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Colorado Bar Members Profit from Successful Convention

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In one of its most important conventions, the Colorado Bar Association, at its forty-fifth annual convention held at Colorado Springs on September 18th and 19th, 1942, rounded out a program for war work for the association, urged the passage of small loan and other social legislation designed to ameliorate the condition of over-burdened debtors. deplored any lowering of the standards of legal education and admission to the bar, and outlined a broad program for the improvement of probate and trust statutes.

In two outstanding talks before the Association, George M. Morris, president of the American Bar Association, and Philip J. Wickser stressed the part the bar associations are now playing in the war effort and the part they must play in formulating the world after the peace treaties.

Mr. Morris, who was the principal speaker at the annual banquet of the association, set forth ten objectives of the national and state bar associations, to which further ones are continually being added as the war needs demand. He stated that "one of the most cherished goals of the American Bar Association is the integration of a national war program on the part of the bar of the entire country. It is not enough merely to see that the divisional committees of the national association do their work effectively. A duty is owed to make the whole bar of maximum value to the nation. To accomplish this end by suggestion and not attempted direction obviously calls for both skill and good intent. We have the latter; we hope to develop the former.

"We must maintain so long as we are able those of our objectives which promote the administration of justice and advancing the science of jurisprudence," he declared. "We must hold to these objectives not only because we are lawyers but because we have accepted them as a trust passed on to us by those men of the law who have organized the professional associations of the members of the bar in whose service we are now meeting. While we wage this war with all our might, we shall hold fast, even faster, to those spiritual ideals * * * which give the American bar its soul."

TEN POINT PROGRAM URGED BY A. B. A. HEAD

As an immediate program for the bar, Mr. Morris suggested: (1) the continuation and extension of the services of the organized bar to the men of the armed forces and their dependents, and commending in

this particular the activities of the Colorado Bar Association at Lowry Field, which work has been accepted as a model in the United States and Canada; (2) the attack upon legal problems arising in the field of civilian defense; (3) the collection of data for personnel officers respecting the services being rendered or to be rendered by lawyers; (4) the promotion of methods to conserve the practices of lawyers serving in the armed forces; (5) the working out of methods to improve the administration of justice so that manpower and time may be saved in the handling of all cases; (6) the insurance to the public that the Bill of Rights will be observed and preserved; (7) the studying of the problems which the war has raised in the field of international law with a view to the eventual development of a post-war program; (8) the maintenance of high standards of legal education and requirements for admission to the bar; (9) the insistence upon public understanding of our history, our institutions, our way of life, the issues of the war, and our war objectives; (10) and finally, the development of an information program so that our people may reach their conclusions on the basis of what they know rather than on the basis of what they hear rumored.

Mr. Wickser, who delivered the annual address before the association, spoke of "War and Reality." He declared that a great call was being made upon the bar as a result of the war to "combine the elements of devoted leadership within its own ranks, to confer with educators and statesmen, to eschew political antagonisms, to develop ways and means to lead our people so that we may win the war and win the peace. And the call goes, likewise, to each American, to his heart and to his conscience."

Stating that it is necessary that we face and expect changes which have taken place in our environment and to make such sacrifices as these require, he pointed out that if the United States cannot, as a nation, be made "to function with stability in terms of itself its internal dislocations will make for war, and if similar dislocations exist within the internal economies of other nations, the ensuing war will be worldwide." Therefore, to rid our nation of such dislocations we must realize that each generation, in the light of its particular problems, should write its Bill of Rights anew and "incorporate therein concepts and values which are strangely new and economic." The acceptance of this principle should not alarm us but rather should inspire us. This same fact holds true of the attitudes and relationships of nations, and of people within nations; hence, in order to solve the problems that now confront us, we must have an understanding of the forces which operate in this world, and this understanding must precede their evaluation and our attempts to control them. The understanding of these principles is the founda-

tion upon which the post-war world must be built and this world can attain stability and health only so long as it gains the support of enlightened and educated public opinion. Therefore, it is to the lawyers within each nation that we must look in order that the post-war world may develop better techniques of arbitration, learn how to police the peace, and prevent groups or peoples, whether they call themselves nations or not, from over-living others, consciously and beyond their just deserts. If this means that new political concepts and conformations must gradually emerge, that forms of continental federations, or even "unions now" must be studied, we, who are the freest and least hide-bound of all peoples, must take the lead in their honest consideration.

PRESIDENT URGES LAWYERS TO GUARD CIVIL RIGHTS

In the annual president's address to the association, Wallis W. Platt of Alamosa, retiring president, after reviewing the work of the association during the past year, brought to the attention of the convention the theme which was reiterated later by both Mr. Morris and Mr. Wickser.

"The United States," said Mr. Platt, "has prospered and grown great under a Constitution that was drafted by men who had the ability to delve into past history and to take advantage of its lessons, and who established a Constitution that not only protected the human rights about which the theorists have prated so much in the past few years, but also protected property rights. If people are to be free, they must not only be protected in their rights to personal safety and their rights to follow their own inclinations so far as they do not conflict with the good of their fellow citizens, but they must also be protected in their right to work, to obtain their wages, to accumulate property and to enjoy it without being forced to yield it to arbitrary despots. It is peculiarly the province of the lawyers to remember these facts, to study history from time to time, and to remember that although we must surrender a part of our rights in times like the present, when peace comes the people should resume the rights guaranteed to us by our Constitution. Only if this is done can our country remain great and defend itself from enemies from without and from within."

CONVENTION ADOPTS IMPORTANT COMMITTEE RECOMMENDATIONS

The convention, immediately upon convening on Friday morning, listened to eighteen committee reports, all of which in some fashion or other touched upon the lawyers' part in the war effort.

The committee on membership, through its chairman, Vernon V. Ketring of Denver, stressed the necessity of keeping the membership rolls

active and of keeping the dues of members paid to date because of the requirements of the association for income to carry on the work necessitated by the war.

Upon recommendation of the committee on legal education, headed by Stanley T. Walbank of Denver, the association adopted the following declaration of principles regarding legal education and requirements for admission to the bar, which principles have been previously accepted by the Legal Education Council of the American Bar Association:

“First, the scholastic prerequisites qualifying for the privilege of taking bar examinations should not be relaxed.

“Second, no rule should be adopted which permits an applicant to be admitted to the bar merely upon producing a law school degree and establishing moral fitness.

“Third, if in any case admission without examination is to be deemed justifiable, action to permit it may far better be granted an applicant when he returns from service rather than at the time he enters it, and no relaxation of the rule requiring a bar examination should be promulgated in advance.

“Fourth, the standards to be met by examination given should not be lowered or relaxed; if seventy-five per cent has heretofore been the passing grade, it should be retained as the passing grade and no leniency should be exercised in marking the papers.

“Fifth, provisions for more frequent examinations or special examinations may properly be made, and thus most of the cases of hardship can be met.

“Sixth, the residence requirements may properly be shortened as to men called into service or whose call is imminent.

“Seventh, liberal interpretations of existing rules may fairly be made in justifiable cases of individual hardship, each case to be considered upon its own merits.

“Eighth, no blanket rules ‘for the duration’ should be adopted.”

Upon recommendation of the committee on legal aid, headed by John E. Gorsuch of Denver, the association adopted a resolution urging the passage of immediate legislation concerning small loans, the elimination of judgments by confession, a study of the revision of our attachment and exemption laws, and elimination of the right to take a de-

iciency under a chattel mortgage except in cases where foreclosure is under court supervision. The assembly, however, did not adopt the suggestion made by this committee that the association endorse any federal legislation which would make a person leaving the jurisdiction of one state in order to avoid payment of alimony subject to federal law.

The committee on economic survey, headed by Mark H. Harrington of Denver, reported on the results of its survey and this survey will be printed in full and distributed to the members of the bar within a short time.

Similarly the activities of the bar association dealing with the war effort as reported by the committee on national defense, headed by John L. Zaroni of Denver, and the war work done in connection with other committees will likewise be reported in full in DICTA in a subsequent issue.

The second session of the convention opened Friday afternoon with the president's address. This talk was followed by a paper read by Berton T. Gobble of Denver, State Inheritance Tax Commissioner, on "The Problem of Multiple Inheritance Taxes on Intangible Property," (which was printed in full in the October issue of DICTA). The remainder of the session was devoted to talks by Dr. A. D. H. Kaplan, Regional Chief Economist of the Office of Price Administration, and by W. W. Grant of Denver. Dr. Kaplan outlined the place of price control in the war strategy and urged the lawyers to secure the active voluntary cooperation of their clients in complying with the emergency price control act. The theme of Mr. Grant's talk was the necessity of the various individuals within the state of partaking actively in the forms of government. He pointed out that many lamentable situations arose in government because of the indifference of the electorate, and stated that a democracy could be only as effective as the people desire to make it.

SECTION ON PROBATE, REAL ESTATE, AND TRUST LAW CREATED

The Saturday morning sessions of the convention were devoted to the various sections of the association. The committee on probate revision was, by authority of the Board of Governors, created a section to be known as a section on probate, real estate, and trust law and given authority in the name of the section only to sponsor legislation not previously approved by the association. This section elected as officers for the coming year H. L. Hinkley of Sterling, chairman; Benjamin Koperlik of Pueblo, vice-chairman; Thompson Marsh of Denver, secretary-treasurer, and selected a council consisting of Norman Baker of Denver, Harold W. Gardner of Golden, John L. Griffith of Denver,

H. L. Hinkley of Sterling, Benjamin A. Koperlik of Pueblo, Thompson Marsh of Denver, William A. Mason of Rifle, Harry Petersen of Pueblo, and Ben A. Woodcock of Greeley. Any member of the association may join the section upon application and the payment of one dollar yearly dues.

At a meeting of the District Attorneys' Association, presided over by James T. Burke of Denver, president, Judge Stanley H. Johnson of Denver spoke on "Needed Changes in Criminal Law" and Captain Victor Miller of Lowry Field outlined a suggested procedure for coordination between military and civilian authorities.

At a meeting of the water section the newly drafted water procedure code was studied and discussed and certain provisions were sent back to its council for revision.

The junior bar section likewise met on Saturday morning and elected as its officers for the coming year Edward J. Ruff of Denver, president; Sydney E. Shuteran of Denver, vice-president, and Truman A. Stockton of Denver, secretary-treasurer. By authority of the Board of Governors the chairman of the junior bar section was made an ex-officio member of the Board of Governors during his term of office.

The final session for the association was held on Saturday afternoon and was opened by a report given by William E. Hutton of Denver on the proposed uniform code of evidence. Mr. Hutton urged that the association study this code and that at a later date the code be brought up for consideration by the association.

The remainder of the afternoon was spent in listening to a delightfully entertaining program sponsored by the Boulder County Bar Association, based upon "Information Please." Its "guest expert" was Frank Fetzer of Denver and its "board of experts" were William O. De Souchet of Longmont, Jacob Schey of Longmont, and S. Arthur Henry of Denver. Its master of ceremonies was Milton D. Green of Boulder and its announcer was Vergyl Reynolds of Boulder.

At the close of this session, Edward L. Wood of Denver became president of the association and John R. Clark of Glenwood Springs was selected as president-elect. The vice-presidents chosen by the assembly were A. Allen Brown of Delta, senior vice-president, and Arthur Laws of Denver, Frank Moorehead of Boulder and George Wilkes of Florence. Edward C. King of Boulder was reappointed as treasurer of the association, and Wm. Hedges Robinson, Jr. of Denver as secretary.

Entertainment was not neglected at the convention although it was not on as elaborate a scale as in previous years. The Broadmoor Hotel

graciously acted as host at a cocktail party on Saturday afternoon, which event was the high light of the entertainment provided for the convention.

The Friday noon luncheon was taken over by the Law Club of Denver, under the direction of J. Ramsay Harris, which presented an entertaining skit dealing with the "Super-Super Administrative Board." The Saturday luncheon, which was presided over by Mr. Ruff, presented a satire on the master docket and methods of streamlining court procedure under new rules of procedure.

The final social event of the convention was the annual banquet, held on Saturday evening. During the course of the banquet the members and their wives had a song fest which was apparently enjoyed by everyone. The evening was terminated by Mr. Morris' talk and a short speech of acceptance of the duties of the presidency by Mr. Wood.

District Judges' Association Elects Judge East

Judge John L. East of Trinidad was elected president of the District Judges' Association at the annual meeting held at the Broadmoor Hotel on September 17, 1942. He succeeds Judge Stanley H. Johnson of Denver, who is one of the organizers of the association. Judge Floyd Miles of Denver was re-elected secretary.

The association devoted most of its meeting to a study and discussion of probate and criminal sentences. Warden Roy Best of the state penitentiary outlined suggested changes in the method of sentencing criminals and stated that new legislation was necessary to correct certain defects now present in the statutes. These suggestions, together with others presented by the judges, were submitted to a committee which was directed to submit proposed legislation to a meeting of the District Attorneys' and the Sheriffs' associations which will be held in January, 1943. Further suggestions dealing with sentencing of criminals were outlined by Frank E. Dillon, Denver district court probation officer. Particular stress was laid upon the limitation of the Colorado statutes which prohibits the application of the parole statute to one previously convicted of a felony. It was suggested that these statutes should be changed in line with the modern procedure in criminal cases.

Locus in Quo

The case was one for divorce. The plaintiff husband had charged cruelty in general terms. We represented the defendant wife and moved for a bill of particulars which, as frequently happens in cases of this kind, we got with humiliating, not to say excruciating, details of the most intimate personal relationships between the parties to the case.

Judge Carlton M. Bliss, a bachelor of rotund outline and florid complexion, called the case for trial. Then as the two parties and their respective counsel sat at opposite tables, the judge proceeded to read the pleadings. By the time he had finished, his face was a deep red.

"Gentlemen," he fumbled, "I believe we'll try this case in chambers. Apparently that is where the cause of action arose." —CARLE WHITEHEAD.

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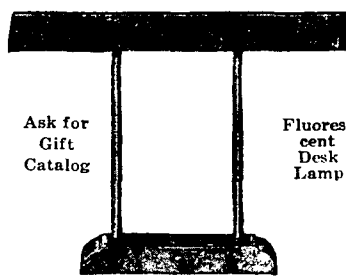


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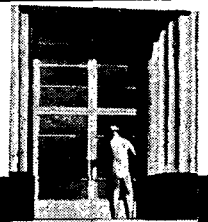
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