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National Defense and Reforms in Procedure and Judicial Selection Are Chief Topics Before State Bar Meeting

"America is next on call" was the theme stressed by all of the speakers appearing before the forty-fourth annual meeting of the Colorado Bar Association, held at Colorado Springs on September 12 and 13. Associate Justice Hugo L. Black of the United States Supreme Court, Hatton W. Sumners, Chairman of the Judiciary Committee of the House of Representatives, and Judge Florence E. Allen, Justice of the Sixth Circuit Court of Appeals, urged the Bar to assume the task of seeing that Hitlerian philosophy in America be destroyed and that the youth of this nation be actively taught the American creed.

Not all of the program was devoted to national defense. With a registration substantially in excess of previous years, the convention tackled the serious business of outlining a program for judicial selection, the framing of a new code for probate procedure and a new code for water administration law. For the first time the newly created sections for the district attorneys and county judges met with the state Bar, and the recently organized district judges' conference met the day prior to the Bar convention.

At the conclusion of the annual convention, W. W. Platt of Alamosa became the forty-fifth president of the Colorado Bar Association. Edward L. Wood of Denver was chosen president-elect, and Sperry S. Packard of Pueblo senior vice-president. Other vice-presidents elected were Clay R. Apple of Greeley, Philip S. Van Cise of Denver, and Eugene S. Mast of Grand Junction.

Mr. Sumner, speaking before the banquet Saturday night and to a radio audience of the National Broadcasting Company, declared that "America is next on call and we are playing on the job. America is walking step by step in the footprints of France. We have a peculiar notion that we have a special dispensation to escape fate. We seek profits out of the emergency and necessity of our country. Our people are making merchandise out of the present situation. The Bar of this country must make our people realize these facts. We are coming closer and closer to actual war. Where is our common sense? Will we be too late?"

"These are times when we hear the crashes of democracies all over the world. The one hope of this time is the determination under God that this shall be the spot where people retain the right to be free. But this nation must be regenerated. We have been on a strike governmentally for twenty-five years, and we are now just getting back on the job. We must eliminate lines of political, sectional and racial cleavage. No

people who have opportunity to govern, themselves ever lost their freedom until they could not govern themselves. When people cannot govern themselves, a dictator appears. The government is resident in the people. The Constitution and the laws are not written in a book; they are written in the spirit of men.

"Lawyers have a great opportunity. They should actively fight for America. They should destroy bureaucracy before it destroys democracy. They should defeat this present tendency to straddle our children with useless debt because they haven't got a vote. They should see that the states are preserved and that the concentration of the government at Washington—a concentration so vast that it is impossible for the government to execute its powers—is broken up and the powers returned to the states."

Addressing one of the largest groups ever to attend the annual address delivered at the state Bar convention, Associate Justice Black on Friday evening stated that never before have "lawyers had a higher duty than they now have to help this nation keep faith so that the 'Government by the people, for the people, and of the people shall not perish from this earth'.

"The habits of Democracy are hard to acquire, harder to preserve, and I fear, easier to lose," he stated to an enthusiastic audience who rose and cheered his address at its conclusion. "The lure of Hitlerian accomplishments and power has made other people prey to his philosophy. To guard against the same peril, we must deepen our convictions and rebuild our faith in democracy. Far more important than the mere mechanics of government is its spirit. The American Bar is faced with a tremendous task, but it wields a vast power, far greater than its numerical strength. It must speak with that power by making it of itself a country-wide faculty, dedicated to teaching the nation the American philosophy for a fuller enjoyment of life."

Justice Florence E. Allen, Judge of the Sixth Circuit Court of Appeals, reiterated this same philosophy again on Saturday evening in stating that the members of the Bar must teach their friends and their children of the great values in this democracy; that we must all instill in the coming generation an appreciation of the things that are American; that we must dramatize the things for which America stands in order that the next generation may be more vividly aware of our priceless heritage.

The convention reached the highest peak in attendance in the history of the state association. More than 400 lawyers were registered at the convention desk, and it was estimated that approximately 250 wives and daughters also attended some of the functions of the convention.

Commencing Friday morning the convention dispatched the business connected with the report of the various officials and of the standing and special committees.

Among the outstanding reports was that of the Committee on National Defense, which dealt extensively with the problems created by the national defense activities in this state and the work of the committee in preserving and protecting the rights of those engaged in such activities.

The Committee on Law Libraries and Law Publications urged the establishment of county law libraries and reported that efforts were being made to reduce the cost to lawyers of the annual supplements to the Annotated Statutes.

Fourteen separate complaints were handled by the Grievance Committee, resulting in one proceeding for disbarment, according to the report of that committee.

The Committee on Uniform State Laws and Legislation was authorized by the convention to select such uniform state laws as they might see fit for presentation to the state legislature for enactment into law.

The Committee on Economic Survey announced a preliminary report pertaining to the activities of the Bar association and urged members who had not previously filled out the questionnaire to do so at once as it was felt desirable to have at least 200 more questionnaires returned before the committee undertook to finally tabulate the results of the questionnaire.

President William E. Hutton, on Friday afternoon, delivered an interesting and comprehensive report upon the status and activities of the association, urging lawyers to take a more vigorous part in the activities of the state association and the affairs of their community and nation.

"It is clear," he said, "that in these turbulent and unpredictable times a special responsibility attaches to the legal profession. The lawyer has been given privileges above other men because of his assumed training, interest and qualifications. It follows that he is under a greater responsibility in respect to all matters that relate to law and government. He is under greater responsibility to see that wrongs are prevented or righted, that justice is done, that law is respected, and when called for, changed or bettered. Articulate leadership is a fit, and should be a natural, role of the qualified lawyer.

"Democracy cannot maintain its institutions, its freedom, its justice, its opportunity for the future, unless there be a general, practically universal effort, willingness to serve, desire for knowledge, determination to grapple with and deal with the difficult problems that confront humanity. Lawyers must lead democracy in its struggles toward better life, toward permanency of its institutions."

The remainder of the Friday afternoon session was devoted to a symposium of federal administration and practice, with papers being read by Harry Silverstein, Sr., of Denver, David P. Strickler of Colorado Springs, and Albert L. Vogl of Denver.

Saturday morning was devoted to various section meetings, and similar activities. The Committee on Probate Revision, in conjunction with the County Judges Association, discussed changes in probate law and revisions, and also worked on a code to be submitted to the state legislature for action.

The Section on Water Rights studied a proposal for an entire water code and decided to devote their energies toward a code for water administration and work on the details of a substantive water law at a later date.

The Junior Bar Conference also met on Saturday morning, and adopted an amendment to its by-laws, approved by the Board of Governors, constituting the Conference a section of the Colorado Bar Association, rather than a part of the American Bar Association. Ray Moses of Alamosa was elected chairman, Edward Ruff of Denver, vice-chairman, Leo S. Altman of Pueblo, secretary, and Wm. Rhodes of Greeley, H. Shields Mason of Denver, Nicholas Dazzo of Trinidad, and Charles F. Stewart of Gunnison were chosen councilmen from the four congressional districts.

At the noon session on Saturday the convention unanimously requested the Board of Governors to continue the Committee on Judicial Selection and authorized it to enter into conferences with various elements of the state such as women's groups, labor organizations, professional and commercial clubs and the press so that as a result of this united effort, an amendment could be submitted to the electorate providing in substance for the plan of judicial selection set forth in detail in the Loose Leaf Service.

Declaring that the elective method of judicial selection has not met the test of experience, John Perry Wood, chairman of the American Bar Association Committee on Judicial Selection and Tenure, pointed out that "judges whose tenure is assured are removed from all temptation to color their judgments according to their personal interest. Their position is assured so long as they are capable and do justice honestly. It is such judges who have developed the law soundly and progressively. It is the other sort, those whose eyes are on the next election and who, therefore, are subject to the urge of self-interest, who have rendered the backward-looking decisions." He pointed out that it was necessary to remove the appointment of judges from the pressure of political machines and the corrupt influences that surround the elective practices. Plans to make the change to the system proposed in Colorado, and now effective in Cali-

ifornia and Missouri, will bring about the opposition of those having self-interest or narrowness of vision. He stressed the fact that it was necessary to obtain the advice and aid of every element in the country in the formation of the plan and the effort to accomplish that administration in order to be successful in securing an independent judiciary. "The safeguard of a free people," he declared, "and the power of the Bar, freely and effectively to serve the law is the independence, learning and integrity of their judges."

After the luncheon on Saturday noon, a mock trial presentation of important questions arising in a damage suit was given. Technical points involving the application of the new rules of civil procedure were illustrated and enough humor was injected into the trial to rid it from any charge of its being dry and uninteresting. G. Dexter Blount served as trial judge and A. X. Erickson and Harry S. Silverstein, Jr., were counsel for the plaintiff and W. A. Alexander and Allen Phipps, all of Denver, were counsel for the defendant.

On Saturday afternoon unanimous leave was obtained from the convention to make two important changes in the by-laws. The first change amended Section 29 of the by-laws so that it is no longer necessary for the association to report the proceedings in full nor to send copies of the full report to members and exchanges. The provisions pertaining to membership were also amended by adding a provision providing for designation of such members of the association as sustaining members as shall make such special contributions to the treasurer of the association as may be fixed by the Board to entitle the contributor to this designation.

The efficient and able services of Arch H. White, for so many years Clerk of the Supreme Court of this state, were memorialized in a resolution passed by the convention.

At the conclusion of the business meeting of the association a cocktail party was given by the Broadmoor Hotel.

A special program was planned for the ladies under the guidance of Mrs. Roy Foard of Colorado Springs and members of that committee. The El Paso Bar Association was host to the ladies attending the convention at a luncheon on Saturday noon.

Announcement was made at the meeting by Treasurer Edward C. King of an anonymous gift of \$500.00 in cash. This sum is to be used in furthering the work of the association.

The Law Club of Denver presented a program on Friday noon which was one of the highlights of the convention. It was a satirical treatment of a law institute to end all law institutes and had as its subject "Some Aspects of Judicial Selection." Members attending the convention will chuckle for some time over the "fish bowl" and "loop-hole"

plans of judicial selection and the theory of Professor Pushkin to eliminate all judges.

Honorary membership in the association was voted by the Board of Governors to Justice Hugo L. Black and Justice Florence E. Allen.

Preceding the convention, the Colorado district judges met on Thursday to discuss the problems of the district courts. Judge Stanley H. Johnson of Denver presided at the meeting, which was devoted largely to a discussion of pre-trial conferences under the new rules. Judge J. Foster Symes of the United States District Court spoke upon the pre-trial conference and explained its functioning in the federal courts.

MORE OR LESS PERSONAL

Various local Bar associations throughout the state held annual meetings during the past month to select new officers for the forthcoming fiscal year. The Northwestern Bar Association chose Allyn Cole of Glenwood Springs, president; Fred Videon of Craig, first vice-president; Percy Rigby of Meeker, second vice-president, and Sadie H. Korn of Glenwood Springs, secretary-treasurer. Fred B. Emigh of Durango was selected president of the Southwestern Colorado Bar Association. Other officers elected were Dan Milenski of Cortez, vice-president, and W. Bruce Jacobson of Durango, secretary.

The Southeastern Colorado Bar Association elected Alfred A. Arraj of Springfield, president; Willard J. Allen of Las Animas, vice-president, and Charles A. Petrie of Eads, secretary-treasurer.

Charles J. Beise recently took a position with the United States Reclamation Bureau. He and his family are now residing in Salt Lake City. Chuck attended the state Bar convention in Colorado Springs. He likes his work and says that as a sideline he has been doing a little writing for the sportsmen's magazines and of course taking a few pictures.

At a meeting of the Southwestern Colorado Bar Association held on September eighth, George W. Lane delivered an address on the Colorado mechanic's lien laws. Following his address, the members discussed the problems arising under this law.