

January 2021

The Honorable Sherman G. Finesilver, Federal District Court of Colorado

Ann Mesmer Dietrich

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Ann Mesmer Dietrich, The Honorable Sherman G. Finesilver, Federal District Court of Colorado, 71 Denv. U. L. Rev. 11 (1993).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

THE HONORABLE SHERMAN G. FINESILVER, FEDERAL DISTRICT COURT OF COLORADO

ANN MESMER DIETRICH*

If one were to summarize Sherman Finesilver's life, it is one of service - service to Denver, to the Colorado law community, to his country. Indeed, his resume shows a truly distinguished career of service; we who live in Colorado are fortunate to have this dedicated, caring man among us. The following abbreviated biography of his life in public service hardly does justice to Judge Finesilver's outstanding career.

Sherman Glenn Finesilver was born on October 1, 1927 in Denver, son of Rebecca and Harry M. Finesilver. He attended college at the University of Colorado. While in college, he began a lifelong career of teaching citizenship to local students at the Denver Opportunity School. After finishing college, he attended law school and received his law degree from Westminster College at the University of Denver.

From then on, Judge Finesilver chose to dedicate his career to the public. He first served as a Denver Assistant City Attorney. While practicing at the City Attorney's office, he married Annette Warren, and their family grew with the birth of three children, Jay, Susan and Steven. Attorney Sherman Finesilver practiced law for only four years before being appointed as a judge in the Denver County Court at the ripe old age of twenty-eight.

Judge Finesilver promptly established his view that judges have responsibilities not only to the court, but also to the broader community. As a traffic court judge, Judge Finesilver studied the legal rights of the deaf and physically impaired and developed model safety programs for adult deaf drivers, older drivers, and handicapped drivers.¹ He also wrote articles on driver education, deaf drivers and drunk driving for popular journals.² While distinguishing himself as an authority among municipal judges, he continued his work promoting citizenship as co-chair of the Colorado Bar Association's American Citizenship Committee.

Judge Finesilver served seven years on the Denver County Court bench. In 1962, at age thirty-five, he was appointed judge of the Second Judicial District of Colorado. During the next nine years, he continued his traffic safety work by founding and directing the Denver Driver Improvement School. This work grew in scope as his model safety programs were

* University of Williams College (B.A. 1983); Boston University School of Law (J.D. 1989); former judicial law clerk to the Honorable Judge Finesilver (1989-1990).

1. See SHERMAN G. FINESILVER, AN ANALYTICAL REPORT ON DRIVER IMPROVEMENT SCHOOLS WITH RECOMMENDATIONS FOR IMPROVING TRAFFIC SAFETY (1958); Sherman G. Finesilver, *They Can't Hear But They Get The Message*, TRAFFIC SAFETY MAG., Aug. 1962.

2. See Sherman G. Finesilver, *Driver Education-Is It a Frill?*, TRAFFIC SAFETY MAG., Nov. 1958; Sherman G. Finesilver, *Menace of the Drunk Driver*, XII VITAL SPEECHES MAG. (1958).

adopted nationwide. Judge Finesilver served as a consultant to the United States Department of Health, Education & Welfare, which resulted in two publications on disabled drivers, driver records and safety education.³ In addition, he edited a AAA book on safe driving⁴ and chaired a United States Department of Transportation, *ad hoc* committee on effective adjudication of traffic offenses.

Judge Finesilver's understanding of individuals with special needs spilled over into other areas. In 1968, he authored a model law for interpreters in court proceedings.⁵ In 1970, he received an honorary doctorate of laws from Gallaudet College in Washington, D.C. for his substantial work promoting the needs of deaf individuals. His work in this area has since contributed to developing closed-captioned television for hearing impaired individuals and greater insurability and employment of those who are deaf and physically challenged.

At the same time, Judge Finesilver forged bonds between lawyers and the larger Denver community by chairing the Denver Citizenship Day Committee. He developed the Model Law Day Program and served on the Denver and Colorado Bar Association Law Day Committee, formed in part to provide public information about law to Denver citizens. The program has since been honored by the American Bar Association and the Freedoms Foundation.

As a Colorado district court judge, Sherman Finesilver developed a deep interest in the ethical and legal aspects of medicine. He wrote several articles and lectured on the need for interdisciplinary responsibility in organ transplantation.⁶ After President Nixon named Sherman Finesilver to a life appointment as a United States District Court Judge in 1971,⁷ the judge's interest in medical/legal issues intensified. Judge Finesilver's precedent-setting contributions in this area of the law are widely recognized. Early in his federal career, Judge Finesilver decided a controversial case granting underage pregnant teenagers the right to an abortion without parental consent.⁸ His knowledge of medicine assisted him in adjudicating the first case in the country involving toxic shock syndrome.⁹ In 1981, because of his contribution in the area of law and medicine, Judge Finesilver was named an honorary fellow of the American College of Legal Medicine.

3. See U.S. DEP'T. HEALTH, EDUCATION & WELFARE, DEAF DRIVERS IN UNITED STATES, DRIVER RECORDS AND SAFETY EDUCATION (1964); U.S. DEP'T. HEALTH, EDUCATION & WELFARE, STUDY ON DRIVERS' RECORDS, LICENSING REQUIREMENTS AND INSURABILITY OF PHYSICALLY IMPAIRED DRIVERS, (1970).

4. AM. AUTOMOBILE ASS'N., TEACHING DRIVER AND TRAFFIC SAFETY EDUCATION, (Sherman G. Finesilver ed., 1965).

5. SHERMAN G. FINESILVER, MODEL LAW FOR INTERPRETORS IN COURT PROCEEDINGS (1968).

6. See SHERMAN G. FINESILVER, ORGAN TRANSPLANTS: MODERN MIRACLES - LEGAL AND MEDICAL CHALLENGE, DENVER MED. BULL. HANDBOOK (1969).

7. At age forty-four, he was one of the youngest judges appointed to the federal bench.

8. *Foe v. Vanderhoof*, 389 F. Supp. 947 (D. Colo. 1975) (declaring the Colorado statute unconstitutional insofar as it requires parental consent before a minor may obtain an abortion).

9. *Lampshire v. The Procter & Gamble Co.*, No. 80-F-1567 (D. Colo. June 1, 1982).

After his appointment to the federal bench, Judge Finesilver also became active in matters involving the federal judiciary. He participated for three years as a member of the Judicial Conference of the U.S. Courts, the highest policymaking body of the federal courts, and served on the committee to celebrate the Bicentennial of the Constitution. He has served on the committee to study qualifications of attorneys to practice in federal courts,¹⁰ and teaches an annual seminar to local attorneys on federal practice. He chaired the Tenth Circuit Judicial Council from 1988 through 1992, and has been a member of the Committee on Administration of the Federal Probation System for ten years. As a faculty member at the Advocacy Institute for federal judges, he presents seminars for the judiciary, covering not only his knowledge on medical/legal subjects, but also the rules of evidence and various techniques to effectively manage an onerous caseload.¹¹

Indeed, since his appointment as Chief Judge in 1982, Judge Finesilver has implemented these skills broadly in federal district court proceedings in Colorado. Judge Finesilver's leadership in serving both the intellectual, as well as the efficiency demands of justice, mark his tenure. His expertise at managing complex and difficult cases is renowned. He presided effectively over one hundred twenty-five cases arising from the swine flu vaccination program.¹² Virtually all later cases built on this precedent.¹³ More recently, Judge Finesilver handled a major airplane crash case involving twenty-eight fatalities and numerous injuries.¹⁴ The case was concluded within twenty-five months of the date of the accident.¹⁵ The multi-faceted Silverado litigation was brought to settlement within twelve months of filing.¹⁶ Recently, a 1992 criminal drug case involving twenty defendants was concluded within six months from the date of filing.¹⁷

Judge Finesilver has maintained his active commitment to community affairs. During the 1980's, Judge Finesilver received an Honorary Doctorate of Laws from the University of Colorado and from Metropolitan State College of Denver for his continuing interest in legal education. In 1986, Judge Finesilver was presented the Maimonides Award by the University of Denver Jewish Law Students for his outstanding contributions to law and

10. See Sherman G. Finesilver, *Proposed Criteria for Admission of Attorneys to the Registry of Trial Attorneys of the United States District Court for the District of Colorado*, 14 COLO. LAW. 1387 (1985).

11. Sherman G. Finesilver has published extensive works: *Perspectives on Federal Rules of Evidence*, FED. PUB. DEFENDERS INST. (1976); *Selected Notes for New Federal Judges*, FED. JUD. CENTER (1977); *Judicial Techniques to Effectively Manage Trials*, FED. JUD. CENTER (1978); *Update on Federal Rules of Evidence and New Approaches to Hearsay Rule*, FED. JUD. CENTER (1980).

12. See *In re Swine Flu Immunization Products Liability Litigation*, 495 F. Supp. 1185 (W.D. Okla. 1980); *Alvarez v. United States*, 495 F. Supp. 1188 (D. Colo. 1980); *Unthank v. United States*, 533 F. Supp. 703 (D. Utah 1982), *aff'd*, 732 F.2d 1517 (10th Cir. 1984).

13. *Id.*

14. *In re Air Crash Disaster at Stapleton Int'l Airport*, 720 F. Supp. 1505 (D. Colo. 1989).

15. *Id.*

16. *Federal Deposit Ins. Corp. v. Wise*, 758 F. Supp. 1414 (D. Colo. 1991).

17. *United States v. Dago et al*, 813 F. Supp. 736 (D. Colo. 1992).

the Jewish community. For nine years he chaired the committee to present the Minoru Yasui Community Volunteer Award in Denver.¹⁸

Even today, Judge Finesilver particularly enjoys performing the citizenship tasks of his judgeship, whether they be the swearing in ceremony for new American citizens, or a "mock trial" to determine who stole the Halloween pumpkin for a local group of first graders. These are the acts of not only a judge, but also of a "citizen" in the best sense of the word. Congratulations on a lifetime of achievement, and thank you, Judge Finesilver!

18. Minoru Yasui is a Colorado native who was quarantined during World War II because of his Japanese descent. He violated a curfew during this time, and was sentenced as a criminal. Recently, the United States Supreme Court vacated his sentence through a writ of *coram nobis*, which effectively erases the case from legal history. *Yasui v. U.S.*, 320 U.S. 115 (1943).