

Washington Law Review

Volume 31
Number 4 *Annual Meeting of the Washington
State Bar Association*

11-1-1956

Address by Judge Robert J. Willis, President of the Superior Court Judges' Association

Robert J. Willis

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>

Recommended Citation

Robert J. Willis, Address, *Address by Judge Robert J. Willis, President of the Superior Court Judges' Association*, 31 Wash. L. Rev. & St. B.J. 314 (1956).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol31/iss4/3>

This Address is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

- 12:00 Law School Alumni Luncheons.
 2:00 Annual Meeting of the Washington State Bar Association, Wedgwood Room.
 Judicial Council—"Expediting the Work of the Supreme Court."
 Committee Reports—
 Communist Activities Committee—Kenneth P. Short, Seattle.
 Juvenile Problems Committee—Joseph A. Barton, Seattle.
 In Memoriam—Elias A. Wright, Seattle.
 Resolutions Committee—L. L. Thompson, Tacoma.
 7:00 Annual Bench and Bar Banquet, Crystal Ballroom.
 Toastmaster: Honorable George H. Boldt, Tacoma.
 Invocation: Reverend William C. Woodhams, Tacoma.
 Address: "Shall Advocacy Vanish?"—Mr. J. A. Gooch, Fort Worth, Texas.
 Introduction of new President of the Washington State Bar Association.
-

The Annual Meeting of the Washington State Bar Association was called to order by President Harold W. Coffin. The Rev. James V. Linden, Regent of Gonzaga University, gave the invocation. Mr. Rush E. Stouffer of Tacoma welcomed the members of the association and Mr. Fred C. Palmer of Yakima responded. Mr. L. R. Bonneville of Tacoma acted as parliamentarian on Friday, August 3. Mr. Hilton B. Gardner of Tacoma served as parliamentarian on Saturday, August 4.

ADDRESS BY JUDGE ROBERT J. WILLIS

President of the Superior Court Judges' Association

You might be interested in some of the things we are doing or attempting to accomplish within the Superior Court Judges' Association. Only one of our seven standing committees, that on judges' retirement, deals exclusively with matters that are peculiarly of interest to the judges themselves. The other committees—those on rules, juvenile delinquency, public institutions, improvement of the administration of justice, uniformity of dignity and procedure, and legislation—are concerned with, as their names imply, many different subjects of vital importance to the state and of interest to its citizens.

Our association, like yours, is interested in supporting the reasonable requests for appropriations that come from the several correctional and custodial institutions of the state so that they all will be enabled to do their work more efficiently and thus perform a better service for those unfortunate individuals, both adult and juvenile, who fall within their protective care.

We attempt through our rules and legislative committees and through our Committee on Uniformity of Dignity and Procedure to improve our laws and remove therefrom the inequities which experience has discovered.

We have in our association this year a new committee entitled "For the Improvement of the Administration of Justice," which, under the spirited leadership of Judge Ward Roney of King County, has accepted the challenge inherent in its title and is directing its energies and the influence of the Association toward that end. Acting on the theory that the supreme court is also interested in the improvement of the administration of justice, we superior court judges invited the Chief Justice to name one of the members of the high court as a member of that committee. Accepting our invitation, Chief Justice Hamley appointed Judge Finley to so act and he has been a valued member of the committee from its inception.

We enjoy these conventions just as you do. We always accomplish something of benefit to the courts and usually to the state and its people. We enjoy renewing acquaintances both among the judges and among the members of the bar. And then we like to commiserate our fellow judges about how poorly we are paid in comparison with the lawyers, many of whom, we are satisfied, are not nearly as smart as we are. All in all, we accomplish something and we have a lot of fun.

If I were to leave you with a more serious thought, it would be to commend the work you have done and are doing toward encouraging the adoption in our state of more simplified rules of practice and procedure patterned after the Federal Rules of Civil Procedure. Since common law pleading days, the tendency has ever been to cut through the red tape and eliminate the technicalities that tended to prevent the disposition of cases upon their merits, and Washington has come a long way toward that objective. Many of the federal practices have already become part of our rules and, I am informed, more liberalized rules may soon be expected, for instance, the elimination of some of the steps formerly held to be jurisdictional in perfecting an appeal. It does seem harsh, does it not, that a litigant should be deprived of the possibility of an appeal on the merits because the court reporter became ill or because his attorney neglected to file the statement of facts until the 91st day?

It has been a long time since I have appeared as an attorney in federal court, but I am informed that the judges there would just laugh at the motions to make more definite and certain which take up a substantial part of our time on motion day. I am told that the attor-

neys there would be directed to use the discovery processes available to them to get before trial the information they deem essential, the result being that the attorneys themselves work out the problems involved in requests for more definite statements rather than taking the time of the court for such a purpose.

I note in the Federal Rules of Civil Procedure that an approved form of complaint in a negligence action requires the following allegation only as to the defendant's negligence:

On June 1, 1936 in a public highway called Boylston Street in Boston, Massachusetts, defendant negligently drove a motor vehicle against plaintiff who was then crossing said highway.

You can well imagine how such a plea, sufficient in the federal court, would immediately provoke a motion to make more definite and certain under our state practice in which the defendant would seek a court order requiring a more particular statement of the complaint as follows:

1. A statement of the time on June 1st when the collision occurred.
2. The exact location including the name of intersecting streets, if any, where the collision occurred.
3. A more definite statement of the alleged negligent driving of the defendant, stating specifically, and in detail, the alleged acts or omissions constituting the alleged negligence.
4. A description of the motor vehicle allegedly driven by the defendant.
5. A statement of the direction in which the defendant's motor vehicle was traveling immediately before the collision and the speed at that time.
6. A statement of the direction and manner in which the plaintiff was proceeding immediately before the collision and his exact location upon the street at the time he was struck.
7. A statement as to whether or not the plaintiff was crossing in a crosswalk and, if so, whether he was entirely or only partially within the crosswalk when struck and whether he was crossing the street at right angles or in a diagonal course and, if so, to what extent.

I am sure that most of you of any trial experience will know that I am not exaggerating, for you have probably had just such motions

interposed against your pleadings and you have made a few motions of that kind yourselves.

Involved in such a practice, as you well know, is the taking of the time of at least two lawyers and the court, as well as the waiting to be heard which is usually encountered on motion day.

I know, as you do, that many of the complaints in our cases need greater specification and more particular statements of the facts constituting the alleged causes of action. For instance, I have in mind a complaint in a case tried in my court a few years ago in which it was alleged that the plaintiff was in possession of a herd of 16 cows that were giving milk under an oral contract of October 16th. I merely say that if the defendant really wanted to ascertain whether the cows actually had made such a contract, there should have been a better way to find out than by the seemingly inevitable motion to make more definite and certain.

My plea, therefore, is that if such wasted motion has been eliminated from the federal court scene by the simple expedient of requiring the lawyers to divulge such matters to each other outside of the court room and without the aid of a court order, the same could and should be accomplished in our state practice. If it should be so accomplished, we would be able, as are the federal judges, to dispose of our dockets with greater dispatch.

It has been a real pleasure to appear this afternoon as one of your guest speakers. I bring you greetings from all the judges and our best wishes to you for a most successful convention.

REPORT OF THE BOARD OF GOVERNORS
and
ADDRESS OF THE PRESIDENT

Harold W. Coffin

It is a custom of long standing in the Washington State Bar Association that the president make an annual report and make some remarks concerning any subject-matter that he may wish. This has always been done at the annual meeting. I assume it is comparable to a president of a corporation speaking at the annual meeting of stockholders.

Your Board of Governors meets approximately once a month during the year to dispose of matters of business involving the association. The greater number of meetings this last year were held in Seattle,