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Report of the Statute Law Committee

Harry Ellsworth Foster

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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.

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

Board of Governors and legislative council made a slight appropriation for the work on the code. Whereupon the publishers announced that it would not engage in competition with any state in the publication of its own code, and abandoned the project.

The temporary code committee proceeded to print and sell the revised Code of Washington. Many of you are laboring under the delusion that the present committee is responsible for that monstrosity, or even that the present reviser and his staff are responsible for whatever you may want to call that. I am pleased, however, to assure you that your representative on the Permanent Statute Law Committee had no part in that enterprise, nor has the present reviser's staff or the reviser himself, any responsibility for the original printing of the Revised Code of Washington.

I assure you that the reviser, Mr. Richard White, and his staff, are finally undertaking to carry out the mandate of this Association to eliminate all of the innovations and to achieve our aim of having the Revised Code of Washington contain only a reliable printing of the law as enacted by the legislature, instead of someone's idea of what the law ought to be.

Now, the integration of the 1955 Laws in the code is just about complete. That is going to involve an approximate printing of 2100 out of 6,000 pages in the present books. That is a tremendous task. We expect to have that in your hands at a cost of approximately seventeen dollars.

Now, the legislature in this session slashed our appropriation terribly. It has been necessary, in consequence, to reduce the staff. After the reorganization of the Statute Law Committee in 1953 we started out with the first title and the first section, checking it against all of the session laws to be sure that it contained only the law as enacted by the legislature, and that all innovations were eliminated. I thought, originally, that our principal difficulty was going to be to determine whether textual changes had altered the legislative meaning in some fields of the law. We were able to form a judgment but there were many fields of law in which we were entirely unable to form an opinion as to whether those changes had affected the meaning of the law, and so we formed a program of putting in the Revised Code of Washington the law as enacted by the legislature.

Now, I discovered something everytime I picked this up that I didn't know. I informed you at the Spokane meeting that there were several

terrible things and illustrated it by slides. There is no occasion this year for an extended bill of particulars.

I can assure you that the first volume of the code is almost complete and that we anticipate before the end of this year to be able to start the reprinting of the first volume of the code, and when that is achieved it is our hope and expectation that we can say to you that the first volume of the code is a reliable printing of the law, and that you can rely on it.

Now, there is no saving to the state in denying the Statute Law Committee sufficient funds to complete the work. I don't know how long it is going to take to finish this job. Mr. White expressed to us last night the view that it can probably be finished now in four or five years. If the legislature will give us the funds in its next session to augment the staff, the work can be achieved within the next biennium. The University of Washington Law School has greatly helped in that program.

As Chairman of the Advisory Committee on the Code in 1951, I asked the Board of Governors to make us an appropriation sufficient to compile a schedule of variances showing the variances in the codes. The Board of Governors said that they would like to do it but they didn't have the funds, and requested that we submit the matter to the two law schools. Acting Dean Harsch was able to get an appropriation from the University of Washington of \$2500.00 and that was augmented to the extent of \$500.00 by the book publishing company, and those are now in the reviser's hands, and I believe if we had the staff, that work could be completed within the next four or five years.

The original printing of the code was twenty-five hundred sets. There remains in our hands now approximately 130 sets. Until recently they have been going at the rate of about twenty per month. Mr. White told me yesterday that the present rate was about twelve per month, and so we have on hand approximately one year's supply, after which a re-printing will be necessary.

Mr. Cole, the President of Bancroft-Whitney Company, spent yesterday evening with me, and at long last, I am in hope, we will get some help from an experienced publishing house. Now, none of us has had any experience in printing problems. Mr. White is a very efficient reviser and enjoys our full confidence, but every time I go up there he is spending his time not on the work of the reviser of the Revised Code of Washington, but in solving some printing problem. I think that the biggest help that we could possibly have is to free the

members of his staff from handling all the printing problems and allow them to devote their attention entirely to the work of the revision.

Now, before the next year we must consider and dispose of the problem of reprinting the entire code, and because this is not going to be permanent, the revision work has not extended before beyond the first volume. We decided that it would be advantageous to do that by the offset process. As, if and when the revision is complete, I have hopes, as a result of our conference yesterday with the President of Bancroft-Whitney, we may have a printing by a reliable publishing house of a complete annotated code, but we cannot have that until the revision work is entirely completed.

Now, one thing that engrossed the attention of both the Advisory Committee and the Members of the Statute Law Committee is the plan invoked in Wisconsin. I don't know very much about printing nor do I ever hope to know very much about printing. The State of Wisconsin owns the type for the code. That type is standing there at the conclusion of every legislative session and the session laws are integrated in the code and an entirely new code published and placed in the hands of the lawyers at a very nominal fee. I am advised that the current price of the complete Wisconsin code is only \$12.50.

The State of Wisconsin owns the type and instead of the resetting they just change the slug and at the end of each session there is a complete reprinting of the statutes of the state, and it is placed in the hands of the lawyers, I am advised, for only \$12.50. The public printer has assured us that if we acquire that type that he will store the type without charge, and we hope—we are flirting with the idea going through the bi-annual reprinting of the entire statute law of the state and giving it to you for what we hope will not exceed the present cost of the biennial supplement. If we achieve that goal we believe we will have accomplished a phenomenal result, and whether it is possible or not we do not know. The President of Bancroft-Whitney told me that the cost of publishing was subsidized very highly by the State of Wisconsin and that the cost of the code does not represent the true cost of the publication.

Now, Mr. Grosscup has written a report of the complete activities of the Statute Law Committee during the past year and that has been mimeographed and has been made available for all of you.

I think that is the Committee's report.