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## Board of Governors Opposes Laska Application for Restatement

Dicta Editorial Board

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## Board of Governors Opposes Laska Application for Restatement

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The Board of Governors of the Colorado Bar Association has filed a statement in opposition to the plea of Ben B. Laska for readmission to the bar. This statement was filed in conformity with a resolution adopted by the Board of Governors in a special meeting, at which time it was the opinion of the board that Ben B. Laska "should not be readmitted to practice law in the State of Colorado." The resolution also empowered the president to appoint a committee to file a brief in behalf of the bar association in opposition to the plea made by Mr. Laska. The Denver Bar Association likewise adopted a similar resolution when its executive committee and Board of Trustees unanimously adopted a resolution that it was also of the opinion that Mr. Laska should not be admitted to the practice of law in this state.

The plea made by Mr. Laska was filed on December 5, 1941, by his attorneys, Philip Hornbein, Theodore Epstein, and Leo Moses. It stated that Mr. Laska, being of advanced age, sought an "opportunity to rehabilitate himself in the eyes of his professional brethren and the community." It further stated that the respondent had "no other trade, calling or business capacity which will qualify him for any other branch of human endeavor," and that if he were readmitted the respondent would make it "the supreme purpose of his life" to conduct himself "in accordance with the high ethics of the profession."

The statement filed by the state bar is based upon the proposition that Mr. Laska was paroled from the federal penitentiary on June 2, 1941, and under the terms of the parole law he remains under the legal custody and control of the warden of the prison. He was convicted of the crime of conspiracy to violate the kidnapping statute and was sentenced to ten years, the sentence expiring July 31, 1946. By reason of the fact that he was convicted of a felony and he is still serving this sentence, the brief contends that he is not a citizen and is not qualified to petition for readmission. The brief also points out that the statutes and constitution of the state defining the public policy of the state toward one convicted of a felony disqualify Laska from practicing law in Colorado.

In addition, in urging that the petition be denied by the Supreme Court on the merits of the case alone, the brief contends that the petition filed in behalf of Mr. Laska is insufficient. It points out that the petition is not signed by Mr. Laska and he has not bound himself by it in any way. It also points out that the petition is not verified by anyone.

In addition no affidavits showing his moral qualifications accompany the petition. The letters which are attached thereto mention no facts which affirmatively show any "moral rehabilitation of Laska."

Within the short period of twenty-two months since his disbarment, such a showing cannot well be made, the brief contends. Since the "vital consideration" of an application for reinstatement is the rehabilitation of the applicant, the court should have "clear and convincing" proof that the applicant "has reformed and now possesses the necessary qualifications to practice law."

The brief filed by the state bar characterizes the petition as a "prayer for sympathy," and suggests that it overlooks the question of the general welfare of the people and the public good, which are involved in such applications. The brief concludes that the "readmission to practice law in Colorado of a man who is still serving his punishment for the commission of a felony termed 'as black a conspiracy as ever was hatched,' would, we think, serve to destroy the confidence of the public in the legal profession and in the administration of justice."

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## **Junior Bar Section Spring Meeting and Valentine's Day Party**

On February 14, 1942, the Junior Bar Section of the Colorado Bar Association will hold its annual spring meeting and Valentine's Day party at the Cosmopolitan Hotel in Denver. The program:

Meeting from 2:30 to 5:00 P. M. in room D on the mezzanine.

Entertainment for ladies from 2:30 to 5:00 P. M. in the Denver Room on the mezzanine.

Cocktail hour at 6:30 P. M. in the Denver Room.

Dinner and dancing at 8:30 in the Silver Glade.

The entire program is for members only, their wives and sweethearts, and is moderately priced. Further information may be had from Sydney E. Shuteran, chairman of the committee on meetings and entertainment, 619 Midland Savings Building, Denver.

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## **Report of Real Estate Committee to be Presented to Denver Bar**

The February meeting of the Denver Bar Association, which will be held on Monday, February 2, 1942, at 12:15 P. M. in the Chamber of Commerce dining room, will be given over to the association's real estate committee. A timely and interesting symposium on real estate topics is to be presented.