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# THE *Advocate*

A publication of Suffolk University  
Law School



Volume 2, Number 1

Fall, 1970

# The Advocate



Vol. 2 No. 1 Fall 1970

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The objectives of THE ADVOCATE are to publicize the activities and outstanding achievements of the Law School and to present articles by students, faculty and guest writers on timely subjects pertaining to the law.

All articles and editorials reflect the personal views of the authors and are not necessarily the views of the administration or faculty of Suffolk Law School.

Guest editorials by students and faculty are welcomed by THE ADVOCATE which recognizes its obligation to publish opposing points of view.

# Editorial



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## DISCIPLINE AND THE LAW

by Philip J. Adams, Jr.

Editor-in-Chief

During the summer of 1967, Newark, New Jersey, erupted into a state of chaos. Rioting ghetto residents looted and burned neighborhood buildings, and innocent people were killed. Some excused their actions as dissent. In Los Angeles, Charles Manson is undergoing trial for the slaying of actress Sharon Tate. While awaiting trial, Manson threw a copy of the United States Constitution into the waste basket in defiance of law and order. His followers labeled his actions dissent. In May, 1970, students and off-campus militants rioted in the streets of Cambridge, Massachusetts. Extensive damage from looting and burning resulted. They excused their actions as dissent.

When someone burns a building, loots a store, or murders innocent people, can his actions be called dissent? Or rather, should these actions be labeled crime? Very simply, they are called crime. Crime and the fear it possesses is one of the most serious threats to society today. If crime, under the guise of dissent, is permitted to increase at its present rate, society is doomed.

The Constitution guarantees to every American the right to lawfully dissent, to express his ideas through free speech, but not to act as he pleases. The framers of the Constitution have provided us one of the most powerful types of dissent known to man—the right to vote, a free press, and the right to lawful assembly. Unlawful dissent, which is prevalent today, is the product of a permissive society.

This permissiveness has spread into our courts, into our churches, and into our schools. It has inspired students to organize revolutionary groups, stimulates illegal sales and uses of drugs, and heightens every other aspect of crime. Three-quarters of the crime in the streets results from the illegal traffic and use of drugs. Is there any limit to what a drug addict will do to support his habit?

Another important factor in the alarming crime rate is that almost half of the persons arrested for serious crimes have been previously convicted. Parole practices and bonding procedures are often so slack and ineffective that they promote lawlessness by the paroled or bonded offender. The increase in crime is not solely attributable

to outmoded penal procedures, but is the result of the permissive society in which we live today.

Is there any doubt that our nation is riding a wave of disorder and subversion? Prompt action must be taken against those who wantonly and willfully disregard the law and paragons of order upon which this nation was founded. Otherwise, we will find ourselves captives within our own homes with the criminals in command of the streets.

Society often looks to the federal government for the answer to its problems. If society continues to overlook crimes which endanger it everyday, federal, state, or local legislation will be to no avail. When this is surmounted, local government will be able to supply the creativity and forcefulness necessary for the demanding needs of society.

To protect the freedoms guaranteed by the Constitution, crime has to be brought under control. Situations cannot be permitted to endure which permit people to choose the laws they will or will not obey. If this is permitted, we have created anarchy. The law abiding citizen should no longer have to fear crime. Society can again become secure from the lawless through obedience of the law.

Crime can be controlled. We can no longer advocate that the individual "do his own thing," at least to the extent of taking part in civil disorders, or choosing the laws which he will or will not obey. Permissiveness started in the home long before it spread into the community. Permissiveness is the root-cause of the problems of society. Permissiveness has replaced discipline and has failed. We can not look to the federal, state, or local governments alone to bring back discipline. Only with the support of an aroused citizenry can government alter the direction of society.

We must deal more firmly with subversives, and sustain measures to cut down on the illegal drug trade. We must show respect for law enforcement officials and support their efforts to stamp out organized crime. Let us put greater emphasis on respect for and obedience to law and order.

The legal profession has a unique opportunity and responsibility to rise above any self-interests and political affiliations. The legal profession should be an example to all other professions and must become involved in their communities to establish new standards of discipline and to eliminate the evils of permissiveness before it is too late.

A member of the Massachusetts, American, and Federal Bar Associations, George Burke was a practicing trial attorney prior to his present position as District Attorney of Norfolk County. He served as Quincy City Council President for eight years and is a former State Representative of the First Norfolk District. Burke is also a member of the Massachusetts Trial Lawyers Association and the American Trial Lawyers Association.

Because of his vast knowledge and experience in combating drug abuse throughout the Commonwealth, the Legislature passed a Bill authorizing him to establish within his office a special bureau to deal with the increasing drug abuse problem. Also Mr. Burke co-sponsored with Senate President Maurice Donahue the legislation which established the Agency for Drug Education, a state-wide agency to battle drug abuse.

Mr. Burke is a graduate of Quincy High School and Thayer Academy, the University of Massachusetts and Boston College Law School.



## A CASE AGAINST THE LEGALIZATION OF MARIJUANA

by George Burke, Norfolk County District Attorney

The establishment of a centralized, statewide **Agency for Drug Education** is a multi-directional attack, utilizing the family, police, schools and civic groups to **prevent** young people from even starting on drugs. It is a **pre-ventative** approach as opposed to the official rehabilitative efforts offered thus far. Rehabilitation, while necessary to help people suffering from the disease of drug addiction, is certainly not the answer to the drug problem. Research indicated that the multi-directional approach, including educating adults, is necessary as compared to an approach limited to school children.

The effectiveness of drug education is understood when we realize that the main reason young people take drugs is because of **curiosity**; in trying to be part of the group; and through innocence and ignorance of the dangers. Thus education to the dangers of drugs and the potential user's knowledge of the price he is going to have to pay, has been the most successful weapon to combat drug abuse.

It is extremely important that everyone be aware of what are sound and factual reasons why marijuana should not be legalized. First, let us look at some statistical facts which might not be known to the average person.

There has been documentation by leading experts in the drug field throughout the world who state that marijuana is dangerous and harmful. For example, perhaps the most reliable source of information as to the effects of marijuana can be derived from the pharmacology experts whose business is the analysis of the effect of drugs. In the standard medical reference pharmacology book, "Pharmacological Basis of Therapeutics", by Goodman & Gilman, they stated in evaluating marijuana:

"The clinical picture is one of toxic psychosis. Attempts to limit its use are appropriate and the hazards of its use cannot be exaggerated. The user becomes indolent, nonproductive, he neglects his

personal hygiene and, under tests, quickly loses interest in assigned tasks, an irretrievable loss to the young people who may deeply regret within another few years the choice they have made out of youthfulness and inexperience with reality."

Upon further study scientists have documented even more damaging reports as to the physical effects of marijuana. Dr. Schramm and his colleagues at the annual meeting of the American Society of Pharmacists produced findings of some important indications that fetal damage (resulting in birth defects) does occur from the use of marijuana.

In addition, marijuana may produce permanent brain damage. This reasoning can be seen to be logical in view of the simplest definition of drug use. A drug, by definition, is any substance which alters the function of an organ in the body which consequently alters the behaviour of the person. In the case of marijuana, the function of the mind is altered, resulting in a change of behavior of the person. If permanent behavioral characteristics are noted, (as seen historically in populations of far eastern countries) then it is logical to deduce there may have been a permanent alteration in the function of the brain.

Dr. Miras, of the University of Athens, funded by the National Institute of Mental Health, conducted research on this at the University of California. He worked with a group who had used two marijuana cigarettes a day. He recorded abnormal brain waves of the users of marijuana and two years after this group stopped using marijuana he studied their case histories. The group as a whole took jobs of lesser responsibility, were non-productive, antisocial, lethargic type individuals. He states dogmatically that this behavior change is due to permanent psychotic damage to the marijuana users.

This is extremely critical when you consider that the tissue of the brain is unlike all the rest of our body. For example, if you have a cut on your wrist the cells repair themselves and the cut is healed without your even thinking about it. The grey cells of your brain, once damaged, are damaged permanently. There is no repair aspect to the cells in your brain and the damage is permanent.

### **MARIJUANA AND ALCOHOL**

There has been a great deal of inaccurate discussion of the subject of marijuana vs. alcohol. The two cannot be compared. For example, on a visit to the Westboro State Hospital where they had on increase of 300% mental patients from drug abuse (the list of patients included marijuana users only) Dr. Sharp, the director of the mental institution said you could not compare alcohol and the present drug problem because a young person can become a psychotic in a month using drugs while the usual case of becoming an alcoholic developing sclerosis of the liver, etc. usually takes at least a couple of years. Even in essence they cannot be compared since alcohol is a depressant, a food, it has calories, can be prescribed by a physician and has many uses, while marijuana has no use but to intoxicate the mind and because of this is illegal in practically every country of the world.

The problem of alcohol vs. marijuana really is an excellent example of how people can acquire the wrong attitude toward drugs. For example, 56,000 people died in automobile accidents last year. One-half of these deaths were due to alcohol use and one fourth of the total deaths were due to true alcohol addiction. The accurate approach to this problem would be to make better laws perhaps against the true alcoholics instead of legislating new laws which will increase this problem instead of decreasing it.

### **MARIJUANA LEADS TO HARDER DRUGS**

Another broad misconception is that marijuana does not lead to harder drugs while our practical experience says that it does. As Dr. Baird, director of the famous Harlem Drug Rehabilitation Center, says of those who don't think so, "they are totally uninformed and inexperienced with the problem of drug addiction."

A significant scientific reason that marijuana does lead to harder drugs is that marijuana produces a partial tolerance. Dr. Sidney Cohen, Director of the National Institute of Mental Health and Goodman & Gilman Pharmacologists, states this tolerance aspect, which means that a person not getting the same effects from the use of marijuana has a definite incentive to increase marijuana use or try something harder.

In addition, once youth have been introduced to a drug by performing the act of experimenting with marijuana, they are psychologically set up to try something stronger (psychiatrists state that in this experimentive act they have allayed their fear and inhibition of using drugs) so they are definitely in a much more susceptible position to go on to stronger drugs. In New York City alone last year 950 young people died from drug addiction. As the situation stands right now 80% (documented from hospital records) of heroin addicts started on marijuana. So even if everyone that used marijuana does not go on to harder drugs it has been documented that a certain percentage of marijuana users will. In effect, by the legalization of marijuana we would be sending a percentage of our young people to true hard drug addiction and its disastrous consequences.

### **MARIJUANA AND CRIME**

From the criminal viewpoint, J. Edgar Hoover pointed out last year that almost half the serious crimes in our country were committed by youths eighteen years old and younger. A major factor is drug abuse and breaking and entering and burglaries to get money for drugs. Legalization of marijuana will not decrease but increase this criminal aspect to tragic proportions. In a more practical aspect of the proposition to legalize a limited amount of marijuana, it can be seen to be completely unrealistic. A young person could have a couple of pounds of marijuana stashed away in his house and simply take his daily supply of two ounces with him for the day and operate within the law and yet be a chronic marijuana user. At least half of the young people in Massachusetts are not using drugs now because they believe them to be wrong and illegal. By legalizing marijuana we would in effect be putting the stamp of approval on its use which would act as an inducement for hundreds of thousands of young people in Massachusetts alone to start on the life of drug abuse.

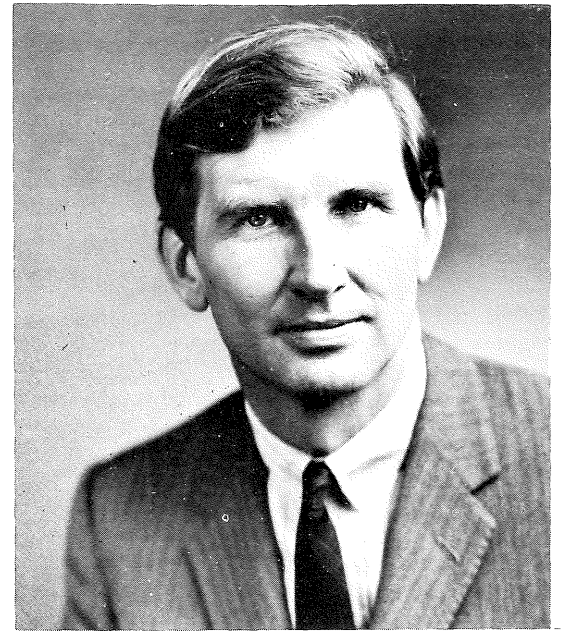
In conclusion, I have the responsibility by legislation of educating persons to the dangers of using drugs. I feel very strongly that the legalization of marijuana would be a great mistake. The American Medical Association and the National Research Council state: "marijuana is dangerous." The World Health Organization (affiliated with the United Nations and made up of the finest medical men in the world) said of marijuana, "It is dangerous from every point, physically, mentally, socially and criminally."

I believe the most accurate position can be taken by all people concerned with this problem by looking to sources of the most authoritative experience and information and act accordingly by not legalizing marijuana.

*Senator Joseph D. Tydings has served as United States Senator from Maryland since 1965. He earned his Bachelor of Arts degree from the University of Maryland in 1951, and a Bachelor of Laws degree from the School of Law of the University of Maryland in 1953.*

*Senator Tydings served as United States Attorney for the District of Maryland in 1961-64 prior to his election to the Senate. He is a member of the American, Federal and Maryland Bar Associations.*

*Senator Tydings was the principal speaker at the Law Day Dinner sponsored by the Student Bar Association of Suffolk University. Senator Tydings address which was presented on April 30, 1970 appears in its entirety.*



## **"THE RULE OF LAW UNDER ATTACK"**

by U.S. Senator JOSEPH D. TYDINGS

The Rule of Law is a concept essential to the American Legal tradition. Social order in this country rests in its continuing vitality. But the principle is not self-sustaining. We must continually give it life.

In contrast to less fortunate countries, our nation's domestic history has been shaped by the law's development to meet the demands of the times and the needs of our increasingly complex society. Time and again, throughout the one hundred and ninety-five years of our nationhood, the American system of law and government has responded to the problems confronting the nation and to the aspirations of our citizens. Except for the tragic civil war, our internal disputes have not had to be resolved by resort to arms. Our legal traditions have made the violent overthrow of government a phenomenon that Americans read about rather than experience on their home soil.

Today, however, the Rule of Law, which has served us so well, is being seriously challenged in its own bastion, the courtroom. Disruption is becoming an increasingly prevalent phenomena in the American judicial system. Pyrotechnics and theatrics, obscenity and insults have become familiar trial tactics. Such tactics seriously threaten the Rule of Law.

Efforts to disrupt court proceedings and to injure the judicial system have not been totally unknown in the past. In a recent article, Louis Nizer examined a 1944 trial of thirty American Fascists charged with undermining the morale of our armed forces, and a 1949 trial of Communists charged with violating the Smith Act. In each instance attempts were made by the defendants and their attorneys to obstruct the trial, to delay the proceedings, and ultimately to destroy the effectiveness of the judicial system.

For example in the trial of the Fascists,

When a document was offered in evidence, each lawyer read it separately for 10 or 15 minutes. Then he would hand it to his client, who studied it leisurely. Then each of the 30 lawyers, in turn, would rise to make his objection — in as belligerent and insulting a manner as possible, engaging the court in lengthy polemics.

Similarly, in the trial of the Communists,

When a telephone book was offered to identify a number, the defendants refused to accept it without authentication. An executive of the American Telephone and Telegraph Co. was subpoenaed and put upon the stand, and each counsel for the defense proceeded to cross-examine him at length as to his birthplace, his education, his family and the kind of duties he performed at the telephone company. When the judge attempted to put an end to this farce, there were interminable protests and angry colloquies, until he was forced to call a recess.

After nine months of such wrangling and fighting, the 1949 trial was completed and the defendants convicted. The 1944 trial had a different result, however. The tactics of the defendants contributed to the sudden death of the judge, Edward C. Eicher, and the resulting mistrial. Not knowing how to cope with another such ordeal, the government prosecutor decided not to try the case again. The defendants had successfully paralyzed our system of justice.

Now, the tactics of disruption are once again being used in an attack on the judicial system. Those using such tactics attempt to justify their actions by asserting that they are the victims of "political" trials and have lost faith in the ability of our social system to alleviate the ills that they perceive. Society's "lack of responsiveness" is cited to vindicate any action, regardless of its consequence; and the consequences are very grave indeed. For those who engage in disruptive trial tactics are clawing at the underpinning of a system of justice that has developed only as a result of centuries of conflict between the rights of individuals and the collective rights of the state. They are threatening a system that has begun to approach in practice the ideals striven for over the centuries.

The judicial system is not perfect and should, like all of our institutions, be constantly questioned and examined to insure that it is responsive, viable and relevant. But questioning our institutions in an effort to improve them is a constructive process. I am concerned about those who seek to destroy, who seek to tear down that which we have achieved only after centuries of the most intensive effort.

The fair trial, the trial by one's peers, the rights to counsel and to confront and cross examine witnesses, the privileges against self incrimination and double jeopardy are now being realized in our courts to an extent that could not have been foreseen even twenty-five years ago. During the last two decades, our nation's courts, trial and appellate, have become sensitive as never before to the rights of the accused. Indeed, this sensitivity has precipitated a reaction that seriously threatens some of the hard won gains.

Tragically, this reaction is being fed by those who are trying to destroy the judicial system. If they succeed in tearing down the system, the fruits of their effort are likely to be a return to the Star Chamber proceeding, vigilantes and lynchings. History demonstrates only too well the prohibitive odds against obtaining a judicial system better than the one we have now without building on that which we already have.

Therefore, we cannot afford to compromise with those defendants who view a court room appearance as an opportunity to bring our judicial system to its knees.

Nor can we find any justification for the actions of attorneys who join in disruptive trial tactics or who condone outrageous courtroom conduct on the part of their client. Attorneys who are guilty of such conduct violate not only their duty as officers of the court but also their duty to their clients. A lawyer must represent his clients' best interests. In the context of a criminal trial that responsibility requires him to direct all of his energies to obtaining an acquittal or the lightest punishment for his client. Flagrant disregard for standards of courtroom behavior does not strengthen a defendant's case. It serves only to prejudice the judge and jury against him. I would agree with the statement of Judge Irving Kaufman in his recent address to the Fordham University Law Alumni Association:

If a lawyer encourages or even accepts such behavior, he may win the cheers, admiration and friendship of his clients, but I submit he is not serving his best interests.

In condemning improper conduct on the part of an attorney, I do not mean to condemn my lawyer simply because he represents unpopular clients. I have the greatest respect for those attorneys who, like Clarence Darrow, risk the invective of the populace in order to ensure a fair trial for all men, regardless of the popularity of their

cause. Such service is in the best tradition of the bar. It should, however, be performed within the bounds of the Rule of Law.

Of course, the pivotal figure in the courtroom, the judge, must not allow the actions of the defendants or their attorneys or his personal attitude toward their cause to color his own conduct of the trial. As Judge Kaufman pointed out, a judge "must never descend from the bench and enter the fray." He must exercise the utmost patience and restraint and make every effort to provide the defendants with a fair trial even if they are making every effort to prevent such a trial. To do otherwise is to surrender to unruly defendants and to aid them in their attempt to bring the courts into disrepute.

Patience is not enough, however. Judges must be given the tools necessary to maintain order in their courtroom.

Fortunately, the Supreme Court has seized the opportunity offered by the **William Allen** case and provided some guidelines for dealing with disruptive trial tactics. Allen's courtroom behavior had prevented his trial for armed robbery from proceeding properly. Eventually the judge trying the case ordered him removed from the courtroom while the trial continued. In the face of a claim that Allen's right to confront witnesses had been violated, the Supreme Court upheld the conviction. In doing so the Court gave voice to the danger facing the judicial system. In an opinion by Mr. Justice Black the Court said:

It would degrade our country and our judicial system to permit our courts to be bullied, insulted, and humiliated and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes . . . Being manned by humans, the courts are not perfect and are bound to make some errors. But, if our courts are to remain what the Founders intended, the citadels of justice, their proceedings cannot and must not be infected with the sort of scurrilous, abusive language and conduct paraded before the Illinois trial judge in this case.

The Court then provided guidelines for dealing with improper courtroom behavior and approved the following: (1) binding and gagging "as a last resort"; (2) citations for contempt and (3) removal from the courtroom until the defendant "promises to conduct himself properly."

I would agree with Mr. Justice Brennan's statement that "if a defendant is excluded from his trial, the court should make reasonable efforts to enable him to communicate with his attorney and if possible, to keep apprised of the progress of his trial."

But I also must agree wholeheartedly with the Court's guiding principle: "The flagrant disregard in the courtroom of elementary standards of proper conduct should not and cannot be tolerated."

The **Allen** decision will be of significant assistance to the lower courts. Hopefully, we can also anticipate further clarification of the proper use of the contempt power. Moreover, the American Bar Association is carefully reviewing methods for dealing with attorneys who permit conduct "purposely calculated to annoy or irritate."

Clearly the courts must be provided with the means to protect themselves, and must be supported in their efforts to do so. Given the appropriate tools and the necessary judicial patience, our judicial system will be able to meet the challenge posed by those who enter the courtroom seeking a war rather than a fair trial. That challenge must be met if the Rule of Law is to survive.



# THREE JUDGE FEDERAL DISTRICT COURTS — RIGHT OF APPEAL

Richard P. Courchesne

An examination of sections 1253, 1292 and 2281 of Title 28 of the United States Code reveals a loophole in the Federal laws concerning the right of appeal.

Section 1253 provides for a direct appeal to the Supreme Court from an order **granting or denying a temporary or permanent injunction** where the proceeding is required by Congress to be determined by a district court of three judges. Section 2281 forbids district courts and district court judges from granting injunctions restraining the enforcement of state statutes on constitutional grounds and requires all such cases to be determined by three judge district courts. Section 1292 grants appellate jurisdiction over interlocutory orders of district courts to the courts of appeals **except** where a direct review may be had in the Supreme Court.

Whenever an interlocutory injunction restraining the enforcement, operation or execution of any state statute or of an order made by an administrative board or commission acting under state statute is sought and the result of the proceeding is something other than a granting or denying of the injunction, for example, an extended stay of proceedings, the individual(s) is left without a right to appeal.

Since the courts of appeals will not review interlocutory orders in cases where direct review may be had in the Supreme Court and since a **granting or denying** of an injunction is required before the Supreme Court will take jurisdiction, the decision or **indecision** of a three judge district court is final.

The problem created by this loophole in our appellate laws was brought to light in the recent case of **Gunn v. University Committee to End the War** (399 U.S. 388). In **Gunn**, three individuals had been taken into custody by military police after demonstrating in the area of Fort Hood Texas where the President of the United States was scheduled to speak. The military police turned the individuals over to county officials who charged them with violation of the Texas disturbing-the-peace statute. They pleaded not guilty and were released on \$500.00 bond.

Nine days after their arrest the three individuals brought an action against the county officials, asking that enforcement of the Texas disturbing-the-peace statute be **temporarily** and permanently enjoined and that the statute be declared unconstitutional on its face.

The three judge district court found that the Texas disturbing-the-peace statute was impermissibly and unconstitutionally broad. The court, however, had ordered that the declaratory judgment and injunctions sought by the plaintiffs be stayed pending the next session of the Texas Legislature. The Texas Legislature at its next session took no action with respect to the statute and the district court entered no further order of any kind.

The Sheriff and other officials of Bell County Texas took a direct appeal to the United States Supreme Court against the three judge federal district court's finding regarding the constitutionality of the Texas disturbing-the-peace statute.

The United States Supreme Court held that such a direct appeal could be taken only from an order "granting or denying . . . an interlocutory or permanent injunction", and, therefore, dismissed the appeal for want of jurisdiction.

The three individuals had asked for immediate action in the form of a **temporary** injunction and instead the proceedings were stayed for about two years. Such an extended stay is in fact a denial of a temporary injunction. The Supreme Court, however, failed to take that view insisting rather on the narrowest construction of the jurisdiction conferring statute.

Accepting for the moment the proposition that 28 U.S.C. 1253 does not of itself confer jurisdiction on the Supreme Court to review the question of an interlocutory order, is one to assume that the Supreme Court cannot act other than within 28 U.S.C. 1253. What of the Supreme Court's power to grant writs in aid of its appellate or in the exercise of its supervisory jurisdiction over lower federal courts? It is in the exercise of its appellate or supervisory jurisdiction that the court issues mandamus to compel the lower court to proceed to final judgment or decree in order that a review of the case may be had.

If a three judge district court can be said to have exercised its discretion, then clearly there should be a right of appeal to some tribunal. Congress has designated the United States Supreme Court as the appellate tribunal. If the district court has failed to exercise its discretion then clearly a withholding of discretion for such a period of time has the same effect as an abuse thereof.

In the future, unless Congress acts to amend section 1253 of the United States Code, a district court of three judges can, if it chooses, bottle up any question concerning the constitutionality of a state statute simply by not granting or denying an injunction. Based on the Supreme Court's construction of section 1253 there can be no doubt that from an interlocutory order of a three judge federal district court there is no appeal. As for the individuals in the **Gunn** case and Texans generally, they will have to continue to pattern their First Amendment rights to free expression along the lines of an unconstitutional statute.

## EDITOR'S NOTE

Mr. Courchesne is a member of the Class of 1971 of Suffolk University Law School. He is the former Alumni Editor of **The Advocate** and is currently a staff member of the **Law Review**.

## JUDGE FENTON RESIGNS AS PRESIDENT



**JUDGE FENTON**

Judge John E. Fenton has resigned as President of Suffolk University after holding that position for five years. Those five years were marked by the greatest progress ever in Suffolk's 64 year history.

In presenting his request for retirement to the Board of Trustees, Judge Fenton stated that he felt he "had reached a point in my career and the development of Suffolk University which provided an ideal time for me to step down." Judge Fenton became President of Suffolk after retiring as judge of the Massachusetts Land Court. He served on the bench for 28 years.

A vigorous fund raiser in civic, educational and fraternal activities, he has been cited for his contributions many times. He is past National Grand Exalted Ruler of the Elks, and past National President of the Ancient Order of Hibernians. Judge Fenton has long been a Catholic lay leader and was named a Knight of the Holy Sepulchre by Pope Pius XII in 1951 and in 1958 was elevated to the highest rank in that Papal Order, Knight of the Grand Cross of the Holy Sepulchre.

He was graduated from the College of the Holy Cross in 1920 and from Suffolk Law School in 1924. He holds honorary degrees from Merrimack College, Emerson College and Holy Cross. Judge Fenton has assumed the duties of Chairman of the Board of Trustees of Suffolk University, a position which he held prior to becoming President of Suffolk.

*Thomas A. Fulham was born on July 18, 1915 in Winthrop, Massachusetts and attended Winthrop Public Schools. He was graduated from St. Johns Preparatory School in Danvers and received his A.B. from Holy Cross in 1937.*

*Mr. Fulham, President of the Boston Fish Market Corporation, becomes the sixth President in Suffolk's 64 year history.*



## THOMAS A. FULHAM BECOMES SIXTH PRESIDENT

Long active in civic and business affairs, and a Suffolk trustee for 10 years, Mr. Fulham is president of five Boston-based companies, Chairman of the Massachusetts Board of Natural Resources since 1957, a Trustee of Holy Cross College and the New England Aquarium, and a Corporator of the Provident Institution for Savings. He also serves as Director of the Association for Better Housing in Dorchester.

As a fishery advisor for the United States Department of State, he gained national recognition in 1967 when he represented this country at the Bilateral Negotiations in Moscow, Russia, and in 1969 in the talks between Poland and the United States held in Warsaw. He was former Chairman and presently is a Commissioner of the Commission for Northwest Atlantic Fisheries which represents 15 nations.

His interest in ecology culminated this year with his appointment as Treasurer of the newly organized New England Resources Center.

Mr. Fulham was drafted into the United States Army in 1941 during World War II and retired with the rank of Major in 1946.

He and his wife, the former Anette Healy, have nine children and reside in Wellesley Hills.

President Fulham expressed his interests concerning the University in the following interview with Associate Editor Thomas DeVita:

**QUESTION:** The Boston area is the home of many colleges and universities. What do you feel is Suffolk University's place within this "academic community?"

**ANSWER:** The first question which concerns Suffolk University's "place" within the "academic community" seems to indicate that Suffolk should be categorized and evaluated in relation to the other Universities in the city without allowing for its position of individuality and uniqueness. I find it difficult to indicate a "place" for Suffolk University without some direction as to what the conditions are for establishing a particular "place".

**QUESTION:** Since the variance to enlarge Suffolk's facilities has been rejected by the courts, are there any other current plans to improve the university physical plant?

**ANSWER:** It is well known that Suffolk needs to erect a new facility for the Law School. It is anticipated that this building will be within walking distance of the present location. There are several approaches to establishing a new facility, including new construction, renovation, or moving into an existing building. These are all being weighed by the Trustees and that plan which is most advantageous to Suffolk and still satisfies the requirements of the city and our neighbors, will be the one which will be selected eventually.

**QUESTION:** What are the long-range goals of Suffolk University Law School?

**ANSWER:** This is a fairly unrestricted question, since we have both physical goals and academic goals. As far as our physical goals are concerned, if we can construct a new law facility, which in turn will make available the space currently occupied by the Law School in our present buildings, this should provide adequately for any physical expansion over the next ten years.

Our long range academic goal is not unlike our present activity. We service a very definite segment of the local population and it is unlikely that we will deviate from this responsibility.

**QUESTION:** Although you have not held the office of President for any length of time, what are your impressions to date of the position you hold, the student body, and cooperation within the university?

**ANSWER:** My impressions were formed long before I took the President's chair and have not changed materially since my assumption.

I am in considerable awe of the position of a College or University President because his activity can influence the future of a great number of young people. In that context, because of my newness I am apprehensive of making any momentous decisions until I am much more confident of the background for these decisions.

My impressions of the student body were formed years ago and I have always been pleasantly surprised to discover the maturity and seriousness of purpose with which the average Suffolk student approaches his education. I have been overwhelmed by the spirit of cooperation which everyone has extended to me—faculty, students, and administration. I declared openly on my first day that I would have to undergo a period of "on the job training" to acquaint myself with the intricacies of academic life. It is very pleasurable to have five thousand teachers.

**QUESTION:** You have long been active in civic and business affairs, but has there been one activity that has given you more satisfaction than any of the others?

**ANSWER:** It would be extremely difficult for me to say that one activity has given me more satisfaction than any of the others. I am afflicted with incurable optimism. I have really enjoyed everything I have done in my life which includes a wonderful wife and a large family, five years of military service, association with politicians, academicians, fishermen, financiers, bureaucrats, and all of the delightful people who spend their time doing a good job of the ordinary duties of their station in life.

# Editorial



## ENVIRONMENTAL POLLUTION

By JACK ATWOOD, Assistant Editor

Much has been written about our complex environmental problems. While the price tag for a massive clean-up is staggering and the completion date far away, one area — phosphate pollution of our natural waters — is relatively inexpensive and easy to prevent.

Phosphate pollution is caused by man's interruption of a natural cycle in which lakes convert to swamps, then to meadows. This phenomenon may take thousands of years, but man has presently caused its acceleration.

All plants need carbon dioxide, water, sunshine and nutrients to grow, and among these nutrients is phosphorus. When large amounts of phosphates are introduced into our waters, algae and other aquatic plant flourish. This proliferation of plant life forms slime on the surface of the water and continues to live until the supply of other vital elements has been exhausted. Bacteria now attacks the algae and a vile smell becomes prevalent. As the algae is destroyed, the bacteria multiply and, in so doing, consume the oxygen supply of the water. Fish, in turn, are left with both a diminishing supply of food and a shortage of oxygen. The more desirable fish are the first to die, leaving the scavengers — but eventually these too must perish, thus leaving the lake bottom a lifeless rotting mass.

A major source of phosphate pollution is laundry detergents, most of which, although not all, have phosphates added to them. Many experts feel that these phosphates contribute nothing to the cleaning power of the detergents but serve only to soften water. In Massachusetts, 98% of the residents are supplied with soft water. **Thus phosphates have no value to nearly all Massachusetts residents.**

At present, federal legislation is pending and two states, Minnesota and Wisconsin, are considering the banning of such detergents.

Massachusetts Attorney General Robert H. Quinn has seen the wisdom of the argument and has had his Pollution Task Force investigate this problem. The Attorney General, acting upon this study, has filed legislation in the upcoming session of the Massachusetts Legislature to ban phosphates from detergents. **THE ADVOCATE** supports this proposal and urges its readers, as responsible members of the legal community, to aid passage of this bill by making the arguments against phosphate additives known and by lending support to the bill.

# STATE BOARDS OF BAR EXAMINERS

*As a service to the students of Suffolk who intend to take a bar examination in any of the fifty states or District of Columbia, we have listed the addresses of all the Boards of Bar Examiners. Information can be obtained by writing directly to their offices.*

## Addresses State Boards of Bar Examiners

### Alabama

Office of the Secretary, Board of Commissioners, State Bar of Alabama, P.O. Box 2106, Montgomery 36103

### Alaska

Admissions Chairman, Alaska Bar Association, P.O. Box 279, Anchorage 99501

### Arizona

State Bar Committee on Examinations & Admissions, 858 Security Bldg., Phoenix 85004

### Arkansas

State Board of Law Examiners, Office of the Secretary, Box 7175, Little Rock 72205

### California

Committee of Bar Examiners, 540 Van Ness Ave., San Francisco 94102

### Colorado

State Board of Law Examiners, Secretary's Office, 220 State Capitol, Denver 80203

### Connecticut

State Bar Examining Committee, Secretary's Office, 22 Shetucket Street, Norwich 06360

### Delaware

Board of Bar Examiners, Office of the Secretary, 4072 DuPont Bldg., Wilmington 19801

### District of Columbia

Committee on Admissions, Secretary's Office, Room 6409, U.S. Court House, Washington 20001

### Florida

Board of Bar Examiners, Supreme Court Bldg., Tallahassee 32304

### Georgia

State Board of Bar Examiners, 12th Floor, C&S National Bank Bldg., Atlanta 30303

### Hawaii

State Board of Bar Examiners, 70 Dept. of Attorney General, State Capitol, 415 S. Beretania St. Honolulu 96813

### Idaho

State Board of Commissioners, Secretary's Office, P.O. Box 835, Boise 83701

### Illinois

State Board of Examiners, Secretary's Office, 412 Ridgley Bldg., Springfield 62701

### Indiana

State Board of Bar Examiners, Secretary's Office, 323 State House, Indianapolis 46204

### Iowa

Clerk, Board of Law Examiners, Supreme Court, Des Moines 50319

### Kansas

Clerk, State Board of Law Examiners, Supreme Court, Topeka

### Kentucky

State Board of Bar Examiners, Secretary's Office, Suite 200, 259 W. Short St., Lexington 40507

### Louisiana

Committee on Bar Admissions, 101 Supreme Court Bldg., New Orleans 70112

### Maine

Board of Bar Examiners, Office of the Secretary, 6 State St., Bangor 04402

### Maryland

State Board of Law Examiners, Secretary's Office, 1825 Munsey Bldg., Baltimore 21202

### Massachusetts

Board of Bar Examiners, Executive Secretary, 77 Franklin, Boston 02110

### Michigan

State Board of Law Examiners, Clerk of the Supreme Court, Lansing 48933

### Minnesota

Director of Admissions, State Board of Law Examiners, 920 Capitol Square Bldg., St. Paul 55101

### Mississippi

Board of Bar Admissions, Secretary's Office, Box 1032, New Capital, Jackson 39205

### Missouri

State Board of Law Examiners, Clerk of Supreme Court, Jefferson City 65101

### Montana

State Board of Law Examiners, Clerk of State Supreme Court, Helena, 59601

### Nebraska

State Bar Commission, Clerk of Supreme Court, Lincoln 69503

### Nevada

State Board of Bar Examiners, P.O. Box 2125, Reno 89505

### New Hampshire

Board of Bar Examiners, Supreme Court of New Hampshire, Concord 03301

### New Jersey

Board of Bar Examiners, State House Annex, Trenton 08608

### New Mexico

State Board of Bar Examiners, Clerk of the Supreme Court, Supreme Court Bldg., Santa Fe 87501

### New York

State Board of Law Examiners, 90 State Street, Albany 12207

### North Carolina

Board of Law Examiners, P.O. Box 2387, Raleigh 27602

### North Dakota

State Bar Board, Clerk of the Supreme Court, Bismarck 58501

### Ohio

Board of Bar Examiners, Clerk of the Supreme Court of Ohio, State House Annex, Columbus 43215

### Oklahoma

Board of Bar Examiners, P.O. Box 5-3036, State Capital Station, Oklahoma City 73105

### Oregon

Board of Bar Examiners, 808 S.W. 15th Ave., Portland 97205

### Pennsylvania

State Board of Law Examiners, 1422 Chestnut St. 2nd Flor., Philadelphia 19102

### Rhode Island

Board of Bar Examiners, 405 Industrial Bank Bldg., Providence, R.I. 02903

### South Carolina

State Board of Law Examiners, Clerk of the Supreme Court, P.O. Box 11358, Columbia 29211

### South Dakota

Clerk of the Supreme Court, Board of Bar Examiners, Pierre 57501

### Tennessee

Board of Law Examiners, Supreme Court Bldg., Nashville 37219

### Texas

JState Board of Law Examiners, Box J, Capitol Station, Austin 78711

### Utah

Committee of Law Examiners, 203 Kearns Bldg., Salt Lake City 84101

### Vermont

Board of Bar Examiners, Supreme Court Clerk, Montpelier

### Virginia

Board of Bar Examiners, Supreme Court of Appeals Bldg., P.O. Box 1315, Richmond 23210

### Washington

State Board of Law Examiners, 505 Madison Ave., Seattle 98104

### West Virginia

Board of Law Examiners, Clerk of Supreme Court, Capitol Bldg., Charleston 25305

### Wisconsin

Board of State Bar Commissioners, Clerk of State Supreme Court, The Capitol, Madison 53702

### Wyoming

State Board of Law Examiners, 202 E. 18th St., Cheyenne 82001

# American Trial Lawyers Assn.

## STUDENT ADVOCACY PROGRAM

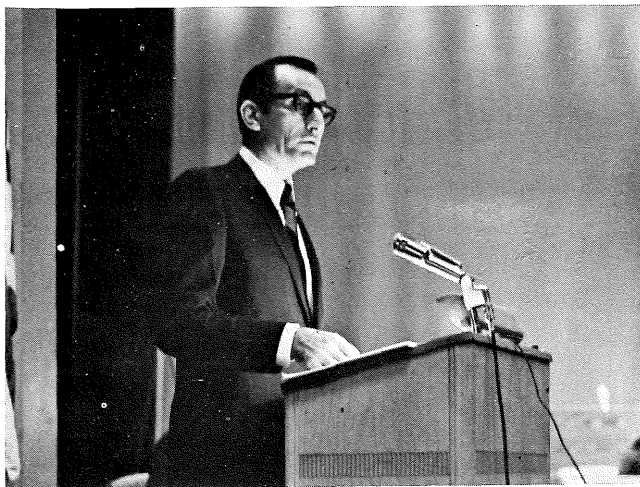
The Student Advocacy Program of the American Trial Lawyers Association was presented in the Suffolk University Auditorium on May 1, 1970. Phi Alpha Delta Law Fraternity International, Felix Frankfurter Chapter, sponsored the program. Philip Adams served as student chairman for the program.

The all day program was based on the hypothetical personal injury case, **Wade v. Butterfield**. Each student in attendance received a case file for the plaintiff and for the defendant. The Hon. Henry H. Chmielinski, Jr., Associate Justice, Massachusetts Superior Court, presided over the hypothetical trial. Serving as Clerk for the trial was Walter T. Johnson, Trial List Clerk for the Middlesex County Superior Court.

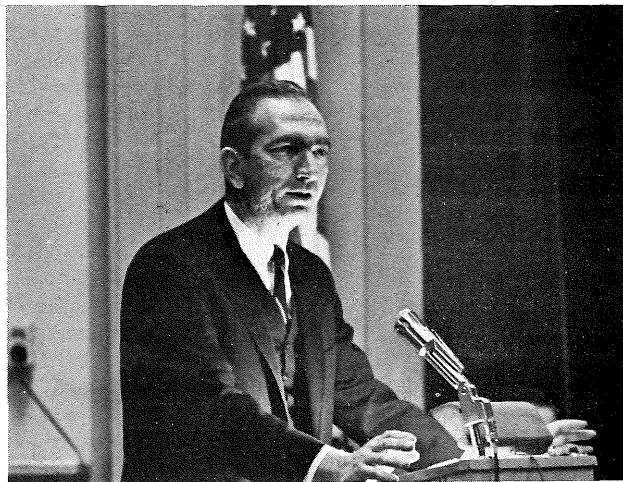
The impaneling of the jury opened the trial. Jury members consisted of students from the Law School. John J.

McNaught, Esq., represented the plaintiff and Thomas R. Morse, Jr., Esq., for the defendant during the impaneling. Opening statements to the jury were presented by Paul R. Sugarman, Esq., for the plaintiff and Clement McCarthy, Esq., for the defendant. Following a question and answer period, Camille F. Sarrouf, Esq., who served as moderator for the program, lectured on the Art of Direct Examination — Putting in the Plaintiff's Case.

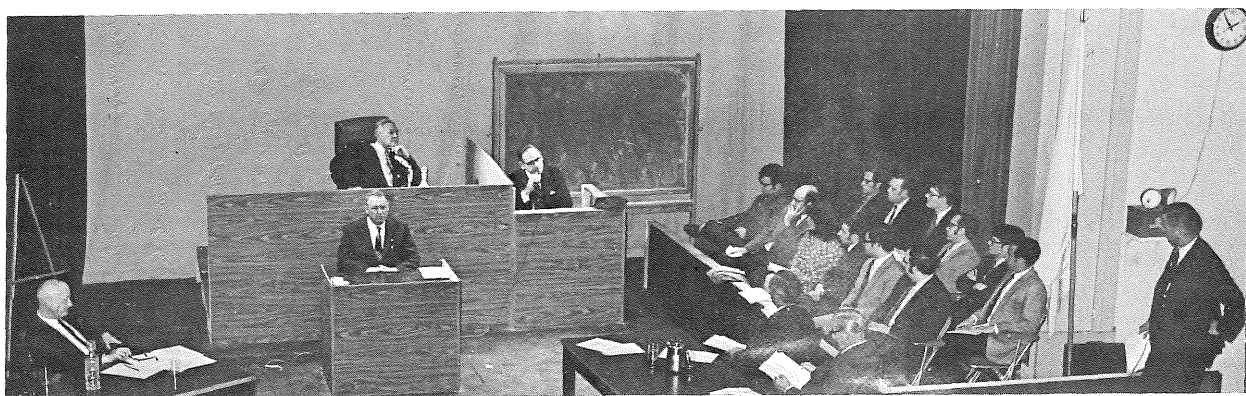
Following a luncheon for the distinguished members of the Bar participating in the program, the direct examination of the defendant's doctor was presented. Samuel H. Boyer, M.D., served as the medical expert and Thomas R. Morse, Jr., Esq., handled the direct examination. Thomas E. Cargill, Jr., Esq., undertook the first cross-examination and Abner R. Sisson, Esq., the second cross-examination for the plaintiff. The program closed with both the defendant's and plaintiff's closing arguments.



**MODERATOR: Camille F. Sarrouf**

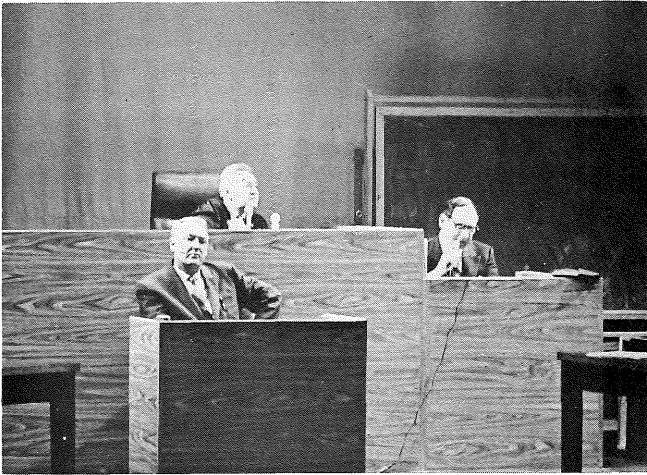


**ON BEHALF OF PLAINTIFF: Paul R. Sugarman**



**COURT IN SESSION.**

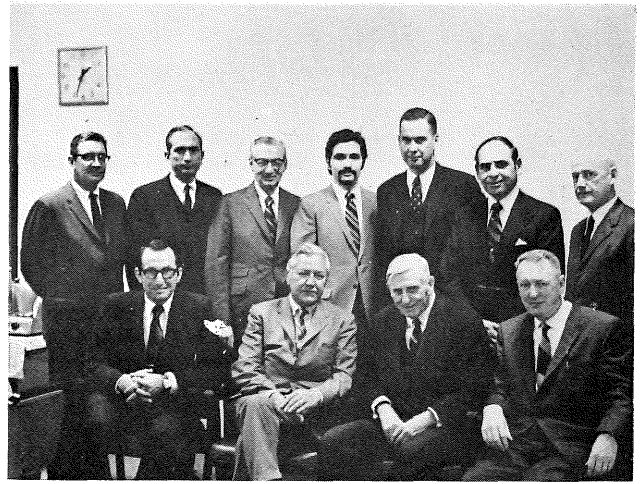




**Dr. Boyer testifies as Judge Chmielinski and Trial List Clerk Walter Johnson listens attentively.**



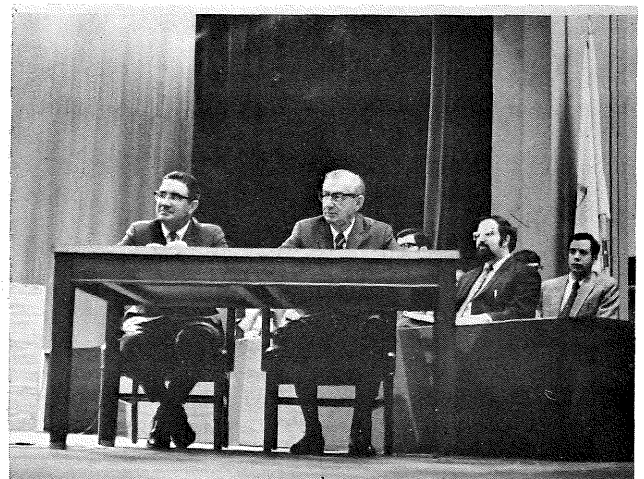
**COUNSEL FOR DEFENDANT: Clement McCarthy and Thomas Morse, Jr.**



**RECESS: Seated from the left, Camille Sarrouf, Hon. Henry Chmielinski, Jr., Hon. John Fenton, Walter Johnson;; standing from the left, John McNaught, Paul Sugarman, Abner Sisson, Mike Cantore of PAD, Thomas Morse, Jr., Dr. Samuel Boyer, Clement McCarthy.**



**The Jury Listens to Dr. Boyer testify.**



**COUNSEL FOR PLAINTIFF: John J. McNaught and Abner R. Sisson.**

# News Briefs

## TUITION INCREASE

The Board of Trustees of Suffolk University, at its meeting held on December 9, 1970, voted to increase the University tuition rates for the 1971-72 school year. Increased operating and instructional costs were cited as the principal contributing factors for the increase. The Board reaffirmed its intention to maintain its present standard of excellence and judged that the increases were necessary for that objective.

The increases become effective with the Fall semester in 1971 and tuition rates will be as follows: Day Division of the Law School — \$1,500; Evening Division of the Law School — \$1,125. The tuition increases represent a \$200 rise in the Day Division and a \$150 rise in the Evening Division.

Despite the increases, tuition in the Law School of Suffolk University for next year will remain considerably lower than that of any non-state subsidized accredited law school in the Greater Boston area.

## STUDENT BAR ASSOCIATION REPORT

By FRANK LAFAYETTE



**SBA OFFICERS:** from the left, Howard Gan, Vice-President; Frank Lafayette, President; Lucia Hicks, Chairman; Bill Batty, Treasurer.

During the time that I have been SBA President, the SBA has accomplished significant internal changes. The purpose of the changes was to provide the students with an organization that can be truly responsive to the needs of the law student. The approaches which were taken to effectuate the necessary changes were: first, to expand the number of voting representatives to include the first day classes both day and evening, and second, to make use of the committee structure to plan and coordinate SBA activity.

SBA realized that the only real way to achieve a truly representative student organization, capable of expressing the student viewpoint on issues facing the law school, was to represent all law students. This change has been extremely effective in allowing SBA to plan programs that satisfy the needs of all law students. In addition, the active interest shown by the first year representatives confirms that the charter change allows SBA to operate much more effectively than it has in past years.

The second change of major importance was the expansion of the committee structure to allow SBA to increase needed manpower. The SBA committee membership was expanded to allow participation by any interested law student. The programs sponsored by the social, placement, and speaker committees show that much success can be had by active use of committees staffed by students at large.

This year for the first time the law school will have an SBA student sponsored speakers program. C. Statson, of the law faculty of the College of William and Mary, Marshall-Wythe Law School, was the first to speak to Suffolk law students. SBA is hopeful that there will be more students in attendance for future speakers. Professor Statson spoke on Federal Anti-Trust Law. SBA has plans for attracting both national and local speakers. SBA hopes that all students will take advantage of this program as a means of increasing their personal knowledge of the law.

The social committee has done an outstanding job this year under the expert guidance of Charles Kuenlen and William Batty. SBA is looking forward to the most comprehensive and enjoyable law day celebration in the history of the law school.

In the final analysis, SBA is the law students voice. SBA reflects the needs and opinions of the law school committee. It is up to you to utilize the representative structure and contribute to the effectiveness of SBA.



**Frank Lafayette presents the Outstanding Service Award of the SBA to Judge Fenton. Looking on is President Fulham and Dean Simpson.**

## BROWN and CRONIN JOIN FACULTY

William A. Brown and Joseph D. Cronin have joined the law faculty with the rank of Assistant Professor. This brings the present number of faculty members to 45.

Professor Brown received B.S. and M.S. degrees in electrical engineering from Northeastern University. He was a *cum laude* graduate from Suffolk Law School in 1969. While at Suffolk, he was a member of the Board of Editors of the *Law Review*. Brown served as Law Clerk to the



Hon. Frank Murray, Justice, United States District Court, and is a member of the Massachusetts and Federal Bar Associations.

Professor Cronin received B.A. and M.A. degrees in philosophy from Boston College. He received his LL.B., *cum laude*, from Boston University School of Law in 1967. He served as Note Editor of the *Law Review* and received the Melville M. Bigelow Commencement Award for Scholarship. From 1967-69, he was Law Clerk to Hon. Edward M. McEntee, United States Court of Appeals for the First Circuit. Professor Cronin is a member of the Massachusetts Bar.

## FACULTY NEWS

Professor THOMAS J. CAREY, JR., was a participant in a panel discussion of the relationship of state and federal courts held at the annual meeting of the Massachusetts Bar Association. Other panelists were Attorney General Robert Quinn, Judge Francis Larkin of Boston College Law School, Jerome Fascher, Esq. and Gael Mahoney, Esq.

Professor CHARLES B. GARABEDIAN is one of the friends of the late President John F. Kennedy who was invited by the Kennedy Memorial Library to place his recollections on tapes to be preserved by the Library.

Professors CATHERINE T. JUDGE and DORIS R. POTE were the first women faculty members initiated into Phi Alpha Delta Law Fraternity International. A recent change in the national constitution permitted the induction of women members into the fraternity. They were inducted as members of the Felix Frankfurter Chapter of Suffolk University Law School.

Professor CHARLES P. KINDREGAN is the author of the section on Administration of Estates in the explanation of the Uniform Probate Code published by the Conference of Probate Court Judges. He has also authored a recent lead article for *The Catholic Lawyer*. Professor Kindregan has just been appointed to the Committee on Professional Responsibility of the Massachusetts Bar Association.

Professor RICHARD VACCO attended the Second Annual Securities Seminar presented by the Practicing Law Institute in New York City.

## JOINT STUDENT-FACULTY COMMITTEE

This committee will again serve as a forum for the students and faculty to discuss problems of mutual interest concerning the Law School. The force of the committee is persuasive, and recommendations are presented to the law faculty. Past successful recommendations include: awarding of the J.D. degree; authorization for a Law School Placement Director; and a change for a broader selection of electives.

Professor Alfred Maleson will serve as Chairman for the 1970-71 academic year. Professors William Brown, John Nolan, Richard Pizzano and Doris Pote represent the law faculty on this committee. Student committee members are: Philip Adams, secretary; Michael Cantore, Gary Casaly, Lucia Hicks, Richard Kroll and Frank Lafayette.

Regular meetings are held on the first Wednesday of each month at 3 p.m. in the faculty law library.

## LAW REVIEW

by ED FRATTAROLI

With the publication of the first issue, the *Suffolk University Law Review* will be entering its fifth year of existence. Within such a short span of time, the progress of the *Review* has far surpassed all expectations for such a young organization. The readership of the *Review* and its acceptance within the legal community has mushroomed tremendously in the past four years.

The format of this year's *Review* will be similar to the past. The Lead Articles for the first issue will cover the areas of taxation and labor relations. The two articles in the area of taxation are *Emanations of the Shift-of-Emphasis Theory—The "Improper Purposes" Doctrine Revisited: Taxpayers Rights to Challenge Special Agents Summonses of "Third Party" Bank Records* by Judith Arlene Gilbert and *A Municipal Income Tax for Boston: Discourse in Possibilities* by David M. Muchnick. The article dealing with labor law is entitled *New Developments in Union Authorization Cards and the NLRB Order to Bargain* by William B. Sullivan. As evidenced by the Titles of these articles, the *Review* seeks to cover topics of both local and national interest.

The *Review* will once again contain student material in the form of Notes and Case Comments. The First Circuit *Review* is one of the *Law Review's* newest undertakings, having its origin in the Winter issue of 1970. This massive venture has been favorably received by the legal community and has appreciably increased the reputation of the *Law Review* and the Law School. It will be the keystone of the Winter 1971 issue. The Spring 1971 issue will concentrate on ecology and the legal problems attendant to the congested environment. Finally, the *Review* will also contain a Book Review section and a Books Reviewed section. This is the general format and the prospective undertaking for the coming year.

The *Law Review* looks forward to another successful year and is happy to announce the selection of the following individuals for *Review* membership:

Stuart August	Leonard Lewin
William Cashman	Bonnie MacLeod
William Corcoran	Steven Meyer
Richard Courchesne	Bernard Ortwein
Robert Cove	Gregory Michael
Edward Cunningham	Howard Pulsifer
Howard Fisher	Michael Riselli
Peter Francese	Robert Ruddock
Alan Ettenson	Stephen Scolnick
William Gagne	Gene Sykes
Guy Haywood	Jayne Tyrrell
Walter Hiltz	Michael Ventresca
Thomas Humick	Andrea Wasserman
Steven Kaplan	Frank Zito
William Lally	

*Law Review* membership is the highest honor that can be bestowed upon a law student. *Review* membership provides the opportunity for personal development, as well as helping to promote the reputation of the Law School on a national level. Past members have achieved clerkship positions in the Federal and State Court systems, as well as gaining employment with some of the most prestigious law firms in the northeast.

## MOOT COURT



Judge Fenton congratulates Phil Grefe and Bob Luss, winners in the second annual Voluntary Moot Court Program. The final arguments were presided by the Hon. Charles A. Pomeroy, Associate Justice of the Supreme Judicial Court of Maine. Each member of the winning team received a \$250 scholarship and an engraved silver bowl.

## CLINICAL PROGRAMS

The clinical programs sponsored by the Law School are headed by Professor Wilbur Hollingsworth. The following senior day students have been certified to the Supreme Judicial Court: Philip Adams, James Berg, Ira Bezack, Penny Blanchette, Charles Chandler, Stanley Charmoy, Lawrence Chesler, Charles Cremens, William Cummings, Salvatore DiMasi, Ralph Donabed, Philip Doyle, Frederick Feely, Alan Finer, John Fisher, William Hajjar, Francis Hallissey, Melvin Lazarus, Leland Lufty, Denne Mancuso, James McGuinness, John Molyneaux, Robert Moses, Richard Murray, Edward O'Reilly, Robert Price, Michael Sawyer, Steven Schneider, Burton Tashman, John Roy, Gregory Tveekren, Michael Zager, and Joel Ziev.

Evening students who are certified in the Suffolk Voluntary Defender Program who are certified to appear in court are: Haigi Bedrosian, John Bradley, Gerald Burke, Robert D'Alvia, Nicholas DeNitto, Frederick Diamond, Helen Doona, Chester McLaughlin, Barry Snider, William St. John, Bryan Stevens, Corey Surett, Joseph Tierney, Arthur Trombly, Cynthia Workman and David Wilzig.

All students who are interested in participating in any of the clinical programs are urged to see Professor Hollingsworth.

## SUFFOLK LEGAL ASSISTANCE OFFICE

Approximately one year ago several students at Suffolk Law School became interested in the possibility that Suffolk might be able to establish a Legal Aid Clinic to provide a valuable service to both the community and the students. After speaking with other students and professors, these students decided that a need did exist for such a clinical program. Working together the students devised a plan to establish Suffolk's Legal Aid Clinic. This plan was devised after considerable research and discussion.

Early in 1970 hopes ran high that Suffolk could have its clinic in operation by the fall of 1970 as a result of the Law School's employment of a full-time Director of Clinical Programs. Professor Hollingsworth was immediately interested in the establishment of a Legal Aid Office and assisted the students in bringing the proposal before the faculty for their unanimous approval and endorsement.

In order to serve the community and to enhance the education of the law students, these students proposed that Suffolk Law School establish a Legal Aid Office. The Legal Aid Office would be called Suffolk Legal Assistance Office, SLAO. The office is patterned after similar offices operated by other Massachusetts Law Schools. The office would be under the general direction of the Director of Clinical Programs. However, the day-to-day operations of the office would be directed by a group of Student Directors with a staff of second, third and fourth year students. The office would represent only indigents in civil and criminal matters under the provisions set out in an Opinion of the Justices (289 Mass. 607, 615) and Rule 3:11 of the Supreme Judicial Court.

The student staff members, after determining the eligibility of a prospective client, would interview the client, decide if a cause of action or a need for counsel existed, and proceed in representing the client. The student staff members would be able to appear in any court in civil proceedings, and in the District Courts in criminal proceedings once certified by the Law School. The staff member would be able to negotiate, write simple contracts and wills, represent clients in domestic relations cases, and generally represent the client in all matters as a member of the Bar would.

After a great deal of work the office was ready to open this September. However, two problems remain unsolved which prevent the opening of SLAO. The office lacks adequate funding and office space. Although both funding and office space have been promised, neither has been received. As of this date, funds are available only to open the office plant and not to operate it. Office space, although promised by the City of Boston, has not yet been made available for use. However, prospects seem bright that additional funds will be available in the future and if need be, office space will be leased from the private sector in order to provide acceptable office space.

Without sufficient funds and office space the Office is now operating on a very limited basis with the assistance of Professor Hollingsworth and a Boston social agency, H.E.L.P. The first case accepted by the Office was handled by Kenneth Griffin, its Executive Director, with excellent results. The case involved a tenant being evicted for non-payment of rent from a public housing project. A settlement was reached between the housing authority and the client which prevented the eviction and allowed the tenant to pay the arrears by making small weekly installment payments. This result was somewhat surprising because the tenant had habitually failed to pay rent over the past two years and, as a result, the housing authority was reluctant to give the tenant any further chances as it had done on numerous occasions.

Students should not feel that the office will never open. It will and in the near future. There is now no reason for the office not to open sometime during the Spring term. At that time office space will be either leased from private sources or provided by the City. Funds should be available to make operations possible. The number of students participating and the amount of work handled will be determined by the amount of funds received.

## DELTA THETA PHI

The Frank L. Simpson Senate of The Delta Theta Phi Law Fraternity held its second initiation since being chartered last January. The initiation was followed by a dinner at Forty Six Beacon Street with Sheriff Charles Hedges being the guest speaker. Sheriff Hedges earlier received an honorary membership from the fraternity.

Installed as faculty advisor to the Simpson Senate was Professor Richard G. Pizzano.

The induction of twelve new brothers brought the membership of the year old student senate to sixty-one.

In receiving the Delta Theta Phi Charter, Suffolk Law has affiliated itself with the second oldest law fraternity in the country, one of the nation's largest professional fraternities, and a charter member of the Professional Interfraternity Counsel.

The National Supreme Senate of Delta Theta Phi is in the process of establishing a scholarship program of financial aid to all deserving brothers. Further, the National Senate awards a scholarship key and certificate to Brothers showing academic excellence. This award is the most prestigious scholarship award that can be received by a student of law.

In addition to the above financial aids, Delta Theta Phi has received a \$500,000 Ford Foundation Grant to be utilized in a program where student members of the fraternity work with local law enforcement agencies, providing legal services in return for a weekly stipend. To date this program is a reality in New York, Chicago, and Los Angeles. It is our student senate's objective to initiate this program in Boston, providing its brothers with valuable legal experience as well as aiding them financially.

Delta Theta Phi further concentrates on making the transition from law school to law practice as smooth and as successful as possible. One of the primary goals of the fraternity is to achieve a close, personal relationship with those who have entered practice. To achieve these goals, the National Senate offers an excellent, long established placement service.

Furthermore, the Student Senate at Suffolk Law has established a voluntary tutorial program for the Freshman Law Students. This program is the first of its kind at Suffolk and is in its experimental stages, but is consistent with the fraternity's objective of aiding Suffolk Law in any capacity of which the Student Senate is capable.



SEATED L-R PETER ALOISI, MASTER OF RITUAL  
BOB SNYDER, DEAN  
CLIFF MOY, MASTER OF EXCHEQUER  
STANDING L-R GRAY PAPPAS, CLERK OF ROLLS  
DON BALANGER, VICE-DEAN  
TOM NORTON, TRIBUNE

## PHI ALPHA DELTA

Phi Alpha Delta Law Fraternity-International, founded in 1902, is the largest legal fraternity in the world. From its very inception, it has always encouraged and promoted a high ethical standard of conduct among all of its members, a continuing education in the law for its practicing members, and scholastic attainment and professional development among its student members.

To its members it offers practical training to help bridge the gap between the academic emphasis in law school and the actual handling of clients and their problems; it affords its members an opportunity to associate with prominent members of the bench and the bar at fraternity-sponsored functions; it furnishes the young lawyer a forum in which he may become acquainted with practicing attorneys from throughout the country; and through its active chapters it gives the law student the opportunity to develop friendships which will ripen into life-long professional associations.

Probably the best statement of the purpose of Fraternity is contained in the Declaration of Purpose Clause of the National Constitution, wherein it is stated:

The purpose of this fraternity shall be to form a strong bond among the members of the different classes at the various law schools; to form a strong link between the schools and their former students; to establish a widespread exchange for the interchange of business, information, and matters of common interest to the members of the Fraternity; to promote social and intellectual intercourse among its members; to aid the development of fraternal and brotherly sentiments; to cultivate a closer bond of friendship and attainment of a higher and broader culture than that afforded by the regular college course; and to foster, under the influence of intimate friendships, those principles that lend to form a higher type of manhood.

At Suffolk Law School, the Felix Frankfurter Chapter has made many admirable strides since its founding in 1964. Beginning with a mere handful of members we have expanded to approximately ten percent of the student body. Commensurate with this growth in membership the Frankfurter Chapter has undertaken many activities which are not only designed for the benefit of its members but which offer valuable services to the law student, the law school and the profession. Speaker programs consisting of outstanding members of the legal profession have been sponsored by the chapter. Past lecture forums consisted of the Medico-Legal Symposium and the No Fault Automobile Insurance Symposium. In the spring of 1970 our chapter introduced to the student body for the first time the American Trial Lawyers Association Student Advocacy Program. This organization consisting of notable trial lawyers conducted a mock trial in tort complete with jury impanelling and summation. Time for questions was provided throughout every stage of this all day program. Tentative plans for a criminal trial demonstration are underway for the spring.

Other services provided by the Frankfurter Chapter include the first year orientation program and the exam preparation program. In the past year our members have been called upon by the Mayor's Office to act as legal observers and advisors during the recent war moratoriums. This type of cooperation with the City of Boston has not only helped our chapter's growth and popularity but has also placed members into part-time and full-time jobs with the City.

A vital function of any professional organization is recognition of those who have made outstanding achievements, and therefore, Phi Alpha Delta has its roll of honorary members. In the past the Frankfurter Chapter alone has bestowed honorary memberships upon the justices of both the Supreme Courts of Rhode Island and Vermont. The Honorable Tom C. Clark of the United States Supreme Court presided over these ceremonies which took place at Suffolk. Other honorary memberships have been conferred upon President John E. Fenton of Suffolk University and Abner Sisson, Esq., an outstanding member of the Bar and a Fellow of the American Trial Lawyers Association. Approximately ninety-five percent of the law faculty at Suffolk have received membership in PAD together with Professors Catherine Judge and Doris Pote, the first women law faculty members in the world to receive membership in accordance with a 1970 PAD constitutional amendment adopted at the National Convention held in New Orleans this past September.



**Pictured at the first initiation of woman faculty members into Phi Alpha Delta Law Fraternity International, from left to right, are: Dean Donald R. Simpson, Professor Pote, J. Michael Cantore, Felix Frankfurter Chapter Justice, Professor Judge, Judge Fenton, Chairman of the Board of Trustees.**

In addition to the many benefits available through the national office of PAD the Frankfurter Chapter now provides its own scholarship and placement program. The latter is offered through the efforts of the Boston Alumni Chapter.

Among the most outstanding benefits offered Nationally are:

1. Insurance programs — life, health and professional liability coverage.
2. Student Loans — offered interest free up to \$1,000.
3. Scholarships — 25 \$1,000 scholarships per year.
4. PAD Directory — listing all active members, their business addresses and speciality.
5. Inns of Court Program — This new program taken from the English legal education system is designed to establish and maintain high standards of ethical conduct and decorum within the profession.

These are only a few of the many outstanding benefits that membership offers the student and the lawyer.

## ENVIRONMENTAL LAW CLUB

The newest of the Law School's extra-curricular activities, the Environmental Law Club, has run into an old problem: lack of office facilities. The club grew out of informal meetings held last Spring between interested students and Professor Kindregan, and is now officially recognized by the Law School faculty.

Numbering about twenty-five, the club has thus far been able to conduct its business through one weekly meeting. This meeting proved sufficient for organizational purposes, which took most of the group's time this fall. However, the club is now in the process of conducting several out of school projects, and finding it difficult to coordinate the efforts of different members without a home base.

The club is designed to fulfill a dual purpose. First, it is conceived as an educational experience, designed to give members the tools necessary to develop a working competence in environmental law. Second, the club is committed to undertake outside school projects that deal with legal solutions to environmental problems.

Currently, the club has several such projects under way. Broken down into small groups, members are investigating legal means to abate noise at Logan Airport, writing a brief for the Attorney General's office defending recently enacted snow-mobile registration laws, working with residents of Wooster in an effort to prevent the town from making a dump out of part of a city park, and researching several small projects for the Conservation Law Foundation.

From an educational standpoint, the highlight of the fall was a two day environmental law seminar held at the Harvard Law School. Headed by three of the most effective environmental lawyers in the Eastern United States, the seminar was an intensive two day study into the practical and theoretical problems confronting the lawyer with an environmental problem. Those attending unanimously agreed that they felt the seminar gave them more expertise than most practicing Attorneys in the field of environmental law.

In elections held this fall Rick Yeiser was elected chairman, Fredda Feder librarian, and Rosalind Jordan secretary. Professors Hollingsworth and Kindregan have been named faculty advisers. According to the officers, the club would like to expand its activities second semester, but must wait to do so until office space is available.

## LAW WIVES

The Law Wives Association has been re-organized at the Law School after a two year hiatus. The first meeting of the year featured Professor John E. Fenton, Jr. Professor Fenton addressed the wives concerning the aims of the Law School and the role of a law wife in her husband's career. A general question and answer period followed Professor Fenton's presentation.

Acting officers for the Law Wives Association until elections in January are: Jill Milano, President; Anita Quinlan, Vice-President; Barbara Luss, Secretary. Meetings are held monthly and new members are cordially invited to join the Association.

## 1970 MASS. BAR RESULTS

The Board of Bar Examiners have announced that 724 applicants took the examination given on June 24 and 25, 1970. Applicants taking the examination for the first time totaled 594. Successful first time applicants passing the exam totaled 412 or approximately 69.3% passing for the first time.

The Board of Bar Examiners recommended on Tuesday, November 24, 1970 admission by the Supreme Judicial Court of Massachusetts of the following successful graduates:

Day Division: David Ankeles, Charles Artesani, Carroll Ayers, Robert Barker, David Bennett, Larry Bishins, Philip Chesley, Brian Corey, Jay Curley, Sheldon Drucker, David Dunn, Donal Dunphy, J. Michael Dunphy, Thomas Dwyer, Francis Finizia, Jeffrey Fisher, Michael Flynn, Paul Giannetti, Theodore Goguen, Robert Gorman, Norman Greenberg, Michael Hull, Paul Katz, Paul Kenny, Bruce Krasker, Richard LaFarge, Alfred Macchi, David Mahoney, Ronald Martignetti, Philip McCarthy, Terrence McCarthy, John McGarry, Donald Nasif, Thomas O'Keefe, Diane Parsons, Robert Pilicy, Kenneth Rampino, Robert Shalgian, David Shuckra, Joel Sucher, Kevin Sullivan, David Tower, Dale Townley-tilson, David Twomey, Robert Yetman and Stephen Ziedman.

Evening Division: Richard Amster, Sylvia Boyd, Robert Brophy, Fred Calatrello, Kevin Carroll, Frank Chasen, James Cradock, Raymond Dick, John DiNicolantonio, Hugh Earls, Robert Flanagan, Al Frizelle, Ronald Giunta, James Harrington, Michael Harris, Russell Karl, Joseph Lerman, David MacKay, Francis Malone, John Markunas, Mart Matthews, Ed McIntyre, James McMahon, Jerome Mendelsberg, Arthur Norton, Charles Quinn, Francis Quinn, Joseph Repetto, Andrew Rodrigues, Harvey Siegal, Thomas Sullivan, Herbert Taylor, James Theodosopoulos, Richard Troy, Norman Vernon, Ernest Vesperi, James Walsh, and Sarah Wasserman.

## JUDICIAL CLERKSHIPS

Two members of the class of 1971 have already accepted positions as law clerks for state court justices. Jerry Benezra will serve as law clerk for the Hon. Walter H. McLaughlin, Chief Justice, Massachusetts Superior Court. Thomas DeVita will clerk for the Hon. Peter Crolino and the Hon. Joseph Harrison, Justices, District Court, Passaic County, New Jersey.

Jerry Benezra graduated from the University of Massachusetts in 1967. He has been a member of the *Law Review* for two years and is currently the Case Comment Editor. Benezra hails from Long Island, New York.

Thomas DeVita is a 1968 graduate of Mount Saint Mary College in Maryland. He has been a member of *The Advocate* staff for two years and is presently serving as an Associate Editor. DeVita is a native of Patterson, New Jersey.



## JUSTICE ON THE COURT

A group of law students have fought old age, weight problems and a "no fault" system of their own to win two consecutive Suffolk University Basketball Championships. For the past two years the team has posted undefeated seasons and is aiming for a third straight undefeated season and intramural title. The tournament will be held in the spring under the able direction of Coach Charlie Law, University Athletic Director. The Law School entry is the first team to win consecutive titles in intramural basketball action.

Returning from last year's championship squad are: Phil Adams, Jack "Mad Dog" Atwood, Bob Byrne, Frank Connolly, Tom DeVita, Sal DiMasi, Harold Dupee, Paul Duserick and Vin Trantolo. New additions to the roster include: Wally "Lucky" Chambers, Jack Fitzgerald and Webb Primason. Bob Byrne is the "main man" on the team and serves as player-coach.

The play of the team has at times been "forgettable", and two team members have caught the attention of the tournament crowds. "Mad Dog" Atwood has combined the Oriental Art of Karate with his defensive talents to the dismay of the players opposing him. The referees have been aided in their decisions by referee-in-training Vin Trantolo and such aid has provided some thrilling moments on the court. It should be a very interesting season.



## CAMERON RECEIVES McDERMOTT AWARD

Lawrence L. Cameron, first Assistant District Attorney to Suffolk County District Atty. Garret H. Byrne, was the recipient of the annual Frederick T. McDermott award given by the Student Bar Association of Suffolk University Law School.

The award, named in memory of the late Suffolk Law School dean, was presented to Cameron at Suffolk's Law Day dinner on April 30.

Cameron is a member of the Board of Trustees of Suffolk University and a 1951 graduate of Suffolk Law School. Mr. Cameron was honored "for his progressive leadership as a member of the Suffolk Board of Trustees and for his distinguished service and performance in his chosen profession."



Terrence McCarthy ('70) presents Lawrence Cameron ('51) with the Frederick T. McDermott Award.

## CLASS NOTES

### CLASS OF 1930

The Hon. Paul K. Connolly was recently elevated to Associate Justice of the Massachusetts Superior Court.

Judge Walter H. McLaughlin has recently been appointed Chief Justice of the Superior Court of Massachusetts to succeed Chief Justice G. Joseph Tauro who has become Chief Justice of the Supreme Judicial Court. Judge McLaughlin is a resident of Belmont.

### CLASS OF 1939

Attorney Charles R. Desmairais has been elected to a fellowship in the American College of Trial Lawyers. Attorney Desmairais, a former Dartmouth resident, now resides in Osterville. He is a member of the firm of Desmairais, Carey, Burke and Fleming, and is the only Bristol County lawyer holding a fellowship.

Woburn Police Chief Thomas J. Maguire was selected by the Federal Bureau of Investigation to participate in a four week program of training given in the nation's capitol last summer. Chief Maguire was one of only seventeen law enforcement officials selected nation-wide. He has served on the Mass. Bar Association Committee on Criminal Law and has lectured on the subject to law groups on numerous occasions.

### CLASS OF 1940

Attorney George Indelicato has been appointed to the Board of Immigration Appeals of the Department of Justice. For ten years he has been an attorney for the Federal Trade Commission and is a former treasurer of the city of Malden.

Francis X. Martin has been named superintendent in the personal accounts department at the Boston Casualty and Surety division of Aetna Life and Casualty. He is a resident of Needham.

### CLASS OF 1941

Walter C. Gardner, a prominent New Bedford attorney, has been elected to the Board of Investment of the New Bedford Five Cents Savings Bank.

### CLASS OF 1949

Nicholas J. Vergados was recently appointed Special Counsel to the Governor. Vergados maintains law offices at 10 Kearney Square, Lowell.

Colonel Stephen T. Keefe, Jr., former assistant city solicitor of Quincy, has been named vice commander of the 94th Military Airlift Wing, New England's only Air Force Reserve Flying unit. He is a command pilot with 28 years of experience and a veteran of World War II and Korea. Colonel Keefe conducts his legal practice in Quincy where he resides.

### CLASS OF 1951

James F. Nagle of Warminster, Pa. was appointed associate general counsel for Insurance Company of North America in September. Nagle has been with INA since 1957 and has been involved in the company's legal affairs as well as management.

### CLASS OF 1955

John J. Tierney, Jr. has been named recently to supervise the Metropolitan District Commission's new Parks and Recreation Division. Mr. Tierney, a resident of Dorchester, is an attorney, a former member of the Boston City Council and the Boston School Committee, and a former Park Commissioner for the city.



#### **CLASS OF 1956**

Sidney J. Rosenthal, a Boston attorney, was elected last summer to the Board of Directors of Boston's Liberty Bank and Trust Company.

Arthur A. Paleologos of Woburn has been appointed Assistant Clerk of the Fourth District Court of Eastern Middlesex at Woburn. Mr. Paleologos is a practicing attorney formerly of Lowell.

William F. Scannell has been appointed Assistant City Solicitor in Worcester. He is a resident of Worcester and was formerly a supervisor for Travelers Insurance Co.

#### **CLASS OF 1959**

Lawrence R. Merrow of Westboro, a native of Maine, last summer announced his partnership with attorney Roger B. Leland to practice law in Worcester under the firm name of Leland and Merrow.

#### **CLASS OF 1964**

Attorney Jeremiah Luongo of Swansea has been named a public defender for Bristol, Nantucket and Dukes Counties by the Massachusetts Defenders Committee.

Leo P. McCabe has recently announced his law partnership with Richard A. Norocco. They maintain law offices at 1093 Main St., Holden, and 349 Main Street, Worcester.

#### **CLASS OF 1965**

Joseph Day, a former Middlesex County Assistant District Attorney, last summer moved his law practice to the offices of attorney Al Curran at 4 Federal St. in Woburn. Mr. Day resides in Woburn with his wife and four children.

Joel M. Pressman of Chelsea was sworn in last spring as an Assistant Attorney General for the Commonwealth.

Robert Driscoll of Winchester has been named manager of contract administration at Raytheon Company's corporate offices in Lexington. Mr. Driscoll has been with Raytheon since 1958.

#### **CLASS OF 1966**

Attorney Henry G. Barrett of Attleboro has recently been named by that city's mayor to be City Solicitor. Mr. Barrett resides in Attleboro with his wife and two children.

Gerald H. Cohen, who resides with his wife in his native town of New Haven, Connecticut, has been named assistant public defender for the New Haven Superior Court.

#### **CLASS OF 1967**

Attorney Augustus F. Wagner, Jr. was named last spring to the position of administrative assistant to Congressman Hastings Keith. Wagner works out of New Bedford and will specialize in helping district towns in their dealings with the federal government.

James X. Kenneally of Medford was appointed Assistant Attorney General of the Commonwealth in the Criminal Division last July.

David B. Gittelsohn of Roslindale was appointed an Assistant Attorney General of the Commonwealth in the Health, Education and Welfare division last spring.

Attorney James F. Huntoon has been appointed general manager of New Bedford operations for Aerovox Corp. He now resides in Mattapoisett with his wife and three children.

#### **CLASS OF 1968**

Captain John A. Odierna of Springfield, a member of the army's Judge Advocate General's Corps, was sent to Korea last May to become U. S. Foreign Claims Commissioner.

John D. Ryder of Middleboro has recently joined the law firm of attorney Robert L. Anderson. Mr. Ryder was previously employed by the National Shawmut Bank.

Alan C. Shroyer of Worcester has been named an estate planning consultant by State Mutual Life Assurance Company of America. Shroyer has worked in the estate planning division of State Mutual since 1968.

#### **CLASS OF 1969**

Arthur Thovmasian, Jr., of Cranston, Rhode Island, was appointed a special assistant to the Attorney General of Rhode Island in September of this year.

John G. Ryan of Hingham, a Boston attorney and former executive secretary of the Insurance Brokers Association of Massachusetts, has been named a special consultant to the Insurance Commissioner to help implement the no fault insurance system.

Donald P. Oulton of Natick has been appointed assistant counsel of the Quincy Shipbuilding Division, General Dynamics.

Domenic S. Terranova of Andover has joined the law firm of Joseph E. Faro in Market Square, Amesbury. Mr. Terranova is married and has three children.

Attorney David Walker of Pembroke has been appointed to fill a vacancy in that town's finance committee.

Arthur D. Serota opened his own law practice last summer at the Court Square Building in Springfield.

David I. Shorr has opened his own law practice at 24 Union Ave., Framingham. Mr. Shorr is married and has two daughters.

#### **CLASS OF 1970**

Allegra Munson was recently sworn in as a member of the Rhode Island Bar and is currently working with the law firm of Macioci and Grimm of Newport. Miss Munson is Newport's only female attorney. She lives with her mother at Harbor Court, Middletown.

Paul Joseph Killion of Cambridge is on the staff of the Bureau of Internal Securities, Justice Department, Washington, D. C.

Lawrence J. Constantine of Milford, Connecticut has recently announced the opening of his offices for general law practice at 95 Golden Hill Street, Milford, where he is associated with attorney George J. Jaser.

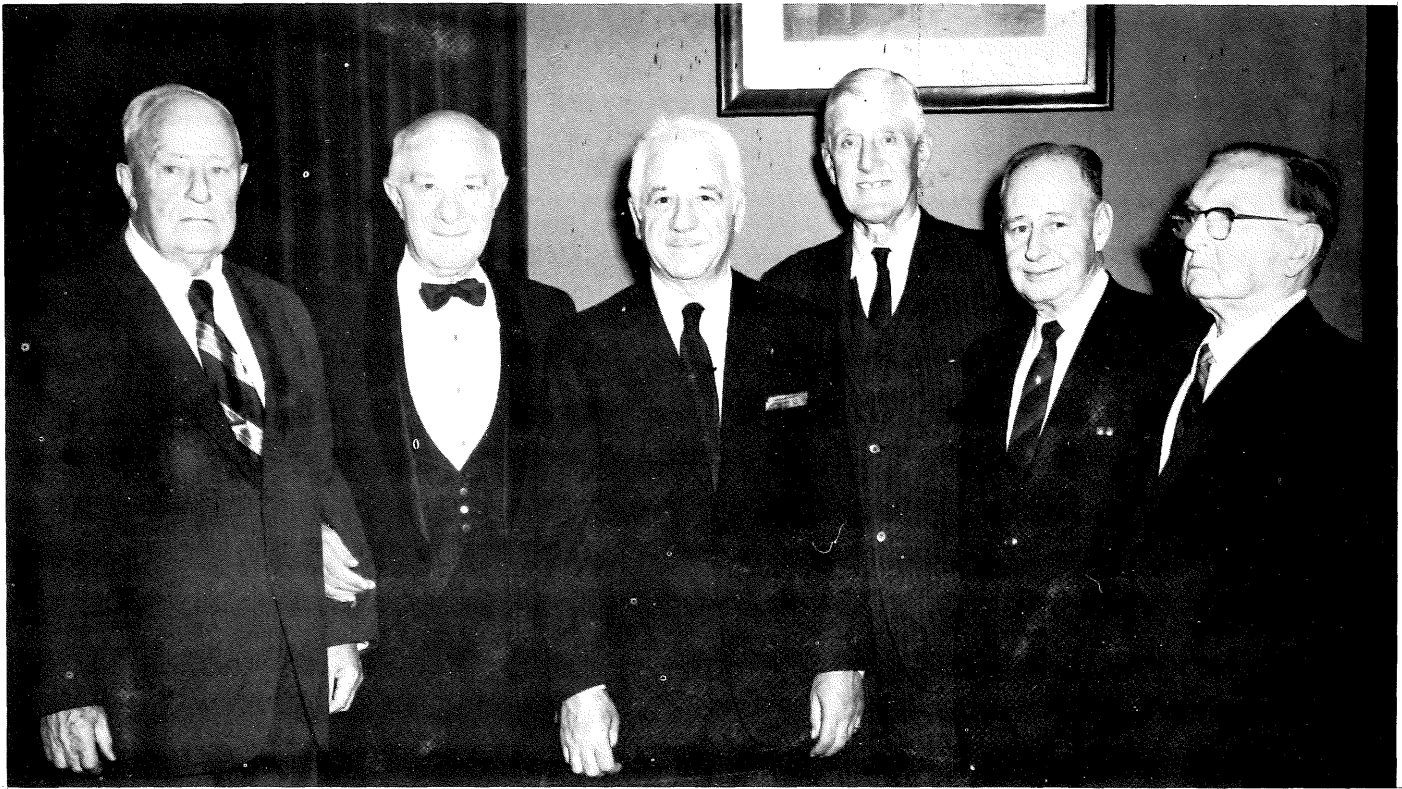
Brian Michael Gildea has joined the law firm of Celentano, Ivey and Gery in his home town of New Haven, Conn.

Peter E. Jensen has been named corporate controller for Transatron Electronic Corporation. He has had varied managerial experience over the past ten years with Raytheon, Viatron and Sylvania. Jensen lives with his wife and two children in Manchester, Mass.

Michael Thomas Hull, a native of Attleboro, has been appointed lecturer in insurance at Bryant College in Providence, Rhode Island. Hull and his wife now reside in Providence.

Stephen Kurkjian has been assigned by the Boston Globe to a special three man investigative team the purpose of which is to provide in depth reporting on the big stories of the day. Articles by the team appear under the signature of "Spotlight".

## ALUMNI DINNER



Principal Speaker at the recent Alumni Dinner held at the Parker House was retired United States Senator Leverett Saltonstall. Pictured at the dinner, left to right are: Hon. Francis Ford, Justice, Federal District Court; Hon. Elijah Adlow, Chief Justice, Boston Municipal Court;

Hon. G. Joseph Tauro, Chief Justice, Massachusetts Supreme Judicial Court; Senator Saltonstall; Hon. Walter H. McLaughlin, Chief Justice, Massachusetts Superior Court; and the Hon. Frank J. Donahue, Justice, Massachusetts Superior Court.

### We are saddened to report the death of the following alumni:

Leopold F. Quinn	'15	Ralph P. Coates	'31
F. Leslie Viccaro	'17	Jacob Rosenbloom	'31
Thomas J. Colbert	'21	Anthony F. Mobilia	'32
Robert W. S. Cox	'22	Jack Trust	'32
Harold J. Field	'25	Peter A. McMullen	'33
John Feeny	'26	Rupert Thompson Jr.	'34
Joseph F. McDonald	'26	Charles H. Nutting	'35
Thomas J. O'Connor	'26	Thomas J. Driscoll	'37
Frank J. Carroll	'27	Leo E. Coffey	'38
William A. Welch	'27	James R. Rouke	'38
Peter F. Carbone	'28	Daniel J. Griffin	'39
Frank L. Mullett	'28	Coleman G. Coyne	'40
Martin E. Sweeney	'28	Frederick E. Rome	'40
Josaphat Blain	'29	Frank A. Dwyer	'41
Omer J. Giguere	'29	James Reardon	'41
Samuel J. Rapel	'29	John A. Sullivan	'41
Maxwell H. Robinson	'29	Walter F. Gibbons	'56
Charles Savage	'29	Stanislaw Suchecki	'63
Samuel Seletsky	'29		



# Dean's Message

I am in receipt of the following policy statement issued by the Council of Legal Education and Admissions to the Bar of the American Bar Association: "The question of the effect of a law school's attendance rules and their administration upon its accreditation status and the status of its graduates is being raised with increasing frequency. Therefore, the Council considers it appropriate and desirable to issue this statement on the subject."

"The basic concern of the American Bar Association and its Council of the Section of Legal Education and Admissions to the Bar is that an approved law school conduct a program of legal education that is sound in form and in fact. The Council does not wish to interfere with or direct a law school with respect to the disposition of individual cases or its administration of its rules. It is with the substance of a law school's educational policies and program and not the form of their statement or details of their administration that the Association and its Council is concerned."

"Some fifty-four bar admitting authorities look to the American Bar Association and the Council of its Section of Legal Education and Admissions to the Bar as the recognized national accrediting agency for legal education. The rules and regulations of these jurisdictions require in one form or another a stated number of hours of instruction and a stated period of study in residence."

"The rules and regulations of the bar admitting authorities and the American Bar Association Standards and Factors for the Approval of Law Schools contemplate that students attend classes regularly. These rules further contemplate that the law school expect that its students attend regularly the classes of the courses in which they are enrolled. The consistent disapproval by the American Bar Association of correspondence legal education, and the requirement of at least 1080 hours of classroom instruction in law and of three years of resident study for the full-time student and at least four years of resident study for the part-time student all imply regular class attendance. These requirements plus the educational requirement for eligibility to take the bar examination are premised on the assumption that the successful writing of an examination is *not* enough. There is, in short, more to earning a law degree than the successful writing of law examinations. Class attendance is deemed important for its values. Any approach that makes class attendance immaterial flies in the face of this basic assumption."

"Appropriately the Standards or Factors do not specify how a law school should state that it expects its students to attend class regularly and how it should enforce this expectation. There is, for example, no requirement that attendance be taken in every session of a class. In short, the Association and its Council wish to leave to the faculty and dean of each approved school the selection of the



DEAN DONALD R. SIMPSON

means appropriate to its circumstances for securing compliance with its expectation of regular attendance. However, the Council is concerned that some appropriate means are employed and that the student body is in regular attendance at the scheduled classes. The Council would be gravely concerned, for example, if a law school's practices with respect to attendance and taking of roll were such that a substantial number of students were, in fact, not attending their scheduled classes with any regularity and were in substance engaged in a form of correspondence legal education. Furthermore, the bar admitting authorities would in these circumstances be entitled to question whether the graduates of that school should continue to be recognized as graduates of an approved school. The bar admitting authorities now properly leave to the law school faculties and administrations the determination of which students should be awarded law degrees, assuming that this trust will be faithfully discharged. To earn the continued confidence of these authorities, the law schools must discharge their assumed responsibilities."

That the Faculty are in complete accord with the foregoing statement is evidenced by Rule 6 of the Regulations of the Faculty: "Students are expected to perform all class assignments and to attend class. Failure to meet these requirements may result in exclusion from the course, probation, suspension, or dismissal."

Compliance with the foregoing policy and regulation is expected of every student in the Law School.

# NATHAN BURKAN MEMORIAL COMPETITION 1971

**T**HE American Society of Composers, Authors and Publishers (ASCAP) announces the 33rd Annual Nathan Burkan Memorial Competition

**Subject: COPYRIGHT LAW**

Awards at each participating law school

First Prize.....\$250

Second Prize.....\$100

National Awards — selected from winning papers

First Prize.....\$1500

Second Prize.....\$1000

Third Prize.....\$ 750

Fourth Prize.....\$ 500

Fifth Prize.....\$ 250

National Award papers are published by Columbia University Press in the ASCAP Copyright Law Symposium.

A Booklet containing Rules Governing the Competition, as well as references to source material, may be secured at the office of the Dean.

## WHERE ARE YOU NOW?

**Help keep our mailing list up to date.**

NAME.....

NEW ADDRESS.....

no.

street

city

state

zip

FIRM NAME.....

POSITION.....

Names of other alumni who may not be on the mailing list.

NAME.....

no.

street

city

state

zip

NAME.....

no.

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