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DICTA

Vol. IX

APRIL, 1932

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SPEEDING UP JUSTICE

In this issue will be found the report of the committee appointed to recommend changes in our present legal procedure with a view to eliminating needless delay before a litigant gets that for which he came into Court, whether or not the result is exactly what he desired.

Procrastination as a thief of time never fulfilled its role more completely than under our present system where a skillful practitioner on the "slow" side of a lawsuit can prevent trial of a case unconscionably. It is safe to assume that 99% of the lawsuits are brought because the plaintiff could not get his just dues from his fellow man, yet unnecessary delay as now "practiced" frequently results in loss of evidence, or removal of witnesses, change in plaintiff's financial condition, or deterioration or destruction of property which is the subject of the litigation, and the net result is a miscarriage of justice. There is no possible way of estimating the money loss caused by needlessly stringing along a lawsuit, but every lawyer knows that over a period of years it must be tremendous.

The single calendar system would arrange for a presiding judge from one division to hear motions and demurrers in all cases. The other four divisions would do nothing except try cases. The issues being joined before the presiding judge, the case would be sent to a trial division in the same manner as at present. There would thus be five motion days each week, excluding Saturday, and with other recommended changes, such as filing motions and demurrers simultaneously, and the act of filing constituting an automatic setting of the same for disposition.

On December 30th last, Guy A. Thompson of St. Louis, President of the American Bar Association, at a meeting in Omaha of the Nebraska Bar Association, solemnly warned his audience that in the interests of speedy justice instead of legal delay the lawyers must reorganize the judicial system, before an exasperated public does it for them.

Recently our Supreme Court "in order that it may expedite its work," provided for three departments instead of two, returning to a system used up to a few years ago.

There have been suggestions of a second division of the United States District Court in Colorado, where a single judge is struggling against an ever increasing number of unfinished cases.

With a beautiful new court house nearing completion we could not do better than to bring into its clean and wholesome interior a revised legal system more in keeping with the duty owing to clients and with the theory of the equal administration of justice to all.

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SUPREME COURT DECISIONS

Dicta subscribers will doubtless notice the large number of Supreme Court decisions which appear in this issue, and which bring the printing of the decisions up to date. It will be the effort of the editorial staff to hereafter keep the decisions up to the minute.

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JUDGE WILLIAM A. HILL

Judge William A. Hill, former justice of the Colorado Supreme Court died in Santa Monica, California, Wednesday, March 9, 1932.

He was born in Illinois, moved to Fort Morgan as a young man, then came to Denver and resided here many years. He was a state senator from Fort Morgan, mayor of Fort Morgan, attorney of Morgan county, and secretary of the Fort Morgan schools.