

January 1951

Colorado and Minimum Judicial Standards

Peter H. Holme Jr.

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Peter H. Holme, Jr., Colorado and Minimum Judicial Standards, 28 Dicta 1 (1951).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

COLORADO AND MINIMUM JUDICIAL STANDARDS

PETER H. HOLME, JR.

Chairman of the Judiciary Committee of the Colorado Bar Association

This article was originally planned as a book review of the massive survey of standards of judicial administration in the United States entitled, "Minimum Standards of Judicial Administration," written by Arthur T. Vanderbilt, Chief Justice of the Supreme Court of New Jersey.¹ However, because of the legislative program of the Colorado Bar Association, the preparation of which is now almost completed, and because that program bears directly upon many of the matters discussed in Judge Vanderbilt's book, this article has expanded into a discussion of the Colorado program and its relationship to many of the minimum standards analyzed in Vanderbilt's work. The comparison of Colorado's present system with the proposed one should demonstrate the purpose of the program to bring Colorado more closely into line with those states having modern, efficient and economical judicial administration.

Judge Vanderbilt's book is a compendium of facts with respect to the various methods of administering justice in the forty-eight states and the District of Columbia. The "minimum standards" referred to in the title are those standards adopted by the American Bar Association over a period of years, setting forth its view as to the *minimum* essential requirements for the efficient and effective administration of a court system operating in modern times. Judge Vanderbilt takes each of these standards separately and analyzes the pertinent laws and methods used by each of the states, in order to determine whether such states approach the minimum standards. The guideposts adopted by the ABA cover a wide field. They range from recommendations for methods of judicial selection to trial practice, from selection of juries to codes of evidence. This article will not attempt to cover this wide field insofar as Colorado is concerned. Rather, it will be limited primarily to a discussion of Colorado's standing in regard to the minimum standards for handling the business of the courts and Colorado's treatment of its judges. It will then discuss ways in which Colorado's standing may be improved, suggesting as one possibility the legislative program of the Colorado Bar Association to be proposed for adoption by the 1951 General Assembly.

First, perhaps, we should review the broader reasons for the improvement of our present system. As the Denver Post said, in substance, in a recent editorial: "In the last analysis, no gov-

¹ Published by the National Conference of Judicial Councils, 1949.

ernment can be better than its courts." This statement is one of those truisms obvious enough to be frequently forgotten. Equally obvious is the corollary that the bench must be staffed by the men in the state most qualified by training, ability and character to discharge their vital duties. To obtain such men, we must continuously and unrelentingly study and review the provisions made by our laws for the treatment of judges.

Secondly, the organization of the courts and the procedures used for the handling of their business must be constantly studied and improved so that they may keep pace with the changing needs of the community. Many writers have pointed out that our courts must be maintained on a modern level or they will be lost.

Our situation in Colorado is certainly not one to justify complacency. The Colorado Bar Association, recognizing this, has, through its Judiciary Committee, been working for five years to suggest remedies for some of the more serious defects in our present system. The program outlined below does not purport to be a complete panacea for all the ailments that can befall a judicial system. It simply represents a few progressive steps toward the greater improvement that is needed to restore Colorado to its appropriate place in the administration of justice. We must recognize that it is part of the professional obligation of lawyers to take the lead in reforms of this sort, rather than to wait, as has been done in some other states, for a scandalous situation to develop which would raise a public clamor for reform.

IMPROVEMENT OF JUDICIAL PERSONNEL

Of first importance in any court system is the caliber of the men who hold judicial office. A career on the bench has always been intrinsically attractive to attorneys of scholarly leanings and high purpose. In its proper setting, the post of judge is one of dignity and honor, as well as of great responsibility. The problem, therefore, of inducing properly qualified attorneys to undertake such a career should be relatively easy to solve. Historically, it has been easy to solve. However, in recent years obstacles have arisen which must be removed. The first of these obstacles is financial. As Judge Vanderbilt says:

The problem of financial security is of importance in obtaining fit persons for judicial office, and an attempt is being made to provide salaries commensurate with the importance of the office.

There is no need to repeat here the obvious and unanswerable arguments which have been made in support of this proposition. The following will simply point out the steps proposed by the Colorado Bar Association to overcome the obstacle of inadequate compensation and financial insecurity presently existing.

Proposed Constitutional Amendment

The first proposal of the Colorado Bar Association is that Section 18 of Article VI of the Constitution be amended so as to provide for judges what, in effect, may be called a "rubber dollar." At the time Section 18 was originally written, it did not take into account inflation of the sort that our economy has experienced since. If the dollar were stable, there would be much to be said in favor of retaining the present constitutional prohibition against increasing or decreasing the salary of a judge during his term of office. A realistic appraisal of the situation, however, demonstrates that this prohibition is obsolete in the present day. As now written, this Section 18 of the Constitution works a particular hardship on those officeholders who must serve a relatively long term of office. Foremost among these are judges of our Supreme Court, whose term is ten years. The bar association, to meet this problem, therefore, proposes an amendment which provides in part:

Judges of courts of record shall receive such compensation as may be provided by law which may be *increased or decreased* during their terms.

The inclusion of the provision for decrease demonstrates that the intention is not to place judges in an unassailable *preferred* position, but simply to enable the legislature to maintain them in an appropriate *relative* position in the economy. This provision will also prevent in the future the presently existing flagrant inequity attributable to the existing constitutional provision, i.e., the fact that the junior judges on the Supreme Court are receiving more salary than their senior colleagues. Specific salary relief proposed by the bar association for all Colorado judges will be discussed below in the appropriate places.

The second provision of importance bearing upon the requirement of maintaining only qualified personnel on the bench is that creating a procedure for the removal of disabled judges from office. It is startling to note, as pointed out in Judge Vanderbilt's book, that "In only one state, Colorado, is no provision made for the removal of judges from office."² It is thus possible in Colorado for attorneys and litigants to be faced with what may amount to complete denial of an effective forum. Suppose, for example, that a district judge perfectly qualified when he assumes office, shortly thereafter becomes totally disabled, either physically or mentally. In Colorado there is now no way to remove such a judge from office or to create a vacancy which may be filled by a qualified and active judge. Thus, if this should occur in a dis-

²Of course this statement does not refer to the remedy of impeachment, which is applicable only in cases of "high crimes or misdemeanors or malfeasance in office" * * * Colorado Constitution, Article XIII, Section 2.

district where there is only one district judge, litigants are faced with the lack of a functioning court to which they may go. If any assistance is rendered, it must come on a voluntary basis from some judge of another district who under our present laws may incur a serious personal sacrifice and financial hardship if he renders such assistance.

To meet this situation, the Colorado Bar Association proposes the further amendment of Article VI of the Constitution by the addition of a new section, Section 31, which reads as follows:

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.

A third provision of importance in the proposed constitutional amendment is designed to place certain restrictions upon the political activities of judges of the District and Supreme Courts. This is in line with the general objective of obtaining and maintaining qualified men on the bench. Recognizing our present system of political selection of judges, it was felt nevertheless that a judge should refrain, during his term of office, from active participation in political matters. The following provision, therefore, is proposed for inclusion in Section 18:

* * * No judge of the District Court or Supreme Court shall accept nomination for any public office other than judicial, the term of which shall begin more than 30 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.

IMPROVEMENT OF ADMINISTRATION OF THE COURTS

Judicial Department Bill

The second proposed change in the Colorado laws is the suggested statute, referred to in this article as the Judicial Department Bill. This bill is designed to meet problems primarily of an administrative nature. It is in the administrative field that Colorado appears at the greatest disadvantage in the comparisons made between all the states in Judge Vanderbilt's book. The American Bar Association standard adopted in this connection is as follows:

That provision should be made in each state for a unified judicial system with power and responsibility in one of the judges to assign judges to judicial service, so as to relieve congestion of dockets and utilize the available judges to the best advantage.

The framers of the Colorado Constitution foresaw the need for an organized and unified court system in the state. They also apparently intended that power of the sort referred to in the above quoted standard should be recognized and vested in the judges of the Supreme Court. In Section 2 of our Constitution is found this language:

The Supreme Court * * * shall have a *general superintending control* over all inferior courts, under such regulations and limitations as may be prescribed by law.

It is to carry into effect this intent as expressed in the Constitution that the so-called Judicial Department Bill has been prepared.

First, let us look at our present situation in Colorado. We have at the present time 15 districts for our district courts within which a total of 29 district judges hold office. We have 63 county courts, each with one county judge. There is no attempt made at the present time to correlate the activities of any of these courts nor to observe or improve their respective performances.

In the face of this situation it was determined that a bill should be prepared which would at last make effective the "superintending control" over inferior courts vested by the Constitution in the Supreme Court. The Judicial Department Bill attempts to gather together the various lines of feasible and tested administrative control which have been used elsewhere with good result. These include the things mentioned in the above quoted standard—i.e., "responsibility in one of the judges to assign judges * * * to relieve congestion of dockets," and the development of a "unified judicial system." The bill also provides the necessary means to these ends—i.e., the gathering and study of reports on the work of each court, including its docket condition, its cost and the general handling of its business. The American Bar Association considered these when it adopted its third standard respecting court administration: "That quarterly judicial statistics should be required."

Finally, the bill provides for the organization to study these reports, which working with the Chief Justice, shall recommend to the legislature and other governmental bodies the improvements and reforms which such continuing research should suggest. In this last provision, the bill brings Colorado up to the remaining standard adopted by the ABA as follows:

That Judicial Councils should be strengthened with representation accorded the Bar and Judiciary Committees of the Legislative Department.

We turn now to considering in detail these three basic standards relating to the efficient and modern administration of the court system, and the detailed provisions proposed in the bill.

1. *Assignment of Trial Judges.*

Vanderbilt, discussing Colorado and other states which have no present provisions for transferring judges from court to court by any responsible authority, has this to say:

In the first group are those states that have substantially no element of *external* control in their judicial system. In such states the spirit of independence and love of decentralization prevail, there are no unifying elements, and reliance is placed entirely on voluntary efforts on the part of the judges to manage the shifts that are required by changes in the judicial case load.

That there *are* shifts in judicial case loads is undeniable. That there are inequalities in the ordinary work pressure upon the various trial courts of the state is equally unquestionable. The only question therefore is, how shall we solve these problems and equalize this load? There are two basic alternatives. One is our present haphazard method of invitation and, perhaps, voluntary acceptance. An overloaded judge, under this system, must attempt to set cases at a time convenient to counsel, witnesses, litigants, jury terms and finally to the wishes of the judge he hopes will help him. The second alternative is that proposed by the American Bar Association and borne out by successful experience in many states, as well as in the Federal court system. This is to empower some judge, usually of a higher court, to *direct* trial judges to assist in other courts in accordance with need. The judge with this power has access to information necessary to enable him to exercise this power properly. He knows not only the condition of the docket of the court needing assistance, but that of the judge who is directed to assist. The mere statement of the alternatives obviates the necessity for argument.

Another obstacle now impeding even our present voluntary system is the inadequacy of expense money provided for travelling judges both within and without their own districts. Even our voluntary arrangement would work better if the judge accepting the invitation to sit elsewhere were assured of doing so without financial loss. To remedy this situation, the Colorado Bar Association proposes a third piece of legislation—the Expense Bill, which provides \$20.00 per day for expenses for a judge sitting temporarily away from home, and also mileage at the rate of 10c per mile. This should reduce the difficulty of inducing judges to accept invitations to sit elsewhere and should reduce the present problem exemplified by one district judge who asked more than 15 judges to assist him, without a single acceptance.

The suggested solution in the Judicial Department Bill works

as follows: The state will be divided into Judicial Departments—not more than six in number—and in charge of each department and all the trial courts therein will be one judge. This Departmental Judge (Supreme Court judge if available and willing to undertake it—otherwise a district judge) shall have the power to assign judges from one trial court to another within his department. The Chief Departmental Judge (probably the Chief Justice, but if he is unwilling to undertake the duties, some other Justice of the Supreme Court) is the only one with power to assign judges across departmental boundaries. Thus, under this plan, routine assignments will be limited for any particular judge to a relatively small area of the state, and only in cases of more serious emergency will he be called upon to travel any great distance.

2. *The Gathering of Judicial Statistics.*

It is easy to ridicule statistics and statisticians. Much easier in fact than it is to formulate any sensible program without them. It should go without saying that any business operation of the importance and scope of the judicial system should have carefully kept records as to the conduct of its business. And yet, though many courts in Colorado keep such careful records and statistics, there is no correlation of these records in any one place and no clearing house for their analysis and use. Our present system is virtually useless except from a purely local standpoint. It is as though a bank were to allow each teller to keep records, or not, as he saw fit, without ever attempting to gather them together for an examination of the overall picture.

The proposed Judicial Department Bill attacks this problem in this way: It requires each court in a Department to report at least annually to the Departmental Judge. Where necessary, it permits the Departmental Judge to make his own independent examination of any court's records and business. It further requires annual conferences of all the judges in a department to discuss and study the problems of their respective courts. At these conferences representatives of the bar may also appear and participate in the reports and discussion.

From the material obtained at these conferences and from the individual court records and reports, the Departmental Judge must make up his own report to the Chief Departmental Judge. This judge then analyzes and studies the reports from the various departments and files them as public records.

Such reports, available to the press and the public, will furnish for the first time a criterion upon which the performance of the particular courts may be judged. Likewise, they will furnish the necessary basis for continuing study and for recommendations for improvement. Instead of having to rely upon the piecemeal and sporadic studies of occasional voluntary committees of the

bar or the lay public—which may generate enough enthusiasm to support some improvement every quarter century or so the work of the courts will be subject to constant and informed scrutiny. Changes and improvements may thus be made from time to time before they are made necessary by some scandal or emergency situation. Those courts which are performing their duties and dispatching their business efficiently and well would, of course, welcome this scrutiny and the continuing improvement thus made possible. Those falling behind in their work would for the first time have the benefit of the experience of the more successful ones and would have an opportunity to correct their condition before it became serious. Only those courts, if indeed there should be any, who had no ambition to perform their important duties ably and well and who merely wished to draw their compensation, unearned and inconspicuously, would have anything to fear from the proposed plan. Such courts of course should be exposed and restaffed.

3. *The Research Organization.*

The third thing of importance in the American Bar Association's analysis of the minimum standards for efficient administration of a judicial system is the creation of an organization devoted to the continuing study of the workings of the courts. We have already referred to the present lack of any such organization in Colorado. Here, as elsewhere, there have been occasional attempts by volunteer committees to study these problems and to recommend reforms. The Judiciary Committee of the Colorado Bar Association is an example of this sort of effort. However, such a volunteer committee, lacking any permanent organization or any governmental standing, cannot possess the continuity nor furnish the continuing effort such an organization should require.

Many states, recognizing this problem, have created Judicial Councils in a variety of forms. Some of these have been eminently successful; others have accomplished practically nothing. The Judicial Department Bill proposed by the Colorado Bar Association represents an attempt to create a research organization modeled along the lines of those which have been most successful elsewhere.

The factors which seem to be important in the success of such an organization include:

1. That it be composed of representatives of the community at large and not solely of the bar or bench.
2. That it have access to the sort of statistics and reports which we have discussed above.
3. That it be small enough to be efficient.

Judicial Councils which have met these requirements have had conspicuous success in obtaining public and legislative approval of their recommendations. Several such councils have succeeded in having the great majority of their recommendations enacted into law.

It is apparent that the success of such a council must depend largely upon the prestige which it is able to develop. It therefore is of highest importance that the men chosen to sit upon this council shall be chosen solely on the basis of their ability, integrity and ideals, and not because of their prominence in any partisan political field.

The Judicial Council proposed in the Judicial Department Bill would consist of eight members. Representing the bench there would be one district judge selected by the District Judges Association and one county judge selected by the County Judges Association. The legislature would be represented by the chairmen of the Judiciary Committees of the state Senate and House. The bar would be represented by two lawyers chosen by the Colorado Bar Association and the lay public by two laymen appointed by the Governor. Terms of members of the council would be staggered and would be long enough so as to prevent any one person or organization from "packing" the council to accomplish any special purpose. This council would serve without pay, but a position on this council should be regarded as a public duty of highest importance and a position of honor.

The council would meet with the Chief Justice for the purpose of studying the reports obtained from the various courts in the state as well as any substantive or procedural changes in the law which might be brought to the council's attention. Although the proposed bill does not limit the scope of the council's study to any particular field, it is probably a reasonable prediction that it would tend to limit itself primarily to matters concerning the administration of justice and the functioning of the court system. From the meetings between the Chief Justice and the council would come recommendations for improvements as such improvements appear necessary or advisable.

Additional Compensation for Departmental Judges

It is apparent that the scope of the duties imposed by the Judicial Department Bill upon the various departmental judges is extensive. It is, therefore, appropriate that this bill contain provision for additional compensation to those judges who undertake these duties. Accordingly, the bill provides for a maximum salary of \$3,500 a year to be paid to the departmental judges in addition to their salaries received for the judicial duties. The top limit of \$10,000 is set for Supreme Court Judges for the combination of their two salaries. Thus, this proposed bill accomplishes a dual result. In addition to setting up what we hope will be an efficient administrative and research organization for the courts of Colorado, it will also fill the very serious need of making possible additional compensation for the judges of the Supreme Court to bring them more nearly back in line with their appropriate relative position in the state government. Also, it would

make possible the elimination of the present inequity whereby the junior judges on the Supreme Court receive a thousand dollars more per year than the senior judges who were elected prior to the passage of the last salary increase.

It is shocking to observe that there are well over a hundred state officials and employees receiving as much as or more than the judges of the Supreme Court. The office of Supreme Court judge should have a standing at least equal that of Governor. The compensation, likewise, should reflect this equality. Instead, at the present time, all judges of the Supreme Court receive far less than the Governor, less than the Highway Engineer, the head of the state hospital, the presidents of all of the state colleges, and less than various teachers, football coaches and employees of the state colleges, to mention only a few. Several of the judges of the Supreme Court receive less than various minor employees of the health department, the highway department, the public welfare department and, for example, the head of the engineering drawing department and music teachers at the University of Colorado. This is not to say that the ones listed above are being overpaid, but rather that the Supreme Court judges are being grievously underpaid. If a good football coach can't be obtained for less than \$8,500 a year, it may be reasonable to assume that it is also difficult to induce the best qualified attorney in the state to give up his practice and become a Supreme Court judge for \$6,500 or \$7,500. This is said with all due respect to football fans.

COUNTY COURT-JUSTICE COURT BILL

Much has been written concerning the problem of the courts of small jurisdiction. Any thoughtful attorney has recognized the fact that these courts, though handling matters of small financial importance, have great importance in the community. Virtually all groups which have given study to this problem have recognized that these courts should be staffed by competent and honest judges, and that the same principles of justice which apply in the major courts should be used in the courts of limited jurisdiction. It is fair to say that the only contact with any court had by the great majority of the population is with the court of limited jurisdiction. It is apparent, therefore, that this great majority of the population is going to form its opinion of the entire judiciary system on the basis of what is observed in the smaller courts. Even more far reaching in importance, the public is going to form its attitude towards the laws generally, and its respect or disrespect for law, on the basis of whether or not real justice can be obtained in these small courts. The problem of improving these courts, therefore, affecting as it does the public's attitude toward law and the administration of justice, is one of major importance for the bar.

The Justice of the Peace courts have not proved to be an ade-

quate solution to this problem. As Judge Vanderbilt says in his book, almost without exception any organization that has ever studied the justice of the peace system has recommended its abolition. This same conclusion was reached by the Judiciary Committee of the Colorado Bar Association more than two years ago. Accordingly, the County Court Bill was prepared. This bill would abolish the justice courts and transfer the jurisdiction now handled by the justice courts to the county judge and assistants under his supervision and direction.

Obviously, the mere transfer of jurisdiction from one court to another, without more, would not constitute any improvement or any solution for the problem that exists. Unless the court to which the jurisdiction is transferred is a better court, no improvement will have been accomplished.

In this connection there would seem to be little question as to the superiority of the county courts over the justice courts at the present time. Furthermore, the proposed County Court Bill aims towards more strict requirements as to the qualifications of county judges. Both lawyers and laymen are usually quite shocked and surprised when they learn that a great many of the county judges in Colorado are not lawyers. This, of course, does not necessarily mean that some of the county judges not admitted to the bar are not doing creditable jobs. Nevertheless, as long as any legal procedures are followed and as long as the primary business of the judge is to interpret and apply the laws, it seems unarguable that the judges should be "learned in the law." For this reason, the County Court Bill provides that all county judges in counties over 10,000 population must have been admitted to practice law in Colorado. The only reason that this provision does not extend to all counties is that some of the counties of population smaller than 10,000 have no resident lawyers and, hence, would have no person within their boundaries who could qualify for the office. Needless to say, the statute will not remove any incumbent county judge who does not meet these qualifications, before the completion of his present term.

Having insured insofar as possible that the county judges will be men or women with a background and experience in law, the County Court Bill then provides for the assumption of justice court jurisdiction by the county courts. In many counties this extra load may be handled without undue difficulty by the county judge without further assistance. However, in the more populous counties or in counties of greater physical area, the county judge will not be able to handle this additional load unaided. Therefore, the bill provides that magistrates may be appointed by the county judge to handle cases which formerly have come within bounds of the justice court's jurisdictional limits. The permissive number of these magistrates is governed by the population of the county,

there being one permitted for each county of a population over 20,000 and an additional one for each additional 30,000 or part thereof in excess of 50,000. Furthermore, in any county, regardless of population, the Chief Justice may approve the appointment of one or more magistrates to take care of exceptional conditions. All magistrates will operate under the control and supervision of the county judge who will be held responsible for the conduct of their courts.

Still another problem with respect to the county courts arises in two or three of our biggest counties where at the present time one county judge is unable to handle the load of probate, divorce and, in some instances, juvenile work presently imposed upon him. For such counties the County Court Bill provides that the office of assistant county judge may be created. This office will be filled by election or appointment in the same manner as the office of county judge and the person holding this office must have the same qualifications as the county judge. In effect, this simply creates additional divisions for the county court where needed, and assistant county judges shall have jurisdiction identical to that of the county judge. The county judge in such counties shall act as the presiding judge.

By its terms the bill provides that the abolition of the justice court shall not take effect until six months from the passage of the bill. This six months' period may be used by the Supreme Court to formulate rules of procedure to govern the handling of the former justice court business by the county judges and their magistrates. This procedure should take account of the present low cost of justice court proceedings and should carry over that feature into the new arrangement.

It is hoped that when this system is put into operation the experience with it will be such that any citizen may count upon a fair and impartial trial by an able judge, whether his case involves ten dollars or ten thousand dollars. Even more important to the repute of justice in the state is the handling of the criminal jurisdiction which is presently in the hands of Justices of the Peace. This jurisdiction may be belittled by calling it simply misdemeanor jurisdiction and yet it carries with it the power in the judge to deprive a man of liberty for any period up to a year. This is scarcely a trivial matter.

SALARY BILLS

Two bills have not yet been completely prepared, but have been approved in principle by the Board of Governors of the bar association. When completed they will represent the bar's effort to see that members of the bench are paid in accordance with modern economic conditions and in accordance with the importance of their public duties.

1. *District Court Salary Bill*

It is proposed to recommend to the legislature a bill which would raise the salaries of district judges throughout the state to \$8,000. This would represent a raise of \$2,000 above their present salaries. This raise is justified not only by the change in economic conditions and the reduction in the purchasing value of the dollar, but also by the fact that under the Judicial Department Bill, district judges throughout the state will be doing more nearly equal amounts of work by reason of their service in other districts when required.

It has also been recognized by those who have given thought to the problem that there perhaps may be some difference in salary needs from one community or district to another. For example, it was the feeling of the Denver Bar Association that the salary of the district judges in Denver should be raised to \$12,000 a year and that this represented the minimum figure which would give hope of attracting to the district bench the men best qualified to hold that position. The figure is not out of line with cities in other states, comparable to Denver in size and in volume of judicial business. In fact, it may still be said to be on the low side.

To make provision for such special situations there is under discussion a proposal that the salary bill empower any district that sees fit to supplement the \$8,000 salary with any additional amount deemed appropriate, provided that such additional amount shall be paid out of county funds in the district concerned rather than out of state funds. If adopted, this may result in the salaries of some district judges being greater than others. This, however, is no new principle since the salaries of county judges have always been graduated in accordance with the classification of the county and range from a few hundred dollars a year in the smallest county to \$7,000 a year in Denver. Likewise, the principle of allowing both state and county to contribute toward the aggregate salary of a public official is not new. This practice has been followed with respect to district attorneys for a long time.

2. *County Court Salary Bill*

The proposed bill covering salaries of county judges is under study at the present time by the Judiciary Committee of the Colorado Bar Association. The details as to amount of salary increases to be recommended have not been finally worked out. However, the committee and the Board of Governors are committed to the principle that a substantial raise should be recommended for all county judges. Here again this is justified not only by economic conditions but by the considerably greater workload and responsibility that will be transferred to the county courts if the justice courts are abolished as proposed.