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Southern Methodist University School of Law

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THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 4, No. 11

Dallas, Texas

April, 1972

Wayfarer's Guide to Survival

The fall semester of 1972 will mark the initiation of a new publication for the benefit of the student body. . . the Wayfarer's Guide to Student Survival. The Guide has been produced during this semester through the diligent efforts of a small group of individuals including Charles H. Smith, Duke DeWare, Jay Carmichael, John Roots, Jean Prejean, Karen Pettigrew, Bob Roeder, and Jim Sprott. Jean Jury has loaned her advice and expertise in proof reading portions of the Guide and Lois Blackburn has been burning up the typewriter in the preparation of the Guide.

The Wayfarer's Guide is a compilation of information from many areas into one readily accessible source. It includes information about the SMU Health Center, Career Counseling and Placement Center, Psychological Testing Center, family counseling services, job placement services, and other services available to law students. In addition the Guide contains descriptive information and entrance requirements for every organization open to students in the law school. Included are office and phone numbers of all faculty and staff members as well as brief resumes on each.

Perhaps the most significant portion of the Guide is that containing descriptions of every course offered and written by the professor(s) who teaches it. Each professor was given a form to fill out about the courses he teaches to include such information as course content, method of instruction, method of evaluation, reading requirements, prerequisites, and general comments. The response from the faculty has been gratifying for the most part, with most professors giving judicious attention to their descriptions. The Guide is not intended to merely repeat what is already printed in the catalog, but will supplement what is there with more informative and informal data.

The Guide will be printed as soon as possible and will be distributed either to first and second year students before the close of this semester, or to all students before or during the fall registration. Thereafter it will only be distributed to incoming first year students with supplemental material available to update previously distributed copies.

It must be noted that the Guide is not intended to replace the need for academic counseling, but should answer many of the questions which are usually posed to the staff or faculty if indeed they are asked at all. Moreover, the Guide provides a single source of all the information which is presently scattered throughout numerous publications if printed at all. Commendation is well deserved by the individuals who have made the publication possible and it is hoped that the Guide will be of assistance to the student body in the future.

Jay Carmichael

Hooding Ceremony

Every year the 3rd year students have the "opportunity" to participate in the University's Commencement Exercise. This ceremony lasts approximately 2 1/2 hours and turns into a general scope session since every graduate of the University parades in front of the Law School section of the Coliseum. This year will be no different.

What will be different this year is that the Law School will have a pseudo-graduation ceremony of its own. This ceremony will take the form of a Hooding Ceremony. This is not where Crazy Joe's brothers get knocked off, but where the Doctorate Hood is placed on each graduating student. The ceremony will take place the evening prior to the regular graduation ceremony and will be followed by a reception for the students, their families and friends. This ceremony is an attempt to personalize the graduation for law students.

The Hooding Ceremony is the result of a study made by the Student Bar of what types of graduation other law schools conducted. The results of the study indicated that 1/2 of the law schools in Texas, Arkansas and Louisiana have a graduation ceremony apart from the school's undergraduate graduation. The Hooding Ceremony, if the response is favorable, is a step in the direction of the Law School at SMU having a separate graduation ceremony.

John Pitts

Letter to the Editor

Once again the SBA has been embarrassed by the incompetence of one of its elected officers. The most disturbing thing about the entire despicable mess is that the individual concerned will be practicing law in the near future. No doubt SMU will turn out another intellectual idiot to "raise hell with the system" without being able to handle the simplest of matters.

Clay Smothers, nationally-known anti-busing advocate and ex-Black Panther was invited to speak at SMU on April 6. The invitation was extended by phone three weeks prior with a promise of a follow-up letter. The letter, of course, was never written through gross negligence, and the speaker was never confirmed. Mr. Smothers called the day before his engagement to inquire if the engagement was still on and the immature student in charge of such activities told him: "No, but you couldn't have come anyway. Senior activities have been planned for months."

Mr. Smothers turned down other speaking engagements in Pennsylvania on the same platform with George Wallace to honor his commitment to SMU. It's a pity that there is so little honor among certain students in the SBA to warrant the least bit of confidence. Let us hope the "new administration" will conduct its speaker program with considerably more intelligence, maturity, and ingenuity than the old guard. This would certainly be the lesser of two evils.

Our apologies to Mr. Smothers for the actions of our more childish brothers.

Hal Gaither

[Ed.. Note: Letters of apology were sent to Mr. Smothers and he was later invited to speak at a date subsequent to April 6.]

The Adversary Staff wishes you good luck on your exams and an enjoyable summer.

Notes from a Lame Duck

At the end of each year, the outgoing Student Bar President is allowed space in THE ADVERSARY to impart a few words of wisdom (?) to the student body. I would not want to depart from such an honorable tradition and so, this article appears.

Words of Wisdom # 1 - Congratulations Carol and the other new officers and representatives. This next year holds many challenges, but also many opportunities, for you. With participation from the student body, the SBA can be a vibrant force within the Law School community.

Words of Wisdom #2 - Above, I spoke of the many challenges which face the new Executive Council of the SBA. As part of the old guard, I would like to offer two challenges which I believe can be accomplished. I am not so naive as to believe that these challenges can be accomplished in one year, but a beginning can be made.

The "old" Bar has made many suggestions concerning curriculum changes. Many of these suggestions have been accepted and put into effect by the faculty. More changes are being suggested this week. The time is right for an overall look at the curriculum. It is time law schools revamped curriculum in order to more economically use the student's time and resources. I suggest that a study be made concerning reducing the time spent in law school by one year. A degree should be awarded after the completion of two years. The third year should be used for a mandatory internship. If a student wishes to specialize, this third year could be used for this purpose, but there would still remain a mandatory internship. The present system appears to be based solely on tradition and proves to be very wasteful and impractical.

The second challenge is another based on change. For approximately 35 years, graduates of Texas law schools have been submitting to the ritual known as the Bar Exam. In my opinion, the offering of a Bar Exam is an insult to the law schools. The law schools in Texas must receive a seal of approval from the Texas Supreme Court. This approval indicates that the law school is capable of training qualified and capable attorneys. If this approval is granted, why approve each graduate from an approved law school? It has come to my attention that the Deans of the Texas law schools insist that the Bar Exam be continued. Does this indicate a basic lack of confidence by the Deans in the students; or is it a lack of confidence in the teaching level of the schools? Whatever the reason, it is time that this ritual be reexamined.

Words of Wisdom #3 - Since this is my last article, I would like to say thanks to everyone who has aided the Executive Council this year. The Council attempted to obtain help from a broad cross section of the student body. To some degree, this has been successful. It has been a good year--and has been fun. If any of you are ever in Austin, give me a call.

John Pitts


THE ADVERSARY
SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Editor-in-Chief Jay Carmichael
Editorial Board . . Richard Anderson, Carol Barger, Richard Grisham,
Dudley Murrey, Burns Vick.
Staff: J. C. Labowitz, John Pitts

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Advertisements may be placed in the Adversary for \$2.00 per column inch and should be submitted to the managing editor in the form desired for publication.

The Adversary, SMU School of Law, Dallas, Texas 75222

Letter to the Editor

Mr. William Boyd Mangrum, newly-elected Managing Editor of the Southwestern Law Journal and a member of the Class of 1973, has been designated as the first recipient of the Hewett, Johnson, Swanson & Barbee Scholarship.

The Hewett, Johnson, Swanson & Barbee firm has been organized for little over a year and practices in Dallas. The partners are John Johnson, Arthur Hewett, and Wallace Swanson, all SMU '65, Linton Barbee, University of Texas '66, and Richard Massman, Harvard '68. There are six associates; four from SMU, classes of '63, '66, and '71, and two from The University of Texas.

The scholarship is a full-tuition grant, awarded to the titled editor of the Journal who made the most significant contribution to the Journal during his or her tenure as a Candidate. The awardee is chosen by the outgoing Board of Editors with the advice and consent of the Faculty Advisor.

Sincerely yours,
Scott Morris

Associate Professor

Letter to the Editor

On January 12, 1972, the Minority Law Student Coalition was formed. Members are from Chicano, Black, and American Indian ethnic backgrounds. The purpose of the Coalition is to provide minority law students with the opportunity of getting constructively involved in the law school and participating in its growth.

The three areas of involvement which have been determined as having priority are as follows: (1) the recruitment of minority students to study law at SMU; (2) mobilize financial assistance for minority students who have a need; and (3) the sponsorship of a tutorial program for needy students. Currently members are actively working on a recruiting drive.

The proposal for the possibility of setting up the tutorial program was presented to the faculty, and a Cont'd page 4

FORUM:

I am happy to announce to my fellow devotees of the free market place of ideas that we have scored yet another victory, for the National Review is now available at the Underwood Law Library.

The details of this victory are quite simple. One day while I was in the Library I found something called the Texas Observer hidden among the law reviews. I promptly asked Miss Turbeville what that "thing" was doing in our library, to which she replied, "some students wanted it." "Well," I understated, "if some students want the Texas Observer, I assure you that others want the National Review." Now, I shan't compromise Miss Turbeville's official neutrality in this controversy, but after we discussed our mutual enthusiasm for Adam Smith, Calvin Coolidge, the Gold Standard, and an early Romanov Restoration she immediately agreed that fair play demanded that the library receive the National Review too.

The primary task of this article is to introduce the National Review to those unfamiliar with this magazine. To accomplish this, I shall defer to Editor William F. Buckley, Jr. who, in the November 19, 1955 issue, introduced the National Review to its first readers by writing:

It stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it. National Review is out of place, in the sense that the United Nations and the League of Women Voters and the New York Times and Henry Steele Commager are in place...All this would not appear to augur well for National Review. Yet we start with a considerable - and considered - optimism....

We have nothing to offer but the best that is in us. That, a thousand liberals who read this sentiment will say with relief, is clearly not enough! It isn't enough. But it is at this point that we steal the march. For we offer, besides ourselves, a position that has not grown old under the weight of a gigantic, parasitic bureaucracy, a position untempered by the doctoral dissertations of a generation of Ph.D's in social architecture, unattenuated by a thousand vulgar promises to a thousand different pressure groups, uncorroded by a cynical contempt for human freedom. And that, ladies and gentlemen, leaves us just about the hottest thing in town.

Stuart I. Anderson

LSD ABA CONVENTION HELD

The thirteenth and fifth circuits of the Law Student Division of the American Bar Association, encompassing the majority of the southern states, sponsored a regional convention of LSD representatives and Student Bar presidents in New Orleans over the weekend of the 24th. Representing SMU at the convention were Al Ellis, outgoing LSD representative, Vincent L. DeBiase, newly elected LSD representative, John Pitts, outgoing bar president and Carol Barger, the new president of the SBA.

The objectives of the convention were primarily twofold: (1) To serve as a catalyst for communication among the representatives of the representatives of the various law schools and (2) to elect a new circuit governor. With these goals as a standard, the convention must be deemed a success. The representatives had ample time to discuss among themselves the various problems that their Cont'd. page 4

FINANCIAL AID

The Board of Visitors of the Law School, a body made up of lawyers throughout the United States, met at the Law School on April 6. The Visitors met with three committees of the Law School -- Curriculum, Admissions & Financial Aid, and Legal Clinic. The President and Vice President of the SBA, along with the student hosts, attended these meetings. One point that was driven home time and time again was the need of the Law School for funding of its scholarship program. The School depends on yearly contributions only for the scholarship fund.

Realizing this great need, the SBA decided to take action. During the year, the SBA encouraged a revamping of policy in the awarding of scholarships. New guidelines have been determined which call for scholarships to be based on need only. This policy becomes effective with next year's entering class. This leaves the 2nd and 3rd year class with the criteria of need and academic standing.

During the year the SBA has contributed approximately \$670 to the scholarship fund. The SBA at the end of the current year will make another contribution to the fund. This contribution will consist of all funds left in the SBA treasury over and above \$1500. This \$1500 is left in the treasury to aid in the funding of the new Executive Council. The funds used for the scholarship fund have been received from the vending machines operated by the SBA. The amount of the contribution cannot be estimated until all expenses of the 1971-72 Student Bar are determined. The SBA is designating that the scholarship be given to a second or third year student and granted solely on need.

By this contribution, the SBA is attempting to indicate that students also are concerned and interested in the continuation of the scholarship program at the School.

John Pitts

Cont'd from Page 4 - PHILOSOPHY

job counseling and career counseling they are or aren't receiving, because despite the Herculean efforts of Mrs. Blair, the school is simply not meeting the students' need. The graduates are sufficiently irritated to inform the school that they will never contribute to the perpetuation of such a system. Such pronouncements strike fear into the hearts of all good administrators, so out of the Western sky will come some adequate counseling services so that those cards, letters, and contributions from alumni will keep rolling in.

J. C. Labowitz

Casting Pearls Before Swine?

Throughout the semester, a trio of industrious students started collecting "pearls of Wisdom" from their professors. The following collection of "legal gems" is brought to you anonymously, since none of them want people to think they were lax in their note-taking. In their expert opinion, Professor Kennedy gets the "Legal Beagle Bloopery" award for making the most "loaded" remarks of the semester. Walter Steele is a close second for his whiplash to the Dallas Police and the DMN. And Professor Taubenfeld comes in an eloquent third.

MR. FLITTIE:

"Moral theorists are at the other end of the campus."

MR. WINGO:

re: the lady who escaped from the KKK rapist on the premise of buying a hat, but bought poison instead - "It always helps to buy a new hat, doesn't it, ladies?"

MR. SURRATT:

"I always get nosebleeds when I have a cold."

re: asking about general classroom chaos - "What's the matter with yall? Is my fly down or something?"

MR. BERNSTEIN:

"I'll give two extra points on the final to anyone who tells me who Number 4 is!"

re: being shown a nudie pen by a student - "Can I keep it?"

COL. HARDING:

"'A' is always off somewhere with Fluffy Bubbles."

"I refuse to admit that I'm not indispensable to legal education."

re: students who have had undergraduate business law - "In a kingdom of blind men, the one-eyed man is king."

MR. TAUBENFELD:

"We never step into the same river twice. That's a quote from the Greeks that's over 3000 years old."

"The train leaves promptly at 10 o'clock"

re: student missing "the train" - "It's the Easter spirit. Crucifixion is not in order." (He let her in.)

"Washington is the capital of the United States. FALSE! He was the first president." (Never assume anything on first impression.)

"An oral contract isn't worth the paper it's written on."

"You will observe techniques at this law school do change. For example, I could become kindly and informal!"

"What does the Constitution say about taking away property rights from an individual? It says Noooooo - that's a naughty."

MR. STEELE:

"The Dallas Police would arrest a guy for suspicion of just about anything."

"The law makes no distinction between appointing an F. Lee Bailey or a tax lawyer, so long as both pass the bar exam." Cont'd page 6

CLARIFICATION

The Editorial Board of the Adversary is the decision-making body as to the acceptability of material for publication. In the past no clear-cut policy as to our right to refuse to print submitted material has been established. In the future it will be the policy of the Adversary to refuse publication to material which is submitted but is not signed. We will withhold your name if one so desires but it is necessary that we know who is submitting the material for publication. We still retain the right to refuse publication to material which has no application to any topic of interest to the Law School community and material which amounts to a personal attack on or slur of any student whether a "public official" or not.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

SENIOR REMINDERS

1. RESERVE CAP AND GOWN AT THE SMU BOOK STORE!!!
2. DON'T FORGET! All Xerox fees and other outstanding bills to the School of Law and SMU MUST be paid in order to graduate!
3. Any third year student desiring invitations for the hooding ceremony, please notify Mrs. Turrell in the Dean's office.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

*****UNFORGETTABLE QUOTES*****

Quoth Hibernia Turbeville, upon discovering the sleeping form of Buris Dale '74 on a couch on Underwood 2d: "We can't have people sleeping at our front door!"

Why not? At \$1000 per semester, that works out to \$6.50 per night, which is comparable to the Holiday Inn, and the library doesn't even change the linen. Perhaps the Gideons would install Bibles?

J. C. Labowitz

Cont'd from Page 5 - PEARLS

MR. STEELE: (cont'd)

"At the arrest stage, the only right you have is to be put in jail and not be unduly tortured."

"Peeking may not be genteel, but cops aren't anyway."

"Criminals are dumb, so why not take advantage of it."

"You can't search for an elephant in a matchbox."

"You just go to the clerk and ask her for an examining trial. You don't even have to wear a tie!"

"Police are equipped with Miranda Warning Cards (Mumble Cards) to carry in their pockets and read when arresting people. That is, if they can read."

MR. KENNEDY:

"That's what a trial is -- a contest between liars!"

"If you can't trust a blind gospel singer, who can you trust?"

re: Peacock Records v Checker Records

re: grounds to strike a motion in a Howard Hughes Hypo -

"First affirmative defense - the plaintiff is a son-of-a-bitch."

re: service of process - "Does it really matter whether a man gets it in hand or from his wife?"

"Fraud is a matter of style. If you're crude, it's fraud. If you're creative, it's not fraud."

MOOT COURT COMPETITION:

The judge asked, "What say you petitioner?"

Petitioner panicks, "I'm not familiar with your procedure Your Honor."

Judge: "The translation sir, is: Ready!"

STUDENTS:

re: a "transvestite type hanging" - "What was he wearing when they found him sir? Must have been in a dress or something."

re: murder/rape defendant's defense of impotency - "This is obviously a case of assault with a dead weapon." (ED. NOTE - case was dismissed because the evidence wouldn't stand up in court.)

"Is larceny by trick a synonym for prostitution?"

FOOD FOR THOUGHT:

re: instructor's description of one of his colleagues - "He likes his students to be clutching at jello."

NAMES WITHHELD BY REQUEST

IN CLOSING

With this issue The Adversary staff closes another year of publication. Those individuals who have contributed hope that "the Rag" has fulfilled, at least in part, the role of a literary/informative forum. Regardless of who agrees with what, one must remember that much like student government the law school newspaper is no better than the students make it.

Next fall when the paper resumes publication there will be at minimum a Managing Editor and two second-year positions vacant. Each student in the law school community should consider joining the staff and making contribution to the law school. Writing ability is not mandatory; be a yellow-dog journalist. Interest and initiative are the essential qualities. Anyone who may be interested need only contact a staff member or Jay Carmichael, the new Editor-in-Chief.

This issue also marks the conclusion of three years of personal involvement with the newspaper, which was conceived/revived about five years ago. The change for the better, which I have observed, should continue in the future. I have great confidence in the enthusiasm and proven ability of the Editorial Board's selection. As for myself, I wish to thank the one person who contributed the most to make The Adversary the success it has been this year -- Jay Carmichael.

F. Burns Vick, Jr.