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Report of Committee to Cooperate with American Law Institute

James E. Brenner

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That by means of appropriate legislation, the Executive of the state of Washington be authorized and required to coordinate State Code Departments, including Forestry, Game, Institutions, and, together with the State's Department of Schools, to effect the following three points:

First, to establish diagnostic centers within the state available to county authorities, for examination of juvenile psychopathic cases, and to make available expert testimony in connection with that type of case; to make available advisory services to local county probation authorities for the formulation of probation and rehabilitation requirements in special cases needing special attention.

Secondly, to make available to state custodial and training schools the services of medical and psychiatric personnel of the state institutions and of the medical school of the University of Washington.

Third, to extend a summer camp and intermediate custodial and training school program, by lending to counties or to joint county control, the services and facilities of the Forestry, Game, and School Departments of the state, according to the needs in local areas, and including state financial aid and assignment of personnel from the departments of the state government.

The Committee would sum it up and say we feel and recommend that the work in the juvenile program be and remain at the local level.

REPORT OF COMMITTEE TO COOPERATE WITH
AMERICAN LAW INSTITUTE

BY JAMES E. BRENNER

It is a real pleasure to have this opportunity to talk to you about the Continuing Legal Education Program of the American Law Institute and the American Bar Association, because, after all, it is a part of your own program.

The creation of this program on a national basis was with the idea that while it was national in scope, it would always be local so far as its usefulness was concerned. What you are doing here this week in using legal institutes as the background for your program in your annual meeting is exactly what was intended by the national program.

I don't know, but I suppose some of you are as familiar with the history of this movement as I am, and I hope you will bear with me if I give you a few of the high spots about how the program came into existence.

It started back in the early thirties, when groups of lawyers realized that changes in the law were taking place rather rapidly. It was difficult even then for lawyers to keep abreast of the new developments in the law. That trend has gained momentum and has gone on until today you are all aware of how difficult it is to keep up to date with even the more important subjects of the law. Toledo and Cleveland were two of the midwest cities which started the movement on a local basis. Then the Section of Legal Education and Admissions to the Bar of the American Bar Association recognized that this was a part of the very thing for which the Section had been created, namely, to bring to the lawyers post-admission education in those fields of the law in which frequent changes are taking place and for which the average lawyer does not have time available to keep up with the daily changes.

The movement gained considerable momentum, and then the war came along, and of course everything had to stand back for a time. After the war continuing legal education became more important than ever, because so many of the younger lawyers had been in the service four or five years, and so many changes had taken place in the law. We realized the need for some agency which would have the background and the finances to put Continuing Legal Education on a national basis.

The American Bar Association had sponsored the Continuing Legal Education Program before the war, and was instrumental in having the American Law Institute become a cosponsor of the postwar program.

The American Law Institute was in a very strong position. It had reached a point where its Restatements of the Law were practically completed, and while there were a number of major assignments still left for that work—the Commercial Code and others—the Council of the Institute felt the time had come when they desired to have a long-time program to carry over the years. That is your present program of Continuing Legal Education.

The purpose of this program is to bring to local Bar Associations of the states and cities and counties opportunities to participate in these Institutes. Washington has been well out in front with this work. You have had Institutes on a number of occasions in Seattle. Last year you hit one of the high spots here in Spokane. I think it will be a landmark because of the contrast between what happened here and what happened in another state at exactly the same time.

This Institute was scheduled for a week end when you had a terrific weather situation—twenty-four below zero! Roads were pretty well closed. And still out of the lawyer population, which is of moderate

size, over seventy people turned out for the Institute—a very heartening result.

In the other state, which is in the Southwest, the temperature the same day was eighty-four. An Institute presented there on the same subject in a city having approximately the same lawyer population as Spokane had a turnout of forty-one. The next day in another city in the same state they had a turnout of thirty-five—same temperature and nearly the same lawyer population.

It shows that here you have the sort of spirit that is going to make Continuing Legal Education extremely important in your legal careers.

Your President has referred in his comments to the Unlawful Practice of the Law I do not believe that there is anything that will be more important in putting a stop to the unlawful practice of the law than Continuing Legal Education for all lawyers.

The unlawful practice problem is largely a result of laymen becoming specialists in particular fields of the law. For a time it looked as though the laymen were going to take a lot of practice away from lawyers to whom it rightfully belonged. It happened in California a number of years ago, in the field of titles. I am not familiar with your experience here with titles, but in California you do not see an abstract today unless it is one belonging to a client who owns property in the Middle West. The public thought the title companies were doing a better job and that they were giving better protection. The result is that the title companies now have most of the title business.

The same thing almost happened with taxation. Many lawyers in the beginning wouldn't fool with taxation—they didn't want to be bothered with it. They preferred to let somebody else do it. It was not until 1942 and 1943 that we awoke to the fact that taxation was presenting a great field of opportunity for lawyers. Now it is becoming a substantial part of our practice, because we are doing the job a lot better. If we continue to do a better job than the layman, we need not be concerned about the public going elsewhere for legal services in the field of taxation. Continuing Legal Education programs are doing much to keep lawyers informed on the developments in the law of taxation and to assist the legal profession in keeping a practice that is rightfully theirs. Because of the many changes it is important that institutes on taxation be presented in all parts of the country, so that lawyers in rural communities as well as those in the metropolitan areas may keep abreast of the latest developments. With new tax laws and rulings coming out with almost daily regularity it is essential to have all possible assistance that will

save the lawyer's time. The lawyer in general practice cannot sit down and spend all day trying to keep up with all these changes. Legal Institutes are one answer to the need for time-saving aids.

The Continuing Legal Education program is so administered that it can be presented on a local basis within a particular county by a city bar association or by a county bar association, or you can have it, as you are here, where it is a part of the annual program of the State Bar Association.

As a part of its Continuing Legal Education program the American Law Institute is publishing a number of monographs on important subjects of the law. No attempt is made to duplicate text material that is already available. These publications are intended to be short treatises on the "how-to-do-it," or practical, application of the law

During the past year we have had legal institutes in every state west of the Mississippi. Some have been on a little broader basis than others. In California, for instance, they have state-wide programs. Last year twenty-six different parts of the state participated in the Institute program. Each year for the last several years the Iowa lawyers have held a tax school in Des Moines along in December. Starting out with only seventy-five to one hundred people, the attendance has increased each year until last year they had over 800 people present. They are doing a marvelous job of keeping everybody up-to-date on the principles of taxation.

I think we have a comparable program to point to, to realize where this is going to take us. The medical profession has had its clinics for years. Those clinics have reached a point where they play an important part in the life of the average medical practitioner.

We had the good fortune to have the American Medical Association hold its annual meeting in San Francisco this summer. Preceding and following the meeting of the parent association there were meetings of practically every group of specialists—eye, ear, nose, throat, heart, kidney, and others. They came by hundreds to learn about the latest developments in medicine and surgery. The cost of attending these meetings was small compared to their value.

I think that covers the most important features of the Continuing Legal Education program. The American Law Institute and the American Bar Association are indeed grateful to the state Bar of Washington for the enthusiastic part it is playing in bringing Continuing Legal Education to the members of the legal profession in this state.