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## The Adversary (Vol. 2, No. 4, April 4, 1970)

Southern Methodist University School of Law

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# The Adversary

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Vol. 2, No. 4

April 4, 1970

## A LAME DUCK SPEAKS

## DIRECTOR CHOSEN FOR LEGAL AID

I have often thought about what my remarks would be upon leaving the Presidency of the SBA. Throughout the year the comments and thoughts have changed drastically. I campaigned last year on a platform of lifting the SBA to the position of respect that it deserves and generally to organize the internal structure. I like to think that the Executive Council attained some success in the pursuit of both these goals.

Now the time has passed when the candidates for the Executive Council feel that the only way to campaign is to criticize the existing governing body. I guess every Presidential candidate, as I did, feels that he has the light to lead the SBA to success. Yet it seems ironic when you have busted your \_\_\_ all year to benefit the students and the school as a whole that the result is candidates who for one week prior to elections have instant solutions to all problems that you faced. Why didn't they come forth earlier; why didn't they participate -- come to meetings; why all this cry and student interest only at election time?

One may say that this writer can't take criticism -- I think this is not true. Any government, especially a student government, must have criticism in order to improve. What I am bringing forth is why didn't someone relate these suggestions so that we could have achieved more, more efficiently.

I have just met with my successor for several hours to discuss what this student government has done and what suggestions I had for next year. Generally it was more beneficial to me than him because it gave me a view of the work and hours that this year's student government has put in for your benefit.

Some of this soliloquy could be taken as sour grapes, but it should not be taken as such. What I am trying to point out is -- don't just sit around and criticize one week before elections. Put this energy into constructive actions to help the student government help you and the law school. Personally I was disappointed in the student body by the apparent lack of interest in the number of people running for the Executive Council positions as well as lack of campaigning for these positions. While good people were elected I wonder if this lack of energy in the election will be reflected in the Council as a governing organization. This is where you the electorate have a responsibility to push them -- don't just criticize and wait for elections -- go to their meetings; give them ideas; tell them where you feel emphasis should be given. Be an active constituent. If this happens, next year should be a successful year for the government and you will be part of it.

John Jackson

Mrs. Maxine McConnell, Attorney at Law, has been employed as Director of the SMU Legal Clinic effective June 1, 1970. Mrs. McConnell is a graduate of SMU School of Law. She has been actively engaged in the practice of law for approximately 12 years. Mrs. McConnell is currently employed as Chief Counsel of Dallas Legal Services Project. Mrs. McConnell will be responsible for the supervision of all students enrolled in Legal Clinic. She will also have the responsibility of increasing the scope of activity of the Legal Clinic to include a broader range of legal issues.

The Clinic will also begin to experiment with techniques for bringing more legal assistance to the community in the form of educational programs on legal rights and responsibilities. Furthermore, the Legal Clinic will undertake to establish a closer relationship with, and increased responsiveness to, the legal needs of the indigent clients served by the Clinic.

The addition of Mrs. McConnell to the staff will drastically affect the operations of the SMU Legal Clinic. For the first time the Clinic student will have a full-time practicing lawyer available eight hours a day, five days a week, for the sole and specific purpose of assisting and as supervisor and teacher of the practical aspects of law practice.

The new Director is uniquely qualified to provide the impetus (see DIRECTOR, p. 6)

# EDITOR'S ALCOVE

## STUDENT BAR ELECTIONS

The recent student bar elections provided yet another instance for the demonstration of student apathy at this law school. I hesitate to even use the word "apathy" because its use normally makes an apathetic person close his mind like an automatic closing door. The cry of apathy is often heard on this campus and throughout the United States. Although this cry usually falls on deaf ears, it is necessary until people start taking an interest in something besides the needs of their own careers. No situation is perfect enough to allow such a narrow concentration of interest. It seems that satisfaction from a meaningful endeavor is no longer enough of a reward for a person's efforts.

In the recent election there were four major offices to be filled in addition to the class representatives. Three of these offices were almost uncontested. Two of the offices were uncontested except for one write-in candidate, and the third office acquired a second candidate only when he learned that that there was only one person running for that particular office. This is how much interest there is in serving on the Executive Council of the Student Bar Association.

I am certain that the reason for the disinterest in the election was not because of its unimportance. The SBA can be a very effective instrument for adding to a person's total experience while in law school -- both in terms of what can be done for all students and the benefits an individual can receive from doing this work. This year's SBA has made very significant progress for the students, and it is hoped that next year's SBA can continue with the good programs which have been established and innovate more worthwhile programs on its own.

However, if the students show no more interest in the work of the SBA than they did in the election, it will be a struggle for the SBA to accomplish anything. The students must give their support.

Phil Jones

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## THE SOAPBOX

Jim Hockert

Don't get your hopes up too soon; it looks as though the administration has got another way to extend the draft up their sleeve. The situation in Laos is supposed to be a dormant one without danger to U. S. soldiers stationed there but what will be happening there in the next six months or the next year?

My guess is that the administration has no long range policy for that area (much as was the situation just before the U. S. entered Viet Nam). Although Nixon would have the vocal public think that there is no possibility of another Viet

Nam in Laos, there can be no guarantee that what is being said by the White House and what will be done by the White House are one and the same.

While at one time, the nation might have bought Nixon's tactics of quickly glossing over the dilemma in an effort to divert public attention from it, this technique will no longer work. The public is far too involved with the war in Viet Nam to allow the administration to slip into another situation where "the U. S. has to stop the communist threat" half way

(See LAOS, p. 4)

THE ADVERSARY, Page 2

### THE ADVERSARY STAFF

Editor-in-Chief: Phil Jones  
Managing Editor: Burns Vick  
Contributing Editors:  
Chancery--Tim Campbell  
Legal News--Doc Hale  
Nat'l Affairs--Jim Hockert  
Sports--Sandy Kaufman

### LETTERS TO THE EDITOR

As Dean Galvin said in the February 27th issue of The Daily Campus, "It is extremely important to have the widest possible input advice from students, faculty, trustees, and administrators, but it has to be on an advisory basis." If this formula is to be effective, this advise should be implemented when the situation so warrants.

One of the main sources of complaints among first year students at the recent meetings with Dean Galvin concerned the administration of the Legal Writing program. It seems to be the feeling of the majority of these students that at least three out of four legal writing sections were sorely lacking in quality instruction. Yet, preliminary indications are that the method of selection for next year's instructors will not change appreciably. The applicant must provide "a resume, samples of writing, details as to experience in research, and references who are able to comment on the applicant's capacity for writing and research."

At no time is ability to instruct mentioned. There seems to be no method by which the student applicant can be required to teach a class so that the selection board can get an idea of their ability to effectively organize and present a lecture.

In order to insure that the quality of Legal Writing instructors will be improved, the applicants should be screened for their instructional ability as well as for his effectiveness as a legal researcher.

Al Ellis

DRUG ABUSE SYMPOSIUM TO  
BE HELD NEXT WEEK

April 8 marks the day for the opening session of the Short Course on Drug Abuse. The three day symposium will be held at Owens Fine Art Center and a most outstanding slate of speakers has been scheduled. At the School of Law a concurrent program will be held on "Education: A Step Toward Solution" in the area of drug abuse. This program begins on Thursday morning and will conclude on Friday afternoon.

The course is designed for the law enforcement people and educators. A number of state judges and state legislators who are members of the Committee on Dangerous Drugs will attend. Scholarships are available for all law enforcement people and student attendance will be arranged according to available space after registration.

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#### JUNE BAR CANDIDATES --

Re: Austin Housing for the Gram  
Courses and Bar Exam

Due to the liquidity of the apartment market in Austin this year, a unique opportunity has arisen for SMU bar candidates.

One of the newest and most luxurious apartments in Austin is offering accommodations from May 23 through June 24 for \$60.00 a man, based on 3 men per apartment

Apartments offer: extra large two bedroom, 1 & 2 bath fully furnished with Central A/C, wall-to-wall carpeting, full appliance kitchen, private patio or balcony, free table T.V., two pools, and tennis courts and shuffleboard.

The apartments are located five minutes from Finklestein and downtown Austin and ten minutes from the U. T. campus.

Contact JIM CHAPMAN at 369-5666 for further information and reservations.

## RELEVANCY & REALISM IN LEGAL AID

. . . interviews in hallways . . . stories supporting assault, witchcraft and battery . . . defenses of denial, provocation, or the facts don't make sense . . . plaintiff must show past threat or harm and fear of future harm by defendant (so why won't she say she's afraid of him) . . . cross-examination backfires -- new and damaging material presented . . . after the objection overruled, what? . . . "will both parties and counsel approach the bench" . . .

Not the reflection of F. Lee or Melvin on past murder trials but the experiences of SMU Legal Aid students in an Oak Cliff courtroom. In a unique opportunity to engage in trial work involving real parties and controversies, Legal Clinic students prosecute and defend peace bond cases on Saturday mornings. Justice of the Peace, Bill Richberg, with years of experience on the bench, encourages the efforts of the student attorneys in presenting cases and clarifying factual issues. The parties to the action often have never had representation in a controversy and respond by opening a Pandora's Box of troubles, real and imagined, before the student attorney. But handling this barrage of facts and claims is only part of the Saturday experience.

Trial experience is the major benefit of the program. Development of facts through friendly witnesses' testimony must overcome the inevitable surprises that come from cross-examination. The ability to succinctly summarize the case and stress facts that support the client's position are also developed as the judge pays close attention to the attorney's arguments at the close of the case. Keeping composure while objections against you are sustained and taking a new line of questioning to overcome the effect of these objections are all part of a trial lawyer's "thinking on his feet".

If this looks like the answer to your prayers of relevancy and realism in legal education, give Legal Aid some serious consideration in your course plans. Judge Richberg will be glad to see you, the clients will be glad to see you, and you just may be glad you are there to help.

Mike Byck

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## New Faces In The Fall

Several new professors will be teaching next fall. Among this group are two visiting professors and two new members of the law school staff.

Miss BEVERLY M. CARL will be a new Associate Professor and will teach in the international and comparative law area. Miss Carl comes with outstanding qualifications and a background that includes extensive world travel. She is currently assistant chief of the Nigerian Relief and Rehabilitation program. Her teaching experience extends to Latin American law schools, and she has written extensively in the international area. Miss Carl has received law degrees from the University of Southern California and from Yale where she studied under Professor Myres McDougal.

Visiting Associate Professor JOHN E. KENNEDY from the University of Kentucky will be teaching procedures. Professor Kennedy is co-author of Moore's treatise on Federal Practice. He has received law degrees from Notre Dame and Yale.

Visiting Associate Professor JOE S. MORRIS will teach next  
(See NEW FACES, p. 6)

DO IT by Jerry Rubin. 195 pages. Simon and Schuster. \$2.45.

It is difficult to say anything new about someone so well known as Jerry Rubin so let it suffice to say that his book reflects everything he is, has said, and has thought about . . . everything from God to sex to politics.

Simon and Schuster note on the back cover that this could well be the new Communist Manifesto. While it may be questionable whether this book will have the same impact that Marx's book did, there can be little doubt as to the similarity of the two books. Rubin advocates everything that the establishment condemns and reaches people who are looking for a new kick. Is the man crazy just because he wants to fulfill his lifelong desire to burn down the Pentagon? Whether he is or not, there are few who could live up to the kind of living he condones. It would take all eight hours of the day every day to get high on all of the drugs he recommends and to do all the things he requires to live a full life.

The book is written in a loosely organized style which rambles as much as does Rubin's life. I must admit that I enjoyed reading the book. It was like reading a 200 page comic book with pictures instead of cartoons. Rubin's "Amerika" is easy to laugh at but scary to really think about. Perhaps this is the purpose of the book and if so, Rubin definitely did a good job. However, if the book is meant to win the reader over to his ways, the book comes short of its goal. It's fun reading and gives a good account of how many of the extreme radicals feel. I say read it, but be forewarned, he hates most lawyers.

Jim Hockert

## Final Blow-out

The last SBA Party is to be April 17, at Wiley's Dude Ranch. Music for dancing will be furnished by the Dallas County, the rage of the Law Week Dance. This dance will be absolutely free! The theme is Western so dress and act accordingly. It will begin in the afternoon with chartered buses leaving from the Lawyer's Inn parking lot, times to be announced.

This party is designed to give everyone a last blow-out before getting down to studying for finals.

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### LAOS, Cont. from p. 2. around the world.

If the domino or any other theory is that important why is the administration ignoring the "red" influence ninety miles off of our southern coast? If any area is susceptible to the domino theory it is the underdeveloped countries of Latin America. Perhaps it is that the administration does not want to admit that the "influence" is so near to our country and again trying to divert attention away from the fact that almost all of the Latin American countries have a deep-rooted hatred for American capitalism and are trying to shed the "iron clad umbilical chord" that they have with the U. S.

Beware, Laos is sneaking up on us. The draft will have to remain so that Uncle Sam can get enough patsies to fight against the great enemy in the east, "communism".

U. S. involvement will likely triple over the next couple of years both in Laos and in other far away countries. Don't get up any hopes about eliminating the draft but count on getting snatched out of your education so that when you return, if you return, from fighting the "bad-dies" you'll have a hard time getting back into the groove.

## HIGHLIGHTS

Doc Hale

After months of proposals, speculation, haggling, conference committees, and compromise, a tax reform bill was passed by the Congress. The new law makes significant changes with regard to income, the tax surcharge, charitable contributions and private foundations, and stock transactions. Unfortunately the measure became law so late in the year that many people who otherwise would have been able to take advantage of it to reduce their 1969 tax obligation were unable to do so. Some of the more basic changes in the new law are the following:

The tax surcharge, perhaps the most publicly discussed provision of the new bill, was decreased from 10% to 2.5% for 1970. Therefore, those who deferred income from the latter part of 1969 until the new year achieved significant savings. Other provisions of the new law place those who deferred a sizeable, one-time income addition until the new year in particularly good position.

There was also much speculation concerning deductions for charitable contributions. The new law does restrict tax benefits to individuals and businesses that give stock or inventory or sell to charities at bargain prices. Private foundations are also subject to more stringent rules and will be required to pay 4% tax on investment income and pay out 6% of their assets to charity.

Capital losses from stock transactions will no longer provide a 1:1 offset to ordinary income but 2:1 beginning in 1970.

These are some of the more "popular" provisions of the conscientious attempt to provide more equitable taxation. Taxes may be universally deplored, but as Holmes said, "Taxes are the price one pays for civilization."

## LAW STUDENT SPEAKS FROM VIET NAM

### Landslide For Spiro

In an age when popularity polls are taken on just about everything, some curious third year students at Boston College Law School decided to take an Unpopularity Poll. Specifically, they were curious to know what influential public figures have the distinction of being the least liked individuals in the eyes of Boston College Law School. In other words, who are the people we could well do without? To help, they listed some who just might be personally despicable to the students and therefore might deserve one of their ten votes.

The following results show the opinions of 304 law students at Boston College.

1. Spiro Agnew	209
2. George Wallace	161
3. Richard Nixon	152
4. Louise Day Hicks	150
5. Strom Thurmond	148
6. Lester Maddox	129
7. Richard Daley	127
8. Ronald Reagan	126
9. John Mitchell	116
10. John J. Kerrigan	109
11. Mendel Rivers	107
12. David Eisenhower	90
13. Lewis Hershey	84
14. Judge Hoffman	67
15. John Volpe	53
16. J. Edgar Hoover	52
17. Rap Brown	50
18. Shirley Temple Black	49
19. Thomas Eisenstadt	47
20. Eldridge Cleaver	42
21. Julie Nixon Eisenhower	41
22. Jackie Onassis	39
23. Adam C. Powell	38
24. Abbie Hoffman	37
25. Jim Garrison	34
26. John Lindsay	33
27. Melvin Laird	29
28. Senator John Tower	28
28. Billy Graham	28
30. George Murphy	27
31. Lyndon Johnson	26
31. Elijah Adlow	26
33. Clement Haynsworth	25
33. Cardinal Cushing	25

[ The following is an excerpt from a letter written by a law student who is currently in Viet Nam. He has been there for ten months. ]

It is still, and will continue to be, a grave injustice to send young Americans to Viet Nam. I have lost all respect for the Vietnamese people and sympathy for American presence and involvement in Southeast Asia, and I now totally oppose continued support here in the form of American manpower beyond the time required to effect a rapid withdrawal of our troops in a manner that both economic and physical conditions permit. If one could only personally witness the material waste, the manipulation of the Yankee sucker by the Vietnamese, the pettiness of Allied in-struggles for superiority in an area of operation, the lack of motivation of the Vietnamese to wage the war for principles we have proclaimed, and the hopelessness of the human condition caused by centuries of war, tradition, and superstition, then I do not see how one could support this effort on the basis of the evidence so plainly visible.

If, when I return home, I hear a politician proclaim support for the "brave" people of South Viet Nam in their struggle for the right of self-determination against the Northern invader, I will proceed to knock him to the ground lest he make a fool of himself for proclaiming such garbage. What a fool and a sucker I had been in my pre-Viet Nam days to swallow the government's line of verbose cliches which so erroneously attempted to justify our presence in Viet Nam. They may be moral platitudes but hardly applicable to the lucid realities of the situation that one must witness to perceive.

### BARROGY POLL ON GUEST SPEAKERS

So that the Barrogy may be of more help to you and we may better know which speakers would be in demand for panel discussions, debates, etc., please rate the following persons using the following answer code to indicate your response. Please feel free to add your own choices, if they are not on the list.

1. Yes, invite as soon as possible
2. invite within 6 months
3. invite within 10 years
4. issue an invitation but cancel at the last second
5. although every person has the right to voice their own opinion in a democracy, this person should not be invited because he (she) is :  
[circle one] unqualified, non-intellectual, irresponsible, unrepresentative, too liberal, too conservative, irrelevant, or weird
6. issue a statement that all is being done to get the person to come but there is a schedule conflict.

1. Melvin Belli	10. Dr. Pepper	18. Bobby Seale
2. Sarah T. Hughes	11. Charles Manson	19. Neil Armstrong
3. Lyndon Johnson	12. Charles Atlas	20. John Wayne
4. Spiro T. Agnew	13. Marcus Welby, J.D.	21. Peter Fonda
5. Tim Leary	14. Paul Eggers	22. Johnny Winter
6. Preston Smith	15. Joe Shlabotnik	23. Miss America
7. Clinton Judd	16. Henry Wade	24. Miranda v. Ariz.
8. Dr. Spock	17. Hugh Hefner	25. Ruth Jefferson
9. Perry Mason		

Knox Tyson

# Summer Schedule

COURSE TITLE	HOURS	DAY	TIME	PROFESSOR
Civil Rights Seminar (Criminal Procedure)	2	T Th	9:00-10:40 a. m.	Wingo
Directed Research 1	1	WF	11-11:50 a. m.	by appointment
Directed Research 2	2	TWTh	1-2:30 p. m.	by appointment
Directed Research 3	3	MTWTh	8-9:20 a. m.	by appointment
Family Law	3	MTWTh	11-12:15 p. m.	Wadlington
Equitable Remedies	2	MTh	3-4:40 p. m.	Harding
Ethics	1	TF	3-3:50 p. m.	Harding
Insurance	3	MTWTh	1-2:15 p. m.	Buckley
Land Litigation Seminar	2	MTW	8-9:20 a. m.	Scurlock
Legal Accounting	2	TTh	11-12:40 p. m.	Craig
Legal Aid A	1	T	3-4:50 p. m.	Steele
Legal Aid B	2	F	9:30-11-20 a. m.	Steele
Regulation of Business	3	MTWTh	6-7:50 p. m.	Christopher
Texas Criminal Trial Practice	2	MF	1-2:40 p. m.	Steele
Wills and Trusts	3	MTWTh	9:30-10:45 a. m.	McKnight

NEW FACES, Cont. from p. 3 fall in the tax and corporate areas. Professor Morris currently teaches at the University of Florida and received law degrees from Arizona State University and Northwestern University.

Assistant Professor ROD SURRATT will become a member of the law school faculty this fall and will teach torts and evidence. Mr. Surratt received his law degree from the University of Texas after graduating from Baylor University. At Baylor he was President of the Student Body and a member of the debate team. Mr. Surratt was Comment Editor on the Texas Law Review, a Quizmaster, and was named to the Order of the Coif. He did reasonably well on the LSAT, he scored a mere 779.

DIRECTOR, Cont. from p. 1 necessary to make the Clinic more relevant to the needs of the clients it serves. She was recently chosen by the National Institute for Education in Law and Poverty to be among 100 Legal Services attorneys specially selected to participate in a 20-day Legal Services colloquium in Vail, Colorado.

The appointment of Mrs. McConnell and the recent expansion of the Clinic curriculum to three hours, puts SMU at the forefront of clinical legal education in the United States. Very few law schools have made such an extensive commitment in time, space, and resources to the field of clinical legal education.

Those students interested in additional information on the program contact Mr. Steele.

## NEW EDITOR-IN-CHIEF ANNOUNCED

The Publication Board of the School of Law is proud to announce that the 1970-71 Editor-in-Chief for The Adversary will be Burns Vick. Burns was selected after a meeting of the Board on March 12 during which each applicant was interviewed. This selection was then ratified by the Executive Council of the Student Bar Association on the 16th of March to make the selection final.

Burns has extensive experience in the field of journalism having worked on newspapers in high school and college. While an undergraduate at SMU, he was Chairman of the Publication Board and Editor-in-Chief of the 1968 Rotunda. Burns was a departmental Honors Graduate as an English major. The Adversary is very fortunate to have acquired such a well-qualified person as Editor-in-Chief.

## BRIDWELL NAMED AS NEW INSTRUCTOR IN LAW

Randall Bridwell will be teaching Legal Writing starting in the Fall of 1970. Randall received his B. A. from Midwestern U. and his J.D. from SMU.

### CONSTRUCTIVE NOTICE

APRIL:

6	Moot Court Competition -- first rounds
8-10	Short Course on Drug Abuse
11	Moot Court Competition Finals
15-17	SWLF Securities Regulations Symposium
29	American Judicature Society -- 2:00 p.m. Lawyers Inn -- Judge M. Michael Gordon of Houston