

July 2021

## A.B.A. Highlights

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

A.B.A. Highlights, 17 Dicta 259 (1940).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

# **A. B. A. Highlights**

## **Convention Averts Fight on Third Term; Movement to Liberalize Selection of Board of Governors Loses; Public Defender Plan Approved**

By vote of approximately two to one, the assembly of the American Bar Association in convention at Philadelphia tabled the proposed resolution condemning President Roosevelt's third term candidacy. A substitute measure calling for a constitutional amendment to make the Chief Executive ineligible for reelection after a single six-year term also was tabled. By this action the assembly averted what had threatened to be an "all out" fight on the convention floor, and the necessity of taking a position on a hotly controverted political issue.

At the same session the assembly was persuaded by Hatton W. Sumners, chairman of the House of Representatives judiciary committee, to approve his legislation providing for trial by a court of federal judges on the good behavior issue. The resolutions committee had proposed to refer the matter to the Association's jurisprudence and legal reform committee, but Judge Sumners insisted action be taken at once, contending that the impeachment method is cumbersome and inefficient, and that if people who are demanding a better remedy do not get it, they will insist that the Department of Justice be empowered to deal with dishonest judges.

Over some objection the assembly adopted a resolution calling for appointment of a special committee on national defense to ascertain what the bar can do in the defense program, and to make the bar's services available to the government.

A resolution approving in principle the public defender plan for state as well as federal courts was referred to the legal aid committee.

The Association at its annual dinner presented to former Dean Roscoe Pound, of Harvard, its medal for conspicuous service. James Grafton Rogers, of Yale, made the presentation address. Awards for most outstanding work by a state and local bar association went to the Texas State Bar and the Cleveland Bar Association, respectively.

An attack on "ambitious plans" for "socialized legal services" was made by Roscoe Pound, dean emeritus of the Harvard Law School, in an address before the legal aid committee.

"Unless I do these plans an injustice, they seem to me to be in the spirit of a trade union rather than in the spirit of a profession," he said.

"They seem to me to proceed upon a fundamental idea of equalizing the rewards in a money-making calling, not on an idea of insuring justice as the task of a calling pursued in the spirit of a public service, even if it does incidentally involve a livelihood.

"Instead of pulling the litigant of means with his more complicated and normally difficult case, down to the position of the needy accused who has to have counsel assigned to him by the court, I should like to see the litigant without means pulled up as near as may be to the level of the better off. So far as that can be done, under the conditions of the present, that is done by legal aid."

The House of Delegates, after prolonged discussion, defeated a move by one of the Association's past presidents, Clarence E. Martin of Martinsburg, W. Va., to "democratize" the Board of Governors by making any member of the Association eligible for election to it. At present only members or former members of the House of Delegates are eligible.

Friends of Mr. Martin represented him as believing that the machinery of the bar association, because of this stricture, was in the hands of a small clique. His proposal lost by a close vote.

New members elected to the Board of Governors were Sylvester C. Smith, Jr., of Newark, N. J., representing the Third Circuit; John W. Slaton of Atlanta, Ga., Fifth Circuit, and Robert R. Maguire of Portland, Ore., Ninth Circuit.

---

### **Objectives of Administrative Court Office Stated by Director**

Most of the organization work of the office has been completed, and a staff of over 70 persons is progressively taking over most of the services to the courts formerly rendered by the Department of Justice, according to Henry P. Chandler, director of the Administrative Office of the United States Courts. The office has been in operation for more than nine months.

One of the objectives of the office is to provide the courts with their material needs, including adequate and suitable quarters, supplies and equipment, stenographic and professional assistants and an adequate number of judges.

A general standard for new libraries has been evolved by the Department of Justice in recent years, and is being tentatively followed by his office, Chandler said. The cost of the standard library for a district judge approximates \$3,500, and for a circuit judge, \$4,500.

For some years law clerks have been furnished to circuit judges but not to district judges. The appropriation act for the courts for the fiscal year 1941 provides that two law clerks to district judges may be appointed upon a certificate of necessity by the senior circuit judge of the circuit.

Opinion varies as to the need for law clerks in district courts, Chandler said, but declared that, "I can see no reason why the judge should not be helped by a clerk. \* \* \* In any event, a law clerk is a means of reenforcing the judge, which I submit we should try to the extent that the provision in the appropriation for 1941 permits."

The second objective of the administrative office is to confirm the courts from time to time of the state of their business and to help them devise ways and means of handling it more efficiently. Chandler asserted that the office will give "continuous attention to the form of the judicial statistics with a view to making them reflect as accurately as possible the actual conditions."

The general supervision of the probation officers was committed to the administrative office along with all other administrative matters relating to the administrative personnel of the courts.

"It is for us, the judges and the administrative office working together," Chandler said, "to prove that the change will be for the best; not only that there will be no lowering of standards, as some profess to fear, but even an improvement in the quality of the service to which the Bureau of Prisons has made so valuable a contribution."

The director declared himself a sincere believer in probation for large numbers of offenders of the milder types. He appealed to judges to make selection of probation officers "with recognition of the importance of adequate education and training for what is a specialized educational task, and above all of character on the part of the probation officer that gives sanction to his counsels of right living."

---

### **Dinner for Newly Admitted Members of Bar Held in Denver**

The Colorado Junior Bar Conference, with the aid of the Colorado Bar Association and the Denver Bar Association, held its semi-annual dinner for the newly admitted members of the bar on Friday, September 20, at the Albany Hotel in Denver, following the ceremony of admission in the Supreme Court. All of those who were sworn in, forty out of a class of forty-six, were present as guests of the bar groups at the dinner. There were approximately thirty members of the bar in attendance at the dinner, including Supreme Court Justices Knous, Burke, and Bakke, J. A. Phelps of Pueblo, Judge Hotchkiss of Mesa County, and others.

Leo Altman of Pueblo, vice-chairman of the Junior Bar Conference, presided in the absence of the conference's chairman, H. D. Henry of

Denver. The speakers were Chief Justice Benjamin C. Hilliard of the Colorado Supreme Court, who spoke on the various qualities which are necessary to a lawyer's success, Kenneth W. Robinson of Denver, whose advice to the younger lawyers from an able trial lawyer's viewpoint was greatly appreciated, and Dean Edward C. King of the University of Colorado School of Law, the topic of whose speech was "Gentlemen of the Bar," which indicates, exactly, the subject matter of the address.

Our gratitude is again extended to the Supreme Court, without whose cooperation the plans for dinner could not have been successfully completed.

—Edward J. Ruff.

### **District Attorney Clyde L. Starrett Dies After Brief Illness**

Clyde L. Starrett, district attorney for the fourth judicial district, died at Beth-El Hospital at Colorado Springs on August 31, 1940. He was ill only a short time before his death.

Mr. Starrett, who served as district judge in 1931 and 1932, succeeding the late Judge Ralph Finnicum, was elected district attorney in 1932 and was reelected in 1936. His term would have expired in January.

Mr. Starrett was born in Lancaster, Missouri, in September, 1871, and he was educated in that town. He married Lillian Mitchell of Lancaster in 1894.

From 1889 to 1900 he was official court reporter for the 27th judicial circuit of Missouri. He moved to Colorado Springs in 1900 and immediately after moving there was made a deputy clerk in the county court. He was clerk of the district court there from 1902 to 1907.

He was admitted to the bar in 1910, and from 1910 to 1914 was police magistrate of Colorado Springs. From 1914 to 1930, Mr. Starrett was engaged in the private practice of law in this city. He was a member of the El Paso County Bar Association and the State Bar, and was prominent for years in Democratic party circles.

He is survived by his widow, Mrs. Lillian Mitchell Starrett, and two daughters, Mrs. Adelaide Gardner and Miss Elizabeth Starrett.

—Charles J. Simon.

### **Joseph K. Bozard Killed in Auto Accident**

Joseph K. Bozard, pioneer Routt County attorney, died September 21, 1940, as the result of injuries received in an automobile accident. He and his wife were returning to Steamboat Springs in their car, which he

was driving, when the car and a westbound coal truck collided on a curve four miles west of Steamboat Springs.

Joseph King Bozard was born November 1, 1872, on Long Island, N. Y., and attended public school in Brooklyn. He came to Colorado as a youth with the family, who located in Greeley. He studied law in Denver and was admitted to the Colorado bar August 1, 1899. For several years he was connected with the well known law firm of Morrison and DeSoto in Denver. He practiced law in Ault, Colo., from 1904 to 1906. Then he came to Steamboat Springs to become a partner of Jacob R. Harding, pioneer attorney of Routt County. For many years he had a successful private practice and had participated in many important legal matters. He was handling a number of large estates at the time of his death.

His marriage to Ruth C. Becker took place at Sandusky, Ohio, June 22, 1910. For many years Mr. Bozard was chairman of the Routt County chapter of the American Red Cross. During the World war he gave much of his time and effort to the service of this organization. He organized every town and community and during the time he held the office of chairman the Routt County chapter ranked high in the United States.

He was instrumental in the organization of the towns in the Yampa Valley in the project which resulted in securing the fine cabins on upper Elk River for a boys' and girls' camp. Much of his time was devoted to the project which gives opportunity to young people of the valley to enjoy camp life for a period each summer.

Mr. Bozard was past noble grand of the Independent Order of Odd Fellows and a member of the judiciary committee of the grand lodge. He was also a member of the Knights of Pythias. His interest politically was in the Republican party, which he served as county chairman for a few years. His attendance at the conventions was regular and he always was called upon to speak.

Funeral services were held at Craig and interment was in the family plot in the Fairmount Cemetery in Denver.

Surviving him are his wife, a brother, and three nieces.

### **E. W. McDaniels, La Junta County Court Judge, Dies at His Home**

Elmer Willis McDaniels, one of the older members of the Otero County Bar and County Judge of Otero County, died at his home in La Junta on September 18, 1940.

Mr. McDaniels was born near Buffalo, Ill., March 3, 1861, and spent his youth on a farm at that place. In 1882 he went to Utah, where

among other vocations he taught in the public schools, returning to Illinois in 1884, and taught school in that state for four years. He returned to Ogden, Utah, in 1888 and did newspaper work in that city and Salt Lake City. During this time he studied law and was admitted to the practice of law in Utah in 1893. After being admitted to practice law he opened an office in Richfield, Utah, and was elected prosecuting attorney for Sevier County, Utah, in 1896.

In the spring of 1900 he came to La Junta and with the exception of a very brief period was actively engaged in the practice of law at that place or was on the bench from that time until his death. Shortly after coming to La Junta he was city attorney for a term of two years, which office he again held from 1929 to 1933. In 1905 he was Deputy District Attorney under District Attorney S. Harrison White, and he filled the same office again from 1933 until 1937 under District Attorney French L. Taylor. He held the office of County Judge from 1909 until 1921, and from 1937 until the time of his death, and was candidate for re-election at the coming election.

On October 18, 1919, he was married to Mildred Ann Field of La Junta, who survives him.

While interested in many matters of public interest, he was especially active in the Elks Lodge. He was a member of La Junta Lodge No. 701, B. P. O. E., and served as its Exalted Ruler 1918-1919, and was Deputy Grand Exalted Ruler, Colorado East, for 1920.

—George S. Cosand.

---

### **San Luis Valley Association Meeting**

A meeting of the San Luis Valley Bar Association was held at the Walsh Hotel in Alamosa on Saturday, September 14, at which approximately 20 members were in attendance.

Ralph C. Horton, Deputy District Attorney, spoke on the question of "Mileage and Travel Expense Fees of Sheriffs and Constables in Colorado." A general discussion, in which all present joined, was had afterward.

Frank Shaw of Monte Vista, the president of the association, presided.

George M. Corlett of Monte Vista was chosen to succeed himself as the member of the board of governors from this district.

—Jesse E. Pound.