

Doherty still in the courts

by David Yuckman

Newark fire captain Robert L. Doherty's effort to gain admission to the Law School through a suit against the University continues in the Federal District Court. Doherty, a white applicant who was rejected for admission to the School in 1979, claims that the Minority Admissions Program prevents him from being considered for all spaces in the entering class, and thereby denies him Equal Protection.

Doherty first appeared in court last January 14th, when he presented his case to Judge Lawrence Whipple. The University moved to dismiss Doherty's complaint, claiming that Doherty's academic credentials were too weak to warrant his admission to the Law School, whether or not the Minority Admissions Program existed. Judge Whipple delayed a ruling on the University's motion to dismiss, but permitted intervention by a group of petitioners representing various parts of the law school student body. Intervenorers include the Student Bar Association, Association of Black Law Students, Asian American Law Students' Association, Association of Latin American Law Students, and Women's Caucus. The University's motion to dismiss was denied by the Court without prejudice in February, but a similar motion by the intervenors is still under consideration.

The primary issue in the case is Doherty's admissibility to the Law School program. Doherty graduated from Montclair State College in 1965, with a grade point average

reported by the Law School Data Assembly Service of 1.85 on a 4-point scale. His LSAT score was 576. Doherty studied law at Seton Hall in the 1960s, but withdrew due to academic difficulties. He was readmitted to Seton Hall on probation, but did not choose to return to his law studies. According to Oliver Quinn, Director of the Minority Student Program, such difficulties at another law school preclude admission for five years, but not after that time has elapsed. Doherty's transcripts from Montclair State reported his average as 2.2 out of 4. With some courses he took at Newark State College (now Kean College), Doherty claims his GPA to be 2.29 rather than the 1.85 reported by LSDAS. Former Associate Dean Stephen Lefelt, who was in charge of admissions for the 1979 entering class, said the LSDAS standard was used for all applicants because it provided a uniform guideline by

which to compare all applicants, despite differences in reporting systems used by various colleges and universities.

Even if Doherty's calculation of his GPA is accepted by the court, he will still fall far below the average scores for applicants admitted to the entering class of 1979. The average undergraduate grade was about 3.4 with the average LSAT about 650. Although Doherty would most likely be eligible for some points because of his work experience and other subjective factors, it remains unclear that he could surmount the hurdles which lie between his present status and admission to the Law School.

Doherty claims that the Minority Admissions program has diminished his own chances of gaining admission to the Law School. Ironically, it is possible that he may have been able to seek admission to the

(Continued on Page 11)

Clinic needs legal aid

by Reginald Pitts

The Rutgers Legal Aid Clinic plays an extremely important role in serving both the campus community and the surrounding area, emphasizing the practical aspects of the law as it relates to the urban experience.

Established about ten years ago, the Rutgers Legal Aid Clinic (not to be confused with the Urban Legal Clinic) is a medium through which people who can not afford legal help can receive it, most times with no cost. For the participants — the students who work in the clinic under the supervision of the staff attorneys — it gives them "the opportunity to apply the theories of the classroom to a real-life situation," states Cedric A. Edwards, '75, acting director of the Rutgers Legal Aid Clinic.

The clients that use the clinic are usually poor people of Newark, who are on some type of assistance — Social Security, city or county welfare or Supplemental Security Income — who may have trouble collecting benefits. The client contacts the clinic and an appointment is made. The student interviews the client, determines what the problem is and figures out a plan of action. Sometimes, all that needs to be done is to place a phone call to the "right" place; other times, students may have to appear in court on behalf of their client, representing the client at an administrative hearing. If

the student is successful, the client may receive the benefits that are coming. However, if the student is not successful, an appeal is usually made, and that will also be the job of the student to handle. All of this is done under the supervision of one of the three staff attorneys of the clinic.

"There are at present ten to fifteen students involved in the Legal Aid Clinic, although we would like to have more students involved," declares Jeffrey R. Kushner, '79, one of the staff attorneys. "The students work here on a voluntary basis," continues Edwards. "The law school usually does not offer credit for participation in the clinic; however, a student may be able to get credits by using their experience here as independent study. The school also may be able to give work-study for work in the clinic to those participating who are eligible for it."

"Many students really do not know much about the clinic, and if they do, they don't have much time to participate. Being former students here, we are aware of the time limitations that students work under," Kushner added.

Both have high hopes for the future of the Legal Aid Clinic. "We hope to expand into fields other than public entitlement cases," says Edwards. "We hope to give the stu-

(Continued on Page 10)

DISMISSED!

As we go to press Judge Whipple, in an extended opinion, dismissed Doherty's claim against the Law School. Whipple stated that, unlike Allan Bakke, Doherty could not claim an injury upon which standing could be predicated. He concluded that, "plaintiff's academic status renders his claim nothing more than a personal, generalized view regarding the constitutionality and legality of the Law School's policies." Doherty could not be reached for comment.

Congratulations: Susan Davis, winner of this year's Moot Court competition. New SBA officers Millege Tyson, Jean Campbell, Julie Carlson, Phil Nash and David Coyne.

PAD gets grant

Phi Alpha Delta Law Fraternity, International (PAD) has received a two-year federal grant amounting to \$450,000 to conduct a Juvenile Justice and Delinquency Prevention Program.

Announcement of the grant was made by Attorney Frank McCown of Ironton, Ohio, International Justice of PAD, one of the world's largest legal organizations with 91,000 initiated members.

PAD has 75 chartered alumni chapters and chapters of 160 law schools throughout the U.S., Canada, Mexico and Puerto Rico, including the Robert H. Jackson Chapter here at Rutgers Law School headed by Chapter Justice Marilyn Williams.

Under its motto of "Service to the student, the law school and the profession," the Fraternity sponsors professional programs for students and alumni, offers job place-

ment assistance and works to advance the professional interest of its members.

McCown said the program will be administered by PAD's newly-opened Juvenile Justice Office in Washington, D. C.

The program will utilize the approach of law-related education (LRE), which is designed to educate youth in the role of law in American society, the nature and scope of our legal system and the uses of the legal process in the resolution of disputes.

The LRE program evolved from the federal Law Enforcement Assistance Administration, which designed a plan to involve six national organizations from the fields of both education and law and bring more law-related education to children from kindergarten through 12th grade.

The organizations involved are American Bar Association, Children's Legal Rights Information and Training Program, Constitutional Rights Foundation, Law in a Free Society, National Street Law Institute and Phi Alpha Delta.

The LRE program originated in the early 1960's which its primary focus was on providing more effective instruction in the fundamental principles of the Constitution and Bill of Rights. However, the past 15 years have seen a growing recognition of the need for LRE and the emergence of a variety of law-related educational programs.

"Most citizens would not be surprised to hear that crime has increased over the last 10 years," said McCown. "Yet more people are unaware of the alarming rate at which juveniles are becoming part of those situations. "For example, although youngsters from ages 10 to 17 make up only 16 percent of the total population, they account for 45 percent of those arrested for serious crime. Overall, juvenile delinquency has increased at twice the rate of adult crime during the past 15 years.

"In terms of cost, the National Association of School Security Directors estimates that vandalism alone has drained some \$590 million from educational budgets nationally. The cost of maintaining the juvenile justice system itself is enormous — more than \$1 billion annually; and it is estimated to be increasing at a rate of \$50 million per year.

"What these statistics indicate is the need to begin concentrating on ways of preventing young people from becoming juvenile delinquents. That is what we hope to accomplish through our LRE program."

PAD was founded in 1902 and includes as members such prominent persons as Warren Burger, Chief Justice of the U.S., Benjamin Civiletti, Attorney General of the U.S., and Sen. Ted Kennedy.

Answer to energy crisis?

A plan to analyze the potential of renewable energy resources for meeting New Jersey's energy needs has been announced by the local board of NJPIRG (New Jersey Public Interest Research Group) at Rutgers Law School — Newark. The purpose of the plan is to find out to what extent New Jersey can free itself of dependence on nuclear, oil, and coal power.

Volunteers are needed from all over the State to do research for the project on a county-by-county basis. Volunteers will work with the **County Energy Plan Guidebook**, a how-to manual for the research.

The Institute for Ecological Policies, which publishes the **Guidebook**, is soliciting participation in similar projects all over the country. The ultimate goal is a nation-wide renewable energy strategy. States with projects include California, Kansas, Kentucky, Missouri, Montana, and New Hampshire.

The renewable energy resources to be surveyed include conservation, solar, wind, biomass (waste conversion, wood, crops for alcohol/gasohol, etc.), geothermal, and hydropower. Needs are to be cataloged into the requirements of residential, commercial and office, industrial, and transportation sectors.

Over 60 individuals and groups in New Jersey have already expressed an interest by purchasing the **Guidebook**. The organizations include a number of community action programs and boards of chosen freeholders. NJPIRG will also encourage involvement by students, planners, business people, and members of citizen activist groups.

A Monmouth County research group has already begun meeting, but needs more volunteers. That group was initiated by members of the local SEA (Safe Energy Alternatives) Alliance.

To volunteer, or for more information, drop by or leave a note at the PIRG office, Room 309, or talk with Ralph Litwin, project coordinator.

More PAD

(Continued from Page 4)

PAD demonstrates the depth to which the Robert H. Jackson Chapter strives to fulfill their commitment of attaining the purpose of PAD. I feel that I can speak for all the new members initiated on February 29, in saying that we are proud to be members of PAD and particularly the Robert H. Jackson Chapter and that we will strive to continue in this chapter's outstanding tradition.

Doherty

(Continued from Page 1)

School under the "disadvantaged white" portion of the program. Doherty's father never completed high school, and Doherty himself had to work since the age of seventeen. He worked full time as a chemical inpregnator to support himself as he attended Montclair State. Yet, Doherty did not wish to be considered for admission under the MSP. "I did not apply to be considered as a disadvantaged white," said Doherty. "I stated in my application that I was advantaged because I came from a wonderful family and enjoyed the benefits that work brings you."

To determine exactly how minority applicants were scored for specific credentials compared to their white counterparts, Doherty has asked for permission to do extensive discovery on the records of all 1979 applicants to the School. The University has disputed the potential usefulness of such discovery and has argued that discovery of this nature would violate the confidentiality promised by the School to each applicant. The university has asked the Court for a protective order to prevent the discovery which Doherty wants to compel. This round will be decided when both sides again appear in court on April 14th.

At this time, Doherty has made no plans concerning law school other than to continue his suit. He is not planning to apply to Rutgers again for consideration in the 1980 applicant pool or to apply to other law schools. Whatever the outcome of the present case, one thing is certain. By pressing his case *pro se*, Doherty is learning a lesson in Civil Procedure which is not a regular part of the First year course.