

9-1972

## The Adversary (Vol. 5, No. 2, September 1972)

Southern Methodist University School of Law

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# THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 5, NO. 2

DALLAS, TEXAS

September, 1972

## Clerk of "the" Court



THE SUPREME COURT OF TEXAS

Bottom row l. to r: Associate Justice Ruel C. Walker, Chief Justice Robert W. Calvert, and Associate Justice Joe Greenhill (Chief Justice as of January, 1973).  
Top row l. to r: Associate Justices James G. Denton, Thomas M. Reavley, Zollie Steakley, Jack Pope, Sears McGee, and Price Daniel.

Though most law students are aware that courts in Texas are assisted by law clerks, few realize the activities of these individuals and the services they perform for the judicial system of Texas. In order not to seem a specialist in all clerkships, this article is focused on the position of Briefing Attorney (a statutory euphemism for law clerk) for the Supreme Court of Texas. Again not to mislead you, I am also not an expert on this position since I have served as a Briefing Attorney for the Court for a mere six weeks.

Briefing attorneys are hired for a one-year term beginning around August 1st. The Court sits as a body in Austin to interview third year students. Last October 79 students, from throughout the United States, interviewed for the nine positions available. The briefing attorneys are selected by the whole Court; and then each judge, in order of seniority, picks his own briefing attorney from the nine chosen. The current group of attorneys represent the University of Texas (7), Baylor (1), and S.M.U. (1). In the recent past, there have been attorneys representing St. Mary's, University of Houston, Harvard, Yale, South Texas and Tulane.

The primary function of the briefing attorney is to study the applications for writ of error which are assigned to his judge's office. During the year, each briefing attorney will study in detail over 100 of these applications. After examining the briefs of both the Petitioner and Respondent, any amicus briefs, the Court of Civil Appeals opinion, the transcript and usually the entire statement of facts, the attorney prepares a memo for the judge

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## Any of Your Business?

During the past summer, students have been discussing the lack of an organization, within the Law School, for those interested in utilizing their law studies in the business environment. For students who plan to work in business either for someone else or as owners and/or managers of their own operation, there are many topics with which to be familiar. In areas such as: accounting, finance, employment, taxation, management, computer applications, etc., the business-bound J. D. should at least have a basic operational foundation and keep current of the latest trends and ideas.

An association of the students themselves would offer an opportunity to exchange ideas on these varied fields of specialization. It would be a medium, linking its members to the off campus business world and offer them an opportunity to better prepare themselves for its highly competitive atmosphere.

Any student interested in the formation of such an organization should contact J. R. Scoggins at 352-8763.

J. R. Scoggins

AAAAAAAAAAAAAAAAAAAA

## Leaving Soon?

DECEMBER GRADUATES!!

If you have not already done so (and you still plan to leave these hallowed halls of higher learning in December) you need to see Mrs. Jury as soon as possible. Forgotten where she is? Try the Basement Command Post.

## Letter to the Editor

(Ed. note: Letters to the editor are encouraged and solicited. In this election year thoughtful political commentary is welcome, but please limit letters to 250 words or we reserve the right to edit.)

Steelman-Cabell at odds over the ecology.

While Nixon and McGovern are engaged in the "choice of the century" over the issues of war and peace, unemployment and prosperity, the 5th Congressional District in Dallas is witnessing its own version of the "choice of the century" over the environment issue. The participants in this battle are the Democratic incumbent, 65 year old Earle Cabell, and his Republican challenger, 30 year old Alan Steelman.

Cabell's record on the environment is quite clear. Environmental Action named him to the "Dirty Dozen," the League of Conservation Voters gave him a 4% rating on his votes in 1971, and even Field and Stream, one of America's top magazines for hunters and fishermen, rated Cabell as "poor." Cabell has also been denounced locally by 25 leading area environmentalists. This year he has added to his record by voting against the Noise Control Act of 1972 and against tougher water pollution control standards.

As a contrast, Alan Steelman believes that restoring and preserving our air, land and water must rank at the top of our national priorities for the foreseeable future.

To accomplish this, a basic shift in the national value system is necessary. Steelman wants us to move away from the preoccupation of growth for the sake of growth. The U.S. in general, and Dallas in particular should be concerned instead with improving the quality of life: quality education, safe streets, and good jobs. More money for mass transit construction and a preservation of natural areas such as the Big Thicket would also be a part of this program.

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## EDITORIAL...

The Moot Court program is unique at SMU. It is a program that is run, administered, and taught by students, and academic credit is given to its participants. This credit is granted despite no input by faculty, with the exception of assistance given by the Associate Dean.

The promise and value of the Moot Court program is great. But the effectiveness of the program must suffer when those students entrusted with the responsibility of running the program -- the 22-member Moot Court Board -- abandon their duty and fail to act in the interests of the students whose program is at issue.

In the last two weeks, we have a strikingly blatant example of the non-use (rather than the misuse) of the powers of the Moot Court Board. First, the Board failed to act on the matter of the selection of a National team for interschool competition. Then, the Moot Court Board refused to take action to (1) remove those members who have been regularly absent from meetings and are patently disinterested in the program; and (2) expand the Board's membership to provide more instructional classes for the enlarged first-year class. In discussing each of these here, it will be clear that the Board has failed to exercise the power that it has, and has refused to deal in a positive manner with itself as an entity that the student body depends upon for a highly valuable program.

The National team selection can be simply described as a fiasco. The Moot Court Board, despite requests and motions to it, failed to put together a selection process last spring to choose SMU's team in an equitable fashion. By allowing the situation to drift until school resumed, the Board failed in its job of administering the program, and, in so doing, surrendered a student decision to Dean Anderson, whose subsequent method of choosing the team lacked both principles of equity and a concern for students as a whole. Be that as it is, the point that is acutely frustrating is that when the issue came before the Board on Sept. 4 and was debated at length, the Board could not muster a quorum to even vote on the abdication of its powers to Dean Anderson. It is inconceivable that students gave their powers away for lack of a quorum of 12 supposedly-interested students.

The rules of the Moot Court Board reputedly call for the removal of any member who misses more than one meeting, but this has not even been mentioned by the Board as a remedy. Certainly, when eager, motivated, interested students were turned down for the

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## THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Editor-in-Chief . . . . . Jay Carmichael  
Editorial Board . . . . . Richard Anderson, Bill Garner,  
Howard Rubin  
Managing Editor . . . . . J. C. Labowitz  
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Karen Pettigrew

Published by the students of the Southern Methodist University School of Law, funded by the School of Law, and printed at Williams-Graham Lithographic Service and in the School of Law Print Shop by Howard Rife.

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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.

in the program in the spring absolutely requires the attention of the Board now. The annual outrage of state and national team "competitions" must now end. We deserve as good a moot court program at SMU as is available at Texas, Texas Tech, etc. The Moot Court Board must act to correct the abuses of the past and orient itself to the success of the program in the future.

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## JUST FOR KICKS

Sports history is to be made this week, as Intramural Football competition kicks off another season. The graduate league will be graced by a record-shattering six law school teams, which will be impressive for their numbers if not their play. In the greatest tradition of fall football previews, we present a brief summary, a veritable Gilbert's on each team:

Law III--will be hardpressed to replace the likes of Len Phillips et al. Jim Byrne does have an impressive list of people who have signed up to play, although some who signed up may have confused the list with an interview schedule. Could be a sleeper.

CeeBee's--led by namesake Charlie Brewer, this is the remnants of Law I of a year ago. Thanks to a trade for Dixiecrat QB Jeff Davis, the CeeBee's better learn to play good defense. Definitely a sleeper.

Law II--made up of the revered Kosher Dixiecrats and assorted other ne'er-do-wells. No quarterback at the present, but 17 guys who want to catch passes. A real sleeper.

Law I--a new franchise, having some trouble getting it together. With 280 first-year people, some of them must play football. Sleeper possibilities.

Lawyers Inn--a perennial powerhouse, with the best organization and Mrs. Smith's training table. Somehow, by natural selection, jocks end up in the Inn. Led by Mike Blalack and Chris Christian, with Pete Foster and a cast of thousands. Potentially a sleeper.

Law Grads--for the first time in memory, a team of graduate law students. This could be quite a team--old SMU varsity types, along with Australians, Swiss, etc., who have never seen the game. What else but a sleeper?

J. C. Labowitz

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## Food for Thought

The other day I happened to be sitting in the Law School Tempietto (for those that don't know, that's the structure in the middle of the Law Quadrangle) thinking about the recent events at the XX Olympiad and the repercussions on the rest of the world. There at my feet I happened to notice an inscription in bronze which seemed to have direct application to the subject of my thoughts. The inscription has broader application than just to recent events and is worth bringing to the attention of those of us who have walked upon it. Quoted from James Anthony Froude: "History is a voice forever sounding across the centuries the laws of right and wrong. Opinions alter, manners change, creeds rise and fall, but the moral law is written on the tablets of eternity. For every false word or unrighteous deed, for cruelty and oppression, for lust or vanity, the price has to be paid at last; not always by the chief offenders, but paid by someone. Justice and truth alone endure and live. Injustice and falsehood may be long-lived, but doomsday comes at last to them, in French revolutions and other terrible ways."

Jay Carmichael

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ideological and party lines", Steelman has said. "Democrats and Republicans, conservative and liberals have a stake in this. We have simply got to keep our world a decent place to live."

The choice is clear; the decision is yours.

Frank Boland

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## LSD - Why Not

Law Student Division (LSD) Representative of the American Bar Association at SMU, Vincent DeBiase, has undertaken an extensive campaign to increase the school's membership in the LSD/ABA. In a recent interview DeBiase, a second year student, stressed the importance of the LSD. "This organization offers many services that the average law student is not aware of. For instance, there is a Law School Services Fund (LSSF) which grants from \$100 to \$1,000 on a matching basis to law student oriented projects. Last year over \$20,000 was disseminated to various schools. There are many organizations seeking money from the SBA at SMU which could go to the LSSF and receive more than adequate service."

DeBiase also explained the Lawyer Placement Information Service which is a service of the ABA. A student can apply with this service, receive information about the prospects of practicing law in a given geographic and interest area, and be matched with appropriate legal firms seeking his area talents.

The LSD has been somewhat of a stepchild of the SBA at SMU for the last few years. Until this year its representative had no vote on the SBA, nor has he been able to transfer student interest from beer and golf parties to some of the more important issues confronting the practice of law.

DeBiase feels that the law student can get as much out of the LSD as he wants. "The problem" he stated, "is that the student must come to the LSD

Cont'd. Page 4

to which he is assigned. The memo is similar to the typical memo prepared in Legal Writing. It is used by the Judge as an aid in his research of the application.

The Court meets in conference on Monday mornings, and on Tuesdays. The briefing attorneys are encouraged to attend and participate in these conferences. This is unlike most federal courts where the clerks are not allowed to attend the conferences. The briefing attorney is often called upon to present to the Court the relevant facts and points of law on the applications which have been assigned to his office. The judges then question the attorney on these facts and the law to determine whether to grant the application.

The briefing attorney has duties other than preparing memos on applications. Other duties consist of aiding in drafting opinions, acting as marshall for the Court during oral arguments, and serving his judge in any way desired.

As in any other position, the job as a briefing attorney has many fringe benefits. The primary benefit is the association with nine jurists who are nationally known for their judicial thinking and efficiency. This association can be summarized by quoting Judge Greenhill: "The average attorney or businessman is free to discuss his work with anyone. Judges cannot discuss their pending cases with anyone, not even their closest friends. It leads to a relatively cloistered life. Yet the judges are free to discuss the cases with the law clerks, and the law clerks may discuss them with the judges and with each other. This mutual interest and close association leads, in many cases, to rather close ties and a true feeling of fraternity which is both pleasant and lasting."

The brief experience which I have had with the Court has been both enjoyable and enlightening. It is my hope, and the Court's wish, that many individuals from S.M.U. interview with the Court for the positions. The experience of just interviewing with the Court is one you will not soon forget. May I hasten to add that the Court does not discriminate in any fashion in filling the positions. This year, as has occurred in the past, a woman is serving as a briefing attorney. The University of Texas graduates usually represent a majority of the attorneys merely because approximately 3/4ths of the applicants are from the University.

If I can be of any help to you, please feel free to write to me in care of the Court. (c/o The Supreme Court of Texas, Capitol Station, Austin, Texas 78711)

John R. Pitts

(Ed. note: Application, with biographical and scholastic material, should be submitted in triplicate to the court through Justice Joe Greenhill, P. O. Box 12248, Austin, Texas 78711. Applicants may express a preference for the date and hour of his or her interview, and the court will do its best to accommodate each applicant. The interviews for clerkships for Summer 1973 to Summer 1974 will be held in the conference room of the court (in Austin) on Thursday, Friday, and Saturday morning, October 12, 13 and 14, 1972.

The present salary for briefing attorneys is \$9,000 per annum but it is hoped that it will be raised to \$11,000 for clerkships beginning in July, 1973.)

#### SMU LAW WIVES CORNER:

September 23 -- Law Wives Club/SBA present "Oldies but Goodies" Party at 8:00 PM at the Way Apartments, 6806 Skillman. Music from the '50's -- dress the part. All the beer you can drink for only \$1.

September 30 -- October 1 -- Law Wives Club Garage Sale at 6611 Aberdeen, from 10:00 AM to 5:00 PM. Clean out your closets -- contact Pam McManus at 368-6957.

Rep. to inquire about the various services. This is rarely done. I have a huge file of programs and opportunities. If students are satisfied with receiving the LSD magazine, an insurance policy, and ABA section information, that is fine. However, if they're interested in taking an active part in ABA programs and policy decisions, all they have to do is see me and we can get the machine started to fit them in. The possibilities are limitless. I can publicize the main projects of the LSD, but I can't serve as a cheerleader for the organization."

About 40% of the Law School was affiliated with the LSD last year. DeBiase expects this figure to increase this year. The membership roles for each class are proportionately smaller with first year being the best representation, followed by medium and poor showings from the second and third year classes. He said "It seems that as one goes through law school, he would focus on an area of interest and then join the ABA section in that area. This year we will try to publicize this aspect of the ABA/LSD for upperclassmen."

Applications are on most bulletin boards in the school. DeBiase urges anyone who is interested in participating in LSD activities to contact him at 369-7983 or see him at room 300 Lawyers Inn.

#### LONG-ARM-OF-THE-LAW AWARD OF THE WEEK

From the Wall Street Journal, Sept. 6, 1972: "A judge who fondled women court employees was censured by the Michigan Supreme Court. The high court told James H. Edgar that he had "brought dishonor and public disgrace to the office which you hold." Edgar was fined \$1,500. His magistrate, James Lee Blodgett, also was censured; he was fined \$1,000."

...Query: You have to hand it to the Judge ... he probably knew everybody's business. But did he and the magistrate have a partnership going?

## PLACEMENT is Alive and Well in...?

Wonders never cease! In fact, it was almost a revelation. Absolutely and undeniably, a discovery of monumental proportions! With only the slightest degree of effort, I located the Southern Methodist University School of Law Placement Service.

Before this shakes you to your foundations, sit down and read further, my friend. It all began last spring when Ms. Barger appointed me Chair (person?) (Woman?) (man?) for the Placement Committee. Upon encountering the very words, being in a state of wonderment, I raced to Black's seeking to deduce, in modern legalese, the meaning of this alien beast - (not wanting, as is my conservative nature, to be another cog in the bureaucratic wheel who knew not even the rudiments of what his (her?) titular job entailed). Alas, "placement" means gitting ya'll placed at the place where yew work (as we'd say in West Texas). So it was that after little more investigation I found enough startling facts such that -- in true Ellsberg fashion -- I felt compelled to share them with the students at this institution in order that the well-kept, sinister truth of the acts so long perpetrated on you may be exposed. Observe:

There was a total of 45 different interviewers at the law school during the months of September, 1971 through April, 1972 alone. These included 31 law firms, 2 corporations, 8 Government agencies (1 for clerkship) and three miscellaneous. In all, a total of 315 students interviewed. There were in addition several hundred other employers who advertised available positions or otherwise contacted the Placement Office with job offerings.

This summer the new Assistant Dean prepared with Ms. Blair (who heads the Placement Office) a brochure to be sent to all alumni and prospective employers regarding what the school offers. This should be in print soon and will be posted for your approval at that time.

The Placement Service and Committee have already outlined numerous plans which should aid all of us in finding work -- both permanent and temporary. In the future, on a yearly basis, seminars for second and third year students respectively will be conducted in order to cover the factors most relevant to the job seeking of both -- interview techniques, resume types, etc. will be covered and speakers will include employers.

Dean Dycus is presently investigating the possibilities of incorporating a psychological testing system in conjunction with course counseling for students in order that the highest potentialities of all students might be realized. The results of his efforts will be communicated to you as soon as possible.

This fall (perhaps by this printing) a resume guide will be placed on reserve in the library. This should be of special interest and benefit to third year students, as many may not realize that it is important to tailor the resume to reflect what the particular employer is seeking. Many graduates present a different resume to each firm or group with which they interview.

Shortly after second semester begins we will be contacting (in a manner as yet undetermined) all attorneys in the Dallas area regarding jobs for students in the summer. The plans to streamline the summer intern program are now in the making and it may be done in conjunction with the Dallas Bar. This is to be done in an effort to eliminate students' time pounding the pavement, and the employer's time in interviewing multitudes of students. It is hoped that the total of firms using the Service will thereby be increased and perhaps the beginning of a really viable summer intern program will have been laid.

Job availabilities are posted on the bulletin board across from room 153 in Storey Hall. These are constantly up-dated and students looking for jobs should continually check these postings. Additionally, the Placement Office maintains a catalog of all job opportunities

## FORUM: #1

There are three things which an individual who is training for a career in law must possess before he takes a stand: facts, courage, and honesty. When one hears a rumor, he must determine its validity.

In the September, 1972, issue of The Adversary, Mr. Anderson made some serious allegations which must be answered lest they be harmful to many students and reflect badly on the Law School.

First, Mr. Anderson suggested that some students are admitted to the Law School despite a lack of academic qualification, and by a "special financial arrangement" have their way paid for as well.

Every individual in The Minority Law Student Coalition has the credentials necessary for the study of law. These credentials come not only from the scholastic sphere, but also through our past individual accomplishments. For those with an inquisitive nature who like to concern themselves with the personal qualities of others, all you need do is ask, and you will be made aware of our individual qualifications.

There is a substantial number of law students who receive financial assistance in this Law School. The seven (7) students who are members of The Minority Law Student Coalition certainly do not have a monopoly on these "special financial arrangements."

Second, one of the best things which the SMU Law School has to offer is its excellent faculty. Does Mr. Anderson believe that any one of them would compromise that excellence and grade his students with discrimination? Nobody is allowed to remain in school "despite an embarrassing lack of scholarly achievement," as Mr. Anderson asserts.

We are all graded equally and fairly, and class standings are based on these grades. If, however, a student suspects that any group of students is given preferential treatment by the faculty, he owes it to himself and to the school to search out the truth, not to circulate unproven rumors. Cont'd. Page 6

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Cont'd. from Page 5 - PLACEMENT

on which they have been contacted which remain unfilled. This makes up a very large volume and it should be remembered that those posted on the Board are not all openings by any means.

Also on the bulletin board is a publication of employer's who will be interviewing graduating seniors and second year students on campus and all students in either class need to keep abreast of these lists. If you desire an interview with one of those who are coming to campus, go to the Placement Office on the mezzanine and sign up. This should be done quickly as the lists fill up early. However, should you be too late, Placement always attempts to get the company to return or stay an extra day, so don't despair. The Placement Office also has resumes on all firms which are coming to campus, and students may wish to check these in gauging the interest they have in conducting an interview.

In short, the Placement Service of our school is actually an excellent one and it should be patronized. Efforts are always made by the Placement Office to impress upon the legal community the fact that the high educational standards at SMU are such that the differential between the top 20 and the middle 50 students in each class standing is probably slight. In other words, that placement is for all, not only the top 10%. The members of my committee are all anxious to hear any ideas which anyone may have on how to upgrade Placement at the Law School, so please feel free to contact any of us (Sid Cornelius, Kathy Rechnitzer, Rob Kelly and myself) -- our job is to be a liaison between you and the Administration.

I must say that I feel much better now for having revealed what the Administration here at SMU has been up to of late. As young participants in the profession, it is unquestionably important that we be informed of any devious designs harbored and hidden deep in Storey Hall -- we must always be on guard to find and ferret out such contingency plans -- the main contingent in this one is you, and this is an open invitation to help us make it work, and work better. This has been written to inform you all of the high quality of our Placement Office. It should be noted that a Placement Office does not function to guarantee the location of a job. Its function depends on adequate input from students!

Karen Pettigrew,  
Chair (?), Placement Committee

## Wherefore art Thou, SBA

It has appeared in the past that the most often heard complaint of the Student Bar is that the majority of the students never hear what the Bar is doing or attempting to do.

The 1972-73 SBA hopes to alleviate part of this by using every possible method available to communicate to the students, SBA action or proposed action.

Your elected SBA representatives are instructed at each meeting to pass on the motions and results thereof to all students through class announcements. If this is not being done, please do not hesitate to contact these representatives.

The SBA office is open each day from 9:00-10:00 and from 12:00-1:00. We encourage everyone to take advantage of these two hours to discuss any problem or pass on your thoughts as to proposed projects you would like to see begun. This is also an opportunity to use a free telephone. . . local calls only PLEASE.

Bar meetings are scheduled for 12:00 Monday and are open to all students. There will be published an agenda for each meeting no later than noon Friday before each meeting. Due to the crowded condition of the past two meetings, all future meetings will be held in the conference room in the library. Minutes will be posted on the bulletin board directly outside the SBA Office.

Further, it will be the practice of SBA

Cont'd. next Column

Cont'd. from Page 5 - FORUM #1

As I explained in the April, 1972 issue of The Adversary, the primary aim in the foundation of The Minority Law Student Coalition was to provide an impetus to minority group students -- to seek self-improvement and to become constructively involved in the growth of the Law School.

It is true that we are concerned mainly with Chicanos, Blacks, and American Indians, but not to the exclusion of the self-improvement and constructive involvement of other ethnic groups.

If Mr. Anderson finds the presence of racially different students in this law school repulsive to his sensitivities, I am afraid we cannot help him -- that is a psychological problem which only he may be able to work out. For the rest of the students who are not afraid of growth and of broadening their outlook, we are here to grow with them.

Rene J. Gonzalez

Cont'd. from Column 1 - WHEREFORE

to publish in each copy of the Adversary, the particular motions voted upon together with the voting record of each representative.

Various other methods of getting information to you are going to be used throughout the year and we encourage all students to take advantage of these lines of communication.

It is the responsibility and function of the Student Bar to represent you, however it is your responsibility to let the Bar know what you want. Please help in making the SBA more representative of the entire student body.

Linda Thomas  
SBA Secretary

### ANNOUNCEMENT

The Adversary is pleased to announce that Bill Garner and Howard Rubin have joined the ranks of the Adversary Editorial Board. Good luck to them!

## SBA COMMITTEE REPORT # 1

The Basic aim of the Student-Community Involvement Program is to allow the student to work with and be involved in activities which apply the law to basic areas of community or professional needs. The committees and their chairpersons are as follows:

High School Speakers: Paul Figley (827-2122) and Lindy Jones (691-5502). This committee will talk to students on varied subjects concerning the law, law school, and any areas in which the law applies.

Dallas Bar Committees: Bill Hayward (691-2869) and Larry Vineyard (369-8641). This committee will establish a working relationship with the Dallas Bar to allow a look into the world of the Downtown Attorney and to understand the functions of the bar.

Pre-trial Release: Rex Crosswhite (528-8579) and Red Freeman (369-4164). The purpose is to assist in obtaining the release of certain prisoners on personal bonds and to gain valuable experience in working within the criminal courts system.

Dallas Legal Services: Sid Cornelius (369-4164). This committee has the purpose of working with the principal agency in Dallas that operates to supply legal aid to those who could not ordinarily afford such.

Judicial Internship: Jamie Replogle (528-1019). This allows the student to gain valuable experience by working for various Dallas judges on an individual basis.

Tuatara: Gary Kessler (821-3668). Tuatara is an organization which provides medical, dental, psychological, and legal assistance on a volunteer basis to those requesting these services.

Poverty Law: Marjorie Meyercord (351-6215). This is a new SBA area which will deal with consumer protection, housing, city services and other programs dealing with the needs of the individual economically-deprived citizen.

If you are interested in any of these areas, please call the appropriate committee heads. Your help is essential to our success.

Mark Bader



## SBA COMMITTEE REPORT # 2

The areas of Placement and Recruiting are under the direction of third year representative Sam Pfaff, and include committees working on Placement, Recruiting, Alumni Relations, Bar Review and Elections.

Placement is headed by Ms. Karen Pettigrew and is concerned with the S.M.U. Law Student in the job market. Working closely with the administration the committee endeavors to arrange interviews with firms and to generally inform the interested people of job opportunities. Students interested in working on this committee should contact Karen at 691-0238.

The recruiting committee is presently under the guidance of Mrs. Jodi Atkins. This group works closely with the admissions committee of the school in establishing and carrying out a program of student trips to other schools in the area for the purpose of conducting interviews with interested students at those schools. Anyone interested in working on this committee should contact Jodi at 231-1205.

The alumni relations committee is being co-chaired by Ben Brooks and John Billingsley. The title of this committee is self explanatory and anyone interested in working in this area should contact Ben at 369-1579.

The Committee which supervises the conducting of an S.M.U. Bar review course is as yet unchaired. This committee should be of extreme interest to all third year students and without some volunteers will not exist. This means there will be no S.M.U. Bar

Cont'd Page 8

## FORUM: #2

Buckley Bluebill  
(supremus conservatus)

characteristics: Often flies in circle to right. Likes company of Spiro sparrows. Seldom seen in vicinity of black-birds. Grows to size of shrike.

song: A shrill note, not unlike a terrified eagle. A noisy and repetitive "lovit 'rrr leavit" especially during times of domestic turmoil.

coloring: Has distinct markings of red-neck, blue bill, and white tail.

range: First introduced in New York City. Also found in South and in Midwest though species is sprinkled across U.S. Frequents upper-middle class neighborhoods and seems to bypass lower income areas.

food: Easily digests issues of National Review. Attacks left-wing warblers, reddish reptiles, and Commie rats. Pecks at Supreme Court benches.

Recent reports have indicated the presence of a Buckley Bluebill in the stacks of Underwood Library. As if to confirm the sightings and the serious nature of the discovery, a certain Forum article appeared in The Adversary two weeks ago.

To assert that minority students who are unqualified are admitted to SMU Law and that once at this Law School they "are graded on special liberal criterion", as the author of the article did, is to make one futile swoop. To ridicule the formation of a Minority Law Student Coalition (MLSC) is to make another.

First, according to Harvey Wingo, chairman of the Admissions Committee, blacks and other minorities who do not have the requisite qualifications for SMU are not admitted. This year the percentage of minority applicants accepted was about the same as non-minorities accepted. Mr. Wingo also noted that professors would refuse, if asked, to grade minorities on a scale different from others. He said that the blacks he has talked with do not want to be graded differently.

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Review course. Those interested in working on this committee leave a note so indicating in addition to your name and phone number in the student bar mailbox in the records office.

The election committee is headed by Sam Pfaff and is in need of immediate volunteers to help with the upcoming 1st year elections. If you are interested in helping contact Sam by placing a note in his S.B.A. mailbox or by calling 369-7680.

## RUNNING FOR FIRST?

The following rules have been proposed for the conduct of the Fall, 1972 SBA Election. Any changes will be posted on all bulletin boards by the date of this publication. A meeting of candidates for a procedure briefing will be held at a date to be announced. If you have any questions about these rules or the election contact Sam Pfaff at 369-7680 or leave a message in his SBA mailbox.

### PROPOSED RULES FOR STUDENT BAR ELECTION in Re: First Year Representatives(3)

#### A. NOMINATIONS:

- (1) Nominations to be received in Student Bar Ballot Box (located outside the SBA Office).
- (2) Nominations must be received before 12:00 (noon), Wednesday, September 27.

#### B. CAMPAIGN RESTRICTIONS:

- (1) Campaigning shall begin noon, Wednesday, September 20, and will end Tuesday, October 3.
- (2) No one shall solicit votes after 5:00 p.m., Tuesday Oct. 3.
- (3) No one shall be allowed to affix any campaign devices to the walls of the various buildings in the Law School
- (4) No one shall be allowed to write on any classroom blackboard
- (5) No campaigning shall be permitted in the immediate area of the polling place.

#### C. VOTING:

- (1) Time: Voting shall be conducted at the following time on Wednesday, October 4 (General Election), and Friday, October 6 (Run-off, if any): 8:30 am to 5:30 pm.
- (2) Place: The only polling place will be located in the lounge on the ground floor of the library.
- (3) Eligible voters:
  - (a) Any registered first year student of the law school.
  - (b) Class representatives shall be elected only by members of their own class who are eligible to vote.
  - (c) Class rosters from the Dean's office shall be used to determine proper class.
  - (d) No voting lists will be open to anyone during the course of the election.
  - (e) Any person not on proper list may place his ballot on a contested voting list. Procedure for handling contested ballots shall be as follows:  
Contested ballots shall be placed in a sealed envelope. On the outside of the envelope the student shall place his name, number of hours he has completed and the year which he entered law school. At the time of the counting of the ballots the Election Committee shall make a determination if the contested ballot shall count for class representative. The decision of this committee shall be final.
- (4) Voting shall be by identification only. If the election official does not know the person voting, identification shall be required.

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Second, the possible contributions of a MLSC seem to me to obviate any ridicule directed toward it. The three areas of MLSC priority are: 1) the recruitment of minority students, 2) the mobilization of financial assistance for minority students who have a need, and 3) the sponsorship of a tutorial program for needy students. Recruiting minorities serves the dual purpose of attracting more applicants/students to SMU and of training minorities so they are able to help other minorities with their legal problems. As to mobilizing financial assistance, doesn't SMU have an obligation to see that minorities are given at least an equal chance for a legal education? The medium income of non-minorities is about 58 per cent higher than the medium income for minorities. Shouldn't all students receive financial aid on the basis of need? And far from hampering the MLSC goal of a tutorial program, we should encourage the effort of any student to improve his academic standing.

There is more to the argument than the pros of a MLSC at SMU Law School. To relegate minorities to the status quo -- to hinder them from recruiting more minority students, to deprive them of needed financial aid, to criticize them for seeking to better their scholastic performance -- is to perpetuate the wrongs of the past. The future demands progressive actions, Buckley Bluebill, not an entrenched contentment with the status quo.

Lamar Smith

#### PLEASE NOTE!

An effort is being mounted to determine exactly which lockers are being used in the basement of Storey Hall. Since these lockers are not assigned but can simply be claimed by attaching a lock, it is impossible to tell which lockers are in current use. All users of such lockers are asked to sign the list posted on the Storey bulletin board by Oct. 1. Any lockers not listed will have the locks cut off of them.

- (5) Election of class representatives shall be decided by a majority (50% + 1) of all votes cast. If a run-off is necessary, the number of candidates included in the run-off shall be determined by doubling the number of positions remaining.

D. DISQUALIFICATION:

The Election Committee, by majority vote, shall have the power to disqualify any candidate who violates or causes to be violated, the campaign rules or in any other way engages in conduct concerning the election which is contrary to the accepted applicable ethical principles, as defined by the Committee. The Election Committee is also empowered to handle any other disputes that may arise out of the election. Any complaint for violation of the rules must be filed with the committee or the Student Bar President no later than 9:00 pm the day after the voting.

- (1) Appeal of not guilty: If after a complaint is filed a candidate is found innocent, there shall be no appeal.  
(2) Appeal if guilty: If after a complaint is filed a candidate is found guilty, appeal may be made to the Student Bar Executive Council.

The Election Committee

## Dean Announces Awards

RUSSELL BAKER MOOT COURT AWARD

Award goes to members of the winning team in the first-year Moot Court Competition, and the runners-up.

Award: First place winners - \$75.00 each  
Second place winners - \$25.00 each

Awardee: 1st place - Benjamin A. Brooks & D. Norman Reed  
2nd place - Gary S. Kessler and Joseph F. Smith

BARRISTER AWARD

Award goes to the first-year student who in the opinion of the Barristers contributed most to the School of Law.

Award: Engraved plaque  
Awardee: Orrin L. Harrison, III

BURLESON - CRIMINAL LAW AND PROCEDURE AWARD OF MERIT

Award goes to student writing the most outstanding casenote or comment dealing with Texas Criminal Law or Criminal Procedure.

Award: \$50.00  
Awardee: M. Russell Kruse, Jr.

CJS AND HORNBOOK AWARD

Award to first and second year students who achieve the highest scholastic averages.

Award: Choice of book selected from West Publishing Company  
Awardee: First year - David A Weatherbie  
Second year - Donald P. Fay

CARRINGTON, COLEMAN, SLOMAN, JOHNSON AND BLUMENTHAL AWARD

Award goes to outstanding first year student based on scholastic achievement.

Award: Gold Watch Inscribed  
Awardee: David A. Weatherbie

DALLAS LAWYERS WIVES CLUB AWARD

Award goes to the Outstanding student who has completed his second year of Law School.

Award: \$100.00  
Awardee: Donald Prescott Fay

GOLDBERG, ALEXANDER, SULLIVAN AND STRANGE AWARD

Award goes to the student making the highest grade in Creditors Rights in the Spring semester

## FORUM: #3

### TORT CREATION

(As told By One Who Saw God and Fears the Lord)

In the beginning God created Man  
And He saw it was good  
Man acted, Man lived, and Man reproduced,  
And it came to pass that there were two men, And then many more.

It came to pass that these men bumped and hit each other  
And bothered each other too.  
The man being used to times "past" when he was one  
Soon sought the vengeance of God  
And found it.

There was death and suffering,  
An eye for an eye and a tooth for a tooth.  
And God saw that it was bad,  
And He wept.

But, in time, Man learned to exact punishment  
Through the State; And the man who hurt was also hurt.  
But God saw that though there be justice  
There was even more evil.

God said, "Let there be Prosser,"  
And Prosser said, "Where there be intent there be no need to establish damages  
And if there be not intent, damage must be established."

And things were clean and joyous.  
Man was understanding the law;  
But the Devil saw and was angered.  
He called Bernstein and Surratt to His side and said: "Let it be thrown into the minds of men, distrust for their laws,  
Let not principle stand."

And B-S went forth creating confusion, But soon they were not enough  
And Lucifer saw too that disciples were needed.

And it came to pass that each year B-S set forth 250 disciples  
And God was sad.  
Men's minds were muddled again.

Name Withheld by request.



Cont'd. from Page 9 - AWARDS

Award: \$50.00

Awardee: Rhett G. Campbell

**JOURNAL OF AIR LAW AND COMMERCE AWARD**

Awards go to the students writing the best casenote and preparing the outstanding comment for the Journal of Air Law and Commerce.

Awards: \$50.00

Awardee: Best Case Note - Van Carter

Best Recent Decision - William Elliott

**KILGORE AND KILGORE AWARD**

To the student who prepares the best original paper dealing with oil and gas law.

Award: \$100.00

Awardee: Sue Scoggins

**MERCANTILE NATIONAL BANK AWARD**

Award goes to the student with the highest grade in Estate Planning.

Award: First Place - \$100.00

Awardee: First Place - John T. Arnold

**MOOT COURT BEST SPEAKER AWARD**

Award goes to the outstanding speaker in the Russell Baker Moot Court Competition.

Award: Name added to engraved plaque

Awardee: Benjamin A. Brooks, III

**MOOT COURT BEST WRITTEN BRIEF AWARD**

Award goes to the student who submits the best written brief for the first year Moot Court Competition.

Award: Name added to engraved plaque

Awardee: G. Stanley Cramb and Paul D. Smith

**PASSMAN, JONES, STEWART AND ANDREWS AWARD**

Award goes to a second or third year student who has maintained a high scholastic average while also carrying heavy responsibilities of family and personal support.

Award: \$250.00

Awardee: Joseph Anthony Kral

**PHI ALPHA DELTA AWARD**

Award goes to the first year student who makes the greatest improvement in grades between the first and second semesters.

Award: Plaque

Awardee: Robert Raymond Ansiaux

**SOUTHWESTERN LEGAL FOUNDATION AWARD**

Award goes to the legal fraternity which has made the highest grade average during the preceding year.

Award: Traveling Trophy

Awardee: Phi Delta Phi

**DATES TO REMEMBER:**

9/20 Wednesday -- campaigning begins

9/27 Wednesday (noon) -- last day to file nominations

9/29 Friday -- "SBA Candidates Kegger" at Flagpole Hill

10/3 Tuesday (5:00 pm) -- campaigning and vote solicitation ends

10/4 Wednesday (8:30 am to 5:30 pm) -- General Election

10/6 Friday (8:30 am to 5:30 pm) -- Run-off, if any

**FORUM: #4**

In light of the controversy surrounding the selection of the National Moot Court team, we should like to present a history of the facts as they have occurred since last spring. They represent an amazing saga.

Cont'd. next Column.

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FORUM #4

In April, a signup sheet appeared in Storey bulletin board, soliciting those interested in an upperclass team competition. This notice was posted without the authority of either of the Moot Court Board or Dean Anderson. After two days, Dean Anderson ordered the sheet removed after 13 people had signed it. Dean Anderson replaced this unauthorized notice with a vague memo of his own. After a summer of silence, Dean Anderson sent a copy of the National problem with a letter dated August 1 to the 13 who had signed the April list. This letter was patently ambiguous, stating that if insufficient teams formed for the competition, individual tryouts would be held. Further, the letter polled opinions and preferences as to the format of the tryouts. The majority (80%) of those responding gave their preference as individual competition. In spite of this indication, the matter remained unresolved when school resumed. Dean Anderson further confused the matter by making contradictory statements to several people.

Dean Anderson must bear part of the responsibility for the ultimate resolution of the matter. He went to the Moot Court Board meeting on Sept. 4 ostensibly to seek the opinions of the students involved concerning the confused situation. When the Board, after two hours of debate, found itself lacking a quorum and hence could not vote, Dean Anderson took it upon himself to decide the matter. Bob Rainwater, the attorney who coaches the National team, strongly advocated individual competition as the only means of assembling a quality team. Eighty percent of the returns from the Aug. 1 letter were in favor of individual tryouts. But despite these preferences, Dean Anderson made the decision to hold team tryouts. We contend that this decision was made with the full knowledge that only one team would be prepared to compete since no others could overcome that team's headstart. In fact, the Dean's decision resulted in a one-team team competition.

Chip Doss, Marjorie Meyercord,  
J-C Labowitz.