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11-5-1973

## The Legal Beagle, volume 1, issue 5

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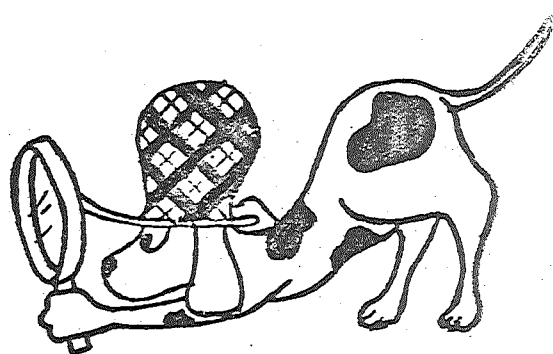
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### Recommended Citation

St. Mary's University School of Law, "The Legal Beagle, volume 1, issue 5" (1973). *Legal Beagle*. 4.  
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# the LEGAL BEAGLE



Volume I, Number 5

ST. MARY'S UNIVERSITY LAW SCHOOL

November 5, 1973

## REVISION OF THE HONOR CODE - AN EDITORIAL by Patrick A. Cullen

On Monday evening, November 12, at 7:00 pm, the S.B.A. Senate will hold a meeting devoted in the most part to a consideration of possible revisions of our present Honor Code. The members of the Senate have expressed a desire that as many students as possible shall attend this meeting. Revision of the Code is a fairly complex procedure, but this initial step will probably determine the areas which will be changed or the areas which will be left untouched. A lot of student government is "much ado about nothing", but this is an exception. An adverse ruling by the Honor Court can mean expulsion or loss of course credits for any student. Honor codes are essential to quality law schools, but it is also important that the code being used is a fair and well-understood one. Here are some of the question areas in our present code for your consideration:

- 1) Are the Comments in the Code also binding school law?
- 2) 3.02 "In addition to the violations enumerated in section 3.01, it shall be a violation of the Honor Code to engage in any conduct or behavior which tends to gain an unfair advantage for any student in academic matter."  
Is "an unfair advantage" an overly broad type of offense or is it necessary to assure the Honor Court enough discretion to deal with all possible situations? There is little doubt that being able to take an examination late with little more than a frivolous excuse (very possible with some professors) is an unfair advantage, but it would also put many of us on the wrong side of the Code, so to speak. Do we want to include this under the vague expression "an unfair advantage" or do we want to make it a more explicit offense and thus give fairer notice to the student body?
- 3) 3.03 "Failure to report an apparent or probable violation of this code is in itself a violation of the Honor Code."  
This is a question of knowledge and intent - very difficult elements to discern and to prove. Perhaps the necessary elements of the offense should be set out.
- 4) 4.04 (b) (3) "The hearing shall be closed to the public and all action of the Court shall be confidential; except that all proceedings and results shall be made public on the request of the accused and the outcome of such proceedings will be made a part of the student's permanent school record."  
Would it not be unfair to advertise an accusation of dishonesty to potential employers after an acquittal of this charge?
- 5) 4.04 (b) (5) "No accused shall be found guilty except on the unanimous determination of all of the members of the Court sitting that his guilt has been established beyond reasonable doubt."  
Does this provision protect an unpopular defendant or only effectively bar any guilty verdicts?

### GENERAL ANNOUNCEMENTS

THE LAW WIVES Association offers two \$200 financial assistance awards each year. Any students whose wives are paid due members of Law Wives may call Melinda Bailey (341-4801) or Pat Terry (435-5595) for applications. These applications must be turned in by the November Law Wives' Meeting.

THE PHI DELTA PHI TUTORING SESSIONS have been rescheduled until after the completion of the Fall Moot Court Competition. The classes will be held on the 12th, 13th and 14th of November. Please check the Phi Delta Phi office door for a full schedule of the tutoring sessions.

### SPECIAL ANNOUNCEMENT FROM THE OFFICE OF THE DEAN

The Law Wives are doing a tremendous job in sponsoring Bake Sales. Not only are they doing their "thing" in working for the law school, but they are furnishing the students with delicious "goodies". However, PLEASE DO NOT TAKE ANY FOOD OR DRINK INTO THE CLASSROOMS. We ask your cooperation so that these bake sales can continue. Thank you.

CALENDAR OF EVENTS  
November 5 - November 19

- November 5 - Moot Court Semi-Finals, 7:00 P.M.
- November 6 - Phi Delta Phi General Meeting and Elections, 7:30 P.M.  
Interorganizational Council Meeting, 8:00 A.M.  
Steve Levine from B.R.I. will discuss the Multistate Bar Exam, 3:00 P.M.,  
Room 104.
- November 7 - Moot Court Finals, 7:00 P.M.
- November 8 - RED MASS
- November 9 - Phi Delta Phi Initiation Party, Juarez Plaza at La Villita
- November 10 - Student-Faculty Retreat (tentative)
- November 11 - Delta Theta Phi Initiation and Party
- November 12 - Student Senate Meeting, 7:00 P.M.  
Phi Delta Phi Tutoring Sessions
- November 13 - Phi Delta Phi Tutoring Sessions
- November 14 - Phi Delta Phi Tutoring Sessions  
Criminal Law Association General Meeting, 7:00 P.M., Room 104  
Law Wives' Bake Sale, 8:00 A.M. - 12:00 P.M.
- November 19 - John J. Flynn (Miranda Defense Counsel) will speak at the Criminal  
Law Association Meeting, all students are invited. (Time and place  
will be posted on the bulletin board at a later date.)

HONOR CODE VIOLATIONS

Procedure for the filing of complaints to the recently elected Honor Court is as follows:

The accuser will hand deliver a sealed envelope containing the complaint to a member of this Court. The complaint must contain the following information to be valid:

- 1) the accuser's name, address and phone number;
- 2) the name of the accused; and
- 3) a narrative of the facts on which the complaint is based.

Honor Court members include: George Taylor, Chief Justice; Rich Morelli; Joe Rowek; Gene Terry; and Peter Vogel.

CRIMINAL LAW ASSOCIATION

Association of Criminal Law Study will present John J. Flynn, the defense counsel for Ernesto Miranda, the famous 1966 criminal case of Miranda v. Arizona, to address St. Mary's law students and faculty Monday, November 19th. The exact time and location will be posted.

Mr. Flynn has been a practicing trial attorney since 1949 and is presently a partner in the firm Flynn, Kimerer, Thinnes and Galbraith in Phoenix, Arizona. He is a member of the Board of Directors of the National Association of Criminal Defense Lawyers, a Fellow of the American College of Trial Lawyers, and has achieved a distinguished reputation as a defense attorney of national renown.

There will be no admission charge and everyone is invited to attend.

LEGAL BEAGLE REVIEW

Texas Monthly Magazine has sent the newsletter staff an advance copy of its November issue. The reason for this is the Monthly's exhaustive article on the three giant law firms in Houston: Vinson, Elkins, Searls, Connally and Smith (186 lawyers); Fullbright, Crooker and Jaworski (185 lawyers); and Baker and Botts (160 lawyers). The staff highly recommends this piece for its graphic and even-handed treatment of the pros and cons of life in a big law firm. Particularly interesting are the starting salaries (\$15,400 a year with \$2,400 increases each year), the working hours (60 to 70 hours a weeks and "Saturday is a work day"), and the recruiting practices (the big firms aim at the top 10% of the senior class of the University of Texas, but will interview anyone who applies).

Also of interest to law students is "Cops as Junkies" which is a "tour through the day-to-day world of narcotics agents."

### SPOTLIGHT ON SPORTS

**SOFTBALL** - The law school has won the Fall intramural softball tournament. The championship game was played in the mud on October 16, with the law school defeating Sigma Beta in a high scoring game, 19-13. The coach of the team was Reynolds Shelton. Participants on the championship team were Tom Beasley, Chris Clark, Tom Corbett, Paul Finley, Bill Hastings, Chris Heinrichs, Tom Keyser, Reynolds Shelton, Ellsworth Weinberg, Fred Whitecotten, Neil Blickman, Albert Low, Danny Newman, Don Walker and Bill Williams.

The Beagle congratulates members of the team for their outstanding effort in intramural sports.

**FOOTBALL** - The law school football team finally met its match. The undergraduate school referees! On Sunday, October 29, Raba's Raiders fought a gruelling defensive battle resulting in a 0-0 tie against Rho Beta. The questionable call arose in the last two seconds of the game when the law school threw a touchdown pass. After the play was over, one of the officials called the play, charging that despite the fact that no whistle sounded or flag was thrown, he still observed an off-sides penalty before the snap of the ball. Consequently the touchdown was nullified and the game ended in a tie, which according to Darrell Royal is the equivalent of kissing your sister. However, there is an opportunity to resolve this dilemma since the rivalry against Rho Beta will be continued in the playoffs when the two teams clash again.

**TENNIS** - In the intramural tennis tournament, the law school got five students into the finals. David Townsend placed fourth in the singles competition. In doubles, Jules Lund and James Mitcham took second place with Chris Frederiksen and Kenneth Hye placing third. Coach Lund complimented the participation of the law students.

### LETTERS TO THE EDITOR

The editorial staff of the Legal Beagle will accept "Letters to the Editor" not exceeding 200 words (double-spaced). The staff will publish the letters at their discretion. These letters must be signed and can be turned in to any member of the newsletter staff.

### MOOT COURT FINALS

The Final Round of the fall intramural Moot Court Competition will be held on Wednesday, November 7 at 7:30 p.m. in the James R. Norvell Court Room at the Law School. A distinguished panel of judges have consented to judge the final round. The panel includes: The Honorable Adrian Spears, Chief Judge of the Western District of Texas; The Honorable D.W. Suttle, federal judge for the Western District of Texas; The Honorable Charles W. Barrow, Chief Justice of the Texas Fourth Court of Civil Appeals; The Honorable Carlos Cadena, Justice for the Fourth Court of Civil Appeals; and The Honorable Fred Klingeman, Justice of the Texas Fourth Court of Civil Appeals.

Upon conclusion of the Final Round and the announcement of the winners, the S.B.A. Senate will host a reception in honor of the judges of the competition and moot court winners. The entire student body is cordially invited to attend both the competition and the reception, and an invitation is especially extended to those students who may wish to compete in moot court in the future.

### BAR REVIEW INSTITUTE (BRI)

The B.R.I. Bar Review will provide taped lectures for students in San Antonio from January 2 through January 25. The July course will be offered LIVE in San Antonio approximately one month prior to the first day of the bar. Both courses will be held in the classroom building of the Law School. All live lectures are taped and the tapes are available for additional review throughout the course.

B.R.I. outlines are revised and reprinted every year to insure current, accurate study materials. The outlines are thorough, yet reasonable in length.

On October 5, the Texas Supreme Court ordered that the multi-state exam be given in Texas on July 23, 1974. As a national organization, B.R.I. is equipped with a staff well-versed in multi-state law and has had experience in preparing students for such an examination.

All law students, not just seniors, are urged to register now for the course and receive their outlines for just a \$10.00 down payment plus a post-dated \$25.00 deposit. These outlines are replaced yearly until the course is taken. If you are taking the Texas Bar and also the bar in one of the other 16 states where B.R.I. is offered, the second course is half price. The cost for the entire course is \$150.00. St. Mary's representatives for B.R.I. are Cindy Cox, Larry Hyden and Don McCleary.

