Address by Judge Robert T. Hunter, President of the Superior Court Judges' Association

Robert T. Hunter
More recently we had an illustration of constitutional government and the independence of the courts in the Steel Seizure Cases decided about four years ago, in which the strong majority held that the President of the United States had no authority to seize the steel mills in order to settle a wage dispute, although we were at the time engaged in a military action in Korea.

Those decisions are important landmarks of liberty under the Constitution.

In the last analysis the torch of freedom and the torch of law and order has to be borne by the courts. May I read a paragraph by a very important person whose name you will instantly recognize, written in 1908, when he was a very outstanding scholar in constitutional government. The statement is as follows:

So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse. Its laws are only its professions. It keeps its promises, or does not keep them, in its courts. For the individual, therefore, who stands at the center of every definition of liberty, the struggle for constitutional government is a struggle for good laws, indeed, but also for intelligent, independent and impartial courts.

Those words were written by Mr. Woodrow Wilson in 1908.

Implementing that statement, I offer this: That while the keystone of constitutional liberty is intelligent, independent and impartial courts, those intelligent, independent and impartial courts cannot function without the aid of the Bar, and, in these days without the aid of the organized Bar. The courts are drawn from the Bar, and the Bar is the profession by which justice is forged in the courts. A government by law without lawyers is an impossibility. The alternative is men who are above the law and a law unto themselves.

So I say, in conclusion, when the Bar marshals its forces in the common struggle for the improvement of the administration of justice in those portions of the world which we still like to call free, we have the opportunity and the duty to prove to the world that our system of liberty under law is the best system that man has so far devised.

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ADDRESS BY JUDGE ROBERT T. HUNTER
President of the Superior Court Judges’ Association

You know, it is quite an occasion for a judge — at least that is the way I feel about it — to be invited to speak to a group of lawyers.
You know, ordinarily the judge has a feeling that when he speaks, those of the lawyers who listen, listen by compulsion rather than by invitation; and I have some reason for feeling that way about it, because it seems to be my experience in the courtroom that the lawyers are quite jealous of their prerogative of monopolizing the conversation in the courtroom.

Not long ago in Grant County we had a case where the attorneys on both sides were interrogating the witness, and there seemed to be a rather difficult question presented, and they weren't really getting right to the meat of it as far as I was concerned, and so I volunteered to help. I started to ask a question, and one of the attorneys said, "If the Court please, if Your Honor is asking that question on behalf of the opposing counsel, I object to the question; if you are asking that question in my behalf, I withdraw the question."

Now, I am not going to talk very long but I would like to say a few words to the members of the Bar this afternoon just in reference to what we are doing over here in the other part of this building. I thought you might be interested to know something about what we do in our executive sessions of our Judges' Association meetings.

Yesterday, believe it or not, we had practically all of the judges in the State of Washington in one courthouse working at the same time. We have our association broken down into about five standing committees which function the year around. We set aside the first afternoon of our session so that these committee can hold their final deliberations and make their reports to the general session the following day. They will make these reports today. I should like to refer to these committees.

We have a Committee on Public Institutions and Juvenile Delinquency, headed by Judge Joseph Wicks of Okanogan County. We have a Legislative Committee, which is headed by Judge Ralph Foley of Spokane. We have a Committee on the Survey of the Workload of the State and Equalization and Assignment of Judges, headed by Judge Ted Turner of Seattle. We have a Committee on Rules, headed by Judge Henry Clay Agnew of Seattle, and we have a committee with an unusually dignified name. It is a Committee on Uniformity of Dignity and Procedure. Now, you might be particularly interested in that committee because one of its functions is to encourage uniformity of procedure and practice in the trial courts throughout the state. For instance, when attorneys from Yakima County come over to Grant County we don't want them confronted with some new function or new
wrinkle in the trial practice that they never heard about in the practice in Yakima County.

We are considering some very important matters. We have two matters under consideration that I thought you would be interested in. One of the questions of particular moment that we are concerned about is the giving of some relief to the work-load in the supreme court of this State.

Now, as you know, the judges of the supreme court have been extremely busy for some time. We have talked about this question for five or six years, and there has been nothing done about it; and you also know that the supreme court judges are only human, although probably on occasions I have wondered about that one. But we must keep in mind that if the work-load continues to increase in our supreme court, conditions could become very serious insofar as the successful functioning and operating of that court is concerned. Of course, the first reason why we should give the relief is to guard against nervous break-down, heart attacks and possibly stomach ulcers; but even more important than that in the over-all picture is the efficient functioning of the court for the benefit of the public. Our judges on the supreme court can do only so much, and unless we do something about relieving the work-load, we could get in a dangerous situation, namely, having a one-man appellate court passing on a one-man trial court below. Of course, if that should happen, the only reason for the existence of a multiple appellate court would be gone, namely, the composite judgment of a number of men on the decision below.

The Association of Judges is very much concerned about this heavy load upon the supreme court. The State of Washington Judicial Council, of which I have been privileged to be a member for some six years and also upon which I have had the privilege of serving with your president, Al Schweppe, has placed this matter on the top of the agenda and has given it top priority for consideration and study for the coming year. The Superior Court Judges' Association has made its recommendation that a special committee be appointed on the matter of relieving the work-load on the supreme court, to work in conjunction with the State Judicial Council. It is our hope and anticipation that that matter will be considered seriously by the State Bar Association so that these bodies will all be in a position to screen ideas and suggestions, and ultimately, before the next legislative session, come out with one solution for the relief of the work-load. Then we can get behind it and try to obtain it from the next session of the legislature.
Now, another matter which we are concerned about in our Association is the protection and advancement of the administration of justice in the courts of the State of Washington.

At the last session of the legislature there were some twenty-four bills that the Judges’ Association was watching, some of which we indorsed, some of which we opposed. There were probably many other bills that we did not even know about that were being considered by the legislature affecting the administration of justice in the State of Washington, because as you know the legislature is a tremendous operation and things are sometimes moving so fast that it is difficult to keep in touch with everything that is going on. But we concern ourselves and feel that it is the duty of the Judges Association, as we feel that it is the duty of the Bar Association of this state through its legislative committee, to see to it that there is no bill considered by our legislature concerning the administration of justice in this state about which our legislators have not had the benefit of the thinking and views of the Judges’ Association and the Bar Association, and which does not also have the backing of the Judicial Council of this state.

We are most fortunate in the State of Washington in that the legislature has a substantial number of our able attorneys in it, and we are particularly fortunate in having our two judiciary committees of the House and the Senate, the Judiciary Committee in the House headed by the able counselor Fred Dore, who is here at my right, and the Judiciary Committee in the Senate headed by Bill Goodlow of your organization; and not only that, we are privileged to have these committees manned by a substantial number of able lawyer members. I know that the members of these judiciary committees of the legislature will cooperate with us. They always welcome any assistance they can get insofar as knowing the views of the Judges’ Association, the bar, and the Judicial Council in all these matters. And before I forget it, I want to mention also that we are particularly privileged in this state in having such able representation of the Bar Association and the Judges through the full-time representative of the Bar during legislative sessions. In this connection I certainly wish to mention the name of our very able lawyer, George Stuntz, who did such a good job for the bar and the bench at the last legislative session.

Our Association is recommending that a special committee of three judges be appointed for the purpose of screening all of the bills submitted during the legislative session. We are also subscribing to the
bill digest service which is the best service we know of in keeping absolutely abreast of every item of business touching the matters with which the Judges' Association and the Bar Association are concerned.

In addition to that, the legislative committee has recommended that the dues of the judges be increased sufficiently so that our legislative committee, and all of our committees so far as that is concerned, but particularly our legislative committee, during the legislative session will be in a position to meet conveniently on weekends for the purpose of considering these important matters and conveying their views to the members of the legislature.

We also contemplate having a committee formed for the purpose of making a study of all judicial matters, the improvement in the administration of justice in this state, and to report back during the next year, and to closely work with the Judicial Council and the legislative committee of the Bar Association of this state.

That just about closes my observations on what we are doing. We are really doing a lot of work over there, and I want also to let this be known, that our standing committees are committees which function regularly during the course of the year, and the expenses are paid through the dues of the judges themselves and not through any appropriation of the state. I want that understood.

Now, in behalf of the judges—and I think we are all unanimous in this—you cannot find in any place any better fellowship than where we have an opportunity to fraternize and participate in the affairs of the fellow members of our profession. I think that we should not forget the incalculable contribution that the legal profession has made in furnishing its leadership throughout the years in forming and perpetuating our Government and institutions, not only in our communities but also in our state and in our nation, and also constantly contributing to the solution of the ever present problems of our fellow man. I feel that our fellow man in this community and our state is going to have an increasingly high regard for the square judgment and leadership of the members of the Bar in our respective communities.

In closing, I want to say that we certainly appreciate the hospitality we receive here in Yakima. I don't know how any bar association could roll out the carpet more ably than has been done here in Yakima, particularly when the members have thrown open the doors in their homes for our enjoyment and entertainment. And, Mr. President, I want to wish you a successful meeting, as I know you are already
having. I want to thank you particularly for this opportunity of being called upon. I will now have to get back to my duties at the meeting on the other side of the building.

Report of the Committee on the Foundation Fund
Mr. F. A. Kern

Mr. President, Ladies and Gentlemen of the Washington State Bar Association: I want, first, Mr. President, to congratulate you on that splendid report that you have just made to us. You told us about the great work that had been done by various committees and the Board and others, but there was one that you overlooked mentioning, and I want you to know that as a Past President who has been through the mill, I am sure I express the sentiment of every lawyer in the state, that we deeply appreciate the work which you have done during the past year as President of the Washington State Bar Association.

At your last convention you passed a motion and resolution calling upon the Board of Governors to take such action as it seemed best to result either in this Association or a State Bar Foundation owning its own headquarters building.

That is a matter, Ladies and Gentlemen, which I must state is very close to my heart. Your committee considered the methods that other state associations and state bar foundations adopted who had considered this problem. We found that there were over twenty odd states that were in some stage of organization in connection with obtaining their own headquarters building. In some of these states such as New York, Texas, New Jersey and Illinois the work had been accomplished and a bar headquarters building had been completed. In other states such as Minnesota, Michigan, Iowa, Ohio, Missouri, Indiana, Rhode Island, Wisconsin, Colorado, Connecticut and the District of Columbia, a definite plan had been adopted and these organizations are raising funds for a headquarters building, while in still other states such as California and Oregon committees have been appointed for this purpose but no definite plans had been adopted when these bar associations had been last contacted.

Now, I thought you would be interested in what the two west coast states are doing more than what any of the other states are doing. So, I called up the Secretary of the State Bar Association of California at