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# COLORADO SUPREME COURT—JUDICIAL PROFILES

## JOSEPH R. QUINN

SUSAN L. FOREMAN\* AND LEE D. FOREMAN\*\*

Joseph R. Quinn has enjoyed few vacation days since his appointment to the Colorado Supreme Court in 1980 and his selection as Chief Justice of that court in 1985. He runs twenty miles a week, is raising five children with his wife Olga, and reads philosophy in his "leisure" time. With such findings of fact, the conclusion that this is a tireless man seems unlikely to be set aside upon review. Quinn's energy, dedication, and fair and scholarly approach to the resolution of legal issues makes him an ideal member of the judiciary.

Born on November 18, 1932, Joe Quinn grew up in the Kreighthead neighborhood of the industrial town of Elizabeth, New Jersey. His father was a postal inspector, and his mother a homemaker. He is the eldest of three sons; his brothers teach school and work in construction. At his father's urging he attended parochial school at St. Peter's Preparatory. By the time of his graduation, he had all but abandoned his boyhood dream of a career as a major league baseball player for more academic aspirations. His present work ethic definitely reflects his "no-nonsense" Jesuit education and training.

Chief Justice Quinn's college education was interrupted by his service with the Marine Corps during the Korean war. Following his military service, he resumed his liberal arts studies at St. Peter's College, graduating with honors in 1957. He then entered Rutgers Law School and completed his distinguished student career with an LL.B. degree in 1961.

Escaping New Jersey, Quinn came to Colorado and clerked for Supreme Court Justice Leonard v.B. Sutton. Finding the Great West to his liking, Quinn stayed on to pursue a career in litigation. From January, 1963, to February, 1966, he worked with an insurance defense firm and engaged extensively in civil litigation.

In the mid-1960's, the birth of public defender programs in Colorado provided a new outlet for his energy. Between February, 1966 and December, 1969, Quinn worked as a Denver Public Defender. The understaffed office of which he was a part handled all the misdemeanor, juvenile, and felony cases arising in the Denver courts, plus any appeals taken in those cases. Despite the sixteen-hour days, he loved the job, and his devotion to his work became an inspiration to a generation of

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young attorneys working on behalf of the criminally accused. Implementing such newly decided cases as *Mapp*, *Wade*, and *Miranda*, Quinn had the sense that his work was on the cutting edge of the most important legal developments of the time. He remembers that part of his career as especially exciting and fulfilling.

In January, 1970, the State Public Defender's Office was created by statute, and Rollie R. Rogers named Quinn as his first Chief Trial Deputy. In that role he spent a year selecting staff, establishing legal procedures for providing assistance of counsel from time of arrest through appeal, and establishing administrative procedures for accurate record keeping with respect to case loads and dispositions. As Chief Trial Deputy he had the responsibility for the Boulder, Brighton, Golden, and Littleton offices and tried several of the more serious cases in those areas. Those who observed Quinn during this period recall him as a forceful advocate who used his considerable understanding of the developing law to great advantage on behalf of his clients.

He returned to private practice in January of 1971, when he became a partner in the law firm of Sherman, Quinn and Sherman. There he continued to litigate until his appointment to the Denver District Court bench in January, 1973.

As a district court judge, Quinn served in all divisions: criminal, civil, roving, and domestic. He also presided over a regular grand jury for a period of time. Additional contributions to the legal community included service on the Colorado Judicial Planning Committee and the Standing Committees on Rules of Civil Procedure and Rules of Criminal Procedure. He taught criminal procedure at the University of Denver College of Law for several years and still participates on occasion in programs sponsored by the National Institute of Trial Advocacy.

During his years on the trial bench, Quinn developed a reputation as being brilliant, fair, and, at times, a bit of a task master. He expected those around him to exhibit the same dedication and professionalism that he demanded of himself. Although occasionally exhausted by the pace he set, those who have worked with him or before him believe themselves better lawyers for the experience, and remember with fondness the Friday afternoons when official business was concluded, and conversation turned to past cases, sports, and Thomas Mann.

As a judge, Joseph Quinn has never been one to avoid controversy by ducking important issues presented in a given case. Although he considers no one decision of his more significant than another, he acknowledges that his district court decision in *Lujan v. Colorado State Board of Education* received the most public attention. In the *Lujan* case, Judge Quinn ruled that Colorado's system of financing public education, in which almost half of the operating income comes from greatly varying local property taxes, was unconstitutional. He held that the financing system violated the equal protection provisions of the United States and Colorado Constitutions and the Colorado constitutional mandate contained in article IX, section 2 that a "thorough and uniform" system of

public schools be provided. Subsequently, the decision was reversed by the Colorado Supreme Court in *Lujan v. Colorado State Board of Education*.<sup>1</sup>

In the interim, Governor Lamm had appointed Quinn to that same court. Although this appointment was applauded by the legal community, the supreme court was picketed the day of Quinn's swearing in. His ruling as a trial judge in the murder case *People v. Lowe* had generated significant criticism from the general public. In the highly-publicized case, Lowe had been accused of murdering an eleven-year-old girl at Denver's Pinehurst Country Club. Judge Quinn granted Lowe's motion to suppress statements and certain physical evidence, finding that "Do you know why you're here?" constituted interrogation under *Miranda*, and that a subsequent reading of rights to Lowe did not purge the taint of the initial illegal questioning. This controversial ruling was upheld without dissent by the Colorado Supreme Court in *People v. Lowe*.<sup>2</sup>

Undaunted by such public criticism, Quinn simply states that he strives to meet his own standards of quality and does not worry about his popularity or being reversed. His goal as a judge, a role which he enjoys, is to make a contribution to the administration of justice through the objective resolution of legal issues.

Quinn's independent thinking is often revealed in his written opinions. For example, in *People v. Sporleder*,<sup>3</sup> the court considered the issue of whether governmental use of pen registers to record the telephone numbers dialed by an individual from her home constituted an unreasonable search and seizure. Contrary to *Smith v. Maryland*,<sup>4</sup> Quinn found that a telephone subscriber has a legitimate expectation that the dialing of telephone numbers from a home phone will be free from governmental intrusion. Stating that the court was not bound by the United States Supreme Court's interpretation of the fourth amendment when determining the scope of state constitutional protections, Quinn's opinion concludes that the use of pen registers without a warrant constitutes an unreasonable search and seizure.

Continuing in the mode of his law review days, Chief Justice Quinn's opinions are expansive and scholarly. He holds fast to his belief that the court has a greater responsibility than simply disposing of cases; it must also provide the litigants, members of the bar, and the general public with a full and principled analysis of all significant issues presented by the case.

Chief Justice Quinn's independence, and his lack of concern that a given decision will be popular, should not be construed as an indifference toward the public. To the contrary, he voices concern that the public knows that the court exists for its benefits. He believes it important that the citizenry see its judges as absolutely objective in their deci-

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1. 649 P.2d 1005 (Colo. 1982).

2. 200 Colo. 470, 616 P.2d 118 (1980).

3. 666 P.2d 135 (Colo. 1983).

4. 442 U.S. 735 (1979).

sions. Because the present demands of the court place severe restrictions on outside activities, Quinn spends less time on committee work and other projects than in the past.

Often consumed by his work, Chief Justice Quinn is not an easy man to get to know. However, those fortunate enough to catch a glimpse of the man behind the impressive work product have seen, at the least, a very likeable, decent person. It is axiomatic that Joseph Quinn has been and will continue to be an important jurist. Baseball's loss has been the judiciary's gain.