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Dicta Editorial Board

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# **Colorado Bar Will Hold Regional Institutes to Discuss New Rules**

On April 6, 1941, Colorado will have an entirely new and streamlined method of civil court procedure as a result of the Supreme Court adopting, on January 6, the new rules of Civil Procedure which are patterned after the Federal Rules.

The court, after careful consideration, made a few changes in the final report submitted by the Code Revision Committee on November 5, 1940, and declared that the rules would take effect ninety days from the date of the order.

In order to enable lawyers to familiarize themselves with the new rules, the Colorado Bar Association has organized a series of institutes to be held throughout the state. These institutes will begin on February 28 and March 1, with a two-day meeting to be held in Denver. Thereafter two-day institutes will be held in Greeley on March 14 and 15; Pueblo on March 21 and 22; and Grand Junction on March 28 and 29.

On March 7 and 8, the District Court of Denver is holding a two-day meeting, at which time the new rules will be discussed. This meeting, which will be held in the court room of the presiding judge of the District Court, Judge Stanley Johnson, is open only to all District and County Court judges and their clerks in the state. It is planned that members of the Code Revision Committee will be present to give the judges the benefit of their views concerning the rules.

Edward L. Wood, chairman of the Legal Institutes Committee of the Colorado Bar Association, states that the plan to be followed, in all of the institutes held upon the rules, will be to have a team of five members of the Code Revision Committee present at each institute to discuss the rules.

Each institute will be for a two-day period because Philip Van Cise, chairman of the Code Revision Committee, felt it would be impossible to discuss adequately the rules in less time than that.

"Because of the shortness of time, we have had little opportunity to consult with the local bar associations regarding the time at which the various legal institutes could be held," Mr. Wood stated. "However, we have arranged to have the institutes located in such places as to

have at least one institute geographically available for every practicing lawyer in the state. We have felt that the persons best qualified to discuss the rules have been the Code Revision members. Therefore we have, with the aid of Mr. Van Cise, organized teams of five members, each from the Revision Committee, which will discuss the rules at each of the institutes to be held outside of Denver. Each member of the team will take a certain portion of the rules and will comment upon them, after which a discussion period will follow for the benefit of those attending the institute. It will be necessary because of the number of the rules to hold two full-day sessions in each locality. Local bar associations in each locality where the institutes have been scheduled have been very helpful in arranging details of the institutes in their area, and because of the lack of time, the committee has had to be more or less arbitrary about the dates on which the institutes could be held. However, local bar association officials have been consulted and have agreed upon the tentative dates now selected. While these dates are only tentative, our plans must be adhered to more or less because of the fact the rules become effective April 6, 1941, which leaves us little time in which to have adequate discussion of them. If any locality feels that a supplement institute on the rules would be advisable, the Committee on Legal Institutes will be glad to work with them for this purpose.

“While our plans so far have been devoted largely to institutes on the new rules, the committee plans to hold institutes in various parts of the state in the late spring and summer on various other subjects, and any local bar association that is interested in planning for an institute within their community is urged to get in touch with the Committee on Legal Institutes.”

Because many amendments were made since the second draft was sent to Colorado lawyers in July, it has not been practical to print the new rules in DICTA, however, the Bradford-Robinson Printing Company of Denver has now printed a supplement to the Colorado Statutes Annotated which contains the rules in full, and the publisher of the Colorado Report plans to print the rules as a supplement to Volume 106.

“These rules represent in many respects an entirely new practice,” declared Mr. Van Cise. “They cannot be covered in a brief talk or in a few hours. A two-day institute with three sessions each day concerning the rules and questions is believed by the committee to be the shortest time in which the rules can be adequately presented. Therefore, all

lawyers planning to attend the institutes should plan to attend the full two-day session if at all possible."

Any communications concerning the institutes should be addressed to Edward L. Wood, University Building, Denver.

The adoption of the rules represents two and one-half years of work by the Colorado Bar Association. On September 9, 1938, the association at its annual meeting unanimously passed a resolution to revise the state civil code of procedure to conform to the new Federal rules, and that a study be made and a draft of the new civil code prepared. After the passage of this resolution, G. Dexter Blount, who was then President of the State Bar, appointed a committee of seventy-five lawyers, headed by Mr. Van Cise, to draft the code. Since that time numerous meetings, public hearings and institutes have been held in connection with the work of the committee. It prepared three drafts of the suggested rules before it was satisfied to submit a copy to the Supreme Court for its consideration.

In order to insure the adoption of the rules, if the Supreme Court felt favorable to them, it was thought necessary to secure passage of a statute to grant the right of power to the Supreme Court to proscribe by general rule the "practice and procedure in civil actions and all forms in connection therewith." This statute was the first one passed by the 1939 General Assembly, and was promptly signed by Governor Carr.

The Supreme Court, after careful consideration of the rules since November 5, 1940, adopted the rules as set forth in the third draft with a few minor changes. In adopting the rules, the Supreme Court established a committee to consider any changes which might hereafter be suggested by practicing attorneys. "It is recognized that in proceeding under these rules, need for amendments or new rules may develop," stated the Supreme Court. "The right to exercise necessary power to that end is reserved by the court, but in its consideration it will have regard for well advised adherence to fixed standards. Without intending to inhibit other proper means of invoking our power in the premises, we announce that whenever five or more members of the Bar of Colorado shall call our attention to the desirability of amending or setting aside any rule, or of new rules, the suggestion will have early consideration, but it will not be our purpose to act in such regard oftener than twice a year."