

3-4-1970

The Adversary (Vol. 2, No. 3, March 4, 1970)

Southern Methodist University School of Law

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Recommended Citation

Southern Methodist University School of Law, "The Adversary (Vol. 2, No. 3, March 4, 1970)" (1970). *The Adversary*. 7.

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R.R. Starks
21

The Adversary

SOUTHERN METHODIST UNIVERSITY  SCHOOL OF LAW

Vol. 2, No. 3

March 4, 1970

Legal Writing -- Instructors Sought

The School of Law will receive applications for the position of Student instructor in Legal Writing for the academic year 1970-1971. Students who will have completed 58 semester hours of work by June 1, 1970, who have a cumulative grade average at that time of 80 or better, and who have experience in legal research and writing are eligible to apply. The stipend will be \$325.00 per month and the period of employment will be June 1-7, 1970 and August 7, 1970 to May 31, 1970. Students employed as instructors are not precluded from making application for financial assistance from the Committee on Admissions.

Students making application should provide a complete resume, including samples of writings, details as to experience in research, and references who are able to comment on the applicant's capacities for writing and for research.

All applications should be filed with the Office of the Dean not later than Monday, March 16, 1970. Applicants will be personally interviewed by a screening committee composed of Professors Bromberg and Rasor and Messrs. Blinn, Hughes, Minick and Rice.

Students who may be interested are cordially invited to attend any of the first-year Legal Writing seminars.

SUMMER SCHEDULE

OUTSTANDING VISITING PROFESSORS ANNOUNCED

The SMU School of Law 1970 summer school schedule offers courses by three outstanding, visiting professors. Registration for courses will be May 30. The first day of classes is June 1. Final exams will conclude on July 24.

Professor Walter Wadlington of the University of Virginia will teach Domestic Relations and will possibly use his new book as a text. A Fulbright Scholar, Professor Wadlington has taught at the Tulane School of Law and LSU Law School. While attending Tulane School of Law he was Editor-in-Chief of Tulane Law Review.

Insurance will be taught by Professor Richard Buckley of the University of Syracuse Law School. Professor Buckley is a recent, outstanding graduate of Syracuse Law School and presently teaches Insurance law there.

The Dean of the New Mexico School of Law, Professor Thomas W. Christopher, will teach a highly concentrated course in the Regulation of Business. The course is only four weeks in duration. Dean Christopher will speak during SMU's Short Course on Drug Abuse. The former professor at Emory University has written a recent book in the area of food and drug law. Regulation of Business will include anti-trust law, and several Dallas area lawyers are expected to take this course. (See p. 3 for the complete summer school schedule.)

LAW WEEK DANCE

The International Room of The Fairmont Hotel will be the scene of the semi-formal Law Week Dance on March 14. Beginning at 8 p. m., the dance will honor SMU's retiring professors with a reception.

Following the reception, trophies will be presented to the 1970 Law School Queen and to the golf tournament winners. Music will vary from "heavy" to old fashion.

Guest fees will be \$6 per couple in advance and \$8 per couple at the door. Law students may obtain tickets for \$4 per couple on or before March 7, and for \$5 per couple March 8-11. Thereafter tickets will be \$6 per couple.

Interviews

All persons interested in applying for Editor-in-Chief of "The Adversary" are urged to submit their names and phone numbers on a note and place it in "The Adversary" mailbox in the faculty office on the second floor of Storey Hall or at the office in the basement of Storey Hall. The deadline is March 12 at noon and applicants will be interviewed on March 12 at 12:30 p. m. in the Student Bar office. Interviews will be conducted by the four Editors-in-Chief of the student Law School publications and one representative of the SBA Executive Council. Previous experience in journalism and availability of time will be the two areas of greatest consideration.

EDITOR'S ALCOVE

THE TENURE SHADOW

Within the next few days a decision on a program for student participation in faculty tenure selections will be made by the Executive Council of the Student Bar Association. The program will provide a method whereby student evaluations of professors being considered for tenure will be presented to the Dean for consideration by the Faculty evaluation committee. If this program is actively supported by the student body, a very significant contribution can be made to the School of Law. The student body would be rendering valuable assistance in assuring that "sub-standard" professors are not given tenure. However, there is one drawback with the program which threatens to stifle a meaningful and valid evaluation by the students.

The shadow over the tenure program is a fear of retribution by a disappointed professor who does not receive tenure. There are two regrettable aspects of this fear. First of all it is simply pathetic that a possibility of retribution even exists among any group of legal educators. One would think that persons of such distinguished positions would be above this low level of conduct. It should be noted at this point that reference is made only to a small minority within a large group of law professors. However, one cannot deny the fact that the possibility of retribution exists to some small extent, and in the mind of many students this possibility is greatly magnified when it comes to participation in a tenure program.

The other regrettable aspect of this fear is the shortsightedness of some students. Assuming that there is some basis for fear of retribution, some students are afraid to participate in a tenure program because of the possibility of losing a few precious points in a course taught by a professor who is denied tenure. In spite of the fact that such loss would be very small or even negligible and the fact that it is only a possibility, there are students who are unwilling to make this "sacrifice" for a chance to help upgrade the quality of the faculty at this School of Law. Even if a person does make five points lower in a course, this loss is certainly far outweighed by the value of the contribution made by student participation in the tenure process. All students are urged to fully support this program instead of worrying about a digit two spaces to the right of a decimal point.

Phil Jones

Constitutional Amendments
Proposed

Vote To Be Taken During
SBA Elections

Give careful consideration before voting on the SBA Constitutional amendments on March 10. I recommend a favorable vote for Article VI (1)g. Its purpose is to help ensure fiscal responsibility of the Student Bar Association.

Mike Allison
SBA Treasurer

STUDENT BAR ELECTIONS

March 10

Be sure to vote and support
your candidate to the fullest.

Offices to be filled are President, Vice-President, Secretary, and Treasurer. Also positions for 2nd and 3rd year Representatives will be elected.

If you desire to run for any of these positions, contact the election chairman, Joe Henderson.

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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

LETTERS TO THE EDITOR

For a long time we have been concerned about the fact that the students and faculty seem to constantly misunderstand or ignore each other. To do something about this, we invited two real-live faculty members (Mr. Bernstein and Mr. Craig) to our house for beer and conversation with about twelve students. We discussed a variety of law school problems and came to realize that if the students and faculty would get together more often, outside of the classroom, we might have a better chance of improving the quality of our educational environment.

We hope to have more of these sessions with different faculty members and students participating each time. The impact of these meetings is hard to measure, but judging from the response, we think they can provide a creative and positive approach toward making the Law School better than it is. We encourage other students to have similar Friday afternoon sessions with members of the faculty. We're planning to do this again. If you want to come, give us a call at 522-2758.

Tim Vineyard
Mike Poynor

EDITORIAL POLICY

The Editors reserve the right to condense and to make ordinary grammatical corrections on all articles which are submitted. Each article must be signed; but names will be withheld on request. March 18 is deadline on next issue.

Wake Up SMU , The World Is Passing You By

If there is one thing in this country on which both liberals and conservatives will agree, it is the fact that there are a lot of complex problems to be solved. Pollution, poverty, inflation, crime and many other subjects are the topics of considerable debate. We, as future lawyers, will have a lot to do with the way in which these problems are either reduced or hopefully eliminated. No matter what each one of us feels to be the solution, it can't be denied we will be active participants in the decision-making processes. However, as the future leaders of the community, are we, as first-year students, being given the opportunity to relate what we've learned in the hundreds of cases we study to our modern day problems? I think not.

There is no doubt that a certain amount of background material is necessary before an intelligent appraisal of a situation can be made. Isn't one full year of almost 90% background a little too much? Some professors occasionally try to relate cases to modern problems in Torts where the current topic of discussion is centered around pollution and Criminal Procedure where most of the cases are fairly recent and applicable to today's society. For the most part though it seems that the Court of King's Bench and trials of the 1800's and early 1900's prevail. Would it not be more relevant to occasionally digress from the old background cases and discuss the Chicago conspiracy trial, the cases involving the UCC which has replaced the common law to a great extent, some of the new problems arising out of the landlord-tenant relationship in slum housing, or some of the more recent criminal trials that have captured national attention? How about a few practicing attorneys as guest lecturers to tell it like it is? Why not a couple class sessions down at the County or District Court to see how the theory we're learning is put to use? Why not a few sessions with some of the seminars put on by the SWLF?

I realize that some of these things will be more prevalent in advanced courses, and I don't think that the total abolition of background material is a good idea (except for the Court of King's Bench whose opinions are usually written in Greek). However, the first year students are just as concerned as anybody about today's problems, and we deserve more modern and more current material and procedures so that occasionally we can relate to the world as it really is.

Al Ellis

1970 SUMMER SCHEDULE

Equitable Remedies	2 hrs.	Harding
Ethics	1 hr.	Harding
Texas Cr. Trial Practice	2 hrs.	Steele
Texas Practice	3 hrs.	McElhaney
Legal Aid	1 & 2 hrs.	Steele
Civil Rights Seminar (Cr. Proc.)	2 hrs.	Wingo
Legal Accounting	2 hrs.	Craig
Wills & Trusts	3 hrs.	McKnight
Land Lit. Seminar	2 hrs.	Scurlock
Directed Research		
Domestic Relations	3 hrs.	Wadlington
Insurance		Buckley
Regulation of Business	3 hrs.	Christopher

THE SOAPBOX

Jim Hockert

When the subject of non-intervention comes up, most government officials will quickly warrant that the U. S. will never get into another situation like Viet Nam. But with all their claims, no one looks to the southern part of our hemisphere and notices the uninvited interferences of the U. S. in Latin America. Most government officials will point to the Alliance for Progress and state obtrusively that the U. S. is a "good neighbor" giving a "fair deal" to the Latin Americans. They do not point out that U. S. corporations have millions invested in exploiting the natural resources of the Southern American countries. Nor do they point out that the U. S. is committed to protecting the interests of these corporations.

A recent example of the trouble that this situation can lead to may be seen in the struggle for power in Chile. On one side are the businessmen who desire continuing U. S. aid and capital. On the other side of the struggle are the young radicals and working class supporters. One Esso executive stated the businessmen's point of view, "We must continue along the line of the present regime if we are to maintain our present standards of growth." But by "we" he obviously meant the upper crust of land owners and businessmen.

The working class's side of the coin presents a more graphic view of what the present standard of living actually is. A spokesman for El Teliente, the strongest underground organization and a staunch supporter of nationalization of the U. S. -owned industries, noted that even if

(See CHILE, p. 6)

Highlights

Doc Hale

LEGAL AID

Almost two years ago Chicago hosted the Democratic National Convention and the city is still feeling the impact of that event. Certainly most of the long-range effects have not been the ones anticipated by those who lured the convention to their city. Indeed, Chicago has acquired the reputation as a boss-run anachronism where the machine politics of the late nineteenth century are alive and well.

Unfortunately, the repercussions of the Democratic Convention and its riotous accompaniment have not been confined to the city in which it was held. The legal profession itself has been touched by the latest spin-off. Chief Attorney for the defense in the "Chicago 7" trial received a four year prison sentence on twenty-four accounts of contempt, and his assistant almost two years on fourteen counts. The mere fact that attorneys have been found in contempt is not particularly significant to the legal profession of itself, but because they were found in contempt under the particular circumstances of this trial it may be very significant.

As far as the law is concerned it remains to be seen whether or not this was an important trial, but there is no doubt it was important to the public. Sensationalized by the press and dramatized by all those connected with it, the trial became more than an inquiry into whether or not the defendants were guilty of conspiracy. It became an emotional, ideological struggle in the eyes of the public, and, unfortunately, in the eyes of the participants as well. The prosecution told the press that the fact a verdict was reached was a victory for the jury system and showed that the process of administering justice in America is a viable one. The defendants called the trial the "second battle of the new American Revolution." Judge Hoffman told the defense attorneys as he sentenced them that one reason for the increase in crime is lawyers who are willing to go beyond professional duty in defending their clients. This trial took the air of a morality play or melodrama in which one could pick his own hero and villain according to his personal preferences.

Although the public disagrees over which side represented the ideological protagonist, the law seems to be universally vilified. Because the officers of the court - judge, prosecution, and defense - were unable to remain aloof from the sensationalism that surrounded the trial there has been a lessening of esteem for American justice and the legal profession. Those who take the "establishment" position see the defense as unscrupulous legal Sophists. On the other side, the court is seen as a biased, rigid institution, and Judge Hoffman obligingly made this impression more vivid by making martyrs of defense attorneys Kunstler and Weinglass. The court attempted to resolve moral and philosophical issues which it is not equipped to handle, unfortunately the entire nation was watching and the legal profession will bear the brunt of its failure.

LAW WEEK GOLF TOURNAMENT

The Law Week Golf Tournament will be held on Monday, March 9, at the Preston Hills Golf Club at Hillcrest and Forest Lane. Teams will commence play at 10:00 a. m. The course is normally closed on Mondays; consequently, the SBA has had to guarantee at least sixty players. Law students will only pay \$2.00 of the \$3.00 green fee, the remainder will be paid by the SBA.

At 2:30 a putting contest will begin and presentation of awards for low 18-hole score, low team, and best putter will be at the dance.

The faculty has approved a change in the Legal Aid Clinic curriculum beginning with the 1970 Summer Term. At that time two courses will be offered: Legal Aid A and Legal Aid B. Students who have not previously enrolled in the Legal Aid Clinic will be eligible for Legal Aid A. Any student who at the end of this semester has no more than one hour credit for Legal Aid Clinic will be eligible to enroll in Legal Aid B.

The total credit awarded for satisfactory completion of Legal Aid A and B will be three hours; one hour for A and two hours for B. However, no credit will be awarded for one part of the course without satisfactory completion of the other, and satisfactory completion of A is a prerequisite for enrolling in B. The two courses must be taken in consecutive semesters, although students enrolling in Legal Aid A in the spring have the option of taking Legal Aid B the following summer or fall.

Legal Aid A. Students will attend one hour of classroom instruction weekly, and will be given reading assignments and practical exercises. A final exam will be administered, graded on a pass-fail basis.

Legal Aid B. Students will be provided with an opportunity to practice what they learn in Legal Aid A. Students will be responsible for the operation of the Clinic and will handle all of the Clinic cases under the supervision of the Director and Associate Director. In addition, the students will attend one hour of classroom instruction each week. Credit for Legal Aid B will be awarded on a pass-fail basis.

ATTENTION GRADUATING SENIORS

Pick up your Bar Exam materials from Mrs. Jury, NOW.

CHANCERY

Tim Campbell

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness . . . And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Isn't it time Americans renewed this pledge? It would seem that within our country polarities at the extremes of the political spectrums are growing larger. As a nation we do not seem to be working together for the common good. Rather we are uniting in two or more armed camps.

It is time Americans started realizing that there is armed revolution going on in the United States. Surely that fact is not hidden from view. Nearly every

day the news media paints a picture of an America spilling blood and in flames. But why has this revolution evolved?

We have begun to realize that one cannot accept the truth of the Declaration of Independence and the Constitution if they can veil either de facto or de jure prejudice and slavery. We cannot in America accept the fact that many attempts to hide unemployment, ignorance (fostered by so-called equal education), and poverty (just as ugly and as desperate as that found anywhere in the world) have created an unequal world for some Americans.

We have also begun to realize that mere invocation of the phrase "America the Beautiful" is not going to hide the truth of billboards, neon signs, smog, auto junkyards, endless clutter of beer and pop bottles, streams polluted with the waste

of our abundance, woodland trails become spans of concrete urban sprawl characterized by millions of look-alike dwellings, and an atmosphere which in large cities is unfit for breathing.

We must also realize that we seem to be a nation on the brink of inner destruction. One group of our people plans daily to crumple our nation's institutions. Another group plans to crush those who would crumple. Another group would eliminate all of the above.

Where are those who would build? Who is ready to re-pledge himself to America's dreams and standards? Certainly we have not achieved the goals America as a nation set out to achieve. But we must keep in mind in our attempts to achieve what Whitehead called "the habitual vision of greatness." The framers of the Constitution did not purport the job to be easy.

CONSTRUCTIVE NOTICE

March:

- 4-6 SWLF Institute on Exploration and Economics of the Petroleum Industry War
- 4 Kappa Beta Pi Law Wives Meeting
- 9 Law Week Golf Tourney
- 10 SBA Elections
- 12 "ADVERSARY" Editor-in-Chief Interviews
- 13 Dr. Anastaplo speaks on "Chicago Seven"
- 14 Law Week Dance at Fairmont Hotel
- 18-20 Journal of Air Law & Commerce Symposium
- 17-20 Institute on Patent Law
- 20-31 Spring Break

April

- 4 Next Issue of "THE ADVERSARY"

Poll The Candidates

Knox Tyson

The BARROGY will attempt to clarify the issues and depolarize the candidates in the hotly contested, up-coming student bar election. So that we may more fully understand how you feel about the issues of the day that pertain to law students, please rate the following issues in order of their importance. "One" is most important; "thirteen" is least important. Place your answer to the left of each.

- ___(a) Improve student parking.
 - ___(b) Stop in-groups from controlling the law journals, moot court, the ADVERSARY, Lawyers' Inn, and the Faculty.
 - ___(c) Improve faculty-student relations.
 - ___(d) Revitalize law fraternities.
 - ___(e) Institute a great speakers program.
 - ___(f) Insure that student numbers and name lists are kept secret from teachers who can be trusted to peek at the list.
 - ___(g) Abolish the ADVERSARY.
 - ___(h) Bring back the CAT.
 - ___(i) Abolish Contracts I & II and have human encounter classes so that lawyers may better relate to each other and be more sensitive to
- (See BARROGY p. 6)

CHILE, Cont. from p. 3

the workers made no more money after nationalization, they would at least be more content in their work with the knowledge that profits from their work were going towards building a better country for their children rather than towards the enrichment of other nations.

Uncle Sam has decided, however, that there should be no question about continuing U. S. investments in Chile. U. S. troops have been training officers of the present regime in case there is any "trouble" with the election. The U. S. claims it only wants to help and points to the Alliance for Progress as showing its good will in Latin America. Uncle Sam, however, is quick to cover up the fact that only one or two per cent of the 1970 goal for land redistribution has been achieved under that agreement.

There is some hope for a change in the U. S. attitude but it is slim. The State Department has shown surprising backbone in the matter by stating that the U. S. has been "too paternalistic" and that it is time that the "iron-clad umbilical chord" be broken. It seems that the action taken by the military in this matter was purely out of habit. The rationalization was that the steps could be backed up by pointing out the practice of the U. S. of not doing business with dictatorships (unless the U. S. decides to overlook this practice concerning a particular country). But the State Department is giving ground on the matter and now notes that these countries need recognition by the U. S.

Is it possible that some of the new thought might get through the bureaucratic structures and actually be put into practice? In the Senate, there have been some mumbblings. Senator Church stated that we should eliminate our spheres of influence. But he says that we must first determine how to change the attitude of those causing the problem. This is a good example of deft avoidance of a commitment on the part of the Senator but is the type of action expected from the Government and its officials.

If Senator Church's action is exemplary of what is to be expected in the future, we can be assured that the U. S. will make sure that its investments in Chile and other countries will remain and will bring very profitable returns. Let us hope that the military doesn't get over zealous and lead us into another embarrassing situation like Viet Nam.

PAD News

Phi Alpha Delta announces the renewal of the Police Ride Program. The sign-up chart is posted on the fraternity board in the basement of Storey Hall.

All students with a 74.0 average for the first semester in law school and a 73.0 any semester thereafter are eligible for membership. Transfer students must have one semester's work at SMU in order to qualify.

Remember, Spring Rush Party on March 6 in the City Club from 7:30 - 10:30 p. m. All dues-paying members make an effort to attend. Robert W. Hamilton, Associate Justice of the Texas Supreme Court will speak. Joe Lazara

BARROGY, Cont. from p. 5

the problems of tomorrow and the 21st century.

- ___(j) Have a no grade, no class rank system.
- ___(k) Encourage practicing attorneys and local businessmen to lecture at the law school so that all may benefit from their practical experience.
- ___(l) End discrimination in the grading of all exams.
- ___(m) Institute a faculty tenure committee to evaluate law students going into their fourth year for a ten year contract.

All candidates will be cordially invited to clearly state how they stand on these vital issues during your class time. You will then know all the facts and the decision will be yours.

CLASS STANDING

Those students interested in class standing should see Mrs. Jury in the Admissions office. This information will not be mailed out.

CHICAGO SEVEN SPEAKER

Dr. George Anastaplo, guest lecturer at the University of Dallas, will speak on the Chicago Seven Trial at 1:00 p. m. in Lawyers' Inn, Friday, March 13. Dr. Anastaplo was one of the litigating parties in the famous Sn Re Anastaplo case that related to the right of an individual to practice law in the state of Illinois. In question was a refusal to answer questions about his past associations. He was an honor graduate of the University of Chicago and was denied admission to the State Bar of Illinois. This landmark case went all the way to the U. S. Supreme Court.

ELECTIONS TO COIF

- Minick, Woodrow T.
- Rice, Gary R.
- Ashton, Bruce L.
- Floyd, James C., Jr.
- Majure, Glen A.
- Blinn, Stephen D.
- Hughes, Lyman G.
- Bridwell, Robert R.
- Zeitler, Arthur W.
- Davis, John M., Jr.