victims "would materialize—as in the Boston case—occasionally and more or less unpredictably depending on varying policies of local prosecutors, randomly selected jurors, and sentencing judges."

Burt added: "Because these decisions—dispensing life and by necessary implication dispensing death—press against our most basic communal identities, I think it proper that the society impose an extraordinary burden of care-taking on these physicians.

"The possibility of criminal liability should force these physicians to give of themselves, to identify both the family and the newborn child as if the suffering of each were the physicians' own . . ."

Kamisar Advises Judges On Waiver Of Counsel

A recent U.S. Supreme Court decision (Faretta v. California) holds that a criminal defendant has a constitutional right to represent himself when he voluntarily and intelligently elects to do so. According to U-M law Prof. Yale Kamisar, this requires the trial judge "to walk a very thin high wire. If he is not careful, the waiver may be found invalid; if he is 'too careful' he may be found to have forced a lawyer on an unwilling defendant."

Kamisar was speaking at the 20th annual Judicial Conference of Circuit Court, Court of Appeals, and Recorder's Court Judges of the State of Michigan.

Kamisar suggested that an earlier California ruling to the contrary stemmed, in part, from fears, in response to the controversial and widely publicized trials of such figures as Angela Davis and Bobby Seale, "that pro se defendants would abuse their position and disrupt courtroom procedure and from a belief that requests to proceed pro se were routine ploys used by cunning criminals to bring about reversals."

"Just what is it," asked Kamisar, "that the trial court must be satisfied the defendant fully understands before accepting his waiver of counsel?" Despite language to the contrary in a 1948 U.S. Supreme Court opinion, Kamisar maintained that "a valid waiver need not be made with a comprehension of possible defenses to the charges and circumstances in mitigation thereof. Literal compliance with these requirements would be extremely time consuming and burdensome and, arguably, would require the court to give the defendant a course in law."

Kamisar said he thought it sufficient that the defendant comprehends the proceedings, the nature of the charges against him and the range of possible penalties therefor, and that "he understands that a defense lawyer can help him on these other matters, i.e., that he understands that a defense lawyer can render important assistance in determining the existence of possible defenses and mitigating circumstances and in preparing for and representing a defendant at trial or—in the event of a plea—in consulting with the prosecutor as to possible reduced charges or lesser penalties, and in presenting to the court matters which might lead to a lesser penalty."

Kamisar also suggested that when a defendant chooses to represent himself the court should offer legal counsel on a "standby" basis. "As long as standby counsel only assists the defendant when called upon and is not permitted to examine or cross-examine witnesses or to make argument over the defendant's objection, such counsel should not be viewed as interfering with the defendant's representing himself. The expectation is that typically the defendant will soon recognize the value of counsel and consent to being represented by the standby."

In Kamisar's view the "harmless error" doctrine should not apply to denials of the right to self-representation. "If it did, it would practically destroy the right, for rarely—if ever—could it be established that representation by counsel, as opposed to self-representation, affected the result adversely to defendant... A primary feature of the pro se right involves considerations distinct from the objective of achieving what would be the best result from a lawyer's point of view."

Dean St. Antoine Heads Legal Consumers Group

U-M Law Dean Theodore J. St. Antoine is serving as president of The Resource Center for Consumers of Legal Services, a private, non-profit group for research and information on pre-paid group legal plans.

The center's board members include well-known figures in education, law, labor, and other fields. Honorary chairmen are AFL-CIO President George Meany and former American Bar Association President Chesterfield Smith.

Among other activities, St. Antoine recently served as chairman of Michigan Gov. William Milliken's special Workmen's Compensation Advisory Commission, which was assembled to revamp the state's workmen's compensation system.

St. Antoine reported that the commission, which included an equal number of representatives from business and labor, could not agree on a set of recommendations but instead submitted a descriptive study of the state's system and its problems.

Gov. Milliken said the study "will greatly assist my office and the legislature in addressing the need for reform."

Arbitration Trainees Enter U-M Program

A program designed to offset a growing national shortage of quali-