10-1-1966

The Docket, Issue 2, October 1966

Follow this and additional works at: http://digitalcommons.law.villanova.edu/docket

Recommended Citation
http://digitalcommons.law.villanova.edu/docket/14

This 1966-1967 is brought to you for free and open access by the Historical Archives at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in The Docket by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.
Lawrence Flick Named Annual Banquet Chairman

Present Need Indicated For New Residence Hall

Schoenfeld Accepts Position As Associate Law Professor

COLEMAN to SPEAK at LAW SCHOOL FORUM

Alumni Take Vote, Elect Dale McClain

Law Club System Undergoes Change

Noted Lawyer Will Discuss 'Constitutional Frontiers'

Co-Counsel Briefs Prepared Under New Moot Court Setup

THE SCHOOL OF LAW — VILLANOVA UNIVERSITY
Alumni Giving as of October 11, 1966
Dilworth Speaks At 2nd Annual Alumni Dinner

The Holiday Inn, Philadelphia, was the site of the Second Annual Alumni Dinner. A cocktail party which began at 6:30 p.m. was followed by dinner.

There was a substantial turnout, as expected by the co-chairmen of the affair, Clark Clark Hodgson and Alan C. Kaufman, co-chairman of the class of '64. The speaker for the dinner was the Honorable Richard Dilworth, President of the Philadelphia School Board. The faculty was also invited.

First Graduates Schedule Reunion

The first graduating class of the Villanova School of Law has scheduled a tenth reunion for Saturday, December 3, in Garey Hall lounge. All members are requested to attend the dinner and reception with their wives, it was announced by B. Barry Gibbons, '66, and Joseph R. Giacone, '66, co-chairmen of the event.

Mathews Serves As Chairman In Concrete Strike Dispute

James Mathews '57 served as chairman of a six-man Employer Negotiating Committee during the recent concrete workers strike over the issue of a guaranteed work week. His office, Morgan, Lewis, and Bockius, of Philadelphia, represented the Associate Concrete Producers throughout the negotiations.

Although the strike and resultant walkout involving 11 companies lasted seven weeks, negotiations between the parties were carried on for a total of eighteen weeks.

The strike was finally settled with the help of Commissioner John Murray of the Federal Mediation and Conciliation Service, which is part of the executive branch of the government.

The last meeting of the Employer Negotiating Committee began at 10:00 a.m. and lasted until 5:30 a.m. the next morning.

Mathews graduated from Duquesne University in 1962 with a Bachelor of Arts degree. He then entered the United States Air Force where he served in Germany with Professor J. Willard O'Brien as an Enlisted Negotiator for the Air Force Negotiating Committee.

Toften.

May I close by congratulating Robert H. Ford '63 our new Alumni president and the newly elected officers for 1966-1967. They were inducted on for a total of eighteen weeks.

The strike was finally settled with the help of Commissioner John Murray of the Federal Mediation and Conciliation Service, which is part of the executive branch of the government.

The last meeting of the Employ­er Negotiating Committee began at 10:00 a.m. and lasted until 5:30 a.m. the next morning.

Mathews, a member of the Board of Editors of volume III of the law review. After graduation he served as presi­dent of the Villanova Law Review Assn. (1966). Mathews presently resides with his wife and family in Malvern.

The Class of 1960 Holds Reunion

The Class of 1960 held its first reunion at the home of Jack E. Levin, Esquire, 430 Smyser Avenue, Villanova, Pa.

The VILLANOVA DOCKET Published four times a year in October, December, February, April at Villanova University School of Law, Villanova, Pennsylvania 19085 by the students of the School of Law, for the friends, Alumni and Students of the Law School.

EDITORIAL BOARD
Editor-in-Chief...John F. Wilson Assistant Editors...Andrew A. Borek, Lee Silverstein Alumni Editor...Jeffrey L. Michalson Commentary Editors...Douglas E. Friedman, Michael Goss Managing Editor...Joseph J. Rucci, Paul Frenette, Robert C. J. O'Reilly Student Editors...Sandra R. Sernak, Gil Abramson, Howard K. Argus, Alfred C. DeCotiis, Marylin F. Fullerton, Ian Portnoy, Steven A. Rosen, Harry F. Rupperspigel Cartoon Staff...Elliott Tolan, Robert W. Dowler.

The VILLANOVA DOCKET
Published four times a year in October, December, February, April at Villanova University School of Law, Villanova, Pennsylvania 19085 by the students of the School of Law, for the friends, Alumni and Students of the Law School.

EDITORIAL BOARD
Editor-in-Chief...John F. Wilson
Assistant Editors...Andrew A. Borek, Lee Silverstein
Alumni Editor...Jeffrey L. Michalson
Commentary Editors...Douglas E. Friedman, Michael Goss
Managing Editor...Joseph J. Rucci, Paul Frenette, Robert C. J. O'Reilly
Student Editors...Sandra R. Sernak, Gil Abramson, Howard K. Argus, Alfred C. DeCotiis, Marylin F. Fullerton, Ian Portnoy, Steven A. Rosen, Harry F. Rupperspigel
Cartoon Staff...Elliott Tolan, Robert W. Dowler.

The views expressed by the Editors or Staff of this newspaper do not necessarily represent those of the Villanova University School of Law or Villanova University.

Second Class mailing permit application pending at Villanova, Pennsylvania.

Printed by SCHANK PRINTING — CUMBERLAND, PA.

OTHER EVENTS
UPCOMING EVENTS
October
21—Friday — Law Forum, William T. Coleman, Jr., Esquire, will speak on "Present Frontiers of Constitutional Law," 8:30 p.m., Garvey Hall.

November
4—Friday — Red Mass, 7 p.m., Chapel.
18—Friday — Order of the Coif Dinner and Forum Lecture. Speaker — Dr. Robert Strauss-Hule, 6 p.m., Garvey Hall.
December
2—Friday — Law Forum, Dr. Paul E. Sigmund will speak on "The Ideologies of Developing Nations," 8:30 p.m., Garvey Hall.
17—Saturday — Alumni Christmas Party, 9 p.m., Garvey Hall.

THE INTERCLUB COUNCIL
The interclub council has also expressed an intention to formulate a basketball league, despite the students' lack of interest in last year's program and the resulting collapse of the league.

In addition, plans are being formulated to initiate a tennis tournament among the law clubs. And with the increased size of the law clubs, the interclub council feels that it can initiate a softball league. However, as stated before, the above programs are merely in the formative stage and require student participation to be successful.

The professors consulted all members of the faculty and took various surveys to determine the average grade in different courses. The committee found that there was a big disparity in the average grade from one course to another, especially in the electives.

Also, with the split sections, the committee realized that half of the incoming students would have different professors and that a disparity in marking would appear in the required courses.

The new grading system has helped to achieve a more uniformity of grades. Under the old system one professor might consider giving a 90 to an excellent paper while another professor might only give it an 80. On the other end of the marking scale, one professor might feel that 67 is an unsatisfactory mark while another professor might consider it as unsatisfactory.

Under the new system, an excellent paper would be graded "A" and an unsatisfactory one a "D." After analyzing last year's grades of the first year, there was a clearer range in the average grade among the professors than when they were marked by the numbers.

The system will benefit the students with high and low averages. Also, honors will be bestowed upon students who are marked with a cumulative weighted average of 3.00 or better. This is more realistic than under the old system where it was more difficult to obtain honors.

The major defect in the system is that the high and low averages are in the C area; therefore, to alleviate this problem, the C+ has been instituted.

The new system is the result of a study done by the professors and students, under the guidance of Schoenfeld.

The committee found that there are many different grades. Under the old system one professor might consider giving a 90 to an excellent paper while another professor might only give it an 80. On the other end of the marking scale, one professor might feel that 67 is an unsatisfactory mark while another professor might consider it as unsatisfactory.

Under the new system, an excellent paper would be graded "A" and an unsatisfactory one a "D." After analyzing last year's grades of the first year, there was a clearer range in the average grade among the professors than when they were marked by the numbers.

The professors consulted all members of the faculty and took various surveys to determine the average grade in different courses. The committee found that there was a big disparity in the average grade from one course to another, especially in the electives.

Also, with the split sections, the committee realized that half of the incoming students would have different professors and that a disparity in marking would appear in the required courses.

The new grading system has helped to achieve a more uniformity of grades. Under the old system one professor might consider giving a 90 to an excellent paper while another professor might only give it an 80. On the other end of the marking scale, one professor might feel that 67 is an unsatisfactory mark while another professor might consider it as unsatisfactory.

Under the new system, an excellent paper would be graded "A" and an unsatisfactory one a "D." After analyzing last year's grades of the first year, there was a clearer range in the average grade among the professors than when they were marked by the numbers.

The system will benefit the students with high and low averages. Also, honors will be bestowed upon students who are marked with a cumulative weighted average of 3.00 or better. This is more realistic than under the old system where it was more difficult to obtain honors.

The major defect in the system is that the high and low averages are in the C area; therefore, to alleviate this problem, the C+ has been instituted.

The new system is the result of a study done by the professors and students, under the guidance of Schoenfeld.

The committee found that there are many different grades. Under the old system one professor might consider giving a 90 to an excellent paper while another professor might only give it an 80. On the other end of the marking scale, one professor might feel that 67 is an unsatisfactory mark while another professor might consider it as unsatisfactory.

Under the new system, an excellent paper would be graded "A" and an unsatisfactory one a "D." After analyzing last year's grades of the first year, there was a clearer range in the average grade among the professors than when they were marked by the numbers.

The system will benefit the students with high and low averages. Also, honors will be bestowed upon students who are marked with a cumulative weighted average of 3.00 or better. This is more realistic than under the old system where it was more difficult to obtain honors.

The major defect in the system is that the high and low averages are in the C area; therefore, to alleviate this problem, the C+ has been instituted.
CONSTITUTIONAL GUARANTEES ARE MISUNDERSTOOD

Recently a sign has appeared on the lampposts of automobiles and pick-up trucks which proclaims—"Register Communists — Not Guns." Aside from the issue of gun registration which in itself is worth of a full comment, this sign demonstrates another type of thinking which evidences the lack of understanding prevalent in some circles as to the meaning of our constitutional guarantees which protect individual liberties.

The first part of the sign, namely the part about registering Communists, refers to the United States Supreme Court decision in Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965). In that case the Subversive Activities Control Board granted orders requested by the Attorney General requiring the petitioners to register as individual members of the Communist Party. A unanimous Court that the orders requiring registration violated the petitioners' rights against self-incrimination under the Fifth Amendment to the United States Constitution. This was so because had the petitioners testified as members of the Communist Party, at that time, they would have been subject to prosecution under the membership clause of the Smith Act.

The Court also said that even mere association with the Communist Party is sufficient to constitute a sufficient condition to support a claim of privilege. Of course, after this holding became known to the general public, cries immediately arose that the Court was once again coddling Communists and chipping away at the free world's chances for survival against the Communist menace.

The purpose for setting out this reason for the holding in the Albertson case is to illustrate the dichotomy which the reaction to this case has revealed (although this is by no means the first time that this dichotomy has been revealed). The critics said that any decision which in any way aided the Communist menace was obviously a bad one. The Court was allowing Communists to hide behind the shield of the Fifth Amendment.

It must be remembered, however, that the Fifth Amendment, while it may offer protection to some "undesirable" elements, extends its safeguards to all without regard for politics (or lack of them for that matter). But some say that a different rule should be adopted when dealing with Communists. This points up one of the major inconsistencies in the United States. As Justiceika in Albertson.

The constitutional rights of due process, right to counsel, right against unlawful searches and seizures, etc. are fine, except when they benefit the wrong people. How is it decided who are the wrong people? Can we say that since Communists are thought to be no good, we can therefore suspend those rights for them? This, of course, is the same type of thinking that prevailed in the old days of the West in the lynching mobs. We know he's guilty...why wait for a trial...let's string him up now. In the movies the hero usually happened along at about this time and put a bullet through the rope and saved the innocent man from the gallows. I am quite sure that what really happened in those days was that the man was hanged. It is not that easy to put a bullet through a rope while riding at a full gallop. The Constitution was designed to prevent this type of occurrence, and if some guilty persons are set free, it does not alter the fairness of a free trial.
Judgment on the Merits

By Michael Goss

**LAW PREVENTING 'LOVERS MARRIAGE' IS QUESTIONED**

The firm in which this writer clerked this summer, advertised in the local newspaper with the slogan: "We want you... to marry the girl of your choice."

He was in love when he wanted to be domiciled in Pennsylvania. The reason for this is an archaic Pennsylvania law which provides "no license to marry shall be issued by any clerk of the court to a person divorced by his or her former spouse on the grounds of adultery, during the lifetime of the orphan's court to a person divorced by his or her former spouse, despite a similar statutory impediment, the court denied the marriage because if a spouse loves someone else he will not be permitted to marry the former spouse."

There are three reasons advanced for the existence of such a provision. It is felt that if such a marriage were permitted, the sensibilities of the former spouse would be wounded. It is also asserted that public decency is offended by such a marriage. The third reason is that the statute provides "no license to marry shall be issued by any clerk of the court to a person divorced by his or her former spouse, during the lifetime of the former spouse."

The effect of this law is pervasive. Pennsylvania does not give "no license to marry shall be issued by any clerk of the court to a person divorced by his or her former spouse, during the lifetime of the former spouse."

Judges and Courtsmen

Judges in the Pennsylvania courts are lawyers and lawyers to other lawyers, sometimes they switch but not too often, it is not wise not to be in the courthouses of the state of Pennsylvania. They start in the provinces, and here they are given to the cities, there are both male and female judges.

The courthouses are usually quiet, but justice generally prevails, that is the judge decides all cases, the verdict is dictated by the judge to a clerk who records it. The judge and the jury told to the cities, there are both male and female judges.

Another traumatizing fact of this statute is that the statute sometimes doesn't have the whole case. Let me back-track a bit, there is a law in Pennsylvania that states if you know it, but a series of hearings, these hearings are often wordy, but it is important not to be in the courthouses of the state of Pennsylvania. The thought of different judges, different juries, and different witnesses is something that is probably among the law profession and lawyers but Turkish counsel, having lived with it, do not seem to care.

I'd like to tell a story about an individual judge, before I pass on to crimes, there was a female judge who sat in what would be a guilty plea to adultery. She didn't like Americans and certainly one of our boys had to get up there and tell her that he had never sleep some time in jail, I was one of them, but I was only there two months, often times the G.I. in trouble has to stay in Turkey for his time served and for some cases, there are 500 cases in Turkish courts, having lived with it, do not seem to care, but it is important not to be in the courthouses of the state of Pennsylvania.

Secondly, the statute deters legitimizing the children born of the marriage, because, for the statute, there might have been a marriage which would have legitimized the children, it is keeping two people apart who love each other enough to break their marriage vows. And fourth, the parties might innocently marry not knowing the statute and cohabit the remainder of their lives. A spouse can live with a man who thinks he is her lawful husband and then discover that she cannot inherit his estate under the intestacy laws.

A far better solution, I believe, is that offered by the Proposed Marriage and Divorce Code for Pennsylvania presented by the Governor to the legislature in 1961. This proposed would remove the legal barricades to such marriages which exist under the present law. This offers a much more satisfactory and realistic solution to the problem which should be evaluated by the legislature of Pennsylvania.

By Joseph P. Kelley, ’59

**Turkish Criminal Procedure Evaluated by an Alumnus**

Crime and Criminals

Prostitution is partially controlled in Turkey by segregating the fallen ladies into an area called the "compound." In the town where I was stationed the compound was located in a colorless, pastel painted houses. There was a guard of young and prospective clients for parasites, etc. The police accused our boys were arrested for having knives in their pockets in Vietnam over several years. During that time I was stationed in South Vietnam. I was stationed in South Vietnam. I was stationed in South Vietnam. I was stationed in South Vietnam.

Although these interactions will not occur, we expect to expect to expect...
American Affairs Club Hears Professor Collins

J. Edward Collins, professor of law at Villanova, inaugurated the 1966-67 program of the American Affairs Discussion Club with a talk on "Hypothesis and the Law."

Jerry Cox, club president, has announced that in the near future Professor William Valente will speak about the Girard College case. Valente has been closely associated with the case since its inception.

Order of Coif

Order of Coif (Continued from Page 2)


Recognition of meritorious service, the Order of Coif, was conferred upon the semester's best students.

The board and members would like to extend an invitation to the entire student body and to all interested alumni.

Non Obstante Veredito

(Continued from Page 1)

from the oppression of Communism—a system which allows for precious little dissent? Is not the suppression of opposing points of view against everything for which this country stands, and is not this exactly what the free world is trying to preserve? The First Amendment guarantees to all freedom from the oppression of Communism—a system which allows for precious little dissent?

William Valente Completes First Year on Law Faculty

Professor William A. Valente, a former editor-in-chief of the University of Pennsylvania Law Review, has come to Villanova Law School. He is a member of the Pennsylvania Bar and serves on the Civil Rights Committee and the Criminal Code Committee. He also has had years of trial experience in the regulatory and business fields and is thus able to impart the difficulties that the law student will face when he handles trial litigation.

Prof. Valente taught contracts and a seminar on the First Amendment rights during his first year at Villanova. In connection with the First Amendment seminar, he has always had an interest in constitutional rights and areas of civil rights and punishment of mentally deficient criminals. He has filed a brief in a case before the Supreme Court.

The third thing the law student must realize is that part of his professional responsibilities he should be civic minded and be involved in public service, rather than merely being a "fee-getter." It is the job of the lawyer to meet people and to ensure that they are not exploited or elected.

To help augment this spirit of civic-mindedness, Villanova will offer a course in local government this spring in which the present problems and present personalities in Philadelphia and Pennsylvania government will be covered. It is hoped that an intern program can be developed whereby the students in the course will actually serve in various local departments in the city government.

Moot Court

Moot Court (Continued from Page 1)

A student's marks will be computed every year and he or she will immediately be held on an academic average and of his social responsibility. He also feels that the law student should take basic accounting before he comes to law school since a lawyer cannot best serve his client's legal problems with such a background. As a result, he has filed a brief in a case before the Supreme Court.

Valente feels the law student must realize that law is increasingly being a specialty, especially in urban areas, due to the complexity of law and the difficulty of keeping up to date in every area of the law.

VILLANOVA LAW SCHOOL ALUMNI

Your law library should not be without an up-to-date set of THE VILLANOVA LAW REVIEW.

VILLANOVA LAW REVIEW

An outstanding legal journal, the REVIEW contains thorough and interesting discussions of recent cases, comments on topical areas of law, book reviews and also feels that the law student should take basic accounting before he comes to law school since a lawyer cannot best serve his client's legal problems with such a background. As a result, he has filed a brief in a case before the Supreme Court.

Valente feels the law student must realize that law is increasingly being a specialty, especially in urban areas, due to the complexity of law and the difficulty of keeping up to date in every area of the law.

VILLANOVA LAW SCHOOL ALUMNI

Your law library should not be without an up-to-date set of THE VILLANOVA LAW REVIEW.

VILLANOVA LAW REVIEW

An outstanding legal journal, the REVIEW contains thorough and interesting discussions of recent cases, comments on topical areas of law, book reviews and also feels that the law student should take basic accounting before he comes to law school since a lawyer cannot best serve his client's legal problems with such a background. As a result, he has filed a brief in a case before the Supreme Court.

Valente feels the law student must realize that law is increasingly being a specialty, especially in urban areas, due to the complexity of law and the difficulty of keeping up to date in every area of the law.