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THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 5, No. 3

Dallas, Texas

October, 1972

Try Him - You'll Like Him!

"How many people do you know that get paid for doing things they might otherwise do for fun?"

So meet Steve Dycus, the newly-appointed Assistant Dean of the Law School. In Steve's first months as assistant dean, he has not only been greatly involved in working in those areas that are specified as his responsibility, but has also begun dealing with some of the persistent problems that seem to have evaded classification into a committee or a job and as a result remain undone. Steve brings to both his specified duties and the Law School community in general an intensity, a direction and an enjoyment for the job and the Law School that is welcome and will be greatly appreciated as more students become aware of the man and his enterprise.

Steve's duties are specified in the following areas: fund raising, alumni relations, placement, student counseling, public relations for the Law School, and "other matters". Such vital functions require a great deal of effort merely to carry on existing programs, and all those areas are susceptible to influxes of innovation and creativity. Steve is committed to working in each of these areas to maximize their value to the Law School as a whole -- students, faculty, alumni, the community, etc.

As Assistant Dean, Steve sees "an opportunity to use skills acquired previously in a new area." His credentials provide him an excellent background for his current position. He received a B.A. from SMU in 1963, and was a member of the Kappa Alpha Order here. During his law school career at SMU, Steve was a member of Phi Alpha Delta, the Barristers, and was treasurer of the SBA before becoming 3rd year representative of the SBA. He was also chief counsel of the Legal Clinic. He received his LL.B. in 1965. Listing his age as "not over thirty", Steve and his wife have two children. Steve came to SMU after 6 years at the Texas Commerce Bank in Houston, where he was associated with the Trust Department.

Steve is quite frank in discussing his role in the school, and what he sees as the problems. Having several volatile areas under his domain, he is well aware of the problems and is avidly seeking at least new approaches to persistent problems. He speaks with a genuine feeling for the problems of placement, of the plight of students not in the top per cent of the class who cannot get interviewed by the visiting firms. He is working with Lillian Blair to attract new sources of contacts for graduates' employment, including an innovative plan for enlisting alumni help on a geographical basis, with alumni providing contacts in their home areas. "SMU has done a pretty good job in fund raising and alumni relations. Believe it or not, we are comparable to Harvard in these areas. That doesn't mean we couldn't do better." Steve also sees these areas as approaching a threshold, as our alumni mature professionally to the point to give the school the support it needs.

Steve Dycus' appreciation for SMU and his feeling for his job are particularly borne out by his assumption of jobs that have to be done, but that no one has done up until now. In an exclusive revelation to the Adversary, Steve revealed that he

Opinion: UTD vs SMU

If the University of Texas at Dallas has its way, there soon will be another law school in Dallas.

In a closed meeting on Sept. 11, the University of Texas Board of Regents ratified a UTD bid for a law school. The proposal, which projects a 1974 opening, will be considered by the State's College Coordinating Board on Oct. 20.

Responding to the possibility of another law school in the area, officials at SMU have been chary with their words. SMU President Paul Hardin has asserted that at present SMU is taking no official position. Meanwhile, representatives from both SMU and The University of Texas are discussing the development.

The proposal for another law school in Dallas should be weighed carefully ... and rationally. Unfortunately, responses can be emotional: Another law school would "steal" students from SMU; SMU's reputation would plummet; The University of Texas is "empire building"; Dallas isn't large enough for two law schools.

A better approach is to realize that with the huge number of students applying to law schools, and with the number not expected to diminish significantly in the next decade, there is a genuine need for the UTD Law School. When SMU Law has 1800 applicants for a class of 270 and when some Texas Law Schools have 15 times the number of applicants as the size of their entering classes, maybe an additional law school is warranted.

Nor would a UTD Law School
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EDITORIAL...

duplicate SMU's Law School. SMU Law strives hard to be a regional law school, attracting students from many states. A UTD Law School would likely remain a "Texas" school. And there is the element of tuition. The cost of attending UTD Law School would amount to a fraction of the cost of going to SMU. Not everyone can afford to pay SMU's tuition. Why refuse them room on the shingle?

Finally, ten years from now when SMU and UTD both have reputable and fully enrolled law schools, we may wonder what the debate was about.

Lamar Smith

Dear Auntie

(got a question, problem, or short comment? Send it to Auntie c/o the Adversary box in the Admissions Office and you will get your answer, solution, or response.)

Dear Auntie,
Where is Lenny Larson these days?

Trespassor

Dear Tres.,
Lenny has taken a semester off to explore for the proverbial Blackacre with O,A,B and their heirs (forever). He'll be back next semester with more of his famous blackboard drawings, including the famous Wishbone Grantee. Auntie

Dear Auntie,
Where did Dean Galvin go for the next two weeks, why did he leave, and who is in charge while he's gone?

R.A.

Dear R.A.,
The Big D has gone to work for the Marijuana Commission tracing the drug route around Europe (hitting all the high spots?) At least that's what he's been saying. I'm watching for news releases from the French Riviera and Monte Carlo. As for who is in charge, ask Pete Bird. Auntie

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In February of this year, the ABA Special Committee on the Feasibility of Establishing a Procedure for Reviewing the Character and Fitness of Candidates for Law School Admission Prior to Their Acceptance as Students (would you believe the ABASCFEPRCFLSAPTAS?!) examined the possibility of "establishing a procedure for reviewing the character and fitness of candidates for law school", and recommended that studies be undertaken "to determine whether character traits can be usefully tested prior to application for admission to the bar...".

The committee's proposal was approved by the Council of the Section of Legal Education, will be presented to the ABA Board of Governors next May, and if passed, will go on to the ABA House of Delegates. It is no longer inconceivable that the proposal could reach the House of Delegates since it has gotten this far. It is somewhat beyond belief that a proposal of this nature could really be taken seriously, but it obviously has.

According to the August issue of the ABA Journal, "The stated objects of these studies are to determine whether it is 'within the present state of the art to devise a test which can be administered to 35,000 or 40,000 22-year-old men and women each year and which will develop genuinely useful information as to their future conduct and integrity in the practice of law?' Presumably, if an 'accurate' predictive test can be devised, it would be used preventively against persons 'who in fact have character deficiencies which would deny them admission or which in later years would lead to disciplinary action by the bar'. The report continued: 'This in turn would avoid the distressing and sometimes tragic problem of a student becoming aware of this hurdle only after he has invested three or four years of his life in acquiring a legal education.'"

Isn't the committee being benevolent in trying to save students with "character deficiencies" from the tragedy of a wasted legal education! Ask yourself what a "deficient character" is. Hard to answer? Now try to imagine where the borderline between "deficient" and "sufficient" falls. So you see the problem. Moreover, how do you actually test for character acceptability? It is hard to imagine that someone could take it upon himself to decide which character traits are good and which are bad for everyone else.

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THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

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

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The committee shows its benevolence and thoughtfulness again with the following comments by the committee chairman, Peter H. Holmes, Jr.: "We are not, repeat, not, trying to screen law students for political or ideological variances from some sinister political norm. In fact, there is no such norm, as anyone who attended the committee meetings or read the report would know.

"Secondly, there is no suggestion in the report that the committee urges making such tests a condition to the study of law'.

"We suggest only that students be forewarned and thus that an estoppel not be permitted to arise later on, after the student has spent three years in what might then prove to have been a vain effort."

At least they don't care what your political beliefs are. And you can see that the test won't keep you out of law school -- it just won't let you use what you've learned in the practice of law.

Now we come to the question of who is going to give and grade this "test of all tests"? The proposal suggests that the law school give the test. Isn't that nice? Law schools don't have much else to do anyway and surely every professor and administrator is going to be in favor of helping. At least they won't have to do the grading...that will be done by the state bar admissions committee. Most of us who have been for an interview before the local committee on bar candidates have seen how well they function and how logical and objective they are. They are more interested in high school football teams and "Do you know any lawyers?" and "Have you seen any John Birch movies?" than they are with the character of the bar candidates. If they can pass you as moral and ethical in five minutes then why can't a state committee of the same sort assess your character acceptability on the basis of written questions.

If this whole idea amazes you -- fine! it should. If the ABA wants to cut down on the number entering the profession, this is not the way to do it! Everyone talks about the pressure on the job market and the extreme competitive pressures caused by the large increases in new lawyers, but premature character analysis tests are no way to decrease those pressures. Such tests are just not realistic even if they are possible.

If the ABA wants to do something about the increase in malpractice and/or dishonesty among its ranks, this is not the way to do it. A test such as this could not predetermine who will be dishonest after 5, 10 or 50 years in practice.

The whole proposal, which includes a recommendation "that all approved law schools shall release... to any admission authorities in any state...any information...in the law school files or coming to its attention by any other means than confidential communications...", smacks of Big Brother and 1984.

It is only to be hoped that the bulk of the ABA will look upon the proposal with revulsion and will denounce it before it embarrasses the legal profession any further.

NOTICES:

We are requesting all students using two lockers to please give up the use of one -- this means lockers both in Storey Hall and the Underwood Law Library. Approximately 75 students are without lockers so please be considerate of your fellow classmates. See Mrs. Hoffman in the Library or Mrs. Turrell in the Dean's office if you are a student with two lockers. Come see us before we have to call you. The Management

THE 1971-72 ROTUNDA IS HERE!!

Distribution Begins Monday Oct. 2, 1972 in the basement of the Student Center near the East Cafeteria. Pick yours up 9 am-4:30 pm. Books will be given those upper classmen who present their I.D. Cards for last year. The Rotunda may be purchased for \$6.80. Because there is a large volume of yearbooks, please pick yours up soon.

Cont'd. from Page 2 - AUNTIE

Dear Auntie,

What can we do about our hair thinning problems?
J.D., J.H., V.D., M.M., B.M.,
C.S., et. al.

Dear Thin Heads,

File a class action suit against God.

Auntie

Dear Auntie,

How can we get closer to God?

3rd Floor Lawyers
Inn

Dear 3rd Floor,

Sit nearer to H.J. Taubensfeld in class.

Auntie

SBA COMMITTEE REPORT #1

The purpose of the student-faculty committees is to increase participation in administrative and academic affairs. These committees further serve as channels of student opinion to and from these areas. Student interest and involvement is the essential aspect needed if these committees are to serve a valuable function to the students.

Students with ideas who might be interested in participating in the various areas of student-faculty relations should contact the following committees by putting a note in their mailboxes in the Admissions office.

The committee chairmen are:
Faculty evaluation--Jeff Davis
Library--Larry Love, Betsy
Einhorn

Grading--Robert Roeder
Curriculum--Guy Harrison, Van
Carter
Admissions/Financial Aid--Mike
Chitty, Ernest
Haywood
Tenure--Nathan Hecht, Biff
Godfrey

Rap sessions (A committee to promote more informal contacts between students and faculty on law-related topics)--Lee Gerkin
Participating Credit--(a program for 2nd and 3rd year students designed to allow a student to receive credit for

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Opinion: Why Lawyers Inn?

FORUM:

PLATFORMS

Lawyers Inn is "the law school residence for men." But in practice the Inn is more than that -- it is a focal point for the law school community. The dining hall there is the only such facility in the Law Quad; the lobby hosts gatherings from Cosell to Sissy; the faculty meets in the private dining room; and the students who live upstairs present the most organized single unit in the school for elections, IMs, social gatherings, etc. But, as the Inn begins its 25th year, the time has come for a reassessment of the role the Inn plays on campus.

Three areas of concern for the law school community as a whole present themselves. First is the nature of the place itself. Lawyers Inn is operated out of the Dean's office. As such, the Dean's office exerts control over the Inn as any other facility is controlled, notwithstanding the fact that the Inn is occupied by rent-paying students rather than empty classrooms. No committee, faculty or SBA, exists that might have power over the Inn, so almost complete policy for the Inn comes directly from the Dean's office. As a result, the decision-making process for the Inn is interesting. The rules regarding Lawyers Inn are very loosely formulated, and are nowhere codified. For example, there is no clear regulation regarding women's visitation or alcohol. Does the Inn come under university-wide dorm policy, or are there separate rules? (This writer was informed last year that beer is not to be consumed in the Inn, despite no formal rule and his attainment of legal age.) The Inn residents do elect a Chief Justice (currently Jeff Davis) whose powers range from nebulous to illusory. A dorm judicial council is elected annually, although no judicial procedure is known. What is apparent is that neither the Chief Justice of the Inn nor the Inn residents have jurisdiction to regulate themselves and their facility.

A definite issue exists as to the dining facility in the Inn. The first-year and foreign students living in the Inn are required to eat all meals in the dining hall. The concept is a good one -- a common area for meals, fellowship etc. However, the omnipresent economies of scale operate to render the maintenance of a profitable, high-quality cafeteria impossible. Too few people use the facility to justify its cost. The administration of the law school clearly feels it essential to operate a dining hall on campus. By requiring first-year students to eat there, the school can operate the area for guest dinners, meetings, etc. The time has come for those living in the Inn to stop subsidizing the use of the cafeteria by all, as there is simply too little general need for a cafeteria serving so few meals at so high a cost. It is economic suicide, when the Student Center located 100 yards south of the Inn can provide the same service to the residents and the law school at greatly reduced prices. The Inn kitchen can be maintained as a snack bar facility for sandwiches and the kitchen is there when dinners are needed on occasion.

But the vast expense for basically an extraneous system is simply not justified. The perennial outcry by the residents over the food is further evidence of the need for a change.

Finally, a gross inequity is being done the female law students by denying them an opportunity for equal accommodations in the Inn. In 1972, the concept of coeducated dorms is far above the image of un-restrained sexual escapades, but is recognized as a valid improvement in living environments. The facilities in the Inn are ideally adaptable to providing lodging for women as well as men, with a requisite minimum number of bathrooms for each gender per floor. No justifiable reason exists for this denial of equal facilities for women. The value of residence in Lawyers Inn being accepted, the living and learning experience would only be enhanced by coeducation. Further, as expressed by the Supreme Court in *Heart of Atlanta Motel v. US*, are women being deterred from

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(Ed. Note: Articles printed in this column are submitted to the Editorial Board for publication, but do not necessarily express the views of the Board itself. It is intended that this column provide the members of the law school community with a forum for the expression of ideas, criticisms and commendation through intelligent commentary.

RUSH CONE

To all 1st year students,

My name is Rush Cone and I am a first year student running for representative to the S.B.A. It is my belief that the duties of this office are to act as a go-between for the first year students and the faculty, and to be a constructive voice for my class in the determination of curriculum, policy, and other such affairs that will directly affect the student. It is also my hope to be able to expand this office to focus on such issues as grade requirements, credit seminars, greater communication between Dallas lawyers and students, more scholarships, stationary tuition and fee costs, and other questions of this nature. I believe that the student voice should be heard, especially that of the newest student because he will be affected the most, and I feel I will be able to fulfill this obligation if elected to the office of S.B.A. representative of the 1st year class

TOMMY EVANS

At a meeting of candidates for first year representative, we were told that this election would be purely "a personality contest" because first year students had no idea of "issues." From the moment that I first arrived for orientation, however, issues were evident and certain situations were in need of examination. Being aware of problems, such as lack of communication between students and the administration, curriculum review,

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did in fact help to eliminate the buzz in the library's fluorescent lights. Following up such a triumph, Steve is working on a plan to organize the maintenance of all 4 law buildings. "Up until now, the people in charge of each building had charge of their own maintenance." As his next challenge, Steve states that "the Air Conditioning in this place drives me crazy", and is seeking the answer.

The law school and the students can only benefit from such an individual as Steve Dycus. His talents and energy can be and will be a tremendous asset to the school and to the education and environment available here. His diverse interests will be able to find much application among the various situations here. However, much depends on the students and faculty to utilize these talents available in a person such as Steve. To sum up, in Steve's own words, "I always loved law school," And so it seems.

attending SMU because of this discrimination against them?

This writer therefore calls upon the Student Bar, as the logical body for inquiry, to make a study of what Lawyers Inn has become, with specific direction in these areas:

- 1--The immediate adoption of a Bill of Rights for Students in Residence Halls, to explicitly state the powers of the students to control their own living conditions.
- 2--A cost/use analysis of the dining room, and an inquiry to the feasibility of deemphasizing from a full dining hall to a snack bar operation.
- 3--Coeducation at the earliest opportunity.

J.C. Labowitz

Opinion: Informal Minutes

The SBA initiated hearings on its 1972-1973 budget on September 25 with a bang. Every special interest group in the school was present ready to tear into their "meager" appropriations given by Louise Everett and her merry band of three Finance Committee members. The SBA members contemplated their usual hour meeting -- it was an hour only because a quorum was lost, not because the business had ended.

First to bat was Scott Campbell speaking for the SBA speakers program. He was furious because Louise and Company failed to give him the \$25 per speaker he wanted for a new "So You Want To Be A Lawyer" program. He was going to have various lawyers come to SMU to talk about their respective branches of law practice. Scott reminded Carol Barger that she had stated that this year's SBA would be a working bar and not a drinking bar (which is interesting considering about one-third of the present budget is allocated to social activities).

After that statement the SBA discussed the merits of Scott's proposal. Putting it in classroom terms, the issue was whether the money should be allocated in order to provide a keg of beer at each of these programs. Louise stated that she understood the allocation to mean that the speakers would be "wined and dined." The Bar finally concluded that they would be "beered" and appropriated the necessary funds (a working bar is a drinking bar).

After Campbell got his money, he suggested that the SBA get Bubbles Cash to appear before the students so we could get a "real feel for the law." VETO!

The meeting dragged on with discussions of what the Administration would be willing to help out with, or rather,

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and fair and equal representation of minorities, and solving those problems are two totally different categories. I have no miracle answers to these issues; but I can offer in my candidacy the experience necessary to confront them. As President of the student body of my graduate school at Harvard University, I represented a wide-spectrum of students, from s.d.s.'ers to John Bircher's. My administration was described as being "open" ...open to communication with students and to dealing with the administration. During my term in office, requirements for our professional degree were completely changed; enrollment of women, Blacks and other minorities increased significantly; and, students gained a greater voice in school policy decisions.

Outside the academic realm, I was on the staff of Senator Edward Kennedy, was one of the original organizers for McGovern in Massachusetts, and was active as a leader in the Boston area peace movement. For the last two summers, I have worked in Washington, D.C. with Senators, Representatives, lawyers, and law professors in coordinating judicial efforts to challenge the constitutionality of the Vietnam War.

I offer openness to students, experience in dealing with university administrations, and the political experience necessary for responsible, effective leadership.

JOHN G. PAYNE

I would like to announce my candidacy as a first year representative. While I am not yet too familiar with the workings of this particular body, I think that student governing bodies in general do serve useful purposes to an extent dependent upon the imagination and energy of its members.

I would be happy to have the opportunity to contribute to my law school class in such a capacity.

My academic background is as follows: B.A. - University of Texas at Austin, Cont'd. Page 6

Cont'd from Page 5 - MINUTES

what each person thought Dean Anderson told them. It's amazing that a guy can be quoted so many ways.

As the one hour mark approached the discussion completely degenerated into a discussion of how not to waste time at SBA meetings. Of course, this talk was held up by various motions and parliamentary maneuvers. Finally, 1:00 p.m. arrived and the quorum decided that there were more pressing things to do (they may have been right). Thus the meeting broke up with a nostalgic discussion of "Fizzies" and "pez." The group decided to get back together on the next Saturday morning.

Of course, I only covered the lighter side of the SBA meeting (or the tragic side, depending on how you look at it). If you aren't too busy from 12 to 1 on Monday afternoons you might want to drop by and see if it was worth your effort to fill out that little ballot. Also, you will get some great entertainment.

- Howard Rubin

SBA COMMITTEE REPORT #2

Student Relations

There are several committees currently at work attempting to facilitate easier and more effective communication between the student body and the administration and the city of University Park. To be effective these committees will need your support and suggestions.

GRIEVANCE:

This committee is chaired by Dean Woodward (231-9069) and is geared to funneling all of the complaints concerning the facilities (lack of lockers, faulty copying machines, etc.) and most any other complaint you have. Dean will then communicate your complaint to the proper person - if identifiable - and get an answer as to the possible correction of the problem and relay this answer back to you.

COMMUNITY RELATIONS:

Dale Gross (361-1840) as chairman, works hard with the University Park officials in an attempt to work out with them things that they can do to make things easier for law students - primarily in the field of parking. If you have complaints about parking - and who doesn't - but more importantly suggestions and a willingness to help, please contact Dale.

FRATERNITIES/SORORITIES/OUTSIDE ORGANIZATIONS:

Stan Cramb (691-0447) is working to better coordinate the differing organizations within the law school. He is attempting to formulate common rush rules for the fraternal organizations and remove a great deal of the duplication of efforts on the organizations' part.

COUNSELING:

Chaired by J.C. Labowitz (528-8579), this committee is investigating the feasibility and means of establishing some form of counseling service in the law school. J.C. will need your input as to ideas and worth of the service.

Input into any and all of these committees is not only welcome but necessary.

Roger Thomson

Cont'd. from Page 3 - SBA COMMITTEE REPORT #1

approved practical legal-related work not necessarily connected with the law school curriculum) -- Howard Borg

Reed Prospere

Cont'd. from Page 5 - FORUM - PAYNE

M.S. - Notre Dame, M.B.A. - SMU. I am married and am a life resident of the Dallas area.

Cont'd. from Page 5 - FORUM

JEFF SMITH

Today, you as a first year law student have the privilege of selecting three of your class members to represent your interest in the SBA. You no doubt have heard that this is just a "popularity contest" and involves no real issues. I do not feel this is so, and have consequently chosen to run for one of the three positions.

There are issues at stake and they do concern you as a member of this student body. Your SBA has approximately \$9,000 to spend this academic year in the interest of you, the law student. I submit it is vital first year students have a voice in the allocation of these funds. This can only be accomplished through the diligent work of a representative responsive to your desires. If elected, I will be such a representative. And when you express desires concerning other areas of interest, such as expansion of library hours and selection of guest speakers, I pledge to represent these views before the Bar and the administration and to actively work for them in your behalf. I further pledge to make myself available each day in the SBA office and at home to listen to your desires.

I charge you with the responsibility of voting for a man to represent you in your student government -- not just the first three names on the ballot. I stand ready and able to accept that charge of representation of the first year students.

DON'T FORGET!

Election for first year SBA Representatives...TODAY.

BE SURE TO VOTE -- IT'S YOUR FAULT IF YOU DON'T.