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Amendments to Colorado Rules of Procedure

Dicta Editorial Board

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of the 1930's and the varied and complex problems arising after the outbreak of hostilities in Europe were mastered. I am fully satisfied that as long as the law enforcement profession merits the continued trust and confidence of the public, it will be able to fulfill its obligations to the citizens of the United States. We need have no fear for the ultimate victory of our democratic system, in the present bitter, worldwide ideological war, as long as all elements of our society work together, unselfishly and devotedly. The key to success is national teamwork.

Amendments to Colorado Rules of Procedure

At the request of the Supreme Court of Colorado, the Rules Committee of the Supreme Court has studied the amendments to the Federal Rules of Civil Procedure recently adopted, and as a result has recommended to the Supreme Court of Colorado the adoption of a number of amendments to the Colorado Rules of Procedure. A limited number of copies of the amendments thus submitted have been printed by the Supreme Court. Copies have been sent to each District Judge in the State, and to the Secretary of each local Bar Association.

Any lawyer interested in examining these proposed amendments, and the report of the Committee with respect thereto, before the Supreme Court takes formal action thereon, should communicate with the Secretary of his local association, or with the District Judge of his district. Each member of the Rules Committee has a few copies which are available on loan to interested lawyers.

Committee members are:

JEAN S. BREITENSTEIN, *Chairman*, Symes Bldg., Denver.

PERCY S. MORRIS, Security Life Building, Denver.

THOMAS KEELY, International Trust Bldg., Denver.

V. H. JOHNSON, Cheyenne Wells.

J. G. HODGES, Equitable Bldg., Denver.

So far as we are advised no additional printing of the proposed amendments at this time is contemplated.

Poyen Resigns; New Secretary Appointed

Effective November 15, John S. Poyen resigned as Secretary-Treasurer of the Denver Bar Association and Secretary of the Colorado Bar Association.

Mr. Poyen is leaving the associations and private practice to take a position with Fred M. Manning, Inc. William B. Miller, formerly with Van Cise and Van Cise, has been appointed to take over the bar offices left vacant by Mr. Poyen. Temporarily, the office of the secretary-treasurer will continue to be located at 635 Majestic Building.

Recommended Minimum Fee Schedule of The Colorado Bar Association

The Committee on Minimum Fees of the Colorado Bar Association presented to the Colorado Springs convention in October a fee schedule which, with some few changes, was adopted by the association.

For the benefit of those lawyers who may not have secured sufficient copies of these recommended fees, the full schedule, as amended and adopted, is reproduced below, together with the comments of the Committee contained in their report to the convention.

*"I. The Colorado State Bar Association Should Prescribe
Minimum Fee Standards.*

The lawyer's time and advice are his stock in trade. The legal profession has suffered much through lack of fair fee standards. A fee that is not in keeping with the services rendered is not only unfair to the lawyer who charges it but casts reflections upon other lawyers who charge fees more in keeping with the responsibilities assumed and the dignity of the profession. Minimum fee standards will be of inestimable value as a guide to lawyers new to the practice in this state, to the bench and to the profession as a whole.

*"II. The Minimum Fee Standards Should Be Classified as to
Metropolitan and Non-Metropolitan Areas.*

All fees should be as nearly uniform throughout the state as possible. It is recognized that there are substantial differences in the lawyer's cost of practicing in the larger centers of population and in the more rural areas. Such differences should be compensated for but the differences should be as few as possible. Therefore, it was felt that there should be only two classes of practice recognized in the fee standards:

1. Metropolitan, which would consist of—
 - a) City and County of Denver (including the adjacent counties, Adams, Arapahoe and Jefferson).
 - b) Pueblo (including all of Pueblo County).
 - c) Colorado Springs (including all of El Paso County).
2. Rural, which would consist of all other portions of the State not included within the Metropolitan areas.

*"III. County and District Bar Association Shall Have Full Power to Prescribe
Exceptions to the Minimum Fee Standards Which Shall Prevail in Their
Respective Counties or Districts.*

In the interest of uniformity, such deviations should be as few as possible. Nevertheless local associations, not less than county-wide in their scope, should be free to adopt exceptions to the prescribed standards to meet the requirements of their respective communities.

*"IV. The Following Minimum Fee Standards Are Recommended As Fair to
the Public, in Keeping With the Responsibilities Assumed and Services*

Rendered by the Lawyers and Consistent With Prevailing Fee and Wage Standards in Other Professions and Skilled Trades.

	Metropolitan Areas	All Other Areas
1. Adoptions—Ordinary—Adults	\$100.00	\$100.00
Ordinary—Minors	50.00	50.00
State Home	50.00	50.00
2. Bankruptcy	150.00	150.00
3. Change of Name.....	50.00	50.00
4. Incorporations of corporations for profit including minutes of organization meeting and by-laws.....	150.00	150.00
5. Divorce—Separate Maintenance and Annulment		
a) Non-contested, no custody or alimony involved	125.00	125.00
b) Non-contested with alimony or custody involved	150.00	150.00
c) Contested, upward from.....	250.00	250.00
6. Determination of Interests.....	150.00	100.00
7. Establishing Title on Death of Joint Tenant, includ- ing Inheritance Tax Application.....	35.00	35.00
8. Estates....6% of gross assets up to \$100,000 with a minimum fee of \$100. Foreign Wills without probating estate but including inheritance tax application and waiver.....	100.00	100.00
9. Foreclosure		
a) Through Public Trustee.....	Fee specified in Trust Deed with minimum of \$100.00	
b) Through Court.....	\$250.00 plus 3% of sale price in excess of \$8,000.00	\$150.00 plus 3% in excess of \$3,500.00
10. Partnership, Agreements, Articles—		
Minimum	50.00	50.00
Recommended Average	100.00	100.00
11. Quiet Title	150.00	150.00
	Plus \$50.00 for each additional chain of title involved	
12. Real Estate Transactions		
a) Abstracts with written opinion*.....	30.00	20.00
b) Closing Sale transactions.....	10.00	10.00
c) Drawing Instruments:		
1. Deeds	5.00	5.00
2. Trust Deed or Mortgage.....	7.50	7.50
3. Release of Trust Deed or Mortgage.....	5.00	5.00

* If a lawyer is handling a large volume of abstract examinations for an individual client, a bank or lending institution, appropriate reductions may be made.

4. Preliminary Contract, Receipt or Option.....	5.00	5.00
5. Contracts of Purchase and Sale.....	15.00	15.00
13. Trials in Justice or Municipal Courts, per day or fraction	25.00	25.00
14. Consultations and advice on simple matters not requiring research, not less than.....	5.00	5.00

"The above recommendations are for *minimum* charges. Where the matters are complicated, technical or involved or require unusual time, attention or research, the suggested fees should be increased commensurate with the responsibility, skill and time involved.

"Fees for Wills and Trusts have been omitted for the reason that comparatively simple Wills may involve large amounts, whereas complicated Wills and Trusts may serve to transfer small estates. The fee should be commensurate with the responsibilities, time and skill required in each particular instance. The same applies to the preparation of income tax returns. We are advised that the American Bar Association and the American Institute of Accountants are now in conference to define the relative field of accountants and lawyers in income tax matters.

"In conclusion it is the belief of your Committee that the success of any fee schedule is dependent, *first*, upon their acceptance and support by the legal profession as a whole and, *second*, upon the very close cooperation of your Committees on unauthorized practice of the law, grievances and minimum fee standards."

The Minimum Fee Committee was composed of Ben Wendelken of Colorado Springs, Chairman, Herbert A. Alpert of Ft. Collins, and Jacob H. Chisen and I. L. Quiat, both of Denver.

Lawyers in the Public Service

KENNETH P. MONTGOMERY, formerly practicing attorney in Colorado and formerly regional attorney of the Wages and Hours Administration in Denver, Kansas City and Chicago, is now territorial representative of the Department of Labor in Puerto Rico at San Juan.

JAMES B. DAY, formerly associated with Gorsuch & Kirgis, is now with the Trust Department of the Colorado National Bank.

WILLIAM R. KELLY and JOHN R. CLAYTON of Greeley announced the formation of a partnership, on November 1, with offices in the First National Bank Building.

FREDERICK P. CRANSTON and L. JAMES ARTHUR have formed a partnership under the name of Cranston and Arthur with offices at 408-410 Equitable Building, Denver.