The Docket, Issue 3, March 1970

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Distinguished Panel Headlines Law R Symposium On Population Control

Whether and how the United States need impose restrictions upon its people to prevent over-population of this country will be among the topics to be discussed at the Sixth Annual Law Review Symposium to be held Friday, April 3, 1970 in the Law School.

The participants in this Symposium on "National Population Programs and Policy: Social and Legal Implications" will include Carl S. Shultz, M.D., Director of Office of Population and Family Health, Department of Health, Education and Welfare; Samuel Wishik, M.D., Director, Division for Program Development and Evaluation, Columbia University International Institute for the Study of Human Reproduction; Cyril C. Meads, Jr., Professor of Law, New York Law School; Dr. Edwin D. Driver, Professor of Sociology, University of Massachusetts, and Consultant on Social Sciences, The Ford Foundation; H. Y. Tien, Professor of Demography, Ohio State University. Acting as moderator will be Professor Donald A. Giansella of the Villanova Law School faculty.

As in the past, the Symposium will be open to the general public and will find the panelists presenting a short précis of their afternoon presentation after which a lengthy question and answer period will follow.

Continued, P. 8, Col. 5

VILLANOVA LAW ASSOCIATES - A NOVEL CONCEPT IN CLINICAL LEGAL EDUCATION

A clinical course of study in juvenile court practice, to be offered next term and exclusively to students of Villanova Law School, augurs one of the most innovative approaches ever proposed to bridge the gap between legal education and actual practice. Lisa A. Richette and Jerome E. Bogutz (class of '62), members of the Philadelphia Bar Association, have been appointed Director and Assistant Director of the new program, to be named The Villanova Law Associates. It is a project with enormous potential for the future of clinical legal education, and one far exceeding the scope of the common student volunteer project, normally limited to the indigent.

The new program will bring third-year-law students directly into the courtroom under the recent Pennsylvania Supreme Court rule 13 3/4. Villanova is among the first law schools in the nation to initiate clinical education as part of its curriculum. The program will focus primarily on the area of representing indigent juveniles, but will also expose the law student to a variety of cases involving juveniles whose parents can well afford to pay.

"We don't contemplate a clinic which will treat what the street brings in," explains Mrs. Richette. "We're looking for something much greater, an atmosphere that will be a valid replica of real legal experience. The clinic will be a kind of partnership office, with two senior partners (Mrs. Richette and Mr. Bogutz) and as many student associates as are involved in the program. We will handle only cases which are both meritorious and which offer real value to our students."

Secondly, the Symposium will evaluate the aims of the present programs of data dissemination and the manner in which they are being carried out by others, and the program is to be designed to meet the needs of the people to whom it will be directed.

Continued, P. 8, Col. 5

Board Revamps Moot Ct Program

By Stephen E. Sabaco

Washington, D.C. - The National Moot Court Board has announced changes in the organizational procedures of the annual Moot Court program.

The changes were made in response to suggestions made by the National Moot Court Board and the National Federation of College Trial Teams. The changes will provide for a more efficient and effective operation of the program.

The changes include the following:

1. The program will be conducted on a regional basis, with each region being responsible for its own program.

2. The program will be conducted on a national basis, with the National Moot Court Board being responsible for the overall administration of the program.

3. The program will be conducted on a state basis, with each state being responsible for its own program.

4. The program will be conducted on a community basis, with each community being responsible for its own program.

5. The program will be conducted on a personal basis, with each individual being responsible for his own program.

These changes are designed to provide a more efficient and effective operation of the program and to meet the needs of the participants.

Continued, P. 8, Col. 3
As I write, I anticipate the next academic year, 1970-1971. It should be not merely an interesting year, but an exciting year in the best sense of the word.

I anticipate the completion and occupancy of the commodious addition to Garey Hall. The contractor is pleased with his progress to date, and, with good fortune, we should see completion of the building by February 1971. It should be a delight to work and study in the new building. We shall have, for the first time in several years, adequate classroom facilities, much needed space for increased faculty, attractive quarters for all co-curricular activities, much enlarged and much improved library facilities, a fine dining facility that is a more commodious student lounge. Air conditioning throughout the new and existing facility will not merely contribute to comfort but will remedy the now often intolerable condition created by noise from the Pennsylvania and highway traffic. We shall, of course, plan a significant dedicatory program of genuine interest to our students and alumni.

If, by saying that the provision of fine physical facilities, the improvement of faculty salaries, the addition of new faculty and the expansion of seminar and other curricular programs means a substantial increase in the cost of operating the School of Law, I know it will come as no surprise to our students that, with added facilities, improved instructional programs and the inflationary spiral, tuition in the School of Law will rise. Needless to say we expect to hang on to our present tuition level of $2,140. We want to stay in the top quality league. To do so, we must gradually increase our tuition. Our tuition raises over the next several years will be modest — but they are inevitable. And for the additional sums we are compelled to collect we shall deliver full value.

Beginning with the current semester, Professor Peter W. Brown is leaving the School to teach at the University of Pennsylvania as Deputy Director of Community Legal Services. We are fortunate to have him continuing on a part-time basis and to have his guidance and assistance in the clinical activities which make up a substantial part of the work of our students. I anticipated that some of our students participated in such programs would be more anxious to appoint an alumnus and that we did in the person of Walter J. Taggart '68. Elsewhere in this issue you will read of the new clinical instructional program in the area of public interest law.

The danger of intimidation of the students by the teacher is slight. Law students are not so impressionable nor so in awe of the figure on the podium that a frank exchange of political and social views will easily persuade them. The Law School has begun to meet the challenges. It has decided to turn out prepared citizens as well as lawyers. No course can offer programs which span the entire range of the economic and social spectrum. The study of corporations must be tempered with that of the rights of the criminal defendant and Estate Planning with Poverty and the Law.

This is not to suggest that it should be the only function of the School to indoctrinate the student with a particular political philosophy. It is simply to emphasize the great importance which we place on the frank exchange of political and social views as additions to the curriculum. This is not to suggest that others were not evaluating the role of the rights of the criminal defendant and Estate Planning with Poverty and the Law.

One can, of course, question whether your concern for the purity of the Law School arises out of a deep seated intellectual conviction or merely an opposing political philosophy. However, your statement has far more import as a misinterpretation of the function of a gathering place than it does as a comment on the School itself.

Many law schools and universities are making an effort to become more "relevant" to their students outside of their academic work. This attempt, often merely by the selection of a curriculum, forces the administration and the faculty member who teaches the course to take a political and moral stand. Indeed, to continue to attract students and a faculty of a school of law, this curriculum must be prepared to be more than a "neutral" area for discussion and offer programs which span the entire range of the economic and social spectrum. The study of corporations must be tempered with that of the rights of the criminal defendant and Estate Planning with Poverty and the Law.

In testifying, Prof. Valente stated that the contribution made by the VCLS to the legal curriculum at Villanova Law School is very great. Their hope—to gain some insight into the law itself. One can, of course, question whether your concern for the purity of the Law School arises out of a deep seated intellectual conviction or merely an opposing political philosophy. However, your statement has far more import as a misinterpretation of the function of a gathering place than it does as a comment on the School itself.

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The Philadelphia Problem

By Steve Kravitz

The Youth Study Center of Philadelphia is primarily a juvenile detention facility and not, as its name would imply, a diagnostic center. Rehabilitative programs have not been instituted because the children are not there long enough to make them effective. The majority of its inmates are awaiting trial in juvenile court and generally are not available for more than thirty days. Others have already been tried and have been adjudged delinquent but due to overcrowding have not as yet been placed in one of the city-run institutions. A few are detained because the juvenile court has ordered that they undergo mental testing. The actual examinations are usually performed at area hospitals, the study center being utilized only for housing purposes. Those latter two groups are obviously indefinite boarders at best.

The emphasis at the youth study center is on control. Ostensibly this orientation is attributed to overcrowded conditions and the limited number of staff members. Not entirely so! In reality, administrative bungling and general neglect have resulted in a city sponsored ghetto within the Youth Study Center. The officials are more concerned with keeping the problem from worsening rather than in effecting a cure.

The upper floors of the center, where the children are detained smell like a locker room after a long game on a hot day. It is no secret why the children are dirty and they do not change clothes. Repeated visits to interview a particular juvenile will find him attired in the same sweatshirt or uniform. Clearly, crowds alone do not cause these body odors.

There is little to do in the center. Generally the children are either forming up into lines to move to another area or are sitting around on the floor staring idly at each other. I did see a deck of cards once and a row of comic books. Of course, they can get "high." This is not surprising since informed sources estimate that there is as great a drug traffic in the Center as on the street. Moreover, the start of a fight in the center will prompt a quick appearance of switch blades, razors and other such weapons.

Before a child is admitted to the center, or even slated for trial, he and his parents must be interviewed at the youth study center by an "intake" officer. Families are kept waiting all day in a crowded, dimly lighted, and generally dreary hallway which bears a close resemblance to a Broad Street subway stop in North Philadelphia. No reading matter is provided and there is nothing of interest on the wall. Little cognizance is taken of the fact that most of the families kept waiting are at the bottom of the economic ladder in the city making their absence from work financially catastrophic in many cases.
"... created a Monster to cope with the most pertinent and delicate problem of our American social structure..."
...of Education. Others are willing to take whatever castoffs the public school gives them. These teachers usually know little about the needs and problems of delinquent children and at causing the greatest difficulty for the teacher daily in the detention school classroom. They will confront the teacher daily in the detention school classroom. The question here is: where should this training in the dynamics of delinquency be given? It is my considered opinion that it should be given as part of the education department's curriculum in the universities and at the institutions themselves. The universities should provide training for the teachers in detention institutions to cope successfully with the problems that will occur. Also, the detention schools should provide training for the teachers to aid them in carrying out a more efficient and difficult assignment. The general subject of "on the job" training for school personnel should be aimed not so much at increasing skills, which is the teacher's stock in trade, but at the perception of the needs and problems of delinquent children and at causing the knowledge to be applied for therapeutic programming and handling. High frustration tolerance and a sensitivity to emotional needs are important. This, however, is far from specific preparation requirements that are not listed as average teachers' requisites but are of utmost importance in this field. Fortunately, some detention institutions' superintendents refuse to take public school faculty and students assigned to them in order to give them the opportunity to train in special procedures. They consider it particularly important to avoid building up unrealistic expectations or aspirations.

There are, however, some problems with group counseling. It is often assumed that the group participants will benefit from their participation in the group counseling sessions. Unfortunately, there is not always true. Due to the fact that many group members possess psychopathic and psychological problems, they might not respond well to group therapy. In fact, the rehabilitative technique of group counseling may have a tendency to aggravate the condition and become a hindrance to their own therapy. Also, individuals because of their personality and psychological problems may have a negative effect on the group. Members of the group who are sound mentally may be influenced by the psychotic members of the group. There are also the problems that group therapy will increase the neurosis of the individual because of the group concept itself. Group sessions increase the neurotic fear of individuality and the neurotic wish to hide in the group. To do so, the individual may make it impossible for the child to fit into a community or to become delinquent. Also, the detention schools should provide training for the teachers in detention institutions to cope successfully with the problems that will occur. Also, the detention schools should provide training for the teachers to aid them in carrying out a more efficient and difficult assignment. The general subject of "on the job" training for school personnel should be aimed not so much at increasing skills, which is the teacher's stock in trade, but at the perception of the needs and problems of delinquent children and at causing the knowledge to be applied for therapeutic programming and handling. High frustration tolerance and a sensitivity to emotional needs are important. This, however, is far from specific preparation requirements that are not listed as average teachers' requisites but are of utmost importance in this field. Fortunately, some detention institutions' superintendents refuse to take public school faculty and students assigned to them in order to give them the opportunity to train in special procedures. They consider it particularly important to avoid building up unrealistic expectations or aspirations.

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The Delinquent In His Community

By JUDY KRUEGER

Some general remarks may be made on how community treatment for the delinquent can be improved. First, a critical examination of present programs is necessary. Both psychotherapeutic and sociological programs need to be measured effectively for their effectiveness. New techniques must be devised where old methods prove unworkable. In the area of psychotherapy, therapists for many years have been questioning the effectiveness of traditional psychotherapeutic techniques on "acting out" children. Yet today, with few exceptions, community agencies continue to use these same methods. Sociologically oriented projects have produced some dramatic new efforts, particularly in trying to reduce the delinquency problem in lower economic areas. However, the results suggest that here too a more sophisticated approach must be taken. The behaviorists' approach is also too superficial since the casual forces of a delinquent's personality makeup and/or cultural milieu are ignored.

What ideally needs to be done then is to find the specific variables in a treatment program which will work best with a particular delinquent. For example, the California Treatment Project is working towards that end. Unlike the shotgun approach of most communities, this program attempts to systematically determine what variables will most successfully work in the rehabilitation of a particular delinquent. The variables which were considered are: 1) the delinquent, 2) the setting for treatment, 3) the treatment model and 4) the therapist.

First, then, delinquents were differentiated. The classification system utilized is based on Interpersonal Maturity Level (I-level) theory. The original theoretical formulation described a sequence of personality integrations which develop in normal childhood. A child was placed into a particular maturity level on the basis of his ability to understand what was happening between himself and others. Seven successive stages of interpersonal maturity were formulated. These ranged from the least mature, a child who has little control over his emotions and their effect on what happens to him, to the ideal of social maturity which is seldom reached. The theorists felt that each level was defined by a crucial interpersonal problem which had to be solved before further progress could occur and an individual could become "fixed" at a particular level.

Within each level subtypes were classified according to a response set. Thus, while a particular group may have a common level of perceptual differentiation, individuals respond to their perceptions in different ways. The subtypes characterized children as essentially passive, aggressive, neurotic, anxious, conforming, manipulating or a combination of these.

The settings were also differentiated in an attempt to develop treatment environments which were specific to the management and growth needs of a particular subgroup.

In one research project, two settings were compared; the homogeneous arrangement with boys of the same subtype placed together and the traditional heterogeneous unit. Homogeneity was found to consistently decrease unit management problems.

A second study involved the use of group homes. This use of out of home placement was based on the observation that some types of delinquents in some types of settings appear to have little or no alternative to delinquency.

A child whose major way of relating to the world is conformity to the power which surrounds him may have little alternative to delinquency in a high delinquency area.

The goals of the Group Home Project were to develop five different types of group homes specifically related to the needs of a particular subtype. (A description of these homes has not as yet been published.)

Two differential treatment models were also compared with an institutional setting, with homogeneous living units by subtype.

The fourth variable in differential treatment is the matching of clients with therapists. This is based on the premise that, "few, if any, workers relate equally well with all types of delinquents or are equally comfortable with the range of treatment styles and stances required by the full variety of offenders." Thus efforts were made to match a worker to a particular subtype. However, as yet there has been no research study on the unique contribution of matching per se.

Besides researching the specific effects of variables, a separate program was put into operation to determine the feasibility of community based treatment as opposed to institutionalization, i.e. what offenders could be left in the community. Youths who had been adjudicated delinquent by the courts were randomly assigned to the C.T.P. project or handled in the conventional manner and used as controls.

The general treatment model was a specialized program of supervision. First a diagnostic evaluation was made and maturity level determined. Then, according to the diagnostic indications, various casework services were used such as counseling, tutoring, group therapy, etc.

The case worker was placed with the child at a particular center all day. He was able to observe the child in a variety of social settings and alter treatment as progress occurred. (Each worker had a caseload of 8 in a homogeneous grouping.)

In this study, researchers came to the conclusion that:

The operational feasibility of treating a large portion of the delinquent population in the community, without prior institutionalization has been clearly demonstrated.

Although the degree of success varied according to subtype all groups were found to be suitable for community treatment. On the whole, those offenders under treatment for six months or more showed a decrease in the frequency of misbehavior. The experimental cases averaged 47 months per failure while the control group averaged twenty-six months per failure.

This project, then, stands out as a sophisticated experimental approach to community treatment. First, instead of devising one treatment plan and then applying it to a broad category of delinquents, the differential model looks at both the variables in the delinquent's makeup and in the treatment. Second, the emphasis is on research, to determine what variables will be most effective in treating a particular delinquent.

As the results have shown, most delinquents can be effectively treated in the community. This program should serve as a challenge for other areas to follow in formulating new ways to deal with delinquency.

The Villanova Docket

March, 1970
Rugby Emerges As Popular Sport—Dowd Named Coach

By BILL GORMLEY

This spring will mark the beginning of rugby at Villanova Law School. The team, coached by Professor Alen Lieberman, is an English game, and can simply be described as football without equipment.

The rugby team is under the leadership of the team Moderator, Prof. William Valente, and the Coach, Prof. Donald Dowd. Coach Dowd recently returned from England, where he made a systematic and intense study of the game, and therefore has a deep front of knowledge about the fine points of the sport.

Coach Dowd has been running the team through grueling practice sessions every Saturday morning at 8:30 a.m. Such practice was even conducted while the temperature was 15°, which caused one player to leave the field in fear of frostbite. In spite of this adversity Coach Dowd emerged as a Vince Lombardi figure to the players.

The players, many of them former participants in such winter sports ranging from soccer to swimming, have provided more than adequate nuclei to field a team. Alan Lieberman, who will be playing hooker for the squad, is a former decathlon champion. Buxx Shumans, the perpetual youth, will probably be the largest participant in any of the games.

Other members of the team include: Tom Ziemek, Frank Tamusloic, Tim O'Neill, Bob Slaven, Mike Kane, Don Grassen, Bill Crosswell, Barry Brown, Carl Ruffaldi, John Roezy, Frank Torregrossa, Phil Paulin, Santo Khoun, Bob White, Oliver Tract, and Tom Hitchcock.

There will be only three official games. The most important of which will be the 15th of March against the undergraduates. Each game will be followed by a party and most probably the parties will be open not only to the players and their friends, but to all members of the law school attending the games.

The two men responsible for the social events will be the club's public relations men Terrence Quinn and Mike Stiles, a combination reminiscent of Bar­num and Bailey. Other individuals who are aiding in organizing the rugby team are Coach Bill Gormley, General Manager C. Francis Hipps, Choral Director Barry Knidle, and Communications Di­rector Larry Leiser.

Everyone associated with the rugby team is especially grateful to the Student Bar Association who allotted money to buy balls, and to Mr. and Mrs. Gerard L. Gormley of Buena, N.J., who na­nised the game uniforms.

It is the President’s prerogative to appoint such and he has es­tablished Associate Justices of the Supreme Court. While it has been suggested that the best road to the Supreme Court is through friendship with the President, Presidents Eisen­howers and Nixon have avoided this form of personal patronage by fol­lowing the policy of appointing Federal Court Judges to the High Court. It has also long been the custom that Supreme Court nomi­nees have generally reflected the legal and political philosophy of the presidents who have appointed them. Indeed the choice of the president has rarely been chal­lenged on the basis of his political or philosophical beliefs once the early days of the republic.

Judge Carswell was chosen be­cause he met several of the criteria set by the Senate. A necessary criterion of the President was that the nominee be a strict construc­tionist. This Judge Carswell cer­tainly is. Furthermore Judge Carswell is young, he is a com­petent jurist, and he has not en­gaged in financial dealings while on the bench. He is a strongly mandated criteria which few Fed­eral Judges could meet.

It has been argued in several of the popular news weeklies and be­fore the Senate Committee that since Judge Carswell is not a Holmes, Brandeis or Warren, he should not be confirmed. This would be a valid argument only if one was committed to the idea of an activist court. If one were committed to that philosophy then any conservative judge would not have a high enough standing to be considered a threat to the philosophy of the law.

In conclusion, it would appear that considering the President’s prerogative as to the philosophy of his nominee, the feeling in the na­tion favorable to a more conserva­tive Court, the benefit to be de­rived from the presence of a more moderate Southerner on the Court, and the lack of any competing reason to the contrary, Judge Carswell should be confirmed.
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Villanova Law Review, 1969

The juvenile court project announces the birth of their fifth child, Jeffrey Richard, born June 26, 1969.

Continued from P. 1, Col. 5

Aulani LUNCHCIRCION. In conjunction with the annual convention of the Philadelphia Bar Association, many of the alumni gathered at the Union League Club for a luncheon.

Richard J. Grace, of the Binghamton, N.Y., law firm of Merrill, Meagher, Hammond and Buckley, and his wife announce the birth of their third child, Christopher A., on December 9, 1969.

Edward G. Fitzgerald, Jr. is clerk to Judge Alfred G. Lounge of the Federal District Court of the Eastern District of Pennsylvania. He and his wife announce the birth of their third child, Edward George, III, on August 15, 1969.

Louis Niedelman has recently changed his practice address from New York to Miami, Florida, and McAllister of Atlantic City, New Jersey to the Philadelphia Bar Association.

Continued from P. 1, Col. 2

The juvenile court project announce the birth of their third daughter, Crissy Anne, born June 10, 1969.

Richard S. Bank, of the Philadelphia law firm of Peckar and Peckock of the Eastern District of Pennsylvania. His wife, Crissy Anne, has been named as the head of the firm of Peckar and Peckock.

The juvenile court project announces the birth of their second child, Richard, Jr., on June 7, 1969.

The juvenile court project announces the birth of their first child, Edward George, III, on December 9, 1969.

The juvenile court project announces the birth of their first child, Edward George, III, on December 9, 1969.

Continued from P. 1, Col. 6

The juvenile court project announces the birth of their third child, John Steven, on August 10, 1969.

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