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THE VILLANOVA DOCKET

VOL. 1—NO. 4
VILLANOVA, PA.
FRIDAY, MAY 15, 1964

Seniors Graduate On June 1

Law Review Staff Feted At Banquet; William B. Freilich is Editor-in-Chief

The officers for Volume 10 of the Law Review were announced at the Ninth Annual Law Review banquet held on Saturday, April 18, 1964 at Garey Hall. The guest speaker was Willis L. M. Reese, Professor of Law at Columbia University.

Freilich, Editor-in-Chief

The Editor-in-Chief will be William B. Freilich. He is an alumnus of Haverford College and resides in Ardmore. Robert L. Berchem, who graduated from Fairfield University and lives in Connecticut, takes up the duties of the Recent Developments Editor.

The Comment Editor is to be James L. Griffith, a graduate of St. Francis College in Loretto and a resident of Clementon, N. J. Rounding out the editors who will deal exclusively with student material is Thomas M. Twardowski, who will be the Associate Editor. Twardowski hails from Reading, Pennsylvania and now lives in Philadelphia. The incoming Managing Editor will be John E. Good, a graduate of Lycoming College and a resident of Williamsport, Pa. and did his undergraduate work at Notre Dame.

Article & Book Review Editor

Jack J. Bernstein in his capacity as Article & Book Review Editor will deal exclusively with non-student material. Bernstein graduated from the University of Pennsylvania and now lives in Philadelphia. The incoming Managing Editor will be John E. Good, a graduate of Lycoming College and a resident of Williamsport, Pa. Good will handle all of the business of the Review.

The evening began with a cocktail hour on the patio at 6:30. At 7:30 the present members of the Law Review, alumni who were former members, faculty, staff and guests gathered at the tables in the lounge for the banquet.

First Annual Law Alumni Day

Ends With SBA Banquet, Awards

Villanova University School of Law opened its first Alumni Day, Saturday, April 11th, with the final address in the Reimel Mood Court Competition in Garey Hall, and "topped off" the evening with its Eleventh Annual Law School Dinner in Bartley Hall.

The evening festivities commenced with a cocktail hour from six to seven, where one could imbibe his favorite liquid refreshment and savour choice hors d'oeuvres. At 7:15 all were seated and the Very Reverend John A. Klekotka, S.J., McDevitt To Speak

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The new Editors (l to r standing) Thomas Twardowski, Jack Bernstein, John Good, Robert Berchem, Mr. Roberts (Advisor), James Griffith and Editor-in-Chief William B. Freilich.

Hodgson, Toastmaster

C. Clark Hodgson as outgoing Editor-in-Chief served as toastmaster for the evening. But since this was the Ave Maria portion of the year, he also acted as the vice-president and salutatorian.

He gave his appreciation to the various classes of members on the Review, his assistant editors, the third year comment writers and the second year case note writers. In turn, he was later presented with a gift from the members for his prodigious efforts for the Law Review.

Faculty Advisor

Ernest F. Roberts, the Faculty Advisor, was also presented with a gift, as a remembrance of the first year's Law Banquet toastmaster. He expressed his thanks and his thought that this was probably the best year of the Law Review, and he wished them the "Best of Everything" for the coming years.

Law Forum Finale Address Delivered By Harvard Constitutional Law Expert

The last address of the 1963-64 Villanova Law School Forum series was given by Professor Mark DeWolf Howe, celebrated authority on Constitutional Law, on Friday, April 17, at 6:30 P.M. in Garey Hall.

Professor Howe chose for his topic in addressing the unfortunately small but receptive audience: "Neutralism and Activism — The Role of the Supreme Court." Briefly the view of the Neutralists is that as a democracy the law should be written by the elected legislature and the Court should exercise judicial restraint in deciding both the laws of Congress and especially those questions upon which Congress has not yet acted. The Activists, on the other hand, favor judicial action in protecting the minority. They believe the Court should step in an area where the legislature is dragging its heels and hand down a constitutional guideline to solve a particular problem.

The interplay between these two views was presented by Professor Howe within the framework of history. Thus whenever we had a laurgical legislature we presumably had an activist Court and vice versa. When an activist Court was present, then the Court should be removed, acting only if an enactment was clearly unconstitutional but otherwise adhering to precedent. (Continued on Page 2)

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I write this on a day following hard upon the opening gun of our 1964 Annual Giving Campaign and on the eve of our annual Day of Volunteering (April 30th). These two factors will no doubt whet the shape of things to come in much my mind.

As most of our readers know, the Day of Volunteering marks the time when the Board of Coordinators, those dedicated judges and lawyers who advise and counsel with the University as a whole. A day on which we hope to see the dean, and the faculty on matters concerning the welfare of the students of the Villanova Law School, come, as a group, to Garey Hall.

This year we attempted to arrive at some all-important decision as to what the School of Law shall do and what it shall become during the next several years. We shall have to make a large school we shall become. Many more applicants are now applying for admission than did a short year ago. Indications are that over the next several years, the number of qualified applicants will be on the increase. There are definite limitations on the number of students we may take. Various factors dictate the limitation upon numbers, not the least of which is physical limitation. In our thinking, while Garey Hall has been planned, a School of 500 students served by a full-time faculty of fifteen, insuring a desirable faculty-student ratio, will be the ideal.

Our unstintable duty to Villanova University and to the Bar is to provide Villanova Law School with the most able student body we can recruit. We have the same duty in the Villanova Law School story. We must get our fair share of the very best candidates.

We have to date (April 27th) had upward of 182 requests for the enrollment of law students or applicants for 1964-1965. We can accommodate about 22 or about 12% of potential. In a law school world of intense competition, we are having to move fast to avoid becoming a strictly commuter operation.

All this should convince you that we have problems and we need help. But — praise be! — they are problems of growth and that’s good, not bad.

To all of our alumni, Joe Walheim ’61 has just sent out the invitation to our Annual Meeting, which will be held on the campus on Thursday, May 14th. The reaction has been good. Remember what you do and all that I do is for the Villanova Law School of the future — a future that we hope to make a reality. We have the same duty to the provision of faculty. We have very much more to learn about picking the most promising law students and much of our immediate effort will be dedicated to learning more about how to effectively select the best candidates for admission.

We now have able and successful alumni strategically placed in the Bar where our feeder colleges are located. I mean to call upon many of our alumni to visit their coevals maters and give to interested college seniors the Villanova Law School story. We must get our fair share of the very best candidates.

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Seniors Obtain Positions Within Tri-State Area

After graduation, the Class of 1964 of Villanova Law School will branch out to begin clerkships and employment in various areas and locations. Some members of the class have been unable to obtain jobs or are undecided on associations at this time.

C. Clark Hodges Jr. will be Law Clerk to Thomas J. Clary, Chief Judge, Federal District Court of the Eastern District of Pennsylvania. Mark H. Pflauffer will be Law Clerk to Judge Alfred L. Lonzano of the Federal District Court of the Eastern District of Pennsylvania.

Philadelphia Associations

Myron A. Hyman will be associated with Warren, Garfinkle & Mann. C. Dale McChlan will be associated with Pepper, Hamilton and Scheetz. James J. Binco will be associated with the firm of LaRum & Duck.

Arthur B. Morgenstern will clerk for Felix, Bord, Kamisler, Goodis & Greenfield. Roger S. Wolle will be with Ostroff, Lawler & Baker. Joseph A. Barone will continue to be associated with Krusen, Hamilton and Scheetz. James J. Binno will be associated with the firm of LaRum & Duck.

In Montgomery County

Francis Recchuiti will be associated with Herbert C. Nelson, Esquire, who has offices in Norristown and Schuylkill, Louis S. Konowal, Frank J. Muraghan, Robert Silverberg, and Robert Campolongo.

In Delaware County

Albert P. Massey will associate with William L. McLaughlin, Esquire, who has offices in West Chester and Paoli. Thomas A. Riley Jr. is with Rogers & O'Neill of West Chester.

In New Jersey

Joseph F. Doyle will clerk for W. Ocray Shalick, Assignment Judge of the Law Division of the New Jersey Superior Court. Stephen L. Abbott will be with Togan, Hance, a Remond of Perth Amboy. Lemuel H. Blackburn Jr. will become a Deputy Attorney General of New Jersey in Trenton. Richard Lord will also practice in New Jersey.

In New York

John J. LaFalce will go with Jackle, Fleischmann, Kelly, Swart and Reimel. Frank Cross will practice in Orange County. Frank Cross will practice in Dutchess County.

As I See It...

At the year's end — Thank you for another five years. And that "thank you" is intended for University administration, faculty, alumni and students. Do have a wonderfully fine summer, all of you.

The Moot Court finalists and acting Chief Justice William O. Douglas.

Con tempt Incarceration Thrown Out By Douglas in Moot Court Final

The team of Saint Thomas More Law Club, Richard H. Roegen and Thomas H. Twardowski, acting as attorneys for the petitioner had the "incarnation for contempt" judgement thrown out of court.

The Reimel Moot Court final competition in front of acting Chief Justice William O. Douglas ended in the defeat of William J. Green, 3d, and Thomas A. Riley.

With Douglas sat Justice Benjamin B. Jones of the Supreme Court of Pennsylvania and Justice J. Cullen Ganey of the United States Court of Appeals (Third Circuit).

Petitioner had refused in front of investigating body, to answer incriminating questions. Immunity from state prosecution had been granted. Incarceration followed "with the keys to his own cell," when petitioner answered. This type of coercive relief was disallowed by the decision which considered that the Fifth Amendment privilege extended to legislative investigatory proceedings was one questioned. In the case of prosecution from another sovereign.

William J. Green III Victorious; Will Complete Father's Term

William J. Green, 3d, third year Villanova Law School student, won his bid to complete his late father's term as Representative of Pennsylvania's Fifth Congressional District when as the Democratic Party candidate he defeated Republican Edward H. Bowver in the 23rd special election.

The first Congressman in the Law School's 11-year history, Green also defeated three nominees for a full two-year term starting in January.

Villanova Alumni; Pass Bar Exam; Secure Positions

Raymond L. Berkner has announced that James F. Kipp is now associated with him in the general practice of law at 1212 Bath of Delaware Building, Wilmington, Del.

The January Bar Examinations were successfully completed by the following Alumni candidates; John D. Silco, Paul T. Estig, James J. Rafferty Jr., Robert H. Ford, Jack G. Linsbaur, Peter T. O'Malley, Raymond B. Rafferty, Jr., Joseph C. Santaguida, and John D. Trivner.

Jack Linsnaw '63 is presently an assistant trust examiner under the Commissioner of Currency.

William E. Truitt '59 has joined the Board of Supervisors of West Chester County, New York.

Arthur T. Downey '62 is joining the State Department in the office of the Legal Adviser at the end of August. From July 6 to Aug. 14 he will attend the Academy of International Law at The Hague, the Netherlands.

Arthur S. O'Neill Jr., '56, who has been in the New York Regional Counsel Office of the Internal Revenue Service, will be joining the Philadelphia firm of Duane, Morris and Heckscher this summer.

Miles J. Storrs Ward, '54 has left for Ireland for the purpose of completing and defending his dissertation in the degree of Doctor of Civil Law at the University College, Dublin.

Alan Sanders '63, will get a Masters of Comparative Law in June from Southern Methodist University and will return to the Philadelphia area.
Griffith, vice president, and Joe Robert Kelly, president, James Kelly, Secretary-Treasurer. Overwhelmingly carried into office, Michael Hynes at the helm as president, Burgoyne, vice president, and Michael Fitzgibbons, Secretary-Treasurer. Our perennial "football phenoms" and Adrienne Arsht as Secretary-Transaction.

Harvey Blank, vice president, and club officers.

Elect Presidents

Once again, this time spring summons in the annual Law Club elections. After graduation in 1956, Burgoyne entered the Navy's Officer Candidate School at Newport, R. I. In the service he served with a heavy Attack Squadron as Bomdiers/Navigator until 1968. Burgoyne was a staff accountant for Arthur Young & Co. and a Systems Engineer for IBM before transferring to the University and School in 1963 in the evening division. After he completed his first year, there he transferred to Villanova.

Vice-President: Busacca is a graduate of Saint Joseph's College, Philadelphia and has a B.S. degree in Accounting. He has served on the Student Bar Association for the class of 1965. Busacca will act as Vice-President, and Thomas J. A. Henry, third in the voting, was elected Treasurer.

Professor Donald W. Dowd

A similar approach is apparent in Dowd's attack on Constitutional Law professors. Dowd's cases are on the isolated cases finally establishing a precedent but on a whole line of cases that do not yet seem to fit a "rational". It is not that "stare decisis" is a discarded idea but rather that the evolution of the decisions is more worthy of student attention than singular holdings. Elections of International Law and Transactions and Admiralty complete Dowd's academic assignments but his particular talents are effective in selecting, inducing, and transporting to the Law School the eminently qualified persons who speak at the Law Forum. It was a personal tie that brought Constitutional Law expertProf. Hose in March. No general topic has been selected for next year's series but in addition to it there are "tentative plans for three day seminars" on Selected Looks at LAWs and Lawyers.

Dowd also was instrumental in the inception of the Order of the Coif; he is a founding member of the Villanova University Reform Club. The faculty of the Club includes the following: Mr. A. Joseph, A. Henry, third in the voting, was elected Treasurer.

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Student Bar Representatives

Counsel Local High Schools

Last year the Student Bar Association, in conjunction with the American Bar Association's annual observance of Law Day USA, initiated a high school speaking program whereby each spring law students tour various high schools and deliver short addresses to high school students. These addresses, adopting the theme of "For the Study of Law" are designed to stimulate an interest in the study of law and to furnish high school pupils with information concerning Law School admission requirements, the importance of adequate undergraduate preparation, and a general outline of the law school curriculum.

It has been said that students at the secondary level are not advanced enough academically to fully appreciate this type of address, but the program was well received last year and because of its success, was continued. The benefits of reaching students at the high school level may readily be seen, since those interested are provided with some information concerning the courses they should select in college and they are made aware of the importance of a good undergraduate record.

One other aspect of the speaking program which should also be noted is the opportunity it provides for our law students not only to gain public speaking experience, but also to practice fielding questions from an audience. Because of the dual benefits provided by the program the Student Bar Association urges more student participation in the future.

A. L. I. Employs Upperclassmen For Research

The American Law Institute has employed dozens of upperclassmen at Villanova Law School to aid in their most recent republication, i.e., a study of law of severability.

The last issue, in 1954, is being updated. This is the Restatement publication which contains all the citations for cases which cite any the foreign decisions. This work, shared by Joseph A. Barone and Myron A. Hyman, the Roman Catholic Church in property, for the highest aca-

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