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The Advocate, February 28, 1979

This issue is Dedicated to John Q. Public

The Advocate

STUDENT NEWSPAPER OF THE NATIONAL LAW CENTER
THE GEORGE WASHINGTON UNIVERSITY

Vol. 10, No. 8

February 28, 1979

Bastress Elected SBA President

by Dana Dembrow

Sue Bastress, a first year day student in Section 11, decisively defeated the four other candidates vying for the position of Student Bar Association President in the February 14 general election.

Bastress captured 168 of the 383 ballots cast, or about 43% of the total. Randy Selig, who also served last semester as a first year SBA representative, was runner-up in the contest, receiving 84 votes. Jim Bachman, John Trigilio, and Ann Warren split the remaining third of the ballots.

Upon her inauguaation this week, Ms. Bastress will become the first woman to occupy the position of President of the Student Bar Association of the National Law Center. Originally from Boston, Bastress received her B.S. from Duke University in 1974, where she majored in zoology. She worked for four years as a fish and wildlife biologist before entering law school at GW last semester. Regarded by many as the most active member of the SBA assembly during the past term of office, she received notoriety for organizing and directing an aggressive campaign to replace the Xerox machines in the Jacob Burns Library. With the assistance of past President Stephen Friedman, Sue Bastress is already at work to assure a smooth transition between administrations. The first meeting under Bastress' leadership is planned for March 1 in the Hoover Room of the Library.

Carlos Del Valle was elected Day Vice President, with a 21-vote margin over Eric Simon. Incumbent SBA Representative Bill Shore was elected Night Vice President. Running uncontested for the positions of third year Representative, Elliot Chabot, Bill Crowfoot, and Steven Blair were endorsed for the three vacancies. Sandra Peaches, Greg Greenfield, and Dana Arnold were elected second year Representatives in a close race which edged out Jacob Pankowski, Nick Sarandis, and a write-in campaign for Ray Kurz. Ron McCall was elected second year night Representative.

Slightly over 40% of the student body eligible to vote cast a ballot in Wednesday's election. Elections Commission Chairperson Donna Malin said that she was pleased with the turn-out, which compared favorably with previous SBA elections.

President-elect Sue Bastress announced that several administrative positions are presently vacant, though she hopes to complete her executive appointments this week. She is now seeking individuals to serve as Vice President for Student Affairs, Secretary, Treasurer, Parliamentarian, Athletic Committee Chairman, and Locker Committee Chairman of the Student Bar Association.

In an interview with the Advocate on February 23 Ms. Bastress stated that her primary goals were to establish a student grievance committee, revise the SBA constitution, and pursue the possibility of creating a student/faculty lounge at GW Law School. She also expressed her concern with student complaints regarding law school tuition and indicated that she was disturbed with the discrepancies in the financial figures discussed by President Elliott in his address to the law school of February 13. Bastress stated, "We're going to press for more specific disclosure of finances and a commitment by the administration to immediate improvement of the law school's physical plant."

SBA President Sue Bastress

Vice President Carlos Del Valle, a political science major out of Colgate University, stated that his goal for the SBA is to "make sure we establish a lecture/speaker series consistent throughout the year." Del Valle hopes to assist student organizations in coordinating their activities and attracting speakers to address the law school on a regular basis. As his first task, Del Valle, on behalf of the Student Bar Association and in conjunction with the Advocate and several other student organizations, is presently undertaking a Symposium on Constitutional Law planned for March 12 through 23. The organizers hope to schedule about six panel discussions and lectures during the two-week symposium immediately before spring break. The SBA has also tentatively planned a first year student advisor program, to be held on March 22 in which selected professors will be invited to counsel students in course selection.

Kramer and Elliott Address Law Students

by John Seibel

On Wednesday, Feb. 14 at 10:00 a.m., Dr. Lloyd Elliott and Dean Robert Kramer met with the members of the Law School student body to discuss the tuition increase for the 1979-80 academic year. The result was quite predictably unsatisfying for all those who attended and particularly frustrating for those who had hoped to pose previously unanswered questions to "the administration". The meeting was surprisingly well attended considering the fact that it was held during prime class time and that publicity was generated by a single poster and word of mouth. In fact, the room was filled to capacity by a very interested student body, many of whom had skipped class in order to be present.

The most obvious fault in the meeting format was the 1 hour time frame allotted to it. Realizing that both Dean Kramer and president Elliot are busy men, maybe even too busy to spend more than an hour justifying a tuition increase, it is the students who will shoulder that increase. Between the two, they spoke for almost fifty minutes, leaving time for a scant three questions. It would appear that another meeting or series of meetings with the student body is in order at a more convenient time, with a bit more warning to those who might want to attend. Since the speakers have already stated their positions, it would be unnecessary to repeat that part of the program. Therefore, the entire time could be spent answering the questions which so desperately need to be asked. Questions might be solicited before the meeting (s) and a moderator (possibly our newly elected S.B.A. president) could channel the questions into a reasonably coherent and productive session. The moderator could also solicit questions from the floor so that incomplete or evasive answers could be reiterated or expanded upon.

As for the speakers themselves, each merits comment on his performance. Dr. Elliot, in a masterful display of the talents which make not only a good institution head but also a good politician managed to avoid the corners, the ropes and even the ground as he spoke on an abstract plane of "university policy". He avoided direct questions pertaining to university general overhead by pleading ignorance. In retrospect, what made his presentation really memorable was that one remembers his demeanor as being forceful and honest but the substance of his comments is somehow lost. His performance brings to mind the adage; "I may not like what he did, but I have to admire the way he did it."

Dean Kramer, in what would euphemisticaly be called a rare public appearance, was somewhat easier to follow. If the figures that he was using were in fact accurate, then he did account for the entire increasein tuition. Whether one agrees with his allocations or not is a matter of policy which is ultimately a difficult choice of alternatives for any administrator. Dean Kramer did, however, make some assertions and implications which stick in the craw.

Mentioning G.W.s' tuition in comparison to that of Harvard, Stamford, and Chicago is a little like saying, "So you're buying a lemon, at least you don't have to pay as much for it". G.W. is not any of those institutions and it is to compare it as if it were. The comparison is not very satisfying. The Dean's comments on the university underwriting the student's education gives students cause to stop and thank the university for its help but does not justify the second rate facility which the university has so graciously given us. It seemed that his comments were meant to inspire guilt from the ungrateful children of academia.

The feelings of the students were very accurately and succinctly expressed by a student who in essence said that the students would not mind the increase nearly as much if they could see some tangible benefit from their dollars. In fact, the students look around at the abysmal conditions of the physical plant and ask themselves: What is this neolithic cave which is called the law school? Why does more seem to go out than come back? Who put the prophylactic on the fountain of funds?

Above: Runner-up in the Van Vleck Upper Class Moot Court Competition C. Albert James (right) congratulates the winning team of Ronald McCall and J. L. Milne.

Below: Michael Janik presents his oral argument to the panel of judges in the final round of moot court competition.

Photos by Dana

Dedication

One of the difficulties in living in today's pressure-cooker world is the fact that so little time or effort is available for reflection. In the hustle for grades and jobs, it sometimes seems that the whole reason for being here gets lost in the shuffle. For despite the ever-present worry about individual achievement and advancement, our real purpose here is to serve John Q. Public. The law is the oil of the societal engine, existing to absorb the dirt and heat produced by the friction created by the interaction of the parts, and has no purpose other than to keep the engine running smoothly.

Even the best-running machine needs an oil change occasionally, however; when the oil is complacent and gets dirty, the engine starts to sputter. This has been the lesson of recent times, when lawyers in high and visible places discredited a profession that had always been looked at with suspicion and mistrust. And now, with the advent of changes in lawyer advertising, the beginnings of lawyer unionism, and the imposition of stricter ethical standards, there is much uncertainty as to the path of the profession in the future.

This is not to say that the profession may not survive. On the contrary, law schools are churning out graduates by the thousands, as all of us are painfully aware. There is no question of its survival. The question is how well. If it is to pull through with a large measure of public and self respect, it must hold itself up before the public mirror and examine itself, and make changes accordingly.

It is around this theme that this issue of the Advocate revolves. If we can begin to see ourselves as others see us, we can perhaps be more enlightened and responsible. Law Revue was a step in the right direction. Thanks to the efforts of fifty or so students, most notably Dino Gentile and Deborah Costlow, we were treated to a good-humored, good-natured look at ourselves from our own point of view. It was encouraging to see that although the opportunity existed for criticism and personal affronts, the show was a gentle self-parody, with the actors satirizing themselves rather than pointing accusing fingers. Hopefully some of the feature articles in this issue will also help to provide a perspective on who we are, how others perceive us, and how we should act, partly as a group but mostly as individuals, where we can make the biggest difference. "The fault, dear Brutus," says Cassius in *Julius Caesar,* "is not in our stars, but in ourselves..."

Steve Kleifield

Correction

On Feb. 7, The Advocate ran an article on clinical opportunities *which included a number of* errors regarding references for further information. Here are the corrections:

1. Legal Aid, and Outside Placement, call: Nancy Becker 676-7463.
2. Immigration Law Project, *Call: Peter Miller at 676-7463.*
3. The Consumer Protection Clinic includes a Bankrupcy Clinic.
4. Law Students Civil Rights Research Counsel, call: Kevin Walther at 676-7463.

Regrets

To those contributors who submitted articles that we did not have room to print, the Advocate apologizes for our space limitations.

We hope that the articles on the Equal Justice Foundation that we were able to include in this edition provided due coverage of the activities of the GW Chapter of this organization and we welcome additional copy in the future by the organizers and members of EJF.

We also hope that the students of the School of Public and International Affairs will continue to contribute to the Advocate.

The Advocate

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Patent Moot Court Results

Congratulations go to the winners of this year's patent law moot court competition, Ann Whitehead and Frank Campbell. They will represent the National Law Center in the regional competition of the Giles Sutherland Rich moot court competition to be held in New York in March. It was an exciting competition, since Whitehead and Campbell achieved a total score of 1050.4 points (out of a possible 1200); with the Bagarazzi/Stahl team coming in a close second with 1042.5 points, and the Moore/Tiegerman team placing third with a score of 1041.75 points.

The topic was whether state trade secret laws could protect unpatentable subject matter. Contestants argued for Merlin Wizzard, the whacky inventer of a device that could revolutionize big screen television, and for the Tube Corporation of America, whom Wizzard claimed had stolen his invention.

The judges for the competition included the Hon. Francis C. Browne, U.S. Court of Claims; GWU professorial lecturers of law Brian G. Brunsveld and Donald R. Dunner; law clerks Allen Jensen and Tom Wheelock from the U.S. Court of Customs and Patent Appeals; and distinguished members of the Washington patent bar.

Law & Elderly Program

by Patricia Powers

Federal regulations and forms are difficult to understand. A trained legal advocate can help senior citizens decipher them.

"Law and the Elderly," a short course in major legal concerns of older people, will arm interested persons with the information needed to help. Offered by the National Public Law Training Center, the course will be held in Potomac, Maryland, March 14-16 at the Mercy National Center. Housing and meals are available at the site.

As with every NPLTC training session, "Law and the Elderly" will provide non-lawyers with an opportunity to learn basic concepts of law. The sessions will focus on administrative law, federal regulations and advocacy strategies.

Participants will acquire skills for working with Social Security, Medicare and Food Stamps, as well as with nursing homes, protective services, community education and consumer protection. Trainees will return to their communities better able to be advocates for senior citizens.

For information or to enroll, call Ms. Karen Talty or Rosalyn Voige, (202) 872-0660.

SPIA Organizes

by David Sapp

The graduate students in the School of Public and International Affairs (SPIA), like many other students, have experienced exhausting comprehensive exams, an advising system which has left many students in the dark, and assorted other problems. Before this semester SPIA graduate students had no organization to serve their needs and interests.

This semester, though, that situation has changed. SPIA graduate students have formed an organization which they hope will represent their interests in the university community. Some of the problem areas that this organization will concentrate on are a reform of the comprehensive examination system, standardizing current methods of academic advising, bettering student-faculty communication, and creating a career, placement, and orientation resource center specifically designed for SPIA graduate students.

For further information on this organization or its future activities please call Ralph Grunewald at 686-9587 or Susan Bunsick at 244-4426.

Carter Lauds DC PIRG

The D.C. Public Interest Research Group (D.C. PIRG) earlier this month received the praise of President Carter along with twenty-four PIRGs across the nation.

In a message sent to an annual meeting of PIRGs in Hartford, Connecticut, the President congratulated the PIRGs for their "considerable civic accomplishments."

"I am happy to say that as Governor of Georgia, I was an early supporter of the PIRG in my home state," Carter said.

He cited consumer rights, environmental protection, government responsibility, and social justice as specific areas where that PIRG and others have, "Improved the quality of life for many citizens."

D.C. PIRG, like its counterparts in other states, is a student funded, student controlled citizen action group located on 2 campuses in D.C. The group was started by George Washington University students in 1973 as a way in which they could get involved in numerous areas of social concern.

"Academic education alone does not provide the training for good citizenship that is so necessary to our country's future," Carter told the student PIRG representatives in his message.

"Because students elect, by a majority vote, to fund the organization and decide its policies and priorities themselves, PIRGs exemplify the democratic principles which have made American institutions strong," he said.

Through their work, Carter credited the PIRGs with providing, "us a vital lesson in the meaning of useful public participation in national life."

Clare Feinson, a student at George Washington University and Chairperson of D.C. PIRG, said she was delighted with the President's remarks. "It shows us that students working hard in their respective states can have an impact felt all the way to the top," she said.

Feinson explained that while the various state PIRGs are autonomous, they have set up a national organization to coordinate their efforts. It was at a governing council meeting of this National PIRG where the students received the President's congratulations.

Expressing a desire that PIRGs expand to other campuses in the country, President Carter said he hoped that "students, faculty, university administrators, and all concerned citizens will continue to provide the support necessary to PIRGs."

VOTE

GW STUDENT ASSOCIATION (GWUSA)

President (1)
Pete Aloe — Alex Baldwin
Bob Dolan — James Dudley
Dave Garfinkel — Mike Karakostas
Brad McMahon

Executive Vice President (1)
Jonathan Katz — Kathy Locke

Senator-at-Large (4)
Caryn Markowitz — Ross Moskowitz
Jay Rigdon — Mike Walton
Mark Weinberg

Med School Senator (1)
Casey Rogers

Columbian College Senators (4)
Michael Endres — Mark Miller
James B. Quigley — Marc Ravitz
Mary Anne Rothberg

SGBA Senators (4)
Neil Glassberg — Bob Hillman
Robert King — Buddy Lesavoy
Patricia Shorr

National Law Center Senators (3)
Roland Aseltine — William Crowfoot

SPIA Senator (1)
Constantine D. Politis

GOVERNING BOARD

At-large Representative (2)
Jonathan D. Fraade — Bob Gordon
Howard Graubard

Parking Rep. (1)
Andrew Childers

Bookstore Rep. (1)
Jim Seligman

Food Board Rep. (1)
Andrew Anker — Ben Herring

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Janet Harward — Jodi Granite

The Advocate

invites all interested individuals to attend a

STAFF MEETING

Tonight, Wednesday
February 28, 7:45 p.m.
Basement, Bacon Hall
Next Issue: The City

President Elliott: One Opinion

by Jeff Sacks

It comes as no surprise to anyone with a fraction of a brain that last Wednesday's student meeting with President Lloyd Elliot didn't produce anything any person who doesn't want to be branded a total hypocrite would call a positive result. Well, what did you expect, Jack? What did you and every other law student who attended the meeting because you thought it was going to be a Civil Procedure study group think? That President Elliot was going to apologize to the students, cancel the tuition hike, refund the money paid by the students in past increases, and then cap off the meeting by marching down to the quad, shovel in hand, to personally break the ground for the construction of the new law school building? Well, if that's what you thought, friend, then I hate to disturb the naive optimism that you've carried through life. You probably also believe in Santa Claus, and I'm sure that you only cross the street when the light says "WALK." All I can say is wake up and smell the coffee, buddy.

There's one thing that the meeting made clear, though, and that's the fact that the old guy who runs this university is one tough cookie. But that should be obvious to anyone who hasn't been brought up in a closet. You don't get to be Top Dog at an institution which is the third largest employer in D.C. by doing a good deed every day and speaking only when spoken to. You've got to get used to slamming windows on people's fingers, and using their faces like rungs on a ladder. And what's more, chum, you can't let it bother you any more than, say, the act of brushing a fly off your shoulder. But that shouldn't disturb any law students, since you'll end up doing just that in a few years. If that comes as a shock, don't despair. After a while you'll actually learn to enjoy rubbing people's noses in the dirt. And if that's not the sort of thing you look forward to then, brother, are you ever in the wrong profession. You'd better sell your hornbooks, pack your bags, and head back to grad school in history.

The reality of the matter, frankly, is that the G.W. administration isn't going to give any more extra dough to this law school than they are to the guy who sleeps on the heating grate down on Virginia Avenue. Not one red cent. Dealing with G.W. is like buying something from a Macke vending machine; you can kick that sucker from now until Armageddon, but you won't get a thing. So dry your eyes, honeys, and face the facts: This University has got so much dough that they have to use two whole townhouses on G Street just to store it all; there's so much there that they don't have any idea how to spend it. Do you know how much money is there? Do you have any idea how much is sitting in those two townhouses? Well, I'll tell you: Six million dollars. *SIX MILLION DOLLARS*!!!!!! Do you have any conception at all of just how much six million dollars is? Well take my word for it; if you tried to count from one to six million you'd be pushing up redwood trees by the time you finished. And they only *say* that the surplus is six million; they probably don't even know for sure. It comes pouring in; so fast that they can't keep track of it. They have absolutely no idea at all. But you'll never get any closer to it than you'll get to the planet Neptune, kiddo.

But don't despair. Misery, after all, loves company, and as if it makes any difference, you can take comfort in the knowledge that the law school isn't the only department that's getting the brown end of the stick. Next time you think *our* facilities are cramped, go and check out some of the others. Did you ever see where the music department is housed? Or the art department? Probably not, but that's only because you can't pull your face out of your goddamned canned briefs long enough to see what's going on around you. You know where they've got them? Houses!! That's right, son, houses! The same kind of skinny townhouses that peopoe live in. Can you imagine turning *your* kitchen into a college of Arts and Sciences?! Shit, no! Now, cruse over to I street and take a gander at Rice Hall, where the administration is camped out. Pretty impressive, huh? Now, admittedly, I might not know shit from shinola about the budgeting and administration of a large university, but I do know one thing: that ain't no fucking house! No sir, it's a monster of a building. You don't stoke that baby up on McDonald's Big Macs, not by a long shot. It takes big bucks.

So what's the point of all this? Just this: It would be pretty goddammed hard to believe that someone could go through four years of college, let alone twenty-odd years of life in general, be admitted to law school, and still not be able to see that we're getting the shaft as far as the green stuff is concerned. And it should be clear as the sun in the big blue sky that it's not going to change as long as students stick to faggoty-assed "petitions" and "grievance committees" to air their protests. Look what happened with the undergrads: they wanted to get a representative on the board of trustees, so they got up a petition that had more names on it than there are cockroaches in Washington, and presented it to the board. Do you know what the trustees did? They laughed right in the students' faces, and said thanks but no thanks, don't call us, we'll call you. Well, we shouldn't have to take that shit, no way, no how.

What I think we should do is take a cue from our Iranian friends. They saw something they wanted and, dammit, they went out and got it. No bones about it: by taking to the streets, they were able to get that Ayatollah Komenici voodoo-man made Numero Uno. Now, of course, I'm not suggesting that we have to choose as our leader some freeze-dried Santa Claus who wears a moth-eaten K-Mart bedsheet. What I *am* trying to imply, though, is that if enough law students get in the habit of opening windows by placing chairs through them, you can damn well bet that the administration is going to sit up and take notice. So I propose the following:

Someone should tell that skinhead skinflint Elliott that if he doesn't fork over thirty or forty million *mucho pronto*, he might come to work one morning and find that the Potomac has been re-routed through his office. Catch my drift? It's got to be made clear to him and every other bigwig that just because all the law students grew up in front of T.V. sets in suburban tract houses it doesn't necessarily mean that they're gonna let people walk all over them. These clowns think they're dealing with a bunch of dope-smoking wimps, but they'll find out that when it comes down to brass tacks, the students at this law school can dish it out as well as take it, thank you. Life isn't all Hagen Daz and Perrier; you have to fight like cats and dogs if you want to survive. And if you're not willing to do that, then you'd better drop by your local undertaker and get yourself fitted for a shroud. You won't be with us much longer, bub.

G.W. Supports Equal Justice

by Jan Jacobowitz

A cold Valentine's Day found several G.W. law students huddled together over hot spaghetti and a warm new idea -- greater access to the legal system for all people. Actually, it is not the idea that is novel but rather the approach; that is, membership in the Equal Justice Foundation.

The Equal Justice Foundation (EJF) was conceived by Ralph Nader and founded last year by third year law students throughout the country. The organization's goal is to "effect structural change (in the legal system) to promote greater access to justice on a local and national scale." EJF hopes to establish a system of tithing by lawyers to promote the public interest. Lawyers will donate 1% of their income to become full voting members in the organization. The specific issues which are pursued will be determine dby a vote of the members.

At the Valentine's Day meeting G.W. law students decided to become EJF supporters. The meeting formed a "core group" which will attempt to provide both information and incentive for G.W. law students to become members of the Equal Justice Foundation. The core group is composed of three main committees -- membership, faculty, and publicity. Through these committees the group hopes to reach students and faculty through phone calls, fliers, and small group meetings. The membership drive will continue at least through March.

The core group hopes to see *George Washington University* law students share in what may be the beginning of one of the most effective legal organizations in our society. Anyone interested in helping out on one of the committees or in learning more about the organization can contact Richard Goldman at 296-2357.

EJF: A Commentary

by Cathy Hollenberg

I answered the phone in the Community Legal Clinic, and unable to help the young woman, I suggested she call the D.C. Bar Referral. "You mean I have to talk to talk to lawyers," she moaned. At first I got a good laugh. Great line for 9:30 in the morning. Then I shuddered.

It's no news that deep-seeded distrust simmers beneath the superficial respect given to attorneys in our society. Worse yet, when talking to friends at the law school, one realizes that their attitude towards lawyers is no better.

There is no need to discuss whether or not the prevailing mood is justified. The source of the skepticism is obvious. What's important, however, is an evaluation of why we are here and of what we are getting into. For we are the lawyers of tomorrow. We chose to come to law school, and we're working damn hard to become attorneys. For self respect alone, we owe ourselves the opportunity to be proud of the legal profession.

Despite the incredibly good work being done by numerous small groups of attorneys, the profession, in general, appears to have lost its social consciouness. The Equal Jusice Foundation provides us with a great opportunity to collectively improve the justice system, and, consequently, society. While predicated upon the need to insure citizen access to justice and representation of public interests, EJF presents a potential forum to deal with a myriad social issues.

I really believe that beneath the masks of cynicism, most of us have faith that we can use law to effect positive change. Afterall, there are surely less rocky roads to fame and fortune. Tedious as law school may be, we are fortunate to have been in a position which enabled us to attain a legal education and acquire the powerful tools it provides. EJF can help us spread the wealth of our education, and share the benefits with an untold number of individuals. Regardless of our personal career choices, EJF offers the opportunity to support public interest issues and to personally commit ourselves to improving legal processes.

We've been encouraged to compete for a long time. It's now time to cooperate.

"THE LAWYER AS ACTIVIST"

a special presentation by
MICHAEL TIGAR, ESQ.

formerly a law professor at UCLA and Georgetown, currently a partner in the firm of Tigar & Buffone, Washington, D.C.

Involved in cases such as—
—The Chicago 7 Trial (Dellinger v. United States)
—United States v. H. Rap Brown
—Seattle 7 Conspiracy (United States v. Marshall)
—People v. Angela Davis
and many other cases dealing with the draft, wiretapping, sabotage, and espionage.

DATE: Tuesday, March 6

TIME: 4:00 p.m.

PLACE: Room 101 Stockton Hall

The Best of "Sheets"

by Jim Heller

Jim Heller's mind was snowed in due to circumstances somewhat beyond his control, but he has offered some of the highlights of past columns for our perusal (of course, this will mainly benefit first year law students, since those who have been associated with the Law Center since September 1977 have undoubtedly committed past columns to memory). Although these are recycled questions, they should in no way be considered dirty linen.

Q. Jim, I have this federal statute, and I want to find out if there are any administrative regulations that might be related to it.

A. No problem. Let's say the statute requested is the Tuna Convention Act of 1950 (one of the most-requested laws). First you've got to find a cite for the law. Four courses are available: Shepard's Acts and Cases by Popular Name — Federal and State; volume 12 of the United States Code; the last index volume of USCA; and U.S. Code Congressional and Administrative News. Any of these sources should inform you that the Tuna Act is Public Law 87-14, 76 Stat. 923. You are also told that the Act was codified in 16 U.S.C. 951, et seq. (If you had only the Statutes at Large cite, tables in USC or USCA would inform you of the corresponding Code citation).

The next step is to go to the Code of Federal Regulations "Finding Aids" volume. Table I (Parallel Table of Statutory Authority and Rules) lists those sections of the U.S. Code, (and some Statutes at Large sections), which have been cited as rule-making authority for currently effective CFR regulations. In our Tuna Act example, after 16 U.S. 951 we find a cite to 50 CFR pt. 280, which is entitled "Pacific Tuna Fisheries". You have completed what you sought to do only when you also check the monthly "Cumulative List of CFR Sections Affected," which point you to similar current regulations.

Caveat: For greatest effect, the next question should be read as if performed by a prematurely grey comedian with the initials S.M. (which he says stands for Sado-Masochism).

A. You can master the Federal Register and Code of Federal Regulations and learn how to find *proposed* administrative rules and regulations!

Q. Jim (You ask), how can I master the Federal Register and Code of Federal Regulations and learn how to find proposed administrative rules and regulations?

A. First, get hold of the Federal Register and the CFR. (The Register is located on the Fourth Floor; CFR is on Reserve). Then, there are two methods. The first utilizes a subject approach. You must find the appropriate agency, because that's how things are listed in the Register. Ergo (excuse me), if the topic is tax, you might want to look under the IRS. Should there be any proposed IRS rules, that fact will be indicated under the IRS heading in the Register's Table of Contents, and the relevant pages will be cited.

Q. Consulting the Register every day might be tedious. Is there a better way?

A. I'm glad you asked. The Federal Register Index is compiled monthly, quarterly, and annually. Using a method similar to that mentioned above you can find cites to those pages in the daily Registers where proposed regulations can be found.

Q. This could also be a drag. Will the CFR help?

A. Once you get a CFR cite (Title, Chapter, Part, Section) the CFR is a lot simpler to use. The problem is getting the CFR cite in the first place. If the proposed change is merely a modification of existing rules, you can avoid the Register's Table of Contents and initially look in the monthly supplements to CFR called "List of CFR Sections Affected." Within "LSA" (as it is called), under the relevant CFR section, you can find cites to pages in the daily Registers where the proposed rules will be found. Similarly, you can use the CFR Index Volume to find the relevant CFR cite needed, then use the LSA Tables.

However, if the topic you want is new and unique — if the proposed rule covers an area not already in the CFR — the CFR Index won't be as helpful. You could find the general area via the Index, approximate the relevant CFR citation, and then use the above approach. More than likely, however, you'll have to go back to the Federal Register Table of Contents under the name of the appropriate agency and find the proposed rule that way. Once you find the proposed rule in the Register, you might get a CFR cite (it's often included before the text of the regulation). If so, you can then run that CFR cite through the List of Sections Affected Tables.

Remember that in either case you're only done when you've checked the Federal Registers for the most recent month. LSA is issued monthly, and you must always update those tables with the materials from the most recent Registers.

Q. But Jim (you say), might there not be an even easier way?

A. Funny you should ask. Many of the looseleaf services put out by CCH, BNA, and Prentice-Hall include proposed rules and regs. These services are updated frequently (usually weekly) and are quite easy to use once you get the hang of them. Another possible source might be the various industry and trade association publications. For example, *Aviation Week* might include proposed rules emanating from the Civil Aeronautics Board.

Q. But will you still respect me?

A. Select one:

1) More than ever.

2) What does this have to do with respect.

3) What makes you think I respect you now?

4) Loving you means never having to say 'I respect you.'

As Others See Us

by Prof. David Lowther

Tradition teaches us that there are three learned professions: theology, law and medicine. They have existed in one form or another and their practitioners have practiced, under one name or another, since the dawn of time. Men have always wanted help in dealing with the mysterious and powerful forces that affect the life of the individual in society. And especially does he feel the need of help when confronted by forces that appear to be both powerful and mysterious. Sickness comes suddenly from nowhere and strikes a strong man down. The consciousness of individual inadequacy and of the unknown future that confronts every man at every moment of life as well as at the moment when this life on earth sputters out -- this consciousness can terrify the spirit. The sovereign power that men create whenever they essay to live together in an ordered society can reach without warning into the life of any individual member and devastate it.

So, men have always sought for help in dealing with forces. The learned professions developed to provide such help: physicians to help the body wrestle with sickness and disease; priests to help the spirit wrestle with fear and despair; lawyers to help the citizen wrestle with the forces engendered by the society in which he exists.

Yet man is constantly ungrateful. William Byrd, one of the early settlers in Virginia, spoke of "those three great scourges of mankind: priests, lawyers, and physicians". Other epithets have been applied -- sky-pilots, shysters, and quacks; charlatans, leeches, and parasites. The professions are resented; men would prefer to do without them, but again and again they find that they can not. It is frustrating to be driven by some mess in which one finds oneself to have to consult a professional man. It is particularly annoying because the physician is likely to appear in radiant health compared to the miserable condition of the patient; the clergyman is likely to appear at peace with God and his world; the lawyer is likely to appear contented and well-fed.

It is not surprising then that our literature abounds with reflections of this recurring resentment of lawyers as well as of the other two professions. Jack Cade's Butcher proposes: "The first thing we do let's kill all the lawyers." (II Henry VI, IV.ii.70.) Samuel Johnson, when writing his tragedy *Irene* said that, in the final act, "I intend to put my heroine into the ecclesiastical court of Lichfield, which will fill up the utmost measure of human calamity". (Bate, *Johnson*, , 159.) Dickens described "the public offices of the legal profession" as being places "where writs are issued, judgements signed, declarations filed, the numerous other ingenious machines put in motion for the torture and torment of his Majesty's liege subjects and the comfort and emolument of the practitioners of the law". (*Pickwick Papers*, cap. 31.)

Such passages reflect the threefold, age-old accusation: that lawyers are unprincipled parasites who exist to serve the ends of the rich and powerful. It is not new. In the fourth century, St John Chrysostom renounced the practice of the law because convinced that "to take a fee to make the worse appear the better cause" would be "a sin against his soul". (Clarke, *Everyman's Bk of SS*34.) And in the same century, St Augustine of Hippo wrote of his legal studies that those "which were accounted commendable, had a view to excelling in the courts of litigation; the more bepraised, the craftier". (*Confessions*, III.) It is still continuing. Jacques Barzun wrote, just last Fall, that lawyers "now are thought neglectful and extortionate, calculatedly deceiving the public through purposely mystifying language". (*Harper's*, October 1978.)

Since at any moment in history there has always been at least a substantial group of people that would subscribe to sentiments such as these, it is not surprising to find that men return repeatedly to the proposition that the world could be made a considerably finer place by the immediate abolition of all lawyers. The cry "Kill all the lawyers!" goes up early in every revolution. It is an appealing idea -- let us make the law so simple that he who runs may read and we can eliminate any need for the whole pettifogging pack. Great revolutionary societies have tried it and small states have tried it. Almost every radical religious group has tried it: St Paul urged the early Christians not to go to law; Quakers tried to settle all disputes by the invocation of "gospel order" without recurrence to the courts; and the Mormons in this country tried to eliminate the need for any of their number to study law.

But it never works. The lawyers keep coming back. When I first entered on the practice of law in Maryland, the state had recently established a system of "People's Courts" to hear small claims. They were to be informal; and they were -- the one in Baltimore sat in a loft over the fish market. The statute provided that the rules of evidence were not to apply. The hope was that parties would not be represented by lawyers. Just a friendly magistrate in a rumpled sack suit sitting behind a desk, listening to the informal complaints of fellow citizens, and dispensing a common-sense justice amid the homely sounds and smells of the vending of fresh fish. But most of the parties seemed to wish the aid of counsel; so lawyers became a standard part of the People's Court scene. Increasingly the ideal of informality was forgotten. Counsel habitually would object to evidence on the ground that it was hear-say or for some other reason indamissible. And both counsel and magistrate would be surprised to have it pointed out that, by force of statute, the rules of evidence did not obtain in that court. By the time I left Baltimore a decade later, the People's Court had moved into a new little marble edifice all its own with daises and flags and red-plush hangings. The magistrates were now judges and swathed in black robes; and lawyers abounded. This happened to a large extent because litigants wished to have the help of lawyers. Like Moses protesting his inability to put his people's case forcefully enough to the Egyptian sovereign (Exodus 4), many a litigant in the Baltimore People's Court wanted a mouthpiece. Moses got Aaron the Levite and the Baltimore litigants retained members of the Maryland bar. This has been going on since the dawn of time. People may resent the need for professional help; but, when the need arises, they look for it.

I suppose that the only person who might expect to survive successfully without the aid of the learned professions would be a confirmed atheist in perfect health who was living alone on a desert island.

In the period immediately following our own Revolution, our forefathers (or some of them at least) made vigorous attempts to do away with lawyers. Various New-England town meetings instructed their delegates in the legislature to work for the abolition of lawyers; and several states wrote into their constitutions provisions that any citizen had the right to practice law without regard to prior education, training, or experience. These attempts reflected something more than the normal historical frustration with the professions. During two centuries of colonial life, the colonists had been served by a bench and bar most of whose members were woefully lacking in legal training. Distrust of lawyers thus became more deeply ingrained than ever, especially distrust of lawyers who gave themselves airs and prated about professional status. Many a lawyer's library after the Revolution consisted only of the four volumes of Blackstone's *Commentaries*. Blackstone wrote lucid English prose readily accessible to any person of moderate intelligence and education. Part of Blackstone's enormous popularity was due to the fact that he was read by many farmers, merchants, and men of affairs. This made it more difficult for members of the bar who had little beyond Blackstone in the way of a legal armory to lay successful claim to being members of an indispensible, arcane profession. Furthermore, the spring tide of democracy was running against such pretensions. All men were equal and the very notion of a learned caste elevated above the commonality of citizens was anathema to the patriot.

This democratic anti-professional approach could work in a frontier community. Thus Andrew Jackson, whose legal training seems to have consisted solely of drinking in bar-rooms, became a judge in Tennessee and would regularly instruct juries, "Do what is right, that is what the law always means."

But there was a contrary tide flowing. Jurists like Marshall, Kent, and Story were laboring to establish a centralized jurisprudence and a professional approach to the practice of the law. They prevailed, helped by two forces -- the increasing complexity of the problems of business, society, and politics; and the ever recurring demand by litigants for earnest advocates to espouse their causes. By 1835, de Toqueville would write of the American legal profession as an American aristocracy serving to counterbalance the less admirable aspects of democracy. (de Toqueville, *Democracy in America*, cap. 8.)

The American bar to day has thus a multifarious patrimony and we are left in the same equivocal position that the learned professions have always occupied. People need our services, but wish they didn't; they are ready both to revile us and to make use of us. To practice law is to fish in troubled waters; he who would avoid the tempest had best stay home. But the waters, while troubled, are exhilarating. It has been said that theology is the queen of the sciences; to that I would add that law is the science of kings.

It is a noble profession with many ignoble members. That is the difficulty: critics see the wayward and unworthy lawyer and, extrapolating from the individual to the general, condemn the whole profession. Bar examinations can, to a limited extent, keep out or remove from practice the woefully unqualified. But there is little we can do to guard effectively against the admission to the bar of the conscienceless lawyer devoid of moral direction and dedicated only to amassing fees. There is less we can do to weed them out from the ranks of those who are already members of the bar. An handful of the grossest and stupidest violators of the canons will be disbarred. But the real sharks among the shysters are, as they always have been, sharks -- able and agile as well as predatory and unprincipled.

One way in which we can give prospective clients a measure of protection is to reduce the need for the services of lawyers, especially among those who are generally least able to be selective in retaining counsel. No-fault insurance eliminates the necessity for those injured in motor-car collisions to cast every claim for compensation in the mold of a potential full-scale court action in which blame will be assigned as the basis for awarding money damages. Similarly, if we made it as simple to dissolve a marriage as it is to contract one -- merely a matter of making a public record in a marriage-license clerk's office -- we could eliminate the whole area in which the dreary but lucrative divorce-mill operates. And pruning away the wild and noxious growth from criminal laws would eliminate the need for vast numbers of prosecutions each with its attendant legal figures. We can start by repealing all sumptuary laws -- those that attempt to control, by denouncing as crimes, what the citizen may eat, drink, smoke, inhale, inject, see, hear, or read. *All* of them. We can add to the discard pile all laws that attempt to control sexual activity or proclivity. Then, if we capped this off by taking the public resources that had theretofore gone into the eliminated fields of criminal-law enforcement and defense and diverted those resources to a permanent programme designed to ensure that no citizen is without a good job, a good home, and good food, we would have eliminated vast areas of the quicksands in which the unwary citizen now finds himself caught needing a lawyer but with no means at hand of ensuring himself that he is getting the services of a good, vigorous, and honest man.

Beyond this, the great thing that the individual lawyer can do is to see that he himself is not one of those ignoble members of a noble profession. To be honest, to be diligent, to be dedicated to each client's cause, to be compassionate in counsel and vehement in advocacy, but withal conscious that there are eternal principles of right and wrong by which even a lawyer caught up in the whirlwind of litigation should be guided -- to act thus will be to enhance the honor of an honorable profession and to abate somewhat the current of criticism and frustration that we so easily engender.

Doubtless we shall never reach the stage where we can honestly say, with the Lord Chancellor in *Iolanthe*, that

The law is the true embodiment
Of everything that's excellent.
It has no kind of fault nor flaw....

That was Gilbertain parody of Victorian professional complacency. The legal system that we have inherited has many faults and flaws; so doubtless we shall never reach the stage where the law does justice, and that not by halves, to all who resort to her courts and to her practitioners. But this does not excuse us from straining after the goal. Remember Mattathias's dying counsel to his sons: "be valiant, and shew yourselves men in behalf of the law; for by it ye shall obtain glory". (I Maccabees 2.64.)

Law & the Silver Screen

by Bob Goodman,
Kevin Grile
and Israel Goldowitz

People percieve institutions in various ways, and lawyers and the legal profession are no exception. Nowhere are these perceptions better reflected than in the arts—especially the movies. This article will examine the portrayal of lawyers and the legal profession in film, and is divided into four sections—Westerns, Police Enforcement, Comedy, and Drama—for ease and convenience.

The western genre of film provides both an interesting and informative guide to the perception of law during the nineteenth century in the Wild West. In the standard western film, two elements are immediately apparent: first, the law is represented by one man, the sheriff, who wears a tin star and uses force(guns) to keep order; and second, the importance of a man's private code, an internal body of rules that governs a man's integrity and ultimate duty. A film that manifests both these elements is "High Noon"(1952). In this Fren Zinneman film a sheriff(Gary Cooper) has just left on a honeymoon with his new bride(Grace Kelly), when informed by a townsperson that Frank Miller, a dangerous gunslinger the sheriff had put in prison five years earlier, has been pardoned and is returning on the noon train to settle his private *vendetta with the sheriff and the town.* Cooper, caught between his private life and public duty, never wavers and chooses to return to town. For the remainder of the movie, Cooper searches the town for help in dealing with Miller and his hired hands, but his quest is in vain. The townspeople are frightened of Miller and the ruthless and wanton lawlessness he represents. Yet despite the town's cowardice, Cooper never falters and remains alone to face Miller and his gang in the final shootout. Cooper is the law and cannot shirk from his responsibilities, and besides, he is a man with a private sense of justice, and such a moral code will not permit him to abandon the town when danger is near, even though the townspeople themselves are too frightened by lawlessness to put up a defense.

A pair of famous westerns similar to "High Noon" in that law embodies right and right is embodied in one man are "My Darling Clementine" (1946) and "Shane" (1953). In both these movies, resolution of the conflict takes place outside the judicial process. In John Ford's "My Darling Clementine", the Clanton family (led by patriarch Walter Brennan) indiscriminantly kills Wyatt Earp's (Henry Fonda) brother. When the Clantons refuse to turn themselves in, Earp, the marshall, and Doc Holiday (Victor Mature) are forced to battle the Clantons in a climatic shootout. Similarly, in George Stevens' "Shane", when the homesteaders are being run off their land by the wealthy cattle baron, Shane (Alan Ladd) reluctantly straps on his gun to contest the malevolent gun slinger (Jack Palance) hired by the powerful cattleman.

In looking at the modern western, the moviegoer still finds that force and guns rather than legal principles and fairness are the ultimate barometers of justice. This dependence on guns to decide who and what is right is exemplified in a brief sequence from Robert Altman's "McCabe and Mrs. Miller". McCabe (Warren Beatty), co-partner in the town's most profitable business (a whorehouse), refuses to sell his operation to the powerful holding company at the deflated price it is willing to pay. In response, the company dispenses its hired gunman and his two assistants to kill McCabe. Frantically trying to protect himself, McCabe seeks the aid of an attorney (William Devane). McCabe's interest is clearly in self-preservation as he tells the attorney, "I'm just trying not to get shot." McCabe wants to get a group of armed men together which will provide the needed protection, but the lawyer feels that such an action is unwarranted. He would rather McCabe rely on the judicial process. However, the protection which the lawyer promises McCabe never materializes, and when the company's henchmen come to town, McCabe is forced to shoot it out.

Also significant is John Ford's "The Man Who Shot Liberty Valance' (1962), a film that involves the transition from the wild Old West to the civilized New West. In "The Man Who Shot Liberty Valance", James Stewart plays an idealistic lawyer from the East who preaches moral principals and justice, including a classroom lecture on liberty and freedom. However, the town is still filled with lawless violence, and the protection of the citizenry from the likes of hired gunslingers such as Liberty Valance (Lee Marvin) depends upon the actions of men with the character of the righteous, "Shanelike" Donovan (John Wayne). Stewart, an upright man who lives by the legal process and not the gun, is ultimately forced into a shootout with Valance, in which he apparently shoots the wicked, much-feared man. This gives Stewart the notoriety that catapaults him to the United States Senate, but it is later revealed that Donovan, hidden from view, actually fired the shot killing Valance. Thus, it is ultimately the expert use of the gun, symbolized by Donovan and the Old West, that allows Stewart to "shoot" Liberty Valance, an act which symbolizes the ascendency of the civilized New West.

The counterpart of the Old West's fast-draw, gun-toting lawman is the modern police enforcer. Once again the moviegoer finds the modern law enforcer has his own private code of justice, and nowhere is this better realized than in the character of Detective Harry Callaghan (Clint Eastwood). In "Dirty Harry", Detective Callaghan stalks a psychotic killer (Reni Santini)who derives extreme pleasure from murdering San Francisco citizens. When Callaghan finally does catch the deranged killer and places him behind bars, the District Attorney berates the detective for the methods he employed to obtain the confession. In fact, the District Attorney produces a Berkeley law professor to explain to Harry the ramifications of the Miranda decision. Then, when the D.A. informs an incredulous Harry that the killer must go free, Harry storms out of the office in disgust. Harry can not relate to a system where an emphasis on individual legal rights are preferred over efficient law enforcement.

The same Detective Callaghan is confronted with an even more insidious situation in "Magnum Force". There, he does battle with a group of young thugs wearing badges and uniforms who believe that justice should be delivered right between the eyes, with all questions asked later, if at all. About all that can be said in favor of these young lawmen (David Soul and company) is that their method of dispensing justice saves court costs. It is truly chilling to watch one of these idealistic "rogue cops" wave aside a proffered bribe from a speeding motorist, and then carry out a summary death sentence. What is even more disturbing about "Magnum Force" is the post-Watergate theme of lawlessness in high places, personified by Police Commissioner Hal Holbrook, the mastermind of this particular brand of cut-rate justice.

The modern lawman is not the only one who finds himself handcuffed by the criminal justice system. In "Death Wish", an average man (Charles Bronson) finds the judicial process an inadequate recourse for justice after those responsible for his wife's murder and daughter's mental breakdown go unpunished. Enraged by these senseless acts, he designates himself a one-man dispenser of justice. Posing as a potential victim, he lures criminals to attempt unlawful acts and then shoots them. By this method he accomplishes what the legal process can not—a reduction in crime. The social utility of this gun-wielding method of justice is recognized by the police officer who finally discovers the identity of the vigilante, for instead of apprehending him,the detective tells him to leave town. Later the press is told that the vigilante is still at large, presumably to maintain reduced crime levels.

From the individual private code of "Death Wish", it is only a small step to the social order depicted in "The Godfather" and "The Godfather II", where power rather than law is the determining force. The Corleone family consists of violent people who are immune from any legal sanction. In turn, the legal process is subject to their will. Thus, when someone seeks to sell narcotics on a large scale, he not only seeks Vito Corleone's approval but the freedom from interference of Corleone-controled judges and politicians. Similarly, in "Godfather II", the Senator from Nevada is blackmailed so that he will not stand in the way of Family business, and a key witness against the Family in a Congressional investigation is neutralized through threats.

In both "The Godfather" and "The Godfather II", the proper code of behavior within the family is not measured by legal standards but by family loyalty, as emphasized in the Family's lawyer, Tom Hagen. Hagen (Robert Duval) is a participant in Family policy-making yet at the same time he has no interaction with other attorneys and does no legal business which does not involve the Family.

Comedy can take many forms but certainly one way to provide laughter is to make formal institutions look ridiculous and serious people seem petty. The lawyers and the legal profession have not escaped such satirizing. A fine example is George Cukor's "Adam's Rib" (1949), one of a series of Hepburn-Tracy comedies. A District Attorney (Tracy) is surprised to find that his wife (Hepburn) is facing him as defense counsel in an attempted murder case. He is even more surprised to learn that the ideal of equal rights for women figures prominently in the defense of this routine case. The defense theory is that since a man is legally justified in shooting his wife when he finds her in the embrace of a stranger; and men and women are in all respects equal before the law; ergo, a woman is equally justified in shooting her husband in similar circumstances. Tracy has no quarrel with the minor premise of the syllogism, but he is determined to prove to his wife that shooting is never justified, even if he is unable to convince the jury. He succeeds, in one of the best-known scenes of the Hepburn-Tracy series, involving a death threat with a licorice gun.

Unlike "Adam's Rib", where social issues provide the source of much of the humor, in "Mr. Deeds Goes To Town" the comedy involves the customs and manners of a court more concerned with pomp than substance. In this Frank Capra comedy a young man from the country (Gary Cooper) inherits a great sum of money and comes to the city to decide how to spend it. Naturally the slick city folks attempt to take advantage of his naive, folksy ways, including some distant relatives who are represented by a greasy, avaricious lawyer. When Deeds decides to use his money to help the poor, the relatives' lawyer tries to prove that Deeds is insane. What follows is a sheer mockery of the pomposity of law as witnesses parade to the stand to give totally irrelevant information on Deeds' psychological state. For example, two old ladies from his home town testify that Deeds is "pixily" (i.e. strange), while an Austrian psychoanalyst produces charts to prove Deeds is manic-depressive. It is only when Deeds breaks his self-imposed silence and tears through the veneer of greed and human insensitivity that he shows he is more normal than anyone else in the courtroom, including the doodling judge.

Two other comedies, "Miracle on 34th Street" and "Oh God", involve trials concerning the existence of folk heroes and even God himself. In "Miracle on 34th Street", the existence of Kris Kringle/Santa Claus is at issue. Once again the lawyers are portrayed as malicious and self-serving, and the judge more interested in retaining his job than in dispensing justice. Only when the kindly, white-bearded Mr. Kringle has the U.S. Post Office bring in thousands of letters addressed to him does the judge, and hence the law, concede that Mr. Kringle might actually exist. In "Oh God", the trial scene involves the defamation of a sleazy evangelist by a man (John Denver) who claims that God has told him of His displeasure with the evangelist. Although God (George Burns) appears to verify Denver's story, no tangible evidence of God's appearance before the court remains. Thus, the judge discounts the validity of the evidence presented, refusing to recognize what he has just seen.

While a trial setting in comedy films is often employed to express views on social attitudes, in "Duck Soup" the Marx Brothers use the trial setting as a vehicle for rapid-fire jokes. At the outset, Firefly (Groucho) asks Bob (Zeppo) for the indictment papers. Bob replies: "I didn't think those papers were important at this time." Firefly answers: "You didn't think they were important? You realize I had my dessert wrapped in those papers."

A short while later, Chicolini (Chico) is told if he is found guilty of high treason, he will be shot. Chicolini objects. The indignant prosecutor asks on what grounds. Chicolini responds: "I couldn't think of anything else to say."

Then the following conversation transpires between the prosecutor and Chicolini:

Prosecutor: "When were you born?"

Chicolini: "I don't remember. I was just a little baby."

Prosecutor: "Isn't it true you tried to sell Freedonia's secret war code and plans?"

Chicolini: "Sure. I sold a code and two pair of plans."

The judge interrupts: "Have you anyone here to defend you?"

Chicolini: "It'sa no use. I even offered to pay as high as eighteen dollars but I no coulda get someone to defend me."

Firefly barges in: "Look at Chicolini! He sits there alone, an abject figure."

Chicolini: "I object."

Firefly: "I say look at Chicolini. He sits there alone, a pitiable object. (aside to Chicolini) Let's see you get out of that one!"

The judge again interrupts: "That sort of testimony we can eliminate."

Chicolini: "At'sa fine. I'll take some."

Judge: "You'll take what?"

Chicolini: "Eliminate. A good cold glass eleminate."

The fast-pace lampooning continues when it is announced that Sylvanian troops are about to invade. Chicolini and the Minister have the following conversation:

Minister: "War would mean a prohibitive increase in our taxes."

Chicolini: "Hey, I got an uncle lives in Texas."

Minister: "No, I'm talking about taxes—money—dollars."

Chicolini: "Dollas! That's where my uncle lives. Dallas, Texas."

(Continued on page 12)

Lawyers in Literature

by John Lambert

A slave to crowds, scorch'd with the summer's heats,
In court the wretched lawyer toils, and sweats:
While smiling nature, in her best attire
Doth sooth each sense, and joy and love inspire.
Can he, who knows, that real good should please,
Barter for gold his liberty and ease?
Thus Paulus preach'd: when entring at the door
Upon his board or client pours the ore.
He grasps the shining gift, pores o'er the cause,
Forgets the sun, and dozes on the laws.

It is doubtful whether any single profession, with the possible exception of the clergy, has taken as many lumps in literature as lawyers. Throughout the history of Middle and Modern English literature, the reader can always find a moment where the attorney is the subject of the author's ridicule and scorn or embodies what must be considered rather doubtful qualities at best. As in the above ditty attributed to an 18th century Irish judge, Robert Lindsay, the attorney is often placed with dark and musty libraries, mole-like eyes, and the clinking of gold pieces.

For those of you who are wondering at the association of this ditty with literature, the poem is a preface to Jonathan Swift's **The Answer.** Swift rarely lets any group off and the lawyer is no exception:

I own, the curses of mankind
Sit light upon a lawyer's mind:
The clamours of ten thousand tongues
Break not his rest, nor hurt his lungs
I own his conscience always free,
provided he has got his fee.)
Secure of constant peace within.
He knows no quiet who knows no sin.

Swift drives at a very common apprehension of the public with respect to lawyers: lawyers guise of indifference or amorality or perhaps for some, their actual amorality. This fear when mingled with the perception of the attorney functioning solely for money, leaves the distasteful impression of the attorney being an intellectual prostitute. This impression may be found in most eras and will probably not be alleviated with famous lawyers placings ads for airplane crash victims.

The first significant portrayal in English literature of someone in the legal profession may be found in Chaucer's **The General Prologue** to **The Cantebury Tales.** Chaucer appears to portray the Sergeant or Man of Law favorably: *"Discreet he was and of greet reverence/ He semed swich, his words weren so wise."* Chaucer was a well traveled man for his day, and spent a good deal in Edward III's Court and as such had a very good feel for the social stratifications in his society. The Man of Law between his Tale and portrayal in the **Prologue** is developed as one of the more gentile and socially prominent characters on the pilgrammage. His Tale is found between the Cook's and Reeve's on the one side and the Wife of Bath's on the other. These three tales being particularly ribald, the **Man of Law's Tale,** and its obvious allegorical context, stands out as being a more appropriate story for a penitiential religious pilgramage.

Yet Chaucer is careful not to let any particular character come off too well and undermines the Man of Law with the Tale being told in a very tight and tiring rhyme scheme and the marvelous undercutting in the Prologue: *"No wher so bisy a man as he ther nas,/And yet he semed bisier than he was."* Chaucer grabs hold of the attorney's sense of self-importance and in this instance points out its inflated nature. The general effect of the "semed bisier" and "wordes weren so wise" is that of a slightly pompous and patronizing fellow, a characterization that soon became very familiar.

The attorney often seems to be placed in an urban environment and this certainly cannot help his reputation in anyway. Dr. Johnson in his description of a rancid London, found in the poem, **London** indicts lawyers as well: "And here the fell attorney prowls for prey." In what might be the first portrayal of the ambulance chaser, Johnson feels that he could not accurately describe a modern Sodom without some uncomplimentary references to lawyers. Prowling for prey leaves the feeling of aggression and indifference towards fairness. Money seems to be the sole objective.

It is not only recently that attorneys have been associated with wealth. Chaucer's Man of Law had been well-traveled and was *"girt with a ceint of silk."* This silk belt, certainly not flashy, would have been indicative of some affluence and placed the lawyer in a social strata above and beyond most of the other pilgrims. The Man of Law would have been in tweads and not double-knit.

This social prominence and association with some wealth, certainly not of gentry proportions, is confirmed in Shakespeare's forgettable play Henry VI, Part II. Cade the rebel and his followers are talking of revolting:

Dick: The first thing we do, lets kill all the lawyers.
Cade: Nay that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? that parchment, being scribbled o'er should undo a man? Some say the bee stings: but I say, 'tis the bee's wax: for I did but seal once to a thing, and I was never mine own man since.

It is a dangerous thing to try and assert that Shakespeare believes anything, particularly with Cade's statement here (It is doubtful that Shakespeare had a democratic bone in him.) Still, Shakespeare seems to have articulated some of the lower class sentiments towards lawyers and places them on the other side of the fence in a have v. have not scheme. Cade's frustration seems remarkably similar to recent counter-culture complaints with attorneys and the system in general. The control a lawyer may exert through words and an understanding of his own rules is beyond Cade's comprehension and the rather ungenerous response to the lawyers is simply - off with their heads.

This antipathy towards the game controlling and sophistry of attorneys, or at least the appearance of such to non-lawyers is most effectively enacted in Dicken's **Bleak House.** The novel is tied together with the marathon suit, **Jarndyce v. Jarndyce** (the likes of which may soon be found again with the IBM anti-trust suit) involving the settlement of an estate. The suit has dragged on longer than anyone can remember and no end is in sight. At the end of the novel, it is discovered that the suit must finally end as lawyers fees have devoured the entire estate. The happy ending of the novel is enhanced by the termination of the suit as now all the characters can get away from lawyers and quit fretting over who is going to get the estate Litigation breeds unhappiness.

One of the most memorable aspects of the novel is Dicken's characterization of a law clerk, William Guppy, (You have to love Dicken's names.) Our prototypical law student, "the young man of the name of Guppy" falls in love with the heroine and tells of his love or as he would have it, "files a declaration." Later in the novel, after the beautiful heroine has been disfigured by the pox and Guppy discovers the harm, he asks her to make a complete statement "before a witness, whose name and address he carefully notes with legal precision, that there never has been any engagement, or promise of marriage between them." Guppy doesn't like disfigured faces. Guppy at times is reminiscent of the first year law student who can't wait to be pulled over by the police with his knowledge of procedureal rights. A little knowledge is a dangerous thing. All in all, Guppy is one of the most reprehensible characters ever and the novel offers one of the more scathing treatments of the legal profession.

Despite the enormous popularity of Earl Stanley Gardner's Perry Mason novels, (he is now reputed to be the world's best-selling author, ahead of even Harold Robbins), the lawyer has not been accorded much better treatment in more recent times. There is of course, the exception of Atticus in Harper's Lee's **"To Kill a Mockingbird,"** who comes across as dignified, moral, and for a change, not materialistic. The reader's credibility is not taxed with this character because Atticus is your rural lawyer and the author plays on notions involved in the agrarian myth. The lawyer, free from the evil city, is able to pursue other's interests and being surrounded by simple folk does not feel that need to lapse into sophistry and other legal games. Or so the myth goes.

But Atticus is the exception. A more indicative treatment might be found in Dreiser's **The American Tragedy.** Dreiser's treatment of the attorneys involved in Clyde Griffith's murder trail is telling and disturbing. For the people, there is the district attorney. He is obviously upset at the cold-bloodedness of the crime, but still much of the motivation and explanation for his fervor for justice-vengence may be traced to his political goals.

On the other side are the defendant's two enlightened, sympathetic, and waspish attorneys. It is an unsettling process to watch the attorneys twist the facts of the case so that it appears that the defendent had actually experienced a penitential moment before the "accidental" murder. Most disturbing is that the lawyers appear to convince the young defendant in the truth of this new story. Their persuasive ability prevents Clyde from experiencing a genuine confrontation with the facts and a sincere confession before his electrocution. If the reader is willing to stay within the Christian context created, he realizes that the lawyers' twisting may be responsible for Clyde's incomplete confession and possible failure to achieve salvation.

Dreiser's story line leaves the reader questioning whether Clyde might not have been better off without any attorneys and brings to mind Thomas More's **Utopia.** In More's representation of the perfect society, there are no lawyers.

Moreover, they absolutely banish from their country all lawyers, who cleverly manipulate cases and cunningly argue legal points. They consider it a good thing that every man should plead his own cause and say the same to the judges as he would to his own counsel.

It is a discouraging thought for a law student, but in an allegedly perfect society, like More's, there is no need for lawyers. More here, seems to be most concerned with the word gymnastics sometimes employed by the profession. This misuse of rhetoric seems to be the source of the appearance of amorality and the intellectual prostitution of which lawyers are sometimes accussed. To most people involved in the legal profession, these complaints seem silly or at best naive. We know better. Still, More provides a refreshing notion. For just as he knew that an earthy utopia would never be realized, he also recognizes that society could never function without lawyers. Still that does not mean that one should not strive for some ideal like a utopia and as part of that effort, have lawyers try to work themselves out of a job.

FOCUS ON... Fred Gra

by Steve Kleifield

If you plan on practicing in the District of Columbia, you might want to meet Fred Grabowsky socially, but you would probably rather not have him call on you in a professional capacity. Mr. Grabowsky is Counsel for the Board on Professional Responsibility of the D.C. Bar, which means that he is responsible for all discriplinary actions brought against lawyers in the District. After serving in the Marine Corps for twenty years, during which time he became an expert in grazing cattle in pecan groves owned by the government,and jurisdictional questions in Vietnam, he realized that he had to pay for his childrens' education. So he entered the private practice of law, doing mostly criminal work. He became bar counsel in 1973, the year the position was created, and has held the position since. His military training seems to have given him the necessary toughness to do his job effectively, and throughout the interview it was apparent that he enjoys his work. He has taught courses on professional responsibility, and is a popular speaker at area law schools.

Q. Did you have any unique qualifications for this position? In other words, any particular reason why you were chosen?

A. They wanted a real lawyer for the job—a practicing lawyer.

Q. Not an academic.

A. Right. There were other people from academia and other administrators were, as I understand, seeking the job. There weren't too many practicing lawyers. I was the president of the local superior court trial lawyer's association and had been for two years before I took this job, and with my reputation as a trial lawyer, I think they wanted a trial lawyer. And much of what I did as the president of the trial lawyer's association, involved how to do things and how to do them right—trying to educate the members of the bar; there was a corrolation between what I did there and the job.

Q. Could you explain your main responsibilities?

A. Investigation and prosecution of complaints against lawyers of allegations of misconduct. We don't require that there be a complainant.

Q. Would somebody call your office directly if they had a complaint about their lawyer?

A. We get telephone calls or read newspaper articles, whatever means we have to determining some kind of misconduct we'll investiagate. I just finished one where a guy somehow got to a telephone and called us from the jail, and we wrote up a complaint for him and went through our process.

Q. I've been told there's something referred to as an "Anti-Snitch" rule in DC—where if an attorney discovers that another attorney is acting unethically, then he's under no responsibility to turn him in.

A. Only if asked. If I ask him then he has an obligation to tell me. But under the Code of Professional Responsibility promulgated by the ABA, there is a provision, in 1-103(a), I believe ". . . a lawyer possessing unprivileged knowledge of a violation of 1-120, which is a serious misconduct rule—he's required to report it. But before we adopted all disciplinary rules the DC Bar Association, coincidentally under the auspices of our present chairman of the Board of Professional Responsibility, the chairman of the old ethics committee of the DC Bar Association, Larry Latto wrote an article for the old publication called, I think it was DC Bar Journal. He pointed out some of the things that he thought were wrong with the Code of Professional Responsibility. Thereafter a referendum ensued and there were a lot of changes. We didn't adopt the Code of Professional Responsibility in toto. One of them was if your client makes a misrepresentation on the stand what are the lawyer's obligations? The code said that if after calling upon your client to rectify the fraud he didn't rectify the fraud, your obligation was to tell the judge your client was lying. Well, we struck that last part, we didn't adopt that. Later on the ABA came to realize there was such thing as attorney/client privilege. So they modified the rule later on to say "unless protected by attorney/client privilege." Well, we were in front and we struck that last part of the rule which required that they go to the judge. That was one of the latter provisions. The other one was you don't snitch without being asked to snitch. I don't know any other bar that would have ever prosecuted a lawyer for knowing something about another lawyer and not turning him in. I think that's it's a rule that just isn't going to be honored. So our rule, I think, conforms with reality. Now we have had some cases, in fact, they occur frequently, where lawyers see some misconduct; they don't have any problem turning the lawyer in.

Q. Why would a lawyer turn another lawyer in?

A. Usually, when a lawyer turns another lawyer in it's for any number of reasons. One, is, that lawyer had offended the first lawyer's sense of honor, or his misconduct has been an offense to that one lawyer's perception of what the bar requires of an attorney. The other is that the lawyer has some ax to grind—he doesn't like the lawyer, there's been some litigation between the two that's caused him to report the lawyer, there's litigation going on between them, maybe he has a malpractice suit in the offing someplace down the road. That's the various reasons for lawyer's filing complaints. Complaintants file complaints because they're unhappy with their lawyer. Lawyers, it's not quite that simple.

Q. What sanctions can be applied?

A. Disbarrment, suspension, public censor, reprimand—those are all public forms of discipline. Then there's one confidential form of discipline called an admonishment. An admonishment can issue from this office with the approval of one member of a hearing committee. All of our dismissals and admonitions and charges must be approved by a member of the trial body. There are eight trial bodies—eight hearing committees they're called. They're comprised of two lawyers and one non-lawyer. And the lawyer members of those nearing committees must approve—one of them—by designation, any action we take. Then if we decide to dismiss, or to admonish, that ends the case unless the lawyer objects to the admonition & wants to hear the case. But thereafter, for the serious cases, we prefer charges. We find probable cause for the charges and we try them. Thereafter there's trial. There's an appeal to the board on Professional Responsibility. Then there's an appeal to the court. It's like an appeal—it's not really an appeal Briefs are filed, oral arguments are heard.

Q. To the court—would that be Superior Court?

A. DC Court of Appeals. We are an arm of the District of Columbia Court of Appeals. See, the Board on Professional Responsibility is a nine member board comprised of 7 lawyers and 2 non-lawyers. The lawyers are selected from nominees provided by the Board of Governors. The Board of Governors are the elected representatives of the bar. The Board of Governors provides three nominees for each vacancy on the Board of Professional Responsibility. The court picks the members of the Board of Professional Responsibility.

Q. Is it helpful having non-lawyers? In what way can they contribute?

A. I think non-lawyers have made a really great contribution to the system. I think a lot of people felt that the non-lawyers would just be cosmetic. I think they're therapeutic. They make the lawyers explain to them why a certain rule pertains. Sometimes the rules that we lawyers honor don't make a lot of sense to non-lawyers. It's easy for us to get wrapped up in minutia, and it's easy for the non-lawyers to see the forest instead of the trees. We also have a problem with some of our proceedings being confidential. Now there is a standard that's been adopted by the ABA which says that our hearings are open to the public, after the finding of probable cause. Our hearings are not open to the public. Our information only goes public after there's been a recommendation for discipline. We are out in front of many other jurisidictions. Our old rule was that we could not divulge anything pertinent to a disciplinary case until after a recommendation for discipline had been filed with the court. We requested a change to open these proceedings up more. We were out in front of all the other jurisdictions when we first made all these recommendations. But other jurisdiction have overtaken us and passed us in this regard because now the ABA's recommending that the actual trials be open. What you don't see, you don't trust.

Q. Michael Frame, who's from the ABA group that drafted the recent proposal advocating more open disciplinary proceedings, said that most of the present disciplinary systems provide more due process for a lawyer than someone accused of a capital crime. Do you think this is a strong statement?

A. You know, we used to have a hearing to determine whether there was probable cause. Then there was another hearing to make findings of fact. Then there was a submission of briefs and oral arguments to get a recommendation to the court where again briefs were filed and again there was oral argument. And then after there was a decision of the D.C. Court of Appeals of the disciplinary matter. The case could be taken into the federal process or it could be appealed directly to the Supreme Court. Now, we've eliminated one of those levels-the inquiry committee level. Now probable cause can be established by bar counsel with the approval of a lawyer. We make a finding of facts and a recommendation to the disciplinary board. Briefs are submitted and cases are orally argued before the disciplinary board and the board can reprimand. But if you want a discipline, a disbarrment and suspension or public censor, they can only be imposed by the court-where again, breifs are submitted and again the case is orally argued. Not many cases get an automatic two appeals. I don't think this statement is wrong. We have considerable due process. Now we have made a major departure and that is with the relaxation of the rules of evidence. We have non-lawyers on these panels and we don't go into the technical rules of evidence supposedly in search for the truth. We try to not get technical at our hearings. That's some help. Now, a decision came down last week that may tighten these things up again. We're considering what were going to do about that decision.

Most of our cases are documentary evidence-cost files, grants, writs and things like that. If we wait until the day of the hearing to present the evidence, it makes the hearing committee members very unhappy because they have to sit there and wait and we've got all these people tied up. We used to do that—that's the way we were when we first got started we used technical rules-we authenticated these things—you a lawyer?

Q. I'm a law student.

A. Did they teach you ARC? American Red Cross?

Q. No.

A. Authenticity, relevancy and competency? That's what you have to do to enter a document into evidence. When you have a prior record or something like that, relevancy and competency are usually established and all you have to prove is authenticity. We had to bring in a witness—a custodian of the records to prove authenticity. Well, we've gotten away from that, but we used to do it. It meant that we stopped proceedings and the members of the committee had to read the transcript. It aggravated them considerably—they wanted this stuff in advance of the hearing. So we made that rule. And we submitted all this material including prior disciplines before the hearing. The decision came down last Friday in a case where a petition was dismissed against a lawyer. And part of the reason for dismissing it was that we had sent this stuff out in advance. So we don't know where we are now. We may ask for a hearing en banc, we may ask for a reconsideration by this panel, but right now, I'm getting some more data.

Q. Actually you bring an action against a lawyer—a private individual doesn't, it that correct?

A. We have until this week always prosecuted in the name of the District of Columbia Bar against an attorney. We're goint to start using the court caption on these cases and just refer to it, "In the matter of . . ." We don't want to be cast as adversaries. We're not really sure the bar is a plaintiff because we're an arm of the court. So, we decided to change our captions on these things.

Q. When a private individual instigates that action . . .

A. We don't prosecute in that individual's name.

Q. Do you keep that individual informed?

A. Oh, yes. Everything we do. One other thing we do which is departure from the normal court house proceeding is

bowsky and Professional Responsibility

once that complaintant testifies in a case we let him sit there for the rest of the proceeding—in fact we encourage it-that they stay there to see how the proceedings are conducted. It's very important to us that our credibility and integrity be accepted by the public. The primary purpose is to protect the public—we want the public to have faith and confidence in what we are doing.

Q. Is there a confrontation right?—as far as the lawyer is concerned?

A. Oh yeah—a lawyer has a right to cross examine witnesses against him. Sometimes that makes our job very very difficult, because our complainants will complain and then disappear—especially if the complainant is in a jail—the complainant is released and we have a lot of trouble finding these people. We just had a tough case this week—we lost a few counts against the lawyer because the complainant disappeared. We did everything to get that fellow in here.

Q. What's the most common type of complain?

A. Neglect.

Q. Is that mostly criminal?

A. Criminal is way down the list.

Divorce, matrimonial matters, domestic relationships, are far and away the most popular kind of complaint. People that get in divorces normally have never had a lawyer before. They're people that have never been in the litigation process-never have had to deal with a lawyer. And it's a very, very serious problem—this divorce—to the people involved. To the lawyer, it's probably the simplest kind of proceeding. So you have this big divergence of interest—or feeling, concerning this litigation. The lawyer goes to court and asks five questions, the case is usually uncontested after all the argument over the property, and, divorce is granted. To the man and the woman, it is the single most important event in their entire lives. When they went into this litigation, they paid their $150 or whatever it is and they think that lawyer should be available to them to answer all these serious questions like—can I talk to my husband on the telephone?—is that going to jeopardize my chances for divorce?—He didn't come like he said he would on Sunday, he wants to come on Monday. Is that all right? And the lawyer doesn't want to be bothered with all that kind of stuff. And it stands to reason, here the client has sworn to love, honor, cherish for the rest of their lives-their spouse-the person they truly love, and if you get to that point where they don't want anything to do with that spouse anymore, they file a complaint against that spouse and get a divorce. Now, why shouldn't that person, after being offended by the lawyer, file a complaint against him if they are willing to file a complaint against the person they chose to love, honor and cherish? So we don't have any present problem getting complaints from divorced persons. The other kind of law that generates a lot of complaints, complainants usually complain because of money. That's what impells them to complain. They'llcome in here and say "I want my money back, I was damaged by this lawyer to this tune, he caused me two months delay in getting some kind of a thing done, and it's worth money." They think they can come here and obtain damages. And we have to disabuse them of that. Many times—"all I want is my money—and if you can't get me my money, I don't want to talk to you." And we have to persuade them that they have an obligation to the other members of the public to straighten this lawyer out. Many times, more often than not, part of the fall-out of the disciplinary process is a recovery of some kind to the client. If we determine there's some kind of overcharging involved—or there hasn't been a clear contract—we'll hold the lawyer responsibile for the ambiguity in the contract and we'll refer these matters to binding arbitration. We'll do a lot of things—the people will get their money back.

Q. Do you think these procedures raise or lower the esteem with which the public holds the lawyers? Do you think it helps or hurts the profession?

A. I would think that its got to help the profession because it helps the public. We have a trust placed in the profession to discipline itself. No other profession—although there is lip service given by other professions to disciplining their own ranks—we are the only profession that actually does it to my knowledge. How many doctors do you know have had their license to practice medicine taken away from them? Once they learn the so-called competence they become enshrined, we don't take that license to heel the sick away from them no matter what they do. It happens every once in a while. We are always disciplining lawyers for overreaching, not carrying out their contract of employment—neglecting a matter entrusted to them. We're serious about it. The only problems that we have is getting the funding. How big a police force do you want? If we had a bigger police force, we could do more disciplining of lawyers. Resources are a problem with every police force. Local cops—if you have twice as many cops, you get twice as many convictions, the public would be better protected. You've got to use reason in determining how far you want to go.

Q. How many lawyers are in this office associated with you?

A. There are four deputies, and three assistant bar counsel plus a lawyer who is a law clerk. So we have 5 lawyers besides myself working for me.

Q. How long ago was the Board on Professional Responsibility created? And was it in response to anything in particular?

A. Two things caused the creation of this system. Or three things. The Court Reform Act was one, which made the DC Court of Appeals the highest court of this jurisdiction. It used to be the US District Court. When the DC Court of Appeals took over the disciplining and admission of attorneys, they needed a system for doing so. Coincidentally, at that point in time, 1969, 70, 71, the Clark Committee report—are you familiar with that?

Q. Yes.

A. They created a sample type, or optimal system for the discipline of attorneys. It was logical for us, who were just starting off, to adopt the Clark recommendations—and we did. We found there were some imperfections with them, like that inquiry committee and all that due process, that's inherent in those recommendations. But that's what we did. And at the time the court formed, we adopted what we thought was the best system in the country at that time. Our court took over on April 1, 1972, the rules became effective April 1, 1972, and our first disciplinary board was formed later that fall.

Q. Did this board bring any action against anyone who was involved in the Watergate scandal?

A. Any of them? A whole lot of them. Dean, Mitchell, Colson, Kleindeinst . . ."

Q. What eventually happened?

A. All of them that were members of the District Columbia bar, and a lot of them were members—all but Nixon were members of the District of Columbia Bar.

Q. That must have been an interesting time.

A. It was a very difficult and hard time. In fact, Watergate started the same time this system started. So we were trailblazing cases with Watergate cases. You know, when a lawyer gets in trouble in this system, they come in here too frequently not represented by counsel. Nothing could be more stupid. But it continually happens. I discourage it, but why they continue to do it, I don't know. I imagine there are some cases where it is the right thing to do. And I've seen some successful defenses done by lawyers without assistance. I've seen some emminently unsuccessful cases where lawyers try to represent themselves. In every Watergate case, the respondants were represented by emminently qualified counsel. The cases were fully litigated. When a case is fully litigated, it puts a great burden on a small staff. We were tremendously burdened and we still are. We have one other counsel—we have a special, a deputy assistant bar counsel that is still working on some Watergate matters.

Q. So were any of the actions successful?

A. Mitchell was disbarred, we have a recommendation before the court for a five year suspension on Colson, the court hasn't acted on that yet. There was a split-4-3 decision by our board—3 for disbarrment and 4 for five year suspension. John Dean was disbarred. Kleindeinst was suspended. But that's all long, long ago.

Q. Do you supervise lawyer advertising? Is that part of your responsibility?

A. Yes. But the rule in this jurisdiction is that we can only prosecute for false and misleading advertising. And we don't have too much false and misleading advertising, so there have been no prosecutions during my tenure for advertising. And very few for soliciting.

Q. I'm told that there's a split between the DC Bar and the Bar Association of the District of Columbia as to what rule of lawyer advertising they want to use.

A. There are a lot of associations, voluntary associations, federal bar association the women's bar association, the Washington Bar Association, and the Association of the Bar of the District of Columbia. Each of them presents a position when we have public hearings on a rule change. The recommendation that goes in to the court, represents a distillation of all the factions that have come in. To say that association—has differed—well, every association has differed in one respect or another. It's not meaningful to say there's been a difference.

Q. The ABA House of Delegates is currently considering a proposal that would allow investigators to make random checks of bank accounts held by lawyers for their clients.

A. You should have been down in Atlanta, I was arguing this before when I was the president of the National Organization of Bar Counsel. Last year I was the president and I argued some of these things with Mike Frame. Mike and I agreed on this, he's a former bar counsel, he was a reporter for the Clark committee report. We've been together in the discipline business for awhile. He's against random audit, and I'm against random audit. The reasons for our differences are not exactly the same. He remembers the Nixon administration and talks about this, he talks about facism, going out and busting into homes and files-he doesn't like it thatway. I think I'm more realistic about it. Let me say this, if I'm given $10,000 for auditing, so called random auditing, I'm not going to audit, Felix Frankfuter. I'm going to audit Dirk Sneeth. Understand what I'm talking about?

Q. Not exactly.

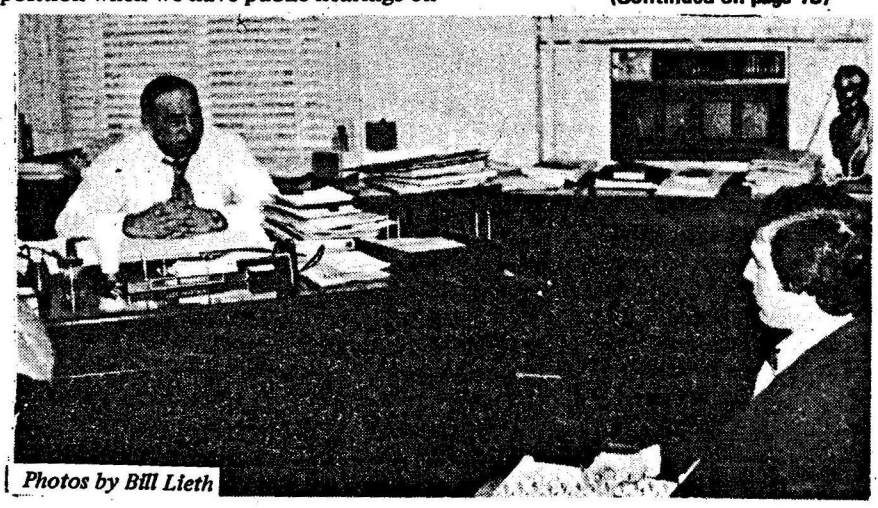
A. There are certain people at this bar whose records I would love to have access to. One lawyer in the firm gets disbarred-lawyer B, I suspect lawyer A of the same type of conduct—I would love to audit his accounts, but I've never had a complaint against him—I don't know what he does, but I'm very suspicious. My speculation is that he's a guy that needs to be audited.

If I have limited funds with which to audit, am I going to randomly pick and wind up with Felix Frankfurther when I have a chance to get Dirk Sneeth or some sinister person running around?

Q. Well, what would be wrong with that; wouldn't you be better off at least doing an audit like that rather than none at all?

A. You're going to waste your money. The only outfit that has so-called random audits is Iowa. I talked to a guy from Iowa the other day and he said "Yes, we randomly audit". I said, "it must cost you a lot of money; to audit a set of books must cost you a fortune." He said, "Well, we don't really have an audit." I said what do you have? He said, "well the lawyer tells us he's keeping his books in the right way." I said that's not an audit. He said "well, occasionally we verify the fact that he's keeping his books, and we have an educational process where he says he'll do this." I said, "gee, that's great, everybody should be educated as to how to keep a trust account, and if you verify that he's doing it right, you go ahead and

(Continued on page 13)



Photos by Bill Lieth

The American Agricultural Movement Sends a Message to the Nation's Capitol:

"If You Eat, You Are Involved"

by Joan Hodge

Angry farmers were unwelcomed guests in our nation's capitol. They motored expensive tractors into the city at snail's pace, paralyzing traffic and dangerously raising the ire of commuters and the local police. The farmers say they are fed up to the teeth. Farm prices aren't keeping in line with the rising economy and inflation. "All we want," explained one farmer, "is to meet a fair price in the market place." Better prices would mean that small farmers can keep up with rising costs of land and equipment to survive and produce.

According to a Feb. 19th article in NEWSWEEK, the representative for small farmers, The American Agricultural Movement, demands a raise in the price of 90 percent of parity to keep prices up with production cost, thereby enabling farmers to buy and stay alive.

A HISTORY OF PROTESTORS

In early American history, farmers stormed the capitol to rally in protest. Their political strength in numbers literally terrified past presidents. The concept of "parity" than came about during one of those 1930 protests. But with times changing, the farmers decreased in numbers, but production increased by farm corporations, with the middleman pocketing large profits. The government stepped in and passed regulations and price subsidies apparently enjoyed by the big farm producers. Unlike the small farmers, giant farm corporations can withstand bad weather droughts and spiraling inflations.

Photo by Dana Dembrow

BAD BUSINESS JUDGMENT

Most of the protestors are young Wheat Belt farmers from the Plains. They borrowed heavily during the boom years of the early 1970's. With grain prices at an all-time low, these young producers are now struggling to pay back heavy bank loans. Secretary of Agriculture Bob Bergland told reporters that, "There are family farmers that are in trouble, obviously. I know some who made bad business decisions. I know some young people who started farming the last three or four years, paid far too much money for land, and they are in trouble." Bergland is referring to the big U.S. grain sales to the Soviet Union in the early seventies. But, continues Bergland, "... there are notable exceptions to the general rule. Generally, agriculture is healthy."

UNSUITABLE TIMING?

Perhaps the political calculation for the small farmer demands is ill-timed. With the prevailing mood on the Hill for budgetary restraint and national election seems far off in 1980, small wonder the President and Congress have been less than responsive to the protestor's demands. Even during a congressional committee hearing, Bergland steadfastly opposed the demands of the tractor farmers. The Secretary was promptly taunted by boos.

RESTORING TARNISHED IMAGE

And what does the Blizzard of '79 got to do with all of this? This writer believes that those who felt hopelessly immobilized by the recent snowstorm should take heart to these farmers. The paralyzing storm could well serve to restore the tarnished image of the tractor farmers. Dozens of farmers volunteered to plow their machines through snow to clear entrances of hospitals and other emergency stations. Blood delivery to hospitals was critically disrupted immediately after the storm. The writer watched Bill and Ilah Bangle come to rescue The American Red Cross on E and 21st Streets from its nearly impassible driveways.

Photo by Dana Dembrow

The couple hails from Hill City, Kansas. Although Mr. Bangle is somewhat piqued by the negative portrayal of the tractor farmers by the Washington Post, he hopes that helping Washingtonians recover from the blizzard might minimize public hostilities toward the farmers. Politically, things don't look so good. The farmers plan to leave by the end of February, but say they will be back to try again. Bill Bangle sums it up by saying they're not here to start any trouble. Instead, they are decent folks trying to make an honest living like everybody else.

A Solar Primer: Part II

An Analysis of 'The Alternatives' in the Energy Debate

by Harry Chernoff

In one way or another, the sun is responsible for most energy sources. Fossil fuels, for example, are all produced by solar energy. Generally, however, even a broad definition of solar energy does not include energy sources produced over long periods of time. A broad definition of solar energy is limited to the renewable energy products produced over a relatively short period. Examples include conversion of agricultural wastes, ocean thermal gradients and wind power.

Conversion of agriculture wastes, sometimes classified under biomass conversion, refers to the conversion of wastes into simpler compounds, principally methane and alcohol. Since the agricultural wastes are regularly produced with a little help from the sun, biomass conversion is properly considered a form of solar energy.

The earliest interest in biomass, from an energy perspective, dealt with the generation of methane from feedlot run-off. This idea has its drawbacks, however. The farmers don't want to collect the run-off, the politicians don't want the obvious headaches a manure conversion industry will bring, and the economics simply don't favor the idea. Probably, the only hope for widespread use of run-off would be if the government decided to take seriously the immense water pollution problems caused by allowing the wastes to simply run-off. Such a decision, and the accompanying federal dollars, would favor the economics of feedlot run-off.

More recently, the focus of biomass has switched to plant wastes. While alcohol can, of course, be distilled from crops such as sugar and corn, it can also be distilled from the waste products of sugar, corn and almost every other agricultural product. Once distilled, it can be used as a fuel in place of, or in addition to, gasoline. For several years, Brazil has had a massive alcohol fuels program. In the U.S., gasahol, (a mixture of alcohol and gasoline), is only a few years from commercial availability.

A more exotic form of solar power uses the ocean as a source. The concept of ocean thermal gradients is based on the temperature differential between sea water at the surface and sea water thousands of feet beneath the surface. This differential may be as much as 20°C. By employing a compound that is a gas at the higher temperature and a liquid at the lower (e.g. ammonia) and by pumping a compound from the surface to the bottom, it is possible to capture he energy the compound produces when it rises and expands from its liquid state to its gaseous state. The energy produced can then be used to drive turbines. Afterwards, the compound is condensed, sent to the bottom and the cycle repeats itself. Although this energy source is still in the planning stages, many scientists expect it to be a good source of clean power.

Because winds are caused by unequal heating of the earth's surface, wind power is also a form of solar energy. Windmills are currently used in isolated parts of the U.S. The primary drawbacks to wind power are the same as those affecting solar power: 1. only certain areas of the country have high, steady winds, 2. neither wind, nor electricity can be stored, and 3. what do you do on a calm day? While wind power is making some inroads, especially in the west as means of pumping water, it is not considered a promising source of energy.

Two non-solar energy sources are often mentioned with the solar ones. These are tidal power and wave power. Tidal power is based on the huge differential between high and low tide at some tidal basins. (The Bay of Fundy is the classic example.) By damming the bay and forcing the water to flow through turbines both as it enters the bay and as it exits, hydroelectric power can be generated. Wave power is similar, though less centralized. The theory here is that small turbines could be floated along coastlines with significant wave activity. The power of the waves would drive the turbines. Problems exist with both ideas. The main problem is the corrosive effect of the salt water on the turbines. (Note that here the salt water powers the turbines, while in a thermal gradient system, the turbines are a part of a sealed unit with the amonia, not the salt water, driving the turbines.) Because of corrosion, the construction and maintenance costs of either tidal or wave units are likely to be extremely high. Another problem, particularly with the tidal damming idea, is the objection of fishermen, biologists and the like. A final problem, particularly with the wave idea, is that it takes a lot of little wave machines to generate commercially important quantities of electricity.

None of the energy sources I have just mentioned make a meaningful contribution to the nation's current energy picture. They are merely some of the more widely discussed methods of obtaining energy in the future. Other solar based energy sources do exist and are often considered with the ones I have discussed.

U.S. Senate Probes Space

by Thecla Fabian

In late January and early February, the Senate Science, Technology and Space Subcommittee held three days of hearings on the development of a comprehensive U.S. space policy. Both Subcommittee Chairman Adlai Stevenson (D-ILL) and the ranking minority member, Sen. Harrison Schmitt (R-N.Mex.) have introduced space policy bills in the 96th Congress.

Sen. Stevenson's bill, the Space Policy Act of 1979 (S.244) covers space activities over the next decade and sets forth specific goals in both space sciences and terrestrial applications. Sen. Schmitt's bill, the National Space and Aeronautics Policy Act of 1979 (S.212), is much broader. It covers the next thirty years in space activities.

January 25, the first day of hearings, was devoted to input from the Administration. There were only two witnesses, Presidential Science Advisor Frank Press and NASA Administrator Robert Frosch.

Frank Press outlined the general points of President Carter's Space Policy Directive. The perceived inadequacies of President Carter's space policy statements are regarded as the main force behind the push for a Congressional space policy bill. Carter's directives have been criticized for both their lack of specific goals and programs and their failure to indicate the level of space effort that the President planned to support in any area.

Press also went on to express for the first time the President's commitment to the continuation of a civilian remote sensing satellite program including the opinion that the development of an operational, as opposed to the current experimental system, was premature.

He expressed disagreement on the Stevenson and Schmitt bills on two points. First, the President does not want to see commitments to specific missions and programs over "long" time periods. He prefers an "evolutionary" approach to space development. Second, he does not want mandatory incremental reports to Congress required of the Executive Branch.

The second day of hearings, January 31, was devoted to input from persons within the scientific and space communities. Witnesses included National Academy of Sciences President Philip Handler; Dr. A.G. Cameron, Chairman of the Academy's Space Science Board; Dr. Edward Teller from UCLA and two past NASA Administrators, Dr. Thomas Paine and Dr. James Fletcher.

Both Dr. Handler and Dr. Cameron talked about the need for planning and long-range commitment in order to optimize the value of the space program. Dr. Teller concentrated on the overall importance of technology generally and space technology in particular. He lamented what he called the "rise of the U.S. as the leader of the anti-technology movement." The two ex-NASA Administrators talked about America's past accomplishments in space and the potential for the future. Dr. Fletcher divided the kinds of programs that NASA should pursue in the future into three general categories: (1) Exploration, (2) Exploitation, and (3) Adventure. He also called for long-range planning, talking about a twenty-five year plan with options built into the system.

The final day of hearings, February 1, presented input from the future "users" of space systems, particularly the space shuttle. There was a panel of four persons from industries involved in space activities. The members of the panel were Mr. Ted Smith, Vice-President for Space Programs at McDonnell Douglas Astronautics Company; Dr. Gerald Seeman, President of Developmental Sciences, Inc.; Dr. Russell D. Hensley, Vice President for Technology of the Diversified Business Division of Aetna Life and Casualty Insurance Company; Mr. Stover Babcock, Assistant Vice President of Merrill Lynch Pierce Fenner and Smith, Inc., and Dr. John McLucas, President of COMSAT General Corporation. Other witnesses included Professor Gerald Wasserburg from California Institute of Technology, Mr. J. Jeffrey Irons, the Director of Student Programs for the American Institute of Astronautics and Aeronautics and author James Michener.

The business panel discussed the concerns and considerations of the business community. Mr. Smith talked about the role of the major aerospace corporations, while Dr. Seeman discussed the role and problems of the small, high-technology companies. Both Dr. Babcock and Dr. Hensley discussed investment criteria as related to private investment in space systems. Dr. Lucas talked about the development of COMSAT and the need for further development of space policy, particularly with regard to the role of private industry.

Author James Michener concluded the hearings with a philosophical look at the importance of challenges and exploration. His basic premise is that, "there are moments in history when challenges occur of such a compelling nature that to miss them is to miss the whole meaning of an epoch. Space is such a challenge."

Summer Law in Exeter

The College of William and Mary in Virginia has had significant relationships with England throughout its history. The College was charted in 1693 by the reigning sovereigns, William and Mary, whose name it bears. The College's first building was constructed in 1695 from plans attributed to the renowned English architect, Sir Christopher Wren, builder of St. Paul's Cathedral in London. Through the efforrs of Thomas Jefferson, an alumnus of the College, a chair of Law and Police was established December 4, 1779, thus making William and Mary the first to offer instruction in law in the United States.

In more recent years the College's continuing relationship with England and its educational institutions has been evidenced by an active student and faculty exchange program, and by establishment of the Summer School of Law in England in 1967 on the campus of the University of Exeter in Devonshire.

Modern dormitories, dining hall, and the classrooms of Exeter's campus, as well as the law library of the University, were made available. In addition, distinguished members of the faculty of the University's School of Law agreed to teach some of the courses offered. The program has been further enriched by prominent speakers from the English Bench and Bar, as well as by a trip to "Legal London," visits to the Inns of Court and to English courts when in session.

Since American and English legal systems developed from the same cultural history, one of the primary advantages of the program is the opportunity to enrich understanding of American legal institutions by a comparison with the English legal system. Emphasis is also placed on English legal history and international law.

SBA Meeting Tomorrow Night

Thursday, March 1

Hoover Room of the Library

(all invited)

The Tragedy of King Richard II

by John Lambert

The Tragedy of King Richard II is one Shakespeare play which seems very appropriate for a Washington audience. The play is mostly political, but involves a variety of other issues including property rights, familial relations, and character deterioration. Henry IV's usurpation of Richard II's throne was an unprecedented event in English history and Shakespeare's handling of the issue during Elizabeth I's reign.

Much of the sting of this action was undercut by all the lines being in verse. Thus, the political aspect of the drama is deemphasized, and the interplay of the characters, Richard and Henry is stressed. These characters, through verse, are given a great deal of depth and the evolvement of Richard from a flop to a dignified prisoner is very effective dramatically.

Textually, the characters of Richard and Henry Bolingbrook serve as very effective counter-foils. Alas, the Folger production failed to capture this dynamic interchange. Michael Tolaydo is very convincing in the role of Richard II. He is a flexible actor capable of evoking contempt, pity, and respect within a single sililoquoy. Unfortunately, many moments were undercut by a rather stiff and stale performance of Terry Hinz. Admittedly, Henry IV comes off rather badly at the end, and is an unsympathetic character, but even this aspect was lost by an unimaginative performance.

The supporting cast was certainly competent, with special kudos to Leonardo Cimino as John of Gaunt and a rather memorable Gardner a little later, and Glynis Bell as Isabelle, Queen to Richard I. The direction seemed to rely on the theory of simple is good and this theory seemed to work well. It rarely protruded into the play, rather leaving the play to itself, the one exception being the murder scene, in which the simplicity of direction and staging highlighted the gravity and starkness of the situation. This scene was very good.

Richard II is playing through March 21st. If you have an opportunity to see the play, it is well worth your time since Richard II is always enjoyable. The performance certainly isn't great, but any chance to see Shakespeare shouldn't be passed up.

Michael Tolaydo as Richard II, Glynis Bell as Queen Isabelle, Leonardo Cimino as John of Gaunt and David Cromwell as Aumerle in the Folger Theatre Group production of 'The Tragedy of King Richard the Second' playing now through March 25, 1979.

Law & the Silver Screen — (Continued)

(From page 6)

Appropriately enough, the "Duck Soup" trial scene ends in a song and dance routine with the Marx Brothers playing xylophones to the tune of "Oh Susanna".

Despite the light-hearted and sarcastic view of law represented by the comedies, there have been several truly dramatic portrayals of lawyers and the law. Sidney Lumet's "Twelve Angry Men" (1957) deals with the institution of the jury in a murder trial. At the beginning of the movie, the jury is sequestered and a straw poll reveals that it is 11-1 for conviction, with one juror (Henry Fonda) not convinced beyond a reasonable doubt. As the movie progresses, the jurors' innate prejudices, fears, and weaknesses are revealed until eventually all the jurors have doubts and the young boy on trial is acquitted. Thus, the movie pays tribute to the inherent right of a man to have a trial by his peers and for each of those jurors to disagree if he is not convinced beyond a reasonable doubt.

The antithesis of the jury system depicted in "Twelve Angry Men" is the one portrayed in "To Kill A Mockingbird", where the jury system does not dispense justice. Set in the southern United States in the 1930's, the story involves a black man accused of rape and assault against a white woman. The evidence strongly indicates that the white woman had made advances to the black man, and that the black man had tried to avoid any contact with the woman. However, the all-white jury found the defendant guilty, applying the community prejudices of the time rather than ruling on the evidence. In perhaps one of the most famous and favorable portrayals of a lawyer on the screen, defense attorney (Gregory Peck) represents not only a champion of right but also a symbol of social conscience. His questioning at the trial has raised serious doubts as to the truthfulness of the charges against the defendant, and he implores the jury to rule on the facts presented. Although his pleas for justice go unheeded, the attorney earns the respect of the black population in the town for his righteous efforts.

Trials, famous lawyers, and the lawyer's craft are dramatically explored in three older movies. "Compulsion" is a fictionalized account of the Leopold-Loeb murder in which the character paralleling Clarence Darrow (Orson Welles) pleads for mercy for his clients in a stirring closing argument which results in a sentence of life imprisonment rather than death. Otto Preminger's "Anatomy of a Murder" moves slowly through the workings of a case on trial, following closely the methodical presentation of evidence by the defense attorney (James Stewart); while "Inherit the Wind" involves the famous Scopes trial and a clash between the great Clarence Darrow and religious fundamentalist William Jennings Bryant.

A slightly different type of legal proceeding, one involving a military forum, is examined in "The Caine Mutiny". Navy lawyer Barney Greenwald (Jose Ferrer), though personally convinced that his client has comitted mutiny, is prepared to use his best efforts to win an acquittal. The film thus presents a lawyer's conflict between professional responsibility and a higher personal ethic. The theory of the defense is that the accused, Lieutenant Marrick (Van Johnson), was justified in taking command of the U.S.S. Caine because his commanding officer was mentally unbalanced and therefore unfit for duty. Greenwald is able to establish his defense through a skillful and vicious cross-examination of Commander Queeg (Humphrey Bogart), in which Queeg is led into an agitated and paranoid tirade against his "disloyal" crew. Greenwald has gone to the limits of what the law allows in order to give his client an effective defense, but he ends up sickened by the fact that the acquittal was won only through the humiliation of the courageous veteran Queeg.

International law and the thought process of a judge are explored in Stanley Kramer's "Judgment at Nuremberg" (1961). The story revolves around the head judge at the Nuremberg war trials (Spencer Tracy), a man who labels himself a Maine Republican but still thinks FDR was a great man. Much of the film takes place in the courtroom, where the horrors of war are recounted on the witness stand by broken and deformed human beings. The rational attorney for the war criminals (Maximillian Schell) and the emotional American prosecutor (Richard Widmark) trade cogent and convincing legal arguments. Nevertheless, the main focus of the film is on the American judge, who goes through much soul-searching before he decides that the defendants are guilty. The precise standard of guilt remains unclear, however, and the judge never really does explain the legal principals on which he finds the German defendants guilty.

Finally, there is "The Paper Chase", a far more grim offering than its TV namesake, which portrays the tranformation of idealistic Harvard law students into, presumably, Harvard lawyers. Professor Kingsfield (John Houseman) is menacingly pedantic and never lapses into the endearing half-smile which humanizes his TV version of Kingsfield. The alternately worshipful and resentful Hart (Timothy Bottoms) engages in a year-long intellectual battle with Kingsfield and emerges older and wiser. The film is recommended for iis lucid explication of the Carbolic Smoke Ball case, a case whose meaning still remains cloudy to the authors of this article.

G.U.'s Gilbert & Sullivan

by Anne Ellis

The Georgetown Gilbert & Sullivan Society will present its 7th annual production, "Ruddigore," in the Moot Court at the Law Center on March 7-11.

The two act opera parodies the domestic melodrama prevalent in the late 19th century. The eighth full-length Gilbert & Sullivan opera was first produced after the "Mikado."

The cast for this year's play includes both new faces and seasoned Gilbert & Sullivan veterans, with participating law students and faculty proving that there is indeed more to life than law school.

Performance begins at 8 p.m. on March 8-10th and 2 p.m. on March 11th.

A special benefit performance for the Henry Levinson Scholarship Fund will be held on March 7th at 8 p.m. with proceeds going to the memorial fund honoring the 1964 law graduate. Tickets are on sale at $3-adults and $1.50 children at the Georgetown University Law Center in the student activities office, located at 600 New Jersey Ave., N.W. Call 624-8373 for more details.

As Others See Us . . . ?

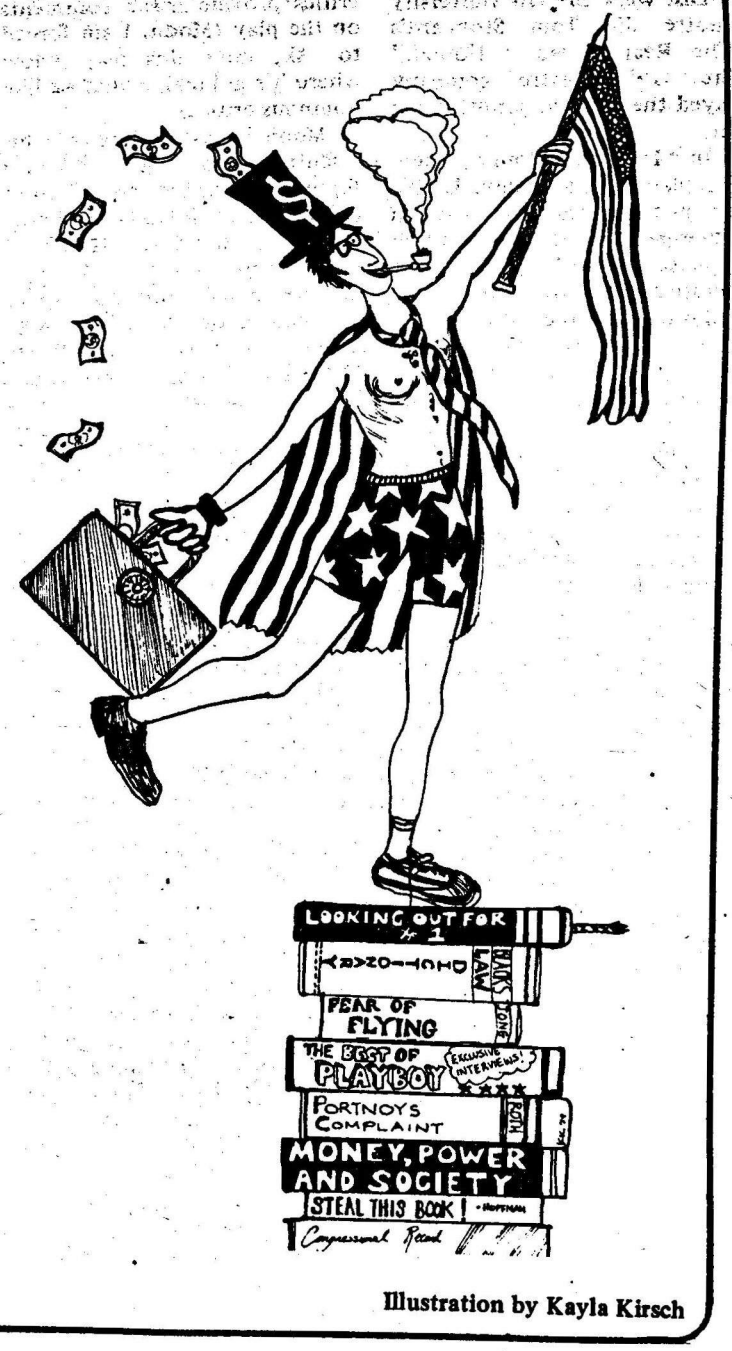


Illustration by Kayla Kirsch

FOCUS . . . on Fred Grabowsky (continued)

(From page 9)

help this guy." He said, "that's what we're doing. Furthermore, we're going to ensure that every single person is randomly audited once before he's randomly audited a second time." Isaid, "I thought you said it was random. Now how to you randomly audit everyone once before he's randomly audited a second time." I don't believe there's such a thing as a random audit.

Q. I wasn't aware that there was a need for auditing.

A. Our money cases at this bar have been few and far between. I would suggest to you that this bar, based on my conversation with other people, is an extremely sensitive one. At nine o'clock, I guarantee you, this phone will start ringing, and I will answer twenty questions a day on borderline questions. These are the good lawyers. The lousy lawyers, they don't call, and they don't recognize the problems they have. We have a good continuing legal education program, all the law schools in this jurdiction teach professional responsibility, and I appear at the law schools, The people are cognizant that we have a code, and they're concerned. We don't have the problems that they have in some of the dog-eat-dog environments, that other lawyers are in. It may become that way later on when we're surfeited with lawyers, but so far I think our bar is a very upright one. You talk about thirty thousand lawyers, and I docket between five and six hundred complaints a year. Now we get a large number of inquiries that are not docketed. A docketed complaint is a prima facie allegation of misconduct, eighty percent of which are rebutted satisfactorily by the lawyer in the first piece of correspondence we get. Of the five hundred complaints that we process, we get fifty disciplines. You're talking about fifty disciplines, maybe ten of them serious ones, out of thirty thousand lawyers. So you see that we have what I think is a very honorable profession in this jurisdiction.

Q. Do you think it's possible for a lawyer to inadvertantly act unethically, even though he thinks he's acting within the law?

A. Sure. And that's the worst thing that happens. You have some next-door neighbors that are getting a divorce, and their neighbor is a government lawyer. They say, "Hey, you're a buddy, how do we wrap this up without spending an excessive amount of money?" And he says, "I'll write it up for you and represent both sides." They guy may have grown up with a high sense of moral values, but he doesn't know that contravenes the code. You just can't do that-be on both sides of the action. We have a lot of that-- the lawyers think, "these people know me, they know I'm an honorable person, I can represent both sides." They're constantly getting into conflict situations, because they think they're highly moral. Maybe they can carry it off. But frequently they can't--it's a violation. For every piece of litigation that was tried in the United States yesterday, half the lawyers lost, and half those clients are going to be unhappy. If that lawyer was in a conflict situation, that's going to come to our attention. A lawyer has to be up front, and tell the people of all the conflicts that may arise.

Q. When you give advice to lawyers, are they really entitled to rely on it?

A. They can rely on it to this extent-they know I'm not going to prosecute them if they follow my advice. I think that's pretty good assurance that nothing's going to happen to them. During the Watergate proceedings, we had a real problem with the defendants finding lawyers. All the firms were intertwined, and they had questions about who was allowed to represent them. It was a real problem, and the courts relied on us to provide advice as to who could or could not represent these people.

Q. You were talking about lawyers representing themselves. Is the problem that they can't remain objective about their own case?

A There's that, and I think the reason it occurs is that they're trying to do it on the cheap.

A. The cost for quality representation is high.

Q. Is there any advice you might have for law students?

A. Unfortunately, in this business, it's sad that a lawyer must protect himself from his client. The trusting lawyer doesn't document what was said, or the advice he has provided. You should start right off with the retainer agreement. The day of doing a lawsuit on a handshake I hope is long gone. Too many controversies stem from lawyers taking cases at cocktail parties and giving assurances that there won't be any problem. I suggest to anyone starting off that there be a written understanding in all cases as to what the terms of the association are. If there are any changes, they should also be reduced to writing. Too frequently lawyers lost sight of the fact that it's not their case, it's the client's case. Everything that happens in that case, the client is entitled to know about. Every piece of paper--a copy should go to that client. If those things happened, I would probably be put out of business.

Q. You mentioned before the high fees that even lawyers must pay for representation. For this and other reasons, the profession as a whole is not held in very high esteem by the public right now . . .

A. Never has. Never will. When does a person go to see a lawyer? When he's feeling good? When you go to see a lawyer it means you have a problem. That lawyer is part of the problem, it's going to cost money. There are people who say, "Well, if we do such and such the public will hold us in high esteem." I just don't believe that. You take a criminal case. Guilty or innocent they come away hating their lawyer. If they're found guilty, no matter how hard that lawyer worked, they feel that if they had a better lawyer they wouldn't have been found guilty. If they're found innocent, they say, "Here I am, an innocent person, and I had to pay $1,500 for no reason." In most cases they never want to see a lawyer again. If you want to be liked, don't practice law.

"Inspector Hound" at Betts Theatre

by Jim Sweeney

Who is the real Inspector Hound? Funny you should ask.

Last week the GW University Theatre did Tom Stoppard's "The Real Inspector Hound." The GW Theatre company played the brilliant script to the hilt.

In "Inspector Hound" there is a play within a play. Unlike the play within the play in Shakespeare's "Hamlet," which is presented as a part of the narrative, here we have a play ("Murder at the Manor"), a group of "real" actors playing the parts, an audience (composed mainly of store mannequins), and even a program within the program.

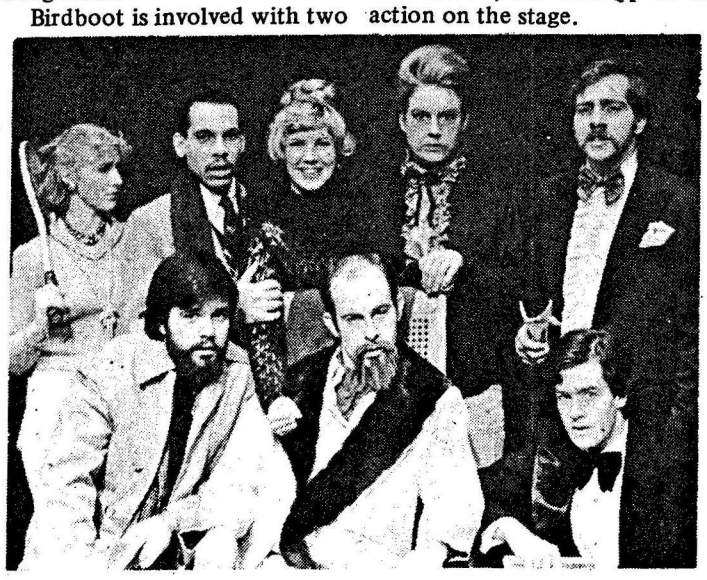
Watching this play are two critics, Jack Birdboot (Peter Argentine) and Michael Collins Moon (Christopher Hurt). Trivia lovers will note that Michael Collins was one of the astronauts to go to the moon. Moon is second string critic for the Daily Mail, and resents Higgs, the first string critic.

Birdboot is involved with two of the actresses in the play. For the first half of the play, the two critics provide inane comments on the play (Moon: I am forced to ask, does this play know where it's going?), sounding like pompous critics.

Moon keeps mulling over his resentment for Higgs, and also lapses into philosophy lectures (Moon: Where is God? Birdboot: Who? Moon: God!; Birdboot looks in program to see if God is in the cast). Birdboot keeps worrying about his affairs with actresses Constance Leigh Cumming (Rosemary Walsh) and Eleanor Loyola Wythe (Mary Jackson).

Problems develop when, during a break in the action, the phone on stage rings and Birdboot answers it. It turns out to be his wife calling ("I've told you never to phone me at work!"), inquiring about the woman he was seen with the other night.

From then on in Birdboot, and then Moon, are tied up in the action on the stage.



Birdboot and Moon and up playing Simon and Inspector Hound (Who's Simon? Nobody is ever certain of that, especially the audience) in the play, while the two actors who played them previously (Juan Valentin and Michael Mills) take their seats and criticize the acting. The two critics' real lives end up determining what happens on stage.

Sound confusing? It is, but the cast pulled it off brilliantly and kept the laughs coming. Hurt and Argentine carried off their pivotal roles with ease.

All of the confusion was resolved at the end. Well, sort of; you at least knew what happened, if not why.

On March 1-3, GW Theatre will present "Happy Birthday, Wanda June;" in the Studio Theatre in lower Lisner Auditorium on March 20, "Songs and Scenes from Shakespeare;" on March 23-24, "Vanities" in the Studio Theatre; and "Candide" on April 2-7.

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"Loose Ends" at Arena Stage

By Dana Dembrow

Wonder if this is really making it? Sure, *this is it.* This is more than a phase to pass through on the way to something else. This *is* IT. Of course there are phases to get through. But they are only followed by other phases. There is no resolution to it all, only periods between periods.

Michael Weller's *Loose Ends,* now appearing at Arena Stage, is a play without a resolution. The plot is simple but the message is important and the vehicle is as warm as it is hilarious. The values of the 1970's are effectively portrayed in a series of gilmpses into the love life of Paul (Kevin Kline) and Susan (Roxanne Hart), a couple in search of a way to make it together. It's not as simple as it sounds, and though some critics may complain that it's all just a little too soap-operaish, the conversations showing who's where doing what with whom are really only a facade to distract the attention of the audience to make the superior message more subtlely transmitted. *Loose Ends* is truly entertaining. The play requires little effort to observe and understand, thus permitting the viewer to sit back and laugh and learn as the primary characters try to figure it all out. The points of reference are provided by some amusing stereotype figures, including a guru, a securities salesman, and a hippieish country carpenter. The cast does an outstanding job of portraying the characters and their varying personality quirks and motivational concerns.

The play consists of nearly a dozen acts, each successive scene portraying the lives of Paul and Susan a year or two down the path. In this fashion, the playwright captures the spirit of the "me decade" with amusing and heartwarming anecdotes of a couple of personable and familiar characters clutching for direction in an era of confusion. The plot focuses on the role of sexuality and compansionship in life but the questions posed are deeper than those in the T&A that is typified in a TV series or gossip column. Michael Weller demonstrates in *Loose Ends* a good understanding of the concerns of the contemporary individual coping with the flow of time. That understanding may be that there may be no understanding. His "successful" characters play it *loose* because they realize that nothing *ends.*

G.W. Concert Schedule

The George Washington University special series of faculty concerts devoted to the duo-sonatas of Mozart will continue with the fourth recital on Sunday, March 4, 1979 at 8:30 P.M. in the Marvin Theatre, 800 Twenty-first Street, N.W. George Steiner, violin and Robert Parris, piano, both on the university's faculty, will perform Mozart's *Sonatas 7, 11, 12 and 13,* and will end the program with Bartok's *Sonata No. 2.*

Professor Steiner is chairman of the university's music department at the same time as he continues his busy musical activities as concert violinist, conductor and lecturer. Professor Parris is in charge of the theory section of the music department, and is well-known as a composer as well as a keyboard artist on both piano and harpsichord.

The schedule of additional concerts appears below.

Sun., Mar. 4, Duo-Sonata Series, Marvin, 8:30 P.M., George Steiner, Violin and Robert Parris, Piano.

Thurs., Mar. 8 GWU Orchestra, Lisner Auditorium, 8:30 P.M., George Steiner, Director.

Fri., Mar. 23 Faculty Concert, Marvin, 8:30 P.M., Neil Tilkens, Piano.

Tues., Mar. 27, GWU Chamber Choir, Lisner at noon, 12:15 P.M., Catherine Pickar, Director.

Sun. April 8, Duo-Sonata Series, Marvin, 8:30 p.m., Steiner and Parris.

Mon. Apr. 9, Student Recital Marvin, 8:00 P.M.

Mon. April 16, Student Recitals, Lisner, 4:00 and 8:00 P.M.

Tues., Apr. 17, Student Recital, Lisner, 8:00 P.M.

Wed. April 18, Student Recital, Lisner, 4:00 P.M.

Sun. Apr. 22, GWU Chamber Choir, Marvin, 4:00 P.M., Pickar, Director.

Sun. Apr. 22, GWU Chorus, Marvin, 8:00 P.M., Steven Prussing, Director.

Mon. Apr. 13, GWU Orchestra, Lisner, 8:30 P.M. Steiner, Director.

All concerts are open to the public free of charge.

Latin Art on Display

by Maria Paz Artaza

The Museum of Modern Art of Latin America, located at 201 Eighteenth Street, N.W. is one of the most unusual and interesting museums in the area, yet it is also one that is ignored by most tourists and even by many permanent residents of D.C. Among the reasons for this are the fact that many Americans are not well acquainted with the rich and vibrant culture that Latin America has to offer, and that those who have some knowledge of Latin American culture and history usually ignore the vast *amount of great art works that the neighbor to the south has produced in the last century.*

Latin America's artistic tradition goes back to the time of flourishing Indian cultures, but during the colonial times and sometimes even after independence many artists looked for inspiration and for models to the established traditions of Europe, thus producing an art work that was for the most part imitative and foreign. It was not until the end of the nineteenth century that artists began to respond to the environment that surrounded them, and to reflect that environment in their works.

The Museum of Modern Art of Latin America offers a sampling of some of the most colorful, vibrant, and occasionally most symbolic art in the world. Painting dominates the collection, but drawing and sculpture are also represented. All the important trends in the hemisphere over the past forty years are included.

One of the rooms in the museum is devoted to pioneers of the modern art movement in Latin America such as Joaquin Torres-Garcia and Pedro Figari of Uruguay, Refino Tamayo of Mexico, and Dandido Partinari of Brazil. In this room is Carlos Merida's *Under the Sky,* which embodies all of the influences that pre-Columbian art has exerted on Latin-American artists; in this case the painting is strongly suggestive of Mayan art.

Latin America's primitive art has achieved tremendous popularity during the last twenty years and the museum contains significant examples. Jose Antonio Velasquez of Honduras is one of the most famous naive artists in the world. His *San Antonio de Oriente* (1972) is a view of his home town which includes the almost typical figures of his art: the priest, dog, burro, chickens, townspeople, and tiled roofs. A work by another, primitive artist, Joseph Jean-Giles' *Haitian Landscape* (1972) is typical in its atmosphere of joy and elation. The vibrant and strong colors of the primatives make them absolutely unforgetable.

One of the most interesting pieces in the museum is *Hurtado Sculpture* (1975) by Jes'us Rafael Soto of Venezuela. This painting-sculpture has a rectangular black background, crossed by thin white vertical stripes. In front of

(Continued on page 16)

Ugly Building contest

Washington has a lot of ugly buildings. Some of them are too big for their lots, others overwhelm the surrounding buildings, and many are just unpleasant to look at.

What can you do about them, besides hope that they caught the architect who was responsible for them? Well, now you can nominate buildings for the Ten Worst Buildings in D.C. award.

The Advocate is concerned about encouraging architecture that is oriented towards people and a pleasant urban environment, and discouraging architecture oriented towards quick profits and anti-people concepts of design.

So we're holding a Ten Worst Buildings in D.C. contest. Here's how you participate: You can nominate as many buildings as you wish. To make things simpler, only buildings in D.C. are eligible, although we do recognize that there are plenty of ugly buildings out in the suburbs.

Give us the name (if it has one), the address, the occupant (a government agency, university, etc.), a photo if possible, and a line or two on why you feel it deserves the award.

Fill out the form provided or put the information on a piece of paper, and send it to: Worst Buildings, The Advocate, Bacon #2. We will use these nominations as suggestions to help us make our decision. The decision of the judges is final.

Advocate Ten Worst Building Contest

name and address of building _____

_____

occupant _____

_____

why it deserves this award _____

_____

_____

Law Revue in Retrospect

By Brona Pimnolis and Bob Goodman

It's over. Months of long-range planning, late night rehearsals and plain hard work. And what is there to show? Plenty. For two hours in Lisner Auditorium on the evening of Sunday, February 11, 1979, an enthusiastic group of GW troupers held up a great mirror before the law students and faculty of the National Law Center. And the result was healthy, indeed cathartic; they related, they smiled, they laughed.

When first approached about Law Revue, sometime in early October, the idea was merely in the vivid imaginations of several unusual individuals. But as these people began to assemble writers and others committed to the concept of a Law Revue, the images began to take shape. The original scripts were written and revised in early November, and tryouts were held soon afterward. Parts were distributed before the vacation with the specific admonition that they be learned by the start of the new year, which, of course, they were not.

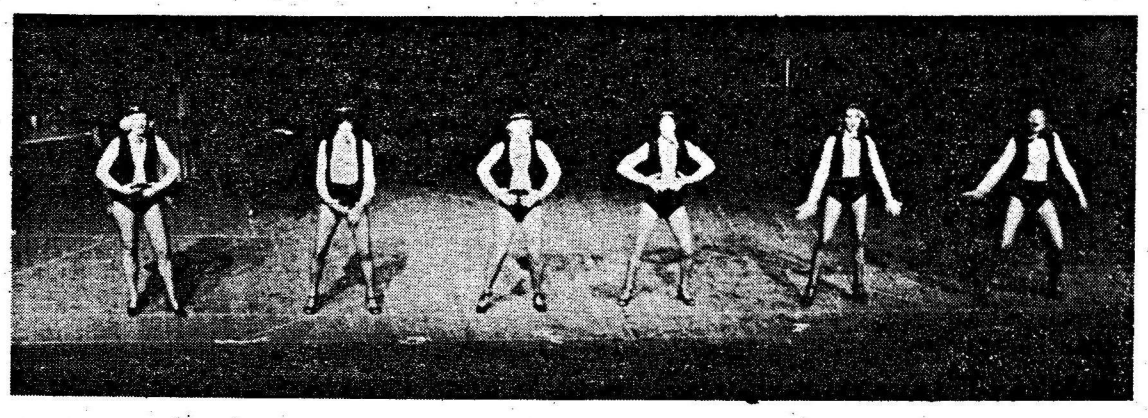
But that was just the beginning. When the cast members returned from Christmas vacation, rehearsals began in earnest. It was not always easy. The hours were long and inconvenient, the practices physically draining and often frustrating. As we all know, law students are busy people with hectic schedules, and sometimes short-fused tempers would flare. Yet through all the hard work, there developed a bond of friendship, an intensity of feeling among the cast members that had never before surfaced in law school life. That experience was something unusual. All those faces familiar only from wandering between Stockton Hall and the Library had suddenly became a mass of people, people with an excuse — finally — to say hello in the hallways.

Finally the day of the show arrived. Last minute details — set construction, stage lighting, and the sound system — were hurriedly completed. Meanwhile, members of the cast could be found rehearsing their parts with each other in obscure corners of the auditorium. As show time drew near, there were some nervous laughs and forced smiles, but on the whole the cast maintained remarkable composure considering the fact that for many, this was their first time on stage. In fact, as Lisner Auditorium filled to near capacity, a keen sense of anticipation, more than anything else, pervaded the backstage dressing rooms.

The show itself went quickly — too quickly. It was a one-shot production that came with a lot of fury, and then, ended. There were only two hours of show time — not even enough time to take an exam. Yet there was still no predicting how we would be received. Any apprehension we might have had seemed to end the first time the cast got to Lisner, however, and realized that the song and dance routines actually would work — that all our efforts had produced some degree of coordination in even the most klutzy. But even more, we learned why people became stagestruck. Applause. That first round of applause said we were finally there and we really could do this. So the enthusiasm in both the audience and the troupe was high. This feeling was confirmed as the following week of school progressed, for more and more positive feedback was forthcoming from both law students and faculty.

At the same time that next week of school felt really strange. Feelings of emptiness tinged with sadness floated by frequently. Something was missing. Since before Thanksgiving, we had had Sunday, February 11 as our target date. Suddenly, we all woke up Monday morning, February 12. On that Monday, like all the rest, it was class as usual, work as usual, study as usual, as usual. Sure, we didn't have to go to practice, and yes, we had maybe an extra twelve hours a week to study or work — but we still missed it. We missed the hard work and striving, the humor and drama. But most of all, we missed the people, the camaraderie, and the sacrifice toward a common goal — a goal that culminated in a festive and illuminating evening for so many. In the same way so many faces had finally become friends, the cycle kept going, and those people returned to their alter egos waiting for them in the stacks. But at least we were able to make friends with people we otherwise may never had said a word to in our three years here.

We hope that this year's Law Revue is not a one-time production. Whatever may happen to future Law Revues, we will always have been part of the first one, and there is a certain pride in that. Still, the foundation has been laid, the stage set. Let the curtain rise again next year.



Photos by Bill Lieth

The Aftermath Revued

by Harry Chernoff

Within minutes after Law Revue ended, comments began pouring in. Most were congratulatory. One was not. By that, of course, I am referring to Chief Justice Burger's comment that half the cast was incompetent. The Chief Justice, in attendance out of pity for G.W. grads, stated that any 2nd year student would have seen through the facade in the purported torts skit and immediately addressed the real issue: the commerce clause. Professor Seidelson, who portrayed himself in the skit, noted that while he could not say that the Chief Justice was incorrect as a matter of law, he would check with his (Siedelson's) good friend, Judge Aldisert, to be certain. When the Chief Justice noted that Judge Aldisert was only marginally more competent than most of the members of Law Revue, Professor Seidelson characteristically began to cry. Asked about the Chief Justice's comments, Professors' Stevenson, Robinson and Sharpe refused to comment. However, to demonstrate good sportsmanship, Professor Robinson did beat up one of the Advocate's reporters. Dean Kramer could not be reached for comment.

Various professional groups also wished to address the Chief Justice's remarks. The SBA and ABA issued a joint statement neither agreeing nor disagreeing with the Chief Justice, but recommending the establishment of a committee to investigate the possibility of either agreeing or disagreeing with the Chief Justice. The members of the two groups overwhelmingly agreed to consider the recommendation at some later date.

Naturally, the *Advocate* asked the other Law Review to comment on the Chief Justice's statements. A spokesbeing for that institution asserted that the staff of Law Review considered comments to be inappropriate, as they might conflict with statements made in the Review's forthcoming blockbuster treatise "The Emerging Field of Condominium Law; How it affects the water rights of native Americans." When we stated that we saw no conflict, the spokesentity noted simply, "That is why I'm on Law Review and you're on the Advocate." Dean Kramer could not be reached for comment.

Assorted non-legal groups had their say as well. A scout for the Dallas Cowboy cheerleaders acknowledged keeping an eye on a certain blonde in the chorus line but, as he put it, "We's leery bout taking a lady whose IQ's bitter'n her tits." Off the record he confided that none of the ladies in law revue would go higher than the sixth round in the upcoming NFL cheerleader draft. Dean Kramer could not be reached for comment. Professor Banzhaf could be reached for comment, but we cannot print anything he said.

We're not sure, but we think the responses indicate a huge success. Of the 30 people we spoke to immediately after the show, well over half were still conscious. (The Chief Justice not included.) All hoped that Law Revue, like its older sister at the Med School, Follies, would become an annual affair. Dean Kramer could not be reached for comment.

Photo by Bill Lieth

"Woe Unto Lawyers": A Book Review

by Steve Kleifield

"Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered." Luke XI, 52

"Woe Unto You, Lawyers!" might be more aptly named "Everything You Always Thought About The Law But Were Afraid To Admit To Yourself". Written in 1939 by Fred Rodell, then a young professor of law at Yale University, it is a fascinating expose of the emptiness of legal "reasoning", and a scathing commentary on the legal profession. It is timeless because, unlike countless "social commentaries", it is directed not to the uses to which the law is put, but at the very nature of law itself, which has changed but little since the writing of the book. True, we have new decisions, and new written laws, but it is The Law, that "brooding omnipresence in the sky", that thing which judges and lawyers swear is constant and unchanging, and gives rise to decisions, which is the main subject of Rodell's attack.

Rodell starts off with the bold assertion that the legal trade is nothing but a high-class racket. Ours is "a government of lawyers, not of men", and most of the major decisions in government and business are made by lawyers, whose trade is a trade built entirely on words. "Words!" you say, "no, not words, principles, legal principles are the lawyer's stock in trade." Nonsense, says Rodell. Once these high-sounding legal abstractions are brought down to earth and applied to physical facts, the abstractions become nothing but words - words by which lawyers describe, and justify, the things that lawyers do. Not only is the public unaware of this fraud, but 9944/100 per cent of the lawyers are also. By the time a law student's confusion and resistance to The Law is worn down, he or she is a convert, and may never be able to revert to a more direct, pragmatic way of thinking. This is bad for society, because "consecrated fanatics are always more dangerous than conscious villains". The author's task, then, is to slash through the great illusion of The Law and expose it for what it really is - nothing. I will try to demonstrate some of Rodell's ways of exploding the legal balloon, and summarize some of his conclusions.

In what is probably his most effective method of exposing The Law, Rodell analyzes some of the most basic principles of the law of Contracts. For example, one of the most basic prerequisites to a valid contract is Consideration, the basic assumption being that a Contract should be two-sided. A great deal of the law of Contracts involves whether there was or was not adequate Consideration in a particular case so that the court can uphold the Contract. A non-lawyer might look at the situation in reverse, thinking that Consideration is what there *is* when a court upholds a promise and what there *isn't* when a court refuses to uphold a promise. While this sounds blasphemous to a lawyer, it's not far from the truth. Consider the following: A chorus girl has two wealthy admirers, one of whom promises her a fur coat for Christmas, while the other promises a diamond bracelet. On Christmas day she receives a fur coat but no bracelet. Can she go into court and sue for the bracelet and get it, on the theory that the first admirer's promise of a fur coat was good Consideration for the second admirer's promise of a bracelet? No, she can't.

Now suppose that the two admirers also belonged to the same church which was putting on a subscription drive for funds. Each man promises a thousand dollars, and the man who promised the bracelet pays up, and the man who promised the fur coat doesn't because he spent his money on the coat. Can the church go to court and sue for the thousand dollars on the theory that each of the promises was good Consideration for the other, and win? Yes, it can.

A cynic might say that The Law approves of gifts to churches but not of gifts to chorus girls. And the cynic would be right. The Law, in order to keep people from welching on their promises to worthy causes, had to find Consideration somewhere, and found it. Thus, Consideration is what the court finds when it wants to uphold a promise, and what it doesn't find when it doesn't want to uphold a promise. Consideration can mean the digging of a ditch, a cigarette, a promise to a church, or a piece of sealing wax on a sheet of paper. As Rodell says, "The point is that the so-called concept of Consideration is both meaningless and useless until you know every one of the countless fact situations about which court have said: Here, there *is* Consideration, or Here there is *no* Consideration. But once you know all those fact situations, what has Consideration become? It has become an enormous and shapeless grab-bag, so full of unrelated particulars that it is just as meaningless and useless as it was before." After all, why do we do legal research? "For no legal concept means anything, or can mean anything, even to a lawyer, until its supposed content of meaning has been detailed, in terms of its precise practical application, right down to the case that was decided yesterday. And once the concept *has* been so detailed, it is the details, not the concept, that matter. The concept-no more than a word or set of words in the strange vocabulary of The Law - might just as well be tossed out the window." Or, as Irving Kayton would say (if I may be so presumptuous), it's the *facts* that are important. Thus "Consideration-and every other so-called concept or principle of The Law - amounts to a vague legal way of stating a result, applied to the result *after* the result is reached, instead of being, as the lawyers and judges stoutly pretend, a reason for reaching the result in the first place."

It's important, therefore, to understand that legal principles are rationalizations, not reasons for decisions. And these decisions are being made by judges ("a judge is a lawyer who knows a governor) who, rather than having factual expertise in the subject area of the conflict, are trained in the rationalizing of decisions. This training probably does less to give an individual a sense of justice than just about any other type of training could give, because the trainee actually believes he knows something about it.

This is where the law schools enter the picture. One of the biggest frauds that the law schools perpetrate lies in their division of The Law into "procedure" and "substance". "Procedure" is admittedly a set of rules and technicalities that must be followed to get the client what he wants. By labeling all the rest of the courses as being "substantive", however, the law schools and lawyers convey the impression that here is some meat, some "Ultimate Truths About Life". The fact is, however, that "the *whole* of the law is nothing but a technique to be mastered." This technique is the technique of using a new language. And the difference between substance and procedure is a difference in degree, not in kind. "The original burden of proof is on the plaintiff" is a procedural principle that may help a lawyer win a lawsuit. "If the defendant's action was not the proximate cause of the injury then the defendant is not legally responsible" is a substantive principle of Torts that may help a lawyer win a lawsuit. The good law student only learns how to say them and when and where it may be useful to say them.

It is interesting today to note Rodell's reaction to the then-growing "casebook method". His first impression is that the students do not learn their principles nearly as well as their predecessors did with their hornbooks. That's why it's necessary for these students to take cram courses, which deal exclusively with The Law, for their bar exams. His second impression is that the attempt to deal with the real problems that lie behind the cases and the abstract principles usually results in one of two things. For the less bright the result is utter confusion. For the brighter students, the result will likely be a realization that the problems and the principles have little in common, and a contempt for The Law - "That is the way and the only way that the inflated mass of hokum known as The Law might ever be exploded from the inside. But it is a possibility so remote that it is ridiculous to contemplate. For the vast majority of legal apprentices in the vast majority of law schools still go blissfully on pulling principles out of judges' opinions, being taught in mental goose-step the sacred language of concepts and precepts, to emerge as doughty and undoubting defenders of the legal tradition and perhaps to become eventually Wall Street law partners or Supreme Court justices".

Rodell meets head-on the types of arguments that lawyers make to defend their profession. For example, the lawyer's lawyer will argue that The Law, to be effective, must have nuity and certainty (as opposed to the *appearance* of continuity and certainty), and to achieve these goals The Law must be based on general or abstract principles which can be carried over from one year or decision to the next. He will argue that most legal principles, although abstractly phrased, through usage have acquired precision of meaning. He will also argue that fact situations, by reason of their similarity or dissimilarity, will fall naturally into groups, each governed by a different legal principle. Each new case will be enough like some groups of cases that it can be controlled by the same principle.

If this is true, argues Rodell, explain the following practical matters: If the law is so certain why do so many cases keep coming to court, each side equipped with a lawyer who "knows" The Law? Why are lower courts constantly being reversed by appellate courts? Why are there so many dissenting opinions? "The joker in the theory is the assumption that any two, much less twenty, fact situations or legal problems can ever be sufficiently alike to fall naturally - that is, without being pushed - into the same category.

Here the lawyer argues that when the "essential" facts are the same, the same general principles apply. But which facts are "essential", and what makes them so? If they depend on the principles involved, then you have picked your principle to choose your "essential" facts, instead of the facts indicating which principle to apply. If the "essential" facts do *not* hinge on the principles involved, then which facts are essential? How do you decide? It becomes apparent that what happens in every law case is that the decision is made, after which a principle is supplied to justify the decision, which in turn dictates which facts are "essential". Thus The Law is a self-contained system which floats between justice and reality, never touching either.

The lawyer may also argue that his role is important in preventing litigation, that disputes can be avoided by careful drafting. This is a common argument, and Rodell has several responses. First, "those legal papers of all kinds and descriptions are phrased the way they are, not in order to keep the people whose affairs they deal with *out* of court, but in order to give somebody a better chance of winning if the affair gets *into* court...every legal agreement is drawn up in contemplation of a court fight". Second, litigation doesn't occur due to faulty drafting. Litigation occurs when a party is dissatisfied with an arrangement and wants out, and no matter how carefully the papers are worded he'll get a lawyer to take his case. As a matter of fact, argues Rodell, lawyers increase litigation by writing these agreements in legalese, rather than letting the parties bargain out their own terms in plain language that they can understand.

Rodell's proposed solution is a thought-provoking one. He essentially says that continuity and certainty are impossible, and we should dispense with them. Instead, we should allow experts in the technical factual situation in the case try it, and go straight for justice each time. This makes more sense than dividing an abstraction such as justice into smaller abstract pieces, and allowing someone ignorant in the area of the dispute to apply them. If a case hinges on expert testimony, as it often does, why not let someone knowledgeable in the field decide it? Lawyers would then become unnecessary, and the practice of law would not only become obsolete, but if Rodell had his way it would be declared a criminal act by the legislature.

Due to space limitations I have of course oversimplified and ommitted a great deal of what I found to be a most powerful and down-to-earth book. If you have any doubts about the validity of the career on which you are embarking, *now* is the time to think about these matters. "Woe Unto You, Lawyers!" is short, easy to read, and is a good place to start.

Latin Art Exhibit

(Continued from page 14)

this a number of wildly curved black wires are suspended in such a way that when they are moved they create a dizzying pattern against the background stripes. This kinetic work invites the viewer to actively participate in the creative process.

Among the most famous works in the museum is Chilean Roberto Matta's *Hermala No. 2.* (1948). This painting is typical of Matta's surrealistic style. The dynamic forms sometimes appear to explode into the wall around the picture.

After visiting the museum you might also like to see the tunnel which connects the museum with the Panamerican Union building. Uruguayan painter Carlos Pa'ez Vilar'o has created in the tunnel what could be called "the most colorful block in D.C." If you still have time and the weather permits you should take a look at the Aztec Gardens in the back of the museum.

The Museum of Modern Art of Latin America is open to the public, free of charge, from 10 a.m. to 5 p.m. Tuesday through Saturday. Free tours for art students may be obtained by writing Art Tours, Museum of Modern Art of Latin America, OAS General Secretariat, Washington, D.C. 20006, or by calling 381-8261.