1978

The Advocate orientation issue, 1978

Suffolk University Law School

Follow this and additional works at: https://dc.suffolk.edu/ad-mag

Recommended Citation

This Magazine is brought to you for free and open access by the Suffolk University Publications at Digital Collections @ Suffolk. It has been accepted for inclusion in The Advocate by an authorized administrator of Digital Collections @ Suffolk. For more information, please contact dct@suffolk.edu.
Orientation, Fall 1978

The Suffolk University Law School Journal

Table of Contents

Deans Message ........................................................................ 2
The Evolution of Suffolk Law School ........................................ 3
by Nina M. Wells

From the Law School

Admission Office Report ...................................................... 5

Law Placement Center

Some Thoughts on Law School ................................................ 6
From a Second Year Student
by Ronald R. Sussman

From a Professor of Law
by Prof. Charles Kindregan

The State of the Massachusetts Court System Today .................. 8
Its Present Structure
by F. Michael Kovach

The Court Reform Bill
by Herb Travers

An Introduction to Judicial Reasoning ...................................... 13
by Prof. Gerard J. Clark

Student Organizations ........................................................... 17

Student Bar Association
The Advocate
BALSA
Delta Theta Phi
Dicta
Environmental Law Society
HALSA
Law Review
Moot Court
Phi Alpha Delta
Phi Delta Phi
Suffolk Law Forum
Suffolk Women's Law Caucus
Transnational Law Journal

Clinical Programs .................................................................. 20

Voluntary Defenders
Voluntary Prosecutors
SULAB

Academic Calendar ............................................................... Inside back cover

The ADVOCATE is a publication of Suffolk University Law School. Our current circulation of 9,000 is centered in the New England area. The ADVOCATE is published three times a year: orientation, fall and spring issues. The orientation issue is distributed to law students only.

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 of faculty of Suffolk University Law School.

Guest editorials by students and faculty are welcomed by The ADVOCATE, which recognizes its obligation to publish opposing points of view. Persons desiring to submit manuscripts, to be put on the mailing list or to communicate with the staff please address all letters to: The ADVOCATE, Box 122, Suffolk University Law School, 41 Temple Street, Boston, MA 02114.

All Rights Reserved
Dean's Message

"As to the profession of the law, I must say of it in general, that it requires the whole man, and must be his north star, by which he is to direct his time, from the beginning of his undertaking, to the end of his life. It is a business of that nature, that it will not be discontinued, nor scarce endure a cessation; but he that will reap the fruit expected from it, that is, raising of an estate by the strength of that, must pursue the subject without interruption, and he must not only read and talk, but eat, drink, and sleep law."

You have undoubtedly heard it said that "The Law is a jealous mistress" and she is indeed. There is perhaps no other profession in which the demands placed upon you would be greater. At this time you will find that true dedication and much perseverance will stand you well in meeting the demands and challenges of the profession.

Today the study of law is more vital than at any other period in the history of our country. Thus it is of the utmost importance that you temper yourselves now for the demands of the future in your roles in society as members of the Bar, and administrators of justice.

The rigors of law school are but a prelude to pressures that await beyond and your law school habits of self discipline, industriousness, dedication and fairness are likely to last a lifetime.

May I again extend my wishes to you for a very successful year and leave you this thought from Lord Coke:

"The Knowledge of the law is like a deep well, out of which each man draweth according to the strength of his understanding."

David J. Sargent
Dean of the Law School

On behalf of the faculty, I extend to you a most cordial welcome to Suffolk University Law School. I sincerely hope that your commencement upon the course of the study of law will mark the beginning of a long and fulfilling career for each of you. You begin this journey at a time when the American legal profession has successfully withstood the most difficult test in its history. Members of the legal profession are the architects and administrators of our system of government. Recent events have shown the system to be sound, with the profession leading the way to correct those that chose to function outside of our constitutional government. This course of events will surely lead to a restrengthening of legal ethics for generations of lawyers to come. As a future lawyer who is about to begin law school you are one of this generation who will receive a legal education with a consciousness of the pitfalls within the profession. I ask you through your efforts and example to join with others, in order to prove this and thus regain public confidence.

As you begin this journey you will find that Law is more than a profession, it is a way of life. As Roger North stated:
The Evolution of Suffolk Law School

by Nina M. Wells and Ralph Calderaro.

Suffolk was a late-comer to the formal efforts of educating lawyers; Boston University, Harvard and Y.M.C.A. Law Schools were already in existence; nevertheless, the founder of Suffolk Law, Gleason Archer, proclaimed Suffolk as the promulgator of revolutionary ideas in legal education. Archer was committed to educating the sons of “working-class” people, yet he ironically chose not to admit women for he considered them “distractions to the men.” A historical analysis reveals that Suffolk was instituted to teach a “traditionally excluded group.” This task was to be effectuated in a very untraditional lecture-oriented manner which was new to legal educators. Thus the originator of Suffolk fought a dual battle to convince the Boston legal community that:

1. its method of teaching, so unlike the case method, had equal merit; and
2. that its students, some of whom had only a grammar school education, could effectively compete in the legal arena with what some critics described as a “double handicap.”

In spite of widespread resistance and criticism to these “new” ideas, Archer opted to continue his fight for the acceptance of Suffolk Law. Archer’s first success was manifested by the acceptance of the law school by the Massachusetts Legislature in 1914. In that year the charter was granted, thereby making Suffolk Law a public institution with degree conferring powers. Suffolk won that fight in 1914, and in 1977 it was granted full accreditation.

Examination of Suffolk’s history reveals its origins to be at once both modest and noble. On September 19, 1906, the law school was conceived as Archer’s Evening Law School. The first class of the law school was held in a small apartment in Roxbury, owned by Gleason Archer, who also served as the only professor; the total student enrollment at that time was nine students. During the early years of Suffolk Law, there were no prerequisites to entrance except for the determination to become a lawyer. This “open admissions” concept was adopted in order to limit the obstacles confronting many students who Archer felt had been prevented systematically from acquiring an education due to social and economic pressures. Archer felt the existing law schools in the area had an elitist attitude, catering only to the “high-brow element” and unwilling to educate students from “less-privileged” backgrounds.

Although numerous indicators predicted failure for the law school, Archer proceeded to defend his cause of educating young men who were forced to work for a living during the day and study law at night. Archer’s efforts were spurred on by the encouraging news that two of his students passed the Massachusetts Bar in July of 1908, only two years after the founding of the school. In July, 1911, Archer boasted that 75% of all Suffolk students who took the exam were successful (the exact numbers and figures are unknown). As a supportive measure to the students, the founder made numerous sacrifices to keep the tuition at the lowest possible level. In the first year of the school’s existence, the tuition was $45.00 per year. From that time to 1940 the annual cost increased $95.00, making the tuition in that year only $140.00. In spite of the school’s controversial nature, Suffolk continued to attract a phenomenal number of students. For this reason the law school was compelled to seek larger facilities. In 1907, the law school moved from Roxbury to 53 Tremont Street (Tremont Temple) and another expansion move was required, this time to 45 Mount Vernon Street, in 1912. A final move was made to the law school’s present site, where the Archer building was built for $1 million; and shortly thereafter in 1923 an annex, which was badly needed, was constructed. In the following year, 1924, Suffolk Law’s enrollment had soared to 2,019 students; and by 1927 Suffolk had grown to the largest law school in the world with 2,604 students. In 1931-1932 with the onset of the depression, Suffolk’s student body
decreased to 1,407. However, the law school weathered the storm and bounded back even stronger, instituting a graduate law school in 1935.

Gleason Archer found that trying to maintain a law school during two world wars and a depression was very difficult, but what was more difficult was trying to change attitudes. He found that every step of the way there was resistance to his concept of legal education and his idea of educating working men. This caused Suffolk's fundraising campaigns to be virtually fruitless. As a result, Archer had to maintain Suffolk for 40 years without the assistance of endowments or financial aid. He financed his dreams with his earnings as a private attorney and with personal loans and credits. It is not difficult to understand what motivated Archer to champion the cause of working-class people. His background, which began in a rural town near Lewiston, Maine was quite modest. Archer worked his way through Boston University undergraduate and law schools by waiting on tables, scrubbing floors and tutoring fellow law students. In reading Archer's works, one pictures him as an extremely proud person with a strong sense of personal commitment. He appears to have been a man too proud and devoted to his lifetime goals to allow anyone to defeat them. He served Suffolk unrelentingly as a professor and dean for 28 years.

It is debatable as to the underlying reason why Archer was confronted with so many barriers in creating Suffolk. Was it because of whom he was seeking to educate or his attempt to change a well established system of legal education, or was it because of his outspoken personality? Perhaps some insight into Gleason Archer's personal philosophy towards educating lawyers will explain the dilemma of Suffolk's origin. Archer was educated by the case method at Boston University and found it "a pitiful waste of human effort." He felt the case method required students to labor over cases and extract information which could be better presented in the form of clear, concise rules by a lecture. In addition to the lecture material, Suffolk students were given illustrations of how the law was applied by the courts. Archer felt that through the utilization of this method of teaching, the students could learn more law in ten minutes than students using the case method could dig for themselves in a full day of case reading. Motivated by frustration with the over-emphasis that the established law schools placed on the theoretical aspects of the law, Archer's approach emphasized the practical application of the law in the courts and in society.

Archer's defense of the common person did not end with the founding of Suffolk. In 1931, Archer presented a series of lectures pertaining to the law through a radio broadcast program; the series was entitled "Laws that Safeguard Society." The purpose of the talks were to "bring home to the hearts and minds of the listeners those principles of the law that safeguard our people" in their rights to life, liberty and the pursuit of happiness." Archer saw the law as the invisible framework upon which civilization was built. He felt that "without law enforcement, civilization would collapse like a book of cards." Archer also expressed the belief that if people are to live together in an "organized societal unit" then they must be willing to surrender some of their personal freedom for the benefit of all.

When the late Gleason Archer presented a speech before the now defunct Wig and Robe Society in 1956, he summed up his accomplishments by saying he had transformed his students of law both physically and mentally. He explained that he had fulfilled his wildest dreams by educating a street laborer who later became one of the most successful lawyers in his section of the state. Archer went on to say how he made it possible for a newspaper boy to become a lawyer of the highest standing. Was this the goal which Archer originally sought to achieve? Was his fight to have poorer people become attorneys and be assimilated or was his mission to educate lawyers to work toward the equality of and equal representation under the law for all people? In that speech, Archer stated that the great mission of Suffolk Law School had abundantly been manifested and its future status rendered secure. Only time will be the judge of such a prophetic statement.

Footnotes
2. Until recently Suffolk Law School was accredited by only one of the two national accrediting agencies for Law Schools. Suffolk had the American Bar Association Accreditation but the Association of American Law Schools (AALS), which depicts the minimum standards recognized for a quality education by the foremost legal educators in the country, did not approve Suffolk until December of last year. These standards enforced by AALS are concerned with student-faculty ratio, diversity of the faculty, faculty participation in instituting policies, adequacy of the law library and equality in legal education without discrimination or segregation on the ground of race, color, religion, national origin or sex.
3. See Archer at footnote 1.
5. Gleason Archer's writings include fifteen legal text books dealing with various substantive areas of the law and five historical texts.
7. See Archer at footnote 6.
From the Law School...

Admissions Office Report

On behalf of the Law School Admissions Office I would like to extend to you my warmest greetings.

The commencement of your law school career should be a proud occasion for each of you. All of you have already invested a considerable amount of time and money in your pursuit of a legal education. For many of you this day is the culmination of years of hard work, planning and a large investment in LSDAS reports and application fees. You have survived the rigors of the keen competition for the relatively few law school seats available nationwide. I am hopeful that each of you will bring to your legal education the enthusiasm and hard work evidenced by your effort to be admitted to Suffolk University Law School.

At Suffolk over 3800 students applied for 320 places in the day division and 180 in the evening division. The students of this year’s first year class represent over 250 schools and 60 different undergraduate majors. This year’s class is composed of 42% women.

We in the admissions office are particularly proud of the diversity of the class. This diversity reflects the active recruitment effort which the admissions office undertook this past year. A total of 75 undergraduate colleges were visited in some 20 different states. For the first time student representatives traveled with the admissions staff to career days in Ithaca, New York, New York City, Washington, D.C., Atlanta, Georgia and Boston.

Marjorie A. Cellar
Director of Admission

Law Placement Center

The Placement Center is located in the Donahue Building, 41 Temple St., Room 137.

Hours of Operation: The Center is open from 8:45-4:45 Monday through Friday. In addition, at the commencement of the school year, the Director meets with representatives of the student body to discuss arrangements for evening sessions.

Services: While the Placement Center is not, strictly speaking, an employment agency, it is a center for information pertaining to job/career opportunities. The Director gathers, assembles and organizes any and all information relating to job opportunities. The office serves the entire student body of the Law School as well as the alumni. Information concerning job opportunities, whether the jobs are part-time, full-time, or summer employment, is made available to the entire Suffolk Law Family. The Center maintains sample resumes for reference and students are free to request guidance while preparing same. A sizable amount of additional bibliographical material pertaining to professional career planning is on hand in the office.

Interviews are coordinated through the Center. Although the Director encourages prospective employers to conduct on-campus interviews, he does arrange interviews, where requested, in the prospective employer’s office (there is a tendency for local firms to request interviews in their office in lieu of visiting the school). Interviews also are arranged with representatives of Government agencies, Federal, State, and local, as well as with representatives of any company interested in and with employment opportunities for law school graduates.

Notices of all job opportunities are posted on the law placement bulletin boards. The main bulletin board is located in the corridor between the Dean and Associate Dean’s office. Also, every Thursday at noon the Placement Office will hold career planning and job information sessions. Interviews by recruiters will be included in the programs.

For reasons that should appear quite obvious, information of a general nature only is given over the phone. Queries pertaining to specific job opportunities are not, as a general rule, answered via phone — unless the office personnel is absolutely certain the inquirer is a member of the Suffolk Law family. Thus, Students/alumni should not be offended when asked to identify themselves by personnel of the Placement Center.

General Comments: Students and alumni are encouraged to have a resume on file in the Placement Center.

Students and alumni who become aware of a job opportunity for which they may not be qualified or in which they have no interest are encouraged to pass on such information to the Placement Center since other students may be interested. Constructive suggestions always are welcomed by the Director.

Students desiring personal interviews with the Director or Assistant are encouraged to make appointments for the same. These personal sessions can be quite beneficial while considering and/or planning one’s future.

Students are urged to read carefully the "Resume Handout" which they received.
Some Thoughts on Law School...

From A Third Year Law Student

By Ron Sussman

“What is it like to go through the first year of Law School?” — A question every first year student wonders about — A question every second and third year student would answer differently. The following, for what it is worth, is my response:

During the first few weeks at Suffolk, having been bombarded with advice from all quarters and anxious to prove my worth, I was at best apprehensive. At worst, and possibly more accurately, I was in constant fear that the considerable work I was doing was simply not enough. Part of the indoctrination to any law school is to be fed a constant diet of such axioms as “The law is a jealous mistress” and “The contours of a library chair will become more familiar to you than those of your spouse.” Well, the propaganda certainly worked on me; and throughout the first semester, I would study many late nights, many early mornings and many times when I could not tell the difference between the two.

The condition was alleviated with the passing of the mid-term examinations. Let me be the first of many to tell you that the mid-terms do not figure significantly in your overall grade point average. Being an untested commodity, however, I could not help but feel that the exams would be at least some indication of how I was measuring up. Subsequently, I found that the mid-terms also gave me a good opportunity to review each course, make course outlines and in general be better prepared for the final examinations in the spring.

The material is thrust your way at a fast and furious pace in the second semester. Though the actual work load increased two-fold over the first semester, I felt more relaxed and confident than before. I have been told that law students and lawyers learn more pure law in their first year of law school than they do throughout their legal lives. I do not know if that is true, but I can say that I found my first year to be exciting, inspiring, frightening, invigorating, repetitive and, especially, demanding.

There are, of course, non-academic areas to be considered also at Suffolk. One could not properly leave out a discussion of sex and sustenance in any analytical description of the first year of law school. For the many unattached men and women, I have been told, even the most unattractive of their opposite sex becomes somewhat alluring after a few months’ confinement in the library. For those of you that choose to dine in the cafeteria, you will find the food, being institutional in nature, unappetizing; the seating facilities grossly inadequate; and the general ambience overcrowded. Finally, be warned that Suffolk undergraduates despise law students. Though the cause of this latter condition is undetermined, it may have something to do with the behavior of first year law students. Most of these legal freaks (clutching a briefcase and babbling nonsensical legal jargon) invade the cafeteria, eat, and leave in what must seem to the average layman six minutes flat.

What is it like to go through the first year of Law School? Ask yourself in May.
From a Professor of Law
by Prof. Charles P. Kindregan

To study law is to develop a way of thinking. A lawyer in America is above all a “generalist,” a man who contributes to government, to business, to the advancement of civic development. He does this by contributing in a creative way to that great living thing we call “the law.” As John W. Davis put it: “...we smooth out difficulties, we relieve stress, we correct mistakes, we take up other men’s burdens and by our efforts we make possible the peaceful life of men in a peaceful state.” To make this contribution a man or woman must first be a lawyer. I am not referring to passing a bar examination but to a mode of thinking. “Think like a lawyer,” “write as a lawyer writes,” “speak with a lawyer’s vocabulary,” professors have told their students for generations. “At least make noise like a lawyer,” more than one professor has told a student who tries to examine a reported decision as a layman would. In spite of this urging, some men and women manage to achieve a J.D. degree without ever developing a lawyer-like way of thinking. To develop the art of thinking and communicating the law I have attempted to state four goals for the law student and some techniques which I believe will assist him in developing this art.

1. You must learn to analyze fact patterns. A lawyer deals with specific fact problems. There is no legal theory or set of rules which are divorced from a specific set of facts. There are human problems for which an imperfect solution has been provided by courts. These adjudicated cases create “rules,” but the rules are never isolated from the fact patterns in which they are applied. The meaning and usefulness of these adjudicated cases for a solution to the client’s problem is for the lawyer to discover and understand. The law requires its practitioners to think in terms of facts rather than theory. This is important for the student. It means that when he reads a judicial opinion he must first understand the circumstances which gave rise to the litigation. The student who learns only a “rule of law” from a case has learned nothing. The student who studies from a “canned brief” (which stresses, and frequently mistakes, the “rules”), who studies only “outlines,” or who is unable to relate or discuss fact patterns in relation to legal theory is cutting the heart out of the case method of study. In your class notes, study notes, examination answers, term papers, briefs or memoranda, you should practice the art of building your thoughts on fact-pattern analysis. Students frequently complain about being “forced” to “spend so much time studying factual problems in old cases.” To be the best lawyer of the future a student must develop the discipline of working with rigidly limited facts. It may not seem “relevant” compared to the great social issues of the day, but only by accepting the “grind” of law school curriculum will the student develop into the effective lawyer of the future.

2. Develop in yourself the skill for analogical thinking. Relating the problem you are now considering to the similar problems which have been adjudicated is the essence of the lawyer’s act. Analogy is fundamental to the Anglo-American legal system. Through use of analogy our lawyers and judges provide both continuity in the law and the continued use of wise solutions to human problems which have developed over the years. Use of analogy is not, of course, mere technical comparing of cases; the best lawyer will make original, inventive and creative use of analogy to achieve the results he seeks. This art is one which can be developed by a student in only one way, i.e., daily, thoughtful use of analogy over a period of years in each problem which the student considers. The student who attempts to argue a case in class on the basis of disembodied rules of law or who attempts to write an examination question on the basis of abstract theories should know that he is not “thinking as a lawyer.”

3. Learn to find answers yourself. A law professor does not exist to provide answers for students. Although he may fall short of the ideal, a law professor’s presence is felt in the student’s life as one who channels the student’s skill-development in the right direction, challenges him to master the lawyer’s art, and asks the questions which stimulate legal learning. I have observed students who ask a professor questions, the answers to which could easily be ascertained from other sources. Yet these students ignore or treat as unimportant questions asked by the professor. The paradox of this is that a professor usually asks a question to stimulate some vital thought process, while his answers to student questions may only represent a single man’s view of the matter. A lawyer doesn’t have a law professor in his back room. He will have to find the answers to his client’s problems through his personal skill and diligence. The law student must begin to develop this skill. His ability to use the tools of legal research can be developed only by actual research in the library.

4. Develop the communication skills needed by the lawyer. A lawyer serves his client by written and oral communication. He advises clients, he files motions, he speaks to judges, he draws wills and trusts, he argues with internal revenue agents, he writes briefs, he negotiates with opposing counsel. A lawyer is a “word man.” The use of language in oral or written form, is basic to the daily practice of law. From the start of law school, a student should practice writing clear, precise but legally meaningful essays. He should ask others to criticize his writing. He should review his notes and papers to determine what progress, if any, he has made. He should participate in class. The experience of class recitation, in the presence of a professor and other students who have studied the same problem is invaluable. If he is not reciting, he should listen to the student who is, and mentally criticize the recitation. I have met students who think they can develop lawyer-like skills without class recitation, by private study alone. For hundreds of years, in the Inns of Court and in American law schools, public recitation and discussion have been a cornerstone of legal education. The student who believes he can bypass this experience is in error. If he practices law, there will come a time when someone is going to pay him to stand up and advance a position. Hopefully, the lawyer will have learned something of this in law school, not at his client’s expense.
The State of the Massachusetts Court System Today

Its Present Structure

By F. Michael Kovach

Most first year law students have watched television dramatizations of courtroom battles, some have read books by famous attorneys such as Bailey or Nizer, but few have actually been in a courtroom during a trial. This is a pity. The following articles are intended to encourage those who have not yet seen the wheels of justice turning, to do so before becoming emersed in the mechanics governing this turning.

The Massachusetts Legislature is constitutionally charged with creating and maintaining the court system of the Commonwealth. The highest state court is the Supreme Judicial Court, which is charged with the superintendence of all courts of inferior jurisdiction. Included in the courts of original jurisdiction are the Superior and District Court. These are the trial courts where disputes concerning facts are resolved. They are separated from the Supreme Judicial Court by an intermediate Court of Appeals, which was created in 1972.

These courts resolve questions of law, as opposed to fact, and are severely limited in their ability to alter the facts as found by the lower courts. Additionally, there are specialized courts of original jurisdiction, such as the probate and land courts, which have appeals directly to the Supreme Judicial Court.

District Courts

There are 72 district courts throughout the Commonwealth. They are courts of original jurisdiction, but they are limited in respect to the types of cases they may hear.

District courts serve as small claims courts under rules and procedures promulgated by the chief justice of the district courts. To file a case involves an initial $3 filing fee, and a statement to the clerk generally describing the problem. Actions are limited to matters involving less than $400, or situations involving motor vehicles.

District courts have concurrent, original civil jurisdiction with the Superior Court, extending to all civil actions not in excess of $4,000 plus special statutory claims. For example, jurisdiction over actions under the Uniform Reciprocal Support Act are exclusively in the district courts. District court trials are normally held without juries, but special provisions are made for six person juries in particular cases.

The criminal jurisdiction of the district courts extends to offenses committed within the respective districts, which are misdemeanors, except libel, or felonies punishable by less than five years in state prison. Persons sentenced to more than six months in prison by a district court have a right of appeal or trial de novo to the Superior Court. District courts may conduct pretrial hearings to determine the existence of probable cause to bind over for trial in Superior Court those persons "who appear to be guilty." They may also set bail, as may justices of the peace appointed by the Governor.

Full-time district court judges may not engage in the practice of law, but must devote normal business hours to the duties of a judge. Salaries are $30,168 plus expenses, except for the chief justices of the district court and the Boston Municipal Court, who each receive $31,168 plus expenses. The cost of the district courts is borne by the counties, though the Commonwealth does pay for the salary of the chief justice and an advisory panel called the Administrative Committee.

Few district court opinions are written or published in any reporter series. These courts primarily find facts, not law. Even verbatim transcripts of all proceedings are not available in every district court.

Superior Court:

These are the trial courts of the Commonwealth, and with few exceptions, the only courts in which jury trials are held. The organization of the Superior Courts differs greatly from that of the district courts.

The Superior Court is comprised of one chief justice who receives $37,771 plus expenses, and forty-five associate justices who each receive a salary of $36,203 plus expenses. Again, these judges may not engage in any outside practice of law. The chief justice assigns associate justices to hold court in each county at least once each year, at times and places he establishes from time to time.

The Superior Court has original jurisdiction in all civil actions except those over which another court has exclusive jurisdiction. The court's original criminal jurisdiction extends to all crimes. The Superior Court also has concurrent, original jurisdiction over cases and matters of equity.

As trial courts, Superior Courts seldom publish opinions, though these may be available through the clerk of the court. Transcripts are generally available, for a fee, through the court recorder.

Appeals Court:

In 1972, the Legislature created an intermediate appellate court to aid the Supreme Judicial Court in processing the numerous petitions received. This court consists of a chief justice who receives a salary of $39,220 plus expenses, and five associate justices who each receive $37,771 plus expenses. The Commonwealth bears the cost of these courts, and again, the justices may not maintain an outside law practice. The Appeals Court sits in Boston and at other locations determined by the Supreme Judicial Court.

Decisions of the Appeals Court are final and binding on lower courts unless review by the Supreme Judicial Court is authorized by three justices of that court, or a majority of the justices of the Appeals Court.

Recent opinions of the Appeals Court may be found in a binder series of advance sheets cited as 1977 Mass. App. Adv. Sh. page. Bound opinions may be found in West's North East Reporter System.
**Supreme Judicial Court:**
This is the highest state court, and consists of seven justices. Associate justices each receive $40,788 plus expenses, while the chief justice receives $42,236 plus expenses, paid by the Commonwealth.

The Court is charged with the general superintendence of all courts of inferior jurisdiction. Questions of law are to be heard by the court in full, four justices constituting a quorum. The Court is given broad and extensive powers regarding the inferior courts. The Court also controls petitions for admission to the bar in the Commonwealth.

All judges, including members of the Court, are nominated and appointed by the Governor with the advice and consent of the Executive Council.


**Specialized Courts:**
Perhaps the most specialized court in the Commonwealth is the Land Court, charged with the operation of the Massachusetts system of land registration, the so-called Torrens System. This court determines the ownership and boundaries of land and enters a decree which shall "bind the land and quiet the title thereto." The proceedings are in rem, operating as against the whole world. The decisions of the Land Court are filed with the Registry of Deeds for the particular county in which the land is located.

The court also has jurisdiction over cases involving local zoning laws, though its exclusivity in these matters follows a "tortured course." Suits to foreclose a taxpayer's right of redemption also fall within the jurisdiction of the Land Court.

The court itself consists of one judge and two associate judges, each receiving $36,203, plus expenses. The land court is headquartered in Boston, but may hold session in other counties as appears necessary.

Another specialized court is the Probate Court, which is charged with establishing the authenticity of wills and seeing that estates are distributed in accordance with any established will, or in an otherwise legal and proper manner. The court protects those who cannot protect themselves, i.e., minors and insane persons. It also handles so-called family matters such as divorce. As in the land court, a jury trial can be requested in Superior Court, with that court reporting the findings to the probate court.

Probate courts are paid for by the state, but organized on a county basis.

Suffolk County has three probate judges, as do most urban areas. Rural areas usually have only one probate judge. Each judge receives $31,738 plus expenses, except for the chief judges who receive $32,944 plus expenses.

Special courts also exist for cases
involving juveniles — persons less than 17 years of age. Separate juvenile courts exist in Boston, Worcester, Springfield, and Bristol County. Appeals in Superior Court may be had from delinquency findings in juvenile court, and such appeals are tried and determined de novo, as in criminal cases. These situations are not open to the general public.

Footnotes

1. MASS. GEN. LAWS ch. 218, §1
2. MASS. GEN. LAWS ch. 218, §§21-25
3. MASS. GEN. LAWS ch. 218, §19 (actions in summary process under MASS. GEN. LAWS ch. 239 and proceedings transferred under MASS. GEN. LAWS ch. 211, §4A)
5. MASS. GEN. LAWS ch. 218, §26
6. MASS. GEN. LAWS ch. 218, §31
8. MASS. GEN. LAWS ch. 212
9. MASS. GEN. LAWS ch. 212, §4
10. MASS. GEN. LAWS ch. 212, §6
11. MASS. GEN. LAWS ch. 214, §1
12. MASS. GEN. LAWS ch. 212, §5
13. MASS. GEN. LAWS ch. 278, §18
14. MASS. GEN. LAWS ch. 211A, §1972)
15. MASS. GEN. LAWS ch. 211, §3
16. MASS. GEN. LAWS ch. 185, §1(a)
17. MASS. GEN. LAWS ch. 185, §5
19. MASS. GEN. LAWS ch. 185, §1 (b); Sullivan, supra, n. 53 at 276
20. MASS. GEN. LAWS ch. 215
21. MASS. GEN. LAWS ch. 215, §16

The Court Reform Bill

By Herb Travers

On July 12, 1978, the Massachusetts Legislature passed Chapter 478 of the Acts and Resolves of the Commonwealth of Massachusetts, entitled, An Act Providing For the Orderly Administration of Justice in the Commonwealth. The 163 page law, commonly referred to as the Court Reform Bill, is intended "to promote the orderly and effective administration of justice in the Commonwealth." The act will bring about important structural changes within the judiciary. Several of the most significant are summarized here.

First, the law will create a unified trial court system. There will be only one trial court in the Commonwealth; each of the formerly independent trial court systems will become a department of the new unified court. Thus, what were the Superior Court, the Housing Court, the Land Court, the Juvenile Court, the Boston Municipal Court, and the District Court will now become the Superior Court Department, the Housing Court Department, the Land Court Department, etc.

The Bill also creates the positions of Chief Administrative Justice of the trial court and Administrative Justice for the trial court departments. The Chief Administrative Justice, who will serve a seven year term, will be selected by the Supreme Judicial Court from a list of three nominees submitted by the justices of the trial court; he will have the power to transfer the justices within the court from one department to another as is necessary to promote judicial efficiency.

On the criminal side of the District Court Department, trials for offenses over which that court has original jurisdiction will be before a jury of six, unless the defendant waives that right and consents to a trial by the court. Every division of the District Court Department will also be authorized to hold jury of six sessions for the purposes of hearing appeals by defendants found guilty by a court of that department.

Review of such appeals may be sought from the appeals court, which is the procedure following superior court cases.

For the purposes of promoting judicial economy the judicial system will now operate on a unified budget. The responsibility for this budget will be assumed by the state. Formerly there existed 417 separate budgets within the judicial branch which were funded by the various counties.

The Reform Bill also creates the Commission on Judicial Conduct which will consist of nine members (three trial court justices, three members of the bar, and three non-bar members appointed by the Governor). The Commission is established to investigate complaints regarding the actions of any judge which may bring his judicial office into disrepute or constitute a breach of the Canons of Judicial Ethics as promulgated by the Supreme Judicial Court. The Commission is empowered to hold hearings based on its investigations and to make recommendations to the Supreme Judicial Court regarding final disposition.

The Reform Bill, of which the above is only a glimpse, will become effective at various times between the present and July 1, 1979; a copy may be obtained at the State House Bookstore.

Footnotes

1. Section 1.
2. Section 189.
3. Section 114.
4. Section 433.
An Introduction to Judicial Reasoning

By Gerard J. Clark — Professor of Law

In most of the law schools throughout the country, including Suffolk, the study of law is essentially the study of decided cases. Law schools thus attempt to imitate courts, which study decided cases to find the rule of law for cases before them. The courts, lawyers, and law students use decided cases, reasoning from them by analogy. The study and use of this process will take up a major part of your next three years; however, it is unlikely that anyone will attempt to describe the process for you. In this sense, law school is like the swimming instructor who throws his student into deep water. This essay will attempt to describe this process.

In order to describe what we mean by cases, let us distinguish civil and criminal cases. Civil cases involve essentially dispute resolution. If two individuals have a dispute over who owes money to whom as a result of a contract, they could resort to the use of force, they could decide to allow some third party to decide the question, or one could force the other to go to court to get a resolution of the question. The advantage to a judicial resolution is that the courts, as a branch of government, have the police powers at their disposal to enforce their orders.

Criminal cases arise when the law enforcement branch of government (usually the district attorney, a police officer and/or a grand jury) presents an individual to the court whom they allege has violated one of the criminal laws. This proceeding is to decide whether the person charged is guilty and if guilty, to impose proper punishment.

In all cases the court sits as a passive hearer of the facts and attempts to apply the law as it finds it to those facts. Its function is to decide cases and finally resolve them one way or the other. Further, the court issues orders which attempt to do justice to the parties and may go on to monitor the enforcement of that decree.

Bodies of Authority
The court in deciding cases, however, is not free to make its own rules. It must look to law to find out what rights of the parties are involved, and what resolution the law dictates in the situation in question. The courts most commonly look to two sources of law: legislation and common law precedent. Legislation is the rules which a legislative body (such as congress, a state legislature, or a city council) might pass. These statutes or ordinances bind the court in situations where they apply. Thus, if the legislature says that the speed limit on the Massachusetts Turnpike is 60 miles an hour and the district attorney presents to the court a situation in which an individual is guilty of driving 80 miles an hour the court is obligated to follow the legislation and find the individual guilty (unless some other fact is present in the case which the law has found sufficient to change that result, such as a jammed accelerator pedal). A great volume of law which the courts apply falls into the category of legislation. The statutes passed by the Massachusetts legislature fill over 45 volumes and federal statutes fill over 100 volumes. However, this law tends to be de-emphasized by law schools.

The second body of law is common law, a term that you will hear frequently in law school. It has no precise definition. It is the law developed in England between the twelfth and nineteenth century. When the United States was settled, the colonists generally looked to English law to help them resolve their disputes and little by little that English law was incorporated into the law of the United States. Those English cases and the American cases relying on them can generally be referred to as common law.

In common law England, people had a right to make complaints about their neighbors in court, but there was no law covering the wide variety of dispute situations which arose. The system left the development of a body of law to cover these situations to the courts themselves. They did so on a case-by-case basis. As they decided questions, the decisions that they made themselves became authority for the decision of future similar cases. This is the rule of precedent, the rule of stare decisis.

Indeed, the development of a system of precedent is not at all surprising. We all use precedent in our daily lives. If a plumber tends to be successful when he welds pipes and to fail when he threads them, he will follow his past successes on future jobs. Some of our most familiar sayings were probably developed in situations and then followed as precedents: "haste makes waste." Any person, whether official or otherwise, who hears and determines controversies between individuals or between groups of persons, will in the course of time feel the necessity of being consistent in the decision of "like" controversies. In order to be consistent, we will have to feel some criterion of "likeness" or "unlikeness" between different controversies presented for decision at different times. With respect to official decisions, these criteria of sameness when articulated become case law. The reasons official dispute settlers behave thusly are: the conservation of time and energy by settling new disputes through the application of the criteria developed in settling previous ones, the equality of treatment among claimants — an indispensable attribute of justice, the application of the wisdom of successive generations of judges, and the policy in favor of fulfilling the expectations aroused by previous decisions.

On the other hand, most lawyers would agree that a court which follows precedent strictly or blindly sometimes perpetuates legal rules or concepts that have outlived their usefulness or which need modification to adapt them to changed conditions. Adherence to precedents makes for stability in the law and also makes for resistance to needed change.

In the United States today, the decisions primarily relied upon as authority for future cases are cases decided by the
higher or appellate courts. The courts of the United States deal with over 100,000 cases each year. Most are settled or plea bargained. The rest get heard by the lower courts, usually the county district court or a municipal court. They are heard by a judge who decides the case in accordance with the law as he understands it. No appeal is taken — no opinion is written. Less than five percent of cases decided are appealed and the appellate courts write and publish opinions in some of those cases. These opinions are published, kept in law libraries and consulted by courts and lawyers and law students as the basis for making an informed judgment about what the law is for a particular fact situation.

How To Use Precedent

However, the binding effect of the case is limited to new situations which are similar with respect to the legally important facts. Essentially, making correct legal judgments about any fact situation requires the questioner to make correct judgments about the degree of similarity between the facts of the case precedent and the facts of the situation in question (either before a court or for a question on a law school examination). This judgment is arrived at by the process of reasoning by analogy.

In college most students become familiar with two kinds of reasoning: inductive and deductive. The inductive process is the process of experience and the scientific method. In this process numerous observations of empirical data are made in an attempt to find similarities. These similarities, it is hoped, will lead to some general theory or principle which will be applicable in all situations. In a general sense, the law, both legislation and case law, was probably arrived at through this process: attempting to develop rules which satisfactorily order peoples' lives in light of real world experiences.

The deductive process would be more familiar to the student of philosophy or mathematics. The deductive method is also used in the law, especially in reasoning from statutes. For instance, if a law says that all charitable corporations are tax exempt, one must look only to the question of whether a client's organization is a "charitable organization" to come up with the answer to the question of whether it is tax exempt or not. In addition, some describe legal reasoning from case law as deductive. The law is the major premise (e.g. individuals who are negligently injured have a right to their consequential damages); the facts are the minor premise (e.g. Jones was injured when Smith dropped the can of paint on his head). The result is the conclusion: Jones has a right to damages against Smith.

Analogical reasoning is a process of reasoning by comparison. One attempts to isolate the important characteristics of something known and to apply or compare those characteristics with the situation in question. Assume for instance a biologist finds a single cell animal which he has never seen. He might describe it by saying it has a soft cell wall such as the X cell; it propels itself by pseudopods such as the Y cell; it reproduces like the Z cell. He tells the reader about the cell by describing something that the reader has knowledge of to help him understand something that he does not have knowledge of. In order to have said anything meaningful about the newly discovered cell, he had to have knowledge about X, Y, and Z cells and had to make sure his comparisons were correct. Likewise, the lawyer must have knowledge of the facts of precedental cases and make sure his comparisons with the situation in question are correct.

The analogical reasoning process can be broken down into seven steps which ought to be applied to each legal issue in each case:

1. First, isolate the issue; that is, review the total fact situation in light of a general knowledge of the law covering the situation and decide which facts may tend to influence the overall result.

2. Second, research the reported cases to find precedent which appear similar to the situation in question with respect to the isolated issue.

3. Third, extract the elements of the rule of law of the precedental case; what are the law's subcategories required to trigger the doctrine of law in question.

4. Fourth, isolate the operative facts; that is, the facts of the precedental case which are deemed (or not deemed) by the court to fulfill the elements.

5. Fifth, isolate the operative facts of the situation in question which fulfill (or fail to fulfill) the elements.

6. Sixth, compare the operative facts of the precedent to the situation in question discussing the importance and the implications of similarities or dissimilarities observed.

7. Seventh, make a judgment about the degree of similarity of the precedent to the situation in question — concluding that the precedent is the controlling law for the situation in question, or that it is not.

A successful legal writer must carry this process through in narrative form. Conclusions are insufficient. The process by which the student or lawyer came to the conclusion that a given case is controlling will be closely scrutinized. In the courtroom, the adversary process tends to enlighten the court to lawyers who are claiming that nonprecedental cases are controlling. In law school, classroom discussion will focus on the rigors of the process.

The first step, isolating the legal issue in an overall fact situation, is an intuitive process. One must understand the rules of law and become familiar with what kinds of problems frequently arise in a given area. This requires diligent study of the courses offered in law school.

Many feel that it is at this stage that arbitrariness creeps into the law. It is true that the choice of issue dictates the result in the sense that the choice of the major premise dictates conclusions. It also appears true that a judge's intuitive judgment about what is the issue or what is important, is at least opened to prejudice precisely because the choice of issue is so often uncharted. Judge Frank described the choice of issue as "the exercise of a flexible discretion to a far larger extent than is acknowledged." He attacked the notion that the law is a code certain as "delusional"; that, although the layman craves a system of law that is certain, the making of the law for each case is a creative act by the court and the lawyers appearing before them.

Recently in the Pentagon Papers Case, the nine justices of the Supreme Court wrote nine separate opinions and demonstrated that each perceived the issue in the case differently from any other single justice. Notwithstanding all of this, society generates many run-of-the-mill cases where the focus is on particular facts and elements; law school and bar exams tend to be written with an eye toward testing conventional issue spotting abilities.
Consider this example: assume the criminal lawyer is representing one charged with burglary. He goes to the precedent covering burglary and finds that burglary requires (1) a forcible entry, (2) into a home, (3) at night, and (4) with intent to commit a crime. After talking to the defendant, the lawyer finds that the defendant indeed did break into a building at night with intention to commit a theft; however, the building was a rooming house. Whether a rooming house qualifies as a home is a question which might require further research and an investigation of the precedent which defines home. The legal issue then, has been isolated. It is, does a rooming house qualify as a home under the burglary law? After further questioning of the defendant, however, the lawyer may decide that there are other legal issues in the case. For instance, perhaps the defendant tells the lawyer that he was arrested three days after the burglary, taken to the police station and thrown in jail without being charged, and threatened with physical harm unless he confessed to the crime. These facts raise a second legal issue about whether the procedures of arrest and gathering of evidence were proper for the evidence to be admitted into a court. The lawyer would then follow the second step and research some of the constitutional law which surrounds the circumstances of arrest and evidence gathering. But, if the lawyer had not gone to law school, he might not have known that the forcible eliciting from a defendant is important for purposes of defending people in criminal cases.

Thirdly, the precedent that is being considered worthy of citation as authority should be read for the elements of the rule of law sought to be applied by the court. Elements are legal categories for facts, the presence or absence of which will affect the results. In the burglary example, the absence of facts to satisfy any of the four elements defeats the prosecutor's claim that a burglary has occurred.

Next, look to the facts of the precedent case, and to the facts which satisfied or failed to satisfy the elements. The court in its opinion will recite the facts and emphasize some of them for purposes of its decision. The important or operative facts will be those which the court found necessary to its conclusion. In our burglary situation, if the breaking into the home did not occur at night, it would not be called burglary but some other crime. Thus the actual time of the occurrence of the breaking is an operative fact for the purposes of burglary. Extracting the operative facts is becoming more difficult as the courts in their opinions appear to be opting for extensive and detailed fact statements.

Lawyers frequently separate that part of the opinion that discusses how the facts of the case fit into the legal elements from other matters discussed in opinion. The former may be called the court's holding, the latter dictum. Thus in reasoning from precedental cases, one must attempt to give only the weight to statements by the court which it intended. Assume that on our burglary hypothetical the court decided that a rooming house is a home for purposes of the burglary statute. The court writes an opinion which says that "home" includes any place where people sleep. In a subsequent place there is a break into a fire house at night. The fire house in question has a room with cots in it to accommodate firemen on the evening shift. The statement in the previous case about where people sleep is labeled dictum and is not strictly binding on the subsequent court. The statement that rooming houses are homes for the purposes of burglary was part of the court's holding and would bind subsequent courts.

The conventional definition is that dictum is any statement in a judicial opinion not necessary to the decision of the case actually before the court.

The question may be asked, why should any distinction be made between holding and dictum? The answer, I think, can be found in the theory of the Anglo-American judicial system that the best result will be produced through "the fire of controversy". Given adequate legal representation on both sides, the theory runs, the court will have presented to it the best possible arguments for alternative decisions on a disputed point.¹

Fifthly, look to the facts of the situation in question. Here law school differs from the lives of lawyers and courts. A major part of lawyers' and courts' time is spent ascertaining the facts. Modern litigation frequently has extensive discovery, and trials that last for months are not rare.

Finally, the degree of similarity between the precedental case and the facts of the situation in question must be evaluated. This is rarely clear cut. Given the diversity of human experience, the chances of finding precedental case which has exactly the same operative facts as the situation in question is small. Thus the lawyer, the student and the court must make judgments about the degree and the importance of the similarities and dissimilarities between precedental cases in the situation in question. With respect to the seventh step, one of the country's greatest judges, Judge Cardozo has lamented that there is yet unwritten a table or an index to measure the authority which a precedent must be given to produce a formula of justice. He characterized our system as a makeshift compromise where the truth is approximate and relevant.² Thus whether a case is sufficiently similar to control or whether it is not, is never particularly clear cut and that fact should give you some solace in the year to come when you find these judgments difficult to make. In addition, the courts sometimes rely on a number of different cases combining their authorities and trying to develop a rule to cover the situation in question. The process which we have described is far from perfect. It certainly undermines the popular notion of a known code of rules which can be mechanically applied to new cases. Thus it cannot be said that the legal process is the application of known rules to diverse facts. Yet it is a system of rules; the rules are discovered in the process in determining similarity or difference. But if attention is directed toward the finding of similarity or difference, other peculiarities appear. The problem for the law is: when will it be just to treat different cases as though they were the same? A working legal system must therefore, be willing to pick out key similarities and to reason from them to do justice of applying a common classification. The existence of some facts in common brings into play the general rule. If this is really reasoning, then by common standards, thought of in terms of a closed system, it is imperfect unless some overall rule has announced that this common and ascertainable similarity is to be decisive. But no such fixed prior rule exists. It could be sug-
suggested that reasoning is not involved at all; that is, that no new insight is arrived at through a comparison of cases. But reasoning appears to be involved; the conclusion is arrived at through a process and was not immediately apparent. It seems better to say there is reasoning, but it is imperfect.

Here is an example of the difficulties of legal reasoning from Rodell, *Woe Unto You Lawyers*, pp. 116-118. Suppose a man driving a 1969 Cadillac along the Massachusetts Turnpike in Massachusetts runs into a Ford driven by a farmer who has just turned onto the Turnpike from a dirt road. The Cadillac demolishes the Ford but does not hurt the farmer. The farmer sues and a local judge on the basis of various principles of law which are said to "control" the case awards him $2,000. A week later another man driving a 1969 Cadillac along the Massachusetts Turnpike runs into a Ford driven by another farmer who has just turned on to the highway from the same dirt road and demolishes the Ford but does not hurt the farmer. This farmer also sues. The facts as stated seem to make this case quite similar to the previous one. Will it then fall into the same group of fact situations? Will it be controlled by the same principle of law? Will the second farmer get $2,000?

The answer seems to be yes; however, it would be wise to look at the facts a little bit more closely. Human life is such that the variations in fact situations are literally infinite. Maybe one farmer had a driver's license and the other didn't. Maybe one had a young driver and the other an old one. Maybe the driver was wet and the driver wasn't. Maybe one had a woman in the car who was not talking to the woman and the other wasn't. Each of the facts stated seems somehow to be important. The lawyer or law student confronted with them would be wise to investigate precedent to see what weight the law gives to each of the variations in question. It would be quite a task if many of the variations mentioned were true. For each legal issue the seven step reasoning process must be followed. Not until each of these variations had been tracked down through legal research could one give a truly informed judgment about what the chances of recovery are nor could the court make an informed judgment on what the law is with respect to this particular situation.

**Conclusion**

Thus our system of law is by no means a set of immutable principles made applicable to each case with predictable results. Thus the most honest answer which our lawyer representing the alleged burglar could give to the question, will the court convict me of burglary, is, I don't know. The court may or may not find certain precedential cases analogous. Numerous procedural problems or evidentiary problems may intervene. All these involve the prediction of the future which the lawyer is obviously no more competent to do than most other people. Take the simple proposition that the party to a valid contract has a right to performance thereof. That seems to state a fairly simple rule of law. However, the reality of the situation is as follows: if the other party does not perform as agreed you can sue and if you have a fair lawyer and nothing goes wrong with your witnesses or the jury, and you give up four or five days of time and some 10 to 30% of the proceeds, and wait two to twenty months, you will probably get a judgment for a sum considerably less than what the performance might have been worth — which, if the other party is solvent and has not secreted his assets, you can in further due course collect with 6% interest or delay. This latter statement is really a more accurate statement of the rights of parties to a contract. In being accurate, however, it loses predictability, which is the stuff of good legal advice.

And thus having discussed the vagaries of the analogical reasoning process, it is hoped that the lack of definiteness in legal conclusions in your first year of study and thereafter will be accepted by you as an integral part of the system of precedent. Notwithstanding all of the above, many courts, judges and law professors like to pretend that we do have an immutable, definite code and a "correct" application of law. The language of that writing, indeed a large part of the language of the law, is the comparison of the facts of the situation question with the facts of the precedential case. To some extent, therefore whether the analogical reasoning process is a useful tool in developing correct conclusions is beside the point; it is clearly the tool used by the courts and the profession as a whole and thus must be mastered by you if your law school endeavors and your later career are to be successful.

**Footnotes**

2. See generally, E. LEVI, AN INTRODUCTION TO LEGAL REASONING (1948); LLEWELLYN, THE BRAMBLE BUSH (1951) pp. 60-65.
6. F. RODELL, WOE UNTO YOU LAWYERS, pp. 111-117.
Student Bar Association

All Suffolk Law students are members of the SBA. Affiliated with the Law Student Division of the American Bar Association, the organization is chartered by the Dean and the faculty; this official support allows the Association's officers, including the President (elected by the Day Division) and the Chairman (elected by the Evening Division) to function as leaders of the student body. The officers are assisted by the representatives of each academic section.

In past years, the SBA has sponsored a limited number of social events. Last year's efforts included a harbor cruise, a casino night, and a Beer Blast.

This spring, Steven Kramer was elected SBA President and Janet Maloof was elected Chairman. Progress has already been made on several of the topics which Candidate Kramer promised to pursue:

- a portion of the library's main floor will be converted into a reading lounge,
- a student representative may attend faculty meetings when an issue of importance is to be discussed,
- the social program will be expanded by the addition of a Red Sox trip in September and a ski trip in January.

For further information, inquire at the SBA office in room D-309.

The Advocate

The Advocate is a semi-annual legal periodical published once in November and again in April. [It is distributed to 8,500 students, alumni, judges, and subscribers.] The Advocate's goal is to present timely, informative articles written primarily by Suffolk Law students. It is one of the few opportunities that a first year student has to gain experience in legal writing and editing. For further information, contact Joe Ippolito or Lynda Robbins in D-310.

BALSA

The Black American Law Students Association (BALSA) was instituted to specifically address the particular needs and goals of the minority law student. The goals of national BALSA are to foster and encourage professional competence; to focus upon the relationship between the Black attorney and the American legal structure; to instill in the Black attorney and law student a greater awareness of the Black community's needs; and to influence American law schools, legal fraternities and associations to make the legal system more responsive to the needs of the Black community.

Suffolk's BALSA chapter attempts to relate the academic experience of minority law students with the experiences of practicing minority attorneys. This goal is partially achieved through an annual orientation for first year minority law students featuring minority members of the legal community. BALSA also spon-
sors an Annual Legal Writing and Exam-Taking Seminar for all first year students and a Law Day recruitment program for minority undergraduates interested in pursuing a legal career.

BALSA’s office is located in room D-310.

Delta Theta Phi

The Frank Simpson Senate was initiated at Suffolk Law School in 1970 to supplement the student’s formal educational experience by providing an opportunity to participate in clinical programs and various social functions. One of the unique functions of the fraternity is its tutorial program conducted by and for the members in helping first and second year students successfully prepare for exams. Through its national organization, the fraternity offers the brothers a placement office to aid in the procurement of employment upon graduation.

Environmental Law Society

The aim of the Environmental Law Society is to give its members a familiarity with both the technical and theoretical aspects of environmental law. The Society has brought speakers to the Law School who have lectured on both environmental law and employment opportunities in the field. Another goal of the Society is to place members as interns with environmental agencies.

The Society’s office is located in room D-310.

Dicta

Funded by the Student Bar Association, Dicta is the law school’s student newspaper. Published periodically throughout the school year, Dicta performs a significant function by disseminating relevant news concerning the student body, faculty and administration along with various articles of interest to the legal community. Staff positions are open to students from each class.

For the current school year, the Editor-in-Chief of Dicta is Andy Sigal.

HALSA

The Hispanic American Law Students Association (HALSA) was founded by a small group of Spanish-speaking students in 1974. The two objectives of the group are to recruit more Latinos to law schools, especially, to Suffolk Law School and to find a way for law students with bilingual skills to serve the Latino community in Boston.

With the former objective in mind, HALSA instigated the idea of holding a Latino Law Day to attract Latinos to the six law schools in the Boston area. The first Law Day was held in November 1975 at Suffolk. Over one hundred prospective law students and members of the Hispanic community attended. The Law Day has now become an annual event.

Membership in HALSA is not limited to Hispanic students. Their office is located in room D-310.

Law Review

The Law Review is a legal periodical published four times during the school year. In addition to a private subscription consisting of 1,000 jurists and lawyers, the Suffolk Law Review is received by nearly every major law school in the United States.

Most members are selected to the Review after completion of the first year for day students and after completion of the second year for evening students. Invitations to compete are sent to those individuals who have distinguished themselves academically.

Each individual who accepts the invitation is assigned a case that has been
recently decided by the Court of Appeals for the First Circuit. The candidate will be required to write a "Case Comment" analyzing the assigned case and submit the analysis to the Law Review Editorial Board for evaluation. When all competition pieces are received, the Editorial Board will make an evaluation of each candidate's writing ability. The final step in the process is an interview, conducted by a three-member board who seek to determine the motivation of each candidate.

The Law Review staff is also responsible for contributing articles to the Review. Each staff member is required to submit at least two articles of publishable quality per year. In addition, each staff member is required to perform all the necessary functions which contribute to a final publication. It is not uncommon for a staff member to spend from 250-300 hours each semester performing Law Review work.

Finally, neither invitation nor selection to the Review is required for submitting articles to the Review for publication.

For further information, contact this year's Editor-in-Chief, Dan Gilmore. The offices of the Law Review are on the fifth floor of the Donohue Building.

Moot Court

The purpose of the Moot Court Programs is to expose students to the techniques of legal research, writing and advocacy essential to the legal profession.

Of primary concern to the incoming student will be the First Year Program, a mandatory course for new students of the day division and those of the evening division as well. Each participant in this program is provided with a fictitious trial court record involving issues of law that are unsettled or subject to controversy. The student then represents one of the litigants in an appellate trial. To do this effectively he or she must engage in extensive research. When the relevant law on the subject has been thoroughly examined and mastered, the student is required to write a legal brief, an in-depth analysis of this position. Once this assignment has been completed, the student is given an opportunity to learn the skills of oral argument by taking his client's case to the court room. Every effort is made to achieve realism in this setting with the presence of a three-judge panel and opposing counsel. New students may be assured, however, that they will be guided by members of the Legal Practice Skills teaching staff as they grapple with their moot court problems.

The Moot Court experience need not cease upon completion of the initial program. Upperclassmen may participate in the Justice Tom C. Clark Competition for which there are scholarships awarded. Outstanding students may also be selected for the National or International Moot Court Team, both of which represent Suffolk in competition against other law schools in the country.

These programs are administered by the Moot Court Board, a group composed of second and third year students. Members are selected on the basis of academic excellence and proven ability in legal writing and oral advocacy.

Serving as President of the Moot Court Board this year is Jeff Oppenheim. Their offices are located on the third floor.

Phi Delta Phi

Phi Delta Phi International Legal Fraternity is a combination honor society and social club. They offer informal lunches and receptions, with noted speakers from the local legal community. Applicants for membership are required to have a minimum grade average of 80, and first-year students may be accepted as pledges pending receipt of grades in January. For further information, contact Joe Wellington in D-310.

Phi Alpha Delta

Phi Alpha Delta offers practical training to help bridge the gap between academics and the actual handling of clients, and the opportunity to meet prominent members of the bar. Maintenance of a satisfactory scholastic standard is, however, a prerequisite for participation in the fraternity's activities.

Suffolk Law Forum

The Suffolk Law Forum is the school's distinguished speaker series and is sponsored by the Student Bar Association. The Forum invites a variety of leaders in law to address the law school in their areas of expertise. The students on the committee are engaged in scheduling, publicity, and arranging the post-lecture receptions. Programs last year featured Louis Nizer, the noted trial attorney, and Bill Bradley, candidate for the United States Senate.

The Suffolk Women's Law Caucus

Founded to further the interests of women law students at Suffolk and to foster the notion of equal rights for women and minorities, the Suffolk Women's Law Caucus is entering its seventh year. In 1977-1978 the Caucus had a four person steering committee, a regularly published newsletter, and a number of diverse projects open to both men and women.

As one of its continuing services to the Suffolk Law community, the Caucus acts as a clearinghouse for students interested in internship programs in agencies dealing with a wide range of legal matters concerning the right of women.

The Caucus also cosponsored the third local conference on women and the law at Boston University, after having hosted the first two conferences. It sends representatives to the annual National Conference On Women and the Law.

The office of the SWLC is located in room D-310. Contact Diane Graulund or Karen Alterman for further information.

Suffolk Transnational Law Journal

The Suffolk Transnational Law Journal is a law review quality publication concerned exclusively with private international law. The Journal is open to all students regardless of grades. Staff members will learn to cite-check and proofread manuscripts. Editorial assistance will be available, the goal being a writing sample you may be proud to display, and an article the Journal will be proud to publish. Contact Dave Johnson, Editor-in-Chief, in D-310 for further information.
Clinical Programs

Suffolk Voluntary Defenders

The Voluntary Defenders is the largest of the clinical programs at Suffolk University Law School. It is essentially a two year program operating under Rule 3:11 of the Supreme Judicial Court of the Commonwealth of Massachusetts. The rule provides that a senior law student, with the written approval by the Dean of his character, legal ability and training may appear without compensation on behalf of indigent defendants in criminal proceedings in any district court under certain specified supervision of a member of the bar.

Under this rule day and evening students are taken into the program the year before they become seniors. Weekly meetings are held at which time district court procedure is reviewed in great detail. Every possible plea, motion, and disposition is discussed. At the end of the second semester, those students who can be accepted into the program and meet certain qualifications are recommended to the Dean for certification so that when they become seniors they may appear in court without delay.

The senior students, having been trained the previous year as above indicated, are assigned to courts immediately after the opening of the school year. When the case of a criminal defendant is assigned to him, he has full responsibility for interview with the client, investigation, and legal research. Each student must then, before appearing in court, discuss the case in detail with his supervisor in the program.

The program is presently operating on a regular basis in the First District Court of Essex at Salem, the Municipal Court of the South Boston District, the District Court of Northern Norfolk at Dedham, and the District Court of Brockton. Representation of an indigent defendant is also provided in any other district court in Eastern Massachusetts upon request.

Prosecutor Program

Like the Voluntary Defender Program, the Prosecutor Program is essentially a two year program operating under Rule 3:11 of the Supreme Judicial Court of the Commonwealth of Massachusetts. The rule provides that a senior law student, with the written approval by the Dean of his character, legal ability and training may appear without compensation on behalf of a regular or special assistant district attorney or an assistant attorney general in criminal proceedings in any district court; and with special permission by the presiding justices in higher courts of the Commonwealth.

Under this rule day and evening students are taken into the program the year before they become seniors. Weekly meetings are held at which time district court procedure is reviewed in great detail. Every possible plea, motion, and disposition is discussed. At the end of the second semester, those students who can be accepted into the program and meet certain qualifications are recommended to the Dean for certification so that when they become seniors, they may appear in court without delay.

The senior students having been fully trained the previous year as above indicated, are assigned to district attorney offices or the attorney general’s office immediately after the opening of the school year. These students actually prosecute cases on a regular assigned basis and assist the supervising attorney in the research and preparation of trial in many other cases.

The program is presently operating on a regular basis in all of Norfolk County, Middlesex County, and in Boston Juvenile Court.

Suffolk University Legal Assistance Bureau (SULAB):

The Suffolk University Legal Assistance Bureau operates out of its own office in the cities of Beverly and Charlestown, Massachusetts. The program is staffed by third year students and a limited number of second year students who handle all phases of legal work including the trial of cases. Students in the program are taught to interview clients and witnesses, research case and statutory law, conduct factual investigations, examine and cross-examine witnesses in court, prepare and argue legal motions, and proceed with the handling of a case as an attorney would all the way through any necessary trials. Students are expected to take on the full responsibility of the case showing the necessary initiative and legal expertise for the successful completion of the case. The areas of law covered in this clinical program are: domestic relations, debt and consumer law problems, contracts (defense), torts (defense), landlord-tenant problems and administrative law. The third year students in the program receive four semester hours credit. Eligible second year students may receive two semester hours credit. All students are required to have taken a course in Evidence and Practice and Procedure, or be enrolled in such a course concurrently before their admission to the program.

Besides providing needed legal assistance to the under-privileged, Suffolk University Legal Assistance Bureau offers students an opportunity to work with the law and to make their study of law more meaningful and rewarding. Membership in the Suffolk University Legal Assistance Bureau is open to all at the Law School and is based solely on the individual merit of each student.
## Academic Calendar 1978-1979

<table>
<thead>
<tr>
<th>Date/Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 7-8, 1978 Thursday-Friday</td>
<td>First Year Orientation</td>
</tr>
<tr>
<td>September 11, 1978 Monday</td>
<td>Classes Commence</td>
</tr>
<tr>
<td>October 9, 1978 Monday</td>
<td>Columbus Day Holiday</td>
</tr>
<tr>
<td>November 22-26, 1978 Wednesday-Sunday</td>
<td>Thanksgiving Recess</td>
</tr>
<tr>
<td>December 15, 1978 Friday</td>
<td>Begins 1:00 P.M. Wednesday</td>
</tr>
<tr>
<td>January 2, 1979 Tuesday</td>
<td>Classes End</td>
</tr>
<tr>
<td>January 9, 1979 Tuesday</td>
<td>First Semester Exams Begin</td>
</tr>
<tr>
<td>January 10, 1979 Wednesday</td>
<td>First Semester Exams End</td>
</tr>
<tr>
<td>January 15, 1979 Monday</td>
<td>Day and Evening</td>
</tr>
<tr>
<td>January 17, 1979 Wednesday</td>
<td>Classes Resume — First</td>
</tr>
<tr>
<td></td>
<td>Year Day and Evening</td>
</tr>
<tr>
<td></td>
<td>Martin Luther King Day Holiday</td>
</tr>
<tr>
<td></td>
<td>Exams End</td>
</tr>
<tr>
<td>January 22, 1979 Monday</td>
<td>Spring Semester Classes Begin</td>
</tr>
<tr>
<td></td>
<td>Second and Third Year Day —</td>
</tr>
<tr>
<td></td>
<td>Second, Third and Fourth Year Evening</td>
</tr>
<tr>
<td>February 19, 1979 Monday</td>
<td>Washington’s Birthday Holiday</td>
</tr>
<tr>
<td>March 19-23, 1979 Monday-Friday</td>
<td>Spring Vacation</td>
</tr>
<tr>
<td>April 16, 1979 Monday</td>
<td>Patriot’s Day Holiday</td>
</tr>
<tr>
<td>April 27, 1979 Friday</td>
<td>Classes End: Third Year Day and</td>
</tr>
<tr>
<td></td>
<td>Fourth Year Evening</td>
</tr>
<tr>
<td>April 30, 1979 Monday</td>
<td>Exams Begin: Third Year Day and</td>
</tr>
<tr>
<td></td>
<td>Fourth Year Evening</td>
</tr>
<tr>
<td>May 11, 1979 Friday</td>
<td>Classes End: First and Second Year Day</td>
</tr>
<tr>
<td></td>
<td>First, Second and Third Year Evening</td>
</tr>
<tr>
<td>May 16, 1979 Wednesday</td>
<td>Exams Begin: First and Second Year Day</td>
</tr>
<tr>
<td></td>
<td>First, Second and Third Year Evening</td>
</tr>
<tr>
<td>May 28, 1979 Monday</td>
<td>Memorial Day Holiday</td>
</tr>
<tr>
<td>June 1, 1979 Friday</td>
<td>Exams End</td>
</tr>
<tr>
<td>June 10, 1979 Sunday</td>
<td>Commencement</td>
</tr>
</tbody>
</table>
SUFFOLK UNIVERSITY BOOKSTORE

LAW BOOKS

NEW AND USED CASEBOOKS

AND HORNBOOKS

BOUGHT AND SOLD

GILBERT OUTLINES
SMITH LAW REVIEWS
NUTSHELL SERIES
DICTIONARIES
SUPPLEMENTS — REFERENCE BOOKS

PERSONALIZED PLAQUES - PAPERWEIGHTS

GIFT ITEMS

SUFFOLK LAW SCHOOL CHAIRS

AND

CLASS RINGS

SUFFOLK UNIVERSITY BOOKSTORE

41 TEMPLE STREET — BOSTON, MASS. 02114

TELEPHONE (617) 227-4085