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May Meeting of Denver Bar Association

Dicta Editorial Board

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May Meeting of Denver Bar Association

The principal speaker at the May 5, 1947 meeting of the Denver Bar Association was Chief Justice Haslett P. Burke, recently made a life member of the Denver Bar Association. He was presented by Justice Benjamin C. Hilliard, another life member of the Denver Bar Association, who in making the presentation stated that Judge Burke has never failed to be elected to public office when he was a candidate since his first political experience in 1906, and is now serving for the third time as Chief Justice of Colorado Supreme Court. Justice Burke, under the subject "What's Wrong With Our Supreme Court?" said in part:

We will continue to have the kind of Supreme Court to which the people and the bar are entitled. The Supreme Court is the court of the people of the state.

In looking for complaints against the court, one would naturally turn to the press, the bar and the people. What do these three possible sources of complaint reveal?

The press. About ten years ago when Hughes was Chief Justice of the United States Supreme Court, the press referred to the remarkable record of that court. During the same period, the Colorado Supreme Court had handed down more actual opinions than had the United States Supreme Court. In spite of some feeling to the contrary, the court does not divide along political lines on quasi political questions.

The bar. The only serious objection raised during the last political campaign to the work of the Colorado Supreme Court, was by an old lawyer who had never had a case in the court. In about 130 cases last year only 18 had had no dilatory pleas filed. The bulk of time of every Supreme Court conference is taken up with the consideration of dilatory pleas.

The people. In the history of this state almost every time the chief justice ran for re-election while chief justice, he has been defeated. In spite of this, Governor Knous, who ran for governor while Chief Justice of the Supreme Court, was elected, and was the only Democratic governor in the United States elected to succeed a Republican. The voters did not take revenge on Governor Knous because he was chief justice of the Supreme Court. The number of opinions in 1946 was below the average for the court. In the history of the court, three judges have distinguished themselves in the number of opinions written. All three of these judges were defeated for re-election. One judge who had written 88 opinions in a year, and was approved by the bar for re-election, was defeated at the polls.

It is, therefore, evident that there is no storm of protest arising from the press, the bar or the people.

The court has been behind 130 to 150 cases for the past 8 years. This is about the number of opinions handed down in a year. Therefore, the court

is about one year behind, and the problem is to catch up this backlog. The Colorado Supreme Court hands down an average number of opinions with comparable supreme courts of other states.

What is the remedy? The court can't be helped by creating a new court, nor will it be helped by giving it additional duties; and, likewise, it can not be helped by giving the judges law clerks to assist in preparing the opinions. There is a plan worthy of consideration which was tried in Oklahoma. Under this plan cases could be submitted to lawyers or trial judges with request for an opinion. The present backlog could be terminated within three or four months by this method.

Opinions are too long and there are too many dissenting opinions. More able men should be elected to the court, but able men can not afford to leave the practice to go on the court. The present salary of the Supreme Court judge is worth less than was the salary of the district court judge before the last increase raising district court judges to \$5,000.00. If salary increases are not soon granted there will be a noticeable deterioration in the court in the next ten years. What might the lawyers do to improve this situation?

1. They could see that the candidates for the Supreme Court are truly representative of the ideals, learning and dignity of the profession.

2. They could see that unworthy men are not kept on the court.

3. They could see that good men serve on the court as a public duty and responsibility.

There should be more affirmances without written opinion. Too many cases come to the Supreme Court which never should be in the Supreme Court.

The Supreme Court used to be a three judge court. Now the Supreme Court sits in three departments of three judges, each, but all three judges must concur. This speeds up the work of the court. The present judges are working diligently.

Upon Information and Belief

Limitations of Time Within Which an Act Must Be Performed

The Colorado Supreme Court, in a recent decision (*Eshe v. Clough*) has handed down a rule of importance to every lawyer. The court said, "We have never extended statutory provisions limiting the time in which an act must be performed so as to include another day when the last day for its performance falls on Sunday. We cannot escape the conclusion that a statutory act must be performed within the time limited and if the last day falls on Sunday, the time cannot be extended to include the following day." Lawyers intending to perform for their clients some act which must be performed within a given time should carefully examine this opinion and the