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## Bench and Bar

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# BENCH AND BAR

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A department devoted to the activities of the members of the Bench and Bar, and other allied groups. Communications are requested from officers and committee members of all agencies engaged in, or connected with, the administration of justice. Local bar associations are invited to report their activities through this department. Please address all communications intended for this department to **LESLIE J AYER, ASSOCIATE EDITOR, WASHINGTON LAW REVIEW, UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON.**

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## WASHINGTON STATE BAR ASSOCIATION

ANNUAL MEETING AT WALLA WALLA, JUNE 19, 20, 21, 1930

The 1930 annual meeting of the Washington State Bar Association will be held at Walla Walla on Thursday, Friday and Saturday June 19, 20 and 21, 1930. The convention headquarters will be at the new Marcus Whitman Hotel.

For the advice of all persons interested in attending, the following information concerning hotel accommodations, railroads, and highway conditions is furnished. The program for the meeting, which has been virtually settled, is also hereinafter set forth.

### HOTELS

The new Marcus Whitman Hotel, with 175 rooms, quotes the following prices: twin beds and bath, \$7.00; 2 double beds and bath, \$8.00; 1 double bed and bath, \$5.00· twin beds and toilet, \$5.00; double bed and toilet, \$4.00; single bed and toilet, \$2.00· single bed and bath, \$2.50 to \$3.50.

The Grand Hotel, with 100 rooms, has the following rates, single room with bath, \$2.50 up; double room with bath, \$4.00 up.

Hotel reservations should be made early by letter or otherwise.

### RAILROADS

Two railroads enter Walla Walla. The Northern Pacific comes from Seattle and the Coast, leaving Seattle at 7:00 p. m., and arriving in Walla Walla at 6:30 a. m. the following morning. The regular fare from Seattle and Tacoma is \$11.25, and lower berth \$3.75. A reduction in rates to a fare and one-third will be obtainable if parties of ten or more apply. Plans are under way for running a number of special cars from Seattle and Tacoma for west side lawyers on Wednesday evening, June 18. The transportation committee, of which Judge Hodge of Tacoma is chairman, will announce further particulars later to the various associations.

Persons coming from Spokane and surrounding territory by train have a choice of either the Northern Pacific or the O. W. R. & N., and Washington lawyers from the vicinity of Portland, Oregon, can take the O. W. R. & N. from Portland.

#### HIGHWAYS

The Automobile Club advises that the roads from Seattle and Spokane will be in excellent condition. All of the gravel stretches will be oiled and the highways will be dustless. The distance is 322 miles from Seattle to Walla Walla, and 165 miles from Spokane to Walla Walla. Information as to road distances and conditions from other points can be obtained from the Automobile Club of Washington.

#### TENTATIVE PROGRAM

Convention Headquarters: Marcus Whitman Hotel.

#### THURSDAY, JUNE 19TH

##### A. M.

Introduction Committee meets incoming members.  
Committee meetings.

12:15 Lunch of Local Bar Association Presidents and Secretaries.

##### P. M.

- 1:30 Call to order at Capitol Theatre.  
Address of welcome, by (to be selected).  
President's Address.  
Reports and Announcements.
- 3:15 Address by Dr. Stephen S. Penrose.
- 6:15 Dinner of University of Washington Alumni.  
Dinner of Harvard, Michigan Alumni and other organizations.
- 8:30 General entertainment provided for members and ladies by South-eastern Washington Bar.

#### FRIDAY, JUNE 20TH

##### A. M.

Call to order.

##### *Young Lawyers' Program*

- 9:00 How to Run Your Office, by (to be selected).  
9:15 How to Charge, by Ralph Williamson of Yakima.  
9:30 How to Select a Jury, by Maurice Langhorne of Tacoma.  
9:45 Ethics and Success, by Ben Kizer.  
10:00 Title Mistakes to Avoid, by Judge Hugo E. Oswald.  
10:15 Response for the Young Lawyers, by (to be selected).

##### *General Program*

- 10:30 Reports and Announcements.  
10:45 Address by (a distinguished member of the Canadian Bar).

ROUND TABLE DISCUSSIONS AT MARCUS WHITMAN HOTEL

##### P. M.

(Note: Leaders will discuss subject not more than 20 minutes, after which there will be general discussion from the floor.)

*Round Table No. 1*

Subject—Courts and Judges.

Chairman—Glenn Madison, Bellingham.

- 1:30 Judicial Salaries.  
Leader—Earl Benson of Walla Walla.
- 2:30 Judicial Pension and Retirement Law.  
Leader of Discussion—D. A. Shiner of Wenatchee.
- 3:30 Relief of the Supreme Court.  
Leader of Discussion—Charles H. Paul of Longview.

*Round Table No. 2*

Subject—Law Enforcement.

Chairman—Ray Venables of Spokane.

- 1:30 Police and Other Law Enforcement Officials.  
Leader—Tom Patterson of Seattle.
- 2:15 Amendments to State Constitution Concerning Crime.  
Leader—Charles W. Greenough.
- 3:00 Revision of Laws Relating to Crime.  
Leader—Bertil E. Johnson of Tacoma.
- 3:45 Crime Publicity.  
Leader—Tim Healy of Bellingham.
- 4.15 Other Law Enforcement Subjects.  
Leader—J. Grattan O'Bryan of Seattle.

*Round Table No. 3*

Subject—Revision of Corporation Laws and Stock Transfer Act.

Chairman—D. H. Bonsted.

- 1:30 Leader—E. L. Skeel of Seattle.  
6:30 P. M.

## ANNUAL BANQUET

*For Members and Ladies*

Toastmaster (to be selected)

## SATURDAY, JUNE 21ST

A. M.

- 9:00 Call to order.  
Reports of Committees and Announcements.
- 10:00 Address by Jess Hawley, Boise, Idaho.
- 11:30 Election of Officers.
- Noon and Afternoon:  
Lunch and Picnic, arranged by Southeastern Washington Bar Association for Members and Ladies.

*Miscellaneous*

The public is invited to attend any of the meetings while the addresses are being given.

Special entertainment will be provided for the ladies Thursday and Friday afternoons.

## EXPERT TESTIMONY

Elsewhere in this issue will be found a review of the book by Mr. Oscar C. Mueller, of the Los Angeles, California, Bar, entitled "The Expert." The purpose of that volume is to induce legislation to permit the appointment and compensation of expert witnesses by the court. California has already pioneered in this respect by passing in 1925 an act known as Section 1871 of the Code of Civil Procedure of the State of California. This act, which is undoubtedly interesting to lawyers and judges in the state of Washington as well as elsewhere, reads as follows:

Section 1871. (New) Experts: Appointment of by court or judge: Compensation; manner of examination as witnesses. Whenever it shall be made to appear to any court or judge thereof, either before or during the trial of any action or proceeding, civil or criminal, pending before such court, that expert evidence is, or will be required by the court or any party to such action or proceeding, such court or judge may, on motion of any party, or on motion of such court or judge appoint one or more experts to investigate and testify at the trial of such action or proceeding relative to the matter or matters as to which such expert evidence is, or will be required, and such court or judge may fix the compensation of such expert or experts for such services, if any, as such expert or experts may have rendered, in addition to his or their services as a witness or witnesses, at such amount or amounts as to the court or judge may seem reasonable. In all criminal action and proceedings such compensation so fixed shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court or judge. In all civil actions and proceedings such compensation shall, in the first instance, be apportioned and charged to the several parties in such proportion as the court or judge may determine, and may thereafter be taxed and allowed in like manner as other costs. Nothing contained in this section shall be deemed or construed so as to prevent any party to any action or proceeding from producing other expert evidence as to matter or matters, but where other expert witnesses are called by a party to an action or proceeding they shall be entitled to the ordinary witness fees only and such witness fees shall be taxed and allowed like manner as other witness fees. Any expert so appointed by the court may be called and examined as a witness by any party to such action or proceeding or by the court itself, but, when called, shall be subject to examination and objection as to his competency and qualifications as an expert witness and as to his bias. Such expert though called and examined by the court, may be cross-examined by the several parties to an action or proceeding in such order as the court may direct. When such witness is called and examined by the court, the several parties shall have the same right to object to the questions asked and the evidence adduced as though such witness were called and examined by an adverse party. The court or judge may, at any time, before the trial or during the trial, limit the number of expert witnesses to be called by any party.

In 1929 the California legislature added a section to the Penal Code, known as Section 1027, reading as follows:

When a defendant pleads not guilty by reason of insanity the court must select and appoint two alienists, at least one of whom

must be from the medical staffs of the state hospitals, and may select and appoint three alienists, at least one of whom must be selected from such staffs, to examine the defendant and investigate his sanity. It is the duty of the alienists so selected and appointed to examine the defendant and investigate his sanity, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. Said alienists so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found—or in which the defendant was held for trial.

Nothing contained in this section shall be deemed or construed to prevent any party to any criminal action from producing any other expert evidence as to the sanity of the defendant; where expert witnesses are called by the district attorney in such action, they shall only be entitled to such witness fees as may be allowed by the court.

Any alienist so appointed by the court may be called by either party to the action or by the court itself and when so called shall be subject to qualification as an expert. When called by the court, or by either party, to the action, the court may examine the alienist, as deemed necessary but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the alienist were a witness for the adverse party. When the alienist is called and examined by the court the parties may cross-examine him in the order directed by the court. When called by either party to the action the adverse party may examine him the same as in the case of any other witness called by such party."