

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Youngstown Law School Graduates

Personal Experience

O H 977

JOHN M NEWMAN

Interviewed

by

Paul Carlson

on

April 30, 1977

JOHN M. NEWMAN

During the Depression, John Newman worked as an office boy for Youngstown Sheet & Tube. In 1942 Newman passed the bar exam and entered the service. He later served as Administration Officer of the war crimes trials at Yokohama. After he returned to Youngstown, he entered the law firm of Falls, Hazel and Kerr, which is now Newman, Olson and Kerr. In 1947 Newman began to substitute as a law instructor for the Dean of the Law School, Raymond Falls. Newman taught courses in personal property, pleading, equity, and private corporations. In 1965 Newman became a Youngstown University trustee and a director for both Mahoning Bank and Metropolitan Savings and Loan. In 1969 he was a member of the City charter Revision Committee, and in 1974 he became trustee for the Northeastern Ohio Medical School.

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INTERVIEWEE John M Newman

INTERVIEWER Paul Carlson

SUBJECT instructors, closing of the law school, prominent graduates

DATE April 30, 1977

C This is an interview with John Newman for the Youngstown State University Oral History Program, on Graduates of Youngstown Law School, by Paul Carlson, on April 30, 1977, at 1010 Union National Bank Building in Youngstown, Ohio, at 10 15 a m

Mr Newman, could you tell us something about your background?

N My father was born in Barton, Maryland He was a coal miner as a very young man and his father was a coal miner ahead of him His mother and family had been born in Ireland His father's family apparently had been born and raised somewhere around Baltimore, Maryland He lived in Barton, Maryland until he was about 22 or 21 years old when he went to Pittsburgh He worked in the mines after having had a normal grade school education and about two years of the equivalent of a high school education His father was John Marshall Newman, for whom I am named His father' brother--there were only two that we know of--was Henry Clay Newman Obviously they were born shortly before the Civil War and were named for historical figures My father came to Pittsburgh in

the early 1900s. He worked there for a utility company, as I recall, and subsequently went to work for the accounting department of the Republic Steel Company. He came to Youngstown around 1908 or 1910 and worked for the Republic Steel Corporation until he was about 73 or 74 years old. He's retired and still living. He's about 98 years old.

My mother was born and raised in Pittsburgh. She had an ordinary education with a little bit of business school. She worked for a short period of time as a stenographer until she was married and came to Youngstown in 1912. Her family was Irish as well, at least on her mother's side. Her grandmother was born in Ireland and came to New York where she was schooled at Mount St. Vincent. Later on she came to Pittsburgh, I don't know when. They lived in East Pittsburgh, then in Wilkesburg, and then they came to Youngstown where my mother was married in 1912.

I have two brothers and two sisters, all of whom, with the exception of one of the girls who wasn't interested in a college education, were fortunate enough to get a college education. We're all still living. My mother died at about the age of 72. I was born on the South Side of Youngstown. I lived there until I was about five years old, at which time we moved to the North Side of Youngstown. I went to St. Edward's School, Rayen High School, and the University of Pittsburgh where I got my undergraduate degree in political science.

I returned to Youngstown and lived at home. I started to work for the Youngstown Sheet & Tube Company as an office boy in 1937 at \$65 a month. That was in the middle of the Depression and the year of the original big steel strike. I continued to work for the Youngstown Sheet & Tube Company during the day as a hall boy or office boy until 1939 or 1940. At that time I went into what they call payroll auditing. I continued in that department until 1942. During that period of time, from 1937 to 1942, I was a student at the Youngstown Law School. I graduated in the June of 1942. I took the bar examination for the state of Ohio. It took three days--the last day of June and the first two days of July--I believe. In 1942, I was advised that I had passed the bar and I was inducted into the bar association one day, perhaps the 12th or 15th of August, and the following day I went to Akron to be sworn into the Army because I had been drafted.

I was sent to Louisiana for my basic training. After my basic training I went to artillery officer training school in Fort Monroe, Virginia. After three months there, I went to Portsmouth, New Hampshire with the 22nd artillery. That was in the spring of 1943. In the summer, July 21, 1943, I was married to Lillian Carn. We were married here in Youngstown at St. Edward's Church. We lived in Portsmouth, New Hampshire on New Castle Island from that time until March of 1944 at which time I was shipped out to Texas. I went to infantry school on a modified basis. I then went to Fort Meade, Maryland where I stayed for about a

year. Then I was shipped out to the West Coast in a large detachment of officers. I was shipped out of San Francisco after the European war had been determined in August of 1945. While we were in the middle of the Pacific, the Japanese war was brought to a halt. I stayed in the Philippines for a short period of time. In about October of 1945, I got to Japan where I was assigned to a regimental combat team. I was company officer there until December.

They were getting ready for the war crimes trials and they were looking for anybody who had ever looked at a law book to participate in the trials in some capacity. Because I was a lawyer, I was sent to Tokyo to be interviewed. In the early part of December I was transferred to Yokohama where I was assigned to the 8th Army, which had charge of the war crimes trials. I was called an Administrative Officer for the war crimes trials. This involved six or eight principal political prisoners such as Tojo, as well as other so called minor figures. The men who were involved as officers of prisoner of war camps were charged with various crimes, such as failure to provide necessary things to prisoners like adequate food, clothing, sanitation, health care. I lived in the old Japanese silk mill there. We had our office buildings left standing in that city. I participated as an administrative officer, which is a task, I suppose, similar to combination clerk of courts and bailiff. This lasted until about May. At that time I was shipped out of Yokohama to Seattle, Washington, and then I was discharged at Camp Atebury, Indiana. It was interesting during the time of those war crimes trials, which were presided over by military officers in the area, that the first judges were very harsh. I think it was primarily it was an attitude of first instincts. The judges were primarily combat officers who had fought up through the Philippines and had, I guess, nothing but hate for many of the Japanese. As a consequence, the first man who was tried was sentenced to hang by the neck until he was dead. This was the first and only time I ever heard a sentence like that. Whether or not the man was hung, I don't know. Most of the sentences that were rendered were subsequently modified within a very short period of time. Most of the men who had been sentenced to life in prison were released within four or five years after the war was over.

I came back to the United States. I had been a reasonably good student, and Mr. Raymond Falls, who was the dean of the law school the last year I attended, had asked me if I would be interested in coming into practice with him. I, of course, was delighted. So, when I returned I went to his office about a month. They had their decks cleared so that any commitments they had to others had been taken care of when I started working for Falls, Hazel, and Kerr. I worked as a very junior partner in the summer of 1946.

Mr. Falls, who was a senior partner of the firm and my mentor, had been an instructor at the law school for a number of years. When I started the law school in 1937, Judge George Gesner was a member of the Common Pleas bench in Youngstown and the dean of the school. He was a very fine man, and a very

fine teacher with a lot of common sense. He was a farmer, and a lot of the statements he made and instances that he recorded to exemplify points were from the farm. This made it very interesting to me. He died from an unfortunate medical experience during my last year. Mr Falls was an instructor then and he was appointed dean. Mr Falls remained the dean until the school was discontinued sometime in the 1950s. He died in 1956. During that time Mr Falls was dean, he received no compensation. He taught courses in the law school as did other instructors, such as Judge Erskine Maden, and common pleas judge here and a very fine man Paul Stevens, who was a man my age and a partner of mine in the law firm, taught some courses. Mr Weston Field, an attorney from Niles, Ohio taught. Henry Church was a practicing lawyer in Youngstown and a man substantially older than I am that taught there. In 1947, 1948, it's my recollection that these men were paid \$2.50 or \$3 an hour for their teaching there. Mr Falls did whatever administrative work was necessary as the dean and received no compensation for it. He participated in the programs of the Ohio League of Law Schools on behalf of the Youngstown Law School. He traveled occasionally to other cities to participate in these meetings. I think the school profited greatly from Mr Fall's tutoring help, for he was not only an outstanding lawyer, but he was an outstanding legal scholar and a very true professional in my judgment. I had a great deal of admiration for him. I started to teach in the law school in about 1947. It was on a part time basis as a substitute for Mr Falls. He primarily taught personal property, pleading, private corporations, and equity. In about 1948 or 1949 I was teaching up there on my own as a part time instructor because everyone was part time. At one time, we went three nights a week at the school, and then again, at other times the school was two nights a week.

In any event, school was a five year course going from September of your first year through four quarters, including summer, for four years. You would end up [graduating] in June of your fifth year. If the law school had no electives in the course of a particular year, you studied somewhere in the neighborhood of 25 to 35 different subjects. A benefit that I saw from studying at that law school--which at least to some degree overcame the deficiencies of the night school, if there were any--was the fact that you were dealing with men who were engaged in the private practice of law at the time. You got the benefit of their practical experience, from both lawyers and judges. I ultimately ended up teaching evidence, equity in private corporations, and, occasionally, personal property.

In about 1956--the year Mr Falls died--the governing body that accredited law schools began to get rather severe about the requirements for the accreditation of the law school. I recall that there were inspectors in here several years in a row. They were concerned about the size of the library, about full time faculty members, and about compensation of faculty members. At one time, I recall, there was a great concern about the fact that Mr Falls received no compensation for being dean of the school. Mr. Falls had a luncheon meeting

with the president of the school about this. He told me afterwards that they discussed the possibility of Mr Falls receiving compensation from the school, which the school apparently could not afford. Mr Falls quite readily agreed that he would accept compensation between \$4,000 and \$8,000 a year upon which he would immediately turn around and gift it back to the university. Somebody at the meeting from the administration didn't want to agree to that, they apparently didn't want to let go of the money. What they wanted to do was show on the books that a compensation had been paid, but not actually have any money change hands. Mr Falls would not agree to that. He felt that if he was going to be charged with having received compensation, he should at least have the satisfaction of making a contribution back to the university. That was just a beginning of some of the woes.

There was always a question as to whether the law school was carrying its own weight so far as the expenses of the school. The entire college was concerned. Mr Falls met a number of times with the school administration and had disagreed with them about the manner in which they were charging a prorated portion of the administrative expense of the college to the law school because the law school was really a very minor part of the college even in those days, if you speak in number of students. Mr Falls always felt that the law school really was carrying its own weight, and that it was overcharged in their [the administration's] computations for whatever portion of the administrative expense the school incurred.

The law school gained popularity while I was there, as I recall. As a matter of fact, in 1934, 1935, or 1936, there was talk about closing the law school. Whether it was closed for one year at that time, I don't know, but there was a very serious question as to whether it would remain open in 1936. I was delighted that they didn't so that I was able to start in the school because there was no way that I was going to be able to go away to a law school at that time. Financial conditions were such that it would have been impossible. The first classes I was in there were between 18 and 22 students. The attrition was rather quick. By the time you got to the second year, your number of students had dwindled down to about 8 or 9. By the time you got to the fifth year and graduation, there were, in my class for instance, about six left. There were a number of reasons for this. One man, a practicing lawyer in town, Fred Coupe started out in class when he was working for Northwest Adjustment. He got married, got moved to Columbus so he had to drop out at that time. There were some who really weren't in there because they wanted to have a law degree, they perhaps felt that they would like it, but they really didn't have the great desire that was required to work full time during the day and study full time at night, especially during the summer time. This is because going on a full time basis during the summer, especially during the third and fourth year gets to be pretty much of a drag. If you don't have a great desire and a great determination, the students tend to drop out.

We had fine instructors in the school in my judgment. Most of the men who taught me in the school and continued as instructors after the war and after I started to teach, were men who were scholars. These men had true dedication. I already mentioned Mr. Falls, Judge Gesner, Henry Church, Paul Stevens, but there was another man by the name of Noels Wyatt, whom others may have told you about. He had been a high school mathematics teacher, won in Campbell with Kenneth Clark, who ultimately became a lawyer in this town and was a graduate of the school. Mr. Wyatt ended up a teacher of mathematics at the Madison Avenue School on the North Side. He taught his law courses just like he taught he grade school mathematics, which was with an iron hand. Despite the fact that he appeared to be a little bulldog, he was a very fine, friendly, charitable, compassionate fellow. Outside of a few people who disagreed with his philosophy entirely, everyone who left the school had great admiration for him and particularly for his teaching tactics because they bore fruit, as indicated by the success of the various Youngstown students taking the bar examination.

Sometime in early 1950, the Ohio State Supreme Court became very distressed with law schools because the students were attending quiz or cram courses prior to taking the bar examination. The supreme court, for some reason or another, felt that this was not a proper thing to do. They felt that it brought discredit upon the schools and to the bar.

At that time, the bar examination was given in three days. They were either six or eight hours a day. My recollection is that there were six different courses examined the first day, eight the second day, and six the third day. The second day was a rather difficult one. All the questions were essay type questions. You went from 8 o'clock in the morning until noon and then from 1 o'clock until either 4:00 or 5:00. I think there were five questions on each course to make the total 100. You had five questions in criminal law, five questions in personal property, five questions in private corporations, and so on. There were 20 different subjects upon which you were queried. However, a question you had in criminal law might really have been an evidence question. So, if you went in there with the idea that the subject of the five cases you got was actually a question on that subject, you could be deceived.

In any event, Youngstown did very well at the bar in those years, but the State Supreme Court was still very distressed because of people taking these cram courses. The questions on the exam were based on what the law in Ohio was at the time the exams would be graded. Many men were distressed at this. Men were coming out were coming from out state--eastern schools, Michigan--and in any law school you learned generally what the law was. You didn't always necessarily learn what the minority rule was, for example what the specific rule was in a particular case in Ohio. So, you were at somewhat of a disadvantage if they were going to grade solely on the basis of whether your conclusion

conformed with what the most recent Ohio case was. As a result, some men felt they were put upon. This led to the great popularity in the quiz courses. When you went to a quiz course like the one I went to in Cleveland, they'd say to you, "Whatever you learned in law school, forget it. We're going to tell you what the law is and you believe it as gospel. Rely upon what we say, we don't want to hear about some other idea you might have." That's the way it worked. There was a very popular quiz course in Cincinnati that was run by a former municipal judge down there, Gus Wylor. Ultimately a popular quiz course turned up in Columbus. Almost everybody attended these quiz courses. As a matter of fact, we at Youngstown took what they called the long course and the short course we started out in about February and went one night a week and on Sundays. Starting the first part of June we went to Cleveland for three weeks, stayed at a hotel, and attended this course five days a week and five nights a week. You could attend as many of the five days and five nights that you wished. The Supreme Court wanted to call a halt to that, so they said to the schools, "Look, if you will attempt to discourage your people from going to these quiz courses, we will guarantee you that the dating of the questions will be based on good legal judgment and not necessarily on the conclusions that have been reached by the Ohio Supreme Court or whatever court might have rendered the prevailing case." This was fine. I presume that the schools cooperated to that effect. The following year or maybe from the second or third year after that, men had continued to go to quiz courses. I can't recall what school it was that these people attended or what quiz course they had attended, but they had learned in the quiz course within the three weeks before the bar exam that a recent case had been decided on a particular issue in Ohio and that the rule was thus and so. They answered the question in that fashion and some of these boys failed the bar exam. At that time, and perhaps today still, you could inquire and get copies of your answers for a certain fee, which they did. They found out that they had answered the question precisely in accordance of what the law was at that time in Ohio as indicated by the most recent case, but the answer had been marked wrong. They made an appeal on that basis and it was disclosed that they were not judging on the basis of what the law was when they had prepared their answers, but on what the law was when the questions were graded, which was entirely different from when they had been asked. So, that went by the board and there was not further agreement between them, and people continued to go to the quiz courses.

Mr. Falls died in 1956. Judge Gesner had already gone. I'm not too sure whether Henry Church and Noels Wyatt were dead yet. Noels Wyatt, I believe, was dead a year or two after Mr. Falls. In about 1960, Judge Maden was still around. The accrediting agency apparently started to put severe pressure on the school with respect to compliance with these various requirements. I recall that a meeting was held in which they invited all of the instructors. Dr. Jones, the president of the college, was there. The meeting was held at the Youngstown Club. At that time, it was disclosed that the cost of continuing to operate the law

school in accordance with the conditions that were being established and were going to be strengthened in the near future would be prohibitive. In other words, it appeared the law school would have to be discontinued. So, I believe in 1960 the election was made to discontinue it at that time, to the extent that no new classes were admitted, but the law school continued to graduate students who had already matriculated there. I suspect that the law school graduated its last class somewhere around 1963.

The benefit that I see of the law school was that a lot of people, such as myself and a great many other men in this community who wanted a law school education for various reasons--economic and otherwise--were able to get one without going out of town to get the legal education they desired. I think if you'd check the records here locally, you'll find that a very substantial portion of the practicing lawyers and judges in this community, even today, are graduates of Youngstown Law School. I can look right now at our court of appeals in this district and see two of the three men on the bench and see Youngstown graduates. On the common pleas bench in Mahoning County there are five graduates of the Youngstown Law School. In the municipal court, two of the three are Youngstown graduates. The president of one of our banks is a graduate of Youngstown Law School. A number of men in the prosecutors staff are from Youngstown Law School. There were several doctors in Youngstown at one time--I don't know if there are any presently--who graduated from Youngstown Law School.

The law school has had a very pronounced effect on the bar in Mahoning County, as well as in Trumbull County. A great many of the men from Warren have graduated from Youngstown Law School. One of them in particular that I recall was a certified public accountant while he was going to school. He went into private practice and his father has been a common pleas judge, a court of appeals judge, and sat on the State Supreme Court for a short time. This man became county prosecutor, a common pleas judge, and then resigned from the common pleas bench to go back into private practice. That man is Lynn Griffith and he still practices. He's a very interesting person, as a matter of fact. He is an outstanding member of the bar in Trumbull County. There are many other men who I can't recall who were students while I was teaching at the law school who are now in Trumbull County.

Many men feel it was unfortunate that the law school was discontinued, to the extent that it deprived anyone from getting a legal education. I think it was unfortunate. Today, if Youngstown Law School were in existence, I'm sure their standards would be the same as they are for other law schools. I think it's to some degree unfortunate that some qualified men and women aren't able to go law school because they can't go away to school because of family obligations or whatever. Although, I think you'll talk to many men in Youngstown who will tell you that there is an over abundance of lawyers in Mahoning and, perhaps, in

Trumbull Counties today. This has come about, so far as I can see, within the last eight or 10 years. To some degree I think it's come about as a result of the great upheaval of the 1960s when many people were trying to change the work by militant means and it turned out that militant means was not the appropriate method. The best way to change what they were going to change was from legal means. As a consequence, many of them went to law school. This was explained to me by some of the men from Akron University, the president of Akron University in fact. It sounds like a reasonable premise and people continue to go through law school, which in my judgment is an outstanding background for any sort of pursuit that a person wishes unless it's scientific pursuit, such as medicine. For any kind of business activity, it seems to me, a law background would be outstanding. That's my story.

C Well, thank you.

N You're welcome.

END OF INTERVIEW