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June 1971 News of Legal Writers

Ralph D. Churchill

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SCRIBES: June 1971 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

The Board of Directors of *Scribes* voted in 1970 to adopt a "recognition emblem" (tie tac; lapel pin) consisting of a small, gold filled "quill pen and inkwell" pin. These were mailed to all members, with their \$10 dues bills, in Spring 1971. This is a handsome, dignified, small ($\frac{3}{8}$ inch long) gold emblem, in good taste and appropriate for wear at any time. We trust that *Scribes* members will wear it proudly.

Meeting in New York

The Mercury Ballroom Rotunda of the New York Hilton Hotel, July 6, 1971, was the place and time for the *Scribes* Breakfast Meeting this year in New York. All enjoyed the fellowship of this meeting together with the short business meeting that goes along with our annual *Scribes* get-together. The Book Award, Reports, and other items of interesting business were scheduled.

Meeting in London

Mr. Justice Megarry, a Fellow of the British Academy, a Visiting Professor at New York University, and well known judge of the Chancery Division of the High Court, spoke to the *Scribes*, assembled with the *Selden Society* for a joint meeting at Old Hall, Lincoln's Inn, in London on Wednesday, July 14th. The lecture was titled "Inns: Ancient and Modern."

The lecture, coming at the beginning of the ABA Meeting in London, enabled the American visitor to enjoy more thoroughly the geography and history of London's ancient legal quarter. The *Selden Society* was presented with some of the *Scribes*' books, including one by *Scribes* member, George Rossman's: "Advocacy and the King's English."

ABA Law Student Division, and Scribes

President Gene Gerhart stated in June 1971 that, "It is my view that we can do more to improve legal writing by doing it at the law school level than anywhere else." In line with this a committee, consisting of Howard L. Oleck, Chairman, Cleveland; Charles W. Joiner, Detroit;

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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.]

Linn K. Twinem, New York City; *Gibson B. Witherspoon*, Meridian, Mississippi; *Avery Friedman*, Cleveland State University; together with advisory members named in the last Newsletter, worked with the Law School Division of the ABA. Many law schools and teachers of legal writing, and others, expressed interest in and appreciation of the *Scribes* program. Some suggested establishment of student auxiliary chapters at the law schools.

There is so much to tell about this that I have included as an extra page of this Newsletter *Avery S. Friedman's* report to the officers and directors of *Scribes* concerning the progress. Congratulations to all who have had a part in this program.

Reports of Other Committees

The *Scribes* Membership Committee makes the following report:

The Membership Committee this year had the assignment of increasing *Scribes* membership to the new maximum of 1000. This is double the old maximum number. To achieve this objective, the country, in 1970-71 was divided in half and placed under Assistant Chairmen, serving under overall guidance provided by Committee Chairman *Harry Gershenson* of St. Louis. *Linn K. Twinem* of New York City was responsible for the states east of the Mississippi River, and *James M. Spiro* of Chicago responsible for the rest of the country.

State Membership Chairmen were appointed to serve under Messrs. *Twinem* and *Spiro*. Since the last annual meeting, until the writing of this report in June 1971, 30 qualified legal writers have been elected to *Scribes* membership. The number is expected to expand considerably in the months ahead, when new membership information brochures and membership lists become available for use in the membership development program.

Sidney Teiser, reporting on the committee on insignia, prepared a device to be worn with the badge indicating membership in *Scribes*. He donated several hundred of these, for handing out at the New York Meeting.

1970-71 President's Report

To all Directors, Officers, and Committee Chairmen of *Scribes*:

Congratulations are due each of you for the way in which you have taken hold this year and done all of the tasks assigned to you. Since some of you were not able to be present at our New York meeting at the Hilton on July 6 for breakfast, I take this way of making sure that each of you knows that our organization, and particularly your President, appreciates deeply all that you have done.

For the future, it seems to me that in addition to our awards program, our cooperative work with the American Bar Association's Law Student Division offers the greatest hope for our success. This is where we can do the most good.

Heartfelt thanks to each of you.

s/ Gene
EUGENE C. GERHART,
President

News About Us

Again the *Scribes Newsletter* was printed in the *Cleveland State Law Review*, Volume 20, Number 2, May 1971, beginning on page 428.

Professor of Law and Banking, *John R. Fonseca*, of the University of New York at Albany, advises us that he is working on a new text and case book on Business Responsibility to its Social and Physical Environment. He is also the Editor of *Encyclopedia of Banking Laws and of Commercial Laws*.

Marvin V. Ausubel recently wrote an article titled "Conflict of Laws Trends—Torts" which was published in the *De Paul Law Review*.

Member *Adrian G. Duplantier* of New Orleans, Louisiana, was recently published as one of three co-authors of the *Louisiana Formulart Annotated*, including Criminal Forms.

From Kew Gardens, New York, *Bernard M. Eiber* wrote making this Editor very pleased that the *Newsletter* is read and appreciated. He stated that the *Newsletter* made him feel, as a brand new member, as if he had always belonged.

Our long-time member, *Harry Gershenson*, was appointed by the new ABA President, *Leon Jaworski*, to a three year term on the Committee of Professional Ethics, effective July 1971.

Another member, *Fred S. Clark*, of Savannah, Georgia, had an article on interest and usury published in the newly created *Encyclopedia of Georgia Law*.

We are sorry to learn that *Earl T. Thomas* of Jackson, Mississippi is dead.

Leonard Rose has moved from Chicago to Lexington, Massachusetts. He is now assistant general counsel of Hampshire-Designers, Inc., of Manchester, New Hampshire. He does part time writing now, but his role as Editor of *Soundings*, after eight years, has come to an end.

From Pascagoula, Mississippi, *Frank E. Shanahan, Jr.*, comments that the work of *Scribes* with the law students is a good development that should be given priority.

H. Sol Clark of Savannah, Georgia, reports that the *Quarterly of the International Society of Barristers* is to publish his article entitled "Personal Injury Settlement Formulas." "Today's Advocate" was recently published in *Case and Comment*.

Member *James M. Spiro*, who also is chairman of the Membership Committee, was a candidate this year for Assembly Delegate to the ABA House of Delegates.

Hans J. Holtorf, Jr. of Gering, Nebraska, wrote an article titled "Improvement of the Jury System," for the publication *For the Defense*.

Cary E. Bufkin of Jackson, Mississippi, had an article published in the *Mississippi Defense Lawyers Journal*, titled "Medical Privilege—What and Why?"

In *Trial Magazine*, *Peter F. Langrock* of Middlebury, Vermont, had an article, titled "What Price Certainty?"

A book review of police politics and race by our member *Margarette M. Demet*, was published in the *Administrative Law Review*.

Herbert Bernstein of New York City had two articles published recently: "Mergers and Acquisitions—Counsel's Related Consideration," published in the *Transportation Law Institute*; and "Judicial Review of ICC Orders," in *ICC Practitioners Journal*.

"Making the Most of the Depreciation Deduction for Intangibles" was written for the magazine, *Taxation*, by *Brian C. Ellis* and *Christy F. Harris*.

Prof. Howard L. Oleck of Cleveland State University wrote the article on "Personal Liability" for the forthcoming edition of *Encyclopedia Americana*, and his new book, *Law For Everyone* is to be published this summer by Association Press, Inc., of New York City.

Edward W. Allen of Seattle, Washington, not only writes on legal matters, but sent us an interesting poem called "Plea for the Squaw-Man" which was in the *Explorers Journal*.

Kline D. Strong, of Salt Lake City, Utah, among other things wrote an article, "Why Not R & D for Lawyers?" in *Law Office Economics and Management*.

From the College of Law at Syracuse University, Dean *Robert W. Miller* advises that he spoke at the Federation of Insurance Counsel meeting in Mexico City on the topic "The Weary Dean." It will be in the next *FIC Journal*.

We are sorry to report that *Max Winograd* of Providence, Rhode Island is now deceased.

"The Copyright Aftermath of Sears and Compco; and Some Other Recent Domestic Developments" was a paper delivered at the 15th Annual Conference of the Lawyers Institute of the John Marshall Law School in Chicago by member *Morton David Goldberg*.

George E. Allen of Richmond, Virginia, of the firm Allen, Allen, and Allen, notes *Sol Clark's* pointing out three father-son combinations in *Scribes*, but he states that his firm consists of a father and three sons, resulting in the above firm name.

Member *Gibson B. Witherspoon* has written an interesting article called "Why Write?" It has been published in *The Practical Lawyer*.

Member *Victor M. Gordon* of New Haven, Connecticut reports, in the writing field, his "pedestrian" job of compiling the annual index for the four 1970 issues of the *Connecticut Bar Journal*.

We thank our older daughter, *Angeline Churchill*, for having typed this Newsletter as well as the past three. She and her younger sister, *Sue*, were with *Mrs. Churchill* and me at the London Meeting.

Appendix A

[Copy of Letter from Avery S. Friedman, Secretary of ABA
Law Student Division.]

May 13, 1971

Eugene C. Gerhart, President
SCRIBES
Marine Midland Building
Binghamton, New York 13901

Dear Mr. Gerhart,

In compliance with your recent request, please find a brief report covering the activities between SCRIBES, the national honorary legal writing society, and the American Bar Association Law Student Division over this past year. I concur with your comment at the outset of the development of this relationship that SCRIBES' most important work can be done at the law school level. Based on the experience over this year, you will find recommendations at the conclusion of the report.

I. BACKGROUND INFORMATION

The idea of the nation's most distinguished legal writing society working with law students was conceived in form in 1969 in Dallas, Texas when Retired SCRIBES President, Paul A. Wolkin, Director of the American Law Institute, accepted the concept in principle at our suggestion and adopted the project. Initially, a SCRIBES Student Auxiliary Board of Advisors composed of seventy (70) law school newspaper and law review editors of some of the finest law school publications in the country was established. The 1970 National Conference of Law Reviews meeting in Denver, Colorado unanimously passed a resolution supporting my efforts in the development of this project. At that time, ABA Law Student Division President John Long commissioned me to implement the program on behalf of the Division.

II. ACTIVITIES

The utilization of the Student Board of Advisors presently remains infeasible until a mutual understanding evolves with respect to an awards aspect of our relationship (which presently is a low priority item). After taking office as Secretary of the ABA Law Student Division, I met with you upon your ascent to the SCRIBES Presidency in October, 1970 in Syracuse, New York to discuss priorities. We concluded that the establishment of legal writing clinics conducted by distinguished legal writers should be implemented at the circuit level. These seminars would be the responsibility of the Division's Circuit Governors while we would be responsible for obtaining "resource people" from SCRIBES to plan and conduct the clinics.

Through the efforts of SCRIBES' Law Student Chairman, Distinguished Professor of Law Howard L. Oleck, SCRIBES members were recruited and committed themselves to work within the ABA Law Student Division's circuits. Attachment A shows the current list of these gentlemen. The first opportunity to utilize their talents for the benefit of law students was the circuit conferences. Five (5) Governors chose to have legal writing clinics in their programs and, as you know, the

programs generally met with success. I anticipate, having met the new governors, that the quality of the new ABA Law Student Division Board appears substantially improved and that we can anticipate further use of SCRIBES.

III. CONCLUSIONS AND RECOMMENDATIONS

In this, its initial year, we have found that a national legal writing society can provide a vitally important program for law students. A national legal writing program is feasible if conducted at no broader a base than at the circuit level. The program can provide an invaluable service to the beginning law student as well as the law student who is preparing for his bar examination. The success of the program depends *solely* upon the initiative and imagination of the circuit governor. SCRIBES has demonstrated to date its accessibility of members as well as its interest in conducting clinics. Furthermore, this year's experience has served as a basis for determining where weaknesses in this program may arise. Accordingly, I make the following recommendations:

- (1) Guidelines should be developed for use by governors to assist them in implementing effective legal writing clinics for their circuit constituency. SCRIBES Law Student Committee could be delegated this responsibility.
- (2) Circuit Governors and their respective SCRIBES circuit representatives should acquaint themselves now or in the near future for the purpose of mutually deciding what services they can provide for the upcoming academic year.
- (3) SCRIBES should consider the publication of a basic legal writing booklet on style and technique such as the Oleck Primer on Legal Writing which could be distributed by the Division on behalf of SCRIBES.
- (4) The Officers of SCRIBES and the Division must maintain the excellent line of communications already established to assure continued and coordinated success.
- (5) Consideration should be given to implementing a more sophisticated and comprehensive program by decentralizing at the law school level. This suggestion presupposes acknowledgment of substantial work, but should be worthy of some thought. This suggestion is also predicated on the assumption that at least some law schools would be interested in such a program.

I remain optimistic that the relationship between SCRIBES and the American Bar Association Law Student Division can grow in substance and value.

Very truly yours,
 AVERY S. FRIEDMAN
 Secretary
 American Bar Association
 Law Student Division

ASF: bms
 cc: Board of Governors
 SCRIBES Officers

Attachment A

May, 1971

LAW STUDENT DIVISION CIRCUIT GOVERNORS

<i>Circuit</i>	<i>Name and School</i>	<i>Home Address & Phone No.</i>
First	Howard J. Gan Suffolk U Law School 41 Temple Street Boston, MA 02114	Apt. 4 118 Hemenway Street Boston, MA 02115 AC 617 267-4594
Second	Robin Schimminger New York U Law School 100 Washington Square New York, NY 10003	33 Washington Square, West Apt. 8-K New York, NY 10001 AC 212 674-1557
Third	Dennis O'Keefe Seton Hall U School of Law 40 Clinton Street Newark, NJ 07102	AC 201 747-2684 (Summer Address after 5-23-71 21 Knollwood Drive New Shrewsbury, NJ 07724)
Fourth	Richard Salem Duke U School of Law Durham, NC 27706	853 Louise Circle Durham, NC 27705 AC 919 383-3817
Fifth	Randy Biser Cumberland School of Law Sanford U 800 Lakeshore Drive Birmingham, AL 35209	Apt. B-5 2907—13th Avenue, So. Birmingham, AL 35205
Sixth	Fred Dellapa U of Toledo School of Law Toledo, OH 43606	81 Rossway #15 Rossford, OH 43460
Seventh	Paul Glick DePaul University 25 E. Jackson Boulevard Chicago, IL 60604	525 Hawthorne Place Chicago, IL 60657 AC 312 528-9108
Eighth	Denny Titus U of South Dakota School of Law Vermillion, SD 57069	106 Saracen Court Vermillion, SD 57069 AC 605 624-8255
Ninth	Phil Kazajian Lincoln U Law School 2518 Jackson Street San Francisco, CA 94115	810 Masonic San Francisco, CA 94117 AC 415 921-5988
Tenth	Frederick A. Ruth U of Oklahoma School of Law Norman, OK 73069	2311 Dakota Norman, OK 73069 AC 405 364-0789
Eleventh	David Hirschboeck Georgetown U Law Center 506 "E" Street, NW Washington, DC 20001	122 "F" Street, SE Washington, DC 20003
Twelfth	Tom Hillier Gonzaga Law School 502 E. Boone Avenue Spokane, WA 99202	E. 1004 Sinto Spokane, WA 99202 AC 509 Hu 9-0629 (Summer address 6209 Huskey Way Olympia, WA 98501 AC 206 491-0210
Thirteenth	Tully Shahan St. Mary's U School of Law 2700 Cincinnati Avenue San Antonio, TX 78228	Apt. 714 8607 Jones-Maltsberger Road San Antonio, TX 78216 AC 512 344-5918

Attachment B*SCRIBES Circuit Representatives**Circuit*

- First** Professor Livingston Hall
Harvard Law School
Cambridge, Massachusetts 02138
- Second** Albert Averbach
50 Broadway
New York, New York 10004
- Third** Paul A. Wolkin
American Law Institute
4025 Chestnut Street
Philadelphia, Pennsylvania 19104
- Fourth** Professor Frank R. Strong
University of North Carolina School of Law
Chapel Hill, North Carolina 27514
- Fifth** Hon. Gibson B. Witherspoon
American Bar Association
Box 845
Meridian, Mississippi 39301
- Sixth** Professor Marlin Volz
University of Louisville
School of Law
Louisville, Kentucky 40208
- Seventh** Professor F. Reed Dickerson
Indiana University School of Law
Bloomington, Indiana 12474
- Eighth** Harry Gershenson
611 Olive Street
St. Louis, Missouri 63103
- Ninth** J. W. Ehrlich
300 Montgomery Street
San Francisco, California 94104
- Tenth** Welcom D. Pierson
616 Leonhardt Building
Oklahoma City, Oklahoma 73102
- Eleventh** Professor Michael H. Cardozo
Executive Director
Association of American Law Schools
1 Dupont Circle
Washington, D.C. 20036
- Twelfth** William H. DeParcq
565 Pillsbury Building
Minneapolis, Minnesota 55402
or
Professor Gardner Cromwell
University of Montana School of Law
Missoula, Montana
- Thirteenth** Professor Roy M. Mersky
University of Texas School of Law
Austin, Texas 78705