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First Annual Report Legal Aid Society

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Execution and Garnishment: Procedure vs. Receiver of National Bank, as Garnishee:

The plaintiff had judgment against defendant, Ames. In aid of execution, garnishee summons was served on L. B. Bromfield, Receiver of the Globe National Bank, as agent of the Comptroller of the Currency, who answered that he was indebted to the defendant in a certain sum which was about twice the amount of the judgment. On application by the plaintiff, the following written orders were entered by the Court:

1. That judgment enter against the Receiver for the sum mentioned, in favor of the defendant, Ames, for the use of the plaintiff.

2. That L. B. Bromfield, Receiver, and as agent of the United States Comptroller of the Currency, be instructed to pay into the registry of the Court dividends due and to become due to the said Ames out of the assets of the Globe National Bank, as distribution is made, the said dividends to be applied herein until the judgment of the Credit Finance Corporation against Ames, et al, is satisfied in full.

The Receiver was then served with a certified copy of the order.

Credit Finance Corporation vs. Ames, et al No. 90849.

**DIVISION V. JUDGE SACKMAN
Tax Deed—Affidavit of Publisher**

In suit to quiet title based on tax deed, the affidavit of the publisher of notice of sale of lands in the City and County of Denver, Colorado, at the sale held in

November, 1921, for the taxes of the year 1920, and the attempted amendment of said affidavit both held to be insufficient and invalid and tax deed issued pursuant thereto set aside upon payment of taxes, interest and penalties.

Walker vs. Fleming, No. 88950.

Probate—County Court Original (Sole and Exclusive) Jurisdiction:

It was alleged that an administratrix of an estate of a decedent had obtained her discharge as administratrix of said estate by means of an alleged insufficient if not false showing as to payment of claims and without publication of notice of final settlement. Several years after the attempted discharge of administratrix, a creditor who had filed his claim against the estate of decedent, which claim had been allowed but not paid, filed this suit in the District Court against the former administratrix, individually, and asked for an accounting of certain funds, (which, it was alleged, had come into her hands through ancillary proceedings conducted in another estate) and for the application in equity of said funds to the payment of his claim.

Held: The District Court is without jurisdiction to entertain such a suit for the reason that the State Constitution confers "original" jurisdiction in probate matters upon the County Court, and the word "original" means "sole and exclusive" jurisdiction. This being a probate matter, the creditor's remedy is to apply to the County Court to set aside the attempted order of discharge and there to present the matters mentioned above.

Bailey vs. Jester, No. 89,490.

First Annual Report Legal Aid Society

Following is a resume of the first annual report of the Legal Aid Society of Denver, compiled by Harry C. Green, secretary and general attorney for the organization:

The Legal Aid Society was formally organized February 26, 1925, when articles of incorporation were issued by the Secretary of State. Those who signed the articles are: Halstead L. Ritter, representing the Community chest and social agencies; Judge Charles C. Butler of the judiciary; L. Ward Bannister for the Chamber of Commerce; Albert A. Reed, representing the financial world; George C. Manly for the law schools; Stanley T. Wallbank for the Bar association; and

Horace N. Hawkins, and those already mentioned, all representing the lawyers of Denver.

Last year the Society was supported almost equally by the members of the bar and the Community Chest, together with contributions from members of the board of directors, and other sources, including some fees paid by clients, after services rendered. The Society has been invited to make application for membership in the Community Chest for next year, which has been done. This cooperation comes in the face of the fact that out of about fifty Legal Aid organizations in the country, only five or six are supported by the Chests, while the remainder are sup-

ported in whole or in large part by the Bar Associations of the respective cities.

The following funds to March 3, 1926 have been received. These figures do not include contributions from attorneys now being received in response to the recent letter sent out from The Bar Association headquarters:

Attorneys of Denver.....	\$ 940.00
Community Chest.....	800.00
(Thru the Social Service Bureau)	
From Clients, after services rendered.....	177.40
From Members, Board of Directors.....	235.00
From Miscellaneous sources.....	22.28
Total.....	\$2174.68

The following expenditures have been made to date, of March 4, 1926:

Rent.....	\$ 365.00
Applied on salary of general attorney.....	1250.00
For stenographic services.....	231.75
Furniture and furnishings.....	20.60
Stationery and printing.....	27.52
Postage.....	21.52
Office supplies.....	79.75
Telephone.....	104.26
Organization expenses, Certificate, notary, etc.....	6.00
Framing Certificate.....	1.50
Lettering on doors, 529 & 317 Kittredge.....	6.69
Mr. Ritter's letters to attorneys.....	25.20
Multigraphing Bar Assn. letters to attys.....	4.50
Interest on note.....	5.80
Miscellaneous.....	18.84
Total.....	\$2168.95

The Legal Aid Committee of the Denver Bar Association on July 10, 1925 borrowed the sum of \$300 from a local bank, while awaiting returns from the attorneys, all of which was paid except \$100 during the first year, and this last \$100 has been paid from the contributions now being received from the attorneys. The Legal Aid Society is in need of a filing cabinet, legal size. If any of the attorneys who are installing new cabinets, wish to dispose of the old ones, call Main 1035.

The present offices of the Society are located at 317 Kittredge building, Main 1035. The general attorney is ably assisted by William T. Nimmo, a senior at Westminster Law School. The Society has handled such cases as have come to it, referring those which do not come within the scope of the general policy to private attorneys or to social agencies, being guided by the general outlines as given in

reports and information from various other Legal Aid Societies and Bureaus thruout the country; by reports and information from the National Association of Legal Aid Organizations, as sent to the Society by John S. Bradley, Secretary, Philadelphia; and by general experience of the attorney gained from ten years of practice.

In some cases a fee has been paid, usually after the case has been completed, where the applicant would not have been able to pay a reasonable fee to a private attorney; nor to have made arrangements for a contingent fee. In such cases the fees usually are small, and voluntarily paid. These amounts have gone into the treasury of the Society as shown by the financial report to help reduce the deficit. One of the main policies of the Society is not to deprive attorneys in private practice of any business where they could expect a fee. An investigation is made as far as possible into the present and future ability of the applicant to pay, and where that is possible, he or she is advised to consult a private attorney. In some cases the amount involved is so small as not to attract a private attorney, even tho the applicant may be able to pay. In other words the cases handled, as far as possible, are those which would go unhandled, were it not for the Society, or the philanthropy of some individual attorney. Only those cases wherein justice would be denied should they go uncared for, are properly within the scope of the Society. Referred cases usually go to a few of the younger attorneys who have volunteered their services on a number of free cases, and in appreciation the Society has referred paying cases to these attorneys.

To date of this report the Society has 587 cases docketed on its records, a fair proportion of which are Court cases, referred by state, county and city officials, judges, district, city and private attorneys, Legal Aid organizations in other cities, the various social agencies of Denver and elsewhere, newspapers, other organizations, societies, industries and individuals.

Cases cover all phases of legal procedure, relating to contracts, torts, property, estates, domestic relations, parent and child, war and wage claims, collections and other subjects. These cases are disposed of, as far as possible, out of court. Investigation is made as fully as possible before court action is taken. A number of cases have been adjusted thru the Society acting as a mediator or arbitrator or conciliator.

Sometimes it is necessary, in the rela-

tion of attorney and client, for the Society to oppose an organization or individual or an attorney who may have contributed or referred cases, but an effort is always made to obtain justice for all parties.

A comparison with other first years shows that Denver has about the same problems as other cities. San Francisco handled 242 cases the first year, and 1,523 new cases in 1924. Cleveland the first year handled 456 cases, and in 1924 had 6,711 new cases. New York City started legal aid work fifty years ago with 212 cases, and in 1924 there were 30,474 new cases under the five branches.

The cost per case in Denver has been on a most reasonable basis. On the basis of the amount actually collected the cost per case has been about \$3.90. Albany spent \$5.60; Atlanta, \$9.37; Boston, \$4.00; Cleveland, \$3.50; Louisville, \$6.50; Providence, \$8.24; St. Paul, \$6.78; Worcester, \$15.00, and New York, \$3.00. It is well to note that New York, with the largest volume of business, has the lowest cost per case. The National Association has found that: "In general, it is not unreasonable to anticipate an expense of \$6.00 per case for the first year or so, but if the work is properly supported, the cost will be much less than that in the following year or two."

Many cases, thru obtaining legal advice as to their rights, or thru obtaining legal assistance in the presentation of the case to a Court, either for plaintiff or defendant, have thus been prevented from becoming social cases. The Society has collected more than \$2,300, besides other sums paid direct to clients by adverse parties, as results of settlements made by the Society. This report compares with Cleveland, which handled more than ten times the number of cases, and collected ten times the amount as that done in Denver. Their Society is more than ten years old.

While the complete report contains several outstanding cases, space does not permit reprinting them here. Any one who is interested in the exact nature of these cases may be privileged to read the entire report on file with the Secretary of The Denver Bar Association, and also on file in the office of the Society.

While the great majority of applicants are American born, twenty-one other nationalities are represented. Private attorneys have referred 51 cases; the Bar Association, 7; the District Attorney's office, 29; the City Attorney's office, 20; the District Courts, 9; the County Court, 2; the Justice Courts, 24; the domestic relations department of the Juvenile

Court, 85; others in the Juvenile Court, 22. Other references or sources, are the social agencies, as the Children's Aid Society, 25; City Charities, 20 and various similar sources.

The nature of the cases, summarized are:

Cases growing out of Contractual Relations.....	175
Torts.....	56
Cases relating to real and personal property.....	82
Estates, deceased, feeble minded and minors.....	21
Domestic relations, largely investigations.....	207
Cases relating to criminal matters..	14
Various, Patents, war claims, legal documents.....	14
Miscellaneous, inquiries, etc.....	18
Total.....	587

These cases have been disposed of to the date of this report in the following manner. The status of a case may change after once being tabulated. For example, a case listed as "Investigated and Advice Given" later may be filed in Court, or satisfactorily settled, etc. A large number of cases are given as Investigated, Referred to other attorneys, or social agencies, Adjusted by partial settlement, full or satisfactory settlement, and adjusted thru conciliation.

The litigated cases are as follows:	
Settled after litigation in Justice Court.....	17
Won in Justice Court, for pltf. or deft.....	19
Lost in Justice Court, for pltf. or deft.....	12
Settled after litigation in higher courts.....	7
Won after litigation in higher courts	26
Lost after litigation in higher courts	8
Pending in Justice Courts.....	3
Pending in higher courts.....	48
Lapsed or withdrawn in higher courts.....	3

The coming of the American Bar Association to Denver this summer should add impetus to the service of the Legal Aid Society. The Committee on Legal Aid for the American Bar Association has formulated interesting reports in the past, and it is to be hoped that out of this national gathering there will be renewed interest in the movement here in Denver.

The secretary in closing his report expresses a deep appreciation for the assistance and cooperation of the lawyers, and all others who have contributed, and asks for the continuance of the support, both financial and moral, for this agency of human welfare.