The Casebook’s Reply

[Published as a Robert and Public Service]
This is the law of the casebook,
That only the strong shall thrive,
That surely the weak shall perish
And only the fit survive.
Dissolute, damned, and disdainful,
Crippled and palsied and slain,
This is the will of the casebook—
Lo, how it makes it plain.

Harry Kalven, Jr.

Sports Corner

Manager Bernie Meltzer took his place in baseball annals beside such miracle managers of the past as George Stallings and Leo Durocher, and of the present such as Al Lopez, when he led the Faculty to a 19 to 18 win over an all-star Mead House law-student team in a nine-inning softball battle at Burton-Judson Field, June 1, 1957. The game, a quintennial affair, was a remarkable reversal of the apparent trend established in 1952, when the student team won 64 to 12. Each team scored three runs in the first inning, and the game then steadied down into a pitcher’s duel. Manager Meltzer when interviewed later attributed the team’s success to several factors: the increased maturity and judgment of the Faculty, the psychological desire to win, and the temporary appointment to the Faculty of some seven able-bodied students.

One rather remarkable feature of the game was that the Faculty team played errorless ball throughout and frequently got their hands, or other parts of their body, on hard chances and succeeded in deflecting them. Another rather novel feature of some interest from the legal point of view was that the Contract Termination Act of 1944 was held to apply, and as a result the score was at several points renegotiated. A knotty issue was presented late in the game when one of the students came to the plate with a cricket bat. The jurisdictional conflict was referred to Brainerd Currie, who was playing second base at the time, and he ruled that the baseball rules still controlled.

Observers who were present on behalf of the University Administration are reported to have come away much impressed and favoring lowering the compulsory retirement age at the University.

Among the Faculty players who will be back next season were Currie, Dunham, Lucas, Kalven, Zeisel, and Meltzer (mgr.)

<table>
<thead>
<tr>
<th>Faculty</th>
<th>R</th>
<th>H</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td>402</td>
<td>241</td>
<td>18</td>
</tr>
<tr>
<td>Students</td>
<td>304</td>
<td>211</td>
<td>231</td>
</tr>
</tbody>
</table>

Aronberg was appointed to the Faculty to run for Currie in the sixth; Claus was appointed to the Faculty to bat for Dunham in the eighth. Doubles: Meltzer, Currie, Alex. Triples: Lawrence, Kline, Rudley. Home run: Alex. Fingers batted in: Kalven (1), Zeisel (1).

A lawsuit filed against the University immediately after the game shows that the students are as eager for litigation as the faculty for exercise. The plaintiffs in the action were those students who had been appointed as Lecturers in Law from 2:00 P.M., June 1, 1957, to 11:59 P.M., June 1, 1957. They have filed a class action for compensation on a quantum meruit basis. The law Faculty, blazing with confidence, has advised the University to forego several obvious defenses to liability; to offer to determine the amount thereof, if any, in the following manner: The Faculty will play another game against the students without ad hoc lecturers, but with Sheldon Tefft as umpire. If the students get more runs than the Faculty, they shall as a group be entitled to a sum represented by the excess of runs multiplied by $1.32. (Cf. any section of the Revenue Act of 1954.) The plaintiffs, for reasons which are plain, have not accepted this offer. It is not easy to predict how the litigation and negotiations will come out. But readers of this corner will be promptly advised of all developments.