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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 either a special train or a number of special cars from Seattle and Tacoma for west side lawyers on Wednesday evening, June 18. Please signify your intention to Judge Hodge of Tacoma, chairman of the Transportation Committee, or to Mark Litchman of Seattle.

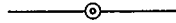
Persons coming from Spokane and surrounding territory by train have a choice of either the Northern Pacific or the O-W R. & N., and Washington lawyers from the vicinity of Portland, Oregon, can take the O-W R. & N., from Portland.

## 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.

## PROGRAM

STATE BAR ASSOCIATION CONVENTION  
HEADQUARTERS—MARCUS WHITMAN HOTEL



THURSDAY, JUNE 19th

—A. M.—

Introduction Committee meets incoming members.  
Committee meetings.

—P M.—

- 12:15 Lunch of Local Bar Association Presidents and Secretaries at Marcus Whitman Hotel.
- 1:30 Call to order at Capitol Theatre.  
Address of Welcome—By E. L. Casey, President of the Walla Walla County Bar Association.  
Response—By R. E. Lowe of Spokane.  
President's Address—Edward W. Allen.  
Reports and Announcements—W. G. Heinly, Secretary; Alfred J. Schweppe, Executive Secretary.  
Committee Reports.
- 4:00 Address by Dr. Stephen B. L. Penrose of Walla Walla, upon the subject of "A Modern Titan."
- 6:30 Judges' banquet at Marcus Whitman Hotel, arranged by members of the Walla Walla Bar Association for members and ladies, followed by dancing.

FRIDAY, JUNE 20th

—A. M.—

- 9:00 Call to order at Capitol Theatre.

## YOUNG LAWYERS' PROGRAM

- 9:00 How to Run Your Office—By Donald G. Eggerman of Seattle.  
9:15 Clients and Fees—By Ralph Williamson of Yakima.  
9:30 How to Select a Jury—By Maurice Langhorne of Tacoma.  
9:45 Title Mistakes to Avoid—By Hugo E. Oswald of Seattle.  
10:00 Ethics and Success—By Ben Kizer of Spokane.  
10:15—Response for the Young Lawyers—By Frank Weaver of Spokane.

## GENERAL PROGRAM

- 10:30 Reports and Announcements.  
10:45 Address by Honorable Alfred Henry Clarke, Justice of Court of Appeals of Alberta, Canada.  
12:00 Alumni lunches at Grand Hotel, Washington, Harvard, Michigan, etc.

—P M.—

ROUND TABLE DISCUSSIONS AT GRAND HOTEL  
(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 of Bellingham.

- 1:30 Judicial Salaries.  
Leader—Earl Benson of Walla Walla.
- 2:00 Judicial Pension and Retirement Law.  
Leader—D. A. Shiner of Wenatchee.
- 2:45 Relief of the Supreme Court.  
Leader—Charles H. Paul of Longview.
- 3:45 The Judicial Council.  
Leader—F. L. Stotler of Colfax.

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 of Spokane.
- 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—Corporation Law.  
Chairman—D. H. Bonsted of Yakima.

- 1:30 Revision of Corporation Laws and Stock Transfer Act.  
Leader—E. L. Skeel of Seattle.

ANNUAL BANQUET

- 6:30 For Members and Guests at Grand Hotel.  
Toastmaster—Honorable Mack F Gose of Olympia.

Speakers:

Honorable Martin Griffin, K. C., President of the Vancouver Bar Association.  
Honorable E. O. Immel, President of the Oregon State Bar Association.

SATURDAY, JUNE 21st

—A. M.—

- 9:00 Call to order at Capitol Theatre.  
Report of Committee on the Protection of the Public and the Bar.  
Reports of other Committees, and Announcements.
- 10:30 Address by Honorable Jess Hawley, President of Idaho State Bar Association.
- 11:30 Election of Officers.

—P M.—

Golf at the Walla Wall Country Club, auto trips to points of interest and other entertainment to be announced during session.

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.

## JUDICIAL COUNCIL

The Judicial Council of the State of Washington has held meetings on December 21st, 1929, February 8th, 1930, and April 19th, 1930.

At the meeting on December 21st, the Secretary, Mark H. Wight, advised the Council, that he, with the assistance of Judges Mitchell and Fullerton, had, in accordance with the resolution of the preceding meeting, prepared a questionnaire proposing certain modifications in existing procedural rules, and had caused the same to be printed and distributed throughout the state to the Superior Court Judges, Prosecuting Attorneys, members of the Judicial Council, Committee of the State Bar Association, the local Bar Association, and individual law firms and attorneys. Sufficient response not having yet been returned, it was determined by the Council to postpone consideration of the rules contained in the questionnaire until the next meeting. A number of other topics were considered, including the redrafting of several rules, and a consideration with Judge D. H. Carey of the teaching of the Constitution in the public schools of the state, and other routine matters.

At the meeting on February 8th, 1930, a wide and favorable response having been received to the questionnaire previously sent out with respect to the rules tentative proposed by the Council, action was taken on the rules as follows:

After considerable discussion as to the adoption of Rules A-1 and A-2, relating to the abolition of exceptions to findings of fact, a motion was adopted that an alternative form of these rules be drafted and then both forms resubmitted to the judges and the bar, with a request to vote for either one or the other of the alternative proposals.

Rules B-1 and B-2 were unanimously adopted for recommendation to the Supreme Court. These rules in final form read as follows:

B-1. Whenever a motion for a judgment notwithstanding the verdict and in the alternative for a new trial shall be filed and submitted in any superior court in any civil case tried before a jury and such superior court shall enter an order granting such motion for judgment notwithstanding the verdict, such court shall at the same time, in the alternative, pass upon and decide in the same order such motion for a new trial, such ruling upon said motion for a new trial not to become effective unless and until the order granting the motion for judgment notwithstanding the verdict shall thereafter be reversed, vacated or set aside in the manner provided by law. An appeal to the supreme court from a judgment granted on a motion for judgment notwithstanding the verdict, shall of itself, without the necessity of a cross appeal, bring up for review the ruling of the trial court on the motion for a new trial, and the supreme court shall, if it reverses the judgment entered notwithstanding the verdict, review and determine the validity of the ruling on the motion for a new trial.

B-2. Whenever a motion in arrest of judgment and in the alternative for a new trial shall be filed and submitted in any superior court in any criminal case tried before a jury and such superior court shall enter an order granting such motion in arrest of judgment, such court shall at the same time in the alternative pass upon and decide in the same order such motion for a new trial, such ruling upon said motion for a new trial not to become effective unless and until the order granting the

motion in arrest of judgment shall thereafter be reversed, vacated or set aside in the manner provided by law. An appeal to the supreme court from a judgment granted on a motion for arrest of judgment, shall of itself, without the necessity of a cross appeal, bring up for review the ruling of the trial court on the motion for a new trial, and the supreme court shall, if it reverses the judgment entered notwithstanding verdict, review and determine the validity of the ruling on the motion for a new trial.

Rule C was unanimously adopted for recommendation to the Supreme Court. This rule in final form reads as follows:

C. In addition to any other method now provided by law for giving notice of appeal in any civil action or proceeding any party desiring to appeal to the Supreme Court of the State from any appealable order, judgment or decree rendered by any Superior Court of the State on or after....., may appeal therefrom, or any portion thereof, within three (3) days after the entry of such order, judgment or decree, by filing in the office of the Clerk of the Superior Court wherein such order, judgment or decree shall be entered, written notice of the appeal therefrom addressed to the Clerk of such Superior Court. Notice of appeal so filed within such time shall have the same force and effect as an oral notice of appeal given in open court at the time of the rendition of such order, judgment or decree, but shall become ineffectual for any purpose unless an appeal bond, as required by law or rule of court, be filed in the office of such clerk of court at the time of filing such notice of appeal or within two (2) days after the day of the filing thereof.

Rule D was unanimously adopted for recommendation to the Supreme Court. This rule in final form reads as follows:

D. Appeal and supersedeas bonds on appeal to the Supreme Court and bonds required in any proceeding in the Supreme Court may name the State of Washington as obligee therein for the benefit of whom it may concern, instead of naming any respondent or other party as obligee. Anyone who, if named as obligee in any such bond, would have any right upon or concerning the same shall have the same right as if so named. Anyone having any interest in any such bond may sue thereon separately or jointly with anyone else also interested. It shall not be necessary to sue in the name of or to join the State of Washington in any suit upon such bond. The procedure provided by this rule is not exclusive but an optional and additional procedure to that otherwise provided.

Rule E, relating to service and publication of summons, was not acted upon but deferred for later consideration at a time when a more complete study could be made of the form of summons, time of service, publication, and appearance or answer, with a view to making more uniform and consistent matters relating to this subject.

Mr. Halsey submitted a written report covering the jurisdiction of the Supreme Court to make rules requiring the filing of cost bonds in all actions in the Superior Court, and increasing the costs to be taxed in favor of the prevailing party. This increased cost referred particularly to attorneys' fees. The conclusions of Mr. Halsey, as contained in the report, were to the effect that the Supreme Court might make rules

requiring the filing of cost bonds, but was without jurisdiction to increase the cost to the prevailing party, this latter power being purely legislative and affecting substantive rights, while the former was only procedural. The report was unanimously approved and adopted.

At the meeting on April 19th, 1930, a redraft of Rules A-1 and A-2, relating to the abolition of exceptions to findings of fact and conclusions of law was thoroughly considered. It was finally determined that Rules A-1 and A-2 as originally proposed, and Rules A-1 and A-2 as redrafted should again be submitted to the Superior Judges and the Bar Associations, and the individual members of the bar, for an expression of opinion. A redraft of Rules A-1 and A-2 was prepared to meet the objections of some superior judges against failing to require any aid whatsoever from the attorneys for the losing party with respect to the accurate preparation of findings of fact and conclusions of law. Under the proposed alternative new rule the attorney for the defeated party, upon being served with findings of fact and conclusions of law by the prevailing party, would be required to file his objections in writing thereto prior to the signing of the findings of fact and conclusions of law by the judge, in order that the judge might have the benefit of these objections prior to the time of signing the findings and conclusions.

It was determined that the response of the judges and the bar to the proposal be considered at the June meeting of the Council, to be held at Walla Walla at the time of the State Bar Association Convention.

It was further determined not to recommend rules piecemeal to the Supreme Court for adoption, but to hold all of them until final disposition had been made of all rules presently under consideration.

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SUMMARY OF COMMITTEE REPORTS FILED WITH  
EXECUTIVE COMMITTEE OF THE STATE BAR  
ASSOCIATION AND TO BE CONSIDERED  
AT THE ANNUAL CONVENTION AT  
WALLA WALLA

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**LEGISLATIVE COMMITTEE:**

The committee considered the proposed uniform arbitration law, and concluded no necessity existed in this state for its adoption, in view of existing statute.

**COMMITTEE ON GRIEVANCES:**

Two complaints filed with it were forwarded to the State Board of Law Examiners.

**COMMITTEE ON SCHOOL INSTRUCTION IN CIVICS:**

The committee affirms its previous year's report.

**COMMITTEE ON COURT RULES:**

The committee deals with subjects and rules other than those considered by the Judicial Council, and recommends rules providing for stricter supervision of bail bonds in criminal cases. The committee further recommends that in probate cases the practice be uniformly followed that the clerk have authority to fix the time of

hearing on petition for letters of administration after the required ten days' notice, and the adoption of a rule relating to the selection of jurors in civil cases, changing some of the details of the present practice.

**JUDICIARY COMMITTEE:**

The committee recommends increasing Supreme Court Judges' salaries to \$10,000 and Superior Court Judges' salaries to \$7,500.

**COMMITTEE ON LEGAL EDUCATION AND  
ADMISSION TO THE BAR:**

The committee recommends again pressing the adoption of the act passed at the 1927 Legislature (but vetoed by the Governor), to raise the standard of admission to the bar.

**COMMITTEE ON PUBLICATIONS:**

The committee recommends that the Washington Law Review be continued as the Association's official organ, and that a dollar per member be annually budgeted by the Association for the Review, in order that every number may be sent to every member.

**COMMITTEE ON PROTECTION OF THE PUBLIC  
IN LEGAL MATTERS:**

This committee prepared a very full brief upon the law of this and other states as to what constitutes practicing law, concludes that our laws are inadequate, and recommends that an act be drawn defining the practice of law and its passage urged. In the meantime the committee suggests that a committee be appointed to gather facts concerning those who impose upon the public by attempting to practice without being qualified to do so.

**COMMITTEE ON CONSTITUTION AND CITIZENSHIP:**

The committee has endeavored to organize the lawyers throughout the state to plan addresses to high schools, colleges and luncheon clubs upon the Constitution of the United States, also to write articles for local newspapers and arrange radio talks.

**COMMITTEE ON REVISION OF CORPORATION LAW**

The committee recommends a complete redraft of the corporation laws of this state and has prepared such a redraft for submission.

**COMMITTEE ON INCORPORATION OF THE BAR:**

The committee recommends adoption in the state of incorporation of the bar as the most effective means of looking after the interests of the courts and the bar and of raising the standards of the profession.

**COMMITTEE ON STATE CONSTITUTION CONCERNING CRIME:**

The committee recommends amendments which would (1) permit



trial judges to comment on the evidence; (2) permit court or counsel to comment on defendant's failure to take the stand; (3) permit verdicts by less than twelve jurors; (4) incorporate provision of California constitution that cases should not be reviewed for error unless it has resulted in a miscarriage of justice.

COMMITTEE ON STATE CRIMINAL LEGISLATION  
AND PROCEDURE:

The committee recommends statutes for (1) issuance of search warrants for evidence of a felony (2) service of justice court warrant in any county of state if endorsed by a Superior Court judge; (3) repeal of provision requiring state to serve list of witnesses on defendant; (4) restricting admission to bail pending appeal as a matter of right to appeals from judgments (a) upon imposing fine only (b) imposing imprisonment in misdemeanor cases; in other cases bail to be discretionary (5) bails bonds being filed for record and constituting liens on property of all signers.

The committee further recommends certain procedural changes which matters were referred to Committee on Judicial Council.

COMMITTEE ON AMERICAN POLICE SYSTEM AND CRIME:

The committee finds present police system incompetent to cope with present criminal methods and recommends adoption of a state police system.

COMMITTEE ON PRISONS AND OTHER  
DETENTION INSTITUTIONS:

The committee recommends that persons should be kept busy at hard labor at gainful occupations, and some financial remuneration should be allowed and paid in part to dependents, and part accumulated for prisoner to be paid to him in installments over six months after his discharge to enable him to make a new start; that family desertion cases be taken care of in separate group county institutions where prisoners should be compelled to earn revenue for their families; that the parole board be further limited in granting paroles.

It is believed that other reports will be filed prior to the convention.