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A Note from the Editor

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A NOTE FROM THE EDITOR

The law school community was deeply saddened by the recent death of Professor Stephen Marx. Although a member of the law faculty for just more than year. Professor Marx's sincere eagerness to share the unique legal expertise which had been the goal of his scholastic endeavor brought respect from both students and colleagues. This issue of the *Buffalo Law Review* is respectfully dedicated to his memory.

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One need not be a devotee of the case law to appreciate the frequent degree to which school-associated conflict has recently become the focus of legal attention. Indeed, the daily newspapers seldom fail to report an incident of student violence, an episode of teachers' contractual disputes, or other manifestation of institutional strife. In an effort to stimulate greater awareness, education, and understanding, this issue of the *Review* presents a special section designated as a forum for the discussion of legal problems in an educational setting.

Focusing upon actual contractual negotiations conducted at the City University of New York in 1969, Professor Bernard Mintz and his Executive Assistant, Allan Golden, explore the difficulties in the application of the arbitral process to collective bargaining agreements in institutions of higher learning. Through an analysis of haircut regulations, Professor Edward Ladd discusses the reasonableness of school disciplinary measures and posits reasons why the courts are frequently unable to make knowledgeable decisions concerning the propriety of such measures. Matthew Finkin's *Toward a Law of Academic Status* suggests constitutional and nonconstitutional devices available as protectors of professorial tenure and academic freedom. The author offers illustrative case law which implies an increased judicial sensitivity to the rights of the academician and may herald an emerging law of academic status. In a recent book, *The Unions and the Cities*, authors Harry Wellington and Ralph Winter argue that collective bargaining as developed in the private sector should not be extended to the public sector. Seizing upon this thesis, Professor Stephen Goldstein's book commentary examines the role of collective bargaining in public education. Complementing these professional articles

and also bearing on the issue of school law are five student-authored writings. Through the vehicle of a recent judicial opinion, each of the pieces make significant comment upon such pertinent topics as student freedom of expression, professorial rights and tenure, the rights of married students in high school, and teacher qualification.

We are also pleased to present in this issue three articles which appeal to varied interests and challenge legal thought. Recent medical developments thrust into national attention by the efforts of Doctors DeBakey and Barnard, among others, provide the backdrop for a provocative article by Professor Al Katz. The article suggests a process design for the selection of recipients to receive extraordinary medical services—hemodialysis and organ transplant. Edward Mascolo, frequent author and Editor-in-Chief of the *Connecticut Bar Journal*, enlightens the student of criminal or constitutional law with *The Emergency Doctrine Exception to the Warrant Requirement Under the Fourth Amendment*. Executive Order 11246, requiring contracts and subcontracts of federal contractors to contain an equal employment opportunity clause, is the subject of an article by attorney M. Brian Moroze. Mr. Moroze argues that a back pay remedy pursuant to this order may legally be required although not specifically provided for.

The *Review* wishes to acknowledge the participation of Professor Wade Newhouse in the planning of the special school law section appearing in this issue and to express particular gratitude to Norman Rosenberg, Instructor of Law, for his assistance in the preparation of student casenotes contained in that section.

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Professor Edward T. Ladd, author of *Assessing the Reasonableness of School Disciplinary Actions: Haircut Cases Illuminate the Problem*, died on January 24, 1973 in Atlanta, Georgia. The *Review* extends its deepest sympathies to Professor Ladd's family and joins in mourning the death of this distinguished scholar and educator.