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The Revision of the Code

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Since the reorganization of the state association, the secretary has had a vast amount of correspondence, according to Fred Y. Holland of Denver. He reported that his office corresponded with associations located in other states and foreign countries, as well as with members of the state bar. Copies of the 1938 annual report have been distributed to state and local bar associations in practically every state, as well as to the state universities and to organizations in foreign countries.

After the meeting had adjourned, the committee on revision of the by-laws of the state bar met. Its work will be presented shortly to the state association for action. A resolution of appreciation was extended to G. Dexter Blount for his courtesy and hospitality as host to the group.

THE REVISION OF THE CODE

By PHILIP S. VAN CISE*

In the Supreme Court room on May 8th was held the first meeting of the Colorado Bar Association Committee on Revision of the Code to Conform to the Federal Rules. About seventy lawyers were in attendance, including many of our present judges. The next meeting will be held on June 12, 1939, at 7:30 o'clock P. M. in the Senate Chambers at the state capitol.

Each member has been given a copy of the rules and thirty-three pages of work sheets, and assigned to one of thirteen working committees, each under a chairman. These chairmen and their assignments are as follows:

Group Number 1—Charles J. Simon, Colorado Springs. Initiation of actions. Rules 1 to 6, 45, 71, 85 and 86.

Group Number 2—Mark Harrington, Denver. Pleadings. Rules 7 to 13 and 15 and 16.

Group Number 3—Mortimer Stone, Fort Collins. Parties. Rules 14 and 17 to 25, inclusive.

Group Number 4—Edward L. Wood, Denver. Depositions and discovery. Rules 26 to 37, inclusive.

Group Number 5—Arthur H. Laws, Denver. Trials. Rules 38 to 44, inclusive, and 46 to 53, inclusive.

Group Number 6—Judge Charles C. Sackmann, Denver. Judgments. Rules 54 to 63, inclusive, and 68 and 70.

Group Number 7—Col. Fraser Arnold, Denver. Provisional and final remedies. Rules 64 to 69, inclusive.

*Of Denver, Chairman in charge of Code Revision.

Group Number 8—Judge John Adams, Denver. Appellate procedure. Rules 72 to 76, inclusive.

Group Number 9—Edward V. Dunklee, Denver. District and county courts and clerks. Rules 77 to 83, inclusive.

The following committees deal with subjects mainly outside the rules:

Group Number 10—Guy Brewster, Denver. Code remedies and miscellaneous; mandamus, affidavits, arbitration, certiorari, contempt, usurpation of office, attachments, garnishment, replevin, and venue.

Group Number 11—Golding Fairfield, Denver. Real property; disputed boundaries, foreclosure of mortgages, also Code Sec. 70 dealt with primarily by Group 2, lis pendens, possession of realty, quiet title, recovery of realty.

Group Number 12—Frank Swancara, Denver. Statute committee; to search all the statutes for sections which belong in the Code.

Group Number 13—Carle Whitehead, Denver. Committee on forms; this takes in forms prescribed by the Federal rules and all forms in the Code, and drafting new forms for Colorado use.

The plan of procedure is that the Code is to be fitted into the rules. When a rule is applicable only to the Federal courts, that number is left blank. When Code provisions, such as actions to quiet title, are not found in the rules, they will be arbitrarily assigned additional rule numbers commencing with number 100 (the last rule number is 86).

Each member will work on his own rule and corresponding Code sections. Then in the subcommittees this work will be exchanged and argued out in conferences. If any rule affects members who have conflicting provisions under other rules, these members will work out the details outside of their own committees.

Monthly meetings of the full committee will be held, and hereafter in the Senate Chamber. We learned, on May 8th, why oral arguments are disliked by the court. The acoustic qualities of the court room are so bad they can't be heard anyway! And as we want to hear what is said, we're moving where we can hear it.

As a sample of inter-committee work consider Code sections 159 and 474 on County Courts. There are no corresponding rules. These involve the new nomenclature of "courts of record" instead of "district" and "county" courts.

Section 474 of the Code involves Sections 161 and 188 of Chapter 46, C. S. A.; Section 159 of the Code involves Sections 159 and 160 of the same chapter, and both involve Group 9 and Group 12.

At the monthly meetings prepared rules will be presented for the discussion of the whole group, and objectionable features brought to the fore, and possibly sent back for reconsideration. When the entire job has been finished it will be submitted to the state bar for consideration in the local bar associations, then this work and bar criticisms will go to the revision committee.

All lawyers, especially sitting judges, are welcome at these monthly meetings, and if they wish to work on the subcommittees, all they have to do is notify the chairmen, and they will get plenty to do.

PERSONNEL OF JUNIOR BAR COMMITTEES*

Previous articles have appeared in DICTA which were explanatory of the form of organization and the general purposes of the Colorado Junior Bar Conference.

The specific program of the conference is being carried out by its various committees with the aid of its officers and council. The complete personnel of these committees is now being announced. While the title of each committee is more or less suggestive of the character of the work being assumed by the committee, it is expected that subsequent articles will appear in DICTA which will detail the purposes of the committees so that the members of the bar throughout the state will realize what is sought to be accomplished. In this way it is also hoped that individual members of the bar will know how they may cooperate and assist in the activities of the conference and will also know whom they should contact to do so.

OFFICERS OF THE COLORADO JUNIOR BAR CONFERENCE

Chairman - - - - MARK H. HARRINGTON, Denver
Vice-Chairman - - - WARREN W. LATTIMER, Pueblo
Secretary-Treasurer - - - HUBERT D. HENRY, Denver

JUDICIAL DISTRICT CHAIRMEN COMPRISING COUNCIL OF THE COLORADO JUNIOR BAR CONFERENCE

District

1. George Fischer, Brighton
2. Charles W. Sheldon, Jr., Denver
3. Donald T. Horn, Lamar
4. Robert H. LaGrange, Colorado Springs
5. Charles R. Casey, Leadville

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

District

6. Stewart A. Shafer, Cortez
7. George F. Dodge, Jr., Montrose
8. Barnard Houtchens, Greeley
9. Clifford H. Darrow, Glenwood Springs
10. Leo S. Altman, Pueblo
11. Robert L. Gee, Fairplay
12. Raphael J. Moses, Alamosa
13. Paul E. Gemmill, Sterling
14. Fred A. Videon, Hayden

COMMITTEE ON MEMBERSHIP

H. Shields Mason, Denver, *Chairman*

| | |
|---------------------------|-----------------------------------|
| J. Gordon Bartley, Pueblo | Harold Taft King, Denver |
| A. Allen Brown, Delta | Albert B. Logan, Colorado Springs |

COMMITTEE ON PUBLIC INFORMATION AND SPEAKING

Wm. H. Robinson, Jr., Denver, *Chairman*

| | |
|-----------------------------|-------------------------|
| Quigg Newton, Jr., Denver | Charles F. Keen, Pueblo |
| Stevens Park Kinney, Denver | |

COMMITTEE ON PROCEDURAL IMPROVEMENT AND PROPOSED
LEGISLATION

Darwin D. Coit, Denver, *Chairman*

| | |
|-----------------------------------|--------------------------|
| Donald B. Robertson, Denver | David J. Miller, Greeley |
| Harry S. Silverstein, Jr., Denver | Charles A. Petrie, Eads |

COMMITTEE ON MEETINGS AND ARRANGEMENTS

John W. O'Hagan, Greeley, *Chairman*

| | |
|---------------------------------|------------------------------------|
| Charles J. Ribar, Pueblo | J. Gregory Donohue, Grand Junction |
| Truman A. Stockton, Jr., Denver | Edward J. Ruff, Denver |

COMMITTEE ON AMERICAN CITIZENSHIP

Thomas K. Younge, Grand Junction, *Chairman*

| | |
|--------------------------|-----------------------|
| James Booth, Pueblo | Carl A. Wyers, Denver |
| John Ira Green, Antonito | |

COMMITTEE ON PROGRAM SUGGESTIONS

Douglas McHendrie, Denver, *Chairman*

| | |
|-------------------------------|----------------------------|
| Lawrence Thulemeyer, La Junta | Sydney E. Shuteran, Denver |
| Sidney R. Hahn, Florence | |

COMMITTEE ON GRIEVANCES

Joseph L. Peterson, Pueblo, *Chairman*

| | |
|----------------------------|------------------------------------|
| Hatfield Chilson, Loveland | Clyde H. Babcock, Colorado Springs |
| Joseph G. Hodges, Denver | Norman L. Comstock, Denver |

COMMITTEE ON LEGAL ETHICS AND UNAUTHORIZED PRACTICE
OF LAW

Fred M. Winner, Denver, *Chairman*
William Branch, Denver Merrill A. Knight, Denver
Julius H. Sterling, Pueblo

COMMITTEE ON JUDICIAL SELECTION

Jack Ramsay Harris, Denver, *Chairman*
Wm. V. Hodges, Jr., Denver Richard M. Davis, Denver
James L. Weinmeyer, Denver Donald S. Stubbs, Montrose

COMMITTEE ON STANDARDS OF ADMISSION TO THE BAR

Ora H. George, Denver, *Chairman*
William E. Anderson, Pueblo Kenneth P. Montgomery, Central
Wayne D. Williams, Denver City

COMMITTEE ON BAR EXAMINATIONS

Terrell C. Drinkwater, Denver, *Chairman*
George S. Graham, Denver Timothy J. Hurley, Denver
Wayne Bannister, Denver

COMMITTEE TO SPONSOR NEWLY ADMITTED MEMBERS OF THE BAR

Norman E. Bradley, Denver, *Chairman*
Frank G. Steinmeyer, Canon City Samuel M. Goldberg, Denver
Allen R. Phipps, Denver

SPECIAL COMMITTEE ON ECONOMIC SURVEY

Harlan Howlett, Boulder, *Chairman*
Julian R. Dunn, Greeley William L. Gobin, Rocky Ford
Charles F. Stewart, Gunnison

OFFICERS CHOSEN BY LOCAL ASSOCIATIONS

The Otero County Bar Association elected the following officers for the ensuing year: E. C. Glenn, La Junta, President; Perry E. Williams, Rocky Ford, Vice-President; and H. W. Allen, La Junta, Secretary and Treasurer.

The Otero County Bar Association completed its affiliation with the Colorado Bar Association, and membership in the county bar association now carries membership in the state association.

A special meeting of the association was held to consider the question of closing offices on Saturday afternoons, in view of the fact that the County Commissioners had voted in favor of closing all offices in the court. The association voted that all members close their offices on Saturday afternoon hereafter.

—GEORGE COSAND, *Correspondent*.

The annual meeting of the San Luis Valley Bar Association was held on May 8 in the District Court Room Chambers in Del Norte, Colorado, at the opening of the local Rio Grande term of court, at which meeting the following officers were elected for the ensuing year: W. Scott Carrol, Del Norte, President; Claude W. Corlett, Monte Vista, Vice-President; and Ralph Ellithorpe, Del Norte, Secretary-Treasurer.

Various members of the bar association addressed remarks to the group in regard to the benefits and satisfactory reorganization of the state bar association, and also the value of the publication DICTA to the country lawyers.

The Association also met for its regular monthly meeting in Monte Vista on the 29th of April and about twenty member lawyers attended the meeting. We were privileged at that time to have with us as guests of the association, Jean Breitenstein and John Reed, members of the Denver bar.

At this meeting Colonel George M. Corlett related to the members present the progress made to date in regard to the construction of the Wagon Wheel Gap Reservoir project sponsored by the Rio Grande Water Users Association, looking to the final accomplishment of a twelve million dollar improvement.

—CHARLES R. CORLETT, *Correspondent*.

M. E. H. Smith of Greeley was elected President of the Weld County Bar Association at its annual meeting held at Greeley in May. Other officers selected were L. J. West, Vice-president; Ralph E. Waldo, Jr., Secretary-treasurer; and E. H. Houtchens, E. T. Snyder, and Hubert D. Waldo, Jr., directors. Thirty members of the association were present at the meeting.

Members of the Eighth Judicial Bar Association met in Fort Collins on June 3. The principal speaker was Fred Farrar of Denver, who spoke on the subject, "The Lawyers of the Eighth Judicial District at the Turn of the Century."

The meeting was a home-coming event to Mr. Farrar, Henry S. Sherman and William A. Bryans, all of whom formerly practiced in Fort Collins, but have since migrated to Denver. Guests of the association at the meeting were Ralph L. Carr, Governor of Colorado; members of the Supreme Court; Byron Rogers; Fred Y. Holland; Newton C. Garbutt; A. H. White; S. P. Howell; Wilbur Denious; G. Dexter Blount; Edward C. King; and Stanley T. Wallban.