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SUI JURIS

BOSTON COLLEGE LAW SCHOOL

Volume 11, Number 4

June 1967



On our cover . . .

The Class of 1967 presented Boston College Law School with a pledge of \$15,150 as a Senior Gift. The gift, as our cover shows, was presented to Dean Drinan on the eve of graduation by co-chairmen Michael Coleman and Chuck Sullivan. The campaign began on April 15th and was completed just prior to graduation. The major portion of the money is an unrestricted gift to the law school. The remainder is to be used to fund interest free loans for needy students. A Board of Trustees is being appointed from among the class. The gift was the largest sum ever pledged by a single class from Boston College Law School. It was also the largest per capita gift ever received by any law school in the nation from a graduating class.

IN FUTURE ISSUES:

- . . . An examination of scholarship policies
- . . . Berney's Raiders — a final report
- . . . Report on building program

Volume 11
Number 4

June 1967

SUI JURIS

NEWS JOURNAL OF THE
STUDENT BAR ASSOCIATION
BOSTON COLLEGE LAW SCHOOL

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Editorials

This is the last issue of *Sui Juris* for the year and, therefore, an appropriate time to make a few comments. This year has seen several changes in the News Journal. We have expanded its size from 76 to 108 pages, thereby enabling us to cover issues in greater depth. There has also been a change in emphasis. We have attempted to present the law student in action — what he does at law school, why he is here, and the challenges facing him here and in the practice of law. We hope these changes have improved the News Journal. Next year, Philip Currier and Gregory Hren will serve as Co-Editors of *Sui Juris*. They will, no doubt, make many more changes which they feel are necessary if *Sui Juris* is to progress. I wish every success to these two men and their staff during the coming year. I would also like to express my deepest appreciation to them for the work they performed during my recent illness. Without their assistance the last issue would not have been published when it was, if at all.

* * * * *

This Summer, 76 Boston College Law Students will be involved in Work-Study programs both here at school and in various cities throughout the country. This figure represents 46% of the student body remaining after graduation. These students will be involved in law reform projects, indigent defense, creative research for professors and legal groups and many other areas of pressing need. Such programs serve a twofold purpose. They provide the student with a meaningful outlet for his creative energies, so lacking in law school curriculums, and they serve to help fulfill the obligation the Law School owes to the community. Even as late as two years ago, the opportunities available to a law student to become involved in real situations were few. Thus the Law School has made great strides in a short period of time. But it is not enough. There are proposals presently before the administration for the establishment of many programs for students during the school year itself, such as a store-front legal service bureau, a civil rights-poverty law briefing service and a full fledged defenders program. These programs should be implemented immediately.

JUNE, 1967

Last Summer, two third year students took it upon themselves to provide housing facilities for incoming Freshmen. In May of this year, the Student Bar Association, observing the success of these two students and recognizing the need for some concerted effort in this area, adopted a resolution directed toward alleviating the housing problem. This Fall, the SBA will begin to implement its plan. Students unfamiliar with the Boston area will be invited to school before classes begin. They will be housed in the undergraduate dormitories during their stay. A group from the SBA will hold several cocktail parties for them, thus giving the new law students an opportunity to meet each other. They will then be shown apartments and rooms which are known to be suitable and close to the school. If run properly, the SBA can provide an invaluable service to the student. It must be realized, however, that such a plan is only temporary in nature. What is ultimately required is Law School sponsored housing. Once the present plant expansion program has been completed, the housing problem must be permanently solved.

* * * * *

A large crew from the university Maintenance Department spent the first few days of June cutting the grass, raking it and generally cleaning the Law School grounds. On the day of graduation, the area looked impeccable. A few weeks earlier, a small group of law students took it upon themselves to straighten up the grounds. They performed this task, not because they had been paid, but because the grounds had not been touched in months. Their action was in the nature of a protest against the once a year cleaning policy which the University has seemingly adopted toward the Law School. This policy would also seem to apply to the interior of the building. There is no excuse for such negligence. The Law School building is only twelve years old. The University should take pride in maintaining it, not in permitting it to degenerate.

* * * * *

In each issue of *Sui Juris* space is reserved for Alumni news. We cannot publish information regarding the Alumni unless it is sent to us. The scarcity of news items in this issue's column graphically illustrates the problem we encounter here. We urge the Alumni to take advantage of this service.



SBA REPORT

Joseph M. Hall
President
Student Bar Association

speakers during the second semester on topics ranging from International Law to the question of Home Rule. The Committee has also instituted a film series which has proved to be a welcome relief from the drudgeries of the library. . . . Speaking of the library — a subject of no sweet discussion — a group of students have been selected whom we hope will keep the administration informed of the library's annoyingly consistent shortcomings such as the high decibel factor (noise) and the poor lighting in the lower levels. I make no predictions as to progress in this area, I'll just hope for it.

The Association recently voted to adopt a Course Critique to enable the students to evaluate the current curriculum and its mode of presentation. Because of the nearness to the end of the year we will solicit only the opinion of the graduating class this Spring and the remaining classes in the Fall. It remains to be seen how effective these critiques will be in determining the structure of the curriculum, but it should at least allow the students to express their honest opinion on the current academic state of affairs.

Earlier this year I noted the fact that no meetings with the faculty were planned because there was apparently little of mutual interest worth discussing. The faculty was kept informed of one or two programs in which we thought they might be directly interested. But in retrospect this was not sufficient. A regular channel of communication should be established and periodic meetings scheduled even if the result would be a "nothing to report" from both sides. If programs are to be commenced which involve the co-operation of faculty and students or if changes are requested and promised by either group, periodic meetings will tend to stimulate more progress than does the current absence of formal communication. This is also true regarding contact with the Alumni

(Continued on page 12)

Since this is the final issue of *Sui Juris* and the last SBA Report for the year, it might be appropriate to have a short post-exam review of the past twelve months. This year has been one of awakening interest in the Association, principally because the SBA itself became more aware of its responsibilities. Compared with those experiences within the memory of the present student body, this may be called a year of commencement. Considerable headway was made in expanding student services. It was more than the initiation of several committees, though an operating organizational structure will remain necessary to the programs.

We began with an Orientation day program and an attempt to handle student housing problems. Next Fall should see a comprehensive and expanded housing program devoted primarily to the incoming freshmen. The SBA Placement Committee initiated a Summer Employment Seminar and made steps to alleviate the burden on the Placement Office. Efforts are now being made to tap the facilities of the placement bureau on the main campus. The Board of Governors also has recommended expansion of the present placement staff at the law school.

The Forum, after a stormy reorganization, made considerable progress and presented about a dozen

THE WAR ON POVERTY THE POOR CONSUMER AND THE ATTORNEY

by Professor William F. Willier

Professor Willier is a Professor of Law at Boston College Law School, teaching courses in Commercial Law under the U.C.C. and Creditors Rights. He is the co-author of Forms and Procedures under the Uniform Commercial Code, the Uniform Commercial Code Reporter-Digest, and the Uniform Commercial Code Reporter Digest for Texas. He is presently involved in the co-authorship of a treatise on Commercial Paper. He has also written numerous articles in the area. The professor is the architect of the recently enacted Massachusetts Retail Installment Sales Act and appeared before the United States Senate Committee hearings on the Truth in Lending bill in early May. The professor is also the backbone of a community action program, an organization designed to achieve self-help for the residents of Boston's South-end, where the professor resides.

From whatever point of view one approaches the subject, the greatest problem facing the poor today is the so-called "middle class." The "war on poverty" is itself a middle class concept. It proceeds from the modern American theory that a little money — usually *too* little — applied in the right places will cure almost any wound or relieve almost any irritation in our society. With that money a whole army of new professionals has been recruited from that same middle class, from the generals like Sargent Shriver to the enlisted men, such as the college students participating during the summer. The battle fronts are many and diffuse. Often little or no coordination or cooperation is visible among them. What began as a "fun war" for the bored has turned into experimental skirmishes in frustration and impatience. This is because, no matter how hard they try to avoid it, eventually the war wagers come into direct contact with those in the government defined

state of poverty. These people are tough, irascible, resilient, often intelligent beyond their formal education and, worst of all, resistant to middle class solutions to problems identified with, if not created by, that very middle class.

The most effective palliative for frustration is Aristotelian analysis which produces easy generalizations, identifying broad problems. Big problems are always easier to solve than little ones. The fallacy of this approach usually lies in the syllogistic premises from which the analysts proceed.

The case of the consumer is one in point. Suddenly there is great interest in that segment of society called the "consumer." First of all, it is necessary to identify him. Probably the *Uniform Commercial Code* offers the best refinement of the term: he is one who absorbs the fruits of our capitalist system for his own personal, family or household purpose. Having said that, we find that we have said little. Every person in the country is a consumer. What we must be referring to then is not the person, but a role each person plays only part of the time. That doesn't help much either, because we have had generations of people playing that role. Perhaps the first question must be, why the sudden interest in the role? I doubt if this question has been scientifically pursued and, if not, it is ripe for research by some graduate student or funded group with nothing better to do. The answer is no doubt several answers, some of them cynical in their implication.

For one thing, and perhaps most important, politicians have become aroused at both Federal and state levels. This may reflect legitimate response to constituent complaints or personal experience, or merely a desire to assume a liberal political posture for the benefit of the electorate.

Second, there are those who personally or vicari-

ously have encountered problems identifiable as those of the consumer. These may be teachers, lawyers, social workers, all of whom have found a public podium for their views in recent years through the nature of their office.

Third, the courts have been confronted more and more with problems quite properly attributed to the role of consumer, and have been fashioning legal remedies peculiar to that role for those being victimized.

Fourth, there are the "victimizers" themselves, those who *provide* the goods and services to the consumer, who are reacting to the other three forces often in a way which only augments the interest and further reveals the problems.

It should be apparent that the movement gained momentum on behalf of all who are consumers, and primarily on behalf of the middle class. Frequently the consumer has been referred to as the "poor consumer," meaning the abused and exploited consumer. Now the poverty war wagers use the same term, but are referring to the consumer who not only is abused and exploited, but also is poor. In short, there is an effort to break down the vast unwieldy group called consumers into subgroups, in this case the *poor* consumer.

What differentiates the poor consumer from other consumers? If one examines the *problems* with which consumer-oriented groups are attempting to deal, it is fairly clear that they are the same for virtually *all* consumers, poor, middle class or rich. These include shoddy and unsafe goods and services, high credit costs, oppressive sales and collection tactics and inflated prices. Thus, the difference between the extent, depth and complexity of the problems facing the poor and other consumers is only one of degree. If remedial relief could be effected on a broad scale, my guess is that the bulk of the problems of the poor consumer would be solved along with those of the middle class consumer. The real difference between them is quite simply, money. The poor consumer plays the role less often and less conspicuously than his middle class counterpart.

But this is the significant point! This is one battle in the war on poverty in which those on the defensive are not exclusively the poor. Their middle class allies are in the majority. In identifying problems and seeking solutions, it is axiomatic that action will exceed the verbiage only when the problems also confront those who talk. This in effect means that those concerned with the poor can wage a far wider war than

they ever imagined if sufficient energy can be diverted from the immediate, personal tasks to rally the greater forces and achieve broader solutions.

The consumer is dealing with business ethics, or lack of business ethics. There are at least four ways of softening the effect of the Machiavellian profiteer in which the attorney must play a leading role:

First, there is legislation, at both Federal and state levels. Much of the law affecting consumers as such was created or enacted in the nineteenth century, often antedating the industrial revolution. The advantage is clearly on the side of the merchant and the creditor. Minor inroads have been made in recent years, such as retail instalment sales acts and statutes prohibiting wage assignments.

What is needed is a comprehensive study of all laws, substantive and remedial, which adversely affect the consumer. This study would serve as a checklist in each state. A "consumer" omnibus bill could then be prepared to repeal or modernize archaic statutes and to modify judge-made law. For example, attachment and garnishment as against consumers must

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be severely limited or eliminated; strict liability must be imposed on manufacturers of shoddy and unsafe goods with modern long-arm statutes giving local courts jurisdiction; the holder in due course doctrine must be eliminated as it affects consumers; courts must be established or jurisdiction expanded to allow consumers expedient and inexpensive justice.

New statutes which equalize bargaining power and remedial relief between businessman and consumer must be promulgated. These include laws requiring disclosure of credit and other terms of contracts to buyers and borrowers, limiting charges for credit, equalizing self-help remedies of consumer and businessman, curtailing high pressure selling tactics, especially in door-to-door selling.

Obviously, attorneys are the most qualified to make such studies and to draft such changes.

Perhaps most important of all is legislation creating or empowering an administrative office to act as a watchdog over consumer interests and to take appropriate administrative or judicial action against those segments of industry violating the law. Such an office must have sufficient independence from pressure, political or otherwise, to be effective. It must be staffed by expert personnel not the least among whom are attorneys.

Achieving change through legislation is not easy; enactment of any one of the statutes mentioned is a victory won only after a major and sometimes bloody battle. Here again the middle class poverty worker can play a major part. He must shed his poverty garb and don a ratskin, crowskin or other appropriate disguise, infiltrating in CIA style the ranks of middle class civic organizations. He can then induce them to sponsor legislation aimed at aiding the consumer. Such organizations get great press from these efforts, which is often what they want. They have not only the votes of their members, but also those of others whom they can influence, and in the long run, politicians care more for votes than for the money spent by "industry" lobbyists.

But the poor themselves are voters and the fact is that the poverty agencies are the only funded and organized consumer lobbies capable of counteracting those of the industry. Why didn't the poverty forces rally broad and politically effective support for the Fair Labeling and Packaging Act in its original, undiluted form? For Senator Douglas' six year fight for Truth in Lending? For automobile safety standards beyond the present tokenism?

Second, efforts can be made to change the ethic itself. Legislation alone will not do this. One way is to employ those same civic and even church groups in bringing subtle pressure to bear upon the worst offenders. Often the merchants themselves are members of these groups.

Trade associations will usually cooperate in any campaign against unscrupulous competitors. They may even sponsor advertising and educational campaigns under the guise of competition.

Better Business Bureaus can be induced to actually perform the function for which they are designed. Too frequently they become protectors of the profit ethic, rather than improvers of it.

Almost all large merchants or groups of merchants have counsel. It is through that counsel, and the local bar associations, that attorneys for the poverty program can influence the ethic. Here is a case where counsel cannot divorce themselves from the ethics of their clients because they are the ones advising the business procedures which lead to those ethics or enforcing the results of those ethics.

Third, and perhaps most difficult of execution, is economic pressure to change particular conditions adverse to the consumer. While difficult, at the same time it is most effective in dealing with the pocket-book psychology. Because they are so amorphous, consumers are not easily organized for concerted action. Still, the recent housewives' boycotts had some notable results. A few pickets at the front of a store for a week where prices are too high, credit too dear or merchandise too shoddy, can do wonders in a given instance. It requires considerable courage and no small amount of caution. With those, however, these tactics need not be restricted to the neighborhood merchant who preys upon his captive market. They may well include the so-called reputable merchant who refuses credit to low income families.

At one point in our history every working man bargained individually with his employer. Today, collective bargaining is an accepted practice. Consumers, and especially consumers who are poor, could well take a lesson from this. Efforts are already being made in some cities to bargain with merchants and lenders on behalf of a class of consumers, to induce more liberal selling and credit policies. Statistics are being compiled showing that even the poor are good risks for certain kinds of credit currently available to them only by high charge lenders and sellers. At the same time, criteria can be established by which even

high cost creditors can differentiate among risks for varying rather than consistently high charges.

The need for legal advice and participation at every stage of these activities is apparent.

Fourth, and finally, we come to the nitty gritty of offering personal legal services to the poor consumer, using the legal system and its rules largely in status quo.

No one should fool himself into thinking that these services can be provided by the independent private practitioner. Under the present fee system, this is economically impossible. Available remedies require considerable research and preparation. Until precedents are established which will allow ready out-of-court settlements, a court determination will usually be called for. No attorney can afford this much time and effort for a client who can pay little or no fee.

Thus, either the private practitioner must be subsidized for such clients in a program similar to Great Britain's health service, or such services must be provided by salaried attorneys specially housed for this purpose. The latter is the direction being taken in this country, too often reluctantly by local bar associations. Attorneys involved in the program must be service-oriented — that is, willing to show more patience and spend more time on less financially significant matters than the private practitioner can spend with his middle class clients.

But this kind of service has rewards beyond the satisfaction of solving the poor consumer's legal problems. The legal services' attorney need not be shackled by time and tradition in seeking his remedies. There is ample room for fertile imagination, for exploring new avenues. For example, as Professor Shanker discusses, the concept of unconscionability found in section 2-302 of the *Uniform Commercial Code* has not been adequately used. Courts are not accustomed to it, but they can be made familiar with it by effective advocacy. Many instalment contracts contain liquidated damage clauses, but sections 2-718 and 2-719 of the *Code* make such clauses invalid in most consumer cases and courts must be convinced of this. Class actions on behalf of consumers similarly affected are being tested in some places. The examples are legion.

Many of these "landmark" decisions will be made by the trial courts for which there is no reporting service, official or unofficial. Therefore, a communications network must be established, minimally on a statewide basis and preferably on a nationwide basis. Successful pleadings and briefs must be made avail-

able to other legal services' attorneys faced with similar problems in other jurisdictions.

Trial judges tend to be conservative and hidebound to precedent; but almost any precedent will do, even if unofficial. For years trial court decisions in Pennsylvania, unofficially reported, were cited as the only precedents under the "new" *Uniform Commercial Code*.

This "American" legal services system requires far more than token participation by the local bar associations and token grants from the various governments. If it succeeds, everyone will be the better for it. Many of the precedents established and remedies fashioned will be equally useful for the non-service attorney's middle class clients. Perhaps this is the irony: the poor consumer can indirectly assist his middle class counterpart.

In summary, the attorney must play his indispensable role in the war on poverty if the war is to be won. Law schools and law graduates are multiplying rapidly. There is ample manpower for striking victories. The law student of today is less and less interested in the mundane role of the lawyer, and more and more imbued with a sense of service to his community and his society. The generals must have the foresight to recruit these able young lieutenants.

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The first issue of the ABA's Family Law Quarterly, of which Father Robert F. Drinan, S.J. is Editor, appeared in March. Father Drinan has also published book reviews in the Villanova Law Review, University of Florida Law Review and the American Bar Association Journal. He gave the Robert S. Stevens lecture at Cornell Law School on Saturday, April 15 and addressed the Canadian Conference of Christians and Jews in Toronto on Tuesday, April 18.



A contingent of Berney's Raiders. Top: l. to r.; Richard Cramer. Bottom: l. to r.; Jon D. Schneider, John J. Joyce, John Mason, David F. Parish and Lawrence Weisman, Edward Holland and Gregory Hren.

BERNEY'S RAIDERS

An Interim Report

A year ago, the Law Student's Civil Rights Research Council of New York (LSCRRC) sent notices to the Nation's law schools requesting volunteers to work during the Summer months in the area of civil rights law. At the same time, the Federal government announced that United States Department of Education Work Study funds would be available to support law school programs. Shortly thereafter, Professor Arthur Berney proposed that Boston College establish its own civil rights organization. The group of students who emerged from this idea have affectionately become known as "Berney's Raiders."

During the coming Summer, the reports submitted by last year's student participants will be carefully scrutinized by a student working here at the Law School. A compilation will be made and the resulting report, which will examine fully the problems, achievements and areas of needed improvement in the program, will be published in the Fall issue of *Sui Juris*.

The present article is in the nature of a preliminary examination of the original aims of the Boston College program and a statement of changes that have occurred therein during the past year.

As initially outlined, the primary objective of the "Raider's" project was to utilize law student manpower and direct it toward assisting legal groups involved in civil rights litigation. Fifteen students were involved during the first year of the program. There were no geographic limitations imposed on them nor were there any limitations on the type of activity with which the students were to become involved. Thus, there were students in Virginia and there were students in the Dakotas. The participants were writing briefs for the United States Supreme Court and they were representing Indians in tribal courts.

Needless to say, they all found their Summer to be exceedingly worthwhile and of immeasurable practical legal experience. Several of the workers viewed the seamy side of "Southern hospitality," hav-

ing spent ten weeks eluding sundry highway patrolmen, sheriffs and unappreciative klansmen. Once they were used to the southern climate, however, they quickly assumed responsible positions with their employers. Gregory Hren, for example, was associated with the Mobile, Alabama law firm of Vernan Z. Crawford. He spent most of his time in an attempt to prevent a railroad from eliminating passenger service in an all-negro area.

John Mason, on the other hand, worked in the offices of Tobias Simon, a well-known civil rights attorney in Miami. His activities included the preparation of a complaint challenging the constitutionality of segregated jail accommodations; the defense of Negroes arrested on trumped up charges of homosexuality; and the preparation of memoranda concerning Negroes who had been arrested for rape on insufficient grounds.

Two students were employed in Mississippi. Lawrence Weisman worked with the NAACP in Natchez in conjunction with the Lawyer's Committee for Civil Rights Under Law. His principal concerns were in the area of welfare cases and employment discrimination problems. Larry almost created his own landmark case by accumulating over \$300 in traffic fines. Elsewhere in Mississippi, John Joyce was employed by the Freedom Democratic Party in Meridian. He spent his summer seeking an injunction against a small town mayor preventing him from disallowing civil rights marches.

Joseph Goldberg and Jon Schneider were associated with a firm in Alexandria, Virginia which was representing parties challenging the constitutionality of the Virginia miscegenation statutes. Jon took part in writing the brief which was ultimately submitted to the United States Supreme Court. These students were also directly involved with the summer hearings of the House Un-American Activities Committee (HUAC) — it was during these hearings that civil liberties attorney Arthur Kinoy was physically ejected from the hearing room.

Two students dealt with Indian problems and, in the process, may have created a few of their own. James Klein was in Arizona while William Donnelly worked in North Dakota. Bill became involved in the intricacies of Indian politics while on the Turtle Mountain Reservation. Due to a miscalculation on his part (he chose the wrong side) he was forced to quickly depart from the area. But, prior to his hasty trip home, he was admitted to the tribal court where he was permitted to defend many Indians who had

been brought before the tribunal on various charges.

In the Midwest, Richard Cramer worked with the Chicago office of the NAACP while Oliver Barber was associated with the firm of Barber and Jacobson in Milwaukee. Both men dealt extensively with landlord-tenant problems and related topics such as rent strikes and housing discrimination in trailer parks.

Ned Holland spent his summer in Baltimore, Maryland working for three young civil rights attorneys. His activities centered around two cases of police brutality. He also devoted time seeking to obtain the release of several picketers charged with breach of the peace.

In New York, David Parrish worked for the NAACP in Manhattan, preparing memoranda on the problems of de facto school segregation in the North and the necessity for open housing legislation. Arthur Weiner's contact with the big city was at a more "grass-roots" level. Arthur worked in a store-front legal office in the Bedford-Stuyvesant slums and was primarily involved in the areas of landlord tenant problems, consumer protection and domestic relations.

The foregoing is only a profile of the activities of an ever expanding program. The forecast for the future is even more ambitious and challenging. There is an increasing awareness that "poverty law" is but another phase of Civil rights law, for it is the poor citizen (and he is of every race) who is most often deprived of his rights, simply because he does not know them or lacks the economic resources necessary to assert them. The Boston College Law School Civil Rights group, aware of the subtle discriminatory practices of the Northern city, which, until recently have been largely overlooked, will concentrate a considerable amount of its efforts in the Boston Area. Thirty-five students will concern themselves with such poverty law areas as landlord-tenant, welfare, consumer protection and legislative reform. The remaining volunteers will be dispersed throughout the

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country and will deal with problems similar to those encountered last year.

Going into the Summer of 1967, the Raiders have become more structured and definite goals have been established for its Boston project. Increased assistance from sources outside the school has also been obtained or is envisioned. For instance, the group has become associated with the Commission of Legal and Social Action (CLSA-NE), the legal arm of the American Jewish Congress. This group is well known in the Boston area for its engagement in civil rights matters and for representation of the poor. Slowly, the program will be expanded to include other interested attorneys and action groups, both legal and social. Further, the Raiders will draw upon appropriate governmental agencies, such as the Massachusetts Commission Against Discrimination and special legislative study commissions.

The plan for the Boston Project has been divided into three stages, the first to commence this month. During stage one, five man groups of Boston College students (each team consisting of two second year students, i.e. entering their third year in the Fall and three first year students, i.e. about to enter their second year) will work under the direct supervision of two practicing attorneys or in conjunction with certain governmental agencies (MCAD) or commissions for legislative study. The work will be divided into five separate interest areas. These are Housing, Welfare, Discrimination, Consumer's Rights and Legislation. The type of work will vary radically with the area of concern, the capacity of the students and the attorney manpower within any particular interest category. Thus, in the area of Housing, some students may be involved in rent receivership cases — guiding tenants through the requirements of the statutory provisions, drawing and filing the necessary papers, briefing and assisting in the hearings, etc. Others within the same area may be assigned the task of codifying the housing and building codes. A group in the Welfare area may be advising recipients of their rights and helping them to obtain them. Some of these matters may generate appeal situations in which the supervising attorney would be called more directly into the activity. Those working on Discrimination cases will be receiving exposure to the difficulties of fact investigation and proof as well as a feeling for the administrative process. The emphasis will be placed on conduct directed at law reform through test cases.

The second stage, which will begin in the Fall, will be in the nature of an honor program for third

year students. At the end of the Summer the best of the participating students about to enter their third year will be invited to engage in an in depth reform project. The matter to be considered will be selected from the experiences encountered during the Summer. Under the direction of a full time faculty member and a cooperating practicing attorney, this group will be expected to make a serious contribution to law development. The selected students would, in order to make the expected contribution, be relieved of a substantial portion of their first semester course load requirement. As an example of the kind of reform problem under consideration, the first group may attempt to make appellate inroads into the doctrine of mootness — or more broadly, the case or controversy requirement in representative actions.

The final phase, before the cycle begins anew, will be a seminar designated "Problems in Poverty Law" to be offered during the second semester. The members of the previous semester's honors program will be required to lead this seminar. It will be based largely upon papers generated during the Summer's work or aspects of the Fall's major project. This seminar will be open to those 1967-68 second year students who had worked for the Raiders the previous Summer. Within a year or two it is hoped more seminars will evolve from the original "Problems" class. For example, a seminar in "Urban Environment" or "Social Welfare Legislation" may become feasible.

The benefits to be derived from such a program are many. Such a task force will inevitably have an impact on legal reform. It will provide direct aid and encouragement to attorneys having a strong sense of social and professional responsibility but lacking assistance. It will also provide the student with professional responsibility and make them deeply aware of problems hitherto ignored. Finally, it is a sound educational program designed to provide a realistic and challenging practical experience, an opportunity for intensive and continuing work and research in a particular area and a means of departing from the traditional appellate case method of study which, by the third year, certainly has lost a good deal of its efficacy.

Robert Teaff of the second year was recently elected National Vice President for the First Circuit of the American Law Student Association. The circuit includes Massachusetts, Maine, Vermont, New Hampshire and Puerto Rico. The election took place during the regional meeting of ALSA held in New York in April. Theodore Sorensen was the main speaker at the convention.

Black Law Club Sponsors Soiree & Marathon

The Justice Hugo Black Law Club presented its spring Soiree on April 21st. The usually drab cafeteria was decorated with maroon and gold streamers, tinted lights and colorful posters for the event, giving the room the look of the Louis XIV Ballroom. Ales and beers of every description were on hand, thus satisfying even the most discriminating imbibers. Music for the affair was provided by the youthful band, Patrick Henry and the Patriots. The group is composed of Patrick Henry Sullivan (brother of the Black Club's President, Chuck), Curt Gowdy, Jr., William Spellman and Timmy Shriner.



During the course of the evening, several awards were presented. Mr. Sullivan gave the "Mr. Boston College Law Award" to Rowland V. Lucid, Jr. It was presented to Lucid as "the Senior who had made the most significant contribution to the law school in his three years as a student." Lucid was praised for his leadership as Editor-in-Chief of *Sui Juris*, as Vice President of the Student Bar Association and as a member of the Board of Student Advisors.

Mrs. Patricia Bonelli was given the "Portia Award" for her outstanding service as Administrative Assistant to Dean Drinan. Mrs. Bonelli was cited for her special interest in student activities and for her dedication to Boston College Law School.

William McCormack was named the outstanding advocate in the law school while Joseph Goldberg was cited as the finest in the second year.

Bowls were also presented to Jack Curtiss, Edward Feldstein, Mark Leicester and Gerald Petrucelli for

their Advocatorial participation in the recent Mock Trial (Vol. 11, No. 3).

Finally, Professor James Smith received a silver Revere Bowl as the winner in the faculty division of the recent Law School Marathon. Assistant Dean Francis Larkin received a similar bowl for placing second in that division.

The Marathon had been held four days prior to the "Soiree" at four in the afternoon. The thirty competitors were faced with a driving rain as they began the 2.3 mile run around the reservoir. The course was completed in just under twelve minutes by Grier Raggio, a second year student from Texas. Mark Leicester, a lean and lanky sprinter from Los Angeles, finished second, just behind Raggio. James Mullen, William McCormack, Daniel Sacco, David Clancy, Michael Coleman and Professor Smith all made strong finishes, only seconds off the winning pace. Raggio was awarded the "Victory Cup" immediately following his dash across the finish line.

SBA Report

(Continued from page 4)

Association. The possibilities of improved student-alumni relations are not properly explored in the abstract. A conscious effort to strengthen communication with the alumni should be continued.

The SBA social program has been mentioned at length in earlier issues of *Sui Juris*. Let it be said in passing that this year — highlighted by the Barristers' Ball and the Alumni's Law Day theatre party — was an unqualified social success.

After a year in the office of President, it is not difficult to develop an acute sense of cynicism based upon a cast of petty frustrations. But thankfully, enough has been accomplished to compensate for those projects which never got off the ground. The credit for those accomplishments is most properly given to the members of the Board and a large number of other individuals who gave unselfishly of their time. I am sincerely grateful to all of them for their invaluable assistance and thank them for the privilege of seeking to serve them. I hope that individual initiative will continue to increase and also that the Student Bar Association will continue to become more aware of its responsibilities to its members and to the profession.

SBA ELECTS



The new SBA officers are, from l. to r.: Peter Brown, Treasurer; John Woodard, Secretary; Ned Holland, President; and Ollie Barber, Vice-President.

Several days of hectic campaigning were culminated on March 30, 1967 when the S.B.A. held its annual schoolwide elections for the four top constitutional offices.

The election committee, in its usual efficient manner, had the results posted in a matter of hours after the closing of the polls. Under the recently adopted constitution, the new slate of officers will assume their positions on April 15, 1967.

Ned Holland, the outgoing Treasurer, will step into the position of President. Mr. Holland is a resident of Prairie Village, Kansas and graduated from Rockhurst College in Kansas with a B.A. in Philosophy. He will be serving his third term as an active member of the S.B.A.

The newly elected Vice-President is Ollie Barber, a native of Springfield, Kentucky. He received his B.A. degree in History from Bellarmine College in Louisville. Mr. Barber is moving into his first schoolwide elected office after having served as the President of the II year class.

The Secretary, John Woodard from Medfield, Massachusetts, graduated from Harvard University with a Bachelors degree in History.

Peter Brown, a resident of Milwaukee, Wisconsin, and a graduate of Loras College in Iowa, is the new Treasurer. Both Misters Woodard and Brown are first year students, and this is their first exposure to law school politics.

The principal objectives of the new Board will be to perpetuate, improve and broaden the diverse activities of the Association.

COIF SELECTIONS

The Order of the Coif, the national honor society for scholastic achievement in law school, is one of the oldest honor societies in the western world, having its origin in England during the 14th century. As it presently exists, membership is restricted to the top ten percent of each graduating class. This year, thirteen students from the senior class were admitted to the society.

Dean Drinan presided over the induction proceedings which were held on May 24th at Alumni Hall. The Dean presented Certificates of Membership to David M. Cohen, Lawrence A. Katz, Rainer M. Kohler, James B. Krumsiek, Frederick S. Lenz, Jr., William A. Long, William L. May, Steven D. Ostrowsky, Louis Pashman, Gerald F. Petrucelli, Jr., Daniel C. Sacco, William P. Statsky and Terence M. Troyer. Honorary membership was extended to the Honorable Cornelius J. Scanlon, Dean of the University of Connecticut Law School and a 1956 graduate of Boston College Law School.

TAM O'SHANTER ROOM

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George Mellen, Manager

"The Other Student Bar"

It was a night filled with expectation, it was, for it was the night of the Annual Law School Academy Awards presentation — commonly called the Senior Banquet. The scene, and that's an appropriate word, was one of high expectation, the atmosphere intoxicating. Celebrities of every description were in evidence.



Here we have a candid of "Greta" Vitagliano talking to an unidentified ABA magnate and being admired from afar (luckily) by one of the many party-goers.

Music, of sorts, was provided by Shephard and the Citators (U.C.C. Records, D-2.0) The group put their hearts into it but it was too late in the evening to worry about voices.



Dean Larkin gratefully accepted his award with a few short words — supercalafragalisticexpialidocious, etc.

Here we have Professor Willier receiving his Oscar graciously accepting it with his inimitable smile.



Professor Huber nattily attired in camouflage fatigues with matching tie and felt pith helmet took time out from foreclosing the mortgage on the third year class to receive his award.

Jayne Mansfield also made a surprise guest appearance cleverly disguised as Rowland Lucid and tried to entice a tenancy by the entirety from Professor Slizewski.

The awards were many and well deserved.



But the high point (dramatically, that is. The other high point occurred about the time the wine was served) was the appearance of the Chief of Naval Operations, Professor Harold G. Wrenn.

It was a night to be remembered, and those that couldn't were told what they missed and did — for weeks afterward.



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Professor Prepares Brief

May a state prohibit interracial marriages? This question, which the United States Supreme Court is now deciding (*Loving V. Virginia*), was confronted by one of our faculty members and several students. Continuing where Joseph Goldberg '68 and Jon Schneider '68 left off (they assisted in the preparation of the Jurisdictional Statement during their Summer employment — see *Berney's Raiders*), Professor Arthur L. Berney prepared and wrote a significant portion of the brief which was submitted to the Court. Assisting him in various aspects of the research were Michael A. Feinberg '68, John W. Lemega '68, David Levenson '68, James H. Klein '67 and Joseph Goldberg '68.

The Professor stated that there is little doubt of the national significance of this case. Its importance is twofold. First, although it is clear that a state can legislate certain criteria for a marriage, e.g. age, health etc., it seems doubtful whether the state may determine that its citizens may not marry each other because of a difference in racial composition. The State of Virginia contends that it may since it maintains there are hazards to the health, morals and safety of its citizens in marriages of this type. It is hoped that, in its decision, the Court will explicitly delineate the areas of marriage in which the state may not regulate. Secondly, this case presents an opportunity for the Court to strike down one of the last barriers faced by a Negro in the South. Of course, the Professor stated, the prejudice and ignorance which stands behind these statutes will not disappear with any court's decision but, the Supreme Court can state in most em-

phatic terms that no state may prevent a white woman and a Negro man from joining in marriage solely because of the difference in race.

Notes on the Boston Marathon

Five Boston College Law School students entered the Boston Marathon, held on April 19th. They all finished. David Garvey finished at 3:07 p.m., Dick Cole at 3:20, Paul Maher at 4:00, Peter Thoms at 4:20 Charles Sawyer at 4:40 and Jim MacAleer at 4:07 in the afternoon.

Jim MacAleer had talked big. He told Garvey he would beat him. He even went so far as to place a large wager to that effect. MacAleer was seen leaving the starting line — he was the last of 640 runners to begin the long jaunt. Observers in key areas such as Wellesley Hills allege they never saw him pass that point — 15 miles from the gun line. One observer who watched in Wellesley and who later returned to the Law School was asked, "How is MacAleer doing?" A friend of MacAleer was then heard to say, "Fine, he is running right beside Dick Cole. He was way ahead of Garvey in Wellesley." Upon being told by an observer that Mac had not been seen in Wellesley and that Cole and Garvey were in truth running the race together, the friend remained nervously quiet. Mac was definitely seen going by the Law School (the 21 mile check point). In fact, it was commented he was running very rapidly for someone who had already traveled so many miles. Mac's official time was 4:07. Yet, for most of the race he was never in sight, nor was he seen to pass any of the runners who finished at approximately the same time. Added to all this is the fact that Jim had little stiffness the next day. It makes for a curious event, doesn't it? But then, stranger things have occurred in this world.



The 1967-68 BSA members are, from l. to r.: Philip R. Currier; Leonard M. Frisoli, Jr.; William C. Sullivan, Treasurer; Charles K. Mone; John F. McFeely, Vice-Chairman; Paul R. Audet; Robert L. Reed; Peter A. Fitzpatrick, Chairman. Not pictured are William A. Ryan, Jr. and James J. Mullen, Secretary.

Board of Student Advisors Selected

Planning Begins

The new Board of Student Advisors was selected in April. During its short existence, the Board has effected major changes in two principal areas of responsibility: the Wendell F. Grimes Moot Court Competition and the Law Club Program.

The plans for next year's Moot Court Competition have been partially crystallized; five tentative dates in February and early March have been selected for oral arguments. A list of potential judges has been prepared and two members of the Board have begun to investigate possible issues with which the problem will deal. These students will write the problem during the Summer months. It will be distributed to students competing in the Competition on the day of registration in September. This will be the first

time the problem will have been made available before November. It is hoped that by providing the competitors with an entire semester to write their briefs, a greater number of students will participate in the competition.

Next year, the number of Law Clubs will be reduced from ten to eight, the hope being that a smaller number of Clubs will be able to become more easily integrated into the first year Legal Research programs. The Presidents of next Year's Law Clubs are: James Champy, Black Law Club; John Connor, Blackstone Law Club; Donato D'Andrea, Brandeis Law Club; Robert Tobin, Cardozo Law Club; Peter Ambrosini, Frankfurter Law Club; Steven Whiteman, Holmes Law Club; Samuel Spencer, Marshall Law Club and David Twomey, Taney Law Club.

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The 1967-68 (Vol. IX) Boston College Industrial and Commercial Law Review Editorial Board. Pictured from left to right: Stephen C. Unsino, Symposium Editor; F. Anthony Maio, Case Editor; Samuel P. Sears, Jr., Casenote Editor; John J. Reid, Uniform

Commercial Code Editor; John A. Dooley, III, Legislation Editor; William F. M. Hicks, Editor-in-Chief; David H. Chaietz, Casenote Editor; Peter W. Bradbury, Managing Editor; and John R. Shaughnessy, Jr., Articles Editor.

Professor Harold G. Wren is one of the busiest members of the Boston College Law School Faculty. He manages to publish quite often while teaching two exacting taxation courses; the second year required Income Taxation course and an elective, Estate and Gift Taxation. In class, Professor Wren stresses the point that until one clearly understands the theory behind the tax statutes, he is incapable of mastering statutory application to practical problems. A recent article by Professor Wren, appearing in 41 ST. JOHN'S LAW REVIEW 6 (1966), entitled The Role of Life Insurance in Estate Planning, cogently analyzes several aspects of estate planning and relates each to efficient life insurance programming. His article combines an excellent explanation with practical suggestions which should be helpful to both legal and insurance practitioners. Professor Wren also has an

article appearing in the March, 1967 issue of the JOURNAL OF TAXATION, and a very amusing satirical review of Dacey's HOW TO AVOID PROBATE will appear in the next issue of the NOTRE DAME LAWYER. Besides the many Law Review articles, Professor Wren has completed the first draft of his text, ESTATE PLANNING, to be published by Matthew Bender & Co., and the first draft of his casebook, CORPORATE REORGANIZATION.

Although teaching two courses and writing should keep Professor Wren tied to the library's confines, he has managed to participate in several panel discussions; has recently lectured in Oklahoma and will lecture this spring in Jackson, Mississippi and Burlington, Vermont. In addition he will culminate the semester with a five week seminar on the Uniform Probate Code at the University of Colorado.

ALUMNI NEWS

1956 —

Arthur C. Weinstock has been appointed an inspector of the Inspector's Office of American Express Company. The Inspector's Office is one of the most extensive private detective agencies in the world, investigating any crime involving financial paper of the company. Mr. Weinstock joined the company in 1962. Prior to that time he had been a Special Agent for the Federal Bureau of Investigation.

1961 —

James A. King, Jr. has become associated with the firm of Bethell and Pearce, Fort Smith, Arkansas. Prior to joining the firm, Mr. King had been an attorney for the National Labor Relations Board, Fort Worth, Texas.

1962 —

Hugh G. Duffy has joined the Legal Services Washington staff. He has been a Peace Corps volunteer, the director of a neighborhood office in Washington, D.C.'s Neighborhood Legal Services Project and an attorney in the United States Department of Labor.

Donald J. Fleming has been made a partner in the firm of Desmarais and Carey. He has been associated with the firm for several years.

1963 —

H. Joseph Maney has been appointed as Manufacturing Contracts and Liaison Manager for the eastern operation of Sylvania Electronic Systems, a division of Sylvania Electric Products, Inc. In the newly created position, Mr. Maney will be responsible for acquiring new Manufacturing business for the operation's facilities in Needham, Mass. and Muncy, Penn., and the administration of all contracts with the operation's customers. He joined the company in 1963.

1965 —

Burton M. Harris has joined the home office law department of New England Mutual Life Insurance Company as an attorney. Prior to joining the company, Mr. Harris had been associated with the Milwaukee, Wisconsin law firm of Foley, Sammond and Lardner.

Robert J. Muldoon, Jr. has been selected as the 1967 Cancer Crusade Chairman for the State of Massachusetts. Mr. Muldoon is an Associate of the firm of Withington, Cross, Park and Groden, Boston, Mass.

Captain Gerald B. Murray is presently serving a tour of duty with the United States Army in Korea. Upon his release from the service in July, 1967 he will become a partner in the firm of Murray and Murray, Sandusky, Ohio.

1966 —

Frank R. Mazzeo has become engaged in the general practice of law in association with Aram A. Arabian, Francis J. Fazzano, Frederick Colagiovanni, Charles E. Joyce, Jr. and Clifford J. Cawley '57 with offices at 1124 Industrial National Bank Building, Providence, Rhode Island.

IN MEMORIAM

Dr. William G. Moran, M.D.

1938

Many of the items in this section have appeared courtesy of Sheila E. McGovern '60 who has volunteered to act as a collector of alumni information for all classes. Please send any "newsy items" concerning Law School grads to SUI JURIS or to Miss McGovern at the Probate Court, East Cambridge, Massachusetts.

Orison S. Marden ABA President

Orison S. Marden, President of the American Bar Association addressed the Law School early this May. Mr. Marden's speech touched upon the ABA's increasing interest in the law student. He mentioned the pending grant of associate membership in the ABA to the American Law Student Association and the inclusion of graduating law students in the facilities of the Association's Placement Service.

In regard to the overall role of the ABA, the President stated that the legal profession has a high obligation to provide legal services to those financially unable to procure them. Continued ABA participation in this area should be continued.

Mr. Marden emphasized the rapidly increasing need for lawyers in this area of the law especially because of what he called the "due process explosion." The ABA is currently attempting to meet some of the problems in this area through an agency of 80 judges who are seeking to establish standards in the criminal law. The ABA President also alluded to the Association's attempt to prevent prejudicial press coverage of criminal prosecutions. He concluded by stating that freedom of the press is not the only guarantee in the constitution. The right to a fair trial is equally important and the ABA is insistent that this right be given due weight today.

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