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established for the hearing of the cases; (3) in respect of federal prisoners, provision is made for relief by motion filed in the sentencing court and the right to relief by habeas corpus in such cases is extremely limited; and (4) in case of state prisoners, resort to the lower federal courts is practically eliminated where an adequate remedy is provided by state law.

One or two other additions might be of interest. Prior to the revision of the code, the state law governed the qualifications and exemptions of jurors in the federal courts. The new code for the first time sets up a federal standard of qualifications for jury service. It is provided, however, that persons who are incompetent to serve as jurors in state courts are ineligible to serve in United States district courts. Exemptions under state law do not apply.

A final judgment may now be registered in any other district by merely filing a certified copy of the judgment, and may be enforced in the same manner as judgments entered in the district where registered. It is not now necessary to bring suit on a judgment in another district. The advisory committee on Federal Rules of Civil Procedure in 1937 recommended the adoption of a rule providing for registration of judgments in other districts but the proposed rule was not approved by the Supreme Court.

This new code covers entirely too much subject matter to justify an attempt to outline all of the changes in the law which it brought about. I could only hope to hit the high spots and call attention to matters to which I attach some importance. If I have succeeded in arousing the curiosity of the members of the bar to the extent that you will be persuaded to examine this code in connection with your federal court litigation, I will feel that my undertaking has been a success.

Attorney-General Rules on Retirement Act

The following letter from Attorney General John W. Metzger was sent to Philip S. Van Cise as Chairman of the Judiciary Committee of the Colorado Bar Association on August 19, 1949:

Dear Mr. Van Cise:

Your letter of August 13, 1949, as chairman of the Judiciary Committee of the Colorado Bar Association, I assume, transmits a copy of a letter dated July 22, 1949, from C. S. Fredrickson, President of the County Judge Association, concerning certain phases of H. B. No. 154, the so-called Judges Retirement Act.

1. To what counties does the act apply?

2. Is the population to be determined by the local federal census, or what?

3. Does the 10 years of service begin at and after the effective date of the act, or is it controlled by the number of years of service of the judge before and after its passage?

In answer to the first question, Sec. 1 of H. B. No. 154 reads as follows:

> "*Extension of Coverage.* Commencing July 1, 1949, in addition to the present membership of the Public Employees Retirement Association of Colorado. There shall be included therein all judges of district courts, juvenile courts, and county courts, in counties of more than 20,000 population, in this State, and such judges shall have all the rights and privileges and be charged with all the duties and liabilities hereinafter provided in this Act."

This section was amended during the passage of the bill by the General Assembly by the insertion of a comma after the words "county courts," and the phrase "in counties of more than 20,000 population." When the bill was enrolled, the comma after the word "population" was omitted. I am of the opinion that the intention of the legislature was to apply the limitation only to juvenile judges and to county judges, in counties of more than 20,000 population in this state.

2. The population is to be determined by the last federal census, as given in the Colorado Year Book, or other official sources.

3. While the act is not specific as to the exact method of determining the years of service rendering judges eligible for retirement and disability benefits, there is a clear implication in Sec. 2 of the act relating to the method of exemption for present judges, that service of judges prior to the effective date of the act, May 5, 1949, is to be included in the determination of such eligibility. All persons, when serving as judges, become and remain subject to the act unless, within 30 days after the effective date of the act, written notice of rejection is given to the State Employees Retirement Board, and, in the case of a county or a juvenile judge, notification to the Board of County Commissioners, with a copy for the Retirement Board. There then follows a definite provision that any judge who has thus exempted himself from membership in the retirement system may, at any later date, apply for and become a member,

> "****except that only the service of such judges rendered as such after the date of such membership shall be allowed by the retirement board in computing retirement benefits.*" *(Emphasis supplied)*

If the legislature had intended to exclude prior service of present judges who automatically became members of the retirement system, the exclusion of such service for judges rejecting the act and subsequently becoming members would not have been so clearly set forth.

As you are well aware, this somewhat ambiguous point, and numerous other provisions of the law, require clarification at some forthcoming session of the General Assembly.

Respectfully,

JOHN W. METZGER, *Attorney General.*