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## Colorado Bar Achieves Great Reforms in New Rules of Procedure

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ently the legislative department must now be the keeper of constitutional freedom, because the original design of the federal courts as the main check and protection has broken down at the top.

How can there be any hope for the restoration and survival of our system of coordinate independent branches, of our plan of adequate checks and balances, of a government of laws and not of men, unless lawyers are willing to make a serious and united effort, carried down into every county, to bring this about?

I have read the statements of our bar executives and of spokesmen of this defense committee, and there emerges the clear impression that this committee may form the beginning of a wide attempt, not only for a successful national effort in preparedness and war, but also toward buttressing our ancestral liberties against the disastrous erosion of recent years.

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### **Colorado Bar Achieves Great Reforms in New Rules of Procedure**

April 6, 1941, will long be one of the outstanding days in the history of jurisprudence and bar association work in the history of Colorado. On this date the new rules of civil procedure went into effect.

Representing the greatest single achievement of law reform in the history of the state, the new rules are the result of two and one-half years of constant teamwork among the lawyers, judges, bar associations and courts and stand as a tribute to the untiring efforts of the Revision Committee under the capable guidance of the indefatigable Philip S. Van Cise of Denver.

On September 10, 1938, the Colorado Bar Association at its annual convention unanimously resolved that the Colorado Code of Civil Procedure be amended to conform to the Federal Rules as soon as practicable, and that to accomplish this result a committee be appointed to draft the new rules. As a result of this resolution, the then president of the state bar, G. Dexter Blount, appointed Philip S. Van Cise to head the Rules Committee and empowered him to select a committee of 75 lawyers from throughout the state.

This committee was divided into sections, each section of which had charge of writing a particular section of the new rules. By continuous and strenuous work during 1938 and 1939, the committee was able to report to the state convention in September, 1939, that it had secured an act of the legislature granting to the Supreme Court the right to make rules of civil procedure and that a rough draft had been partially prepared. The convention endorsed the work of the committee and ordered it to proceed.

Thereafter the various sections of the Rules Committee prepared a rough draft of the rules, which it submitted to the whole committee. This first draft was then revised by the Revision Committee with a view of harmonizing the sections and the adoption of uniform terminology. A second draft was then sent to every lawyer and judge in the state, and supplemental amendments were later mimeographed so that at the convention of the state bar held in 1940, the rules were nearly in final form.

After a discussion at the convention, the state bar unanimously adopted a resolution approving the new rules and urging the Supreme Court to place them in effect. The third draft of the rules came into the hands of the Supreme Court in the late fall. After studying the rules and granting the right to anyone to file objections to them, the Supreme Court, altering the draft in only a few details, adopted the third draft on January 6, 1941, making them effective as of April 6, 1941.

The work of the Van Cise committee, which has attracted national attention, was not finished with the adoption of the new rules. In conjunction with the Institutes Committee under the chairmanship of Edward L. Wood, assisted by the president-elect, W. W. Platt, four regional meetings were held in the state at which over seventy per cent of the practicing lawyers were in attendance. Members of the Revision Committee served as lecturers at these institutes, which were held at Denver, Greeley, Pueblo and Grand Junction. A special institute for judges of the trial courts and their clerks was held in Denver, with all of the judges of the District Courts attending except one judge, who, because of a conflict in engagements could not be present, but who later attended one of the regional meetings.

While great praise should be extended to all members of the bar and the courts who cooperated to produce the new rules, especial praise should go to Mr. Van Cise, who gave many hours of both his time and that of his office without reimbursement and who was the driving force behind the entire task. Without any doubt the present rules are the outstanding work of all the states engaged in this task. They have received the favorable comment of many of the leading jurists and lawyers over the entire country, and have paved the way to similar achievements in other states.

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### **Colorado Bar Now 100% Organized**

Second only in importance to the new rules is the achievement of the state bar in now having every section of the state organized into local associations. With the organization of the Continental Divide Bar Association, comprising the counties of Eagle, Summit, Lake, Park and Chaffee on March 27, 1941, every section of the state now has a local

bar association, membership in which carries membership in the Colorado Bar Association.

The Continental Divide Bar Association selected as its officers: Wm. J. Meehan of Eagle, President, Carl Kaiser of Breckenridge, Vice-President, and J. Corder Smith of Leadville, Secretary-Treasurer. Its delegate on the Board of Governors will be named as soon as its charter has been granted at the meeting of the board in April.

In addition to the petition of the bar of the fifth and eleventh districts for membership, the County Judges Association and the District Attorneys Association have voted to become affiliated as units of the state bar. With these two associations acting as an integral part of the Colorado Bar Association, every professional group of lawyers and jurists in the state will be banded into one comprehensive organization.

Moreover the judges of the courts of record have signified a desire to call a conference of all judges on the day prior to the annual convention of the state bar. If this conference is held as now planned, it will be in line with the recommendation of the Colorado Bar Association, made in 1940, which suggested that conferences of the trial and Supreme Court judges be held yearly. Such conferences had been successfully held in other jurisdictions and have resulted in uniform methods of procedure within the state, and have produced beneficial changes in procedure and court detail.

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### **Law Day to Be April 26**

The annual Law Day of the University of Colorado Law School will be held at the Law School building in Boulder on Saturday, April 26. The topic of discussion for this year will be "Office Practice." Professor James Brenner of Stanford University, who successfully conducted institutes on this subject on the west coast, will talk about certain phases of office practice and other phases will be discussed by a panel of practicing lawyers. The Law Day program will begin at ten o'clock. A luncheon will be served at noon, and a dinner is scheduled for that evening under the auspices of the Boulder County Bar Association. A meeting of the Board of Governors of the state bar will be held in the Law School building commencing at 2:00 o'clock.

A more complete announcement of this event will be made by the Law School. Arrangements for Law Day are under the direction of Professor Milton Green.

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### **Colorado University to Hold Conference on Trusts**

Some of the nation's outstanding bar association members and legal teachers will be among the speakers at the conference on trusts and bank-

ing law to be held at the University of Colorado July 19 and 20. The event will be one of ten special conferences at C. U.'s summer sessions.

Mayo A. Shattuck of the Boston bar, authority on trusts; Fleming James, Jr., Yale Law School, insurance law specialist; William E. Britton of the Illinois University Law School, authority on bills and notes; and Austin W. Scott of the Harvard law faculty will be among the speakers at the trusts and banking conference.

Another event of interest to financial authorities will be the Colorado Bankers Institute, at which state bank executives and other employes will discuss matters of mutual concern. The institute will be held from July 17 to 19. These conferences will follow the pattern of those held last year. Further information can be obtained from Dean Edward C. King, Law School, Boulder.

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### **Roy T. Johnson**

Roy T. Johnson, 53, Logan County judge and former district attorney in northern Colorado, died Sunday, March 30, 1941. He will be succeeded in the office of county judge by Joseph A. Davis, who has been clerk of the District Court in Logan County for the past 22 years.

Judge Johnson, born June 21, 1887, at Scandia, Kansas, was graduated from the Lincoln, Nebraska, high school and the University of Nebraska law school. He was appointed to the judgeship when H. Lawrence Hinkley resigned to join the attorney general's staff three months ago. He established a law practice at Julesburg, Colorado, in 1909 and moved to Sterling in 1920. He was elected District Attorney that same year, an office which he held sixteen years.

He is survived by his wife and a son, Roy T. Johnson, Jr., and one brother, Senator Ed C. Johnson.

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### **Criminal Rules Committee Appointed**

Judge J. Foster Symes, Judge of the United States District Court for Colorado, on April 2nd appointed Kenneth W. Robinson of Denver as chairman of the Colorado Committee to aid in drafting new rules of procedure in criminal cases for the Federal courts. Named to assist Mr. Robinson are United States District Attorney Thomas J. Morrissey, District Attorney James T. Burke of Denver, Harry S. Silverstein of Denver, B. F. Koperlik of Pueblo, Robert G. Smith of Greeley, and C. J. Moynihan of Montrose.

This committee will aid a committee of the United States Supreme Court in drafting the new rules for criminal procedure in a manner similar to a corresponding committee appointed several years ago when

the United States Supreme Court was drafting rules of civil procedure. The new work is undertaken under authority of a statute enacted in the last session of Congress granting to the Federal Supreme Court the rule-making power in criminal cases.

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### **Clyde W. Turnbull**

Clyde W. Turnbull, 65, of 828 So. Columbine St., Denver attorney, prominent in Masonic circles and a resident of the city sixty years, died March 11, 1941, at his home after three weeks of illness.

Mr. Turnbull was born in Michigan, January 9, 1876. He came to Denver with his parents in 1881, when he was 5. He attended schools here and when he was 15 started work as an office boy in the Denver law office of the late United States Senator Charles J. Hughes. He studied law at the Denver University Law School, was graduated in December, 1899, and admitted to the bar January 7, 1900.

After the death of Senator Hughes in 1911, Mr. Turnbull continued in the employ of Gerald Hughes, the senator's son, in the law offices of Hughes & Dorsey. He was a Past Master of Highlands Masonic Lodge No. 86, the Denver Athletic Club, the Lakewood Country Club, and was an ardent golfer.

He is survived by his wife, Mrs. Nora Belle Turnbull; a daughter, Mrs. David T. Gibson; a son, Clyde W. Turnbull, Jr., all of Denver; a brother, Clinton Turnbull, member of the fire department, and three grandchildren.

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### **New Regulations under Civil Relief Act**

The Secretary of the Navy was empowered under Section 300 of the Soldiers and Sailors Civil Relief Act of 1940 to prescribe regulations concerning the allotment of the pay of a person in service to discharge the rent of the premises occupied for a dwelling by his dependents. On January 6, 1941, regulations were issued which provided, among other things, that allotments shall be made only when ordered by the Secretary of the Navy in each instance and only (a) where a court has ordered that a person in service discharge the rent of the premises and the commanding officer of the ship and station recommends to the Secretary that an allotment for this purpose be registered, or (b) where a commanding officer submits to the Secretary facts supporting a recommendation that an allotment be directed in absence of a court decree.

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Donald J. Gilliam, Denver attorney, was appointed librarian of the Colorado Supreme Court library, effective April 1. He succeeds A. L. Betke of Denver librarian for the last year, who resigned March 1 and was granted a vacation of one month.