

January 1939

## A Legal Institute on Insurance Law

Dicta Editorial Board

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### Recommended Citation

A Legal Institute on Insurance Law, 16 Dicta 263 (1939).

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## A Legal Institute on Insurance Law

winter meeting of the State Delegates in Chicago last January. He will serve in that capacity for three years. The Board of Governors consists of one member from each of the ten Federal Judicial Circuits and the President, Secretary, Treasurer, chairman of the House of Delegates and editor of the *Journal*.

Dean Robert L. Stearns of the University of Colorado Law School was elected chairman of the Section on Legal Education and Stanley T. Wallbank of Denver was elected chairman of the Section of the National Conference of Bar Examiners.

These Colorado lawyers, together with Wilbur F. Denious of Denver, who last April was elected Delegate of the Colorado Bar Association, have, by their elections, become members of the House of Delegates of American Bar Association, which consists of approximately 170 members and is the controlling body of that Association. As a result, the lawyers of Colorado now have five representatives in the House of Delegates, which is a larger representation than any other state of an equal or less size bar.

Colorado lawyers were prominent on the programs. Judge Ori L. Phillips, William R. Kelley of Greeley, President-Elect Dean Robert L. Stearns and Lowell White of Denver delivered interesting and comprehensive addresses at meetings of sections.

These facts speak well of the bar of Colorado and the active and enthusiastic interest of its members in the affairs of both the American Bar Association and the Colorado Bar Association.

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## A LEGAL INSTITUTE ON INSURANCE LAW

*Patterson of Columbia Lectures in Denver August 21 and 22*

**T**AKING advantage of the presence on the summer law faculty in Boulder of Professor Edwin W. Patterson of Columbia, one of the leading authorities in the country on the law of insurance, the Denver Bar Association has arranged for a two-day legal institute to be held on Monday and

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*ANNUAL MEETING—SEPTEMBER 22, 23, 1939, Colorado Springs.*

Tuesday, August 21 and 22, in the auditorium of the Capitol Life Insurance Company at 16th Avenue and Sherman Street on the topic "Current Problems of Insurance Law." In addition to members of the bar, laymen in the insurance business will be welcome, and indications point to a considerable advance sale through the local underwriters association.

Denver lawyers who attended the law institute given a year ago in April by Prof. W. Barton Leach of Harvard on the subject of Real Property and the Drafting of Wills know the value of lectures of this kind and will appreciate the opportunity to hear an equally eminent speaker in a field which is of such practical every-day importance as insurance law. Professor Patterson is well qualified both from the standpoint of knowledge of the topic, and from experience as a lecturer. He conducted a very successful institute on this subject in Cleveland last fall which was attended by over four hundred lawyers. President Howard L. Barkdull of the Ohio State Bar Association, member of the well known Cleveland firm of Squire, Sanders and Dempsey, writes concerning it:

"The audience was much pleased. The subject was well handled, the presentation was interesting and the general impression of those in attendance was very good. The appeal was broad enough to make the institute valuable to everyone in the audience."

In addition to teaching insurance law at Columbia for a number of years, Professor Patterson has had some practical experience as deputy superintendent of insurance of the State of New York in 1936 and for two years was in charge of the revision of the insurance law of New York, which was passed by the legislature and will become effective next year. His recognition as a scholar is indicated by the fact that he was the adviser of the Restatement of the Law of Restitution for the American Law Institute. His published works include: "The Insurance Commissioner in the United States," 1927; "Cases and Materials on Insurance," 1932; "Essentials of Insurance Law," 1935, and a two-volume case book on Contracts. He does not return to Colorado as a stranger, because after starting in practice for a few years in Kansas City, he came to the law

faculty at Boulder, where he taught for several years until 1920.

An outline with citation of cases and text authorities will be furnished at the opening of the institute. The first session will be held on Monday afternoon, August 21, from 4:00 to 5:30 P. M., the second on Monday evening from 7:30 to 9:00, and the concluding lecture on the following afternoon from 4:00 to 5:30. Series tickets sell for two dollars and may be obtained by mailing your check to Secretary James A. Woods or by purchase from the following members of the ticket committee: Kenneth Wormwood, F. N. Holland, Fred M. Winner, Finlay McF. Robinson and Benjamin E. Sweet. As the capacity of the auditorium at the Capitol Life Insurance Company is limited, those interested are advised to secure their tickets at once. Out-of-town lawyers will be especially welcome.

Professor Patterson's discussion will touch on a number of phases of the law of insurance and its modern developments. The first lecture will be devoted to some general principles and problems which are common to the insurance business in all of its branches. The features of the insurance contract which differentiate it from other contracts will be emphasized. In this connection, the question will be discussed, what is "insurance" and "doing an insurance business"? This question is of interest not only to insurance company counsel but also to counsel for manufacturers, merchants and persons furnishing services, many of whom have made contracts which were held to invade the province of insurance and therefore to fall within the scope of statutes regulating the insurance business.

Statutory regulation and administrative supervision will be discussed, with reference to scope, general objectives, and methods. The multiplicity of regulations due to different types of insurance carriers—stock, mutual, fraternal, reciprocal—and the different kinds of insurance business—life, fire, marine, casualty—will be pointed out. Brief reference will be made to the movement for Federal supervision of all or some parts of the insurance business.

The second part of the first lecture will be devoted to the general principles of contract law, as applied or modified in the

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making and interpretation of insurance contracts. Offer and acceptance, delivery of the policy, the parole evidence rule—and reformation for mistake, will be discussed. The general analysis of waiver, estoppel, and election will be briefly presented at this point, to be elaborated more fully in the succeeding lectures, which relate to particular branches of the insurance business.

The second lecture will be devoted to fire and casualty insurance, with only such reference to marine insurance as is necessary to give the historical background of current legal doctrines. The use of legal devices in the selection and control of risks, by the insurer, will be outlined. The casualty insurance problems will be principally those of the liability insurance policy: the extended coverage clause, the right of the injured person against the insurer, cooperation by the insured with the insurer, and the insurer's control of litigation and settlement, including the insurer's liability to the insured for failure to use its control properly. The fire insurance problems will include: insurable interest, measure of recovery, the standard mortgagee clause, warranties and conditions affecting the risk, and waiver, estoppel, and election.

The third lecture will be devoted to life insurance. Among the topics to be discussed under this heading are: insurable interest, the inception of the insurer's liability, misrepresentations by the insured, assignment and change of beneficiary, the incontestable clause and waiver, estoppel, and election as applied in life insurance cases. The use of legal devices in the selection and control of risks will be outlined.

The foregoing is not an exhaustive list of the points which will be developed in the course of the discussion. Professor Patterson wishes to point out, however, that the limited time will not permit exhaustive discussion of these topics with full analysis of the authorities. Representative precedents will be chosen for analysis.

Arrangements are in charge of the Law Institute Committee consisting of P. H. Holme, chairman, Ernest Fowler, E. N. Freeman, Edward L. Wood and Robert L. Stearns. Special thanks is due to Dean Stearns, through whose courtesy Professor Patterson has been secured.

LAW LECTURES AT THE UNIVERSITY OF  
COLORADO

In connection with the summer session at the Law School at the University of Colorado at Boulder, a series of lectures on legal topics has been arranged which will be of interest to Colorado lawyers.

The first series of lectures will be on "Business Situations" and will be given by Mr. Mayo H. Shattuck, of the Boston bar, at 4:30 P. M. on Tuesday, Wednesday and Thursday, August 15, 16 and 17. Mr. Shattuck is one of the leading practicing lawyers in Boston, is an authority on the law of trusts and has had wide experience in the general practice.

The second series of lectures will be on "The Drafting of Wills and Trusts" and will be given by W. Barton Leach, of the Harvard Law School faculty. They will be delivered at 4:30 o'clock in the afternoon and 8 o'clock in the evening of Friday, August 18th, and at 10 o'clock in the morning of Saturday, August 19th. Mr. Leach, it will be remembered, gave a most successful series of institute lectures on Powers and Perpetuities, sponsored by the Denver Bar Association in May of 1938.

All lectures will be delivered in the Moot Court Room of the University Law School and will be open to all lawyers without charge. A cordial invitation to attend is extended by the students and faculty of the Law School.

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**ELIAS H. ELLITHORP**

Elias H. Ellithorp, late of Alamosa, died on June 17, 1939. Mr. Ellithorp came to Colorado in 1905, and was admitted to practice in 1906.

He served as County Judge of Costilla County and maintained an office in San Luis until 1923, at which time he moved to Alamosa, and had resided in that city ever since.

At the time of his death he was 75 years of age; was born in the State of New York in 1864.

He was first admitted to practice in New York in 1896. Burial was at Monte Vista, Colorado.

—*Jesse E. Pound, Correspondent.*

Stewart Shafer, our erstwhile regional correspondent, formerly of Cortez, has moved to Denver and has opened up offices in conjunction with W. Felder Cook in the Equitable Building. James B. Garrison of Dolores will replace Mr. Shafer as regional correspondent for that district.

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John Henderson of Greeley left July 5th for a month's vacation in Hawaii.

The Weld County Bar Association and the chamber of commerce of Greeley united their efforts to play host to two special trains of attorneys enroute to San Francisco from the East to attend the American Bar Association Convention. The specials stopped a short time in Greeley on July 3rd for the celebration and to pick up local attorneys who joined the trains to the convention.

Weld County Bar members, after greeting the attorneys, distributed small satin sacks of beet sugar to the visitors as mementoes of their visit to Weld County.

John W. Henderson, David J. Miller and John W. O'Hagan constituted the reception committee.

—*John W. O'Hagan, Correspondent.*

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Carl Ahlborn, Jr., has opened an office at Fort Lupton. Mr. Ahlborn formerly practiced law at Smith Center, Kansas. He is the fifth new member of the Weld County Bar Association to be enrolled during the past year. With the enrollment of Mr. Ahlborn's name, Weld County Bar Association has now reached the quota set by the Colorado Bar Association.

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