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## Inter Alia

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## INTER ALIA

This issue concludes Volume 15—the largest volume in the history of the *Law Journal*. It is some fifteen per cent larger than Volume 14 which in its turn was a record-breaker. As the *Journal* grows in quality and prestige, more and more Articles by outstanding authors become available for publication and, combined with increased output of student material, swell the *Journal* to ever-increasing sizes. The upcoming Volume 16 will be no exception and is expected to be by far the largest in the *Journal's* history.

The first issue of Volume 16 will be a Labor Law Symposium with publication of leading speeches from the Southwestern Legal Foundation's Labor Law Institute held on the Law School campus on November 2-4, 1961. Included in the issue will be: Dean Russell Smith, The Question of "Arbitrability" (The Role of the Arbitrator and the Court); Prof. Alfred Blumrosen, Significant Supreme Court Decisions Affecting Labor Relations; Prof. Robbin W. Flemming, Duty to Bargain Under the Labor Management Relations Act; Hon. Frank W. McCulloch, New Problems in the Administration of the Labor Management Relations Act; Hon. Hobart Taylor, Jr., The President's Committee on Equal Employment Opportunity; T. C. Kammholz, Two Years With Section 8(b)(7); Lester Asher, Secondary Boycotts and Hot Cargo Clauses. These analyses of current issues in the law of labor relations are valuable contributions to the body of literature in the field.

The second issue will contain outstanding Articles by Prof. Julius Stone, former Texas Supreme Court Justice W. St. John Garwood, and Midland attorney Emil C. Rassman.

The Southwestern Legal Foundation will present Annual Institutes this Winter and Spring: Oil and Gas Taxation—Feb. 14-16; Economics of the Gas Industry—March 1-2; Wills and Probate—March 8-9; Criminal Investigation—April 9-11; Public Relations in the Oil Industry—April 18-20; and Eminent Domain—April 26-27. A short course on Labor Arbitration is being presented on Wednesday evenings from Jan. 24 through March 28.

In the Regional Moot Court Competition at the University of Oklahoma this past November, the SMU team won second place, losing to Tulsa in the final round. Research Editor C. Jack Pearce and Candidate Bill Boyd were members of the team. Candidate Marshall Martin was an alternate. Pearce was named outstanding speaker in the meet. At the National Competition in New York City, the team advanced to the quarter-finals before losing to Michigan. Pearce has also been named to the Justice Department Honors Program in the Anti-trust Division. Leading Articles Editor Hershel R. Payne has been awarded the Trower, Still & Keeling Grant of 500 pounds for one year's internship under Sir William G. Trower in his firm of solicitors in London, England. Frank W. Weathers, Jr., Business Manager of the *Journal*, has been awarded a 1,000 dollar scholarship for achieving the highest over-all average in his first two years in the Law School. The scholarship is awarded annually by Warlick Law, Inc., on behalf of the Dallas Bar Association. Weathers achieved his outstanding scholastic average in the Evening Division of the Law School while holding down a full-time job.

## LAWYERS, LEGISLATORS, AND THE LAW

Attorneys seeking legislative intent in Texas legislation often complain that they are thwarted because, unlike the Federal Congress, the Texas Legislature does not print the proceedings of its committees or the legislative debates. The only available record is supplied by the House Journal and the Senate Journal which preserve for posterity only vote results and legislation approved by a committee.

Many reasons have been given for this situation. It has been postulated that the legislators prefer not to have the record of what they have said available for later inspection. Others have said that what is said in the debates is not worth printing. Still others have pointed to the general lack of money as the cause. Whatever the reason may be, the question must be left to the political scientists. The important point to the Texas attorney is that he must turn to outside sources for any hint of legislative intent.

It is at this juncture that the Law Journals have been able to step partly into the breach. When a professor is the author of legislation, for example, his Article concerning the meaning of the enactment when published in a Law Journal may constitute the only recorded source of legislative intent. An example of this is the Texas Business Records Act, Tex. Rev. Civ. Stat. Ann. art. 3737e (1951), which was written by Prof. Roy R. Ray of this Law School. His Articles, Ray, Three New Rules of Evidence, 5 Sw. L.J. 381, 382-84 (1951), and Ray, Business Records—A Proposed Rule of Admissibility, 5 Sw. L.J. 33 (1951), are the attorney's only source of legislative intent.

A more recent example is the Texas Uniform Partnership Act,

Tex. Rev. Civ. Stat. Ann. art. 6132b (1961), adapted to the special Texas situation by Prof. Alan R. Bromberg of this Law School. The campaign for the adoption of the Uniform Partnership Act was initiated by Sher & Bromberg, Texas Partnership Law in the Twentieth Century—Why Texas Should Adopt the Uniform Partnership Act, 12 Sw. L.J. 263 (1958). The specific proposal was outlined in Bromberg, The Proposed Texas Uniform Partnership Act, 14 Sw. L.J. 437 (1960), and the few revisions made in passage of the Act by the Legislature were commented upon in the last issue. Bromberg, Texas Uniform Partnership Act—The Enacted Version, 15 Sw. L.J. 386 (1961).

In this issue the *Journal* is pleased to reproduce an unusual piece of legislative history. The Appendix to Wren, Recent Texas Statutes Affecting Estate Planning, 15 Sw. L.J. 479, 499-500 (1961), sets out a letter from L. H. Gross, President of the Guaranty Trust Company, Corpus Christi. This letter provides a rare description of the activities involved in obtaining passage of legislation through the Texas Legislature. The *Journal* feels that opportunities such as these are important contributions to that law which is "not in the books."

On the legislative front, however, the suggestion of MacCorkle & Smith, Texas Government 85 (4th ed. 1960), that all bills introduced be printed, seems quite valid. Moreover, contrary to the implication made in MacCorkle & Smith, *id.* at 55, only the bare results of committee action are printed. It would appear desirable to have *full* committee reports which could be printed in their entirety.