



1962

Dedication

Follow this and additional works at: <https://scholar.smu.edu/smulr>

Recommended Citation

Dedication, 16 Sw L.J. 549 (1962)

<https://scholar.smu.edu/smulr/vol16/iss3/10>

This Tribute is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

The Editors of the *Journal* are pleased to dedicate this issue to Dean Emeritus Charles Shirley Potts, of the Southern Methodist University School of Law, on his ninetieth birthday. Although the present staff did not have the opportunity to study under Dean Potts, his accomplishments are firmly embodied in and exemplified by the Law School as it stands today. We offer our congratulations, Dean Potts. May the forthcoming years bring you continued good health and happiness.

—*The Editors.*

A NINETIETH BIRTHDAY
DEDICATION
TO CHARLES SHIRLEY POTTS

A BIRTHDAY TRIBUTE

Dean Potts' ninetieth birthday is a fitting occasion on which the *Southwestern Law Journal* and the School of Law should call to the remembrance of the readers of this *Journal* the accomplishments of this man.

In the biography and tributes that follow the younger reader will gain some perspective of the scope of Dean Potts' work from his youth to today, but only those alumni of this Law School who were in attendance from its inception until Dean Potts' retirement have an appreciation of the monumental task he performed with the limited resources at his command. The stature of this institution today is in large measure due to the quality of the graduates he and his faculty turned out in that period, for those graduates have been at the bar sufficiently long to demonstrate the character and professional responsibility Dean Potts inculcated in them.

It is easy to develop excellence when one has ample resources with which to work, but to develop excellence with meager resources is a mark of a superb legal educator. Dean Potts is such a man and his record stands as a challenge to us all in our efforts to improve the legal profession.

*J. W. Riehm**

* Dean, School of Law, Southern Methodist University.

STATEMENT OF APPRECIATION

Dean Potts has enriched my life in many respects. My first acquaintance with him was in 1911 when I attempted to register in the University of Texas as a very green freshman. Although I graduated from a little country high school, it was not an accredited school. Armed with a few letters of recommendation, I was referred to Dean Potts, who, at the time, was in charge of registration of those who came from unaccredited schools or who did not have the required number of pre-university credits. He was most sympathetic and charitable. Finally he agreed to give me a chance with provisional admission. At that time I thought he was one of the greatest men in Texas. My opinion has not changed.

My next contact with Dr. Potts was as a law student for one year at the University of Texas. He was a faculty member, and even though I had no courses under him, our friendship steadily developed. When I was the state's attorney before the Court of Criminal Appeals, I found him to be very interested in the practical aspects of the trial and appeal of criminal cases. I admired his interest, his incisive mind, and his objective of not only teaching criminal law but of influencing its actual development in the courts. Later it was also my privilege to visit with him during my service as a Regent of the University of Texas.

My next relation with him was during the time he served as Dean of the Southern Methodist University Law School. Some of us in the Dallas Bar were tremendously interested in eliminating the substandard law schools in Dallas and supporting one good and accredited law school. Through the cooperation of Dean Potts and the Dallas Bar Association, the substandard law schools were eliminated and the Southern Methodist University Law School began to grow. In fact, during Dean Potts' tenure as Dean of the Law School it developed into a very fine law school and one which was respected not only by the lawyers of Dallas but was accredited by the American Bar Association and the Association of American Law Schools.

My final major contact with him was when I became his successor as Dean at Southern Methodist University. I talked with him at length before I accepted the responsibility of a "part-time" dean. He was most encouraging, charitable, and a devoted friend. When Dean Potts released his responsibility as Dean of the Law School after twenty-five years of loyal, efficient, and fruitful leadership, he continued his office in our Legal Center. Frequently I have conferred

with him about policy matters and he has always been cheerful, cooperative, and helpful.

Dean Potts is not only an inspiration to those like myself who are his devoted friends, but his influence upon the members of the Bar of Texas and other states has been immeasurable. The good Lord has been gracious to add two decades beyond the biblical "three score and ten" years to his useful life.

We salute you, Dean Potts, on your ninetieth birthday and trust that your remaining years will be pleasant, healthy, and challenging.

*Robert G. Storey**

ANECDOTES AS A STUDENT

When I was a freshman in the University of Texas Law School, Dean Potts was Professor of Criminal Law and Procedure. Having been a teacher of government before he became a professor of law, he brought to his work a broad background of history, philosophy, and clear sociological thinking which permeated his instruction.

He was an exacting taskmaster who had his students' learning and welfare at heart. He knew human nature and freshman law students so well that he was able to terrify them into studying from the first day forward. His tales of the high mortality rate in law school and of the difference between the academic and law schools were classics in themselves. Dean Potts held the premise that while none of his students were likely to be geniuses, each of them probably underestimated his own capacity. Thus he drove his students, while yet understanding them. I have never heard of a student who complained of having been dealt with unfairly.

In the spring, when the students became unusually listless and inattentive and his patience was exhausted by the fumbling recitation of a drowsy student, he would say: "I know it is spring and the sap is rising and a young man's fancy lightly turns, but, gentlemen, all that flossing around the campus is not going to get you by in my course."

Dean Potts' philosophy and dedication to high principles is demonstrated by an incident which occurred in his criminal law class. On this occasion he had as a guest speaker a lawyer then holding an impressive position. The attorney delivered a bombastic peroration on the techniques and strategy of defending a criminal. During the

* President, Southwestern Legal Foundation; formerly Dean, School of Law, Southern Methodist University.

course of the talk the lawyer said, "A person on trial, accused of a criminal offense, is not interested in the rules of law or the ethics of the lawyer representing him. He is interested in only one thing, and that is to go scot-free, and it is the lawyer's duty to get him acquitted with whatever means at hand he may employ."

Dean Potts' chagrin and embarrassment were obvious, and when the speaker had concluded his remarks and departed, Dean Potts spent the remainder of the period repudiating such statements. In doing so, he said,

I disagree completely with the speaker. There is not one rule of law for the guilty and another rule of law for the innocent. There is not one rule of law for the poor and another rule of law for the rich. There is no case, civil or criminal, that requires a lawyer to be dishonest or to resort to chicanery. He has a duty to his client, to be sure, but a higher duty to the court of which he is an officer and to his own conscience.

Time has demonstrated the depth and foresight of his concept of jurisprudence. While Dean Potts insisted on grounding his students in the law as it was in the statutes and cases, and that the "i's" should be dotted and the "t's" crossed, he never failed to instill in them an understanding of the law as a growing and humanly fallible body of rules, principles, and standards which had come into being from the "felt necessities of the time" and which must be improved and reformed in order to make them more realistically accomplish their human and moral purposes.

Forty years ago, in the first volume of the *Texas Law Review*, Dean Potts' article on "The Suspended Sentence and Adult Probation" revealed his farsighted grasp of criminal sociology and the law. He said (of the suspended sentence), "Perhaps the fundamental purpose is to save young persons and first offenders from the ignominy and disgrace and consequent loss of reputation and self-respect that come as an inevitable result of imprisonment." He then went on to point out where application of the law failed its purpose. And in the second volume, Dean Potts, in reviewing certain homicide decisions, stated unequivocally, "In the opinion of the present writer these decisions are wrong and will stand only until another case involving such a state of facts reaches the Court of Criminal Appeals." He never hesitated to set forth points where statutes or opinions were wrong, where they failed to carry out the fundamental purpose of the law. He never let his students forget that in the law, as in other things, man has not achieved divine perfection.

His belief in human fallibility was amusingly demonstrated in at least one instance of teacher-student relationship. A certain student

had been sufficiently terrified at the beginning of school to commit to memory the statutes, cases, and law review articles in the course. On the examination this student gave the correct answer to all the questions, citing the authorities supporting each answer. The quiz master took the examination paper to Dean Potts, who said, "Nobody's perfect. Knock off two points; give him ninety-eight!"

This good and great man, believing with Webster that "Justice is the great interest of man on earth," has contributed magnificently to the improvement of the administration of justice. His students will carry on.

*Joe E. Estes**

CHARLES SHIRLEY POTTS: A MEMOIR

It was only twenty-three years after the first settlers came to Parker County, Texas, and eight years before the coming of the railroad that, on 22 September 1872, Charles Shirley Potts was born on a farm five miles east of the townsite of Weatherford, Texas. His father was Charles Brooke Potts, an Englishman who had come to Texas a few years earlier and had married Elizabeth Matilda Shirley, a young girl of South Carolinian background. Ultimately this couple faced the frontier with a family of three daughters and five sons.

As they were for all on the frontier, times were hard for the Potts family. The memory of the 1871 Salt Creek Massacre, perpetrated by Santana and his Kiowa Indians in nearby Young County, was in the consciousness of all. Farming the dark gray, dry, and limestone-based soil of the upper Trinity Valley was a far different task from farming the lush meadows that Brooke Potts had known as a boy in England. The great watermelon industry of Parker County was still some thirty years in the future. To provide for his growing family, Brooke Potts was forced to spend more and more of his time in Weatherford practicing the trade of carriage-trimmer that he had learned before coming to America.

I. A SENSE OF DIRECTION

Young Charles had his early education at the hands of casual schoolteachers and his mother. Later he was enrolled in the Weatherford Institute, which had been founded in 1875 by the local Masonic lodge and which was being supported by nearby Methodist churches. Called for a time Cleveland College, in an outburst of Democratic

* United States District Judge, Northern District of Texas.

partisanship, the Institute was strengthened in 1889 with the coming of the principal teachers and some pupils from the suspended Methodist Granbury College in Hood County.

In 1890 or 1891 came the event which was to set the course of young Charles' life. Brooke Potts, still struggling to advance, acquired an interest in a drugstore at Whitt, Texas, a thriving community that had developed around a half-way stage stop between Weatherford and Jacksboro. After the family had moved to Whitt, Charles came under the influence of a remarkable man, a Professor Amos Bennett, who conducted in Whitt the Parker, or sometimes Parker County, Institute. With Methodist support, the Parker Institute offered to frontier youth a rigorous education in the classical pattern. Above all, Bennett was able to instill in his pupils a love of learning as a way of life.

For five years following his graduation from the Parker Institute in 1893, Charles taught in and near Parker County. For a time he operated a private school, and for a time he served as head of the remnants of Granbury College, still trying to operate under the old name in Hood County. In some of these ventures he was associated with his 1893 classmate from the Parker Institute, Jefferson Davis Sandefer, who went on to become the long-time (1909-1940) president of Simmons College, later Simmons University, and finally Hardin-Simmons University.

In 1898, Charles answered the call of more learning. Obtaining a teaching job nearby, he enrolled in the University of Texas. In 1900-01 he was principal of the Austin High School. In 1902 he was graduated from the University with the degrees of Bachelor of Arts and Master of Arts. During the period of Charles' residence at the University, the Dean of the College was David Franklin Houston, later to achieve fame as a member of Woodrow Wilson's war cabinet. At the time of Charles' graduation from the University in 1902, Houston was elected President of the Agricultural and Mechanical College at College Station. Almost his first official act was to appoint Charles Potts assistant professor of economics and history at College Station. For Charles there followed years of effort to strengthen the liberal arts tradition in an environment which at times tended to move in other directions.

An interesting sidelight was manifested when, shortly after Charles' move to the A & M College, he brought two of his brothers, Arthur and Robert, to the college as students. Each completed the course with distinction, and each was immediately appointed to the

faculty. For a time the College was in the unusual situation of having three brothers on the faculty in three different departments. Arthur, a horticulturist, went on to pioneer citrus growing in the lower Rio Grande Valley. Robert, an engineer, began a crusade which earned for him the title of "father" of good roads in Texas and resulted in a lengthy association with the Texas Highway Commission, where he was able to put his ideas in practice.

II. LAWYER AND LAW TEACHER

After five years at College Station, Charles again answered the call of more education and applied for admission to the Law School of the University of Texas. David Houston, who had returned to the University as President in 1905, found him a place on the campus, and Charles began his law studies in 1907. Upon his graduation with distinction in 1909, he was appointed to the University faculty as adjunct professor of law and government. This event marked the beginning of the school or department of government at Austin. In 1911 he was promoted to associate professor of government, and in 1914 he was promoted to a full professorship, this time in law and government, and was given the additional title of assistant dean of the Law School. In the ensuing seven years he was able to perform many of the duties of the then-aging Dean John C. Townes.

In 1916, most fortunately, Charles was wise enough to relax from the pursuit of learning long enough to court and to marry Ada, the daughter of George P. Garrison, late professor of history at the University.

In 1921, Charles was relieved of his rag-bag of titles and duties and was appointed simply "Professor of Law." About this time, he was launched into a new project. For years some of the faculty of the Law School had wished for the establishment at the University of a law review patterned after that of Harvard but had been informed that the state of the budget made such a thing an impossible luxury. In 1920 Potts and his younger colleague, Leon Green, decided to do something about it. A plan was devised by which an endowment of \$25,000 would be raised by selling \$50 shares in a nonprofit corporation to five hundred lawyers who would receive in return only a free subscription to the journal. A campaign of letter writing was begun. When a favorable response appeared probable, a committee was formed with Green as chairman and Ira Hildebrand added as a third member, and a systematic assault upon the members of the State Bar Association was begun. The campaign was successful,

and in 1922 the Dallas Journal greeted the new *Texas Law Review* as a "servant not only of the legal fraternity, but of the people of Texas and of society and good government." Green became secretary of the corporation and Potts the chairman of the editorial board, a position he held as long as he was at the University.

In 1925, in a period of some turmoil in the Law School, Potts gave effect to a long-expressed desire to pursue graduate law studies at Harvard. Resigning from the University, he was appointed Thayer Teaching Fellow in the Harvard Law School. Moving his family to Cambridge, he began and completed the work for the S.J.D. degree in one year and was graduated in 1926. With Roscoe Pound at Harvard he established an unusual rapport. While this was due in part to the fact that Charles' training in the social sciences made him unusually receptive to Pound's ideas of law administration and law reform, the close relationship appears to have rested upon the close parallel of Potts' early experiences in Parker County, Texas, with those of Pound in frontier Lancaster County, Nebraska. Also while at Harvard, Potts was greatly impressed by the ability and learning of Felix Frankfurter and remained thereafter one of Frankfurter's staunchest supporters. The influence of Frankfurter appears most strongly in an article published by Potts in 1926 dealing with congressional investigations.

Following his graduation from Harvard, Potts was appointed professor in the Washington University School of Law in St. Louis and was named as faculty editor of that school's law review.

III. SOUTHERN METHODIST UNIVERSITY

In 1924 the trustees of Southern Methodist University had decided to open a law school, and Joseph Cockrell, a member of the Dallas Bar and chairman of the University's Board of Trustees, was named acting dean. William Alexander Rhea was brought from the faculty of the University of Texas in 1925, and he in turn brought Robert B. Holland, a recent graduate of that law school. In 1925-26 the first year of instruction was offered. In 1926 a full-time dean was appointed. Hobert Price, of the Dallas Bar, was appointed a part-time lecturer in Texas pleading and practice, and a second year of instruction was offered. In 1926-27 disaster struck; the new dean resigned, and Professor Harvey Guice of the School of Government, a graduate of the University of Chicago Law School, was impressed to get the school through its second year. In 1927, at the urging of Alec Rhea, the University named Charles Potts as the dean of the

school. Potts brought in Arthur Harding from the University of Michigan, and the first faculty of the School of Law was complete. The first class was graduated in June of 1928. Thereafter the history of the S.M.U. Law School was the history of Dean Potts.

The following years were lean and hungry. Both Potts and Rhea insisted that the school must maintain high standards of both admission and graduation, and they resisted all pressures for relaxation. Enrollments were small and the faculty were overworked and underpaid, but the dean asserted a leadership that made it all bearable and inspired teachers and students to greater and more productive efforts.

In 1937-38 occurred an event significant in the history of legal education. The rapidly increasing white-collar population of Dallas had created a substantial demand for part-time or evening legal education. Eventually three law schools were in operation to meet this demand. Disturbed because none of these schools indicated a desire to bring itself to the minimum standards of the American Bar Association, a committee of the Dallas Bar appealed to Dean Potts for assistance. It was agreed by all that Dallas required part-time legal education. The plan agreed upon was that Southern Methodist University would take over what was found to be the best of the three schools, would bring it immediately to S.M.U. standards, and would continue to offer part-time instruction. The Dallas School of Law, operated at the downtown Y.M.C.A., was selected for merger and agreed to the plan. Because the retention of students currently enrolled in the Dallas School of Law would involve technical and temporary violation of the standards of the American Bar Association and of the Association of American Law Schools, to which the S.M.U. school had been elected shortly after Dean Pott's appointment, those two bodies were brought into the discussions, and a program of action acceptable to all was put into operation. By coincidence, the chairman of the American Bar Association's Section on Legal Education, which monitored the plan, was Robert G. Storey of Dallas, who ten years later would succeed Potts as dean. The plan as agreed upon furnished the pattern for similar action in other cities.

One of the conditions of the merger plan was that the day and evening divisions were to be consolidated at a single location at the end of two years. Happily, Potts' insistence that this be on the main campus of the University prevailed.

World War II followed hard upon the completion of the merger plan. Although the student body dwindled almost to zero, the University decided to maintain the Law School in operation. This the

dean undertook to do. Only one regular faculty member, Clyde Emery, who had come from the Baylor Law School in 1938, remained with him during the war period. Alec Rhea had died in 1941. But with the aid of short-term appointees and a number of valuable volunteers from the Dallas Bar, the school continued its operation. When the dean reached the then mandatory retirement age of 70 in 1942, he agreed to remain for the duration. His final service was to assemble a faculty to care for the returning flood of war veterans in 1946. In March of 1947, in his seventy-fifth year, he turned the administration of the Law School over to Robert G. Storey and again sought to retire. At Dean Storey's insistent request, he taught his course in Constitutional Law for an additional two semesters.

Retirement from the University was not to be retirement from professional life. Will Wilson, then District Attorney of Dallas County and a former student under Dean Potts, persuaded him to accept appointment as an assistant district attorney, to counsel less experienced assistants engaged in the trial of cases, and to brief and occasionally to argue cases in the Texas Court of Criminal Appeals. Under this arrangement, aided by appellate briefs of genuine scholarship, Wilson compiled a remarkable record of affirmances from Dallas County. Mr. Potts continued to serve under District Attorney Henry Wade, upon Wilson's elevation to the Supreme Court of Texas, until the toll of increasing years moved him to request relief.

Retirement from active professional life did not mark the end of Potts' professional life. He continued, and still continues, to visit his office at the Law School and to keep up with his reading and some correspondence.

Charles Potts has made substantial contributions to his profession and his state through membership in academic and professional organizations. While at the University of Texas he was elected to the Delta Chi fraternity, and after coming to Southern Methodist University he was initiated into the Phi Alpha Delta legal fraternity. When Phi Beta Kappa established its Texas Alpha chapter at Austin in 1905, Potts was immediately elected to alumnus membership, a quite unusual honor for one graduated only three years earlier. His devotion to the purposes of the society has continued through his lifetime.

He has been for many years an active member of the American Bar Association, the State Bar of Texas and its predecessor Texas State Bar Association, and the Dallas Bar Association, working faithfully on the committees of these organizations. He has participated ac-

tively in the American Political Science Association, the Southwestern Social Science Association, which he served as president in 1934-35, and the Philosophical Society of Texas, which he also served as president in 1937. He was president of the Texas State Conference on Social Welfare from 1910 to 1915.

His public service likewise has included service as regional director of the United States Attorney General's Survey of Release Procedures in 1936-37, and as compliance commissioner for the eighth region of the War Production Board from 1942 to 1945.

IV. LAW REFORMER

Dean Potts published three books during his active career. In 1909, the year of his graduation from Law School, he brought out the authoritative *Railway Transportation in Texas*. In 1912 he joined with Professors Eugene C. Barber and Charles W. Ramsdell in the publication of *A School History of Texas*. In 1921 he brought out *Cases on Criminal Procedure*, designed for his students at the University of Texas but also widely used in other schools in the state.

His real written contributions to learning are to be found in the law reviews. Throughout his law school career he sought to impress on others and particularly younger law teachers that their professional obligations included the preparation and publication of at least one first-class article per year. This article was not to be concerned merely with analysis and exposition of the law but should be directed toward law reform or the improvement of law administration. Unfortunately, only Potts seemed to have the vigor required to sustain such a program. His interests in reform and improvement were varied, but his work was uniformly profound and persuasive. For many of these articles the people of Texas are greatly indebted. Space does not permit detailing all of them here, but some must be mentioned.

As a member of the faculty of the University of Texas, Professor Potts was more than ordinarily interested in the impeachment of Governor James E. Ferguson in 1917. He was able to supply valuable counsel to those concerned in the proceedings and did so. On the basis of this experience and further study he published in 1926 an exhaustive study of the applicable law. This publication established him nationally as an authority in a most unusual specialty and resulted in his being retained as counsel by the managers of several out-of-state impeachments.

In the late 1920's and early 1930's, Professor E. M. Borchard of the Yale Law School was conducting his successful, almost one-man

campaign for the enactment of a declaratory judgment statute by the Congress and the legislatures of the eastern states. Noting this, and realizing the social value of the proposed legislation, Potts started his own one-man campaign in Texas in 1931. This was continued intermittently, and Dean Potts can claim a good deal of credit for the enactment of the Texas statute in 1943. The enactment was followed by an article suggesting possible uses of the legislation.

Dean Potts is proud of his profession and is grieved by the conduct of those lawyers whose professional ideals fall far short of his own. The cumbersome disbarment procedure of Texas, with its highly unusual jury trial provision, was the subject of a continuing attack in articles raising serious questions not yet satisfactorily answered.

Dean Potts' real cause is that of the reform of criminal law, criminal procedure, probation procedures, and penal administration. His writing in this field began in 1910 and continued throughout his professional career. A most persuasive presentation was made in a series of articles entitled "Criminal Law: What's Wrong with It," appearing in the Dallas Morning News from 26 December 1928 to 9 January 1929 and later reprinted and given wide distribution in pamphlet form. His most recent writing is to be found in a series of articles arising from his experiences in the District Attorney's office. A good many of the changes suggested are to be found in the proposed revision of the Code of Criminal Procedure, scheduled to go before the 1963 Texas Legislature, although Dean Potts would have added many more had he been charged with the drafting.

The long series of articles appended to this Memoir reflect a keen and inquiring mind, alert to the frictions and malfunctions of the legal institution in its social setting, desiring above all else to bring to his fellow Texans the ultimate benefits of the rule of law.

V. A GRACIOUS LIFE

And so is brought to date the still-continuing story of a quiet and unassuming gentleman who has never deviated from the quest for knowledge begun over seventy years ago on the Texas frontier. He has sought in all events to fire young men with the same ideals of justice and good order which have guided his own life.

Today he lives in quiet retirement with his wife Ada in his home a short distance from the University where his career reached its greatest height. Their daughter Mary Ann, now Mrs. Francis K. Allan of Dallas, was graduated with honors from Southern Methodist

University in 1940 and later received the Master of Arts degree from Columbia University. Their son, George Garrison Potts, an Army Air Forces pilot in World War II, completed his law studies in 1947 and is practicing his profession with marked success. The family circle has been enlarged to include four grandsons and one granddaughter. Peace and contentment prevail.

*Arthur L. Harding**

* Professor of Law, Southern Methodist University.

Appendix

Below in chronological order are the principal legal writings of Charles S. Potts. The list is not complete but is believed to include all articles published in legal periodicals in addition to all those referred to in the text. It does not include articles appearing in newspapers or in economic, historical, political science, or literary journals. Dean Potts was also a frequent writer of book reviews and, not uncommonly, used these reviews as vehicles for the expression of ideas of his own.

Crime and the Treatment of the Criminal, Bull. Univ. of Texas No. 146, Humanistic Ser. No. 8 (1910).

Some Practical Problems of Prison Reform, Bull. Univ. of Texas No. 162, Humanistic Ser. No. 10 (1910).

The Suspended Sentence and Adult Probation, 1 Texas L. Rev. 189 (1923).

Unification of the Judiciary; A Record of Progress, 2 Texas L. Rev. 445 (1924), 8 J. Am. Jud. Soc'y 85 (1924).

Power of Legislative Bodies to Punish for Contempt, 74 U. Pa. L. Rev. 691, 780 (1926).

Abolition of the Electoral College, 7 Sw. Pol. & Soc. Sci. Q. 253 (1926).

Due Process in Local Assessments, 12 A.B.A.J. 457 (1926).

Impeachment as a Remedy, 12 St. Louis L. Rev. 15 (1926).

St. Louis Bar Honors Judge Sanborn, 12 St. Louis L. Rev. 244 (1927).

Unmerited Criticism of the Federal Supreme Court, 12 St. Louis L. Rev. 118 (1927).

The Need for a Simplified Form of Indictment, 12 St. Louis L. Rev. 281 (1927).

Criminal Law: What's Wrong With It, Dallas Morning News, 26 Dec. 1928 to 9 Jan. 1929.

The Declaratory Judgment, 9 Texas L. Rev. 172 (1931).

The Declaratory Judgment, 50 Proc. Texas B.A. 65 (1931).

Trial by Jury in Disbarment Proceedings, 11 Texas L. Rev. 28 (1932).

Inadequacy of Disbarment Machinery: Houtchens v. State, 12 Texas L. Rev. 127 (1934).

Federal Declaratory Judgment Act Upheld, 16 Texas L. Rev. 220 (1938).

Speeding Criminal Appeals, 18 Texas L. Rev. 249 (1940) (an extended book review).

The Citizen's Redress for Wrongs Committed by the State, 19 Texas L. Rev. 168 (1941).

Majority Verdicts for Texas? Yes, 6 Texas B.J. 119 (1943).

Early Criminal Law in Texas: From Civil Law to Common Law, to Code, 21 Texas L. Rev. 394 (1943).

- The Declaratory Judgment*, 28 J. Am. Jud. Soc'y 82 (1944).
Some Practical Uses of the Declaratory Judgment Law, 22 Texas L. Rev. 309 (1944).
New Rules of Criminal Procedure—A Suggestion, 23 Texas L. Rev. 215 (1945).
Disbarment Procedure, 24 Texas L. Rev. 161 (1946).
Criminal Procedure From Arrest to Appeal: A Book Review, 26 Texas L. Rev. 607 (1948).
Texas Bar Seeks Improvement in Criminal Procedure, 31 J. Am. Jud. Soc'y 145 (1948).
The Law of Arrest, 1 Baylor L. Rev. 397 (1949).
Waiver of Indictment in Felony Cases, 3 Sw. L.J. 437 (1949).
Disbarment, 13 Texas B.J. 543 (1950).
Right of Counsel in Criminal Cases: Legal Aid or Public Defender, 28 Texas L. Rev. 491 (1950).
Preliminary Examination and "The Third Degree," 2 Baylor L. Rev. 131 (1950).
Suggested Changes in Our Criminal Procedure, 4 Sw. L.J. 437 (1950).