
Euthanasia

* A Morristown, New Jersey superior court judge is currently weighing evidence and legal arguments in a case brought by the husband of a 30-year old nursing home resident, who is afflicted with severe and permanent neurological impairment. In *Jobes v. Lincoln Park Nursing Home*, John Jobes, the husband and legal guardian of Nancy Ellen Jobes, is seeking court authorization for the removal of a jejunostomy feeding tube from his wife. (a jejunostomy tube is implanted into the bowel, directly below the stomach).

Mrs. Jobes underwent surgery in 1980 subsequent to an automobile accident, and during the surgery, was without oxygen for several minutes. This led to severe neurological damage.

Physicians testifying at the trial, held before Hon. Arnold Stein of the Morris County Superior Court, differed on the precise nature of Mrs. Jobes' neurological impairment. Neurologists testifying for the plaintiff diagnosed her condition as a "persistent vegetative state," while those testifying on behalf of the nursing home rejected the PVS diagnosis, stating that Mrs. Jobes is capable of purposeful, non-random responses that are inconsistent with PVS. Among the legal issues in the case is whether the removal of Mrs. Jobes' feeding tube is permitted by the New Jersey precedents in *In Re Quinlan*, 70 N.J. 10 (1976) and *In Re Conroy*, 98 N.J. 321 (1985).

Representing John Jobes is Paul W. Armstrong, Esq. of Morristown, who successfully represented the parents of Karen Quinlan. Representing the Lincoln Park Nursing Home are Raymond W. Tierney, Jr., Richard Traynor, and Vincent Infinito, all of Morristown.

*Editor's note: On April 22, 1986 Judge Stein authorized the removal of Nancy Ellen Jobe's feeding tube. A detailed report will follow in the next issue of *Lex Vitae*.

First Amendment

* The Town of Brookfield, Wisconsin has appealed a preliminary injunction entered against a municipal picketing ordinance to the Seventh Circuit Court of Appeals. The ordinance prohibited residential picketing and was challenged by prolife picketers. Oral argument before the appellate panel was heard on April 9, 1986. The Catholic League is representing the picketers. *Schultz v. Frisby*, 619 F.Supp. 792 (E.D.Wis. 1985).

* The Hawaii Supreme Court has reversed a conviction of trespassing against pro-life picketers based on a narrow construction of the state trespassing law. *State v. Gerke*, ___Hawaii___, ___P.2d___ (Jan. 29, 1986).

* The New York State Court of Appeals has ruled that the free speech clause of the state constitution does not apply to private property but only to state action, and thus that the clause does not invalidate a private ban on free speech activity in privately owned shopping malls. *SHAD Alliance v. Smith Haven Mall*, 66 N.Y.2d 496, 488 N.E.2d 1211 (1985), *rev'g*, 462 N.Y.S.2d 344 (1983).

Recent Articles of Note:

Hoving, *The Baby Doe Cases*, 72 ABA J. 50 (April 1, 1986)

Peterson, *Balancing the Right to Die With Competing Interests: A Socio-Legal Enigma*, 13 Pepperdine L.Rev. 109 (1985).

Saltz, *Better Off Never Born*, 72 ABA J. 46 (April 1, 1986)

Schnably, *Normative Judgment, Social Change, and Legal Reasoning In The Context Of Abortion And Privacy*, 8 N.Y.U.L.Rev. of Law and Social Change 715 (1984-85).

✓ Americans United For Life Legal Defense Fund
343 South Dearborn Street, Suite 1804
Chicago, Illinois, 60604
