

LASCHER AT LARGE  
By Edward L. Lascher  
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Of interest may be the following extract from the Chicago Tribune of December 1, 1983:

"Illinois now joins 11 other states that permit camera coverage of appellate proceedings, which generally consist of technical debates on uninteresting, though sometimes important, legal issues."

Well, there it is! Issues on appeal are, after all, important. "Sometimes." I believe it happened as recently as 1967. Those folks from the Windy City do appreciate the gripping drama of appellate litigation.

Helpful Hint?

A packet of cards, forms and such arrived from the State Bar, granting me permission to pay dues. This happened almost exactly on the 30th anniversary of my admission to practice law, a fact which may not lack significance, in that the very top item was a mustard colored card captioned at the top "ENROLLMENT AS AN INACTIVE MEMBER" and starting out: "I hereby request that I be enrolled as an INACTIVE member of the State Bar . . .".

Now, to be sure, there is absolutely nothing I would rather become than inactive – but all lower case; it's just that the means of doing so remains elusive. I suspect this represented somebody's trying to tell me something I really didn't want to be told, however. While I grant that somewhat less than half of the membership of the California Bar has been alive 30 years, it still isn't all that long a time, folks. Some people hang around even longer. Just two years ago, there was a lawyer discovered up in the Andes who had practiced vicuna law for more than 42 years and attributed his longevity to never reading advance sheets.

There may be an up side, though. Possibly, somebody in the Management has discovered that, now the membership of the California Bar has passed 85,000 – or is it 850,000? – it may be getting a tinch overcrowded, and laid on a push to nudge out us grayheads (I don't believe in beards). Uh, fella, I hate to tell you, but that game isn't worth the candle. We're a drop in the bucket. The solution lies in the other end. Maybe the problem, too.

Astrolaw

Hoo, boy. I see by the papers that a NASA big shot has disclosed that some law schools are doing research on "astrolaw" and, in his opinion, lawyers will be needed on spaceship crews soon. Turns out they're already training them, not exactly on the playing fields of Eton or the West Point Plain, but on a ship tied up in Vallejo. I always wondered what the Star Ship Enterprise was missing, and now I know.

Look, I love my profession – more than many of its members seem to. But there's a limit, and I think it's only halfway up Mt. Whitney, let alone in the ionosphere. Face it, kids, we are earthlings by nature and by definition. In space we'd be exactly as useful as an ad agency account executive, than which there is no less which.

Then, too, there is astrolaw in reverse. Or something. The current issue of the Southern California Law Review offers typical assistance for the realistic functioning of the legal profession and judicial system in the form of an article by an assistant law professor entitled: "The Medieval and Renaissance Origins of the Status of the American Indian in Western Legal Thought." It is – need I say? – the end product of several grants. Not without import is the fact this is followed by "Discretionary Decision-making in the Regulatory Agencies: A Conceptual Framework", consisting of four diagrams and the annotations thereto. The whole publication represents the law review approach in full cry.

#### Messrs. Fixit

This is a good time for remembering the old adage: "If it ain't broke, don't fix it". Specifically as it applies to errant do-goodism.

There is, of course, airline deregulation. The peanut farmer and his pals rescued us from the monopolist tendencies of the airlines and gave us back the Six Freedoms. Freedom to devote nine hours to every ticket purchase. Freedom to ride in seats calculated to torture a Harper's Bazaar model, lined up 23 across, with front to back separation of 16 millimeters. Freedom to get bumped on half the trips we take. Freedom from having more than one flight a day between any pair of cities whose populations aggregate under fifteen million. Freedom to leave late and get there later. Freedom to rely on the Smiling Jack Commuter Airline and Replacement Muffler Company's Spads.

However, I am even more appalled at the fact that the Justice Department has now succeeded in delivering us from the finest telecommunications system the earth had known. (And, no, I don't own any AT&T stock.) In place of it, we now have a sort of Casbah of questionable practices, a plethora of places to which bucks can be passed, and a

helluva lot of static on the lines.

That one is particularly galling, because it isn't even the product of do-gooding, primarily. It's the spawn of antitrust law which, of course, has nothing to do with either law or good, but exists solely to provide ever increased employment for government agencies and hundred-lawyer-plus firms. Really, folks, the Sherman Act has been around since the dawn of the century, and has wasted more effort, money, pseudo erudition and other resources than practically anything – pro football being the only possible competitor. Do you notice any blank spaces on the skyline where big corporations used to be? Do you see Mom and Pop flourishing in their cottage workshops?

#### Bustable Trust

On the other hand, there's one monopoly around which really could use some busting, which is about as pernicious and hurtful as any I know, and whose destruction would not only serve society's ends better than everything the government's done since it bought Louisiana, but would also reap universal acclaim. I refer, of course, to the Post Office. If the Justice Department is intellectually honest, that's who they should take on.

Divest them of everything except forwarding "occupant" envelopes and announcements that recipients may have just won contests. Let Federal Express deliver the first class mail. (During the first half of my recollective life, one bought a special delivery stamp for a dime or 13 cents in order to get important mail delivered on a Sunday or holiday. Now, you spend \$9.35 for "Express Mail" to get it delivered on a business day, period – and don't think for a minute I digress.)

Obviously, UPS could take over the parcel post; they deliver 96% of the worthwhile packages already. Pitney Bowes could handle the stamps and public facilities. The one thing that worried me for a while was getting periodicals around, but even that has a source. The R. H. Donnelly Company does everything but write all national magazines already (and sometimes I suspect their computers are finishing the job), so they could add circulation.

Asif Hudani, the vision dazzles. If only it weren't for the realities. Like astrolaw.

#### Help Wanted

I've tried to avoid using this space to seek assistance, but even the best of resolutions have their breaking points. Can anyone tell me, with the slightest bit of authority, what the definition of – and difference

between – the terms "jury panel" and "venire" may be? I find them used interchangeably, and contradictorily, and never with any explanation. In our two-lawyer firm and household, each of us knows exactly what the meanings are; trouble is, each of us knows the direct opposite of what the other knows. I guess I'd settle for a reader poll as to which one means the 12 and which one the bigger bunch, but I'd be happier with some solid evidence.

As long as I'm in my begging configuration, I've got a couple more; if a thing's worth doing, it's worth doing often, I sometimes say. Does anybody within the sound of my pen know where you can get those brass, telescoping, spring-loaded book ends with the rubber tips on either end, nowadays? (Yes, the ones whose tips always get lost or split; they're ingenious enough to be worth the aggravation.) They're almost as significant to legal research as those little yellow stickers or the pencil sharpener . . . . And how about colored (blue, green, yellow, tan, gray, orange and red) 32 lb. cover (or backer) paper, which seems to have vanished to the same extent? . . . In return for all this help, I've got some to offer – at least to my fellow oenophiles. It's The Wonderful Screw Pull. One look at it and you know it won't work. Trust. It is, by incredibly many powers, the finest device for initiating the decanting process ever fashioned.

#### Deserved Dyspepsia

Last outing, I took a crack at the American Lawyer and here I am, unable to resist comment on two things in that sheet. One – the more typical – involved front-paging the fact that a "no-nonsense litigator" from Miami named Talbot D'Alemberte got mad at a partner and punched him in the face. It happens that I have been following D'Alemberte for years – partly because of the name, which makes it easier – as an often innovative observer of the legal scene and one-time legislator. (My favorite was his proposal that the deliberations of appellate courts be conducted in public.) Thus, I am disappointed in the substance of that "news", but far more disgusted that Mr. Brill thinks that should be the first item in a new year.

On the other hand, devils and dues and all that. The same author awarded tongue-in-cheek kudos to the Yale Law Journal, which was so locked in taking a census of dancing angels that they went an entire year without publishing a single issue. I loved his tag: "Presumably, those responsible for this fiasco are nonetheless so wonderfully credentialed that they have had their pick of the best jobs, which in an age of decade-long discovery and generation-spanning litigation, probably makes good sense." As does that last clause.

Speaking of which, I see that everybody's been busy drafting in

celebration of the Olympic year or something, with both new statutes and new rules to rationalize the process. Wrong tree, gang. Most of our current procedures need trash-canning, not drafting.

The time has finally come for somebody to raise the battle cries: "Viva trial by ambush", and "Put the game back in litigation." Of course, the latter isn't quite accurate. Anybody who thinks games were played before discovery descended on us, rather than since, has had a long snooze in the Catskills. Before 1957, it's true that lawyers played games on each other. Now, battalions of ex-law review associates and paralegals play games on their clients. And on the reality of attainable justice.

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