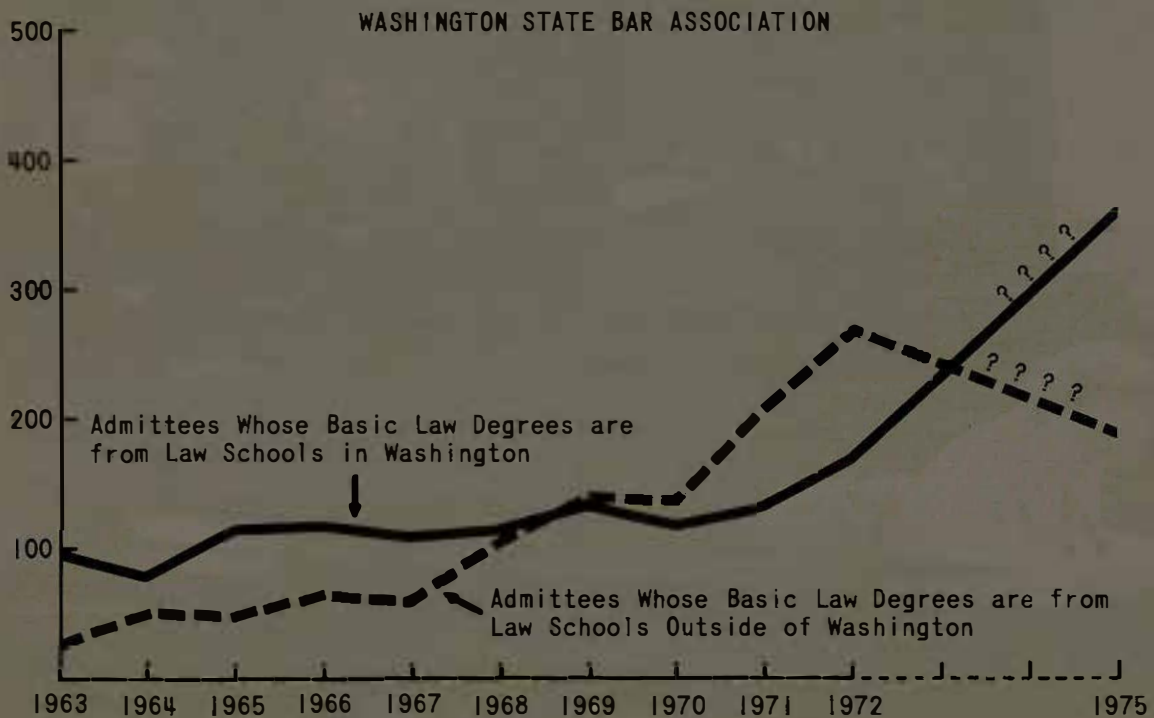
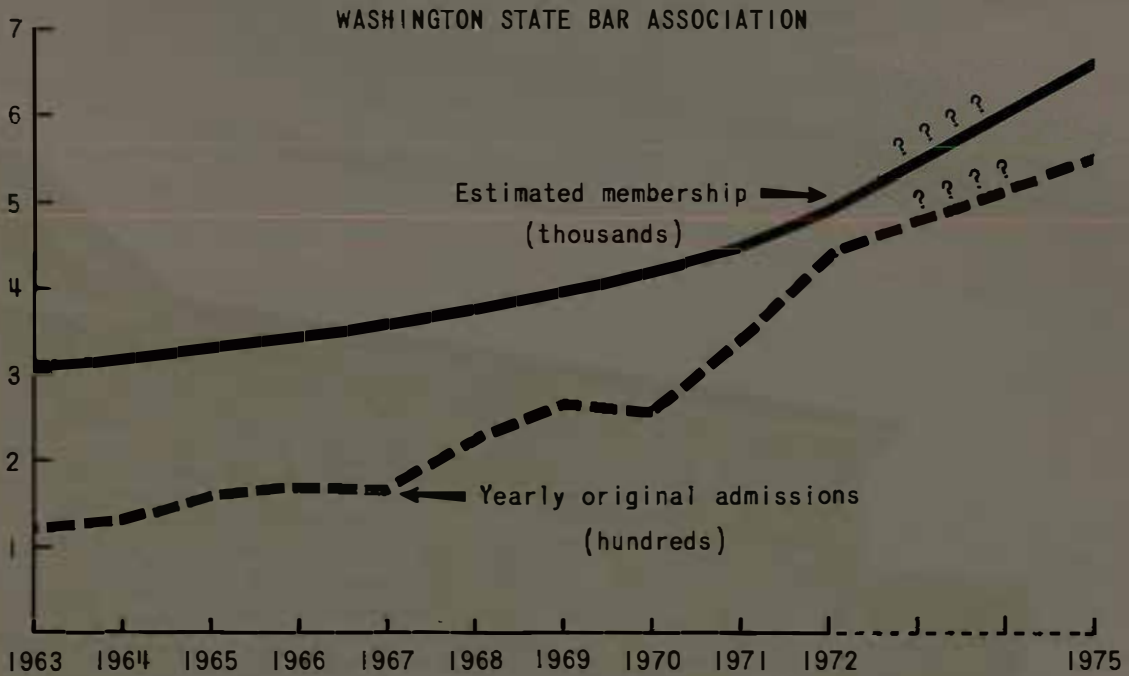


# WASHINGTON STATE BAR NEWS



THE LAWYER POPULATION EXPLOSION



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## Editor's Notes

During the past three years, the *Bar News* has been anything but flat or uninteresting. We hope to maintain the high standards set by Ed Raftis. To do so, we will need your help. Your contributions are solicited.

To keep the *Bar News* from becoming an insipid house organ, an Editor independent of direct control of the Board of Governors is desirable. To assure this independence, the Editorial Advisory Board has been created as a buffer between the Board of Governors and the Editor.

The history of the debate on the function of the *Bar News* is set out in John Weinberg's article in this issue. The debate is legitimate. The question is one of emphasis: broad social questions versus bread and butter issues of more immediate interest to lawyers.

Of any professional man, the lawyer would seem the least likely to insulate himself from the currents of change. Daily friction between the lawyer, his client, the courts, and social and governmental agencies should generate enough sparks to keep the lawyer alert to change. A failure of the Bar to keep pace with changing times means obsolescence, and deterioration of relative economic status.

Should the *Bar News* concern itself with the general maladies of society and the broad sweep of social change? Equal rights for minority groups? Prison reform? Juvenile Court reform? Consumer protection? The water we drink? The air we breathe?

Or should the scope of the *Bar News* be more limited to subjects which will put some beans on the table now? How to fascinate and keep a client? Computerized billing? Para-professionals?

How much attention should be

given to internal Bar politics? To law school curricula, admission policies, and the like? To judicial reform? To activities of Judges? To legal ethics?

Law is a lever of social change. The opportunity to gain some control over this lever has attracted many to a legal career. To the newer crop of lawyers, this inducement has apparently been greater. In his article in this issue on the increasing number of law students, Dean Roddis points out:

"... many young people have come to perceive law as the effective arena within which to carry out their desires for societal change and to express their humanistic commitments."

Should the *Bar News* serve this perception? To the extent social changes concern lawyers *because they are lawyers*, it should, in my view. A traditional role of the lawyer has been the providing of a rational and enduring structure to a rapidly changing society. The *Bar News* should assist in the performance of this function. To the extent lawyers tend to build barricades between themselves and social change, the *Bar News* should help to tear them down.

On the other hand, the *Bar News* is published by lawyers for lawyers. With rare exception, subject matter which does not relate to lawyers *as lawyers* should be excluded.

Failure to move with the times threatens the Bar with obsolescence. Presenting as great a threat to viability of the Bar is archaic time consuming, and therefore uneconomic, office and court procedure. The cost/benefit ratio of legal services to clients must be improved or legal business will continue to drift toward non-professionals. Much of the thrust behind no-fault auto insurance

and closed panel group legal services, for example, comes from the high cost of legal services.

We will continue to emphasize the broader forces shaping the practice of law, therefore; but we also hope to provide information which will help the lawyer to conduct his day to day practice more effectively. Bread and butter articles giving summaries of the changing law and practices on everyday problems are solicited; for example, pitfalls in earnest money agreements or small commercial leases; liability of a landlord for injuries on leased premises; common errors in property settlement agreements, and the like. We do not solicit exhaustive citation filled law review type articles. We seek articles which are scholarly but not pedantic, concise but not incomplete, accurate but not tedious.

The *Bar News* is a *statewide* journal. Because a majority of the state's lawyers, the Bar offices, and the Editor are located in Seattle, we need particular help from non-King County lawyers in volunteering articles, photographs, and interesting tidbits of information. The Editor will exercise a heavy hand in suggesting major surgery on submitted material and performing minor surgery himself. Articles may be submitted in any legible form.

These editor's notes will be more extensive than in the past and, we hope, at least as controversial. Otherwise, we envision little change from the high standards set by Ed Raftis and continued by Roy Mitchell during the interregnum.

This magazine belongs to all Washington lawyers. We need your help to make it interesting.

HMCG



I'm sure all of you know that the discharge of our self-imposed obligations to discipline the lawyers of our State is one of the most important functions of our State Bar Association. You may be surprised, though, to know that more than one-third of our new, substantially larger budget is devoted to problems of discipline. More than \$125,000 this year is earmarked for expenditures indistinguishable with our State Bar Association commitment to the public to police our own ranks — to determine whether and to what extent some of us have fallen below an acceptable level of moral and professional competence and, if so, to impose discipline including, in severe cases, withdrawal of the right to practice.

This is far from happenstance. Some very important changes were planned and implemented during the last year and a half. We still have more than 200 members of the Bar working as volunteers in the disciplinary field —

As Local Administrative Committee members,

As Trial Committee members, and

As members of the Disciplinary Board.

But during the last year we have quadrupled the number of staff members assigned to discipline — we now have four instead of one. More importantly, two of the additions are lawyers; Bill Anderson, whose major assignment is investigation, and Mike Jacobsen, as full time Bar Counsel.

This group is doing a fine job, and their efforts are paying off. A few months ago we had 267 pending complaints against lawyers, and the number was gradually increasing. The backlog as of today is less than 120.



**President, Charles I. Stone, flanked by Past Presidents John Huneke and Robert O. Beresford**

A year ago, six to eight weeks usually passed before a complaint received in the Bar Office was assigned out for investigation by an LAC member. Today, our goal is to assign out every complaint the day it is received, and we are very near to achieving it — many, in fact, do go out the same day. Similarly, dramatic progress has been made in reducing the elapsed time between the initiation of a complaint and the completion of processing at the LAC level. A couple of years ago we were carrying many which were two years old and a few which were even older. Last fall, noting substantial improvement, I remarked to Eddie Friar that I hoped soon to see all complaints with 1971 starting dates off the list. By the year end this was exactly what had occurred.

Disciplinary advances have not been limited to increased staffing and substantially shortened time frames. A special committee has reviewed in depth the entire subject of disciplinary rules and procedures. This resulted in the recent adoption by our Supreme Court of many major amendments which have greatly strengthened our disciplinary rules.

I am very pleased to be able to report these recent accomplishments in this important area of our responsibility to the public. However, there is no doubt that room for improvement remains. Further amendments to the rules are being considered. One of them is to provide in some detail for procedures to be followed by each lawyer who has been suspended or disbarred to assure that his clients and opposing counsel are informed of his inability to practice law and to require that he provide evidence of having done so. Another reflects concern as to whether censure or reprimand — our existing forms of discipline short of suspension or disbarment — are serving as effective deterrents to subsequent improprieties of a similar or more serious nature. The proposal is that a schedule of fines, with the amounts being substantial for more serious offenses, be added as a part of future censures and reprimands.

What do you think of this?

□

# SUPPLY AND DEMAND FOR LAWYERS

## Part 1: The Supply

By **Richard S. L. Roddis**

Dean, University of Washington School of Law

The subject is Lawyer Supply and Demand. It is a subject which anyone not possessed of the gift of prophesy addresses with hazard. As I have not yet laid claim to divine powers of that order, I want to emphasize that this paper represents merely the tentative views which one very fallible individual derives from the information available to him. I am glad to share this information and views with you for your own assessment.

I am very much indebted to my colleagues Jack Huston and Bob Hunt, Associate Deans, for developing much of the data which I have reviewed and sought to condense for you and, also, to the people at the several sources they tapped, including the Office of the State Bar.

I should say that comprehensive and reliable statistical data about lawyers is hard to come by and that I am not comfortable with the precise accuracy of some of the figures employed. However, I think that for the kinds of purposes which this discussion contemplates, great precision is not critical and that the data is reliable within the parameters of accuracy which those purposes require.

Of the two sides of the question which the subject encompasses, the *supply* aspect is much the simpler one and the one more susceptible to at least some quantitative conclusions. Hence, I turn to it first. Analysis of the *demand* side of the equation involves far more intangible factors and more personalized value judgments.

First, then, let us look at what is happening nationally in the production of lawyers, and I hope

you will forgive the use of the jargon of industrial economics.

Early this year, Millard Ruud, Professor of Law at the University of Texas and Consultant on Legal Education to the American Bar Association, drew together and discussed in an article in the February, 1972, issue of the *ABA Journal* much of the relevant data. The citation is 58 ABAJ 146. I will recite some of those figures to you as a basic description of what is occurring on the national scene, supplementing them with more current figures where possible.

In 1971, there were about 343,000 lawyers in the U.S. Twenty-four thousand more entered the profession that year so we do not know the current total net of deaths and retirements, etc., but it seems reasonable to believe that the present lawyer population is close to 360,000.

From 1961 to 1971, the number of first degrees in law awarded by approved law schools increased from 9435 to 17,006, or 80.2%. New admissions to the bar rose from 10,729 in 1961 to 17,922 in 1970, or up 67%. Professor Ruud did not have the 1971 figure when he wrote but it was 20,484, representing a 14.3% increase over 1971.

Professor Ruud by extrapolation projected that bar admissions in the future would run 23,000 in 1972, 27,000 in 1973 and 29,000 in 1974. He estimated that the number of lawyers would double before 1985.

The genesis of these increases lies in what has been happening in the law schools. In recent years, and particularly since 1969, we have seen dramatic increase in the number of students seeking legal education. The "unfilled seats" which at one time characterized many law schools have long since vanished. The schools have responded by expanding enrollments, in some cases such as ours simply by stretching the use of existing resources, in others by substantial plant expansion and in a

few instances by the initiation of new law schools.

From 1961 to 1971, total enrollments in ABA approved schools increased from 41,499 to 94,468, a total increase of 127.6%, the interesting thing being the accelerating rate of increase from 68,386 in 1969 to 82,499 in 1970 to 94,468 in 1971, the last increase being 14.5% in one year.

The demand for legal education by prospective applicants has increased even more sharply than the enrollment increases which the available facilities have been able to accommodate. Thus candidate volume, as measured by LSAT tables, increased by 5 times from 1961 to 1971 and was up 18.7% in 1969 over 1968, 22.5% in 1970 over 1969, and up 45% in 1971 over 1970.

A variety of reasons have been suggested to explain the great increase in the number of people seeking a legal education. The simple demographic fact of increase in the relevant college educated age group in the population is one factor.

The perception among students that occupational opportunities in other graduate and professional degree fields have become constricted has influenced many to choose the pursuit of a legal career rather than some other one which might have been a preferred choice.

During the past couple of years, as the Vietnam

War has wound down, substantial numbers of individuals whose educational progression had been interrupted by the war have returned to the colleges and universities. Many of these returnees have entered law school on the basis of deferred admissions granted earlier prior to their entry into the service.

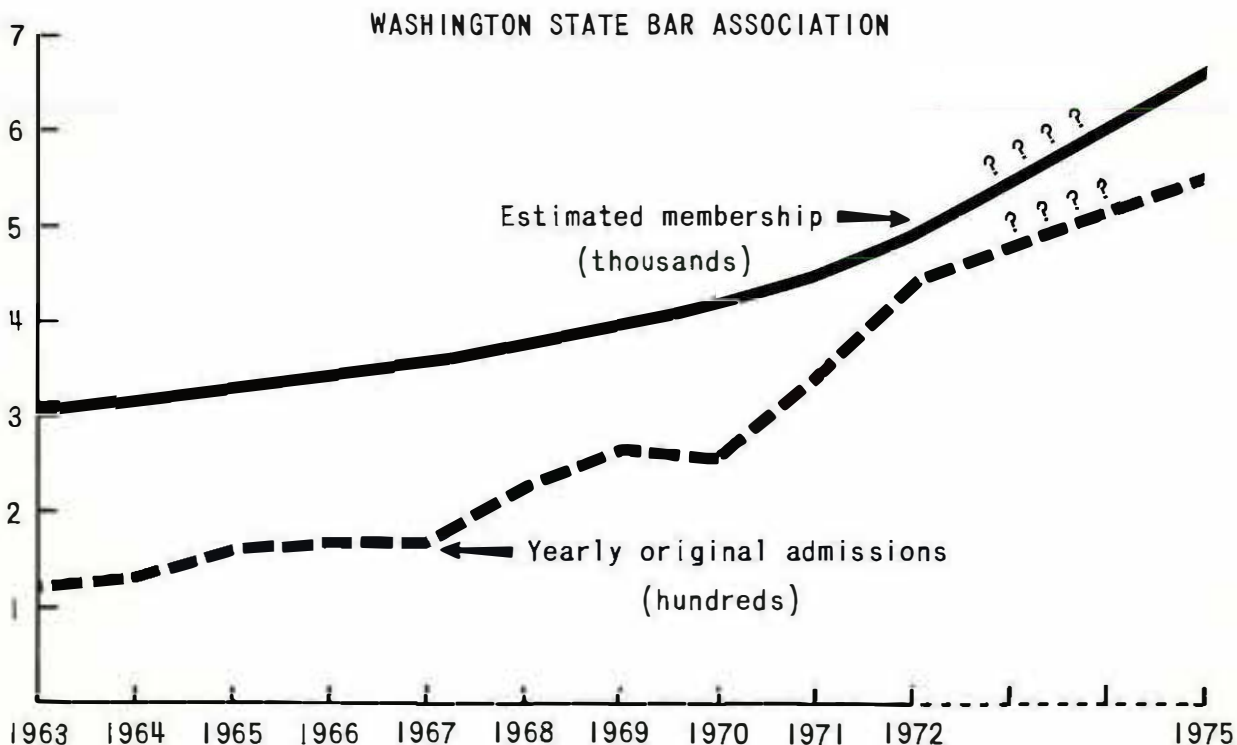
It is thought that many young people have come to perceive law as the effective arena within which to carry out their desires for societal change and to express their humanistic commitments.

Also, proportionately at least, the numbers of women and of members of minority groups seeking legal education have increased, though in absolute terms neither is a large factor in the total numbers.

From a percentage, though not from an absolute, standpoint the enhanced interest in law study on the part of women is significant. The number of women enrolled in 1971 was six times greater than in 1961, 8,914 in 1971 and 1,497 in 1961.

Evening law school enrollments have also increased substantially, though not at rates as dramatic as in the day schools.

Are any significant trends discernible in the current figures? This is difficult to assess. Pro-





Dean Richard S. L. Roddis

fessor Ruud made the point that the increase in 1971 was proportionately greater in the second and third year classes than in the first year classes, reflecting the very heavy increases in first year enrollments in 1969 and 1970. Thus total enrollments in 1971 were up 14.5% but first year enrollments were up only 4.2%.

The best figures we could obtain for this year were as of mid-October and covered 101 of 149 ABA approved schools. In those schools, total enrollments were up 6.5% from 62,270 to 66,318, but first year enrollments were down by 5.3% from 19,122 to 18,107. The latest, and again incomplete, figures on applicant demand show some possible decline in the rate of increase but the absolute numerical increase continues to be substantial. About 34,000 took the October, 1972 LSAT whereas the number at that time last year was 29,576. The Law School Admission Council estimates about a 10% growth this year in the LSAT and LSDAS programs and that about 131,000 people will take the LSAT this year compared with 119,694 last year.

I am hesitant about the significance of these indicators. Cleraly, the applicant demand remains staggeringly high, though the rate of increase may be leveling out. The apparent decline in first year enrollments, therefore, must be viewed as a product of the surge effect on enrollments which a rapid build-up entails and necessary reaction by law schools to hold their total enrollments

within the limits imposed by their available resources and other constraints.

Now, what about the situation in the state of Washington? Until recently, the legal educational capacity in the state was not large and was relatively stable. From 1964 through 1969, law school enrollments were almost level, ranging between 521 and 523. Sharp increases have occurred since 1969, due to some gradual build-up at our school, the initiation of Gonzaga's new facility and day program and the opening this year of the University of Puget Sound Law School. In 1969, there were 523 students enrolled, in 1970—648, in 1971—877 and in 1972—1462.

Degree conferrals have developed at a similarly slow pace until very recent years. From 1963 through 1972, 1322 first degrees in law were awarded. They fluctuated between 95 and 148 through 1971. In 1972, the number rose to 164.

The dramatic figures are the future projections in this area of graduate output.

I have looked at various figures and studies and am not sure that I can make exactly accurate projections, at least ones which would make a statistician happy. One study by the Council on Higher Education made these projections of first degrees in law conferred by law schools in Washington:

1973 —	256
1974 —	577
1975 —	713
1976 —	718
1977 —	722
1978 —	727
1979 —	732
1980 —	737

The underlying figures they employed, however, by school do not coincide with estimates given me by others. For example, Dean Sinclitico advised me that he estimates UPS's output to stabilize at around 180 day and 75 night graduates, whereas the CHE study projected 240 and 106.

After considerable cogitation and consultation with my abacus and my morning coffee grounds, I am inclined to think that we will build graduate output rapidly over the next three years, reaching a relatively stable annual total in 1975 and beyond of between 600 and 700 and probably closer to the 600 figure. Total enrollments will probably be in the 2000 range.

These are estimates. There is some range of error. On any theory, however, they are figures which give some pause. Six hundred graduates in 1975 is a lot more than 164 in 1972.

What about the bar population?

Membership in the state bar has been rising on a gradual, rather even progression over the last ten years, from 3098 at the end of 1963 to 4485 at the end of 1971 to 4885 so far in 1972.

Bar admissions were relatively stable, with gradual increases generally through 1970. They increased sharply in 1971 and 1972.\*

1963 —	123
1964 —	129
1965 —	161
1966 —	181
1967 —	171
1968 —	227
1969 —	269
1970 —	258
1971 —	340
1972 —	438

Interestingly, the proportion of successful applicants taking the bar from in-state schools remained relatively flat, increasing significantly only in 1972. Thus,

1963 —	97
1964 —	79
1965 —	114
1966 —	116
1967 —	112
1968 —	115
1969 —	134
1970 —	117
1971 —	131
1972 —	169

The number of graduates of out-of-state schools taking and passing the bar examinations has steadily increased in recent years. For four years from 1964 through 1967, the numbers were relatively stable ranging between 49 and 65, but the number of admittees from out-of-state schools jumped sharply upward in 1968 and has climbed significantly thereafter. In 1969, the number of admittees from out-of-state schools exceeded the number from in-state schools for the first time and has exceeded it each year thereafter. (See Graph II)

It is a little difficult to project what effect the build-up in the graduate production of the law schools in the state will have on bar admissions. There are several factors.

If the immigration from out of state continued on top of the build-up of in-state graduates, we would see a staggering rate of increase. But there is reason to believe that this may not be exactly what will happen.

We do not know very much about the true place of residence of many of the takers from out-of-state schools. Many are probably attracted here by environmental factors. But many are undoubtedly Washington residents who went elsewhere to school because of the constricted opportunities for legal education here. Hence, and this is a point that Dean Sinclitico emphasizes, it is likely that some part of the build-up of graduates from Washington law schools will not be a complete add-on to the current bar admission figures. Some portion, perhaps 20% or more at UPS and Gonzaga will be people who would otherwise turn up in the figures as taking the bar from out-of-state schools.

Let us assume that that is true as to 50% of the increase in out-of-state takers since 1968 and that the out-of-state component of those admitted were to thus drop from 269 to about 190 and stabilize at that number.

Let us assume also that beginning in 1975, we have 600 law graduates per year in the state and that 75% seek to practice here. (This is lower than our experience and I suspect that of the other schools, but is intended to take account of the possibility that about one-fourth of the 600 will be evening school graduates who traditionally have had a higher percentage who do not enter practice.) Let us assume that 80% eventually gain admission to the bar.

These assumptions, all I think on the conservative side, would give us a projected rate of admission to the bar of about 550 per year. I do not regard such a figure as shocking but it would represent a substantial increase over past levels and would lead to a sharp upward movement in the curve of increase in bar membership as it cumulates.

In the ten year period from 1962 through 1971, the active membership of the State Bar increased from 3020 to 4485 or by 48.5%. It seems likely that in the next ten year period, the membership of the Bar of the State could double.

Will the demand keep up with the supply? In the second part of this article, which will be published next month, we will examine the other half of the equation — the demand. □

# CONTINGENT FEES: CAN THEY BE JUSTIFIED?

## ANOTHER VIEW

By John R. Lewis

It is obvious that many members of the bar and the judiciary somehow feel that there is something wrong with the contingent fee. These people are repeatedly taking the position that it is the personal injury lawyer who is primarily responsible for the poor practices of the insurance industry, such as high cost, arbitrary cancellations and non-renewals, discriminatory rating and underwriting, red-lining of insurance-not-for-sale areas, and delays in claims payments.

This feeling by many members of the bar ties in with the fact that the article in last month's *Bar News* entitled "Contingent Fees — Can They Be Justified" was authored by an attorney who is counsel for an insurance company.

It might be an excellent solution if the public could halve its insurance premiums or double its recovery by abolishing all of the lawyers presently hired by some of the claimants, but the hard facts of the practical world must pop this wishful dream.

### Fees No Part of Damages

The present insurance system makes no contractual provision for lawyers. Isn't it a fact that every judge, in his instructions to a jury in every accident case, admonishes the jurors to return a verdict for compensation to the victim which is fair and just for his injury or loss, but for no amount in excess of his fair compensation. There is no provision in personal injury cases for attorney fees.

Obviously then, it is the injured claimant who not only hires a lawyer but also pays for the services rendered, and it can be said unequivocally that the injured victim who has a lawyer does better than he would do without the lawyer, and, in fact, enough better to more than pay the attorney fee charged. See the Department of Transportation

(DOT) "Economic Consequences" study, Table 40FS, p. 322, reporting that in cases of economic loss exceeding \$25,000, claimants with counsel averaged a tort recovery of \$25,494, and claimants without counsel averaged only \$3,821.

A check with the Insurance Commissioner for the State of Washington can tell you that there is an overwhelming number of complaints from the public presently in regard to alleged unfair dealings in first-party claims as contrasted with third-party claims.

### Two Departments at Work

When is the average office attorney who charges by the hour, who has not been an insurance victim himself, going to realize that an insurance company has two departments — first, the one that demands that the insured pays the premiums, and a second department solely resisting payment of any claims? Obviously, anyone who has bargained with an insurance adjuster, except in the minutest of claims, must realize that the true value of any claim is the cheapest price at which the claimant can be beaten down to a settlement, and that the claimant is an obvious adversary in these proceedings whether it involves first-party or third-party liability.

Isn't it equally obvious that the injured person who has a third-party claim against the insurer of the at-fault driver has also the support of his own insurance company, as that helps that company in pursuing a subrogation claim against a third-party carrier to reimburse its collision loss?

### Adjusters Are Skilled

Does the average office lawyer who charges by the hour realize that any claimant in a third party insurance claim faces insurance company adjusters that are well trained and skilled in

reducing claims? That such adjuster threatens the insured victim with contributory negligence and states over and over again that if their offer is not accepted that all offers will be withdrawn, and if such injured person has the audacity to hire a lawyer, that they have big city insurance counsel retained who will drag out this case for years on end, and that the lawyer fees and costs will be so great that there will be nothing left for the injured person?

The DOT statistics establish the fact that only one injured person out of every 300 claimants ever pursues his claim to the point of actual verdict; but it is the right of every claimant to employ a skilled, first-class professional trial lawyer and go to trial which causes the vast amount of claims to be settled without trial and two-thirds of all claims to be settled without lawyers.

In the case of the two-thirds who settle their cases without lawyers, it is obvious that it does not cost these people anything for attorney fees, and if the claimant hires a lawyer who loses, he pays nothing. Only in the event that he hires a lawyer on a contingency fee basis and wins does he have to pay an attorney fee, usually one-third, and in this writer's opinion, in 95 per cent of said cases the claimant ends up with more money than he would have received had he not hired the lawyer. Therefore, in short, the DOT statistics are conclusive that anybody who is seriously injured, i.e., more than \$5,000 economic loss, is absolutely foolish not to hire a lawyer.

### Lawyers Are Effective

In any discussion of the article entitled, "Contingent Fees — Can They Be Justified," isn't it obvious that those lawyers who specialize in this field on a contingency fee basis must be tremendously talented and, as a result, tremendously effective, or they would fail to exist? Why is the stock insurance industry so anxious to abolish the role of the personal injury contingency fee lawyer for the private citizen who usually doesn't have enough money to employ an attorney on any other basis? Really, isn't this a tribute to the personal injury specialist's effectiveness?

The DOT "Public Attitudes" survey proved (Table VI-S2 at p. 122) that 80 per cent of all persons with claims against third persons for personal injury damages were *completely* satisfied, and from this everyone should realize that there is no public demand or outcry to destroy the contingency fee system. This cry is solely from the

insurance companies and the lawyers who work by the hour and want paid regardless of the result achieved who, in this writer's opinion, "haven't got the guts" to back up their judgment decisions with their work product and time involved in carrying out their judgment decisions.

The DOT study "Personal Injury Claims" showed that Washington attorneys represented personal injury claimants in only 32.4 per cent of all paid claims.

### Attorney Enhances Recovery Chances

Also see the DOT study, "Personal Injury Claims," p. 47: "Perhaps a better explanation is that a claimant who seeks an attorney greatly improves his chance of receiving some payment."

Doesn't it seem reasonable that in this present day and age where the courts are stating that



**John R. Lewis**

Mr. Lewis is an Eastern Washington native and a graduate of the University of Washington and Duke Law School. He is immediate past president of the Washington State Trial Lawyers Association and is a national committeeman of the Association of Trial Lawyers of America. His practice has emphasized trial of lawsuits, and he reports that 90 per cent or more of his cases are taken on a contingency fee basis.

even in misdemeanor cases and some traffic violation cases, attorneys should be appointed and paid by the court, if necessary, to represent a poor man's rights, that the same person should also be entitled to continue to be able to employ the best trial lawyers available on a contingency fee basis rather than, as a practical matter, not be able ever to present his case in court if he has to pay an attorney by the hour — win, lose or draw.

Now, in answer to the indictment of contingent fees containing six counts set forth in the prior article entitled "Contingent Fees — Can They Be Justified," I will sum up my objections to the entire article in stating that the allegations are not true — unless one starts with the original premise that every attorney who takes cases on a contingent fee basis is not a responsible member of the legal profession because the article, in essence, states that such an attorney is overreaching, takes advantage of his clients, has a conflict of interest between himself and his client, makes too much money, and can't retain his objectivity because he is interested in the outcome, and that such an attorney stirs up litigation.

These allegations are ridiculous, asinine and untrue, and any objective, honest member of the bar will realize that an attorney who takes cases on a contingent fee basis is one of the most responsible members of the bar who is willing to gamble his work product and his time invested on his judgment as to whether that claimant has a justifiable and meritorious cause of action.

### **Trial Is a Business**

It is equally obvious that these claimants would not come to the contingent fee attorney unless the insurance companies and their adjusters weren't interested in only one thing, and that is "settle it statistic-wise as cheap as possible."

Is not the defense bar, hired by the defendants' insurance companies, highly skilled with unlimited money behind them, able to take care of themselves? And what is wrong with attorneys making money when they perform and render a service that other attorneys can't render, or won't render? The law profession continually criticizes itself, and allows other people to do so, about how much attorneys make, when in reality, being ranked by profession, we are at the foot of the professional scale.

### **Clients Prefer Contingent Fees**

It is the attorneys who approach their clients' problems on a strictly business basis who are being sought out today. It is ridiculous how many people want to employ an attorney on a contingent fee basis, and as they say, "If you win, then we are willing to pay; if you don't win, we don't want to pay."

Frankly, I do not see anything wrong with allowing attorneys to contract with clients on this basis. Does it not make that attorney bring the matter to a conclusion as soon as possible? Does it not make the attorney a true advocate for his client's cause? Should the attorney not be entitled to a greater fee than that attorney who charges by the hour and who goes on and on and on, and who really never is under pressure to have the problem solved?

Why shouldn't the legal profession offer different type services to potential clients and then let those clients decide which way and on which basis they want to pay their attorney fees?

### **Clients Are Not the Critics**

I sum up the contingent fee argument this way: The people who criticize the contingent fee system are not the clients but are either other members of the legal profession who are envious of the rewards of practicing in this manner but who do not realize that practicing law is first and foremost a business; or they are big businessmen who to their own pecuniary interests would like to take additional advantage of the average consumer, and they would take the contingent fee cases away as a matter of right.

Finally, is not the practice of law an "art," and does not the ability of one attorney to another vary greatly, and should not each member of the bar, as a professional person, be allowed to let the clients make the decision as to which way they are entitled to employ said professional person, or are we like electricians, truck drivers and plumbers, who charge on an hourly basis, regardless of talent or ability?

It is my opinion that in the event the contingent fee system is abolished by the sheer numbers of the people against it, all the leaders of the trial bar who lead in the protection of the small consumer, in the protection of his rights against big business, will leave the profession and seek other ways to make a living. □

# A NEW JUVENILE COURT ACT FOR WASHINGTON?

By **Quentin Steinberg**

Since feudal times it has been a tenet of Anglo-American law that children, because of the natural incapacities arising from their young age, are entitled to receive care and protection from the state greater than that afforded to adults. The American response to this doctrine of *parens patriae* was the creation of the juvenile court in 1898. The enthusiasm heralding the birth of the juvenile court has dampened considerably under the slow stream of passing time. Its later years have been those of unmet promise and darkened with growing controversy. Today, the juvenile court as an operative institution has met with disfavor for fulfilling neither its aspirations nor its pretensions. The reliability, fairness and the therapeutic value of the process itself have been challenged.

The Washington State Juvenile Court Statute was promulgated in 1913 and has not been substantially altered except for minor definitional changes in 1961. In Washington, as in most states, the juvenile justice system has been a judicial system neglected by the legislature, the judiciary and, most unfortunately, by the bar.

As a response to the need for meaningful reform, a task force comprised of prosecutors, Superior Court Judges, Attorneys General, attorneys and experts in the juvenile justice system, including representatives of the National Council on Crime and Delinquency, spent three years in drafting a new juvenile court statute for the state. The proposed statute will be submitted to the current legislature by Governor Daniel J. Evans as an "Executive Request" Bill.

The proposed legislation provides for many important changes:

## **Due Process**

Whenever formal court intervention is initiated, the proposed statute, recognizing the incapacita-

tive, deterrent and condemnatory purposes of a juvenile court adjudication, provides for substantial due process safeguards.

The most fundamental of all such safeguards is the right to legal counsel. Each party is entitled to representation by counsel, privately retained, or appointed if such party is unable "without undue financial hardship" to provide for payment of legal expenses. Many petitions filed with the court involve disputes between parent and child. Such a dispute places the child's attorney in a difficult position if the attorney has been retained by the parents. To avoid this problem the proposed statute provides for "separate counsel if the interests of two or more parties conflict, including those of a parent and child."



Quentin Steinberg, a 1971 graduate of the University of Washington Law School, is a member of the Seattle firm of Steinberg & Steinberg. He has served as a member of an ad hoc Task Force on Juvenile Court Reform for three years. As a law student, he drafted proposed revisions to the Juvenile Court code for submission to the Washington State Judicial Council. After being admitted to the Bar, he was appointed a lawyer member of the Task Force.

The right to counsel, as well as many other due process safeguards, become meaningless gestures if children are permitted to "waive" the rights afforded them. Many empirical studies have indicated that predisposition and coercion influence the juvenile's actions regarding waiver of rights. See, Ferguson and Douglas, *A Study of Juvenile Waiver*, 7 San Diego L. Rev. 39 (1970). To insure knowing and intelligent waiver the proposed statute provides that the right to counsel "may be waived only after consultation with the party's own counsel." The importance of this suggested provision was revealed in a 1968 survey undertaken by the Washington State Judicial Council which indicated the paucity of legal representation in Washington's juvenile courts. The survey, which examined legal representation in juvenile courts in twenty-eight of our state's counties, indicated that in 1968 in seven of the counties no juvenile alleged to be delinquent was ever represented by counsel, either appointed or retained, before the court. In ten other counties, less than twenty-five percent of the children brought before the court on delinquency petitions were represented by counsel. Finally, in only ten counties were more than fifty percent of the alleged delinquents represented by counsel before the court. The percentage of representation has, fortunately, increased due to the creation of public defender staffs, and the efforts of the bar and of judges. The proposed provision, however, is a necessity if we are to afford the juvenile due process of law.

#### **Another View**

The proposed statute also provides for other basic rights as required by the United States Supreme Court in *In re Gault*, 387 U.S. 1 (1967) and in subsequent decisions, including notice of the charges, the right to confront and cross examine witnesses, and the privilege against self-incrimination. Also included is a requirement that all court proceedings be recorded and that transcripts of such proceedings be made available to the parties upon request, without charge, upon a showing of financial need.

The right to appeal a juvenile court proceeding is not provided for in the new statute. The task force concluded that the present court rules which provide for use of common law certiorari for juvenile court cases is a superior approach, in that these cases are heard by the appellate courts on an emergency basis ahead of other cases. The Washington State Supreme Court recently ex-

plained its position in regard to the right of appeal when it held, "While the statutes dealing with juvenile delinquency and dependency proceedings do not . . . specifically provide for an appeal, appellate review by certiorari is granted as a matter of right of course if a petition is timely filed." *Brunley v. Snohomish County*, 77 Wn. 2d 709 (1970).

#### **Confidentiality of Records**

Rehabilitation, of course, is the most important goal of the judicial process. Rehabilitation is intended to serve both the child and society by enabling the child to lead a lawful and productive life, to realize his own abilities and to become a useful member of society. In order properly to begin this process it is necessary that society be willing to accept the "ex-offender" as a person despite his previous antisocial conduct. This acceptance is made difficult by the continuing stigma of the child's record and its availability. The child also realizes that a record exists and this reinforces his self-image of worthlessness and stimulates continued delinquent behavior.

To protect the child from the adverse effects of stigmatization, while at the same time providing for proper law enforcement activities, the proposed statute prohibits disclosure of records of public agencies concerning juvenile court matters except when ordered by the juvenile court, or when necessary to investigate crimes, delinquent or dependent acts, or required by persons or agencies taking actions with respect to a child pursuant to the act.

To insure implementation of the non-disclosure provision the statute allows the child whose records have been improperly disclosed, to bring a civil action to enjoin further disclosure and to recover his actual damages plus costs together with a reasonable attorneys fee and punitive damages of \$500.00.

#### **Fingerprints, Photographs and Lineups**

The proposed statute carefully balances the child's right to privacy and the needs of law enforcement. The statute prohibits law enforcement officials from taking fingerprints or photographs of any child unless that child is fourteen years of age or over and has been referred to the court regarding the commission of a juvenile offense which is designated by law as a felony. If, however, during an investigation of a criminal offense a law enforcement officer has reason to believe that the fingerprints discovered are those

*(Continued on page 28)*

# WASHINGTON STATE BAR NEWS

## New Trial Section Proposed by COG



Frances Harris, Administrative Assistant; John Riley, Seattle, COG CO-Chairman; and Harrison K. Dano, Ellensburg, Committee Member.

At a meeting in Seattle on February 2, the Committee on Government and Organization of the Bar recommended creation of a Trial Practice Section. Previously, the Committee had recommended establishment of nine other sections as follows:

Administrative law, Anti-Trust Law, Corporation and Business Law, Criminal Law, Debtor — Creditor Rights, Family Law, Real Property, Probate and Trust Law, Taxation Law and Young Lawyers.

The committee also considered a Section on General Practice, and a Section on Patent, Trademark and Copyright law. COG recommended that the Section on General Practice not be created at this time, and that the Patent Law Section be created only if there is an indication of sufficient interest.

Frank Sullivan of Seattle, Chairman of the Criminal Law Committee, expressed some misgivings as to whether a Criminal Law Section could be self-sustaining. He pointed out that in the ABA, only 4.2% of the total membership were members of the Criminal Law Section. 4% of

the 1,945 WSKBA members would project approximately 200 members of a Criminal Law Section. If Section dues were \$10.00 per year, total revenue would be \$2,000.00. He reported that the Criminal Law Committee spent \$3,500.00 last year for transportation and subsistence.

### WSBA To Subsidize Sections?

Chairman Riley and several other COG members stated that the concept of Sections presumed that Sections would be subsidized to some as yet undefined extent

from the general revenues of the Association.

The Committee also recommended procedures for accomplishing the transition from Committees to Sections.

Recommended steps are:

1. The Board shall appoint a Chairman and members of a Special Committee to establish the Section.

2. The Special Committee shall prepare proposed Bylaws. (A form was suggested.)

3. The Special Committee shall undertake the initial responsibility of soliciting enrollment in the Section.

4. After enrollment solicitation, the initial meeting of the Section shall be called and notice shall be given to all members.

5. At the initial meeting of the Section, the membership shall nominate a slate of officers for appointment by the Board of Governors.

Committee members present at the meeting were: John Riley, Co-Chairman, presiding, Harwood Bannister, Greg Dallaire, Harry Dano, Don Ericson, Paul Hoffman, Bob Mussehl, Harold Pebbles, and Ed Shea.



Frank L. Sullivan, Seattle, Chairman of Criminal Law Committee; and Ed Shea, Pasco, Member of COG Committee.

## Local Tax Seminar Planned by CLE Committee



Michael J. Turner, Tacoma; William M. Weisfield, Bellevue; William L. Dwyer, Seattle, Chairman; Hugh B. Horton, Kennewick.

John Piper of Seattle will serve as Chairman of a Fall 1973 Traveling Seminar on Washington State Taxes. The announcement was made by William L. Dwyer, Seattle, Chairman of the Continuing Legal Education Committee at a meeting at the Bar Office on January 5, 1973.

Practice Handbooks on the following subjects are in various stages of completion:

Bankruptcy for the General Practitioner; Drafting Real Estate Leases; Divorce Property Settlement Agreements; Insurance Guides; and Collection Methods.

Progress continues on a major project of the Committee, a comprehensive text on Community Property Law in Washington. Superior Court Judge George Shields of Spokane is Chairman of the Committee.

The Committee voted to grant the request of Richard Reed, Chairman of the Law Office Management Section, for a program slot at the 1973 Convention.

Members in attendance were William L. Dwyer, Seattle; Hugh B. Horton, Kennewick, Morris G. Shore, Yakima; Vincent G.

Beaulaurier, Yakima; Hugh R. McGough, Seattle; Michael J. Turner, Tacoma; William M. Weisfield, Bellevue; Willard Walker, Longview; David J. Whitmore, Wenatchee; Bill Beresford, Seattle; Robert Gates, Olympia; Brian Comstock, Seattle; and Roy C. Mitchell, Seattle.



Hugh B. Horton, Kennewick and Morris G. Shore, Yakima.

## Armed Forces Committee Recommends Limited Practice For Military Lawyers in State Courts

The Committee on Legal Services to the Armed Forces has recommended to the Board of Governors rule changes which would permit limited representation of members of the military in state courts by military lawyers who are not members of the Washington State Bar.

Under the terms of a resolution adopted at a meeting in Seattle on February 10, military lawyers would be permitted to appear in state courts for military members in pay grades E-1 through E-4. Before a military lawyer may represent such a client, the military member must submit a financial statement, showing indigency, to the senior legal officer of his Command.

The recommendation grew out of a petition submitted to Chief Justice Orris L. Hamilton of the Washington State Supreme Court by the Judge Advocate of the Thirteenth Naval District.



**Bruce F. Meyer, Seattle, Thomas Warren, Wenatchee; David D. Webber, Seattle; Charles Kimbrough, Seattle; Chairman; Larry Levy, Tacoma; Ted Zylstra, Oak Harbor.**

Generally, military lawyers will be allowed to represent only those military clients who would not qualify for legal services from OEO.

Before representing clients under this program, a legal assistance officer would be required

to familiarize himself with the laws and procedures of local courts, and would be guided by the Code of Professional Responsibility. Similar "Pilot" Legal Assistance Programs have been successfully sponsored by the Department of Defense in several other states. The committee was informed that these programs are operating satisfactorily and that there have been no complaints from the Bar or from members of the public.

The ABA has given its endorsement to the program.



**Dave O'Leary, Olympia; Captain J. T. Hawk, Chief Legal Officer, 13th Naval District, Seattle; and Commander Bill Aylward, USN.**



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### BENTON-FRANKLIN REPORT

By ED McKINLAY

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A recent editorial appearing in a local newspaper which was critical of attorney involvement in pending no-fault legislation was a prime topic of discussion at the last regular meeting of the Benton-Franklin Bar Association, held January 16. A response to the editorial was prepared by Association President **Phil Raekes** and was referred to the State Bar Association and Board of Governors for action. The editorial suggested that the Bar Association proposal was the result of vested interests by attorneys. Raekes's response suggested a side-by-side review of the Bar Association Bill and the Insurance Commissioner's Bill so that the similarities between the two might be appropriately noted.

The election of Judge **Albert J. Yencopal** to the Benton-Franklin Superior Court bench created a vacancy in the Richland Municipal Court post previously filled by Judge Yencopal. Pending a decision by the Benton County Commissioners on the adoption of a District Justice Court System, the Municipal Court post is being filled on an interim basis by local attorneys, **John Carroll, Dean Fransen, Daryl Jonson, Gene Schuster,** and **Donald Stancik**, each of whom are sitting for approximately two to three weeks at a time.

The judiciary and bar association have been taking an active part in developing a plan to implement the District Court Act in Benton County. Included, among other members of the

Districting Committee, are **Herb Davis**, Benton County Prosecutor, **Rem Ryals**, representing the Benton-Franklin Bar Association, Judge **James Lawless**, representing the Benton-Franklin Superior Court, and **Neal J. Shulman**, representing the City of Richland.

Some new faces are present in the Tri-City area. The Benton-Franklin Bar Association welcomes **Gary C. Hugill**, who graduated from the University of Washington Law School in June 1972 and is now practicing with Charles T. Morbeck in Kennewick. Welcome is also extended to **Harvey Faurholt**, a 1968 graduate of Gonzaga now practicing with the firm of Horton, Wilkins & Horton in Kennewick. Prior to beginning practice in the Tri-Cities, Harvey worked for the Board of Insurance Appeals in Seattle, and then spent three years as an army officer stationed in Germany.

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### KITSAP REPORT

By HELEN GRAHAM GREEAR

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*Vital Statistics:* On January 19, 1973, Mrs. James Roper (who will be recalled as having sufficient presence of mind to call the Olalla Fire Department to float the cow out of the old well) gave birth to a beautiful baby girl named Cara Dale Roper. Our congratulations to **James Dale Roper**, the proud father, member of the firm of Shiers, Kruse & Roper, Port Orchard; the firm is enlarging its already lovely quarters, having taken unto itself an associate, **William J. Kamps**.

One of the brightest faces on the second floor of the Kitsap County Court House has to be that of Mrs. Myrth Miller, lately

promoted from Secretary of the Judges to Court Administrator and Executive Secretary. It couldn't happen to a nicer person.

The junior section of our Bar has been augmented lately with the advent of **James Steven Thomas**, single, graduate of the University of Idaho Law School ('72) now associated with **William R. Garland; William Crawford** (particulars unknown alas) has entered the office of **James Munro**, public defender; **Leonard Costello** is now with Bishop & Cunningham.

In 1882 Irving Browne gathered a collection of negligence cases, which includes a synopsis of one foreshadowing the age of space. He says in his little book:

*"Guille vs. Swan* (19 Johns. 381) is a famous case. Mr. Guille was a person whose thoughts and wishes carried him above the earth. He longed for something higher and better than worldly things. He was an aeronaut. He made a voluntary ascent in the vicinity of Swan's garden, and an unwilling descent into the same. In his peril he called aloud to the pursuing crowd to help him. Meanwhile he was being dragged along in the balloon, and causing some slight damage to Mr. Swan's garden sauce. The crowd, consisting of some two hundred good Samaritans, broke through Swan's fences and threw his vegetables and flowers into great disorder. Now, it was lawful for Mr. Guille to ascend. It was lawful for the crowd to follow, gaze, and admire, for the balloonist to call on them in his extremity, and for them to rush to his rescue. But Mr. Guille had to pay for Swan's garden sauce. It was unquestionably very selfish and narrow-minded for Swan to insist on indemnity, but he took a worldly view of the affair. He

had no interest in the sublime problem of aerial navigation; he had no individual friendship for the aeronaut; he had no general care for the crowd; all he knew was that his radishes and other esculent roots had been spoiled, and he wanted his pay and he got it. So mean is human nature; but we have to deal with it as we find it.

"It seems rather hard that one must be answerable for the vegetable and floral consequences of human curiosity, and for the officiousness of two hundred friends, when half a dozen would have answered every purpose. If science has to struggle against such things it is to be feared that the navigation of the air will remain an unsolved problem. If garden shoots are to be preferred to parachutes, man must be content to crawl along the potato-and-radish-bearing earth at the snail's pace of sixty miles an hour. This idea of the consequences of curiosity troubles us. If this is the law, then Mr. Barnum, in transporting his fat woman or Chinese giant about the country, might be made to answer for the safety of the bridges broken down by the crowds assembled to gaze at those unrivaled monstrosities."

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## SEATTLE-KING REPORT

By GERALD G. TUTTLE

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**David R. Hood**, formerly associated with MacDonald, Hoague & Bayless, has been appointed Dean of the University of Hawaii's new school of law, effective January 1, 1973. Prior to his appointment, Dean Hood served as Associate Law Professor at Wayne State University

in Detroit, Michigan.

The Young Lawyers Section of the Seattle-King County Bar Association placed second in the American Bar Association, Young Lawyers Section, Award of Achievement Program. The award is given to the most effectively executed comprehensive program of affiliated Young Lawyers Sections in cities of comparable size. The Young Lawyers Section also received a special recognition for work toward betterment of the bench, bar and the general public.

Stanley Byrd, of Clinton, Anderson, Fleck & Glein, who was injured in a small plane crash on June 29, 1972 reports that he is back to work and extends his thanks to all those who provided him with assistance and encouragement during his absence.

Lycette, Diamond & Sylvester announce the association of **Malcolm D. Katz**, formerly with the Tax Division of the United States Department of Justice.

**Edward R. Langenbach, Jr.** has become a partner of Short, Cressman & Cable and **David R. Koopmans**, **William K. McInerney, Jr.** and **Robert J. Adolph** are now associated with the firm.

**Robert W. Meserve**, President of the American Bar Association announces that Judge **George H. Revelle** has been appointed to a special American Bar Association committee urging early adoption of the ABA's new Code of Judicial Conduct. The code, incorporating new standards of ethics and disciplinary rules for judges, supplants the Canons of Judicial Ethics.

**James E. Newton**, Securities Exchange Commission Regional Director in Seattle for the last twenty-five years, is joining Davis, Wright, Todd, Reise and Jones as counsel.

**Michael J. Fox** of Seattle Legal Services has been appointed National Counsel for the United Farm Workers, and will be leaving for Washington, D.C., around the middle of March.



**Norman W. Quinn**, new King County Court Commissioner, after his swearing-in ceremonies. Quinn, 42, is a 1958 graduate of the UW Law School. He was chosen for the post of Court Commissioner from thirty-five applicants, and took office on February 9.

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## YAKIMA REPORT

By RANDY MARQUIS

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### *New Judge Slot:*

President **Howard Hettinger** announces that a bill has been introduced into the Legislature to establish a much needed fifth Superior Court Judge position in Yakima County.

### *New Additions to the Bar Auxiliary:*

On January 19, 1973, **Neil Buren** undertook to marry the former Virginia Graham in Sun Valley, Idaho. For good measure they honeymooned in Mazatlan, Mexico.

Not to be out done, **Robert Hackett** married Mickey Maples on January 20, 1973, and they proceeded to spend their honeymoon in Honolulu. The now Mickey Hackett is a legal secretary in the firm of Ivy, Elofson, Vincent, Hurst and Crossland.

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## SNOHOMISH REPORT

By HENRY S. CHAPMAN  
RUDOLF V. MUELLER

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Snohomish County has the distinction of having two reporters for this year. We are privileged to report that **Robert C. Bibb** of the law firm of Bibb and Bailey, Arlington, Washington, is our new president of the Snohomish County Bar Association.

Attorney **Ed Hanson** of Williams and Novack, Everett, has recently been elected as Chairman of The Democratic Party in our county.

Attorney **Tom Gish** of the law firm of Wilcox and Thompson of Marysville and Snohomish, Washington, has recently moved to White Salmon, Wash-

ington, where he is now in private practice. Replacing him at the firm of Wilcox and Thompson is **James Allendoerfer**, who has been a Deputy Prosecuting Attorney in the Civil Division of the Prosecuting Attorneys Office, Snohomish County.

**Ken Phillips** recently of the law firm of Jordan, Britt and Templeman (now Jordan, Brinster and Templeman) and **Arnold Young**, a Deputy Prosecuting Attorney with the Prosecuting Attorneys Office in Snohomish County, have formed a partnership known as Phillips and Young. Their office is located in the Silver Lake Shopping Center in South Everett.

Judge **Thomas Stiger** has retired after a distinguished career. Judge **Dennis Britt** is our new Superior Court Judge.

The attorneys in Snohomish County will miss the kind and considerate assistance of **Calista Flynn**, Clerk of the Presiding Department, Snohomish County Superior Court. We wish her an enjoyable retirement.

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## SPOKANE REPORT

By MICHAEL E. DONOHUE

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The reviews are in! "Positively the most libelous spectacle I have seen in years," said one critic, a noted local jurist. "I laughed so hard I thought my pants would never dry," said another, a young lawyer whose effusive praise can probably be explained by the fact that he was in the bag at the time.

**John Heath**, organizer of the Spokane Bar Auxiliary's skit at its annual dinner dance held recently at the Spokane Club, has gone into hiding and has not been seen for weeks. His merry

cast of conscripts have found that they are no longer welcome in polite society.

The skit, "Everything You Always Wanted to Know About Local Government, But Were Afraid to Ask," answered the musical question, "Can Spokane's Prosecuting Attorney, Two Superior Court Judges, City Councilwoman and a Gaggle of Attorneys Find True Happiness . . . ." No one seemed to mind that much of the stage business clearly controvened Spokane's absurd anti-topless ordinance, since four or five of the actors appeared clad only in gym towels. One embarrassed Thespian was overheard to mumble in his drink, "Next time Heath starts looking around for people for the Bar skit, I'm going to leave town and hide out in a pumpkin patch until things blow over."

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## SKAGIT REPORT

By PAUL N. LUVERA JR.

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**Richard Schacht** of Mount Vernon and his wife celebrated their 40th wedding anniversary on January 27th. Our congratulations to Dick's wife for putting up with him for 40 years.

Deputy Prosecutor **Gil Mullen** attended a National District Attorneys Association seminar in February in San Francisco.

**Paul Luvera** celebrated the opening of his new office by holding an open house in January for all of the attorneys in the surrounding counties.

**George McIntosh** and his wife made a visit to Washington, D.C., to visit their son Andrew, who is an officer in the Coast Guard stationed at our nation's capitol.

President of the Skagit County Bar Association, **Eugene Anderson**, has been active on the com-

mittee to provide legal representation for indigents. He, along with Prosecutor **Earl Angevine** and Deputy Prosecutor **Gil Mullen**, attended a meeting in Seattle to obtain funding for Skagit County Bar Association's project.

Local steelhead fishing fanatics **John Anderson** and his partner **John Ward** of Sedro Woolley, **Charles Twede** and his partner **Al Rode**, report limited success on the Skagit.

**James Anderson** and **Ben Driftmier, Jr.**, of Anacortes announce the formation of a partnership.

**John Cunningham**, a King County deputy prosecuting attorney, became an associate of **Bannister & Bruhn** beginning February 1.

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## THURSTON-MASON REPORT

By **STEPHEN J. BEAN**

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The firm of Owens, Johnson & Weaver continues to make news. First, they have announced the removal of their offices from the Capitol Center Building to the new Bank of Olympia Building as soon as the building is completed. Second, Washington State's Security Administrator, **Bernie Lonctot**, has left the State and has become of counsel to Owens, Johnson & Weaver.

The musical chairs game that the local attorneys are playing continues with **Jack** and **Neil Lynch** moving into the new Thurston County Federal Savings & Loan Building as soon as it's completed.

If nothing else, those of us who stay put in our present offices are the beneficiaries of numerous open houses, compliments of those who keep moving around.

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## PIERCE REPORT

By **KENYON E. LUCE**

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Pierce County has experienced a growth in the presence of new attorneys, and **H. Frank Crawford** is an associate of Lee, Krilich, Lowery and Thompson.

**Robert M. Reynolds**, formerly Director of Litigation with the Pierce County Legal Assistance Foundation office, is now engaged in the general practice of law at 4804 Center Street in Tacoma.

Two enterprising 1972 graduates of the University of Washington Law School, **G. Lee Pendergrass** and **Douglas Kaukl**, are now engaged in the general practice of law with offices at 10116-116th Street East, Puyallup, Washington.

Furthering the intellectual knowledge of the bar, **Samuel Fancher**, formerly of Spokane, now associated with Conrad and Johnson in Tacoma, spoke at a recent bar meeting concerning the pending no-fault insurance bills in Olympia.

**Kenneth Kessler**, Hastings class of 1972, is now associated with E. Albert Morrison in Tacoma, and **Mark Adams** is now an assistant City Attorney for Tacoma.

## Board Elections Due

**First District and Fifth District lawyers, please note:**

Members of the Board of Governors from the First and Fifth Districts are due to be elected this year. The three-year terms of **Kenneth P. Short** of Seattle, First District member, and **John J. Ripple** of Spokane, Fifth District member, will expire in September.

Washington State Bar Association By-Laws (Article III) provide: Any active member may be nominated for the office of governor upon petition signed by at least twenty but not more than thirty active members residing in the district. Nominating petitions may be obtained from the State Bar Office.

The petitions must be filed in the Bar Office by 5 p.m. on May 31. The elections, by active lawyers residing in the districts, will be in June.

Terms of office will begin at the Bar's annual meeting in Vancouver, B.C., September 6-8.



**Helen Geisness**, Executive Director, Seattle King County Bar Association; and **Donald Horowitz**, Assistant Attorney General, at Seattle Young Lawyers Luncheon on February 6. Horowitz spoke on Criminal Law Reform.



Editor:

In connection with the letter from Paul Coughlin entitled "Some Thoughts on Judges" (*Bar News*, January 1973, Page 27) and the quotation in his letter as follows:

"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."

This is, of course, one man's opinion. Assuming that a more knowledgeable, courageous, and efficient committee could be found, I am wondering how this would have improved the caliber and quality of the judicial appointments made over, say, the last four years. Look them over. They are an outstanding group of judges.

John Huneke

Spokane

Editor:

Re: Hugh R. McGough's Article — "Contingent Fees" (*Bar News*, February 1973, Page 6): The article answers itself. The criticism of Contingent Fee Contracts comes not from the injured person who thus has legal services available to him, but from the negligent defendant and his insurer who are made to answer for the wrong doing.

Eugene Arron

Seattle

### Where's There a Will?

Mike Roberts of Roberts & Anderson, Renton (BA 8-1880), would like to have information of a will made by Albert Alfred Fiddler, whose address was Box 284, Maple Valley, and who died January 24.

Anyone having knowledge of wills drawn by Erich Proskauer and Margaret I. Proskauer is asked to communicate with Edward N. Lange, 622-3150, or Barry A. Schneiderman, 622-3236, both Seattle.

### In Memoriam

**Elias A. Wright**, 94, Seattle attorney 60 years, died January 16. A University of Nebraska Law School graduate, he was admitted to the Washington Bar in 1905; he retired in 1965. He once was a partner in the firm of Wright & Wright with his sons, Wayne and Eugene, now U.S. Court of Appeals judge.

**G. Robert Brain**, 52, admitted to the Bar in 1947, died January 15. He was a founder of the firm of Merges, Brain, Youngberg, Allen & Larsen. A University of Washington law graduate, he served about 25 years as a government appeal agent for a Seattle Selective Service local board. His son, Christopher, is a law student.

**Byron Kibler**, who served Enumclaw for nearly 71 years as educator, banker and lawyer, died January 7, a week before his 102nd birthday. He was Enumclaw's first school principal, founded People's State Bank (later Enumclaw National Bank) in 1909, and practiced law from 1932 to retirement in 1954.

**Henry R. Newton**, 89, retired attorney for the Federal Land Bank in Spokane, died January 16. A graduate of Transylvania College of Law, he was admitted to the Washington Bar in 1911. He served 32 years with the Land Bank.

**Charles S. Burdell**, 60, a fellow of the American College of Trial Lawyers, died February 1. He had attended Colgate and Bowdoin colleges and was graduated from University of Nebraska Law School. He served several years with the Justice Department's antitrust division before entering the Navy in World War II. After the war he assisted in the war-crimes trials at Nuremberg, then came to Seattle and formed the firm of Ferguson & Burdell.

**Daniel B. Watts**, 30, a graduate of Dartmouth College and Willamette University Law School, died January 30. A Bellevue resident, he had practiced in Seattle. A varsity crew member at Dartmouth, he rowed for the Lake Washington Rowing Club in the Pan American Games in Brazil.

## Disciplinary Board Meets with LAC Chairmen



Alfred McBee, Mount Vernon, and John M. Cunningham, Centralia

Mike Hemovich, Chairman of the Disciplinary Board, invited Chairmen of the Local Administrative Committees to meet with the Board on Friday, February 9.

The meeting was held in Seattle, and several LAC Chairmen attended. This was the first of such meetings.

Hemovich reported that the LAC's are generally working well, and that the backlog of complaints has been reduced substantially during the past two years.

Points agreed upon include the following:

1. If a complained against lawyer fails to cooperate with the LAC, the complaint should be forwarded immediately to the Disciplinary Board for further action.

2. A procedure should be established to insure the complained against lawyer sees a copy of the original complaint. (In the past, the Board of Governors has refused to approve a rule so providing.) The complainant should be informed that the lawyer will be given a copy of the complaint.

3. The LAC chairman should have a voice in the appointment and removal of members of the LAC's.

4. The present three year term of membership on the LAC's should be continued.

5. Ms. Serni Reeves of the Bar staff has been doing an outstanding job of initially screening complainants and performing

first echelon maintenance on the entire program.

The Disciplinary Board was originally of the opinion that LAC members should serve indefinitely, but the consensus of the LAC chairmen was that this was too great a burden on members of the Bar.

Chairman Hemovich indicated he would recommend similar meetings be held regularly.



Gerard M. Shellan, Renton, and Patrick H. Murphy, Spokane



## The Board's Work

Extracts from the minutes of the Board of Governors, meeting January 19 and 20 in Olympia. The president and all board members were in attendance.

### Reprimand — Victor E. Haglund

On recommendation of the Disciplinary Board, a formal Reprimand was administered to Victor E. Haglund of Everett.

### Additional Member of the Board from King County

The following motion was made by Mr. Pritchard and seconded by Mr. Gates:

Whereas, a resolution was overwhelmingly passed at the 1971 Annual Meeting in Portland, Oregon, to effect as near as practicable a one lawyer, one-vote representation to the Board of Governors and,

Whereas, the Board of Governors thereafter appointed a Special Committee on Organization and Government of the Bar, representing various geographic areas of the State, to which the resolution was referred for thorough study and action and,

Whereas, in the Spring of 1972 the Committee on Organization and Government of the Bar unanimously recommended to the Board of Governors that the Portland resolution be implemented by enlarging the seven member Board to include three additional Governors to be elected by lawyers residing in Congressional Districts in King County, and

Whereas, the Board of Governors refused to follow the recommendation of the Committee on Organization and Government of the Bar and instead it resolved to add only two Governors to be elected by King County lawyers and,

Whereas the current membership statistics reveal the following breakdown of the residence of the 4734 active members of the Washington State Bar Association residing in Washington State:

First Congressional District	2011
Second Congressional District	372
Third Congressional District	428
Fourth Congressional District	298
Fifth Congressional District	586
Sixth Congressional District	510
Seventh Congressional District	429

Whereas, 42.5% of all lawyers residing in the State reside in the First Congressional District,

Now therefore be it resolved that: One additional member be added to the current nine member Board of Governors of the Washington State Bar Association, such new member to be

elected by the lawyers residing in the First Congressional District and be it further resolved: At the expiration of the current terms of the two King County at-large Governors the constituencies for such representation become the First Congressional District.

The motion failed with four members voting for the motion and five members voting against the motion. Those voting for the motion were Messrs. Pritchard, Gates, Curran and Short. Those voting against the motion were Messrs. Hoff, Novack Champagne, Day and Ripple.

### Advertising of Services by Corporate Trustees

A. A motion was properly made and seconded that the Board reconsider its action at its December meeting in expressing its opposition to a proposal pending in the State Legislature to allow Corporate Trustees to advertise certain of their services as Executors, Administrators and Guardians. The motion to reconsider prevailed by a vote of 6 to 3 with Messrs. Day, Novack and Ripple voting "no."

B. It was moved, seconded and carried that the Bar Association take no position, either in support of or in opposition to, the proposal to allow Corporate Trustees to advertise certain of their services as represented by the bill pending in the current session of the Legislature. The vote on this motion was 6 to 3 with Messrs. Day, Novack and Ripple voting "no."

### Legislative TV Programs on Public Television

A motion was made and seconded that the request for an appropriation in support of certain legislative T.V. programs to be shown on public television be denied. This motion failed, with four members voting for the motion to deny and five members voting against it. Thereupon, it was moved, seconded and carried that this matter be referred to the Public Relations Committee for discussion and recommendation. The vote on the motion was 5 to 4.

### No Fault Insurance

The Hon. William Bennett of the staff of the State Insurance Commissioner appeared in person before the Board and discussed the background, concept and status of various No-Fault Insurance proposals including the bill introduced in the Legislature by the office of the Insurance Commissioner.

### **Clients Security Fund**

A. It was moved, seconded and carried that the recommendation of the Clients' Security Fund Committee that a certain claim against the fund be denied be adopted as the position of the Board and that the claim is denied without prejudice.

B. It was moved, seconded and carried that the Clients' Security Fund Committee be asked to submit a proposal in line with the Board's thinking that under certain circumstances an attorney representing a claimant before the Clients' Security Fund Committee might be entitled to a fee subject to certain guidelines and conditions set out by the Clients' Security Fund Committee.

C. It was moved, seconded and carried that the Bar Association's Staff Counsel should be present at any formal hearings held in connection with claims against the Clients' Security Fund.

### **Group Legal Services**

It was moved, seconded and carried that legislation be introduced authorizing the Bar Association to provide initial funding for the Group Legal Services program and that the bill prepared to accomplish this purpose at the request of the Board be submitted to the Legislature with the exception that the emergency clause be deleted.

### **Committee on Drug Abuse**

It was moved, seconded and carried that William K. McInerney Jr. of Seattle and Eugene G. Schuster of Richland be added as members of the Special Committee on Drug Abuse.

### **The Cog Committee**

Mr. John W. Riley, co-chairman of the COG Committee, and Gregory Dallaire, secretary of the COG Committee, appeared in person to discuss the work of that committee and to submit a report from the Committee concerning the language of committee jurisdiction and Article 6 of the By-laws. In connection with this report and recommendation the following action was taken by the Board:

Adopted the committee's majority recommendation that the committee on "Debtor and Creditor Rights" should be approved as a section rather than as a committee and asked the COG Committee to move in this direction and toward the implementation of a section in this area of activity.

Agreed that this report of the COG Committee and a further report would be placed on the agenda for the February meeting of the Board of

Governors and that the co-chairmen of the COG Committee be invited to be present and present the committee's further report to the Board at that time.

### **The Disciplinary Board**

A. It was moved, seconded and carried that the recommendation of the Disciplinary Board with reference to the release of disciplinary statistics be approved. The recommendation as adopted and approved included a regular procedure for the release quarterly to the news media of disciplinary results, such releases to indicate only statistical information and historical background and functions of the Disciplinary Board. It was further agreed that copies of each such news release should be directed to the President of all local Bar Associations within the state and further that all such releases would be approved by the Disciplinary Board and the Board of Governors before release for publication.

B. It was moved, seconded and carried that the Disciplinary Board be requested to make recommendations for the Board of Governors concerning the appointment of LAC members and trial committees and that such recommendations should be submitted to the Board of Governors on or before June 1st of each calendar year.

C. The Disciplinary Board met in joint session with the Board of Governors to discuss matters of mutual interest including specifically the possibility of lay membership on the Disciplinary Board.

### **Legislative Committee**

Lee Campbell, the chairman of the Legislative Committee, and Bernard Lonctot, the Legislative Committee's legislative representative, appeared in person before the Board to discuss the activities and interests of that committee.

### **Keesling Recommendation — In Re Washington Reports**

Mr. Ralph Swanson, the Bar Association's representative on the Commission on Supreme Court Reports, appeared in person before the Board to discuss the proposal to divide the publication of the Washington Reports into Civil Cases and Criminal Cases in separate volumes. The commission of which Mr. Swanson is a member is opposed to the change and it was agreed that a meeting would be arranged between Mr. Swanson and the Chairman of the Bar Association's Law Office Management and Economics Committee to further discuss the matter.

### Uniform Probate Code

Judge Charles Horowitz, Professor Robert Fletcher and Mr. Dan Reaugh representing the Judicial Council Task Force on the Probate Code and Messrs. Norman Trezona and Robert Beschel representing the Bar Association's Real Property, Probate and Trust Committee appeared in person before the Board to discuss the proposed adoption of the Uniform Probate Code.

Also present were Walt Knowles, Chairman of House Judiciary Committee, Jeannette C. Hayner, a member of the House Judiciary Committee, Rick Smith, a member of the House Judiciary Committee, and Gordon Golob, Counsel to the Senate Judiciary Committee.

During the course of the presentation, various materials and documents were made available to the Board and at the conclusion of the discussion the Board agreed to defer action on the matter until the written materials could be studied.

### Corrections Committee

It was moved, seconded and carried that Dave Nichols of Bellingham and Stephen C. Way of Olympia be added as members of the Corrections Committee and that the chairman of the Corrections Committee be authorized to choose three other members of this committee from the list submitted by him to the Board of Governors.

### Tax Benefit for Professional Persons

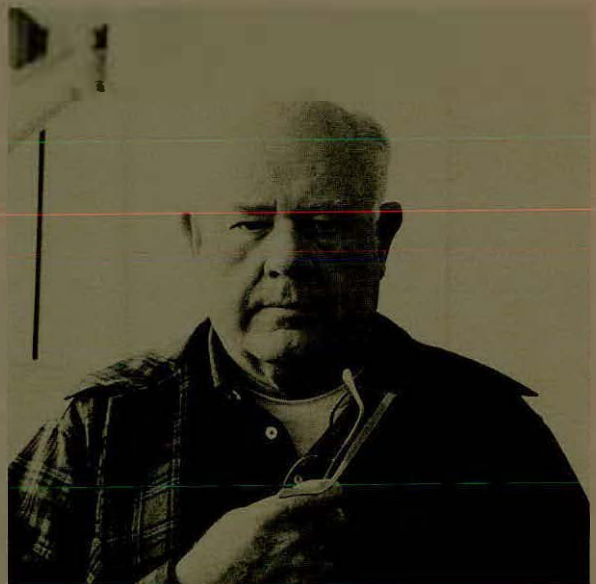
It was moved, seconded and carried that the Board of Governors adopt the following resolution: "RESOLVED, That the Washington State Bar Association go on record as favoring legislation to make available pension and profit-sharing plans and other benefits equivalent to benefits available in regular corporations, to professional people, regardless of whether such professional people are incorporated, in a partnership, or working as an individual practitioner."

It was further made a part of this motion that the two United States Senators from the State of Washington and the remainder of the Congressional Delegation be advised of the Board's action in this regard.

### Date and Place of Next Meeting

It was moved, seconded and carried that the next meeting of the Board of Governors be held beginning at 1:30 P.M. on Friday, February 16, at the Hotel Vancouver in Vancouver, B.C. in connection with the meeting there of the Western States Bar Conference.

## Come with me to Copenhagen!



Jack McLauchlan, chairman of the travel committee, has space available for the two week luxury Scandinavian Adventure beginning May 27. "The Scandinavian birds are beginning to appear on the beach and are worth a look for a well-vitamized ornithologist," says Jack.



All work and no play . . . .

## McLauchlan and Apprentice at Large



Paul Hoffman



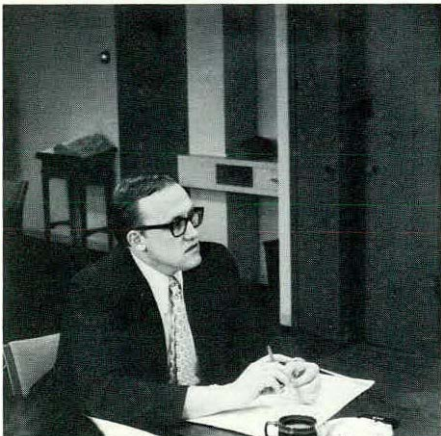
Bill Wesselhoeft and Bill Roberts



Liem Tuai and Norm Quinn



Gus Kostakos and Vic Hoff



Bill Beresford



Dave Williams and Bill West

# Bar News Sails Into Calmer Seas?

By John Weinberg, Member, Editorial Advisory Board

The *Bar News* has been at the center of a storm of controversy and change during the last seven months. And it is not over yet. It is your *Bar News*; you should be aware of what has happened, and should have a hand in directing where it goes from here.

The outward appearances are not all that dramatic. The able editor of the publication, Ed Raftis, has passed the mantle to Hugh McGough of Seattle, who takes over as editor effective with this issue. The Board of Governors voted Raftis an "Award of Merit" in recognition of the quality of his performance as editor. The publication schedule, and the general appearance and format of each issue are to date essentially unchanged.

But all of this camouflages an upheaval which brought into sharp relief conflicting views as to the true function of the *Bar News* and of the Association itself. The *Bar News* dispute also reflected tensions between Seattle lawyers and non-Seattle lawyers, and between lawyers of differing general philosophies on social issues. Finally, the matter squarely raised the question of whether and to what extent the Board of Governors should control the content of the *Bar News*.

## Dismissal of Raftis as Editor

The triggering event was the impromptu dismissal of Raftis as unpaid editor by the Board of Governors at their meeting in Sun River, Oregon last July 14th. It is probably not possible for an outside observer to identify all the factors which led to that action. But many of them have important implications for the future of the *Bar News*, and therefore merit careful scrutiny. They include:

(a) *Alienation from the Bar News.* Some members regarded the *Bar News* in recent years as a captive of a faction of the Association to which they did not belong and which represented different interests and viewpoints. Depending upon the beholder, some viewed Seattle lawyers as a group as the captors; some saw the *Bar News* as a young lawyers' publication; and others objected to its "liberal" editorial stands. Some hapless members were alienated in all three respects. Although in fact articles or letters of general interest and written in good taste were not rejected because of

their viewpoint, nevertheless some members regarded the pages of the *Bar News* as closed to them and their views.

(b) Some members felt the *Bar News* was straying far afield from its proper role as a "trade journal" for an organization whose members had essentially one thing in common: attempting to make a living as lawyers. These members regard the basic purpose of the Association to be facilitating that objective and enriching its rewards. They therefore look to the *Bar News* for articles on "how-to-do-it," office efficiency, recent developments in Washington law, etc. Social problems and policy are, to them, not Bar Association matters, and they resented what they termed use of the *Bar News* as a "pulpit" for views on social issues.

(c) *Specific Items of Content.* Members took exception from time to time to specific articles, covers, and other matters of editorial policy. The article on the "Tacoma Seven" and the cover on the Young Lawyers' resolution favoring mandatory bussing drew particularly heavy fire.

(d) *Control by Board.* The editor firmly maintained that he, as editor, and not the Board of Governors, was responsible for editorial policy. Jurisdictional jealousies and the mutual lack of confidence between the editor and Board seemed to reach a degree that prevented much constructive communication. Editorial policy thus became a "one man show." The final instance was a dispute between the Board and editor about the propriety of publishing a "letter to the editor" which directly related to a pending disciplinary hearing. The incident coincided with the dismissal, but was probably more symptom than cause.

(e) *Coverage of Board Meetings.* Lively and readable news coverage of the meetings of the Board of Governors — where the key Association decisions are made — was often accomplished by direct quotes which cast particular Board members in a less than favorable light. This made for good reading but, as it turned out, questionable politics.

## Interim Editor and Appointment of Editorial Advisory Board

Suddenly, the Board found itself with a major problem: a bar journal with a national reputation for excellence, a tight monthly publication schedule and no editor.

The Board found at least a temporary solution by directing Roy Mitchell, the Association's Director of Professional Activities, to take over the reins on a temporary basis until other arrangements were made. Roy, a lawyer, logged many years of journalistic experience before taking his full-time staff position with the Association in 1969.

To grapple with the long-range problem, however, the Board of Governors decided in mid-August to create a new committee, dubbed the "Editorial Advisory Board." The initial seven members of the EAB came from each of the seven Congressional Districts, and many of them had extensive journalistic experience with bar publications, law reviews, college or community newspapers, etc. They are William W. Baker from Everett; E. Glenn Harmon of Spokane; Bradley T. Jones from Seattle; Vernon L. Lindskog of Olympia; Richard F. Monaghan from Tacoma; A. J. Nicholson of Yakima; and John L. Weinberg from Seattle. Several months later the EAB was expanded to nine, adding Ed Raftis of Seattle and Edward H. McKinlay from Pasco.

Eddie Friar, Executive Director of the Association, told the new EAB the Board of Governors intended it ". . . to assist in formulating plans, procedures and programs for the publication of the *Bar News* . . ." While the charge was thus very general, the Board was specific on two points: (1) the EAB was to be "advisory" to the Board of Governors; and (2) the problem was urgent, with the state convention three weeks away.

### EAB's Report

Somewhat to the surprise of some of its members, the EAB, with little difficulty, reached a consensus which was expressed by Chairman Brad Jones in the EAB's initial report to the Board of Governors at the state convention. The essential elements of that consensus were:

(1) The *Bar News* and its editor should be sufficiently independent to provide examination and constructive, non-inflammatory criticism. Long term publication by the Association staff is therefore not desirable. There should be no censorship by the Board of Governors, the EAB, or any other group.

(2) Ed Raftis, on the whole, had performed a commendable job as editor, and if possible should be re-engaged (no specific opinion was expressed on his discharge).

(3) The EAB should, *inter alia*,

(a) meet regularly with the editor and, at

his request, consult with him on editorial policy;

(b) provide the sole channel for complaints from the Board of Governors about the *Bar News*;

(c) have the responsibility for engaging and replacing any editor (one member dissented on this point);

(d) assist the editor in obtaining material for publication from all parts of the state; and

(e) give continuing attention to the structure, editing and supervision of the *Bar News*.

Following the convention, it became apparent that it would not be possible to put Ed Raftis and the *Bar News* back together again. The EAB's report was then modified to strike the evaluation of his performance and the recommendation to re-engage him; to make the hiring and firing of the editor subject to confirmation by the Board of Governors; and in a few other minor respects. As so modified, the report was approved by the Board of Governors.

### Hugh McGough New Editor

With the EAB launched, the immediate task, of course, was to find a new editor. Finally chosen was Hugh R. McGough, an assistant general counsel at the Unigard Insurance Group in Seattle. McGough is King County Chairman of the State Bar's Local Administrative Committee, and active in CLE and other State Bar affairs. He is a Trustee of the Seattle-King County Bar Association, and was editor of that association's *Bar Bulletin*. He also was Editor of the *University of Washington Law Review*, and has had other journalistic experience.

After several months of able stewardship, Roy Mitchell has turned the editorship over to Hugh, effective with this issue. Roy will continue working closely with Hugh, coordinating the Bar office support which makes the editorship feasible for a practicing lawyer.

### Changes Ahead for Bar News

But the real task for the EAB lies ahead. How will it grapple with the problems the *Bar News* founded upon last July? What new courses will it chart?

Your comments, suggestions and gripes are welcome. Direct your comments to the editor or to the EAB member in your area. □

## A New Juvenile Court Act for Washington?

(Continued from Page 12)

of a particular child, the law enforcement officer may take the fingerprints of the child regardless of his age or the type of offense involved. All fingerprint and photograph files are required to be kept separate from those of adults.

The statute allows for juvenile participation in line-ups only when permission is granted by the juvenile court and the child in question is fourteen or more years of age. To insure due process of law the statute requires that the child be represented by counsel at the time of the line-up.

### Jurisdiction Restricted

The Superior Court continues to have exclusive jurisdiction over delinquency and dependency petitions regarding children who are under 18 years of age. However, in light of the present inadequacy of our correctional systems and the negative impact of court process on youthful offenders, the definitions of "dependent" and "delinquent" acts have been changed so that the juvenile court process will be used as a last resort and on a limited category of juveniles.

Under the proposed statute a "delinquent act" means an "act which would be designated a crime if committed by an adult." (The definition also specifically removes a majority of traffic offenses from the juvenile court's delinquency jurisdiction). This new approach which eliminates "status" violations, applicable only to youths, (e.g., curfew), from the definition of delinquency, was advanced for several reasons. Some believe that juvenile status crimes are unconstitutional, citing the disfavor which the Supreme Court has viewed the imposition of criminal liability for occupation of a status. (e.g., *Robinson v. California*, 370 U.S. 660 (1962) in which the Supreme Court struck down a California statute making it a crime to "be addicted to the use of narcotics."). Others believe that the often vague, imprecise and subjective terms which comprise status violations afford neither the child nor the parents a clear standard of proscribed conduct and fail to provide courts with a fixed standard by which to measure conduct and are therefore, unconstitutionally vague. (See, *Mattiello v. Connecticut*, 225 N.E. 2d 201 (1966), prob. juris. noted 391 U.S. 963 (1968). Lastly, the need for court intervention in this type of juvenile conduct was itself challenged.

If there is no serious issue of overt antisocial activity, juveniles should not be referred to a court. It is not a place where children should get social help. Formal court process often helps to fix the pattern and to confirm the delinquent image and make it more, rather than less, difficult for the youth to outgrow his antisocial growing pains. In a recent address to juvenile court judges, Chief Judge David Bazelon of the United States Court of Appeals for the District of Columbia, called for an honest re-evaluation of the juvenile court's role:

"But in the area of borderline pre-delinquent jurisdiction — beyond control, truancy and the like — where the rationale for intervention seems to be the illusory hope of preventing future crimes, we ought to stop fooling ourselves and the community. You ought to tell the community that you are failures — yes, failures — at preventing delinquency and crime. As long as the community views you as a prevention agency and refers its social and behavioral problems to you, the root problems will not be attacked."

The proposed statute has also altered the existing definition of a dependent child to include children who are: neglected, abused, mentally ill or mentally deficient. The important change is in the definition of neglected child which is limited to a child who is either "without a parent, guardian or legal custodian or who has been abandoned by such," or who is "in a situation of clear and present danger of suffering substantial damage to his physical or mental health." This definition is intended to eliminate court intervention in incorrigible child situations where parents seek judicial help when they cannot control their children.

A great many juvenile court judges have indicated that the court should not be looked to as a substitute for parents. The community must not shirk its responsibility in providing help for both the juvenile and his parents in the belief that the juvenile court was created to dispose of these problems. It is also unfair to the child to be referred to the court when he has not violated the rights of others. Just as the public equates delinquency with criminality, it fails to differentiate between the dependent and delinquent child. Present procedure by which we do not deem adjudication of court wardship to constitute conviction of a crime is a legal fiction presenting a challenge to credulity and doing violence to reason.

A more realistic approach would be to reduce

the need for intervention by the courts in dependency matters. These children, as well as many delinquent children, should be handled through neighborhood agencies, whenever possible, which would provide a myriad of therapeutic services both to the child and his parents. This procedure would avoid the criminal stigma and would bring the child directly into the hands of the treatment authorities and they would be dealing with the juvenile alongside other children in need of help and not as a member of a group regarded as morally reprehensible by legal definition. More importantly, the child's problem would be worked out within the environment to which the youth will eventually return.

The underlying theme of the proposed statute is that informal adjustment should be attempted in place of formal judicial process whenever possible. However, to insure due process in these adjustments all parties must agree to any such informal adjustment for it to be binding.

The juvenile court is permitted to decline jurisdiction to the adult court if all of the following conditions are met: the child is over the age of fourteen; there is probable cause that the child committed the alleged crime; the court finds that existing services and facilities cannot provide for the needs of the child; and the interests of the community require restraint or discipline of the child. The proposed statute prohibits the juvenile court judge who declined jurisdiction from presiding over any subsequent proceedings in adult court.

### **Independent Probation Services**

If juvenile rehabilitation programs are to be successful they must be administered by a professionally trained staff of probation workers who are independent of the judicial system. Therefore, the proposed statute establishes probation services independent of the court's judicial control and eliminates many existing prosecutorial functions from being performed by probation personnel. The independent probation services would be administered by each county.

The administration of probation services by an independent agency will help clarify the role of the probation officer. Allowing the probation officer to participate in the adversarial process would be violative of a trust and subversive to the formation of a meaningful relationship between the child and the probation officer which relationship is essential for resocialization to take place.

The retention of a probation department within

the juvenile court also raises serious legal questions. (The legality of court controlled juvenile probation services in Washington has been challenged in a pending Court of Appeals case, *Effie May Owen v. State of Washington*, No. 1944-1). A recent juvenile court case, *In re Dennis*, (Rhode Island Family Court 1970), held that when a court participates in the investigatory, accusatory and adjudicatory proceedings, the juvenile is denied due process and equal protection of the law. The court stated:

" . . . the trier of facts should not be acquainted with any of the facts of the case or have any knowledge of the circumstances, either through officials in his department or records in his possession. His duty is to adjudicate on the evidence introduced at the hearing. It is contrary to the fundamental principles of due process for the court to be compelled, as it is in this state, to act as a one man grand jury, then sit in judgment on its own determination arising out of the facts and proceedings which he conducted."

Therefore, the task force proposed the establishment of a probation department to be administered by the county, independent of the judiciary.

### **CONCLUSION**

The majority of those who participated in the drafting of the proposed Juvenile Court Statute believe that enactment of the proposed legislation is necessary in order to implement the commitment made by the juvenile court reformers seventy years ago. The monumental *Gault* decision shattered the "Chinese Wall" of juvenile court systems behind which thousands of cases were disposed of without due process. We are now aware of the inadequacies both of the process and facilities. Unfortunately, the history of juvenile court reform in the State of Washington has been a sad one. It has been marked with apathy from the bar and clashes by the special interest groups who participate in the juvenile court process. It is time for all of us who are involved in the judicial system to become aware of its inadequacies and strive to reach perfection in achieving its meritorious goals. □



# Office Practice Tips

## Check List for Probate of Will

I am sure many attorneys have a check list for various proceedings and I have often wondered how many variations there are. My current check list for wills is as follows, I would appreciate any comments in the way of additions thereto:

Probate Schedule— Will	Probate No. _____
	Security File _____
Request for ____ days Special Notice by _____	Misc. File _____
	Form No. Filed
3 Petition for Probate of Will (Fee \$32.00)	5
3 Preliminary Statement Inh. Tax (copy of Will attached)	7
3 Testimony of Applicant — Affidavit of Subscribing Witnesses	10, 11
3 Appointment of Resident Agent — Order Appointing Guardian Ad Litem	13, 19
3 Order Admitting Will to Probate	15
4 Petition and Order for Family Allowance (\$ _____ per month)	20, 21
3 Bond of Exec (non-res. Exec or no Waiver Countersignature _____)	
3 Oath of Executor Notice of Probate to Heirs (20 days) Aff. of Mailing _____	22 24, 25
3 Notice to Creditors (Pub 3 wks) Mailed to _____	27
3 Personal Income Tax Return for Decedent	
3 Application for Int. Rev. Indent. No. _____	9
3 Application for Social Security Lump Sum Death Benefit	
4 General Inventory (90 days) Assessed Val of R.E. — Encumbrances Copies to Heirs _____	33
3 Order Appointing Appraiser or Motion & Order Dispensing with Appraisement	39, 41
3 Petition for Order Of Solvency — Order Of Solvency	43, 44
3 Affidavit of Publication (1st Publ. _____)	
3 Creditors Claims-Letters _____ All filed ----- All approved _____ Preferred Claims Paid _____ Last date to file claims _____	28, 30

4 Appraisement \$ _____ Copy to Inh. Tax Dept. _____ Copies to Heirs _____	36
3 State Inh. Tax Report: Due _____ Mailed _____ Released _____	45
4 Fed. Est. Tax Ret. (706) Due _____ Mailed ----- Paid _____ Estate Tax Closing Letter Received _____	46
Copy to Inh. Tax Div. _____	
42 Declaration of Completion Final Account & Pet. for Dist. Due _____ Copies to Heirs _____	50 51
3 Order Fixing Time of Hearing - set for _____	
52	
4 Notice of Hearing (Pub 1 wk-20 da. before Hrg.) Mailed to _____ Affidavit of Mailing Notice to Heirs Affidavit of Publication (1st Publ. _____)	53 55 54
Check Vouchers _____ Written appr. of Fin. Re. by Distributees _____ Report of Guardian Ad Litem Order Appr. Fin. Rep. and Decree of Dist. _____	
Letters to Heirs _____	58
4 Final Discharge Filed _____ Copy mailed to Bonding Co. _____	59
3 Notice of Termination of Fiduciary Relationship (Reg No. 301.6903-1(b))	84
3 Letter to Assessor and Treasurer for ownership records and tax notices	85

Harry E. Hennessey

## Dean Orland Resigns

Lewis H. Orland has resigned as dean of Gonzaga University School of Law. Orland, on the Law School faculty for over 20 years, will remain with the school in a teaching position. A presidential search committee has been appointed to nominate a successor. Father Francis J. Conklin, professor of law and dean during the 1965-1966 school year, has been named to the post of acting dean and will serve until a new dean is appointed.



As an individual lawyer, do you want a better public image?

The key is in your own office, guidelines published by the American Bar Association point out.

These are the ten Public Relations Guidelines for the Individual Lawyer:

## 1 — *ADOPT A POSITIVE ATTITUDE*

Be prepared and willing to speak up for your profession in conversations with clients and friends. Don't be defensive; familiarize yourself with the current good works of the bar and don't hesitate to point them out.

## 2 — *GUARD YOUR WORDS*

Don't downgrade other lawyers. Disparaging remarks by a lawyer about the competence or ethics of other practitioners will make a deep impression on non-lawyers, cumulatively harmful to the profession.

## 3 — *UNDERSTAND AND LIVE BY THE CANONS*

If you are in doubt about a significant ethics question arising in your practice, consult the ethics committee for an opinion. As opportunity affords, explain basic legal ethics to clients and friends.

## 4 — *HELP THE GRIEVANCE COMMITTEE*

If you become aware of dishonest or seriously

unethical conduct on the part of another lawyer, make a proper report to the Grievance Committee, and cooperate with the Committee in its investigation. Upholding the honor of the profession is every lawyer's responsibility.

## 5 — *BE ACTIVE IN THE BAR*

If you become active in the work of your local, state and national bar associations you'll gain a new perspective and a better appreciation of its value to the profession and to *you*. Be available as a speaker on law-related subjects before lay organizations. Take advantage of bar and law school institutes and continuing legal education courses. It pays.

## 6 — *WATCH YOUR DESKSIDE MANNERS*

Your client relations methods are of primary importance. Opinion polls show clients rate the lawyer's "evidence of interest" in his cause more important than results achieved. Avoid what the polls show to be the chief complaints: "bored," "indifferent" or "superior attitude."

## 7 — *DISCUSS FEES AT THE OUTSET*

Fear of legal costs keeps many people from seeking legal advice when they need it. Invite clients to discuss fees at the outset, and thus dispel possible misunderstandings about what legal services will cost.

## 8 — *KEEP CLIENTS INFORMED*

Failure to keep the client informed of the status of his cause is a major reason for client complaints. Regular status reports will avoid many complaints, and conserve time in answering client inquiries.

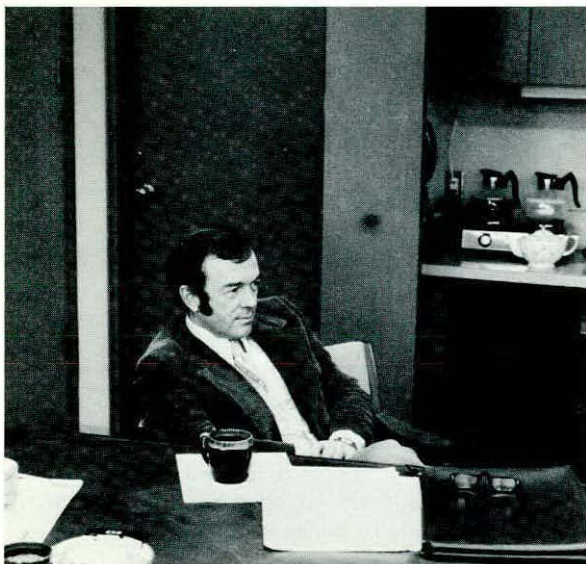
## 9 — *DEALING WITH THE COMPLAINING CLIENT*

You can't satisfy everybody, but generally speaking try not to let a client go away dissatisfied. Many grievances arise out of misunderstandings — mostly avoidable — about fees, billings, lack of awareness of what a particular legal service involves. Take time to explain. Remember; an aggrieved client — right or wrong — is apt to be a talkative one, and he can damage your reputation and that of the bar.

## 10 — *BE PUBLIC RELATIONS CONSCIOUS*

In the long run, you are your own best "public relations man," or can be. Remember, in the eyes of your clients and close acquaintances you *are* the legal profession, and as an individual you can do a great deal to see to it that among them the profession's reputation is good.

— *Public Relations Committee*



Dave Whitmore, Wenatchee, attends CLE meeting (see Page 14)



## SUPREME COURT PRACTICE

By WILLIAM M. LOWRY  
Supreme Court Clerk

The statistics are now available for a comparison of the status of the appellate work load during annual 1972 with annual 1971. The hard inescapable conclusion: A solution has not yet been found to the increasing appellate work load problem. What are the statistics:

<i>Supreme Court and Court of Appeals</i>				
		1971	1972	
New Cases		1387	1657	
Dispositions	1971	1972		
By opinions	632	610		
By order	642	671		
		1274	1281	

The above figures include as separate cases a case disposed of by the Court of Appeals and considered by the Supreme Court on a petition for review or certiorari. While in a sense this results in counting the same case twice, from the standpoint of the appellate work load separate reviews are involved. In this connection statistics regarding petitions for review filed from decisions of the Court of Appeals are set forth below:

	1971	1972
Petitions for Review		
Filed	165	141
Granted	17	20

The effect of a more or less static capability of the appellate courts to dispose of cases and an increasing number of cases being filed is apparent in the number of cases ready for setting but not set:

	1971	1972
Ready but not set	146	183

With respect to the mix:

Petitions for Writs	1971	1972	1971	1972
Habeas Corpus	107	61		
Certiorari	109	119		
Mandamus	24	17		
Prohibition	10	21		
TOTAL			250	218
Disciplinary			3	7
Petitions for Review				
Appeals				
Civil	663	918		
Criminal	306	371		
TOTAL			969	1289
			1239	1657

Whether the answer to this situation lies in a limitation of the right to review, changes in the appellate process, or an increase in court capability, the situation is one which obviously requires an early solution or the crises of unconscionable delay averted by the formation of the Court of Appeals will shortly again become as real.

## THE COURT OF APPEALS

By JOSEPH A. THIBODEAU, *Commissioner*

One of the most perplexing problems that faces an appellant's counsel is "How do I prepare the record in an appeal from an order granting summary judgment?"

In most cases, the order granting summary judgment is entered immediately following argument on a motion calendar in the superior court. Generally, a court reporter is not present at the hearing and, therefore, counsel is unable to have a statement of facts prepared pursuant to CAROA 33 and 34. CAROA 33 provides in part:

"(5) Unless the chief judge shall previously order otherwise, the appellant must, *within 45 days after filing notice of appeal, make arrangements with the court reporter to transcribe any statement of facts necessary for the appeal, and for payment thereof, and also make arrangements with the clerk of the superior court for the transcript which is to be filed with the court of appeals pursuant to CAROA 44. Evidence that these arrangements have been made shall be in the form of a statement . . .*"  
(Emphasis added.)

CAROA 34 provides in part:

"(2) . . . *If proof of filing and service of the statement of facts is not filed within ninety (90) days, plus any additional time allowed by the chief judge, after the notice of appeal was filed with the clerk of the superior court, the clerk of the court of appeals shall order counsel for the appellant or the court reporter, or both, to appear on the next motion day when the matter may be heard unless the proposed statement of facts is filed by the Friday preceding the motion hearing, to explain the cause of the delay.*"

The Supreme Court in the case of *American Universal Ins. Co. v. Ranson*, 59 Wn.2d 811 (1952), set out the two methods for bringing the

record to the appellate court for review of a summary judgment. They are as follows:

"First, they may be incorporated in a statement of facts certified by the trial court; second, they may be identified with particularity in the summary judgment signed by the trial court and then furnished to this court by transcript certified by the clerk of court."

The reason for this rule is to bring before the reviewing court only those matters which were presented to the trial court for its consideration in rendering its decision.

When the order granting summary judgment sets forth with particularity those documents the trial court considered, the proper procedure would be to have a praecipe for transcript given to the clerk of the superior court, and this would constitute the record on appeal with no need, therefore, for preparation of a statement of facts. The problem occurs when the order does not set forth with particularity those documents that were considered by the trial court. In this instance, a statement of facts must be prepared. However, this is not the statement of facts as envisioned by CAROA 33 and 34, but it takes on the same identity as a transcript, but with the certification of the trial judge. In view of this, the proper procedure would be that counsel makes copies of all documents considered by the trial court, including affidavits, depositions, etc., and presents it to the trial court for certification upon giving proper notice to opposing counsel. The certification as signed by the trial judge shall list all the documents that he considered in rendering his decision. This document designated as the statement of facts should then be filed with the clerk of the superior court and forwarded to the appellate court as the record on appeal. This then would satisfy the requirements set forth in *American Universal Ins. Co. v. Ranson*.

I would like to also point out that counsel should check the local rules for the superior court in their respective counties. I direct your attention specifically to Local Rule 56 for King County Superior Court, which provides as follows:

"(h) **Matters Considered to be Identified.** In every order granting or denying summary judgment, the court shall identify with particularity the matters considered in making its decision. Use of the clerk sub-file document numbers and name of the paper involved satisfies this requirement."

Even though this rule appears mandatory, King County counsel have failed to comply with this

rule. It might be that other counties have a similar rule. More attention to these rules might alleviate some of the problems on an appeal and prevent a disposition such as that given by the Washington State Supreme Court in the recent case of *Harris v. Kuhn*, 80 Wn.2d 630 (1972), in which the Supreme Court affirmed the decision of the trial court and dismissed the appeal for the reason that counsel had not properly prepared the record on appeal from an order granting summary judgment.

\* \* \* \* \*

Division I of the Washington State Court of Appeals has recently employed Mr. Richard D. Taylor as Clerk. Mr. Taylor comes to the Court of Appeals after eight years' experience in the King County Clerk's Office. Mr. Taylor will be handling all the administrative duties for the Court of Appeals, Division I.

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## SUPERIOR COURT NEWS

By ROBERT M. ELSTON, Judge  
King County Superior Court

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King County Superior Court judges have elected **Stanley C. Soderland** Presiding Judge and **Frank D. Howard** Assistant Presiding Judge.

Judge Soderland is concerned about the current backlog of 3466 nonjury and 1068 civil jury cases resulting in a time lag between noting and trial of 12 months for nonjury and 15 months for civil jury cases. He noted that the legislature has been asked to provide five additional judges for King County but states that, in addition to more judges, what is needed to attack this problem realistically is to increase the number of trials set per day. This, he says, he will do. "The settings must be heavy enough to have cases available and waiting for judges who finish their trials during the day. If the calendar is set light so that cases are readily sent out in the morning without causing lawyers to wait, then it is inevitable that some judges will be idle during a portion of the day. Speedy justice for the public is the responsibility of both lawyers and the court. The court needs the understanding and cooperation of the bar."

Judge Soderland also will use settlement and pretrial conferences more extensively. This, he believes, saves clients money while also helping clear up the backlog.

# xx Twenty Years Ago

Gamblers in Reno. It seemed fitting that the Western Division of the National Association of Claimants' and Compensation Attorneys met there in the long chance city. J. P. Tonkoff, Yakima, R. Max Etter, Spokane and John J. Kennett, Sam L. Levinson, Roy E. Jackson and John F. Walthew, all of Seattle, attended. In response to the chairman's announcement of the program stating the association "is extending an invitation to all plaintiff's and defendant's lawyers to attend." The editor remarked, "This, we take it, includes everybody — with the possible exception of counsel who never represent anyone or who represent only intervenors."

## Births

Theodore H. Little left the attorney general to open in Clarkston.

Phil Richardson also left the attorney general to open in Olympia.

Frank Baker, secretary-treasurer of the Olympia Bar shocked a meeting there with the report that the treasury had a surplus!! We presume the problem was soon solved.

Tyler C. Moffett and John Trumbull of Port Angeles were elected President and Secretary respectively of Clallam County Bar.

It was also reported there that "other than the fact that the Honorable Max Church was *re-elected* judge . . . there have been no radical *changes* of personnel . . . during the last year."

Editor quoted the secretary of the Tacoma Bar thus: "I dare not attempt to put the title of Tom's (Gagliardi) address herein due to the fact that the printer misspelled it twice. (Editor's

note: He should have sent it in. Bar News printers do not misspell words.)"

William A. Raley left Port Angeles to open in Seattle.

Joseph A. Holleman and Max Nicolai of Seattle reposed in Olympia as counsel of the Democratic minorities in the Senate and House respectively.

In Seattle William J. Wong joined William Y. Mimbu.

Pinckney M. Rohrback joined Kahin, Carmody & Horswill as a partner.

Arthur S. Quigley and William Hatch became partners in the firm of Croson, Johnson & Whcelon.

## Crossed The Bar

Dayton: Robert M. Sturdevant, 76.

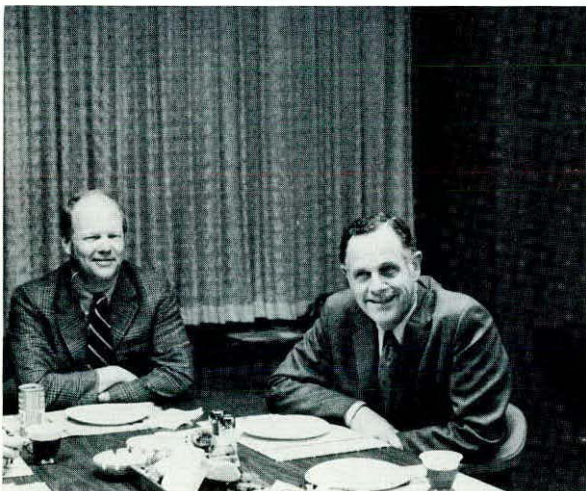
Olympia: Oscar B. Hartley.

Seattle: Theodore Broberg, 45; Edgar C. Snyder, 84, survived by son Hart Snyder practicing in Spokane.

## Names

Editor Rupp and Wheeler Gray of Seattle indulged in arguments regarding the parting of one's name. Rupp contended that J. Charles Dennis parted his name at the middle whereas Gray said the name was parted on the left. A serious question arose about whether J. Y. C. Kellogg parted his name "at the left ear lobe or at the belt line of the left side." Time seemed so free in '53!!!!

## David J. Williams



Ed Taylor and Burr Anderson, Seattle



Larry Levy, Tacoma and Ted Zylstra, Oak Harbor



*"New Directions in Legal Education"*

By Herbert L. Packer and Thomas Ehrlich.  
McGraw-Hill. 384 pages. \$10.

By Tom Goldstein

In the second part of Shakespeare's Henry VI, Dick, the acerbic butcher, suggests to Jack Cade, a rebellious type: "The first thing we do, let's kill all the lawyers." This often expressed sentiment is just not about to happen in contemporary America.

Even with such substantial changes in the law as no-fault automobile insurance which is expected to rob lawyers of 15% to 20% of their present business, the law profession is a phenomenal growth industry. In the last decade alone, enrollment at the nation's law schools has doubled to 110,000. And by 1985, the number of lawyers, says the Department of Labor, will double to 700,000.

How the country will train these lawyers and then make use of their talents is the subject of "New Directions in Legal Education," a study sponsored by the Carnegie Commission on Higher Education. Consistent with the more general recommendation of the Carnegie Commission that the time required for formal higher education be reduced in all fields, two widely respected Stanford law professors call for reducing the required attendance at law school to two years.

Professors Thomas Ehrlich and the late Herbert Packer, who were instrumental in developing the two-year option at Stanford three years ago, say the current three-year requirement is "unfortunate and unjustified." As part of a long-range effort to make legal education and the profession itself less homogeneous and more diversified, they suggest it would be better if some students were to attend law school for two years, some for three and some for four or more. These recommendations have been spelled out in further detail in "Training for the Public Professions of Law: 1971," a report several innovative legal scholars submitted to the Association of American Law Schools last year and which is included as an appendix to this volume.

In their review of recent developments and future trends of legal education, the authors challenge the effectiveness of the case method (where students, after reading appellate decisions, are questioned in class by their professors in a Socratic give-and-take) which was developed at Harvard nearly 100 years ago and is still in use

by most law schools. The two professors also conclude that the increasingly popular clinical programs (where students, under faculty supervision, learn by actively participating in cases) are not "the answer" to the reform of legal education. They advocate experimentation "with many modest ideas."

Yet, this volume does not deal with some of the central issues facing law schools. The authors' failure to discuss how part-time, night law schools might fit into their proposed scheme is a serious omission. These nocturnal haunts, which skidded badly in popularity in the sixties, appear to be making a comeback. While lacking the prestige of the national law schools, night schools nonetheless have a proud, rich tradition. Several judges, including Chief Justice of the United States Warren Burger, are night law school graduates. Always frowned upon by the organized bar, their future remains in doubt.

A more fundamental shortcoming, however, is the failure of Professors Ehrlich and Packer to probe into the possible impact of the two-year plan on the supply and demand for lawyers. They leave for others the task of deciding whether the two-year option makes a problem of oversupply even more serious or instead points to a long sought after solution for the serious lack of legal services afforded the indigent and the financially hard-pressed middle class.

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of The Wall Street Journal*

**MOVED? MOVING?**

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



## Notices

### Products Liability Seminar in March

An outstanding seven-man "faculty" will present a State Bar CLE seminar on Products Liability in three cities beginning Friday, March 23, in Spokane.

The seminar also will be presented Saturday, March 31, in the Olympia Hotel in Seattle, and Saturday, April 7, in the Evergreen Inn at Olympia. The Spokane seminar will be from 1 to 5 p.m. at the Ridpath Hotel; the Seattle and Olympia seminars will begin at 9 a.m., with registration from 8 a.m. Luncheons are included in the Seattle and Olympia seminars.

Members of the panel are Shannon Stafford of Seattle, chairman, and Judge Keith M. Callow of the Court of Appeals, Hugh R. McGough, Judge Erle W. Horswill of King County Superior Court, Raymond D. Ogden Jr., Daniel F. Sullivan and Roy J. Mocerri.

The seminar, sponsored by the Bar's Continuing Legal Education Committee, is designed to present a balanced view of the state of Products Liability law today. The panelists are experienced in representation of both plaintiffs and defendants, and the judges will explore the areas of proof and instructions.

### WSTLA Seminars Set

Seminars have been scheduled by the Washington State Trial Lawyers Association for March 23-24 in Seattle on Law Office Management; April 13-14 in Seattle, Medical Malpractice; May 11-12, Maritime Law, and, with the ATLA, June 1-2 in Seattle on Basic Advocacy. Information is available from Robert J. Kroum, seminars chairman, 1920 Pacific Building, Seattle 98104.

### Wanted & Unwanted

**For Sale:** Selective Service Law Reporter, current. Peter Greenfield, Seattle, 725-2600.

**For Sale:** Addressograph-Multigraph, Bruning Electrostatic, wet copier, Model 3000, Serial No. 01772-01701. Cost \$1,600 in 1968. Thoroughly reconditioned. Copies books, reduces legal sheets to letter size. Spokane County Law Library, 1020 Paulsen Bldg., Spokane, 99203. RI 7-4914.

**Office Space:** Will sublet space for two attorneys, price negotiable; View, 15th floor, Seattle Tower, 800 square feet, available April 1. George Schoonmaker, 622-7282.

**Office Space:** Three offices and community library with three additional attorneys, available May 1, new building lower Queen Anne, Seattle. James Hubbard, AT 3-4100.

**Office Space:** Outstanding decor, reasonable, close to Courthouse (Pioneer Square); some referral business. Seattle MA 3-5296.

**Office Space:** Attorney's office to rent, Norton Building. William J. Van Natter, Seattle MA 3-2348.

**Office Space:** Grand Central of Pioneer Square, available April 1; rent and support negotiable. Blair F. Paul, Seattle MU 2-0686.

**Office Space:** Available for associate in Seattle-First National Bank Building, Suite 4321. Includes library, 5 telephone lines, office equipment, secretarial service, etc. 622-1244. Merges, Brain, Youngberg, Allen & Larson.

### Lawyers' Trade Name?

A law firm organized as a professional service corporation may use only a name containing the name(s) of one or more of the lawyers in the firm. A trade name or assumed name is not proper.

That is the opinion of a segment of the State Bar's Legal Ethics Committee.

The question has arisen repeatedly as more law firms elect to organize as professional service corporations under the 1969 law permitting such corporations in Washington.

The law authorizes a "name permitted by law and the professional ethics of the profession."

The Code of Professional Responsibility (DR 2-102 (B)) provides: "A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more lawyers in the firm, except that the name of a professional corporation may contain 'P.C.' or 'P.A.' or similar symbols indicating the nature of the organization. . . ."

Incorporated law firms may therefore add to the name of the lawyer or lawyers the designation "P.S." or "Inc., P.S."

### Books Missing?

"Have we mistakenly picked up your books? We have duplicates of:

*Tax Court Reports*, Vols. 11, 22, 30, 36 and 39.

*U.S. Tax Cases (CCH)*, Vols. 1936, 1937, 1940 and 63-1."

George Constable

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