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WILLIAM D. NEIGHBORS

JERRY D. LOCKWOOD*

In 1939, the winds met little resistance when they whistled through the town and surrounding plains of what is now Longmont, Colorado. It was a front-range scene vastly different from today's populous, high-tech boom area. It was still very much the old west. It was into this setting that William Donald Neighbors was born on April 21, 1939. The son of pioneer stock, Bill Neighbors began his life on the farms and ranches of eastern Colorado.

Neighbors' early environment led to a life-long fascination and respect for the land and its people. Farming and ranching operations particularly caught the eye of this young man. As a youngster, he helped his family with the jobs and duties associated with their agricultural operation. His early experiences in the 4-H club and other agricultural organizations still manifest themselves in his activities and interests as an adult.

In 1957, Bill Neighbors graduated from Longmont High School. He immediately enrolled in Colorado State University in nearby Fort Collins and graduated in 1961 with a Bachelor of Science in Farm and Ranch Management. His appetite for education merely whetted, he then entered the Graduate School at Colorado State University, and obtained a Master of Science degree in Economics in 1962. Neighbors subsequently enrolled at the University of Colorado School of Law in 1962, and received his LL.B. in 1965.

As a third year law student, Bill Neighbors clerked in the Boulder law firm of Williams, Taussig and Trine. As was their custom each year, the firm contacted Colorado University Law Professor Homer Clark to discuss promising young lawyers in the graduating class. Professor Clark's recommendations confirmed their own inclinations and, upon graduation, Bill Neighbors was hired as an associate.

As a young associate Neighbors quickly became adept at all phases of trial work, both criminal and civil. The skills he sharpened early in his career would lay the groundwork for positions yet to come. From 1965 to 1970 he served as an associate in the Boulder law firm and in 1970 was made a partner. It was to be a short-lived partnership.

By 1971, Bill Neighbors' courtroom skills had drawn statewide attention in the legal community. It was his reputation as a trial attorney that attracted the Colorado State Public Defender's office. Public Defender Rollie A. Rogers had heard of the young lawyer's prowess in the courtroom and promptly offered Neighbors employment as the Chief

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Trial Deputy for the State Public Defender. Enthused by the opportunity to expand upon his criminal law experience, Neighbors accepted the position.

As Chief Trial Deputy, Neighbors handled the most difficult, time-consuming cases in the statewide caseload of the Public Defender. Rogers once recalled a first degree murder case filed in Grand Junction, Colorado to which Bill Neighbors was assigned. It was described as a "helluva killing" by Rogers and it gave rise to a not guilty by reason of insanity defense. The prosecution of the case hinged upon the testimony of Dr. John M. MacDonald, M.D., a well respected criminal forensic psychiatrist often used by the State of Colorado in such cases. Dr. MacDonald's reputation was one of expertise, credibility and toughness. Yet, Neighbors' cross-examination of Dr. MacDonald so impressed Rogers that a transcript of the trial was ordered, and used for years in training and preparing young deputy public defenders in the not guilty by reason of insanity defense.

Bill Neighbors demonstrated that certain level of cleverness necessary to all good criminal defense lawyers in the case of *People ex rel. Fred Wyse v. District Court*.¹ Using the habeus corpus proceeding in a most creative fashion, Neighbors and then Boulder Deputy Public Defender William Gray attempted to show that the then existing marijuana possession statute was unconstitutional. The Colorado Supreme Court would later frown upon their transparent attempt to "expedite" justice, particularly since the same identical issue, out of the same district court, was then pending before the supreme court.

After only two years with the Colorado Public Defender, Bill Neighbors' efforts were rewarded with an appointment to the Boulder County District Court bench on March 1, 1973 by Governor John Love. Neighbors was initially assigned to the general civil division of the district court. Justice Neighbors' quickly acquired a reputation as a fair and thorough judge who exhibited concern for counsel and litigants alike.

Justice Neighbors sat for civil cases ranging from the bizarre to the pathetic. It was he who did the preliminary work on the litigation arising from the Vail resort gondola accident in the mid-1970's. One of his most memorable cases heard while on the district court bench was the infamous Boulder County Jail peanut butter case.

Through a random draw, Neighbors was assigned to hear a civil suit stemming from a complaint filed by a detainee in the Boulder County jail. The defendant had concluded that he could not eat any food that had been grown in the dark. The only solution, so the defendant alleged in his complaint, was for him to be allowed to eat peanut butter freshly ground by the county jail. Peanut butter, he felt, solved his nutritional requirements and got around the part about the dark. Counsel for defendant, now dean of a prestigious eastern law school, dutifully argued his client's problem and then pitched the peanut butter making

1. 180 Colo. 88, 503 P.2d 154 (1972).

machine. Alas, fate had dealt counsel and client a poor hand. Not many jurists in the State of Colorado, much less Boulder, had the agricultural background of Bill Neighbors. Upon quizzing counsel in the case, it became apparent that neither he nor his client knew the origins of the common peanut. Neighbors proceeded to explain the nature of the common peanut and its un-nutlike habit of growing underground, in the dark, and thus summarily deflated counsel's argument.

In January of 1981, Neighbors was rotated into the criminal and juvenile division of the Boulder District Court. Shortly after this assignment, he was named the Chief Judge of the Twentieth Judicial District by Chief Justice Paul Hodges.

As Chief Judge, Neighbors displayed his latent administrative skills and managerial capabilities. During his term as Chief Judge, the judicial district embarked upon a complete review and modification of the case assignment and caseload management program, implemented a comprehensive program of computerization of court records in the county court clerks' offices and divisions, consolidated the two clerks of court offices into a single administrative unit, and instituted the highly successful judicial retreat concept. He was immensely respected by support staff and fellow judges alike for his common sense approach to procedural and personal problems. He improved the working relationship between the court and the Boulder County Commissioners, the Colorado Judicial Department, the local Department of Community Corrections and Probation Services.

Neighbors demonstrated his dedication to a strong bench by serving on the Colorado Judicial Qualifications Commission while he was a district court judge. Throughout his judicial career he has maintained a commitment to strengthening the legal profession. As a judge, he has assisted with many judicial conferences and meetings, and has always been available to discuss problems with the criminal justice system. He has had a long standing relationship with the National Institute for Trial and with the Colorado Trial Lawyers Association. He has taught at the University of Colorado on many occasions, most recently teaching a course on Women and the Law.

On September 14, 1982, William Neighbors was appointed to the Colorado Supreme Court by Governor Richard D. Lamm, replacing the retiring Justice Robert Lee. His two and one half years on the supreme court have been highlighted by his scholarly approach to the law and his commitment to the sound concepts of judicial administration.

Two especially significant cases authored by Justice Neighbors are *People v. Lowe*,² and *Pena v. District Court*.³ In the *Lowe* case, strict construction was applied to the concept of judicial discretion in cases where evidence offered must face the standard test of relevancy. This opinion

2. 660 P.2d 1261 (Colo. 1983).

3. 681 P.2d 953 (Colo. 1984).

is often used as one of the standard tests in evidentiary questions of this nature in Colorado.

Neighbors utilized his experience as a Chief District Judge in writing the opinion in *Pena*. The case concerned whether a Colorado District Court possessed the inherent authority to issue an order to show cause to officials of the Denver City Administration regarding the extreme temperature in one of the courtrooms in the Denver City and County Building. Neighbors clearly delineated the authority of the Colorado Judicial Department to remedy such "sticky" situations and ruled that the requisite authority rested only with the chief judge of the particular judicial district or the Chief Justice of the Colorado Supreme Court.

As a trial lawyer and as a judge, Neighbors' career has been consistent in two respects. First, he has had an unswerving dedication to the legal profession, to the practice of law with integrity and competence, and to the efficient administration of justice. Second, Bill Neighbors has always been, and will always be, a legal scholar dedicated to the improvement of legal skills through academic effort and training.

There is an oft-quoted saying in the Old West about the "drugstore" version of the American cowboy. The drugstore version has all the trappings and outward appearances of a real cowboy but none of the background or life experiences. Unlike the drugstore cowboy, Bill Neighbors is the genuine article — native of Colorado, proven trial lawyer, legal scholar and educator, and experienced jurist. And, like a true Westerner, Justice Neighbors announced that he was moving on to new challenges and returning to private practice on February 1, 1986. His skill, wisdom, and expertise will be missed by the court and by the State of Colorado.