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THE DENVER BAR ASSOCIATION

R E C O R D

P U B L I S H E D M O N T H L Y

VOL. II

DENVER, JUNE, 1925

No. 6

**SCHAETZEL RESIGNS**

We announce with regret the resignation of Jacob V. Schaetzel as Secretary-Treasurer of the Denver Bar Association. He is unable longer to give the time required for the conduct of that important office. President Wallbank has appointed Albert J. Gould to succeed him.

Mr. Schaetzel has served the association well, and was responsible for many progressive movements undertaken within the last two years. He founded, and until recently edited, the "Record."

In the appointment of Mr. Gould as successor, the association has a man who established a record as chairman of the Membership Committee in the year just ended, and whose training and experience fit him admirably for the office. We wish him every success.

**Minutes of the Annual Meeting**

The annual meeting of the Denver Bar Association was held on Monday, April 27, in the dining room of the Chamber of Commerce. About 100 members were in attendance.

Rabbi William S. Friedman gave a delightful address on "The Ideal Equality."

The following were elected to membership in our association:

Roy R. Carpenter  
Otto A. Erdman  
Samuel M. Goldberg  
Fred A. Harrison  
Louis A. Hellerstein  
Harry M. Kaufman  
C. Edgar Kettering  
John Pershing

John L. Rice  
Frank L. Ross  
Paul D. Shriver  
E. E. Sarchet  
George Stephan  
Harold Clarke Thompson  
Henry Van Kleeck  
Charles M. White  
Bryan L. Whitehead  
Harold H. Widney  
Ross F. Wilkins  
Floyd J. Wilson

The president asked the secretary if any nominations other than those proposed by the Nominating Committee had been made in accordance with our by-laws. The secretary reported that no others had been made. The



perhaps under the direction of the State Association.

The Meetings Committee, composed of Stephen R. Curtis, Arthur H. Laws and R. W. Steele, made its report, which is set forth in full herein.

"Pursuant to your request, the following is submitted as the report of your Meetings Committee, covering the period from May 5, 1924, to and including March 27, 1925:

"There were in all twenty-three meetings held, including special meetings, the memorial services for deceased members and one evening banquet. The total attendance was approximately 3426, or an average of 141.1 per meeting. Six of these were addressed by non-members of the association from outside of the state.

"The committee last year in its report recommended that more meetings be held, and there were at least six more meetings this year than last year.

"The committee feels that much has been accomplished during the year towards creating closer friendships among the members of the profession, which, in our opinion, is one of the acid test of the usefulness of the organization.

Respectfully submitted,

(Signed) STEPHEN R. CURTIS,  
ARTHUR H. LAWS,  
R. W. STEELE,  
Chairman."

The Banquet Committee, by Hugh McLean, Chairman, made its written report and stated that arrangements had been made for securing Colonel John H. Wigmore, Dean of the Northwestern University Law School, author of "Wigmore on Evidence" and one of the most distinguished legal scholars in the world today, for May 15 and 16.

Committee on Laws Concerning Women and Children made a written report through its chairman, Mary F. Lathrop. The report stated that the Denver Bar Association was the first legal organization to appoint a committee Concerning Women and Children and the first organization to do special investigating of the laws affecting women and children, notwithstanding the fact that the National Woman's Party claims that distinction. The report was very complete and will be filed in the Bar Association files.

The Legal Aid Committee made a further oral report, the main report having been printed in the May number of the Bar Record.

An oral report of the Jail Committee was given by Charles H. Haines, chairman. He stated that nothing further had been done outside of the report previously made. In conjunction with the City Club of Denver, they were making investigation of the condition of the county jail and report on this would be later submitted.

The written report of the committee on Judicial Selection was made by Edward C. Stimson, chairman of the committee. This report is written out in full herewith:

"During the months of July, August and September, 1924, this committee, to the best of its ability, endeavored to carry out the plan of the campaign for the selection of judges for the City and County of Denver, formulated and adopted by the association in January, 1924. The committee fortunately was able to enlist the active and earnest efforts of three sub-committees, first, a Finance Committee, headed by Henry McAllister, Jr.; second, a Publicity Committee, headed by Omar E. Garwood, and third, a Political Committee, headed by Gilbert McDonough and Albert C. Craig; and as Special Secretary for the various committees, Harold E. Webster served diligently and faithfully throughout the entire campaign.

"The activities of these various committees have been reported to the association from time to time, but it may not be out of place to summarize by stating that the earnestness of effort of the members of the sub-committees deserved better results than seem to have been accomplished.

"The Finance Committee secured contributions from various persons interested in the undertaking in the amount of \$5,057.50; it disbursed \$4,925.51; and at a meeting of the Executive Committee held on April 10, 1925, the unused balance of \$131.99 was converted into the general fund of this association. In the progress of the judicial campaign 17,500 Bar Association letters were delivered for distribution to lawyers practicing in Denver, together with an equal number of lists of candidates. Seventy thousand copies of the Bar Association Journal were printed and distributed.

One Hundred thousand Bar Association cards were printed and distributed, and the secretary sent out 800 personal letters.

"The Publicity Committee took advantage of every opportunity to send speakers to all gatherings where this matter might be presented in order that the Association's plan for judicial selection might at least be fully understood. Addresses were made at churches and social gatherings and indeed in every place where a hearing could be had. Newspaper notices and advertisements were freely used.

"The Political Committee made personal canvasses, distributed cards and literature and worked untiringly for the success of our undertaking. It employed the services of a few so-called "political workers." All members of these various sub-committees are to be warmly commended for the earnestness of their efforts, regardless of the results achieved.

"These results have already become history. Of the seven judges of our District Court chosen at the November, 1924, election, three were avowedly Bar candidates.

"The movement initiated by this association is bound to succeed in time for the principle back of it is sound and right. This success will come when the lawyers are willing to sink all personal and partisan preferences, look only to the judicial fitness of each person whose name is suggested as a possible judicial officer; and join unitedly and whole heartedly in securing the selection of those candidates on whom the lawyers have together agreed.

"Meanwhile the idea back of our campaign should be developed perhaps materially changed as to details; certainly carefully studied; to the end that judges be chosen without regard to their political or religious affiliations, but solely that the administration of Justice, without oppression and faithfully to all, may be made secure.

Respectfully submitted,  
EDWARD C. STIMSON,  
For the Committee."

Richard S. Fillius submitted a report as chairman of the Legislative Committee and stated that they had rendered a formal report on February 16, 1925, and also stated that it was

impossible to secure the passage of a bill providing for a Public Defender at this time and the other four bills proposed by the committee have been passed by the Legislature and signed by the Governor."

The treasurer's report was printed in the May number of the Bar Record, and John B. Geijsbeek, chairman of the Auditing Committee, sent in the following report:

"We have made an audit of the books and records of The Denver Bar Association for the fiscal year April 1, 1924, to March 31, 1925, and submit herewith our findings embodied in the following statements:

"Exhibit A—Statement of Cash Receipts and Disbursements, 4-1-24-3-31-25.

"Exhibit B—Analysis of Cash Funds—General.

"Exhibit C—Analysis of Cash Funds—Library.

"All cash receipts of record have been deposited in the bank. All expenditures have been made by properly signed checks and have been approved by the Executive Committee in accordance with Section 5, Article 11, of the By-Laws, for the General Fund; and by the Library Committee for the Library Fund.

"The amount shown as income and expense of the banquet is not complete as it covers only those items actually received or expended up to March 31, 1925, on which date neither all of the receipts nor all of the expenses had been met.

"Owing to an apparent misunderstanding between the Secretary and his bookkeeper, the system installed by your Committee last year has not been kept up; the books being kept as they were prior to the installation of the new system.

"The books should be kept under the system installed by your last year's committee in order that proper and accurate records may be obtained at any time.

Respectfully submitted,  
THE AUDITING COMMITTEE,  
By J. B. GEIJSBEEK,  
Chairman.

An oral report was made by Edgar McComb, chairman of the Committee on Judicial Salaries, stating that a constitutional amendment had been

submitted and would be up to the vote of the people at the next election. The Constitutional Amendment is set forth in full herein:

"BE IT RESOLVED, By the House of Representatives of the Twenty-fifth General Assembly, the Senate concurring:

"Section 1. That there shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of said Constitution, to-wit:

"Section 30 of Article V of the Constitution of the State of Colorado, shall be amended so as to read as follows:

"Section 30. The salaries of the Governor, the Governor's Secretary, and the Judges of the Supreme and District Courts of the State of Colorado shall be fixed by legislative enactment, provided, that the salaries of said officers heretofore fixed by the Constitution shall continue in force until otherwise provided for by legislative enactment.

"No law shall extend the term of any public officers, or increase or decrease his salary, after his election or appointment, as fixed by legislative enactment."

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment, shall deposit in the ballot box a ticket whereon shall be printed the words: "For the amendment to Section 30 of Article V restoring to the legislature the power to fix the salaries of the Governor and his Secretary and the Judges of the Supreme and District Courts as it now fixes the salaries of all other State Officers," and "Against the amendment to Section 30 of Article V restoring to the legislature the power to fix the salaries of the Governor and his Secretary and the Judges of the Supreme and District Courts as it now fixes the salaries of all other State Officers," and shall indicate his choice by placing a cross (X) opposite one or the other of said groups of words.

"Section 3. The votes cast for the adoption or the rejection of said amendment shall be canvassed and the results determined in the manner

provided by the laws of the State of Colorado for the canvass of votes for representatives in Congress."

Approved March 14, 1925.

THE WIGMORE MEETINGS

Financial Statement of Dean John H. Wigmore Lectures and Banquet

Thinking that it might be interesting to our members we are publishing herewith the income and expenditures relative to the Wigmore Banquet and Lectures. The tickets were \$2.00 each for the banquet part of the entertainment. Of this amount \$1.50 went to the Albany Hotel for the meal and fifty cents went towards the general expense. The attendance at the banquet was 280 and at the free lecture given on Saturday following between 350 and 400 took advantage of their opportunity and heard Wigmore deliver his lecture. It cost the Denver Bar Association and the Colorado Bar Association \$271.77 in excess of the amount taken in which practically meant that for each one attending the banquet the associations added one dollar. Yet, we heard plenty of remarks that \$2.00 was too much. How can we do it for less and give this class of a program.

Disbursements:

John H. Wigmore.....	\$300.00
Albany Hotel .....	418.50
Cigars .....	37.85
Music .....	12.00
Printing .....	56.25
Postage .....	20.92
David Ovler, screen and electric service .....	8.25
<b>Total .....</b>	<b>\$853.77</b>
Receipts from sale of banquet tickets .....	582.00
<b>Deficit borne by the Colorado Bar Association and the Denver Bar Association.....</b>	<b>\$271.77</b>

LAWYER WANTED

Lawyer Wanted: Firm of standing and ability desires to employ young, aggressive lawyer or law student. General practice. Give full particulars of education, experience and references, also salary expected to start. Address communications to Denver Bar Association Record, Attention Joe E. Cooke, Associate Editor. All matters will be kept confidential.

**A CHALLENGE TO OUR ACCUSERS**

April 11, 1925.

Denver Bar Record:

Is an honest lawyer such a rare thing as the laymen are led to believe, or is the honest lawyer the rule rather than the exception.

The thing that leads me to this inquiry is a motion picture which was shown at one of our local theatres this week in which two lawyers are supposed to have stolen a patent right away from an innocent Jew. Just as if this could have happened, and particularly to a representative of that noble race. Anyway, I believe that most of our lay friends feel that lawyers as a general rule are a bunch of crooks and dead beats who wouldn't stop at anything to gain a few dollars. To permit pictures to be thus displayed is an insult to our profession and to the intelligence of our friends and clients. It should be a challenge to our profession. After all is said and done the members of our profession are recognized by the thinking class for what they really are, and that is honest, God-fearing, client-defending lawyers, who bow not to the money god, but fearless defenders of the right. This needs no corroboration of facts because history abounds in examples of just this kind.

Yours very truly,

JACOB V. SCHAETZEL.

**BE SURE TO LISTEN IN**

The Committee on American Citizenship of American Bar Association, under date of May 18, 1925, has advised us that beginning Tuesday night, June 2, New York time, Honorable John W. Davis will make the opening address on "American Citizenship." An address will be made each Tuesday night, at the same hour thereafter, until July 7, by such men as Charles E. Hughes, Elihu Root, Nicholas Murray Butler, Bishop Cook of the Episcopal Church, Bishop Wilson of the Methodist Church, and a Cardinal of the Roman Catholic Church to be selected.

This committee is desirous of having our members "listen in." Arrangements have been made for re-broadcasting the speeches through the usual tie-up Broadcasting stations.

**MEMORIAL MEETING**

The annual memorial meeting of the Denver Bar Association was held in Division Two of the District Court, Monday, May 25, 1925, at 9:30 a. m. About 180 lawyers, friends and relatives of the deceased members were in attendance. The Judges of the Supreme Court and Judges of the District, County and Juvenile Courts presided. Henry H. Clark, chairman of the Memorial Committee, presented the speakers. Arrangements were in charge of Harry Raymond, Clerk of the District Court. Everything was arranged in fine order. A quartette led by Milnor E. Gleaves, and composed of the following members, Martin H. Kennedy, Thomas Keeley and Cregar B. Quaintance, sang "Forsaken," "Abide with Me," and "Sweet and Low."

Names of those deceased together with speakers are as follows:

Deceased Member	Speaker
Charles H. Redmond	L. F. Twitchell
John M. Waldon	R. D. Thompson
George K. Andrus	Charles J. Munz
Thomas E. Watters	Percy Morris
Gaines M. Allen	W. W. Anderson
Edwin W. Hurlbut	LeRoy J. Williams
Ralph E. Stevens	S. C. Warner
John H. Fry	George L. Nye
Ewing Robinson	Henry B. Babb
William A. Moore	Robert J. Pitkin

In addition to the names of those deceased members above mentioned, Henry H. Clark, Chairman, mentioned Joseph Black and Willis Stidger who also passed on.

**BAR ASSOCIATION GROWING**

The question is frequently asked as to the number of lawyers in Denver. The Secretary of the Bar Association has furnished us with the following figures:

Total number of practicing attorneys in Denver.....	889
Total number of members Denver Bar Association .....	639

Total non-members .....

250  
Probably 50 of those listed as non-members are not actively engaged in the law. Some are in other lines of work entirely, while others are retired. By far the greater number of lawyers in Denver are members of the Denver Bar Association.

## BANKRUPTCY

The recent General Orders in Bankruptcy, promulgated by the Supreme Court, are aimed at certain existing abuses in the administration of bankrupt estates, but also are responsible for the institution of unjustified proceedings.

An amendment to General Order number V requires that petitioners in involuntary proceedings whose claims rest upon assignment shall annex to their petitions the instruments of assignment and shall make affidavit showing the circumstances of the transfer and whether or not the purchase of the claim was for the purpose of instituting bankruptcy proceedings.

By General Orders numbered XXXIX to XLV, the Court prohibits the solicitation of claims and powers of attorney; limits the function of receivers to that of custodian unless otherwise specified by order of court; requires affidavits as to agreements made with respect to compositions; requires, before the allowance of compensation for attorneys, receivers and trustees, the filing of a verified petition containing a full statement of their services, and the amount claimed, together with an affidavit that there is no agreement or understanding for a division of fees between the applicant and the receiver, trustee, bankrupt, or the attorney of any of them; authorizes the denial of any fee to the attorney for the petitioning creditors if it shall appear that the proceedings were instituted in collusion with the bankrupt, or not in good faith; specifies the showing that must be made, in districts in which there is a city having a population of 250,000 or more, before an attorney for a receiver or trustee may be appointed; and sets forth the requirements antecedent to the appointment of an auctioneer, accountant or appraiser.

The defects shown by experience in the existing bankruptcy law are the subject of consideration by various bodies, which are planning to present amendments to the next session of Congress. The Chicago Bar Association's Committee on Administration of the Bankruptcy Law is at the present time engaged upon a survey of the results of the present law, as shown

by a comprehensive investigation of the cases disposed of in this district. The purpose of this survey is to assist the committee and the Board of Managers in determining the policy to be pursued by the Association in relation to certain proposed amendments to the Act.

### REPORT OF LIBRARY COMMITTEE

April 27, 1925.

Your Library Committee has purchased this year about 90 volumes of reports and digests and 15 volumes of carefully selected text books at a total cost of \$629.75. Paid for binding our Supreme Court briefs and abstracts \$663.09 from a special fund donated by Gerald Hughes, William V. Hodges, Charles W. Waterman and Karl Schuyler.

Our library has received a very generous and valuable donation of about 238 volumes of miscellaneous reports and digests through Fred W. Farrer and Wendel Stephens from the Colorado Fuel & Iron Company.

It is suggested that our law library should be leased to the City of Denver for \$1.00 per year for ten years, provided that the city shall hereafter purchase and own all reports and text books required to properly maintain it; also, provide a deputy clerk of the District Court to be appointed by the District Judges to act as librarian.

This would hold the title of our library in our Association for future use when desirable and grant to the city a great benefit, save the city from a large investment, enable the library to expand far beyond our present possibilities, and allow our Association to use the present library appropriation for other pressing needs.

#### New Court House

Architectural plans for our new court house are progressing rapidly. Necessary data has been obtained and assembled and the Allied Architects Association have substantially agreed upon a general plan which will be presented to the city for approval in June.

HARRY C. DAVIS, Chairman;  
JULIAN H. MOORE,  
CASS E. HERRINTON.

## HOW THEY WORK IN TEXAS

By J. P. Miller

In June, 1918, I made a business trip to Houston, Texas, in the interest of clients from Denver. I was so much impressed with the city, the state and the people, that I decided to make a connection in Texas and took the attorneyship of an oil company at a salary much larger than most of the attorneys can claim from the proceeds of the general practice. I mention this because I never drew but \$150.00 on my salary, kept the company out of bankruptcy and receivership, and discovered that it had a large line of liabilities with no property assets.

In August, 1918, I was admitted to the Texas Bar, but not until 1922 did I give any attention to the practice of law, having spent one year in Louisiana and one year in Chicago.

When I first came to Texas, and in talking with an attorney, who by the way I later learned to respect as one of the ablest attorneys I ever knew, and with all that he was probably a better man than he was an attorney, and asked him about Texas procedure. He replied that the Federal practice was taken from the Texas procedure, and while I smiled at the time, have since learned that perhaps there was much truth in this statement.

To one who is only known and becomes familiar with the Code as we in Colorado, and other Code states, have so prepared ourselves, the procedure here was indeed a revelation and to the beginner left the impression that there was something lacking.

We follow neither the common law nor a procedure here, and while the statute directs, there is no statutory form or expression as to a mode or method for the preparation of court procedure. Notwithstanding this, however, the method and forms adopted by the attorneys and reduced to a form book, is nevertheless complete.

Here we file our demurrer, answer and exceptions, all in one paper, and all are disposed of at the time of trial. Our procedure is by petition, under our Code a complaint, while a citation and not a summons, is issued for service on the defendant or defendants. This citation can only be issued by a clerk of the Court and in the Justice of the Peace Courts, only by the Justice.

Our Justice Court has jurisdiction in all matters except to a very few, up to \$200.00, and a case coming within this jurisdiction cannot be instituted in any other court.

The County Court is divided into the Probate and Juvenile Court and the County Courts at law. The Probate Court hears all matters including trials for insanity, as is generally the case in all states.

The County Courts at Law try nothing but civil matters, except divorce cases, with a jurisdiction not in excess of \$1,000.00. The criminal jurisdiction is also limited to a fine not to exceed \$1,000.00. No suit within this jurisdiction can be filed only in the County Courts at Law.

The Justice process can be served by any constable or sheriff in the state and in any place in the state. The party served may file a plea of privilege unless the contract or demand is specifically entered into and made payable in the county where the suit is filed. The plea of privilege is the same as our change of venue in Colorado. The Justice Court and County Courts at Law, therefore, has jurisdiction any place in the state to try the issue and render judgment unless the plea of privilege is filed and the case is removed. Likewise the constable has concurrent authority with the sheriff to serve any and all process out of any and all courts, but limited only to the counties in which they reside. It is truthfully said that one cannot be pleaded out of court in Texas, and after demurrers, motions and exceptions are sustained one can make a trial amendment and proceed or ask to file an amendment and have the case set later. This seemed, at first, restful to a Code attorney who must have all issues settled before going to trial, but after considerable experience and observations, I am of the opinion that it is an advantageous method for delay, and defeats in many instances the ends of Justice.

Our Courts of Equity are about the same except as to procedure, but the writ of injunction is frequently and readily resorted to, so provided by statute and the issuance thereof on ridiculously low bonds is astounding to the attorney who hesitates, as we under the Code, to ask for an injunction and where the Court is very reluctant in granting one.