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### *Towne's Washington Practice*, by Vernon W. Towne (1956)

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## BOOK REVIEWS

TOWNE'S WASHINGTON PRACTICE, by Vernon W. Towne, West Publishing Co., 1956, 804 pp. If this reviewer were limited in her library by some imaginary fantastic decree to the statutes, the Washington Supreme Court cases, and *one other book*, that the statutes, the Washington Supreme Court cases, and *one other law book*, that other book would be Towne's Washington Practice. I can imagine no other book that would be so helpful. The author states his purpose in the preface:

This book is designed to aid the busy Washington lawyer in handling the matters most frequently presented to him. It is intended as a guide for Washington practice, and to that end questions to ask the client are suggested, check lists and forms are included, and procedures discussed. It endeavors to present to the Washington Bar, in convenient arrangement, practical information concerning the practice not found in the usual legal text or form book.

This book is the general practitioner's best available index to the Revised Code of Washington on many matters. For the general practitioner it also serves as a valuable and practical checklist on his daily activities, and its occasional comments about the history of a statute or the comparison with other jurisdictions give a sense of scope and background many of us lack. For the beginning lawyer this book is a valuable manual, designed to instill the same sense of confidence that advice from a more experienced lawyer would bestow. Indeed, the easy, almost conversational style of the book and its clarity and simplicity make one feel, after studying the treatment of a subject, almost as if one had enjoyed consultation with a more experienced and wiser confere. The book is as rich with tidbits of practical information and helpful suggestions as a fruitcake.

Some idea of the scope of the book will be given by the author's summary of its contents. Part 1 opens with Real Estate Law, and discusses land descriptions, options to purchase real estate, earnest money agreements, deeds, real estate contracts and remedies, the proper procedure for closing real estate transactions, for setting up escrows, abstracts and title insurance, curing defects in titles, actions to quiet title, leases, termination of tenancies and leases and unlawful detainer. The author gives clear simple definitions of the terminology in this field, includes many excellent forms or models, and his lists of facts to be inquired into and determined and matters to be checked on behalf of the respective parties are outstanding in their practicality and helpfulness. Fewer of those "oversights" should occur in the State of Washington after this wonderful book gains general acceptance and use.

Part 2 concerns Security Transactions: promissory notes, real estate mortgages, foreclosure of real estate mortgages, chattel mortgages, mechanics' liens, supplementary proceedings and execution. Part 2 again demonstrates the unparalleled helpfulness of the author in taking the practitioner gently by the hand and leading him step by step through whatever maze of practice and procedure he must traverse. Step by step the author examines even the thoughts he must think, the mental paths he must pursue, the statutes to be studied, the documents and information to be assembled, the consultations with the client to be had, the pleadings to be prepared, the mechanics of preparing and presenting proof, even the etiquette to be observed. Is the lawyer preparing to foreclose a mortgage? Paragraph upon paragraph presents the orderly process which will flower into success: the preliminary matters of obtaining possession of proper documents, the need to study the note and mortgage, how to determine the

amount of indebtedness, the need for accurate title information and the need to know the proper parties defendant, the desirability of notifying the mortgagor and junior lienholders, the examination of insurance, checking on the occupancy of the mortgaged premises, viewing the premises, the necessity of studying the statutes, are carefully considered. Is he writing the complaint? The book gives him a list of the necessary allegations, followed by detailed instructions as to subsequent procedures leading to judgment and sale. How to represent the different parties is treated, and again the helpful forms and model allegations.

Part 3 is particularly helpful to the general practitioner, as it concerns Wills and Administration of Estates. The opening sections deal with community property agreements, which this reviewer feels are cast into deeper shade than they deserve; the author does not make clear that the lawyer may wisely advise the execution of both wills and community property agreements by the average husband and wife possessed of the ordinary small estate (car, home, cash, bonds), reserving the decision as to which shall be relied upon until a death occurs, and it can be determined in the light of all the facts whether a probate is REALLY necessary. The section on drafting and execution of wills should be required reading annually for every general practitioner. Nowhere is the sense of humanity and consideration of the law as dealing with and serving living persons with feelings, and pasts, presents and futures more visible than here. Again the panoramic survey of the whole picture, the checklists for use in conferring and drafting, the considerations to be kept in the lawyer's mind, and again the helpful model forms and specific provisions. I think the book would do the beginner a service, however, by telling him that very fine suggested forms and expert legal assistance in drafting wills and trust provisions and agreements are available from lawyers employed by the national banks. (Sec. 754)

The sections on probate and administration and guardianship are full of valuable pointers even for the probate lawyer, and what they mean to his hardworking secretary (into whose capable hands most offices—let us face it—entrust a considerable proportion of the probate practice) is beyond telling. She is very apt to come up with answers that even her employer does not have in mind. In that connection let me say that every law office needs at least two of these volumes, for one should always be available to the law office secretary, who will need to ask many fewer questions once she learns the joy of looking it up in this clear, readable book. She may disconcert her boss, however, by what she knows.

Part 4 deals with Domestic Relations (adoption and divorce) and will be especially invaluable for the beginner. This reviewer recalls poignantly the drafting of her very first divorce complaint, in which it took an agonizing day to produce what is now accomplished in a few minutes. This book is certainly designed to lift the beginner out of that horrible and terrifying sense of moving blindly in a dark fog.

Part 5 deals with Business Transactions. Organizing a corporation is first discussed and the endless flow of helpful particulars again astounds the reader. Again the good forms, the clear specific provisions, the practical man-to-man advice. The same may be said for the section on partnerships and bills of sale.

Part 6 takes up a number of special proceedings: attachment, bankruptcy, change of name, garnishment, motor carrier applications, replevin and workmen's compensation. This reviewer recently applied to one of the law offices in her building, seeking forms for creditor's claims in bankruptcy. Said the busy secretary, "Look in Washington Practice. If it isn't there, it will be the first thing I've found missing." That particular item understandably happened not to be given, but 98 times out of 100 whatever you are seeking will be there.

Part 7 contains a helpful discussion of justice court practice. Part 8 devotes approximately fifty pages to an analysis of criminal practice and procedure. Part 9 is an

outstandingly valuable treatment of the preparation for trial, with emphasis on automobile accidents. The checklist in ascertaining facts of automobile accident is one of the finest things in the book, and the thoroughness of the approach is capable of much wider application. The good common-sense advice on preparation, interviewing clients, arrangements as to fees, and pretrial procedure could well spell the difference between success and failure to the inexperienced practitioner.

The text closes with Part 10, a brief discussion of Appellate Practice, which is followed by tables of cases and statutes cited, and a good index. The annotations throughout the book, citing cases and statutes, make this volume the best doorway in the office to the Revised Code of Washington, when that publication's index (I use the term loosely) fails (as usual) to disclose its contents.

The make-up and format of the book are excellent, the paragraph headings prominent, the numbers large, the type clear and readable, a boon for hardworking eyes. The publishers are to be congratulated, as well as the author.

Every practitioner in this state, I believe, can profitably read what Towne's Washington Practice has to say about everything the lawyer does. If he fails to find some point of his own cherishing covered, as he certainly occasionally will, the author has foreseen that and mostly asks that any imperfections be called to his attention so that they may be corrected in subsequent editions or pocket supplements. Two such suggestions occur to me from my experience. Section 131 dealing with items of personalty included in a real estate transaction could helpfully indicate that an additional copy of the real estate contract listing the items of personalty may be filed with the County Auditor as a memorandum of conditional sale within ten days from the execution of the contract, and this will preserve seller's title to the items of personalty until the contract is fully paid out. Also I think Section 859 could well mention that determination of tax without probate can be easily accomplished (and usually is) by negotiations with the Inheritance Tax Department of the State of Washington without the necessity of any superior court proceeding. But these will be few and relatively trivial, I believe. The practitioner will not only find an immense number of interesting particulars but a clearer sense of the general; a large sense of scope, of framework, of organization, a clear analysis under which the phases of his work are seen to fit in true relationship and coordination, like the different colored enamel sections in a beautiful cloisonne. I believe the practitioner, be he journeyman or master worker, will not only improve in art and craftsmanship but will gain in enjoyment of his work, in appreciation of and respect for its status, and its value.

Mr. Towne has performed a vast service for the lawyers of the State of Washington, and has, I think, joined the immortals.

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LEGAL CONTROL OF THE PRESS, by Frank Thayer, The Foundation Press, Inc., 1956, 749 pp. The title of this book, together with the author's quotation of Horace Greeley, one time editor of the New York Tribune:

*Then hail to the press! Chosen guardian of freedom! Strong sword-arm of justice! Bright sunbeam of truth.*

expresses well the scope of the material sought to be covered in the book and the author's views of the press' contribution to a free society. The author believes that an alert, inquiring press, in keeping public officials on their mettle, in seeing that the administration of justice is even-handed, and in conveying to the public all newsworthy events, is fulfilling its finest duty. This book will be of service in aiding members of the press to function actively within the limits of applicable legal controls.