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AND

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ANNUAL MEETING

Minutes

The annual meeting of the Washington State Bar Association was called to order by President Munter on Friday, September 3, 1948, at 10 a.m., in the Washington Athletic Club, Seattle, Washington.

In accordance with a call for a meeting there was published in the July issue of the *State Bar News* the following: "Due to the fact that the American Bar Association will meet in Seattle during the following week, this meeting will be a business session only, at which time the Board will receive committee reports and dispose of any other business matters."

Mr. F. L. Stotler, a member of the Committee on Unauthorized Practice of Law, was present and reported in the absence of Mr. Freeman, the Chairman, on the work of the Committee, particularly the recent suit filed in Yakima in the name of the Association against the Washington Association of Realtors and certain individual realtors. A copy of the Committee's report was ordered printed in the *Washington Law Review* and summarized for the *State Bar News* publication.

Mr. O. D. Anderson, Chairman of the Code Committee, was present and read a report from Mark Wight, Chairman of the Statutory Code Committee, which report was ordered printed in the *Washington Law*

Review. A discussion followed in which it developed that Mr. Charles F. Riddell, retiring president of the Seattle Bar Association, advised the membership that during his term of office he had obtained from Mark Wight, State Law Librarian and Chairman of the Statutory Code Committee, sections of the proposed new code which he referred to members of the Seattle Bar Association who specialized in the particular practice of the portion of the code, with the request that they study the same and report back their findings and recommendations to the Board of Trustees of the Seattle Bar Association. Mr. Riddell further stated that after a proper length of time he called together the attorneys to whom the sections of the code had been referred, along with members of the Statutory Code Committee and Mr. E. W. Anderson, who is head of the Code Committee's staff. Some members of the Seattle Bar Association reported that in spot checking the material assigned to them for examination they found numerous changes in legislative meaning brought about by excessive and overzealous "revision." Mr. Riddell further reported that some of these gentlemen who had spot checked particular sections felt that the current draft was so inaccurate as to render it improvident to submit it to the 1949 session of the Legislature. A further discussion of this matter was passed to the afternoon session when Mr. A. J. Schweppe, a member of the Code Committee, could be present to answer some of the questions and advise the members in the premises.

Judge John Neergaard, Chairman of a subcommittee of the Legislative Committee, was present and discussed proposed legislation regarding a new Justice Code. A copy of this report was likewise ordered published in the *Washington Law Review*.

It was moved, seconded, and carried that a resolutions committee be appointed, and the President thereupon appointed Henry Elliott, Chairman, O. D. Anderson, and A. J. Westberg. This committee was asked to receive any resolutions and report back to the Board of Governors at 3 30 p.m.

The meeting then adjourned to a closed session of the Board and reconvened in general meeting at 2 p.m.

Mr. A. J. Schweppe, Chairman of a special committee on the compulsory retirement of judges and judicial pensions, was present and gave a report, which, he said, would be filed when signed by his committee. A copy of the report, when received, was ordered printed in the *Washington Law Review*.

Mr. Schweppe was then asked by the President to comment on the

status of the proposed new code. Mr. Schweppe stated that owing to the fact that he was the Executive Secretary of the Judicial Council, he automatically under the code statute became a member of the Statutory Code Committee; that he had taken the position since the very beginning that it was his duty as a member of the Committee merely to lay down policies and plans to be followed by the paid staff in the execution of the work and not to give detailed supervision to the work of the staff, which the Committee was authorized by the Legislature to employ for that purpose. Mr. Schweppe stated that he had also taken the position from the beginning, both orally and in writing, that the duty of the Committee was to arrange and compile the book; that any so-called "revision" was dangerous and should not be indulged in except on a minimum basis because of the great risk of changing the legislative intent even with the best intentioned changes; and that "revision" should be confined to "mechanical revision" such as eliminating duplications, breaking up long sections, etc., and not changing the language of the Legislature. Mr. Schweppe further stated that he was in entire accord with some of the members of the Seattle Bar Association who had checked the sections of the code; *i.e.*, that in view of glaring errors revealed by the spot check, the code should not be presented to the next session of the Legislature unless and until it had been carefully and independently checked on a comprehensive scale and found reasonably satisfactory. Mr. Schweppe stated that Mrs. Marian Gallagher, also a member of the Committee, had indicated that she shared most of his views, and that she had offered the facilities of the Law Library of the University of Washington if a group of the lawyers could be employed to check these sections prior to the 1949 session of the Legislature. He advised the members that he would keep the Code Committee of the State Bar Association fully advised so that they in turn could advise the membership in respect thereto.

Mr. H. Sylvester Garvin, Chairman of the Legislative Committee, was present and presented a report which is attached hereto and which has been ordered printed in the *Washington Law Review*.

At 3.30 p.m. the Resolutions Committee reported that they had received three resolutions and had acted upon them as follows:

1. *Code Revision and Recompilation Committee*

"We recommend to the Legislature of Washington that when the new code is adopted, the state itself publish it, either as an appendix to the Session Laws or separately, containing only the subject matter

of the new code and an index, without annotations, so that it may be used as a desk code to supplement any annotated code which may be privately published, and that copies thereof be furnished to all officials who receive the Session Laws and also be made available for purchase by the private members of the Bar."

It was moved, seconded, and carried that this resolution be adopted.

2. *Venue of Personal Injuries Action under Employers' Liability Act, known as the Jennings Bill, being House Resolution 1639*

"Resolved, That the Washington State Bar Association approve in principle the so-called Jennings Bill, being H.R. 1639, in the Eightieth Congress, Second Session, and if a bill effectuating the same result as that contemplated by said Jennings Bill shall be introduced in the next session of the Congress of the United States, the Washington State Bar Association directs its Committee on Federal Legislation to take such steps as may be appropriate to effectuate its passage.

"Be it further Resolved, That after the elections of November, 1948, when the results thereof shall have become known, said committee transmit copies of this resolution to both of the United States senators and all of the representatives in Congress from the state of Washington."

It was moved, seconded, and carried that this resolution be adopted.

3. *Re Judge William J Millard*

Resolution proposed by Charles F Riddell.

"WHEREAS, At the written request of the Prosecuting Attorney for Thurston County, Washington, the Attorney General of this state was required to investigate the conduct of William J Millard, one of the judges of the Supreme Court of this state, and

"WHEREAS, The Attorney General in his report of January 30, 1948 has found that Judge Millard solicited and received loans from various parties who were then interested in litigation then pending before the Supreme Court of which Judge Millard was a member, and further found that Judge Millard had issued and cashed checks which the bank returned N.S.F., and

"WHEREAS, The Board of Governors of this association was furnished at its request with a copy of said report by the Attorney General, and

"WHEREAS, The Board of Governors after considering the report passed a resolution reading in part as follows:

the Board does state that it believes (1), that it is the duty of the Bar to vigorously disapprove personal conduct of a member of the Court which casts discredit upon that member and upon the Court and (4), that the final disposition of such matters must rest, with the electorate, acting either at the polls or through the legislature.

and

“WHEREAS, The said conduct of Judge Millard disqualifies him from holding a position on the Supreme Court of this state, now, therefore

Be it Resolved by the Washington State Bar Association, in convention duly assembled, That we condemn said conduct by Judge Millard and urge his defeat at the coming election.”

The Committee reported as follows:

“The foregoing resolution concerning Judge Millard has been carefully considered by your Committee. While your Committee is of the opinion that if a judge solicits and receives loans from persons who are then interested in litigation then pending before the Supreme Court of which he is a member, he is guilty of conduct unbecoming a member of the Court and merits the condemnation of the Bar. This Committee does not undertake to say this Association should participate as an Association to defeat any such judge.

“We furthermore call your attention to the fact that a number of members attending this convention have raised a question of the competency or propriety under the limited call for and attendance upon this convention and the short time for discussion, of those in attendance to attempt to speak for the Washington State Bar Association upon this matter. Because of this serious question, this Committee does not recommend the adoption of the resolution.”

Mr. Elias A. Wright moved that the report of the Resolutions Committee be approved. Mr. Charles F. Riddell moved to amend the report of the Committee to provide that the report of the Committee be approved on the ground that the streamlined convention did not represent a cross section of the Bar and that the consideration of a motion at this time would not be fair. A motion was then made to table the entire matter. This motion passed by a standing vote.

The annual meeting of the Washington State Bar Association was then adjourned by the President, and the Board of Governors again went into executive session.