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Gavel Raps, v. 1, n. 3 (April 21, 1978)

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Gavel Raps

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Faculty Passes Writing Requirement

By Blanchette Hart

At the April 12th faculty meeting the faculty adopted a writing requirement to be imposed on this year's freshman class. Nathan Crystal, as Secretary of the Curriculum Committee, submitted a revised writing proposal which was passed on its merits by a 15/9 vote and by a 13/9 vote to apply it to the current freshman class.

The writing requirement was initially adopted in policy by the faculty two years ago. Conceptually the requirement was to be sustained research analysis under a professor's guidance. In the spring of 1977 a subcommittee of the Curriculum Committee submitted to the faculty a proposal detaining the specific requirements for successful completion of this project. At that time the faculty endorsed this proposal in principle.

Most students first learned of this writing requirement when Professor John Freeman, who had been away on leave when the proposal was adopted "in principle," requested at the March 8 faculty meeting that the faculty defer implementation of this new graduation requirement pending further study. Professor Freeman and others were not convinced that the proposed writing requirement was a meritorious one.

The Curriculum Committee went back to work developing a new proposal which is essentially the same as the former. It does, however, create more flexibility in the form and subject matter of the project. Now a student can now choose to write a brief, memorandum of law or a law review article. This requirement can be satisfied in a writing seminar where students through supervised research write a paper which complies with the writing requirement, or with the permission of the instructor by preparing the paper in conjunction with a course where students have to write a paper. This is the proposal which was adopted by the 15/9 vote.

The faculty next considered whether to apply this writing requirement to this year's freshman class. The minutes of the 1977 faculty meeting make it clear that implementation was to occur not later than the fall of 1978. There was even some discussion at that time whether the faculty might require the graduating class of 1979 to complete this requirement.

The two student representatives, John Holland and Wayne Carter, tried to convince the faculty that this writing requirement should not be imposed on this year's freshman class. They said students feel that this new graduation requirement is being imposed on them without notice. Holland emphasized that freshman students voted against the requirement 150/12. Both representatives stressed that students were unaware of reasons for the curriculum change and they felt that this could be a recurring practice.

The faculty addressed the students' claims by pointing out that the faculty has been talking about this writing requirement for two years. They wanted the students to realize that this is not something the faculty has rushed into recently. Professor Bell said the student representatives should so inform their classes.

A pivotal issue during the meeting arose when the representatives noted that students have detrimentally relied on what the Bulletin spelled out as requirements to obtain a law degree. The faculty noted, though, that the Bulletin states that it is "...designed to provide general information...and is not in any manner contractually binding...information contained herein subject to revision and change." Faculty members expressed doubt that students would have elected not to come to the South Carolina Law Center because such a criteria was part of the overall graduation requirement.

The students contended the two Legal Counsel for the University informed them that a student is entitled to graduate under the requirements existing at the time he entered school.

Some of the questions left unanswered at the meeting were: Did the requirement really exist when the class of 1980 entered? If so, were the students entitled to notice of this new requirement? Do the minutes of the 1977 faculty meeting constitute sufficient notice? Though none of these questions have yet been adequately answered, an ad hoc student committee has expressed an intent to track down some answers and possibly to appeal the faculty's decision.

The idea for this writing requirement for graduation developed because there were indications from the South Carolina Bar that the students needed to develop their writing ability. This is an admirable goal as a lawyer will constantly rely on this skill throughout his practice. Also, many employers require a writing sample before they make a decision whether to hire a prospective applicant. If students are deficient in this area, this is all the more reason to aid a student's writing ability before graduation. A J.D. degree should assure writing competency.

Students should consider the idea that the faculty should not be restrained in implementing what it deems to be an improvement in the curriculum and degree requirement which seeks to upgrade the school and the quality of its graduates.

"Remember that the new writing requirement allows the students to choose the form of their project and their special topic of law. Courses are being arranged so that students can complete this project next year. Happy research.

Law Students Riot

Friday afternoon, March third, police outfitted in riot gear forcibly ejected demonstrators from the grounds of the Hastings College of Law in San Francisco. Students at Hastings had organized the demonstration and rally to express their opposition to cut-backs in their Legal Educational Opportunity Program. (LEOP)

Students were opposed to the new LEOP admission policies which minimized effective student participation in the selection of special admission applicants. Change in administrative, procedures had relegated students to merely an advisory role in the admissions process whereas before students had voting power commensurate with the faculty admissions committee. A Special Admissions Coalition, made up of minority and other concerned students, formalized opposition to the changes by presenting four demands to the faculty and administration. The demands focused on reinstating student voting rights, altering admissions grade criteria, increasing emphasis on race as admissions criteria and improving resources alloted to special admissions programs.

When student demands went unheeded, the Coalition called on March 2 for a one day boycott of classes, Aproximately 75% of the student body boycotted class in response to the Coalition request. Also despite continuous rain 100-150 students picketed outside of the law school form 7:30-midnight the day of the boycott.

The following day, while classes remained less than 20% occupied studetns and faculty scheduled a meeting to discuss the student grievances. Later in the day, however, the faculty cancelled the meeting and the Dean subsequently refused to meet with students. While 300-350 students *and community sympathizers* discussed possible strategies in the law school grounds, the Dean announced that the meeting had been declared an unlawful assembly. Police moved in within two minutes with billy clubs in force to eject the demonstrators from the grounds by pushing them into the street. No arrests were made, though students did continue to demonstrate throughout the day as the police kept the school barricaded.

To date, the admissions controversy has not been resolved. Student opposition remains strong and the Coalition has stated its determination not to back down because of "responsibility to our communities to ensure a quality LEO program which meets the legal needs of those communities."

Legal Ethics—Fact? Myth?

CHICAGO--An article in the February Bar Association Journal describes the legal profession's Code of Professional Responsibility as a "treasure trove of platitudes" that has nothing to do with legal ethics as actually enforced by the courts and bar associations.

In the article, "The Myth of Legal Ethics," New York lawyer Eric Schnapper limited to three abuses: attorneys who steal funds from their clients, attorneys who accept fees but fail to pursue their clients' cases, and lawyers who commit felonies.

"One searches in vain for a lawyer disciplined for failing to give free legal assistance to the indegent; for failing to disclose legal precedent contrary to his client's interests; for misrepresenting facts to judges, juries, or opposing counsel; or for using political office or connections to attract clients, although the frequency of these occurrences in common knowledge," Schnapper writes.

"The code sets wondrous standards beyond the reach of most mortals," he said. "As enforced, it is intended solely, and somewhat eratically, to protect the few individuals rich enough to hire a lawyer from misconduct, although not from incompetence."

Schnapper, who practices with a public interest law firm in New York City, said the legal community apparently was surprised by the misconduct of lawyers involved in Watergate.

"Both the public opinions polls and our own experience, however,

(Continued on page 2)

The newsstaff of **GAVEL RAPS** sincerely apologizes to all those connected with the law school for certain items that appeared in the March/April issue.

On page three of the newspaper there appeared a picture of two students at the law school, referring to them as "divorcees of the month". One of these students has been happily married since August, while the other is single, and has never been married. We regret any embarrassment we caused these individuals as a result of this picture.

Further, we regret any remarks made in the Gossip column that could be taken as slurs on the Black community in this law school. The column's intent is to entertain, but not at the expense of disparaging any person or group in the law school. We extend our apologies to all who were offended by the column.

GAVEL RAPS exists because a small group of students want to provide a vehicle of communication and growth for the law school community. To accomplish this, we try to remain as diverse as possible in our coverage of newsworthy events, student life, and legal issues. In addition we attempt to lighten the law school environment by giving us the opportunity to look--and laugh--at ourselves.

We recognize the responsibility we have to show respect for the persons and issues portrayed in the newspaper. If in the past we have unintentionally offended certain persons or groups, we are sorry.

Writing Requirement--A Final Comment

The recent activities surrounding the adaptation of additional writing requirement for graduation has been of substantial interest to many students, particularly those among the current freshman class. Some additional comments are in order to put the matter in perspective.

Contrary to student sentiment, the faculty did **not** rush into the adoption of the writing requirement. Deficiency in the level of student's legal writing expertise has, according to faculty sources, been a topic of discussion for **over two years.** Thus, students should not feel that this driteria was thrust upon them at the last moment.

The reasons for student belief that the writing requirement has been suddenly imposed upon them are due in large part to a lack of communication between faculty and students. Fault can be found with both sides on this matter. On the student side, we should have expected (indeed demanded) and received more feedback from our past student representatives to faculty committees. Additionally, there should have been more interest by members of preceeding law school classes, including this year's second and third year classes, to know **what** was going on. Such apathy is inexcusable, and this year's freshman class is paying the price. On the other hand, the burden of communication should not lie totally with the students. Faculty members should not expect students to be satisfied with the argument that the publishing of faculty committee minutes on a bulletin board (which carries many other announcements) constitutes sufficient notice to students of faculty decisions. While students do not challenge the faculty's right to make final decisions concerning curriculum changes, they can and should expect faculty members to respect student desire to have constructive input into the decision making process. This input becomes virtually meaningless when issues are not brought to the stuendet attention until final decision making is imminent.

In the final analysis, the writing requirement was adopted because a majority of the faculty members present and voting (15 of 24) believed that ON ITS MERITS the program was worthwhile. In addition, these members felt that such a requirement must be instituted as soon as possible. Though we are unconvinced that the Curriculum Committee's proposal adequately answers legitimate questions concerning the mechanics and cost feasibility of such a program, we do not doubt the good faith in which the faculty voted. The requirement is far from a "make shift work "project" that may be the general impression of many students. Imposition of the program is part of an overall faculty effort to improve the level of legal writing expertise among law school graduates. Students should note that in addition to the writing requirement, the faculty also voted to extend next year's legal writing course from three to four hours, and additionally voted to make the second semester appellate brief letter graded. To think that such efforts by the faculty to improve student skills is somehow devious or unjust is to totally misrepresent faculty motivation and intent.

Finally, we would like to comment on student participation at the recent faculty meeting. Representatives Wayne Carter and John Holland appropriately represented the views of the students to the faculty. Though at times some faculty members seemed somewhat put out by the student involvement, we believe such involvement is not only healthy but necessary. In the classroom we are taught to question, challenge and argue, in part so that we may some day adequately represent the legal concerns of others.

Such a methadology also has its place where our own concerns are at stake. What better application of these skills is more appropriate than in our own school environment.

Student Bar Association: A Perspective

By Wayne Carter

—The immediate goals of our administration will be to foster an attitude of cooperation and concern for the needs and desires of the Student Body. We plan to make the SBA a viable functioning unit by incorporating into the work force not only the elected officers and committee members but interested members of the Student Body. The direction we are striving toward is to utilize the powers of the SBA to effectuate an approach to tackle the practical day to day problems of individual law students. We must address ourselves to those problems that are within our ability to remedy. To date the limits of our potential powers have not been tested. We will attempt, with the cooperation of *the administration, to define, expand, and strenghten this purported* power. It is our hope that together we can make a more enjoyable learning experience. -----Merl Code, SBA President

These observations have characterized the actions of the recently elected Executive and Legislative Councils. There is at present a mood of activism not only in furtherance of student concerns but just as importantly in working closer with the faculty and the administration.

At the SBA's April 6th meeting, solicited student involvement in the process became a reality as the SBA finalized its appointments to standing, ad hoc and faculty committees. A list of the chairmen to these respective committees is as follows:

SBA Standing Committees:

1. Athletic . . . . . Forrest Emerson
2. Elections . . . . . Mike Keys
3. Graduating. . . . . Karl Smith (Dec) Nancye Crouch (May)
4. Law Day . . . . . Larry Johnson
5. Orientation . . . . . Mollie Johnson
6. Publicity & Publications . . . . . Bill Hancock
7. Scholarship. . . . . Alan Medlin
8. Social . . . . . Trudy Moody

Newly Created Committees

1. Job Placement . . . . . F. David Butler
2. Nuts and Bolts. . . . . Fred Walters
3. Book Exchange . . . . . Burnie Ballard
4. Youth in Law . . . . .

These newly created Job Placement Committee endeavors to work with the placement office to assist students in obtaining employment both during and after law school. Nuts and Bolts is a continuation of this years "practical experience through lecture presentation" series. The Book Exchange will expand on its present and past activities aiming to save students money in book resale. Youth in Law hopes to take the law experience to colleges throughout the state to those students who express an interest in the study of the law.

There are nine faculty committees on which there is student representation. The functions of these committees is generally obvious from the respective titles, with the possible exception of the Steering Committee. This committee develops much of the policy under which the school functions. **Next years serving members are:**

1. Admissions . . . . . Pat Hudson, George Muller
2. Academic Standing . . . . . Reggie Foster, Martha Hawkins (alternate)
3. Curriculum . . . . . Bill Killough chm, Stuart Sheres, Hal Baxley, Harry Heizer (ex officio)
4. Faculty Meeting Reps . . . . . John Holland, Wayne Carter
5. Faculty Selection. . . . . Jim Gray, Richard Briebart co chm., Avis Frazier, Nickie Singleton, Donna Holt, Janis Mathis, Tom Hanes, Charles Smith, Keating Simons
6. Library . . . . . Hugh Cooper
7. Grievance. . . . . Tom Hart
8. Minority Student Affairs . . . . . Randy Mills chm., Nancy Kelleri Ernest Finney, Connie Judge
9. Steering. . . . . Alice Blackwell, Terry Finger

The Executive Council, with the advice and consent of the Legislative council ratified the appointments to these committees. A great many students had expressed an interest in committees but it was not practical for all students to be placed in the particular committee that he or she wanted. Those students who maintain a desire to work on a committee should contact Merl Code or a committee chairman. A definite need still exists for additional members in the Youth in Law and Book Exchange Committees.

Continued from page 1

tell us that the public probably was not the least surprised to find a group of lawyers up to their ears in unethical or illegal activity," Schnapper said.

"On the contrary, samplings reveal that now, as in the past, the public regards lawyers as among the least trustworthy of people. Lawyers are often viewed as clever and devious people who, using all sorts of technicalities and double talk, trick honest working men and women out of their hard-earned money property."

Schnapper said lawyering "is within the relatively narrow category of occupations where borderline dishonesty is fairly lucrative."

"In many instances, " he said, "the very art of the lawyer is a sort of calculated disregard of the law or at least of ordinary notions of morality."

Schnapper said the reasons why Codes of Professional-Responsibility are largely not enforced are that (a) "they are enforced by lawyers who will themselves be subject to whatever limitations they treat as enforceable, "(b) "the traditional sanctions--disbarment and suspension--are so drastic that no one wants to use them except in the most extreme cases," and (c) "the traditional, if not exclusive, source of complaints to grievance committes are disgruntled clients, who may object to incompetence, if they can detect it, but are hardly likely to protest that their attorney, although successful, used unworthy means."

Schnapper said most of the so-called unethical behavior of lawyers "lies beyond the sensible jurisdiction of disciplinary agencies and ethics committees."

He said such agencies would better be denoted as "committees on theft, negligence, and certain felonies" because "legal ethics, like politeness on subways, kindness to children, or fidelity in marriage, cannot to great effect be taught in school or enforced by third parties."

Gavel Raps

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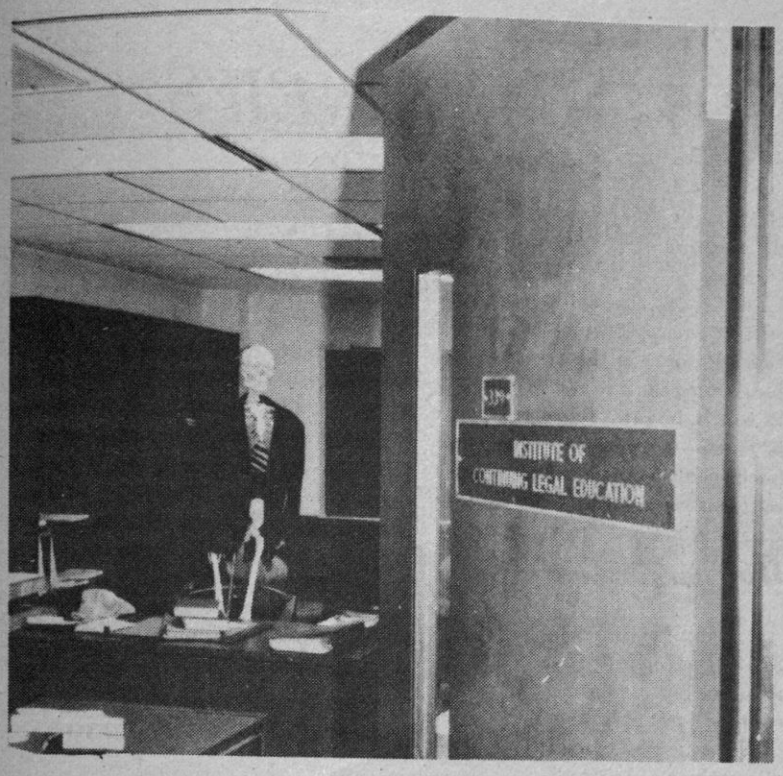


Gossip column editor resigns, declares: "You'll have no more bones to pick with me."

QUOTES

"It sounds a little grand, I know, to say my lawyers in the plural, but I didn't start out that way. I started with one lawyer, but you know what happens. One moves in and pretty soon there are seven, all in the same office. They get together all day long and say to each other, "What can we postpone next?' The only thing they don't postpone, of course, is their bill, which arrives regularly. You've heard about the man who got the bill from his lawyer which said, 'For crossing the street to speak to you and discovering it was not you....twelve dollars.' "

—George S. Kaufman, quoted in biography of him by Howard Teichmann.

Law Profession Expands, Services Reach Increasing Number of Poor

In the United States, which already has far more lawyers per capita than any other country except Israel, law continues to be the fastest-growing profession. Since 1968, enrollment in the nation's law schools has doubled to 125,000 students, and it is expected to stay at that lofty level for several more years.

There are now 445,000 lawyers in the United States, and by 1985 there will be more than 600,000. But the Bureau of Labor Statistics projects that fewer than 500,000 law jobs will be available then.

While many lawyers--especially those with corporate clients and those handling serious injury cases - are prospering, others, including many general practitioners and recent general graduates from second-tier law schools, are struggling to earn a living.

At the same time, there appears to be a significant demand for legal services that has been unmet. A 1974 survey showed that more than two-thirds of Americans had never used a lawyer or had used one only once. A lot of that had to do with the fees lawyers charge. The survey, conducted by the American Bar Foundation, showed that more than 60 percent of the population believed that "most lawyers charge more for their services than they are worth."

These figures have distressed lawyers, who are now trying to develop new ways to deliver their services more economically. Legal clinics that offer legal services on a high-volume, low-cost basis are starting up. Group legal plans—the legal equivalent of medical insurance—are spreading.

The lawyers who are most likely to be adversely affected by these changes will be the general practitioners—the lawyers who hang their shingles up near the courthouse. With an average 1970 income of less than $15,000 many of these lawyers—who now make up one-third of all lawyers in private practice—already earn less than well-paid legal secretaries. (From ABA)

Spring Fever vs. Exams

By Susan Teese

It's that time of year again. What a rotten thing to do to someone's laid back spring. The sun's bright and shining, the weather couldn't be better, and all you really want to do is lie around in the sun, maybe drink a little beer. Or a little gin. Even lemonade would do.

Enter the bad guy.

The one who turns a normally sun-and fun-loving student into a mole person for a couple of weeks He comes complete with varying shades fo his favorite ingredient--panic.

Exams.

Dare you even mention the name?

The merest whisper of the word is enough to turn a basic law professor into a demon from the latest horror movie. And fellow students into the latest victims.

Walk into the library. That is, if you dare. Tension fills the air, oozing from all those devoutly studying in carrels.

And panic. Old exams' most devoted friend. Especially the panic found in the poor hapless student whose attack of spring fever hit the same time his Christmas euphoria vanished. And who can study under those conditions?

What's happened to your friends? Bouncing off walls. Laughing at things that haven't seemed funny since, oh, perhaps kindergarten. Are these the same people you've been in school with all year?

And the doubts. Suddenly you wonder...what am I doing here anyway? Why did I ever think I wanted to be a lawyer?? Why do I feel as though I'm majoring in procrastination, with an A average?

You look around you, and you try to convince yourself that you osmosed more than you thought you did as you daydreamed your way through all those classes. If your first year, you wonder how those third year students ever managed to stick it out that long. If you're second year, you're trying to remind yourself that now it's 2/3 over. And if you're graduating, you're probably plagued with the worst case of spring fever, coupled with a large dose of senioritis and get-the-hell-out-of-Dodge that you've ever had.

The it's over. After all that, you've made it through again. You're not sure how. And you're not sure your body is ever going to forgive you for all that coffee. But you're through.

Thank God for May 12.

Wives Fight Back

In Chicago, Juan Maldonado capped a drinking bout by beating his eight-year-old son with a shoe, so wife, Gloria, 32, shot him three times. The state's attorney ruled there was "insufficient evidence" to warrant her prosecution.

In Lansing, Michigan, Francine Hughes, 30, claimed that years of physical abuse drove her to pour gasoline around her sleeping ex-husband and light it. A jury acquitted her of murder on grounds that she was temporarily insane.

In Orange County, California, Evelyn Ware, 29, pleaded self-defense after shooting her exhusband five times. Accepting her evidence of habitual beatings, a jury found her not guilty of murder.

In Waupaca, Wisconsin, a woman will soon will soon go on trial for the first-degree murder of her hard-drinking husband. During an argument, she shot him in the back and head, buried his body in an adjacent smokehouse and later set fire to her house.

Can all this be justified, legally or morally? Feminist groups insist that it can. They say wives seeking relief from abuse come up against a bewildering series of societal pressures, as well as a legal system that is either indifferent or tends to regard it as a purely personal matter. Even when police encourage filing of complaints, women fear poverty if their husbands are removed and intensified abuse if they return.

Though self-defense is still an adequate excuse for violence only in immediate, severe danger, now, the cumulative effect of beatings on a woman's consciousness is often considered. A woman may well be allowed quicker resort to a weapon than a man. That worries some lawmen. Says Sheriff Lawrence Schmies of Waupaca: "I wonder if these people know what they're doing. If they get their way, there's going to be a lot of killings."

(Reprinted in part, from Time.)

The Galloping Gourmand

by Judy Ness

Back by demand (note that I did not say popular demand) -- another Galloping Gourmand Fave Food Review! I would like to preface this report by emphasizing the importance of a good di., specifically eating the right foods. Negligence in this area can have fatal consequences.

My late roommate (I shall call her Elvira) was a case in point. Elvira had a most dreadful habit of eating Cheetos or fried pork rinds and washing them down with gallons of Mountain Dew. This very habit was the proximate cause of her death. I asphyxiated her with a large bag of Space Dust.

Do you **know** how annoying the sound of crunching and snapping pop tops is at 5 AM? No reasonable jury would convict me. Now, had Elvira opted for a breakfast at McDonald's, she might still be here.

Actually, underneath those golden arches on Sumter Street lies the possibility of a decent breakfast. I say possibly because there are several factors which must be considered, each of which has a different import to the individual. For example, the food tastes good (my favorite is the apple danish), and the coffee is passable, if one doesn't mind eating off of styrofoam. Then again, one must consider the atmosphere; even at seven in the morning the place is hopping, but anything is better than Hardee's Early Construction Decor.

I know it's hard to believe, byt GG has yet another new place for dinner. While jaunting down Knox Abbott Drive with the wind wafting the perfume of Wisteria through the windows I came upon Western Steer Family Steakhouse (street number 1000), sort of an improved Western Sizzlin'.

One has a choice of about twenty steak and hamburger combinations, loads of luscious desserts (it is obvious that the shapely waitresses in their tight jumpsuits do not partake of these), and the main feature, an extensive salad bar with everything from cheese to spiced apples. All the ingredients are fresh, unlike Hardee's salad bar where one envies the longevity of the lettuce. The steaks range from about $1.50 to $5.00 while the salad bar alone is $1.79.

While driving down Jackson Blvd. one place worth skipping is LaBrasca's Five Minute Pizza. Actually, they do deliver the pizza to your table within five minutes, but the pizza tastes as though it were made in three minutes. Another caveat is essential don't order the house salad dressing unless you want permantly puckered lips, to say that they put too much vinegar in it is an understatement.

Finally, don't go without your ear plugs. The juke box is set at an obnoxiously high volume, but alas, not quite high enough to drown out the squalling of what seems to be an unbelieveable number of infants. It is, in other words, ideal for young families.

That's it for this issue. If you can't pass your exams, a little celery salt makes them taste better.

TTFN (Ta Ta For Now).

GAVEL NOTES AND NEWS

Bell on prisons

Nobody is saying it's easy to respect authority these days. But really, they do make it hard.

Take Jimmy Carter's Attorney General, after cutting the deal with Richard Helms this fall to let the ex-CIA director go essentially scot free after committing perjury before the Congress, not only recommended that Helms not be jailed but suggested that Helms should qualify for his full government pension, then complained to reporters who thought Helms might have received special treatment: "Only the well-to-do go to prision (sic). If you rob a bank, you get probation (sic). We are much harder on people who are in high places, it seems to me sometimes"(sic).

Philadephia Justice

Under the heading "City of Brotherly Love, Round 2," we offer the following.

Twelve Philadelphia police officers who have been indicted on charges of brutally beating unarmed civilians in several unrelated incidents remain on active duty, despite the charges against them. Mayor Frank Rizzo, a former police commissioner, says he is opposed to temporary suspensions of the men because they have not been brought to trial yet.

In the meantime, five other Philadelphia cops have been dismissed: four for attending a stag party at a strip joint, and the fifth for living with a woman to whom he was not married.

TM = Religion?

A federal judge has ordered the New Jersey school system to halt its offering of courses on Transcendental Meditation in public classrooms. The court ruled that the teaching of TM amounts to the teaching of religion in a public school, which is in violation of current interpretations of the U.S. Constitution. In his ruling, the judge cited an initiation ceremony in which, he said, shoeless students entered "incensefilled rooms." Such ceremonies, he said, have religious connotations and are not constitutionally permissible.

Diarrhea Contempt

DENVER--Diarrhea led to a $150 fine for juror Sam Zakhem, a state representative, who left court without permission.

He called the action a "gross miscarriage of justice."

Zakhem said he asked the court bailiff a number of times to request the judge to excuse him for a brief time so he could use the bathroom. The bailiff refused.

The state representative said that he held up his hand to be recognized but was ignored. Zakhem said he then quietly left.

County Judge Raymond Dean Jones, who fined Zakhem, said the juror left the courtroom while prospective jurors were being questioned and given instructions, forcing the judge to declare a mistrial.

"Mr. Zakhem seems to miss the point of this," Jones said. "Neither he nor any other citizen can simply get up and walk out of the courtroom."

The Repbulican representative said he tried to explain his problem to the judge, but was told to keep quiet.

Medicinal Pot

Hawaii may soon become the first state to allow doctors to prescribe marijuana as a treatment for a variety of illnesses. A bill authorizing use of medicinal pot was introduced into the Hawaiian state senate in February after a committee report concluded that cannabis seems to have curative properties. The senate study found that cannabis use seems to be highly effective in treating both glaucoma and asthma, and in relieving the symptoms caused by chemotherapy treatment for cancer. The study also reported that many doctors in Hawaii have been both secretly and openly recommending pot smoking to their patients. The report noted, incidentally, that it might soon be possible to develop a strain of cannabis with no psychoactive properties at all.

Macumba Crucifixion

UPI reported in February that a Brazilian teenager who had strapped herself to a cross for three days in order to drive out demons finally ended her ordeal, after a crowd of 5,000 gathered in hopes of seeing a miracle. According to her parents, 16-year-old Eliana Maciel Barbosa had suffered from nightmares and "evil visions" for the past six months and was told in a dream that only three days on the cross would exorcise the "demons and evil forces that possessed her soul." The girl thereupon hauled a 44-pound wooden cross up 450-foot Picucho Hill, near Rosario de Sul, about 30 miles from the Uruguayan border, and had herself strapped on.

The Rio de Janeiro newspaper *O Dia* reported that a huge crowd, including hundreds of cripples and blind people, began gathering at the foot of the cross. In a *macumba* ritual the crucified girl's parents cut her palms and feet; then witch doctors caught the blood in coffee jars and dabbed it on foreheads as a blessing to ward off evil spirits.

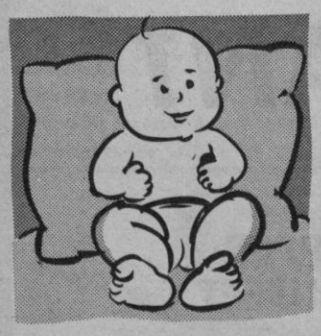
Police called the crucifixion "a farce."

THE FAMILY LAWYER

by Will Bernard

Wrong Baby

Within hours after bringing a new baby home from the hospital, Eileen decided it wasn't hers. Sure enough, the hospital acknowledged a mistake and exchanged the baby for the right one.



In due course Eileen filed a damage suit for the "mental anguish" she had undergone. But in court the hospital denied liability:

"We admit we were negligent. But except for being upset for a short time, this woman has suffered no harm at all. We can't see any basis for damages."

The court agreed and dismissed Eileen's claim. The court said mental anguish alone, with no discernible consequences, is not enough basis for a lawsuit.

Most courts take this viewpoint. They fear opening a "Pandora's box" of flimsy claims that could flood the judicial system.

This reasoning has been applied in a wide variety of situations. In another case a woman was eating from a carton of cottage cheese when she bit on a piece of glass. She spit it out at once, suffering neither cuts nor scratches.

Did she have a valid claim against the cheese maker? Again a court said no, because she had sustained no damage except for a few unpleasant moments.

But both of these cases involved mere negligence—nothing worse. If the mental anguish is inflicted not through negligence but on purpose, then the law usually takes a sterner attitude.

A bill collector sent out a barrage of nasty letters, not only to the debtor but also to his neighbors and his boss. Although the debtor suffered no physical injury, a court said he was entitled to damages from the bill collector.

The court observed that while the law might overlook distress caused by mistake, it should not overlook distress caused with malice aforethought.

An American Bar Association public service feature.

Inmates Need Protection Judge Says

CHICAGO,--U.S. Appeals Court Judge Shirley M. Hufstedler, Los Angeles, has proposed creation of federal-state commissions to monitor public inmate institutions.

"The conditions in many of these institutions are not merely inhumane, but downright inhuman," Judge Hufstelder said in an article written for the March American Bar Association Journal.

She pointed out that inmates "are our most helpless citizens. They have no political voice, and society does not even like to acknowledge that they exist--a sentiment that, if not shared, is at least readily perceived by legislators.

The judge said lawsuits have been about the only way in which the plight of the inmates is revealed and pressure brought to improve their conditions.

But, Hufstedler said, "It must be seriously questioned whether litigation is a desirable means of attacking many of our social ills."

Contending that judicial systems were not designed to perform extensive supervisory tasks, the judge said courts "can prod, not appropriate. Many public institutions are dismal by reason of impoverishment, and litigation does not make them any richer."

The judge said her proposal would keep the issue out of the courts and place it in the hands of 15 national commissions, each with teritorial jurisdiction over public institutions within not less than two states.

Covered would be such facilities as prisons, public mental hospitals, convalescent homes for the aged, the senile, and chronically ill, and institutions "that are supposed to take care of neglected and abandoned children."

Commission chairpersons would be appointed by the President and members would be appointed, half by Congress and half by state legislatures.

Powers entrusted to the commission would include on-site inspection to require the administration of the institution to devise a plan or plans for improvement. They also would be authorized to request the institution to apply for funds to achieve the improvements stated in its plan.

Acknowledging that her plan "may have all sorts of flaws and obstacles that are mountainous," Judge Hufstedler said "the combination of potential as well as actual exposure of the conditions in these institutions, plus genuine help, both personal and financial, on a co-operative basis would improve the lives of the keepers as well as the kept."