

January 1932

## A Proposed Plan to Expedite Bringing Cases to Issue

Carle Whitehead

Albert L. Vogl

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

---

### Recommended Citation

Carle Whitehead & Albert L. Vogl, A Proposed Plan to Expedite Bringing Cases to Issue, 9 Dicta 76 (1932).

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 Proposed Plan to Expedite Bringing Cases to Issue

## A PROPOSED PLAN TO EXPEDITE BRINGING CASES TO ISSUE\*

**M**Y suggestion for more speed and efficiency, and incidentally better pleading, in the civil divisions of the District Court in Denver, is as follows, to be provided for by appropriate amendment of the District Court rules:

1. All cases filed shall go to division I which shall be in session at all times to hear and determine all motions, demurrers, applications for injunctions and special proceedings and shall transact all business, except the trial of cases in which the main issues have been made up, and except such trials in special proceedings and/or of issues on preliminary matters as the presiding judge may desire to send to another division.
2. Divisions 2, 3, 4 and 5 shall sit as trial divisions for the trial of cases and the trial of such preliminary and special issues as may be sent by Division I to the other divisions.
3. Each case, when issues therein are made up, shall automatically be placed on the "Trial List". The 20th of each calendar month shall be "trial calendar day" in Division I and on this day the presiding Judge shall call the "trial list" in the order in which the cases were placed on said list until sufficient cases are announced "ready for trial" to fully occupy the trial divisions for the next calendar month. Any case not ready for trial when it is called on "trial calendar day" shall automatically go to the foot of the list unless, for good cause, the presiding judge shall otherwise rule.

Promptly after "trial calendar day" the clerk of the court shall print a list of the cases ready for trial during the next month in the order in which the cases were placed on the "trial list". On the first court day of the said next month the presiding judge shall send the first case on the trial calendar to Division 2, the second case to Division 3, the third case to Division 4, and the fourth case to Division 5. Thereafter as soon as any division shall have completed a trial the case then heading the trial calendar shall be sent to that division for trial and so on till all cases on the trial calendar shall have been sent to trial divisions or

---

\*The foregoing submitted by Carle Whitehead, Esq., in collaboration with Albert L. Vogl, Esq.

until the end of the month, if all cases on the trial calendar be not tried.

Cases on the trial calendar remaining unassigned for trial at the end of any month shall remain at the head of the trial calendar for the next month.

4. Either party may notice the other to appear in Division 1, at an incoming thereof not less than 24 hours from the service of such notice, to set for hearing any motion or demurrer, at which time the hearing shall be set for the earliest date compatible with the business pending in Division 1, provided that where the party filing such motion or demurrer notices the same for setting the opposing party shall be given time for preparation which shall be reasonable in view of the questions involved and the court engagements of the opposing party.
5. At the request of either party any opinion or remarks made by the Presiding Judge in ruling upon any motion or demurrer may be transcribed and placed in the file for the information of the trial judge. Also the Presiding Judge may transmit with the files, for the information or assistance of the trial judge, a memorandum of or regarding the issues, or of or regarding any ruling made during the making up of the issues. Such order, opinion, remarks or memorandum may be included in the bill of exceptions of such trial.
6. The Judge at any time becoming the Presiding Judge shall remain such to the end of his term of office.
7. Appropriate provisions to be made for:
  1. Exchanges of judges between criminal divisions and civil trial divisions.
  2. For special assignment of cases involving prejudice of or change of venue from the Presiding Judge or any trial judge.
8. Provisions may be made for imposition of costs and/or attorney's fees upon the losing party on any motion or demurrer, if the Presiding Judge shall consider that the same was filed solely for delay or for other improper reason.

The foregoing can, undoubtedly, be improved by addition and modification of detail while preserving the central idea of a presiding division, always in session for the speedy making up

of issues, and four trial divisions to be kept substantially equally busy until trials are up to date.

## PROFESSIONAL ETHICS

OPINION 43.—(September 17, 1931.)

ADVERTISING—*Any payment made by a lawyer for the purpose of securing the publication of his photograph causes such publication to become advertising.*

PHOTOGRAPHS—*Impropriety of paying for their publication, even though the payment be only for the supposed cost of some item connected with such publication.*

The Sunday edition of a metropolitan newspaper publishes a so-called "Greater Blanktown" edition, which includes many pages of photographs of supposed prominent citizens, with a statement under each photograph of the name and occupation of the person. Each person whose photograph is published agrees to pay therefor a certain definite sum. Contracts for such publication are frequently solicited on the theory that the signers are thus contributing to something of civic benefit though each person whose photograph is thus published is supposedly "invited" to allow it to be thus used. He is, nevertheless, required to agree to pay a certain definite sum for such publication, though this amount is frequently stated to represent only the "cost" of publication.

A number of members of the Association have asked the committee to express an opinion as to whether a lawyer may properly furnish his photograph to a newspaper and agree to pay for having it so published. Other members have asked whether a lawyer who does not, under such circumstances, agree to pay for the publication of his photograph, may with propriety agree to pay the publisher for the supposed "cost" of making the half-tone plate.

The committee's opinion was stated by Mr. Hinkley, Messrs. Howe, Evans, Harris and Strother concurring as follows:

"A photograph of a lawyer, accompanied by a statement of his name, address and vocation is not a professional card and its publication, if paid for by the lawyer, either directly or indirectly, becomes a solicitation of business by advertising which must be condemned as a violation of Canon 27. The attention of the public is drawn in an unusual manner to the lawyer in connection with his profession. One of the features which distinguishes an advertisement from a news or literary article is the fact that its publication is paid for by the one receiving the benefit of the publicity and the amount of the payment or what particular item of cost the payment is supposed to cover are immaterial."