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## Legal Aid Committee

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## LEGAL AID COMMITTEE

Legal Aid Society of Denver was incorporated for the purpose of:

(a) Maintaining and operating a society 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 promote 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 co-operate 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.

On November 3, 1924, Mr. Halsted L. Ritter, then President of the Denver Community Chest, recommended the appointment of your present Chairman of the Legal Aid Committee to Mr. Stanley T. Wallbank, President of the Denver Bar Association. Mr. E. H. Ellis had resigned as Chairman earlier in the year. On November 11, 1924, at a meeting of the Executive Committee of The Denver Bar Association the appointment was made, the other members of the Legal Aid Committee being: William J. Grodzki, Victor Arthur Miller, Richard E. Leach, H. C. Tallmadge, Merritt H. Perkins, Ira C. Rothgerber and E. C. King. In a letter from Jacob V. Schaetzel, Secretary of The Denver Bar Association, your Chairman was asked to call a meeting of the Legal Aid Committee, and such meeting was held in the office of Victor Arthur Miller on November 20, 1924, when your Chairman made a report in regard to the organization of the Legal Aid Society of Denver, which report was approved, and on December 2, 1924, the plan for the Legal Aid Society of Denver also was approved by the Executive Committee of The Denver Bar Association.

Further meetings were held in-

formally, until on February 12, 1925, at the Denver Chamber of Commerce an organization meeting was held in pursuance to a call sent out over the names of Halsted L. Ritter, formerly President Denver Community Chest; James H. Pershing, President Denver Community Chest; L. Ward Bannister, President Denver Chamber of Commerce; and Stanley T. Wallbank, President The Denver Bar Association. This meeting was attended by Mrs. Anna Hayes, President of the Denver County Parents-Teachers Congress; Stanley T. Wallbank, Dean George Manly, Judge Charles C. Butler, Jacob V. Schaetzel, Halsted L. Ritter and Harry C. Green. It was voted to incorporate, not for profit, and a Certificate of Incorporation of the Legal Aid Society of Denver was filed with the Secretary of State on February 26, 1925, signed by Halsted L. Ritter, Charles C. Butler, L. Ward Bannister, Albert A. Reed, Horace N. Hawkins, George C. Manly and Stanley T. Wallbank.

At a second meeting of the Board of Directors held at the Chamber of Commerce on March 5, 1925, By-Laws for the Society were adopted and the following officers were elected: President, Halsted L. Ritter; Vice-President, George C. Manly; Treasurer, Stanley T. Wallbank; Secretary and General Attorney, Harry C. Green. At a meeting of officers held in Mr. Ritter's office on March 10, 1925, the following were chosen as members of the Executive Committee: Halsted L. Ritter, ex-officio, chairman; George C. Manly, vice-chairman; Stanley T. Wallbank, treasurer; Horace N. Hawkins, Jacob V. Schaetzel, Clem Collins and Dr. Lillian Pollock.

Temporary offices for the Legal Aid Committee of the Denver Bar Association, and for the Legal Aid Society of Denver, were maintained at 712-713 Central Savings Bank building, from November 11, 1924, until March 11, 1925, when permanent offices for the Legal Aid Society were opened at 529 Kittredge building, with the Secretary and General Attorney in charge.

Pursuant to a suggestion from Jacob V. Schaetzel, Secretary of The

Denver Bar Association, your Chairman had a conference with Harry Ruffner, director of the Department of Domestic Relations of the Denver Juvenile Court, on November 14, 1924. As a result of this conference, Mr. Ruffner has referred a number of cases, which accounts for the comparatively large percentage of complaints regarding divorce, alimony and kindred subjects in the early history of the Society. Since the general objects and purposes of the Legal Aid Society of Denver are becoming more widely known, the sources have multiplied, and the variety of cases have increased.

Five mooted questions are now pending for final settlement before The American Bar Association and a committee appointed by The National Association of Legal Aid Organizations. Some of the Legal Aid Societies follow one plan, some another, and some an adaptation or modification of both plans. The General Attorney is being guided by the general recommendations of the Executive Committee, and by his best judgment in individual cases, subject to later approval or change of policy by the Committee. These questions are:

1. What is a Legal Aid Client and who Should be Referred to Other Lawyers?
2. To What Lawyers Should Such Persons be Referred?
3. Should Legal Aid Associations Accept Divorce Cases?
4. Should Legal Aid Organizations Accept Criminal Cases?
5. Should Legal Aid Societies Accept Personal Injury Cases Where Private Lawyers Could be Secured on a Contingent Fee Basis and Only on that Basis?

After discussion of these questions, the Executive Committee has adopted the following working basis:

Question One is answered in large part by "objects" of the Society as set forth in sub-division (a) of the Certificate of Incorporation, as quoted at the beginning of this report. First and foremost, as a cardinal principle, it is evident that a Legal Aid Society should not come into direct competition with the Bar Association. No attorney, in his private practice, should have any occasion to fear that his legitimate field will be interfered with nor encroached upon. In other words, the cases handled by a Legal Aid Society

should be only those that would go unhandled, were it not for such an organization, or would not be handled were it not for the philanthropy of some individual attorney. Only those cases where justice would be denied should they go uncared for, are within the scope of this organization.

Question Two has been answered by the Executive Committee by asking that a list of attorneys be furnished to the Society by the Bar Association.

Question Three has been answered by the Executive Committee deciding that the Society shall take those worthy cases which have been properly referred by a Social Agency or Domestic Relations Director, after full investigation, and where the Agency, etc., will assist in the necessary investigation, getting witnesses, etc. Divorce cases should not be encouraged, neither should illegitimacy, and poverty should not result in a denial of justice. The National Committee on Legal Aid states "it would seem to be good policy for Legal Aid Societies to refuse divorce cases, except where a manifest and palpable injustice to one of the parties or to their children would otherwise result." This Society is trying to follow the spirit of such a policy.

Question Four is still a matter unsettled, but inasmuch as the Certificate of Incorporation provides for civil cases an effort is being made to confine the activities along those lines for the present.

Question Five has been answered by the Executive Committee deciding that personal injury cases should be taken only after being fully satisfied that a private attorney cannot be found who will undertake the case upon a reasonable basis, or where the amount involved is so small as not to attract a private attorney.

Legal Aid Society of Denver is making a study of remedial legislation that will be of benefit to the poorer classes, with a view to recommending proper legislation, with the approval of the Bar Association, and other supporting agencies. This study includes child welfare problems, domestic relations, usury laws, public defenders, small claims and conciliation courts, and others that will suggest themselves in the course of development and progress. The Society also furnishes advice and

counsel to the various social and welfare agencies of the city and county, and to the workers in the conduct of their investigations. Such service appears to be well within the scope of the organization.

Briefly stated, the following summary will indicate the work done by the Committee and the Society since the appointment of the present Committee:

The first case which came to the attention of your present Chairman was on November 19, 1924. Therefore, this report covers a period of five months to April 18, 1925.

Legal Aid Cases Docketed:

November, 1924 .....	3
December, 1924 .....	7
January, 1925 .....	12
February, 1925 .....	13
March, 1925 .....	55
April, 1925 (To April 18).....	28

Total to date..... 118

Legal Aid work was organized in New York City in 1876. The first year's report shows 212 cases handled. In 1923 there were 29,270 cases handled. During the life of this oldest Society in the United States the number of cases totals 818,370. During the first year of the Legal Aid Society of San Francisco in 1916 it handled 242 cases; second year, 519, and the eighth year, 1,011. Cleveland in 1906 handled 456 cases; in 1923 it dealt with 5,948 cases. Atlanta in 1924 had 196 new cases, and Providence had 351 cases. The above figures show that Denver will have done as large or larger volume in comparison as has been done in other cities.

In addition to the large majority of cases for American born citizens, other countries have been represented as follows:

Austria-Hungary .....	1
Belgium .....	1
British Empire .....	2
Denmark .....	1
Germany .....	6
Italy .....	2
Jewish descent .....	4
Poland .....	2
Russia .....	2
Switzerland .....	2
Colored .....	3

In order to help determine whether an applicant is a Legal Aid client, records are kept regarding employment, present wage or average earning capacity, ownership of real estate, monthly rent paid, number of depend-

ents and individual circumstances, such as recent sickness, etc. The great majority are out of employment, or are partially employed, or are making such small salary or wages, as not to justify any or practically no sum or sums for attorney fees. Twenty-one are listed as having some interest in real estate, but in most of those cases the incumbrances leave very little clear value. The great majority have dependents ranging from one to seven.

Sources of cases furnish an interesting study. They are classified according to headings furnished by the National Association. Omitting those headings where no reference has been made the table follows:

District Court .....	2
District Attorney's Office.....	7
Domestic Relations (Ruffner).....	40
Juvenile Court (Others).....	4
Bar Association (Secretary).....	5
Other Legal Aid Societies.....	2
Red Cross .....	2
Children's Aid Society.....	7
City Charities .....	4
Community Chest .....	1
Jewish Aid Society.....	2
Garfield Welfare Association.....	3
Church Convalescents Home.....	1
Newspaper clippings .....	25
Other Publicity (Friends, etc.)....	2
Previously served by Society.....	3
Referred by other client.....	2
Exact source unknown (Letters, etc.) .....	6

118

Under the heading, "Data as to Case," the National Association has worked out a statistical sheet, classifying all cases according to their nature. The general headings include Contractual Relations, Torts, Property, Real and Personal, Estates, Domestic Relations, Criminal Matters and Miscellaneous. Using only those sub-headings which have cases under them the following table will show the

<b>Nature of Cases</b>	
Wages .....	3
Promissory Note .....	1
Other money claims.....	11
Installment contracts .....	6
Breach of contract.....	1
Investments .....	1
Workmen's Compensation .....	1
Personal injuries .....	3
Attorney and client.....	5
Fraud, deceit, misrepresentation..	1
Torts (not included elsewhere)...	3

Real estate purchase.....	1
Eviction (by applicant).....	1
Rent .....	1
Eviction (Landlord and tenant)...	1
Personal property detained.....	3
Estates of deceased.....	3
Feeble minded persons, lunacy....	1
Estate of minors.....	1
Request for annulment proceedings .....	1
Divorces, filed for applicant.....	11
Divorces, answers filed for appl..	2
Separate Maintenance .....	1
Separation (not filed) Complaints.	10
Desertion (under investigation)...	8
Non-support (under investigation)	20
Alimony (ou cases filed by others)	5
Divorce, referred to private atty...	1
Adoption .....	1
Criminal matters .....	2
Pension claim .....	1
Drafting legal document.....	1
Miscellaneous (Letters, Inquiries, etc.) .....	6

Total to date.....118

Under disposition of cases, the great majority are still pending, so a statistical sheet at this time does not properly present the situation. In addition to advice and investigation in the majority of cases, eight have been referred to Social agencies; nine have been referred to private attorneys; one to the City Attorney; two to the Grievance Committee of the Bar Association; four have been partially settled; and four have been satisfactorily settled. The others are pending.

Denver has been one of the few cities of its size in the United States which, heretofore, has not maintained a Legal Aid Society or Bureau. The first one was organized in New York City in 1876. The movement has grown until The National Association of Legal Aid Organizations was launched in Cleveland in 1923, with Chief Justice Taft as Honorary President, Albert F. Bigelow of Boston, as President; Dean John H. Wigmore of Chicago, and Oscar K. Cushing of San Francisco are Vice Presidents; John S. Bradway of Philadelphia is Secretary-Treasurer. The 1924 annual meeting was held in Minneapolis, and the 1925 meeting will be held in Memphis in September.

A Legal Aid Society must be properly, permanently and adequately financed to succeed. It must have the support of such organizations as the Bar Association, the Community Chest, and other similar organiza-

tions. It must be permanent, and the attorney who undertakes the work should be assured of such tenure that he will be induced and repaid to make a study of the best methods of procedure and conduct of the Society. He should become an expert in this line of social service.

Adequate financial support does not mean a large sum of money with which to operate a Legal Aid Society. It should be sufficient to enable the general attorney to devote his time and energy and thought to the work to make of it a success. Like all permanent organizations, institutions and industries of every kind, a Legal Aid Society, of necessity must start on a modest plan and develop as the work becomes better organized, better known and better able to take care of its own expansion. Raynor M. Gardiner, born and raised in Colorado Springs, is now the General Counsel for the Boston Legal Aid Society, of which Albert F. Bigelow, president of the National Association, is the president. Mr. Gardiner says the Boston Society is almost wholly supported by voluntary contributions from members of the Bar. He has a staff of twelve attorneys who give their entire time to the work, and are handling an average of 550 cases a month.

Your Chairman, who is also Secretary and General Attorney of the Legal Aid Society of Denver, is now taking care of the office routine, with the aid of a half-time stenographer, is organizing the record system, is investigating and giving advice and handling a certain number of cases in the courts. He desires to avail himself of this opportunity to invite every member of the Bar, the Judiciary and other interested individuals to visit the office of the Society at 529 Kittredge Building, to discuss the problems of the organization, and to offer friendly criticism and counsel and assistance to make the Legal Aid Society of Denver the success which its founders had in mind when they pictured its ultimate goal in their farsighted vision.

HARRY C. GREEN.

**Certificate of Incorporation of the  
Legal Aid Society of Denver**  
KNOW ALL MEN BY THESE  
PRESENTS: That we, HALSTED L.  
RITTER, CHARLES C. BUTLER, L.  
WARD BANNISTER, STANLEY T.  
WALLBANK, HORACE N. HAW-

KINS, GEORGE C. MANLY and ALBERT A. REED, citizens of the United States, and of the State of Colorado, have associated ourselves together as a corporation under the name and style of "LEGAL AID SOCIETY OF DENVER," for the purpose of becoming a body corporate and politic, NOT FOR PECUNIARY PROFIT, under and by virtue of the laws of the State of Colorado, and particularly in accordance with the provisions of Subdivision XII, Chapter 38, Compiled Laws of Colorado, 1921; and we do hereby make, execute and acknowledge this certificate in writing of our intention so to become a body corporate and politic, under and by virtue of said laws.

FIRST: The corporate name and style of our said corporation shall be "LEGAL AID SOCIETY OF DENVER."

SECOND: The particular business and objects for which our said corporation is formed and incorporated are for the purpose of:

(a) Maintaining and operating a Society 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 promote measures for the protection of persons under total or partial disability to procure assistance elsewhere for the establishment and maintenance of their legal rights are the victims of misadventure or oppression; to co-operate 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.

(b) To acquire, hold and use such personal and real property as in the judgment of the board of directors of our said corporation shall seem meet and proper to best carry out the particular business and objects of our said corporation; to take, hold, manage, administer and distribute (in any lawful manner) funds for the endowment of the particular business and objects of our said corporation, whether received by gift, conveyance, devise or legacy; to dispose of any personal or real property

no longer needed by our said corporation to any organized charity in the City and County of Denver, State of Colorado, which in the judgment of our directors at dissolution appears best able to continue the charitable work constituting the principal business and object of our said corporation.

THIRD: The affairs and management of our said corporation are to be under the authority of a board of directors consisting of twenty-five members and Halsted L. Ritter, Charles C. Butler, L. Ward Banister, Stanley T. Wallbank, Horace N. Hawkins, George C. Manly, Albert A. Reed, James H. Pershing, Mrs. Anna Hayes, Dr. Lillian Pollock, Mrs. Verner Z. Reed, Mrs. Willis F. Wolff, Tyson S. Dines, Clayton C. Dorsey, George P. Steele, John K. Mullen, Samuel Kohn, Jacob V. Schaezel, James Thomas, Clem Collins, John L. Malm, Charles D. Hall, W. S. Friedman, Thomas Stearns and Thomas Kelly are hereby selected to act as such directors, and to manage the affairs and concerns of our said corporation for the first year of its existence, until, to-wit: The first Thursday in the month of March, A. D. 1926, or until their successors are elected and qualified. The said board of directors shall have power to fill all vacancies among their own number of the interim of the annual meeting of the members of the Society.

FOURTH: The principal business of our said corporation shall be carried on in the City and County of Denver, State of Colorado, and the principal place and business office of our said corporation shall be located in the City and County of Denver, State of Colorado.

FIFTH: Our said corporation is incorporated NOT FOR PECUNIARY PROFIT and no stock shall be issued expressing any pecuniary interest, but the funds, assets and property of the corporation shall be used solely to prosecute the particular business and objects of the corporation for the charitable purposes above expressed; and neither the directors of the corporation nor the members of the Society shall be personally or individually liable for any of the debts, obligations, or liabilities of the corporation; nor shall their personal and individual property be taken therefor.

**SIXTH:** The board of directors shall have power to make such prudential by-laws as they may deem proper for the management of the affairs of this corporation, consistent with the laws of the State of Colorado, and to repeal, amend or add to said by-laws in the method prescribed in the by-laws, according to the statute in such case made and provided. The board of directors may create an executive committee, to which committee may be delegated all the power of the board of directors in the interim of directors' meetings, as prescribed in the by-laws of the Society not inconsistent with the laws of the State of Colorado; said by-laws may be adopted and business of the corporation may be inaugurated at a meeting of the board of directors to be held upon call of Halsted L. Ritter, provided not less than seven directors are present at said meeting.

IN WITNESS WHEREOF, We have set our hands and seals on this 25th day of February, A. D. 1925.

HALSTED L. RITTER (SEAL)  
 CHAS. C. BUTLER (SEAL)  
 L. WARD BANNISTER (SEAL)  
 ALBERT A. REED (SEAL)  
 HORACE N. HAWKINS (SEAL)  
 GEORGE C. MANLY (SEAL)  
 STANLEY T. WALLBANK (SEAL)

Acknowledged this 25th day of February, A. D. 1925.

#### RESPONSE GRATIFYING

The response made by lawyers to the Record's plea in behalf of Duncan McPhail is most gratifying. Approximately \$100 has been subscribed to date, and this is being dispensed by Mrs. Willis J. Case, who early took an interest in the plight of McPhail and Mrs. Switzer.

Mrs. Case has given unstintingly of her time, and even of her money, for months in this good cause, and she deserves the lasting thanks of the association. The money in her hands is in the hands of an expert, and will be spent wisely and well.

#### JUDICIARY COMMITTEE

The Judiciary Committee has no report to submit. No meetings have been held and none of the members have had any work to take up.

Yours very truly,  
 PHILIP S. VAN CISE.

#### THE LAW-ABIDING LINCOLN

By Charles A. Murray

A seeming contradiction in the conduct of Abraham Lincoln as a lawyer is his apparent indifference to the cause of fugitive slaves. He had witnessed the cruelties of the slave auction block in New Orleans, and had expressed his horror of the institution by promising to "hit it hard" if he should ever have the opportunity, and yet, in not one of the cases of the runaways that came to his notice in Illinois, while he was practicing in its courts, did he take any part in behalf of the poor victims. To the contrary, as recorded by Jesse W. Weik, who, assisted by Herndon, Lincoln's long-time partner, has given to the world more accurate and detailed information than any other writer, Lincoln once, at least, accepted a fee from a slave owner, one Robert Matson, for assisting him in recovering some slaves and returning them to Kentucky.

The only reasonable explanation of this strange feature in the career of this strange man is set forth in Weik's latest book, "The Real Lincoln," published only a few months ago. Naming one of Lincoln's associates as his authority, the author says that Lincoln lost none of his hatred of slavery but that he regarded the "Fugitive Slave Law," as long as it remained on the statute books, binding upon him and all other citizens, north as well as south, and that he had no more legal right to interfere with the capture and return of the runaway negroes, than he had to assist in moving horses or cattle beyond the reach of their actual owners.

A similar explanation has been given of the attitude of Daniel Webster, when, at the zenith of his popularity and power, he apparently changed front on the slavery question, and brought down upon his head the deluge of wrath of the rapidly growing anti-slavery party—including the gentle Quaker poet, Whittier. Thenceforth, the fallen idol was to be Ichabod—"The glory has departed from Israel." But now it is said that Webster, the great defender of the constitution, and of all constitutional law, could not consistently counsel violation of the fugitive

slave enactments, so long as they were a part of the laws of the land, although it is well known that he had no love for the institution of slavery itself.

Do not these explanations of the course taken by these two eminent American lawyers suggest to all lawyers and laymen of the present day their solemn duty to observe and obey all law, no matter whether or not they like it?

### GRIEVANCE COMMITTEE

The Grievance Committee of the Denver Bar Association has had a fairly active year. Numerous meetings have been held and many complaints have been considered and passed upon. It is amazing to note the great number of complaints made which are either wholly unjustified or at best involve matters of trifling moment.

With few exceptions these complaints have been adjusted with mutual satisfaction to the complainant and the attorney involved. Arising as they do often from misunderstandings, which soon ripen into unjustified suspicion, the outstanding work of a grievance committee rests in the adjustment of these differences, in the allaying of unmerited suspicion and in restoring harmonious relations between attorney and client.

There are some who feel that a grievance committee has not functioned unless disbarment proceedings have been brought and successfully prosecuted. Rare are the complaints, indeed, which merit such procedure, and in those few instances where the specifications against the attorney involved are of serious moment, it is often found that actual evidence of guilt is not at hand.

During the past year in only one instance has the proof been sufficient to merit disbarment proceedings. In that case the committee has secured the necessary evidence, and a complete digest of the case, together with affidavits from the complaining parties, has been submitted to the Colorado Bar Association, with our recommendation that immediate action be taken. There is pending at present before the committee one other serious complaint against a

Denver lawyer. In this instance the necessary affidavits are being procured from the parties in interest, who live out of the state.

In one complaint submitted, a special report containing the findings of the committee and censure of the attorney involved has been prepared and filed with the Secretary of the Denver Bar Association.

In closing may we emphasize again that which has been brought to the attention of the association in other years—the necessity for closer organization within the bar—the necessity for a definite responsibility upon definitely selected and paid attorneys to prosecute disbarment proceedings before the Supreme Court when such proceedings are recommended by the committee, and the necessity for bringing within the Bar Association as great a number of lawyers as possible, thus subjecting them to its discipline. Public reprimand is dangerous and unfair. Private reprimand is often forgotten. Expulsion or fear of expulsion from the Bar Association, if that body were better organized and occupied the place of importance in the lawyer's life which it deserves, would be to our mind a powerful weapon and one which would go far to correct and prevent unprofessional conduct, which now so often cannot be successfully disciplined.

Respectfully submitted,

KENNETH W. ROBINSON,  
Chairman of the  
Grievance Committee.

### WIGMORE IS COMING

John H. Wigmore, author and famous philosopher of the law, is coming to Denver May 15. He will give his famous lecture on the "History of the Law," tracing its various courses from the earliest times. A detailed announcement of his visit will be made at the annual meeting next Monday evening.

### LITERALLY

Two little coons on a bridge a sittin';  
Two little dice back and forth a flittin',  
One little hole, where a knot was missin',  
Par—a—dice lost.

### SAFETY FIRST

Customer—I want two tuna fish.  
Grocer—You better stick to pianos.