by a vote of six to four decided to hold no further meetings of the association or its committees in the Rainier, College or Washington Athletic Clubs because of their discrimination on a basis of sex in membership provisions. Voting "for" were Gale Barbee, Dave Hoff, Ned Lange, Howard Pruzan, Ed Raftis and Bill Dwyer. Voting "against" were Burr Anderson, Walt Hageman, Hugh McGough and Brian Comstock.

The action was taken pursuant to and in implementation of a previous resolution of the Board that no Seattle-King County Bar related functions would be held in any private club, which in the opinion of the trustees, discriminates on the basis of race, religion or sex.

Correction

Editor:

Although we would love to claim her, your cover credit for January, 1972, incorrectly states that Barbara Durham is presently with this office. She was here until mid-1970 but is now in private practice.

Ironically, the case which was the subject of Barbara's pictures in the article on Washington Women Lawyers was one she tried against Patricia Harber, our Assistant Chief Criminal Deputy and a woman lawyer who supervises some 35 men lawyers. For the record, Pat won the case.

CHRISTOPHER T. BAYLEY
Prosecuting Attorney of
King County
Seattle

In Memoriam

Robert Spencer Alpaugh, 50, Bainbridge Island, died in December of 1971. A graduate of Gonzaga University Law School, he was admitted in 1953.

Harold G. Boggs, 69, Seattle, died January 13. A graduate of the St. Paul, Minn., College of Law, he joined Northern Pacific in 1926. He was assistant Western Counsel when he retired four years ago.

Francis M. Burrows, 56, Walla Walla, died September 11, 1971. A graduate of the University of Washington Law School, he was admitted in 1942.

Donald L. Gaines, 65, Seattle, a King County Superior Court Judge died of pneumonia on February 1, 1972. A 1930 graduate of the University of Washington Law School, he was appointed by Gov. Langlie to the court in 1957. He was trial judge in the Alioto-O'Connell-Faler civil suit, which trial had not been completed.

Cassius E. Gates, 85, Seattle, died January 9. A 1908 graduate of the University of Minnesota Law School, he was a co-founder in 1926 of the firm now known as Bogle, Gates, Dobrin, Wakefield & Long.

Edward C. Higgins, 72, Seattle, died August 6, 1971. A graduate of Chicago-Kent College of Law, he was admitted in 1924.

Shirley Nash Holland, 49, Bellevue, died February 1. She was a 1945 graduate of the University of Washington Law School, where she was vice president of the ASUW.

Ray L. Johnson, 65, Bellevue, died January 26. A 1929 graduate of the University of Washington Law School, he was a member of Johnson, Inslee, Best & Chapin.

R. E. Lowe, 83, Spokane, died January 29. A graduate of the first class of Gonzaga Law School in 1915, he was president of the Spokane Bar in 1928, on the WSBA Board of Governors from 1940 to 1943 and was a member of Paine, Lowe, Coffin, Herman & O'Kelly.

Henry L. Martin, 64, Seattle, died in December of 1971. A graduate of Gonzaga University Law School, he was admitted in 1949.

Carl W. McDowell, 90, Rockford, died January 13 in a nursing home. Admitted in 1907, he had practiced law in Rockford for 55 years.

William R. McKelvy, 67, Seattle, died January 17 of a heart attack. A 1929 graduate of the University of Iowa Law School, he was a senior partner in Skeel, McKelvy, Henke, Evenson & Betts. He was a fellow of the American College of Trial Lawyers.

Raymond D. Ogden, 95, Mercer Island, died January 30. A 1901 graduate of the University of Iowa Law School, he was the oldest practicing lawyer in the state and the oldest living resident of Mercer Island. He was a member of Ogden, Ogden & Murphy.

Gail M. Williams, 66, Seattle, died February 2. A 1929 graduate of Harvard Law School, he was a member of Holman, Williams, Manning & Lasher.

Amendment of State Bar Act

(Continued from page 13)

election of the president. The State Bar Act provided for a board of governors, comprised of one member from each of the congressional districts.

The committee proposed a bill which would have provided for election of the board as provided by the WSBA bylaws, but not less than seven members. By putting the power in the board of governors to set the number of board members, recourse to the legislation or to the supreme court to change the makeup would not be necessary.

When hearings were held before the senate judiciary, Senator **R. Frank Atwood** pointed out that theoretically under the bill the board could remain at seven members and if the principle of one-lawyer, one-vote was implemented, the second congressional district wouldn't have a representative because it is the smallest in terms of lawyer population.

Senator **William Gissberg** of Lake Stevens suggested the amendment providing for the increase of the board to 15, assuming that the congressional districts remain constant. The president would be a voting member of the board.

At the Senate Judiciary hearing, **Quinby Bingham** presented the reasoning behind the bill. **John Riley**, co-chairman of the WSBA committee, spoke strongly in favor of the bill. Board member **Jim Curran** also spoke, giving it his strong endorsement. **Jack Lynch** spoke "sort of in favor and against" the bill according to one observer.

The WSBA Board of Governors supported the bill in a sort of an unusual way at its meeting in Olympia on January 20th. When the bill was first proposed, **Jack Lynch** made a motion not to support the bill, which was

seconded by **Bob Day**. The discussion on the motion showed that board members Lynch, Day, Ripple and Novack would vote "for" and Curran, Hoff and Short "against."

The concern of the majority was that under the current bylaws, there can be a referendum on obtaining 250 signatures. If the referendum bylaw change passes, it is binding on the Board of Governors for two years. Fears were expressed that the current state of the bylaws provides an avenue for doing away with the board's influence and a takeover by the young lawyers.

A motion was then introduced to commit the Board to amending the bylaws to require a two-third's vote on a referendum to amend the bylaws, if S.B. 253 were to pass. After this motion passed, there was no problem in supporting S.B. 253.

The SKCBA Young Lawyers Section has some real questions about how the motion of commitment was raised and passed.

Group Legal Services

(Continued from page 13)

formed to provide legal services throughout California on an "open panel" basis. It will be modeled after California Dental Services which is a totally professionally-run organization. The directors are chosen by the dentists which participate in the plan, which happen to be 95% of the dentists in California. Phase one of the program entails actuarial studies, a poll of all California lawyers to ascertain interest and probable participation, and other preliminary aspects. Whether the California State Bar proceeds with the program will depend on the results of the poll.

365 Lawyers Sought for Hearing Examiner Posts By Social Security Administration

The Social Security Administration has announced 365 new openings for hearing examiners in all sections of the country. The new posts, to be filled during the next 18 months, will more than double the number of examiners in all sections of the country. The new posts, to be filled during the next 18 months, will more than double the number of examiners now working in the SSA's Bureau of Hearings and Appeals. Eight of the new posts are in this state.

The positions are classified at GS-15 and GS-16. The salary for GS-15 begins at \$24,251 per year. To qualify, lawyers must have been in practice at least seven years. Two years of this experience must have been in the field of administrative law at the federal, state or local level, or in actual trial practice in courts of unlimited jurisdiction.

Interested lawyers may obtain full details from Charles J. Dullea, Director, Office of Hearing Examiners, United States Civil Service Commission, Washington, D.C. 20415.

Warden Parker Replaced

Jacob J. Parker was replaced as Warden of McNeil Island penitentiary on January 10th. (See: There's Trouble at McNeil Island, *Bar News*, April 1971). At the same time, the U. S. Bureau of Prisons announced it was revising regulations to allow news media restricted access to federal prisoners at McNeil Island. The federal lawsuit by certain members of the news media to open access to talk to prisoners is still pending.

WSBA Board Disseminates Data on Rating of Judges

Each Superior Court judge is being informed individually and privately of his ratings in the Board of Governors' judicial poll of the Bar.

No judge's rating will be given to other judges, the Bar or the public at this time, Fred Velikanje of Yakima, Bar president, said. The Board so decided at its meeting in Olympia January 20-21.

Poll results showed much of the Bar favored giving the results only to the judges.

A total of 4404 questionnaires were sent to lawyers and 2065 were completed and returned.

Velikanje said the Board has been moving cautiously in deciding how to use the poll results so as to achieve the aim of helping improve the judiciary and the administration of justice. The Board has not yet decided as to any further use of the results of this poll or whether there will be a follow-up poll in the future.

He said a high percentage of lawyers included on their questionnaires comments relating to the judiciary generally or to specific questions and those comments "have proved to be extremely valuable and the Board is sifting through them for ideas and information in connection" with possible future plans related to the poll and the judiciary.

Velikanje noted that "all sorts of misconceptions, alleged sinister motivations and outright misrepresentations have been circulated about the judges poll. The truth, as I have said, is that this is just one phase of a total program through which the Board is trying to improve the profession, the judiciary, the image of both and the whole judicial process. The poll is not intended to hurt or to help any specific individual. We would have preferred that the

information could have been compiled without even the use of individual names."

He praised the Bar for having completed the questionnaires with maturity, fairness and obvious discrimination. As an example, in one county a certain judge was given an "excellent" rating in judicial temperament by only 19 per cent of the Bar, but was rated "excellent" in legal ability by 88 per cent.

In the poll each lawyer was asked to evaluate the judges in his own area as to legal ability — understanding of the law; courtesy-cooperation — judicial temperament; deliberative — fairminded; industry-promptness-willingness to work; integrity-honor; and availability.

A separate section of the poll has been made public. It dealt with general questions of state-wide interest and importance. It included:

Do you believe there should be a mandatory retirement age for judges of the Superior Court?

Answers: Yes, 94 per cent; no, 6 per cent. The consensus age was 70, tending toward 68; the youngest suggested was 55 and the oldest 75.

Do you believe there should be a mandatory retirement age for the Court of Appeals and Supreme Court judges?

Answers: Yes, 89 per cent; no, 11 per cent. Consensus age was 70, tending toward 72; youngest suggested was 55 and the oldest 85. There were other, more sophisticated suggestions, such as "After 25 years on the bench, regardless of age."

Are you satisfied with the present system of judicial discipline?

Answers: Yes, 35 per cent;

no, 65 per cent. Answers included many such comments as "What present system?" or "I didn't know there was a present system."

If your answer to question No. 2 is "no" what system would you suggest? (a) An independent commission to administer judicial discipline with non-judge representation?

Answers: Yes, 80 per cent; no, 10 per cent; other comments, 10 per cent.

Do you think a periodic poll of lawyers, like this one, on the judiciary (for instance once a year) is: (a) Useful? (b) Very beneficial? (c) A waste of time? (d) Apt to antagonize the judges and won't get any desired improvements?

Answers: Useful — Yes, 92 per cent; no, 4 per cent. Very Beneficial — Yes, 76 per cent; no, 12 per cent. A waste of time — Yes, 14 per cent; no, 84 per cent. Apt to antagonize — Yes, 33 per cent; no, 65 per cent.

If a poll of the Bar on the judiciary is adopted as a policy and continued on a permanent basis, to whom should the results be made available and how should the results be used?

Answer: The greater number voted to judges only.

Should this poll be extended to all other courts of the state, from the magistrates' court to the State Supreme Court?

Answers: Yes, 79 per cent; no, 21 per cent.

Do you favor the selection of an independent court commissioner or court administration manager over the present system under which the court administrator is selected by the judges themselves?

Answers: Yes, 36 per cent; no, 64 per cent.

Enforcing Child Support Orders

Reminder to lawyers:

Any person who has the custody of dependent children, and who is not presently receiving public assistance funds for the support of those children, may apply for Support Enforcement Services from the Department of Social and Health Services. This service is provided to help those persons who are not regularly receiving child support payments from the absent parent.

RCW 74.20.040 as amended by the First Extraordinary Session, 1971, authorizes the Department of Social and Health Services to receive applications on behalf of children who are not

recipients of public assistance to enforce child support orders. Fees are charged for these services to reimburse the department for staff and other expenses. This fee is only collected if support is collected and may not exceed 10% of the support collected.

As support orders may be enforced pursuant to Chapter 164, Laws of 1971, First Extraordinary Session (RCW 74.164X), it is necessary that a superior court order for child support exist.

Locate (skip-tracing) services are available with access to many sources of information not normally available to non-govern-

mental agencies or individuals.

If the errant father's whereabouts is known and he is outside the state of Washington, the custodian should be referred to the Prosecuting Attorney for action under the Uniform Reciprocal Enforcement of Support Act rather than to this agency.

The support from the bar has been enthusiastic. The remedies available to the state, especially under RCW 74.164X, will most likely result in better enforcement because it has been very difficult economically for the private bar to represent clients in the public assistance economic strata.

What Happens To State Bar Dues?

STATE BAR BUDGET – 1972

	Expenses	%	Dues (More/5 Years)	Dues (Less/5 Years)
Salaries and Employee Benefits	\$ 89,000	27%	\$21.60	\$10.80
Discipline	62,500	19%	15.20	7.60
Committee Expenses	60,000	19%	15.20	7.60
Office, Postage, and Telephone	53,000	16%	12.80	6.40
Bar News	30,000	10%	8.00	4.00
Miscellaneous	29,000	9%	7.20	3.60
TOTALS	\$323,500	100%	\$80.00	\$40.00

Federal Court Caseload in Seattle Soars

There has been a very substantial increase in criminal and civil cases filed in the United States District Court for the Western District of Washington during the past ten years. Of particular note is the fact that there has been no increase in judicial manpower since 1961, at which time the authorized judgeships were increased to 3.5.

There is substantial evidence that the burden will only get worse. During the past 16 months, the United States Attorney increased his staff of Assistant Attorneys from 10 to 16. As these new attorneys have gained experience, they have increasingly made their presence felt in the case filings of this Court.

Other statistics support this conclusion. The population of the District has increased 26% — from 2,035,330 to 2,564,547. Washington State Bar Association figures show that the number of active lawyers in the state rose from 3,424 to 4,345, an increase of 27%.

Civil Cases

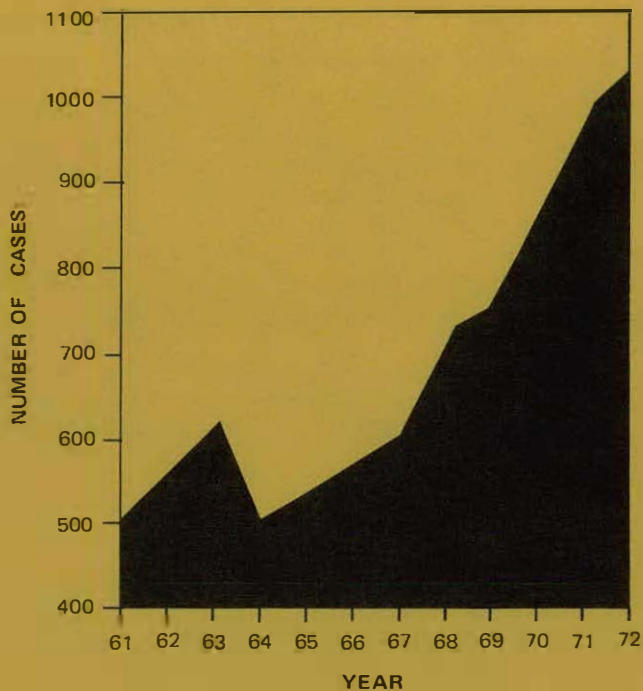
Case filings in 1971 are almost exactly twice the number for 1961. The most significant effect of this trend has been the sharp growth of the backlog of cases for the District. The median time from issue to disposition was six to seven months from 1962-1965, seven to eight months from 1966 to 1968, nine months in 1969, eleven months in 1970, and ten months in 1971. In short, the lack of another judgeship is causing the Court to rapidly lose ground in civil cases.

Criminal Cases

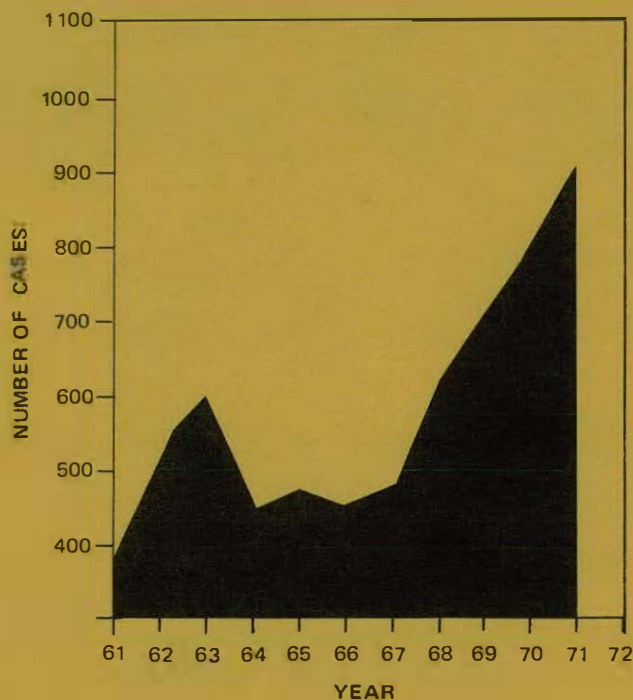
Criminal filings in 1971 were over twice those for 1961. Filings in each of the past three years were more numerous than in any previous year. Although the criminal calendar has been kept fairly current, the rapid rise of criminal filings has in effect accelerated the rise of the civil case backlog.

Weighted Caseload

The weighted caseload per judgeship indicates the civil, criminal, and bankruptcy caseload for each judge, adjusted to reflect the complexity of each case.

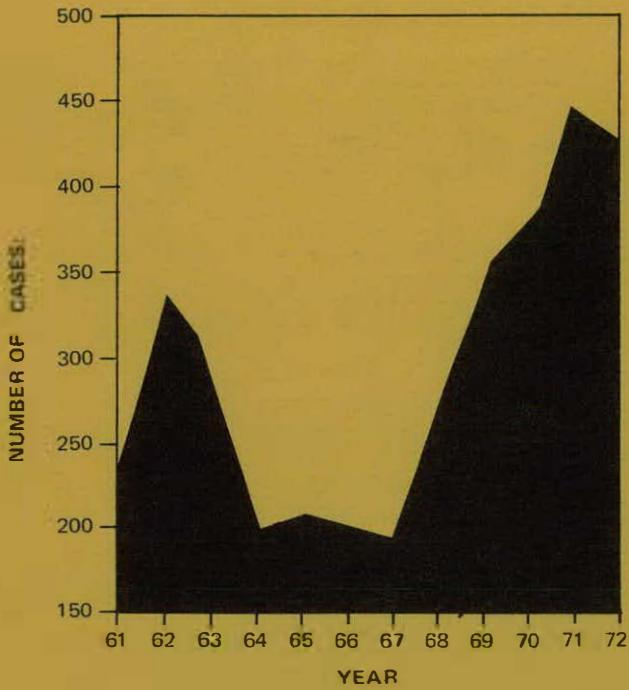


CIVIL CASES COMMENCED EACH FISCAL YEAR



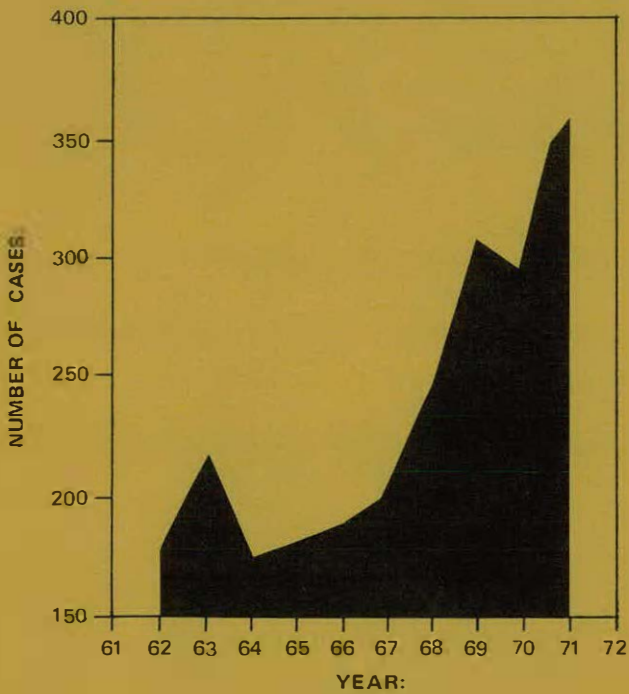
BACKLOG OF CIVIL CASES ON JUNE 30 OF EACH FISCAL YEAR

McLauchlan at Large



**G. Edward Friar,
WSBA Executive Director**

CRIMINAL CASES COMMENCED EACH FISCAL YEAR



**Orris L. Hamilton, Chief Justice,
Supreme Court of
the State of Washington**

**WEIGHTED CASELOAD PER JUDGESHIP
(all cases)**



Sam L. Levinson, Seattle



AG Opinions

AGO 1971 No. 30: County Deputy Sheriff — Participation in Retirement System

AGO 1971 No. 31: Heirs or Grantees of Elderly or Retired Tax Exempt Property Owner Not Exempt

AGO 1971 No. 32: Ascertainment of Actual Value of Taxable Property for Tax To Be Levied for Tuberculosis Hospital Facilities

AGO 1971 No. 33: Open Public Meetings Act of 1971

AGO 1971 No. 34: Law Enforcement Officers' and Fire Fighters' Retirement System

AGO 1971 No. 35: Certain Legal Qualifications Which Are Applicable to Assistants or Deputies to County Assessor Do Not Apply to County Assessor Himself

AGO 1971 No. 36: Reserving of One Lane of Evergreen Point Bridge for Exclusive Bus Transit and Car Pool Use by State Toll Bridge Authority

AGO 1971 No. 37: When Meetings of County Boards of Equalization Can Be Closed to the Public

AGO 1971 No. 38: Persons Between the Ages of 18 and 21 Years are Prohibited from Entering Taverns Except Where They Enter as Professional Entertainers

AGO 1971 No. 39: Suspended Sentences

A court, upon granting a suspended sentence under RCW 9.92.060 to a person who has been convicted of a crime rendering him eligible for such a suspended sentence, may not establish a termination date therefor which is later than the time the sentence imposed would have elapsed if it were not suspended, even though the sentence actually imposed was less than the maximum sentence permitted for the crime in question.

AGO 1971 No. 40: Municipal Court Judge

Attorney who practices law in a city with a population of 20,000 or less may be appointed as a Municipal Judge of the city with a court under 3.50 RCW even though he neither renders nor maintains a law office within such city.

AGO 1971 No. 41: Abandoned Motor Vehicles

Where a law enforcement officer, acting in good faith, determines that an abandoned motor vehicle meeting the other qualifications set forth in § 1 (1), chapter 111, Laws of 1971, 1st Ex. Sess., has a fair market value of \$50 or less, and on the basis of this evaluation authorizes the disposal of the vehicle as an "abandoned junk motor vehicle," the officer will have a defense against liability to the owner of the vehicle in an action for a conversion thereof if it is later proven that the vehicle disposed of was actually worth more than this amount.

AGO 1971 No. 42: Female Employees Working a Week Comprised of Four Ten-Hour Work Days

University of Washington

Intramural Moot Court Competition

April 17 - May 15, 1972

Any members of the Bar interested in participating as judges please contact:

Lynn Hurst
Condon Hall
U of W Law School
543-4550



Around the State

EAST KING REPORT

By CHARLES F. DIESEN

Clint F. Ferrell, Kirkland, has become a partner of Ostrander, Van Eaton, Thomas and Ferrell.

Johnson, Inslee, Best and Chapin, Bellevue, have hired **William C. Irvine** as an associate.

Harvard P. Spigal has opened an office in the Benaroya Business Park, Bellevue. A 1970 graduate of the University of Washington, he was formerly practicing in Lynnwood.

GRAYS HARBOR REPORT

By JOHN L. FARRA

The Courthouse addition located in Montesano is nearing completion. The County Auditor, Assessor, Engineer, and County Commissioners have moved their offices from the old courthouse to the new addition. The Grays Harbor County Prosecutor's office has moved into the old courthouse where the Engineer's office was located.

L. Edward Brown, Grays Harbor County Prosecutor, is presently looking for two new additions to his legal staff. One new deputy will be assigned to assist in the juvenile and non-support areas of the County Prosecutor's load.

The Grays Harbor County Law Library has recently been relocated on the second floor in the old courthouse. The Grays Harbor Bar Association and the janitorial staff of the courthouse are attempting to move the books from the third floor to the second floor of the courthouse. There will be an attempt made to provide conference rooms between an attorney and client.

Ted Zelasko of Aberdeen recently has returned from Las Vegas. He departed from Portland and arrived in San Francisco and then flew on to Las Vegas, and on the return flight went from Las Vegas to Los Angeles and then back to Portland.

L. Edward Brown, Grays Harbor County Prosecutor, has recently returned from Hawaii. Approximately twenty people went over together out of Mr. and Mrs. Brown's pinochle club.

ISLAND REPORT

By TED ZYLSTRA

Dave Strong is leaving for San Francisco to attend the National District Attorneys Association conference on dangerous drugs — a mind expanding experience.

... **Dick Pitt** enjoyed Christmas in Hawaii. . . . The Island County Bar is again studying the proposal of the Judge Advocate General Corps that permission be given to lawyers on active military duty to appear in civilian courts to represent certain lower paid military personnel and their dependents.

KITSAP REPORT

By HELEN GRAHAM GREER GUNTHER

Telegram received by *Bar News*:

Reporter for Kitsap County was married December 23 to Herbert G. Gunther. HGG weds HGG. Reporter still practicing law, but *Bar News* report overdue. Not

much news anyway. **W. Daniel Phillips** and **Ronald A. Franz** new men with prosecuting attorney. More later.

SEATTLE-KING REPORT

By GERALD G. TUTTLE

Seattle's women lawyers have been prominent in the news of late. "Women in Law" was the title of a panel discussion held at the University of Washington School of Law on January 8 which included talks by **Janice B. Niemi** of the Seattle District Justice Court, **Betty Fletcher**, **Elizabeth J. Bracelin** and **Christopher Young**, together with three law students. On another issue, the women chose to disagree. **Pat Mucklestone**, **Bernice Jonson** and **Margaret Gaskill** were reported in the Seattle Times to oppose certain features of lady lawyers' sponsored legislation regarding equal community management powers by both husband and wife and certain statements made by the Washington Women Lawyers indicating sex discrimination in law schools, in the Bar Association and in court.

McMullen, Brooke, Knapp & Grenier announced that **Larry B. Alexander** has become a partner in the firm.

Ward L. Sax, a partner in the firm of MacBride, Sax & MacIver, has been elected to the Board of Directors of Peoples National Bank of Washington.

Perkins, Coie, Stone, Olsen & Williams announced that **Tom A. Alberg**, **John H. Binns, Jr.**, **Wayne C. Booth, Jr.** and **Walter W. Eyer** have become partners and that **Charles C. Gordon**, **Lawrence B. Hannah**, **Omar S. Parker, Jr.** and **James C. Sand**

have associated with the firm. **John Keegan** is leaving the firm to practice in the Civil Division of the King County Prosecutor's Office.

Christensen & Sanborn announced that **David L. Garrison** and **Bruce E. O'Connor** have become partners and that **Lee E. Johnson** has become an associate with the firm.

J. Vernon Williams has been appointed by Governor Dan Evans to chair the new State Social and Health Services Advisory Committee established by the 1971 legislature to advise the secretary of the new Department of Social and Health Services.

David D. Hoff and **Richard W. Pierson** have left Monheimer, Schermer, Van Frendenberg & Smith to join the firm which will be called Lind, Thom, Mussehl, Navoni, Hoff & Pierson.

Susan F. French has been named to succeed Judge **Charles Z. Smith**, who resigned from the Seattle-King County Legal Services Board.

William H. Neukom, **Harold H. Green** and **Frederick L. Noland** have become partners in MacDonald, Hoague & Bayless and **Frank H. Retman**, **David M. Shelton** and **Joel Benoliel** have become associates.

SKAGIT REPORT

By **EUGENE C. ANDERSON**

Dave Yamashita is now a half time deputy prosecuting attorney, and the other half of his time practices solo. **Gil Mullen** has been promoted to chief criminal deputy.

Chuck Twede recently caught a cold while steelheading on the Skagit River. Don't know if he's ever caught anything else. His

partner, **Al Rode** is the new Burlington Chamber of Commerce President. **Steve Mansfield** is a new school board member in Anacortes, like his counterparts **Hugh Ridgeway** in Sedro-Woolley and **Chuck Twede** in Burlington. **Bill Bannister** is off on another European junket. Sure helps to be the senior partner. **Dick Schacht's** new office building should be completed soon. **Bill Wells** has a new summer mansion on Guemes Island and extends an open invitation to all his classmates to visit him all summer long. **John Kamb** just got back from Hawaii, **Bill Stiles** is there now, and **Al McBee** is due to go soon. When do I get my turn?

New local court rules for Skagit County have been issued by Judges **Harry Follman** and **Walter Deierlein, Jr.**

With a little luck and federal priming, we hope to have a probation service in operation soon to serve the Skagit County District Courts.

Dave Welts will be the guest reporter for the next Skagit Reports. Watch for his report. I will!!

SPOKANE REPORT

By **MICHAEL E. DONOHUE**

The firms of **Winston, Repsold & McNichols** and **Cashatt, Williams, Connelly & Rekofke** announce that, effective March 1, 1972, they are merging under the firm name of **Winston, Cashatt, Repsold, McNichols, Connelly & Driscoll**. Try saying that with a mouth full of pebbles. In doing so, they have gobbled up most of the fifth floor of the Spokane & Eastern Building. **Bob Winston** will become a partner in the new firm.

On a far more modest scale, **Mike Donohue** and **Parker Compau** have formed a partnership under the firm name of **Donohue & Compau**, and have opened offices at 516 Lincoln Building. **Compau** had previously managed **Northwestern & Pacific Hypotheekbank**. **Donohue** was formerly one of the Attorney General's many handmaidens, as chief of the Labor & Industries section in Spokane. **Tom Chapman** has been appointed chief of the Spokane Labor & Industries section of the Attorney General's office to succeed **Donohue**.

Bill Goss has been made a partner in **Turner, Stoeve, Gagliardi & Kennedy**, or so I read in the paper the other day.

Bill Symmes, became a partner in **Witherspoon, Kelley, Davenport & Toole** as of January 1, and **K. Tom Connolly**, a face we're very glad to see back in Spokane, has joined the firm.

John McRae has moved to the Metro Mall, West 925 Sprague, where he will practice an association with **Bob Blair** and **Walt Knowles**.

SNOHOMISH REPORT

By **MICHAEL W. HERB**

New officers have been elected for the 1972 year. The president is **Mark Patterson**, the vice-president is **Robert Bibb**, secretary is **Henry Newton** and treasurer is **Bill Baker**.

Don Hale and **Henry Templeman** have been appointed co-chairmen for a committee to study the possibility of a public defender system in Snohomish County.

The Northwest Washington Legal Services officially opened on February 5, to help low income

residents of Snohomish, Skagit and Whatcom Counties. Its office in Everett is located above a restaurant at 1712 Hewitt Ave.

Eligible clients will be interviewed at the office Mondays and Tuesdays from 1 to 4:30 p.m. beginning Monday. Wednesday afternoons divorce clients will be interviewed.

Thursday afternoons, an attorney will be available for consultation in Mount Vernon and Bellingham from 1 to 4:30 p.m. at Multi-Service Center, 1686 McCorkendale Road, Mount Vernon, and the Whatcom County Courthouse, Bellingham.

Bruce Jones, Everett City Attorney, and his assistant, **Walter Sellers**, resigned effective March 1 to enter private practice together in Edmonds.

THURSTON-MASON REPORT

By **STEPHEN J. BEAN**

Edward G. Holm, formerly an Assistant Attorney General of the State of Washington, Tort Claims Division, and **Edward T. Shaw** have joined together in a partnership under the name of Shaw & Holm, effective January 10, 1972.

Ward J. Rathbone and **Ed Shaw** have been appointed as the two Public Defenders for Thurston County indigents for the first six months of 1972.

WHATCOM REPORT

By **ERNIE BENTLEY**

James P. Thompson, our former Prosecuting Attorney, has become a member of the firm of McCush, O'Connor & Thompson.

David McEachran, whose name was recently mentioned as

one of our new attorneys, has left private practice to join the County Prosecutor's staff.

John MacDonald recently left the Prosecutor's Office to go into private business.

WHITMAN REPORT

By **CLAUDE IRWIN**

F. L. Stotler announced his retirement and closed his office in Colfax, Washington, after more than sixty years of active practice. F. L. Stotler studied law under the pioneer lawyers of Whitman County and principally the late Judge R. L. McCroskey. Stotler came to Whitman County as a railroad clerk, and was admitted to the Bar in 1909. Throughout his career, he was very active in the state and county bar associations and the American Bar Association. He was president of the Washington State Bar Association in 1931-32. He was honored at the 1967 annual meeting for attending all the annual meetings since 1920 except for 1969 when he was ill. At the 1967 presentation, he was described as the "Colfax Tiger." He was active in the county bar association and seldom missed the monthly meetings. For the first time in his life, F. L. Stotler has gone south with the birds for the winter. At the January 14 meeting of the Whitman County Bar Association, F. L. Stotler was granted lifetime membership and extended an invitation to attend all of our meetings and activities.

The officers of the Whitman County Bar Association are **Claude Irwin**, president; **Donald L. Burcham**, Vice-President; **Wallis W. Friel**, Secretary-Treasurer. **Phil Faris** has been appointed chairman of the local Law Day Committee.

YAKIMA REPORT

By **RANDY MARQUIS**

Changes:

Don W. Schussler has now become a partner in the firm of Nashem, Prediletto, Brooks & Schussler. The Nashem firm also announces the association of **William L. Halpin**. Bill graduated from Washington State University in 1966 with a major in Political Science. He received his J. D. from the University of Oregon in 1969 whereupon he did service as a Vista lawyer on the Blackfeet Indian Reservation in Montana. Prior to his arrival in Yakima, Bill was Assistant Attorney General in the Industrial Insurance Division.

Lawyers in the News:

Congratulations are in order for **George F. Velikanje**, the recipient of the Distinguished Service Award at the 15th Annual Recognition Banquet of the Yakima J. C.'s. The award noted that George holds the position of director in the Yakima Chamber of Commerce, Yakima Area Arboretum, and United Good Neighbors.

Bar-Bench-Press Seminar:

On Jan. 14, 1972, Yakima hosted a well attended Bar-Bench-Press Seminar co-chaired by Judge **Blaine Hopp, Jr.**, Robert Lucas, Editor of the Yakima Dailies, and **Robert A. Felthous**. Speakers included the **Hon. Slade Gorton** who spoke on the new Washington Open Meeting Law, as well as attorney **E. Glenn Harmon**, Paul Conrad of the Allied Daily Newspapers, and Lou Corsaletti, Seattle Times. Those in attendance were impressed by the free flow of dialogue throughout the seminar.



Briefly Noted

The State Supreme Court has granted authority to the following individuals to file *amicus curiae* briefs in the *DeFunis* appeal: (1) The officers and trustees of the Seattle-King County Bar Association; (2) The Chairman of the SKCBA Young Lawyers Section; (3) Professor Arval A. Morris; (4) The Seattle Corporation Counsel, and (5) John Gant of the Seattle-King County Legal Services Center.

Based on the assumption that the positions of these attorneys will support or be compatible with that of appellant Odegaard, the Chief Justice granted authority on the following conditions:

1. The brief of the officers and trustees of SKCBA and the Chairman of the SKCBA Young Lawyers Section will be closely coordinated to eliminate duplication and coordinated with other briefs to avoid possible repetition.

2. All *amicus curiae* briefs are to be filed within two weeks after appellant's opening brief is filed to provide respondent DeFunis the opportunity to reply in his answering brief. Appellant filed its brief on February 10th.

As of this writing, only two requests for authority to file *amicus* briefs have been turned down, those two being two California lawyers.

Robert C. Wetherholt, currently the chairman and a public member of the State Board of Industrial Insurance Appeals, announced he will run for the King County Superior Court judicial seat being vacated by Judge William J. Wilkins. Judge Wilkins has reached the mandatory retirement age of 75 and will step down from his post at the end of this year.

The legislature has raised **salaries** for Supreme Court justices from \$27,500 to \$33,000 — Court of Appeals judges from \$25,000 to \$30,000 — Superior Court judges from \$22,500 to \$27,000; and justice court judges from \$20,000 to \$22,000. The raises will be financed by raising superior court filing fees from \$25 to \$32.

An attempt to amend the court-cost increase bill to include justice court fees was rejected. Opponents argued that an increase in justice court bail schedules already authorized would be sufficient to make up the higher salary cost.

Sen. **William Gissberg**, D-Lake Stevens, said the pay increase "will go a long way to assure the people of the state will have confidence in the judicial branch." Besides, Gissberg said, the judges hadn't had a pay increase since 1965 and 24 assistant attorneys general were making more money than Superior Court judges.

Washington's judicial salaries currently rank 22nd among the 23 states which, like Washington, have a tri-level judicial system — which includes the Superior Courts, the Court of Appeals and the State Supreme Court.

Funds of Clients

DR 9-102, Code of Professional Responsibility, effective January 1, 1972, provides:

(A) All funds of clients paid to a lawyer or law firm, other than advances for costs and expenses, *shall* be deposited in one or more identifiable bank accounts maintained in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

- (1) Funds reasonably sufficient to pay bank charges may be deposited therein.

- (2) Funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(B) A lawyer *shall*:

- (1) Promptly notify a client of the receipt of his funds, securities or other properties.

- (2) Identify and label securities and properties of a client promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable.

- (3) Maintain complete records of all funds, securities and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his client regarding them.

- (4) Promptly pay or deliver to the client as requested by a client the funds, securities or other properties in the possession of the lawyer which the client is entitled to receive.

Minority Reports by Committee members

Three members of the ten-man Special Committee on Automobile Reparations submitted minority reports to the Board of Governors.

Morris G. Shore of Yakima generally agreed with the majority report but recommended a higher amount of mandatory first-party insurance:

"I would propose that the minimums be \$10,000.00 on the medical and \$12,000.00 on the earnings or service loss . . . ; I believe that with these minimums the plan would meet the needs of society and correct more substantially the deficiencies in the present system. Parenthetically, it should be noted that the increase of medical expense limits from \$2,000.00 to \$10,000.00 would not substantially increase premium costs to the motoring public."

Prof. **Robert L. Fletcher** of the University of Washington Law School submitted a "Memorandum in Dissent." It recommended adoption of: "a) substantial compulsory insurance for most out-of-pocket expense and income and service loss to be carried by each motorist for himself, his passengers, and the pedestrians he injures; b) optional to each insured but compulsory to the insurer, similar coverage for losses in excess of those in a), as for pain and suffering and related harm and for income and service loss in excess of the limit of the coverage in a); and c) complete elimination of tort liability, *i.e.*, reliance on a) and b) for automobile accident reparations"

"I further recommend the endorsement of federal legislation rather than legislation only for the State of Washington. As an alternative, a form of law promulgated by the Commissioner on Uniform State Laws would be satisfactory but only if there is strong persuasion, such as the availability of substantial federal funds, for each state to adopt the uniform act.

"I realize that a system of auto reparations that eliminates the factual inquiry into how the accident happened, to determine fault or its absence, would mean substantially less litigation, and lawyers whose practice is largely or solely of this type would be out of a job. It would also mean that the insurance companies' claims adjusters and their supporting staffs would no longer need to investigate every substantial accident

(and some not so substantial), to interview all the witnesses, etc. I would only applaud this result; the public saving would be enormous.

"That lawyers should be so intimately associated with the operation of the present system and some so economically dependent upon it makes it difficult for a lawyer committee or a lawyer association to take a stand at all favorable to that system that will be above suspicion as to motivation. Indeed, this committee's majority position invites this criticism, wholly independent of the facts. I believe it most unfortunate, for the welfare of the bar and its public relations, that the committee could not have taken a stand, in this field of very wide public impingement, that was against their apparent economic interest.

"I also believe that we would benefit from being on the side of leadership in reform. It will only hurt the profession to appear, as this committee's recommendation will appear, that we make modest changes in the present system only because of the threat of more thorough-going legislation and then only to the extent necessary to head off the major reform that is needed."

Bruce Maines of Seattle in a "Minority Report" said:

"I would depart from the majority committee report in two broad, fundamental areas.

"First, the recommendations of the majority will increase the cost of insurance to Washington state motorists — a result that conflicts with public desires and will cause the bar proposals to encounter legislative resistance.

"Second, the committee proposal misses the opportunity to eliminate the small injury case from the normal pattern of litigation As a specific recommendation I would suggest that in cases where medical bills are less than a fixed amount, such as \$2,000, that the right to collect for general damages be eliminated. On the other hand, in the interest of fairness to the seriously injured person their right to pain and suffering and other general damages should be retained as today" □

Inside View of Union Group Legal Services

(Continued from page 12)

think we can solve this problem to some extent by making the services available to more labor union clients. It has been very well received by the labor unions and their members who have utilized it. They have not been disappointed that a good deal of the time is spent with the paraprofessional rather than the lawyer.

I think the only criticism that they have really made is wondering why it wasn't done before. Furthermore, they are not happy that we don't offer them the variety of legal services that they feel they require, e.g., contested divorce cases.

This may change. We may feel that we can structure our office so that we can handle contested cases. Presently, we cannot take the services of our lawyer and use him outside the office because he must be available to supervise any advice going out of that law office.

One of the reasons for low utilization is because we are a downtown firm and parking is a serious problem. We keep open until 6:00 P.M. and are open on Saturdays but they still have to come downtown and park.

The people we are serving generally have incomes of \$8,000 to \$10,000 a year. They are not people who understand what legal problems are and how they can be benefited. What I think we are going to have to do is something to make these services more available to them. We are going to have to go through some kind of education program. The union is going to have to conduct some studies on this particular thing to make sure these people come in. I think that you will find that once the publicity gets out, the utilization will be greater.

It's going to be a long slow process. We frankly look at it as a long-term program. We don't expect to make any money out of it. We hope we can break even on it.

Questions and Answers

Q. What fees are charged?

- A. It is almost 50% of the Seattle-King County minimum Bar fee rate. Of course, we only make certain services available. Examples are: Ordinary simple Will for one individual — \$12.50; Similar ordinary Wills for husband and wife — \$20.00; Community property agreements — \$10.00; Review of partnership agreement — \$17.50; Adoptions - non-contested — \$125.00; Divorces

and annulments (non-contested) — \$200.00; Change of name — \$35.00; Resettlement of estates upon death — (a) utilizing community property agreements without the necessity of court proceedings — \$100.00 and (b) where court proceedings are required — 2% of the net value of the estate with a minimum of \$150.00; Bankruptcy — \$175.00; Formation of a small corporation — \$175.00; and Traffic Court case (DWI) — \$150.00.

We also provide a half-hour conference at a minimum charge of \$10.00. These fees do not include any filing fees, court costs, or out-of-pocket expenses. This fee schedule is already obsolete because it isn't consistent with the type of people coming in.

Q. Are you paid by the person who comes in?

- A. Absolutely. The only cost to the union is in sending out the literature (we send out no literature) and printing the membership card. There is no cost to the union member unless the member utilizes the services.

Q. Why weren't the union members furnished the fee schedule?

- A. Originally, we were not certain whether it would be proper. We thought it might be construed to be solicitation. We may change our decision because we think that they should be informed of what the fees are. We probably will change our minds but we first will want approval from the Board of Governors.

Q. What happens if the union member comes in for the half-hour consultation and he has an excellent product liabilities case?

- A. We do have a responsibility to advise him that he does have a case and that we cannot handle it in this particular office. He is then advised that he is free to obtain any other lawyer that he wishes. To be absolutely honest with you, if it were a product liabilities case, we probably would also indicate that if he wished to use our services, he could do so but we make it clear to him that he is free to use whichever law office that he wants. As a matter of fact, those cases don't come in. We don't get those kind of referrals. Those cases are gone in ten minutes after it happens. The kind of cases we do get are cases that are contested, e.g., contested bankruptcy cases. We inform them of the names of three or four lawyers that handle such a case and have the expertise to do so.

Q. What interest is there on the part of the unions?

A. We have unions now which are waiting to get on that probably represent an additional 50,000 to 60,000. We've determined not to take those people because we do not know at this time as to what kind of services we are going to be able to render. I don't know if we are going to be in business a year from now. We only choose those union clients which were in selected categories to see if this plan is feasible. We have concluded that we are going to have to make some adjustments because it is not paying.

Q. Have you contemplated charging a flat charge? If you charged 10,000 members \$50 a year that would be half a million dollars. If you could get it up to \$100, that would be a million dollars.

A. I think you run into some very serious problems, practical and legal. This first would have to be cleared with the insurance commissioner because it is possible that you would be in the field of insurance. To be more practical, how are you going to collect it? The people who are going to have problems are going to pay; the people who are not going to have problems are not going to pay.

Q. Why not have it in the union contract and have the employer pay?

A. I would say five years from now that you will have it in your union contract. The thing is moving faster than anyone thinks it is.

(Philip Murphy of the ABA interjected this comment: Right now, the AF of L Council in Washington is considering this. I'm sure that they are going to come out with a strong policy position on prepaid legal services within a year's time. Legislation was introduced in the last session of Congress to amend Taft-Hartley to make it a permissible fringe benefit. There is new legislation being drafted this minute to clear such plans with IRS and any other legal hurdles.

It is the pay roll deduction which has temporarily defeated the Los Angeles Plan because the county council there ruled that the teachers voluntarily could not authorize the deductions be taken out of their pay check to be paid into the Los Angeles County Bar entity that is going to run this plan. This is because the California School Code doesn't say anything about legal services being a deductible item which teachers could authorize. This has really hamstrung them because you do

need some centralized collections. Otherwise the administrative costs of your plan are excessive.

In the Shreveport Plan, there is a checkoff from dues. Five cents an hour is checked off for union dues. The union is under an understanding with the Shreveport Legal Services Corporation to pay over 2 cents of that 5 cents for the legal services plan. That solves their problem of collection.)

Q. How do you think the services will be provided when obtained through collective bargaining?

A. I predict that the contributions by the employer will be channelled through a trust. The trust itself will then provide the services just as they are providing medical services now. It will probably originally start with an open panel. The unions, who will first bargain for this, operate over 13 states, and one, two, or three law firms are absolutely incapable of handling it on a "closed panel" basis. □



The Board's Work

The principle of open-panel, **prepaid group legal services** has been endorsed by the Board of Governors.

The Board voted the in-principle endorsement at the end of a January 21 special meeting in Olympia at which the subject of group services was explained and discussed at some length.

A special committee on group legal services, with **Thomas Malott** of Spokane as chairman, was asked to come up with recommendations on possible Bar Association sponsorship of or participation in some kind of statewide, open-panel plan.

Under an open-panel prepaid plan a member of the group or perhaps of the public may obtain legal services from any attorney of his choice. An experimental ABA program in Shreveport, La., is the only known such program now operating. The State Bar of California is in the preliminary stages of developing such a professionally sponsored program.

The Olympia meeting was attended by a number of guests and lawyers interested in the subject. Speakers were Philip Murphy of Santa Barbara, director of the ABA group legal services committee; **Charles Ehlert**, of the law and justice Division of the Seattle Model City Program, and **William Roberts** of Vance, Davies & Roberts, Seattle, which has the state's first closed-panel group agreements with five labor unions. Murphy also spoke at a luncheon at which the Mason-Thurston county bar and the government bar joined the Board group and a large number of judges.

The Board also had a busy time of it during its regular meeting the previous day.

It adopted, as submitted, the report of the **Special Committee on Automobile Reparations** of which **Richard F. Broz** of Seattle was chairman (see report, Page 5).

And it decided, for the time being, how to use the **results of the Board's judicial poll** of the Bar in an effort to improve the judiciary and the administration of justice. It voted to provide each Superior Court judge with the ratings pertaining to him. (See story, Page 16).

In other business, the Board of Governors:

✓ Voted to approve and support Senate Bill 253, which would **amend the Bar Act** and in effect would enlarge the Board's authority to permit, but not require, the Board to change the structure and procedures of the association — for instance, to change the size of the Board and

districts of Board members, to provide for direct election of the president or to establish the office of president-elect or vice president. Passage of the bill was sought to avoid a year's delay, until the next Legislature, if the Committee on Government and Organization of the Bar were to recommend and the Board were to approve any such changes. Members of the Board at the Olympia meeting also committed themselves to amend the By-Laws, in the event the Bar Act amendments were passed, to change the requirements for Bar referendum procedures.

✓ Appointed **Scott B. Lukins** of Spokane to the **Internal Revenue Liaison Committee** to replace the late Francis J. Butler of Spokane, and named **Irwin L. Treiger** of Seattle as chairman.

✓ Appointed **Palmer Smith** of Seattle to the **Family Law Committee** to replace **Robert W. Winsor**, named a King County Superior Court judge.

✓ Agreed to ask the Criminal Law Committee to study and make recommendations on establishing "**prosecuting attorney districts**" to serve two or more smaller counties.

✓ Bestowed honorary memberships in the association upon **A.E. Dailey** of Everett and **L.K. Deller** of Spokane.

✓ Approved a request of the Public Relations Committee that a second edition of the booklet, **The Law in Your Life**, be published and distributed by the association to every graduating high school senior in the state and provided to schools and teachers requesting copies for classroom use.

✓ Approved in principle, at the request of the Young Lawyers Committee, a pending legislative bill relating to **legal rights and legal services for families of prisoners of war and those missing in action in Viet Nam**.

✓ Decided to extend to students studying under the law-clerk program the privilege of participating in the **legal intern program** under which final-year students and recent law graduates are permitted to engage in the limited practice of law.

SUPREME COURT PRACTICE
By **WILLIAM M. LOWRY**
Supreme Court Clerk



For twelve years ROA 1-33 (and its counterpart CAROA 33) setting forth the requirements for commencing an appeal remained substantially unchanged. On January 1 of this year, however, some important mutations occurred. These changes grew out of Court concern and a Judicial Council study prompted by the fact that the period between judgment and the perfecting of an appeal for setting is now averaging about six months in civil cases. The amendments are designed to provide the appellate court better information on which to supervise the progress in the perfecting of an appeal and to eliminate some of the loopholes in the observance of time requirements.

Some of the changes are:

NEW

- A. Filing fee must be paid, unless not required under rule 10, at time of filing notice of appeal. Superior Clerk should not file notice of appeal unless filing fee paid or not required under rule 10. Payment of filing fee if required may therefore be considered jurisdictional.
- b. If timely motion for modification made, time for filing notice of appeal extended to thirty days after order on modification.
- c. The Superior Court Clerk must transmit a copy of the notice of appeal to the appellate court. The appellate court can be expected to move to dismiss for want of prosecution if time requirements are not met.
- d. Statement of facts must be ordered within 45 days after filing of notice of appeal unless extension granted.
- e. Evidence of arrangements for the statement of facts and transcript must be filed within 55 days. If not timely filed, the appellate court can be expected to dismiss for want of prosecution.

OLD

- a. Filing fee not paid until record sent to appellate court.
- b. No provision although same result since judgment not considered final while action on timely motion for modification pending.
- c. No requirement. The appellate court ordinarily had no information of a pending appeal until counsel filed a paper in the appellate court. As an aggravated example, in a case argued in the September, 1970 Session, three years and nine months elapsed between judgment and the first paper on appeal being filed in the Supreme Court. During this dormant period, the Supreme Court had no knowledge of the appeal and could not, therefore, monitor compliance with time requirements.
- d. Statement of facts must be filed within 90 days after entry of judgment.
- e. No provision. Formerly the appellate court had no information concerning the ordering of the statement of facts or transcript.

THE COURT OF APPEALS

By **JOSEPH A. THIBODEAU**, Clerk

On January 1, 1972, our Supreme Court amended CAROA 50 (b) (1) to provide:

"Any party to a case in which an opinion has been filed by the court of appeals, and after the denial of a petition for rehearing or modification, may within *twenty days* file in the supreme court and *serve on the opposing party a petition for review. A copy of the petition must be filed with the court of appeals within the twenty day period. A petition not filed as herein provided will not be considered.*"

The amendment extends the time for filing a petition for review from ten to twenty days. The reason was to give counsel a more reasonable time to file a more meaningful petition for review. To facilitate this, it is the policy of the Court of Appeals to call counsel on the date of entry of the order denying a petition for rehearing and to advise counsel of the procedure for filing a petition for review.

The rule further requires that the opposing party be served with a copy of a petition for review to provide him an opportunity to file an answer, as authorized by CAROA 50(2) (ii). However, the rules do not provide the court with any means of ascertaining whether the opposing party has been served. In view of this, the Supreme Court has requested that counsel file proof of service at the time the petition for review is filed in that court.

Counsel must also file a copy of the petition with the proper Division of the Court of Appeals. To assist counsel, each Division of the Court of Appeals will accept filing for another division, provided the filing is timely.

The Supreme Court has determined that a petitioner is not required to pay a filing fee for proceeding in that court. In the event a petition for review is not timely filed, the Court of Appeals will promptly remit the cause to the superior court.

SUPERIOR COURT NEWS

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

Judge **Story Birdseye** (King), state Superior Court Judges Association president, reports: "One of the most important Association committees is that on judicial grievances. Its concern is not with the gripes of the judges, but rather with complaints *about* them.

"The judges recognize that there are occasional incidents that justify criticism by lawyers or laymen and they know that such must be given attention. That is the purpose and function of this committee.

"Any lawyer or layman who feels that he has been treated unfairly by a Superior Court judge, or who questions the propriety of anything done or said by such a judge, is encouraged to report the incident. The report will be given serious consideration. Whatever action is justified will be taken. The report should be in writing addressed to any member of the 'Grievance Committee' or its chairman, Judge **Albert N. Bradford** (Walla Walla). Serving with him are Judges **William J. Wilkins** and **Lloyd Shorett** (King), **Edward M. Nollmeyer** and **Philip Sheridan** (Snohomish), **J. Guthrie Langsdorf** and **Robert D. McMullen** (Clark), **William L. Brown, Jr.** (Pierce), **Carl L. Loy** (Yakima) and **William Williams** (Spokane).

"Complaints of litigants preferably should be submitted through their attorneys so that only meritorious grievances will reach the committee. The latter, incidentally, cannot undertake to correct errors of law or judgment. For such matters we must defer to the appellate courts."

Judge **George R. Stuntz** (King) has announced his retirement as of January 8, 1973 after 11½ years on the bench. He stated: "I decided to make the announcement early so persons interested in filing for the position will have ample time to prepare their campaigns."

Judges **Edward E. Henry** and **Theodore S. Turner** (King) recently completed a one-week graduate course on criminal law at the National College of the State Judiciary in Reno, Nevada. Both are members of the King County Superior Court Criminal Department.

NEWS OF COURTS OF LIMITED JURISDICTION

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

Education has proven to be the format of the Washington State Magistrates' Association for the year 1972. Many seminars, conferences and schools have been, are being and will be held this year to point out that there is considerable work being done in the field of education for judges of courts of limited jurisdiction throughout the state. In March a seminar will be held at Providence Heights in Issaquah, for Judges of Limited Jurisdiction Courts as part of the education program of the state association. Judge **Donald Eide** of King County heads the committee on education and promises that this seminar, to be held March 15, 16, and 17, will be aimed at assisting judges in improving matters in Courts of Limited Jurisdiction.

Former District Court Judge **Thomas Russell** (formerly Northeast District Court, King County), has been appointed as director and co-ordinator of a division for special court judges at the National College for State Trial Judges, located at the University of Reno, Reno, Nevada. Judge Russell has indicated that several judges from the Washington-Oregon area will be on the faculty for the various seminars.

Judges **Gary Utigard**, President of WSMA, and **Jim Cook**, Board member, both are feeling the worse for wear as the result of this year's legislative session. Judge Cook has been confined to bed with a viral flu and Judge Utigard is still nursing a broken ankle received when he slipped on the steps at the Capitol Campus area. A speedy recovery to both.

Several judges from the King County area have just returned from a seminar held at Providence Heights on Alcoholism — the Courts and the Alcohol Offender — Judges **Pat Corbett**, Seattle Municipal Court, **Donald Eide** and **Murray McLeod**, Aukeen District Court, and **George Mattson** of the Renton District Court. This seminar was a two day affair to assist judges, probation staff, information and referral center personnel and others in the field of law and alcoholism to become acquainted with the services and facilities offered and with each other, in their quest for a common purpose, to treat the alcohol-related offender in the court system.

Quotes Quoted

(Continued from page 4)

from our current system are becoming fanatical. They substitute no law for questioned law, without realizing that anarchy is always followed by autocracy. This arises because the majority of people seek security and peace and apparently seem to be willing to sacrifice their personal liberties in getting it.

There are those in society who now urge that because of changing life styles, there should be a different approach to the law. This is beguiling doctrine. We must remember that Themis, the Goddess of Law, is blindfolded, which means that she is no respecter of persons, that justice comes when all men are treated equally and as peers. Justice cannot be patronizing, it cannot be given as matter of grace, but should arise as a matter of right. True justice does not spring from a caste system, nor can it vary with the affluence of poverty of the individual. If that would be true, then the inquiry in court in a civil or criminal action would not be what act has the man done, but how much money or property does he have, or what is the respective wealth of the litigants, thus making each man a potential victim of those who own less than he does. A litigant should not approach the temple of Justice with either a tin cup or a lead pipe in hand!

Justice cannot depend upon accident of birth. We cannot have one law for the Irish and one for the Jew, one for the Indians, one for the Blacks, one for the Catholic, one for the Protestants, one for Whites, one for citizens, and one for non-citizens, one for residents, one for sojourners in our midst. But some today are insisting on principles which fundamentally say the same thing, even in high and respected places.

Some are trying to supplant the method of changing our constitution. Hitherto, it has been done according to law and modification of our laws has been done legislatively. There are those who seek to enfranchise violence, who use contempt without comprehending the ultimate result of their acts. Law cannot escape this challenge. □



Training A Probate Administrator

The most outstanding development in the practice of law in the past five years has been the creation of sub-specialties between the legal secretary and the lawyer. The most popular developments have been the Legal Assistant and the Legal Intern. There has also been a great deal of discussion of the mechanics of training Legal Assistants. For the purpose of this article, I am going to limit my comments to the training of a Probate Administrator since this appears to be the most popular field for training a Legal Assistant and since we have recently trained a person in this field.

In general, Legal Assistants have been recruited from two sources, namely, from experienced legal secretaries and from women over forty with college degrees but without any prior legal experience. We have examples in our community of both approaches. In my own case, I advertised in the local help wanted columns for a woman over forty with college degree and no prior legal experience who would be interested in training for a position as a Legal Assistant with flexible hours and attractive salary scale after completion of the training period. I received nine replies. My first choice had a degree in business administration in 1955 and agreed to a six weeks course of study without salary.

During the training period, the hours were from 1:00 P.M. to 5:30 P.M. I located the candidate in a library study alcove adjacent to the transfer files and instructed her to review every probate file closed by our firm in the past year. At 4:30 P.M. every afternoon, I joined her and she devoted the better part of a half hour reviewing and explaining the files to me. As she went through the files she wrote down all the questions which occurred to her. I had placed a portable dictation machine on her desk and at or about 5:00 P.M. she read the questions to me and I discussed each area in depth recording the discussion on the tape on the machine, so that over the six weeks period we built up a series of lecture tapes covering all questions that she had asked. Each tape was placed in its cardboard box and roughly indexed to the topics covered on it. It required less than four weeks for her to review all probate files closed by five lawyers in our firm in one year. As she went along, I recommended that she take copious notes to develop into a Probate Manual.

Upon completion of the review of probate

files, I handed her the volume on Washington Probate Practice and Procedure by John Richard Steincipher, asked her to read it cover to cover and discuss it with me. This gave her a birdseye view of all the statutory law in the State of Washington and was completed in the fifth week of the course. The sixth week was devoted to setting up her probate administrator's manual in rough form and my reviewing and correcting the material which she typed up for the manual. We decided to use an 8½ by 11 loose leaf ring book for the manual, to label each paragraph with the material contained therein and to cross index each paragraph behind a set of alphabetical tabs in the front of the book. In time we expect to refine this procedure by gathering the paragraphs under general headings and working them into a more logical sequence.

At the end of six weeks, I set my Probate Administrator up with a peg board time-keeping unit of the popular "Sans-copy" variety and put her to work on current probate files. She has elected to work from 10:00 A.M. to 2:00 P.M. each day which gives her ample time to arrive after her children are in school and ample time to arrive home before they get out of school. Her husband is a professor in a neighboring community and she has some fifteen miles to drive each way.

There has been so much discussion of creating a training program on a junior college level for legal assistants that relatively few firms have undertaken their own training. As a result of this experience I am inclined to believe that my approach is much faster and more satisfactory in that it is specifically tailored to the practices and needs of our firm.

Anyone can start a probate. The secret is to keep it moving on a tight schedule. For each matter that is referred to my Probate Administrator, I expect her to enter it into her grease pencil log and to keep that log up to date so that when we review it together each week it reflects the exact status of every case for which she is responsible. I feel that the quality of my probate work has substantially improved during the past six months by reason of her concentrated and uninterrupted attention to all the follow-up detail that good service requires, including all stock transfers, rough drafting of petitions, orders, inheritance tax reports and federal estate tax returns.

Harry E. Hennessey



Law school enrollment last year increased more than 15% over the preceding year, according to an American Bar Association survey. This follows 1970's record-breaking 20% increase over 1969. The total number of students enrolled in 147 law schools accredited by the ABA grew from 82,041 in 1970 to 94,468 last fall, an increase of 15.1%. The number of women students jumped from 6937 in the fall of 1970 to 8914 this year, an increase of 28.7%. Freshman enrollment is up 5.5%, with 1882 additional students.

Gonzaga University:

United States Supreme Justice William O. Douglas will come to Gonzaga University Thursday, April 6, to inaugurate an annual Law School lecture series funded by the GU Student Bar Association. Dean Lewis H. Orland of the GU Law School said the series will be known as the William O. Douglas Lecture Series and will feature outstanding representatives of the legal profession including professors of law, judges, attorneys in private practice and government attorneys. Justice Douglas is scheduled to talk on "The Grand Design of the Constitution," at 8 p.m. April 6 in the GU Student Union Building.

University of Puget Sound:

Who will be admitted to the new law school? Dean Joseph A. Sinclitico, Jr., makes it very clear that the school will have "no quotas of any kind." The procedure will be first come, first served. Students, of course, must meet the school's minimum standards. "After that, they will be admitted in the order they apply," he said. "That's the only fair way." This is in contrast, he said, to some schools, which "get all the names in a pot and then start skimming off the top." "We're striving for a class of 200 to 250 in the day school," the dean said. "In the evening, we're hoping to get a minimum of 100 but we can accommodate 150."

There are some 450 applications to date, from as far as Perth, Australia.

The minimum standards are a 2.5 grade point average and a score of at least 500 on the law school aptitude test.

University of Washington:

Seven law students were selected to participate in a new Legislative Clinic, jointly sponsored by the Law School and the Washington State House of Representatives. The program is designed to provide a select group of upper-class law students with an intensive legislative experience during winter quarter, while the legislature is in session. Representative **Axel Julin**, Chairman of the House Judiciary Committee; **Thomas Swayze**, Speaker of the House; and **Ralph W. Johnson**, Professor of Legislation in the Law School, jointly designed the program in anticipation of the present legislative session.

The students perform many of the functions ordinarily performed by regular committee lawyer counsel such as drafting and reviewing legislation, studying legal and constitutional implications of bills, preparing reports, attending hearings and otherwise assisting committee members. During the legislative session, which generally coincides with the University Winter Quarter, the students spend full time with their assigned committees, receiving full credit from the law school (15 hours) for this effort. During this time they are not allowed to take other jobs or engage in other activities that might detract from this experience. At the end of the session each student is required to write an extensive report on his experience.

On February 8, Judge Story Birdseye, following a 2½ hour hearing the previous day, dismissed the law students' lawsuit under the open meeting law to open up faculty meetings to student attendance. Judge Birdseye ruled that the faculty is not the governing body of a public agency or a sub-agency thereof. The governing body is the Board of Regents. The University *Daily* reported Attorney General **James Wilson** as stating:

"Our concern was not so much with whether people should be allowed in faculty meetings or not. The individual schools and departments must decide this. Rather this decision was very important primarily in terms of defining who has the responsibility for governing the University. In effect the case confirmed our contention the University does not consist of autonomous departments but of interrelated disciplines within the jurisdiction of the Board of Regents."



The discipline section of the State Bar Office which receives the public's complaints against lawyers is busy. Overbusy. Much, much busier than it ought to be.

The majority of the complaints are unnecessary — that is, they do not arise from some type of clearly unethical conduct. Perhaps half of them are based upon one common lawyer weakness: Dilatory practice.

Clients by the scores complain that their matters are not receiving due and timely attention. And there usually has been a familiar pattern: The lawyer has "done nothing" for an unconscionably long time, then has been seemingly overcome by embarrassment or guilt and in a subconscious reaction has come to regard the client as a pest, his matter as an unimportant bore. Then there follows a period during which the lawyer cuts himself off from the client, without resigning the employment; he does not return the client's telephone calls, does not reply to letters, is "out" when the client calls.

And an unusual thing: Even though a casual attitude toward time is a historic and inherent characteristic of the profession, seldom have these complained-against lawyers consciously delayed or acted in any bad faith. Almost all are lawyers whose offices are indifferently managed, disorganized and upset. And that's where the problems usually start.

Most know a lot of law. But some never learned how to practice law.

As bars throughout the country seek to sharpen up their discipline procedures and at the same time, through education, help their lawyers avoid discipline complaints, they are becoming acutely aware of the extent to which indifference to law office economics and efficient law office management practices are related to problems of legal ethics.

Lawyers who are not satisfied that their office management practices are what they should be owe it to their clients, their profession and to themselves to sharpen it up; the many CLE programs and the wealth of printed materials on the subject can help.

The problem is perhaps the more urgent in light of the new Discipline Rule 6-101 (A) (3), Code of Professional Responsibility: A lawyer *shall* not neglect a legal matter entrusted to him. And the Disciplinary Rules, the Supreme Court has noted, "are mandatory in character."

— Public Relations Committee

Wright was right. Everybody seemed to ask **Eugene A. Wright** for a set of radio records on "You and the Law." **Grant Armstrong**, Chehalis, was arranging for their broadcast over a local radio station. **Judson T. Klingberg** was in charge of the stations in Longview and Kelso. Mt. Vernon, Bellingham and Bremerton were getting the same treatment.

BIRTHS

Ninety-four passed the state bar examination. Many have gained high place in the practice. . . **Richard O. White**, Hastings Law School, '42, was appointed Code Reviser by the Statute Law Committee. Dick is now known as Mr. Code. . . **Don Miles**, Pullman, received the Distinguished Service Award of the Pullman Junior Chamber of Commerce. He was also elected President of the Pullman Kiwanis Club as well as of the Whitman County Republican Club. Just when Brother Miles put foot in law office does not appear. . . **Carl P. Jensen**, Seattle, called to active Naval service. . . **Arthur A. Lundin** became a partner in Randall, Danskin and Lundin, Spokane. . . Former Assistant Attorney General **C. John Newlands** joined **Reuben C. Carlson**, Tacoma. . . **Harold P. Troy** left Olympia for Tumwater.

CROSSED THE BAR

Frank H. Foster, 75, Olympia, practiced until 1942 in Alaska. His last service was Assistant Attorney General to **Smith Troy**.

Steve Chadwick, Seattle, former National Commander of the American Legion, submitted a resolution to the delegates condemning the command control of court martial and asking for more democratic judicial proceedings in the service. The resolution was adopted over strenuous objection by Navy, Army and Air Force top brass.

Stanbery E. Foster, waggish Olympia reporter, offered apologies to **Joe Sweeney**, Seattle, on his reference to Joe's monologue about the Butte Irish Councilman with its refrain "Em I Right Biys?" Incidentally, Joe, newly arrived in Seattle, offered himself for mayor as an Irish Swede. The dear denizens of Queen City felt, however, his career was bound for better things, such as practicing law.

— David J. Williams

Notice of Hearing

Mr. William H. Simmons has applied to the Board of Governors of the Washington State Bar Association for reinstatement to the practice of law.

Mr. Simmons was disbarred by the Supreme Court of the State of Washington on October 22, 1964 (65 Wn. 2d 88).

An application for reinstatement was heard and denied by the Supreme Court on June 1, 1967 (71 Wn. 2d 316).

On or prior to the date of hearing, anyone wishing to do so may file with the Board of Governors written statements for or against reinstatement, such statements to set forth factual matters showing that the petitioner does or does not meet the requirements of Rule 8.6 of Discipline Rules for Attorneys.

The hearing on Mr. Simmons' application will be held on March 24, 1972, commencing at 10:00 a.m., and will be held at the Lamp Lighter Lodge in Spokane, Washington.

Jack P. Scholfield
State Bar Counsel

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

Deadline for the next issue of the *Bar News* is March 6, 1972

Remember to make contributions to the WASHINGTON STATE BAR FOUNDATION.

Wanted and Unwanted

For Sale: From the estate of Francis J. Butler and located at 501 Lincoln Bldg., Spokane. Rabkin & Johnson Current Legal Forms with Tax Analysis; Mertens Law of Federal Income Taxation; Tax Management Portfolios; CCH Standard Federal Tax Rptr.; CCH Tax Crt. Rptr.; CCH U.S. Tax Cases; Martindale Hubbell Law Directory; Casey Federal Tax Practice. John Ranquet, 817 Arctic Bldg., Seattle 98104 (MA 4-1080).

For Sale: RCWA; Wash. Digest; Modern Legal Forms. Assumption of lease for Savin 220 copy machine. Dennis R. Barge, Olympia 943-6566 or Seattle MA 4-5003.

For Sale: A. L. R. original, 2d and 3d Series, complete with digests and supplements, first class condition. Contact V. O. Nichoson, 606 Miller Building, Yakima 98901 (CH 8-3449).

For Sale: 1 - 42 ALR 2nd; 1 - 67 Wn. 2nd; 1 - 19 and 2 vols. Dig., Am. Jur. Proof of Facts; 1 - 11 Administrative Code; 1 - 19 ALR 3rd; 1 - 11 Wash. Digest incomplete; and 1 - 35 Am. Jur. 2nd. **Wanted:** Wash. Reports vols. 47 and 147; 80, 82 - 100 inc. ALR 1st. series; 29 to date ALR 3rd; 47 to date Am. Jur. 2nd. Mrs. Jimmie Carriker, 2102 Harney St. - No. 6, Vancouver.

For Sale: RCE vols. 1 - 91, supp. to 1971. \$150. Hazel Simmons, 166 G St., S.E., Ephrata 98823 (754-2119).

For Sale: 1-67 Wash. 2nd; Vols. 1 & 2 O'Bryan's Forms; 1-11 Wash. Admin. Code; 1-19 Proof of Facts & 2 Vol. Digest; 1-32 ALR 2d; 1-35 Am. Jur. 2d. **Wanted:** 29 to date ALR 3d; Am. Jur. 2d 47 to date; 80, 82-100 ALR 1st series. Sharon Carter, P.O. Box 402, Morton, Wash. (496-5133).

LAWYER PLACEMENT SERVICE

By DAVID L. BLOOM

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) Longtime sole practitioner in medium-large western Washington city seeking associate.
- (2) Three-man Seattle firm seeking associate with sufficient experience to qualify for early partnership.
- (3) Idaho Law School graduate, law review, seeks private practice or government position having emphasis on real estate or urban planning.
- (4) Educational institution seeking attorney to work in major and planned gifts area, and public relations.
- (5) Western Washington city taking applications for City Attorney. Salary up to \$20,000.

- March 3 (Friday) 1 to 6 p.m., Washington Civil Practice After Trial, State Bar CLE seminar, Ridpath Hotel, Spokane.
- March 18 9 a.m. to 4 p.m., Washington Civil Practice After Trial, State Bar CLE seminar, Olympia Hotel, Seattle.
- March 25 9 a.m. to 4 p.m., Washington Civil Practice After Trial, State Bar CLE seminar, Evergreen Inn, Olympia.
- April 1 Private Placement of Stock . . . SKCBA CLE - Olympic Hotel, Seattle . . . 9 a.m. to Noon.
- April 12-15 Second National Conference for Courts and Correctional Institutions Using Volunteers, sponsored by Volunteers in Probation, Inc., Keith J. Leenhouts, President . . . Memphis, Tenn. . . . Registration fee \$30.00
- July 17-28 7th Program of Instruction for Lawyers at the Harvard Law School . . . Estate Planning by Casner Securities Regulation by Loss and others . . . Enrollment fee for two-week period is \$475 and for one-week period is \$250

Space Available — Charter Flight, Europe 1972

The Travel Committee is pleased to report that space remains available for our 1972 charter flight to Europe, for which the round-trip price continues at a super \$250 bargain rate. Our DC-8 Canadian Pacific jet aircraft will depart from Vancouver, B.C., on September 12 for London, and the return flight from Amsterdam will be October 8, 1972. Our initial published announcement of the flight in the January issue of the WSBN indicated a return date of October 11; however, the airline's computer has changed things for the better and the trip home will be Sunday, October 8, 1972.

Our flight will be deluxe, and it is significant that the first of our members who have signed on are former fellow travelers. Members of the Washington State Bar, their spouses, and dependent children living in the same household are eligible for passage. The time of year is the very best, the excellence of the weather being "practically" guaranteed. Seats will be reserved on a first come, first served basis. Use the application form below and mail to the bank with your check in order to reserve space.

For Application Form see p. 27 of January '72 Bar News.

THE TRAVEL COMMITTEE
By John D. McLaughlan, *Chairman*

The application form and \$250 per seat is to be sent to:
Travel Committee, WSBA
c/o Seattle First National Bank
P.O. Box 24186
Seattle, Washington 98124
Attention: William A. Mobley, Trust Officer

Governmental Lawyers Association

A joint luncheon meeting of the Thurston-Mason Bar and the Governmental Lawyers Association in January heard **Mr. Philip Murphy**, Director of the Special Committee on Group Legal Services of the American Bar Association, discuss prepaid legal services. The meeting was held in conjunction with the Board of Governors' meeting in Olympia. The turnout was excellent. The Board of Governors, together with justices and judges of all levels of the courts were present.

Another recent meeting of the Association featured Senator Harry Lewis as speaker. Heated discussion of the bar dues increase terminated in a directive to president **Bob Hauth** to draft a protest to the Board of Governors regarding the increase and the manner in which it was effected.

A joint project has been undertaken by the Association and the Thurston-Mason Bar re legal aid services. Efforts are continuing toward setting up a workable and possibly funded program satisfactory to the bar. An outline of a plan, including estimated costs, has been prepared by the Thurston-Mason County Bar Association. The plan would involve the creation of a non-profit corporation, the director of which would include two members of the Thurston-Mason Bar, a governmental attorney, and two laymen. The plan has the recommendation of the Governmental Lawyers Committee on Legal Aid, and is presently under study by the Association's membership.

The Association has been planning for Law Day. **Bill Lemke**, chairman of the Young Lawyers' Section, has been appointed to head the program.



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