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Report of Resolutions Committee

John S. Moore

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the past, have shown that this entire fund, if created in that manner, would be dissipated within a year. We feel that should do it by the process of insurance until such time as a fund has been created which will either take care of amounts in excess of the liability amounts that I mention, or pay the whole.

[Whereupon, the motion was voted upon by standing vote and carried.]

Mr. Jack Whitmore of Seattle reported for the Committee on Insurance. The report of the Board of Trustees of the Bar Foundation was delivered by Mr. DeWitt Williams of Seattle. The association delegate to the House of Delegates of the American Bar Association, Mr. Joseph Gordon of Tacoma, reported on the meeting of the American Bar Association in Miami, Florida, held on August 18-28. Mr. Elias Wright of Seattle delivered the memorial address in honor of members of the association who passed away during the year. The list of members so memorialized appears on a subsequent page.

REPORT OF RESOLUTIONS COMMITTEE

John S. Moore, Chairman

The first proposal that we submit is as follows:

WHEREAS, for the success of this 1959 convention the Washington Bar Association is deeply indebted to many individuals and organizations to whom we wish to express our appreciation. Now therefore,

BE IT RESOLVED that this Association hereby expresses its sincere appreciation and thanks to the officers and members of the Spokane Bar Association, the Women's Auxiliary of the Spokane Bar Association, the people of the City of Spokane and all other parties and persons unknown who labored so diligently and successfully in making the 1959 convention so outstanding and enjoyable.

BE IT FURTHER RESOLVED that the Association particularly thanks the ladies in Spokane who have royally entertained our visiting wives during this convention.

BE IT FURTHER RESOLVED that the Association extends its gratitude and appreciation to our visiting colleagues, the Honorable John E. Murray, the Honorable John D. Randall and the Honorable Walter S. Owen, who have contributed to much to the success of this convention.

I move the adoption of this resolution. [Whereupon, the motion was seconded, voted upon and passed unanimously.]

MR. MOORE: The next proposal that we submit requires that I give you a little background. It comes to us from the Grant County Bar Association and the Okanogan County Bar.

It seems that sometime previously the Ethics Committee submitted an opinion, number 68, which ruled that it was improper for city attorneys of cities of the third class to represent, that is those attorneys who prosecute criminal cases for those cities, to accept the defense of a criminal action in the superior or justice courts. This was reviewed by these men in the central Washington area where there are rather small bar associations, and under the circumstances it resulted in an impossible situation.

For instance, in two of the counties under this rule there would be one attorney in the county who could accept the defense of criminal cases in superior and justice courts. And in others the percentage was twenty-five per cent or something like that.

The proposal as submitted, of course, I think demands some action because of this situation. The Resolutions Committee, rather than seeking the complete setting aside of the proposed opinion, submits the following resolution:

WHEREAS the Ethics Committee of the Washington State Bar Association heretofore ruled by Legal Ethics Opinion No. 68 that it is improper for a city attorney of a city of a third class who prosecutes criminal cases for the city to accept the defense of a criminal action in the superior or justice courts; and

WHEREAS, the strict interpretation and application of this rule regarding the city attorneys for the cities of the third and fourth class would be unjustly discriminatory as to some attorneys and would unduly limit criminally accused persons in obtaining defense counsel without regard to the problem of the conflict of interest; and

WHEREAS, it is deemed essential that such ruling be limited to prohibit only such conduct wherein a conflict of interests might logically arise; now therefore

BE IT RESOLVED, that such ruling embraced in Legal Ethics Opinion No. 68 of the Ethics Committee of the Washington State Bar be and the same is hereby modified and limited to read as follows:

It is improper for a city attorney of a city of the third or fourth class who prosecutes criminal cases for such city, to accept the defense of a criminal action in any justice court or police court of the city which he represents.

[Whereupon, the motion that the resolution be adopted was seconded, voted upon by rising vote and lost.]

MR. CONIGAN: I now move that the matter be referred to the Board of Governors and by them for such study as suggested by ex-president Palmer.

PRESIDENT O'LEARY: I interpret the motion to be that the matter be referred to the Board of Governors of the Washington State Bar Association for study and report.

[Whereupon, the motion was voted upon and passed.]

MR. MOORE: Here is the third and last resolution, without comment or anything else because I personally have very little knowledge of it.

WHEREAS recent studies and reports have indicated that the administration of justice by the courts of the State of Washington might be improved or made more efficient through the creation of an intermediate appellate court or by the creation of a system whereby superior court judges might sit upon the Supreme Court *pro tem* in order to assist the Supreme Court in expediting its work, and

WHEREAS, our Association has a duty to investigate and search for methods of providing more efficient operation of the courts of this State, now therefore

BE IT RESOLVED, that the Board of Governors of the Washington State Bar Association be and it is hereby requested to appoint a special committee to investigate and study the need and desirability of providing a system for permitting superior court judges to sit on the Supreme Court to assist in expediting the work of that Court and the need or desirability of an intermediate appellate court.

[Whereupon, the motion to adopt the resolution was seconded, voted upon and lost.]

Mr. Elias Wright of Seattle moved that the meeting adjourn. The motion was carried.