

July 2021

Forms for Appellate Procedure

Dicta Editorial Board

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Recommended Citation

Forms for Appellate Procedure, 18 Dicta 120 (1941).

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FORMS FOR APPELLATE PROCEDURE

No. 1, Summons, and No. 18, Third-Party Summons, use the printed form prepared by the Clerk of the Denver District Court instead of the pamphlet text. The changes are:

In Form No. 1, "default *may* be taken" is changed to "default *will* be taken," and "file and serve your answer" is changed to read "to file your answer."

In Form No. 18, "default *may* be taken" is changed to "default *will* be taken" and "This is an action" is stricken and the following paragraph inserted:

"If service upon you is made outside the State of Colorado, you are required to file your answer to said third-party complaint and your answer to said complaint of the plaintiff within 30 days after service of this summons upon you."

Strike the entire first sentence of the note and insert in the second sentence after "state" the following: "the claim set out in said third-party complaint is."

The attention of the bar is also called to two other rules.

1. In *People vs. Denver Banks*, 99 Colo. 54, a rule was adopted by the Supreme Court prohibiting practice of law by corporations. This was amended by the court April 21st and placed in the Canons of Ethics as an additional paragraph to Section 6, as follows:

"Practicing law," forbidden to persons not thereto duly licensed, is not limited to practice before the courts. Corporations shall not practice law. The practice of drafting wills, living trust indentures and life insurance agreements is the practice of law and counsel for executors and trustees named therein may not act as counsel for their testators or creators, except upon full disclosure by such counsel of the conflicting interests growing out of such relationship, and upon first obtaining the written consent of such testators or creators, or their personal representatives.

2. Old Rule 59 A about certified copies of printed laws in the Supreme Court Library has been reenacted as Rule 264 under the heading "Library."

We are informed that it will not be the policy of the Supreme Court to consider amendments oftener than at six-months periods.

Forms for use in the Supreme Court of Colorado under the new Rules of Civil Procedure effective April 8, 1941, have been approved by Mr. A. H. White, Clerk of the Supreme Court. These forms are:

1. Form of praecipe for writ of error.
2. Form for writ of error.
3. Form for Judge's certificate in connection with the record.
4. Form for certificate of Clerk in connection with writ of error.
5. Alternate form for certificate of Judge in connection with agreed statement under Rule 112 (e).

These forms follow:

Dicta

(Form for Certificate of Judge)

IN THE _____ COURT, FOR THE _____ COUNTY OF _____, STATE OF COLORADO

Plaintiff, vs. Defendant.

I, _____, Judge of said Court, who presided at the trial of said cause, hereby certify the foregoing to be all the portions of the record designated or agreed upon by the parties and not certified by the Clerk.

Dated at _____, this _____ day of _____, A. D. 194____. (SEAL)

(Form for Certificate of Clerk)

IN THE _____ COURT, FOR THE _____ COUNTY OF _____, STATE OF COLORADO

Plaintiff, vs. Defendant.

I, _____, Clerk of the _____ Court, do hereby certify the foregoing to be the copies of the records and files of the Clerk, including the material pleadings, the verdict or findings of fact and conclusions of law, together with the direction for the entry of judgment thereon, the Master's report, if any, the opinion, if any, the judgment or part thereof to be reviewed, and the designations or stipulations of the parties as to matter to be included in the record, and other matter, if any, designated by the parties or stipulated for in the above entitled cause, not certified to by the trial court.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the _____ Court, this _____ day of _____, A. D. 194____.

By _____ Clerk _____ Deputy

(Form for Certificate of Judge)

IN THE _____ COURT, FOR THE _____ COUNTY
OF _____, STATE OF COLORADO

_____ vs. Plaintiff, }
_____ Defendant. }

I, _____, Judge of said Court, who presided at the trial of the said cause, hereby certify the foregoing to be a true statement of how the questions arose in the above entitled matter, and were decided in the trial court; and so many of the facts averred and proved, or sought to be proved, as are essential to a decision of the questions by the Supreme Court, together with a copy of the judgment sought to be reviewed, and a concise statement of the points to be relied on by plaintiff in error, and such other matters as the court considers necessary fully to present the questions raised by writ of error to the judgment in the above entitled matter.

_____ (SEAL)
(To be used in case of agreed statement under Rule 112 e.)

Frederick W. Sanborn

Frederick W. Sanborn of 2449 East Fourteenth Avenue, Denver, an attorney in Denver for 43 years and Clerk of the Denver District Court the last four years, died suddenly at his home, April 7, 1941.

He was born at West Bloomfield, New York, and was educated in public schools of New York and Hartford, Connecticut. He studied law and was admitted to the New York bar in 1887.

He was named deputy district attorney in 1901, which office he held until 1904, at which time he became first assistant city attorney, a post he held until 1909.

Under the administration of the late Mayor Robert W. Speer, he was appointed general counsel to help plan the Denver mountain parks system and the civic center. He also was special city counsel to acquire and establish water rights.

From 1916 to 1928 he was a member of the law firm of Sanborn & Monroe.

He was a member of the Denver, Colorado, and American Bar Associations, the Knights of Pythias, the Ben Franklin Club and the New York Society.

He is survived by his wife, two children, Mrs. E. Walker McDowell of San Antonio and William D. Sanborn of Denver; two brothers, Harry of Hawaii and Wallace of Pomona, California, and eight grandchildren.