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Hilton B. Gardner

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welcomed the members. Mr. Rush E. Stouffer, of Tacoma, member of the Board of Governors, responded.

REPORT OF THE BOARD OF GOVERNORS

AND

ADDRESS OF THE PRESIDENT

Hilton B. Gardner

We now have an active membership of approximately 3400 members in the State of Washington. We have had 130 admissions during the year. Two of them were attorneys admitted and the others were by examination. Approximately 73 percent of the candidates taking the bar examinations passed and a total of 49 failed to pass.

I would like to discuss with you for a few minutes some of the more important functions of the Board of Governors. Their work is largely done by committees, and I shall call your attention to the work of a number of committees. The fact that all of the committees are not mentioned does not mean that their work is not important. It may mean that it has made a more complete report and will be reported from the floor, and I shall cover only a few of them.

One of the most important functions of the Board of Governors is that of discipline. Complaints against lawyers are processed by the local administrative committees in the respective counties in which the attorneys practice.

Now, many of these complaints will be only trivial matters which are disposed of by the members of the local administrative committee, but if after such hearing, if the administrative committee determines that such further action is required, it makes a report to the Board of Governors, and that report is considered carefully by the Board of Governors, and if the Board determines that a complaint should be filed it so directs the association counsel to prepare it and serve the complaint and proceed with the action.

The matter is then set for trial and the trial is before the trial committee of the district or county, rather, in which the attorney that is up for trial practices. One member of the Board of Governors presides over the trial, sitting with two members of the trial committee. He presides and he is assisted by two members of the trial committee for that district.

That is entirely a formal proceeding at which the lawyer may be represented by counsel and testimony is taken from sworn witnesses, and the testimony is reported. Findings of fact and conclusions are

made by the trial committee, and then the whole record is sent to the Board of Governors for further consideration.

The Board may dismiss, it may censure, or reprimand, or it may recommend to the supreme court the suspension or disbarment of the attorney. Now, you can readily see that these matters require a very substantial amount of time, not only by the various trial committees and administrative committees but by the members of the Board of Governors themselves.

A total of 191 complaints were heard by and have been reported as having been handled by the local administrative committees during the year. We know that there were a great many others that were handled by the committees because many counties have not made a report and many counties have.

Now, of these complaints three lawyers have been disbarred during the past year. Three proceedings are on appeal from recommendations of disbarment and are now pending before the supreme court. Three reprimands have been given. One written censure has been made. And there are a number of proceedings awaiting further investigation or hearing before the trial committees.

We find that many of the complaints involving a lawyer, while not trivial, are sometimes not those that will be best handled by a trial committee or local administrative committee because they are not set up for the purpose of handling them. I am referring to those involving excessive fees. This would be a situation where in a number of complaints most frequently they are not justified in going through the usual procedure of a hearing. I think you are aware that the supreme court has held in some of these cases it isn't a matter for discipline by the Bar Association. Yet, as a matter of public relations there is discipline that is necessary. As a result of the numerous complaints which have been raised during the past year the Bar Association has now authorized the setting up of the procedure where the Ethical Committee may voluntarily submit for the purpose of arbitration a fee dispute.

While that has not yet been put into effect, the committee under Mr. Williams, one of the Board of Governors, will adopt or present to the Board for adoption regulations and a procedure whereby this form of action which I would like to call arbitration will go into effect and these fee disputes will be gone into without a lawyer feeling he is charged with unethical conduct, and he is not so charged.

During the year that committee has received thirty-three requests

for opinions. Now, that is quite a number of requests when you consider each of them must be passed around to the few members of the committee and all of them must concur or at least all of us must pass upon them. Twenty-seven opinions have been rendered by that committee during the past year. Six of them have been assigned to the various members for writing. Of those six, five have been received by the committee during this past month, and so you can see that they do a tremendous amount of work and they do it with dispatch.

Another important function of the Board is that of carrying on in conjunction with the University of Washington a program of continuing legal education. Seminars and legal institutes have been held on such subjects as damages, municipal corporations and rules of procedure. The association and the law school recently entered into a formal contract providing for the institution of this program. It is financed solely by the collection of attendance fees from those attending the institutes, and now and then there will be an institute on a program which does not, so to speak, pay its way. When there is one that it is felt should be given and there is sufficient interest in it to justify it, it is given. On the whole, however, this program does pay its way and just a little bit more than pay its way.

We think that this program is one of the most important functions of the Bar, and we feel fortunate in having the cooperation of the University of Washington Law School in conducting this program. By means of it, many lawyers who otherwise would not keep abreast of the new developments in the law in their fields of interest, who might not otherwise do so or who might find it more difficult to do so, would remain if it were not for this program, not ignorant but at least unfamiliar with those fields. This program is one that the American Bar Association is particularly interested in, and I think our speaker at noon brought to your attention the importance of it in much greater detail than can I.

One of the other committees that has had a particularly heavy burden this year is the legislative committee. The legislative committee, of which Mr. Theodore Cummings is Chairman, and a special committee dealing with joint tenancy, has worked long and hard on this matter of joint tenancy. It caused a pamphlet to be made and distributed, and it prepared a statement for the Bar Association and the Board of Governors, which we adopted with some slight changes, with reference to the standing of the Bar Association on that point. We had felt in the Bar Association that we should not conduct an

election or contest over the matter of joint tenancy, that that wasn't the function of the Bar, but we did feel after complete and full analysis of the Joint Tenancy Committee appointed for that purpose, that we were obligated as lawyers and officers of the court to inform the public that the adoption of that initiative was not to the best interests of those concerned. We feel that the initiative is dangerous and that if adopted it will bring back a state of chaos and disrupt the operation of our modern and progressive community property laws.

Since there is to be a report given by the Joint Tenancy Committee from the floor, I shall not say anything more on that subject.

During the last annual meeting the association voted to adopt the report of a special committee known as the Clients' Indemnity Fund Committee which recommended the establishment of a fund within which under certain limits a client could be re-imbursed for losses by embezzlement of his lawyers while the relationship of attorney and client existed, or while the attorney acted as trustee or personal representative. Such funds have the approval of the American Bar Association and are in existence in practically all of the English speaking countries such as England, Wales, Scotland and the Canadian provinces, except in our country.

In this country a few funds have been established. A few funds in actual operation have been adopted and plan to be established by the beginning of the year. Now, our Board of Governors after deliberate consideration has established such a fund which will give consideration to claims arising after January 1, 1961. To finance it, it was found necessary to raise the dues by the amount of \$5.00 per member.

Now, it may be that there will be a declaratory judgment entered into to test the legality of the establishment of such fund. If so, the majority of us are confident that it will be upheld, that the Board has the power under our integrated bar act to take such a step.

The Committee on the Unauthorized Practice of Law is the largest committee of all. It has worked diligently on many problems with which it has been confronted, and has made a report which will be given from the floor today.

The Board approved the report of the Insurance Committee and its recommendation that the association adopt a group hospital and major medical plan for all active members, their employees and dependents. A hospital and major medical plan has been adopted. The committee is also working on a group life insurance plan which we think may be presented to the Board for adoption at an early date.

Early in this year a committee was appointed by the Chief Justice of the supreme court and myself as President of the State Bar Association to study the desirability and means of establishing methods of enforcement of sanctions for violation of the Code of Judicial Ethics. I think you are all aware that we have adopted or this state has adopted a Code of Judicial Ethics but it has not adopted any means or ways by which it may be enforced or take such steps as are practical, and very frequently the alleged violations would not justify such drastic action where there are in rare instances occasions where members of the bench have transgressed that particular code, and we feel that there should be some method in which those violations can be handled and yet retain the independence of the judiciary and the Bar will not interfere as a whole in any way whatever. That committee has met and determined to hold the matter open for another year and in the meantime to make inquiries of other English speaking countries and find out just what steps are taken by them under such circumstances.

A committee has been appointed to work with the judges committee upon uniform jury instructions. We think that such a method of adoption of such instructions would be helpful, would expedite trials and free records from much error. That is not a new step. Much has been done in King County along that line and many states now have the matter under study. The State of Illinois is one that has given much time and attention to the adoption of uniform jury instructions. The committee was appointed at the suggestion of the Administrator of the courts, and so we feel that it will get to work and really accomplish something.

During the year an economic survey was made by a committee under Mr. Charles Horowitz so as to form a basis for adoption of a statewide minimum fee bill. You have heard that lawyers are not getting their share of the dollar and that their income has dropped lower than that of other professions and we wanted to find out how much lower it has dropped in the State of Washington. We have had reports from other states and I think that the committee is getting that information ready for us. The committee has reported and made recommendations to the Board which are being studied by it. The Board has that report under consideration and within the space of a couple of months or so will be referring it to the local bar associations, both cities and counties for their action.

A committee under Paul Ashley has compiled a Precedent and Policy book which is a complete digest of all policy decisions since

the integration of the Bar, or since the inception of the integrated Bar. You would be surprised as to how much help that should be. We had no ready record of previous actions of the Board on the various questions from time to time and it should help in causing greater consistency in the rulings of the Board in such instances.

During the year the Board sponsored a Law Day for the first time. With cooperation of some of the state's largest daily newspapers a full section was devoted to articles written by various members of the Bar calling attention to the freedoms enjoyed under our Constitution and the work of the lawyers in connection therewith. Speakers were provided for schools and other meetings throughout the state, and we are of the opinion that this trial sponsorship was a distinct success. I think anyone who saw the newspaper section of which I spoke had an opportunity to compare it with like newspaper sections in other cities of the country and would readily recognize that the work of our issues compared very favorably with that.

Before I close, I would like to pay my respects to and acknowledge the very helpful consideration given by the other Members of the Board during this past year. You know, I am the first President of the Association that has served without having been a Member of the Board of Governors. Mrs. Ralls and her staff have been very considerate and we feel to them we owe a vote of thanks.

Mrs. Kathreen Mechem briefly supplemented the published report of the Juvenile and Family Law Committee, which she chairs.

REPORT OF THE CLIENTS' INDEMNITY FUND COMMITTEE

Donald E. Spickard

Mr. President, and Fellow members of the Bar Association: First, a statement about the history of the committee. As President Gardner has pointed out, at last year's annual meeting the membership approved the establishment of a Clients' Indemnity Fund, and the Board of Governors appointed a committee. I think that it is necessary to have approval but the matters must be developed upon further research into the field and the final form that it will take will have to be considered.

Your committee consists of Wesley Mifflin, Seattle, Chairman; Hary Hazel, Yakima; Grant L. Kimer, Spokane; Joseph W. Kindall, Bellingham; Merrill Wallace, Bremerton; and myself. We understood to establish and follow the plans in effect in Philadelphia and in Vermont, which is an insured fund, and studied the plans which had been sug-