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Action Against Unauthorized Practice

ACTION AGAINST UNAUTHORIZED PRACTICE

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of the Denver Bar

Of interest to every lawyer in Colorado should be the recent decision of the Colorado Supreme Court in the case of *The People of the State of Colorado, ex rel Duke W. Dunbar v. N. Mark Hanna*¹ because it should again focus attention to the important role that the Bar has in serving the public interest and in the defense of the legal profession. It should also serve as further warning and deterrent to those who continue to usurp the lawyer's field. The *Hanna* case is the third such case successfully prosecuted within the past 14 months. (*People of State of Colorado, ex rel Attorney General v. Wm. G. Newer*, 125 Colo. 304, 242 P. 2d 615, Mar. 24, 1952; *People of State of Colorado, ex rel Attorney General v. Lloyd L. Brown*, Colo., Aug. 18, 1952.) The past few years have seen an increased interest by the lawyers of the State in taking affirmative action in this field. Of further interest to the members of our Bar is the nationwide attention afforded the successful prosecution in the case of *People of State of Colorado, ex rel Attorney General v. D. W. Schmitt, Individually, and D. W. Schmitt, Manager, doing business under the name and style of "National Pure Trust Service, Rocky Mountain Division,"* 251 P. 2d 915, Dec. 15, 1952. Quoting from the March 1953 issue of the UNAUTHORIZED PRACTICE NEWS, the publication of the AMERICAN BAR ASSOCIATION, it says of that case: "Since this case is one of the most unusual and interesting cases ever presented in the history of litigation involving unauthorized practice of the law, we take the liberty of setting forth in full the opinion of the Court by Mr. Justice Alter."

The clear-cut mandates from the Court make it obvious that our Colorado Supreme Court does not intend to allow the public interest to be endangered by those who would assume to do that for which they are neither qualified nor licensed. The splendid cooperation received from the Attorney General's office is further evidence that the State is doing its part for the protection of the public.

Local lawyers are cognizant, both mentally and financially, of unauthorized practices in their area. Until recently, not many of them have seen fit to do much about it but the progress now being made their interest is becoming more and more vocal. Heretofore, we have all stated that there was certainly a need for effort but very little was done. The foregoing enumerated cases indicate only in part that now we are at least doing something about it and that we are obtaining good results.

Many of us have too often regarded our Bar Associations as honorary social groups when, in fact, we are the official representative of our profession. Many have asked, "What does the

¹ Colo. Bar Assn. Advance Sheet for May 30, 1953, Volume 5, No. 22, page 338.

Bar Association actually do for me?" There are many answers to that question and one of them, as illustrated by these suits, is definitive. Your Bar Associations, through the Unauthorized Practice Committees of each, are constantly hammering away at the many forms of intrusion into our profession. We have had numerous complaints against those who, because of their quasi-connection with legal matters, assume to operate in our field. In some instances, those who have not the remotest connection, affiliation, reason or justification tender their services and all too often have them accepted.

A few years ago, the Unauthorized Practice Committee of the Colorado Bar Association received fewer complaints than it does now. Some may take this to mean that there are more violations. On the contrary, it is just the reverse. The answer lies in the fact that the lawyers in this State, and elsewhere, have now been aroused to the point where they will take action. Certainly a more gratifying condition could not exist unless it would be that of having every lawyer feel that, as an officer of the Court and in the interest of the general public, he should "stand up and be counted" when he came face to face with practices which he knew were violations.

Individual Bar Associations have shown that they have the guts to fight for the public interest and the protection of lawyers' rights. Coordinated effort by all of them now presents a united front. It is the feeling of this writer that the foregoing spirit has found its way into the Supreme Court to the extent that it looks with favor on any profession that thinks enough of itself to protect the public interest and their own rights.

Some years ago, the public might have greeted the "public interest" theory with cynicism. But with the progress made, the attendant publicity, and the good faith continuously evidenced, they are now convinced of our earnestness and of the fact that it really is in their interest, as well as in the interest of the lawyer jealously guarding his profession.

Time, new and accelerated business methods, revised Court rules, decisions, etc., have over and again cut into the legal profession. In every instance our profession has come forward with a solution that has not only overcome the problem, but in the last analysis, redounded to our benefit.

Nothing is intended in the foregoing article to be either chesty or unduly optimistic. It is simply to call the attention of the Bar in general, to the fact that, under their stimulus, progress has been made and our position improved. Our progress does not mean that our efforts must stop. Quite to the contrary—success begets more success. The work of the Bar Association is not now ended. It must go on and, with increased interest and effort, it will continue to succeed. Our advantages thus far are small compared with what the future could hold in store for us. The cooperation of the entire Bar is the answer and each member must do his part.

VISITING PROFESSOR TO TEACH ESTATE PLANNING

During the 1953 Summer Session of the School of Law at the University of Colorado, William J. Bowe, Professor of Law from Vanderbilt University, a leading expert in his field, will conduct courses in Estate Planning and Drafting Wills and Trusts.

The class in Estate Planning will meet at 7:30 A.M. on Tuesdays and Thursdays and at 1:30 P.M. on Wednesdays and the class in Drafting at 11:00 A.M. on Mondays, Wednesdays, and Fridays. First classes will be held on Wednesday, June 17th.

Attorneys interested in attending either or both classes may obtain auditor's cards for the ten weeks at a total cost of \$25.00.

Admission to persons other than law students will be limited to the first twenty-five persons who, by letter or telephone call to the Dean's Office at the Law School, signify their intention to attend these classes.

SAFETY DEPOSIT BOXES

The Denver Vault Association, composed of the various Safe Deposit Departments in Metropolitan Denver, has for some time been trying to reach a uniform practice in regard to releasing insurance policies upon the death of a box renter. The Association announces that an insurance policy payable to a named beneficiary will henceforth be released at the time of the inventory by the State Inheritance Department, if the beneficiary is present.

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