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Reports of Committees

S. Harold Shefelman

O. B. Thorgrimson

E. N. Eisenhower

S. M. Brackett

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Reports of Committees

The following reports summarize the work done by the standing committees of the Washington State Bar Association during the past year.

Annotations to the Restatement of the Law

The last annual report of this committee contained a schedule for the completion of the Annotations to the restatement of Trusts, Conflict of Laws, Agency and the first two volumes of Torts. It has been found impossible to live up to the schedule there set forth, but the Annotations to these four subjects are now definitely at a point where it is expected that, between the first of August and the first of December they will all be ready for publication. A stenographer has been employed by this committee to work throughout the summer typing the Annotations and preparing them for the printer. The committee has sufficient funds on hand out of the appropriation so kindly made by this association in the past few years to cover the entire cost of this stenographic assistance. At a recent conference between Dean Falknor of the University of Washington Law School, Professors Ayer, Nottelman, Sholley and Richards and the chairman of this committee, it was agreed that the Annotations would be turned over to the stenographer in time to permit of their completion in accordance with the following schedule:

Agency (Prof. Ayer) August 1, 1939.
Conflict of Laws (Prof. Sholley) October 1, 1939.
Trusts (Prof. Nottelman) October 1, 1939.
Torts (Prof. Richards) December 1, 1939.

Mr. F. C. Hackman who, through the courtesy of the Washington Title Insurance Company, has been preparing the Annotations to the first two volumes on Property, has them very near completion at the present time and they should be published in the course of the summer.

Prof. Shattuck is now engaged in preparing the supplemental annotations to the Restatement of Contracts, bringing that subject down to date. It will be remembered that, in addition to the annotations originally prepared to the Restatement of Contracts, Prof. Shattuck issued a set of First Supplemental Annotations in January of 1938.

The committee feels that, until the five sets of annotations now nearing completion are actually published, no effort should be

made to start on the annotations to the few remaining sets of re-statements. However, this winter a plan will have to be evolved for annotating the remaining subjects which have been restated.

At the May, 1939, meeting of the American Law Institute, held in Washington, D. C., final drafts of the remainder of the Restatement of Torts were approved and this long and difficult work is now definitely terminated. A glance at the Restatement of Torts indicates the wide field covered by it.

Also at the recent May meeting of the American Law Institute, Dean Herbert F. Goodrich, adviser on professional relations, in his report to the institute, made an interesting statement on "Annotations Progress." Among other things, Dean Goodrich states:

"The fall annotations group was quite encouraging. We had eight new volumes, as follows: Conflict of Laws: California; Property: Pennsylvania; Trusts: Arkansas, Colorado, New Hampshire, Ohio, Pennsylvania and Rhode Island.

"This brings the total of the annotations in the various states as follows:

- "Agency, 12 states;
- "Conflict of Laws, 19 states;
- "Contracts, 25 states (including Washington);
- "Property, 3 states;
- "Torts, Volumes 1 and 2, 3 states;
- "Trusts, 9 states.

"For spring we hope to have—Agency: Washington, Ohio, Colorado, Minnesota, Kansas, Texas; Conflicts of Laws: Alabama, Virginia, Washington; Contracts: Oregon, Oklahoma; Property: California; Torts: California; Trusts: California, Missouri, Illinois, Washington. We shall soon know whether all these prospects will be realized."

As the bar generally perhaps already knows, the American Law Institute is now engaged in the preparation of a model "Code of Evidence." For this task the council of the institute, at its meeting in February, 1939, designated Dean John H. Wigmore as chief consultant and Prof. Edmund M. Morgan of the Faculty of Law of Harvard University as reporter. The carrying out of this monumental undertaking will naturally require much time and careful consideration. In the recent report of Director William Draper Lewis it is said:

"It is our present expectation that next winter the group will be able to submit to the council a proposed tentative draft of the sections of the code relating to witness, their competency, examination, impeachment, rehabilitation, privileges, and privileged communication. This draft, as amended by the council, will be submitted

for your consideration next spring. In the spring of 1941 you should have before you a tentative draft of the sections of the code relating to exclusionary rules, including remote and prejudicial evidence, hearsay, opinion and best evidence rules; also some, if not all, of the sections relating to miscellaneous matters, including burden of proof, presumptions, judicial notice, function of judge and jury and parole evidence. In 1942 it is our expectation that we shall be able to complete a proposed final draft of the entire code."

The cooperation of the two leaders in this field, Prof. Morgan and Dean Wigmore, in the preparation of this work, assures us that much can be expected of it.

Two additional tentative drafts of the Restatement of Property were presented and considered at the recent meeting of the institute.

Tentative drafts of the Restatement of Security were likewise considered and approved.

The American Law Institute has departed from its usual channel in undertaking a study in the field of criminal justice involving the age group between sixteen and twenty-one. The problem of youth and crime, of such great importance to the nation, will thus receive careful consideration and it is expected that this will prove a most useful and worth-while venture.

The committee believes that the close of 1939 will find the Washington Annotations to the subjects already mentioned—Agency, Trusts, Conflict of Laws, Torts (two volumes), and Property (two volumes) completed, thus surpassing Dean Goodrich's estimate. The annotators have been engaged in a long, difficult and somewhat dreary task. The obligation of the Washington State Bar Association to them will be a permanent one.

It is recommended that the committee be continued.

Respectfully submitted,

PAUL P. ASHLEY

GEORGE DONWORTH

S. HAROLD SHIEFELMAN, *Chairman*

Ground Broken for New Courthouse

A shovel in the hands of Judge John C. Bowen of the District Court of the United States for the Western District of Washington, Northern Division, tossed the first dirt preparatory to the excavation for the new Federal Courthouse in Seattle. The ceremony, on June 16th, was observed by members of the bar, civic leaders and members and former members of the State and Federal judiciary. The Federal Judges hope to occupy their new quarters early in the fall of 1940.

Cooperation With American Bar Association

During the past year the special effort which had been commenced during the preceding year, to get members of our association to join the American Bar Association, was continued with the result that quite a number of our members have joined the American Bar Association.

The last meeting of the House of Delegates of the American Bar Association was attended by all of the members of the House from this state, to-wit, O. D. Anderson, delegate from the State Bar Association; William G. McLaren, member of the Board of Governors of the American Bar Association; S. Harold Shefelman, delegate from the Seattle Bar Association, and the writer, as American Bar Association state delegate from Washington. The meeting was an interesting one and covered a number of different matters, and I think all members attending appreciate the good work that the House of Delegates is now doing to further the interests of the legal profession generally.

The writer has made several addresses to different bar associations on the work of the American Bar Association and I think that our membership is now realizing that the national association can be of considerable benefit to us in a number of different ways, especially in studies as to legal education, the questions arising as to unauthorized practice of law, and the work done in making available to members generally the results of the various meetings, explaining the scope and contents of the new rules governing federal practice and procedure. The various sections and committees of the national association are constantly studying and getting out reports which are all of value to practicing lawyers generally. There can be no question that there is a great advantage to our members in joining the national association and by so doing we can also help the American Bar Association in carrying out the work which it is attempting to do throughout the nation.

Our committee desires to do anything to bring about closer cooperation between the two associations and we will welcome any suggestions which will tend to bring this about.

Respectfully submitted,

O. B. THORGRIMSON, *Chairman.*

A. O. BURMEISTER

J. A. COLEMAN

THOMAS E. GRADY

W. G. MCLAREN

Corporation Law

The Committee on Corporation Law of the Washington State Bar Association is pleased to report that the Uniform Business Corporation Code has been amended in accordance with the suggestions of this committee. Said amendments appear as Chapter 143 of the Sessions Laws of 1939.

This committee first presented its study of the code to the Bar Association at its annual meeting in 1935, at which time a detailed report of the proposed amendments was made. The suggested amendments were approved by the Board of Governors and published in the July, 1935, issue of the State Bar Review.

This committee prepared a bill embodying all of the proposed amendments and introduced it in the 1935, the 1937 and the 1939 sessions of the legislature. The difficulty met in securing the passage of the bill was due to the emphasis given in each session to social security and emergency legislation. Each member of this committee personally solicited the aid of acquaintances and lawyers in the legislature in order to effect enactment of the bill.

The principal result of the amendment is the elimination of any conflict between Chapter 185, Laws of 1933, and the prior law, and the further clarification of some of the provisions of that chapter.

This committee feels there are some additional amendments desirable, but, owing to the fact they are controversial, it concluded it was not advisable to include them in the act which was just passed. The principal subject for further study is the rights and obligations of directors of corporations which are dissolved by the secretary of state through failure to pay annual license fees required by the statute. We recommend that a committee be appointed to continue consideration of further possible amendments.

Respectfully submitted,

LESLIE J. AYER
MAURICE R. McMICKEN
E. N. EISENHOWER, *Chairman.*

Discipline and Disbarment

A.—ACTION BY LOCAL ADMINISTRATIVE COMMITTEES

1. No. of complaints heard.....	32
2. No. disposed of by committee.....	5
3. No. recommended to Board of Governors for dismissal....	8
4. No. recommended to Board of Governors for censure by counsel	2
5. No. recommended for investigation.....	9
6. Complaints pending	8

B.—ACTION BY COUNSEL

1. New complaints received.....	98
2. Investigated and recommended for dismissal.....	88
3. Recommended to Board of Governors for reprimand.....	4
4. Recommended to Board of Governors for trial.....	5
5. Resignations recommended for acceptance.....	1
6. Investigations pending.....	4
7. Complaints filed prior to June 30, 1938, and undisposed of at time of making last report.....	15
8. Recommended for dismissal.....	14
9. Recommended for trial.....	1

C.—ACTION BY TRIAL COMMITTEE

1. Trials held	6
2. Recommended for disbarment	0
3. Recommended for censure and probation.....	3
4. Recommended for two-year suspension.....	1
5. Acquittals	2

Respectfully submitted,

S. M. BRACKETT, *Counsel.*

Judicial Administration

The section on judicial administration of the American Bar Association presented seven reports to the annual meeting of 1938 held at Cleveland. (See 63 American Bar Association Reports, p. 522.) President Arthur T. Vanderbilt said that these reports (*circa* 200 printed pages in length) “represent labor all out of proportion to the number of pages of print” and that

“It is no exaggeration to say that each of these reports embodies a lifetime of study and of judicial, professional or professorial activity on the part of the chairman whose name is affixed to it.”

Like the new Federal Rules of Civil Procedure promulgated by the United States Supreme Court and the restatements prepared by the American Law Institute, these reports are the result of collaboration between judges, law professors and practitioners. Each of the seven committees numbered among its members outstanding authorities upon the subjects under consideration, namely:

- (1) Pre-Trial Procedure.
- (2) Trial Practice.
- (3) Improvements in the Law of Evidence.
- (4) Administrative Agencies and Tribunals.
- (5) Trial by Jury Including Selection of Jurors.
- (6) Judicial Administration.
- (7) Simplification and Improvement of Appellate Practice.

The committee on Judicial Administration of this state was

appointed pursuant to action taken at the 1938 state convention and directed among other things to "study and report back" upon the recommendations and reports of these seven committees of the American Bar Association.

This state has long been a pioneer in respect to simplification of appellate procedure. Its supreme court has but recently adopted a set of rules. A comparison of the findings of the American Bar Association and our own rules shows that this state has already adopted most of the principles recommended by the American Bar Association. Hence your committee concluded that simplification and improvement of appellate practice is not a pressing need in this state at this time, and makes no report in respect to the recommendations of the American Bar Association on that subject.

Similarly, this state has been in the forefront in respect to judicial administration. Practice is regulated by rule of court. We have the benefit of a judicial council. Your committee believes that there is little occasion for present consideration of the recommendations of the American Bar Association Committee on Judicial Administration.

Your committee is likewise of the opinion that the report of the American Bar Association Committee on Trial by Jury Including Selection of Jurors is not a matter for present action by the state association.

Accordingly your committee confined itself to consideration of (1) Pre-Trial Procedure, (2) Trial Practice, (3) Improvements in the Law of Evidence, and (4) Administrative Agencies and Tribunals. The committee divided itself into four sections so that each section might be concerned with one subject.

Pre-Trial Procedure

The section on pre-trial procedure consists of Hon. E. D. Hodge, Hon. H. E. T. Herman, and Charles Albert, chairman

The committee is of the opinion that courts in the metropolitan areas should make provision for pre-trial hearings in a manner similar to that provided by Rule 16 of the Federal Rules of Civil Procedure and that other courts should give consideration to the procedure with a view to adopting it if justified by local conditions.

The space allotted to this report does not permit an exposition of the purposes and technique of pre-trial procedure. We can but refer to the address by Judge Joseph A. Moynihan at the Legal Institute and the addresses made by Judge E. D. Hodge at the institute and elsewhere. Material in respect to pre-trial procedure can be made available to lawyers who are particularly interested.

Trial Practice

The committee of the American Bar Association on Trial Practice recommended that the state bar associations undertake to bring state practice into close conformity with the Rules of Civil Procedure in the district courts of the United States.

The section of your committee in respect to this matter consists

of Judge Donworth (a member of the advisory committee appointed by the United States Supreme Court for the drafting of the new rules), Hon. John S. Robinson, Elwood Hutcheson, and Laurence R. Hamblen, chairman.

Their report appears in the April issue (Vol. XIX, No. 2) of the State Bar Journal, pp. 154 to 178. As shown by their report which, in conventional parlance, is herein incorporated as though here fully set forth, the committee finds that a number of the new Federal Rules should be adopted as rules of procedure in our state courts.

The committee believes that in addition to the obvious advantages inherent in conformity between state and federal practice, the recommended changes would constitute actual and substantial improvements in the administration of justice in this state.

The committee therefore recommends that the report above referred to be submitted to the judicial council for consideration.

Improvements in the Law of Evidence

The report of the committee of the American Bar Association in respect to improvements in the law of evidence states Dean Wigmore's conclusions as to the "minimum requirements that are needed in a practical way to make our law of evidence workable in the twentieth century."

Dean Wigmore's committee made a number of recommendations dealing with certain general features of procedure in the administration of the rules of evidence, such as judge's comment on evidence, judge's charge preceding argument of counsel, the attitude of appellate courts toward trial court's errors in dealing with evidence, trial court's discretion in rulings, counsel's objections and exceptions and other matters.

The committee also made twenty recommendations concerning specific rules of evidence. These rules, the committee said, are "most frequently invoked in trials and involve in experience the most obvious obstructions to the rational investigation of facts in jury trials."

The section of the state committee on this subject consists of Hon. Walter B. Beals, Hon. Robert M. Jones, Hon. Edwin Gruber, Charles Moriarty, Alfred J. Schweppe, and Dean Judson Falknor, chairman.

It was the opinion of the committee that the recommendations of the American Bar Association in respect to evidence which should be given special consideration in this state this year should be limited in number and include (a) physician-patient privilege, (b) self-crimination privilege, (c) survivor's testimony against representative of deceased person, (d) the opinion rule, (e) the hearsay rule, and (f) the scope of cross-examination.

The program of the Legal Institute held at the University of Washington Law School in March was largely devoted to these subjects and, in making its report, the section on improvements in the law of evidence had the benefit of the address and discussions of the institute.

After weighing all factors the section has submitted to the board of governors its report recommending:

(1) the adoption of the Uniform Business Records as Evidence Act,

(2) the adoption of Rule 45 of the new federal rules in respect to proof of records by a certified copy,

(3) certain changes in the manner of administering the oath to witnesses,

(4) the adoption of a rule of law in respect to physician-patient privilege which would abrogate the privilege in will contests where the mental competency of the testator is in issue, in personal injury actions and in wrongful death actions,

(5) the adoption of the Uniform Act on Judicial Notice of Foreign Law,

(6) the adoption of the Massachusetts hearsay statute with certain modifications.

The section suggests the probability that its recommendations (save the recommendation in respect to the physician-patient privilege) may lawfully be carried into effect by rule of the Supreme Court.

The space limitation of this issue of the State Bar Journal does not permit the printing of the report at this time. It is hoped that it will appear in full in an early issue.

Administrative Agencies and Tribunals

The section of the state committee concerned with that subject consists of Hon. William D. Askren, W. G. McLaren, and S. Harold Shefelman, chairman.

In contrast to the other six reports, the report of the American Bar Association in respect to Administrative Agencies and Tribunals is in the nature of an interim report. It presents limited findings and recommends that its studies be continued.

The subject was ably debated pro and con by the House of Delegates of the American Bar Association at their January, 1939, meeting. The Administrative Tribunal Committee Bill was approved. This matter is fully reported in the February, 1939, issue of the American Bar Association Journal. Since then the Judiciary Committee of the United States Senate has approved the bill with certain changes not affecting its substance or principle and it is now known as Senate Bill No. 915. This bill has received the endorsement of numerous bar associations.

Your state committee finds it impracticable to make specific recommendations in respect to the state of Washington at this time and believes the studies should be continued. The committee suggests to the Board of Governors the advisability of a resolution by the State Bar Association endorsing Senate Bill No. 915.

The Legal Institute

On behalf of the State Bar Association your committee cooperated with the University of Washington Law School, the State Judicial Council and the Seattle Bar Association in the Legal

Institute. The sub-committee in respect to the Legal Institute consists of Charles S. Albert, Laurence H. Hamblen, O. B. Thorgrimson, and Charles Horowitz, chairman.

The burden in respect to the institute was largely carried by Dean Falknor, and it is inappropriate for the State Committee on Judicial Administration to report to the association in respect thereto. As a matter of fact, the institute was so well attended that a report thereon would be but a repetition of what is already known by direct observation or by word of mouth from lawyers who were present.

This committee believes that legal institutes of the nature held this year can be made a most important factor in improving the administration of justice and *in bringing to the community a realization that lawyers are in fact trying to improve the administration of justice*. It is the recommendation of this committee that similar institutes be held, at least annually.

In Conclusion

The work of the committee is preliminary in nature. Nothing has been built. But careful studies have been made and some definite plans submitted. It is hoped that they will have consideration from members of the bar so that through criticism they will be perfected and, if and when found worthy, they will be adopted as probable aids to the administration of justice in this state.

Respectfully submitted,

CHARLES S. ALBERT
WILLIAM D. ASKREN
WALTER B. BEALS
GEORGE DONWORTH
JUDSON F. FALKNOR
L. R. HAMBLÉN
H. E. T. HERMAN

W. G. MCLAREN
CHARLES P. MORIARTY
JOHN S. ROBINSON
ALFRED J. SCHWEPPE
S. HAROLD SHEFELMAN
O. B. THORGRIMSON
PAUL P. ASHLEY, *Chairman*

[It is proverbial that committee reports represent the work of but one or two members. That is not so in this case. A large number of men gave most lavishly of time and energy in making the studies to which reference has been made. A listing of them would approach a repetition of the names of the men already mentioned.—PAUL P. ASHLEY, *Chairman*.]

Law Enforcement

At the 1938 convention the Law Enforcement Committee recommended the adoption of the uniform statutes on fresh pursuit, interstate rendition and the attendance of out-of-state witnesses, which had been proposed by the Interstate Commission on Crime, adopted by about twenty states and favorably referred to the state associations by the American Bar Association. The committee also advocated the establishment of a central bureau of criminal identification, investigation and statistics. These measures were all endorsed by the state association and were introduced in the legislature, but all failed of passage despite vigorous presentation by the legislative committee and, as concerns the Bureau of Criminal Identification, notwithstanding that a similar measure was presented by the Judicial Council.

It is recommended that the efforts of the association toward the enactment of these bills be continued.

Respectfully submitted,

THOMAS P. GOSE
JOSEPH E. HALL
H. E. T. HERMAN
SAM R. SUMNER
THEODORE S. TURNER
HARRY T. DAVENPORT, *Chairman.*

Law Examiners

Under established procedure, the results of each bar examination, as reached by the committee, are referred to the Board of Governors at a stated session for its action; after such action, the results are made public by the board. It is anticipated that an unusually large number will appear as applicants for admission at the coming July examinations. The ensuing meeting of the Board of Governors will occur during the annual meeting of the association, which this year will be held at Spokane and will follow very shortly after the said examinations. The time element and physical limitations preclude the possibility that the examiners will be able to refer their results to the board at that meeting. As a consequence, announcement can not be made until at some later meeting of the board. If those directly interested in learning how the applicants fared are made to wait longer than the usual time, they may know, nevertheless, that there are valid reasons therefor to be found in the foregoing combination of circumstances. Inability to make the announcements at the time of the annual meeting of the association will deprive that meeting of a certain zest to the examiners and that very considerable interest which it holds for the young people who ordinarily look to it as the time when their fate will become known to them.

The January, 1939, examinations brought out but 44 applicants, the smallest number in some time. The number in July, 1939, is expected, as indicated, to be the largest in the same time. We

can account for this disparity not solely by the occurrence of the former during the terms of law schools, whereas the latter follows graduation, but also, and in large part, by the influence of the rather recent extension of the course at the Law School of the University of Washington from three to four years. A great percentage of those who become applicants for admission in this state present their credentials from that Law School. Hence, any change in its requirements is bound to be reflected noticeably in the number of persons appearing at the bar examinations. Apparently, the period of re-adjustment nears an end and normality under the new conditions approaches.

The January, 1939, group not only was perhaps the smallest to present itself at any one examination for some years, but also was perhaps unique in the rather considerable percentage of persons therein (thirteen in number) who had tried at least once before without success. Viewed prospectively, it seemed to the examiners that this situation would produce a much larger than ordinary percentage of failures. It is interesting to observe that this did not occur and that the percentage of failures (eleven in number) conformed very closely to the average. It seems not to make sense and leaves room for speculation. But it works out. Among those who fail to pass on any occasion are a number who should not have failed—who have the equipment of ability and education which should have carried them through. That probably is the reason underlying the rule of the Board of Governors which permits three trials. And as there are variations in all things, so in this, for in that January, 1939, group of those who had previously failed was a large proportion of persons who should not have done so. As an illustration, there were three young men from the Law School of the University of Washington who had failed to survive their first efforts and yet were men of mental power and scholastic achievement which they later were able to reveal to the committee. And there was one similar case from one of the other great law schools. The examiners claim as little freedom from error as the average person, but lest the reader deduces necessary error on their part in earlier ratings, we mention that not one of the four young men but, after his earlier failure, said in substance that he, himself, was in fault. The admitted fault was not the same in all cases, but in each case a fault was conceded. And it is to the credit of these young men that it should have been recognized, attacked and cured. Further analysis would clarify the situation more, but, the point having been made, would be not merely cumulative but boresome.

Cases such as those mentioned adjust themselves in the course of two or three examinations. Errors of the examiners with respect thereto, if any, are automatically repaired with slight damage to the applicants and none at all to the profession or to the public. Possible error of the examiners in admitting some one not qualified gives them greater and grave concern. The only time such error can be corrected comes only after opportunity has been afforded by admission to cause damage to some innocent

client who may resort to an unqualified person for counsel. The direct injury in any such case of damage is to the general public; the injury to the bar, itself, is only by reflection. It is questionable whether the committee, as presently constituted, will change greatly its attitude or approach to the problem of selection presented twice annually. But your committee has little hesitancy in recommending a policy of increasing strictness in that selection. It is a difficult, and not wholly pleasant, task to deny to any the pursuit of a vocation ardently desired. And such denial is against the natural human inclination. But a due regard for the interests of those who are prospective clients of future lawyers we believe is the justification for the policy. It does not directly hurt good lawyers to have less able ones at the bar. From one point of view, it is to their advantage since it increases opportunity for success in contacts and for outstanding position and recognition. This is the thought in the old saying among lawyers to the effect that the best client is he who undertakes to do for himself his legal work. But the indirect hurt is deep, for those who may suffer from poor guidance are prone to rate the entire field according to their experience. Such point of view is not to be unexpected or adversely criticized, notwithstanding it may not be well considered. But if it be a fact, it is a further persuasive one for guarding the field against improper entrance.

We have adverted frequently to the desirability of eliminating, at the earliest possible moment, those who must eventually fail. This in the interest of those persons themselves. It would serve little purpose to repeat the reasons, but it is so ever present in the minds of the examiners that we are unable to refrain from a prod to the recollection of others when occasion permits.

Your committee again last winter extended invitations to the deans and the faculties of the two law schools in this state to meet with the committee. The invitations were accepted and the resulting meeting was one which we feel sure has helped to guide us along proper lines. It is with some gratification that we are able to say that expressions of mutual benefit have come from the law schools. As an example thereof, with which we close this report, we quote the body of a letter, dated January 13, 1939, from Rev. J. V. Linden, S. J., regent of Gonzaga University.

“Dean Royce and Mr. Weaver on their return to Spokane informed me of the very valuable meeting they had with your committee. Both felt that good results cannot but result from the fine spirit of cooperation shown between your board and the two law schools. I want to take this occasion then to thank you sincerely for the opportunity you made to have Dean Royce and Secretary Weaver visit with you. I wish to assure you and the other members of the board that the Law School here will always hold itself ready to cooperate with you in any way possible.”

Respectfully submitted,

FLOYD B. DANSKIN

CLIFFORD NEWTON

S. H. KELLERAN, *Chairman*

Legislative Committee

In pursuance of a resolution passed at the State Bar Convention at Mount Rainier last year, the Board of Governors appointed a legislative committee consisting of sixteen lawyers well distributed throughout the state. This committee was called together on November 11, 1938, for the purpose of organizing and determining its policy. It agreed unanimously that we should not establish and maintain a lobby in the ordinary sense of the word, but that we should have present throughout the session, a representative who could advise the legislators that certain measures were endorsed or opposed by the bar as a whole.

We further agreed that any measure proposed by the committee would be in the public interest and that the same must be presented to the legislature solely upon its merits, and that we would not approve any measure of a political or controversial nature. We were fortunate in having Mr. Richard B. Ott of Ritzville, Washington, as our representative at Olympia during the session. Since this was the first attempt of the bar to have a representative present at all times during the session we felt that we should only advocate the passage of a few measures which seemed to demand immediate attention, and to devote most of our time in opposition to measures which we felt might result in harm to the profession.

We also believed that much could be accomplished in the way of creating goodwill by having our representative assist the members of the legislature in drafting bills or amendments, or in conferring with him on matters of procedure and rules. Mr. Ott performed this service in a most excellent manner. We have learned from the members of the legislature that they heartily approved of such representation by the lawyers, and felt that the bar had taken the right step in rendering the public a real service.

At the request of Mr. Ott, Mr. Waldron of the Inheritance Tax Division incorporated in the department's bill two or three amendments to the present law which we thought would be beneficial to lawyers in handling inheritance tax matters.

Mr. Ferd J. Schaaf, chairman of the Department of Public Service, was exceedingly cooperative with Mr. Ott and advises us that he is now preparing rules of practice for his department which he will submit to the bar for suggestion and its approval. Said rules will be similar to those of the Interstate Commerce Commission and in general will follow the rules of evidence as required in court.

The committee was kept advised on all bills that in any way affected the practice of law and we were, therefore, able to point out to the legislature the reasons why such measures should be adopted or defeated.

At the State Bar Convention at Spokane, Mr. Ott will deliver an address in which he will detail his activities as our representative during the session.

Your committee found it necessary, in order to finance its activities, to ask contributions from the lawyers of the state. We found the response most gratifying. About \$1,932.00 was raised

in this manner and our expenditures totaled \$1,550.77, leaving a balance of \$381.23, which your committee has turned over to the State Bar Association to be so earmarked that it can be used only to carry on the work of the next legislative committee.

Your committee was somewhat handicapped in its work at this session of the legislature by reason of the fact that early in the session a bill was introduced to repeal the Integrated Bar Act. We feel that the lawyers themselves are not sufficiently informed as to the benefits derived from our integrated bar, and likewise that the public is not sufficiently advised as to the protection the act affords to it.

The committee very strongly feels that the activities of the legislative committee have done more to stimulate the interest of the lawyers as a whole in their profession than anything that has been done by the bar in many years.

Your committee, therefore, respectfully recommends the following:

1. That the legislative committee be immediately appointed for the next session of the legislature.
2. That such committee, working with the Board of Governors, shall have absolute control of all legislation proposed by the bar as such.
3. That the Superior Court Judges' Association submit its recommendations and obtain the approval of such committee before the introduction of any bills, and that the Prosecuting Attorneys' Association do likewise. In other words, this committee should become a clearing house for all legislation proposed by the bench or bar.
4. That, as soon as the new legislature has been elected, the bar in the various localities by some means acquaint its own representatives with the program of the State Bar at the coming session and also sell them on the advantages to the public of the Integrated Bar Act.

Respectfully submitted,

J. C. CHENEY
J. P. DILLARD
FRED S. DUGGAN
S. A. GAGLIARDI
BENJ. C. GROSSCUP
TIM HEALY
OWEN P. HUGHES
LEO A. MCGAVICK

E. W. ROBERTSON
J. E. SAREAULT
ANTHONY SAVAGE
CAMERON SHERWOOD
J. SPEED SMITH
JOSEPH H. SMITH
JOHN N. SYLVESTER
H. SYLVESTER GARVIN, *Chairman*

Public Relations

It is your committee's idea that the field of public relations must go much further than just obtaining beneficial publicity for the lawyers of this state. The ultimate objective of public relations activities should be an improvement of the general welfare of society as a whole. Otherwise such activities are of little value to either the lawyers or laymen. The public must be educated to the fact that the lawyers are willing and able to further, not only each person's individual welfare, but the welfare of society.

The general idea of many laymen as to lawyers as a class is not very high. This is evident from many books, cartoons, movies, and even every-day conversations wherein the lawyer is characterized as a rogue and shyster. It is also the general idea of the layman that lawyers charge excessively, that they solicit business, or are ambulance chasers, and that they create and foster litigation. Perhaps the commonest expression used by the layman is that the lawyer is a "parasite on society." It is and must be the aim and objective of the Public Relations Committee, and of all members of the bar to correct these ideas and expressions in such a manner that the public will realize that the lawyer plays a necessary and important part in their business and their private lives. The committee has found that the necessity for better relations between the bar and the public, or in other words the prevalence of the above described attitude of the layman is much greater in the larger cities. This is evident from the reports of the lawyers throughout this state and from the reports the committee has obtained from the American Bar Association and the bar associations of the other states upon the subject of public relations.

Your committee, composed of eight members from different sections of the state, is able to function to a limited extent if only for geographical reasons alone. Therefore, it is necessary if the relations between the lawyers of this state and the public are to be improved, that every member of the bar must constitute himself a committee of one to further the aims and work of the Public Relations Committee.

In its study of the public relations problem, and with the above expressed ideas in mind, your committee feels that as much of its present work should be devoted to arousing each lawyer to the necessity for improving public relations as to the actual public relations work itself. To this end each member of the committee has organized, or attempted to organize, the lawyers in the various cities and towns in his particular geographical district. Each member of the committee has requested the appointment from his or her local bar officers of the position of chairman of the local Public Relations Committee. Each member of the committee has appointed, or requested the appointment of at least one lawyer to work on public relations in every city or town or local bar association within his district. It is the aim of this committee by next year to have a well organized group of lawyers representing every

city, town, and local bar association in the state, each one of whom has an active interest in the subject of public relations, and each of whom realizes the necessity for improvement of the same.

In the matter of actual public relations work, your committee has interviewed a number of editors of newspapers throughout the state, and without exception they are willing to cooperate with the lawyers in any manner possible. It must be remembered, however, that there are comparatively few articles relating to the bar generally that have sufficient news value to the general public to warrant any newspaper giving much space thereto. The committee has also attempted to have as many lawyers as possible speak before various lay meetings and groups upon subjects wherein the speaker can show to his audience how the lawyer can be of distinct help to them. An excellent example of this is the work of the Speakers Bureau of the Seattle Bar Association wherein a committee of ten or fifteen lawyers under the chairmanship of J. Orrin Vining, prepared talks on five or six legal questions of definite value to the layman, and delivered a great number of these talks to various groups and meetings within the city throughout the past year.

Another activity of the bar that has been of inestimable aid in improving the relations of the lawyer with the layman has been the organization in Seattle of the Legal Aid Bureau by members of the Seattle Bar. This has done more than anything else to bring home to the layman the fact that the lawyers are willing and ready to serve the public, and are not "high charging parasites." The passage of the "Legal Aid Bill" by the 1939 legislature has also helped improve the general idea the public has of the lawyers.

Incidentally the publicity which has been given by the Seattle press to the many speeches given under the auspices of the Seattle Bar Speakers Bureau, and the publicity given to the organization and the work of the Legal Aid Bureau of the Seattle Bar Association has been excellent, and, therefore, a distinct aid to the aims of your committee.

Last year Judge William Devin, the former chairman of this committee, and W. Stevens Tucker, both of the Seattle Bar, with the aid of Dean Judson Falkner and Professor John Sholley of the University of Washington Law School, prepared a series of articles showing how the courts have protected the rights of the ordinary citizen. This series is entitled "Safeguarding American Liberties." Each article is based on a United States Supreme Court case, and they deal with such subjects as "Freedom of Education", "Freedom of the Press", "Freedom of Speech", "Right to Jury Trial", etc. These articles were written in a manner both understandable and interesting to the layman, and the Seattle Star has just agreed to publish two of them a week for the next month.

Your chairman also wishes to report that he has been in contact with the chairman of the Committee on Public Relations of the American Bar Association, and has received from him copies of

its various reports, investigations, conclusions, etc. The American Bar Association Committee also realizes, as a result of its investigations and from the reports it has received from different state committees, that the public relations problem of the lawyers throughout the country is two-fold; first, that the lawyers themselves must be awakened to the necessity for improving public relations, which can be accomplished by showing them the benefits to be derived therefrom, and second, that a definite, intensive, and nation-wide public relations campaign must be planned and put into effect. The American Bar Committee also expressed the idea in its last report that it should be the clearing house for the ideas and work of all the state committees and should take the lead in formulating and carrying out a definite public relations campaign throughout the country. Our future committees should bear this in mind and keep in constant touch with the Public Relations Committee of the American Bar Association.

The committee wishes to thank Judge Wm. Devin and Mr. Tucker for the aid they have given us, and the time they have spent, purely from their interest in the subject of public relations, and their knowledge that all members of the bar of this state will be benefited by the improvement of the same.

Respectfully submitted,

W. C. BATES
GLENN E. CUNNINGHAM
CHAS. R. DENNEY
LLOYD DYSART

JOSEPH H. GORDON
THOMAS P. GOSE
MARYHELEN WIGLE
RICHARD THORGRIMSON, *Chairman*

Selection of Judges

Since the meeting of the state bar a year ago, your committee has had several vexatious problems in its work in connection with the selection of judges for judicial vacancies, but it has done its best to cooperate in every possible way to aid in the selection of the best material available. This only fortifies the committee in the unqualified belief that a proper appointive system is more desirable than the elective system, in order that our state may have the highest quality in the judiciary.

If men of the highest caliber and temperament are to be induced to serve upon the court, the manner of their selection must be changed from the elective to the appointive system. It is too abhorrent to most lawyers qualified and fitted to serve upon the bench to be called upon periodically to leave their high judicial duties for the purpose of engaging in the unpleasant spectacle of going about from place to place advertising, as it were, their legal talents and qualifications to fill high judicial positions, as a street peddler would his wares and then find themselves defeated by much less qualified men who proved, however, to be the better politicians. If our courts are to retain the respect and confidence

of the public, judicial ability—not political aptitude—must be the determining factor in judicial selection. This can only be accomplished by some change from the present elective system in the selection of judges to serve upon our courts.

During the last year a number of states have made rapid progress toward a change in the method of selecting judicial officers. Two plans, Michigan and Ohio, went to ballot, but each lost. Each plan substantially provided for a semi-appointive system and then the appointee would run against his record without an opponent. Information leads us to believe that the bar did not support that plan very heartily, as it was learned and determined that such a system was not much better than the present elective system, because, when a judicial officer, whether good or bad, received an appointment, it was practically impossible to unseat him by his running against his record, for the reason that, if he were found unworthy, he would play politics from the time of his appointment until election time. We understand that a different proposal is to be brought forward the next time and we believe it will be along the lines your committee finally decided upon before the last legislature, which we will mention later.

Missouri is making some rapid strides toward a change, headed by Luther I. Smith of St. Louis, a very energetic servant of the bar. He has been working slowly for several years, educating the people and the bar as he goes along. Montana is very much interested and is presently initiating and working out a plan for a much-needed change. There are too many to mention in this report, but we invite the attention of the bar to various periodicals and, particularly, to the *Journal of American Judicature Society*, which contains a monthly report of all of these activities.

Your committee attempted to have introduced at the last legislature in January and February the same bill that was put forward two years ago, but, upon inquiry, found there would not be sufficient support for that bill. Mr. Theodore S. Turner, a member of the Seattle bar, was a member of the house of representatives in that session and, after a survey, concluded that a modified bill would meet approval. However, your committee did not feel that it was justified in modifying the recommended bill without the voice of the Board of Governors and, therefore, a meeting was finally had about February 11 to go over the matter with the Board of Governors at the board's meeting in Tacoma. The Board of Governors appointed one of its members to supervise a proposed new bill with some shorter features, which was finally accomplished by your chairman, under the direction of the Board of Governors, with Mr. Joseph A. Barto, one of the Board of Governors, supervising, as follows:

“Relating to the judiciary; providing for creation of a judicial commission and for the terms of office, appointment and removal of judges and other judicial officers; and amending Sections 3, 5 and 23 of Article IV of the state constitution.

“BE IT RESOLVED BY THE SENATE AND

HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON IN LEGISLATIVE SESSION ASSEMBLED:

“That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1940, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, amendments to Section 3, 5 and 23 of Article IV of the constitution of the State of Washington, so that they shall, when amended, read as follows:

“Section 3. The judges of the supreme court shall * * * hereafter be appointed by the governor for a six-year term from a list of two lawyers for each judicial position, submitted to him by a judicial commission which shall be created by the legislature, and be given power to assist in, and under certain provisions of this constitution appoint judicial officers, and by the legislature be empowered to remove the same for misconduct or malfeasance in office, and in the event the governor fails to make the appointment to fill any term or unexpired term within thirty days after the submission of such a list, the judicial commission shall forthwith make the appointment: *PROVIDED, HOWEVER, That all judges at present holding office by election shall remain in office until the expiration of their term or terms. The judges of the supreme court shall determine which of them shall be the chief justice and the chief justice shall preside at all sessions of the supreme court.*

“Section 5. There shall be in each of the organized counties or judicial districts of this state a superior court, for which at least one judge shall be * * * appointed by the governor for a four-year term from a list of two lawyers for each judicial position, submitted to him by the judicial commission and, in the event the governor fails to make the appointment to fill any term or unexpired term within thirty days after the submission of such a list, the judicial commission shall forthwith make the appointment: *PROVIDED, HOWEVER, That all judges at present holding office by election shall remain in office until the expiration of their term or terms.* In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law, or, in the absence of legislation therefor, by such rules and

orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of such court shall be equally effectual as if all the judges of said court presided at such session * * * *The legislature may, from time to time, define or alter the boundaries of judicial districts and prescribe the number of superior judges therein.*”

“Section 23. There may be appointed in each county, by * * * *the governor, from a list submitted to him by the judicial commission, for such term as the commission may fix, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by * * * the superior court judge having jurisdiction in such county, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.*”

After it was perfected it was turned over to Mr. Turner, who presented it for reading on February 20, 1939, as “House Joint Resolution No. 11.” You can readily realize that that was very late in the season and, despite all Mr. Turner could do, it never reached the committee for discussion and never reached the floor. We believe if that had been settled upon, or could have been settled upon, for the first day of the meeting of the legislature, it would have reached the floor of the legislature and undoubtedly would have received favorable attention. This only goes to show that it takes time to work these matters out, and we must proceed with tenacity and determination until we finally succeed.

It is, of course, with much regret that your committee is compelled to report our failure to get a bill through the legislature. We believe we are making progress, however, and, while we are failing to get the matter favorably passed on by the legislature, we think we are making rapid strides with the voters and that they are only awaiting an opportunity to give their assent to anything that will better the present situation.

In order to have a proper spirit of cooperation, it is highly important that the members of the bar work with the officers and the committees. If the members have any complaint, make the complaint and discuss the matter and arrive at a common understanding that is for the best interests of all. In this connection your committee has found that judges and lawyers have been writing letters to the governor recommending certain lawyers for judicial appointment. Perhaps they have been innocently written without an understanding of our plan and perhaps the reading of this report may remedy that condition somewhat. Needless to say, we believe that it is better that these recommendations and suggestions be made to the bar officers and committees direct. We assure those who want to write those letters that any recommendations will be earnestly considered. The governor then will not

be annoyed by a lot of letters and your committees and officers will the better be able to arrive at a more worthy decision. We must all remember that everyone cannot be a judge. Your committee on selection of judges has never refused or declined to consider any lawyer whose name has been suggested or even mentioned and never intends to fail to consider suggestions. We earnestly invite suggestions and cooperation in all of these matters.

The name of Mr. William B. Clark of Yakima was inadvertently omitted from the published list of members of this committee in the November issue of The Bar Journal.

Respectfully submitted,

H. C. BRODIE
WILLIAM B. CLARK
A. E. RUSSELL
CHARLES A. SATHER
L. L. THOMPSON
ELIAS A. WRIGHT, *Chairman.*

Unauthorized Practice of the Law

This committee has held two meetings during the past year and has promoted various activities through the various members of the committee over the state. Sam Brackett of bar headquarters at Seattle has been a great help to the committee during the past year in promoting its activities. However, during the first few months of this year's activity this committee was stifled to a very great extent because of the 1939 Legislature, the committee and the Board of Governors believing that strong activity on the part of this committee should be withheld until the Legislature was over.

Legislature

This committee promoted and advocated to the Legislative Committee of the Bar Association the passage of a measure which would amend the Assignment Statute in this state, and a measure to correct an abuse by prosecuting attorneys in this state carrying on private practice of law while being paid for their full time by the counties and carrying on such private practice at the expense of the county and state. This committee did not have sufficient time, however, to get these measures properly organized for passage at the last legislature, but are of the opinion that this legislation and other needed legislation should be prepared long in advance of the legislature, and the lawyers of this state properly educated to the legislation contemplated and the proper need thereof. It is a well known fact that the lawyers have sat back and permitted the practice of law to be legislated away from them into the hands of laymen and corporations to the detriment of the public at large as well as the lawyers.

This committee has worked together for a number of years

endeavoring to prevent laymen and corporations from practicing law and has brought a great many cases to stop unauthorized practice of law, but definitely feels that it has not had the proper support and help from the lawyers in the state as a whole. In fact, in much of the litigation that this committee has carried on, certain lawyers have opposed the committee's activity. We feel, however, that this lack of support of the bar as a whole is due to lack of knowledge and information of the lawyers as to what the committee is doing or trying to do in its capacity. For this reason we have decided to spend considerable time and effort in educating lawyers of this state upon the activities of the Unauthorized Practice Committee. The Board of Governors has been very helpful in every way to this committee in promoting its activities.

Summary of Complaints During Past Year

Through the office of the State Bar Association under the direction of Sam Brackett, the following complaints on unauthorized practice have been filed and taken care of from June 1, 1938, to May 20, 1939:

Eight complaints against notaries public for drafting legal documents of various kinds.

Three complaints against laymen or collection agencies sending out legal type notices headed "last notice before suit" in violation of Remington's Statute 2370.

Three complaints against associations advertising free legal advice as part of membership benefits.

Two complaints against laymen for appearing in court as attorneys.

One complaint against layman agreeing to put debtor through bankruptcy.

There have also been numerous other complaints which are at present being considered by the committee for proper action.

Conveyances and Realtors

There continues to be a great deal of practice of law being carried on by laymen in the real estate business, notaries public, small banks in rural communities, public stenographers and insurance agents, particularly in the field of drawing legal documents and conveyances and transfer of real estate, a great deal of which causes a large amount of damage to the public. Also, your committee has found that the printed legal forms which are sold by supply houses are causing considerable damage. We believe that test cases should be brought against these type of violators and this practice should be stopped.

Adjusters

During the past year there has been considerable development on the part of corporations and laymen soliciting and handling the settlement of damage cases, both from insurance companies and individuals. We feel that immediate action should be taken

against those carrying on this type of unauthorized practice. The committee does, however, need considerable financial assistance to make the proper investigations before bringing litigation to stop this unauthorized practice.

Practice Before Boards

As never before, there has developed today a tremendous legal practice before the various state boards and federal departments, and your committee is now making a particular effort to secure the adoption by the several state boards of rules requiring parties to be represented by lawyers in all matters where such parties are represented by persons other than themselves. We so far have had splendid cooperation from the department heads in this state in carrying out these plans and feel confident that such arrangements will soon be in force and effect. As to the federal departments, there is now before Congress in the House, House Bill 4798, which if passed will place a bar to all laymen carrying on at the present time unauthorized practice before federal boards. We recommend that every lawyer in this state use whatever influence he may have in helping to secure passage of this legislation.

Accountants

During the past year an arrangement has been worked out with the Certified Public Accountants' Society of King County whereby all tax matters which have developed to the point where it is necessary to make an appeal to the Board of Tax Appeals, and before any pleadings have been made to the Board of Tax Appeals, will be submitted to attorneys for further attention. We are now endeavoring to arrange a similar agreement with certified public accountants in this state.

Certified public accountants agree that all tax matters, when arriving at the above point of progress, become nearly entirely matters of law and legal procedure, for which reason they should naturally be handled by lawyers. However, the accountants believe that the lawyers should work hand in hand with them in carrying these matters on to completion, with which your committee is in accord.

Recommendations

There is a tremendous amount of activity to be carried on by this committee but the committee is badly in need of finances to properly carry on. We feel that if the lawyers of this state were sufficiently conscious of what can be done in this state for their benefit and the benefit of the public that they would all be glad to recommend the increase of dues of this association to permit our Bar Association to properly function for their benefit. The Legislative Committee is likewise very important and is badly in need of financial assistance. Conditions today have developed to the point where every type of business and profession has created highly trained organizations to promote their own interests, and we, as lawyers, must meet this situation, but it takes finances to do so. The Board of Governors and various committees of our bar, Sam Brackett and Clydene Morris, are all rendering a marvelous

service to the lawyers with the funds with which they have to operate. If the lawyers of this state want to hold their own they must awaken to the fact of the tremendous need of additional financial assistance.

To the names of the members of the committee as announced in the November, 1938, issue of the Bar Journal, should be added that of Mr. David J. Williams, of Seattle, who was appointed to the committee after publication of the committee lists.

Respectfully submitted,

GEORGE R. BIGELOW

LEE C. DELLE

E. B. HANLEY, JR.

C. J. HENDERSON

DAVID J. WILLIAMS

ROBERT R. PENCE, *Chairman*

EWING D. COLVIN, *Vice-Chairman*

Qualifications for F. B. I.

A number of young lawyers have inquired at the Bar Headquarters with reference to employment in the Federal Bureau of Investigation of the United States Department of Justice. The Bureau advises that applicants must present the following qualifications:

- Age, 23-35 years, inclusive.
- Graduate of recognized law school.
- Member of the Bar.
- Good moral character.
- Sound physical condition.

Applicants must be prepared to pass physical and mental examinations and strict character investigation. Entrance salary, \$3,200 per year, with advancement solely on merit basis. Mr. Raymond C. Suran, Special Agent in Charge, 800 Joseph Vance Building, Seattle, offers to give further information to interested applicants.

If You Are Going to New York

Members of the Washington State Bar who are in New York City July 17th to 28th may be interested in attending some of the scheduled courses offered by the Practicing Law Institute. Courses will be conducted in air-conditioned quarters at the Hotel Astor and will embrace: Fundamentals of Income Tax, Tax Practice and Procedure, Current Problems in Taxation, Trials, Trials Clinic, Real Estate, Corporate Practice, Bankruptcy and Reorganization, Accounting, Labor Law, Criminal Prosecution, Representing Municipalities, with miscellaneous lectures in addition. Offices of the Institute are at 150 Broadway, New York City, and participation of members of the bar from outside of the state of New York is invited.

Auditor's Report

June 30, 1939

Washington State Bar Association
655 Dexter Horton Building
Seattle, Washington

Gentlemen:

We have audited your books for the year ended June 30, 1939, and have prepared the attached financial statements, namely:

EXHIBIT 1—Financial statement of General Fund, July 1, 1938 to June 30, 1939.

EXHIBIT 2—Financial statement of Special Account (Admission to the Bar), July 1, 1938 to June 30, 1939.

We made a detailed audit of the cash receipts and disbursements and have no exceptions to report.

We verified the balances deposited at banks by detailed audit of cancelled checks, bank's statements and savings accounts pass-books.

The accounting work was in excellent condition.

Respectfully submitted,

E. J. MINER, *Certified Public Accountant*,
(Member, American Institute of Accountants)

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EXHIBIT I

WASHINGTON STATE BAR ASSOCIATION FINANCIAL STATEMENT OF GENERAL FUND

July 1, 1938—June 30, 1939

BALANCE ON HAND, June 30, 1938.....		\$ 7,683.55
RECEIPTS		
Dues, 1933:		
Inactive Certificate No. 108, 1 at \$2.00.....	\$ 2.00	
Dues, 1934:		
Inactive Certificates Nos. 108, 109, 2 at \$2.00	4.00	
Dues, 1935:		
Inactive Certificates Nos. 108, 109, 2 at \$2.00	4.00	
Dues, 1936:		
Active Certificate No. 2378, 1 at \$5.00....	5.00	
Inactive Certificates Nos. 119, 120, 2 at \$2.00	4.00	
Dues, 1937:		
Inactive Certificates Nos. 109-112, 4 at \$2.00	8.00	
Dues, 1938:		
Active Certificates Nos. 2291-2335, 38 at \$5.00; 5 at \$8.00; 2 at \$3.00.....	236.00	
Inactive Certificates Nos. 122-127, 6 at \$2.00	12.00	
	\$ 275.00	\$ 7,683.55

AUDITOR'S REPORT

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Amounts Forward	\$ 275.00	\$ 7,683.55
Dues, 1939:		
Active Certificates Nos. 1-2314, 2301 at \$5.00; 12 at \$8.00; 1 at \$3.00.....	11,604.00	-
Inactive Certificates Nos. 1-155, 153 at \$2.00; 2 at \$3.00.....	312.00	12,191.00
		\$19,874.55
Interest on Savings Accounts.....		79.20
Refund		4.00
Sundry Items		193.57
Advertising Income from State Bar Journal Legal Institute (from Spokane Bar).....		1,036.52
Legislative Committee (by Contributions reimbursed General Acct.) (Total cost to Assn. of Legis. Com., \$1.00).....		50.00
Credit cancellation of old outstanding checks Nos. 212 at 5.00 and 1397 at \$3.00.....		218.95
		8.00
		\$21,464.79

DISBURSEMENTS

Annotations to Restatement	\$ 315.00	
Expenses—Meetings of Board of Governors Committee Meetings and Expenses.....	1,112.27	609.72
Unauthorized Practice	\$ 93.36	
Selection of Judges	9.20	
Federal Legislation	2.00	
Election	4.96	
Legislative	219.95	
Public Relations	55.25	
Legal Institute	225.00	
1938 Convention Expense.....		433.33
1939 Convention Expense.....		72.48
Discipline and Disbarment.....		3,201.36
Salary of Counsel.....	\$ 2,700.00	
Expenses of Counsel.....	87.84	
Trials and Hearings.....	413.52	
Bank Charges		6.00
Miscellaneous		703.14
Office Rent		1,200.00
Postage		572.94
Printing		547.79
Salaries		3,954.20
State Bar Journal		2,722.59
Supplies		183.76
Telegrams		17.16
Telephone		475.15
Towel Supply		22.28
TOTAL EXPENSE		\$16,149.17
ADD:		
Refunds		4.00
Office Equipment		63.66
TOTAL DISBURSEMENTS		\$16,216.83
BALANCE AT BANKS, JUNE 30, 1939		\$ 5,247.96

Amounts Forward (Balance on Hand).....		\$ 5,247.96
Allocation of Estimated Expense for Balance of Year:		
Board of Governors.....	\$ 500.00	
State Bar Journal.....	1,000.00	
Convention	500.00	
Discipline and Disbarment:		
Salary of Counsel.....	1,575.00	
Miscellaneous	500.00	
Postage	300.00	
Printing	100.00	
Rent	700.00	
Salaries	2,364.95	
Supplies	100.00	
Telephone and Telegrams.....	275.00	
Committees	500.00	\$ 8,414.95
Leaving Estimated Deficit, January 1, 1940....		\$ 3,166.99

EXHIBIT II

WASHINGTON STATE BAR ASSOCIATION
SPECIAL ACCOUNT NO. 1
"ADMISSION TO THE BAR"

BALANCE ON HAND, JUNE 30, 1938.....		\$1,467.94
RECEIPTS		
Examination Fees, July, 1938—2 at \$25.00.....	\$ 50.00	
Examination Fees, January, 1939—20 at \$25.00, 1 at \$50.00	550.00	
Examination Fees, July, 1939—68 at \$25.00, 3 at \$50.00	1,850.00	
Motion Fees, July 1, 1938-July 1, 1939—4 at \$50.00.....	200.00	
Bar Association Dues held pending admission.....	15.00	
Reinstatement Fees	65.00	
Borrowed from General Account.....	500.00	3,230.00
TOTAL		\$4,697.94
DISBURSEMENTS		
Refund of Fees.....	\$ 150.00	
Bar Examiners	1,500.00	
Delegate to National Conference of Bar Examiners.....	250.00	
Expenses of Bar Examiners.....	221.15	
Printing	381.48	
National Conference of Bar Examiners.....	225.00	
Proctors for Bar Examinations.....	90.00	
TOTAL EXPENSES		2,817.63
BALANCE IN BANK, JUNE 30, 1939.....		\$1,880.31