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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. I

DENVER, FEBRUARY, 1924

No. 3

NOTICE OF NEXT MEETING

Judges' Day

Time—The next meeting of the Denver Bar Association will be held on Monday, February 4, 1924, at 12:15 p.m.

Place—Dining Room of the Denver Civic and Commercial Association. Luncheon 75 cents.

Speakers—Our guests will be the Judges of the United States District Court; Judges of our Supreme Court, District Court, County Court, Juvenile Court and our Justices of the Peace. Brief talks will be given by a representative of each court. An opportunity will be given after the meeting to greet the Judges personally.

Please—Return enclosed card *immediately*. All members of the Denver Bar are invited to attend, whether members of our association or not.

The Denver Bar Association Record

OFFICERS

Hugh McLeanPresident
 James Grafton Rogers First Vice-President
 Philip S. Van Cise Second Vice-President
 Jacob V. Schaetzel.....Secretary-Treasurer
 718 Symes Bldg., Main 580

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APPLICATIONS FOR MEMBERSHIP

The following names have been reported favorably by the Membership Committee, and will be voted upon for membership at our regular meeting on February 4:

Floyd F. Miles,
 W. F. Mowry,
 Andrew J. Reynolds,
 David W. Oyler,
 Earl Wettengel,
 T. A. White,
 F. E. Dickerson,
 Michael J. Corcoran,
 George L. Reese.

Under the auspices of the Colorado Bar Association Committee on Local Bar Associations (Wilbur F. Denious, Chairman) a conference was held in Denver on January 26, to which were invited representatives of all the Local Bar Associations in the state. The Colorado Bar Association is making a commendable effort to assist the Local Associations in perfecting their own organizations, and to bring them into closer relation with the Colorado and American Bar Associations.

We have two lawyers by the name of Mowry practicing in Denver. Lewis DeR Mowry is Deputy District Attorney, while W. F. Mowry is Referee of the Industrial Commission of Colorado. Mr. W. F. Mowry, at the request of the Secretary, has written a very interesting account for our "Record." It presents a field of practice little understood by the average attorney practicing in the civil and criminal courts, and a practice which is steadily increasing and which merits the earnest consideration of our members.

COMMITTEE IN CHARGE OF BAR PRIMARIES

The following have been appointed to act as The Committee in Charge of Bar Primaries:

W. W. Grant, Jr., Democrat.
 Albert G. Craig, Democrat.
 Paul P. Prosser, Democrat.
 Golding Fairfield, Republican.
 Fraser Arnold, Republican.
 George Winters, Republican.

The President of the Association acts as ex-officio chairman.

At a meeting of the Judiciary Committee, together with the Committee on Bar Primaries, held on January 21, 1924, the following preliminary rules were adopted to govern the conduct of primaries, to-wit:

1. Primaries open to all lawyers, whether members of the Denver Bar Association or not.

2. In order to nominate a candidate for one of the offices, it shall be necessary for the nominee, or someone for him, to file with the Secretary of the Bar Association an application on a form to be furnished by the Secretary. This nomination shall be signed by ten or more lawyers, and shall also bear the written acceptance of the nominee, with the designation of the party to which he belongs.

3. Forms for nomination shall be mailed by the Secretary to all attorneys in the city.

4. The nomination blanks, with instructions, shall be mailed on or before the 5th of February, 1924, and all nominations in regular form must be delivered to the Secretary not later than 12 o'clock noon on February 25, 1924.

5. All those on whose behalf nominations are properly filed, as above set forth, shall be considered candidates at the Denver Bar Association Primaries, and at a date subsequent to February 25, 1924. The Bar Primary Committee shall designate a time and place at which all attorneys in the city may cast their ballots for such nominees.

6. The voting shall follow substantially the procedure of the regular Primary Elections. Each voter shall be handed two ballots at the polling place, one of which shall designate the Democratic candidates and the other the Republican candidates. The voter shall then vote on one or the other, depositing the bal-

lot voted in a ballot box provided for that purpose, and placing the other in another ballot box provided for the unused ballots.

7. The voter shall not be required to designate which ticket he intends to vote, but he shall be permitted to vote but one ticket. As to District Judges, he shall not designate more than seven from either party, and will not be permitted to designate from both parties on one ballot.

8. Any ballot erroneously marked shall be considered void and not counted.

9. A register book shall be kept at the polling places and the names and addresses of all voters shall be kept therein, without designation of party. Balloting shall be at such places, and within such hours, as may be designated by the Bar Primary Committee.

10. Due publicity shall be given through newspapers, or otherwise, of date, place and hours of balloting.

11. Candidates shall be listed alphabetically on the ballots.

12. The plurality, and not majority, method shall be used in determining the result of the balloting. The seven candidates for District Judge who shall receive the highest vote on each ticket, and the one candidate for County Judge who shall receive the highest vote on each ticket, shall be declared elected as the choice of the lawyers of Denver. If any vacancy shall occur, by death, resignation or otherwise, in the list so chosen, the candidate or candidates who received the next highest vote at the balloting shall be designated to fill the vacancy.

13. The vote cast for the respective candidates shall be kept secret, and no announcement made except the names of the successful candidates.

Such further rules may be made as the Bar Primary Committee may determine.

With this edition of "The Record" is being mailed application blanks for the nomination of seven district court judges and one judge of the county court. Read the rules carefully and if you have any questions or suggestions take them up with Hugh McLean, chairman ex-officio of the Bar Primary Committee, at the Colorado National Bank.

WHY BLAME THE LAWYERS?

"In the United States, as in Great Britain, the lawyers have been foremost in the demand for an improvement in the method of conducting litigated cases in the interest of greater economy and expedition in time and money. Yet their efforts have been nullified by laggard legislatures and unappreciative governors, who were unable to grasp the significance of things that they do not understand. The lawyers want an improved procedure and should not be censured because they cannot get it. The blame should be placed where it belongs."—San Francisco Recorder.

The Secretary, commencing February 4, will have a desk at all meetings. Dues may be paid, application blanks received, and any other information the members may desire, and the Secretary can supply, will be given. Meanwhile send in articles you would like to see appear in our "Record." Help us make it a real, live and serviceable paper for the members of our profession.

The Association has received a request from the Community Chest for assistance in the legal aid work which comes up in connection with charity cases. We have also had correspondence from the National Association of Legal Aid Bureaus, requesting that in co-operation with the charity organizations our Association establish in Denver a Legal Aid Bureau. This whole matter will be made the subject for discussion and action at a general meeting of the Association in the near future. Meanwhile, we desire to have volunteers who will agree to take one or more of these charity cases, from time to time, for the Community Chest. Please send the name, address and telephone number to the Secretary.

Isham R. Howze, a pioneer lawyer of Denver, died at his home December 13, 1923. Mr. Howze was born at Nashville, Tenn., March 6, 1851, and had been a resident of Colorado for forty years. He held the office of justice of the peace and secretary of the elections commission, and was active in political councils. Mr. Howze was admitted to our Association February 19, 1910, and was highly respected by both bench and bar.

WORKMEN'S COMPENSATION LAW

By W. F. Mowry, Referee of the Industrial Commission of Colorado

Our law dates from 1915. It applies to employers employing four or more employees. It does not apply to farm or domestic labor, or railroad employees. All public employees are insured, by law, with the State Fund. Insurance may be secured through the State Fund, private companies, or by self-insurance permits granted by the Commission. Compensation is based on 50 per cent of the average weekly wages, not less than \$5.00 nor more than \$12.00 per week, during disability. The disability must be traced to an accident connected with the employment. Wages are determined by dividing the claimant's previous six months' earning by 26. Medical allowance \$200.00 during the sixty days following the accident. Nothing is paid for the first ten days' disability. Maximum allowance for permanent partial disability \$3,120.00. Compensation for permanent total disability is paid for life. Maximum allowance for death \$3,750.00. Wife and minor children, under 18 years, are conclusive dependents, their right being determined by relationship alone. Children over 18 years, husband, wife, mother, father, grandparents, sister or brother may claim compensation, but dependency is based upon the proportion the contribution received actually bears to their total income. Certain periods of compensation are allowed for the loss of finger, hand, arm, foot, leg, loss of hearing, loss of vision, disfigurement of face or head. All employers are required to report all accidents to the Commission and their insurance company. The company admits or denies liability within fifteen days after the injury. If liability is admitted the company files statement of the amount which will be paid, and the period of disability for which compensation will be paid. Admissions are approved or rejected. If rejected, the case is placed upon

the trial calendar. Claimants may also file claim upon blanks furnished by the Commission. Hearings are held by the Referee, after notice, at the county seat nearest the claimant's home. The issue in each case is stated at the beginning of the trial. Evidence follows the order and rules of the ordinary court of record. The Referee is the judge of the law and the facts. His decision is written, and is final unless review is sought. If reviewed by the Commission, they enter a new award. If this award is the same as the Referee's, the case can be taken to the District Court. If the award is different from the Referee's, a second petition for review and action thereon by the Commission is necessary before the case can be taken to the District Court. The record of the Commission constitutes a record for the District Court, and review is limited to errors assigned in this record. No new evidence can be introduced in the District Court. The Court may either affirm, modify or reverse the award and remand to the Commission for further action.

In 1923 the Department heard 2,488 cases, of which 1,405 were heard in the counties outside of Denver. Two thousand and five Referee awards were written in 1923; 160 petitions for review to these awards were filed; 3,855 cases were settled by mutual agreement of the parties. The total amount of compensation awarded in 1923 was \$523,832.61. The mail of this department is the heaviest of any department, with the exception of the Secretary of State.

This law increases the lawyer's field of practice. Seventy-five per cent of all cases heard would never arise except for this law. Of the remaining 25 per cent, not more than 15 per cent would result in a court action with favorable results either to the claimant or his attorney. The issues, of course, are limited as compared to the issues in the ordinary action for damages, and yet some of the most interesting cases, from the lawyer's standpoint, are constantly being heard by the Referee. The Referee appreciates the assistance of attorneys in these cases, where the issues are worth while, and where the amount involved warrants the payment of a reasonable fee.