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Report of the Committee on Administrative Law

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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

correcting the obvious defects in the administrative practice and procedure in the state of Washington.

Our preliminary survey revealed the startling fact that there are some forty agencies, boards, commissions, or administrators in the state of Washington authorized to make rules, hold hearings, adjudicate rights and issue orders. No uniformity exists with relation to the procedure before these agencies, and in some instances, the only rules in existence are those which are kept in the desk of the secretary. Appeals from the determinations of these agencies, or administrators, are covered by a myriad of statutes with no uniformity of any kind.

Now, it will be remembered that, through the efforts of the American Bar Association and the Attorney General of the United States, within the last few years a study has been completed and Congress has adopted a standard administrative practice act affecting the practice before and the appeals from all federal agencies.

As the first step your committee agreed, as its first objective, to investigate and explore the possibilities of a similar act affecting administrative agencies in the state of Washington adapted to the state level. Research committees were appointed, and the investigations of similar activity in the other states were put under way. Through the assistance of the Research Department of the Attorney General, a member of your committee, this matter was thoroughly explored and the research completed and distributed to your committee.

At this time, or approximately this time, the 1951 Legislature had just begun, and your committee took up with the Board of Governors of the Washington State Bar Association a procedure to be adopted with relation to the presentation of a model State Administrative Practice Act to the 1951 session. After a full exploration of all of the activities of the committee to date, and the complexities of the problem and with full recognition of the short time that your committee had been working, it was agreed by the Board of Governors and your committee that the work of your committee should continue and no effort should be made in the 1951 Legislature to seek clarifying legislation. At this juncture, however, it was discovered that an Administrative Practices Act affecting the entire procedure before all state agencies and covering, in addition, a uniform statute concerning the review and appeal from all state agencies, had been under consideration for some time by the Judicial Council of the state of Washington

and was included within its recommendations to the Legislature for adoption into law. At this point the Bar Association notified your committee to cooperate with the Judicial Council in the presentation of the Judicial Council version of the bill. It is only fair to say that the Judicial Council version of the standard act governing procedure before state administrative agencies and appeals therefrom, differed in several material respects from the policy of your committee, and also from the form of the standard act, particularly with relation to the provision respecting jury trials and rules of evidence.

Suitable amendments were eventually worked out between your Committee on Administrative Practice and the Judicial Council and the House Committee on Judiciary, and a satisfactory preliminary statute was eventually substituted by the House of Representatives for the Judicial Council version of the bill. This became known as "Substitute House Bill 169." It was introduced in the Legislature by Representatives Paulsen and Schumann. The time element precluded your committee or the Judicial Council from making the preliminary draft of its bill available to the various state agencies affected, and its introduction in the proposed strict form drew extensive opposition from members of the Bar and from many of the administrative agencies whose procedure would be affected thereby; and as a result, the Senate Judiciary Committee considering the matter after its passage by the House of Representatives, decided to postpone action in relation to this important piece of legislation until the 1953 session. Your committee, in addition to its report as to the factual situation surrounding its activity since the time of its appointment, wishes to make the following recommendations to the Bar Association:

(1) That the Committee on Administrative Law be continued and enlarged and directed to continue its studies and research with relation to correction of the obvious defects in our state administrative policy and procedure both before the agencies themselves and on appeal to the courts from the orders or determinations of the agencies.

(2) That Substitute House Bill 169, as amended by the Judiciary Committee of the House of Representatives of the 1951 session, contains the immediate objectives and recommendations of your committee as a preliminary legislative objective.

(3) That this revised and amended substitute bill be circulated and distributed to all members of the Bar Association of the state of Washington for their comments, criticism and assistance prior to the

next session of the Legislature and its resubmission in the form of a proposed recommendation.

(4) That this procedure will permit all state agencies who may be affected by this standard policy and procedure to be contacted sufficiently in advance of the 1953 Legislature in order to work out any difficulties that might arise with relation to specific administrative problems.

ORAL REPORT OF PUBLIC SERVICE COMMITTEE

BY JUDGE CHARLES H. PAUL

I am reporting for the Washington State Public Service Committee. That sounds like a fancy name. It is. We took it from some committees in other states which changed their names from Public Relationship Committee to "Public Service Committee," to put the emphasis on the fact that through what we did, we were attempting to benefit the public as well as the lawyers. I hope that that program you will hear will possibly do both.

Your committee met at two full meetings and attempted to analyze all media for convenient information on the law and lawyers to the public, and thereafter to determine what we could do as a committee along that line. There are certain ways available. One of them, of course, is through newspaper advertising. We made quite a study of that question, in fact, got very beautiful brochures almost like one of those SEC reports showing exactly what could be done, what coverage there would be and so on, and I think it was a very good presentation. The only trouble was, when we got to figuring what it would cost, we had already run out of money. It cost probably close to three thousand dollars, and there wasn't that much money available.

Then we considered the question of issuing printing and distributing pamphlets of a public relations character touching various subjects. That also was an expense and required a great deal of preliminary work and preparation. We just couldn't pick them up anywhere and send them out. We had to work on them and spend money doing so, and then there was some question as to what coverage we would actually get through that means.

We considered at first also the radio. Well, radio programs go over and they have to be done in a professional manner, and to be done in a professional manner that also costs a lot of money. So we were