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Bar Representation Before Legislature Proves Effective

As reported in your July issue of the STATE BAR JOURNAL, the Legislative Committee, instead of maintaining a lobby in the ordinary sense at the legislative session, determined to have a representative at the legislative session, whose function it would be to advise the legislators the wishes of the bar as to certain measures. In addition, it was contemplated that the representative at the bar could create good will by assisting the members of the legislature in drafting bills or amendments and conferring with them on matters of procedure and rules.

The committee was fortunate in having Mr. Richard B. Ott of Ritzville as its representative, by reason of his legislative experience, three terms in the legislature, during one of which he was acting Speaker of the House. Mr. Ott is eminently qualified for the position. Reports from legislators indicate that Mr. Ott's work was performed well and that excellent results were obtained. Here is his report:

As your official representative at the 1939 Session of the Washington State Legislature, I beg leave to report as follows:

Since this was the first session that the Bar Association ever sent an official representative to Olympia, the committee felt we should be conservative in our request, and ask for the enactment into law of only a few measures that had to do with correcting certain matters of general concern, and to avoid taking part in any controversial matters.

The bills that were actually drafted by the Legislative Committee and sponsored by it were as follows:

(a) Senate Bills Nos. 241 and 242, that corrected certain matters in the old law with reference to adoption of children.

(b) The committee desired changes in the present inheritance tax law, which would permit the prevailing party to recover his costs against the department, and also to bring to the local county any contest in appraisement of estates. Through the efforts of your representative, both of these matters were included in the Departmental Request Bill introduced by the department as H. B. 425.

(c) H. B. 221, authorizes the employer to pay to the surviving spouse, wages that may be due her deceased husband, without the necessity of probating the estate.

All of these measures have been enacted into the law, and can be found in the 1939 Session Laws:

Adoption—Chapters 162 and 163.

Inheritance Tax—Chapter 202.

Employer-Wages—Chapter 139.

There were certain bills introduced which we actively approved, being:

Free Legal Aid—Chapter 93.

Uniform Corporation Act, Chapter 143.

Uniform Trust Receipts Act, H. B. 322.

Although we introduced S. B. 313, designed to regulate unlawful infringement into the practice of the law, several other bills by individual members were introduced, all of which died in committee.

We actively opposed:

S. B. 290, Realtor's Bill.

S. B. 288 and 94, Proposed Changes in Jury List System.

H. B. 205, Small Claims.

S. B. 117, Motor Vehicle License Insurance.

S. B. 136, Privileged Communications.

H. B. 296, Change in Election of Judges.

S. B. 329, Repeal of Integral Bar Act.

H. B. 202 and 244, Fresh Pursuit Bills.

None of these bills which we actively opposed were enacted into law.

One of the purposes of sending a representative to the legislature was to attempt to build up good will between the bar and the members of the legislature and heads of the various departments at Olympia.

In this particular, I offered my services to members of the legislature in giving them advice on rules of procedure, and also information on the rules of order in both the House and the Senate.

For those who did not care to use the service of the attorney general's office, I prepared amendments to bills in which they were interested, and during the session, I prepared 42 such amendments.

Although our budget did not permit of employing the services of a secretary, your representative had contact with the bar by correspondence and the letter file discloses copies of 362 letters written during the session.

A complete set of the Senate and House bills was sent to the office in Seattle, and your representative received a complete set at his office in Olympia.

Each morning, as the bills were first read in the Senate and the House, your representative would read the bills, and if any were of particular interest to the bar, the bills were promptly reported to the chairman of the Legislative Committee; daily reports were furnished the chairman.

Early in the session, the Legislative Committee of the State Bar entertained at a program and dinner at the Olympian Hotel, the Judiciary Committees of both the Senate and the House. At this meeting, H. Sylvester Garvin, chairman of the Legislative Committee, spoke to the legislators on the "Legislative Program of the State Bar". Sam Brackett spoke on the subject of "Unlawful Practice" and Judge Roger J. Meakim of Seattle, on the "Benefits of Preserving the Integrated Bar".

Other members of the committee who were present and spoke in-

formally were J. Speed Smith, Owen Hughes, S. A. Gagliardi and Leo A. McGavick.

Members of the bar who were in Olympia in attendance in the supreme court, who attended the meeting, were Dana B. Heil of Spokane, Edward Connelly, Spokane; George Rummens and Joe F. Diamond, both of Seattle.

The legislators present all expressed an appreciation for the meeting and I believe it gave them a better understanding of the unselfish program of the bar.

In my official capacity as representative of the State Bar, I called on Ferd. Schaaf, director, Department of Public Service; Robert F. Waldron, director of Inheritance Tax and Escheat, and E. Pat Kelly, director of Labor and Industries. All of these department heads assured me that they would try to bring about a better understanding between them and the bar.

Robert F. Waldron has already shown his willingness to cooperate with the bar by including a part of our legislative program in his departmental request bill.

Ferd. Schaaf has promised to submit to the bar for its approval, rules of practice before his department, which rules will be similar to those of practice before the Interstate Commerce Commission.

The committee requested that I make recommendations for the guidance of the Legislative Committee at the next session; I would recommend:

1. That the legislative program of the Judicial Council, State Bar and Judges' Association, be joined together, and that one man be authorized to represent the entire group.
2. That the bills be prepared long in advance of the session, and that they be drafted by some person familiar with the rules of the Senate and House, so that they can be presented early in the session and thus assure early consideration.
3. That the program thus prepared be explained to the members of the legislature before they arrive at Olympia, by members of the bar in the various legislative districts.
4. That the members of the legislature be informed at home of the benefits to the public of the Integrated Bar Act, and that it is not a closed corporation, but a safeguard to the public.
5. That we do not sponsor any unlawful practice acts until there is a more urgent need for it, and that we have the endorsement of a majority of the members of the bar on the unlawful practice acts that the Bar Association will present.
6. That the financing of the program be handled through the Bar Association by increased dues, rather than voluntary subscriptions by a few firms.

In conclusion, I want to express my appreciation to the Board of Governors and to the Legislative Committee for honoring me to represent them at the session; I consider it a real honor to have been chosen to represent the State Bar, and I can assure you I did everything in my power to justify the confidence that was reposed in me.

I personally desire to thank H. Sylvester Garvin and J. Speed Smith, who gave much of their time and money to the furtherance of this program.

The Bar Association owes a debt of gratitude to John Sylvester, speaker of the House, and Edward J. Reilly, chairman of the House Judiciary. They both were exceedingly instrumental in furthering the bar program.

Senator Fred Duggan, chairman of the Senate Judiciary Committee, was solely responsible for seeing that the repeal of the Bar Act, S. B. 329, was killed in his committee.

We are grateful to Governor Clarence D. Martin, who approved all of the bar bills passed by the Senate and the House, and for vetoing the famous Vic. Meyers' Bill, which would have permitted any legislator, regardless of his educational attainments, to take the bar examinations for admission after having had three sessions in the legislature.

Respectfully submitted,

RICHARD B. OTT.