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Colorado Legislature Grants Supreme Court Rule-Making Power

Dicta Editorial Board

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enacted by New Mexico, which was one of the pioneers in this region in this type of legislation.

Under the New Mexico act (Session Laws '33, Chap. 84), which was approved March 13, 1933, the Supreme Court of that state promulgated rules of pleading, practice and procedure which greatly simplified and modernized the work of the trial and appellate courts in both the civil and criminal divisions. Upon the promulgation of these rules, the New Mexico Supreme Court stated: "The recent enlargement of the rule-making power is a clear call upon bench and bar to cure defects in procedure thought to delay or thwart justice. While the responsibility is nominally on the Supreme Court, its failure measurably to meet the public expectation of benefit will be the failure of the legal profession. * * * The accompanying rules are but the first exercise of a continuing power."

Since the passage of the New Mexico act, the federal congress passed an act (48 Stat. 1064, 28 U. S. C. A. 723b, c) which permitted the United States Supreme Court to prescribe rules in civil actions. As a result of this authorization, that court adopted "Rules of Civil Procedure for the District Courts of the United States" on December 20, 1937, after a committee had made an exhaustive study of suggested reforms.

The Colorado act follows rather closely the legislation passed by the national government, and limits the rule-making power to civil procedure. The Colorado legislation follows.

Section 1. The Supreme Court of the State of Colorado shall have the power to prescribe, by general rules, for the courts of record in the State of Colorado the practice and procedure in civil actions and all forms in connection therewith, provided, that no rule shall be made by the Supreme Court permitting or allowing trial judges to comment on the evidence given on the trial. Such rules shall neither abridge, enlarge, nor modify the substantive rights of any litigants. Such rules shall take effect three months after their promulgation, and

thereafter all laws in conflict therewith shall be of no further force nor effect.

Section 2. The General Assembly finds, determines, and declares this act to be necessary for the immediate preservation of the public peace, health and safety.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

THE COLORADO JUNIOR BAR CONFERENCE

By MARK H. HARRINGTON, *Chairman**

IN 1934, at the convention of the American Bar Association held at Milwaukee, an additional section of the association was created, known as the Junior Bar Conference. It has been the only section of the association which has not been based on some branch of the substantive law. It is the only national organization created by, run by and composed of lawyers under thirty-six years of age. It was intended that the conference should develop a closer relationship between the younger lawyers and the leaders of the profession, and give to the younger lawyer an opportunity to make his voice heard on the problems which confront the bar. Since its creation, its membership has grown extremely rapidly, and is now reported to exceed six thousand members.

As a result of the creation of this organization, junior bar groups were formed in numerous communities. It became apparent that the effectiveness of such groups depended upon a national body which could coordinate and unify the efforts of these scattered groups and constitute a national organization exclusively for young lawyers. The activities of the conference have been carried into every state of the Union. When

**This is the first in a series of articles dealing with the form of organization, program, and general activities of the Colorado Junior Bar Conference.*