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Investigation Commissioner Griswold Lectures Here

By Larry Keen

Erwin N. Griswold, former Solicitor General and ex-Dean of the Harvard Law School, is lecturing at the UF Law School this quarter.

Mr. Griswold will serve on the Presidential commission investigating alleged C.I.A. domestic spying. Last week Dean Griswold discussed with me some of his observations on the law.

"There are over three hundred thousand lawyers in this country and how many caused Watergate?" replied the former Dean of the Harvard Law School and ex-U.S. Solicitor General to a question about the present state of the law. "Watergate can't be minimized but it shouldn't be given undue significance.

"People are legitimately concerned but on the whole I hope the effect is salutary. We all ought to learn from exposure to this lesson."

"When the President asked me to do it I was glad to undertake the responsibility," he said. "I'm in the preliminary stages now and as a lawyer I can't make any conclusions about the C.I.A. beforehand."

But the potential path of the law profession raises tempting conjecture over present stirrings. "The U.S. Bar Association is experimenting with prepaid legal services but it's much harder to work out than is a similar medical plan.

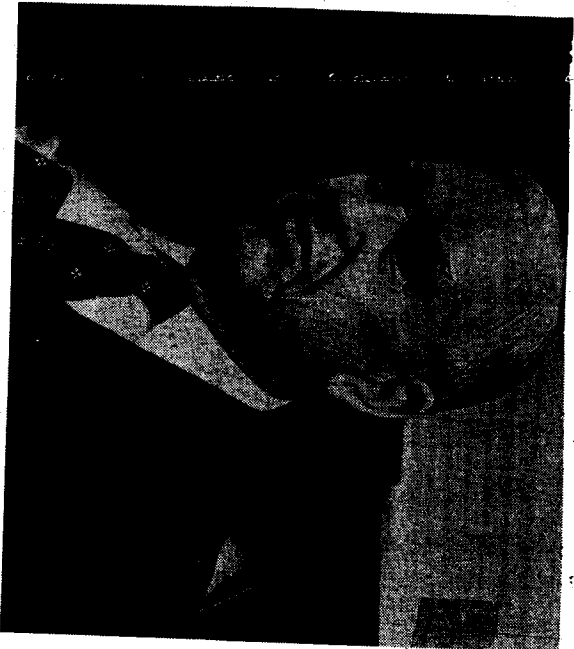
There are more difficult actuarial problems involved because the expenses it takes to cover a

problem differ. One person will need a will and another a real estate transaction worked out."

Griswold prognosticates that a national legal aid plan will come and notices a trend toward it manifested by extensive public defender programs such as Florida. The consequences extend beyond into the very lifestyle of the law profession.

"By 1990 a high proportion of American lawyers will be employed, in legal services enterprises for instance, rather than being private entrepreneurs," he said. "It'll mean a great change in the legal profession and I don't suggest it's fortunate."

"One of the glories of being a lawyer has been the independence and the great risk is that there will be stereotypes and less



Prof. Irwin Griswold

independence."

But could less independence of mind bring about uniformity in the civil law between jurisdictions? "No, not interstate or national uniformity," speculated Griswold. "There is an inevitable

tendency toward uniformity in the law but it's due to more moving about and interstate travel." When looking at it, however,

Continued Story

Griswold

1990 seems far off and Mr. Griswold notices a change in the scope of legal education, present and past.

"Schools are now placing a greater emphasis on clinical education and I don't know if that's progress," he said. "Practical experience is important but its effectiveness in law school is a question.

"There is a great deal of material to learn in law school and to get experience of any consequence many students clerk during the summer. A law office is a place for practical experience but I don't know about law school."

Griswold admits that clinical education would be more practical at a school that draws most of its student body from its state, such as Florida, than a Harvard which attracts the bulk of its students from out of state.

"How can you teach the in-and-outs of practice to students from all over the country?" he said. "Students need practical experience but it should get it when they leave."

And when the student leaves school there is the reality that plea bargaining keeps a high proportion of lawyers from ever appearing in court.

"When there's reason for both sides to yield-take your average auto case-it can be settled without a jury or any hazards of litigation," he said. "For some reason, though, plea bargaining is regarded as unfortunate."

"The Supreme Court of Baltimore City has been in existence for about a hundred years and almost never has a jury trial even though it's a Constitutional right. Apparently defense lawyers will waive the jury trial because they're getting a fair shake."

That's about the law profession-past and present. And the future also.

HR-Not once in Larry Keen's interview with Dean Griswold in your paper's alumni edition is there any mention of the quality of legal services rendered people or a concern for it or ~~the~~ improvement in it. Where there is reference to services rendered those who can't pay a lawyer he is not for it! Even plea bargaining gives lawyer not the accused a "break." It is impossible to imagine a better choice to "investigate" the CIA.

So the record of lawyers in Watergate is not all that bad. Almost all were lawyers and there is no crime in history involving as many of criminal so high a percentage of whom were lawyers, i.e., officers of the court. Lawyers are responsible for the greatest of subversions and it is to his legal eminence not all that bad!

I also was surprised to learn that Bailey and Rothblat had collaborated in all those books. Saw them in Bud's Law Library. Supposed to be solid work. Thanks, IM 2/