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Ralph D. Churchill

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SCRIBES: Early 1970 News of Legal Writers

Ralph D. Churchill*

EDITOR'S NOTE re this SCRIBES feature:

The Editors of the *Cleveland State Law Review* are gratified to have this periodical selected as the official organ for the dissemination of the SCRIBES Newsletter. SCRIBES, the honorary society of distinguished legal writers, is seeking, particularly this year, to direct its efforts towards the general improvement of the quality of writing in the legal profession and especially in the training of law students. It is our hope that in reporting the activities of these, the most distinguished writers and scholars in the legal profession, the *Cleveland State Law Review* will be of service to this organization, its readers, and the Bar.

News of the Organization

An outstanding news item of 1970 about SCRIBES was the fact that the *History of Scribes*, written by *Eugene C. Gerhart*, our President, of Binghamton, New York, was published in the August Issue of *Case and Comment*—the most widely read lawyer's magazine in the United States. Our Vice-President, *Sidney Bernstein*, is Editor of *Case and Comment*.

Our St. Louis meeting was most successful. A resumé of the minutes of the meeting will be brought up at our 1971 meeting in New York and/or London (be sure and read *Gibson Witherspoon's* article on "And/Or").

In addition to the regular meeting in St. Louis there was a Steering Committee Meeting under the Chairmanship of *Walter Armstrong*. Assisting him were *Sigmund Timberg*, *Sidney Teiser*, *Milton Bachman*, *Eugene Gerhart*, *Charles Joiner*, *Paul Wolkin*, *Sidney Bernstein*, *Howard Oleck*, *Jacob Stein*, *Warren Ludlam*, *Rufus King*, and *Ralph Churchill*.

New officers for 1970-71 are *Eugene C. Gerhart*, Binghamton, New York, President; *Sidney Bernstein*, Rochester, New York, Vice-President; *Ralph D. Churchill*, Dallas, Texas, Treasurer; and *Jack Kleiner*, Atlanta, Georgia, Secretary. The Board of Directors are *Harry Gershenson*, St. Louis, Missouri; *Gibson B. Witherspoon*, Meridian, Mississippi; *Hugh N. Clayton*, New Albany, Mississippi; *Kline D. Strong*, Salt Lake City, Utah; *Howard L. Oleck*, Cleveland, Ohio; and *Lynn K. Twinem*, New York, New York.

An interesting development at our St. Louis Meeting was our closer activity with the Law Students Division of The American Bar Assn.

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[Note: Mr. Churchill invites contributions of items of news about legal writers and writing that are in any way related to SCRIBES.]

We are starting to work more effectively with the ABA Law Student Division to help these young people with improvement of their writing abilities.

Our President, *Gene Gerhart*, has appointed several committees, including a Book Award Committee with the Chairman *Sidney Bernstein*. Others are the ABA Law Student Coordinating Committee, with *Howard Oleck* as Chairman; London Meeting Committee with *Eugene Gerhart* as Chairman and *Sigmund Timberg* as Vice-Chairman; Membership Committee with *Harry Gershenson* as Chairman; Newsletter Committee with *Jack Kleiner* as Chairman; Nominating Committee with *Walter P. Armstrong, Jr.* as Chairman; Projects Committee with *Sigmund Timberg* as Chairman; Scribes Insignia Committee with *Sidney Teiser* as Chairman; and the Ways and Means Committee with *Ralph D. Churchill* as Chairman.

One of our most active projects is and should be the Law Student Division. Appointments of Advisors have already been made for each circuit as follows: First Circuit, Professor *Livingston Hall*, Harvard Law School; Second Circuit, *Albert Averback*, New York City; Third Circuit, *Paul Wolkin*, American Law Institute; Fourth Circuit, Professor *Frank Strong*, University of North Carolina Law School; Fifth Circuit, *Gibson Witherspoon*, Meridian, Mississippi; Sixth Circuit, *Dean Marlin Volz*, University of Louisville Law School; Seventh Circuit, Professor *F. Reed Dickerson*, Indiana University Law School; Eighth Circuit, *Harry Gershenson*, St. Louis, Missouri; Ninth Circuit, Professor *Melville B. Nimmer*, U.C.L.A. Law School; Tenth Circuit, *Welcom D. Pierson*, Oklahoma City; Eleventh Circuit, Professor *Michael Cardozo*, Association of American Law Schools; Twelfth Circuit, *William H. DeParcq*, Minneapolis; Thirteenth Circuit, *Ralph D. Churchill*, Dallas, Texas and/or Prof. Roy Mersky of University of Texas Law School.

Midwinter Chicago Meeting

With our Vice-President, *Sidney Bernstein*, in charge, a number of members met at the Palmer House in Chicago on February 7 concerning the SCRIBES. They were: Secretary, *Jack Kleiner* of Atlanta, *Harry Gershenson* of St. Louis, *Gibson Witherspoon* of Meridian, Mississippi, *Paul Wolkin* of Philadelphia, and Law Student Coordinator, *Avery Friedman* of Cleveland.

They asked that it be prominently displayed through this Newsletter that a *Speakers' Division of Scribes* be established, and Scribes members be urged to speak at Law Schools, Bar groups, etc., concerning legal writing. An announcement of this will be in a forthcoming issue of *Case and Comment*—which should give it wide publicity. Please contact *Sidney Bernstein* if interested in becoming a member of the *Scribes Speaker's Bureau*.

There will be a *SCRIBES membership insignia available soon*. In your next dues statement there will be a space for you to signify your desire to order a *SCRIBES* lapel pin. The lapel pin will be free the first year. It will be a gold-filled Quill-in-Inkwell insignia—a handsome and distinctive recognition insignia that will identify members as persons who have been elected to *SCRIBES*. We expect that members will actually wear this lapel pin, though practically every member of *SCRIBES* is entitled to wear more than one insignia of distinction but rarely does wear one.

Other major items discussed at the Chicago Meeting were raising of the membership numbers limitation, and cooperation with the ABA and the Law Student Division.

News About Us

Two of our members are especially interested in *Ecology*. In Cincinnati, Ohio, *Murray Seasongood* was instrumental in establishing (four years ago) the Hamilton County Park District. There was an article in the *County Park News* thanking him for his foresight in preserving our natural resources.

On a more scientific note, our member, *Alfred A. Porro, Jr.*, of Lindhurst, New Jersey, has just written two articles about the estuarine and marshland areas and a third article which was published not only in the *New Jersey Bar Journal*, but also in the *Marine Technology Society Journal* on the subject "The Coastal and Estuarine Zones: A National Interest."

I will be pleased to hear from other lawyers who are writing on this crucial matter and especially the legal aspects thereof.

From the University of Oklahoma at Norman, Oklahoma, *Maurice H. Merrill* has written, among other things, "Liberalism Within the Law; The Continuing Contribution of Ralph Follen Fuchs" in the *Indiana Law Journal*. He is also Chairman of a special committee of the National Conference of Commissioners on Uniform State Laws which is currently engaged in drawing up proposed uniform marriage and divorce laws.

Member, *Philip Werner Amram*, Washington, D.C., has just received the Distinguished Alumnus Award from the *Pennsylvania State University*.

George W. Coen of Lancaster, Ohio has just been honored by the *United States Library Association*, receiving a Citation of Merit for his recent contribution to the *Ohio State Library*.

Our former President (and a booster of *SCRIBES*), *Warren V. Ludlam, Jr.*, of Jackson, Mississippi, wrote a review of the book "The Liquidation Reincorporation Problem: A Running Tax Battle" for the *Mississippi Law Journal*.

Retired Chief Justice Laurance M. Hyde of the Supreme Court of Missouri at Jefferson City wrote us a letter thanking us for the *Scribes Newsletter*, and further, sent us a *Missouri Bar Journal* containing an article written by him on "Appellate Review of Cases Tried Without a Jury."

From our University of Arkansas School of Law member George P. Smith, II, we learn that he has published, among other things, a recent article for the *American Bar Association Journal* (February, 1970) "For Unto Us Is Born A Child Legally," and another interesting article in the *Arkansas Law Review* entitled "La Dolce Vita—Law and Equity Merged at Last."

Frank N. Bratton, President of the Tennessee Bar Association, recently wrote an article for the *Tennessee Law Review* titled "Group Legal Services—The Rush to Assembly-Line Justice."

Ray D. Henson wrote that he was pleased that we mentioned *Dick Sloane's Recommended Law Books*, which the American Bar Association Section of Corporation Banking and Business Law published.

Jules Ritholz, with another writer, has contributed an article in the *Journal of Taxation* on the "New Developments and Dangers in the Psychiatric Defense to Tax Fraud."

Member Clel Georgetta of Reno, Nevada did not get to come to the St. Louis Meeting due to the fact that he was on a three month tour of South America. Since leaving the Bench, he has written, among other things, a full length book on *Pavement, Neon and Mink* which is a compilation of fiction stories of city life, but as yet a publisher has not been found.

J. M. Barrett, of Jekyll Island, Georgia stated that he enjoyed reading the *Newsletter* and especially about *Murray C. Seasongood*. They have been in touch with each other and something might be published as a result thereof.

Emanuel Emroch, our member from Richmond, Virginia, sent us a copy of his article which appeared in the *University of Richmond Law Review*, entitled "Caveat Emptor to Strict Liability: One Hundred Years of Products Liability Law."

Max Schwartz also was kind enough to send us a copy of his article on "The Floating Lien Under Sections 9-108 and 9-204: A Case Analysis" from the *Albany Law Review*.

Member, Henry C. Friend of Milwaukee, Wisconsin, wrote a very interesting article on Abraham Lincoln's commercial practice. The *Commercial Law League of America* has now made this available to all libraries and interested parties. If you're interested in receiving a copy of the pamphlet, please write to the Commercial Law League of America, 222 West Adams Street, Chicago, Illinois 60606. Mention SCRIBES.

Member J. W. Ehrlich of San Francisco had his publisher send us a copy of his new book, *The Lost Art of Cross-Examination*, which has an introduction by Percy Foreman.

Member Howard L. Oleck, of Cleveland State University, has had several articles published recently, in *PLI "Course Book"* on Non-Profit Organizations, *The Ohio Bar*, *Cleveland State Law Review*, etc.; and has a new anthology of his law columns from *The Cleveland Plain Dealer* being published this spring by Association Press, Inc., of New York City.

Robert W. Miller, Dean of the College of Law, Syracuse University, wrote an article on "Torts—1970" for the 1971 January issue of the *Insurance Counsel Journal*, of which he is Managing Editor.

Member Joseph T. Karcher, of Sayerville, New Jersey, is about to make an auto tour through the United States collecting material for a new book which he is planning to write about the legal profession. He also has written an article on "What Does a Client Expect of a Lawyer: 'Effort' or 'Results'?" in the *New Jersey State Bar Journal*.

Francis H. Hare, Jr. and his father, Francis H. Hare, both members of SCRIBES, have recently written two law review articles for the Alabama actions in Tort: part 1, and same subject, part 2, in different volumes of the *Alabama Law Journal*.

Gibson Witherspoon of Mississippi will have an article in the May issue of the *Cleveland State Law Review* entitled "What Quantum of Damages from Slip and Fall Injuries?"

Dr. Miriam T. Rooney of Millburn, New Jersey, attended the International Congress of Comparative Law at Pescara, Italy, and also introduces the Harvard University Press, Volume VIII of the *Twentieth Century Legal Philosophy Series* titled "The French Institutionalists." She is a representative at the United Nations for the *World Peace Through Law Center*.

Dues will be increased from \$5.00 to \$10.00 per year. Next billing will be in Spring of this year. You will receive a return-type envelope with which to pay your dues.

Our President has asked that, before our New York and London Meetings in July, another *Newsletter* be sent out. Please send to me, upon receipt of this *Newsletter* and over the next months, all of the news about you. This is a most interesting part of the *Newsletter*; because writers and publishers are interested in what you have been writing. Please send them to your editor, Ralph D. Churchill, 2020 Live Oak Street, Suite 720, Dallas, Texas 75201. I hope to publish a *Newsletter* during the month of June, 1971.