

FILE NO. 184187

Annual Report  
OF  
Law Department  
for  
year 1944

*Notes - file*

FILED April 2 1945

W. C. THOMAS  
CITY COMPTROLLER AND EX-OFFICIO CITY CLERK

BY *J. J. Barnes* DEPUTY

ACTION OF THE COUNCIL

REFERRED	TO
APR 9 - 1945	JUDICIARY
REFERRED	TO
REPORTED	REPORT ADOPTED
REPORTED	REPORT ADOPTED
REF. FOR ORD.	C. B. ORD.
MAY 2 1 1945	DISPOSITION
	ON FILE

REPORT OF COMMITTEE

Mr. President:

Your Judiciary

to which was referred the within Report

would respectfully report that we have considered the same and respectfully recommend that

same be placed on file.

Committee

CHAIRMAN

*Carr*

CHAIRMAN

ANNUAL REPORT

OF THE LAW DEPARTMENT OF THE CITY OF  
SEATTLE FOR THE YEAR 1944

To the Mayor and City Council of The City of Seattle:

Gentlemen: Pursuant to Section 16, Article XXIV of the City Charter, I herewith submit the annual report of the Law Department for the year ending December 31, 1944.

I

GENERAL STATEMENT OF LITIGATION

1. Tabulation of Cases:

The following is a general tabulation of suits and other civil proceedings pending in the Superior, Federal and Appellate courts during the year 1944.

	Pending Dec. 31, <u>1943</u>	Commenced during <u>Year 1944</u>	Ended dur- ing Year <u>1944</u>	Pending Dec. 31, <u>1944</u>
Condemnation suits.....	8	1	5	4
Damages for personal injuries..	59	58	51	66
Damages other than for personal injuries.....	24	26	21	29
Actions relating to collection of assessment rolls.....	1	1	1	1
Injunction suits.....	22	2	4	20
Mandamus proceedings.....	8	2	2	8
Miscellaneous proceedings.....	67	31	43	55
Public service proceedings.....	4	0	1	3
Appeals from Police Court.....	70	132	113	89
	<u>263</u>	<u>253</u>	<u>241</u>	<u>275</u>

2. Personal Injury Actions:

	<u>Number</u>	<u>Amt. Involved</u>
Pending December 31, 1943 .....	59	\$709,790.34
Commenced since December 31, 1943 .....	<u>58</u>	<u>\$666,794.97</u>
Total .....	117	\$1,376,585.31
Tried and concluded since December 31, 1943 .....	<u>51</u>	<u>\$460,682.35</u>
Actions pending December 31, 1944 .....	66	\$915,902.96

These tabulations include a number of dormant cases.

Of the personal injury actions pending during the year, 51 involving \$460,682.35, were tried and finally disposed of; 21 cases were won outright; in 7 cases, involving \$55,174.07, the plaintiffs recovered, in the aggregate, \$11,809.00. The remaining cases, involving \$146,832.28, were settled without trial for \$21,020.50.

Of the 58 personal injury actions begun during the year, 53 involving \$602,099.97, are based on alleged accidents occurring in connection with the operation of the municipal transit system.

3. Damages Other Than Personal Injuries:	<u>Number</u>	<u>Amt. Involved</u>
Pending December 31, 1943 .....	24	\$162,760.38
Commenced since December 31, 1943 .....	26	8,445.05
	<u>50</u>	<u>\$171,205.43</u>
Tried and concluded since December 31, 1943.	<u>21</u>	<u>15,603.60</u>
Pending December 31, 1944 .....	29	\$155,601.83

Of the total of 50 cases involving damages other than personal injuries, 21 cases involving \$9,143.61 were disposed of during the year, of which 10 were won outright. Nine cases involving \$5,749.99 were settled for \$2,646.95, two cases resulted in verdicts against the city for \$810.00.

4. Supreme Court:

Seven cases were argued in the State Supreme Court. Four were won and three lost.

5. Miscellaneous Cases:

Three actions were commenced by the City for damages to City equipment. Four actions were tried resulting in recoveries of \$1334.02.

Four injunction actions were tried and won.

Two mandamus actions were tried and won.

Nine condemnation actions were filed during 1944 by the United States Government to condemn land for various Federal projects. In

most of these the City was only nominally interested. Twelve were concluded.

Of Forty-three miscellaneous cases tried, 34 were won by the department.

Two actions against the Chief of Police and Police Officers for false arrest and assault were filed. One action for \$10,000.00, filed against the Commissioner of Health, was won.

Eight Habeas Corpus actions growing out of morals ordinance, were filed, tried and won.

Three hearings relating to dismissals of employees, etc. were participated in by the department before the Civil Service Commission.

Sixty-five actions were commenced for the Lighting Department, involving unpaid light and power bills. Collections, including costs, amounted to \$801.41. In addition thereto a considerable amount of past due accounts were collected without litigation.

One Hundred and Forty-seven garnishments were answered.

II

CLAIMS 1944

Claims for damages under investigation	<u>Number</u>	<u>Amt. Involved</u>
December 31, 1943 .....	1857	\$2,051,210.10

Claims for damages referred to this department for investigation December 31, 1943 to December 31, 1944.....	1425	1,450,727.86
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Claims disposed of as follows:	<u>Amt. Claimed</u>	<u>Amt. Paid</u>
Settled	No. 959	641,351.54
Rejected	674	215,712.02
	<u>1633</u>	<u>1,035,962.37</u>
		1,677,313.91

Claims pending December 31, 1944	1649	1,824,622.05
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(Many of these last mentioned are dormant)

Twenty-two of above settled claims were in suit and settled in connection with Claim Agent.

Amount involved	\$203,897.57
Amount of settlement	24,867.14

Number of street railway accident reports investigated December 31, 1943 to December 31, 1944	4,511
Number of circulars and letters mailed in connection with investigation of foregoing claims and reports	12,750

### III

#### POLICE COURT

During the year 1944 the City Attorney handled some 29,561 cases in the Police Court, resulting in the imposition and collection of fines and forfeitures in the amount of \$275,326.75.

#### MUNICIPAL TRAFFIC COURT

The Municipal Traffic Court was established on April 17, 1944. From April 17 to December 31, 1944, 87,236 cases were tried, resulting in fines and forfeitures amounting to \$335,180.25.

Mr. George T. McGillivray, Assistant Corporation Counsel, has been assigned to the Traffic Court as City Prosecutor.

Vigorous action on Police Court and Traffic Court appeals has been taken by this department with the result that at the end of the year 132 appeals were disposed of. In 113 cases convictions and pleas of guilty were entered. Eight appellants were acquitted and 11 appeals dismissed for failure to prosecute the appeal diligently. A total of \$11,881.20 in fines and forfeitures, in addition to jail sentences in many cases, was collected by this department and transmitted to the City Treasurer. Police Officer H. T. Johnson was, at our special request, continued on detail by the Chief of Police to assist in the service of process, commitment of defendants, etc. His work is of invaluable assistance to the department.

Mr. Chas. L. Conley, Assistant Corporation Counsel, has been assigned to handle this appeal work, which consumes almost his entire time.

### IV

#### OPINIONS

During the year, in addition to innumerable conferences with City officials concerning municipal affairs, of which no formal record

is kept, this department rendered 45 written legal opinions upon various questions submitted by the several departments of City government.

V

ORDINANCES, RESOLUTIONS AND MISCELLANEOUS

The members of the City Council and the Mayor have from time to time requested this department to prepare, during the period of this report, 300 ordinances and resolutions.

During the year 810 bonds of officials, bidders, contractors, depositaries and others were examined and approved, totaling \$21,823,051.64.

At the request of the City Council we prepared 3 resolutions submitting charter amendments.

Particular matters of interest are as follows:

City vs. Western Union Telegraph Company, and City vs. Postal Telegraph Company, referred to in the 1943 report, were consolidated for argument in the Supreme Court, heard in September, 1944, and decided November 27, 1944 (121 Wash. Dec. 801). The judgment of the lower court was affirmed, the Supreme Court holding that the Act of March 28, 1890 (Sec. 11352 Rem. Rev. Stat.) was a grant to telegraph companies of a perpetual franchise over the streets of the city if the companies had lines and an established business in the city when the Act was passed. The Supreme Court interpreted the consent provisions of the statute as prospective and not affecting companies then operating. Both these companies had telegraph offices and lines within the city at the time.

CONCLUSION

The 1944 Budget Allowance of the Law Department was \$71,195. A substantial saving was again effectuated by leaving positions vacated by military leave unfilled as long as possible. The shortage of personnel precludes the usual review of unusual cases, except the one above referred to.

The fact that the department functioned so effectively as is indicated in this report, and with the savings referred to, under war conditions, is a tribute to the industry, efficiency and loyalty of the personnel.

Respectfully submitted,

*A. C. Van Soelen*  
A. C. VAN SOELEN  
Corporation Counsel

March 31, 1945

ACV:FF