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Dedication

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DEDICATION

THIS issue of the Southwestern Law Journal is dedicated to Beverly May Carl, Professor of Law at SMU Law School.

Beverly Carl was born in Richmond, Virginia in 1932, one of three children of an engineer and a housewife whose family moved twenty-one times in ten years. She attended the University of Southern California on a debate scholarship, graduated cum laude from USC Law School in 1956, and received her LL.M from Yale Law School in 1957.

Professor Carl joined the SMU Law School faculty in 1970. In her twenty-years at SMU, she taught courses in International Trade & Investment Law, Private International Law and Arbitration, International Economic Development Law, Conflicts of Law, and Contracts. Her colleagues describe her as a hard-working, caring teacher; her students describe her as demanding but supportive.

Professor Carl cultivated and enriched SMU Law School's reputation in international law. Prior to teaching, Carl worked at various offices in the United States Government and actively participated in helping third world countries develop their economic law.¹ After coming to SMU, Carl remained extremely active in foreign development. She served as a Visiting Fulbright Professor in Indonesia and Peru, and taught trade law and economics in many less developed countries including Mexico, Yugoslavia, Taiwan, Belgium, People's Republic of China, and Venezuela.

Throughout her extensive career, Professor Carl demonstrated to students and readers the role that law has played in the development of the third world. She especially concentrated on how law is shaped to ensure that a greater portion of the world's resources go to less prosperous third world countries.

Beverly Carl also emphasized the development of women in the twentieth century. She has written articles questioning the United States' policies in Nicaragua; she helped bring the first female lawyer from China to study in the United States; and she succeeded in highlighting the often discriminatory hiring, promotion, retention, compensation and general treatment of women in higher education.

Beverly Carl dedicated her life to the betterment of mankind; her career has been marked with many honors, each one motivated by a spirit of public

1. Beverly Carl devoted ten years of her life to government service. From 1963-70, she held various offices in the Agency for International Development in the United States Department of State, including Assistant Chief in Nigeria of the Biafra Relief Program and Chief of the Foreign Private Investment Section of the American Embassy in Brazil. She also worked in the U.S. Department of Commerce and as an attorney in the Office of International Finance & Foreign Assets Control at the United States Treasury Department.

service.² Although she has now officially retired, Professor Carl remains active; she is building a house in Santa Fe, New Mexico where she will spend her days reading, studying, and learning more about her new hobby, painting. She says she is especially interested in weaving together all the images, symbols, and strands of her past experiences with different cultures by emphasizing the inconsistent themes of beauty and strength integrated together as one. For instance, one of her favorite sculptures is a construction beam with a ballet tutu; to Beverly Carl, this image represents the beauty and strength of women.

The Board of Editors and Staff of *Southwestern Law Journal* expresses their admiration, affection, and appreciation for Professor Beverly May Carl. She made a lasting impression upon SMU School of Law; we wish Professor Carl well in her retirement.

2. Beverly Carl is notably listed in the following: *International Who's Who of Contemporary Achievement*; *World's Who's Who of Women*; *Who's Who of American Lawyers*; *Personalities of the South*; and *Contemporary Authors*.

BEVERLY MAY CARL, PATHFINDER

By

*Ellen K. Solender**

Beverly Carl was the first tenured full professor on the SMU Law School faculty who also happened to be a woman. Her acceptance into the academy has made it easier for the other women who followed her. She made it possible for women to be considered acceptable because she did not imitate the male professors on the faculty, but followed her original thinking and methods. She diversified the faculty and demonstrated alternatives to the standard approach to law teaching.

In 1973, I came on the full time faculty at SMU; for many years thereafter, strange students and new faculty members would call me Professor Carl. It was clear that for most of the law school community a woman professor was "Professor Carl"—thus, any other woman must be Professor Carl too.

Beverly Carl was voted a tenured law professor not because she was a woman, but because she was extremely competent; the only ground for excluding her would have been that she was a woman. She has written numerous books and articles, has taught in many foreign countries,¹ and has given countless speeches.² Before coming to SMU Law School she worked for the U.S. State Department; this may have been a good training ground for enduring and overcoming the equally male dominated atmosphere of the Law School.

I can only speak directly about her activities after I came on the faculty in 1973. We both pressed for adding qualified women to the faculty and we would often confer prior to faculty meetings as to the best strategy for achieving that goal. After the school began adding more women to the faculty, Beverly was very supportive of them as faculty members. She endeavored to help them in their efforts to write and to have their articles published. She was very perceptive and could articulate for the faculty the subconscious prejudices we might have. When such things as dress or teaching style became an issue for our male colleagues, she would explain that women are not men; women do things differently and being different from men is not wrong.

Beverly Carl was interested in teaching the international students to understand American law in an American context. She also realized that negotiations between people from different cultures is more a communication problem than a legal problem. Therefore she spent considerable time teach-

* A.B., Oberlin College; J.D., Southern Methodist University. Professor of Law, Southern Methodist University.

1. Professor Carl has taught different types of courses in eight countries, including Visiting Fulbright Professorships in Peru and Indonesia.

2. She has spoken on a variety of topics in at least sixteen foreign countries as well as a multitude of places in the United States.

ing American students about other cultures and often had to explain to them that language that is clear to Americans may have an entirely different meaning for an English speaking lawyer from Taiwan, Indonesia or Nigeria. She experimented with the cross-training of American and international law students in order that they would truly understand each other.³

Beverly Carl will be remembered very affectionately by many of our graduates. Because of her genuine interest in having people achieve their highest potential, she devoted much time to counseling and helping the many students who were interested in various aspects of international law. She helped American graduates to obtain jobs in their chosen international law fields. She also helped international students with their papers, classes, and daily living problems in the United States.

Often after the international students would return home to their own countries, they could continue to call on her for help. She always willingly tried to answer their questions concerning American law. Many third world countries want to model their laws based on American law, but even after studying American law in the United States their lawyers are not always clear about the meaning of many of our statutes. Beverly, whenever she was asked, would take time to look up articles to send them, or even, when necessary write an explanation herself.

No description of Beverly Carl would be complete without some mention of her lawsuit against SMU.⁴ She did not intend it as an act of disloyalty. She saw it as a demonstration of what a lawyer can do to help women faculty members achieve parity in compensation. She was not interested in gain for herself; she wanted SMU to be an institution that not only obeyed the law, but was a leader in the fair treatment of women faculty. Those of us who, in the year after the settlement, received unexpectedly large raises will always be grateful to Beverly. She realized that lower salaries not only affect women immediately, but in the future, since raises are often based on a percent of base pay, and pensions are also related to a person's pay during working life. Even though she had tenure, the filing of the lawsuit was a courageous act. She did not know how the law school community would react when she initiated the suit. She might have been completely ostracized and limited in her activities. She took a large risk, but it turned out well. She achieved her goal and most of the law school community supported her and understood what she was trying to do.

I shall miss her. I have never taught at SMU without Beverly standing somewhere in the wings. I shall miss her wise counsel, but most of all I shall miss the opportunity to go into her office and laugh, behind closed doors, at the foibles of our male colleagues. She has, however, left me with eight well-qualified women who also have a sense of humor; maybe now there are enough of us to laugh together in public.

3. This experiment resulted in the publication of *CLINIC IN TRANSNATIONAL LEGAL COMMUNICATIONS* (1973).

4. In December 1984, Beverly Carl filed a class-action complaint with the U.S. Department of Labor against SMU for its alleged discriminatory hiring and treatment of women.

PROFESSOR BEVERLY CARL—A BRIEF APPRECIATION

by

*Professor H.J. Taubenfeld**

Professor Carl came to the SMU Law School after a distinguished career with the federal overseas agencies, having served in Brazil and in Africa. She lived and studied abroad as well and thereby added a much needed dimension to the international law faculty at SMU.¹

The Law School was already strong in public international law, international business, and comparative law. Yet Professor Carl looked at the international scene through the eyes of one with a special interest in the developing world, in its economic, legal, political and cultural development generally, and in doing business with those hundred-plus "less developed" nations.

Beverly Carl served as one of the early driving forces in creating an active Dallas Bar group working in the international arena.² She also maintained a special rapport with the large number of foreign lawyers who spend a year at SMU working for an LL.M. in American and Comparative Law, often becoming a bridge between that group and the Law School.

Professor Carl wrote prolifically in her fields. With her government experience as background, she provided early expertise in the development of current doctrines of sovereign immunity as the United States began to come to grips with its complex new Act.

In sum, whether focusing her attention on modernizing SMU's faculty retirement system, enriching the relationship between the Law School and the Dallas legal community, or explicating evolving U.S. policies and experience with the developing world, she added fresh dimensions to the international law arena at SMU.

Professor Carl has been a forceful and important colleague for all of us. We wish her well; we will miss her enthusiasm, her patience, her patient persistence, her broad competence, and her empathy with students, faculty, and staff.

* A.B., 1947, LL.B., 1948, Ph.D., 1958, Columbia University. Professor of Law, Southern Methodist University.

1. Professor Carl attended the National University of Chile Law School as a Fulbright Scholar, the Universities of Madrid and of Seville as a Del Amo Scholar, and the Hague Academy of International Law.

2. Beverly Carl is a past Chairman of the Texas State Bar Section of International Law, a past President of the Dallas International Lawyer's Association, and a past Vice-Chair of the American Bar Association Section of International Law.

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