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Report of Committee on Unauthorized Practice of Law; Report of the Code Revision and Recompilation Committee

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Second—Consideration should be given to publishing a monthly bulletin devoted to the interests of the State Bar.

Third—Further consideration should be given to the rules governing the admission to practice of lawyers from other states. Should more definite and perhaps more stringent requirements be established, as, for example, examinations as are required in California, or should the existing rules be relaxed in the case of young lawyers employed during the war years in government service.

Fourth—More aggressive action with respect to the unauthorized practice of law, with perhaps financial assistance to the committee handling that subject.

Fifth—Definite plans for an annual meeting in 1946, with a program evoking the interest of all and inspiring the active participation of more of the members of the profession.

Gentlemen, the Board of Governors presents your president—Fred D. Metzger, of Tacoma.

REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

(This report of the Committee on Unauthorized Practice of Law is being printed in this issue of the LAW REVIEW so that every member of the Bar may have the opportunity of reading it. Shortly you will receive a postal card asking you to record your vote as to whether or not you desire the Board of Governors to raise your dues in an amount sufficient to put the program, as suggested by the committee in this report, into effect.—ED.)

The committee on Unauthorized Practice of Law appointed by you met January 5, 1945, for the purpose of considering the proposal of the Board of Governors of the Association to assess the members of the Association \$1 per year, to be used by this committee.

This committee has in the past filed reports indicating a classification of persons who are engaged in the unlawful practice of law. We desire to call your attention to the following violators and the acts which they are committing which we think are violations:

Certified Public Accountants and Public Auditors. This group is probably the most persistent violator we have. They are engaging in the following activities:

1. Filing protests to deficiency income tax assessments.
2. Appealing deficiency income tax assessments to the tax court.
3. Renegotiating war contracts.
4. Filing applications for employers for wage adjustments, and appealing the same to the Labor Board.

Title Companies. The title companies persist in handling escrows, upon which they draft the instruments, issue printed forms of deeds, contracts and mortgages, and in many instances close real estate contracts between the parties. Some progress has been made in the solution of this problem by negotiating with the title companies, but much work is yet to be done.

Insurance Adjusters. These men often solicit personal injury cases arising out of automobile accidents, and in some instances, make settlements without the aid of a lawyer. We do not know if this practice is

approved by the insurance companies or whether this is a matter that is being conducted solely by the individual adjusters.

Country Banks and Trust Companies. Some of the smaller banks still persist in drawing contracts and passing upon titles, and sometimes prepare wills, but in the larger cities, this practice has been discontinued and the banks and trust companies are cooperating with the lawyers.

Collection Companies. This class of violator is perennial and will probably exist so long as people fail to pay their ordinary debts. In many instances, collection companies put a lawyer on a retainer basis and then the collection company does all the work. This seems to be a joint problem of unlawful practice of the law and violation of ethics by the attorney.

Realtors. These men continue to draw contracts, wills, examine titles and engage in other related practices. The American Bar Association and the National Association of Realtors entered into a declaration of principle but the great majority of realtors refuse to be bound by the declaration.

There are many other people who occasionally engage in the practice of law, but who cannot be classified because they are not confining their activities to one field. For instance, secretaries of business associations attempt to advise employers on labor problems and on trade problems. Union leaders appear before the Labor Boards to present grievances against employers. Certain so-called tariff experts represent transportation companies before the Interstate Commerce Commission and State Public Service Commissions.

There are a number of factors which contribute to the existing conditions, but at this time we want to call your attention to only two of them.

1. The lawyers have failed to qualify themselves to do much of the important work now being done by unauthorized practitioners.

2. Many clients do not realize that much of the work which they submit to unlawful practitioners should be done only by a lawyer.

Comment

1. Comparatively few lawyers have thoroughly familiarized themselves with the tax law, and the procedure before either the Treasury Department and the Tax Court, or before the State Administrative Tax Board. Many times I have heard a lawyer say he doesn't know anything about taxes and whenever he gets a tax question he refers it to an accountant. He doesn't seem to realize that in so doing, he is throwing away lucrative business and is inviting unlawful practice of law.

Few lawyers know anything about labor law or trials before the Labor Boards. Many auditors have studied this subject and the employer is forced to seek the advice of the auditor because his lawyer refuses to spend the time necessary to prepare himself to give an opinion on this subject.

Very few lawyers are competent to represent a client before an administrative agency like the Interstate Commerce Commission or the Public Service Commission, and as a result, trade associations have been formed who employ a secretary who acts as attorney for all the members in any matter in which the association is interested.

Employer associations have been formed who have employed lay secretaries who negotiate with and draw contracts between employers

and unions; appear before Labor Boards; appeal cases and write briefs, and who advise employers about their liability under the several labor laws like the Wage-Hour Act, Wagner Act, Walsh-Healy Act, Public Contracts Act, Davis-Bacon Act, etc.

All of this work must be done, and if the lawyer will not prepare himself to handle it, is he entitled to complain if a layman does it?

2. Many people accept the services of an unlawful practitioner without realizing that in so doing, they are helping to further a dangerous practice, or are trespassing upon the lawyers' field.

In tax problems, for instance, the accountant is the first to be called, solely because the problem seems to deal only with the account books. In many cases, the client has a retained attorney and is surprised when told that the matter is a legal one and should be handled by the attorney.

Many people think a banker, a real estate agent, or even a notary public is the proper person to seek to draw a real estate contract, deed, mortgage, or sale under Bulk Sales Law, and it is pure ignorance that prevents them from seeking a lawyer. Astute businessmen take the advice of unqualified practitioners instead of asking their lawyers.

Proposal

We do not think we can correct all the evils which have been developing in our business life in the last century, but we feel a start will be made if we adopt the following program:

A. Have each Governor appear before the local bar association in his district to explain the extent of and some of the reasons for the unlawful practice of law.

B. Have each Governor test the lawyers in his district to see if they are willing to help eradicate the unlawful practice. Every lawyer can help in two ways:

1. Investigate all the facts in every violation and give them to this committee with permission to use them together with the lawyer's name, if advisable.

2. Contribute funds for the use of this committee. We think every lawyer in the state should gladly give at least \$10 per year for this cause, but a majority of the committee thought it advisable to request the Board of Governors to increase the dues \$2.50 per year, and earmark that increase for the use of this committee. Any money allocated to this committee would be used about as follows:

(a) To employ a lawyer to represent this committee to (1) investigate every violation reported to determine what proceeding, if any, should be taken against the offender; (2) arrange conferences with associations or organizations representing certain classes of violators and draw any agreements arrived at; (3) prepare forms of instruments like earnest money agreements, which will be approved by this committee and known as the Bar Association forms, etc.

(b) To engage in an educational program, the purpose of which is to advise the public of the hazards of having legal work performed by a person not qualified to practice law. This part of our program is in a nebulous form, but we think, for instance, it would not be unethical to publish, in advertisement form, the Statement of Principles arrived at between the American Bar Association Committee on Unauthorized Practice of Law and the National Association of Accountants, and other similar agreements.

We are convinced that we need both the wholehearted cooperation of every lawyer and a substantial sum of money. If the lawyers of this state have any regard for their obligation to the public and to the lawyers now in the armed services of this country, they will gladly provide both requests.

Yours very truly,
COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW
OF THE WASHINGTON STATE BAR ASSOCIATION.
By (signed) E. N. EISENHOWER, Chairman.

REPORT OF THE CODE REVISION AND RECOMPILATION COMMITTEE

October 25, 1945

Under an act of the 1943 Legislature, a code committee, consisting of the State Law Librarian, the Law Librarian of the University of Washington and the Executive Secretary of the Judicial Council, was charged with the duty of recompiling, revising and codifying all state laws of a general and permanent nature for the purpose of "simplifying the same, reconciling conflicting provisions and eliminating obsolete statutes," with a new, uniform and perpetual system of section numbering.

The task proved to be of such magnitude that it could not be completed in time for the meeting of the 1945 Legislature, with the result that the committee was continued and given an additional appropriation.

At the close of the 1945 Legislature, the committee was fortunate in obtaining the services of Mr. E. W. Anderson, a former assistant attorney general, to lead the revision staff. The committee is now pleased to report that the work has been progressing splendidly. The recompiling, or rearranging of the subject matter of our statute law and the renumbering of the sections as recompiled has been completed. Good progress is being made in the more important, though more technical and tedious, task of revision; that is, simplifying complex and unwieldy statutes, reconciling conflicting statutes, and eliminating obsolete statutes without making any changes of a substantive character.

The committee has adopted the following title or subject arrangement for the new code, subject to such minor changes as may become necessary in the further progress of the work:

1. GENERAL PROVISIONS—INTERPRETATION
JUDICIAL CODE
2. Courts of Record
3. Justices of the Peace and Constables
4. Civil Procedure
5. Evidence
6. Enforcement of Judgments
7. Special Proceedings
8. Eminent Domain
9. Crimes and Punishments
10. Criminal Procedure
11. Probate Law and Procedure
12. Justice Courts—Civil Procedure
13. Juvenile Courts and Juvenile Delinquents

14. AERONAUTICS CODE
- AGRICULTURAL CODE
15. Agriculture and Marketing
16. Animals, Brands and Estrays
17. Weeds, Rodents and Pests
- BUSINESS AND PROFESSIONS CODE
18. Business and Professions
19. Commerce and Trade Regulations
20. Commission Merchants
21. Securities and Speculative Investments
22. Warehousing and Deposits
- CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS
23. Corporations for Profit
24. Non-Profit Corporations and Associations
25. Partnerships
26. DOMESTIC RELATIONS
- EDUCATIONAL CODE
27. Libraries, Museums and Historical Societies
28. Public Schools and Colleges
29. ELECTIONS CODE
- FINANCIAL INSTITUTIONS
30. Banks and Trust Companies
31. Loan Agencies and Credit Unions
32. Mutual Savings Banks
33. Savings and Loan Associations
- GOVERNMENT
34. Administrative Law
35. Cities and Towns
36. Counties
37. Federal Areas and Jurisdiction
38. Militia and Military Affairs
39. Public Contracts and Indebtedness
40. Public Documents, Records and Publications
41. Public Employment, Civil Service and Pensions
42. Public Officers and Agencies
43. State Government—Executive
44. State Government—Legislative
45. Townships
- HIGHWAYS AND MOTOR VEHICLES
46. Motor Vehicles
47. Public Highways
48. INSURANCE CODE
- LABOR CODE
49. Labor Regulations
50. Unemployment Compensation
51. Workmen's Compensation
- LOCAL SERVICE DISTRICTS
52. Fire Protection Districts
53. Port Districts
54. Public Utility Districts
55. Sanitary Districts
56. Sewer Districts
57. Water Districts

PROPERTY RIGHTS AND INCIDENTS

- 58. Boundaries and Plats
- 59. Landlord and Tenant
- 60. Liens
- 61. Mortgages and Trust Receipts
- 62. Negotiable Instruments
- 63. Real Property and Conveyances
- 64. Recording, Registration and Publication
- 65. Sales of Personal Property

PUBLIC HEALTH, SAFETY AND WELFARE

- 66. Alcoholic Beverage Control
- 67. Athletics, Sports and Entertainment
- 68. Cemeteries, Morgues and Human Remains
- 69. Food, Drugs and Cosmetics
- 70. Health and Safety
- 71. Insane Persons, Feeble-Minded and Inebriates
- 72. State Institutions
- 73. Veterans and Veterans' Affairs
- 74. Welfare and Relief

PUBLIC RESOURCES

- 75. Food Fish and Shellfish
- 76. Forests and Forest Products
- 77. Game and Game Fish
- 78. Mines, Minerals and Petroleum
- 79. Public Lands

PUBLIC SERVICE

- 80. Public Utilities
- 81. Transportation

TAX CODE

- 82. Excise Taxes
- 83. Inheritance and Gift Taxes
- 84. Property Taxes

WATER CODE

- 85. Diking and Drainage
- 86. Flood Control
- 87. Irrigation
- 88. Navigation and Harbors
- 89. Reclamation
- 90. Waterways
- 91. Water Rights

ALFRED J. SCHWEPPE
 MARIAN G. GALLAGHER
 MARK H. WIGHT

NOTES ON CLARK COUNTY BAR ASSOCIATION

The meeting of the Clark County Bar Association was had last summer and the following officers were elected: Fred Mason, president; William C. Bates, vice-president; Bernard Newby, treasurer, and Irving Koths, secretary.

Lt. Comdr. Ned Hall, who has been in the Navy, has returned to private practice and is associated with Louis Schaefer and Virgil Scheiber.

REPORT OF OBITUARY COMMITTEE

Often we recall with a pang a departed friend whose face fades from memory all too fast. The spirit of goodfellowship which has survived to us from the days when members of our fraternity rode the circuit together is fraying under the stress and turmoil incidental to the practice of law today. We must not lose the camaraderie we still have left.

Yearly, our State Bar Association has paused for a few moments to pay the last tribute we may ever offer our brethren of the bar who have died during the past year. This year, in default of a meeting, we can only list the names of those we have lost and print the list in the *LAW REVIEW*. It is with an added sense of loss that we list the names of three fine men:

C. P. Burnett, Jr.,
Charles W. Edmunds and
Bert Ross

who have given their lives in the service of our country—men who should still be with us. Pause reverently as you read the names, addresses and dates of death of the Washington lawyers whose demise has come to the attention of your association since the obituary report of a year ago.

Frank J. Allen	Yakima	August, 1944*
John R. Bleakley	California	May 25, 1944*
Frank E. Boyle	Seattle	November 19, 1944
W. P. Brown	California	February 10, 1945
Hubert D. Buchanan	Seattle	December, 1944
C. P. Burnett, Jr.	Seattle	February, 1945 (Service)
Wm. E. Campbell (Judge)	Montesano	January, 1945
Joseph C. Cheney	Yakima	October 8, 1944
Fred G. Clarke	Seattle	June, 1945
Lorenzo M. Cobb	Seattle	October 12, 1944
A. N. Corbin	Kirkland	September 5, 1944*
Jesse Davis	Everett	1945
Matt L. Driscoll (Judge)	Pasco	October 4, 1945
Chas. W. Edmunds	Seattle	March, 1945 (Service)
George Dysart	Centralia	September, 1945
George C. Ellsbury	Centralia	September, 1945
E. D. Germain	Longview	October, 1945
H. E. Gorman	Bremerton	December 13, 1944
A. M. Hadley	Bellingham	September 3, 1944
C. R. Hadley	Ellensburg	July 3, 1945
James A. Haight	Seattle	June, 1945
Arthur M. Harris	Seattle	April, 1945
C. J. Henderson	Mt. Vernon	January 18, 1945
D. R. Hoppe	Seattle	October 10, 1944
Owen H. Horton	Colfax	December, 1944
J. B. Keener	Tacoma	January, 1945
Earle C. Lassen	Seattle	June, 1944*
Aubrey Levy	Seattle	July, 1945
John S. Lynch	Olympia	March, 1944*
Chas. D. McCarthy	Kelso	January, 1945
J. E. Martinson	Seattle	August, 1944*
J. E. Miller	Colfax	March, 1944*
E. C. Oggel	Iowa	January, 1945
L. E. O'Neill	Tacoma	November, 1944
John B. Orton	Aberdeen	September, 1944
G. E. Peterson	Tacoma	November, 1944
Bert C. Ross	Seattle	August, 1945 (Service)
Arthur R. Rutherford	Seattle	December 24, 1944
Judson W. Shorett	Seattle	October, 1944
Bruce C. Shorts	Seattle	April, 1945
Jack B. Swale	Seattle	July, 1945

J. G. Thomas	Walla Walla	January, 1945
T. F. Trumbull	Port Angeles	March, 1944*
E. P. Twohy	Spokane	November, 1944
Philip Tworoger	Seattle	December, 1944
Henry G. Vick	Seattle	August, 1945
E. D. Weller	Spokane	July, 1944*
Henry H. Wende	Yakima	July, 1945
Walter B. Whitcomb	Bellingham	September, 1944*
Lester Whitmore	Bellingham	September, 1944*
R. L. Wilkinson	Colfax	October, 1944
Burt J. Williams	Wenatchee	January, 1945
Solon T. Williams	Seattle	December, 1944

Very respectfully,

C. F. RIDDELL, *Chairman,*
Obituary Committee.

*Not included on last year's list.

INFORMATION, PLEASE

Mail addressed to the following members of the Washington State Bar Association has been returned, and we would appreciate any information as to the present address of those listed below:

Frederick A. Clanton, Seattle (service)
 Wm. G. Daniels, Seattle (service)
 Norman A. Ericson, Seattle (service)
 Cyril D. Hill, Seattle (service)
 John A. Logan, Seattle (service)
 George MacClain, Seattle (service)
 Jack R. MacDonald, Seattle (service)
 George E. Nagle, Seattle (service)
 Thomas B. Prince, Seattle (service)
 Willard Bungay, Spokane (service)
 Paul A. Clausen, Spokane (service)
 J. Orville Humphries, Spokane (service)
 John Toulouse, Jr., Spokane (service)
 Phillip Greeley Sheridan, Everett (service)
 Owen L. Knowlton, Dayton (service)
 Ernest L. Meyer, Olympia (service)
 Harry A. Bowen, Olympia
 Richard Greiner, Hanford
 John J. O'Connell, Tacoma
 Tyrone Gillespie, Tacoma (service)
 Robert E. Lee Conner, Wenatchee (service)
 T. H. Nelson, Port Angeles (service)
 P. A. Mathews
 Clyde W. Linville, Jr.
 Paul F. Meydenbauer