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### On the Record: A Magazine for Graduates

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St. Mary's  
University  
School of Law

A Magazine  
for Graduates

# On the Record

The Moderate  
Rehnquist

6

Hiring in the '90s:  
What's the Outlook?

12

Alumnæ/i  
News

22

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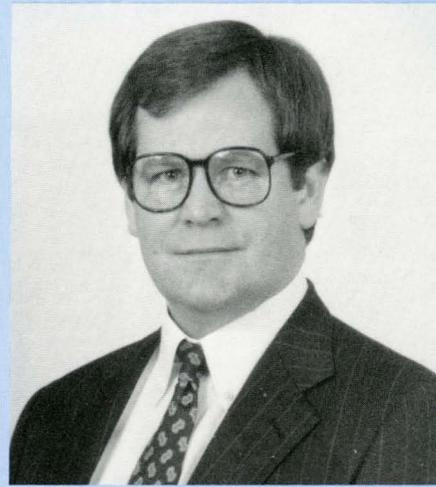
Summer 1993



St. Mary's Students  
Lend a Hand



BARBARA BADER ALDAVE  
DEAN AND PROFESSOR  
ST. MARY'S UNIVERSITY SCHOOL OF LAW



WILLIAM R. CROW, JR.  
PRESIDENT  
ST. MARY'S UNIVERSITY LAW ALUMNI ASSOCIATION

I am pleased and proud to introduce this inaugural issue of *On the Record*, the new magazine for graduates of St. Mary's University School of Law. From cover to cover, the magazine is primarily the work of Elise D. García, the Law School's multi-talented Director of Communications and Development. In the future the magazine will be published, and sent to you and other alumnae/i and friends of St. Mary's, twice each year.

Once you have caught up on the campus news, digested the feature articles, read about your classmates' and professors' achievements, and browsed through the entire magazine, I invite you to write to us. Although we always are delighted to accept any compliments that come our way, we also pay close attention to the criticisms and suggestions that we receive. We are especially interested in learning what you are doing, and what you believe should be happening (or should not be happening) at your *alma mater*.

We plan to include some "Letters to the Editor" in future issues of *On the Record*. So please let us know what you think—about the magazine, about the Law School, or about the world. We look forward to hearing from you.

*Barbara Bader Aldave*

It gives me great pleasure to invite each of you to savor this inaugural issue of *On the Record*. This innovative publication for the graduates of St. Mary's University School of Law provides a new vehicle for each of you to receive valuable information about the School of Law and contemporary legal issues, and to communicate your own points of view on issues of significance to law students and practicing attorneys in our ever-changing world. Whether you wish to contribute an article on a topic of interest, express your opinion on a vital issue, or let us know what you and your contemporaries are doing—we enthusiastically welcome your involvement and participation.

On behalf of the Board of Directors of the St. Mary's University Law Alumni Association, I am honored to be a part of this first issue of what I hope will become a permanent medium of communication for the School of Law. Our objective is to renew the lines of communication with so many of you who have been longtime and enduring friends of the School of Law and, even more importantly, to open the lines of communication with those of you who may have lost your sense of identity with St. Mary's.

With this significant new publication, I invite each of you to go "on the record" with your thoughts and ruminations about St. Mary's University School of Law, and life beyond. Let us hear from you soon.

*Bill Crow*

# ST. MARY'S UNIVERSITY SCHOOL OF LAW A MAGAZINE FOR GRADUATES

## Features



The Moderate Rehnquist  
by *Professor Vincent R. Johnson*

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Hiring in the '90s:  
What's the Outlook?  
by *Associate Dean Mary Brennan Stich*

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St. Mary's University School of Law was founded in 1927 in San Antonio, Texas, by the San Antonio Bar Association. Seven years later, the Law School was accepted as part of St. Mary's University, an independent Catholic institution founded in 1852 by four Brothers of the Society of Mary.

St. Mary's University seeks to give its students the knowledge and the attributes of mind and character essential to the effective rendition of public service in one of the learned professions. The Law School seeks to impart to its students a clear understanding of the true function and aim of the legal system—the attainment of justice.

St. Mary's University School of Law was approved by the American Bar Association in 1948. It was admitted to membership in the Association of American Law Schools in 1949.

Enrollment is limited to approximately 700 students.

*On the Record*, a magazine for alumnae/i and friends of St. Mary's University School of Law, is published semiannually by the School of Law.

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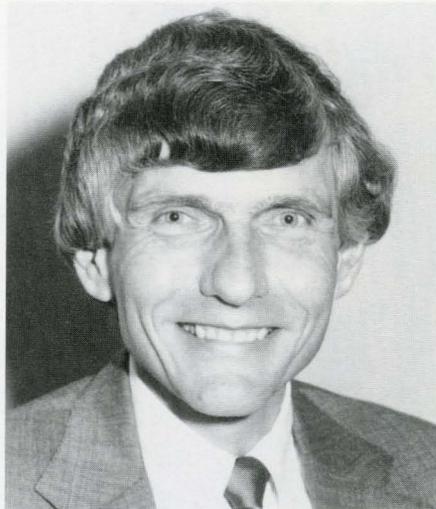
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**On the Cover:** ST. MARY'S LAW STUDENTS GET DOWN TO BASICS, HELPING TO BUILD A HOUSE FOR A LOW-INCOME FAMILY.

**Cover Photo:** J. Scott Schrader

## Professor Gerald S. Reamey Named Associate Dean for Academic Affairs

Professor Gerald S. Reamey recently was named Associate Dean for Academic Affairs by Dean Barbara Bader Aldave. Professor Reamey will assume the position on June 1, 1993, when Associate Dean David Dittfurth steps down in order to resume full-time teaching, after four years of outstanding service in the administration of the Law School. "David has brought tremendous energy, talent, and commitment to the performance of his tasks as Associate Dean," said Dean Aldave. "It would be difficult to exaggerate how much his support has meant to me, or how much he has contributed to the School of Law."



GERALD S. REAMEY

**"I'm convinced that the Law School is a rising star in American legal education, and it's exciting to be a part of that growth in a role that is new and challenging for me."**



further develop and extend these ties, to bring our academic community even closer together. I'm convinced that the Law School is a rising star in American legal education, and it's exciting to be a part of that growth in a role that is new and challenging for me."

Professor Reamey was the co-founder and is the Associate Director of the St. Mary's Institute on World Legal Problems at Innsbruck, Austria. He is the author of a treatise on Texas criminal law, and the coauthor of a casebook on Texas criminal procedure. He also has written numerous articles on criminal law and is in great demand as a guest lecturer on the subject. Professor Reamey received his undergraduate degree from Trinity University and earned both his J.D. (in 1976) and LL.M. (in 1982) from Southern Methodist University. He lives in San Antonio with his wife, Kay, and 10-year-old daughter, Anne.

## St. Mary's Students Establish Public Interest Law Association

Earlier this year, more than sixty St. Mary's students attended the inaugural meeting of a new campus organization dedicated to promoting public service and careers in public-interest law. According to Connie Liem (2L), Program Director of the Public Interest Law Association (PILA), one of the goals of the organization is "to instill community values in students and give them a social consciousness that will encourage them to pursue public-service-oriented jobs."

The Association plans to conduct a series of fund-raising activities in order to provide stipends to St. Mary's students who accept public-interest employment during the summer. PILA members also hope to establish a loan-repayment fund that will help debt-burdened graduates who choose public-interest careers.



DAVID A. DITTFURTH

Although he will be missed by his colleagues in the Administration, Dean Dittfurth's friends on the faculty and in the student body are delighted to welcome back

to full-time teaching one of the Law School's most popular professors.

Professor Reamey, an expert in criminal law, joined the St. Mary's faculty in 1982 following several years of private practice. He teaches criminal law and procedure, comparative procedure, jurisprudence, and international human rights. In 1992, he was awarded the Distinguished Faculty Award by the St. Mary's University Alumni Association.

"I have always enjoyed close association with students and alumnae/i, colleagues on the faculty, and our school's administration and staff," says Professor Reamey. "As Associate Dean, I hope to



ASSOCIATE DEAN YVONNE CHERENA PACHECO WELCOMES PROSPECTIVE LAW STUDENTS TO ST. MARY'S FIRST "OPEN HOUSE."

## St. Mary's Hosts First Open House For Law School Applicants

On January 23, more than 200 prospective students, most from Texas but some from out of state, attended the first "Day-in-the-Life-of-a-Law-Student" Open House ever held by St. Mary's University School of Law. The Open House was sponsored by the Admissions Office of the Law School in order to answer questions and provide guidance for men and women seeking information about the law-school experience.

The daylong event was coordinated by Yvonne Cherena Pacheco, Associate Dean for Enrollment Management, with the help of Catherine L. Mery, Admissions Officer, and Diane Mendoza, Secretary. A number of professors and law students participated in the program, which included demonstration classes and presentations on financial aid and career services. During the lunch break, student representatives offered their perspectives on life in a law school, and provided tours of the St. Mary's campus. The response to the Open House was overwhelmingly positive. "Wonderful experience!" wrote one of the attendees in the evaluation form that she submitted at the end of the day. "Excellent program: make it available on an annual basis," wrote another. In fact, Dean Cherena Pacheco and the staff of the Admissions Office are planning to hold two open houses each year. The next one is scheduled for October 1993.



PROSPECTIVE STUDENTS SAMPLE THE LAW-SCHOOL EXPERIENCE IN DEMONSTRATION CLASSES AT ST. MARY'S.

## "Day-in-the-Life" Series Provides the Real Picture of Practicing Law

Last fall, the St. Mary's Office of Career Services launched a "Day-in-the-Life-of-a-Lawyer" series of lunchtime conversations about the practice of law. The program, held over a period of several weeks, brought a number of San Antonio practitioners to the Atrium of the Law Administration Building to meet with St. Mary's law students and to describe to them what it is like to be a tax specialist, or a public defender, or a corporate attorney, or an immigration lawyer.

Among the St. Mary's law graduates who participated in the volunteer program were Judith Castro ('81), Merrie Moore Cavanaugh ('84), Nelson Clare ('72), Kathy Compton ('85), Bill Crow ('78), Tom Giltner ('86), Fred Jones ('79), Mary Q. Kelly ('74), Richard Noll ('72), Ed Shaughnessy ('81), Mark Stevens ('79), and Alejandra Villarreal ('79).

## APPLICATIONS TO ST. MARY'S UP DESPITE NATIONAL AND REGIONAL TRENDS

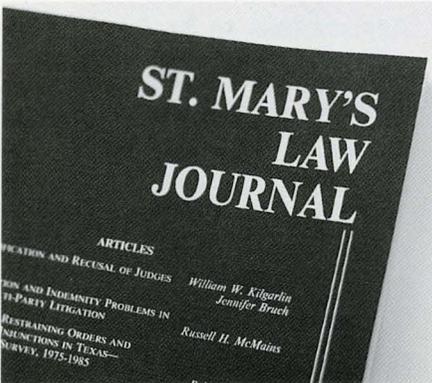
Even though the number of applications to law schools in nearly every region of the country is falling, St. Mary's University School of Law continues to enjoy a significant increase in the number of applications it receives.

According to the *Law Services Report* of the Law School Admission Council/Law School Admission Services, applications to law schools in the South Central region (Texas, Oklahoma, Arkansas, and Louisiana) were down by 22.6 percent from 1991 to 1992. At St. Mary's, however, applications increased by 19 percent during the same period, from 1,800 applications in 1991 to 2,140 applications in 1992. To date, the number of applications to St. Mary's for the 1993 entering class is running ahead of the number received last year.

## St. Mary's Law Journal: "Most-Cited" Law Review in Texas!

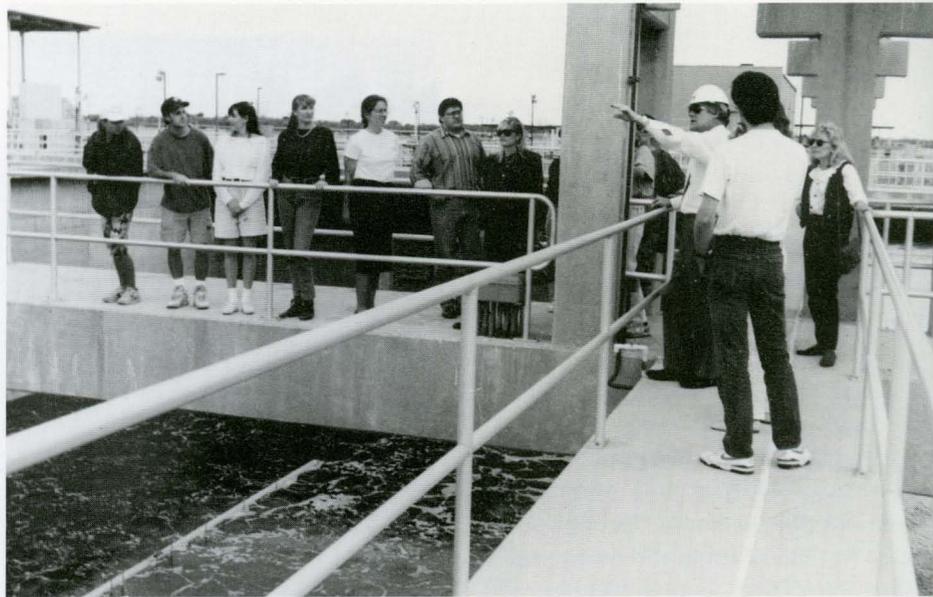
In a recent article, the *Texas Bar Journal* reported that the *St. Mary's Law Journal* was the most-cited law review in Texas.

"While many of the figures [in a study conducted by Laura Justiss of Mead Data] confirm widely held beliefs, there are one or two surprises," the authors of the article wrote. "Perhaps the biggest surprise is the overall 'winner' in the combined total number of federal and Texas appeals court citations to articles produced during a 20-year period (1970-89) in the state's 'front line' law reviews: the *St. Mary's Law Journal*."



According to the article, the *St. Mary's Law Journal* "barely nudges out the venerable *Texas Law Review* for the number one position. The *St. Mary's Law Journal's* strength is also reflected in its strong first place ranking in citations by state judges over the same 20-year period."

The authors' conclusion? "The *St. Mary's Law Journal* looks like a good buy for any Texas law office."



ENVIRONMENTAL LAW STUDENTS TOUR A LOCAL SEWAGE-TREATMENT PLANT.

## New! Environmental Law Internships

More than a dozen *St. Mary's* law students are enrolled in a new Environmental Law Practicum taught by Associate Professor Diana Borden. While engaged in traditional academic pursuits in the classroom, the students also are participating in environmental internships in San Antonio and Austin for a minimum of ten hours of work per week.

Professor Borden arranged many of the placements, but some of the students found their own opportunities, and the Environmental Law Society worked hard last fall to develop leads for possible placements. As a result, *St. Mary's* students are now working at the Texas Water Commission (San Antonio), the Texas Air Control Board (Austin), the San Antonio City Attorney's Office, Kelly Air Force Base (San Antonio), the Environmental Defense Fund (Austin), the Sierra Club (Austin), the Texas Nature Conservancy (San Antonio), and the Environmental Protection Division of the Texas Attorney General's Office (Austin).

"I believe that this is a good example of the Law School's responding to the expressed interests and needs of the students, and its building of bridges between the academic experience and professional life," said Professor Borden. The aim of the program, according to Professor Borden, is "to give students practical know-how and related substantive training in the classroom, and to help them develop contacts for future employment."

# CONGRATULATIONS!

We salute the following members of the  
St. Mary's University School of Law  
Class of 1993:

Paul K. Abokhair  
Amy Ann Ahrens  
Brad S. Akin  
Virginia J. Aranda  
M. Winnfield Atkins, IV  
Daryl Rogers Atkinson  
Cecil William Bain, III  
Carrie Anna Alexander Baker  
Kim Jones Baker  
Mark Edward Bardwil  
Mary Ann Bashour  
Shena Ann Bassett  
Julie Carol Bauknight  
William Thomas Bayern  
Seana Michael Beckerman  
Mary Anne Belan  
Sean Curran Bell  
Phil Alan Bellamy  
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Donald Thomas Brennan  
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Deborah E. Brown  
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Laura Naumann Heller  
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Tres Scott Hewell  
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Craig T. Jordan  
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Alexander Lawrence Katzman  
Leah Bumpus Kauffman  
Jeff D. Kelley  
Jennifer Anne Kinder  
Patricia Brown Klenk  
Robert Arthur Kline  
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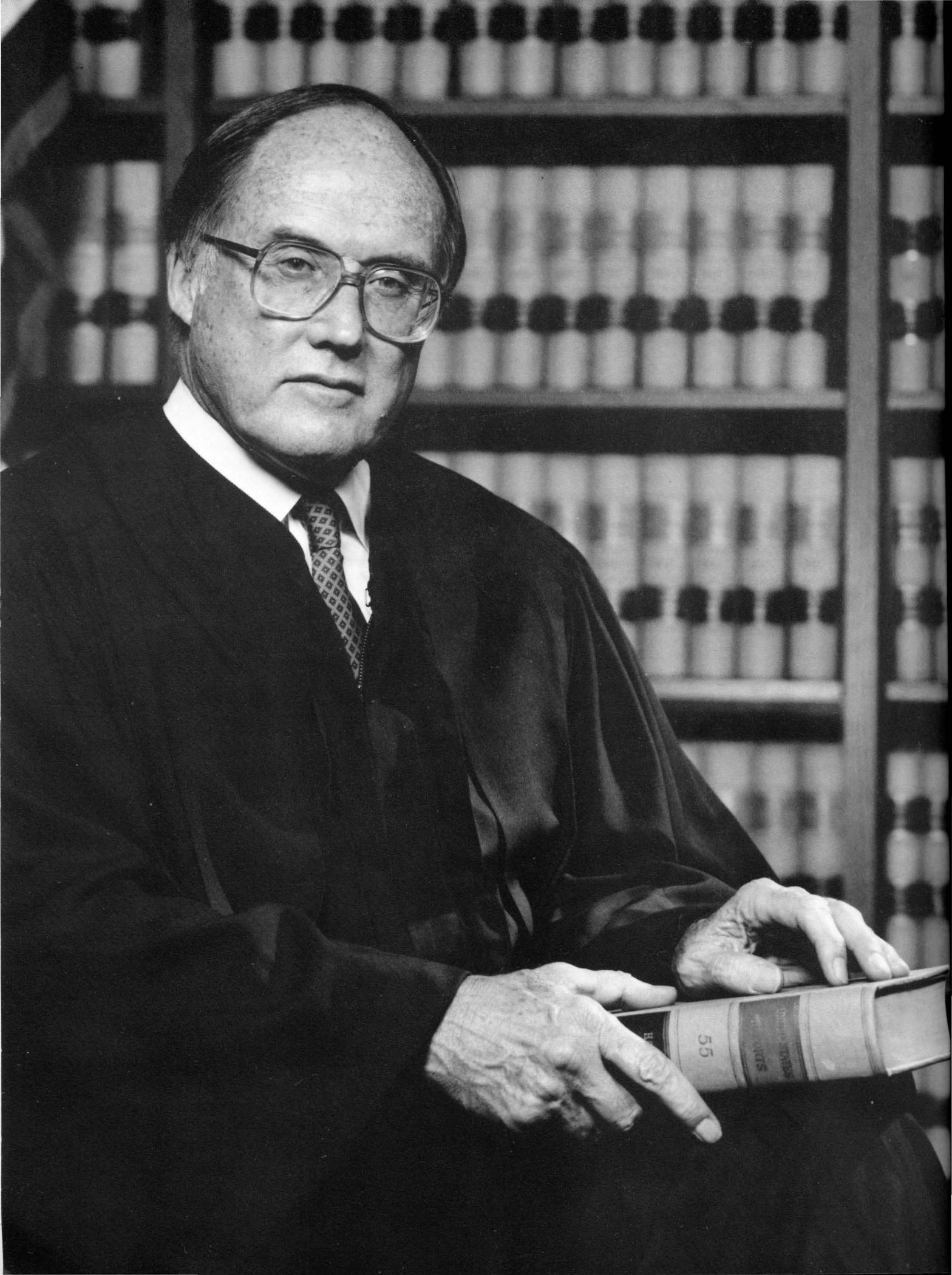
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Lucas Christopher Wilson  
Madeline Elizabeth Wilson  
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Jared Ryker Woodfill, V  
Melissa A. Young  
Jacqueline Zambrano





# THE MODERATE REHNQUIST

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*by Professor Vincent R. Johnson*

**I**n 1986, at the time of his nomination for elevation to Chief Justice, William Hubbs Rehnquist was arguably the most controversial jurist in the country. Following his appointment to the Court by President Richard Nixon in 1971, Justice Rehnquist had staked out a position at the far right end of the political spectrum. Over the next fifteen years, the Rehnquist name became both a rallying cry for those who sought to bring conservative values to the federal judiciary, and a call to arms for those who wished to preserve the liberal legacy of Earl Warren, William Brennan, and Thurgood Marshall.

The Senate debate over whether William Rehnquist was fit to lead the nation's highest court was partisan and bitter. In the end, it was not surprising that the Republican-dominated Senate endorsed President Ronald Reagan's bold move to make then-Associate Justice Rehnquist the Sixteenth Chief Justice of the United States. However, the nominee received more votes against his confirmation than any person previously confirmed to the Court. And it is easy to wonder whether the outcome would have been different if the vote had been taken just a few months later, after the Democratic Party had recaptured the Senate in the November 1986 elections.

## THE EVOLUTION OF A JUSTICE

Some court observers have argued that since accepting the Supreme Court mantle of *primus inter pares*, Chief Justice Rehnquist has moved closer to the center of the political spectrum. According to this view, which seems to surface periodically, the Chief Justice increasingly is more interested in forging majorities than in defining the conservative viewpoint. This means that conservative principles occasionally must be sacrificed for the greater good of enabling the Court to speak with a clear voice. Adherents of this view argue that the Chief Justice now recognizes that it is his responsibility to lead the Court.

This thesis concerning what some perceive, and others dispute, as the professional evolution of a member of the high court is interesting, and it has respectable antecedents. Supreme Court buffs love to recount the stories demonstrating the unpredictability of Presidential appointments. Felix Frankfurter and Byron White, nominees of liberal Democratic Presidents (Franklin Roosevelt and John Kennedy, respectively), matured into dependable conservative votes. Harry Blackmun, appointed as a “law-and-order conservative” by President Nixon, metamorphosed into a leading liberal, following in the tradition of Chief Justice Warren and Justice Brennan, both of whom were appointed by conservative Dwight Eisenhower.

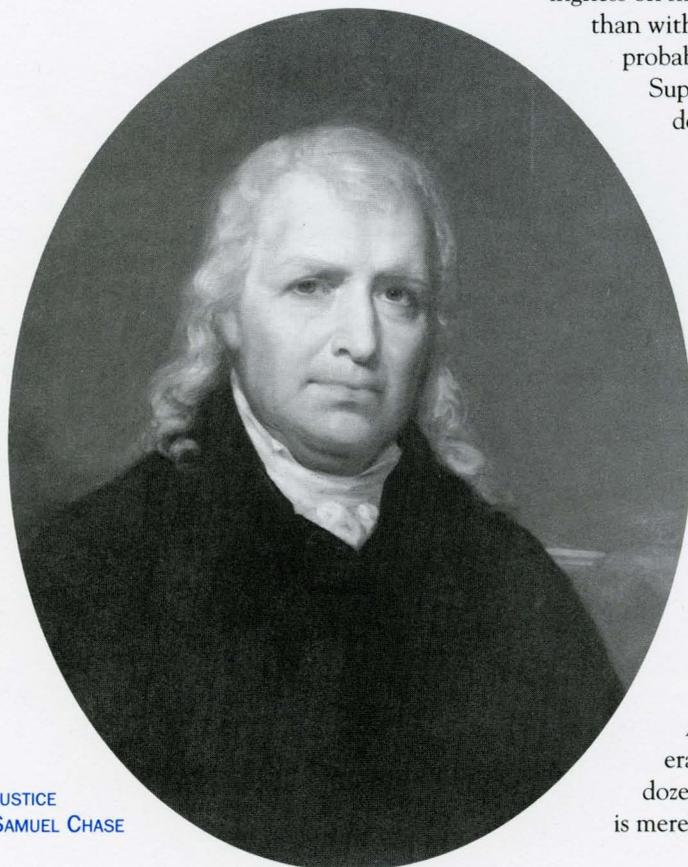
The Rehnquist transformation thesis is difficult to test. For every *Falwell v. Flynt* (in which the Chief Justice surprisingly led a majority of the court in extending Justice Brennan’s defamation doctrine of constitutional privilege to actions for tortious infliction of mental distress) there is a *Deshaney v. Winnabago* (in which the Chief Justice wrote a highly controversial 6-3 opinion denying federal relief to a victim of child abuse). So, too, the idea that there has been a substantial Rehnquistian transformation tends to be negated by the fact that there is no significant dissatisfaction in conservative quarters with the Chief Justice’s leadership of the Court during the last half-dozen years.

The apparent “moderation” of the Chief Justice may have less to do with willingness on his part occasionally to compromise conservative principles than with the fact that an increasing number of conservatives—some probably to the political right of the Chief Justice—now sit on the Supreme Court. When he was appointed to that tribunal two decades ago, it was clear that if Justice Rehnquist did not voice strict conservative views, such views would not be heard. Now, with Antonin Scalia and Clarence Thomas on the bench, there is less need for William Rehnquist to speak for the right. The Rehnquist moderation thesis may be little more than wishful thinking by those of a different political stripe.

Still, there is evidence of a more politically restrained or astute, if not more moderate, William Rehnquist. Consider, for example, the Chief Justice’s proposal for reforming diversity jurisdiction. Before taking the center seat at the Court, then-Justice Rehnquist had advanced a favorite conservative proposal for curtailing the size and activity of the federal courts—namely, total abolition of diversity jurisdiction. As Chief Justice, he has trimmed his proposal to the politically more reachable goal of eliminating only the in-state-plaintiff form of that jurisdiction.

A critical analysis of whether, in fact, there has been a moderation of the views of the Chief Justice over the last half-dozen years is beyond the scope of this essay. The purpose here is merely to observe that one inclined to do so may find strong evi-

**The apparent “moderation” of the Chief Justice may have less to do with willingness on his part occasionally to compromise conservative principles than with the fact that an increasing number of conservatives—some probably to the political right of the Chief Justice—now sit on the Supreme Court.**



JUSTICE  
SAMUEL CHASE

dence of a centrist Rehnquist in the two books he has published during his tenure as Chief Justice: *Grand Inquests: The Historic Impeachments of Samuel Chase and President Andrew Johnson* (1992) and *The Supreme Court: How It Was, How It Is* (1987). Both works—the only books ever published by a sitting Chief Justice—are examples of exceptionally evenhanded scholarship. The more recent effort, *Grand Inquests*, is the focus of this review. Devoid of ideological overtones or any effort to proselytize, *Grand Inquests* is a balanced, scholarly account of major events in American history. Except for a few personal references contained in the work, one would never guess that *Grand Inquests* was written by a man who just a few years earlier was widely regarded as the most controversial jurist in the country.

## THE POLITICS OF IMPEACHMENT

As the subtitle of the work suggests, *Grand Inquests* deals with the unsuccessful impeachment trials of a Supreme Court Justice in 1805 and an American President in 1868. In focusing on those events, the Chief Justice has chosen a subject which is both interesting and important. Interesting, because the impeachment and trial of a high official is the stuff of great drama; important, because the Chase and Johnson impeachments contributed as much to the American doctrine of separation of powers as has any court decision.

In voting to impeach Justice Samuel Chase in 1804, the House of Representatives was motivated, in large measure, by political considerations. Chase was an unrepentant Federalist whose judicial actions and political statements understandably antagonized members of the Republican-dominated House. Ridiculed as “Old Bacon Face” because of his brownish-red complexion, and given to impetuous conduct and sarcastic remarks, Chase had publicly criticized Republican policies, including at least one act of Congress, and had made a number of questionable rulings while sitting as a judge in criminal trials while riding circuit in Philadelphia and Richmond. Chase was impeached by the House for alleged misconduct involving those trials and for politically intemperate statements made in connection with charges he delivered to grand juries in Baltimore, Maryland, and New Castle, Delaware.

The impeachment of President Andrew Johnson more than a half-century later was also politically inspired, in part. Johnson, a border-state Democrat who believed that the Union must be preserved, was nominated Lincoln’s Vice Presidential running mate in 1864 as part of an effort to cultivate broader support for Lincoln’s mid-Civil War reelection effort. The ticket was called the National Union ticket rather than the Republican ticket. Johnson succeeded to the Presidency following Lincoln’s assassination, and in short order infuriated Republicans in Congress by repeatedly blocking their efforts to reconstruct the South in the manner they deemed appropriate. When Johnson arguably failed to comply with provisions of the Tenure of Office Act, by removing the Secretary of War from office without Senate consent, the House of Representatives seized upon his action as a basis for impeachment.

In both the Chase and Johnson cases, it was open to question whether, from a legal standpoint, the accused was guilty of “high crimes or misdemeanors” sufficient to justify his conviction. Yet both officials were highly unpopular, and on each occasion the Senate was heavily dominated by members of the opposing political party. A party-line vote would have been sufficient to have convicted either Chase or Johnson by the



PRESIDENT  
ANDREW JOHNSON

**In voting to impeach Justice Samuel Chase in 1804, the House of Representatives was motivated, in large measure, by political considerations. ...The impeachment of President Andrew Johnson more than a half-century later was also politically inspired, in part.**



two-thirds majority required by the Constitution for removal from office.

Chief Justice Rehnquist rightly concludes that the failure of the Chase and Johnson impeachment efforts, undertaken in politically favorable circumstances, “was of extraordinary importance to the American system of government.” The trials of these two men stand for the proposition that political differences alone are an insufficient predicate for removing a high official from office. Today it is widely recognized that one generally may be stripped of office only upon proof of a serious violation of the law or other specific instances of improper conduct. This simple point, now largely taken for granted, was not always clear. At the time of the Chase impeachment, it was plausibly argued by William Branch Giles, a leader of the impeachment effort, that:

[I]mpeachment was nothing more than a declaration by Congress to this effect: you hold dangerous opinions, and if you are suffered to carry them into effect, you will work the destruction of the Union. We want your offices for the purpose of giving them to men who will fill them better.

From a separation-of-powers perspective, Rehnquist argues, the significance of the Chase and Johnson impeachments “can hardly be overstated.” For members of the federal judiciary, who under the Constitution hold office during “good behavior” and may be removed only by impeachment, those precedents effectively guarantee life tenure, absent commission of serious unlawful conduct. Life tenure, in turn, plays an important role in ensuring equal treatment before the law, for judges and justices who are insulated from political retribution by the other branches of the government are more likely to be vigilant guardians of the rights of the accused, disadvantaged, or oppressed. Discussing the “profound effect” of the acquittal of Samuel Chase on the American judiciary, Chief Justice Rehnquist writes:

First, it assured the independence of federal judges from congressional oversight of the decisions they made in the cases that came before them. Second, by assuring that impeachment would not be used in the future as a method to remove members of the Supreme Court for their judicial opinions, it helped to safeguard the independence of that body.

Despite the Supreme Court’s increasingly prominent role in deciding politically sensitive questions, no Supreme Court justice has been impeached during the nearly 200 years since the Chase trial. “[T]he Chase acquittal has come to stand for the proposition that impeachment is not a proper weapon for Congress (abetted, perhaps, by the executive as in the case of Chase) to employ in...confrontations [with the Supreme Court].”

The lesson of the Chase and Johnson impeachments is equally significant for the Executive Branch. Only once since the Johnson trial has there been a serious effort to remove a President. In that case—involving Richard Nixon—it was clear that a policy disagreement would not suffice, and that Congress would require clear proof of a specific instance of wrongful conduct before removing a President from office. The high standard for impeachment applied during the Watergate inquiry was undoubtedly influenced by the precedent established by the Chase and Johnson proceedings.

## THE SWEEP OF AMERICAN HISTORY

*Grand Inquests* does an excellent job of reporting the events and analyzing the charges which formed the basis for the Chase and Johnson impeachment trials. The book also offers plausible interpretations of Senatorial voting in the cases, as well as fair appraisals of the long-term importance of the acquittals. However, the book does more than recount two signal political events: it covers much of the full sweep of American history.

**Chief Justice Rehnquist rightly concludes that the failure of the Chase and Johnson impeachment efforts, undertaken in politically favorable circumstances, “was of extraordinary importance to the American system of government.” The trials of these two men stand for the proposition that political differences alone are an insufficient predicate for removing a high official from office.**



In the guise of explaining the political background of the two impeachment trials, the Chief Justice walks the reader, step by step, from the early colonial settlements to more recent times, focusing principally on the 100-year period between the Revolution and post-Civil War reconstruction. The historical account is clear, colorful, and richly detailed. Written for the “interested and informed nonlawyer,” *Grand Inquests* brings to life the otherwise moribund disputes of earlier eras, such as Alexander Hamilton’s plan for discharging the Revolutionary War debt, Andrew Jackson’s war on the Second National Bank, and the efforts by Henry Clay, John C. Calhoun, and Daniel Webster to reconcile the political demands of western expansion with divergent views on slavery.

Occasionally, a vignette seems somewhat far afield from the Chase and Johnson trials—such as the intriguing and pathetic account of a noted federal judge who resigned in the late 1930s in the face of bribery charges, contending, curiously, that the bribes had not diminished the quality of justice in his court because “he had never sought any of the bribes until he had already made up his mind on the merits of the case ... [and] then only sought bribes from the party in whose favor he had already decided to rule on the basis of the law.” But the author has chosen well, and when there is a detour from the main road, the path generally is worth taking.

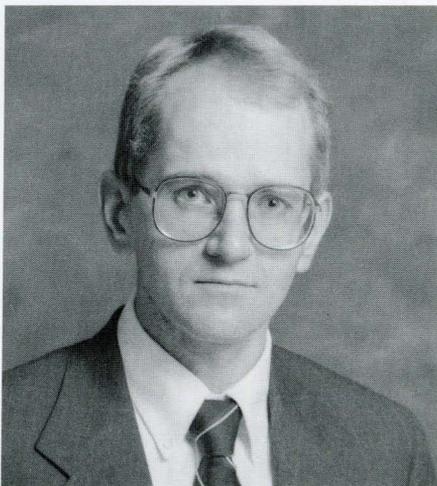
***Grand Inquests* provides not only a good lesson in American history, but a glimpse into the mind of one of the few occupants of the highest judicial office.**



## A GLIMPSE INTO THE MIND OF THE CHIEF JUSTICE

In our nation’s history, there have been dozens of Presidents, hundreds of Senators, and thousands of Congressmen, but only sixteen Chief Justices. *Grand Inquests* provides not only a good lesson in American history, but a glimpse into the mind of one of the few occupants of the highest judicial office. While the author does not readily reveal his personal views, the work makes clear that the current Chief Justice has a deep appreciation and commanding knowledge of America’s past, and an abiding commitment to see that it is not forgotten. Objective and balanced, and subtly laced with humor, *Grand Inquests* is hardly the type of work one would expect from a man who has so often been at the center of controversy.

—Vincent R. Johnson is a Professor of Law at St. Mary’s University and the Director of the St. Mary’s Institute on World Legal Problems. He served as a Judicial Fellow at the Supreme Court of the United States during 1988-89. This article was adapted from a book review published in 17 Vermont Law Review 267 (Fall 1992).



The photographs of Justice Samuel Chase and President Andrew Johnson are reprinted courtesy of The National Portrait Gallery, Smithsonian Institution.

# Hiring in the '90s:

# What's the Outlook?

by Mary Brennan Stich



Everyone who is involved in legal recruitment is well aware of hiring trends in recent years. Fewer students are finding jobs within six months after graduation, and firms have been laying off associates and partners. Second-year students are competing for fewer positions in summer programs, and first-year students are having an even tougher time.

Each year, the National Association of Law Placement (NALP) conducts a survey of legal employers and law schools to review hiring trends and compile regional recruiting data. Not surprisingly, the 1992 survey results show a slowdown in recruiting across the nation. Here are some of the comments NALP received in its survey: "Higher-quality unsolicited applications...", "More emphasis on lateral recruiting...", "Law firms are hiring on an as-needed basis...", and "The hiring time-line appears to be shifting...permanent positions are being secured after the Bar and even after results..."

According to NALP:

- ◆ The majority of legal employers throughout the nation made fewer offers of summer and full-time employment in 1992;
- ◆ Two-thirds of all the employers who responded indicated that they decreased the number of offers of summer employment that they extended to second-year students in 1992;
- ◆ In the Southeast region, the number of offers of permanent employment declined, but firms in the Southeast were more likely to hire first-year students for this summer than were firms in other regions. In addition, the number of schools visited for on-campus interviews showed a less dramatic decline in the Southeast than in other regions.

What does all of this really mean? Are graduates finding jobs? According to the NALP Employment Report and Salary Survey, there has been a steady increase since 1988 in the percentage of graduates who are still seeking employment six months after graduation. Between 1988 and 1991, for example, the

percentage of unemployed graduates increased from 5.4 percent to 11.6 percent. (National statistics for the 1992 class are not yet available.)

The outlook for the 1993-94 recruiting season, however, may be somewhat brighter. Several Texas law schools, including St. Mary's, recently received job postings from firms and corporations that have not hired new associates in recent years. And some experts are predicting that programs and policies instituted by the Clinton Administration may lead to more employment opportunities for lawyers. According to Richard Hermann, President of Federal Reports, Inc., new programs, such as President Clinton's proposed national service plan, may open alternative career paths. Hermann also forecasts an upswing in the need for attorneys in certain practice areas, including environmental law, international trade and investment, and health care. Despite these predictions, there is little evidence suggesting that a significant turnaround will occur in the near future.

The current market poses a special challenge to all of us in the legal profession, and especially to those who are entering it now. We at St. Mary's have taken a number of steps during the past year to help our students and graduates find meaningful employment. In the Office of Career Services, we offer strategy sessions on job-hunting and resume-writing, and we publish a weekly newsletter that lists new employment opportunities and offers tips and suggestions for finding employment. We also provide computer resources, job listings, an alumni/ae directory, and a number of other aids for students and graduates looking for work.

## Networking is Key

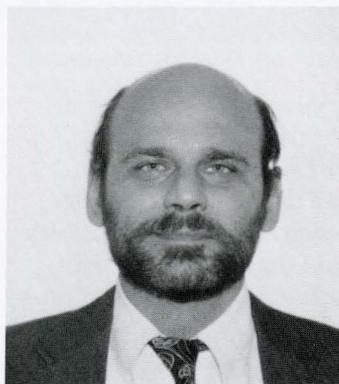
Surveys and experience show that the key to finding a job in the 1990's is strategic networking. One of our new initiatives is our "Mentor Program," which matches graduates with students who share an interest in a particular area of practice or city. The Mentor Program has been especially helpful to students who have few or no contacts in the legal profession. Virtually every

time one of our graduates has provided one of our students with job-hunting ideas and insights, the student has networked his or her way into a job. Take the case of **Ralph Wilcoxson**, a third-year student who needed help making contacts in his Ohio hometown. We put Ralph in touch with **Tim Hammond**, a 1980 graduate of St. Mary's who now is the Director of Public Services for the Cincinnati Law Library Association. Tim learned of Ralph's desire to do public-interest work, and referred him to a key player in the Cincinnati legal-aid community. That contact, in turn, led to several other contacts—and four job offers.



RALPH WILCOXSON ('93)

St. Mary's students are finding jobs, with a little networking help from our graduates: **Mark Langan** ('80) helped **Muri Varhely**, a recent graduate, find a position in New Hampshire. **Lawrence Cooper** ('74) is helping **Carol Hill**, a first-year student, make contacts in the Atlanta legal market. **Hubbard Kennady** ('84) has offered to help students find jobs in College Station. And **Oliver Sutton, II** ('76), is helping **Tabitha Thorpe-Smith**, a second-year law student, make contacts in the entertainment and sports-law field. Mr. Sutton is Counsel to and Vice President of the Inner City Broadcasting Corporation, and President of Apollo Records in New York City. Graduates also are helping each other: **Barton Chucker** ('89), for example, is introducing **Lee Cusenbary** ('92) to members of the bar in Richmond, Virginia.



TIM HAMMOND ('80)

In a recent survey, we were able to determine the employment status of 85 percent of the members of the Class of 1992, and found that approximately 90 percent of them are employed. Although we are pleased that both of these percentages are above national levels, our goal is to help all of our graduates find meaningful employment.

Our experience thus far shows that even though the outlook for employment in the 1990's may not be as bright as it was in the 1980's, with a little networking and mentoring help from St. Mary's graduates, our students can find their places in the legal profession and begin to make their special contributions to it.

—*Mary Brennan Stich* ('81) is the Associate Dean for Career Services and Alumni Relations.

*Whether our graduates want to provide help or to receive it, our door, in the Office of Career Services, is always open.*

## Do You Need Help?

Here's what we can offer:

- ◆ Strategy sessions to discuss and assess your next job move.
- ◆ A monthly newsletter which lists jobs for experienced attorneys in and around Texas.
- ◆ Help locating other graduates and identifying networking opportunities in various cities and practice areas.
- ◆ Computer databases containing current hiring and salary information.
- ◆ New resources: employer directories noting hiring trends for a diverse group of legal employers, tips on nontraditional job-hunting, and more...

For more information, please call (210) 436-3511.

## Do You Want to Help?

Here's what you can do:

- ◆ Offer to be a mentor, and give tips and networking advice to students or other graduates.
- ◆ Participate in mock interviews, and help students improve their resumes and their interview skills.
- ◆ Be a speaker at our "Day-in-the-Life" series, and educate students about different practice areas and work environments.
- ◆ Call us when you need law clerks, contract attorneys, new associates, or attorneys with experience. We'll collect and send resumes, or schedule your on-campus interviews. We can help you find "the right fit."

For more information, please call (210) 436-3511.

## St. Mary's Students Lend a Hand

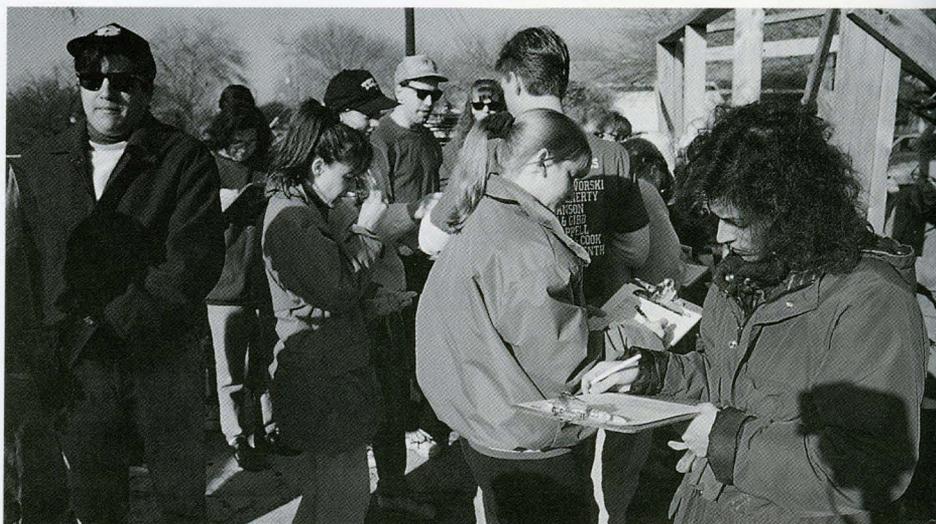
by Sister Grace Walle, F.M.I.

On a clear Saturday morning in early February, twenty-five law students, equipped with hammers and nails, helped build a house for a low-income family. The construction was part of a project organized by Habitat for Humanity, a nonprofit organization that enables low-income families to own their own homes. Families that wish to receive assistance from Habitat for Humanity must contribute 100 hours of labor before they can apply for a three- or four-bedroom house.

Sarah Clower (2L), Secretary of the Student Bar Association, and Raúl González, a nontraditional undergraduate student at St. Mary's, coordinated the effort with Habitat for Humanity in order to provide St. Mary's law students with an opportunity to serve the community.

According to Scott Carlson, a first-year law student and volunteer, "It was fun to see the job getting done over the course of the day." Carlson added that "it was a rewarding experience and a painless way to help people in the community address an important need."

On a Sunday evening later in February, another group of law students and staff cooked supper at the Catholic Worker House, which houses families that are homeless. Law student Jennifer Caramela (1L) said that "getting to meet the families and taking pictures for a mother with her newborn child was a memorable experience." Debbie Fuller (1L) said that she would be willing to participate again. "It was a good feeling to help others who do not have the advantages we do and to see the families express their appreciation," she said.



ST. MARY'S LAW STUDENTS AT WORK ON A HABITAT-FOR-HUMANITY PROJECT.

Efforts like those described above are supported by the Campus Ministry office of the Law School, and are in keeping with the service-to-the-community mission of the University. Such efforts help to dispel unfair preconceptions about lawyers. "Seeing their interest in doing something for others was very rewarding," González remarked about his interactions with law students on the housing project.

—Grace Walle, a Marianist Sister, is the Campus Minister of the School of Law. This article was adapted from a piece which appeared in the March 3, 1993, issue of *The Rattler*, the student newspaper of St. Mary's University.



SISTER REGINA O'NEILL, OSF, RIGHT, JOINED OTHER ST. MARY'S STUDENTS AND LEE TERAN, LEFT, DIRECTOR OF THE ST. MARY'S IMMIGRATION CLINIC, IN A TRIP TO LAREDO TO HELP HAITIAN REFUGEES SEEKING POLITICAL ASYLUM.

## St. Mary's Students Help Haitian Refugees

During the Thanksgiving break, throughout the month of December, and again over a weekend in mid-February, Lee J. Teran, the Director of the St. Mary's Immigration Law Clinic, took a number of volunteer law students to the U.S.-Mexico border to provide legal assistance to Haitian refugees detained by the Immigration and Naturalization Service (INS). The refugees, who are seeking political asylum, were brought by the INS to isolated detention facilities in Texas, where there are few lawyers who work on immigration issues and no interpreters who speak French Creole.

According to published reports, some twenty-four Haitian refugees were detained in Laredo and another 130 were held in Los Fresnos, in the Río Grande Valley. The St. Mary's volunteers interviewed the refugees, and assisted with their political-asylum claims and applications for parole. Esther Epifane, a St. Mary's undergraduate student who speaks French Creole, served as an interpreter.

"It was really terrible," Michael Raymond (2L) said, according to an article in *The Rattler*. "These poor people are put into places that look like Nazi concentration camps. They are scared [and] confused, and there is no real due process for them."

According to an article in *Today's Catholic*, Sister Regina O'Neill, O.S.F. (1L), said that the refugees told of "instances of being taken from their homes and beaten by the police, and of having to live in hiding" in Haiti.

The St. Mary's students worked under the supervision of Professor Teran and attorneys with the Immigrant and Refugee Rights Project of the Lawyers' Committee for Civil Rights Under Law of Texas, the Refugee Assistance Council, and Proyecto Libertad.

### Hispanic Law Students Association Opens Law School Doors to San Antonio Middle-School Students

More than 100 middle-school students from the Harlandale, Edgewood, and South San Antonio Independent School Districts came to the Law School on April 3, 1993. During a day-long program sponsored by the Hispanic Law Students Association, the middle-schoolers participated in a mock trial. They also attended a number of sessions, taught by St. Mary's law professors and San Antonio attorneys, in which they explored legal issues that included freedom of speech for student newspapers, the impact of civil-rights litigation on the students' communities, and decision-making in divorce cases involving child custody.

The St. Mary's program was part of the "Outreach Project" that was initiated by the Texas Young Lawyers Association a few years ago in order to provide information and inspiration to young people who have had little or no prior contact with members of the legal profession and have not been encouraged to aspire to legal careers. The theme of the 1993 Outreach Project was "Freedom through Education."



YOUNG JUDGES CONSIDER THE EVIDENCE IN A MOCK TRIAL AT ST. MARY'S.

"The Outreach program is not aimed only at students who show academic promise, or who already have made plans to attend college," said Cynthia Cano, the second-year law student who chaired the program. "It is designed to reach out to as many young people as possible, and to motivate those who may not have considered pursuing a higher education," she said.

The mock trial was a special hit. Three middle-school students donned black cloaks and sat as judges. The case at bar was tried by two St. Mary's law students, with two middle-schoolers serving as co-counsel. A fourteen-year-old, Roberto, took the stand as an expert witness for the plaintiff. "I was nervous," said Roberto. But his testimony evidently was persuasive: The jury (a panel of middle-school students) found in the plaintiff's favor.

### Swipe at Students Wasn't Justified

To the Editor of *Texas Lawyer*:

The recent editorial pointing out an apparent lack of community service and compassion by Texas law students is baseless. The piece chided all law students for not participating with fifty-two other law schools in a one-day program, Work A Day, which provides an explanation of the legal system to children and legal research for women's shelters. The piece concluded on the hopeful note that Texas students will take the "chance to strut their compassionate stuff next year."

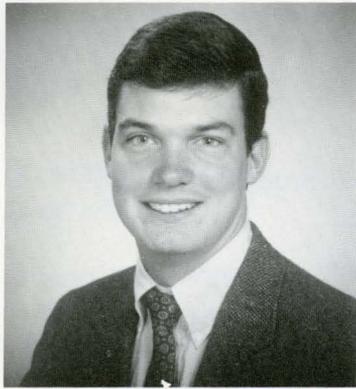
However, the one-day program, albeit a nice gesture, pales in comparison to the clinic work performed by students at St. Mary's University School of Law. Each academic year, many third-year St. Mary's students devote over 500 pro bono hours each while working in the Bexar County Legal Aid offices. Because of these volunteer efforts and the dedication of supervising attorneys, valuable legal services are provided to the Bexar County community each academic year.

The clinic students use bar practice cards and represent indigent clients before the local courts in matters involving family law, probate, wills, landlord-tenant disputes and administrative hearings. The clinic reaches out to families obtaining assistance from the Battered Women's Shelter, the homeless and individuals with very limited economic means. With the same level of commitment, students perform similar community services through the school's Capital Punishment Clinic and the Juvenile Justice Clinic.

Steve Koebele ('92)

*Excerpts from a letter printed in the Feb. 15, 1993, issue of Texas Lawyer.*

# MEET ST. MARY'S STUDENTS



**James (Jim) M. Cassidy (2L)**

**Hometown**

Ft. Worth, Texas.

**Education**

B.A., 1990, University of Notre Dame.

**Honors/Activities**

President, Student Bar Association; member, International Law Association.

**Interests**

Coaching and playing soccer, running, golf.

**“The reason I am in law school greatly reflects my outlook on life. My objective as a ‘St. Mary’s lawyer’ is short and sweet: My goal is to help others achieve their goals!”**



**Dr. Thomas J. Dansby (3L)**

**Hometown**

San Antonio, Texas.

**Education**

B.A., St. Mary’s University; M.D., University of Texas Medical Branch; Residency in otolaryngology and head and neck surgery, Long Island College Hospital, Brooklyn, N.Y.

**Interests**

Opera, community activities, public-interest law (reason for attending law school).

**“At this midpoint in my career, I seek the Lord to make me an instrument of His peace.”**



**Jo Beth Eubanks (2L)**

**Hometown**

San Antonio, Texas.

**Education**

B.A., 1969, and M.A., 1971, Tulane University.

**Honors/Activities**

Editor-in-Chief, *St. Mary’s Law Journal*, 1993-94.

**Interests**

Gardening.

**“I decided to attend law school as a mid-life career change (and ‘mind challenge’) after twenty years in the meeting-management and travel business. I was delighted to find out that my capacity to learn was still intact, and have especially enjoyed new friendships.”**





**Diana Elena Morales (3L)**

**Hometown**

Durant, Oklahoma.

**Education**

Double B.A., Letters, with honors, and Spanish, University of Oklahoma, 1990.

**Honors/Activities**

President, Hispanic Law Students Association; Executive Vice President, Delta Delta Delta; University of Oklahoma's Outstanding Hispanic Student, 1987, 1990; University of Oklahoma's Women Letzeizer List, 1989; Mortar Board Honorary Society, 1988.

**Interests**

Hispanic-American literature, tennis, traveling, music.

**"La abogacía es una ardua fatiga puesta al servicio de la justicia."  
("Lawyering is an arduous labor in the service of justice.")**

**—Anonymous.**



**Sharon S. Rector (1L)**

**Hometown**

Austin, Texas.

**Education**

B.A., Psychology, University of Illinois at Champaign-Urbana, 1976.

**Honors/Activities**

Licensed real-estate broker.

**Interests**

Career interest: Environmental Law and Property Law; Hobbies: jogging, bicycling, traveling, raising my daughter, wind-surfing.

**"If you can dream it—do it!"**

**As an older law student, I feel very fortunate to have given myself the opportunity to pursue this dream of mine."**



**Tabitha Thorpe-Smith (2L)**

**Hometown**

Madison, Illinois.

**Education**

B.A., Political Science, St. Mary's University, 1991.

**Honors/Activities**

President, Black Allied Law Students Association; Frederick Douglass Moot Court Quarterfinalist and author of "Best Respondent's Brief," Spring 1993; recipient, Arco Oil & Gas Scholarship, Fall 1991.

**Interests**

Entertainment and sports law.

**"I am the first person from my hometown to go to law school. Throughout my lifetime, I have received tremendous support, both spiritual and financial, from the people back home."**



PROFESSOR  
SUE T. BENTCH,  
CENTER, AND FAMILY



## Dean Barbara Bader Aldave Chairs Gender Bias Task Force Established by Supreme Court of Texas

Dean Barbara Bader Aldave is chairing the Gender Bias Task Force of Texas, which was established by the Texas Supreme Court to determine whether bias on the basis of gender exists in the judicial system of Texas. The 32-member Task Force is expected to report its findings to the Supreme Court in June 1993, and to make recommendations for eliminating gender bias, if any is found.

"The reports of task forces in other states indicate that gender bias pervades our judicial systems, and that women do not always receive fair and equal treatment under the law," says Dean Aldave (J.D., University of California at Berkeley). Texas was the thirty-fifth state to establish a task force on gender bias.

The Task Force has held public meetings and a series of hearings around the state during the past year, and also has conducted a formal survey of the attitudes and practices of Texas attorneys and judges.

Dean Aldave recently was elected to the Board of Directors of the Mexican American Legal Defense and Educational Fund (MALDEF) and to the National Governing Board of Common Cause. She also serves as the Chair of the Board of Directors of Partnership for Hope, an anti-poverty organization funded by the Rockefeller Foundation.

## Supervising Attorney Sue T. Bentch Named "Outstanding Young Lawyer"

Professor Sue T. Bentch, a member of the clinical faculty at St. Mary's, was named the 1992 recipient of the "Belva Lockwood Outstanding Young Lawyer Award" at the annual Bench Brunch of the Bexar County Women's Bar Foundation. Each year the Foundation chooses women attorneys who are "exemplary role models" to receive its Outstanding Lawyer and Outstanding Young Lawyer awards.

Professor Bentch supervises the Women, Children, and the Elderly Project of the Poverty Law Clinic at St. Mary's. Professor Bentch (J.D., St. Mary's University; M.A., Emory University) engaged in private practice, with an emphasis on commercial litigation, before joining the Law School faculty. Prior to earning her law degree, she taught English at St. Mary's University.

## Professor Gerry W. Beyer Serving as Visiting Professor at Boston College School of Law

Professor Gerry W. Beyer, an expert in estate law, was invited to serve as a Visiting Professor at the Boston College School of Law from January 1992 to May 1993. Professor Beyer (J.D. Ohio State University, *summa cum laude*; LL.M., J.S.D., University of Illinois) is a frequent contributor to both scholarly and practice-oriented publications, and has authored and coauthored numerous books. He currently serves as the editor of the "Keeping Current" column in *Probate and Property* magazine, a publication of the American Bar Association's Section of Real Property, Probate, and Trust Law.

Prior to joining the St. Mary's law faculty in 1981, Professor Beyer practiced law in Columbus, Ohio, and was an Instructor of Law at the University of Illinois.



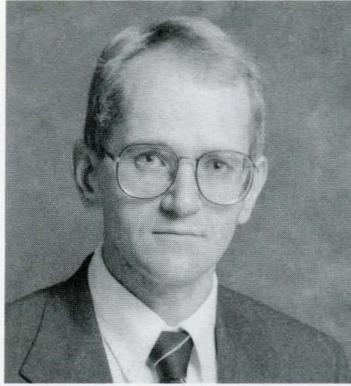
### **Associate Professor Jon C. Dubin Appointed to Board of Center on Social Welfare Policy and Law at Columbia University**

Professor Jon C. Dubin has been appointed to the Board of Directors of the Center on Social Welfare Policy and Law at Columbia University.

According to Representative Joseph Kennedy (D-MA), the Center is "widely recognized by advocates and policy-makers across the country as the most authoritative and reliable source of knowledge and understanding of the cash public-assistance programs, and as an uncompromising advocate for poor people who seek a fair, adequate, and humane income-maintenance system as the underpinning of any national strategy to address economic and social injustice in our society."

Professor Dubin (J.D., New York University) is the Director of the Poverty Law Clinic at St. Mary's University. Prior to joining the St. Mary's faculty in 1990, he served as Director of Litigation for the Harlem Neighborhood Office of the Legal Aid Society. Earlier in his career, he was responsible for investigating and litigating civil-rights cases as Assistant Attorney General for the State of New York.

In January 1993, Professor Dubin received the Distinguished Faculty Award of the St. Mary's University Alumni Association.

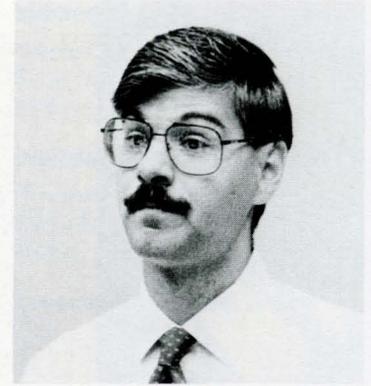


### **Professor Vincent R. Johnson Appointed to Judicial Fellows Commission by U.S. Chief Justice William Rehnquist**

The Honorable William H. Rehnquist, Chief Justice of the United States, recently appointed Professor Vincent R. Johnson to serve as a member of the Judicial Fellows Commission for 1993-94. The Commission, a thirteen-member panel, will select four outstanding individuals from diverse professions and academic backgrounds to participate in the prestigious yearlong Judicial Fellows Program. Fellows are assigned to work at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts, and the United States Sentencing Commission.

Members of the Commission for 1992-93 included the Solicitor General of the United States, three United States Court of Appeals judges, the director of the Administrative Office of the United States Courts, and the director of the Federal Judicial Center.

Professor Johnson (J.D., University of Notre Dame; LL.M., Yale University; LL.D., St. Vincent College) served as a Judicial Fellow at the Supreme Court during 1988-89. Prior to joining the St. Mary's faculty in 1982, he served as Law Clerk to the Honorable Bernard S. Meyer of the New York Court of Appeals, and the Honorable Thomas E. Fairchild, Chief Judge of the United States Court of Appeals for the Seventh Circuit. He was the co-founder and is the Director of the St. Mary's Institute on World Legal Programs, which is held each summer in Innsbruck, Austria.



### **Associate Professor José R. Juárez Selected as Representative to Prestigious U.S.-British Conference**

Associate Professor José R. (Beto) Juárez was one of forty-eight participants in the eighth annual British-American Conference, which was held in Atlanta in November 1992.

The conference is sponsored by The Paul H. Nitze School of Advanced International Studies of The Johns Hopkins University and The Royal Institute of International Affairs to "encourage discussion, improve mutual understanding, and foster long-lasting relationships among those who will become the key policy-makers, business people, journalists, academics, and diplomats in the United States and the United Kingdom."

Professor Juárez (J.D., University of Texas) was selected from among more than 400 British and American citizens, aged twenty-eight to forty, who were nominated to participate in the conference. Committees in the United States and the United Kingdom were asked to recommend "outstanding candidates from a diversity of professions who have a proven record of early leadership and achievement in their fields, [have] demonstrated public community service, and...have the potential to influence policy-making at local, state, or national levels."

Prior to joining the St. Mary's faculty in 1990, Professor Juárez served as Regional Counsel and Director of the Employment Program of the Mexican American Legal Defense and Educational Fund (MALDEF) in Los Angeles.



### **Professor Aloysius A. Leopold Awarded Plaque by St. Mary's University for Twenty-Five Years of Service**

Professor Aloysius A. Leopold was awarded a plaque by the St. Mary's University Alumni Association to commemorate his twenty-five years of service as a Professor of Law at the University. He joined the St. Mary's law faculty in 1968, after spending several years in private practice in Edinburg, Texas. Professor Leopold (J.D., St. Mary's University) recently added Volumes 38 and 39, "Marital Property and Homesteads," to his list of contributions to *Texas Practice*. He has contributed a total of eight volumes to the *Texas Practice* series during the past year.



### **Visiting Professor Gabrielle Kirk McDonald Inducted into Texas Women's Hall of Fame**

Former U.S. District Judge Gabrielle Kirk McDonald, a Visiting Professor at St. Mary's University, was inducted into the Texas Women's Hall of Fame at a gala reception hosted by Texas Governor Ann Richards in Austin on January 23. Judge McDonald (LL.B., Howard University) was honored for her business and professional leadership. Judge McDonald also received a flurry of national and local press attention earlier this year when her name was rumored to be on President Clinton's "short list" of potential nominees for Attorney General of the United States.



### **Supervising Attorney Ana M. Novoa Appointed To Serve on Board of the Texas Legal Services Center**

Ana M. Novoa, a Supervising Attorney in the Poverty Law Clinic, was appointed by the Board of Directors of the State Bar of Texas to serve on the Board of Directors of the Texas Legal Services Center. The Board of the Center is responsible for setting policies concerning program priorities, matters of regulatory compliance, budget development, and the delivery of high-quality legal services.

Professor Novoa (J.D., University of Texas) was in private practice in Bexar County until 1991, when she joined the faculty at St. Mary's.



### **Professor John W. Teeter, Jr., Named "Outstanding Professor" by Phi Delta Phi**

Professor John W. Teeter, Jr., was selected in April by the Phi Delta Phi chapter at St. Mary's University School of Law as the "Outstanding Professor" of the Law School.

Professor Teeter teaches torts and labor law at St. Mary's. Prior to joining the St. Mary's faculty in 1991, Professor Teeter (J.D., Harvard University) was a litigator in Honolulu, practiced labor and employment law in Boston, and taught at the Oklahoma City University School of Law.

## FACULTY SEMINARS AND PUBLICATIONS



### Professor David A. Schlueter Testifies Before U.S. Senate Armed Services Committee

The controversy surrounding the inclusion of homosexuals in the military took Professor David A. Schlueter to Washington on March 29 to testify before the United States Armed Services Committee. Senator Sam Nunn (D-Georgia), Chair of the Committee, invited Professor Schlueter, an expert in military criminal law, to address "the legal aspects of current military personnel policy and the litigation concerning the service of homosexuals in the armed forces."

Professor Schlueter's testimony received both national and local media attention. "The McNeil/Lehrer NewsHour" featured an excerpt from his testimony in its evening program, and the entire hearing was televised by C-Span.

Professor Schlueter appeared as a member of a panel that included experts from the Congressional Research Service.

Professor Schlueter (J.D., Baylor University; LL.M., University of Virginia) is a former staff counsel to the Supreme Court of the United States, and is a Lieutenant Colonel in the U.S. Army Reserves. He is a coauthor of the *Military Rules of Evidence Manual* (3d edition, 1991) and *Military Criminal Justice: Practice and Procedure* (3d edition, 1992). He also has produced, in collaboration with three other legal experts, a "how-to" book entitled *Texas Evidentiary Foundations* (1992).

### Dean Barbara Bader Aldave

Editorial Consultant, *Texas Corporations—Law and Practice*, vols. 1-5. San Francisco: Matthew Bender, 1993.

### Professor Michael Ariens

"A Thrice-Told Tale," 107 *Harvard Law Review* — (1993).



### Professor Gerry W. Beyer

*Probate and Decedents' Estates* (1992 Pocket Parts)—Volumes 17 and 18 of Texas Practice Series, coauthored with Professor Aloysius A. Leopold.

12 and 12A *West's Texas Forms—Probate and Administration of Estates* (1992 Pocket Parts), coauthored with Professor Aloysius A. Leopold.

19-23 *West's Legal Forms—Real Estate Transactions* (1992 Pocket Parts), coauthored with Professor Aloysius A. Leopold.

"Self-Beneficiary Life Insurance," *Estate Planning Development for Texas Professors*, August 1992, at 1.

"Self-Help Drafting Techniques Used by Non-Attorneys," in State Bar of Texas, *Third Annual Advanced Drafting: Estate Planning and Probate* (1992).

### Associate Professor Laura H. Burney

"The Regrettable Rebirth of the Two-Grant Doctrine in Texas Deed Construction," 34 *South Texas Law Review* 74 (1993).



### Professor Charles E. Cantú

"The Determinative Test for the Hybrid Sales/Service Transaction Under Section 402A of the Restatement (Second) of Torts," 46 *Arkansas Law Review* — (1992).



### Associate Professor Jon C. Dubin

"From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color," 77 *Minnesota Law Review* 739 (1993).

### Professor Douglas R. Haddock

"Private Property and Russia's Leap of Faith," 24 *St. Mary's Law Journal* 495 (1993).



### Visiting Professor André Hampton

"Mediation Supports Risk Management," *Texas Health Law Reporter*, Vol. 9, No. 2 (1992).

### Professor Vincent R. Johnson

"Researching a Lawyer Ad," *Headnotes*, Dallas Bar Association, Vol. 17, No. 4 (1993).

### Associate Professor Jeffrey Pokorak

Featured speaker last fall on "The American System of Capital Punishment" at the Northeastern University School of Law Alumni Symposium Day. Coauthor of two U.S. Supreme Court briefs: *Graham v. Collins*, 91-7580, and *Johnson v. Texas*, 92-5653.



### Professor Gerald S. Reamey

"Client Solicitation in Texas," *Headnotes*, Dallas Bar Association, Vol. 17, No. 4 (1993).

Panelist at a symposium on "The Rodney King Verdict: A Critique of the American System of Justice," held at St. Philips College in February 1993.

Lecturer at a seminar on "Police Civil Liability," for the Texas Juvenile Justice Center; on "Warrant Service and the Fourth Amendment," for the Texas Municipal Courts Training Center; and on "Texas Charging Instruments," for the Criminal Defense Lawyers Project Skills Course.

### Professor L. Wayne Scott

Member of the faculty of an advanced practice-oriented seminar on "Appellate Advocacy: Handling the Referred Appeal," held by Southern Methodist University School of Law in March 1993.



Member of the faculty of a seminar on "How To Make Mediation Work for You and Your Clients," held by the San Antonio Bar Association in February 1993.

### Immigration Clinic Director Lee J. Teran

Featured speaker at a seminar on "Immigration Law and the Family: Issues and Strategies for Immigrant Spouses, Children, and Parents," held in February 1993, and sponsored by the National Immigration Project of the National Lawyers Guild, the Mexican American Bar Association of El Paso, and the Lawyers' Committee for Civil Rights Under Law of Texas.

## Law Alumni Association: Charting New Directions

by William R. Crow, Jr. ('78)

For far too long, St. Mary's University School of Law has been perceived as a local or, at best, a regional law school, because great numbers of its graduates remain in San Antonio or in South Texas after completing their law studies. However, many of the School's graduates who live outside of San Antonio and Texas have brought honor to themselves (and, by extension, to their alma mater) through their distinguished legal careers and contributions to a wide spectrum of worthy civic and community endeavors.

In the past, the Law Alumni Association has focused primarily on the Law School graduates who live and work in San Antonio and its environs. Ideally, the Law Alumni Association should represent all 4,600 graduates, who live and practice in every state in the United States and whose practices run the entire gamut of the law.

The current Board of Directors of the Association recognizes that we must

reach out to all of our graduates.

We must diversify the membership of the Board not only in terms of geographic representation, but also to achieve greater representation of women and minorities, so that the Association

may more truly reflect the diverse wealth of graduates from the School of Law.

To ensure that we achieve true diversity, we recently amended our bylaws to authorize a process for appointing new

members to the Board of Directors.

Appointments will be made so as to ensure that the geographic distribution, areas of practice, gender, ethnicity, and years of graduation of our alumnae/i are reflected in the composition of the Board. In addition, each class will have a designated representative who will serve as a liaison to the Association, help plan class reunions, and report newsworthy items about classmates and peers.

### OTHER CHALLENGES

Another of the challenges we faced this year, in charting new directions for the Association, was to balance the concerns of the large number of graduates who are supportive of the Law School against those who have been critical of St. Mary's. There is no denying that the experiences of some graduates with certain aspects of the Law School administration were unpleasant and, in some instances, harmful. But by continuing to dwell on the negative aspects of our respective St. Mary's experiences, in most instances long after the fact, I believe that we seriously undermine the potential of the Law School to achieve the reputation and recognition it deserves.

It is, I concede, very difficult to overcome the depth of ill-will that some individual graduates of St. Mary's still feel for the Law School, and I will not attempt in this brief space to do so. One point, however, is undeniable: The value of our law degrees, at any given time, is a reflection of the reputation of the institution from which we graduated.

I suggest that we work to overcome the difficulties of the past, and that we look anew at our Law School. There is much to be proud of in St. Mary's.

I am proud, for example, of the results of a study of law reviews that appeared in the March 1993 *Texas Bar Journal*. The

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study showed that, over a twenty-year period (1970-89), the *St. Mary's Law Journal* was the most-often-cited of all the law reviews in the state, edging out the venerable *Texas Law Review*. Another source of pride is that the advocacy programs at St. Mary's routinely generate top-flight competitors in state and regional moot court and mock trial competitions, leading to the Law School's well-deserved recognition as a source of lawyers who are ready at graduation to "hit the ground running" in the courtroom.

Moreover, St. Mary's has turned out, among others, three graduates who are sitting members of Congress; two graduates who currently sit as Justices on the Supreme Court of Texas, and another who presides as the Chief Judge of the Texas Court of Criminal Appeals; the current Executive Director of the State Bar of Texas; the current Chair of the Board of the State Bar of Texas; a past President of the State Bar of Texas; the immediate Past President of the Texas Young Lawyers Association; a great number of distinguished judges, legislators, and other public officials; and a myriad of other graduates who daily bring honor to St. Mary's because of their professionalism and integrity in the performance of their chosen endeavors.

**I am enormously encouraged by the many good things that have happened at St. Mary's over the past decade.**



## MOVING FORWARD

There are many ways in which you can give to your Law School, and they are not all limited by the balance in your checkbook. Many graduates have volunteered endless numbers of hours to participate as judges for moot court, mock trial, and other advocacy competitions on campus. Many other graduates, in and outside of Texas, have volunteered to be mentors for law students in need of guidance in the direction of their careers. Other graduates think first of St. Mary's students and alumnae/i when they have professional positions available in their law firms or businesses.

Among many St. Mary's graduates, there appears to be a new spirit of generosity and giving, of volunteerism and selflessness, that is a refreshing change from the tired notions of the recent past that "greed is good" and that one's professional status is measured only by the magnitude of one's paycheck. I encourage each of you to give more of your time and energies toward making your communities better places in which to live for all people. I also encourage each of you to be generous to your Law School, within your means and ability to do so.

This is not going to be another in a series of thinly veiled pitches to separate you from your hard-earned dollars. However, while I emphasize the value of your service to the School of Law, I must point out that, according to reports issued annually by the American Bar Association, St. Mary's ranks very near the bottom of all law schools in the United States in terms of alumnae/i giving. The *number* of supporters who give is significant because it is an indicator of alumnae/i pride in and allegiance to a school, and is an indicator which can enhance, or detract from, the school's reputation.

The Law Alumni Association has formally approved a change in the bylaws that will enable us to launch a *voluntary* dues program that we hope will increase significantly the number of contributors to St. Mary's among alumnae/i, so as to lift us out of the "basement" position of alumnae/i giving in the ABA reports. Later in the year, you will hear more about the voluntary alumnae/i dues program and how you can help to enhance our School's reputation and provide needed support.

## LOOKING BACK

As the end of my term as President of the St. Mary's University Law Alumni Association draws near, I am mindful of the limitations on what one person can accomplish. But I am enormously encouraged by the many good things

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that have happened at St. Mary's over the past decade, and I draw strength from the great support I have had this year from so many of you.

I want to take this opportunity to commend Dean Aldave for her willingness to reach out to the alumnae/i of St. Mary's. She has been enormously supportive of the notion of building bridges to St. Mary's graduates who, in the past, have been shut out of or excluded from



WILLIAM R. CROW, JR.

meaningful participation in the Law Alumni Association. To that end, she has underwritten, from her budget, the St. Mary's alumnae/i reception at the annual meeting of the State Bar of Texas. (The next reception will be held this summer when the State Bar convenes in Fort Worth.) In addition, she has underwritten the cost of the Distinguished Law Graduate reception for each of the past two years. On each occasion, St. Mary's law graduates were invited to a no-cost, no-obligation event at which they could meet, and mingle, and socialize with their classmates and peers in a convivial setting.

I also am extending a challenge to each of you who has some past grievance with the Law School to contact me or Dean Aldave. Let us assure you that your concerns will be heard and addressed. To all of you who have been supportive of St. Mary's and of the Law Alumni Association, I extend my deepest appreciation and the hope that you will offer your support to my successor, Ty Griesenbeck, in the coming year.

If you have not felt included in the Law Alumni Association in the past, consider this your personal invitation to membership and involvement. Let me hear from you.

—William R. Crow, Jr., is President of the Board of Directors of the St. Mary's University Law Alumni Association.



ABOVE AND BELOW: ST. MARY'S LAW GRADUATES AND PROFESSORS ENJOY AN EVENING TOGETHER AT SHOLZ GARTEN IN AUSTIN.

## St. Mary's Night in Austin

More than 100 Austin-based graduates of the Law School met with members of the St. Mary's faculty and administration for an evening of fun and conversation at Sholz Garten in Austin. The informal gathering provided an opportunity for alumnae/i to catch up with each other, as well as to hear about the latest changes and developments at their alma mater. There was much to talk about, and many people stayed around long after the official "end" of the event.

The Law School invited all attending to place their business cards in a bowl for a chance to win a dinner, at Chez Ardid in San Antonio, with Dean Aldave and the professor of the winner's choice. Matthew J. Booth ('90) won the drawing and invited Professor Richard E. Flint, Ph.D., the St. Mary's expert in debtor/creditor and banking law, to join the dinner party.

The Austin event was sponsored by the Law School and coordinated by Associate Dean Mary Brennan Stich ('81), with the assistance of Susan Falcón, Recruiting Coordinator, and John Smith, Administrative Assistant. Among those attending from the Law School were Dean Aldave, Associate Dean Stich, and Professors Joe Anderson, Diana Borden, Vincent Johnson, Aloysius Leopold, and Gerald Reamey.



## Karen R. Johnson ('70) Honored As "1993 Distinguished Graduate"

Karen Ruble Johnson, Executive Director of the State Bar of Texas, was honored by St. Mary's University School of Law and the Law Alumni Association at a reception in downtown San Antonio on April 8. Scores of law school graduates turned out for the event, at which Ms. Johnson, a 1970 graduate of the Law School, was presented with a plaque naming her as the "1993 Distinguished Law Graduate." As the inscription on the plaque read, Ms. Johnson was being recognized for her "outstanding accomplishments as a distinguished attorney with an exemplary record of private and public service that has brought honor to herself and the School of Law."



LEFT TO RIGHT: WILLIAM R. CROW, JR., KAREN RUBLE JOHNSON, DEAN BARBARA BADER ALDAVE.

Ms. Johnson is the first woman to hold the position of Executive Director of the State Bar of Texas. She is a past President of the Travis County Bar Association, and has received the State Bar President's Award of Merit.

Prior to assuming the helm of the Texas Bar, Ms. Johnson practiced law in the Austin office of Akin Gump Strauss Hauer & Feld. Earlier, she served as a briefing attorney for the Texas Supreme Court, as a special assistant for legislative affairs to a Texas governor, and as an Assistant Attorney General of Texas. She also held top management positions in the Office of the State Comptroller. Long active in community and civic affairs, Ms. Johnson has served on the executive committees and boards of numerous organizations, including the Seton Forum, the Austin Women's Center, the American Heart Association, and the Child Abuse Prevention Project.

Other recent recipients of the "Distinguished Graduate Award" include The Honorable Michael J. McCormick ('70), Presiding Judge of the Texas Court of Criminal Appeals; the Honorable Blair Reeves ('51), Chief Justice of the Texas Court of Appeals for the Fourth Supreme Judicial District; and Margaret Meyer Maisel ('71), a partner in Tinsman & Houser.

1954

**B.B. Schraub** is serving as the Judicial Administration Division Liaison to the Tort and Insurance Practice Section of the American Bar Association. Judge Schraub, of Seguin, Texas, is the Presiding Judge of the Third Administrative Judicial Region of Texas.

1972

**Keith Kaiser**, of the San Antonio law firm of Cox & Smith, has been inducted as a Fellow of the American College of Trial Lawyers. Membership is by invitation of the Board of Regents, and is limited to one percent of the lawyers licensed to practice in a state. The primary purpose of the College is to improve the standards of trial practice, the administration of justice, and the ethics of the profession.

1973

**Robert S. Flaniken** has opened his own law practice in Oklahoma City, Oklahoma.

1974

**Donald C. McCleary** is Managing Partner of the Dallas firm of Gardere & Wynne.

1975

**Charles E. Hardy**, a shareholder in the San Antonio law firm of Bass, Higdon & Hardy, Inc., recently was elected a member of the Board of Directors of the San Antonio Family Lawyers' Association. Membership in the Association is

limited to attorneys who have been certified as specialists in family law by the Texas Board of Legal Specialization.

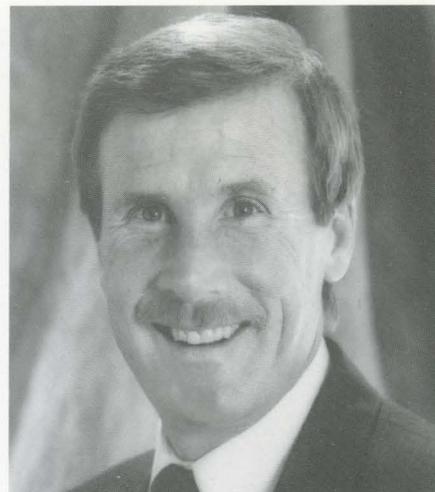
**James N. Higdon**, a shareholder in the San Antonio law firm of Bass, Higdon & Hardy, Inc., was included in the eighth edition of *Who's Who in American Law* and awarded the coveted AV rating by Martindale-Hubbell. He also recently was elected a member of the Board of Directors of the San Antonio Bar Association, and has assumed the mantle of Immediate Past President of the San Antonio Oak Hills Rotary Club.

1976

**Charles R. Harrison** recently became *Of Counsel* to the office of Baker & Hostetler in Orlando, Florida. Harrison, formerly a senior associate with Cummings, Lawrence, Vezina, P.A., is an expert in construction law and business practices.

Thirty-one fellow judges elected **Thomas C. Mummert, III**, to be Presiding Judge of the 22nd Judicial Circuit of Missouri (City of St. Louis). During his two-year term, Judge Mummert is serving as the administrative head of the circuit.

**Peter S. Vogel**, former Vice President and Chair of the Dallas Bar Association's Board of Directors, has been named President-Elect of the Association. Vogel, a computer enthusiast and expert in computer law, is a member of the Dallas firm of Gardere & Wynne. He teaches computer law as an adjunct professor at Southern Methodist University School of Law, and serves on the Dallas Advisory Council of the American Arbitration Association.



REPRESENTATIVE SCOTT MCINNIS ('81)

1979

**Mark Stevens** won an award from the College of the State Bar of Texas for the "best article written for a continuing legal education seminar." The article, entitled "Capital Murder," was written for the **Eighteenth Annual Advanced Criminal Law Course** sponsored by the Professional Development Program of the State Bar of Texas.

1980

**J. Nevin Shaffer, Jr.**, of the law firm of Shaffer & Culbertson, was elected President of the Austin Intellectual Property Law Association (AIPLA) at its January 1992 meeting.

1981

**Colleen McHugh** was elected Chair of the Board of Directors of the State Bar of Texas. She is the first woman ever to hold that position.

**The Honorable Scott McInnis (R-CO)** was elected to the U.S. House of Representatives from the Third Congressional District of the State of Colorado. He previously served in the Colorado legislature, where he was House Majority Leader from 1990 to 1992.

### 1983

**Roger Cox** was named to a three-year term on the National Board of Directors of the National Multiple Sclerosis Society. Cox, an attorney with the Amarillo firm of Ham, Irwin & Cox, is the Society's only director from Texas. He previously served on the Society's National Advisory Council, which he chaired in 1992.

### 1984

**Margaret Corning Boldrick** has been named a shareholder of Smith, Barshop, Stoffer & Millsap, Inc., in San Antonio.

**Brian Davis**, a professor at South Texas Law School, wrote the lead article for a recent issue of the *Wake Forest Law Review*. The article, entitled "The Future of Cashier's Checks Under the New Article 3 of the Uniform Commercial Code," discusses the circumstances under which a bank may justifiably dishonor a cashier's check.

**E. Hubbard Kennady, III**, recently formed a partnership with Richard Talbert, under the firm name of Kennady and Talbert, L.L.P., in College Station, Texas. In May 1992, Mr. Kennady was elected to the position of City Council Member, Place 2, in College Station.

### 1985

**Katherine A. Compton** has become general counsel for Swearingen Aircraft Co.



LAURA POWELL HEARD ('87)

### 1987

**Michael D. Bernard** recently became President of the San Antonio chapter of the American Civil Liberties Union. Before assuming this position in October 1992, he served on the Board of Directors of the local chapter. In one pending high-profile case, Bernard and the ACLU are challenging the curfew law adopted by the San Antonio City Council.

**Camille DuBose** was appointed an Assistant District Attorney for Bexar County. DuBose represents the Department of Protective and Regulatory Services of the State of Texas in suits in which the State seeks to obtain the custody of children who have suffered abuse or neglect.

**Laura P. Heard** recently announced the opening of her own law office in San Antonio. Heard formerly was with the firm of Soules & Wallace, and previously was a briefing attorney for the Fourth Court of Appeals. She is concentrating in appellate practice and partnership disputes.

**Stella Ortiz Kyle** was named Presiding Municipal Court Judge for the City of San Antonio. In February 1993, Judge Kyle was honored at a "Salute to Women in Municipal Government" as the first woman to be the Presiding Judge of the San Antonio Municipal Court. Judge Kyle previously served as a Municipal Court Judge and Assistant City Attorney for San Antonio. She is a

member of the Greater San Antonio Crime Prevention Commission, the Texas Municipal Court Association, and the Texas Municipal Court Education Committee.

**Randolph N. Wisener** became a partner in the firm of Rubinstein & Perry, LLP. He works at the firm's office in Dallas.

### 1988

**Kim Cauthorn**, a professor at South Texas Law School, is one of a group of experts presenting a series of seminars for the Houston City Attorney's office on "Tips on Effective Legal Writing."

**William B. Nash** has become a shareholder of the San Antonio firm of Gunn, Lee & Miller.



VINCENT A. LAZARO ('89)

### 1989

**Vincent A. Lázaro** is enrolled in an LL.M. program at Columbia Law School, and is serving as an Articles Editor on the *Columbia Human Rights Law Review*. He recently was awarded a

MALDEF Law School Scholarship, and was selected as the recipient of the Valerie Kantor Scholarship, which is given to the "most outstanding applicant overall."

## 1992

**Joseph M. Gallagher**, a native of Fort Worth, recently joined the Fort Worth law firm of McDonald Sanders.

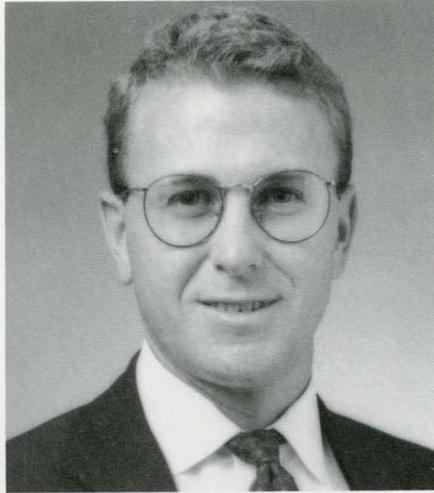
**Denise Hale** is an Assistant District Attorney for Panola County, Texas.

**Britannia Hardee** received the second-highest score on the Texas Bar examination in July 1992. She is a member of the San Antonio firm of Soules & Wallace.

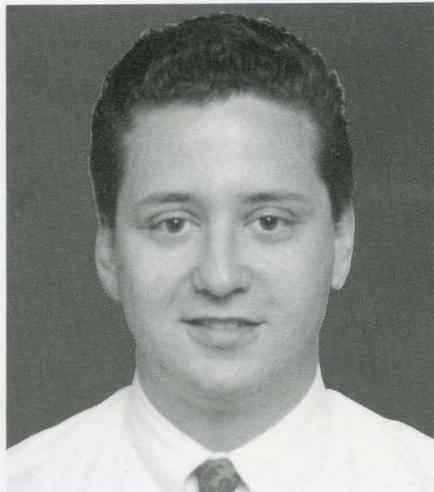
**John Morgan Minton** has begun a one-year term as a briefing attorney for the Honorable David O. Belew, Jr., Senior United States District Judge for the Northern District of Texas.

**Charles M. Philips** married Dina Moore at Our Lady of Sorrows Church in Bernalillo, New Mexico.

**Steve Pilcher** has joined the litigation section of Cox & Smith. He will practice natural-resources law and environmental litigation.



JOHN MORGAN MINTON ('92)



STEPHEN PILCHER ('92)

## IN MEMORIAM

**The Honorable John R. Brown.** He was a Senior Judge of the United States Court of Appeals for the Fifth Circuit. His wife asked us to let the St. Mary's community know of his death "because he had a lot of friends, and ties to St. Mary's law students."

**William F. Bryan ('49).**

**Beverly J. Clay ('79).** She was a staff attorney for U.S. Magistrate Robert B. O'Connor in San Antonio, and served on the Board of Directors of the St. Mary's Law Alumni Association.

**Thomas M. Gumfroy ('73).** He had been practicing law in Gruver, Texas.

**William P. Hardeman ('73).**

**Ana López ('90).**

**William F. McQuillen ('72).**

**Emil R. Pavelka, Jr. ('59).**

## HELP US TURN A NEW LEAF

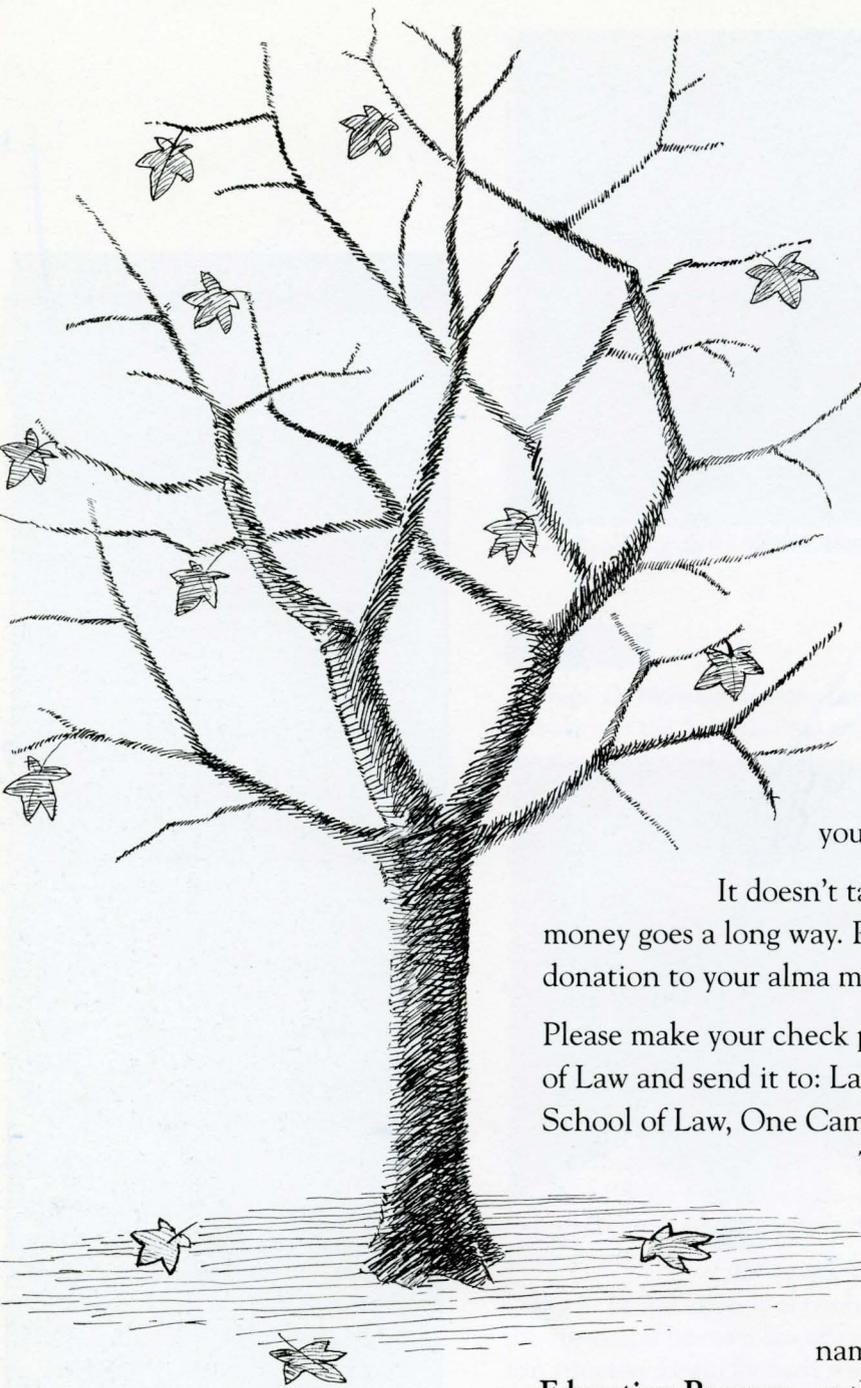
Did you know that, among all the accredited law schools in the United States, St. Mary's ranks near the bottom of the pile in alumnæ/i giving? Only 3.5 percent of our graduates make annual gifts to the School of Law.

Will you help us turn a new leaf? The reputation of St. Mary's University School of Law and the value of your degree will be enhanced if you lend it your support.

It doesn't take a huge contribution. A little seed money goes a long way. Please consider making a tax-deductible donation to your alma mater today. Thank you!

Please make your check payable to St. Mary's University School of Law and send it to: Law Development, St. Mary's University School of Law, One Camino Santa Maria, San Antonio, Texas 78228-8602.

You may earmark your gift as a contribution to the **General Scholarship Fund** (or any of our named scholarship funds), the **Clinical Education Program**, or the **Law Library** (or any of our special collections, such as those in environmental law, international law, or women and the law). Alternatively, you may wish to let the Dean use your contribution wherever the need is greatest. In that case, please indicate that you want your gift to go to the **Dean's Discretionary Fund**.





ST. MARY'S UNIVERSITY



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