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## Report of the Committee on the Foundation Fund

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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.

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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

San Francisco, and also the Secretary at Portland of the Bar Association of the State of Oregon.

The Secretary of the Bar Association of the State of California said that they were going ahead with their plans and program, that they had decided they would build two headquarters buildings, one at Los Angeles and the other at San Francisco. Of course, we would expect California to do it just a little bit different from any other state.

In the State of Oregon they were going along just like we are. They had formed a committee, and this committee was going to report at the next meeting, but the Secretary assured me that they had definitely decided to go ahead on a building program.

Now, your committee first considered under what entity, if we had a building, that we would function; and naturally you would expect that would be done under our State Bar Association. But the trouble with that is that our State Bar Association is an agency of the State of Washington, and that would mean that if we put up a building, that building would belong to the State of Washington, and technically the State of Washington could tell us where we could put that building and for what purpose we could use it. And so your committee decided that we should have a separate organization, and that separate organization should be a bar organization.

Now, your committee, like every other organization that has considered this proposition, came to the conclusion that extreme care should be used in deciding on the objects that you would have in your incorporation papers in regard to the lawyer foundation, and the reason for that is that if you make a donation towards owning a lawyer headquarters building you will want to know that that is a donation that is being made to a charitable organization for a charitable purpose, and that we can get credit on our income tax for making that donation. And so your committee has suggested a number of objects that should be put in the articles of incorporation.

One is the preservation of the American constitutional form of government. Second, is the improvement of relations between members of the bar and the public. Third, is advancement of the science of jurisprudence through legal research, and the diffusion of knowledge thereof, and the continuing education of lawyers. Fourth, is the acquisition, preservation and exhibition of rare books and documents having legal significance, or bearing on the administration of justice. And, fifth, in addition to such specific powers and purposes named above, the corporation should have broad general power to buy and other-

wise acquire real and personal property and receive gifts and bequests, and to convey, sell, or otherwise dispose of such property, and to invest, reinvest and deal with the same in such manner as in the judgment of the directors will best promote the purposes of the corporation.

As far as membership in this organization is concerned, your committee feels that every Member of the Bar Association should *ipso facto* be a member of the bar foundation.

In regard to trustees, your committee was of the opinion that there should be seven members of the board of trustees, and of this number three should be the three immediate past presidents, and the remaining four should be elected by the membership at its annual convention.

The officers would be just the same as the officers of any other corporation and would be selected by the board of trustees.

Now, then, there were a number of suggestions in the way of raising funds. The committee was very much impressed by what the little State of Rhode Island has done. They started in by informing the Bar of the State of Rhode Island that any member who desired to have his name as one of the incorporators, might, by making a donation of not less than \$100.00, become one of the incorporators, and the Bar of the State of Rhode Island raised over \$2500.00 by so doing. And in the State of Missouri they did the same thing. They have raised quite a large sum in the State of Missouri just in connection with having donations made and becoming incorporators of the organization.

So, the committee feels that quite a substantial sum could be raised if this were given wide publicity here and also in the various counties. We would try to get just as many members as possible to become incorporators and to make such donations.

Another way in which money has been accumulated for this purpose has been through the wills that have been made by various lawyers for this purpose, and the committee feels that the attention of all lawyers in this state should be called to this matter.

Now, in Texas and New Jersey and some of the other states they have found that the most effective means of raising money was by memorial contributions for deceased members of the bar. In the State of Texas they raised over one hundred thousand dollars by having the names of deceased attorneys of the Texas Bar Association, on a plaque at the headquarters building.

Now, as far as any campaign for funds is concerned, the committee feels that that should be up to the board of trustees.

Then, as to the location of the headquarters building, and as to the amount of funds that they should try to raise, they feel that the decision on those matters should be left to the board of trustees.

The committee realizes that there are a great many difficulties to be overcome but it does feel that we should start in on a definite program and with the definite date in the future of when we should expect to acquire our headquarters building.

So, Mr. President, to sum up the suggestions that your committee make, they are as follows:

1. That the convention recommend to the Board of Governors the organization of a bar foundation.

2. That the work be done to acquire just as many incorporators as is possible.

3. That the formation of the bar foundation with carefully drawn objects and purposes, with seven trustees consisting of three immediate past presidents and four elected by the members of the convention.

4. That the funds to be raised by payment of incorporators, bequests, and memorials and by such other means as may be determined by the trustees. And that, finally

5. The aim should be towards steady progress towards headquarters building construction at a certain definite time.

Thank you.

Editor's note: Mr. Kern moved the adoption of the committee's recommendations to the Board of Governors. The motion was carried. Thereupon the President informed the Convention that Mr. Kern, immediate Past President of the Association, had made the initial contribution to the Bar Foundation Fund in the amount of \$1,000.00.

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#### REPORT OF THE STATUTE LAW COMMITTEE

Mr. Harry Ellsworth Foster

Mr. President, Ladies and Gentlemen of the Association and Guests: When the Revised Code of Washington was approved by the legislature in 1949 a committee of distinguished lawyers urged the Governor to veto the Act. The Governor acceded to the requests of that committee and vetoed the Act. At the meeting of the Board of Governors in October following the resolution was unanimously adopted asking Bancroft-Whitney Company to publish another code. I am advised that upon that invitation Bancroft-Whitney embarked upon that project and had expended over \$50,000.00 in the program when the