

## News Roundup

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Here in Chapel Hill, the big news of the week is that the town's ban on cell phone use while driving was struck down by a superior court judge. The judge ruled that the ordinance is preempted by state law, which comprehensively regulates the use of mobile devices while driving. The *News and Observer* has the story [here](#). Previous blog posts addressing the issue are [here](#) and [here](#). In other news:

1. Wake County District Court Judge Kristin Ruth pled guilty to a misdemeanor count of failing to discharge her official duties in connection with the DWI/*nunc pro tunc* scandal, as described in detail [here](#). Judge Ruth's version of events is that she signed, without reading, orders submitted to her by a lawyer she trusted. The lawyer, James Crouch, has also been charged criminally and may have a different view.
2. In a development that seems very likely to impact North Carolina, Chief Justice John Roberts, in his role as Circuit Justice for the Fourth Circuit, stayed a Maryland Supreme Court decision that struck down, on Fourth Amendment grounds, a state law that provided for the collection of DNA upon arrest for certain offenses. (Whoa, that sentence was a mouthful!) The Chief Justice noted a split of authority regarding the constitutionality of DNA-on-arrest laws and stated that there was a "reasonable probability" that the Court would grant the petition for certiorari filed by the State of Maryland. The *New York Times* covers the story [here](#). Recall that North Carolina also has a DNA-on-arrest law, [G.S. 15A-266.3A](#), which I previously discussed [here](#).
3. The oppressive summer heat has mitigated slightly this week. Never before have I gladly welcomed temperatures in the low 90s. But all the hot weather made me especially interested in [this story](#), discussing the Fifth Circuit's recent ruling in a prisoner rights lawsuit that exposing an inmate to "extreme temperatures can constitute a violation of the Eighth Amendment." How extreme? Apparently, only 21 of Texas's 111 prisons are fully air-conditioned, and temperatures in the plaintiff's prison reached a heat index of *130 degrees* during the summer of 2008.
4. Prosecutors in Contra Costa County, California, [may go on strike](#). They're paid by the county, the county's low on money, and the county budget provides for a 5% pay cut. Prosecutor salaries there range from \$70,000 to \$150,000, so the base is pretty high. But the cost of living is pretty high, too. Obviously, a prosecutor strike would create significant problems in the administration of justice.
5. Then again, I bet there are plenty of lawyers willing to step into a six-figure public service position. [This infographic](#) explains the current lawyer glut in powerful terms. Students looking for alternatives to law school might consider forensic pathology. Sure, you have to go to medical school and then you spend all day poking around dead bodies, but there's a [tremendous dearth](#) of pathologists right now.
6. Last, and farthest afield, but certainly not least, check out [this Slate story](#) about the practice, apparently well-established in China, of rich people convicted of crimes paying other people to serve their prison sentences. It has a name – *ding zui*, meaning literally, "substitute criminal" – and is drawing increasing attention from the Chinese media. The problem seems to arise from a combination of a weak, corrupt legal system and the incredible concentration of riches in China, where a tenth of a percent of the population controls half the nation's wealth. As an anonymous Chinese police officer put it, "America has the rule of law, but China has the rule of people."