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The District Judge shall, within fifteen days, conduct a hearing in the nature of a review, and the Judge may release the parolee, or, if he determines that there has been a violation of parole, he shall within five days submit his findings and recommendation to the Governor. The Governor shall within ten days either revoke or continue the parole. The District Judge may admit the parolee to bail until the final order of the Governor. If the parolee is out of the State of Colorado and the Governor has reason to believe that he has violated his parole, he may forthwith revoke such parole.

6. *Appropriation*

The General Assembly shall bi-annually appropriate funds for the administration of this act.

7. *Records*

The office of the director shall act as a clearing house for all information on interstate and intrastate probationers and parolees, and shall prescribe uniform forms for parole and probation.

Copies of the proposed probation and parole bills may be secured from Frank C. Dillon, Chief Probation Officer, West Side Court Building, Denver, Colorado.

The State Bar Act—Another Major Objective in the 1949 Legislature

By SYDNEY E. SHUTERAN,
of the Denver Bar, Chairman of the State Bar Act Committee

A long form bill to incorporate the bar of the State of Colorado will be introduced in the legislature when it convenes in January. All lawyers are solicited to give their active aid and cooperation to obtain the passage of this bill.

A copy of the bill has been sent to every lawyer, whose address is available in the State of Colorado, whether they are a member of the Colorado Bar Association or not. Thus, all lawyers will have an opportunity to study the bill and submit to the committee such additions, deletions or changes which they deem appropriate.

A State Bar Act, synonymously referred to as an Integrated Bar Act, has for many years had the approval and support of the Colorado Bar Association and an overwhelming majority of the lawyers in this state. So numerous are the outstanding lawyers who have devoted a great deal of time and effort during the developmental stages that we cannot here give them due credit; but as a result of their assiduous efforts we are now at the threshold of realization of the valuable services which can be rendered by a unified bar association. Naturally, a unified bar reacts to the general benefit of the public and of the individual lawyer.

The State Bar Act, very simply stated, merely makes the bar association a public corporation and requires that *all* lawyers engaged in the active practice of the law in this state be members thereof. It is the only democratic way that a bar association can operate to the best interest of the public and the lawyers. It is a removal of the governing powers of the bar association by part of the lawyers, and an investment of the governing power in all of the lawyers. Instead of a portion of the lawyers paying dues, all lawyers pay an annual fee for the continuation and advancement of the bar program which has given to the lawyers such invaluable assistance and benefits as the publication of the Supreme Court opinions, real estate standards, fee schedules, public information programs and a host of other activities, all designed to make the lawyers' work easier and more efficient, as well as developing a better relationship between the lawyer and the public.

Although there are but a very few lawyers who are opposed to a State Bar Act, nevertheless, we should review the two objections commonly voiced, since actually they constitute some of the major benefits gained by a State Bar Act.

The basic argument is that lawyers should not be forced to pay an annual fee to practice law because it makes the bar a "union shop." The lawyers of the State of Colorado are now licensed, regulated and disciplined by the Supreme Court of Colorado. The interest of the public and the lawyers have demanded it for so many years that its necessity no longer admits of a doubt. No right thinking person would now claim, as some did in the early days of our history, that such regulation was a violation of "natural rights." Lawyers, doctors, dentists, accountants and engineers have long been licensed by the state. Their ranks are closed by law to "non-licensed persons" and they are "regulated" in their manner of practicing their professions. The legal profession is the only one of the professions named which is not now required by law to pay an annual license fee. Annual license fees for the other professions are provided by law.* If "unionism" is to be asserted because of the requirement to pay an annual fee to maintain a high standard of our own profession then we are already unionized by reason of the necessity to pay an initial license fee. In this age of organization the word "unionism" is an unfortunate misnomer which has received an awful beating which it does not deserve.

The second most common argument is apprehension and doubt of the disciplinary powers exercised under a State Bar Act. Discipline of lawyers is vested in the Supreme Court of Colorado and by its rule the Colorado Bar Association is the official representative of that court with authorization *ab initio* to institute disciplinary proceedings with the result that the Grievance Committees of the Colorado and local bar associations are the first

*Accountants, Session Laws 1937, Secs. 13 and 14; Doctors, Colo. Stat. Ann., Ch. 109, Sec. 11; Dentists, Colo. Stat. Ann., Ch. 52, Sec. 6; Engineers, Colo. Stat. Ann., Ch. 62, Sec. 8.

to weed out complaints against lawyers and investigate disciplinary actions. Under the State Bar this procedure virtually remains unchanged. If a man cannot stand investigation by men of his own profession he is not the kind of man to be in that profession.

Under the State Bar Act the Board of Governors is charged with the duty of instituting and finally passing upon all disciplinary matters. It cannot itself impose any discipline other than a public or private reproof of a member, but may recommend suspension or disbarment to the Supreme Court. When it does so, it must file with the court a complete transcript of the record. The recommendations of the Board are not binding upon the court. It may reject them entirely or impose greater or less discipline than that recommended.

The Board is charged with instituting all disciplinary proceedings and passing on the same. Actually, it seldom institutes them. The act authorizes the appointment of local committees, and in each community the Board appoints a local grievance committee. Its function is to hear any complaint against a member of the bar and to determine whether there is sufficient cause for the issuance of an order to show cause.

You will perceive that under this system, there is very little danger of an attorney not guilty of professional misconduct being disciplined. He must be found guilty first by his local committee, then by the Board sitting in review, and finally by the Supreme Court.

The admission of lawyers to practice law in this state is not affected in any manner by a State Bar Act and the Supreme Court will continue as the authority for all matters relating to admission as heretofore. With the exception of the requirement that all lawyers pay an annual fee a State Bar Act differs very little from the present voluntary bar association. There are now twenty-six states which have a State Bar Act. We have correspondence from the states of Alabama, California, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington and Wyoming which inform us, without exception, that the State Bar is universally and enthusiastically accepted and supported by an overwhelming majority of the lawyers and that the functions of the bar are eagerly accepted and constitute a major advancement over the former voluntary bar association.

A strong unified bar is the bulwark against decadence. It provides the mechanics to keep the lawyer in pace with social and economic advancement of the American professional man. For a most interesting and informative coverage you are urged to read "In Behalf of a Unified Bar" by Bentley M. McMullin, published in Volume 13, No. 3, of DICTA (January, 1936)—"Against Bar Integration" by Albert V. Vogel, published in Vol. 13, No. 2, DICTA (December, 1935)—YOU BE THE JUDGE!

The enactment of this bill means an enhancement of your professional standing.

— DO YOUR PART —