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Certification of Legal Instruments Urged

Dicta Editorial Board

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Certification of Legal Instruments Urged

CERTIFICATION OF LEGAL INSTRUMENTS URGED

Certification of legal instruments by attorneys has received the sanction of the Board of Trustees of the Denver Bar Association, acting upon the recommendation of its Unauthorized Practice committee headed by Wm. Rann Newcomb. This action was taken in order to discourage the preparation of such documents by laymen, encourage careful draftsmanship and make authorship apparent on the face of the instrument for future consultation or correction.

The board recommended that this certification be done by means of a stamp reading:

"I certify that I drafted
this instrument.

Attorney at Law."

In order to encourage the use, and pass on savings in the purchase of certification stamps, a quantity lot has been procured. These are now available at the Bar Association office, 702 Midland Savings Building, for \$1.00 each.

The association took this step only after consultation with other bar groups which have adopted the practice, and after securing a favorable opinion from the American Bar Association's Committee on Professional Ethics and Grievances. It is contemplated primarily that such certification be placed on deeds, trust deeds, releases, mortgages, notes, contracts of sale and other instruments dealing with the transfer of real estate. However, it is also recommended for wills, contracts and all other legal documents which an attorney may prepare for his client. In cases of complicated contracts, which may be the product of two or more attorneys, there would be no necessity for its use, nor should an attorney feel required to use it in any situation where he believes that its use may be a disservice to his client.

If used extensively by the attorneys of the state in connection with conveyancing, however, it could be a very important first step in helping to prevent the preparation of such documents by real estate brokers and others. The Unauthorized Practice committee is continuing to study ways and means of implementing this entirely wholesome practice. Such possibilities are the printing of association forms of conveyancing which could be copyrighted and used exclusively by attorneys with the certification printed on. Active steps are also being taken to hit unauthorized practice through the courts.

Notwithstanding other measures which may be taken, however, the use of the certification is important in itself, and in a letter to all members of the Denver Bar Association, Mr. New-

comb stated "There should be no delay in its enthusiastic and wholehearted acceptance by the members of the bar. The use of the stamp, of course, is purely voluntary. The success of the practice, however, depends entirely upon you and the generality with which it is used."

COURTROOM AMENITIES IN CHICAGO

So far as is known, nothing like the following incident has happened in the Denver court, although every prosecutor and every defense lawyer in a criminal case has been heard making muted mutters that his Honor, the Judge, really should be sitting at the defense table or at the prosecution table, as the case may be. This actually occurred in a criminal court in Chicago, according to the official report of the Illinois Supreme Court:¹

"Many times during the trial altercations took place between the attorney for the defendant and the trial judge. The attitude of the attorney towards the judge was very provoking and on numerous occasions the judge, at the instigation of the attorney, digressed from orderly procedure and argued with him. The first occasion came when he asked the judge whether he would like to testify. Later, after an objection to a question had been sustained, he criticized the judge by stating that he, the judge, never got very far in the practice of law because he didn't know how to cross-examine. This provoked a discussion as to which one paid the greater income tax. Later, after another objection had been sustained, the judge was accused of not liking the truth. As the trial proceeded, the altercations became more heated and at one point the attorney referred to another judge by his last name—Rooney—and the judge asked him if he meant Mickey Rooney. There were numerous other heated discussions that had nothing to do with the issues and at one point the attorney referred to the judge as "assistant State's attorney'."

Contributed by Max D. Melville of the Denver Bar.

COUNTRY LAWYER IS NEEDED

Paonia and the entire north portion of Delta County is in need of a lawyer to take over an established law office. Anyone interested may contact Clair H. Hadley, Town Clerk of Paonia, Colorado, or phone FRemont 0113 or AComa 3771 in Denver.