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Amendments to Rules of Civil Procedure

Dicta Editorial Board

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obligations by unilateral action. In the United States there is a framework of government which prevents the several states from failing to keep their bargains. Because there is no such federal government on a world-wide basis, there is nothing to prevent these nations from ignoring their treaty obligations.

Perhaps with the passing of time, this basic distinction between compacts and treaties will cease to exist. Until such time, it may be said that continuing uncertainty will cloud the enforceability of corresponding rights and obligations accruing under treaties executed by sovereign nations. Thus, we think that the genius of the framers of the Constitution has once again been demonstrated.

AMENDMENTS TO RULES OF CIVIL PROCEDURE

Adopted May 2, 1952, by the Supreme Court of the State of Colorado, to become effective May 6, 1952.

RULE 115 (a). STATEMENT OF CASE.

No abstract of the record is required. The plaintiff in error shall set forth in his brief a concise statement of the case containing all that is material to the consideration of the questions presented with appropriate folio references to the record. Pertinent provisions of the pleadings, documentary evidence, instructions given or refused, to which proper objections were made, findings and conclusions of the trial court, and judgment may be set forth in the brief or in an appendix thereto. (From Supreme Court Rules 36 and 38 and Code Sec. 442.)

RULE 115 (b). BRIEFS; WHEN FILED.

Except as provided by Rule 118 (b) and subdivision (k) of this rule, the brief of plaintiff in error shall be filed within 30 days after filing the record or, where application for supersedeas is pending, within 30 days from the date of the determination thereof unless the court makes final determination of the case on such application for supersedeas. The defendant in error shall file his brief within 30 days after service upon him of copies of the brief of the plaintiff in error. The plaintiff in error may file a reply brief within 20 days after service of the brief of the defendant in error upon him. Supplemental briefs shall be filed only upon leave of court. Fifteen copies of every brief shall be filed. (From Supreme Court Rules 38 and 39 and Code Sec. 442.)

RULE 115 (c). BRIEFS; CONTENTS.

Every brief filed in the supreme court, except one filed in support of or in opposition to a motion, shall contain separately in the order following:

(1) A subject index of the entire brief.

(2) A table of all cases and statutes cited. Cases shall be first stated in alphabetical order giving title, volume and page with citations to the official reports and to the reporter system. Colorado statutes shall be cited by reference to official publication only. Each case or statute shall be indexed to every page on which it is cited.

(3) A concise statement of the case as required by subdivision (a) of this rule.

(4) A brief statement of the argument setting forth clearly and succinctly the points to be argued.

(5) The argument exhibiting clearly, separately, and without unnecessary repetition the points of fact and law being presented and citing the authorities and statutes relied upon. When other than a Colorado statute is cited so much thereof as may be necessary to the decision shall be printed in full either in the body of the argument or in an appendix. References to the record shall be accompanied by appropriate folio numbers. When the reference is to the evidence, to the giving or refusal to give an instruction, or to a ruling upon the report of a master, the folio citation must be specific, and if the reference is to an exhibit, both the folio number at which the exhibit appears and at which it was offered in evidence must be indicated.

(6) Such appendices as are proper under these rules.

Briefs of defendants in error need not contain a statement of the case unless that presented in the brief of plaintiff in error is controverted or deemed insufficient. Reply briefs shall be confined strictly to answering new matters raised by the adversary's brief.

(From Supreme Court Rules 37 to 42 both inclusive. Also from Rule 27, U. S. Supreme Court, and the rules of the U. S. Courts of Appeal.)

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The recent Supreme Court decision holding a 1913 law to be effective even though omitted from the last two compilations of our statutes has impressed upon all of us the value of old statutes and session laws. Judge Edwin L. Reginnitter of Idaho Springs offers for sale a very rare collection containing all of the Colorado official statutes, territorial and state, from 1861 to 1921. These are contained in 71 volumes and you are invited to contact Judge Reginnitter concerning the acquisition of this prize.

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