

CHARLES L. POWELL TAKES OATH FOR FEDERAL JUDGESHIP

The oath of office was administered to Honorable Charles L. Powell, in the District Court Room in Spokane on July 31. Judge Powell's nomination to be U.S. District Judge for the Eastern District of Washington was confirmed on July 16. A large number of Spokane and Eastern Washington lawyers were present when B. W. Blake, newly appointed Clerk of the Court administered the oath. Presiding was District Judge William J. Lindberg.

Also present was Chief Judge Sylvester J. Ryan of the Southern District of New York, who had been holding court in Spokane, and District Judge John F. Kilkenny of Oregon. Judge Lindberg recognized Washington State Supreme Court Chief Justice Frank P. Weaver who spoke briefly on behalf of the Supreme Court. Others recognized and speaking were Superior Court Judge Orris L. Hamilton of Benton-Franklin Counties; Superior Court Judge Ralph P. Edgerton of Spokane County; Daniel J. Hurson, President of the Benton-Franklin Bar Association; Tom Malott, President of the Spokane County Bar Association; Richard F. Munter representing the American Bar Association and Charles F. Scanlan for the Board of Governors, Washington State Bar Association.

Judge Powell was born in Kansas but has spent all of his life in Washington. He received his law degree from University of Washington in 1925, and has been in the practice at Kennewick almost continuously.

C. A. ORNDORFF, Spokane.

FINAL REMINDER

Annual Meeting, Washington State Bar Association, Davenport Hotel, Spokane, September 17, 18 and 19, 1959. See program from June-July issue. If you have not registered yet, do so now.

PRACTICE BEFORE YOU GET THE CLIENT

Bernice Jonson, Chairman, Continuing Legal Education Committee, advises that all seminars to be offered at the state convention have been arranged for the practicing attorney. She suggests that attorneys attend the seminars and minimize the practicing on the public that we may all know something of. Learn at Spokane!

U. OF W. SPONSORS TWO-DAY ESTATE PLANNING SEMINAR

The Seattle Estate Planning Council and the University of Washington School of Law are sponsoring a two-day seminar, *Estate Planning in this Inflationary Period*, August 31-September 1, 1959, at the Law School. The faculty for the seminar is composed of four active estate planners from Seattle: David E. Ellison, Trust Officer of the Seattle First National Bank; Kenneth W. Johnstone, Agent with the New York Life Insurance Company; S. O. Joraanstad, Accountant with Haskins & Sells, and Andrew M. Williams, Attorney, Partner in Holman, Mickelwait, Marion, Black & Perkins. In addition two distinguished visitors will speak at the luncheons, Walter L. Nossaman, Los Angeles attorney, and Jules I. Bogen, Professor of Finance at N.Y.U.

For those interested in keeping abreast of the recent developments in this important field, advance registration may be made by contacting the Office of Short Courses and Conferences, 138 S Student Union Building, University of Washington, Seattle 5. Registrations will also be accepted between 8:30 and 9:00 a.m. on Monday, August 31, in Condon Hall, if space is still available. The fee for the seminar, which includes both luncheons in addition to any material distributed during the seminar, is \$30.00.

RICHARD B. AMANDES.

JUSTICE DEPARTMENT COMMENDS MORIARITY'S OFFICE

The Justice Department has commended the office of Charles P. Moriarity, United States attorney for the Western District of Washington. The commendation notes that the office is up-to-date on all its cases and that monetary collections are up 17 per cent over fiscal 1958.

Moriarity compared the current situation to that existing in 1953 when he was appointed. At that time, 700 matters were pending. As of June 30, 1959, 202 cases were pending.

WHATCOM CALENDAR

Whatcom County Superior Court Judge Bert C. Kale has reminded that new "Special Rules of the Superior Court of Whatcom County" are effective September 1. Under Rule 6, the following matters will be heard at the indicated days and hours:

Probate—Fridays at 9:30 a.m.

Default Divorces—Fridays at 11:00 a.m.

Motions—Fridays at 1:30 p.m.

Divorce Motions and Petitions—Fridays at 2:30 p.m.

MUNICIPAL ATTORNEYS' GROUP ELECTS OFFICERS

At the WSAMA meeting at Port Angeles on June 11 the following, who comprise the Executive Board, were elected to the offices indicated: President, Leslie R. Cooper, Everett; 1st Vice-President, William R. Studley, Longview; 2nd Vice-President, Charles R. Olson, Bellingham; executive board members representing 2nd Class Cities, Tyler C. Moffit, Port Angeles; 3rd Class Cities, James P. Salvini, Sunnyside; and 4th Class Municipalities, H. D. Walker, Cheney. Dr. Ernest H. Campbell, Associate Director of the Bureau of Governmental Research and Services of the University of Washington, is ex officio secretary thereof.

Continuing Legal Education Programs, 1959-60

Four programs will again be presented in each of four cities as they were during the past year. Of special interest this year are the two programs to be devoted to the new *Rules of Civil Procedure*. Both of these programs will be presented on both sides of the mountains prior to January, 1960, when the rules go into effect.

In addition, there are two other programs of interest to the busy practitioner, *Proof of Damages*, and *Municipal Law for Private Practitioners*.

First program in
Spokane—October 10, 1959
Yakima—October 31, 1959
Seattle—November 14, 1959
Olympia—November 21, 1959

Reserve the Dates!!!

AVAILABLE HOTELS and MOTELS

The following hotels and motels are available for your stay in Spokane while attending the annual convention.

Davenport Hotel
Ridpath Hotel
Spokane Hotel
Desert Hotel
Sillman Hotel
Coeur d'Alene Hotel
Desert Caravan Inn, Rt. 4, Spokane
Downtown Motel, 2nd and Washington
Holiday Lodge, W. 44 6th Ave.
Clinic Center Motel, S. 702 McClelland
Starlite Motel, Rt. 4

Washington State Bar News

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LETTERS

Editor:

In your Bar News for June-July, I notice your statement regarding the death of Dix H. Rowland. It was noted that he practiced in Pierce County for more than 30 years. The statement seems rather conservative due to the fact that he practiced in Pierce County for more than 50 years.

GERSHOM C. ROWLAND, *Tacoma.*

Editor:

It is quite apparent, to me, that the bar fraternity, does not tend to practice the social sciences, especially so far as even visiting an invalid member. I know that this is not required, by members of the bar, by the code of ethics, BUT Andrew J. Balliet, having had many friends among the fraternity, should, due to his exceptional standing at the bar, be shown some courtesy by at least those who know him, in his declining years.

He was 96 years of age in January last, was obliged to quit practice in 1954, and since 1956, has been confined to his bed, or wheel chair. He is now in the Hansen Rest Home at 620-19th Ave. North, and I am anxious to have those of his friends, who will, call on him, and alleviate some of his many lonely hours.

C. H. STEFFEN, *Seattle.*

Results of Bar Examination by Schools

July, 1959

	Passed	Failed	Total
University of Chicago.....	1	2	3
Columbia	1	1	1
Creighton	1	1	1
George Washington Univ.....	1	1	1
Georgetown	1	....	1
Gonzaga	16	6	22
Harvard	4	2	6
University of Idaho.....	1	1	1
University of Minnesota.....	1	1	2
Montana State University.....	1	....	1
Northwestern Law School.....	1	1	1
Ohio State	1	1	1
University of San Francisco.....	1	1	1
Stanford University	1	....	1
University of Washington.....	45	19	64
Washington College of Law....	1	....	1
Wayne State University.....	1	....	1
Willamette	1	1	1
Yale	2	....	2
	74	38	112

COMMITTEE REPORTS

JUVENILE AND FAMILY LAW COMMITTEE

At its first meeting the Juvenile and Family Law Committee reviewed the detailed statement of program and objectives prepared by last year's committee. We concluded that completion of any specific program would require concentration on a single objective. The undertaking by the Legislative Council of a study of the juvenile laws of this state pursuant to a resolution adopted at the last session of the Legislature led us to believe that this was an area wherein we might provide assistance and guidance.

We met with a group of Social Workers representing various agencies particularly concerned with the operation of juvenile laws. Our discussion highlighted the overlaps and gaps in the jurisdiction of various governmental agencies on both the state and the local level charged with responsibility of dealing with problems of juveniles. After discussing the feasibility of strengthening and improving our laws through piecemeal amendment on the one hand or wholesale revision on the other, we decided that we should familiarize ourselves with the Model Juvenile Code that has been adopted by several states. A representative of the National Probation and Parole Association has agreed to meet with us in the fall to review the operation of this act and the states in which it has been adopted.

Respectfully submitted,

DANIEL C. SMITH, *Chairman*; Phyllis Cavender, R. W. Copeland, Tom A. Durham, Sam W. Fancher, Jerry Haggarty, Mark L. Litchman, Jr., Kathreen Mechem, Melville Oseran, Robert Royce, Robert W. Garver, William Smith, Walter A. Stauffacher.

COMMITTEE ON THE UNIFORM COMMERCIAL CODE

Your committee on the Uniform Commercial Code can report progress, both nationally and in Washington, toward acceptance of the Code.

On May 1, 1959, the Code was enacted in Connecticut (Previous enactments were in Pennsylvania, Massachusetts and Kentucky). The 1959 legislatures of Indiana, Ohio and Wyoming directed the preparation of interim reports on the Code as a basis for future deliberations on enactment.

Senate Bill 45, covering the Code, was introduced in the 1959 Washington legislature by Senators Sutherland, Foley and Ryder. It did not pass. The Senate did, however, pass a resolution requesting the Statute Law Committee to "study the bill, give wide publicity to its provisions, encourage public inquiry, and make a recommendation to the 37th Legislature."

It will be recalled that the Uniform Commercial Code is a proposed uniform law, sponsored by the National Conference of Commissioners on Uniform State Laws and the American Law Institute. It combines in one carefully integrated statute revisions of the older uniform laws affecting commerce, *i.e.*, The Negotiable Instruments Law, the Sales Act, the Warehouse Receipts Act, the Bills of Lading Act, and the Stock Transfer Act. It also includes coverage of bank collections, bulk transfers, and letters of credit, as well as a badly-needed modernization of the common law and the statutes relating to security interests in chattels and choses.

Acquisition of the familiarity requisite to an informed opinion about the merits of so extensive a statute is not easy. Study of the Code, or of the opinions of persons who have studied it, is required. That the Washington lawyers who are most familiar with the Code deem it a material improvement over our existing law was demonstrated in the legal institute on the Code, sponsored by the Continuing Legal Education Committee and held during the 1958 annual meeting of the Association.

As more Washington lawyers, both in and out of the legislature, become informed about the Code, the prospects for enactment are apt to improve. Help in evaluating the Sales sections has been provided by Ralph W. Johnson in his article entitled "Sales—a comparison of the law in Washington and the Uniform Commercial Code," which started in 34 Wash. L.R. at page 78. An earlier discussion of the security transactions sections, which started in 29 Wash. L.R. at page 1, is still of utility despite some subsequent changes in the Code. A recently received bulletin of the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association lists four books on the Code, dealing with Sales and Bulk Sales, Documents of Title, Secured Transactions, and Bank Deposits and Collections.

It should also be reported that members of this committee engaged in various activities related to the Code, during the past year. Two members participated in the legal institute referred to above. One discussed the Code at a luncheon meeting of the Seattle-King County Bar Association. One served on an *ad hoc* committee which assisted Mr. Richard O. White in the drafting of Senate Bill 45, referred to above. Two attended a Senate Judiciary Committee hearing on the Code.

Respectfully submitted,

WARREN L. SHATTUCK, *Chairman*; Alan P. O'Kelly, William F. LeVeque, Jack M. Whitmore.

THE COMMITTEE ON CRIMINAL LAW

The Criminal Law Committee of the Washington State Bar Association respectfully submits the following report:

1. There has been considerable general discussion about the sentencing procedures being employed in the State of Washington, with particular concern to the advisability of more use of trained personnel in determining whether or not a particular defendant would be a good probationary risk or required institutionalization. A differentiation was made between this problem and the problem of the length of sentence if institutionalization was required. It was the feeling of the Committee that the use of expert sociological or psychiatric assistance in determining the type of rehabilitation indicated by a particular defendant would be of great assistance and would reduce possible inequities in sentencing procedures. It was recognized that in at least some Counties, judges are making use of pre-sentence reports from the Board of Prison Terms and Paroles, but it was also recognized that these reports are not in as general use as the Committee thought advisable. It is therefore, recommended as follows:

a. That the criminal statute law in the State of Washington be amended to eliminate all minimum sentences on the theory that minimum sentences require institutionalized punishment, whereas it was the feeling of the Committee that the question of probation should be an open question in all cases.

b. That pre-sentence reports from the Board of Prison Terms and Paroles be mandatory and automatic in all felony cases.

c. That requests be made of the Legislature for appropriations to implement said program.

The question of the elimination of maximum sentences and the value of indeterminate sentences was also discussed but it was felt that the problem here might possibly conflict with the Institutions Committee and no recommendation was made in that regard.

2. *Capital Punishment.* The Committee was of the unanimous opinion that capital punishment should be abolished. The Committee urges the Bar Association to take whatever means are available to this end at the next session of the Legislature.

3. That R.C.W. 10.76.010, defining insanity and mental irresponsibility, should be amended to adopt the Durham rule as a test of sanity as opposed to the currently-used McNaughten rule.

4. The Committee recommended that its pro-

posal, as evidenced by the last report of the Committee in regard to the compensation of Court appointed attorneys for indigents, be reaffirmed. Specifically, the Committee recommends that R.C.W. 10.01.110 be amended to provide that Court appointed attorneys receive \$25 for each argument or Court appearance of any type preceding or subsequent to trial of the case. Further, that during a trial of a case, counsel so appointed receive the sum of \$50 per day for each day of actual trial. Further, that Court appointed counsel should have the right by affidavit to submit a request to the Court for additional fee, based on the amount of work done, including work done as preparation, the amount to be set within the discretion of the Court. It is further recommended that Court appointed counsel also have the right by petition supported by affidavit to request appropriate funds to be made available to: (1) Pay for medical examination and testimony deemed necessary for the defense; (2) Pay expert witness fees that may be necessary; (3) Secure appointment of associate counsel in cases of unusual perplexity, gravity, or when needed; and (4) Secure other necessary expenses of counsel.

It was recognized by the Committee that a bill embodying substantially all of the above provisions very nearly became law in the 1959 Legislature and it is felt another attempt at the next session of the Legislature could easily be successful.

5. It was the unanimous recommendation of the Committee that the evidentiary rule of law set forth in *State vs. Cyr*, 42 Wash. 2d 840, be deleted from the law of the State by statute. It was felt that allowing a character witness for an accused to be impeached by specific acts of misconduct not amounting to conviction on the part of the accused was unfair and prejudicial and amounted to, regardless of the method outlined by the case, impeachment of the accused rather than impeachment of the witness.

6. It was again urged by the Committee that R.C.W. 9.33.030 be amended to allow counsel to confer with an accused in person immediately from the time of his arrest.

7. Other areas were discussed in detail. One area in which further study was indicated was the possibility of making provision for probation officers at the Justice Court level. It was felt by the Committee that many current hardened criminals could have been dissuaded had they had a small amount of guidance on the relatively minor offenses handled at the Justice Court level. It is recognized that this could be a difficult problem financially, and further study is indicated.

This being an off-legislative year, it was submitted that attention should be given in the ensuing year to the effective presentation of the above recommendations to the Legislature, through the Bar Association. The Committee again served well and in a sincere and conscientious manner and is genuinely interested in protecting the rights of the accused and of the people of the State of Washington.

Respectfully submitted,

N. PAUL MOATS, *Chairman*; Robert Ray Briggs, Jack R. Dean, A. L. Maslan, Charles W. Cone, Warren Hardy, Albert Malanca, Jr., Perry Robinson, Len Schroeter, John Coughlan, Robert Lee Charette, Ray Hayes, Jr., Bill Hellsell, Ken MacDonald, Laurence Regal, Clarence Smith.

COMMITTEE ON REAL PROPERTY, PROBATE AND TRUSTS

Your Committee on Real Property, Probate and Trusts met on Friday, May 1, 1959, at 3:00 P.M. in the Bar office, at the request of the Board of Governors, and took under consideration a mimeographed memorandum entitled "Summary of Joint Tenancy." This memorandum had been prepared by the Legislative Committee of the Bar Association for dissemination as a brief to the members of the House Judiciary Committee and House

Rules Committee earlier in the year when proposed legislation on joint tenancy was being considered in the Washington State Legislature. The Board of Governors has been urged that the memorandum be made public and disseminated under Bar Association sponsorship to the general public. This memorandum covered not only the subject of joint tenancy but, in addition, briefly referred to community property agreements, gift tax problems and estate planning, creditors' rights and miscellaneous matters in this field.

Various members of the Committee agreed to study separate sections of the memorandum and to report back to the Committee on their conclusions as to whether or not it was advisable to publish the same for dissemination to the general public. Likewise, each member of the Committee agreed to consider the memorandum as a whole from the same point of view. Mr. Rickabaugh analyzed the memorandum with respect to community property agreements; Mr. Oldfield analyzed its treatment of the functions of probate proceedings; Mr. Bunker reviewed the memorandum on the joint tenancy summary; Mr. Vernon Towne reviewed the memorandum covering "Opportunities for Sharp Practices," "Gift Tax Problems" and "Problems in Proving Joint Tenancy"; Mr. Max Klein reviewed the memorandum with respect to "Creditors' Rights," "Loss of Revenue to the State" and "Estate Planning and Miscellaneous." All of the Committee members gave their respective opinions and recommendations on the memorandum as a whole.

It is with pride that your chairman reports that each of the above assignments was concluded before the Committee deadline!

RECOMMENDATIONS

1. It is the unanimous opinion of the Committee that it would be unwise for the Washington State Bar Association to publish this memorandum for general dissemination to the public. It was also the unanimous view of the Committee that the memorandum in question having been prepared specifically for the Legislature was excellent for that purpose and served its purpose effectively and well, but that it is not appropriately phrased for dissemination to the general public under Bar Association sponsorship. Some members of the Committee, however, favored the drafting of a memorandum on the subject of joint tenancy and community property agreements by a special committee selected by the Board of Governors, to be published for dissemination to the general public. The Committee feels, however, that these general subjects are extremely difficult to explain for clear understanding by a layman, and some members of the Committee doubt the necessity or advisability of such a pamphlet, and others have suggested that such a statement be issued by the Bar Association only "upon specific requests" or that such a pamphlet should be prepared for distribution only to those who request it, without making it available to the public in general.

2. There has only recently been referred to the Committee a concerted campaign conducted by one Robert B. Stewart who has been circularizing many of the labor unions in the State of Washington, urging legislation on joint tenancy agreements with the right of survivorship, and community property agreements. Mr. Stewart has apparently been very active in disseminating to a wide audience a form of "instruction sheet" with reference to what he describes as an "Agreement as to Status of Community Property After Death of One of the Spouses." It is obvious that this form of activity could very easily lead to a dangerous misuse of community property agreements without the advice or consultation of a lawyer. This same person is carrying on a campaign and soliciting contributions for legislation in this area that may be ill considered and unfortunate unless the Bar Association concerns itself with these problems. The Committee believes that this area should be thoroughly explored and possibly some form of pam-

phlet, acceptable to the Board of Governors, be prepared by way of education to the general public.

3. Your Committee has further been asked to inquire into a recent proposal to place on the ballot in 1960 an initiative which would authorize the use in some form of joint tenancy in real and personal property. It is earnestly believed that these matters require study and further consideration for action. Without Bar Association guidance, irresponsible legislation could be foisted upon the unsuspecting public. It is therefore believed urgent that this Committee be authorized to continue its study and work closely with other Bar committees in the event further organized activity continues to press for legislation in this area.

Your chairman is especially grateful to the members of this Committee who have demonstrated an able understanding of the problems put before it and, even more remarkable, given promptly their written opinions and recommendations, all of which have been placed in the Bar files for future reference.

As usual, our proficient Executive Secretary, Alice O. Ralls, has made it possible for us to communicate frequently without the necessity of meeting together frequently, thus saving time but permitting us to exchange our views thoroughly.

Respectfully submitted,

COMMITTEE ON REAL PROPERTY, PROBATE AND TRUSTS

By WILLARD J. WRIGHT, *Chairman*, Seattle; Clark W. Adams, Aberdeen; Evans C. Bunker, Colfax; Harvey Clarke, Spokane; L. W. Dobbs, Yakima; Edward D. Jones, Stanwood; Max B. Klein, Snohomish; H. A. Martin, Seattle; Willis Oldfield, Tacoma; Lee D. Rickabaugh, Tacoma; Vernon W. Towne, Seattle.

COMMITTEE ON CLIENTS' INDEMNITY FUND

The Committee on CLIENTS' INDEMNITY FUND (appointed Jan. 22, 1959), the members of which are Harry Hazel, Joseph W. Kindall, Hilton Gardner, Lester Parker, Grant L. Kimer, Merrill Wallace, and the undersigned, held two meetings at Seattle on April 17th and June 5th, studied and reported to the Board of Governors concerning the British Columbia Plan as administered by the Law Society of British Columbia, the Vermont Plan and the proposed Oregon Plan, with summaries thereof, and were of the opinion that the Board of Governors does have the power (without further legislative authority) now to and should set up a CLIENTS' INDEMNITY PLAN, either by way of accumulating a fund through increase in dues (called a Special Assessment) of \$5.00 per year, or by a blanket bond through an insurance company to cover embezzlement losses suffered in respect of any matter arising in the course of a professional relationship between a client and any active member of the Washington State Bar Association; not, however, to be retroactive.

The Committee has communicated to the Board of Governors its recommendation that such Plan be by an insurance bond in favor of the Washington State Bar Association, as reported by Committee member Hilton B. Gardner, after his investigation and study, now obtainable through a financially responsible insurance company for a premium of \$5.25 per annum per member attorney, with a maximum of \$10,000.00 per member attorney and with a ceiling of not more than \$5,000.00 for any client involved; and it has been further recommended that the Plan be administered by the Board of Governors through a committee, who would present and obtain payment for clients from the insurance company as claims arise; the insurance bond to be in the name of and payable to the Washington State Bar Association for the benefit of the claimants but with no direct right of action by any individual claimant against the insurance company.

Respectfully submitted,

WESLEY J. MIFFLIN, *Chairman*.

COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

During the past Association year, the Committee has continued to receive and process complaints of unauthorized practice of law similar in nature and number to those of prior years. Predominant in the complaints are those relating to the drafting (or providing) of legal instruments affecting real property. These presently appear mainly against escrow companies and title insurance companies, with occasional claims against notaries public and realtors. The first two classes have presented a difficult problem in some areas of the State, but the Committee feels that progress is being made, even though with less rapidity than may be desirable. Proposed legislation on escrow companies was investigated and discussed during the legislative session, with the Committee recommending against passage because the proposed act did not appear adequate. Cooperative discussions with realtor associations have brought good results.

Unauthorized practice by notaries public in this field has normally been terminated with success by a letter of explanation and warning. As an added educational measure, the Committee requested the Washington Secretary of State to forward to notaries public a proposed explanation of their authority and the limits thereon. Assuming that complaints made constitute a reliable indicator, practice by banking institutions in the field of real estate law has become practically non-existent.

The non-cooperative attitude of debtors has brought the specialization of bill collection in the form of collection agencies, some of whom, in their excessive zeal, have devised rather unusual "threat instruments." Though possibly effective, these papers have exceeded, on a number of occasions, the limits of legality in the eyes of the Committee which demanded termination of this practice of simulating legal process.

Of utmost importance, in the opinion of the Committee, are the increasing problems incident to probate, community survivorship agreements, and joint tenancy. The public sale of community survivorship agreements with instructions as to their execution and advice as to their legal effect has been attacked continuously by the Committee. Letters of advice and warning to merchants and mail order houses have previously been effective. Attempts have been made and are being made to terminate the practice by some Federal lending agencies to require or advise the execution of these agreements upon loan approval, regardless of the borrower's situation. Within the past year, there has appeared an organized effort to attack our profession, to promote the passage of a joint tenancy bill, and to sell as well as advise the purchase of printed survivorship agreements, with instructions. This organized effort has made some progress despite the defeat of the inadequate legislation; indications are that the joint tenancy matter may be taken to the people of the State.

Although criticism of the Bar may or may not be justified, the Committee felt that the matter was of such grave importance that the entire problem was referred to the Board of Governors with a recommendation that a special committee be appointed for investigation and study. Undoubtedly, improvement of the situation is needed and desirable, but it is not easily obtained by disgruntled laymen. Neither is it grounds for the unauthorized practice of law. It is hoped that the special committee can provide the solution and that the Bar will then provide the leadership required.

Many other forms of unauthorized practice were handled by the Committee, to whom I would like to express my personal thanks for their service. As all attorneys are aware, one of the difficulties in combatting unauthorized practice of law is that of obtaining the information initially. Forms have now been made available for use by attorneys in reporting suspected violators. The Committee earnestly requests all members of the Bar to continually seek out and report all apparent unauthorized practice, not only for the protection of the public but for the protection of the profession as well.

LEGAL AID COMMITTEE

The objectives of Legal Aid service are basically as follows:

1. To provide a place where persons in need may readily go for legal assistance.
2. To provide uniform standards for determination of need, and inquiry and investigation to see if this need actually exists.
3. To distribute fairly among lawyers the furnishing of free legal service.

It is the unanimous opinion of the Committee that the need for and benefits from Legal Aid service can really be ascertained only after the designation of a place to which persons in need may readily go, with a feeling that they go as a matter of right and are welcome. The Committee also firmly believes that the rendition of Legal Aid is a necessary public service which will be a credit to the Bar and which will result in beneficial public relations.

The Committee believes that each local bar association should establish and maintain a Legal Aid Office at a specific place, open at a specified time, and with adequate publicity to so inform those who may require legal aid. The Committee is actively engaged in stimulating interest and working out the details for the establishment of such offices. At the present time Legal Aid offices are operating in

1. *Seattle* during regular business hours, staffed by personnel paid by contributions from King County lawyers, aided by student volunteers from the University of Washington Law School.

2. *Spokane* from 3:00 p.m. to 5:00 p.m. each Monday, Wednesday and Friday, with a local lawyer in voluntary attendance, together with student volunteers from Gonzaga University Law School.

3. *Pasco* from 4:00 p.m. to 6:00 p.m. each Wednesday with a local lawyer in voluntary attendance.

4. *Everett* from 1:00 p.m. to 4:00 p.m. each Thursday with a local lawyer in voluntary attendance.

5. *Yakima* one day each week with a local lawyer in voluntary attendance.

All of these offices report favorably concerning the operation of their respective programs, indicating that extension into other geographical areas is desirable.

Reports have been received from almost all of the presidents of the local bar associations setting forth requested basic information with respect to THREE—95549 ARGUS—Bar News 8-18 LN& each area, and this information has been of great benefit to the Committee.

The Chairman of the Committee has served as a clearing house for numerous requests from out of the state for Legal Aid service within the state. These requests have been referred to the president of the applicable local bar association, and all have been handled on a most cooperative basis.

A meeting of the Committee is planned during the annual convention in September for the purpose of determining detailed recommendations to the local bar associations for the establishment and operation of Legal Aid offices.

Respectfully submitted,

ROBERT MOCH, *Chairman*; Richard J. Dolack, H. Orley Solomon, Glen Correa, William Gerughty, Dan Giboney, Lowell Sperline, Eugene Forest, John Wilkins, Bryce Black, Myron H. Freyd, Rodney E. Young, Jerry Huston, Kenneth Hill, James Gober, Donald Simpson, Gladys Phillips, Cornelius Peck.

JOHN S. MOORE, *Chairman*; E. Robert Fristoe, Jack P. Scholfield, William A. Branigin, W. L. Brown, Jr., Charles R. Carey, Merwin E. Casey, Paul Alan Goodin, Willard Hatch, Joe Johnson, Boynton O. Kamb, John P. Lycette, Sr., John D. McLauchlan, D. N. Morrison, J. Lael Simmons, F. L. Stotler, Carl Watkins, David Hamlin, Paul Hoffman, Jr., Lee Olwell, Sam R. Sumner, Jr., Lawrence Thayer, David E. Rhea.

COMMITTEE ON LEGAL SERVICES TO THE ARMED FORCES

The undersigned chairman of the Washington State Bar Committee on Legal Services to the Armed Forces herewith presents the Committee's report for the year last past.

The committee consists of eight members in addition to the chairman; attorneys located in Seattle, Everett, Oak Harbor, Olympia, Tacoma, Spokane and Yakima.

The most active work, quite naturally, has been in King County and Mr. Richard Thatcher, the chairman of the Seattle Bar Association Committee as a counterpart of the State Committee and likewise a member of the State Committee, has truly done a fine job in my judgment in helping service people in King County and in particular in Seattle.

The other attorneys over the state have had less to do but each has responded pursuant to my requests to them in order to make this report.

I feel that this is an important Committee of the Bar and engenders and promotes cordial relations not only with members of the armed forces but with the public generally. It certainly seems to me that it is a committee that should be continued.

The principal topics of concern to servicemen seem to be in the realm of domestic affairs. There are a few from time to time, criminal matters, that are brought to the Committee's attention and there are a few matters concerning real property, leases, mortgages, purchases, etc.

The Committee has tried to render service gratuitously when the circumstances warranted it but have, where the circumstances seemed appropriate, charged only modest fees.

I am proud to say that so far as I am aware there have been no complaints voiced either directly to your chairman or so far as your chairman is aware, to members of the committee. In Seattle in particular we have had a very excellent liaison with the various branches of the armed forces.

Respectfully submitted,

LLEWELYN S. JORDAN, *Chairman*; Jarvis E. Lowe, Howard Allen Patrick, June Fowles, Robert H. Peterson, George Cook, William Grant, George Mullins.

LAWYER REFERRAL SERVICE COMMITTEE

Since the previous report of this Committee was published in August, 1958, there have been significant developments in the Lawyer Referral Service program, both locally and throughout the country.

The Seattle-King County Bar Association, by unanimous vote of its Board of Trustees, approved a proposed Lawyer Referral Service plan for that area and submitted it to a vote of the membership. The vote in favor of the proposal was overwhelming, and the proposed plan, with some modifications, has now been placed in operation. Copies of the plan, as so activated, have been furnished to all members of this Committee for use in presenting the program to other areas of the state.

At the national level, a very recent report distributed by the Chairman of the American Bar Association Standing Committee on Lawyer Referral Service discloses that there has been a 20 per cent increase in the number of Lawyer Referral Services in the United States during the past year. Like the automobile, the Lawyer Referral Service seems to be here to stay.

If your Committee, or any of its members, can be of assistance in connection with the consideration of further Lawyer Referral Service operations in the state, please let us know.

FRANK MECHEM, *Chairman*; Norbert F. Knecht, Thomas F. Curran, Shirley Marsh, F. Theodore Thompsen, Lewis A. Bell, Ned W. Kimball, Dale McKenzie.

JUDGE SIMMONS REPORTS TRAFFIC COURT PROGRESS

William H. Simmons, Seattle Municipal Traffic Court Judge, has prepared a progress report for that Court for the period December 1, 1958 through May 31, 1959. The report reveals a current calendar although Seattle traffic violations are now at an all-time high.

As of December 1, 1958, there was a back-log of 1,018 traffic cases awaiting disposition. This entire back-log has been cleared and the Court is now operating on a completely current schedule for the first time in 15 years. Judge Simmons attributes this gain to the "joint, full cooperation of the Police Department, Corporation Counsel, and clerical staffs of the Municipal Court and Traffic Violations Bureau." The report also points out that court time was increased by advancing the beginning of Court from 9:30 to 9:00 a.m. and by remaining in session often until after 6:00 p.m., and by utilizing Wednesday afternoons which had previously not been devoted to court sessions. During May, the Court had before it for hearing, a record of 1,207 defendants appearing for trial and disposed of 4,948 individual cases.

Under revised policies, defendants are now advised of their trial dates without the necessity of appearing in Court to obtain a trial date, thus saving a day's loss from work or other activity in many cases. Cases are now set for trial no sooner than seven days nor no later than 16 days after booking. Continuances are for similarly short periods. This, says Judge Simmons, makes possible more efficient and fair trials because arresting officers, defendants and witnesses can testify from relatively recent memory, relying less on notes.

The Court has also increased the bail schedules and penalties for some offenses. Procedural changes have also affected the type of offenses for which Court appearances are required. In offenses for which state law requires certain penalties for a second conviction within five years, the Court now obtains a record of state violations rather than having before it only the Seattle driving records.

The report indicates savings to the city in personnel, time and materials by the changes in bail posting procedures, court appearance requirements, trial date and continuance procedures, and subpoena issuance methods.

YAKIMA ASSOCIATION ELECTS OFFICERS

At its last meeting of the season, held on May 27th, 1959, the Yakima County Bar Association elected as officers for the forthcoming year the following: President, John S. Moore; Vice-President, Ernest Falk; Secretary, Ron Whittaker; and Treasurer, Max Vincent.

ROBINSON-PATMAN ACT TEXT IS REVISED

PRICE DISCRIMINATION AND RELATED PROBLEMS UNDER THE ROBINSON-PATMAN ACT, Second Revised Edition, by Cyrus Austin of the New York Bar, published by the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association, 133 South 36th Street, Philadelphia 4, Pennsylvania. June, 1959. \$3.00. 178 pages.

This is a new, 1959 edition, fully revising the original text of this concise, but complete book on the Robinson-Patman Act. It covers all important court and Federal Trade Commission decisions to date, with comments on recent development. It is the only current comprehensive treatment of the subject.

Too many lawyers are insufficiently aware of the importance to their business clients of problems under the Robinson-Patman Act. The purpose of this book is to help the general practitioner in advising clients selling or purchasing goods or commodities in interstate commerce as to the validity of their prices and pricing methods, or prices paid, under the Robinson-Patman Act. The seven chapters deal with price discrimination, justification of price differentials, meeting competition, payments to customers for promotional services and facilities and the furnishing of such services and facilities, commissions and brokerage, and liability for receiving discriminatory prices.

The author is a practicing lawyer in New York City with many years of experience with compliance problems and litigation arising under the Robinson-Patman Act.

AVIATION LAWYERS TO ORGANIZE

Attorneys interested in aviation law and who are pilots are invited to attend the organization meeting of the "Legal Eagles."

This will be held at Kiamesha Lake, Monticello, New York, on October 25th to 28th, 1959, with the Concord Hotel as the base of operations.

Albert Rathblott, Camden, N.J., lawyer, says that "the 'Legal Eagles' or 'Flying Lawyers' is not really a unique organization. There already are 'Flying Physicians,' 'Flying Farmers' and others who are keenly interested in aviation and can connect their hobby with their profession."

The organization meeting scheduled in October will feature prominent speakers in the field of aviation, in administration, enforcement and civil procedures. Entertainment is planned for the guests and those attending will become the organization's charter members.

Interested attorneys may communicate with Mr. Rathblott at P.O. Box 289, Camden 1, New Jersey.

SEVENTY-SEVEN PASS STATE BAR EXAM

The Board of Governors has announced that seventy-seven applicants were successful in the July bar examination. They are:

Anacortes—Paul N. Luvera, Jr.

Auburn—Norman L. Roberts.

Bellevue—Gayle E. Barry.

Kirkland—James B. Finlay.

Longview—Dale V. Whitesides.

Mercer Island—C. C. Chambers, Jr.

Olympia—Philip H. Austin and Bennett Feigenbaum.

Richland—Philip M. Raekes.

Seattle—Mark F. Andrews, Jr., William F. Baldwin, Gerald L. Bangs, Calvin L. Borders, Richard A. Bromley Soren F. Bruhn, R. L. Cleveland, Brian L. Comstock, Daniel O. Corthell, Marvin B. Durning, Jack W. England and Robert C. Erwin.

Rafael G. Ferrer, R. M. Foreman, Mark R. Fortier, Douglas M. Fryer, John A. Hallock, Paul D. Hansen, William L. Hanson, Bradley F. Henke, James M. Hilton, Michael M. Holmes, John C. Hoover, Richard J. Howard and Jerry G. Jesseph.

Richard E. Kane, Jerry F. King, Lester M. Kleinberg, Robert B. Leslie, Jr., Allan D. Loucks, Donald P. Marinkovich, Richard A. Mattsen, Eugene R. Nielson, Pauline C. Nightingale, James N. O'Connor, Charles A. Pasco and Robert P. Piper.

James P. Senna, Edward S. Singler, Robert M. Smythe, William B. Stoebuck, David A. Welts, J. N. Wanamaker and James R. Woolston.

Spokane—Eugene I. Annis, W. H. Cowles, 3rd., R. F. Ewing, Jr., Richard P. Guy, R. E. Kovacevich, J. S. Montecucco, William L. Parker, Edward J. Parry, Lawrence B. Ryan, Patrick D. Sheeran, Lawrence C. Smith, Patrick A. Sullivan and Arthur F. Swanson.

Tacoma—Douglas P. Beighle, Cassius J. Cox, P. Brice Horton, Robert L. Rovai, R. E. Thompson, Erling Tollefson.

Tieton—William L. Hintze.

Wenatchee—K. O. Eikenberry.

NEWMAN & NEWMAN SEEK WILL

Newman & Newman, Northern Life Life Tower, phone MAin 2-3444, Seattle, desire information regarding any will of Elizabeth Horton Lindahl. Contact them if you can assist.

DISCOVER DISCOVERY

Have you taken pre-trial depositions and then found them useless at trial? Wayne Wright and Leo McKendrick, capable trial lawyers, will demonstrate the techniques and use at Spokane. Learn how to take and use a pre-trial deposition to its best advantage.

U. OF MICHIGAN EVENT TO FEATURE HARLAN, DEANS, LAW LEADERS

Distinguished leaders of the legal profession from the United States and England will address the University of Michigan Law School Centennial Oct. 22-24.

The three-day program will open with a buffet supper at the Lawyers' Club Thursday, Oct. 22. Friday morning, Oct. 23, the Hon. John R. Brown, United States Circuit Judge for the Fifth Circuit, will discuss state and federal legal relationships. Then, Ralph M. Carson, New York, will discuss individual liberty in the modern state. At a luncheon at the Michigan Union Governor G. Mennen Williams will speak.

Friday afternoon Dean Erwin N. Griswold, Harvard Law School, and Dean Edward H. Levi, University of Chicago Law School, will speak. Speakers at the Centennial banquet Friday night will be U-M President Harlan Hatcher and the Right Honorable Lord Hartley Shawcross, Baron of Friston, County of Sussex. Lord Shawcross has been a member of Parliament, chief prosecutor for the United Kingdom at the Nuremburg trials, and a principal delegate for the United Kingdom to Assemblies of the United Nations.

On Saturday morning, Oct. 24, Justice John M. Harlan, U. S. Supreme Court, will consider the lawyer as a leader in American society, past and present. A buffet luncheon at the Michigan League will conclude the ceremonies.

More than 400 University of Michigan law alumni have already indicated they plan to attend the Centennial. Persons desiring further information concerning the meeting are invited to write Prof. Marcus L. Plant, Centennial Committee Chairman, 835 Legal Research Building, Ann Arbor.

ALVA H. IMUS

Alva H. Imus, 99, Cowlitz County, died July 21, 1959 at Long Beach. He had retired from practice in 1945 and was an honorary member of the Washington State Bar Association.

CLIFFORD M. LANGHORNE

Clifford M. Langhorne, 58, Tacoma, died July 31, 1959 at his home. He was a member of the firm of Scott, Langhorne and McGavick.

THOMAS BALMER

Thomas Balmer, 71, Seattle, died August 1, 1959 of a heart ailment. He was a retired vice president and western counsel of the Great Northern Railway Co.

Time to retire? Advise clients. But, *after* attending the Seminar at the annual meeting.

SEATTLE REPORT

EVENTS: Election results have been announced. New officers of the Seattle-King County Bar Association are: Frank J. Eberharter, President; John M. Davis, First Vice-President; Stanley C. Soderland, Second Vice-President; Robert S. Mucklestone, Treasurer; Mary King, Secretary; and Frederick V. Betts, Roger L. Shidler and Kenneth S. Treadwell, Trustees. . . . Superior Court Judge Eugene A. Wright has resumed his position on the bench after shaking the fatigue resulting from overwork. . . . Sam L. Levinson has been elected president of the Children's Home Society and Arthur C. Barnett has been elected a vice-president.

Recent recipients of certificates from the Washington State Bar Association in recognition of valuable service to the Association were: Charles S. Burdell, J. Paul Coie, Adlore R. Kohoe, Edward A. Rauscher, Robert W. Graham, William A. Helsell, J. Tyler Hull, O. B. Kellogg, Wilbur Lawrence, Charles Osborn, W. L. Patten, Charles J. Stone, J. Duane Vance, Patrick Walker, and John Walthew. . . . Edward P. Donnelly was recently given an award by Attorney-General John J. O'Connell in recognition of Donnelly's 32 years as an assistant state attorney-general. . . . Superior Court Judge William J. Wilkins flew to Houghton, Michigan July 13 for a reunion with comrades of the First World War. Judge Wilkins was the featured speaker at a monument dedication ceremony.

NAMES: Kenneth E. Sivula has opened his office in the Arctic Bldg., phone MUtal 2-3440. . . . James V. O'Conner has associated with Clay Nixon, in the Dexter Horton Bldg., phone MAin 2-6354. . . . Margery Dunham was recently named "Realtor of the Year" by the Seattle Real Estate Board. . . . William G. Springer has associated with Smith, Lindell, Krutch & Carr in the Dexter Horton Bldg., phone MAin 3-3616, resulting in a new firm name of Smith, Lindell, Krutch, Carr & Springer. . . . Victor D. Bradeson has moved from the Dexter Horton Bldg. to 1322 Joseph Vance Bldg.

Fifteen days of Army Reserve training was recently completed by Superior Court Judge Donald L. Gaines and attorneys Richard M. Thatcher, Lawrence W. Wanichek, Raymond C. Brumbach, H. A. Pat Myers, Samuel J. Steiner, Daniel Brink, Jerome Shulkin, and Hugh McGough.

WHY BOTHER WITH TRIAL?

Do you want to dispose of your case without waiting for trial? Hear John Kennett, experienced Seattle trial attorney, explain "Motion for Summary Judgment." Here is a practical working tool for the busy trial lawyer! Attend the seminars at the Washington State Bar Convention.

POEM INSPIRED BY NEGOTIABLE INSTRUMENTS

Helen Graham Greear, now practicing in Bremerton, recently came across a poem she had written during her law school days. Here it is:

LAW 116

(Negotiable Instruments Law)

O, I'm wearied with Alphabet people!
I'm tired of the errors of P!
Let him raise all the checks that he wants to,—
It won't raise a protest from me.
Why should I care that D was so careless,
And the loss must be borne now by E?
Should I grieve because X, the defrauder,
Has forged there the writing of C?
(If X is a thief and a forger
It is quite immaterial to me).
Cite me not to the hardships experienced
By that tiresome old nitwit, poor M.
His notes have involved so much trouble,
I should think he'd learn better from them.
And H; with that smirk on his features,
Because he's a true h d c,—
Perhaps he's the Law Merchant's darling,
But he isn't a darling to me!
NO, !
Let them stand in a ring all around me,
And weep as they urge me to see
How their bills, notes and checks were dishonored,
It won't cause a quiver in me.
Let them cite me to statutes by sections
And urge me to read N I L
You may fill in this blank, if you care to,
(By virtue of Section 14,
Uniform Negotiable Instru-
ments Law)
But frankly, I'd with them in

HELEN GRAHAM
August 16, 1934

SPECIAL RATE FOR AIR LAW JOURNAL

The Journal of Air Law and Commerce, published quarterly by the Transportation Center at Northwestern University and describing itself as the only professional journal of its kind dealing with current information in the field of air law and commerce, has announced a special courtesy subscription rate to members of the American Bar Association. The special rate is \$5.50 per year, compared with the regular rate of \$9.00. It will be in effect during the current year only, but will be honored for renewals of subscriptions entered during this time. Inquiries should be addressed to: Journal of Air Law and Commerce, 1818 Hinman Avenue, Evanston, Illinois.

ARE YOU CLIENT OR LAWYER?

You don't need to refer a case involving the State Administrative Procedure Act to another lawyer. Attend the Washington State Bar Association seminar and hear Wilbur J. ("Bric") Lawrence, attorney; Herbert H. Fuller, chief assistant attorney general; and Cornelius J. Peck, demonstrate the actual procedure under the act. Have your clients lost their driver's licenses through revocation by the director? Learn the necessary steps to restore it. Rate hearings? Judicial reviews of Board decisions.

KING COUNTY AUXILIARY TO HOLD BENEFIT DANCE

Save the date—Saturday, November 14—for the Seattle-King County Bar Auxiliary Annual Dinner-Dance at the Arctic Club, 306 Cherry St. Social hour 6:00-8:00 p.m.; dinner, 8:00-9:00 p.m.; and dancing 9:00-midnight to the music of Bob Frisque and his Orchestra.

Make your reservations with Mrs. William Powers, 503 W. Prospect, ATwater 2-0265.

The annual event has as its purpose the raising of funds for the operation of the local Legal Aid Bureau. King County lawyers are, therefore, offered this opportunity of assisting a worthy cause and enjoying themselves at the same time.

BOOKS—COMING AND GOING

Burkey, Marsico & Burkey, 817 Puget Sound Bank Bldg., Tacoma, offer: 34 vols. of Federal Code Annotated complete with 1958 pocket parts; U.S. Supreme Court Reports (vols. 1 through 100, minus vol. 66). Any reasonable offer considered.

* * *

A complete set of Am. Jur. with latest replacement volumes and supplements is offered by McLean, Klingberg, Houston & Bergman, 1344 Fifteenth Ave., Longview, telephone HAmilton 3-4050. Price is \$450.00.

* * *

J. Marvin Jonsson, 1422 Northern Life Tower, phone MUTual 2-2050, Seattle, would like to sell a complete up-to-date set of R.C.W.

* * *

K. Edison Gimple, 502 Main Ave. E., phone CH. 6-4711, Soap Lake, has for sale: Am. Jur. complete with 1959 pocket parts and index; and A.L.R., beginning with volume 101, 2nd Series to current volume, with index.

* * *

WANTED TO BUY: Leslie Lee (Lee & Lee), 407 Bellingham National Bank Bldg., phone 916, Bellingham, wants to buy a set of Washington Digests.

* * *

Robert E. Jarvis, 601 County-City Bldg., phone MAin 2-5900, Ext. 326, has for sale: Two sets Washington Reports; One set Washington (2d) Reports; One set Washington Digest; One set Remington's Washington Code; One set Washington Annotations; One set Am. Jur. (free of all markings); and Session Laws from statehood to date.

All books in good condition. Also steel shelves.

Deadline for next issue of BAR NEWS is September 25, 1959.

SCHWEPPE WRITES BERESFORD RE MALONE

August 4, 1959

Mr. Robert O. Beresford
700 American Building
920 Second Avenue
Seattle 4, Washington

Dear Bob:

President Ross Malone of Roswell Petroleum Building, Roswell, New Mexico, paid you a fine compliment in the last *ABA News* for your resourceful remarks in introducing him in Seattle, as follows:

"I now have the privilege of presenting to you Exhibit 'A' in support of the proposition that the American Bar Association is dominated by corporation lawyers from large metropolitan centers—its President, Ross Malone from Roswell, New Mexico."

However, in hungrily accepting the small town lawyer role that you so deftly gave him, he could have been fudging a little. Herewith is a list of his *representative* clients as listed in Martindale:

"REPRESENTATIVE CLIENTS: Gulf Oil Corp.; Stanolind Oil and Gas Co.; Skelly Oil Co.; The Olds Oil Co.; Southern Union Gas Co.; Southern Petroleum Exploration, Inc.; Plateau Oil Co.; Mountain States Telephone and Telegraph Co.; Fidelity & Casualty Company of New York; Fireman's Fund Group; New Amsterdam Casualty Co.; State Farm Mutuals; New Mexico Transportation Co."

At this distance he and his office in the Petroleum Building smell just faintly of large oil companies and close association with Wall Street and Houston corporation lawyers.

I am sending Ross a copy, just so he will know that we have caught up with him, and that we envy him for his modest clientele.

Cordially yours,

ALFRED J. SCHWEPPE

REMEMBER NACCA SEMINAR

Lawyers are reminded of the 1959 Fall Seminar of NACCA of Washington. The event is to be held at the Davenport Hotel, Spokane, on September 16th, 1959—the day preceding the annual Washington State Bar Convention.

The program consists of practical discussions of how an insurance company investigates and evaluates a claim and how the defense prepares for and conducts a trial.

WINSOR JOINS SULLIVAN & REDMAN

John J. Sullivan and M. Chandler Redman, 2418 Smith Tower, phone MAin 2-2418, Seattle, have announced that Robert W. Winsor has joined the firm as a partner.

OLYMPIA REPORT

Ex-Husky Football Captain Vern Lindskog has moved his office to the Security Building, where he is an associate of Pebbles & Swanson. J. T. Trullinger continues at the old stand in the National Bank of Commerce Building.

Mark Wight, State Law Librarian, since 1928, retired June 1st, leaving an outstanding law library to his credit in the Temple of Justice. As his successor, Yale Law School gave up their Assistant Librarian, Roy M. Mersky, a graduate of the University of Wisconsin Law School (1952), who also has a Master's degree in Library Science. As in days of old, we move along from war to war, even in librarians. Mark served in World War I and Roy won the Bronze Star for his efforts with the 87th Infantry Division in World War II. Roy and his wife, Deena, have two daughters, Alisa, 6 and Deborah, 4. Our new librarian is the author of several legal papers, the most imposing of which is his bibliography of the material concerning Mr. Justice Louis D. Brandeis, published by the Yale Law Library in 1958.

Attorney General John J. O'Connell conducted a seminar for his staff in Olympia July 24th and 25th, at which many problems were discussed, including the new rules. Among the speakers was Honorable Richard Rogan, Chief Deputy Attorney General of California. Responding to the rather detailed introduction made by Mr. O'Connell, Mr. Rogan brought down the house with a recitation of what had happened to him in Los Angeles the preceding week. It appears that Mr. Rogan and his wife, Mary, were classmates at Yale Law School, and when he is not in either State or Federal service, they practice law together in Burbank under the firm name of Rogan & Rogan. The added and most unusual fact is that the Rogans have six children. According to the hearsay statements of Mr. Rogan, he was being introduced at a teachers' convention by a young school marm (a typing teacher, probably, since she was reading the material) who recited his scholastic and professional background, and without changing the inflection of her voice, wound up in this fashion: "Mr. Rogan and his wife are both graduates of Yale Law School and are partners in a law office in Burbank. They have six children and are still practicing." Did someone say that the law was lack-lustre?

Note to Cantor McKinlay, or McKinlay Cantor, or whatever he is called in the rattlesnake country: The faculty of the Yelm High School are waiting for you. They are hurt, and little wonder.

On a recent trip to Washington, D.C., your reporter had an opportunity to visit with four former Olympians: Jane and Jerry Kuykendall and Helen and Harry Bowen. Jerry, as you know, is Chairman of the Federal Power Commission and Harry is in private practice there, specializing in airline traffic matters. It can be reported that the gals looked wonderful, as always, and the fellows not a day older. It's the Water.

Despite dramatic delivery of a blood coagulant from Seattle by the State Patrol, Mrs. Robert Holstein, wife of the Clerk of the Supreme Court, passed away in an Olympia Hospital August 7th after giving birth to their second daughter. The sincere sympathies of the entire Bar go to Mr. Holstein. We are indeed pleased to report that the infant daughter is getting along very well.

STANBERRY FOSTER

PATRICK ASSUMES ISLAND PROSECUTOR OFFICE

Howard A. Patrick, Oak Harbor, was sworn in as Island County Prosecuting Attorney on Monday, August 3. He succeeds Russel Johnson, who resigned to take a government post in the Virgin Islands.

Before coming to Washington to practice, Patrick was an active member of the California Bar for twenty years.

OPINIONS

By **JOHN J. O'CONNELL**
ATTORNEY GENERAL
State of Washington

A county sheriff is no longer liable for the acts of his deputies who are in the classified service since the enactment of Initiative 23; but he is liable for acts of his deputies who are not in the classified service. (AGO 59-60, No. 44.)

* * *

The Department of Health, through the State Registrar of Vital Statistics, is required to issue a birth certificate pursuant to an adoption decree of the superior court which directs the inclusion of other than the actual birthplace and/or date of birth on a birth certificate to be issued following adoption. (AGO 59-60, No. 45.)

* * *

(1) For violations of the motor vehicle code which constitute gross misdemeanors, a justice of the peace can impose both fine and imprisonment. (2) A person previously convicted of operating a vehicle while under the influence of intoxicants under the provisions of a city ordinance may not be charged as a second offender under the state motor vehicle code. (3) A justice of the peace may not impose a sentence suspended by another justice of the peace within the same county during the term of suspension. (AGO 59-60, No. 47.)

* * *

(1) A deferred or suspended sentence is not a prior conviction when it has been dismissed under RCW 9.95.240. (2) A deferred or suspended sentence is a prior conviction if the same has not been revoked or dismissed. (AGO 59-60, No. 50.)

* * *

Nonsupport action may be brought against a husband and father in the place of residence of the wife and/or minor children or in the state of residence of the father. (AGO 59-60, No. 54.)

AROUND THE STATE

Dale M. Green has been confirmed by the U.S. Senate for the position of United States Attorney for the eastern district of Washington. The post carries a four-year term of office.

* * *

Omar S. Parker and Arlis W. Johnson (formerly of Seattle) have announced the formation of a partnership, Parker & Johnson. They have located at Peoples Bank Bldg., Hoquiam, phone GEneral 8-5780.

* * *

Martin L. Potter, 46-year-old Tacoma attorney and former police judge, suffered a heart attack August 2, 1959 and was confined to Medical Arts Hospital.

LAWYERS INVITED TO CONDEMNATION SEMINAR

J. Arnold Cobley, Chief Right of Way Agent, Washington Department of Highways, has announced an Educational Seminar to be held in Olympia, Thursday and Friday, September 10 and 11, 1959. This seminar is of particular interest to attorneys engaged in (or hoping to be engaged in) condemnation work.

The program features nationally recognized authorities discussing such subjects as: Review of Recent Eminent Domain Cases, Present and Future Highway Program, The Well Documented Appraisal Report and Its Use by the Attorney and The Negotiator, Overhead Transmission Lines, The One-Price Settlement vs. the Negotiated Settlement, Negotiation Policies and Procedures in the State of Washington, The Expert Witness, Legal Problems, and Right of Way Problems.

A limited number of registrations are available to attorneys. Those interested should immediately contact M. L. Schueler, Joint Educational Seminar, Washington State Highway Department and American Right of Way Association, Olympian Hotel, Olympia, Washington. The seminar will be held at the Olympian. Registration fee of \$15.00 includes meals.

Participants will include: Leonard Lindas, Chief Counsel for the Oregon State Highway Department; Paul Reynolds, Chief Counsel for the Montana State Highway Department; Rudy Hess, Sacramento authority; and Dave Levin, Washington, D.C., attorney.

Mr. Cobley says: "It is my feeling that our work is made easier if attorneys understand what we are doing. I am sure none will regret their attendance at the Seminar."

Elvin J. Vandenberg, former Chief Assistant Attorney General for the State of Washington, has associated with Conrad & Kane, 612 Rust Bldg., phone MArket 7-9166, Tacoma.

SPOKANE REPORT

The Spokane Bar is looking for a successor to its most eligible bachelor, Harold J. Triesch, who was recently married to Consuella D. Gorman.

Dale M. Green, who has been serving a recess appointment as United States Attorney for the Eastern District of Washington, was confirmed by the Senate and now has a proprietary interest in the position. He is a graduate of the law school of the University of Washington.

C. E. Ellis, who started practicing law in 1903, recently observed his golden wedding anniversary with Mrs. Ellis.

Paul H. Richter, Walter R. Rodgers and William P. Wimberley have formed a partnership and are in general practice in the Old National Bank Building.

The office of Clerk of the District Court in Spokane is now occupied by B. W. Blake, by virtue of appointment by Judge Powell. He was born in Glacier Park, Montana, is 42 years of age and served overseas in World War II with the 70th Infantry Division. He was Clerk for Judge Willis at Yakima for 4½ years. During the past 8½ years he has been Chief Deputy Clerk at Yakima.

C. A. ORNDORFF.

TO BE CONDEMNED

Do you approach your condemnation trials with tremors because you do not understand appraisals and the method used by your opposition? Do you want to learn how to defend a condemnation case? Attend the seminar at the Convention and hear attorneys James Healey, John Walthew, Louis Barieri (also an appraiser), and Delbert Johnson (also an assistant Attorney General).

OH, YEAH! DEPARTMENT

An editorial in the *Longview Daily News* of August 4, 1959, asserted as follows:

"Call up a lawyer and ask for some legal advice and you can expect to pay for it. But call up a doctor for medical advice and it's always free . . ."

WASHINGTON STATE BAR ASSOCIATION

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