Consumer Credit and the Poor

In the fourteen years since the School's Conference and Lecture Program was launched, law students have frequently been consulted on program and speakers. On at least one occasion, the 1965 Conference on Problems of Urban Renewal, student papers constituted the bulk of the program.

The Conference on Consumer Credit and the Poor, held on November 12 and 13, 1965, was nevertheless unprecedented in that it was conceived, planned and carried out by members of the student body. It is important to note that this was not merely a student-run conference, but a successful student-run conference. The Conference Program was as follows. Authors of all workshop papers are law students.

Friday Morning, November 12

BARBARA J. HILLMAN, Student Planning Committee, Presiding

Welcoming Remarks

WALTER J. BLUM, Professor of Law and Chairman of the Law School Conference Committee

CONSUMER CREDIT: A DESCRIPTION OF TODAY'S PRACTICES

"The Credit Market"

ROBERT W. JOHNSON, Professor of Industrial Relations, Purdue University; Reporter, National Conference of Commissioners on Uniform State Laws

"Existing Legislation and Case Law"

ROBERT L. JORDAN, Professor of Law, University of California at Los Angeles; Member, National Conference of Commissioners on Uniform State Laws

"Available Institutional Devices for the Debtor"

PHILIP J. MURPHY, Field Director, National Legal Aid and Defenders Association; Executive Committee, Governor's Credit Laws Study Committee, State of Illinois

Comment by:

GARY BELLOW, Administrative Director, United Planning Organization; Washington

BARBARA CURRAN, Research Attorney, American Bar Foundation; Advisory Committee, National Conference of Commissioners on Uniform State Laws

DOROTHY LASCOE, Credit Legislation Committee, Mayor's Committee on New Residents, City of Chicago; Governor's Credit Laws Study Committee, State of Illinois

Among the Speakers...

Professor Jordan of UCLA

Philip Murphy, of the National Legal Aid and Defender Association.
Gary Bellow, of the United Planning Organization

Barbara Curran, of the American Bar Foundation

Bruce Terris, President's Committee on Law Enforcement; Professor Robert W. Johnson, of Purdue; Dorothy Lascoe, Governor's Credit Laws Study Committee (Illinois); and Barbara Hillman, of the Student Planning Committee.

The Student Planning Committee, right to left, Lawrence H. Schwartz, A.B., University of Michigan; John C. Cratsley, A.B., Swarthmore College; and Barbara J. Hillman, A.B., The University of Chicago; with Mrs. Jeanne Yeidel, Secretary to the Faculty Conference Committee.

In the audience . . .

In the Workshops . . .
Friday Afternoon, November 12

Workshop 1
THE SUBSTANTIVE CREDIT ARRANGEMENT

Working Paper:
"Retail Installment Sales Contracts Under the Uniform Commercial Code," Roger P. Levin

Workshop 2
CRIPTOR REMEDIES: THE APPROPRIATE DEBTOR DEFENSES

Working Papers:
"Creditors’ Remedies After Default; Repossession and Resale," Peter I. Ostroff
"Confession of Judgment Clauses and the Poor," William A. London
"The Wage Assignment and Garnishment as Collection Devices for Small Loans," Robert C. Funk

Friday Evening, November 12

Moot Court Presentation

Ex parte Jones et al
A class action by signers of a retail installment sales contract

Counsel:
Russel A. Bantham and Robert A. Skirnich

Court:
Bernard D. Meltzer, Professor of Law, The University of Chicago Law School
Philip Knox, Law Department, Sears, Roebuck and Company
Landon L. Chapman, of the Illinois Bar

Ex parte Husted
Action to reopen and defeat a judgment brought on a retail installment sales contract

Counsel:
Richard F. Friedman and John C. Wyman

Court:
Edmund W. Kitch, Assistant Professor of Law, The University of Chicago Law School
Lloyd R. Mowrey, Household Finance Corporation, Chicago
Marvin M. Victor, of the Illinois Bar

Saturday Morning, November 13

Workshop 1
THE SUBSTANTIVE CREDIT ARRANGEMENT
A second presentation of the workshop offered on Friday afternoon

Workshop 3
AFFIRMATIVE ACTIONS BY THE DEBTOR

Working Papers:
"Wage Earner Plans and the Insolvent Debtor," Robert M. Levin
"Bankruptcy; The Schlockmeister’s Jubilee," Ralph C. Brendes and Lawrence H. Schwartz
"Private Actions to Enjoin Unconscionable Credit Practices; The Theory of Commercial Nuisance," Peter H. Darrow
"Consumer Credit Statutes; A Basis for Civil Remedies," Philip W. Moore

Saturday Afternoon, November 13

Lawrence H. Schwartz,
Student Planning Committee, Presiding

THE EFFECTIVENESS OF CASE LAW DEVELOPMENT: A CRITIQUE

"The Role of Legislation"
The Honorable Abner J. Mikva, Member of the Illinois House of Representatives; Executive Committee, Governor’s Credit Laws Study Committee, State of Illinois
"The Economics of Credit"

DAVID FAND, Professor of Economics, Cowles Foundation for Research in Economics, Yale University; Advisory Committee, National Conference of Commissioners on Uniform State Laws

"Consumer Education: A Viable Alternative"

DAVID A. SWANKIN, Executive Secretary to the Consumer Advisory Council, President's Committee on Consumer Interests

Comment by:

WILLIAM DAVENPORT, Governor's Credit Laws Study Committee, State of Illinois

JULIAN H. LEVI, Professor of Urban Studies, The University of Chicago

SOIA MENTSCHIKOFF, Professor of Law, The University of Chicago Law School

Saturday Evening, November 13

JOHN C. CRATSLEY, Student Planning Committee, Presiding

Closing Address

BRUCE TERRIS, formerly of the General Counsel's Office, Office of Economic Opportunity

The Student Planning Committee was made up of JOHN C. CRATSLEY, BARBARA J. HILLMAN, and LAWRENCE H. SCHWARTZ. The members of the Student Advisory Committee were RALPH C. BRENDEN, President, Law Student Legal Aid Association; ROBERT C. CORDEK; DAVID C. LONG, Chairman, Law Students Civil Rights Research Council; and GEORGE A. RANNEY, JR., Editor-in-Chief, The University of Chicago Law Review.

Brainerd Currie—1912-1965

By PHILIP B. KURLAND
Professor of Law
The University of Chicago Law School

Mr. Currie was Professor of Law at the University of Chicago from 1953 until 1961. Professor Kurland's tribute appeared in the Duke Law Journal, Winter, 1966, and is reprinted here with the permission of that publication and of the author.

A Nachruf, to use Mr. Justice Frankfurter's expression, is ordinarily an exercise in futility, except when one is observing the biblical mandate to praise famous men. For other subjects, it is only when it can no longer make any difference to the only person to whom it could make a difference that we permit ourselves such public expressions of affection and admiration.

Like most great law teachers, Brainerd Currie does not qualify as a famous man. His name will be absent from history books, however frequently it will be found in law books. For, in the law, except for the truly seminal thinkers of whom there have been very few indeed, it has been the men of action rather than the men of thought who have laid claim to history's notice. Oliver Wendell Holmes, Jr., understood this when he abandoned the chair for the bench. Moreover, the novel ideas of one generation, if they are not wholly rejected, tend to become the commonplace ones of the next. For all the techniques of public relations that have come to be a commonplace of university life, a professor of law remains essentially a cloistered figure, a private rather than a public person. However much Brainerd Currie has diverted the stream of the law—and the importance of his work in conflict of laws and civil and admiralty procedure is not to be gainsaid—his essential role was that of the teacher.

As he understood it, the teaching process does not call for the creation of disciples. The success of a law teacher is better measured by his contributions toward the emergence of independent minds, an independence that results as often in the rejection of the teacher's postulates as in their acceptance. At the very least, it requires an instillation of skepticism, of doubt, of testing the very fundamentals that the teacher may long since have accepted for himself. The process is one of example rather than preachment. And this is the role that Brainerd Currie played so well, the role that commended him to his students and to his colleagues who were also his students.

Brainerd Currie was eminently qualified for the part, in large measure because he had a rare combination of attributes: he was both tough-minded and soft-spoken. There was no malice in the man and because he had an instinct for fairness he seldom if ever resorted to sarcasm—the classroom weapon of so many of us. His values were revealed in his review of Mrs. Rosenfield's book