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PURPOSES OF THE COLORADO BAR FOUNDATION

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Potentially a bar association is the strongest and most balancing asset that any community possesses. A bar association is in effect a composite of highly trained minds that are experienced in dealing with problems of government and with the economic and social relations of individuals. Members of the bar are to be found on all sides of every controversial issue and lawyers, as a matter of principle, will express their convictions and support their positions with sound reasoning. Because of the nature of the membership it represents, a bar association can never be far off the sound center course on any controversial issue.

For these reasons the potential ability of a bar association to serve the community in which it functions is limitless. However, most bar associations are powerless to realize this potentiality because of financial and staff limitations and the Colorado Bar Association is no exception in this regard. The limited income of a bar association obtained through the dues paid by its members is usually sufficient only to maintain an office with sufficient personnel to handle necessary routine functions, to maintain organization records, and to prepare and circulate a few necessary bar association publications.

The highest functions of a bar association are rendered through committee activities and too frequently no funds are available after administrative costs are budgeted to allow for these committee activities.

Rarely does a week pass in which some member does not inform the Secretary of the Colorado Bar Association of some activity which the Bar Association could undertake to better serve the profession or better serve the people of the State of Colorado. The merit of many of these suggestions is beyond question but too often they can not be considered because of the monetary or personnel requirements which they entail.

There is not a year goes by in which the work of some committee of the Colorado Bar Association must not be halted because the Board of Governors cannot allocate the necessary funds which the committee needs and requires for a project.

The program for judicial reform which the Colorado Bar Association is now following is possible only because a fund in excess of \$16,000 was obtained through individual and foundation gifts and enabled the Association to make the comprehensive preliminary study which this project required.

At present a comprehensive study of Colorado laws relating to the family is urgently needed. For a number of years, the Do-

mestic Relations Committee of the Colorado Bar Association, consisting of able lawyers with experience in the field of family law, have studied the problem and given large amounts of time to this project. But the work of the Committee cannot go on because funds are not available to gather necessary data and make the necessary study which the Committee requires, if a proper family law code for Colorado is to be developed.

There is much material concerning Colorado law and the administration of justice which could be printed and should be distributed to Colorado lawyers. A Handbook for Title Examiners in Colorado has been prepared by two highly qualified attorneys which we wish could be published and provided to every lawyer in the state. Sample pleadings for different types of actions are being published from time to time in *Dicta* which we feel should be published under one cover and provided to all our lawyer members. Many times valuable legal material is assembled and presented by speakers at the various institutes sponsored by the Colorado Bar Association throughout the state. Only the few who attend these institutes are benefited by the material presented. Providing all lawyers with such information would enhance the standards of legal learning and thereby serve the public. The Colorado Bar Association should be able to publish such material and make it available to its members.

Education of the public on legal matters is also important and here too the Colorado Bar Association has its responsibilities. The Association has prepared a pamphlet containing information for prospective jurors which is to be published and distributed to all jury panels as soon as the final draft receives the approval of the District and County Judges Associations. There is much other information of a legal nature which should be provided to the public by the organized bar.

The courts of Colorado are also dependent upon the organized bar for many necessary services whether they be the courts of lowest jurisdiction in which most people form their first impression of judicial process or courts of last resort. There are many obligations which lawyers, as officers of the courts, owe to the courts which can only be met through organized effort. Again the responsibilities of the Colorado Bar Association are great. Our ability to meet these responsibilities is seriously impaired by financial limitations.

It cannot be questioned that a bar association must first meet certain administrative costs if any organization is to exist, but the highest and most important functions of such an association are services which it can perform in the interest of the public and the profession and are not its administrative activities. These services cannot be financed from current dues paid by members. All lawyers are not in the same economic class and if the rate of dues which would be required to finance these activities were im-

posed upon all association members, few indeed could afford to maintain their membership in the Association. Some additional funds could be obtained by the collection of additional contributions from our more able members. This was at one time attempted through the device of sustaining memberships and indeed there have been times when our Bar Association could not have operated without the help of these additional contributions.

However, because so many of these desired activities are in the public interest, contributions could be solicited from a trust fund built upon gifts from foundations and bequests from lawyers and individuals who have a sincere interest in the administration of justice; which trust fund could offer tax advantages to its contributors and the assurance that its funds would be used exclusively in the public interest. Such a fund, if the corpus could not be invaded, would provide permanence to the work which it undertakes. Anyone who has had experience in preparing administrative or governmental budgets realizes that it is unsound to expand services through the use of funds which are not permanently available and which might be cut off at any time and cause the discontinuation of the services thus instituted.

If lawyers as a class are to meet the responsibilities which they owe to the courts and to the general public and if the organized bar is to realize its potential for service to the community, many more services in the public interest must be performed.

Recognizing the need, a study of the problem was commenced during the administration of James K. Groves in 1950. Since then much time has been given to this subject by the Board of Governors of the Colorado Bar Association. A committee, consisting of Dudley W. Strickland, Jr., Joseph G. Hodges, Richard P. Brown and myself as Secretary, has carefully studied all programs used by other bar associations to meet this problem and foundations in general. It was this committee that prepared the Articles of Incorporation of the Colorado Bar Foundation, Inc., which are set forth on the following pages. The incorporators listed in these Articles are Jean S. Breitenstein, Richard P. Brown, Joseph G. Hodges and D. W. Strickland, Jr. The first trustees of the Colorado Bar Foundation were selected by a committee consisting of William E. Hutton, Warren W. Lattimer and Winston S. Howard. These trustees are William R. Kelly, James K. Groves, Thomas M. Burgess, Milton J. Keegan and William Hedges Robinson and will serve until elective processes as provided for by the Articles take effect.

The Articles of Incorporation were filed with the Secretary of State of the State of Colorado on October 9, 1953. In the opinion of tax counsel, contributions to the Colorado Bar Foundation are deductible for federal income tax purposes and a request for a ruling to this effect has been filed with the Director of Internal Revenue.

Soon after this issue of *Dicta* is distributed, subscription blanks will be mailed to each member of the Colorado Bar Association. All members are urged to give consideration to the responsibility which they owe to their profession and to pledge assistance to the Colorado Bar Foundation, Inc., insofar as they are financially able. All lawyers are urged to add a codicil to their wills which will name the Colorado Bar Foundation and are urged to recommend to clients with adequate means and social responsibility that they consider the Foundation as a worthy recipient of gifts and bequests. It is felt that the funds which these contemplated projects will require in the future must come primarily from bequests and that initial subscriptions can only provide the Foundation with a nucleus upon which its future growth can be based.

The Articles of Incorporation provide that the principal or corpus of funds which the Colorado Bar Foundation acquires cannot be invaded. The purposes of the Foundation are in the public interest and are set forth in the Articles of Incorporation which are printed on the following pages for your perusal and serious consideration.

INHERITANCE TAX RULES

Pursuant to the power and authority contained in Section 8 of the Administrative Code of 1941, Chapter 2, Session Laws of Colorado, 1941, the Honorable Duke W. Dunbar, Attorney General of the State of Colorado, has prescribed the following amended rules and regulations for the government of the Division of the Inheritance and Gift Tax of the Department of Law:

Rule 11 (f) : U. S. Series G and Series K bonds shall be valued as follows:

- (i) if redeemed subsequent to the first interest payment date after death, at face value, plus interest computed to the date of death from the last interest payment date prior to death, or
- (ii) if redeemed before the first interest payment date after death, at redemption value.

Rule 28: In order to avoid the imposition of penalty for late filing, all applications must be *received* by the Department within the time stated in the Statute. However, when applications are mailed, the Department shall rely upon the postmarked date to determine delinquency; and to avoid the imposition of penalty on mailed applications, the envelope must bear a postmarked date not later than 12:00 midnight of the last day prior to the date the application should have been received by the Department if it were not mailed.