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April, 1991

Your Legal Career: Taking The Long View

By William A. Barton

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Are you happy with who you are as a lawyer? As a person? Are you satisfied with your working environment? Your everyday experiences as an advocate? Do you look forward to going to work? To returning home to your family at night? How is your physical and mental health?

All lawyers should ask themselves these questions. They lead to enlightening ruminations. The trouble is, you may not like the answers.

In examining their lives, lawyers should recognize that no one can have it all. Few of us can simultaneously be star advocates, efficient managers, and ideal marriage partners and parents.

This article gives the thoughts of one person only — a backwoods lawyer from Oregon who has the temerity to ask readers to identify root causes of their dissatisfaction and the audacity to suggest remedies.

Lawyers' dissatisfaction has many origins. These include (1) a perceived loss of idealism within the profession, (2) poor management practices, (3) the challenge of balancing career demands and family and recreational pursuits, (4) the inability to recognize self-inflicted stress and to develop means of controlling it, and (5) the possibility of having chosen the wrong career field altogether.

Loss of Idealism?

Being a lawyer — especially a trial lawyer — is not easy. It is a difficult, pressure-ridden job. Society generally and the profession itself define success as "winning." This exerts tremendous pressure on lawyers to prevail at all costs. The practice of law is more and more a business, with profit the bottom line. As the number of lawyers increase, competition for business increases, but the number of hours in the day stays constant. Cracking the monthly overhead nut is no fun.

Attorneys routinely are responsible for others' money, liberties, and livelihood. Ours is a world of deadlines. We must meet the expectations of judges, clients, opposing counsel, partners, and — and perhaps the most demanding of all — ourselves.

Conflict, confrontation, and angry or hurt people — clients or opponents — are part of our daily lives. In few other professions must every act be considered in light of dire consequences for a client or a possible malpractice suit.

Many enter the law in the hope of changing the world for the better. This is to be encouraged, though change is often slow, uneven, and almost imperceptible. Congested dockets, endless delays, mounds of paperwork, and discrepancies between the ideal and the reality of justice may disillusion those impatient for change.

Good Management Critical

Poor management practices are a recipe for trouble, particularly in smaller firms or solo practices. Few lawyers enjoy management, and many young lawyers are ill-prepared to assume this responsibility. Law schools teach law, not how to practice or manage a business. They do not really explain the conflict between the practical demands of paying the overhead and the ethical demands of putting a client's interests first in assessing the reasonableness of a settlement offer. There is much more to building a successful practice than buying a legal-form book and running a half-page advertise-

ment in the Yellow Pages.

However, whatever inconvenience management responsibilities impose, it is less burdensome than disorganization, ineffective office procedures, and mishandling of clients. These pitfalls can be avoided if you:

- Hire good support staff, delegate freely to competent employees, and invest in technology. A firm does not have to buy the very latest equipment on the market. By staying half a step back, it can be reasonably current at a fraction of the cost.

- Take one fewer case than you usually handle. The quality of your services will improve and so should profitability.

- Make sure, before you accept a case, that you will be paid and that, if necessary, you can advance the cost of expenses in a contingency case. Plaintiffs' lawyers often have cases that require advancing costs. The bigger the case, the larger the advance and the longer the delay between expenditures and return. If the case loses, it is doubly punishing — the lawyer loses not just the time but the costs advanced.

- Hone your settlement and negotiation skills. Too many lawyers settle the cases they should have tried and end up trying the cases they should have settled. Settlement conferences and mediation are available. It is sometimes cost-effective to explore these.

- Do it now. Procrastination is the enemy of productivity. Write a "to do" list and check your progress at the end of each day. This will help keep you on top of your cases and your management responsibilities.

- Emphasize quality in rendering professional services.

- Establish a retirement program early in your career. Failure to do so causes middle-aged lawyers to view the future with apprehension. It also makes it necessary to continue working after you could have retired.

Balancing Act

You must be willing to make the compromises necessary to ensure a well-rounded personal and professional life. Otherwise, dissatisfaction is inevitable in both areas.

Unfortunately, these compromises are always difficult. In a materialistic society that defines success by acquisition, the temptation to go for the gold is great. Lawyers who succumb to this lure almost always sacrifice family relationships. You can sidestep this trap if you:

- Put first things first. Consider what is most important to you and your family and make the choices that will ensure it comes first.

- Emphasize quality of life, not dollars. Money is a means, not an end. Strive to run your law practice — don't let it run you.

- Be yourself. In scripting your life, make sure it is yours. You do not have to live up to your father, older brother or sister, or any other paragon. There will always be others

who have more money, win more cases. You will never be at peace marching to someone else's beat.

- Select well-rounded role models. There is a tendency for lawyers to emulate "winners" without first making sure that the personal qualities of these courtroom successes are as worthy of imitation as their legal skills. There are many men and women we would all be wise to emulate who are neither lawyers nor famous or wealthy people. Legal giants can teach us advocacy skills — but don't extrapolate from success in the courtroom to success in life.

You can also limit career dissatisfactions by developing recreational pursuits that provide respite from the pressures of work. From time to time you should plan and take vacations — real vacations where you leave the work at work. Telephones and fax machines are not good vacation companions. If your firm is large enough, consider the ultimate in relaxation — a sabbatical.

Without good health, you will find it difficult to achieve either personal or professional goals. Maintain yours with a good diet and regular exercise. Have a complete annual physical. At all costs, avoid excessive alcohol and all other substance abuse. These always cause more problems than they solve.

Maintaining mental health is also important. Foster your sense of well-being by establishing satisfying personal relationships with family members and friends. Share your problems with others who really care about you. Above all, keep your sense of humor; this includes being able to laugh at yourself.

Community activity is another healthful outlet for lawyers. Participation in political, social, and civic organizations can provide a welcome change from courtroom and office pressures.

Stress Control

Some stress is inevitable — even healthy. Often it results more from our own habits of thinking and reacting than from external factors. This is stress we can control. Chronic stress, however, compromises every aspect of our lives and leads to burn-out. If we really appreciated the damage stress causes, we would begin reducing it today, right now.

Excessive stress affects people in many ways. Some — including lawyers — transfer stress into excessively aggressive behavior. Interaction with people who do this is never pleasant. They view the world as hostile and thereby justify their cynicism. They cannot disagree without being disagreeable. Lawyers who manifest stress in this way may worry that a more relaxed approach to their jobs and a more courteous approach to others will make them less effective in court. The opposite is true. They will become more likable people — and more effective advocates as well.

Some "successful" lawyers define themselves by external achievements, possessions, and status. Though productive at work, they have few friends and unhappy private lives. They may need — and should seek — professional counseling.

Regrettably, many see taking this step as a sign of weakness. Yet these same people would probably turn to a professional for help in perfecting a golf swing or a tennis stroke. A professional counselor can help identify the sources of stress — the habits and behaviors that compromise a person's best interests — and suggest ways to eradicate them.

Those who remain resistant to counseling may benefit from reading *Self-Analysis* by Karen Horney, M.D. (W.W. Norton 1942) or by learning effective relaxation techniques. These include deep breath-

ing, imagery, and meditation. Most of them can be self-taught. Other excellent information on stress can be found in the books *Work Without Stress* by Samuel H. Klarreich, Ph.D. (Brunner Mazel Publishers 1988), *Running from the Law* by Deborah Arron, M.D. (Nicke Press 1989), and a videotape accompanying brochure entitled "Stress Management for Lawyers" (Wisconsin State Bar 1990).

Wrong Career Path

Your dissatisfaction with the profession may be such that you will decide to leave it. Do so if you must, but consider these questions:

- Is there something about the practice of law that you do not like? If so, how might you change it? Do you want to improve your corner of the world? There is no profession that needs your help more than the law.

- Do you have good interpersonal skills, including listening, communicating, and negotiating skills? Do not flatter yourself. Most lawyers talk better than they listen. We all have two ears and one mouth. I wonder what that tells us.

Some lawyers who chronically complain of trouble relating to other counsel and judges are actually saying more about themselves than the people they complain about. This is called "projection" and involves transferring one's own unresolved conflicts to others. It is easy to rationalize and to blame others for self-inflicted problems.

The next time you feel misunderstood by a colleague, stop and ask yourself whether you might be partially at fault for the lack of rapport. If the answer is yes, be conciliatory instead of confrontational. Chances are your professional relationships will start to improve. Some personality problems, however, are beyond self-help. They require professional counseling — the sooner the better.

- Do you accept many demanding, contentious clients? You may not be able to pick your opponents, but you can generally choose your clients. Some clients will never be satisfied. Any short-term financial gains that appear to justify taking their cases are more than offset by the personal stress — and possible professional damage — that may result.

- Do you expect too much of yourself? Overachievers and Type A personalities gravitate to the legal profession. The compulsive qualities that permit students to excel in law school often adversely affect their mental health later in life. An exaggerated need to excel is no ally to interpersonal relationships. Counseling should help.

(Continued on Page 2)

Portraits of Excellence

The Portrait of Excellence for this issue of *The Reporter* focuses on Henry Chapter at the T. C. Williams Law School University of Richmond, Virginia, for the development of its Public Service Scholarship Auction. The scholarship encourages students to pursue public interest positions and subsequently further the Fraternity's commitment to service.

Students, local merchants and law school professors support the chapter and the event by either donating or purchasing items which are then auctioned.

Highlights of the items auctioned included a Lexis computer terminal and printer, donated by Mead Data Central; a weekend for 14 at an oceanfront beach house in Long Beach, North Carolina, donated by law school Dean Joseph Harbaugh; a Bass Fishing trip at a private stocked pond complete with boat, equipment, lunch, and beverages, donated by faculty advisor Peter Swisher; and a three month old purebred, Black Lab puppy donated by a PAD law student.

On the night of the auction, the evening began with a pre-auction social hour and pizza party for the student body followed by the auction itself. Approximately 150 law students and attorneys attended this year.

The Chapter raised over \$4,600 dollars which provided a \$2,000 stipend for two students interested in pursuing a public interest job. Those interested in such a position submit an application and selections are then made by a panel of three professors.

Other prizes included a Chesapeake Bay Moonlight Sailing trip for four people, a trip for two to a Baltimore Orioles Game including transportation, snacks and steamed crab and a day trip to Tangier Island on a private Cherokee 1-80 plane.

Chapters interested in more details on how to plan and organize a scholarship auction may write the Executive Office.

ERRATA

In the February 1991 issue of *The Reporter* the Attorney General of the State of Texas was identified as being "Don Garcia." In actuality, that important position is held by Dan Morales and *The Reporter* extends its sincere apologies.

Congressman Taylor's Office Offers Assistance in D.C.

Congressman Charles H. Taylor, Past International Justice of the Fraternity has offered the assistance of his office for chapters and Fraternity members who may be in the Washington, D.C. area who request assistance in tours of the United States Capitol, the White House, and Washington area facilities. Whenever possible, Congressman Taylor also offered to meet with groups of PAD members who may be traveling to the Nation's capital.

Members who wish assistance should write to Brother Taylor's Washington office as follows:

Hon. Charles H. Taylor, M.C.
U.S. House of Representatives
516 Cannon House Office Building
Washington, D.C. 20515

Congressman Taylor was elected in November, 1990 to represent the people of the Eleventh District of North Carolina. He previously also served as a member of the North Carolina State Senate. He served as a member of the International Executive Board of the Fraternity from 1970-1984, and served as International Justice from 1982- 1984. He had also previously served as District Justice in the Southeastern United States.

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THE INTERNATIONAL JUSTICE

A PAD NETWORK

As the world gets “smaller,” many lawyers seem to feel increasingly isolated, instead of more “plugged in.” The substantive and procedural laws change more rapidly and grow more complex in our electronic village, and the paperless society cuts down more trees every year for paper. I have often felt PAD could help find new answers.

Many members, such as former Board Member Ben Hyink of Chicago and former District Justice Marvin Moss of Florida, have urged that we try to develop a true electronic PAD NETWORK — our own little electronic village to find each other. Except for those of us in relatively large national firms or national legal clinic “chains,” there hasn’t been a truly easy way to reach out to fellow lawyers as needed. Many times I have reached out to PAD lawyers in other states for advice of referral, but the selection process is a bit haphazard as to whether I will find someone directly in the field of law I need.

Perhaps it is time for PAD to sponsor a network of professional affiliation among our members. Through the PAD NETWORK, we could get advice about local law in other jurisdictions from people who work in those fields. When we need to refer a matter to local counsel, we could find a sister or a brother who would give our client good service and work with us as co-counsel. Such a PAD NETWORK might develop into a formal panel of professional affiliations from lawyer to lawyer in various cities, countries, and practice concentrations.

We have the first building blocks for such PAD NETWORK in our membership data. Your Executive Board is now considering a proposed new Directory of all members. If we are able to increase and update our member information in publishing a new Directory, we will have a second important step. But, where do we go from there?

We would like to hear from you. Do you believe a PAD NETWORK in North and Central America and overseas would be valuable to you? If we develop a referral/affiliation program, many choices must be made. Should all members simply voluntarily enroll or should only one or a few members be enrolled for any specific field of law in any given jurisdiction? Should we rely on self designation of areas and self-description of experience and ability or should we attempt to police qualifications? Should we attempt to electronically list or connect PAD NETWORK members? Should we establish an electronic bulletin board? How would we finance such a venture?

The possibilities and the challenges are many. While I believe this may be a valuable idea to pursue, our purpose is to serve our members with the services they believe appropriate. Your International Executive Board would value your opinion. Express yourself in the survey in this *Reporter*, or simply drop us a few lines in the mail.



HOMER S. TAFT

Fraternally yours,
HOMER S. TAFT
International Justice

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Legal Career . . .

(Continued from Page 1)

• If your are in a big firm or large city, should you consider moving? The pressure of having to bill so many hours to stay on the partnership track can be crushing. Moving to a smaller firm may permit you to exert greater control over your life. Practicing at a smaller firm with a less hectic pace offers more time for family activities and leisure and cultural interest. A small-town practice is also an alternative for lawyers who are dissatisfied with their careers. Being able to walk to work — and to the courthouse — are other possible advantages.

Balance and Perspective

No one can have it all. You are never going to win all your cases or achieve success in all other areas of life. What you can do is to keep trial advocacy in perspective.

Give every case your best effort so that you can live with your losses as well as your wins. Seek balance in your life so that personal as well as professional interests may prosper. Put less emphasis on financial gain so you have time to establish regarding collegial relationships. In all you do, be a role model for young lawyers so that the profession we love will merit high regard.

Corbett Inducted Into Hall of Fame

William J. Corbett, Wormser Chapter '65 (Fordham), was inducted into the United States Department of Defense Information School “Hall of Fame” at ceremonies at Fort Benjamin Harrison, Indiana in June.

The award is given annually to alumni of the Defense Information School “who have distinguished themselves in their Public Affairs careers and have made significant contributions to their community, state or nation through professional service, public service, and civic activities.”

Brother Corbett graduated from the Army Information School in 1960 while on active duty with the United States Air Force. During 10 years of active duty and as a reservist, he received 10 military awards and citations.

Currently a government and public relations consultant in Floral Park, New York, Mr. Corbett has been a public relations advisor to the United States Information Agency for the past 10 years. USIA is an independent foreign affairs agency within the executive branch reporting to the President. USIA explains and supports U.S. foreign policy and



ALAN S. ZERKOWITZ

SHOWN ABOVE IS BROTHER ALAN S. ZERKOWITZ who is now serving as District XI Justice. A story on his appointment appeared in the February 1991 issue of *The Reporter* but space limitations did not allow the printing of his photograph.

national security interests abroad through a wide range of information programs.

Mr. Corbett, 1990 president of the International Public Relations Association, is a member of the Advisory Board of PR News, The Center For The Study of The Presidency and a member of the United Nations Communications Advisory Committee.



THOSE ATTENDING INSTALLATION of Pre-Law Chapter at the University of Virginia, February 24, 1991.



DELEGATES TO THE PAD PRE-LAW CONFERENCE HELD MARCH 2, 1991.

Pre-Law Conference Held In St. Louis

Seventy-five students from four law schools and 10 pre-law chapters, representing seven states, together with Past International Justice Jack Miller, International Advocate Joe Deems, International Historian Cliff Schechter, Associate Tribune Eric Hutson, District XI Justice Alan Zelkowitz and International Pre-Law Director Maree Blackston convened the first regional Pre-Law Leadership Training Conference in St. Louis on the weekend of March 1-3, 1991.

The conference opened with the joint initiations of Champ Clark Chapter and the pre-law chapters of the University of Central Arkansas, St. Louis and Washington Universities at Edwardsville. Bros. Deems, Hutson, Zelkowitz, Blackston, and Champ Clark Justice Bill Lohmeier presided. Over a hundred members, including Justice Nathaniel Landman of the St. Louis Alumni Chapter and guests witnessed the ceremony. The high point of which was the honorary initiation of Judge Richard P. Goldenhersh - Justice of the Illinois Appellate Court and President of the Illinois Judges Association. Past District Justice Dick Weber conveyed the greetings of the alumni and Lawson Chapter Justice Karen Massey spoke on behalf of the law student members. Following the ceremony, Stanley Kaplan Test Prep, Inc. sponsored a catered reception in honor of the initiates.

After breakfast on Saturday, Joe Deems set the tone of the conference with his State of the Fraternity Address. The group, lead by Bros. Deems, Schechter, Hutson, Zelkowitz, and Blackston then discussed recruiting, how to overcome apathy, programming and chapter organization and exchanged programming and fundraising ideas. Linda Riekes of the Professional Service Center outlined P.A.D.'s Law Related Education/Drug Education Program for the conference.

Past International Justice Jack Miller gave the conference's keynote address. The Admissions Directors from both local law schools spoke and then led tours of their schools. Stanley Kaplan and Princeton Review Test Prep companies described

their programs. Dr. Charles Fleener, St. Louis University Pre-Law Chapter faculty advisor outlined their very successful and highly profitable test prep program.

Bill Lohmeier of Champ Clark, Michelle Drury, of Sullivan Chapter, Karen Massey, of Lawson Chapter, and Christine Holiman, of Benson Chapter presented a panel discussion on what law school is really like and how P.A.D. helps.

The conference delegates then partied the night away at a pizza party at St. Louis University Pre-Law President Consie Hitchcock's home.

The organizing committee chaired by Bro. Zelkowitz with Consie Hitchcock and Tim Orr are definitely thinking about a repeat next year.

Valparaiso PAD Receives ISBA Award

Brother Allen Fore, a member of Halleck Chapter at Valparaiso University School of Law, has received the 1991 ISBA Law Student Division Public Service Award.

The Public Service Award is given annually to a law student who participates in activities that enhance professional responsibility and provide service to the public.

Fore is Treasurer of the Valparaiso Student Bar Association and for two years has edited The Forum, a law school paper that was ranked third overall in ABA competition. He also founded Valparaiso's ISBA Chapter and has been its president for three years.



MORE DELEGATES TO THE ST. LOUIS PRE-LAW CONFERENCE.

Judge Howard T. Markey Retires; Becomes Dean Of John Marshall Law School

On April 30, Judge Howard T. Markey, formerly Chief Judge of the Court of Appeals for the Federal Circuit for 18 years, retired from the Court and became Dean of the John Marshall Law School in Chicago.

Markey has the distinction of serving as a founding Chief Judge of one of the newest courts in the Judicial Branch. The Court of Appeals for the Federal Circuit was created in 1982 by the merging of the U.S. Court of Claims and the U.S. Court of Customs and Patent Appeals. The court hears appeals from the Claims Court, the Court of International Trade, the Court of Veterans Appeals, the International Trade Commission, the Merit Systems Protection Board, the Board of Contract Appeals, the Patent and Trademark Office, and certain administrative agencies.

Markey has served as a member of the Judicial Conference for some 18 years and also served as chairman or as a member of numerous Conference committees. He received a Masters Degree from John Marshall Law School in 1950 and received the school's Citation of Merit in 1972.

Dean Markey is a member of Webster Chapter at Loyola University in Chicago and is well remembered for the outstanding keynote address he presented to the 1984 International Convention in Miami, Florida.

Kastenmeier Honored By Judicial Conference

Brother Robert W. Kastenmeier, member of Ryan Chapter at the University of Wisconsin, was honored recently by the Judicial Conference of the United States upon the occasion of his resignation from Congress.

Kastenmeier headed the House Subcommittee on Courts. At the ceremonies honoring Congressman Kastenmeier it was stated: "The Judicial Conference of the United States, with great appreciation, respect, and also regret, notes the departure of the Honorable Robert W. Kastenmeier from the United States Congress, where he served as a member of the House of Representatives and, since 1969, as Chairman of the Subcommittee on Courts, Intellectual Property, and the Administration of Justice.

"In the 21 years he served as Subcommittee Chairman, Robert Kastenmeier tirelessly dedicated himself to working with members of the Federal Judiciary to improve the delivery of justice in this country. His efforts resulted in legislation affecting Federal courts in the areas of jurisdiction, organization, judicial resources, case management procedures, bankruptcy court procedures and judicial discipline . . .

PAD Day at the U.S. Supreme Court Held

Eighteen members of PAD were admitted to practice before the Supreme Court of the United States at special ceremonies held Monday, June 10, 1991. The ceremonies were a continuance of the annual PAD Day at the Supreme Court of the United States which was instituted in 1954.

The motion for admission to the bar of the Nation's highest court was made by Miss Alice O'Donnell, former Director of the Division of Inter-Judicial Affairs and Information Services, Federal Judicial Center and longtime aide to the late Associate Justice Tom C. Clark.

Preceding the ceremony, the Fraternity sponsored a reception and continental breakfast at the Court in honor of the admittees with Mrs. Eli Bizic and Mrs. Donald R. Moore serving as hostesses, and a luncheon followed at the Rayburn House Office Building. There had also been a Sunday night reception at the Quality Hotel - Capitol Hill.

Associate Justice Antonin Scalia attended the morning reception and made welcoming remarks. Speakers at both the reception and the luncheon included the new Supreme Court Clerk, PAD William Suter; International Justice Homer S. Taft and Miss O'Donnell. Chief Justice

Rehnquist extended greetings but was unable to attend.

Toastmaster at the luncheon was Eli W. Bizic, Retiring Justice of the Alumni Chapter, who was chairman of the Supreme Court Day Committee, with Scott P. Crampton as vice-chairman. Other participants in the day's programs included Robert E. Redding, Past Supreme Justice of the Fraternity, now Executive Vice President of PAD Public Service Center, and past Associate Tribune William Robertson, who made presentation of Court memorabilia, and retired Judge Donald R. Moore, Past Supreme Vice Justice who offered the invocation.

Other local PAD alumni who attended the luncheon included Lee Berger Anderson, former president of the National Association of Women Lawyers; Erin M. Weber-Anderson, Vice Justice of the Alumni Chapter; and Steven M. Greber, Marshal.

A list of those who were admitted to the Supreme Court Bar follows:

State	Admittee	City
CA	Steven Colin	Redondo Beach
DC	Karen Lee Orzechowski	Washington
GA	Deborah Cone Craytor	Atlanta
IL	Sharon L. Hunt	Chicago
IL	Thomas K. Leeper	Quincy
KY	Janie Carol McKenzie	Paintsville
MA	Michael E. Malamut	Boston
MD	Arnold D. Bruckner	Riverdale
MD	Maxine Elizabeth Krielow	Chevy Chase
NC	Teresa Leigh White	Raleigh
NY	John Constantine Jeannopoulos	New York
TX	Albert B. Greco, Jr.	Dallas
TX	Jo Ann Jay Howard*	Austin
TX	Robert Leighton Lipstet	Houston
VA	Joseph Graham Painter, Jr.	Blacksburg
WA	Matthew Llewellyn Rutt	Colfax
WV	Howard L. Yeager, Jr.	Point Pleasant

SEPARATE INDIVIDUAL ADMISSION

(on motion by his father, Edward A. DeClerck)

OK	TimothyEdward DeClerck	Enid
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*Admitted in absentia

Thurmond is Most Senior Member of U.S. Senate

Brother Strom Thurmond, Pinckney Chapter at University of South Carolina, is now the most senior member of the Senate. On January 3, he began his 37th year in Congress.

He is a ranking minority member of the Senate Judiciary Committee and has long demonstrated an interest in the operations and concerns of the Judicial Branch. He has introduced numerous significant pieces of legislation that have been enacted into law, including those that addressed increases in judgeships, bail reform, comprehensive crime control, sentencing reform, and reorganization of the bankruptcy courts.

He has reviewed more than 25 percent of the justices to serve on the Supreme Court of the United States during his tenure on the Judiciary Committee. He has considered over 500 presidential nominees for federal judgeships and senior Justice Department positions.

Thurmond, now 88, joined the Senate in 1954, when he was the first person ever elected to a major national office as a write-in candidate. He has been a member of the Judiciary Committee since 1967.

Volk is Pres. of Maritime Law Association

Brother Kenneth A. Volk, a member of Calhoun Chapter at Yale University, is presently serving as President of the Maritime Law Association of the United States. He is also a fellow of the American College of Trial Lawyers and of the American Bar Foundation.

He practices law in New York City specializing in admiralty as a senior partner with the firm of Burlingham, Underwood & Lord.

He is married to the former Joyce Geary whose father, Joseph Geary, was a well known admiralty lawyer in San Francisco. His wife is an Art Historian, having graduated from the New York Institute of Fine Arts after completing her undergraduate studies at Sarah Lawrence. She is active as a lecturer, teacher and writer. Her book, "The Architect Designers," is being published this Fall.

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PAD's In The News

Brother **Frank A. Kreidler**, member of Terrell Chapter of Florida State University and a lawyer in Lake Worth, Florida, and Commander in the Navy Reserve, Judge Advocate General's Corps, was recently selected as the President of the Palm Beach County Chapter of the Naval Reserve Association.

The Chapter is 21 years of age and its purpose is to promote the defense of the country and the interests of the Navy Department and the Navy Reserve.

Commander Kreidler continues to serve as a recruiter for the Naval Academy in all areas of Palm Beach County.

Many freshly minted law graduates seek a future in vocations other than in the practice of law. Hofstra University Law Graduate, **Dennis Klainberg**, has found such a vocation in air freight forwarding.

He writes that no other job could offer the appeal of traveling abroad, meeting international business people of all industries, communicating daily with airlines, government agencies, etc., except perhaps the law itself.

Klainberg acted as Corporate Counsel as well as Vice President Sales, is able to combine the art of salesmanship with the art of persuasion, and still make time for learning about foreign countries, domestic cottage industries, and enjoying works of art, music, drama and comedy.

He writes that with cities like Paris, London, Milan, and Zurich on his yearly itinerary, there is no end in sight to the enjoyment obtainable in his business.

Senior Judge **Joseph S. Lord III** of the U.S. District Court for the Eastern District of Pennsylvania, passed away April 23, 1991. He was a member of Robert Chapter at Temple University.

F. Reed Dickerson, a member of Watson Chapter at the University of Pittsburgh and Indiana University law professor emeritus, passed away recently at a hospital in Bloomington, Indiana.

Professor Dickerson, as a Pentagon Lawyer helped codify the country's military law in the 1950's.

Brother Dickerson went to Washington during World War II and worked for the Office of Price Administration and the office of legislative counsel of the House of Representatives before joining the Defense Department.

He was widely known as an authority on the drafting of laws.

The Honorable **Sam L. Amirante**, associate judge of the circuit court of Cook County, Illinois, and the alumnus advisor to Daniel Webster Chapter at Loyola University (Chicago) has been retained for another four year term. Judge Amirante was found "Highly Qualified for reappointment" by the Chicago Bar Association, its highest rating for a judge.

Lourdes Crespo Alicea of Guaynabo, Puerto Rico, has been nominated as a Municipal Judge in Puer-to Rico.

Edward Weintraub, a member of Benton Chapter at the University of Missouri at Kansas City, passed away recently in the State of Maryland. For 30 years he was a lawyer for the U.S. Department of Commerce and the Office of Enforcement Operations of the Criminal Division of the U.S. Justice Department in Washington. Earlier he practiced law privately in Kansas City.

He was a past president of the Young Democrats of Kansas City. He was a member of the U.N. Speakers Bureau.

M. Randall Vanet, a former president of the Kansas City Bar Association, passed away recently. Brother Vanet was a member of Benton Chapter at the University-Columbia. He was a partner in the law firm of McLaughlin and Vanet in Kansas City prior to his retirement.

Brother **Jackson L. Barwick, Jr.**, a member of Ross Chapter at the University Southern California and Vice Justice of the Palmetto Alumni Chapter, is the recipient of the Third Annual Hemphill Award.

The Hemphill Award is an annual award presented by the South Carolina Defense Trial Attorneys' Association based upon distinguished and meritorious service to the legal profession and to one who has been instrumental in developing, implementing and carrying through the objectives of the association.

Barwick is a past president of the Columbia Claims Association, the South Carolina Claims Association, the Claims Management Association of South Carolina and the South Carolinas Defense Trial Attorneys' Association. He is senior partner in the law firm of Belser, Baker, Barwick, Ravenel & Bender in Columbia, SC.

Brother **James A. Freeman, III**, a member of Lurton Chapter at Vanderbilt University School of Law, is serving as president of Litigation Management Specialists, Inc., a privately held consulting firm in Nashville, TN, which provides business clients with services relating to the prevention and handling of civil litigation as well as risk management assistance.

He is also of counsel to the law firm of Blackburn, Little, Smith & Slobey. He continues to serve as corporate secretary of Murray Ohio Manufacturing Company and as a member of the board of directors of two of its subsidiaries.

He has been a member of the National Safety Council's consumer product committee since 1987. He has written and lectured extensively for various trade and professional groups on corporate and business matters, including products liability, litigation management and risk management.



Brother **Ralph J. Ortolano, Jr.** is presently serving as a navigational officer in the merchant marine.

A member of Ford Chapter at Loyola Law School in Los Angeles, he was admitted to the State Bar in December 1988. In September of 1990 he left the Los Angeles County Public Defender's Office to sail as a navigational officer in the merchant marine, due to the severe manpower shortage caused by the activation of approximately 57 Ready Reserve Fleet vessels in support of the Persian Gulf War.

Prior to attending law school, he attended the United States Merchant Marine Academy at Kings Point, NY. It is one of the five federal military academies (the others being Army, Navy, Coast Guard, and Air Force). Just like Annapolis, one graduates with a commission as an officer and a four year B.S. degree.

It is the role of the merchant marine, coordinated by the Navy's Military Sealift Command (MSC), to ship all of the material to the scene of the conflict. Considering the peacetime U.S. Merchant Marine only has 200-300 ships, the activation of the Ready Reserve Fleet created a considerable strain on manpower resources throughout the merchant marine.

Brother Ortolano writes that he anticipates returning to criminal trial defense work by the end of the year.

(Continued on Page 8)

Electronic Access to Information In The U.S. Courts Available To The Public

Electronic public access services to federal court computers are expanding rapidly. Several innovative services have been introduced so that the public has direct access to court information without having to visit the courthouse. This work was initiated by the Federal Judicial Center's Innovations and Systems Development Division, and further development and pilot testing were undertaken by the Administrative Office's new Technology Enhancement Office, in cooperation with various circuit, district, and bankruptcy courts. The AO's Court Systems Division and Integrated Technology Division have made plans to expedite the implementation of these services in the automated federal courts over the next two years. In addition, several courts have developed electronic public access services on their own.

To date, the following services are being offered:

- **ACES** (Appellate Court Electronic Services): ACES is a dial-in electronic bulletin board for the rapid dissemination of appellate court information. This service allows public users to view and transfer electronically published slip opinions, court oral argument calendars, court rules, notices and reports, and press releases. The U.S. Court of Appeals for the Ninth Circuit (San Francisco) was the first court of appeals to offer this service (January 1989). The Fourth Circuit (Richmond, Va.) started offering the service in March 1990. A comparable electronic bulletin service, called CITE, was initiated by the Sixth Circuit (Cincinnati, Ohio) in January 1990. Plans are underway to make ACES and other electronic opinion services available in the remaining federal circuits.
- **PACER** (Public Access to Court Electronic Records): PACER allows anyone with a personal computer or word processor to dial in to a court's public access computer and retrieve information from the dockets in less than a minute. PACER can be installed in any court that has implemented one of the Integrated Case Management System (ICMS) applications for electronic docketing.

Several district courts have offered the PACER service since 1989, and in the past year, the Fourth Circuit and various bankruptcy courts have begun offering similar services. Plans are underway to make PACER available to all interested district courts and courts of appeals.

The original bankruptcy version of PACER has been well received in all pilot court's, and an enhanced version is expected to be made available for nationwide distribution during 1991. The Judicial Conference has approved a fee of \$1 per minute for the use of PACER, and the charges will be instituted soon. Persons who want to use this service must first register with the office of the appropriate clerk of court.

- **VCIS** (Bankruptcy Voice Case Information System): VCIS uses an automated voice response system to read bankruptcy case information directly from the court's database in response to Touch-Tone telephone inquiries. This service, which can be made available to any court running the ICMS BANCAP electronic docketing system, is now operating in more than 25 bankruptcy courts. At the present time, usage of VCIS is

free of charge.

In response to an increasing number of calls from court personnel and others interested in gaining direct access to court information, the AO has prepared a directory to assist courts in responding to requests for information about currently available public access services. Those interested in the availability of a service in a specific court should contact the court directly for further information. For general technical information; questions or suggestions regarding public access policies, plans, or enhancements; or copies of the directory of public access services, contact J. Michael Greenwood, Public Access Project Director, Technology Enhancement Office, Administrative Office of the U.S. Courts, Washington, D.C. 20544. Phone: (202) 633-6400.

Contacts for information about anticipated court installation schedules for specific services are as follows:

- **ACES** and other circuit-wide opinion dissemination services: Richard Seidel, Integrated Technology Division, Administrative Office of the U.S. Courts, Washington, D.C. 20544. Phone: (202) 786-6892.
- **PACER** District Court (CIVIL/CRIMINAL) and PACER Circuit Court of Appeals (NewAIMS) versions: Richard LeClerc, District Court Case Management Branch, Court Systems Division, Administrative Office of the U.S. Courts, Washington, D.C. 20544. Phone: (202) 786-6841.
- **BANCAP-PACER** and **VCIS** services: David VanDyke, Bankruptcy Court Case Management Branch, Court Systems Division, Administrative Office of the U.S. Courts, Washington, D.C. 20544. Phone: (202) 786-6741.

Counsel Seek Changes In Admissions System

By Lawrence A. Salibra II
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Mr. Salibra is senior counsel for Alcan Aluminum Corp. in Cleveland and heads the National Committee on Bar Admissions for the American Corporation Counsel Association.

Every day, corporate counsel advise their companies on matters involving the law of jurisdictions in which they have not been admitted to the bar. This is made necessary by the nature of the companies' business. As the business of corporations expands nationally and internationally, in-house counsel must respond by providing advice and representation on the law of an expanding number of jurisdictions.

The process of bar admissions in the United States has not kept pace with the nature of corporate practice, however. Admission to the bar takes place on a state-by-state basis, which presumes that practice is localized. But, to put it bluntly, very few lawyers take the condition of admission to practice in a particular state as a serious limitation on their right to provide legal services.

Most in-house counsel must violate the explicit requirements of the law in order to provide cost-effective services to their employers. In this respect, members of corporate law departments have been joined by the majority of their colleagues in the private bar, whose daily long-distance telephone bill is a telltale sign of their "malfeasance."

This widespread, but technically illegal, conduct is motivated by two important needs: to serve the interests of the client and to survive as a lawyer. It has resulted in a bar-admissions crisis that is slowly eroding the credibility of the admissions system and the effectiveness of the courts in regulating those who practice law.

Limits Seen as Irrelevant

Many lawyers with transactional practices would argue that limitations based on bar admissions have become virtually irrelevant.

Clients' needs simply are no longer localized. Lawyers routinely jet across state boundaries to participate in transactions without the slightest concern for admission restrictions. The advent of the fax machine, inexpensive long-distance telephone service and the computer virtually have eliminated the state boundary as an obstacle to multistate practice. They are rapidly having the same effect on national boundaries as well.

Unfortunately, the significance of this change has been lost on many leaders of the bar. They acknowledge the change as it applies to large companies but still harbor an unrealistic view concerning the remainder of the profession.

A trip to a local shop in the most provincial of areas will demonstrate that local economics are virtually nonexistent. Very little in the store will be indigenous to the state, and much of the merchandise will not even be of U.S. origin. Some may even have been purchased directly from foreign manufacturers.

In an age when mobility is routine and communication is instantaneous, the idea of state-by-state and even nation-by-nation admissions begins to look like an anomaly.

The country's founding fathers guarded the rights of the states because they assumed — correctly, at the time — that the interests of state populations would be best represented by local governments. Those assumptions, however, were grounded in the reality of a rural, agrarian economy. By the time of the Civil War, that reality already had been changed fundamentally.

In contemporary America, geographic proximity often plays no role. In some cases it has been replaced by technological proximity.

To complicate matters, technological proximity has been joined by economic diversification within states. For example, the interests of

residents of New York City and those of people who live upstate are often polar opposites. Common interests may be related more to issues than to location.

Circumventing the Law

With all of the changes that have taken place, why has the present admissions structure survived? The answer is that it has not.

As a practical matter, the present admissions structure has not deterred lawyers from responding to their clients' or employers' needs and engaging in a national or international practice. The most significant impact of the current system has been to encourage some creative circumventions of the law.

Some Florida firms, for example, list on their letterhead 15 or 20 lawyers, only one of whom is admitted in Florida. The multistate firm is a growing phenomenon. And the modern corporate counsel could not exist as a species of lawyer if he or she followed the letter of the law.

One might think the fact that many practitioners ignore the limitations imposed by admissions policies would raise the ire of those charged with enforcing them. It does not, because would-be enforcers recognize that the best interests of clients are being served and that an aggressive enforcement policy is likely to result in a negative public reaction.

In the vast majority of complaints asserting that a lawyer is not admitted, the complaining party is the opposing counsel, who wishes to use the complaint as a negotiating tool. In Florida, for example the unwritten policy of the Florida State Bar Association is simply to "note and file" complaints that have been made by a party other than the client.

The Florida bar recently issued a proposal designed to address the fact that there were numerous corporate counsel in the state who were not admitted, despite the association's explicit pronouncement that this constituted the unauthorized practice of law. While the bar group asserted that there was a problem of unauthorized practice, however, it was unable to cite any complaints from clients who expressed concern with inferior representation from counsel not admitted in Florida.

Procedures Sought

In the state of Michigan, admissions enforcement personnel tried to contrive a procedure that would exempt attorneys from other jurisdictions from admission restrictions by some mechanism involving notices to opposing counsel.

The state's effort was intended to provide some relief for the admissions enforcement personnel, who were being besieged with requests to enforce the unenforceable. In Michigan, it is apparently illegal for an attorney not admitted in the state to give advice on the law of another state — including one in which he or she is admitted — while in Michigan, or to give advice on Michigan law while in any other state. It is also illegal, obviously, to advise on Michigan law while in Michigan.

The Florida bar proposal was to allow in-house counsel a three-year grace period before being required to take the bar examination. Florida's position was clearly motivated by a need to find a way around the state's policy on unauthorized practice.

It was difficult to argue that the proposal would protect the client. Under its terms, they would be represented by an unlicensed lawyer for three years. If the lawyer provided competent representation during that time, there would seem to be little point in requiring him or her to take the examination afterward. If the lawyer was incompetent, then he or

she taking the exam later would do little to protect the client who had been exposed to three years of havoc.

The Florida bar argued that the three-year grace period was designed to exempt transient lawyers from the bar examination. Those who remained in Florida for more than three years were presumed to be permanent residents and would be compelled to take the examination. Many attorneys believed, however, that the rule had no relevance to the question of whether corporate clients had competent counsel.

Aside from the courts, the only other area in which the present-day admissions policy appears to have any impact is the location of one's office. When the Florida bar's proposed rule was argued before the Florida Supreme Court, the court asked whether or not it would be appropriate for a member of a corporate law department to render advice to his or her client on Florida law form and office in Georgia. The Florida bar's representative conceded that the bar would not seek to prohibit such a practice as unauthorized.

The court then asked how it could be justified to restrict the same advice simply because it is given in Florida. There was no satisfactory explanation, nor is it practical to suggest that corporate lawyers — or most lawyers, for that matter — could function if they were restricted to giving advice on only the law of the state in which they have been admitted.

Technology is already doing to the office what it has done to the notion of limited state practice. New computers, cellular telephones and inexorable movement toward electronic media rather than paper now give the attorney the ability to practice, in effect, from any geographic location.

New York vs. New Jersey

One dispute that occurred not long ago involved the bars of New Jersey and New York. The New Jersey bar had been criticized for restrictive practices, and members of the New York bar made numerous efforts to persuade the Chief Justice of the New Jersey Supreme Court to reconsider those practices. Their efforts were unsuccessful.

In retaliation, a member of the New York bar called for changes in that state's own open admissions policy. The New York State Bar Association asked the New York Court of Appeals, the state's highest court, to impose a moratorium on admissions sought by out-of-state lawyers from jurisdictions including New Jersey. New Jersey's rules, the New York lawyers claimed, had an adverse economic impact on New York lawyers, particularly those near the New Jersey border.

The Court of Appeals rejected the calls for restriction. Nonetheless, the issue made its way to the New York Legislature.

A law was proposed to deny admissions privileges by motion to members of the bars of other states, if those lawyers' own state bars would not give reciprocal rights to members of the New York bar. The proposed statute was the subject of substantial debate. The New York Court of Appeals opposed the bill. It passed, however, and was signed into law.

ACCA's Involvement

Motivated in part by the fact that in-house counsel must conduct their practices on a national level, the American Corporate Counsel Association, or ACCA, has become a leading force in attempting to update the formal bar admissions process in the United States.

ACCA, through its National Committee on Bar Admissions, has become a focal point for all segments of the bar on this issue, including private practitioners and academics. ACCA has asked the courts to assume a leadership role in changing the admissions process and help move the legal profession away from parochialism and toward the international practice of law.

Editor's Note: PAD has passed a Resolution supporting more uniformity in Bar Admissions and will be considering further action at upcoming meetings.



SHOWN ABOVE, AT THE INITIATION OF MINNESOTA CONGRESSMAN TIM PENNY; left to right, Eli Bizic, Justice of the National Capital Area Alumni Chapter; Clifford Schechter, International Historian; Congressman Penny; Annette Wencl, District XXIV Justice, and Curtis Anderson, International Proctor.

Public Interest Law

(Continued from Page 4)

in law school, you study all these cases that make the law, and you want to be part of them. Working in a private law firm, I might not get that opportunity. Here, I have the opportunity and challenge every time we take on a case."

And Robin L. Rivett, head of the firm's environmental law section, adds, "What is of overriding intrigue with PLF is that you're able to involve yourself with issues that are of extreme importance to society at large. You don't have to deal with the mundane, nor with the question of only representing the interests of select clients. Instead, you're focusing on policy issues that represent the best interests of society at large."

Over its 17-year history, the PLF has won court challenges to rent control and zoning ordinances in California and other states. The firm also has won significant legal victories that limit government's ability to "take" property. The foundation has been a major defender of Proposition 13 and has fought successfully in the courts against the use of compulsory dues for political activities.

It has been one of those dues cases that has stirred the most interest in California's legal community. In *Keller v. State Bar*, 110 S. Ct. 2228 (1990), the U.S. Supreme Court last year struck down as a First Amendment violation the bar's use of mandatory dues for political or ideological activities with which individual members disagree.

The case was a natural for the PLF because it grew out of the bar's support in 1986 of then-Chief Justice Rose Bird and two other liberal state Supreme Court members. Voters ousted all three from the high court.

The main impact of the ruling was on the bar's lobbying activities. The state Supreme Court previously had ruled the bar could not use compulsory dues on election campaigns.

Deputy Attorney General Ray Brosterhaus, now a special assistant to newly-elected Attorney Dan Lungren, boasted at the time that the U.S. high court's ruling put the bar "out of politics." But the decision by Chief Justice William H. Rehnquist was not that clear, leaving the legality of bar lobbying activities to be determined on a case-by-case basis.

The foundation contributions to the law on "taking" of property came in rapid-fire succession in 1987. The U.S. Supreme Court gave the firm two significant victories in a span of two weeks.

In *Nollan v. California Coastal Commission*, 483 U.S. 825, the high court ruled that conditioning approval of a building permit on the granting of a public easement was a taking that requires compensation. In the second case, *First Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, the justices held government must compensate property owners for takings, even if they are temporary.

Congressmen Penny Honorary Initiate

Minnesota First District Congressman Tim Penny was initiated as an Honorary Member at the annual PAD Congressional-Judicial Reception held at the Rayburn House Office Building, April 9, 1991.

Congressman Penny is serving in his fifth term in the U.S. House of Representatives. He is currently serving as Chair of the Veteran's Subcommittee on Education, Training and Employment, and oversees administration of the G.I. Bill, as well as sitting on the Agricultural Committee and Select Committee on Hunger. He Co-Chairs two groups dedicated to cutting the federal deficit: Democratic Budget Study Group, and the Truth in Budgeting Task Force.

Penny has built a reputation for professionalism, ethics, and community involvement, those characteristics which underlie the goals of Phi Alpha Delta Law Fraternity, making him a desirable candidate for honorary initiation.

Representatives of the International Executive Board attending the event included Clifford Schechter, International Historian, and Curtis Anderson, International Proctor.

To say the PLF is proud of the *Nollan* decision would be a significant understatement. In the months following the decision, it was nearly impossible to find a PLF press release that failed to trumpet the ruling.

In its 1987-88 annual report, the foundation called *Nollan* "the end of the exaction game." And the report hailed the *Nollan* and *First Church* decisions as a whole, saying, "Throughout the PLF's history, the question facing property owners has been, 'How much further can government go in restricting property use and forcing property owners to fund government programs?' Because of these PLF landmark decisions, the question now is, 'How far must the government retreat from the excessive conduct it has exhibited in the past?'"

In the late 1980s, both courts transformed from liberal bastions to conservative strongholds.

The ascension of conservative majorities gave flight to PLF's fortunes. The ideological changes on both courts, says Mr. Zumbrun, "put us in an offensive mode, rather than pure reaction and defense." The end result, he added, has been a "dramatic" increase in the PLF's caseload.

How did the firm make it through the tough years in California, when the high court was dominated by liberals?

Says Mr. Caso, "We just kept making the arguments. We just persevered."

Law Related Education And Law Enforcement

(An address given by Brother Charles J. Hynes, de Bracton Chapter, at the American Bar Association Leadership Conference January 1991)

Good evening everyone and thank you for the opportunity to speak to you about my office and our approach to Law Related Education and Law Enforcement.

What I will describe this evening is a program born of necessity because of problems which may seem unique to Brooklyn and yet in varying degree are as much of American society today; the problems of crime related drug abuse and the other twin evil — bias directed toward gender, race, religion, sexual preference or any other perceived difference.

Not unlike the London of Charles Dickens, life in Brooklyn in this century's last decade is the best of times and the worst of times. Brooklyn is known in the East as the City of Churches — Were it still a City, as it was in the 19th Century, its 2.4 million population would count it as America's sixth largest city. Its proximity to New York harbor and the scores of immigrants provided so many homes for these new arrivals that today 1/7th of all Americans can trace their roots to Brooklyn. With 96 different ethnic groups, its residents represent virtually all of the world's races, religions and nationalities.

It is an example of the American dream that Dr. Martin Luther King, Jr. foresaw for all of us: people of all races, colors and creeds living in dignity and working hard to better their lives.

But there also a tragic side to life in Brooklyn: the scourge of drugs and the desperation of poverty have spawned a level of violence among some of our residents that is shocking to the most hardened observers of the urban scene. Teenagers shoot each other to death over articles of clothing. Small children and mothers are killed in drive-by shootings. Men kill each other over parking spaces. In the last 6 months of 1990, 43 children were shot in Brooklyn — 21 are dead. With nearly 800 homicides in 1990, Brooklyn became the most violent municipality in this Country. But Brooklyn is not unique — too many of American's urban centers have similar horror stories. I think it is important to spend a few minutes discussing the causes for some of this.

During the past decade we have seen many of our most vulnerable citizens plunged into profound sorrow and despair. We have watched our National Government destroy the social justice programs of the New Frontier and the Great Society and leave a legacy of poverty and homelessness that will plague us into the 21st Century. We have witnessed a decade of crack and a decade of domestic violence. Some of the streets and public places of our major cities remind us of Calcutta.

And with this sense of poverty and despair, Americans vent their anger on other Americans. In the past three years I have had the dubious distinction of being the chief prosecutor in two of the most notorious racial cases in the Country in recent memory — the so-called Howard Beach case and the so-called Bensonhurst case. In each of these tragic incidents, an African-American youngster lost his life because of the color of his skin and because he happened to be in a neighborhood where other people thought he did not belong — as if we need a passport to travel in this country. But these two high profile cases are not unique. Every day we read examples of hate and bigotry — people attacked because they are Asian, Black or Latino, or white or because they are wearing a Yarmulke or other religious symbol or because of their sexual orientation.

We have seen still another disheartening trend that has accompanied the breakdown of family life and the proliferation of drugs: a whole generation of young men in this country are spending the best years of their lives in jail. And even more tragically, a disproportionate number of young men of color are becoming homicide victims at an early age.

The United States has the highest rate of imprisonment of any country in the world. More than the Soviet Union, and more than South Africa. Each year it is estimated that we spend \$16 billion on the federal, state and local levels for incarcerating prisoners. According to an analysis by Tom Wicker of The New York Times, almost half of this money goes to incarcerate petty criminals, and almost half of this money goes to incarcerate defendants who are African-American. Wicker wrote in his column: "Do we really want to be perhaps the most punitive society in the whole world."

My answer, is an emphatic "No." We must put a stop to the madness of locking people up as a solution to the problems of poverty and drug abuse. We must disabuse ourselves of the ridiculous idea that if we build enough jail cells we can make our streets and homes safe again. We must recognize that increased law enforcement is not the answer by itself to the social problems that have diminished the quality of our daily life. Law enforcement is the catch basin of society's failures — it can only lock up the thief after he has stolen our car or broken into our home. It cannot address his problem at home or in the school.

To fight the increase in quality of life crimes in our communities that make so many of us fearful to go out at night, or arm ourselves to the teeth, or spend elaborate sums of money on security systems, or avoid using public transportation, we must make our elected leaders and representatives understand that there is no antidote to drugs other than treatment, no cure for homelessness other than affordable housing, no answer to poverty other than meaningful jobs, and no cure for bigotry other than love and understanding through education.

As a public prosecutor I have tried to set an example for the people of my County. I have sent 100 staff members into the public and private and parochial schools in Brooklyn to adopt fifth grade classes. Our program currently exists in 58 of these schools and by the time my term is over — the program will operate in all of Brooklyn's elementary schools. My staff members are committed to ten hours each month, and they work with the children's teachers to present a curriculum of law related subjects, with an emphasis on preventing substance abuse and bias. They receive no ex-



CHARLES J. HYNES

tra pay for this assignment, only the joy of knowing that they are preventing crime among kids before it gets a foothold. Most of their working days are spent putting people in jail; how satisfying it is to help keep children out of jail.

Mary Hughes and Jean Kelly, from my office, will be able to give you more details about the curriculum that we are using, but I would like to thank the many organizations that are represented here tonight for contributing to our curriculum or acting as consultants on this project. As our program reaches the end of its first year, my dream is that if we are successful our program will become a model for schools throughout the nation.

I also hope that our efforts in Brooklyn as well as our work at this conference will send a message to our leaders in Washington the solution to the plague of drugs is a partnership between law enforcement, education and drug treatment. As a prosecutor I am committed to jailing people who spread death and despair by trafficking in narcotics or killing people in gang wars. But the overall solution to our drug problems cannot lie solely with law enforcement.

I only hope that the new coordinator for national drug policy, Governor Bob Martinez, will part company with his predecessor, William Bennett, who believed that law enforcement was more important than education and treatment in fighting drugs. The fact is that enforcement efforts must reach the child in the fifth grade, the group most susceptible to peer group pressures when they reach their teens. But law enforcement efforts cannot prevent a child from succumbing to addiction once that child starts abusing crack or heroin. Law enforcement efforts cannot give school children positive role models to emulate if they have already become drug peddlers and drug runners.

Law related education is the best contribution that law enforcement officers can make to the future of our children. I hope that all of you at this conference can benefit in some measure by the experience of my office. My staff will be happy to share it with you.

For nearly two decades our profession has undergone cynical assaults. In an age of iconoclasm our institution seems to be a particularly vulnerable target. But the public's memory at times is shallow, if not uninformed. While it is remembered through books and movies like, "All the Presidents Men," that the media led by Woodward and Bernstein of the Washington Post uncovered the shameful scandal of Watergate it is forgotten that the legal profession embodied by lawyers like Jim Neal and Judges like John Sirica brought us Justice.

It is rarely publicized that 44 states and the District of Columbia have trust funds established by the Legal Profession and paid for by the Legal Profession to compensate clients who have lost money by the deeds of a relatively few crooked lawyers.

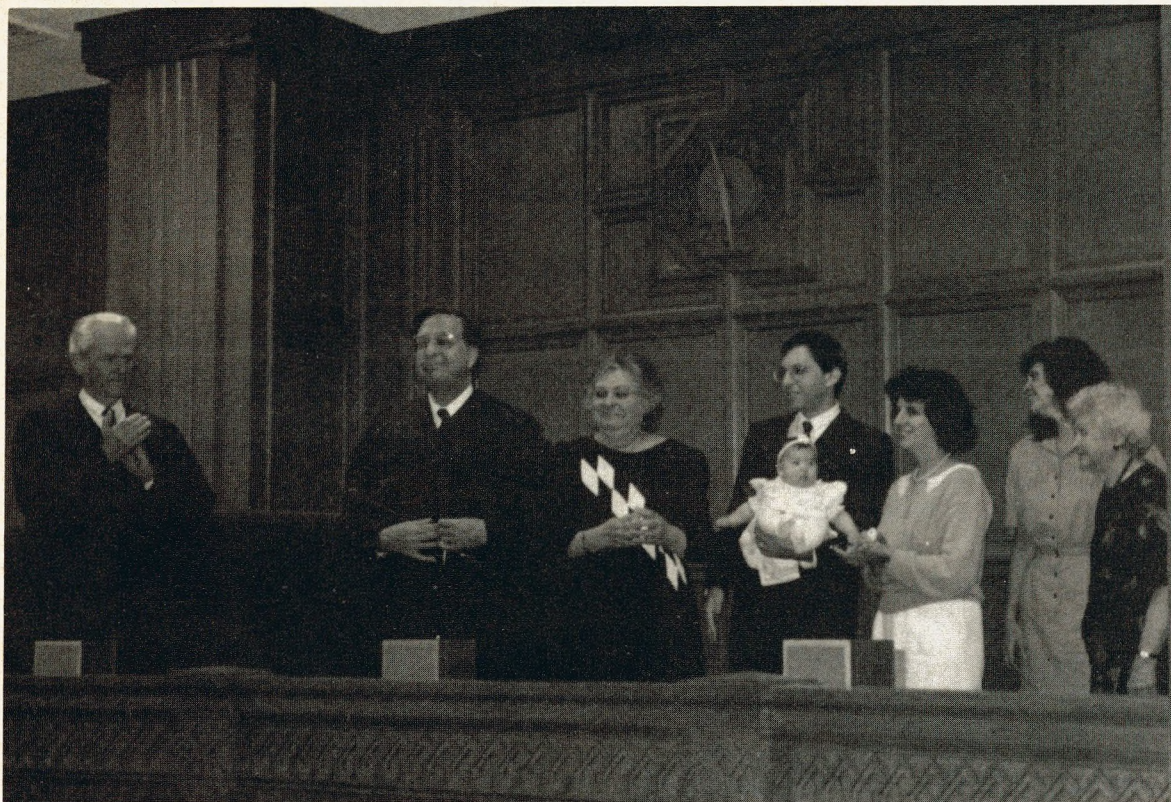
We have a tradition of service that goes before and after the revered works of one of our most distinguished practitioner, President Abraham Lincoln. But whatever our challenges have been, the challenge I offer you this evening in Project Legal Lives may be one of our most important in the nine years left in this Century, If we can find a way to stop the drug plague and its evil partner, bias, from infecting our children, truly this world can be a better place.

Not only must we look for a way, we have an obligation to find one.

A few days before his inauguration, Senator John Kennedy spoke to his political colleagues — the legislators of the Commonwealth of Massachusetts. Borrowing from St. Luke he reminded, "To whom much is given, much is required." He exhorted those lawmakers to do something each day to make a difference.

The President-elect concluded with these words; "And when at some future date the high court of history sits in judgment on each of us, recording whether in our life span of service we fulfilled our responsibilities, our success or failure will be measured by the answer to four questions. Were we truly men and women of courage? Were we truly men and women of judgment? Were we truly men and women of integrity? Were we truly men and women of dedication?"

In the words of Auntie Mame, "Let this conference open a new window, open a new door, travel a new highway that we have never travelled before."



BROTHER NORMAN EPSTEIN PAST JUSTICE OF THE LOS ANGELES ALUMNI CHAPTER is shown during enrobing ceremonies on the occasion of his elevation to the Court of Appeals of the State of California. Present during the ceremonies was California Supreme Court Chief Justice and Ross Chapter PAD, the honorable Malcolm Lucas. Left to right: Chief Justice Lucas, Court of Appeals Justice Norman Epstein, Ann Epstein, son Mark Epstein holding granddaughter Rebecca, Laura Epstein, Carol Epstein and Jeanette Snyder, mother of Ann Epstein.

An Interview With Professor M. Cherif Bassiouni

(PAD Professor Bassiouni, of DePaul's College of Law, is a recognized authority on international criminal law and is president of the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences (Syracusa, Italy). He has been a visiting professor at New York University, a Fulbright Professor at the University of Freiburg, Germany, a guest scholar at the Woodrow Wilson International Center for Scholars and a lecturer at many universities, including Harvard, Yale, Stanford, Paris, Milano and Cairo.

He was educated at the College of the Holy Family in Cairo, Dijon University in France, the University of Geneva and the University of Cairo before coming to the United States. He earned a J.D. from Indiana University, an LL.M. from the John Marshall Lawyers Institute and an S.J.D. from George Washington University. He has since been awarded honorary doctorates from the University of Torino, Italy, and the University of Pau, France.

He is the author or editor of over 20 books on human rights, criminal law and international criminal law, as well as over 125 law review articles here and abroad. He is a consultant to the United Nations and U.S. government agencies, and is often called upon to testify before congressional committees. He has received many honors and the highest medals of Austria, Italy and Egypt.

The son of an ambassador diplomat and grandson of a former president of the Egyptian senate, Professor Bassiouni served in the Egyptian army, was wounded in the 1956 war and received the equivalent of the Medal of Honor. He worked briefly for Gamal Abdel Nasser, president of Egypt from 1956-70, but was held under house arrest for seven months in 1957 because of his objections to human rights abuses. He came to the United States in 1961 and began his career at DePaul in 1964.

The following is an interview with Professor Bassiouni conducted by DePaul University Magazine.

DePaul Magazine: You're well known to a lot of people in Chicago from your radio and television appearances as an expert on Arab affairs.

MCB: It's probably what I'm known by most people for, but my real expertise is in international criminal law and human rights.

DPM: Tell us about that.

MCB: My work in these areas over the last 25 years has been very rewarding. What I'm proudest of is the presidency of the International Association of Penal Law. It was founded 101 years ago in Vienna and the presidents and secretaries general previously had always come from Western Europe. The distinguished board, which includes cabinet members, chief justices of supreme courts and university presidents, elected me unanimously, even though Europeans are leery of Americans because they are considered too pragmatic, to have no sense of history or sense of tradition, and to be so egalitarian that they lost sight of academic excellence.

Fortunately, my scholarly achievements were well established and I have been secretary general since 1974. We have 3,000 members in 68 countries, and we publish the *Revue Internationale de Droit Penal*, in French and English, now in its 63rd year. The organization has a very important universal and humanistic mission. Between World War II and 1989 we were the only point of contact for Eastern and Central European scholars and those in the USSR. We have had a national section in each socialist country at the darkest times of the cold war. Today's leaders of criminal justice reform in these countries are mostly members of the association.

DPM: Does the organization have real influence on national policy, here or elsewhere?

MCB: I just returned from the Eighth United Nations Congress on Crime Prevention — in Havana — and of the 1,200 delegates, I'd guess that some 10 percent were members of the association. That is influence at levels that can produce change. It's of course difficult to measure influence, but it comes about in a number of ways. We have an effect on the thinking of scholars, decision makers and government experts through our conferences and publications. Our scientific work is carefully followed.

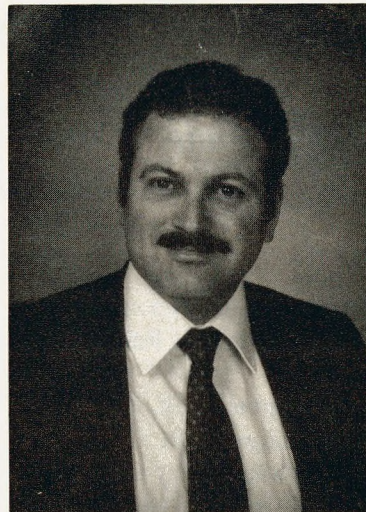
For example, we have conducted a campaign for the abolition of the death penalty since World War I. We can now see the effects of that effort in laws abolishing it.

We hold a congress every five years, usually attended by 600 to 1,000 jurists from 50 to 60 countries, at which we have four topics. It's the result of three years of preparatory work, sending out questionnaires to every national section and publishing a special volume of the review with the results. The recommendations adopted at our congresses become an important source for policy all over the world.

We do many conferences and special topics, such as — and this one is very dear to the association — the creation of an international criminal court. Many of these are run at the International Institute of Higher Studies in Criminal Sciences, in Syracuse, Italy. The institute was founded by the association in 1972 and is the most active and influential organization of its kind in the world. We have held over 120 conferences with over 6,500 people from 89 countries, including over 3,500 academics from some 280 universities, and published 69 volumes of proceedings. It is truly an extraordinary accomplishment. Think of what this has done to break down barriers between people, ideologies, prejudices — the creation of an atmosphere of friendship and cooperation and understanding, networking. We have done much to advance humanistic values, and our human rights program at the institute is particularly significant. It was there in 1977 that I co-chaired a U.N. committee of experts that prepared the U.N. Convention Against Torture adopted in 1984.

DPM: Tell us a bit more about the U.N. work.

MCB: The most important work I did was to chair the U.N. committee that drafted the United Nations Torture Convention. In fact, I did the first draft in my DePaul office. It was later adopted with 80 percent of the same language I wrote — which is extremely rare in the U.N. That was very rewarding. I also worked on the Principles on the Independence of the Judiciary in the Legal Profession and the Declaration on the Principles of Justice for Victims of Crime and Abuse of Power. Both were adopted by the U.N. I also chaired the committee that drafted the Convention on Unlawful Human Experimentation — which has not been adopted so far. It faces a strong lobby of chemical and pharmaceutical companies in the West, who depend on Third World testing.



RICHARD P. GOLDENHERISH of the Illinois Appellate Court Fifth District, was honorarily initiated March 1, 1991, into Champ Clark Chapter at Washington University. He is president of the Illinois Judges Association.

DPM: Is there interest in an international criminal court as a way to combat terrorism?

MCB: Yes and no. There is strong interest in Latin America; over 15 Latin American countries support a proposal prepared by a committee of experts that I chaired. The U.S. would like to see the court's jurisdiction only for drugs, not for terrorism. As some government officials tell me, the concern is that some country could then use the court to demand the prosecution of Ronald Reagan for his support of the Contras, or George Bush for the invasion of Panama. Gorbachev, on the other hand, wants the court for terrorism.

DPM: Have you done any work on apartheid?

MCB: In 1980, the U.N. Commission on Human Rights asked me to draft a Statute for the Establishment of an International Jurisdiction to enforce the apartheid convention and criminally prosecute South Africans who engaged in it, which I did. The statute didn't see the light of day because it was blocked by Western powers, but things are changing there quite rapidly.

DPM: Go back to your start at DePaul. Why would a small Catholic university in Chicago hire an aspiring international law specialist in 1964?

MCB: I was hired by a new law school dean at the recommendation of a faculty member who met me at a law fraternity function. It was all fortuitous, I had no idea that DePaul was interested in me, so the offer to teach was a surprise and I had no idea what I'd be teaching. International law had always been my interest, but my experience up to then had been in international business. Anyway, the dean told me I'd start in June and that I'd be teaching criminal law in the fall. "I don't know anything about criminal law," I told him, and he said, "That's why I want you to get here in June; you've got between now and September to learn it." I was shocked and frightened, but also challenged, so I enthusiastically agreed. Since I wanted to teach international law, the dean told me I could teach it the next year.

So, my first year I taught three sections, 220 students — the entire freshman class, day and evening. It was a make-it-or-break-it load — I survived. In my second year, he let me teach international law, but he didn't tell me that it was in addition to three sections of criminal. The next thing I knew, it was five years later, I'd been made a full professor, the youngest in the law school's history, and here I am.

DPM: What kept you here all these years? You've achieved international recognition, and you must have been tempted by schools with graduate programs in international relations — or at least wanted to move closer to Washington.

PADs In The News

(Continued from Page 5)

Another Kansas City Lawyer **Thaine Q. Blumer Sr.** died February 27, 1991. He had practiced law in Kansas City since 1950 and was senior partner in the firm of Blumer & Nally. He served two terms on the Missouri Appellate Judicial Commission. In 1990 he received the Kansas City Metropolitan Bar Association's litigator emeritus award. In 1990 the Missouri House of Representatives passed a resolution honoring him for his law work. He was named 1989 Boss-of-the-Year by the Legal Secretaries Association of Kansas City. He was a member of Benton Chapter at the University of Missouri at Kansas City.

Linda Hoffmann, a member of Chase Chapter at the University of Cincinnati, has received the Ohio Academy of Trial Lawyers Annual Award for her contributions to the Medina County Peoples Law School Program — a law-related community education program and was the sole attorney recognized for this award in the State of Ohio.

Brother **Melvin J. Law**, a member of Jay Chapter at George Washington University, passed away April 7, 1991. Law spent several years with the Indian Claims Commission and with the Foreign Claims Settlement Commission which help U.S. citizens with claims against foreign governments. While attending George Washington in the 1930's, he was a personal messenger for FBI Director J. Edgar Hoover.

M. Cherif Bassiouni, a PAD DePaul University Law professor, recently received one of Austria's highest civilian awards for his work in international criminal law and human rights law. Austrian Consul General Clemens Coreth conferred the Commander's Cross, First Class of the Order of Merit, on Bassiouni at a reception at the consul general's residence in Chicago. Bassiouni, president of DePaul's International Human Rights Law Institute, is also president of the International Association of Penal Law in Paris.

(See interview with Professor M. Cherif Bassiouni on this page).

MCB: I always had a strong loyalty to DePaul. When I came here in 1964, I felt as if I were joining a family. I was the youngest of all my colleagues — most of them were over 50 and I was just 26 — but they made me feel part of the team. The university was a very small place, at least in atmosphere. The family frequently ate together on the fourth floor; we argued freely with Father [John R.] Cortelyou, who had just become president, and Father [John T.] Richardson, who was executive vice president. If you were in the law school you still knew what was going on in commerce or liberal arts, got to know and appreciate the music school and math department. I also appreciated being part of the shaping of the university, and served on the university tenure and promotions committee, and curriculum reform committee. I knew the janitors by name — so I felt part of the institution — and developed a strong sense of attachment to the institution and for its many dedicated people. When the first important opportunity came my way, in 1972, to join the NYU faculty, I went there as a visiting professor for a semester, but my bonds to DePaul and to Chicago were stronger and I returned.

DPM: Any last thoughts?

MCB: It's curious how things turned out. From the age of 12 to 15, I was secretary to the St. Vincent de Paul Chapter of the College of the Holy Family in Cairo, and now, since 1964, I indirectly work for St. Vincent.