

## The Devil's Advocate

In the case of *Application of Ronwin* [113 Ariz. 357, 555 P.2d 315 (1976)], a law school graduate was excluded from admission to the Bar because he had failed to demonstrate "that he was mentally able to engage in the active and continuous practice of law." It appeared to the Supreme Court of Arizona that the applicant's "long-standing personality traits indicate an inability to get along with authority figures under situations of minor stress and conflict, whether or not these personality deficiencies rise to the level of medically recognized and categorized mental disorders."

It may come as a surprise to the medical profession that there are any standards for admission to the Bar, and it may be even more amazing that a would-be lawyer was rejected because of inability to get along with "authority figures," in this case meaning law school deans and judges.

From the point of view of the Devil's Advocate, the professions of law and psychiatry seem to have a magnetic attraction for non-conformists and unorthodox characters. In these two professions it is conventional to disregard conventional wisdom. Therein lie their charm, versatility and vitality. True, the law has its Blackstone (or Moses) and psychiatry its Dr. Freud (or Dr. Szasz), but each of these "authority figures" has inspired dissent if not iconoclasm, whether the rebels were with or without cause.

If the Bar is closed to misfits, or psychiatry is off limits for the malcontents of the medical profession, where will those who can't get along turn? Nature abhors a vacuum, it is said, so where will be the gadflies of yesteryear? The profession of social work might make room for some of us, but it already has its full quota, as do the communications and entertainment industries. The ministry also is oversubscribed, and teaching is a moribund profession. The only likely occupation may be cab driving, with its institutionalized nonconformity, which would convert us into "wheelers" if not "dealers."

The sad facts of *Ronwin* should be revealed so that unprofessional judgments may be made as to what triggered the applicant's boycott. The court says that "there is significant expert testimony in the record that Ronwin had a 'paranoid personality' which is characterized by hypersensitivity, rigidity, unwarranted suspicion, excessive self-importance and a tendency to blame others and to ascribe evil motives to them." So far, the characterization sounds like a job description for a law clerkship or psychiatric residency. But the court goes on to say "on different occasions he became enraged during discussions of academic matters and made serious threats of physical violence toward certain individuals . . . . [T]he record reveals a continuing inability by the applicant to maintain normal interpersonal relationships with sharp conflict rather than cooperation a common result . . . . [W]hile he may excel in other endeavors, he appears

mentally unable to reasonably deal with the type of social interaction involved in dealing with clients, other members of the Bar and the public.”

In a footnote the court relates some of the difficulties encountered by Ronwin. Graffiti such as “Rabbi Ronwin,” “Ronwin is a Jew,” and “Jewish Dining Room,” were written on the walls of the law school’s latrine. The court says, “There is no indication in the record whether Ronwin is Jewish.” (It is not clear what the court meant by this observation.) Ronwin also accused the law school dean of expressing an “attitude of malice” toward him, as demonstrated by his failure to stop the graffiti. There were additional critical comments against other faculty members and fellow students. On the record, the court held that Ronwin should be barred from the Bar “whether or not these personality deficiencies rise to the level of medically recognized and categorized mental disorders.”

There are two or more problems here. First of all there is the problem of whether or not, clinically speaking, Ronwin definitely does fit into a recognized category of mental disorder. Perhaps the record is too meagre on that issue to make a sound evaluation, even though we have our suspicions. Secondly, in the absence of a diagnosis of mental disease or defect, should he be excluded from the practice of law? There is no indication of dishonesty or immorality. Under the court’s decision, where does one draw the line? Should personality traits such as those possessed by Ronwin, and shared by many, be the basis for exclusion from one’s chosen profession? Did the Arizona court violate due process of law? Compare *Dr. Bonham’s Case*, 8 Rep. 118a, 77 Eng. Rep. 647 (C.P. 1610).

There also is the matter of policing the professions. In the Ronwin case the record clearly shows that he was litigious, which may be a superfluous reason for barring entry into law. He even appeared *pro se* in this case, thus fulfilling the old cliché about having a fool for a client. If he had been a bit crazier, and had made an impressive argument, the court on the basis of that performance might have admitted him. Courts, as we know, often substitute judicial observation for clinical judgment.

The disturbing fact remains that neither law nor psychiatry does much about weeding out professional incompetents. Presumably, in part this is because of the substantial investment the practitioner has made in his profession. We are unwilling to sacrifice the individual for the public good. Expulsion is too severe a sanction. All too often it has been the antiestablishmentarian, rather than the professionally incompetent, who is ostracized from the practice. Dismal as the picture has been, however, the rise in the level of consumer consciousness promises to force the professions into cleaning house. Some states are setting up commissions to review judicial qualifications and to ease the retirement of senile judges, and in many states lawyers and doctors must submit to continuing professional education. The trouble is, there should not have been so much room for improvement.

Finally, with regard to the situation under discussion, the hue and cry for a “grandfather’s clause” will become tumultuous if personality defects which do not rise to the level “of medically recognized and categorized mental disorders” are made the basis for denying, revoking, or suspending professional licenses. Some of us old curmudgeons have paid our dues, and

unless we become a public menace we don't want to fade away just because we are obnoxious.

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