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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, AUGUST, 1924

No. 9

Denver Bar Candidates Must be Elected

Let's Roll Up Our Sleeves and Go to Work

PRIMARY ELECTION, SEPT. 9, 1924

The Republican and Democratic County Assemblies have nominated their respective judicial candidates for office. The nominees include all of our candidates as selected by the recent bar primary election.

Both assemblies designated some good men who were not selected by the lawyers of Denver as Bar candidates. The basis upon which the bar primary election was held, however, was that the Association collectively and individually would support the election of its successful candidates. This basis is fair and right. The Association is fully committed to it. Candidates as selected by the Bar and designated by the assemblies are as follows:

JUDGES OF THE DISTRICT COURT

Republicans

Charles J. Blakeney
Charles C. Butler
Henry J. Hersey
Julian H. Moore
Charles F. Morris
Frank McDonough, Sr.
Roger H. Wolcott

Democrats

Henry B. Babb
William C. Danks
George F. Dunklee
Samuel M. January
William F. Mowry
John M. Wardlaw
*J. Warner Mills, Jr.

*Withdraw name.

JUDGES OF THE COUNTY COURT

Republicans

George A. Luxford

Democrats

Oliver S. Dean
Robert W. Steele

The Denver Bar Association expects the lawyers of Denver to see to it that their candidates are elected at the primary election to be held Tuesday, September 9, 1924. There is nothing more important for us to do. The Bar Primary Committee will issue more specific and practical directions to accomplish our purpose within a short time. This committee is composed of the following: Edward C. Stimson, 724 Equitable Bldg., Chairman; Platt Rogers, Kittredge Bldg.; Wayne C. Williams, Attorney General, State Capitol Building; John C. Vivian, 820 Symes Bldg.; Halsted L. Ritter, 724 Equitable Bldg.; Frazer Arnold, 730 First National Bank Bldg.

A COMPARISON

The Secretary of the Denver Bar Association recently made a trip to Los Angeles and San Francisco and while there interviewed the Secretary of each of these organizations. He states that "in Los Angeles County there are about 2,500 practicing lawyers. Out of this number about 1,250 belong to the association. From three to four membership meetings are held each year. The average attendance at these meetings is about 150. They have no monthly publication. The Secretary acts as chairman of the Grievance Committee. His salary is \$300 per month and in addition is given an office allowance of \$119 per month and all stationery and stamps."

The Grievance Committee has a paid prosecutor who is paid a salary of \$100 per month. The library is owned by the County and the County charges each lawyer \$9.00 per year for the privilege of withdrawing books. Inasmuch as most lawyers exercise this privilege it makes the annual dues \$19 per year. The Los Angeles Association has disbarred, within the last ten years, about 75 lawyers.

Last year a bill was prepared and presented to the California legislature concerning the definition of what constitutes the practice of the law. The trust companies were very active in resisting the passage of this act. The lawyers conducted a very dignified campaign of education while the trust companies, it is reported, in defeating the proposed law spent about \$500,000. After it was all over thousands of lawyers were so incensed at the insinuations cast upon them and their profession that they withdrew a great deal of business from the trust companies. The Secretary stated that the bill would again come up for action at the next session of the legislature.

The Public Defender takes care of practically all of the charitable cases, both civil and criminal, and this works very well.

Members who are delinquent for one year are promptly dropped from membership.

The Secretary of the San Francisco Bar Association stated that their association had about 1,800 lawyers eligible for membership, with about 1,250 belonging. They hold regular luncheon meetings once each month and from 125 to 150 members attend. Some local or national speaker is put on the program. Generally about 200 attend the annual meeting and banquet. The dues are fifty cents per month for the first five years, \$1.00 per month for the second five years and \$1.50 per month after a lawyer has practiced for a period of ten years or more. The Association has a library of about 15,000 volumes located in the Chancery Building. Rental for library and office space is \$425 per month. The Secretary acts as librarian and receives \$100 per month salary."

It is a privilege to belong to The Denver Bar Association.

A CASE IN POINT

A real estate deal was being closed in the office of one of our members the other day and the seller told the buyer that it would not be necessary for him to have the title examined because his lawyer had examined it just a little while before, and that his lawyer had been doing his business for years and was one of the best in Denver. The attorney for the buyer asked the seller who his lawyer was and he said George J. Humbert, in the Mining Exchange Building. Informed that his supposed lawyer had been disbarred from the practice of law by the Colorado Supreme Court on May 3, 1920, the seller had nothing more to say. The seller was asked to produce the opinion of title and produced it, but the words "lawyer" or "attorney" were missing from the opinion. He was grateful for the information, and it was suggested that the next time he wanted to go to a lawyer he should try and find one that could produce a membership certificate in THE DENVER BAR ASSOCIATION. There would then be no embarrassing questions asked.

FEDERAL JURIES

On June 2, 1924, the President of our Association received a communication from the American Bar Association relative to pending legislation in Congress affecting the Federal judges and their procedure relating to instructing juries orally and commenting on the evidence. The President felt that while slight abuse of this power had been exercised by Federal judges, nevertheless it was wholly the fault of the judge rather than of the laws which permitted this. The following committee was accordingly appointed to act on the matter: Gerald Hughes, Henry McAllister and Charles Brock, with instructions to telegraph the objections of the Denver Bar Association to Senators Phipps and Adams, and to Representatives Vaile, Timberlake, Taylor and Hardy. The report of this committee is contained below:

"The undersigned committee appointed by the President of Denver Bar Association for the purpose has considered the bill pending in Congress restricting the powers of Federal judges respecting instructions to juries being as we are informed Senate Bill six twenty-four and House Bill thirty two sixty. Stop. We are unanimously of opinion this measure if enacted would result in lowering the dignity of the Federal Courts and the character of justice they administer. Stop. Our experience has been that the present procedure is largely responsible for the superior efficiency of Federal over State courts which is recognized above all by those who require and welcome the aid of an experienced mind in analyzing the evidence and separating the material from the immaterial which cannot be done through abstract and stereotyped written instructions perfunctorily read to a jury. Stop. We earnestly believe this bill is designed to break down the standard of the Federal judiciary and that it should be defeated.

"(Signed) Gerald Hughes,
Chairman.
Henry McAllister,
Charles R. Brock."

COLORADO BAR ASSOCIATION ANNUAL MEETING

The annual meeting of The Colorado Bar Association will be held in the Rose Room of the Antlers Hotel, Colorado Springs, September 19th and 20th. This meeting promises to be one of the best held in years. The principal address will be delivered by James M. Beck, Solicitor General of the United States. All district courts, the Supreme Court of Colorado, and the United States District Court will be asked to adjourn until after the meeting. The judges of the United States Circuit Court of Appeals, which will be in session, has been invited to attend the meeting *en banc*. The Federal Trades Commission will be invited to attend. This latter Commission is scheduled to hold a meeting in Estes Park a few days previous to September 19th.

The topics to be discussed, while not yet announced, will prove very interesting and a lively discussion is anticipated relative to some of the points brought up.

The members of the Denver Bar Association are urged to make arrangements now to attend this important meeting.

WORK TO DO

In entering the election arena on behalf of our candidates for the Judiciary we are actuated with only the highest sense of civic responsibility—responsibility which we could not shun if we would, and would not if we could. No personal motives should govern our efforts to elect the seven best candidates for the District Court, and one for the County Court. Political bias should be studiously avoided in an endeavor to elect the best jurist. Regardless of political affiliation, Denver citizens and the lawyers of Denver must have the best.

Put a little gold braid on a man, or pin a medal on his chest, or elevate him to the Bench, and presto, we often have a changed individual. A man's real character does not show itself until he is vested with authority. This we have learned from experience. Let us be as united insofar as it is possible for lawyers to agree, and inform our friends and

acquaintances of the character, legal training and fitness of the candidates. Let us act fearlessly in this work, which means more to the public than it means to the lawyers, for after all, the courts were made for the people. We represent our clients and not ourselves. With judges on the Bench who are not properly equipped, it is the client who suffers, as well as the lawyer. An incompetent judge always means more expense, extended litigation, and miscarriage of justice, while a good judge acts impartially, fearlessly and according to the law, thus satisfying all litigants and lawyers.

ANNUAL REPORTS

(Continued from last issue)

COMMITTEE ON LAWS CONCERNING WOMEN AND CHILDREN

Mary F. Lathrop, Chairman

The work of the Committee on Laws concerning Women and Children for the current year has been two-fold.

First: Giving information and making addresses to various women's clubs on the Laws of Colorado.

Second: Writing letters and addressing women's clubs on the amendment to the Constitution of the United States, proposed by the National Woman's Party for alleged equal rights for women.

Addresses have been made before twenty-seven clubs, including the North Side Woman's Club, Washington Park Community Club, Wednesday Current Events Club, West Side Woman's Club, Boulder Woman's Club, Greeley Woman's Club, The Women's Christian Temperance Union, various luncheon clubs, etc.

The chairman of the committee by invitation replied to Miss Paul at the meeting of The Colorado Bar Association. This was rather a work of supererogation, inasmuch as the men members of the Association had by pertinent questions left but little of Miss Paul's speech unrefuted. The State President of the W. C. T. U. called up the chairman of your committee and requested that she write to certain Colorado congressmen who had expressed themselves

as in favor of and intending to vote for the amendment. Letters explaining the evil of the amendment were written and the gentlemen promised to look into the matter.

The amendment, however, is a subject of active and well-organized campaign work, and on a recent trip over from Philadelphia to Chicago, William Draper Lewis, President of The American Law Institute, advised the chairman of this committee that he believed Miss Paul and her organization would put the amendment through. The National Woman's Party have had, and are holding many meetings in Colorado. They are well organized and amply supplied with money. They maintain a powerful lobby in Washington.

Your committee believes the time has come when this Association should take some active steps against the propaganda for this amendment. It is a matter of change in the fundamental law of the land, and as such, lawyers should take an active part in preventing the passage of an amendment which would not only be an injury to the rank and file of the women of the country, but would make us ridiculous in the eyes of the world.

BANQUET COMMITTEE

Caldwell Martin, Chairman

The Denver Bar Association held two banquets under the direction of the Banquet Committee during the present fiscal year.

The first of these banquets was held on the evening of September 3, 1923, at the Brown Palace Hotel, at which Hon. George W. Wickersham, former Attorney General of the United States, and Hon. Robert S. Gast, President of the Colorado Bar Association, were the speakers, with Hon. Charles S. Thomas as the toastmaster. The attendance at the banquet was 145 persons.

The second banquet of the Association arranged by the Banquet Committee was held on the evening of March 3, 1924, at the University Club. Hon. Robert E. Lee Saner, President of the American Bar Association; Hon. Nelson H. Loomis, of Omaha, Nebraska, General Solicitor of the Union Pacific Railroad Com-

pany, and Hon. Tyson S. Dines, of the Denver Bar, were the speakers, with Hon. Henry McAllister, Jr., as toastmaster. The banquet was largely attended, there being over 300 persons present. A considerable number of guests came from points outside of Denver, with some few attending from Wyoming.

The detailed statement of receipts and disbursements covering each of these banquets is embodied in the report of the Treasurer of the Association.

The matter of arranging the necessary facilities at the banquets for the number of guests attending has proven somewhat difficult in the past. This is due to some extent to the failure of the committee to receive information as to the attendance to be expected, and also in part to the delay of members of the Bar in purchasing tickets until the night of the banquet. At the banquet at the University Club considerable confusion arose over the sale of tickets in excess of the accommodations arranged for, necessitating the refund of the amount of tickets to approximately thirty guests who could not be served.

While it may not be possible in the future to eliminate all disorder in the seating and serving of guests, it is felt that improvement can be made over the conditions in this respect prevailing at the last two banquets. Having only in mind the desire to make such recommendations as may prove useful to future banquet committees, the following somewhat elementary suggestions are offered:

In the sale of tickets every effort should be made to place the tickets in the hands of guests before the night of the banquet, and arrangements should be made whereby those purchasing tickets in advance may be assured of seats at the banquet. Those failing to purchase tickets until the night of the dinner, with the exception of out-of-town guests, should not be assigned seats until guests who have previously acquired tickets are first accommodated. The sale of all tickets should be under the supervision of the Banquet Committee, including those tickets sold on the night of the banquet. No

tickets should be sold in excess of accommodations arranged for the banquet, and an ample number of representatives of the committee should be assigned to serve at the time of the banquet in the sale and collection of tickets so as to avoid confusion and to insure the collection of all tickets sold.

A NOTABLE ACHIEVEMENT

The Colorado Supreme Court is up with its work. If not for the first time in the court's history, it is at least the first time in many years that the docket is practically cleared. All argued cases have been determined, and the cases submitted on briefs and at issue have been disposed of with a few exceptions in which the cases are under consideration. This results from two causes, aside from the unusual activities of the court for the past few years. The first cause is the determination of cases on application for a supersedeas. Under the present rule when application is made for a supersedeas in a cause which presents no great complexity, and in which the question of error is of easy determination, the judgment may be reversed or affirmed on one consideration of the case. Thus a second study of it, which would be required on final consideration, after supersedeas granted, is avoided, with a consequent saving of time.

The second cause contributing to the speeding up of the court's work is the new rule which prohibits extended briefs, and re-argument in applications for rehearings. These re-arguments, under the old practice, required the court to go over the cases in detail, and the work consumed much of the court's time.

It is said that an investigation made by a member of the court developed the fact that in this state an application for rehearing is made in a much larger percentage of causes than in other states. The percentage is six to ten times the percentage of some of the states.

The court has determined causes filed as late as February last, and at issue on June 13th. The July announcement included cases filed in January and February of this year.

EXTRACTS FROM ADDRESS DELIVERED BY GEORGE Q. RICHMOND AT OLD TIMERS DAY.

Emerging from the Union Army in 1865, with the same rank as when I entered the service, that of High Private, I resumed my studies in the Columbian College of Washington, D. C., now known as the George Washington University. In 1868 I graduated, and on motion was admitted to practice in the Supreme Court of the District of Columbia.

Before coming to Colorado I was led to believe that the "Western Bar" had become a distinctive title, universally used to designate that class of lawyers who were supposed to know more about the practices of Colonel Bowie than those of Chancellor Chitty, and better versed in "Colt, on Revolvers," than Coke, on Common Law. All the peculiar eloquence in conception and bombastic in style was credited to the Western Bar, but I learned at once to accept it in a more cosmopolitan and catholic sense.

Locating in Pueblo, in the Third Judicial District, where Hon. Moses Hallett presided as Judge of the Territorial District Court, and where court was held in an old adobe building with a dirt floor, I attended the session on the first day of the April term, and then and there beheld on entrance to the building an orderly crowd, a few lawyers, sitting where they are supposed to sit, here and hereafter, nearest the fire, awaiting the arrival of the Honorable Judge. As he entered the building everyone arose, standing in silence until he assumed his chair and the sheriff had opened court. A more orderly crowd, a more dignified judge, a more respectful attention, a more respectable appearing lot of attorneys, I have never seen than was there collected. Among the number was Calvin J. Thatcher, the first Chief Justice of the State of Colorado; W. F. Stone, George A. Hinsdale, Lieutenant Governor of Colorado; Hon. Bela M. Hughes, General Sam Brown, United States Attorney, and Allen A. Bradford, first territorial representative to Congress; District Attorney Ripley, John W. Henry, afterwards District Judge of the Third Judicial District of

Colorado; George W. Chamberlain, formerly United States Attorney, and some others whose names and presence I do not recall, but they were all gentlemen, ripe scholars and well grounded lawyers. Some few of them were from Denver.

In 1871 the number of attorneys admitted to practice in Colorado was 143. The number gradually increased during the year, and in the 80's and 90's went by leaps and bounds. Today those who are in the swim are beckoning to the outs, exclaiming, "Come on in, the water's fine," and this, too, notwithstanding there has been licensed to practice, up to the year 1905, 3,432 attorneys.

In those days there were no nolo contendere, no compromise or compounding of offenses, no suspension of sentences; the rule was plead guilty and tell it to the court, or stand trial and tell it to the jury.

Of the judges of our Supreme Court up to the present time I cannot refrain from saying that from the day of their elevation to their high positions they gradually grew in the public esteem and confidence, and that no tribunal can be mentioned in any part of the Republic where the administration of perfect justice could and may be more confidently expected, or where a more patient and courteous hearing may be looked for on the part of counsel, however humble in standing or inexperienced in practice.

Whether you agree with this statement or not, one thing is certain, the people of Colorado have in the past years had the benefit of more talent, more earnest, honest, meritorious service from its judges, for a more niggardly compensation, than any state in the Union, and I suggest that this association take up at once an amendment to the Constitution of the State of Colorado permitting the Legislature to regulate the salaries of judges of the Supreme Court, and all other courts of record in this state.

I am reminded of a colloquy between George W. Chamberlain and Judge Hallett. In the midst of an argument Judge Hallett interrupted Chamberlain, asking him if he was really sincere in claiming the law to be as he stated. With slight embarrassment Chamberlain said: "No

sir, I am not, but your Honor has disagreed with my contention of the law in three cases at this term, so not desiring to appear totally ignorant of all law I have taken the view of the law in this case contrary to my convictions of what it really is, hoping your Honor would agree with me, thereby saving my reputation."

Anyone who knew General Bela M. Hughes and Alfred Sayre well knows that they were both rather dignified and reserved in their manner. Jokes were about the last thing either of them thought of, but General Sam Brown was always indulging in jokes and sometimes of a too practical nature. One day Sayre and Hughes were talking together in the court room waiting for court to open, when Brown walked in front of General Hughes, holding a long hair between his thumb and finger. Hughes immediately responded, "Well, Brown, you don't deny a man has a right to have his wife's hair on his shoulder, do you?" "Indeed not," said Brown, "but I just picked this off of Alfred Sayre's shoulder."

I have confined my remarks in a measure to attorneys who figured in the practice during the early 70's. They have lived in Colorado, and while they have all gone, their memory remains, and so, in the history of many lives, what shadows they are and what shadows they pursue, the memory of the deeds they did lives on. Their lives go out like sentinels relieved, to sleep; lives grown brave and useful in their state, that would make others better by their reading.

The glory of a lawyer is his strength of character. His knowledge and acumen must be forever respected. It is his lasting capital. Fires never burn it, slanders cannot kill it, distance cannot destroy it, for what he owns in knowledge is his, is valuable and is lasting.

To the younger members of the profession I would say, for generations past in all countries where lawyers are known, their example and influence as a class have been in general favorable to sound morals, as well as to the advance of civil and religious liberty. Let the world be able to look to you for the avoidance of all those wretched arts of chicane and knavery. Keep vividly

in mind that by you are the hidden villainies of the world to be brought to light, profligacy, however plausible, to be unmasked, and the betrayers of the cause of freedom to be consigned to undying infamy. Recollect that it is your high and inestimable privilege, by judicious counsel, to rescue your clients from merciless cupidity and unmerited ruin; to defend character from columnious accusations. Be brave as the defenders and upholders of such civil institutions as the world has never seen but once, fearless and indefatigable champions and promoters of social reform and progress. Defend the constitutions of the Federal and State governments and maintain the republican form of government, preserving to each branch, executive, judicial and legislative, its allotted powers from enemies within and without.

MAN OR MANIKIN

No matter whence you came, from a palace or a ditch,
You're a man, man, man, if you square yourself to life;
And no matter what you say, hermit-poor or Midas-rich,
You are nothing but a husk if you sidestep strife.

For it's do, do, do, with a purpose all your own,
That makes a man, a man, whether born a serf or king;
And it's loaf, loaf, loaf, lolling on a beach or throne,
That makes a being educated to act a limp and useless thing.

No matter what you do, Miracles or fruitless deeds,
You're a man, man, man, if you do them with a will;
And no matter how you loaf, cursing wealth or mumbling creeds,
You are nothing but a noise, and its weight is nil.

For it's be, be, be, champion of your heart and soul,
That makes a man a man, whether reared in silk or rags;
And it's talk, talk, talk, from a tattered shirt or stole,
That makes the image of a god a manikin that brags.