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Judge Frank McDonough

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Judge Frank McDonough

MR. FRANK McDONOUGH, SR. was appointed by Governor Clarence J. Morley on January 10, 1927, at four o'clock P. M., to fill the vacancy caused by the resignation of Judge Charles C. Butler, which was submitted to the Governor at that time. Mr. McDonough immediately took the oath and on January 11, 1927, at ten o'clock A. M., the entire District Bench met en banc in the courtroom of Division 3. Judge Henley A. Calvert, the presiding Judge for the ensuing year, presided at this meeting, and in welcoming Judge McDonough, said:

"I want to introduce to you and to the other Judges our baby judge, Judge Frank McDonough, Sr. Judge

McDonough, we welcome you to our midst. We are proud that the Governor appointed you. We are satisfied of your qualifications and we know that you will make an excellent Judge in every way and we congratulate you, but mainly we congratulate the Bar and the people upon your appointment, and on behalf of the other Judges I welcome you to our midst."

Judge Julian A. Moore then referred to the record of Judge Butler, saying:

"Judge Calvert, I think at this time it is rather fitting and proper that the Judges and the Bar pause and consider the record that has been made in the City and County of Denver by Judge Charles C. Butler. It has been

my pleasure and privilege to have been in conference with him as one of the Judges of the District Court for the past ten years. We have all learned to love him and we have benefitted by his advice and his wisdom. He has all the qualifications any Judge should have. He has made a record which will stand as a memorial to himself during the course of his life and in the hereafter. I am sorry that Judge Butler felt he should not stay here this morning because of his other duties, but I feel that the Bench of the City and County of Denver and the Bar of the City and County of Denver and the litigants of the City and County of Denver all have suffered a loss in his removal from the Bench of this district. What Denver has lost the Supreme Court of Colorado has gained. The People of Colorado have gained a Judge who will make a record on the Supreme Bench. So I say it is only proper for the Judges en banc to consider these things and direct a resolution to Judge Butler giving him the knowledge that his induction as one of the Supreme Judges is a loss to us but a gain to the entire state."

Mr. James A. Marsh, President of this Association, thereupon made the following remarks:

"If the Court please, I think a word should be spoken on behalf of the lawyers of Denver in connection with the relationship between the judiciary and the Bar of this city. First of all, I think I reflect the sentiment of the Bar in Denver when I say that there has never been a finer spirit of cooperation and friendship between the Bench and the Bar than exists at the present time. This is due in a large measure to the deportment which has been inspired by the Bench and the fairness and impartiality of the Judges, and the eminent qualifications of the Judges who adorn the Bench of this City. That is appreciated and esteem-

ed by the entire Bar of this city. I want to say that I think it is a source of a great deal of gratification to the Bar that there has been added by virtue of executive appointment of His Excellency, Governor Morley, a man the Bar esteems, and who is eminently qualified to discharge judicial functions in the city. I am sure he is a man who not only has the confidence of the Bar of this city, but a man who will have the confidence of his associates on the Bench, and who will increase the pleasant relations between the Judges of this Bench. I also want to add a word, if I may presume to do so, on behalf of the Bar of this City concerning Judge Butler. I think the remarks of Judge Moore have been eminently fitting. I think Judge Butler enjoys the confidence, the love and the esteem of the members of the Bar of this city, as well as the members of the Bar of the state, and to that may we add the love and the esteem of the public—the people—who have been before him; and it has been very fittingly said that what is the loss, to the District Bench of Denver, will be a distinct gain to the Supreme Court of Colorado. And in closing I want to emphasize the friendship between the Court and Bar, and believe this in a very large measure is due to the result of the fair and impartial treatment the Bar has received, and because of the confidence the Bar of this City has had in the Judges of the Second Judicial District.

Judge Calvert then called upon Judge McDonough, who said:

"Judge Calvert, Gentlemen of the Bench and Bar: I would feel that perhaps another time and place would be the appropriate moment to say what I have in my heart to say after this very cordial greeting on your part, and therefore I ask leave to reserve what I may say until some other time. It suffices to say at this time

that I enter upon the discharge of these duties in the hope that I shall have the very necessary cooperation of all of the members of the Bar. I want to thank you all for the very many kind expressions that have come to me in the last few hours, and I hope that I may merit in the future all the good things you have said and may say regarding myself."

Upon motion of Mr. Edwin H. Park, the above remarks were ordered extended and spread upon the Record.

To those who have criticised the Bar Primary idea and this Association's efforts in that behalf, and to that daily paper which editorially remarked that "too close a relation between Bench and Bar is not always good for the citizen", we point with pride to the results of this Bar Primary, and particularly to the high character and qualifications of the appointee.

Judge McDonough received a high vote at this Primary, at which more than six hundred lawyers voted. He has been prominent in civic affairs for years and is a highly respected and esteemed member of the community as well as of the Bar.

The fact that a majority of over six hundred active members of the Bar of

Denver voted for a man of his standing is a complete refutation of the charges of those few critics who feared that such a Bar Primary might become the servant of some selfish group. The result could not have been otherwise, however, because lawyers in their daily contact with each other quickly discover the unreliable or unethical or "tricky" or "smart" members of their profession, and it is needless to say that such men cannot receive a representative vote at the hands of six hundred fellow practitioners, almost all of whom prefer to have an independent, thoroughly qualified and impartial judiciary.

There could be no reason for any possible ulterior motives on the part of the members of the Bar in choosing judiciary candidates, because all lawyers from time to time appear on either side of practically all types of cases. As a result of this, they can only be interested in seeing that justice is done according to the merits of each case. Accordingly, their interest in the judiciary is identical with that of the public.

It may well be said that the Bar and the Governor have performed a real public service in securing and making the appointment of Judge McDonough.

(See Additional Article on Pages 16-17)

The New Year Meeting

FOLLOWING so closely upon the heels of two strenuous holidays, it would not have been surprising had the first meeting of the new year, on January third, failed to measure up to the usual standard, but, notwithstanding this handicap, it was an altogether successful one.

Honorable William L. Walls, of Cheyenne, Wyoming, former Attorney General of Wyoming and former pres-

ident of the Wyoming Bar Association, was the speaker of the day and fully lived up to his reputation for both oratory and humor.

Mr. Hawkins Introduces An Old Friend

At the request of President Marsh, Mr. Horace N. Hawkins introduced Judge Walls, briefly sketching his interesting career at the bar and pronouncing him one of the leading