

funds. Attitudes toward offenses often vary. Tax evasion, for example, prompts little or no action in some states, while bringing virtually automatic disbarment in others. Similarly, a homosexual lawyer convicted of public lewdness was disbarred in Florida but was admitted to the New York bar last October.

Some lawyerly lapses defy easy classification. William Dobrovir, an associate of Ralph Nader's, recently played a subpoenaed White House tape at a cocktail party. Later, he publicly apologized. The Justice Department and the judge in the case decided against punishing him, but the D.C. bar is said to be considering censuring Dobrovir on its own. "It's my job to look into any unethical conduct whether it's formally reported or not," says Fred Grabowsky, counsel to the District of Columbia Bar.

In the past, ethics committees have often been self-protective rather than self-policing, spending much of their time battling the "unauthorized practice of law" by such laymen as real estate brokers and estate planners. The zeal to act against fellow lawyers was mostly limited to those who were political or social mavericks. When former Communist Maurice Braverman was convicted of advocating the violent overthrow of the Government, he was swiftly tossed out of the legal club. Last month, more than 20 years later, his reinstatement was recommended by a three-judge panel in Maryland, which concluded that his original conviction had been "largely political in nature."

There seems now to be a widespread acknowledgment that the bar cannot afford to back away from its new concerns. As one state bar ethics committee observed in an annual report, the profession "has a headache that cries out for fast relief. We will compound our own cure or someone will mix up a dose that will curl our hair."

## Rescuer in Red Velvet

William Geraway was about as buried as a live man can be. Convicted of murder in 1968, he was serving a life term in the maximum-security prison at Walpole, Mass., without possibility of parole. The Supreme Judicial Court of the state had rejected his plea for a review. He was also in solitary confinement—voluntarily and indefinitely—because his testimony against alleged killers in two other trials had led to reports that mobsters were offering \$50,000 to have him murdered. Geraway, 37, would probably still be in that dead-end fix were it not for Steven Duke, a quixotic law professor from Yale with a penchant for seemingly hopeless cases.

Geraway renewed his fight for vindication in 1969, when he heard that Crane, Inker & Oteri, the Boston law firm that represented him at his original trial, had also been counsel to five of the prosecution witnesses on different matters. That possible conflict of interest seemed to be a ground for rever-

sal. Though he eventually approached 14 different attorneys, most were reluctant to take the case. Two lawyers who were willing had to be paid a fee—an impossibility for Geraway, formerly a part-time laborer and full-time criminal with 32 felony convictions, most for passing bad checks. Then the convict read a story about Professor Duke (TIME, March 28, 1969).

**Tired Eyes.** Duke had just finished three years of unpaid work on the case of James Miller, a Connecticut hairdresser convicted of participation in a narcotics smuggling ring. Convinced that Miller had been wrongly identified by the key witness, Duke finally won a reversal when he showed that the witness had been secretly questioned under hypnosis during which supporting details of his identification could have been suggested.

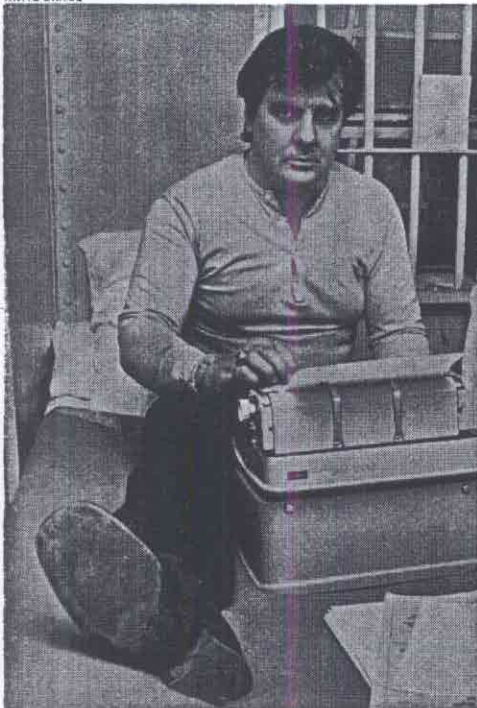
Geraway, who also claims to be a

tant witnesses and went through court records and notifications of attorney appearances in order to determine exactly whom Geraway's lawyers were representing at the time of the trial. They gathered evidence to support the claim that five of the witnesses against Geraway were in fact being represented in criminal or civil cases of their own by Geraway's law firm.

In October, the Massachusetts Supreme Judicial Court reversed the conviction in a lengthy opinion critical of Geraway's representation. The state now plans a retrial. Meanwhile, it has successfully argued that Geraway should be kept in prison for his own safety.

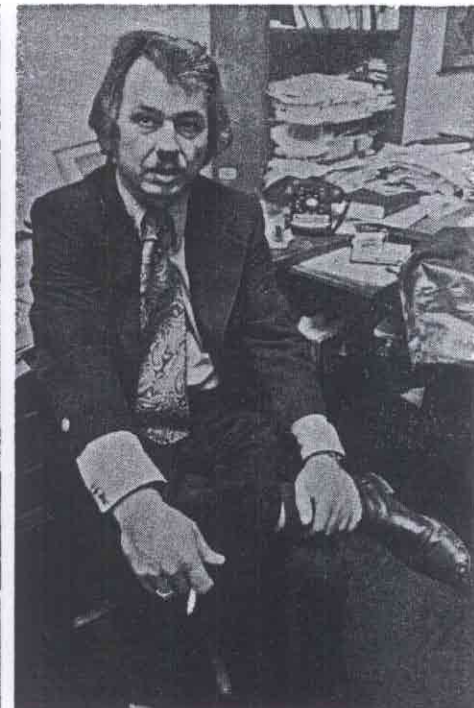
Duke's zeal is unusual in that he has spent \$3,000 of his own on the Geraway case; moreover, he has little practical experience in criminal matters. A onetime clerk to Justice William O. Douglas, Duke was a tax specialist when

ARTIE GRACE



GERAWAY TYPING LETTER IN PRISON

"I said I would never get involved in anything like it again."



DUKE IN HIS YALE OFFICE

victim of mistaken identity, wrote to Duke, but his letter was read by tired eyes. "When I finished the Miller case," Duke recalls, "I said I would never get involved in anything like it again. I worked an average of 30 hours a week on that one." He and Geraway did begin a correspondence, however, and a year later, when Geraway wrote that he had "held on to rationality as long as I could," Duke visited him at Walpole. Once he read the trial transcript, Duke was hooked. "I wish the hell you hadn't convinced me you were innocent," Duke told the prisoner. "Then I could go back to Connecticut with a clear conscience."

Instead he went back with a heavy work load. He concluded that the emphasis for any new appeal should be on the legal conflict of interest. He and a law-student assistant interviewed reluc-

he joined the Yale faculty in 1960. There his interests changed. "Who cares whether a corporation pays X dollars or Y dollars?" asks Duke now. "Economists do not even agree on who bears the burden of a corporate tax, so how can you get excited when you can't even tell what people are ultimately paying?"

"My colleagues do not consider me a good role model," says Duke, 39, who favors red velvet suits and wears his blond hair over the collar. "They say I do not know how to lose." Now Duke is planning how to win an acquittal at Geraway's new trial. He hopes the trial comes during the summer, lest it interrupt his classes. Every so often, says the tenured professor, "my dean and I have a little talk, and since I have never done the outside writing that is expected, he wants to know what I am doing with my time."