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THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 3, No. 6 DALLAS, TEXAS November 4, 1970

MRS. JURY ANNOUNCES LIMITED ENROLLMENT REGISTRATION

There will be preregistration for limited enrollment courses from Monday, October 12, 1970 through Wednesday, November 25th. All 2nd year, 3rd year and full-time graduate students who wish to reserve a place in a limited enrollment course must register their preferences during this period, otherwise students will only be allowed in these courses if space is available.

Calendar of Events

NOVEMBER

- 4 Faculty Meeting
Law Wives Meeting
- 5-6 SwLF Government Contracts Institute
- 6 Pick up tickets for A&M Game - SBA office
- 7 SMU vs A&M Buses leave in front of library at 11:30 a.m. Game at 12:50 p.m. Cotton Bowl
- 9 SBA Meeting 12:15 p.m.
- 9-12 SwLF Short Course on Securities Regulation
- 11 SBA Speakers Forum - Dr. Robert Morris - Lawyers Inn 1:00 p.m.
- 12-13 SMU-PLI Drug Liability Litigation
- 14 SBA Dance at the Lands End Apartment Party Room 7:30 p.m.
- 16 SBA Meeting 12:15 p.m.
- 16-17 SwLF Investigation of Crime
- 16-18 Athletic Cards due for Block Seating at Baylor Game. SBA office 8-12 noon
- 16-21 SwLF Short Course for Prosecuting Attorneys
- 17-18 SMU-PLI Environmental Control

TUATARA SEEKS STUDENT LEGAL ADVISORS

TUATARA is a new social service agency which has been serving the Dallas area since June 1970. It was founded by a group of medical students at the University of Texas Southwestern Medical School who are concerned about the widespread nonmedical use of drugs in our society, and who believe that physicians and future physicians have a responsibility to better serve their communities.

TUATARA is a "Medical-Legal Information Center." Its primary functions are: a) to provide accurate information about drugs and related health and legal problems; b) to provide a sympathetic ear to people needing to talk about their problems; and c) to refer people with specific medical and/or legal problems, who don't know where to go to find help, to appropriate agencies or professional personnel. Clients may either visit the Tuatara office, located at 2311 Lucas Street, or call the "hot line": 528-1511. The office is open daily between seven and eleven p.m., and an answering service takes calls the rest of the day.

In addition to these basic services, Tuatara's program has expanded in several directions. Panels of medical students and professional personnel are available to address and lead small group discussions. Tuatara workers often help drug users through "bad trips." Medical fact sheets about drugs and related health problems such as hepatitis are distributed throughout the city. And the Tuatara office is becoming a center where young members of the "hip" (Cont'd page 4)

Legal Writing Sought on Pass/Fail Basis

by Al Ellis

With the introduction of a new approach to the Research and Legal Writing courses last year came a gigantic moan from the first year class. As the semester proceeded, several students almost came to blows as they vied for possession of the needed statute. Others began to camp out in the library in anticipation of the next fifteen-hour assignment. The complaints covered several areas ranging from the quality or lack of quality instruction to an hour discussion on the correct number of spaces to place between each dot in an ellipsis.

During the summer the new breed student instructors with their new breed leader, Harvey Wingo, worked hard on evaluating the complaints, revising and shortening the assignments, and even meeting with some of the first guinea pigs to receive their distorted views on the subject. As a result, the course was much improved. But alas, several inequities still remain as evidenced by the recent conference between the instructors, Mr. Wingo, and this year's 1st year class. The complaints were noted, and to the (Cont'd page 5)

EDITORIALLY:

PRESENT GRADING SYSTEM IS ABSURD

The most evident absurdity of the present system of legal education is the concept of numerical grading. Any honest member of the S.M.U. law school community knows that numerical grades and class ranks are ineffective, ludicrous attempts to measure an individual's knowledge and/or potential as a lawyer.

Law school purportedly teaches one to think, act, research, and write in a lawyerlike manner (remember first year orientation?). If true, then let us get on with the process of education and rid the system of the hindrance of petty, childish grading games.

The following scale of merit should be adopted: Honors (H) for those who excell; Commendable (C) for those who demonstrate above average work; Satisfactory (S) for those who demonstrate average work; Unsatisfactory (U) or no credit for those who do not deserve passing marks; and Withdrawal (W). The four divisions should represent a range similar to the following, which is based on the grading trend at SMU: 81 - 100 = H; 74 - 81 = C; 63 - 74 = S; below 63 = U or N/C.

This system would alleviate the cutthroat attitude of law students and extraordinary amount of time spent grading exams. Any interviewer or individual examining a transcript can observe the courses taken and general level of performance and motivation.

In professional training when a single paper or single exam must gauge one's proficiency and accomplishment for an entire semester's work, the decision between a 64 or 68 or 70 and 75 is not worth the hassle. The change will cut down on the gossip and bullshit, and will allow more time for communication and learning. --fbv

Students Castigate Honor Code Stance

To the Editor:

Like Mr. Poynor, we agree that the Honor Code is in serious need of revision. The standard of conduct which professional responsibility demands remains a mystery. Perhaps such standards are nebulous by necessity. Yet even a cursory study of the present code (assuming one is still in effect) raises a host of procedural difficulties, apart from the more familiar substantive ones. It may be impossible to formulate an inclusive definition of "cheating," but every student is at least entitled to know what it means to be accused.

We believe that the students and faculty of the law school should be informed that, earlier this semester, a committee was organized to analyze these procedural problems. The committee's function was to gather criticism of the present system (obviously no problem), draft a new code, consult the present court concerning every procedural difficulty the new code raised, draft appropriate rules of procedure, and

submit the entire plan to the SBA (not only to officers, but also to every student). The new code would have become effective prior to exams in December.

Unfortunately, some insurmountable procedural problems soon forced a dissolution of the committee itself. First, because the chairman Mr. Poynor appointed was only a second year student, the constitutionality of the committee's organiza-

(Cont'd page 3)

Anderson Questions Editorial Policy

To the Editor:

The debate concerning South African affairs that appeared in the October 21st issue of The Adversary gave rise to many questions. In order to allow interested readers to answer these questions, I offer the following citations:

1. For evidence that there are terrorists (not "terrorists") who are aided and abetted by black African countries north of the Zambezi River in their operations against Rhodesia and South Africa, see The New York Times: Jan. 30, 1970, p. 9; Feb. 8, 1970, p. 5; June 1, 1970, p. 16.

2. For admissions by officials of the U.S. government that there has indeed been a partial boycott of South Africa by the United States, see The New York Times: Jan. 31, 1970, p. 2; July 22, 1970, p. 10.

3. For evidence that Rhodesia and South Africa are quite corporeal thank you, and that they want close relations with the West based on the hitherto universally accepted principal of non-interference in the internal affairs of sovereign nations, see The New York Times: Mar. 3, 1970, p. 2; June 21, 1970, p. 24; June 23, 1970, p. 9. (Cont'd page 4)

THE ADVERSARY

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

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

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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.

reminder from Mrs.T

Please help keep our beautiful new library neat, orderly and clean. Smoking is permitted only in closed areas, where ash trays are provided. Use them only in these closed areas. No drinks, coffee or snacks are to be brought into the library. Use first floor area for coffee, cold drinks and snacks. Waste baskets are conveniently located. Please use them.

Please reshelve all periodicals and reporters after use. Put all other books on a conveniently located black shelf to be reshelved by library assistants.

It will take the cooperation of all users to keep our library presentable to the many visitors attracted to one of the most beautiful new law libraries in the United States. Please help us keep these facilities beautiful and useful.

HONOR CODE REVIEW, from page 2

tion was jeopardized. Second, the adoption of the new University Governance Plan presented a jurisdictional problem for the committee. Third, the Honor Court was not informed of the committee's existence, nor was the committee ever informed of its own "secret organization." Thus, although the committee's first meeting was a profitable one, its first meeting was its last.

To the newly organized revision committee, best of luck! Our hope is that you overcome the difficulties your predecessors could not. We look forward to your first meeting, hoping that it will not be your last.

John Pitts
Jim Pitts
Ron Grant
Paul Schoonover
Dennis Anderson

From the SBA Desk: Behind the Scenes

Many people have worked hard this semester to make things better around here. While the benefits are conspicuous, it is all too easy to overlook the people who are responsible. The following three deserve special thanks and recognition.

I. The Adversary, founded by Shelley Bowles, has been expanded and put on a regular basis. Editor BURNS VICK (2nd year) and his staff have been doing an excellent job in presenting a diversity of viewpoints and articles. The long hours and hard work have paid off in the creation of the first SMU Law School newspaper ever. Copies of each issue go out to subscribers around the nation.

II. Every Student Bar dance, visiting speaker, or activity requires publicity. All the posters have been the responsibility of MARY ELLEN WHITE (3rd year), who has done a fine job of handling SBA publicity. She has also written up and posted the minutes of every SBA meeting. This makes the first time any SMU Student Bar has posted its minutes for all to read.

III. All football season, law students have enjoyed special SBA block seating at the Cotton Bowl. This idea was suggested to the SBA by first year student TOM KURTH. Tom has demonstrated exceptional organizational ability. Prior to the first football game this season, when no one else was sponsoring a bus, Tom chartered two buses for law students and made a profit for Lawyers Inn. Several weeks ago, he organized the highly successful Tortfeasors' Ball, a profitable Friday afternoon for law students and two sororities.

Mike Poynor, SBA President

Student Caucus Anticipates Shift of Budget Emphasis

Under the new governance structure, the University Assembly committee on the Student Activity Fee allocates to the Student Caucus that portion of the funds designated for student programming. The remainder of the money provides for student services such as the Health Center, athletic cards, the Student Center, etc.

The Student Caucus, in turn, draws up the budget for the student groups to whom University funds are allocated. As far as the Student Bar Association is concerned, there will be little difference from a procedural standpoint between this new system and the former method by which the Student Senate budget was drawn up.

For the year 1970-71, the SBA receives a bit more than the \$6,000 under the budget approved last spring by the Senate. This proposal was presented by the finance committee of the SBA in cooperation with the Law School Senators. The finance committee of the Caucus will begin similar hearings soon after the beginning of the spring semester; the representatives of student groups present their budget requests for recommendation by this committee. Final action is taken by the Caucus.

Obviously, the more carefully researched and documented proposals stand a better chance of being adopted as presented. The judgment is made not on the number of students in the group or the activity, but on the worth of the program itself and the justification for spending the money of all the students in the particular area. The finance committee of the Caucus has just been appointed and is currently working on the administration of the current budget.

(Cont'd page 6)

"One Liners" From the Middle East Coalition

By Harry L. Najim
and
Peter A. Lesser

We support George Bush in the Texas Senatorial race, not because we feel that Bush is so great, but because Bentsen is so lousy.

We're glad Spiro and Dick made it to Texas; we're ecstatic that they left--they should have taken Bentsen with them.

We're sorry to see that the Nixon administration believes that Plessy v. Ferguson should be the law. What next, Dred Scott?

We do support President Nixon's pre-election peace initiative--here's hoping he doesn't forget about it after November 3rd.

Judging from the performance of the cooling-heating system in Underwood Law Library we note fashion trends emerging: wear snow suit when air conditioner is in operation; wear swim suit when heating system is in operation; possible solution--turn both on together and we might have normal weather.

Due to our overwhelming fan mail (we both wrote letters) the adventures of Spiro, et al, are now being serialized campus-wide. See the daily campus every Tuesday.

We can't tell a lie! Rumor has it that someone is planning to chop down the "torts tree," because nothing has been done to alleviate the problem. Right on, George!

Glad to hear that Canada has scrapped U.S.-made pre-1949 maps, and extended diplomatic recognition to the Peking government in mainland China.

We are sorry to hear that University Park is going into bankruptcy--but we wish they wouldn't take it out on the people who park their cars near the campus.

TUATARA NEEDS YOU!, from page 1

community can meet and talk with interested citizens from other segments of the Dallas community. Tuatara hopes in this way to help open lines of communication between groups.

The Tuatara office is currently staffed by medical students, law students, and other interested volunteers. In addition, a number of physicians, lawyers, and other professionals serve on a referral basis, providing information and/or services on request. Professional advisors include Pat LaRuffa, M.D. and Gregory Dimijian, M.D. of Southwestern Medical School, Miss Beverly Neblitt, attorney, and Professor Walter Steele of the Southern Methodist University Law School.

TUATARA's organization and activities have been approved by the University of Texas Southwestern Medical School, the Student American Medical Association, and the Dallas Committee on Drug Abuse. Initial funding was by a grant from the Sears Foundation through the National Student American Medical Association.

TUATARA is utilizing a new approach in attempting to alleviate the problems posed by drug abuse in our society. We hope and expect that it will prove to be an effective means of serving the entire community.

(Ed. note: The above description of TUATARA was written by a medical student and stresses the medical and community problems. However, about half of the requests that TUATARA handles concerns legal matters--not only drug or narcotic law, but breach of contract, illegal eviction, traffic tickets, police harassment, juvenile delinquency, domestic relations, etc. Law students are desperately needed. Anyone interested in aiding the Dallas community in this manner, please drop by TUATARA on any evening or contact Tom Goranson at 361-1201.)

How can law students help?

1. Become an active member of TUATARA and maintain office hours one night every two weeks at the Lucas Street address.
2. Put your name on the law student reserve list. Occasionally you will receive requests to answer specific problems such as the legal age to get married in Texas or the current status of the Texas abortion law.
3. Assist in the preparation of short briefs on recurring legal problems.

POLICY QUESTION, from page 2

4. For indications that, in light of the volume of U.S.-Soviet trade, cessation of this trade would have about the same effect on the U.S. "balance of trade" as the retirement of "Marvelous" Marvin Throneberry had on professional baseball, see The Statesman's Year-Book (1970-1971), SMU Lib. # JA51 S7 1970-1971, pp. 565-566.

5. For information as to why anyone would write an article concerning a topic about which he has a palpable dearth of knowledge, see Mr. Jim Hockert, SMU School of Law '72.

6. For a statement as to whether any attempt will be made to follow a more even-handed editorial policy in The Adversary by affording students with conservative views pre-publication access to liberally oriented articles, as well as the opportunity to present "simultaneous" replies to such articles, see F. Burns Vick, Founder, Editor, and Chief Ideologist of The Adversary, SMU School of Law '72.

Stuart I. Anderson

extent possible at this stage, adjustments will be made. However, given the nature of the law student, the gripes will continue to be recorded.

The solution? Simple. The legal writing and research course should be put on a pass/fail basis. As long as it's a graded course, the competitive instinct will prevail over the necessity to proportionately budget one's study time; and, despite the extremely small effect that this one-hour course has on the overall average (I was not convinced last year either), the ambitious first year student will spend 8, 12, even 20 hours on each assignment.

Of course, the argument against such a solution is that there will be no incentive to develop a good research technique. Considering the fact that a lawyer's success is largely based on his research and writing ability, the incentive lies within the natural desire to become a successful attorney. The time has come for the sacrificial lamb to be taken off the altar with this year's class.

Al Ellis
(second year)

First Year Student Reiterates Complaints

First year students moan and groan, and situations remain. Hours go by while students struggle in the library, thinking they are following their instructions, all the while not realizing that they are going astray. And why? Because they are receiving insufficient instruction. Do they realize it? No, often not until their papers are in and graded. Then they understand that many of those hours were totally wasted. They wonder why their much-needed study time is being swallowed up by a course that is worthwhile
(See next column)

but inefficiently guided.

Legal Writing and Research is principally taught with written instructions to assignments from which students must dig out an effective personal research method. These instructions are very plain on the surface but rather meaningless to the first year students, who as a rule have very little legal background.

Throughout this mechanical research, however, students are graded on their wanderings through the maze of materials. As the academic year progresses, that which was totally unfamiliar two months ago becomes increasingly familiar; but the stress on grades has given the course questionable value.

Therefore the first year students are asking that the course be made pass/fail, and a committee is being organized by Mr. Bernstein to consider possible changes. Generally, first year students appreciate the challenge of being thrown into the Underwood Sea with a minimum of instruction on how to swim to shore. They do not appreciate being graded on how well they flail their arms.

Evelyn Hudson
(first year)

Dallas Bar Instigates Pre-Trial Release Program

In coordination with the Legal Aid Clinic, the pre-trial release program now gives the law student an opportunity to further his practical knowledge of the profession. The program is sponsored by the Dallas Bar Association under the direction of Mr. Robert Peacock.

Pre-trial release makes it possible for certain categories of prisoners to be released by the judge either on personal bond or on reduced bond while awaiting
(See next column)

PRE-TRIAL RELEASE PROGRAM, Cont'd

trial. Recommendation for release will not be given to prisoners with adverse criminal records nor to those charged with crimes such as murder, armed robbery, and most narcotic and sex crimes.

This type of bond will permit a man to return to his job in the community while awaiting trial rather than have him in jail and his family on welfare. The student, through a voluntary interview of the arrested person, determines his prior criminal record, family and employment stability and community ties. After the information is verified by project personnel, it is given to the judge with a recommendation that the prisoner should or should not be released on bond pending trial. The final decision rests with the judge.

Students participating in the voluntary program are as follows: Ray Russell, Wally Nobles, Sam Pfaff, Fred Schwendimann, Steve Wells, Irv Queal and Rod Poirot.

MORE "ONE LINERS"

Have you ever driven to class and, being unable to find a parking space within hiking distance of the law quad, suddenly discovered yourself up that "prominent tributary without the proper means of propulsion?"

Ultimate solution to the parking problem: Paint your car fire-engine red and attach a ladder and/or hose, and feel free to park in firelanes.

The increase in militant radical activity activity U.S., is deplorable -- it seems that you don't have to be a weatherman to tell which way the wind is blowing.

Don't miss the next issue for more comments on "the times."

Committee Studies Oversubscription Proposals

LSD/ABA HOLDS WORKSHOP

(Editor's note: Following are five proposals on over-subscription of limited enrollment courses which have been submitted to the Faculty Curriculum and Graduate committees by Paul Schoonover and Tim Vineyard, student members.)

1. Notice. If a new course or professor is added to the curriculum, or a course that was not taught in the previous year is revived, notice of this fact should be posted well in advance of registration. If a new professor is added, notice of his background should be posted. If a new class is added, or an old class is revived, the following should be included in the notice:

- a) a brief description of the course content,
- b) the text (if known) that will be used,
- c) the name of the professor,
- d) requirements for credit in the course (i.e., final exam, substantial paper, etc.),
- e) the degree requirements that will be satisfied by the course (i.e., number of hours credit, ICLJ requirements, etc.).

2. Pre-Registration for Limited Courses Only. Two alternative systems of pre-registration is offered for your consideration:

- a) Informal Pre-Registration. An informal pre-registration of either all courses or at least courses of limited size to measure the popularity of certain courses and thus allow for advance planning for scheduling and section additions or subtractions.
- b) Mandatory Pre-Registration. Require that those students who want to take courses limited in size must pre-register for that course before he will be allowed to take it. This would allow for early selection of students and provide the administration with time to
(See next column)

add new sections if necessary and if possible. Also, after the pre-registration deadline has passed no student would be allowed to register for a limited course except those students selected (except for a pre-determined number of graduate students).

3. Priority. Third year students would always be given priority over second year students in admission to limited enrollment courses.

4. Course Re-Evaluation. Each professor would be asked to reconsider the requirements for each course he teaches with respect to: a) the need for limited enrollment, b) the number of students to be enrolled, where limited enrollment is deemed appropriate, and c) requirement of a substantial paper in lieu of a final examination.

5. Limit Student Registration. Limit the number of "substantial paper courses" a student can take in one semester to two. This does not include planning courses or directed research. (It is the opinion of the writers that this policy will not have to be adopted or enforced if each member of the faculty seriously considers the need for limited enrollment as to each class. Probably only two or three classes, besides planning courses, will need to be limited in enrollment.)

STUDENT CAUCUS, from page 3

At this point, considerations of next year seem a long way off. But with the emphasis of the new governance structure and the influence of academic governing personnel on the Caucus, it would be logical to expect a shift away from budgeting for parties and social activities toward expenditures for academic, political, and community programs.

The forthcoming LSD/ABA workshop to be held Saturday, November 14, 1970, at Baylor Law School should be of special interest to all SMU students. The workshop will begin at 9:00 a.m., and the morning hours will be devoted to speeches by and discussion with several State Legislators. The afternoon session will be devoted to the drafting of a Model Court Rule that is acceptable to all Texas Law Schools.

The main purpose of the proposed rule is to serve as a basis for a statute which would allow law students, working under the supervision of an attorney, to represent indigents in criminal and civil proceedings. However, the possibility exists that the rule may limit such activities to 3rd year students. If such action were to be taken, it would limit the activities of our Legal Clinic which now has many 2nd year students working in the civil courts.

At this stage, this is only a possibility, and the purpose of the workshop will be to develop the details for the proposed rule. However, it would be most advantageous for as many SMU students as possible to make the trip to Waco so that the interests of the school and the Legal Clinic are adequately represented.

Further information on the substantive portion of the rule will be posted on the bulletin boards as soon as it is available. Anyone interested in attending should contact me in the SBA office or call 369-1543 for details. All students are urged to attend. Several free pamphlets will be distributed, and this will be a good opportunity to BS with students from other law schools.

Car pool arrangements can be made in order that any one interested can take advantage of this opportunity.

Al Ellis