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Beyond Institutes, What? - A Program for Topical Luncheons

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mortgage note, the title remains in the mortgagee. As long as we continue to operate under this rule, the means of regulating the repossession and sale of a mortgaged chattel will not be adequate to effect any great reduction in the number of debtors who are forced into a lifetime of debt and economic hardship because of a deflated sale price of the mortgaged chattel and the consequent grossly exaggerated deficiency remaining. However, because of the tremendous political power of those interested in retaining our present system, it is doubtful that any legislative remedy can be obtained at this time. It may well be that the answer lies in making the courts aware of all the facts in these problems which have only infrequently been brought before them. If our courts could be convinced that the man who purchases an automobile or refrigerator, defaults after a few payments and returns the article in substantially the same condition he originally purchased it, should be allowed a credit for the original sale price minus reasonable depreciation, the deficiency judgment then allowed would be no more than the debtor deserves for his default, and our problem would be on its way to solution.

BEYOND INSTITUTES, WHAT?—A PROGRAM FOR TOPICAL LUNCHEONS

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of the Denver Bar

Together with many other lawyers, I have learned a great deal from the institutes which have been conducted by the Colorado and Denver Bar Associations. Such institutes probably offer the best means of imparting general information quickly and efficiently. I have been conscious, however, both as a spectator and as a participant in panel discussions, that many of the listeners leave the institutes with unanswered questions. Often these questions relate not merely to isolated or unique transactions, but rather they involve problems which recur over and over again. The experience of other lawyers in dealing with these particular problems would be most helpful if that experience could be shared.

I have a most profound respect for the aggregate knowledge residing in a group of lawyers on any problem that can be conceived. It is unfortunate that there has been almost no systematic way in which such joint knowledge could be shared. Time and time again lawyers who specialize in particular fields, and who are participating in institutes, find that there are members of the audience who know much more about a particular topic than the so-called expert. In the conduct of an institute, that specialized knowledge in the audience ordinarily cannot be made available to the group. In order to cover the ground, an institute cannot make

much use of audience participation. There simply is not enough time to explore the various facets of the problems which are discussed. In order for a group to obtain the benefit of specialized and detailed information, some different sort of meeting should be developed for this purpose.

Then, too, many lawyers find it difficult to take a day, or even a half day away, from the office to attend institutes given by lawyers who are specialists in their particular fields. It is probable that lawyers generally could not take time from normal office hours to attend any kind of group meetings. Most of us, however, do not find it too difficult to attend luncheon meetings. Perhaps luncheon meetings could be arranged, ending at 1:30, which would provide approximately an hour for discussion of particular topics.

To propose specific topics; perhaps a meeting could be arranged at which the relative advantages of *agreements for sale and purchase of real estate* could be compared with the use of *trust deeds*. Perhaps another session might deal with the various clauses which lawyers insert in the regular printed forms of *agreements for sale and purchase*. Other sessions might deal with problems peculiar to quiet title suits, estate proceedings, etc. All of you will immediately think of many other fields of law in which other specific problems peculiar to those fields could be discussed. Naturally, my thinking is along the lines of real estate law, but there is no reason why such a technique should not be adopted to negligence law, contracts, corporations, etc.

FREE SPEECH AT LAST!?

These meetings could be presided over by a moderator who would merely introduce the topic for discussion. Each member would have the inherent right to speak on the topic, to present his draft of a clause, or to ask a question. This particular point would be the unique feature of these meetings. The inherent right of every member of the audience to speak would afford an opportunity to obtain answers to the bottled-up questions which always survive any group meeting.

In order to insure an opportunity for each member to be heard, it would probably be necessary to limit the attendance to a group composed of the first thirty, or less, who make reservations. Even with an hour available, this would give each one only two minutes in which to speak his piece. If this plan is to supplement the institutes and other group activities, however, it is vital that there be preserved to each member the absolute right to be heard on the topic being discussed. The participants would be invited to bring their own forms, where documents are being discussed, and each would share with the group his method of answering the particular problem involved. I believe that meetings of this kind would be extremely helpful in securing better draftsmanship of documents and in keeping us abreast of the latest developments.

Every lawyer who has had some years of experience in practice, recalls most vividly how much he had to learn when he first began to practice. All of us have been very grateful to older lawyers who have generously answered our questions. The young lawyers beginning practice today are still dependent upon older lawyers for advice and help. The bar has been giving much study and attention to some sort of an apprentice system to help law school graduates to become adjusted to the actual practice of law. Group meetings of the kind here proposed could be of great help to younger lawyers. At each meeting a half dozen or so places could be reserved for lawyers who had been admitted to practice less than two or three years. These young lawyers, by attendance, would hear a discussion of common problems by older lawyers. They would actually hear the clauses used in particular documents, and be warned of the pitfalls involved in various fact situations. By this method it seems to me that the accumulated experience of the group would be made available not only to older practitioners, but also to help the young lawyer to learn the exact and detailed methods by which practical problems are solved. Such a plan might provide a vicarious apprenticeship.

Individual lawyers do not have the time or facilities to initiate and carry on such a program. It is my belief that the bar association could render a real service to the profession by arranging such meetings. Some preliminary discussion has been had with the officers of The Denver Bar Association and it is hoped that the members will soon receive a notice advising them of the time, the place and the topic of the first meetings. As you will realize, the attendance must be kept small enough to operate efficiently, and it probably will be some time before all those interested in participating in such a workshop luncheon will get a chance to do so.

THE BOOK TRADER'S CORNER

Spurgeon and Sutton, Exchange National Bank Bldg., Colorado Springs list the following law books for sale: 1 set of Am. Jur., Vols. 1-12 ALR 2d with current digest, 1 set Colorado Digest, Vols. 100-120 Colorado Reports, and complete set of Corpus Juris with Cyc.

Hugo P. Remington, CU '09, who is now a county judge in Lisbon, N. D., writes that his county has authorized the sale of the following state reports from his library: Colorado 1-6, California 1-63, Idaho 1, Oregon 1-10, Kansas 1-29, Montana 1-3, Nevada 1-16, New Mexico 1-2, Utah 1-2, Washington 1, and Wyoming 1-2.