

January 1946

President's Address

Frank L. Moorhead

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Frank L. Moorhead, President's Address, 23 Dicta 265 (1946).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

the various sub-committees. Winston S. Howard discussed the non-partisan aspects of the plan, selection, tenure and compensation. Fred Neef discussed the Supreme Court. Joseph G. Hodges discussed the district courts. Peter Holme, Jr., discussed the county courts. Elmer Brock, Jr., discussed the juvenile court. Stanley Johnson, executive secretary of the committee, discussed the justice courts in the absence of Harold M. Webster, and also some general aspects of the committee work.

The Friday luncheon program was presented by The Law Club of Denver, of which Richard Tull is president. It was a trial in Heaven, presided over by Judge Moses Hallet, who had been called from a card game with St. Peter and St. Ives to preside, and who was annoyed at having to give up his game to try the cases presented. Stanley Johnson was Judge Hallet, St. George Gordon was the bailiff, Berton T. Gobble the district attorney, Alan Phipps the public defender, Warren K. Robinson the G.I. lawyer and Charles A. Baer, another district attorney. Packer was discharged on a charge of cannibalism on the defense of justifiable homicide—because of the O.P.A. and the meat shortage. Charles Graham was not guilty of loitering in front of the Y.W.C.A. He was picketing because the Y. is unfair to organized dating bureaus. A petition was presented for complete judicial reorganization by P. Sinless Van Precise, who claimed that judges are politicians first and engage in opinion writing second. They have to spend too much time running for reelection. The G.I. lawyer appeared in uniform because he was just looking for some civilian clothes. He was against judicial reform.

Other subjects taken up by his honor were the Clayton Trust case, District Attorney Burke's grand jury investigation, the political campaign, integration, pre-trial and legal research. It was suggested that a telephone bureau for giving legal advice to busy lawyers be set up so that the lawyers won't have to bother busy court clerks.

President's Address†

BY FRANK L. MOORHEAD*

A year has quickly passed since the last meeting of our association, and for me it has been a year of great interest and some concern. We have been passing through a reconversion period, from war conditions to a peace time practice. The predominant work of the association appears to have been the assistance given the returning veteran, both as to his establishing himself in a practice he had given up for entering the service, and for the placing of those graduates of law schools, who, by reason of war service, had not been in former practice and were looking for a location.

†Delivered to the Colorado Bar Association, Oct. 19, 1946.

*Of the Boulder, Colorado, bar; retiring president of the Colorado Bar Association.

The members of the committee having this in charge have done a remarkable job, giving freely of their time in finding out where men or women might be placed, interviewing those who were seeking locations and advising them as to the best advantages for them.

In this connection there appears a practice by the Supreme Court of Colorado, which, although prompted by a feeling of patriotism or a concession to the fine services performed by those engaged in military service, yet in some instances might result in some ill effects upon the profession as a whole and perhaps more particularly upon those individuals directly affected. The Court admitted to practice without examination those returning veterans who were graduates of approved law schools but who had been deprived of the opportunity of taking the bar examination, and this without any question or distinction between the person who had graduated from a law school, had never taken the bar examination, and those who had previously graduated from law schools and taken the bar examinations perhaps more than once and failed. Under the blanket rule of the Supreme Court those individuals were admitted without further examination. There are many questions involved in such a procedure and it would seem that consideration should be given by not only the bar association but also by the Supreme Court as to whether such procedure is for the good of all. Sidney Post Simpson in a recent article on "Continuing Education of the Bar" makes this observation:

"Every young lawyer disbarred because he was lead by economic pressures into improper conduct by reason of the fact that he did not know enough to make an honest living practicing law is a reproach to the organized bar."

This same subject was given much discussion in the state of California, where the legislature attempted to permit the admission to the bar of certain classes of students returning from war service to practice without examination, and the State Bar of California succeeded in defeating these bills. It is interesting to note that the press of California supported the position of the bar in the defeat of this legislation.

During the year there have been held several law institutes—one in Denver, one in Craig, one in Pueblo, and one in Grand Junction—these institutes being given as a service to the members of the bar, and the thanks of the association should go to those men who have given so freely of their time in addressing these institutes, and also the committee in charge should be given appreciation for the work it has done in arranging these institutes. The new members of the bar and the returning veterans greatly appreciate it—the information that was given them as to changes in procedure, probate law, and the ever changing conditions of income tax matters. Also, the discussions of pertinent questions involving real estate greatly aided, not only the young lawyer, but also was a great assistance to the older members of the profession.

The newly admitted lawyer needs to listen to expert practitioners and the older members of the bar do come to the point where they also profit from the knowledge of a specialist, and the older lawyer needs to brush up on his practical knowledge and to listen to others who are specialists in a certain field of law. Therefore it seems essential that the association should continue the legal institutes as one of its objectives for the good of the profession as a whole.

The association during the year has been faced with the same financial stringency which it has faced for many years. While it has been able to maintain a solvent condition no material increase in its financial assets has allowed the association to take on certain activities which should be taken by a bar association if it is to be a dynamic force in the state. We have continued to maintain a secretary's office through the patriotic service of the present secretary, and the question of an adequately paid secretary should be given serious consideration, by not only the Board of Governors but by the bar as a whole, if a great good to the bar is to come from an effective organization. In this regard we should again look with rather serious thought upon the fact that of 1628 practicing lawyers in the state of Colorado, only 1100 are members of the association, and it is with regret that throughout the state of Colorado there are many practicing lawyers with good practices who for some reason fail to appreciate the work of the association and their obligation to help in that work and to affiliate with this organization.

The association at the last annual meeting authorized a committee to make a comprehensive study of the judicial system as it exists in Colorado today. That committee has been appointed and it has started its work and I believe it is a decidedly progressive action. We have had good judges, but they are forced to face their selection by political parties and by votes, and if elected the salaries are inadequate when one considers that there is no provision for a judge who has served one or more terms upon the bench and has been retired, except the law affecting the Supreme Court judges; and all of the members of the bar are familiar with the situation that confronts a man who has given up active practice and clients to go upon the bench when he again faces the task of reestablishing himself in active practice.

One impression that has been gained during the year is an apparent lack of cooperation between the Supreme Court of the state and the bar association. The Supreme Court is the body in power to control admission to the bar, to control the examinations of the candidates for admission, to control disbarments—in short, to be the supervisor of the membership of the legal profession. On the other hand, the bar association is the only organized body with whom the Supreme Court can deal in matters having to do with certain changes or reforms in the general practice of law, in the matter of general requirements for admission to the bar, in discipline and disbarment. Certainly, the members of the profession are as much interested in the above mentioned

subjects as the members of the Supreme Court, and there should be a very close working relationship between these two bodies rather than the ignoring of one body by the other in matters essential to the welfare of the profession.

There is one way in which the work of the lawyers of the state could be brought to the attention of the public. The members of the association have done a wonderful work in aiding the veteran, his family and in all of the activities connected with the war. They have continued to aid the returning veteran, and yet the association has made no real public pronouncement of these works, and it would seem that the works of the association should be in some way given publicity, not for the mere sake of publicity, but for the general information of the public.

We have all read with alarm the reports of the increase in crime, the apparent lowering of moral standards and the increase in child delinquency. Don't you think that this is a challenge to the lawyers? We as officers of the courts should either take a firm stand for the betterment of these conditions or risk the reputation that we have been only financial beneficiaries of such conditions. It has been said—

“the difference between the true lawyer and those men who consider the law merely a trade is that the latter seeks to find ways to permit their clients to violate the moral standards of society without overstepping the letter of the law, while the former look for principles which will persuade their clients to keep within the limits of the spirit of the law in common moral standards.”

In answer to the query appearing in the August, 1946, issue of DICTA—“Colorado Bar Association—whither goest thou?”—it would seem that the bar association must answer that question by the willingness of more lawyers to take part in the deliberation of questions facing the bar association; the participation of more lawyers in sustaining memberships, unless more funds can be provided for doing those works which a good bar association must do. There should be a closer cooperation between bench and bar; a much more thorough interest taken in proposed legislation coming before the legislation at each session; strengthening of the position of the bar as to real estate standards and an insistence that should those standards be adopted by the bar, those standards be recognized by federal agencies; and finally a determination by the members of the bar that those principles of law which they have learned to believe were fundamental under the Constitution of the United States and the state of Colorado be maintained as the law.

It may be that through the enthusiastic interest of the young members of the bar joined with the experience of the older members, much can be accomplished in the future and the Colorado Bar Association can give a clear and well considered answer, by actions, to the query—“Colorado Bar Association—whither goest thou?”