

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

YSU School of Law

Personal Experience

O H 972

JOSEPH S. DONCHESS

Interviewed

by

Paul Carlson

on

May 11, 1977

JOSEPH S DONCHESS

Joseph S Donchess was born on February 20, 1921, in Youngstown and graduated from Rayen High School. During the thirties, Donchess sold newspapers in downtown Youngstown, and then, he served in the Navy on the U.S.S. Enterprise as a Fighter Director. For the last twenty-two years, he has been an instructor at Youngstown University teaching Accounting and Federal Tax courses. From 1941 to 1956, he worked as deputy collector, revenue agent, and special agent for the Internal Revenue Service. After passing the Bar Exam and practicing alone for a few years, he entered the law firm of Henderson, Covington, and Stein as a tax specialist. Donchess is seriously considering moving to Oregon.

C: This is an interview with Joseph Donchess for the Youngstown State University Oral History Program, on Youngstown State University Law School Project, by Paul Carlson, on April 29, 1977, at 3.20 p m

Mr Donchess, could you tell us something about your background, your early experience?

D Well, I was born on the so-called other side of the track My parents were immigrants My dad worked at the steel mill for ten cents an hour in the 1920's When the market crashed in 1929, he was laid off He never worked after that

Because of that I, at the age of nine, came downtown and sold newspapers. When my brother became a little older, he also came downtown and sold newspapers with me. I stayed selling newspapers downtown for five or six years, until I became what was called an assistant street sales manager, for which I received at the beginning four dollars a week, then six dollars a week Finally, when I left in 1940, I think it was about eighteen dollars a week.

My history has been primarily one, of helping feed a family in the 1930's. I graduated from high school, Rayen, and immediately went to study accounting at the university, which at that point was Youngstown University.

After two years, I entered the Navy in the Aviation Cadet Program I became what was known as in those days as a fighter director I was in the Pacific for about a year and a half and served on the MS Aircraft Carrier, U S S Enterprise I was discharged or separated from the service in November of 1945.

Before I went into the service, I started to work for the Internal Revenue Service I believe I started with them in about December of 1941 I was there for close to a year before I went into the military service.

Of course, upon my return from the Navy, I returned to the Internal Revenue Service I held the positions of Deputy collector, Internal Revenue Agent, and for about a year, I was also a Special Agent. Now, a Revenue Agent is responsible for determining tax liabilities for Internal Revenue A Special Agent's job is to gather evidence to determine whether or not a tax payer has willfully evaded income tax law and to determine whether or not he should be prosecuted

I stayed with the IRS until December of 1955, and started to practice law in January of 1966. Since my background was in the field of taxes, of course, the business that came to me was in the tax field I did some general practice, but most of the work that came to me was in the tax field

I studied I received my law degree at Youngstown State University in the evenings while I was working for the Internal Revenue Service I believe that I started in 1949 and finished in 1954.

In those days, it was strange or peculiar that a Business Administration Major would try to enter law school As a matter of fact, I had a difficult time getting in because I was a Business Administration Major. For some reason, the lords up there thought that only history majors and political science majors should be practicing law and

that all practice of law was constitutional law and criminal law I think that most of them still believe that

However, I think that in more recent years most of the Law Schools are agreed that 70 percent of all legal practice is in the business field, so why the hell are they looking for a history major or a political science major? We know what happens if they get involved in government They wind up like Watergate. I am kidding when I say that

After private practice alone, for about three, four, or five years, I was asked by my present firm to become a partner in 1963 or 1964 Maybe it was a little later. I am still here.

Early when I went out into the practice, Dean Miller asked me whether or not I would be interested in teaching Business Law and some other business courses at the university I said that I would

For a number of years, I taught nothing but business law Apparently, they ran short of an accounting professor, and they thought that they could substitute me Of course, with my accounting background, I was able to do it and have been teaching accounting and federal practices ever since.

I have not taught a business law course since that happened Apparently, it must be easier up there to get lawyers to teach business law than it is to get public accountants to teach accounting That is about the background up to this point.

I have five children. My oldest daughter is a surgical nurse in Los Angeles My next oldest daughter lives in Oregon She has my only grandson As a matter of fact, she is married to a mail carrier He is the finest young fellow I think I have ever met in my life.

My next oldest child is a son who is now a lawyer in New Orleans Within the next month, he will be traveling to Oregon to take the bar exam with the expectation of practicing law in the state of Oregon He apparently does not think that New Orleans is a nice place to practice law, but he believes that Oregon might be His wife is graduating from law school, also. I believe that she will follow him to Oregon

Now, this son of mine who is a lawyer and my daughter, Erica, both graduated from college in Honolulu at the same time. To me, they are two fantastic people, and I love all of my kids.

At home, I have this seventeen year old daughter who is a beautiful little girl As a matter of fact, my thirteen year old son is graduating from parochial school next month He will be going to Struthers High School I have a feeling that he will wind up as a lawyer, too. So, some day this country will be overrun with Donchesses as lawyers

C Where did your son go to law school?

D: He went to law school at Black University down South, Baton Rouge It is Southern University Of course, when he graduated from undergraduate school, there was a big rush on people wanting to get into law school

Then, of course, I told him, "Joe, make applications all over because it may be difficult getting in " And, of course, he was interested in going to Harvard, George

Washington University, and others. I am sure that he had a 3.25 average in college

He was a good student, but it was not enough to get into law school at that time. Kids with Master's Degrees were making applications, and people with Ph. D's were making applications, too. So, then, of course, Harvard and places like this gave preference to the children of the alumni. Let's face it. They did it, and we all know that

Being socially oriented, he too thought well that maybe Southern University would be a good place to get involved in social aspects of law. I think that he has changed somewhat. He, like most lawyers, became business oriented, too

He has indicated to me that he would like to practice tax law, and I would love to teach him what I know. This means that if I have to move to Oregon, I am going to move to Oregon

My son Jim, the thirteen year old, wants to go West. My daughter is going to go to Oregon State University. Youngstown and I just may have to part very shortly. There is no question about that

I spent three weeks in Oregon last year, and it was beautiful. I did not want to come back here. My arthritis did not bother me, and I had no problem with my sinuses. Of course, she lives in a little town in Oregon, and in the immediate area, there are 25,000 people up in the mountains, which is about four or five thousand feet above sea level.

There was no humidity this side of the Cascade Mountain range, and I could not believe that there are places like this in this country. I met many people there who were from other parts of the country. No one has ever regretted going there, and no one will ever leave.

Of course, when you come to Oregon, we love for you to spend your money and have a good time, but when you are all done, get the hell out of here. That is what it boils down to. They do not want it spoiled, and I cannot blame them for it. It is just beautiful country

C Do you think it would be rough setting up a practice out there?

D At least, it is pioneer country. The East is loaded, and the elderly people, who are not moving down to the Sun Belt, are thinking of moving west and into Oregon. There are many people that I have already talked to who are going to go to Oregon to settle down in their old age and retirement.

I think that the climate west of the Cascade Range is rather wet, but it is a good climate. Of course, it is still the place where you have Portland and all the other large cities. It has a mild climate except for it being a little wet. The climate is beautiful because they have got this warm weather from the Hawaii current, which is similar to our Gulf Stream current on the Eastern coast of the United States

C The Depression influenced your early life in that you had to work to help bring in the income. Could you tell us about some other early influences on your life?

D Yes, my father immigrated from what would now be Hungary, but at that time, it was part

of the Austrian-Hungary empire, which included Germany. My father probably only had a third or fourth grade education.

My mom probably had less of an education than that. Even though my dad did not work beyond 1929, he was the head of the household, and he was a bug on education. I was about eight years old and my older sister was eleven years old at the time "Somehow, you have got to get an education," he said "In Europe, we never had a chance to, but in this country, I know that there is an opportunity."

When I was about eighteen or nineteen, I wanted to join the Navy because I could make more money in the Navy than at my job working at the Vindicator. He said, "That is not the place for you. Graduate from high school, and you will go to college. Somehow, you can get the money to go to school."

He was right because I did go for two years at night. I was getting it little by little. It would have taken me ten years to get it, but I would have received it because he would have insisted on it.

He was a firm believer that if you wanted to get anywhere in this world, you had to have an education. He used to tell me that college educations are not for the rich alone, and if somebody wanted it bad enough, he or she could have it. It was an inspiration. There is no question about that.

Of course, it came to war, and when I came back, I was entitled to GI time. I took advantage of it. As a matter of fact, I went through undergrad school and law school on the GI Bill.

I got married while I was in the service, and I had to go to school at night. Of course, when you are married, you have a family to support, and you need a job. It was a matter of struggle. There is no question about that.

I worked extremely hard for five years to get my law degree and to pass the Bar Exam. When I was done working at five o'clock, I was going up to the university for five days a week, too. The only time that I was at home was on Sundays.

My son, Joe, was born when I was in law school, and I used to come home at ten o'clock in the evening and shake him and say, "Joey, your father is home." My wife would chew me out by saying, "Do not wake him up." Of course, when I left in the morning, he was still sleeping. I did not see my boy except on Sundays for four years.

Actually, my wife is the one who should have received the diploma. She was entitled to it because in all of this, she held our home together. She did a tremendous job.

My wife is fantastic. She is the most beautiful girl that there is in the whole wide world. I have been married to her for thirty-two or thirty-three years. Thirty-three years come this May. I do not regret a day of it. That is exactly the way that I feel.

C Did Rayen High School give you a good academic background?

D As a matter of fact, not knowing whether or not I would ever go to college, I presumed a business course even in high school. I did not follow the academic course because I was preparing myself for graduation from high school, so that I could go to work.

Although working may not have been what my dad had in mind, he was thinking

that I could not afford college I was voted the one most likely to succeed strange as it may seem, honest to God It is in the old Rayen record, and I will never forget that.

I cannot tell you what I ranked, but I have a feeling that I was in the top five of the class if not first or second I honestly do not know. I know that when we had our graduation get-together, I made a speech, and I think that it fell upon me because of my rank. I guess that I do not know what, but I am sure that I was up in the first five I may have been first, second, or third I really do not know that.

I got into the practice of law very strangely I was a Business Administration Major and an Accounting Major and working for the IRS. While working for the IRS, I would see these lawyers come in representing their clients inadequately, and I felt really sorry for them. I thought to myself, "Doggone it I think that I will go to law school Maybe, I can get a law degree, go into practice, and furnish the service that I thought was needed out there " I really did

When I left the service, there was no question that it was needed because there were not any real tax practitioners around in this area, and there still are not many. I think that if it came down to a good prosecution case to be tried in a federal district court, I do not think there is anyone in town to try it except possibly myself

Moat lawyers steer clear of internal revenue work or income tax work They do not want it because they are all afraid and because they are facing the toughest guy in the United States of America.

Most of them are chicken. It is just like your county professions. I am probably the only one in town who will stand up to them I am the only one who has the guts to do it

I have talked to many lawyers, and many of them had once or twice tried to do something with an income tax case They have always come back and said, "I will never do it again " It is a tough practice

I have been in a court room where there were five attorneys against poor, little old me and my client. I have sat in a courtroom where it was half filled with internal revenue service personnel.

Those are tremendous odds As a matter of fact, I recall a judge in Cleveland After I appeared before him for five or six times, he called me up to the bench, and he said, "Joe, is this all you do?" "Yes, I guess it is your Honor." He said, "I would not do this for all of the money in the world "

Well, I felt good about it I mean that I would have this much courage, and that is what it takes. I really enjoy it I like my work. It is like any work when you succeed at what you are doing.

When you try a case and win, there is a satisfaction there that goes beyond just the fee that you earned Of course, to me, any time that I am on the winning end of the law suit against the United States of America, that is a double reward It is just satisfaction of making them eat crow because there is so much against you

As a matter of fact, in one case, the judge chewed out two lawyers that came from Washington to try a case, and they admonished him He said that one lawyer would have been enough on this case He said, "I am a tax payer, and I do not appreciate the two of

you coming in here and wasting money trying this law suit "

After so many years, you do this over and over until you feel right at home with it. I do. With a tax matter, I am right at home. I could probably answer 90 percent of the questions that people ask me today without going to the book. I feel reasonably sure that the answer I would give would be correct, but it is a continuous learning process.

Literature comes in every week. Just today a Tax Coordinator Weekly Alert came that I hope has what has occurred during that week I should know about in it. I try to read it every week. It is just a matter of keeping current, and you cannot be current in taxes if you are also doing various types of other little matters. You just cannot.

Today, it is a matter of specialization especially in the tax field. Although dealing in the tax field is becoming further specialized, an attorney who wants to do a good job on pension IRA plans has to do this full-time.

So, even there, it has become a highly technical field, and I am sure that there are law firms in this country that have tax lawyers specializing in certain branches of the tax field. I will tell you that it is hard work, and I am leaving the university now.

As a matter of fact, after twenty-two years of teaching, I am finally leaving because I want to do other things. For instance, several weeks ago, I was appointed to the Children Services Board. I want to serve it because I am interested in this at no pay, and I would rather do that than, at this point, teach at the university.

Although I never really taught at the university for the monetary gain, I tell my students that I teach for thirty cents an hour. That is obviously a joke, but it is not more than a dollar an hour. I tell you that because when you are all through giving so much of it to Uncle Sam, some of it to the state of Ohio, and some of it to the city of Youngstown, there is nothing left.

That is not the point. I did it for many years because I thoroughly enjoyed it, and the monetary aspect meant nothing. It still means nothing. At least when Dr. Jones was there and would see you on the street, he would say, "Joe, I just want you to know that we appreciate your teaching at the university. If it were not for guys like you, we would have to fold." He would then pat you on the back.

Up here now, they give you about four thousand dollars for teaching three quarters a year, which is about eight or nine hours a quarter, and they think that you are overpaid. No one comes down and says, "Thanks," and to me, that is more than the money they pay because the money is nil.

I have always thought that I was contributing to society while I taught up there. I loved the students, I really did. I will miss them, but I do not want to be critical of the political system since it has become a state university like Columbus, Ohio.

You might as well bring the state legislature up here, and let them meet in the halls of YSU. It just is not the same. We will be teaching up there through television within a short period of time.

How can a guy teach in a first year accounting class with fifty-five to sixty students? I understand that poor, little old Miss Jenkins has sixty-five and seventy students in a class. That is ridiculous. That is not quality education. That is stink-o education.

In a way, I do not want the money part of it. I really do not. I do not think that we are putting out quality today like back when it was a university. When every professor there was dedicated, their hearts and souls were in it.

Today, I somehow think that people up there on faculty are not interested in the students. They are there for the money that they can get out of it. I really believe this. It is a job to them.

I have heard many comments from these people who talk about this. I have also heard students complain to me. I do not know why. The buildings are beautiful, and it is a beautiful campus.

Someday, maybe the students we turn out will be comparable to a Harvard graduate or something like this. I really believe this. There is no reason why we cannot be, no reason whatsoever. Granted, we may have students here that Harvard would not take.

We are trying to fill a quota here. If we do not get so many students, we lose money from Columbus. It is a matter of packing and unpacking. Let's face it. We need it.

It is a great institution. It really is. It is an opportunity for kids who are working to get an education. It serves an excellent purpose. I do not want to knock that aspect of it. I should not expect the same thing here that they would have expected in Harvard, Yale, Princeton University of Pennsylvania, or places like this. Some really nice, large eastern schools.

C Have you noticed a significant change in your students throughout the years now?

D Yes, I have. I will tell you. I think that the finest students that we ever had may go back to 1939 when I started. I am not really sure. I know the quality that we had after World War II consisted of all these kids who wanted an education. Even though they worked, they still struggled.

I think that they tried harder than the students today. I think that in a sense, the idea of working and going to school at the same time has not done most of the students any good. Really it has not because if you are going to work, you cannot put enough time into your learning.

I have insisted with every one of my kids that they have to go to school. I would somehow mortgage myself to the hilt if I had to, so they could go to school full-time and devote eight hours a day, day after day, until they received their education. I think that you get a much better education that way.

To me, in any event, some education is better than none. Do you understand? Even if a fellow that graduates from any university is at the bottom 10 percent of his class, that is better than not having gone to school at all. That to me is great.

I think that my biggest complaint would be against the administration and the faculty as opposed to the students. Classes are too large and related things of this nature.

Being in government organization now, they have got to be respectful of organization. For every five guys, you have to have a leader. For every sub-leader, you

have another leader and so on, whether you need them or not.

Sometimes, I think that the university is set up not for the student but for the administration and the faculty. The student comes last, and it should not be that way. The student is the one that we should care for. Everybody serves that student. I think everybody forgets that

C Did you come from a large family? I know that you mentioned a brother that helped with the newspapers?

D That is right. No, I had an older sister, a brother, and a younger sister. There were four of us in the family. So, I guess that is not too large.

My dad was a semi-invalid since 1929, and he never returned because of his physical condition. They would not take him back, so the struggle for existence came. I remember coming downtown when I was nine years old selling newspapers and making eight cents on the first day. In those days, you could buy a day old loaf of bread a quart of skim milk for a penny each.

C Eight cents a day was not really too bad then?

D No, it was not. You are positively right. For instance, if during the week you made two, three, or four dollars, that would go a long way.

I do not think that we were ever on relief. I am almost sure that we were not because even my mom went out and did housework to be very frank with you. So, when my mom was working and doing housework and my brother and I went downtown to sell newspapers, we managed to survive. As a matter of fact, I can still remember visiting a soup line and coming home with a bucket of soup.

C This generation does not really have the experience that our generation had.

D No, there is no question about that. Downtown in the 1930's was a bad area when it came to racketeering, numbers, gambling, and prostitution. Youngstown was infamous for that. I lived through all of this, the days of DeCarlo, when the biggest gangsters in the whole United States were from this area. It was fantastic, and I actually knew some of them.

C You knew them right on the streets?

D There is no question about that. I sold newspapers in front of what used to be Clark's Restaurant, which is right next to the State Theater down here. It was a beautiful little restaurant.

For years, I would see these people. Some of them were upstanding citizens, and opposed to that, some of them were of the brazen racketeers. It was not uncommon in the days of Vaudeville for them to say, "Well, if you can play in Youngstown and get the

people to applaud, then, you have made it. You can go anywhere in the country and succeed."

We used to be terrible. Of course, that existed until the war year. Then, with the beginning of World War II, they closed up all of the houses of prostitution. I was informed that was done, and they have never returned. I understand that there are street walkers and so on. There still might be some around.

I like the practice of law, but many people would discourage people from getting into the law field. There are various arguments that it is too crowded, and I do not question that maybe it is crowded. I always take the position that there is always room for one more good one. There always is. I do not care if there were fifty million, there is always room for one more good one. That is the attitude that I took when I went out into it.

I left a good job, and lawyers degraded me by saying, "You are a dummy for leaving a good job like that." They came out here to scrounge around for the law business. It used to irk me. I would tell all of them who irked me that there is always room for one more good one.

I am probably the most independent guy in the whole world. I would say that because of my background and my experience, nothing can happen to me. If I could not be a lawyer, I would do something else equally as well.

It is strange, but this is a feeling of confidence. That is all it is. Everything I think that I have ever done, I have tried to do well. For instance, I taught for twenty-two years at the university, and I do not think that I have missed five classes.

I am talking about teaching five days a week for three quarters of the year for the last three years and four quarters for the time before that. In all that time, I do not know how many classes that is, but I will bet you that there are not more than five classes that I have ever missed.

I am proud of this. I went through grade school and high school missing only one day in twelve years. Therefore, in school, I have a tendency to be a little harsh on the students.

You are there because I think that I have something to offer you. If you are paying for it, you should be there. I feel that this is true. This is the way that it should be.

In the last three or four years, I have not considered it in grading or anything.

Others simply feel that if they want it badly enough, they will come. It will show in the grade that they get, and well, I really cannot say that because when a student fails, I really die with him. I just cannot do that.

I think that this has been a little disappointing, too, that everybody does not get an "A." I realize that this is impossible. I realize that people come into school that are not going to work hard and maybe do not have the background for it. Let's face it. Many of them do not.

I think the kids that come out of high school today are not the same students that came out when I graduated in 1939. At least, we could read and write. We had reading, writing, arithmetic, and the basic fundamentals of math. We could stand on our feet and

express ourselves We could write decently, and you were able to read it

Because I worked during my summertime vacation, I had time to read Street and Smith's Western Stories. I used to read a hundred of them in one summer I would read two or three a day sometimes

That is how we learn to read. You really do The kids today, of course, watch television, and it is not in television Television is fantastic If it were put to proper use, we would not need education or the university

The opportunity is there with the use of television, but we have patterns These patterns are not going to change because it is commercial, and kids would rather see the extreme like the killing, action, activity, and entertainment as opposed to learning

I still say that television can learn. They can make the life of Lincoln and others appear on television, and the child will get more out of it than actually reading it out of a book. I can be done

Maybe, this is ultimately what education will come to I really do not know. I think that there is a lot that can be done with television to make up for the fact that kids are not reading as much today as they were before.

I am shocked at some of the writing I really am Some kids cannot write If you put some kids on their feet, they just cannot express themselves.

I do not know whether or not public speaking should be a required course for at least an hour for several years in high school. I really do, but I think that it is so important today for the young fellow or young woman to get on his or her feet and be able to express himself-or herself

When my daughter was in ninth grade, she took up public speaking to get away from the fear of standing up She went into a contest and wound up second I was there, and it was fantastic I try to encourage her by saying, "Honey, why not take up more public speaking? You might want to become a lawyer or a politician, and that is where it begins."

That was the end of it, but she was a good student. I do not know what she will do with her future It will be a matter of trying to find something that she will be able to do.

In the end, she will probably take some liberal arts courses, so that when she comes out of college, she will be qualified to do one thing. That is to sell books, or encyclopedias, from door to door I am right

When my son came out with a liberal arts degree, what the hell was he qualified to do? Run the country? No way! All that he was qualified to do was to go join an art museum and sell books That is about it

Maybe, that is peculiar or strange, but maybe, we are going back to more liberal subjects in college I read about this, but there are still a world of specialties anymore. It is not like the good old days when we had refinement Hell, you got a refinement from association with people

I do not the fact that you took Latin, French, or anything else adds anything to this. In my opinion, it does not You can use Latin as a language to develop your master of the English language It is fine and beautiful

As a matter of fact, if I had it my way, everybody would be required in high school to take three years of Latin, and there would be no requirement in college to take any language. All of these people that take French lose it after two years. It is wasted. They will tell you that they are using it to go to France or to go up to Quebec and Canada. That is it.

Every one of my kids has had language coming out of their ears, and none of them have made any use of it. I dare any professor up there to tell me that it has developed their background. That is ridiculous.

Now, Latin is a fantastic language. Damn it! Three years of it is required in high school, but none is required in college. There is a use for Latin. Latin is a fantastic language.

C. Mr. Donchess, could you tell us a little bit more about your experiences at the law school? I know that you worked during the day. Do you remember any of the instructors from your learning?

D. Yes, I do. Most of the instructors were practicing law. As a matter of fact, all of them were. The Dean was a practicing lawyer and a student. Actually, he was a tremendous practicing lawyer. He passed away, and Westinfield, who was the assistant Dean, became the Dean of the law school.

The teaching was excellent. There is no question about that. It was probably as good as any law school because we were getting the practical aspects of the practice of law.

Knolls Wyatt taught us court and a couple of other subjects. He was an excellent teacher. I know that when I was done with the courses he taught here, I was ready for the Bar Exam. I really was.

There were teachers here and there which may not have been too hot. For instance, once in a while, you get jerk, and all of them were practicing lawyers who did not even like the idea that Youngstown even had a law school. They claimed that Youngstown was dumping too many lawyers into the market.

This, of course, would take things away from them. So, they came up to teach us with a chip on their shoulders. I know that. Their hearts and souls were not in it, but the older ones, the regular ones or steady ones, were fantastic.

As a result, the people from Youngstown who went to Columbus and had a passing percentage were good. Look around today at what you have in Youngstown. Judge Leskovansky is a Youngstown Law School Graduate. A whole bunch of them are.

Some of the better lawyers in town are Youngstown Law School graduates. There is no question about that. Judge Donofrio, the Court of Appeals Judge, graduated from Youngstown State University. I am almost sure that Judge O'Neil is a graduate from Youngstown University.

Just look around at the black lawyer on the city bench who is a Youngstown Law School Graduate. I do not think that Moorely was a Youngstown Law School Graduate, but he could have been. I watched all of the Youngstown Law School Graduates, and they have made a fine showing for themselves. There is no question about that and no doubt about that.

C. Can you remember much about your classes or the different students that were in your classes?

D It was such hard work that I recall a couple of kids in my class dying, and they have a feeling that it was from the pressure of trying to work and go to Law School at the same time.

I think that Don Hanni was a class ahead of us I also think that Judge Leskonavsky was a class ahead of us, too Bill Green is a black lawyer who is in the city prosecutor's office He was in my class

C. Were you classes larger then?

D As a matter of fact, they were not We would start off with about forty or forty-five students All of the first year law classes started with about forty or forty-five students After five years, we would be down to where there would be about twenty students left because along the way, some of them would drop out and so on The drop out rate was pretty high, very simply because of the length, too.

C Were most of them married?

D: Most of them were married, and most of them were working, too So, there was no question that it was an extremely hard way to get in there and get a degree. Because most of them were extremely dedicated, they wanted a degree

Nobody should suffer this much unless he wanted it badly enough I think that this is what the University Law School produced It produced a fellow who wanted to practice law. The desire was there, and being somebody who was working, I think that it gave them a little better background for law school

When most of the kids today come out of law school, they do not know what a courthouse looks like They have never been inside of one besides a mock courtroom

When I went to law school, I knew every nook and cranny in that courthouse over there I have been through the one in Warren City Hall many times over because of my background

I was an internal revenue agent It was my duty to go through a bunch of the records in these various places On occasion, I would take a day off to go up to sit and listen to some good trials, which developed a little bit extra

C When you first started your practice, then, it seems like there was not too much of a difficult transition

D None, whatsoever As a matter of fact, the first day that I started to practice law I had a case that involved taxes. I was already employed. As a matter of fact, somebody called me, but I was still on leave I told the fellow that I was still working for Uncle Sam, and I do not even want to talk to you.

I started to practice law on January 2, 1996, and I had an office to which I was going to go to that day. I think that I have had it a lot easier than many of those who went into the practice in those days

At least, I had enough of a reputation, and people who needed me for tax advice, or tax representation, knew that I was around. If they did not, their own lawyers did because I am sure that every lawyer in town knew me from having worked there

If they had tax problems that they could not handle, they would refer to me. So, I never really had to struggle as a lot of them did because I did have a preparation in a specialty. Those who go out into the general practice of law today, unless they can go into an office, are going to have an extremely difficult time.

C Did your legal education at Youngstown prepare you for the Bar Exam?

D I passed it the first time. I am sure that there were some Yale and Harvard graduates who did not pass it the first time

C Did you take that preparatory course?

D Yes, I think that everybody took the prep course. It is nothing more than to develop a confidence. For instance, I did not take any notes. I would sit there and just listen. I would try to determine whether or not I already knew that or whether this was something new to me

It was amazing how much of this was just a repeat of what I had learned within the past four or so years. As I sat there, I just became more confident that I would pass the Bar Exam. It did, of course, round out the rough edges and so on. I think that the greatest thing was the fact that it gave me additional confidence

C Do you know why the Law School was dropped?

D Yes, I understand after the war, the pressure from the American Association of Colleges or Law Schools started to require greater things. For instance, I think that full-time professors and things of this nature required these greater things

Let's face it. Youngstown University was not making any money on the Law School. It was losing money year after year because if you took sixty students in a Law School, what kind of tuition do you think they would be paying?

In about 1959, they were asked to put on full-time professors who might get fifteen or twenty thousand dollars a year. That is forty thousand dollars just for two people, and with a full-time Dean, they just could not afford it

Rather than asking the students to pay higher tuition because they felt that they needed the money elsewhere, they abandoned it. It was a matter of-we cannot support everything-what do we ditch, and they ditched the Law School

I think that was their mistake, but it is too late now. What the graduates should have done at that time was to go up there with open arms and do something to keep it. I

am sure that I would have made contributions to it to keep it together. Many lawyers in this town who graduated from the Law School would have wanted to keep it open.

C You do not think that there was a feeling in the area that the market was being saturated?

D Oh, yes, there was. There were a lot of lawyers who not only graduated from here but also from other schools. When I first started to practice law, we used to sit around the table at lunch two or three times a week.

I would hear these out-of-state-trained lawyers, who were actually Ohio State graduates, say that this Youngstown University has to go because it is putting too many lawyers out into the streets.

No question about that. As a matter of fact, that was another major reason, and they probably had a lot to do with its demise. These are the guys who were selfish and who were thinking only of themselves and not of the community.

Some of them were bitter. I can still see some of these guys at the luncheons. I have very little respect for them because of that. Oh, I have respect for them, obviously, but not as much as I could have for them. As a gang, I know that they were somewhat responsible for the loss of our Law School here in Youngstown.

C. You would not have any objections to Youngstown re-establishing a Law School, then?

D I would never. I would assist in every way that I could. I really would. I would love to see one back here at Youngstown. There is no question about that. I sure would.

I think that the people in this area are being deprived of a right to go to a Law School. I am being very frank with you. I certainly feel that we are not giving the people in this area the opportunity to further their education beyond undergraduate school.

When you talk about what I am entitled to and what my rights are, look around at all of the money being spent. There is a place here for a Law School. Why should a kid have to trail to Akron University? We do not have enough law schools so that every child that wants to go to law school can go to law school. Why not? It is like medical school. You could have another five hundred of them.

C Do you think the AMA and the ABA are right?

D There is no question about that. They are stifling areas. There is no question in my mind about it. Of course, I am not a doctor, but my own personal feeling is that they certainly are right. I think that we in the legal profession are doing the same thing.

C. What do you think the qualities of a good lawyer should be?

D Well, he must first be courageous because sooner or later, he is going to stand before a jury or a judge. He must not be fearful. He must always be convincing, and he has to work hard to prepare a case. It is basically one of hard work.

A guy who does not work hard to prepare his case is going to lose. The guy who works hard to prepare his case is ready because you are prepared when you have a belly full of your case. That is when you are prepared

If that is the case, it is going to take a good opposition to lick that lawyer and his client. It is. They say that criminal defense lawyers get criminals off. That is not true. The truth is that the prosecution has not prepared its case well enough to convince the jury that the person is guilty.

It is as simple as that. It really is. I have succeeded in almost every case, but when my kids ask me, "Dad, have you ever lost a law suit?" I say, "No." That is not true.

There is no question about it. You have to know your case inside out. My first experience that was a substantial case when I first went into the practice was a fraud case, which was set for hearing in the tax court in the United States.

The government wanted to settle it, and I wanted to settle it, too. They alleged that my client owed 120,000 dollars, and I claimed that we owed 30,000 dollars. There is an area in here for a possibility of settlement. For settlement purposes, I would have to come up with a little. Uncle Sam had to come a long way.

I will never forget. It was there three days before the trial. On a Thursday night I think. I was up in Cleveland trying to determine whether or not we could settle it. It was five o'clock, and I was getting ready to leave knowing I would have to go into court on Monday.

The Chief Council from Cincinnati stopped me. He said, "Joe, why don't we sit here and talk for a moment before you go home. Did you dispose of the matter?" I said, "No, you and I just cannot see eye to eye." He said, "How far are you away from it?" I said, "It was this much, but I am not concerned to be very frank with you because I have a belly full of my case. I know that guy cannot prepare as well as I am prepared."

"You know that I will check you out," he said, but he told the other lawyer to wait. He asked me, "What was your client's net worth at the end of December 31, 1953?" I told him that it was about \$1,587,633. He said, "Get the net worth statement." He checked it, and I think that I was within one hundred bucks.

He said to the lawyer, "You will meet him again tomorrow," or he said, "You go home, make your determination, and call me at my hotel room."

I came back to the office, made my computation, and called his hotel room, but he was not in. He told me to give my figures to the other Appellate Judge if he was not in. I called him up, and I told the Appellate Judge.

I said, "Look, these are my figures of what we owe. They came to thirty-five to thirty-nine thousand." I said, "I just made a computation based upon what we discussed this evening, and this is what I will settle for." He told me, "You are cuckoo. There is no way that this is going to happen." He said, "I will make sure of that."

Anyway, the next day I went up there and asked for this Chief Council from Cincinnati, and he said, "Sorry, you just missed him. He left for the airport." I felt that he was the only guy I could talk with. So, I searched out the airport, and he said to me, "What the hell did you do here last night? That guy came into my office and asked what figure did Donchess give you."

I gave him the figures that he had taken, and that was the end of the case. Honest to god. That was nothing more than hard work and preparing. Do you understand? This is what I am trying to say. No one simply on personalty or ability to convince is going to win unless he is well prepared.

I do not think that anybody can talk about something he is not very familiar with. This is my feeling. Hell, you could put me before an audience of a thousand people on taxes, and I can talk for six hours without using a note because I know it that well. I would do a damn decent job of it, too.

Every little bit helps to develop confidence. For instance, I am used by the Ohio State Bar Association to lecture at some of their seminars. I enjoy this because basically, I am a teacher at heart.

Every year I give a seminar for the Mahoning County lawyers. It is just a little refresher course. It is a couple of hours once a year to let them know what has happened in the last year and some changes in the law. It is not intended to be a seminar.

The Ohio State Bar Association takes care of that, but for a lot of lawyers who do not even get involved in taxes, it is a nice little refresher course. I can squeeze it together in an hour with all of the things that have happened since last year.

I enjoy this to be truthful for you. This is free for all of us. There is no compensation, but these are the things I feel that I owe to society. I owe my profession an awful lot, and I will do anything.

Lawyers will call me and tell me that they have got this problem or that one, and I am always willing to help a fellow lawyer even though he may be indirectly competing with me. I do not really worry about it.

Somewhere, I do not think that I have ever lost this. I just believe that in my profession, I owe something, and I have not done enough for it. I do not mean monetarily; it is not going to mean anything.

Somewhere, I want to enhance my profession. I want to make people be proud of me. I want the public to feel good about it. I want to walk in there and say, "Gee, there is one nice lawyer. He is not as bad as I heard about lawyers." To me, this is a goal.

C Along these lines, here is a pretty difficult question, kind of philosophical, I guess. Do we live in a just society? Is the legal profession directing us toward a more just society?

D That is a good question. Maybe, the legal field is not, but somewhere, we are coming to a more just society. For instance, just to give you an illustration, people will prepare wills that are four or five pages long because they all feel that all of this is necessary.

My wills are very simple and short. They do not contain any garbage. For instance, I do the following three words: give, devise, and bequeath. They are necessary. You can give because it does not have to be your last will and testament. It is a will.

There are a lot of things that we do that are excessive. We have a tendency not to speak in plain English language. I have been waiting for this since the day I started to practice. It got in there slowly but surely because of people like me who are demanding it.

We have a new format that is making it easier for us to administer and estate. Easier because it is going to become a little bit uniform. Why should our forms here in Mahoning County be different than those in Trumbull County and those in Columbiana County if we are all governed by one state law? We are getting away from the old tradition and trying to be practical.

I am not too sure this is with the aid of the lawyers. I am not too sure whether the lawyers necessarily like this, but I know that I belong to the American Bar Association's Committee on general taxation. They sent me a section of the law down one time, the code.

They said to check it to see whether or not there are any errors in it that you could recognize. I read it and sent it back. I said, "I cannot check on anything I do not understand." I sent it back. That, in effect, told them that no one should write a code section like this.

I am a rebel when it comes to these things. I am. I wish there were fifty thousand others like myself. Then, we would have some progress. A lot of this progress has to come with a little fighting and a lot of demand by people along with these lawyers like myself.

I cannot say that I rock too much of a boat because I am only one person. Every little bit helps. I am here to simplify the practice of law, not to complicate it. It is too damn complicated.

C Do you think that Carter has made good changes in income tax?

D Well, any changes will not come from Carter or anybody else. Changes in income tax law are going to come from reform groups, like Nadar's people in taxes and people like this. These outfits are people's lobby who are going to watch the laws are not abused and that there are not loopholes there for special interest groups.

For many years, this is what happened in the income tax field. I am not saying that corporations are always wrong. For instance, I disagree with him on not giving corporations tax credits for buying new equipment because when you buy new equipment, you are creating jobs.

The greatest thing that this country needs is a reduction in the unemployment because of everyone you take off relief and make a productive employee. The distance between the two is fantastic. The move is from one who is withdrawing from society to one giving to society.

It is fantastic, but it is too early yet to determine what Carter is going to do. I think that he is sincere. I am all with his energy program with one exception. For years, I have believed that we should conserve our natural resources for years.

It was right after I came out of the war or about five years later when I saw how we were gulping up energy. I knew that it could not last too long. I knew it.

In 1961, I got myself my first Volkswagen because I was fearful of just eating it up. Then, in 1974, I switched from Volkswagen back to an American made automobile simply because of the balance of payments problem. This to me is just as great.

If I had it my way, there would be no one in this country who would drive anything but a four-cylinder automobile. Simple as that because we are going to rule the day that we permit all of these big automobiles to drive on the streets.

Even today, we are not doing anything to stop this. We are not. Putting a tax on gasoline is ridiculous. This can only hurt the poor little guy who uses his automobile to go on vacation and to go here and there. That is no answer. The fellow who can afford it does not care whether he pays fifty cents or a dollar for a gallon of gasoline.

I think that there ought to be a big excise tax on a big automobile. If you want to drive a Cadillac, you pay an extra thousand or fifteen hundred dollars a year. That might solve it. Then, the smaller guys are going to go to the four-cylinder, and it may be a little uncomfortable for him.

I am enough of a historian to see that only a hundred years ago it took a covered wagon four months to get from St. Louis to the other side of the Rocky Mountains. Today, we can do it five days or six days. We have no appreciation for this. We have none.

C. Well, we want to keep going faster.

D: Yes, it is positively true. It would be fine if this could last forever, but it cannot. It just cannot. There is no way. You know that thing gushing out in the North Sea? They have not tapped it, and I hope that it is not going to destroy the ocean. It would not take too many of those to destroy the ocean.

This, to me, is sinful. It really is. It is because of the monstrous need for oil. I am not knocking the fact that if we can get it off there, then, fine, but we could eliminate a lot of this damn demand if we would simply switch to everybody being forced to drive a four-cylinder automobile. We could cut it in half.

C: A few more questions on current controversial issues if you would not mind.

D. Okay.

C. What about capital punishment? What are your views on that? Do you think that will help deter crime and make our society somewhat more just?

D. I personally feel that capital punishment will not deter crime. I really do not. I am not opposed to it. As a matter of fact, I would favor it with the hope that it would deter, even though I believe it does not. That is really difficult.

I went along for a long time believing that social reforms would take care of the crime instead of punishing. They would rehabilitate things of this nature. We have tried it for fifteen years now, and it is not working.

Rehabilitation is not working. I was all for the idea. If a guy makes a mistake, rehabilitate him and send him back out into society. This has not worked. It just has not worked.

This brings us back to your question, then, maybe we should punish. If you are going to punish, then, you have capital punishment. I honestly do not know.

I am not opposed to capital punishment. I feel that it may deter. If it does deter, then, we should go for it. I have been on both sides of the fence regarding this issue.

As times go along, you change. I have changed. I would have opposed it ten, fifteen, or even five years ago. It has not changed, and I do not think that it will.

Jokingly, I tell some people that when we are going to hang someone or dispose of them, we should build three scaffolds on the square. On Sundays, everybody would come down and be forced to witness an execution. If you do not come, you pay a fine or a penalty of some kind. Oh, I am only kidding when I say that.

If you are going to go capital punishment, it should be that way then. Let everybody witness it. Then, maybe those who might see it would deter, but executing somebody without everybody else knowing how it is done or anything is wrong. I think that the last execution was in Utah.

C. Gary Gilmore.

D. Gary Gilmore came as close to a public spectacle as we have ever had outside of the old days in the West. I think that may have served a purpose, but I do not know. So, I really do not know.

C. In your perception of society today, then, are we better off? What are your hopes? Are you optimistic about the future? Are we going to solve these problems?

D. We are going to solve them. We have come a long way, a tremendously long way. Years ago, who would have thought that all the kids who are going to college today would even have the opportunity to go to college?

A lot of these things are obviously good, but we have increased our standard of living so fast and so rapidly that it is to our destruction if we do not slow down. As a matter of fact, we have to back up. I think that we need people like Carter who will help us do this.

Now, obviously big industry is going to oppose it. They are going to do this because this is their sole purpose regardless of what they teach in school. They say that corporations are interested in the social aspects of the community. In my opinion, that is a bunch of junk.

They are going to bring a big fast return from their investors. All right, General Motors just announced that they made almost one billion dollars in the first quarter. Now, if you multiply that by four quarters, that is four billion dollars. Uncle Sam is going to get as much in taxes, eight billion dollars, at the expense of a loss of natural resources and a lot of other things. I agree that our economy would suffer if everybody drove a four-cylinder car.

C. That does not make any sense.

- D: It does not make sense to me either. It does to this extent: they can build a Cadillac for six thousand dollars and sell it for eleven. There is a five thousand dollar profit in a Cadillac. I am exaggerating a little bit.
- When you get down to a twenty four hundred dollar or a twenty six hundred dollar Pinto, there can be a five thousand dollar profit in the sale of a twenty four hundred dollar Pinto. For instance, shareholders are selling stocks on the market for seventy-five dollars a share. I do not know what it is today.
- They are necessarily entitled to a thirteen dollar return per quarter, and I think a lot of that return is due to the fact that Uncle Sam has given a lot of tax credits and breaks. I do not think that industry is carrying its load in so far. Because of these things, I do not think that they are paying their proper load in society.
- C Are you in favor of decriminalizing marijuana?
- D As a matter of fact, yes, I am in favor because no one has convinced me that it is really harmful. It is no more harmful than booze, liquor, or anything else.
- By decriminalizing it, maybe you could get them to sell it in the drug store, where it would not be tainted with a lot of sawdust or whatever else somebody might put into it.
- I do not think that the use of it would be abuse any more than it is today. At least, the people smoking it would be abusing it, but in my opinion, it is no worse than booze. Certainly, when you talk about decriminalizing it, we already have, and I am very thankful for that.
- Now, if you get caught smoking it or have less than two ounces, you can only be fined. To me, that was the greatest thing they could have done because some of your judges and so on would have hung some of these kids for just smoking.
- I think that there is more harm to people because of the way we handle it here than there is if we would decriminalize it, even to legalize the selling of it.
- From what I have read, I think that it is more harmful than whiskey. It is not what you would call a drug forming habit. My own personal feeling is that the decriminalization of it was great. As a matter of fact, for the guy who pushes it and sells it in the condition we have today, I would hang him. That is an exaggeration, but I have no use for them.
- I only say this about the marijuana because I read too many things that indicate to me that it is no more harmful than booze. If somebody wants to get high on marijuana as opposed to booze, that is his problem. If a guy drives drunk or while high on marijuana, he would cause the same kind of accident and should have to suffer in the same manner. There is a gray area there that just does not make sense to me.
- C I have one final question. What are your ideas about abortion? Should individual rights for the woman be decided for herself?
- D You are asking a lawyer, and this is an unfair question. In my opinion, there is life from the moment of conception. Destroying that life is wrong. I am not going to go out and

champion any cause because I think the woman who bears a child also has a part in this

Now, you have to weigh all those things with what I just mentioned because if I were a single woman who became pregnant, I would be very fearful. I am sure that most single girls are

Then, you weigh this fear of possible medical and mental harm to her with what I said was a life. There are two sides, and I do not get involved in either side to be very frank with you

I recognize the right of both sides to this thing. I do not think that it is right to take a life. We all know from history that women were aborting. They could not go to a hospital where it could be done neatly and cleanly without danger. They went to these criminal abortionists

I am not in favor of this by no means. I feel that people who feel the same way that some of these women do have to be able to go somewhere. If it becomes necessary for their own safety, then, it is good and so on. I do not know, and I cannot answer that. In a way, I am for it and opposed to it. I am sort of straddling the fence in both ways so to speak

C I would like for you to think back over your life. Is there anything that you might have wanted to do differently or something that you would have changed if you could have?

D There are little things, but overall, I am very satisfied with my life as I have lead it so far. I do not think that I have ever done anything that I was really ashamed of. I do not think that I have deliberately tried to harm anyone. I may have thought about it from time to time, but I do not think that I have deliberately ever hurt anyone.

I go to church every Sunday. I believe that you should never hurt anybody. I got to the point a times where I showed great hate for things. It was not really a hate, but this just is not right

In any event, I do not think that I would change my life's pattern from what I did. There were little things in life that were of no major importance. I think that I would have wound up right here where I am one way or another

I think that I made all of the right decisions. For instance, right after World War II, I was twenty-four years old, and the war was over. I was one of three guys who had night combat training while out in the Pacific.

They tried to get me to stay in. The other two did not want to because they were too old. One was thirty-nine years old and the other one was forty-four years old. It was a week after the war was over before two officers came to see me and talked to me about staying in the Navy.

To be very frank with you, I did not like the system. I was an officer, and I knew that after the war was over I would be able to associate with the enlisted men. I just did not believe in this.

As a matter of fact, there are many things that I did not believe in. For instance, as an officer, I drew three hundred dollars a month. Enlisted men drew only fifty to

seventy-five dollars a month Why should I draw four times more than them? Because I am an officer?

To me, my country is just as sacred as it is to that kid. If I have a little more on the ball than he has, so then I can become an officer It does not mean that I should be worth more, and that is exactly what it boils down to I did not like this It just was not for me.

They tried to say, "Well, you know, we will not have another war You can sit behind a desk You will not have to work hard " That is not my style I am out here to help my country and make my country great. I went down from board to board, and finally, one of them said, "Where in the hell could you make this kind of money on the outside?"

That was the last meeting that we ever had I said, "Mr., you just made up my mind." Although, it was made up before. I said, "I am not going to talk to anybody anymore because you might call me a slouch I am not one, but that is what I am afraid that I might become if were in the Navy " That is exactly what I told him I said, "I know this life, work three to four easy hours a day, and go down to the Officer's Club in the evening I do not want that life "

I belonged to the naval reserve for many years until became disenchanted with it I found out everybody who was there was waiting around for time so they could get a pension They wanted to bleed the government, and I do not want people like that.

My commander had the gall to come up to a meeting and say, "Fellows, this is my last meeting because yesterday, I received my first pension check." He was a captain and a four striper in the Navy I do not know how much he got, but here is a guy whose motives were not to serve his nation. They were out there to bleed it, and he bled it

I wanted no part in it The Navy wanted me to sign an agreement form that stated that I would waive being inducted in the case they became involved in during a national emergency I say, "The hell with this "

The President is going to get up on the wrong side of the bed one morning, and I am in the navy again After three years, I am back in the Navy because he got up on the wrong side of the bed I refused to sign it.

I was due for a promotion from Lieutenant to Lieutenant Commander. A captain came in from Washington, and I asked him a question I said, "Since I did not sign the waiver form, will this stand in my way of being promoted from Lieutenant to Lieutenant Commander?" He said, "Yes, it will." I said, "Well, the Navy and I part as of this moment."

I was honestly and sincerely on an absolute non-pay status thinking that if my country became involved and I had the experience to help it in any way, was going to do it No money thought in mind or anything.

As a matter of fact, in order to get a year's service credit for retirement purpose, you had to have fifty points When I got forty-eight points, I quit attending or something, so that I would not get enough

In my heart, I felt that I was there for this reason not for my pension purposes or anything My goal in life was not to corral all of the money. It was not

I am very pleased with the way that my family has grown up. I am pleased with what I have done with my life. I wanted to do other things. That is another reason why I am quitting at the university. I want to get involved in another organization, which is helping society in some way.

You cannot do anything on Monday, Wednesday, or Friday morning because you have to be up there, and this is secondary to me. Then, on Tuesday and Thursday evening, I cannot do anything because I have to be there.

The university is sort of stifling. I put up with it for a long time. What do I do? Am I egotistical enough to think that what I can give to the students is worth more than a little happiness with my wife and my family?

That is what it pretty much boils down to. That is solved now. I helped that it became a state institution to be truthful with you. I do not think that there is a happier guy in the whole world than I happen to be.

There is a lot ahead with my wife and my family. I have got to live to be ninety-three in order to get all of my social security money back. That is my goal because I am not going to let the king steal it from me and give it to somebody else. I put it in, and I want it back.

- C. Is there anything else that I have not covered that you want to bring up?
- D. You know that I have told you things that innocent people will hear, and they will be very surprised. Most people know me because I am outspoken like this for the most part. We have covered my life from A to Z. There is no question about that.
- C. Thank you very much.

End of Interview