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The Annual Meeting

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THE DENVER BAR ASSOCIATION RECORD

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The Annual Meeting

THE annual meeting of the Association held April 30, 1928, in the Chamber of Commerce Building, was attended by about one hundred members and proved to be very interesting.

President Stearns presided and opened the meeting by giving a summary of the activities of the Association during the past year. He made certain recommendations as to the future, as follows:

"1. The Legislative Committee has made some studied and valuable recommendations. As they will go out of office before the Legislature convenes, they will be unable to follow through their work to completion. I hope, however, their recommendations may be the basis for constructive legislation and serve to correct some of the

evils into which the Legislature has lately fallen.

2. The Grievance Committee of the Association is but an investigating and a recommending body. The Grievance Committee of the State Association has broader powers. We have had a close liaison between the two committees this year. Our chairman, Mr. Rhoads, has been a member of the state committee. He has been able to accomplish a vast amount of work effectively by the contact between the two committees and has avoided much delay and duplication of labor.

3. In view of the frequent transfers of lawyers to other localities, we are often requested to give information concerning the pendency of charges involving unprofessional conduct. This does not mean trivial and unfounded

complaints of which any lawyer may be the undeserving subject, but relates to the more serious charges, a failure to mention which might bring reproach upon our own organization. In order to preserve this information, the Grievance Committee should maintain records which may be handed on to their successors.

4. The Denver Bar Association is probably the largest organization of lawyers between the Mississippi River and the Pacific Coast. In view of its position, contact should be made with other bar associations in this vicinity. At slight additional expense the mailing list of the Record could be enlarged to include these other organizations. Perhaps for a slight subscription charge it could be supplied to their various members.

5. The arrangement with the City for the rental of the library is only fair. I hope and believe it will be possible to continue it.

6. Perplexing problems of conduct involving questions of ethics frequently arise, particularly among the younger lawyers. They should be made to feel free to obtain counsel from the Committee on Legal Ethics. Perhaps if the Ethics Committee were consulted more frequently, the Grievance Committee would not be so overworked!

7. In his address before the Association at the last meeting, Judge Steele pointed out certain defects in the state laws relating to dependency, delinquency and custody of children. This matter should be referred to the Committee on Laws relating to Women and Children for recommendation and action. It should more properly be taken up next year because the committee will then be able to present corrective measures to the Legislature.

8. The Bar Association has adopted and should continue a policy strongly in favor of the adoption of Amendment No. 1 having to do with increases in

judicial salaries. No thoughtful person can deny the need for this reform.

9. In the event a bar primary is held for candidates for judicial office, I strongly recommend that the matter of conducting the primary be amended to inform the public of the professional qualifications of the candidates approved by the Bar. In indicating our choices we should show the number of lawyers voting and the number of votes cast for each candidate. Failure to advise the public of the number of votes received by each candidate is apt to give the public an erroneous idea of the standing of the candidates.

Bar associations were originally formed "for the purpose of maintaining the honor and integrity of the profession of the law and cultivating social relations among their members." As time has gone on it has been made apparent that voluntary associations of like minded persons are capable of exercising a wholesome influence, not only over their members but over the community at large. This public responsibility is more and more recognized by associations of lawyers throughout the country. In 1924, after fifty-three years of useful work, the Association of the Bar of the City of New York amended its declaration of purposes so as to read as follows:

"For the purposes of cultivating the science of jurisprudence, promoting reforms in the law, facilitating the administration of justice, elevating the standard of integrity, honor and courtesy in the legal profession, and cherishing the spirit of brotherhood among the members thereof."

The temptation is great, however, to widen the sphere of activity to a point that will weaken our prestige and our influence. The opportunity has frequently come during the past year to resolve in favor of or against this or that matter of public concern outside the field of jurisprudence. It has been the policy of the Association to decline

such opportunities. I am firmly convinced that if we limit our energies to our own immediate field, we shall be able to discharge them more creditably and effectively and justify more fully our existence."

The Denver Bar Association Record for May containing the reports of Committees for the year were distributed and in the hands of those present. The Committee reports were then considered and approved.

In connection with the discussion of the Court House Committee report, Mr. Vogl inquired as to the location of the Juvenile Court and was informed that it was to be located on the fourth floor and segregated from the rest of the courts and administrative offices. After some discussion, no action was taken.

In connection with the Library Committee's report, a considerable discussion ensued as to the adoption of the proposed amendment to Section 2 of Article VI of the By-Laws, which amendment read as follows:

ARTICLE VI.

Section 2. All funds which may be received from the City and County of Denver as rental of the library for the use of judges and officials or for the maintenance, equipment or operation of the library, shall be expended by the Treasurer solely for the maintenance, equipment or operation of the library under the direction of the library committee; and the executive committee shall from time to time set aside such additional amounts out of the funds of this association as may be necessary for the proper maintenance, equipment and operation of said library."

The amendment was finally adopted by a considerable majority. It was explained that the purpose of this amendment was to give elasticity to the By-Laws so that the Executive Committee might set aside for the use

of the Library such funds as should be necessary from time to time especially if no money were received from the City of Denver on account of the same.

The Judiciary Committee reported orally in favor of a Bar Primary for District, County and Juvenile Judges to be elected at the fall election, and in its report recommended the designation by the Association of one Democratic and one Republican candidate for each office. Following a full and extended discussion, the Bar Primary Matter was by a substitute motion deferred until a future meeting.

The Nominating Committee then gave its report and on motion duly seconded and carried, its nominees were unanimously elected as follows:

For President

HENRY W. TOLL

For First Vice President

HUBERT L. SHATTUCK

For Second Vice President

PHILIP HORNBEIN

For Trustees to July 1, 1931

CHARLES J. MUNZ and

HAMLET J. BARRY

These officers will take office July 1, 1928, and will serve for one year. Each of the newly elected officers made a few brief remarks following their election.

Following the above business, a most delightful address was delivered by W. W. Grant, Jr. His title "Musings Without Method" was well chosen, but could not have been designated, "Musings Without Interest," for he held the attention of his audience and was greeted with frequent applause.

His theme was that this is a business age and that that characteristic is stamped upon every phase of activity. In discussing the causes of this, he said that in every age there is an undercurrent of thought that influences opinions and convictions on every possible subject, and the opinions that are formed are affected by

this undercurrent of thought. In answering his own question as to what is that undercurrent today, he said that the theory before the time of the Reformation was that every man's salvation depended upon divine grace, whereas, since the time of the Reformation, the thought has been that every man is self-dependent and by his own efforts governs his destiny; that man now believes in his own power to lift himself by tugging at his own boot-straps; that the tendency today is to substitute man for God. The thought now is not method but efficiency. Justice today has many admirers but few friends. All of this he thought was the effect of the tendency of the age—the effect of business upon every condition. Mr. Grant decried the fact that the tendency of the age is so largely along business lines that no man is great for scholarly attainments only. The question is not as to a man's mental attainments but as to a man's financial success. Mr. Grant stated that he could point to no man in Denver or in the State who occupies a position of prominence in the community because of the possession of anything or any quality except great wealth.

SANCTITY OF LAW

Mr. Grant inquired as to the meaning of the words, "Sanctity of Law" He said originally the kings ruled by divine right and so the phrase, "Sanctity of the Law" arose. He said that today the divine right of kings is gone and the situation is reversed. The only sanctity that exists depends upon the sentiment behind it. Law as law means nothing. If moral sanction is behind law, then it is good; if there is no moral sanction behind a law, then it is a bad law. The term, "Sanctity of Law" is a term of imperialism. When one invokes the term, "Sanctity of the Law," as to private rights, there is no moral involved. The only question is one of interpretation. Never yet was there a moral behind the de-

mand that certain personal habits be preserved.

ROGER BACON

Mr. Grant mentioned the four obstacles to the recognition of truth as defined by Roger Bacon, as follows:

1. Frail authority.
2. Custom.
3. Common opinion.
4. Affectation of wisdom which is the justification of ignorance—saying what has been said before in a louder voice.

Mr. Grant said that there is no individual judgment. What we have is a collective judgment of groups. He said that you see that reflected today in the sanctity of property rights. He said it ought to be accompanied by a tendency toward the liberties of the individual which were intended to have been protected by the Bill of Rights.

PRESENT PROBLEM

Mr. Grant stated that the great problem of the United States today is the reconciliation of liberty with Government. He said there is no freedom of speech today in this country, such as was contemplated in the Bill of Rights. He said you cannot discuss things not believed by the majority.

DARTMOUTH FORUM

In this connection, he referred to the Speakers Bureau Forum of Dartmouth, at which anybody could talk. When certain alumni complained, the President replied that if they could not train their boys well enough to know the truth from apparent falsity, then they had better close the college. Mr. Grant quoted Voltaire's statement to the effect that he did not agree with what his friend had said, but that he would give his life for that friend's right to say it. He stated that it was only within the last two or three years that a man could say in Denver that he was opposed to the Volstead Act. He said that as to the protection supposed to have been granted in the Bill

of Rights as to freedom from search and seizure, the State of Colorado has none of that.

He then referred to double jeopardy and cited the instance of a country farmer starting to town for a few days of recreation, who was arrested at the outskirts of the city with a small quantity of liquor in his possession and though entirely sober was fined in the Municipal, State, and Federal Courts. Mr. Grant placed part of the blame upon the legislators who passed bad laws and part of the blame upon the enforcement officials. He felt, however, that the courts could have pulled the teeth out of much bad legislation and he felt that the courts had fallen into a tendency to go further than necessary in enforcing bad legislation. As an example of bad legislation, he mentioned the safety clutch clause on the act of the last legislature with reference to the protection of columbines.

CONCLUSIONS

In concluding, Mr. Grant stated that he believed the Bill of Rights today embodies, as formerly, a set of privileges but that few people can rely upon it for protection. He said that individual liberty has been limited to that extent. He said that every Supreme Court report lends color to this view, and that the next great attack in this country would be directed against the courts. He felt that there is no substantial march yet against this tendency but there is widespread dissatisfaction. He said that all the average American wants is an orange and a few kind words. Every petty philosophy is explained; every vulgar passion is on the front page of the newspapers. The press is a business and is there to make dividends and has no sense of public obligation. The average newspaper is a great money-making corporation; it is organized for profit. With the exception of half a dozen

newspapers in the United States, it will do anything to further these ends.

The present theory is that the individual is to be sacrificed for the good of the individual. The only argument in favor of hanging is that when hanged, the criminal cannot be pardoned. He quoted BeTocqueville to the effect that we live in a perfect atmosphere of self-applause.

Finally, Mr. Grant said that if the time has come when the lawyer cannot say what he thinks in the presence of lawyers and even judges, then there was more to be said against the profession than he had discovered.

—A. J. G.

James Kent

"As a judge and author, he will not suffer when compared with the greatest names which have adorned the English law. Higher praise is not possible to give. * * * Simple as a child in his tastes and habits throughout his tranquil and useful life; more than any other judge the Creator of the equity system of this Country; the author of Commentaries which, in accuracy and learning, in eloquence, purity and vigor of style rival those of Sir William Blackstone. His name is admired, his writings prized and his judgments at law and in equity respected in every quarter of the globe, nowhere more than in England, where in its widening conquest the English language of freedom has carried the English law."—*Jno. F. Dillon, "Laws and Jurisprudence of England and America", 379.*

Geo. P. Metcalf on Lawyers: "Of all the men on earth who cannot afford to be dishonest, for the sake of humanity, are lawyers, as in their hands rest the destinies of nations."