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Paul B. DeWitt

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In view of the success of recent Colorado institutes the following article will probably be of interest to the members of the bar.

HOW LEGAL INSTITUTES WERE BROUGHT TO IOWA LAWYERS

By PAUL B. DE WITT

*Former Secretary, Iowa Legal Institute Committee; Assistant
Secretary, American Judicature Society*

ORGANIZATION of legal institutes for small local bars is currently occupying a prominent part in the program of a number of state bar associations. With over fifty institutes having been held in the larger cities since the Cleveland meeting of the American Bar Association, it is apparent that lawyers everywhere are eager to take advantage of opportunities which are offered for bringing themselves up to date on current developments in the law. These opportunities are not being confined to the large cities and the spread of small local or district institutes has been equally remarkable. Their organization has been fostered largely by the state bar associations, and an account of the successful experience of Iowa in this field is therefore timely.

The genesis of the Iowa or district idea for legal institutes was quite casual. At the Kansas City meeting of the American Bar Association in 1937 the president of the Iowa Association, Mr. Burt J. Thompson, and his good friend, Mr. Frank W. Senneff, wandered into a section meeting where the subject of legal institutes was under discussion. The talk centered around institutes for large cities, and the experiments in Cleveland, Toledo and New York were being used as examples. After the meeting was over Mr. Thompson turned to his friend and said, "Let's try that idea in Iowa."

Now both of these lawyers were from a judicial district in which the largest city had a population of only 25,000, and this district was typical of Iowa judicial districts. Obviously, if the institute idea was to work in Iowa the plan for the city institute would have to be modified. In the first place the bar was not numerous enough to contribute funds to engage some outstanding authority to conduct the institute. The members

of the bar lived in widely scattered small towns, which meant that to attend an institute they would have to drive considerable distances. Finally, there were very few districts which had an organized bar and hence there was no group through which to work.

These difficulties were surmounted in the most simple and direct way. Local judges and attorneys who had a special interest in some legal subject were secured for speakers at the institutes. It was rather surprising how many of the local bench and bar had these specialties. An examination of the briefs of the first talks reveals exceptionally well prepared papers with citations to the best in current legal literature. To overcome the difficulty of getting a widely scattered bar to attend, it was decided to limit the institutes to one day and to secure the adjournment of the courts for that day. A discussion was planned for the afternoon, followed by a social hour. Then a dinner was served and the second discussion was held after dinner. The meeting was adjourned in time to allow the attorneys to drive home the same evening.

A much more serious problem was the lack of organized units of the bar in the districts. Again the solution was simple and direct. Mr. Thompson carried the plan to the districts personally. He first sold the local bar on the institute plan and then the district was organized for the purpose of holding the institutes. As soon as the district bar had some concrete reason for getting together, an organization was easily formed. The importance of the institutes as a means of organizing the local bar and as a reason for the existence of local associations cannot be exaggerated.

The result of this activity at the end of the first year was astonishing. At the beginning of the year Iowa had between fifty and sixty county associations. At the end of the year there were eighty-five associations. At the beginning of the year six district associations were functioning. By the end of the year the number had increased to twelve. Legal institutes had been held in thirteen judicial districts, which included sixty-four of Iowa's ninety-nine counties. Every lawyer in the district regardless of membership in a bar organization was invited to attend, with the result that an average of nearly

seventy-five per cent responded. This was all accomplished at no cost to the individual lawyer except the cost of the dinner, which was set at one dollar.

As a result of the success of the first year's program an Institute Committee of the state association was appointed, with Mr. Senneff as chairman. This committee acted as a clearing house for securing competent and prepared speakers. Activities were centered in the office of the state law librarian, who acted as secretary for the committee. The librarian's staff was made available to the speakers to help them in the preparation of their discussions. The work of the committee was financed by voluntary contributions, and a fund of over \$1,500 was secured by appeals by letter from the chairman of the committee and by his committee members, one of whom was assigned to each district.

A very definite effort was made from the first to "stylize" the program. A very attractive letterhead was used. A rather elaborate prospectus or schedule of courses was prepared, which indicated some thirty courses grouped under such headings as "Problems in Administrative Law," "Problems in the Law of Evidence," "Problems in Probate Law," etc. The committee was careful to refer to the lawyers who were to give the discussions as the "faculty" of the institutes. The prospectus was so attractive and the speakers so well known to the bar of the state that it was considered something of an honor, which in fact it was, to be included on the faculty. The committee was embarrassed by the number of attorneys asking to be placed on the list of speakers. As a method of giving the program added prestige, the popular chief justice of the supreme court, Richard F. Mitchell, was asked to serve as honorary chairman of the committee. Mr. Justice Mitchell became very much interested and actively contributed to the support of the program.

Perhaps the most popular feature of the plan was that the committee arranged to mimeograph briefs or digests of all the talks that were given and to distribute them to the lawyers attending the institutes. These abstracts, since the talks were limited to subjects of interest to the practicing lawyer, proved to be valuable, timely and authoritative briefs with particular

reference to Iowa law. District judges would write to the committee asking for the briefs to guide them in the decision of some case pending before them.

Although the central committee organized and directed this program, it was careful to leave the responsibility for the actual conduct of the individual institutes in the hands of the local district organizations. The district chose its own speakers and made its own arrangements. The central committee merely guaranteed to have the speaker at the institute, printed and distributed the briefs of his talk, and paid the traveling expenses of the speaker. The committee was particularly careful to use only its own funds for institute work; the state association was not called upon to meet any of the expense.

The results of the more careful organization of the institutes in the second year have been most encouraging. Already nine district institutes have been held. A continuing organization has been effected and a great impetus has been given to the organization of district associations. The bar has been unified and this in spite of the fact that before the institute program was inaugurated it had been somewhat divided by a campaign for bar integration. There is no thought of giving up the institute plan or of going back to what Mr. Walter Flory of the Cleveland bar once described as the "incessant 'glad-handing' and not always inspiring after-dinner speaking which * * * characterize bar meetings." Thus, starting out quite by chance, proceeding with a very simple and direct method of organization, the Iowa bar has worked out successfully the "district idea" for institutes in states where the city or Cleveland plan cannot be used. Many states are following this plan of organization: Colorado has had three institutes, Nebraska three, North Dakota five, Washington one, Ohio nine. In every case the plan has been a success. Wisconsin has worked out a most successful plan of "clinics" along the same general lines. Kansas, West Virginia and Georgia have completed definite arrangements for holding institutes. Apparently the "district idea" has passed the experimental stage.

As a tribute to his outstanding work in revitalizing and reorganizing the state association, Wilbur Denious of Denver, the past president, was selected by the Executive Committee to represent the state bar in the House of Delegates of the American Bar Association. The Executive Committee acted under authorization given it at the 1938 annual meeting in the selection of the representative, and its selection was heartily received by the governors.

Stanley Wallbank of Denver, as chairman of the committee on the organization of local bar associations, reported that practically all sections of the state were now represented by affiliated local associations in the Colorado Bar Association. The petition of the Ninth Judicial District Association to become affiliated with the state organization was received by the governors and unanimously approved. A large credit of the work for the organization of this local association belongs to Judge John R. Clark of Glenwood Springs, according to Mr. Wallbank. The only large area not now affiliated with the state bar consists of the counties of Delta, Gunnison, Montrose, San Miguel, Hinsdale and Ouray. A committee has been appointed in this district, however, and it is proceeding to formulate a local organization to be affiliated with the state unit. According to present indications, the small body of lawyers in northwestern Colorado will probably join the Western Slope Bar Association.

William R. Kelly of Greeley, president-elect of the state association, spoke briefly on the success of the legal institutes in Colorado. He stated that the institutes had by now become an indispensable and vital part of bar association work.

The question of arrangements for the annual meeting was presented by William E. Hutton of Denver as chairman of the committee. He advised that Glenwood Springs, Troutdale, and Colorado Springs had so far presented invitations to act as host to the yearly gathering. He also revealed that the committee had under advisement a plan to devote an afternoon session to a discussion of proposed Colorado rules of practice and procedure.

Edward C. King of Denver presented the treasurer's report. He pointed out that the legal institutes had created interest in the state bar and had facilitated the collection of dues by the local associations.

Since the reorganization of the state association, the secretary has had a vast amount of correspondence, according to Fred Y. Holland of Denver. He reported that his office corresponded with associations located in other states and foreign countries, as well as with members of the state bar. Copies of the 1938 annual report have been distributed to state and local bar associations in practically every state, as well as to the state universities and to organizations in foreign countries.

After the meeting had adjourned, the committee on revision of the by-laws of the state bar met. Its work will be presented shortly to the state association for action. A resolution of appreciation was extended to G. Dexter Blount for his courtesy and hospitality as host to the group.

THE REVISION OF THE CODE

By PHILIP S. VAN CISE*

In the Supreme Court room on May 8th was held the first meeting of the Colorado Bar Association Committee on Revision of the Code to Conform to the Federal Rules. About seventy lawyers were in attendance, including many of our present judges. The next meeting will be held on June 12, 1939, at 7:30 o'clock P. M. in the Senate Chambers at the state capitol.

Each member has been given a copy of the rules and thirty-three pages of work sheets, and assigned to one of thirteen working committees, each under a chairman. These chairmen and their assignments are as follows:

Group Number 1—Charles J. Simon, Colorado Springs. Initiation of actions. Rules 1 to 6, 45, 71, 85 and 86.

Group Number 2—Mark Harrington, Denver. Pleadings. Rules 7 to 13 and 15 and 16.

Group Number 3—Mortimer Stone, Fort Collins. Parties. Rules 14 and 17 to 25, inclusive.

Group Number 4—Edward L. Wood, Denver. Depositions and discovery. Rules 26 to 37, inclusive.

Group Number 5—Arthur H. Laws, Denver. Trials. Rules 38 to 44, inclusive, and 46 to 53, inclusive.

Group Number 6—Judge Charles C. Sackmann, Denver. Judgments. Rules 54 to 63, inclusive, and 68 and 70.

Group Number 7—Col. Fraser Arnold, Denver. Provisional and final remedies. Rules 64 to 69, inclusive.

*Of Denver, Chairman in charge of Code Revision.