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Introduction

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THE Twentieth Century has brought many changes in the practice of the law. The increase in the number of courts, the multiplicity of judicial decisions, the constantly whirring production line of legislative processes, both state and federal, the advent of the large corporate enterprise, the increase and growth of administrative agencies, the dramatic advances in science and technology, the shift from an agricultural and rural society to one that is predominantly industrial and urban, the impact of tax measures necessary to sustain the complex economy, the growth of international trade, the tensions of war, hot or cold, and numerous other factors have had the same profound effect on the practice of law as they have wrought in all other fields.

Generally, the lawyer has been cognizant of the truism that graduation from law school is not the end, but only the commencement of legal education. The lawyer knows that legal learning must be pursued throughout his professional career.

In the past, the duty of the lawyer to keep himself informed on new developments in the law could be satisfactorily discharged by diligent application to the books in his library. Each day this practice becomes more difficult. The sheer volume of legal materials has become almost insurmountable. The avalanche of advance sheets, session laws, loose-leaf services, committee reports, amended and proposed regulations, legal periodicals, changes in rules of procedure, new and revised text books, and the miscellany of other legal commentary compel the lawyer, with such discrimination as he can muster, to be selective in the legal literature that he explores. Experience has taught him that neglect of any resource may have unfortunate consequences.

It has become increasingly evident that periodic participation in more formal educational processes is an indispensible supplement to the lawyer's continuing education. To meet this need, the profession developed the conference of practicing lawyers for the purpose of

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hearing formal lectures by lawyers or law teachers having special learning and competence in their fields. These conferences are now known as institutes and have taken their place as the sturdy foundation of continuing legal education.

The Southwestern Legal Foundation has an impressive record for leadership in the development of the legal institute. Its standards have been such as to bring the Foundation programs of regional, national, and, in some instances, international importance.

As a part of this program, the Foundation, in 1962, inaugurated an institute on wills and probate. The Foundation's second annual institute on that subject was held in March of 1963. The institute was attended by approximately 270 lawyers from 15 states and 1 foreign country. Its success makes it easy to predict that the institute will become an annual event. However, the success of the Institute was not an accident. The Foundation has developed rigid rules to which each institute that it sponsors must conform. One rule is to choose subjects that are topical and which will provide the busy practicing lawyer with suggestions for solutions of his day-to-day professional problems. The second rule is to recruit lecturers of undisputed eminence in their field, with a talent for speaking interestingly and with clarity. These rules were strictly complied with in the 1963 Wills and Probate Institute.

The institute, as it now flourishes, is not limited to formal lectures by the speakers. The lectures are supplemented by panel discussions, in which those in attendance at the institute, as well as the lecturers, participate. The Foundation has found that unrelenting rules must likewise be applied to the panel discussions. One of the rules is to have a moderator who is sufficiently firm and courageous to confine the discussions to what is relevant and constructive, and who is sufficiently imaginative and informed to inspire the most provocative questions and responses.

Thus, the institute combines the best features of the formal lecture and the informal seminar. The 1963 Wills and Probate Institute fused all of these ingredients into what must surely be the ideal to which all institutes aspire.

A noteworthy aspect of this institute was a set of facts prepared by Professor Wren as a basis for treatment in the lectures and discussion in the seminars. The delineation of the character of the protagonist, his family, and business associates and their personal and business relationships, had vividness and credibility. The estates consisted of assets which defied consignment into conventional estate planning pigeon holes with all of the elusive vexatiousness that the

lawyer usually finds with a live and sometimes kicking client.

The publication of the papers which follows will make a valuable addition to the literature of continuing legal education, and the lecturers have the thanks and appreciation of the profession for their generous contributions. However, just as the reading of the score of a great symphony is not the equivalent of hearing it played by a distinguished orchestra, so a reading of these articles is not the equivalent of personal attendance and participation. One who attended this institute comes away with the conviction that a lawyer can never again safely say to himself that it won't be necessary to be present personally at an institute because the papers can be read when they are published.