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Thirteen District Judges Accept Retirement Plan

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dower or inheritance have seemed like logical necessities and essential ingredients of marriage. But we know that these rights need not be inexorably attached to marriage and under certain circumstances, as the cases show, may not be lost though marriage has been dissolved. To many people a "divisible divorce" will not make sense. Marriage, traditionally, means not just consortium, but also all of the subsidiary rights that have always been part of the marriage institution. It is true that there are far-reaching changes in the family pattern. Changes in economic life have affected family life. Most of the traditional functions of the family have been taken over by other institutions and sociologists speak of the modern family pattern as one in which reproduction and individual personality development remain the sole functions. Perhaps the decisions discussed reflect these changes. In a society "mobile and nomadic" as Justice Jackson characterized it, where one may with ease abandon his spouse and live elsewhere, and our values of marriage and responsibility have changed, it may be realistic to regard a marriage valid for one purpose and invalid for another. At least the decision emphasizes the great need for reconsidering the basic problem. What is our objective when the state grants a divorce? Is the purpose to release one's spouse from an intolerable personal situation or are we dealing with an indivisible status involving important social factors, such as inheritance, children, property rights, etc. In the absence of a uniform divorce law, it is possible that we can judiciously treat these various aspects of the marriage relationship separately?

Thirteen District Judges Accept Retirement Plan

A Correction of the Judiciary Committee Report

By PHILIP S. VAN CISE, *Chairman*

In the June DICTA, page 143, I erroneously stated that the district judges at a meeting on June 4 found the retirement bill as passed by the legislature, was defective and they "repudiated it in toto". In writing this statement I carelessly relied upon a two-column article in the *Rocky Mountain News* of June 5 stating "State Judges Reject New Retirement Law." Any lawyer should know that the average reporter does not understand legal matters, and should go to the judges for the facts rather than the papers. So I apologize for the same and am sending a correction to the district judges, county judges in counties over 20,000 and the members of the General Assembly.

The facts as now obtained from the judges and Tom Trumble, the reporter at the meeting, are that the judges agreed to become subject to the act, but hoped it could be later amended in some respects so that it would more fully cover their requirements. Hu Henry reports that to date 13 district judges have sent in their acceptances to the State Employees Retirement Board and only one has rejected it.