

no longer maintained except as a passing and loading point.

I remember with a good deal of pleasure meeting the president, Mr. Earling, the secretary, Mr. Edwards, and Mr. Laas, manager of construction, with whom I became quite well acquainted, and the latter also became a client of our office. I am still having correspondence with his son, Robert Laas, of Chicago, the father having passed away several years ago.

Much more could be written upon the story of the Milwaukee road, but I fancy that this is all that will be needed and I am well pleased to have the present officers of the company know of my connection with the proposition. If I live until the 19th of next May I will celebrate my ninetieth birthday. One of the highlights of my experience in life is my connection with the Milwaukee road during its construction of the "Kansas City Cut Off."

THE LEGAL INSTITUTE PROGRAM

By JUDGE J. E. HEISERMAN

Any history of the Legal Institute Program in Iowa should begin with mention of the Lawyers' Chautauqua. For many years the lawyers of the Fourteenth and Twenty-first judicial districts of Iowa banded together their talents and energies, and each summer have held at Lake Okoboji, a series of lectures and discussions upon various legal subjects, covering a period of several days. By the year 1938, this annual meeting had come to be known as the Lawyers' Chautauqua. Due to its success and favorable mention among lawyers throughout the state, undoubtedly it was the forerunner of the Legal Institute Program.

The movement to incorporate a state-wide Legal Institute Program as part of the activities of the Iowa State Bar association first took definite form during the tenure of Burt J. Thompson, of Forest City, as president

of the association. As part of his president's address to the members of the association, in June, 1938, Mr. Thompson introduced and explained the program to the bar of the state, and disclosed that during the preceding four months experimental or pioneer institutes had been held in eleven of the judicial districts, and that the plan had been outlined to the officers of the various county and district bar organizations.

At the same meeting, Frank W. Senneff, of Britt, delivered an address upon the subject of "Law institutes," stating the objects and purposes, reviewing the progress made, and recommending that the program be placed upon the agenda of the association, as one of its permanent activities. At the conclusion of Mr. Senneff's discussion, Don Barnes of Cedar Rapids moved that a Legal Institute committee be appointed, and this motion was unanimously carried. The committee was subsequently appointed, consisting of seven members, each responsible for three judicial districts, with Mr. Senneff as chairman, and thus the first formal organization for promoting the Legal Institute Program was accomplished.

There has been a Legal Institute committee of the Iowa State Bar association appointed each year since 1938. The formal organization of each of the committees, after the first, consisted of twenty-one members, one from each of the judicial districts of the state. Former Supreme Justice Truman S. Stevens was chairman of the second appointed committee, and Judge Henry N. Graven, of the United States district court, was the next chairman. Judge Graven held this office for several years, and was responsible in large measure for the growth and success of the program.

The Legal Institute activity is known as a program for lawyers by lawyers. As stated by Mr. Senneff in his address, the program "has for its primary object the desire to pass on to other members of the profession the experiences and results obtained by a careful and painstaking search of the decided cases upon some care-

fully selected legal proposition, by a lawyer who has, either by virtue of his employment by a client or by his own initiative, taken time to inform himself fully upon the particular subject, and who is willing to impart the knowledge thus obtained to others who may care to receive it and file it away in the recesses of their minds or in the office archives until such time as their immediate necessity may require its use."

The objects and purposes of the program have remained the same since its inception. It is interesting to note, however, that the emphasis as to subjects has shifted somewhat according to the times. For instance, during the formative period of the "New Rules of Civil Procedure," which became effective July 4, 1943, most of the Legal Institute programs centered about a discussion of the proposed rules.

During the war it became very difficult to hold formal Legal Institute programs, because of the increasing difficulty of obtaining suitable accommodations, suitable meals, gasoline and tires, and also largely because those lawyers who were not in the armed forces experienced added work and added responsibility, which pretty much crowded out their Legal Institute activities. However, during the past couple of years, the Legal Institute program has been resumed, and there is no reason to expect but that it will very shortly have regained all that was lost during the war period.

OPERATION OF THE INSTITUTE

For the record, perhaps the actual mechanics of the program should be here stated. It has always operated upon a basis of judicial districts, because of the similarity of interests and the acquaintanceship of the bench and bar in each district, together with the formal district organization which usually has existed. Speakers and subjects are arranged for in advance by the committee, and lists thereof are placed in the hands of each member of the committee and any and all other interested parties. Then sub-committees or groups in each

district arrange time, place, and speakers for a given program, and the lawyers are invited to attend.

A dinner is usually held in connection with the meeting, for which each attorney present procures a ticket, with a small added charge to pay the expenses of the visiting speakers. These speakers receive no compensation whatsoever, but do receive reimbursement for traveling and hotel expense.

Mimeographed copies of each speaker's address, or an outline or brief thereof, are for the most part available in advance through the office of the secretary of the bar association. Thus each attorney present receives a valuable mimeographed brief of the particular subject under discussion.

The various Legal Institute committees have always received excellent cooperation from the bench and bar, and have found for the most part that the attorneys are willing to act as faculty members for the program, although it does entail for them considerable inconvenience at times.

Some of the speakers on the program have been such from the beginning, and some of these speakers, as for instance Dean Mason Ladd of the College of Law at the State University of Iowa, and J. E. Burnstedt of Webster City, have appeared at least once in practically every judicial district in the state. Both law schools of the state have contributed generously through the members of their respective faculties, and the members of the bench, both of the district and the state supreme courts, have done the same.

There have been as many as fifty Legal Institutes held throughout the state in a given season, but the average is somewhat below that. At the close of the current season there will have been approximately thirty-five Legal Institutes held.

A CONTINUING PROGRAM

The first Legal Institute meeting to be held under this program, as a function of the Iowa State Bar association, was held at Charles City, on February 21, 1938. The speaker at that meeting was William L. Bliss, now a justice of the Iowa supreme court. His subject was; "The Expert as Invading the Province of the Jury." That the lawyers present at this meeting received an authoritative, and perhaps prophetic discussion of this subject, is evidenced by the opinion of the Iowa supreme court, written for the court by Justice Bliss, in the case of Crismore v. Consolidated Products company, 232 Iowa, 328, wherein the so-called modern rule as to admissability of the opinions of expert witnesses is adopted, and the cases holding to the old rule are overruled.

At the time the Legal Institute program was adopted in Iowa, in 1938, various legal institutes were being held in some of the larger cities in the United States, but so far as is known the program had never been undertaken upon a state-wide basis. It is safe to say for the record, without any intention of overstepping the bounds of modesty or propriety, that Iowa was if not the first, one of the very first states in the country to adopt this program as a function of a state bar association. Soon after the inception and promulgation of the program here, as many as thirteen other states fell in line with the program patterned after the Iowa one.

The Iowa program has received wide and favorable mention among the legal magazines and periodicals, including various law reviews, notably the *Iowa Bar Review*, and the *Journal* of the American Bar association. The Legal Institute committee has become a permanent standing committee of the Iowa State Bar association, and this program is regarded by all of the officers and members thereof as being a permanent and continuing function of the association.

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