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Southern Methodist University School of Law

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**THE ADVERSARY**
SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 3, No. 8

DALLAS, TEXAS

February 3, 1971

BOB HOPE GETS TO MEET S.M.U. LAW STUDENTS

The impartial tribunal of Martin Kane Donovan, Ira E. Tobolowsky and Mary Ellen White greeted world-renowned comedian and long-time friend of SMU Bob Hope with a citation on Wednesday evening, January 16, 1971. A representative group of students and the band gathered at 7:00 at Love Field to meet the American Airlines flight carrying Hope and entourage
(See HOPE, p. 5)

Dean Galvin Commends Mid-Year Achievements

Dean Galvin met with the Student Bar Association on Monday, January 18, to make a midyear progress report on the Law School. The Dean commended the TENURE COMMITTEES of the Student Bar Association for a job well done. He said that members of the committees went about their task with diligence and conscientious dedication and the reports of the committees were very helpful.

The Dean reported that the COMMITTEE ON THE CONSTITUTION OF THE LAW SCHOOL, on which there is participation by students, faculty, and administrators, is going forward with its work, and invited the comments of the students through their student representatives to this committee.

With respect to PARKING, the Dean reported that there was basic approval for removing the two buildings on the corner of Hillcrest and
(See MIDYEAR, p. 5)



(Photograph by Ken Konland, the University photographer)

S.M.U. Legal Clinic Chalks Up Full Fall

The Clinic program is now divided into "A" and "B" sections. The "A" (entering) students attend a weekly one-hour class designed to acquaint them with the law, procedure, and techniques applicable to the legal problems commonly seen in the Clinic. Special emphasis is given to client interviewing, pleading, and courthouse protocol. The "B" students handle cases in addition to attending a weekly one-hour classroom session. In the summer session of 1970, 43 students were enrolled, compared to 20 students for the summer of 1969. In the fall of 1970 there were 81 students compared to 40 students in the fall of 1969. The Clinic has opened 351 new cases since the beginning of the Summer term 1970.

An intensive effort is being made to orient the Clinic caseload toward cases involving trial appellate work. Five such cases have developed due to Mrs. McConnell's comprehensive knowledge of social security law and procedure. Two of these cases are now on appeal to the Appeals Council of the Social Security Administration. These cases concern the nature and legality of evidence available to establish a claim for medical disability. Three cases have been filed in the Federal District Court for the Northern District of Texas. Two of these cases involve questions of the length of compensable disability. The third case challenges the constitutionality of the provisions for benefits for illegitimate children.

The Clinic has acquired a number of other cases requiring a significant amount of trial and appellate work. Among them are:
(See LEGAL CLINIC, p. 4)

MAD RIPPER LOOSE

Does it shock your what-ever speaking conscience that an SMU law student ripped fifty pages out of a volume of the Harvard International Law Journal? The absence of this particular tax article leads one to believe that the culprit took Problems of Doing Business Abroad last semester.

How could one possibly rationalize or justify such an act? Possibly the person felt he was doing less harm by taking only the one article instead of the whole book!

Note:

Whoever wilfully injures or defaces any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public library, reading room, museum, or other educational institution, by writing, marking, tearing, breaking, or otherwise mutilating, shall be fined not exceeding twenty-five dollars. 3 Tex. Penal Code Ann. 1366.

A PAUSE TO EXAMINE RESULTS

Last spring after elections many people questioned the potential effectiveness of the victors. Ideas and promises were slung around as in all campaigns. For the record's sake, The Adversary wishes to enumerate some of the accomplishments of Mike Poynor and his administration. Positive results continue to manifest themselves. Hopefully, the next SBA officer will continue the progress at an even more accelerated pace. Consider:

- 1. Excellent Speakers--Lloyd Bentson, Howard Cossell, George Bush, Willard Wirtz and Dallas' Sheriff Jones.
- 2. Judicial Internships--Program has provided students the chance to clerk for criminal and civil district judges.
- 3. 1st Year Orientation--Conducted introductory program and registration of 1st year class with follow-up group meetings with professors during the semester.
- 4. Law Students Speaking at High Schools--Started at end of Fall Semester, growing program for Spring. Students speak to high schools on legal topics.
- 5. Improved Registration Procedure--SBA Curriculum Committee instituted pre-registration for limited courses. Was helpful in estimating enrollment.

- 6. Faculty Tenure--SBA Tenure Committee evaluations were well received by the faculty.
- 7. 5¢ Coffee Break at SBA Office on Weekdays--(a good place to discuss school affairs).
- 8. Marriage and Counseling Service--Formulated by SBA.
- 9. Social Program--School dances and TGIF's.
- 10. Honor Code--Revised and improved by SBA.
- 11. Parking Improvements--Refunds of parking fees secured for law students, new proposals still being considered. SBA presented recommendations at University Park City Council meetings.

(See RESULTS, p. 3)

THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

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

All law students will have the opportunity to take the big LSD trip to the Circuit Convention in Houston, April 1-3. The proposed program, including such speakers as Attorney-General JOHN MITCHELL, retired Supreme Court Justice TOM CLARK, ABA President-Elect LEON JAWORSKI and WILLIAM KUNSTLER, promise to make the convention worthy of both time and money.

According to present estimates, the minimum cost will be fifty dollars per student, including registration, hotel fees, and meals. Possible reimbursement is under consideration by the SBA. Details of the trip and the definite cost will be published as they become final.

SMU law students are invited, requested, and encouraged to attend. LSD membership is not a prerequisite, but students are urged to join LSD to receive the many benefits which accompany membership.

Al Ellis

ANNUAL BRIEFING LECTURES
Mr. Clyde Emory will present his ANNUAL BRIEFING LECTURES for seniors and other interested students in Room 207 Florence on:
Mon., Feb. 15, 1-3 p.m.
Mon., Feb. 22, 1-3 p.m.
Wed., Feb. 24, 1-3 p.m.

Oh, the good side...

by Al Ellis

A recent criticism of this writer's (I use that term loosely) last article concerning faculty attendance at a SBA party set me to thinking that perhaps we on The Adversary staff tend to emphasize the negative too often and do not always give praise when it is due. For this reason, I feel that it is necessary to take a short break and point out some of the good things at the SMU Law School. A cop out you say? Not really. Only an effort to maintain some semblance of balance.

What are some of the good things here? This list is by no means all encompassing, but here are a few:

1. The Admissions Office, as run by Mrs. Jean Jury and her staff, must be the most cooperative, congenial and informative admissions offices in operation anywhere. Their response to student requests for some type of pre-registration is only one factor that proves this statement.
2. A large number of administrative and faculty personnel are genuinely concerned about the students' attitudes and desires. Some may scoff at this statement, but only if they have never communicated personally with those who are concerned.
3. The Legal Clinic at SMU is one of the best and offers an excellent opportunity to put some of the theories to practical application. Further practical experience is afforded by the Criminal Internship program at the DA's office and the more recently inaugurated criminal internship and employment program for this summer.
4. The opportunities for additional seminars and legal training are greatly enhanced by the programs of the PLI and the SWLF.
5. Students are participating on all faculty committees (See GOOD SIDE, p. 6)

RESULTS, from page 2

12. Sponsored Fieldtrip to ABA-LSD Workshop at Waco for everyone who wanted to go.
13. SBA-Sponsored "Town Hall Meeting"--Between Legal Writing Instructors and students. As a means of finding constructive and responsible solutions to problems.
14. Produced Activity Calendar distributed to the students--SBA sold advertising, made project pay for itself. First time this was ever done.
15. SBA Secured Football Tickets in Block Seating for Cotton Bowl Games.
16. Conducted 1st Year Student Practice Exams--(Encouraged as much "feed back" as possible to the students from the professors).
17. Conducted All School Book Exchange--95% of books up for sale were sold (conducted as non-profit).
18. Placement Service Study--SBA conducted study on placement problems with constructive solutions recommended.
19. Communications--This SBA is first ever to publicly post minutes of meetings and maintain Bulletin Board to carry general student activity announcements.
20. Completely Refurnished Bar Office--To make more "liveable" as a student meeting place.
21. Placed Students on Standing Committees of the Dallas Bar Association.
22. SBA-co-sponsoring pending legislation to allow 3rd year students to practice in court in indigent cases.

From the SBA Desk...

THE NEW SEMESTER

Starting out a new semester means a lot of things to different people. It brings a flood of new personal resolutions and the prospect of many new experiences.

The Student Bar is also faced with considering some new ideas and learning some lessons from past mistakes.

Success or failure in student government depends partly on the actions of elected representatives, but it depends equally on the participation and ideas of the general student body.

This semester I hope people will discuss their views with class representatives, and participate in school activities so that all of us can maximize our potential as law students.

Mike Poynor,
SBA PRESIDENT

WE MISS YOU, WILMA.

(Sibley, that is)

A Mid-Law Night's Dream

By Harry L. Najim and
Peter A. Lesser

Once again we are prompted to express what we consider to be two not so earth-shattering, but nonetheless real hassles in Law School Life.

This year grades were due to be turned in on January 21, 1971, nearly six (6) weeks from the end of the fall examination period. Granted, our overworked and underpaid (or is it the other way?) faculty deserves ample time to grade exams and churn out class grade reports. It is for this reason that we recommend that the grading period be extended until April 1st of the following semester. Why not?

Most professors would then be able to put off grading exams until the last week in March. It comes as no surprise that a great deal of grading is probably done in the 48 hour period prior to the deadline--and even then some professors need an extension. Whether the deadline is moved up or extended (See DREAM, p. 6)

1. A suit seeking to establish the right of an unborn fetus to child support payments from its father.

2. A suit seeking to clarify the procedure for appeal from the JP to the county court.

3. A suit seeking to declare Art. 46a Sec. 6 of the Texas adoption statute unconstitutional (3-judge court requested).

4. A suit challenging the legality of a trustee's sale.

The Clinic is attempting to broaden the scope of activity beyond the conventional attorney-client-courthouse routine. A number of special projects are lawsuits in essence, but they require a team of students working together towards one particular goal. The special projects aspect of the Clinic has unusual potential in that it calls for a set of student skills not often utilized in an ordinary legal clinic. A synopsis of a few of the special project follows:

1. George Loving Housing Project: The residents of the George Loving Housing Project in West Dallas asked the Legal Clinic to help them petition the City to remove numerous junked and abandoned automobiles from the Project streets and parking lots. The City had taken the position that it had no duty to remove these cars because the Project streets were not dedicated to public use. The Clinic students discovered several opinions written by the City Attorney's office which indicated that the City may have accepted a dedication of the Project streets by estoppel. Subsequently, the students entered into negotiations with the City Manager's office and secured his agreement to remove the cars and to police the area in the future for abandoned automobiles.

2. Legal Problems of the Aging: Students have abstracted existing Texas law and compared it with the laws of other states that deal with protective services for the aging and their estates. With that background, the students have drafted proposed statutes designed to improve the legal rights and remedies of the aging in this state.

3. Availability of Pauper's Oath in Dallas County: The students have prepared a complete set of pleadings and appellate briefs for use in a case designed to test the legality of the Sheriff's refusal to pay publisher's fees in a divorce by publication filed by a pauper.

4. Expungement: Students have prepared an abstract of all statutes and cases dealing with the right of a citizen to have an arrest record expunged if no criminal charges were filed as a result of the arrest. Another group of students will prepare suggested legislation to cover this subject in Texas.

5. Inmate Divorces: Apparently, inmates in the Texas Department of Corrections have been unable to obtain a divorce due to the confusing law and procedure involved. The Clinic represents several inmates who were convicted in Dallas and who are now seeking a divorce. The students have concluded that venue is in Dallas County and that a divorce judgment may be based upon testimony produced in written depositions.

6. Legality of the Durational Residence Requirement for Divorce in Texas: Student-prepared pleadings and briefs were filed in the Federal District Court for the Northern District of Texas challenging the constitutionality of the Texas law requiring a person to live in a single county for at least six months before filing for divorce. A three-judge court was denied, and the students prepared a Petition for Mandamus which was filed in the Supreme Court of the United States. After calling for several briefs, the Supreme Court denied our petition.

N.Y. TIMES Attorney Shotguns Views

Morris Ernst is a salty old name-droppin' swabbie who believes in hangin' in there and givin' em hell. When he held court in Lawyers Inn Thursday afternoon, he epitomized a rule many laymen think lawyers live by--always answer a question with another question.

For anyone in their 80's to have guts enough to talk sex is something of a phenomenon. Besides bringing on several blushes from feminine future barristers, however, the New York Times attorney came forth with little else interesting about sexual behavior. About the only significant ability his discussion about censorship and sexual behavior revealed (two subject areas in which the prior buildup had dubbed him as an expert) was a remarkable ability to remember bathroom wall inscriptions.

It seemed he was in Dallas as part of a cross-country swing to feel the pulse of the campuses for a research project. He continually challenged his listeners to come up with some answers of how to fit punishment to criminal acts, particularly in acts of campus violence.

Moving on to the news-management controversy initiated by Mr. Agnew, Ernst accused the big news organizations of sensationalism, "Looting, muggings, and rapes sell big and that's why the networks emphasize them--violence, aggression, perversion--they believe they have to emphasize that. I believe there's a market for an alternative, however, and the weeklies that have sprung up are filling the public's appetite for good news."

Recounting his numerous accomplishments and acquaintances with public figures, he told SMU law students to solve big problems a little at a time, at the pace of one small problem after another. He also cautioned against

(See VIEWS, p. 5)

Practice Court Proves Invaluable

by Evelyn Hudson

Harvey Hicks is either a community busybody or a disinterested observer.

Roscoe Davis is either a vindictive liar or a home owner cursed with noisy and mischievous neighbors.

Robert Johnston is either a man who forgets his own address or one whom the court will require to pay for a roof put on another person's house.

The first semester of Practice Court provided third year students with practical experience in trial work as they proceeded from a demonstration of a voir dire examination through a practice trial complete with witnesses who contradicted themselves, forgot the facts of the case, and sometimes thought fast enough to contradict the opponent's testimony. The trials, conducted before a Dallas judge or practicing attorney, gave student attorneys experience in thinking under some pressure, raising proper objections to testimony, and perfecting the record for appeal. The trial of Beam Roofing Co. v. Johnson was the result of a series of lectures and instruction by David Musslewhite, of Atwell, Malouf, Musselwhite and Bynum.

The second semester will include fewer class sessions, with the main emphasis on a more detailed case involving actions such as personal injury or breach of contract. Student attorneys will be involved in pretrial hearings before a judge, depositions before an actual court reporter, and trial before a jury and judge or practicing attorney. Juries will be provided by SMU sororities, and witnesses will again be chosen by the student-attorneys.

Evelyn Hudson

MIDYEAR PROGRESS, from page 1

Daniels to create a possible maximum of 60 parking places provided that certain rules of the City of University Park could be cleared. First, there would have to be an approval of a zoning exception in order to permit the installation of a parking lot. Second, there would have to be another exception to permit the lot to go to the street and not require the same set back as the houses along the street. Third, there would also have to be a change in the ordinance of the City of University Park to permit paid or metered parking, which are now prohibited anywhere in the City.

These are fairly substantial impediments to progress, but petitions are being prepared by student assistants in the Legal Clinic and the matter is being pressed along as rapidly as possible. Any help or advice that the students may be able to give as to alternative plans during the temporary period while the long-range project is being accomplished will be greatly appreciated.

The Dean indicated the desire on the part of the faculty to have SMALL GROUP CONTACT with students in informal discussion either at the Law School, Lawyers Inn, at the homes of students or faculty, or elsewhere. The best progress in faculty-student contact can be made in these small informal groups.

With respect to SCHOLARSHIP AND LOANS, the Dean invited any comments through the student representatives on the Admissions Committee as to publicizing scholarship and loan information. One of the advantages of complete disclosure is that it substitutes fact for rumors. If A is getting a certain amount of scholarship aid and B is not, at least A knows who B is and B knows who A is and there can be complete openness in this connection. However, the Law School recognizes, as in the case of grades, that students have a right of privacy, and a student may feel that his financial assistance is a personal matter between him and the Law School administration and is not anyone else's business. These are matters for students to discuss among themselves and make some advisory recommendations to the school.

Other matters were discussed with respect to the taking of extra hours and registration for courses. Student members of the CURRICULUM COMMITTEE have made recommendations to the Curriculum Committee and these are under active consideration by the Committee and will shortly come before the faculty.

FIRST YEAR REPRESENTATIVES asked for some kind of course guidance and it was proposed that the Dean's office prepare a series of model programs which a student may take during his Law School career. Thus, a student who has a primary interest in trial practice may wish to group certain courses in that area; a student whose interest is in criminal procedure would want to group a different set of courses; and so on.

HOPE, from page 1

who are in Big D to tape a benefit, educational show for the SMU School of Arts.

The citation was an invitation to Hope to speak at Lawyers Inn, an engagement which could not be worked into his schedule. The dialogue of banter, which ensued during the presentation (labeled in effect as Hope's monologue in the reliable Dallas Times Herald), was most interesting for those on hand.

VIEWS, from page 4

sliding into a modus operandi of violently releasing frustration over social issues.

"Those guys like Abbie Hoffman and Jerry Rubin," he said, "are all anti-first amendment people. They really don't believe in freedom. The things in our first amendment only exist in 40 countries out of the world's 240 nations. And I really believe those rights are worth keeping."

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DREAM, from page 3

we are sure that the result would be the same--only weariness and double vision (symptoms of "staring at too many bluebooks" disease) would occur only earlier or later.

We humbly suggest that a committee be organized by the Student Bar Association to formulate a questionnaire to be passed on to the faculty, in order to determine a reasonable time period for grading exams. The questionnaire could consist of questions designed to determine the length of time spent by each individual professor grading exams, and when his favorite time for grading is. It's really the only fair thing to do!

A second problem which has been brought to our attention is that the period for adding or dropping courses only runs for seven school days after the new semester has commenced. Whereas this in itself is not such a terrible procedure, when you couple it with the fact that grades always come out at least one week later than the cut-off date, the combination of the two may produce an inequitable result.

We feel that this period is far too short when one considers that a previous semester's grades can greatly affect enrollment in the following semester. Many curriculum-enrollment-career planning problems are only discovered after the grades begin trickling in--and then it is too late to change because that marvelous servant of man, the Computer, has shut down. It is sad but true that we are slaves to automation, and it's not even 1984, yet!

We humbly (that's twice in one column) recommend that the add-drop period be extended at least one week, or in the alternative, until such time as grades come (and only God knows when that'll be).

To transcend the spiritual plane for a moment and return to our placid School of Law here in beautiful downtown University Park we point out in closing that old maxim of Equity: We have come with clean hands--we have even offered suggestions--whereas these problems don't affect all students at all times they deserve to be acted upon even if they only affect a handful.

SBA Speaker's Program Provides Community Service

In the past few years, one of the legal fraternities has supplied speakers for instructors in the high schools of Dallas and surrounding areas. This year the Student Bar accepted the request from the fraternity to take over the project. The program has been slow getting started but as of now we have more requests for speakers than we have speakers.

I would like to mention some of this group's accomplishments. Last semester, Jim Lemmon spoke to two classes at South Oak Cliff High School. I spoke to one class at Woodrow Wilson High School. On Friday, January 29, Richard Grisham, Mike Poynor and Ron Grant went to Bryan Adams High School and spoke on "Legal Reform in the 20th Century." On February 4th and 5th, Al Ellis, Pat Wallace, Richard Gateley and Frank Carroll will return to Bryan Adams and inform their audience on "What a Teenager should do when arrested."

Anyone interested in this program, please contact one of the SBA representatives

John Pitts

PLI-SMU Programs

Feb. 4-5--Enforcement Under the Securities Law-Bankruptcy-Receivership-Reorganization

Feb. 12-13--Evaluation of Personal Injury

Mar. 4-5--Insurance Problems

Mar. 4-5--How to Go Public

Mar. 15-18--Planning Large Estates (Workshop)

Students are welcome to attend free. If they wish a copy of the course handbook, which normally sells for at least \$15.00, the price is \$5.00.

Students will also be invited to lunch with the speakers provided there is enough space.

Las Vegas at SMU

Coming, the biggest social event of the year. The SMU Law Wives will hold their annual Las Vegas Night on February 13, from 8-12 p.m. at Lands End Apts.

Gamble the night away and dance to the sounds of "The Deep Brass Band." Tickets will be \$3.50 per person at the door or \$3.00 from Student Bar Members before Feb. 10. Tickets include set-ups, refreshments, and \$300 in play money. Proceeds from the party go to the Law School Scholarship Fund. Many prizes such as dinners-for-two and week-ends at near-by resorts will be given away. The party is open to all. Bring a friend, and play to win.

GOOD SIDE, from page 3

and in tenure evaluation. 6. The research and library facilities are outstanding and promise to become even better.

The above are just a few of the "good things" at SMU Law School. This is not to say that all is perfect and there is nothing that warrants valid criticism. For those who would label this a complete cop out, it isn't because the library South and North Poles were still too damn cold during exams. However, everything is not all bad, and we should keep this in mind as we continue our search for improvement at SMU Law School.