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JULY NEWSLETTER INDEX

Bar Should Require Internship.....	Pg 1
Iraqi Order 17.....	Pg 1
The Innocence Project.....	Pg 2
You Be The Judge/Car Insurance.....	Pg 2
Legal Pearls.....	Pg 2
Legal Crossword Puzzle.....	Pg 4

IRAQI ORDER 17

In September 2007 employees of U.S. security company Blackwater, shot and killed 14 civilians in Baghdad, “without cause” according to the American FBI. No charges have ever been brought, by Iraq because of Order 17 of the Iraqi Coalition Provisional Authority; by the U.S. military because security escorts for civilians are exempt under the UCMJ; nor by the U.S. government because trying a criminal case in federal court requires a secure chain of evidence, and that gathered by Iraqi investigators would be regarded as suspect.

BAR SHOULD REQUIRE INTERNSHIP

The American legal system, with few exceptions, has no formal apprenticeship training requirements between the beginning of law school and the bar exam, or even after the bar exam. Thus, the typical lawyer receives a license to practice without ever showing any ability to counsel a client, prepare a contract and deed, or draft a pleading. Two states, Delaware and Vermont, go against this trend however, and require that candidates for admission to the bar serve a full-time clerkship of at least five months (Delaware) or three months (Vermont) in the office of a lawyer previously admitted in that state before the candidate is eligible to take the oath of admission.

Thus, it is evident that there is a stunning lack of accountability for crimes committed by the members of the estimated 180,000 member force that makes up the shadow army of contractors working for the U.S. in Iraq. Even though the U.S. House passed a bill in October 2007 that would make all private contractors working in Iraq and other combat zones subject to prosecution by U.S. courts, the Senate has failed to pass any such measure. Moreover, it remains uncertain whether any such legislation would escape President Bush’s veto should it arrive at the White House. Thus, the legal status of Blackwater and other security firms in Iraq is still a major subject of contention, and continues to galvanize public opinion against the United States and undermine the sovereign legitimacy of the government of Iraq.

In addition, other states have acted to alter the common procedure of becoming a licensed attorney, the norm being that a student graduates from law school, then passes a bar examination. For example, in 2005, New Hampshire launched the Daniel Webster

(continued on page 2, column 1)

Scholar Honors Program, an alternative bar certification program at the state's only law school, Franklin Pierce Law Center.

In Wisconsin, Wisconsin's diploma privilege allows University of Wisconsin and Marquette Law School graduates to seek admission to the state bar of Wisconsin without having to sit for a bar examination.

Nearly all state bars, however, require a candidate to simply graduate from law school and pass the Bar Examination. This practice tends to overemphasize memorization of all the legal doctrine studied in law school. Until the bar exam requires testing of attorney skills such as counseling clients, conducting factual examinations, and drafting legal documents, an additional requirement should be instituted – that is some form of practical training, whether it is called interning, articling, or apprenticeship before a bar candidate can be admitted to practice law. This is out of fairness to the public which has the right to expect licensed lawyers to be able to do basic legal work.

THE INNOCENCE PROJECT

The Innocence Project is a national organization affiliated with the Cardozo School of Law at Yeshiva University in New York. The program helps indigent defendants who were wrongfully convicted and are serving time, and who generally have used all other legal resources to get their convictions overturned.

The Innocence Project was started by Barry C. Scheck and Peter J. Neufeld in 1992 and was featured in John Grisham's 1995 book *The Innocent Man*. Since 1992, the Innocence Project has helped over 100 inmates who were wrongfully convicted go free. Many of these inmates were serving life sentences and some were on death row.

(continued on page 3, column 1)

YOU BE THE JUDGE

CAR INSURANCE NON-RENEWAL VALIDITY

Sam was a 74-year-old with a clean driving record except for a 2-year-old speeding ticket for going 54 in a 20-mile per hour zone. His car insurance company of 30 years warned him it might terminate him the next time he got a ticket, but when he was involved in an intersection accident for which he received no ticket the insurance company wrote Sam a letter canceling his insurance policy, anyway.

Unable to get insurance anywhere else, Sam hired a lawyer to sue his old company for illegal termination. "You cannot cancel a driver for being in a minor accident where he was not ticketed or at fault," the lawyer told the Judge.

The insurance company defended its action. "We have the right to identify and remove high risk drivers from our pool of insured people", said the insurance lawyer.

If you were the judge would you decide for Sam or the Insurance Company?

Sam Gets his insurance policy renewal, ruled the judge. "Mere involvement in an accident without evidence of fault is insufficient reason to deny renewal", said the judge. "Otherwise, drivers in minor accidents are afraid to use their insurance for fear of being cancelled."

(Based on a Florida appeals Court Case)

Additional **YOU BE THE JUDGE** cases can be found at: johnaritter.com.

LEGAL PEARLS

There are 2 kinds of lawyers – those who know the law and those who know the judge.

(continued on page 3, column 2)

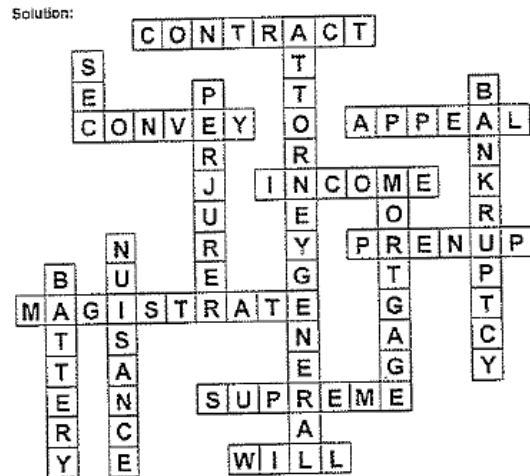
The Innocence Project uses DNA testing to exonerate inmates. Many of the inmates were convicted prior to the advent of DNA testing or its widespread use and thus, many of them did not have the benefit of having their DNA compared to the evidence used against them in court. The lawyers involved with the Innocence Project go back and obtain the evidence used against the inmates, often hair, bodily fluids, or blood and compare it to the DNA of the inmate. In many cases, this scientific testing reveals that the inmate was not in fact the perpetrator of the crime.

Since 1989, over 200 inmates have had their wrongful convictions overturned after DNA testing revealed that they were not the perpetrators of the crime. Many of these overturned convictions resulted from efforts of lawyers working for the Innocence Project. Currently, the Innocence Project is working on approximately 200 cases for wrongfully convicted, indigent inmates.

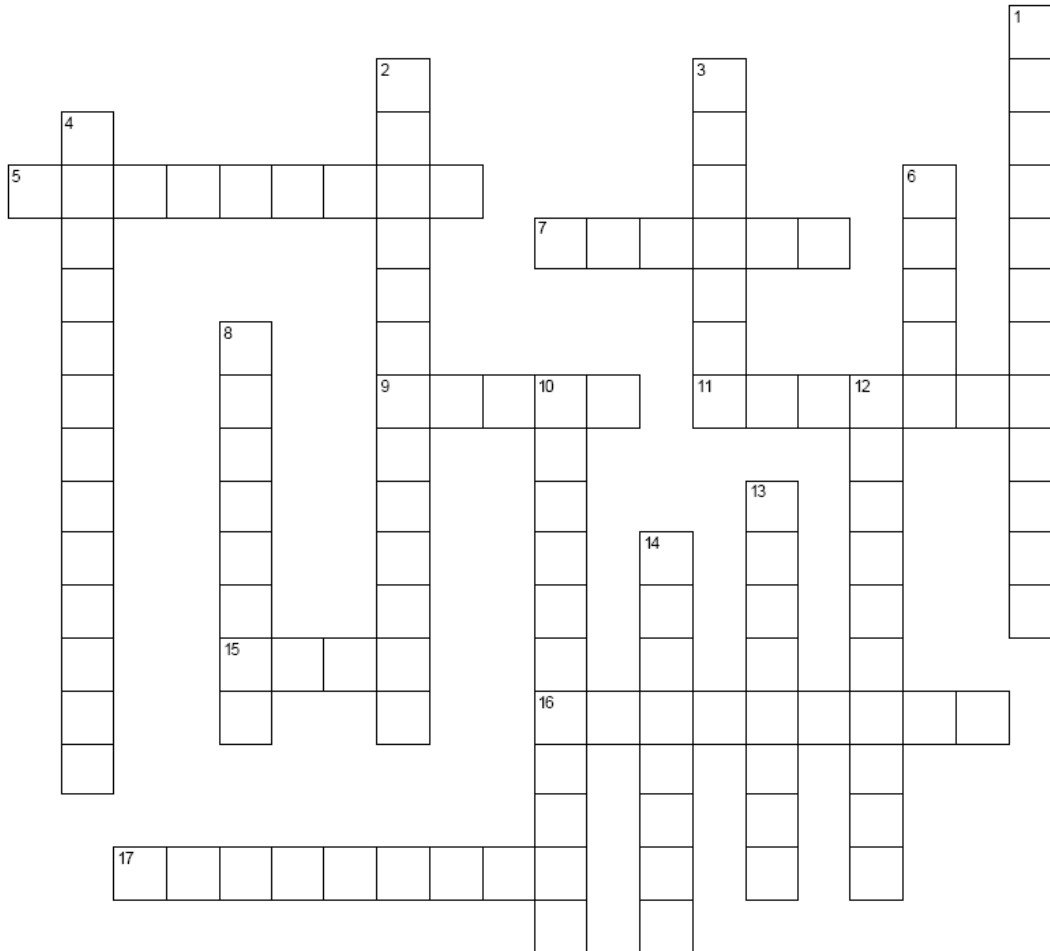
Abraham Lincoln, John Marshall, and Daniel Webster never went to law school.

The law in all its fairness treats rich and poor equally by forbidding them both to beg in the streets or to steal bread.

ANSWERS TO LAST MONTH'S JUNE LEGAL CROSSWORD PUZZLE



LEGAL CROSSWORD PUZZLE
(ANSWERS IN AUGUST NEWSLETTER)



www.CrosswordWeaver.com

ACROSS

- 5 one who makes a guaranty
- 7 corporate marriage
- 9 printed lies
- 11 arrestee's rights
- 15 body of rules
- 16 a duty-bound individual
- 17 hypothetical tribunal

DOWN

- 1 paper showing receipt of shipped goods
- 2 having more evidence for than against
- 3 out-of-state personal jurisdiction statute
- 4 as much as deserved
- 6 rule of discipline
- 8 legal way to avoid income tax
- 10 after the fact
- 12 dispute resolver
- 13 court of equity
- 14 building blocks of a case