THE BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA
1819 H Street, N.W. Suite 300
Washington, D.C. 20006

AGENDA

BOARD OF DIRECTORS MEETING
January 5, 1968 -- 4:00 P.M.
Conference Room, Bar Association Office

1. Approval of the Board of Directors Meeting minutes of December 15, 1967 (copy enclosed) -- Mr. Goodrich.

2. Report of the Treasurer -- Mr. Pilkerton.

3. Election of candidates to membership in the Association (copy enclosed).


6. Bar Association Charter Flight to Europe -- Mr. Garraty.

7. Feasibility of establishing contingency plans for the Bar Association in the event of spontaneous or planned demonstrations or riots in the District of Columbia (copy enclosed).


9. Request for instructions by the Committee on Association Investments (copy enclosed).

BOARD OF DIRECTORS MINUTES FOR 14 DECEMBER 1967

President John E. Powell called the following members of the Board and Officers to order at 2 p.m. on Friday, December 14, 1967: Messrs. Stein, Goodrich, Pilkerton, Garraty, Davis, Flannery, Kern, Madden, Mayer, Miller, Neuhauser, Rafferty, Rhyne, Sachs and Margolis, and Miss Frohman.

ITEM #1 -- APPROVAL OF THE MINUTES FOR 7 NOVEMBER 1967

The minutes were approved with the following corrections:

Page 1, Paragraph 3, lines 2 and 3 -- the figure $29,343.00 should read $29,343.02, the figure $10,047.59 should read $15,047.59.

Page 2, Paragraph 2 -- names of candidates for Lawyer of the Year should be represented in full in proper form as follows: Joseph D. Bulman, F. Joseph Donohue, Charles S. Rhyne, John T. Miller and H. Mason Welch.

Page 2, Paragraph 5 -- delete sentence presented in parentheses beginning: "This matter had been carried over..."

Page 6, Paragraph 5, Line 2 -- should read "an additional expenditure for part-time services," rather than "for books," as stated.

ITEM #2 -- REPORT OF THE TREASURER

Mr. Pilkerton reported that as of 31 October 1967 Assets on hand totaled $206,581.43; November Receipts totaled $31,160.76; November Disbursements totaled $20,447.57 (including $1,352.10 Restricted Disbursements); Assets on hand on 30 November 1967 totaled $217,294.62.

The Association, as of 15 December 1967, he said, had about $12,000 in its checking account, and this indicated that some funds might have to be withdrawn from its savings accounts to maintain the cash level. Mr. Pilkerton distributed a copy of the current summary of assets to each member of the Board, which he then discussed item by item. Dues paid at the end of November, 1966 totaled $99,027.15, he noted, while this year, as of December 15, only $57,024.95 has been collected from dues.
ITEM #3 -- HONORARY MEMBERSHIP FOR THE HONORABLE ERWIN N. GRISWOLD, U.S. SORCITOR GENERAL

The Board granted an honorary membership, as above.

ITEM #4 -- POLLS OF THE EXECUTIVE COMMITTEE CONCERNING A CERTIFICATE OF APPRECIATION TO HON. ALEXANDER HOLTZOFF AND OF THE BOARD OF DIRECTORS CONCERNING THE APPOINTMENT OF GERHARD GESELL TO THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. Garraty reported that the Executive Committee had voted to present a certificate of appreciation to Hon. Alexander Holtzoff on the occasion of his retirement from the U.S. District Court for the District of Columbia (done at the 1967 Annual Dinner). He also reported that the Board had approved, by a vote of 16 to 0 with two members out of town, the recommendation of the Judicial Selection Committee that Gerhard Gesell be approved for appointment to the U.S. District Court for the District of Columbia.

ITEM #5 -- BAR ASSOCIATION CHRISTMAS GIFT TO THE NATIONAL LAWYERS CLUB

The Board of Directors approved a gift of $250.00 to be given to the National Lawyers Club Employee Christmas Fund.

ITEM #6 -- APPROVAL OF ADDITIONAL LIBRARY APPROPRIATIONS AND DISCUSSION OF LIBRARY AFFAIRS

Jerrold Gilbert, Vice Chairman of the Library Committee, reported as follows: He had not been consulted regarding the Library appropriation and felt that a relatively small additional appropriation was in order to account for inflation and allow the Library to continue to progress and improve its facilities. Formerly, he said, the Library had been like a "redressless ship" because the availability of money to make new acquisitions had always been uncertain.

For the purpose of making a comparison, Mr. Gilbert introduced the current budget figures for the Federal Bar Association Library--$19,000 for maintenance and $3,000 for additional purchases. According to its Librarian, that Library averages 100 users per day. Attendance at the D.C. Bar Library is nowhere near that figure, he said.
Mr. Gilbert stated that he felt the Library to be one of the main reasons for the Bar Association's acquisition of new members. A notice in the ensuing issue of the D.C. BAR JOURNAL will list Library services in an explanatory manner, he added. He also noted that non-members are allowed to use the Library at a cost of $20.00 per year.

Mr. Goodrich queried why it was necessary for the Library to acquire Agency materials (such as FCC, etc.) which can be found in the various Agency libraries. Mrs. McGuirl, Chief Librarian, said that she had had multiple requests for these materials, and Mr. Gilbert explained that they are necessary in order to maintain a complete law library where a lawyer can expect to find all he will need to complete his research.

Mr. Stein said he thought an effort should be made to get more people to use the D.C. Bar Library by acquiring more facilities, rather than slowly dimming the lights. The only defect he saw in the Library at present was that it was not as hospitable as it might be.

Miss Frohman asked if the Library was experiencing space problems in its Courthouse location. Mrs. McGuirl reported that this was not acute at present—the library has 28,000 volumes and the facility will accommodate 35,000.

Mrs. McGuirl was then excused, and Mr. Powell stated that he would like to see the funds appropriated as requested by Mr. Gilbert and Mrs. McGuirl. He commented on the particularly fine job the Chief Librarian was doing. It is unrealistic, he stated, that the D.C. Bar Association would maintain a second rate library. As long as the Association chooses to maintain a library, it should be done right.

A motion was then made and the Board appropriated the full amount requested: $19,000 for books, $1,700 for Xerox supplies, $2,600 for Miscellaneous and $400 for Library dues and meetings. Three members voted against the appropriation, one of whom was the Treasurer, who felt that this was a good place to start to cut down on expenses.
Mr. Sachs expressed concern over the amount of money being spent by the Library and moved that the Committee: 1. continue to accumulate statistical data on the use of its facilities, and 2. investigate and report back promptly as to possible ways the Bar Association might reduce the expense of the operation of its Library.

Mr. Madden amended the motion to say within a period of 60 days, and the Board concurred.

Mr. Gilbert then suggested that the Bar Association engage in a reciprocal agreement with the Federal Bar Association regarding Library privileges for the members of those Associations. The suggestion, in the form of a motion, was approved by the Board. A request by Judge Greene, however, that the Bar Association sponsor a library in the Court of General Sessions was disapproved.

**ITEM #7 -- LAWYER REFERRAL SERVICE ADVERTISING**

Mr. Garraty expressed the regrets of Mr. Lessenco, Chairman of the Lawyer Referral Committee, who was unable to be present. He then presented two revised advertisements for the Lawyer Referral Service to be considered by the Board.

Mr. Garraty reminded the members that the Association could ethically advertise its Lawyer Referral Service, as indicated in the two American Bar Association articles which had previously been distributed to each member of the Board. The problem then lies in the method of doing so, he said.

Mr. Garraty recounted a conversation he had with Theodore Voorhees of the Philadelphia Bar, widely recognized for his authority on Lawyer Referral concepts and ethics. He referred specifically to Page 28 of the Lawyer Referral Manual pertaining to Specialization. Mr. Voorhees, he said, felt no ethical objection was involved in advertising the fact that the Lawyer Referral Service had specialists on its Panel.

Two ads were then presented to the Board and Mr. Stein moved in favor of advertisement number 1, as labeled. The Board then approved the use of that advertisement.
ITEM #8 -- APPROVAL OF RESOLUTIONS RELATING TO THE PATENT REFORM ACT OF 1967

The Board approved eleven resolutions as presented by Mr. Neuhäuser on behalf of the Patent, Trademark and Copyright Section without amendment.

ITEM #9 -- REAL PROPERTY LAW COMMITTEE RESOLUTION OPPOSING S.2592 AND REQUESTING THAT GODFREY L. MUNTER BE AUTHORIZED TO REPRESENT THE BAR ASSOCIATION IN HEARINGS RELATED TO THAT LEGISLATION.

Mr. Munter reviewed the issue and reported as follows: that Senator Tydings had introduced four bills to bring relief to so-called underprivileged and over-financed people in the District of Columbia. The first three, he noted, were not connected in any way with that referred to the Real Property Committee's Subcommittee on Commercial Law, S.2592. This measure, simply, requires all foreclosures on mortgages to go through the U.S. District Court, he said.

Mr. Munter felt that 1. something should be done to protect the people being victimized by high pressure home improvement firms, but that 2. S.2592 would not give them the protection they need. He then presented the following statistics: 2,000 requests were made for foreclosure last year; 400 of those actually foreclosed; it costs $750 to foreclose in Maryland and only $175 in the District of Columbia (ultimately, he said, this cost is cast upon those who can least afford it.)

Mr. Munter pointed out that if this bill passed, it would mean 2,000 additional cases a year for the Court, and Judges would have to inquire into the equity of each of these cases, involving a great deal of their valuable time.

Mr. Powell said he didn't think it enough to oppose the bill without offering a proposal to take its place in solving the problem. He therefore moved that the Board disapprove S.2592, as recommended by the Real Property Committee, and refer the matter to that Committee for study as to what might be done to solve the problem.

Mr. Stein amended the motion to add "without further burdening the Courts."
The motion, as amended, was carried with the opposition of Mr. Rhyne on the basis that he had not been allowed time to consider the matter.

ITEM #10 -- RECONSIDERATION OF ADVISORY PANEL OF ATTORNEYS TO PROVIDE COUNSEL TO POLICE OFFICERS FACING CRIMINAL CHARGES

The above matter was re-introduced by Mr. Sachs who said he thought it justified the further consideration of the Board. He reiterated that a motion had been passed by a Committee of Messrs. Bierbolder, Milller and Evans, with the dissent of the latter, that when a Police Officer finds himself in legal trouble, he should be able to ask the Bar Association to appoint a lawyer to represent him. Mr. Sachs said he had come to the conclusion that this proposal was the net result of the entire effort of the Bar Association to establish a Committee on relations with the Police Department. He wondered if he had been right in making this assumption and put the question to the Board, after noting that he was in favor of the motion that had been presented.

The discussion turned to the overall problem of the difficulty in establishing a working relationship with the Police Department due to the apparent disinterest of Chief Layton, as noted by both Mr. Sachs and Mr. Powell during the administrations of both.

Mr. Powell reported that he had had an hour discussion with the Police Chief, at which time he had submitted to him names of possible Chairman for the Committee on Relations with the Metropolitan Police Department, which was to be appointed. Mr. Powell had not heard from Chief Layton, he said. He also noted that Chief Layton had shown him a letter from a Mr. Fagan, author of a letter published in the Washington Post to the effect that he would henceforth offer his services to members of the Police Department in need of counsel. Mr. Powell stated that if this method of securing counsel was going to be employed, he thought it ought to be done under Bar Association auspices.

He reported further that Chief Layton does favor the adoption of the Bar Association's plan for providing counsel, and he therefore felt it might
encourage good relations between the Bar Association and the Police Department.

Mr. Miller then summarized the Crime Commission Report regarding the appointment of counsel to represent Police officers as follows: The Crime Commission felt that a serious morale question is involved when an officer of the law is accused of acting improperly in that the officer feels he was only doing his duty and should not be in a position where he has to defend himself for what he has done with his own resources. There should be some method of providing counsel, the Report said, and Mr. Miller felt personally that it should be provided by the Government. Mr. Miller added that policemen are working in the middle of a great social upheaval, setting them apart from the public. They are more in need of counsel, he maintained, in that they are not eligible for Legal Aid services as are complainants against them. Mr. Miller said that no source of free counsel was available to policemen, as researched one year ago.

Mr. Sachs felt that counsel should be offered both to the officer accused and to the complainant.

Mr. Mayer thought that the $6000-7000 minimum salary earned by policemen was enough to preclude the need to supply him with free legal counsel.

Mr. Sachs referred the discussion back to the fact that the Board had authorized a Committee on Relations with the Metropolitan Police Department with the realization that the policemen in our community are taking a terrible beating as a result of the crime problem and related urban problems. It is for this reason that the Bar Association wants to undertake to understand the Police Department mechanism and the various aspects of police service in the District of Columbia.

It was then moved and passed that the matter be referred to the Committee on Relations with the Metropolitan Police Department, to be appointed by the President, and that Mr. Powell discuss matters of mutual interest to the Bar Association and the Police Department with the new Director of Criminal
ITEM #11 -- RESOLUTION OF THE PERMANENT HOME FOR THE ASSOCIATION COMMITTEE ASKING THE BOARD TO AUTHORIZE A MAXIMUM OF $2,500 TO CONDUCT A SURVEY.

Stricken from the agenda.

ITEM #12 -- DRAFT OF A REFERENDUM ON THE UNIFIED BAR QUESTION

Mr. Rhyne moved the resolution as follows:

Resolved: That the Association approves in principle the unification of the District of Columbia Bar, and authorizes the formation of a committee to (1) draft appropriate legislation and a proposed implementing rule of Court, if found to be feasible, and (2) present such drafts to the Board of Directors for final action, binding upon the Association, in accordance with the by-laws and prior to any presentation to the Congress or the Court.

☑ In favor of the resolution ☐ Opposed to the resolution

The Board of Directors of the Association recommends a vote in favor of the referendum resolution, and moved that the ballot, as shown above, be distributed to members. Mr. Madden seconded the motions.

Mr. Rhyne then summarized the history of the proposal within the Bar Association—that five separate Committees had considered it and reported in favor of it, yet no action had been taken. He then summarized the points favoring adoption of a Unified Bar, and moved adoption of his motions. The resolutions were approved by the Board with one dissent.

Mr. Powell suggested that ballots be mailed on January 2, 1968 and returned to the Association no later than February 1, 1968. He also felt that recipients should be limited to Active Members at this time.

ITEM #13 -- RESOLUTION FROM THE D.C. COURT OF GENERAL SESSIONS COMMITTEE THAT THE BAR ASSOCIATION ACTIVELY SUPPORT THE PROPOSAL OF THE U.S. MARSHAL FOR THE DISTRICT OF COLUMBIA, LUKE C. MOORE, TO INCREASE HIS COMPLEMENT OF MARSHALS TO A TOTAL OF 200 AND TO UPGRADE THEIR CIVIL SERVICE RATING.

The motion, as above, was approved by the Board without objection.

ITEM #14 -- RESOLUTION REQUESTING THAT THE CHIEF JUDGE OF THE COURT OF GENERAL SESSIONS ASSIGN ONE OF THE JUDGES OF THAT COURT TO THE DOMESTIC RELATIONS BRANCH ON A TEMPORARY BASIS TO RELIEVE THE BACKLOG IN THAT BRANCH

Mr. Mayer reported that since the death of Judge Burnett in September of 1965 and the promotion of Judge Waddy to the District Court, only two Judges
had been sitting on the Domestic Relations Court. As a result, the Clerk's Office pushes to the side all major contested cases. He reported that there are now seventeen hard core contested cases which have been pending since Judge Burnett's death. These would fill 60 trial days or four calendar months.

Miss Guhring, Chairman of the Domestic Relations Committee was then called upon to present her views on the matter. She reported that the Domestic Relations Committee had been discussing the matter for two years and had, in every instance, opposed asking for temporary relief. It is, she added, likewise opposed by the two Judges sitting on the Court at the present time. Appointment of a Judge, she said, must be done by specific appointment by the President. (She pointed out that a letter had been written to the President after the last meeting of the Domestic Relations Committee.)

There are 734 untried cases on the Court's backlog, she said. She felt that uniformity is necessary in that Court perhaps more than others, and that a temporary Judge would not alleviate the problem. Too much time would have to be spent in learning Domestic Relations procedures.

Mr. Sachs said he thought it more fitting and persuasive to instruct a member or members of the Domestic Relations Committee to express their concern about the situation and to consider with Judge Greene the possibilities available to solve the problem, including that of appointing, by statute, referees or masters. Mr. Kern seconded the motion with the understanding that Mr. Powell would select the Committee representatives.

It was decided by the Board that the following persons, appointed by Mr. Powell at that time—Miss Guhring, Mr. Sachs and Mr. Mayer—be authorized to appear before Judge Greene to report that the Bar Association has for some time tried to exercise its best efforts to have the vacancy filled, and to discuss the various possibilities for relieving the situation with the Chief Judge.
ITEM #15 -- PROPOSAL OF THE COMPUTER SCIENCES COMMITTEE TO SEND A REPRESENTATIVE OF THE D.C. BAR ASSOCIATION TO THE LAWYERS CENTER FOR ELECTRONIC LEGAL RESEARCH IN NEW YORK ON JANUARY 15, 1968.

In answer to the request of Chairman Iadarola of the Computer Sciences Committee, the Board authorized one representative as above.

The meeting was adjourned at 6 p.m.
# The Report of the Treasurer of the Bar Association

## Of the District of Columbia

### December 1967

#### Assets on Hand - November 30, 1967

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Cash - Checking Accounts</td>
<td>$35,701.22</td>
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<tr>
<td>Reserves - Savings Accounts</td>
<td>$9,950.00</td>
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<tr>
<td>Insurance Rebates - Savings Accounts</td>
<td>$119,414.02</td>
</tr>
<tr>
<td>Investments - Stocks</td>
<td>$52,229.38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$217,294.62</strong></td>
</tr>
</tbody>
</table>

#### December Receipts

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income Collections</td>
<td>$5,617.70</td>
</tr>
<tr>
<td>Sections and Other Collections</td>
<td>$141.00</td>
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<tr>
<td><strong>Total</strong></td>
<td>$5,758.70</td>
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#### Restricted Receipts

<table>
<thead>
<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Annual Dinner - 9 Tickets Sold</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$180.00</strong></td>
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#### December Disbursements

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Salaries and Taxes</td>
<td>$6,664.48</td>
</tr>
<tr>
<td>Office Expenses</td>
<td>$1,476.35</td>
</tr>
<tr>
<td>Library Expenses</td>
<td>$1,637.31</td>
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<tr>
<td>Sections and Other Expenses</td>
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<tr>
<td>Printing and Duplicating</td>
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<td><strong>Total</strong></td>
<td><strong>$11,878.37</strong></td>
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#### Restricted Disbursements - Annual Dinner

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Shoreham Hotel Expenses</td>
<td>$16,535.30</td>
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<tr>
<td>Printing</td>
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<tr>
<td>Refund on Tickets</td>
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<td>Services in Diplomat Room</td>
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<td><strong>Total</strong></td>
<td><strong>$17,709.12</strong></td>
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#### Current Assets on Hand - December 31, 1967

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$193,645.85</strong></td>
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#### Summary of Assets

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Cash - Checking Accounts</td>
<td>$12,052.43</td>
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<tr>
<td>Reserves - Savings Accounts</td>
<td>$9,950.00</td>
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<tr>
<td>Insurance Rebates - Savings Accounts</td>
<td>$119,414.02</td>
</tr>
<tr>
<td>Investments - Stocks</td>
<td>$52,229.38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$193,645.85</strong></td>
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</table>
## Balance on Hand of Operating Fund - November 30, 1967

$16,933.32

### December Receipts

#### Income Collections Received at Office

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Dues of Regular Members</td>
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<td>Dues of New Applicants</td>
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<tr>
<td>Ads in Journal</td>
<td>$121.60</td>
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<tr>
<td>Ads in Annual Directory</td>
<td>$265.00</td>
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<td>Journal Sales</td>
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<tr>
<td>Library Fees</td>
<td>$30.00</td>
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<tr>
<td>Library Xerox</td>
<td>$426.12</td>
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<tr>
<td>Lawyer Referral Service Fees</td>
<td>$545.00</td>
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<td>Registration</td>
<td>$2.00</td>
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<td>Dividends on Stocks</td>
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<td><strong>Total</strong></td>
<td><strong>$5,617.70</strong></td>
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#### Other Collections from Sections & Etc.

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Administrative Law Section</td>
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<tr>
<td>Patent, Trademark and Copyright Section</td>
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<td>Eat &amp; Learn Luncheons</td>
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<td><strong>Total</strong></td>
<td><strong>$141.08</strong></td>
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#### Total Operating Fund

$22,692.02

#### Less Disbursements for December (See Below)

- $11,878.37

#### Balance on Hand of Operating Fund - December 31, 1967

$10,813.65

### Disbursements for December

#### Salaries and Taxes

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
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<td>Federal WT and FICA</td>
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<td><strong>Total</strong></td>
<td><strong>$6,664.48</strong></td>
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#### Office Expenses

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<th>Description</th>
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<td>Rent</td>
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<td>Telephone</td>
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<td>Services and Supplies</td>
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<td>Equipment</td>
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<td><strong>Total</strong></td>
<td><strong>$1,476.32</strong></td>
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#### Library Expenses

<table>
<thead>
<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Books</td>
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<td>Telephone</td>
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<td>Supplies and Services</td>
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<td><strong>Total</strong></td>
<td><strong>$1,637.31</strong></td>
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**Total Disbursements**

$9,778.14
## DISBURSEMENTS FOR DECEMBER 1967

### TOTAL OF DISBURSEMENTS FROM PAGE TWO

$ 9,778.10

### SECTIONS AND OTHER EXPENSES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Young Lawyers Section</td>
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<tr>
<td>Patent, Trademark &amp; Copyright Section</td>
<td>$223.85</td>
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<tr>
<td>Legal Aid Assistance</td>
<td>$223.85</td>
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<tr>
<td>Flowers</td>
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<tr>
<td>President's Expenses</td>
<td>$223.85</td>
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<tr>
<td>Executive Director's Expenses</td>
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<tr>
<td>Buffet Dinner and Association Meeting</td>
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<td>Private Business Luncheons</td>
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<td>Journal Ad Refund</td>
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<td>Award Frame</td>
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### PRINTING AND DUPLICATING

<table>
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<td>Office Xerox</td>
<td>$349.80</td>
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### TOTAL DISBURSEMENTS FOR DECEMBER 1967

$ 11,878.30
### The Bar Association of the District of Columbia

**Current Assets and Other Resources Exclusive of Library Furniture & Fixtures**

#### 1. Operating Fund & Restricted Fund

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Fund-First National Bank</td>
<td>$10,813.65</td>
</tr>
<tr>
<td>Restricted Fund-American Security</td>
<td>$1,238.78</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,052.43</strong></td>
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#### II. Reserves

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<td>First Federal Savings &amp; Loan</td>
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<td>Liberty Savings &amp; Loan</td>
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<tr>
<td>Riggs National Bank</td>
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<td><strong>Total</strong></td>
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#### Restricted Voluntarily

(Does Reserved for 6/26-10/31/66.

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<tr>
<td>Eastern Savings &amp; Loan</td>
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<td>Franklin Federal Savings &amp; Loan</td>
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<tr>
<td>Jefferson Federal Savings &amp; Loan</td>
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<td>National Bank of Washington</td>
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<td>National Permanent Savings &amp; Loan</td>
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<td>Perpetual Building Association</td>
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<td>Prudential Building Association</td>
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<td>Republic Savings &amp; Loan Association</td>
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<td><strong>Total</strong></td>
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#### Home Fund

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<tr>
<td>American Savings and Loan Association</td>
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#### Lobar Golf Trophy

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<th>Account</th>
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<td>First Federal Savings &amp; Loan</td>
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#### Insurance Rebate Savings Accounts

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<tr>
<td>Capital City Savings &amp; Loan</td>
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<td>Columbia Federal Savings &amp; Loan</td>
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<td>District Building &amp; Loan</td>
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<td>Equitable Savings &amp; Loan</td>
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<td>First National Bank</td>
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<tr>
<td>Home Federal Savings &amp; Loan</td>
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<tr>
<td>Interstate Building Association</td>
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<td>National Savings &amp; Trust</td>
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<tr>
<td>Washington Permanent Savings &amp; Loan</td>
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<td><strong>Total</strong></td>
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#### Interest on Insurance Rebate Savings Accounts

<table>
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<tbody>
<tr>
<td>Northwestern Federal Savings</td>
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#### Total Assets to Date - December 31, 1967

**$193,645.83**
The applications of the following candidates were reviewed and approved by a member of the Admissions Committee and notice to the membership as required by Article III, Section 2, of the By-Laws will be accomplished in the January-February 1968 Journal.

These candidates are now respectfully submitted to the Board of Directors for their approval at the January 5, 1968 meeting.

**ACTIVE MEMBERSHIP**

RICHARD B. BERRYMAN, ESQ.
1521 New Hampshire Ave., N.W.
Washington, D. C. 20036

Franklin S. Bonem, Esq.
1201 South Courthouse Rd.
Arlington, Va. 22204

Cyril F. Brickfield, Esq.
9615 Bellevue Drive
Bethesda, Maryland

Joseph A. Cooke, Esq.
3458 Brinkley Road
Silver Spring, Md. 20031

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5307 Southampton Drive
Springfield, Va. 22151

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1625 Eye Street, N.W., Suite 921
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938 Washington Building
Washington, D. C. 20005

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David L. Johnson, Jr., Esq.
425 – 13th Street, N.W.
Washington, D. C. 20004

J. Sumner Jones, Esq.
888 – 17th Street, N.W., Suite 800
Washington, D. C. 20008

Dennis J. Lehr, Esq.
815 Connecticut Ave., N.W.
Washington, D. C. 20006

Thomas Lumbard, Esq.
3338 Prospect Street, N.W.
Washington, D. C. 20007

David I. Levine, Esq.
6102 Breezewood Drive #303
Greenbelt, Md. 20770

John W. Lyon, Esq.
1601 – 18th Street, N. W., Apt. 713
Washington, D. C. 20009

Allan M. Palmer, Esq.
2001 N. Adams Street
Arlington, Va.

Louis S. Papa, Esq.
815 – 15th Street, N.W., Suite 830
Washington, D. C. 20005

John R. Risher, Jr., Esq.
4422 Walsh Street
Chevy Chase, Md. 20015

Frederick M. Rowe, Esq.
800 World Center Building
Washington, D. C. 20006

Selma W. Samols, Esq.
517 – 11th Street, N. W.
Washington, D. C. 20005

Gary T. Schwartz, Esq.
1660 Lanier Place
Washington, D. C. 20009

John C. Scott, Esq.
1901 N Street, N. W.
Washington, D. C. 20036
ACTIVE MEMBERSHIP

John Silard, Esq.
1001 Connecticut Avenue, N. W., Suite 410
Washington, D. C.

Donald R. Snider, Esq.
711 - 14th Street, N. W., Suite 308
Washington, D. C. 20005

George A. Tesoro, Esq.
1521 New Hampshire Avenue, N. W.
Washington, D. C. 20036

Radcliffe Welles, Esq.
3813 T Street, N. W.
Washington, D. C. 20007

Stephen A. West, Esq.
1700 Pennsylvania Ave., N. W., Suite 990
Washington, D. C. 20006

ASSOCIATE MEMBERSHIP

Kathleen D. Davern, Esq.
2113 - 37th Street, N. W.
Washington, D. C. 20007

John M. Dowd, Esq.
Hq. Co., Hq. Bn., Division Legal
201 Marine Division
Camp Lejeune, North Carolina 28543

Peter J. Gallagher, Esq.
5902 Namakgan Road
Washington, D. C. 20016

Donald B. Nicholson, Esq.
Stratford Apartments, Apt. L-9
Shipley and Naamans Roads
Wilmington, Delaware

A. J. DiSalvo Schmidt, Esq.
5015 Smallwood Drive
Washington, D. C. 20016

Ernest Edward Wiles, Esq.
11611 Regency Drive
Potomac, Md. 20854
CHANGE OF STATUS FROM ACTIVE TO ASSOCIATE MEMBERSHIP

Richard S. McKernon, Esq.
257 Congressional Lane
Rockville, Md. 20852

CHANGE OF STATUS FROM ASSOCIATE TO ACTIVE MEMBERSHIP

Hyman Tash, Esq.
1705 DeSales St., N. W.
Washington, D. C. 20036

29 Active Members
6 Associate Members
2 Change of Status

DATE OF BIRTH - YOUNG LAWYERS SECTION
AL - ADMINISTRATIVE LAW SECTION
PTC - PATENT, TRADEMARK, COPYRIGHT SECTION
January 2, 1968

Raymond F. Garraty, Esq.
Executive Secretary
The Bar Association of the District of Colombia
1819 H Street, N. W.
Washington, D. C.

Dear Ray:

In line with Ephraim Jacobs' and my talks with you today I am enclosing a proposed resolution with respect to the passing of Newell A. Clapp, Esq. for consideration by the Board of Directors at its meeting on Friday, January 5. Both Mr. Jacobs and I will be much obliged if you will submit it to the Board on our behalf.

Sincerely yours,

Worth Rowley

WR:nt

Enclosure

cc: Ephraim Jacobs, Esq.
Resolution On The Death of Newell A. Clapp, Esq.

Resolved, that the Board of Directors of the Bar Association of the District of Columbia marks with sorrow the passing on December 23, 1967 of Newell A. Clapp, Esq., who had long been an esteemed member of the Association, and extends the Association's deepest sympathy to his widow.
December 14, 1967

John E. Powell, Esquire
President, The Bar Association
of the District of Columbia
300 Brawner Building
Washington, D.C. 20006

Dear John:

As I have previously advised you, the Committee on Association Investments held its first meeting a good many weeks ago. As a result of this meeting and several subsequent discussions among Committee members present at that meeting it has been determined that, before action can be taken on an investment program on behalf of the Association, clarification from the Board of Directors of the Bar Association is required on the following points relative to the scope of the Committee's assignment:

1. Is the $75,000 of the Association's funds, to which reference has been made in your correspondence with me, to be invested as a balanced portfolio in itself, or should the Association's existing holdings in savings and loan accounts and stocks also be taken into consideration?

2. Is the Committee authorized to consider and take investment action on the existing stock holdings of the Association, (e.g., dispose of any holdings not now on the Legal List, change holdings for investment reasons, etc.)?

3. While it is understood that the Committee is to be limited to the Legal List in its investment program, is it intended that such investments be further limited to common stocks, or are preferred stocks, debentures and bonds also to be considered?

4. In the mechanics of buying and selling securities, is the Committee authorized to proceed as outlined in the enclosed draft of a form letter to the Treasurer of the Association?

5. The investment objectives of the Committee are understood to be long-term capital appreciation, plus reasonable (3% to 4%) income yield.
It is requested that copies of any resolutions already adopted by the Board of Directors authorizing the Committee on Association Investments to proceed with an investment program, together with any resolutions adopted in connection with clarifying the above-listed points, be forwarded to me at your early convenience. Some of this material will be required by brokers handling investments in response to orders placed by the Committee. It is further the feeling of the Committee that the investment program upon which the Association is about to embark through the Committee should be grounded at the outset upon formally established policies and mechanics for implementing such policies.

With best wishes.

Sincerely yours,

William S. Abell
Arthur R. Pilkerton, Esq., Treasurer
The Bar Association of the
District of Columbia
1819 H Street, Northwest
Washington, D. C. 20006

Dear Mr. Pilkerton:

This will advise you that on the authorization of the Committee on Association Investments I have today entered an order with ____________________________ (Mr. _____________, Representative) for the account of the Bar Association of the District of Columbia to purchase ____ shares ______________ at the market. This purchase has been confirmed orally by Mr. ________________ at a price of ____ per share, with the total cost, including commissions, being $_________. By today's mail ______________________ will send written confirmation of this executed order to you, as well as to me, as Chairman of the Committee on Association Investments.

Will you, please pay for this purchase with funds of the Association within the time specified on the confirmation sheet and also make arrangements for the delivery of the certificates to you on behalf of the Association.

Yours very truly,

William S. Abell, Chairman
Committee on Association Investments

cc: John E. Powell, Esq.
Raymond F. Garraty, Esq.
Investment Committee Members
Mr. John Powell, President
Bar Association of the District of Columbia
1819 H Street, Northwest
Washington, D.C. 20006

Dear Jack:

This is with regard to the last meeting of the Board of Directors of the Bar Association to which you kindly invited me, to speak as Chairman of the Domestic Relations Committee concerning Charles Mayer's proposal that the critical need of the Domestic Relations Branch be met by Chief Judge Greene's assignment of either Judge Edgerton or Judge Pickling to the Branch for a temporary period. You will recall that I advised you and the Board that our Committee had not officially considered Mr. Mayer's proposal, but that the Committee repeatedly had opposed similar thoughts in Committee meeting discussions both last year, under Mr. Lamensdorf's chairmanship, and at all of the meetings this year.

Following that Board Meeting, the Committee of Messrs. Sachs, Mayer, and I met with Judge Ryan and still is working on other aspects of our assignment.

Our Domestic Relations Committee met yesterday and I advised the Committee of the Mayer resolution, formation of the Sachs Committee, and the efforts of that Committee to date.

Our Committee discussed the matter at very great length, all aspects of it, and with tremendous vigor, unanimously adopted a motion that I advise you and the Board that the position of the Domestic Relations Committee is that we are opposed to any solution of the Domestic Relations Branch problem except the proper solution which is the long overdue filling of the existing vacancy.
Frankly, our Committee was disappointed with the Board's action in response to my letter to you of October 31, 1967, in which I advised you of our Committee's request to the Board for "their assistance in publicizing the urgent need for the filling of the vacancy."

We felt that the information provided to the Board in that letter merited more than the inclusion of the Domestic Relations Branch in the Board's general resolution urging the filling of all existing judicial vacancies in the District of Columbia. We felt that one vacancy on a 3-judge Court was far more alarming than a vacancy on a 20-judge Court; likewise, since our vacancy has existed since September of 1965, other than for six months; and likewise, since the long-term, vital rights of mothers, fathers, and children are involved.

We are mindful that every Court has a backlog, and has so had for some time. We cannot escape the knowledge that prior to September of 1965, when the Domestic Relations Branch Judicial complement was full, our calendar was absolutely current and had been so since the creation of the Court in 1957. We are mindful that virtually every Court is asking for more judges. Of course we are mindful that the Bar Association of the District of Columbia cannot compel the President to do anything. But what our Committee asked, and we felt it was a reasonable request, was the Association's assistance in publicizing the urgent need for the filling of this vacancy on a Court, which since its creation by Congress in 1957 has not had one increase in either its judicial or clerical staff, despite the naturally increasing workload coupled with the increase caused by the recent reform of the District's divorce laws.

We feel that the Justice Department and the Administration are not aware of the special circumstances surrounding the Domestic Relations Branch. We felt that they were not aware of this when, shortly following Judge Atkinson's appointment in October of 1966, Judge Waddy was moved from the Branch to the U.S. District Court in March of this year. The core of our Committee's original request was that the Justice Department and the Administration should be made aware of the unusual situation in the Domestic Relations Branch. We must believe that the circumstances are not known; otherwise, the delay in filling the appointment would be unconscionable.
We are mindful of the many problems facing the Board, but
again reiterate our request for the Board’s assistance in
publicizing the urgent need for the filling of the vacancy
in the Domestic Relations Branch.

Sincerely,

ELIZABETH GUHRING
RESOLVED, That Section 13 of the Trademark Act be amended by deleting the second sentence reading "For good cause shown, the time for filing an opposition may be extended by the Commissioner, who shall notify applicant," and substituting -- Upon request the time for filing opposition shall be extended for thirty days and for good cause shown may be extended for further periods by the Commissioner, who shall notify the applicant of any requested extension. --

Recommendation by the Committee:

Approval of the Resolution

Vote of Committee on Recommendations:
For: 9  Against: 0  Abstentions: 0  Absentees: 2

Do you anticipate a written dissent? No

Brief background of Proposal:

Applications for registration of trademarks are published in the Official Gazette to permit opposition by parties who feel they may be damaged by the registration of the proposed trademark. A period of 30 days is permitted for the filing of any such opposition. This has proved to be a problem for persons on the West Coast, who experience delay in receiving the Official Gazette, and for attorneys representing foreign clients where time to communicate with such clients is required.

The above resolution provides for an extension of 30 days upon a simple request by the attorney. Any extension beyond 30 days would be granted only upon a showing of good cause. This recommendation coincides with the Suggested Implementation of Resolution if approved by the Board: position taken by the American Patent Law Assoc.

The Chairman of the Patent, Trademark and Copyright Law Section will communicate this recommendation to the Commissioner of Patents and to the appropriate committees of the Congress and will urge amendment of the Trademark Act in accordance with the resolution.

NOTE: Be brief. If additional space is needed, use supplemental sheet. NO REPORT WILL BE ACCEPTED BY THE BOARD OF DIRECTORS WITHOUT THIS COMPLETED FORM.
AGENDA

BOARD OF DIRECTORS MEETING
February 9, 1968 -- 3:00 P.M.
Conference Room, Bar Association Office

1. Approval of the Board of Directors Meeting minutes of January 5, 1968, (copy enclosed) -- Mr. Goodrich.

2. Report of the Treasurer -- Mr. Pilkerton. (copy enclosed)

3. Election of candidates to membership in the Association (copy enclosed).


5. Proposal for support of the Association to change Rule 96 of the D.C. Court Rules to admit third year law students to practice under supervised conditions in the General Sessions Court in special litigation branch of the General Sessions Branch. (copy enclosed) -- Peter Wolf, witness.

6. Request of the Juvenile Court Committee that the Bar Association advise the Commission on the Administration of Justice that the D.C. Bar Association is not in favor of such incorporation of the Juvenile Court as a branch of the D.C. Court of General Sessions, and that the Judicial Conference be likewise advised in writing (copy enclosed) -- Joyce Capps, witness.

7. Recommendation that the records of the Bar Association of the District of Columbia be consolidated within a Data Processing System (copy enclosed).

8. Resolution that Active Membership in the Association is defined as "Members of the Bar of the United States District Court for the District of Columbia in good standing in active practice in the District of Columbia." with no limitations on the amount of practice in the District, and that the membership application reflect this eligibility requirement (copy enclosed).

9. Recommendation from the Clients' Security Fund Committee that the Board of Directors adopt a resolution which would amend the By-Laws of the Bar Association of the District of Columbia to create a Clients' Security Fund (copy enclosed) -- Paul F. McArdle, witness.


BOARD OF DIRECTORS MINUTES FOR 5 JANUARY 1968

President John E. Powell called the following officers and members of the Board to order at 4 p.m. on Friday, January 5, 1968: Messrs. Bierbower, Evans, Kern, Madden, Miller, Neuhauser, Rafferty, Rhyne, Sachs and Garraty, and Mrs. Green and Miss Frohman. Excused were Messrs. Pilkerton and Goodrich.

ITEM #1 -- APPROVAL OF THE MINUTES FOR 15 DECEMBER 1967

The minutes were approved with the following corrections:

Page 1, Item 1 -- Page numbers in the last two corrections should be reversed and John T. should be changed to Herbert J. Miller.

Page 6, Paragraph 4 -- the correct spelling of the name in line 5 is FAGEN.

Page 7, end of Page -- Insert after "Director of" the words: "Public Safety, Mr. Murphey."

Page 9, final Paragraph -- Insert after "Judge Greene" the words "and other Judges on that Bench."

ITEM #2 -- TREASURER'S REPORT

It was moved and passed, in the absence of Mr. Pilkerton, to accept the Report of the Treasurer as filed.

ITEM #3 -- ELECTION OF CANDIDATES TO MEMBERSHIP IN THE BAR ASSOCIATION

On motion of Mr. Garraty, the Board approved 29 candidates for Active Membership beginning with Richard B. Berryman and ending with Stephen A. West, 6 candidates for Associate Membership beginning with Kathleen D. Davern and ending with Ernest Edward Wiles, and the change of status of Richard S. McKernon from Active to Associate and of Hyman Tash from Associate to Active.

Mr. Garraty noted that two members had requested to be changed from Active to Associate status in accordance with a requirement for Active Membership in the Montgomery County Bar Association to the effect that it is inconsistent for a lawyer to enjoy Active status in both Associations since both require that 50% or more of a candidate's practice be within that jurisdiction.
ITEM #4 -- RECOMMENDATIONS OF THE JUDICIAL SELECTION COMMITTEE

Chairman of the Judicial Selection Committee John Lynham presented the following names for nomination for the two vacancies on the United States District Court for the District of Columbia created by the retirement of Judge McGarraghy and Judge Holtzoff:

Edward L. Carey
Thomas Searing Jackson
Paul F. McArdle
John H. Pratt

and the following for the three vacancies on the District of Columbia Court of Appeals created by recent legislation:

Judge Austin L. Fickling
Judge DeWitt S. Hyde
John Worth Kern, III
Frank Q. Nebeker
Nathan J. Paulson
Judge Joseph F. H. Ryan, Jr.

Mr. Lynham noted that the sending of notices to the membership regarding nominations for pending vacancies is left to the discretion of his Committee, under provision of the By-Laws. Notices were sent in regard to the Holtzoff vacancy, but since Judge McGarraghy's retirement was announced shortly thereafter, the Committee did not feel further notice was necessary, he said.

He also noted that the D.C. Code places two qualifications on appointees to the bench of the D.C. Court of Appeals:

1. (residence) -- candidates should be residents of the Washington metropolitan area

2. (professional) -- candidates shall have been in active practice in the District of Columbia for at least five years prior to appointment to that bench.

Regarding the latter requirement, the question was raised as to the intent of the Code as it affects the eligibility of local judges and court officials not technically practicing law.
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2. (professional) -- candidates shall have been in active practice in the District of Columbia for at least five years prior to appointment to that bench.

Regarding the latter requirement, the question was raised as to the intent of the Code as it affects the eligibility of local judges and court officials not technically practicing law.
The Judicial Selection Committee, in the past, has nominated judges, Mr. Lynham said, but the revised Code, effective January 1, 1964, omits any reference thereto. Mrs. Green pointed out that Judge Kelly had been elevated to that bench, and she felt that this confirmed the intent of Congress in that regard. Other similar cases were cited.

Mr. Lynham noted that he felt it was the intent of the Code to limit appointments to this bench to local people, and since those on the list met that and other qualifications, his committee had chosen to ignore the wording of the present provision and assume the intent.

Merrills. Kern and Lynham were then excused from the room, and on a motion made by Mr. Miller, the Board approved the full slate of candidates.

Mr. Rhyne then offered a motion that the Board request the Judicial Selection Committee to consider the desirability of suggesting a clarifying amendment concerning the elevation to the bench of the Court of Appeals of local judges, court personnel, Department of Justice attorneys, etc. There being no objection, Mr. Powell said he would refer the proposal to the Committee. Mr. Sachs noted that the amendment, if approved, should include a caveat that the Bar Association has no strong feelings on the matter, but simply desires clarification.

ITEM #5 -- RESOLUTION ON THE DEATH OF NEWELL A. CLAPP, ESQ.

Mr. Carraty, after investigating past records, said he could find no precedent for a resolution which had been introduced by Worth Rowley, Esq. regarding the death of Newell A. Clapp, Esq.

Mr. Powell commented that he felt the customary action taken by the Memorial Committee in mentioning the name of a deceased member in Court with appropriate comments on his service to the Bar, a copy of which proceedings is sent to the family, was sufficient payment of respect. It was the sense of the Board, with no vote having been taken, that the above proposal
was not in order. Mr. Garraty, however, was directed to ascertain whether a transcript of the Court proceeding in regard to Newell Clapp was sent to his next of kin.

**ITEM #6 -- BAR ASSOCIATION CHARTER FLIGHT TO EUROPE**

Mr. Powell said he had received letters of protest from two members of the Bar about the proposed European Charter, in the light of the President's request discouraging foreign travel.

Mr. Garraty said that he felt group travel was one advantage of membership in an Association; this flight, for example, would cost half of what it would cost an individual traveling independently. Air France had submitted the best price offer, he continued.

He noted that the letters had protested the flight on two counts: 1. that in using Air France, the Bar Association would be, in effect, patronizing the French Government, of which Air France is a subsidiary, and 2. in the light of the President's message previously mentioned. Mr. Garraty noted, however, that the trip had been planned long before the President's message and that 20 people had already signed up and made their deposits.

As a solution to the first criticism, Mr. Garraty suggested that the Bar Association give up the Air France Charter and accept an offer made by Pan American Airlines to charter a jet from Washington to London and back during approximately the same period of time for $10.00 more per person. Passengers could decide for themselves where they would spend their 20 days, he said.

Mr. Sachs said he thought it to be inappropriate to launch any trip abroad, since it would adversely affect the balance of payments and would, in effect, encourage travel abroad in direct opposition to the wishes of President Johnson. Mr. Powell, however, felt that "it verges on the absurd to tell people of the greatest nation in the world to stay within its boundaries."
Mr. Evans noted that one factor in question was how such an undertaking would appear to the community. He proposed, along these lines, that all advertising make it clear that the Bar Association is merely providing a vehicle for traveling at a reduced rate, and not actively sponsoring it.

Mr. Garraty suggested that the Charter plans be allowed to continue, thereby leaving the question up to the membership. If all seats are filled, he said, he would interpret this to be a demonstration of the feelings of the membership.

The original motion calling for the cancellation of the Air France Charter to Paris and London and the adoption of the Pan American Charter to London was passed by the Board by a vote of six to three.

ITEM #7 -- RIOT PLAN PROPOSAL

An emergency plan to provide legal assistance to demonstrators in the event of the occurrence of a riot in the District of Columbia was presented to the Board by the Executive Director.

Mr. Powell said he felt the plan submitted should differentiate between spontaneous and planned demonstrations, and that organizations planning to demonstrate should allocate funds for legal counsel just as they do for transportation, accommodations, etc. He then querrated the members of the Board for their feelings on the proposal.

There followed a discussion of the various agencies, such as the Police Department, the Department of Justice, etc., which should be consulted in this regard. Mr. Hadden noted the danger in publicizing the availability of legal counsel in that knowledge of this kind could encourage rioters to take legal risks. Mr. Rhyne stressed two possible dangers involved with contacting any outside agency in the matters: newspaper slippage and the danger of putting the Bar Association in a position where it appears to be offering a complete solution to the problem of mass legal assistance. We should make it clear that we are willing to explore the situation so as to be prepared for an emergency, not that we have the solution, he said.
Mr. Garraty noted that his plan was designed to be contained within the Administrative Office of the Bar Association.

Mr. Sachs complemented the President and Executive Director on anticipating this problem and planning in order to be prepared for an emergency of this kind. He felt that the Board should concern itself, however, with the welfare of the community rather than that of the demonstrators. Also, he suggested, the Executive Director, rather than contacting the Chief of Police as the proposal suggests, should contact the officials directly responsible for the administration of justice. Mr. Sachs said he felt that the Court of General Sessions would be the proper authority to consult. He suggested sitting down with Chief Judge Greene to explore the legal needs involved in mass arrest and civil disorder before trying to adopt a specific plan.

Mr. Powell said he would ask the Chairman of both the General Sessions and the Criminal Justice Committees to consult with the Chief Judge on this question, and the Board concurred.

ITEM #8 -- REPORT OF THE PERMANENT HOME FOR THE ASSOCIATION COMMITTEE

This item was stricken from the agenda.

ITEM #9 -- REQUEST FOR INSTRUCTIONS BY THE COMMITTEE ON ASSOCIATION INVESTMENTS

On request of the Chairman of the Committee on Association Investments, William S. Abell, the Board clarified the following points regarding that Committee's authority and responsibility:

1. In investing Association funds, the Committee should take into account the Association's existing deposits in savings and loan accounts and investments in stock.

2. The Committee is authorized to consider and take investment action with respect to existing stock holdings of the Association and may direct that those investments be altered as it deems appropriate.

3. It is not intended that Association investments be limited to common stocks and preferred stocks; debentures and bonds may also be considered.
4. In connection with buying and selling, the Committee is authorized to proceed as set forth in the draft of the letter to Mr. Pilkerton, Treasurer.

5. The Board concurs in the statement of the Committee that the investment objectives are long term capital appreciation coupled with reasonable income yield.

ITEM #10 -- APPROVAL OF A NEW NATURALIZATION PROGRAM

Lilla Burt Cummings, representing the Citizenship & Immigration Committee, told the Board that the Association has traditionally provided principle speakers for the monthly naturalization ceremonies held in the U.S. District Court, and has sponsored the printing of programs for those ceremonies. She then displayed the various types of programs which had been distributed at the ceremonies, and noted that before the Bar Association had provided programs there had been none.

She then passed among the Board members a proposed substitute which, she said, could be printed for $442.00 for 2,400 programs or approximately a two years supply. She explained that the cost per copy is less for a two-years supply ($374.00 for one year and $68 more for the second year.) The present cost is approximately .05¢ per sheet she explained, and the new programs would cost 18¢ apiece. However, she said that the added cost was justified and displayed the publications presented to new citizens by other Associations such as the Department of Justice, DAR, Colonial Dames, etc. for the purpose of comparison. After lengthy discussion and near defeat, the proposal was approved by the Board.

ITEM #11 -- RESOLUTION TO AMEND SECTION 13 OF THE TRADEMARK ACT

Mr. Neuhauer explained that the Patent, Trademark and Copyright Law Section, in agreement with the position taken by the American Patent Law Association, sought to extend the time for filing trademark oppositions to thirty days after notice appears in the Official Gazette upon showing of good cause.
Mr. Neuhauser said that if the resolution were approved, he would communicate this recommendation to the Commissioner of Patents and to the appropriate Committees of Congress, and would urge amendment of the Trademark Act in accordance with the resolution.

The Board concurred.

The meeting was adjourned at 6 p.m.
THE REPORT OF THE TREASURER OF THE BAR ASSOCIATION
OF THE DISTRICT OF COLUMBIA

JANUARY 1968

ASSETS ON HAND - DECEMBER 31, 1967

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH - CHECKING ACCOUNTS</td>
<td>$12,052.43</td>
</tr>
<tr>
<td>RESERVES - SAVINGS ACCOUNTS</td>
<td>$9,950.00</td>
</tr>
<tr>
<td>INSURANCE REBATES - SAVINGS ACCOUNTS</td>
<td>$119,414.02</td>
</tr>
<tr>
<td>INVESTMENTS - STOCKS</td>
<td>$52,229.38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$193,645.83</strong></td>
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JANUARY RECEIPTS

<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
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<tr>
<td>Sections and Other Collections</td>
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<td><strong>Total</strong></td>
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JANUARY DISBURSEMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Taxes</td>
<td>$6,259.71</td>
</tr>
<tr>
<td>Office Expenses</td>
<td>$1,371.39</td>
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<tr>
<td>Library Expenses</td>
<td>$2,727.72</td>
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<td>Sections and Other Expenses</td>
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<tr>
<td>Printing and Duplicating Journal</td>
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<td><strong>Total</strong></td>
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REstricted DISBURSEMENTS - Annual Dinner

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<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Printing</td>
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<td><strong>Total</strong></td>
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CURRENT ASSETS ON HAND - JANUARY 31, 1968

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH - CHECKING ACCOUNTS</td>
<td>$18,096.27</td>
</tr>
<tr>
<td>RESERVES - SAVINGS ACCOUNTS</td>
<td>$9,950.00</td>
</tr>
<tr>
<td>INSURANCE REBATES - SAVINGS ACCOUNTS</td>
<td>$119,414.02</td>
</tr>
<tr>
<td>INVESTMENTS - STOCKS</td>
<td>$52,229.38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$199,689.67</strong></td>
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SUMMARY OF ASSETS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH - CHECKING ACCOUNTS</td>
<td>$18,096.27</td>
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<tr>
<td>RESERVES - SAVINGS ACCOUNTS</td>
<td>$9,950.00</td>
</tr>
<tr>
<td>INSURANCE REBATES - SAVINGS ACCOUNTS</td>
<td>$119,414.02</td>
</tr>
<tr>
<td>INVESTMENTS - STOCKS</td>
<td>$52,229.38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$199,689.67</strong></td>
</tr>
</tbody>
</table>
### JANUARY RECEIPTS

**INCOME COLLECTIONS RECEIVED AT OFFICE**

<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Dues of Regular Members</td>
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<tr>
<td>Dues of New Applicants</td>
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<tr>
<td>Ads in Journal</td>
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<tr>
<td>Sale of Journals</td>
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<tr>
<td>Office Xerox</td>
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<tr>
<td>Misc. Income</td>
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<tr>
<td>Library Fees</td>
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<tr>
<td>Library Xerox</td>
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<tr>
<td>Lawyer Referral Service Fees</td>
<td>$840.00</td>
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<tr>
<td>Registration Fees</td>
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<td>Dividends on Stocks</td>
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<tr>
<td>Interest on Savings Accounts</td>
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<tr>
<td>Interest on Insurance Rebate Savings Accounts</td>
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**OTHER COLLECTIONS FROM SECTIONS & ETC.**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Administrative Law Section</td>
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<tr>
<td>Patent, Trademark and Copyright Section</td>
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<tr>
<td>Eat &amp; Learn Luncheon</td>
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<tr>
<td>Association Meeting &amp; Buffet Dinner</td>
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<tr>
<td>Metropolitan Bar Council Dinner</td>
<td>$250.00</td>
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</table>

**TOTAL OPERATING FUND**

$38,163.71

*LESS DISBURSEMENTS FOR JANUARY (See Below)*

- $20,567.44

**BALANCE ON HAND OF OPERATING FUND - JANUARY 31, 1968.**

$17,596.27

### DISBURSEMENTS FOR JANUARY

**SALARIES AND TAXES**

<table>
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<tr>
<th>Description</th>
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<td>Salaries (Net)</td>
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<td>DC Unemployment Compensation</td>
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<td>DC WT</td>
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**OFFICE EXPENSES**

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<td>Rent</td>
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<tr>
<td>Telephone</td>
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<tr>
<td>Services and Supplies</td>
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**Total Office Expenses**

$1,371.39

**Total Disbursements**

$7,631.10
**DISBURSEMENTS FOR JANUARY 1968**

**TOTAL OF DISBURSEMENTS FROM PAGE TWO**  
$ 7,631.10

### LIBRARY EXPENSES

<table>
<thead>
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<td>Books</td>
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<td>Binding &amp; Catalog Expenses</td>
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<td>Library Xerox</td>
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<td>Supplies and Services</td>
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### SECTIONS AND OTHER EXPENSES

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<td>Flowers</td>
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<td>Executive Director's Expenses</td>
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<td>Buffet Dinner and Association Meeting</td>
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<td>Bermuda Convention</td>
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<td>Mr. Garret's Gift at Christmas</td>
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### PRINTING & DUPLICATING

<table>
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<tr>
<th>Item</th>
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<tr>
<td><strong>Total</strong></td>
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### JOURNAL

<table>
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<tr>
<th>Item</th>
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<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,249.02</strong></td>
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**TOTAL DISBURSEMENTS FOR JANUARY 1968.**  
$ 20,567.44
## OPERATING FUND & RESTRICTED FUND

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<thead>
<tr>
<th>CHECKING ACCOUNTS</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Restricted Fund-American Security</td>
<td>$500.00</td>
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<table>
<thead>
<tr>
<th>UNRESTRICTED RESERVES</th>
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<td>First Federal Savings &amp; Loan</td>
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<tr>
<td>Liberty Savings &amp; Loan</td>
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<tr>
<td>Riggs National Bank</td>
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<table>
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<tr>
<th>RESTRICTED VOLUNTARILY</th>
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<td>(Dues Reserved for 6/1/68-10/31/68.)</td>
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<tr>
<td>Eastern Savings &amp; Loan</td>
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<tr>
<td>Franklin Federal Savings &amp; Loan</td>
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<tr>
<td>Jefferson Federal Savings &amp; Loan</td>
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<tr>
<td>National Bank of Washington</td>
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<tr>
<td>National Permanent Savings &amp; Loan</td>
<td>$50.00</td>
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<tr>
<td>Perpetual Building Association</td>
<td>$50.00</td>
</tr>
<tr>
<td>Prudential Building Association</td>
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<tr>
<td>Republic Savings &amp; Loan Association</td>
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<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>HOME FUND</th>
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<tbody>
<tr>
<td>American Savings and Loan Association</td>
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<table>
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<tr>
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</thead>
<tbody>
<tr>
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<td><strong>Total</strong></td>
<td><strong>$300.00</strong></td>
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</table>

<table>
<thead>
<tr>
<th>INSURANCE REBATE SAVINGS ACCOUNTS</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital City Savings &amp; Loan</td>
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</tr>
<tr>
<td>Columbia Federal Savings &amp; Loan</td>
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<tr>
<td>District Building &amp; Loan</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Enterprise Federal Savings &amp; Loan</td>
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</tr>
<tr>
<td>Equitable Savings &amp; Loan</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>First National Bank</td>
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<tr>
<td>Home Federal Savings &amp; Loan</td>
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<tr>
<td>Interstate Building Association</td>
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<tr>
<td>National Savings &amp; Trust</td>
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<tr>
<td>Washington Permanent Savings &amp; Loan</td>
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<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>STOCKS AT PURCHASE PRICE</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Washington Gas Light Co. (Trophy)</td>
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</tr>
<tr>
<td>Woodward &amp; Lothrop</td>
<td>$3,034.00</td>
</tr>
<tr>
<td>American Telephone &amp; Telegraph</td>
<td>$3,153.42</td>
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<tr>
<td>PEPCO</td>
<td>$3,384.52</td>
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<tr>
<td>VEPCO</td>
<td>$3,474.91</td>
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<tr>
<td>Washington Gas Light Co.</td>
<td>$3,873.62</td>
</tr>
<tr>
<td>Sherwin Williams Co.</td>
<td>$5,369.33</td>
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<tr>
<td>B. F. Goodrich Co.</td>
<td>$5,669.63</td>
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<td>Gulf Oil Corporation</td>
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<td>J. P. Stevens &amp; Co.</td>
<td>$7,571.53</td>
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<tr>
<td>General Motors</td>
<td>$9,932.98</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$52,229.38</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTAL ASSETS TO DATE - JANUARY 31, 1968.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$99,689.67</strong></td>
<td></td>
</tr>
</tbody>
</table>

($199,689.67)
The applications of the following candidates were reviewed and approved by a member of the Admissions Committee and notice to the membership as required by Article III, Section 2, of the By-Laws will be accomplished in the January-February 1968 issue of the Journal.

These candidates are now respectfully submitted to the Board of Directors for their approval at the February 9, 1968 meeting.

ACTIVE MEMBERSHIP

Harry L. Albrecht, Esq.
918 - 16th St., N.W.
Suite 501
Washington, D.C. 20006

Reynold J. Bossidy, Esq.
1627 Eye St., N.W.
Washington, D.C. 20006

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Washington, D.C. 20005

John Lane, Jr.
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Alexandria, Virginia 22302

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1625 Eye Street, N.W., Suite 623
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Walter T. Nolte, Esq.
818 - 18th St., N.W. #750
Washington, D.C. 20006

John L. Richardson, Esq.
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Washington, D.C. 20009

Michael Schneiderman, Esq.
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Washington, D.C. 20036

Leonard M. Trosset, Esq.
1821 Jefferson Place, N.W.
Washington, D.C. 20036

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Alexandria, Virginia 22305

Jerome Eisner, Esq.
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Silver Spring, Maryland 20901

Michael S. Levy, Esq.
124 - 6th Street, N.E.
Washington, D.C. 20002

Willard N. Wilson, Esq.
1101 - 17th St., N.W.
10th Floor
Washington, D.C. 20036

C. Robert Zelnick
Arlington Towers, H-1034
Arlington, Virginia 22209

10 - ACTIVE MEMBERS
5 - ASSOCIATE MEMBERS
Draft - Proposed Transmittal Letter

The Honorable Alan Bible
Chairman
Committee on the District of Columbia
United States Senate
Washington, D.C. 20510

Re: S.316 and S.2589, Proposed D.C. Retail Installment Sales Acts

Dear Senator Bible:

I am pleased to transmit to you the attached report of the Bar Association of the District of Columbia recommending certain changes in S.316 and supporting its enactment as so amended, and in the alternative recommending certain changes in S.2589 and withholding support of S.2589 as so amended pending further study.

Sincerely yours,

John E. Powell
President
Report of the Bar Association of the District of Columbia to the Committee on the District of Columbia of the United States Senate on S.316, Proposed D. C. Retail Installment Sales Act (introduced by Senator Morse) and S.2589, Proposed D. C. Retail Installment Sales Act (introduced by Senator Tydings)

1. The Bar Association has previously endorsed Senator Morse's Retail Installment Sales bill (recommending certain changes therein), by letter dated November 14, 1967 and the Report attached thereto, and we continue to endorse this bill and fully support its enactment as so amended.

2. During the period that we have had the Tydings bill under consideration, we have not had time to complete a thorough, line-by-line analysis of the entire bill. We hope to prepare such an analysis soon in the hope that it will be of value to the Congress. Pending such an analysis, we must withhold support of S.2589. Meanwhile, we offer the following specific suggestions for amendments as to certain portions of the bill:

(a) As to Title I:

(i) Section 1.103 should be stricken from the bill. A general repealer provision like §1.103 does not accomplish anything of value. Prior inconsistent laws will be repealed anyway, by operation of law. In order to avoid future controversy as to what is or is not "inconsistent", and in order to avoid setting traps for people who may rely on a law which turns out to be inconsistent, the draftsman should take the time to figure out which prior laws he desires to repeal and then specify them.
(ii) Section 1.201(9) defines "home improvement work" as including improvement of any "residential property as herein defined", but nowhere in the bill is "residential property" defined. No good reason appears for including a definition of this phrase, since its ordinary meaning is apparently intended. Therefore, we recommend the deletion of the words "as herein defined".

(iii) Section 1.201(9) also includes "replacement" of residential property within the definition of "home improvement work". This seems to be an unnecessarily and unrealistically broad definition. The wording should be changed from "alteration, conversion, or replacement" to "alteration or conversion".

(iv) Section 1.201(14) includes within the scope of the bill any transaction which "has substantial contact with the District" of Columbia. No definition is provided for the term "substantial contact." A Maryland store selling goods in Maryland to a District resident, and complying meticulously with the Maryland Retail Installment Sales Act, could thus be subjected to the penalties provided for violation of a conflicting requirement of the Tydings bill.

We recommend that §1.201(14) of the Tydings bill be amended to read, in conformity with the exact language of the analogous §2(6) of the Morse bill:

"'Retail installment contract' means a contract entered into in the District evidencing a retail installment transaction."
(b) As to Title III:

We believe that the principle of delegation to the Commissioner and City Council, as spelled out in §4 of the Morse bill, is preferable to setting forth the matters there dealt with in the act itself, as in Title III of the Tydings bill. The delegation principle has worked well in the act and regulations relating to installment sales of motor vehicles; it provides flexibility to adjust to legitimate business needs and to move to meet attempted evasions; and it is in keeping with the philosophy of delegating authority over local matters to duly appointed local authorities. Hence, we recommend that Title III be stricken in its entirety and that the language of §4 of the Morse bill be substituted therefor, with §4(a) amended as previously recommended by this Association (and also amended to account for the governmental reorganization in the District of Columbia), as follows:

"The Council is hereby authorized to make and enforce such regulations as it deems appropriate, insofar as such regulations are consistent with the provisions of this Act, to prevent unconscionable practices in connection with retail installment transactions, including, but not limited to, regulations containing definitions, whether or not used in this Act. Such regulations may include provisions -- . . ."

Further as to Title III, we point out the following:

(i) On page 15, line 17 (in §3.102(B)), there is an apparent omission of the words "there shall appear on the first page" following the word "page, ".

(ii) Section 3.104(A) contains a cross-reference to a nonexistent §3.108.

-3-
(c) As to Title IV:

(i) Section 4.102 of the Tydings bill abolishes the holder-in-case concept as applied to retail installment sales transactions. We are concerned that the real effect of this abolition will be to dry up sources of credit for small retail merchants, thus making it even more difficult for small businessmen to continue to do business. (According to a recent study in Maryland, the cost of extending credit is already much greater for small than for large retail stores.) We fear that there will be no corresponding gain for the consumer, because (we are informed) the few unscrupulous merchants who prey upon the poor usually do so without discounting their paper to a holder in due course.

Moreover, the language of §4.102 goes beyond the probable intent of the drafters by providing that an instrument in form negotiable is "void and may not be enforced by any subsequent holder." The effect of this language is not simply to preserve any valid defenses which the buyer may have but to give the buyer who has no defenses a windfall by relieving him entirely of any obligation to pay for the goods he has bought if the instrument he signed contain any words of negotiability. Likewise, the seller who inadvertently uses a form containing words of negotiability is disproportionately penalized by being required in effect to give his merchandise away.

The Morse bill modifies the holder-in-case concept as applied to retail installment sales transactions, by providing a certification procedure, whereby the third-party holder can rely on the buyer's written certification that he has received the goods or services.
We recommend that §4.102 of the Tydings bill be amended to read as does the analogous section of the Morse bill, §9 of S.316.

(ii) Section 4.103(A) severely restricts the right to accelerate the time when the indebtedness becomes payable. We have previously recommended that the similar provision of the Morse bill be amended so as to permit acceleration not only in those instances enumerated in that bill but also in event of bankruptcy or commission of an act of bankruptcy. Hence, we recommend that §4.103(A) of the Tydings bill be amended to provide (with deletions bracketed and additions italicized):

"(A) any provision for the acceleration of the time when any part or all of the indebtedness becomes payable other than for a [substantial] default in payment or performance by the buyer, or on the same grounds as would authorize an attachment before judgment under paragraphs (2) through (5) of subsection (d) of section 16-501 of the District of Columbia Code, or in case of adjudication of bankruptcy of or commission of an act of bankruptcy by the buyer, notwithstanding section 26:1-208 of the District of Columbia Code;"

(d) As to Title VI:

Section 6.105 (which is mislabeled §105) abolishes the right to deficiency after foreclosure.

We recommend that the right to deficiency after foreclosure should be preserved, to the extent provided in the Morse bill, that is, that the deficiency cannot exceed the amount due before repossession. The cost of credit to buyers is bound to increase as a result of abolition of the right to deficiency, thus defeating one basic purpose of the Tydings bill. Moreover, it seems
inequitable to allow certain buyers to renege on their promise to pay an agreed price and in effect at their sole option to convert a sale into a rental arrangement terminable at their will. Also, it is anomalous to provide, as does §6.105 of the Tydings bill, that the seller who sold the goods, if he elects to obtain a judgment against the buyer, is the only judgment creditor of that buyer who could not levy execution on the very goods which were the subject of the sale. We recommend that §6.105 be amended to read as does the analogous provision of the Morse bill, §11.

(e) As to Title VIII:

(i) In §8.101, page 38, line 17, the word "sales" is obviously wrong and should be amended to read "such".

(ii) In §8.101(7), the cross-reference to a nonexistent § "10.105" should be amended to § "8.105".

(iii) Section 8.104, giving investigatory powers to the proposed Department of Consumer Protection, is overbroad. In order to minimize the risk of bureaucratic harassment of legitimate businesses, we recommend that the investigatory powers should be restricted to instances in which the Department receives specific authorization from the City Council or Commissioner for a general investigation or receives a specific complaint which could lead to an investigation on the complaint. Therefore, we recommend that §8.104 be amended as follows (with addition italicized):

"In carrying out the purposes of this Act, the District of Columbia Department of Consumer Protection is hereby authorized, pursuant to specific
authorization from the City Council or the Commissioner, or pursuant to any complaint received under §8.101(7), to __________.

(iv) Section "10.202" should be relabeled as § "8.203".
February 7, 1968

MEMORANDUM TO: Board of Directors
          The Bar Association of the
          District of Columbia

From: Albert Philipson, Chairman
      Commercial and Business Law Section

Transmitted herewith are four copies of a report
through the Chairman of the Business and Law Committee of
the Uniform Commercial Code Subcommittee, recommending action
regarding proposed D.C. retail installment sales act.

One copy is being forwarded to the Chairman of the
Standing Committee on Pending Legislation, and one copy to
the Vice President of the Association.
Name of Committee: Commercial and Business Law Committee, Uniform Commercial Code Subcommittee

Chairman: Albert Philipson, Chairman of Committee
George F. Bason, Jr., Chairman of Subcommittee

Resolution for Action by the Board:

That the Board adopt the Report to the Senate Committee on the District of Columbia recommended by the Committee.

Recommendation by the Committee:

In favor of the attached recommended Report.

Vote of Committee on Recommendations:

In favor of the recommendations, without dissent of any member, after written poll of all members.

Written dissent anticipated: No.

Brief background of proposal:

Senator Tydings' proposed D. C. Retail Installment Sales Act was forwarded to the Uniform Commercial Code Subcommittee for its study and recommendations, and the Subcommittee met on several dates and compared the Tydings bill with the similar Morse bill, which the Bar Association (on the recommendation of the Subcommittee) has previously supported.

The Tydings bill goes considerably beyond the Morse bill, in such matters as abolishing outright the right to deficiency after foreclosure and the holder in due course concept. It shows evidence of hasty draftsmanship. We recommend endorsing and supporting the Tydings bill to the extent it is substantially identical to the Morse bill. We further recommend against the Tydings bill's provisions restricting the right of acceleration and abolishing the right to deficiency after foreclosure and the holder-in due-course concept. We hope in the coming months to prepare a line-by-line, technical analysis of the bill for later submission to the Congress.
Suggested implementation of resolution:

Report to be forwarded to Senate Committee on the District of Columbia, through the offices of the Pending Legislation Committee, hopefully in time for hearings scheduled February 1, 1968.

[Signature]

[Signature]
Name of Committee: Commercial and Business Law Committee, Uniform Commercial Code Subcommittee

Chairman: Albert Philipson, Chairman of Committee
          George F. Bason, Jr., Chairman of Subcommittee

Resolution for Action by the Board:

That the Board adopt the Report to the Senate Committee on the District of Columbia recommended by the Committee.

Recommendation by the Committee:

In favor of the attached recommended Report.

Vote of Committee on Recommendations:

In favor of the recommendations, without dissent of any member, after written poll of all members.

Written dissent anticipated: No.

Brief background of proposal:

Senator Tydings' proposed D. C. Retail Installment Sales Act was forwarded to the Uniform Commercial Code Subcommittee for its study and recommendations, and the Subcommittee met on several dates and compared the Tydings bill with the similar Morse bill, which the Bar Association (on the recommendation of the Subcommittee) has previously supported.

The Tydings bill goes considerably beyond the Morse bill, in such matters as abolishing outright the right to deficiency after foreclosure and the holder in-due-course concept. It shows evidence of hasty draftsmanship. We recommend endorsing and supporting the Tydings bill to the extent it is substantially identical to the Morse bill. We further recommend against the Tydings bill's provisions restricting the right of acceleration and abolishing the right to deficiency after foreclosure and the holder-in-due-course concept. We hope in the coming months to prepare a line-by-line, technical analysis of the bill for later submission to the Congress.
Suggested implementation of resolution:

Report to be forwarded to Senate Committee on the District of Columbia, through the offices of the Pending Legislation Committee, hopefully in time for hearings scheduled February 1, 1968.
The Subcommittee on the Uniform Commercial Code recommends to the Commercial and Business Law Committee and to the Board of Directors of the Bar Association that the Bar Association adopt the following Report:

Re:  S.316, Proposed D. C. Retail Installment Sales Act
     (introduced by Senator Morse) and
S.2589, Proposed D. C. Retail Installment Sales Act
     (introduced by Senator Tydings)

1. The Bar Association has previously endorsed Senator Morse's Retail Installment Sales bill (recommending certain changes therein), by letter dated November 14, 1967 and the Report attached thereto, and we continue to endorse this bill and fully support its enactment as so amended.

2. As to the Tydings bill: (S.2589)

(a) We support the idea of setting up a consumer protection office in the District of Columbia, such as is provided for in Title VIII of the Tydings bill. However, we believe: (1) the provisions for investigatory powers (§8.104(1)) are over-broad and should be restricted to instances in which the consumer protection office receives specific authorization from the City Council or Commissioners for a general investigation or receives a specific complaint which could lead to an investigation on the complaint; and (2) the provision for recovery of attorney fees by the Consumer Protection Department (§10.203(B) [sic, §8.203(B)] should be deleted, being quite unusual or unique in this country and being punitive in nature.

(b) To the extent that S.2589 (the Tydings bill) is substantially identical to S.316 (the Morse bill), we endorse and support S.2589. However, we believe that the principle of delegation to the Commissioner and City Council, as spelled out in §4 of the Morse bill, is preferable to setting forth the matters there dealt with in the act itself, as in Title III of the Tydings bill. This method has worked well in the act and regulations relating to installment sales of motor vehicles; it
provides flexibility to adjust to legitimate business
needs and to move to meet attempted evasions; and it
is in keeping with the philosophy of delegating
authority over local matters to duly appointed local
authorities.

(c) With respect to the below-listed additional
specific points of difference between the Morse and
Tydings bills, we report as follows:

(i) **Acceleration rights.** The Morse bill restricts
the right of acceleration to certain enumerated
instances. The Tydings bill further restricts the
right of acceleration.

We have previously recommended that the Morse bill
be amended so as to permit acceleration not only
in those instances enumerated in the bill but also
in event of bankruptcy or commission of an act of
bankruptcy. Hence, we recommend against the
Tydings bill's provision further restricting the
right of acceleration.

(ii) **Right to deficiency after foreclosure.** The
Morse bill preserves the right to deficiency after
foreclosure, except that the deficiency cannot
exceed the amount due before repossession. The
Tydings bill abolishes the right to deficiency
after foreclosure altogether.

We recommend that the right to deficiency after
foreclosure should be preserved, to the extent
provided in the Morse bill. The cost of credit
to buyers is bound to increase as a result of
abolition of the right to deficiency, thus defeating
one basic purpose of the bill. Moreover, it seems
inequitable to allow certain buyers to renege on
their promise to pay an agreed price and in effect
at their sole option to convert a sale into a
rental arrangement terminable at their will.
(iii) "Truth-in-lending", disclosure of finance charge. The Morse bill provides for disclosure of the dollar amount of finance charges. The Tydings bill requires disclosure of the dollar amount and also of the annual percentage rate of finance charges. The Tydings bill in this respect is similar to a "national truth-in-lending" bill now also pending in Congress.

We recommend that any local legislation on this subject should be amended so as to avoid conflict between it and the national legislation.

(iv) Holder-in-due-course concept. The Morse bill modifies the holder-in-due-course concept as applied to retail installment sales transactions, by providing a certification procedure, whereby the third-party holder can rely on the buyer's written certification that he has received the goods or services. The Tydings bill abolishes the holder-in-due-course concept as applied to retail installment sales transactions, and renders a completion certificate ineffective.

We are concerned that the real effect of this abolition will be to dry up sources of credit for small retail merchants, thus making it even more difficult for small businessmen to continue to do business. (According to a recent study in Maryland, the cost of extending credit is already much greater for small than for large retail stores.) We fear that there will be no corresponding gain for the consumer, because (we are informed) the few unscrupulous merchants who prey upon the poor usually do so without discounting their paper to a holder in due course. Rendering the completion certificate ineffective, as the Tydings bill does, will (we are informed) make it impossible for contractors to obtain FHA insured home improvement loans.

3. During the period that we have had the Tydings bill under consideration, we have not had time to conduct a thorough, line-by-line analysis of the bill. We have noted, however, several indications of hasty draftsmanship, some of which are set forth in subparagraphs below, and we hope in the coming months to prepare a complete line-by-line analysis in the hope that it will be of value to the Congress in its deliberations.
(a) A general repealer provision like §1.103 does not accomplish anything of value. Prior inconsistent laws will be repealed anyway, by operation of law. In order to avoid future controversy as to what is or is not "inconsistent", and in order to avoid setting traps for people who may rely on a law which turns out to be inconsistent, the draftsman should take the time to figure out which prior laws he desires to repeal and then specify them.

(b) Section 1.201(9) defines "home improvement work" as including improvement of any "residential property as herein defined", but nowhere in the bill is "residential property" defined.

(c) Section 1.201(9) also includes "replacement" of residential property within the definition of "home improvement work". This seems to be an unnecessarily and unrealistically broad definition.

(d) Section 1.201(14) includes within the scope of the bill any transaction which "has substantial contact with the District" of Columbia. No definition is provided for the term "substantial contact." A Maryland store selling goods to Maryland to a District resident, and complying meticulously with the Maryland Retail Installment Sales Act, could thus be subjected to the penalties provided for violation of a conflicting requirement of the Tydings bill.

(e) On page 15, line 17 (in §3.102(B)), there is an apparent omission of the words "there shall appear on the first page" following the word "page, ".

(f) Section 3.104(A) contains a cross-reference to a nonexistent §3.108.

(g) The language of §4.102 goes beyond the probable intent of the drafter by providing that an instrument in form negotiable is "void and may not be enforced by any subsequent holder." The effect of this language is not simply to preserve any valid defenses which the buyer may have but to give the buyer who has no defenses a
windfall by relieving him entirely of any obligation to pay for the goods he has bought if the instrument he signed contain any words of negotiability. Likewise, the seller who inadvertently uses a form containing words of negotiability is disproportionately penalized by being required in effect to give his merchandise away.

(h) Section 10.203 apparently should be relabeled §8.203.

4. We have not completed our study of §2590 and have no report on it at this time.
windfall by relieving him entirely of any obligation to pay for the goods he has bought if the instrument he signed contain any words of negotiability. Likewise, the seller who inadvertently uses a form containing words of negotiability is disproportionately penalized by being required in effect to give his merchandise away.

(h) Section 10.203 apparently should be relabeled §8.203.

4. We have not completed our study of §2.590 and have no report on it at this time.
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

PETITION

IN RE APPLICATION OF THE DISTRICT OF COLUMBIA LAW SCHOOLS, AND CERTAIN OTHER INTERESTED PARTIES, FOR AN ADDITION TO LOCAL RULE 96 OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO ALLOW FOR SPECIAL APPEARANCES WITHOUT COMPENSATION BY THIRD YEAR LAW STUDENTS ON BEHALF OF INDIGENTS IN THE DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

The undersigned members of the bar of this Court propose and request that Local Rule 96 of this Court be denoted as subsection (a) of said Rule and that the following subsection (b) be added:

(b) Notwithstanding the provisions of subsection (a) of this Rule or any other provision of these Local Rules, the District of Columbia Court of General Sessions may permit third year law students currently enrolled in law schools located within the District of Columbia and approved by this Court as provided in Rule 93 (c) to appear without compensation on behalf of indigents in that Court under such conditions, provisions, and supervision as that Court may direct. For purposes of this subsection a third year law student is any student in good standing in an approved law school who has completed substantially two-thirds of the requirements for graduation.

B.J. Tennery, Dean, Washington College of Law, The American University

Vernon X. Miller, Dean, Columbus School of Law, Catholic University of America

Robert Kramer, The National Law Center, George Washington University

Paul R. Dean, Dean, Georgetown University Law Center

C.Clyde Ferguson, Jr., Dean, Howard University School of Law
John E. Powell, President, Bar Association of the District of Columbia

Antoinette Friedman
President, Women's Bar Association

Alexander L. Benton
President, Washington Bar Association

Newell W. Ellison, Chairman, Committee on the Administration of Justice

Joseph F. Hennessey
Chairman, Young Lawyers' Section, Bar Association of the District of Columbia

Peter H. Wolf

(Some of the above signatories are committed to sign; others are tentative at this time.)
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

PETITION

IN RE APPLICATION OF THE DISTRICT OF COL-
UMBIA LAW SCHOOLS, AND CERTAIN OTHER INTER-
ESTED PARTIES, FOR AN ADDITION TO LOCAL
RULE 96 OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA TO ALLOW FOR
SPECIAL APPEARANCES WITHOUT COMPENSATION BY
THIRD YEAR LAW STUDENTS ON BEHALF OF INDIG-
ENTS IN THE DISTRICT OF COLUMBIA COURT OF
GENERAL SESSIONS

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PETITION TO AMEND
LOCAL RULE 96

Summary of Argument

I. IT IS WITHIN THE AUTHORITY OF THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF
COLUMBIA TO ADOPT THE PROPOSED ADDITION TO
ITS LOCAL RULES.

THIRTEEN OTHER JURISDICTIONS, ACTING ON THEIR
STATUTORY AND COMMON LAW AUTHORITY TO REGU-
LATE ADMISSION TO, AND TO SUPERVISE, THE
GENERAL PRACTICE OF LAW, HAVE ADOPTED RULES
WHICH PERMIT THIRD YEAR LAW STUDENTS TO
MAKE SPECIAL APPEARANCES ON BEHALF OF INDI-
GENTS.

THIS COURT IS SIMILARLY VESTED WITH SUCH
AUTHORITY AND SHOULD EXERCISE IT IN APPROVING
THE PROPOSED RULE ADDITION.

II. THE PROPOSED ADDITION TO RULE 96 WOULD NOT
PERMIT THIRD YEAR LAW STUDENTS TO ENGAGE IN
THE GENERAL PRACTICE OF LAW WITHIN THE DIS-
TRICT OF COLUMBIA.

III. THERE IS A NATIONAL RECOGNITION OF THE NEEDS OF
THE POOR FOR LEGAL SERVICES AND THAT REPRESEN-
TATION OF INDIGENTS BY THIRD YEAR LAW STUDENTS
IS A SOUND AND DESIRABLE MEANS OF SIMULTANEOUSLY
MEETING THOSE NEEDS AND OF BROADENING LEGAL EDU-
CATION.
IV. While the proposed rule addition is not restricted to third year law student representation in any one branch of the District of Columbia Court of General Sessions, immediate plans call for representation only in the special litigations branch of that court.

The proposed rule addition will in no way interfere with the effective administration of justice in the Court of General Sessions.

V. There exists an immediate need for the representation of indigents in the special litigations branch of the Court of General Sessions.

The granting of the proposed addition to Rule 96 would fulfill, and is the most feasible means to fulfill, that need.
February 7, 1968

John E. Powell, Esquire  
888 - 17th Street, N. W.  
Washington, D. C.

Dear Jack:

The Executive Council of the Young Lawyers Section has approved in principle a program which will permit third year law school students from approved law schools in the District to represent indigents in the Court of General Sessions under such conditions as may be prescribed by that Court.

Peter H. Wolf, the Chairman of the Section’s Small Claims Committee has been working for several months with the area law schools to implement such a program, which results in great degree from an article in the D. C. Bar Journal by Judge Tim Murphy who described the problems of what was at that time the Small Claims Court.

It appears that it will be necessary to seek a change in Rule 96 of the Rules for the United States District Court for the District of Columbia so as to make this program possible. The program cannot be started without the approval of the Board of Judges of the General Sessions Court.

I request that the Board of Directors approve this program in principle and leave to the courts and the law schools the function of working out safeguards which will assure adequate representation.

Peter Wolf and I will be available to discuss this matter with the Board of Directors meeting scheduled for February 9, 1968.

Sincerely,

Joseph F. Hennessey
Chairman
THE BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA
1819 H Street, N.W. Suite 300
Washington, D.C. 20006

February 6, 1968

MEMORANDUM

TO: The Board of Directors

It is recommended that the records of The Bar Association of the District of Columbia be consolidated within a Data Processing System.

It is contemplated that if The Bar Association does consent to a Data Processing System, it will eliminate the necessity of maintaining record cards, membership cards, and individual ledger cards here in the Association Office and will consolidate all records into one Data Processing Tape.

The Bar Association now individually bills members of the Association for their annual dues using a ledger card. Individual entries are made on each ledger card. This system would eliminate individual billing and ledger cards entirely. All individual billing would be done automatically through the tape and follow-up delinquent notices would also be handled automatically.

The present antiquated addressograph system would be scrapped, and all mailing would also be handled by use of the magnetic tape. The Association will be supplied periodically with alphabetical rosters with all the changes of address kept up to date.

This new system, if adopted, will increase the efficiency of your Bar Association Office. It is anticipated that bids for the initial cost of setting up the tapes will be ready by Friday, and the Executive Director is ready to make an oral presentation by himself and have with him bids from both The Riggs National Bank and The National Savings and Trust Company, both whom maintain magnetic tapes and have agreed to service us if the contract is awarded them. An expert on the IBM Data Processing System will be available to testify at the meeting of the Board if desired.

RAYMOND F. GARRATY, ESQUIRE
Executive Director

RPG/re
MEMORANDUM

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RAYMOND F. GARRATY, ESQUIRE
Executive Director

RPG/re
January 30, 1968

MEMORANDUM

RE: Vital Information Concerning The Bar Association of the District of Columbia's Needs for Consideration of the Possibility of Converting the Records of the Association to a Data Processing System

The purpose of this memorandum is to list statistics and mailing requirements, etc., which would be incorporated into a Data Processing System.

As a matter of background, membership in this Association is 5,000. It is anticipated that if the Unified Bar Proposal is approved by the membership, the members will increase by another 2 or 3,000.

At the present time, an addressograph system is used for all mailings. In connection with billing, it is on a yearly basis whereby cards are maintained on each individual member, and bills have historically been submitted to the individual members. This year a voluntary system was established which turned out to be a failure. From the latter experience, it was concluded that it would be necessary to continue individual billing of all members at least once a year.

The 5,000 members of our Association are divided into Active, Associate, Life and Honorary Memberships. The Active Status Members make up approximately 80 percent of our members. The majority of our members live in the Metropolitan Washington Area and it is estimated that only 10 percent live elsewhere. Projected use of the System would include the following mailings:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FREQUENCY</th>
<th>WHEN</th>
<th>WHO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. D.C. Bar Journal</td>
<td>bi-monthly (6)</td>
<td></td>
<td>all</td>
</tr>
<tr>
<td>2. News Notes</td>
<td>bi-monthly (5)</td>
<td></td>
<td>all</td>
</tr>
<tr>
<td>3. Monthly Meeting Notices</td>
<td>8 per year</td>
<td></td>
<td>all</td>
</tr>
<tr>
<td>(postcards)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Annual Banquet Notices</td>
<td>twice</td>
<td>Oct. &amp; Nov.</td>
<td>all</td>
</tr>
<tr>
<td>5. Annual Outing Notices</td>
<td>once</td>
<td>May</td>
<td>all</td>
</tr>
<tr>
<td>6. Annual Convention Notices</td>
<td>twice</td>
<td>Nov. &amp; Feb.</td>
<td>all</td>
</tr>
<tr>
<td>7. Election Ballots</td>
<td>once</td>
<td>May</td>
<td>Active Members</td>
</tr>
<tr>
<td>8. Dues Notices</td>
<td>twice</td>
<td>Oct. &amp; Nov.</td>
<td>All Except Life and Honorary</td>
</tr>
<tr>
<td>9. Young Lawyers' Newsletter</td>
<td>monthly (10)</td>
<td></td>
<td>Young Lawyers' Section</td>
</tr>
<tr>
<td>(more)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10. Additional Mailings 3 or 4 all

The information which would be recorded on the punch card for insertion into the tape for each individual is as follows:

1. Name and address
2. Membership Status (Active, Associate, Life, And Honorary)
3. Date of Admission to his first Bar in the United States
4. Date of Admission to the D.C. Bar
5. Section Membership (Administrative Law, Patent, Trademark, & Copyright Law, Young Lawyers', and D.C. Affairs)
6. Date of Membership in the Association
7. Date of Birth
8. Record of Payment of Dues

For information purposes, our dues schedule is as follows:

DUES ARE BASED ON THE YEAR OF ORIGINAL ADMISSION TO ANY BAR

$35.00 - If one has been a member of any Bar for more than five years.
$17.50 - If one has been a member of any Bar for less than five years.
$ 5.00 - If one joined within six months after one's original admission to any Bar, the dues are $5.00 per year for the first three years.

OPTIONAL
$ 2.00 - Dues for Administrative Law Section
$ 2.00 - Dues for Patent, Trademark and Copyright Law Section

It is anticipated that if this system is adopted, dues for the first year of membership would be pro-rated manually. Thereafter, dues could be calculated through the tape without individual billing. There is another possibility that the organization that carries our tape would also be authorized to open our dues envelope, make an entry for the tape, and deposit the dues with the same institution. The follow-up on dues would be for those having not paid within a period of two months. I understand that this could also be done automatically through the tape.

The mailings as noted above are either handled by postcard or envelope. Mailings to members of the fifty-odd Committees of the Association will be handled directly by the Association through use of an automatic typewriter. It is also anticipated that at least once or twice a year a roster of members would be required.

RAYMOND F. GARRATY, ESQUIRE
Executive Director
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<th>ITEM</th>
<th>FREQUENCY</th>
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<td>10. Additional Mailings</td>
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The information which would be recorded on the punch card for insertion into the tape for each individual is as follows:

1. Name and address
2. Membership Status (Active, Associate, Life, and Honorary)
3. Date of Admission to his first Bar in the United States
4. Date of Admission to the D.C. Bar
5. Section Membership (Administrative Law, Patent, Trademark & Copyright Law, Young Lawyers', and D.C. Affairs)
6. Date of Membership in the Association
7. Date of Birth
8. Record of Payment of Dues

For information purposes, our dues schedule is as follows:

**DUES ARE BASED ON THE YEAR OF ORIGINAL ADMISSION TO ANY BAR.**

- $35.00 - If one has been a member of any Bar for more than five years.
- $17.50 - If one has been a member of any Bar for less than five years.
- $5.00 - If one joined within six months after one's original admission to any Bar, the dues are $5.00 per year for the first three years.

**OPTIONAL**

- $2.00 - Dues for Administrative Law Section
- $2.00 - Dues for Patent, Trademark and Copyright Law Section

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RFG/re