

January 1947

## New Supreme Court Rule

Dicta Editorial Board

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made to the Supreme Court of Colorado to adopt any or all of these amendments, it has been necessary to enlarge the committee.

As the chairman of the Rules Committee is also chairman of the Judiciary Committee, he has no time personally to study the rules. Joe Hodges is chairman of the District Court Committee of the Judiciary Committee and is likewise devoting a lot of his time to the Judiciary Committee work. However for the purpose of study and reception of suggestions and ideas from the bar, we have divided the work into four committees, each of the other members of the committee taking a separate group of the rules and for his work will appoint a special sub-committee.

We suggest every interested lawyer in Colorado get a copy of the new federal rules of civil procedure, the 1947 revised edition, from West Publishing Company so he will know what the federal amendments are; that you then write us your suggestions as to whether or not we should adopt any or all of these changes or make any other revision in the rules.

The names and addresses of the other members of the committee and the sections of the rules to be studied by them and to whom your suggestions should be sent are:

Thomas Keely, International Trust Bldg., Denver—Rules 1 to 25 inclusive; amended forms number 17, 20, and 22.

Joseph G. Hodges, 947 Equitable Bldg., Denver—Rules 26 to 50, inclusive; amended form number 25.

Percy S. Morris, Security Life Bldg., Denver—Rules 51 to 68, inclusive.

Jean H. Breitenstein, 718 Symes Bldg., Denver—Rules 69 to 86, inclusive.

These sub-committees will make their report about the end of July, therefore all suggestions from the bar should reach them not later than July 28 so ample time will be given to the study of such suggestions.

### **New Supreme Court Rule**

The Colorado Supreme Court, on June 9, 1947, adopted the following rule:

When in the judgment of a majority of the members of the court the expedition of the business pending before it demands any district judge of the state and any former judge of this court, covered by Sec. 33, chap. 46, C.S.A. '35, as amended, able and willing to undertake the task, may be assigned as a referee to examine and report a suggested opinion in any case at issue.

At the time of adopting the rule, Chief Justice Haslett P. Burke issued the following statement: "This court has been making a strenuous effort since the beginning of the year to get up with the work and with some success. The present situation is that criminal cases, Industrial Commission cases and superseedeas applications are up. July 1 will see all cases at issue in 1945

disposed of or assigned for opinion and one-third of those at issue in 1946 cleaned up. However, this leaves us still with some 120 cases at issue. We hope by use of this rule to clean up that backlog and that the district judges will be able and glad to render assistance. It is not our intention to unnecessarily burden them. Cases in which they render this service will be put down by per curiam opinions of the court and due credit given the referee. The plan is not novel. It was employed in Oklahoma several years ago with almost universal approval by bench and bar. Although the district judges have just been notified of the adoption of the rule I have received favorable responses and offers of cooperation from a number of them."

### **Supreme Court Terminates War Service Rule**

On June 19, 1947 the Colorado Supreme Court rescinded effective thirty days before the first day of the bar examinations next following those given in June, 1947, the following rule adopted February 13, 1942, to-wit:

During the present war emergency and until further order of the Court, every applicant for admission to the bar who is a bona fide citizen of Colorado on this date and who may present a degree from an approved law school and whose application is favorably reported on by the bar committee of this Court, shall receive a certificate of admission, without examination, on showing that he has served one year or more in the armed forces of the United States and has received an honorable discharge therefrom or has been prevented from completing such term of service because of disability therein incurred or by retirement to reserve forces by governmental authority.

And the amendment to the rule of September 13, 1945, to-wit:

Provided, however, that any application for admission under this rule shall be filed within one year from the date of termination of applicant's military service.

### **Pueblo County Bar Association Studies Charter Convention**

J. Gordon Bartley, president of the Pueblo County Bar association, has appointed a special committee to confer with other groups on proposed changes in the Pueblo city charter. The committee consists of S. S. Packard, William L. Lloyd, Thomas Phelps, Harry S. Petersen, Warren W. Lattimer, Vincent Christiano and A. T. Stewart.

### **Denver To Have A New City Code**

Redeeming a campaign promise of great interest to lawyers, Mayor Quigg Newton has taken first steps towards revising and codifying Denver's municipal ordinances. The city council has appropriated \$7,350.00 towards the expense. Denver ordinances have not been codified since 1927, and the

3,000 ordinances enacted since that date are difficult to find. The codification will be under the direction of city attorney J. Glenn Donaldson.

### Admitted to a Higher Court

JOHN T. SHUMATE, Glenwood Springs, died at the age of 94, on June 10th. He was admitted to the Colorado bar in 1878 and served as county attorney for Garfield county and city attorney for Glenwood Springs. He also served in the Colorado House of Representatives and as district attorney for the Ninth Judicial District. He has not been in active practice in recent years.

RALPH L. NEARY, Pueblo, died of injuries received in an automobile accident, north of Pueblo. From 1936 to 1944 he was district attorney for the Tenth Judicial District. He served in the judge advocate general's office of the army during the war and upon his return from the war engaged in private practice.

CLARENCE R. ANDERSON, Denver, died June 7, after an illness of several months. He had recently resigned as a member of the Denver election commission, to which office he was elected in 1943. He was born in Philadelphia, June 22, 1886. He came to Denver in 1902. He attended the Chicago Law School and was admitted to the Colorado bar in 1906. He was for a time associated with the law firm of Patterson, Richardson and Hawkins, but at the time of his death was practicing alone.

### Addresses

Supreme Court Judge GEORGE A. LUXFORD, *The Practice of Law*, at Westminster Law School commencement, Denver, June 8th.

WILLIAM H. SCOFIELD, *Who is a Taxpayer*, at Denver Taxpayer's Protective Association, June 13th.

Juvenile Judge PHILIP B. GILLIAM, *Keeping Children Out of Court*, at the National Conference of Juvenile Judges, Chicago, June 25th to 27th.

Supreme Court Judge BENJAMIN C. HILLIARD, *Justice for Safety*, at Western Safety Conference, Denver, June 12th.

STANLEY H. JOHNSON, *Why the Present Interest in Courts*, at special luncheon of the Junior Bar Section honoring the judges and guests attending the Tenth Judicial Circuit Conference, Denver, June 16.

### Personals

FRED J. MACK, Pueblo, is retiring as clerk of the United States district court in Pueblo, as that office is being closed. Mr. Mack is re-entering private practice.

MRS. FRANCES HICKEY SCHALOW is the new law librarian and an instructor of law in the University of Denver School of Law, and is retiring from her position as law clerk to senior circuit judge ORIE L. PHILLIPS. She was an instructor in the school of law and served as executive secretary from 1943 to 1946.

RICHARD M. DAVIS, Denver, has been elected to the board of directors of The Denver National Bank and to the board of directors of American Crystal Sugar Company. Mr. Davis is a trustee of the Colorado Museum of Natural History; a director of the Denver Chamber of Commerce; a member of the executive committee of the Colorado Public Expenditure Council; a member of the board of public welfare; and president of the Mile High Club. He is associated with QUIGG NEWTON and S. ARTHUR HENRY in Denver.

ROBERT J. KIRSCHWING, Denver, has resigned as manager of safety and excise, and has re-entered private law practice in the Equitable Building. Mr. Kirschwing was appointed manager of safety and excise in December, 1942.

THOMAS C. GIBSON has resigned as assistant city attorney to re-enter private practice. Mr. Gibson was assistant city attorney from 1916 to 1927, and from 1935 until his resignation. He was city attorney from 1927 to 1931.

JOE D. NEFF has resigned as municipal judge of Denver and will devote his entire time to private practice. Mr. Neff has offices at 701 Symes Building, Denver.

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