

judicial office into disrepute." *Censure Stevens, Cal. Sup. Ct., L.A. 31540, May 21, 1982, by the Court; Kaus, J., separately concurring; Mosk, J., dissenting. The full text of this case appears in today's Daily Appellate Report on page 1336*

Attorney Law Lawyer Disbarred After Conviction for Mail Fraud

The *Cal. Supreme Court* has disbarred a lawyer who was convicted of using a fictitious name as part of a scheme to obtain property by false pretenses.

Bill David Schwartz, an attorney, and Ronald Levin formed a company called QST Industries Inc. to order large quantities of merchandise and sell the goods cheaply for a quick profit. In order to establish a line of credit for QST, Schwartz and Levin generated false credit information through the creation of fictitious entities. Schwartz illegally obtained a driver's license under the name of "David Grindelund" and opened a bank account in the name of a fictitious company of which he was ostensibly the president. He then executed a postal service form in the name of "David Grindelund" as president of another fictitious company. These companies provided false credit information on behalf of QST. Schwartz passed a check for \$2066.25 under the name of "David Grindelund" and obtained false corroboration of QST's good credit from a friend. Schwartz acknowledged his role in the scheme, but contended he was unaware of its illegality. He was convicted of mail fraud in federal court and the State Bar Court recommended disbarment.

The *Cal. Supreme Court* adopted the recommendation and ordered disbarment. Schwartz had failed to show the State Bar erred in ruling on his knowledge of the scheme's illegality and his contention that his conduct did not involve moral turpitude was "trivialous." His lack of a prior disciplinary record carried little weight as he had been practicing only two years, and his cooperation with the authorities in return for dropping 23 counts of his indictment carried little more.

State Bar v. Schwartz, Cal. Sup. Ct., L.A. 31489, May 20, 1982, by the Court.

The full text of this case appears in today's Daily Appellate Report on page 1329.

Civil Procedure Class Certification Ordered In Volvo Antitrust Action

The *C.A. 1st* has ordered an antitrust action against an automobile manufacturer certified as a class action.

Charlene P. Rosack sued the manufacturer of Volvo automobiles and its U.S. distributors on behalf of herself and a class representing retail automobile purchasers between 1967 and 1976. Rosack alleged that Volvo maintained a vertical retail price management scheme artificially to maintain the price of Volvos in violation of the Cart-

ion for the FTC rule, but was almost equally lopsided — 28-3 against the rule. The congressional vote allowed an extensive lobbying blitz by car dealer groups and prompted publicly about financial contributions by political action committees for car dealers to scores of congressional election campaigns.

'Invites Worst Impulses'

"The legislative veto invites the worst impulses among political action committees," said Rep. Toby Moffett, D-Conn., during a press conference to announce the lawsuit. "The perception among the public is that Congress becomes something like the auditorium at the Sotheby-Parke-Bernet (auction) gallery, open to be sold to the highest bidder when there is an opportunity to reject a rule."

The lawsuit was filed in the U.S. District Court in Washington by Consumers Union and Public Citizen Inc., a group founded by Ralph Nader, Moffett and Rep. Henry Waxman, a West Los Angeles Democrat, announced they will file an amicus brief to argue that the legislative veto used to kill the used car rule is unconstitutional.

"The legislative veto overturns our Constitution in a way that allows special interest groups to escape the law. Here, the used car dealers have won a special exemption from laws that protect the public from deception," said Ellen Broadman, an attorney for Consumers Union.

Sen. Larry Pressler, R-S.D., the author of the Senate veto resolution, said through a spokeswoman that he would have no comment on the lawsuit. The spokeswoman said Pressler would prefer to "let the courts handle it at this point."

The suit names the Senate, House, and FTC as defendants. It is expected to be immediately transferred to the U.S. Circuit Court of Appeals for the District of Columbia because it involves a challenge to an act of Congress.

Michael Davidson, the Senate's legal counsel, said he will consult with the Senate leadership on how to respond to the suit after it returns from a Memorial Day recess next week. Attorneys for the House and Senate have consistently defended Congress' use of legislative vetoes in the past.

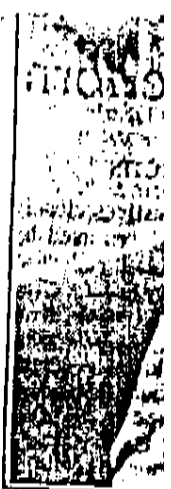
FTC Position Uncertain

Although the FTC is a defendant in the suit, it could wind up agreeing with the plaintiffs who want to see the used car rule in force. It is possible that the commission will be represented by the Justice Department, which has already told the Supreme Court in a pending case that legislative vetoes are unconstitutional.

John Carley, the FTC's general counsel, said he spoke Wednesday with Assistant Attorney General J. Paul McGrath about the lawsuit and that McGrath mentioned the Justice Department's continuing interest in the legislative veto issue. McGrath heads the department's civil division.

However, Carley said in later telephone interview that the FTC might take a neutral stance. "I can see answering the complaint without saying that the statute (that includes the legislative veto provision) is valid or invalid," he said.

The Supreme Court has already heard arguments in an appeal of a decision by the



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Schnider found many judgments won at the District Court and reversed the

The court's decision & Sons, 105 Cal. extremely distressed because the appeal a single case and based its case that neither commissioner's

'Real Upsetting'

"We like to be carefully constructed to prevent the abuse of type proceeding; Anglo-American away from what what the preced are," Schnider said.

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