REPORT ON PUBLIC RELATIONS

Hon. Wm. J. Steinert—Greetings of the Supreme Court
Hon. Wm. G. McLaren—Greetings of the Washington State Bar Association
Hon. Max Radin, School of Jurisprudence, University of California—"Are Judges People?"

THURSDAY MORNING, AUGUST 12TH

9:30 A.M. Report of Committee on Juvenile and Public Welfare Matters, Judge Edwin Gruber, Chairman
Address: Hon. Judson F. Falknor, Dean of the Law School, University of Washington
Unfinished Business
New Business
Report of Treasurer
Report of Nominating Committee
Election of Officers

COMMITTEE REPORTS

Report of Committee on Public Relations

To the Board of Governors,
Washington State Bar Association.

The Committee on Public Relations has actively functioned throughout the year, yet I can report to you no material result.

I have heretofore suggested that no material result in a sense subject to measurement will doubtless ever be attained by this committee except by using a yardstick over a long term of years.

The year has marked a development in the activity of such committees generally in the various state bars and the American Bar Association.

Problems facing these committees have in no wise been lessened by the attack upon the Supreme Court, the attempt to organize the Lawyers Guild and the weakening of what many of us have thought were fundamental rights of property and the person.

Your committee has been cooperating by correspondence and exchange of ideas with various state bar committees and with the American Bar Association.

Locally, as far as districts are concerned, last year the 6th district had the best organization. This year, due to the efforts of Chairman Matthew Stafford, ably assisted by Wm. F. Devin, the 1st district is in the vanguard. Chairman Stafford has discarded other activities and is making a case study of organized and disorganized work attempted and accomplished in the past by committees comparable to our own, and when this work is completed, it should be of lasting benefit to your committee. The last issue of the Washington Law Review and State Bar Journal carried Mr. Devin's report which all should read, "clip the coupon" and by the advisory ballot help formulate the work of the committee.
I believe in the past two years a groundwork has been laid, which, carried on through the succeeding year, will in conjunction with the work of committees from other states and the American Bar Association result in that unmeasurable ultimate good that we hope to establish in support of the bench and between the bar and the public.

Respectfully submitted,

TRACI E. GRIFFIN.

Report of Committee on Selection of Judges and Bar Activities

To the Board of Governors,
Washington State Bar Association:

The Committee on Selection of Judges and Bar Activities in Connection Therewith, presents the following report:

During this last year it has not been necessary, apparently, to hold very frequent or extended meetings of this particular Committee.

There was only one judicial vacancy to be filled by the Governor during the year, and your Chairman referred that matter to the Bar Association of the county where the vacancy occurred. That County Bar Association selected three names to be submitted to the Governor for consideration, which names were passed on by the Chairman of your Committee to the Governor, and the Governor very promptly appointed the first one named or selected by the County Bar. The result has been very gratifying, not only to that County, but to the other counties doing business, more or less, with that County in a judicial way. In any event your Chairman believes that in the selection of Superior Court Judges the matter should be left mainly to the selection of the local bar association. We believe that has been the rule in the past, and has worked out to the best interests of all concerned.

The most strenuous matter coming before the Committee was the preparation of a finished Bill to be presented to the 1937 Legislature for resolution to the people, having to do with the selection of judges. Your Chairman called the Hon. L. L. Thompson, who is a member of the Committee, and practically all of the past Attorney Generals of this State, into conference, in an endeavor to prepare a Bill that would meet all questions. The Hon. Bert C. Ross, one of the Board of Governors, attended the meeting and assisted very materially in the final analysis in preparing the Bill which was presented. It was introduced in the House by Mr. John Sylvester, of King County, but due to the usual turmoil existing between the branches of the Legislature, it never got on the floor of either House. In fact we did not think that it would get anywhere, but this did not daunt us in making the effort. The final Bill, as prepared and submitted, the Committee believes is the most nearly perfect that could be submitted under all circumstances, and we feel and believe that there would not be any question about the constitutionality of it, if adopted. We submit
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herewith a copy of the Bill as presented in the House, and recommend that it be set forth in the Annual Bulletin, showing reports, so that the bar generally may know what was the final opinion of the Committee.

The Committee recommends that this subject continue to have the attention of the State Bar Association and the Committee on the subject. However, it is the opinion of the Committee that a more active program must be adopted by the State Bar, along the lines that were adopted by the California State Bar when their Act was passed. You must realize that a committee of five or six, dealing with this subject, is almost helpless in conducting a campaign that will secure any results. When the State of California, through its Bar Association, had its Bill up for passage, the whole bar scattered about the state was back of the matter, and, of course, they had no trouble in having it enacted into law. Your Chairman made a trip to California at that time and observed the workings of the California Bar Association with much gratification. There was a concerted action that could not help but bring results. If the matter is properly organized in this State, when we have a different kind of legislature, it will, no doubt, result favorably. If a motion might prevail, giving the President of the Bar, with the consent of the Board of Governors, the right to complete such an organization when the time appears proper, no doubt a good result will obtain.

Your Committee likewise is of the opinion that the present method of collaboration with the Governor on the selection of lawyers for vacancies in judicial positions is working very well, and undoubtedly if continued will result in the selection of qualified judicial material.

Dated at Seattle, Washington, this 25th day of May, 1937.

Respectfully submitted,

ELIAS A. WRIGHT, Chairman.

CHARLES A. SATHER,

L. L. THOMPSON,

WILLIAM B. CLARK,

A. E. RUSSELL,

J. E. MURRAY.

The following is the text of House Bill No. 666, being the bill referred to in the above report of the Committee on Selection of Judges and Bar Activities.

AN ACT

To amend Article IV of the Constitution of the State of Washington, relating to the Judiciary, concerning the appointment, term of office, and removal of Supreme and Superior Court Judges and Court Commissioners.

Be it enacted by the Legislature of the State of Washington:

Section 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1938, there shall be submitted to the qualified voters of this state for their adoption and approval an amendment to Article IV of the Constitution of the State of Washington, as follows:
SEC. 2. That section 3 of Article IV of the Constitution of the State of Washington is hereby amended to read as follows:

Section 3. All judges of the Supreme Court and Superior Court and all Court Commissioners shall hereafter be appointed by a Judicial Commission composed of the following: The Governor of the state; the members of the Board of Governors of the Washington State Bar Association and three (3) qualified voters who are not members of the Bar, to be appointed by the Governor of the state, one from the geographical area now comprising the first and second United States congressional districts, and one from the geographical area now comprising the third and sixth United States congressional districts, and one from the geographical area now comprising the fourth and fifth United States congressional districts. The three (3) electors first appointed by the Governor shall hold office, one for one year, one for two years, and one for three years respectively, and thereafter upon the expiration of each such term the Governor shall fill the vacancy by a new appointment for three (3) years from the geographical area in which the vacancy arose. Should any of the electors so appointed resign, die or remove from said geographical area, his membership shall automatically be declared vacant and a new appointment shall be made by the Governor to fill the unexpired term. No member appointed by the Governor shall serve in the aggregate for more than six (6) years. In the event that there shall not be a Board of Governors of the Washington State Bar Association, and in lieu of the members of said Board of Governors herein referred to there shall be elected to the Judicial Commission by the lawyers legally qualified to practice law and residing in such United States congressional districts now or hereafter existing in this state, one lawyer residing and practicing in each United States congressional district. Such election shall be by written ballot and shall be conducted by the secretary of state of the State of Washington, who shall certify the result of such election to the Governor of the state. If vacancy shall occur on said Judicial Commission by reason of there being no Board of Governors of the Washington State Bar Association the election to be conducted by the secretary of state of the State of Washington, as herein contemplated, shall be held not later than the first Tuesday in July following the happening of such vacancy caused by there being no Board of Governors of the Washington State Bar Association, and thereafter such election shall be held and conducted by the secretary of state of the State of Washington every three years during any period when there shall not be a Board of Governors of the Washington State Bar Association.

Such elections shall be by secret ballot by mail and the persons to be voted upon shall be first nominated by the members of the Bar qualified to vote in such election in each United States Congressional district by a written nomination of candidacy signed by not less than twenty-five (25) members of the Bar in said respective United States congressional districts, and the candidate receiving the largest number of votes in his congressional district shall be the
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one certified to be elected to the Governor of the state.

The secretary of state of the State of Washington shall have
the power to make rules and regulations not inconsistent herewith
for the purpose of facilitating the holding of such election. Such
members of the Judicial Commission when so elected shall hold
office for a term of three years and until their successors shall
have been elected and qualified. The Judicial Commission shall
make rules and regulations necessary for the conduct of its busi-
ness and employ any necessary clerical assistance, and the legisla-
ture shall make the necessary appropriations to provide for the
expense of said Judicial Commission.

Upon the happenings of any vacancies in either the Supreme
Court of the State of Washington or the Superior Court of the
State of Washington, or Court Commissioner, the Governor of the
state or any three members of the Judicial Commission shall call
the Committee into session and the said Judicial Commission shall,
as soon as possible after making due investigation and not more
than thirty (30) days after the happening of such vacancy, make
the appointment of a lawyer to fill the judicial office.

All vacancies in the Supreme Court of the State of Washington
shall be filled by lawyers residing within the State of Washington.
All appointments to the Superior Court of the State of Washington
shall be filled by the appointment of a lawyer residing in the
county or judicial district where the position is to be filled.

No lawyer shall be eligible for appointment to the Superior Court
unless he shall have been engaged in the actual practice of law for
a period of at least seven (7) years immediately prior to appoint-
ment, nor eligible to the appointment to the Supreme Court unless
he shall have been engaged in the actual practice of law for a period
of at least ten (10) years or at least seven (7) years of actual prac-
tice and at least three (3) years in service as a judge of the Superior
Court.

All judges appointed to the Supreme Court by the Commission
shall be appointed for a period of six (6) years from the day of
their appointment. The sessions of the Supreme Court shall be
held at the seat of government, unless otherwise provided by law.
The judges of the Supreme Court shall determine which of them
shall be the Chief Justice and the Chief Justice shall preside at all
sessions of the Supreme Court.

All judges of the Superior Court shall be appointed for a period
of four (4) years from the day of their appointment.

All Court Commissioners shall be appointed to hold office for
such period of time as shall be fixed by the Judicial Commission
and shall be eligible to office only if admitted to practice in the
courts of record in this state.

All judges at present holding offices by election shall remain in
office until the expiration of the term or terms for which they have
been elected, but immediately upon the expiration of such terms
the vacancies shall be filled by the Judicial Commission herein
created.
All appointments to judicial offices shall be by a majority vote of the Judicial Commission.

In addition to any other provisions for the removal of judicial officers provided for in this constitution, any judicial officer in this state may be removed from office for misconduct or malfeasance in office or for any violation of his oath of office. Whenever complaint has been made to the Judicial Commission against any judicial officer, the said complaint shall be referred by the Judicial Commission to the attorney-general for investigation, and if, in the opinion of the attorney-general sufficient grounds therefor exists he shall prepare specific charges against such judicial officer, cause the same to be served upon him, specifying the several charges of misconduct against him and fixing the day of hearing thereon, which charges shall be heard by the Judicial Commission within sixty (60) days after the service of such charges pursuant to such rules as the Commission shall previously and with due notice to the party charged have adopted. The Judicial Commission shall have authority to administer oaths, to issue subpoenas and to compel the attendance of witnesses, to take depositions, and to sit as a court of justice. If after a hearing of said charges it be found that any of them are sustained by a two-thirds vote of the Judicial Commission, the judicial officer charged shall at once be deemed removed from office and the Judicial Commission shall forthwith proceed to fill the vacancy.

The powers of the Judicial Commission as herein provided shall extend to all judicial positions in the courts of record in this state, whether such positions are now in existence or hereafter created by law.

Sec. 3. That section 5 of Article IV of the constitution of the State of Washington is hereby amended to read as follows:

Section 5. There shall be in each of the organized counties of this state a Superior Court, the judges of which shall be appointed by the Judicial Commission created by section 3 of this Article. The Legislature shall have the power to fix the number of Superior Court judges within this state and to fix judicial districts to be served by one or more Superior Court judges: Provided, however, That until otherwise directed by the Legislature, the number and assignment of Superior Court judges and the composition of judicial districts shall remain as constituted at the time of the adoption of this section. In any county where there shall be more than one Superior Court judge, there may be as many sessions of the Superior Court at the same time as there are judges thereof, and whenever the Governor shall direct a Superior Court judge to hold court in any county other than that for which he has been appointed, there may be as many sessions of the Superior Court in said county at the same time as there are judges therein or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the
Superior Court held by any one or more of the judges of said court shall be equally effectual as if all the judges of said court presided at such session.

Sec. 4. That section 23 of Article IV of the Constitution of the State of Washington is hereby amended to read as follows:

Section 23. There may be appointed in each county by the Judicial Commission created by section 3 of this Article, one or more Court Commissioners, not exceeding three (3) in number, who shall have authority to perform like duties as judges of the Superior Court at chambers, subject to revision by the Superior Court judge having jurisdiction in such county, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Report of Committee on Unauthorized Practice of Law

To the Board of Governors,
Washington State Bar Association:

Your Committee on Unauthorized Practice of the Law has devoted its efforts this year to a campaign of education and in cooperation with the legislative committee has combated efforts of certain groups to obtain legislation that would enable them to engage in activities which we consider to be the practice of law. No litigation has been conducted by the committee on account of insufficient specific evidence in any given case to warrant institution of court proceedings. It has, however, in a number of instances, turned over to prosecuting attorneys evidence against individuals who were deliberately engaging in activities which constitute the practice of law and has in the main secured cooperation from the prosecuting offices.

Bail Bond Brokers

The committee is informed that in the larger cities of the State, particularly Seattle, a very thriving business is conducted by bail bond brokers who keep close contact with the city and county jails, offer bonds to persons incarcerated subject to bail for a sufficiently large charge to make the business remunerative. These brokers in numerous cases advise persons under arrest as to their legal rights, frequently undertaking to have the charges against them disposed of under their own direction. It is reported to your committee, that when convictions occur in the police or justice courts, they undertake to perfect an appeal to the superior court, often taking the initial steps in this direction, quite frequently under the name of some attorney who is closely allied with the bail brokerage business. In case of trial in the superior court, the attorney in question sometimes appears as counsel in the case, but a number of instances are reported where persons thus appealing never met their counsel until the case was about to be called for trial in the higher court. In these latter instances your committee feels that the broker is engaging in the practice of law, and that where evidence can be obtained of such practices, the offender
should be prosecuted criminally. The difficulty is in obtaining the evidence that would warrant prosecution. Many lawyers have called the committee's attention to this and other grievances, but when requested to produce the evidence for various reasons fail to do so. The members of the bar who have knowledge of such practice (and other instances of unlawful practice) should assemble the facts in a form to be used as competent evidence and submit the same to your committee for appropriate action.

Banks and Trust Companies

Constant rumors come to this committee of banks and their officials and employees who engage in drawing wills, trust agreements and similar documents making no direct charge therefor, but receiving the indirect consideration of the appointment as executor of the wills or trustee under the agreements drawn thus. This your committee feels constitutes the practice of law. The committee, however, is in close touch with the headquarters in Seattle of the Washington Bankers Association, which has always shown a good spirit of cooperation with your committee in advising the members of their organization to desist from such practices when we are able to call their attention to the same. The difficulty in this regard, as in nearly all other instances, is in the securing of competent evidence to substantiate the charges. In most communities, especially of smaller population, the relationship between the members of the bar and the bankers is such that it would be exceedingly embarrassing to any lawyer to get evidence, but until some other means is devised your committee is dependent upon the support of the lawyers to obtain evidence and submit the same to your committee for appropriate action.

Adjusters

In the reports of 1935 and 1936 we called attention to that new enterprise wherein certain individuals through commercial journals or otherwise, make contact with defendants and garnishee defendants in justice court proceedings, offer to adjust such matters by preparing answers to the writs of garnishments free of charge for the privilege of adjusting all claims that might be against them by various creditors on a percentage basis. We feel that this can best be handled by criminal prosecution in the justice courts when the evidence is secured and turned over to the prosecuting attorneys.

Collection Agencies

Your committee has no specific report under this heading. There was some individual effort during the session of the last legislature to amend section 191, Remington Revised Statutes, in such a way as to prohibit the use of assignments for the purpose of collection, thereby conducting litigation as though they were the original owners of such claims. This use of the section under the decision of our Supreme Court in Bar Association vs. the Merchants Rating and Adjusting Company, 183 Wash., 611, permits collection agencies to carry on an activity which in every state in the Union where the question has been called to the attention of the appellate courts has been decreed to be the practice of law, save in California.

Since our last report there have been a number of decisions
throughout the nation relating to collection agencies engaged in such activities. In each instance the ruling of the court has been against the collection agency, condemning such practices, and either enjoining the activities or punishing the parties participating therein as for contempt. Some of these cases were original proceedings in the appellate court. Worthy of note is a case brought before the Supreme Court of Montana in State ex rel Attorney General vs. Merchants Credit Service, 66 P. (2d) 337, where in an original proceedings in that court a collection agency engaged in the same line of endeavor was held guilty of contempt of that court, even though its activities were entirely outside of the court. The same ruling was had by the Missouri court in the case of the Attorney General vs. C. S. Dudley & Co., 102 S. W. 2d, 895. In a very strong and forceful opinion, the Supreme Court of Virginia, in the case of Richmond Credit Men’s Association vs. Bar Association, 189 S. E. 153, held that a credit men’s association was engaged in the practice of law in conducting business along the same general lines as such associations do within the State of Washington. This decision followed the earlier Kansas case of Depew vs. Wichita Retail Assn., 42 P. (2d) 214, holding that such association in soliciting claims and the right to appear as attorney-in-fact for creditors in bankruptcy proceedings was engaging in the practice of law and that the state courts had the right to enjoin a corporation doing business within the state from engaging wrongfully in the practice of law, even before a Federal Bankruptcy Court. However, until the rule permitted under section 191 of our code, as it has been construed, is changed, there is little that can be done to curb the activities of collection agencies who by taking assignments engage in all of the activities condemned by other states.

Your committee feels that when such organizations engage in soliciting and advertising for claims to be assigned to them with the idea that they will institute proceedings the attorneys acting for such organizations are reaping the benefit of such solicitation and thereby accomplishing that which such lawyers could not do directly, i. e., the solicitation of litigation. Some action should be taken by this association touching the question as to whether or not such lawyers are engaged in unethical practices.

The Committee on Unauthorized Practice of the Law for the American Bar Association in the latest edition of the “Unauthorized Practice News”, being the issue for May, 1937, commencing on page 49, has set out “Statement of Principles in Reference to Collection Agencies” based on the numerous decisions of appellate courts and courts of last resort from states other than Washington and California, in which it is said that the committee is not concerned with the activities of these agencies which do not involve the unauthorized practice of law and holds that the determination of what acts constitute unauthorized practice of the law is exclusively for the courts. It then enumerates eight different lines of activity which, according to the decisions in the courts of all the states (other than the two above mentioned), which have passed upon the question, collection agencies cannot engage in as follows:
(1) To furnish legal advice or to perform legal services, or to represent that it is competent to do so; or to institute judicial proceedings on behalf of other persons.

(2) To communicate with debtors in the name of an attorney or upon the stationery of an attorney, or to prepare any forms of instrument which only attorneys are authorized to prepare.

(3) To solicit and receive assignments of commercial claims for the purpose of suit thereon.

(4) In dealing with debtors to employ instruments simulating forms of judicial process, or forms of notice pertaining to judicial proceedings, or to threaten the commencement of such proceedings.

(5) To solicit claims for the purpose of having any legal action or court proceeding instituted thereon, or to solicit claims for any purpose at the instigation of any attorney.

(6) To assume authority on behalf of creditors to employ or terminate the services of an attorney or to arrange the terms or compensation for such services.

(7) To intervene between creditor and attorney in any manner which would control or exploit the services of the attorney or which would direct those services in the interest of the agency.

(8) To demand or obtain in any manner a share of the proper compensation for services performed by an attorney in collecting a claim, irrespective of whether or not the agency may have previously attempted collection thereof.

It is the opinion of your committee that as soon as possible the State of Washington should get in step with the majority of the other forty-six states.

Conveyancing

The practice of law by individuals engaging more or less generally in conveyancing, continues in very great volume. The largest group of offenders in this regard are probably real estate agents, although they by no means are alone. Most every notary public, lay justice of the peace, insurance agent and others who have become to a greater or less extent familiar with printed forms of deeds, leases, mortgages, etc., and to a very limited extent know something about the language that can be used to fill in various blanks to make it read intelligibly, think they are capable not only of preparing such documents but of selecting the form to be used and advising the parties thereto of the nature of their rights. This practice, although appearing innocent and inoffensive at first glance, is a source of grief and in many instances of serious loss to individuals who are the innocent victims of these activities. Since little becomes known of the acts until after a lapse of time, when the victim does become aware of his predicament—it is often too late to obtain any adequate legal relief. Our own court in the case of Paul vs. Stanley, 168 Wash., 371, has held such activities to
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constitute the practice of law and subject to injunction.

Your committee has during the last year written many letters to realtors, notary publics and other laymen of whom complaints have been made concerning their activities in conveyancing, explaining at length the rules of law relating thereto and the reasons therefor. In very great many cases your committee has received acknowledgments of these communications with an explanation that the parties did not realize that they were doing wrong and an assurance that the practices would be discontinued. In other cases the parties denied that the reports made to your committee were correct and in some cases there was a more or less open defiant attitude. In the latter cases your committee feels that where competent evidence can be obtained, appropriate proceedings should be instituted to bring such parties to book. The difficulty lies in obtaining the necessary specific evidence. Usually we have but one or two isolated instances where direct proof can be made and while that limited evidence would be sufficient to make a prima facie case, your committee has not seen fit in recent months to recommend any action.

A separate file is made and maintained in the office of the Association for each person against whom complaint is made with the idea that the persistent offender, if his actions are reported, will in time build up in the office sufficient evidence to show a course of conduct and thereby make a strong case to submit to a court. Until some better means is provided for accumulating evidence, your committee is compelled to rely upon this method and the cooperation of members of the bar in reporting instances of the unauthorized practice coming to their attention.

Remedy by Contempt Proceedings

In the case of In re McCallum, 186 Wash., 312, our court held that practice of law out of the presence of the court may be punished as for contempt. However, the court strongly advised against the general adoption of that procedure. Since the decision of our supreme court in that case, other appellate courts and courts of last resort have adopted that measure of stopping the unauthorized practice of law as indicated in the following cases: State ex rel Attorney General vs. Merchants Credit Service (Mont.), 66 P. (2d) 337, a case in which a collection agency was thus prosecuted. The Missouri Supreme Court in three consolidated cases held that laymen practicing before lay boards and commissions were engaged in the practice of law and were subject to punishment as for contempt of that court, even though they never appeared before the court in any instance. The decision was by a divided court, and your committee feels exhausts the questions involved, constitutional and otherwise. Clark vs. Austin (Mo.), 101 S. W. 2d, 977. In a companion case, the same court entertained an original quo warranto proceeding against a collection agency engaged in the practice of law almost entirely out of the presence of that court. State ex rel Attorney General vs. Dudley & Co., 102 S. W. 2d, 395. The Supreme Court of Nebraska entertained an original case of contempt in the case of State ex rel Wright vs. Barlow (Neb.) 268 N. W., 95. Our neighboring state in two notable decisions of
recent date follows this same practice. Wayne vs. Murphy-Firde
Co. (Idaho), 59 P. (2d) 721; In re Matthews (Idaho) 62 P. (2d)
578. In the latter case the respondent was charged with contempt
in drafting legal documents for a third party, the court holding
that the fact that the documents were of a simple nature did not
make it any less contempt of the court, and that but one incident
of such activity was sufficient to make a case.

In the recent case of In re Clark, as chairman of the bar com-
mittee, vs. J. M. Reardon, reported in the "Unauthorized Practice
News" for April, 1937, at page 39, the Kansas City Court of
Appeals (Mo.) held that although it had no authority to admit
lawyers to practice, nevertheless by virtue of its inherent power to
preserve itself as a court, had the power to regulate, control and
punish the laymen who encroached upon the functions of court
officers by engaging in the practice of law, even out of the presence
of the court. In a very elaborate opinion the court held that the
party thus practicing law was subject to punishment by the court.
Your committee feels that this precedent would be authority war-
ranting the institution of contempt proceedings in the superior
courts of the various counties, thus avoiding the congesting of our
supreme court calendar with such prosecutions in original cases,
fee of which we believe was entertained by the members of our
supreme court in rendering its decision in the McCallum and
Estes cases.

**Patent Attorneys**

The chairman of your committee has recently had called to his
attention the fact that laymen who are admitted to practice before
the United States patent office but are not licensed lawyers ad-
vertise extensively as patent attorneys. The use of the word "attor-
ney" is most deceiving to the members of the public, who always
associate that word with the lawyer. These parties should be desig-
nated as "patent agents" and the word "attorney" limited to the
duly admitted practicing lawyer. Many instances occur where
patent attorneys go beyond their power as agents admitted to a
limited practice in the patent office, and take unto themselves the
responsibility of drafting many legal papers of various kinds
affecting the rights of persons interested in patents, which work
should for obvious reasons be limited to lawyers. Your committee
calls this matter to the attention of the members of the Board of
Governors and of the Association for serious consideration and for
possible future action.

**Recommendations**

Your committee recommends continuing the practice heretofore
followed of receiving in the office of the Association complaints
from various communities against laymen engaged in the practice
of law, taking the matter up directly with such individuals by
calling attention directly to the unlawful and wrongful nature of
their actions and endeavoring to persuade them to desist; institut-
ing action against such parties who manifest they do not intend
to desist, meanwhile keeping confidential the sources of the report
of such activities so as to avoid embarrassment to local members
of the bar, until when through necessity your committee will have
to disclose the source of its evidence in such proceedings. Members
of the bar in making complaints to your committee of local infrac-
tions should be careful to see that they are based on competent
evidence. Complaints forwarded to the committee should include
a statement of such evidence, the name and address of witnesses,
and a brief recital of the testimony to be given by each, if it is
contemplated that any proceedings be brought thereon.

Your committee recommends that the Board of Governors and
the members of the Association seriously consider ways and means
of assembling evidence of unauthorized practice by laymen which
can be used when deemed advisable in appropriate proceedings
either by contempt, injunction or criminal prosecutions. This would
necessitate the employment of someone for adequate compensation
under such survey. While much good can be accomplished through
a campaign of education by direct contact with individual offend-
ners, as hereinbefore indicated, this method is necessarily very slow
and inadequate in accomplishing the desired objective. It will be
necessary from time to time to institute court proceedings where
the law is openly defied. We feel, also, that much more could be
accomplished if the Board of Governors could supplement the work
of this committee through a campaign of general education con-
ducted through newspapers, periodicals, talks before various groups
of citizens, and even the use of the radio to call public attention
to the evil consequences arising through the unauthorized practice
of law by laymen.

The elimination of the unauthorized practice of law by the vari-
ous means herein discussed, in the opinion of your committee, is
the responsibility of the judicial branch of our government, and all
its elements including the courts, its general officers—the members
of the bar—and special officers such as the prosecuting attorneys.

In Knoxville, Tennessee, the state courts have inaugurated a
system of general inquiry to be conducted by the court, in cham-
bers, into the conduct of lawyers as officers of the court who by
their associations and activities are aiding and assisting those not
members of the bar in the unauthorized practice of law. (Unauthor-
ized Practice News, May, 1937, p. 55). We believe this suggested
course of action would be very efficacious in eliminating a great
deal of unauthorized practice. We feel that Justice Burch of the
Supreme Court of Kansas, in his concurring opinion in an
injunction proceedings (Depew vs. Wichita Retail Credit Assn., 42
P. (2d) 214, clearly stated the duty of the courts and members
of the bar when he said:

"I concur in the result, and, treating the case as an in-
junction action between Depew and others as plaintiffs
against the credit association as defendant, the case is well
decided. My view, however, is that in essence and sub-
stance this is not an action at all. Under the fiction and
form of an action between adverse parties, it is a special
proceeding relating to the subject of unlawful practice of
law."
"It would have been just as well if Mr. Depew had risen in court some morning and had asked leave to file written charges that the credit association was practicing law without license. Leave to file being granted, the court would have caused citation to be issued and served, and would have fixed time to plead. If, after a hearing, the Court should find the charges to be true, an order to desist would follow.

"The duty of an attorney to bring such a subject to the attention of the court and the authority and duty of the court to take cognizance of the subject are undoubted. In this instance, charges were made which the Court has entertained. The accused is before the court in response to the charges, and I regard the whole subject of remedy by injunction as unimportant."

Your committee would recommend that in addition to those measures already adopted, the members of the bar and the judiciary consider well, then act aggressively along those lines elsewhere adopted in a general effort to eliminate the unauthorized practice of law, the protection of the public therefrom, and the preservation of our judicial system.

Respectfully submitted,

Ewing D. Colvin, Chairman,

H. R. Lea, Tacoma
Robert R. Pence, Spokane
Lee C. Delle, Yakima

James P. Neal, Olympia
Claude J. Henderson, Mt. Vernon
E. B. Hanley, Jr., Seattle

Report of Committee of Law Examiners

To the Board of Governors,
Washington State Bar Association,

At the July, 1936, examinations there were seventy-nine applicants who took the examinations, of whom sixty-four passed, being a percentage of about eighty. This was based upon a passing grade of seventy per cent of perfect, determined by the committee by and with the approval of the board. This passing grade was approximately eighty-one per cent of the highest grade made at that examination.

At the January, 1937, examinations there were forty-two applicants who took the examinations, of whom thirty-three passed, being a percentage of about seventy-nine. This was based upon a passing grade of sixty-five per cent of perfect, determined in the same way. This passing grade was approximately seventy-five per cent of the highest grade made at that examination.

No analysis is undertaken of the proportion of first time applicants to repeaters or of the percentages of casualties in the two classes. The board has that independently, together with other relevant data.

The required passing grades have varied, as above shown. The committee has thought it not advisable to attempt establishment of an arbitrary grade and the board on the occasion mentioned has
accepted its recommendations. Always, a certain number of applicants affirmatively show that they have not the needful knowledge, perception, reasoning power or other essentials. The grades allotted at any given examination fix the comparative standings of the participants in that particular examination, and so relatively well reflect the existence of qualifications or lack thereof. But, unless you assume, against the fact, that grading is an exact science and that in every examination each and all of the examiners can grade to an absolute standard, and all to the same standard, no constant will mark the dividing point between those having and those not having the requisite qualifications. One of two things follows. Either the percentage figure dividing the one group from the other must be a variable or the examiners must, if necessary, re-mark to conform to some fixed figure. For one thing is certain; the dividing point must be such as to exclude at least those who affirmatively demonstrate lack of capacity. By either method you arrive at the same end. That, perhaps, should be followed which seems to be most acceptable generally.

At the July, 1936, examinations the committee consisted of Mr. Floyd L. Stotler, of Colfax; Mr. C. D. Cunningham, of Centralia, and the undersigned, while at the January, 1937, examinations the committee consisted of Mr. Floyd B. Danskin, of Spokane; Mr. Charles W. Hall, of Vancouver, and the undersigned. If a personal comment of the writer be permissible, it is that all of the members now retired and their successors were generous in time and effort given to their duties and diligent and able in the discharge thereof.

Last August the undersigned, as Chairman of the Committee, at the instance of the board, attended the National Conference of Bar Examiners at Boston, and a special report as to that was made. It is deemed unnecessary to repeat all that was said therein. If proper to be incorporated herein, it no doubt will be so treated by this reference.

However, the attention of the board again should be directed to the plan tentatively outlined at the last conference by Dean H. Claude Horacek, of Duke University School of Law. In brief, this was for the establishment of some sort of a national body of continuous existence which would prepare all questions of general law for examinations in all states, leaving to each state the preparation solely of questions peculiar to it, either of substantive law or of practice or procedure. While the Dean was not urging the adoption of the plan, he did put it forth as one meriting very serious consideration and requested that it have such, if possible before the next annual conference so that there might be some interchange of views thereat. The eminence of the Dean in the field of legal education, as well as the esteem and regard in which he is held, assure ultimate consideration such as he asks. Might I suggest that, if not already on your agenda, this be not postponed beyond what is reasonably necessary. This is not out of mere courtesy to the Dean. It is prompted rather by the conviction that in the light of much that is being said and done, the bar should defer as little as is unavoidable any contemplated internal action designed to im-
prove its standards or methods. The matter of a change in the method of conduct of bar examinations may seem not to be of immediate importance. That may be not quite true. The matter engages present attention outside bar associations and the latter perhaps should not trail too much. Dean Leon Green, of Northwestern University Law School, recently has issued a pamphlet entitled, "Who Should Study Law", in which he discusses at some length the matter and manner of conduct of bar examinations, and comes to the conclusion that under present systems they are just about futile and valueless. It is clear, therefore, that this particular operation of the bar is right now an object of scrutiny and of adverse criticism. Consequently, if it is to be changed in any way by voluntary action of the bar itself, it would seem to be timely to approach the subject. It is not at all certain that the majority, or perhaps any considerable number, of legal educators would concur in Dean Green's conclusion as to the value of such examinations. On the contrary, the writer has heard expressed by more than one of that group, as well as by practitioners, the very positive opinion that bar examinations, regardless of any other function, are essential stimuli to the obtaining of a proper educational foundation by those seeking admission to practice. The recorded views of Dean Green are not on all matters in harmony with recorded majority opinion among lawyers and educators. It is not intended here to say that Dean Horack's plan, or any other, would meet the objections or avoid the criticisms of Dean Green. It is intended merely to say that the matter of conduct of bar examinations is a live topic for consideration.

It well may be doubted that Dean Horack's plan could be put into operation short of several years, if ever. There are practical difficulties. The relative importance attached in the various jurisdictions to oral or to written examinations, to substantive or to adjective law, to the essay type of question as opposed to the "yes or no" type, to the powers of perception, of analysis and of reasoning as opposed to memory or absolute knowledge, and the varying dates and times of examinations are some of these difficulties. However, it should be borne in mind that in at least one state, New York, there is a permanent body which devotes itself to the preparation of material for the examination of applicants for admission to practice in that state. The writer has more than once expressed the view that we here in this state should at least aim toward the ultimate establishment of some similar method. Perhaps, even if that be accepted, our numbers and our wealth are not such as to permit immediate or even early adoption. But sometime there can and will be an improvement in our present method. With the best of intentions and with the highest purpose on the part of examiners, there yet are physical and time limitations upon attorneys actively engaged in practice which impede the most beneficial, satisfactory or fair preparation and selection of the requisite material. This is not at all to depreciate the value of a committee of active practitioners charged with a sort of supervisory duty in the preparation, and particularly in the selection, of material, and
charged wholly with the determination of the results of examinations. It is unquestioned that this final determination never can be permitted to get out of the control of the bar, exercised through some appropriate committee of its own appointment and composed of its own active members. To permit that would be to destroy the bar examination as a goad to the student, with the consequent lessening of development of his natural abilities, to say nothing of other considerations which lead to the same conclusion.

There is just one other thing which the writer would like to add. At least as to these last two examinations we have not released to the public the questions which had been propounded at the examinations. This may be a trouble-saver to the committee. It is not at all certain, however, that it is wise from a public relations standpoint. The charge that the bar is a closed corporation is all too easily evoked, and it may be that this practice lends itself rather readily in support of such a charge and of the allied charge that the successful candidates are hand picked. That there is in fact no foundation for a charge seems never to prevent it from one who is disgruntled.

Respectfully submitted:
S. H. Kelleran,
Chairman, Committee of Law Examiners.

Report of Committee on Legal Ethics

To the Board of Governors,
Washington State Bar Association:

During the year, the undersigned were appointed to serve on a new committee, to be known as the Committee on Legal Ethics.

Since the Washington State Bar Association has a complete system of disciplinary practice, it is evident that the present committee's function does not embrace the actual enforcement of the ethics of the profession, at least so far as there may be infringement warranting discipline.

Except for a few cases of inquiry by individual attorneys asking the advice or opinion of individual members of the committee, no question has been referred to us.

The American Bar Journal makes known that the Committee on Professional Ethics and Grievances of the American Bar Association, as now organized, being charged with the duty of considering and recommending supplements to the canons of ethics, has entered upon a study with a view to determining what changes, if any, should be recommended. Pending the report of that committee, the present committee of the Washington State Bar Association has no suggestions to make.

Respectfully submitted,

E. M. Hayden,
O. B. Thorgrimson,
L. R. Hamblen
Report of Committee on Law Enforcement

To the Board of Governors,
Washington State Bar Association:

Your committee is glad to report that very heartening progress has been made in the conviction of criminals. This has been accomplished by the efficient work of our trial courts in speeding up criminal trials and the more careful selection of jurors, and by the shortening of the time of appeals by our Supreme Court.

It is recognized, however, that the first essential in criminal law enforcement is to catch the criminal. In this matter there is room for considerable improvement. The splendid results obtained by the Federal Bureau of Identification and Department of Justice shows the necessity for a scientific bureau of identification and officers specially trained in the apprehension of criminals.

This committee believes that the next necessary forward step in law enforcement in this state is the organization of a well equipped and well manned state bureau of identification at Olympia. With such a bureau the services of experts, including chemists, pathologists and criminologists, could be made immediately available to local authorities throughout the state. The apprehension of the criminal who has committed an important crime and the successful prosecution afterward depends largely on the efficient handling of the case as soon after the commission of the crime as possible. It is important, therefore, that trained and qualified experts in crime detection be made immediately available to local authorities throughout the state.

Statistics throughout the country show that a large percentage of the crimes are being committed by young men in their late teens and early twenties. Your committee recommends that a part of the state bureau of identification and criminal investigation there should be a department devoted to crime prevention among boys and girls of grade school and high school ages. There is a need for special educational programs in the schools, on the playgrounds, in the field houses and wherever young people congregate, devoted to turning their thoughts from criminal activity of any and all kinds. The trained men in the bureau of investigation would be dealing with the causes and reasons for the commission of crimes of those that they apprehend and we feel would be best able with the cooperation of other public law enforcement agencies to develop over a period of time the proper courses of study, conduct, teaching, control and guidance.

Respectfully submitted,

Ralph E. Foley, Chairman,
Thos. O'Leary,
Grover Nolte
Robert Willis
T. P. Gose
Cordelia Thiel
John R. McEwen
Report of Committee on Annotations to the
Restatement of the Law

To the Board of Governors,
Washington State Bar Association.

While no further Washington annotations to the Restatement have been published since the last annual report of this Committee, work on the annotations to the various Restatements completed has been making satisfactory progress, and it is expected that the annotations to at least two subjects will be completed some time this summer and published during the fall. Specific note will be made of the present status of the work on the various subjects.

1. AGENCY. All of the cases in the first 110 volumes of the Washington Reports have been digested and allocated to the proper sections. Prof. Ayer expects to devote most of the summer to this work, and the subject should be entirely annotated and ready for publication in the early fall. As every lawyer knows, there are many Washington decisions in the field of Agency, and the preparation of annotations to this subject has been a laborious task.

2. TRUSTS. The collection and allocation of all the Washington cases dealing with the subject of Trusts has been completed. Prof. Nottelmann likewise expects to devote the greater part of his summer vacation to the preparation of the annotations to the Restatement of Trusts for publication. They should also be published some time this fall.

3. TORTS. Satisfactory progress is being made by Prof. Richards on the preparation of the annotations to Torts. There is, of course, a tremendous number of cases dealing with this subject, and its completion will therefore take some time.

4. CONFLICT OF LAWS. The cases in the first 130 volumes of the Washington reports have been collected and classified, and it is hoped that the annotations in this field can be completed some time this winter. The work is being done under the supervision of Professors Shattuck and Sholley.

5. PROPERTY. As was announced in the January number of the Washington Law Review, the annotations to the Restatement of Property are being prepared by Mr. Frank C. Hackman of the Seattle Bar, a member of the Legal Department of the Washington Title Insurance Company. The Company has very generously agreed to relieve Mr. Hackman of a portion of his duties for a period of two years, to permit him to devote his time to this work. Mr. Hackman needs no introduction to the members of this Association in any matter connected with Real Property Law, for he is one of our outstanding authorities in this field. Work has not been in progress long enough in the preparation of annotations to this subject to warrant any specific report except that the work is going forward steadily. The Committee feels that both Mr. Hackman and the Washington Title Insurance Company are entitled to our earnest appreciation of their co-operation in this endeavor.

We are continuing to employ two recent Law School graduates, who for a very nominal sum are devoting a portion of their time
to work on the preparation of annotations to the Restatement under the guidance of the members of the University of Washington Law School faculty who are engaged in this work. In addition, certain scholarships are offered at the Law School to students who assist with this work, and assistance in the preparation of the Annotations has been procured in this manner without any cost to this Association, in addition to the services of the members of the Faculty and of Mr. Hackman, all of which are being rendered gratuitously.

The interest being displayed by the Bench and Bar of this state in the work of the American Law Institute in the preparation of the Restatement of the Law is perhaps best indicated by the fact that the annual May meeting held in Washington, D. C., was attended by the largest number of Washington representatives ever to attend a meeting of the Institute. Those in attendance from this state were: Hon. William J. Steinert, Hon. Emmett N. Parker, Hon. George Donworth, Mr. Paul P. Ashley, Mr. Joseph Cheney, Mr. Judson L. Falknor, Mr. W. G. McLaren, Mr. S. Harold Shefelman, and Mr. O. B. Thorgrimson.

The increasing interest of the Bench and Bar in the country generally in the Restatement is conclusively established by the frequent citation to the Restatement now being made in the decided cases. The citation to the Restatement will unquestionably increase from this point on because of the liberal use of the Restatement in certain standard texts and encyclopedias of the Law which have recently been printed. As an illustration, any person who has made use of Beale's latest and remarkable work on the Conflict of Laws will readily discover that the several volumes constituting this work are in reality built around the Restatement of Conflict of Laws. Bogart's fine work on Trusts, recently published, likewise makes continuous and repeated use of the Restatement, and it is interwoven with the text. Judging from the volume of American Jurisprudence recently published, which covers the subject of Agency, this encyclopedia will also make constant use of the Restatement. In the volume dealing with Agency the Restatement of Agency is cited and referred to frequently, both in the text and in the foot notes.

In the last annual report of this Committee attention was called to the fact that the Institute is now collaborating with the National Conference of Commissioners on Uniform State Laws in the matter of preparing Acts correcting the present law where it is deemed necessary. Work in this regard has progressed so satisfactorily that at the May meeting of the Institute tentative drafts of "The Law of Airflight" and a "Property Act" were submitted to the members for consideration and were discussed at some length. The members also considered during the three-day session a proposed final draft of certain portions of the Restatement of Torts and three tentative drafts of portions of the Restatement of Torts, together with two tentative drafts of the Restatement of Property and a tentative draft of the Restatement of Security.

Some time was devoted at the meeting to a determination of
the additional subjects which would lend themselves readily to Restatement. No definite decision was made, but the following subjects were considered in this regard: Domestic Relations, Evidence, Equity, Sales of Land, Admiralty, and Judgments.

The Committee feels that it should not close its report without expressing to the members of the Faculty of the University of Washington Law School its appreciation of the work which they are doing on the preparation of the Annotations, and we are particularly gratified that Dean Falknor has seen fit to give the work on the Restatement and on the Annotations a prominent place on the program of the Law School. His continued interest will mean much to us.

In conclusion, the Committee recommends that the Association continue its monthly appropriation of $35.00 toward the cost of this work, and that the Committee be continued.

S. Harold Sheffelman, Chairman
George Donworth
Paul P. Ashley.

Report of Legislative Committee

To the Board of Governors,
Washington State Bar Association.

The Legislative Committee of the Washington State Bar Association begs leave to report as follows:

Pursuant to the wishes of the Bar as expressed by the postcard referendum held in December of last year, your Committee submitted to the 1937 Session of the State Legislature appropriate acts abolishing the office of Constable, reorganizing the Justice Courts, and providing that a new promise to revive a debt barred by a discharge in bankruptcy must be in writing. The Committee regrets to advise that it was unsuccessful in securing the passage of any of these measures. The Committee is, nevertheless, of the opinion that each of these measures is meritorious, and that the Association should continue its efforts in procuring their adoption.

There was introduced into the 1937 Session of the Legislature, an act repealing the Integrated Bar Act. Pursuant to instructions received of the Board of Governors, the Committee did all it could to prevent the passage of this Act, and is pleased to report that with the assistance of many members of the Legislature and many other citizens, repeal of this highly beneficial piece of legislation was prevented.

It is the experience of the Committee over a period of years that it is essential to securing the enactment into law of any program in which the Bar is interested, that such program have not only the former official support of the Association, but that it have the actual and energetic support of the individual members of it. During the preceding year, the Committee attempted in a limited way to discuss with various local Bar Associations some of the legislative problems of the Bar, with a view to a better acquaintance by the Committee with the ideas of the Bar, and with the hope
that there might develop a greater interest in the local Bar Associations and with the individual members of the Bar in common problems. It is believed that the results on the whole were highly satisfactory, and that it is desirable that this practice be continued.

Unless an extra session of the State Legislature is called during the year 1937, and there is no present indication of it, there will be no session of the State Legislature in the year 1938. The Committee suggests that under these circumstances, this year might be devoted to a further study of various problems in which the Bar or individual members may be interested. The Committee will hold a special meeting at Bellingham on the 12th day of August, 1937 (immediately upon adjournment of the morning session of the State Convention). The Committee suggests that if any individual members of the Bar have any ideas or suggestions in connection with the new Legislature, that such ideas be submitted to the meeting to be held at the Convention, in person if possible, and if not, by mail.

Yours truly,

Tom S. Patterson, Chairman.

Report of Committee on Legal Education

June 15, 1937.

To the Board of Governors,
Washington State Bar Association.

While our state is well up with the majority in its educational requirements for admission to the Bar, yet we still have some serious questions to consider in order to progress.

We have heretofore called your attention to the need of investigation as to character and reputation of applicants before admission. Such investigation could probably be made through the local Bar Committees and their reports should be in the hands of the Board of Governors by the time the examinations are taken so that consideration can be given them before recommendations of applicants for admission are made to the Supreme Court.

Our Committee is still of the opinion that studying law through clerkships in law offices is not satisfactory, and we trust that eventually all applicants for admission will be required to complete a course in some approved law school. We realize that while such a rule would not affect many applicants, yet it may be difficult to get the court to now adopt the same, and we, therefore, repeat our former suggestion that all applicants be required to take at least one year's work in an approved law school, preferably the first year, and then, if the law school work is not continued, three additional years of study in a law office be required. The year in the law school would give the applicant a much better idea of how to study, and would be of invaluable service to him, and ordinarily he would be so impressed with the benefit of continuing, that he would complete his legal education in the law school.

One of the frequent criticisms we hear is that there is too much variance between the courses of study and examinations given in
the law school and the examinations given by the bar examiners. We are of the opinion that an examination under the auspices of the Board of Governors should be a prerequisite to admission, but think that a closer contact between the bar examiners and law school faculties would be of benefit to both. From the discussion our committee has had with representatives of the law schools and the Board of Examiners, we feel certain that such cooperation can be had.

We are also of the opinion, as heretofore expressed in our reports, that in border line cases consideration should be given by the examiners to a man’s standing during the years he has studied law. While in some cases this may be difficult to get, yet in most cases such information is easily obtained and we think its value justifies its use.

We think it proper to direct attention to a matter which is currently the subject of intensive consideration and wide discussion in legal education circles, namely, the proposal to increase the length of the standard law course from three to four years. It is the understanding of the committee that the proposal is receiving serious consideration by the Law Faculty of the University of Washington.

While our committee has not had the opportunity of sufficient study to arrive at any conclusion, we nevertheless feel it worth while to note a few of the pertinent facts and suggestions in reference to the proposal.

The law course was increased from two to three years at Harvard in 1877, at Yale in 1888, and at Columbia in 1896. It is suggested that if a three year law course was right 40 or 50 or 60 years ago, a minimum of four years of law school instruction is now needed. Within that period there has been not only a tremendous development in what may be roughly called the old fields of the law, but there have been created and are in the process of continual development many new and important fields or branches of the law, with respect to which it is thought the average practitioner of the future ought to receive some training and instruction.

This is particularly true in reference to the fields of Taxation, Trade Regulation, Administrative Law, Labor Law, and no doubt a good many others. In utility regulatory matters, Workmen’s Compensation controversies under both State and Federal laws, in tax appeals, and in a good many similar situations, the field of Administrative Law has taken on aspects of the most important character. The same thing is true in the fields of Taxation and Trade Regulation. Modern income tax law has, for instance, undergone its entire course of development within a comparatively few years. And with the appearance of the National Industrial Recovery Act and other legislation of a similar character which may be reasonably anticipated for the future, such legislation as the Robinson-Patman Act, and the various state fair trade laws, the subject of Trade Regulation has, it is suggested, assumed large importance for the average practitioner. The sponsors of the proposal feel that they are not far wrong in assuming that the average
practitioner of the future, if he is to advise and represent his clients intelligently and efficiently, ought, if possible, have some instruction in matters of this character.

At the University of Washington Law School, for instance, these matters are being taught and no doubt competently taught, but the fact of the matter seems to be that after the student has arranged his present three year schedule to accommodate the usual basic and standard law courses, he has little, if any, time left to take advantage of courses of the character mentioned.

Optional four year law courses have been offered for some time at the University of Minnesota and Louisiana State University. Beginning in the school year of 1938-39, the four-year course at the University of Minnesota will be compulsory for all law students, and within the last two or three months, the University of Chicago Law School has also increased its law course to four years.

As stated above, our committee has not sufficiently studied the question to come to any conclusion in respect to the propriety of the proposal, but it is nevertheless felt that the arguments in support of it are substantial and justify further and careful consideration.

In the last analysis, it is thought that the inquiry should be whether the advantages claimed for the proposal are sufficient to outweigh what may appear to be the disadvantages centering around the additional time and expense for the average law student in this community.

Respectfully submitted,
O. B. Thorgrimson,
Alfred J. Schweppe,
S. H. Kelleran,
E. E. Lowe,
J. H. Gordon,
Committee on Legal Education.

Report of Committee on Federal Legislation

To the Board of Governors,
Washington State Bar Association:

The 75th Congress has not adjourned and the report on its activities must necessarily be limited. The legislation most interesting to the members of the bar has not yet been enacted. The indications at the time of the making of this report are that the bill to change the membership and tenure of office of the Justices of the Supreme Court of the United States will not pass.

Supreme Court Justices have been granted the same rights and privileges with regard to retiring, instead of resigning, granted to other federal judges. They are subject to being called upon by the Chief Justice and by him authorized to perform such judicial duties, in any judicial circuit, including those of a circuit justice in such circuit, as the retired Justice may be willing to undertake.

Two additional circuit judges for the 9th circuit were authorized April 14th. Judges Albert Lee Stephens and William Healy have been appointed.
FEDERAL LEGISLATION

The provisions of the Seamen’s Continuous Discharge Book statute were amended, after the Atlantic and Pacific Coast tie up of trans-oceanic shipping last winter, to provide for either a discharge book or a certificate of identification in which no reference to the character or ability of the seamen may be entered. It is made a misdemeanor punishable by a $1,000 fine or a year’s imprisonment to require any seaman to possess, produce or carry a continuous discharge book who carries an identification certificate.

A revised Guffey Coal Act regulating interstate commerce in bituminous coal, has been passed in an effort to eliminate the unconstitutional features pointed out by the Supreme Court. A National Bituminous Coal Commission is provided for, together with a Consumers’ Counsel to represent the consuming public. Taxes of a cent a ton and 191/2 percent of the sale price are imposed. A coal code is to be promulgated by the Commission, fixing minimum and maximum prices and marketing rules and regulations. Washington, Oregon and Alaska are in Code District 23. Unfair methods of competition under the Code are listed and prohibited. Orders of the Commission are reversible in the Circuit Courts of Appeal. A liberal policy of the United States concerning labor’s hours, wages and working conditions in the coal industry is set forth and general duties are assigned to the Commission in the study and investigation of mine economic and safe operation, marketing, production control and allotment to districts. Its local application to Renton and Cle Elum will be awaited with interest.

The Administrator of the National Housing Act has, by an amendment, been authorized to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies and other such financial institutions against losses sustained as a result of loans and advances of credits and purchases of obligations for the purpose of financing the restoration, rehabilitation, rebuilding and replacement of improvements on real property and equipment and machinery thereon damaged by earthquake, conflagration, tornado, cyclone, hurricane, flood or other catastrophe in 1935-1939. Insurance is limited to 20 percent of advances and $100,000,000 liability.

The Governor of the Farm Credit organization is authorized to make loans to farmers in the United States, Hawaii and Puerto Rico for agricultural and livestock purposes on crop and livestock liens up to $400 at 4 percent interest. $50,000,000 is appropriated.

A Disaster Loan Corporation has been created with a $50,000,000 capital stock to be subscribed by the Reconstruction Finance Corporation, and all the assets, capital and net earnings of the Disaster Loan Corporation are to be loaned as it shall determine necessary or appropriate because of flood or other 1937 catastrophes.

Control of incipient or emergency outbreaks of grasshoppers, Mormon crickets and chinch bugs is provided for in a $2,000,000 appropriation, $1,000,000 of which is to be spent before June 30, 1938.
The neutrality joint resolution has been amended and extended and its provisions are particularly important in view of the recent complications arising out of the Spanish conflict. The President may embargo by proclamation of a state of war between or among two or more foreign states the exportation of arms, munitions and implements of war not only to those states but to other states that may become involved. He is further authorized to embargo other "articles or materials." The purchase or sale of belligerent obligations or the making of loans is made unlawful. American republics are excepted. All munition dealers are required to register with the National Munitions Control Board and pay a $500 fee for values over $50,000. Licenses are to be issued and suspended after presidential proclamation. No American vessel may carry munitions thereafter. Suspected vessels must give bonds and those violating the conditions of the proclamation may be interned. Ports may be closed to the submarines or armed merchant vessels of any foreign state and citizens prevented from traveling on any vessel of a belligerent state. American vessels engaged in commerce with such states are not to be armed.

An act has been passed designed to prevent speculation in Columbia Basin lands, subject to Grand Coulee Dam irrigation, which prevents expenditures of governmental appropriations on the project, outside of dam construction, until the making of an appraisal of all irrigable lands by the Secretary of the Interior, contracts have been entered into with irrigation districts providing for repayment of irrigation costs, limits have been placed upon ownership of irrigable lands to 40 acres, the sale of excess lands to the Secretary of the Interior at appraisal prices has been agreed upon and the consent of the State of Washington has been given to the application of the act to all lands within state jurisdiction.

A final report will be made of any additional acts of the 75th Congress of particular interest to the members of the Association at the annual meeting.

Charles S. Albert, Chairman
H. B. Jones
Ben L. Moore
Otto B. Rupp
Frank R. Jeffrey
Ben H. Kizer
Alfred J. Schwepppe
William M. Allen
R. J. Venables
N. C. Richards
Lawrence Bogle.

The Committee on Uniform Corporation Code desires to refer you to their report appearing in the July, 1935, State Bar Review.
Discipline and Disbarment

A. Action of Local Administrative Committees:
   1. Number of complaints heard before the Local Administrative Committees ........................................ 18
   2. Number disposed of by committees ........................................ 8
   3. Number recommended to the Board for trial ........................................ 3
   4. Number censured by chairman of Local Administrative Committees ........................................ 1
   5. Number recommended to Board for censure ........................................ 2
   6. Number of complaints pending ........................................ 4

B. Action of Legal Counsel:
   1. Number of complaints heard ........................................ 111
   2. Number of complaints recommended to Board of Governors for dismissal ........................................ 74
   3. Number recommended to Board for trial ........................................ 8
   4. Investigations pending ........................................ 29

C. Action of Trial Committees:
   1. Number of trials held ........................................ 9
   2. Number recommended to the Board for disbarment ........................................ 0
   3. Number recommended to the Board for censure and parole ........................................ 4
   4. Number recommended to the Board for dismissal ........................................ 4
   5. Number recommended to the Board for suspension ........................................ 1
   6. Number of trials pending ........................................ 1

D. Action of Board of Governors:
   1. Number of attorneys censured ........................................ 5
   2. Number recommended for disbarment ........................................ 1
   3. Number recommendations for disbarment pending ........................................ 0
   4. Number complaints dismissed ........................................ 4
   5. Number applications for reinstatement granted ........................................ 0
   6. Number applications for reinstatement denied ........................................ 2
   7. Number applications for reinstatement pending ........................................ 2

E. Action of Supreme Court:
   1. Number disbarred ........................................ 0
   2. Number suspended ........................................ 1
   3. Number pending ........................................ 0
   4. Number reinstated ........................................ 0
   5. Application for reinstatement denied ........................................ 2
   6. Applications for reinstatement pending ........................................ 2
   7. Appeals affirming recommendation of Board refusing licenses ........................................ 2
Auditor's Report

June 17, 1937.

Washington State Bar Association,
655 Dexter Horton Building,
Seattle, Washington.

Gentlemen:

We have audited your books for the year ending June 30, 1937, and have prepared a financial report. All expenses to June 30th have been taken into account.

EXHIBIT I—Financial statement of General Fund, July 1, 1936, to June 30, 1937.

EXHIBIT II—Financial statement of Special Account I (Admission to the Bar), July 1, 1936, to June 30, 1937.

We made a detailed audit of the cash receipts and disbursements and have no exceptions to report.

We verified the balances at the banks on June 30, 1937, by obtaining certificates from the banks.

The accounting work has been carefully and correctly handled.

Respectfully submitted,

E. J. Miner,
Certified Public Accountant,
(Member, American Institute of Accountants.)

EXHIBIT I
WASHINGTON STATE BAR ASSOCIATION
FINANCIAL STATEMENT OF GENERAL FUND
JULY 1, 1936—JUNE 30, 1937

BALANCE ON HAND, June 30, 1936 ........................................ $10,281.93

RECEIPTS

Dues, 1933—

Inactive Certificates Nos. 104-106
3 @ $2 .............................................. $ 6.00

Dues, 1934—

Active Certificate No. 2426
1 @ $5 ............................................... 5.00

Inactive Certificates Nos. 103-106
3 @ $2; 1 @ $3 ...................................... 9.00

Dues, 1935—

Active Certificates Nos. 2448-2449
1 @ $5; 1 @ $8 ....................................... 13.00

Inactive Certificates Nos. 103-106
3 @ $2; 1 @ $3 ...................................... 9.00

Dues, 1936—

Active Certificates Nos. 2400-2477
64 @ $5; 11 @ $8; 3 @ $3 ................................ 417.00

Inactive Certificates Nos. 110-116
5 @ $2; 2 @ $3 ...................................... 16.00

Dues, 1937—

Active Certificates Nos. 1-2380
2366 @ $5; 13 @ $8; 1 @ $3 ..................... 11,937.00

Inactive Certificates Nos. 1-105
104 @ $2; 1 @ $3 .................................. 211.00

$12,623.00

Transfers from "Admission to the Bar" Fund .................................. $1,575.00

Interest on Saving Accounts .............................................. 153.72

$22,904.93
## AUDITOR'S REPORT

### Sundry Items
- Advertising Income from State Bar Journal: $849.13
- Reimbursement of Expenses Paid for “Admission to the Bar” Fund: $189.43

**TOTAL** $26,266.44

### DISBURSEMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annotations to Restatement</td>
<td>$665.00</td>
</tr>
<tr>
<td>Expenses—Meetings of Board of Governors</td>
<td>$1,199.97</td>
</tr>
<tr>
<td>Committee Meetings and Expenses</td>
<td>$150.30</td>
</tr>
<tr>
<td>Unauthorized Practice</td>
<td>$73.15</td>
</tr>
<tr>
<td>Selection of Judges</td>
<td>$8.54</td>
</tr>
<tr>
<td>Legislative</td>
<td>$11.03</td>
</tr>
<tr>
<td>Federal Legislation</td>
<td>$48.43</td>
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<tr>
<td>Election Board</td>
<td>$9.15</td>
</tr>
<tr>
<td>Convention Expense</td>
<td>$464.26</td>
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<tr>
<td>Discipline and Disbarment</td>
<td>$2,250.97</td>
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<tr>
<td>Salary of Counsel</td>
<td>$1,800.00</td>
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<tr>
<td>Expenses of Counsel</td>
<td>$31.75</td>
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<tr>
<td>Trials and Hearings</td>
<td>$419.22</td>
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<tr>
<td>Miscellaneous</td>
<td>$659.95</td>
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<tr>
<td>Office Rent</td>
<td>$1,100.00</td>
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<tr>
<td>Postage</td>
<td>$745.64</td>
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<tr>
<td>Printing</td>
<td>$696.69</td>
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<tr>
<td>Salaries</td>
<td>$4,067.10</td>
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<tr>
<td>State Bar Journal</td>
<td>$1,302.92</td>
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<tr>
<td>Supplies</td>
<td>$240.43</td>
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<td>Telegrams</td>
<td>$43.05</td>
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<td>Telephone</td>
<td>$480.85</td>
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<td>Towel Supply</td>
<td>$22.20</td>
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<tr>
<td><strong>TOTAL EXPENSE</strong></td>
<td>$14,059.33</td>
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<tr>
<td><strong>Add:</strong></td>
<td></td>
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<tr>
<td>Refunds</td>
<td>$11.00</td>
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<tr>
<td>Office Equipment</td>
<td>$502.82</td>
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<tr>
<td><strong>TOTAL DISBURSEMENTS</strong></td>
<td>$14,603.15</td>
</tr>
<tr>
<td><strong>Balance in Bank, June 30, 1937</strong></td>
<td>$11,663.29</td>
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### ALLOCATION OF ESTIMATED EXPENSE FOR BALANCE OF YEAR

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Annotations to Restatement</td>
<td>$210.00</td>
</tr>
<tr>
<td>Board of Governors</td>
<td>$800.00</td>
</tr>
<tr>
<td>“The State Bar Journal”</td>
<td>$1,000.00</td>
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<tr>
<td>Convention</td>
<td>$900.00</td>
</tr>
<tr>
<td>Discipline and Disbarment:</td>
<td></td>
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<tr>
<td>Salary of Investigator</td>
<td>$900.00</td>
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<tr>
<td>Miscellaneous</td>
<td>$1,150.00</td>
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<tr>
<td>Miscellaneous Expense</td>
<td>$250.00</td>
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<tr>
<td>Postage</td>
<td>$300.00</td>
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<tr>
<td>Printing</td>
<td>$250.00</td>
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<tr>
<td>Rent</td>
<td>$300.00</td>
</tr>
<tr>
<td>Salaries</td>
<td>$2,100.00</td>
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<tr>
<td>Supplies</td>
<td>$100.00</td>
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<tr>
<td>Telephone and Telegrams</td>
<td>$275.00</td>
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<tr>
<td>“Unauthorized Practice”</td>
<td>$500.00</td>
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<tr>
<td>Committee Meetings</td>
<td>$200.00</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$9,735.00</td>
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</tbody>
</table>

**Leaving Estimated Balance on Hand January 1, 1938** $1,928.29
EXHIBIT II

SPECIAL ACCOUNT I

"AMISSION TO THE BAR"

Balance on Hand, June 30, 1936 ........................................ $2,854.52

RECEIPTS

Examination Fees, July, 1936 ........................................ 25.00
1 @ $25.00

Examination Fees, January, 1937 ................................. 750.00
26 @ $25.00
2 @ $50.00
14 Repeaters

Examination Fees, July, 1937 ........................................ 525.00
15 @ $25.00
3 @ $50.00

Motion Fees, July 1, 1936-July 1, 1937 ....................... 850.00
17 @ $50.00

Bar Association Dues Held Pending Admission .......... 20.00

Reinstatement Fees ............................................... 150.00
3 @ $50.00

$ 5,174.52

DISBURSEMENTS

Bank Charges ......................................................... $ .10
Refund of Fees ...................................................... 50.00
Bar Examiners ....................................................... 1,500.00
Delegate to National Conf. of Bar Examiners .......... 300.00
Expenses of Bar Examiners ..................................... 275.30
Printing and Stationery .......................................... 448.62
National Conference of Bar Examiners .................... 325.00
Miscellaneous ...................................................... 9.35

Proctors for Bar Examination .................................. 75.00
Washington State Bar Assn. (2 reinstatements) .... 50.00
Washington State Bar Assn. (4 Bar Assn. dues) ....... 20.00

TOTAL EXPENSES ................................................ $3,053.37

Transfer to General Fund ....................................... 1,575.00

TOTAL DISBURSEMENTS ........................................... 4,628.37

BALANCE IN BANK, JUNE 30, 1937 ......................... $546.15

The application for reinstatement of Harry E. Phelps of Tacoma,
having been approved by the Local Administrative Committee of
that District, was acted upon favorably by the Board of Governors
at their meeting on June 12, and the Board of Governors has rec-
ommended the reinstatement of Mr. Phelps to the Supreme Court.

Spokane County Bar Association Elects New Officers

The following were elected as officers of the Spokane Bar Asso-
ciation, at its meeting on June 4, 1937:

President, E. A. Cornelius.
Vice President, Paul F. Schiffner.
Secretary, Hart Snyder.
Treasurer, William V. Kelley.