PACKEL & HYLAND

Something In Common

NO-FAULT DIVORCE
A Pennsylvania Proposal

OMBUDDS MAN
One Semester Later
LATE NEWS

A professorship at the Law School has been named in honor of Jefferson B. Fordham, professor and dean of the school from 1952 to 1970. Designation of the Jefferson B. Fordham Professorship of Law was announced by Martin Meyerson, president of the University and Bernard Wolfman, dean of the Law School, on behalf of the Trustees of the University.

Dr. Fordham, now professor of law at the University of Utah, holds the title of Dean Emeritus of the University of Pennsylvania Law School. President Meyerson called Fordham "an eminent scholar, a great teacher, and a distinguished citizen." Dean Wolfman said: "Our faculty is privileged to be able to honor a former colleague and great legal educator in this way, and we look forward to filling the chair with a person of distinction."

The Jefferson B. Fordham Professorship of Law recognizes Dr. Fordham's extensive teaching and research in law particularly in the fields of local government law and legislation. He is author of a leading casebook, Local Government Law and co-author of Cases and Materials on Legislation. Dr. Fordham served as President of the Association of American Law Schools in 1970. He was a member of the Pennsylvania Commission on Constitutional Revision, a member of President Kennedy's Advisory Panel on Ethics and Conflict of Interest in Government, and, by appointment of the late Richardson Dilworth, Chairman of the Philadelphia Mayor's Ad Hoc Committee on Improvement in Municipal Standards and Practices. He is also a former President and Honorary Life President of the Fellowship Commission of Philadelphia.

Dr. Fordham was the first chairman, serving from 1966 to 1968, of the Section on Individual Rights and Responsibilities of the American Bar Association. He also has served as the chairman of the American Bar Association's Section on Local Government Law.

Law Alumni Day was held on May 10th and will be covered in detail in the next issue of the Journal. Highlights included a seminar on the topic "Psychiatry, Moral Issues and the Law," and the election of officers of the Law Alumni Society.

The Class of 1939 held its 35th reunion on March 23rd. Dean Wolfman and Professors Bruton and Frey were guests of the class. Chairman of the reunion committee was Howard W. Taylor, Jr.

There will be a reception for Law School alumni on Tuesday, August 13, in Honolulu during the ABA Meeting there.

Philadelphia Common Pleas Court Judge David N. Savitt has forwarded the following letter, containing an addendum to his article on no fault divorce which appears in this issue beginning on page 4, to the Journal.

To The Editor:

Since I prepared the article on No Fault Divorce for publication in the Law Alumni Journal, House Bill No. 905, the Divorce Reform Bill, was reported from the Senate Judiciary Committee with amendments on April 30, 1974. As a result of this, I have prepared the following addendum which should be included in the article:

On April 30, 1974, the Senate Judiciary Committee reported out House Bill 905, the Divorce Reform Bill, with amendments. The principal changes made in the Senate Committee are as follows:
1. The entire counselling procedure is eliminated.
2. The period of separation is reduced to one year in all circumstances and is grounds for divorce in uncontested cases with no obligation to show that the separation originally occurred by mutual consent.

The conciliation procedure was originally inserted in the Bill as a compromise to obtain the necessary votes for passage in the House. It is conjectural whether the version released by the Senate Judiciary Committee can pass the Senate and receive concurrence in the House.

I believe there is a very good chance that the Bill will pass the Senate in its present form and a substantial possibility that it will be concurred in by the House. Should the House fail to concur, then a Conference Committee would be appointed to prepare a compromise version of the Bill for submission to both Houses of the Legislature.

Sincerely yours,

DAVID N. SAVITT

LAW ALUMNI JOURNAL
NEWS & FEATURES

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Hon. David N. Savitt, '53: Judge of the Philadelphia Common Pleas Court.

There is considerable interest concerning House Bill 905, the proposed Divorce Reform Code which passed the Pennsylvania House of Representatives on October 16, 1973. The primary difference between this and similar bills which were introduced and failed in previous sessions of the legislature is that HB 905 contains a more detailed conciliation procedure.

This legislation is lodged presently in the Senate Judiciary Committee. According to Senator Louis G. Hill, the bill will be considered by his Committee this spring and probably will be reported to the Floor in substantially the same form that it passed the House.

The major change of HB 905 is that it creates a new ground for divorce—Consensual Separation for eighteen months; one year where there are no children eighteen years or under.

This legislation requires that the separation must be with the mutual consent of both parties. In this regard HB 905 differs from similar legislation recently passed in other states where the consent of both parties is not required.

Since in Pennsylvania there is no provision for alimony, to permit a separation, not agreed to by both parties, to be grounds for divorce would be unfair.

Under the bill, there will be several other significant changes in the law as follows:

1. One Judge will handle all phases of a domestic cause;
2. Separation Agreements and Post Nuptial Agreements may be enforced by contempt and attachment even after divorce, providing the Agreement is established to be voluntary after a full hearing. This provision actually creates what may be deemed Voluntary Alimony. Under this provision many defendants will not contest a divorce action since there will be adequate assurance that the Separation Agreement to pay support will be effective and enforceable, even after the divorce is granted.
3. The residence requirement is reduced from one year to six months.
4. The period required for desertion will be reduced from two years to one year.
5. The defenses of collusion and connivance will be abolished except in the case of fraud.

HB 905 provides a very extensive conciliation procedure which will require a specific appropriation. Although the costs of conciliation may be assessed against the parties, where the parties are indigent or unable to pay, these services will be paid for by the State.

The bill requires that a notice of intention to file a complaint must be filed sixty days prior to the filing of the complaint. Extensions past sixty days will be given only where both parties agree in writing. Where there are children eighteen or under, both parties will be ordered to meet with a qualified Marriage Counselor for conciliation during the sixty day period. Where there are no children or children over eighteen, this is discretionary with the Court. Counselors will be provided by the Court where no satisfactory counseling service is already available within the community.

Where the plaintiff fails to cooperate the Court shall refuse to allow the case to proceed further. Where the defendant refuses to cooperate the Court will order further conciliation not necessary and permit the plaintiff to file a complaint. In any event, the report of the Marriage Counselor must be submitted to the Court within the sixty day period or any extension thereof. Where there is no reconciliation within the sixty day period, the Court shall proceed with the case.

Judge Savitt is a former member of the Pennsylvania House of Representatives and the author of HB 905.

By Hon. David N. Savitt, '53
No-Fault Divorce: A Case Against

By Mary Alice Duffy, Esq.

If House Bill 905 is passed in its present form, Pennsylvania will be the only state in the union with a "no fault" divorce statute, and no provisions whatsoever for permanent alimony, support, or mandatory division of property and income. Such a law would be disastrous for dependent spouses who could then be divorced without any fault on their part, over their objection to the divorce itself, and could be left penniless, without permanent alimony or support.

This bill has been falsely touted as a bill for divorce by consent and a bill to end perjury. Unfortunately, it is neither. House Bill 905 does not require the consent of both spouses to the divorce itself, nor does it even require the consent of an injured, innocent, dependent spouse.

Article III, Section 301(3) of the bill provides that the parties can be divorced from the bonds of matrimony merely by "living apart with the consent of both parties for a continuous period of (a) not less than one year if the parties have no children 18 years or under, or (b) 18 months if the parties have children 18 years or under, "immediately prior to the commencement of the action because of estrangement due to marital difficulties."

The bill does not define the terms "consent" or "living apart", nor does it set forth the manner in which the "consent" to the living apart shall be proved.

Does the consent to the living apart have to be in writing, or can an innocent, dependent spouse be divorced over her objection to the divorce itself upon the oral testimony of her husband? Does the consent have to be an informed, intelligent consent where the defendant fully understands that she or he can be divorced, after the statutory period of separation, and thereby lose all right to (1) support; (2) her share in the spouse's estate upon his death; (3) social security; (4) veteran's benefits; (5) pension plan benefits coming through the plaintiff. Certainly, where such rights are at stake and where a dependent spouse of 50 or 60 years of age can be divorced without fault and without permanent alimony or support, nothing less than a fully informed, intelligent, voluntary consent should be permitted. The consent should be in writing, setting forth knowledge and waiver of all known rights. The consent required should be to the divorce itself, and not merely to the separation.

If the separation was caused by the fault of the plaintiff, through adultery, cruel and barbarous treatment, desertion, indignities or some conduct falling short of those grounds which causes the defendant, in desperation, to leave or to tell the plaintiff to "get out", or to "agree" to a separation, can such a separation be deemed "consensual" or "voluntary"?

V. G. Lewter, in an Annotation in 14 ALR3rd 502, reviewing the laws of states which permit divorce after a statutory separation period, states at page 505: "Most courts have held, under a statute providing for divorce to be granted on the ground of separation for a specified period which has no mention of fault, that fault or misconduct of the party seeking the divorce is not a defense to a divorce on this ground."

The words "voluntary" and "consent" in statutes permitting divorce on grounds of voluntary or consensual separation have been rendered all but meaningless by decisions in many state courts. In Issaescu v. Issaescu, 82 Nev. 239, 415 P.2nd 67, the Supreme Court of Nevada held that "voluntariness" of the separation with intent to disrupt the marriage is to be inferred from the fact of separation for the statutory period. The court held that the plaintiff makes out a prima facie case by showing the separation for the required period, and the burden then shifts to the defendant.

V. G. Lewter, Annotation—Fault of Spouse as Affecting Right to Divorce Under Statute Making Separation A Substantive Ground of Divorce, 14 ALR3rd 502—Case law in the various states is cited therein.

(Continued on page 15)
With the appointment of William F. Hyland, '49, as the new attorney general of New Jersey, the Law School has alumni in neighboring states heading their respective states' Justice Departments—Israel Packel, '32, became Attorney General of Pennsylvania in January of 1973.

The JOURNAL recently spoke with both men, Packel with a year's experience and Hyland newly appointed, to see how each views his job.

Someone looking for Israel Packel, '32, these days is likely to find him in one of two places—at a press conference or on the basketball court of the Harrisburg “Y”.

Packel, 100th Attorney General of the Commonwealth of Pennsylvania, came into the office on a storm of controversy and, despite his best efforts to maintain a low profile, has recently become a controversial figure himself.

In 1972, Packel was sitting on the Pennsylvania Superior Court, having been appointed there by his long-time friend Governor Milton J. Shapp. Prior to that he had served as Counsel to the Governor in the new Shapp administration.

Then Shapp fired State Police Commissioner Rocco Urella and forced incumbent Attorney General J. Shane Creamer from the job after their private disagreements about law enforcement policies in the state and the conduct of a State Crime Commission investigation into police corruption had flared into a public battle.

What Packel envisioned as a long and relatively peaceful tenure on the bench gave way to the urgings of the Governor and Packel found himself the new Attorney General.

“I felt that I was looking into a very challenging situation and one which would call for a lot of action,” Packel said recently. “Although I liked the serenity of the Court, I always have liked action.”

Action, or motion, seems to be a good way to describe Packel.

During his years of private practice, he also lectured at both the Law School and the Temple University School of Law, authored a book “Law of Cooperatives” and, as a member of the American Law Institute, served as an advisor on “The Restatement of the Law of Agency” and “The Restatement of the Law of Conflicts.”

Since Packel and his wife Reba live in Philadelphia and the Attorney General’s office is in Harrisburg, Packel has joined the ranks of Philadelphians who commute to the capital, returning home on the weekends.

“The only advantage that comes from living a ‘tale of two cities,’ ” Packel said, “is that during the week I have the time to get up early and work late.”

When in Philadelphia, Packel enjoys playing softball or touch football, and in Harrisburg he goes to the “Y” for a pick-up game of basketball.

The demands of the job of Attorney General keep Packel on the move. He’s involved, among other things, in litigation stemming from Pennsylvania’s Equal Rights Amendment; the Pennsylvania Crime Commission; the Governor’s Justice Commission; and reviewing death penalty legislation.

Not surprisingly, Packel views the role of the Attorney General as that of an activist.

“Being an activist is all right, but if you aren’t careful, you are putting yourself where you shouldn’t be,” he says.

“I have taken the position that where a significant group is involved, and particularly where there is no adequacy of representation, I want to fight for them.”

“However, if it’s a private thing and there is good representation on both sides, I choose not to get into it.”

The variety of the job is one of the reasons Packel enjoys being Attorney General.

“I’m not a one-goal oriented person,” he said. “My (Continued on page 24)
State government in New Jersey had been going through its own version of Watergate until the election in November of 1973 of former Judge Brendan Byrne as governor.

So it comes as no surprise that the top priority new state Attorney General William F. Hyland, '49, has set for himself is to rehabilitate the public's confidence in government.

Hyland, who "had some inkling" that he would be tapped by Byrne to head the state's Justice Department, came into office in January after Byrne's inauguration.

He believes the way to restore public confidence in government is through reform of campaign financing.

"I have the conviction that we have to get public financing of elections if we are going to avoid 'Watergates' in the future and the scandals arising out of campaign financing," he said.

"It's very demeaning to the people who run for office to have to solicit funds for their campaigns and unfortunately it is often too great a temptation to accept or solicit contributions which are in violation of the law."

"The present system is unfair to the public and can ultimately be tragic for the candidate. Therefore, the public has to take steps to protect office holders and office seekers from the pressures and temptations inherent in financing a campaign."

Hyland is no stranger in politics.

He was elected to the New Jersey General Assembly for the first time in 1953 and re-elected three times, serving until 1961. In 1958, he was elected Speaker of the Assembly, the first Democrat to hold the post in 21 years.

After serving as President of the New Jersey Board of Public Utility Commissioners from 1961 to 1968, spanning the administrations of Governors Robert Meyner and Richard Hughes, Hyland took a brief 'sabbatical' to privately practice law full-time.

However, in January of 1969, he was appointed by Governor Hughes to head the newly-created State Commission of Investigation.

As Chairman of that commission, Hyland presided over a series of investigations and hearings which disclosed scandal or inefficiency in the governments of the City of Long Branch and Monmouth county, the State Purchase and Property Division, and other public and private areas.

He returned to private practice in July of 1970, although he remained active politically as the organizer and chairman of the Committee for a Responsive Legislature.

The new administration has already taken some steps toward its goal of rehabilitating public confidence in government.

The Governor and all of the members of his cabinet, pursuant to an order issued by the Governor, have made complete personal financial disclosures under oath, and will continue to do so on an annual basis.

The disclosures, which must also include the holdings of the Cabinet members' spouses, are being made "so that conflicts or appearances of conflicts can be avoided," Hyland said.

"We are also taking steps to see that the public's right to know is fulfilled, and that people in the government of this state are made to realize that the more the public has an opportunity to review the government in its workings the more confidence people will have in that government."

The administration has also introduced proposed legislation for the state which would provide for more severe penalties for public corruption, and enlargement of the statute of limitations for public corruption offenses "so that the statutory period wouldn't begin to run until the office holder leaves office," Hyland said.

"We are also looking into statutory changes that would permit restitution to be more effectively handled at the time of sentencing of a public official who has been convicted of corruption in office," Hyland said.

(Continued on page 23)
Portents Of The Comet Kohoutek

By Robert M. Landis, '47

This morning I walked the walled bluff overlooking the Savannah River and thought about the history of this gracious city which became the capital of the thirteenth state of Georgia soon after the Declaration of Independence was signed. It was only a momentary interlude in the path of the comet, Kohoutek.

Not many centuries ago comets were thought to portend deep troubles for earthmen. The Saxons blamed the Norman invasion of England on the evil influence of the comet. The Bayeux tapestry threads Halley's comet hovering in the background, ominously overhanging the Battle of Hastings in 1066. The medieval Black Plague was believed to be the work of the comet. The ancient Spartans even prescribed in their constitution that a comet could justify impeachment of the king. So it is not all so riddled with necromancy to search the skies with something more than casual wonder for the brilliant astral visitor, Kohoutek that sweeps the skies this week, and to speculate with the ancients over its portents.

We need not take as a 20th century verity the 18th century predictions of the French astronomer, Laplace, who foresaw a cataclysmic collision between the earth and the comet, to have some sense of despair for our time and place in history. There are doomsayers enough among us to make old astronomers sound almost comforting.

There is a troublesome feeling of disintegration today, like the child who watches his artfully built sand castle crumble and slip away down the beach with an ebbing tide. H. G. Wells described it as "a shrinking and fugitive sense that something is happening so that life will never be quite the same again."

Life really isn't quite the same again for any generation. Each one has to re-examine for itself the moral precepts that it was left by its elders, the principles of tolerable conduct that worked, after a fashion, in a passing age. Edith Hamilton wrote of the Greeks and the Romans, "Never an age that is not appalled by its own depravity." And Goethe suggested, "That which thy fathers bequeathed thee, win it anew if thou wouldst possess it."

It is instructive to step back a little and to look at our times in the perspective of history. For in that perspective there are discernible polar trends in moral traditions, cyclical movements from laxity to strictness. The pole of laxity is clear in early imperial Rome and in the disorderly society that culminated in the Italian Renaissance. The sequence of rigorous suppression of open indulgence in conventional vices by the English Puritans was followed by the indulgence of the Restoration under Charles II. Of that era, the eminent Harvard teacher, Barrett Wendell, observed to one of his classes:

"Charles II was no more immoral than a cab-driver or than some of yourselves, but his tastes were expensively administered unto and his loves were public as those of a fox terrier."

In our own country the Gilded Age, when private and public corruption were accepted as a way of life,

(Continued on page 20)

Japanese Visitor

An attorney from Japan, Michiko Ariga, is a visiting lecturer at the Law School for the 1974 spring semester, teaching a seminar in Japanese Trade Regulation and Consumer Protection.

A specialist in economic and trade law, Ms. Ariga served as a commissioner on the Fair Trade Commission of Japan from 1967 to 1972. During 1973, she was a lecturer on international trade law on the postgraduate level at Chuo University in Tokyo. She was a lecturer on economic law at Rikkyo University in Tokyo during 1972-73. Ms. Ariga also had been a lecturer on the civil code at Kanagawa University in Yokohama from 1953 to 1967.

(Continued on page 24)
When President Martin Meyerson asked me last spring to serve a two-year term as the University of Pennsylvania’s ombudsman, I quickly accepted. The opportunity was an unusual one for a professor of administrative law.

Administrative law, in a small nutshell, describes the rules that govern the decision-making processes of governmental officials and bureaucracies. The rules reflect the principles of procedural due process and fundamental fairness prescribed by the Constitution, as well as the needs of effective administration and the dictates of good sense.

Having spent nine years at the university thinking and writing about problems of the fair administration of governmental agencies, I could hardly turn down an opportunity to play a part in insuring the fairness of the procedures by which the university reached its decisions and administered its policies.

It seemed to me, as something of a hypothesis, that the informal methods of an ombudsman held greater promise as a means of protecting individuals in a university community from arbitrary administrative action than more formal methods did. The fact that formal methods of protecting individual rights (the most prominent being adversary hearings, with the right of confrontation and cross-examination) have traditionally been less well developed in universities than in other social institutions, such as governmental agencies and courts, meant that there would be greater occasion for testing the hypothesis against a wide variety of situations.

Within the course of a two-week period near the start of the school year, I met with students who complained, variously, that the faculty evaluations placed in their files were unfair and prejudicial, that their department had either neglected to send out letters of recommendation to graduate schools or had done so too late for them to arrive on time, and that they had been denied their rightful priority on a room assignment list because of their sex.

During the same period, I met with a faculty member concerned over the allegedly casual manner in which his department had reached a decision to deny him tenure. Another faculty member was upset that a chairman would not permit him to teach courses in which he claimed specific expertise.

I also met with technicians who said that the work areas to which they were assigned were unsafe and unsanitary, and with secretaries complaining that they were required to take their bosses’ dirty linen to the cleaners, that faculty members in their department invariably spoke to them rudely and peremptorily, and that decisions to terminate their employment were based on nothing but gossip.

Statistics add a dimension to the story. During the first five-and-a-half months of the year—from July 1 to December 10, 1973—the Office of the Ombudsman has worked on 95 cases from almost all of the major sectors of the University. The breakdown by sources (with some exceptions that do not fit the major categories) is as follows:

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<td>Dental School</td>
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<td>School of Education</td>
<td>1</td>
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(Continued on page 19)
Retired Pennsylvania Supreme Court Chief Justice John C. Bell, Jr., '17, died on March 18.

Justice Bell, who was 81, was appointed to the Supreme Court in 1950 and became Chief Justice in 1961. He retired in 1972, having headed the state's highest court longer than anyone else in the past 120 years.

Born in Philadelphia on October 25, 1892, he was the son of John Cromwell Bell, Sr., who served as attorney general of Pennsylvania, and Fleurette DeBenneville Bell.

After being graduated from the University, he went on to the Law School. He began his legal career in 1919 as an assistant city solicitor and moved to the district attorney's office in 1922.

Justice Bell was appointed state secretary of banking in 1939 and in 1943 was elected lieutenant governor.

On January 2, 1947, he became governor of Pennsylvania after Edward Martin resigned to enter the U.S. Senate.

Bell was succeeded 19 days later by James H. Duff, the newly elected governor, thereby entering the record books as the governor who held office for the shortest length of time.

While at the University, Justice Bell wanted to play football, where his late brother, former National Football League commissioner Bert Bell, had starred.

He wound up playing soccer, since he wasn’t rugged enough for football, and became captain of the Penn soccer squad and an all American soccer player.

He was also a member of the University tennis squad and at one time was one of the top 10 amateur tennis players in the country.

Justice Bell was known for his belief that governmental interference into the lives of private citizens should be kept to a minimum.

"We have too many laws," he once said. "It is impossible for the people to know even a fraction of them. At least 50 percent of the laws that are passed are unnecessary."

To reduce the number of laws, Justice Bell proposed, legislators should cut their working time by half so they would have less time to vote on legislation.

The former Chief Justice was a strong believer in harsh punishment for convicted criminals, a belief which often set him apart from his colleagues on the bench.

"Too many convicted criminals are given sentences which are far too lenient," he once said. "This is a major cause of the crime wave which is sweeping our country and particularly Philadelphia and other large cities."

When Justice Bell retired from the Supreme Court in 1972, the Philadelphia Bulletin published an editorial which said that while on the bench, Justice Bell had "resurrected" a principle from the common law.

"And that was the average Philadelphian's right to (Continued on page 24)
Woman In The Law: Naidoff

By Mary Jane Holland

Civil rights, contract compliance, Medicare and education are part of her life on a day to day basis.

The woman is Stephanie Weiss Naidoff, and she heads the legal staff at the U.S. Department of Health, Education and Welfare regional office in Philadelphia.

Ms. Naidoff, who was appointed HEW's regional attorney last October, is a 1966 graduate of the Law School.

At 31, she is one of the youngest attorneys to direct HEW's legal affairs and is the first woman to be appointed to a top legal position at the federal agency.

"We provide legal services for the various divisions in the region, which means a broad range of topics—health, education, welfare income and services, civil rights, environmental issues, equal employment opportunity and internal legal services," she said.

Her region is composed of Pennsylvania, Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

Her staff is involved not only in litigation, but in reviewing policies and guidelines released by HEW, and being present in meetings of all types.

"For instance, when HEW investigates a sex discrimination case, our staff works with them as they develop a case."

Most of her time these days is spent in administering the department. She heads a staff of 18 lawyers who are involved in many diverse cases.

Before joining the HEW legal staff in 1968, she was on the legal staff of an insurance company and did legal research for the city of Baltimore.

"I started working for HEW as an attorney, working in the field of Medicare for the first three years."

Then she and her husband Michael, an ophthalmologist, moved to San Francisco, where she got into another one of HEW's fields—welfare.

While she was in San Francisco, she was involved in the welfare conformity hearings.

"We sued the states of California and Arizona for not conforming to Federal regulations and they stood to lose a lot of Federal funding. It was more than just a big legal proceeding, because there were so many political implications to the case."

She then went to the Baltimore HEW office, where she did legal work in the area of welfare reform, and later became special assistant to the general counsel.

"Welfare reform was exciting work. We weren't constrained—it was a brand new field. There were no legal decisions and we had to anticipate what the reaction of the courts would be."

Now, as head of the regional office in Philadelphia, Ms. Naidoff is involved in all of the fields.

"The work of the department has grown. We're trying to cope with the workload, which is exploding. In the past, this office has handled about 300 Social Security disability cases. This caseload has grown to about 500."

(Continued on page 27)

Polly Who?

By Robyn Feinberg

This article is dedicated to the male and female "chauvinists" of America who believe everything they read and see on television, in newspapers, magazines, and articles like this one.

The American woman, according to Madison Avenue and the Queen of Television, Lucille Ball (Lucy, being a businesswoman and liberationist in your own right, I'm really surprised), comes across as an "idiopar," and for all you sexists out there, an "idiopar" is a cross between an idiot and a parrot.

"Polly want a cracker?" Get It?

(Continued on page 22)
Cox Delivers Roberts Lecture

Speaking to over 3,000 alumni and guests crammed into Irvine Auditorium, former Watergate special prosecutor Archibald Cox said that he believes President Nixon has no constitutional right to withhold documents demanded by the House Judiciary Committee.

"The House cannot serve as the grand inquest of the nation, as the Constitution intends, if the very President whose conduct in his official duties is under investigation can balk at the inquiry by withholding the recorded evidence of his conduct in the Executive Branch," Cox said.

Cox was at the University to deliver the annual Owen J. Roberts Memorial Lecture, sponsored by the Law School, the Law Alumni Society and the Order of the Coif. His topic was executive privilege.

He was fired by President Nixon in October, during the now famous "Saturday night massacre," for refusing to obey an order to stop seeking White House information about Watergate.

"There is no real historical precedent for a claim of privilege in a committee hearing looking to impeach or not to impeach," the Harvard law professor and former U.S. Solicitor General said.

"So far as one can judge from the history of past occasions for claiming power to withhold, not the slightest damage would be done to the Presidency by President Nixon making full disclosure."

Cox said he also disagrees with the President's position that only violations of law constitute impeachable offenses.

"English precedents go beyond limiting it to the indictable," Cox said, adding that if a President stayed in the White House all year but did nothing, that would be an impeachable, but not an indictable, offense.

The lecture was preceded by a dinner in the University Museum.

At the beginning of the lecture, Dean Bernard Wolfman announced that the Philadelphia firm of Montgomery, McCracken, Walker & Rhoads has established an endowment of the Owen J. Roberts Lecture in memory of Justice Roberts, who was a founder of the firm.

Professor Cox with Dean Wolfman.

Professor Cox at Roberts reception.
The dais at Roberts dinner.

Cox delivering Roberts lecture in Irvine Auditorium.
Report
On
Law
Alumnae

By Sharon K. Wallis, '67 and Marlene F. Lachman, '70

Gloria Steinem was asked recently whether she felt that the women's movement was running out of steam. "No," she replied, "it's just that everyone is going to law school."

The opportunity to practice law has traditionally been central to the women's rights movement. Penn's first woman graduate was one of the great pioneers in this crusade.

In 1871, one year before the United States Supreme Court rejected Myra Bradwell's argument that the Fourteenth Amendment guaranteed her right to admission to the Illinois bar, Caroline Burnham Kilgore was denied admission to the University of Pennsylvania Law School. Ms. Kilgore proceeded to study law, and in 1873 was refused the opportunity to take the Bar Examination because there was "no precedent for examination of a woman for admission to the bar." She argued her case to the State Supreme Court and the Chief Justice, in denying her plea, pronounced it to be an able and exhaustive argument. Finally, in 1881, Ms. Kilgore appeared before a joint session of the Legislature and secured passage of a bill providing for the admission of women to the legal profession. That same year she entered the University of Pennsylvania Law School, and became its first female graduate in 1883. She practiced law in Philadelphia for the remainder of her life.

Ms. Kilgore was the first woman to practice before the Penna. Supreme Court, and the fourth admitted to practice before the United States Supreme Court. At the age of seventy she was a passenger in the first balloon ascension of the Philadelphia Aeronautical Recreation Society which resulted in a forced landing in the Schuylkill River.

Women remained a minute minority of the student body at Penn, as in other law schools throughout the country, until the resurgence of the women's movement in the last decade stimulated a dramatic increase in the number of women attending law school. Nationally, a study by the American Bar Foundation documents the increase of women from 3.78% of all law students in 1969 to 9.42% in 1971, comprising 11.84% of the first year class. This trend has been even more apparent at the University of Pennsylvania where the number of female students has increased steadily and now is about one quarter of the first year class.

One of the purposes of the Alumni Society is to facilitate exchanges between alumni and students and alumni among themselves. Last year the Board felt that it would be appropriate to provide a special opportunity for female students and graduates to share their experiences and concerns. As part of the Alumni Day program, a Saturday brunch meeting was arranged. The women on the Alumni Board sent out invitations to all alumnae. A questionnaire was also enclosed requesting certain biographical information and general comments. The major purpose of the questionnaire (Continued on page 25)
contesting defendant to prove that it was involuntary. 
Other states have provisions for permanent alimony or support, or as Texas calls it "division of property", and therefore the situation for dependent spouses is not so grave in other states as it would be in Pennsylvania if House Bill 905 is passed because this bill has no provision for permanent alimony, except in cases where the defendant is insane. While there is no permanent alimony under present Pennsylvania law, neither is there "no fault" divorce. Dependent spouses have some measure of protection under present Pennsylvania law because they can only be divorced upon proof of fault.

The situation which occurred in Delaware should cause us alarm. Delaware has two no fault grounds; (1) When husband and wife have voluntarily lived separate and apart without cohabitation for 18 months prior to the filing of the divorce action and such separation is beyond any reasonable expectation of reconciliation; (2) Incompatibility. Originally, there was no permanent alimony in Delaware and that state witnessed a large scale "spouse dumping" spectacle where wives who had contributed much to the financial success of the marriage through valuable services as homemakers were divorced over their vigorous objection and contest, and left penniless. On occasion, needy husbands, too, were ejected from the only home they had and knew. In 1970 Delaware enacted a provision for permanent alimony under its incompatibility clause. Since that time, say some sources, the situation has improved somewhat and the courts have a tendency to grant more divorces on the incompatibility ground which provides for alimony and fewer divorces on the voluntary separation ground which does not provide permanent alimony.

Nevertheless, the situation is still bad in Delaware for many dependent spouses.

In Varatti v. Varatti, 291 A. 2d 277, decided May 5, 1972, the Supreme Court of Delaware permitted a husband to divorce his wife of 25 years, over her vigorous protest, on the voluntary separation clause of the Delaware Statutes which provides for no alimony. Therein, husband and wife were married in 1947. She bore 4 children. A pattern of separations started ranging from 2 months to 1 year which generally ended when husband returned. At the time of the last separation, there was a heated argument and husband again left the common domicile. He testified that during the last argument, wife said, "Take off." She denied this and insisted that the separation was not voluntary. Husband admitted at trial that he had been living with another woman for at least 2 years. Wife averred that it was much longer. Nevertheless, the court held the separation to be voluntary and granted the divorce while merely giving lip service to prior holdings that a separation caused by the misconduct of one spouse can not be regarded as voluntary. Since the divorce was granted on the voluntary separation clause, the defendant-wife was cut off without any permanent alimony or support. It is remarkable and indeed, frightening that the court would find, on the uncorroborated testimony of the husband, denied by the wife, that the words, "Take off" uttered in a heated argument were sufficient to constitute a voluntary separation.

The same result occurred in Wilcox v. Wilcox, 209 A. 2d 166, decided in 1965. There husband and wife were married in 1940. She had 4 children of the marriage. Difficulties ensued. In November of 1959, an argument occurred and husband packed his things and left the common domicile. Wife remained in the home. He filed a complaint averring voluntary separation. She filed an Answer denying that the separation was voluntary. She averred throughout the proceedings that husband deserted her. The court held that the fact that the wife made no effort "to persuade her husband to return to cohabitation" while not conclusive was some evidence that she "acquiesed" in the separation so as to make it voluntary. There again a wife of 25 years was divorced over her contest on the voluntary separation clause without alimony.

Indeed, in Heckman v. Heckman, 245 A. 2d 550 (1968), the Delaware Supreme Court held that the term "live separate and apart" does not require the residence of the husband and wife in separate domiciles. Therein, it was held that living in separate bedrooms in the same house without cohabitation is living separate and apart.

The lot of a dependent spouse in Delaware is not a happy one and it should not be inflicted on Pennsylvania residents.

The sponsors of House Bill 905 say that the legislative intent was that divorces on the "living apart" no fault clause be granted only where the divorce is uncontested. However, thus far, no court in any state in the union has interpreted the voluntary or consensual separation clauses to mean that a divorce can be granted thereunder only when it is uncontested. If this were the legislative intent, then it should have been written into the bill in view of the decisions in all other states having "no fault" provisions.

States with provisions for permanent alimony or support for the needy spouse, regardless of fault, look upon Pennsylvania's refusal to grant permanent alimony based on need (except in cases of insanity) as cruel, barbarous, and inhuman. Theodore Sager Meth, Esq., Professor of Law at Seton Hill College and Chairman of New Jersey's Joint State Government Commission which drew New Jersey's law so stated on a Pennsylvania television program, Perspective, on Channel 6, April 6, 1974.

All obligations of marriage should not end upon divorce. The duty to support a needy spouse or ex-
spouse should endure and survive a divorce. Nevertheless, those “in the know” state that the majority of Pennsylvania legislators are so strongly opposed to permanent alimony that they will not accept it now or in the near future. Certainly, therefore, there should be no “no fault” divorce in Pennsylvania.

If provisions for alimony were to be enacted, they should not be designed merely to keep a dependent spouse off the public relief roles. The alimony should be sufficient to keep the dependent spouses in the style to which they were accustomed during the marriage. Even in countries which permit polygamy, a man is permitted to take only as many wives as he can afford, and a second wife can not be taken if it will reduce the standard of living of the first wife.

The contribution of the good homemaker or house­hold executive to a marriage is great. During her married life, she has been cook, laundress, house­worker (heavy and light), seamstress, child’s nurse, governess, disciplinarian, homework supervisor, first­aid technician, practical nurse, chauffeur, shopper, budget manager, interior decorator, receptionist, and hostess. In addition, when the husband is self-em­ployed or the business is family-owned, the wife often works in the business itself. Were we to compute a good homemaker’s services and hours on union scale, we would probably find that they are worth at least $30,000.00 a year. She often contributes more in services than her husband earns. When the children are grown, she looks forward to less work and more luxury, perhaps a maid and longer vacations.

To permit such a spouse to be divorced, without fault, over her objection to the divorce itself, and without permanent alimony would be very wrong. After 20 or 30 years of marriage, it would be most difficult for her to find suitable employment sufficiently remunerative to reflect her contribution to the marriage because she lacks business or industrial experience and seniority.

While the majority of dependent spouses are women, some men are dependent upon their wives for support because of some disabling disease. They, too, can be injured if House Bill 905 in its present form becomes law. Elderly parents will find that they must use their retirement funds to support their divorced, dispossessed child.

House Bill 905 will not end perjury, but only increase it. This is evidenced by the large number of contested divorces in other states with “no fault” separation clauses where the plaintiff testifies that the separation was voluntary or occurred with the consent of the defendant, and the defendant denies this.

There is a most serious question concerning the constitutionality of House Bill 905 under both the Federal and State Constitutions. Marriage is one of the most basic contracts in society and inherent in it are substantial property interests including not only the right to support, but also the intestate share in the spouse’s estate, and social security, veterans and pension benefits coming through the spouse. The Fourteenth Amendment to the Federal Constitution prohibits the taking of property without due process of law. Permitting a dependent spouse to be divorced without fault, without alimony, over her or his objection, is not due process of law considering the property rights involved.

Article I, Section 17 of the Pennsylvania Constitu­tion provides:

“No ex post facto law, or any law impair­ing the obligation of contracts or making irrevocable any grant of special privileges or immunities, shall be passed.”

In Walsh v. School District of Philadelphia, 343 Pa. 178, 22 A2d 909 provides that in determining what constitutes “obligation of contract” within this section the laws which were in force at the time and place of the making of the contract enter into its obligation with the same effect as if expressly incorporated in its terms.

Therefore, if House Bill 905 is passed, would it have any effect on marriage contracts entered into prior to the passage of the law? Scaife v. McKee, 298 Pa. 33 is cited for the proposition that the contract of marriage does not fall within the proscription of Article I, Section 17 of the Pennsylvania Constitution, and that the General Assembly may legislate on subjects of marriage, and the effect a divorce may have upon marriages contracted before the legislation was passed. However, this may not be the actual holding of the case, and if it were intended to be, it was not necessary to the decision. Therein, a wife of 30 years secured a divorce a mensa et thoro in 1926 from her husband because of his adultery. Subsequently, in 1927, the legislature passed an Act providing that wherever such divorce decrees were heretofore or hereafter granted, married women could convey their properties as feme sole traders. The wife then agreed to convey several properties to certain persons who thereafter refused to accept the deed or pay the price solely because the husband had failed to join in the conveyance. Wife filed for a declaratory judgment making the grantees and her husband parties. All defendants contended that husband’s courtesy interest was a vested estate and could not be divested by an act of the legislature passed subsequent to marriage. In distinguishing its decision from prior case law cited by the appellees, the court said at pages 39 and 40:

“In none of these other cases was the hus­band, as he is here, asserting rights under the contract of marriage, after he himself had violated that contract. . . . To hold otherwise would be to say that though one of the parties to such a contract should flout it, and refuse to be bound by it, yet a court must enforce it against the innocent party on the application of the one who was recalcitrant.”

Interestingly, the court also said at page 38:
“General expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision.”

The controlling fact in Scaife, supra, was that the husband had violated the marriage contract; he was at fault and there was a judicial decree to prove it. The court simply held that one who violated the marriage contract could not enforce the constitutional prohibition against impairing the obligation of the contract.

However, House Bill 905, which would permit a divorce without fault, without violation of the marriage contract, and with consequent loss of all support and property rights, is, we submit, within the constitutional prohibitions. If the bill is passed in its present form, it should either be declared unconstitutional or else interpreted to mean that the consent must be an informed, intelligent, and voluntary, and that the defendant understands his or her rights, including the right to a lawyer; or (b) the defendant is served under the appropriate rules of court, with a copy of the complaint and, thereafter, notice of the hearing, both containing a notice in large bold print, conspicuously placed setting forth all rights which defendant has and will lose upon the granting of the divorce, and the defendant, thereafter, fails to appear in the action; (c) Service or attempted service upon a defendant whose address is unknown shall be made in accordance with the rules of court and where so made shall be deemed service under this act.”

The Divorce Reform Act of 1969 in England provides in Section 2 (1)(d) that a divorce may be granted where the parties have lived apart for a continuous period of two years or more immediately preceding the filing of the petition, and the respondent consents to a decree being granted. The English Act further provides in subsection (6) that the respondent be given “such information as will enable him to understand the consequences of his consenting to a decree being granted and the steps which he must take to indicate that he consents to the grant of a decree.”

The English Act provides for an informed, intelligent consent. Pennsylvania should provide nothing less.

With apologies to Gilbert and Sullivan, we observe:

In other professions in which we engage
Income and benefits increase with age
That a marriage has ended because of some strife
Is no reason to chop off the income of wife.

B. Section 803 — Resumption of Maiden Name
We also oppose the above section which states:
“It shall be lawful for any woman who has heretofore been or shall hereafter be divorced from the bonds of matrimony, or whose marriage is annulled, to retake and thereafter use her maiden name or her prior name. Every such woman who elects to resume her maiden name or her prior name shall file a written notice avowing such intention in the office of the prothonotary etc.”

This section contains an inference that a married woman has a duty to assume her husband’s name and
that she loses her own name. There has never been any law in Pennsylvania providing that a married woman must assume her husband's name. The Attorney General has recently recognized that there is no such requirement.

Moreover, a woman does not lose her maiden name upon marriage. Even when she uses her husband's name and omits her own maiden name, her maiden name is never lost to her. When a woman's maiden name is prominent or when she is proud of it, she is often known by both her maiden name and her husband's name, i.e., Alice Roosevelt Longworth, Anita Palermo Kelly, Fernanda Wanamaker Leas.

Children of prominent families are often given both the maiden name of the mother and the name of the father, i.e., Franklin Delano Roosevelt, John Fitzgerald Kennedy.

Furthermore, many young couples today are taking the surname of both spouses as their last name, i.e., Mr. and Mrs. Jones-Smith.

A married woman has the right to use her maiden name alone, a combination of both her maiden name and her husband's name, or her husband's name alone. Hence, a man has the same right.

Therefore Section 803 should be amended as follows:

"A married person shall have the right to use his or her own family name or the name he or she used when single or prior to the marriage, or a combination of his or her own family name and the name of the spouse, or the name of his or her spouse. Whenever a married person has assumed the name of his or her spouse, alone or in combination with his or her family name, it shall be lawful for such person when divorced from the bonds of matrimony, to retake his or her own family name, or the name used when single or the name used prior to the said marriage or to omit the name of his or her former spouse etc."

In the alternative, we could repeal section 803 entirely. I don't know that it is really needed.

C. Mandatory Conciliation Procedure — Article II, Section 203

Subsection (d) of Section 201 provides that the court can compel the attendance of parties at the conciliation procedure by attachment and contempt proceedings. While this subsection also provides that this shall not be construed to compel a party against his will to divulge to the marriage counsellor, information of an intimate, private, or confidential nature, nevertheless, this is contrary and inconsistent with subsection (b) (1) of Section 203 which provides that:

"It shall be the duty of the party or parties so ordered to attend the meetings . . . subject to limitations set forth in subsection (d) . . . to provide the marriage counsellor with such data relative to the marriage as is fully available and to cooperate fully, in order that it may be determined whether or not a reconciliation is practicable.""

Almost anything in a marriage is of a private, intimate or confidential nature. No person should be compelled to cooperate with a marriage counsellor and especially one he did not even select.

The Bill fails to set forth any qualifications for marriage counsellors, and no penalty is provided for the marriage counsellor who discloses the intimate problems of the married couple at a cocktail party.

Moreover, the cost would be astronomical. Dr. Robert Sadoff, of the University of Pennsylvania's Marriage Counselling Service testified at the Senate Judiciary Hearings that it would take 4 to 5 sessions before a counsellor could even identify the problem, and 15 to 20 sessions before he could help them at a cost of $50.00 to $75.00 per session.

New Jersey had a similar conciliation procedure about 12 years ago and found that not a single marriage was saved by the procedure and the cost was outlandish.

The bill could be amended to require that parties with minor children be required to attend lectures on the effect of divorce on children, the usual causes of marriage dissolutions, etc. This would not constitute the invasion of privacy envisioned under House Bill 905.

D. Section 702 — Fraud

This provides that a motion to open the divorce decree for fraud must be made within 30 days after the decree is entered. Fraud can not be averred until after it is discovered, and in most cases, it would not be discovered within 30 days after the decree is entered. Hence a party should be allowed to open the decree within a stated period of time after the fraud is discovered.

E. Article VI (b)

A good feature of the bill is a provision for the enforcement of voluntary separation and property agreements by attachment and contempt proceedings. However, this is not enough to outweigh the bad features of the bill.

In conclusion, House Bill 905 should either be amended or defeated for the protection of dependent spouses in Pennsylvania. It was never the purpose of the Equal Rights Amendment to rob the homemaker of the financial security she* built in the marriage. On the contrary, among its purposes were to upgrade the position of homemaker, grant her security, translate her services into a monetary figure, project her contribution in services to the marriage as a lien or vested interest in her spouse's assets and future earnings, increase support orders and alimony to reflect her full partnership in the marriage and gain social security rights for the job of homemaking.

* Under Duffy's Statutory Construction Act, the female includes the male and the word her includes him unless otherwise indicated.
period or any agreed extension, the complaint may be filed. The bill provides for a gearing up period permitting the Court to suspend the conciliation requirements for up to two years after the effective date of the Act if the personnel and facilities are inadequate or unavailable.

Very few are disillusioned into thinking that this conciliation procedure will in any way thwart those who seek a divorce from obtaining a divorce. However, the existence of this procedure demonstrates the legislative intent to keep families together. Hopefully, at least some of those seeking a divorce can salvage their marriage as a result of this procedure.

It should be emphasized that this legislation is not intended to make divorce easier, but is intended to permit an uncontested divorce to be obtained without the necessity of an adversary proceeding and without the concept that one of the parties must be at fault. Common experience leaves no doubt most marriages terminate because the parties simply cannot live together harmoniously. This in itself, after the prescribed period of separation passes, will constitute sufficient grounds for divorce.

1 Pennsylvania is one of the very few states in the United States where there is no provision for alimony. No attempt was made in HB 905 to change this circumstance other than what is herein set forth.

The experience of one semester obviously is not an adequate basis from which to draw conclusions about the uses and limits of an ombudsman’s informal procedures. But I have begun to form some tentative judgments.

Some of the complaints that come to our office are the result of nothing more venal than administrative inadvertence or oversight, and a telephone call or a short personal discussion usually brings corrective action.

Other complaints prove upon investigation to be the result of an administrative failure to follow a governing rule or general practice, and the persons responsible generally have been quite ready to make effective amends if our office can demonstrate that the university did not, in Justice Holmes’s famous phrase, “turn square corners” in dealing with the individual involved.

The informality of an ombudsman’s methods—the absence of publicity, the protection of individual identities, the use of a conciliatory rather than an adversary approach—seems to me to hold greater promise of achieving a fair and just result in cases such as these than more formal methods do.

There are other cases, too, in which I believe that an ombudsman can play a useful role by virtue of the informality of his approach. Typical are those in which an investigation discovers nothing in the way of maladministration and yet the complainant remains persuaded that he has been grievously wronged.

When a student has worked conscientiously on a paper for several weeks or months, for example, and then receives a grade of C, he may feel that the instructor has seriously misjudged the quality of his work. This is a matter quite beyond my own competence, and one that is properly committed to the discretion of individual instructors. In such cases I usually meet with the instructor and student together and ask them to explain their attitudes and reasons to each other. These discussions have been fascinating and instructive, but they have yet to result in the change of a grade.

What they have done, I hope, is to demonstrate to the students involved that the office of the ombudsman is one place in an often anonymous university hierarchy that will listen to them with seriousness and will try to insure that their instructors will, too, even if they do not achieve the specific result they originally sought.

Much of an ombudsman’s work brings him into poignant contact with those who seek help in meeting grave personal problems for which there are no ready solutions: faculty members who have been denied tenure...
and cannot find new positions elsewhere; students with fine academic records who succumbed to the impulse to cheat under the focused pressures of a moment and now must find explanations for parents, friends, and graduate schools; secretaries who served a now-retired professor for the better part of a lifetime and now cannot find new employment because they are considered too old.

The sense of hurt that one sees in such cases is extraordinarily great. These are people essentially pleading for an affirmation of their worth as human beings. The emotional demands that they understandably make upon their listener are intense and moving.

I suspect that the poverty of the responses that an ombudsman can make often merely confirms the intractability of their dilemmas. These are the cases that give me my sleepless nights.

On a number of occasions my predecessor as ombudsman wrote of his intention to leave ample supplies of Bufferin and bourbon for his successor. Friends sometimes ask me whether I have had occasion to make use of his generosity. I tell them I have not. My preferences are Valium and vodka.

**Freedman is a professor at the Law School and has served as ombudsman since July 1, 1973. This article first appeared in the New York Times. © 1974 by The New York Times Company. Reprinted by permission.**

**Landis**

*(Continued from page 8)*

was followed by the era of the Volstead Act when we believed that socially acceptable conduct could be imposed by legislation.

Just a decade or so ago Rabbi Morris Finkelstein, Professor of Theology at the Jewish Theological Seminary of America, deplored the moral decay of American business, its preoccupation chiefly with gain, and suggested that it was coating on the spiritual momentum of the past, derived from old sources of inspiration, with the leading citizens of a largely hedonistic nation, "propelled by meaningless drives toward materialistic and frequently meaningless goals." This sounds like America as it is being described by some observers today.

Intelligent moral choice in our own society depends largely on the freedoms of speech and inquiry and teaching, and the freedom of cultural opportunity and development. Professor Sidney Hook calls these "the strategic freedoms." To the extent that we compromise them, we give away some leverage of our individual morality.

Historical perspective aside, how should we evaluate the morality of the Seventies?

Should we see it as a new and frightening time of social disorder: a folk rock culture of drug addiction, free sexuality, pornography which is not obscene so long as it has "redeeming social value" and can be accommodated with the standards of the community. Or should we see it as a liberated age of permissiveness and mind-blowing freedom of expression to find higher values? Or as a society willing to accept austerity and deprivation of routine luxuries that we would readily exchange as standard currency for our expected share of the GNP, as we are now being implored to do?

America's contemporary morality is not simply defined.

It's easy enough to despair over the ethics and sense of morality of a troubled society. One of the preeminent playwrights of our times is known as "the poet of the new compromise," who understands and "sadly forgives every shabby transaction of the soul." But for all the seamy poetry of this new compromise and the ashcan morality of some of the doomsayers, there is also abroad among us a new belief in the value of the individual and his sense of survival.

It was sardonically overstated, perhaps, in the unpunctuated verse of one of my favorite incidental poets, Don Marquis, in his apostrophe to the toad, Warty Bliggens:

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... warty bliggens
considers himself to be
the center of the said
universe
the earth exists
to grow toadstools for him
to sit under
the sun to give him light
by day and the moon
and wheeling constellations
"to make beautiful
the night for warty bliggens."
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There is much pretension in the magniloquent toad, Warty Bliggens, that he should presume to

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"ask rather ... what the universe
has done to deserve me."
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But there is also in his verse an indomitable sense of the individual, seeing himself as something more than an inarticulate decibel in a silent majority, programmed and predictable in a pollster's printout, something more than a decimal in a people's mandate now so quickly outworn.

That is why I find much to be encouraged in what others see as reasons for despair when our popular soothsayers display their current opinion polls.

Is it cause for concern that a recent Harris poll asserts that the percentage of Americans who showed a great deal of confidence in the executive branch of the federal government dropped from 41 percent in 1966 to 27 percent in 1972 to 19 percent last September?
Is it reason for alarm that 77 percent of the respondents in the special *Time*-Yankelovich survey taken during the Watergate hearings agreed that Watergate "shows how even the privacy of ordinary citizens is being threatened these days?"

Does this not show instead an increasing awareness, a renewed sensitivity to the personal threat to individual security, a heightening of concern of our citizens to the need for what we must do to protect ourselves and our institutions of government from negligence and perfidy in high places?

The countdown of criminality is appalling, with convictions, indictments and probable indictments of high-placed Administration functionaries exceeding thirty. So the results of these surveys are a resounding reaffirmation of the strength of the people that conceived our institutions of government and have sustained them for over nearly two hundred years, a strength celebrated by Carl Sandburg when he exulted that "the people is a caldron and reservoir of the human reserves that shape history."

Where does that leave the lawyers in this new, fateful year that has stumbled in on the heels of the year of disillusionment?

It leaves them where they have always been, although they have not always risen to their place. It leaves them responsible for leadership in the discipline that they should know best, the enforcement of the law, justly and evenhandedly, and the reestablishment of respect for the law among all the people. And it carries with this responsibility four grave considerations: impeachment, disbarment, restoration and fulfillment.

These are not responsibilities which lawyers alone must bear. They share them in large part with all the citizens. They bear them only so far as decent evidence will carry them. But lawyers cannot turn away from facing these responsibilities.

The legal and political burden of impeachment rests upon the House of Representatives; but it is the lawyers inside the House and throughout the country who must support this painful and wrenching examination into the "high crimes and misdemeanors" of the President. Hamilton defined impeachable offenses as "offenses which proceed from the misconduct of public men, or in other words from the abuse of some public trust." And that preeminent constitutional lawyer of years past, John W. Davis, endorsed this definition.

The House of Representatives must pursue its inquiry relentlessly and dispassionately, and lawyers must support it so long as it is carried on fairly. With the appointment of John M. Doar of New York as majority counsel and Albert Jenner of Chicago as minority counsel to the House Judiciary Committee, there is strong assurance that the fact-finding will be done fairly and swiftly.

Impeachment is not witch hunting or media persecution. It is a responsible searching of the ample evidence that might warrant a constitutional trial of the President by the Senate. It is not an ordeal which the country can forego. There is more to be lost in shunning this test of our leadership than in making it now against the dismal prospect of three more years of paltering uncertainty. We must be done with it, one way or the other. And done with it soon.

The institution of the presidency is not clothed with the well-tailored suit of its incumbent. It owes nothing to the man who holds it. It needs nothing from him to vouchsafe its preservation in our three-part system of government. It belongs to the people out of whose Constitution it arose. And the preservation of that organic law is far more crucial to the nation than the perpetuation of this president.

Disbarment is another mission. The discipline of members of the bar is the special prerogative and duty of the courts which are both the masters and the creatures of the lawyers and also the servants of the people and their sense of justice. This mission is now meeting its ultimate test in the courts of Maryland where the former Vice President of the United States has come as a supplicant to preserve his standing as an officer of the courts.

There will be others who will come behind him, seeking from other courts like forgiveness for what they have done against the laws of their country so that they might practice law again as respectable members of our profession. The test for him, and for those who will surely follow, should not be how far they have fallen or how modestly they seek to rise. The test must be whether they have betrayed the trust they were given and whether they are fit to assume it again.

This precious privilege of serving the cause of justice must not be lightly bestowed or casually restored. All of the people who come before our courts are entitled to more than a gently discretionary tap on the shoulder from the courts to endow those legal officers who serve them with the right to carry on this commitment.

And the duty of restoration? What can the lawyers do now to restore the faith in a profession which has been so sadly betrayed? There are lawyers who have comforted themselves recently in the finest traditions of the bar: Cox, Richardson and Ruckleshaus have forfeited public office rather than betray public trust. They have preserved a standard to which all of us can rally. We can also do it by being better lawyers, by practicing our profession more closely to the canons of ethics we have been committed to uphold. We can do it by teaching in the law schools the things that some of us did not learn too well there or did not practice as we had learned them. We can do it by exercising the self-discipline of our own professional consciences in our daily work, avoiding the easy compromises, shunning the sharp corners, imposing on ourselves and on our colleagues the ethical responsibilities that admit of no casual ends-justify-the-means rationalizations.

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Then there is the final duty of fulfillment. There have been many ways of expressing the ultimate fulfillment of a lawyer. My own view is that the essential duty of a lawyer is that he should have some part in helping to fashion the quality of the social order in which he lives. Holmes said it more eloquently, "But to make up your mind at your peril upon a living question, for purposes of action, calls upon your whole nature."

It is to these living questions that we must give ourselves: questions like the unremitting control of political campaign expenditures, so that influence cannot be bought; the unrestricted disclosure of financial interests and connections by political executives and legislators, so that palpable conflicts of interests cannot be hidden; the preservation of the Legal Services Corporation Act, foundering now in the Senate, which will sustain essential legal services for people who need them; improving the quality of our children's education, whatever that might mean for court-ordained busing and the shattering of artificial political districts; affirmative action programs to enhance racial and sexual minority employment opportunities; and banishing capital punishment because it is immoral.

These are living questions that call out for our support in seeking our fulfillment as lawyers.

Astronomically we are coming full circle with Kohoutek. And it is appropriate to close on an observation by Raymond B. Fosdick made more than a quarter of a century ago at the dedication of the new telescope at Palomar Mountain Observatory.

"We need in this sick world," he said, "the perspective of the astronomer. We need the detachment, the objectivity, the sense of proportion which this great instrument can bring to mankind."

"This telescope is the lengthened shadow of man at his best. It is man on tiptoe, reaching for relevancy and meaning, tracing with eager finger the outlines of order and law by which his little life is everywhere surrounded."

"Astronomically speaking," said the philosopher, "man is completely negligible." To which the psychologist answered, "Astronomically speaking, man is the astronomer."

"The towering enemy of man is not his science but his moral inadequacy."

I have an abiding sense that there is a moral adequacy in all of us that is re-asserting itself. It is what Robert Frost suggested was "our best guide upward, further to the light, passionate preference."

I fervently believe that this nation, springing from the broad-backed, far-sighted men and women who caravanned across a wilderness, from ethnic and religious minorities in their homelands, and created a new country whose horizon was not just another ocean, can ride out the whirlwind and direct the storm.

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This article originally took the form of an address by author Landis, entitled "The Portents of Kohoutek," to the Savannah Bar Association on January 10, 1974.

It was forwarded to the Journal by Landis' former classmate at the Law School, Phyllis Kravitch, '44, who is now practicing in Savannah.

**Naidoff**

*(Continued from page 11)*

"There is also the new Black Lung Program, which provides disability benefits to coal miners. That is just hitting us now, because it took people a while to go through the procedures before they could sue. The first of these cases came to us in February.

"Plus we are facing a tremendous workload in the Supplementary Security Income program, which comes from people who think they should be getting welfare but aren't, and people who think they aren't getting enough.

"HEW is predicting that this office will handle 1,000 cases altogether this year.

"In the field of civil rights we're involved in sex discrimination cases, civil rights involvement, contract compliance, reviewing Affirmative Action plans, and handling complaints under Title VI of the Civil Rights Act.

"I love this job. We're involved in so many things that impact on all of us every day. I find it very rewarding."

When she graduated from Penn with her law degree, Ms. Naidoff didn't know exactly what field she wanted to enter; she did know she wanted to get into something in a public interest field, which, as she puts it "related to something going on in the real world."

On the subject of women in the law, Ms. Naidoff had very definite opinions—she prefers to be thought of as a lawyer, not as a woman lawyer.

"When I went to law school, there were only five or six women in our class. I understand that there are now 25 or 30 per cent women in law school—I'm pleased to see that.

"There is no reason I can see that we shouldn't have women who are lawyers. With affirmative action, this is an ideal time to go into the law. It's a time when the barriers are falling.

"Society still imposes the traditional role on women, but now it is acceptable for women to have a career. Running a home is something I relate to—both my job and my family are important to me."

"My husband has been so supportive of my work," she said.

The Naidoffs have a son who is almost three, who knows his mother is a lawyer and thinks that's a field for mothers.

Ms. Naidoff, who grew up in the Oak Lane section
of Philadelphia, is the daughter of Philadelphia lawyer Lewis E. Weiss. She is a graduate of Olney High School and Goucher College in Towson, Maryland.

Hyland

(Continued from page 7)

"We are finalizing a draft of a legislative proposal from the Model Penal Code Statutory Commission that completed its work in New Jersey last year.

"We favor downgrading many offenses now treated as criminal—such as drunk driving—but the proposal upgrades offenses dealing with government integrity, because we feel that that's where public concern resides at the moment."

Although attacking governmental corruption is Hyland's first priority, the energy crisis has become one of the major areas of activity in which his office is engaged.

"When we came into office in January," he said, "we found we had the problem on our doorstep, and it has taken a tremendous proportion of our time."

"We spent the first month or so trying to sort out the retail gasoline distribution problem, and I believe we have done that," Hyland says, referring to the first mandatory gasoline allocation system in the country.

"As for the root problems," Hyland said, "we have taken a two-pronged approach."

What the state did was file a suit against the Federal Energy Office charging quantitative and economic discrimination against New Jersey, "which I might say is not unlike the discrimination against some of our neighboring states," Hyland said.

"New Jersey has a much lower percentage of its needs being met than other parts of the country, and people in the East are paying as much as ten to fifteen cents a gallon more than people in other parts of the country, because of our high dependency on foreign fuel."

"We contend that under the 1973 Emergency Allocation Act, the Federal Energy Office has an obligation not only to eliminate quantitative disparities but also to see that the economic burden of the crisis is distributed throughout the nation."

The second step the Byrne administration has taken is to hold administrative hearings under the newly enacted State Energy Act to inquire into the causes of the shortage as it relates to New Jersey, and also into the possibility that some of the major oil companies may have acted in concert to squeeze out independent retail distributors.

In addition to these highly visible activities, Hyland's office also performs the traditional functions of a state Attorney General.

"I'd like to see that this office performs the highest quality legal services for the state government," he said.

"I found mainly good things when I came here in January, and the quality of work that was being done in this department is a great tribute to my predecessor."

"However, there are changes that have to be made in government constantly to meet the changing needs of society. We are studying the department intensively and comparing it with offices of Attorneys General in other parts of the country," Hyland said.

"We are also looking at the office management characteristics of the department so that we can try to take advantage of modern techniques for processing of work."

"We are also encouraging talented people to come into government and to stay there, and seeing they get the recognition, financial and otherwise, that will make public service more than just an honor."

"One other thing is that we are making a very strong effort to see that the public gets to know as much about us and the workings of government as possible."

Hyland, who says he believes the Attorney General should assume an activist role, points to a legislative proposal being drafted by his office to establish a Department of Public Advocate "that will help us in having a more active government, but will separate out those things which could result in a conflict between the citizen and the government, such as a citizen complaint against a governmental agency."

Hyland also hopes to sponsor legislation which will make the state Department of Consumer Affairs more effective.

Hyland says he enjoys his new position, even though it is a demanding one, "I thought I worked long hours in private practice, but that was a vacation comparatively," he said.

"The main relief I feel is from the economic pressures of private practice—I feel a complete freedom from concern about the amount of time I spend on a matter."

"Whatever a problem takes, you give it, and often dollars are insignificant, but the matter is important enough that it deserves the attention of people at the highest level of government."

"I am getting great professional satisfaction from being able to stretch out as a lawyer in the sense of being in contact again with almost every aspect of the law, as opposed to the increasing specialization in which most attorneys find themselves."

Hyland's family is understanding about the time involved, he said, "and very pleased that I had the opportunity to do this."

One important way in which Hyland and his family share their time is through their music.

"I play with the Cherry Hill Wind Symphony weekly and they do about ten concerts a year," he said.

"This May I will perform a special concerto composed by the Wind Symphony for me on both the saxophone and clarinet."

"My wife sings with the Mendelssohn Club of Philadelphia," he added.

One of Hyland's few regrets about his new position
is his resignation from the Board of Managers of the Law Alumni Society.

“I knew that my new job wouldn’t give me enough time to remain on the Board,” he said, “although I felt badly because I had been a member for fifteen years.”

“But I’m tremendously excited about this job,” he said. “I look on it for the most part as the most exciting period of my life.”

Ariga

(Continued from page 8)

Ms. Ariga is also teaching a seminar at Columbia University Law School this spring.

Ms. Ariga was born in Tokyo and was graduated from Japan Women’s University with a degree in English literature and received a law degree from Tohoku University in 1932. She is the author of a number of articles in American and Japanese publications on trade and antitrust law in Japan.

Bell

(Continued from page 10)

be safe in his own house and on the streets he travelled every day to and from work. If this didn’t make Justice Bell a ‘trail blazer,’ it made him a protector of the peaceable citizen’s rights. And that alone ranks John C. Bell as a great Pennsylvania chief justice.”

Justice Bell was a former president of the Pennsylvania Society of the Sons of the Revolution and a member of the Colonial Society of Pennsylvania and the World Affairs Council.

He was a member of the Philadelphia, Pennsylvania and American Bar Associations and had received honorary doctor of laws degrees from the University and from Villanova University.

He is survived by his wife, the former Sarah A. Baker, three sons, two daughters and 12 grandchildren.

Packel

(Continued from page 6)

private practice was sort of a ‘jack of all trades’ and that’s what I am now.”

If Packel isn’t a one-goal oriented person, he has set out certain major goals for himself and his staff.

“I hope we can give the state a better justice system,” he said, “although that’s like endorsing motherhood—everyone’s in favor of it.”

“A lot of progress could be made toward improving our courts. I object to delays in the administration of justice—whether on the civil or criminal side.”

“I don’t have an answer to the problems in the courts” Packel said, “although I suspect the solution lies in a conglomeration of ideas and more money.”

Another way Packel believes the justice system could be improved is through improvements in the prison system.

“I especially think the conditions in our jails have to be improved,” he said.

“I think our release programs are important, too, so that you smooth the way for those inmates coming back into society.”

The Equal Rights Amendment to the Pennsylvania Constitution has created a relatively new but major area in which the Attorney General is involved.

“There are so many aspects of our lives which this amendment touches,” he said. “Some of the problems we are confronting are discrimination based on sex in the insurance field and in banking; the payment of retirement and death benefits to people of different sexes; domestic relations matters, such as divorce and child support; school athletic teams; and criminal law.”

“We’re currently engaged in a suit regarding athletic teams in public schools, and our position is that under the state’s equal rights amendment, a girl should have the right to try out for a team which represents the school.”

“We do, however, exclude wrestling and football,” Packel said.

“We’re not saying that schools can’t have separate intramural teams, but rather that if the school has a team which competes with teams from other schools, all students should have the right to compete regardless of sex.”

The Attorney General has also had to contend with death penalty legislation submitted to Governor Shapp by the Pennsylvania legislature.

“I believe that ultimately any death penalty bill will be held unconstitutional by the United States Supreme Court,” he said.

“Although philosophically I’m opposed to the death penalty, I don’t thing it’s clearly unconstitutional, and for that reason I wouldn’t advise the Governor to veto a death penalty bill. I do, however, think there’s a fair possibility that any death penalty bill will ultimately be held unconstitutional.”

Despite the number of controversial issues in which he becomes involved because of the nature of the office, Packel said he has deliberately worked to maintain a low profile.

“I’ve never had a press conference,” he said at the time of the Journal interview, “and I only have one person who acts as my press secretary.”

“I see no reason why I should be in the news unless there’s an item that’s news,” he continued, “but my attempts to maintain a low profile haven’t been successful recently.”

That, as they say, is an understatement.

First Philadelphia Common Pleas Court Judge Harry Takiff requested that Packel appoint a special prosecutor to staff an investigating grand jury and conduct the investigation into municipal corruption after newly
elected District Attorney F. Emmett Fitzpatrick, '55, declined. That question, as this issue goes to press, is before the Pennsylvania Supreme Court on a motion from the Attorney General.

Then the Pennsylvania Crime Commission, of which Packel is chairman, released a 1400 page report of the results of its investigation into police corruption in Philadelphia—the same investigation which had propelled J. Shane Creamer out of the job of Attorney General and Packel into it.

The report recommended that a special prosecutor be appointed in Philadelphia to handle any prosecutions arising out of the investigation and report.

As this issue goes to press, Packel and District Attorney F. Emmett Fitzpatrick are engaged in a public tug ' o war over who will conduct the prosecutions. So the former Superior Court Judge who enjoyed the serenity of the bench seems to be getting his share of the action he enjoys, too.

Alumnae
(Continued from page 14)

was to keep in touch with our alumnae and to introduce the students to graduates who were unable to attend the alumni day activity. Eighty-nine responses were received which represents approximately 1/3 of the female graduates. Although there is no way of knowing how representative the responding group is, the information contained in those responses shed some light on the activity and accomplishments of our women graduates, which is worthwhile reporting.

The bulk of the survey information is summarized in the following charts. Chart A gives basic employment and personal data of the respondents by decade of graduation. Chart B indicates the career distribution of the respondents.

In addition, the questionnaires indicate that about three-fourths of the respondents are, or have been, active in public service activities outside of their employment. Most of the activities mentioned are of the type traditionally engaged in by attorneys. Forty-five percent of the respondents indicated involvement in various bar associations and professional organizations. For example, Lena Arlow Ginsburg (Law '31) was the first women president of the National Association of Immigration and Naturalization Lawyers in 1955.

Many respondents also indicated leadership roles in women's organizations such as the Women's Political Caucus and Women's Legal Defense Fund. A summary of the activities of the responding graduates is found in Chart C.

Many of our women graduates have combined raising a family with a career. It is interesting to note that the responding graduates of earlier graduation dates have fewer children, as do the more recent graduates,

<table>
<thead>
<tr>
<th>Year of Graduation</th>
<th>Number of female graduates</th>
<th>Number of responses</th>
<th>Number who actively practiced law</th>
<th>Average number years of work (of those who did work)</th>
<th>Median number years of work (total group who responded)</th>
<th>Number currently working</th>
<th>Number ever married</th>
<th>Average number of children (total group who responded)</th>
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</thead>
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<tr>
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<tr>
<td>1900-1909</td>
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<td>3</td>
<td>43</td>
<td>39</td>
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<td>1910-1919</td>
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<td>27.75</td>
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<td>7</td>
<td>11/8</td>
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<tr>
<td>1920-1929</td>
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<td>3</td>
<td>3</td>
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<td>5</td>
<td>9</td>
<td>2.1</td>
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<td>8</td>
<td>18.27</td>
<td>19.75</td>
<td>5</td>
<td>9</td>
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<td>1940-1949</td>
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<td>9</td>
<td>5.45</td>
<td>5</td>
<td>33</td>
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<td></td>
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<tr>
<td>1950-1959</td>
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<td>8</td>
<td>5.45</td>
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<td>35</td>
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<td>37</td>
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<td>11 1/2</td>
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<td>6</td>
<td>4</td>
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<td>8.5</td>
<td>9</td>
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<td>1964</td>
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<td>6</td>
<td>7</td>
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<td>4</td>
<td>4</td>
<td>6.25</td>
<td>6.25</td>
<td>4</td>
<td>3</td>
<td>1.66 2/3</td>
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<td>1966</td>
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<td>5</td>
<td>5</td>
<td>5</td>
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<td>3</td>
<td>.8 4/5</td>
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<td>1967</td>
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<td>5</td>
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<td>4.8</td>
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<td>4</td>
<td>5</td>
<td>.6 3/5</td>
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<td>1968</td>
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<td>1.66 2/3 (1 2/3)</td>
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<td>1969</td>
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<td>3.25</td>
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<td>9</td>
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<td>1970-1972</td>
<td>41</td>
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<td>19</td>
<td>18</td>
<td>11</td>
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<td>1970</td>
<td>9</td>
<td>6</td>
<td>5</td>
<td>2.8</td>
<td>3</td>
<td>5</td>
<td>4</td>
<td>.33 1/3 (1/3)</td>
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<tr>
<td>1971</td>
<td>12</td>
<td>8</td>
<td>7</td>
<td>1.6</td>
<td>1.5</td>
<td>6</td>
<td>5</td>
<td>3/8</td>
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<tr>
<td>1972</td>
<td>20</td>
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<td>3/7</td>
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Spring 1974
who may not have completed families. It is impossible to draw any general conclusions as to family responsibilities from these questionnaires. Many of the respondents who have children appear to have taken off some time from their active careers. On the other hand, three out of four of the 1963 graduates responding have three children or more each and worked virtually the entire time since their graduation.

EXTRACURRICULAR ACTIVITIES OF RESPONDENTS BY % OF RESPONDING GROUP

Bar Ass'n & Professional Org. 45%
ACLU and/or Civil Rights Groups 16%
Politics 14%
Community & Service Groups 29%
School Boards 3%
AAUW 3%
Legal Services 6%
Charities 14%
College & Law Alumni Group 7%
Church 2%
Misc. 2%

Comments covered a range of subjects. Many expressed support for more alumni activities, and conveyed encouragement to the women now attending the Law School. Several dealt with the problems of being a female professional and employment opportunities. One of the respondents commented that she is finding it difficult as a single parent to raise a child and practice law. Another complained of difficulty in returning to practice after having taken time off to be at home with children.

Helena Clark, Director of Placement at University of Pennsylvania Law School, advises that her office is available to all of our alumni. However, in an interview, Ms. Clark stated that placement problems still exist for a female attorney, especially if she wishes to work part-time or is entering the labor market for the first time after having taken time off to raise a family. Ms. Clark pointed out that the only form of part-time work available seems to be in the nature of research for organizations such as ALI. As far as returning to the work force after a period of “retirement,” Ms. Clark advises that attorneys who were able to gain experience (and possibly establish a reputation) prior to “retirement” have a far better chance of finding

CAREER DISTRIBUTION OF RESPONDENTS BY DECADE OF GRADUATION*

<table>
<thead>
<tr>
<th>Private Practice</th>
<th>20 to 29</th>
<th>30 to 39</th>
<th>40 to 49</th>
<th>50 to 59</th>
<th>60 to 69</th>
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<tr>
<td>Involved in Extracurricular Activities</td>
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<td>7</td>
<td>8</td>
<td>6</td>
<td>31</td>
<td>11</td>
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</table>

* Some respondents have engaged in more than one area of activity. All reported activities are listed.
1 Includes District Attorneys Office, Federal and State Agencies.
2 Includes Public Defenders and C.L.S.
a position than those who never practiced—be they male or female.

The questionnaires are available at the Alumni Office. The list of names and addresses of alumnae representing fourteen states and the District of Columbia who would be interested in meeting with female law students and recent graduates will be available in the Placement Office. It is hoped that this will be the start of a closer relationship between the women who attend and those who have been graduated from the Law School.


Alumni College
(Continued from page 10)

the British Museum in London. This great reputation is based on the historical and artistic value of its attractively displayed collections, on the strength of its research and teaching personnel and facilities, and on the results of its more than 250 archaeological expeditions.

Among its faculty and alumni the University possesses an unusual strength in the study of Japan. Alumni College will draw upon these human resources to study Japanese society, history and culture with sessions devoted to Japanese food, flower arranging and the traditional tea ceremony.

For further information contact the University's Alumni Relations Office (telephone 215-594-7811).

Feinberg
(Continued from page 11)

Polly. Woman. Loved, protected, and dutifully fed her treat, she is safe from the cold, cruel world outside—the man's world. She does have duties of course, but the feminine kind, the kind she loves—housework. You know, the smiling little woman we view on the boob tube, who dances across our livingroom and blurts out in her most natural Girl Scoutish voice, “Ladies, if you dust with———, you’ll love it, too.”

How cute! Of course, the measly sum of $1500 that she receives for her Mary Poppins rendition, is secondary. Like the rest of the tens of millions of women in America, she loves being a slave, just as she loves being a sex object.

When was the last time he woke you just to hear your voice?
Want him to be more of a man?
Try being more of a woman.” Emeraude by Coty

So powerful are these images created by the media, and so powerful are their distortions and sexist ideolo-
so through politics, through more female decisionmaking representation in the media, through necessary legislation and laws, through articles of this nature, and through a nation of brother and sisterhood.

Please support the 27th.

Author's Note: If I've sounded too cynical, excuse me, but if you were oppressed for some twenty odd years, you would be cynical, too. How would you like to hear, "Herman, want a cracker?" for the rest of your life?

Flanagan

(Continued from page 36)

Every lawyer in practice in Philadelphia and other major cities recognizes upon reflection that a very heavy concentration of our alumni has been in the field of private practice and the teaching profession. Every major firm, at least in Philadelphia, boasts either a founding member or a senior partner who is an alumnus of the Law School. Our graduates have always found a ready market for their talents in the major law schools in the country and such names as Schwartz, Levin and Amsterdam come immediately to mind. What, however, has been the contribution of our graduates in the field of public service?

The trail led back to the Directory. In a relatively short time I had covered Washington, D. C., Harrisburg and Trenton and the Pennsylvania Supreme Court, Superior Court and the Commonwealth Court and the U. S. Court of Appeals for the Third Circuit and the U. S. District Court for the Eastern District of Pennsylvania. This is what I found.

From the 1970 Directory listings of alumni in conspicuously public agencies or commissions, I concluded that 117 of our alumni are engaged in public service in Washington, D. C., 13 in Harrisburg and 3 in Trenton. Within the court system I ascertained the following: from our alumni there are 4 judges sitting on the U. S. Court of Appeals for the Third Circuit; 9 judges on the U. S. District Court for the Eastern District of Pennsylvania; 3 on the Supreme Court of Pennsylvania; 1 on the Superior Court of Pennsylvania; 4 on the Commonwealth Court of Pennsylvania; and 1 on the U. S. Court of Claims in Washington, D. C. The list follows:

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
Hon. Harry E. Kalodner '17
Hon. Arlin M. Adams '47
Hon. Max Rosen '32
Hon. James Hunter, III '39

U. S. DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Hon. C. William Kraft, Jr. '27
Hon. Joseph S. Lord, III '36

Hon. Alfred L. Luongo '47
Hon. John Morgan Davis '32
Hon. Donald W. VanArtsdalen '47
Hon. Daniel H. Huyett, III '48
Hon. J. William Ditter, Jr. '48
Hon. Raymond J. Broderick '38
Hon. Herbert A. Fogel '52

SUPREME COURT OF PENNSYLVANIA
Hon. Benjamin R. Jones '30
Hon. Chief Justice Samuel J. Roberts '31
Hon. Robert N. C. Nix, Jr. '53

SUPERIOR COURT OF PENNSYLVANIA
Hon. J. Sydney Hoffman '36

COMMONWEALTH COURT OF PENNSYLVANIA
Hon. James S. Bowman '43 President Judge
Hon. James C. Crumlish, Jr. '48
Hon. Roy Wilkinson, Jr. '39
Hon. Theodore O. Rogers '40

UNITED STATES COURT OF CLAIMS—Washington, D. C.
Hon. Robert L. Kunzig '42

On the legislative side, without any help at all I picked out the Hon. Joseph S. Clark and Joseph M. McDade as alumni who have made their mark in the national legislature.

The future looks even brighter. The list of clerkships in the winter volume of the Journal showed a truly distinguished list of our most recently graduated alumni in clerkships—a sure stepping stone to public service.

The University of Pennsylvania Law School can well be proud of the contributions which its graduates have made and continue to make in the field of public service.

News Notes

Through the generosity of Morgan, Lewis and Bockius, the Arthur Littleton Fund for Legal Writing has been established by the Law School Development Program. The Fund will honor the memory of Littleton, the late senior partner in the firm and a member of the Law School's 1920 Class.

The income of the Fund will be used to provide
annual stipends for the Legal Writing Instructors (specially selected third-year law students), each of whom shall carry the title, Arthur Littleton Legal Writing Instructor.

A colloquium in memory of Catherine Drinker Bowen, biographer of lawyers and musicians and unconventional historian of the American Constitution, was held at the Law School on January 30th. Participating in the event were George Rochberg, composer of Imago Mundi which was commissioned by the Baltimore Symphony Orchestra and Professor of Music at the University, Barbara Tuchman, historian and the author of *The Guns of August* and Louis B. Schwartz, Benjamin Franklin Professor of Law at the University of Pennsylvania.

The topic was creativity in law, literature, history and music and the common thread which runs through them all.

The colloquium was held in connection with the dedication of a striking portrait of Mrs. Bowen by the young Philadelphia artist Rebecca Cooke. Mrs. Bowen, a woman of wit and passion, died on November 1, 1973.

An alumni/student/faculty party in honor of the second year class was held on February 28 in the rotunda of the William Draper Lewis Hall at the Law School.

The Class of 1928 held its 45th Reunion at the Law School on June 21st. Through the use of candlelight the corridor overlooking the courtyard and its fountain was the site for cocktails, dinner and memories. All of the details including a tour of the Law School’s new facilities were handled by Lloyd S. Herrick of the Law School Alumni Office, reports Alexander S. Bauer of the class.

The establishment of the Thomas A. O’Boyle Visiting Practitionership Fund was announced recently by the Law School. The Fund will be used to enable the

School to support a practicing lawyer in a teaching or lecture role in conjunction with the Study of Financial Institutions Center at Penn. The fund honors the memory of Thomas A. O’Boyle, class of 1940, a member of the Advisory Council of the Center for the Study of Financial Institutions and of the Board of Managers of the Law Alumni Society.

The Class of 1930 held its 44th Anniversary Dinner at the Union League on January 18. The departure from the traditional semi-decennial gathering was decided upon because of the grievous losses the class has suffered since their last meeting in 1970. Wilfred R. Lorry handled the details for the Reunion Committee.

**Faculty & Staff Notes**

FRANK N. JONES, received the 1973 Reginald Heber Smith Award for "Outstanding Work in the Area of Legal Assistance to the Poor" presented by the National Legal Aid and Defender Association. Jones was also named to receive a "Distinguished Alumni Award" from DePaul University, Chicago. The award was presented on April 21st.

Jones recently made a presentation on ALI-ABA Joint Committee's pilot Continuing Legal Education television series. The presentation entitled "Recent Trends of the U. S. Supreme Court in the Area of Access to Counsel and the Courts" was televised live on March 20 from Washington, D.C.

Professor ROBERT A. GORMAN has extended his visiting professorship at Harvard University for one more year. Gorman says that he is "very fond of Philadelphia," and is looking forward to his return. He notes that "You can feel the difference between a Penn first year class of 90-95 compared with the Har-
vard yearlings numbering 140-150.

Gorman has been inviting his students to lunch on a regular basis in order to get to know them on a more personal basis.

Professor ALEXANDER FREY and his wife have spent a number of winter vacations in Mexico since his retirement in 1968. Frey explains that his attraction is the combination of climate, the beauty of the land and the architecture and the Mexican people. Additional inducements for the professor include the natives’ Indian ancestors and the unlimited archeological sites portraying the ancient civilization.

In January and February of this year, the Professor and his wife once again travelled to Mexico and spent varying periods of time in Morelia, Oaxaca, San Cristobal, Las Casas, Tuxtla, Villahermosa, Merida, Chichen Itza, Uxmal, Puebla, Jalapa, Fortin de las Flores and Mexico City.

Professor Frey also continues to be “of counsel” to the flourishing law firm of David Berger, P.A. in the historic Lea house at 1622 Locust Street.

The fourth and substantially revised edition of Barrett and Bruton's materials on Constitutional Law was published in the early summer of 1973 and is now in use in more than 30 schools. PAUL W. BRUTON reports that Professor John Honnold who participated in earlier editions was not able to participate in this latest edition because of his appointment at the United Nations.

COVEY T. OLIVER, Hubbell Professor at the Law School, has accepted an invitation of the Curatorium of the Hague Academy of International Law and will lecture in the International Public Law session of the Academy in the summer of 1974.

Professor Oliver, while still at Berkeley was the Carnegie Endowment Lecturer at the Hague, where he delivered a series of lectures on Contemporary Problems of Treaty Law. Dr. Oliver's topic for this summer is the Enforcement of International Agreements in Federal States.

During his “Summer of Europe” professor Oliver plans visits to the sessions to be held at various places in Europe by several American law schools (Houston at Cambridge, Tulane at Grenoble, San Diego at Paris, etc.)

In preparation for resuming his teaching of the Law School course on European Economic Community Law in 1974-75, Dr. Oliver also plans to spend some time at EEC Commission headquarters in Brussels and at the seat of the Community Court at Luxembourg.

Finally, and doubtless to prepare for teaching Admiralty again next year, Dominus Navis Oliver et uxor will charter a friend’s craft to sail the wine-dark Aegean—if the dollar holds steady.

ROBERT MUNDHEIM spoke at a program in London on January 10 which examined foreign acquisitions of U. S. companies. On February 26 Mundheim chaired a discussion of the professional responsibilities of securities lawyers sponsored by the Philadelphia Bar Association. The gathering was attended by more than 200 attorneys.
Professor GEORGE L. HASKINS has been cited for Distinguished Service by the American Society for Legal History. Haskins served as President of the Society from 1970 to 1973. The Citation reads as follows: "The Board of Directors of the American Society for Legal History hereby awards this Citation for Distinguished Service to George L. Haskins in recognition of his inspired and dedicated leadership and his outstanding contributions toward the advancement of the purposes of the Society during his term as President, 1970 to 1973. William F. Schultz, Jr., Secretary."

The Citation was awarded to Haskins at the Annual Meeting of the Society held at the University of Chicago in November.

During January, Haskins attended the annual meeting of the American Council of Learned Societies in Washington, D.C. He holds an appointment as Delegate to the Council for a six year term.

In addition Haskin's essay on early colonial government in Massachusetts, "L'Etat Biblique", is scheduled for publication shortly in a volume prepared by several scholars in honor of Professor Charles Dumot, of the Faculty of Law of the University of Paris. The essay is a revision, in French, of a paper which he delivered two years ago at the University of London.

Professor RALPH S. SPRITZER will teach this summer in Notre Dame's Summer law program in American, British and International Law conducted at Brunel University on the outskirts of London.

WILLIAM NELSON has been invited to present a paper on his work into the history of American law before the Spring Meeting of the American Philosophical Society.

STEPHEN GOLDSTEIN lectured in January on "Current Problems of Education Law" before the New England Schools Development Counsel. Goldstein also continues to work as a reporter on education law for the ABA-IJA Juvenile Justice Standards Project.

Alumni Notes

1903

MORRIS WOLF was recently honored by the Nationalities Service Center for more than a quarter century of dedication as their solicitor. The noted Philadelphia lawyer, founder of the firm of Wolf, Block, Schorr and Solis-Cohen reached his ninetieth birthday.

Spring 1974
HON. JAMES W. BERTOLET, of Reading, Pa. was approved for retention as Judge of the Court of Common Pleas of Berks County, Pa. last November. Judge Bertolet polled 31,496 “Yes” votes compared with 7,777 “No” ballots.

BERNARD FRANK, of Allentown, Pa. was appointed Chairman of the International Bar Association Committee on the Ombudsman. Frank also holds the position of Chairman of the Ombudsman Committee Section of Administrative Law of the American Bar Association.

JOHN P. BRACKEN, of Philadelphia, has been chosen Chairman of the House of Delegates of the American Bar Association. The election of Bracken, a partner in the firm of Morgan, Lewis and Bockius, came at an ABA meeting held in Houston, Texas in February.

JOSEPH N. BONGIOVANNI, JR., of Philadelphia, was given a special award recently by the Philadelphia Bar Association. Bongiovanni is the immediate past Chancellor of the Association.

JAMES P. SCHELLENGER, of Devon, Pa., has been elected to the Board of Governors of the Investment Company Institute, the national association of the mutual fund industry.

HERBERT W. SALUS, JR., of Philadelphia, became associated with Mitchell Kramer, Esq. in the firm of Kramer and Salus with offices at 313 S. 17th Street, Philadelphia when he left the Bench in January.

LOUIS J. CARTER, of Penn Valley, Pa. is starting his third year of service as a member of the Pennsylvania Public Utilities Commission.

HON. D. DONALD JAMIESON, President Judge of Philadelphia’s Common Pleas Court was a recent speaker before the Philadelphia Crime Commission. Jamieson’s remarks concerned the role for business and labor in fighting crime.

JOHN B. McCRORY, of Rochester, N.Y., was inducted as a Fellow of the American College of Trial Lawyers at a meeting held in Washington, D.C. in August of 1973.

ROBERT REYNOLDS, of San Diego, California, was profiled in the August, 1973 edition of DICTA, the San Diego County Bar Association’s publication. The profile was written by James Lane as a result of Reynolds retirement from the practice of law following a tragic household accident which resulted in the loss of his sight.

ANTHONY S. MINISI, of Paoli, Pa., was elected to a five year term as Alumni Trustee of the University of Pennsylvania. Minisi is a partner in the law firm of Wolf, Block, Schorr and Solis-Cohen and a vice
chairman of the Committee of Seventy in Philadelphia.

1955

BIRCHARD T. CLOTHIER, of Philadelphia, is one of five new members added to the Agnes Irwin Board of Directors. Clothier is corporate attorney and secretary of the Keystone Automobile Club and Keystone Insurance Company.

HENRY S. RUTH, is credited with holding together the Special Prosecutor's Office in Washington, investigating Watergate, following the dismissal of Archibald Cox.

HON. JOSEPH H. STANZIANI, of Abington, Pa. was elected to a full ten year term on the Montgomery County Common Pleas Court on November 7th. Stanziani was appointed to the Court in December 1971.

1956

ALAN G. KIRK, II, of McLean, Virginia, has been appointed Assistant Administrator for Enforcement and General Counsel of the U.S. Environmental Protection Agency.

ARTHUR W. LEIBOLD, JR., of Washington, D.C., was elected to the Board of Directors of Marymount College of Arlington, Virginia.

1958

BENNETT I. BARDFIELD, of Vineland, N.J., was appointed Assistant Prosecutor of Cumberland County, New Jersey and Solicitor for the Planning Board of Estell Manor, New Jersey.

HARRY A. KITEY, of Allentown, Pa., was one of six new directors recently elected to serve on the Board of Directors of the Pennsylvania Bar Institute.

Spring 1974

1959

WILLIAM CONGREVE, III, of Allentown, Pa., has formed an association with John R. Mondschein L'64 for the practice of law with offices at 517 Hamilton Street in Allentown.

MARSHALL A. RUTTER, of Los Angeles, California, was recently elected President of the Penn Law Alumni Society of Los Angeles.

1960

His Excellency MANSUR KHALID, Foreign Minister of the Republic of the Sudan arranged a Symposium on Diplomacy and Development at Khartoum in January. Only two Americans were invited to participate, Professor Covey T. Oliver of the Penn Law School and an East African expert from Yale.

1961

JACK K. MANDEL, of Anaheim, California, is the Democratic Nominee for the General Assembly from California's 69th District.

MAYOR SHANKEN, of Phoenix, Arizona, has become a partner in the firm of O'Connor, Cavanagh, Anderson, Westover, Killingsworth and Beshears with offices in Suite 1800 of the First Federal Savings Building, Phoenix.

1962

DANIEL F. LAWLER, of Feasterville, Pa. has announced the removal of his law offices to Suite 101 Park Lane Professional Building, 532 Bustleton Ave., Feasterville.

1963

WILLIAM S. CLARKE, of New York City, has
become a member of the firm of Borden and Ball with offices at 345 Park Avenue, New York City.

FRANCIS G. MAYS, of DeKalb, Illinois, has announced formation of the firm of Krupp, Krupp and Mays with offices in Dekalb, Sycamore, and Maple Park, Illinois.

1964

JAMES ROBERT PARISH, of New York City, is the author of "LIZA!: The Liza Minnelli Story" to be published by Pocket Books, Inc.

HOWARD SHAPIRO, of Delmar, N.Y., was appointed Chairman of the New York State Investigation Commission by former Governor Nelson Rockefeller.

JOHN C. WRIGHT, JR., of Philadelphia, has become a partner in the firm of Montgomery, McCracken, Walker and Rhoads.

RICHARD M. GOLDMAN, of Pittsburgh, Pa., has been appointed trademark attorney for the Chemical Group of PPG Industries, Inc. Goldman is also patent attorney for the Chemical Group and was recently elected Program Chairman of the Patent Law Association of Pittsburgh. He also has completed his Master of Science program in Chemical Engineering at Carnegie-Mellon University.

RICHARD D. STEEL, of Philadelphia, has joined the law firm of Orlow and Orlow with offices at 1315 Walnut Street, Philadelphia. Steel had been an Assistant District Attorney in Philadelphia.

MICHAEL Q. CAREY, of New York City, has been appointed an Assistant United States Attorney in the Southern District of New York.

A. SCOTT LOGAN, of Boston, Mass., has been named Vice President for Institutional Sales of the Sales Division of Massachusetts Financial Services, Inc. Logan was previously associated with the Philadelphia firm of Pepper, Hamilton and Scheetz.

LAWRENCE WEINER and JOSEPH J. WEISENFELD, both of Philadelphia, have announced the merger of their law firm with Pettigrew and Bailey with offices at Suite 1820 One Bisneye Tower, Miami, Florida.

WARREN E. WINSLOW, JR. has been appointed Treasurer of the Maine State Bar Association.

1967

LAWRENCE I. ABRAMS, of Washington, D.C., has become associated with the firm of Chapman, Duff and Lenzini with offices in the Nation's Capital.

Alan G. Kirk, II, '56

1965

GEORGE G. BREED, of San Francisco, California, was elected Secretary and Counsel of the PMI Mortgage Insurance Company. Breed was formerly associated with the U.S. Department of Housing and Urban Development, Federal Housing Administration.

ROBERT H. FINKEL, of Plymouth Valley, Pa., has become a partner in the firm of Lacheen, Doner, Lacheen, Gross and Finkel with offices at 3100 Lewis Tower Building, Philadelphia, Pa.

1966

ALLEN M. ELFMAN, of New York, was named President of the Synergistics Research Corporation of New York. Elfmam was formerly associated with Eastern Air Lines.

A. Scott Logan, '67

1968

RICHARD D. STEEL, of Philadelphia, has joined the law firm of Orlow and Orlow with offices at 1315 Walnut Street, Philadelphia. Steel had been an Assistant District Attorney in Philadelphia.

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LAW ALUMNI JOURNAL
Abrams is presently co-chairman of the Council on Younger Lawyers of the Federal Bar Association.

DAVID H. Lissy, of Washington, D.C., and his wife Marjorie are the parents of Jessica Eve, their first child born on July 13. Lissy has been named to head the Executive Secretariat of the Department of Health, Education and Welfare.

1969

WILLIAM D. EGGERs, of Rochester, N.Y., and his wife Martha are the parents of their first child, Katherine, born in January. Eggers is associated with the Rochester firm of Nixon, Hargrave, Davis and Doyle. He recently argued and won a case before the U.S. Supreme Court. The case O'Brien v. Skinner (42 LW 4151), resulted in the Court ruling that provisions of the New York State Election Laws which in effect deny the vote to incarcerated misdemeanants and pretrial detainees violate the equal protection provisions of the Constitution.

A. RAYMOND RANDOLPH, JR., of Washington, D.C., formerly Assistant to the Solicitor General of the United States, has become associated with the Washington firm of Miller, Cassidy, Larroca and Lewin.

THOMAS H. SUNDAY, of Philadelphia, was elected corporate Vice President for Law of Acme Markets, Inc.

1970

JAMES N. BRYANT, of Woodward, Pa., resigned from the Philadelphia District Attorney's Office after three years of service. Bryant upon his departure charged that the Philadelphia criminal justice system is "raunchy".

RALPH B. LEVY, of Jacksonville, Florida, will join the firm of King and Spalding in Atlanta, Ga. following completion of active duty with the Judge Advocate General's Corps of the United States Naval Reserve.

1971

HOWARD M. HOLMES, of Philadelphia, has joined the Eastern Regional Office of the State Department of Justice located in Philadelphia as an Assistant Attorney General.

1972

BARRY E. GRIFFITH, of Hydeville, Vermont, has been appointed Public Defender for Rutland County, Vermont.

1973

JOHN HERRON, of Upper Darby, Pa., was awarded an AmJur Book Award for Excellent Achievement in the study of Conflicts of Law.

GEORGE ISAACSON, has been appointed law clerk to Justice Thomas E. Delahanty of the Maine Supreme Judicial Court.

KENNETH S. KAMLET, of Wheaton, Maryland, has been named Counsel to the National Wildlife Federation in Washington, D.C.

JEFFREY H. SIMCOX, of Lansdale, Pa., has been appointed law clerk to Pennsylvania Supreme Court Chief Justice Benjamin R. Jones.

JAMES K. STERRETT, II, has become associated with Gray, Cary, Ames and Fyre of San Diego, California. Sterrett reports that JOHN C. MURPHY L '72 has associated with O'Melverry and Myers of Los Angeles, California.

Necrology

1906
HARRY L. JENKINS, Abington, Pa., November 21
1915
PAUL E. PEDDEL, Scranton, Pa., October 11
1916
ALBERT J. FLEMING, Scranton, Pa., November 23
1917
HON. JOHN C. BELL, JR., Bryn Mawr, Pa., March 16
RODNEY T. BONSALL, Philadelphia, November 11
HON. T. LINUS HOBN, Scranton, Pa., January 4
1920
ARTHUR LITTLETON, Wynnewood, Pa., December 19
1921
WILLIAM I. WOODCOCK, JR., Bryn Mawr, Pa., December 31
1922
A. BERNARD HIRSCH, Philadelphia, June, 1973
GLENN T. TROUTMAN, Secane, Pa., March 8
1923
SAMUEL A. GOLDBERG, Philadelphia, February 16
HON. FELIX PIEKARSKI, Philadelphia, February 26
1924
PAUL D. EDELMAN, Reading, Pa., February 18
1927
WINDSOR F. COUSINS, Germantown, Pa., January 19

1928
WILLIAM E. CHAMBERS, Merion, Pa., January 25
1929
J. LAWRENCE DAVIS, Bangor, Pa., March 6
1929
THEODORE C. JENKINS, JR., Broomall, Pa., August 25
1935
FRANCIS S. MclLHENNY, JR., Santa Barbara, Calif., November 12
1936
HON. SYDNEY S. ASHER, JR., Chevy Chase, Md., February 28
HARRY B. DAVIDSON, Maywood, Ill., November 9
MILTON B. GARNER, Merion, Pa., November 9
D. CLARKE SAUTTER, kimberton, Pa., May 18
1937
HERMAN WEBER, JR., Avalon, N.J., January 12
1939
JOHN C. PHILLIPS, Philadelphia, March 2
1949
ANTHONY DELAPORTA, Lafayette Hills, Pa., December 8
1955
RICHARD REIFSNYDER, Paoli, Pa., March 6
The recent appointment of William F. Hyland, ’49, to the post of Attorney General of the State of New Jersey by incoming Governor-elect Brendan Byrne produced a combination of circumstances not frequently observed. Across the Delaware River, Israel Packel, ’32, by appointment of Governor Milton Shapp, has been serving as Attorney General of the Commonwealth of Pennsylvania. That two of our alumni occupy the primary legal positions in two of the most strategic states within the eastern megalopolis is the fitting subject of a leading article in this issue of the Journal. It also prompted me to make a hurried and necessarily incomplete analysis of what some of our alumni have done in public service in recent years. There are, as far as I know, no formal records of career development of our alumni maintained by the Law School. Our Directory furnishes a tantalizing clue, but no more than that, with respect to what our alumni have done with their training after Law School. (I hope that the questionnaires which Leonard Ettinger will soon send out in respect of the 1975 Directory will remedy our lack of organized information along these lines.)

(Continued on page 28)