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LAW NOTES

VOL. III No. 1 FALL 1975
PUBLISHED QUARTERLY BY THE UNIVERSITY OF PITTSBURGH
SCHOOL OF LAW, PITTSBURGH, PENNSYLVANIA 15260

DEAN'S COLUMN

We began the 1975-76 academic year with a student enrollment of approximately 525 — up about 75 from last year. Enthusiasm has become evident as we lay plans for the move into our new building in December. We have been conducting tours of student groups to acquaint them with the building in advance of the move.

Our faculty has been increased by six members. The reactions to their performance to date confirms the thought we all had at the end of the recruitment effort last year — that we had acquired outstanding additions to the faculty. Their enthusiasm, interest in the students, competence and dedication are most heartening. I am most impressed with our faculty and feel they are or will become leaders in their particular fields of expertise.

Five of the six new faculty members have had previous teaching experience. We shall present profiles of each of the new faculty members in this and subsequent issues of Law Notes.

During the summer, a task force studied our curriculum and presented a report to the faculty which contained certain recommendations. After much discussion and debate, the faculty acted upon each recommendation. Most of them were accepted by the faculty as originally presented, a few were modified and a few others were rejected. We present a review of the report and the changes voted by the faculty elsewhere in this issue of Law Notes.



W. EDWARD SELL,
DEAN

The Capital Campaign, under the leadership of Bill Copeland, has surpassed our expectations for the general effort. We still need that one large gift to complete the outstanding effort made by all in the campaign.

I would be happy to see any of you who are in Oakland stop at the School. You are always welcome.

PENNSYLVANIA BAR EXAM RESULTS

The State Board of Law Examiners recently announced the names of those passing the August, 1975 bar examination. While final percentages have not been made available, the information that we have indicates that at least ninety-six percent of our graduates taking the examination passed. Of all those 1649 persons taking the examination in the state, eighty-four percent passed.

DEAN SELL COMMENTS ON THE NEW BUILDING

After the end of classes on December 3, we will begin moving faculty members and staff into the new School of Law building at the corner of Forbes and Bouquet. The new building is located one block from the Cathedral of Learning which has housed the School since 1936. The moving of the Library will not take place until after the last fall term examination on December 19. The entire move will be completed in time to begin the spring term on January 5 in our new quarters.

For some of us on the faculty the building represents a long-held dream come true. In all respects the new building is a beautiful edifice. Not only is it very appealing to the sight on the outside, but the interior of the building is beautifully appointed and extremely functional.

In originally planning the structure, we had the bene-

fit of sets of plans of the last twenty law schools built in the United States. We took all the good ideas we found in them, checked them out with those schools having them to see that they functioned well, and then incorporated them into our plans.

I feel certain that all of our alumni will be not only pleased but also proud of what they see when they visit the new plant. Those who have seen it, even though in an incomplete state, have been extravagant in their praise of it.

Our new court room is outstanding. It is a memorial to Benjamin F. Teplitz, Class of 1917, a gift from his sister, the late Dr. Esther Teplitz. We hope to have some of the courts hold actual sessions in it. It has a fine jury room as well as judge's chambers. We can open two of the large classrooms in the rear, thus converting the room into an auditorium.

Except for the hallways on the classroom floor and most of the ground level save the seminar rooms, all of the building is carpeted.

We are planning to dedicate the building on May 1, 1976 — Law Day. The previous day, April 30, we plan a full day of activities culminating in a gala dinner at the Hilton Hotel. I sincerely hope that we will have a large turnout of alumni for this celebration. We will have representatives from other law schools in attendance, as well as many members of the judiciary.

For those who have not pledged at least three hundred dollars to the Partners for Preeminence Campaign, there is still time to get your name on the permanent plaque in the School, but you must act promptly. I hope we have a very large number of alumni names on that list.

PROFESSOR BROWN ELECTED UNIVERSITY SENATE PRESIDENT

On October 2nd, Professor of Law William J. Brown was installed as President of the University Senate. Professor Brown was nominated by Senate Committee last Spring, and in a University-wide election this Fall he garnered support from a majority of the 2200-plus voting members of the University Senate, which is comprised of all the full-time faculty and administrators of the University of Pittsburgh. His term of office will be for one academic year, during which he will continue to carry out his duties as law professor.

Importance of the University Senate is best indicated by the following statement from the By-laws of the

University. "The Senate shall be consulted", it says in Article IV of the By-laws, "either as a whole body or in the persons of its officers or its committees, before decisions are made or actions taken on matters of student and faculty concern."

Beyond the consideration of numerous statements of policy affecting the terms and conditions of faculty employment, which foreseeably will come before the Senate during this year, there is also a forthcoming collective bargaining representation election — this will probably occur some time in January, 1976 — in which faculty of the University will decide whether they wish to unionize and, if so, which of several collective bargaining agents will represent them. On the basis of the evidence adduced in Pennsylvania Labor Relations Board hearings which concluded recently, it will in all likelihood be determined that the law school (as the medical school) is considered to be a bargaining unit separate from the remainder of the University. In any event, the representation election will have significant impact upon all faculty; therefore, Professor Brown considers it to be of critical importance for faculty to make well-informed decisions in this regard. He hopes that the pros and cons of collective bargaining at the University can be aired, possibly under the aegis of the University Senate.

The University today is a business operation, and it must be so administered, but with due regard for its role as a humanitarian institution. To reconcile these competing concerns, Professor Brown believes that the best long-range interests of the University will be served only if its faculty have increased influence and responsibility in policy decision-making. In his year as President of the University Senate and the Senate Council, he will work towards that end.

FACULTY ADOPTS NEW CURRICULUM

As was reported in the spring issue, a Curriculum Study Committee comprised of faculty members and an elected student was appointed to construct a curriculum for the academic year 1976-77 and subsequent years. The Curriculum Study Report was presented to the faculty for discussion at its September, 1975 meetings. The Report contained 16 separate recommendations. The meetings resulted in certain changes in our present curriculum plan. These decisions will become operative, to the extent feasible, for the coming academic year.

A. Legal Writing

One of the most difficult problems facing American legal education is to provide an effective vehicle for a legal writing program. After examining legal writing programs in other law schools, the faculty has decided that a legal writing program, other than moot court, should be established in the first year curriculum under the direction of a specialist in that area. The moot court program will be moved to the second year and intensified in terms of rigorousness and sophistication to provide the second-year student with a highly desirable educational experience at a time when such student can more effectively benefit from the exercise. Third year courses which emphasize legal research and writing would be added to the curriculum to enable the senior law student to experience drafting and related problems which he or she will shortly encounter in the practice of law. In this fashion, an integrated legal writing program with sufficient progression in levels of difficulty will enhance the legal research and writing skills of all students.

B. Required Courses

Except for the required courses in Professional Responsibility which is mandated by the American Bar Association Section on Legal Education, there will be no required courses after the first year of law school. This extremely difficult judgment is predicated upon the maturity of the law student to take those courses which he or she will require in the practice of law and, simultaneously, it will permit the student to choose certain courses which are otherwise precluded under a required course concept. Bar examinations and rules of certain courts require students to be aware of certain fundamental areas of the law beyond those areas treated in first-year offerings. The decision to remove certain upper division courses from the required category should in no way suggest any collective faculty judgment that courses which were formerly required are not important. Many of these courses will be prerequisites for other upper division courses which students typically elect in their third year. More important, the student's responsibility to ascertain that his or her legal education is comprehensive and sufficient to meet the challenges of practicing law in a complicated society should be the basis for course selection. The "required course" concept suggests a captive audience syndrome which is counter-productive. The mature judgment and decision-making which is required of every lawyer in society is

also required of law students. From one perspective, every course should be "required" since every course is important. However, it is impossible to take every course offered in the curriculum. The faculty believes that the student will make mature choices so as to preclude any possibility of insufficient preparation for the practice of law while, simultaneously, taking advantage of a more complete selection of elective offerings in which the student has a specific interest.

C. Additional Offerings

The faculty has decided that certain offerings should have priority in decisions to augment the curriculum. Thus, "counselling courses" which require the upper division student to exercise lawyerlike judgment and decision-making are desirable courses. These courses will integrate a substantial number of courses typically taken in the first or second year of law school. They will cut across the segmented course structure and require the student to use tools from any number of substantive and adjective areas. They will also require the student to engage in certain lawyerlike skills such as drafting. Beyond these "counselling" courses, the faculty also lists seminars high on its list of additional offerings. The seminar provides the student with a unique opportunity to pursue a narrow area of law in depth and to unearth the underlying philosophy of that particular concept. The student typically prepares a seminar paper which is of law review article quality, thus completing a genuine scholarly research effort. This perspective is one which many students should find desirable since it may be their sole opportunity to deal with a part of the law and legal process in this fashion. Finally, courses which deal with problems, legal drafting and research (partaking to some degree of the "counselling" course purpose and the seminar purpose) should be added to the curriculum.

All of these offerings are designed to provide the upper division student with a geometric or cumulative level of challenge as contrasted with a linear challenge which is so often true in American legal education. Instead of simply adding additional information to his or her general understanding of law, the student will have an opportunity to add to this quantum of information while using, in lawyerlike fashion, that which the student already comprehends, but in a scholarly, judgmental, decision-making form with the additional development of the skills of the lawyer.

D. Small Sections

Recognizing the impersonality of large classes, the small opportunity for participation by all students in such classes and the necessary lack of total involvement by students in large sections, the faculty has observed the success of a small section concept in the first-year curriculum of some other law schools and has, therefore, decided to utilize faculty resources for this purpose. In the first year curriculum (as early as 1976-1977), each first year student will take at least one of his or her full-year courses in a group of approximately twenty-five (25) students. At least nine small sections will be created for the first year to provide each first-year student with this highly desirable educational experience. It is possible that the new legal writing program, under the direction of one member of the faculty, would operate in accordance with the small section concept though that matter is left for implementation.

E. Other Decisions

The faculty has also decided certain questions which were of greater or lesser concern in its past operations and are contemplated as matters of faculty policy with respect to the changes already announced. The required courses which are currently offered in the second year will now be open to third-year students since such courses are no longer required. However, the second year student must be assured of the availability of any such courses which is a prerequisite for other upper division courses, i.e., those traditionally taken in third year. Therefore, should the course selection of any class of students result in a superfluous number attempting to take such core offerings, second year students will have priority so as to permit such students to take advantage of subsequent offerings which require such core courses. Otherwise, a third-year student may choose to take one of these core offerings (currently offered as "second-year" courses) in his or her third year. The faculty has also decided to limit, where feasible, the number of students in advanced courses to 100. Unless the teachers otherwise agree, the number of students taking sectioned courses should be equally divided. All sectioned courses should cover the same material though individual instructors may have different emphases and also add to that basic coverage. A continuing, orientation-type program should be developed by the law school administration and, the first-year Agency course should be moved to the first semester. For two years, the Skills Program has operated on an experimental basis. While the materials and operation of the program are still

subject to some modification, the faculty has decided that the Skills Program will be regarded as a regular part of the curriculum rather than an experimental part.

Conclusion.

The implementation of all of these faculty decisions will be performed by the Curriculum Committee and the Faculty Recruitment Committee. All plans for implementation will be submitted to the faculty for its approval before any plan is made operative. The law school administration joins the faculty in its hope that these modifications of our present curriculum structure will enhance the educational opportunities for students in our law school society. Whatever the cost in terms of faculty effort, administrative effort or the allocation of the always scarce resources available to us, if the educational opportunities are so enhanced, we thereby fulfill our primary responsibility.

LAW STUDENTS

We have often been asked about the number of students in attendance in the School who are related to graduates. From information supplied by our students the following list was developed.

Class of 1976	Alumni
Agresti, Thomas	Richard Agresti '36 Joseph Agresti '36 Charles Agresti '66
Alexander, Lee	A. L. Balter '24 O. M. Balter '28 William Balter '29 Robert Balter '72 H. Richter '24
Edmondson, Robert	Clinton L. Weddell '20
Gerhold, Catherine	Wayne Gerhold '71
Kessler, Steven	C. J. Recht '28 Herman Recht '32
Nash, Stephen	George Hann
Palmquist, Robert	J. Frank Kelker '31
Platter, Diane	Lawrence Platter '73
Poland, Peter	Wayne Gerhold '71
Port, Larry	Alan M. Block '59
Sable, Michael	Sidney J. Sable '32
Simon, Gregory	Steven P. Simon '72
Wechsler, Ellen I.	Frank R. S. Kaplan '14 Bernard B. Wechsler '72
Wood, Ann B.	William Elbridge Brown '17
Xides, Robert	Byron D. Xides '57

Class of 1977

Armstrong, Cathy M.
 A., Lucinda A.

Cassidy, Michael A.
 Canningham, Donald M.

Erkinson, Q. Todd
 Emery, Stephen Jr.

Fein, Irene R.
 Feldberg, Sue C.

Fulton, William J.
 Gregor, James P.

Hepting, Jane F.
 Landman, William A.

Lewis, Robert W., Jr.
 Perfido, Ruth E.

Raphael, Phyllis D.
 Smith, Templeton, Jr.

Wood, Edward B.

Alumni

Clyde A. Armstrong '22
 Lloyd O. Hart '14
 William C. Hart '53

Robert J. Cassidy '49
 Loudon L. Campbell, Sr. '23
 Loudon L. Campbell, Jr. '74

Howard D. Megahan '21
 Stephen Emery Sr. '32
 Arthur B. Rosenfeld '66

Samuel Roth '54
 Charles H. Fulton '34
 Michael Dorazio

David Hepting '76
 Alan Garfinkel '64
 Maurice H. Goldstein '25

Robert W. Lewis '52
 Stanton Levenson '66
 Robert Raphael '50

Nellie M. (Fergus) Smith '43
 Robert J. Wood

Class of 1978

Benstein, Steven Alan
 Blatt, Mary Veronica

Claypool, Kathleen Sue
 Colbert, William Howard

Egler, Frederick Norton
 Friedman, Philip Bruce

Friedman, Steven Alan

Jones, William Arrott
 Lebow, Larry Jay

Margolis, Ezra David

Means, Charles McCord
 Myers, Edward Doran

Neely, Bruce Wayne
 Kroyer, Nicholas H.

Schadel, James Robert
 Simpson, Kathryn Lease

Stein, Arthur William
 Straus, Richard Myers

Alumni

Thomas Hollander '61
 Hon. Genevieve J. Blatt '39
 D. Dale Claypool '56

William Howard Colbert '42
 Frederick N. Egler, Sr. '49
 Marvin A. Luxenberg '48

Joseph Friedman '72
 Rachelle Friedman '72
 Drayton Heard '14

Maurice Levinson '35
 Milton D. Margolis '39
 Herbert Margolis '52

John Means '51
 Edward Doran '39
 John H. Neely '27

William L. Kroyer
 Ralph Smith, Sr.
 Barry M. Simpson '72

Arthur G. Stein '49
 Frank C. Carroll '53

A MESSAGE FROM LAW ALUMNI ASSOCIATION PRESIDENT JAMES D. MORTON, '54



It is indeed a pleasure to serve as President of the Law Alumni Association, particularly in the year in which the new building will be opened and officially dedicated. The annual dinner of the Association will be held in conjunction with the official dedication on April 30, 1976. We are fortunate to have as co-chairmen of this event S. Knox Hunter, '33, and Samuel N. Goldman, '34. The aim is to have 1,100 people attend the dinner at the Pittsburgh Hilton, and you should mark the date on your calendar now.

A second major objective will be to increase the Annual Giving Fund participation to at least 50% of the alumni. This will take contributions from 1,350 of us by next June 30. We will continue our policy of awarding a "donor credit" in the Annual Fund to those who are paying off pledges to the capital campaign. From the rest we ask only that they weigh what the School of Law has meant to them and contribute proportionately, bearing in mind that participation counts as much as the dollar amount. We have alumni who are between jobs, in relatively low paying jobs, serving in the military, and retired on small fixed incomes. For them, a ten dollar gift is not a "token" but a sacrifice for which the School is most grateful. Those who are in a position to do more, should, and we hope, will do more. Again, the idea is that the gift be thoughtful and proportionate.

The Association is fortunate to have the following officers for 1975-1976:

First Vice President	—	Franklyn E. Conflenti, '52
Second Vice President	—	The Honorable James F. Clarke, '51
Secretary	—	Grace S. Harris, '68
Treasurer	—	Robert E. McKee, Jr., '67

We are pleased at the large number of students (10% of all students) who carry forward the tradition of our graduates in the School.

Richard Thornburgh, '57, the Assistant Attorney General who is in charge of the Criminal Division, U.S. Department of Justice, was the principal speaker at the annual dinner held on September 26. At this affair the Association presented a certificate expressing its appreciation to Professor David Bookstaver, who has retired. The fine turnout at this dinner can be attributed to the efforts of Dinner Chairman Blair McMillan, '60, and General Reunion Chairman, Ira R. Hill, '27.

Don't forget April 30, 1976 — the Dedication Dinner for the new School of Law building.

"PARTNERS" PASSES TWO-THIRDS

The Partners for Pre-Eminence campaign has edged past the two-thirds mark en route toward a goal of \$2.1 million. A total of 1,111 donors have pledged \$1,406,722 in the drive which began officially in September of 1973. Fully 90% of the money pledged has come from 521 donors of \$300 or more.* In singling them out, as we have done so often in our campaign reports, we mean no slight to the other 590 donors whose gifts involved, in many cases, more than a little sacrifice.

As with any capital campaign, we tried to offer incentives to attract extraordinary contributions. We constructed a ladder of memorials; the first rung was \$300, in return for which a donor could get his or her name recorded on a plaque to be permanently placed in the lobby of the new building. Separate and exclusive memorials began at \$1,000; in return the donor could put his name on the unit itself (e.g., study carrel, faculty office, seminar room) as well as on the main lobby plaque. As we noted, 521 alumni and friends were favorably enough disposed to these opportunities to make pledges ranging from \$300 to \$250,000. What follows are two analyses of the distribution of their pledges.

Gift Distribution

Range	Donors	Dollars
\$100,000 to \$250,000	4	\$ 615,000.00
\$ 25,000 to \$ 99,000	4	\$ 183,879.70
\$ 10,000 to \$ 24,999	10	\$ 101,970.85
\$ 5,000 to \$ 9,999	16	\$ 90,500.00
\$ 1,000 to \$ 4,999	107	\$ 143,875.00
\$ 500 to \$ 999	53	\$ 29,578.12
\$ 300 to \$ 499	327	\$ 99,240.00
TOTALS:	521	\$1,264,043.67

Donor Distribution

Range	Donors	Dollars
1919 and prior	9	\$ 24,450.00
1920 to 1929	54	\$ 72,270.85
1930 to 1939	93	\$ 186,705.00
1940 to 1949	82	\$ 61,450.00
1950 to 1959	138	\$ 108,910.00
1960 to 1969	67	\$ 27,950.00
1970 and after	30	\$ 9,200.00
Non-Alumni**	48	\$ 773,107.82
TOTALS:	521	\$1,264,043.67

The purpose of Bill Copeland and his volunteers was to produce "instant" cash to support the program of Partners for Pre-Eminence. About half the money pledged has been collected, with most of the rest scheduled for redemption in the next two years. Thus, Dean Sell and the administration of the School of Law will have the wherewithal to pay for massive additions to the library, a continuing education program, and the other qualitative things for which we sought support.

* An additional \$110,000 or 7.8% came out of the Nest-Egg Fund of the early Sixties.

**Individuals, law firms, corporations and foundations.

PLACEMENT STATS: CLASS OF 1975

Last year's placement picture was a relatively successful one for the 1975 graduates of the School of Law. One of the major reasons for our success was the support given to us by our alumni. Many of our alumni volunteered their help to advise and counsel students. Others contacted us to fill their employment needs.

As of mid-October 1975, according to the information available to the School about the class which graduated in May, 1975, 90 percent of the class that registered with the Placement Office had obtained employment or were continuing their graduate education in another school. The average starting salary of the group was \$13,000. This information was based upon 85 percent of the class. The total number of graduates was 150 persons.

Currently the Placement Office has the resumes of about a dozen individuals seeking full-time employment. Each individual has passed the Pennsylvania State Bar Examination. The Placement Office is continuing to seek your support for the placement of these remaining individuals.

FACULTY PROFILES

In order to better acquaint you with those who have joined the faculty this year, we will be pleased to present short profiles of each during this year's issues of Law Notes. The first two, those of George P. Smith II and Arthur Hellman, are found in this issue.

ARTHUR D. HELLMAN

Associate Professor Arthur D. Hellman has joined the law school faculty after two years as Deputy Executive Director of the Commission on Revision of the Federal Court Appellate System in Washington, D.C. The Commission's final report, submitted to the President, the Chief Justice, and Congressional leaders in ceremonies at the White House in June, recommended creation of a National Court of Appeals to settle important statutory issues which the Supreme Court does not have time for.

Earlier, Professor Hellman taught at the law schools of the University of Illinois and the University of Connecticut. He received his B.A., magna cum laude, from Harvard University and his law degree from Yale Law School. Before entering his teaching career he served as law clerk to Associate Justice James C. Otis of the Minnesota Supreme Court.

Professor Hellman's most recent work is *Laws Against Marijuana: The Price We Pay*, published by the University of Illinois Press in 1975. A second printing has been announced.

GEORGE P. SMITH II

After spending the summer at Cambridge University in England as a Visiting Scholar and the 1974-75 school

year at Columbia University pursuing post-doctoral studies in law as a University Fellow, George P. Smith arrived at the Pittsburgh Law School this fall as an Associate Professor to teach Property, Admiralty and Environmental Law.

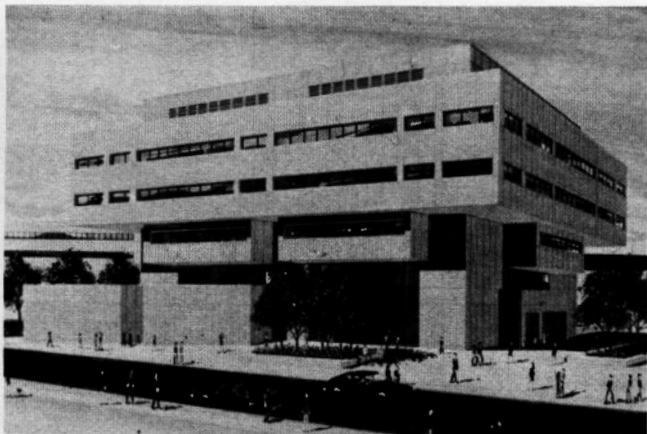
Professor Smith is an honors graduate of the Indiana University's School of Law. He received his baccalaureate in business-economics as well from that University. His LL.M. was earned from Columbia University.

Coming from a family of lawyers, Professor Smith is the fifth generation to have practiced in Indiana and in Washington, D.C. He has served as a member of the law faculties of Michigan, Indiana and New York. He has also taught at Georgetown, George Washington and Catholic University Law Schools as an Adjunct Professor during his years in Washington.

Professor Smith first saw federal service at the U.S. Department of State. He later served from 1971-74 as a Special Counsel for Legislation and Intergovernmental Relations to William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency. Before undertaking this assignment, he served as Winthrop Rockefeller's Special Counsel for Environmental Legislation when Mr. Rockefeller was Governor of Arkansas.

Professor Smith represented the American Bar Association at the U.N. Conference on the Human Environment in Stockholm in 1972 and served as Chairman of the A.B.A. Committee on Environmental Quality from 1971-75.

Widely published — and particularly in the fields of environmental and maritime law, Professor Smith was recently selected for inclusion in *Who's Who in America*. He is presently serving as Consultant to the University of Pittsburgh School of Engineering project with the U.S. Department of Transportation which is studying the automobile and its effect on air pollution.



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