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REPORT OF THE PRESIDENT

BY R. V. WELTS

President of Washington State Bar Association

I appreciate greatly the confidence, trust, and honor which you have bestowed in permitting me to serve as your president during the past year.

Our organization has been built soundly and has been carried forward efficiently since its inception. Owing to the splendid cooperation given by each lawyer called upon for service, things have run well during the past twelve months. For this unselfish service I wish to extend the deepest gratitude on behalf of your officers.

I desire to report to you briefly upon the activities of our bar and your board, that you may know what progress has been made and what is being attempted.

To have a continuously strong Bar, there are three steps in our work. First is the matter of admissions; second, that of policing our own organization; third, that of rendering service (a) to our individual members, and (b) to the public.

Our standards of admission are high. I believe that they compare most favorably with those of the greater part of our states. The change from permitting foreign attorneys to be admitted by the Board of Governors, under rule, to a required lawyer's examination has, in my judgment, worked well. This method is sound.

Within the field of discipline, your administrative agencies have been diligent but just. These unpleasant and difficult duties have been performed with an impartiality of the highest order. We take care of our own problems, and try to assure our organization a sound and strong membership, and the public the protection which we know it is entitled to have. Constantly we should let it be known generally that we do so.

In this realm of public relations, I give you for thought and study one suggestion. We may well consider seriously adoption of a public insurance program, so to speak. One has been used by our British Columbian neighbors. There, no defalcation to a client can occur. By annual assessment, a fund is built to and maintained at a required level. Any client loss is paid therefrom, with subrogation rights to the association. Thereby, the public has known protection, a thing seldom required but wholesome to be had. Our neighbors' experience has been

good. Their reported losses are small indeed. They are paid promptly should they occur. I can find no statistics to give you upon client losses in our state over the period of our integrated bar or at all. I believe they are negligible. But within the field of public relations, I think this approach is wholesome. The public should be educated readily to understand that we tolerate no breach of a trust nor misuse of a client's money. Whether we underwrite and pay any such losses, or devise a method for blanket insurance coverage, are details for consideration. But I believe the underlying principle to be worthy of study.

In attempting to serve our own membership, we have adopted some of the intensive work outlined and being done by the American Bar Association. I mention two things only, because our many activities will be dealt with in committee reports.

In order to carry out adequately its intensive program of activities, the American Bar Association desired to mesh the work done within the states to its well-developed undertakings. That called for setting up in the states duplicate committees to those in A.B.A. The committee chairmen would then be the point of contact between the two organizations. This process was brought into being during my term as State Delegate. As we are an integrated bar, instead of following in precise form the pattern as outlined, I named our Board of Governors, a continuing entity, as such liaison officers. Thus responsibility flows from A.B.A. to our governing body instead of segregated committee men, and it in turn could appoint its comparable committees and hold their chairmen responsible for action. I mention this streamlining of organization because you should know of it, and because I would like to challenge your imagination in a few later remarks as to how it might be used effectively in any major public service.

I think we have all felt that over many years there was an unfortunate lack of intensive interest in our organization except on the part of a comparatively few lawyers. Very heavy duties have fallen upon their shoulders and they have responded most unselfishly. Lack of interest was natural, because we were not bringing home to the individual lawyer either a challenging program of activity in which participation could be had for public good, nor things of substantial benefit in our everyday work. That needed remedy, and still needs aggressive action. It has been met in part during the past year

through bringing legal institute work to every section of the state requesting it. The greatest number of demands have been for trial practice and procedure. The board has held its monthly meetings in the various areas and in conjunction with the timing of such meetings, has held half-day institutes. From attending the conference of state bar presidents, and from our own experience, I conclude that this post legal education work is some of the most important we can do; that seldom will such a meeting draw effectively from more than a fifty mile radius; but when and wherever held, great interest is shown. I recommend that the practice be continued and intensified. A.B.A. stresses it strongly. Our experience has been favorable. Clarence Coleman is on the national committee and has been chairman of our state committee. As it is more widely known that you may have this service for the asking, that you can choose your own subject matter, and the most skilled in the given fields will be brought to your locality, more requests will be made and greater interest in this program will be shown. Remember, you may pick the field of institute work and it will be brought to you.

In bar activities, I wish to stress one other thing. I choose to call it public relations, but beyond the initial processes necessary to gain and hold confidence, it goes to the heart of public life.

Lawyers, individually and as a group, have greater potential capacity than any other organized body of people to help a nation which sorely needs constructive help. As I see it, two steps are necessary. First, we must capture a greater degree of public confidence, and, second, under wise and vigorous leadership we must go to work intensively.

A few months ago, a group of us attended at Denver a conference of lawyers of the Western states. There we learned of an outstanding program inaugurated and carried out by the Denver Bar. A series of entertaining skits, dealing with the everyday troubles and mistakes of people, such as are handled constantly by all of us, was worked out. Then the Colorado Bar went on the air. The result was that their radio program became one of the most popular offered in their state. Our own committee has considered this subject matter and methods used, and we are going to have some of it. Before this session is over, Judge Beals and his committee will present some of that to you in detail, so you may see what it is.

Taking that instance as illustrative, it seems to me that by such

adaptation and other intensive work, carefully planned and carried forward continuously in this and all of our states, a fine understanding and respect for the work lawyers do, can and must be built.

I ask you now to assume that through a strong continued program we can do these things, namely: make it known constantly and convincingly what our work is, and that in accomplishing it we tolerate no breach of trust or client losses. Assume that by these processes we build and hold a deserved public confidence in our profession. Then, under that assumption, I ask each of you to allow your imagination to run riot for a few minutes upon the position lawyers can and should hold in American life, and the influence for sound government it is within our power to exert. We must be a dominant constructive force. It is easy to criticize, find fault, and stress imperfections. It constitutes today the greater part of all present thinking and speaking. But that is negative. We have assumed a condition of groping helplessness. Unless we awaken and do something, as a people we are ripe for complete regimentation, and every lawyer knows it. If the form of government under which the magnificent achievements of this nation have been had is to be saved from complete wreckage, the American lawyer, under strong leadership, has and should accept a responsibility to do something about it more than complain. In my judgment, we should inaugurate a constructive program of factual public education. The lawyer knows that all achievement, personal, social, cultural and religious, is limited by the political foundation under which a people function. The lawyer understands, because it has been a part of his and her basic training, and is an integral part of that one's very being, that our political concept was based upon the premise that men and women were endowed by their Creator with certain inalienable rights. Government did not give them. They came from divinity. And government was set up by man as an agency and instrument of his usefulness to enable society to function efficiently with those rights preserved. We must be ever on guard that they be not surrendered or taken away by others, be they few or many, and that they be not assumed or stolen away by government itself.

We know also the abuses which arose and why they arose, as well as reactions that would and have set in which bid fair to sweep the foundational structure away. But we know that faults and weaknesses need and can find remedy within the structure. That we should not therefore tear down or throw away the very thing which has enabled

us to progress. The lawyer knows the reasons why it was wise to have three independent branches of government if our basic endowments be retained. That the one must not usurp the powers and functions of the other, or the one control or dominate the other. As this occurs, an unwholesome result follows and our whole theory of life is endangered. Much of this has already happened. We know, for instance, it is essential that our judiciary be supported by an unshakable public confidence and that it must never become a football of politics. That is why the American Bar Association has spoken out fearlessly against any such practice. It has a committee of the best minds and men available which is charged with the duty of screening every executive nomination to federal judgeship, and to make protest before confirmation is had by the senate, should it deem protest necessary. So to protest takes courage of the highest order, but such has been done by our national organization. As respect grows for the lawyer and his position, and that of his organizations, in the public mind, the more wholesome the exercise of such power will become. Lawyers have the duty to exert a powerful influence and force for public good in demanding that our judiciary have the greatest attainable strength and be ever beyond reproach.

As our governor has told us, in our own state himself an eminent lawyer, he chooses his appointments for judicial positions from names carefully screened by our committee on selection of judges. We believe this method and system is wholesome and one which should bring greater strength and confidence to the judicial branch of our government. In this respect, we have been fortunate indeed that men of such marked qualifications and integrity have permitted their names to be placed and their appointment has been made to our federal and state judiciary. We believe this plan and its functioning to be sound, and that it should be stressed at all times by our state and national organizations.

The creative genius of the American lawyer patterned the framework of this government which sparked the ambition of all mankind. With courage and unswerving integrity, a fearless and independent judiciary, visualized the sound accomplishment of high and beneficial purposes capable of being fulfilled thereunder, and by using the vehicle of factual cases, it gave elasticity to that framework, and so applied the basic assurances given thereunder, that men living their daily lives and doing their daily work knew the extent of and limita-

tion upon those rights. We learned to know that in their application we functioned under a government of law and not of men. A form changeable, truly, but only by their deliberate will.

The lawyer knows that this theory of government challenged the interest of the world and gave hope to all mankind. That peoples flocked to our shores from the remote corners of the earth with new inspiration, that they might give free play to their energies and the creations of their minds, and through hard work achieve the objective of their dreams. We know that a people thus inspired, under legal guidance, performed unheard-of miracles in the fields of industry, and produced a fullness of life theretofore unknown and not elsewhere achieved by human beings functioning under any other entity. But, beyond all else, we know that it did not occur accidentally, nor by chance or circumstance. It could be produced, and alone has been produced, under such a governmental form.

But, in thus functioning, the people of our country have become unmindful of the fact that eternal vigilance is the price of safety. We have segregated government from ourselves. We have failed to understand fully, accept and perform, individual responsibility upon which alone the functioning of our system rests. The result is that we accept corruption in government as a necessary evil; we expect politicians to take what they can get, and, with a shrug, are willing that they do so; we have substituted politics in its lowest form for statesmanship in our thinking of government; and in finality, have in our methods of thought, surrendered our liberties and permitted government so to grow, that it bids fair to become the master, and those governed to become servile to public authority. We need clarity of statement of basic principles and beliefs. And, in my judgment, today there is no group of people better able than the lawyer to accept the responsibility of carrying a crusade of re-education which is so badly needed.

If a handful of misguided and hated communist cells can, by intensive work, expand and flourish in a free country to a point where their teaching becomes a major threat to our security, think what may be accomplished by tens of thousands of able people whose brains are used daily in counsel in every phase of our constructive programs, were this intelligence and energy to be directed towards wholesome public accomplishment.

I give you this suggestion: We have it within our power to outline and apply a program of Americanism which deals not alone in basic

ideas and principles, but which can tell and show factually and truly the bad with the good, the American story, which is the hope of the world. Constant repetition should be had everywhere on all occasions. It can be done, not alone through speech, but through the medium of press, screen, radio and television. It can and must be carried into our schools with audible and visual portrayal. It should start in the early grades and be carried forward continuously through high school. It should, at the proper stages, be comparative. But it should be devised and directed by legal minds. I believe this to be true because of the nature of a lawyer's education and training, and especially because no group has comparable opportunities for broad practical mental growth. We are theorists, it is true, but we are practical people. Daily we give direction, not alone to the material accomplishments of mankind, but have contact with every conceivable problem concerning human action and behaviour. Inherently, we never accept one single viewpoint, and seldom agree completely with other thinking.

With the understanding and intelligence which we have, with the organization which is ours, with the manpower at our command, and thus equipped, with the responsibility which we should never evade, the formation and application of such a program could arouse a nation. Your Board of Governors has felt that these general ideas have merit sufficient to appoint a committee on American Citizenship. This year has seen a start. The things I have tried to have you visualize cannot be accomplished overnight. But through proper application within our own state, we have the opportunity to initiate a movement which could well become a national undertaking. With such leadership and a precise continuous program, it could and would draw cooperation from the many other organizations and agencies endeavoring constantly to achieve the same results. By such a process, we can and, I believe, must make a much needed constructive contribution to a bewildered nation, and by such processes, we can let it be known and more deeply appreciated, that American citizenship is the most priceless heritage to be had by any human being on this earth.

REPORT OF THE COMMITTEE ON ADMINISTRATIVE LAW

BY FREDERICK J. LORDAN

Your committee on administrative law, which was reorganized and appointed in the fall of 1950, held a series of preliminary meetings to outline the objectives of the committee and its policy with a view to