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EDITOR'S NOTE

In recent years the legal profession has encountered increased scrutiny by the press and public. The profession, aware that the practice of law demands public confidence, has attempted to ensure the high quality of legal services through a system of ethical standards and disciplinary procedures. Nevertheless, when instances of unethical conduct are exposed, difficult questions arise concerning the proper relation between the misconduct and the discipline imposed. In our first article, Arthur W. Machen, Jr. a former chairman of the Ethics Committee of the Maryland State Bar Association, surveys the law of disbarment and reinstatement in Maryland with a view toward the problems of maintaining an equitable system of attorney discipline. Mr. Machen begins with a brief discussion of the historical background and recent changes that have vastly altered the process by which attorneys are disciplined in Maryland. He then undertakes an analysis of the various categories of offenses which have been thought to require discipline in an effort to determine whether there has been a consistent correlation between the seriousness of the offense and the severity of the discipline. This study indicates that while the Court of Appeals has generally achieved consistency in its treatment of discipline cases, areas for improvement remain.

In February, 1976, the Court of Appeals issued its opinion in *Barry Properties v. Fick Bros. Roofing Co.*,[1] declaring that portions of the Maryland mechanics' lien statute were unconstitutional because they permitted the taking of property without adequate due process safeguards. Rather than striking down the entire statute, however, the court merely excised those portions that permitted the priority of a mechanics' lien to relate back to the time at which the work was supplied. After *Barry Properties,* a mechanics' lien was to date only from the time of the judicial determination establishing the lien. The General Assembly, apparently in response to *Barry Properties,* then enacted an entirely new mechanics' lien statute but made no attempt to restore the relation back mechanism. In our second article, Mr. Kenneth B. Frank and Mr. George W. McManus, Jr. discuss these significant changes in the mechanics' lien procedures. The authors begin with a detailed analysis of the opinion in *Barry Properties* and recent Supreme Court cases that influenced the Court of Appeals in its decision. They then compare the new statute and rules with their predecessors in order to identify important differences and problems of interpretation. Finally, the

1. 277 Md. 15 (1976).

article discusses the questions of the retroactive application of the case and the statute and the possibility of reinstating a relation-back provision consistent with the reasoning of *Barry Properties*. The authors conclude that the absence of a relation-back provision in the new state may reflect a misconception on the part of the legislature as to the precise holding of *Barry Properties*. They suggest that restoration of a relation-back provision would greatly enhance the efficacy of the mechanics' lien remedy.

The stability of the banking system is essential for the proper operation of our economy. For that reason, banking is one of the most heavily regulated activities in our country. Despite the pervasiveness of this regulation, problems remain. Our final article, authored by Mr. Arthur John Keeffe and Ms. Mary Head, presents a forceful condemnation of the current structure and operation of the Federal Reserve Board. The authors criticize the Fed for its inherent conflict of interest and its virtual isolation from the other policy making bodies of the government. Furthermore, they question the Fed's ability to provide effective regulation, illustrating this point by reference to the current problems caused by the lack of regulation in the areas of bank holding companies, real estate investment trusts, and loans to foreign countries. Several reforms are proposed that should help to alleviate the regulatory lapses that have recently plagued the banking system.

This issue also includes two student comments. The first comment explores the law regarding the liability of occupiers of land to entrants upon their premises. Traditionally, this area of tort law has been governed by common law categories under which the liability of the landowner turns upon the status — invitee, licensee, or trespasser — of the entrant. Unfortunately, the rigidity of these categories often produces harsh results, especially with regard to children. Recently, however, courts in some jurisdictions have dispensed with the common law status categories in favor of a general negligence approach. The author discusses the merits of the two approaches and concludes that, on balance, a negligence theory provides a satisfactory system for affixing liability and avoids the inequities produced by the common law categories.

A second student comment discusses the scope of coverage of the 1972 amendments to the Longshoremen's and Harbor Workers' Compensation Act. Congress enacted these amendments in an effort to resolve certain anomalies in coverage that had arisen under the previous act. Unfortunately, ambiguity in the language of the amendments has created new problems of interpretation regarding the coverage of maritime workers. Three distinct theories regarding the coverage of the amendments have emerged from the six United States Court of Appeals that have examined the issue, and the

Supreme Court has granted certiorari to settle the controversy. The comment discusses the background of the 1972 amendments and then examines the validity of each of the proposed theories. The author concludes that one theory — the point of rest doctrine — offers the best accommodation between Congress' apparent purpose in enacting the amendments and established practices in the maritime industry.

Two recent decisions dealing with recent Fourth Circuit opinions close the issue. *Richardson v. McFadden*,[2] which upheld the constitutionality of the South Carolina bar examination despite its disproportionate racial impact, is the subject of the first recent decision; *Vaughan v. Southern Ry.*,[3] which held that the citizenship of an out-of-state administrator could be disregarded for purposes of determining the existence of diversity jurisdiction, is the subject of our second.

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2. 540 F.2d 744 (4th Cir. 1976).
3. 542 F.2d 641 (4th Cir. 1976).

The following students have contributed a Comment to this issue:

Michele M. Mielke

Julien A. Hecht

The following students have contributed a Recent Decision to this issue:

Catherine C. O"Toole

David Abramson