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Upon Information and Belief - Another Editorship Concluded

Dicta Editorial Board

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Upon Information and Belief

Another Editorship Concluded

With the appointment of John S. Poyen as executive secretary of the Denver Bar Association, another editorship of DICTA is coming to a close. DICTA has been published now for 20 years as DICTA, its predecessor, the RECORD, of course going back for several years prior to the beginning of DICTA. This decade of publication both started and ends with a Henry at the helm, which may or may not be a good thing, depending upon the viewpoint.

The editors-in-chief of DICTA over the past 20 years have been as follows:

S. Arthur Henry.....	1929-1930
John F. Pierce.....	1930-1931
Louis A. Hellerstein.....	1931-1933
Roy O. Samson.....	1933-1941
Cecil M. Draper.....	1941-1943
George A. Trout.....	1943-1944
Hubert D. Henry.....	1944-1948

As will be seen from this table, the concluding editorship has neither been the shortest nor the longest in the history of the association. For those who have not experienced this pleasure, let us hasten to say that it is a pleasure to edit a bar association magazine and to attempt in some small way to make suggestions to members of the bar. It is in this pleasure that the editors have found their reward, and if all editors-in-chief have experienced the same pleasure that the present editor has, we will confess that these rewards have been adequate for the enormous amount of time and energy which has gone into this work.

From time to time we have attempted to editorialize and to suggest to

the members of the bar ways in which the bar as an organization should develop. In the issue of December 1946, we suggested a list of objectives for the bar, which we felt to be worthy of attainment. We presented our objectives in that issue in the following language: "It has been the constant endeavor of the editors to present to the lawyers of Colorado, articles and observations which would challenge them to increase their professional skill, their professional earnings and their general self-interest, and also articles which would challenge them to increase the prestige of the bar, by greater service to the community and by furnishing leadership in the solution of community problems."

We then followed with the following list of suggestions for a good bar association:

"1. We will increase the knowledge and skill of practicing attorneys. We will do this by the several methods now in existence, and in addition, by luncheon meetings at which members of the bar skilled in a particular problem, or having the benefit of particular professional experience will give to the other members of the bar the benefit of their knowledge and experience.

"2. We will find ways and means of rendering all the legal services which should be but are not now rendered by lawyers, and collecting the legal fees for rendering these services, which fees are not now being collected by lawyers. We will establish a method whereby persons having police court cases, justice of the peace court cases, real estate transactions, income tax problems, and many other legal problems not justifying large fees, will be brought to the lawyers and the lawyers will render the services for fees satisfactory to both. We will see to it that no person other than a lawyer renders legal services or collects a fee therefor.

"3. We will, by newspaper advertisements and stories, radio announcements, and pamphlets and letters, make the public aware of the large number of legal services which are now going unused and to which the public should have access. We will inform the public of the desirability of legal service, of the integrity and ability of lawyers and of the extent and value of the public services being rendered by lawyers.

"4. We will encourage specialized practice in all fields, particularly in fields of police and justice court work, real estate transactions, and other transactions where the fees charged must be on a low cost basis, and where, by reason of this, it will be necessary for some lawyers to specialize in these fields and handle cases on a virtual mass production basis.

"5. We will devise means for eliminating duplication of effort, such as in the field of abstract examinations, so that one lawyer will not unnecessarily retrace the steps already traced by another lawyer.

"6. We will encourage our members to render public service and public leadership, and when one of our members does an excellent job of public service or public leadership we will publicly acknowledge that fact and make proper award therefor.

"7. We will establish a low cost legal reference office where any person may be advised for a reasonable fee as to whether or not he has a legal problem and where and how it can be solved.

"8. We will increase the desirability of holding public office by encouraging the increase in compensation for public officials and by increasing the prestige of public office holders in the eyes of the people. We will encourage our members to seek public office and we will educate the public as to the desirability of having lawyers in public office.

"9. We will continue and bring to a successful conclusion our present plans for making Colorado's judicial organization the best in the world.

"10. We will devise methods for improving the wording of our statutes and the elimination of obsolescence, inconsistencies and redundancies, and subsequent loss of many professional hours in seeking interpretation of statutes, for which no interpretation would be necessary were such statutes properly worded. We will bring about the revision and reprinting of the Denver Municipal Code, and the establishment of machinery to eliminate obsolescence, inconsistency and redundancy in our Colorado statutes. We will bring about the revision of our criminal procedure. We will study the Code of Evidence, and if we find it a desirable improvement in our rules of evidence, we will seek its adoption. We will interest ourselves in all legislation to the end that all future statutes and ordinances are clearly and properly worded, and do not bring into our laws inconsistencies and redundancies.

"11. In order to insure that the bar will carry out its part of this, or any other recommended program, we will employ an executive secretary who will devote his entire time to the conduct of the program of the organized bar.

"12. In order that every lawyer will be insured a place in the program of the bar, and the bar will have the funds necessary to carry out any proposed program, including the employment of an executive secretary, we will see that every lawyer in Colorado knows and understands the purposes and functioning of an integrated bar, and we will then establish a bar organization to which every member of the bar will belong and contribute."

We still feel that this list of objectives is a worthy list of objectives for our bar. However, we cannot refrain from commenting upon some of them. We must note that pursuant to objective no. 11, an executive secretary has been employed, and it is hoped that the Colorado Bar Association in October will join with the Denver Bar Association in making the executive secretary a full-time secretary. In connection with objective no. 12, we must note that the Denver Bar Association has increased its dues this year, and it is hoped that the Colorado Bar Association will do likewise in order to provide proper funds for carrying out a good bar program.

With respect to objective no. 10, we should note at this point that it has come to our attention that city ordinances need the same improvement in re-writing and in the elimination of obsolescence, inconsistencies, and

redundancies that the state statutes need. As a matter of fact, very likely city ordinances need an even more thorough going over than do the state statutes. We believe that we left out of our list of 1946 objectives one very important one. It would read something like this: "We will suggest to the legislature and seek the adoption of a state administrative procedure act which will unify administrative procedure and secure to the citizens of the state all legal rights from administrative agencies that we now have from legislative bodies and the courts." Too long have we failed to recognize the necessity of providing for proper procedure of our state administrative agencies. With these amendments and additions, as our last educational act in suggesting a program for the organized bar we reiterate the above suggestions.

After the original publication of the above list, we received some very interesting comments from lawyers regarding the suggested objectives. One lawyer suggests that all attorneys send copies of any title opinions to the office of the secretary of the bar association, so that these will be available for attorneys wishing to examine them. The purpose of this suggestion is to enable attorneys to make a more satisfactory examination with a smaller consumption of time thereby increasing the earning capacity of lawyers doing this kind of work. Another attorney has reviewed the suggestions item by item making comments and recommendations but generally favoring all of the proposed objectives. To those who have in the past supported the program, as laid out above, of increasing professional skill, professional earnings and general self-interest and rendering greater community service and leadership, and to those who will support these objectives in the future, go our thanks and, we hope, the thanks and honor of the entire bar.

Effect of Annexation of Land of One County by Another on Existing Deeds of Trust

By MANDELL LEVY
Of the Denver bar

A great deal of confusion and duplication has arisen concerning the release of deeds of trust executed to the public trustee of Arapahoe County on land and improvements formerly in Arapahoe County, but since annexed to the City and County of Denver, said deeds of trust having been properly executed when the land and improvements were in the County of Arapahoe.

The problem is presented as to which public trustee, either that of Arapahoe County or the City and County of Denver, is the proper official to execute a release in such event.

Since the office, functions and duties of public trustees are entirely statu-