

9-23-1970

The Adversary (Vol. 3, No. 3, September 23, 1970)

Southern Methodist University School of Law

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Recommended Citation

Southern Methodist University School of Law, "The Adversary (Vol. 3, No. 3, September 23, 1970)" (1970).
The Adversary. 10.
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THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 3, No. 3

DALLAS, TEXAS

September 23, 1970

Calendar of Events

SEPTEMBER

- 23 Athletic cards due for block seating at N.M. game; SBA office 8-12.
- 23-25 Make reservations for PAD bus to N.M. game - contact J.W. Brown or Gary Huselton at 528-1055; \$2. per person and FREE BEER.
- 24,25 SMU-PLI - "Guidelines for the Prudent Fiduciary."
- 25 International Law Society meeting - 4:00 P.M. - 207F
- 25 Pick up tickets for N.M. game - SBA office 8-12.
- 26 SMU v. N.M. - Cotton Bowl; buses leave in front of library at 12:15 P.M. - game at 2:00 P.M.
- 26 PAD swimming party after the game
- 28 SBA meeting - SBA office - 12:15 P.M.
- 30 PAD meeting - 12:00 noon; Room 207F.

OCTOBER

- 5-10 Esquire Week
- 5-9 SwLF Short Course on Federal Taxation
- 7 Faculty meeting
- 7 Law Wives meeting
- 10 U.T. v. O.U.
- 10 Esquire Week Dance - Marriott Motor Hotel.

Afro Affairs Talk Slated

Dr. Robert L. Smith will speak on "The Application of Economic Sanctions on the African Continent," Friday, Oct. 2, in 207 Florence Hall at 3:00 P.M. Dr. Smith, who received his doctorate in government from Harvard, is the State Dept. Deputy Asst. for African Affairs and former director of the foreign aid program for Africa.

Closed Classes Causes Clarified

by George A. Pelletier

In a recent article in The Adversary entitled "Registration Methods Questioned," various points were raised about registration in limited enrollment courses. The article raises the need for clarification as to the process of enrollment, and in particular brings to the faculty's further attention a matter that is already under consideration by the Curriculum and Graduate Committees and their student members.

As to procedures for enrollment, one important change was made this fall was to allow second and third year students complete freedom of choice in sections of required courses. The practice in most law schools is to assign students to sections. Also, in every instance except Ethics and Wills and Trusts, we have made this choice a more meaningful one by offering at least two sections. This, in conjunction with a very much expanded curriculum, has given us the best and most complete schedule we have ever offered. In fact, a representative of the Southern Association of Colleges and Universities, one of the University's accrediting agencies, commented that the SMU School of Law has one of the richest curricula of any law school in the country.

During the most recent school year, the past summer, the fall of 1970, and the spring of 1971, we will have offered 141 courses and seminars. Additional seminar offerings this school year include Criminal Law Internship, Intellectual Property, Personal Injury Seminar, Product Liability & Regulation, Ethics and Law, Labor Problems

(Cont'd page 4)

Torts Tree Needles Students

by Harry Najim

The Underwood Library has as many fascinating features as it has cubicles. However, one noticeable feature of this edifice sorely needs re-evaluation. In its lobby is a monolith of a lamp-post fixture, which I understand doubles as a Christmas tree in the off season. The creation's aesthetic value is limited by the extent to which students keep busting their heads and falling on their asses as a result of this obstruction.

In the best interests of students, faculty, and visitors, I suggest that some action be taken to prevent the possibility of serious injury to those who use the buildings. Even with the recent addition of plastic "do-da-do nothings," the structure still presents a serious health hazard. The possibility of broken limbs, impaired eyesight, and continuing concussions is real.

The University's liability with respect to any injuries is another point to consider. Though this is not intended to be a treatise on the duty of care owed to a licensee or an invitee and the laws regarding negligence, contributory negligence, etc., the possibility of a lawsuit is not that remote.

Enough said. The Christmas Tree, alias lamp-post, must be moved, modified or mourned. Suggestions from contractors, plumbers, and normal people will be appreciated and forwarded to the proper authority. Remember, even Frank Lloyd Wright had to start somewhere!

FREE IS A FOUR LETTER WORD

How stimulating it is to evidence the interest conceived by the September 16 issue of The Adversary. Several persons have broached the subject of censorship; therefore, an elucidation of policy.

Martha Mitchell aside, the First Amendment and academic freedom must prevail. Any law student may submit his views to this forum for publication. Coupled with this privilege is the necessity of selecting one's own words. Should a person elect to frequent his writing with those familiar "two Anglo-Saxon four-letter words," he has this prerogative. However, this forum cannot and will not become a battleground for personal feuds, and, in this respect, the Editor reserves the right to edit.

Professionally, law students must be receptive to controversy and be willing to react in a responsible manner. The reader and academic community at large must be the judges of the merit of an individual's perspective. The Adversary challenges the reader to give more than cursory attention to the juxtaposition of diverse opinions.

-- FBV

Martha Speaks Again...

(this time) "from the telephone in her upstairs bathroom at their plush Watergate apartment on the Potomac 'so John won't hear me talking to you.'"

"The blonde and voluble Mrs. Mitchell then voiced her own comments on the academic world:

'The academic society is responsible for all of our troubles in this country. These are people that are destroying our country.' . . .

'It makes me sick at my stomach. They're a bunch of sidewalk diplomats that don't know the score,' she declared. 'They don't know what's going on. They don't have any right to talk.'

'They are the sidewalk diplomats, who do not know and have no right to express an opinion on diplomacy,' she said. 'Why, some of 'em can't talk as well as I can and I can't talk very well.'

'There are more repercussions in our society today because of them,' she said. 'They are totally responsible for the sins of our children. The academicians have not taken care of our children. They are at fault for a whole generation of children.'"

(Editor's note: verbatim from the Dallas Times Herald, Monday September 21, 1970, p. A-3.)

Pearls from Aging Prof

"To those who proclaim that today's students are more intelligent, more aware, more gifted, and more involved than those of yore -- come visit any eight o'clock class on any Monday morning.

And then there is present day university jargon, particularly as heard in administrative circles, which goes something like this: 'Let us dialogue together in order to overcome a lack of communication so that hopefully a meaningful, nitty gritty, expertise consensus can be reached.'

The generation gap -- thank God!

Since the sex revolution apparently leads to unisex -- have fun!

That almost literate newspaper, The Daily Campus, with its great store of knowledge of foreign relations, national affairs, Dallas affairs, and university affairs extensively reported with the use of two Anglo-Saxon four-letter words -- cool!

The 1960's -- an age of blab, bad manners, and bad taste compounded by television -- a real sewer of a decade, but one which in all probability will be remembered in the future with nostalgia as the good old days."

A. J. Thomas, Jr.
Professor of Law

From the SBA Desk ...

by Mike Poynor

During the first two days of school, many students complained to me that they were being excluded from courses they had registered for. To make matters worse, many full-time students believed that downtown lawyers and part-time graduate students were being given preferences and that such preferences were unfair to the full-time law student.

In an effort to separate fact from rumor, I went to Mrs. Jury to find out how many students were being excluded, who they were, on what basis they were being excluded, and what system of priorities was being used. Mrs. Jury said she had the information but would not share it with me until I obtained the Dean's approval.

I then went to Associate Dean Pelletier; he refused my request and told me that he believed I merely wanted the information to agitate and cause trouble among the student body. In my opinion, this is not a responsible administrative approach to dealing with a legitimate student inquiry.

As a result of the difficulties encountered with registration this fall, the SBA representatives to the faculty Curriculum Committee, Tim Vineyard and Paul Schoonover, have taken the initiative to propose a three-page report of proposed solutions to the problem. This report (See next column)


(Shocked after reading Mr. Thomas' interpretation of the signs of the times in the 1970 Rotunda's Outstanding Professor section, the Editor inquired personally as to "why"? Mr. Thomas shed an interesting light on the subject when he noted that the yearbook editor had left out the submitted headline: "Underground Notes on the Times from an Aging Professor." This does soften the blows dealt by our distinguished representative of the older generation.)

has been submitted to the committee Professor Bernstein, chairman of the Curriculum Committee, has announced that the next meeting will be devoted to the discussion of this proposal. I trust this good faith effort will receive the attention it deserves.

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Craig Comments

To the Editor:

The Admissions Committee and the entire Faculty share Mr. Ellis' concern that we do not have more minority-group students.

As he anticipated, the problem is partly one of admissions standards. (The same problem has plagued hundreds of non-minority-group applicants.) We do not accept a student if we do not believe that he has a good chance for academic success here -- in other words, if he does not meet our admissions criteria. However, the percentage of rejections of minority-group applications is no higher than it is for other applicants.

We have cooperated with and used the CLEO program since its inception. We have not provided "a short study course for LSAT tests" because research by the Law School Admissions Council and CLEO demonstrate that it would be ineffective. Nor have we provided an "introduction to law school methods"; that is largely the work that CLEO does. Our faculty have recruited and continue to recruit at Black campuses and at other schools with large minority-group enrollments.

Our Committee will be pleased to discuss the problem in detail with you and other students at any time.

James R. Craig

Go, Go, Status Quo

God bless Al Ellis!

I know this is hard to believe, but I could have attended law school for this entire year

without noticing that there were no Negroes or Mexican-Americans (or Slovene-Americans or Montenegro-Americans for that matter) in the first year class. However, now that this has been brought to my attention, and assuming that this much-desired homogeneity is not the result of a fortuitous event, I for one would like to congratulate the admissions committee.

This past decade has seen unprecedented experimentation by certain universities regarding the "social mix" of their freshman classes. It is not surprising that the very schools that have been in the forefront of this experimentation have faced disorders and violence that have made education all but impossible. Obviously, the best interest of everyone connected with SMU's School of Law will be served if we can avoid these disturbances. The recent events in other universities inevitably make those students who are bored by the frequent "non-negotiable" demands of Mr. Ellis' constituency grateful to our admissions committee for having acted so prudently, while similar bodies throughout

the country have acted so irresponsibly.

I am heartened by another aspect of Mr. Ellis' article. Did you notice how he demanded that the committee present its position to the student body? What could he possibly mean by that?

Now we all know that those who are afflicted with serious cases of the liberal syndrome would like to suspend the Eighth Amendment when dealing with those dangerous desperadoes who exercise "unapproved" choices when they sell their houses or operate their businesses. Does this article represent a newfound respect by Al Ellis for traditional individual rights? Is Al Ellis really proposing that students be allowed to approve the actions of our admissions committee in maintaining the present homogeneity of the student body? Will he be generous enough to extend this same type of freedom to citizens of municipalities or states?

Gosh, and I used to think "Secret Storm" and "Edge of Night" were exciting!

Stuart I. Anderson



THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Editor-in-Chief F. Burns Vick
 Associate Editor Jim Lemmon
 Staff Members: Al Ellis, Doc Hale, Jim Hockert, Evelyn Hudson, Harry Najim, John Pitts, Bill Ruhe, John Stone.

Published by the students of the Southern Methodist University School of Law at Williams & Graham Lithographic Service and the School of Law Print Shop, Dallas, Texas.

Letters from readers are encouraged. Each must not exceed 250 typewritten words. The Adversary is published biweekly on Wednesday and copy deadline is the Friday preceding each printing. Views offered are not necessarily those of the paper.

Lady Justice Replace Your Blindfold

To the Editor:

I am a transfer student into the second year and have been on campus three weeks now. Normally three weeks would not be sufficient time to get to know a school well enough to criticize it. But the facts confirmed to me by Mr. Ellis' "letter to the admissions committee" have imbued and encased a weary soul with a gut disgust and despair. Perhaps these are times for impulsive fools and not cautious angels.

There are no blacks and apparently no Mexican Americans in the first year class. From my observation, there seem to be none in the second year class. And what's the year? -- 1970. Not the late fifties or early sixties where good white liberals could sit around bemoaning racist America. This is 1970 -- the year of assassinated police and judges, of murdered Black Panthers, of the first major Chicano riot, of victories for Cesar Chavez, of urban guerrilla warfare. And there are few, if any, blacks or Mexican Americans at the law school.

What does this say about what the law is, about what the law school is, about what we are? What is the law concerned with if not with human dignity and the rights of the individual, with the creation of a society that respects and protects these values. All too often the law has ignored these values, if not outrightly disparaged them. It must open up its processes to those who have suffered intolerably in the past. It must show that it understands what it should be and that it is trying to be just that. It must realize that it must train more than the affluent children of the middle class who all too often are content to study tax, oil and gas, and corporate finance, live on fat retainers, eat in petroleum and industrial clubs, while just minority demands and white indifference bring our society into whatever new age a

(See next column)

vengeful history has in store for us.

So what does the law school do? It is not a time for blue ribbon commissions or studies. With all due respect to Mr. Ellis, it is not a time for timid respectful requests for explanations. There can be no acceptable explanations. Other schools have shown that programs can be developed to actively support minority enrollments without loss of academic standing. There can be no reason for possible failure to recruit. This is a time for reasonable demands and quick responses. If the law is what it says it is, if we are what we say we are, we simply have no choice.

I admit to some emotion in this letter. I have just returned from a stint of voluntary teaching in Vietnam. And the world reason has built is not a beautiful one. Excuse my excesses.

Richard Grisham

ENROLLMENT HASSLE EXPLAINED (from p. 1)

Seminar, Federal Appellate Practice, Analytical Jurisprudence, Real Estate Planning, and Environmental Law. Additional sections are being offered in Crimes (2 additional sections), Criminal Practice (2 additional sections), Federal Income Tax, Business Taxation (2 additional sections), Estate Planning, Conflicts, Evidence, Personal Injury and probably Law and Psychiatry. Also, the Legal Clinic course has been greatly expanded by the introduction of a two-part course entitled Legal Aid A and Legal Aid B.

Limited enrollment, while something that none of us desire, is a necessity for reasons of course content, financial resources and available personnel. Written notification of limited enrollment in various courses and seminars has always been posted well in advance of registration. To accommodate more students than we have done in the past, individual faculty agreed in every instance to expand the size of their seminars up to the maximum number they felt they could accommodate. Where a seminar was so overcrowded that this was not a feasible solution, an extra section was arranged for either this semester or the spring semester. Contrary to some comments, after the entire registration process was completed, no qualified students were excluded from Civil Rights Seminar, Comparative Private International Law, Corporate Planning, Ethics and Law, Law in Society, Problems in Professional Responsibility, and Tax and Fiscal Policy.

In Legal Aid A, contrary to the reported 35 students excluded, only nine were excluded, and these will have first priority on the course next semester. In Product Liability 14 second-year students were excluded, and they can take this course next year with priority. The only other seminars where exclusions occurred were Personal Injury and Law and Psychiatry. These seminars will be offered again in the spring and priority will be given to those who were excluded this semester.

The question originally raised regarding limited enrollment courses is indeed one which needed exploring. The Adversary, as an open forum, can be the viable solution for factually clarifying the products of the "rumor factory." Faculty, administration and students are surely benefitted by this continuing communication.

dallas bar offers to bridge the gap

by Al Ellis

The Dallas Bar Association's invitation for student participants on various Bar committees affords a good opportunity for student activists. Students will meet some of the more prominent Dallas attorneys, participate in various civic activities, observe first-hand the organizational and functional aspects of the Dallas Bar and, most important, convey the attitudes and ideas of the law student to the Dallas Bar Association.

Students interested in participating should consult the SBA bulletin board in the Story Hall where a brief list of the committees, their functions and schedules are posted. A separate list of committees for which students may volunteer (two positions available for each) is also posted.