

LASCHER AT LARGE  
By Edward L. Lascher  
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Notes from up our way. Recently, the Ventura Muni Court showed itself to be unclear on several concepts, in one fell swoop so to speak.

One fine afternoon, one of the judges with nothing better on his hands or mind, decided it would be a good idea to lock up everybody in his courtroom. He ordered all attorneys to move in front of the rail and keep out of the way, had the courtroom doors locked and a phalanx of deputy sheriffs array themselves around the spectator section with orders to search everyone present and then run a warrant check on each spectator. His bidding was done. It turned up nothing, except a lot of reaction from both the District Attorney and the Public Defender.

It should be noted that there was no claim any exigent circumstance of danger, suspicion or the like existed to create an emergency. The judge explained that he just wanted to do it so he could prove that he could do so and at this particular time there happened to be an oversupply of deputies available so obviously it was a matter of waste not, want not.

As I say, this set off an adverse reaction on both sides of the great divide in criminal practice. The DA sagely pointed to the impact such proceedings could have on crime victims and potential witnesses, in particular the latter's willingness to come to court. The PD emphasized impact on defendants of this kind of embattled courtroom portrayal and the proposition that one had thought the proceedings in a criminal case to be open to the public without avoidable impairment. Both groups' views are sound and commendably motivated. Both views fell on deaf ears.

For years now, the Ventura Muni Court has enjoyed something of a notorious reputation throughout the cognoscenti all around the state. One truth his honor did establish was the fact that this hard-earned reputation is solidly anchored in fact. I find it embarrassing and shameful that a court in present day America can avail itself of such tactics for no better reason than the claim that the power exists.

Unarguably, there is a right to protect those involved in court proceedings and the public at large against the crazies that are all too present in our populace today. Distasteful as they seem when used, such devices as x-ray scanners upon entry to the courtroom and the like, often must be used under special circumstances of emotion or vulnerability. But that does not mean that the spectator section of a California courtroom may

willy-nilly be turned into a site for rousting those who have an interest in what's going on and to facilitate a fishing expedition of the worst type. The echo of jackboots is all too plain in this kind of outrage.

By the way, would it help anyone to know that signs are posted around our courthouse advising that entry into the building is a consent to search? (Query: A consent to be warrant-checked?) Would it help any to know, too, that the sign is bilingual (English and Spanish)?

The feeling of wellbeing I get about our local court from all this is not especially enhanced by remembering that it was just a month or so ago that the same tribunal was unable to find anything wrong with allowing a deputy district attorney to sit on, and preside as foreman over, a jury in a criminal case prosecuted by his colleagues. In that one, too, the district attorney's office commendably joined in moving for new trial, but the court was still unable to see anything wrong with that aspect of the case. I don't have much trouble, do you?

### Supreme Performance

My friend Charlie got into an interesting position recently. (There are those who tell me they think Charlie is a pure invention, fashioned to disguise the identity of informants. What a droll notion. Of course Charlie's real; he just leads an interesting life.)

Seems he was working on a petition for certiorari to the big court in Washington and got called out of town on an emergency in an existing case. He shipped off an application for more time for filing the petition (something they allow on occasion) and contacted the clerk's office about details.

Charlie was flabbergasted at the response he got: a veritable stonewall of courtesy, cooperation and obvious intent to assist, rather than hinder. One deputy clerk, a hero named Harrison (perhaps so old-worldly that he was Tippecanoe and Tyler, too), even phoned, at a time past 5 p.m. Washington time, to advise that all was well with the procedure. Is that believable?

Yes, it is. I have often noted that, the higher the court, the lower its public-be-damned quotient. Try some appellate departments of the superior court if you want a nicely contrasted experience. Mr. Harrison and his colleagues are the kind of people they told us about in law school when they said clerks could be a lawyer's best friends. Those who fit that description are a national treasure and should be protected against all endangersments, wherever they are found.

## Irony Ladies

Recent world headlines recall to my mind one of the funnier experiences of a trip to Britain. We were having a light, late lunch in a tearoom in a gorgeous Oxfordshire village, when one of those sudden silences occurred. I should add that the room was decorated (if such is quite the word for it) in Traditional British Tearoom style: a lot of idealized pictures of Churchill and royalty spangling the walls.

Anyway, into the silence popped the unmistakable tones of father-correcting-child "No, that is not Mrs. Thatcher's picture. That is the queen!" So, I finally learned what royalty is good for: an alternative to politicians.

## A RECRUITING SAGA

Maybe it was one of those "you had to be there" events, but Wendy and I were recently treated to a capsule illustration of life in the legal world in this era of megafirm hegemony. (Put a comma in, so it reads megafirm, hegemony, and you'd think I was identifying a law factory by the first-two-names style, ala Gibson, Dunn.)

The scene was a small, off-tourist restaurant in downtown Boston, just before Thanksgiving. We were a little way into enjoying lunch when, to the adjoining table, came a foursome of lawyers: two late 30s or early 40s, very senior associates or maybe very junior partners, and two kids who looked too young to eat in a place that served wine. The object of the lunch, as it soon presented itself, was that the slightly older couple were trying to talk the two youngsters into accepting jobs as summer clerks at a downtown Boston factory. The hard sell was also the loud sell, so it couldn't be missed.

We learned that a summer clerkship at a Boston firm is far preferable to one in New York because: "In Boston you get varied experience in different kinds of legal work; in New York, variety means you get experience in different kinds of securities cases because all they are are securities lawyers". Noted.

We also learned that a clerkship in Los Angeles is to be avoided like the plague, "because it's not in the least like L.A. Law". Apparently, that fact was advanced as contraindicating a visit to the Big Orange, whereas it sounded to me like a heck of a good reason for going west young man and woman. And so forth.

I didn't realize that it was so hard to get a couple of law school sophomores to accept ten thousand a month or whatever they pay sum-

mer clerks nowadays, to do next to nothing useful other than being subjected to permanent recruiting at good old Jones, Smith. Trouble is, we'll never know how it came out. I certainly hope everyone lives happily ever after, although I wouldn't bet on it.

The whole vignette, I must admit, was of a type which goes a long way to show why lawyers of a certain age (mine) are just the tiniest bit unhappy with the business of law these days. I'd also have to say that I couldn't decide which I felt the sorrier for, the two recruiters or the two recruits.

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