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Southern Methodist University School of Law

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The Adversary

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 2, No. 1

January 22, 1970

A CHALLENGE FOR CONTROVERSY

RECENT APPOINTMENTS

A few months ago a local firm offered to print this newspaper free of charge. There was just one condition: that the paper not publish "controversial" matter. A regrettable aspect of the incident is that the offer was, if only briefly, actually considered.

Negotiations had not yet reached the stage at which it had become necessary to define "controversy." But the image of an entire law school student body declining to take issue with statements of their bretheren (or professors) somehow fails to come into focus. And of course, any effort to eliminate dispute would deny a basic tenet of law school training, which is that reasonable men may differ, even as to whether reasonable men may differ. (e.g., Erickson v. Walgreen Drug Co., 232 P. 2d 210.)

My own hope for this publication is the opposite of that of our would-be benefactor. I hope to read student contributions that will provoke me to disagreement, perhaps to anger, and maybe even to response. Unless this is to be essentially a forum for ideas, which have a nasty and obstinate tendency to arouse controversy, we might as well return to the "Green Sheet," which did after all fulfill the function of disseminating the information necessary to everyday operation of the school.

I know that most of you have notions as to how the status quo--be it in regard to the law school, the University, the legal system or society in general-- can be improved. If you think we ought to abandon the grading system or repeal the First Amendment, or legalize abortion, or fire the taxation prof-- maybe your idea is worth consideration and discussion by the entire law school community. In the process, perhaps we can demonstrate that "free inquiry and free expression" are indeed fundamental to a "sustained and independent search for truth" (1969-70 SMU Enchiridion at 7) and that "idea material" need not be circumscribed by special regulations (Id., 23, 24).

Robert A. Bernstein,
Assistant Professor of Law

PROFESSOR PELLETIER APPOINTED ASSOCIATE DEAN FOR ACADEMIC AFFAIRS

Effective January 1, 1970, Professor Pelletier will be Associate Professor of Law and the Associate Dean for Academic Affairs. During the fall semester Professor Pelletier, through his directorship of the Criminal Justice Program, has become more deeply involved with a number of

aspects of law school administration. He has been invaluable to me on many matters of academic planning and his new title confirms his administrative authority to handle a number of items with which he has already become involved.

Charles O. Galvin

Purcell Appointed Associate Dean
David W. Purcell, Assistant Dean and Director of Development at the SMU School of Law since 1965, has been appointed Associate Dean and Executive Director of Continuing Legal Education and Law School Development.

His new responsibilities will be administering the continuing legal education program with the Practicing Law Institute of New York City and directing the law school's capital campaign during the next five years.

Mr. Purcell is a graduate of Denison University in Granville Ohio, where he was elected to Phi Beta Kappa. He also holds the Doctor of Jurisprudence degree, with honors, from the University of Texas School of Law, where he was an editor of the Texas Law Review. Before joining the SMU law school staff, he practiced law in Midland and served on the administrative staff of Union College in Schenectady, New York.

Max Jones Named Assistant Dean

Max K. Jones has been appointed by Dean Charles O. Galvin as Assistant Dean and Director of Development. Mr. Jones, with the promotion of David Purcell, has assumed responsibilities for editing The Brief, directing the Law School Fund, handling public affairs and administering the placement program.

Mr. Jones received his Bachelor of Arts degree from Texas Christian University, where he President of his Senior Class,

(Continued on p. 4)

THE ADVERSARY STAFF

Editor-in-Chief: Phil Jones
Managing Editor: Burns Vick
Contributing Editors:
Chancery--Tim Campbell
Legal News--Doc Hale
Nat'l Affairs--Jim Hockert
Sports--Sandy Kaufman

EDITOR'S ALCOVE

Exam Feedback

One of the most fundamental but most often neglected aspects of the learning process is feedback. A law school education provides a threefold opportunity for education: classroom experience, independent study, and the often traumatic experience of testing. A major criticism of the law school process is that it ends with the exams and that the only resemblance of feedback which occurs is the determination of grades. Grades are very important but realistically reveal a minimum of information.

A suggested method for providing the missing element in the learning process would be to reconvene first semester classes early in the next semester after grades have been released. Because of the three month break in the summer, it would probably be impractical to use the program for second semester courses. On a coordinated schedule each class would meet, and the professor would discuss the exam in detail revealing weak points of the papers and discuss the preferred approach to the problem. This type of feedback should stimulate additional work in the areas in which improvement is needed and would definitely implement the learning process.

The responsibility falls on the students as well as the professors. An opportunity for more than a superficial once-over discussion of the test would be afforded. It should be noted that a few of the

professors have provided extra classes to discuss exams and have rendered a very worthwhile service to the student.

Those with other ideas or reflections on the above suggestion are urged to submit their recommendations to "The Adversary" mailbox in the faculty office. It is possible that only first year students are interested enough to attend or that this will only be desired for required courses. Let us find these things out and take a definite course of action.

Highlights Doc Hale

Suspects To Be Promptly Charged

Dallas police have announced a policy change that proposes to eliminate the jailing of suspects without charges being filed against them. Announcement of the new plan came in response to a request for a temporary injunction which has been postponed while the new procedure is studied.

Attorney Fred Time, who requested the injunction, claims the old policy violates the 4th, 8th, and 14th Amendments. Under the former procedure a suspect could be jailed without bond pending investigation. The only way people held in this manner could obtain release was by filing a writ of habeas corpus.

The new procedure provides that those arrested for an offense meriting a criminal charge are to be brought before a magistrate "without unreasonable delay." Suspects are to be taken immediately before a magistrate where charges are to be filed. If no magistrate is on duty, persons arrested will be charged as soon as possible. Bond is to be set for those charged under the jurisdiction of the municipal courts. A hearing may also be requested. However, if the investigation of a suspect requires more than 24 hours, the police

section commander need only notify the division commander of the reason for the delay.

THE SOAPBOX

Jim Hockert

J. Edgar Hoover calls them "the greatest threat to the internal security of the country." The Black Panthers, however, say that they want "land, bread, housing, education, clothing, justice, and peace"--- not a war with J. Edgar Hoover.

Just what is the true nature of this emerging American party? The dogma of the party stands far left of liberal democrats with the aim of "heightening the consciousness of the masses" and putting an end to "police brutality and murder of black people." Opponents to the emerging party say the aim of the Panthers is "to plan overthrow of the government and to install a racist Marxism in its place." It is important for us as future participants in the molding of society, to decide for ourselves what the proper place is for parties such as the Panthers.

Up to now, we have not witnessed any examples of complacent and proper dealings with the problems. It is not that this is a new type of problem facing the established and ingrained mores of society; the last example occurred during the McCarthy era. The solution at that time was long in coming and suffered many setbacks. Now we have a new problem and, on the one hand, are shown what the Panthers (and many others, now) call a police conspiracy to crush an emerging party. On the other hand, we are shown what the San Francisco Justice Department implies is a conspiracy against the nation (in violation of the Smith Act). By whom should we be influenced?

(Continued on p. 4)

Chancery

Timothy Campbell

The American public does not know whether to applaud or attempt to annul the anomaly at work in our nation's policy making quarters. We want reforms, but we validly question some decisions that have been made.

Some examples of our dilemma:

We have needed tax reform for many years. But did we need a tax bill which gave some reform and many political plums which defeat attempts to halt inflation, weaken the government's revenue base, and ultimately cut away at the economy's foundations?

Crime on the scale we have is appalling. And it is easy to promote policies that would clamp down hard with police action. It is harder to get to the causes of crime and destroy them. We need order for our society, but we need social reform policies as well. Sure, better enforcement programs will help, but ultimately, do we want to heal criminal cancers or just cut out pieces of them when the disease gets big enough to be noticed?

The environment is one area where the nation had better "fish", because if we "cut bait" we may cut our own throats. Here again we recognize a problem, pollution. But when are we going to do more than just talk about it?

We can see a minority in our society which wants to tear down the "establishment" and its institutions. These self-proclaimed saviours have the same faults as the "establishment" they condemn have, no solutions, just hollow pronouncements of promise. But they do have a point! The cronyism and political haymaking hoopla running rampant in our tax reform, crime control, and pollution bills is disgusting and should be eliminated.

We can use the system we have and its institutions, but perhaps we need to examine the men in power. We must demand that our representatives who make our policies change their politico-minded ways. To preserve and build our nation we must demand now that their political interests remain ancillary to our national interests. Until our demand for responsible policy making is met, we will hold our applause.

JUDICIAL FLICK

On Saturday, January 31, in the Florence Hall Courtroom, a film, "Law and Order" will be shown. "Law and Order" was directed and produced by Frederick Wiseman, the man who did the film, "Titticut Follies." This film has won an Emmy. The film will start at 10:00 a. m. and running time is about 80 minutes. Please avail yourself of this chance to get a look at the, "men doing tireless, dirty and dangerous duty among the debris of humanity."

Professor Walter Steele

PADS Begin New Semester

Phi Alpha Delta Law Fraternity will kick-off the Spring Semester with an afternoon gathering on Saturday, January 31 at Shakey's. PADS, their wives and/or dates will enjoy all the pizza and beer they can handle.

The PAD Police rides will continue, and we are pleased to announce that first year students are now eligible. Check the fraternity bulletin board for the details.

PAD will soon be launching plans to welcome rushees to its annual Spring Rush Party.

Joe Lazara

Justice, Taney Chapter

PROPOSED UNIVERSITY RESTRUCTURING

Several recent developments involving the Student Center and the Governance Study at SMU will be of special interest to the Law School.

The Governance Study will propose this Spring an entire new structure for the organization of SMU's administration. It will affect the relationship of the Law School to the total University.

All lines of authority are being re-examined and may be changed. Since the Student Bar is dependent on the Student Senate for its funds, all law students should be especially aware of recent developments.

The proposal which will be released by the Governance Study proposes to abolish the Student Senate, replacing it with a governing body composed of elected members from the student bodies, faculty, and administration. It will probably be proposed that the budgeting of student fees, the fund from which the Law School receives its money, will be under the authority of this new governing body.

Other critical issues will arise this semester. The Law School's relation to the rest of SMU may be radically altered. The thrust of this new proposal is a unified campus with all schools contributing equally to its governance and being under the same authority. The rules and regulations of the Law School may have to be changed to conform with the new guidelines set forth by a central body.

Should the new proposal be adopted, the Law School would be more restricted in many areas and would be under greater demand to contribute to the rest of the University. Opinions and suggestions from those who are interested should be conveyed to the Law School Senators or Shelly Bowles who is on the Governance Study Committee.

Randall Kreiling, Student Senator

CONSTRUCTIVE
NOTICE

CRIMINAL LAW FILM SERIES

January:

- 24 Criminal Procedure Film
SMU v. Rice (Moody)
SBA "Get Back In The
Groove Dance"-- 9-1
Tower Motel
- 27 SMU v. Texas (Moody)
- 28 International Law Society
Meeting--6:30
- 31 PAD Gathering--Shakey's

February:

- 4 Faculty Meeting
Kappa Beta Phi--12:15
Law Wives Husbands Night
SWLF Oil & Gas Law &
Taxation--Feb 4-6
- 7 SMU v. Ark. (Moody)
- 14 Law Wives Las Vegas
Party-- 8-12

Curriculum Committee

The SBA, thru its curriculum committee, is currently making a study as to the law school's present total curriculum offering.

Plans are to provide the Faculty Curriculum Committee with student ideas and desires pertaining to curriculum matters. Also, it is hoped that some relevant issues will be formulated for the Academic Conference held in the Spring.

In the near future an open meeting of the Student Committee will be announced for the purpose of hearing student comments.

In the interim, any student ideas or suggestions on curriculum matters will be welcomed by Joe Henderson, Chairman of the SBA Curriculum Committee.

LAS VEGAS PARTY

Glen Lakes C. C. -- Feb. 14, 1970

8-12---9500 Central Exp.

BYOB and Door Prizes

Tickets--\$6 per couple, Stag \$3

Buy from: Lee Hart, Jim Wood

Don Sweatt, Alton Todd, Glenn

Majure, Mark Pistorious.

Professor Steele, the baron of underground movies, will present an excellent set of films on criminal law on January 24. The first film will start at 8 a. m. and successive films will run until about 5:30 in Karcher Auditorium.

The film series was developed by the American Trial Lawyer's Association and the Roscoe Pound Foundation. The films are designed specifically for lawyers and law students and were developed to be used as teaching tools for criminal procedure. This viewing will serve as a preview to see how useful the series might be at SMU. It is currently used in teaching criminal procedure at NYU and other schools throughout the country.

The series was produced by the very best trial lawyers that are practicing today. Not only was it made by experts, it is portrayed by experts as well. The scope of the series is complete with facts, arrest, trial, and all other elements necessary for the ultimate disposition of the case. Professor Steele describes the program as "the best attempt ever made to demonstrate the practice of criminal law."

Because this series may be used in the future at SMU, Professor Steele would appreciate any comments from those who attend. Listed below is a description of the film segments and their approximate running time:

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|---|---------|
| 1. The Robbery | 20 min. |
| 2. Arrest & Search of an Adult Offender | 8 min. |
| 3. Pre-Miranda Interrogation | 21 min. |
| 4. Miranda Interrogation | 20 min. |
| 5. Search & Questioning of a Juvenile Offender | 20 min. |
| 6. Juvenile Prosecution | 78 min. |
| 7. Preliminary Examination | 39 min. |
| 8. Search Warrant | 10 min. |
| 9. Pre-trial Preparation & Motions | 47 min. |
| 10. Extraordinary Review | 46 min. |
| 11. Post-trial Motions & | 20 min. |
| 12. Impaneling the Jury | 21 min. |
| 13. Commencing Proof-- Opening Statement & Examination of Initial Witnesses | 42 min. |
| 14. Sentencing | 19 min. |
| 15. Expert Witness Examination, Direct & Cross-Examination of Two Experts | 35 min. |
| 16. Summation | 34 min. |

Recent Appointment (Cont.)

and his Bachelor of Divinity professional degree from Yale University, where he was an editor of "Signs and Times." Prior to joining the SMU Law School staff in September, 1969, Mr. Jones was Regional Director of a social service agency, Joint Action in Community Service, in Austin, Texas, and the Director of Public Affairs for an education and economic development program, the Home Education Livelihood Program, in New Mexico.

SBA Party to feature R.L. Griffin in Four Seasons Room at the Tower Motel. Prices are: \$3 Advance; \$4 Adv. for Guests \$5 Per Couple at the Door.

THE SOAP BOX (cont.)

It is difficult to maintain a free, open mind in the face of the great deluges of slanted information but this is what we need to do. Although we will not be instrumental in the final outcome of this conflict, the method of handling it and its outcome should be carefully noted. The attorneys and judges of tomorrow will play an important role in both the development of the black culture and the application of the intentions of the framers of the U. S. Constitution. It is, therefore, our duty to take a long and critical look at possible suppression of a possibly valid and viable new party in the United States.