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November Meetings

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November Meetings

I. DEAN POUND DINNER

Semi Centennial Celebration

The courtesy of Doctor George Norlin, President of the University, and the accommodating spirit of Dean Roscoe Pound gave the association the inspiration for an extra meeting during November.

The meeting and dinner in honor of Roscoe Pound, Dean of the Harvard Law School, was called to order by the President at 8:20 P. M. at the University Club.

Mr. Stearns remarked that owing to the arrival of many dignitaries and celebrities in Colorado, for the purpose of attending and supplementing the celebration to be held at the State University, Colorado had become the mecca for the intelligentsia of the country, and called atten-

tion to the fact that that same situation prevailed at the banquet as not less than six Deans were present. They were Dean Pound, Dean Folsom, Dean Barry, Dean Murray, Dean Wolcott and Dean Rogers.

Mr. Fred G. Folsom, introduced as the former Colorado football coach long identified with the University of Colorado. He is acting Dean of the Law School of that institution.

Dean Folsom, in commencing his remarks, stated that Dean Pound had been invited last summer to deliver the commencement address at Colorado University. That though it was the custom of the University to confer a degree upon prominent speakers on such occasions, this could not very well be done with Dean Pound, as he already had his full share of degrees, he having ob-

tained his AB at the age of 18 and his MA degree a year later at Nebraska, and had received honorary degrees as Doctor of Laws at the Universities of Nebraska, Missouri, Chicago, Michigan, Harvard, Brown, Cambridge, and at Union College.

Dean Folsom then spoke a few words in memory of Dean John D. Fleming, whose glorious career ended with his death last summer, and added that the place left vacant by Dean Fleming could never be filled.

Speaking then of Dean Pound, Folsom stated that no matter what subject our guest from Harvard University had chosen for his address, it would be entertaining and instructive, so well versed is he in both legal and lay subjects. Dean Folsom stated that he would not introduce Dean Pound, as no introduction was necessary, but would welcome "the all-American Dean of Law Schools" on behalf of the Denver Bar Association, the University of Colorado, Denver University, and Westminster Law School.

Dean Pound's speech will be printed in full in *The Record*.

—J. R. A.

II. JOINT MEETING WITH LAW CLUB

About one hundred and seventy persons were in attendance at the joint meeting of the Bar Association and the Law Club when President Stearns called the meeting to order at 12:50 on Monday, November 14, 1927.

Ex Post Facto Publications

President Stearns, having first announced the occasion of the meeting, took occasion before the commencement of the program to call upon Mr. Leroy McWhinney, chairman of the Legislative Committee, who reported and moved the adoption of the resolution designed to remedy

the delay in the publication of the Session Laws. The report and recommended resolution of Mr. McWhinney's committee having been previously published in the Record, he referred to the two ideas embodied for the enforcement of the time provision for the publication, the first being a penalty for delay assessed to the party responsible for the publication and second being allotment of such responsibility to a new officer.

Judge McDonough moved an amendment substituting a ninety-day allowance for the sixty-day prepublication period allowed in the original resolution.

Procrastinating Printers

The amendment was accepted by Mr. McWhinney and Mr. Edward C. King, member of the committee and author of the resolution, but was objected to by Mr. Lawrence Lewis, who made reference to the potential technical speed but coincident procrastination inherent in the printing trade. Upon vote the amendment was lost but the original resolution was carried.

The Twice Unvacant Chair

Mr. Stearns then referred briefly to the now traditional practice of the Denver Bar Association in holding a joint meeting once a year with the Law Club under the auspices of the latter organization and he, thereupon, introduced Mr. Will Shafroth, president of that body.

Mr. Shafroth referred to his organization as a group of young men who, as such, were inclined to take themselves seriously. As a consequence, he expressed his hope that the forthcoming program would avoid the frivolous character which he described as marking the previous meetings of the Bar Association. Referring to the selected topic of the program, "The Issues of the

Campaign," he claimed the merit of impartiality in the choice by the Law Club of its representative speakers; since, he said, while the principal speaker, Mr. Walker had presided at the Democratic Convention at which Judge White's "Crown of Corn and Cross of Old Crow" speech had brought him the nomination, Mr. Henry Toll, the other part of the program, on the other hand, though he did not preside at the committee meeting which had "Finished Findlay Finally", was yet of such a political complexion that, "if the G. O. P. was to be hitched to the water wagon, he, Toll, would be found riding either the wagon or the elephant."

Toll on Circumstantial Evidence

He thereupon turned over the floor to Mr. Henry Toll who addressed himself to the "Messrs. President, Candidates, and Voters at large."

He said that he had considered a period of twenty minutes for the duration of his speech introducing Mr. Walker, but that, upon his consultation with that gentleman, the latter had protested such time to be too short to do justice to the subject.

Mr. Walker had further advised him, according to Mr. Toll, that he, Walker, would cover the Republican side of the case; and, in the view of the waitress at the head table, Mr. Walker was apparently designed to cover that side and no other, since she had, without special request, supplied him with a tumbler of eminently innocuous milk which Mr. Toll lifted and displayed, its major content being still unpartaken, observing that the audience as the jury might judge the sincerity of the last aforementioned statement of Mr. Walker by the fact of its consumption or non-consumption taking into consideration all the circumstances. "You," suggested Mr. Toll to the au-

dience, "are as competent to judge as he be."

It was always interesting to him, Mr. Toll remarked, "to be present at a meeting where a tail was wagging a dog," and he referred to himself as one of the Law Club wags.

Mules, Elephants, Camels, and Kangaroos

He was reminded of the first time the Cockness woman saw the kangaroo at a London zoo. Upon finding the animal marked and catalogued as a "native of Australia" she was horrified to recall that the description fitted her sister's husband. Mr. Walker, he said, was a "native of the Western Slope."

The issues of this campaign, said Mr. Toll, he had heard intelligently discussed on one previous occasion. That, he said, was when Mr. Joseph Sampson of the Denver Bar and the Denver City Club had commented on the divergent popular appeals distinguishing the respective subjects of farm relief and thirst relief. This was characterized by Mr. Toll as part of Mr. Sampson's dry humor.

It was, remarked the speaker, "the battle of the white mule and the white elephant and hence it was appropriate that one of the standard bearers should be Judge White. The latter, he said, designed to give the mule a double kick."

He announced Mr. Walker as "the Brother of the Grand Junction Sentinel and, himself, the scout on the Eastern slope."

In a campaign, said the speaker, of the hip-pocket against the hypocrite, he sensed a primal conflict in himself. His heart, he said, was loyal to the Republican party but his throat was Democratic.

Under Which King Bezoman

The rostrum was thereupon yielded to Mr. R. Hickman Walker, who, in his customary inimitable style of

soft spoken elocution and devastating rhetoric, proceeded upon his exposition of the Issues of the Campaign.

He characterized his situation as ticklish and emphasized the fact that in accepting the request of the Law Club to speak he had entered upon no guarantee to still his conviction or conceal his preferences but would "boldly announce" that he stood in favor of the candidacy of Judge S. Harrison White.

The Root of all Evil

He acknowledged, however, that there was a good man against Judge White, for whom he, the speaker, had always had a high regard—George Kindel.

The latter had, he said, a dependable one track mind, which had analytically dissected the true question of the campaign as regards prohibition to a question of the long and short haul or why a one thousand ton haul of bootleg gin from Kansas City should cost as much as the same service from New York. He was a candidate who, said the speaker, professed to find the real remedy for the vexatious Volstead issue in a lower freight rate on tomatoes.

Leave, O, Leave us not Alone

Mr. Walker claimed to sense a vast humanitarian objection to the election of Senator Knauss, the Republican congressional candidate, expressing his, the speaker's, fear in the famous poetic strains which sing the diurnal plaint of new widows and orphans. Should these, queried the speakers, be deprived of their guardian ad litem?

"That Memory may their deed redeem

When like our rye, our gin is gone."

In eloquent lines, Mr. Walker painted contrasting pictures of the "suspicious meeting of the Republ-

can Convention in an elevator in the Cosmopolitan Hotel to nominate a vacancy committee" as against "the gathering of the hosts of Democracy for a statistical debate upon the infants mothered by drunken mothers, attended by Judge Dunklee, Wayne Williams and the speaker." He expressed the wish of some that this historic gathering might have "fired the shot heard round the world at another Concord in a new war of liberation." It was designed according to his comment to bring relief to "lips parched by Patagonian Winds" and rescue the thirsty "if any such there need be," in New York and Philadelphia.

The campaign thus opened, he described as "epithetic" and one which, in its attempt to relieve the throat, was subversive of the tongue. He referred to the anguish of Wayne Williams occasioned by journalistic declaration that Judge White had, by his speech, "Bryanized the Democratic convention." He commented upon the many paradoxes which the campaign had produced.

It had even become, he said, uncertain whether Christ had turned the water into wine or wine into water. The point seemed to the speaker to have been reached where "nothing is but what is not."

The Desiccated and the Moist

Even the old terms "wet" and "dry" were not, according to Mr. Walker, what they used to be and he proceeded to indulge in some classifications of both wets and dries.

There was, he said, the "wet proper" who wanted his liquor, then there was, he said the "wet liberal" who professed to be devoid of any appetite himself but believed that others should have it if they wanted it; and Mr. Walker commented upon the fact that proponents of this character were usually to be found

in large numbers where their colleagues, the wets proper, were availing themselves of the privileges which they, the wets liberal, thus designed to secure them.

There were also, he said, distinctions between wets in points of degree, being for instance the wet who made no distinction between the source of alcohol as coming from vine, grain, or fruit and those who favored wines and the "Laboring man's Beer" using the latter description in its most universal and catholic significance.

In his analysis of the dries he described the members of the first category as those who believed that the liquor traffic should be denounced by but one law "the law of the same sovereign which prohibited murder and other venial offences." Men in this category he described as worshippers of age and fetiches and he pictured the criminal law researches of the antiquarian of the future, who would, he said, find the anathema of the Constitution of the United States directed against only one offence and that the indulgence of a physical appetite.

Drys of this class, he believed, were regarded by other dries not even as angels with atrophied wings, but as former brewers in disguise. For these other dries, he said, desired the indulgence of alcoholic beverages to be under the ban of all laws whatever. They would start, he said with the town ordinance, then they would prohibit it by the statute law of the state proceeding next with national enactment and finding at last a supreme regret that the United States had not entered the League of Nations to the end that the offence of bootlegging might be tryable in the World Court. There were also, he said, the dries "proper" and the dries "vicarious."

The former were numerous and sincere, the latter were numerous. The latter, he said, professed to sympathize with the spirit of the law in aiming to prevent previous excesses inapplicable to themselves, who do not drink to excess but profess concern to regulate the habits of their weaker brethren, albeit at some personal inconvenience to themselves.

The Rule in Shelley's Case

"What," asked Mr. Walker, "is an issue?" He described a local option fight in his native haunt where he witnessed a parade of children bearing a banner with the slogan: "We are the Issue." He defined an issue in a law suit as a controverted question of fact; but here, he said, the facts had nothing to do with the case. A political issue, he defined, as a proposition of policy adduced by one side and opposed by the other and which is designed of effectuation by the election of the successful candidate. In the present campaign the declaration of Judge White in favor of the mollification of the Volstead act was enough he said, in the view of his opponents, to warrant the vocal rally of the Anti-saloon League against his candidacy; but entirely insufficient, in the same view, to warrant a realignment of wet Republicans. In the Republican claim, said the speaker, the issue was Denver's Prosperity; and he noticed the contention that it would be futile for one representative of whatever political fusion to attempt the modification of the Volstead Act, but that a lone Democrat in a Republican Congress was a terrible menace to the tariff.

It had been timidly advanced, suggested the speaker, that the real issue was the Boulder Dam but this was a local issue to be settled by the citizens of Boulder.

The Prophet Unprofited

Out of the book of Exodus the speaker shuddered for the Democratic candidate in his Mosaic garb fearing lest his followers out of the land of bondage should cry forthwith for the flesh pots of Egypt and say "what shall we drink?" And that the streams gushing from the rocks stricken by his rod might disappear in the desert at the State line. The election, said the speaker,

was in reality a plebiscite and the church bells to ring on the morrow, "as though for a new St. Bartholomew's Day," were not, in the view of the speaker, ringing for the tariff or the Boulder Dam, however well they might.

At the conclusion of the address Mr. Shafroth took occasion to thank Mr. Walker and the meeting adjourned.

—V. A. M.

Redeeming The Bar

By JACOB J. LIEBERMAN, of the Los Angeles Bar (formerly of Denver)

THE California State Bar Association is no more. In its place is a public corporation created by the act of the California Legislature of 1927, known as "The State Bar of California". In other words, California now has an incorporated Bar headed by a Board of Governors. The first Governors are the Chief Justice of the Supreme Court of the State of California, and four members appointed by the Chief Justice from the Bar of the State at large. These first Governors constitute the State Bar Commission whose duty it is to place the State Bar act in operation. The first meeting of this Commission has been called for November 18th. In the meantime elections have been held in accordance with this act throughout the State, to make up the first official Board of Governors, succeeding the State Bar Commission. The meeting of November 18th is the organization meeting of the new public body known as the State Bar of California, and it will consist of one member elected from each Congressional District of the State of California, and four members elected from the State at large, who shall hold office for the period of one year, and until its successors are

elected and qualified. There are eleven Congressional Districts in California, therefore, the permanent Board of Governors will consist of fifteen members, who will, at this organization meeting, and annually thereafter, elect their officers consisting of a President, three Vice-Presidents, Secretary and Treasurer. The latter two officers need not be members of the State Bar.

The act provides—"that the State Bar shall be governed by the Board of Governors," which shall be charged with the executive functions of the State Bar and enforcement of the provisions of the State Bar act, and shall have the power to appoint such committees, officers and employees as it may deem necessary or proper, including local administrative committees, and shall likewise have "power to aid in the advance of the science of jurisprudence, and in the improvement of the administration of justice."

Another power of great importance and great significance is that which this Board has, subject to the approval of the Supreme Court and to the provisions of the act, to fix and determine the qualifications for admission to practice law in the State, and to constitute and appoint a committee of