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THE HONORABLE ANTHONY F. VOLLACK, COLORADO SUPREME COURT

MARK D. SULLIVAN*

Since his admission to the Colorado bar in 1956, Justice Anthony F. Vollack has shown an unwavering commitment to the State of Colorado and its legal community. His hard work, dedication and fair approach to the disposition of legal disputes made him a successful attorney, state senator and trial judge, and now make him an effective and distinguished Supreme Court Justice.

Justice Vollack was born in Cheyenne, Wyoming. In 1944, his family moved to Fort Collins, where he graduated from Fort Collins High School in 1947 and Colorado State University in 1951. Before beginning law school and his notable legal career, Justice Vollack served two years in the United States Air Force during the Korean War. After his military service, Justice Vollack entered the University of Colorado law school. At the end of his first year, Justice Vollack, who worked his way through law school, discovered he could not attend school in Boulder and earn a living at the same time. In 1954, he transferred to the University of Denver law school.

At that time, the law school was located in downtown Denver on Court Place across the street from Sullivan's Bar, a favorite student hang-out. Justice Vollack remembers that the law school building was located between two parking lots because every time a car backed into a wall in one of the lots, plaster would fall off the walls and ceiling in the law school building. This location allowed Justice Vollack to attend classes in the morning and work in the afternoon and evenings. Like many of his classmates, Justice Vollack would leave the law school every day at noon and go to work. He worked for a finance company in the afternoon, and in exchange for room and board, he worked as the admissions officer at Denver Juvenile Hall every other evening. When not admitting juveniles, he could be found reading his law books. In his "spare time," he was a process server for two attorneys.

Justice Vollack graduated from the law school with a Bachelor of Laws (equivalent to a Juris Doctor) in 1956. He began his legal practice as a sole practitioner with an office in the old "Majestic" building and developed a general practice in both state and federal courts. In 1960, he worked as a deputy district attorney, part-time while maintaining his own private practice.

In 1957, United States Estes Kefauver, who had been the Democratic vice-presidential candidate with Adlai Stevenson in the 1956 presidential election, introduced Justice Vollack to his wife, Imojean. They were mar-

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ried in 1958. Justice Vollack and Imojean have since raised a daughter and a son. Imojean Vollack is presently working as the Associate Director for Management Services for the Department of Institutions.

Justice Vollack was a sole practitioner for the next twenty years. In 1963, he moved his practice to Golden, remaining there until his appointment to the judiciary. During his years of private practice, Justice Vollack served on numerous bar association committees, including a term as president of the First Judicial District Bar Association. In addition to his growing legal practice, Justice Vollack was elected to the Colorado State Senate in 1964, where he served for eight years. He represented District Thirteen in Jefferson County from 1964 to 1968 and District Sixteen in Jefferson and Adams Counties from 1968 to 1972. With the knowledge gained as a state senator, Justice Vollack returned to the University of Denver law school as a part-time instructor from 1971 to 1974, a class in legislative procedures and bill drafting.

During his service in the Senate, Justice Vollack participated in the passage of many important pieces of legislation, chairing the Highway Safety Interim Committee during the 1965-66 session. In this time, the committee introduced and passed twenty-two highway safety bills. One bill created the new offense of "driving while ability impaired."¹ The new offense resulted in better reporting of repeat offenders by establishing an alcohol-related offense less serious than driving under the influence.² Due to the severity of the driving under the influence offense, many defendants would plea bargain for a lesser offense, resulting in no record of an alcohol-related problem. With the enactment of the driving while ability impaired offense, a defendant could still plea bargain for a lesser offense, but future courts would be notified that the person had previous alcohol-related problems. Several other states followed Colorado's lead and adopted similar legislation. The committee also lowered the legal presumption of being under the influence of alcohol, and enacted a motorcycle helmet law which has since been repealed.

In January 1977, then Governor Richard Lamm appointed Justice Vollack as a District Judge in the First Judicial District to fill a vacancy created by the retirement of Judge Roscoe Pyle. Justice Vollack heard many cases as a district judge, from the highly publicized to the mundane. To Justice Vollack no case was more important than any other. In every case he was concerned that each person who brought a dispute before him received his or her fair day in court.

The National Center for State Courts awarded Justice Vollack the Paul C. Reardon Award in 1981, based on a paper he authored entitled *Judicial Control Management*.³ The paper discussed a judicial docket management

1. S. Bill 32, 1967 Colo. Sess. Laws 356.

2. Driving under the influence results in the revocation of a person's driver's license. COLO. REV. STAT. § 42-2-122(1)(B), -(1)(g) (1984 & Supp. 1992); COLO. REV. STAT. § 42-2-122.1(1.5)(a)(I) (Supp. 1992). Prior to the driving while ability impaired offense, driving under the influence was the only alcohol-related offense.

3. Anthony F. Vollack, *Keeping Abreast of the Flood: How Judges Can Control Caseload*, 5 STATE CT. J. 8 (1981).

system which became known as the *Vollack System*. The *Vollack System* addressed the basic inequity that delay results in the denial of justice and favors those who can afford to wait. The system offered an alternative solution to the problem of judicial backlog, while ensuring fairness to all parties.⁴ In 1978, the *Vollack System* was implemented in the First Judicial District, Division Four. Within two years, the system dramatically reduced the backlog of cases. In October 1980, Division Four's open cases were 7% of cases assigned compared with an average of 43% in four other comparable judicial divisions.

An example of the system's success is found in one state grand jury indictment assigned to Justice Vollack in the district court. *People v. Casey* was a highly publicized case which involved seventeen defendants who had been part of an international drug operation. The case was assigned to Justice Vollack on July 13, 1979. Justice Vollack established a predetermined schedule accepted by all seventeen defense counsel. By November 29, 1979, all seventeen defendants had either entered into a plea bargain or received their jury trials. Very few defendants appealed their convictions, and none of the court's orders, including an order denying defendants' request for suppression of wiretaps, were reversed on appeal.⁵

In 1986, Justice Vollack's dedicated service to the judicial community and the State of Colorado received the highest complement when then Governor Lamm appointed him to fill a vacancy on the Colorado Supreme Court created by the retirement of Justice William D. Neighbors. Since his appointment, Justice Vollack's opinions and dissents have reflected a common-sense approach to the law developed from the wealth of experience he has obtained throughout his career. Shortly after his appointment, Chief Justice Joseph Quinn selected him to chair the Supreme Court Delay Reduction Committee. This committee recommended management standards for the entire state judiciary. The final committee report adopted many standards found in Justice Vollack's "Judicial Control Management" system.

Justice Vollack is a firm believer in the well-worn legal cliché that "justice delayed is justice denied." He has made it his duty, as both a private attorney and a member of the judiciary, to ensure that all litigants in any type of proceeding receive a timely and fair disposition of their dispute. His work as a Supreme Court Justice, a district judge and private attorney reflect this commitment.

4. *Id.* The system incorporated a four phase program that mandated a strict policy against continuances; transfer of control of a case from counsel to the court; a schedule for the pretrial and trial procedures; and case categorization to improve the utilization of court time by assisting the clerk in setting the appropriate court time for trials and motions. The system also applied to criminal cases, but incorporated additional scheduling requirements that are constitutionally and statutorily mandated in criminal cases.

5. See, e.g., *People v. Cobus*, 626 P.2d 1159 (Colo. App. 1980).

