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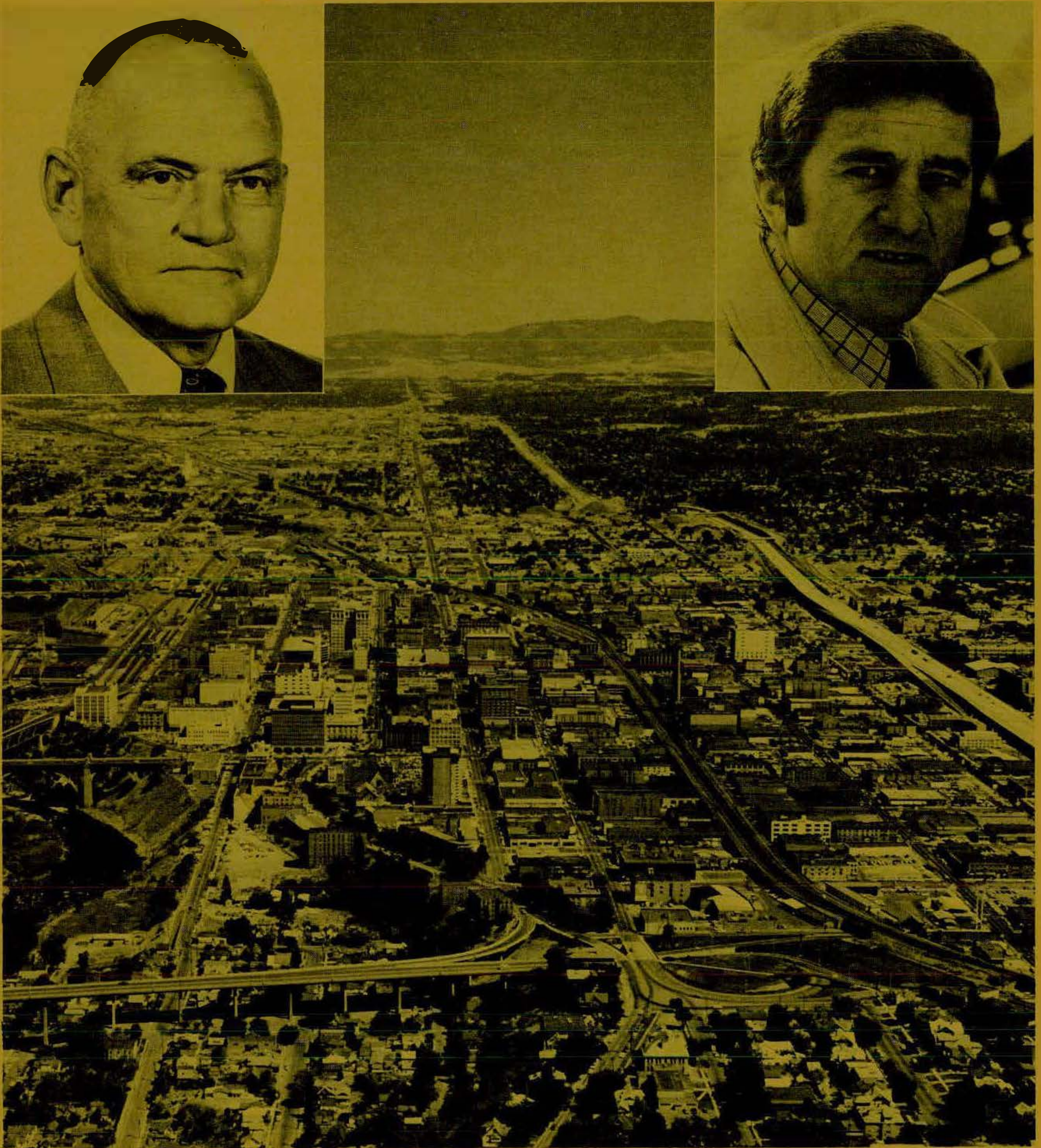
WASHINGTON STATE BAR NEWS



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Letters

Specialization?

Board of Governors:

The area of specialization which troubles me is this: We know that specialization will have an impact on the general practitioner. Most of us are, and necessarily will have to remain, such.

So much for the specialist or firm of specialists who hold themselves out in a single area of law, but what about the firm which completely blankets the field, with each member of such firm holding himself out as a specialist in a particular field. That may effectively destroy the general practitioner.

I have no answer. Does anyone else?

THOMAS MALOTT
Spokane

Board of Governors:

An increasing barrage of articles have been appearing in various legal publications relating to specialization in the practice of law. The drift of these articles seems to favor specialization and certification of various members of the Bar as specialists in any one of a number of legal fields. . . .

The medical profession provides an interesting analogy. Medical costs over the past years have soared. Doctors have become so specialized that before you can find out just what is ailing you, the average individual may have to go to two, three or perhaps more doctors. Obviously, each doctor is entitled to charge a fee for his services. Medical costs have skyrocketed. . . .

Try for example to go over a simple contract with one of your brother lawyers for a corporation that is represented by a proportionately sized law firm: ". . . .Just a second, we'll have to get Ace Tax on the line, he's our tax specialist. No I can't really answer that question, how about you Ace? . . . . No, that's not my department either, I guess we better get Boiler Plate to join us on this call." Problems, Yes, there are problems communicating with specialists to say nothing of the problems that the individual client has. . . .

Lawyers are tending to become nothing more than paper technicians. Perhaps instead of directing our energies toward specialization the Bar should start looking into Law, what is Law, what function do legal institutions play in a society. Perhaps we could learn something by looking to the selective case reporting system which is followed in Canada and other Commonwealth Countries. Perhaps what we should do is learn to be lawyers instead of paper technocrats compiling volumes of useless verbage, punctuating every sentence with a footnote and citation.

Remember, if you have superlegalists, you are going to have to have superjudicialists because the average judge is only a human being with those disgusting human limitations. And judicial administration? Think of the service to the public — ". . . . Only 5 years before our case comes up before Judge Genius — he's the superjudicialist who handles this type of case you know."

DONALD H. CROUCH
Mercer Island

Board of Governors:

In reviewing the questionnaire, I find that there is no provision for what I feel to be the basic concern as to the whole question of specialty. I can foresee this creating almost an holocaust to the practice of law. The questionnaire itself reveals that there would be no acceptable way of arriving at a system of qualifying specialists.

I respectfully submit then for your consideration, if this concept is to be considered, that attention be given to the fact that any specialty related to trial work should not be allowed, that is to say, no one should be allowed to hold himself as a specialist, for example in (a) criminal law, (b) domestic relations, (c) personal injuries, (d) real estate and (e) trial work per se.

Areas that should perhaps be arguable for the holding out of yourself as an specialist would be areas in which *unique* expertise is required and in which past conduct has exhibited only a few persons can handle it, such as (a) admiralty, (b) industrial insurance, (c) tax law, and (d) Social Security. We are not a profession like the medical profession in that those persons who become X-ray specialists, gynecologists, orthopedist or psychologists go to one or two or three years of special study.

The groups that I have suggested should be allowed to be set apart as specialists all are people of necessity by either work experience or special schooling. I make no attempt to be all inclusive of my suggestions of specialists as there are probably other fields but the point is made here that there is almost an excessive amount of tampering with the practice of law to the point that this time honored profession will lose its appeal and effectiveness.

CARL MAXEY
Spokane

How In Hell

SKCBA Pres. Scholfield:

I have just received in the mail a letter from **Robert C. Mussehl,** Chairman, Young Lawyers Section, enclosing an initiative petition for submission to the people entitled Initiative Measure No. 276, designated as "Disclosure — Campaign Finances — Lobbying — Records."

I am in favor of this proposal and I know that Bob Mussehl and his Young Lawyers Section are serious in their motives. However, how in hell did the Board of Trustees ever lose their composure and senses long enough to allow the Bar Association facilities to foster any legislation unless it deals directly with the legal profession.

I do not think that the Seattle-King County Bar Association should allow its facilities to be used for any public proposal, good or bad, whether it be for or against abortions, for or against dog racing, horse racing or for or against Motherhood and the American Flag.

There are some lawyers who do not think that the proposal is necessary or good legislation, just as some lawyers are against school levies even though such efforts are meritorious.

In my opinion, the Seattle-King County Bar Association and the Board of Trustees in particular, are allowing themselves to be used and it is setting a bad precedent. The use of the Bar Association to push proposed legislation is bad enough; however, to authorize the solicitation of funds, in my opinion, violates the purposes of the Association.

JOHN N. SYLVESTER
Seattle

(More letters, Page 34)

I recently had two experiences of which I feel the Bar should be apprised.

First, I was invited to attend the Citizens' Conference on Washington Courts held at Providence Heights. This was a meeting of invited citizens, including judges, attorneys, professors, representatives of League of Women Voters, representatives from state institutions and concerned citizens. The purpose was to get citizens' support for the proposed amendment to the Constitution as relates to the Judicial Section.

The plan of this citizens' group is to hold open meetings throughout the state and to support a Constitutional amendment, which apparently they intend to draft. This is where the Bar *must* become interested, for in my opinion, though our courts are not maintained for the judges and lawyers but for the public, we as lawyers make the most direct use of this service and are vitally affected. Therefore, we *must* participate in these public meetings and make our wishes known.

Some of the proposals involve (a) should we have a unified court, including Justice and District courts; (b) should we do away with District Courts and put all this work under the Superior Court; (c) should District Courts become courts of record, grant an appeal and no trial de novo; (d) should Superior Courts be removed from county status and be state courts, with costs paid by the state; (e) should administration of our courts be retained by the Supreme Court, or should we have an independent administration directed by a commission of which the Chief Justice would be chairman; (f) what about tenure of office for our judges, and so on.

This show will soon be coming to your friendly neighborhood, and when it does *please* inform

yourself of the issues and participate.

My second experience was to spend a morning in Olympia at the "Washington State Legislative Information Center," under the direction of Richard White, who gave us a vivid demonstration of what the future has in store for us in law retrieval with the use of computers. Washington is about third in the nation (behind New York and Ohio) in this field of endeavor. All of the statutes, most of the Attorney General's opinions, department regulations and some of Washington 2d have been programmed and there is more to come. One of the seminars at the Spokane convention will be on this subject, showing a part of the operation, so to know what your future is going to be, plan to attend the September convention.

Fred Uhlmann

IT'S TAKING SHAPE: PREPAID LEGAL SERVICES

Prepaid Legal Services, Inc.

That is the name of the Washington State Bar's nonprofit corporation being formed to provide group, prepaid legal services in our state.

By early September much of the task of organizing the corporation and making other necessary arrangements and documents should be done. At the Bar Convention in Spokane's Ridpath Hotel, at 9:30 a.m. Thursday, September 7, a special seminar will present information on the program, how it will operate and its great importance to every lawyer, to the Bar and to the public.

The entire program has been put together by the Special Committee on Group Legal Services since its first meeting in January in Olympia. Thomas Malott of Spokane is chairman.

Bar to Run Program

In brief: The nonprofit corporation, Prepaid Legal Services, Inc., will be run by the attorneys who participate. The incorporators are to be the members of the Group Legal Services Committee, who will be succeeded thereafter by directors selected by participating attorneys. The corporation will contract with subscriber groups, such as labor organizations, to provide certain commonly needed legal-service "benefits" to members of those groups. The individuals and groups will make pre-payments to the corporation, just as they now do for medical, dental and other benefits. Subscribing members will have a free choice of attorneys throughout the state who are members of the attorney panel. Member attorneys will bill the corporation, and the fees will be paid directly to the attorneys by the corporation.

Documents Are Readied

Already approved by the Group Legal Services Committee, or in various stages of draft preparation preliminary to committee approval, are the project program and guidelines, articles of incorporation for Prepaid Legal Services, Inc., corporate by-laws, the agreement between the corporation and participating attorneys, the subscriber contract and the schedule of benefits.

The committee in June, after investigating several firms, arrived at a proposed working arrangement with a Seattle professional-administration firm. That firm, if it is the one contracted by the Prepaid Legal Services corporation, would administer the operational aspects of the program — maintaining the lists of eligible subscribers and of participating attorneys, receiving pre-payment funds from subscribers and receiving and paying claims. The computerized firm also would maintain detailed statistical records to help perfect the balance of subscriber payments and subscriber benefits. Because no similar program has yet compiled experience with premium, benefits and subscriber-useage levels, initial figures will necessarily be based upon estimates.

Our State a Leader

Our state is in the vanguard of states working toward a group, prepaid legal services program. Almost all state and many large local bars have special committees discussing or planning methods of providing prepaid group legal services. This is in response to a great demand nationally by labor unions and many other groups, some of whose spokesmen have made it clear that if such services are not provided by the organized bar through open-panel (with choice of attorney) plans, the groups will, as some already have done, supply the need through establishment of closed-panel plans (with one law firm supplying the services to members).☐

THE ATTACK ON THE ACCUSATORIAL SYSTEM

By Justice William O. Douglas

Mr. Justice Douglas made a special trip to Seattle to honor Betty Fletcher and to speak at the banquet on June 27, 1972, at which she was installed as President of the Seattle-King County Bar Association. He said: "Betty has been my lawyer for a long time and has got me out of a peck of trouble. So I speak not in any detached way. Betty Fletcher — being young and vigorous and very much alive — has a bright future ahead of her." The following is the main body of his remarks.

We are seemingly in a transition from the accusatorial system to the inquisition which is practiced on the Continent, and notoriously in Russia. There are straws in the wind — *Johnson v. Louisiana,* 40 USLW 4524 (1972) and *Apodoca v. Oregon,* 40 USLW 4528 (1972) — where a majority of the Court sustained state laws giving the power to convict by less than a unanimous jury. So the solid rock of proof beyond a reasonable doubt is being eroded. Also, in *Kastigar v. U.S.*, 40 USLW 4550 (1972), the immunity granted in order to compel a witness to testify has been held to be only "use" immunity. The result is that while the precise testimony may not be used, if the former "transaction" immunity on which our law long rested were applied, leads emanating from the testimony would also be barred.

We seem to be moving away from the traditional approach, which you members of the bar know is that our constitution was designed to make it difficult for government to do anything to the individual. It's not a welfare state constitution. It's a constitution that ties the hands of government — judges and prosecutors and everybody else — are the servants of the people. And they shall not do certain things.

This is our written constitution. It is part of our great inheritance. It is the thing that has made America strong because it is not just restricted to legalistic things but to the whole philosophy of life — what men and women can do and what government shall not be allowed to do to them. The purpose of our constitution is to keep government off the backs of people and make it more difficult.

We do know that power is an obsessive thing and it grows and grows and grows. We do know that bureaucracies in any government, in Russia as well as in the United States, grow and grow and tend to become more powerful. To keep the individual alive and the spark of individual liberty alive is going to require a tremendous effort.

That is why I am so delighted to see the young lawyers all around the country lining up, forming committees and carrying the message to the American people that they are the sovereigns and the government cannot do things to them that the constitution prohibits.

Part and parcel of this attack on the accusatorial system is what happened in London in July 1971 when the American Bar Association foregathered there. England's Lord Chief Justice took it on him-

self to challenge the *Miranda* decision, which was the product of the guarantee against self-incrimination contained in the Fifth Amendment and the right to counsel contained in the Sixth Amendment. Lord Widgery — who probably has never read the American Constitution and who has had no experience with the problems of federalism — denounced *Miranda* as "startling" and said that the presence of the suspect's lawyer during police interrogation was "unacceptable."

Unlike England, we have a written Constitution. *Miranda* v. *Arizona,* 384 U.S. 436 (1966), dealt with "custodial interrogation." It is at the commencement of "custody" that "our adversary system of criminal proceedings commences, distinguishing itself at the outset from the inquisitorial system recognized in some countries." Id. at 471. *Miranda* does not relieve citizens of the duty to aid in law enforcement; until the police zero in on an individual and decide to hold him for the crime, citizen cooperation is expected. Moreover, voluntary statements are always admissible. The right to counsel during the in-custody interrogation was held in *Miranda* to be "indispensable to the protection of the Fifth Amendment privilege." *Id.* at 469. Later cases, such as *Coleman* v. *Alabama,* 399 U.S. 1 (1969), indicate that custodial interrogation is a "critical stage" in a criminal case and a phase of the "criminal prosecution" as those words are used in the Sixth Amendment.

I believe the decisions of your Washington courts understand *Miranda* much better than does Lord Widgery, although your Bench and Bar might not be unanimous on the merits of *Miranda.*

Those who have doubts should go to Russia, where the police can hold a person *incommunicado* for nine months. No person can withstand that kind of pressure whether he is guilty or innocent. Every criminal trial I have attended in Russia shows the results of that pressure. A Russian trial almost always centers not on guilt (which has been established by confessions obtained in secret) but on punishment. Russia is a policeman's heaven that Lord Widgery would relish. It may surprise him to know that the best police force in the world — our FBI — lives under the Constitution and abides by *Miranda* and yet does its work with distinction and is not complaining. Some American papers call Lord Widgery's criticism "An astounding violation of legal propriety." I call it an amazing show of ignorance.

Moreover, I am sure that the son of a member of Lord Widgery's social club would quickly have at his side the family barrister if the police held the son for questioning. We have an Equal Protection Clause in our Constitution which says that the sons of the lowly shall be treated the same as the sons of the elite.

Betty Fletcher and client, Mr. Justice Douglas

I am tempted to send the Lord Chief Justice of England Chapter 9 of Ecclesiastes where it is written:

"There was a little city, and few men within it; and there came a great king against it, and besieged it, and built great bulwarks against it:

"Now there was found in it a poor wise man, and he by his wisdom delivered the city; yet no man remembered that same poor man.

"Then said I, Wisdom is better than strength: nevertheless the poor man's wisdom is despised and his words are not heard."

The Lord Chief Justice should know that the voice of conscience is more compelling than the clamor of a mob.

In this connection a British Report from the Criminal Law Revision Committee is relevant and important.

First, the Committee recommends the abolition of the police warning that a suspect may not say anything, though it retains the requirement that all admissions or confessions be voluntary. The police warning, as you know, was historically based on the premise that a person who was a suspect should be reminded of his right to silence lest through ignorance he be trapped into increasing the evidence against him.

Secondly, the Committee recommends that the

(Continued on page 25)

THE ACCUSED WHO KEEPS SILENT

By Rt. Hon. Lord Widgery of South Molton the Lord Chief Justice of England

The following article embodies major unrevised portions of a speech delivered by Lord Widgery in July 1971 at the American Bar Association Convention in London. Lord Widgery was taken to task for his remarks in The New Yorker *of July 31, 1971 (pp. 23-4). Lord Widgery was defended in 57* ABA Journal *1213 (1971). Lord Widgery was again criticized by Justice Douglas in his remarks printed in this issue of the* Bar News.

At the present time, all over the Western world we have this awesome experience of the continual increase in crime. Here, our indictable offences, which means the offenses tried by judge and jury, have increased more than twofold since 1955, and we are up against a very serious problem, as are you.

Traditionally the answer to an onset of crime lies in the combination of three things. The first requirement is that there should be efficient investigation by the police and speedy apprehension of the offender. If that is not efficiently done, there is really no need to bother about that which comes afterwards.

The second requirement is that there must be a fair and speedy trial. The third requirement is that when the speedy and fair trial has been concluded, the court should be prepared to pass a sentence sufficient to discourage the offender from repeating his offence, and sufficient to deter others from imitating what he has done.

Thus, given the combination of those three things, tradition says that we shall win the battle and that, to my mind, is something which we must bear in mind all the time.

On the second and third requirements, the speedy trial and the adequate sentence, these are matters entirely within the jurisdiction of the court. It is the court and the court only which is responsible for those requirements, but what is so often forgotten at the moment is the fact that courts have an enormous influence on the first requirement as well. In other words, the courts have a great influence on whether the criminal investigation is efficient and quick. That is because the judges lay down the rules which govern the investigation of the criminal offences, and they cannot escape the responsibility if by those rules they tend to render the work of the police inefficient. It is on this aspect of the criminal law in its application today that I want to say a word.

It is at the point when the examination turns to the suspect that the so-called problems arise. We cannot deny police the right to question suspects; I am absolutely confident that that would be a total reversal of the common law rule in these matters and unjustified at this time. This right to question a suspect is an essential feature of a criminal investigation, and it profits us nothing if we sit wringing our hands about an increase in crime in our country, and at the same time expect the police to investigate those crimes with their hands tied behind their backs. It is essential that

we shall have practical and sensible rules which they can follow.

The problem really arises in an attempt to square the necessity of proper criminal investigation with the other principle which was one of the factors which cost Sir Thomas More his life, the principle that a man must not be expected to convict himself out of his own mouth. These two apparently irreconcilables have to be the subject of a delicate balance or compromise, and it is my submission that we are in danger — in the United States as much as in England — of allowing that balance to come down too heavily on the side of the suspect.

Discouraging Confessions an Impossible Luxury

In essence, the suspect's right to remain silent — this principle which Sir Thomas More spoke of — means no more than that he cannot be compelled to speak. He must not be faced with the dire alternative of either confessing his guilt or being punished by keeping silent. He must thus be protected against the modern equivalent of the rack and the thumbscrew, that is to say he must be protected against beatings, threats and psychological pressures of that kind. If he says, "No, I do not wish to talk," then it is quite clear that no attempt must be made to force him to do so. This is not merely to be humane, it is because any other approach is counterproductive. A confession which has been produced by force, under pressure, is not worth the paper it is written on. On the other hand, a confession willingly and voluntarily given is the best one. Time and again, in our experience, here, and I suspect in your country as well, when a criminal is first approached by the police, he is curious to discover how they got on to him, or perhaps the reaction of having kept his secret to himself for a long time causes him to blurt out straightaway the truth or a substantial part of it. It would be quixotic and unnatural positively to discourage the making of such admissions, and to do so would be to permit ourselves to enjoy a luxury which we cannot pretend is possible at the present, or I suspect at any time.

Where we have gone wrong in the last 50 years, in my judgment, is to confuse a man's right to be protected from unlawful external pressure with a supposed right to dissociate himself from the proceedings altogether. Instead of saying to him, "You may keep silent if you wish, but you must not be surprised if adverse inferences are drawn from your silence," we tend to say, "You have a right to keep silent if you wish and no one shall think the worse of you for this, even though an innocent man in your position would fall over himself to deny the allegation of guilt against him." That, I think, is where we make the mistake; the difference is a subtle one on its face but fundamental in its application.

Few laymen would support this tolerant attitude; even in the nursery, if a child is accused of misdeeds, its natural reaction is to deny them hotly, and it is a part of the normal human defence mechanism to deny false accusations made against oneself. A man who is caught in a net of suspicion and who refuses to explain his position must have something to hide, and in my judgment it is for the jury to decide whether that man is hiding the very crime itself.

In England, the path to the present situation is very easy to trace. In Sir Thomas More's day, an accused person was not allowed to give evidence in his own defence as it was thought that the temptation to perjury would be so great that his immortal soul would be best protected by not putting him to the temptation of going into the witness box. So he was not allowed to give evidence and not altogether surprisingly, as he was not allowed to speak, no adverse inference could be drawn from his keeping silent.

"Adverse Inferences" Part of Package Deal

But 70 years ago an Act of Parliament was passed in this country which, for the first time, allowed a man to give evidence in his own defence, but it was expressly provided by Parliament in that Act that the failure to do so would not permit the prosecution to make capital out of it or comment on it. Here, in my opinion, was the cardinal error. It ought to have been made clear that an accused who was given the opportunity of speaking for himself should, as part of a package deal, accept the reverse of the medal also and recognise that if he failed to take advantage of that opportunity, adverse inferences might well be drawn by the jury. In fact, that was not allowed, and worse was to come, because a few years later the judges came into it and they laid down certain rules for interrogation. These rules survive to the present day, with amendments, and under those rules the judges required that a police officer, at a certain point in the interrogation, should stop his questioning and tell the accused that he was under no obligation to say any more unless he wanted to do so. That was a requisite, necessary invitation

(Continued on page 25)

Acting FBI Director and Dandy Don Are Convention Headliners

Two top-flight national speakers with immensely different talents will speak at the big luncheon sessions of the State Bar Convention in Spokane September 7-9.

They are L. Patrick Gray III, appointed in May as acting director of the Federal Bureau of Investigation after the death of J. Edgar Hoover, and Don Meredith, erstwhile Dallas Cowboys all-pro football quarterback and now (with the ever popular Howard Cosell) the Monday night football television commentator.

The luncheon sessions, in the Ridpath Hotel's large and comfortable Empire Ballroom, will be at 12:30 p.m. Gray speaks Thursday, Meredith Friday.

Gray, whose varied careers have included successes in the Navy, business, government and the law, last February had been nominated by President Nixon to be deputy attorney general of the United States, and the nomination was approved by the Senate Judiciary Committee unanimously. His FBI appointment came before full Senate approval.

He was graduated from the Naval Academy in 1940 and served as a line officer throughout World War II. As a Navy postgraduate student he studied at George Washington Law School and was graduated in 1949. He was admitted to the bars of the District of Columbia and Connecticut. Since he retired from the Navy with rank of captain in 1960 he has alternately practiced law with firms in New London, Conn., has been an organizer and officer of a fast-growing business investment company and served in government as executive assistant to the secretary of health, education and welfare (HEW). In 1971 he headed the Civil Division of the Justice Department.

Meredith, a two-time All-American player at Southern Methodist University and a nine-year professional star before he retired still in his prime in 1968, has become an ABC Sports broadcast star after two years of TV commentary. He is regarded as one of the most knowledgeable and articulate — and, especially in his luncheon and dinner talks, extremely funny — commentators on pro football.

Bar Convention Ladies' Program

THURSDAY — September 7, 1972

9:00 A.M. Registration
A hospitality room will be open for all ladies from 8:30 A.M. to 4:00 P.M., Room 355, Ridpath Hotel. Please come by and say hello.
1:00 P.M.-9:00 P.M. **Art Exhibit**
12:30 P.M. **Luau**
Exotic Luncheon
Fashion Show:
New designed presented by
Betty Bone Boutique
Katherin's Hats of Distinction

FRIDAY — September 8, 1972

9:00 A.M.-10:00 A.M. **Champagne Breakfast**
12:00 NOON, **Luncheon With the Men**
Speaker: **"Dandy" Don Meredith**
Former All Pro-Quarterback Dallas Cowboys, T.V. Emmy Award Winner, Sports Announcer — Monday Night Football
7:30 P.M. **DINNER, DANCE, SHOW**

"Musical Comedy" on Lawyers and Judges To Be Presented

Lawyers and judges. And their problems. And what they *think* are their problems. All set to music, with just a dash of terpsichore. And laughs — lots of laughs.

This "musical comedy," a locally famous Spokane product, will be an especially titillating embellishment during the festive Bar Convention dinner-dance at Spokane's Ridpath Hotel Friday night, September 8.

Producer - director - thespian - stagehand is the renowned **John E. Heath Jr.,** who his partners say also occasionally dabbles in the practice of law. He and his "cast of thousands," more or less — all Spokane lawyers and lawyers' wives — have been staging the communal spectaculars for going on ten years.

And this one, the producer - director - thespian - stagehand says, will feature the best of the lot plus some "new and relevant" subject matter.

This great entertainment, plus the "social hour," plus the delicious gourmet dinner, plus "live" big-band music catering to the entire spectrum of generational tastes, by itself promises to make the 1972 convention memorable.

Seminar Schedule

Seminars scheduled by the Washington Society of Certified Public Accountants (347 Logan Building, Seattle 98101) of possible interest to lawyers include Income Taxation of Estates and Trusts, Seattle, October 5; Workshop on Corporate Tax Returns, Seattle, October 12-13, and Qualified Retirement Plans, Seattle, October 19-20.

Washington State Bar Association Annual Meeting
Ridpath Hotel, Spokane
PROGRAM

WEDNESDAY — September 6, 1972
9:00 A.M. Meeting of Board of Governors
12:00 Noon Registration

THURSDAY — September 7, 1972
8:00 A.M. Registration
An art exhibit showing works of art by judges, lawyers and members of their families will open at 1:00 P.M. with continuous showing until 9:00 P.M. You are welcome — Arcade Room.

9:30 - 11:30 A.M. Legal Institute
SERVING MORE CLIENTS BETTER: PREPAID LEGAL SERVICES
Chairmen:
James P. Curran, Kent
Thomas Malott, Spokane
Will L. Lorenz, Spokane
Speakers:
David K. Robinson, President, State Bar of California, and others.

12:00 Noon Bar-Bench Luncheon
Presiding: John S. Lynch — Retiring Member of the Board of Governors, Third Congressional District
Welcome Address: Mayor David H. Rodgers
Response: E. Frederick Velikanje, President, Washington State Bar Association
Speaker: **L. Patrick Gray,** Acting Director, Federal Bureau of Investigation

2:30 - 4:30 P.M. Legal Institutes:

I. 1972 ESTATE PLANNING UPDATE
Chairman: Malcolm A. Moore, Seattle
Speakers:
Scott B. Lukins, Spokane
Malcolm A. Moore, Seattle
John Price, Seattle

II. ENVIRONMENTAL LAW REACHES THE GENERAL PRACTICE
Chairman: Norman L. Winn, Seattle
Speakers:
J. Richard Aramburu, Seattle
Philip M. Best, Bremerton
Harrison K. Dano, Ellensburg
Charles B. Roe, Jr., Olympia
William H. Wilson, Everett

5:30 - 7:00 P.M. Washington Class of '58 No-Host Cocktail Party
6:30 P.M. Washington Class of '32 Reception and Dinner
6:30 - 7:30 P.M. No-Host Cocktail Hour Spokane County Bar Association

FRIDAY — September 8, 1972
7:30 A.M. **Breakfast Meetings:**
Willamette Law School Alumni
University of Washington Law School Alumni
Harvard Law School Alumni
8:30 A.M. Registration
9:30 A.M. - 8:00 P.M. Art Exhibit

9:00 A.M. **ANNUAL BUSINESS MEETING**
Presiding: E. Frederick Velikanje President, Washington State Bar Association
Parliamentarian: Neil J. Hoff, Member, Board of Governors, Sixth District
Invocation: The Rev. Charles Walsh, S. J.
Reports:
Washington State Bar Association E. Frederick Velikanje, President
Supreme Court — Chief Justice Orris L. Hamilton
Court of Appeals — Harold J. J. Petrie, Chief Judge, Div. 2.

Superior Court — Edward M. Nollmeyer, Everett, Superior Court Judges Association
Resolutions Committee — Harold A. Pebbles, Chairman
Award of Merit
New Business
Presentations:
New Members of the Board of Governors
New President of the Washington State Bar Association
Hawaii Drawing

12:00 Noon **Luncheon**
Presiding: Neil J. Hoff, Member, Board of Governors, Sixth District

Speaker: **"Dandy" Don Meredith** All-Pro Quarterback, Dallas Cowboys, T.V. Emmy Award Winner, Monday Night Football Commentator

2:30 - Legal Institutes:

4:30 P.M. **I. CONSTRUCTION LAW: Representing the Owner, Contractor, Subcontractor, Architect and Supplier.**

Chairman: Leslie L. Woods, Spokane
Speakers:
Robert J. McNichols, Spokane
Douglas J. Smith, Seattle
Patrick A. Sullivan, Spokane
Leslie L. Woods, Spokane

II. LAW AT YOUR FINGERTIPS: THE COMPUTER WILL FIND IT FAST

Chairman: Richard O. White, Olympia
Speakers:
Robert L. Charette, Aberdeen
Edward C. Miller, Olympia
Gary L. Reid, Olympia

6:30 P.M. No-Host Cocktails
7:30 P.M.- 1:00 A.M. Dinner, Show, Dancing

SATURDAY — September 9, 1972

8:00 A.M. **Breakfast Meetings:**
Christian Legal Society
Georgetown University Law School Alumni
Gonzaga Law School Alumni

10:00 A.M. Legal Institute

I. TEACH-IN: SPEAK-OUT
Moderator: John N. Rupp, Seattle
Speakers:
Robert O. Beresford, Seattle *"Thoughts by an 'Ex' Rated President."*
Neil J. Hoff, Tacoma *"Grief and Anguish: Compensable?"*
Hon. Willard J. Roe, Spokane *"Analysis of U.S. Supreme Court Decisions, October 1971 Term."*
Jack E. Tanner, Tacoma *"Change, Challenge and Clairvoyance."*
Charles S. Burdell, Seattle *"The New Sex and the Law."*
Bradford M. Gierke, Tacoma *"An Old Young Lawyer Looks at the Bar."*
Jack P. Scholfield, Seattle *"Comments About Conflicts of Interest and Other Ethical Problems."*
Susan F. French, Seattle *"The Equal Rights Amendment: Necessity or Surplusage?"*
Gregory R. Dallaire, Seattle *"A Profession in Transition."*

12:00 Noon *Young Lawyers Luncheon*
(All attorneys and their ladies are invited.)

Adjournment.

A message desk will be in operation at the Bar Convention. Anyone needing to be in touch with you may call 1-509-MA 4-3264, another service to enable you to relax and enjoy the meeting.

Workmen's Comp Rule Suspended; Heavey Objects

An AG opinion issued on June 28, 1972 rules that the appearance of a non-attorney in a representative capacity at "all conferences and hearings" as authorized by a new rule, WAC 263-12-020, adopted by the State Board of Industrial Insurance Appeals constitutes the unauthorized practice of law [see June *Bar News*, page 13].

The July 2nd *Seattle P-I* reported that **Ed Heavey,** Democratic candidate for attorney general, accused incumbent **Slade Gorton** "of representing the interests of lawyers instead of the public by supporting a Bar Association contention that allowing representation by non-attorneys in workmen's compensation hearings amounts to 'unauthorized practice of law.'

"He termed Gorton's opinion a 'defeat for the cause of legal reform, a defeat for the people and victory for the entrenched vested interests of the State Bar Association.' "

The rule was slated to become effective July 10th but has been suspended for 90 days by the State Board of Industrial Insurance appeals.

Richard H. Powell, board member, said comment is being sought from interested parties. He said a public hearing will be held before October to repeal the rule, modify it or take some other action.

"I believe labor will press for statutory changes similar to laws in California," Powell said. In California a party in a workmen's compensation appeal may represent himself, have an attorney or be represented by any other person of his choosing.

Heavey has said he will press for an amendment to the law to allow "paraprofessionals" in workmen's compensation cases.

The AG opinion reaffired AGO 61-62 No. 6 written on January 31, 1961, stating that the opinion is "fully supported by all of the subsequent cases in point." Particular attention was called to "Handling, Preparing, Presenting, or Trying Workmen's Compensation claims or cases as Practice of Law," 2 ALR 3d 724 (1964).

The opinion states in part:

Although all claims by workmen or their beneficiaries or dependents for benefits under our industrial insurance system may, potentially, reach the stage in the proceedings to which our critique of this rule will apply, it is to be noted and emphasized that less than *one percent of all workmen's compensation claims ever, in fact, do.* All others are either settled without an appeal at the department level or are concluded at an informal settlement conference under WAC 263-12-090, under circumstances whereby, even under the board's prior rule, a claimant could be represented by a non-attorney.

However, once a claim reaches the formal conference or hearing stage we think that any person appearing in the proceedings as representative of a party must be regarded as being engaged in the practice of law — and hence must be qualified and authorized to do so. At this point, as we will now explain in some detail, the case will have entered into an arena where, according to the applicable statutes and in the words of AGO 61-62 No. 6, *supra,*

> ". . . all parties are afforded the opportunity to present evidence and argument, an official record is prepared which includes all the testimony and any judicial review is confined to the record thus made. . ."

Although the board can deny an appeal or even grant the relief sought without a hearing (see, RCW 51.52.080), in those cases where a hearing is held, either before a hearing examiner or the board, a formal record is made of the entire proceeding. If the hearing was held before an examiner and the board reviews his decision, its review is predicated solely on the record made before the examiner. See, RCW 51.52.106. And, if judicial review is thereafter sought in the courts, that review is also limited to the record made before the board. See, RCW 51.52.115. In short, all "hearings" before the board are record proceedings upon which judicial review is predicated.

* * *

Suffice it to say that because of these requirements the overall process of presenting a case before the board, examining and cross-examining of lay and expert witnesses, the lodging of objection to testimony, the preparation of briefs and other legal documents — all leading to the preparation of an official record of the proceedings — is such as to constitute the practice of law on the part of the persons mak-

(Continued on page 30)

WASHINGTON STATE BAR NEWS

Staff General Counsel Hired to Work in the Bar's Discipline Matters

An Aberdeen native and graduate of Gonzaga Law School has been employed as general counsel for the Washington State Bar Association, to work chiefly in the discipline area.

He is Michael E. Jacobsen of Mercer Island, who recently has been employed by two Seattle law firms to assist in the celebrated James McDaniels-Seattle Supersonics basketball litigation.

His employment fills out the Bar's new "in-house" discipline staff. William R. Anderson, attorney with substantial law-enforcement experience, previously was employed as staff investigator.

3 Years in AG Office

Jacobsen, who took his undergraduate work at Seattle University and St. Martin's College, at Gonzaga was Law Review associate editor. While a law student he served three years as a law clerk in the Attorney General's Spokane office, working chiefly in the workmen's compensation and consumer protection area.

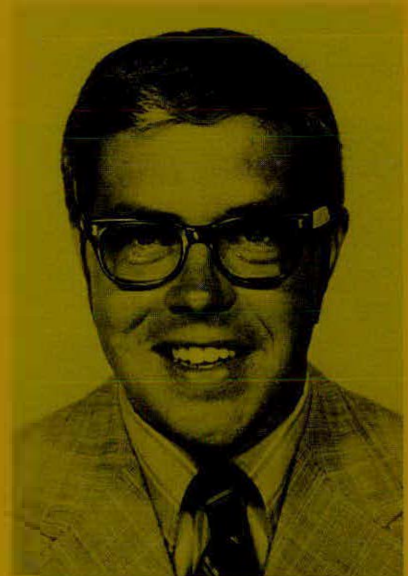
He served four years in the Air Force at Wright-Patterson Air Force Base, Ohio, assigned to contract negotiation, procurement, contract administration and program management. He was responsible for major contract negotiations between the government and aerospace contractors. He later served almost a year as associate counsel for an Ohio insurance firm.

Golf Is His "Thing"

Jacobsen grew up in Port Angeles, where his father, Pat, early introduced him to the mysteries of the golf course. This has led him to three years' captaincy of his college golf team, a handicap which varies from 1 to 4, and this report from one of his associates in Ohio: "His leaving presents at least one desirable opening — that of competition in our Bar Association golf tournaments. While Mike was here, the complete engraving of the trophy was done *before* the tournament."

Jacobsen has been active in youth and adult education work, church activities and civic affairs. His wife, Judy, who attended Colorado College and Eastern Washington State College, is a speech therapist.

He joined the Bar staff August 1.



Michael E. Jacobsen

Board Clarifies Endorsement Issue

The Board of Governors at its July meeting eliminated a seeming conflict between a 1970 Board resolution (*Bar News*, October 1970) and the new Code of Professional Responsibility affecting lawyer indorsements of judge candidates.

The Board voted that the Code provision shall prevail. That provision says:

A lawyer shall not publicize himself, his partner, or associate as a lawyer through newspaper or magazine advertisements, radio or television announcements . . . . This does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name. . . in political advertisements when his professional status is germane to the political campaign or to a political issue. (Code, DR-101 (B) (1).)

Lawyer Arbitrators To Be Paid

Thomas Malott was named by the Board of Governors in December of 1971 as an ad hoc committee of one to enter into negotiations with the American Arbitration Association on the subject of reasonable compensation for an attorney's services in acting as an arbitrator.

The following statement of principles worked out by Mr. Malott with the American Arbitration Association has been approved by the Board of Governors:

"A lawyer serving as an arbitrator is entitled to reasonable compensation for his services. Before undertaking to serve as an arbitrator, an agreement should be reached as to the fee, or rate of compensation, to be charged and to whom it will be charged."

Two State ABA Delegates Named

Two former presidents of the State Bar, **Robert O. Beresford** of Seattle and **John Gavin** of Yakima, have been appointed State Bar delegates to the American Bar Association's House of Delegates.

The appointments were made by the Board of Governors.

Both have been active in a variety of Bar interests and Beresford now is co-chairman of the Committee on Organization and Government of the Bar.

One appointment is to succeed **Frank J. Eberharter** of Seattle, who is completing a two-year term. The second appointment is to a new House delegate position for which the State Bar was qualified by its growth to almost 4600 active members.

Grant Armstrong of Chehalis, member of the House of Delegates as an elected representative of ABA members in this state, just has been elected for a new three-year term. He is past chairman of the ABA Standing Committee on Professional Grievances, and a former member of the Standing Committee on Professional Ethics.

DeWitt Williams of Seattle is the delegate of the Seattle-King County Bar Association. **Joseph H. Gordon** of Tacoma, who served in the House as State Bar delegate from 1952 to 1962, has been a member the last eight years as treasurer of the ABA. The State Bar was represented in the House from 1962-64 by **James Leavy** of Pasco and in 1964-70 by **E. Frederick Velikanje** of Yakima, now Bar president.

Keefe Named To Disciplinary Board

Thomas P. Keefe

Thomas P. Keefe of Seattle has been appointed by the Board of Governors as the First Congressional District representative on the State Bar Disciplinary Board.

He will succeed DeWitt Williams of Seattle, whose three-year term is expiring, after the Bar convention in September.

Keefe, a University of Washington law graduate of 1948, has been in private practice in Seattle since 1951. He served earlier in the King County prosecuting attorney's office. He has been active in affairs of both the State and Seattle-King County Bar Associations as a member of a number of committees, and presently is a member of the State Legislative Committee. He also is a member of the City of Seattle Ethics Committee and Fair Campaign Practices Committee.

He has two sons who are final-year law students, one at Catholic University and the other at Gonzaga University.

George Prince Honored

George N. Prince, Seattle, was presented a special award by the SKCBA Young Lawyers Section on June 27 for outstanding public service in conjunction with a federal lawsuit he filed to force redistricting of the Legislature and the state's legislative districts.

It was noted that the direct out-of-pocket cost for secretarial expense and reproduction costs must have been substantial. Coupled with this was his colossal professional time commitment.

Among the laudatory comments accompanying the presentation were these:

The court files in the case are about two feet thick. Prince kept the case moving with dispatch but fairness to all of the parties. He responded to every motion or petition with complete and appropriate memoranda and where necessary, affidavits or exhibits to support his positions. In addition to the legal questions involved the factual data in the form of maps and census exhibits required a fantastic amount of time to assemble and present to the court and its master in a meaningful fashion.

The political oratory and charges about the case caused many to overlook the fact of the public interest which was served by the action. . . . The injustice to the citizens who were so drastically underrepresented have been remedied by judicial action in a tremendous example of the capacity of our governmental establishment to respond to those injustices. To make it respond it took the efforts of one man to push, persuade, and persevere at tremendous personal sacrifice. That that one man was a lawyer allows all of us in the profession to walk with more pride.

YAKIMA REPORT
By RANDY MARQUIS

Announcements:

G. Thomas Dohn of the firm of Tunstall, Hettinger & Dohn was wed to the former Rita G. Engerson on June 2nd at Snoqualmie Falls. Upon return from Lake Tahoe and a few other exotic spots, the said Tom Dohn was elected president of the Washington State Association of Municipal Attorneys at its annual convention at the Olympic Hotel.

Robert A. Felthous of the firm of Felthous, Brachtenbach, Peters & Schmalz was elected to the Board of Directors.

WHATCOM REPORT
By ERNIE BENTLEY

Superior Court Judge Bert C. Kale recently announced his retirement, effective August 31, 1972. Judge Kale has served as a Superior Court judge since the fall of 1951. Prior to that time he served as a municipal court judge and was in private practice. Judge Kale's even temper and judicial manner as well as his efficient administration of justice will be greatly missed by the Whatcom County Bar and the entire community.

Attorney **John MacDougall** of the firm of Abbot, Lant & Fleeson has been appointed Juvenile Court Commissioner effective August 1, 1972. John succeeds Ernest A. Bentley, who acted in that capacity since January 1, 1969.

Craig Davis and **Donald P. Kirkpatrick** announce the opening of their new firm, Davis and Kirkpatrick. Mr. Kirkpatrick is new in Whatcom County, having graduated from the University of Washington, receiving his J.D. in 1967. Mr. Kirkpatrick recently completed his tour of duty with the United States Army, and plans to reside in Bellingham with his wife, Hannalore, and their two children.

SPOKANE REPORT
By MICHAEL E. DONOHUE

Another Merger

Lukins, Seelye & Randall and Myers, Reiley & Annis recently announced they were merging under the firm name of Lukins, Myers, Annis, Seelye, Bastine & Randall, P.S. They have moved to larger quarters, and, incidentally, more door space for all those names, at 650 Lincoln Building. Martin Weber will become associated with the firm.

Gonzaga's Gain

Sid Wurzburg has abandoned the Spokane County Public Defender's office for the fields of *academe*. Starting September 1, Sid will become an assistant professor at Gonzaga Law School.

Partners

Joe Ganz, who should be forgiven for the funny ties he wears, has become a partner in Sharpe & Twigg, or is it Sharpe, Twigg & Ganz. . . . **John L. O'Connor** and **Jan G. Otterstrom** announced the formation of a partnership under the firm name of, you guessed it, "O'Connor & Otterstrom. Just once I would like to receive an announcement reading something like, "John Doe and Richard Roe announce that they have formed a partnership under the firm name of O'Grady & Glutz."

Solo

Francis T. "Terry" Flannery has started a private law practice here. After Terry's graduation from Catholic University in 1966, he became a labor relations attorney for the U.S. Chamber of Commerce in Washington, D.C. More recently he has been vice president and general counsel for B.J. Carney, Ltd.

Promotion

Dennis H. Pottratz has been appointed General Counsel of the Federal Intermediate Credit Bank of Spokane by the Board of Directors. Since 1961 he has served as Counsel to the Spokane Bank for Cooperatives, the Federal Intermediate Credit Bank and the 12th District Farm Credit Board. A native of Fairfield, Wash., and a graduate of the University of Washington, he received his law degree from Gonzaga University in 1942.

SEATTLE-KING REPORT
By GERALD G. TUTTLE

A tremendous amount of election news is in the air, ranging from public offices to private associations. With it comes some interesting news, including the recent ad in the *Daily Journal of Commerce as follows:*

> "Notice to all King County Attorneys. This will confirm the report that the undersigned intends to file for election to Department 18, King County Superior Court, now presided over by Judge Story Birdseye, who has announced his retirement. All other aspiring to the Superior Court are extended my heartfelt wish for success, provided, of course, that they file for one of the other departments."

The notice was signed by **J. Edmund Quigley,** Judge of the Seattle District Court.

The results of the Seattle-King County Bar Association elections have been made public with **Betty B. Fletcher** being elected as the

first woman president of the association. **William Wesselhoeft** was elected second vice president; **F. Lee Campbell,** treasurer; **Robert C. Mussehl,** secretary; and **John M. Darrah, Paul C. Gibbs** and **Harold F. Vhugen,** Board of Trustees, each elected to serve a three year term.

The Young Lawyers' Section of the Seattle-King County Bar Association has elected **William H. Neukom** to succeed **Robert C. Mussehl** as Chairman. Elected to two-year terms on the Board of Trustees are **Susan F. French, Robert L. Burnham, Michael J. Fox** and **Lowell K. Halverson.** Despite free advertisement as author of this piece, **Gerald G. Tuttle** barely survived, being elected to a one-year term.

In the private sector, **Daniel C. Blom** was elected President of the Washington Insurance Council and **Bruce Maines** was elected a vice president.

Ben J. Gantt, Jr., has been elected president of the Municipal League of Seattle and King County. He will be assisted by re-elected board members, **Richard R. Albrecht** and **Bennett Feigenbaum** and by newly elected board member, **Walter B. Williams.**

The Washington Association of Defense Counsel has elected **William Parker** its president with **Gene Knapp,** vice president and **Martin T. Crowder,** secretary-treasurer.

Telephone Utilities, Inc. of Ilwaco has announced that **Raymond C. Brumbach** has been elected its president and chief executive officer. Mr. Brumbach has served as the utility's secretary and general counsel for the past twelve years.

Robert D. Morrow has been elected to the executive committee of the International Association of Insurance Council at its recent meeting at the Greenbrier.

Robert O'Neill, a partner in the firm of Cartano, Botzer and Chapman, has announced his candidacy for the Republican nomination for the State Legislative race in the First Congressional District.

F. Lee Campbell is co-author with Eugene Jericho of Dallas of a recent publication by the Defense Research Institute, entitled "Annotated Aviation Insurance Policy." This is the first annotation to the standard aviation insurance policy available in the country.

American Civil Liberties Union of Washington announces that **Michael H. Rosen,** its executive director for the past 3½ years, will resign September 1.

Linda Dawson has joined the O.E.O. Legal Services staff at its East Cherry Street branch.

George Schoonmaker and **C. Kenneth Grosse** announced the formation of a partnership under the name of Schoonmaker Gross, at 1522 Seattle Tower. Mr. Schoonmaker and Mr. Grosse were previously with the State Attorney General's office.

Dominick Driano, Ed Allen and **Norm Quinn** announced the formation of a partnership under the name of Driano, Allen & Quinn, operating out of the West Seattle Professional Building.

John E. Keegan has left the firm of Perkins, Coie, Stone, Olsen & Williams to become a deputy in the civil division of the King County Prosecutor's Office.

Thomas M. Blake has left his position with the Security Title Insurance Company in Seattle and has opened an office in Renton.

SAN JUAN REPORT
By **MICHAEL C. REDMAN**

The Young Lawyers' Section of the San Juan County Bar Association met at Fossil Bay, Sucia Island, for what is believed to be the first meeting of any such group held entirely under water, on July 2, 1972.

With the entire membership assembled, guest speaker **David W. Sandell** of the Seattle Bar made a few well-chosen remarks, largely lost by his audience, congratulating the group for achieving 100% registration of all eligible members. As the group descended to 45 feet a resolution was unanimously adopted inviting senior members of the local Bar to attend future meetings. Upon the appearance of substantial ling cod the meeting adjourned.

PIERCE REPORT
By **DAVID E. SCHWEINLER**

At the meeting of the Tacoma-Pierce County Bar Association June 15 at the Top of the Ocean restaurant Judge **Hardyn Soule** and Judge **Horace Geer** spoke on pre-trial orders, judicial discipline and other subjects. The annual doctor-lawyer golf tournament was scheduled for August 11, 1972, at the Oakbrook Golf and Country Club. The annual lawyer golf tournament will be announced at a later date.

ISLAND REPORT
By **TED D. ZYLSTRA**

The office of the prosecuting attorney is using the services of Dave Thiele, legal intern, for the summer to codify the county ordinances.

The Island County District Justice Court soon will be moving to new quarters in the building at the entrance to N.A.S. Whidbey in Oak Harbor.

EAST KING REPORT
By CHARLES F. DIESEN

Hugh Stroh and **Dick Beaudry** have moved their practices from Eastgate. Hugh is now sharing office space in the Crossroads Shopping Center with **Jay Nuxoll.** Dick Beaudry is in the Business Center Building in Bellevue.

Dick Mah and **George Nickell,** who have practiced together for a number of years in the Seattle-First National Bank Building in Seattle, have opened an office in the Commons, one of Bellevue's new office buildings. Both Dick and George live in the Bellevue area and will no longer be commuting to work.

Jim Stanton, a native of Bellevue, has associated with **Frank Trunk** and **Bob Villareale** in Juanita. After graduation from the University of Washington Law School, Jim served as infantry officer in the United States Army although he gave legal advice while part of the JAG shop with the Third Armored Division in Germany. He was with the public defender's office in Seattle before locating in Juanita. Another new face in the Kirkland area is **Mike Rodgers,** who after three years with the Attorney General's office has joined Powell, Dunlap, Livengood and Silvernale. He is a graduate of the Willamette Law School.

Jim Dailey of Redmond had one of the most interesting vacations I have heard of. He took a canoe trip into Canada's Quetico Provincial Park where, he claims, he came face to face with a Wall Eyed Pike. This fall as president of the Western Washington Notre Dame Alumni Club he will be extolling "The Irish."

GOVERNMENTAL LAWYERS ASSOC.
By DAVID M. KENWORTHY

The Governmental Lawyers have elected these new officers: **Bill Lowry** (Clerk of the Supreme Court) — president; **Steve Way** (Asst. AG with Labor and Industries) — 2d vice president; **Joe Montecucco** Asst. AG Torts) — treasurer, and **Connie Bolden** (Director, State Law Library) — secretary.

Bob Wallis (Law Clerk for Justice Hale) and **Jack Hayden** (Asst. AG with the Stated Patrol) tied for 1st vice president; a runoff was to be held to settle this race.

Members were briefed on the progress of the composite Thurston-Mason/Governmental Bar Young Lawyers Section efforts regarding a year-around Law in the Schools program. This program will replace the present once-a-year Law Day effort with a continuous and comprehensive program in every high school and junior high school in Thurston and Mason counties.

Mort Tytler (Asst. AG with the Human Rights Commission) was announced as the newest member of the Board of Directors of the Legal Services Association of Thurston-Mason counties, Inc. He replaces George Bassett, who resigned when he entered private practice in Seattle.

COWLITZ REPORT
By O. H. HUSEMOEN

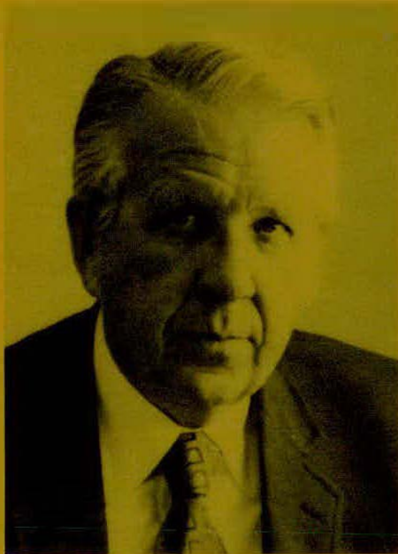
Plans are now being drawn for Cowlitz County's new Hall of Justice, which will combine in one new building the law enforcement facility of Longview, Kelso and Cowlitz County, Superior Court, Justice Court, Prosecutor and the entire third floor devoted to new combined jail facilities.

The Bar Association presently is working with local architects to design courtroom and related facilities to fit the needs of the community and to attempt incorporation of innovative ideas. The site for the new courthouse has apparently been selected on the banks of the Cowlitz River in West Kelso. The possibilities look good for an attractive and useful facility.

The County Bar Association has developed and is now implementing a legal aid program for Cowlitz County. The program will be assisted by a paraprofessional with legal training, who will administer, screen and interview the day-to-day problems in cooperation with volunteer attorneys. Hopefully the program will satisfy the community's need for legal services to the poor.

Officers for the forthcoming year have been elected: **Gerry Reitsch** is assuming the duties as President, **Robert Altenhof** will be Vice-President, and **William Dowell** will be Secretary-Treasurer. As Social Chairman, **Bill Dowell** already has underway plans for a Washington State Bar Association Invitational Golf Tournament and **Putter Throw.** Watch this column for the announcement of time and place and entry fee.

Judson T. Klingberg has been traveling in Eastern Europe and writing a column for the local newspaper. His column is relating to his travels and the cuisine of Eastern Europe and is a continuation of his column he has been writing for several months on his avocation of gourmet cooking. **Charles Mertsching** attended a Public Power convention in San Francisco, and **Le Borders** is in Kelso, and congrats to W. W.


John J. Champagne

William H. Gates

Llewelyn G. Pritchard

Board of Governors — Three Elected and One Reelected

The "new look" Board of Governors — two members larger and including five from King County — will be together at September's Bar Convention for the first time.

The new members of the board will attend the September 6 board meeting, along with the present board. The new governors will take office at the close of the convention in Spokane's Ridpath Hotel.

New to the board are **John J. Champagne** of Olympia, Third District representative, and **William H. Gates** and **Llewelyn G. Pritchard** of Seattle, who will represent King County at large.

And reelected to the board in a modern-day "first" was **Neil J. Hoff** of Tacoma, who represents the Sixth Congressional District.

All were elected to three-year terms.

Almost 1500 lawyers in King County voted in the election to fill two additional positions on the board authorized by the last session of the Legislature. The positions were added to bring about more nearly equal board representation of the state's attorney population. The ten-person board continues to include one representative from each of the state's seven congressional districts, plus the Bar president, elected by the board.

Charles I. Stone of Seattle earlier was selected to succeed **E. Frederick Velikanje** of Yakima as president during the State Bar Convention.

Neil J. Hoff

Hoff is a graduate of Tacoma's Stadium High School, Pacific Lutheran University and University of Washington Law School. He served in both houses of the Legislature and was Senate majority leader in the 1955 session. He also has held offices in the American Trial Lawyers Association and the Western Trial Lawyers Section.

Gates, a Seattle-area native and graduate of the University of Washington, has served as president of the Seattle-King County Bar Association and with numerous State Bar committees. He is a member of the board of the King County Legal Services Bureau, the board of the Seattle Municipal League and Seattle Repertory Theater, the national board of the Planned Parenthood Federation of America and the UW Arts and Sciences Visitint Committee.

Champagne, who was reared in Spokane, is a graduate of Gonzaga University and Georgetown University School of Law, Wash-

(Continued on page 19.)

Questionnaire on Certification of Specialists

Note to lawyers:

Please look under that desk blotter, in the "in" basket, in the "immediate action" file or wherever you put things you are going to do any day now. If that questionnaire on certification of lawyer specialists is still there, please take a minute and give the State Bar's Committee on Certification of Specialists the very useful assistance of your opinions.

Then send the completed questionnaire back to the Bar Office, so your thoughts can contribute to the committee's ultimate recommendations on whether there should be certification of specialists and, if so, for what specialists and how it should be done.

(Continued from page 18)

ington, D.C. An assistant attorney general with offices in Olympia, he was an organizer and president of the Governmental Lawyers Association. He has been a member and chairman of State Bar committees.

Pritchard, a graduate of Duke University Law School, is a leader in Northwest Methodist Church activities, a trustee of University of Puget Sound, a director of Allied Arts and United Community Services Corporation of Seattle, member of the Poncho executive committee and a founding member of CHECC. He is a director of the ABA's Young Lawyers Section and has been active in a variety of Seattle, State and American Bar Association committees.

In the Third District, Champagne will replace John S. Lynch of Olympia. Almost 250 lawyers voted in the Third District and in the Sixth more than 350 ballots were returned.

Certain Adoption Fees Are Payable by State

The 1971 legislature enacted Chapter 63, Laws of 1971 Extraordinary Session (RCW 74.13.100 et seq.), which created an adoption support demonstration project. This is a two-year pilot project which will provide financial and medical support after adoption for a sampling of hard-to-place children. The project is being implemented by the Department of Social and Health Services.

Section 11 of the act provides:

"If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under this act, the secretary may authorize the payment from the adoption support account of all or part of a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee."

The Act provides an additional judicial responsibility to determine a reasonable attorney's fee for adoption services in these selective adoptions.

In addition, attorneys retained by a prospective adoptive family included in the demonstration project and who have an agreement with the Department of Social and Health Services to cover all or part of the cost of the adoption proceedings should be aware that the fee will not be paid in any part until after the actual hearing. Payments from the project account will be made directly to the family after the project coordinator receives a certified copy of the adoption decree. The decree should be forwarded to Adoption Support Demonstration Project, P.O. Box 1788, Olympia 98504. Further information may be obtained from Donald J. Horowitz, Senior Assistant Attorney General, Chief, Social and Health Services Division.

Spokane County Legal Services Two Job Announcements

Spokane County Legal Services is currently searching for an **Assistant Director.** The requirements are that the applicant be already admitted to the Washington State Bar, have prior experience in the practice of law, and be prepared to assume administrative and litigation responsibilities. It is likewise desirable that the applicant be able to qualify as a supervising attorney for legal interns. This would require that the person already have been in active practice in Washington or elsewhere for a period of three years.

Because the office would like to fill this vacancy as quickly as possible, the applicant should contact Douglas D. Lambarth, Spokane Director of Legal Services, at West 246 Riverside Avenue, Spokane, RI 7-4118, for a personal interview.

Interviews are also being conducted of interested graduating seniors for a staff attorney position to be filled after the Bar results are announced in Fall, 1972. The staff attorney position will require the attorney to assume daily litigation responsibilities, to supervise law students, and finally to work with low income groups in the community.

The Board's Work

Extracts from the minutes of the meeting of the board of Governors July 14-15, 1972, at Sun River Lodge, Sun River, Ore. All members of the Board were in attendance.

Board of Governors — Elections

It was moved, seconded and carried that in a regular District election for membership on the Board of Governors if there are more than two candidates and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election; for the two King County at-large positions on the Board, in the event no candidate receives in excess of 50% of the total vote the top four names shall be included in the run-off election since there would be two positions to be filled. In the King County at-large election if one candidate receives more than 50% of the votes cast that candidate will be declared elected and then the two top vote getters receiving less than 50% will engage in the run-off. In all races, in the event of a tie, those candidates with the same number of votes will be included in a run-off. It was further made a part of the motion that the minutes should reflect that it was the thinking of the Board that the first election in such instances would be treated in effect as "primary" elections as a prelude to a "run-off" election in keeping with the fundamental precepts of the principle of majority rule as a part of the democratic process. It was further made a part of this motion that the passage of the motion constituted a change in the By-laws of the Bar Association on this topic and that the By-laws be amended to reflect the change accordingly. It was finally made a part of the motion that this procedure be followed beginning with the elections to the Board of Governors to be held in 1973.

Group Legal Services

A. **Thomas Malott** of Spokane, chairman of the Group Legal Services Committee, appeared to give a status report on the work of this committee and the plans being made for the implementation of this program.

Arbitration Committees

It was moved, seconded and carried that arbitration committees to deal with fee disputes be designated in the various Districts with separate committees for the counties of King, Pierce and Spokane. It was further agreed that suggestions for membership on these committees would be submitted by the members of the Board in the immediate future.

Young Lawyers

A. **Bradford M. Gierke,** chairman of the Young Lawyers Committee, reported on his term as chairman and thanked the Board for allowing him not only to be present but to participate actively in the matters coming before the Board and further asked that the records show that he appreciated the Board's cooperativeness and courtesies throughout the year. Mr. Gierke asked that the record show that his voice and point of view, both personally and in behalf of the Young Lawyers, had had every opportunity to be heard, considered and quite often agreed with by the Board.

Joint Survivor Accounts

Following a report by **John Lynch,** it was moved, seconded and carried that the President, **E. Frederick Velikanje,** hold conferences with appropriate officers of the banking institutions and savings and loan associations concerning these matters and to make a report to the Board.

Possible Conflicts Between Resolutions and Code

A. It was moved, seconded and carried that any resolution or any part of any resolution heretofore adopted by the Board of Governors which is in conflict with the Code of Professional Responsibility as made effective by the Supreme Court January 1, 1972, be resolved in favor of the Code of Professional Responsibility and the language of the Board's resolution in such cases be declared by the Board to be null and void.

Public Service Judicial Poll

A. It was agreed by the Board that the Judicial Plebiscite concerning the Supreme Court and Court of Appeals as heretofore authorized be conducted by the Bar Office.

B. It was further agreed by the Board that if mechanically feasible, immediately following the closing of the filing deadline for positions on the Superior Court bench and the District Court bench that in all cases where such positions were contested a poll be taken among the lawyers eligible to vote for such positions relating to the "Judicial Capability" of the respective candidates for such position including both the incumbent, if any, and those other candidates seeking the position. It was further made a part of the motion that the results of such poll be compiled by the Bar Office and thereafter released to the general public through all available media as much in advance of the election as possible. It was further made a part of the motion that the lawyers participating in each poll would be asked to rate the "judicial

capability" of each candidate in one of four categories — excellent, good, fair or poor — and that the results would be released in percentage form of those participating in the poll as to each candidate. The vote on this motion was 6 to 1.

The COG Committee

A. Robert Burnham of Seattle appeared and spoke in behalf ot the Minority Report of the COG Committee as filed by **Gregory R. Dallaire, Robert C. Mussehl and Llewelyn G. Pritchard.**

B. It was agreed by the Board that the following suggestions be presented to the COG Committee for consideration and recommendation.

(1) That the Committee consider the groupings of committees of Bar Association activities under a limited number of major categories which would include related activities in one general field of activity but not now correlated to the degree desired for best results.

(2) That the Committee investigate and recommend concerning the desirability of mandatory participation by all lawyers in a minimum number of CLE programs or other seminars looking toward keeping every lawyer current with legal developments and procedures.

(3) That the Committee consider the possibility that one member of the Board of Governors be assigned to each grouping of committees or category of legal activity whose work he would supervise or coordinate and would serve as a liaison person between the Board and the committees.

The *Bar News*

It was moved, seconded and carried that effective immediately, the *Bar News* will be prepared, edited and published by the staff of the Washington State Bar Association.

Governor's Task Force on Aging

It was moved, seconded and carried that incoming Board member **John J. Champagne,** of the Third District, be asked to confer with Hal Bradshaw, the Research Director of the Governor's Task Force on the Aging, and A. Ludlow Kramer, Secretary of State, with reference to the work of the Governor's Task Force on the Aging and their request for cooperation and assistance of the Bar Association. It was further agreed that Mr. Champagne would report to the Board on these discussions at the September meeting of the Board at Spokane.

Board of Bar Examiners

It was moved, seconded and carried that, due to the resignation of **Muriel Mawer** after many years of faithful service, **Daniel C. Blom** of Seattle be appointed as chairman of the Board of Bar Examiners for the Bar Examinations to be given during 1973 and that he should assume his duties effective immediately.

Awards of Merit

It was moved, seconded and carried that awards of merit be presented to **Muriel Mawer** and **Edmund Burke Raftis** at the Annual Meeting of the Bar Association in Spokane.

June Meeting

Extracts from the minutes of the meeting of the Board of Governors convened at Alderbrook Inn, Union, Wash., June 23. The president and all board members were in attendance.

Proposed Rules for Criminal Procedure

Frank L. Sullivan, Chairman of the Criminal Law Committee, and **Kenneth F. Ingalls,** a member, appeared to discuss the committee's recommendations concerning the proposed Rules for Criminal Procedure. It was moved, seconded and carried that the Committee be asked to reconsider its position on the availability of the plea of nolo contendere in the state courts. Thereupon, the report of the Criminal Law Committee was adopted by a vote of 6 to 1 (Jack Lynch dissenting). It was further made a part of the motion and agreed that the committee through its chairman or otherwise as designated by him was authorized to appear in any public discussion of the proposed rules as the representative of the State Bar Association and speaking for the State Bar Association to the extent represented by the committee's report and recommendations.

Young Lawyers to ABA Convention

It was moved, seconded and carried that the Young Lawyers Committee be allowed to select two of its members to attend the ABA meeting in San Francisco in August and that their expenses be paid by the Bar Association to the extent of four (4) days per diem each and round trip tourist air fare each. The vote on the motion was 5 to 1.

Minimum Fee Committee

The Honorable **Paul Cressman,** Chairman of the Minimum Fee Committee, appeared and gave a status report on the committee's continuing work toward providing advisory guidelines for fee charges for the practicing lawyer without violating either the anti-trust regulations or the rights of consumers. It was pointed out by the chairman of

(Continued on page 22)

Streamlined, Unified State Judiciary Urged by Citizens' Conference

A Citizens' Conference on Washington Courts was held in Issaquah from June 15 to June 16. About 80 persons attended the meeting sponsored by the American Judicature Society.

The following are some recommendations which came at the end of the conference:

1. Municipal, Justice and District Courts should be abolished and their functions assumed by Superior Courts.
2. Judges should be appointed by the governor from a list of candidates submitted to him by a constitutionally established judicial nominating commission, comprised of laymen and lawyers.
3. Once appointed, judges should be periodically subjected to the scrutiny of the electorate at uncontested elections.
4. Any judge who is not fulfilling the requirements of his office should be subject to appropriate discipline and, if he is found to be incompetent or incapacitated, should be removed from his position. The discipline and removal function would be performed by a constitutionally established commission of judges, lawyers and lay citizens.
5. Minor traffic offenses should be handled administratively by a traffic-violations bureau with recourse to the courts for persons "aggrieved by the administrative ruling."
6. The chief justice of the Supreme Court should be made the administrative authority for all courts.
7. Local Superior Court rules should be made uniform.
8. Funding deficiencies can be overcome in part by unification of the courts and by more effective administration. However, the most significant need is to provide adequate appropriated funds for the operation of the entire judicial system from state, rather than local government sources.

President E. Frederick Velikanje has offered the State Bar's continuing assistance in efforts to achieve a modern new judicial article of the State Constitution.

Velikanje noted that the State Bar, in cooperation with other groups also seeking revision of the judicial articles, had submitted a proposed revision to the 1971 Legislature.

The Citizens' Conference intends to schedule regional conferences in an effort to present more information to citizens.

Various articles have appeared in the *Bar News* on the proposed reforms:

Glenn R. Winters, *Farewell to Justice Courts,* Feb. 1970, p.5.

Hon. Morell E. Sharp, *A Unified Trial Court?* May 1970, p. 13.

Glenn R. Winters, *Judicial Selection and Tenure,* June 1970, p. 13.

Jack E. Frankel, *Judicial Discipline and Retirement,* July 1970, p. 15 and Aug.-Sept. 1970, p. 11.

Hon. David W. Soukup, *The World of the Lower Courts,* Dec. 1970, p. 5
Judicial Discipline, Dec. 1970, p. 7.

Hon. Vernon R. Pearson, *Agreement at Last,* April 1971, p. 11.

Neil Hoff, *The Judicial Article,* April 1971, p. 15.

(Continued from page 21)

the committee that minimum fee schedules historically in the State of Washington have been in use purely as guidelines and for the protection of the public as well as for the use of the lawyer and that no disciplinary action has ever been instituted in connection with the use or lack of use of the said guidelines.

Judicial Plebiscite

It was moved, seconded and carried that a Judicial Plebiscite be held among the lawyers of the state so that each lawyer would have an opportunity to express himself concerning his preference for those candidates offering themselves for the Supreme Court and the Court of Appeals in the elections of 1972. It was further agreed by the Board that the results of the plebiscite will be released to the general public through all available media.

Request of Legislative Committee

It was moved, seconded and carried that the suggested amount of voluntary contributions to the Legislative Committee should be increased to the sum of $10 per year as recommended by the committee. It was further reiterated that the contribution of this amount or any amount would be purely voluntary with the individual lawyer. The vote on the motion was 6 to 1.

College Course for Legal Paraprofessionals To Be Launched In This State

An education "first" in this state of interest to lawyers is a new Legal Assistant Program to begin at Edmonds Community College in September.

Such programs, to train legal assistants or paraprofessionals to take over much of the law office's operational responsibilities and free the lawyer for strictly legal matters, just are coming out of the experimental stage nationally. Great interest has been shown in Washington State, by lawyers, educators and prospective legal assistants, but until now there has not been a complete, specialized program for training such assistants. Many lawyers and firms have been training their own paraprofessionals, in most cases "upgrading" the knowledge and skills of secretaries and others already employed.

The Edmonds program, being directed by Michael A. Pastore, the college's Coordinator of Professional Management, actually has two aspects: A full-time, two-year day program designed chiefly for those with no previous law-office employment experience, and an evening program chiefly to train present law-office employees in special areas in which legal assistants are especially valuable.

Pastore said the curricula will be those designed, after much research and experimentation, by the American Bar Association Special Committee on Legal Assistants. Students completing the two-year day program will receive Associate of Technical Arts degrees; those completing a night training program will obtain a certificate upon completing training in two proficiency areas — probate and litigation, for example. Those students also will be given a national certification examination provided by the American Bar Association.

Pastore said Dennis Gaasland, office manager for the Karr, Tuttle firm in Seattle, is chairman of the program's advisory committee, which includes a number of Seattle, Lynnwood and Edmonds attorneys, college staff members and members of the Legal Secretaries' Association.

The day program includes classes in such basic skills as English, accounting, typing, speech, business and data processing plus more than a dozen specific legal-assistant courses. The night program the first year will teach probate, legal orientation and domestic relations, with each to be taught three quarters. Night instructors will include **Robert S. Mucklestone, Lowell K. Halverson** and **Clinton F. Ferrell.** Night courses planned for the following year include real estate, litigation and income-tax law. Night classes are 7 to 10 p.m. Mondays and Wednesdays.

Lawyers knowing young persons interested in vocations as legal assistants or law-office staff members wanting to specialize as paraprofessionals may direct them for information to Pastore at Edmonds Community College, 20000 68th Avenue West, Lynnwood 98036, telephone (206) 775-3511.

In Memoriam

Albert C. Bise, 67, Seattle, died June 23 in his sleep. A 1931 graduate of the University of Washington Law School, he joined the FBI that year and served as a special agent for 22 years. In 1957, he retired and became Washington State Court Administrator. His death came only a few hours after he had notified Gov. Evans and Chief Justice Hamilton of his intent to retire on July 31.

Judge D.F. Wright, 74, Olympia, died in his Hood Canal home on June 8. Admitted in 1900, he practiced law from 1900 to 1907 in Davenport and Coulee City, before moving to Shelton. In 1914, he ran for the newly created Thurston-Mason County Superior Court position, was elected and served until his retirement in January, 1949, when his son, current State Supreme Court Justice Charles T. Wright, was named to the post. D.F.'s wife, the late Fanna Bell Wright, was one of the first women admitted to the Washington bar. She practiced law in Davenport with her husband and took an active part in the formation of a national organization for women lawyers. D.F.'s mother was Dr. H. Josephine Whitney, one of the first women to be fully qualified as a physician in the Western United States. Her husband, Dr. H.J. Whitney, was the first surgeon in the state.

George Elmer Brown, 72, well known for his many years of civic work with youth in Spokane, died there July 18. In 1931-33 he was the youngest state representative in Olympia. He was given a Distinguished Citizen Award from the Spokane City Council in 1955.

Don Cary Smith, 65, a state senator from Spokane in 1933-34, died July 18. A native of Spokane and graduate of Gonzaga University, he had practiced in Spokane and recently had served as assistant city corporation counsel.

Test Your IQ

Check the correct answers. Questions may have more than one correct answer. (To find correct answers, see page 34.)

1. Prepaid legal services is:
   (a) A leftist approach to aid the give-away program.
   (b) A movement toward socialism of the Bar.
   (c) Part of the lawyer referral system.
   (d) Legal aid for the indigent.
   (e) Related to Office of Economic Opportunity legal service.
   (f) None of the above.

2. Prepaid legal services is:
   (a) A Blue Shield-type plan to provide legal services for all.
   (b) A new means of delivering legal services.

3. The American Bar Association's position on prepaid legal services is:
   (a) Very favorable
   (b) Unnecessary at the present time.

4. Attitude of Washington State Bar Association Board of Governors:
   (a) Disagree with ABA.
   (b) Promoting prepaid legal services as a Bar sponsored plan.
   (c) Wait and see.

5. Prepaid legal services plan is expected to be operative in Washington:
   (a) Within 3 years
   (b) Within 5 years
   (c) The first of 1973.
   (d) By the time of the September State Bar meeting.

6. Prepaid legal services plans are operative:
   (a) Nowhere.
   (b) In 12 states.
   (c) Covering several hundred thousand subscribers (closed panel).
   (d) In Shreveport, Louisiana (open panel).

7. The confidential nature of lawyer-client relationship under the plan:
   (a) Is waived.
   (b) Must be set aside on the request of either the plan or the subscriber group.
   (c) Remains inviolate.

8. Anticipated results of prepaid legal services:
   (a) Expected to increase use of preventive type services for countless persons who never before used lawyers' services.
   (b) Improve public relations of the Bar.
   (c) Increase utilization of lawyers.

9. Effect on lawyers' freedom and independence of judgment and action:
   (a) Will be subservient to outside forces.
   (b) Will not be diminished under the singular lawyer-client relationship conditions.

10. Prepaid legal services is being initiated in response to:
   (a) Lawyers' need for additional income.
   (b) A need to lessen lawyers' fee-collection problems.
   (c) Demands by many labor and other groups for more convenient and modern methods of delivery of and payment for legal services to middle-income persons.

11. Subscribers to prepaid legal services will receive:
   (a) Clever, mass-production, quickie services at cut-rate fees.
   (b) Regular high-quality, individualized services, just as now.
   (c) Regular services, but only on a low priority, as-time-is-available basis.

12. Lawyer-members of the Bar's prepaid legal services will receive payment of fees from:
   (a) The service plan, directly and promptly.
   (b) The subscriber-client himself, on a time-payment plan.
   (c) The group to which the client belongs — the labor union or teacher's association, for example.

13. Prepaid legal services will be operated and administered by:
   (a) A committee composed of lawyers, judges and laymen.
   (b) A board composed of directors nominated by each member group.
   (c) The Bar itself, through a Board of Directors elected from lawyer-members of the corporation.

The Attack on the Accusatorial System

(Continued from page 6)

accused should be required to testify at the trial. Under present British practice he has a choice of remaining silent, or of making an unsworn statement on which he cannot be cross-examined, or of testifying. Under the proposed change he could still refuse to answer questions and would not be punished for contempt if he took that position. But his refusal would be open and public, and the jury would be instructed to draw its own appropriate conclusions.

The third recommendation of the Committee concerns the admissibility of evidence of prior convictions which under present law are excluded. In this country, as you know, we have recidivist statutes which allow prior convictions to be admitted on the issue of sentencing, but not on the issue of guilt. But even as respects that limited use of prior convictions, great contests have been waged, as *Spencer* v. *Texas*, 385 U.S. 554 (1967), illustrates.

> "We . . . hold that the Fifth Amendment, in its direct application to the Federal Government . . . forbids . . . comment by the prosecution on the accused's silence . . ."
>
> *Griffin* v. *California*, 380 U.S. 609, 615 (1965).

The problems facing the Bar of this nation in the years ahead will be momentous ones.

I hope you youngsters get organized, stay organized and see this thing through because this is of great national importance. The values that we have — the liberty to keep government off our backs is the greatest thing — much greater, my friends, than all of our B-52's and all of our atomic bombs. This is a great spiritual inheritance of this nation and we should keep that individualism and that liberty.

The extension of the right to counsel in all cases where an accused is imprisoned raises questions covering the number of lawyers available and their training. Our recent decision in the misdemeanor case, *Argersinger* v. *Hamlin*, 40 USLW 4679 (1972), raises great questions as to what the bar will do, how the Lawyers will be found and so on.

We are getting increased pressure at the court to extend the right to counsel to civil cases as well as to criminal cases. Those questions implicate the use of law students and the use of laymen in some aspect under a supervised court-authorized system.

In that connection more than 125 of the nation's accredited law schools have established clinical programs in which faculty-supervised students aid clients in civil and in criminal cases. These are programs that supplement the Practice Rules of 38 States authorizing restricted practice of law by law students. This is like the American Bar Association's Model Student Practice Rule of 1969, a program which I understand is receiving important foundation support. Moreover, 57 law schools have clinics in correction where law students, under faculty supervision, aid prisoners in the preparation of petitions for post-conviction relief. See 436 F.2d 162.

There is the problem of redefining by state law crimes where there are no victims so that you take him out of the criminal process and put him in the administrative process. That in itself is a big challenging problem.

Beyond these problems is the growing need for a Bill of Rights for Prisoners — a matter on which the State of Washington shows more enlightenment that perhaps any of the others.

The accusatorial system versus the inquisition raises profound questions.

These are momentous and perplexing problems. As you face them you are fortunate in having as your leader the profoundly wise Betty Fletcher.

The Accused Who Keep Silent

(Continued from page 8)

imposed by the rules to the accused to keep quiet, and that was found a positive discouragement of confessions, which seems to me something which we cannot afford now.

I have not had the opportunity recently of studying the modern trends in the United States on this topic, but when Professor Kanlen's book on Anglo-American criminal justice was published in 1967, it seemed quite clear from that book that the tendency in the United States to exclude, or limit the admissibility of confessions was even stronger than it is and was in England. Indeed, the famous *Miranda* case, with its requirement that an attorney should be present at an interrogation startled us quite a lot in this country. — venture to think it may have startled some of you as well. *(Applause and Laughter)*

It was an American who told me in 1966 that all the burglar alarms in the States were having two lines installed to them, one to the police headquarters and the other to the legal aid association. He told me — I do not know whether he was pulling my leg — that bets were being laid as to wheth-

er the police or the attorney would be the first on the scene of the crime.

I think one must consider rather seriously this question of whether an attorney is a proper part of the furniture when an interrogation takes place. I express my views with all deference to those who take a different view, but in my judgment, I think that any rule requiring the attendance of the suspect's lawyer during police interrogation is quite unacceptable. It would, no doubt, be an excellent thing if an independent third party were present at every investigation so that he could later testify to the court as to exactly what had taken place, but the prisoner's or suspect's attorney is not exactly an independent third party, he is not likely to sit like a fly on the wall, watching everything that goes on and saying nothing. He will charge a fee, and he expects to be there to advise his client not to make admissions. It does not matter how careful or fair the interrogation is, if the suspect's attorney is going to chip in at the vital moment and warn him not to answer the vital question, then we might just as well, in my judgment, give up the interrogation step as being part of the investigation process in law.

What are the conclusions one ought to reach as a result of all this? I suggest there really are three: First, I say again at the risk of repetition, the interrogation of suspects by police is a fundamental of criminal investigation and proof of guilt by a voluntary confession of the accused must remain an acceptable and respectable method of proving his guilt. We must not allow our subconscious aversion to the rack, the third degree and the methods of the Nazis in Occupied Europe to blunt us to the value of a voluntary confession, particularly one obtained on or shortly after arrest, before the accused has had an opportunity of making up a plausible alternative excuse.

Secondly, as in both our countries, it must be accepted without question that a confession is worthless if it was obtained by pressures which overcome the will of the subject and drive him to make an admission which he had no wish to make. To encourage him to confess is one thing, to force him to do so is another, and it is here, in my judgment, that the line ought to be drawn.

The sort of questions that are relevant are these: how long did the interrogation last? Another question which ought to be asked is: how was the interrogation conducted? Was it conducted quietly and soberly, or conducted by three or four officers simultaneously firing questions at the one man? We ought to ask ourselves whether the subject was trapped into making admissions, and generally to consider whether, in the circumstances of that particular case, the interrogation was oppressive to the point when it may have deprived him of a real choice to speak or not. The admissibility of a confession, its validity and value in a particular case should be judged not by abstract rules, but by whether in that case the accused was deprived of this choice.

Thirdly, I would suggest that a jury should never be deprived of the right to draw inferences from the fact that an accused has kept silent, if they are satisfied that those are the only inferences which can be legitimately drawn. Keeping silent in the face of accusations is not to be regarded as something high-minded and respectable; instead, it should be regarded as something which requires explanation and which may give rise to adverse inferences if explanation is not forthcoming.

Mr. President, that is as much as I feel justified in taking up your time with this morning. If we watch each other across the Atlantic to see how each of us is coping with the problems and challenge of the 1970's in which the criminals are often highly educated men, equipped with the latest scientific aids and with enormous prizes to play for, we — and I am sure you — feel that we must never depart from the fundamentals of fair trial which are enshrined in our common law, your common law, the common law which is also confirmed in many respects by your Constitution and the Bill of Rights. We must not blindly adhere to rules which were appropriate enough when the accused was illiterate and unrepresented, which rules serve only now to disturb the delicate balance of the trial in present-day circumstances. The sanctity of the accused's right to silence is one of these rules which, in my view, we should constantly examine. *(Applause)*

ABA President Edward C. Wright: Thank you, Lord Widgery. You asked a rhetorical question about the *Miranda,* and I believe you received a rather definitive answer in the form of applause, as to whether any American lawyers were possibly not in total agreement with it. At least one distinguished jurist who shares your platform has recorded himself as believing that *Miranda* was wrongly decided, and there are a few of us at the Bar who share that view. *(Applause)* This surely is not a debate forum, but since Lord Widgery gave me the opportunity, I thought I should go on record to credible witnesses. *(Laughter)* □

The Courts

THE COURT OF APPEALS

By JOSEPH A. THIBODEAU, *Clerk*

The Court of Appeals has determined that 177 cases will be set for argument during the September 1972 Session. Some of the cases raising issues which may be of interest to members of the Bar are summarized below:

DIVISION I

1335-I, *Hockley v. Hargitt, et al.*

Whether advertisement by Divorce, Inc. that "Divorce Made Easy" was in violation of R.C.W. 9.04.020 which prevents **advertising for divorce** and whether such advertisements were in violation of R.C.W. 19.86, the Consumer Protection Act.

1369-42177-I, *In the Matter of the Estate of James W. Offield.*

Whether an award in lieu of **homestead** must be made from the whole estate and not be set off against a bequest to the petitioner.

1194-I, *Estate of Ralph W. Lyman, Deceased*

Whether a **community property agreement** takes priority over a will which will was executed after commencement of a divorce action.

1161-I, *Hamilton v. State Farm Mutual Automobile Insurance Company*

Whether there was evidence of bad faith or negligence on the part of an **attorney** in handling the litigation of the accident case on behalf of the insured to justify submitting the case to the jury.

1185-41918-I, *Helling v. Carey*

The **standard of care** of an ophthalmologist.

DIVISION II — Summaries by Laurence P. Gill, Clerk.

421-II, *Northwest Greyhound Kennel Association v. State of Washington and Washington State Horse Racing Commission*

Challenges the constitutionality of the **"Horse Racing Act,"** R.C.W. 67.16.001 through 900, under the due process and equal protection clauses of the Fourteenth Amendment contending that an act which permits parimutuel betting for horse racing to the exclusion of dog racing creates unreasonable classifications.

686-II, *T.C. Whiteside v. New York Life Insurance Company*

Appellant seeks recovery under a **double indemnity** for accident insurance provision for the death of his son where the death certificate issued by the county coroner stated that the insured died as a result of an accident. Appellant contends that although death was caused by a voluntary injection of methedrine and morphine, the lethal effect was not intended and, therefore, accidental.

680-II, *State Department of Motor Vehicles v. Junkley*

Appellant contends that revocation of his driver's license under the **implied consent law** is improper when he was in an extreme state of voluntary intoxification and unable to make a knowing, intelligent refusal to submit to the test when requested. Appellant also objects to revocation where he was not driving or in physical control of his automobile at the time of arrest.

581-II, *Ponder v. Swanson*

Appellant, ex-wife of respondent, seeks one half interest in a **lifetime pension** which was the result of the settlement of a California workman's compensation lawsuit which arose during marriage.

649-II, *State v. Lundell*

The State appeals dismissal of a criminal information based on R.C.W. 9.41.180, setting trap or other deadly weapon, where respondent allegedly placed two strands of barbed wire across a path or roadway on his property allegedly to stop motorcyclists.

DIVISION II — Summaries by David MacCulloch, Clerk.

629-III, *In the Matter of the Application for a Writ of Habeas Corpus of Harry I. Little*

Appellant was sentenced in King County on October 25, 1967 to life as a habitual criminal based on six felony convictions. He filed a writ for **habeas corpus** which was denied on January 31, 1972, and appeals. Appellant claims he did not knowingly waive a jury trial on the habitual criminal charge. His attorney by affidavit says he did. Appellant claims he is entitled to a hearing which should be held in King County and that he has a right to have subpoenas issued for witnesses he feels are necessary for a full hearing. Whether appellant is entitled to a full evidentiary hearing in King County.

487-III, *J. Van Nes Estes et ux. v. Hammerstad*

Respondent purchased a home and realty firm agreed to transfer fire insurance. The house burns prior to the transfer of insurance. Was there any **contract** between the purchaser and the real estate agency as to transfer of the insurance?

NEWS FROM THE COURTS OF LIMITED JURISDICTION

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

Over the past few months this column has reported the changing of many judges and shifting of many municipal courts away from individual municipalities to the District Courts. One of the most recent decisions of the Supreme Court of the United States, the *Argersinger* case, which affects the appointment of counsel for misdemeanant defendants where there is a likelihood of jail, will pose an additional impact upon the courts and the political subdivisions of the state, including the counties and cities.

Several cities in King County, for example, are now proposing to do away with jail as a possible penalty for the minor traffic or criminal offender. Other avenues being explored include the abolishing of violations under city ordinances in favor of county or state charges and the engaging of lawyers to act as public defenders. All of this points to the fact that misdemeanant courts are important and the need for competent counsel and judges to handle cases is of extreme importance. (Enough philosophy, now to news.)

Judge **James Cook,** Shoreline District Court, King County, has announced the opening of new facilities near his old court site. This reporter inspected the new court and was thoroughly impressed, particularly in comparing it to the old quarters. Judge Cook has extended an open invitation for all judges and attorneys to drop by for a "Cook's Tour" and has indicated that sometime this fall there will be an official dedication and open house.

Judge **Clem Grady** of Port Townsend has announced that the Bench-Bar-Press Report has been published and is now available through the Court Administrator's Office.

Judge **Lyle Truax,** a member of the Task Force Committee on Court Reform, has indicated they are in the process of making some conclusions and that a model act soon will be completed for study by the State Judicial Council for presentation to the 1973 Legislature (hopefully).

A final word, and that of sadness and regret. All of the members of WSMA were greatly saddened to learn of the untimely death of the Honorable **Albert C. Bise,** Administrator for the Courts. Mr. Bise, truly a leader in the field of court administration and long-time fighter for court reform, will be sorely missed. He was a leader, an inspiration and a true friend to the judges of the Courts of Limited Jurisdiction and we extend to his family our condolences for this great loss.

SUPERIOR COURT NEWS

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

Judge **Story Birdseye's** (King) resignation from the bench as of July 31 has accelerated the elevation of Judge **Edward M. Nollmeyer** (Snohomish) from vice president to president of the State Superior Court Judges Association. Instead of assuming the presidency at the traditional "changing of the gavel" at the annual Judicial Conference Judge Nollmeyer has taken over the duties as president as of August 1. This year, the Judicial Conference will take place in Spokane, September 6, 7 and 8.

* * *

Judge **Charles Z. Smith** (King) has announced that he will not be a candidate for re-election and will terminate his service on the Superior Court at the end of this term. Judge Smith has under consideration an offer from the University of Washington to become Associate Dean of the Law School with teaching responsibilities.

* * *

The Washington State College of the Judiciary will hold a Criminal Law Seminar, August 28-31, at the Criminal Justice Education and Training Center (Providence Heights) near Issaquah. Judge **Blaine Hopp, Jr.** (Yakima) will serve as dean. Faculty members include Judges **Warren Chan** and **George H. Revelle** (King), **James J. Lawless** (Benton-Franklin), **George T. Shields** (Spokane), **W.L. Brown, Jr.** (Pierce) and Court of Appeals Judges **Keith M. Callow** and **Herbert A. Swanson.**

Lawyers Help Equip Library

Attorneys from throughout the state have donated nearly $10,000 worth of law books to the new University of Puget Sound Law School, according to Joseph Sinclitico, dean.

The total book donation to the school is 13,000 volumes, Sinclitico said. More than 1,300 volumes have been received from three Seattle lawyers — **James Rolfe, Ben Maslan** and **John Bradbury.**

SUPREME COURT PRACTICE

By **WILLIAM M. LOWRY**

Supreme Court Clerk

Can court-appointed counsel recover a fee for his services in preparing a petition for rehearing, a petition for review, or an answer to such a petition?

The theory has been that one bill is filed for all services in either the Court of Appeals or Supreme Court and that the amount allowed, therefore, includes petitions and answers. In two recent cases, court-appointed counsel excepted on the grounds the theory was excellent but the application was beset with difficulty. They argued: Paragraphs (d) (2) of ROA I-47 and CAROA 47 require court-appointed counsel for an indigent defendant on appeal to file a bill for services "not later than ten days prior to the date of argument"; even the most pessimistic counsel could hardly be expected to include an item for preparing a petition for rehearing or review prior to oral argument on the merits, and the Court could not be expected to foresee that its opinion would be subjected to such petitions.

Some considerations which the exceptions presented were:

a. There was merit to counsel's exceptions.
b. The consideration and processing of more than one cost bill of counsel in a case is inefficient.
c. Some counsel would rather forego the relatively minor amount involved in services in preparing a petition or answer to a petition to obtain a more prompt payment for services for perfecting the appeal and presenting oral argument.

The Court is amending the rule, effective September 1, 1972, to provide:

"Counsel for defendant shall file his cost bill not later than ten days after the opinion in the case becomes final. Only one cost bill will be filed by counsel."

Inherent in the above is flexibility. Counsel will have the choice of electing early settlement by filing his cost bill at the time of oral argument or waiting until the case becomes final and including services which develop after oral argument.

Tougher Trials for Criminals — A British Plan

Now in the cards in Britain is a far-reaching shift in the balance of justice designed to strengthen the hands of police and courts against criminals.

The shift is recommended by a Criminal Law Revision Committee, appointed by the Government and comprising some of the country's outstanding legal minds.

On the basis of an eight-year inquiry, the committee concludes that there now is less need for the stringent rules of evidence introduced in the past to protect the rights of criminal suspects. These rules, the group says, "tend nowadays to be too favorable to criminals."

To redress the balance, these key changes are recommended:

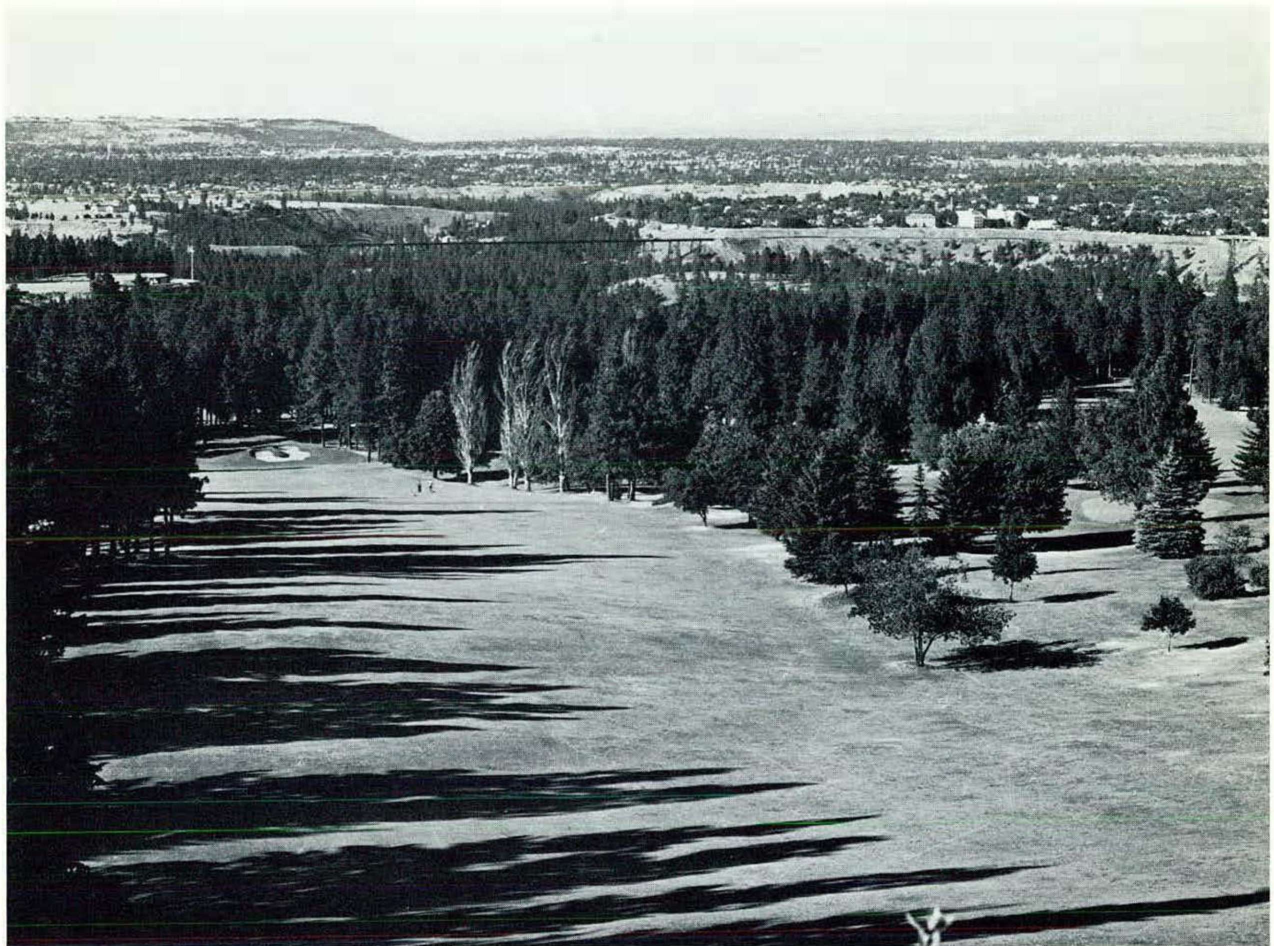
- Police no longer should be required to caution suspects that they have a right to remain silent. Instead, the accused should be given a written notice advising him to mention any fact on which he intends to rely in his defense, and warning him that if he fails to do so his trial might be adversely affected.
- It should be made more difficult for a defendant to challenge a confession on the ground that it had been obtained by threat or inducement, however mild. It would be necessary to prove that the threat or inducement was "of a sort likely in the circumstances existing at the time to render unreliable any confession."
- Defendants no longer should be allowed to refuse to testify under oath.
- The rule that treats hearsay evidence as generally inadmissable should be greatly relaxed.
- The prosecution should be allowed to summon wives to testify against their husbands and in some cases the prosecution should be permitted to present the previous convictions of the accused.

Over all, the aim is to make the rules of evidence "less favorable to the defense while preserving necessary safeguards against injustice."

The committee made this point:

"'We disagree entirely with the idea that the defense have a sacred right to the benefit of anything in the law which may give them a chance of acquittal, even on a technicality, however strong the case is against them."

U.S. NEWS & WORLD REPORT
July 10, 1972



A very fair way indeed: A clubhouse view toward the first hole of Spokane's beautiful Indian Canyon, one of eight golf courses in the 1972 Bar Convention city.

Workmen's Group Rule Suspended

(Continued from page 12)

ing this presentation, in our opinion.

* * *

As stated in *The West Virginia State Bar Association v. Earley*, 144 W. Va. 504, 109 S.E. 2d 420 (1959), a case involving proceedings before a state workmen's compensation claims board in West Virginia,

"The justification for excluding from the practice of law persons who are not admitted to the bar and for limiting and restricting such practice to licensed members of the legal profession is not the protection of the members of the bar from competition or the creation of a monopoly for the members of the legal profession, but is instead the protection of the public from being advised and represented in legal matters by unqualified and undisciplined persons over whom the judicial department of the government could exercise slight or no control."

The *Seattle P-I* reported that Heavey offered to represent any party forced to test the AG ruling; that he said these matters should be "resolved as quickly as possible and as cheaply as possible" for both sides, that the Board rule "is exactly the kind of progressive action the legal system needs. After all, the Board reasoned that these hearings are not court proceedings but merely hearings to determine facts."

He told the *Seattle Times* that board hearings are not court proceedings and only 10% of the cases heard by the board ever go to court for legal action.

Heavey said he would rescind the opinion if elected.

ABA President Tells Plan For Institute

A proposal to create a National Institute of Justice — a public corporation that would coordinate and speed-up modernization of the nation's legal and judicial systems — has been outlined by the president of the American Bar Association.

Leon Jaworski, speaking at the recent three-day Illinois Judicial Conference, said the Institute would "concern itself with the system of justice as a whole, providing for the first time a national focus, continuity, experimentation and research, and designed to synthesize the now widely fragmented efforts in the field of judicial improvement."

Congress Would Charter

The Institute would, he said, be an "independent, not-for-profit corporation chartered by Congress to be governed by a qualified board insulated from partisan controls and funded from both public and private sources."

The ABA official said the proposed Institute would not replace or duplicate the work of existing federal or state agencies in dealing with problems of the courts. Rather, it would "complement their activities and widen the base of support for them."

The purpose and function of the Institute are to:

(1) Provide direction and leadership to improve the legal system, serving as consultant and advisor to all components of justice at federal and state levels.

(2) Comprise a permanent body charged with developing an overview of the law and courts, identifying priorities for needed improvements, and responsible for coordinating educational resources, research and projects of the organized bar.

Realty Closing Plan Rapped as Restrictive

The American Bar Association Special Committee on Residential Real Estate Transactions has urged the Banking and Currency Committee of the U.S. House of Representatives to forego its present efforts at legislating the details of real estate settlement practices.

"The task of tailoring federal legislation to meet the many diverse situations is a complex one requiring more time and study," said Charles L. Edson of Washington, D.C., a member of the recently named ABA special committee.

"Our committee has discovered," he said, "widely divergent closing practices in different states, and within different states. The variations of the role played by lawyer, title company and lender are endless."

ABA Opposes Title IX

Edson spoke under authority of an ABA resolution approved by the Association's Board of Governors. The resolution specifically opposes Title IX of the Housing and Urban Development Act of 1972 as reported to the full House Banking Committee May 11 by the Subcommittee on Housing.

Edson said the ABA special committee had found "many technical difficulties" in Title IX, including provisions that would:

— Preclude a lawyer representing a buyer from receiving a reasonable fee for his legal services in connection with the furnishing of legal opinions and the preparation of documents.

— Allow a title company to render legal opinions contrary to universal prohibitions against the corporate practice of law.

New Ways to Deliver Legal Services Urged

New ways of providing legal services must be experimented with and perfected to better serve the needs of all the people, according to the president-elect of the American Bar Association.

Robert W. Meserve, prominent Boston attorney, said that one means, "controversial but here to stay," is some kind of federally-funded program of legal services for the poor. The ABA, he said, hopes to "encourage the federal government to take a more open-minded attitude toward the judicare concept of legal services for the poor than has been displayed in the past."

He cautioned that the legal needs of the poor "cannot be met without some form of public financial subsidy."

At the same time, he said, "a wide range of needs could be met through a program employing the services of lawyers in conventional, lawyer-client relationships."

Prepaid Services Cited

As an example, he pointed to an experimental program in group pre-paid legal insurance now being conducted by the Bar Association of Shreveport, La. In essence, the program makes available to members of a participating labor union a broad range of legal services, financed by payroll deductions, he said.

Mr. Meserve said that "experiments and innovations such as the Shreveport plan should be explored and untertaken in other localities."

Progress is being made in many other areas as well, the ABA official said. "Perhaps the most important contribution to improvement of legal administration," he said, "is the publication of the ABA's Standards of Criminal Justice."

Lawyer/Public

The subject of malpractice — or errors and omissions, as it is sometimes more euphemistically called — claims is not, really, very sexy. But it is always and increasingly with the profession, and is constantly being wrangled with (see *Bar News*, July 1972, page 9).

And as the subject is analyzed by lawyers, bar associations and insurance companies nationally one thing is being made perfectly clear: About half the problem is being caused by the "omissions" — more specifically, failure to comply with time limitations.

For instance, Fred Bolton, executive director of the Pennsylvania Bar, reported that one professional-liability insurance firm which works with his bar handled 231 claims with total liability costs of $820,000 filed against lawyers in the last five years. Approximately half of these were caused by the missed-deadline problems.

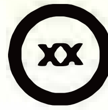
A CNA/Insurance study reported that 45 per cent of all malpractice claims against lawyers involve the Statute of Limitations, misfiled papers, missed court dates, faulty diaries and similar matters.

And to show how the problem is growing, the "incurred loss" figures of one large insurer, made available in Seattle by Dow-Laney Co., show more than a doubling in three years: It was $1,619,206 in 1968; $2,072,105, 1969; $2,284,293, 1970, and $3,707,901, 1971.

Pure, inadvertant error is hard to plan against, in a lawyer's busy office as well as everywhere else. But with all the efficient tickler, or diary, or reminder systems that are available for lawyers, there is little excuse anymore for missed dates and deadlines, which provide the daily pulse beat of every law office.

We suppose all law offices have some kind of reminder system, and even that most offices have a good one. But if you are not entirely satisfied that yours is the best possible system and that it is working perfectly for you, perhaps taking a little time to improve it or to install a different system would be the best kind of insurance against high premiums, big money out of pocket and extreme professional embarrassment.

Public Relations Committee



Twenty Years Ago

On to Tacoma. **George H. Boldt** retreated there when Seattle crowds became too large for his Montana blood. The local bar was making elaborate preparations for the State Convention in September. **Wendell Duncan,** President, appointed the following committee chairmen: **Robert M. Young,** Finance; **John Fishburne,** Entertainment; **Brooks K. Johnson,** Transportation; **Clifford M. Langhorne,** Welcoming.

Space permits the mention of only a few of the names of speakers: The very popular Dean of Gonzaga Law School, **Rev. James V. Linden,** S.J., to give the invocation; lawyer-governor **Arthur B. Langlie** would deliver greetings; President **Del Cary Smith,** Spokane, chairman; **Ben C. Grosscup,** Seattle, chairman of the statute law committee, would report; **Frank E. Holman,** former President of the American Bar Association, would tell about the constitutional aspects of international treaties; the former outstanding trial lawyer of New York, Honorable Thomas F. Murphy, Judge of the U.S. Court of Appeals, would speak on "Some Reflections on the Trial of a Law Suit"; and Dr. Henry Schmitz, President of the University of Washington would discuss the subject "Sixteen Million Youngsters — Our Basic Crop."

Several committees filed reports. Committee on Legal Education, **Michael J. Kerley, George M. McCush, Wallace W. Mount, Thomas L. O'Leary** and **Philip D. Macbride,** chairman, approved the appointment of **George Neff Stevens** as Dean of the University of Washington Law School.

Committee on Communist Tactics, Strategy and Objectives said the Bar must take notice of disruptive tactics and contemptuous conduct such as exhibited by the attorneys in the Harry Bridges and Eugene Dennis cases. Members of the committee were **Howard Carrothers,** chairman, **Leslie R. Cooper, Robert D. Dellwo, Jacob Kalina, George E. Mathieu** and **George R. Stuntz.**

Report of the Public Service Committee was especially noteworthy. it stressed the need for better relations between lawyers and their clients and the public generally. It urged the use of the media, particularly radio in telling the story. The members were **W. Grant Armstrong, Condon V. Barclay, Lee J. Campbell, Mike Copass, James R. Ellis, Joseph W. Greenough, Russell V. Hokanson, Leo C. Kendrick, Judson T. Klingberg, George Livesey, Jr., Don Miles, Charles Scanlan, Robert M. Young, George B. Garber** and **Eugene A. Wright,** chairman.

—David J. Williams

Law School News

200 Legal Interns employeo in law offices in state: More than 200 legal interns — law school seniors and recent graduates — now are employed in public and private law offices in Washington State.

With the start of the summer vacation in law schools throughout the nation the number of interns has almost doubled, according to E. Frederick Velikanje of Yakima, president of the Washington State Bar Association, sponsor of the intern program.

Under the program, the students and recent graduates are granted limited licenses to engage in the practice of law. They may appear in district, justice and municipal courts and under certain circumstances in Superior Court and may do in law offices almost everything lawyers do.

About 400 persons have been given the licenses by the State Supreme Court in the first two years of the program, Velikanje said. More than 100 usually are employed during the school year itself; these are mostly young graduates and seniors at the University of Washington, Gonzaga University and University of Idaho Law Schools.

About two dozen interns are regularly employed in public law offices — public defenders, prosecuting attorneys, legal-aid and legal services — in several counties. This part of the intern program is partly funded by the federal Law Enforcement Assistance Administration and is supervised by the Bar Association's Young Lawyers Section.

"The legal intern program, which has been undertaken on a three-year experimental basis and which is scheduled to end in December 1973, is proving to be of great benefit to the public, courts and legal profession as well as a valuable clinical-education experience for the students," Velikanje said. "We are sure it will be converted to a permanent program beginning in 1974."

The program was authorized by the Supreme Court in 1970 upon recommendation by the Bar Association's Board of Governors.

University of Puget Sound: The new University of Puget Sound Law School is expected to be filled to capacity when classes begin September 6.

Joseph Sinclitico, dean of the school, said 389 students have been admitted. Of these, 244 are residents of the Seattle-Tacoma area and 89 more are from the Western states. Forty-seven of those admitted are women.

The average age of the students is from 24 to 26 years, the dean said. Following national trends, the bulk of those accepted hold undergraduate degrees in political science and government or business administration and economics.

About 250 of the enrollees are expected to be in day-school classes.

Classes will open in a two-story structure in Tacoma's Benaroya Business Park. It will be the first new law-education center in the state in 60 years.

Quotes Quoted

New Try at Court Reform

For the third time since the mid-1960's, an effort to improve the state's system of courts is in motion.

Citizens, lawyers and judges attending a recent conference at Providence Heights, Issaquah, reached generally the same conclusions reached by similar gatherings in previous years.

The gist was, and is, that this state's judiciary and its court system are a good cut above the average, but that there still is immense room for improvement.

Conference participants called, for example, for a streamlining of the present organizational setup by combining the limited-jurisdiction and Superior Courts into one level of trial court, operating under uniform rules statewide.

The burdensome caseload of lesser traffic offenses should be taken off the backs of the trial judges, the conferees said, and be handled administratively in traffic violations bureaus.

Participants also called anew for removing judges from the competitive arena of elective politics, and, instead, having them stand for approval or rejection in noncontested elections.

Not all the recommendations can be accepted out of hand. A shift to noncompetitive judicial elections, for instance, could present problems without a companion move to develop better machinery for eliminating incompetent judges.

Nonetheless, a new try at upgrading the quality and efficiency of justice is welcome and merits public support.

Prior attempts at court reform have enjoyed only limited success. We hope the 1972 Citizens Conference on Washington Courts will spur an appropriate and constructive response in the 1973 session of the Legislature.

Editorial
The Seattle Times
June 26, 1972

(Letters, continued from page 3)

An Insurance Caveat

Editor:

While considering and discussing liability coverage and the costs, compulsory or otherwise, please let us be careful to check the policy thoroughly. Even we, as attorneys, sometimes fail to do so with our policies and may find, to our dismay, that we are paying a high price for practically no coverage. The $1,500 deductible provision in my policy, which I recently cancelled, I found, on examination, gave the company absolute control of settlement with the right, thereafter, to hand me the bill for the first $1,500.

No one objects to a deductible provision for reduced costs, but the deductible provision with settlement control will be discovered as an unrecognized windfall and bonanza to the carrier, as well as a device which strips from us the protection we are seeking. May we move with caution.

ROBERT E. CONNER
Wenatchee

A Year on the Board

Editor:

During this past year it has been my pleasure to serve as an ex officio member of the Washington State Bar Association Board of Governors in my capacity as chairman of the Washington State Young Lawyers' Committee. As the year progressed, I learned from close personal observation the many duties the Board of Governors have and the extensive amount of business which must be dealt with at each meeting.

I was surprised at the number of non-disciplinary matters on the agenda. It seems that many issues including legislative matters, review of bar association reorganization procedures from the Committee on Government, changes in the bar dues structure as well as admission of special applicants to practice in Federal Courts on indigent matters, all take a great deal of board time.

I think the members of the bar should know that for preparation of these meetings, your office sends to each board member an information agenda and the standard agenda with letters of correspondence and special reports. In addition to these two items, the bar staff provides usually half a dozen other items which arrive too late to be covered in the agenda.

I was especially gratified to observe the board unanimously support the new group legal program being presented by Mr. Tom Malott of Spokane and his able committee. It seems this approach will go far toward increasing the availability of legal services to middle or low income families.

I was particularly impressed by the efforts of all members of the Board of Governors and Mr. Velikanje, the president this year, to preserve opportunities for legal practice as they have been observed for many years. From the young lawyers' point of view, it is important that opportunities to enter the practice be expanded and that efforts be made to continue the practice of law as a viable profession.

While on occasion there were sharp differences of opinion on certain matters, the differences were harmonized with courtesy. I came away from my year's observation on the Board of Governors with the feeling that members of the Board of Governors make an effort to represent not only the districts from which each individual member serves but the entire bar association of the State of Washington. It would be my hope that the new board members would also have this forward-looking attitude.

My thanks to Mr. Velikanje and the other board members.

BRADFORD M. GIERKE
Tacoma

Correct Answers to IQ Test:

1. f
2. a and b
3. a
4. b
5. c
6. c and d
7. c
8. a, b and c
9. b
10. c
11. b
12. a
13. c

Wanted and Unwanted

For Sale: Washington Session Laws, 1907 through 1943. Two copies of each from 1933 through 1943. Buckram. Excellent condition. Make offer. Richard G. McBroom, 1228 Old National Bank Building, Spokane 99201.

Office space: Available in the Lake Union Building, Suite 420, 1700 Westlake Avenue North, Seattle. Phone 285-3900, Richard Hart.

Briefly Noted

Judges May Use Ratings

The Washington State Bar Association's Board of Governors has agreed that Superior Court judges seeking reelection may use in their campaigns their ratings by lawyers in a recent State Bar poll.

Important judicial attributes — legal ability, industry, integrity, etc. — of each Superior Court judge in the state were rated by the lawyers who practice before him. The poll was part of a long-range program by the State Bar Association to help improve the administration of justice and the quality of the judiciary.

The ratings have not been made public; instead each judge was informed individually and privately of his own ratings. Some judges had asked permission to use the ratings in their campaigns, and it was voted at the June 23 meeting of the Board of Governors.

"The decision whether to use the ratings is at the discretion of the individual judge," E. Frederick Velikanje of Yakima, State Bar president, said.

Legal Ethics Opinion

The following opinion by the State Bar's Legal Ethics Committee has been approved by the Board of Governors:

"It is the opinion of the Legal Ethics Committee that the display of photographs of selected members of the active bar in a public place solely on the basis of length of membership in the bar association constitutes advertising and is unethical."

King County Rule Change

Rule 94.04(-)(3), Local Rules of the Superior Court for King County, is to be amended effective September 1, 1972, as set forth below.

Rule 94.04 DIVORCE ACTIONS

(-) Noncontested Divorce.

(3) *Note for Divorce Calendar; Requirements.* The clerk shall not place any case on the noncontested divorce calendar unless either the applicant's opponent has signed a consent to hearing on the date noted, or he has been adjudged to be in default and the order of default has been entered. *Further, at least one week before the hearing date, a noncontested divorce affidavit shall be prepared and served and filed with the court by the moving party. The affidavit shall be in the form prescribed by the court; copies of the form will be available in the Presiding Judge's Department or from the clerk of the court.*

(New material in italics.)

State Bar Convention

September 7-9, 1972

Ridpath Hotel

Spokane, Washington

Deadline for submitting copy for the next issue of the Bar News is August 31, 1972. Mail to *Bar News*, Washington State Bar Association, 505 Madison, Seattle 98104.

Seattle Bar Honored

The Seattle-King County Bar Association is among the 26 state and local associations recognized for outstanding service to the public and legal profession by awards made at the American Bar Association annual meeting in San Francisco this month.

The Seattle-King County Association, competing in the category of local bar associations with more than 2000 members, was cited for its work in producing a proposed revision of Seattle's Criminal Code. Edmund B. Raftis was chairman of the project. The proposed revision now is being considered by the Seattle City Council.

City Lawyers Elect

The following persons were elected at the Sixteenth Annual Meeting of the Washington State Association of Municipal Attorneys (WSAMA) on June 16, 1972, at Seattle:

G. Thomas Dohn, City Attorney of Ellensburg — President; **Robert R. Hamilton,** City Attorney of Tacoma — First Vice President; **Joyce M. Thomas,** City Attorney of Bellevue — Second Vice President; **John J. Madden,** Chief Assistant Corporation Counsel of Spokane — Representing cities over 2500 population; **Robert A. Felthous,** Town Attorney of Selah — Representing cities between 2500 and 50,000 population; **Philip E. Biege,** City Attorney of Enumclaw and Black Diamond — "At Large"; **Ernest H. Campbell,** Co-Director, Municipal Research and Services Center of Washington — Secretary; and **John B. Bereiter,** City Attorney of Auburn — Immediate Past President of WSAMA.

Calendar

Notices

Aug. 20-26	National College of Advocacy, co-sponsored by Hastings College of Law and ATLA . . . Program on Civil Trial Advocacy . . . San Francisco.
Sept. 7-9	WSBA Convention at the Ridpath Hotel in Spokane.
September 9	Christian Legal Society Breakfast, 8:00 a.m., Ridpath Hotel, Spokane.
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.
Oct. 3-6	9th Annual Hawaii Tax Institute at Princess Kaiulani Hotel in Waikiki. Contact: Director, Hawaii Tax Institute, 3140 Waialae Ave., Honolulu, Hawaii 96816.

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. Well-established Western Washington financial institution seeking assistant house counsel to begin at least at $13,500.00.
2. U.S. Department of Labor, Seattle office, seeking trial attorney to handle labor law litigation in four western states.
3. Large community legal services office seeking assistant director.
4. Attorney with good scholastic background plus extensive scientific education and experience seeks position with law firm where scientific background can be utilized.
5. Large Eastern Washington community seeking full-time city attorney to begin at $1,200 per month.

Reprimand Given

W. Gordon Kelley, attorney, of Wenatchee, Wash., was given a formal reprimand by the Board of Governors of the Washington State Bar Association at the board's meeting of June 23, 1972. The reprimand was based upon Mr. Kelley's conviction in Federal District Court of failure to file an income tax return.

Remember to make contributions to the WASHINGTON STATE BAR FOUNDATION.

11 Lawyers Suspended

The State Supreme Court has suspended the following from practice for nonpayment of Washington State Bar Association 1972 membership dues:

F. Robert DeBruyn, Vernon Lawrence Evans, Jerald Ray Johnson, Leland Ben Hancock, Daniel O. Corthell.

The Supreme Court has suspended the following inactive-status members for nonpayment of association membership dues:

G.E. Lovell, T.G. McQuary, Clifford D. O'Brien, Roy B. Trelstad, Bruce M. Van Sickle, M.W. Vandercook.

Last Call for Europe!

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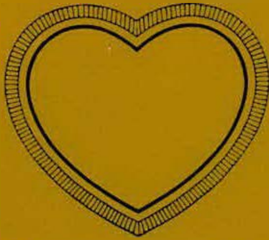
Amendment to Civil Rules Effective

As faithful readers of the Advance Sheets know, our State Supreme Court has adopted amendments to the Civil Rules for Superior Court, pertaining to discovery, depositions and interrogatories.

The amendments, effective July 1, 1972, generally follow the July 1, 1970, amendments to the Federal Rules of Civil Procedure relating to depositions and discovery.

To assist the bar generally, but most specifically to be of benefit to those lawyers who do not practice extensively in the federal courts, the State Bar's Continuing Legal Education Committee is speeding production of a helpful manual on the new rules. Editor is John C. Coughenour of Seattle.

The manual, which will be offered to the bar at the nominal cost of its physical production, is expected to be available in September or soon thereafter.



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