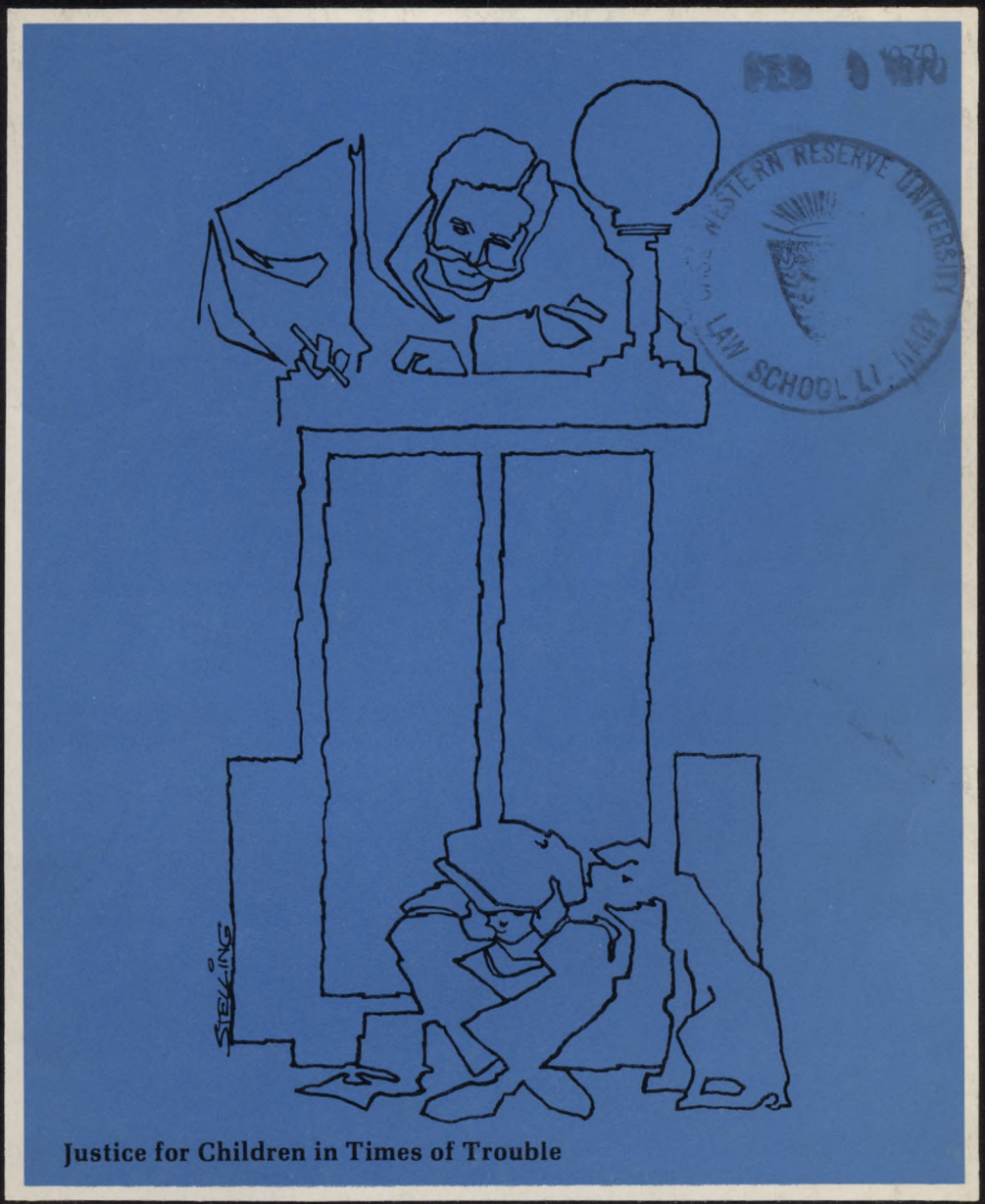
Winter 1970

Law Alumni Review

Case Western Reserve University School of Law

Law Alumni Review

CASE WESTERN RESERVE UNIVERSITY



Justice for Children in Times of Trouble

Winter

"The Law, wherein, as in a magic mirror, we see reflected not only our own lives, but the lives of all men that have been.

Oliver Wendell Holmes

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DEPARTMENTS

LAW ALUMNI REVIEW

Winter 1970

The LAW ALUMNI REVIEW is published quarterly by the Alumni Association of the Franklin Thomas Backus School of Law of Case Western Reserve University, Cleveland, Ohio 44106.

Officers of the Alumni Association, 1969-70: President, David I. Sindell '36; Vice President, Fred D. Kidder '50; Secretary-Treasurer, Richard C. Renkert '50.

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Justice for Children in Times of Trouble

by the Honorable Don J. Young

Some years ago, when I was actively practicing as a juvenile court judge, a seriously troubled and suicidal fourteen year old girl was brought into my court. Her parents had been separated since she was a baby. She had remained in her father's custody, and had little or no contact with her mother. When her adolescent problems became too bothersome to her father, he gathered her up unceremoniously and dumped her on her mother. Naturally, the girl protested. In response, her father wrote her a letter, which I would like to read to you, verbatim.

*"I send you a letter, last week, and seems to me you don't understand me, very good. I will put it straight to you, that I will not take you back, so might as well make yourself at home over there, if you give your Mother Hart time, she has the right, to send you, to the reform school, & you will not ged out until, you ar 21 year old. * * * so I am making myself clear to you, will stay there and go to school, and I don't want no telephone calls, or any other questions.*

Your father
with lot of love."

Somehow the attitude of that father revealed in his letter seems very close to the general attitude of the public toward the juvenile court and those unhappy children who are subject to its jurisdiction. "Go away and don't bother us. With lots of love." Unfortunately, the problems of juvenile delinquency and youth crime will not go away and stop bothering us, nor can we soften our rejection of those children who are basically the problem by professing to love them while doing nothing more.

Recently, the juvenile court judges, who have long recognized the difficulties faced by their neglected and forgotten courts, have begun to attract some attention. As a result, changes in both case and statutory law are tending to bring the lawyers back into the juvenile court that they first created and then abandoned. This is good, of course, because lawyers and courts are complementary. The big question, however, is what will the lawyers do when they come back to the juvenile courts after half a century of absence?

In the growth and development of our nation and its institutions, lawyers generally have occupied a position of leadership and great influence. Always, the bulk of the leaders of our governing bodies have been lawyers. There is no group in our society that is more selflessly dedicated to our national ideals of liberty, equality, and justice than the members of the bar. But lawyers are also mem-

Judge Don J. Young received his A.B. from Western Reserve cum laude in 1932 and his L.L.B. in 1934. While at the University, he received the President's Prize in Chemistry and was elected to Phi Beta Kappa and Order of Coif. He entered the practice of law in Norwalk, Ohio in 1934 as the fourth generation of his family to practice law in that area. In 1952, he was appointed Judge of the Court of Common Pleas of Huron County and in May, 1953, he was appointed as Probate and Juvenile Court Judge. In June, 1965, he was appointed by President Lyndon B. Johnson as U.S. District Judge for the Northern District of Ohio, Western Division at Toledo, Ohio.

Judge Young has written and published numerous articles on juvenile court law and has served as lecturer or instructor on this subject at seminars held by many universities, including Harvard, Ohio State, Stetson University of Florida, University of Minnesota and University of Wisconsin.

Justice for Children in Times of Trouble *was originally presented as a speech at the 1969 Annual Meeting of the Fellows of the Ohio State Bar Association Foundation.*

bers of a very ancient and learned profession, which over the centuries has developed its own rules, skills, and techniques. The expert practitioner of the law is constantly improving and refining his skills; honing his technique to a razor edge. Perhaps this is essential to cut quickly and cleanly into tangled and knotty problems. But just as it is always possible to have too much of a good thing, it is possible to place too great reliance upon mere skills and techniques. Unfortunately, in those areas where skills and techniques are most highly developed and widely employed, the tendency becomes the greatest to use technical procedures to the exclusion of anything else.

Thus, the essential problem is whether the lawyers who are now returning to the juvenile courts at long last will come as community leaders of great influence for the good, or simply as technicians, interested only in refinements of legal procedures.

Unfortunately, the only discernible trend at present seems to be along the way of the technician. Today's lawyers, who are coming into the juvenile courts for the first time, do not seem to be concerned with the real fundamentals. The majority come imbued with the idea that if only the juvenile court can be re-cast into patterns more familiar to them, justice and right will automatically prevail.

Thus the appellate courts, all the way up to the Supreme Court of the United States, are besieged with appeals seeking to impose the procedural rigidities of the criminal law upon the juvenile court. The plain words of the Supreme Court that "We do not mean . . . to indicate that the hearing to be held must conform with all of the requirements of a criminal trial . . ." are totally ignored not only by attorneys representing children who come before the juvenile courts, but even by the appellate judges who ought to know better.

The lawyers do no better in the legislatures than they do in the courts. Ohio has joined the procession of states seeking to revise their juvenile court procedures to conform to the changes in the decisional law. In spite of the dedicated efforts of the juvenile judges with experience gained from long work with children in trouble, the revisions in the juvenile court law have been in the direction of an increase in technical rules. They all move toward the neat package system of the civil law, with punishment carefully fitted to each offense, limiting the Court's discretion to give any consideration to the offender.

Even in the field of criminal law, this system serves only to exacerbate and continue the battle of retaliation between the offender and offended. It is unspeakably worse when it is applied to children.

For example, modern juvenile court laws provide that certain institutions and certain types of treatment can only be used for children who have done acts in violation of the adult criminal law. The reason given for this is that many actions which bring children into the juvenile court are only forbidden to children, and thus are somehow fundamentally different from actions which are also forbidden to adults. The semantic distinction is totally opposed to the juvenile court principle of considering not what the child did, but what he is and what he needs to bring him to productive adulthood. Unfortunately, the revisions of the Ohio Juvenile Code fall into this grievous error.

Some time ago New York adopted this system and applied it in the following case:

> "The respondent is a seventeen year old girl. Her father filed a petition alleging that she was keeping late hours, that she was living in a furnished room with two adult males, that she was suffering from syphilis, for which she refused treatment, and that she refused to obey the lawful and reasonable commands of her parents."

The opinion explained that a study of the girl revealed that the only hope of rehabilitation was by placement in an institution with a highly structured program. Unfortunately, the only such institution operated by the State of New York was limited to children who had committed acts which would be criminal if committed by adults. For this reason, the court could not assign the girl to this institution for remedial treatment and was forced to parole her to her parents with "concern and reluctance" and place her on probation. Thus, a child who might have been saved was sent back to the parents who could not control her. What kind of progress is that toward the solution of our problems of delinquency and youth crime?

In this context, it is helpful to look again at the statement of the Chicago Bar Association, in support of the first juvenile court act:

"The fundamental idea of the juvenile court law

Justice for Children in Times of Trouble *(continued)*

> is that the state must step in and exercise guardianship over a child found under such adverse social or individual conditions as develop crime. . . . (The act) proposes a plan whereby he may be treated not as a criminal or legally charged with crime, but as a ward of the state to receive practically the care, custody and discipline that are accorded the neglected and dependent child, and which, as the Act states, should approximate as nearly as may be, that which should be given by its parents."

The problem is still with us, and the attempt to solve it by procedural and technical changes, as advocated by the President's Crime Commission and as found in the decisions of the high courts and the enactments of legislatures, has been criticized very recently by the Honorable William S. Fort, a very able and experienced juvenile court judge, in the following language:

> "Neither (The Supreme Court nor the Crime Commission) comes fully to grips with what after all is the basic underlying problem—the role of the authority of the state in the life of a child."

The role of the state in the life of a child was expressed by the lawyers in their legislation creating the juvenile court. The state's role is that of the wise parent. The state should treat its children as wise parents treat theirs.

Where have we gone wrong? Judge Justine Wise Polier states it well, when she says,

> "The history of the juvenile court should not be read in terms of the faulty vision or over-optimism of its founders but in terms of the past underachievement of the community."

Those who have studied and worked the longest in the juvenile court field have long recognized the under-achievement of the public. Even the President's Crime Commission grudgingly concedes that:

> ". . . the fairest and most effective method for determining what treatment is needed cannot guarantee the availability of that treatment."

Had it not been for the long years of unavailability of treatment that have forced the juvenile courts to condemn myriads of troubled children to criminal careers, we would not now be facing the problems of crime in the streets to anywhere near its present magnitude.

How then can this be remedied? The first step is for the community, which includes the state, to provide proper means for treatment. In 1962, the juvenile court judges of this state, in an attempt to accomplish this, adopted the so-called "Judges' Plan" which outlined what should be done to make an adequate juvenile correctional system available for 1970. Constant pressure on the legislature has moved the state very slowly along the path to this goal. Much enabling legislation has been enacted which has been virtually unused because of our antiquated and inadequate tax structure, combined with Ohio's outstanding position as a penny-pincher. Seemingly Ohioans either don't believe that you only get what you pay for, or they are so proud of paying less taxes than the citizens of any other states in the country that they don't care that they have gone far beyond the point of diminishing returns, and hence get less for what little they do pay than do those who are a little more sophisticated about economic matters.

But even if, as citizens of one of the largest and wealthiest states, we should suddenly wake up, recognize how our irresponsibility toward the helpless harms us in the end, and start to provide the money for a real and completely adequate correctional system for children, there would be still a need for us to do more as individuals to help solve the problems. This is logical and reasonable for we must recognize that in our system of government, we ourselves are the state not only collectively, but individually. What wrong is done, we and each of us do, and what good is accomplished, we and each of us accomplish. While we may hope that we will not personally have to pay too high a price if we shirk our responsibility, there is no assurance that any one of us will not be assaulted on the street, or that the home of any one of us will not be robbed or vandalized, by a child for whom there was no treatment available.

Since we may thus be called upon individually to pay heavily for the wrongs which we do collectively, is not the logical answer to involve ourselves more as individuals in the processes of justice for children in trouble, the lawyers not as technicians but as leaders?

The lawyer must recognize that there is room for technical skill and expertise in only about ten

percent of the cases of children in trouble. In the other ninety percent, the real question is, as it has always been, "How can we help this child?" If the bar is satisfied to confine its effort to tightening up the legal procedures, but leaving for final disposition only the alternatives of short-term custodial confinement, or meaningless probation to a hopelessly overburdened probation officer, it will have failed to live up to its professional ideals.

"Vengeance is mine', saith the Lord 'I will repay'." It is stylish to accuse the conscientious juvenile court judge of playing God, but who is really usurping the position of the Diety when a vengeful person urges getting tough with young offenders? Nor does it accomplish anything to make our institutions for children strong and remote, in the face of the harsh reality that every child who is sent away ultimately must come back.

Some of the new programs of the Ohio Youth Commission and of some of our juvenile courts are demonstrating clearly that individual involvement by lay members of the public with children in trouble is achieving great results in reformation and rehabilitation. There are opportunities, endless opportunities for those who are truly concerned with helping children in trouble, by part-time work both on volunteer and paid bases. Those who are really concerned can make the opportunities for service in those places where they do not now exist by the exercise of determination and leadership. Better laws and more money are insufficient in and of themselves. Making laws is easy, and paying out money, with greater or less reluctance, is not too terribly difficult. But in the end, it is as the poet Lowell wrote,

"Not what we give, but what we share,
For the gift without the giver is bare."

If we are to attain the ideal of justice for children in these times of trouble, in the end we can succeed only if the majority of our citizens will, as individuals, act as wise parents, not only to their children, but to all children. The lawyers who first moved in this direction so long age, should now use their parental wisdom and lead the way toward the realization of the ideals of the juvenile court.

Moot Court Competition

Dean Toepfer congratulates the team on their performance, left to right: Norman Levine '71, Dean Toepfer, Homer Taft '70, John Searles '70, Thomas Belden '71 and Bill Havemann '70.

The two Case Western Reserve teams entered in the Ohio Regional Moot Court competition on November 20-22, 1969 performed once again with a high degree of skill. Though one of the teams lost the final argument to Ohio State, both teams won several arguments and Reserve was selected as the outstanding school in the competition. Richard Patterson '71 was chosen as the best oral advocate and the two Reserve teams also won the awards for outstanding petitioner's brief and outstanding respondent's brief.

The team which finished second in the state consisted of Homer Taft '70 and Richard Patterson '71, advocates, and Thomas Belden '71 brief writer. They traveled to New York City for the nationals and faced New York University in the first round of national competition. Though the team lost its first oral argument, the brief prepared by Thomas Belden with the assistance of Richard Patterson and Homer Taft won second prize in the national competition of 128 law school competing briefs. This marks the first time that Reserve has won a major national Moot Court award.

New International Law Journal Broadens Horizons

by William D. Buss '70

International Law Journal staff examines copy, left to right: Lee Dunn '70, John Preston '70, James Moore '71 and William Buss '70.

When the Case Western Reserve Journal of International Law was founded in the summer of 1968, we joined the ranks of about 11 other law schools which publish internationally oriented legal periodicals. The Journal grew from the interest of several students and the encouragement of Mr. Franklin L. Hartman, International Counsel for TRW, Inc., and Lecturer in International Law. In mid-summer, plans were made to publish the first issue in December of 1968. Dean Toepfer supplied two essential elements—basic financial assistance and much appreciated moral support.

During August the small staff of founders sent solicitations to prospective authors. The response was very favorable and signaled the success of one major goal of the Journal and its staff, that of presenting authoritative lead material on a broad range of topics in the field of international and comparative law.

September brought the opening of the fall semester and the beginning of the most important phase of the Journal. Since the very idea for the periodical resulted from increased student interest in international law, the entire student body was offered the opportunity to participate on the Journal Staff and to submit manuscripts for possible publication. Well over 40 students responded to the call and preparation of the first issue began in earnest. In order to encourage student writing, as well as to provide a valuable service to subscribers, an Articles Noted section was instituted. This section, something of an innovation among legal periodicals, contains brief digests of selected articles in the field of international law. It provides an opportunity for Journal staff members to read and report cogently on these articles and a valuable research and study aid to subscribers.

Under the leadership of James L. Hildebrand, '69, the Journal's first Editor-in-Chief, the two issues comprising the first volume were published during the 1968-69 school year. They contained a number of interesting articles, including a study of the institution of social courts in East Germany by Edith G. Brown, a thorough analysis of Swiss neutrality vis-a-vis the United Nations sanctions against Southern Rhodesia by Boleslaw A. Boczek, Professor of Political Science at Kent State University, and an authoritative discussion of the proposed amendment of the Articles of Agreement of the International Monetary Fund, written by the General Counsel of the Fund, Joseph Gold. In addition, there were student Notes on topics of considerable interest to the international practitioner including *Labeling of Imported Products with Country of Origin, Foreign Direct Investment Regulations,* and *An Introduction to the Extraterritorial Application of the Antitrust Laws.* The first volume was very well received and has evoked favorable comment from theoreticians and practitioners around the country. With a current total subscribership of nearly 300, the Journal is now located on the shelves of law schools and official court libraries in virtually all the states of the Union and in libraries in several foreign countries as well.

This year's staff of about 40 students is now preparing to publish the first issue of Volume II, under its present Editor-in-Chief, John R. Preston '70. Contents will include a lead article on antitrust provisions of the Treaty of Rome by Kurt Biedenkopf, an internationally recognized authority on European Common Market law, a student note analyzing various implications of the Soviet Bloc invasion of Czechoslovakia, and an innovative section devoted to short articles and articles noted in the field of International Forensic Medicine, a subject which is not given independent treatment in any other legal periodical.

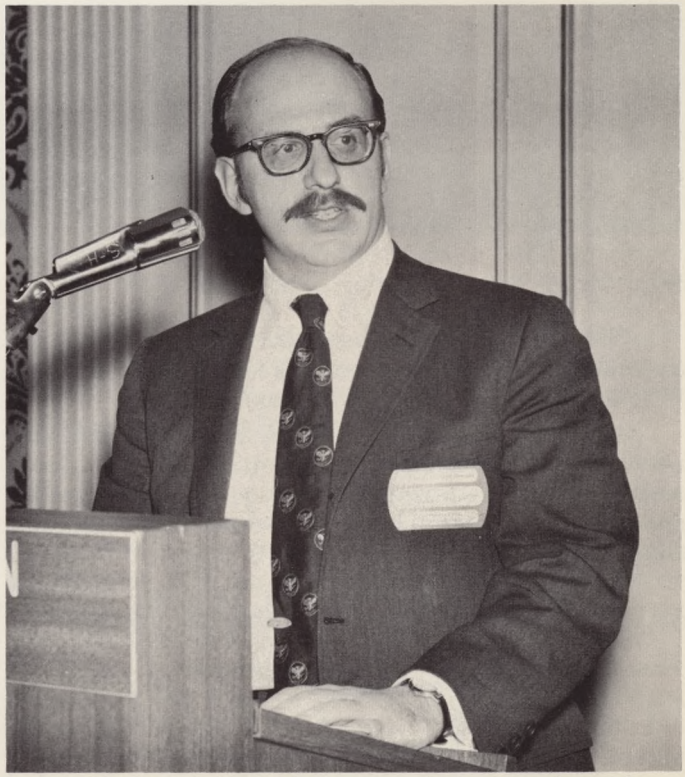
Financially, the Journal is supported in large measure by a special appropriation from the Student Bar Association. The Student Bar assists the Journal in recognition of its important educational and extracurricular role for students interested in legal writing and editorial work in the international field. Advertising and patronage also contribute heavily to the support of the operation. By providing a forum primarily for student writing in the field of international law, the Journal indicates the increased vitality and broadening range of student activities which have characterized the Law School in the past several years. Encouraged and supported by an enlightened administration and faculty, and carried forward by a dedicated student staff, the Journal will continue to be a publication of which the Law School and its Alumni can justifiably be proud.

Criminal Lawyer Gerald S. Gold Addresses Alumni Gathering

Gerald S. Gold '54

Gerald S. Gold '54 spoke to 80 alumni, faculty members and guests at a luncheon November 13 on the topic "After Conviction—What?" This program was the kick-off for the 1969-70 Faculty-Alumni luncheon series. Gold noted that our present penal system probably increases the danger of violent crimes. While incarceration removes criminals from society for a period of time, the conditions of our jails are so debilitating that convicts leave them in a more embittered and anti-social condition than when they entered. After their departure from jail, there is a great likelihood that they will return to criminal activity.

Gold suggested a number of reforms. He mentioned the possibility of broader use of therapeutic techniques. Also, he indicated that a real effort should be made to distinguish psychopathic criminals from those with the capacity to be reconstructed. He called for greater probation and parole opportunities for the latter group.



James H. Berick '58, Chairman of the Faculty-Alumni Luncheon Committee.

Society of Benchers Inducts New Members

Standing left to right: Earl Philip Schneider '32, Peter Reed '25, Norman Alfred Sugarman '40 and Wendell Albert Falsgraf '28. Seated left to right: The Honorable William B. Saxbe and John Ladd Dean '30.

The Society of Benchers held its annual dinner and induction of new members at the Clevelander Club on Thursday evening, November 20.

It is the purpose of the Society to recognize and honor alumni and non alumni lawyers who have made outstanding contributions to their profession and who have unstintingly participated in civic and community activities.

The following alumni were inducted into the Society of Benchers at the November 20 meeting:

John Ladd Dean '30
Wendell Albert Falsgraf '28
Peter Reed '25
Earl Philip Schneider '32
Norman Alfred Sugarman '40

The Honorable William B. Saxbe was inducted as a public (non alumni) member. Senator Saxbe was the speaker for the evening.

Special guests were President & Mrs. Robert W. Morse, Professor & Mrs. Oliver Schroeder, Jr., Professor & Mrs. Hugh A. Ross, Professor & Mrs. Maurice S. Culp, Professor & Mrs. Sidney B. Jacoby, Professor & Mrs. Paul G. Haskell, Mrs. Morris G. Shanker, and Mr. & Mrs. David I. Sindell.

The Honorable Lynn B. Griffith was succeeded as Chairman of the Society by David K. Ford '21. Peter Reed '25 was elected Vice-Chairman, and J. M. Ulmer '08 was re-elected Secretary.

The Law School takes great pride in this distinguished group of lawyers and judges. Our present and future students are indeed fortunate to have their interest and support.

The Need for Reorganization in the Administration of Criminal Justice - Part II

by Associate Professor Lewis R. Katz

In the first installment of this article, Professor Katz examined some of the inadequacies of our present system of Criminal Justice. He was critical of the overcrowdedness and impersonality which exists in urban criminal courts. He also commented on the over-zealousness and hyper-hostility which lawyers sometimes display in their prosecuting and defense roles. He suggested several possible reforms including the establishment of decentralized Community Councils to handle minor offenses. He proposed a court of general jurisdiction to replace crowded magistrates' courts in cases involving serious charges. Professor Katz also called for greater use of the public defender system. He argued that the concept of "indigency" should be expanded to include defendants who do not meet present standards but who nevertheless cannot afford proper legal representation.

In this installment, Professor Katz proposes a new kind of Department of Justice to cure present defects and meet future needs.

A New Department of Justice

What is called for is a new institution. While quite foreign to the profession's concepts of handling these problems now, such an institution may not be too far in the future.

I propose that in each urban area exceeding 75,000 in population a Department of Justice be organized and that the community devote its resources not to prosecuting or providing defense services but to securing justice within its courts. The Department should be headed by an appointed director responsible to the chief executive of the community. Rationality suggests that the Department be organized across city lines and serve metropolitan or regional areas.

Within the Department of Justice should be five divisions, with division heads accountable to the director. These divisions could include all justice-associated functions presently balkanized into many uncoordinated agencies. A principal aim must be to coordinate each agency whose operations contribute to the quality of justice within the community and thereby to pool resources and eliminate duplication of effort.

The first obvious inclusions would be the offices of the Public Prosecutor and Public Defender. Operating as two separate agencies, each would be staffed by a lawyer designated as the Prosecutor or Defender, and each would be supplied with an administrative and clerical staff. Neither office, however, would include a staff of attorneys, nor would the Prosecutor or Defender try cases. All actual case handling would be assigned to Department of Justice staff attorneys who would take assignments in each division. The Prosecutor, Defender and staff attorneys should be civil service appointments to encourage career staffing and to discourage political manipulation. The jobs of the Prosecutor and Defender would entail supervision of the staff attorneys in their handling of each case and would require their approval of any agreement reached between the staff attorneys handling a particular case. The staff attorneys would not be committed to either office. They would receive assignments from the Prosecutor, the Defender and from the other divisions. It is likely that a staff attorney would receive assignments from the Prosecutor's and Defender's divisions at the same time as well as handling tasks from other divisions. Under this approach time-wasting devices can be eliminated and the goal of justice—substituted for the drive to convict or free—can be implemented.

The Department's third division would be the administration of the entire judicial system in the community. The chief of the Administration Division should be charged with the task of organizing all court calendars in the community and judicial assignments. Also instituted would be a universal pre-trial requirement to narrow the issues and encourage resolution of the conflict without a trial. A pre-trial referee could be drawn from the Department's staff attorneys who would be given this task in a standard rotation between assignments in the Prosecutor's and Defender's offices.

As part of the pre-trial procedure all agreements as to pleas of guilty should be reviewed. After agreements are approved by the Prosecutor and Defender, the staff attorney assigned on each side of the case might meet with the staff attorney-referee to review the terms of the agreement. In addition, it would be wise to institute a cursory review of the evidence at this point to ascertain that the accused has actually committed the crime to which he will plead guilty. These findings and the terms of the agreement between the attorneys could then be submitted to the judge. It is time to face up to the acceptability of plea bargaining and to disclose all agreements that

Need for Reorganization *(continued)*

have been reached. With the proper safeguards, which will be supplied by the pre-trial referee's review of the case, evidence, and agreement, this method of disposition will be not only the speediest but probably the most equitable.

Essential to any consideration of improving the administration of justice must be a concern for the reorganization, redirection, and reeducation of the police. One of the problems with law enforcement today is the lack of coordination between police forces and other agencies charged with the responsibility of administering justice. The current cry for law and order is an invalid one if it is devoid of justice. Justice as an element of law and order is essential if this society is in any way to distinguish itself from authoritarian societies and systems of government. Just as the military is not free to determine foreign policy in this country, nor for that matter the aims to be sought in armed conflict, the police should not be invested with corresponding policy-making power. Much of the disrespect for law and order today stems from police misconduct —or "overreaction"—and failure of police all over this country to abide by the laws themselves in carrying out official duties.

The police department of any metropolitan area must be relieved of the authority to act independently of the administration of justice. To this end, the police should be incorporated into the Department of Justice as a separate division, with the division chief, or commissioner, responsible to the Director. In mitigation of the role that the police have played, it should be clearly understood that many policy decisions have been made within police departments solely because they received neither directive nor guidance from any other public agency. The Director must ultimately be responsible for the selection, through civil service, and the training of all members of the police force. That training should include extensive background in the areas of criminal law, procedure, civil rights and liberties, and community relations. It is outrageous to decry lawlessness on the part of the community and yet condone the failure of law enforcement officials to abide uniformly by the rules and restrictions enunciated by the courts. Furthermore, in this restructuring the police should also be relieved of the power to review the activities of their own members. Charges of misfeasance and nonfeasance should be handled through the division of Administrator and a staff attorney assigned to investigate and evaluate the complaint. Similarly, disciplinary action should not be left to the police department but should be administered by the Director.

The inclusion of the police within the Department will have additional benefits. The Prosecutor's and Defender's divisions can make full use of the investigative services and laboratory facilities that should be a part of a twentieth century metropolitan police department. Instead of separate investigative departments within each division, resources can be conserved by having one excellent police department within the agency. This will especially benefit the Defender who in most cities is completely barred from police investigative services and their reports. An advantage will also be gained by the Prosecutor who today theoretically is entitled to police assistance but who, in actuality, receives those services only if good relations are maintained between the agencies. Bringing all together within one department will facilitate cooperation and an understanding of the difficult tasks that each agency must bear.

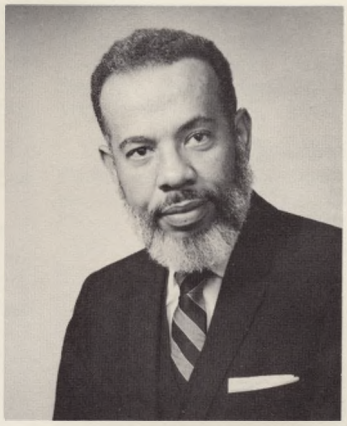
The fifth and final division should be Special Services encompassing probation and parole departments and all other agencies whose work is an integral part of the administration of justice in any community. Probation and parole, like the police, have too long been separated from the mainstream of judicial administration. Assigned to this division should be a full complement of psychiatrists and case workers whose assistance will make probation and parole officers' work more meaningful. Contained within any pre-sentence report on an accused should be a report of a psychiatric examination. Recommendations as to the nature and type of confinement, if any, would be most beneficial to the accused and society. This, of course, is just a beginning, but rehabilitation of the individual must be incorporated into the actual disposition of the case if any dent in recidivism is to be made. The present methods of case disposition are geared to disposing of the docket, not to the needs of the individual or of society.

Another inadequacy of the present system can be alleviated through this organization, that of the current practice of shopping for psychiatric testimony until one or more psychiatrists is found who

will substantiate the position taken either by the prosecution or the defense. The services of the psychiatrists employed within the Special Services division should be utilized for testifying. The psychiatrist would be assigned by the Division of Administration and thus be neither the Prosecutor's nor the Defender's witness. The testimony should be bound by the psychiatric reports within the Department.

The establishment of a Department of Justice will insure prompt and continuous legal assistance for all persons arrested and charged with crime. The second part of this proposal would implement that quest. As soon as an individual is arrested, brought to the police station and booked, he should be informed that he has a right to the assistance of counsel. If he has his own private attorney and wishes to call him, he should be permitted to do so immediately. If he does not have an attorney, one must be assigned to him at that moment. The accused should further be informed that if he does not have the resources to pay for counsel, that assistance will be supplied by the community. Assignment of counsel, however, should not be confined to that group of individuals presently fitting into the classification of indigency. Each person arrested who does not indicate a desire to contact a particular attorney should be assigned counsel. Later, through the Social Services division, when a thorough investigation of the accused's background is made, a determination of the accused's present ability to pay for his defense can also be made. The accused should be charged a fee equivalent to the finding of the Social Services division of his ability to pay and that money should go into the general fund of the community. In short, every member of the community would be entitled to legal assistance provided by the community, if he wished, but he would have to pay a fee for those services commensurate with his resources. The present all-or-nothing indigency standard existing in many communities in Ohio and throughout the country denies legal assistance to some who need it and provides it for others who could pay at least part or all of the costs of their defense.

Law School Alumnus Runs for Governor of Georgia



C. B. King '52 has announced his candidacy for Governor of Georgia in the next gubernatorial election. King went to Albany, Georgia, his hometown, shortly after his graduation from the law school and is one of the few black attorneys in Southern Georgia. He has been responsible for winning many of the most significant civil rights cases in Georgia.

King is to visit the law school and speak at a program to interest minority students in the legal profession on February 28, 1970.

ALUMNI NEWS

Judge Russel B. Diehl '39 was re-elected to his second six-year term on the municipal court bench in Cambridge, Ohio. Judge Diehl has previously served as Cambridge city solicitor and mayor.

Dolan

L. E. Dolan '47 has been elected to the newly created position of Vice-Chairman, General Counsel and Secretary of Gambles-Skogmo, Inc., Minneapolis, Minnesota. Dolan came with Gambles in 1966 as general counsel from Nationwide Corp. where he was executive vice president and general manager. He is also president and chairman of the board of Gamble Alden Life Insurance Company and a director of Red Owl Stores, Inc. and General Skogmo Acceptance Corporation.

Niles City Solicitor, **Mitchell F. Shaker '48** has been listed in the current issue of "Who's Who in American Politics." In addition to his position as Niles City Solicitor, Shaker is also secretary of the Trumbull County Democratic Executive Committee and is a member of the Niles area Chamber of Commerce. He was selected to the Order of the Coif while attending Reserve Law School.

Mr. Joseph Smeraldi '49, Assistant Attorney in charge of the Cleveland office of the Federal Trade Commission, conducted a seminar on the Federal Consumer Credit Protection Act last summer in Hamilton, Ohio. The Act is also known as the "Truth-in-Lending" Act.

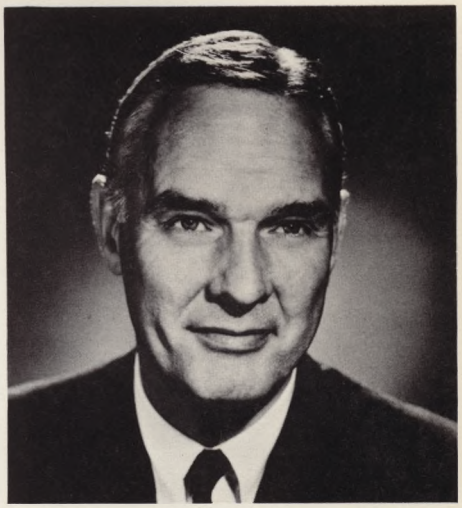
Fred D. Kidder '50, a lawyer with Arter & Hadden, has been elected to the Case Western Reserve University Board of Overseers. The Board of Overseers is charged with oversight of academic and educational programs. Kidder is also the Vice President of the Law Alumni Association.

John J. Monroe '50 has been promoted to Vice President of Citizens Savings and Loan Company of Painesville. Mr. Monroe joined Citizens Savings and Loan as Assistant Vice President. Prior to that time he had been with Paramount Loan Company for 18 years. He resides with his wife and three children in Cleveland Heights.

Prusa

Norma R. Prusa '50 has joined the Building Trades Employers' Association as Executive Manager of Labor Relations. Prior to joining BTEA, Prusa was Assistant Regional Attorney for the National Labor Relations Board where he covered all phases of regional office work including the investigation and trial of unfair labor practice cases. He held the responsibility for all decision writing in the Northern Ohio region.

Alliance city council president, **Richard Ogline '51** and City Treasurer, **Robert Clunk '55** were re-elected to council in the last municipal election.



Kreutz

William L. Kreutz '51 has been appointed special counsel for Owen-Corning Fiberglas Corporation. Mr. Kreutz will have responsibility for legal and administrative matters involving public and government relations. Mr. Kreutz, formerly labor relations manager for Owens-Corning, is a graduate of Northwestern University. He joined Owens-Corning in 1959.

Robert J. Cathcart '61 has been made a partner in the Hartford law firm of Shipman and Goodwin. Cathcart, a native of East Cleveland, Ohio now resides with his wife and son, Dan, at 60 Wells Farm Drive, Wethersfield, Connecticut. He served from 1961 to 1964 as a special agent of the Federal Bureau of Investigation. He is a director of the Hartford Hospital Association, a member of the Schools and Scholarship Committee for Harvard College and a member of the Wethersfield Republican Town Committee.

E. Winther McCroom '61 has been appointed by the University of Cincinnati Evening College to teach a course in business law this year. Mr. McCroom was formerly with the U.S. Department of Justice and is currently engaged in private practice in Cincinnati.

Thomas J. Miller '61 has been elected Executive Vice President of the Cleveland Development Foundation. The Development Foundation was set up by Cleveland business and industry to provide adequate housing facilities in the inner city for low and moderate income families. Miller is a graduate of Ohio University and resides at 2584 Fenwick Road.

Boyd Adelman '69 married Miss Cheryl Teitler of Teaneck, New Jersey last August. Mr. Adelman is now serving in the Naval Judge Advocate General's Corps.

Peter Grishman '69 has joined the legal staff of the Bronx District Attorney's office in New York City.

Joseph Ulrich '69 has taken a position in the Lake County Prosecutor's office. His duties cover criminal and civil work.

OBITUARIES

Alexander C. Witzer, retired real estate broker and insurance agent, died November 12, 1969 at the age of 80. Mr. Witzer was a graduate of John Carroll University and Western Reserve in the class of 1914. He was a past president of the Buckeye Road Civic Association.

James E. Patrick died on November 14 at the age of 78 in New Philadelphia, Ohio. Patrick was a director and vice president of the Citizen National Bank of New Philadelphia. Patrick was a graduate of Reserve Law School.

Perry L. Graham '19 died on Tuesday, July 8, 1969. Mr. Graham was a member of the Cleveland Bar Association for 50 years and a former partner in the law firm of Ziegler, Graham & Metzger. He served as an Assistant Attorney General of Ohio from 1929 to 1934 and from 1939 to 1942. He also served as chief counsel to the attorney general from 1942 to 1945.

Paul H. Keough '22, a lawyer in the firm of Spieth, Bell, McCurdy & Newell, died on November 9 at the age of 74. Mr. Keough was a 1917 graduate of Brown University and a Navy Lieutenant during World War I. He joined the law firm shortly after graduation and remained until his retirement in 1965.

Sam Herman '32 died on November 20. He had been a lawyer with the Aetna Casualty & Surety Company in Cleveland and Lorain. His home was in Lorain, Ohio.

FACULTY NEWS

Professor Oliver Schroeder was re-elected as a councilman in Cleveland Heights.

Professor Morris Shanker is teaching an evening course on Commercial Transactions at Wayne State Law School in Detroit this year. The Wayne State Law School News has formally expressed appreciation to him for his very thorough and interesting teaching approach.

Professor Shanker spoke at an institute on bankruptcy in Detroit on November 7 on the topic "Pitfalls to be Avoided in Bankruptcy Discharge Matters." He attended a meeting of the Supreme Court Advisory Committee on Bankruptcy Rules in Washington from November 18 to November 22.

Associate Professor Lewis Katz is a consultant to the Criminal Justice Coordinating Council of Cuyahoga County in its preparation of the 1970 Comprehensive Plan for Law Enforcement and Criminal Justice under the Omnibus Crime Control Act. He is serving as Chairman of the University Committee on drug usage. He is also a member of the University Commission on Higher Education at Adelbert and Mather.

Visiting Associate Professor Sidney Picker has recently published, *Pacific Partnership: The New Zealand-Australia Free Trade Agreement,* 7 Melbourne Law Review 67 (1969). He has also been made a U.S. Consultant to the Australian Yearbook of International Law.

Associate Professor Arnold Reitze has recently published a number of articles including: *Pollution Control: Why it Has Failed,* 2 Multi Mag. #16 (Summer '69), *The Role of the Region in Air Pollution Control,* 20 CWRU L. Rev. 809 (1969), and *Environmental Pollution Control, Why Has it Failed?,* 55 American Bar Assoc. Journal, 923, (Oct 29).

He has spoken this fall at the Cooperative Urban Studies Center, the Cleveland Region Air Quality Standards Workshop, ACEP Symposium, Tri-State Air Quality Conference, and before the Park Conservation Committee of Greater Cleveland.

He has been appointed to the Case Institute of Technology Council and to the Metropolitan Health Planning Corporation Advisory Committee on Environmental Health.

Associate Professor Leon Gabinet spoke at the tax institute of the Cleveland Bar Association on December 11, 1969 on the topic "Deduction and Exclusion of Normal and Pre-paid Interest."

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