

WASHINGTON STATE BAR NEWS

Law Forum Will Cover Do-It-Yourself Divorces

The advisability of the new do-it-yourself divorces will be among the questions discussed on the forum: "Divorce, Custody, Annulment and Child Support," to be conducted by Law Professor Luvern V. Rieke

WHY pay \$350 for a divorce when \$125 will pay for everything. Phone Divorce International. 24 hours. UL 4-1100.

Sale of Divorce, Inc., Franchises Enjoined

BY CRAIG SMITH

A Superior Court judge yesterday issued a preliminary injunction prohibiting further franchise-selling by Divorce, Inc. until a case brought by a disgruntled purchaser is tried.

In Seattle an uncontested, run-of-the-mill divorce costs \$250 in attorney fees. Many couples here, as in California, are saving that fee by representing themselves on a do-it-yourself basis . . .

Seattle Post-Intelligencer NORTHWEST TODAY

Do-It-Yourself Trend Even Includes Divorce In Canada Nowadays

With Aid of a Book or a 'Kit,' Many Now Handle Own Cases, Avoiding Fees for Lawyers

By STEPHEN J. SANSWEET
Staff Reporter of THE WALL STREET JOURNAL

Do your own divorces

Women will be learning to do their own legal work in non-contested divorce cases in a series of ten free classes beginning Monday, January 10, at Fremont Baptist Church.

Women who have done their own legal work will be sharing their experience and knowledge on Monday and Wednesday evenings at 7:30 p.m. The church is located at 717 N 36th. Childcare will be provided.



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Please: Let the State Bar office (505 Madison, Seattle 98104) know your new office address — in advance of your move, if at all possible. Then you will be sure to receive your Bar News and other Bar mail.

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A dispute arose in the 1972 session of the legislature as to whether \$80,000 should be deleted from the supplemental budget. The \$80,000 represented "matching money" for over \$800,000 in federal funds for state agency law enforcement programs.

The dispute centered on the organized crime intelligence unit, a part of the state law and justice program, which Senator Durkan called "Gorton's SS Troops." The Bar News asked for comments from both Senator Durkan and Attorney General Gorton.



State Senator Martin J. Durkan

Editor:

Thank you for your letter of February 25th.

As to the Crime Intelligence Unit of the Attorney General's office, I am unalterably opposed to it on three very basic premises. (1) Such a unit has never been authorized by the Legislature; (2) such a unit has never received an appropriation from the Legislature; and (3) the office of the Attorney General is a civil office under the constitution and the addition of a criminal agency in this office is probably unconstitutional on the above enumerated grounds.

If there is to be such a unit, and there may be reasonable grounds to say that the state has an obligation to provide for such an agency, it should be the result of careful drafting with strong restraints against the invasion of privacy and the rights of the individual. At the present time, the only people who have any supervision are law enforcement oriented. It is somewhat like letting the generals run the Army without having to answer to a civilian congress. It would be a sad commentary on our generation if we were to become the first law and order society and lost our freedom in the process.

MARTIN J. DURKAN

Seattle



Editor:

This is in response to your February 25 letter.

As to the state organized crime intelligence unit, it is important to realize that Senator Durkan's budgetary attack did not occur until the last day of the session in which the Senate could consider the supplemental budget previously passed by the House Questions concerning the concept or method of operation of the intelligence unit were not raised by any legislator at any hearing during the special session. Moreover, we were not notified or given an opportunity to respond to the questions raised by Senator Durkan on the Senate floor before he successfully moved to delete \$80,000 from the supplemental budget of the Planning and Community Affairs Agency (under which Law and Justice funds are administered).

Oddly enough, this \$80,000 represented the state's required "matching money" for over \$800,000 in federal funds for state agency law enforcement programs. Instead of pinpointing the apparent target — the organized crime intelligence unit — programs ranging from drug abuse education to "gate money" for those released from penal institutions were jeopardized.

Fortunately, the House refused to go along with this senseless action, and the entire \$80,000 was eventually restored to the supplemental budget.

If we had been afforded an opportunity to explain and defend the intelligence unit at a legislative hearing, we would have made reference to the 12th annual law enforcement survey (1971) in which 92.4% of the leaders responding said "yes" to

(Continued on page 21)

The Pierce County Bar had the privilege of hearing ABA President-Elect Robert Meserve at their Lincoln Day Banquet. Those of us who attended the Western Bar Conference also had an opportunity to hear him there.

A part of the basis of his talk was the future of the legal profession in light of the number of students in our schools, the projected future enrollment in our schools and their impact upon graduation.

Did you know that there are, in our approved law schools, students equal in number to one for every three and one-half lawyers in practice? For many years the law schools have graduated approximately 4,000 new lawyers. Now this is increasing to something over 17,000. Last fall, a survey of 147 approved law schools showed only three who could accept additional students, 52 day students and 35 night students. There were enrolled a total of 94,468 students. In addition to that, we have new schools starting such as the University of Puget Sound in Tacoma, which is installing a law school.

I have set forth the above figures to point out possible future problems such as the present situation with the over-supply of teachers, engineers and some other professionals. We in our Bar, however, don't have to let this happen. Our graduates are more highly selected and better educated than ever before, and it is recognized they can't all be absorbed in big city firms. Frankly, many don't want to be. There is a great demand for lawyers in our small, rural towns; public administration (especially in State and local governments); ecology and the ghettos. We hope with the implementation of our proposed open-panel group legal services



that many people who have not used legal services will avail themselves of such service and the legal demand is going to be greater.

However, we should all be aware of our changing future. Along this vein of thought, we plan on Thursday morning at the Bar Convention in Spokane in September, to devote the time solely to group legal services, and no lawyer should miss this. Many of those who have had an opportunity to attend meetings on this subject have frankly expressed their astonishment as to their former lack of knowledge about what is going on. Therefore, make your plans to attend the Washington State Bar Convention in Spokane on September 7, 8 and 9. Attend the meetings and become active with the Bar. I am sure you will greatly benefit from it.

Fred Wehlanje



Editor's Note

As a result of action by the 1972 legislature, this state now has a statewide computer identification system for criminal records within the State Patrol. The fundamental premise of the system is to achieve a balance of interest between the need of government to obtain information about offenders and government's responsibility to protect civil liberties.

In my view, the act (C 152, L 72) has two major defects. In one respect, it is too restrictive. The act prohibits the release of records of criminal convictions except to certain governmental employers, criminal justice agencies or upon a written court order in civil proceedings. This means that, such records cannot be released to non-governmental employers even when a legitimate business purpose exists for having a record of prospective employees convictions. The act provides for criminal penalties for violation of the prohibition. It is one thing to prohibit release of arrest records to employers. It is another thing to prohibit the release of conviction records to employers.

In another respect, the act is not restrictive enough. The act provides that when any person, *having no prior criminal record*, is found not guilty of an offense his fingerprints and other identifying data shall be destroyed, if the person so requests. Under the act, if someone is convicted of a traffic offense (where no fingerprints or photograph was taken) and then at a later time he is acquitted of a more serious crime (where fingerprints and photographs were taken), would not be able to have such arrest records destroyed. This flies in the face of *Eddy v. Moore*, 5 Wn. App. 334 (1971) in which it was held that a statute is constitutionally defective when it fails to provide for return of fingerprints and photographs upon acquittal, absent a compelling showing justifying their retention. The act also conflicts in this respect with the 1971 Model State Act for Criminal Offender Record Information.

Why the concern about computerized arrest records and other criminal records?

Computer technology has magnified alarmingly the potential for harm of an arrest received for an innocent individual. In the past an arrest record, if retained, was rarely disseminated beyond neighboring police or public agencies. Today because of the speed and range of the computer, the broadcast of this kind of information is automatic and mindless.

Edmund B. Ruff



The Board's Work

State Bar Association policy concerning **political campaign-contribution disclosure** was amended by the Board of Governors at its February 12 meeting in Tacoma.

The former policy (*Bar News*, October 1970, p. 19) required lawyers wishing to contribute funds to candidates for judicial or other law-related offices to contribute anonymously so the recipient would not know the source of the contribution. The policy was in conflict with Seattle, King County and possibly other charters or ordinances which compel disclosure, by a public filing, of such contributions.

John N. Rupp of Seattle, at the suggestion of the Board of Governors, drafted a substitute provision to replace Section 3 of the 1970 resolution. The Board adopted the provision, which now reads:

"Lawyers are encouraged to make monetary contributions toward the expenses of candidates whom they believe to be most qualified for judicial or other law-related offices. To minimize the possibility that the making and receiving of such contributions may appear to some members of the public to involve improper influence, campaign funds shall not be solicited from lawyers by the candidate personally, and the names of lawyer-contributors shall not be disclosed to the candidate; provided, however, that the non-disclosure provision shall not apply in cases where the candidate is required by law or custom to file or otherwise publicly disclose the names of contributors to his campaign fund."

In other action at its Tacoma meeting the Board:

✓ Decided to ask the Automobile Reparations Committee to draft a legislative bill embodying the committee's recommendations concerning **no-fault** insurance and other reparations provisions, previously adopted by the Board of Governors (*Bar News*, March 1972, p. 5).

✓ Voted to sponsor attendance of **Richard O. White** of Olympia, State Code Reviser, and **Edward J. Novack** of Everett, member of the Board of Governors, at a **computers-and-law conference** in Atlanta March 16-17. The Board more than a year ago voted full cooperation with efforts being made to computerize the law in this state.

(Continued on page 32)

DO-IT-YOURSELF DIVORCES AND OTHER OPTIONS

- *The Women's Divorce Cooperative recently completed a series of ten free classes at the Fremont Baptist Church in Seattle in which women learned to do their own legal work in non-contested divorce cases.*
- *A recent ad in the Seattle P-I read: "Why pay \$350 for a divorce when \$125 will pay for everything. Phone Divorce International, 24 hours. UL 4-1100."*
- *Reports The Wall Street Journal: Available in Vancouver, B.C., is "The Divorce Book" at \$3.95, or "The B.C. Divorce Guide," a detailed 162-page, \$13 tome written by lawyers in layman's language. More elaborate systems cost more. Divor-cervice, Inc. in Vancouver offers an eight-page "blueprint" and several filled-in sample documents for \$50.*
- *Reports Newsweek Feature Service: "How To Do Your Own Divorce in California," a guide, is available at \$4.95. One out of five San Francisco decrees last year was a do-it-yourself divorce.*
- *In November King County Superior Court Judge William J. Wilkins issued a preliminary injunction prohibiting further franchise-selling by Divorce, Inc., a Washington corporation, backed by Universal Legal Services Corp. in Vancouver, B.C. Suit is pending by Raymond T. Hockley, who purchased the Tacoma franchise for \$18,000, and also a class action is pending. The prosecutor's office was granted the right to intervene in the case. Among the issues are RCW 9.04.020, the prohibition against advertising for divorces and RCW 2.48.180, the prohibition against unauthorized practice of law.*

The role of lawyers and the judicial process in the granting of divorces is currently receiving increased attention. Up to this point, Americans have had the greatest contact with "the law" in the context of probate and traffic court. Now, as more and more marriages disintegrate, Americans are getting a very close look at how the divorce system works.

The focal point is the "non-contested" divorce, i.e., the parties are agreed on all issues — termination of the contract, division of the property, custody of the children, support payments and visitation rights. Why should they have to avail themselves of the services of an attorney and be run through an adversary judicial system?

The State Bar held a three-day family law conference in October (December '71, *Bar News*, p. 13) and legislation will be introduced to overhaul this state's divorce laws in the 1973 legislative session.

The Seattle-King County Legal Services Center drafted a proposed divorce reform bill this past year for purposes of discussion. The proposed bill provides for a simple filing procedure on forms provided by the family court. The entire procedure is analogous to small claims court procedure. An individual could go through the procedure without the need of an attorney. The modification procedure is equally as simple. Attorneys would be barred from participating in any family court hearing unless there is an issue of division of property valued in excess of \$1,000. The family court hearing would be no longer an adversary type proceeding.

In the spring of 1971, the SKCBA Minimum Fee Schedule Committee recommended that "where the defendant does not appear and only nominal property rights are involved," the suggested minimum fee should be increased from



"Gosh! That trade union is really something!"

\$250 to \$350. The SKCBA Board in May of 1971 deferred action on the proposal until reviewed by the Lawyer Referral Committee. Approximately 750 divorce cases are referred to panel lawyers per year. This represents about one-third of the referrals. Almost all the clients in the divorce cases are persons of moderate income. Many are just above the OEO guidelines. This is not surprising in that about one-third of the cases which are referred to LRS are referred by Seattle-King County Legal Services.

To raise the suggested minimum fee in non-contested divorce cases from \$250 to \$350 would have great impact on LRS. Many clients cannot afford the \$250 and special panels have been established where panel lawyers representing a wife looked to the employed husband for compensation or panel lawyers in a *pro bono* spirit would represent the indigent civil divorce litigant who could not have his or her case handled by Legal Services because it was contested.

From May of 1971 to February 1972, the LRS Committee wrestled with the problem. As to "non-contested" cases, it was observed that in such cases the services of a lawyer are needed only because a court proceeding is a statutory requisite. The price that an attorney sets for rep-

resenting a client in a divorce proceeding determines whether or not that individual will be able to have access to the use of the judicial process. The conclusion was that it is not surprising to see rising public pressure for do-it-yourself divorces.

As a stop-gap measure until the laws are changed to make noncontested divorces more accessible to the public, the LRS Committee decided to establish a "no-hand-holding lawyer divorce panel," subject to the approval of the SKCBA Board.

The following plan was approved by the SKCBA Board at its March 15, 1972 meeting:

A. *Financial Guidelines:* The Lawyer Referral Service Noncontested Divorce Panel will serve those individuals whose gross income is in excess of \$2,500 per year and less than \$6,000 per year, plus an additional \$500 gross income per year for each dependent. Irrespective of income consideration, the Lawyer Referral Service Non-contested Divorce Panel will not be available to those individuals who have assets exceeding liabilities by more than \$10,000.

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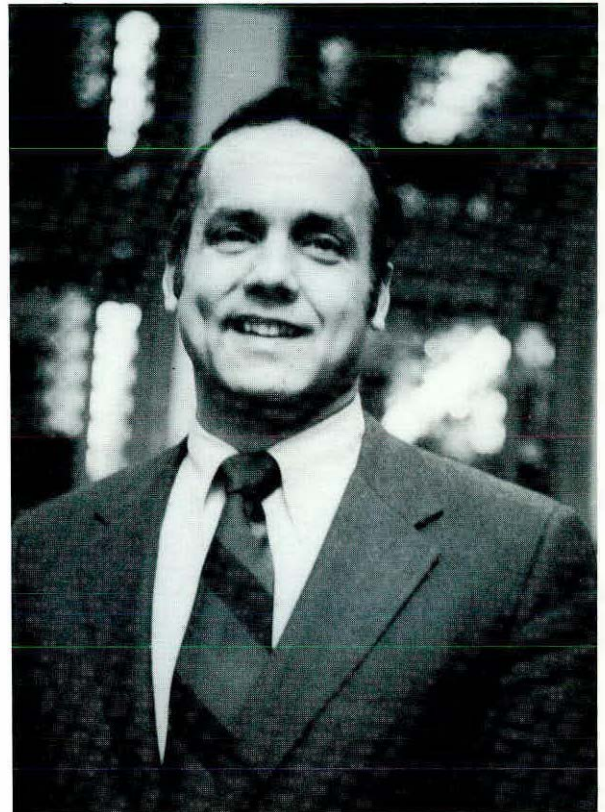
THE FORGOTTEN MAN

By Justice Robert F. Utter
Washington State Supreme Court

The spotlight of public concern has focused on numerous and diverse groups of citizens in our country in the past few years. The victim of violent crime has, however, seemed to elude the focus of public concern.

In 1965, the economic impact of violent crimes against persons in the United States exceeded \$815,000,000. This figure includes out-of-pocket expenses, loss of earnings, and expenses of their dependent families. Between that time and the end of 1968, the rate of violent crimes had risen 71% with what could fairly be assumed to be a corresponding increase in the economic impact of violent crimes.*

Without dwelling at all on the emotional toll taken from these victims of criminal misconduct, the economic impact on them was staggering. In the face of this, once the immediate reactions of anger, fear, and vengeance regarding a particular, recently reported crime have been verbally expressed, the average citizen washes his hands of all responsibility and leaves it to the official



Justice Robert F. Utter

* This article is a summary of a talk given to the Seattle Rotary Club on January 19, 1972. The author is indebted to Note, Compensation for the Criminally Injured Revisited: An Emphasis on the Victim?, 47 Notre Dame Law. 88 (1971), for much of his content on the philosophy and history of victim compensation legislation.

avengers. Victims, due to their unfortunate and precarious positions, do not have an effective pressure group to plead their case and educate the public. Victims of violent crime deserve more from society than to be ignored!

History shows, if anything, we have become less active in our assistance to the victim than we once were. Formal recognition of the need for government to compensate victims of crime goes as far back as the code of Hammurabi in 2380 B.C. The early Hebrews developed a compensation system which applied extensively to personal injuries and paid the victim for loss of time and caused him to be completely healed. By the twelfth century, a well-defined system of compensation of the victim by the offender or his family had been worked out. Gradually this system was done away with altogether and was replaced by a schedule of damages assessed by a tribunal. Even more gradually, wrongs became regarded as wrongs against the state, and, as the years passed, the damages paid victims became increasingly less until finally the King received the entire payment.

Moral Basis For Compensation

The moral basis for compensation of victims has two premises. The first is that the responsibility of the state exceeds that of the victim, and secondly, that criminal violence is a part of our society and the only tolerable way to sustain damage is to share it in common. The latter rationale is like that which existed in England during the second war. The state assumed the responsibility for compensation for damage caused by aerial bombings. The population knew bombings would occur and that damage would result, and yet no one could foretell the exact place it would occur. This being so, it was believed only proper for all citizens to share in the loss when it did occur.

By urging compensation for victims I do not mean to ignore the responsibility of the person causing the injury. This responsibility is primary. However, to have said the primary responsibility is that of the offender is inadequate to solve the problem for a number of reasons. In most cases the offender is never identified, let alone apprehended. If he is found, he is often unable to pay any damages at the time of arrest because of his own impoverished circumstances. If he has any resources, most of these are spent in the costs of defense and if convicted, he is normally impris-

oned which eliminates any source of appreciable income he might have had which could have been directed to the victim. In addition, a failure of police protection is a prerequisite to any crime, and an additional reason why the state should assume a major portion of responsibility to the victim.

The design of the compensation system involves consideration of a number of questions. Should the system provide claims only for bodily injury? Loss of wages? Medical expenses and diminution of earning ability? Should it be extended as far as property damage? Should the system be limited to victims of crimes of violence and sex crimes or should there be general eligibility? Should the victim's relation to the offender have any bearing on his ability to collect? Should partial responsibility of the victim for the damage mean a lessening of the award between full compensation and none? Should the financial circumstances of the victim be taken into consideration and the questions of personal wealth or insurance considered? What amount and kind of damages should be paid? Should these be limited to expenses? Should they include pain and suffering? Should the award deduct other compensation received? What is the standard proof of damages by the victim? Must it be beyond a reasonable doubt or by a preponderance of the evidence and how should the plan be administered — by the courts, or by a governmental administrative agency?

Proposed Federal Legislation

At the federal level a victim compensation bill was first introduced in Congress in 1965, and most recently, a bill was introduced in 1971 by senator Mansfield. A justification offered for federal legislation was that if government has the obligation to protect citizens, it also has the obligation to help care for innocents it fails to protect.

Under the bill as presently submitted, the victim would recover for personal injuries, but would receive no recovery if he was a relative of the offender. A victim could also recover up to \$25,000 if his injuries were caused by inadequate police protection. The bill also provides grants for the federal share of the cost of state programs. To participate in the federal grants under the Mansfield bill, a state must have (1) an agency to hear claims for compensation, (2) a bill to provide payment for expenses of the victim — loss of earning power and money loss to dependents —

(Continued on page 27)

1972 AMENDMENTS TO THE WASHINGTON COMMUNITY PROPERTY LAW

By Harry M. Cross, Professor of Law
University of Washington School of Law

In the extraordinary session of the Washington State Legislature, by H.B. 143, as amended in the Senate and clarified by the Conference Committee, major changes in the Washington community property law were adopted. The bill was signed by Governor Evans and will therefore be the law 90 days after the end of that session, which is May 20, 1972.

The thrust of the legislation is to establish equality for husband and wife as regards their community property so that each has a managing and transferring power with reference to all community property, essentially as extensive as the husband's managing power has theretofore been. Discussions during the consideration of the proposal by the drafting committee, of which I was a member, included consideration of the desirability of providing protection by requiring joint action of both husband and wife in certain situations. However, the final conclusion was, as stated at the hearing before House and Senate Judiciary Committees by Ms. Gayle Barry, assistant attorney general and principal drafter of the proposal for the Washington State Women's Council, that equality was sought as being more important than protection. Accordingly, the original proposal had only minimal joint action provisions and the final bill similarly has only a few situations in which both husband and wife must join.



Professor Harry M. Cross

Most ambiguities which could be asserted to be in the language of this new law should be eliminated by measuring the language against the present law in light of the purpose to establish the equal position of the two spouses; that is, the usual change has been only to provide the equality and the "ambiguous" phraseology comes from the present wording. There are, of course, some situations which will result in new patterns of conduct (other than merely permitting the wife to conduct the community affairs individually as the husband previously has been able to do), by reason of new joint action provisions. These will be identified below.

Litigation

The first provisions of the new law (RCW 4.08.030) make possible management of litigation having to do with community property affairs by either the husband or wife, rather than only by the husband as has previously been the case, except that if there is an action for personal injuries to a spouse the injured spouse will be a necessary party, and in actions for compensation for services rendered, the spouse having rendered the services is a necessary party. By the present law the husband is the only necessary party in these actions having to do with personal property rights even though the party directly affected might be the wife. The possibility hereafter that the wife can determine to sue for services she has rendered without regard to the husband's willingness to do so, and to sue for her personal injuries even though the husband might not desire that the action be brought, amount to major changes in our law. Certainly, however, the very sizeable interest that the wife has in these situations would justify this change in our law.

The new provisions of RCW 4.08.040, involving the defendant(s), now authorize the joinder of the husband in an action brought against the wife, if there is a possible community property consequence if the other spouse does not defend. The law has permitted the wife, if joined in the action, to defend the community property position even though the husband for some reason did not. The appropriateness of authorizing the "other" spouse to defend for both is apparent when it is recalled that the previous law, as a practical matter, made the husband a necessary party defendant without any opportunity for the wife actively to defend except by the provision of this law, because the husband was the only manager in this sort of community affair. Now with the wife also the

manager it is, of course, conceivable that she would be sued, and unless the husband has the opportunity to protect the community interest in the event the wife for some reason did not, the combined consequence to the two of them would result without full willingness on the part of both to accede to that consequence. The particular language may be somewhat confusing but the confusion is not any greater than existed under the present law, and the new result should differ from the earlier only within the context of the equality of position of both spouses.

The management and transfer sections of the code (RCW 26.16.030 and -.040) are changed and initially merely specify equality for each spouse. In addition, however, the limitation by case law, (e.g. *Sun Life Assurance Co. v. Outler*, 172 Wash. 540 (1933)), on what appears to place complete power of disposition in the husband (and which would have comparable completeness in the wife), is now made explicit as regards either spouse, i.e. neither can alone give community property. (26.16.030(2))

Conveyance or Encumbrance of Community Real Property

The requirement that both spouses must join in the execution of a conveyance or encumbrance of community real property is continued, and is accompanied by a similar restriction on conveyance or encumbrance of community household goods, furnishings, or appliances. (RCW 26.16.030(5)) The latter provision does not prevent acquisition by one spouse of an equity in personal property (of the listed sort) which then creates or leaves a credit position in the seller. This has previously been the rule as regards acquisition of real property by the husband, *Baker v. Murrey*, 78 Wash. 241 (1914). This provision is undoubtedly within the "protection" category rather than the "equality" category. It was believed by the drafters, and apparently concurred in by the legislators, that this was a situation in which the joint action of the two was of particular importance. The language suggests that an encumbrance or transfer of the specified sorts of community personal property could be accomplished only by a writing (a security agreement or bill of sale), but it would appear the proscription on creating the encumbrance or selling should be construed to have the same operative effect as does the present and continued law with respect to real property. I am sure the readers will recall that the

real property transfer or encumbrance transaction can be accomplished by the formal act of the husband alone if the wife "has participated" in some such fashion as would amount to an estoppel, ratification, or authorization by her of the husband's act, e.g., *Campbell v. Webber*, 29 Wn.2d 516 (1947). This would seem to be similarly possible in the personal property area.

Purchase of Community Real Property

A change of substance in the present law involves a proscription on individual acquisition of community real property. (RCW 26.16.030(4)). Presently, as previously mentioned, the husband alone can contract to buy community real property and the obligation thereby incurred could be enforced as can any community property obligations. The new law provides that neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract of purchase. It seems to me probable that this will not involve any significant change in land acquisitions as they in fact are usually carried out, but it may provide an awkwardness in some situations. That awkwardness probably will be minimized if, as I think should be the interpretation, the "participation" by the other spouse in the transaction or execution of the contract will satisfy the requirements of this new provision even though there is not a signing of any documents involved by the other spouse.

Acquisition or Transfer of Business Assets

A major restriction on the power of each spouse is provided with reference to transactions having to do with a business (RCW 26.16.030(6)), in that if both spouses participate in the management of the business there must be consent of both in the acquisition or transfer of the assets (including real estate) or goodwill of the business; but (by a proviso) if only one spouse participates in the management of a business, only the participating spouse may in the ordinary course of the business acquire or transfer the assets (including real estate) or goodwill, and may do so without the consent of the nonparticipating spouse. It would appear probable that a real estate transaction in this area of transferring, at least, may very well involve participation by both spouses, because of the relative simplicity of securing that participation as compared with satisfying the

transferee that it is not necessary. The inability of a nonparticipating spouse to exercise an "equal" control of the community business managed by the other spouse probably is desirable in protecting against an unknowledgeable or disruptive transaction with respect to such community business affairs. It may pose some practical problems for a prospective transferee in that he must be certain that if he deals only with one spouse he is dealing with the managing spouse, as relates to the particular business, and again, it may be that action by both spouses will in many situations become the ordinary sort of conduct, at least in transactions involving the sale of the business or most of it rather than the sale or transfer of individual items of real estate dealt with in such a business. This subdivision (6) was not in the original bill. A possible conflict of the latter provision with subdivisions (3) and (4) is probably eliminated by the rule that (6), being specific or limited, controls against the earlier general provisions. The effect of the variation between language in (6) initially and in its proviso (which includes "in the ordinary course of such business") is not yet clear to me.

Earnings When Living Separate

The "living separate" provision of the present law (RCW 26.16.140), which makes earnings and accumulations of the wife while living separate her property, although otherwise they would be community property, is now explicitly extended to the husband's acquisitions while he lives separate from the wife. This has become the law through the *Togliatti v. Robertson*, 29 Wn.2d 844 (1948), line of cases. The result is one of equal treatment by means of the statute.

No Separate Liability of Spouse for Injuries Committed By Other Spouse

The liability for injuries committed by one will not reach the separate property of the other. This is the present law as regards injuries committed by the wife. *Werker v. Knox*, 197 Wash. 453 (1938). It does not change the possibility of there being community liability. There is in this situation, perhaps, a significant consequence. The *Lucci v. Lucci*, 2 Wn.2d 624 (1940), possibility of liability on the husband for the wife's obligation because he is the manager of community affairs would seem to be eliminated. The reasoning by which liability was extended to the husband

separately when the wife managed the community grocery store with attendant community property liability, has never been entirely clear to me. In *Colagrossi v. Hendrickson*, 50 Wn. 2d 266 (1957) there is the suggestion that if the wife is conducting community transactions and incurs liability, which is hers separately and also community in character, it could be that the husband also should be separately liable. If, as I think may be the case, the separate liability of the husband depends on his position as manager of the community affairs so that there is a corresponding unavoidable duty to control whether community liability will be incurred, it would logically follow, as I see it, that with the wife having equal managing power there is no reason that her separate-community liability situations should create a liability on the husband separately. Presently the husband's acts which obviously involve his separate liability, normally involve community liability under the basic presumptions but there is not any separate liability on the wife. Under the new law the wife's acts incurring community liability should similarly not involve separate liability on the husband. If this analysis is correct, this will probably be the most significant substantive change in the liability of husbands and wives.

Conclusion

The extension of the area in which joint action by husband and wife is required to have an effective community property transaction is a major substantive consequence of the new law. The management or procedural aspects with reference to equal power in the wife to that which the husband has previously had, obviously means changes in their relationship as respect their community property. Those changes probably simplify the community property complications for third persons dealing with a spouse as compared with the present law. Whether the restriction on effectiveness of the husband's acts alone as compared with the present law, by the requirement of joint action in the indicated situations, will cause more complications than the protection justifies can only be measured from experience with the changed rules.

Certainly the handling of community property affairs can under the new law, for the most part, rest in the hands of that spouse who heretofore may have been the practical manager without regard to the location of the legal management. It will also facilitate the handling of the community

affairs in those situations where the husband is unavailable by reason of military service and perhaps in other situations. The presently existing emergency power in the wife to manage would not reach many ordinary situations in which it was desirable to have an effective community property transaction accomplished even though it could hardly be characterized as an emergency.

The situation certainly will be different when the new law comes into effect. I happen personally to think it will probably be better. □

The text of H.B. 143, as enacted follows.

Section 1. Section 5, page 131, Laws of 1854 as last amended by section 6, Code of 1881 and RCW 4.08.030 are each amended to read as follows:

Either husband or wife may sue on behalf of the community: PROVIDED, That

(1) When the action is for personal injuries, the spouse having sustained personal injuries is a necessary party;

(2) When the action is for compensation for services rendered, the spouse having rendered the services is a necessary party.

Sec. 2. Section 492, Page 219, Laws of 1854 as last amended by section 7, Code of 1881 and RCW 4.08.040 are each amended to read as follows:

Husband and wife may join in all causes of action arising from injuries to the person or character of either or both of them, or from injuries to the property of either or both of them, or arising out of any contract in favor of either or both of them.

If a husband and wife be sued together, *either or both spouses* may defend, and if *one spouse* neglects to defend, *the other spouse* may defend for the nonacting spouse also. And *each spouse* may defend in all cases in which *he or she* is interested, whether *that spouse* is sued with *the other spouse* or not.

Sec. 3. Section 2409, Code of 1881 and RCW 26.16.030 are each amended to read as follows:

Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is

(Continued on page 29)

WASHINGTON STATE BAR NEWS

Governor Signs Bill Amending State Bar Act



On the 25th of February a group of attorneys who were, in part, responsible for drafting and passage of a major amendment to the 1933 Washington State Bar Act, gathered to watch Governor Evans sign the bill into law. Those present from the left were: Robert Mussehl, Lee J. Campbell, Quinby R. Bingham, Legislative Representative, Robert Beresford, Senator Gordon Walgren, Senator Peter Francis, Senator George Clarke, Senator Francis Holman, James Curran, John Riley, Jack Lynch, Harrison Dano, Greg Dallaire, Harwood Bannister, Llew Pritchard, Lloyd Bever and Kenneth Short. The Sponsor of the bill who could not be present was Senator William Gissberg; nor could Representative Axel Julin who guided the bill through the House of Representatives. Other attorney members of the Legislature who assisted in the passage of the bill were Representative Eikenberry, Hubbard, Bottiger, Knowles, Marsh, Charette, Litchman, Swayze and Senators Atwood, Woodall, Cooney, Foley, Andersen, Dore, Durkan, Elicker, Greive, Mardesich, Twigg, Washington and Whetzel.

Result of Kenneth P. Short's Poll of Lawyers in the First Congressional District

There were 1725 cards mailed and 947 returned, or approximately 55% response.

On the issue of the popular election of the President of the Washington State Bar Association, approximately 63% voted yes.

On the increase of the Board of Governors, 74% voted yes.

Bar Reform Plan Presented to Board of Governors

The WSBA Committee on the Government of the Bar (COG), **Robert O. Beresford** and **John Riley**, co-chairmen, reached agreement on a proposal for reform of the state bar at a meeting held in Olympia February 25. The proposal was to be considered by the Board of Governors at its meeting in Spokane March 24. The results of that meeting will be reported in the next issue of the *BarNews*.

The proposal, put together by COG members **Llewelyn G. Pritchard** and **Robert C. Mussehl**, provides that the Board of Governors would be expanded to consist of ten members in addition to the President of the Association — one member from the 2nd, 3rd, 4th, 5th, 6th and 7th Congressional Districts, three members from the 1st Congressional District, and one additional member who shall be elected by the combined 1st and 7th Congressional Districts. It is believed by the Committee that this proposed arrangement, while not approaching a true "one lawyer, one vote" formula, would equalize as nearly as possible lawyer representation within the Board of Governors.

Also it is proposed that the Board of Governors nominate one candidate for the office of president. Additional candidates for the office could be nominated by petition signed by not less than 150 nor more than 200 active members of the Association.

Notice of Board Election

The election in the Third and Sixth Congressional Districts for members of the Board of Governors of the Washington State Bar Association for a three-year term of office takes place this year. At present, **John S. Lynch**, Olympia, represents the Third District, and **Neil J. Hoff**, the Sixth Congressional District.

Nominating petitions for this purpose may be obtained from the Bar office, 505 Madison Street, Seattle 98104. The nominating petitions must be returned to the executive office before May 31, 1972. The results of the election will be announced on June 16, 1972.

Remember to make contributions to the WASHINGTON STATE BAR FOUNDATION.

CORRECTION

Editor:

I was sad indeed to learn of the death of Frances M. Burrows of Walla Walla through your In Memoriam column, but sadder yet to see it noted that *he* was admitted in 1942.

Frances McKittrick Burrows was an outstanding woman member of our Bar. She practiced in Seattle with the firm then known as Emory, Howe, Davis and Riese until some after her marriage when she moved to Walla Walla. I hope you will find a corner to print a correction, because many of we "older ones" would not realize from the obituary notice as it appeared that the subject was our old friend.

BETTY TAYLOR HOWARD

Seattle

In Memoriam

John P. Garvin, 83, Seattle, died February 25. He began practice in 1911 with Hughes, McMicken, Dovall & Ramsey. He formed his own firm in 1921 which later became Garvin, Ashley & Foster. Semi-retired in recent years, he was of counsel to Ashley, Foster, Pepper & Riviera at the time of his death.

Philip H. Irwin, 55, Spokane, died February 18. A 1941 graduate of Harvard Law School, he was with Witherspoon, Witherspoon and Kelly from 1946 to 1949, and was a Spokane County deputy prosecuting attorney in 1965 and 1966, before going into private practice.

Oscar Kalenius, 67, Alhambra, Calif., died December 7, 1971.

V. O. Lee, 77, Seattle. He was a 1934 graduate of George Washington University School of Law.

Lester E. Pope, 83, Seattle, died February 26. A 1916 graduate of the University of Missouri School of Law, he began his long career with the Veterans Administration, then called the Veterans Bureau, in 1922. He retired as chief attorney for the VA's Seattle regional office in 1961.

Allen Spratlin, 73, Grand Coulee, died January 28. A 1924 graduate of the University of Washington Law School, he was mayor of Grand Coulee for 16 years and City Attorney for many years.

Raymond J. Venables, 83, Seattle died March 12. A 1912 graduate of the University of Colorado Law School, he was a past president of the Seattle and Yakima Bar Associations. He retired in 1957.

Results of January 1972 Bar Examination By Law Schools

School	Pass	Fail	Total
Arizona			1
Boston College	1		1
Boston Univ.	2		2
California (Boalt Hall)	2		2
Catholic Univ.	1		1
Chicago	1		1
U. of Cincinnati			1
Colorado	1		2
Columbia	1		1
Creighton Univ.	1	2	3
Denver U.	1		1
De Paul U.	1		1
Emory U.	1		1
Georgetown	2		2
George Washington	3		3
Golden Gate		1	1
Gonzaga	8	4	12
Harvard	3	1	4
Idaho		2	3
Illinois	2		2
Indiana	1		1
Loyola			1
Michigan	1		1
Nebraska	1		1
New Mexico	1		1
New York Law School	1		1
N.Y.U.	1		2
Northwestern (Lewis & Clark)	3	6	9
Northwestern	1		1
Ohio Northern	1		1
Ohio State Univ.	1		1
Oklahoma	1		1
Oregon	10	1	11
Pennsylvania	1		1
Rutgers	1		1
Univ. of San Francisco	2		2
Stanford	1		2
Stetson Univ.	1		1
Suffolk Univ.	1		1
Syracuse	1		1
Tennessee	1		1
Texas	1		2
UCLA	2	2	4
Utah	1		2
Vanderbilt	1		2
Virginia	3		3
Wayne State	1		1
Washington	22	5	27
Wisconsin	1	1	2
Willamette	7	2	9
Wyoming	1		2
Yale	1		1
Law Clerk		3	3
Total	111	40	151

111 Pass January State Bar Exam

Names of 111 persons who passed the January, 1972, bar examination were released on March 3rd by the board of governors, as follows:

SEATTLE

John Leslie Austin III, Steven Lloyd Bercu, Ronald Alan Bergman, Richard Henry Blacklow, James Gerard Blair, John Bookston, George Alan Breck, Lee Melville Burkey Jr., James Elery Carroll.

Dennis R. Colwell, Robert Tibor Czeisler, Wallace A. DeLong, Steven W. Draheim, Donald Eric Elliott, Joseph Paul Enbody, James Ernest Fearn Jr., Carolyn Purnell Garbutt, Douglas Elliott Gilson, Nels Arthur Hansen.

James Edward Hunnex, Don Russell Hunter, Robert Edward Hutto, Elizabeth Johnston, James Neal Kamel, Garry Frank Lingerfelt, Philip Peter McLeod, Dan B. Metcalf, Lawrence W. Moore, Frank Aaron Morrow.

Jonathan B. Noll, William Charles Oltman, Sally Philips Pasette, James Joseph Purcell, Dominic Eamon Puzo, John Thomas Rassier, Robert Northwall Rutherford II, Daniel Richard Sanders, James Franklin Sanders, Alan Joseph Schneider.

James R. Silva, Martin T. Silver, Robert B. Taub, Robert J. Tomlinson, Randolph W. Urmston, R. M. Van Winkle, James Henry Webster, Jay Vincent White, John Stuart Woodburne and Judy Lee Young.

OTHER CITIES

Auburn: Erwin Powell Jones Jr.
Bellevue: Lawrence Thomas Dougherty, David Coplyn Pearson and Robert Douglas Weisfield.

Bremerton: Linda Claire Huber.
Bothell: James Martell.

Colfax: Ronald Joseph Jarman.
Edmonds: Thomas Drake Bigsby and Robert Earle Walkley.

Everett: Clayton C. Patrick.
Kent: William Lawrence Bishop Jr.
Kirkland: Darrell Leonard Syferd.

Lynnwood: Richard Robert Beresford.

Mabton: Arthur Glen Bingman.
Marysville: Stephen L. Palmberg.

Mercer Island: Patrick John Clarke, John Andrew Drury, Robert A. Jensen, Lee Edwin Johnson, Charles Ronald King, Kevin C. McMahon and Randolph Osmond Petgrave.

Moses Lake: Lawrence Lee Tracy.

Olympia: Robert Edward Beaty, Gayer Gardner Dominick, Diane G. Geiger, Brian Desmond Leahy, Douglas Noel Owens and Thomas J. Taylor.

Redmond: Bruce Franklyn Miller.
Renton: William John Murphy.

Ritzville: Richard Walters Miller.
Snohomish: Kenneth A. Lee.

Spokane: Jerry K. Boyd, Richard L. Ditlevson, Francis Terrence Flannery, Loren Dale Howe, Kenneth L. Jorgensen, Neil S. McKay, Jan Gordon Otterstrom, Barry Michael Permut and Philip M. Rodriguez.

Steilacoom: Jones Osborn II.
Tacoma: Thomas Avery Brown,

Stephen Kirkpatrick Causseaux Jr., Cecil D. Driver, James Tazwell Fuller II and Robert Alan Klein.

Vancouver: Ronald Arthur Marks.
Wenatchee: John Norman Lindsay.

Yakima: Richard Thomas Vlosich.
Oregon: Mark Harris Adams,

Charles Lee Burns, Steven L. Busick, Dennis Lee Fluegge, Michael Harrison Hicks, Vernon Lee Schreiber and Wilmar Henson Williamson.

Others: James Kura, Ohio; Richard Steven Lowry, Alaska, and Edward L. Schrenk, Indiana.

ATTORNEY APPLICANTS

L. Neil Axtell, William Roseman Eddleman and George N. Hayes.

Conference on Uniform Probate Code

A national conference on the proposed Uniform Probate Code, adopted in Idaho and being studied in most other states, will be held in Denver May 4-6, at University of Denver College of Law Building. Registration, with a fee of \$150, may be made with Registrar, ALI-ABA Committee on Continuing Legal Education, 4025 Chestnut St., Philadelphia 19104. Co-sponsoring is the Association of Continuing Legal Education Administrators and its member organizations. Hotel space has been arranged at the Denver Hilton, 16th St. and Court Place, Denver. The new ACLEA publication, The Uniform Probate Code Practice Manual, will be distributed.

Join The Parole Aid Project

An action program to include parole aid to ex-prisoners and surveys of the state's jails, legislation, corrections system and criminal rules has been adopted by the Washington State Bar Association's new Committee on Corrections.

The program was outlined at a recent two-day meeting in Seattle. More than 20 potential programs for action were considered by the committee, **John T. Piper** of Seattle, chairman, said today.

"The committee's most immediate and ambitious program



John T. Piper

is the Parole Aid Project," Piper said. "Its objective is to match 120 volunteer lawyers with an equal number of parolees on a one-to-one basis, to provide each parolee with a friend and advisor who will meet and talk with him regularly."

Chairman of the Volunteers in Parole Program Steering Committee is **David B. Kenyon** of Seattle. Recruiting the volunteers from among the state's Bar got underway in early March.

In a letter to all members of

the Bar, Kenyon noted that "As lawyers, we sense a special calling to work for change but are often prevented by the press of work or the lack of realistic programs for involvement." He invited lawyers who feel that way to join the parole-aid project, which involves only eight hours a month for a year for each lawyer volunteering.

The program has several purposes, Kenyon said: To more fully acquaint lawyers with the criminal justice system; to provide volunteers who have both the time and the inclination to provide effective counseling; to inform lawyers of the realities of our correctional institutions, and by so doing to create an effective force for improvement.

Lawyer-volunteers will receive adequate training, literature, handbooks and guidance and assistance from regular parole officials.

"It is hoped that the exposure to the problems of our correctional system will initiate progressive, credible suggestions for improvement, and improve communication between the Parole Administration and the Bar," Kenyon said.

Other members of the steering committee are Judge **Jerome M. Johnson** of King County Superior Court; **Maurice E. Sutton**, attorney, Seattle; **Merritt Long**, King County Volunteer Coordinator for the State Division of Institutions; Piper; Mrs. **Alice Ralls** of Woodinville, former Bar executive director; and Charles Adams and Thomas Adams of the Division of Institutions.

This state is one of eight selected for such pilot parole aid projects by the American Bar Association Commission on Correctional Facilities and Services. The projects are partly funded through a Law Enforcement As-

sistance Administration grant.

"Washington may be unique among the eight pilot states, however," Piper said. "Our committee has the chance to work with a Department of Social and Health Services that is perhaps more enlightened and progressive than any other prison administration in the nation. The ABA officials who recently met with the Corrections Committee and department representatives expressed enthusiasm for the prospects of a successful project."

Members **Ruth N. Barnes** of Seattle and **Stephen C. Way** of Olympia were assigned to plan a comprehensive statewide survey of local and county jails, to be conducted in three stages. The subcommittee will correlate existing reports on jails, including those in Seattle, schedule surveys of the other jails and recommend appropriate changes in jail conditions and practices, Piper said.

Richard W. Pierson of Seattle will review current and recent legislation and, if appropriate, make recommendations concerning that legislation.

Piper said **Donald J. Hale** of Everett would report at the committee's next meeting, March 17, on the mechanics of the state's corrections system, and **Francis Hoague** of Seattle, a committee consultant, would talk on the status of legal assistance to McNeil Island federal penitentiary prisoners.

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

Law Day Plans

Law Day, May 1, the time for Bars and lawyers throughout the country to emphasize the vital role of law in our country, is just around the corner.

And local bars in Washington have been making a variety of plans for the observance — appearances by lawyers in many scores of schools, courthouse tours, civic luncheons and meetings and other events.

Monte E. Hester of Tacoma is chairman of the State Bar's American Citizenship (Law Day) Committee, which is correlating plans for the local observances and arranging for some of the display billboards and television and radio public-service announcements. Other committee members are **Andrew G. Burnfield**, (Ferndale) **Michael D. Finney**, Yakima; **David B. Hallin**, Longview; **Robert I. Odom**, Seattle; **George Planthaler**, Spokane, and **James J. Solan**, Aberdeen.

Instead of using one theme or slogan to characterize the basic concept for the national program, as in past years, the 1972 Law Day observance will emphasize the need for cooperative effort to:

- Improve society,
- Strengthen the legal process, and
- Encourage the rights and responsibilities of citizenship.

The American Bar Association's Law Day Committee is urging the organized Bar and all individual lawyers to join with other public-spirited organizations to enlarge efforts aimed at achieving those three objectives.

Local-bar planners are urged to seek every way to involve *non-lawyers* in meaningful Law Day events, since the public impact of Law Day depends upon the extent to which laymen are

exposed to its influence. Special efforts should be made by Law Day chairmen to arrange programs that will be attractive to business and civic organizations as well as to schools and youth groups.

Local-bar Law Day chairmen in this state include:

Frederick J. Shelton, Adams County; **Eugene O. Forest**, Jefferson; **Bart Irwin**, Clallam; **Robert L. Frewing**, Clark; **Don McCulloch**, Cowlitz; **John C. Carlson**, Douglas; **Richard A. Perry**, Ferry; **Jack L. Burtch**, Grays Harbor; **Ted Zylstra**, Island; **Bruce Martin**, Kitsap; **Robert L. Fraser**, Kittitas.

Donald Pietig, Lewis; **Laurence Libsack**, Lincoln; **Richard M. Price**, Okanogan; **Herbert E. Wieland**, Pacific; **Robert O'Neill**, Seattle-King County; **Fred Lubbe**, Skagit; **Richard P. Thompson**, South King; **John J. Madden**, Spokane; **Robert D. Skidmore**, Stevens; **Gene Godderis**, Pierce; **Ward Rathbone**, Thurston.

Albert J. Golden, Walla Walla; **Neil Burien**, Yakima; **Charles A. Johnson Jr.**, East King; **William F. Lemke**, Government Bar, Olympia; **Charles Schillberg**, Grant; **Robert A. Kiesz**, Chelan; **George Darkenwald** and **Douglas Marsh**, co-chairmen, Snohomish; **Lloyd A. Eyrich**, Pend Oreille, and **John A. Westland**, Benton-Franklin.

Attorneys Offer Legal Aid for Tri-City Poor

Legal services for the Tri-City poor will be expanded by volunteers from the ranks of Atomic Energy Commission and Hanford project attorneys.

At a February 15th meeting of the Benton-Franklin County Bar Association they offered to provide legal aid for the indigent

two nights a week, probably working from an office at the Richland Community House.

About 10 of the 16 AEC-project attorneys will take part.

This would supplement the bar association program which supplies an attorney one afternoon a week for those unable to pay for counsel in civil suits.

The proposal, presented by AEC lawyers **Ed McEaney** and **Roy Erickson**, was endorsed by the local bar.

Details, according to **Wayne Gladstone**, bar association president, will be ironed out at meetings between project attorneys, the bar's legal aid committee, local public defenders and **Charlie Barr**, Office of Economic Opportunity (OEO) lawyer.

"We federal and federal contractor attorneys haven't been carrying our share of the load of public service," Erickson explained.

"Attorneys in private practice take on a number of 'legal aid cases' just counting the clients who aren't able to pay their bills."

He sees the service as a nucleus for a federally-funded legal office with a fulltime staff of attorneys.

"When we can show the need is here," he said, "and that we are working to relieve it, that should help qualify us for federal aid when the enabling legislation is passed."

The office will be under the auspices of the Benton-Franklin Legal Aid Association, headed by **Pat Cochrane**, which Erickson said has been in operation three years as a referral service, staffed by an OEO-funded secretary.

Among the problems to be resolved, according to Gladstone, are:

- Types of cases to be handled.
- Criteria for establishing the

poverty level of clients.

● Funding of such court costs as witness fees, filing fees and depositions.

In addition, changes in court rules or state law may be required since most project attorneys are not admitted to the Washington Bar.

Depending on the type of legal work involved, Erickson said, this could be circumvented by working through local lawyers who are bar members.

Currently, criminal defendants proving indigency are automatically supplied with court-appointed counsel in felony cases at county expense.

Legal aid in civil suits, however, to quote any local attorney, "has been in a state of confusion."

Attorneys were unsure of the kinds of cases they should take; divorces and bankruptcies, for example, were not supposed to be included.

They had trouble determining indigency and didn't know where their program overlapped with that of the OEO office in Pasco headed by Barr.

Shortly after being hired about nine months ago, Barr found himself "totally swamped" by long lines of impoverished clients.

He then decided to concentrate on "class actions," such as those involving welfare regulations, which would benefit hundreds of people rather than just one.

"Hopefully," said Erickson, "we can take care of the less ambitious cases — where there is a definite need but the effects are less far-reaching."

Setting up the program for the bar association will be **Charles Morbeck**, legal aid chairman, and **Mike Johnston**, committee supervisor.

Public defenders are **Carl Sonderman**, Benton County, and **Michael Pickett**, Franklin County.

1972 Washington State Legislation

SSB29 Uniform Alcoholism and Intoxication Treatment Act. (effective July 1, 1973). Eliminates city and county laws prohibiting public drunkenness; a state-wide system of public treatment facilities are to be established to provide inpatient, outpatient, and followup treatment for alcoholics; provides for protective custody by police or by an emergency service patrol, exempting them from criminal or civil liability therefor; provides for involuntary commitment of alcoholics by the superior or district court.

SB56 Six-Man Jury. Unless a jury of 12 persons is requested in a jury demand and a \$50 fee is paid, the parties shall be deemed to have waived a 12-person jury and the jury shall consist of six persons and the fee shall be \$25.

SB74 Inheritance Taxes. Allows the following deductions in a return without probate: local and state taxes, funeral and monument expenses, cost of appraisal, reasonable attorney's fees, and all debts owing by the decedent at the time of his death.

SB83 Veterans' Estates. The secretary of the department of social and health services or his designee is authorized to act as personal representative of the estate of any deceased veteran or a guardian of an estate of an incompetent veteran or of someone having money due from the VA which payment is dependent upon the appointment of a guardian — subject to filing a petition thereof with the court, without paying court costs and fees, without bond, but without remuneration. The value of the estate must be less than \$7,500.

SB 98 Procedures Upon Death of a Judge During an Election Campaign.

SB109 Divorce. It is no longer necessary for the prosecuting attorney to appear in divorce and annulment actions unless specifically so ordered by the court. Also it eliminates the necessity of serving the divorce papers upon the Prosecutor unless he is a party.

SB298 Alcoholism. Each city and county shall be required to devote no less than 2% of its share of liquor taxes and profits to the support of an alcoholism program.

SB417 Award in Lieu of Homestead (Emergency Clause). Under the present law the maximum amount of an award in lieu of homestead and an award in addition to homestead is controlled by the death of the decedent's spouse. Under the bill the amount would be controlled by the law in effect at the time of the granting of the award.

HB 9 Community Property. Permits the spouse of an absentee, who has been declared by any agency of the Federal Government to be presumed missing in action or held as a prisoner of war, to obtain managerial power over the community property upon presenting a petition in a simple form to the Superior Court.

HB 13 Tax Lien. Provides for a method of obtaining the return of property wrongfully sold to satisfy a tax lien.

HB 20 Workmen's Compensation. Eliminates right of an employee or employer, in an industrial insurance case, to appeal to the Superior Court for Thurston County as a matter of right. Allows appeal to Thurston County Court in those cases in which neither the County of residence of the workman or of the place of injury was in the State of Washington.

HB133 Seattle Municipal Court. The City Council may create additional judgeships as needed and pro tem judges may now sit at the same time as regular judges when necessary.

HB147 Legal Aid. Permits counties to spend county funds to establish alternative methods or systems for providing legal aid.

HB177 Indigent Appeals (Emergency Clause). Provides for the state to pay for transcript and costs of appeal in those cases where the party has a constitutional right to obtain review by the supreme court or court of appeals and has been judicially determined to be unable by reason of poverty to pay costs or procure counsel. Same provisions apply to a petitioner for a writ of habeas corpus.

HB223 Hitchhiking. Allows hitchhiking except on most freeways and their access roads.

HB241 Limited Partnerships. Gives limited partner greater right without subjecting him to unlimited liability.

HB508 Retail Installment Contract. Expands the scope of the retail installment sales act to include transactions providing for payment in more than four installments, whether or not there is a service charge. Extends the present 24-hour cooling off period to three days and eliminates the provisions that the goods cannot be left with the purchaser at the time the contract is signed and provides that in order to exercise the right to cancel the goods must be returned in the original condition.

The effective date of the legislation is May 20, 1973 unless otherwise noted.

Judicial Council to Study 343 Courts of Limited Jurisdiction in this State

The Washington Judicial Council at the request of the State Legislature, has organized a task force to study lower courts in the State of Washington. The thirty-five man task force, chaired by Judge **Robert M. Elston** of the King County Superior Court, will study district courts, municipal courts, justice of the peace courts, and police courts for the remainder of 1972.

According to the Office of the Administrator for the Courts in Olympia, there are three hundred and forty-three of these courts throughout the State. They are manned by two hundred and fifty-seven judges or justices of the peace. Over half are not attorneys, and two hundred serve only part-time. Although these courts receive little publicity, they handled more than one and three-quarter million cases in 1970, and that figure is increasing. Many people receive their only impressions of the legal system at work through their contact with these courts.

The purpose of the Judicial Council's task force is to study ways in which this system can be improved. The group will be looking first at the question of whether to retain these lower courts, and, if so, in what form. Among many other problems to be studied are the handling of routine traffic cases, appeals from lower courts, problems of jury selection, methods of selecting judges, and means of financing the court system. The task force is anxious to receive comments and suggestions from

the community. Meetings will be held on the third Saturday of each month at the University of Washington in the Student Union Building.

An attorney has been hired to direct research for the task force. He will maintain an office with the Judicial Council at the University of Washington School of Law.

Legal Aid Committee Proposes Statewide Legal Services Program

At a meeting March 3 the State Bar's Legal Aid Committee unanimously proposed to the Board of Governors that it be authorized to prepare an application to obtain federal and other funding for a statewide legal services program.

The Committee recommended that it be given authority to prepare an application that could include the combination of civil and criminal legal services for the poor. The application to be drafted would be subject to approval by the Board of Governors.

If a Board approval is obtained for preparing the application, the Committee plans to investigate fully the statewide legal aid programs in effect in Alaska, Hawaii and Maine to determine the best program to come up with and the best method for providing such services.

The Committee also unanimously recommended that the State Bar Association seek legislation requiring that indigent parents who are temporarily or entirely deprived of their children in a juvenile case be provided with a free transcript on appeal.

Expert Testimony and Laboratory Testing

Expert testimony and laboratory testing services for office and courtroom practice, especially in areas having a strong technological content, are being offered by Mathematical Sciences Northwest, Inc., a Seattle firm located in the University District. The company has been involved in providing such services in a number of recent cases covering a wide variety of technical fields.

Some of the areas in which testing and experts can be provided are accident analysis, manufacturing technology, structural analysis, air and water pollution technology, and aerodynamics.

The company has a full-time staff of twenty-six, including one attorney, and forty-four academic consultants under contract. The company indicates that it understands the need to protect the integrity of evidence, the confidential nature of the attorney-client relationship, and the necessity for thorough professionally defensible and understandable evidence.

Mathematical Sciences is located at 4545 15th Avenue NE, Seattle, Washington, 98105. Telephone (206) 632-1047.

Bar Unified in D.C.

The District of Columbia Court of Appeals has by rule of court established a unified bar for the District of Columbia effective as of April 1, 1972. Members of the Bar of the District of Columbia who wish to maintain their status with the Bar should write for information to: Albert E. Brault, Esq., Chairman, Organization Committee, 1819 H Street, N.W., Suite 300, Washington, D.C. 20006.

IMPORTANT:

An innocent-appearing but vitally important mailing went out from the State Bar Office in mid-March to all active members of the State Bar Association. It included a brief questionnaire requesting each lawyer's *residence* and *office* addresses and the name of his congressman, to provide his voting congressional district. This information will provide, among other things, the list of electors in the forthcoming Bar Board of Governors elections.

FIRST: If you received the questionnaire but have not returned it, please do so immedi-

ately. The Bar Office must have your current correct addresses.

SECOND: If you did NOT receive the questionnaire package, please let the Bar Office know immediately and one will be sent to you; better yet, please immediately send along your current residence and office addresses and the number of your congressional district (or the name of your representative in Congress). In addition, the Board would appreciate knowing your preferences of Bar committee assignments, which also was requested on the questionnaire.

Taxation of Attorneys' Legal Files

Legal files are confidential, have no market value, and no value for tax purposes.

Substantial portions thereof, and sometimes the entire file, is the property of the client.

It is recommended that legal files be listed on the personal property tax affidavit as "legal files" without any further designation or enumeration and be given a value of "0" dollars.

In addition you should add the following:

"Taxpayer does not by the above listing of legal files concede or acknowledge that said files constitute property subject to taxation under the laws and the constitution of the State of Washington, and does hereby protest any assessment of said files."

DATED at Seattle, Washington, this 10th day of March, 1972.

SEATTLE-KING COUNTY
BAR ASSOCIATION

Jaek P. Scholfield
President

**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

Rule on Attorneys' Letters to Clients in King County Jail

Lawyers representing clients who may be incarcerated in the King County Jail might be interested in the following paragraph that has been added to the King County Jail Rules which has been recently approved by the Superior Court judges and by Lawrence G. Waldt, Sheriff-Director, and C. J. Coughlin, Chief, Bureau of Corrections. The rule reads as follows:

"Letters from an attorney which are enclosed with and sent under the cover of a letter from an attorney to the superintendent of the jail requesting that the attorney's letter be delivered to the inmate personally shall not be opened or read, subject to the right of the jailers to submit such mail to whatever test may be appropriate for security purposes without opening the envelopes containing the same. Letters from an inmate to his attorney of record shall not be opened, read or censored."

Legal Needs of Indians

Washington State University is beginning a two-year service and study project in the Seattle area involving the social and legal needs of urban Indians.

The project, to be conducted in conjunction with the Seattle Indian Center, is supported by a \$92,308-a-year grant from the National Institute of Mental Health.

Two university sociologists, Profs. Bruce A. Chadwick and Howard M. Bahr, are directing the study aspects of the program. **Lowell K. Halvorson** will supervise the training of legal paraprofessionals who will assist the social scientists.

Letters

(Continued from page 3)

the law enforcement question: "Should the state establish a broadly oriented intelligence unit to assist law enforcement agencies in all types of law enforcement problems?"

More than half of these same people wanted the unit established in the Attorney General's Office. Because we are a civil office with no arrest powers, the present concept of the unit in its formative stages does not pose the spectre of a state police force encroaching upon local law enforcement. The unit is not an "action agency" as that term is used in law enforcement. The vital service it provides is one of a systematic and central gathering and dissemination of tactical intelligence data concerning multi-jurisdictional criminal elements.

Again, if there had been a legislative hearing, I am confident that many local law enforcement officials would have testified to the important work of the unit since it was established. After the Senate's ill-advised action, law enforcement officials from throughout the state telephoned or wrote House members to indicate their support for the program.

The principal safeguard in the collection and dissemination of information by the unit can be found in the rules for the intelligence system which have been promulgated by its nonpartisan advisory board. The Prosecuting Attorney of Snohomish County, Robert Schillberg is chairman of the Board; other members are Mark Cooper, the Director of Public Relations for Safeco Insurance Company and a member of the Committee on Crime of the Seattle Chamber of Commerce and Jon Galt Bowman, a mem-



Attorney General Slade Gorton

ber of the National Council on Crime and Delinquency. It also includes several law enforcement leaders from throughout the state.

Under the rules for the system established by the Advisory Board, only information which relates to organized crime can be entered and this information must be accompanied by evaluations of the quality of the information and the quality of its source which necessarily includes the means by which it was obtained. Information is available only to member agencies and even then is provided only for official investigations within the scope of the inquiring agency's power. The inquiries must be accompanied by a statement of the reason the information is needed and a statement that the information will be used only for official purposes.

By these same rules, membership in the system is open only to law enforcement or regulatory agencies which have potential jurisdiction over areas experiencing organized crime problems.

The agency use of information is principally controlled by whatever internal rules may exist, augmented by the requirement that individual members of the agencies undergo the organized crime training program offered by and under the grant. These rules and the Advisory Board are established and maintained as a condition of the existing grant from both the state Law and Justice Committee and the Law Enforcement Assistance Administration.

Thank you for this opportunity to clear the air on the organized crime intelligence unit. While the charges made by Senator Durkan have no foundation in fact, and the \$80,000 matching money was restored to the budget, the members of the Washington State Bar Association have now heard both sides of the issue.

SLADE GORTON
Attorney General

Olympia



Around the State

GOVERNMENTAL LAWYERS ASSOC.

By SAM P. LOCKARD

The February meeting of the Governmental Lawyers Association featured Judge **Matthew W. Hill**, chairman of the Pollution Control Hearings Board, as the guest speaker. Although Judge Hill is now retired from the State Supreme Court, he has by no means retired from public service. His remarks about the mechanics of the new hearings board were very enlightening.

The agenda included a discussion of the recently proposed legislation to add a fourth judge to the Thurston-Mason County superior court bench. In support of the need, President **Bob Hauth** pointed out that state litigation accounted for a large share of the court's burden, and that new state cases had doubled in the past two-year period.

Plans for the regular March meeting entailed not only a new meeting location, but also "What's new in law schools." Dean **Joseph Sinclitico** of the University of Puget Sound Law School was scheduled to appear as a featured speaker and guest, together with **Eddie Friar**, Executive Director, State Bar Association.

Benton-Franklin Report

By ED McKINLAY

Two of our local boys **Curt Ludwig** for the State and **Rem Ryals** for the defendant, had the opportunity recently to appear before the United States Supreme Court in a case involving "Carmen Baby," a blue movie with allegedly no redeeming social values. The outcome

of the case is as yet uncertain, but there is talk locally as a result of the trip to Washington, D.C., of prosecuting Curt and Rem for taking Carmen Baby across a state line.

While some were doing their thing in D.C., Judge **Richard G. Patrick** was on a trip to Hawaii. It seems that he took the recent raise in judicial salaries to heart.

Kennewick's **Diehl Rettig**, *bon vivant extraordinaire*, was pictorially featured in a Leap Year "eligible bachelors" article in the area press. Pictured by his sports car, which assertedly once belonged to golfer Gene Littler, and sporting a moustache which looked like it once belonged to Omar Shariff, Rettig was the envy of the younger set, and of quite a few of us older ones. Modest Diehl claims his phone hasn't stopped ringing yet, but he declined to indicate whether the calls are from members of the fairer sex wanting a date, or from officers of the Finance Company wanting to repossess the sports car.

Duane Taber has not forgotten his coat at the court house in over a year.

EAST KING REPORT

By CHARLES F. DIESEN

Bill Trippett, Bellevue, has terminated as assistant city attorney and formed a partnership with **Richard Carrithers**. The partnership moved to Suite 8 of the Fairlake Professional Plaza. Rich had occupied Suite 4. **Pete Chevis** has joined the City of Bellevue to assume some of Bill's duties.

Mike Reischling moved his office to Seattle after having shared office space with **Jay Nuxoll** at Crossroads for several years. Jay

says he is looking for someone to use the vacant space.

Laurence H. Shaw, formerly of Renton, has opened an office in the Surry Building in Bellevue.

Roger Decker is the new Vice-President of the Bellevue Rotary Club.

GRAYS HARBOR REPORT

By JOHN L. FARRA

Paul and **Florence Fournier** recently embarked on a vacation to Hawaii. While Judge Fournier is gone to the Hawaiian islands, **Paul O. Manley** of Aberdeen is filling in as District Court Judge.

J. K. Hallam, of Aberdeen, recently returned from a trip to San Francisco. **Bob Charette**, of Aberdeen, recently returned from the battleground in Olympia. Bob can hardly wait for another special session.

As could be expected, the County Commissioners of Grays Harbor overextended their budget on the remodeling job of the old courthouse and the building of the new annex. The partitions in the jury rooms will probably be repossessed. As usual, the court facilities came out second best in the rebuilding expenditure.

LEWIS REPORT

By DONALD F. PIETIG

After arranging for transportation via ferry or row boat, as a result of the recent flooding in Lewis County, the membership was able to hold the first meeting of 1972 on February 3.

Continuing the tradition of extensive campaigning, primaries and hard-fought final elections, **Don Pietig** was able to eke out a victory and was elected as the

new Secretary of the Bar Association.

This out-of-phase election was necessitated by the unanticipated early retirement of former secretary, **Byron Adams**. Byron and his wife will be relocating to the eastern portion of the United States. The Bar Association extends to him our sincere best wishes in his future career and the very real sense of loss felt by all.

During the past few weeks **Jerry Moore** and family have been enjoying the warmth and comfort, if any, that Alaska has to offer as they combined a business and pleasure trip to this area of the country. At the other end of the climate scale we find the **Lee Campbells** vacationing in sunny California. A complete and comprehensive report will be anticipated from **Grant Armstrong** concerning the ABA Convention held in New Orleans.

PIERCE REPORT

By **DAVID E. SCHWEINLER**

PROGRAMS

The Sixty-Fourth Annual Lincoln Day Banquet sponsored by the Tacoma-Pierce County Bar Association was held at the Top of the Ocean restaurant on Friday, February 11, 1972. The association was honored to have as its speaker Mr. **Robert W. Meserve**, President-Elect of the American Bar Association. Honored guests included:

From the Federal Bench:

William T. Beeks, Chief Judge, and Judges **Charles L. Powell**, **Morell E. Sharp**, and **William N. Goodwin**.

From the Court of Appeals:

Vernon R. Pearson, Acting Chief Judge and Judge **Ralph**

L. Armstrong.

From the Superior Court Bench:

James V. Ramsdell, Presiding Judge, and Judges **Horace G. Greer**, **William L. Brown, Jr.**, **Bertil E. Johnson**, **Bartlett Rummel**, **Stanley W. Worswick**, **John D. Cochran**, **Robert A. Jacques**, **William L. LeVeque**, and **Hardyn B. Soule**.

From the Municipal Court:

Judges **De Witt Roland** and **Earling Tollefson**.

From the District Court:

Waldo F. Stone, Presiding Judge, and Judges **Filis L. Otto** and **Willard Hedlund**.

From the Supreme Court:

Frank J. Hale, Acting Chief Justice, and Justices **Robert T. Hunter**, **Charles T. Wright**, **Hugh J. Rosellini**, **Robert F. Utter**, **Charles F. Stafford**, **Robert C. Finley**, **Charles T. Donworth**, Retired, and **Matthew W. Hill**, Retired. **William Lowry**, Clerk of Court, and **Albert C. Bise**, Court Administrator.

From Washington State Bar Association:

E. Frederick Velikanje, President, **Edward J. Novack**, **Robert S. Day**, **Neil J. Hoff**, **John S. Lynch**, **John J. Ripple**, **James P. Curran**, **G. Edward Friar**, Executive Director, and **Roy Mitchell**, Director of Professional Activities.

From Congress:

The Honorable **Floyd V. Hicks**.

From University of Washington:

Richard S. L. Roddis, Dean, and **Robert S. Hunt**, Assistant Dean, **John C. Huston**, Assistant Dean, and **Marian G. Gallagher**, Professor.

From Gonzaga University School of Law:

Lewis H. Orland, Dean.

From Univ. of Puget Sound:

Joseph A. Sinclitico, Jr., Dean.

As part of the festivities, the officers of the Tacoma-Pierce

County Bar Association were announced for the year 1972-73.

They are:

President: **David E. Schweinler**; Vice-President: **Merrifield B. Rees**; Secretary-Treasurer: **Michael J. Turner**; Trustees: **Grant L. Anderson**, **J. Kelly Arnold**, **Jack C. Rosenow**, **James E. O'Hern**, **Spirro Damis**, **F. Curtis Hilton**.

Announcements

Larry J. Couture, University of Oregon, J.D. 1971, has joined the Pierce County Prosecuting Attorney as a criminal deputy.

The Tacoma-Pierce County Bar Association has been negotiating with Pierce County Medical with regard to a plan of medical coverage and major medical coverage for all of its members. The Bar Association has approved the plan being circulated at the present time.

SEATTLE-KING REPORT

By **GERALD G. TUTTLE**

King County attorneys continue to be active in public affairs as evidenced by the following recent announcements:

William Y. Mambu has been elected president of the Japan-America Society of Seattle. **Gordon S. Clinton** was named a vice-president of the Society.

Paul E. S. Schell has been elected president of Allied Arts of Seattle. **Llewelyn G. Pritchard** is counsel to the corporation.

Victor D. Lawrence has been elected president of the Seattle General Hospital trustees to serve with **Ben J. Gantt, Jr.**, vice-president and **Edward Starin**, secretary.

Muriel Mawer has become a member of the Board of Regents of Gonzaga University.

Lowell P. Mickelwait has announced his retirement, effective June 1, from The Boeing Company and will be joining the firm of Perkins, Coie, Stone, Olsen & Williams, of counsel, effective July 1, 1972.

Robert Gunovick has left the Attorney General's office to take up practice with Moschetto & Alfieri.

King County Young Lawyers are preparing what promises to be a great joint conference with the Young Lawyers of Vancouver, British Columbia, May 19 to 21 at the Admiralty Resort, Port Ludlow. An extended program of current interests is planned by the committee, headed by **Sue F. French** and **Randy Revelle**. This will be the Young Lawyers' third social event of the year, following highly successful basketball and ski parties.

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

The January 21, 1972, issue of *Argus* warns of a takeover (inheritance) of Seattle, headed mainly by recent Harvard graduates. Announcing consternation among Yalies, *Argus* announces the "core" of the group to consist of **Tom Alberg**, **Gary Little**, **Chris Bayley**, **George Akers**, **Cam Hall**, **Llewelyn Pritchard** and **Peter LeSourd**, four of whom are from Harvard (one of whom is described as chubby and ebullient) and such satellite figures as **Dick Derham**, Prof. **William Rodgers**, **Doug Raff**, **Keith Dygart**, **Irving Clark, Jr.** (the father figure), **Calhoun Dickinson** and **Roger Leed**, five of whom are from Harvard. The College Club is purportedly the headquarters of this organization. Anyone seeing more than two of these individuals together at one time should report it immediately to someone.

SPOKANE REPORT

By **MICHAEL E. DONOHUE**

Stan Moore's method of practicing criminal law in the Federal Courts seems to keep him in stitches. During a recent trial, Stan's client brought his much publicized murder trial to a screeching halt by clouting Stan on the side of the head. It's the old story of the irresistible impulse to meet an immovable object with an irrepressible force. Our compliments to the medical profession for the neat button-stitching job they did on Stan's skull. As Chairman of the Speakers' Bureau for the County Bar, Stan plans to include talks on self-defense for the defense attorney.

The County's Bar Auxiliary had their annual terpsichore and beanfeast a while back. One of many high points in the evenings' revelment was the Judicial parody, the theme of which was "What do judges wear under their robes?" An example: Judge **Willard Roe**, played by **Dick Hayes**, wore a Judicial Robe under his Judicial Robe, under which was a bare chest tattooed "Judge."

Ed. Note: The following report received from Mrs. Curtis Shoemaker, corresponding secretary of the Spokane County Bar Auxiliary:

The Auxiliary's first activity of this year was a membership brunch at which we all welcomed the new members. This year it was held at the home of Mrs. Richard Guy.

January is the month of the Auxiliary's annual dinner dance and musical program. Always something special to look forward to, it was written by John Heath and featured musical numbers and solos performed by

members of the Auxiliary and their talented attorney husbands. This year's program was set around a sophisticated "Sesame Street" theme. Mrs. Guy was chairman.

YAKIMA REPORT

By **RANDY MARQUIS**

Retirement:

T. J. Smith, prominent counsel for some 40 years in Wapato and a pillar of the Yakima County Bar who distinguished himself by siring the now U.S. Attorney for the Eastern District of Washington, Dean Smith, has announced his retirement from active practice. T.J. can be located on the golf links at Hayden Lake, Idaho. T.J.'s departure leaves **Charles Amstutz** to mind the store. Charles is Wapato City Attorney and a full-time practicing attorney in the immediate area of Wapato.

Passed the Bar:

Willamette Law School classmates (Class of May 1971) **Kevin Smith Kirkevold** and **Arthur Bingman** (Mabton, Wash.), passed the Bar with flying colors and will be practicing law in Yakima County. Kevin has been elevated from Legal Intern to Associate in the firm of Tunstall, Hettinger and Dohn. Art is also a member of the Oregon Bar.

Court Names Commissioners:

Presiding Judge **Thomas E. Grady, Jr.** has announced the appointment of **Ray Reid**, Toppenish, and **Ray Browder**, Sunnyside, as Court Commissioners in the Yakima District Justice Court. Both attorneys are former justices of the peace under the pre-District Justice Court system.

McLauchlan At Large



Edwin J. Friedman, Seattle



Charles F. Scanlan, Spokane



Robert W. McKisson, Seattle



Philip L. Burton (L) and Roy C. Mitchell (R), Seattle



Brian L. Comstock, Seattle



Mr. and Mrs. John Huneke, Spokane

Do-It-Yourself Divorces

(Continued from page 6)

B. Fees for Non-contested Divorce Panel:

1. Plaintiff, Non-contested, without alimony, support, or division of estate \$150.00

The services to be rendered to a Plaintiff under the above fee arrangement are:

1. Initial interview;
2. Preparation of summons and complaint;
3. Preparation and presentation of motion and affidavit for order of default (if required);
4. Preparation of affidavit of nonmilitary service;
5. Preparation and presentation of findings of fact, conclusions of law, and decree of divorce.

Non-contested items such as division of estate, support and child custody could be spelled out in the complaint and eventually included in the findings and conclusions.

2. Defendant. Negotiation settlement \$20 per hour, with the minimum being \$50.

Services to be rendered to the Defendant under the fee arrangement are:

1. Preparation of appearance;
2. Negotiation of settlement.

Note: Any services performed by either the Plaintiff's or Defendant's attorney in addition to the above services should be rendered at the attorney's regular hourly rate. It would no longer be a "non-contested divorce."

C. Non-contested Divorce Seminar:

In order to increase the efficiency of the attorney who is a member of the Non-contested Divorce Panel and perhaps to induce attorneys to apply for the special panel, Lawyer Referral Service should sponsor a seminar on non-contested divorce procedures. The agenda for such a seminar could include such items as:

1. General divorce law background;
2. Divorce court procedures;
3. A handbook of simplified, non-contested divorce forms for use by the attorney; and
4. Efficient use of secretarial and paraprofessional services.

D. Initial Interview:

The initial interview at the Lawyer Referral Service office should serve

three functions. First, the Lawyer Referral Service should interview the client seeking assistance to determine whether the individual meets the Lawyer Referral financial guidelines. Secondly, the interviewer will make a judgment as to the likelihood of a contested case. Non-contested cases in which the individual meets the guidelines will be referred to the special panel. Contested cases or cases likely to be contested could be assigned to attorneys who have signed up for the general domestic relations panel on the Lawyer Referral Service application blank. Thirdly, the Lawyer Referral Service interviewer should hand to the client who is to be referred to an attorney on the Non-contested Divorce Panel an initial interview form. This form will request information from the client as to such items as name of spouse, date of marriage, place of marriage, number of children, names of children, etc. It should generally request all information which will be required by an attorney in preparation of a summons and complaint. The client will then be able to give this information sheet to the attorney at the initial interview at the attorney's office.

A letter of explanation to clients who qualify for this program has been prepared. Also a proposed fee arrangement contract has been prepared. □

Minimum Lawyer Fee May Violate Law, F.T.C. Is Told

Long-established professional practices may violate antitrust laws and be unfair to consumers, the Federal Trade Commission was told here today.

The American Bar Association's recommended minimum fees for lawyers may be as much a violation of laws against monopoly as fixing the price of gasoline would be, William H. Rodgers, University of Washington law professor, said.

Rodgers spoke at the second day of hearings in which the federal agency is seeking advice on how to protect consumers in the Pacific Northwest.

—The Seattle Times
March 6, 1972

The Forgotten Man

(Continued from page 8)

and, (3) provide compensation for pain and suffering and other reasonable losses. The federal share provided by the bill would be 75% of the cost.

Legislation in Six States

Victim compensation plans presently exist in six states — New York, Massachusetts, Maryland, California, Hawaii and Nevada. California has had a unique program providing aid to victims of crime based on a showing of need and also aid to citizens whose actions have benefited the public. Under their provision for aid to victims of crime based upon need, the victim is paid for expenses not to exceed \$5,000. Where a citizen has benefited the public by his action, he is indemnified for loss, regardless of need, for both personal and property losses with a limit of \$5,000 compensation. The four-year cost for aid to victims of crimes in California has been \$652,625 representing 1,410 claims filed. The six-year cost for aid to citizens benefiting the public has been \$137,000 for 50 claims. Of the other states, Hawaii has the most comprehensive program. Victims, their dependents or guardians are eligible. Need is not a factor in compensation, and a \$10,000 limit has been placed on recovery with compensation provided for pain, suffering and other related expenses as well as loss of earning power. Cost of their program for 1970 was \$267,000 for 135 claims.

Other than outright compensation, the Bureau of Insurance of the Housing and Urban Development Administration has made federal crime insurance available in nine states and the District of Columbia as of August 1, 1971. This program is operating initially in Connecticut, Washington, D.C., Illinois, Maryland, Massachusetts, Missouri, New York, Ohio, Pennsylvania and Rhode Island. Commercial and residential burglary and robbery insurance is available with maximum coverage of \$15,000 for commercial and \$5,000 for residential. Rates have been kept low in high crime areas inasmuch as all communities within a standard metropolitan statistical area are treated as a single-rating territory. Thus, urban residents, for the first time in these states, will usually pay the same rates as their suburban counterparts.

Sensitizing of Society

The sensitizing of society to the plight of the victim has a number of implications beyond just that of payment for victims of violent crime. The way in which the whole legal system handles a victim must be examined with the question in mind of how well the system is serving its primary client, the victim. Sensitivity must be shown, among other things, to the incredible time demands made on some victims to process and prosecute the case against the offender. The victim of a person causing an accident in the process of driving while intoxicated may well be required to make three separate court appearances, consuming at a minimum a major part of one day for each appearance. It is not unlikely that he would have to first testify at the criminal hearing in justice court. It is also not unlikely that that case would be appealed and he would need to testify once more during the new trial on the same issues before a superior court jury. The same testimony, with only the added element of his own personal damages, would in all likelihood require his testimony in his own claim for civil damages at an entirely different trial in superior court. Is it any wonder that victims, in even the most simple cases, are often reluctant to become involved in the criminal justice process?

The problems of recounting the crime to law enforcement agencies and then testifying in at least two trials in justice and superior court for victims of morals offenses, can only be described as incredible. If the victim is young and immature, it is, if possible, even worse.

What Needs to Be Done?

What needs to be done? First, is simply a continuing development of awareness of the plight of victims of crime in our society and a commitment to respond to this need in a responsible, collective way at all levels of the criminal justice system in much the same way as our governmental process has responded to other areas of acute need. Moral gratification at the conviction of an offender, if that occurs, is simply not enough for a victim who has been deprived of income, incurred crippling medical expenses, and possibly suffered permanent personal and perhaps emotional injury.

A responsible plan for progress is possible within a reasonable period of time. The Human Affairs Research Center of Battelle Memorial Institute is currently conducting a study financed

by the Ford Foundation on the question of public compensation for victims of crime. This study will encompass all of the existing plans to find goals and explore options available to legislative bodies and public interest groups wishing to establish victim compensation programs, and also consider the relationship between victim compensation programs and private, governmental or mixed forms of insurance.

Citizen Assistance to Victims

As has been seen with the work now being done with offenders, improvement in the governmental approach to the problem will still leave many areas of assistance in which the public as a whole still needs to be involved. Current specialized efforts to find employment for offenders and returning veterans should, and hopefully will, be continued. In the appropriate case, however, it is not unreasonable to ask the community as a whole to make special efforts to find employment for the victim of criminal offenses, tailored to his possible diminished capacity to fit into the current job market. In appropriate cases, citizen assistance to victims, particularly during their period of physical and emotional recovery, might well be appropriate. In our large, impersonal urban society, many people live lives that are truly alone and isolated from their neighbors, and when trouble comes, do not have the outside, personal, interested assistance of a specific person who cares, to give them both emotional and practical support. Longrange involvement of sponsors in appropriate cases for victims could be provided, where appropriate, similar to the Big Brother program now dealing with fatherless, juvenile boys, or the Man-to-Man program sponsored by Job Therapy.

Offenders Assistance To Victims

Last, and certainly far from least, in those groups which need to develop a sensitivity to the plight of the victims, are the offenders themselves. True rehabilitation would seem to me to be impossible without an appreciation of the impact of one's misconduct upon another and, where practical, an attempt in some way to provide recompense for that misconduct. The current effort to develop community corrections programs for those who can safely be cared for in facilities close to the community where the offender originally lived, offer increased possibilities for mean-

ingful financial involvement. A well-functioning community corrections program would provide for employment outside the housing facility and offer an opportunity to earn wages which in part could be directed to a compensation for victims. If men in institutions are ever paid at close to prevailing wage scales for work they do, more realistic opportunities to contribute to recompense victims could also be made.

A properly functioning criminal justice system should be one which provides justice, in its best and truest sense, to all. We have, in the past few months, started to recognize some of the serious deficiencies in the way we formerly processed men through a prison system that had not changed in many decades. Hopefully, the efforts now being made in this area will provide for better overall protection for the community and along with that, a more adequate system of rehabilitating offenders. These efforts need to be strengthened and continued.

If these are, however, the only efforts we make in improving our criminal justice system, we have still neglected to provide justice for the client of the system, the victim. The deficiencies I have mentioned are certainly not all inclusive of the areas in which we must direct our effort. Insofar as they suggest areas for legislative change, sensitivity of the criminal justice system to the demands made upon the victim, the opportunities for citizen involvement, they do provide a starting point. This is, I believe, a start which is greatly overdue. □

Washington Community Property Law

(Continued from page 12)

community property. *Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except:*

(1) *Neither spouse shall devise or bequeath by will more than one-half of the community property.*

(2) *Neither spouse shall give community property without the express or implied consent of the other.*

(3) *Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.*

(4) *Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.*

(5) *Neither spouse shall create a security interest other than a purchase money security interest as defined in RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances unless the other spouse joins in executing the security agreement or bill of sale, if any.*

(6) *Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other: PROVIDED, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse.*

Sec. 4. Section 2410, Code of 1881 and RCW 26.16.040 are each amended to read as follows:

Community real estate shall be subject to the liens of mechanics and others for labor and materials furnished in erecting structures and improvements thereon as provided by law in other cases, to liens of judgments recovered for community debts, and to sale on execution issued thereon.

Sec. 5. Section 2413, Code of 1881 and RCW 26.16.140 are each amended to read as follows:

When a husband and wife are living separate and apart, their respective earnings and accumulations shall be the separate property of each. The earnings and accumulations of minor children shall be the separate property of the spouse who

has their custody or, if no custody award has been made, then the separate property of the spouse with whom said children are living.

Sec. 6 Section 2402, Code of 1881 and RCW 26.16.190 are each amended to read as follows:

For all injuries committed by a married person, there shall be no recovery against the separate property of the other spouse except in cases where there would be joint responsibility if the marriage did not exist.

Sec. 7. Section 2, chapter 32, Laws of 1909 and RCW 49.48.100 are each amended to read as follows:

No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married person, unless the written consent of the other spouse to the making of such assignment or order is attached thereto.

NEW SECTION. Sec. 8. Section 2404, Code of 1881 and RCW 26.16.130 are each hereby repealed. □



SUPREME COURT PRACTICE

By WILLIAM M. LOWRY

Supreme Court Clerk

Summaries of some of the cases to be set during the 1972 May Session of the Supreme Court are set forth below:

Petition for Review Granted

42173 — **Taxation.** Where a manufacturer, in listing personal property with the county assessor, offsets against the accrued costs of manufactured products still in his hands the progress billings on those products, does this offset property constitute omitted property, which is subject to assessment at a later date?

Cases Originally Filed in the Supreme Court

42164 — **Administrative Law.** At issue are the interpretation of the public service laws relating to contract carriers and the tests applicable thereto, as well as the scope of the "clearly erroneous" standard of reversal specified in the administrative procedures act.

42198 — **Constitutional Law.** Whether the procedures followed by the University of Washington Law School Admissions committee to achieve a greater minority representation among students enrolled therein, is in contravention of the Fourteenth Amendment of the United States Constitution.

42201 — **Constitutional Law.** Whether RCW 4.16.300-4.16.320 relating to the limitation of actions or claims arising from any improvement upon real property are violative of Art. 1 Sect. 12 of the Washington Constitution and the fourteenth amendment of the United States Constitution.

42207 — **Constitutional Law.** Whether RCW 60.72.010 interpreted by the superior court as imposing a landlord's lien on property other than the tenants, superior to the interest of the third party owner thereof, is violative of the due process clauses of the State and Federal Constitutions.

42018 — **Constitutional Law.** Whether RCW 29.79.490 which provides proscriptions against particular conduct and practices in the initiative and referendum process, is violative of the State and Federal Constitutions.

42080 — **Constitutional Law.** Are the provisions in Seattle City ordinances which prohibit the issuance of licenses to theater operators who have been convicted of a crime involving moral turpitude, within ten years of the date of applica-

tion, unconstitutionally vague?

42299 — **Constitutional Law.** Whether the city of Seattle may lawfully impose a one-year durational residency requirement upon applicants to positions in the classified civil service of the city.

42270 — **Negligence — Liability of State.** Can the State be held liable for the wrongful death of a worker who was killed while working on the construction of a bridge where the State is under contract with the general contractor and allegedly retains supervision of the construction through the Safety Division of the Department of Labor and Industries?

42138 — **Constitutional Law.** Is RCW 50.04.323 (1) in violation of the privileges and immunities clause and equal protection clause of the State and Federal Constitutions since it awards to recipients of old age survivors insurance benefits under unemployment compensation while denying such benefits to recipients of government and/or private retirement pension plans.

42199 — **Constitutional Law.** Is RCW 41.20.110 violative of the State Constitution in that it terminates an individual's pension rights upon the conviction of a felony.

42087 — **Tidelands.** May raise the issue of whether *Wilbour v. Gallagher*, 77 Wn.2d 306 (1969), which held that owners of shoreland on Lake Chelan cannot fill such lands so as to interfere with the public's right of navigation, extends to owner of tidelands.

41889 — **First degree murder, death Penalty.** Cruel and unusual punishment issue.

THE COURT OF APPEALS

By JOSEPH A. THIBODEAU, Clerk

A growing problem in the law is the proper method of securing a review of a non-appealable order. The extraordinary writs have been a source of such relief. While the court is loathe to interfere, unless required by CAROA 57(b) (1), with the progress of trial and the orderly administration of justice, still, it will intercede to prevent the loss of a valuable right or if the trial court has committed an error as a matter of law. As an example, the court in the case of *Sutherland v. Southcenter Shopping Center, Inc., et al.*, 3 Wn. App. 833, 478 P. 2d 792, granted a writ of certiorari to review a superior court determination that a party could not solicit signatures

in a shopping center without the consent of the property owner. The denial of this constitutional right would have caused irreparable damage to the petitioners by preventing them from securing the necessary signatures for an initiative to be presented to the 1971 Legislature.

The mere fact that the court has granted a writ in another case to review a similar assignment of error does not necessarily entitle a petitioner to a writ as a matter of right.

Since its implementation in 1963¹, Rule 57 has been plagued with misunderstanding and confusion. Some of the areas of confusion are:

1. Subdivision (c) provides that before a stay of proceedings can be granted, petitioner must file a bond for costs. Further, the rule is not clear as to whether petitioner may proceed ex parte for the stay or must give notice to opposing counsel. It is the practice in the Court of Appeals to require a bond to be filed before a stay of proceedings can be entered. Experience has shown, however, that a stay will normally not be granted unless opposing counsel is present or has notice of the hearing and has indicated that he will not appear. In the event the court denies petitioner his requested relief and the order provides that respondent shall recover his costs, the respondent shall follow the procedure set forth in CAROA 55.

2. Subdivision (f) governs preliminary hearings. Within that section a petition may be presented ex parte to the Chief Judge and he may issue an order to show cause why the writ should not issue. The court has adopted the practice that the Chief Judge will hear an application for an extraordinary writ ex parte only in the event that petitioner can establish that he will lose the fruits of the litigation and he has exhausted all avenues for giving counsel notice.

¹CAROA 57 is substantially the same as the 1963 Rule.

SUPERIOR COURT NEWS

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

The Washington State College of the Judiciary will conduct a one-week continuing judicial edu-

cation program at the Providence Heights Center, Issaquah beginning April 17. Kitsap County Superior Court Judge **Jay Hamilton** will serve as dean of the college for the session. Chief Justice **Orris Hamilton** and Justice **Charles Stafford** of the state Supreme Court, together with state Court of Appeals Judge **Keith M. Callow**, will be among the faculty. Superior Court judges included on the faculty include Judges **Warren Chan**, **Nancy Holman**, **George H. Revelle**, **Charles Z. Smith**, **Stanley Soderland**, **David W. Soukup** (all of King County), **W. R. Cole** (Kittitas), **Richard J. Ennis** (Lincoln), **Carl Loy** (Yakima), **Richard Patrick** (Franklin-Benton), **Willard Roe** (Spokane), and **John Tuttle** (Walla Walla). Judge **William Brown** (Pierce) is ongoing dean of the College.

Governor Dan Evans has appointed **Erle W. Horswill**, veteran Seattle trial lawyer, to the King County Superior Court to fill the vacancy caused by the death of Judge **Donald L. Gaines**. Horswill, a graduate of the University of Washington School of Law, will assume his post in April.

Judge Frank D. Howard (King) has been named to fill the unexpired term of the late Judge **Donald L. Gaines** as Secretary-Treasurer of the state Superior Court Judges' Association.

* * *

The Spring Judicial Conference will be held at the Evergreen Inn, Olympia, April 25 through 29. An all-day joint meeting with the state Juvenile Probation Officers April 25 will be devoted to development of a new Juvenile Code.

Judge **George H. Revelle** (King), newly re-elected Chairman of the King County Superior Court Juvenile Judges Committee, announces that the new Juvenile Court facilities will soon be ready. A week-long Open House is scheduled for the week of May 8. The new courtrooms feature closed circuit television with taping capabilities.

King County Presiding Judge **Frank H. Roberts** is initiating a new pro tem judge program developed by the court and the Seattle-King County Bar Association. Members of the bar association have guaranteed that they will be available to serve as acting judges on specific dates in an effort to provide adequate judicial manpower to accommodate the King County Superior Court caseload.

NEWS OF COURTS OF LIMITED JURISDICTION

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

Education for Judges of Courts of Limited Jurisdiction has become the by-word for the year 1972. In addition to the annual spring training seminar for Judges to be held March 15, 16 and 17 at Providence Heights under the direction of Judge **Don Eide**, King County, several other conferences and seminars will be held this coming summer. On July 13-15, a regional seminar will be held at Boise, Idaho sponsored jointly by the Washington State Magistrates Association and the National College of the State Judiciary.

For the first time in history, the National College of the State Judiciary will sponsor a two week program of schooling for Special Court Judges at Reno, Nevada. This conference will be geared to the problems unique to courts of limited or special jurisdiction. Judge **Thomas Russell**, former judge of the Northeast District Court, King County, has been appointed the director, nationally, for this program and has invited twenty-five members of Courts of Limited Jurisdiction in Washington to attend.

Judge **Gary Utigard**, President, WSMA, appointed three members of the Board of Governors, as representatives to attend the National Conference of Special Court Judges to be held in San Francisco in conjunction with the ABA annual conference. They are: Judges **Anthony Wartnik** and **Murray A. McLeod**, King County, and Judge **Lyle Truax**, Clark County.

A couple of notes of information is extended to members of the State Bar Association relating to District and Municipal Courts; a Municipal Court has been established at LaCrosse, Washington, with Judge Donald Voderbruggen appointed to preside. Judge **Daryl Rank** of the Snoqualmie Municipal Court has announced that all cases in this municipality will henceforth be heard in the Northeast District Court, presided over by Judges **Charles Ralls** and **Carolyn Dimmick**. Judge **Levy Johnston**, Montlake Terrace Municipal Judge, has announced that all cases, except traffic, will be transferred to the local District Court in South Snohomish County, and it has been announced that the Cashmere Municipal Court will transfer all its cases to the local District Court.

The Board's Work

(Continued from page 4)

- ✓ Decided to ask the Legal **Ethics** Committee for an opinion concerning aspects of a Snohomish County firm's reported arrangements to provide closed-panel group legal services.
- ✓ After hearing **Charles I. Stone** of Seattle chairman of the **Discipline Committee**, explain committee-proposed changes in the Rules for Discipline of Attorneys, scheduled full discussion of the changes for its March 24 meeting in Spokane.
- ✓ Heard a presentation by **John T. Piper** of Seattle, chairman of the **Corrections Committee**, concerning the financing of the University of Washington law students' LAMP (Legal Assistance to McNeil Prisoners) program, and voted to make funds, not exceeding \$3,592, available to the committee to continue the program until more permanent financing is available.
- ✓ Administered **reprimands** to two lawyers for unethical conduct, approved a legal internship and considered three requests for transfer from **inactive to active** status by three lawyers.
- ✓ **Denied a request** by a UW School of Communications faculty member for funds to help establish a journalism-student internship in the Supreme Court.
- ✓ **Approved in principle the desirability of mandatory malpractice insurance for all Washington State lawyers**, if constitutionally and economically feasible, and decided to ask the Insurance Committee to investigate the matter.
- ✓ Received from **Quinby R. Bingham** of Tacoma, State Bar legislative representative, a report on **legislative** bills of interest to the bar.
- ✓ The Board of Governors the previous evening attended the traditional big **Lincoln Day dinner** sponsored by the Tacoma-Pierce County Bar, at which Robert Meserve of Boston, ABA president-elect, was the speaker. The Board and the Disciplinary Board, which also met in Tacoma February 12, attended a joint luncheon meeting that day and discussed matters of mutual concern.



Conditioning the Judgment Debtor

The 1971 Statute covering Order for Examination of Judgment Debtor (RCW 6.32.010) simplifies the procedure by eliminating the requirement of issuing an execution and filing a return showing that it is unsatisfied. Consequently, I was in the process of revising our form of Affidavit and Order when I came across an excellent form to send along with the Order when it is served on the Judgment Debtor so that he will have no excuse for not having all the required information available at the time of the hearing. Moreover, by filling in the answer lines, a young attorney or a legal intern, who frequently handles these hearings, can have some assurance that he has covered the field. Of course, we should always take time before handing the matter to a young man to see if our knowledge of the case will permit us to add a few more questions to the fifty-three already on the list. In any event, here is the basic form:

“You Will Be Asked the Following Questions. Please Be Prepared with Answers & Documentary Proof.”

SUPPLEMENTAL HEARING

● Questions:

1. Name of debtor and date? _____
2. Creditor _____
3. Address? Phone? _____
4. Age? Married? Family? _____
5. How many children? How many other dependants? _____
6. Do any of them pay board? _____
7. Where working? _____
8. Occupation? _____
9. Does wife (husband) work? _____
10. What position do you hold and where? _____
11. Are you a Union man? _____
12. What is your wage scale? _____
13. How long have you been there? _____
14. Salary and/or commission? _____
15. Interest in any business? _____
16. Own home? _____
17. Rent? Monthly Rental? Landlord? _____
18. Where is it located? Value? _____
19. File income tax report last year? Where? _____
20. Real estate? Encumbered? _____
21. Bank account? Where? Amount? _____
22. In whose name? Control or disposal? _____
23. What kind of account? _____
24. How long have you had this account? _____
25. Where last bank account? _____
26. When closed? _____
27. Safety deposit box? Where? _____
28. Cash on person? Elsewhere? _____
29. Power of attorney to anyone? Purpose? _____
30. Hold power of attorney? For whom? _____

31. Property disposed of since suit was filed? _____
32. Household goods? _____
33. Personal property, other than household furniture & wearing apparel? _____
34. Bills receivable (debts owing you)? _____
35. From whom are they due? _____
36. What type of accounts? _____
37. Notes? Mortgages? _____
38. Stocks, bonds or other securities? _____
39. Any such held by anyone for you? _____
40. In what companies? How much? _____
41. Insurance? Kind? Premium? _____
42. Watch, diamonds, other jewelry? Radio? _____
43. Automobile or interest therein? Other vehicles? Trucks? _____
44. Farm implements? Livestock? _____
45. Patents, copyrights or trade marks? _____
46. Any inheritance due you? _____
47. Any property in hands of trustee for creditors? _____
48. Contracts of any description? _____
49. Mill? Mill equipment not in use? Logging Equipment? Timber? Insurance on equipment? _____
50. Anything pledged or pawned? _____
51. Membership in clubs? _____
52. Terms for settlement? _____
53. Defense bonds? How many, what series and denominations? _____



Harry E. Hennessey

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

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



By now each member of the Bar should have received from the State Bar Office his personal copy of the new Code of Professional Responsibility — and, of course, should have read it.

The lawyers will have noticed that the Code, although written primarily for the legal profession, includes numerous rules and ethical considerations the public, the client, considers important. One of these deals with fees, a vital element in each lawyer's client relations and in the Bar's public relations.

The Code commands (DR 2-106, page 1133 in the Code booklet): "A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee." Further provisions set forth the factors that go into the setting of fees.

Then, Ethical Consideration 2-19 (page 1141) finally codifies a basic rule of all good client and public relations for lawyers:

"As soon as feasible after a lawyer has been employed it is desirable that he reach a clear agreement with his client as to the basis of the fee charges to be made. Such a course will not only prevent later misunderstanding but will also work for good relations between the lawyer and the client."

"It is usually beneficial to reduce to writing the understanding of the parties regarding the fee, particularly when it is contingent.

"A lawyer should be mindful that many persons who desire to employ him may have had little or no experience with fee charges of lawyers, and for this reason he should explain fully to such persons the reasons for the particular fee arrangement he proposes."

Public polls have shown over and over again that clients rarely object of the *Amount* of lawyers' fees. The great objection is to being "surprised" — shocked may sometimes be the better word — by a fee billed without any prior explanation or with inadequate explanation. Legal clients, like all other customers, like to know what the charge is going to be and what they are getting for their money.

The Code's direct professional response to the public's misunderstanding of fees will be noticed; the public inevitably gains an awareness of costs through direct and indirect associations, and in time, with the end of mystery and surprise, will appreciate the value of legal services.

Public Relations Committee

Births

Tacoma: **Wendell Duncan** was appointed President of the local bar. **John J. O'Connell** elected a trustee. **John C. Newlands** joined **Reuben Carlson**. **Horace "The Growl" Geer** rejoined the Corporation Counsel.

Walla Walla: **Stephen M. Ringhoffer** joined his father. **Robert A. Comfort** became associated with Cameron Sherwood.

Ellensburg: **Joseph G. Panattoni** opened an office there.

Bellingham: **R. T. Atwood** joined **Jack S. Kurtz**.

Longview: **John Calbom** left the Spokane prosecutor to join his brother.

Seattle: **James E. Prince** left Holman, Mickelwait, Marion, Prince & Black to join **William M. Allen**, President of the Boeing Company, as Vice President-Administration. **Donald D. MacLean** became associated with McMicken, Rupp & Schweppe.

Olympia: **Jennings P. Felix** appointed Chief Counsel for the Washington State Tax Commission. This was considered a position of great importance since our State was even then operating on a strictly deficit basis.

Crossed the Bar

Duvall: **Edward H. Wright**, age 80.

Seattle: **E L. Skeel**, 70, father of Willard. **Leah Ames Rempher**, 72. **Ira D. Orton**, 80, also maintained an office in Nome. **James W. Redden**, 70. **George D. Lantz**, 68. **Elwyn J. Eagen**, 50. **Lawrence Seltzer**, 49.

Yakima: **Emile B. Velikanje**, 77, father of Stanley and Fred.

Honors

Judge H. G. Sutton was given a banquet by the Kitsap County Bar to honor his 25th anniversary as a Superior Court Judge. Honored guests were Supreme Court Judges **Frank P. Weaver** and **Ralph O. Olson**, Superior Court Judge **Max Church**, and **Paul P. Ashley** for the Board of Governors.

George Stuntz, Seattle, was widely commended for his talks on the State and Federal policy regarding tidelands.

Advice

Supreme Court Judge **Matthew W. Hill** closed an address to the Spokane Bar entitled "The Argument on Appeal." He said, "Realize time is bestowed on you and not imposed on you and that you don't have to use all of your 30 minutes. Make your point and *SIT DOWN!!!*"

David J. Williams



Notices

Wanted and Unwanted

For Sale: 1st Class Condition ALF 1st Series, Volumes 1-164 ALR 2nd Series, Volumes 1-64, inclusive and Volume 80. Contact Barbara R. Haga, 6606 White-Henry-Stuart Bldg., Seattle 98101 (MUtual 2-1125).

Wanted: Used RCWA (by West Publishing). Jack Schreiner, Thurston County Title Co., 110 East Fifth, Olympia 98501 (943-7300).

For Sale: RCW (Book Pub. Co.) up to date. Leonard H. Bucklin, Provident Life Insurance Co., 316 N. Fifth St., Bismarck, N.D. 58501 (701-223-2120).

For Sale: Blashfield's Automobile Law and Practice; Appleman's Insurance Law and Practice; Benedict on Admiralty. All completely current through 1971. McBee & Lewis, 211 Pioneer Bldg., Mount Vernon, Wn. 98273 (336-2173).

For Sale: 1 - 35 Am. Jur. 2d; 1 - 67 Wn. 2d; 1 - 11 Admin. Code. **Wanted:** Wash. 1st series, 47, 109, 148; ALR 3rd 29 to date; Am. Jur. 2d 47 to date; Vol. 1 Hillyers. Irving Koths, P.O. Box 306, Morton 98356 (496-5133).

For Sale: Wash. Prac. Vols. 1, 2, 5, 7 and 8. No reasonable offer refused. James B. Gorham, 22513 Marine View Drive, Des Moines, Wn. 98188 (TA 4-5630).

For Sale: Current set of RCW with loose leaf ann. vols. Richard Mah, Jr., 2131 Sea. 1st Bldg., Seattle 98154 (MA 2-8265).

For Sale: Set of Wash. Prac. (1970), Set of Wash. Dig. (1970), and 2 executive desks. W. L. Wilson, P.O. Box 1004, Lynnwood 98036 (776-8466).

Book Found

RCWA Title 7 (7.01 to 7.35) was left some time ago in the courtroom of King County Superior Court Judge Robert Elston. It may be retrieved from Attorneys Information Bureau, 9th Floor, King County Courthouse.

Books Needed

Cooper and Lyderson, Everett, recently donated its law library, which was damaged by fire, to the Washington State Reformatory at Monroe.

It is hoped that other law firms in the state will make similar contributions to the law library at Shelton, which is completely inadequate at present.

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

Kennedy and Schroeter Suspended

Robert T. Kennedy, Seattle, has been suspended for 60 days from the practice of law in this state or until certain disputed attorneys' fees are paid into a trust fund, whichever is the longer. Leonard W. Schroeter, formerly of Seattle, has been suspended for 30 days or until certain disputed attorneys' fees are paid into a trust fund. His suspension shall be consecutive to that previously imposed in *In re Schroeter*, 80 Wn. 2d 1, 489 P.2d 917 (1971). *In re Kennedy*, 8 Wn. 2d 222 (1972).

Federal Court Admissions

The next group admission ceremony for the Bar of the United States District Court Western District of Washington will be held May 12, 1972, at 1:30 p.m. Petitions should be on file by May 5.

LAWYER PLACEMENT SERVICE

By DAVID L. BROOM

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

- (1) Two-man firm in smaller eastern Washington town seeking trial attorney having at least two years' experience.
- (2) Sole attorney in small community seeking someone to take over practice prior to imminent retirement. Would probably include appointment as City Attorney.
- (3) Downtown Seattle firm has space for two young attorneys to start private practice and would furnish sufficient initial business to work off overhead and costs of starting up.
- (4) Combination Deputy Prosecutor-private practice position open in medium-population eastern Washington county.
- (5) There are a number of law student applications on file for summer clerkships.
- (6) Attorney in northeast Washington city seeking partner.
- (7) Second year law student, who has the ability to speak with deaf persons through sign language, would like summer employment as a clerk or permanent employment in May of 1973.



Fifth Annual Pacific Coast Labor Law Conference

Collective bargaining, discrimination in employment, and health and safety will be among the topics to be discussed at the Fifth Annual Pacific Coast Labor Law Conference to be held at the Olympic Hotel in Seattle May 12 and 13.

George E. Bodle, partner, Bodle, Fogel, Julber & Reinhardt, of Los Angeles, will discuss the duty to bargain and remedies for failure to bargain from the union standpoint. The employer's standpoint will be presented by Leonard S. Janofsky, partner, Paul Hastings, Janofsky & Walker, Los Angeles.

Ruth Weyand, Associate General Counsel of the International Union of Electrical, Radio, and Machine Workers, AFL-CIO, Washington, D.C., will talk about "Sex Discrimination in Employment." Another outstanding speaker, M. Chain Robbins, Deputy Assistant Secretary of Labor for Occupational Safety and Health, is on the program; and employer testing in selecting employees will be the final topic of the day preceding a summary, question and answer period and "a preview of coming attractions" by Edward B. Miller, chairman, and Howard Jenkins, Jr., board member of the NLRB, Washington, D.C.

Workshop sessions on "Arbitration" and "Organization Campaign" are scheduled for the second day of the conference.

The University of Washington's Office of Short Courses & Conferences is in charge of registration. For further information, write Labor Law Conference, DW-20, University of Washington, 98195, or call 206-543-5280.

- April 22 Negotiation Sponsored by U.W. Law School . . . Olympic Hotel, 9:00 A.M. to 5:00 P.M.
- May 12-13 Fifth Annual Pacific Coast Labor Law Conference Sponsored by SKCBA Olympic Hotel, 1st day 9:00 A.M. to 5:00 P.M. (with 5:15 P.M. Social Hour) and 2nd day 9:00 A.M. to noon. \$40., luncheon on 1st day included.
- May 12-13 First of three Idaho State Bar seminars on Uniform Probate Code, adopted so far only in Idaho; seminar in Idaho Falls; information and registration, Idaho State Bar, Box 835, Boise 83701.
- May 19-20 Boise, seminar on Idaho Uniform Probate Code.
- May 19-21 1972 Canadian Conference Sponsored by SKCBA The Admiralty Resort at Port Ludlow. \$80-90 per couple.
- 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.
- Sept. 11-16 14th Biennial Conference of the International Bar Ass'n. in Monte Carlo. Contact: IBA, 501 Fifth Ave., N.Y., N.Y. 10017.

Seminar on Negotiation

Negotiation will be the subject of a one-day program for attorneys to be presented at the Olympic Hotel in Seattle April 22, 1972, under the sponsorship of the University of Washington School of Law. The program will be a repeat of a recent Alumni Day presentation at the Law School. The enthusiastic response and favorable appraisal of the program by those in attendance on Alumni Day produced the decision to present the subject for all members of the Bar.

Professor **Cornelius Peck** will introduce the subject, identifying different types of negotiation, the forces operating in negotiation, and the relationship of negotiation to other aspects of the practice of law.

Paul C. Gibbs will discuss settlement of personal injury claims from the viewpoint of defense counsel, and **Hugh Miracle** will examine the settlement of personal injury claims from the view-

point of the plaintiff's counsel.

Bernice Jonson will explore negotiation in the contest of divorce and child custody problems; **Murray B. Guterson** will discuss the plea bargaining process, and Professor **Robert L. Fletcher** will discuss the role of a lawyer in the negotiation process. Negotiation in the area of labor relations will be discussed by **Mary Ellen Krug**.

Dr. James McDermott, a psychiatrist, will discuss the psychodynamics of the negotiation process, and business transactions will be covered by Professor **Dan Henderson**. Problems of negotiation with the Internal Revenue Service will be presented by **William C. Ruthford**.

The University of Washington's Office of Short Courses and Conferences is in charge of registration. For further information, write DW-20, University of Washington, 98195, or call 206-543-5280.

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