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Ralph D. Churchill

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Scribes: News of Legal Writers: 1970

Ralph D. Churchill*

EDITOR'S NOTE re this SCRIBES feature:

The Editors of the *Cleveland State Law Review* are most gratified to have this periodical selected as the official organ for the dissemination of the SCRIBES Newsletter. SCRIBES is the honor society of distinguished legal writers. 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

One outstanding news item of 1970 was the SCRIBES Newsletter being published in the January, 1970 issue of the *Cleveland State Law Review*. Many nice comments from members of SCRIBES and from readers of the Law Review have come to the attention of the SCRIBES officers. All are very pleased that our stalwart member, *Howard L. Oleck*, Distinguished Professor of Law at the University, did get the newsletter published.

Our *Dallas meeting* (1969) was most successful. A wonderful dinner and reception at the Fairmont Hotel, followed by a good meeting and a fine lecture, "Two Cheers for the Supreme Court" by Prof. *Paul A. Freund* of Harvard University Law School [published, in revised form, in 19 *Clev. St. L. Rev.* 7 (Jan. 1970).]

Our thanks to *Paul Wolkin* (of American Law Institute) and his helpers for making it such a successful meeting. They included *Eugene C. Gerhart* of Binghamton, New York, Vice President; *Milton E. Bachmann* of Lansing, Michigan as Treasurer; *Sidney Bernstein* of Rochester, New York as Secretary.

There were short but nice stories in both the *Dallas Morning News* and the *Dallas Times Herald* concerning the meeting of the SCRIBES and the award to *Professor Freund* for his book, *Law and Justice*.

Officers for 1969-70 are *Rufus King*, Washington, D.C., President; *Robert Braucher*, Cambridge, Mass., Vice President; Treasurer, *Ralph D. Churchill*, Dallas, Texas; and Secretary, *Sidney Bernstein* in Rochester, New York. The Board of Directors are *Sigmund Timberg*, Washington, D. C., *George Richter*, Los Angeles, California, *Harry Gershenson*, St. Louis, Missouri, and *Gibson Witherspoon*, Meridian, Mississippi.

* Editor of this SCRIBES Newsletter; member of the Dallas, Texas Bar; and member of SCRIBES. His office is at 2020 Live Oak Street, Dallas, Tex., 75201.

At the time of this writing (early summer 1970) we are all looking forward to our yearly meeting in St. Louis, Missouri. The meeting, in the Georgian Room of the Chase Park Hotel, was scheduled for Sunday afternoon, August 9, with a reception to follow.

The Book Award Committee of SCRIBES, consisting of Professor *Howard L. Oleck*, Judge *Scovel Richardson* of New York, and *Jacob A. Stein* of Washington, D. C. selected joint winners: *Leon Freidman* and *Fred L. Israel* for their superb editorial work on the book titled "The Justices of the United State Supreme Court, 1789-1969: Their Lives and Major Opinions," published by Bowker-Chelsea House, N.Y.C. We know that this is a fine choice and thank the committee for their selection.

The mid-year meeting in Atlanta was most successful. The SCRIBES Executive Committee met in February 1970 at the Regency Hyatt House in Atlanta and covered many items to be brought up at the regular meeting.

Our fine member *Gene Gerhart* of Binghamton, New York, has completed this year a history of the SCRIBES. The history, consisting of approximately nineteen pages, is a must for all members to read. It is probable that the history will be published in *Case and Comment*. I think we will all be inspired with *Chief Justice Arthur T. Vanderbilt's* origination of the idea of SCRIBES together with *Sidney Teiser*, *John C. Satterfield*, *Walter Armstrong*, and *Gibson Witherspoon*. Congratulations and many thanks to *Gene Gerhart* for such a fine job.

News About Us

From Richmond, Virginia, our member, *George E. Allen*, has written a book with a most fascinating title—"The Law as a Way of Life."

Our venerable member, *Eugene C. Gerhart* from Binghamton, New York, has also written one of the best books for lawyers (and others) I have seen, on quotations. It is simply called "Quote It!"

Bobby D. Dyess of Dallas continues to write the monthly article "Legal Spotlight" for *Best Insurance News*. It covers the field of life, health, and accident law.

From Boston, Mass., we learn that *Robert P. Bigelow*, besides his writing, has been appointed to the standing committee on Law and Technology of the American Bar Association. He writes generally concerning the law of computers and the use thereof.

A most interesting article concerning the legal moment of death has been written by *Victor M. Gordon* of New Haven, Connecticut in association with a physician. He also compiled a forty year cumulative index of the *Connecticut Bar Journal*.

From the West Coast our member, *George W. Nilsson*, has written an article for *New Age* magazine, entitled "Common Sense." George

also received a fifty year membership certificate from the American Bar Association and from the Arizona State Bar.

Hans J. Holtorf, Jr. of Gering, Nebraska, has sent the *Newsletter* a copy of *For the Defense*, containing his article "Defense Actions Deny Status Quo."

We were pleased to learn of the dedication of the Horovitz Workmen's Compensation Library at the Roscoe Pound American Trial Lawyers Research Center in Cambridge, Massachusetts. Our good member, *Samuel B. Horovitz* of Boston, Massachusetts, is certainly to be commended in this respect. He has just returned from lecturing on Workmen's Compensation Law in Mexico, now having lectured in 46 different countries.

From Columbus, Ohio, we learn that *William E. Knepper* has just finished "Ohio Civil Practice Today," a two-volume work published by the Allen Smith Company.

Richard Sloane of New York has written an unusual book entitled "Recommended Law Books." It is the one book that helps you locate all the others. It covers every major legal subject.

From Milwaukee, Wisconsin, we read about an Illinois lawyer! *Henry C. Friend*, our member from Milwaukee, has written an article published by the Commercial Law Foundation, entitled "Abraham Lincoln's Commercial Practice."

James A. Dooley of Chicago, Illinois has just finished writing a new five-volume work on the law of torts, entitled "Dooley on Torts." It was scheduled for publication June 1, 1970.

Francis H. Fairley of Charlotte, North Carolina, writes for the *Commercial Law Journal*. He is presently serving as President of the International Legal Fraternity of Phi Delta Phi.

Professor *William F. Swindler* last year published the first volume of his "Court and Constitution in the 20th Century." The second volume will appear this year, and a third volume entitled "The Constitution of the United States; A 20th Century Interpretation" is now being printed.

Beverly Hills, California, attorney, *Michael J. Ezer*, has just published the 1969 Uniform Commercial Code Bibliography.

Another of our good members of Boston, Massachusetts, *Robert M. Segal*, advises that he wrote for the *Boston Bar Journal* this year an article entitled "Labor Law Decisions During the Past Year" and also other labor articles in various publications.

William F. Fratcher of Columbia, Missouri, this year has written a chapter on trusts for "International Encyclopedia of Comparative Law," and a chapter on "Persons Under Disability" for "Uniform Probate Code Practice Manual." He also worked on the Pocket Parts for Simes and Smith on "Future Interests."

From Milwaukee, Wisconsin, our member, *Earl A. Hagen* has written an interesting article for *Domestic Engineering*, entitled "Compensation Costs You Can Cut." He also writes for another magazine, *Actual Specifying Engineer*. His new address is 1027 North 8th.

Distinguished Professor of Law *Howard L. Oleck* of Cleveland State University has recently been appointed as Chairman of a newly created Publications Committee by the ABA Section of Legal Education and Admissions to the Bar; is writing a paper for (and addressing) the Practicing Law Institute in New York City in August on "Proprietary Mentality in Non-Profit Organizations"; and is writing an article for the *Notre Dame Lawyer* winter issue.

Our member from Kansas City, Missouri, *Landon H. Rowland*, has written, among other things, "Designing Distribution Systems: Anti-Trust Problems in Franchising and Marketing" for the *Missouri Law Review*.

Professor *Alan Bromberg* of the SMU School of Law has recently written for the *New York Law Forum* "The Securities Law of Tender Offers." He has also written several book reviews this last year.

James V. Bennett of Bethesda, Maryland, has written a book entitled "I Chose Prison."

Judge *Edward D. Re* of the United States Customs Court, writes us that he is now in New York, having formerly been in Washington, D.C. He expresses appreciation for the various publications of the SCRIBES sent to him.

Professor *Morris D. Forkosch* of the Brooklyn Law School contributed three articles to the "Dictionary of the History of Ideas" published by Scribner & Sons—the articles contributed were: Justice, Equal Protection, and Due Process. He has also written for several law reviews.

Scovel Richardson, Judge of the U. S. Customs Court in New York, writes of his new address. We have many judges in SCRIBES and are always pleased to hear from them.

The State University of New York at Albany, School of Business, where *John R. Fonseca* is Professor of Law and Banking, lets us know that he is legal editor of the *Banking Law Journal* and Editor-in-Chief of the *Uniform Commercial Code Law Journal* as well as editor of other publications and a co-author on "Williston on Sales," in preparation for 1970 by Lawyer's Cooperative.

Dr. Miriam Theresa Rooney of Milburn, New Jersey, has written "New World A'Coming." It is a handbook for study clubs on the Universal Declaration of Human Rights, prepared by a joint working party appointed by Church Women United and the National Council of Catholic Women. She also expects to participate in the Seventh Inter-

national Congress of Comparative Law at Pescara, Italy later on this year.

Brian C. Ellis, of Tampa, Florida, has written in the *Journal of Taxation* on the subject "Estate and Gift Tax Planning for the Termination of Joint Interests."

Robert M. C. Littler of Atherton, California, among other things reviews books. For the recent *State Bar Journal* he reviewed "Civil Law Tradition" by John Henry Merriman.

James M. Marsh of Philadelphia, Pennsylvania, has recently written an article for the *ABA Public Contract Newsletter*, "Needed: A Procedure For Preventing Wrongful 'Default Terminations'." He is currently Deputy State Treasurer of Pennsylvania and Chief Counsel to the Treasurer.

Jack E. Horsley of Mattoon, Illinois, is presently President of the Coles-Cumberland Bar Association and serves on the Board of Directors of Illinois Defense Counsel. He writes articles concerning defense litigation.

Ben R. Miller, our member from Baton Rouge, Louisiana, sends a reprint of his article on the Business Corporation Law of Louisiana that was published in the *Louisiana Law Review*. We always enjoy getting copies of the articles that the members of SCRIBES write.

R. T. Boehm of Columbus, Ohio, recently had published an article on the Taxation of Disentailment Sales in *The Practical Lawyer*.

Percival E. Jackson of Brookville, L.I., New York, has recently written "Dissent in the Supreme Court: A Chronology," published by the Oklahoma University Press.

Joseph T. Karcher of Sayreville, New Jersey, continued to write many articles and we have enjoyed reading the copies that he sent us. Recently he has written "Public Speaking—Essential Tool for the Successful Lawyer" in the *New Jersey State Bar Journal*—in addition to this in the same Bar Journal an article on "Direct Examination" and another on "Cross Examination."

Linn K. Twinem asked us to give a plug to the Law Student Opinion Contest in the next newsletter. We are happy to note that in the *Personal Finance Law Quarterly Report* there was an announcement concerning the letter writing contest.

John J. Creedon, associated with General Counsel of Metropolitan Life, New York, wrote in *The Business Lawyer* an article entitled "Some Reactions to the Review Committee's Proposal to Amend the Fixture Provisions of the (U.C.C.) Code."

Gibson B. Witherspoon (one of the Founding Fathers) has recently written an article entitled "Do You Have a Products Liability Case?" which will appear in the *Mississippi Law Journal*.

Robert D. Abrahams of Philadelphia has written a book entitled "The Bonus of Redonda," published by MacMillan of New York. The book has been well reviewed in the *Saturday Review* and other various national library journals. It is his thirteenth book published.

Edward J. Mascolo has written an article for the *Connecticut Bar Journal* on the following subject: "Impeaching the Credibility of Affidavits for Search Warrants: Piercing the Presumption of Validity."

From up in Portland, Maine, Vincent L. McKusick advises that West is publishing the second edition of "Maine Civil Practice" authored by himself and Professor Field of Harvard Law School.

Harry Graham Balter of Los Angeles is having published a paper delivered to the National Convention of Public Accountants: "The Role of the Accountant in a Tax Investigation with Fraud Overtones."

Sherwood W. Wise of Jackson, Mississippi, has written a most interesting article for his area on the "Right to Counsel for Indigent Defendants in Mississippi." It was published in the *Mississippi Law Journal*.

Among other things, Albert Tate, Jr. of Louisiana has written on the subject of the Work of the Louisiana Appellate Courts.

Several articles and books have been written by Murray Seasongood of Cincinnati, Ohio. The most interesting, I think, is his book, "An Overwhelming Tragedy," the story of how the blind New York lawyer, Walter Kaufmann, was convicted of conspiracy to defraud in 1920 and was later pardoned by President Coolidge, based on Attorney General Harlan F. Stone's recommendation. He asked about publication. I would suggest a talk with any of the writers that will be at the St. Louis meeting of the SCRIBES.

Herman E. Taylor, of Memphis, Tennessee, sends a reprint from an article he wrote for *The Practical Lawyer* entitled "Restoring the Lawyer's Doctoral Status."

All of us who were in Hawaii at the SCRIBES meeting several years ago remember Harold F. Birnbaum. He has recently written "Stare Decisis vs. Judicial Activism: Nothing Succeeds Like Success," and "An Anxious Author Without Materials."

From Princeton University our member, Lawrence R. Caruso, has written on many interesting subjects, including recently an article on "Internal Government Implementation of Space Treaties and Space Law!" He has also written for the *Tennessee Law Review*, *The Princeton Alumni Weekly*, *The College Counsel*, and has reviewed books in the *American Bar Association Journal*.

Margarette M. Demet, one of the few lady SCRIBES, is writing a commentary entitled "The Work of the Wisconsin Supreme Court—An Ongoing Study" for the *Wisconsin Continuing Legal Education Magazine*. She also reviews books.

H. Bradley Jones of Los Angeles, California, hopes to be at the SCRIBES meeting in St. Louis this summer, and tells us that he has written on "Professional Corporations" in the *Practicing Law Institute Handbook*.

Prof. *Roy M. Mersky*, one of our newer members, of the University of Texas at Austin, has recently acted as contributing editor of the article on "Bushrod Washington" and appendices in "The Justices of the United States Supreme Court 1789-1969: Their Lives and Major Opinions" published by Chelsea House-Bowker, New York.

Chicago, Illinois attorney, *James M. Spiro*, has just ended two decades of work with the ABA, resigning as Assistant to the President to reenter private law practice.

Also from Chicago, Illinois, *Benjamin Becker* tells us that Whitmore and Company of Philadelphia has published his book entitled "Is the United Nations Dead?", an evaluation of the U.N. focused on the Mid-East crisis and the Czech crisis.

We have many of our SCRIBES members with universities, among those being *Maurice H. Merrill* from the University of Oklahoma. To date Maurice has written twelve books, the latest being on "The Public's Concern With Fuel Minerals." He is also a prolific writer of law review articles and book reviews.

Alfred A. Porro, Jr. from Lyndhurst, New Jersey, continues to write on municipal and county government. He is currently working on an article entitled "The Special District Authority: Municipal Extinction." Some of his past writing was on the quality of our environment.

Another of our professors of law is *Dan F. Henderson*, from the University of Washington at Seattle. The first volume of the *Asian Law Monograph Series* sponsored by the Asian Law Program, is entitled "The Constitution of Japan: Its First Twenty Years 1947-67." Five other volumes on Chinese law subjects, three on Japanese subjects, will be published over the next two years.

H. Sol Clark of Savannah, Georgia, points out that there are three father-son combinations in the SCRIBES: *Francis Hare, Sr. and Jr.* of Birmingham, Alabama; *C. James Heft and Carroll R. Heft* of Racine, Wisconsin; and *H. Sol Clark and Fred S. Clark* of Savannah. Any other unusual combination such as husband and wife, etc. we would appreciate having you point out. He writes that the younger Clark was chosen as one of Georgia's Five Outstanding Young Men.

From Salt Lake City, Utah, *Kline D. Strong* writes mainly on law office management and taxation. He has recently written several articles for *The Practical Lawyer* and *Law Office Economics and Management*.

Our former President, *Warren V. Ludlam, Jr.* of Jackson, Mississippi, was appointed to the executive committee of the advisory council

of the Practicing Law Institute of New York. He is also currently serving as President of the Downtown Exchange Club in Jackson.

George Ashe of Wyncote, Pennsylvania, writes mainly on commercial law, and recently has written on the subject "Bankrupt's Immunity Revisited."

Among other articles, *Ralph C. Clontz, Jr.* of Charlotte, North Carolina, has recently finished his book, "The Truth in Lending Manual" and also writes articles of a commercial law nature for the *Banking Law Journal*.

Our Secretary, *Sidney Bernstein*, continues to edit *Case and Comment*.

Two or three notations came in of articles written, but with no name attached. I attempted to look up the articles but have been unable to find the author in our local law library. I'm sorry if I overlooked anyone and I trust that all of you enjoy reading about each other. I know that the editors and various publishing houses are interested in knowing the subjects covered by the various lawyers in SCRIBES.

I look forward to seeing each of you at the meeting in St. Louis, Missouri.