

July 2021

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Recommended Citation

Philip S. Van Cise, Report of the Code Revision Committee, 17 Dicta 69 (1940).

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Report of the Code Revision Committee

By PHILIP S. VAN CISE*

Every major sub-committee has now made its report, and the main committee commencing February 5th has been meeting on Monday and Thursday nights trying to finish the reports which have been submitted to date. Monday nights are being devoted to the report of the Pleadings Committee until that is finished, and Thursday nights to the other work.

The Forms Committee was unable to function until the Pleadings Committee report was submitted. It is now working on its draft.

Quite a large number of the Rules require further amendment or additions to cover sections of the Code which have been overlooked.

The present plan of the committee is to finish its rough draft as near March 1st as possible, then to print one hundred copies for the use of the committee alone. The committee will then for the first time have a printed draft of its work. At that time new sub-committees will be appointed of one man each, to each of whom will be assigned a few of the drafted rules. Each of these men will select, if he sees fit, any other lawyers to assist him in his task, and he will then study his rules, check them for conflicts with the other rules and report back.

It is hoped that the final draft will be ready sometime in July, at which time, if the officers of the Bar Association are able to raise the funds, printed copies will be sent to every lawyer in Colorado for their comments. Following that at least half a day of the program of the State Bar Association will be devoted to the Code.

The criticisms will then be considered by the committee and the draft submitted to the Supreme Court, at some date which we hope to be early in November. Some of the proposed Code will be changes in substantive law and will have to be adopted by the legislature, but we are trying to make the Code a complete instrument. The Supreme Court will be asked to adopt all that is not substantive law, and the balance will be presented to the legislature in a bill. If both the legislature and the Supreme Court approve the work, the new Code should go into effect some time about March 1, 1941.

*Of Denver, Chairman of the Committee.

No Flaws Disclosed in Federal Rules

The Federal rules have disclosed no flaws which will make amendments necessary at this time, declared the Advisory Committee of the Supreme Court after a year's study of the new rules in operation. The committee points out in its report that a large number of the states are now modeling their civil procedure after the federal rules and that in a few years a uniform practice will be secured all over the nation.

The committee had indicated that while it will modify procedure where serious defects exist, it will not make changes which will merely disturb lawyers and judges. It seems clear from the report that no amendments can be expected before January 1, 1941.

John Gray, Colorful Pioneer Lawyer, Dies

Death came to John Gray, "the golden voiced orator of Montrose", at his home on January 23, 1940. Failing health had confined him to his home in Montrose for nearly a year and a half prior to his death.

Born in White Creek, New York, on March 13, 1841, Gray was graduated from Law School at Poughkeepsie in 1859, and went to Atchison, Kansas, soon after receiving his diploma. He served with the Kansas Militia in the Civil War.

For reasons of health, he was forced to leave Kansas. He then came to Silverton where he formed a partnership with C. M. Frazier. This partnership was short lived, and Gray moved on to Montrose. There he served as district attorney, county attorney and city attorney. He was also elected mayor of Montrose.

The latter years of his life were saddened by the death of his youngest child, Theodosia, who was named after Aaron Burr's daughter, and by the death of a grandson who was killed in a range war.

Until his last illness Gray was very active in civic enterprises, although retired from the practice of law approximately fifteen years ago.

He was the author of the Gunnison Tunnel bill, and had served as counsel in many of the important cases filed in the Montrose area.

Funeral services were held January 25, 1940, at which time C. J. Moynihan delivered a eulogy in accordance with a promise made many years ago. The decedent was survived by two daughter, Miss Mary Olive Gray, and Mrs. Anna Ruth Gray, both of Montrose.

—GEORGE F. DODGE, JR., *Correspondent.*