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From the above duties it will be seen that the following must be minimum qualifications: Approximately 10 years actual legal practice in U. S.; complete fluency in the German language to include German legal terminology; some knowledge of Austro-German law.

Any persons who feel that they possess the above qualifications are urged to apply to the Personnel and Training Branch, Civil Affairs Division, Department of the Army, Pentagon, Washington 25, D.C., for further information and consideration for this post. Application should be made in quadruplicate on Form 57, Application for Federal Employment, which may be obtained at any post office.

Short Course in Municipal Court Procedure

By HUBERT D. HENRY

Presiding Judge, Municipal Court, Denver

Although many lawyers never appear in the Municipal Court, and many others seldom appear, a brief summary of some of the practices in this court will not be out of the way, particularly as these rules of practice are nowhere else recorded, thus making it necessary for the lawyer to rely entirely on personal observation and the observations of other attorneys with whom he might discuss matters. Even though attorneys appear in but a small proportion of the cases in the Municipal Court, the importance of the Municipal and Justice Courts in the judicial structure cannot be over emphasized, particularly when one considers the tremendous volume of cases handled, and further when one realizes that, because of the small amounts involved and the impracticability of appeals, these courts are in 99% of the cases courts of last resort.

Some attorneys appear rather regularly in the Municipal Court. Some appear quite infrequently. Almost every attorney will at some time make an appearance in this court. Friendship, relationship, desire to champion one believed to be greatly wronged, will sometimes bring into the Municipal Court eminent counsel who would never come into this court for the maximum fee possible to realize in such cases. So it is that this brief summary, although possibly not of immediate use to many, may at any time become of use to any practicing attorney.

Court Organization

The Municipal and Justice Court of Denver has four divisions. Division 1 is presided over by Judge Edward C. Day. Division 2 is presided over by Judge David Oyler. These two divisions meet in the City and County Building, and try cases involving regular justice of the peace jurisdiction, both civil and criminal. Division 3 is presided over by Judge Frank E. Hickey, and tries

cases involving municipal ordinance violations, except traffic. Division 4 is presided over by Judge Hubert D. Henry, and tries violations of the municipal traffic ordinances. These two divisions sit in the Police Building. The four judges may and do exchange divisions on occasion, and also assist one another in disposing of cases when occasion demands. The balance of this paper will discuss procedure in Divisions 3 and 4 only, particularly the traffic court, Division 4.

Continuances

Continuances are not granted as a matter of right, but only as a matter of discretion. The proper way to get a continuance is to get in touch with the officers in the case in advance of the date of trial and agree with them as to the continuance. This gives the officers an opportunity to notify witnesses not to appear. It is an imposition on witnesses, and other defendants when there are more than one defendant in the same incident, to allow them to appear in court and then ask for the continuance, which would make them return at a future date. Many of these persons lose time at their work, don't want to appear anyway, and won't appear the second time when a continuance is granted under these circumstances. Therefore, the judges are very hesitant to grant continuances unless arrangements have been made in advance of the date of trial with the officers so that witnesses do not appear unnecessarily. Second continuances are practically never granted.

Process

Summonses and subpoenas are issued either by the clerk or a deputy clerk of the court, or by a member of the police department. Under an ordinance passed this year, a summons or subpoena issued by a member of the police department is a good summons or subpoena, and failure to appear in response to such a summons or subpoena can be penalized. Under this ordinance any summons or subpoena is to be served by a police officer.

Defaults

Under the ordinance passed this year, if the defendant does not appear when his case is set for trial, the court may take the testimony of the appearing witnesses and enter judgment by default against the defendant. This can be done as actions for the violation of a municipal ordinance are civil, not criminal, actions. If the defendant is out on bond, judgment by default can be entered, and the bondsman directed to produce the defendant within the time fixed by the court, or pay his fine.

Witness Fees and Costs

Every witness appearing in response to a written subpoena is entitled to witness fees of \$1.50 for each session attended. These fees must be claimed

at the time of the trial, and are added to the fine of the defendant, if the defendant is found guilty. If the defendant is discharged, the witnesses are still entitled to their fees. Regular costs in the Municipal Court for actions for the violation of a municipal ordinance have been done away with, and at present the only costs one will encounter in these cases are the \$1.00 fee for making bond, the \$1.50 fee for an appeal, and witness fees. Under this year's ordinance, several violations of one defendant arising out of a single incident or series of incidents may be consolidated for the purposes of filing complaint, serving process, trial and appeal (but not fixing the fines), so on an appeal there is a single fee of \$1.50 in the Municipal Court and \$7.50 in the County Court, replacing the former \$1.50 and \$7.50 for each charge.

Trial

Because of the great number of cases to be tried, approximately 3500 a month, it is impossible to permit a leisurely conduct of a case. The most expedient way of trying a case is to receive the statement of the case from the officer and from each principal. After these statements have been received, cross examination by the city and the defense is permitted, and then other witnesses may be examined and cross examined. Usually the statement of the case by the officer is merely a summary of the apparent facts, which includes matters other than evidence, so a cross examination of the officer is not particularly fruitful. Receiving the statements of the officer and the principals first is in accord with practice in other courts when we consider the preliminary statements of counsel in a civil or criminal trial, or when we consider pre-trial procedure. These statements reveal the position of each defendant, show where the positions of the respective defendants are at variance, and thus upon what facts further inquiry must be made. Handling a trial in this manner greatly shortens the presentation of a case.

In trying municipal ordinance violation cases, attorneys should remember that the sole issue is whether or not the ordinance was violated, and the presentation of evidence should be limited to this issue and matters in extenuation, mitigation and aggravation. Negligence and other damage issues are not in issue, and evidence bearing on negligence, but not on the question of the violation of the law, is impertinent and merely prolongs trial without benefit. Some attorneys attempt to take depositions for following damage actions in the Municipal Court. This seems to me to be a waste of time and money because some questions which might be pertinent and important in a damage case are impertinent and unimportant in an ordinance violation case, and such questions cannot be brought out in the violation trial, whereas they could be brought out at the deposition hearing if regularly conducted. Negligence and law violation are not the same issue. I have seen cases where there could well have been negligence, but no violation of

the law, and I have also seen cases where there was a violation of the law, but undoubtedly no negligence. In accident cases, it is often true that both drivers violated an ordinance, and that both drivers were guilty of negligence. However, violation and negligence are two different issues and should be tried separately, and attorneys, particularly those representing insurance companies, should not consider the finding of the court on the law violation determinative of the question of negligence.

Order of Cases

At the present time, afternoon dockets are very heavy and morning dockets are light. This means that an attorney must sometimes sit through a large part of a long afternoon docket before his case is reached. It is unfortunate that this situation exists. Two shifts of officers set their cases for afternoon. One shift is the one that works from 8 P.M. to 4 A.M. The officers on this shift are trying cases while off duty and during what corresponds, roughly, to the middle of the night for us. The other shift trying afternoon cases is the shift which works from noon to 8 P.M. These officers are on duty, but while in court are not available for law enforcement purposes. Some cases take longer than others. Sometimes a dozen cases are tried in one hour and the next hour is devoted to one case. The disposition of a lot of small cases early in the docket meets the convenience of more taxpayers and citizens than the trial of one long case first, and a lot of small cases late in the afternoon.

All these various considerations make the arranging of cases on a docket a difficult job, with no one really satisfied. It probably happens that, in trying to give first considerations first attention, under the pressure of a long docket, some errors are made.

Traffic Tickets

In conclusion, a brief statement as to the method of handling traffic tickets may be in order. The law does not guarantee that innocent people will not have to stand trial. The law does try to assure a fair trial for all persons accused of an infraction of the law. So it is that a traffic ticket may be issued to a person who does not deserve it. That person has the right to be tried for the offense, and if found innocent to have the charges dismissed. Any person who receives a traffic ticket which he does not think he deserves should arrange with the clerk of the violations bureau or another deputy clerk of the court to have the case set for trial. The officer will be notified, and the officer and alleged violator will appear in court at the time set, and the charge will be tried just as any other charge is tried. Traffic tickets are not tried over the telephone or by mail. They are all tried in court. Persons who receive traffic tickets are given an opportunity to have the charges heard in court, but they are not given an opportunity to discuss the merits of their tickets privately with the judge, the Manager of Safety and Excise, or a police officer.

Practicing Law Institute Summer Session

Trial techniques with lectures, demonstrations and panel discussions will be among the high lights of the ten courses in the seventh annual summer session for lawyers to be conducted by the Practicing Law Institute in New York City beginning July 6.

A four weeks' program has been announced by Harold P. Seligson, director. Sessions again will be held in the United States Court House where lawyers from 37 states attended lectures and clinics last summer.

In addition to two weeks on trials and related subjects, the program includes the following: General Practice, Current Problems in Patent Law, Current Problems in General Practice, Current Problems in Labor Law, Federal Taxes and Tax Procedure, and Tax Planning and Practice. Classes will meet from 9 a.m. to 1 p.m. and 2:30 to 4:30 p.m. each day, Monday through Friday, excepting the first week which includes several night sessions because of the Independence Day holiday.

Preparation as the foundation of successful court work is emphasized in the Trial Practice course scheduled for the week of Monday, July 19. Beginning with marshalling the evidence the lectures to be given at morning sessions discuss step by step the preparation of typical civil cases. Techniques and tactics to be employed under various circumstances are the keynotes of the program. The afternoon sessions will be devoted to negligence cases and the handling of actions involving personal injuries.

The second part of the trials program, scheduled for the week of July 26, consists of technique demonstrations and medico-legal jurisprudence. Each four-hour morning session will present a part of a typical trial followed by detailed analysis and evaluation of the tactics and strategy employed. Actual court-room conditions will be recreated. The afternoon lectures are aimed to provide medical knowledge needed by attorneys in handling personal injuries actions and claims under life insurance policies.

Simultaneously with the trials program, the summer session will provide two weeks of federal taxation. The course on Federal Taxes and Tax Procedure during the week of July 19 presents the basic aspects of income, gift and estate taxes and related practice and procedure. This course is planned to provide a working knowledge of the tax laws and of the techniques adapted to handling typical tax matters. Guidance in analyzing and planning a client's affairs for future tax savings will be given by lectures and clinic sessions in the course on Tax Planning and Practice during the week of July 26.

The four weeks' program will be opened with two intensive four-day lecture courses, from July 6 through July 9, one on general practice and the other on current problems in the patent field. The general practice course deals with the preparation of documents and explanations of strategy and