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Dear Dan:

To my astonishment, your last letter, which I have sitting in front of me, is dated August 15, 1988. I had been thinking about it for what I thought was three or four months, but it turns out to be nine. In March of this year I turned 50, and this phenomenon of accelerating time is what strikes me the most.

I think what has precipitated my response at the moment is that I was particularly thinking about you last week when I went to the French Administrative Court in Nice for a hearing in a case brought by the socialist and communist led teachers' unions against the Department of the Maritime Alps and the American International School in Nice. I have been representing the latter. Actually my thoughts turned to you somewhat indirectly. I was really thinking about Reno Harp. This led me to think about your reflections 25 years ago about the extent that states' rights may have been eroded simply by inadequate legal representation.

I was working closely with counsel for the Department of the Maritime Alps which is the French approximation of a state government. The American School had signed a long-term lease with the Department for a symbolic rent of one franc per year, but the existence of the lease was known only to the directors of the School and to the Department. The teachers' unions did not know it existed, nor did the court. The Department's counsel wanted me to lie to the court and affirm that no lease existed. I naturally refused to do this. The Department's lawyer could not understand this and insisted I was "too pure". "Sometimes you have to lie to the court to win," he said. "Don't American lawyers do that?"

In addition the argument that he had made in his trial brief made

me wonder whether he might be a distant cousin of Reno Harp. All this made me wonder whether Reno Harp is still defending the Commonwealth in state post-conviction cases and, if not, what became of him and whether his replacement is giving Virginia better value for its money. The Department of the Maritime Alps was certainly not getting much.

I have recently been invited to teach at a new law school that is being created in Besancon in France near the Swiss border. This school, scheduled to open in 1990, plans to use the case method and hence break out of the highly theoretical teaching of the existing French law schools. I am still debating if I want to teach and, if so, under what conditions, a seminar from time to time or something more ambitious such as my presence there for about a third of the time. It is by no means certain that the courses I suggested will be of interest to this new school. The subject that intrigues me the most at the moment is a seminar on the civil rights case law of the European Court of Human Rights and the U.S. Supreme Court. I would try to do something like Charles Horsky did at Virginia but using the cases of both courts. I doubt if anything will come of all this, but I mention it to let you know that I still think about these matters.

A few months ago I did a brief for a French lawyer on "disguised extradition". Essentially this amounts to contesting the jurisdiction of the court on the grounds that the accused has been unlawfully brought before it. The U.S. Supreme Court rejected this argument in 1886 in *Kerr v. Illinois* and in the 1950's in *Frishie v. Collins*, if I remember the names of the cases correctly. But there has been good criticism of the rule, and the European Court of Human Rights decided an interesting case in 1986 involving France (*Bozano Case*) in which the Court condemned the practice of illegally remitting a prisoner from one country to another, thus avoiding the extradition process. ~~brought~~. This was really my first look at the case law of the European Court of Human Rights, and I was surprised at the extent to which the case law had developed and to which it mirrors the problems confronted by the U.S. Supreme Court.

I enjoyed seeing your letter of inquiry to publishers for your novel. Now that nine months have gone by, I would like to know the result. I hope you won't give up if the first attempt is not accepted. There is plenty of precedent for the 2nd attempt doing better. The theme of your novel intrigues me, but I know little about the relationship between Germany and the American South. In fact, I didn't even know there was such a relationship.

My oldest son will move into his last year at Winchester College

in England next year and will be applying to Oxford. Hopefully he will get in as he has no second choice. He is interested in economics and, I believe, law, although he says little about this, and I say even less, as I do not want to frighten him off. The second boy, who is named after you, will be eleven this August and is with us. He spent last year in England, and I expect him to return there in the fall of 1990 and then complete his education there. He appears to be bright, is a good student, and is gifted in sports. He is also the most difficult of my four boys. He is generally at one extreme or another - laughing or crying. Fortunately, he's mostly laughing. The other two are only nine and seven and hence shall escape an accounting, although my nine year old is spending the year in England and is now quite fluent in English.

My wife and I and the three youngest boys are going to spend ~~some~~ from July 12th to August 12th in Western North Carolina. We shall be at a place called the Chalet Club on Lake Lure which is about 30 miles outside of Asheville. My information about it is somewhat skimpy so I am hoping for the best. Where do you expect to be during that time frame? If in Charlottesville, perhaps I would fly up for a day or two, if your schedule permits, and visit with you and Al Turnbull and generally see what the Law School and Charlottesville look like these days.

I am still enjoying my practice here, although I would enjoy an occasional appellate argument before the 4th Circuit. Are any faculty members still engaged in such activities?

I have materials on my desk for an article on American non-profit institutions operating in France, a subject on which I have acquired some expertise. I sent my inquiry letter to the International Lawyer which sent the proper encouraging response, but I have been slow getting underway. I seem to have lost some of my enthusiasm for writing. Hopefully it will return, but at the moment the flame is rather dim.

I always enjoy getting your letters and hearing of your different projects. Incidentally, what is the status of Lucius Quintus Curtius Lamar? I presume the field is still open, and no one other than you and me and Henry Adams even recollects who Lamar was. You may just have time to finish him off; if you wait much longer some graduate student in history will preempt you.

My warmest wishes to you and your family. Let me know what your plans are for the summer.

Sincerely,