Hurley(LFA) Law school in "serious situation"

Continued from page 3

LFA. He said that despite this feeling the law faculty saw that the trend was to unionization and felt that if they were to be in a union it should be their own because they had a "community of interest" that is "considerably different" from the rest of the UNB campus.

Hurley pointed to the separate historical development of the New Brunswick English language law school and its close association with the N.B. Bar. He said the law school is "first and foremost teaching for the profession in New Brunswick and the profession in general."

Hurley said that the law faculty has to turn students away and therefore job security is not a concern to them. "Our basic concern is to be able to get more faculty and to keep them," said Hurley.

He said that the pressure of the market in the law profession is not attractiving lawyers to teaching at UNB. "We face a real serious situation. We have lost some of our best people and we will lose more," Hurley said. He said UNB's law school could probably not compete with some places in Canada but said that it should be in a better position to compete than it is now, with U de M for example.

Hurley said that the LFA desired separate certification as a bargaining unit because, "How could the arts faculty advocate a special interest for the law faculty? We can't see them giving the priority to our special needs." He denied that the LFA was just being "snooty" in the matter and said that LFA does not oppose AUNBT in any way, except that they do not wish to belong.

"Our *raison d'etre* is our students," Hurley said. "Our special needs are generated directly from our students," he said. He said that the reputation of the law school could only be built by the impression given by graduates and said the faculty wanted its graduates to be able to compete with graduates from any law school. Hurley pointed to concerns about standards and the development of the Law Library as joint student/faculty issues.

Hurley said that there is "a good chance that the law faculty will be certified separately." He said if both AUNBT and LFA were certified, "we would hope it would be a very complementary and a very co-operative relationship."

If AUNBT became the sole bargaining agent for all UNB faculty he would, "contact the executive of AUNBT and say 'What can we do?' ". Hurley added, "We would want to have an input so that they would press adequately our special needs," but he would prefer to have LFA certified.

Blood Clinic

BY LINDA HALSLEY

The Pre-Med and Pre-Dental society will be sponsoring their annual blood donors clinic this month and are hoping to exceed their quota of 730 donors for 1977. This year clinics will be open in the SUB ballroom at the following times:

MONDAY OCT. 23, 1978 — 1:30 - 4:30 p.m.; 6:30 - 9:00 p.m.
TUESDAY, OCT. 24, 1978 — 1:30 - 4:30 p.m.; 6:30 - 9:00 p.m.
WEDNESDAY, OCT. 25, 1978 — 9:30 a.m. - 12 noon; 1:30 - 4:30 p.m.

Monday Oct. 23 and Tues. Oct. 24 are of special importance to the clinic. Blood will be collected for Cryoprecipithe, a much needed blood pack especially for hemophiliac and cancer patients.

Students giving blood are reminded they must be 18 years of age or older. In addition, it is not advisable to drink alcohol or participate in strenuous exercise shortly after giving blood.

An inter-house competition has been established among both the men's and women's residences, with a trophy going to the house donating the most blood. So come out and represent your residence! Refreshments will be provided and promotional gifts will be presented at intervals during the clinic. Also, CHSR remote will be on hand to play music for your listening pleasure. See you there!

CANADIAN RED CROSS SOCIETY

blood clinic at UNB Sub Ballroom

Monday Oct. 23 and Tuesday Oct. 24

Time: 1:30 - 4:30 P.M.
& 6:30 P.M. - 9:00 P.M.

Wednesday: Oct. 25 9:30 A.M. - noon
1:30 P.M. - 4:30 p.m.



in concert

Bruce Cockburn

At the Playhouse
October 22
8 p.m.

Legal Lite

Q. It is 1 a.m. and I am walking along University Avenue. I am stopped by a policeman who demands identification, etc. Do I have to comply?

A. Speaking generally the answer is, no.

A peace officer can legally stop an innocent pedestrian only (1) if that person volunarily stops; or (2) if that person is being placed under arrest. Thus the police have no general authority to stop and question an ordinary pedestrian apart from their right, in the proper circumstances, to arrest him.

In most cases a person stopped by the police will co-operate of his own free will. This is desireable, but it is not a legal necessity. To paraphrase a leading Canadian case on this point; where a person entirely innocent of wrongdoing refuses to identify himself at the request of the police, the police have no right to compel him to do so.

Cases where the police explicityly arrest a pedestrian are relatively clear cut. It is very much in the self-interest of the person arrested to go peaceably. If the arrest is without proper grounds he can later bring a suit for false arrest, and collect damages if he is successful.

More complex is the situation which arises where the police stop a pedestrian, not *telling* him he is under arrest, but *treating* him in such a manner that he feels he has lost his freedom not to co-operate with them. This "psychological arrest" is more difficult to prove than an explicit police action, but it is just as truly an arrest. Again, the legal recourse is to complain to the Chief of Police, and to sue the policeman and his employer for false arrest.

It cannot, however, be too strongly emphasized that a pedestrian stopped by the police should, in his own interest, be reasonably co-operative. Indeed, before exercising his general right to ignore the police he should ask why he is being stopped. Though the person stopped may be completely certain that he has done no wrong there are still rare situations in which the police have reason to suspect him, and hence to stop him (as with an honest mistake of identity). In such a case a refusal to co-operate on the part of the person stopped may be all the police reasonably need to confirm their suspicion and to justify the arrest of a quite innocent person. Hence the disireability of asking the police whether they have any such grounds before assuming that they do not.

In short, while a law abiding pedestrian has the right not to co-operate with a policeman who, without reasonable grounds, stops him in the street, it is always well to be accommodating. On the other hand, the policeman cannot compel co-operation short of arrest, and there can be no lawful arrest without reasonable grounds for believing that a serious offence has been committed.

Q. Two friends of mine, B and J, want to purchase a house which shall be used as a personal residence as well as a Christian Youth Centre for the community. As B is in his 60's and J is in his 40's, J is concerned about how he can ensure the continuity of the Youth Centre on B's death.

A. Assuming J. would not have the funds to purchase B's interest in the property on J's death there are three possible approaches:

a) B. could make a will leaving J. his interest in the property (since there is always the possibility that J. could die first, he should also make a will leaving his interest to B)

b) The title to the property can be acquired in such a way that on B's death J becomes the sole owner of the property. The way to do this is to have them purchase the property as joint tenants. In joint tenancy, each party has an interest in the property subject to the equal rights of the other. When one party dies the sruvivor automatically becomes the sole owner of the estate. However, should one party decide to sell his interest in the property the joint tenancy is broken and on the death of either of the new parties the survivor will not receive title. If you do wish to create a joint tenancy you must expressly declare it to be so on your purchase of the property (according to the New Brunswick Property Act, 5.20) A joint tenancy deed should be prepared by your lawyer.

c) A third alternative is to have the property conveyed to B and J as trustees to be used for the desired purposes. By doing this a joint tenancy is also created, but one that cannot be destroyed because neither B or J is free to dispose of his interest. Property held in trust continues in joint tenancy notwithstanding that a new trustee may be appointed on the death of either party. Another method by which B and J can purchase the property would be as tenants-in-common. Each of the parties would have a half interest in the property; when one party dies, his interest will go to his heirs or benificiaries under a will. This method of acquiring title may not be suitable in this case because there is always the possibility that the heirs or benificiaries of B do not want the property to be continued as a Youth Centre.

Sponsored by Public Legal Information Services. This column is prepared by UNB law students, and checked for accuracy by faculty advisors. It is intended for general legal information only, and should not be taken as legal advice. Problems requiring legal action should be referred to the lawyer of your choice.

If you wish to contact Legal Lite with your ideas comments, or queries, you can reach us via the Brunswickan, or the Faculty of Law, UNB.

Credits this week: David Bell; editor - Allaine Armstrong and Elsbeth Camdy.