

# Washington Law Review

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## Editor's Notes

Hugh McGough

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AND

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## EDITOR'S NOTES

Professor Milton D. Green, faculty adviser of the Law Review for the past six years, has left Condon Hall to become Dean of Washington University Law School in St. Louis. When Professor Green was appointed to the Review in 1948, his position was "Editor-in-Chief." He immediately renounced the title, became "Faculty Adviser," and for the first time put editorial policy in the hands of the students. Since that time, the editorial board has consisted of a practically autonomous group of students. Unquestionably, the value of the Review as an educational tool has been multiplied by the reform. The increased student interest has added to the quality of their articles. Professor Green instituted a change for which we and the future members of the board owe him thanks.

The comment on employees in dual activity is one of a contemplated series of articles on various phases of the Workmen's Compensation Act. It is hoped that they will be of some aid to the proposed committee which is to redraft the Act. The maze of inconsistency and confusion resulting from much legislative patchwork and no comprehensive revision, anything but alleviated by the reshuffling of the RCW compilers, is illustrated by the recent cases of *Latimer v. Western Machinery Exchange*, 40 Wn. 2d 155 (1952), reversed on rehearing, 142 Wash. Dec. 693 (1953) and *Pink v. Rayonier*, 40 Wn. 2d 188 (1952), reversed on rehearing, 142 Wash. Dec. 705 (1953). The earlier cases were unanimous departmental opinions. The same judges wrote the *en banc* decisions, also unanimous, which reversed the earlier decisions. The court was dealing with an anomaly, employers with no employees. At present, such self-employers are eligible for benefits under the act, contrary to the prior interpretation by the Department of Labor and Industries. Such eligibility, however, does not of itself preclude an action in tort against a third person employer covered by the Act, contrary to the assumption of appellant, respondent and the court in the departmental hearing of the above cases.

HUGH MCGOUGH