

Winter 1968

Law Alumni Review

Case Western Reserve University School of Law

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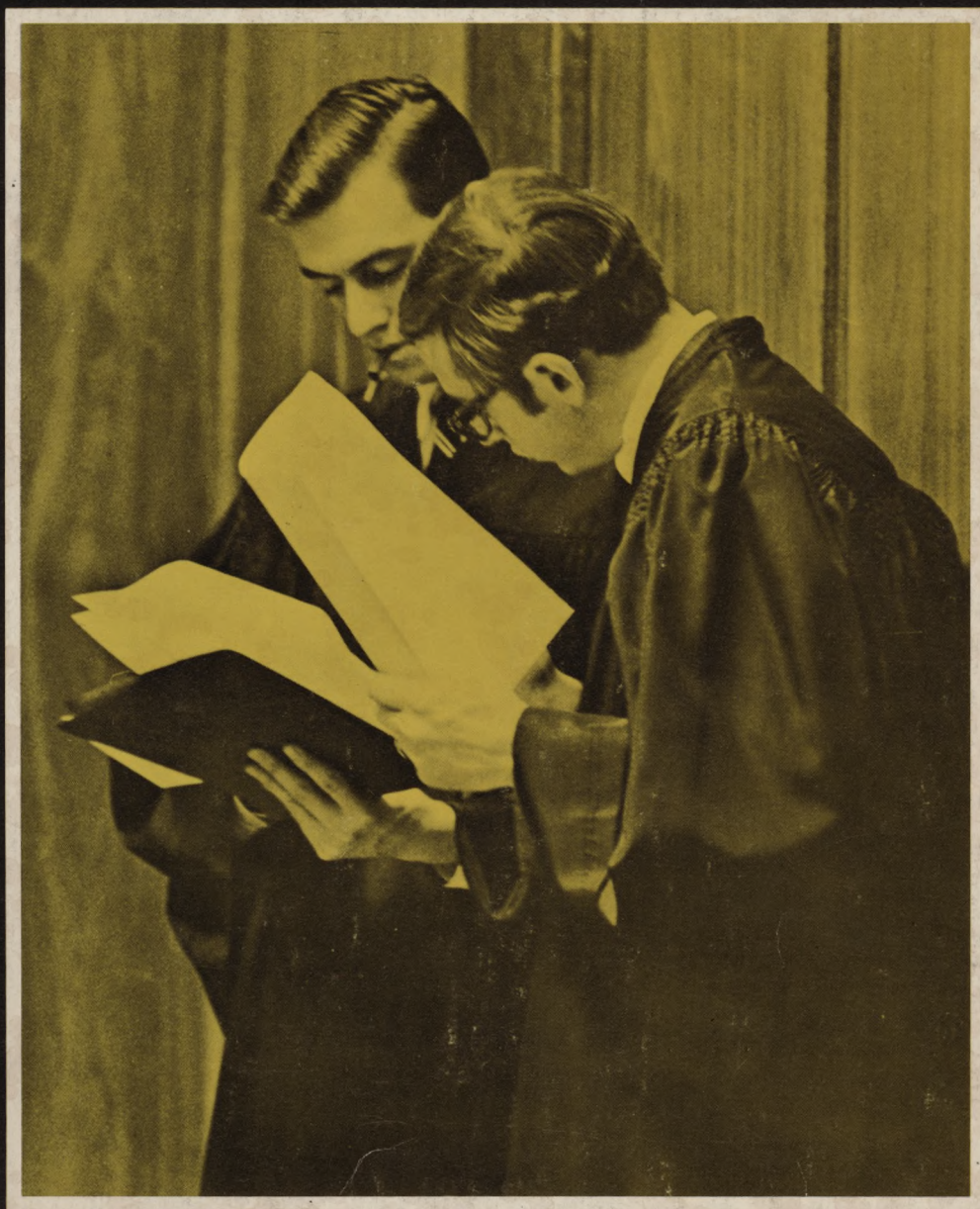
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Law Alumni Review

CASE WESTERN RESERVE UNIVERSITY



Winter



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Law Alumni Review Winter 1968

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, 1968-69: President, Richard F. Stevens, '40; Vice President, David I. Sindell, '36; Secretary-Treasurer, Richard C. Renkert, '50.

Director of Alumni Affairs, Gordon W. McCarter, Adelbert, '54.

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Assoc. Editors: Mark Ristau, '69

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Chet Weinermen, '71

Art Director: Thom Felmlee

Justice is never anything in itself, but in the dealings of men with one another in any place whatever and at any time. It is a kind of compact not to harm or be harmed.

(EPICURUS—Principle Doctrines,
XXXIII)



Case Western Reserve Law School Sweeps State-Wide Moot Court Honors

The representatives of Case Western Reserve Law School won every award at the Ohio Regional Moot Court competition held at the Federal Court House in Cleveland on November 15 and 16, 1968. Eight Ohio law schools competed, each sending two teams. In addition to Reserve, the law schools represented were Ohio State, Cincinnati, Capital, Akron, Cleveland-Marshall, Ohio Northern and Toledo. Both teams from Reserve won all of their elimination rounds and they argued against each other in the finals. The winning team scored a split verdict decision by a 3-2 vote of the judges. One of the judges noted that the competition had moved from the legality of the war in Viet Nam (one of the major legal issues in the problem) to civil war within Case Western Reserve Law School.

The teams prepared for the regional round by arguing before student judges and members of the faculty. Audio visual equipment was used so that the advocates could observe their own performances and correct their errors. The traditional final practice argument was held on Moot Court Night, November 1, 1968. The students argued before an audience of the law faculty, alumni, other students, wives, and guests. Arthur J. Keeffe, Professor of Law at Catholic University, S. Burns Weston, President, Cleveland Bar Association and the Honorable Don J. Young, U.S. District Court Judge served as judges

for the argument. The Moot Court Night Program gave the advocates an opportunity to practice before a large audience and served as a final warm-up to the regional competition.

The team members worked hard to correct the deficiencies which showed up on Moot Court Night in the two weeks prior to the regional competition. The general consensus of those who observed them at Moot Court Night and in the regional competition was that their performance was vastly improved at the regionals.

The outstanding team in the competition consisted of William Haveman from Middletown, Ohio, Thomas Ackland from Cleveland, advocates, and William Lawrence from Cleveland, brief-writer. The runner-up team included Homer Taft from Bay Village, Ohio, and David Gibbs from Broadview Heights, Ohio, advocates and Thomas Dixon from Bay Village, Ohio, brief-writer. Gibbs is a third year student and the others are all second year students at the Law School. Reserve was also selected for the outstanding law school award. Robert Poling served as student adviser to the team and Jan Horbaly, President of the Moot Court Board, also worked closely with it.

The Case Western Reserve team of Ackland, Haveman and Lawrence argued in the national competition in New York City on December 16th, 17th and 18th but lost in an early round.

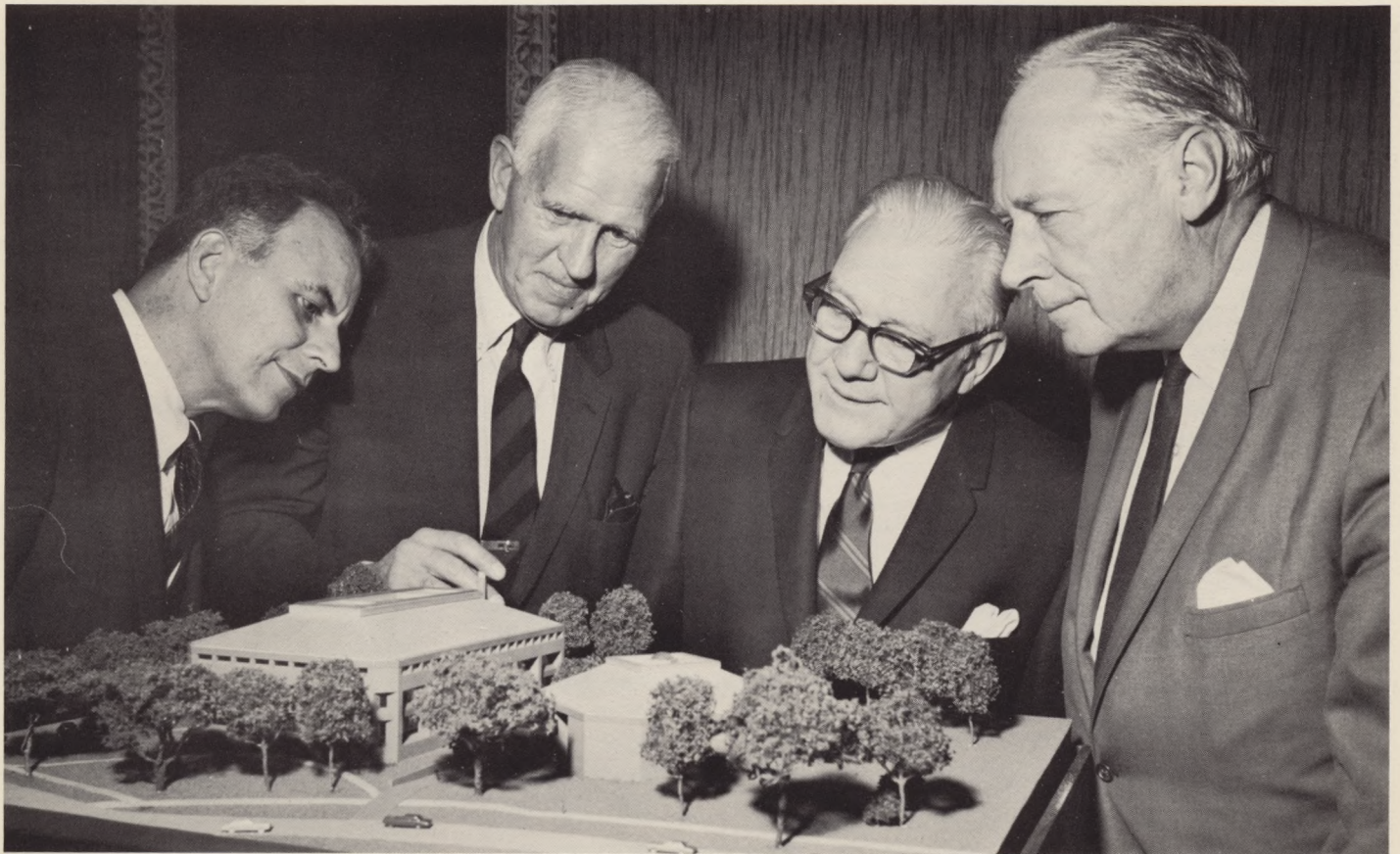
Law School Receives \$900,000 Federal Grant for New Building

Students, faculty and alumni were delighted to learn on December 3 that the federal government has awarded the Law School a grant of \$900,000 for construction of the new building. Congresswoman Frances P. Bolton personally called President Robert Morse to inform him of the news.

The size of the grant was totally unexpected. A request for funding under H.E.W. Title II was submitted early last year. Subsequently, Dean Toepfer was told appropriations for the program had been severely cut and that he could not expect a large grant. Federal site inspectors visited the school in September and were evidently much impressed by the urgent need, the building plans and the expanding support

demonstrated by alumni as the campaign has gathered momentum. December 3 was a \$1,000,000 day for the building fund as a family foundation contributed \$100,000 to the effort on the same day the federal grant was received. All of this came as a very pleasant Christmas present to the School and its friends.

The Building Fund Drive has been doing well and has now raised \$4 million. The Steering Fund and the Special Gifts sections are now being completed and the General Fund was launched at a special kick-off dinner on January 13th. The General Drive is chaired by Andrew McLandrich '50. Oliver Schroeder, chairman of the faculty drive, has reported that the faculty has contributed more than \$33,000.



Building Fund chairmen view the new building model —left to right: Andrew McLandrich, '50, Chairman, Community Division, William L. West, '29, Special

Gifts Chairman, Wendell A. Falsgraf, '28, General Chairman, and John H. Kerr, '33, Member of Special Gifts and Chairman of the Corporate Gifts Committee.

Some Thoughts About Our Law Schools

Upon the awarding of the Bachelor of Laws degrees at the Harvard University commencement exercises, it was customary for the President to state that the degree recipients were prepared "to shape those wise restraints which make men free." When I first heard this as a college student, I was troubled by the paradox. It was a part of the conventional wisdom to view restraint and freedom as opposed. Later the meaning became clear to me: one man's freedom is a function of the absence of interference by other men. One is truly free to move about only if one can do so in safety. Freedom of contract is devoid of significance if the parties are not constrained to abide by its terms. Freedom of expression requires that the state be restrained from imposing penalties upon the speaker. Restraint is essential to freedom.

This view of law as freedom-producing restraint suggests that the function of law is to produce an environment in which men can realize their economic, intellectual, and moral potential. The social Darwinist might say that the function of the law is limited to stopping fights and enforcing contracts. Others in the nineteenth century liberal tradition, of course, would not limit the law to such fundamental restraints, but nonetheless the development of the individual and the group, economically, intellectually, and morally, is viewed by them as being no concern of the law in a positive sense. Indeed, any positive obtrusion by the law is viewed as damaging and dangerous. The purpose of the law is to allow the individual and nongovernmental institutions to develop freely.

It is, of course, widely accepted, if not always expressly conceded, that the law does have an important positive function in the economic, intellectual, and moral development of the individual and society. The establishment of the corporation as a legal entity is an early example of this positive function, as is the protection of industry by means of tariffs. Another example is compulsory elementary and secondary education.

There are also, of course, many areas of legislative and judicial action which do not neatly fit this simplified dichotomy. The desegregation decisions may be interpreted as restraints upon governmental action for the purpose of creating an environment in which Negroes can develop freely. On the other hand, these decisions may be viewed as in furtherance of a moral or sociological desideratum as such.

In the case of judicial or legislative lawmaking whose immediate purpose is that of positively furthering some social goal, it is clear that an assessment of its desirability and effectiveness must be made in terms of one or more socio-economic criteria. It is also clear that judicial and legislative lawmaking of the freedom-producing restraint type calls for the same sort of assessment; the restraint is imposed because the absence of the restraint would prevent the accomplishment of some desirable social purpose. It seems that the law is essentially a secondary discipline in the sense that it must be measured in terms of other criteria—economic, ethical, psychological, educational, ecological, to name several.

Paul Haskell is Professor of Law at Case Western Reserve Law School. Prior to coming to Reserve in 1967, he was Professor of Law at Georgetown Law School. He was in private practice before entering law teaching.

"Some Thoughts About Our Law Schools" is condensed from the Georgetown Law Journal, Vol. 56, Number 5, pp. 897-911 (May, 1968). Copyright 1968 by Georgetown Law Journal Association.



Fletcher R. Andrews Today

It should be noted also that law has been and still is viewed by some as a relatively discrete discipline, the purpose of which is the maintenance of certainty and predictability in social and economic relationships. This view of the function of law seems reflective of a static view of society.

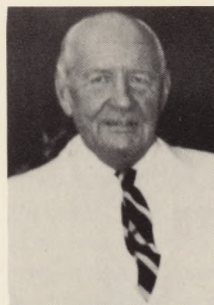
But what does all this have to do with the state of the American law school? If one views law primarily as a restraint system which frees human energy for productive accomplishment, then one should be able to look to law education institutions for guidance as to the value of the opportunity for development which the restraint is established to accomplish, as well as to the effectiveness of the restraint in the accomplishment of its purpose. If a significant function of law is the furtherance of certain socio-economic purposes directly and positively, rather than merely as a function of restraint, then one should be able to look to the law education institutions for guidance as to the merit of the purpose of the lawmaking and the effectiveness of such lawmaking in the furtherance of such purpose. If one views law as serving primarily or exclusively the function of certainty in societal relationships, then one should be able to look to law education institutions for guidance as to the value of such certainty relative to other social values, and as to the effectiveness of the legal system in achieving such goal.

What Do Law Schools Perceive Their Function To Be?

There is no doubt that American law schools consider it to be their principal function to prepare their students for the practice of law. I do not think it can be seriously questioned that this is as it should be. There is a need for lawyers, and most of the students attend law school for the purpose of acquiring training and knowledge for earning a livelihood. The practice of law which is referred to includes, of course, not only private practice, but also government employment, corporate "house" practice, criminal prosecution, and "social" counsel practice such as Legal Aid and indigent criminal defense. The question remains how well the law schools perform this vocational function.

It has been my observation that the law schools do a reasonably good job of imparting to the students

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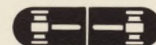
At the age of 75, Dean Emeritus Fletcher Reed Andrews retains the vitality, enthusiasm and zest for living possessed by few men 50 years his junior. Since 1961, Dean Andrews has kept very busy as a General Referee at Probate Court. Though he had intended to devote his time to writing and traveling after his retirement from active teaching, he was persuaded by

Judge Merrick to take on new responsibilities at Probate Court instead.

In his work at the Court, Dean Andrews has complete responsibility for each case assigned to him from the time of the filing of the petition. His work primarily concerns the construction of wills, the validity of clauses in wills and the disposition of estates. By special agreement with Judge Merrick, Dean Andrews is assigned to the major "brain-twisters" which come through the court. He never stops work after reading the briefs and cases cited but always makes an independent investigation into the law. His opinions, which he initially writes in long-hand, are published in the Ohio Misc., Ohio Opinions and in Northeastern Second. He vacations approximately seven weeks a year in Florida (without pay) but most of his time is spent researching and studying his cases in the Dean Emeritus's office at the Law School.

Dean Andrews began teaching law in 1927 and served as Dean from 1948 through 1958. Under his administration, the Graduate Program came into being, the Law-Medicine Center was developed, a student board was established for the Law Review and the Moot Court program was organized. He has served as President of the Cleveland Community Fund and of the Cleveland Bar Association.

Dean Andrews continues to maintain a fairly active extracurricular activity schedule. He serves as a Trustee for the Doreas Society which operates a home for elderly ladies and is a member of his church's investment committee. He is still one of Cleveland's best toastmasters as those who heard him at the Frances Goff Recognition Dinner last year are well aware. On that occasion, half of his audience was on the verge of tears from too much laughter.



Thoughts About Law Schools

(Continued from previous page)

respect for detail, fact-consciousness, a sense of relevance, an understanding of the inductive, analogical, and syllogistic reasoning processes, the method of conventional legal research, and a familiarity with the rules in a broad range of subject areas. Certainly such skills and knowledge are essential to the training of the lawyer for practice. Through moot court programs and course instruction, the law schools offer a degree of training in appellate litigation and trial practice. Some courses also offer some experience in the preparation of instruments employed in certain areas of practice.

But what is strikingly absent from the law school curriculum is genuine clinical experience. By way of contrast, undergraduate medical education contains a great deal of clinical experience—the application of the classroom learning to the real-life situation. Medicine, of course, has its clinical environment readily available to it in the form of the teaching hospitals. Legal education does not have available to it a counterpart to the hospital for the clinical training of its students. It is true that there are various publicly and privately supported organizations which offer legal services to the poor in the civil and criminal areas, but these are still limited in number and size. Some of these organizations are cooperating with law schools to make available some clinical experience for a limited number of law students, but the effort is on a very modest scale. Also, the clinical experience available is limited to the problems peculiar to the type of client served by such organizations. This is not to minimize the significance of the legal problems of the poor, but merely to stress that it is only a small part of the whole of legal practice.

If there is to be meaningful clinical experience available to law students, it is going to require the cooperation of the practicing bar, in addition to the organizations which have just been mentioned. The practicing bar and the law schools would have to work out a program in which students could observe and in some respects participate in the handling of actual problems in the practitioner's office, under appropriate supervision. I have no doubt that a satisfactory program could be worked out if there is the will to do it, both on the part of the bar and the law schools. Clearly law schools located in urban areas could more

conveniently arrange such a program than law schools located in small towns, but the latter schools could probably arrange for periods of non-resident clinical experience in other communities. In its initial stages such a program might well be something of a burden to the bar as well as to the law schools, but ultimately the rewards would be considerable. It also should be stressed that such clinical experience should be on an elective basis; there will certainly be students who would prefer to spend their curriculum hours in other ways.

It has been maintained that the law student gets a clinical "internship" after he gets his LL.B. My view is that the law student needs the clinical exper-

FIRST IMPRESSIONS

OF A FIRST-YEAR CWRU LAW STUDENT

There's often a crisis
With stare decisis
And things get hairy
With certiorari
While there's lots of booty
In proving a duty
Money chances often cease
With termination by release
Though circumstance of D's mitigation
Precludes P's victorious litigation
And while your story to you seems saner
T'won't be seen by Justice Traynor
Who insults you without hesitation
For using mutual obligation
Schroeder uses language lush
Would make a guilty adulterator blush
Lewis uses language strange
I wish I understood his range
of knowledge, but for that, no hope
If he were a priest, he'd lose the Pope
The latest news is what we feared
Katz decided to rape his beard
There is Austin saying "Gentlemen:
there's reliiiiance that the South will rise again"
And there I am, mired in my books
Dreaming of my goose who cooks.

CHESTER WEINERMAN '71

Carl D. Friebolin Memorial Scholarship Established

ience a great deal earlier in his development. The law student has finished four years of college bookishness, and upon entering law school he now faces three more years of uninterrupted bookishness. The student yearns to break out into the real world of action. This is not to suggest that such clinical experience as might be available to a law student would seriously prepare him to enter law practice fully equipped; obviously that would not be the case. Rather the purpose would be to add a dimension to his legal education which is simply not obtainable from books alone. The clinical supplement would serve to make the book live and meaningful, as the case and problem methods make the law live and meaningful compared to the flat textual treatment of legal principles. In this sense I think it would enhance his preparation for practice.

In stressing the preparation for practice, I do not intend to minimize the importance of imparting to the student a critical sense of the social performance and function of law. Clearly it is important that he be "liberally" educated in the law, as well as vocationally educated. Many law schools attempt to do this. It seems, however, that the intellectually parochial nature of law schools places a limit upon opportunity for accomplishing this.

There is another thought which I would like to insert here parenthetically. Recently a friend of mine who is in practice remarked that he thought it would be most satisfying and beneficial if he could take a period of time from the deadlines and phone calls of private practice to do some broad reading and reflection in the area of the law in which he specialized. It occurred to me how extremely valuable such an accomplished specialist would be as a visiting professor for an academic year at a law school teaching a course in the area of his expertness. He would bring to the course something which the professional law teacher usually cannot. And he would be a full-time teacher while he was teaching, which is very important. He would have the reading and reflection time which would benefit him personally and which would certainly assist him in his teaching. This could mean some immediate financial sacrifice for the visiting professor-practitioner, unless the firm or other employer chose to supplement his teaching salary, but there might be long-range benefits to compensate for the immediate expense or loss. I am sure that it would be a significant asset to legal education, and

A new scholarship has recently been established at the Law School in memory of Carl D. Friebolin. The new fund has been made possible through the contributions of \$15,000 from graduates of Friebolin College to honor Judge Friebolin's memory. The drive was chaired by Theodore R. Spilka, '26.

Judge Friebolin was the oldest living alumnus of the Law School at the time of his death in 1967 and was a member of the Alumni Association's Board of Governors. He was a referee in bankruptcy court and was the dean of bankruptcy attorneys in the Cleveland area. Judge Friebolin took a great interest in legal education. He was a lecturer in bankruptcy at Reserve for several years and he taught an evening bankruptcy course for lawyers which was affectionately known by its graduates as "Friebolin College." The Law School takes great pride in establishing this highly appropriate living memorial to him.



Dean Toepfer and Ted Spilka, '26 discuss establishment of Friebolin fund.

of great value to the practitioner who is a reflective student of the law.

What Should The Law Schools Aspire To Be?

If the deficiencies of law schools with respect to the training of the prospective practitioner are significant, their deficiencies as research centers for the study of the social performance of law are monumental. The extraordinary weakness of law schools in this respect becomes apparent when one compares the re-

(Continued on next page)

February 13

Faculty-Alumni Luncheon

*Capital Gains and Estate Tax will be Discussed
at the Faculty-Alumni Luncheon*

On Thursday, February 13, Associate Professor Leon Gabinet will speak to the alumni at a luncheon at noon at the Mid-Day Club regarding the Treasury Department's proposal to change the present method of capital gains taxation on transfers by death and gift. Mr. Gabinet is a new member of the faculty this year. He received both his B.A. and J.D. degrees at the University of Chicago and he was an editor of the Law Review at the Law School. He served as a clerk with the Honorable Hall S. Lusk of the Oregon Supreme Court and he has been in private practice in Portland, Oregon for 16 years, working primarily in the corporate and tax areas.

At the luncheon, Dean Toepfer will also introduce all other members of the Law School faculty. The chairman of the Faculty-Alumni Luncheon series this year is William X. Haase. Cost of the first luncheon will be \$2.75 and those interested in attending can reserve a place by sending their checks payable to Case Western Reserve University to: Mrs. Joan Pirnat, Administrative Secretary, Case Western Reserve Law School, 2145 Adelbert Road, Cleveland, Ohio 44106.



Thoughts About Law Schools

(Continued from previous page)

relationship of medical practice and medical science with the relationship of legal practice and the determination of the social performance of law. There have been extraordinary advances in medical science in recent decades, and much of this has been accomplished by the faculties of medical schools. What would be the state of medical science if advances and discovery in medical science were left to those who are fully engaged in medical practice? Clearly medical schools are not only institutions for the preparation of practitioners, but also centers for research in medical science. It is undeniable that law schools remain dedicated to the vocational function, and have not become centers for intensive research and inquiry with respect to the social performance of the law.

State and federal legislation is occasionally influenced in certain subject areas by law school professors individually, but it seems that the impact of the

law school as an institution of learning upon legislation has been limited. The law schools, generally speaking, are not research centers for the production of information which is relevant to an assessment of legislative programs.

The remarkable achievements of medical science are the product in substantial measure of the medical schools, which have become centers of research and learning. The absence of a comparable development in law may well be attributable in part to the conscious or subconscious attitude that law is a discrete discipline which is not subject to evaluation on the basis of findings in other areas of research and intellectual inquiry. The reaction of many segments of the bar to the use of sociological authority in the 1954 Supreme Court desegregation decision comes to mind. What passes for discovery in law has frequently been a matter of logical extension from a premise which has been accepted on precedential grounds; to the extent that "policy" influences the "discovery," it is generally based upon some form of conventional wisdom concerning the nature of man or of society or of the economic system. There simply has not been the systematic and painstaking inquiry and investigation in law that has been occurring in other fields. Certainly these generalizations are less true today than they were several decades ago, but I think they still broadly characterize the cultural state of the law.

Clearly the development of law schools into centers of inquiry to measure the performance of law requires the assistance of non-lawyer specialists of various kinds. The economist, sociologist, psychologist, moralist, biologist, are needed to assist the lawyer in the determination of the effectiveness of the law that is and in the determination of the law that ought to be. The law exists to serve the social desiderata which these specialists are trained to measure. The weakness of the law schools is evidenced by the fact that only a handful of law schools have a non-lawyer, such as an economist or a psychiatrist, as a member of the faculty.

Can the study of trade regulation be meaningful without the consideration of ultimate economic consequences? Can the study of criminal responsibility be meaningful without the consideration of psychiatric and moral factors? Can the study of zoning or urban renewal be significant without the consideration of the sociological impact? Can the study of

slum landlord responsibility be truly productive without the consideration of the economics of that area of commerce? Can the study of welfare legislation be significant without the consideration of its impact upon the recipient? There are innumerable examples, but, unfortunately, relationships between law teachers and specialists in other disciplines are spasmodic. The non-lawyer has only occasionally been brought into the curriculum or the research of the law school.

I look forward to the day when the law school ceases to be an independent division in the university structure, but rather is a specialized social science division of the graduate school of arts and sciences. Needless to say, this is not an immediate prospect, but until the law school seriously integrates its instruction and its research with the other relevant disciplines, the law school will remain a cultural backwater, despite its vocational proficiency.

It is not at all clear how the change would come about. Lawyers simply do not communicate easily

Mayor Stokes Selected First Member of Development Foundation



Mayor Carl B. Stokes was recently selected as the first member of the Mt. Pleasant Community Development Foundation. The organization has been attempting to halt community deterioration in the Mt. Pleasant area. Professor Ronald J. Coffey (far left in the picture), Larry Curtis '69 (middle of picture) and other students at Case Western Reserve Law School have provided all of the legal services for the Mt. Pleasant organization.

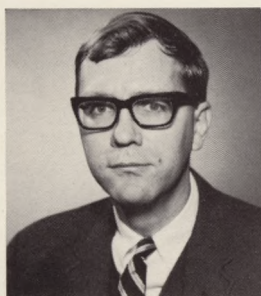
with economists, sociologists, philosophers. They do not share a common vocabulary. Even if they did communicate freely, they would have difficulty coordinating their efforts. It may be that steps should be taken to induce prospective law teachers to do advanced work in certain other social sciences, as well as to induce other social scientists to study law. Why would it not be possible to offer a concentrated twelve-month program in law to social science professors so that they would be able to work with law teachers on the study of the impact of legal conclusions?

It should also be stressed that the education of the law student should involve a good deal more than the vocational. It should make him a student of law as a social force, skeptical and inquiring. I know that many law teachers attempt to instill this, but I fear that it is a somewhat primitive effort. Until the function of the law school is adjusted, I fear that the efforts will remain superficial and of limited impact. Most law teachers are not qualified to assess adequately the legal principles and conclusions which are discussed in class, in terms of the economic, ethical, sociological, or other consequences. The instructional materials are almost invariably authored by law teachers with the same limitations, and do not present any investigation in depth of such consequences.

The relatively small number of faculty members in law schools seems to lend support to the point which is stressed here, namely that the type of inquiry that is taking place in other divisions of the university is not taking place in the law school. If the instruction were to deal seriously with the questions of social impact, and if the effectiveness of our legal system were being investigated by the law schools, the faculty would necessarily include specialists in areas other than what is now defined as law. The existing faculty reflects the attitude that law is a discrete system.

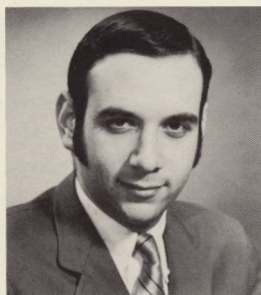
This is not a plea merely for interdisciplinary communication. What is suggested is that the nature of the discipline which we call law should be redefined. The economic impact of dead-hand control of wealth is as much a part of the legal discipline as the rule against perpetuities. The psychological impact of obscenity is as much a part of the legal discipline as the law forbidding it. The impact should determine the law, subject to the consideration of predictability where it is relevant.

NEW FACULTY



ARTHUR DONALD AUSTIN II

A native Virginian, Assistant Professor Austin comes to the Law School after teaching at William and Mary, Bowling Green and Cleveland-Marshall. An alumnus of the University of Virginia (B.S. 1958) and Tulane University School of Law (LL.B. 1963), his writings in the area of Antitrust Law have been widely published. During his first year at Reserve, he is teaching Contracts and Antitrust.



KENNETH STUART COHEN

A recent graduate of Harvard Law School (LL.B. 1968), Mr. Cohen comes to Reserve with a strong background and interest in the problems of Accounting

and Taxation as they apply to the law. After receiving his B.S. from New York University, he attended Business School at NYU before leaving for Harvard. His courses at Reserve include Law and Accounting and Legal Research and Writing.



CHARLES DICKINSON HAWLEY

Visiting Associate Professor of Law Hawley was born in Iowa City and has spent most of his life west of the Mississippi. An alumnus of Colorado College (A.B. 1954) and Harvard Law School (LL.B. 1957), he spent ten years as a law specialist in the Navy, after which he joined the faculty of the University of Idaho College of Law. A member of

the District of Columbia Bar, Professor Hawley teaches Administrative Law and Civil Procedure.



SIDNEY B. JACOBY

Professor of Law at the Georgetown University Law Center and a nationally recognized expert on Government Litigation, Mr. Jacoby is now a Visiting Professor at Reserve. An alumnus of the Berlin Law School (Jur. D., 1933) and Columbia Law School (LL.B. 1939), he was an attorney with the Federal Government for twenty-seven years before joining the Georgetown faculty. While at Reserve he will teach Civil Procedure, Federal Jurisdiction, and Government Litigation.

SOCIETY OF BENCHERS

JAMES L. AMERMAN, '06
FLETCHER REED ANDREWS, '25
JOHN W. BARKLEY, '14
HAROLD K. BELL, '19
JOSEPH M. BERNE, '08
BENJAMIN C. BOER, '17
*LISLE M. BUCKINGHAM, '19
THOMAS A. BURKE, JR., '23
J. SUMNER CANARY, '27
WILLIAM R. DALEY, '17
GILLUM H. DOOLITTLE, '08
*HON. ARTHUR W. DOYLE, '17
ROSCOE M. EWING, '12
DAVID K. FORD, '21
WILLIAM H. GILLIE, '06
HON. LYNN B. GRIFFITH, '14
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*CLINTON M. HORN, '11
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HON. PERRY B. JACKSON, '22
T. LAMAR JACKSON, '18
J. HALL KELLOGG, '17
MARVIN J. LARONGE, '28
HARVEY O. MIERKE, '15
CHARLES A. MORRIS, '05
*FRANK H. PELTON, '06
MILLER B. PENNELL, '13
BENJAMIN F. ROTH, '18
VINCENT K. SMITH, '20
J. PAUL THOMPSON, '06
*J. M. ULMER, '08, *Secretary*
MALCOLM B. VILAS, '18

HON. GIRAD E. KALBFLEISCH
HON. KINGSLEY A. TAFT
Public Members
*CHARTER MEMBERS

FACULTY NOTES

Professor Oliver C. Schroeder, Jr. recently had two articles published. "A Law-Medicine View Point" has been published in *Police and Community Relations Sourcebook* of Michigan State University. "Death: Legal Aspects" has been published in the *Encyclopedia Americana*. Professor Schroeder has also been appointed a member of the Plan of Union Commission which is a group of 15 persons selected to make a plan for the unification of the Episcopal, United Methodist, Presbyterian, United Church of Christ, and Disciples of Christ denominations.

Professor Schroeder appeared in January on an NBC national broadcast on "Faith in Action."



LEON CABINET

A graduate of the University of Chicago (A.B. 1950) (J.D. 1953), Associate Professor Cabinet practiced law for 15 years in Portland, Oregon, primarily in the tax and corporate fields. He served as a law clerk to the Honorable Hall S. Lusk of the Supreme Court of Oregon and was an Assistant Attorney General for two years. Professor Cabinet is a skilled linguist and speaks six languages. He teaches Tax and Conflicts of Law.

Dean Louis A. Toepfer has been appointed chairman of the University Committee on Urban Affairs by President Robert Morse. This group is attempting to determine the extent to which University resources can be effectively used to solve community needs. Professor Ronald J. Coffey has been selected as a member of this committee.

Dean Toepfer has also been recently appointed chairman of the Financial Aid Committee of the Council for Legal Education Opportunity, a national organization funded by the Office of Economic Opportunity, whose goal is to make it possible for more minority group students to receive a legal education.

On November 22, 1968, Professor Morris Shanker was a principal speaker on consumer credit problems at a seminar on Law and Poverty in Philadelphia held for Neighborhood Legal Service Lawyers in the Middle Atlantic states. This is the sixth regional seminar in which Professor Shanker has delivered these lectures. These seminars, which have now covered all regions of the country and have been made available to all Neighborhood Legal Services attorneys, were sponsored by the National Institute for Education on Law and Poverty.

Professor Shanker also recently attended a meeting in Washington, D.C. of the National Bankruptcy Conference between Oct. 24 and 26. The conference is engaged in a continuous study of the bankruptcy law of the United States. Mr. Shanker's article, "Consumer Protection under Article 2 of the Uniform Commercial Code" was reprinted in the last issue of the *Ohio State Law Journal*. He also had an article, "Mandatory Courses Out of the Law School" published in the *Georgetown Law Journal* a short time ago. Mr. Shanker recently served as Special Master in the case of *Ohio Loan and Discount Co. vs. Maryland Casualty Co. et Al*, under appointment by Judge William Thomas of the Federal District Court.

Professor Paul Haskell was selected by the CWRU Constitutional Assembly to serve on the Trustee-Assembly Liaison Committee, together with two other faculty members. This committee will serve as a liaison between the faculty of the University and the University's Board

of Trustees. The Board of Trustees is also represented by three members. Professor Haskell has also been elected to the Board of Directors of Cleveland Fair Housing, Inc.

On Monday, December 2, Associate Professor Arnold Reitze appeared on WGAR's program, The Forum, to discuss the Ohio Air Pollution Initiative proposal. Mr. Reitze appeared on the University Circle program on TV Channel 3 on Sunday, November 17th in a discussion concerning Lake Erie pollution problems. He spoke to scientists working under contract for the Office of Saline Water, U.S. Dept. of the Interior and delivered a speech to the National Health Federation on November 10th on "How the Law Protects Environmental Polluters." An article by Professor Reitze on "Wastes, Water, and Wishful Thinking: The Battle of Lake Erie" was published in *20 Case Western Reserve University Law Review* 5 (1968). On October 22, Professor Reitze appeared on a TV news feature on Channel 61 concerning Ohio water quality standards. He reviewed Senator Moss' book, *The Water Crisis in 20 Case Western Reserve Law Review* (1968).

Standard and Poor's published the first part of Professor Ronald J. Coffey's article on "Implied Private Rights under the Proxy Rules: Recent Developments" in its new publication, *The Review of Securities Regulation*, which commenced publication on November 15, 1968. The first installment of this article appeared in the January 1st issue. Professor Coffey will also be a speaker at the Cleveland Bar Association's forthcoming Real Property Institute, where his topic will be the Interstate Land Sales Act which was recently signed into law as part of the Housing and Urban Development Act of 1968.

Professor Coffey spoke to the Case Women's Club on December 5, 1968 on the role of the University Urban Affairs Committee, housing developments in the Mt. Pleasant community and a clinical program for the Law School.

Visiting Professor Charles Hawley recently wrote "The Long Arm from the Northwest" which was published in *5 Idaho Law Review* 131 (Fall 1968).

ALUMNI NEWS

Jay S. Hudson, '35 has been named a member of the Board of Trustees of Beaver College. Mr. Hudson graduated from Case Institute of Technology with a degree in electrical engineering. He now serves on a large number of civic and industrial organizations and is a member of the industrial committee of the National Association of Manufacturers and the Chamber of Commerce of Greater Philadelphia.

Manning E. Case, Jr., '41 was recently elected vice president and treasurer of Standard Brands, Inc. in New York City. Mr. Case joined Standard Brands in 1961 and has been assistant treasurer since 1962. He previously was vice president of services and finance of the M. & M. Candies Company.

John J. Carney, '43 has been named as a director of Capital Bancorporation and Capital National Bank. Mr. Carney was Cuyahoga County Auditor from 1951-1962 and he served in the Ohio House of Representatives for 10 years. He is a partner in the law firm of Carney, Carney & Broadbent. Carney and his wife, Virginia, live at 18777 Lookout Circle, Fairview Park. They have four children.

Leonard P. Schur, '48 has joined the law firm of Gold and Gisser with offices at 540 Leader Building, Cleveland, Ohio 44114.

John J. Monroe, '50 has been selected as assistant vice president and member of the Management Group of the Citizens Savings and Loan Company, Painesville, Ohio.

Sheldon Portman, '54 was appointed public defender of Santa Clara County, California on April 29, 1968. Prior to this appointment, Portman served as acting assistant public defender and before that, he was a deputy district attorney in Santa Clara County.



Riedel

Two law school graduates have recently been selected as officers in Cooper Industries, Inc., Houston, Texas. Alan E. Riedel, '55 has been chosen vice president, industrial relations and general counsel. Riedel is presently secretary and general counsel. He joined Cooper Industries in 1960 as general attorney and became secretary and general counsel in 1963. Prior to joining Cooper, he practiced law in Cleveland, Ohio with the law firm of Squire, Sanders & Dempsey. Mr. Riedel, a native of Bellaire, Ohio received his A.B. from Ohio University in 1952. He is a member of a number of organizations including the Texas and Ohio Bar Associations.



Scott

Roger Scott, '57 has been elected secretary and assistant general counsel with Cooper Industries, Inc. Mr. Scott joined Cooper Industries in 1961 as attorney. He became the assistant general counsel in 1964 and the assistant secretary in

1966. Prior to joining Cooper he practiced law as a partner in a Mansfield, Ohio law firm. Mr. Scott is a native of Bedford and received his A.B. from Ohio University in 1952. He served in Korea with the Ranger forces and is a member of the Texas, Ohio and American Bar Associations. Cooper Industries, with headquarters in Houston, Texas, is a diversified supplier of goods and services for gas transmission, oil and gas production and process markets as well as tools and equipment for general industrial use.

Karl A. Limbach, '57 and George C. Limbach, '58 have formed a partnership for the practice of patent and trademark law under the firm name of Limbach & Limbach with offices at 44 Montgomery Street, San Francisco, California 94104.



Kasunic

David E. Kasunic, '58 has joined the Legal Department of the General Tire & Rubber Company as assistant counsel. Kasunic was previously associated with a Cleveland law firm and has had a wide variety of experience as a corporate legal counsel including work as the director of the legal department of the Investment Life Insurance Company of America. Kasunic, his wife Joy, and their six children reside at 2473 Derbyshire Road in Cleveland Heights.

Erwin D. Apell, '61 has been named director of the First National Bank of New Egypt, New Jersey. Apell graduated from Bordentown Military Institute in 1954 and Pennsylvania Military College in 1961. He was admitted to practice law in 1961 and shortly after, entered the U.S. Army and was discharged two years later as a Captain. He is presently senior member of the law firm of Apell and Forman in New Jersey.

Frank Manak III, '62 has joined Cummins Engine Co., Inc., Columbus, Indiana as patent attorney. Cummins is the world's largest independent producer of diesel engines. Manak received his B.S. degree in mechanical engineering from M.I.T. in 1959. He was formerly with U.S. Steel in Pittsburgh as a patent attorney. Manak, his wife, and their two children now reside at 3530 Lantern Lake in Columbus.

J. Rogers Padgett, '63 is now engaged in the general practice of law with offices at 1114 First National Bank Building, 215 Madison Street, Tampa, Florida.



Slemmons

Charles G. Slemmons, '66 was elected vice president and a member of the Board of Directors of the Mutual Broadcasting Corporation, Los Angeles. Mr. Slemmons has been with the corporation for one year and he is also serving as its treasurer. In addition to these positions, Mr. Slemmons is a director and secretary of its subsidiaries, the Mutual Broadcasting Corporation, Inc., the world's largest radio network, and Mutual Sports, Inc. While in Cleveland, Mr. Slemmons was vice president and director of the Murphy Parking Company which operates facilities in northeastern Ohio.

A native of Pittsburgh, Mr. Slemmons graduated in 1953 from Grove City College where he captained the school's first undefeated, untied soccer team. He then served as a product development engineer and later was a sales engineer for the Dow Corning Corporation. He entered Harvard University's Graduate School of Business Administration in 1958 and in 1960 received a Master of Business

Administration degree. Thereafter, he served as sales engineer with Trancoa Chemical Corporation and then as sales manager for a Kollsman Instrument Corporation division. From 1954 to 1956, Mr. Slemmons served in the United States Marine Corps and was a First Lieutenant when released from active duty. Mr. Slemmons, his wife and daughter now reside in Pacific Palisades, California.

OBITUARIES

Clayton G. Leroux, '30 died on September 30, 1968 in his Fairview Park home. A lawyer with the Federal Aviation Administration, Mr. Leroux graduated from Ignatius Loyola High School and the University of Notre Dame. Mr. Leroux was active in Notre Dame alumni activities in 1950 and was first recipient of the Notre Dame "Man of the Year" award. He was permanent chairman of the Notre Dame Club of Cleveland scholarship committee and was past president of the Notre Dame placement committee.

He was also president of the Board of Merrick House of Cleveland and a director of the Catholic Youth Service Bureau. He has taught at St. John's College and the old Fenn College.

Seth R. Cummings, '31 who retired last year as associate counsel for the Cleveland Trust Co., died on September 30, 1968 in Lakeland, Florida. Mr. Cummings has been associated with the bank 34 years. He moved to Florida shortly before his death. He was a former member of the University Heights City Council.

Howard F. Burns, a public member of the Society of Benchers and a member of the Law School Visiting Committee, died on December 19, 1968 at the age of 80. Mr. Burns was a graduate of Harvard Law School and was admitted to the Ohio Bar in 1917. He was a past president of the Cleveland Bar Association, was past chairman of the ABA's committee on federal judiciary and was a life member of the Judicial Conference of the Sixth Circuit U.S. Court of Appeals.

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