

1985

9/24/85

V.L.  
~~Monroe~~ v. Monroe Trust.

Letter to Dean Simmons

1 page each.

(2 copies = 2 pages)

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THE STATE UNIVERSITY OF NEW JERSEY  
**RUTGERS**

Interdepartmental Communication  
school of law - newark

M E M O R A N D U M

TO: Dean Simmons  
FROM: Jon Hyman *JMH*  
DATE: September 24, 1985  
RE: Clinic representation of the Urban League in the Mount Laurel cases

Late last Thursday, I received a telephone call from the State Attorney General's office. The Deputy Attorney General with whom I spoke (whose name I didn't get) said that Senator Garibaldi had asked the Attorney General for an opinion on the legality of using public funds to sue municipalities. In particular, the problem was the Constitutional Litigation Clinic's representation of the Urban League in its "Mount Laurel" suit against Monroe Township. The DAG said she had assumed that Rutgers' clinics were funded by Legal Services, as her clinic at Seton Hall had been. I told her that the Constitutional Litigation Clinic was not so funded. She told me to contact Thomas Cannon, the AG's press officer, who was drafting a response to Senator Garibaldi. I called Mr. Cannon's office and, as he wasn't in, left a message that Professor Neisser was the one to contact. Mr. Cannon has not yet contacted Professor Neisser and is out of the office till next Monday.

This Thursday, Professor Neisser, Professor Payne and myself hope to get together to decide how to respond to Mr. Cannon. It is quite clear to me that an effort to prevent Clinic litigation against municipalities violates academic freedom and legal ethics (ABA Informal Opinion No. 1208) and perhaps the first amendment and the clients' constitutional interest in representation, as well. This is particularly true of an effort to stop ongoing litigation. (It may also violate equal protection. Atkinson v. Bd. of Trustees of Univ. of Ark., 262 Ark. 552, 559 S.W.2d 473 (1977).) At this point, I don't know if Mr. Cannon needs such arguments or only needs to understand that no law prevents such representation.

I am writing this memo so that you will be aware of the issue. At this point, I think we can handle it without your good offices. If you would like further information, please let me know.

cc/Prof. Askin, Neisser, Payne, Rousseau, Taub

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cc/Profs. Askin, Neisser, Payne, Rousseau, Taub

9/25/85

Jon: Please see me before you meet.\* I  
 Have been involved in this for some  
 time through the President's office.

cc: Profs. Payne and Neisser

*Peter*

\* Or the four of us can meet together.