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Constitutional Amendment No. 1 Needs Support of the Bar

Dicta Editorial Board

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erty could be reached under the present procedures. Yet such personal properties are absolutely essential to the continuation of our functioning as an organized community.

It will be noted that we also contemplate that reasonable effort shall be made to contact the owner of the property and attempt to secure it by negotiation before any eminent domain proceeding can be started. We regard the federal practice of a declaration of seizure without the necessity of prior negotiations to be arbitrary and high-handed. We believe that the federal employees in almost every case endeavor in good faith to negotiate with property owners before filing such declarations, but there appears no reason why any government employee or anyone else who has the power of eminent domain should not be required to make a good faith effort to avoid litigation as a condition precedent to the right to exercise the strong power of eminent domain.

CONSTITUTIONAL AMENDMENT NO. 1 NEEDS SUPPORT OF THE BAR

The Colorado Bar Association, acting through its Judiciary Committee, has had placed on the ballot a constitutional amendment which deals with the Compensation, Services and Retirement of Judges.

These are the principle changes advocated by the amendment:

1. Salaries of Judges may be increased or decreased *during their terms of office.*
2. A judge may not run for any other elective office, other than judicial, without first resigning his judicial office.
3. Any judge found to be permanently disabled by reason of mental or physical infirmities, *shall* be retired. The Attorney General will initiate the action by motion to the Supreme Court, and after full investigation the decision shall be made.

The proposed constitutional amendment No. 1 was drafted by the Colorado Bar Association Judiciary Committee with the aid of members of the Supreme Court. It has been approved by the District Judges' Association and the County Judges' Association.

The changes from the present law are obvious. They are vitally necessary. Supreme Court Justices who are elected for a period of ten years find themselves bound to the same salary for the entire decade. Regardless of economic conditions, the legislature is powerless to increase the salary of an incumbent elective officer. The same is true, of course, of District and County Judges. We have the untenable situation now of the most experienced judges receiving the lowest salaries—it was their misfortune to

be elected 8 years ago, or 4 years ago. The proposed constitutional amendment No. 1 will remedy this situation once and for all.

The other changes are equally important, particularly the retirement feature. When judges are unable to sit there is imposed a great hardship on litigants and attorneys. The docket becomes more and more cluttered and outside judges are pressed into service, sometimes at a sacrifice to their own districts or counties.

It is the firm belief of the Colorado Bar Association Judiciary Committee that proposed Constitutional Amendment No. 1 is vitally necessary for the benefit of our judicial system. Therefore, we earnestly solicit the support of every lawyer in Colorado as an active partisan in the passage of the proposed Constitutional Amendment No. 1.

CONSTITUTIONAL AMENDMENT NO. 1

Section 18 of Article VI of the Constitution of the State of Colorado is hereby amended to read as follows:

Section 18. *Compensation and Services of Judges.* Judges of courts of record shall receive such compensation as may be provided by law, which may be increased or decreased during their terms of office, and shall also receive such pension or retirement benefits as may be provided by law. The Supreme Court shall be open except on Sundays and holidays during customary hours of court. No judge of the District Court or Supreme Court shall accept nomination for any public service other than judicial, the term of which shall begin more than thirty days before the end of his term of office, without first resigning from his judicial office, nor shall he engage in the practice of law, nor shall he hold office in a political party organization. When called upon so to act any county judge admitted to the practice of law in the State of Colorado may serve as district judge in any district with full authority therein as the judge of the district wherein he serves.

Article VI shall be and hereby is further amended by the addition of the following Section 31 thereto:

Section 31. *Retirement.* Any judge of any court now existing in the State of Colorado, or hereafter created, shall be retired from office if found permanently disabled, by reason of mental or physical infirmities, from performing the duties of his office. Issues concerning retirement for disability shall be initiated by motion of the Attorney General to the Supreme Court for investigation concerning the permanent disability of such judge, whereupon said court may appoint a referee who shall have authority to subpoena witnesses and make full investigation and submit his report thereon to the court. In the event the court shall determine such judge to be so permanently disabled, he shall be retired with such pension or retirement benefits as he would have received had he fully completed his then term of office. Upon such retirement his office shall be deemed vacant and be filled as provided by law.