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Report of the Honorable Timothy Paul, President of the Superior Court Judges' Association

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especially for the general chairman of the convention, but we know from past experience that the job will be extremely well done, but it will take some help from each of us in every part of the state, which I know will be given.

I want to pay a compliment at this time and in this report, a well-earned compliment and a most sincere compliment; that compliment is to Will McLaren. He is the state delegate from the state of Washington in the House of Delegates, the voting delegate in that organization. Will has been acting as a state delegate for a great many years; he has been active in the internal affairs of that organization. There were times when he could have been president had he presented the situation but did not do so. He has been on the Board of Governors of the American Bar Association, and has served this state through the years, not only faithfully but with splendid results. There is complete unanimity and complete harmony among those who are trying to accomplish the second objective for the State of Washington—the first having been accomplished in that we now have the convention in our lap for 1948. There is complete harmony both in timing and in the process methods that we feel should be employed to accomplish the second objective, and that is, as you know, trying to elect Frank Holman from Seattle our representative and our boy, so to speak, as president of the American Bar Association for the following year.

I close this report, ladies and gentlemen, with the announcement, as you already know the accomplishment, so far as the first objective is concerned, of the convention in Seattle in 1948, with Tracy Griffin as general chairman. Second, that we feel under Mr. McClaren's guidance tremendous strides have been made this year towards the objective of putting Frank forward and we are very hopeful of electing him president of the American Bar Association. Thank you.

Report of the Honorable Timothy Paul, President of the Superior Court Judges' Association

My function here is only, as this is a joint session of the judges and lawyers, to tell you that the judges are here or ought to be here. Sometimes it is stated, "Why should the judges and lawyers meet at the same time and the same place?" I think it is very important that we meet; we learn each other and we also become conscious of our responsibilities to each other and of our joint responsibility to the public, and that is one of the most important things.

For 13 years we, together, have fought to keep the professional welfare workers from New York City, who would take over the control of children, the adoption of children, the management of dependent and delinquent children—and it has always been the women until this last year. The climax came when the 1945 legislature appointed an Interim Committee on juvenile delinquency. Of course it was all planned what they would do. Out of New York from the Professional Council of the National Probation Association came a ready-made bill that they said was standard all over the United States. They meant it is what they want to put all over the United States.

Now, we know that the state as such has no authority over children, delinquent or dependent, or not; the parents have the authority. Under our system of government the courts can not take any child from a parent unless there is a hearing, testimony taken and findings made that they either have no fit and proper home under any standard or that they are beyond the control of their parents. A case in Spokane recently was sent back—a very bad, delinquent boy; everybody knew it, but the court did not make a finding that they didn't have a fit and proper home or was beyond the control of the parents.

Now, this bill from New York had the nerve in its preamble to say that the state is the parent of all children and the state will never be unfair and therefore it is wrong to define by words what is a delinquent child or what is a dependent child; leave it to the state, that good father, headed by that Interim Committee with Rosellini at its head—they will never do wrong to our children. So this bill had as its core a State Department of Youth Protection with a director, and that director would appoint all probation officers for all the state, and a new set of courts. Think of it. In the State of Washington six judges divided over the state, to administer for the whole state that juvenile law, but when a judge couldn't get to his district a probation officer could sit as prosecutor and the judge. I agree they shouldn't have any definition. But they were going to let the probation officer decide what was best for the state. What would it mean? Their summer camps mean regimentation, just like your state welfare set-up now, each district, each county trying to spend as much as the adjoining county. For example, if the state director was going to have a summer camp he would tell Walla Walla, "You send thirty boys," and we report back we haven't got any delinquent children in Walla Walla County but the state department sends twenty anyway. That bill says they can, if it had

passed, that if in the judgment of the administrator of this set-up a child should be taken by the state and cared for they could do it. Their judgment was the law; now, just think of that. That Interim Committee spent over ten thousand dollars to put over that bill. The state paid it, the taxpayers paid it. They worked on the Parent-Teachers' Association, all organizations. They made a mistake in that they appointed a big advisory committee representing all organizations in the state and put George Simpson as chairman of that committee. That was a big mistake. George is pretty easy in the beginning but he always comes right in the end. So you had your legislative committee, you had Joe Barto as head of your sub-committee, we had a juvenile committee, Judge Denny of Everett, and before the legislature met they had meeting after meeting with Joe Barto, Judge Denny and Judge Simpson, so when the legislature met Joe Barto and Judge Denny and your Dick Ott were there. One of the best things in your whole organization is a paid representative at Olympia, and we help pay for him this time. We put up twenty dollars apiece. I don't mean to embarrass some of the judges who didn't put it up, but we did generally put it up. But the judges and lawyers alone defeated that bill. We defeated it after that interim committee had sent representatives over the state talking to the Junior Chamber of Commerce, even to Catholic organizations, think of it, the Parent-Teacher association, and the state paid it, over ten thousand dollars. And yet the lawyers, with just a few judges, defeated that bill in the legislature, kept it from coming out of the judiciary committee. Isn't that a magnificent service you have rendered the public? Why do the people do these things? They don't know. They are told that this is for the benefit of the children, they are not told it is putting over a foreign ideology, an un-American concept. Our doctrine is that the parents' authority is supreme. Courts can't go in and disturb a family, unless it is for the welfare of the children, not for some ideology.

Now, what should we do? Work together, educate the public. They are innocent. The public is the most innocent thing on earth. They want to do right, they want to know, but how are they going to know if we don't tell them. I say that with your legislative committee you should have another sub-committee that is educational. You should do more than just to try to defeat bad laws. We should go throughout the state and there should be a lawyer in every city to educate, talk to the people, have a representative to tell them of bad legislation.

One of the worst pieces of legislation we had to defeat was this interim committee, and we did it at Olympia with Dick Ott, Joe Barto and Judge Denny representing the lawyers.

At What Ages Should the Judges Be Retired?

by Nat W. Brown

I don't know why I was selected to discuss this problem. Probably it was because the members of the board knew me and they were operating on the old principle that "Fools rush in where angels fear to tread." Also it so happens that in our county we have no retirement problem on our hands. Fortunately our senior judge, who is now in his nineteenth year on the bench, is in his early fifties. Our other judge, Robert Willis, who is here, has put in ten years on the bench and I think he recently turned forty. So I can talk as I wish without fear from my court. It also happens that as nearly as I can remember I only have one case under advisement in the Supreme Court of the state. That case has been under advisement so long that I have been tempted to invoke the aid of the Grange, but I am afraid of the reaction if I do get Mr. Carson to write a letter.

Now, the reason why, in spite of the fact that I have so many friends in this audience that this might affect, the reason why I believe that our legislature could well and should provide for the retirement of judges at seventy or upon the expiration of the term of service during which they reached the age of seventy is because of the fact that the voluntary retirement law does not work either with the federal judiciary or with our state courts. The reason that it doesn't work is the precise reason why I believe the retirement should be compulsory, and that is after you reach a certain age you do not have the same judgment of matters and particularly of yourself that you have at an earlier age. Let me enlighten you by this: Approaching old age and the thoughts that go with it as to the man who likes to take a couple of highballs, before he has had a single highball he realizes that his capacity—it is three we'll say, and he knows that just as well as anything on earth, that he shouldn't go beyond three at the very most even at a bar convention, but too many of us after the third may discover that for once in our life we are wholly immune from the affects of alcohol and we are a darn sight better man than we were before we had the first drink and for that time we can take all we want and it won't affect us. That is what happens to not all of them, but too many of the