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Annual Reports of Committees of the Denver Bar Association

Dicta Editorial Board

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dresses of Judge Hilliard and Ed Ring will never be forgotten.

A distinctive memorial service for deceased lawyers was conducted by the Memorial Committee, presided over by Landon Larwill. Friends and relatives of deceased members greatly appreciate this serious activity of the Association.

Dicta has had a successful year, thanks to the conscientious work of John Pierce, Editor. Clyde Barker and his committee have provided the digests of Court decisions. Jackson Seawell has recently assumed the business management of Dicta.

Stephen Curtis has carried on the important work in connection with the American Law Institute which is undertaking the difficult task of the restatement of the law.

The recent Bar Outing was arranged and conducted by Ben Sweet and his active committee. As is the custom, dignity was forgotten by lawyers and judges alike.

It is impossible to mention many who have responded to the call of the Association. The chief memory the officers have at the end of the year is that of the loyalty and unselfish cooperation shown by the members who were called upon to serve the Association.

ERNEST L. RHOADS,
President.

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ANNUAL REPORTS OF COMMITTEES OF THE DENVER BAR ASSOCIATION

REPORT OF COMMITTEE ON THE AMERICAN LAW INSTITUTE

THE committee's report of last year, dated April 23rd, 1930, set forth the nature of the problem which confronted it in trying to arrange to have the American Law Institute's Restatements annotated to Colorado decisions and statutes. That report also stated that the work of such annotation of the Restatement of the Law of Contracts had been undertaken by Professor Frederick P. Storke of the University of Colorado Law School, and that arrangements had also been made for the similar annotation of the Restatement of the Law of Conflict of Laws, this work also to be done under

the supervision of Professor Storke. During the years 1929-30 a substantial amount of work was done on the annotation of the Restatement on Contracts and during the present year that work has continued. This Restatement has not yet been finished by the American Law Institute and it is not known definitely when the Restatement will be completed. We hope to have the work of annotation of this Restatement finished within a year after the Restatement has been finally published by the American Law Institute.

Arrangements have been made to commence the work of annotating the Restatement on Conflict of Laws during the present summer. As time goes on we hope to have the work of annotation of other Restatements undertaken by the Law School at the University of Colorado.

There is attached hereto a copy of report prepared by Professor Storke setting forth progress on the annotation work.

The rate of progress to be made in this annotation work depends largely upon the amount of funds that are made available for the purpose. During the present year the Denver Bar Association contributed \$100.00 towards the expense of a scholarship of one of the graduate law students engaged in assisting in the annotation work. The Colorado Bar Association made a similar contribution. Both associations are committed to renew these contributions next year. Your committee believes that both associations could very properly double or triple their contributions during the coming year. If this can be done, the work on the annotations will be very greatly advanced. Thus far the burden of the expense of this work has been borne by the University of Colorado Law School. The work has had the very enthusiastic support of Dean James Grafton Rogers and of Acting Dean Robert L. Stearns. Your committee urges that the bar associations increase their contributions in order that more graduate students may be engaged in the work.

During the past year the Model Code of Criminal Procedure was completed by the American Law Institute. This has already been found to be of great value in many states where improvement in criminal procedure has been sought. The Colorado Bar Association has a committee engaged in the

study of this Code in connection with that problem in this State.

Respectfully submitted,

ROBERT L. STEARNS,
W. W. GRANT, JR.,
STEPHEN R. CURTIS,
Chairman.

May 15, 1931.

* * * * *

REPORT OF PROGRESS ON ANNOTATION TO THE AMERICAN LAW INSTITUTE RESTATEMENT

(a) Method of Procedure.

These annotations are being prepared under the direction of Professor Storke, instructor in Contracts and Conflict of Laws in the law school. It is expected that Acting Dean Stearns who will teach Conflict of Laws next year will assist in the Restatement of that topic. An advanced seminar course in Contracts has been offered by the law school for the past two years to enable students to participate in the work of annotation. Each student is assigned one or more chapters of the Restatement, and searches for and digests all Colorado cases and other authorities bearing on this chapter. These cases are then discussed, analyzed and criticised by the instructor and the students in the seminar. The next step is for the student to prepare an annotation on each section of the chapters assigned to him, summarizing the result of these cases. This will be called the tentative draft of the work of annotation. Further revision and criticism of this work will produce the final draft for publication.

(b) Progress to Date.

A small amount of preliminary work was done during the year 1928-29. During the year 1929-30, one graduate student, Mr. Walrod, devoted a large part of his time to the seminar course. He completed, as his graduate thesis, a tentative draft on the first three chapters of the Contracts Restatement, and also did a large amount of work on at least three additional chapters. During the year 1930-31, two graduate students and five advanced undergraduates of high standing have been enrolled in this course. All but one of

the chapters of the Contracts Restatement which have been published so far have been assigned to this group of students and substantial progress has been made on all of them. Mr. Brophy has completed a tentative draft of chapter 6. It is expected that such tentative drafts on nearly all of the chapters thus far published in Contracts Restatement will be ready by the close of the summer quarter of 1931. Mr. Hatfield, a graduate student, will prepare a graduate thesis consisting of one or more of these chapters.

It is not known definitely when the few remaining chapters of the Restatement of Contracts will be published by the American Law Institute. It is hoped to be able to finish the work of annotation within a year from the time of such publication.

(c) Conflict of Laws.

No actual work has been done on this topic to date. Mr. Brophy has arranged to commence this subject during the summer quarter of 1931, and it will be continued in the following year.

(d) Other Topics.

The law department has not as yet definitely undertaken to prepare annotations on other topics than those mentioned above. If possible, arrangements will be made to take up this work at some later date. Much depends on the amount of funds available and the possibility of arranging for the instructor's time without interfering with regular undergraduate courses.

(e) Law Review Articles.

In addition to the work of annotation proper, the Rocky Mountain Law Review has published two articles which represent an expanded form of the work on certain sections of the Restatement. These articles are, one by Mr. Walrod, "Pre-existing Duty As Consideration" and one by Professor Storke, "Part Performance and the Statute of Frauds in Colorado." It is hoped that further articles will be published along this same line. It may be worth while to republish these articles in connection with the Annotations as it is believed they will add to the usefulness of the entire project.

REPORT OF JUDICIAL SALARIES COMMITTEE

YOUR committee on judicial salaries held several meetings during the year. On January 3, 1931, all members of the committee being present it adopted the following resolution:

Resolved: That, although the present salaries of Supreme and District Court Judges are grossly inadequate, it is the opinion of your committee on judicial salaries, that because of present economic conditions, it would be inadvisable for the Denver Bar Association, at this time or during the coming session of the legislature to make any attempt to obtain higher salaries for such judges.

The committee hopes that in the near future it will be able to take effective steps to bring about higher salaries for judges, and it urges that a committee on judicial salaries be kept as a regular committee of your association.

Very truly yours,

April 30, 1931.

HAMLET J. BARRY,
Chairman.

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REPORT OF THE GRIEVANCE COMMITTEE

THOSE who have served in the past upon the Grievance Committee appreciate the importance of the work to be done by, and the need for such a Committee. Scarcely a week passes without one or more complaints being registered with the Chairman. The great majority of these are unjustified and result generally from a misunderstanding between the attorney and client, followed by mutual suspicion and distrust.

It has been our endeavor, insofar as possible, to handle such complaints informally and expeditiously without calling a meeting of the entire Committee. Often times a telephone call to the attorney at the time the complaint is made, followed by his explanation, suffices to clear up the entire controversy to the satisfaction of the client. Again, we have followed the practice in many instances of arranging a meeting between the attorney and client in the office of the Chairman, or of some member of the Committee, where, without formality,

the entire matter is thoroughly discussed, which generally satisfactorily solves the whole difficulty.

It is only when these methods fail, or the complaint is upon its face serious and explanations unsatisfactory, that formal action is taken. Such has been done in a few cases during the past year. We have had several extended meetings, heard witnesses and passed upon the complaints. In one instance only, however, have we felt it necessary to recommend further action by the Colorado Bar Association.

By far, however, the greatest service which can be rendered by this Committee, in our opinion, lies in the adjustment of misunderstandings between attorney and client involving in the last analysis no breach of professional ethics, but misunderstandings which, if not considered by an impartial body, would leave unjustly in the mind of the client a permanent feeling of distrust not only of his particular attorney, but of the profession as a whole.

KENNETH W. ROBINSON,
Chairman.

June 25, 1931.

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REPORT OF JUDICIARY COMMITTEE

IN respect to your request for a report concerning the activities of the Judiciary Committee, will say that the principal activities of the Judiciary Committee were, during the past year, in regard to the conduct of the Bar Primaries for the selection of District Judges for which purpose the Judiciary Committee was constituted as a Bar Primary Committee.

The Committee's work was initiated by request of Judge Denison, former President of the association, and the Committee formulated a plan which was recommended to the association under date of May 7, 1930. The plan was submitted to all members of the Denver Bar at the time and the plan was adopted at open meeting of the Association on May 12, 1930.

Following the plan adopted the Committee sent circulars to all members of the Denver Bar asking for nominations to be submitted in writing not later than May 21, 1930. Sev-

enty-six candidates were nominated on May 21st. On May 24th the Committee mailed primary ballots to all resident Denver lawyers requiring them to vote for seven candidates and that ballots be returned to the secretary on May 28th.

Five hundred ninety-three votes were cast on Ballot No. 1 and two candidates having tied for fifteenth place, Ballot No. 2 was prepared with 16 candidates' names, requiring that it be returned to the secretary by June 3rd.

Six hundred eighty-five votes were cast on Ballot No. 2. The final ballot contained the names of 10 candidates to be returned to the secretary not later than June 7th.

Seven hundred one ballots were cast and the following candidates, in alphabetical order, received the highest number of votes: E. V. Holland, Frank McDonough, Sr., Charles C. Sackmann, Frank W. Sanborn, James C. Starkweather, Robert W. Steele and Barnwell S. Stuart.

Since it was the aim of the Bar Association in adopting the plan followed to secure a non-partisan election of candidates it was gratifying to note that of the 7 candidates 4 were Republicans and 3 were Democrats, and that the Bar as a whole expressed their choices in a non-partisan spirit.

Much could be written concerning the conduct of the campaign for the election of the 7 chosen by the Bar. The Committee's file shows plainly the interest manifested not only by the lawyers of Denver but by the public at large. It would be impossible to give the names of the lawyers who made great sacrifices of time to further the plan adopted by the Association and the election of the Association's choice of candidates. Many were asked to assist the Committee and none refused.

There were many prominent business concerns which requested large supplies of the leaflet published by the Committee for distribution among their friends and employees and it was gratifying to find such wide spread interest by the laity in the plan of the Association.

One of the Denver newspapers supported not only the plan but the Association's candidates, and the Committee received favorable comment on the plan from outside of the State.

Not only did the lawyers of Denver work but they con-

tributed to a fund to take care of the Committee's expense incident to printing and advertising, which was considerable, and report of which has heretofore been made to the secretary of the Association.

It need only be added with regard to the fund subscribed, that no member of the Denver Bar received any compensation from that fund.

It should be noted in this report that the Bar Primary Committee appointed a number of sub-committees to take care of special matters such as newspaper advertising, moving picture theater advertising, circulation, preparation of leaflets, etc. Committees on public speaking found during the Primary that it was not advisable to ask the lawyers to do public speaking because so many were identified with one or the other of the political parties.

A Committee was also active in securing workers at the polls, and approximately 75,000 hand bills containing the names of the candidates were prepared and distributed at the polls.

Another committee undertook the distribution of the leaflets in a house to house distribution, a portion of which was done by paid distributors, but a large portion of which was done by lawyers devoting their own time to that task in their own neighborhoods.

It would be quite impossible, much as the Committee desire to do so, to give the names of the lawyers who participated so actively in this sub-committee work because if through inadvertence the name of one should be omitted it would be unfortunate because of the excellent work done by everyone.

There was one committee, however, consisting of one man who gave up so much time and did such excellent work that this report would not be fair if it did not say that the Committee felt under everlasting obligation to Mr. Robert E. More, who himself solicited and obtained the funds which made the Committee's campaign possible.

The Committee believed that electioneering for candidates was not within the spirit of the plan of the Bar Primary and that the lawyers should express their choices free of any influence. It was regretted that some electioneering was done.

It is the Committee's recommendation that electioneering in future Bar Primaries be discountenanced.

In conclusion we report that the Committee's file has been maintained in fairly complete form, showing the activities in regard to the Bar Primary, and that this file will be available for use in similar campaigns in the future.

Respectfully submitted,

IRA C. ROTHGERBER,
WILLIAM E. HUTTON,
RICHARD H. HART,
FRANK E. GOVE,
D. W. STRICKLAND,
Chairman.

May 4, 1931.

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REPORT OF BANQUET COMMITTEE

YOUR Banquet Committee begs to report that its activities have been limited to the Annual Banquet of the Denver Bar Association, which was held at the University Club in Denver, on Wednesday, March 18th, 1931. A dissertation on Denver of thirty years ago with pictures was given by Mr. Edward Ring while the address of the evening was by Judge Benjamin C. Hilliard, which two facts taken together produced a very satisfactory result.

Yours very truly,

April 30, 1931.

RICHARD S. FILLIUS,
Chairman.

* * * * *

REPORT OF COMMITTEE ON MEMBERSHIPS

DURING the past year of your administration of our Association, the Membership committee have presented, with favorable recommendation, the names of thirty-one applicants for membership. All of these applicants were duly elected.

We are gratified to report that the number of applications received and voted upon during the current year constitute nearly a one hundred per cent increase compared with the number received and voted upon during the previous year.

Considering the present "repression", this may be interpreted as a hopeful sign.

The committee has, throughout, proceeded upon the theory that the interests and welfare of our Association would be advanced by obtaining applications from reputable young attorneys for the purpose of continuing to infuse new blood into our ranks, and the greater proportion of this new membership are contained within this class.

However, the committee have not overlooked the great advantage likewise to be gained by obtaining applications from older men well and favorably known in the profession, and who yet remained outside of the ranks of this Association.

Not a few of the applicants duly elected to membership during the year constitute this last named class of experienced practitioners.

Respectfully submitted,

April 30, 1931.

GEORGE E. STEINMETZ,
Chairman.

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REPORT OF COMMITTEE ON PROFESSIONAL ETHICS

THE Committee on Professional Ethics reports the following statements of questions submitted to it with regard to professional conduct and its respective opinions thereon:

A.

Statement

A workmen's brotherhood of nation wide extent has a legal aid bureau. If a member is injured in service and cannot obtain satisfactory settlement under advice from the bureau he is instructed by it, if he desires to bring action, to consult its local attorney. Contract, if any, for legal services is between the claimant workman and the attorney. The attorney's fee is a percentage of the amount that may be recovered and from this fee the attorney must pay a percentage to the bureau for its maintenance. The attorney must advance costs, if the claimant is without funds, the same to be deducted from the judgment or settlement when and if recovery is had.

Query: Is the advancement of costs by the local attorney a breach of ethics?

Opinion

The repayment of the costs the attorney is under obligation to advance is conditioned upon the successful outcome of the litigation. The taking of a contingent fee is permissible. In the opinion of the Committee, however, an attorney's payment of costs as a condition precedent to bringing an action, the repayment of which costs is itself contingent, is a breach of ethics.

B.

Statement

The Committee is asked whether in its opinion there is anything objectionable in an attorney's delivering a series of radio talks on certain legal topics in which the public might be expected to be interested, such as commercial law, contracts, law of real property, etc.; also

Would the answer to this question depend on the character of the topics discussed; if so, what topics would be objectionable?

Would the series become objectionable if the name of the person delivering the talks without anything further was mentioned?

Would the addition of the words "attorney at law" to the name of the person delivering the talks render it objectionable?

Opinion

There can be nothing objectionable in a radio address by an attorney on the legal topics mentioned, or on any legal topic of general interest, if anonymously given. The real question is whether in this case there would be a disregard of ethical requirements in the announcement of the speaker's name and profession.

In the opinion of the Committee such announcement would be unethical. The rule is that there must be no advertising or solicitation direct or indirect for professional employment. The lawyer (it is assumed he is in active practice), making a radio address on legal topics touching upon practical every day matters must do so with the expectation, or at least the hope, that someone wanting a lawyer will be influenced to consult the speaker through the introduction so af-

forded, even though not interested in the subject of the particular address. The subjects above indicated can hardly be considered of general public interest. They are rather such as will appeal to the particular, private, material, personal interest of the individual hearer.

C.

Statement

An attorney has been asked to broadcast short talks from a radio station. He submits the text of one of such talks. In it is set out the importance of the jury in the administration of justice, its duty and its responsibility. There is a partial outline of the procedure to which a juror may expect to be introduced when called to actual service. It is headed, "On Being a Juror, by _____, of the Denver Bar," and it is submitted with a wish for an opinion as to whether broadcasting by a lawyer is ethical.

Opinion

In the opinion of the Committee there is nothing unethical in the broadcasting of the address submitted or in announcing the name of the speaker or that he is a lawyer. The subject is one of general public interest and the address itself is instructive and its apparent purpose is to emphasize to the individual citizen one of his duties as such. There is no appeal to the private, material or selfish interest of the hearer and no suggestion of soliciting business. The Committee recommends against the broadcasting of addresses on legal subjects by a practicing lawyer where the effect of the address would be to advertise the lawyer professionally.

D.

Statement

A, B, and C, a law partnership, are attorneys for M sued by the County in a condemnation case. M is dissatisfied with the judgment and his attorneys file a motion for a new trial, which motion is still pending.

Queries: Would it be unethical while A, B and C are still attorneys of record for M, and the motion for new trial is undisposed of, for A to solicit appointment as county attorney? If so, and he should be appointed, would it be unethical

for him to accept the appointment and qualify while the motion remains unheard? If so, would it be unethical for him to represent the County at the argument for new trial and further in the case? Would it be unethical for A after qualifying as county attorney to negotiate a settlement of the case between M and the County?

Opinion

In the opinion of the Committee it would not be unethical for A to solicit appointment as county attorney, or to accept such appointment and take the oath of office, before the motion for new trial is heard. But it should be explicitly understood, especially after the appointment, that A will not participate further in the case for either party. This, of course, would prevent A's representing the county at the hearing on motion for new trial. Moreover, unless A shall theretofore have severed his connection with the firm, the other members of that firm should not participate further in the case.

It is the further opinion of the Committee that it would not be ethical for A to negotiate settlement of the case after qualifying as county attorney. His latest employment would naturally exercise the greater influence and the earlier confidential relation between client and attorney would too probably work to prejudice the client.

E.

Statement

X, Y and Z, law partners, are attorneys for the state bank commissioner generally and particularly in the matter of T bank now in the commissioner's charge. When the bank failed Q County had \$100,000.00 on deposit. The County claims a preference which has been disallowed by the commissioner and which it seeks to establish by suit in the district court. X, Y and Z for the commissioner demur; the demurrer is sustained and judgment goes against the County which is taking the case to the supreme court.

Queries: Would it be ethical for X to apply for appointment as county attorney while still representing the bank commissioner in the case against the county? If so, and he is appointed, may he ethically accept the office while the case is pending and undecided?

Opinion

In the opinion of the Committee it would not be unethical for X to apply for appointment as county attorney, or, if appointed, to accept the office although his firm may be representing the bank commissioner in litigation with the county. If appointed, however, he should not further participate in the case. Nor, if he continues as a member of the firm, should his firm participate after his appointment. Canon 6.

F.

Statement

X, Y, and Z are attorneys for the state bank commissioner in litigation to defeat a county in its attempt to establish preference in respect of its claim for deposits in a failed bank. The county has sued the county treasurer's bondsmen, and, if it recovers, its claim against the bank commissioner will be reduced. May X, Y, and Z ethically defend the bondsmen or any of them against the claim of the county?

Opinion

In the opinion of the Committee X, Y, and Z can not ethically defend the bondsmen on the county treasurer's bond. Their allegiance as attorneys is to the bank commissioner. They can not, therefore, accept employment the successful outcome of which would be to diminish the distributive shares of the bank's other creditors for whom the commissioner is trustee.

Respectfully submitted,

May 29, 1931.

EDWARD D. UPHAM,
Chairman.

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REPORT OF LEGAL AID COMMITTEE

THE outstanding event in the life of the Society for 1930 was the eighth annual meeting of the National Association of Legal Aid Organizations, held at Denver, Colorado, September 4 and 5, 1930. This was a distinct innovation, both for the Denver Society and for the National Association, inasmuch as all former conventions had been held east of the Mississippi and north of the Ohio. Twenty-five delegates

were present from twelve states, representing Cleveland, Milwaukee, Minneapolis, Pittsburg, Cambridge, Providence, Buffalo, Philadelphia, New York City, Chicago, Bridgeport, Conn., Cincinnati, Albany, Kansas City, Los Angeles and Denver. This compares favorably with the situation in other years. Particularly interesting was the large local attendance, which, perhaps, was the largest of any convention yet held.

The Denver Bar Association, under the supervision of the Legal Aid Committee, gave a luncheon for the delegates on Friday at which time M. W. Acheson, Jr., of the Pittsburgh Bar, gave an address upon Arthur von Briesen, the chief exponent of the legal aid idea in the United States. The hospitality shown by the Denver Bar Association was greatly appreciated.

James H. Pershing, president of the Denver Society, welcomed the delegates. Mr. Pershing was elected one of the vice presidents. Mayor Stapleton gave the freedom of the city, the mountains and the scenery to the delegates. President Ernest L. Rhoads of the Denver Bar Association added his contribution in comparing the work of the Legal Aid to the Grievance Committee of the Denver Bar. He stressed the fact that many complaints against lawyers are due to the fact of an improper original contact. People of no means, and perhaps little understanding, are very apt to become involved with a certain lawyer, and the association is entirely improper. Very many of those cases could much better be handled by a Legal Aid Society as a public service proposition. With that experience Mr. Rhoads stated he is convinced there should be no rivalry between the Bar and the Legal Aid agencies. There should be complete cooperation. He expressed a hope that the records of the proceedings will be available to the Denver lawyers, so that all may be educated along these lines.

(NOTE: The Legal Aid Society has available copies of the proceedings for those who may wish to read them. That is one reason why we are giving the space this year to these discussions in the Sixth Annual Report. This Society, during its six years of existence, has settled a number of controversies between attorneys and clients, without the necessity of making a report to the Grievance Committee, and also that Commit-

tee has asked the cooperation of the Society in several matters that otherwise might be serious for the attorneys.)

The outstanding elements of Legal Aid work, as brought out at this convention, which have been adopted by the Denver Society, either before or after the meeting, will be briefly mentioned, to show that we are endeavoring to follow the approved practices thruout the country.

The report of the Committee on Records shows a growing increase in the number of cases handled. Domestic relations received a great deal of time, during which discussion the attitude of the Denver Society was explained in referring divorce cases to private attorneys, since June, 1929, which policy is being continued to the present time. Senator Henry W. Toll expressed the opinion that it is preferable to refer actual filing and handling of divorce cases to young lawyers who will take an active interest. We investigate the case, make a case number of it, and find out what the actual financial condition of the client is, the same as we did before, and thus avoid criticism of taking certain divorce cases that could have been made to result in the payment of some sort of fee. We have received nice cooperation from the younger attorneys, and have also enabled a number to learn just what Legal Aid work means. We still handle custody and support cases of children in the Juvenile Court, and in emergency cases, have taken over cases in the District and County Courts, if in any way we may assist in solving economic problems, or social problems, which reduce the drain upon Denver social agencies.

The crowd overwhelms the staff of a Legal Aid Society; especially has this been true during the period of depression. If we do not have time to give complete legal services to all, the neediest have our first claim, and thus we handle practically every nature of a legal case. Our ideal is to refuse only those who have the ability to employ private counsel. Many of the attorneys who have taken Legal Aid cases have done so without fee, and our policy has been to remember such cooperation, and if we get another case in which a fee is involved, either on a contingent basis or installment plan, we send that case to said attorney, so he often gets one free case, and one fee case.

Arbitration and conciliation has been another of our ideals. Many cases are settled in the office and never see the Court House. The convention was especially favored by an address by Omar Garwood, of the Post Arbitration bureau, in which he explained the Colorado law, and its practical application. Much space is devoted to the Report of Committee on Arbitration, Conciliation and Small Claims Courts, in the Record of Proceedings, and to Mr. Garwood's address.

Another subject of much local interest is that of the relation of Legal Aid Societies to Law Schools. George C. Manly, former dean, and Roger Wolcott, dean of Denver University Law school, both spoke of the old legal aid clinic maintained by the law school more than a quarter of a century ago. It is interesting to note that law students, representing a Legal Aid Society, may practice in Colorado on a legal aid case. We have always invited the cooperation of the younger members of the Bar.

Space forbids more details on other important matters in Legal Aid development. Mention may be made of the close coordination of legal aid work with social agencies; with industrial accidents commissions; and with small claims courts.

The offices of the Society are now at 202 Kittredge Building. Ida Nelson is the assistant secretary.

The officers are: President, James H. Pershing; vice president, Horace N. Hawkins; treasurer, Stanley T. Wallbank; secretary and general attorney, Harry C. Green; chairman of the legal aid committee of the Denver Bar Association, W. Felder Cook; chairman of the newly appointed legal aid committee of the Colorado Bar Association, Charles Munz.

In order to keep before the minds of the public, and especially before the members of the bar, the aims, objects and purposes of the Legal Aid Society of Denver, the following is quoted from the Articles of Incorporation:

"The Society has been organized to render legal aid (gratuitously if necessary) to any and all worthy poor, distressed persons needing assistance in the establishment and maintenance of their legal rights; to counsel said persons, and to assist them in the prosecution and defense of civil actions or special proceedings in any lawful manner; to study and pro-

mote measures for the protection of persons under total or partial disability, or who by reason of ignorance, improvidence or inability to procure assistance elsewhere for the establishment and maintenance of their legal rights, are the victims of misadventure or oppression; to cooperate with the judiciary and officers of the law and bar associations, and charitable organizations interested in securing a proper administration of justice in behalf of poor, worthy, distressed persons."

The average cost per case for 1928 in Denver was \$5.55. In 1929, with an increased number of cases, and the expenses about the same, the average was \$4.77. For 1930 with a still larger number of cases, and a slightly increased revenue, the average was \$3.84. As shown by the reports from the National Association, Denver is operating on an economical basis as the average Legal Aid Society throughout the country. We are handling more than twice as many cases as when we entered the Community Chest on the same budget.

The Society thanks all who have made its work a success, the members of the Board of Directors, the Denver Bar Association, the Denver Community Chest and Social Agencies, and the Denver public in general, and seeks the same cooperation through the coming years.

Respectfully submitted,

June 25, 1931.

HARRY C. GREEN,
Secretary and General Attorney.

NOTE: A very detailed and interesting statistical report is appended to the original of the above report, which is filed with the secretary of the Denver Bar Association.

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REPORT OF LAW LIBRARY COMMITTEE

WHILE on account of the limited funds of the Association, the Law Library Committee has been unable to add to the Library any recent editions of desirable textbooks, yet it has fully kept up all reports and treatises to which there have been acquisitions of a current nature.

In this connection, it may be well to remind the members of the Association that the matter of the Library's expansion

and maintenance upon its removal to the new Court House is even now a matter for the serious consideration of them all.

We have nothing further to report beyond the fact that the conduct of the Library under the capable direction of Miss Estalene Secrest, Librarian, is giving general satisfaction to the members of the Association, notwithstanding the present handicaps to its proper maintenance which exist by reason of lack of space as well as by lack of funds.

In conclusion, the Committee expresses in this manner its appreciation of the attentive and faithful performance of her duties as Librarian on the part of Miss Secrest.

Respectfully submitted,

PAUL P. PROSSER,
Chairman.

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REPORT OF COMMITTEE ON UNLAWFUL PRACTICE OF LAW

ONE year ago the Committee on Unlawful Practice of Law was born, and its life thus far has been one of sharp warfare. The Bar as a whole, while knowing perhaps the Committee's aims, because of the nation-wide interest in the subject, has had little or no opportunity to know of its activities.

While "unlawful practice," as most lawyers see it, is indulged in by many different classes of offenders, the most strenuous protest has been voiced against the practices of banks and trust companies in relation to the drafting of wills and trust instruments, and the handling of estates and living trusts.

Do the services so rendered by corporate fiduciaries involve practice of the law? With a view to presenting this issue to the Supreme Court of Colorado for an authoritative answer, a proceeding was instituted in that Court charging a Denver bank with violating section 6017 of the Compiled Laws, and with being, therefore, in contempt of the Supreme Court, in having drawn, through its trust officer, a certain will and testamentary trust, and thereafter probating such instrument and administering the primary and trust estates thereunder, without the services of a licensed attorney at law—other than those of the attorney-trust officer—having been employed.

This complaint was referred by the Court to the Committee on Grievances of The Colorado Bar Association with instructions to inquire fully into the matter of unlawful practice and to report thereon.

A hearing was had before the Committee on Grievances and the evidence in the specific case was presented. Elaborate interrogatories then were sent out by such Committee to all banks and trust companies in Colorado; although, naturally, the real interest was and is centered in the practices of Denver banks.

Four other major banks in Denver then were brought into the case as respondents, the five institutions being represented by Mr. Henry McAllister, Jr.

Briefs have been filed on behalf of the complainant and of the five respondent banks, and the case has been argued orally and fully to the Committee on Grievances, which now has the matter under consideration preparatory to reporting to the Supreme Court; and it is believed that the matter will be ready to be submitted to the Court this Fall.

The inquiry, it may be said, is not confined exclusively to trust company practices, but covers the entire field of unlawful practice.

Nor has the work of this Committee been devoted solely to the trust company phase. It has investigated the activities of numerous unlicensed persons and corporations, and has been able to curb some objectionable practices by agreement, has filed charges in other cases, and is now ready to file and press charges in still other cases.

Although little that may be recorded here has been accomplished thus far, the Committee believes that an excellent start has been made, and that, in the coming year, results of some consequence and of no little interest will be obtained.

MAX D. MELVILLE,
Chairman.