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## President's Address

By MILTON J. KEEGAN

*Of Denver, retiring president of the Colorado Bar Association. This is the president's annual address read at the annual meeting of the association at Colorado Springs, October 18, 1947, in which Milt, known to some of his friends as "Pat", lists the accomplishments of the past year, and passes out some bouquets. We feel that we should, under the circumstances, express to Milt the thanks of the members of the association for his leadership and tireless efforts on behalf of the association during the year just concluded, as well as for his many years of service to the bar in various capacities in the years past.*

Even though under the by-laws this report is compulsory at this time, I did expect some sort of a build-up. We all know that flattery may usefully be applied to the most sophisticated, particularly if not laboriously disguised. As the sweet barb passes, the intellect notes it for what it is; it strikes down, nevertheless, to that uncritical level where self esteem is all.

As I look out, cautiously, upon this hotbed of tranquility, we are not unaware that you are all anxiously waiting in your corners for the main free-for-all bout of the afternoon on the plan which will immediately follow this report—and that *this* is no time to indulge in windy platitudes or petrified truths. Neither are we presumptuous enough to try any advice. Anyway, advice is what you take for a cold. We know a few earthy stories but gave up the idea of digging them up.

There are, however, a few preliminaries to be run off before the main event—but we promise you that the delay will be as short as possible.

A year ago, pursuant to authorization of the Board of Governors, a new special committee was appointed for the purpose of studying and making recommendations to the Association in regard to the problem of making low-cost legal service available to persons of moderate means. The chairman of the new committee on Legal Service Bureaus is Milton J. Blake. Col. Blake, as you will remember, did an outstanding job as head of the Army branch that furnished low-cost legal services to men in the armed forces during the war.

One authority has estimated that 100,000,000 Americans do not have access to any form of legal assistance. The lawyers, like the doctors, reach the well-to-do—and the very poor through legal aid or charity. The great mass of the people in between are being overlooked. As a result of studies by the American bar it was found that over 90% of the public are not getting any help from lawyers in solving their legal problems. Although they reach a larger percentage of the public than the lawyers, the medical profes-

sion has been trying to remedy their similar problem. To do nothing plays into the hands of the advocates of socialized medicine. The same is true of the legal profession.

If the organized bar cannot find a way to serve our citizens in the low income brackets, the problem may be forced upon the government—when there are already many competent lawyers unable to make a decent living.

Judge Augustus N. Hand recently said: "The inevitable alternative, *which*, because of its *bureaucratic* tendencies, I hope will *never* come to pass, is some form of socialized law."

The profession may be confronted with an early choice of whether it can fulfill the need of essential legal service to persons of moderate means or will stand by while that work is taken over by institutions, by labor organizations, or by bureaus of government. None of us wants to see lawyers representing a large group of our citizens more and more transferred to the public payroll and appointed by political influence.

Lawyer reference plans have been set up by bar associations in Los Angeles, Chicago, Baltimore, Cincinnati, Milwaukee and, more recently, in New York. A person in a low or moderate income bracket, needing legal advice and not knowing where to turn, goes to the office of the bar association where an appointment is made with a lawyer on an approved list of honest, capable lawyers willing to render that service. The client knows in advance his cost will be \$3.00 for a half-hour consultation or \$5.00 if it takes longer. If litigation becomes necessary the total fee is fixed and agreed upon in advance. The New York rate is \$5.00 instead of \$3.00 for a half-hour consultation. The service is available only to people in certain income brackets—say \$1,000 to \$3,000.

It is a most difficult problem to solve. The Colorado Bar Association Committee on Legal Service Bureaus recommends that its study be continued so that it can make a further report at a later date; and that it be suggested to local bar associations throughout the state that they appoint similar committees to work on the solution of the problem in their respective parts of the state. I understand the state committee will be continued under the chairmanship of Col. Milton J. Blake.

Among the unsung servants of the profession are those who are drafted to serve on the Ethics and Grievance Committee. The very important work of that committee is two-fold. However, since over 90% of the complaints have no merit and nearly all of the few having some merit involve only minor infractions of the code of ethics, requiring no drastic action, the bulk of the work of that committee is screening out complaints having no merit and disposing of them and those involving minor infractions of the rules without publicity, so that the attorney involved will not have his reputation ruined.

As those of you who have served on that committee know, when a complaint is made against an attorney—no matter how unjustified the complaint

is or how perfect the lawyer's defense may be—the lawyer complained against always approaches the Grievance Committee with that happy zest of a man about to be pushed over Niagara Falls in a leaky barrel.

There is no place on *any* Grievance Committee for witch-burners. Many years ago, when I first became chairman of the Denver Bar Association Grievance Committee, there was a rumor that prior local and state grievance committees and the Supreme Court had not always seen eye to eye. I went to the then chief justice to find out what the trouble had been. I gathered that it had been due to the fact that some Grievance Committee members had been a certain type of crusader—one who redoubles his efforts and loses sight of his purpose. In the many years I got stuck as a member of the Denver and Colorado Grievance Committees, the cooperation between the Supreme Court and the committees could not have been better. During many of those years, Judge Ori L. Phillips was chairman of the American Bar Association Ethics and Grievance Committee, and he was of great help to the committees on close and difficult problems.

During the years I served as chairman of the Denver and Colorado Bar Association Ethics and Grievance Committees, our young receptionist told me it wasn't long before she could spot a grievance committee complainant clear down the hall the minute he or she stepped off the elevator. I recall one woman who had held quite impressive executive positions with several large institutions. She had been in an accident, had sued, was dissatisfied with the outcome, wanted her attorney, the opposing attorney, the trial judge, and the Supreme Court judge who wrote the opinion on appeal, all disbarred. She had followed the usual routine—complained to the district attorney, the F.B.I. and, I believe, the governor, who had all told her to go to the Grievance Committee. I knew I would have to hear her out. While she explained at great length her injuries and her bad luck in her case, she kept taking out her glass eye and holding it in her hand to emphasize the extent of her injuries. I listened with my very best poker-face judicial expression—but I didn't fool her at all.

Suddenly she stopped and said: "I can tell by the way you look at me that you think I'm crazy. Well I'm not and I can prove it!"

She reached into her large handbag and got out a bundle of papers—discharges from five different insane asylums. She insisted that I read each one where it said that in their opinion this woman is not insane and that they believed it is now safe for her to be at large.

I said: "Well, you do seem to have quite a bit of proof here."

And with an air of triumph she arose and swished out of the office, never to be heard from again.

I do not want to leave the impression that she was a typical complainant—because *she* never came *back*. So many of them come back *again*, and *again* and *again*, and when the committee refuses to take action go home and write you insulting and threatening letters.

Many complainants are perfectly sane but from financial pressure or just plain greed they want to get back a \$25.00 or \$50.00 attorney fee, and seem perfectly willing to wreck an attorney's reputation without any justifiable reason if they can make or save a few dollars for themselves. Some collection agencies, after sending an uncollectible account to a local attorney and asking for several status reports, seem to then write the Grievance Committee as a matter of routine in the hope they can get the committee to scare the attorney into working harder on the collection.

The members of every Grievance Committee should always be exceptionally fair-minded with very good judgment, and of such caliber that there will be no excuse for anyone to try to short-circuit that committee and go direct to the Supreme Court with their grievances. Once it gets to the Supreme Court it is almost impossible for that court not to make it a matter of public record available to the newspapers. Perhaps there should be a right of appeal to the Supreme Court from a decision of the Ethics and Grievance Committee holding a complaint has no merit. However, since so many of the complaints have no merit, perhaps the association and the Supreme Court should make screening by the Grievance Committee compulsory before the complaints can be filed in the Supreme Court and become matters of public record available to the newspapers. Then if the complaint must be released to the press, the finding by the committee that it is without merit should be attached and simultaneously released. We owe our thanks to all members of the Ethics and Grievance Committee and its chairman—Fred Cranston.

The Committee on Law Institutes under the chairmanship of Dick Tull proved the value of a constructive and helpful law institute last June when President Rix of the American Bar Association spoke in Denver at a joint meeting of the Colorado and Denver Bar Associations. The morning and afternoon institutes on estate planning and administration were attended by over 300 lawyers, with lawyers coming from all parts of Colorado, and even several carloads coming from the Wyoming bar.

The Special Committee on District Judges' Salaries and Retirement Plan, under the chairmanship of Ben Sweet, tore out a bone trying to get bills through the legislature for a modest increase in salaries and a retirement plan for our trial judges. The bills passed the House unanimously but unfortunately were blocked in the Senate Finance Committee by a few laymen. The failure to get judges' salaries raised the last session must be only a temporary failure. We must never give up until all our judges receive adequate compensation and as much security as possible.

The state Conference of Lawyers and Certified Public Accountants was created by the board a year ago. The object of that conference is to have lawyers and accountants work together in that important field of tax matters—so that the lawyers will handle legal problems and the accountants the accounting problems—instead of each profession trying to practice both law and accounting.

So-called civilized man has only recently succeeded in busting the atom. But long ago when man first emerged from the infinite abyss of the unrecorded he had already discovered the one thing that defies the law of gravitation—taxes. Of the stuff that makes the world go 'round—next to Bourbon and Scotch whiskey—we suppose man's struggle to pay his taxes ranks a close second. The government's problem with the taxpayer is somewhat similar to the old Missouri farmer and his mule—the farmer had the damndest time trying to keep his mule strong enough to work and at the same time so weak he couldn't kick.

As one of America's greatest jurists, Judge Learned Hand pointed out in a recent decision: "Anyone may so arrange his affairs that the taxes shall be as low as possible; he is not bound to choose that pattern which will best pay the treasury; there is not even a patriotic duty to increase one's taxes."

The legal profession must not overlook the ever growing field of tax law, nor through indifference permit other groups to usurp this very important branch of law practice.

Church Owen, chairman of that committee, reports that a better relationship has already been established between lawyers and accountants in Colorado, and recommends that the joint conference be continued as a permanent committee.

Another special committee created by the board at its last meeting was the Committee on a New Edition of the Revised Statutes of Colorado. If a new edition is to be published, the necessary bills would have to be drawn and passed by the 1949 legislature, making a new set the 1950 Compiled Laws of Colorado, probably published about 1951. This will make a 15-year interval since 1935 C. S. A. There was a 14-year interval between the Compiled Laws of Colorado 1921, to 1935 C. S. A. and a 13-year interval between R. S. 1908 and C. L. 1921. Senator Bob Bosworth has been chairman of that special committee this year, and we understand Judge Frank Hickey will be chairman next year.

We must not close without expressing the appreciation of the association for the splendid work of the many other committees. The Legislative Committee under the Chairmanship of Senator Bob Bosworth has done its usual excellent job of assisting in the passing of desirable bills directly affecting the profession, and weeding out bad ones.

The Sustaining Membership Committee under the chairmanship of Will Hutton has raised the usual \$1200 to \$1500 without which much constructive work of the association would have to be curtailed or given up. The cost of printing and distributing to all members current Colorado Supreme Court decisions has increased materially. The same is true of the cost of printing DICTA. The Law Institutes and the Committee cannot function effectively without incurring some costs and expenses. The funds raised by the special Judiciary Committee are of course ear-marked for that one committee. None

of us want to see the work of the association lessened or impaired. We may face the necessity of an increase in dues before many more years. The Criminal Law Revision Committee has done much and faces much more work.

The new federal criminal code has been in operation now about long enough to get the bugs out of it. Judge Bolitha Laws of Washington, D. C., when he was here last year, told us it was quite an improvement over the old code and that the few weak spots in it were being eliminated. The chairman of our state committee for the past year has been Jim Burke.

The Minimum Fee Schedules Committee, under the Chairmanship of Hugh Kellogg, is doing important work. After Daniel Webster graduated from Dartmouth and started practicing law with a prominent law firm, his first work was preparing deeds in longhand. The firm fee for a deed was 4 shillings, of which Webster for the laborious task of writing out the deed in longhand got 2 shillings. No wonder Webster said: "The lawyer works hard and dies poor."

Now, a hundred years later, printed forms of deeds and agreements of 57 varieties can be bought by anyone for a nickel or a dime from the print shops, and many laymen fill them out themselves and make their contracts and deals with the help of some salesman or other lay person without benefit of legal clergy. The study of minimum fees and unlawful practice both should be continued.

The Committee on Integration of the Bar, whose chairman is Jack Phelps, should be continued until the time is ripe for another attempt for an integrated bar. The idea has been in the deep freeze compartment for some time now.

The Committee on Economic Survey and Placements is among the most important committees. The boys coming out of law schools after fighting the nation's war need help in getting located and started in law practice. It involves a lot of work and our thanks go to T. Raber Taylor, chairman, and all members of that committee for doing a difficult job well.

The Committee on Legal Service for Armed Forces has seen that Colorado boys serving in the occupation armies in Japan, Germany and other places outside Colorado get in the hands of competent lawyers at low cost, when they have legal problems at home and do not know to whom to turn. Ora George, as chairman, and the members of that committee have done an excellent job.

The Unauthorized Practice Committee, under the chairmanship of Royal Rubright, is a committee whose necessity never ends. Laymen groups who try to practice law usually pick the most lucrative fields. The reasons for stopping them from practicing law are to protect the public and the profession. Such nonlegal groups going after the legal business usually feel free to advertise. Law, like medicine, does not lend itself to advertising. In Latin and South America the doctors have let the bars down to advertising. In those countries the streets are cluttered with big neon signs of the doctors,

showing huge grotesque human bodies with their insides gone haywire. In medicine, when the bars have been let down to advertising, it seems to rapidly degenerate into the "scare-the-Hell-out-of-them" school. There are many good reasons for keeping the bars up in both the medical and legal professions against advertising.

The Committee on Traffic Courts has been under the chairmanship of former Chief Justice John C. Young. The traffic courts reach more of our citizens than any other court. It is difficult to overestimate the importance of the traffic courts. Other special committees are Simplification of Stock Transfers in Estates—T. Raber Taylor, chairman, says that committee should be continued as it still has some unsolved problems. Judge Stanley Johnson was chairman of a special committee requested by the U. S. Senate Judiciary Committee to give information and suggestions on a bill to improve federal juries. The committee's report and recommendations were approved by the board last June and sent to the U. S. Senate Judiciary Committee. We must keep trying to get away from the idea that a jury is composed of 12 men of average ignorance.

Malcolm Lindsey and the members of the Water Section have done their usual fine constructive work in that important field of Colorado law. The Probate and Trust Section, the Committee on Real Estate Title Standards, and the Junior Bar Section have already reported to you and arranged the outstanding programs you heard yesterday morning and afternoon.

The special Judiciary Committee, under the chairmanship of Phil Van Cise, will make its own report in a couple of minutes. While considering the recommendations of the Judiciary Committee and the accompanying recommendations of the Board of Governors, perhaps we should all keep in mind the English lady who asked the Lord Chief Justice what was necessary to win a case.

He replied:

"First you need a good cause,  
then you need good evidence,  
then you need good witnesses,  
then you need a good judge,  
then you need a good jury,  
and *then* you need good *luck*."

We wish them the best of luck.

The Colorado bar has a rich and colorful heritage. In subduing America's great interior and building Colorado in its very heart, the rugged pioneers of the Colorado bench and bar played their part and played it well. The traditions of progress that they established are part of our heritage. Guided by the inspiration of their example and with our combined energy we can successfully continue to improve the administration of justice in Colorado. There is a relative meaningless dividing line in the pages of the history of our profession, and we are assembled here today still moulding its history.