

FILE NO. 188600

Annual Report

OF

Law Department

For year 1945.

478/46- file

Apr. 12, 1946.

FILED

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

BY *O. J. Anderson* DEPUTY

ACTION OF THE COUNCIL

REFERRED
APR 15 1946

TO JUDICIARY
~~FINANCE~~

REFERRED

TO

REPORTED

REPORT ADOPTED

REPORTED

REPORT ADOPTED

REF. FOR ORD.

C. B.
ORD.

MAY 13 1946

DISPOSITION
ON FILE

REPORT OF COMMITTEE

Mr. President:

Your Judiciary

Committee

to which was referred the within Annual Report of Law Department

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

same be placed on file.

CHAIRMAN

CHAIRMAN



ANNUAL REPORT

OF THE LAW DEPARTMENT OF THE CITY OF
SEATTLE FOR THE YEAR 1945

FILED
M. o'clock
APR 12 1946
W. C. THOMAS
CITY COMPTROLLER
AND EX-OFFICIO CITY CLERK

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

Gentlemen: Pursuant to Section 12, Article XXII of the City Charter, I herewith submit the annual report of the Law Department for the year ending December 31, 1945.

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 1945.

	<u>Pending Dec. 31, 1944</u>	<u>Commenced during Year 1945</u>	<u>Ended dur- ing Year 1945</u>	<u>Pending Dec. 31, 1945</u>
Condemnation suits.....	4	4	1	7
Damages for personal injuries.	66	44	45	65
Damages other than for personal injuries.....	29	25	25	29
Actions relating to collection of assessment rolls.....	1	0	1	0
Injunction suits.....	20	4	3	21
Mandamus proceedings.....	8	2	2	8
Miscellaneous proceedings.....	55	23	34	44
Public service proceedings....	3	0	0	3
Appeals from Police Court.....	89	107	75	121
	<hr/>	<hr/>	<hr/>	<hr/>
	275	209	186	298

2. Personal Injury Actions:

	<u>Number</u>	<u>Amt. Involved</u>
Pending December 31, 1944	66	\$915,902.96
Commenced since December 31, 1944	<u>44</u>	<u>454,847.07</u>
Total	110	\$1,370,750.03
Tried and concluded since December 31, 1944	<u>45</u>	<u>593,639.00</u>
Actions pending December 31, 1945	65	\$ 777,111.03

These tabulations include a number of dormant cases.

Of the personal injury actions pending during the year, 45 involving \$593,639.10, were tried and finally disposed of; 16 cases were won outright; in 13 cases, involving \$134,603.10, the plaintiffs recovered, in the aggregate, \$49,305.50. The remaining cases, involving \$224,639.07, were settled without trial for \$21,650.69.

Of the 44 personal injury actions begun during the year, 41 involving \$437,241.57, 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, 1944	29	\$155,601.83
Commenced since December 31, 1944	25	21,864.76
	<u>54</u>	<u>\$177,466.59</u>
Tried and concluded since December 31, 1944.	<u>25</u>	<u>102,636.61</u>
Pending December 31, 1945	29	\$ 74,829.98

Of the total of 54 cases involving damages other than personal injuries, 25 cases involving \$102,636.61 were disposed of during the year, of which 10 were won outright. Ten cases involving \$1,776.30 were settled for \$1,101.00; five cases resulted in verdicts against the city for \$1,063.73. Twenty such cases begun during the year, involving \$13,444.51, arose from Transit accidents.

4. Supreme Court:

Three cases were argued in the State Supreme Court. Two were won and one lost.

5. Miscellaneous Cases:

Three injunction actions were tried and won.

Two mandamus actions were tried, one won and one lost.

Eight condemnation actions were filed during 1945 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 thirty-four miscellaneous cases tried, 27 were won by the department.

Five actions against the Chief of Police and Police Officers for false arrest and assault, aggregating \$82,680.00, were filed. Four actions for \$24,000.00, against the Chief of Police, were won.

Six Habeas Corpus actions growing out of morals ordinance, were filed, tried and five were won and in one case writ was granted.

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

Thirty-four actions were commenced for the Lighting Department, involving unpaid light and power bills. Collections, including costs, amounted to \$666.97. In addition thereto a considerable amount of past due accounts were collected without litigation.

Seventy-six garnishments were answered.

II

CLAIMS 1945

Claims for damages under investigation	<u>Number</u>	<u>Amt. Involved</u>
December 31, 1944	1649	\$1,824,622.05

Claims for damages referred to this department for investigation December 31, 1944 to December 31, 1945	1393	1,213,497.91
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Claims disposed of as follows:	<u>Amt. Claimed</u>	<u>Amt. Paid</u>
Settled	<u>No.</u>	
	880	522,620.58
Rejected	553	830,944.33
	<u>1433</u>	<u>1,353,564.91</u>

Claims pending December 31, 1945	1609	1,684,555.05
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(Many of these last mentioned are dormant)

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

Amount involved	\$148,183.60
Amount of settlement	18,864.25

Number of street railway accident reports investigated December 31, 1944 to December 31, 1945	4,646
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Number of circulars and letters mailed in connection with investigation of foregoing claims and reports	12,512
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III

POLICE COURT

During the year 1945 the City Prosecutor handled some 34,439 cases in the Police Court, resulting in the imposition and collection of fines and forfeitures in the amount of \$174,880.12.

MUNICIPAL TRAFFIC COURT

In the Municipal Traffic Court for the year 1945, 79,741 cases were tried, resulting in fines and forfeitures amounting to \$437,697.00. 613 drivers' licenses were revoked and suspended.

Mr. George T. McGillivray, Assistant Corporation Counsel, has been assigned to the Traffic Court as a 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 75 appeals were disposed of. In 50 cases convictions were had or pleas of guilty were entered. Nine appellants were acquitted, 16 appeals were dismissed and the lower court affirmed. A total of \$4,270.85 in fines and forfeitures (in addition to jail sentences in many cases), was collected by this department and transmitted to the City Treasurer. Mr. Louis Stokke was detailed 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.

Two Assistant Corporation Counsel have been assigned part time to handle this appeal work.

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 54 written legal opinions upon various questions submitted by the various departments of City government.

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, 283 ordinances and resolutions.

During the year 924 bonds of officials, bidders, contractors, depositaries and others were examined and approved, totaling \$21,204,349.09.

At the request of the City Council we prepared one resolution submitting charter amendments.

A noteworthy activity of 1945 was the preparation and submission by a Freeholders Commission of a new and revised Charter for the City of Seattle. The Commission, elected in March 1945, had the benefit of a previous study and report by an Advisory Commission selected pursuant to a Resolution of the City Council. An amendment to Section 8955 of Rem. Rev. Stat. by Ch. 55, Laws of 1945, extended to six months the period for preparation and submission of such a Charter and this was helpful, as the full time was taken. The Corporation Counsel was selected as the legal adviser of both the Advisory and Freeholders Commissions and attended all meetings.

CONCLUSION

The 1945 Budget Allowance of the Law Department was \$75,960. A substantial saving was again effectuated by leaving positions vacated by military leave and otherwise, unfilled as long as possible. The continued shortage of personnel precludes the review of unusual cases.

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

April 12, 1946


A. C. VAN SOELEN
Corporation Counsel

ACV:FF