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COUNTY COURT RE-VISITED

BY DAVID BROFMAN

David Brofman, Judge of County Court, City and County of Denver; born in Louisville, Ky., 1904. He is a former newspaper reporter, having worked on the old Denver Express, The Times, The Rocky Mountain News, and The Denver Post. Graduated from Westminster Law School; admitted to practice of law 1929; appointed presiding Municipal Judge 1948; has served as Judge of the County Court since April, 1951. Judge Brofman is a vice president of United Funds, executive vice president of Denver Press Club, a trustee of the General Rose Hospital, president of the Women's Alcoholic Rehabilitation Center, a member of the Mile High Charity Committee, vice president of Colorado Mental Health Association, president of Denver Chapter of American Society for Public Administration, president of Colorado Association of County Judges, a member of the Board of Governors of Colorado Bar Association.



A lawyer of some thirty years' experience walked into chambers recently somewhat distressed because he was unable to find in the Court file a document he was certain he had filed. I walked over to the Clerk's Office with my lawyer friend and examined the fee book into which is entered a brief description of every filed document. The entry did not appear under the number and title of the estate. I requested the approximate date of filing and fifteen minutes later I handed the lawyer a photographic copy of the document — it had been filed but the case numbers had been transposed in preparation and therefore it was resting securely in the wrong jacket.

The lawyer was amazed at the speed with which we were able to find the papers in spite of his error in transposing the docket number. To the people in the County Court this is an everyday occurrence. They merely run the microfilm of the approximate date of filing until they find the missing papers.

"But I've been practicing in this Court for thirty years and had no idea of its back-room equipment and operation," my lawyer friend protested.

And I got to thinking that perhaps this was common with most lawyers. I know that in my own case, I knew very little about the operation of the Clerk's Office and was most certainly amazed after twenty years of practice and five years of covering the courts as a newspaper reporter when I got my first introduction upon

becoming Judge of the County Court more than five years ago.

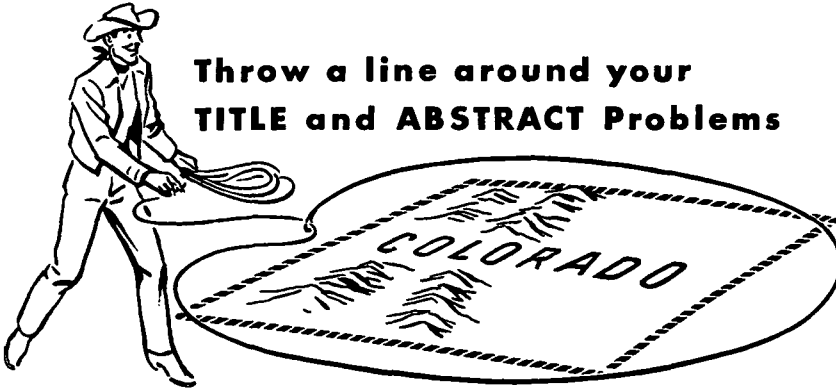
All of which leads us to the purpose of this article—to introduce that backroom in the office of the Clerk of the County Court to you.

To begin with, you may be interested to know that the number of documents, petitions, bonds, wills, claims, appraisals, reports, etc. filed annually is in the neighborhood of a third of a million. Each of these is immediately microfilmed and entered in the fee book.

The dollar volume of the responsibility of the County Court is estimated to be in excess of \$100,000,000 annually. The exact value of the estates is not available, because in addition to current inventories, the Court also handles testamentary trusts, some of which will continue in perpetuity, (the Clayton Trust, for example) minor's estates, which continue until majority is reached, and the estates of the mentally ill, which continue until restoration to reason or the decease of the ward.

I'm certain all of our lawyers have had dealings with the Court's Auditing Department. This is the group responsible for the accounting on this \$100,000,000 worth of assets annually.

And you'll find that those "back-room" employees are always working on improvements. Over a period of time you have noticed some changes in the form of the Will files. The Will is now placed in a red jacket so that it may be readily "spotted." It also has a "face" sheet. This is used so that no marking of any kind will be placed on the Will except the exhibit marking by the reporter. Everything is done to keep the Will intact, as it is received, including preservation of the backing and any other attachments. The entire file is now protected with acetate foil.



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In any case in which a caveat is filed, the Will is immediately withdrawn and locked in the Clerk's safe. A photostat is placed in the file and the file is stamped "security." It will not be released for examination by any person, except upon clearance by the Clerk of the Court.

In the past considerable confusion has resulted from the opening of multiple estates as to one person or the opening of an intestate estate where there is a Will. To avoid this, whenever an estate is opened, the Clerk receiving the petition prepares a report indicating that he made a search of the Court records and whether he has found a living Will, lodged Will or any other type of probate proceedings involving the decedent.

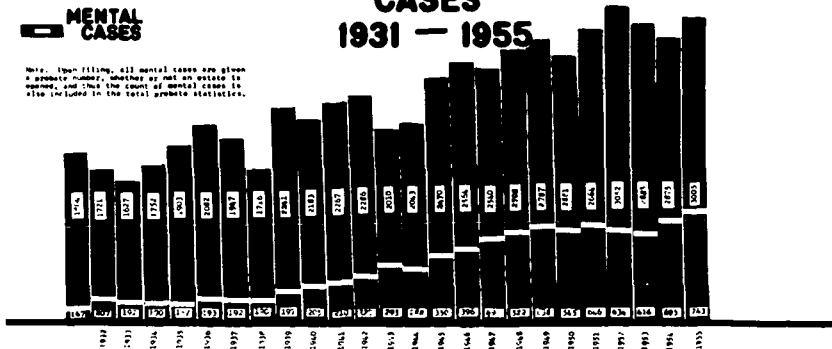
We now have thousands of Wills in our living Wills file. The security involved in the protection of such Wills includes a twin locked vault. Entrance cannot be made by anyone except in the presence of two attaches of the Court. A filed living Will cannot be released during the lifetime of the testator except upon compliance with the statute permitting release to the maker personally or upon acknowledged authority of the testator. Upon the death of the testator, the Will still remains under security and will only be released to the lodged Wills file or directly to any other probate court having jurisdiction of the estate of the decedent.

To the lawyer, one of the most important branches of the Clerk's Office is that dealing with certified copies and the preparation of records on appeal. This, too, is big business. We prepare approximately 25,000 certified copies annually and the lawyers pay us over \$25,000 a year for this service. Only lawyers can appreciate the care attendant to the preparation of certified copies of such important documents as approval of sale of real estate, orders for transfer of personal property, distribution orders, and the numerous exemplified copies for use in obtaining full faith and credit in the courts of our sister states. Orders for these copies are received from all parts of the world.

To give you an idea of the increase in business in the Denver County Court since 1932, the following charts are presented:

PROBATE & MENTAL CASES 1931 - 1955

CHART #1

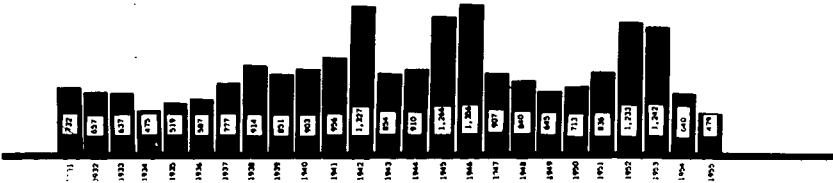


CIVIL ACTIONS 1931 - 1955

CHART #2

Note: Prior to 1947, individual counts in ordinance violations reported from the municipal courts were each considered separate actions and numbered as separate cases. Sec. 18 of Ordinance 71, Series of 1942, gave formal authorization to the consolidation of separate counts into one action. While statistics are not available to prove this, it is estimated that the total actually has increased since 1946, not by reason of such consolidation, it is not reflected in the above chart, e. g. in 1945 there were 361 appeals filed from the municipal courts but over half of these, 187, were consolidated for trial so that actually there were only 174 municipal appeal cases.

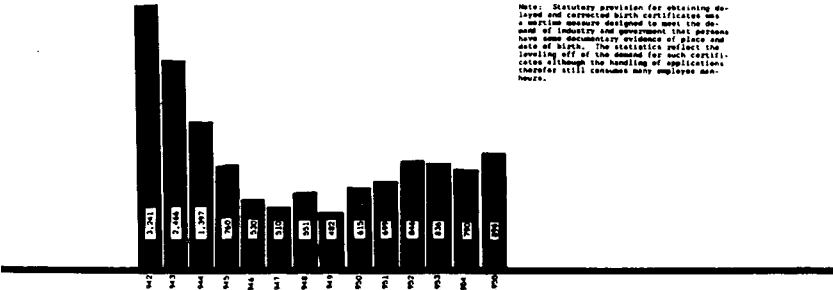
Note: Due to the establishment of the Superior Court by the Colorado State Legislature in 1954 (Chapter 37, Article 11, Colo. Revised Statutes 1953) there was a material drop in the civil case load. The Superior Court which began to function in the City and County of Denver on March 7, 1954, is possessed of exclusive jurisdiction over cases reported from the municipal, police, and Justice courts of the City and County. These were formerly heard by the Denver County Court. In addition the Superior Court has concurrent jurisdiction with the district and county courts, of civil actions of ten thousand dollars and of diverse matters.



DELAYED & CORRECTED BIRTH CERTIFICATES 1942 - 1955

CHART #3

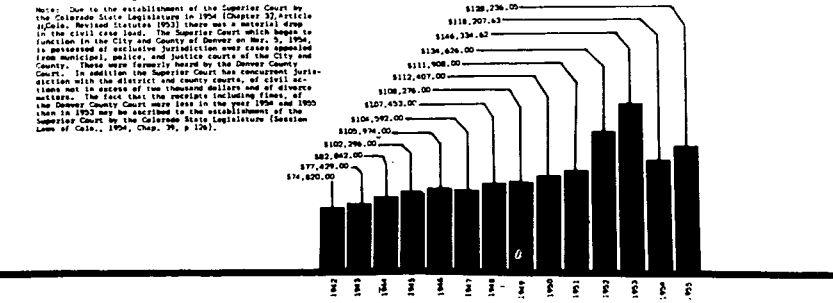
Note: Statutory provision for obtaining delayed and corrected birth certificates was a serious measure designed to meet the demands of industry and government that persons have some documentary evidence of place and date of birth. The statute reflects the juggling act of the demand for such certificates although the handling of applications therefor still consumes many employee man-hours.



RECEIPTS OF COUNTY COURT PAID TO DENVER COUNTY 1942 - 1955

CHART #4

Note: Due to the establishment of the Superior Court by the Colorado State Legislature in 1954 (Chapter 37, Article 11, Colo. Revised Statutes 1953) there was a material drop in the civil case load. The Superior Court which began to function in the City and County of Denver on March 7, 1954, is possessed of exclusive jurisdiction over cases reported from municipal, police, and Justice courts of the City and County. These were formerly heard by the Denver County Court. In addition the Superior Court has concurrent jurisdiction with the district and county courts, of civil actions not in excess of ten thousand dollars and of diverse matters. The fact that the receipts including fines, of the Denver County Court were listed in the years 1954 and 1955 there is 1953 was an action by the establishment of the Superior Court by the Colorado State Legislature (Session Laws of Colo., 1954, Chap. 39, p. 126).



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