

Arizona State **LAW FORUM**



WINTER 1979-80

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Report of the Dean: 1978-79

ALAN A. MATHESON

Dear President Schwada:

The College of Law's twelfth year was an active and productive one. Developments included the selection of a new Dean, establishment of a Distinguished Professorship at the law school, expansion of the library collection, faculty scholarship, improvement of facilities, and achievement by both students and alumni of the school.

As an introduction to the annual Dean's Report, I include a brief history of the law school which recounts the growth of this institution and the national stature which it has achieved in a relatively short period of time. From the beginning, the University has been supportive of the law school, and this backing has permitted the school to move ahead rapidly. The forward momentum of the College remains dependent upon sufficient resources to maintain and attract a first-rate faculty, to build a research library collection, and to support increasingly expensive law instruction. With your assistance, the College will continue to be a source of pride to the University and to the State of Arizona.

I. Arizona State University College of Law — A Brief History*

Founding. Officially approved by the Arizona Board of Regents in 1964, the law school was conceived by Dr. G. Homer Durham, President of Arizona State University from 1960-69. It was he who conducted the surveys and assembled the data necessary to convince the Regents that a second law school should be established in Arizona. The fact that the Board had recently awarded a medical school to the University of Arizona in Tucson after a somewhat bitter political struggle between those who preferred a location in Tucson and those who favored Phoenix may have eased approval, although in no sense did Arizona State University consider the law school a "booby prize" in the competition.

The decision to have a law school was matched with a determination by the University and the State to launch the enterprise in grand fashion. A search for a founding dean was the first order of business, and the University was fortunate to convince Willard H. Pedrick of the Northwestern University School of Law that the challenge of establishing a quality new law school in the Southwest was

an appropriate mission for his considerable talent. He was appointed in 1965 and was in residence beginning July 1, 1966. Moving on all fronts at once, he spent the first year of his Deanship securing a librarian, Richard C. Dahl, assembling a library collection, planning a law building, recruiting a faculty, organizing a Law Society of supporters for the law school, and selecting an office staff. In spite of the whirlwind pace of activity, he later observed that his first year — without faculty, students or alumni — was one of the happiest of his tenure. From the standpoint of results, it was also one of the happiest for the law school.

A distinguished founding faculty was assured when Dean Pedrick was able to persuade Edward W. Cleary of Illinois, Richard W. Efland of Wisconsin, Harold E. Havighurst of Northwestern, and William C. Canby to come to Arizona. I was appointed Assistant Dean and joined the faculty at mid-year, along with John P. Morris. These faculty members greeted a charter class of 117 students who began their law study in September, 1967. For the first semester, the law school was temporarily located in Matthews Center, a structure that served formerly as the general library on the Arizona State University campus.

Armstrong Hall, the beautiful building housing the law school, was dedicated on February 26, 1968. The law building was named after John S. Armstrong, the legislative father of Arizona State University who introduced a bill in the Arizona Territorial Legislature establishing the Tempe Normal School in 1885. A special dedicatory program on the subject "Innovations in Legal Education" brought representatives from many of the law schools in the country, and the papers presented appeared in the first issue of *Law and the Social Order*, the school's law review. Included in the ceremonies was an academic procession of university delegates, state officials, members of the judiciary, students, and others which stretched from Gammage Auditorium across the campus to the new law building.

The dedicatory address was given by the late Earl Warren, Chief Justice of the United States Supreme Court. In his remarks, the Chief Justice stated:

The changing times in which we are living call not only for a sharpening of the mind but also for a broadening of it. This simply means that a well-grounded lawyer should have a concept, not only of how the law has been interpreted up to the present time, but he must also be able to face change with it. In other words, he must have a perception of the law as it should be as well

*This comment appears in the 1979 *Arizona State Law Journal* issue noting the tenth anniversary of the publication.

as a knowledge of present law and of its application in the past.

These words were a fitting description of the law program established by the new law school.

Curriculum. From the beginning, the law school was committed to the best in traditional legal education, but special features of the curriculum marked the school as innovative in its approach. Believing that the third year of law study — often met with apathy by students — could be rejuvenated, the faculty adopted a program that provided for a conventional required first year, a prescribed second year of ten "core" courses, and an elective third year devoted to small courses, seminars, internships, and independent study. The theory of the program was that the students would gain a solid foundation from conventional courses in the first two years of study and would then enter an entirely different educational setting during the final period of law school instruction. By prescribing a limited number of courses for two years, the law school could free teaching power for the third year of professional study, permitting the students to select from among several distinctive instructional experiences. Other features of the third-year program were the use of "quadrants," half-semester length periods within which courses were taught intensively in two-hour segments, and a credit-no credit grading system designed to encourage students to participate in the special offerings of the final year.

After experimenting with the core curriculum concept for four years, the school began to move away from the required core. In the face of considerable student interest in a wider choice of subjects, the faculty modified the program in 1972 by adding additional courses to the second-year listing and allowing students to select from among the increased offerings. Subsequently, the list of second-year courses was expanded to nineteen, and law students, after the first year, were permitted to enroll in either second- or third-year courses or seminars. With these alterations, the curriculum for the school moved to a much more conventional model, and the original features of the third year of instruction became less distinctive.

Many members of the faculty found that the quadrant period of instruction was simply too short for the development of some subjects, particularly seminars requiring extensive research and writing. Originally conceived as a means to assist the clinical education program of the law school, the quadrant period — some seven weeks — proved to be unsatisfactory for that purpose, and the clinical offerings were soon expanded to semester-length. As a consequence of these developments, the quadrant system has been all but abandoned by the school, although a few courses remain on the pattern. The virtues of the shorter time frame for instruction remain, however, and I am hopeful that the law school will use the quadrant or other flexible schedule periods in the future to accommodate "mini" courses on special subject matter not requiring an entire semester.

The pass-fail grading system for third-year courses was adopted by the faculty as a positive educational device



and in the absence of any student pressure or demand. As might be expected, however, law students have found the ungraded format to their liking, and suggestions for change to an all-graded system have been met with overwhelming objection. The issue of abandoning the third-year grading procedure has divided the faculty on several occasions, and there is strong sentiment for modification. Those who favor retention of the credit-no credit method consider student performance in the third year comparable to that found in graded courses and believe that evaluation under a numerical grading scale of skills training, clinical experiences, and courses with heavy writing components is difficult and imprecise. The proponents of change adhere to the view that grades can be an incentive to better academic effort and that students who excel should be recognized. A compromise between the two positions, one which I personally favor, would be to grade all cases-and-materials courses under the numerical scale, but to continue utilizing a credit designation for internships and selected seminars where student activity does not lend itself to a more precise grading assessment.

From the beginning, the College of Law recognized the value of a well-supervised, integrated, and carefully structured clinical education program as a part of the curriculum. The faculty is committed to the principle that the law school is an educational enterprise where the primary concern of the instructional effort is to stimulate thinking and to hone the powers of analysis. At the same time, however, there is a realization that skills training at law schools can be a significant complement to course instruction and that clinical internships, if incorporated into the academic program, offer an important opportunity for law students to observe the necessary transfer from concept to application.

Originally, a branch office of the Maricopa County Legal Aid Society was housed in the law building, and third-year students were assigned as interns under the direction of legal aid attorneys. With a grant from the Council on Legal Education for Professional Responsibility, the College improved the program and later established an independent Law Clinic with a full-time Supervising Attorney employed by the law school. Serving indigent clients from the area surrounding the law school, including the town of Guadalupe, an impoverished Chicano and Yaqui Indian community, the Law Clinic has become a year-round operation, with ten law students working under the direction of the Supervising Attorney each semester.

Other clinical programs approved following careful study by the faculty now operate outside the law school: (1) the Student Defender Project, operating as a cooperative venture with the Public Defender's Office and providing representation for indigent defendants in the Phoenix City Courts, and (2) the Prosecution Internship in which law interns are placed with the Maricopa County Attorney's office and the Tempe, Phoenix, and Casa Grande City Attorney's offices. Each of the internships includes an academic component taught by a regular member of the law faculty. In these sessions, the students receive skills instruction of high quality, with videotaping of client interviews and individual review sessions as standard fare. A grant from the Arizona Justice Planning Agency launched the Student Defender Project which now includes a full-time Supervising Attorney who is a member of the College's staff.

The curriculum of the school has been enriched by special programs, visiting faculty members, and speakers. In 1976, an experimental Appellate Advocacy Seminar financed by the American Bar Association offered instruction to law students and practitioners for the improvement of oral advocacy and brief-writing skills. The project culminated in a model appellate argument between Erwin Griswold and Charles A. Wright which attracted a large audience to the school. A year later, a second Advocacy Seminar was offered by the law school with former Dean Griswold as instructor. Over the years, the school has sponsored a Holmes Devise Lecture; conferences on Indian Law, Evidence, and Capital Punishment; and other speakers, conferences, and programs. In cooperation with the State Bar of Arizona, several continuing legal education programs are held at the law school each year.

In the Fall of 1968, an accreditation visitation team representing the American Bar Association and the Association of American Law Schools came to the campus, reviewed the program, and recommended that the new school be provisionally accredited. The program was accredited in time for the charter entering class to graduate from an institution which met the standards of the two national organizations which evaluate the law schools of America. A second visit by an ABA-AALS team in the Fall of 1977 resulted in renewal of the school's accreditation for seven additional years.

Faculty. Additions to the faculty as the law school program has grown have brought the present number to twenty-two including those with administrative positions who also teach courses. Both teaching ability and commitment to scholarship have characterized the faculty throughout the history of the school.

Supplementing the distinguished group of experienced teachers included in the founding faculty have been many who have begun their teaching careers at Arizona State. They have drawn upon outstanding records in law school, the practice of law, governmental service, and other professional backgrounds to become a strong and effective teaching corps, and they remain an attraction to other law schools seeking to strengthen their faculty ranks.

Significant scholarly achievement has been a hallmark of the faculty over the past decade. Examples include Professor Edward W. Cleary's service as Reporter for the Advisory Committee on the Rules of Evidence for the United States Courts; Professor Richard W. Effland's contribution as a Reporter of the Uniform Probate Code project of the American Bar Association and Conference of Commissioners on Uniform State Laws; Professor Willard H. Pedrick's Rosenthal Lectures at Northwestern University on the subject of "Death, Taxes, and the Living"; Professor Beatrice Moulton's pioneering book on *The Lawyering Process*; and Professor Gerald Caplan's Police Rule-Making Project, financed by a grant from the Police Foundation. In addition, numerous books, law review articles, and other studies have been published by members of the faculty, and important service contributions have been made to the local bar, government agencies, the Arizona Legislature, and private organizations.

Students. The College of Law was established just as the pressure to secure a legal education spread throughout the country. Those who entered as members



of the charter class in 1967 gambled somewhat by their commitment to a new and unknown enterprise, but, even then, the class was selected from a much larger pool of applicants than could be accommodated. Thereafter, the number of applicants grew to a maximum of 2,000; 1,500 applications are now received annually. The student body numbers 420.

Each year, the academic statistical profile of the entering classes has improved, and the process of selection remains a difficult one. Initially, the law school sought a class of 125 students, but in 1976 the number was raised to 150.

The student body of the law school has come largely from the state of Arizona. Since most of the citizens of the state are relative newcomers, however, there are remarkably disparate backgrounds and experiences in the classes. Initially, the number of women in the school was small, but the percentage has grown dramatically, and in the Fall of 1978, women constituted forty percent of the class. In each of the entering groups, approximately sixty institutions of higher education are represented, and in an entering class ranging in age from nineteen to the sixties, there are representatives of most racial and economic segments of the population.

There are nearly 1,200 graduates of the law school. A vast majority of these alumni remain in the state, but our graduates are located throughout the country and in all phases of the legal profession. Even though the years since graduation have been few, alumni have served or are serving in such positions as Deputy Assistant Attorney General of the United States, United States Attorney, Superior Court Judge, State Legislator, County Supervisor, law clerks to state and federal judges, and successful practitioners.

New Dean. In the Fall of 1974, Dean Pedrick announced his resignation effective at the end of the academic year. A search for a successor was commenced, and Ernest A.E. Gellhorn of the faculty of the University of Virginia was selected as the new Dean. He assumed office in December, 1975, and served until his departure in March, 1978. Under his energetic direction, the law school's fund raising effort was streamlined through the cooperation of the Law Society Board of Directors and the Alumni Association, a summer research program was introduced, the administrative structure of the law school was reorganized, and an Assistant Dean was added.

The Future. In 1977, an article appeared in the Spring issue of the *UCLA Educator* entitled, "Measuring the Quality of Professional Schools." Based upon surveys conducted originally by Allan M. Cartter, and subsequently by members of the staff of the Higher Education Research Institute, the study listed Arizona State among the top thirty law schools of the country in educational quality and first on the list of law schools most likely to improve within the next five years because of administrative leadership, quality of younger faculty, innovative programs, and resource availability. Obviously, the value of the ranking is limited by the accuracy of the information and the

procedures of the survey, but it is gratifying to know that the law school is respected by those in legal education.

To fulfill the prediction of continued improvement, however, much must be done. A careful review of the curriculum must be a continuing priority for the school to insure that the students receive a first-rate legal education that permits them to adapt to the dramatic changes taking place in the practice of law and the delivery of legal services. The educational program of the school is sound, but needs further structuring and refinement. A modified core program with a return to two years of basic instruction and a final year of skills training has been proposed, as has a system of designated course specializations for law students interested in pursuing a subject matter emphasis. Whether the writing program would be more effective in the second or third year is another concern. The faculty is considering these and other proposals for the purpose of strengthening the curriculum of the school.

One of the challenges facing this law school and other law schools located in urban areas is that a large number of students are employed in local law offices. Under the incentives of economic necessity and after-graduation placement, many law students are working, albeit in law-related activities, to an extent that has a negative impact upon their study of law. Absenteeism, inadequate class preparation, and part-time study are the occasional consequences. It is incumbent upon the law school to face this problem directly and in a positive way. In my opinion, this development underscores the necessity to ensure the continuing vitality of the educational program.

Whatever the format of the curriculum, however, it is clear that the law school needs additional teaching personnel to assist with the time-consuming and critical tasks of instruction in legal writing, drafting, litigation, advocacy



skills, and clinical courses. A lower faculty-student ratio in these areas of instruction is essential. If the increased educational demands upon the students are to be worthwhile, more teaching and instructional aide positions must be available.

The law school will improve no faster than the quality of its faculty. Adequate remuneration is mandatory and remains a primary concern if the school is to retain and sustain an exceptional faculty. Other resources are also critical. Research assistance to encourage additional scholarly effort is of great significance. In the near future, a research center should be established at the law school with a subject focus based upon faculty competence and regional needs to serve as a vehicle for the promotion of interdisciplinary study and investigation.

A quality legal education requires facilities and equipment, and the present law building is filled to capacity — classrooms, offices, and service areas. Within five years, the library collection will occupy all shelf space, and the working quarters of the library staff are already inadequate. Planning for an addition to Armstrong Hall should begin immediately. Computer terminals for legal research are important for the instruction of students and must be secured for use in the library. To enhance the advocacy program, additional equipment for videotaping and recording is an obvious need.

The law library collection, the heart of the school, has grown from 60,000 volumes at the end of the first year to 160,000 volumes or volume-equivalents. Primarily a working tool to serve the educational needs of law students and faculty, the library is now making selective acquisitions to ensure that the facility is a research center as well. With a special appropriation from the University and under a plan approved by the faculty, the library is strengthening resources throughout the collection, with particular emphasis in the areas of intellectual property, antitrust and regulated industries, and international law. Designation of the library as a depository for federal documents in 1976 has added substantially to the value of the collection. The process of building the library holdings, however, is dependent upon the continuation of substantial capital appropriations from the state.

Cooperation with the bar and the community is also essential to the future well-being of the law school. Private financial assistance from Law Society members and from alumni supports the student financial aid and educational programs of the school. Of special note is a recent donation from Mr. Charles J. Merriam endowing a Distinguished Professorship in the law faculty. If the school is to achieve increased national stature, gifts of this magnitude will become even more important.

With the advancement of these priorities, the College of Law at Arizona State University will continue to realize the promise of the first decade.

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II. The Law School, 1978-79

In February of 1979, Alan A. Matheson was named as Dean of the College of Law, after serving for a year as Acting Dean. Members of the Dean Search Committee — chaired by Professor Milton R. Schroeder — were Mr. Edward Jacobson and Mr. Louis McClellan of the Phoenix bar and Professors Beatrice Moulton, Stephen Lee, and Harold Bruff of the law school faculty.

With a generous donation from Mr. and Mrs. Charles J. Merriam, the College of Law established its first Distinguished Professorship. Mr. Merriam, now a resident of Phoenix, formerly had an active and distinguished career at the Chicago bar. He is a law graduate of the University of Chicago, and he was a generous supporter of the law schools of the University of Chicago and the University of Illinois while he lived in the Midwest. The income from the Merriam Endowment Fund will provide a salary supplement to a faculty line and enable the school to attract a recognized scholar to the law faculty. An increment of at least \$10,000 per year is anticipated. The teaching assignment of the holder of the distinguished professorship will remain within the discretion of the law school, although the donor has particular interests in the fields of Intellectual Property, Constitutional Law, Trial Practice, and Antitrust Law.

Academic Activities. During a Faculty Retreat and in regular meetings, the law faculty reviewed the legal research and writing commitment of the law school. In the ongoing national debates with respect to appropriate education for lawyers, there are frequent references to the inability of many law graduates to express themselves well in writing, and the law schools are urged to provide a wider experience in honing advocacy and writing skills.

The College of Law, in common with most law schools of the country, is not satisfied with the writing component within the curriculum, but improvement requires a reassignment of resources. Whether writing instructions should be given in the first year of law study or in subsequent years, whether the resident faculty should provide this instruction, and whether additional major writing assignments should be required are among the major questions to be resolved. At present, the law school divides the first-year class into five small sections, and the research and writing instruction is offered in these sections in combination with a substantive law course. A series of legal memoranda is required during the first semester and a moot court appellate brief in the Spring. Full-time faculty members, assisted by third-year law students or practitioners, critique the assignments in individual conferences with the members of the small section classes.

Suggestions for change include offering a three-hour legal writing course during the second semester of the first year taught by resident faculty members and requiring substantial writing and drafting assignments. Adoption of this option would require additional teaching commitment from the faculty and would reduce the number of regular courses now being taught. Under this proposal, the moot



court experience for law students would be moved to the first semester of the second year. This and other proposals will be considered during the coming year, and any alteration in the present writing program will be implemented for the academic year 1980-81.

Several new courses were offered. In the Spring Semester, a Negotiating Skills seminar was introduced by Professor Gary T. Lowenthal. In addition, a course in Water Law was taught for the first time in several years, with Mr. Burton Apker of the Phoenix bar as instructor. Special seminars in Professional Responsibility were taught by Paul Ulrich, Andy Hurwitz and Randall C. Nelson, all Phoenix attorneys.

The law school is pleased to announce that Louis B. Schwartz, presently the Benjamin Franklin and University Professor at the University of Pennsylvania College of Law and an international authority on antitrust, public utilities, business regulation, intellectual property, and criminal law, will be the first Merriam Professor and will be visiting during the Spring Semester, 1979-80. Professor Schwartz has been an attorney with the Securities and Exchange Commission and the Department of Justice, serving as Section Chief for the Criminal and Antitrust Divisions. In addition, he has served on the Attorney General's National Committee to Study the Antitrust Laws and as Director of the National Commission on Reform of Federal Criminal Laws. He has taught as a Visiting Professor at the University of London, Cambridge University, Harvard University, Columbia University, the University of California, and the Salzburg Seminar in American Studies. His publications include the *Law Enforcement Handbook for Police*, the *Final Report of the National Commission on Reform of Federal Criminal Laws*, and *Antitrust and Regulatory Alternatives* (with John J. Flynn). For many years, he was co-Reporter of the Model Penal Code of the American Law Institute.

For the first time in several years, a Board of Visitors of the Law Society of Arizona State University was appointed and reviewed the program of the law school.

Under the chairmanship of Jarri F. Kaplan, members of the Board came to the law school on April 11-12, attended classes and seminars, met with students and faculty, and received reports on clinical instruction, budget, academic programs, library, appointments, continuing legal education, and admissions. Following the presentations, the Visitors participated in a general discussion with members of the faculty and submitted a written report of comments and recommendations. Members of the Board of Visitors included F. Haze Burch, Marriner P. Cardon, Clarence J. Duncan, Michael L. Gallagher, Justice Frank X. Gordon, Jr., Roger W. Kaufman, Ruth V. McGregor, John J. Bouma, Robert E. Brown, James E. Brophy III, Judge Walter E. Craig, Paul F. Eckstein, Gary G. Keltner, Philip E. von Ammon, and Ted F. Warner.

On May 7, 1979, the Arizona Court of Appeals held a session in the Great Hall of the law school before a large audience of students and faculty. Judges participating included Mary M. Schroeder, Eino M. Jacobson, Joe W. Contreras, and Jack L. Ogg.

Mr. Sidney W. Mandel of Scottsdale donated nine valuable English parchment documents to the College of Law Library. The documents, a variety of indentures, are in excellent condition and still retain their original wax seals and revenue stamps. Each has been framed so that both front and back can be studied. The indentures, dating from 1744 to 1883, will be hung on the main floor of the Library.

At the February Bar Examination, all graduates of the law school taking the examination for the first time passed all sections. This is the first time that one hundred percent of the class has met initial success.

Under the sponsorship of the Department of State, law deans of the Universidad de los Andes in Columbia and of the University of Papua in New Guinea visited the law school to observe the programs in clinical education. Deans Hernando Valencia Villa and Michael Chocal Chelai came to Arizona State in May and met with faculty and students, visited the Civil Clinic and the Student Defender Project, and attended a student appellate argument.

Judge Mary M. Schroeder and Phoenix attorney John P. Frank conducted an Advanced Civil Procedure Seminar during the Fall Semester on the subject of the proposed changes in the Federal Rules governing discovery. In the course of the seminar, Mr. Joseph Ball, Chairman of the American Bar Association Committee dealing with the rules of discovery, and Professor Charles Alan Wright participated in the discussion.

An Arizona State University Discovery Conference was held November 19-20 in connection with the Seminar. The conference, held under contract with the Office of Improvements in the Administration of Justice of the U.S. Department of Justice, responded to changes in the Rules advocated by the Litigation Section of the American Bar Association in its Report of the Special Committee for the study of Discovery Abuse and the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

As another special conference, a Training Seminar for the State Judiciary was held during the Fall Semester, under the direction of Professor Robert L. Misner, on the subject of the new Arizona Criminal Code. Sixty-eight Superior Court Judges and eight Judges of the Court of Appeals participated. Lecturers included, in addition to Professor Misner, Professors Gary Lowenthal and David Kaye, and Stephen Twist of the Attorney General's Office. The seminar focused on the practical issues that the new Code raises for the judiciary of the state.

An important complement to instruction in substantive courses at the law school is the clinical internship program. In the program, third-year law students certified for limited practice under Rule 28(e) of the Arizona Supreme Court perform legal services under the supervision of staff attorneys in Civil, Student Defender, and Prosecutor Internships. Mr. Lynwood Evans was appointed as the Director of the Civil Clinic and commenced his service in July of 1978. For the Student Defender Internship, Mr. William Topf continued to serve as Director, and the Defender offering was supported once again by the Public Defender's Office, which furnished office space and secretarial services. For the Prosecution Internship, the law school placed law interns with the Cities of Casa Grande, Phoenix, and Tempe and with the Maricopa County Attorney's Office. Three students worked in Washington, D.C. as interns with the Subcommittee on the Improvement of Judicial Machinery of the Judicial Committee of the United States Senate through the office of Senator Dennis DeConcini of Arizona.

Speakers who appeared at the law school included Governor Bruce Babbitt; Mr. Dino DeConcini, candidate for the office of Attorney General; Professor Benjamin Aaron, Phi Beta Kappa Scholar from the UCLA Law School; Manfred Reh binder of Zurich University; Professor Victor Li of Stanford Law School; Leonard Janovsky, President of the American Bar Association; Gale McGee, U.S. Ambassador to the Organization of American States; U.S. District Court Judge Carl A. Muecke; and Justice Roberto MacCLean of the Supreme Court of Peru.

The Student Body. Although the interest in law study shows a decline in the nation as a whole, Arizona State University College of Law continued to receive an abundance of applications. In August, 1978, 159 members of the Class of 1981 commenced their legal training at the law school, 99 males and 60 females. For the class, the mean grade point average was 3.4 and the mean Law school Admission Test score was 612. Among members of the class, 99 received their degrees from the three Arizona universities and 60 from 45 other institutions. Political Science, History, Accounting, English, Psychology, and Sociology were the undergraduate majors most frequently followed. The entering class was selected from some 1,400 applicants.

At the College of Law Graduation Day Ceremony, James A. Rahl, the Owen L. Coon Professor of Law at Northwestern University, addressed the 115 members of the Class of 1979. The class includes those students who

completed requirements for the Juris Doctor degree at the end of the Summer Session in 1978 and at the end of the Fall Semester in December, 1978 as well as those who finished their law study in May, 1979. Mr. Ron Kilgard spoke in behalf of the class and received the Armstrong Award as the outstanding graduate by vote of the law faculty.

With the members of this graduating class, the alumni of the law school total 1,140.

Annually, the Placement Office of the College of Law surveys members of the previous year's graduating class for a report on employment. Of the 101 graduates who responded this year, 96 (95%) are employed. Two additional members were still job hunting; two were not seeking employment; and one who had not passed the bar examination was not working. Starting salaries for those employed ranged from \$10,000 to \$21,000. Over fifty percent of the graduates were employed in private practice and another twenty-seven percent in government service. As in the past, the vast majority of Arizona State graduates are located in the Southwest, primarily in Arizona. Considering the fact that law graduates are facing increased competition in finding law-related employment in many areas of the country, the statistics for the Class of 1978 are favorable.

During the year, the *Arizona State Law Journal* editorial staff completed the 1978 volume and the first issue of 1979, placing the publication ahead of schedule for the next Board. Ron Kilgard served as Editor in Chief. One of the features of the volume was a "Survey of Federal Cases Arising in Arizona in 1977-78," and the project will be repeated. In addition, the latest *Journal* issues include case notes written by candidates for the editorial board. For the summer of 1979, the law school received a research grant from the ASU Provost's Office to fund a special project for the *Journal*. First-year members of the staff conducted an



investigation to determine the impact of three United States Supreme Court decisions holding that states are not required to provide elective abortions for indigent women at public expense upon costs to Maricopa County and upon women formerly eligible for abortions at county expense. The study is under the direction of Professor Dale B. Furnish, adviser to the *Jorunal*, and Professor Ira M. Ellman, and the results will be published in an issue of the 1979 volume.

Members of the student body participated in several national and regional appellate advocacy competitions during the year. This expanded activity was made possible by a grant from the Maricopa County Bar Association specifically to support the moot court program of the law school. Florence Bennett, Barbara Jarvis, and Patricia Finley represented the school in the National Moot Court regional competition in Denver. Becky White and Michael Poli were the school's team members for the National Appellate Advocacy Competition, and Patrick McGillicuddy and Charles Stegall participated in the Client Counseling Competition sponsored by the American Bar Association. In the Jenckes Jury Summation Competition with the University of Arizona, Edward Bull and Terry Kurth were the Arizona State Representatives. Professor Michael Berch served as adviser for the program.

Mary Waldsmith served as Editor of the law student newspaper, *The Devil's Advocate*. Five issues of the publication were produced during the academic year.

The Student Bar Association is the students' official organization, and its activities for the year included a book exchange for law students, a speakers' program, student-faculty coffees, and social events. Additionally, the Association provided student members for the law school's committees and for the Dean Search, faculty recruitment, and Board of Visitors interviews. Shari Howard was President of the organization.

Other student organizations active at the law school during the year included Balsa, the Black American Law Student Association; La Raza, representing the Chicano law students; Phi Alpha Delta and Phi Delta Phi, legal fraternities; and Women-In-Law.

Several outstanding members of the student body were recognized for their special achievement and for their contributions to the law school. At Commencement and at the annual Honors Luncheon held on April 26, the following awards were given:

Armstrong Award (Outstanding Graduate) Ron Kilgard
Joseph S. Jenckes, Jr.
Memorial Scholarship Ron Kilgard
ASU Alumni Association Award James Howell
Jennings, Strouss & Salmon
Freshman Law Award Kathryn Busby
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth &
Beshears Assistantship Ondre Williams
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth &
Beshears Advocacy Award Florence Bennett



Prentice-Hall
Tax Awards Brian Luscher, Tim Wagner
State Bar Legal Ethics Prize Karl Elledge
U.S. Law Week Award Patrick Damiani
West Publishing Company Awards . . Kathryn Busby,
Kevin O'Malley, Linda Heumann
Dean's Awards Naida Axford,
Shari Howard, Barbara Jarvis, Jack MacIntyre,
Michael Martin, Peter Spiess, Mary Waldsmith
NELPI National Energy Law
Essay Competition Stan Shafer

Physical Plant. Financed by both University and private funds, the rotunda area of the law building was carpeted and furnished with seating, tables, and plants. For years, this portion of the building has been open and relatively unused, and the new furnishings have turned it into an attractive center for the law students.

The University has approved the remodeling of one of the small classrooms into a trial courtroom. Plans have been completed, and work commenced during the summer of 1979. Outfitted with camera-videotape and sound systems, the facility will provide a handsome center for practice court and advocacy programs of the law school. A campaign for private donations to complete the courtroom continues.

With the budget submission for 1980-81, the law school has submitted a request for a building addition to accommodate the educational programs. At present, all space in the building is utilized, and there is need for additional work space for library personnel, faculty offices, a small classroom, a placement suite, and research facilities, as well as supplemental library stack areas to handle the growing collection.

The Law Library. With a special appropriation from the University for book acquisition, the law library was able to make substantial progress in strengthening the collection. Under a plan prepared by the Library Committee and approved by the Faculty, the library has purchased most of the books recommended by the American Association of Law Schools. A number of worn and missing volumes were replaced; the collection of microforms was increased by the addition of the Federal Register, some legislative histories, and records and briefs of the U.S. Supreme Court; the Mexican law collection was augmented; and some new services and periodicals were added. The volume-equivalent count for the law library is now 161,639, including 13,318 additions this year.

During the summer of 1978, much of the library's collection was rearranged. Federal materials were moved to the main floor of the library, freeing a large room on the third level to house the tax law materials. The treatise collection was transferred to the basement west wing. Two revised Linedexes serve as a master guide to the uncataloged materials.

The main emphasis in the government documents section of the library was placed on organizing the collection and acquiring basic reference tools. In this fiscal year, the library received 12,750 pieces of depository material including 953 titles on fiche. The designation of the library as a Government Documents Depository and the employment of an experienced Documents Librarian have materially enhanced the research facility of the law school.

For 1979-80, the University has generously supplied an expanded budget for acquisition and has approved two clerical positions to assist with the processing and cataloging of new additions to the collection.

Alumni and Community Relations. An annual fund drive was conducted during the year through the Law Society of Arizona State University and the ASU Law Alumni Association. With the Merriam endowment gift and the donations from graduates and friends of the law school, the year has been a positive one in terms of financial support. The drive is primarily to benefit those law students in financial need whose continuation in law school is made possible by grants and loans from these organizations.

Mr. Gary G. Keltner of the Phoenix firm of Jennings, Strouss and Salmon chaired the Fund Drive for the Law Society and utilized many members of the Board of Directors of the Society and other lawyers to solicit funds in behalf of the school. For the Alumni Association, James E. Brophy III, Kevin M. Kane, and Michael R. Rooney headed the campaign, assisted by several Class Representatives from each of the graduating classes.

The annual dinner of the Law Society-Alumni Association was held on April 19, 1979 at Mountain Shadows in Scottsdale. More than 300 persons attended the dinner to hear an address by the Honorable Dennis DeConcini, Senator from the State of Arizona, and reports from the Alumni Association and the law school. Officers for the Law Society were re-elected for another year and include

Jarri F. Kaplan as President, Clarence J. Duncan as First Vice-President, Gary G. Keltner as Treasurer, and Louis McClennen as Secretary. New members elected to the Board include Steve Craig, William Maledon, and Tom Karas.

Honored at the Annual Dinner were two recipients of the University's Distinguished Service Awards — Mr. Philip E. von Ammon, Phoenix attorney, and Mr. Michael D. Hawkins, U.S. Attorney for Arizona. A partner in the law firm of Fennemore, Craig, von Ammon and Udall, Mr. von Ammon has been a supporter of the law school since its inception. He is a charter member of the Board of Directors of the Law Society of Arizona State University and served as President of the organization for the years 1976-78. In addition, he has been Vice President, Chairman of the Nominating Committee, and a member of the Fund Drive Committee for the Society. He has appeared at the law school on many occasions to speak to students about the legal profession, to judge moot court appellate arguments, and to participate in model trial advocacy programs. Active in professional programs, he served as President of the State Bar of Arizona in 1968-69.

Michael Hawkins is a member of the charter class of the law school, graduating in 1970. Following law school, he served as a Captain in the U.S. Marine Corps, practiced law in Phoenix, and was active in the Democratic Party. He was appointed as U.S. Attorney for the District of Arizona in 1977.

Elizabeth R. Finn was re-elected as President of the Alumni Association. The Association sponsored two legal seminars at the law school, arranged a placement program for law students, and contributed to the support of several student activities at the school.

Yours sincerely,
Alan A. Matheson
Dean



The Care and Feeding of Judges

THE HONORABLE FRANK X. GORDON, JR.



Justice Gordon has been on the Arizona Supreme Court since 1975. He practiced law in Kingman, then served on the Mohave County Superior Court for 13 years. This paper was presented to ASU's Criminal Prosecution Internship class, conducted by Visiting Professor Charles Pulaski of the Iowa Law School, during the spring semester, 1979.

Justice Gordon wishes to acknowledge Professor Pulaski's great contribution in recording his presentation and editing it into a written manuscript.

The purpose of this article is to suggest some do's and don'ts that lawyers, especially prosecutors, should observe when dealing with judges. How lawyers treat a judge can be important, not only in terms of the judge's ability to do his job, but also in terms of his attitude and physical feelings at the end of the day.¹ These suggestions apply to all levels of the judiciary, from magistrate and justice of the peace courts to superior court and appellate courts. Most of them involve little more than common sense, plus a sensitivity to the special constraints under which judges must conduct themselves. However, the lawyer who keeps these suggestions in mind when he comes into contact

with a judge will help the judge to discharge his duties fairly and efficiently and will earn the judge's gratitude and respect.

Contacts With the Judge Prior to Trial

First, when you have a matter pending before a particular judge, the best rule is to avoid altogether *ex parte* contacts with that judge about your case. Disciplinary Rule 7-110(B) of the Code of Professional Responsibility states this rule and its exceptions as follows:

- (B) In an adversary proceeding, a lawyer shall not communicate, or cause another to communicate, as to the merits of the cause with a judge or an official before whom the proceeding is pending, except:
- (1) In the course of official proceedings in the cause.
 - (2) In writing if he promptly delivers a copy of the writing to opposing counsel or to the adverse party if he is not represented by a lawyer.
 - (3) Orally upon adequate notice to opposing counsel or to the adverse party if he is not represented by a lawyer.
 - (4) As otherwise authorized by law.²

In addition to avoiding *ex parte* contacts with the judge about a particular case, lawyers should also be sensitive to the impression that they can create by treating a judge too familiarly in public. It is unfortunate, but true, that there is a considerable amount of public distrust of municipal and justice courts concerning the relationship between the magistrate and the prosecutor. One reason for this distrust is the frequency with which these officials are seen together. In actuality, judges and prosecutors do frequently deal with each other on a regular basis, and they get to know each other, at least as acquaintances. Thus, it is not uncommon for the public to see the judge and the prosecutor entering or leaving the courtroom together, walking together down the hall, sharing the same elevator, or just passing the time of day. Obviously, I do not suggest that the prosecutor and the judge should avoid all such contact, but they should recognize how it appears. Members of the public frequently come to these courts in a distrustful frame of mind, and that distrust becomes even greater when they see the judge, who is supposed to be neutral and detached, accompanied by the prosecutor as he goes to and from the courtroom. Public confidence can only be enhanced if prosecutors avoid fraternizing with the judge in public as much as possible, especially around the people who are personally involved in the cases on the judge's docket.

Contacts With the Judge During Trial

Obviously, lawyers and judges interact most frequently in the courtroom itself, and there are many different aspects of that interaction that lawyers should keep in mind. I am going to offer for your consideration four rules and five suggestions for courtroom behavior that will stand you in good stead.

Rule One: Be Punctual. This is the very first rule because it may be the most important. A judge is most appreciative of punctual lawyers. It is very difficult for a judge to manage a crowded calendar when the lawyers, especially the prosecutor, appear even five or ten minutes late. Certainly, there can be legitimate excuses for being late, but if it happens frequently, you can expect the judge to become irritated. I recall in particular one county attorney who habitually appeared in my trial courtroom five or ten minutes after everyone else was present. Finally, one morning at 9 o'clock, when everyone but the county attorney was present, I asked the bailiff to open court, rapped the gavel, and instructed everyone to be seated. Then, in total silence, we waited. I had expected the county attorney to appear momentarily, but, in fact, he was ten minutes late. Of course, the jury became uncomfortable, and I became uncomfortable. Defense counsel, on the other hand, was delighted because he knew that every minute the county attorney was absent was another point in the defendant's favor. Finally, when the county attorney appeared, he was greatly surprised, and apologized humbly for being late. That county attorney was never late in my courtroom again.

Rule Two: Be Prepared. Like many of my other suggestions, this rule may seem obvious, but it cannot be overstressed. Be prepared. Be prepared not only on the facts — that is the absolute bottom line of the trial lawyer's obligation — but also on the law. You should not assume that the judge has had an opportunity to research the law applicable to your case, particularly when complex issues or serious crimes are involved. I was always grateful when, at the beginning of a trial, the lawyers presented me with trial memoranda concerning the major legal issues or important evidentiary questions that were likely to arise. In a busy court, there may be as many as ten cases set for trial on a given morning. Obviously, the trial judge cannot predict which of those cases will actually go forward, and consequently, it would be wasteful for him to review every one of those case files in detail. Instead, the judge waits to see which cases are resolved by pleas or orders of dismissal, which cases are postponed or transferred to another division, and which cases will actually require his attention. Then he tries to familiarize himself as quickly as possible with the files of those cases that will actually be tried. Necessarily, therefore, he will not be as familiar as the attorneys with the facts or the pleadings. Nor will he necessarily anticipate the evidentiary questions or legal issues that may arise as the trial progresses. Consequently, a well-prepared trial brief can be extremely helpful in assisting the trial judge to rule quickly and correctly when it is necessary to do so.

Rule Three: Be Polite. A judge always appreciates counsel being polite, not only toward the court, but also toward opposing counsel and the witnesses. Being polite is important because it demonstrates the professionalism of the attorney and contributes to the dignity of the proceedings. For prosecutors, however, there are additional reasons to observe this rule. One reason relates to the dual nature of the prosecutor's responsibilities. He must be an advocate, of course, but he must also make sure that justice is done in each case. By conducting himself courteously, the prosecutor demonstrates his awareness that his responsibilities extend beyond the narrow goal of advocacy. Furthermore, in many cases, being polite is good strategy, particularly when the opposing attorney is being rude, sarcastic, or overbearing. Such traits are not only unnecessary in a court of law, but count against the actor in the eyes of the judge and the jury. By being polite, the prosecutor can emphasize the discourteous nature of his adversary's behavior and maximize the tactical advantage that such discourteous behavior provides.

Rule Four: Show Respect for the Court. It is also important to show respect for the bench. Although you may have a low opinion of the person seated on that bench, you should still show respect for the office that he holds. The public is very sensitive to any disrespectful behavior by lawyers toward judges. They will pick up any lack of deference to the judge and magnify it out of proportion.

You show respect toward the judge not only in your conduct — as by standing when he enters the courtroom or when you address him to make objections or motions — but also by the way you dress and the way you speak. I am not saying that judges have strict dress codes for lawyers who appear before them, but lawyers should realize that most judges are older than they are and come from a different era of cultural standards. This includes different viewpoints on dress, as well as morals. So the lawyer should be particularly aware of the judge's biases about dress. If he requires a coat and tie on all occasions in the courtroom, you should know that. If you know it and purposely ignore his feelings about dress, you will not only irritate him, but your mode of dress may detract from his ability to concentrate on the issues in the case. He may spend more time being irritated about your failure to wear a jacket or the length of your hair than in watching the evidence being presented, and that will obviously detract

"How lawyers treat a judge can be important, not only in terms of the judge's ability to do his job, but also in terms of his attitude and physical feelings at the end of the day."

from the effectiveness of your advocacy. Lawyers must never forget that they are salesmen for their clients' position. They should never let their dress, their speech, or their conduct detract from the actual issues in the case. Believe me, that can happen.

Some judges have a bias about women appearing in their courtroom in slacks or pantsuits. They expect women to appear in feminine clothes. I am not saying that those expectations are necessarily appropriate, but I am saying they are something that, as advocates for their clients' position, women attorneys should be aware of. If a woman attorney feels compelled to make a stand against the judge's views, she should first think about her client and the cause she represents. Then she can decide which cause is the more important.

Next, and I think this is very important, being respectful includes your mode of speech. As I mentioned, most judges are older than many attorneys. Some are considerably older. Those over forty tend to have some difficulty in hearing. In a courtroom with poor acoustical qualities, the judge appreciates the lawyer who speaks up and clearly articulates his words. You should know your judge. Is he hard of hearing? If he is, make sure he hears you. If he does not hear you, you are not communicating; you are not selling your cause. You are not even making a record as far as that judge is concerned.

It is also important for a lawyer to stand when he addresses the bench. It is an act of deference. Furthermore, if the judge is hard of hearing, the act of standing to make an objection or to address the court will immediately attract the judge's attention. The judge who is listening closely to the witness or who is writing notes may not hear a mumbled objection, but he will take notice if you stand and speak.

When a lawyer addresses the court, there is a natural tendency to be conversational and to become informal in his salutations. Avoid this temptation. When you speak to the judge, it should be "Yes, sir"; "No, sir"; "Yes, ma'am"; "No, ma'am." If a judge argues with you on a point, do not say, "That's not right, Your Honor." Say, "I respectfully disagree and I wish to make my position known on this matter." Recently a young assistant attorney general appearing before my court responded to all questions from the justices by saying "yeah," "no," "uh-uh," or "ahu." When we retired to discuss his case at conference, most of the justices were more concerned about his method of presentation than with its substance. By using poor English, he detracted from his cause.

Some judges are very sensitive about lawyers coming up and leaning on the bench. There is nothing sacred about that piece of furniture, but the judge may not want the lawyers to see what is written on his legal pad. Perhaps it may be a comment or two about the inadequacy of counsel's presentation written in large longhand. More likely, it is a very large and intricate doodle that the judge has artistically rendered, but would prefer not to share with everyone in the courtroom. So do not try to peek at the judge's doodles, and do not put your hands on the bench. I know of

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But the public does respect
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judicial system."*

one judge who, after a warning, hit counsel's fingers with his gavel when he placed them on the bench. It was a lesson quickly learned for the young attorney.

Last, it is important for lawyers to keep in mind why showing respect for the bench contributes to the administration of justice. I give you a quote from a speech that I have made previously:

The main reason the public allows the courts to redress for criminal conduct and not resort to self help is that the public has confidence in the court that justice will be done there. If lawyers, who are the most visible and numerous agents of the court, do not show respect for the court, the public will be quick to lose confidence in it. Historically the image of the judiciary is the reflection of the image of the lawyers who appear before it.

People in the community look up to lawyers. They may not like them, and they may be jealous of them. But the public does respect lawyers as articulate, intelligent people who are part of the judicial system. The public is also very quick to notice the slightest discourtesy or the slightest act of disrespect shown by a lawyer toward the bench.

In addition to these four rules governing contacts between lawyers and judges in the courtroom, I also have five suggestions. They are not rules because there may be occasions on which the lawyer feels compliance would be inappropriate or simply impossible. In general, however, these suggestions make good sense, and I believe you will find them useful.

Suggestion One: Do Not Surprise the Judge. If you are contemplating surprising a witness, especially in a way that might be questionable ethically, I suggest that you first discuss the matter with the judge in the presence of opposing counsel. Explain why you feel the tactic is appropriate in support of your client's cause, and ask the judge's permission to do it. In this way, you can guard against injecting reversible error in the record, and you can avoid the type of surprise that you might otherwise suffer when the judge slams down the gavel and discusses issuing an order directed against you to show cause why you should not be cited for contempt of court.

Suggestion Two: Give the Judge Thinking Time. Give the judge time for deliberation. When I was in law

school, I thought that every judge was a super-legal machine. Every time a lawyer made an objection or a motion during the trial, the judge would immediately respond with a quick and definite answer as though it were handed down from the heavens. But when I started trying cases in the real world of lawyering, I was quickly disabused of that impression. Judges are very busy people. The particular case on trial is not the only thing that the judge must think about. He may have pending before him a half dozen other matters, including those that he took under advisement yesterday or the day before, and has not yet ruled on. He may also be thinking about various other matters that he must hear during the morning and afternoon recesses of the case on trial or during his lunch break. Consequently, the lawyer who wants the judge to give close consideration to a complicated or important objection or motion, such as a motion *in limine* or a motion for directed verdict, will avoid making the objection or motion at a time of day when the judge feels pressed to make an immediate decision. Arrange for any matter involving important issues of law or fact to be heard just before a noon or an evening recess. The judge will be grateful, for it gives him more time to read over your memorandum and to deliberate without being forced to "shoot from the hip." Judges like to be right. They like to read the cases cited themselves instead of just relying on a brief. No judge wants to be misled by an attorney who mistakenly cited the headnote from a case rather than citing the true holding. So give the judge thinking time.

Suggestion Three: Maintain a Good Humor in the Courtroom. Judges especially appreciate lawyers who can accept adverse rulings in good humor. A judge usually has a good reason for ruling against you and may have reached a decision only after considerable deliberation and some soul-searching. There is nothing worse, when the judge announces his decision, than expressions of displeasure from counsel, such as a clucking noise or a book slammed shut. Such conduct can even violate Rule Four: Show Respect. I know an attorney who received 48 hours in jail for contempt because she threw a pencil on her desk after the judge ruled adversely on an evidentiary objection.

So there is no misunderstanding on this point, let me make it completely clear. You do not have to express displeasure when the judge rules against you to make sure he understands your point. The judge knows that you are displeased. He assumes that. At least one lawyer of the two in the courtroom will be unhappy with every ruling a judge makes. Showing your displeasure at an adverse ruling is wholly unnecessary and only makes the judge's job more difficult. That is why judges always appreciate a lawyer who accepts unfavorable rulings calmly and without disrespect.

On the other hand, when the judge rules in your favor, no fanfare is necessary.

A sense of humor in the courtroom can be a breath of fresh air to the judge. But a little bit goes a long way. If you wish to use humor in a trial, be sure you know whether

your judge is a person who appreciates it. I would suggest that you use it sparingly in jury cases as jurors can misunderstand a wry sense of humor. Most judges enjoy a moment of humor, if it does not go too far or become too personal.

Suggestion Four: Prepare Your Proposed Jury Instructions in Advance. Judges look with great favor on well-prepared jury instructions, especially when the lawyer submits them to the court well before the last minute. Proposed jury instructions should be carefully prepared, with citations set forth on the first copy, and should not be slanted toward the facts in your particular case. Unfortunately, judges usually do not get an opportunity to scrutinize proposed jury instructions until late in the day, many days into the trial, when everyone is eager to conclude the case and get on with other matters. Yet this is a very critical stage in the case. It is a time when the judge is peculiarly susceptible to being misled. He is busy, tired, and trying to recall all the facts in the case so he can fit them into the proposed instructions. In Arizona, trial judges frequently use R.A.J.I. (Recommended Arizona Jury Instructions) in both civil and criminal cases. These are general instructions with which the judge is completely familiar. If you retype these, be sure you identify them as R.A.J.I. Form instructions. If you are proposing particular instructions that do not come from R.A.J.I., be sure to alert the judge so that he may give them a more careful look. Do not alter a standard instruction by including a phrase that is slanted to your particular case without telling the judge. By altering a R.A.J.I. Form instruction while citing R.A.J.I. as your authority for the instruction that you submit, you mislead the judge.

Furthermore, lawyers who mislead judges, inadvertently or otherwise, when submitting proposed instructions quickly develop bad reputations. When a judge relies on a lawyer and is reversed on appeal, he will be much more cautious about that lawyer's proposed instructions the next time. Be careful and be candid with the judge when you settle instructions. It is music to the trial judge's ears to hear counsel say, "After hearing the evidence as it came in, Judge, I am not really serious about instruction number X. If you find the facts are not that close, just tell me, and I will withdraw the instruction." Or,

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*“... lawyers who mislead judges,
inadvertently or otherwise, ...
quickly develop bad reputations.”*

“I want you to know that this is not a standard instruction. This is one that I made up, using as a basis case Y. But it is not directly out of that case.” Tell the judge. He will appreciate your candor.

The format I used as a trial judge was a little unusual. Sometime before the close of all the evidence, perhaps at an evening recess, I would call the attorneys together. I would tell them which proposed instructions I had tentatively decided to give and which I had tentatively decided to refuse. Then I would ask them to discuss my tentative rulings informally, telling me whether they had any serious objections or whether they thought I might commit reversible error. I found that most attorneys were quite candid when I approached them in that manner. In fact, the best instructed case over which I ever presided was one in which I totally relied on the attorneys to prepare and to organize the instructions. The attorneys had come to me and stated that they had agreed upon all the instructions; if I had no objections, they wanted the instructions given exactly as agreed. The case was a very difficult eminent domain matter, and the instructions were extremely complex. The attorneys had drafted a preface to the substantive instructions, however, which discussed the power of the sovereign and the historical necessity for eminent domain, and which made the entire proceeding a lesson in philosophy as well as a case for the jurors to decide. It was an excellent job, done by extremely competent attorneys.

One last point about instructions: Although I encourage you to be candid, never try to bully the judge by suggesting that, unless he rules as you want, you will have him reversed on appeal. That is no way to finish the judge's day. Whatever inclination to rule in your favor he may have felt previously will immediately disappear.

Suggestion Five: Help the Judge at Sentencing. One of the most difficult tasks a judge must perform is sentencing a defendant to prison. No judge enjoys this task, and he usually decides to impose a sentence of incarceration only after long thought and soul-searching. Furthermore, no judge likes to remain on the bench after he has announced the defendant's sentence in open court. The judge wants to leave the courtroom before the defendant or his friends or relatives in the courtroom begin to cry or issue expletives. Nevertheless, there are a number of important housekeeping responsibilities that must be performed after the judge has imposed sentence. The judge must notify the defendant of his right to appeal, of his right to appointed counsel on appeal, and of his right to

a state-supplied transcript of the proceedings. In an appropriate case, the judge must impose a fine with a surcharge. In his understandable haste to leave the bench, however, the judge may sometimes forget these details. If you are the prosecutor, you should remind the judge to take care of them. Be of assistance to the judge in correcting technical errors and in avoiding procedural oversights.

Contacts With the Judge After the Trial

It is very difficult, especially when you are new to the practice, to accept defeat graciously. If you have just lost a case and you happen to see the judge in the hall when you are both leaving to go home, refrain from confronting the judge or from complaining about his rulings. Whether you think so or not, the judge has tried his best to do what he believed was right in your particular case. If you can accept his decisions in that light and can remain pleasant around the judge without retrying the case in his presence, he will notice and appreciate it. On the other hand, the worst thing you can do is to criticize the judge in public when talking to court personnel or other attorneys. If members of the public overhear you, your criticisms may be totally misconstrued and exaggerated.

After many years of practice, the best trial attorneys adopt the fatalistic viewpoint, “You win some and you lose some,” and it is no use to rehash the ones you have lost. I think that attitude is salutary. Whatever you do, do not take a loss (or a win) personally. Prosecutors, in particular, can take comfort when they lose a case in the fact that they did not invent the facts or choose the witnesses. They came to the prosecutor ready-made. If the attorney did the very best he could with what he had, he should be satisfied, and so should his supervisors and the community.

Although you may resist the temptation immediately to discuss the case with a judge, it is even worse to ask the judge months or years later why he ruled a certain way in that case. It puts the judge in a very uncomfortable situation. You may remember the incident perfectly, but he may have absolutely no recollection of it.

If you really want to know the judge's opinion of your performance as a lawyer, ask the judge before the trial to discuss it with you afterward as a learning experience. Some judges will agree to do so after all posttrial motions have been completed. Other judges may prefer not to talk to you, or they may just be too busy. I always found it quite interesting and profitable for both me and the lawyers to discuss cases in this fashion after they were over.

Contacts With the Judge on Social Occasions

Lawyers and judges seem to gravitate toward one another at all public occasions and also at private social affairs. This is natural, as both lawyers and judges were cut from the same cloth. They have shared the same experiences and principles of law. They love to talk to one another about interesting cases or legal problems. But lawyers should keep these discussions light and not on a personal basis.

Too many drinks can cause a lawyer to assume that his friendship with a judge will survive heavy digs about past cases. The judge is sometimes at a disadvantage here, for he may have no recollection about the case or the particular incident to which the lawyer is referring. In any case, such discussions frequently embarrass the judge in front of others because he naturally feels that defending himself is inappropriate. In fact, some judges may even become hesitant to accept invitations to parties if they anticipate that a lawyer who embarrasses them occasionally with these discussions might be present.

What lawyers must realize is that all judges are human. Some of them are very thin-skinned and do not take criticism well. You should keep this in mind before you make comments during a discussion with a judge that are critical of his conduct. On the other hand, being human, most judges appreciate praise for a job well done. It is nice to hear a lawyer, especially one who has lost his case, say, “That was a tough case, Judge, but I thought you handled it well.”

Lawyers must also realize that friendships between judges and lawyers can cause the judge special problems. Canon 2 of the Code of Judicial Conduct reads as follows:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

- A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.³

A careful reading of this Canon may help lawyers, especially new lawyers, understand why some judges appear stuffy, detached, and unfriendly. That is usually not the case at all. Judges usually appear this way because they are being excruciatingly careful not to violate this Canon.

A close friendship between a lawyer and a judge will

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also create special problems for the lawyer. First, in every case in which the lawyer appears before his friend, the judge, he must disclose their relationship to opposing counsel. A second problem is that the judge will probably expect his friend, the lawyer, to display a higher degree of proficiency in his court than the judge would expect of some other lawyer.

There is one last aspect of the social relations between judges and lawyers that deserves special emphasis. Lawyers usually make more money than judges. For that reason, the lawyer may be tempted to offer to pay for the judge's drinks, meals, or incidental expenses like gasoline, if they are traveling together. Such offers put the judge in an extremely difficult position, and if you continue to make such offers or if you actually pay the judge's expenses without telling him, you may lose a friend. Judges must always guard against creating an impression that they are indebted to any lawyer-friend. Ideally the judge should always pay his share of all expenses. If the judge cannot afford to participate in the expensive activities indulged in by some lawyers, then the judge should not attend. A judge should be able to say to any critic, “I have paid half of every expense that my friend and I have incurred, and I am not obligated to him financially.”

Conclusion

The purpose of this article has been to describe some do's and don'ts concerning the “care and feeding of judges.” These suggestions represent my personal views and do not necessarily represent the thinking of all judges. Nor are they all-inclusive. I hope, however, that these suggestions will help to overcome the stereotype that many new lawyers have of judges. If the lawyer thinks of the judge as a human being, one who is frequently overworked, who certainly has his faults, and whose position in society subjects him to special demands, then most of my suggestions are just common sense. If the lawyer treats the judge as a human being, taking into account the factors that I have just mentioned, the judge will certainly be grateful; and the process of administering justice, to which lawyers and judges are all devoted, will become more efficient and perhaps even more pleasant.

NOTES

1. This article employs the masculine pronoun throughout, purely for reasons of style and convenience. The author readily acknowledges that many lawyers and judges are women and intends no disrespect by this stylistic convention.
2. Rule 29(a), Rules of the Supreme Court of Arizona.
3. Rule 45, Rules of the Supreme Court of Arizona.

Alumni News

CLASS OF 1970

Michael L. Gallagher has been awarded the Defense Research Institute's Exceptional Performance Citation "for having supported and improved the standards and education of the defense bar and for having contributed to the improvement of the administration of justice in the public interest."

Sarah D. Grant was sworn in as a Judge of the Superior Court of Maricopa County on July 2, 1979.

John E. Herrick, Tempe practitioner, was appointed to a four-year term on the 12-member Maricopa County Board of Health.

Robert L. Schaefer, Major, USAF, is Assistant Professor of Law, Chairman for Elective Courses, and Director for Government Contract Law at the United States Air Force Academy in Colorado Springs. He received an LL.M. degree from George Washington University in 1977. He previously served as Chief of Procurement Law for Spain from 1973 to 1976.



Karl E. Wochner, Tempe practitioner and assistant city attorney, is president of the ASU Alumni Association Board for the 1979-80 term. Wochner, who served as secretary of

the Board from 1976 to 1978, is also a member and past president of the board of directors of the ASU Law Alumni Association and is a director of the ASU Law Society. He was named an Outstanding Young Man of America in 1974.

CLASS OF 1971

Guy David Knoller is a partner in the new Phoenix firm of Froimson & Knoller, Ltd. The firm specializes in labor relations matters.

Ron Lee, a Flagstaff attorney, was elected president of the Coconino County Legal Aid Society.

CLASS OF 1972



Elizabeth R. (Ellie) Finn, Law School Alumni Association President, is now a Municipal Court Judge for the City of Phoenix. She is immediate past president of the Maricopa County Young Lawyers Section and a member of the Executive Council of the Young Lawyers Section of the State Bar and the Steering Committee for the Arizona Association of Women Lawyers. She serves as a director of Community Legal Services and of the *New Times Weekly* newspaper.

David C. Kennedy was recently appointed Chief Hearing Officer of the Arizona Corporation Commission.

Ilene Lashinsky is a college director of the ASU Alumni Association representing the College of Liberal Arts.

John W. Wall has become a member of the Phoenix firm of Ryley, Carlock & Ralston.

CLASS OF 1973

Mike Carragher has opened a law office in Clifton, Arizona and is attorney for the Duncan Town Council.

David L. Case is a member of Ryley, Carlock & Ralston of Phoenix.

John Holman is an at-large director of the ASU Alumni Association.

Jerome B. Schultz has become a director of the Phoenix firm of Fennimore, Craig, von Ammon & Udall. He is co-chairman of the Professional Liability Litigation Committee of the American Bar Association Section of Litigation.

CLASS OF 1974

Franzula M. Bacher has been made a partner in the Phoenix firm of O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears.

James E. Brophy III has become a member of the Phoenix firm Ryley, Carlock & Ralston.

Art Garcia is an at-large director of the ASU Alumni Association.

Stephen W. Myers has become a member of the Phoenix firm of Wentworth & Lundin.

CLASS OF 1975

Richard W. Donato opened a law office in Yuma, Arizona.

George Forster is training supervisor for the Phoenix City Prosecutor's Office.

Carol C. Roush was recently appointed Assistant Director of the Division of Management Review for

the Arizona Department of Economic Security. Her responsibilities include direction of internal audits, legal services, special investigations, management analysis, and appeals.



Susan Oliver Friedlander, formerly Susan Worth, is a member of the Scottsdale firm of Friedlander & Friedlander, P.C.

CLASS OF 1976

Timothy W. Evens has become a member of the Phoenix firm of Monbleau, Vermeire & Turley.

Joel A. Gildar has become a partner in Himelrick, Gildar & Hilpert. The firm has its offices in Scottsdale.

Franklyn D. Jeans is practicing with the Oakland, California firm of Hardin, Cook, Loper, Engel & Bergez.

Martha B. Kaplan is now associated with the Phoenix firm of Lazarus & Rogers, P.C.

Ralph Kostant spent six months last year in the Washington, D.C. office of O'Melveny & Myers preparing a claim by an American corporation against the Iranian government. Unfortunately, by the time the claim was ready to submit, there was no Iranian government to receive it. The trip was not a total loss, however, as Ralph and his wife Laura returned to Los Angeles with a daughter, Sara Judith. Ralph recently joined the Real Estate and Natural Resources Department of O'Melveny & Myers.

Jose Rivera, formerly with the Department of Justice in Washing-

ton, D.C., now works with the Civil Section of the United States Attorney's Office in Phoenix. He is married to **Nina Parsons Rivera**, '79, who is employed by the Small Business Administration in Phoenix.

CLASS OF 1977

Pat Norris is an at-large director of the ASU Alumni Association.

Daniel R. Ortega, Jr. was appointed by Governor Bruce Babbitt to the Arizona Industrial Commission. Ortega previously was a staff attorney for Maricopa County Legal Services and had entered private practice prior to his appointment.

Richard S. Plattner is associated with Monbleau, Vermeire & Turley of Phoenix.

Barry Silverman was named Criminal Court Commissioner for the Maricopa County Superior Court in December. He had previously been a Deputy County Attorney in Maricopa County and a Phoenix City Prosecutor. He has served the law school for several years as a teaching assistant in the Criminal Prosecution Internship Program.

CLASS OF 1978

R. Scott Currey has opened a general practice in Helena, Montana.

Louis Demas is with the Legal Aid Society of Sacramento County, California.

David A. Durfee is associated with Wentworth & Lundin of Phoenix.



Karen C. Kennedy has joined the

Phoenix firm of Mariscal, Weeks, McIntyre & Friedlander.

Edward P. McNeff has opened an office for the general practice of law in downtown Phoenix.

Catherine Stark Shiel recently became associated with the firm of Rhodes, Kendall & Harrington in Newport Beach, California. She previously clerked for United States Chief Judge James B. Meredith of the Eastern District of Missouri. At her new firm, she joins **Timothy S. Wagner**, '79.



Richard S. Vihel is studying law at the University of Western Australia in Perth. He is married to former Law School Assistant Dean **Rhoda Keppel**.

Elliot G. Wolfe is now an associate of the Phoenix firm of Langerman, Begam, Lewis, Leonard & Marks.

1979 Entering Class Data

From a total of 1246 applications received, 392 applicants were admitted and 139 enrolled. Of the 139, 113 or 81% were Arizona residents and 26 or 19% nonresidents. 52 women compose 37% of the class, and 21 minority students represent 15%. The mean undergraduate grade point average (GPA) of the entering class was 3.42 and the mean Law School Admission Test (LSAT) score was 617.

Faculty Activities

1978-79 School Year



Professor Michael L. Altman was on leave of absence during 1978-79. He worked as a staff attorney in offices of a District Attorney and a Public Defender in Massachusetts.



Associate Professor Hannah Arterian Furnish joined the faculty in January of 1979. Prior to coming to Arizona State, she presented a paper on employment discrimination in an Iowa Continuing Education Seminar.

Professor Michael A. Berch taught at the University of San Diego Law School during the summer of 1979. During the academic year, he

coached teams for the National Moot Court, the National Appellate Advocacy, and the Jenckes Competitions. He was a guest lecturer in insurance law in the College of Business Administration, and as he has for several years, he taught a course on constitutional law at Brophy Preparatory High School. For the State Bar of Arizona, he serves as a member of the Civil Procedure and Practice Committee. He published articles on ancillary jurisdiction in the *Arizona State Bar Journal* and on persuasion in the *Tennessee Law Forum*.



Professor Harold H. Bruff is Chairman of the Separation of Powers Committee and a member of the Ad Hoc Committee on Legislative Reform Initiatives for the ABA Section of Administrative Law. He prepared an opinion on the constitutionality of legislation requiring approval of federal funds applications by the Joint Legislative Budget Committee. His article on "Presidential Power and Administrative Rule Making" appeared in the *Yale Law Journal*. Professor Bruff is spending the 1979-80 academic year on leave in the Office of Legal Counsel, Department of Justice, in Washington, D.C. In July, he was appointed to a special task force

of the president's commission investigating the Three Mile Island nuclear accident.



Professor William C. Canby was a co-investigator on the National Science Foundation Project on Legal Service Pricing and Advertising. During the year, he was a faculty member for an ALI-ABA commercial speech course in Washington, D.C.; a board member of Community Legal Services; and a board member and secretary for the Arizona Center for Law in the Public Interest. In March, he testified before the Arizona Senate Committee on Health regarding medical malpractice insurance. In addition, he was a consultant to the U.S. General Accounting Office for the performance audit of the FCC. He was the keynote speaker for the National Convention of Private Practitioners of Pathology, a speaker for the Arizona Press Club workshop on the First Amendment, a panelist for KDKB Radio, an instructor in Indian Law for the Cook Christian Training School, and a speaker on "Art and the First Amendment" for the State Bar of Arizona. At the University, he was a board member and secretary of the Faculty Association and a member of the AAUP Censure Removal Com-

mittee. In recognition of his professional stature, he was one of three persons recommended to the White House by the nominating commission for appointment to the United States Court of Appeals for the Ninth Circuit. He wrote on government funding of abortions for the *Arizona State Law Journal*, on physician advertising for the *Duke Law Journal* (with former Dean Ernest Gellhorn), and reported on his NSF project in the *Arizona Bar Journal*.

Professor Emeritus Edward W. Cleary, with Professor Robert L. Misner, prepared Proposed Model Local Rules for United States District Courts of the Ninth Circuit. He published a third edition of his *Handbook of Illinois Evidence* (with Michael Graham) and a supplement to his *McCormick on Evidence*, along with an article on the federal rules of evidence in the *Nebraska Law Review*.

Professor Richard C. Dahl taught a legal research course for the Legal Assistant Program of the Center for Executive Development at Arizona State University.



Professor Richard W. Effland taught at the University of Arkansas-Little Rock for the 1979 summer session. He spoke before the State Bar of Wisconsin and the Seminar on Non-Testamentary Dispositions and Non-Probate Assets of the ABA Section on Real Property, Probate and Trust Law at Houston, Texas. He is Vice-

Chairman of the Committee on Significant Current Trends in Probate and Trust Law of the ABA Section; a member of the Marital Property Committee; and a member of the Continuing Legal Education Committee for the State Bar of Arizona. He is a consultant to the Arizona Legislature on probate law and estate taxation, and he was a member of both the Multi-disciplinary Coordinating Committee on Aging and the Advisory Committee on Promotions and Stability of Employment at the University. He serves as Lay Leader of the Christ Chapel Methodist Church and as Director and Secretary of the Tempe Life Care Village, Inc. He published a second edition of the *Arizona Probate Code Practice Manual*.

Associate Professor Ira M. Ellman is a member of the University Committee on Experimentation with Human Subjects and of the Board of Directors of Community Legal Services. For the summer of 1979, he received a grant from the University to support research on the governance of nonprofit corporations. In January, he presented a paper on nonprofit corporations at the Business Associations Section of the Association of American Law Schools. He wrote on nonprofit corporation laws for the *Arizona State Law Journal*.



Professor Dale B. Furnish was Chairman of the Comparative Law Section and of the Creditor-Debtor

Relations Section of the Association of American Law Schools and served as a member of the Association's Accreditation Committee. In addition, he was on the Board of Editors of the *American Journal of Comparative Law* and on the Board of Directors of the American Association for the Comparative Study of Law. At the University, he is a Director of the Center for Latin American Studies. He spoke at a commercial law seminar in Iowa City; at a bankruptcy seminar for the Nevada and Arizona Bars; to the Bar of the City of New York; and for the U.S. State Department and International Communications Agency in Bolivia, Argentina, Uruguay, Peru, Mexico, Ecuador, and Central America. He also taught a course on the Andean Region at the American Graduate School of International Management during the summer of 1979. He published on commercial arbitration in the *California Law Review* and the *New York Law Journal*; on inter-American trade in the *International Trade Law Journal*; and on codification of commercial law in the *Boston College Journal of International and Comparative Law*, as well as on commercial law for an Argentine law journal.



Associate Professor David Kader joined the faculty in August. Prior to coming to ASU, he was Associate Professor of Law at the University of Iowa, and he previously served as a lecturer at the University of Warwick in England and as clerk to

Justice Robert Utter of the Washington Supreme Court. During the fall semester he taught the large section of Torts and the Civil Internship. He is also interested in problems of the elderly and is a member of Amnesty International.



Associate Professor Dennis S. Karjala was a writing instructor at the 1978 summer Southwest CLEO Institute at Albuquerque, New Mexico, and conducted a seminar for students in the ASU School of Social Work on the legal rights of the handicapped. For the summer of 1979, he received a University grant for research on close corporation legislation. He has received a Fulbright Fellowship to teach American law at the University of Hokkaido in Japan during 1980.

Professor David H. Kaye was a Fellow in the National Endowment for the Humanities Seminar on Problems in Legal and Political Philosophy at Harvard University during the summer of 1978. A member of the Test, Development and Research Committee of the Law School Admissions Council, he was a panelist for the AALS-LSAC Regional Workshop and for the Fourth Annual Affirmative Action Association Conference. He is a member of the American Association for the Advancement of Science. At the University, he is Chairman of the University Trial Board, a Faculty Senator, and a member of the University Services Com-

mittee, the Ad Hoc Committee for Faculty Improvement, and the Ad Hoc Committee on Intelligence Activities. He wrote on admissions procedures for the *Journal of Legal Education*, on Professor Rawls for the *Journal of Social Theory and Practice*, and on probability and legal factfinding for the *Arizona State Law Journal*, and also published a letter in the *New England Journal of Medicine*.



Professor Stephen E. Lee co-edited the *Arizona State Law Forum* and administered the Voluntary Income Tax Assistance Program (VITA) for approximately 80 second-year students. At the University, he was a member of the Continuing Education-Summer Sessions Advisory Council and the Social Science Grant-in-Aid Review Committee. He serves as legal adviser for the Supreme Judicial Council of the Navajo Nation and is Treasurer of the Arizona Civil Liberties Union.

Professor Gary T. Lowenthal served as Faculty Senator, on the Search Committee for the Director of the Center of Criminal Justice, and as a member of the University Academic Affairs Committee. He was elected to the Community Legal Services Board of Directors and conducted a seminar for Superior Court judges on the new Criminal Code. For the summer of 1979, he received a University research grant for an empirical study of lawyers' pre-trial preparation in

criminal cases. He was on leave during fall, 1979 to teach at the University of Virginia Law School. He published an important study of joint representation in criminal cases in the *Virginia Law Review*.



Dean Alan A. Matheson continued to serve as a member of the Board of Governors of the State Bar of Arizona. He participated in the Arizona Town Hall, and he addressed an Arizona Community College Personnel Workshop, the ASU Law Alumni Association, and various local service organizations. He was a panelist at the Conference of Western Law Schools on the subject of the "Future of Legal Education." He was a member of the ABA Accreditation Inspection Team for Yeshiva University's Benjamin Cardozo School of Law and served as a member of the Salary Study Committee for the Tempe Elementary School District.

Professor Robert L. Misner spoke to the Arizona Town Hall on the new Arizona Criminal Code and to the National Association of Federal Court Administrators on Uniform District Court Rules. He served as consultant for the Uniform Rules of Civil Procedure of the United States District Courts of the Ninth Circuit; as Reporter for the Speedy Trial Planning Group of Federal District Courts of Arizona and of the Southern District of California; and as Director of a seminar on the Criminal Code for state judges. He spoke before a Cali-

fornia State Bar Committee on the Uniform District Court Rules, and was counsel for the statewide prison suit and adviser for the National Para-legal Training Program of the Bureau of Land Management. He published on capital punishment in the *Arizona State Law Journal* and on the Speedy Trial Act in the *Journal of Criminal Law and Criminology*.



Professor John P. Morris is a Director of the Great Western Bank. He addressed the National Association of Wholesale Grocers and lectured for the Bureau of Land Management. He served as adviser to the University Athletic Department and as a member of a special AAUP Committee on University Censure. He wrote about the law school's curriculum for the *Arizona State Law Journal*.

Professor Beatrice A. Moulton in February went on leave of absence to become Director of the Office of Program Support for the Legal Services Corporation in Washington, D.C. She was a member of the Dean Search Committee and a member of the Boards of Community Legal Service and the Arizona Center for Law in the Public Interest. She is also a member of the Board of the Society of American Law Teachers.

Professor Willard H. Pedrick lectured on estate planning before seminar groups in Las Vegas, Sarasota, San Diego, and Cincinnati. He spoke

at Indiana University on the proposed restraints on admission to federal courts and at the ABA Conference on Legal Education at Notre Dame. He was a member of the inspection team for Order of the Coif at Florida State, a consultant to Pepperdine Law School on application for AALS membership, and a trustee for California Western School of Law. At the University, he is a member of the Academic Freedom and Tenure Committee and the Grievance Committee. Continuing his impresario role, he directed musical productions at the Law School, for the Arizona Civil Liberties Union, and for the AALS Annual Meeting. He wrote on tort law for the law reviews of Washington University, Ohio State, and Arizona State; prepared an estate planning paper for the *University of Miami Institute on Estate Planning* and a paper on the Lee Marvin case for the Fourth Annual Community Property Seminar. Commerce Clearing House published the new edition of his estate and gift tax book and his 1978 Rosenthal Lectures, *Death, Taxes and the Living*.

Professor Jonathan Rose testified before the National Commission for the Review of Antitrust Laws and Procedures and before the Transportation Committee of the Arizona State Senate. He spoke on municipal antitrust liability to the American Public Power Association, the National Institute of Municipal Law Officers, a Los Angeles City Attorney seminar, and the Arizona League of Cities and Towns. In addition, he presented antitrust papers at the Annual Convention of the Arizona State Bar and an Arizona Bar CLE Antitrust Seminar. He is a member of the National Association of Attorneys General Committee on Antitrust Exemptions and of the Arizona Board of Legal Specialization, and Vice Chairman of the Arizona State Bar Association Section on Antitrust Law. He wrote on municipal antitrust liability for the *Municipal Law Review* and *Urban Georgia* and on occupational licensing for the *Arizona State Law Journal*.



Associate Dean Milton R. Schroeder was Chairman of the Dean Search Committee for the College of Law. He is Chairman of both the ASU Ad Hoc Committee and the Board of Regents' Committee on Conditions of Service for Faculty, and is a Trustee of the Rocky Mountain Mineral Law Foundation. He lectured for the Bureau of Land Management and the Conference for Planning and Zoning Commissioners and Attorneys.



Professor Donald N. Zillman was a Visiting Fellow at the University of Southampton Law School during the Spring Semester, then left the law school to join the faculty at the University of Utah. Matthew Bender published his casebook, *The Military in American Society*.

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