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Report of Resolutions Committee

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REPORT OF ADVISORY COMMITTEE ON THE CODE

BY VON TANNER

Mr. President, members of the Bar Association, I am presenting this report at the request of Mr. Anderson, the chairman of the committee. The report has been published in the *State Bar News* and I will assume that you have read it.

The effort to obtain a codification of the statute law of this state started in 1941, and after several years, during which a numbering system and a title arrangement was formulated, in 1947 the text was produced just prior to the meeting of the 1947 Legislature.

The Committee of the Bar Association, the Legislative Committee of the Association, and a majority of the compilers agreed that it wasn't fit for enactment into the law. The Committee was continued for two years. During 1948 a number of lawyers obtained copies of the compilation or copies of certain titles and it was, after considerable investigation, concluded by the Bar Committee that the so-called Legislative Code was not yet in shape to justify passage.

The Committee appeared before the Judiciary Committees of the Legislature and finally a bill was passed appropriating some money for further work, which the Governor vetoed. It was assumed that Bancroft-Whitney would then be free to go ahead with the publication of a compiled code. However, the Legislative Council has set aside a small sum of money and have advised Bancroft-Whitney that they are going to do some more work on the Code, and that's where the matter stands. If there is anyone who has any questions, I would be glad to try to answer them.

REPORT OF RESOLUTIONS COMMITTEE

BY OTTO B. RUPP

Your Committee on Resolutions begs to report as follows: Four matters had been submitted up to noon of this day to the Committee for its consideration.

The first one relates to the picketing of courts, judges, jurors, witnesses, or court officers. At a recent meeting of the Board of Governors of the American Bar Association, President Holman was authorized to appoint a committee to support passage of two pro-

posed bills, H.R. 5647 and S. 1681. The Bar Association Committee filed reports approving such legislation and the members of the Committee appeared before the Joint Committee of the House and the Senate and testified in favor of the bill.

The Senate and House Judiciary Committee have reported favorably upon this legislation. The Senate Bill, as amended by the Senate Judiciary Committee, is, so far as is material, as follows:

Whoever with the intent of interfering with, obstructing or impeding the administration of justice or with the intent of influencing any judge, juror, witness or court officer in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied by such a judge, witness, juror, or court officer, or with such intent uses any sound truck or similar device or resorts to any other demonstrations in or near such building or residence shall be fined not more than \$5000 or imprisoned not more than one year, or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States of the power to punish for contempt.

In the report of the Senate Judiciary Committee, it is stated that the practice of picketing courts is of recent origin and has been employed solely in connection with proceedings involving alleged Communist Party members or Communist sympathizers; that at the time of the opening of the current trial of the Communist Party leaders in the federal District Court in New York City the newspapers carried accounts of the picketing conducted by large crowds outside the court building; that similar occurrences took place at the federal District Court in Los Angeles last winter during contempt proceedings arising out of an investigation of the Communist party activities; that at least in one instance the residence of the judge has been picketed. That when an argument was being heard in the Los Angeles case in the Court of Appeals in San Francisco, not only was the building picketed, but a sound truck was employed outside the building and created so much noise that it seriously interfered with the ability to hear the proceedings inside the building, requiring the court to dispatch the marshal to put an end to the disturbance. As the Senate Judiciary Committee stated, the passage of this legislation will prevent interference with the courts by picketing crowds and allow persuasion to remain in the hands of those to

whom it properly belongs, namely, counsel of the parties' choice and, in the place where it belongs, within the courtroom.

Your Committee, therefore, is unanimously of the opinion that the following resolution should be adopted: "Be it resolved by the Washington State Bar Association that it approves S. 1681 as amended and urges its speedy enactment and that be it further resolved that a copy of this resolution be sent to our representatives in the House and Senate of the United States."

There was also submitted to the Committee the following resolution (As this was mentioned a while ago, we might as well have it out.) "Whereas, the several states have always reserved to themselves fundamental rights over the development of natural resources in the adoption and acceptance of the federal Constitution, and whereas it is proposed to enact federal legislation creating corporations known as River Authorities or River Administrations which place the development and control of our natural resources under the exclusive jurisdiction of the federal government to the exclusion of all enforceable rights and control of the states with respect thereto and contrary to our traditional constitutional system of government, and whereas such federal corporations if authorized and created will control the entire local economy of the region affected to the impairment of and the exclusion of the rights of the individual citizens thereof,

"NOW, THEREFORE, it is resolved by the Washington State Bar Association, convened in Seattle, Washington, as follows: That the underlying principles of the River Authority Plan of control and development of natural resources is destructive of the rights of the States involved, and is inimical to the best interests of the inhabitants thereof.

That federal legislation creating such River Authority, which excludes enforceable state rights over its natural resources and the property rights of its citizens — in whatever language it may be couched—is unalterably objectionable and is hereby opposed. That copies of this resolution be sent to the Governor of the state of Washington and to the members of our Congressional delegation."

The third proposition is that of the Washington State Medical Association. They submitted to us as a resolution relative to the compulsory Health Insurance Bill now pending in Congress.

That resolution, however, contains statements the accuracy or in-

accuracy of which your committee is unable to determine. For instance, it is said that all compulsory health insurance enactments anywhere in the world resulted in the decline of national health. I don't know whether that is true or not. However, the Committee is opposed to any form of compulsory health insurance to be administered by the federal government, and it suggests to this Association the approval of the following resolution.

"Be it resolved by the Washington Bar Association that it opposes the compulsory health insurance measure now pending before the Congress of the United States or any form of compulsory health insurance to be administered by the federal government, and be it further resolved that a copy of this resolution be sent to each senator and representative of the State of Washington."

The Grays Harbor County Bar Association submitted to your Committee a formal resolution requesting the State Bar Association to draft legislation to be presented to the state Legislature at its next session which legislation would provide a full-time paid worker under the jurisdiction and control of the Superior Court judge presiding over the family court, as an extension of the services rendered by such family court and whose duty and responsibility should be to assist the Court in a proper enforcement of support-money judgments for minor children and an alimony judgment for former wives in both divorce and separation cases.

Your Committee does not favor the passage of such a resolution and is opposed to the enactment of the legislation proposed by the Grays Harbor County Bar Association. Now, that is the report of the Committee, signed by all of the members of the committee with the exception of Mr. Hamlin of Spokane, whose wife is ill and who was unable to be here at the time the report was formally drafted.

Since 11.30 this morning there have been some additional resolutions presented to the Committee—one presented by Mr. Henry, the title of which is a resolution recommending the passage of legislation designed to safeguard the rights of persons compelled to testify before legislative fact-finding committees and persons who are defamed by witnesses who appear before such committees. I may say that there is some language in that resolution with which I personally would agree and with which I think the other members of the committee would agree. Personally, I am opposed to this thing of dragging a man before a committee, never permitting him to ask

any witness a question, never giving him the benefit of any counsel. But this resolution goes far beyond any such enunciation of principle of that character and the committee therefore takes no action on that resolution.

Another resolution, submitted about 2.30 today, is one which I think might be germane for action on the part of this Association. It states in substance that, "The Board of Governors of the Washington State Bar Association shall, within ninety days from the date hereof, select and employ one or more executive assistants whose duty shall be to supervise, manage and operate the State Bar Association under the direction of the Board of Governors."

Now, obviously, that is not the entire resolution, but that is the substance of it. Now, obviously, a resolution submitted at half past two in the afternoon, unless it involves no controversy of any kind, is not the kind of a resolution which this Committee, all of whom are gray-haired, would adopt or recommend for adoption or rejection.

There is another resolution proposed by the Legislative Committee, but that deals with this revised Code. I take it that the action of this convention relative to the revised Code, or what you have heard about the revised Code, is enough without any resolution. That being the duty of a special committee, the Committee on resolutions takes no action with reference thereto.

I move, therefore, Mr. President, if you please, the adoption of the Committee's Report.

UNAUTHORIZED PRACTICE OF LAW

BY GEORGE E. MATHIEU

The matter of practice of law by laymen is the constant concern, not only of the Washington State Bar Association, but of 180,000 lawyers in the United States. The Bar is in reality a partially self-policing and self-regulating body which, together with the courts, establishes and seeks to maintain the standards for admission to practice and norms of ethical conduct. Through centuries of experience it has been found that insistence upon such standards of moral and legal attainments is essential to the administration of justice and is in the public interest.