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## REPORT OF BOARD OF GOVERNORS

By Alfred J. Schweppe, President

The Board of Governors of the Washington State Bar Association is under the statute the executive agency of the Association. We have what is known under our statute as an integrated bar. The powers of the bar are vested in the Board of Governors by statute, with the right of the Board of Governors to make such rules for the governing of the Association as it deems expedient for that purpose.

The Board of Governors is selected, as you know, from each of the six congressional districts for staggered terms of three years. The President is selected by the Board of Governors and holds his office for one year, and he is an *ex officio* Member of the Board and has the power to preside at the meetings and carry out the directions of the Board for that term, and has no power to vote unless there is a division. And I desire to say that this year at least this particular President has had no occasion to exercise the voting power. That shows the unanimity with which this Board functions.

The Board of Governors has many meetings which you are not aware of, but the Board on the average meets once a month, one or two days, and sometimes special meetings have to be called to deal with the particular problems to which the Board addresses itself under the statute.

First, is admission to the Bar. The admission to the Bar under the State Bar Act is one of the administrative functions of the Board of Governors, subject to final review by the Supreme Court. The Board passes upon the qualifications of the applicants for admission, administers the rules governing admission, and appoints the Board of Bar Examiners which examines the applicants. The Board acts on the report of the law examiners and then recommends to the Supreme Court those who, in its judgment, are qualified to practice law.

May I assure you, ladies and gentlemen, that the particular job of passing on the applicants, not only from the State of Washington but from all over the United States, whose previous records have to be screened, takes a substantial amount of the Board's time.

The second function of the Board which takes a large portion of its time, and probably the greatest portion of its time, is the matter of discipline. The volume of this work is considerable.

May I say first, under the statute and the rules which relate to admission and disbarment, which rules are also approved by the

Supreme Court, the machinery for investigation of complaints by the public about lawyers is under the jurisdiction of the Board of Governors.

In each Judicial District there is a Local Administrative Committee composed of three or more lawyers who have the duty of investigating complaints at the local level. If that committee thinks that the complaint is unfounded it may recommend to the Board of Governors that it be dismissed from further investigation and dismissed. If the administrative committee makes a report to the Board of Governors that action is required, the Board of Governors reviews the matter, and if it agrees with the Local Administrative Committee, it sets the matter down for trial. The trial is held before a Trial Committee of three consisting of one Member of the Board of Governors other than from the district in which the complaint is lodged and two other disinterested lawyers. When the trial is completed before a court reporter, and with full participation of counsel for the Association and of counsel for the person charged, the Trial Committee reports its findings and recommendations to the Board. The Board then acts on the findings and orders either a dismissal or reprimand or reference to the Supreme Court for suspension or disbarment.

Now, to give you some idea of the volume of work from April 1st, 1954 to August 31st, 1955, I call your attention to the fact that during the last Association year eighty complaints were acted upon by the Board of Governors. Forty-seven were dismissed on recommendation of Local Administrative Committees. Eight were held for further investigation. Six were referred for trial. Two lawyers were reprimanded. One was referred to the Legal Ethics Committee for an opinion. One resignation was accepted. One was suspended and has not been reinstated, and there was one recommendation to the Supreme Court for disbarment. That record is in Olympia awaiting action. There are eleven cases pending before the Board.

You will note from the fact that there were eighty complaints which reached the Board and that the Local Administrative Committees and the Board itself have been busily working throughout the last year.

In that respect I would like to make known to the lawyers who are present the vast volume of work that this entails not only by the Local Administrative Committees but also by members of the Board of Governors, who give probably one month of their professional life each year to the work of the Association and countless hours of their time passing upon this particular phase of their professional work

because in every particular case each member makes it his business to learn all the facts before he decides what should be done. I want to call your attention to the fact that in reviewing the work of the bar associations throughout the United States throughout a period of years, it was the opinion of the President of the American Bar Association that he found in this state one of the finest plans for investigation and discipline of alleged misconduct by lawyers existing anywhere—a pattern so good that it is now going to be considered for jurisdictions in which it is legally possible to do so.

Judge Orie L. Phillips, of the Circuit Court of Appeals, Tenth Circuit, said at Bellingham two years ago that one of the fine things of the Washington Bar Association procedure is that the rights of the lawyer at every stage of the proceedings and of the complainant at every stage of the proceedings are fully protected.

All disciplinary hearings are private. They are executive sessions for the reason that our Board of Governors believe that the charges against a lawyer are not to be publicly aired until after complete investigation at all stages it is found that he should be disciplined by way of suspension or disbarment. He has right of counsel and to subpoena witnesses and to be fully heard at all stages. It is only if it is determined by the Board of Governors that the offense is one for which substantial discipline in the form of suspension or disbarment is required that the record becomes public on being filed with the Supreme Court for final action.

It is an excellent plan and protects the lawyer against the consequences of untoward publicity where he may be innocent of any wrongdoing. The fact is that many complaints are made against lawyers as a result of misunderstandings, some by professional crackpots, and some by disappointed litigants because they have lost a case, in which although they have been well-represented, they think their loss is the lawyer's fault. All these complaints are very carefully screened, and when a hearing is held, a full statement of facts is taken so that it can be carefully considered. It is a very important responsibility.

Under our rules there are three stages of the investigation for the protection of the lawyer. First, the Local Administrative Committee investigation at the local level; second, if the report of the local committee appears *prima facie* to call for a trial, there is the trial before a trial committee of three before a court reporter; the trial committee making formal findings and recommendations which, third,

then goes to the Board of Governors for final review and recommendation to the Supreme Court. You are all aware, of course, that the Board of Governors has no final power of discipline or disbarment. That power is in the Supreme Court.

I want to say that ours is one of the best disciplinary plans in force anywhere.

To highlight procedures in some other places my attention was called about six weeks ago to a suit brought by a lawyer in one of the Eastern States against a local newspaper that gave untoward publicity to a charge which was brought against him in that state, and which was finally dismissed as without foundation. He sued for a large amount of damages because his practice had been ruined, because that charge was held over his head and was publicly aired in the press until it was finally disposed of in his favor. His suit for damages went up to the appellate court which held that he was without redress. The appellate court held that even though the charge against him was given such damaging publicity he had no redress, and that it could not give him any relief.

I want to assure you that passing on complaints against lawyers is one of the most important things that the Board of Governors does, and all of us are indebted to the Board for the high-minded and careful manner in which it performs that particular function.

There are some other matters that have been accomplished by the Association during the past year that I want to call to your attention.

May I say parenthetically that I will not detail all of the work of the committees of the Association. Most of the reports have been published in the Washington State Bar News, and some particular ones will also be before you in this convention. I am going to highlight to you matters which I think you as Members of the Bar are particularly interested in and not go into detail on matters that will be otherwise covered.

One of the important accomplishments was the work of the Legislative Committee, headed by Colonel Orndorff of Spokane. He will make a report to you. I will say that during the past year Colonel Orndorff has done an especially fine job, and George R. Stuntz, of Seattle, has done one of the most effective jobs of getting through the legislative session bills that were deemed to be in the special interest to the bar, and in blocking bills that were deemed unwise.

We have a Legal Ethics Committee which does a great deal of hard

work. In the course of the past year, it was called upon for eight opinions, some of which have appeared in the State Bar News.

We have the Committee on Unauthorized Practice, which has done a tremendous work in the past year. It has met and worked out agreements with the banks as to the work that falls within the field of the lawyers. May I say that an agreement has been reached and a set of rules has been transmitted to the banks which we are advised are very acceptable. Among other things, a bank's lawyer can advise a bank, but he should not advise a customer of the bank who would not otherwise come to him.

A similar set of rules was worked out with the escrow and title companies. Moreover, a good many conferences were had in the past year with committees of real estate men for the purpose of working out legitimate areas of law practice in that field.

In connection with the latter, may I say this, that no program of unauthorized practice can be carried out by any state bar association or its committees without full approval and support of the local bar associations. That is true of all state associations. We can develop a plan and burn midnight oil, but every plan to be made effective in the state has to be supported by members of the local bar association in that community.

With respect to the real estate conveyancing we found that some lawyers at least merited criticism because when called upon they did not render efficient and timely service for people who are interested in reasonably quick transferral of property. We have advised the local bar associations to give this matter consideration, and that this criticism is not entirely unfounded, and that we must be proficient in rendering that service. There will be a further report upon this subject, and I bring these comments to your attention on behalf of the Board of Governors because of the prodigious amount of work done by that committee during the past association year. I will say further that the Committee on Unauthorized Practice has instituted certain criminal and civil proceedings in this state where the conduct was so aggravated that it did not seem to be within the realm of innocent malpractice.

Our Public Relations Committee has done an outstanding job. Those of you who have registered at the desk have seen the pamphlets which were distributed under the auspices of that committee. That committee has caused to be published in the newspapers of the state articles on legal problems that a layman ought to be advised about.

The manner in which the Committee on Continuing Legal Education functions, you have had an opportunity to see at this convention. The Committee on Continuing Legal Education, under the outstanding leadership of Clarence Coleman, has put on an enlarged program of continuing legal education for lawyers after they have become members of the Bar, in order to enable them to keep abreast of the current legal problems so that they may more accurately advise their clients. I am delighted to say that during the past year the expense that committee has gone to in furthering continuing legal education for lawyers has far more than paid for itself within a relatively short time.

The Committee on American Citizenship has accomplished much. It has been in constant communication with the educational institutions in the state and with public institutions for the purpose of furtherance of the American form of civil law and order. The Chairman of the Committee, Mrs. Helen Graham Greear of Bremerton, who is here in the front row, has advised me that that program cannot function properly unless all the members of the local bar associations become active in their communities and have a realization of their responsibilities by virtue of the fact that they hold a public license to practice, and recognize that they have a duty to further the program and undertake the supervision in their own local area.

There are committees on the program who will speak for themselves, and I will not highlight at this moment what they have to say.

I would like to give you this further information about the operation of the Board of Governors. As you know, the executive office of the Association is in Seattle, headed by our able Executive Secretary, Mrs. Alice O'Leary Ralls, together with her staff who are conducting the convention. The Board of Governors holds most of its meetings at Seattle where the permanent records are. However, the Board has from time to time accepted invitations from the local bar associations, if it happened to fit in with the local program, to hold meetings of the Board of Governors in other cities, and to meet with the local associations. At the same time the Committee on Continuing Legal Education has put on legal institutes of the type you have seen here at Yakima. I pass on that word because if there are members of local bar associations present who in the next calendar year would like to invite the Committee on Continuing Legal Education and the Board to come there, the Board of Governors, within reasonable limits, will

probably accept those invitations because I believe it is important that the Board of Governors acquaint the Bar throughout the State with the work of the association.

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ADDRESS OF THE PRESIDENT

Alfred J. Schweppe

Last week I had the privilege, and so did some of the other persons here present, of attending at Philadelphia one of the greatest meetings probably ever held by the American Bar Association. There is probably no place which is more ideal, except from a weather standpoint, for holding a convention of the American Bar Association than the historic City of Philadelphia, where the Declaration of Independence was written, where the first Continental Congress met, where the Congress of the United States and the Supreme Court sat for ten years before they were removed to the District of Columbia, and where the Liberty Bell hangs, and where much of the history of American liberty has its setting.

It was a distinguished convention in many ways. There were outstanding lawyers from all states of the United States. There were very distinguished judges from the Supreme Court of the United States, the federal circuits, the several states and of the Court of Appeals of England, and many past presidents of the American Bar Association.

Probably most significant, the meeting was addressed by the President of the United States, by the Chief Justice of the United States and by the Vice-President of the United States, all on the occasion of the American Bar Association's observing the Two Hundredth Anniversary of the birth of John Marshall, at whose funeral the Liberty Bell tolled for the last time, and then cracked, its duty done—to remain a silent but eloquent memorial to the firm establishment of liberty under the constitution.

To bring you some idea of how important the recent Philadelphia meeting was in the national scheme and for the organized bar as such, I want to highlight one or two things that the President said in his address. The President spoke of the troubled world in which we are living, of the awakening in many peoples of an avid interest to choose for themselves what type of law and order they want for their own