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FROM THE EDITOR-IN-CHIEF

This edition of the Law Forum presents topics which reflect the active and growing concern of not only the legal profession, but the general public as well. It seems as if articles on AIDS and pro bono work appear almost daily in newspapers across the country. Certainly, we see our share of them in the Baltimore-Washington Metropolitan area. The authors of the articles on AIDS and pro bono work have focused on specialized areas of these topics.

The Law Forum has continued to receive many comments from our readers about specific articles. In an effort to encourage such feedback, we have included a new feature in this issue — Commentary. The Editorial Board welcomes letters with either specific article comments or simply comments of a general nature pertinent to the legal profession. We hope to continue this feature on a regular basis. Any such letters should be addressed to :

Editor-In-Chief
Law Forum - Room 200
University of Baltimore School of Law
1420 N. Charles Street
Baltimore, Md. 21201
301-576-2303

Be sure to include your name and a phone number where you can be reached during the day.

We are also bidding farewell to Associate Dean Rafalko (See Dean's Forum). He will certainly be remembered fondly by all those who have attended the Law School since he became a member of the faculty. The sadness felt with his departure as a full time member of the faculty can be lightened with the knowledge that he will continue to teach on a parttime basis during the Spring semester.

Our thanks to the faculty and the legal community for the support given the Law Forum. Such support is essential to our continued success.

Sincerely,

Patricia Coyle Johnson
Editor-In-Chief



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DEAN'S FORUM

Walter A. Rafalko, *Associate Dean*
University of Baltimore
School of Law



Dear Faculty, Students, and Alumni:

On July 1, 1990, I will retire as the Associate Dean of Academic Affairs and Professor of Law and officially assume the position of Adjunct Professor of Law here at the University of Baltimore School of Law.

Throughout my forty years of teaching, it has been my privilege to have organized and taught over 25 subjects. These subjects included: Agency & Partnerships, Corporations, Administrative Law, Federal & State Taxation, Constitutional Law, Conflicts of Laws, Domestic Relations, Contracts, Legal Writing and Research, Criminal Law, Torts, Municipal Corporations, Appellate Practice, Civil Procedure, Equity, Jurisprudence, Remedies and Damages, Federal Jurisdiction, Comparative Law, Legal Profession, Insurance, Legal History, Personal Property, Real Property, and Introduction to Legal Skills.

Prior to joining the University of Baltimore School of Law faculty, I had practiced in Missouri, Washington, D.C., and Pennsylvania. At several schools, I served as an instructor, teacher, professor, administrator or dean at St. Louis University, St. John Fischer College, University of Rochester, Duquesne University and the New York Law School.

Teaching has always been my "first love" and my main aspiration was that it would be in the field of legal education. Teaching wields a tremendous influence on law students, and I relish the challenge of guiding and molding a law student into becoming an ethical, competent attorney — not a fraud upon the public. Teachers should practice what they preach.

As members of the legal profession, attorneys have a crucial duty to protect the rights of the so-called "little man" as well as the wealthy. It is their affirmative duty to vigilantly and tirelessly insure that the rights of these unfortunate, indigent individuals are not emasculated, and that they are afforded the identical rights of the democratic process which society, in all its benevolence and beneficence, automatically confers upon their more fortunate, affluent brethren. That I tried to fulfill this duty is illustrated by my efforts to obtain the release from prison of Hayden Jones after 19 years of unjust and inequitable incarceration. Hayden C. Jones, Jr. was found guilty in 1949, in Pittsburgh, Pa., and was sentenced to 15 to 25 years. The sentencing judge later increased the aggregate sentence to 30 years without a hearing and without giving any reason for the expanded

sentence. Throughout his trial, Mr. Jones was poorly represented by counsel who erroneously advised him that he had no basis for appeal, and who subsequently abandoned him. Mr. Jones had steadfastly maintained his innocence from the day of his arrest and had filed numerous (11) habeas corpus writs which were all denied. In August, 1966, I became aware of the plight of Mr. Jones and volunteered my services. I raised three arguments in my post-conviction petition: (1) the conviction was based on perjured testimony; (2) the sentence was unlawfully increased, constituting double jeopardy; and (3) the right to appeal had been denied due to the abandonment of counsel. I was prepared to argue the case all the way to the U. S Supreme Court feeling that time was ripe for overruling *Palko v. Connecticut*. However, I persuasively exhorted the trial court to vacate the conviction for the above reasons. This the court did on January 25, 1968. The court order, however, allowed the District Attorney to bring new indictments to trials within 60 days or have them *nolle-prossed*. My successful efforts on behalf of Mr. Jones culminated on February 15, 1968 when the motion of the District Attorney for *Nolle Pros* was filed, at which time Hayden Jones was released.

My efforts in behalf of Mr. Jones did not cease at this point, however. While Mr. Jones was technically a free man, he was penniless and I had to tender financial assistance to him. I am convinced that there are other individuals who encounter the same difficulties as Mr. Jones. Society owes an obligation to these aggrieved victims of our judicial process and I strongly advocate the creation of a revolving fund under which an individual, upon his discharge, could borrow and not be forced to commit another crime to survive.

The purpose in reliving the nostalgic Mr. Jones story is to remind myself, lawyers, and law students for the need to recommit ourselves to the realities of life, practice, and professionalism.

This Law School has long recognized the two most important factors in predicting success: LSAT and College G.P.A. This Law School has also recognized that non-traditional factors play an important role in the selection of students for admission. Therefore, the Law School established the Summer Institute in 1974 to assist minority students. Originally, the Summer Institute offered only two courses: Introduction to Legal Skills and Criminal Law. In addition, the Academic Resource Center provided the necessary testing and writing instructions for those students found deficient in language mechanics, sentence structure, and paragraph patterns. The format of the Summer Institute was changed in the Summer of 1984. Today, there are at least 300 lawyers practicing law that never would have had the opportunity to do so, if it were not for this program. If I were asked what was my greatest contribution to legal education, I would unhesitatingly say it was my association with this program which association terminated in the summer of 1983.

This is a great law school and ranks with any of the 158 AALS OR 174 ABA member schools, and any of the other law schools that I have been affiliated. My sincere thanks go out to all who have provided me with the opportunity to have served and for the challenge to have contributed in some small measure to its accreditation. To the faculty, students, administration, staff, and alumni, I extend my firmest wishes for your continued success. To Dean Laurence M. Katz, I offer my heartiest congratulations for the leadership, progress and achievements he has provided, and especially for making available to me 16 years of a most enjoyable tenure. Truly, the University of Baltimore School of Law is the greatest!

Sincerely,

Walter A. Rafalko
Associate Dean