

**BENCH & BAR  
OF COLORADO**

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Bench & bar of Colorado by George E. Lewis & D. F. Stackelbeck

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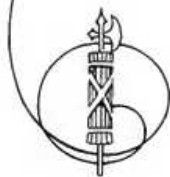
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**GEORGE E. LEWIS & D. F. STACKELBECK**

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*NINETEEN HUNDRED SEVENTEEN*

Compiled and Edited by  
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*To those who have co-  
operated with us to  
make this work possible  
we express our thanks.*

*THE PUBLISHERS*

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*State Capitol  
Denver*



## The Lawyer



THE life, services, and death of the ablest and best of the legal profession are ordinarily, and too often, left without any record more enduring than the recollection of his colleagues at the bar, or on the bench, than which nothing is more ephemeral. In other professions and callings the record of its foremost men is written in such ways and characters as serve to attract the attention of the masses, and make him temporarily, or for all time, seen and known of men. For the military hero the whole world is making and inscribing a record, while the government which he has served feels bound to honor his memory with monuments of brass or marble that transmit his name and deeds to posterity. The artist leaves the creation of his genius in lines and colors that hand down his name and genius to remote generations. The minister speaks from year to year—now before some great assembly of laymen, now before synod, presbytery or conference, and the measured utterances that befit the occasion are as surely and correctly taken and reduced to print as they are heard by his auditors. The physician, whether as a specialist or a general practitioner, by years of study, experience and ability, becomes an authority, and the record of his experience and his dissertations fill the pages of the medical journals, and his name and fame exist in records more enduring than brass. The statesman, whether real or fancied—provided only that he holds a place supposed to belong to statesmen—leaves a record, not alone in the legislative journals, but also in the memory of ten thousand partisan admirers, and on the pages of a thousand newspapers, whose columns will be filled with the record of his life and exaggerated accounts of his deeds, from the day of his birth to that of his death.

Not so with the lawyer who, during a life longer or shorter, has been "only a lawyer." His achievements and

victories are won, not by accident, or by stirring words, or emotional appeals; not by arguments addressed to friendly minds and sympathetic listeners, as is the case, in many instances, in political warfare, on the stump or in the halls of legislation. Neither have such efforts been the result of deliberate and careful preparation in the library, like those of the statesman, who is allowed his own time, both to prepare and to deliver what he will say. Unlike all of these, the lawyer usually finds himself bound to make his greatest and best efforts amid, or at the close, perhaps, of a lengthy or exhaustive trial, in which he must attempt, at least, to apply great fundamental legal principles to a new state of facts—facts which are constantly varying from hour to hour, thus rendering the exercise of all his powers of discrimination and reasoning, in the highest degree, immediate and necessary. He is thus called upon to take sides, and give a reason for opinions that must be formed and enforced on the spur of the moment and without delay or deliberation, and this he must do, not only thus hastily and without the deliberation that is allowed in every other calling, but in the face of, not a listening and applauding multitude, but in the presence of half a dozen lawyers, all of whom are watching, like the ancient warrior watched, for some vulnerable place, even though it be in the heel of his argument, for an opportunity to assail him, and all this, perhaps, under the depression of feeling arising from the fact that he knows both court and counsel are against him, and, however able his argument, it will be remembered only by the one, while he attempts to demolish it by authority, if he can, or rail at it as illogical and inconclusive if he cannot, while the "court" will recall it only while the matter is under advisement. In efforts before a jury, and in appeals addressed to it, it is still worse; for then not only must he appear without preparation and at the end of a tedious and tiresome trial, but if, as is here supposed, he is a lawyer, and not a legal kite, he is restricted to a discussion of certain facts in evidence, and from which, as a lawyer, he will not seek to depart, and