

CHAPTER 115.

[H. B. 328.]

PRACTICE OF LAW AND LICENSING OF ATTORNEYS.

AN ACT relating to the practice of law, providing for the licensing of attorneys and counselors of law and of licensed law clerks, or for the suspension or revocation of such licenses heretofore or hereafter to be issued, creating a board of law examiners, defining its powers and duties, making unlawful any violations of this act, and repealing sections 119, 120, 121, 122, 123, 124, 125 and 126 of Remington & Ballinger's Annotated Codes and Statutes of Washington and of the supplement (1913) thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. No person shall be permitted to practice as an attorney or counselor at law, or to commence, conduct or defend any action or proceeding in which he is not a party in interest in any of the courts of this state either by using or subscribing his own name or the name of any other person, or to give advice on legal matters or to do work of a legal nature for a fee or as a business, or to solicit business or to advertise or represent himself in any way, as an attorney or counselor at law, unless he is a citizen of the United States and a resident of this state and he has been previously admitted to practice law in the courts of this state, and is in good standing therein: *Providing, however,* Attorneys who are residents of other states may appear in the courts of this state without formal admission upon satisfying the courts before which they appear that their respective states grant the same rights to attorneys from this state: *Provided, further,* That licensed law clerks may appear in the courts of this state subject to such limitations as are hereinafter provided.

Persons
permitted to
practice law.

SEC. 2. No person shall hereafter be admitted to practice law in this state except upon an order of the supreme court to be issued upon the findings and recommendations of the state board of law examiners as hereinafter provided.

Admissions
to practice
on order of
supreme
court.

State board
of law
examiners.

SEC. 3. There is hereby created a state board of law examiners composed of three members of the bar, no one of whom shall have been admitted to practice in the highest courts of this state for a lesser period than five years next preceding his appointment. He shall be well qualified in general education and in legal fitness for the examination of applicants for admission to the bar, and for the enforcement of the law and the ethics relating to attorneys and counselors at law within this state.

Appoint-
ment and
terms of
examiners.

SEC. 4. The board for the examination of applicants for admission to the bar in existence at the time of taking effect of this act shall continue to be the state board of law examiners for the remainder of the respective terms for which they were appointed, and upon the expiration of the term of office of each member the supreme court shall make an appointment to fill such vacancy, which appointment shall be for a term of three years, and thereafter, at the expiration of any term of office of a member a like appointment shall be made for a term of three years. Appointments to fill vacancies for an unexpired term shall be only for the remainder of the term. No member shall succeed himself more than once. Each member of the board shall on entering upon the duties of his office take and subscribe to an oath to support the constitution of the state and of the United States; that he will use every endeavor to permit only honest and upright persons to practice law in the state; will justly and impartially pass upon all charges of immoral or unprofessional conduct against any attorney or counselor of law; will endeavor to enforce the laws relating to the practice of the law in this state; and will perform the duties otherwise imposed upon him by his office to the best of his ability. This oath shall be filed with the clerk of the supreme court.

Oath of
examiners.

Office and
secretary
of board.

SEC. 5. The board shall have its office with the clerk of the supreme court, who shall act as secretary for the board, unless the board shall designate some other person to act as secretary, but the records of the board shall be kept in the office of the clerk where all applications for

admission to the bar and all complaints or other matters affecting the rights of persons to practice law in this state shall be filed. The board shall hold meetings at the Temple of Justice at the state capital, commencing on the third Wednesday of May and October of each year for the purpose of conducting examinations and of passing upon formal applications for admission to practice law in this state, but the board may provide that not oftener than twice in any one year examinations may be held at other places than the state capital and to authorize any one or more of the members of the board to conduct such examinations and to report to the board thereon: *Provided however*, That the holding of the same examinations in two or more different cities at the same time shall be deemed but one examination as herein defined. Other meetings may be held from time to time and the board may designate one or more of its members to appear for and represent the board in any matter or proceeding or to make any investigation deemed by the board advisable. Each member of the board shall be allowed his actual traveling expenses and ten dollars per day for each day actually engaged in the performance of his duties.

Meetings.

Per diem and expenses.

SEC. 6. The board shall pass upon all applications for the right to practice law before the courts of this state, and when satisfied that an applicant has the general, legal and moral qualifications necessary to qualify him to practice as an attorney and counselor at law, it shall so certify to the supreme court, and upon such certification, unless objection be raised thereto, or if raised and the court shall find such objection insufficient, the court shall make an order admitting such applicant and shall issue to the applicant a certificate under the seal of the court evidencing such admission.

Certification of applicants to supreme court.

SEC. 7. Applicants shall be divided into the following classes:

Classification of applicants.

(a) Graduates of the law school of the University of Washington;

(b) Graduates of other approved law schools within the state of equal standing and of student qualification and hours of study to that of the law school of the University of Washington;

(c) Students of law offices within the state;

(d) Graduates of law schools without the state of approved standing;

(e) Students of law schools of approved standing;

(f) Students of law schools not of approved standing;

(g) Students of law offices outside the state;

(h) Students of one or more of the above classes;

(i) Attorneys of other states who have been actively engaged in the practice of law in their respective states and have practiced in or been entitled to practice in the highest courts of record of their states for five years or more next preceding the filing of their applications to practice in the courts of this state;

(j) Attorneys of other states who have been actively engaged in the practice of law in their respective states and who have been admitted to practice in the highest courts of record thereof for a lesser period than five years, but more than three years;

(k) Attorneys of other states who have been admitted to practice in the highest courts of record of their respective states but for a lesser period than three years.

SEC. 8. Applicants may be admitted on accredited certificates or upon examination. An accredited certificate shall be:

(1) A certificate from the clerk or other certifying officer of the highest court of record of another state, under the seal of such court, showing the applicant to have been entitled to practice therein for five years or more next preceding the date of such certificate together with a certificate from the chief justice or other member of such court, under the seal of the court, certifying that

Admission
upon
accredited
certificates.

the applicant is in good standing at the bar of such court and is an honorable and worthy member of the profession ;

(2) A diploma of graduation from the law school of the University of the State of Washington ;

(3) A diploma of graduation from an approved law school within the state of equal standing and of student qualification and hours of study to that required of the law school of the University of Washington.

The accrediting of certificates or diplomas of any state or school, as herein provided, may be suspended, annulled or revoked at any time by the board; and no privileges or concessions shall be allowed attorneys or applicants of other states unless their respective states grant as favorable terms to the attorneys or applicants from this state. "State" as herein used shall include territories or districts of the United States in the discretion of the board.

Comity between states.

SEC. 9. The board shall outline from time to time courses of study in general subjects, and shall suggest methods and means of qualifying applicants for the study of law to the end that all persons may have reasonable opportunities to acquire such preliminary qualification. It may approve courses of study in public or private schools, if found satisfactory to properly qualify persons for the study of law, and any applicant finishing such course or courses so approved shall be deemed qualified in general education to undertake the study of law. No person shall be registered as a law student until he shall have received a certificate from the board, or a certificate recognized by the board, evidencing a general education sufficient to properly qualify such applicant for the study of the law.

General education preliminary to law studies.

SEC. 10. The board shall examine from time to time the courses of study of and the work done by the various law schools, whether within or without the state, and determine what schools shall be deemed approved law schools as specified in this act: *Provided*, No school shall be so approved unless the board shall determine that such school

Determination of approved law schools.

is at least equal in student qualification and hours of work required to that of the University of Washington school of law, or to that required by the American Association of Law Schools. All applicants who have completed the course in an approved law school within this state with a record of excellent work done, or who have grades equal to or above such standard as may be set by the board, may, in the board's discretion, be recommended for admission without further examination. No person, except an applicant whose application is based on an accredited certificate, shall be admitted to practice in the courts of this state until he shall have served at least one year as a licensed law clerk. The board shall fix the credits of time that shall be allowed for study in any other than an approved law school, or for study in an approved law school less than a full course, or for office study or other method that may be pursued, before an applicant may be admitted to an examination, with a view of equalizing as nearly as practicable the different methods of qualifying the applicant for the practice of the law and the intelligent handling of business of clients and of the public generally.

Admission
without
examination.

Fixing time
credits for
studies.

Registration
of students.

Examina-
tions.

SEC. 11. The board shall provide for a registration of students other than those in approved law schools and shall outline a course of study for such students, dividing the course into yearly periods and designating the subjects for each year's course. Examinations shall be held on each year's course, and no person shall be permitted to take an examination on the second year's course, nor to take the examination in any other year's course until one year after he shall have completed the preceding year's course: *Provided, however,* That applicants under subdivision "a," "b," "d," "i," and "j" of section 7 may be permitted to take the examination on all the subjects at the same time, and that applicants "e," "f," "g," "h" and "k" may take examinations on all but the last year's subjects at the same time: *Provided,* These applicants shall be otherwise qualified as in this act required, and shall have complied with the rules of the board

in relation thereto: *And provided further*, Applicants under subdivision "e" from an approved law school within this state and applicants under subdivision "j" may be admitted as licensed law clerks without examination under such rules and regulations as the board may provide consistent with the provisions of this act.

SEC. 12. Upon successfully passing a final examination the applicant unless he holds an accredited certificate shall be given a certificate as law clerk, which shall entitle him to represent duly admitted attorneys or to assist them in matters before the courts, or in the preparation of cases for trial, but shall not authorize him to conduct any business as attorney or counselor at law in his own name. After one year of such service, upon a proper showing to the board that he has served at least that time in assisting attorneys and familiarizing himself with the procedure of our courts, the board being satisfied that he is a proper and well qualified person to practice law shall certify his name to the court for final certificate of admission. An applicant on an accredited certificate from another state shall, upon approval of his application, be admitted temporarily for one year, at the end of which time, the board being satisfied that such applicant is of good moral character and a proper person to practice law in this state, shall, if requested, certify his name to the supreme court for a permanent certificate, which court, unless objection be raised thereto, or if raised and the court shall find the same to be insufficient, shall issue a permanent certificate.

Law clerk certificates.

Admission after one year's service.

Temporary admission of applicants from other states.

SEC. 13. The board shall make such rules as may be necessary to protect those who are preparing for admission to the bar at the time of taking effect of this act, and all such who shall register with the board on or before January 1, 1918, shall be governed by the rules of the board so made notwithstanding the provisions of this act.

Board rules to govern students registering prior to year 1918.

SEC. 14. Every person before being admitted to practice law in this state shall take and subscribe the following oath:

Oath of
attorneys.

I do solemnly swear :

I will support the constitution of the United States and the constitution of the State of Washington ;

I will maintain the respect due to courts of justice and judicial officers ;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe [believe] to be honestly debatable under the law of the land ;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law ;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval ;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged ;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.

Admission
fee.

SEC. 15. The fee for admission to the bar shall be twenty-five dollars which must be paid at the time of filing application for admission, but the board may provide that part of such fee shall be paid at any examination prior to the final examination, and if so paid shall be credited to the applicant as part payment of the whole fee. The payment of any fee shall entitle the payer without the payment of any additional fee to take any subsequent examination for the same year's course, or other like examination to the one for which the fee was paid. The fee shall be paid to the clerk of the supreme court, as secretary of the board, and shall be accounted [for] as other

Partial
payments.

fees of the clerk's office: *Provided*, That in case of graduates of the law school of the University of Washington a receipt from the dean of such school showing that the fee had been paid to him for the use of the library of said school, shall be deemed equivalent to the fee for the purpose of issuing a certificate of admission.

SEC. 16. Any misrepresentation or falsification made by an applicant for admission, in his application, or in connection therewith, shall be deemed sufficient grounds for revocation. Any right to practice or certificate of admission granted under the provisions of this act or under any former act or acts may be revoked or suspended at any time for a violation of his oath of office or of the provisions of this act, or other unprofessional conduct, for any conduct involving moral turpitude, or for any other sufficient cause.

Revocation of admission.

SEC. 17. The board shall enforce all the laws and ethics relating to the duties of attorneys, or other persons practicing or claiming the right to practice law, or to act as licensed law clerks, within this state. All complaints alleging acts of immoral or unprofessional conduct, or conduct in violation of the purpose and spirit of this act shall be filed with the board by any person knowing of such acts or conduct, or by the board itself upon its own motion. Upon the presentation of such complaint if deemed by the board sufficient a notice shall be sent to the person complained of, giving the time and place for such hearing, at which time and place such hearing shall be conducted. The board may continue or adjourn such hearing from time to time and may delegate the taking of testimony or the making of any investigation to any one or more members of the board.

Enforcement of laws and ethics governing attorneys.

Hearing of complaints.

SEC. 18. For the purposes of this act the board or any member thereof shall have the power to issue subpoenas for the attendance of witnesses or the production of books or documents. Such subpoenas shall be served in the manner of serving subpoenas in civil cases in the

Subpoenas for witnesses.

superior courts of this state and the person so served shall comply with the requirements of such subpoena. The defendant shall be allowed the usual defenses and the issuance of such subpoenas as he may desire and as the board or member or members conducting such hearing may deem necessary. Witnesses shall testify under oath, which oath may be administered by any member of the board, and testimony shall be taken in writing or by deposition under such rules as the board may provide. The prosecuting attorney of the county in which the defendant resides shall assist the board in the conduct of its hearings, or the board may request the attorney general to assist in such hearings, and when so requested it shall be his duty to so assist. When feasible the court reporter or stenographer authorized to report the proceeding in courts within the county where the defendant resides shall be the reporter for hearings conducted by the board, or the members thereof, as in this act provided; and such county, upon the approval by the court or presiding judge thereof, shall be liable for the witness and stenographer fees and other like expenses incurred in the conduct of such hearings. The board shall make findings upon the evidence produced, and shall, if deemed justified, suspend or annul the license of such person to practice law, or to act as licensed law clerk. If the board shall find that the person complained of has no lawful license issued by the authority of this state it shall report the same to the prosecuting attorney of the county where the party complained of resides and it shall be the duty of such prosecuting attorney to file an information and to prosecute the same against such accused.

SEC. 19. Any person whose license has been annulled or revoked may petition the supreme court of the state to review the findings of the board and to reverse or modify the same, in which event the board shall file with the supreme court a complete transcript of the evidence and proceedings of the case together with its findings, which findings shall constitute a *prima facie* case, and the burden shall be on the appellant to show wherein such order

Duty of prosecuting attorney and attorney general to prosecute.

Suspension or annulment of license.

Review by supreme court.

of the board was unlawful. The supreme court shall fix rules for the procedure in such appeals and shall after hearing render judgment therein. If it shall find that the order of the board was not in accordance with law the court shall reverse or modify same; or may remand the same to the board for further investigation and consideration. But if the board did not exceed its authority and the appellant had a fair trial the court shall affirm the order of the board. In all cases where a license is suspended or annulled the clerk of the supreme court shall notify the clerks of the superior courts throughout the state.

SEC. 20. The code of ethics adopted by the American Bar Association at its annual convention in Seattle in the year 1908 shall be deemed the standard of ethics for the guidance of the members of the bar of this state.

Standard
of ethics.

SEC. 21. The board of law examiners shall make and prescribe from time to time all needful and necessary forms, rules and regulations to properly carry out the provisions of this act. Such forms, rules and regulations shall have the same force and effect as if made a part of this act.

Necessary
forms, rules,
and
regulations.

SEC. 22. No person shall be denied the privileges of this act, nor exempt from the duties or obligations imposed thereunder, on account of sex.

Equality
of sexes.

SEC. 23. Every attorney and counselor at law in this state shall register annually with the clerk of the court of the county in which he resides or has his principal place of business, which registration shall be done in person, by agent, or by mail, and shall show the name of the attorney, the firm of attorneys with which he is connected, if any, the office address of such attorney. The clerk shall provide a book for such registration and shall register the same therein in alphabetical arrangement as nearly as possible. Such book may be ruled so that after the first registration only the date of subsequent registration shall be shown, except when a change in the address or firm connections has taken place. The fee for each annual registration shall be one dollar and any attorney who shall have failed

Annual
registration
of attorneys.

Registration
fee.

to register before the first day of February in any year shall be deemed to have forfeited his rights as an attorney and counselor at law of this state from such date until such registration shall have been made and the fee paid, but such forfeiture shall not be construed to affect the rights of litigants or others for whom such delinquent shall have acted. All fees collected as in this section provided shall be paid in to the county treasury into a fund to be known as the county law library fund to be used for the purchase of law books for a bar library for such county.

Violations
of act.

SEC. 24. Any violation of the provisions of this act or of the rules which shall be made in conformity therewith are hereby declared to be unlawful.

Repealing
clause.

SEC. 25. Sections 119, 120, 121, 122, 123, 124, 125 and 126 of Remington and Ballinger's Annotated Codes and Statutes of Washington and of the supplement (1913) thereof are hereby repealed.

Passed the House March 5, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 116.

[H. B. 316.]

INDEPENDENT HIGHWAY DISTRICTS FOR TRUNK-LINE HIGHWAYS.

AN ACT relating to the establishment of independent highway districts, organization and administration thereof, the construction and maintenance of trunk line highways, the issuance and sale of bonds, and the assessment and collection of taxes therefor.

Be it enacted by the Legislature of the State of Washington:

Authority to
organize.

SECTION 1. Whenever twenty-five or more persons who are the owners of lands so situated that the most feasible means of affording transportation to market from such lands would be the construction of a trunk line highway