President's Address

Edward W. Allen
PRESIDENT'S ADDRESS

This address should not be compared with the masterpieces of diction and erudition which have preceded it, but should rather be considered in the prosaic nature of a report.

Attention is called to the fact that between annual meetings your affairs are conducted by a president, a secretary, and an executive committee consisting of these officers and five vice-presidents representing the five congressional districts into which the state is divided, also an executive secretary, besides various committees.

The present incumbents are Glen Madison of Bellingham, Ray Greenwood of Bremerton, J. C. Stewart of Aberdeen, D. H. Bonsted of Yakima, Ray Venables of Spokane, vice-presidents, G. H. Heinly of Tacoma, secretary, and A. J. Schwppe of Seattle, executive secretary. It is only fair to these men that you should know that they broke away from the practice of transacting all business by correspondence and instead came to Seattle from all parts of the state to hold actual meetings.

In an attempt to make this annual convention entertaining and practical, precedents have been disregarded. Three half-day sessions are planned. At each session only one formal address, but this of the highest order, will be heard. A series of fifteen-minute addresses of special appeal to the younger lawyers, but profitable for all, will open the Friday morning session. Finding that similar associations have successfully employed the round-table discussion plan, no session will be held Friday afternoon, but instead three such round tables will be conducted concurrently, one on law enforcement, one on the problems of the courts and judges, and one on a proposed complete new corporation code and stock transfer act.

Two recommendations were submitted to you and were approved at your last meeting.

The first was the employment of a paid executive secretary. Negotiations commenced by Mr. Kizer were continued, resulting in a treaty between the Judicial Council, the Seattle Bar Association and the State Bar Association, that each should contribute to a fund of $200 a month wherewith to employ an executive secretary for all three organizations. Mr. A. J. Schwppe, who as Dean of the Law School of the University of Washington, had consented
to organize the work, agreed, at least temporarily, to accept the position although he had re-entered the general practice.

A big forward step has thus been taken, but only a step, for it is the opinion of your officers that it is absolutely essential that the State Bar Association employ a full-time adequately-paid executive secretary. The right man can save you his salary many times over.

The second of Mr. Kizer’s recommendations was the adoption of the Washington Law Review as the official organ of this Association. This has been carried out and two issues of that Review have been mailed to each of you, one containing the report of last year’s convention, the other the program for this meeting.

In the selection of committee membership, in addition to individual fitness, consideration was also given to place of residence with the idea of facilitating the holding of meetings. Thus if a Tacoma lawyer were selected for a chairmanship, at least a majority of his committee would be from Tacoma or its vicinity. A Walla Walla chairman would be assigned committeemen from Southern Washington and so forth. Undoubtedly this system has contributed to the fact that this year more committees have actually met and reported than ever before.

Another new feature in committee membership was the appointment of members of the law faculty to act upon committees when research work is desired. Thus Acting Dean Leslie J. Ayer and Professors O’Bryan, Nottelmann, Ashley and Mechem all served upon committees.

Another innovation was to have the various committees file their reports with the executive committee a month in advance of this meeting. A summary of these reports was published in the last issue of The Washington Law Review. It is hoped that, in the future, reports may be printed and placed in the hands of every member sufficiently in advance of the annual meeting to enable him to familiarize himself with their contents.

The work of committees falls naturally into three classes:

1. Service to the members of the bar.
2. Service to the judges.
3. Service to the public.

Nothing is more expensive or unjust to the public than to permit people who are unfit to do so to attempt to practice law. When, therefore, we take steps to restrict the practice of law to those who have proven themselves equipped at least with legal study and
training, we may, to some extent, be benefiting ourselves, but surely we are also protecting the public from imposters.

There is little doubt that many real estate men and bankers, as well as business solicitors and claim chasers, are not only practicing law, but are doing so in a manner decidedly injurious to the public. In various jurisdictions, these practices have been largely eliminated by means of agreements entered into between bar associations and bankers or real estate associations, and by criminal prosecution against persistent offenders.

Whether for better or for worse, it is becoming apparent that the radio is breaking the newspaper control of public opinion. I believe that bar associations should avail themselves of this instrumentality to lay before the public the facts concerning the profession and make people see that it is to the public interest to restrict the practice of law to those who are properly qualified.

It is the belief of your officers that judges should not be forced into politics in order to receive fair treatment at the hands of the public or the legislature. It should be a part of the professional duty of lawyers, and particularly of this organization, to shoulder this load. Accordingly committees have been at work upon the subject of judges' salaries, and a judges' pension and retirement law. If the affirmative action recommended meets with your approval, you should not stop there but each should pledge himself to do his part to carry these proposals into effect.

It has become fashionable among demagogues seeking publicity to attack every part of our form of constitutional government. Our courts have not been immune from these scurrilous attacks. Yet I venture the unqualified assertion that at no time in the world's history, nor in any place, can any group equaling the number of the judges who have held office in this country since 1789, be found which has been characterized by such an almost uniform display of unimpeachable integrity, courage and ability as have the judges of our Federal and our higher state courts. Even among our trial courts corruption is practically unknown except in such of our largest cities as have suffered almost complete breakdown in municipal administration.

Do not understand me to assert that our judges are perfect. On the contrary they are essentially human, and it must be remembered that we are operating under a system of inadequate pay, short terms and popular elections, for all of which the public, and not the bar, is primarily responsible.
In my opinion not only should the lawyers defend the courts, but courts, prosecuting attorneys and lawyers generally should support each other in the interest of sound government and the welfare of the legal profession as well as of the public at large. We hear many laments that the public holds the bar in poor esteem. Perhaps these reports are exaggerated. Nevertheless we must frankly admit that there is too much truth back of these laments.

The vast majority of lawyers are honest, sincere, exceedingly industrious, and absolutely faithful to the interests of their clients. Why, then, does the public think so poorly of us? In my opinion, it is because we tolerate a small, unethical minority in the profession, a minority small but brazen and blatant, a minority which by very reason of its disreputable methods makes news for the daily papers. Because this is the element generally mentioned in the press, we find that the entire bar is characterized in the public mind by its worst element.

Although other matters have been dealt with, those efforts which have attracted most attention concern law enforcement.

The term reformer has come to mean an impractical theorist condemned by his own generation and dying a failure, but whose ideas are accepted by a succeeding generation which erects a monument to his memory.

The members of your administration did not seek the glory of martyrdom. Hence they avoided the practices of reformers. They have sought no radical upsets. Seven committees, however, were appointed to study various phases involved in the problem of curbing crime. These have considered the provisions of the state constitution and laws, the Federal constitution, the police system, crime publicity, prisons and other detention institutions, and the methods of other jurisdictions.

The reports of these seven committees were submitted to a general committee of seven, the chairman of which is the Professor of Criminal Law at the University of Washington. The other members consisted of a United States district attorney, a prosecuting attorney, and four other lawyers, some of whom were experienced in the defense of criminal cases, and all of whom were general practitioners.

One suggestion which will be submitted for your consideration is the adoption of a state police system and the establishment of a state clearing house for information concerning criminals.

In my opinion—and each one probably has his own—two of the
most vital difficulties are—an indifferent or even adverse public attitude, and an inefficient and too often corrupt police system. Conditions in this state have not yet become nearly as bad as in some of the Eastern commonwealths. Let us profit by our good fortune and take steps in time to prevent racketeering from ever gaining a foothold in the State of Washington.

At present a most disconcerting element besets us which cannot be ignored—the prohibition question. The American people seem to have divided themselves into two groups of irreconcilable fanatics. On the one hand are those who seem to consider the taking of a drink of Scotch a more heinous offense than murder. On the other hand are those, including some otherwise rational lawyers, who believe that the United States Constitution contains no rights to which a dry agent can lay claim, but that he is an outlaw to be shot on sight.

The excessive stress laid on prohibition to the disregard of all other criminal laws is unfortunate. This is a dangerous subject to discuss, nevertheless I venture the assertion that as lawyers we should remember the words of Abraham Lincoln when dealing with an even more delicate subject—the fugitive slave law—"It is the duty of every citizen to obey the law. If he does not like the law he must change it in the due form provided by our constitutional system."

Your officers have endeavored to arrange meetings with the local bar associations in order to present to them the aims and accomplishments of the state association, and also to call to your attention the present attitude of the Judicial Council in endeavoring, first, to ascertain and then to express the ascertained will of the bar rather than to force reforms upon the bar against its will. To this end the Judicial Council has evolved a system of submitting its proposals to a referendum of the bar.

Insufficient attention has been given in this state to the restatement of the law by the American Law Institute. No work more comprehensive nor more intelligently conceived or diligently pursued has ever been undertaken by lawyers. It deserves your support.

In conclusion, let me thank the many members of the bar throughout the state who have lent their enthusiastic support and generous encouragement to your officers in their humble efforts to serve your interests, and permit me to submit the following recommendations.
1. That the Association should procure a full time, adequately-paid executive secretary.

2. That the work of protecting the profession and the public against those who are attempting to perform legal services without the training, knowledge or professional qualifications, be continued.

3. That the present committees dealing with the problems of relief for the courts and judges should be continued with the request that they draft laws to carry out their recommendations.

4. That the study of the problems of law enforcement be continued.

5. That each year the Association undertakes the revision of some definite branch of law, just as this year we have attempted to revise our corporation laws.

6. That a committee be appointed to bring about closer cooperation between the bench and bar in solving their respective problems.

7. That a committee of cooperation between this Association and the law schools of the state be appointed.

8. That a committee be appointed to cooperate with the American Law Institute, particularly with the object of securing Washington annotations to all of its publications.

9. That the incorporation of the bar be given serious consideration, and that if this plan be not adopted that the annual assessments against the local Bar Association be raised from year to year until equivalent to $5.00 a member in order that the Association may be in position to render the service to its members that they themselves should be entitled to demand.

Edward W Allen.*

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