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## Lawyers in the Public Service

Dicta Editorial Board

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Rules of Criminal Procedure, member of the Attorney General's Committee on Administrative Procedure, chairman of the committee that brought about the adoption of legislation creating the administrative office of the United States courts, and chairman of the National Committee on Traffic Law Enforcement. As Dean of the New York University School of Law, he was the inspiration and founder of the annual survey of American Law and the Law Center. He had been selected as the director of the survey of the legal profession and had plans for the survey well underway when he was appointed to become chief justice of New Jersey and thus the head of the New Jersey courts under the new judicial provision which will go into effect September 15. As chief justice, it will be his task to reorganize the courts of New Jersey under the new constitution adopted by that state last year, including the drafting of rules of procedure. His appointment as chief justice is the logical outgrowth of the tremendous amount of time he has devoted to improving the administration of justice and the reorganization of courts, particularly in his own state.

Typical of Mr. Vanderbilt's philosophy is the following statement of his idea of the Law Center: "Fortunately, we have learned the art of cooperation in the Restatement of the Law by the American Law Institute, in the work of the Advisory Committees of the Supreme Court on Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure, and the American Bar Association is about to apply it to its projected Survey of the Legal Profession. Where and by whom must the task be done? Obviously not by busy judges on the bench, nor by harassed legislators in Congress or at the state capitol, nor by overburdened chief executives or department heads nor by the captains of industry or labor, nor by law-school professors alone, but by leaders of each of these groups working together and submitting their product to the frank criticism of the rank and file. This is my vision of a Law Center. Thus it is my hope that the new building to be erected on Washington Square, with architecture reminiscent of the Inns of Court, Independence Hall, and the buildings at Charlottesville designed by Jefferson, may be one center of a nationwide movement that will mold our law to the needs of the times, assuring to our people for another century and a half the supremacy of law, a government of law and not of men, and above all individual liberty."

### **Lawyers in the Public Service**

L. WARD BANNISTER, past president of the Denver Chamber of Commerce, has been re-elected to the board of directors of the United States Chamber of Commerce for the sixth consecutive term.

BARNARD A. HOUTCHENS, Greeley, has been appointed by Governor Knous to the Board of Trustees of the Colorado teachers' colleges. He fills the vacancy created by the recent death of E. Tyndall Snyder.

## Colorado Supreme Court Announces Rule Amendments

The Colorado Supreme Court has adopted the following amendments to its rules:

### Rules 201 and 204

Rule 201, Rules of Civil Procedure, '35 C. S. A., be and the same is hereby amended by adding thereto the following provision:

"Subject to prior approval by the Court, each member of the Law Committee may appoint an assistant, who shall receive for his services One Hundred Dollars, (\$100.00) for each examination in which such assistant participates."

Rule 204, Rules of Civil Procedure, '35 C. S. A., be and the same is hereby amended to read as follows:

"204. *Affidavit as to Qualifications—Examination Fees.*—Every applicant shall accompany his application with an examination fee, which shall be Fifty Dollars (\$50.00) for applicants in Classes A and B, and, after July 5, 1948, Fifteen Dollars (\$15.00) for applicants in Classes C and D, and shall attach thereto his own affidavit stating that he is a citizen of the United States; that he believes in the form of government thereof, and has never been disloyal thereto; that he is over the age of twenty-one years (giving his age); that he is a citizen of Colorado (giving his address); that he has never been convicted of a felony; and, if admitted, it is his intention to begin the practice of law within this State, or the teaching of law in an approved law school in Colorado, within three months from the date of his admission, and to make the same his permanent and usual occupation.

"Out of every examination fee paid by applicants in Classes A and B a sum not exceeding Thirty-five Dollars (\$35.00) shall be paid over to the Bar Committee to defray the expenses of the Committee's investigation of the character of such applicant."

Regularly adopted and approved by the Court on May 6, 1948.

### Rule 117

Rule 117 of the Rules of Civil Procedure is hereby amended to read as follows:

"Rule 117—*Oral Arguments.*—Oral arguments may be had on final hearing only by order of court, either on its own motion or on separate written request or motion therefor filed by a party at any time prior to the expiration of 15 days after the time when the reply brief may be filed; provided, however, that should the court conclude to make a final determination of any cause on application for supersedeas, oral argument will be allowed thereon if a separate motion therefor be filed before the expiration of 5 days from the time the reply brief may be filed. The clerk shall give the attorneys

notice of the date set for argument. Arguments will be limited to 30 minutes to a side unless the court extends the time upon request filed before the date of argument has been set. If a case is argued orally in department, a party may during the argument request further oral argument should the case be heard by the court *en banc*, and failure to make such request shall constitute a waiver of the privilege. Oral argument will not be permitted on petition for rehearing. Failure to file opening, answer or reply brief shall preclude the party so failing from demanding oral argument. Reading of written or printed arguments or lengthy citations will not be permitted."

Effective June 3, 1948, and applicable to all pending cases.

### **Denver Bar Trustees Increase Dues**

A meeting of the Board of Trustees and officers of the Denver Bar Association was held on May 6, 1948.

The following officers and trustees were present:

Horace F. Phelps	M. B. Holt, Jr.
Sydney H. Grossman	Stanley H. Johnson
Foster Cline	T. Raber Taylor
Edward G. Knowles	William Hedges Robinson
Richard Tull	Alex B. Holland
W. Clayton Carpenter	Donald M. Leshner
Caldwell Martin	

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That the annual dues to the Denver Bar Association for the fiscal year from July 1, 1948, to June 30, 1949, shall be \$15.00; provided, however, that the annual dues shall be \$7.50 for any member who shall have been admitted on examination to practice law in Colorado for three years or less at the time that the annual dues are payable.

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That the annual dues to the Denver Bar Association be, and they hereby are, waived to the end of the first fiscal year in which a member is admitted on examination to the practice of law in Colorado.

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That any person who has previously been a member of the Association may be reinstated to membership by payment of the

current dues in full and a reinstatement fee in the amount of \$5.00; provided, however, that if such person has previously been dropped from membership for cause other than non-payment of dues, his name shall first be submitted to the Board of Trustees and reinstatement shall be granted only upon majority action of said Board.

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That the following members of the Denver Bar Association who shall have practiced law in Colorado for fifty years or more by June 30, 1949, be granted honorary life memberships under the By-Laws of the Denver Bar Association:

James D. Benedict	Admitted August 8, 1898
Orville L. Dines	Admitted April 6, 1899
William E. Hutton	Admitted January 26, 1899
F. R. Lilyard	Admitted August 15, 1898
Herbert M. Munroe	Admitted February 10, 1898
I. B. Melville	Admitted January 26, 1899
Horton Pope	Admitted February 13, 1893

It was moved, seconded and unanimously carried that the following resolution be adopted:

RESOLVED That the following members of the Denver Bar Association, having retired from the active practice of the law, be granted honorary life membership, without dues, because of eminence and honorable record at the bar:

Richard Peete  
John D. Rogers

It was moved, seconded, and unanimously carried that the Secretary draft a resolution expressing the gratitude of the Denver Bar Association to the Trust Departments of the Denver Clearing House Banks for the publication and distribution of the Wills and Estates pamphlet.

It was moved, seconded, and unanimously carried that the attitude of members of the Denver Bar Association be canvassed so that the Board of Trustees may be directed in the adoption of a program of activity for the association for the approaching year. Sydney H. Grossman, Foster Cline, W. Clayton Carpenter, and Stanley H. Johnson were appointed as a committee to prepare a questionnaire to be distributed among the members of the association. Edward G. Knowles and Horace F. Phelps were constituted as a committee to consider the employment of an executive secretary, his compensation and secretarial assistant, to investigate the rental of suitable office space and cooperate with the Colorado Bar Association, and were granted full authority to act.

### Admitted to a Higher Court

HARRY P. VORIES, dean of Pueblo attorneys, died May 5 of a heart attack at the age of 85. He was active in the practice until the time of his death.

JAMES H. PERSHING died April 3 at the age of 84. He was born at Mount Pleasant, Pennsylvania, December 27, 1863. He was graduated from Princeton University in 1888 and began law practice in Pittsburgh in 1890. He moved to Denver in 1892. He was a member of the first charter convention of Denver, and was professor of medical jurisprudence at Colorado University from 1910 until 1927. An expert in municipal law, he was the senior member of one of Denver's leading law firms. He was active in civic, charitable and church affairs. He has served as a member of the Bureau of Child and Animal Protection, Colorado Civil Service Commission, president of the Denver Board of Charities and Correction, member of the Public Library Commission, trustee of Denver University, president of the United Charities and the Community Chest, chancellor of the Episcopal Diocese of Colorado, delegate to the general convention of the church, member of the sixth province on the National Council of the Protestant Episcopal Church of America. He was a member of the Mile-High Club, the Denver Club and the Rocky Mountain Princeton Club.

ROBERT S. GAST died April 4 of a heart attack in Denver. He was 68. A former president of the Colorado Bar Association, he was one of Colorado's best known attorneys. He took an active interest and part in bar association meetings and activities, including those of the American Bar Association. He graduated from Yale University and Columbia Law School. He has practiced law in Pueblo since 1905. A former law partner was the late Senator Alva B. Adams. At the time of his death he practiced in partnership with his son, Robert S. Gast, Jr., a member of the Colorado General Assembly. He was legal adviser for several banks. During World War I he was a commissioned aide to the adjutant general. He was active in Red Cross work during and after the war and was relief agent during the Pueblo flood in 1921. He was a member of Phi Delta Phi, Denver Club, University Club of Denver, Cactus Club, Mile-High Club, Minnequa Club of Pueblo, Yale Club of New York, Pueblo Commercial Club and the Elks.

EARLE F. WINGREN died April 18 at 47, of a heart attack. He was born May 28, 1901 in Cheyenne, Wyoming, and came to Denver as an infant. He began practicing law in 1925 in Denver after graduating from Westminster Law School. He was associated in practice with his brother, Ivor O. Wingren, member of the Board of Governors of the Colorado Bar Association and former Assistant United States Attorney. He was a Mason, member of the Lakewood Country Club, Denver Press Club, and Augustana Lutheran Church. He was an ardent fisher and hunter.

LEWIS C. RUSH died at the age of 59 in Madisonville, Kentucky. He had practiced law in Denver for thirty years, and maintained offices in the E. & C. Bldg.. He had served as deputy district attorney under his cousin, John A. Rush, before World War I. He held bachelor and master degrees from the University of Michigan.

MORTON M. DAVID died at his Denver home of a heart attack. He was born in Aspen in 1888. From 1910 to 1917 he served as an officer for the Colorado State Humane Society. He graduated from Westminster Law School. He entered the army in 1917, and after his discharge helped to form the American Legion, in the affairs of which he was a national figure. He was the first adjutant of the Legion in Colorado and helped organize the Leyden-Chiles-Wickersham Post. In 1929 he was named national vice commander. He organized and conducted the junior American Legion baseball tournaments in the 1920's. He was a member of Temple Emanuel.

## **Inadequacy of Notice Provision for Obtaining Treasurers' Deeds**

By LAWRENCE M. HENRY

*of the Denver Bar, Member of the Colorado General Assembly*

Section 255, Chap. 142, '35 C. S. A., defining conditions precedent to the issuance of treasurers' deeds requires notice of purchase for taxes "on every person in actual possession or occupancy of such lands, lots or premises," but the provision that such notice may be served "by personal service or by registered mail" in my opinion is inadequate. Nor does the publication requirement provide the necessary protection to the occupant owner, since such publications are so seldom read by lay people.

The alternative of serving by registered mail is too often followed. Since personal service is not the exclusive means of service the easier method of mailing a notice is more often used. Unlike the requirement of Rule 4 (g) (1) relating to service of summons and that of Section 253, Chapter 176, relating to probate citations and notices to sell real estate where service is not complete until there is filed a return receipt signed by the addressee, service has been held to be complete when the notice has been registered and deposited in the mail bearing the proper post office address (*Ford v. Genereaux*, 104 Colo. 17). There is no requirement that return receipt be obtained, let alone that it be signed by the addressee only. Since service is complete upon mailing it seems to me that the additional charge of registering the letter is sheer waste. Registering a letter is a method by which its progress and receipt might be checked and as the statute is now written receipt is not pertinent.