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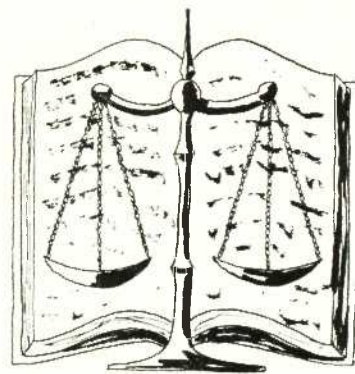
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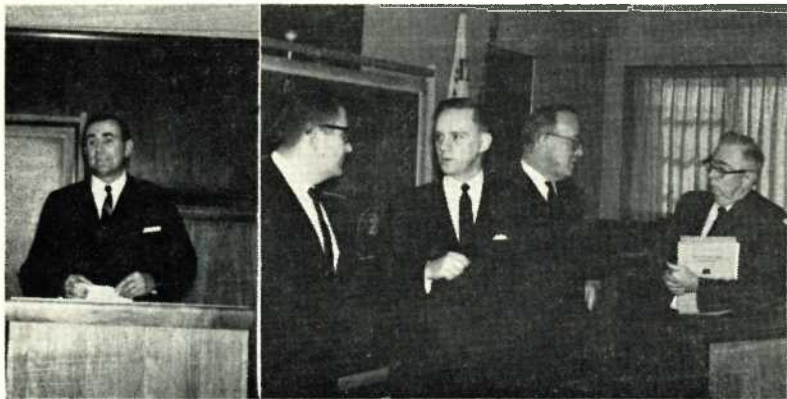
THE VILLANOVA DOCKET



VOL. 5, No. 3

VILLANOVA, PA.

FEBRUARY, 1968



Participating in the Trial Practice Day were from left to right: Daniel Ryan, Esq., John Walsh, Esq., Carlton Thompson, Esq., Paul Gouldin, Esq., and Professor Collins.

TRIAL TACTICS EXPLAINED

Three prominent trial attorneys spoke to the students concerning trial tactics and techniques. The program was obtained for the school by Professor J. Edward Collins under the auspices of the Defense Research Institute, Inc.

Paul Gouldin, Esq., was the first speaker. Gouldin concerned himself with the preparation of a case for trial. His lecture covered the interviewing of clients and witnesses, the preparation of the trial brief for the benefit of the judge, and the preparation of what was termed the work trial brief.

The second speaker, Carlton Thompson, Esq., concerned himself with jury selection, the investigation and voir dire examination of prospective jurors as well as the opening to the jury. During his analysis he discussed the differences between the investigation of jurors for trials held in small towns and those in large cities. He particularly noted the problems which arise in a small town concerning the knowledge of the general citizenry of the facts which give rise to the controversy, the parties involved, and even familiarity with counsel. He suggested approaches to be taken with the jurors during voir dire as well as methods which might cause a prejudiced juror to disqualify himself so that counsel would not have to use one of his preemptory challenges.

The third speaker, Daniel Ryan, Esq., discussed the presentation of proof and law and the summation to the jury. He ended his lecture with a demonstration of the examination and cross-examination of a medical witness. The witness was John Walsh, Esq., and the testimony had been taken from a recent trial handled by Mr. Ryan with names changed. The problem involved an attorney who had managed to paint himself into a corner so that he was forced to rely on the expert opinion of a radiologist. The expert had not been prepared concerning the case, he had seen the plaintiff only once, and then quite some time after the accident. He had examined her, but not for the problem for which the injury was claimed, and he was asked to testify from someone else's x-rays. The witness ended his testimony by stating that, while he had an opinion, he had absolutely no facts upon which to base it.

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DEAN ON SABBATICAL

Dean Teaches At Western Reserve

Dean Reuschlein has taken a sabbatical leave which will find him at the Case Western Reserve University Law School, Cleveland, Ohio, for the current semester. Dean Reuschlein announced that at the invitation of Dean Louis A. Toepfer, he will teach a course in corporations as well as a seminar in jurisprudence.

The Dean disclosed his intention to return to Garey Hall for the purpose of attending and participating in various perennial Law School functions, including the final round of Reimel Moot Court Competition, and the annual meeting of the Board of Consultants.

The Reuschleins will be occupying a house located in Cleveland Heights while Professor Frankino and his family will take up temporary residence in the Reuschlein home.



ACTING DEAN GEORGE D. BRUCH

BRUCH APPOINTED AS ACTING DEAN

Under appointment by the University's President, the Very Reverend Robert J. Welsh, O.S.A., Vice Dean George D. Bruch has assumed the position of Acting Dean of the Law School in the absence of Dean Reuschlein who is presently on sabbatical for the second semester.

When asked about law schools in general, areas in which

NEW EDITORS NAMED TO DOCKET

The Villanova Docket editors have announced the selection of next year's editorial board. Selected as Editor-in-Chief is John Justin Blewitt, Jr., who received his B.A. from the University of Scranton in 1966. Stephen A. McBride, who is a 1966 graduate of Providence College, has been selected as Associate Editor of the Docket.

Selected as Alumni Editor is Patrick J. Mandracchia, who is a 1965 graduate of Villanova University. The Managing Editor is Robert J. Eby, who is a graduate of Dickinson, in 1966.

The new editors will work with the present staff on Volume 5, No. 3 and will assume their editorial positions for the fourth issue.

Consultors Visit Set

The Board of Consultants, composed of about thirty members of the legal profession, will visit the school on March 8, 1968. The Board serves as advisors to the Dean and faculty on the progress of the law school from the vantage point of the judge or practicing lawyer.

The Consultants visit the law school officially as a group once each year. This year they will be

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Law Forum Presents Winters

The second lecture of the 1967-1968 Law Forum was held in conjunction with the annual Order of the Coif Dinner. The speaker was Glenn R. Winters, Esq., who is a graduate of the University of Michigan Law School and presently the Executive Director of the American Judicature Society. Winters is one of the most informed and prominent voices in the plea for judicial reform in this country. With these qualifications, he chose as his topic "The Merit Plan for Judicial Selection—Its Historical Development."

Mr. Winters began his address by describing the merit plan presently sponsored by the Pennsylvania Bar Association and under consideration by the Pennsylvania Constitutional Convention. Under this plan the appointment of certain judges would be by the Governor from a list submitted by a nominating commission. These appointees would then hold office for two years at which time they would be subject to the approval of the electorate in a non-competitive election. The judges would then sit for a term of ten years after which their tenure would again be subject to the approval of the voters.

Winters pointed out that disillusion with the electoral process of selecting judges began about the turn of the century. Numerous proposals and variations were offered to the basic pattern of nomination by a commission, appointment, and tenure of judges for a specific period. The major difference among the various plans was in the makeup of the nominating commission. An overall change was first adopted in Missouri in 1938, and by the summer of 1967 some form of the plan had been effectuated in fifteen states.

In the concluding portion of the lecture, several predictions were offered with regard to the future

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GLENN R. WINTERS, ESQ.

reform is most exigent, and perceptible future trends, Acting Dean Bruch referred to the widely recognized need to keep law school curricula in step with the rapid-paced technological advancements and other developments in our society. He expressed the view that Villanova was making commendable progress in this respect, pointing, among other things, to the seminars now being offered in Law and Economics, Criminal Law and Psychiatry, Criminal Law and Narcotics, Judicial Administration, and the course in Land Use Planning with its emphasis on urban renewal.

In the same context, he called attention to the clinical experience a number of the second and third year students are gaining through volunteer services each week in the Community Legal Services programs of Philadelphia and Delaware counties, where there are a total of sixteen neighborhood law offices providing legal services to the underprivileged. Finally, he noted that there is a great deal of work currently being done in the Faculty Curriculum Committee, which is under the direction of Professor Abraham, looking toward additional course offerings and revisions in the curriculum for the next academic year.

When asked about law students and faculty-student relations, Acting Dean Bruch was of the opinion that Villanova takes second place to no other in this regard. For years, he stated, the student body has been largely self-governing, with an elected Student Bar and Honor Board leadership and a

(Continued on Page 2, Column 3)

From The Dean's Desk

As I See It . . .

By ACTING DEAN GEORGE D. BRUCH



ACTING DEAN BRUCH

Elsewhere on these pages you will have learned, if you did not already know, that Dean Reuschlein is on sabbatical leave during the current Spring semester. We know he will enjoy this much earned change of scene, serving with an old and valued friend, Dean Toepfer, who recently moved from the Harvard Law School faculty to take over the Deanship of the Western Reserve School of Law. All of us here wish the Dean and Mrs. Reuschlein and family a happy postman's holiday in Cleveland and look forward to their return this June, when he will again resume what he sometimes refers to as "burdens, burdens, burdens." Dean Reuschlein plans, by the way, to fly in for the principal events of the semester, particularly for the Consultor's Day of Visitation, the Moot Court Finals and the

Law Alumni Dinner. You will note that he has managed once again to get together a distinguished panel for the Reimel Competition, Mr. Justice William J. Brennan, Jr., of the U.S. Supreme Court, Mr. Justice Samuel Roberts of the Supreme Court of Pennsylvania and Mr. Justice Abraham L. Freedman of the U.S. Court of Appeals for the Third Circuit.

Plans are proceeding apace with the projected new law school construction. A site inspection was conducted here on February 2 by a team of experts from Washington, and the break-ground date now appears to be early August, coinciding with the American Bar Association's Annual Convention in Philadelphia.

One of the encouraging developments in the law school this year has been the increased momentum of our participation in the Philadelphia and Delaware County Community Legal Services programs. Representative groups of second and third year students are engaged in volunteer services in the 16 neighborhood legal offices of these two projects as well as in the juvenile division of the Philadelphia central office. At a recent meeting in Garey Hall, the students had the benefit of productive discussions with the Director of the Delaware County Program, Wes Tomlinson, and with Jerry Bogutz, Class of '62, Deputy Director of the Philadelphia Program. Under the direction of Professor Peter Brown, this activity of the law school promises to become an increasingly worthwhile one for the participating students and the communities served.

At this time of the year we are of course deeply involved in the admissions cycle, looking toward the next academic year's entering class. One might have expected a decline in the number of applications for that class in view of the recent change in national policy, announced last summer, respecting draft deferments for graduate students. Notwithstanding this grave change and the bleak, at this point, prospect for deferments of students entering law schools and other graduate schools this fall, our rate of applications is above last year's and the quality of the college records and law board scores is encouraging. We share with most other graduate schools, however, a sense of uncertainty and concern over the effect the new draft policy will have upon enrollment for 1968-69.

At this writing we have just completed the fall semester's examinations and I must thank very sincerely the Honor Board Chairman, Tom Harrington, and the student representatives, for the great assistance rendered in administering these examinations. The Honor system has always worked well here, and certain changes introduced last year, on the recommendations of the student body acting through the Honor Board, have proved constructive.

During the past several weeks the Faculty have interviewed a number of very good candidates for the additional faculty member we plan to add for the next academic year. We expect to have the selected candidate signed up in the very near future.

Just received is the latest issue of the Journal of Legal Education, which contains, among other things of interest, a comparative list of law school enrollments, prepared under the auspices of the American Bar Association. Looking at the

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Participating as judges in the second round of Reimel Moot Court were James Beasley, Esq., J. Charles Short, Esq., and Thomas Devine, Esq. Contestants were: J. Naftulin, A. Dubroff, D. Klein and R.M. Kennedy.

ACTING DEAN

(Continued from Page 1)

student-run Law Review, Moot Court Board, the club system, and student newspaper.

He expressed considerable interest in the soon-to-be-formed joint Faculty-Student Relations Committee. The committee received its original impetus from a proposal of the faculty. Bruch views as the principal purpose for the Committee's creation the availability to the students and their organizations of an additional channel of communication with the school's administration and faculty. While noting that the existing avenues of communication at Garey Hall are more than adequate, the Acting Dean emphasized the fact that the Faculty-Student Relations Committee will enjoy the added advantage of being an organ consisting in part of representatives of the student body. This factor, he forecasts, will, more than any other, account for its certain success since it will have the effect of encouraging the student to air his grievances, to seek advice, and to make recommendations to the administration and the faculty.

Dean Bruch, who is in his third year with the Law School, said he was constantly amazed at the progress Villanova has made in the short 15 years since its founding, now being well within the first quarter of the country's law schools, with a law library ranked as 25th in the nation. He attributes this in large measure to the joint efforts of Dean Reuschlein and the faculty, enjoying unusually strong support from students, alumni and a great many members of the bench and bar.

Mr. Bruch completed his undergraduate studies at Xavier University, Cincinnati, Ohio. He received his bachelor of law degree from Georgetown University, Washington, D. C. During his senior year he served as editor-in-chief of the law journal.

Upon graduation in 1941, he entered the United States Air Force. In the earlier years of Mr. Bruch's military career he acquired extensive trial experience and was later assigned to the office of the Judge Advocate General in Washington, D. C. In 1959 the Acting Dean was awarded the Legion of Merit for outstanding work as chief of the Procurement Law Division and Deputy Judge Advocate at the Air Material Command, Dayton, Ohio.

Following completion of the Air War College in 1959, Mr. Bruch served as chief legal advisor to the Commander of the United States Forces in Japan. During his sojourn there he was involved in direct negotiations with the Japan-

(Continued on Page 5, Column 3)

Christmas Party Held By Barristers' Brides

The Barristers' Brides held a Christmas party for their children on December 16th in the afternoon at Garey Hall in the student lounge. Professor Schoenfeld made a jolly Santa Claus and was the center of attention for the children.

The Brides sponsored a lecture, entitled "She 'Lets' Me Make the Important Decisions," on Thursday, February 15th. Mr. Frank Ryan, a psychologist, a member of Women's Medical College staff and formerly associated with the Philadelphia County Court, discussed the various roles within a professional family and their occasional stresses and strains.

STUDENTS GAIN EXPERIENCE THROUGH COMMUNITY LEGAL SERVICES PROGRAM

Under the direction of Professor Brown, many students have become involved with the Community Legal Services Program which is designed to aid indigents unable to afford adequate legal protection of their rights. There has been an avalanche of litigation since the program had its start, and the *In re Gault* decision placed an even greater burden on the understaffed program.



DAVID O. MAXWELL, ESQ.

Commissioner Speaks At Forum

Speaking before the February 16 meeting of the Law Forum was David O. Maxwell, Esq., the Insurance Commissioner of the Commonwealth of Pennsylvania. The title of his talk was "Instant Insolvency, Insured Disaster."

A 37 year old graduate of Yale University and Harvard Law School, Commissioner Maxwell practiced law in Philadelphia before his appointment by Governor Shafer early in 1967. Since assuming office he has led a vigorous campaign to improve the insurance business in Pennsylvania, including a forward looking legislative program and a streamlined administration within the state's Insurance Department.

A four year veteran of the Navy, the Commissioner was unsuccessful in a Congressional bid in 1960, but remained active in politics, serving as executive vice chairman of the Citizens for Shafer Committee in 1966.

The program is divided into three sections: Litigation Office, Neighborhood Office, and the Juvenile Office. The law school student is involved in researching problems for the lawyer under whose auspices he works. Factual determinations are made through investigations and personal interviews with the clients. Also, due to lack of experienced assistants, memoranda written by the student are often heavily relied upon by the lawyer in the course of the litigation.

While the primary purpose of the program is being accomplished, namely aid to the poor, the students recognize a lack of sufficient organization, a ramification of an understaffed operation which is deluged with cases. Often a lawyer is expected to be in two courtrooms at one time.

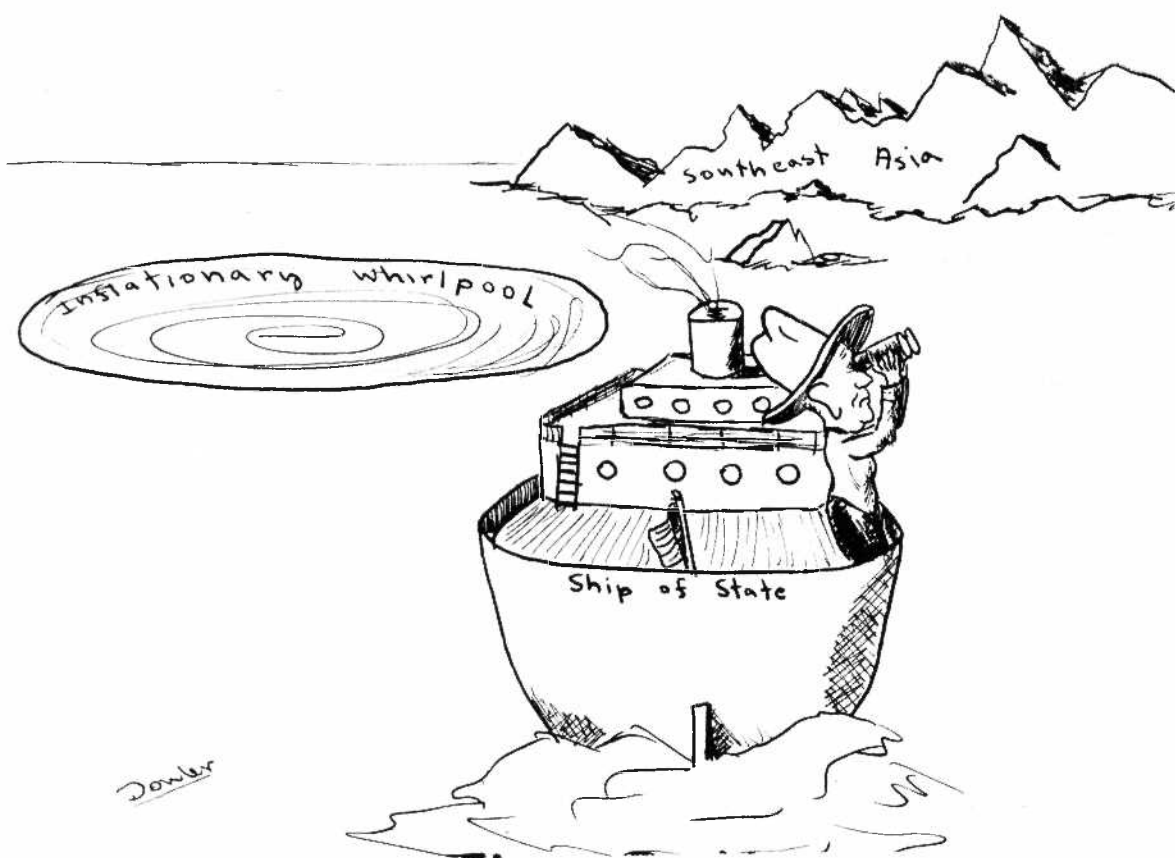
In the litigation section, students attend court with a lawyer and observe the judicial process in its practical operations. The Neighborhood Office treats local problems, resolving them by letter or telephone conversation, with the student interviewing and keeping a personal file on the case. If litigation is deemed necessary the reports are sent to the litigation department.

Dave Belkin, a second year student, expressed the opinion that the program is, "definitely accomplishing what it sought to do." Prior to the program, "advantage was taken of the poor and they had no money to seek a lawyer's assistance."

Dennis Coyne projected a bright future for the program and said various changes were intended to bring greater coordination to the program and greater benefit to the assisting students. The merger of the Litigation Office and the Juvenile Office, with which Mr. Coyne was associated, would permit the student to see a case through to its final determination. Also, there is presently an opportunity to work evenings.

Dissatisfaction was expressed of the Juvenile Office's poorly staffed operations, and the fact that inter-

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"WHY THIS RESTLESSNESS?"

Alumni Locator

The annual Alumni Christmas party was held in the law school lounge. About 100 people attended the party.

Conrad J. DeSantis '65, Chairman, would like to announce that the annual Alumni Dinner will be held on April 26, 1968 at Williamson's Atop the Barclay. The guest speaker will be Bernard G. Segal, Esq.

We are pleased to announce that Mr. and Mrs. Edward Pantani '65, have a new addition to their family. Thomas Francis was born on October 10, 1967.

Mr. and Mrs. Edward J. O'Malley '66, now residing in Evanston, Illinois are to be congratulated on the birth of their son, Thomas More.

Patrick C. Campbell '65, Class Representative of the Alumni Giving Drive, has announced that Larry Lavin sent his contribution all the way from Africa.

James Howley '67, and his new bride, the former Susan V. Perry of Rosemont College, are living in Pittsburgh.

Lawrence F. Flick, Esq. has been elected Controller of Montgomery County. He is moving his office to Norristown where he will associate with Waters, Fleer, Cooper & Gallagher.

Peter F. Boggia, Esq., '67, has become a member of the Prosecutor's Office of Bergen County, New Jersey.

TRIAL

(Continued from Page 1)

The speakers were available for questions at the end of the session, and the students in attendance found the program enjoyable while they gained some insights into the nature of civil litigation.

BAR NOTES

Dinner Dance Date Set

The principal social event of the year is rapidly approaching with the annual Dinner Dance scheduled for Saturday, March 9, at the Alpine Inn on Baltimore Pike in Springfield. Because of the commendable efforts of Dave Knoll and his committee, the school is assured of fine accommodations and ample service that guarantees an amiable and enjoyable affair.

The festivities will begin with a cocktail hour with hors d'oeuvres followed by a roast prime rib dinner with wine. Music will begin at nine and continue until one. Although attire is optional, a tuxedo rental service will be available at reduced rates through the SBA. A ceiling of \$15.00 per couple was voted by the SBA. The difference in cost will be underwritten by the SBA treasury.

The faculty has been most cooperative and helpful in response to SBA recommendations. By now all students are aware of the installation of adequate illumination of the stairway to the lower parking lot. Persistent efforts by the Vice Dean over the past year, acting upon recommendations made by interested students through the SBA, finally met with success last semester with the erection of the two new lights.

Because grades are of primary concern, the administration announced that first year grades were released on Wednesday, February 14, and the second and third year grades will be released on Monday, March 11.

At the faculty's request the Executive Board along with officers of other organizations made recommendations, some of which were accepted, as to the school calendar for next year, and a student committee of first and second year students has been appointed to make recommendations concerning accommodations in the proposed law school addition. Chairman of (Continued on Page 5, Column 5)

Social Light

Several engagements have been announced by students, with weddings planned for this summer.

Michael L. Murphy, '68, has announced his engagement to Joan M. Fleming. The prospective Mrs. Murphy is a legal secretary. Lucky Mike!

Paul N. Masho, '68, and Lydia Saris have announced their engagement and are planning a June wedding.

James R. Ryan and Patricia Decatur are planning to be married during the month of August. Patricia is a registered nurse.

Louis Niedelman, '69, has several reasons to anxiously await the spring of next year: Graduation and his marriage to Anna Milici of Ventnor, New Jersey. Anna attends Atlantic Community College.

Thomas Fitzpatrick, Esq., and Corine Casterline, '70, have become engaged. Thomas is associated with a law firm in New York City.

Louis Presenza, '70, and Emily R. DiBona plan a summer ceremony in August of 1969.

Best wishes to Charles A. Harad, '70, and the former Gloria Horowitz who were married on December 24th. The couple honeymooned over the holidays in Freeport, Grand Bahamas.

Congratulations to Milton '68, and Joyce Cross, on the arrival of their son, Brian, on December 13th.

Where To

by Glenn C. Equi

RIGHT TO PRIVACY AND THE FOURTH AMENDMENT

The words "right to privacy" do not appear in the fourth amendment of the Constitution but the Supreme Court has held that within the framework of that amendment these words do exist. The question then arises, as to whether the existence of these words makes the individual more secure from governmental invasion of his privacy by merely imposing stricter restrictions on the ability of the government to engage in searches and seizures or do they create areas of individual activities which are beyond the scope of governmental intrusion. In today's world of "bugged martinis" and electronic ears, the resolution of this problem becomes increasingly important. Focusing on the conflicting views of Justices Douglas and Black in recent decisions gives greater definition to the problem and perhaps a better understanding as to the conclusions reached by the majority in this area.

Justice Douglas, writing for the majority in *Griswold v. Connecticut*, 381 U.S. 479 (1965), held that various Constitutional guarantees give rise to zones of privacy. Although not relying specifically or exclusively on the fourth amendment in reaching the holding of the case, which was to declare unconstitutional a state statute imposing penalties for the dissemination of information leading to the use of contraceptives, he does ask the rhetorical question, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives?" The clearly negative reply sought, gives rise to the implication that where a search and seizure has taken place the threshold question is not whether it was reasonable, but if the area searched or the thing seized was protected by a mantle of privacy. Justice Black, joined by Justice Stewart, vigorously dissents from this position, believing the criteria for barring invasions of privacy is to be measured only by the expressed language of the fourth amendment, that is, was the search and seizure unreasonable.

In *Berger v. New York*, 388 U.S. 41 (1967), the Supreme Court was faced with deciding the constitutionality of a New York eavesdropping statute. Relying exclusively on the fourth amendment, the statute was found to be violative of the commands of that amendment. The Court in making this determination did not create a zone of privacy but chose rather to examine the standards employed in permitting and conducting electronic surveillance of the individual. It is apparent, however, the Court was greatly concerned by the dangers inherent in this law enforcement tool and although unwilling to carve out an area of privacy, the concept of privacy provided grounds for imposing almost impossible standards on any legislative enactment seeking to legitimize and make effective electronic surveillance. This is exemplified by the Court's position on notice requirements; recognizing secrecy is essential for eavesdropping, the Court has imposed a requirement of showing exigent circumstances before permission can be granted without notice to the person whose conversation is sought to be overheard. The importance of the right to privacy is made more apparent by the Court's statement, "It is now well settled that the Fourth Amendment's right of privacy has been declared enforceable against the States through the Due Process Clause of the Fourteenth Amendment," whereas the command could have been phrased as the Fourth Amendment's right against unreasonable searches and seizures.

Justice Douglas, concurring with the majority, takes the opportunity to reassert his position and take exception to Justice Black's interpretation by stating:

"With all respect, my Brother Black misses the point of the Fourth Amendment. It does not make every search constitutional provided there is a warrant that is technically adequate."

In dissent, Justice Black states:

"The Fourth Amendment's language fairly construed, refers specifically to 'unreasonable searches and seizures' and not to a broad undefined right to 'privacy' in general."

The Court has within the month had to re-examine the problems of eavesdropping in the case of *Katz v. United States*, 388 U.S. ____ (1968). There, F.B.I. agents without a warrant placed an electronic device on the outside of a public telephone booth to record petitioner's conversations as evidence of his gambling activities. In framing the Constitu-

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STUDENT BAR STUDIES DRAFT

TEXT OF REPORT SUBMITTED TO BAR

A copy of the committee's questionnaire was sent to the Director of Selective Service in Washington, D. C. The following are the results of conversations with General Lewis B. Hershey, National Director, and Captain William Pascoe, Public Information Officer.

A. First Year Law Students

General Hershey is convinced that the mandate of Congress was that all students who matriculated in September, 1967 would be permitted to complete their first year of Law School and would then be placed in the I-A draft pool. This would apply to anyone holding a II-S deferment for the current year in graduate school unless he could show reason to the contrary. All those currently holding a 3-A deferment could keep these and avoid being drafted, while anyone whose wife is expecting a child or whose wife has a child prior to the end of the current academic year could apply for a 3-A deferment on the ground of hardship. It was emphasized, however, that whether or not these people will actually be drafted will depend in large measure on the needs of the individual's local draft board. What is certain is that, unlike past years, no automatic deferment will be given to insure that the individual will be able to complete three years of law school. This will not apply to anyone who has reached the age of 26, and these people will not be asked to serve under current manpower needs.

B. Second Year Law Students

Unless there is an acute shortage of men, those who are now in their second year of law school will be permitted to complete their current academic year as well as their third year without interference from the Selective Service. This is contingent, of course, upon their making satisfactory progress in their studies.

C. Third Year Law Students

All those graduating law students who have not attained the age of 26, will be placed in the I-A pool and can expect to be inducted after completing their clerkship requirements and taking the first available Bar examination. However, those who received a 3-A deferment prior to July 1, 1967 will be able to maintain it, while anyone else who has a child after that date or whose wife is expecting a child after that date can apply for a 3-A deferment to his local board and is eligible for this deferment upon proving hardship. The criteria for hardship is a matter for the local or the state board.

D. Occupational Deferments

The National Security Council is expected to release a list of essential occupations, on or about January 1, 1968. It is expected that this will vary only slightly from the current list. I was assured that there was no chance of lawyers being placed in the select group. However, Capt. Pascoe emphasized the point that while an individual may not qualify in any of the categories set up by the National Security Council, the local draft board is given a large amount of discretion in this area based on the particular needs in that respective area, or a determination that a certain occupation is in the national interest. Reference should be made to the individual state reports.

PROGRAMS OPEN TO GRADUATE LAWYERS

I. Programs for Lawyers in the Armed Forces

A. Navy

Law Specialist Active Duty Program—Generally considered more competitive than Army Judge Advocate Generals Program. Applicants sign a six year service requirement in the Naval Reserves, to include three years active duty commencing after sixteen weeks of training. Applicants must maintain a minimum standard score on the Officer Qualification Test which is considered to be quite a difficult test. Vision must be no worse than 20/400 in one eye and correctible to 20/20 and 20/40 in the other eye.

B. Air Force

Judge Advocate General—This program has been suspended since September 1966 and will probably remain closed for the next couple of years. It is suggested that lawyers go through Officers Training School and then enter Procurement, Special Investigations or Inspector General.

C. Army

Judge Advocate General—Must fulfill a 4-5 year service period in order to be selected. Selection is almost entirely limited to those who were in ROTC or served on Law Review in Law School.

Army Medical Service—An attorney would be given special consideration to serve as an administrative officer because of his legal background. Selection rate is quite low and individuals selected for appointment may be required to wait for periods up to a year for active duty, and no draft deferment is available during this waiting period.

D. Coast Guard

Coast Guard Officer Candidate—The Coast Guard does not have a special program for lawyers, but for those who have perfect to near perfect vision, the Coast Guard offers a commission. Active duty consists of three years. The regular Coast Guard is closed.

II. Occupational Deferments

The National Security Council has made the list concerning which teachers are to be deferred deliberately vague. Draft Boards may defer teachers both in the scientific and technical fields and those in elementary, secondary and college levels, according to what is vitally needed in that particular area.

Lawyers working for companies in the scientific, technical, or health fields will probably be deferred. The activities include work in aircraft, missile, space and chemical industries. In this area of occupation the Local Board is given wide discretion as to which occupations it will defer.

PENNSYLVANIA SELECTIVE SERVICE

A copy of the committee's questionnaire was sent to the Office of the Director of Selective Service for the State of Pennsylvania. The following is a summary of the reply by Lt. Colonel, AGC William C. Grimm:

A. No student who has reached the age of 26 by the end of the current academic year will be the recipient of an order for induction, under current law.

B. All married students with children born prior to July 1, 1967, holding a III-A classification will continue to maintain such status.

C. The status at the end of the current academic year of other first year students not falling into either of the above two categories will be determined following receipt of recommendations from the National Security Council.

D. Those second and third year students not falling into either of the first two categories will be allowed to maintain their II-S status until completion of their third year.

E. No one who is now classified II-S will be given a III-A exemption for other than hardship.

F. Hardship deferment classifications are granted by the local board under the provisions of Selective Service Regulations 1622.1, 1622.30, 1623.1, 1624 and 1625, Local Board Memoranda 52 and 55, and Local Board Advice (No. B-8-3), none of which are items of general distribution.

G. Judicial clerkships under the jurisdiction of a judge of a federal judiciary or a court having State-wide jurisdiction may be favorably considered by the local board for a II-S classification for a period generally of one year.

H. The status of those going on for graduate study in law or other fields will be determined by the National Security Council no later than June, 1968.

I. Those who present evidence of a valid contract, properly documented by a school officer, are granted occupational deferments on a year to year basis.

J. A graduating law school student is given a deferment to take the first offered bar examination after graduation and to meet the state clerkship requirements, i.e., up to three months.

K. Whether it be federal, governmental, or private industry, the local boards, in determining which occupations are to be considered for deferred classification, are guided by the U.S. Department of Commerce List of Currently Essential Activities and the U.S. Department of Labor List of Currently Critical Occupations. It is our understanding that this listing of essential activities and critical occupations is soon to be up-dated following the advice and counsel of the National Security Council.

L. Following expiration of an occupational deferment, if a registrant is still under age 26, he would immediately be placed in a I-A pool until he attains age 26, and if between age 26 and 35 he, under the current law, may not be the recipient of an order to report for induction. As a general statement, following the expiration of an occupational deferment, if under age 26, his availability for induction is considered by the oldest being available first in order of selection at the present time.

NEW JERSEY SELECTIVE SERVICE

FIRST YEAR LAW STUDENTS

Generally these students will keep their II-S classification for the rest of the year. There is not yet a clear indication as to what will happen next year. Classification next year will depend on the recommendations of the National Security Council and Selective Service Headquarters in Washington. However, those students who held a 3-A deferment prior to July 1, 1967 will probably keep it. Those who have or wish to acquire a 3-A deferment after July 1, 1967 will have to prove a hardship.

SECOND YEAR LAW STUDENTS

Generally all second year law students with II-S deferments will keep them next year. Those students holding a 3-A deferment prior to July 1, 1967 will keep the 3-A deferment. Those desiring to obtain a 3-A after July 1, 1967 must prove that a hardship exists.

THIRD YEAR LAW STUDENTS

These students will keep their II-S deferments in order to finish out the year and graduate. On graduation it is possible for a local board to reclassify him I-A. If this is done, however, and if the individual is reached for induction he may request and receive a postponement until he has taken the Bar exam, and completed the Skills and Methods Course. Those students who do not have a 3-A deferment, but would desire one, will have to prove that a hardship will exist by denial of the deferment.

HARDSHIP DEFERMENTS

Will be granted on proof of extreme hardship to a dependent that treme hardship to a dependent that will result if the applicant is drafted. In making a determination the board will take into consideration pay received in the armed forces. The applicant must also have a child in a bona fide family relationship who is dependent on him for support. A divorced applicant is not entitled to the deferment.

JUDICIAL CLERKSHIPS

II-A deferments may be given to lawyers who have a bona fide judicial clerkship, whether it is a federal, state, or county clerkship.

OCCUPATIONAL DEFERMENTS

Will be given where the registrant's occupation is found to be necessary for the maintenance of the national health, safety and interest. This is the test applied. Each registrant is on his own, and must prove that his job is necessary. No "class" occupational deferments are given. Further tests are that he must actually be engaged in the occupation, he is necessary and cannot be replaced, and his removal would cause a material loss of effectiveness in that activity.

It should be noted that the Local Boards in New Jersey have wide discretion in the granting of deferments, and State Selective Service will only overrule the local boards where it has made a procedural error.

(Continued on Page 5, Column 1)

SCHOOL OF LAW	
1968-1969	
1968	
September	
3 Tuesday	— Registration for all students
4 Wednesday	— Classes begin 9 A.M.
November	
1 Friday	— Feast of All Saints—no classes
27 Wednesday	— Thanksgiving Recess begins 5 P.M.
December	
2 Monday	— Thanksgiving Recess ends 9 A.M.
6 Friday	— Classes end 5 P.M., Reading Period begins
10 Tuesday	— Reading Period ends
11 Wednesday	— Final Examinations begin
22 Sunday	— Final Examinations end, Christmas recess begins
1969	
January	
6 Monday	— Classes resume 9 A.M.
March	
2 Sunday	— Mid-term Recess begins
9 Sunday	— Mid-term Recess ends
April	
4 Friday	— Good Friday—no classes
17 Thursday	— Reading Period begins 5 P.M.
21 Monday	— Final Examinations begin, Second and Third Years
25 Friday	— Reading Period begins 5 P.M., First Year
May	
5 Monday	— Final Examinations begin, First Year
11 Sunday	— Class Day, Third Year
12 Monday	— Commencement

NEW CALENDAR ANNOUNCED

The Calendar for the 1968-69 academic year is a result of a number of meetings by a Faculty Calendar Committee which included in its study recommendations of student leaders. These reports were considered at a Faculty meeting and the calendar has the full approval of the Faculty.

The major changes from the current year's calendar are the placing of the fall semester examinations before Christmas, and the introduction of a mid-term recess at the halfway point in the spring semester in lieu of a recess during Easter week. The positioning of the fall examinations before Christmas was motivated by two considerations primarily, (1) avoiding a serious imbalance of instruction time between the two semesters and (2) recognition of the desirability of a real period of rest and relaxation between the two semesters. With the examinations prior to the Christmas recess, the two semesters from the standpoint of class-week time are relatively in balance.

The introduction for the first time in Villanova's Calendar of a mid-term recess in the spring semester is due to the belief that a brief period of vacation at this point in the second semester would be more beneficial than at Easter.

DRAFT

(Continued from Page 4)

MASSACHUSETTS SELECTIVE SERVICE

- The order of call is:
 - Delinquent
 - Volunteers
 - Those 19-26 years of age who are single or married after August 25, 1965.At the present time, Massachusetts does not exceed the above four categories to meet its manpower needs.
- Third year students
 - Those over 26 will probably not be drafted though they will be classified I-A.
 - Those under 26 who have a III-A or who have not requested a II-S after June 30, 1967 and have a child may request a III-A and will keep such a classification.
 - Those students who requested a II-S since June 30, 1967 and are under 26 will be classified I-A upon graduation and are not eligible for III-A deferments based on fatherhood.
- Second year students
 - Those second year students holding a II-S will most likely be entitled to another II-S in their third year.
 - If a student is married and his wife is pregnant or if she has a child, if he did not request his II-S since June 30, 1967, he should present evidence of his wife's pregnancy or of the birth of a child and request a parenthood deferment.
 - Those over 26 will probably not be called.
- First year students
 - First year students will be deferred for one year.
 - If a student has a child he should request class III-A, but if a student is deferred in II-S after June 30, 1967 he will not be eligible for III-A on the basis of parenthood.
 - If a first year student has a child born prior to July 1, 1967, he will continue to hold a III-A or he should request a III-A and not a II-S.
 - Those over 26 will probably not be called.
- Incoming students

It appears that unless an incoming student qualifies for a deferment due to parenthood or hardship or some other deferment, he could not expect to get a II-S for his first year at Law School in the State of Massachusetts.

NEW YORK SELECTIVE SERVICE

- TALKED TO: Col. Alpert
- Law School Draft Deferments: Col. Alpert said that the present law does not generally allow a law student deferment after this current school year. He did say that all deferments are handled on an individual basis, and that therefore, he can not make a general statement on any "class" of students.
 - Order of Call: The order of call has not been changed, with the order being age 26, backwards.
 - Hardship Deferments: Are also handled on an individual basis.
 - Judicial Clerkships: No commitment here.
 - Other Graduate Study:
 - Medical School and Dental School are deferable.
 - Candidates already matriculating on a full-time basis for a Ph.D. will be allowed to continue.
 - Candidates for a Master's Degree will be given an additional year to complete their study. Such will not be a professional degree, but a research one.
 - Teaching: Will be handled on an individual basis, depending on the need for such a teacher, and on the local board requirements.
 - State clerkship period: The regulations allow one to finish all clerkship requirements or enough time for a "cram course." The student is advised to write to the local board, stating when the Bar exam will be (the first one after graduation) and that he requests that deferment will be given him for such period of time.
 - Occupational deferments: are to be handled on an individual basis.

Respectfully submitted,

Stephen A. Rosen, Chairman
Jeffrey Sherman
Donald Ungemah
Richard Kaplinski
Peter Levin
Stanley Turitz
Charles McManus

ACTING DEAN

(Continued from Page 2)

ese Ministry of Justice on a revision of the United States-Japan Criminal Jurisdiction Agreement.

From 1961 to 1964 the Acting Dean served as a member of the Defense Department's Board of Contract Appeals. During the four years on the Board he conducted numerous hearings in Washington, Seattle, New Orleans, New York,



The St. Thomas More Club and the Cardozo-Ives Club had a joint cocktail party before the ICC Christmas dance.

ICC SPONSORS ANNUAL DANCE

Approximately 300 students and guests were in attendance at the Inter Club Council's annual Christmas Dance. The dance was held at the L & M Lounge located in Upper Darby. All indications are that all had a good time. Most of those present exhibited hidden talent for learning the latest dance crazes, and even the older members of the student body spent a substantial portion of the evening on the dance floor.

In all fairness, it is necessary to observe that the band was highly appreciated by the student body than by those members of the faculty who were present.

Prior to the dance, Taney-More, Cardozo-Ives and Hughes-White held cocktail parties for their members. A majority of people in attendance were in a festive mood, and very few were eager to return from this pleasant interlude to the pressing business of classes and final exams.

During second semester the law clubs have been active in basketball games and at least two of the clubs are planning social events.

and Dallas. In 1963 Mr. Bruch earned his master's in law from George Washington University, Washington, D. C. Prior to his appointment at Villanova as Vice Dean of the Law School, the Acting Dean retired from the United States Air Force holding the rank of Colonel.

Dean Bruch was born in Roanoke, Va. and has a son, Daniel, who is currently a sophomore in Villanova's undergraduate Commerce and Finance Department.

BAR

(Continued from Page 3)

the Committee on New Student Facilities is Dennis Coyne. Members of the committee include: Elizabeth McKenna, John Rossi, Earnest Bartol, Michael Fitzgerald, Donald Klein and Mark Dichter.

The Executive Board has initiated several programs designed to serve the needs of the student. Toward the end of last semester, photostating services were made available to aid students in procuring low cost copies of briefs and outlines. These services will be offered weekly throughout the Spring semester with the charge imposed being that of the cost to the school.

Because of student interest in police procedures, the SBA is initiating a program whereby interested students will be able to accompany Philadelphia police officers on their regular routine patrols. Other schools have had similar programs.

In order to excite interest in the law by high school students, the SBA is instituting a program under which members of the SBA will speak at high schools throughout the Philadelphia-Suburban area. The guidance of Prof. Dowd has been sought to help determine the desirable Scope of the material to be presented.

The draft-status project initiated last semester under the chairmanship of Steve Rosen has been completed. Since the present listing of critical employment fields has been revised, a supplementary list will be published as soon as it becomes available. Thanks are in order for Steve and his industrious committee.

The Law Forum presented David O. Maxwell, Insurance Commissioner of Pennsylvania, who spoke on February 16, and students may wish to hear William F. Buckley, Jr., who will speak at the university on April 2, 1968.

THE VILLANOVA DOCKET

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LEGAL SERVICES

(Continued from Page 2)

views were not by appointment. The result was that many clients would be waiting to be interviewed, affecting the completeness of preparatory questions aimed at obtaining a history of the case. With the influx of greater student assistance and a scheduling of interviews, these problems are being remedied.

Gene Boyle and Joseph Priory commented on the benefit derived from their experiences in the courtroom; both students are serving in the Litigation Office. "The poor are being represented but there are no real legal arguments, and the judge seeks an equitable solution based on factual presentations of opposing attorneys." They said this was primarily caused by historical precedent before *In re Gault* and the lack of time for attorneys to adequately prepare a well-reasoned, legally-oriented brief.

The benefit derived makes the time highly worthwhile to the students. Dennis Coyne summed up the advantages by stating that, "especially for a person who does not come from a family with previous legal experience, it offers a working knowledge of the law and how it affects people." Joe Priory stressed the personal satisfaction of enabling the indigent to assert his rights, and the opportunity the program offers to see the law in its practical operation as contrasted with the ideals of the textbook.

Those involved on every level expressed a desire for even greater student participation both this year and next. The advantages are great, while at the same time, a worthy cause is served.

LAW FORUM

(Continued from Page 1)

course of the merit plan: The Nominating Commission will continue to have some judicial representatives, but the present trend against having the judicial representative as chairman will also continue; there will be more and more lay membership on the commission until eventually an all lay commission will make the selections; the device of Senate confirmation of appointees will disappear, along with tenure by non-competitive election. The result will be nomination by commission and appointment for life; a better key for providing real nonpartisanship in judicial selection will be found; and by the end of the 1970's merit selection of the judiciary will prevail in this country.

At the end of the lecture, Winters answered questions from the audience on the various aspects of the plan. Those present then adjourned to the Law School lounge for a continuation of the discussion on a less formal basis.

CALENDAR OF EVENTS

Friday, March 8

Consultors' Day of Visitation

Saturday, March 9

Student Bar Association Annual Dinner Dance, Alpine Inn

Friday, March 22—8:30 P.M.

Law Forum Lecture—Dr. Henry Abraham, Professor of Political Science, University of Pennsylvania

Saturday, April 6—3:00 P.M.

Reimel Moot Court Finals—Panel: U. S. Supreme Court Justice Brennan, Pa. Supreme Court Justice Roberts, U. S. Court of Appeals Third Circuit Justice Freedman

Friday, April 19

Fourth Annual Law Review Symposium

Saturday, April 20 (tentative)

Law Review Dinner

Friday, April 26

Annual Law Alumni Dinner—Guest Speaker, Bernard G. Segal, Esq.; Williamson's, Atop the Barclay Building, Bala-Cynwyd



The Alumni Christmas party, held in the lounge, saw many alumni returning for the occasion.

Winners Announced In Tennis/Basketball

By MICHAEL J. McSHANE

This Fall the ICC held its first annual inter-club tennis tournament and the event met with good student response. The doubles were won by Robert Dowler and David Fox of St. Thomas More, while Bob Morgenstern of Hughes-White defeated Bill Benner of Cardozo-Ives to take top position in the singles. A follow-up Spring tournament is planned, weather permitting.

Nata Giudice, who scheduled the matches, reported that 20 club members participated in the singles rounds and 16 in the doubles, with three of the number coming from our female ranks. Three-game sets were played under standard tennis regulations, the opponents having one week to play each round at their convenience and to report the results.

Hughes-White won two games by a total of 3 points to jump off to an early lead in the newly formed ICC basketball league. Ed Walsh's outside shooting sparked the Hughes-White A team to a 10 point lead at halftime. The Taney-Moore B team rallied in the second half to take a one point lead with only 20 seconds remaining on the clock, but Walsh took the ball the length of the floor and made a driving hook with 7 seconds left. Taney-Moore missed the last shot at the buzzer leaving the final score 47 to 46 in favor of Hughes-White.

In a low scoring game between the Hughes-White B team and the Taney-Moore A team the Hughes-White B team took a 24 to 22 lead after a jump shot by Jim Debesis with 55 seconds showing on the clock; then regaining possession

on an errant pass, Hughes-White managed to run out the clock for the victory.

The games between Cardozo-Ives and Warren-Stern resulted in a split with the Cardozo-Ives B team defeating the Warren-Stern A team 38 to 27. The height under the boards made the difference for Cardozo-Ives. The Warren-Stern B team knocked off the Cardozo-Ives A team 47 to 42 in the second game. A special commendation must be given to Dave Knoll and Marvin Peebles for the fine job they did running the four games completely on schedule and without a hitch.

Consultors

(Continued from Page 1)

here on Friday, March 8th, and the faculty would like them to spend a significant part of their day meeting with students. It is planned to have groups of two or three consultors meet with groups of from six to ten students drawn from among the representatives of the various student organizations. The students will have an opportunity to discuss with the consultors matters of interest to them as law students at Villanova.

WHERE TO

(Continued from Page 3)

tional issues, attorneys for petitioner in part stated that the facts violated their client's **right to privacy**. Justice Stewart for the majority dismissed this argument by stating:

"We decline to adopt this formulation of the issues . . . the Fourth Amendment cannot be translated into a general constitutional 'right to privacy.' and he further defines that right,

"But the protection of a person's **general** right to privacy—his right to be let alone by other people—is, like the protection of his property and his very life, left largely to the law of the individual States."

In finding the F.B.I.'s conduct violative of the Fourth Amendment, the majority focuses on the absence of judicial process. However, there are standards by which such conduct could be approved and, importantly, notice is not made a requirement, it was footnoted away. It is clear that the Court is here moving away from **right to privacy** and seeking to shore up **unreasonable** as the sole criteria for the evaluation of cases arising under the Fourth Amendment.

This is made even more apparent by Justice Douglas; for although writing a concurring opinion, he abstains from reiterating his previously announced position. Justice Black in dissent states:

"With this decision the Court has completed, I hope, its rewriting of the Fourth Amendment, which started only recently when the Court began referring incessantly to the Fourth Amendment not so much as a law against **unreasonable** searches and seizures as one to protect an individual's privacy."

This hope may be forlorn, for although it is clear that the Court looks toward rigid standards as opposed to zones of privacy, it may have set about accomplishing an impossible task. As Justice Black noted in this case, how is one to particularize future conversations and if the task is impossible, then the Court may have to revert to finding areas and/or activities which will be protected by an unpenetrable barrier constructed out of the **right to privacy**. WHERE TO? For the time being, legislative enactments based on the strict requirements in accordance with rules laid down in *Katz*. But in the future we may find the Court, in days where the walls may literally have ears, resorting to the **right of privacy** to protect the individual.

From The Dean's Desk (Continued from Page 2)

day-time enrollments of the 6 Pennsylvania law schools, we note that Villanova is second largest. This study reports our enrollments for the past 4 years as: 1964—295, 1965—351, 1966—378, 1967—410. There are 125 in the graduating class this year.

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