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Foreword

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CANONS OF PROFESSIONAL ETHICS AND CANONS OF JUDICIAL ETHICS ADOPTED BY THE SUPREME COURT OF COLORADO

FOREWORD

MILTON J. KEEGAN, *Chairman,*

*Colorado Bar Association Special Committee on
Revision of Canons of Ethics*

The recent progressive action taken by the Supreme Court of Colorado in adopting the Canons of Professional Ethics and Canons of Judicial Ethics, published in this issue, was made at the recommendation of the Colorado Bar Association and with the approval of the Colorado District Judges Association. On close and difficult questions of ethics the members of the Bench and Bar of Colorado can now rely with confidence upon the annotated Canons and opinions published by the American Bar Association.

The Canons of Professional Ethics adopted by the Supreme Court of Colorado on July 30, 1953, and published in this issue, are identical with those adopted by the American Bar Association as amended to date. The Canons originally adopted by the American Bar Association in 1908 were soon adopted by the Supreme Court of Colorado. The American Bar Association, since 1908, has made nineteen amendments and has adopted fifteen additional Canons, all of which have now been adopted by our Supreme Court.

The Canons of Judicial Ethics adopted by the Supreme Court of Colorado July 30, 1953, and published in this issue, are identical with those adopted by the American Bar Association as amended to date, except that Canon 30 "Candidacy for Office" and Canon 31 "Private Law Practice" have been altered slightly to make them conform with the recent judiciary amendment to the Colorado Constitution which was sponsored by the Colorado Bar Association. The late Chief Justice William Howard Taft was chairman of the committee which prepared the Canons as originally adopted by the American Bar Association in 1922. Since then, the Association has made twenty amendments and has added two Canons, all of which have now been adopted by our Supreme court with the modifications of Canons 30 and 31.

The American Bar Association, through its Committee on Professional Ethics and Grievances, has promulgated 286 formal printed opinions as of January, 1953. So that the profession might have easy access to them, the annotated Canons and 274 opinions were published in one bound volume by the Association in 1946. Opinions subsequent to 1946 appear in the American Bar Association Journal as they are promulgated.

The Order of the Supreme Court of Colorado promulgated July 30, 1953, is as follows:

Upon recommendation of the Board of Governors of the Colorado Bar Association the Canons of Professional Ethics and the Canons of Judicial Ethics adopted by the American Bar Association, as amended, and with amendments to Judicial Canons 30 and 31 suggested by the aforesaid Board of Governors are hereby adopted by the Court.

The Canons, as now adopted by the Supreme Court of Colorado, are set forth on the following pages.

CANONS OF PROFESSIONAL ETHICS*

PREAMBLE

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the court as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.

1. THE DUTY OF THE LAWYER TO THE COURTS

It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust

* These canons, to and including Canon 32 and the recommended oath, were adopted by the American Bar Association at Its Thirty-First Annual Meeting at Seattle, Washington, on August 27, 1908. The supplemental canons, 33-45, were adopted at the Fifty-First Annual Meeting at Seattle, Washington, on July 26, 1928. Canons 11, 13, 34, 35 and 43 were amended, and Canon 46 was adopted, at the 1933 Annual Meeting. Canons 7, 11, 12, 27, 31, 33, 34, 37, 39 and 43 were amended, and Canon 47 was adopted at the 1937 Annual Meeting. Canon 27 was further amended at the Annual Meetings in 1942, 1943 and 1951, and Canon 43 was further amended at the 1942 Annual Meeting.