

Daniel Sparr
by
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Before joining Colorado's federal court, Dan Sparr co-tried "The Case of the Married Madam" with the legendary defense lawyer Perry Mason. [Footnote: The "Perry Mason" show and made-for-television movies were based on the detective fiction of Erle Stanley Gardner. This episode, Production #2010, was written by Patricia Green. Executive Producers were Fred Silverman and Dean Hargrove with Supervising Producer Philip Saltzman. The episode was produced by Peter Katz and Directed by Ron Satlof.] It was 1987. Sparr was presiding in Courtroom 2 of the Denver District Court. The City and County of Denver had allowed his courtroom to be used in the filming of many of the "Perry Mason" episodes. The 2-hour movies in which Sparr was a bit character first aired October 4, 1987 [Footnote: The original Perry Mason television show aired for nine seasons, from 1957 to 1966 on CBS.] and starred Raymond Burr as Mason, the intrepid lawyer who ended each episode with a dramatic courtroom confession by someone other than his client. Mason's ever-loyal secretary, and suggested love interest "Della Street" was played by Barbara Hale.

The script contained this staging and dialogue:

CUT TO:

INT. COURTROOM - DAY

The next morning. Reston rises.

RESTON: Your Honor, I'm sure the court recognizes that Mr. Mason has recently been discharged from the hospital and is recovering from serious knee surgery. I would have no objection to his using my assistant in the presentation of evidence if it would be helpful -- assuming he has some evidence to present.

JUDGE: Mr. Mason?

MASON: The defense thanks Mr. Reston. he's probably right about the amount of evidence. But we did bring an assistant, Mr. Sparr, who's appeared before your Honor many times. We will ask him to present any exhibits we may have.

JUDGE: Very well. Welcome Mr. Sparr

RESTON: I call Sergeant Koslow to the stand.

Mason and Sparr represented a construction boss who was accused of murdering his beautiful new wife, an ex-madam doing public relations work for bank swindlers. Of course the trial duo succeeded in obtaining dismissal of all charges at the conclusion of the case. [Footnote: As he was not a member of the Screen Actors' Guild, Sparr was not able to play himself in the role.]

Over the multiple times that Sparr was displaced from his courtroom for filming, [Footnote: "Shoot days" for "The Case of the Married Madam" were August 12-18, 1987.] The director and principal cast members used Sparr's office and jury room "...to relax between shots." The courtroom was re-designed to accommodate lighting and cameras and redecorated to include installation of carpeting, paneling, wall sconces and temporary air conditioning. [Footnote: July 27, 1987 letter from Viacom Productions to Mr. John Hall, Director of Public Office Buildings for the City and County of Denver.] At least seventeen "Perry Mason" movies were filmed in Denver over a four-year period. [Footnote: Rocky Mountain News, May 23, 1991 "Burr Party, and a Wake for Mason" and Denver Post, "Raymond Burr Defended the Innocent, including Denver" Sept. 14, 1993] Sparr became friends not only with the series' stars but, as was his habit throughout his life, each member of the production crew and staff. Inclusion in the script was the small tribute paid to Dan in appreciation for the inconvenience. Sparr maintained his friendship with the show's stars and, in 1993, attended Burr's funeral. For the remainder of his life, Sparr nurtured his "Perry Mason" plant, a gift from Mr. Burr and the staff after it had been used on the set. The plant was a treasured memento of Sparr's brush with Hollywood fame.

When Daniel Beattie Sparr was sworn in to sit on the United States District Court for the District of Colorado on the 25th of April, 1990, he was only the 18th judge to serve on that bench. As the position for which he was appointed had been vacant for more than four years, Sparr would have been welcomed by the other six sitting judges even if he was just someone to take a share of the heavy caseload. It was an additional bonus that Sparr had already spent twelve years as a respected trial judge on the Denver District Court bench and had, before that, practiced law for a dozen years in a premier litigation firm and for a corporate employer. At the time of his nomination by President George H.W. Bush, Chief Judge Sherman G. Finesilver offered that Sparr was "...amply qualified for the position by experience, intellect, maturity and judicial demeanor." [Denver Post, January 13, 1990, "Sparr Picked for Court Post; Bush Nominates District Judge to the Federal Bench"]. Judge John L. Kane, Jr., also of the Colorado bench, called the choice of Sparr to join that court "...a splendid selection" of "an excellent judge..." [Id.] Colorado Supreme Court Justice Joseph [misidentified as "John"] Quinn said "You'd have to look long and hard to find a judge better than Dan Sparr. He's very bright, hardworking and dedicated...We're losing one of our best." [RMN Jan. 13, 1990].

Sparr came relatively late to the legal profession despite the fact that his wife, Sue, believed that his parents may have had such ambition for their son when

he was born on June 8, 1931 and chose his first name accordingly. Sparr credited his parents with inspiring him to always do his best. Anyone who had any dealing with Sparr -- who was a successful businessman before becoming a lawyer -- knew that his word or handshake could be counted on as if it were a formalized contract.

In his almost twenty-five years on the bench Sparr often lamented the loss of honor which was so important to him in the profession and in the attorneys who appeared before him. Still, Sparr consistently maintained the calm judicial temperament and demeanor that lawyers and litigants experienced every time they stepped into his courtroom. Sparr's former staff, attorneys and litigants marveled at the patience and attention he gave to those who came to his courtroom and how he honored each by listening with an intensity and interest that seemed to have endless limits. Unfailingly cordial, when not on the bench, Sparr often invited friends, lawyers and representatives of the media to his chambers for a cup of coffee. His wife recalled that Sparr had as good a relationship with the persons who cleaned his office as he did with his staff and co-judges. Unfailingly approachable and friendly, Sparr made every person he came in contact with feel important.

Sparr never forgot his simple roots and remained humble and hard working throughout his life. A second generation Colorado native, Dan attended Denver's North High School where he was active in the Boy Scouts. From his earliest life Dan showed characteristic determination and sedulity by obtaining his Eagle Scout rank. His association with the Boy Scouts continued throughout his life; Dan served for many years as a Director of the Timberline District of the Boy Scouts of America. Four members of his boyhood troop attended Sparr's funeral.

Perseverance, focus and loyalty were constant themes in Sparr's life within and beyond the law as exemplified by his devotion to his wife, Virginia Sue, nee Long, of fifty-four years and three sons, Stephen, who followed his father into law, Douglas and Michael, a Colorado Springs physician. Sparr's love of the outdoors found him, as often as possible, fishing, water and snow skiing and hiking in the beautiful Colorado mountains. Sparr volunteered with the Copper Mountain Ski Area's Ambassador program until, shortly before his death, his health prevented him from skiing. Sparr organized a reunion every five or six years with his friends from the Scouts, monthly luncheons with friends from his college fraternity and weekly luncheons with his Denver District Court colleagues. The annual fishing trip to a 1918 family cabin along Colorado's Rio Grande River in South Fork, Colorado, brought together friends from Sparr's years as a practicing lawyer. At these gatherings, prodigious fun was always accompanied by discussions and analysis of law. According to Sue, even in leisure, including at the dinner table, Dan was never far from the law and liked nothing better than to start a brisk discussion on his favorite subject.

Sparr began college at the University of Colorado on a swimming scholarship before finishing his undergraduate degree in business at the University

of Denver. There he so impressed his professors with his academic and fraternal accomplishments that they sent him to a conference of business leaders sponsored the National Association of American Manufacturers in New York City. Sparr financed his college by membership in the U.S. Army's Reserve Officer Training Corp (ROTC). When he graduated from DU in 1952 Sparr was commissioned a Second Lieutenant in the United States Navy. But because he wanted to continue to fly as he had as a teenager, Sparr transferred to the Air Force. The Air Force offered Sparr a regular commission which was rare for someone who had not attended an academy. During his three years of active duty Sparr did a tour in Korea. After his active duty, he went on inactive reserve.

When honorably discharged as a Lieutenant in 1959 Sparr returned to Colorado where he took a job with Mountain Bell in Colorado Springs as a traffic chief, supervising and directing telephone operators. [Rocky Mountain News, November 15, 2006, "U.S. District Court Judge Sparr Robed Himself in the Love of Family." and article from the Pueblo Chieftan of November 16, 2006 "Judge Sparr Dies at 75"] He stayed with the phone company in Pueblo and traveled the Lower Arkansas Valley before transferring to Denver but knew this was not where he wanted to spend his work life. At the age of 35, in 1963, and with three children and a wife whom he wanted to stay home to raise them, Sparr began attending the University of Denver College of Law in its night program. His sons remember a lot of hot dogs and macaroni and cheese over those next three years.

Despite a full class load and working full time at Cray Construction Company and Brad Wolff Construction Company to support his family, Sparr received numerous honors in law school including the Harry Davis award for the graduating student "who has made the greatest progress during his course of law study, and who has most fully evidenced high qualities of mind and character by superior achievement in scholarship, and by those attributes which earn the commendation of the faculty." [Reporter's Transcript from the Investiture on April 24, 1990.]

Following his graduation in 1966, Sparr began a litigation practice at White and Steele, P.C. in downtown Denver. This is the same firm at which his son, Steve, has made his career. In 1970 he was recruited to return to the phone company, this time in its law department. A year behind a desk in a supervisory role convinced Sparr that he belonged in a courtroom. He returned to White and Steele for another year before first joining attorney Wesley A. Doan, Esq., where he primarily defended police officers. In 1976, Sparr officed with his old firm while maintaining a separate, solo, practice.

Despite a trial schedule that called for him to often try one or two cases every week, Sparr served a three-year term as trustee of the Denver Bar Association and was active for many years in the University of Denver Law School's clinical education program. In 1974 Sparr was voted "Boss of the Year" by the Denver Legal Secretaries Association and was a charter member of the William E. Doyle Inns of Court. He also served as treasurer of the American Institute of Courts.

In February, 1978, Sparr was appointed to the Denver District bench by then-Governor Richard D. Lamm. Sparr had “always wanted to be an attorney and judge. I always loved being the intermediary in helping people solve their problems...it has its frustrations but it’s a great job.” [RMN, January 13, 1990, “Bush Backs Denver Judge for Federal Bench”] In his first term in the criminal division of the Denver District Court Sparr presided over two murder cases made more difficult by media demands to televise the proceedings. In the first, State of Colorado v. Afshin Shariati [need cite if any] the defendant, an Iranian immigrant, was acquitted of shooting and killing a Denver man and wounding two others who attacked his apartment in November, 1979 in retaliation for the hostage crisis in Iran. [Denver Post 1/13/90, “Sparr Picked for Court Post...”] In State of Colorado v. Lewis Roger Moore, the allegations included charges that the defendant murdered his roommate, William Charles Kidd, then used a rented power saw to cut the body into pieces which he then spread around the housing development in which they lived as well as packing some body parts in a suitcase which, when apprehended, Moore was taking with him to visit his parents for Christmas.[Rocky Mountain News stories of December 21, 1979 “Parts of Body Found in Bags; Suspect Held;” December 22, 1979 “Mutilation Case Victim Identified;” “Paraplegic denied bond in slay case;” dated July 30, 1980”, August 23, 1980 “Suspect’s lawyers ask exhumation of dismembered man;” September 5, 1980” Severed hands evidence excluded; Slay victim exhumation denied; and July 17, 1981 “Wheelchair-bound killer given life sentence.”] [I am unable to access the opinions for the Court of Appeals/Supreme Court to confirm that this is the proper spelling of Mr. Moore’s first name (some newspaper articles spell it “Louis”) and to get the cite for the affirmation of the conviction on or about April 18, 1985.] If handling a challenging load of cases was not enough, beginning in 1984 Sparr chaired the Colorado Supreme Court’s panel on multidistrict litigation and, in 1987 and 1988 also served on the Committee on Reduction on Delay in the Litigation Process in the Colorado courts. From 1984 to 1987 Sparr served on the Executive Committee of the Colorado District Judges Association. [Investiture Transcript]

Despite being repeatedly on the “short list” for openings on the Colorado Court of Appeals and Supreme Court, Dan’s true love and aptitude lay at the trial level. On January 12, 1990, Sparr received a call from President George H.W. Bush advising that his name was being sent to the Senate for confirmation for the United States District Court for the District of Colorado. The call was placed from Air Force One. At the time, Sparr said “My knees were shaking so bad I thought I’d better sit down. But then I thought I couldn’t sit while talking to the President of the United States.” [Rocky Mountain News, “Bush Backs Denver Judge for Federal Bench”] The confirmation process took four months. Sparr hit the ground running after a simple investiture on April 25, 1990.

Sparr handled the general and complex diverse variety of criminal and civil cases which constitute a federal district court judge’s heavy caseload, some of

which grabbed the headlines. In 1999 he presided over a Constitutional challenge to the annual Christmas decorations display at the Denver City & County Building. An organization titled Freedom From Religion alleged that its right to free expression, free exercise of religion and the right to use a public accommodation was restricted when the City and County of Denver removed its sign from the holiday display on the steps of the City and County Building. The display included a nativity scene. The sign, in part, read that there are “no gods, no devils, no angels, nor heaven or hell” and that “the Christ child is a myth.” Government officials had removed the sign the day after it was placed. The foundation contended that said action was a violation of the equal protection clause of the First Amendment asserting that the government may not give a forum to a display recognized Christian religious symbols while denying the same forum to those whose views were less favored or controversial. [Footnote: The Denver Post, “Suit Filed Over Holiday Display. Atheist Group wants City to Put Sign Back Near Nativity Scene” December 14, 1999.] This was the second constitutional challenge for this foundation handled by Sparr. In 1991 the same group had sought to have the motto “In God We Trust” declared unconstitutional based on the Establishment Clause of the First Amendment. Both filings were rejected and, upon appeal, affirmed. [Footnote: Gaylor v. United States of America, 940-S-1345, *Memorandum Opinion and Order* dated December, 1994.]

Sparr was surprised when his ruling in Sutton v. United Airlines, where he wrote that to be “disabled” as the Congress intended under Section 504 of the American’s With Disabilities Act of 1990, [Footnote: 42 U.S.C., Section 12102(2)(A)] required “substantial limitation” of a ‘major life activity,’ was affirmed by the Tenth Circuit Court of Appeals 130 F. 3d 893 () and the United States Supreme Court, 527 U.S. 471 (1999). Plaintiffs, twin sisters with uncorrected vision of 20/200 or worse were denied employment as commercial jet pilots with United. They sued, contending that the employers’ actions violated federal anti-discrimination laws. At the time of issuing his opinion, Sparr did not believe it to be a portentous ruling. Despite the fact that the ruling has been roundly criticized by disability advocates as being a “Catch-22” and protecting only those disabled persons who do not need protection [footnote: Jonathan Young JFA, Editor, American Association of People with Disabilities; Op Ed by Charles Lindner, Los Angeles Times, June 2, 2002] the case remains the seminal definition of “disability” under the ADA.

In 2000 Sparr presided over and dismissed a lawsuit by 10,000 sick Colorado smokers whose smoking-related illnesses were paid by Medicaid. The smokers argued that as recipients of Medicaid benefits they were entitled to share in a \$2.9 billion tobacco settlement recovered by Colorado, which had joined with other states in suing the leading tobacco companies in 1997 for antitrust, racketeering and violation of consumer protection laws. [Denver Post, July 29, 2000, “Colorado Smokers Can’t Have Share, Judge Rules”]. Citizens and media attacked but the Tenth Circuit Court of Appeals affirmed the ruling.

An intense attack by media and the public came when Sparr invalidated a ballot initiative by the people of Denver, titled as Amendment 15, which placed limits on campaign contributions. [Denver Post, July 27, 2000, "People's Choices Ignored" and Denver Post, January 4, 2000, "It's Back to "Reform" School" and Denver Post, August 26, 1999, "Campaign Quagmire" Editorial.] The litigation sought to have the Fair Campaign Practices Act, Colo. Rev. Stat. Sections 1-45-101 *et seq.*, declared unconstitutional as violative of the First and Fourteenth Amendments to the U.S. Constitution alleging it infringed on protected political speech and association and denied equal protection under the law under 42 U.S.C. Sec. 1983. Citizens for Responsible Government State Political Action Committee v. Buckley, 60 F.Supp. 1066 (1999) NEED REST OF CITATIONS. Testimony from prominent politicians and interested citizens consumed many days of hearing. As the Colorado legislature undertook to draft substitute legislation that it hoped would be less controversial, Sparr delayed issuing his final ruling. *Id.* at p. 1099. When the legislative fix stalled, Sparr issued his order on August 10, 1999. Thereafter, the legislature amended the Campaign Practices Act and resolved most of the constitutional challenges.

The worst days of Dan Sparr's life began in December 1, 1992, when his son Douglas was found brutally murdered. [RMN, December 3, 1992, "Judge's Son Beaten, Strangled; No Lead Yet in Slaying of Douglas Sparr, 34, DJ at Shotgun Willie's] Always a quiet and gentle man who wrote poetry and dreamed it would someday be put to music, Doug, age 34, had befriended seventeen-year old Marcus Anthony Clouatre, twenty-one year old Christine Marie Nye and her 16-year-old sister Tracy Wrenfrow and invited them to his home on November 29th to watch videos. [RMN, August 31, 1993, "Life Term Given to Killer of Judges Son; Last Defendant Sentenced in Slaying of Acquaintance in his Home During Robbery"] Clouatre was a purported satanist who believed that a human sacrifice which would "open the gates of hell" and increase his supernatural powers. [Rocky Mountain News, July 30, 1993, "Witness Calls Killer a Statanist; Doug Sparr's Slayer Figured Human Sacrifice would Boost His Powers, Ex-Girlfriend Tells Jury"] The three bound and gagged Douglas, blindfolded him, repeatedly stabbed him, poured bleach down his throat and strangled him. Doug died from a blow to his head. The three professed their innocence to the charges of first degree murder.

Wrenfrow struck a deal with the prosecutors and testified against her boyfriend and sister. The trials were presided over by District Court Judge Richard D. Spriggs, Sparr's former colleague. Dan and Sue and their two surviving sons attended every day of the trials, some of which was televised on Court TV. While Sparr maintained control over much of his civil caseload during the two trials, the other five Colorado district judges and Judge Clarence A. Brimmer from the District of Wyoming bench took responsibility for Sparr's criminal docket until the remaining two trials were complete.

Wrenfrow was sentenced to seventy years in prison for second-degree murder and aggravated robbery. [Rocky Mountain News, August 17, 1993, "Teen Gets 70 Years in Slaying."] Christine Marie Nye was sentenced to life in prison without parole plus 16 years [RMN, August 24, 1993, "Nye Gets Life for Sparr's Murder" and Denver Post, August 5, 1993, "A verdict Begins Healing for One Family, Agony for Another"] and Clouatre received life in prison without parole plus 32 years. All appeals were affirmed. [RMN, "High Court Won't Hear Appeal in 1992 Slaying of Judge's Son," December 27, 1995 and Denver Post, January 19, 1996, "Appeals Court Upholds Murder Conviction"]

In November of 1993 a Denver policewoman who filed suit in 1990 alleging that she was the victim of sexual discrimination charged that, because of the success of the Denver Police Department in finding those responsible for his son's death and based on his earlier representation of Denver Police officers, Sparr should recuse himself from her case. Dorothy Monica David v. City and County of Denver CITE [RMN, November 27, 1993, "Judge Won't Take Himself off Bias Trial; Patrolwoman Says Sparr Prejudiced Because Denver Police Solved Son's Murder."] One of the witnesses called to testify for the City had been a homicide Detective on Doug's case. That motion, and other similar motions from other cases, was denied.

Despite the heartbreak and horror of his family tragedy, Sparr returned to his full duties on the court and, until his health prevented otherwise, undertook his responsibilities with the same attention, compassion and intellect which had served him for so many years before. Where others may have been forever hardened or made cynical by his life experiences, to the public, jurors and litigants Sparr remained genial, controlled and impartial. Even those who did not like the outcome of a case or ruling on a motion, never questioned that Sparr's rulings were carefully thoughtful and based on law. Over his many decades on the bench Dan never lost the respect from all corners of the legal community.

Sparr never lost his love for the courtroom and in his joy over being able to be part of the greatest legal system in the world. He relished the freedom to run his courtroom the way he wanted. Sparr held court in venues all over the state of Colorado. Twice he sat by designation, pursuant to Article 142(f), Uniform Code of Military Justice, 10 U.S.C. Sec. 142(f), on the U.S. Court of Appeals for the Armed Forces. In United States v. Radvansky, 45 M.J. 226 (1996), Sparr reviewed and affirmed a general court martial for wrongful use of methamphetamine, wrongful appropriate of automobile and absence without leave. A key issue in the case was whether the mentioning of a possibility of command-directed urinalysis, if the accused did not consent, rendered the search "involuntary."

Upon turning the age of 70 years, Sparr took Senior Judge status and slowed down his workload. He and his wife moved to Colorado Springs. Sparr wished for a federal courtroom in El Paso County but no facilities were available. After

taking senior status, Sparr traveled to Denver on a part time basis until he was hospitalized and required to undergo open heart surgery. The cancer which had been diagnosed fourteen years earlier had returned and eventually claimed his life on November 9, 2006. Sparr was buried at Ft. Logan National Cemetery. He is survived by his wife Sue, his sons Steve and Mike and two grandsons.