

Editorial Section

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EDITOR'S NOTE

The 1960's will be remembered in judicial history as the decade in which the rights of criminal defendants, before and after conviction and incarceration, were granted protection against the overwhelming power of the State. As the Warren era was drawing to a close, a new class of "prisoners" put its case before a number of courts, challenging the procedures that preceded their incarceration, asserting their rights to counsel and confrontation, and seeking amelioration of the conditions in their "jails." The new prisoner-appellants are easier to support than those assisted by the Warren Court for, in most cases, they

have harmed or threatened no one. On the other hand, securing rights for the involuntarily committed mentally ill — the new prisoners — will have an impact on those outside. It should force us to define, understand and treat mental illness; it may force families to care for relatives who are irritating and inconvenient, but not sick; it could force humanity into the locked back wards of state institutions. It will force lawyers and psychiatrists to listen to each other.

Problems in securing the rights of the mentally ill are highlighted in this issue of the *Maryland Law Review*. The lead article and its supporting comments examine the lack of communication between lawyers and psychiatrists through an analysis of transcripts of post-commitment judicial hearings. A comprehensive student comment selected as the most significant piece of writing by a senior staff member, discusses implementation of the mental patient's "right to treatment." In determining who is to be confined as mentally ill and deciding what to do with those so confined, attorneys have new and difficult roles to play. The works presented in this issue provide some basic training in the field.

A student note examines *Hawkins v. Town of Shaw*, hailed by numerous commentators for its holding that any administrative decision with disparate effects on blacks and whites must be justified by a compelling state interest. The conclusion: the Fifth Circuit reached an appealing result that is not supported by the law.

The staff of *Maryland Law Review* applauds the elevation of our Assistant Faculty Advisor Laurence M. Katz to the position of Associate Dean of the Law School. Professor Katz' qualities as an outstanding teacher and a warm friend to students will serve him well in his new role. He succeeds Associate Dean William G. Hall, Jr., who will be returning to full-time teaching duties. James F. Forsyth has been named Assistant Dean. A second Assistant Dean, Robert E. Ashman, will handle alumni relations and student placement.