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WASHINGTON STATE BAR NEWS

ARGERSINGER: COPING WITH THE NEW CHALLENGE TO THE TRIAL BAR

MEMORANDUM

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LEAD ARTICLES

IN THE NEWS

DEPARTMENTS

Letters

Common Courtesy Needed

Editor:

In a recent publication of the *Bar News*, there was an article which quoted a poll showing that our profession was among the lowest rated in the public's eyes when trustworthiness was used as a standard. This confirmed an impression I had gathered from listening to comments of the public at large in recent years.

I have chosen to write this letter out of complete disgust, with the hope that it will be published in a future issue and cause some of my brothers to do a little soul searching on how they are conducting themselves with clients, fellow-attorneys and the public.

My anger is directed mainly at the accepted practice in our profession of a complete lack of common courtesy in dealing with others. This includes the standard failure to return phone calls, promising to respond within a certain period of time and failing to do so, not completing the necessary work to terminate litigation that has been basically settled (thereby causing frustration for both parties to the controversy), being late for appointments with both clients and attorneys, not being bound by representations made unless they are in writing, having our secretaries constantly lie as to our whereabouts so as to avoid "undesirable" telephone conversations, and many others which, if listed, would make this letter too long for publication.

I realize that many of my complaints can be attributed to a busy schedule. If this is the reason, then it is better to avoid the heavy workload so a competent job can be done. But I think it goes beyond that to the point where intentional discourtesy is part of the great charade we carry on to impress the public of our supposed importance. Certainly it has contributed greatly to the public image our profession presently holds.

There is an obvious trend in our country to eliminate the need for attorneys in many areas of practice. I would think that such a trend would not have developed had our profession maintained a higher standard of practice than is being presently exhibited. In my eyes and in the eyes of the public, we stand convicted of dishonesty, discourtesy, laziness, inattentiveness and a myriad of other undesirable traits. Whether or not we are "locked up and forgotten about" depends upon our ability to change. I hope the probation will be successful!

LAURENCE A. MOSLER
Seattle

Ads Not Realistic

Editor:

In both local and national periodicals, the Safeco Insurance Group has recently run large and detailed advertisements advocating stiffer traffic laws and mandatory license revocations for specified offenses.

I applaud the intent and spirit of this effort. For example, citizens may be astonished to learn that Washington license revocation laws (RCW 46.20.285) allow a driver two D.W.I.s within five years without revocation, and believe it or not, two reckless driving convictions within *two* years without revocation. Only on the third conviction does revocation take place under the

(Continued on page 26)

The President's Corner

Lay members on our Disciplinary Board? The first several times I heard this suggestion made I brushed it off — even laughed at it. How could a layman possibly understand the basic elements of legal ethics, much less the fine points so frequently involved in a complaint of professional misconduct? It obviously takes a lawyer to understand and measure the conduct of another lawyer, and, more importantly, to judge such conduct in the light of our Code of Professional Responsibility.

In any event, what possible need is there for additions to our Disciplinary Board? Anyone who knows the members of the Board at all must surely recognize that they are competent, dedicated lawyers, with total commitment to their highly important but frequently unhappy task of meting out discipline to those among us found to have been guilty of professional impropriety.

My first exposures to the lay member suggestion occurred several years ago. I have since come full circle. I am now convinced we should consider it seriously. However, if we do make such a move, our most important reason for doing so should be to provide increased protection to the public and not some assumed benefit to lawyers individually or collectively. In any event, let's test the proposal upon this basis.

"Blind Spot" Possible

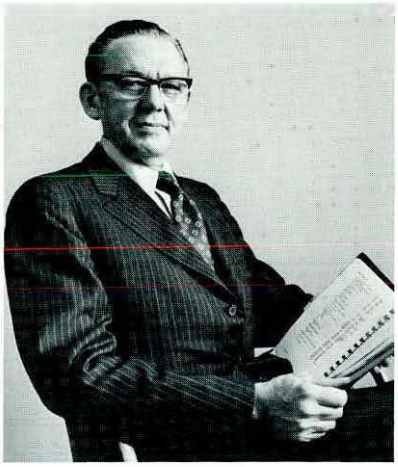
Lay members would, of course, tend to prevent lawyers from whitewashing lawyers. This plays no part in my thinking. I am fully convinced not only of the competence, dedication and commitment of the members of our Disciplinary Board, but also of their integrity. As a consequence, I have no concern whatsoever

about calculated whitewash.

I am equally sure, however, that any of us who are occupied with the disciplinary problems of our profession can occasionally develop a blind spot, can occasionally become unknowingly insensitive to the interests of the non-lawyer, can, perhaps, even have his judgment clouded by delusions of divinity, and that such fallibilities may in certain subtle ways be increased because, by definition, what we are concerned with is lawyers judging other lawyers. Might not lay members be the best insurance against this — the most likely source of needed ventilation, air and sunlight — the non-members of the Bar Association who run no risk of being blinded, bemused, or trapped by the mythology or the mystique of our profession?

Others Are Doing It

Were we to adopt this course, we would be an undoubted leader, although not the front runner. Both Michigan and Minnesota have lay members on their Bar Association disciplinary boards. Both report favorably on the performance of their lay members and that their boards are functioning smoothly and effectively. Eleven years ago California created a commission with responsibility for the discipline and removal of judges which includes laymen as well as judges and lawyers. Since then fifteen other states have established similar commissions including laymen. The Executive Secretary of the California commission — perhaps the best informed man in the country on the subject — reports enthusiastically on the California experience and further advises that he has heard of no problem whatever with the use of laymen on similar commissions in other states.



Charles I. Stone

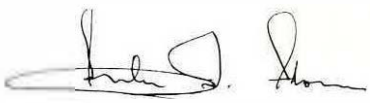
It is interesting to note that our State Bar Association, which is committed to an all-out effort in our 1973 legislature to introduce judicial reform in this State, recommends the use of lay personnel not only on the commission to be charged with the discipline and removal of judges, but also on the commission to be charged with the responsibility for the selection of candidates for the bench and on the commission to assist in the administration of the courts.

Improvement a Goal

I by no means suggest that our present Disciplinary Board is doing other than a creditable job. I do suggest that we should search constantly for means of improving our contribution to the public interest. My reasoned conviction, supported by experience in other states, is that the addition of lay members will do just that by strengthening our Disciplinary Board. But this is not the whole story.

All of the reports from other states which have included lay personnel on law related boards or commissions confirm the existence of an important secondary benefit — substantially improved credibility for the board or commission in the eyes of the media and the public. Here perhaps is an opportunity to realize a needed improvement in our public acceptance by the simple expedient of informing the public, through lay members, of what kind of people lawyers really are. We now can do so voluntarily. With the forces of consumerism already heated up and expanding in all directions, it may be that if we delay until tomorrow legislative action will have made the inclusion of lay members compulsory, and the pendulum will have swung so far as to strip away from us control over the discipline of lawyers.

What do you think of this?



Court Aides Coming

Seattle will be the site of the 1973 fifth annual conference of the National Association for Court Administration, made up of persons employed in court work of an administrative nature.

Myrtle H. Muckey, Everett District Court administrator, is chairman of the conference, to be in the downtown Hilton Hotel September 11-15, 1973.

Association membership includes an affiliated membership in the American Judicature Society. Membership information may be obtained from Ron Buchinski, Court Clerk, 2091 Scenic Place, St. Paul, Minn., 55119. Information about the 1973 conference is obtainable from Myrtle Muckey, Everett District Court, Snohomish County Courthouse, Everett 98201.

ARGERSINGER: HOW YOU CAN COPE WITH IT

By Terrence A. Carroll

". . . absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial."

Thus it was held in the landmark decision of Argersinger v. Hamlin, U.S. , 32 L. Ed. 2d 530, 92 S.Ct. (1972), in a U.S. Supreme Court decision through Justice Douglas.

The case clearly expands the ruling in *Gideon* v. *Wainwright*, 372 U.S. 335, 9 L.Ed.2d 799, 83 S.Ct. 972 (1962), which held as a matter of due process that an indigent defendant is entitled to representation at state expense in felony cases only. The apparent impact of *Arsinger* is to require counsel in all except the most minor traffic and criminal cases where there is little or no possibility of imprisonment.[1]

Prior to *Argersinger*, only nine states had developed Gideon to the degree that counsel was provided for all, or substantially all, misdemeanor defendants. Twenty-two states provided counsel for only certain misdemeanors, while nineteen states (including Washington) did not require appointed counsel in any misdemeanor cases.[2] **Obviously, the implementation of *Argersinger* will require a greatly expanded role of defense counsel in misdemeanor cases.** Nationally, it is estimated that there are approximately five million court cases per year involving misdemeanors and between forty and fifty million traffic offenses.[3] In Washington State alone there are over 275,000 criminal and traffic cases filed per year in the District and Justice of the Peace Courts. The Seattle Municipal Court disposes of over 80,000 criminal cases per year and a much higher number of traffic cases.[4]

Even though the court in *Argersinger*, supra., at p. 539, recommends decriminalizing certain criminal and traffic offenses which lead to the huge figures mentioned above, **the bar will have to assume the role of providing legal services for a group of persons which was, for the most part, unrepresented in the past.** This article will try to present to counsel who is unfamiliar with the trial of misdemeanors some advice on representation of misdemeanor defendants. The primary emphasis will be on the Driving While Under the Influence (DWI) case.

Pre-Trial Representation in Misdemeanor Cases

Although what follows will be a general discussion of the procedures involved in misdemeanor cases, counsel should note that local court customs have a great impact on a lawyer's practice. There are hundreds of municipal and justice courts in this state with different personnel and rules. Counsel's familiarity with local

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Mr. Carroll, a Seattle native and graduate of Seattle University and Georgetown University Law School, has served both as a King County deputy prosecuting attorney and as senior trial attorney for the Public Defender in Seattle, his present position. He prepared this article of practical assistance and suggestions at the invitation of the *Bar News*.

practice is a critical part of his representation.

A misdemeanor case is traditionally filed in one of three ways. First, and the most common for both traffic and criminal cases, is the issuance of a Uniform Complaint and Citation. The required contents of this form are statutory (see Traffic Rules for Justice Court (JTr)2.01 and Criminal Rules for Justice Court (JCr) 2.03)), and represent what a layman would call a "traffic ticket." Secondly, a citizen can swear to a complaint before a judge or court commissioner which would then authorize the issuance of an arrest warrant. (See JCr 2.01) Thirdly, the prosecuting attorney or corporation counsel can file a complaint against a citizen.

Bail an Early Consideration

Frequently counsel is called into a case at a time when his client is still incarcerated. Bail for traffic offenses is uniformly set by court rule (JTr 2.03). Also, those arrested for DWI are usually held for at least four hours without bail to allow a "sobering up" to occur. However, bail for misdemeanor criminal charges varies considerably. A simple call to the local jail would resolve the matter. Note that under JCr 2.03, an individual who is unable to post bail is required to be brought before a magistrate for arraignment "directly and without delay." At this point he may be eligible for release on his personal recognizance or for a reduction in bail. Also a trial date is usually given at the time of arraignment. Note that unless a defendant is tried within sixty days following arraignment, a dismissal with prejudice is mandatory absent a showing of good cause. (JCr 3.08).

In trying misdemeanor cases, counsel should keep in mind the fact that the state is normally at a disadvantage for trial at the lower court level. Frequently, the prosecutor has a large number of cases on the calendar and is unable to interview the witnesses prior to trial. Therefore, a defense attorney who has thoroughly interviewed and prepared his witnesses, particularly his client, and is familiar with the evidentiary requirements that the state must meet, is in a much better position to win an acquittal.

Review Rules, Laws

In reviewing the case prior to trial, counsel should become familiar with the statewide rules (cited earlier). These rules are divided into criminal and traffic sections and are a fairly detailed explanation of court procedures. The rules for justice as well as all state courts are published annually in a volume by the West Publishing Company. Initially, counsel should also review the citation or complaint alleging the offense to determine if the statutory pleading requirements have been met (citations, supra). A review of the statute or ordinance which gives rise to the charge is then in order so that counsel can be familiar with the elements of the offense. For example, in DWI cases, counsel should be familiar with the "implied consent" law which is found in RCW 46.20.308.

It is generally recognized that misdemeanor cases are a fertile ground for the raising of constitutional and legal issues.[5] Search and seizure questions are frequent. For example, under state law an officer cannot normally arrest for a misdemeanor offense unless it is committed in the officer's presence. *Tacoma v. Harris,* 73 Wn. 2d 123 (1968); and RCW 10.31.100. Since evidence seized as a result of an illegal arrest is inadmissible (State v. Massey, 68 Wn.2d 88 (1966), counsel should be prepared to present the proper authorities to the court when faced with this type of issue. Also, counsel should be alert to any in-custody statements made by his client which may be inadmissible under *Miranda v. Arizona,* 384 U.S. 436, 16 Ed.2d 694 (1966). Counsel can request a pre-trial hearing on such statements under JCr 4.09.

Facts Provide the Key

However, prior to any extensive research of legal issues, counsel should determine the facts in as much detail as possible. This is the key to successful representation of misdemeanor defendants. Counsel should start with the information obtained from his client and witnesses. But it would be poor judgment to stop with those sources of discovery. For example, in a DWI case, the client's memory as to events following the arrest is frequently hazy for obvious reasons. In addition, for many persons an arrest situation is quite stressful. Therefore, other sources of information must be utilized.

The police report is a valuable document to obtain in misdemeanor cases. This report can usually be purchased through the local police department. In DWI cases, many attorneys routinely make written requests upon the appropriate police agency for information regarding the giving of the breathalyzer test as well as any other physical evidence or statements made by their client. See RCW 46.61.506. Of particular importance is the Alcohol Influence Report form which is a standard document throughout the state. This report contains information re-

garding physical tests, statements, and the breathalyzer test. It is usually made available to defense counsel prior to trial upon request. Also, some jurisdictions have begun to make use of video tapes in DWI cases. These tapes can and should be reviewed by defense counsel prior to trial. Arrangements are made through the arresting agency. The pre-trial availability of both the Alcohol Influence Report form and the video tape are a necessity if counsel expects a reasonable chance of winning.

File Sometimes Forgotten

Commonly overlooked as a discovery device is the court file. This is particularly true where one citizen makes a complaint against another. In that case the sworn affidavit which resulted in the issuance of the complaint will normally be kept in the court file. Counsel should make an effort to become familiar with the contents of the affidavit prior to the day of trial. Also, where the case essentially involves a dispute between two private parties, defense counsel should try to make use of the compromise of misdemeanors statute, RCW 10.22.010. The latter provides that where a person has a right to a civil action against another for an alleged wrong, the aggrieved party can present to the court, in writing, a statement indicating that he has received satisfaction. The case will then, in effect, be dismissed.

With the extension of the right to a jury trial to municipal as well as justice courts, RCW 3.50.280, counsel must now determine whether his case should be tried to a jury. However, defense counsel should be somewhat cautious in taking advantage of this right. No voir dire of prospective jurors is allowed and each counsel simply strikes six names from a list which has no more than the names and addresses of the veniremen. In addition, the jury imposes the sentences in municipal court cases. RCW 10.04.101, and JCr 5.03.

However, certain types of cases are generally believed to be more suitable to a jury trial. For example, many attorneys feel that a defendant in a "close" DWI case gets a more sympathetic hearing from a jury than a judge. In shoplifting cases a jury may be more inclined to accept the defendant's story than a judge who has heard the same factual situation many times. Note that a demand for a jury trial should be made as close to the date of entry of a plea as possible. JCr 4.08.

There is no doubt that a high percentage of individuals charged with misdemeanor offenses are in fact guilty. However, counsel who is faced with a client whose guilt is clear need not assume that a guilty plea to the offense charged is the only alternative. First, plea bargaining, which is simply a plea of guilty by the defendant on the basis of a reduced charge or recommended sentence, should not be overlooked in misdemeanor cases. Because of a heavy schedule of cases, the prosecutor may be amenable to plea bargaining as a means of reducing the congestion in the court. However, before approaching the prosecutor, defense counsel should be prepared to point to a possible weakness in the case or the prior good record of your client. Also, since many prosecutors will talk to the arresting officers about a possible reduction of the case, counsel should approach the police prior to his discussions with the prosecutor.

It should be remembered that plea bargaining is most successful if done at a time prior to the day of trial when the witnesses are already present. Since it could mean an avoidance of a jail sentence or loss of driver's license, counsel should not hesitate to make use of plea bargaining whenever possible.

A Case "on the Record"

Secondly, another alternative to the guilty plea is the procedure of "submitting a case on the record." The clients enters a technical plea of not guilty and the court then makes a finding of guilty based upon either a reading of the police report or a brief recitation of the facts by a police officer. No cross-examination is allowed and the defendant presents no evidence. This procedure simply allows the defendant to maintain his right to appeal in the event of a harsh sentence.

Nevertheless, once a decision is made to go to trial, counsel cannot overemphasize the need for defense witnesses. If the case comes down simply to the testimony of a police officer as opposed to that of your client, it is rare that a conviction will not result. You must convince a judge with an extensive calendar that he is not hearing the "same old story." Only through careful investigation of both the factual and legal issues will defense counsel be able to provide the representation that *Argersinger* recognizes as essential.

The Trial of Misdemeanor Cases

Prior to the start of the trial counsel should determine whether he intends to raise any legal

candidate who has had the endorsement of the local bar association. The fault then lies with the experts of the law, not the layman.

But quite apart from the impact of the present system of selecting judges in the State of Washington, there are several theoretical and practical considerations which necessitate the participation of the layperson in the judicial selection process.

First, we must remember that, for better or for worse, we are a democracy. Public officials, judges included, must be responsible to the people for their actions. Judges, at least often at the appellate level, make policy whether they would admit to such a role. Consequently, they must be held responsible for their policies and, in a democracy, the instrument of responsibility is the ballot box.

The Voter Must Approve

From a practical standpoint, acceptance of any changes in the judicial article means acceptance by the voter. For any constitutional change to the judicial article must face the voters. If revisions in judicial selection were to exclude the voting public from participation, it is likely that those revisions would be soundly rejected by the electorate. A citizen may not utilize his vote or he may abuse the franchise, but he will most reluctantly relinquish the right. And in a state that has grown accustomed to forms of direct democracy — initiative, referendum and recall — the transferring of the selection of public officials from the people to a select few would hardly be viewed favorably.

Democracy also means that enough citizens feel sufficiently committed to the system to support its continued existence. Citizen confidence in the legal profession generally and the judiciary specifically has, and not just recently, not been overwhelming. Should these citizens, rightly or wrongly, see the selection of judges taken away because of pressures from the lawyers and judges themselves, there is a strong likelihood that confidence in our legal system would decrease. On the other hand, when citizens participate in the selection of officials, however misguided or misinformed these citizens may be, they have no one to blame but themselves, and their commitment to the system is that much greater simply because it is of their making. Despite the impracticality of the several forms of participatory democracy that have been brought forth by philosophers of the New Left, they are all correct in citing citizen support as flowing from participation.

How Else Select Judges?

What are the alternatives to citizen participation in the selection of judges as proposed in the commission plan?

Gubernatorial appointment with legislative approval, after the federal model, is not an uncommon plan for the selection of judges. Because of the political pressures on the governor these appointments have tended to be less party-oriented than election methods simply because the governor, although selecting on the basis of party affiliation, picks judges who are not partisan extremists. They tend to represent the moderate wing of either party. Political considerations do enter into the governor's appointment but the results tend to mitigate pure party influences on the judge. But there are no built-in protections preventing a governor who controls the legislature from foisting onto the public an unqualified and clearly biased judge. It has happened.

Non-partisan elections viewed as the lesser of several evils can also be faulted. As we have seen, in the State of Washington the election system actually does not in the great majority of instances select judges, simply because of the governor's power of appointment to fill vacancies between elections. Although in the last two administrations few questionable judges have been appointed, no substantial checks are evident on gubernatorial considerations. The bar often has a negative veto in the sense that few governors would appoint a lawyer who is considered by the local or state bar association to be unfit. But this does not assure that the candidates are the *best* qualified. Our judicial system deserves more than just judges who are not classified as "unfit."

Campaigns Not Meaningful

It is true that citizens participate now in the election of judges as they would in the commission plan. However, the incumbents are almost always returned and the bar endorsements are almost always ratified. It could be argued that the public knows little about the candidates, fails to vote on judicial positions and makes mistakes. The fault does not lie necessarily with the electorate, however. First, judicial candidates are prevented by ethics from campaigning against each other in any meaningful sense. The public lacks information that ordinary political campaigns often provide. Second, when the bar endorses or polls its members and makes public their choices, the legal profession fails to give

reasons for its preferences. Any concerned citizen is thus deprived of reasonable information.

The commission plan would improve the situation by placing the public, through lay commissioners, into the earlier stages of the selection process where reasons, research and study would be provided for commissioner decisions. Also, at the election stage the public generally would not choose between candidates but only vote to retain or replace a judge who runs on his record. Information on a judge's record — not on his opponent's — could be made available without running into the difficulties of judicial ethics and comportment evident in campaigns under the present system.

Fund-Raising a Burden

Finally, what is for some extremely important, the costs of campaigning — however meaningless the campaign may be under the present system of non-partisan elections — are prohibitive for incumbents as well as prospective candidates. Even when token opposition is present in the primary elections some financial investment is necessary. A judge cannot predict what the next election may bring in terms of serious opposition so money must be set aside or solicited to prepare for the future. Of course a judge who must or chooses to rely upon solicited campaign funds is not a free agent. Some obligation to those who support him is at least implied.

So perhaps it could be concluded that the alternatives to the commission plan would be most unacceptable if not damaging to the judiciary and our system of law.

What are the relative merits of the Citizens' Committee judicial selection plan? Presently about two-fifths of the states utilize the commission plan in some form or another. California and Alaska are West Coast examples. The commission plan has the advantage of combining features of all the other major selection systems. The governor, the experts, and the people are all involved. No one faction is left out and at the same time no one group dominates the entire system. Politics, expert opinion and lay participation create a balance of forces not evident in any of the other means of selection to the degree evident in the commission plan.

Legislature Can Decide

The Citizens Committee on Washington Courts has wisely left up to the legislature the method of selecting members to the nominating commission — wisely, since constitutional proposals which detail all factors often are defeated because of the details rather than the overall thrust of the proposal. Also, the legislature can experiment with methods of selecting commissioners depending upon the experiences over time without having to amend the Constitution — a laborious and often futile project. Most commonly the governor is given the responsibility of appointing the lay members of the commission, the judiciary in the several jurisdictions select their members and the bar association elects the lawyer members.

Political maneuverings and pressures will be evident among the several groups responsible for appointing and electing commissioners. People will campaign for positions and political, if not partisan, considerations will be weighed by the appointing and electing groups. However, the inevitability of political pressures should not distract from the entire commission plan process, for the political pressures will be divided and often in conflict. Different considerations are involved. From these many, varied and conflicting "political" interests will come a compromise system through which concerned but competent commissioners are elected or appointed. For the major question on which the conflicting groups and interests can agree will be "will this commission candidate give my concerns a fair shake?" The results will be commissioners not totally committed to one or a few interests at the expense of other important concerns. Thus the politics of commissioner selection will be the politics of the possible which, after all, is the politics of democracy.

Citizen Can Be Objective

The laypersons on the commission will provide a dimension to the nominating process that is essential and would be lacking if the citizen was left out. Granted that he would not speak from any expertise, but his objective appraisal of the often diverse and opposed expert views of the judge and the lawyer is crucial. The judge and lawyer commissioners will often disagree over candidates. Their respective expert views of what constitutes competency are from different perspectives and an objective third party not committed by practice or by prejudice to either viewpoint can contribute greatly to the selection process.

Although not familiar with the intricacies of the law, the layperson is certainly able to weigh the evidence submitted by the experts (lawyer

(Continued on page 21)

Press Notes the Action Toward Court Changes

Better ways must be found to select and discipline judges, get greater citizen participation and improve the administration of the courts, speakers at a symposium on judicial reform agreed.

Fredric C. Tausend, chairman of the Seattle Crime Prevention Advisory Commission, said a proposed revision of the State Constitution's judicial article would go a long way toward updating the system.

The proposal will be submitted to the legislature in January. A previous version failed in the past session.

A series of 11 conferences, including the one in Seattle attended by more than 300 persons, is aimed at rallying citizen support for reform.

Charles I. Stone, president of the State Bar Association, outlined the major provisions of the proposed change.

Nancy Miller, president of the Seattle League of Women Voters and a member of the Citizens' Committee on Washington Courts, said there is a lack of knowledge on the part of the public about what the courts are doing, but there is concern about whether they are operating to maximum efficiency so citizens will get value for their tax dollars.

Mrs. Miller said there also is concern about whether all persons are being treated fairly by the courts, especially in the area of sentencings.

Betty B. Fletcher, president of the Seattle-King County Bar Association, described the problems involved in keeping the quality of the judiciary high.

Ms. Fletcher met last spring in an informal session with some other Seattle lawyers, and they made a list of practicing attorneys they believed most suited for judicial careers.

They went to those lawyers, and using all their skills as advocates, tried to persuade them to file for office. Not one would do it.

Ms. Fletcher said one of the reasons was compensation — most of the lawyers approached are making more money than they could as judges. But a major hurdle, she said, was that they did not want to run for office, having to be politicians and do things that were against their nature.

Edward Pringle, chief justice of the Colorado State Supreme Court, outlined improvements in the court system there, made after 14 years of study and work, two constitutional amendments and several revisions of laws.

Chesterfield Smith, chairman of the Florida Citizens' Committee of Court Reform and president-elect of the American Bar Association, also outlined his state's many years of work resulting in passage of a new judicial article that will become effective January 1.

Florida will have a merit-selection plan for judges, centralized administration and a unified system that permits judges to sit in all divisions.

A grievance committee of five lay persons, two judges and two lawyers will take all complaints about conduct of judges.

The lawyer said that after investigations show complaints to be true and grounds for removal, the judges are told that their activities will be exposed unless they resign. Three judges have resigned as a result of talks with the committee, Smith said.

Ideas from citizen discussions groups at the symposium will be related to drafters of the proposed amendment for possible changes before it is submitted to the Legislature.

Larry Brown,
in The Seattle Times

The Strain on Justice

The judicial article of the State Constitution is patchwork horse and buggy law based on 1889 wording and it is time to take it out of the 19th century and place it firmly in the 20th.

Except for those who become enmeshed in the law, most people will never get any closer to the bench than they did in the voting booth in November, when they pulled down a lever for the name of a judicial candidate. Yet, in the 1972 election process, which began with the primaries in September and ended (thankfully) with the general election in November, citizens of this state elected, or re-elected, 92 Superior Court judges and four Supreme Court justices. In King County alone, 29 candidates sought 11 bench positions. The other 15 were uncontested.

None of these positions came cheap.

To raise the kind of money needed, men and women seeking judicial positions must be either independently wealthy, willing to deplete their savings or able to go forth and solicit political campaign funds.

By forcing judges to campaign politically to gain office or hold it, the courts are in danger of

undermining the very essence of judicial fairness.

The opportunity for mischief increases if judges feel they owe debts to well-meaning friends, many of them lawyers, who made financial contributions to judicial campaigns.

It takes a special temperament and ability to be an effective judge — essential stuff which differs in quality from the substance which makes a good legislator or governor. Yet judges are forced into the political arena and must run for office on qualifications which appeal to voters.

There is no procedure in today's court system in the state of Washington which assures voters that the person running for the bench has the needed qualifications, the ability and the necessary judicial temperament.

In addition, once elected, a judge who fails to perform his duties can be removed only by the clumsy method of impeachment, which must pass both houses of the State Legislature by a 15 per cent majority.

Without proper reform of the courts, this state could jeopardize its entire system of justice.

— *The Post-Intelligencer*

Citizen Support Asked

Washington citizens must help straighten out the state's "Alice in Wonderland" court system, a State Supreme Court justice said in Kennewick.

The state needs a uniform court system statewide and better way of selecting and removing judges, Justice Charles Stafford told some 60 persons attending a forum on court reform at Kamjakin High School.

Election of judges forces candidates to seek campaign contributions, yet they are supposed to be impartial once they get on the bench, he said. It often takes a good politician to win elections but a good politician isn't necessarily a good judge.

"How good a system is it that uses the cumbersome method of impeachment as the only means to remove a judge who, through arbitrary attitudes or illness, fails to administer justice?"

The session was set up by several Tri-City groups for discussion of a proposed constitutional amendment on court reform proposed by the Citizens' Committee on Washington Courts.

Pasco attorney Robert Day said the state bar association board of governors supports the proposal with some reservations.

The group thinks an administrator to handle financial problems should be placed above the supreme court, not hired by them.

The bar also thinks judges should be appointed but should be opposed by other candidates after two years, then submitted to a "yes" or "no" vote in succeeding elections, Day said.

However, these objections aren't major ones and the bar does support the amendment, he said.

"America is definitely on the march in this direction," said Stan Lowe of Chicago, assistant director of the American Judicature Society. He listed 34 states which have modernized procedure for disciplining judges, 31 which have improved methods for selecting judges.

Both Stafford and Day pointed out superior court judges are paid half by the state and half by the counties. The state should pay it all, since the judges are officers of the state under law, they said.

Judge Albert J. Yencopal, Richland municipal and justice court judge and Benton-Franklin Superior Court judge-elect called for order in courts of limited jurisdiction instead of the present confusion.

Fines and jail sentences for various lesser crimes vary widely depending on where they're committed because the area's district, justice and municipal courts are all independent.

Dan Taylor, in
The Tri-City Herald

"Analysis" Is Urged

The method selected by Richland Mayor Joe Shipman to pick a successor for Municipal Court Judge Albert Yencopal is, interestingly enough, similar to the method advocated for the selection of all non-federal judges in this state.

Shipman named a six-man citizens committee to choose a replacement. The committee is comprised of management people, attorneys, union officials, businessmen, the police chief, in other words a representative cross section of the community. All are favorably known by citizens and qualified for their task.

Shipman regards the committee a "first" in the state and he may be right. But more important it demonstrates a logical and valid way to select someone who can handle such a position.

Justice Robert F. Utter of the State Supreme Court recently recommended to the King County Bar Association a similar method for selecting judges.

There is much to recommend the system he proposed. A thorough analysis of it should be undertaken. Other states have adopted this system and it is performing for them.

Mayor Shipman is to be complimented for his experiment and effort.

The Tri-City Herald

Voters Nix No-Fault in Nation's First Public Test

In the first initiative referendum ever offered to voters anywhere in the nation on the question of no-fault automobile insurance, Colorado voters rejected both the no-fault concept and a detailed proposal by a three to one margin — 598,815 votes to 209,849.

The no-fault referendum — a 12-page detailed proposal — was backed by the state's most influential newspapers, Common Cause for Colorado, Colorado Labor Council (AFL-CIO) and the Rocky Mountain Farmers Union.

Opposing were: the Colorado Grange, American Automobile Association, Denver and Colorado Farm Bureau and the Colorado Committee Against No. 11.

The pros and cons of no-fault in the public benefit was extensively debated in news, articles, editorials, TV forums, on campuses and in union halls.

Extensive polling among the electorate was conducted almost on a daily basis during the last 30 days before election — a carryover of the polling being done for the national Presidential race.

In response to public opinion and in a frank desire to keep the no-fault issue at a boiling point the *Denver Post* — the largest and most influential newspaper in that area — published daily a highly visible boxed column: "THE DENVER POST POLL."

The results of the election showed that 995,000 of the state's 1.3 million registered voters (about 72% against a national average of 56%) went to the polls.

A comparison of the voting pattern on no-fault by the Colorado voters showed a distinctly similar finding as was disclosed in a Market Facts Survey (among consumers), the Public Attitudes Survey (by the U.S. Department of Transportation) and the Public Opinion Survey (among accident victims in the first no-fault state, Massachusetts).

(Editor's note: In all of these surveys, when the public understood the full issues, it rejected no-fault where the law eliminated court-decreed major rights and benefits of the injured victim.)

The Colorado proposal — which would have become law on Jan. 1, 1973, in the first test put directly to the voters — would have discriminated against the indigent and low-income worker, as well as housewife and students. It would have made automobile insurance secondary by compelling the victim to subtract all benefits he paid for and received from other sources (Blue Cross, Blue Shield, medicare, medicaid, etc.) from any no-fault benefits from an automobile accident.

Also it struck at the state's tourist trade, skyrocketed rates for motorcyclists, sharply increased administrative costs, and faced a probable 6 to 27% rate increase.

Against these points of opposition, the no-fault law would have given unlimited medical payments; reimbursed up to 75% of wage loss to a total of $750 monthly, for a 36-month period, barred lawsuits for loss of human dignity, pain and suffering unless the victim's medical expenses exceeded $2000 or he suffered death, permanent disability or disfigurement, or dismemberment; and eliminated property damage tort rights for auto owners.

William Kersten, president of the Colorado Committee Against No. 11, had pointed out that "the Denver Legal Aid Society had found elements of the proposal detrimental to low-income drivers."

Charles Hewitt, Jr., corporate planning actuary for AllState Insurance Company, in backing up published statement that a proposed 25% saving under No. 11 was a "bold-faced mistruth," told an interim legislative committee which rejected the plan that "rates will rise anywhere from 6 to 27% under this proposal." The *Denver Post* in an Oct. 31 editorial urging a "Yes" vote stated: "Lawyers make a poor case against no-fault insurance." The editorial, in part, declared:

"Now we are seeing headlines about how no-fault will help insurance companies, and that consumers and the 'poor' are to be deprived under no-fault . . . As we have said, the plan

(Continued on next page)

A Word of Thanks

Trustees of the S. David Hunter Trust Fund wish to thank all members of the University of Washington Class of 1971 who gave so generously to the fund, Woodrow A. Wallen of the trustees reported. Hunter was a member of that class. He died earlier this year.

No-Fault
(Continued from preceding page)

contains deficiencies which can be remedied . . . . It must be conceded that liability insurance is a middle-class concept . . . the basic changes (asked in no-fault) are sound. The whole idea is to expand benefits and/or reduce costs. . . ."

Trial Magazine

* * *

Impartial Study Set For No-Fault Plans

After all the pushing and pulling and pro-and-con statements that have been made about no-fault automobile insurance, it's encouraging to see that the National Association of Insurance Commissioners has undertaken an independent study of no-fault costs.

The N.A.I.C. study is being financed by grants totaling a possible $150,000 from the Department of Transportation and the Ford Foundation and is expected to be completed by March 1.

Milliman & Robertson, the actuarial consultant firm hired to do the work, will collect and analyze existing data, including actual experience on no-fault coverage in Massachusetts, Florida and Delaware.

The actuarial consultants also will explore the cost-comparison systems developed by New York and other state insurance departments and work done at the University of Minnesota.

Completion of the study has been scheduled by March 1 so that state legislatures can use the results in their deliberations next year. States with pending auto-insurance reform bills to consider hopefully will be able to analyze such proposals against the background of basic study results.

MILLIMAN & ROBERTSON will cost the bill developed by the National Conference of Commissioners on Uniform State Laws and also prepare a model for subsequent inexpensive costing and specific state bills.

The consultants' assembly of basic data and their techniques will be checked for technical accuracy by actuaries from state insurance departments.

The N.A.I.C. in the past has taken no position favoring any particular kind of automobile-insurance reform, and the consultants have been instructed to be completely neutral in carrying out the study.

One of the problems in consideration of no-fault insurance legislation by the states has been uncertainty about the cost effect of such legislation on the consuming public.

A lot of the cost information received by legislators has come from insurance organizations or groups with a direct interest, and this has raised some doubts about the impartiality of the information.

By coming up with no-fault data impartially and objectively, the N.A.I.C. hopes to remove a major obstacle to automobile-insurance reform.

— Boyd Burchard, in The Seattle Times

Adoption Fee-Collection Explained

There has been a bit of confusion about the payment of lawyers' fees and court costs for an adoption through the State Department of Social and Health Services demonstration project on adoption support.

Donald J. Horowitz, senior assistant attorney general, reported:

"Before the department will pay the costs of an adoption proceeding of a hard-to-place child eligible for support under the Adoption Support Demonstration Act of 1971, the family must

"1. Have requested payment of the attorney's fee and/or court costs through the family's case-worker and the Adoption Support Project prior to retaining an attorney; and

"2. Have an agreement (form number DSHS 10-63) signed by all involved parties (that is, the family, the Project Coordinator and the Department of Social and Health Services Secretary's designee) indicating the attorney fees and/or court costs will be paid by the department. Attorneys should see a signed copy of the agreement prior to agreeing to represent the family.

"Refer to RCW 74.13.115 and 74.13.130."

At the time of a petition for adoption of a child in the Adoption Support Project and in reviewing any request for the vacation or modification of a decree of adoption, the Superior Court judge should consider the agreement, DSHS 10-63, made between the Department of Social and Health Services and the family, Horowitz said. Prior to the date of the hearing on any of the above, a copy of the agreement should be filed as part of the adoption file (refer to RCW 26.32.115).

State Bar Hosts Western "Valentine Break"

It's Now Hancock & Son

There's a new father-and-son law partnership in the State Bar lineup.

The partners are John Hancock and son J. Michael Hancock, who set up in joint business in Okanogan in November.

John, a native of nearby Winthrop in the Methow Valley, has practiced 33 years, including 16 years as Okanogan County prosecuting attorney. Michael passed the bar in both Washington and Idaho and was deputy prosecutor in Ada County, Idaho, and an assistant Idaho attorney general.

Both father and son are graduates of University of Idaho Law School.

And their office is in, naturally, the Hancock Building.

Where's There a Will?

There's a pretty good demand right now for lost, missing or perhaps nonexistent wills.

For example:

Special attention in the Bellevue-Kirkland area: Anyone having knowledge of a will of **Daniel Eugene Drake** is asked to contact Richard D. Harris, Seattle MA 4-5010.

If someone knows of a will drawn by **Werner Grunsfeld** of 2132 Second Ave., Apt. 502, Seattle, he should contact W. John Sinsheimer, Seattle MA 3-1422.

Likewise, Nellie Peckham of Box 175, Pateros, knows her mother, **Charlotte A. Rigg,** left a will and would like the attorney to communicate with her.

Camaraderie with interesting lawyers from throughout the 13 western states, discussion of a variety of lively legal topics, a "Vancouver Valentine Vacation" for lawyers' wives, and a visit to a fascinating city — that will be the forthcoming Western States Bar Conference.

The conference, for present, past and future bar officers and leaders and for all other interested lawyers, will be at the impressive Hotel Vancouver, Vancouver, British Columbia, Canada. Dates are February 14 through 16, 1973. The Washington State Bar is "host" this year.

Among the attractions:

— The program, with discussions on such currently vital subjects as judicial tenure and discipline, prepaid legal services, no-fault insurance, lay persons on disciplinary boards and legal specialization.

— An address by the vigorous and delightful president-elect of the American Bar Association, Chesterfield Smith of Lakeland, Fla.

— A variety of social events, including the conference-opening cocktail hour and introductory dinner February 14, an "eye-opener gin-fizz" breakfast, a concluding luncheon with extra zitz February 16, and plenty of free time to see the city itself, the new cosmopolitan giant of the West with its overlay of old-country charm.

— For the ladies, most interesting city tours, theater and opera performances, art exhibits, court tours and shopping in stores and districts of a kind found nowhere else in the West.

Persons interested may obtain pre-registration information and forms from Eldon Husted, executive director, Arizona State Bar, 858 Security Building, Phoenix, Ariz. 85004. Husted is the conference secretary; president is John Huneke of Spokane, former president of the Washington State Bar Association.

WSTLA Opens Office

The state trial lawyers' association has opened an office in the Capitol Way Building in Olympia and employed Lawrence P. Roberts as full-time executive director, according to the association's publication, Trial News. Roberts, 43, has been in radio-television and advertising.

Who Took the Book?

Volume One of the Revised Code of Washington has mysteriously disappeared from the Ferry County Courtroom in Republic.

"The members of the Bar who have been favored by having the opportunity of sampling the delights of Ferry County and its courtroom are requested to examine their memories and libraries to see if by mistake they may have slipped Volume One into their brief case along with their own books," Granville Egan, prosecuting attorney, pleads in a "cry for help" to the *Bar News.*

And, betraying a forgiving heart, he adds: "It is a mistake easy to make."

You folks there in Eastern Washington: Check those libraries. After all, what possible use could there be for **two** copies of RCW Vol. 1?

Around the State

EAST KING REPORT
By **CHARLES F. DIESEN**

Members of the East King County Bar have had a bad, or maybe good, case of wanderlust.

Al and **Mary King** of Kirkland closed their practice for a few days and went to San Francisco. At about the same time **Lamar Ostrander** had taken off for the Bahamas. He was not available for comment at press time because after he returned he went to Phoenix for a rest.

Cyrus Dimmick took his golf clubs and Ms. (Judge) **Carolyn Dimmick** for a brief vacation to Palm Desert, California. His team finished 2nd in an amateur invitational tournament held there.

Clint Farrell, Kirkland, took a long Thanksgiving holiday to Boston, where Mrs. Farrell was attending the National Council of Social Studies meeting. The ABA Youth and Law Committee sponsored some sessions in the meeting which Clint attended.

KITSAP REPORT
By **HELEN GRAHAM GREEAR**

ELECTIONS: The Kitsap County Bar Association has finally if belatedly elected its officers: president — **Kenneth J. Lewis;** vice president — **Douglas A. Fox;** secretary-treasurer — **Jay Roof;** trustees — **Merrill Wallace, William S. McGonagle, David H. Armstrong, William J. Kamps.**

Our annual installation banquet to which wives were invited was scheduled at the Poplars Restaurant in Silverdale on December 1.

Travel: We are a traveling Bar. **Jack Evans** of the prosecuting attorney's staff has taken two-years' leave of absence to go around the world, beginning with the U.S.A. Jack, a strenuous and adventurous man, spent his 1971 summer vacation being dropped by air into an Alaskan wilderness river and paddling downstream for a week to civilization, where he could be picked up again.

James O. Arthur (of Arthur & Hanley) left September 1 for a six or seven months trip to Europe: Greece, Yugoslavia, Italy, Germany, Denmark, France, England. . . . **Terence Hanley,** his long-suffering partner, volunteered the comment that he too travels for business and pleasure, usually a trip to Tacoma with a stop for a sandwich.

The Judiciary: Mrs. Merth Miller, the attractive secretary of the judges, reveals that Judge Jay Hamilton attended a Bench-Bar-Press meeting in October; that Judge Oluf Johnsen is chairman of the judges' committee revising the Judicial Article (Superior Court Judges Association) and working hard on it; that Judge Robert J. Bryan was recuperating at home from a short hospitalization; the new jail building is proceeding apace.

Four young lawyers were sworn in before the judges sitting en banc October 6: **Herbert Daniel Austad** (now with **William Fraser); Thomas T. Middleton, Jr.** (now in Seattle); **Joel C. Merkel,** brother of the Kitsap Prosecutor, **John Merkel**; and **Richard Barry Jones,** University of Washington, now with the Prosecutor's Office. Dick and wife Donna are moving their home from Seattle to Southworth to enjoy waterfront living.

Moves: **William J. Kamps** will be with Shiers, Kruse and Roper in Port Orchard after January 1; **Rick Smith** (newly elected to the legislature) will be with William Fraser; your reporter has a piece of news about her own office, moved to Great Northwest Building, with a touch tone telephone on which you can play tunes.

Our judges have been trading — Judge Oluf Johnsen for Judge Horace Geer of Tacoma; Judge Robert J. Bryan for and also assisting Judge Joseph Johnston of Port Angeles.

Ralph Bushnell Potts' volume "Come Now the Lawyers" is as fascinating and sustained a piece of gossip and history as I have read, full of anecdotes about the lawyers (famous and notorious) of the passing century. I am so glad that he wrote it, and that I am fortunate enough to own a copy. David J. Williams, in his review, aptly says: "The key to the book, however, is courage. The author glorifies the people for the way in which they met the emergencies and overcame disasters."

SKAGIT REPORT
By **PAUL N. LUVERA JR.**

President **Eugene Anderson** appointed the following Skagit County lawyers to committee assignments:

Liaison Committee with Judges: **Eugene Anderson, William Nielsen, George McIntosh;** Indigent Criminal Committee: **Hugh Ridgway, Gil Mullen, William Nielsen.**

John Leinen has assumed a public defender's position in Vancouver, Wash., after being with the law firm of Bannister, Bruhn & Luvera for a number of years. John has already assumed his new duties.

William Nielsen was to be leaving the office of **Reuben**

Youngquist to become a full time deputy prosecuting attorney for Skagit County as of December 31. **Dave Yamashita,** part time deputy prosecutor, will be leaving his post to devote himself to the private practice of law full time.

Paul Luvera, Jr. has left the partnership of Bannister, Bruhn & Luvera to establish a practice at his new office in Mount Vernon.

The annual Christmas dinner Dance of the Skagit County Bar Association was held December 1. **George McIntosh** presented one of his famous skits on the practice of law in Skagit County to the great enjoyment of all observers.

Skagit County Commissioners have approved in concept a unique program for the representation of indigent criminals. Under the program, the county will contract with a non-profit corporation composed of the Skagit County lawyers to provide legal services for indigents in juvenile, district and superior court cases. The corporation will administer the program, provide the lawyers from the bar association and pay reasonable fees from the contract proceeds.

SEATTLE-KING REPORT
By GERALD G. TUTTLE

Carl P. Gilmore, recently with the United States Coast Guard, is now associated with the firm of Whitmore, Powers & Ishikawa.

Raymond J. Lee, Seattle-area attorney since 1959, has been appointed general attorney for the General Telephone Co.

James L. Vonasch and **Geoffrey A. Wilson,** the latter formerly with the Seattle Public Defender program, have formed a partnership under the name of Vonasch & Wilson for the general practice of law at 620 Arctic Building, Seattle.

Norman B. Ackley and **Mary Alice Norman** a month ago announced their association as the firm of Norman & Ackley, and included the note that in January when Ackley assumes the Superior Court bench to which he was elected Mrs. Norman will continue the practice in the West Seattle office.

SPOKANE REPORT
By MICHAEL E. DONOHUE

One of the more peripatetic lawyers, **Paul Bastine,** has just returned from a visit to Brazil (where the nuts come from). Sometime prior to entering law practice, Paul had served in Brazil as a member of the Peace Corps. He claims that on this trip he was commissioned to do a study of the local bistro and the social lubricants sold therein. I tried a similar story on my wife the other night, and she still isn't talking to me.

Leo (Smilin' Jack) **Daley** has announced he will leave the public trough and enter the private practice of law at North 5202 Market Street, in Hillyard. Leo, when he wasn't in an airplane punching holes in clouds and buzzing hot-air balloonists, served as an assistant corporation counsel for the City of Spokane.

Lukins & Myers have added a new face. **Keith D. Rieckers,** a 1972 University of Washington graduate, has joined the firm as an associate. With this addition, and the recent merger of Lukins, et al, and Myers, et al, I understand that their letterhead extends to the second page.

As this is written, we are looking forward to the Spokane Bar's annual Christmas party, etc. One would think that past performance and the next-day penalties would be enough to encourage temper at the party. It won't. It reminds me of what Samuel Johnson said about the gentleman who had been very unhappy in marriage, and married immediately after his wife died. Johnson said, "It was a triumph of hope over experience."

WALLA WALLA REPORT
By JOHN S. BIGGS

At the Walla Walla County Bar Association meeting November 20 **Cameron Sherwood** was elected president, **Albert J. Golden** was elected vice president and **John S. Biggs** was elected secretary-treasurer.

Gregory Lutcher, having been a successful candidate of the July, 1972 bar, has joined **Herbert H. Freise** in private practice in Walla Walla.

PIERCE REPORT
By KENYON E. LUCE

A combined meeting of the Pierce County Legal Secretaries and Pierce County attorneys was held November 16 at the Rodeway Inn in Tacoma. Guest speakers were **Al Malanca** and **Valen Honeywell.**

At the meeting of the Bar December 7 at the old Elks Club, Roger Gruss, director of the Urban Coalition for the Tacoma area, spoke on poverty and minority employment in Tacoma. He was joined by Tom Dickson, head of the Tacoma Urban League.

Following the Bar luncheon, there was an open house at the

new bar office, Suite B, 755 Tacoma Avenue, Tacoma. Open house was arranged by our President, **David Schweinler,** and hors d'ocuvres were provided by **Nile Aubrey.**

The Pierce County Bar Association's annual Lincoln Day banquet, normally a male-only function, is being undermined by the activities of the Bar Auxiliary. The ladies want to become more involved with their husbands in meeting associates and judges and have suggested that the annual stag affair be opened to the ladies. The poll results are not available but as suggested by **Bob Rovai** the men should get out their tuxedos.

Kenneth W. McCarthy, Jr., formerly of the A.G.'s office and Gonzaga class of '67, has joined Campbell, Dille & Barnett in Puyallup as an associate.

YAKIMA REPORT
By **RANDY MARQUIS**

With a minimum of fanfare and an astonishing lack of opposition, **J.W. "Bill" McArdle** has been elected vice president of the Yakima Bar to replace **Bruce P. Hanson,** recently elected Superior Court judge. Judge Hanson will fill the position vacated by retirement of the Hon Lloyd L. Wiehl. In honor of Judges Hanson and Wiehl, the Bar recently met at the Robin Hood Inn and the master of ceremonies, **John Gavin,** proceeded to hold forth with his slightly irreverant editorial commentary which would put the Friar's Club to shame. Aiding and Abetting John in his verbal barrage were **Bill Aiken, Dick Smith, Jim Lust, Alan McDonald, Ted Roy, Ronald Hull** and **Judge Stauffacher.**

Hole-in-One: Let the record show that a hole in one was somehow executed by **J.S. (Bud) Applegate** at the Yakima Country Club on Nov. 12, 1972. We note that this is Bud's second hole-in-one in less than two years.

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

Defense attorneys in Thurston and Mason Counties will no longer have **Don Taylor** and **Glenn Correa** to knock around.

Don Taylor resigned as Olympia Police Court judge and Glenn Correa resigned as Mason County District Court judge.

David Schultz has succeeded Don Taylor, and no successor has been named for Glenn Correa.

Stanbery Foster Jr. is now the father of Stanbery Foster III.

The November meeting of the Thurston-Mason Bar Association had as its featured speaker the Attorney General of the State of Washington, Slade Gorton, who told us everything we wanted to know about the Attorney General's Office but were afraid to ask.

Thompson A Judge

Spokane County commissioners have appointed Philip J. Thompson, a 1962 Gonzaga University Law School graduate, to the District Court bench being vacated by Judge James Ben McInturff, who was elected to the Court of Appeals. Thompson, who has been in private practice and ran unsuccessfully for the Superior Court in the fall, has been on the Gonzaga law faculty almost 10 years.

A lawyer's neglect of a client's business has always been regarded as a serious matter, but under the old Canons of Ethics it seldom resulted in discipline unless the neglect was aggravated.

Neglect now is most specifically spelled out as a basis of discipline in the new Code of Professional Responsibility. The Code says (DR 6-101 (A) (3), Failing to Act Competently): "A lawyer *shall not* neglect a legal matter entrusted to him."

This is how R.B. Reavill, the Minnesota Bar's noted administrative director on professional conduct, accented one form of neglect to the members of his bar:

"I have long been satisfied that the failure to communicate causes more misunderstandings, not only in the legal profession but in all walks of life, than any other single failure.

"However, I call attention to the fact that a failure to answer inquiries of clients or others entitled to information from the lawyer is a form of neglect and therefore is professional misconduct. Dozens of complaints we receive are that lawyers fail to answer letters or return telephone calls, even though investigation establishes that the lawyer is in fact handling the client's legal affairs properly.

"However, the failure to answer telephone or written inquiries is not only discourteous, it constitutes professional misconduct, and notice is hereby given that in situations where a lawyer *persistently* fails to communicate with his clients and others entitled to information, disciplinary action will be taken."

PUBLIC RELATIONS
COMMITTEE

and could easily have a favorable impact on a judge.

Also, many areas of the state now have probation departments whose services are available to defendants in misdemeanor cases. Counsel may want to refer his client to the probation agency for a presentence interview. This would then move the sentencing to a date following the trial. In addition, some courts make use of the counseling and treatment services available to the problem drinker. This would include such programs as Alcohol Safety Action Project (ASAP), Alcoholics Anonymous, and various residential treatment programs.

Finally, in representing indigent defendants, counsel should be familiar with *Tate v. Short*, 401 U.S. 395 (1971), which held that it was an unconstitutional violation of the equal protection clause of the Fourteenth Amendment to imprison one solely because he is unable to pay a fine. "Time payments" should be requested when the defendant is unable to pay the fine at the time of sentencing.

Following trial but before judgment is entered, counsel can occasionally convince a court to continue the case (usually for sixty days) without a finding. This is normally done in cases involving family disputes or where there is a technical violation of the law but the defendant faces serious extra-legal consequences if convicted. The court may impose certain conditions during the period of the continuance and, if the conditions are met, the case will usually be dismissed.

Be Mindful of Appeal

Throughout the representation of a defendant charged with a misdemeanor offense in our lower courts, counsel should keep in mind the right to a trial de novo in superior court. A defendant has ten days from the date of judgment and sentence in which to perfect the appeal. JCr 6.01. This right can be used to the defendant's advantage in superior court where counsel can again plea bargain, if necessary, with the prosecutor as to a recommended sentence or reduction of the charge.

The Future — Adjustment or Chaos

By not requiring counsel in all cases where an individual is charged with a criminal offense except where loss of liberty is involved, *Argersinger* represents a compromise in the development of the right to counsel. As pointed out by Justice Powell in a concurring opinion at p.545, there is really no justification for denying the right to counsel to indigents in cases which result only in the loss of license or mere fact of a criminal record. Such consequences can obviously have as much impact on an individual's life as imprisonment. See *Bell v. Burson*, 402 U.S. 539, 29 L.Ed. 2d 90, 91 S.Ct. 1586 (1970). Even though the opinion in *Argersinger* "is disquietingly barren of details as to how it will be implemented,[6] it is likely that the court limited its ruling to the "loss of liberty" standard in order to forestall a possible legal crisis resulting from a shortage of defense lawyers.[7] Regardless, the impact of the decision is so great that the bar in this state must determine how it will meet its responsibilities in providing adequate representation for the poor. I submit that the members of the private bar will determine the course of *Argersinger* in this state.

More Counsel Called For

Essentially, representation of the indigent in misdemeanor cases can be handled through a state-wide public defender system, mandatory participation by private counsel or a combination of both. Since a state-wide public defender system for misdemeanor defendants is not in the offing at this time, private counsel will be called upon to play a major role in providing adequate representation for the poor.

Unfortunately most lawyers tend to regard criminal law as an undesirable specialty. As a result, many of our best trial lawyers never appear in a criminal case. Hopefully, *Argersinger* can be a vehicle for persuading more of our able trial lawyers that it is their obligation to see that the poor are adequately represented.[8] Clearly, the decision will only be as meaningful as the quality of representation that is provided. If misdemeanor prosecutions continue to be the "Appalachia" of the criminal justice system,[9] the promise of *Argersinger* will most certainly be an empty one.

I am convinced that the humanization and revitalization of the criminal process requires that every person, rich or poor, has a right to a lawyer who will be a vigorous and competent adversary. Only when the poor believe that the system will provide counsel who are just as committed, just as aggressive and just as respected as those of the rich, will they understand society's demand for a rule of law.[10] If

the bar does not meet the challenge of *Argersinger*, the system will have failed.

FOOTNOTES

[1]*Argersinger* expressly overrules the controversial decision in *Hendrix* v. *Seattle*, 76 Wn.2d 142, 456 P.2d 696 (1969) which held that it was primarily a legislative function to determine whether counsel should be provided in cases other than felonies. This is to be contrasted with the *Application of Stevenson*, 458 P.2d 414 (Oregon, 1972), whose rationale was adopted by the court in *Argersinger*.

[2]Comment, "Indigent's Right to Appointed Counsel," 23 U.Fla.L.R. 428.

[3]President's Commission on Law Enforcement and the Administration of Justice, Task Force Reports: The Courts 55 (1967).

[4]Fifteenth Annual Report of the Administrator for the Courts of the State of Washington (1971).

[5]*Argersinger*, supra., at p. 536.

[6]*Argersinger*, *supra*, concurring opinion of Justice Powell, p. 547.

[7]See Justice Brennan's concurring opinion in *Argersinger*, *supra*, at p. 540, which suggests the use of law students as a source of legal representation for indigent defendants.

[8]Note that the American Bar Association Committee on Ethics, Informal Opinion 1216, recently held that lack of expertise in criminal law or loss of time or income from handling criminal appointments are unacceptable grounds for refusing appointment as defense counsel.

[9]See Junker, The Right to Counsel in Misdemeanor Cases, 43 Wash. L. Rev. 685 (1968).

[10]See Hersey, Court-Oriented v. Client-Oriented Justice, Legal Aid Briefcase, November 1972.

How Does Your Income Compare?

Income-comparing always is an interesting pastime for lawyers. Results of two more statewide law-office economic surveys are in, and they show:

In Oregon in 1971 the median income was $19,195, for a median work week of 45 hours. (The 1961 median income was $11,500.) Median incomes for sole practitioners were $15,000 to $19,000, partners $25,000 to $34,000, and associates $10,000 to $14,000.

In Indiana in 1969 (reported in a July 1971 survey) the median income of lawyers in full-time private practice was $25,000, a $10,000 increase over the figure in a 1961 survey. Partners had a median of $31,000, sole practitioners $24,000 and associates $12,000.

Twenty Years Ago

Love was in. The Bremerton Sun announced the engagement of Shirley Marie Geddes, deputy prosecutor of Jefferson County, to Farrell Cook, deputy prosecutor of Kitsap County. The Sun chose these arch words, "The two plan to wed and open a little ivy-covered law office with a writ of habendum running around it."

Births

New Attorney General Don Eastvold appointed assistants Bernard Lonctot, Willard Wright, Henry Heckendorn, Arthur Chantry, Floyd Colvin, Joseph Mijich, Donald Holman, Lloyd Baker, Russell Potter, Phyllis Dolvin, Cy Dimmick, Andy Engbretsen, Ralph David, William Hallin, Don Miles, Moksha Smith, John Thomas, Jr., Quinby Bingham, Fred Dorsey and Arthur Mickey.

PASCO: Ralph Rodgers and R.G. Patrick opened new offices.

KENNEWICK: Edward Guenther and Hugh Horton announced their partnership.

WALLA WALLA: Carlton Conkey opened in the Drumheller Building.

SKAGIT COUNTY: Charles Stafford Jr. inducted Superior Court judge and Harry Follman, Justice of the Peace. Walter J. Deierlein Jr. became deputy prosecutor.

CHELAN: J.A. Adams became Superior Court judge; Fred Collard, President of local bar; James Arneil, Wenatchee city attorney; R.D. Kendall, court commissioner; and, Jon Phelps, deputy prosecutor, entered private practice.

SNOHOMISH: Alfred Holte elected President of local bar. William Gissberg elected state senator.

TACOMA: Frank Hale became Superior Court judge. Andy Garnes entered private practice as did Douglas Albert. J. Bruce Burns joined with

SEATTLE: John D. Ehrlichman became associated with Jack Hullin. Edward Hay, David Hamlin and Axel Julin became partners. Grosscup, Ambler, Stephan and Miller became partners joined by Richard P. Moser. Don Schmechel joined Wright, Innis, Simon & Todd. Cornelius Chavelle and William Millard, Jr. became partners. Betty Taylor Howard left the prosecutor's office for private practice succeeded by Virginia Mueller.

More About Love

M.W. Bean Sprout: He who is in love with himself will have very few rivals.

DAVID J. WILLIAMS

Judicial Selection: Why Lay Members?
(Continued from page 10)

and judge) and to arrive at fairly good conclusions unclouded by the bias of position common to the other commissioners. Without the third role of the layperson, the lawyer and judge commissioners could well resort to trading candidates in order to reach some sort of agreement on a list to be submitted to the governor. The lay commissioner could contribute to the process by preventing such horse-trading.

It seems to me also that judicial attributes like honesty, integrity, compassion, objectivity, temperament, or conscientiousness, if they can be measured and predicted at all, are universal traits that the layperson is as able to weigh as much as the experts. The dimension the laymember would bring to the appraisal of these and other traits may well be missing from a lawyer's or judge's evaluation. Compassion may be viewed quite diversely by the laymember, the judge and the lawyer. And the public's perception of compassion should not be disregarded.

Information May Be Aided

The layperson is also able to bring data to the commission that the lawyer and judge may overlook. He is not prevented by clients, practice or special ethics from seeking out sources of information which may be closed to the lawyer and judge on the commission. For example, lawyers and judges may not be in the best position to interview former or present clients, partners, or associates of a prospective candidate.

Experience has indicated that the judge tends to dominate the deliberations of the nominating commission simply because he is usually designated the chairman of the commission and lawyers often defer to the judge, discreetly of course, because tomorrow they may be before his bench. No such pressures weigh on the lay commissioner. He is a free agent under no immediate or long range compulsion to acceed to the wishes of the jurist.

Plan Consistent With Democracy

The public's participation through the periodic retention election is clearly justifiable. As already suggested, such participation is most consistent with democracy. Through participation the citizen gains more confidence in and commitment to the state political and legal system. Also, an evaluation of a judge's record is much more manageable for the lay voter than the difficult if not impossible appraisal of statements and political advertisements of competing candidates under the present non-partisan election system where endorsements replace issues and inanities substitute for advocacy. And the public will not hesitate under the commission plan election to exercise its right to unseat an incompetent incumbent if it is shown that he deserves to be replaced. I would suggest that **information concerning a judge's record would be easier brought before the public by responsible journalists, lawyers, administrators and even social scientists than by an opponent in an election** who must avoid breaching the walls of legal ethics and might be running against an incumbent out of personal pique.

In sum, it seems to me that the commission plan proposed by the Citizens Committee on Washington Courts has much to commend it. If we are to conclude that the present system of selecting judges lacks protections against incompetency, the alternative may well be the commission plan. □

Extracts from the minutes of the Board of Governors meeting November 3 and 4 at Port Ludlow, Wash.:

PRO-RATING OF ANNUAL DUES

It was moved, seconded and carried that beginning with those persons taking the Bar Examination in February 1973 and every February thereafter, successful applicants shall pay the sum of $30 as annual dues for the year in which the Bar Examination is taken, if the applicant desires to be admitted to active practice during the year; for successful applicants taking the bar examination in July 1973 and every July thereafter, the annual dues payment required for the year in which the Bar Examination is taken shall be $15 in the event the applicant desires to be admitted to the active practice of law during that calendar year. The year of admission shall count as one of the five years for which the new admittee is allowed to pay the lesser amount of dues established for those admitted to active practice less than five years.

LEGAL SERVICES FOR STUDENTS

Mr. Alva Long appeared in person before the Board and recommended that the Board appoint a special committee directed to present a proposal for making legal services available to Junior High School and Senior High School students looking toward the protection of their Constitutional and Statutory rights. It was moved,

(Continued on next page)

(Continued from preceding page)

seconded and carried that the matter be referred to the Young Lawyers Committee for investigation and recommendation.

COMPENSATION OF APPRAISERS IN ESTATE MATTERS

It was moved, seconded and carried that the Bar Association's support of House Bill 734, which was introduced in the 1971 Session of the Legislature dealing with amendments to the Probate Code and providing for a schedule or method of payment for appraisers in estate matters, be reaffirmed (House Bill 734 proposed to amend RCW 11.44.070 and 11.44.080).

OPEN AGENDA RESOLUTION

It was moved, seconded and carried that topics to be considered at the Board of Govenors meetings not be restricted to items appearing on the formal written agenda, but that instead any member of the Board of Governors would have both the right and the opportunity to bring before the Board any matter which in his or her opinion required the attention of the Board.

PREPAID LEGAL SERVICES

The President and Mr. Curran reported on recent conferences and developments relating to the Prepaid Legal Services Program. Discussion was held on enabling legislation useful in operation of the program. It was then moved, seconded and carried that the Board express its preference for direct enabling legislation granting the Bar Association the authority to conduct such a program.

ADDITIONAL BOARD MEMBER

Mr. DeWitt Williams of Seattle appeared before the Board in support of the resolution of the Seattle-King County Bar Association urging the Board of Governors to make provisions for an additional member of the Board of Governors representing the members of the association from King County. It was moved, seconded and carried that action on this matter be deferred until the December meeting of the Board.

BAR ASSOCIATION EXPENDITURES FOR PROMOTIONAL HOSTING

It was moved, seconded and carried that the Bar Association pay all reasonable expenses for meetings or conferences called by the Board of Governors in connection with the Bar Association's work, such meetings to include those with members of the Association or with others when such meetings or conferences are deemed in the best interest of the Bar Association and contributing toward the work of the Bar Association.

NO FAULT CONFERENCE REPORT

Mr. Short gave a report on a conference attended by him along with President Stone, Mr. Gates, Mr. Pritchard, Richard Broz, chairman of the Auto Reparations Committee, and others, with Mr. Lynn Sutcliffe of the staff of the U.S. Senate Commerce Committee relating to the Hart-Magnuson Bill on the subject of auto reparations.

MEETING WITH COMMITTEE CHAIRPEOPLE

With 34 Committee Chairpeople and other interested members of the Bar Association in attendance, a session was held by the Board of Govenors for a full exchange of information, ideas, suggestions, criticisms and recommendations looking toward the improvement of the work of the Bar Association for the benefit of the profession and the public. It was the consensus of those in attendance that the meeting was productive and should be made at least an annual event.

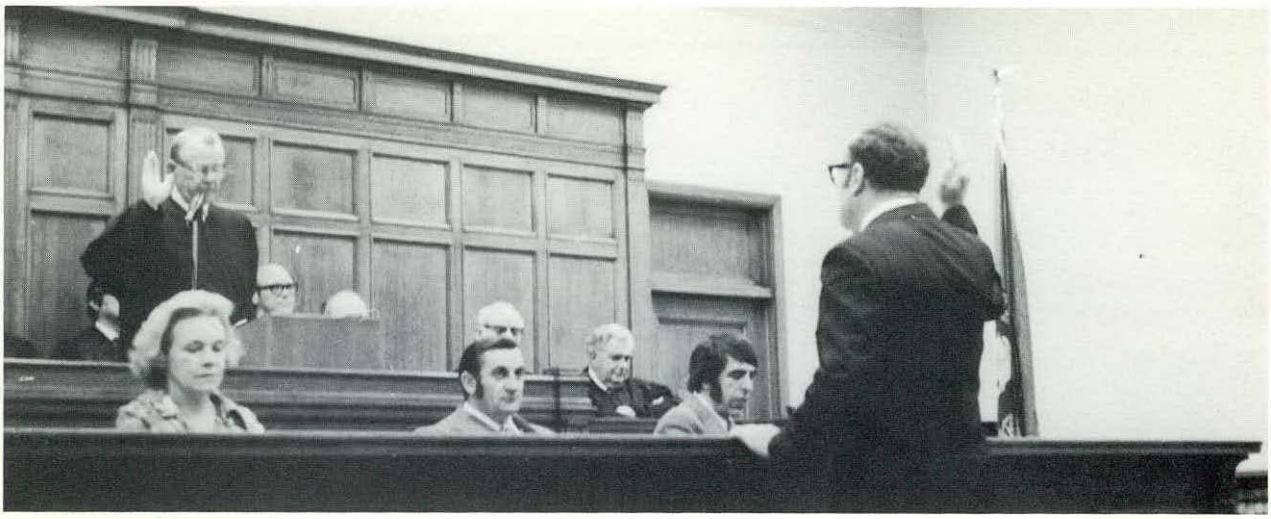
EDITORIAL ADVISORY BOARD

It was moved, seconded and carried that the sum of $2,000.00 be appropriated as a special allocation to the Editorial Advisory Board in connection with its work separate and apart from the budget appropriation for the *Bar News*.

DATE AND PLACE OF NEXT MEETING

It was moved, seconded and carried that the next meeting of the Board of Governors be held at the Empress Hotel, Victoria, B.C., on December 8 and 9 with the Board's regular agenda being considered on December 8 and a special meeting with the officers and members of the Board of the Seattle-King County Bar Association being held on December 9.

McLAUCHLAN AT LARGE



'Tis the season for judicial swearings-in, with a dozen new Superior Court judges to be seated this month; here William C. Goodloe of Seattle gets a jump and is sworn in November (by Judge Frank H. Roberts) to a two-month short term preceding his full term.

A happy quartet in the Courthouse corridor: Frank J. Eberharter, Clay Nixon, Judge Roberts and John C. Vertrees.

New Family Law Committee chairman, Homer A. Crollard, Yakima.

Three veterans at the Bar: Cecil W. Minaker, Ben A. Maslan and David J. Williams.

The Rev. Charles Walsh, S.J., of Gonzaga University Law School.

Why Not Video-Tape Testimony, AMA Journal Asks

Our judicial system has been the subject of increasing criticism. Much of this criticism has focused on the inconvenience and hardship the system causes to parties and witnesses. In many jurisdictions, a fixed future date is not set aside for the trial of a particular lawsuit. Without such a fixed date, the parties and witnesses do not know when they will be called upon to testify. It is not uncommon for a witness to be served with a subpoena the evening before he is to testify. Witnesses have often been required to cancel appointments and interrupt established routines in order to testify.

Effect on Physicians

The testimony of physicians has been recognized as vital in many different types of lawsuits. Personal injury litigation represents a substantial portion of the lawsuits filed in our courts. The injured person's physician has knowledge of injuries. His testimony, therefore, is vital to such a lawsuit. Personal injury lawsuits have been dismissed solely because a physician has been unable to testify because of illness (*Cook vs Lichtblau,* 176 So 2d 523, Fla 1965).

Due to the impossibility of scheduling personal injury trials on a fixed date, physicians have been required to cancel scheduled appointments and procedures. Realizing the hardship such cancellations cause to physicians and their patients, the American Medical Association and the American Bar Association adopted the National Interprofessional Code For Physicians and Attorneys in 1958. The Code states that:

"While it is recognized that the conduct of the business of the courts cannot depend upon the convenience of litigants, lawyers or witnesses, arrangements can and should be made for the attendance of the physician as a witness which take into consideration the professional demands upon his time."

Despite this recommendation, the demands of trial practice and the system by which lawsuits are set for trial do not always permit a physician's appearance to be scheduled at a convenient time. These same factors often do not permit an attorney to give a physician reasonable notice before he is required to testify. An attorney may require a physician to appear and testify at a time that is extremely inconvenient for the physician.

Televised Trial

The legal community has been searching for solutions to the problems of court congestion and the inconvenience the present system often causes witnesses. One of the most innovative proposals has been the use of video tape.

At 9 a.m. on Nov. 18, 1971, the trial of *McCall vs Clemens* began in the Court of Common Pleas, Erie County, Ohio. The lawsuit involved an accident in which an automobile struck a pedestrian. The jury was to determine the nature and extent of the pedestrian's injuries and award him damages.

The jury was selected and the attorneys for both parties made their opening statements. Two television sets were then turned on.

The testimony of the pedestrian, his attending physician, a hospital records librarian, and the investigating police officer had been recorded earlier on video tape. The witnesses had been examined and cross-examined by the attorneys. All questions, answers and objections were recorded on a master tape. The master tape was then reviewed by the trial judge and the attorneys. The judge ruled on the objections and the tape was edited to conform to his rulings. If an objection was sustained, the question, answer, and objection were removed from the tape. If an objection was overruled, only the objection was removed from the tape. A video tape was then made of the trial judge's instructions to the jury.

The edited video tape containing the testimony of the witnesses was shown to the jury. The attorneys then made their closing arguments in person. The video tape containing the judge's instructions was then shown. At 5 p.m., the jury returned a verdict awarding the pedestrian $9,600 damages.

Legality of Video Tapes

Because it is only a recent innovation, the use of video tapes has not been subjected to much judicial scrutiny. It would seem, however, that the use of video tapes would be permissible.

A video tape is basically a recording of sound and a recording of pictures. It generally has been held that competent and relevant sound recordings are admissible in evidence (eg, *Paulson vs Scott,* 50 NW 2d 376, Wis 1951).

If sound recordings and motion pictures may be introduced into evidence, there would seem to be no reason why video tapes of the testimony

of witnesses cannot be used. In *Paramore vs State* (229 So 2d 855, Fla 1969), a video tape of the confession of the accused was admitted into evidence in a murder trial. Affirming the use of the video tape, the appellate court stated that the same rules of evidence apply to the use of video tapes as to the use of photographs and motion pictures.

Advantages of Video Tape

Recording the testimony of a physician on video tape would reduce the hardship caused to the physician and his patients. The physician would not be required to hold himself available to testify at a moment's notice for an indefinite period of time. Since it is not necessary for the judge to be present when the video tape is being made, the physician's testimony can be taken at a time convenient to the physician and the attorneys.

Court congestion has caused considerable delay before trial. It has been reported that the average delay before trial of a civil case in Cook County, Illinois is approximately six years. With the use of video tape, the testimony of the physician can be recorded soon after treatment is completed. The physician's recollection of the nature and extent of the injuries as well as the treatment rendered will be fresh in his memory.

The use of video tape could save the time a physician loses in traveling to and from court and waiting in court to be called to testify. Small, lightweight, and inexpensive portable video taping units are available. The physician's testimony can be recorded in his office. He would have his records and charts readily available. Many people become nervous when required to testify before a judge and jury. In his own office, a physician is more likely to be at ease and be a better witness.

The use of video tapes would most likely reduce court congestion. The trial of the *McCall* case was completed in one day. It was agreed that a trial conducted in the usual manner would have taken a minimum of 1½ days. Mistrials and appellate reversals also add to the court congestion. Improper impromptu remarks made during the questioning of a witness can be edited from the master tape. Because the trial situation demands that a judge often make immediate rulings on the propriety of questions and the admissibility of evidence, such rulings cannot be made after a thorough study of the applicable law. By using video tapes, the judge is able to devote as much time as is necessary to review the questions propounded and to study the applicable law.

Many trial lawyers believe that the rapport they are able to establish with the jury is important to a successful outcome of their case. They may feel that video tape would deprive them of the opportunity to use their persuasive talents on a jury. The possibility does exist that a reduction in the amount of damages now being awarded by juries may result from the use of such "pure" evidence as is provided by video tapes.

Joseph E. Simonaitis, JD, in
Journal of The American
Medical Association

Court Reprimands Lawyer

The State Supreme Court on November 16 issued a reprimand for Kenneth C. Hawkins of Yakima for holding himself out as being able to practice law while under a Supreme Court suspension order. He was suspended for 18 months beginning June 1, 1970.

Conciliators to Meet

The first Northwest Regional Conference of Conciliation Courts will be held in Seattle Saturday, February 17.

The all-day meeting will be at the downtown Hilton Hotel, Judge Solie M. Ringold reported.

The conference, for judges, lawyers and counselors, will explore and outline future trends in conciliation. There will be outstanding speakers on family law and related matters, Judge Ringold said.

In Memoriam

Edward A. Clifford, 63, died November 9 in a Seattle hospital. A 1933 graduate of the University of Washington Law School, he had devoted most of his career to real estate developing rather than law practice. He was an operator of Realty Sales Co. and a developer of a number of recreational-residential areas.

Letters

(Continued from page 2)

statute, and then only for *one* year (RCW 46.20.311).

However, I am concerned that Safeco is misleading itself and the public by these ads with their theme "Let's get the bad driver off the roads." Safeco's conclusion seems to be that drivers with revoked licenses won't drive. This just isn't so. They will drive. Since their licenses will be revoked, they will not have insurance, and therefore they will be driving without financial responsibility and at the same time be the worst drivers on the road. I do not draw this conclusion out of thin air. I have talked with Justice Court judges, police officers and state troopers.

In addition, government studies show that Safeco's theory is wrong. The U.S. Department of Transportation's *Alcohol Safety Countermeasures Program,* June 8, 1970 reports at p. 270 that California's experience showed that two-thirds of all drivers with revoked licenses were arrested (as many as ten times or more!) during periods *when their licenses were revoked.*

For the present, I conclude that Safeco's ads are not realistic. With the addition of (1) covering everybody on the road under workmen's compensation, financed by gasoline surcharges, and/or (2) absolutely irrevocable jail terms for revoked drivers caught driving (maybe equally unrealistic), perhaps they would be.

DON M. GULLIFORD
Seattle

Solutions Unrealistic

Editor:

Don Gulliford's November 29th letter applauds the intent of our habitual offender ad but expresses concern as to whether Safeco and the public might be misled in thinking such laws would remove all bad drivers from the road.

We are sure that such laws are not the complete answer. We feel, however, that they are an excellent start and when coupled with public support and cooperation and enforcement from police, courts and the license department, they will have a significant impact on injuries and accidents on our highways.

Our goal is to get the bad drivers off the highway. The habitual offender laws are an essential first step — taking away the habitually careless driver's license. Without such laws he is a legalized and licensed menace.

Even with license revoked some of them will drive. Stiffer penalties and mandatory jail sentences would reduce this type of violation. So far the legislatures in the United States have been unwilling to impose such sanctions. Sweden, where jail sentences are mandatory for drinking drivers, has a very low incidence of accidents from this source.

No doubt a more fundamental approach to the problem in terms of medical treatment and rehabilitation for alcoholics holds the promise of a more permanent solution. So far such approaches have not been successful in any significant degree.

As far as Mr. Gulliford's own suggested solutions are concerned I believe they are themselves unrealistic. A workmen's compensation system financed by gasoline surcharges would not get the drunken driver off the road. Such a system would reward everyone, including the drunk, regardless of his careful or careless driving habits and would make impossible the competitive system which now provides significantly lower rates to careful classes of automobile drivers.

The current proposals for reformed reparations systems such as those sponsored by Safeco and under consideration by the legislature, offer a much better solution.

As to irrevocable jail terms for those driving with revoked licenses, I believe Safeco and most of the safety oriented industry would support such legislation. Twenty years of observing the legislative process convinces me that the public is not yet willing to impose upon itself so strict a sanction.

BRUCE MAINES
Vice President and
General Counsel, Safeco
Seattle

Ads Draw Praise

Editor:

We in the Department of Motor Vehicles welcome and endorse the practices of the many insurance companies who promote highway safety matters in their advertisements. I sincerely believe that through their efforts, the general public is made more aware of the hazards of today's driving and the need for updated motor vehicle laws.

Mr. Gulliford made reference in his letter to the suspended driver who continues to drive during his suspension period. In my opinion, this is one of the most serious problems facing our department. We have often referred to our license suspension as being a "paper tiger." The question is: How can we keep the motorist who has had his license suspended or revoked

from driving on the public highways of this state? The California study, which indicated that approximately two-thirds of their drivers who are suspended continue to drive, is, I believe, a conservative estimate.

Too often we find that when the department sends a suspension order to the individual, he simply refuses to accept the mail. If during his period of suspension he receives a moving violation, the arresting officer verifies the status of his driver's license with this department. When he appears in court on a charge of driving while license suspended, he uses the excuse that the department never notified him of the suspension. Unfortunately, in situations like this, too many courts dismiss the charge.

A number of years ago, a bill was before our state legislature which would require the department to remove the license plates from all automobiles registered to a suspended driver. I was opposed to that legislation at the time because I did not believe it was proper to make other members of the family who were licensed drivers suffer the loss of the use of the automobile because of the actions of one member of the family. I now believe that more positive action must be taken and that such a penalty might be the best avenue to pursue in the control of the suspended driver.

The courts in our state could be very helpful in curbing the problem of the suspended driver. As you know, our motor vehicle laws provide that upon the first conviction of driving while license is suspended or revoked, the driver shall be punished by imprisonment for not less than 10 days nor more than six months. On the second conviction, he shall be punished by imprisonment for not less than 90 days nor more than one year. Upon the third such conviction, he shall be punished by imprisonment for one year. However, it is very rare that any of our courts confine a person in jail for driving while his license is suspended.

Confining a person in jail for many of our moving violations may be unrealistic; however, in this particular offense I would like to see a suspended driver so confined. Perhaps the suspended driver, knowing that he may be confined to jail if apprehended, would think twice before he got behind the wheel of an automobile.

JACK G. NELSON
Director
Department of Motor Vehicles
Olympia

Some Thoughts on Judges

Editor:

I should like to offer comment on the suggestions for changes in our methods of selecting and electing judges recently expressed in your columns by the President of the State Bar Association.

I agree that one of the two points of weakness in our present system is in the selection process. This does not result, however, as was implied, because judges are initially chosen by election. In fact, they are not. Almost always they first take office by appointment by the governor to fill positions newly created or to fill a vacancy during a term caused by death or resignation. The governor appoints after considering recommendations on candidates made by a Bar Association committee.

Certainly candidates without outstanding qualifications are being approved by the Bar committees, but that will still be true if the proposed new feature is introduced of adding laymen and judges to the committees. Laymen are not in a position to evaluate such candidates and judges would be no better at it than lawyers.

The only other suggested change in the selection process, that of prohibiting the governor from appointing attorneys not on the committee's list, would probably not produce improvement. The governor now seldom departs from the list; and there also is merit in allowing a governor elected by the people an opportunity to second-guess committee members responsible to no one but themselves.

In the area of retention of judges, the proposed Missouri plan would do more harm than good. It amounts to giving the judges life tenure. You cannot have a true election unless there is an opposing candidate.

In the field of selection of judges we need more able, more knowledgeable and more courageous attorneys on the Bar selection committees. Their inefficiency having been fully demonstrated, obviously we need some change in the way the committees are chosen. To assist in terminating our less competent judges, we need to work out and experiment with various objective methods for singling out and removing judges, not for the misconduct which almost never occurs, but for the occasional absence of judicial temperament and the more common lack of outstanding judicial ability.

PAUL COUGHLIN
Seattle

The Courts

SUPREME COURT PRACTICE

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

ROA 1-53 provides the procedure for making certain motions, but the rules are silent with respect to how other motions are to be presented.

Covered by the rule are "motions to strike any portion of the transcript or statement of facts, or to dismiss or affirm upon the record, and all technical motions tending to prevent the hearing of the cause upon its merits."

The discussion here is the procedure for the others, for example, motions for a continuance, a stay, extension of time for oral argument, expedited hearing or recall of the remittitur.

In determining how to proceed some general concepts are helpful:

a. The Chief Justice has authority to function on procedural matters which do not affect the merits.

b. The Chief Justice ordinarily will not function on a strongly contested motion or one having an important affect on procedure without a hearing.

c. Any motion may be noted by counsel for hearing by a department of the court on the motion calendar.

Motions on which the Chief Justice will function without a hearing may be forwarded by mail and will be acted upon without being noted for hearing. Examples of such motions are extension of time for oral argument, continuances, early setting, authority to file typewritten briefs or briefs in excess of allowed pages. The Chief Justice will ordinarily function on a motion for a reference hearing pursuant to ROA 1-58(b) presented by mail.

Motions upon which the Chief Justice will desire a hearing before acting may be noted for 1:30 on any Thursday. Unless the moving party has good reason for presenting the motion ex parte, the respondent is entitled to service five days prior to the hearing. The respondent's brief in opposition may be filed on the morning preceeding the hearing.

The Chief Justice will ordinarily not function on motions for a stay without a hearing unless the motion is to obtain a stay during the pendency of an application for certiorari addressed to the U.S. Supreme Court pursuant to 28 USC 2101. Since such motions are uniformly denied, the Chief Justice will promptly act on such motions presented by mail. The moving party is then in a position to apply to a Justice of the U.S. Supreme Court for the stay. Remand for consideration of newly discovered evidence, correction of the judgment, etc., are heard on the motion calendar.

Motions in habeas corpus actions deserve special comment. The Chief Justice will function on a motion to proceed in forma pauperis presented by mail. All other motions such as motions for appointment of counsel or for a reference hearing, are continued for consideration with the merits. If such motions are granted, consideration of the merits is continued.

NEWS OF COURTS OF LIMITED JURISDICTION

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

Over the past couple of months considerable activity has taken place affecting the many judges of the courts of limited jurisdiction.

Initially, the annual convention saw the reins of WSMA turned over to Judge Gerard of Kitsap County, formerly vice president. Other officers elected were Judge Robert E. Graham, Wenatchee, vice president, and Judge James Cook, Seattle, secretary-treasurer. Board members elected were Judge Ferris Albers, Kelso; Judge Tom Hall, Skamokawa; Judge Charles Johnson, Seattle, and Judge George Mullins, Yakima.

The annual conference in Spokane was attended by over 60 judges and their spouses and contained many informative and interesting sessions for all. The highlight was the deadly duo of Levy Johnston, toastmaster, and Judge Charles Z. Smith, speaker, at the banquet.

Several attended the conference for the last time as judges of limited jurisdiction courts. Judges Albert Yencopal, Richland; Waldo Stone, Tacoma, and Janice Niemi of Seattle were elected to Superior Court benches. Judge James Ben McInturff of Spokane was elected to the Court of Appeals for Eastern Washington.

Judge Murray A. McLeod has announced his resignation as editor of the News Report (and of this article for the *Bar News*) effective December 1. Judge William Atwell of Snohomish County has been appointed by President Fisher to take over this task. Anyone with future information regarding courts of limited jurisdiction please send it to Judge Atwell at the South District Court, Lynnwood.

DISBURSEMENTS — GENERAL FUND (continued)

American Citizenship	755.16	725.42	579.04
Legal Aid	560.17	550.83	576.14
Unauthorized Practice of Law	1,976.97	1,369.61	574.92
Special Committee on Discipline Procedure	43.20	140.38	558.10
Professional Responsibility	-	50.00	476.97
Lawyer Referral	420.05	389.50	434.77
Legal Education Liaison	565.71	253.73	406.98
Real Property, Probates, and Trusts	1,091.39	413.82	385.96
Law Office Management	582.34	102.50	339.99
Jury Instruction	-	900.97	311.34
Judicial Selection, Tenure and Compensation	756.03	547.82	210.06
Federal Rules	-	42.50	206.91
Bar Bench Press	425.80	195.87	183.52
Insurance	178.69	162.77	155.12
Justice Court	-	45.62	146.39
World Peace Through Law	108.82	684.91	79.00
Internal Revenue Liaison	60.25	225.21	56.40
Certification of Specialists	877.27	-	-
Corrections	1,159.91	-	-
Criminal Law	3,453.01	-	-
Automobile Reparations	1,281.89	-	-
Civil Rights	305.37	-	230.80
COG	2,273.69	130.89	-
Editorial Board	313.26	-	-
Group Legal Services	6,740.22	-	-
Legal Service to the Armed Forces	120.13	179.20	-
LAC	272.53	402.03	618.70
Rule of Law	272.38	349.27	1,439.20
Resolutions	58.00	-	-
Miscellaneous Small Committees	156.39	31.63	501.48
Totals	$ 46,310.68	$ 30,625.65	$ 28,539.78
Labor Costs			
Salaries	$118,503.12	$ 57,803.55	$ 60,933.04
Social Security Taxes	4,465.57	2,484.69	2,149.70
Washington State Employees' Retirement	6,962.25	3,465.06	3,509.82
Group Medical	1,154.22	-	-
Totals	$131,085.16	$ 63,753.30	$ 66,592.56
Office and Administrative Expenses			
Office Rent	$ 21,600.00	$ 13,077.00	$ 16,744.00
Office Supplies	23,609.99	10,482.10	13,048.99
Postage	10,947.60	5,073.07	5,983.27
Office Survey	765.84	7,772.04	4,597.00
Telephone	8,138.15	2,945.57	3,045.15
Trustee Fee, Seattle-First National Bank	480.94	631.49	996.64
Audit	1,510.00	1,010.00	750.00
Legal Messengers	184.50	-	-
Miscellaneous	43.70	1,220.24	555.54
Office Equipment	9,171.05	3,737.53	787.22
Pickup and Delivery	153.19	32.70	59.52
Gifts and Memorials	267.61	206.10	25.41
Insurance	650.76	-	372.00
Totals	$ 77,523.33	$ 46,187.84	$ 46,964.74
State Bar News	$ 28,957.70	$ 22,474.96	$ 26,489.71
State Bar Convention	$ 21,413.78	$ 15,045.63	$ 15,405.69
Directory	$ -	$ 7,578.06	$ -
Conferences			
American Bar Association, Western States Conference and Regional Meetings	$ 13,637.85	$ 6,169.93	$ 3,988.08
Bar Presidents' Meeting	1,555.81	1,738.42	1,770.96
Judicial Conference	2,369.17	-	519.00
Totals	$ 17,562.83	$ 7,908.35	$ 6,278.04
Other Disbursements			
Library	$ 839.65	$ 254.52	$ 427.76
Inactive to Active	-	102.00	200.00

DISBURSEMENTS — GENERAL FUND (continued)

Refunds - Dues	230.00	182.00	112.00
Refunds - Miscellaneous	112.80	-	-
Contribution-National Conference of Bar Executives and Presidents	346.50	25.00	100.00
Miscellaneous	5,961.44	-	-
Public Relations, School and the Law	-	-	273.20
Conspiracy Trial	-	-	217.40
Headquarters Improvements	4,280.63	-	-
News Service	145.80	108.00	146.28
Code of Professional Responsibility	2,406.95	-	-
Computer Study Program	942.25	-	-
Comracts	875.00	-	-
Correction Grant	7,500.00	-	-
Informative Statewide Mailing	490.38	-	-
Judicial Poll & Plebiscite	1,941.84	-	-
LAMP	1,796.00	-	-
Lawyer Referral Operating	3,825.80	-	-
Revision of Appellate Procedure	7,500.00	-	-
Uniform Probate Code	101.00	-	-
"Law In Your Life"	3,848.05	-	-
Totals	$ 43,144.09	$ 671.52	$ 1,476.64
TOTAL OPERATING DISBURSEMENTS	$434,715.85	$240,293.91	$233,050.19
Transfers To Other Funds			
Legislative Fund	$ 12,069.85	$ 11,971.00	$ 20,462.41
Clients Security Fund	46,000.00	-	41,700.00
Continuing Legal Education Fund	-	-	6,729.82
Totals	$ 58,069.85	$ 11,971.00	$ 68,892.23
TOTAL DISBURSEMENTS	$492,785.70	$252,264.91	$301,942.42

COMBINED STATEMENT OF RECEIPTS AND DISBURSEMENTS AFTER ELIMINATING INTER-FUND TRANSFERS

TWELVE MONTHS ENDED SEPTEMBER 30, 1972

RECEIPTS	
Dues	$330,220.00
Examination fees	52,775.00
Interest	22,827.75
State Bar Convention	21,793.25
Legislative donations	12,069.85
Registrations	25,200.00
Other miscellaneous receipts	17,710.82
Reimbursed discipline costs	5,490.20
State Bar News	3,021.70
Lawyer referral	2,430.00
TOTALS	$493,538.57
DISBURSEMENTS	
Committee expenses	$ 71,803.07
Salaries, payroll taxes and employee benefits	131,085.16
Office and administrative expenses	81,803.96
Discipline and disbarment	52,876.90
Examination expenses	26,397.03
State Bar News	28,957.70
State Bar Convention	21,413.78
Expense of the Board of Governors	15,841.38
National Conference of Bar Examiners	8,700.00
Conferences	17,562.83
Claims paid, Clients Security Fund	10,000.00
Insurance premiums	20,443.74
Correction Grant	7,500.00
Revision of Appellate Procedure	7,500.00
Lawyer Referral Operating	3,825.80
"Law In Your Life"	3,848.05
Code of Professional Responsibility	2,406.95
Miscellaneous	34,018.86
TOTALS	$545,985.21

STATEMENT OF FUND BALANCES
SEPTEMBER 30, 1972 AND 1971 AND COMPARISON

	Fund Balances September 30, 1972	1971	Increase (Decrease)
General Fund	$110,554.73	$181,043.89	$(70,489.16)
Admission to Bar Fund	9,049.70	15,541.82	(6,492.12)
Legislative Fund	31,623.78	40,558.01	(8,934.23)
Continuing Legal Education Fund	37,275.52	27,119.63	10,155.89
Clients Security Fund	134,222.94	92,575.94	41,647.00
Washington State Bar Foundation	2,738.86	2,586.89	151.97
Insurance Fund	-	18,485.99	(18,485.99)
TOTALS	$325,465.53	$377,912.17	$(52,446.64)

ADMISSION TO THE BAR FUND

	Twelve Months Ended September 30, 1972	Nine Months Ended September 30, 1971	Twelve Months Ended December 31, 1970
RECEIPTS			
Examination Fees	$ 52,775.00	$ 30,900.00	$ 40,500.00
Telegrams	93.65	162.05	228.60
Miscellaneous	-	3.80	75.00
TOTAL RECEIPTS	$ 52,868.65	$ 31,065.85	$ 40,803.60
DISBURSEMENTS			
Examination Expenses			
Examiners Salaries	$ 11,050.00	$ 12,650.00	$ 19,450.00
Printing, Stationery and Postage	6,913.42	6,393.86	5,851.53
Examiners Expenses	3,057.03	2,693.81	2,637.06
Room Rentals	4,711.58	1,216.62	1,036.98
Proctors Fees	665.00	360.00	405.00
Totals	$ 26,397.03	$ 23,314.29	$ 29,380.57
Expenses Reimbursed to the General Fund	$ 23,000.00	$ -	$ 11,983.32
National Conference of Bar Examiners	$ 8,700.00	$ 4,300.00	$ 7,400.00
Miscellaneous Disbursements			
Refunds	$ 525.00	$ 575.00	$ 1,025.00
Telephone and Telegraph	388.94	101.79	302.05
Miscellaneous	349.80	175.44	10.00
Totals	$ 1,263.74	$ 852.23	$ 1,337.05
TOTAL DISBURSEMENTS	$ 59,360.77	$ 28,466.52	$ 50,100.94

LEGISLATIVE FUND

	Twelve Months Ended September 30 1972	Nine Months Ended September 30 1971	Twelve Months Ended December 31 1970
RECEIPTS			
Transfers from Other Funds			
General Fund	$ 12,069.85	$ 11,971.00	$ 12,659.00
Erroneous Transfer from 1969 returned	-	-	7,599.70
Continuing Legal Education	-	-	21.53
Totals	$ 12,069.85	$ 11,971.00	$ 20,280.23
Interest, Net	$ 1,846.04	$ 1,680.86	$ 2,539.97
TOTAL RECEIPTS	$ 13,915.89	$ 13,651.86	$ 22,820.20

LEGISLATIVE FUND (continued)

DISBURSEMENTS			
Committee Expenses			
Representative Expenses	$ 2,101.70	$ 6,850.00	$ 4,231.68
Representative Retainers	4,140.00	3,990.00	2,290.00
Committee Expenses	8,235.45	4,671.69	225.36
Totals	$ 14,477.15	$ 15,511.69	$ 6,747.04
Miscellaneous Disbursements			
Office expenses and postage	$ 105.90	$ 709.53	$ 157.08
Telephone and telegraph	11.95	31.43	47.10
Secretarial help	174.25	880.65	-
Trustee Fee	116.07	126.26	-
Special Consultants	7,964.80	-	-
Totals	$ 8,372.97	$ 1,747.87	$ 204.18
TOTAL OPERATING DISBURSEMENTS	$ 22,850.12	$ 17,259.56	$ 6,951.22
TRANSFERS TO OTHER FUNDS			
General Fund	$ -	$ -	$ 79.41
Continuing Legal Education Fund	-	-	21.53
Totals	$ -	$ -	$ 100.94
TOTAL DISBURSEMENTS	$ 22,850.12	$ 17,259.56	$ 7,052.16

CONTINUING LEGAL EDUCATION FUND

	Twelve Months Ended September 30, 1972	Nine Months Ended September 30, 1971	Twelve Months Ended December 31, 1970
RECEIPTS			
Registrations	$ 25,200.00	$ 12,310.24	$ 12,215.85
Other Miscellaneous Receipts			
Book Sales	$ 1,214.25	$ 896.00	$ 2,261.36
Cassette Sales	1,105.30	-	-
Miscellaneous	2,500.00	94.50	41.84
Totals	$ 4,819.55	$ 990.50	$ 2,303.20
Interest	$ 1,350.31	$ 682.16	$ 1,682.07
Transfers from Other Funds			
General Fund, Erroneous 1969 Transfer Returned	$ -	$ -	$ 4,561.30
Legislative Fund	-	-	21.53
Totals	$ -	$ -	$ 4,582.83
TOTAL RECEIPTS	$ 31,369.86	$ 13,982.90	$ 20,783.95
DISBURSEMENTS			
Cassettes	$ 1,013.49	$ -	$ -
Books and Printing	$ 4,744.08	$ 269.20	$ 11,203.41
Committee Expenses			
Panel Participants and Speakers Expenses	$ 9,752.43	$ 4,928.08	$ 4,363.95
Committee Members Expenses	1,228.46	1,262.13	812.95
Totals	$ 10,98089	$ 6,190.21	$ 5,176.90
Salary, Administrative	$ -	$ 3,645.85	$ 6,729.20
Miscellaneous Disbursements			
Supplies	$ -	$ 45.61	$ 435.71
Miscellaneous	99.64	336.94	164.07
Postage and Delivery	18.04	493.73	64.04
Trustee Fee	130.03	76.85	-
Convention Expense	2,653.30	-	-
Refunds	1,574.50	-	-
Totals	$ 4,475.51	$ 953.13	$ 663.82
Transfers To Other Funds			
Legislative Fund	$ -	$ -	$ 21.53
Totals	$ -	$ -	$ 21.53
TOTAL DISBURSEMENTS	$ 21,213.97	$ 11,058.39	$ 23,794.86

CLIENTS SECURITY FUND
WASHINGTON STATE BAR FOUNDATION FUND
INSURANCE FUND

	Twelve Months Ended September 30, 1972	Nine Months Ended September 30, 1971	Twelve Months Ended December 31, 1970
CLIENTS SECURITY FUND			
RECEIPTS			
Interest	$ 6,019.12	$ 4,138.43	$ 4,208.79
Transfer From General Fund	46,000.00	-	41,700.00
TOTAL RECEIPTS	$ 52,019.12	$ 4,138.43	$ 45,908.79
DISBURSEMENTS			
Claims Paid	$ 10,000.00	$ 10,703.58	$ 1,804.00
Trustee Fee	337.77	237.71	186.76
Committee Expenses	34.35	-	236.53
TOTAL DISBURSEMENTS	$ 10,372.12	$ 10,941.29	$ 2,227.29
WASHINGTON STATE BAR FOUNDATION FUND			
RECEIPTS			
Interest	$ 131.97	$ 94.62	$ 120.80
Donations	20.00	-	-
TOTAL RECEIPTS	$ 151.97	$ 94.62	$ 120.80
INSURANCE FUND			
RECEIPTS			
Interest	$ 1,986.39	$ 1,582.72	$ 1,924.93
TOTAL RECEIPTS	$ 1,986.39	$ 1,582.72	$ 1,924.93
DISBURSEMENTS			
Insurance Premiums	$ 20,443.74	$ 20,144.00	$ -
Trustee Fee	25.64	76.67	-
Wire Fee	3.00	-	-
TOTAL DISBURSEMENTS	$ 20,472.38	$ 20,220.67	$ -

STATEMENT OF U.S. GOVERNMENT BONDS OWNED SEPTEMBER 30, 1972

	Face Value	Maturity	Interest Rate	Carrying Value
Federal National Mortgage Association —				
Participation Certificates	$50,000.00	12-1-72	4.70%	$48,957.50
Twelve Federal Land Banks Consolidated Federal				
Farm Loan Bonds	40,000.00	1-22-73	7.95%	40,760.66
Totals	$90,000.00			$89,718.16

NOTE:

Effective September 30, 1971, the Washington State Bar Association elected to change its reporting period from a calendar year ending December 31 to a fiscal year ending September 30. . . . As a result the accounting period ending September 30, 1971 included only nine months of operations.

As of October 1, 1972 a new accounting system has been installed by the Washington State Bar Association. The new system will facilitate the recordkeeping, improve the format of the financial statements and increase budgetary controls.

Von Harten & Co.

Mr. G. Edward Friar
Washington State Bar Association

Dear Mr. Friar:

As a result of various conferences with you, our office, along with assistance from Mrs. Lynda Frazier, is presently in the process of improving and updating many of your bookkeeping records and procedures.

To keep you informed of our progress, let me give you a brief description of those areas that we have reviewed:

Revise existing chart of accounts and establish a general ledger recording all assets, liabilities, and fund balances.

Correlate general financial records with budgeted activities.

Revise method of billing and collecting dues.

Simplify records by eliminating and combining certain funds and checking accounts.

Review system of internal control.

Pursuant to previous discussions with you, it was our intent to incorporate the above modifications into the financial records for the fiscal year beginning October 1, 1972. It is our opinion that we are progressing as expected and are confident that we can meet the October 1, 1972 goal.

If you should have any questions or desire additional information, please contact me.

Richard E. Vacca
Von Harten, Trenholm
Seamens & Co.
Certified Public
Accountants
1411 Fourth Ave. Bldg.
Seattle, Wash. 98101
August 8, 1972

Washington State Bar Association
Budget: October 1, 1972-October 1, 1973

General Receipts

	Budget Fiscal 72	Budget Fiscal 73
Dues	201,450	353,000
Less Transfer to Clients Security Account	(46,000)	
Transfer from Examination Account	7,000	24,000
Reimbursements-Disciplinary Costs	3,000	6,200
Bar News Advertising and Subscriptions	3,000	3,000
Miscellaneous Income	3,000	1,000
Interest on Savings Account	20,000	8,000
	191,450	395,200

GENERAL ADMINISTRATION DISBURSEMENTS

	Budget Fiscal 72	Budget Fiscal 73
Committees	60,000	53,300
Bar News	30,000	36,200
Rent	20,100	24,700
Board of Governors	12,000	15,000
Telephone	5,000	10,800
Office Supplies	15,150	8,500
ABA & Western	4,000	8,000
General Mailings		5,000
Code of Professional Responsibility Manual	3,000 2,500	
Directory		2,500
Rules of Admission		2,500
Rules of Discipline		2,500
By-Laws		2,500
Postage	7,000	2,500
Lawyer Referral Service		2,400
Judicial Plebiscite & Polls	250	2,000
Bar Presidents Meeting	2,000	2,000
Audit	1,000	2,000
Contracts		1,500
Miscellaneous	6,000	1,500
Chief Justices Meeting	1,000	
Judicial Conference	500	1,000
Library	400	1,000
Office Equipment Maintenance	600	1,000
Trustee Fee	1,000	750
Headquarter Improvements	2,000	500
Office Equipment	3,000	500
Office Insurance	375	500
Memberships — Organizations		500
Board of Elections		500
News Service	150	150
Gifts & Memorials	100	100
	177,125	193,696

DISCIPLINE

	Budget Fiscal 72	Budget Fiscal 73
Disciplinary Counsel Expenses	50,000	35,000
Disciplinary Hearings	10,000	5,000
Disciplinary Board	2,500	4,000
	62,500	44,000

SALARIES AND EMPLOYEES BENEFITS

	Budget Fiscal 72	Budget Fiscal 73
Salaries	101,750	148,500
Social Security	3,500	6,300
Retirement		
Bar	8,965	
State	4,000	9,400
Medical Program	2,618	2,200
Industrial Insurance		300
	120,833	166,700

NON-RECURRING DISBURSEMENTS

	Budget Fiscal 72	Budget Fiscal 73
Special Disciplinary Hearings	15,000	30,000
Group Legal Services Committee		5,000
Directory		2,500
Rules of Admission		2,500
Rules of Discipline		2,500
By-Laws		2,500
Lamp		1,796
Salary	9,250	
Office Repairs and Maintenance	2,000	
Meeting Chief Justices	1,000	
Printing	5,500	
Family Law Issaquah Conference	7,000	
	39,750	46,796

EXPENDITURES AS RELATED TO TOTAL BUDGET

	Budget Fiscal 72	Budget Fiscal 73
Receipts	191,450	395,200
General Administration Disbursements	177,125	193,696
Discipline	62,500	44,000
Salaries and Employee Benefits	120,833	166,700
Total Disbursements	360,458	404,396
Balance	(169,008)	(9,196)
Less Non-Recurring Disbursements & Transfer	85,750	46,796
	(83,258)	37,600

Notices

Trial Seminars Set

Two January seminars are being sponsored by the Washington State Trial Lawyers.

A seminar on Family Law and Divorce will be held January 6 at the Airport Hilton Inn; the subject January 20 in Tacoma will be Preparation and Trial of a Jury Case, Robert J. Kroum, the trial lawyers' seminar chairman, reported.

He said a November 18 seminar on Criminal Law, held at the Airport Hilton, was very successful. William Kinzel was chairman of the seminar, which dealt with traffic offenses involving license revocations and with handling of expert witnesses in major criminal cases.

Kroum also noted that the American Trial Lawyers will sponsor a Seattle seminar June 1-2 on Basic Trial Advocacy, with Washington State lawyers composing much of the faculty.

Wanted and Unwanted

For Sale: Complete sets, current, excellent condition, Appleman, Insurance Law & Prac. Corbin on Contracts, Blashfield's Auto Law and Prac. D. A. Swerdfeger, Seattle, 285-0123.

Space Available: Norton Building. William J. Van Natter, Seattle, MA 3-2348.

Wanted: RCWA or RCW, good condition, reasonably priced. Seattle, MA 3-0999.

For Sale: Complete current sets, RCWA, Wash. Digest, Wash. Prac. Vern Guinn, P.O. Box 758, Longview, 423-8820.

Office Space Wanted: Want office-sharing arrangement or association in Bellevue. Harvard P. Spigal, 454-1261.

Calendar

Jan. 8-12	Seventh annual Institute of Estate Planning, Americana Hotel, Bal Harbour, Fla.; information, University of Miami Law Center, Box 8087, Coral Gables, Fla. 33124. (Faculty includes Malcolm A. Moore, Seattle.)
Jan. 10-13	"CLE and Ski," Conference on Securities and Corporate Problems, Big Mountain, Whitefish, Mont. Continuing Legal Education, Law School, University of Montana, Missoula 59801.
Feb. 14-16	Western States Bar Conference, Hotel Vancouver, Vancouver, B.C.
Feb. 20-23	American Academy of Forensic Sciences, 25th annual meeting, Las Vegas Hilton, Las Vegas, Nev.; 200 speakers and panelists for about 60 scientific and medico-legal programs. Details, Dr. James T. Weston, 44 Medical Drive, Salt Lake City 84113.
Feb. 28-March 3	Fifth Medical Institute for Attorneys, on Orthopedics and Rehabilitation; University of Miami Law Center, P.O. Box 8087, Coral Gables, Fla., 33142.
March 23	Products Liability, from both sides of the counter; State Bar CLE seminar, 1 to 6 p.m., Ridpath Hotel, Spokane; chairman, Shannon Stafford, Seattle, panelists Judge Keith M. Callow, Judge Erle W. Horswill, Hugh R. McGough, Roy C. Moceri, Raymond D. Ogden Jr., Daniel F. Sullivan.
March 31	Products Liability, State Bar CLE seminar, 9 a.m.-4 p.m., Olympic Hotel, Seattle
April 7	Products Liability, State Bar CLE seminar, 9 a.m.-4 p.m., Evergreen Inn, Olympia

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. Superior Court Commissioner position open. Salary $21,420 plus fringe benefits.

2. Expanded Eastern Washington legal services program will have openings in near future. Will involve "circuit riding" throughout large area.

3. Two-man Seattle office seeking high-ranking December, 1972, and June, 1973, graduates. Salary $900 until admitted, $1,000 and up thereafter.

4. Large city firm has office space available for rental by attorney. Possible future association anticipated.

5. Major corporation seeking additional corporate staff counsel.

6. Eastern Washington county has opening for deputy prosecutor; $12,000 plus fringe benefits to begin.

7. Two-man Seattle firm seeking associate for general practice with emphasis on corporate, personal injury and commercial law. No experience necessary.

WASHINGTON STATE BAR ASSOCIATION
505 Madison Street
Seattle, Washington 98104

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